



METROPOLITAN PLANNING COMMISSION MINUTES

June 27, 2019
4:00 pm Regular Meeting

700 Second Avenue South
(between Lindsley Avenue and Middleton Street)
Howard Office Building, Sonny West Conference Center (1st Floor)

MISSION STATEMENT

The Planning Commission guides growth and development as Nashville and Davidson County evolve into a more socially, economically and environmentally sustainable community, with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.

Commissioners Present:
Greg Adkins, Chair
Jessica Farr, Vice Chair
Jeff Haynes
Ron Gobbell
Lillian Blackshear
Daveisha Moore
Roe Elam
Dr. Pearl Sims
Brian Tibbs
Councilmember Fabian Bedne

Staff Present:
Lucy Kempf, Executive Director
Bob Leeman, Deputy Director
George Rooker, Special Projects Mgr
Kelly Adams, Admin Services Officer IV
Lisa Milligan, Planning Manager II
Shawn Shepard, Planning Manager I
Michael Briggs, Planning Manager I
Greg Claxton, Planning Manager I
Joni Priest, Planning Manager I
Anita McCaig, Planner III
Latisha Birkeland, Planner II
Jason Swaggart, Planner II
Abbie Rickoff, Planner II
Joren Dunnavant, Planner II
Amelia Lewis, Planner II
Logan Elliott, Planner II

Laura Hardwicke, Planner I
Patrick Napier, Planner I
Quan Poole, Legal

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission
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Notice to Public

Please remember to turn off your cell phones.

Nine of the Planning Commission's ten members are appointed by the Metropolitan Council; the tenth member is the Mayor's representative. The Commission meets on the second and fourth Thursday of each month at 4:00 pm, in the Sonny West Conference Center on the ground floor of the Howard Office Building at 700 Second Avenue South. Only one meeting may be held in December. Special meetings, cancellations, and location changes are advertised on the [Planning Department's main webpage](#).

The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, including zone changes, specific plans, overlay districts, and mandatory referrals, the Commission recommends an action to the Council, which has final authority.

Agendas and staff reports are [posted online](#) and emailed to our mailing list on the Friday afternoon before each meeting. They can also be viewed in person from 7:30 am – 4 pm at the Planning Department office in the Metro Office Building at 800 2nd Avenue South. [Subscribe to the agenda mailing list](#)

Planning Commission meetings are shown live on the Metro Nashville Network, Comcast channel 3, [streamed online live](#), and [posted on YouTube](#), usually on the day after the meeting.

Writing to the Commission

Comments on any agenda item can be mailed, hand-delivered, faxed, or emailed to the Planning Department by noon on meeting day. Written comments can also be brought to the Planning Commission meeting and distributed during the public hearing. Please provide 15 copies of any correspondence brought to the meeting.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300
Fax: (615) 862-7130
E-mail: planning.commissioners@nashville.gov

Speaking to the Commission

Anyone can speak before the Commission during a public hearing. A Planning Department staff member presents each case, followed by the applicant, community members opposed to the application, and community members in favor.

Community members may speak for two minutes each. Representatives of neighborhood groups or other organizations may speak for five minutes if written notice is received before the meeting. Applicants may speak for ten minutes, with the option of reserving two minutes for rebuttal after public comments are complete. Councilmembers may speak at the beginning of the meeting, after an item is presented by staff, or during the public hearing on that item, with no time limit.

If you intend to speak during a meeting, you will be asked to fill out a short "Request to Speak" form.

Items set for consent or deferral will be listed at the start of the meeting.

Meetings are conducted in accordance with the Commission's [Rules and Procedures](#).

Legal Notice

As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission's decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel.



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MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:05 p.m.

B: ADOPTION OF AGENDA

Mr. Haynes moved and Ms. Farr seconded the motion to adopt the agenda. (8-0)

C: APPROVAL OF JUNE 13, 2019 MINUTES

Mr. Haynes moved and Mr. Gobbell seconded the motion to approve the June 13, 2019 minutes. (8-0)

D: RECOGNITION OF COUNCILMEMBERS

Councilmember Swope spoke in favor of Item 5.

Ms. Blackshear arrived at 4:09 p.m.

Councilmember Glover spoke in favor of Item 5.

Councilmember Allen spoke in favor of Item 8.

Councilmember Davis spoke in favor of Item 8.

Councilmember Syracuse spoke in favor of Item 1 and Item 26.

Councilmember Dowell spoke in favor of Item 28 and Item 29.

Councilmember Henderson spoke in favor of Item 10.

Councilmember Porterfield spoke in favor of Item 28 and Item 29.

Councilmember Sledge spoke in favor of Item 1 and Item 7 and in opposition to Item 5.

Councilmember Bedne arrived at 4:41 p.m.

Councilmember Vercher spoke in favor of Item 28 and Item 29.

E: ITEMS FOR DEFERRAL / WITHDRAWAL

- 3. 2019Z-006TX-001**
- 12. 2019SP-027-001**
ROOTS EAST SP
- 13. 2019SP-047-001**
KNIPFER CORNER SP
- 14. 2019SP-048-001**
CEDARS OF CANE RIDGE SP
- 15. 2019HP-001-001**
MARATHON VILLAGE
- 19. 2019CP-004-002**
MADISON COMMUNITY PLAN AMENDMENT
- 20. 2019SP-045-001**
2500 W. HEIMAN STREET
- 21a. 2019SP-046-001**
SKYLINE EAST SP

- 21b. **2003P-015-002**
PUD (CANCELLATION)
- 22. **2019S-109-001**
RICHARDS FARMS SUBDIVISION
- 24. **191-69P-001**
PRIEST LAKE CENTER PUD (AMENDMENT)
- 27. **2019NHL-001-001**
JUST PIZZA (NEIGHBORHOOD LANDMARK)

Mr. Haynes moved and Mr. Tibbs seconded the motion to approve the Deferred and Withdrawn Items. (10-0)

Ms. Blackshear recused herself from Item 14.

F: CONSENT AGENDA ITEMS

NOTICE TO THE PUBLIC: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

- 1. **2019CP-010-001**
GREEN HILLS-MIDTOWN COMMUNITY PLAN AMENDMENT (THE MUSIC ROW VISION PLAN)
- 4. **2019Z-007TX-001**
- 6. **2019Z-009TX-001**
- 7. **2019Z-010TX-001**
- 9. **2019Z-014TX-001**
- 10. **2019Z-013TX-001**
- 17. **2018Z-039PR-001**
- 23. **2019S-001HM-001**
1605 PORTER ROAD
- 25. **2005P-010-006**
NASHVILLE COMMONS PUD (REVISION AND FINAL)
- 26. **2009UD-001-011**
DOWNTOWN DONELSON UDO (AMENDMENT)
- 28. **2019CDO-001-001**
- 29. **2019CDO-002-001**
- 30. **2019Z-102PR-001**
- 31. **2019Z-103PR-001**
- 32. **2019Z-120PR-001**

33. Order Granting Subdivision Approval of 2018S-117-001 (3700 Woodlawn Subdivision)

37. Accept the Director's Report and Approve Administrative Items

Ms. Moore moved and Mr. Gobbell seconded the motion to approve the Consent Agenda. (10-0)

G: ITEMS TO BE CONSIDERED

**1. 2019CP-010-001
GREEN HILLS-MIDTOWN COMMUNITY PLAN AMENDMENT
(THE MUSIC ROW VISION PLAN)**

Council District 19 (Freddie O'Connell)
Staff Reviewer: Joni Priest

A request to amend the Green Hills Midtown Community Plan by adopting the Music Row Vision Plan. This includes some properties currently in the Midtown Study, all properties in the Music Row Detailed Design Plan, and additional properties currently without supplemental policies. For various properties located from Wedgwood Avenue northward to Broadway and bordered by Grand Avenue, 18th Avenue South, and Interstate 40, various zonings (approx. 152 acres), requested by Metro Planning Department, applicant; various owners.

Staff Recommendation: Approve.

**APPLICANT REQUEST
Amend Green Hills Community Plan.**

Major Plan Amendment

A request to amend the Green Hills Midtown Community Plan by adopting the supplemental policies of The Music Row Vision Plan. This includes some properties currently in the Midtown Study, all properties in the Music Row Detailed Design Plan, and additional properties currently without supplemental policies. For various properties located from Wedgwood Avenue northward to Broadway and bordered by Grand Avenue, 18th Avenue South, and Interstate 40, various zonings (approx. 152 acres).

**GREEN HILLS MIDTOWN COMMUNITY PLAN
Background**

The Music Row Vision Plan area is defined by Broadway to the north and west, 18th Avenue South to the west, Wedgwood to the south, and the alley between Villa Place and 16th Avenue South to the east. This boundary includes the area traditionally known as Music Row, the South Music Row Neighborhood Conservation Overlay, and the emerging urban neighborhood along Division Street and Demonbreun.

The proposed supplemental policy – *The Music Row Vision Plan* – is based upon thoughts, ideas, and suggestions heard from an extensive planning process spanning multiple years. The conversations shared amongst various interest groups, including Music Row business owners, representatives of the music industry, property owners and residents on and near Music Row, preservationists and historians, members of the development community, numerous stakeholders, and consultant groups, helped to inform the basis of the plan.

In other parts of the county, Planning staff would generally work with the community to create guidance on policy to inform future rezoning, development and infrastructure projects. The unique and complex nature of Music Row broadened the scope of the study to take into account internal and external pressures affecting music-related businesses. Those pressures led Planning to form a steering committee to guide in the decision-making process, generate ideas, and serve as a sounding board for solutions.

The Steering Committee established common ground on specific themes, challenges, and priorities faced by businesses on Music Row. The committee consisted of a core group of eighteen individuals and represented the general make-up of Music Row. Representation was balanced among music industry folks, large and small businesses, property owners, institutions, and experts in the fields of real estate, development, and history. The committee members served as ambassadors in outreach to the music industry, business and neighborhood leadership, and development world.

The Music Row Steering Committee Members are:

- Cliff Williamson – Starstruck Studios
- Rob Lowe – Cushman & Wakefield
- Jeff Syracuse – BMI

- Pat McMakin – Ocean Way Studios
- Nelson Wennerlund and Scott Parker – Belmont Church
- Larry Sheridan – Parlor Productions/Best Built Songs, MRNA board
- Matt Signore – Warner/Chappell Production Music
- Trey Bruce – Songwriter, producer, publisher; founding board member of Music Industry Coalition; Vice President of Historic Nashville, Inc.
- Anan Bhakta – United Artists Tower owner
- Mary Pat Teague – Vanderbilt University
- Rachel Zijlstra – Edgehill Neighborhood
- Jane Chera – Multiple properties owner
- Pam Lewis – PLA Media, former Planning Commissioner in Franklin, TN, preservation advocate, multiple properties owner
- John Dotson – Parks Realty
- Garth Shaw – Spence Manor property manager, condo and recording studio owner
- Whitfield Hamilton – Panattoni Development
- Sharon Corbitt-House – All Good Factory, Save Studio A campaign, founding board member of Music Industry Coalition
- Carolyn Brackett – National Trust for Historic Preservation field representative

District Councilmembers Freddie O'Connell and Colby Sledge regularly attended Steering Committee meetings. Typically in attendance were also Metro Historical Commission staff, and advisors from Bloomberg Associates.

The anticipated outcome of the project was to create a holistic Vision Plan for Music Row to serve as an “umbrella” document, containing all of the information generated to date. The plan was envisioned as a “toolbox” that would enable a sustainable future for Music Row. The toolbox would include a common Vision and Master Plan, updated land use, transportation, and infrastructure policy, historic preservation tools, new zoning with Transferable Development Rights, tools for value capture, and recommendations for new programs, organizations, incentives, and resources.

History of the Music Row Planning Study 2015

- January 12 – Following demolition of several structures and amid growing uncertainty about Music Row's future, the National Trust for Historic Preservation designates Music Row a National Treasure.
 - February 12 – The Planning Commission votes unanimously to defer or disapprove any rezoning requests along Music Row, pending further study.
 - April 2015 to November 2016 – The National Trust for Historic Preservation begins documentation of the historical assets of Music Row and releases its findings in late 2015. The final report, Multiple Property Documentation form (MPDF), is approved by the Tennessee Historical Commission and the National Park Service.
- #### 2016
- January-May – The National Trust for Historic Preservation and consultant Randall Gross / Development Economics conduct and release "A New Vision for Music Row: Recommendations and Strategies to create a Cultural Industry District."
 - October 6 – The National Trust for Historic Preservation, Planning Department, Historical Commission, and Music Row Neighborhood Association, with additional support from the Arts and Business Council, host the Music Row Cultural Industry District Summit to collect implementation ideas for Music Row's future.
 - October 2015 to December 2016 – Planning staff holds a series of meetings with community stakeholders and the Planning Commission adopts *The Music Row Detailed Design Plan* to serve as a policy framework for redevelopment in Music Row.

In the months immediately following the adoption of *The Music Row Detailed Design Plan*, Planning staff continued working with community stakeholders to identify possible implementation tools for Music Row. In order to move forward to implementation, further study and analysis was needed. This further study included:

- The Music Row Transfer of Development Rights Feasibility Study. This analysis serves as the critical foundation for using transfer of development rights as a mechanism for protecting historical and cultural assets within Music Row.
- Metro Planning, in collaboration with Bloomberg Associates and Middle Tennessee State University's Department of Recording Industry, conducted the Music Row Business Survey, a door-to-door survey to gain an understanding of the challenges and priorities of Music Row businesses.
- Establishing a Blue Ribbon Committee, a working group of music industry leaders, historians, and architects to analyze and identify key buildings that contribute to Music Row's overall cultural identity.

With additional content, input from the Steering Committee and stakeholders, it became apparent that the supplemental policies for Music Row would need to be updated. These proposed updates, included in *The Music Row Vision Plan*, address:

1. Changes to the boundary of the supplemental policies

2. Land use recommendations, including:
 - a. Making music-related uses a priority
 - b. Discourage multi-family residential as a primary use
 - c. Provide greater opportunities for retail and restaurants
 - d. Encourage Class A office buildings in strategic locations
3. Adjustments to recommended building heights
4. Discouraging the long-term use of Specific Plan (SP) zoning to implement the plan
5. Creating a Music Row Code to implement the plan
6. Recommendations for street and alley infrastructure
7. A parks and open space component
8. Creating an action plan to address:
 - a. Parking problems
 - b. Affordability and tax incentives
 - c. Historic preservation
 - d. Permitting and Codes compliance
 - e. Building on-going partnerships

Zoning and Existing Land Use

The northern portion of the study area are zoned CF (Core Frame), MUI-A (Mixed Use Intensive – Alternative), and SP (Specific Plan) while the majority is zoned ORI (Office/Residential Intensive), ORI-A (Office/Residential Intensive-Alternative), and OR20 (Office/Residential).

Current Land Use Policy

The Music Row Vision Plan supplements the Community Character Manual (CCM) and its Community Character Policies, as well as the guidance of the Green Hills-Midtown Community Plan with guidance that is specific to Music Row.

The boundary of the Music Row Vision Plan includes areas within the following Community Character Policies: T5 Center Mixed Use Neighborhood, District Office Concentration, Transition, Open Space, and Civic. **No changes are proposed to these policies with the Music Row Vision Plan.**

Proposed Land Use Policy

The primary policies applied to the area and described above will remain in place. Planning staff proposes the following changes:

- Apply the Music Row Vision Plan supplemental policy to the policy change area (shown on map above).
- Replace those areas in the Music Row Detailed Design Plan with the Music Row Vision Plan.
- Remove those areas of the Music Row Plan currently within the Midtown Study Supplemental Policy areas 10-MT-T5-MU-01, 10-MT-T5-MU-02, and 10-MT-T5-MU-03.
- Add the southern portion within the South Music Row Neighborhood Conservation Zoning District in to the Music Row Plan. This Zoning Overlay District remains in place.

COMMUNITY PARTICIPATION

2017

- January-May – The Planning Department holds multiple stakeholder meetings to evaluate the potential of form-based zoning as a development tool.
- June-October – Metro begins procurement process for an economic consultant to study Transfer of Development Rights' feasibility as a preservation tool.
- November 28 – The Planning Department, the National Trust for Historic Preservation, and consultant Economic and Planning Systems, Inc. present a November 28, 2017 progress report to community stakeholders on possible implementation tools for Music Row, including a study of Transferable Development Rights, a possible Business Improvement District, and an overall Master Plan.

2018

- February – Planning staff meets with the Steering Committee working group to evaluate an analysis of Music Row public infrastructure including streets, alleyways, and parking in order to provide guidance on a future Master Plan.
- September – Metro Planning's economic consultant, Economic and Planning Systems, produces a draft report, Music Row Transfer of Development Rights Feasibility Study, with a summary of recommendations. The analysis serves as the critical foundation for using transfer of development rights as a mechanism for protecting historical and cultural assets within Music Row.
- October – Metro Planning, in collaboration with Bloomberg Associates and Middle Tennessee State University's Department of Recording Industry, initiates the Music Row Business Survey, a door-to-door survey to gain an understanding of the challenges and priorities of Music Row businesses. The analysis includes over 200 responses to date, a response rate that is high enough to draw reliable conclusions, and will be included in the Music Row Plan. Business owners and managers in the study shared their thoughts in person, online, and via phone.
- December – Metro Planning forms a Blue Ribbon Committee, a working group of music industry leaders, historians, and architects to analyze and identify key buildings that contribute to Music Row's overall cultural identity.

These properties, essential to telling the story of Music Row and the music industry in Nashville, will serve as priority sending sites for a future Transfer of Development Rights program.

- December 4 – Planning staff meets with the Steering Committee to provide a progress update on the Music Row Business Survey and Blue Ribbon Committee, which are providing two critical analyses that will inform the Planning Study. Staff presents an update on the policy areas and draft Music Row Framework Plan and also proposes a timeline for community engagement starting in January as well as a spring date for adoption of the Music Row Plan by the Planning Commission.

2019

- February 20 – Metro planners share an Executive Summary report, draft Music Row Framework Plan, and elements to consider for drafting Community Character Policy for the Music Row Plan with the Steering Committee members. Members comment on and establish consensus around the primary building blocks for the Music Row Plan. Planning staff updates Steering Committee members with a progress report on the Music Row Business Survey and Blue Ribbon Committee.
- April 22 – Planners host a community meeting to present the draft Music Row Vision Plan.
- April – June – Planners meet and correspond with property owners and interested parties regarding the specifics of the draft Vision Plan.
- June 4 – Work Session with the Metro Planning Commissioners.
- June 14 – Final Draft of the Music Row Vision Plan is posted online for public comment.
- June 17 – Metro planners meet with the Steering Committee to review the final draft of the Vision Plan.
- June 27 – The Music Row Vision Plan is presented to Planning Commission.

Community Meeting

A community meeting was held on April 22, 2019, with notices sent to properties within 1,300 feet. Approximately 60 members of the community attended. Planning staff gave a brief overview of the Music Row Vision Plan, then engaged with community members at various break out stations tailored to various topics. The stations included:

- Station Area 1: Icebreaker Activity
- Station Area 2: Music Row Business Survey Methodology and Results
- Station Area 3: Land Use, Mobility, and Infrastructure Recommendations
- Station Area 4: Culture and History Recommendations
- Station Area 5: Collaboration Recommendations

Online Feedback

In addition to the community meeting, an e-mail, MusicRowStudy@nashville.gov, was created so that the public could send comments to Planning staff.

Comments Received

A total of 15 comment cards were collected from attendees of the community meeting and 8 e-mails were received from engagement through the website. Those topics included the following:

Development Pressures

- Issues with recent construction. One comment stated damage had occurred to their property due to blasting from nearby construction.

Character

- Desire for trees, small buildings, restaurants, and safe sidewalks
- Concern of incompatibility of recent multifamily development
- Suggestion to rename Music Square West and East to Music Row West and East.
- Suggestion that streets within the Music Row area be named for country music pioneers and more statuary be erected to honor these same individuals. The submitted suggestion included Mother Maybelle and the Carter sisters and the Original Carter Family.
- Loss of History. Concern was expressed over the vast amount of character and history lost with redevelopment along Music Row.

Infrastructure and Mobility

- Multiple comments expressed concern over adequate infrastructure with development including trash collection, alleyways, and stormwater.
- Several comments called for Transportation Demand Management, specifically improved regulations specific to scooters, parking, and rideshare.
- Need to address congestion of unimproved alleys
- Need for a better functioning round-a-bout

Policy

- One suggestion to name character areas proposed in policy document appropriate to their context – Music Row North in lieu of Music Row Center, and Music Row South in lieu of Music Row Neighborhood.

- Clarification of differences between current and proposed policy. Many e-mails requested additional information that was specific to their property.
- Clarification of proposed height for properties along Grand Avenue.
- Suggestion that the market, not policy, should dictate the value of property.
- Desire for a transition in height between 16th Avenue and Villa Place to respect the height of neighboring Edgehill residents.

Zoning

- Concern over the South Music Row Neighborhood Conservation Overlay, which is intended to remain. Several property owners within this area have expressed an interest in removing the overlay, many of which were copied on the e-mail chain.

General Information

- Overall intent of the community meeting. A person wanted to know more information regarding the public meeting.
- How to get involved. A person wanted to connect with others to help with implementing actions outlined in the Music Row Vision Plan.

PROPOSAL

Evidence-based Analysis

The Music Row Business Survey was a survey conducted by the Planning Department with technical assistance provided through partnership with Bloomberg Associates. The survey was initiated to gain an in-depth understanding of specific challenges and priorities of businesses. The survey was a personalized and data-driven approach to identifying common needs faced by those that live, work and plan on Music Row. Over 200 responses were collected in person, online, and via phone and the information gathered helped to fine tune appropriate tools and strategies in the policy recommendations.

Metro Planning also procured an economic consultant, Economic and Planning Systems, to perform a feasibility analysis of a transferable development rights (TDR) program for Music Row and Metro at-large. This critical study evaluated the current future economic real estate market and assessed TDR as a mechanism for incentivizing preservation of historic structures and managing growth by redirecting development away from existing historic resources along Music Row. Anticipated outcomes of the TDR study included providing a framework for development rights transactions to occur that benefit both sending and receiving sites and creating a predictable and streamlined administrative process for developers seeking to building Music Row as well as those seeking to purchase TDRs.

Significance

While it might seem intuitive to acknowledge Music Row's significance, its history, cultural value, and economic impact are worth recognizing as the foundation of any implementation tools. The Vision Plan highlights The Beginnings of Music Row, its identity as an Industry Cluster, the configuration and greenness of its Campus-like Atmosphere, and Music Row's significant Economic Impact on our city and region.

Pressures

Similarly, the pressures facing Music Row may seem strikingly evident. In order to create comprehensive tools that truly address the balancing act that is Music Row, the Vision Plan identifies these pressures.

The Vision Plan acknowledges that the music business is

- The music business is an Ever-evolving Industry,
- There has been a Loss of Notable Character in recent years,
- There are Challenges to Preservation,
- The Row has Increasing Land Values and also Outdated Office Space,
- Recent years has brought an Intrusion of Multifamily buildings,
- Grappling with Prohibitive Zoning for "Third Places" and Insufficient Infrastructure.

Character Areas

The land use recommendations of the Vision Plan center around character areas and subdistricts within those character areas.

The Subdistricts displayed in the Character Area Map depict a general transition in height stepping down from Midtown, one of the most intense areas of development outside of Downtown Nashville, to Edgehill, a residential neighborhood with detached homes. The northern-most Subdistricts, where Class A office space and mixed use development is expected to occur, should accommodate taller buildings with larger development footprints. The Subdistricts to the south, in contrast, should accommodate a finer grain of buildings with a shorter heights and a smaller footprint.

Each subdistrict includes recommended uses and recommended form, as well an identified role in growth, preservation, and music business.

Street Connectivity and Transit

Infrastructure is the foundation of a strong, vibrant business district. Investing in Music Row's streets, alleys, and public spaces sets the cluster up for future success. At the outset of this planning study, Planning Department staff worked with property owners and music industry stakeholders to inventory streets, alleyways, and parking conditions to assess the physical needs within the district and provide appropriate recommendations.

The street cross sections, intersection concept plan, and comprehensive street plan illustrate physical improvements that reinforce a cohesive public realm and seamless connectivity with surrounding neighborhoods. Raised intersections at key intersection nodes ensure safety and walkability, reduced vehicular traffic speeds of drivers, and offer to provide an enhanced overall aesthetic and identity of the district. Curb extensions in underused areas of right-of-way (areas closest to intersections) could be opportunities for historical and cultural wayfinding for visitors navigating Music Row, rain gardens and bioswales for stormwater management, shorter crossings for people walking, and strategic stops for transit and bicycle infrastructure parking. An integrated streetscape along 16th and 17th Avenues offers to increase sidewalk widths that are appropriate within a mixed use office environment and includes planter-protected bike lanes and tree wells suitable to an urban context. Investments in traffic calming lead through public and private partnerships will facilitate safer travel by foot and bicycle. Bus stops will be upgraded to meet new WeGo design guidelines for shelters, benches, and other amenities to support the comfortable use of transit and nMotion plan goals.

In order to reinforce the campus-like atmosphere present in Music Row, the proposed mobility recommendations support a well-connected environment that accommodates multiple modes of transit. Sidewalks should be adequate, safe, and comfortable along all streets for those that live, work, and visit Music Row. Streets will have a high degree of connectivity and accommodate multiple modes of transit mobility including bicyclists, rideshare, bus, and other modes. Improvements to alleys will support deliveries and parking access, while creating opportunities for green infrastructure that are consistent with or beyond current Metro standards.

Collaboration

The Music Row Vision Plan highlights the typical issues covered by a Planning policy document – land use and mobility. It also forecasts a vision for all stakeholders to embrace and implement. The recommended collaborations describe those actions stakeholders should take, together, to continue to strengthen Music Row as a vital creative cluster.

These collaborations include:

- Music-related Uses
- The Third Place
- Opportunity Zones
- Tourism
- Affordability
- Public Open Space

Culture and History

Many historic structures on Music Row are instrumental to telling Nashville's music story. The National Trust for Historic Preservation spearheaded an effort to document 65 properties on Music Row that are eligible for the National Register. These properties meet all the standards of the National Register but have not been officially listed with the National Park Service. The Vision Plan identifies the pressures and hurdles to preservation and outlines several potential tools for preserving iconic architecture and cultural resources on The Row.

The Culture and History section of the Vision Plan outlines the many tools available for preservation and supports the addition of new tools. These include:

- Cultural Industry District Designation
- Historic Tax Incentives
- Historic Rehab Building Code
- Historic Preservation Grant Fund
- Façade Easements
- Historic Landmark Designation
- Transferable Development Rights

The Blue Ribbon Committee has established a pivotal component of establishing a Transferable Development Rights (TDR) program. While the Vision Plan cannot create a TDR program, it sets forth the framework for creating a Music Row Code that would accommodate such a program.

Changes to the Static Draft

The static draft of the Music Row Vision Plan was published on June 14, 2019. Since that time, staff has met with the Steering Committee and additional property owners, and had one final internal review. Based on these conversations, staff proposes the following changes to the static draft:

- Pages 29 and 32: Changes to the boundaries of Sub-district 2D. These changes were made after conversations with the property owners directly affected by the standards of this transition area. Though the boundaries have changed, the need for a transition between sub-districts 2B and 2C, and sub-district 3A is accomplished within this area.
- Page 34: The static draft reflected community input to create two sub-districts within Character Area 3. These sub-districts have slightly different character that needed to be acknowledged. At the Steering Committee meeting on June 17, members expressed a desire to discuss this further, and volunteer focus group met later in the week. Additional language has been added to clarify appropriate building heights within Sub-district 3B.
- Pages 53-58: Through final staff review, Planning transportation staff added language to clarify the Vision Plan's role and compatibility with the Major and Collector Street Plan (MCSP). This language distinguishes the role of each document.
- Page 61: Similarly, Planning transportation staff added language to clarify the Action Step regarding street design guidance.

These changes are all reflected in the printed copy provided to the commissioners.

Adopt the Music Row Vision Plan.

The Music Row Vision Plan, if adopted, will be the policy guide for zone change requests and the Capital Improvements Budget. The vision statement and recommendations are intended to guide policy interpretation and zone change requests.

The recommendations of the Vision Plan are also a call-to-action for the public and private sectors, neighbors and developers, and all those who want to support and strengthen the Row.

Amend the Supplemental Policy

Adoption of the proposed Music Row Vision Plan would replace the current supplemental policies included in all of the Music Row Detailed Design Plan, replace portions of the Midtown Study, and provide supplemental policy to properties between Horton Avenue and Wedgewood.

STAFF RECOMMENDATION

Staff recommends approval.

Ms. Williams presented the staff recommendation of approval.

Shawn Henry, 315 Deaderick St, spoke in favor of the application and reminded everyone that it is a vision, not legislation.

David Mastran, 1706 Grand Ave, spoke in favor of the application.

Alice Rolli, 1400 Villa Pl, spoke in favor of the application.

Josh Gruss, 1800 Grand Ave, spoke in favor of the application.

Marti Frederiksen, 2013 19th Ave S, spoke in favor of the application.

John Dotson spoke in favor of the application.

Corrie Rich, 5923 Old Harding Pk, spoke in favor of the application.

Brenda Enderson, 1024 16th Ave S, spoke in favor of the application.

Pam Lewis, 1305 16th Ave S, spoke in favor of the application.

Councilmember Bedne left the meeting at 5:37 p.m.

Andrew Mendelson, 33 Music Square W, spoke in opposition to the application as it puts an undue and unfair financial burden on small business owners.

Dorothy Leonhardt, 33 Music Square W, spoke in opposition to the application due to decreased property value concerns.

Chairman Adkins closed the Public Hearing.

Mr. Tibbs spoke in favor of the application.

Ms. Blackshear spoke in favor of the application.

Mr. Gobbell spoke in favor of the application and stated that the staff along with the community has done an excellent job of creating a vision for Music Row.

Dr. Sims spoke in favor of the application.

Mr. Haynes spoke in favor of the application and stated that this is the second best work project the staff has ever done, right behind NashvilleNext.

Mr. Haynes moved and Mr. Gobbell seconded the motion to approve. (9-0)

Resolution No. RS2019-237

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019CP-010-001 is **approved. (9-0)**”

2. 2019Z-005TX-001

BL2019-1614/O’Connell

Staff Reviewer: Lisa Milligan

A request to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, pertaining to prohibited signs.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Amend the Zoning Code pertaining to the location requirements for digital display signs.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Section 17.32.050 of the Zoning Code by adding the following text at the end of subsection 17.32.050.G.2.b:

The distance or spacing requirement shall not apply to signs on property zoned CF district and located adjacent to, along the west side of, the combined Interstate segment of I-40/I-65 near downtown Nashville.

ANALYSIS

The Metro Zoning Code establishes standards for digital display signs, including digital billboards. The code restricts the location of digital display signs based, in part, on certain distance and spacing requirements. Digital display signs four feet or less in height are required to be located a minimum of 100 feet from any agriculturally or residentially-zoned property. For digital display signs over four feet in height, the sign must be setback an additional 25 feet from any agriculturally or residentially-zoned property for each additional foot of height or portion thereof. For example, a sign of between five and six feet in height is required to be located a minimum of 150 feet from any agriculturally or residentially-zoned property.

The proposed amendment would add language to this subsection of the code to provide an exemption from these distance requirements for signs located on property zoned Core Frame (CF) located adjacent to the west side of the combined I-40/I-65 segment near downtown Nashville. There is an existing billboard located along this segment that has been the subject of litigation in the past and there is a current pending property standards violation. The current violation relates to the static billboard being converted to a digital billboard, even though it does not meet the minimum distance requirements from residentially zoned property.

Staff recommends disapproval of the bill. Regulations pertaining to signage, including distance and spacing requirements, should be considered and applied holistically across the county. This creates clear expectations for the community as well as business as to expectations for where certain types of signs may be located. Creating exceptions based on location is an inappropriate use of the Zoning Code.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

STAFF RECOMMENDATION
Staff recommends disapproval.

ORDINANCE BL2018-1614

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, pertaining to prohibited signs (Proposal No. 2019Z-005TX-001).

WHEREAS, the Metropolitan Government, through Chapter 17.32.050 of the Zoning Code restricts the location of digital display signs based, in part, on certain distance and spacing requirements; and

WHEREAS, limited digital display signage is appropriate along the west side of the combined Interstate segment of I-40/I-65 near downtown Nashville.

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

Section 1. Section 17.32.050(G)(2)(b) of the Zoning Code is hereby amended by adding the following text at the end of the subsection:

The distance or spacing requirement shall not apply to signs on property zoned CF district and located adjacent to, along the west side of, the combined Interstate segment of I-40/I-65 near downtown Nashville.

Section 3. Be it further enacted, that this ordinance take effect immediately 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.

Sponsor(s) Freddie O'Connell

Ms. Milligan presented the staff recommendation of disapproval.

Chairman Adkins closed the Public Hearing.

Mr. Haynes moved and Ms. Blackshear seconded the motion to disapprove. (9-0)

Resolution No. RS2019-238

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-005TX-001 is **disapproved (9-0)**

3. 2019Z-006TX-001

BL2019-1615/Vercher

Staff Reviewer: Lisa Milligan

A request to amend Chapter 17.40 of the Metropolitan Code of Laws to require the Metropolitan Planning Department to provide three business days' notice of any Pre-Application Conference to the District Council member representing the affected area, and a summary thereof, including copies of any renderings or drawings.

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrawn 2019Z-006TX-001 (10-0)

4. 2019Z-007TX-001

BL2019-1637/Hall

Staff Reviewer: Lisa Milligan

A request to amend Section 17.40.720 of the Metropolitan Code of Laws pertaining to distance provisions for public hearing notices issued by mail pursuant to Title 17 of the Metropolitan Code of Laws.

Staff Recommendation: Approve with a substitute.

APPLICANT REQUEST

Amend the Zoning Code pertaining to distance provisions for public hearing notices.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend subsection 17.40.720.A of the Zoning Code by deleting the reference to “600” within the chart included in that subsection and substituting in lieu thereof: “1,000.”

The proposed bill would also amend subsection 17.40.720.A to delete the reference to “six hundred feet” and substitute in lieu thereof: “one thousand feet.”

ANALYSIS

Article XV of Chapter 17.40 of the Metro Zoning Code requirements for public notice of public hearings required by Title 17, including council public hearings for amendments to the official zoning map (rezonings) or zoning code (text amendments) and public hearings held by the Board of Zoning Appeals. Section 17.40.720 establishes requirements for public notice by mail. Mailed notice of the time, date and place of the public hearing is required to be sent to the subject property owner and, for zoning map amendments (rezonings), to all property owners within a certain distance of the subject property at least 21 days prior to the public hearing.

The code currently establishes three different distances for notice depending on the nature of the proposed rezoning. For rezonings from an agricultural or residential zoning district to an industrial zoning district, notice must be mailed to all property owners within 1,000 feet of the subject property. For rezonings from an agricultural or residential district to an institutional, mixed use, office, commercial or shopping center district, notice must be mailed to all property owners within 1,000 feet of the subject property. For all other types of rezonings, notice must be mailed to all property owners within 600 feet of the subject property. For example, for a rezoning from an office district to a mixed use district, or from one residential zoning district to another residential zoning district, notices would be required to be mailed to all property owners within 600 feet of the subject property.

The amendment proposes to change the 600-foot radius requirement for all other rezonings to a 1,000-foot radius, which is currently required only for rezonings from agricultural or residential to industrial. Increasing the distance radius for mailed public notice will help ensure that additional surrounding property owners are aware of zoning changes proposed in their communities so that they may provide comment at public hearings and advocate for community goals. This proposal may be most beneficial in areas with a development pattern of large parcels where a 600-foot radius does not capture very many surrounding property owners.

Staff recommends approval of a substitute ordinance that would require mailed public notice for all types of rezonings be sent to surrounding property owners within a 1,000-foot radius. As proposed, the current amendment would require notice be sent to a 1,000-foot radius for rezonings from agricultural or residential districts to industrial, and for rezonings from one residential district to another or from one non-residential district to another, but would continue to permit notice for rezonings from an agricultural or residential district to a non-residential district to be noticed only to 800 feet. Staff’s recommended substitute will simplify the zoning code, provide for more consistent public notice, and establish clearer expectations for the general public.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

STAFF RECOMMENDATION

Staff recommends approval with a substitute.

SUBSTITUTE ORDINANCE BL2018-1637

An ordinance amending Section 17.40.720 of the Metropolitan Code of Laws pertaining to distance provisions for public hearing notices issued by mail pursuant to Title 17 of the Metropolitan Code of Laws (Proposal No. 2019Z-007TX-001).

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

Section 1. Subsection 17.40.720.A of the Metropolitan Code of Laws is hereby amended by deleting the ~~reference to “600” within the chart thereof and substituting in lieu thereof: “1,000”~~. the subsection in its entirety and substituting therefore the following:

A. No public hearing shall be conducted unless, at least twenty-one days prior to the public hearing, the owner(s) of the subject property and all other property owners within one thousand (1,000) feet of the subject property have been given notice of the time, date and place of the public hearing. Properties owned by the applicant shall not be included in the distance measurement for public notice. For a public hearing conducted by the board of

zoning appeals, the appellant shall be notified by certified mail. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified. The provisions of this article shall not apply to the adoption or subsequent amendment of this title, or to amendments of the official zoning map involving floodplain or airport overlay districts.
Section 2. Subsection 17.40.720.A of the Metropolitan Code of Laws is hereby further amended by deleting the reference to "six hundred feet" and substituting in lieu thereof: "one thousand feet."

Section 3. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsor(s) Jonathan Hall

Approve with a substitute. Consent Agenda. (10-0)

Resolution No. RS2019-239

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-007TX-001 is **approved with a substitute. (10-0)**

5. **2019Z-008TX-001**

BL2019-1634/Glover

Staff Reviewer: Lisa Milligan

A request to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by adding a new subpart to 17.12.040 pertaining to other setbacks relative to property owned by the Fair Board and used for automobile racing.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Amend the Zoning Code pertaining to setbacks.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Chapter 17.12 by adding a new subpart A as follows:

A. No private parking facility or private parking lot which is open to the public shall be constructed within 100 feet of any facility owned by the Fair Board and used for automobile racing or ancillary activities associated with automobile racing if the Fair Board facility accommodates 1000 people or more, unless the Fair Board and the tenants of the Fair Board approve of the same and have direct oversight and control of how the parking facility or parking lot is managed and secured.

ANALYSIS

In September 2018, the Metro Council approved BL2018-1290, which approved the Fairgrounds Mixed Use Development Specific Plan. The SP is located on 10 acres of the Fairgrounds property, generally south of Wedgewood Avenue and Walsh Road and west of the existing speedway. The SP approved a mixed use, pedestrian friendly development that is in line with the Fairgrounds Improvement Plan adopted by the Board of Fair Commissioners.

The proposed amendment, which is applicable only to the Fairgrounds property, has the potential to conflict with the approved Specific Plan. The Specific Plan, as approved, included limited building setbacks, consistent with an urban development patten. The Conceptual Plan included with and approved as part of the SP, indicates a planned parking structure potentially within the proposed restricted areas.

In 2014, the Tennessee legislature adopted the Tennessee Vested Property Rights Act. This act amended Tennessee Code Annotated relative to development standards and property rights. Generally, the act establishes time frames for development approvals during which time standards cannot be changed for that particular development. A summary of the pertinent part of the act (TCA § 13-4-310) is as follows:

(d)(1) The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided, that the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year period. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

- (2) If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

The Fairgrounds Mixed Use District SP is an approved preliminary development plan. The approval on September 7, 2018, vested the development in the applicable standards in place at that time. The development is vested in the standards at that time for an initial period of 3 years. If a final development is approved within that 3 year time period, the vesting period extends to 5 years. If construction begins during the 5 year time period, the vesting period extends to 10 years. No development standards that are adopted during this vesting period would apply to the property included in the SP as the development is vested in the standards in place at the time of adoption.

Additionally, including a standard in the Zoning Code that is written in such a way as to only apply to one property is an improper use of the Zoning Code. Text amendments should apply countywide in a comprehensive manner so as to provide a level of certainty and expectation for the public.

ZONING ADMINISTRATOR RECOMMENDATION

Because it is not clear exactly what conflict this text amendment could create with the approved SP, the Zoning Administrator recommends an SP amendment or some other mechanism for addressing the concern rather than this text amendment.

STAFF RECOMMENDATION

Staff recommends disapproval.

Bill BL2019-1634

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by adding a new subpart to 17.12.040 pertaining to other setbacks relative to property owned by the Fair Board and used for automobile racing (Proposal No. 2019Z-008TX-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by adding a new subpart A and renumbering the legislation to accommodate a setback that only applies to property owned by the Fair Board and used for automobile racing. This provision shall read as follows:

A. No private parking facility or private parking lot which is open to the public shall be constructed within 100 feet of any facility owned by the Fair Board and used for automobile racing or ancillary activities associated with automobile racing if the Fair Board facility accommodates 1000 people or more, unless the Fair Board and the tenants of the Fair Board approve of the same and have direct oversight and control of how the parking facility or parking lot is managed and secured.

Section 2. Be it further enacted, that this ordinance take effect immediately 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.

Sponsor(s): Steve Glover, Robert Swope

Mr. Gobbell and Ms. Blackshear recused themselves and stepped out of the room.

Ms. Milligan presented the staff recommendation of disapproval.

Shane Smiley, 4220 Brush Hill Rd, spoke in favor of the application due to safety concerns.

Duane Dominy, 101 Cherokee Pl, spoke in favor of the application due to safety concerns.

Dirk Melton spoke in opposition to the application; there are no safety issues.

Chairman Adkins closed the Public Hearing.

Mr. Tibbs spoke in favor of staff recommendation.

Ms. Moore spoke in favor of staff recommendation.

Mr. Haynes spoke in favor of staff recommendation.

Ms. Farr asked if the property is vested.

Quan Poole, Legal, confirmed that the property is vested.

Ms. Farr spoke in favor of staff recommendation although there does seem to be some rationale behind this.

Mr. Haynes moved and Mr. Elam seconded the motion to disapprove. (7-0)

Resolution No. RS2019-240

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-008TX-001 is **disapproved. (7-0)**

6. 2019Z-009TX-001

BL2019-1636/Cooper

Staff Reviewer: Lisa Milligan

A request to amend Section 17.40.106 of the Metropolitan Code, Zoning Regulations pertaining to the required action by the Metropolitan Historic Zoning Commission for Specific Plans.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Zoning Code pertaining to historic zoning review of specific plans.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Section 17.40.16 by deleting subsection C and substituting the following (new text shown in underline and deleted shown in strikethrough to illustrate changes):

C. Metropolitan Development and Housing Agency (MDHA) and/or Metro Historic Zoning Commission Action.

1. Any existing or proposed SP district located in whole or in part within a redevelopment district or a historic overlay district shall first be referred to and reviewed by MDHA and/or the Metropolitan Historic Zoning Commission for conformance with the relevant plan or guidelines. Any existing or proposed property for SP district which is, in whole or in part, listed on the National Register of Historic Places, identified as eligible for the National Register of Historic Places, or identified as worthy of conservation shall first be referred to and reviewed by the Metropolitan Historic Zoning Commission staff to determine the effects of the proposed SP district on the historic properties. Each agency shall provide a written recommendation to the planning commission on any aspects of the proposed SP district that would be in conflict with the adopted requirements, guidelines, or standards. Adoption of a SP district shall not relieve any property owner from full compliance with the adopted regulations and guidelines of the applicable redevelopment or historic overlay guidelines. Within a SP district, all development shall be consistent with the requirements of the SP district as well as any adopted redevelopment or historical overlay district, whichever is more restrictive.

2. Any existing or proposed SP district which includes existing or proposed property for SP district which is, in whole or in part, (i) listed on the National Register of Historic Places or (ii) identified as eligible for the National Register of Historic Places shall first be referred to and reviewed by the Metropolitan Historical Commission staff to determine the effects of the proposed SP district on any historic properties. The MHC shall provide a written report to the metropolitan council regarding the effects of the proposed SP district on the historic properties.

ANALYSIS

Section 17.40.106 of the Zoning Code establishes requirements for review of specific plan (SP) development plans when the proposed SP district is located within or partially within a historic overlay district or contains a property listed on the National Register of Historic Places, eligible for listing on the National Register, or worthy of conservation.

Currently, review by and a recommendation from the Metro Historic Zoning Commission (MHZC) is required for SPs that are located within a historic overlay district. For SPs that contain a property listed on the National Register, eligible for the National Register, or identified as worthy of conservation, review by and a recommendation from MHZC staff is required.

The proposed amendment would add requirements that for SPs containing property listed on the National Register or eligible for listing, the SP receive an additional review by the Metro Historical Commission (MHC) to determine the

effects of the proposed SP on any historic properties. Under the proposed amendment, MHC would provide a written report to Council regarding the effects of the SP on historic properties.

Staff recommends approval of the proposed text amendment. The Planning Commission process is unchanged by this proposal. The change takes place at the Council level and provides for additional information to be provided to the Council in making decisions on Specific Plan proposals that may affect National Register listed or eligible properties. Providing the information allows for appropriate context and consideration in making rezoning decisions.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

STAFF RECOMMENDATION

Staff recommends approval.

ORDINANCE BL2018-1636

An ordinance amending Section 17.40.106 of the Metropolitan Code, Zoning Regulations pertaining to the required action by the Metropolitan Historic Zoning Commission for Specific Plans (Proposal No. 2019Z-009TX-001).

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

Section 1. Section 17.40.106 of the Metropolitan Code of Laws is hereby amended by deleting subsection C thereof and substituting in its place the following:

C. Metropolitan Development and Housing Agency (MDHA) and/or Metro Historic Zoning Commission Action.

1. Any existing or proposed SP district located in whole or in part within a redevelopment district or a historic overlay district shall first be referred to and reviewed by MDHA and/or the Metropolitan Historic Zoning Commission for conformance with the relevant plan or guidelines. Any existing or proposed property for SP district which is, in whole or in part, listed on the National Register of Historic Places, identified as eligible for the National Register of Historic Places, or identified as worthy of conservation shall first be referred to and reviewed by the Metropolitan Historic Zoning Commission staff to determine the effects of the proposed SP district on the historic properties. Each agency shall provide a written recommendation to the planning commission on any aspects of the proposed SP district that would be in conflict with the adopted requirements, guidelines, or standards. Adoption of a SP district shall not relieve any property owner from full compliance with the adopted regulations and guidelines of the applicable redevelopment or historic overlay guidelines. Within a SP district, all development shall be consistent with the requirements of the SP district as well as any adopted redevelopment or historical overlay district, whichever is more restrictive.
2. Any existing or proposed SP district which includes existing or proposed property for SP district which is, in whole or in part, (i) listed on the National Register of Historic Places or (ii) identified as eligible for the National Register of Historic Places shall first be referred to and reviewed by the Metropolitan Historical Commission staff to determine the effects of the proposed SP district on any historic properties. The MHC shall provide a written report to the metropolitan council regarding the effects of the proposed SP district on the historic properties.

Section 2. Be it further enacted, that this ordinance take effect immediately 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.

Sponsor(s) John Cooper, Fabian Bedne, Jeff Syracuse, Mina Johnson, Kathleen Murphy, Sharon Hurt, Colby Sledge, Brett Withers, Dave Rosenburg

Approve. Consent Agenda. (10-0)

Resolution No. RS2019-241

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-009TX-001 is **approved. (10-0)**”

7. 2019Z-010TX-001

BL2019-1635/Sledge

Staff Reviewer: Lisa Milligan

A request to amend Chapter 17.32 of Title 17 of the Metropolitan Code, Zoning Regulations, to add conditions regarding the distance of Billboards from residentially zoned property.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Zoning Code pertaining to billboards.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would amend Section 17.32.150 by deleting subsection B.9 and substituting the following (new text shown in underline and deleted shown in strikethrough to illustrate changes):

- 9. No billboard located along a particular street shall be closer than ~~sixty feet~~ two hundred feet from the nearest property line of any residentially zoned property that does not front on said street.

ANALYSIS

The Zoning Code currently requires a separation of billboards from residentially zoned properties. One standard is established for residential property that has frontage on the street on which a billboard is located. A different, less stringent, standard is applied to residential property that does not front onto the street on which a billboard is located but which is still within proximity to the billboard.

The distance requirement for billboards from residentially zoned property with frontage on the same street on which the billboard is located ranges from 200 to 500 feet. This proposal would change the distance requirement for properties not fronting on the same street as the billboard. The current standard requires a separation of 60 feet from any residentially zoned property not fronting on the same street. The proposal would increase this to 200 feet, consistent with the minimum separation for properties fronting on the same street as the billboard.

This amendment would provide for consistency in the code in regards to how close a billboard can be located to residentially zoned property. Given their height, billboards have the potential to impact residentially zoned property regardless of whether the property has frontage on the same street as the billboard. The amendment provides additional protections to residentially zoned properties from potential negative impacts associated with billboards.

It should be noted, these standards would not apply to digital billboards, which require a much greater distance from residentially zoned properties based on overall height.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

STAFF RECOMMENDATION

Staff recommends approval.

Bill BL2019-1635

An ordinance amending Chapter 17.32 of Title 17 of the Metropolitan Code, Zoning Regulations, to add conditions to the uses "Billboards" regarding the distance from residentially zoned property (Proposal No. 2019Z-010TX-001).

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

Section 1. That Section 17.32.150 of the Metropolitan Code of Laws is hereby amended by deleting subsection B.9 and substituting in lieu thereof the following:

- 9. No billboard located along a particular street shall be closer than two hundred feet from the nearest property line of any residentially zoned property that does not front on said street.

Section 2. Be it further enacted that this ordinance take effect immediately 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.

Sponsor(s): Colby Sledge

Approve. Consent Agenda. (10-0)

Resolution No. RS2019-242

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-010TX-001 is **approved. (10-0)**”

8. 2019Z-011TX-001

BL2019-1633/Allen

Staff Reviewer: Lisa Milligan

A request for an ordinance amending Chapters 17.08 and 17.16 of the Metropolitan Code of Laws regarding “Short term rental property – Owner-Occupied” and “Short term rental property – Not Owner-Occupied” (Proposal No. 2019Z-011TX-001).

Staff Recommendation: Approve as submitted. Should the council consider a substitute to further incorporate state law requirements and clarify the effective date, staff recommends approval of the substitute.

APPLICANT REQUEST

Amend the Zoning Code pertaining to short term rental properties.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill amends various sections of Title 17 as it relates to short term rental properties. Many of the amendments are in response to legislation adopted by the State of Tennessee, to bring the Metro Zoning Code into compliance with Tennessee Code Annotated. There is also a proposed substitute that would further incorporate state law requirements and clarify the effective date of the ordinance in regards to pending applications.

In addition to the changes necessitated by state law, the proposal would also amend Section 17.08.030 (District land use table) by amending the zoning categories where Short term rental property (STRP) – Not Owner-Occupied is permitted with conditions. The proposal would remove STRP-Not Owner-Occupied as a permitted use with conditions under all Multi-Family Residential zoning districts (RM2, RM4, RM6, RM9, RM9-A, RM15, RM15-A, RM20, RM20-A, RM40, RM40-A, RM60, RM60-A, RM80-A, and RM100-A).

HISTORY

In January of 2018, the Metro Council adopted BL2017-608, which established a countywide framework for the regulation of short term rental properties. BL2017-608 created two separate uses in the zoning code: Short term rental property (STRP) – owner-occupied and short term rental property (STRP) – not owner-occupied. The ordinance also established operational and regulatory criteria for the operation of short term rental properties, both owner and not owner-occupied.

With the adoption, the Council specified which zoning districts would permit each type of short term rental property. Short term rental property – owner-occupied is classified as a Residential use by the Zoning Code and is permitted as an accessory use to the principal use of a structure as an owner-occupied dwelling unit. Short term rental property – not owner-occupied is classified as a Commercial use permitted with conditions in multi-family, mixed use, commercial, office, and shopping center districts, as well as within the DTC. With the adoption of BL2017-608, not-owner occupied were not allowed within most residential districts, with the exception of multi-family districts.

Following adoption of BL2017-608, the State of Tennessee adopted the Short Term Rental Unit Act (The Act). The Act established parameters under which municipalities must operate in regulating short term rental properties. Additionally, The Act established that any properties permitted to operate as a short term rental prior to the adoption of municipal regulations that would otherwise restrict the use, may continue to operate so long as ownership remains constant.

ANALYSIS

Metro Nashville has long debated the impact of and appropriate method of regulation in regards to short term rental properties. The regulations have evolved as the industry has changed from primarily a home-sharing model to a model that includes many properties where the principal use of a structure is as a short term rental property, as opposed to a full-time residence. The use of these full time, not-owner occupied units is currently prohibited in all residential zoning districts, except for multi-family districts. The proposed amendment would remove short term rental property – not owner-occupied from the allowed uses within multi-family zoning districts, bringing those districts into alignment with all other residential zoning districts. Having a consistent approach to the application of land uses to residential zoning districts is appropriate and provides clear expectations for full time residents of these residential zoning districts. Districts that are intended for primarily residential uses, with supportive uses, should be maintained for residential uses, as opposed to a uses classified as Commercial.

The effective date of Sections 1 through 8 of the ordinance is proposed to be set as May 31, 2020 with the adoption of a proposed substitute to be introduced at the July 2, 2019, Metro Council meeting. The Codes Department has requested further clarification whether applications submitted prior to the effective date should be accepted by the Codes Department and if all conditions in effect at the time have been met, the application should be approved.

Aside from the change in regards to multi-family districts, the remaining changes are to bring the current Metro regulations into compliance with the Short Term Rental Act adopted by the State. The substitute to be introduced on July 2, 2019, includes clarification of renewal and grace period stands, consistent with state law.

As a note, a separate bill (Substitute BL2019-1627) was adopted by the Metro Council on June 18, 2019. This bill establishes a new fee schedule for permitting. None of the proposed changes to the zoning code involve the establishment of new fee amounts.

ZONING ADMINISTRATOR RECOMMENDATION

The Zoning Administrator takes no exception to this bill but recommends that the bill codify its intention regarding permit applications filed and pending before the effective date of this legislation. Stated more pointedly, the bill should specify whether such permit applications filed before the effective date shall be eligible for issuance even after the effective date of the legislation.

STAFF RECOMMENDATION

Staff recommends approval as submitted. Should a substitute be introduced to further incorporate state law requirements and clarify the effective date, staff also recommends approval of the substitute.

Bill BL2019-1633

An ordinance amending Chapters 17.08 and 17.16 of the Metropolitan Code of Laws regarding “Short term rental property – Owner-Occupied” and “Short term rental property – Not Owner-Occupied” (Proposal No. 2019Z-011TX-001).

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

Section 1. That section 17.08.030 (District land use tables) of the Metropolitan Code of Laws is hereby amended by providing, under Commercial Uses, “Short term rental property (STRP) – Not Owner-Occupied” as a use permitted with conditions (PC) in MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, OG, OR20 through OR40-A, ORI and ORI-A, CN and CN-A, CL and CL-A, CS and CS-A, CA, CF, DTC North, DTC South, DTC-West, DTC Central, SCN, SCC and SCR.

Section 5. That Section 17.16.070 of the Metropolitan Code is hereby amended by deleting Subsection U.2.b.iv in its entirety and substituting therefore the following:

iv. A statement that the applicant has confirmed that operating the proposed STRP would not violate any home owners association agreement or bylaws, condominium agreement, co-op agreement, lease agreement, covenants, easements, codes and restrictions or any other agreement governing and limiting the use of the proposed STRP property.

v. Proof of payment of all taxes due, including property taxes and, for permit renewals, all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.

Section 6. That Section 17.16.070 of the Metropolitan Code is hereby further amended by deleting Subsection U.4.I.i and U.4.I.ii in their entirety and substituting therefore the following:

I. Denial or Revocation of Permit.

i. Upon the filing of a complaint regarding a STRP permit, the department of codes administration shall notify the permit holder in writing or by e-mail of such complaint. All complainants shall be notified that any false complaint made against a short-term rental unit provider are punishable as perjury under Tenn. Code Ann. §39-16-702.

ii. If the zoning administrator determines, based on reasonably reliable information that the zoning administrator has obtained including without limitation public records or reports, records of regularly conducted activity, or a direct or online statement against a person's own interest, that three (3) violations of generally applicable provisions of the Metropolitan Code of Laws have occurred as a direct result of the operation of the short-term rental unit, the permit to operate a STRP may be revoked if no appeal rights remain.

Section 6. That Section 17.16.070 of the Metropolitan Code is hereby further amended by deleting Subsection U.4.I.vi(2) in its entirety and substituting therefore the following:

(2) Upon a finding by the board of zoning appeals that a short term rental property has operated without a permit, there shall be a waiting period of up to one year from the date of such finding for the property to become eligible for a STRP permit, as determined by the BZA. The length of the waiting period shall be based upon whether the operator was aware or unaware of the requirement that the STRP have a permit. Evidence to be evaluated in making this decision may include but is not limited to:

- (a) the testimony of the STRP operator;
- (b) the testimony of neighbors or others with knowledge of the STRP operation;
- (c) evidence that the operator was informed of the requirement and disregarded this information;
- (d) evidence that the operator had looked into requirements and misunderstood them;
- (e) prior or repeat offenses by the operator under this section; and
- (f) whether the operator, upon being informed of the requirement, obtained or attempted to obtain a permit before renting the STRP again.

Section 2. That Section 17.16.250 of the Metropolitan Code is hereby amended by deleting subsection E.2.b.v in its entirety and substituting in lieu thereof the following:

v. A statement that the applicant has confirmed that operating the proposed STRP would not violate any home owners association agreement or bylaws, condominium agreement, co-op agreement, lease agreement, covenants, easements, codes and restrictions or any other agreement governing and limiting the use of the proposed STRP property.

Section 3. That Section 17.16.250 of the Metropolitan Code is hereby further amended by deleting subsections E.4.I.i and E.4.I.ii in their entirety and substituting in lieu thereof the following:

I. Denial or Revocation of Permit.

i. Upon the filing of a complaint regarding a STRP permit, the department of codes administration shall notify the permit holder in writing or by e-mail of such complaint. All complainants shall be notified that any false complaint made against a short-term rental unit provider are punishable as perjury under Tenn. Code Ann. §39-16-702.

ii. If the zoning administrator determines, based on reasonably reliable information that the zoning administrator has obtained including without limitation public records or reports, records of regularly conducted activity, or a direct or online statement against a person's own interest, that three (3) violations of generally applicable provisions of the Metropolitan Code of Laws have occurred as a direct result of the operation of the short-term rental unit, the permit to operate a STRP may be revoked if no appeal rights remain.

Section 4. That Section 17.16.250 of the Metropolitan Code is hereby further amended by deleting subsections E.4.I.vi.(2) in its entirety and substituting in lieu thereof the following:

(2) Upon a finding by the board of zoning appeals that a short term rental property has operated without a permit, there shall be a waiting period of up to one year from the date of such finding for the property to become eligible for a STRP permit, as determined by the BZA. The length of the waiting period shall be based upon whether the operator was aware or unaware of the requirement that the STRP have a permit. Evidence to be evaluated in making this decision may include but is not limited to:

- (a) The testimony of the STRP operator;
- (b) The testimony of neighbors or others with knowledge of the STRP operation;
- (c) Evidence that the operator was informed of the requirement and disregarded this information;
- (d) Evidence that the operator had looked into requirements and misunderstood them;
- (e) Prior or repeat offenses by the operator under this section; and
- (f) Whether the operator, upon being informed of the requirement, obtained or attempted to obtain a permit before renting the STRP again.

Section 8. Notwithstanding the foregoing, the Accessory Use restrictions and Commercial Use restrictions under Section 17.08.030 of the Metropolitan Code (District land use tables), as amended herein, shall not apply to property used as a short-term rental property by the owner of the property prior to the enactment of Ordinance no. BL2017-608. Such exemption shall apply until such property is sold, transferred, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of generally applicable provisions of the Metropolitan Code of Laws three (3) or more separate times with no remaining right of appeal.

Section 9. The Metropolitan Clerk is directed to send a copy of this Ordinance to the Zoning Administrator for the Metropolitan Department of Codes Administration.

Section 10. This Ordinance shall take effect October 1, 2019, and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsor(s) Burkley Allen

Mr. Gobbell and Ms. Blackshear stepped back in the room.

Ms. Milligan presented the staff recommendation of approval as submitted. Should the council consider a substitute to further incorporate state law requirements and clarify the effective date, staff recommends approval of the substitute.

Councilmember Allen spoke in favor of the application.

Grace Renshaw, 220 Mockingbird Rd, spoke in favor of the application.

Gordon Harmon, 1826 Joy Circle, spoke in favor of the application.

Councilmember Withers spoke in favor of the application as Nashville is facing a housing shortage.

Shawn Henry, 315 Deaderick St, spoke in opposition to the application on behalf of his clients that made "good faith purchases." The concern is that these people would unfairly be removed from the opportunity to fulfill their development and what they set out to do. The intent should run with the land.

Jackie Simms, 1813 Pearl St, spoke in opposition to the application.

Kathleen Payne-Wilks, 1304 Jackson St, spoke in opposition to the application. RM20 is a designation very much needed for economic development within the community.

Darren Cunningham, 1088 12th Ave S, spoke in opposition to the application and requested a grandfathering clause in perpetuity for the permits that transfer with the sale of the property.

Jamie Duncan, 2720 Delaware Ave, spoke in opposition to the application due to lack of public vetting.

Shawn Burrows, 1711 Castleman Dr, spoke in opposition to the application. Property was purchased with the specific intent of short term rentals.

Grant Hammond spoke in opposition to the application due to the unintended consequences of the banking industry and what it will do to the construction industry.

Bransford Maxwell, 1609 Linden Ave, spoke in opposition to the application because tourists need a place to stay.

Michael Bolton, 7165 Hope Run Dr, spoke in opposition to the application.

Mark McDonald, 115 Jackson Blvd, spoke in opposition to the application.

Councilmember Allen explained that the intent was not to cause economic damage. She appreciates these concerns, takes them very seriously, and will continue to work on them.

Chairman Adkins closed the Public Hearing.

Ms. Blackshear confirmed that we are not eliminating any current short term rental.

Ms. Milligan clarified that any permits that legally exist at this time that have been issued can be continued as long as ownership does not change.

Ms. Blackshear explained that this is a great bill, but for equitable reasons for people who already planned on having their property developed in a non-owner occupied short term rental, they should be able to do that, even though it isn't a proper land use policy.

Mr. Elam expressed concerns with people that have already made these investments.

Ms. Moore spoke in favor of the application as we have a housing crisis in this city and we need places for people to live.

Mr. Gobbell spoke in favor of the application and encouraged Councilmember Allen to continue working on stability.

Dr. Sims spoke in favor of the application.

Mr. Haynes spoke in favor of the application and encouraged Councilmember Allen to try to provide as much relief and equity to those who have made investments as possible.

Ms. Farr spoke in favor of the application. A commercial use should not be permitted in a residential area. We need density in order to address the affordable housing issues.

Mr. Tibbs moved and Mr. Haynes seconded the motion to approve as submitted. Should the council consider a substitute to further incorporate state law requirements and clarify the effective date, staff recommends approval of the substitute. (9-0)

Mr. Haynes left the meeting at 7:53 p.m.

Resolution No. RS2019-243

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-011TX-001 is approve as submitted. Should the council consider a substitute to further incorporate state law requirements and clarify the effective date, staff recommends approval of the substitute. (9-0)

9. 2019Z-014TX-001

BL2019-1631/O’Connell

Staff Reviewer: Lisa Milligan

A request to create Title 9, Noise and Amplified Sound, and to consolidate existing provisions regulating noise, excessive noise, and construction noise into the new Title 9.

Staff Recommendation: Approve the changes to Title 17.

APPLICANT REQUEST

Amend the Zoning Code as it pertains to noise.

PROPOSED AMENDMENTS TO TITLE 17

The proposed bill would create a new Title 9 (Noise and Amplified Sound) in the Metro Code. Additionally, the proposal would delete various code sections pertaining to the regulation of noise. Section 17.28.090 of the Zoning Code is proposed to be removed. Section 17.28.090 reads as follows:

- A. Applicability. These standards apply to continuous and intermittent noise from machinery or equipment, noise emitted by speaker boxes, pick-up and delivery trucks, and any other commercial or industrial activities which are under the control of the occupant of a lot or a parcel legally recorded at the time of adoption of the ordinance codified in this title. The following provisions shall not apply to airport, heliport, railroad station, rail yard or mineral extraction land uses.
- B. Method of Measurement. Noise shall be measured with a sound level meter (Type 1 or Type 2) which meets the standards of the American National Standards Institute (ANSI) Section S 1.4-1979, or as superseded. Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises, produced when two or more objects strike each other, shall be measured using the fast response of the sound level meter, and other noises using the slow response. For purposes of this title, impact noises shall be considered to be those noises whose peak values are more than three decibels higher than the values indicated on the sound level meter.
- C. Maximum Permitted Sound Levels. The maximum permitted sound pressure levels in decibels across lot lines or district boundaries shall be in accordance with following table. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, which shall be permitted at the property line of the closest use in each of the following categories.

Table 17.28.090
MAXIMUM SOUND LEVELS (dBA)

Adjacent Land Use	Sound Level Limit (dBA)	
	7:00 am to 7:00 pm	7:00 pm to 7:00 am
Industrial and agricultural	75	75
All others	65	60

ANALYSIS

Creating a comprehensive approach to the regulation of noise, with all standards located within one Title of the Metro Code of Ordinances, and a way to create transparency and to make the Code more usable by the businesses and residents. The removal of the limited noise regulations located within the Zoning Code is a housekeeping amendment as part of the comprehensive approach. Staff is not making a recommendation on the substance of the proposed Title 9.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken.

STAFF RECOMMENDATION

Staff recommends approval of the changes to Title 17.

Substitute Bill BL2019-1631

An ordinance to create Title 9, Noise and Amplified Sound, and to consolidate existing provisions regulating noise, excessive noise, and construction noise into the new Title 9.

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

Section 1. That Sections 6.75.245, 8.12.010, 10.44.110; 11.12.070; 12.32.050; 13.24.390; 13.32.110; and Chapter 16.44; and Section 17.28.090 of the Metropolitan Code of Laws shall be deleted in their entirety.

Section 2. That a new Title 9 – Noise and Amplified Sound is hereby established as follows:

Title 9 – Noise and Amplified Sound
Chapter 9.10 – General Provisions
9.10.010 – Definitions

The following definitions shall apply to this title:

"A-weighted sound pressure level" means the sound pressure level as measured with a sound level meter using the "A" Weighting Network. The standard notation is Db(A).

"Construction equipment" means any equipment or devices, such as, but not limited to, pile drivers, power shovels, jackhammers, derricks, hoist tractors, dump trucks, loaders, rollers, concrete-hauling motor vehicles, pavement breakers, backhoe, clam shells, bulldozers, crawler-tractors, rotary drills and augers, cranes, ditchers, trenchers, scrapers, graders, wagons, pumps, compressors and pneumatic power equipment or other mechanical apparatus operated by fuel or electric power in the construction, repair or demolition of any building, structure, land, driveway or appurtenance thereto.

"Decibel" means a logarithmic unit of measure often used in measuring magnitudes of sound. The symbol is Db.

"Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work to restore public utilities or work required to protect persons or property from an imminent exposure to danger.

"Noise" means sound that is measured as the sound pressure level in decibels (Db).

"Person" means any person, firm, group, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner.

"Plainly audible" means any sound which clearly can be heard by unimpaired auditory senses, however, words or phrases need not be discernible and said sound shall include bass reverberation.

"Premises" means any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, common hallways in multiple-family dwellings, common areas for one or more multiple-family dwellings, and real properties without buildings or improvements, owned or controlled by a person.

"Property line" means an imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property or rental unit owned or leased by one person from that owned or leased by another person.

"Public right-of-way" means any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a governmental entity.

"Sound" means oscillation in pressure, stress, particle displacement and particle velocity which induce auditory sensation.

"Sound amplification equipment" means a radio, tape player, compact disc player, digital audio player, television, electronic audio equipment, musical instrument, sound amplifier, or other mechanical or electronic sound-making device that produces, reproduces or amplifies sound

"Sound level meter" means an apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighting networks for the measurement of sound levels. The sound level meter shall be a design and have the characteristics of a type 2 or better instrument as established by the American National Standards Institute, publication S1.4-1971, entitled "Specification for Sound Level Meters."

"Sound pressure level" means twenty times the logarithm to the base ten of the ratio of the pressure of a sound to the reference pressure of twenty micronewtons per square meter (20×10^{-6} newtons/meter²) and is expressed in decibels (Db).

9.10.020 - Noise sound pressure levels—Measurement.

For the purpose of determining noise sound pressure levels as set forth in this title, the following test procedures and measurements are applicable:

- A. The instrument for determining noise sound pressure levels shall be with a sound level meter of standard design as defined in this section. Sound pressure level measurements shall be made with the "A" Weighting Network.
- B. Noise sound pressure levels shall be measured from a point as close as possible to the outside walls of any residential structure located on the property affected by the noise at a height of four feet above the immediate surrounding surface.

Chapter 9.20 – Excessive Noise

9.20.010 – Sound Amplification Equipment

- A. Except for properties lying within an area zoned DTC district and properties zoned CF district that are contiguous to those zoned DTC district, it shall be unlawful for any person to:
 - 1. Operate or allow the operation of any sound amplification equipment so as to create sounds that are plainly audible from the boundary line of the nearest residentially occupied property. For multifamily structures, including apartments, condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds that are plainly audible from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property. This subsection shall not apply to a special event, mass gathering or other permitted activity by the metropolitan government or its boards or commissions. Further, the provisions of this section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by metropolitan government or its agencies and parks under the control of the board of parks and recreation.
 - 2. Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which are plainly audible at or on the boundary of the nearest public right-of-way or park.
 - 3. Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in parks under control of the board of parks and recreation, so as to produce sounds that are plainly audible fifty feet or more from any electromechanical speaker.
- B. The provisions of this subsection B. shall be applicable for properties lying within an area zoned DTC district and properties zoned CF district that are contiguous to those zoned DTC district:

1. Except as provided in subsection B.5. of this section, it shall be unlawful to operate or allow the operation of any amplification device mounted to the exterior of a building or structure, or to operate such device outside of the premises.
2. It shall be unlawful for interior speakers of an establishment during business operating hours to be aimed or oriented toward the exterior opening of a building, when said speakers produce sounds registering more than eighty-five Decibels (A weighted), as measured at street level fifty linear feet from the outside wall of the structure within which the noise is produced. Other than during business operating hours, it shall be unlawful for any establishment to operate or allow the operation of interior speakers producing sounds registering more than seventy Decibels (A weighted) at or on the boundary of the nearest public right-of-way or park. For purposes of this subsection, "business operating hours" means the hours during which an establishment is open to customers or patrons.
3. All prerecorded music shall be limited to the 85 Decibel limit (A weighted), regardless of the source including, but not limited to: vinyl records, compact disks, digital video disks, digital audio players, hard drives, solid state memory, tape drives, radio sets or television sets. Such sound measurement shall be taken at street level fifty linear feet from the outside wall of the structure within which the noise is produced. Notwithstanding the foregoing, live music is expressly exempt from the 85 Decibel limitation. Live music shall mean that musicians, instruments and singers will not be prerecorded.
4. If a commercial operation functions primarily as a dining establishment with outside seating, that establishment shall be exempt from the speaker prohibition but must limit the sound output to 85 Decibels (A weighted), as measured at street level fifty linear feet from the property line of the dining establishment from which the noise is produced.
5. The following shall be exempt from the provisions of subsection B.1. above:
 - a. Special events, mass gatherings, or other permitted activities by the State of Tennessee or the metropolitan government or any of its boards or commissions;
 - b. Entertainment facilities constructed to provide outdoor entertainment owned by the State of Tennessee, the metropolitan government (or its agencies), or the parks under the control of the State of Tennessee or the metropolitan board of parks and recreation;
 - c. Churches or facilities used for religious worship.

9.20.020 – Motor Vehicle Noise

- A. It shall be unlawful for any person to:
1. Operate any motor vehicle that is not equipped with a muffler in good working order and in constant operation to prevent excessive noise.
 2. Operate a motor vehicle equipped with a cut-out, by-pass, or similar muffler elimination unit, or to operate a motor vehicle with devices that amplify motor noise or motor vehicle exhaust noise.
 3. Operate a motor vehicle if the exhaust noise is plainly audible at two hundred feet.
 4. Operate or allow the operation of buses in a parking or staging area if noise from the engine, exhaust, or back-up alert beeper is plainly audible from the nearest exterior wall of a transient lodging establishment within the commercial attraction (CA) zoning district.
- B. No person operating or occupying a motor vehicle on any street, highway, alley, parking lot, or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line.

9.20.030 – Outdoor Entertainment and Mass Gatherings

- A. Except for properties lying within an area zoned DTC district and properties zoned CF district that are contiguous to those zoned DTC district, no person or persons owning, operating, or having the care, custody, or control of any facility located within fifty feet of a residence and/or of a natural conservation area shall permit to be operated any musical instrument or other entertainment device using amplification unless such music or other entertainment is provided within a totally enclosed structure. Such music or other entertainment may be provided outside of a structure only between the hours of seven a.m. and eleven p.m., except when exempted under provisions of the code as a special event, mass gathering or other permitted activity by metropolitan government or its boards or commissions. The provisions of this section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by metropolitan government or its agencies and parks under the control of the board of parks and recreation.
- B. Outdoor entertainment events within the downtown area.
1. No person shall operate an outdoor music and/or entertainment event that produces amplified sound which registers more than eighty-five Db(A), as measured from any point within the boundary line of the nearest residentially occupied property at the street level.
 2. The provisions of this subsection shall only apply to:

- a. properties lying with an area zoned DTC district and properties zoned CF district that are contiguous to those zoned DTC district;
 - b. properties lying within an area bounded by properties fronting Music Square West and 17th Avenue South from Division Street to Edgehill Avenue;
 - c. properties along the north portion of Edgehill Avenue between 17th Avenue South and 16th Avenue South;
 - d. properties fronting 16th Avenue South and Music Square East between Edgehill Avenue and Division Street;
 - e. properties lying within an area fronting on the east side of 21st Avenue South from Scarritt Place to Edgehill Avenue; and
 - f. the properties fronting on the north side Edgehill Avenue to 17th Avenue South.
- C. The sound level measured at the boundaries of the mass gathering site shall be no more than eighty-five Db(A).

9.20.040 – Commercial noise.

- A. No person or persons owning, operating, or having the care, custody, or control of any business or commercial facility shall be permitted to operate any equipment, vehicles, or heavy machinery incident to performing business or commercial functions, or engage in any other business or commercial activity between the hours of 9:00 p.m. and 6:00 a.m. which would emit, cause to be emitted, or permit the emission of any noise in excess of seventy Db(A) as measured from a point as close as possible to the outside walls of any residential structure located within a residential zoning district affected by the noise at a height of four feet above the immediate surrounding surface.
- B. For business or commercial facilities located within the DTC and CF zoning districts, no person or persons owning, operating, or having the care, custody, or control of any business or commercial facility shall be permitted to operate any equipment, vehicles, or heavy machinery incident to performing business or commercial functions, or engage in any other business or commercial activity between the hours of 9:00 p.m. and 6:00 a.m. which would emit, cause to be emitted, or permit the emission of any noise in excess of eighty-five Db(A) as measured from a point as close as possible to the outside walls of any residential structure located within a residential zoning district affected by the noise at a height of four feet above the immediate surrounding surface.
- C. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by the metropolitan government or any utility company, for sound emitted unavoidably during job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of the metropolitan government.

9.20.050 – Excessive noise on a pedal carriage

No music or amplified sound shall be played, nor yelling or conversation be conducted, on a pedal carriage in such a manner that it would be plainly audible from a distance of fifty feet.

9.20.060 – Enforcement

The Metropolitan Nashville Police Department shall be responsible for the enforcement of violations of this chapter.

Chapter 9.30 – Construction Noise

9.30.010 - Construction sites—Restrictions.

It is unlawful for any person engaged in the construction, repair or demolition of buildings, structures, land, driveways or appurtenances thereto located within or adjoining a residential zone district within the area of the metropolitan government, including transportation of materials to and from a construction site, between the hours of nine p.m. and six a.m., to emit, cause to be emitted, or permit the emission of any noise in excess of seventy Db(A) from construction equipment as measured from a point as close as possible to the outside walls of any residential structure located on the property affected by the noise at a height of four feet above the immediate surrounding surface.

9.30.020 - Exemptions.

The following activities shall be exempt from the requirements of Section 9.30.010:

- A. Highway, bridge, road, street, dredging in navigable waters, or other public works construction activities, utility work such as water, sewer, gas, electrical or telephone construction activities and any vehicles used to transport materials to and from such construction activities, so long as the vehicles remain within the highway, road, street or construction right-of-way or easement;
- B. Emergency work;
- C. Transporting and unloading of construction materials, other than blast materials, between five a.m. and six a.m.

9.30.030 - Variances.

A. Any person seeking to perform construction activities which would be in violation of Section 9.30.010 must, prior to engaging in activities prohibited under Section 9.30.010, make an application to the director of the department of codes administration and obtain a permit to perform such activities. Such a permit shall not be granted unless the applicant establishes the following:

1. Any noise, resulting from the construction, repair or demolition activities, even though the applicant might create noise in excess of that permitted in Section 9.30.010, will not be of such magnitude as to interfere with normal activities conducted within the residential zone district during the hours of the proposed construction activities; and
2. The applicant has obtained all other approvals and permits for said construction activities as required by the metropolitan code of laws; or
3. The overriding public interest (as opposed to the private interest of the applicant or the owner of the property upon which said construction activities shall occur) will be significantly promoted by permitting the applicant to create noise in excess of that permitted in Section 9.30.010.

B. Notice of an application for a variance shall be given by the director of the department of codes administration to persons who may be adversely affected by the granting of the variance and to the district councilmember. Any person who claims to be adversely affected by such a variance, if allowed, may file a written statement with the director. Such statement shall contain sufficient factual information to support the claim.

C. Variances shall be granted by notice to the applicant containing any necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate it and subject the person holding it to the requirements of Section 9.30.010.

9.30.040 – Enforcement.

The metropolitan department of codes administration shall be responsible for the enforcement of this chapter.

Section 3. That this Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsor(s) Freddie O'Connell

Approve the changes to Title 17. Consent Agenda. (10-0)

Resolution No. RS2019-244

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-014TX-001 is **approved the changes to Title 17. (10-0)**”

10. 2019Z-013TX-001

BL2019-1659/Henderson

Staff Reviewer: Bob Leeman

A request to amend Sections 17.20.120 and 17.20.125 of Title 17 of the Metropolitan Code pertaining to the provision of sidewalks.

Staff Recommendation: Approve with amendments.

APPLICANT REQUEST

Amend the Zoning Code pertaining to sidewalks.

PROPOSAL

The proposed bill would amend Section 17.20.120 and 17.20.125 of the Metro Zoning Code pertaining to sidewalks.

HISTORY

The sidewalk ordinance was most recently amended by the Metro Council in April 2017 (BL2016-493) and took effect on July 1, 2017. Prior to that, the ordinance was amended in September, 2004 (BL2004-289). Since July 2017, there have been 443 applications filed at the Board of Zoning Appeals for variances to the standards. This includes cases schedule for August 2019, and includes cases that may have been withdrawn. Since July 1, 2017, staff estimates that approximately 4.09 miles of new sidewalks have been constructed and 3.82 miles of sidewalks have been upgraded as a result of this ordinance.

ANALYSIS

This text amendment to Title 17 of the Metropolitan Code (Zoning Ordinance) pertains to Section 17.20.120 (Provisions of Sidewalks) and 17.20.125 (Right to appeal and seek variances). After almost two years of implementation of the ordinance, staff has worked with many stakeholders and Councilmember Henderson to propose adjustments to the ordinance to address concerns that we have heard. This proposed ordinance was

drafted after several stakeholder meetings were held in May and August 2018, to help determine what parts of the ordinance needed to be adjusted. After those meetings, the Metro Planning Department continued to work with related Metro agencies to draft and refine the draft language in the proposed ordinance. The Planning Department also held a stakeholder meeting on June 12, 2019, to get input on the draft ordinance, as filed.

The basic framework of BL2016-493 is not fundamentally changed with the proposed ordinance; however, several key changes are outlined below. Sidewalks are still required for multi-family or nonresidential property when the property is located within the Urban Services District; within a center designated in the general plan; any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan; or the property is on a street in the major and collector street plan.

Sidewalks are still required with the construction of new single-family or attached or detached two-family structure(s) when the property is within the Urban Zoning Overlay; within a center designated in the general plan; any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan; or the property is on a street in the major and collector street plan in the Urban Services District.

Currently, staff makes recommendations on sidewalk variances that go to the Board of Zoning Appeals (BZA). The proposed ordinance's approach reflects that many of the variances going before the BZA are unique to each property. While the standards in the Zoning Code try to achieve sidewalks in appropriate locations, there is frequently a need to be more flexible in certain instances. This proposed ordinance provides for flexibility in many different ways, including a system that preserves the requirements for sidewalks while allowing an administrative review process for waivers. The major changes are outlined below and the entire ordinance as filed is included at the end of this report.

- This proposed ordinance includes several new "WHEREAS" statements and "purpose" provisions to help clarify the reasons that the sidewalk ordinance is important to include in the Zoning Ordinance. These were not included in BL2016-493.
- In the "Applicability" section, the triggers for sidewalks is proposed to change from using assessed value to current appraised value in order to provide a more consistent way of requiring sidewalks so that they are more proportional with the cost of development instead of using a percentage of value to trigger sidewalk construction. This provides a clearer and more balanced measure for the sidewalk trigger going forward.

The proposed ordinance establishes a process for waivers under certain circumstances. It is important to note that the waivers would not automatically apply. They must be requested by the property owner or its agent.

- A new process is proposed to be established that could provide for alternative sidewalk designs or a waiver in certain circumstances if the Zoning Administrator finds physical hardship or unique situation that would cause undue hardship in completing the sidewalk network or upgrading the sidewalk. The Zoning Administrator must first consult with and receive a recommendation from various department heads, or their designee, including Planning, Public Works, Water Services prior to making a final determination.
- The proposed ordinance also allows more flexibility in unique situations as to when a contribution can be made in-lieu of the construction of a sidewalk. This is also a waiver that the Zoning Administrator can grant administratively with recommendations from various department heads, or their designee.
- The proposed ordinance allows for the Zoning Administrator to waive the sidewalk requirements due to circumstances beyond the control of the property owner, including but not limited to a natural disaster, fire or accident.
- The proposed ordinance allows for the Zoning Administrator to waive the sidewalk requirements in Historic Overlay districts where it is determined that a new sidewalk would be detrimental to the historic nature of the street.
- The proposed ordinance allows for the Zoning Administrator to permit alternative requirements in R and RS districts for corner lots when it is determined to be inappropriate to build sidewalks along the street frontages. The length of frontages and classification of streets may be taken into account when making the determination.
- Contributions in-lieu of construction shall be no more than two percent of the total construction value of the permit under the proposed ordinance, where the current ordinance does not provide a maximum amount. This cap on the contribution would eliminate fees that could possibly be out scale with the permit value. [Note that Staff is recommending that this be changed to 3% of the total construction value. Since the ordinance was filed staff has received input and have done more analysis of this part of the ordinance. While it is difficult to quantify this number with all development types and with different square footages within the same development type, staff recommends this be amended to 3% since it represents an approximate average of typical in-lieu of construction fees for various street frontages. The overall objective of including a maximum is to give applicants that have a larger than average amount of street frontage the ability to request a waiver when there is an unusual situation.]

- This proposed ordinance also removes the requirements for right-of-way dedications with home renovations to single-family and two-family residential uses.

AMENDMENTS TO THE ORDINANCE

Staff held a stakeholders meeting on June 12, 2019, to receive more input on the proposed ordinance. Staff also received several e-mails with comments. Based on this feedback and discussions with other departments, staff recommends the following amendments to the ordinance as filed.

- 17.20.120 A.1.b.: Housekeeping change to correct typo: change “person” to “percent”
- 17.20.A.3.: Delete “six” and replace with “five” in first paragraph. Changing this to five will allow for more consistency in terms of the number of days since later in the ordinance there is a five day waiting period prior to permits being issued after the Planning Department recommendation to the Zoning Administrator.
- 17.20.120.A.3.b: Add the word “unique to first sentence before the word “situations”, and add the following sentence at the end of the paragraph: “This provision shall be limited to unique situations that are not typical.”
- 17.20.120 A.3.c.: Housekeeping change to correct typo: change “appropriate” to “appropriately”
- 17.20.120 D.1.: Delete “two” and replace with “three”
- Section 3: Delete in its entirety and replace with: “Be it further enacted that this ordinance take effect September 1, 2019, and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.”

ADMINISTRATIVE WAIVER PROCESS

As part of the proposed ordinance, a process will be developed where the applicant can request a waiver of some of the sidewalk requirements from the Zoning Administrator. Planning has been working with the Codes department to establish a transparent process so that all stakeholders can be aware of waiver requests and have an opportunity to give input. The process that Metro agencies and the Zoning Administrator have agreed upon, and received input on during the June 12th stakeholder meeting, is proposed to be as follows:

Step 1: Permit applicants seeking sidewalk waivers will initiate the waiver request with the Zoning Examiners in the Metro Codes Department, usually in conjunction with the actual building permit application. The request will be forwarded to the Planning Department who will coordinate the review and recommendations of various Metro agencies.

Step 2: The Codes Department will notify the district Councilmember by way of the Council Office that a waiver request has been made. (No sidewalk waiver will be granted for at least five business days from the date the notification was sent to the Council Office/Councilmember, per the Code that is recommended by Planning staff.)

Step 3: The Planning Department will write a recommendation to the Zoning Administrator, which will be available on Metro’s Website. Each recommendation will cite the Section of the Code being used for a waiver, if recommended. A Sidewalk Waiver Tracker Website will be developed in order to view all waiver requests and recommendations. Anyone who has concerns or comments about the recommendation can send an e-mail to:

SidewalkWaiverComments@Nashville.gov

The Zoning Administrator and Planning Department Staff will review all comments prior to granting or denying a waiver request. If new information is provided that wasn’t previously considered, Planning Staff reserves the right to issue a new recommendation to the Zoning Administrator within the five day waiting period.

Step 4: After at least five days has passed from the date of, the Zoning Administrator will make a final decision on the waiver request and it will be posted on the Sidewalk Waiver Tracker Website. Waiver requests may be approved, denied or approved with conditions. The Website will be organized in a way so as to track waiver requests by property address and/or map and parcel number.

Step 5: Waiver is approved, denied or approved with conditions by the Metro Zoning Administrator. The waiver case decision is entered in to Cityworks by Codes. The signed decision should be emailed to the permit applicant. Permittees who don’t get the waivers they seek can then decide whether to file a BZA appeal for a sidewalk variance.

METRO STORMWATER RECOMMENDATION

No exception taken.

PUBLIC WORKS RECOMMENDATION

No exception taken.

ZONING ADMINISTRATOR RECOMMENDATION

No exception taken to this bill.

STAFF RECOMMENDATION

Staff recommends approval with amendments

(Underlined indicates new language and strike-through indicates deleted language from BL2016-493; staff recommended amendments to BL2019-1659 are shown in yellow)

ORDINANCE NO. BL2019-1659

An ordinance amending Sections 17.20.120 and 17.20.125 of Title 17 of the Metropolitan Code pertaining to the provision of sidewalks (Proposal No. 2019Z-013TX-001).

WHEREAS, sidewalks are critical infrastructure, providing a wider variety of safe transportation options in a rapidly growing Nashville; and

WHEREAS, the city's General Plan (2015): NashvilleNext, guides growth and development in our city generally within identified centers and along identified corridors; and

WHEREAS, the city's Strategic Transit Plan (2016): nMotion, builds upon NashvilleNext to connect centers and corridors with a planned mass transit system; and

WHEREAS, the city's Strategic Plan for Sidewalks and Bikeways (2017): WalknBike, builds upon NashvilleNext and nMotion to connect walking and bicycling infrastructure to centers, corridors, and mass transit; and

WHEREAS, the Metropolitan Council enacted amendments to Title 17, the Zoning Code, by the adoption of Ordinance No. BL2016-493 whereby the locational criteria and types of development requiring new sidewalk construction were updated; and

WHEREAS, Mayor David Briley reaffirmed the Complete Streets Executive Order on June 5, 2018, outlining how the city's policy for all public projects, departments, boards and commissions of the Metropolitan Government shall approach every transportation improvement project with the purpose to create greener, safer, and more accessible streets for all users; and

WHEREAS, sidewalks benefit homeowners and neighborhoods by providing a safe and designated path for connecting to schools, parks, libraries, businesses, and transit, and thus homes connected to nearby attractions increase in value; and

WHEREAS, Nashville's population and built environment has grown and continues to grow rapidly. The Metropolitan Planning Organization forecasts that the ten County Cumberland Region in and around Nashville will increase by another million people by the year 2035; and

WHEREAS, according to the 2014 Dangerous by Design Report by Smart Growth America, Nashville ranked as the 15th most dangerous region in the US for people walking, and 23 pedestrians were killed on Nashville's streets in 2018, and as of 2019, the Nashville region had a pedestrian death index of 99.2, well above the national average of 55.3; and

WHEREAS, the WalknBike Strategic Plan documented that there are 1,900 miles of sidewalks lacking in areas of greatest need in Nashville and Davidson County and of the 1,118 miles of existing sidewalks, which represent just 18% of the sidewalk needs, many sidewalks do not meet current safety and design standards established in the Major & Collector Street Plan of the General Plan; and

WHEREAS, the Metropolitan Council has significantly increased and maintained consistent, annual funding of \$30 million for the construction of sidewalks by the Department of Public Works, and at that annual funding level, the WalknBike Strategic Plan (2014) analysis indicated that it would take 20 years to complete 71miles of sidewalks identified as capital funding priorities; and

WHEREAS, the Metropolitan Council finds it necessary and in the public interest to establish reasonable criteria for the most timely and cost-effective provision of sidewalks within the public right-of-way in the areas of greatest need and where the impact of Nashville's growth is greatest, aligned with the General Plan and related strategic plans in Nashville and Davidson County; and

WHEREAS, staff of the Metropolitan Government have closely tracked the implementation and success of Ordinance BL2016-493 in its first year and a half and have proposed to provide an additional departmental process, similar to that currently undertaken for the staff reports issued for all sidewalk requirement variance requests before the Board of Zoning Appeals, whereby the Zoning Administrator, in direct consultation with engineering experts in the departments of Metro Public Works and Metro Water's Storm Water Division, can create a publicly transparent, documented, noticed, and appealable process for the consideration of hardship waivers, in whole or in part, to the various provisions of Title 17.20.120 of the Code.

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

Section 1. That Section 17.20.120 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing with the following:

17.20.120 – Provision of sidewalks.

Purposes. Nashville's population and built environment has grown and continues to grow rapidly. Sidewalks are required to facilitate safe and convenient pedestrian movements for residents, employees and/or patrons, and to reduce dependency on the automobile, thus reducing traffic congestion on the community's streets and protecting air quality. This article shall not decrease the allowable floor area ratio for development. The designation of an accessible and safe path for walking increases homeowner and community health and social connections.

Sidewalk networks minimize conflicts between vehicular and pedestrian movement along corridors and within and around centers identified in the General Plan (2015). Sidewalks offset a portion of the vehicular traffic consequences of population growth and increased density.

In consideration of these reasons, the sidewalk requirements below are aimed at creating a safe and convenient sidewalk network along the streets, corridors and centers identified in Nashville's General Plan (2015): Nashville Next, Nashville's Strategic Transit Plan (2016): nMotion, and Nashville's Strategic Plan for Sidewalks and Bikeways (2017): WalknBike, where the impact of Nashville's growth is greatest.

These provisions are not intended to and shall not decrease the allowable floor area ratio for development.

A. Applicability.

1. Multi-family or non-residential development or redevelopment. All provisions of this section shall apply to the development or redevelopment of multi-family or nonresidential property when the property is located within the urban services district, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the major and collector street plan. Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision. For the purposes of this subsection, there shall be a presumption that the current appraised value of all structures on the lot is that established by the Office of the Metropolitan Tax Assessor. Development or Redevelopment of multi-family or nonresidential property shall include one of more of the following:
 - a. Construction of a new structure on a vacant lot, including lots on which all structures have been or are planned to be demolished; or
 - b. The cost of any one renovation equal to or greater than fifty **person percent** of the ~~assessed~~ current appraised value of all structures on the lot, or the value of multiple renovations during any five-year period equal to or greater than seventy-five percent of the ~~assessed~~ current appraised value of all structures on the lot; or
 - c. The cost of any one expansion equal to or greater than twenty-five percent of the ~~assessed~~ current appraised value of all structures on the lot, or the value of multiple expansions during any five-year period equal to or greater than fifty percent of the ~~assessed~~ current appraised value of all structures on the lot; or
 - d. The total building square footage of any one expansion is equal to or greater than twenty-five percent of the total square footage of all structures on the lot, or the total building square footage of multiple expansions during any five-year period is equal to or greater than fifty percent of the total square footage of all the structures on the lot.
2. Single-family or two-family construction. ~~Single family or two-family construction~~ All provisions of this section shall apply to the construction of new single-family or attached or detached two-family structure(s) when the property is within the Urban Zoning Overlay, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the major and collector street plan in the urban services district (arterial and collector streets). Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision.

- a. ~~All provisions of [Section 17.20.120](#) shall apply to the construction of a new single-family or attached or detached two-family structure(s).~~
- b. ~~Dedication of right-of-way and easements required by subsection E of this section shall apply to all single-family and two-family permits for an addition or any renovation with a cost equal to or greater than twenty-five percent of the assessed value of all structures on the lot.~~

- 3. Waiver requests for all development types. Notification of a waiver request shall be sent to the appropriate district Councilmember, by way of the Metropolitan Council Office, by the Metropolitan Department of Codes Administration. Building permit(s) shall not be issued until at least **six five** business days from the date notification was sent to the Metropolitan Council Office.

The Zoning Administrator may waive, in whole or in part, the requirements of this section upon request by the property owner or its agent under the following circumstances:

- a. Where there is an existing substandard sidewalk, insufficient right-of-way, existing physical features on the property such as utilities, a ditch or drainage ditch, historic wall(s) or stone wall(s), tree(s), steep topography, or other hardship, the Zoning Administrator may approve an alternative design, or eliminate the sidewalk requirement in whole or in part if it is determined that a new sidewalk would not further the goal of extending or completing a sidewalk network. In addition to the Executive Director of the Planning Department, the Zoning Administrator shall consult with the Director of Public Works and the Director of Water Services, or their designees, prior to making any final determination.
- b. In **unique** situations where a public sidewalk is required by subsection 17.20.120 A.1. or A.2. and installation is required by subsection C of this section, the Zoning Administrator may allow the building permit applicant to make the in-lieu contribution for all or a portion of the street frontage(s) as an alternative to construction. In addition to the Executive Director of the Planning Department, the Zoning Administrator shall consult with the Director of Public Works and the Director of Water Services, or their designees, prior to making any final determination. **This provision shall be limited to situations that are not typical.**
- c. For properties eligible for public incentives for affordable housing from the Metropolitan Government, where the **appropriately** designated Metropolitan Government Department has provided the property owner with a letter indicating that said property or properties will be utilizing public funds for land or construction of the structure, the Zoning Administrator may waive the requirements of Section 17.20.120 A., C., and/or D., or, rather than waive the sidewalk requirements, the Zoning Administrator may only require sidewalks at key locations if recommended by the Executive Director of the Planning Department, or his or her designee.
- d. Where reconstruction is required due to circumstances beyond the control of the property owner, including, but not limited to, natural disaster, fire, or accident, the Zoning Administrator may waive the requirement for new sidewalk construction.
- e. For properties within Historic Zoning Overlay Districts, where new sidewalks would be detrimental to the historic nature of the street, and the waiver has been recommended by the Executive Director of the Metropolitan Historical Commission, or his or her designee, the Zoning Administrator may waive the requirement for new sidewalk construction.
- f. Where a **greenway** exists or is reasonably expected to be constructed within six years that would provide similar connectivity, and the waiver has been recommended by the Executive Director of the Metropolitan Planning Department, or his or her designee, the Zoning Administrator may waive the requirement for new sidewalk construction.
- g. For properties situated on corner lots in R and RS zoned districts, where new construction of sidewalks is determined to be inappropriate, the Zoning Administrator may permit alternative requirements. The Zoning Administrator shall consider the amount of street frontage and classification of fronting streets when making a determination. In addition to the Executive Director of the Planning Department, the Zoning Administrator shall consult with the Director of Public Works and the Director of Water Services, or their designees, prior to making any final determination.
- B. On-Site Sidewalk Installation For Multi-Family and Nonresidential Development. A continuous, all-weather internal sidewalk network, constructed to a minimum width of five feet, shall connect all pedestrian building entryways to parking areas and all public rights-of-way. Sidewalks shall be designed and constructed to be distinguishable from driving surfaces.
- C. Public Sidewalk Installation. The provisions of this subsection apply to all property frontage, regardless of whether sidewalks are provided in public right-of-way or pedestrian easements.

1. Construction of new sidewalks is required along the entire property frontage under any one or more of the following conditions, unless the property abuts a sidewalk segment that the Department of Public Works has funded and scheduled for construction:

a. When there is existing sidewalk in need of repair or replacement.

b. To extend the existing sidewalk, or sidewalk ~~proposed by~~ required as part of an existing Final Development Plan for a Specific Plan zoning district or issued permit within any other zoning district, on an abutting development.

c. Existing sidewalk present on the same block face.

d. Multi-family or nonresidential properties within the Urban Zoning Overlay.

e. Multi-family or nonresidential properties along a street in the major and collector street plan.

2. Sidewalk Design Standards.

a. Sidewalk dimensions and required elements shall comply with the major and collector street plan or, for a street not in the major and collector street plan, the adopted standards of the metropolitan government. Design of sidewalks shall comply with approved standards established by the Department of Public Works.

b. Obstructions are prohibited within the required pedestrian travelway, but may be located within a grass strip/green zone or frontage zone. Prior to the issuance of use and occupancy permits, existing obstructions shall be relocated outside of the required pedestrian travelway.

D. Contribution to the fund for the pedestrian benefit zone as an alternative to sidewalk installation.

1. When a public sidewalk is required by subsection A, but installation is not required by subsection C of this section, the building permit applicant may make a financial contribution to the fund for the pedestrian benefit zone in lieu of construction. The value of the contribution shall be the average linear foot sidewalk project cost, including new and repair projects, determined by July 1 of each year by the Department of Public Works' review of sidewalk projects contracted for or constructed by the Metropolitan Government. The contribution in-lieu of construction shall be no more than **two three** percent of the total construction value of the permit.

2. Any such contributions received by the Metropolitan Government shall be assigned and designated for implementation of the strategic plan for sidewalks and bikeways, as approved by the Planning Commission. The applicant's payment shall be allocated within ten years of receipt of the payment within the same pedestrian benefit zone as the property to be developed; otherwise, the payment shall be refunded to the building permit applicant.

3. Contribution to the pedestrian network as an alternative to sidewalk installation required under this section shall be received by the Department of Public Works, and written confirmation of the contribution shall be sent to the Department of Codes Administration prior to the issuance of a building permit.

E. Dedication of Right-of-Way and Easements Required. Dedication of right-of-way and/or public pedestrian easement is required to permit present or future installation of a public sidewalk built to the current standards of the Metropolitan Government. ~~For properties abutting an existing sidewalk or planned sidewalk identified in the priority sidewalk network in the strategic plan for sidewalks and bikeways, all driveways, walkways and other improvements within public right-of-way or pedestrian easement shall be designed and graded in accordance with public works' design standards necessary to accommodate future sidewalk construction.~~

F. Improvements required or elected on public rights-of-way and/or public pedestrian easements under subsection C of this section shall be reviewed for compliance by the Department of Public Works. No building permit shall be issued by the Department of Codes Administration until the Department of Public Works has released the building permit. Prior to the Department of Codes Administration authorizing final use and occupancy, the Department of Public Works shall inspect and approve the sidewalk improvements in the public rights-of-way and/or public pedestrian easements.

Section 2. That Section 17.20.125 of the Metropolitan Code is hereby amended by deleting it in its entirety and replacing it with the following:

17.20.125 – Right to appeal and seek variances.

The provisions of Section 17.20.120 may be varied or interpretations appealed in conformance with Chapter 17.40, Administration and Procedures. The Board of Zoning Appeals may require a contribution to the pedestrian network consistent with subsection 17.20.120.D., an alternative sidewalk design, or other appropriate mitigation for the loss of the public improvement as a condition to a variance. The Board of Zoning Appeals shall not accept an application until the Zoning Administrator has made a determination on the requirement as set forth in this chapter.

- Section 3. ~~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.~~ Be it further enacted that this ordinance take effect September 1, 2019, and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Approve with a substitute. Consent Agenda. (10-0)

Resolution No. RS2019-245

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-013TX-001 is **approved with a substitute. (10-0)**”

11. 2019CP-003-001

**BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY
PLAN AMENDMENT**

Council District 03 (Brenda Haywood)
Staff Reviewer: Anita McCaig

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by changing from T3 NE to T2 RM Policy for properties located at 534, 658, 672, 676, and 680 Brick Church Lane, Brick Church Lane (unnumbered), and 0 Knight Drive, zoned R10 (139.34 acres), requested by Elise Hudson and James Frierson Hudson, applicants; various owners.

Staff Recommendation: Disapprove; retain the current T3 NE.

APPLICANT REQUEST

Amend Bordeaux-Whites Creek-Haynes Trinity Community Plan to change the policy.

Major Plan Amendment

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by changing from T3 Suburban Neighborhood Evolving (T3 NE) to T2 Rural Maintenance (T2 RM) Policy for properties located at 534, 658, 672, 676, and 680 Brick Church Lane, Brick Church Lane (unnumbered), and 0 Knight Drive, zoned One and Two-Family Residential (R10) (139.34 acres).

BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN

Current Policy

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. It may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

T2 Rural Maintenance (T2 RM) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy identifies land with sensitive environmental features, including, but not limited to, steep slopes, floodway/floodplain, 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. In the study area, CO policy is applied to steep slopes and waterway features.

Proposed Policy – Note: Conservation policy will remain.

T2 Rural Maintenance (T2 RM) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded.

BACKGROUND

The amendment study area is surrounded by four policy areas:

- T2 Rural Maintenance (T2 RM), located to the north and northwest and also extending into the northwestern portion of the study area;
- T3 Suburban Neighborhood Evolving (T3 NE), applied to the majority of the study area and extending to the southwest along Knight Drive;
- District Industrial (D IN), adjacent to the south; and
- Conservation (CO), located throughout the study area and in the surrounding area.

The first iteration of the Bordeaux-Whites Creek-Haynes Trinity Community Plan, adopted by the Planning Commission in August 1992, applied Industrial policy to the study area and portions of the surrounding area north of Brick Church Lane, stating that its application reflected the prior policy commitment of this area to industrial development. The following plan update, adopted in April 1998, continued the Industrial policy application in this area, saying that existing residential and institutional uses would convert to industrial uses over time, along with improving the area's infrastructure and connectivity.

As more community members became involved in the planning process, the third iteration of the community plan, adopted in September 2003, changed the policy direction of this area to residential low-medium density and applied a special policy area stating that recommended density in the area is no more than 2 dwelling units per acre.

During preparation of NashvilleNext in 2014, the Planning Department led a detailed study of Whites Creek, hosting five community workshops. Some participants of that process, including the applicant, have since said they repeatedly requested T2 RM for the current study area during the 2014 meetings. In October 2014, when the Whites Creek Plan was completed, it showed the current plan amendment request area as T3 NM policy. However, the NashvilleNext approach was to place larger property areas with environmentally sensitive features in T3 NE policy to allow for more flexibility in preserving natural features with building and site design. Thus, T3 NE became the policy recommendation adopted by the Planning Commission as part of NashvilleNext in June, 2015. The current plan amendment area was not one of the areas in Whites Creek that was deferred for further study when the remainder of NashvilleNext was adopted in June 2015.

Four of the eight properties within the study area are split between T2 RM and T3 NE policy.

The *Growth & Preservation Concept Map of NashvilleNext* identifies the plan amendment area within the Neighborhood area and the Green Network area.

The amendment request area is located in the General Services District and sewer is available within the general vicinity.

A portion of the area is limited by steep slopes, other topographical challenges, and the floodway/floodplain of Vhoins Branch, a tributary of Ewing Creek. TVA distribution lines also cross the study area.

The Major and Collector Street Plan (MCSP) identifies Brick Church Lane as a suburban two-lane-collector-avenue; however, Brick Church Lane is not constructed to its MCSP standard. Road shoulders are limited and lack sidewalks and bikeway facilities. Today, Brick Church Lane looks like and functions as a rural corridor with shoulders and swales instead of curbs and gutters. Brick Church Lane connects to the west with Knight Drive, also classified as a suburban two-lane-collector avenue, and to the east with Brick Church Pike, classified as a suburban mixed use three-lane-arterial-boulevard. Brick Church Pike connects with Briley Parkway and its interchange with I-24.

WeGo Public Transit serves Brick Church Pike to the east of the study area with Route 23 (Dickerson Road) that, via various streets and Dickerson Pike, links neighborhoods with the Skyline Commons Shopping Center and Skyline Medical Center to Music City Central in Downtown Nashville. Route 23 provides weekday frequencies ranging from 20-35 minutes.

The existing zoning is R10 and is part of a larger area of R10 zoning. The current development pattern reflects the preservation of land with environmental significance, such as steep topography, vegetation, and view sheds and the preservation of tracts of farmland. The existing land uses within and near the study area consist of large-lot, single family residential (lots ranging from five to 25 acres) and large vacant properties. Adjacent to the southwest are smaller residential lots on 0.08 and 0.1 acres, which access Knight Drive.

Most of the lots within the study area have remained large-lot single family residential for some time, with the exception of the 65-acre Parkwood Estates subdivision that, if developed, would have a more suburban character. The subdivision was approved by the Commission on November 9, 2017, but is currently the subject of litigation. The concept plan created 193 lots that range in area from 6,000 to 9,000 square feet while reserving 22.7 acres for open space.

Adjacent to the south of the study area is the FedEx distribution terminal that accesses Knight Drive and Briley Parkway. As Brick Church Lane crosses under I-24, there are more distribution uses before encountering residential and institutional uses located along Brick Church Pike.

COMMUNITY PARTICIPATION

As part of the application process, the Executive Director determined the plan amendment is major, which required the applicant to hold a community meeting and provide notice to property owners within 1,300 feet of the study area boundary defined by staff. Staff hosted a community meeting at the Hillenglade Barn on May 6, 2019, attended by 20 people from the community in addition to the applicant and staff. At-Large Councilmember Erica Gilmore also attended.

Most attendees were in support of changing the policy to T2 RM to reflect the existing large-lot residential character of parcels along Brick Church Lane and their desire to maintain rural character. A representative of Parkwood Estates also attended and expressed hesitancy in changing the policy to Rural due to the current litigation and uncertainty of impacts from changing the policy on entitlements. Planning staff cautioned the attendees that changing the policy does not change existing entitlements, and, in addition to that, may not impact, or limit, the subdivision development, especially due to the unknown outcomes of litigation at present.

ANALYSIS

Balance struck during Whites Creek Plan

In 2014, both the department and many neighbors committed extensive resources and time to a conversation about the future direction of the Whites Creek area in five community workshops. In 2015, the work resulted in the adoption of new land use policies for Whites Creek as part of NashvilleNext. Later in 2015 and 2016, the department continued work on balancing interests in eleven areas where the policy adoption was deferred from the adoption of NashvilleNext. Policies for those areas were adopted in 2016. Also in 2016, planners worked with Whites Creek community members to incorporate guidance for rural character subdivisions into the Subdivision Regulations, also adopted by the Commission.

Most plan updates are complex and require balancing various interests and ideas. During these policy reviews, a central question was balancing the vision for rural preservation with existing, long-standing, suburban zoning entitlements and property owner expectations. Staff approached this community in a thoughtful manner that balanced different perspectives about a community's direction while also meeting larger goals established with NashvilleNext. Staff discussed with the community the intricacies of existing property entitlements, development patterns, zoning, and infrastructure. The approved Whites Creek policies placed rural policy on the majority of the area, acknowledging existing development patterns. The approved Plan also incorporated suburban policies in limited southern areas, recognizing existing suburban development and the need for transitions to adjacent policies. Throughout the studies, staff emphasized looking at the area collectively instead of focusing on individual sites.

During the public hearing for NashvilleNext and the Whites Creek Plan, as well as the subsequent public hearing for the deferred areas, the Commission heard testimony from some that supported more rural policies and restrictions, while others argued for more suburban policies that acknowledged existing zoning entitlements and areas where sewer service was available. Staff acknowledged during both presentations that the Plan was a compromise between divergent interests and that, while not everyone agreed with each detail, planners made strides in gaining support for the overall approach.

The current amendment request accounts for a limited portion of the Whites Creek Plan area and may disrupt the balance of community goals and policy application in the approved Plan. Staff feels that it is problematic to evaluate the limited area identified in this plan amendment request without reopening a discussion of the broader Whites Creek area, especially the large area of suburban character zoning.

The map below shows the large areas of suburban character zoning, including R10, RS10, R15, RS15, and RS20; the study area of the current request is shown with a black outline in the bottom right portion of the map. In general, given the importance of land use policy in the Commission's decisions, the approach to plan updates should be predictable and transparent. Given the extensive community feedback as the foundation of the approved Whites Creek Plan, it is important to reinforce the integrity of the engagement process and outcomes as one that residents, property owners, and elected officials can rely on.

Key Findings

- Retain the T3 NE policy to maintain the balance struck among stakeholders during the Whites Creek Plan.
- Retain the T3 NE policy until the Whites Creek Plan and the larger area of suburban character zoning can be studied comprehensively.

Current Request for T2 RM policy application

Staff received the current request to reconsider a small portion of the Whites Creek Plan area. The requested change would scale back a small transition area of suburban residential (T3 NE) to rural residential (T2 RM) policy.

While T2 RM policy has occasionally been applied to property zoned R10, the existing T3 NE policy is a better fit. The eastern portion of the plan amendment area is close to Brick Church Pike and its interchange with Briley Parkway

which then quickly connects with I-24. This area has fewer environmental constraints. T3 NE policy also provides a better transition to the adjacent industrial policy. Note that changing the policy would shift the standard for subdivision review but would not change the underlying zoning and associated development entitlements. Additionally, recent cases have highlighted difficulties that arise from conflicting community expectations when Rural Subdivision standards are applied to properties with zoning traditionally associated with suburban development.

For the Whites Creek area, many residents desire for the area to maintain its rural character; however, current zoning entitlements throughout the area allow for a suburban character of development. There is tension between property owners that desire to build under current, suburban character entitlements and others that desire to prevent suburban development from altering the community's overall rural character.

Staff is aware of the need to further study rural policy areas and has that work programmed for 2021. In addition to concerns listed above, to reopen the Whites Creek Plan at this time would limit staff's availability to address requests from other neighborhoods for planning services throughout the County.

Key Findings

- T3 NE policy is a better fit for R10 zoning.
- T3 NE policy forms an appropriate transition to adjacent Industrial policy area and interchange area.

Summary of Key Findings

Retaining the current T3 NE policy is appropriate for the following reasons as it:

- Maintains the balance struck among stakeholders during the Whites Creek Plan;
- Retains the integrity of the Whites Creek Plan until the Plan and the larger area of suburban character zoning can be studied comprehensively;
- Is a better fit with the area's R10 zoning; and
- Forms an appropriate transition to the adjacent Industrial policy and interchange area.

STAFF RECOMMENDATION

Staff recommends disapproval of this request and retention of the current T3 NE policy.

If the Commission so chooses, another option would be to defer this request indefinitely until staff can study comprehensively the larger Whites Creek Plan area and its areas of suburban character zoning, currently anticipated for 2021.

Ms. McCaig presented the staff recommendation of disapproval; retain the current T3 NE.

Elise Hudson, 4601 Whites Creek Pk, spoke in favor of the application.

Jennifer Hagan-Dier, 681 Brick Church Ln, spoke in favor of the application. The plan was wrongfully passed through NashvilleNext.

George Ewing, 4601 Whites Creek Pk, spoke in favor of the application.

Herman Sutherland, 641 Brick Church Ln, spoke in favor of the application; the density is too high.

James Hudson, 536 Brick Church Ln, spoke in favor of the application.

Stephanie McGee, 627 Brick Church Ln, spoke in favor of the application as Brick Church Lane is a very narrow, dangerous road.

Wesley Hudson, 527 Brick Church Ln, spoke in favor of the application. The community has fought for years to keep this area rural.

Marcella Hudson, 827 Brick Church Ln, spoke in favor of the application.

Cheryl Hudson, 536 Brick Church Ln, spoke in favor of the application.

Winston Gaines, 159 Cumberland Dr, spoke in opposition to the application as he was never given any notice or asked to participate.

Bayron Binkley, 1229 Knox Valley Rd, spoke in opposition to the application.

Jim Murphy, 1600 Division St, spoke in opposition to the application. This is the appropriate area for T3 NE. Nothing has changed to warrant a policy change.

Jennifer Gamble, 1452 Tempary Ct, spoke in opposition to the application. More single family homes and infrastructure improvements are needed.

Tom White, 315 Deaderick St, spoke in opposition to the application; there has not been a change to warrant a policy change.

Elise Hudson asked for approval and stated that the folks who spoke in opposition don't live in the area.

Chairman Adkins closed the Public Hearing.

Mr. Elam expressed hesitation to go against the work that was done during NashvilleNext. There doesn't seem to be a reason to change the policy.

Ms. Kempf explained that zoning is what determines a number of things that were brought up, not the policy. Changing the policy would not change the zoning, and this is not a rezoning.

Ms. Moore spoke in favor of staff recommendation as the current zoning makes sense and changing the policy wouldn't benefit the area.

Dr. Sims spoke in favor of staff recommendation. Density has to go somewhere and these areas are prime.

Ms. Farr spoke in favor of staff recommendation. If we are going to look at this one, we might need to look at all of the areas in the community that are zoned for suburban character, which may open up a discussion the community doesn't want to have.

Mr. Tibbs spoke in favor of staff recommendation.

Ms. Blackshear moved and Dr. Sims seconded the motion to disapprove and retain the current T3 NE. (8-0)

Resolution No. RS2019-246

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019CP-003-001 is **disapproved; retain the current T3 NE. (8-0)**

**12. 2019SP-027-001
ROOTS EAST SP**

Council District 05 (Scott Davis)

Staff Reviewer: Patrick Napier

A request to rezone from RS5 to SP-MU zoning for properties located at 930 McFerrin Avenue and 907 W Eastland Avenue, approximately 180 feet south of Seymour Avenue and within the Greenwood Neighborhood Conservation Overlay District (2.46 acres), to permit a mixed use development, requested by Smith Gee Studio, applicant; Woodland Street Partners, LLC, owner.

Staff Recommendation: Defer to the July 18, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-027-001 to the July 18, 2019, Planning Commission meeting. (10-0)

**13. 2019SP-047-001
KNIPFER CORNER SP**

Council District 01 (Jonathan Hall)

Staff Reviewer: Jason Swaggart

A request to rezone from RS40 to SP - MU zoning for properties located at 7330, 7340, 7350, 7360 and 7368 Whites Creek Pike, approximately 1860 feet northeast of Eatons Creek Road (8.82 acres), to permit a mixed use development, requested by Dale and Associates, applicant; Dorothy Knipfer, Carl Knipfer, and Lisa Arrington, owners.

Staff Recommendation: Defer to the August 22, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-047-001 to the August 22, 2019, Planning Commission meeting. (10-0)

**14. 2019SP-048-001
CEDARS OF CANE RIDGE SP**

Council District 31 (Fabian Bedne)
Staff Reviewer: Patrick Napier

A request to rezone from AR2a to SP zoning for properties located at 5866 Pettus Road, Pettus Road (unnumbered), and a portion of property located at 5916 Pettus Road, approximately 880 feet northeast of Sundown Drive (43.7 acres), to permit 139 single family residential lots and open space, requested by Land Solutions Company LLC, applicant; Green Trails LLC and William Turner, owners.

Staff Recommendation: Defer to the July 18, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-048-001 to the July 18, 2019, Planning Commission meeting. (9-0-1)

**15. 2019HP-001-001
MARATHON VILLAGE**

BL2019-1584/O'Connell
Council District 19 (Freddie O'Connell)
Staff Reviewer: Amelia Lewis

A request to apply a Historic Preservation Overlay District to various properties located along Jo Johnston Avenue from 16th Avenue North to 12th Avenue North and bordered by the CSX Railroad, zoned CF, CS, IR and SP (13.79 acres), requested by Councilmember Freddie O'Connell, applicant; various owners.

Staff Recommendation: Defer to the July 18, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019HP-001-001 to the July 18, 2019, Planning Commission meeting. (10-0)

**16. 2019S-081-001
FOX VALLEY SUBDIVISION**

Council District 09 (Bill Pridemore)
Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 121 cluster lots on properties located at 1133, 1145, and 1201 Neely's Bend Road and Neely's Bend Road (unnumbered), approximately 115 feet east of Candlewood Drive, zoned RS10 (32.8 acres), requested by T-Square Engineering, applicant; 1201 Neelys Bend Road, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Concept plan approval to create 121 single-family lots.

Concept Plan

A request for concept plan approval to create 121 cluster lots on properties located at 1133, 1145, and 1201 Neely's Bend Road and Neely's Bend Road (unnumbered), approximately 115 feet east of Candlewood Drive, zoned Single-Family Residential (RS10), (32.8 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 143 residential units.*

Community Character Manual Policy

The site is within the Suburban Neighborhood Maintenance (T3 NM) and the Conservation (CO) policies. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For T3 NM and CO, the conventional regulations found in Chapter 3 are utilized.

PLAN DETAILS

The approximately 32 acre site is located on the north side of Neely's Bend Road. Two streets stub to the site, and include Canton Pass and Apache Lane. Canton Pass stubs to the site from the north and the south. The site was the previous home to Odom Sausage Company. At that time the site was within a commercial Planned Unit Development Overlay District (PUD) that permitted the industrial use. The factory shut down and the PUD was recently canceled (March 29, 2019).

Site Plan

The plan proposes 121 single-family residential cluster lots with an overall density of approximately 3.7 dwellings per acre. Lots range in size from a little over 5,000 square feet to approximately 14,000 square feet. All lots front and are accessed from new public roads.

The new roads connect to Neely's Bend Road, Canton Pass and Apache Lane. The plan will connect the southern leg of Canton Pass to the northern leg of Canton Pass. All new streets are local and include a five foot wide sidewalk and a four foot wide planting strip. A six foot wide sidewalk with an eight foot wide planting strip is shown along Neely's Bend Road. The plan also calls for a six foot wide bike zone.

Approximately 11 acres (33%) of the site is designated as open space, and includes landscape buffers, stormwater facilities and recreational areas. The plan calls for the development to be constructed in three phases, and all three phases have more than 25% open space.

ANALYSIS

The cluster lot option in the Zoning Code allows for flexibility of design, the creation of open space and the preservation of natural features in Single-Family (RS) and One and Two-Family (R) zoning districts. To permit creative design necessary to meet the premise of the cluster lot option, residential lots are allowed to contain less land area than what is normally required by the base zoning district when certain standards are met. The minimum lot area within a cluster lot subdivision may be reduced down to a minimum of two smaller base zone districts. The cluster lot option does not allow more density than what would be allowed under the existing RS10 zoning districts. The proposed plan reduces the minimum lot area by two zone districts to 5,000 square feet (RS5).

In cluster lot subdivisions, a minimum of 15 percent of the development must be open space. Of the approximately 32 acres, 11 acres will remain as open space, or 33% of the total area. Recreational facilities are required within a portion of the open space, and this proposal includes a gazebo and playground. As proposed, the plan meets all requirements of the Subdivision Regulations and the Zoning Code for the cluster lot option. In addition to meeting all requirements of the Subdivision Regulations and the Zoning Code for the cluster lot option, the plan provides for future street connectivity and is consistent with the Major and Collector Street Plan (MCSP).

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Offsite improvements may be required (to be determined during Final Site Plan review).

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

- Construct the proposed Site Access to be aligned with the existing intersection of Neely's Bend Road and River Pass with one (1) inbound lane and one (1) outbound lane operating under a stop condition. The outbound lane will have one (1) shared lane for left-turn and right-turn movements.
- Construct one (1) exclusive left-turn lane on the eastbound approach of Neely's Bend Road at River Pass/Site Access. The left -turn lane on Neely's Bend shall provide 50 feet of storage and taper lengths according to MUTCD, AASHTO, TDOT, and Metro Nashville standards.
- All radii for the proposed access shall be designed to accommodate the largest turning requirements of either an SU-30 truck (garbage) or an emergency vehicle (fire apparatus) that will service the development according to MUTCD, AASHTO, TDOT, and Metro Nashville standards.
- Ensure the departure sight distance triangles for all driveways, internal intersections, and site access intersections are designed to be clear of all sight obstructions (including grade) as specified by AASHTO. The design of proposed internal roadway system should be completed according to the MUTCD, AASHTO, TDOT, and Metro Nashville standards.
- Developer shall install appropriate stop signs for internal subdivision roads and provide adequate sight distance at intersections.

WATER SERVICES
N/A – Served by MSUD

MADISON SUBURBAN UTILITY DISTRICT
Approve

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.
 2. Comply with all conditions and requirements of Metro agencies.
- Mr. Swaggart presented the staff recommendation of approval with conditions.

Cole Newton, 1318 Cardinal Ave, spoke in favor of the application.

Thomas George, 721 House Ave, spoke in opposition to the application due to increased traffic and flooding concerns.

Gary Gugala, 2105 Candlebrook Ct, spoke in opposition to the application due to inadequate infrastructure, traffic and safety concerns.

Peter Terry, 1233 Canton Pass, spoke in opposition to the application due to traffic concerns.

Bruce (last name unclear), 1700 Cumberland Station Blvd, spoke in opposition to the application due to traffic concerns.

Cole Newton explained that a traffic study was completed and they will follow all Metro department requirements.

Chairman Adkins closed the Public Hearing.

Dr. Sims asked if a community meeting was held. A lot of questions are being asked that should have been answered in more of a community setting.

Mr. Newton stated that a community meeting was not held.

Ms. Blackshear explained that plans tend to be better when neighborhoods are involved on the front end.

Mr. Tibbs spoke in favor of the application.

Ms. Farr stressed that infrastructure needs to be kept in mind.

Ms. Blackshear suggested a deferral to allow time for a community meeting.

Ms. Blackshear moved and Mr. Tibbs seconded the motion to defer to the July 18, 2019 Planning Commission meeting. (8-0)

Resolution No. RS2019-247

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019S-081-001 is deferred to the July 18, 2019 Planning Commission meeting. (8-0)

17. 2018Z-039PR-001

Council District 05 (Scott Davis)

Staff Reviewer: Patrick Napier

A request to rezone from RS5 to R6-A zoning on properties located at 1602, 1604, 1606, 1702, and 1704 Meridian Street, approximately 30 feet northwest of Edith Avenue (1.68 acres), requested by Councilmember Scott Davis Land Development Solutions, applicant; various, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Zone change from RS5 to R6-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential - Alternative (R6-A) zoning on properties located at 1602, 1604, 1606, 1702, and 1704 Meridian Street, approximately 30 feet northwest of Edith Avenue (1.68 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 5 single-family residential units based on the current lot configuration.*

One and Two-Family Residential – Alternative (R6-A) 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 and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *R6-A would permit a maximum of five duplex lots for a total of ten units.*

EAST NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

Highland Heights Study Supplemental Policy

The site is within the Highland Heights Study Supplemental Policy which was recently approved and adopted by the Planning Commission on June 14, 2018. The Highland Heights Study was completed after an extensive community engagement process which resulted in updates to the community character policies for the area, The Highland Heights Study also established a supplementary Building Regulating Plan and Mobility Plan for the area. The community character policy for this did not change with adoption of the Highland Heights plan. This site is located within the R5 sub district as identified within the Highland Heights Small Area Plan.

ANALYSIS

The property contains 1.68 acres located on the western side of Meridian Street, approximately 30 feet northwest of Edith Avenue.

The requested R6-A is supported by the R5 Subdistrict of the Highland Heights Small Area plan. The Highland Heights Study envisioned that the R5 area would accommodate additional density in concert with the installation of infrastructure, specifically an integrated alley network. The Mobility Plan provides a blueprint for an alley network and identifies a proposed north/south alley, running behind the lots along Meridian Street which would make a 90 degree turn and connect to Luton and Meridian Street.

While the supplemental policy applicable to this site supports additional intensity, policy guidance also explains that additional intensity is appropriate only in concert with construction of public infrastructure to support the development. The R6-A zone district represents a modest increase in residential intensity, which is appropriate given the lack of existing infrastructure. The modest increase represented within the R6-A zone district is consistent with the policy goals to establish a framework of public infrastructure to accommodate the increased capacity of higher intensity residential development.

To ensure that the intent of the policy regarding the alley is met, staff recommends a condition requiring that one-half of the standard alley right-of-way (10 feet of 20 feet required to meet the Public Works standard) be dedicated prior to building permit. The right-of-way dedication will ensure that the alley can be constructed through this area in the future, as more lots along Meridian Street redevelop, implementing the goals of the policy over time.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

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)	1.68	8.71 D	5 U	20	7	8

Maximum Uses in Proposed Zoning District: **R6-A**

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)	1.68	7.26 D	10 U	38	14	11

Traffic changes between maximum: **RS5 and R6-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+5 U	+18	+7	+3

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed R6-A district: 1 Elementary 0 Middle 0 High

The proposed zoning is expected to generate 1 additional student beyond the existing zoning. Students would attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2018.

STAFF RECOMMENDATION

Staff recommends approval of R6-A with conditions.

CONDITIONS

1. Prior to the issuance of building permits, one-half of the required alley right-of-way needed to meet the Public Works standard shall be dedicated along the rear property lines.

Approve with conditions. Consent Agenda. (10-0)

Resolution No. RS2019-248

“BE IT RESOLVED by The Metropolitan Planning Commission that 2018Z-039PR-001 is **approved with conditions. (10-0)**

CONDITIONS

1. Prior to the issuance of building permits, one-half of the required alley right-of-way needed to meet the Public Works standard shall be dedicated along the rear property lines.

18. 2017Z-037PR-001

BL2019-1569/Scott Davis

Council District 05 (Scott Davis)

Staff Reviewer: Latisha Birkeland

A request to rezone from RS5 to SP zoning on properties located at 1804 and 1806 Lischey Avenue, at the northwest corner of Edith Avenue and Lischey Avenue (3.2 acres), requested by Councilmember Scott Davis, applicant; American Dream Developers, Inc., owner.

Staff Recommendation: Disapprove.

The Metropolitan Planning Commission deferred 2017Z-037PR-001 to the July 18, 2019, Planning Commission meeting. (10-0)

**19. 2019CP-004-002
MADISON COMMUNITY PLAN AMENDMENT**

Council District 09 (Bill Pridemore)
Staff Reviewer: Anna Grider

A request to amend the Madison Community Plan by removing supplemental policies 04-LS-T3-RC-01 and 04-LS-T3-NE-01 on properties located at 424 Larkin Springs Road and Larkin Springs Road (unnumbered), approximately 375 feet north of Hospital Drive, zoned RS10 (1.98 acres), requested by March Developments, LLC, applicant and owner.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission deferred indefinitely 2019CP-004-002. (10-0)

**20. 2019SP-045-001
2500 W. HEIMAN STREET**

Council District 21 (Ed Kindall)
Staff Reviewer: Joren Dunnavant

A request to rezone from RM40, IR and R6 to SP-MU zoning for properties located at 2518, 2500, 2404 West Heiman Street and Heiman Street (unnumbered), located along the north side of Grace Street, (11.68 acres), to permit all uses of RM40-A, requested by Smith Gee Studio, applicant; FMBC Investments, LLC, owner.

Staff Recommendation: Defer to the July 18, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-045-001 to the July 18, 2019, Planning Commission meeting. (10-0)

**21a. 2019SP-046-001
SKYLINE EAST SP**

Council District 05 (Scott Davis)
Staff Reviewer: Amelia Lewis

A request to rezone from RM20 to SP-MU zoning for properties located at 651 and 660 Joseph Avenue and 301 North 2nd Street and within a Planned Unit Development Overlay District, located along the south side of Grace Street, (14.38 acres), to permit a mixed use development, requested by Smith Gee Studio, applicant; Riverchase Holdings, owner (see associated case 2003P-015-002).

Staff Recommendation: Defer to the July 18, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-046-001 to the July 18, 2019, Planning Commission meeting. (10-0)

**21b. 2003P-015-002
PUD (CANCELLATION)**

Council District 05 (Scott Davis)
Staff Reviewer: Amelia Lewis

A request to cancel a portion of a Planned Unit Development Overlay District for properties located at 651 and 660 Joseph Avenue and 301 North 2nd Street, located along the south side of Grace Street, zoned RM20 (14.38 acres), requested by Smith Gee Studio, applicant; Riverchase Holdings, owner (see associated case 2019SP-046-001).

Staff Recommendation: Defer to the July 18, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2003P-015-002 to the July 18, 2019, Planning Commission meeting. (10-0)

22. 2019S-109-001

RICHARDS FARMS SUBDIVISION

Council District 02 (DeCosta Hastings)

Staff Reviewer: Patrick Napier

A request for final plat approval to create 11 lots on property located at 1601 East Stewarts Lane and a portion of property at 1501 East Stewarts Lane, approximately 375 feet south of Cedar Grove, zoned RS10 (2.55 acres), requested by Clint Elliott Survey, applicant; Gus Richards, Jr, owner.

Staff Recommendation: Defer to the July 18, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019S-109-001 to the July 18, 2019, Planning Commission meeting. (10-0)

23. 2019S-001HM-001

1605 PORTER ROAD

Council District 07 (Anthony Davis)

Staff Reviewer: Jason Swaggart

A request to move a house from 1312 Porter Road to 1605 Porter Road, approximately 225 feet east of Cahal Avenue, zoned R6 (0.34 acres), requested by Olympus Development, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Move a house from 1312 Porter Road to 1605 Porter Road.

House Move

A request to move a house from 1312 Porter Road to 1605 Porter Road, approximately 225 feet east of Cahal Avenue, zoned One and Two-Family Residential (R6) (0.34 acres).

Existing 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. *R6 would permit a maximum of two residential units.*

STATE LAW

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

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

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

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

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

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

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

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

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

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

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

The residence is consistent with:

- (1) The age of existing residences within the developed area of single family residences, if the residence to be moved is within ten (10) years of the average age of the existing structures within the developed area;
- (2) (A) The value of existing residences within the developed area of single family residences, if the valuation of the residence being moved appraised, prior to being moved, at a value that is at least equal to the average appraisal of the existing structures within the developed area; provided, that nothing in this subdivision (2) shall be construed to prevent the residence from exceeding the value of the existing structures. In establishing the value of existing structures, the value of modular homes located in the developed area shall not be used in arriving at the average appraisal of the existing structures;
(B) If the value of the residence, prior to being moved, appraised at a value that is at least equal to the average appraisal of the existing structures within the developed area, then it shall be presumed that the residence shall appraise at least at the same or greater value once it is moved;
(C) In obtaining approval from a governing body identified in § 13-3-502, as proof that the value of the residence or appearance of the residence is consistent with the value or appearance of the existing residences, evidence may be presented that includes photographs of the inside and outside of the residence to be moved as well as the appraised value of the residence as determined by the assessor of property, or the fair market value of the residence as determined by an independent appraiser. The proof shall be a rebuttable presumption that the value and appearance of the residence is at least equal to the value and appearance of the existing structures within the developed area. Additional documents showing intended improvements may also be presented;
- (3) The size of existing residences within the developed area of single family residences, if the size of the residence being moved is at least within one hundred square feet (100 sq. ft.) of the average size of the existing structures within the developed area; provided, that nothing in this subdivision (3) shall be construed to prevent the residence from exceeding the average square footage. In establishing the average size of existing structures, the square footage of modular homes shall not be used in making the calculations; and
- (4) The appearance of existing residences within the developed area of single family residences as determined by the body giving its approval for the single family residence to be moved to the developed area.

ANALYSIS

The house to be moved is located at 1312 Porter Road which is approximately a quarter mile to the south from the receiving site (1605 Porter Road). There is an existing home at 1605 Porter Road. The receiving property is duplex eligible, and the home will be relocated behind the existing home. There is not a Home Owner's Association (HOA) or a Neighborhood Association (NA). Since there is neither a HOA nor a NA, the law requires that the house move be approved by a governmental body, in this case the municipal planning commission.

Staff recommends approval of the request. The law requires that the residence being moved to be consistent with the age, value, size and appearance of surrounding residence within the "developed area". The house to be moved is within close proximity of the receiving site, and is similar in size, value and appearance to surrounding homes. The home to be moved is not within ten years of the average age of homes in the analysis area. The analysis area has experienced lots of change in the past several years and consists of a variety of old and newer homes. Many homes were built within the last couple of years, and do not reflect the historical character of the area. While the home to be moved does not fall within ten years of the average age of surrounding homes, the home reflects the historical character of the area. The intent of the law is to ensure that homes moved to a particular lot do not have a negative impact on surrounding properties. In this case, the home being moved should not have any negative impact and will be in keeping with the historical housing type.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Permit through Codes Administration.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Permit through Codes Administration.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Prior to moving the house, a permit must be obtained through the Codes Administration.

Approve with conditions Consent Agenda. (10-0)

Resolution No. RS2019-249

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019S-001HM-0011 is **approved with conditions. (10-0)**
CONDITIONS

1. Prior to moving the house, a permit must be obtained through the Codes Administration.

**24. 191-69P-001
PRIEST LAKE CENTER PUD (AMENDMENT)**

Council District 14 (Kevin Rhoten)
Staff Reviewer: Amelia Lewis

A request to amend a portion of a Commercial Planned Unit Development Overlay District for properties located at 4021 and 4033 Mills Road, approximately 260 feet west of Old Hickory Boulevard, zoned CL (2.13 acres), to permit a hotel, requested by W. Wright E. C. LLC, applicant; Swami - Shreeij Hermitage, LLC, owner.

Staff Recommendation: Defer to the July 18, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 191-69P-001 to the July 18, 2019, Planning Commission meeting. (10-0)

**25. 2005P-010-006
NASHVILLE COMMONS PUD (REVISION AND FINAL)**

Council District 03 (Brenda Haywood)
Staff Reviewer: Joren Dunnivant

A request to revise a portion of a Planned Unit Development District Overlay and for final site plan approval and for a portion of property located at 3440 Dickerson Pike, approximately 900 feet north of Doverside Drive, zoned CS and SCR (2.44 acres), to permit a 74,340 square foot hotel, requested by Skyline Hospitality LLC, applicant; Skyline Commons LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a portion of the Planned Unit Development and for final site plan approval to permit a hotel.

Revise PUD and Final Site Plan

A request to revise a portion of a Planned Unit Development District Overlay and for final site plan approval for a portion of property located at 3440 Dickerson Pike, approximately 900 feet north of Doverside Drive, zoned Shopping Center Regional (SCR) (2.44 acres), to permit a 74,340 square foot hotel..

Existing Zoning

Shopping Center Regional (SCR) is intended for high intensity retail, office, and consumer service uses for a regional market area.

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 provisions 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 provisions of essential utilities and streets.

BACKGROUND

This PUD was originally approved at Metro Council on August 3, 2005 for SCR zoning to permit 718,781 square feet of retail and restaurant uses. The PUD was revised on June 11, 2015 for a portion development to permit a 3,780 square feet express tunnel car wash. The plan was revised again on December 18, 2018 for a portion of the PUD to permit retail space, restaurants and a hotel.

PLAN DETAILS

The 2.4 acre site is located just north of Doverside Drive on the northwest corner of Dickerson Pike and Briley Parkway and is a portion of a 26.53 acre PUD. The project proposes a 74,340 square foot hotel. The purpose of this revision is re-orient the hotel to face the southeast direction along Dickerson Pike.

ANALYSIS

The purpose of this request is to change the orientation of a previously approved hotel. No new uses are proposed.

This request is being considered as a minor modification. Staff finds that the request is consistent with the requirements of Section 17.40.120.F, provided below for review.

F. Changes to a Planned Unit Development.

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:

a. Land area being added or removed from the planned unit development district shall be approved by the council according to the provisions of Article III of this chapter (Amendments);

b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance shall be authorized by council ordinance;

c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or

d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or

e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.

f. Any modification to a master development plan for a planned unit development or portion thereof that meets the criteria for inactivity of Section 17.40.120.H.4.a.

As proposed, the plan is consistent with the Council approved plan, and meets all of the criteria for being considered a minor modification. The plan also provides for new sidewalks along Dickerson Pike where sidewalks are not already located. Since the plan is consistent with the Council approved plan, staff recommends approval with conditions.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- Conditional Approval - SWGR has not been approved, but the overall site plan will not be affected by the comments - KJD 6/17/19

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

- Provide adequate sight distance at hotel access driveway and intersection with PUD road.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approval does not apply to private water and sewer line design. Plans for these must be submitted and approved through a separate review process with Metro Water Permits, before their construction may begin.

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 Metropolitan 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. 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.

4. 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.

Approve with conditions. Consent Agenda. (10-0)

Resolution No. RS2019-250

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-010-006 is **approved with conditions. (10-0)**

CONDITIONS

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metropolitan 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. 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.
4. 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.

**26. 2009UD-001-011
DOWNTOWN DONELSON UDO (AMENDMENT)**

Council District 15 (Jeff Syracuse)
Staff Reviewer: Jessica Buechler

A request to amend the Downtown Donelson Urban Design Overlay to update the Introduction, Development Standards, Transportation and Community Planning Sections of the Urban Design Overlay document, for various properties located on Lebanon Pike from Briley Parkway to Munn Road, and on Old Lebanon Pike, J.B. Estille Drive, Donelson Pike, Fairway Drive, McGavock Pike, Crump Drive, Park Drive, Gaylynn Drive, Cliffdale Drive, and Benson Road, various zoning districts (233.83 acres), requested by Councilmember Jeff Syracuse; various property owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend the Downtown Donelson Urban Design Overlay.

Urban Design Overlay

A request to amend the Downtown Donelson Urban Design Overlay (UDO) to update the Introduction, Development Standards, Transportation, and Community Planning sections of the urban design overlay document, for various properties located on Lebanon Pike from Briley Parkway to Munn Road, and on Old Lebanon Pike, J.B. Estille Drive, Donelson Pike, Fairway Drive, McGavock Pike, Crump Drive, Park Drive, Gaylynn Drive, Cliffdale Drive, and Benson Road, various zoning districts (233.83 acres).

Existing Zoning

The properties in the Downtown Donelson UDO are within various commercial, mixed-use, office, residential, shopping center, specific plan and planned unit development base zoning districts, including: CL, CS, MUL, MUN, OL, ON, OR20, R8, R10, RS10, SCC, SP and PUD.

Existing Overlay Zoning

Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping, and parking standards of the Zoning Code. Application of this special overlay district shall be limited to areas requiring specialized design standards either to maintain and reinforce an established form or character of development or to achieve a specific design objective for new development.

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

Existing Policies

The properties in the Downtown Donelson UDO are within numerous land use policies in the T3 Suburban and T4 Urban transects. T3 Suburban policies include: T3 Suburban Neighborhood Maintenance (T3 NM), T3 Suburban

Neighborhood Evolving (T3 NE), and T3 Suburban Residential Corridor (T3 RC). T4 Urban policies include: T4 Urban Community Center (T4 CC) and T4 Urban Residential Corridor (T4 RC). Additional policies that are present include: Civic (CI), Transition (TR), and Conservation (CO).

REQUEST DETAILS

The proposed amendment to the Downtown Donelson UDO is to update the Introduction, Development Standards, Transportation and Community Planning Sections of the document as described in more detail below.

Introduction

The proposed updates to the Introduction section include the following:

- **Existing Zoning:** The existing zoning map is proposed to be removed because the zoning may change more regularly than the map in the document is updated and therefore may provide outdated information.
- **References:** The Music City Star references are being updated to the Donelson Station to reflect a proposed name change to the Music City Star. Zoning code references are being updated to reflect accurate information.
- **Subdistricts:** Subdistricts are being combined to simplify the number of Subdistricts. Subdistrict 1A and 2 and Subdistrict 5 and 5A are being combined since the standards of these Subdistricts are primarily the same.

Development Standards

The proposed updates to the Development Standards section include the following:

- **Application of Standards:** Compliance provision 1 (full compliance) is proposed to be updated to clarify new development as a trigger and remove expansions over 25% as a trigger since it may disincentivize adaptive reuse. Compliance provision 2 (sidewalk and landscaping compliance) is proposed to be removed since sidewalk triggers would be decided in accordance with the sidewalk requirements of the Zoning Code. Updates to the Signage compliance provisions reflect changes in state law to allow panel replacement.
- **Modification Process:** Proposed updates are to clarify that the number of stories is not allowed to be modified through the UDO modification process. This clarifies that doing so would be an amendment to the UDO.
- **Calculations:** Proposed updates are to clarify how height is measured.
- **Building Types:** The building types are proposed to be removed since land uses are determined by base zoning and the bulk standards are organized around Subdistricts, not building types.
- **Bulk Standards Table:** Proposed updates reflect the removal of building types and the combining of Subdistricts. The First Floor Height Non-Residential standard is proposed to be 14' minimum for both one-story and multi-story buildings rather than have a separate standard for one-story buildings.
- **Architectural Standards:** Proposed updates include allowing balconies, stoops, porches, entry stairs and bay windows to encroach not more than 10 feet into the front setback, removing bullet points under glazing that don't apply, and providing clarification on materials.
- **Parking and Access:** Proposed updates are to clarify that cross access is required when possible, to clarify where drive-throughs can be located on a corner lot and to remove the bike parking requirements since bike parking is now required per the zoning code.
- **Signage:** Proposed updates to the signage are to clarify that the Common Signage Plan would be for New Development and that the façade area should be calculated based on the ground floor height or eave for single story buildings.

Transportation

The proposed updates to the Transportation Section include the following:

- **Street Network Plan:** Proposed updates to proposed street and greenway connections are based on current knowledge of projects and possible connections.
- **Sidewalk Corridor:** Proposed updates are to require sidewalks in Subdistrict 1 along existing primary and arterial streets should provide at a minimum a four-foot green zone with street trees and an eight-foot sidewalk.

Community Planning

The proposed updates to the Community Planning section do not change the goals and objectives of the UDO. They are only to update references to the Music City Star station to the Donelson Station and to combine the Subdistricts to align with the rest of the document.

ANALYSIS

The proposed updates to the UDO are to simplify and provide necessary updates and clarification to the UDO document, which was originally adopted 10 years ago. These updates are non-substantive and are in line with the intent of the UDO and state law. The Subdistricts of the UDO are consistent with the various policies to create urban corridors that transition to suburban residential areas. Any changes to entitlements or to the community vision would require broader community discussion and meetings, and are not part of this request.

STAFF RECOMMENDATION

Staff recommends approval. The amendments to the UDO are in keeping with the original intent of the UDO.

Approve. Consent Agenda. (10-0)

Resolution No. RS2019-251

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009UD-001-001 is **approved. (10-0)**”

**27. 2019NHL-001-001
JUST PIZZA (NEIGHBORHOOD LANDMARK)**

Council District 24 (Kathleen Murphy)

Staff Reviewer: Abbie Rickoff

A request to approve a Neighborhood Landmark Overlay District on property located at 320 44th Avenue North, approximately 125 feet north of Elkins Avenue, zoned RS7.5 and within the Park-Elkins Neighborhood Conservation District Overlay (0.04 acres), to permit a take-out restaurant, requested by Housing Investment Inc., applicant and owner.

Staff Recommendation: Defer to the July 18, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019NHL-001-001 to the July 18, 2019, Planning Commission meeting. (10-0)

28. 2019CDO-001-001

SUBSTITUTE BL2019-1697/Tanaka Vercher

Council District 28 (Tanaka Vercher)

Staff Reviewer: Jason Swaggart

A request to apply a Corridor Design Overlay District to various properties along Antioch Pike, from Harding Place to Blue Hole Road, within various zoning districts (147.4 acres), requested by Councilmember Vercher, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Apply Corridor Design Overlay District.

Corridor Design Overlay

A request to apply a Corridor Design Overlay District to various properties along Antioch Pike, from Harding Place to Blue Hole Road, within various zoning districts (147.4 acres).

Proposed Zoning

Corridor Design Overlay District (CDO) is an overlay intended to provide incremental improvements to the aesthetics of Nashville’s commercial districts and corridors. The CDO provides standards for signage, landscaping and materials that are derived from standards of base zoning districts. The CDO does not regulate uses. Uses within a CDO are regulated by the base zoning district.

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

The area proposed for application of the CDO includes properties located within numerous land use policies. Policies include, but are not limited to Conservation, Open Space, Suburban Mixed Use Corridor, Suburban Neighborhood Center, District Industrial.

ANALYSIS

The CDO would apply to approximately 147 acres along Antioch Pike. This area consists of numerous properties, zoning districts, and a variety of commercial/mixed use land uses. The CDO does not regulate land use, and with the exception of variations to signage regulations and landscaping regulations all other requirements of the base zone district will apply. In addition to variations from the signage and landscaping regulations, the CDO applies regulations regarding building materials.

Signage standards for all properties in the CDO will adhere to current signage standards of the Metro Zoning Code for ORI, ORI-A, MUG, MUG-A, MUI and MUI-A regardless of the base zoning district. This would apply only to new signs, and it would not apply to panel changes to existing signs.

The CDO requires that trees be planted along the perimeter of parking lots at a rate of one tree every thirty feet. Current requirements are one tree every 50 feet. This applies to new parking lots and any expansion of an existing parking lot that is expanded by more than ten spaces.

The CDO applies standard for materials. The CDO requires front façades of buildings must be at least 75% brick, brick veneer, stone, cast stone, or architecturally treated concrete masonry units. The remaining 25% may be any material with the exception of exposed untreated concrete masonry units. The standards for materials apply to new buildings and additions that are more than 50% of the existing building area.

Staff finds that the proposed CDO overlay is appropriate. The intent of the CDO is to implement incremental improvements to the aesthetics of Nashville's commercial districts and corridors. This goal is consistent with all land use polices. NashvilleNext established an overall goal, through the Growth and Preservation Concept Map, of directing growth into centers and along corridors, such as Antioch Pike. Each of the community character policies in this area is intended to encourage pedestrian-friendly development along the corridor that enhances the public realm. The standards of the CDO, which focus on landscaping, signage and materials, will help implement the goals of the policies to enhance the corridor with quality, pedestrian-friendly development. Staff is recommending approval of the proposed CDO as it is consistent with the goals of the land use policies.

STAFF RECOMMENDATION

Staff recommends approval.

Mr. Swaggart presented the staff recommendation of approval.

Duane Dominy, 101 Cherokee Pl, spoke in opposition to the application because there was no community meeting noticed.

Chairman Adkins closed the Public Hearing.

Mr. Gobbell spoke in favor of the application.

Ms. Moore spoke in favor of the application.

Ms. Farr moved and Mr. Tibbs seconded the motion to approve and recommend that the councilmember hold a community meeting. (8-0)

Resolution No. RS2019-252

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019CDO-001-001 is approved and recommend that the Councilmember hold a community meeting. (8-0)

29. 2019CDO-002-001

SUBSTITUTE BL2019-1698/Delishia Porterfield

Council District 29 (Delishia Porterfield); 31 (Fabian Bedne); 32 (Jacobia Dowell)

Staff Reviewer: Jason Swaggart

A request to apply a Corridor Design Overlay District to various properties along Bell Road, from Old Hickory Boulevard to Couchville Pike, within various zoning districts (211.17 acres), requested by members of Metro Council, applicants; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Apply Corridor Design Overlay District.

Corridor Design Overlay

A request to apply a Corridor Design Overlay District to various properties along Bell Road, from Old Hickory Boulevard to Couchville Pike, within various zoning districts (211.17 acres).

Proposed Zoning

Corridor Design Overlay District (CDO) is an overlay intended to provide incremental improvements to the aesthetics of Nashville's commercial districts and corridors. The CDO provides standards for signage, landscaping and

materials that are derived from standards of base zoning districts. The CDO does not regulate uses. Uses within a CDO are regulated by the base zoning district.

SOUTHEAST NASHVILLE & ANTIOCH PRIEST LAKE COMMUNITY PLANS

The area proposed for application of the CDO includes properties located within numerous land use policies. Polices include, but are not limited to Conservation, Urban Community Center, Suburban Neighborhood Evolving, Suburban Neighborhood Maintenance, Suburban Community Center, Suburban Community Center, Suburban Mixed Use Corridor, and Suburban Residential.

ANALYSIS

The CDO would apply to approximately 211 acres along Bell Road. This area consists of numerous properties, zoning districts, and a variety of commercial/mixed land uses. The CDO does not regulate land use, and with the exception of variations to signage regulations and landscaping regulations all other requirements of the base zone district will apply. In addition to variations from the signage and landscaping regulations, the CDO applies regulations regarding building materials.

Signage standards for all properties in the CDO will adhere to current signage standards of the Metro Zoning Code for ORI, ORI-A, MUG, MUG-A, MUI and MUI-A regardless of the base zoning district. This would apply to only new signs, and it would not apply to panel changes to existing signs.

The CDO requires that trees be planted along the perimeter of parking lots at a rate of one tree every thirty feet. Current requirements are one tree every 50 feet. This applies to new parking lots and any expansion of an existing parking lot that is expanded by more than ten spaces.

The CDO applies standard for materials. The CDO requires front façades of buildings must be at least 75% brick, brick veneer, stone, cast stone, or architecturally treated concrete masonry units. The remaining 25% may be any material with the exception of exposed untreated concrete masonry units. The standards for materials apply to new buildings and additions that are more than 50% of the existing building area.

Staff finds that the proposed CDO overlay is appropriate. The intent of the CDO is to implement incremental improvements to the aesthetics of Nashville’s commercial districts and corridors. This goal is consistent with all land use policies. NashvilleNext established an overall goal, through the Growth and Preservation Concept Map, of directing growth into centers and along corridors, such as Bell Road. Each of the community character policies in this area is intended to encourage pedestrian-friendly development along the corridor that enhances the public realm. The standards of the CDO, which focus on landscaping, signage and materials, will help implement the goals of the policies to enhance the corridor with quality, pedestrian-friendly development. Staff is recommending approval of the proposed CDO as it is consistent with the goals of the land use policies.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (10-0)

Resolution No. RS2019-253

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019CDO-002-001 is **approved. (10-0)**”

30. 2019Z-102PR-001

Council District 21 (Ed Kindall)

Staff Reviewer: Joren Dunnavant

A request to rezone from RS5 to R6-A zoning for property located at 1600 16th Avenue North, at the northeast corner of 16th Avenue North and Cockrill Street (0.19 acres), requested by Empire Construction and Development, applicant; Heather G. and Herbert D. Sowell, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to R6-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential - Alternative (R6-A) zoning for property located at 1600 16th Avenue North, at the northeast corner of 16th Avenue North and Cockrill Street (0.19 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 1 unit.*

Proposed Zoning

One and Two-Family Residential – Alternative (R6-A) 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 and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. R6-A would permit a maximum of 1 duplex lot for a total of 2 units.

NORTH NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended to maintain the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

ANALYSIS

The property is located just north of downtown, and north of Interstate 40. The surrounding land use is primarily single-family residential with some two-family residential. The street system is mostly a grid pattern with an MTA route running through the middle of the neighborhood, on the same block as the proposed rezone property.

The goal of this policy area is to develop a mixture of housing with high levels of connectivity. This area has an existing pattern of two-family residential properties on corner lots and infrastructure that could support an increase in density, at this location. The block that this property sits on is one of the smaller blocks in the neighborhood and therefore has high levels of connectivity and access. Because this property is situated on a corner lot with an existing alley, and is consistent with the surrounding development pattern, staff finds the request to be appropriate at this corner location and consistent with the intent of the policy.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve 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)	0.19	8.71 D	1 U	10	1	1

Maximum Uses in Proposed Zoning District: **R6-A**

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)	0.19	7.26 D	2 U	19	2	2

*based on two-family residential lots

Traffic changes between maximum: **RS5 and R6-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 2 U	+9	+1	+1

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 district: 0 Elementary 0 Middle _ High
 Projected student generation existing R6-A district: 0 Elementary 0 Middle 0 High

The proposed R6-A zoning will generate no more students than the existing RS5 zoning district. Students would attend Churchwell Elementary School, John Early Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2018.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (10-0)

Resolution No. RS2019-254

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-102PR-001 is **approved. (10-0)**

31. 2019Z-103PR-001

Council District 21 (Ed Kindall)

Staff Reviewer: Amelia Lewis

A request to rezone from RS5 to R6-A zoning for property located at 1601 Knowles Street, at the southwest corner of 16th Avenue North and Knowles Street (0.18 acres), requested by Empire Construction and Development, applicant; Heather and Herbert Sowell, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to R6-A.

Zone Change

A request to rezone from Single Family Residential (RS5) to One and Two-Family Residential (R6-A) zoning for property located at 1601 Knowles Street, at the southwest corner of 16th Avenue North and Knowles Street (0.18 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 one residential lot.*

Proposed Zoning

One and Two-Family Residential (R6-A) 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. *R6-A would permit a maximum of 1 duplex lot for a total of 2 residential units.*

NORTH NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended to maintain the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

ANALYSIS

The site is located at the southwest corner of Knowles Street and 16th Avenue North. The property has frontage along both streets. Alley #556 forms the southern boundary to the property. The site is currently vacant. The surrounding properties are zoned RS5 and have primarily been developed with one and two family structures. There are several two family properties on the south side of Alley #556, on the north side of Knowles Street and the east side of 16th Avenue North.

The proposed R6-A zoning district is consistent with the T4 NM policy at this location. The policy provides guidance for infill development that when vacant properties are developed, the design shall be appropriate in building type, massing, and orientation in order to blend new development into the surrounding neighborhood. The one and two family zoning district is based upon the mix of surrounding one and two family structures existing in the neighborhood, and the alternative zoning district will provide for alley access and design standards consistent with the existing urban form. With the lot's location on a corner, additional street frontage and alley access, it is uniquely situated to accommodate a diversity of housing. The R6-A zoning district provides the opportunity for this site to redevelopment in a manner consistent with the policy guidance for infill development.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at 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)	0.18	8.71 D	1 U	10	1	1

Maximum Uses in Proposed Zoning District: **R6-A**

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)	0.18	7.26 D	2 U	19	2	2

*Based on two-family residential lots

Traffic changes between maximum: **RS5 and R6-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1 U	+9	+1	+1

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed R6-A district: 0 Elementary 0 Middle 0 High

The proposed R6-A zoning is not expected to generate additional students beyond the existing RS5 zoning. Students would attend Churchwell Elementary School, John Early Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2018.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (10-0)

Resolution No. RS2019-255

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-103PR-001 is **approved. (10-0)**

32. 2019Z-120PR-001

BL2019-1694/Davette Blalock
 Council District 27 (Davette Blalock)
 Staff Reviewer: Patrick Napier

A request to rezone from R10 to RS10 zoning for various properties located north of Old Hickory Boulevard and between Nolensville Pike and Edmondson Pike (276.31 acres), requested by Davette Blalock, applicant; various owners.

Staff Recommendation: Disapprove as submitted. Approve with a substitute.

APPLICANT REQUEST

Zone change from R10 to RS10 zoning.

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Single-Family Residential (RS10) zoning for various properties located north of Old Hickory Boulevard and between Nolensville Pike and Edmondson Pike (276.31 acres).

Existing 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 4.35 dwelling units per acre including 25 percent duplex lots.

Proposed Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 4.35 dwelling units per acre.

SOUTHEAST COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) 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.

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.

ANALYSIS

The zone change area includes properties located along various streets in the McMurray Woods, Whispering Hills, and Kingswood Park Neighborhoods within the Southeast Community Plan Area.

Both the existing R10 and proposed RS10 zoning districts are consistent with the T3 NM policy, depending on locational characteristics. The policy does not support one single residential type, but can support single-family, two-family, and multi-family, depending on the context. The intent of the policy is to ensure that established residential areas develop in manner areas develop in a manner consistent with the overall development pattern, while maintaining a diversity of housing types appropriate to the neighborhood context and character.

This area consists primarily of single-family residential uses, with some two-family residential uses, multi-family residential uses and vacant parcels. The proposed RS10 zone district would limit residential development in the zone change area to single-family uses. The proposed zone change area is situated within a larger area of R10 zoning, which permits one or two-family residential units. The proposed RS10 zoning district will help to preserve the general character of the existing suburban pattern of development in the McMurray Woods, Whispering Hills, and Kingswood Park neighborhoods, while the remaining R10 zoning will continue to provide opportunities for diversity of housing in the surrounding area.

Staff is recommending removal of some properties from the zone change as depicted in the map below. Parcel 032 is recommended for removal as this parcel is currently owned by the Metro Power Board. Parcel 060 and parcel 069 are recommended for removal at the request of the Councilmember. Permits have been issued for a duplex on parcel 021 and therefore this parcel is recommend for removal in order to minimize the creation of nonconformities.

Substitute Ordinance No. BL2019-1694

Staff recommends disapproval as submitted and approval with a substitute to remove the following parcels from the downzoning. Parcels to be removed are indicated on the map below.

STAFF RECOMMENDATION

Disapprove as submitted. Approve with a substitute.

Disapprove as submitted. Approve with a substitute. Consent Agenda. (10-0)

Resolution No. RS2019-256

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-120PR-001 is **disapproved as submitted, approved with a substitute. (10-0)**”

H: OTHER BUSINESS

33. Order Granting Subdivision Approval of 2018S-117-001 (3700 Woodlawn Subdivision)
Staff Recommendation: Approve with conditions.

Resolution No. RS2019-257

"BE IT RESOLVED by The Metropolitan Planning Commission that the Order Granting Subdivision Approval of 2018S-117-001 is **approved with conditions. (10-0)**

34. Historic Zoning Commission Report
35. Board of Parks and Recreation Report
36. Executive Committee Report
37. Accept the Director's Report and Approve Administrative Items

Resolution No. RS2019-258

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items are **approved. (10-0)**

38. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

July 18, 2019

MPC Meeting

4 pm, 1441 12th Avenue South, Midtown Hills Police Precinct

August 22, 2019

MPC Meeting

4 pm, 1441 12th Avenue South, Midtown Hills Police Precinct

September 12, 2019

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 9:40 p.m.

Chairman

Secretary