



Project No.

Proposed Amendment to the Buena Vista Heights Detailed Neighborhood Design Plan and The Plan for Subarea 8: The North Nashville Community: 2002 Update

Associated Cases
Council Bill
Council District
School District
Requested by

2004Z-156U-08

None
2 – Isabel
1 – Thompson

Andre Southall and Warren Summers, applicants/owners

Deferral

This item was deferred at the December 9, 2005, Planning Commission meeting at the request of the applicant.

Staff Reviewer
Staff Recommendation

Wood
Approve.

APPLICANT REQUEST

Change the land use policy from Parks, Reserves, and Other Open Space in Potential Open Space (PR in POS) to Mixed Use in Neighborhood Center (MxU in NC) for approximately 0.42 acres for property located at 2203 15th Avenue North and 1500 Cecilia Avenue.

Existing Land Use Policy
Parks, Reserves, and Other Open Space (Detailed Land Use Plan) in Potential Open Space (Structure Plan)

The PR Detailed Land Use Plan category is reserved for open space intended for active and passive recreation, as well as buildings that support such open space. The underlying POS Structure Plan category indicates that the area in question is intended to be in open space use, but has not yet been secured for that use. Types of uses intended within OS and POS areas range from active and passive recreational areas, reserves, land trusts and other open spaces to civic uses and public benefit activities deemed by the community to be "open space."

Proposed Land Use Policy
Mixed Use (Detailed Land Use Plan)

The MxU Detailed Land Use Plan category includes buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at



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street level and/or residential above. The underlying NC Structure Plan classification is for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

ANALYSIS

This is a request to amend both the Structure Plan and the Detailed Neighborhood Design Plan to accommodate a zoning district that is intended in a planned Neighborhood Center. The Neighborhood Center planned in this area for the Buena Vista Heights neighborhood is intended to contain Mixed Use and Single Family Attached and Detached policies centered around a small open space that it was hoped Metro would acquire as a park. That small open space was divided into two policy areas. Parks, Reserves, and Other Open Space with an underlying Structure Plan policy of Open Space applies to the two parcels now owned by the applicant. At the time the plan was adopted, these parcels were owned by Metro and thus were placed in Open Space policy on the Structure Plan, unlike the other parcels in the planned future park, which were and are privately owned. These other parcels were assigned a policy of Parks, Reserves, and Other Open Space in Neighborhood Center with an alternate Detailed Land Use Plan policy of Single Family Attached and Detached in case the land could not be acquired for open space (see graphic entitled "Current Policies"). Since that time, Metro has sold the property to the applicant and the underlying Structure Plan policy of Open Space, being intended for publicly owned properties, is no longer an appropriate fit.

The Parks Department has been contacted about the proposed park and has expressed some reluctance to create it. They consider the neighborhood to be adequately served by parks at present (ex: Buena Vista Park, Rhodes Park, the playground at Hull-Jackson School) and are also cautious about creating new mini-parks. Nonetheless, they have recently begun discussions with Councilman Isabel and the neighborhood association about possibly creating the park.



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Staff held a community meeting in the neighborhood to discuss the amendment proposal. About twenty people were in attendance and the vast majority supported the applicants' proposal. They agreed with staff's suggestion to consider a somewhat larger area for amendment than just the applicant's two parcels, since a general rearrangement of the location of the Mixed Use policy designation seems warranted in light of the changed circumstances. Neighborhood residents wished to keep the Parks, Reserves and Other Open Space Detailed Land Use Plan designation on the parcels in the proposed park that are not owned by the applicant in case those can still be secured for open space use.

Staff recommends amending the plan to Mixed Use in Neighborhood Center for the applicants' two parcels as well as rearranging which parcels are designated Mixed Use as opposed to Single Family Attached and Detached as shown on the second graphic, entitled "Recommended Amendment." This will ensure that the Mixed Use portion of the Neighborhood Center will continue to be coherently arranged so that the Mixed Use properties are grouped together and serve as a focal point. By rearranging rather than adding to the Mixed Use parcels in the Neighborhood Center, the Center will also continue to be at a modest scale that is appropriate for the neighborhood, which has more than one planned Neighborhood Center and other convenient commercial services along Clarksville Pike.

There will need to be some later follow-up done for this amendment, which will consist of redrafting the detailed drawings in the plan in light of the policy changes. These were done to illustrate how the planned Neighborhood Center could develop under the policies. These redrafted drawings will be shown to the community and submitted to the Commission as a later minor housekeeping amendment.

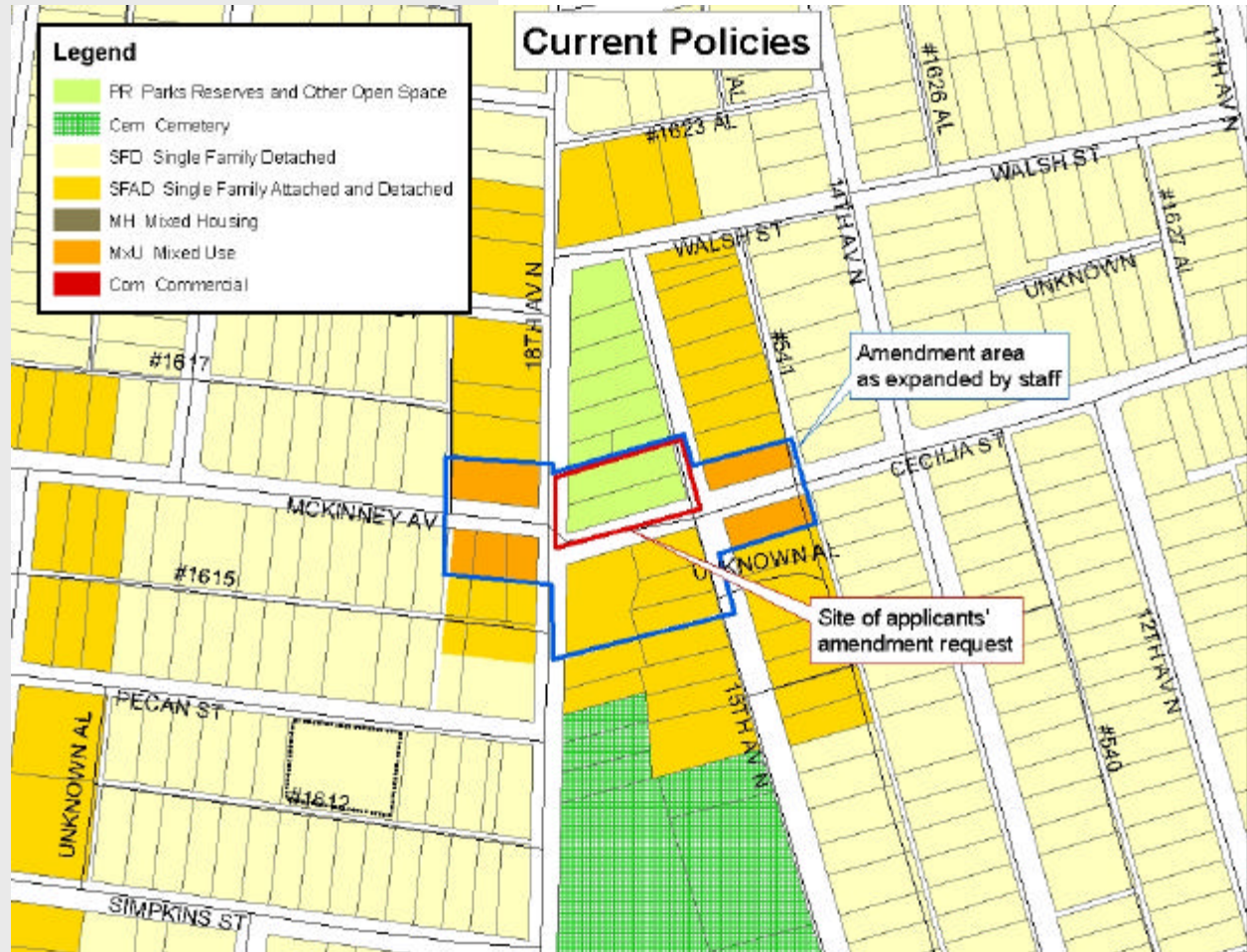


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Legend

- PR Parks Reserves and Other Open Space
- Cem Cemetery
- SFD Single Family Detached
- SFAD Single Family Attached and Detached
- MH Mixed Housing
- MxU Mixed Use
- Com Commercial

Current Policies

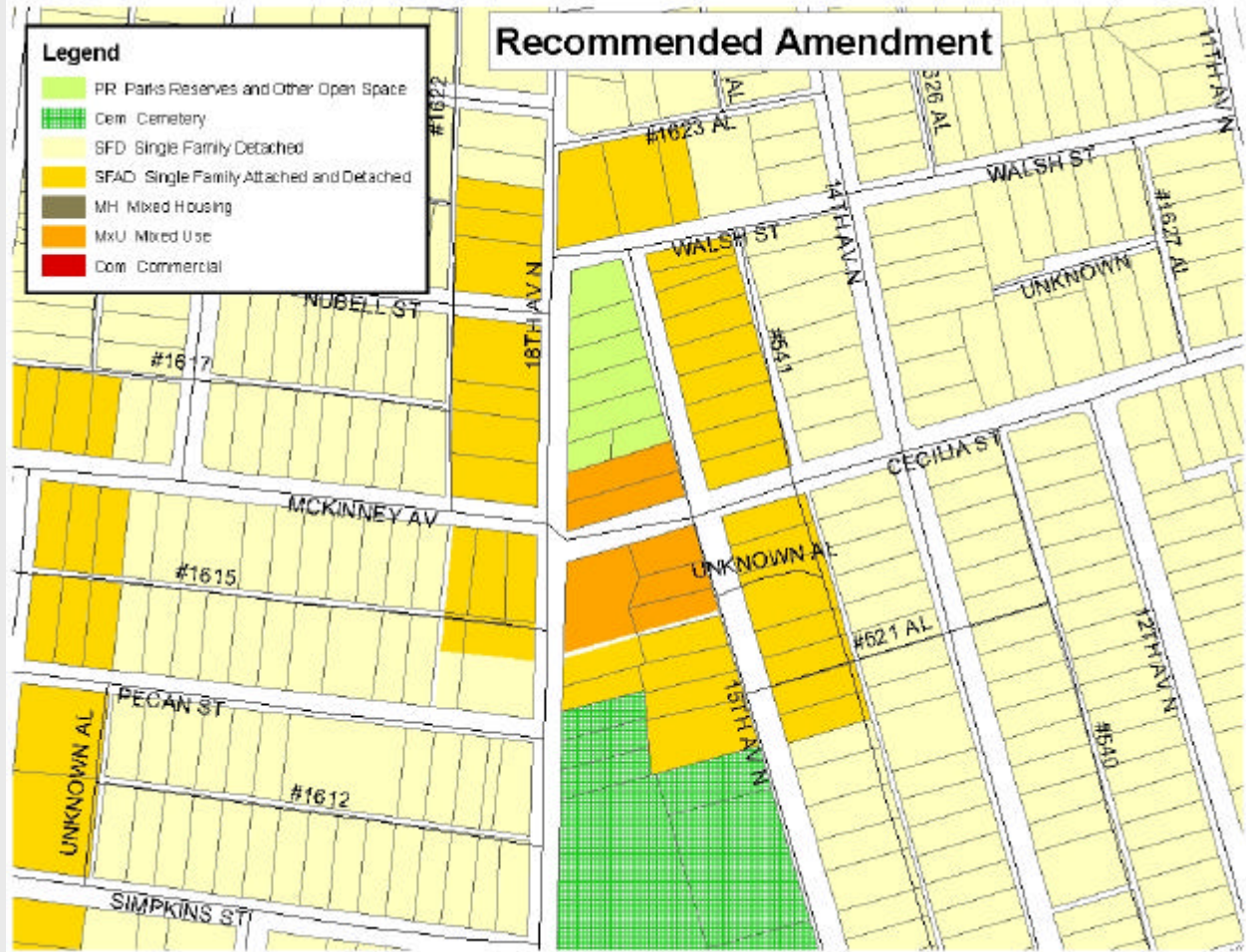




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Recommended Amendment

Legend	
	PR Parks Reserves and Other Open Space
	Cem Cemetery
	SFD Single Family Detached
	SFAD Single Family Attached and Detached
	MH Mixed Housing
	MxU Mixed Use
	Com Commercial





Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004Z-156U-08
Subarea Plan Amendment
None
2 - Isabel
1 - Thompson
Andre Southall and Warren Summers,
applicants/owners.

Deferral

This item was deferred at the December 9, 2005,
Planning Commission meeting at the request of the
applicant.

Staff Reviewer
Staff Recommendation

Pereira
Approve

APPLICANT REQUEST

**A request to change 0.42 acres from R6 and CN to
MUN district properties located at 2203 15th
Avenue North and 1500 Cecilia Avenue.**

Existing Zoning
R6 district

R6 requires a minimum 6,000 square foot lot and is
intended for single-family dwellings and duplexes at an
overall density of 7.72 dwelling units per acre including
25% duplex lots.

CN district

Commercial Neighborhood is intended for very low
intensity retail, office, and consumer service uses which
provide for the recurring shopping needs of nearby
residential areas.

Proposed Zoning
MUN district

Mixed Use Neighborhood is intended for a low
intensity mixture of residential, retail, and office uses.

**NORTH NASHVILLE
COMMUNITY PLAN POLICY**

Open Space (OS*)

In the update to the North Nashville Community
Plan in January 2002, a Potential Open Space (OS*)
policy was applied to the entire block enclosed by
Walsh and Cecilia Streets and 18th and 15th Avenues
North. OS and OS* are intended for a variety of
public, private not-for-profit, and membership-
based open space and recreational activities. The
designation OS* indicates that the area in question



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is intended to be in open space use, but has not yet been secured for that use.

This area also falls within the Buena Vista Heights Detailed Neighborhood Design Plan (DNDP). According to the DNDP, a policy of “Parks, Reserves, and Other Open Space in Potential Open Space” applies to this block. An alternate land use category identifies this area as “Single Family Attached and Detached,” allowing a residential use.

The properties in the area surrounding this block constitute a mix of policies, but are predominantly residential, including “Single Family Detached in Neighborhood General,” and “Single Family Detached and Attached in Neighborhood General.” The intersections to the west and east of the properties in question, including McKinney Avenue and 18th Avenue, and 15th Avenue and Cecilia Avenue, have a “Mixed Use in Neighborhood Center” policy, which supports a combination of residential and commercial uses.

Policy Conflict

Yes. The properties proposed for mixed use zoning (MUN) would be inconsistent with the intent of the Detailed Neighborhood Design Plan of Buena Vista Heights, which seeks to maintain these properties as potential open space. This policy was chosen to address a drainage problem in this block, as well as provide open space in an area that is central to the neighborhood.

After holding a community meeting on January 24, 2005, which included the councilman and applicant, the people in attendance expressed their support of of a policy amendment for this location. Under the subarea amendment, the two parcels owned by the applicant would change to a Mixed Use in Neighborhood Center policy, leaving the remaining part of the block to the north as “Parks, Reserves, and Other Open Space in Potential Open Space.” **If the policy is amended, then this zoning request will no longer conflict with the policy.**

RECENT REZONINGS

None.



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TRAFFIC PUBLIC WORKS RECOMMENDATION

No exception taken.

Typical Uses in Existing Zoning District: R6 and CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	0.42	0.36	6,586	292	NA	38

Typical Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	0.42	0.36	6,586	292	NA	38

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--		0	0	0

Maximum Uses in Existing Zoning District: R6 and CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.42	0.25	4,574	124	8	7

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.42	0.6	10,977	243	17	17

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--		119	9	10

METRO SCHOOL BOARD REPORT

Projected student generation

0 Elementary 0 Middle 0 High

Schools Over/Under Capacity

Students would attend Harpeth Valley Elementary School, Bellevue Middle School, and Hillwood High School. All three have been identified as being full or overcrowded by the Metro School Board.



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There is capacity in several adjacent clusters, including Whites Creek, Hillsboro, and Pearl-Cohn. This information is based upon data from the school board last updated August 31, 2004.



Project No.
Project Name
Council Bill
Council District
School District
Requested by
Deferral

Subdivision Proposal No. 2005S-023U-12
Barbara Battle Property

None
30 - Kerstetter
2 - Blue
John Franklin, applicant, Meridian Construction, owner
The Commission approved this subdivision at the January 27, 2005, Commission meeting, and deferred action on the variance request to this Commission meeting

Staff Reviewer

Pereira

Staff Recommendation

Disapprove sidewalk variance, based on additional technical information regarding the feasibility of sidewalk construction from Public Works. If the applicant chooses to use an alternative sidewalk design which varies from the standard used by Public Works, construction plans should be submitted to Public Works for approval by the appropriate agency.

APPLICANT REQUEST

A request for a variance from sidewalk construction along lot 2 of a subdivision (2005S-023U-12) parallel to Taylor Road (0.32 acres)

ZONING
R6

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS

Two lots were created with the approval of this subdivision by the Commission on January 27, 2005. Lot 1, at the corner of Flora Maxwell Road and Taylor Road, will front the two streets, and Lot 2 will front on Taylor Road. There is an existing house on Lot 1.

Sidewalk requirement

As the property falls within the Urban Services District and a new development right has been created on lot 2, a sidewalk is required along its frontage. The Subdivision Regulations allow the developer to either construct the sidewalk segment or make a financial contribution to the sidewalk fund in lieu of actually constructing. Alternatively, the developer may seek a sidewalk variance. The applicant has requested a



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Drainage and elevation

variance from providing a sidewalk along the frontage of lot 2.

The applicant's variance request is based on the difficulties that are claimed to exist by the elevation drop immediately east of Taylor Road. The elevation is claimed to decline into a drainage ditch that measures 24 inches deep. A Sidewalk Constructability Report prepared by Public Works confirmed the existence of an ephemeral stream / drainage area just south of the property, adjacent to Taylor Road. The report concluded that if a sidewalk were to be constructed south of lot 2 along Taylor Road, a culvert/drainage structure would be required at this ephemeral stream.

Public Works has now confirmed that given a properly designed and constructed sidewalk, there are no problems anticipated to result involving the site's drainage and the elevation drop.

Construction standards

The normal standard for sidewalk construction includes a 2 foot gutter at a 1:12 (Vertical:Horizontal) cross slope with a 6 inch curb, followed by a 4 foot green space buffer, and a 5 foot sidewalk with a 1:96 (Vertical:Horizontal) cross slope.

Subgrade preparations for sidewalks are required, and shall be made to the required depth and width that will permit the installation and bracing of the forms. *If, for example, the sidewalk design indicates that subgrade preparations will likely result in the failure of the rock wall, or slope stability of the soil, an alternate design would be evaluated by Public Works. Alternate designs could include a reduction of the green space, or a ditch line behind the sidewalk.*

Alternative pedestrian trail

Public Works has also said that an alternative pedestrian trail does not appear to be appropriate for this subdivision, since a pedestrian trail on a two-lot subdivision does not substantially serve the same purpose as a sidewalk along an existing street.

Staff recommendation

Section 1-10 of the Subdivision Regulations addresses the conditions that must apply for the Planning Commission to grant a variance. One condition is that if "the particular physical surroundings, shape, or topographical conditions of the specific property



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involved” result in a “particular hardship to the owner, as distinguished from a mere inconvenience,” a variance may be granted. Given the information regarding the elevation drop and drainage, and that the ephemeral stream is located south of the subdivided property, staff contends that this site does not have “particular physical surroundings, shape or topographical conditions” that result in “a particular hardship to the owner, as distinguished from a mere inconvenience.”

Staff recommends that the applicant choose between the construction of a sidewalk to regular Metro standards, a financial contribution to the sidewalk fund, or the submission to Public Works of construction plans for an alternative sidewalk design. Staff accordingly recommends disapproval of the sidewalk variance.



Project No.
Project Name

Subdivision 2005S-029U-10
Bellemeade Annex, Subdivision of Part of
Lot 29 and All of Lot 30

Associated Cases
Council District
School Board District
Requested By

None
34 – Williams
8 - Harkey
G.W. Weesner, owner, Barge, Waggoner, Sumner &
Cannon, surveyors

Deferral

Deferred from the January 27, 2005, meeting

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Final Plat

This request is to create 3 lots at the southeast corner of Hobbs Road and Sneed Road (2.06 acres).

ZONING
RS20 District

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

SUBDIVISION DETAILS

Lot Comparability

Section 2-4.7 of the Subdivision Regulations state that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

A lot comparability test was conducted and all three lots pass for lot area and frontage.

Sidewalks

At the last meeting, a sidewalk variance was requested by the applicant for Lot 2, the portion along Sneed Road. For this meeting, a variance has not been requested or is needed since the applicant has revised the plat to add a note stating that "Sidewalk construction or bonding is required with the issuance of building permits." This satisfies the sidewalk requirement and would require the applicant to either construct or bond the sidewalk at the development stage rather than the platting stage.

PUBLIC WORKS
RECOMMENDATION

No Exception Taken.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-001T
None
BL2004-489
Countywide
n/a
Councilmembers Jim Gotto, J. B. Loring, Harold White

Staff Reviewer
Staff Recommendation

Regen
Approve with recommended amendment

APPLICANT REQUEST

Amend Zoning Code to require the Metro Clerk to provide immediate notification to the Planning Commission and Metro Council Office upon the filing of any application to amend the Official Zoning Map.

ANALYSIS

Existing Law

The Zoning Code currently requires no notification of district councilmembers or the Metro Council Office when an application to amend the Official Zoning Map [hereinafter “amending application”] is submitted by an applicant to Metro Government. Applications to rezone property or to amend the zoning text can be submitted either to the planning department or the Metro Clerk. Applications to apply a planned unit development (PUD) or urban design overlay (UDO) districts can only be submitted to the planning department.

Existing Practice

Staff routinely provides notification to councilmembers of all amending applications in their respective districts after the MPC filing deadline. Only councilmembers-at-large do not receive such notice. As was detailed in a previous staff report regarding PUD notification (2004Z-023T; BL2004-431), staff provides notice to the district councilmember in four ways: 1) a sketch of the project after the submittal deadline; 2) public hearing notice; 3) MPC staff report and agenda; and 4) a MPC action letter.

Proposed Text Change

The proposed amendment (see below) would require the Metro Clerk to forward immediately any amending application (except a zoning text amendment) to the planning department and a copy of same to the Council Office. Since the actual forwarding of the original and



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Amending Text

copy will be done by the Metro Clerk, staff takes no position on this procedural aspect of the bill. Staff recognizes the interest councilmembers have in quickly obtaining information.

Section 17.40.060 by adding the following new sentence at the end of subsection A:

“All applications to amend the official zoning map filed with the metropolitan clerk shall be immediately forwarded to the planning commission and a copy sent to the metropolitan council office.”

Analysis

Staff already provides notification to the district councilmember of amending applications *after* the submittal deadline. This bill would require the Metro Clerk to provide immediate notification *upon the filing* of any amending application with the Clerk’s office to the planning department and Metro Council Office. Since PUDs and UDOs cannot be filed with the Metro Clerk’s office per Section 17.40.060.A, then this text change would apply to the rezoning of property or application/amendment/cancellation of any historical overlay, neighborhood landmark overlay, institutional overlay, or other overlay. For informational purposes, to the staff’s knowledge, there have been at most two amending applications submitted directly to the Metro Clerk in the past 7.5 years.

One zoning application type not covered by this bill is a zoning text amendment. Given the interest and timing of applications, staff has suggested to one of the bill sponsors, Councilmember Jim Gotto, the bill be amended to include zoning text amendments. Councilmember Gotto agreed such an amendment would better serve the Council.

Staff Recommendation

Approve with a proposed amendment that requires all applications to amend the official zoning map and the Zoning Regulations, and which are filed with the Metro Clerk, be immediately forwarded to the planning department and a copy sent to the Metro Council Office.

Proposed Text

Section 17.40.060 by adding the following new sentence at the end of subsection A: “All applications to amend the official zoning map or these zoning regulations



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filed with the metropolitan clerk shall be immediately forwarded to the planning commission and a copy sent to the metropolitan council office.”



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-003T
None
BL2004-491
Countywide
n/a
Councilmembers Amanda McClendon and Ronnie Greer

Staff Reviewer
Staff Recommendation

Regen
Approve with amendment

APPLICANT REQUEST

Amend Zoning Code to clarify the disposition of monetary contributions to the sidewalk fund.

ANALYSIS

Existing Law

Presently, the Zoning Code permits a developer to make a financial contribution to Metro’s comprehensive sidewalk program. That option is available in the USD and areas in the GSD with a sidewalk priority index (SPI) of 20 or greater, where a sidewalk is required, but there is no sidewalk “gap” to be filled-in. When a developer opts to make such a contribution, the fee is calculated based on the property’s linear frontage along a collector or arterial street where the sidewalk is required. The Department of Public Works then places those funds within the Strategic Plan for Sidewalk Capital Improvements. The funds are deposited within one of the eleven pedestrian benefit zones based on where the property is located. If those funds are not allocated to a sidewalk project by Metro Government within two years from the date on which they were received, the Zoning Code requires the funds be refunded to the building permit applicant.

Proposed Text Change

The proposed text amendment merely clarifies that when a developer opts to make a financial contribution, that developer contribution will be in addition to any other funds previously appropriated by the Metro Council for sidewalk construction. The sponsors want to ensure developer contributions do not diminish the available pool of sidewalk funds overtime.



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Amending Text

17.20.120 Provision of Sidewalks: Add the following new sentence at the end of subsection D.1.:

“All fees in lieu of sidewalk construction shall be in addition to any other funds previously appropriated by the metropolitan council for sidewalk construction as part of the comprehensive sidewalk program.”

Analysis

While the intent of this amendment is to clarify that developer contributions are not intended to diminish the available pool of sidewalk funding, it could be interpreted differently. The Metro Budget contains a “budget glossary” which defines budget terminology. According to the Metro Budget, all appropriated funds expire at the end of the fiscal year. Thus, the use of that term in this amendment has the opposite effect of what the sponsors intended. If adopted as written, any developer contributions would be in addition to other funds appropriated by the Metro Council until the end of the fiscal year, wherein, the “appropriated funds” would expire if not spent, and possibly the only remaining sidewalk funding would be the developer contributions. Therefore, staff recommends the following modifications:

“All fees in lieu of sidewalk construction shall be in addition to any other funds, including but not limited to those proposed, programmed, allotted, dedicated, reserved, approved, funded, or appropriated by the metropolitan council for sidewalk construction as part of the comprehensive sidewalk program.”

Staff Recommendation

Approve with proposed amendment. The amendment provides greater clarity as to the many funding contingencies that arise during a fiscal year.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004Z-025T
None
BL2004-490
Countywide
n/a
Councilmember Randy Foster

Staff Reviewer
Staff Recommendation

Regen
Approve

APPLICANT REQUEST

Amend Zoning Code to modify list of sensitive land uses from which a proposed adult entertainment use must be separated from within the Adult Entertainment (AE) overlay district.

ANALYSIS

Existing Law

The Metro Council adopted an ordinance in 1984 regulating AE uses (O84-265). The Zoning Code currently requires adult uses to be located a minimum of 500 hundred feet (measured property line to property line) from a list of what is generally considered sensitive land uses (e.g. churches, school grounds, college campuses and parks). These sensitive land uses are ones where large numbers of children and adults may congregate, assemble, or visit for learning, studying, and contemplative thought. To ensure the public health, safety, and welfare of Nashville residents and visitors, these sensitive land uses are afforded a physical buffer (i.e. separation distance) from AE uses within the Zoning Code.

The proposed amendment modifies some of the names given to these sensitive land uses to more closely correspond with those land use names, and thus, definitions in the Zoning Code. As well, a new sensitive land use is proposed, "day care center or day care home," for AE uses to be located away from.

Proposed Text Change

The amendment does not change the boundary of the AE overlay nor the distance required between an AE use and a sensitive land use. It also does not change the "property line to property line" method of measuring distances between an existing or proposed AE and sensitive land use.



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Amending Text

- 17.36.260 Locational standards.
- A. All adult entertainment establishments...
 - B. Within the overlay district, no adult entertainment establishment shall be located within five hundred feet (measured property line to property line) of:
 - 1. ~~A church~~ religious institution;
 - 2. ~~A school playground~~ facility engaged primarily in community education;
 - 3. A day care center or day care home;
 - 4. A college campus or university; or
 - 5. A park.
 - C. No adult entertainment establishment shall locate within an adopted redevelopment district unless that redevelopment district specifically authorizes adult entertainment uses as a permitted land use.
 - D. No establishment classified as adult entertainment shall locate within one hundred fifty feet (measured property line to property line) of any other adult entertainment establishment.”

Analysis

AE uses are considered a protected form of free speech under the U.S. Constitution. Hence, any restrictions on speech must be narrowly tailored to serve a public purpose, whatever the venue. By adding an additional sensitive land use, the possibility arises that AE uses may be further restricted in locating within the existing boundaries of the AE overlay district. To determine whether that was indeed the case, staff used Metro’s GIS to identify possible future AE locations, assuming this text amendment was adopted. Staff’s analysis indicates that there are 17 AE uses within the AE overlay today, and 3 legally non-conforming AE uses located outside the AE overlay. Within the AE overlay, there 514 parcels today on which an AE use could locate. With the adoption of this ordinance, there will be 498 parcels on which an AE use could locate within the AE overlay, a decrease of 3%.

Staff Recommendation

Approve. The proposed amendment clarifies the sensitive land uses from which an AE use must be located away from by correlating them to those land use names and definitions in Metro’s Zoning Code. As well, adding “day care center or day care home” to the list of sensitive land uses from which an AE use must locate does not appear to materially disrupt or change the possible future locations of these uses.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-016U-09
None
None
6 – Jameson
7 – Kindall
Ralph Moore, Engineer, for The Carell Family, LLC, owner.

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 1.59 acres from core frame (CF) to mixed use intensive (MUI) district at 141, 147, 149, 151, 161, 163, 165 2nd Avenue South, 140 and 150 3rd Avenue South, 3rd Avenue South (unnumbered), between 2nd and 3rd Avenues South and Demonbreun Street and Shelby Avenue

Existing Zoning
CF district

Core Frame is intended for a wide range of parking and commercial service support uses for the central business district.

Proposed Zoning
MUI district

Mixed Use Intensive is intended for a high intensity mixture of residential, retail, and office uses.

SUBAREA 9 PLAN

Central Business District (CBD)

CBD policy is intended specifically for the heart of the downtown area and the surrounding area that contains supporting uses. The CBD constitutes the single largest concentration of non-residential development in the city. Offices are the predominant type of development, also some retail, entertainment, community facilities, government services, and higher density residential.

Policy Conflict

No. The proposed zoning district (MUI) is consistent with the Subarea 9 Plan’s CBD policy. The subarea plan suggests that the MUI zoning district should be applied to areas south of Broadway, also known as the SoBro area, to allow for intense development, but not allow for industrial and manufacturing uses. The MUI district allows similar land uses as the CF district currently, but does not permit the manufacturing and industrial uses that would be allowed under CF zoning.



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This is also located within the Rutledge Hill Redevelopment District. The Metro Development and Housing Agency (MDHA) has confirmed that this rezoning is consistent with this redevelopment plan for this area.

RECENT REZONINGS

None.

TRAFFIC

An access study will be required at development.

Typical Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	2.57	177,999	2080	298	279

Typical Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	2.57	177,999	2080	298	279

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--		--		0	0	0

Maximum Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	5	346,302	3471	507	467

Maximum Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	5	346,302	3471	507	467

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--		--		0	0	0



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METRO SCHOOL BOARD REPORT

Projected student generation*

2 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. None of these schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.

*The numbers for MUI zoning are based upon students that would be generated if the MUI zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq.ft. of floor area.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-017U-13
None
None
13 - Burch
6 - Awipi
George Anton and Howard Anderson, owners

Staff Reviewer
Staff Recommendation

Fuller
Disapprove

APPLICANT REQUEST

Rezone 1.55 acres from RM20 (multifamily) to RM40 (multifamily) district, located at 1154 Vultee Boulevard and Vultee Boulevard (unnumbered), located along the north side of Vultee Boulevard, approximately 500 feet north of Murfreesboro Pike.

Existing Zoning
RM20 district

RM20 is a medium high density multifamily district, intended for multi-family dwellings at a density of 20 units per acre.

Proposed Zoning
RM40 district

RM40 is a high density residential multifamily district, intended for multi-family dwellings at a density of 40 units per acre.

**ANTIOCH-PRIEST LAKE
COMMUNITY PLAN POLICY**

Existing Plan Policy
Residential High Density

RH policy provides for new and existing residential development with densities above 20 units per acre. RH development generally should be located along arterial streets having four or more lanes or should be near freeway interchanges. Sites with exceptionally good access to transit (i.e. adjacent to a bus corridor) are also appropriate. RH development should be within one-quarter mile of existing or programmed mass transit service.

Policy Conflict

The current RH policy does support densities of over 20 units per acre, and this location is relatively close to the Murfreesboro Road bus route. The densities of the existing apartment complexes in the area, however, are between 20 and 25 dwelling units per acre. The proposed RM40 district is not consistent with the existing density of apartments in the area. Additionally,



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these parcels are located on the edge of the RH policy area and directly abut a RLM (2 to 4 dwelling units per acre) policy area. The adjacent property is zoned RS10 and has an established pattern of single-family development. It is not appropriate for these properties to develop at 40 dwelling units per acre because this area should serve as a transition to the RLM policy.

Staff might be able to recommend approval of RM40 zoning if a Planned Unit Development was proposed that would cap the density at up to 25 dwelling units per acre and was designed to be sensitive to the adjacent RLM policy area.

RECENT REZONINGS

None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

No exception taken. Cross access and/or a joint use driveway may be required at development.

Typical Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Density per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	1.55	20	31	238	21	23

Typical Uses in Proposed Zoning District: RM40

Land Use (ITE Code)	Acres	Density per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	1.55	40	62	428	36	41

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+31	190	15	18

METRO SCHOOL BOARD REPORT

Projected student generation

7 Elementary 4 Middle 3 High

Schools Over/Under Capacity

Students would attend Glenview Elementary School, Cameron Middle School, and Glenclyff High School.



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Glenview Elementary has been identified as being full or overcrowded by the Metro School Board. There is capacity at other elementary schools within the cluster. This information is based upon data from the school board last updated August 31, 2004.



Project No.

**Urban Design Overlay 2005UD-001U-10
Harding Town Center Urban Design
Overlay and Transportation Plan**

**Associated Case
Council Bill
Council District
Requested by**

None
BL2005-550
24 - Summers
Councilman Summers

**Staff Reviewer
Staff Recommendation**

Covington
Approve. This proposal is the outcome of an extensive charrette process involving property owners, residents, business owners, developers and the district councilmember working with a Planning Department design team in consultation with a Transportation Planning Firm and various local, regional, and state departments. The vision is “to enjoy the benefits of a convenient, walkable, mixed-use village, while minimizing the negative impacts of vehicular traffic congestion in the area.” The design plan and associated standards encourage an appropriate mix of compatible uses consistent with the characteristics of the location, as well as an appropriate mix of building types with associated standards that work together to create a harmonious streetscape.

APPLICANT REQUEST

Apply an Urban Design Overlay (UDO) district to various properties located between White Bridge Road and the Aquinas Campus and Richland Creek and Ridgefield Drive.

SUBAREA 10 POLICY

This area is designated as the “Harding Road/Woodmont Boulevard Mixed-use Area” in the current policy plan. The objective is “to achieve a complementary blend of residential and non-residential activities.” Additionally, the intent is “to provide for compact working, shopping, and living arrangements in a more pedestrian friendly environment.” The predominant land use policy for the area is mixed-use with the intent to “recognize the importance of maintaining a balance of residential, retail and office activities and encourage a more integrated development pattern.”

Policy Conflict

No. The UDO implements the policy of the area by promoting a balance of uses within a pedestrian friendly environment. The Community Plans division is



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currently updating the Subarea 10: Green Hills/Midtown Plan, which is consistent with the outcome of the Harding Town Center study.

TRAFFIC Traffic Study Submitted

Yes. A transportation plan developed in conjunction with the urban design overlay accompanies this request. The transportation plan seeks to mitigate the traffic impact of entitled development through a balanced transportation system that supports the community's vision for future redevelopment of the area. Some additional traffic impact study may be required for individual projects and the approved findings incorporated into any final development plans.

Public Works' Recommendation

Approve. Staff has worked with the Public Works Department as well as the Tennessee Department of Transportation, the Metropolitan Planning Organization, and the Regional Transportation Agency throughout this process. Public Works has reviewed the proposed urban design overlay plan and transportation plan and recommended changes that have been incorporated into the plans.



Project No.

Subdivision 2005S-031G-01

Project Name

Asalee's Acres

Associated Cases

None

Council District

1 – Gilmore

School Board District

3 - Garrett

Requested By

Tammy Ruff, owner, Jeffrey Chandler, surveyor.

Staff Reviewer

Fuller

Staff Recommendation

Approve

APPLICANT REQUEST

Final Plat

This request is to create 5 lots on 11.12 acres abutting the south side of Eaton's Creek Road at the intersection of Forte Road.

ZONING

AR2a District

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

SUBDIVISION DETAILS

This subdivision proposes 5 lots on lots sizes of 2 and 3 acres. Three of the lots have frontage on Eaton's Creek Road, while the other two have frontage on Forte Road. The existing house on lot 2 will remain. All lots will have private septic systems and approval has been obtained from the Metro Health Department. Sidewalks are not required because this property is not located in a sidewalk priority zone.

PUBLIC WORKS' RECOMMENDATION

Show and dimension right-of-way consistent with the approved major street plan. Dedicate 5 feet of right-of-way along Eaton's Creek Road.

CONDITIONS

The applicant has complied with all requested changes to the plat and is ready to proceed with recording after obtaining the Planning Commission's approval.



Project No.
Project Name
Associated Cases
Council District
School Board District
Requested By

Subdivision 2005S-032U-12
Kingswood Park, Parcel A
None
27 – Foster
2 - Blue
Alireza Sharif Mohseni, owner, Michael R. Williams, surveyor.

Staff Reviewer
Staff Recommendation

Fuller
Approve with conditions

APPLICANT REQUEST
Final Plat

This request is to create 2 lots (one commercial and one residential) abutting the intersection of Nolensville Road and Brewer Drive (1.63 acres)

ZONING
R6 district

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

CL district

Commercial Limited is intended for a retail, consumer service, financial, restaurant and office uses.

SUBDIVISION DETAILS

The purpose of this plat is to create a new lot for the half acre section zoned CL. The remaining .96 acre will be platted as one residential lot. The residential lot requires a variance for exceeding three times the base zoning of R6, however, the lot size is in keeping with the average lot size on Brewer Drive of .86 acre.

The ordinance that rezoned lot 1 to CL (BL2004-139) required that the property only have access to Nolensville Road and not to Brewer Drive. That condition is being carried forward on this plat.

SIDEWALK VARIANCE

A sidewalk is required for the commercial lot on the corner of Nolensville Road and Brewer Drive. A sidewalk is also required on the residential lot because this property is located in an area with a sidewalk Priority Index of 20 or greater. The applicant has requested to be relieved of the sidewalk requirements because there are no other sidewalks in the area and they feel it would be dangerous to put people into the traffic of Nolensville Road.



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Section 1-10 of the Subdivision Regulations addresses the conditions that must apply for the Planning Commission to grant a variance. One condition is that if “the particular physical surroundings, shape, or topographical conditions of the specific property involved” result in a “particular hardship to the owner, as distinguished from a mere inconvenience,” a variance may be granted.

Staff has visited the site and found no “particular physical surroundings, shape or topographical conditions” that result in “a particular hardship to the owner, as distinguished from a mere inconvenience,” and therefore fails to meet the technical requirements for a variance. The applicant has the option to make a financial contribution to the sidewalk fund for this portion of property frontage for the residential lot (approximately 300 feet), in lieu of actually constructing the sidewalk. The sidewalk requirements for the commercial lot will be determined at the building permit stage. Staff recommends disapproval of the sidewalk variance.

PUBLIC WORKS’ RECOMMENDATION

The access driveway from Nolensville Road shall be limited to provide access for right in and right out turning vehicles, with no median cut on Nolensville Road. This driveway shall be located near the northern property line on Nolensville Road. The commercial lot shall allow future cross access to adjacent properties on Nolensville Road.

CONDITIONS

The following revisions are required prior to the recording of the final plat:

1. Show and dimension ROW along Nolensville Road at property corners, consistent with the approved major street plans (U6- 108' ROW).
2. Dimension from road center line to property line.



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3. Dedicate 5' on Brewer Drive.
4. Lot 2 shall indicate future cross access to the adjacent PUD on the north property line.
5. Add a bar scale.
6. Add the appropriate drainage easement along the roadside.
7. Add parcel numbers. Lot 1 is parcel 9 and Lot 2 is parcel 106 (Map 161-08).



Project No.
Project Name

Planned Unit Development 95-71-U-08
MetroCenter, Lot 1 (Crest-Hummer Dealership)

Council Bill
Council District
School District
Requested By

2 - Isabel
1 - Thompson
Civil Site Design group, applicant for Car Son Mas, TN, LLC, owner

Staff Reviewer
Staff Recommendation

Pereira
Approve with conditions

APPLICANT REQUEST
Revise Preliminary & Final PUD

Request to revise a portion the preliminary plan and for final PUD approval to permit the addition of a new 6,830 square foot vehicular sales facility, on the same lot of the existing 64,490 square foot auto dealership building, on 9.0 acres, located at the southeast corner of Athens Way and MetroCenter Boulevard, classified CS.

PLAN DETAILS

Site Plan

The proposed new 6,380 square foot building will have a vehicular sales and service use, as a facility for the sale of Hummers brand vehicles. This use is consistent with the existing 2-story building, which has both vehicular sales and service and automotive repair uses, including a showroom for Cadillacs, and a service and body shop.

History

This is a PUD that was approved for institutional, highway-oriented, and office uses in 1971, and subsequently revised several times. There was a revision to preliminary in 1988, which allowed an auto dealership use on the site that now holds the Crest car facilities in question. Based on staff research, the new building does not appear to represent an increase greater than 10% of the square footage approved by Council on the preliminary plans.

Staff consideration

Staff recommends the Planning Commission treat this request as a revision for the reasons listed below, but if the Commission believes this change alters the basic



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development concept of this PUD, then it can recommend an amendment to the PUD, which requires referral to the Metro Council. Based on the following factors, staff finds that this request to modify the PUD should be treated as a revision, which is not required to be referred to the Metro Council:

1. The proposed use is consistent with the Council-approved uses in the PUD.
2. This revised PUD plan does not increase the total floor area more than ten percent beyond the total floor area last approved by Metro Council.
3. The proposed access points are consistent with the Council-approved plan.
4. The proposed plan does not significantly increase the height of the buildings in the PUD.
5. The proposed plan does not significantly change the impact to the surrounding area.

Access

No new access points have been proposed with these plans. The two existing access points will not be altered, including one along Athens Way, and one along MetroCenter Boulevard.

Sidewalks

This site falls within the Urban Services District, and there is an existing sidewalk along MetroCenter Boulevard. Because this is a development any sidewalk requirement will be determined at the building permit stage.

Parking

The applicant has complied with the 254 parking spaces required for this limited vehicular sales use, by proposing 351 parking spaces.

Open Space and Landscaping

Because this is a commercial PUD, there is no open space requirement. As this PUD is zoned CS and is surrounded by CS on all sides, no landscape buffers are required along its exterior perimeter.

Environmental

There are two small blue line streams on the property, one along the southeastern PUD limit, and one along



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the PUD's frontage with MetroCenter Boulevard. Both of these streams fall within landscaped areas. There is no floodway or floodplain on the property.

Recent rezoning

None.

TRAFFIC PUBLIC WORKS' RECOMMENDATIONS

Final approvals are subject to Public Works' review and approval of construction plans.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

CONDITIONS

1. Prior to the issuance of any permits, the applicant must revise the existing plat or record an instrument at the Register of Deeds to observe the appropriate Right-of-way consistent with approved Major Street Plan along MetroCenter Boulevard (84 feet of Right-of-way are required on a U4).
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.



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5. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.