



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

**Minutes
Of the
Metropolitan Planning Commission**

February 22, 2007

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
Councilmember J.B. Loring
Eileen Beehan, representing Mayor Bill Purcell

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Ted Morrissey, Legal Counsel
David Kleinfelter, Planning Mgr. II
Kathryn Withers, Planner III
Jason Swaggart, Planner I
Trish Brooks, Admin. Svcs. Officer 3
Carrie Logan, Planner I
Dennis Corrieri, Planning Tech I
Craig Owensby, Communications Officer
Brenda Bernards, Planner III
Nedra Jones, Planner II
Jennifer Carlat, Planning Mgr. II
Joni Priest, Planner I
Hilary Kahnle, Planning Mgr. II

I. CALL TO ORDER

The meeting was called to order at 4:04 p.m.

Ms. Hammond announced the following: "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."

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. Loring seconded the motion, which passed unanimously to adopt the agenda as presented. **(8-0)**

III. APPROVAL OF FEBRUARY 8, 2007, MINUTES

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve the February 8, 2007 minutes as presented. **(8-0)**

Mr. Clifton arrived at 4:08 p.m.

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Whitmore spoke in favor of Items #5, 6 and 7 (2007Z-022U-08, 2007Z-023U-08 and 2007Z-024U-08). He stated he held community meetings regarding these zone change requests and there was unanimous support

from the constituents. He did mention, however, that he had received a message from someone yesterday, who had expressed opposition. He then spoke regarding Item #10, 2007SP-027U-03, Hallmark at Clarksville Pike. He requested that this item be deferred to allow additional time to work with the developer and the community on the requested zone change.

Councilmember Ryman requested that the Commission defer Item #22, 2006M-231U-0 until March 22, 2007. He stated he would be deferring the bill in Council as well. He requested the deferral in order to allow additional time for a community meeting.

Councilmember Tygard stated he would address the Commission once his item was presented to the Commission.

Councilmember Jameson stated he would address the Commission once his item was presented to the Commission.

Councilmember Craddock was present at the meeting, but he did not address the Commission.

Councilmember Gotto was present at the meeting, but he did not address the Commission.

Councilmember Williams spoke regarding Items #1 and 2 (2006Z-096T, and 2006Z-196T). She acknowledged the staff recommendation of disapproval and stated that she and other Council members continue to edit the proposed bill. She spoke in favor of Item #3, 2007Z-008U-08 which was on the Consent Agenda for approval. She also spoke in favor of Item #11, 2007Z-029U-09 which was on the Consent Agenda for approval.

Councilmember Evans stated she would address the Commission once her item was presented to the Commission.

Ms. Cummings arrived at 4:19

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- | | | | |
|-----|---------------|--|---|
| 17. | 2007S-027U-10 | Lealand Hall -Request to revise the preliminary and for final plat approval to create 10 lots on properties located at 4109 and 4115 Lealand Lane | - deferred until March 8, 2007, at the request of the applicant |
| 22. | 2006M-231U-09 | A request to amend the Official Street and Alley Acceptance and Maintenance Map for The Metropolitan Government of Nashville and Davidson County, by changing the name of a portion of Gateway Boulevard between Davidson Street and 4th Avenue South to "Korean War Veterans Memorial Boulevard | - deferred to March 22, 2007, at the request of the applicant |

Ms. Nielson moved and Ms. Beehan seconded the motion, which passed unanimously to approve the Deferred and Withdrawn Items as presented. **(10-0)**

VI. PUBLIC HEARING: CONSENT AGENDA

- VII. REQUEST TO AMEND THE ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE FOR APPROXIMATELY 500 ACRES LOCATED BETWEEN THE CSX RAILROAD TRACKS, OLD HICKORY BOULEVARD, I-24, AND THE CROSSINGS BUSINESS PARK TO GO FROM INDUSTRIAL POLICY TO OPEN SPACE, POTENTIAL OPEN SPACE, NEIGHBORHOOD GENERAL, NEIGHBORHOOD URBAN, AND COMMUNITY CENTER POLICIES.** - Approve

ZONING MAP AMENDMENTS

- | | | | |
|----|------------|---|--------------|
| 1. | 2006Z-096T | Request to amend the Metro Zoning Code relative to park and recreation uses | - Disapprove |
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- | | | | |
|--|----------------|---|--|
| 1a. | 2006Z-196T | Request to amending Title 17 of the Metro Zoning Code to create "passive park" as a new recreational land use permitted by right in non-residential districts and permitted by special exception in residential districts | - Disapprove |
| 3. | 2007Z-008U-07 | Request to change from R20 to RS20 zoning various properties located east of Highway 100 on Page Road, Heady Drive, W Tyne Drive, Gilman Avenue, Taggart Avenue, Brookfield Avenue, Alton Road, Cheek Road, and Clydelan Court | - Approve |
| 6. | 2007Z-023U-08 | Request to change from R6 to RS10 zoning various properties located west of 35th Avenue North on Geneva Circle and Albion Street | - Approve |
| 8. | 2007Z-026T | Request to amend Section 17.40.106 of the Zoning Code to provide a process for periodic review of older planned unit developments | - Approve |
| 9. | 2007SP-026U-11 | A request to change from CS to SP zoning property located at 2849 Logan Street, approximately 505 feet north of Thompson Lane (0.31 acres), to permit the development of a 7,500 square foot automobile repair facility | -Approve w/conditions |
| 11. | 2007Z-029U-09 | Lower Broadway Historic Preservation -Request to apply a historic preservation overlay district known as "Lower Broadway" to various properties located on 1st Avenue North, 2nd Avenue North, 3rd Avenue North, 4th Avenue North, 5th Avenue North, Opry Place, Shelby Avenue and Symphony Place | - Approve w/conditions |
| 14. | 2007Z-034T | Recreational Facilities in Cluster Lot Subdivisions - A council bill to amend Section 17.12.190 of the Metro Zoning Code to require persons utilizing the cluster lot subdivision option to construct recreational facilities on a portion of the designated common open space | - Approve w/ amendments, but disapprove if the bill is not amended to address staff concerns |
| 15. | 2007Z-042T | Transfer of Development Rights - A council bill to amend sections of the Metro Zoning Code, to permit the transfer of development rights from Historic Landmark Districts and Historic Preservation Districts in Downtown Nashville as "sending" sites to designated "receiving" sites | - Approve |
| CONCEPT PLANS | | | |
| 16. | 2006S-385G-14 | Roehrig Estates Subdivision - Request for concept plan approval to create 7 lots on property located at Jones Circle (unnumbered), approximately 1,250 feet north of Fourth Street (6.05 acres), zoned R15, requested by William Bryan Roehrig III, owner, Jesse Walker, surveyor. | - Approve |
| REVISIONS AND FINAL DEVELOPMENT PLANS | | | |
| 18. | 79-81-G-13 | Bell Forge Commercial PUD - Request for final approval of a Planned Unit Development district, located at the northwest intersection of Bell Road and Mt. View Road, to permit the development of a fuel center with five pumps providing 10 fueling stations and a 266 square foot kiosk to be constructed within the existing parking lot | - Approve w/conditions |

- 19. 2004P-015U-13 Matlock, Phase 1 - Request to revise the preliminary plan and for final approval of a portion of a Planned Unit Development located along the east side of Old Franklin Road at Matlock Lane, to permit the development of 104 townhouse units, replacing 111 townhouse units and to remove a street connection via Matlock Lane to the Provincetown development, and to construct 32 townhouse units and to designate a portion of Matlock Lane as a private street - Approve w/conditions including that No permits shall be issued for any additional phases within this PUD until such time that the entirety of the extension of Isabelle Lane including the stream crossing has been constructed and or bonded.
- 20. 2002UD-001U-10 Green Hills (Amendment) - Request to amend the existing Urban Design Overlay District to add property located at 3821 Green Hills Village Drive to the Green Hills UDO, to require all provisions of the UDO to apply to this property - Approve
- 21. 2002UD-001U-10 Green Hills (Sign Amendment) - Request to amend the Urban Design Overlay District to various parcels in a portion of the Green Hills commercial area along Hillsboro Drive, Bandywood Drive, to require the on-site sign provisions of the UDO to become mandatory for any change in signage (new tenant, new sign face or any type of sign change). - Approve

OTHER BUSINESS

- 23. Employee contract amendments for John Broome and David Kline - Approve
- 24. Grant Agreement between the TDOT and Metro Planning commission on behalf of the Nashville Area MPO for the FY 2006 FTA Section 5303 Planning Allocations for short-Range Transit Planning - Approve

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the Consent Agenda as presented. **(10-0)**

VII. REQUEST TO AMEND THE ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE FOR APPROXIMATELY 500 ACRES LOCATED BETWEEN THE CSX RAILROAD TRACKS, OLD HICKORY BOULEVARD, I-24, AND THE CROSSINGS BUSINESS PARK TO GO FROM INDUSTRIAL POLICY TO OPEN SPACE, POTENTIAL OPEN SPACE, NEIGHBORHOOD GENERAL, NEIGHBORHOOD URBAN, AND COMMUNITY CENTER POLICIES.

APPLICANT REQUEST - Change the land use policy from Industrial (IN) to Open Space (OS), Potential Open Space (POS), Neighborhood General (NG), Neighborhood Urban (NU), and Community Center (CC) policies for approximately 500 acres located between the Crossings business park, the CSX railroad tracks, Old Hickory Boulevard, and I-24.

CURRENT POLICY

Industrial (IN) - IN is a classification for one of several types of special districts. IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers, and mixed business parks containing compatible industrial and non-industrial uses.

PROPOSED POLICIES

Open Space (OS) and Potential Open Space (POS) - Open Space is a general classification encompassing a variety of public, private not-for-profit, and membership-based open space and recreational activities. There are two subcategories of Open Space. The designation OS indicates that the area in question has already been secured for Open Space use. The designation POS 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." OS and POS areas can range from large sites encompassing thousands of acres to

small sites that are a fraction of an acre.

Neighborhood General (NG) - Neighborhood General is a Structure Plan classification for areas that are primarily residential in character. To meet a spectrum of housing needs, ideally, NG areas contain a variety of housing that is carefully arranged, not randomly located. Civic and public benefit activities are also characteristic of NG areas.

Neighborhood Urban (NU) - Neighborhood Urban is the Structure Plan classification for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but which overall are envisioned to be mixed use in character. Types of uses intended within NU areas include a variety of housing, public benefit uses, commercial activities, and mixed-use development. Some NU areas also contain light industrial development.

Community Center (CC) - Community Center (CC) is the classification for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Generally, Community or Corridor Center areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops. Neighborhood and community oriented public and public benefit activities and residential uses are also appropriate in CC areas. Residential development in CC areas that is not above retail or offices is typically higher intensity townhomes and multi-family housing.

ANALYSIS - Staff recommends approval of the proposed amendment.

The area in question is almost completely vacant, containing a scattered handful of homes and farm buildings. It is zoned for industrial and agricultural uses with one exception. In 2005, a portion of the area was rezoned to MUL for the planned new Cane Ridge High School. This planned new high school has changed the dynamics of the area and generated interest in residential development surrounding the planned new school. The 500-acre site is planned to be bisected by two major streets, the Southeast Parkway (east-west) and the extension of Crossings Boulevard (north-south). These planned roads are shown on both of the attached graphics (existing and proposed policies).

The applicant requested a mixture of residential and mixed use policies as described above, and staff has worked with the applicant and area property owners on retaining some opportunity for light industrial development in the recommended Neighborhood Urban policy area that would be north of the planned Southeast Parkway. The policies that are recommended for the remainder of the amendment area are primarily Neighborhood General with a Community Center policy area near Old Hickory Boulevard along the future Crossings Boulevard, along with Open Space policy for the planned high school and Potential Open Space policy for approximately 25 acres of neighborhood parkland that would be provided in association with future development.

These policies are appropriate in this location in light of the following considerations:

- a. the location has good access to existing and planned major streets and is near an existing (Old Hickory Boulevard) and a planned interstate interchange on I-24 E that would be constructed in conjunction with the Southeast Parkway;
- b. the presence of the planned new high school will make the area an appropriate location to develop residential neighborhoods, it being preferable to surround such a civic facility with residential rather than industrial development;
- c. the site is mostly level with few environmental constraints to development;
- d. the location of the proposed Community Center policy is appropriate both to serve the neighborhoods that will emerge in the immediate vicinity of the high school as well as the larger surrounding area.
- e. the proposed Neighborhood Urban policy will provide needed market flexibility for development adjacent to the existing Crossings Business Park, while the intended mix of uses and high design standards of the policy will provide an appropriate transition to the adjacent planned neighborhoods to the south.

PUBLIC PARTICIPATION - Two community meetings were held for this plan amendment. A total of about 30 people attended the meetings. Those in attendance were generally supportive of the amendment and were pleased that the proposed policies all call for SP or Urban Design or Planned Unit Development overlays to be used for rezonings.

Approved (10-0), *Consent Agenda*

Resolution No. RS2007-053

“BE IT RESOLVED by The Metropolitan Planning Commission that the REQUEST TO AMEND THE ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE FOR APPROXIMATELY 500 ACRES LOCATED BETWEEN THE CSX RAILROAD TRACKS, OLD HICKORY BOULEVARD, I-24, AND THE CROSSINGS BUSINESS PARK TO GO FROM INDUSTRIAL POLICY TO OPEN SPACE, POTENTIAL OPEN SPACE, NEIGHBORHOOD GENERAL, NEIGHBORHOOD URBAN, AND COMMUNITY CENTER POLICIES is **APPROVED. (10-0)**”

VIII. REQUEST TO ADOPT THE DOWNTOWN COMMUNITY PLAN: 2007 UPDATE, INCLUDING DETAILED NEIGHBORHOOD DESIGN PLANS FOR ALL SEVENTEEN NEIGHBORHOODS

DOWNTOWN COMMUNITY PLAN: 2007 UPDATE

Guiding Principles - Balancing the community’s vision with sound planning principles, Metro Planning Commission staff developed the following guiding principles for Downtown growth and development. The Downtown Plan’s recommendations, goals, and objectives were all crafted to implement these guiding principles:

1. Ensure that Downtown remains the civic, commercial and entertainment center for Nashville, Middle Tennessee, and the Southeast.
2. Provide opportunities for continued growth while preserving and enhancing the character that inspires residents and businesses to move Downtown.
3. Create strategic mixed use to facilitate Downtown’s transformation into a 24/7 community.
4. Create and nurture urban neighborhoods.
5. Create active, attractive streets and streetscapes.
6. Protect and reuse historic structures and districts.
7. Create environmentally sustainable and energy efficient development.
8. Create “great spaces” throughout Downtown for the enjoyment of citizens and visitors alike.
9. Provide for improved mobility in and through Downtown to support other principles for healthy growth in Downtown.

Land Use Element - The primary product of every Community Plan is the land use policy. In the Downtown Plan, the land use element is presented, in its broadest form, in the Structure Plan. Many Community Plans end with the Structure Plan. Given the complexity of growth in Downtown, and the unique development issues facing Downtown, the entire community received additional, refined planning, in the creation of seventeen Detailed Neighborhood Design Plans or DNDPs. Each DNDP has its own Detailed Land Use Plans. The highlights of the proposed plan are as follows:

- ❑ To meet guiding principles one and two – ensuring that Downtown remains the center of the region and there are ample opportunities for growth - the plan calls for expansion of the Downtown Core (the Central Business District) and for consideration of additional floor area ratio (FAR, a measure of square footage) in the Core. The plan also offers additional FAR in some portions of the Core and SoBro in exchange for environmentally sustainable development.
- ❑ To meet guiding principle three – creating strategic mixed use to facilitate Downtown’s transformation into a 24/7 community - the plan calls for an intense, vibrant, mixed-use environment throughout Downtown, focusing the most intense development in the Core and in the SoBro neighborhood. The plan also calls for a mixture of uses within buildings, naming specific streets that are to be especially pedestrian friendly and encouraging active first floor uses on these streets and that parking structures on these streets be lined with retail, residential, or office use.
- ❑ To meet guiding principle four – creating and nurturing urban neighborhoods – the plan calls for additional residential throughout Downtown and the amenities and services, including parks, to serve these

neighborhoods. The plan also calls for future study on workforce housing and includes a recommendation to study and align the various incentives currently available for affordable housing.

- ❑ To meet guiding principle five – creating active, attractive streets and streetscapes – the plan calls for active uses on the first floors of key streets and parking structures on key streets to be lined with active uses to avoid dead, overhead parking. The plan also guides developers and property owners to create sidewalks and streetscape elements according to adopted Metro Government standards.
- ❑ To meet guiding principle six - protecting and reusing historic structures and districts – the plan calls for historic zoning overlays on Lower Broadway and in the area bounded by Union, Second Avenue North, and Church and Fifth Avenue North. To ensure that property owners in these districts realize the full value of their property, the plan calls for creation of tools to facilitate transfer of development rights from historic zoning overlays and Historic Landmark Districts in Downtown to the Core and parts of SoBro. The transfer of development rights are intended to relieve redevelopment pressures on historic structures and in historic districts.
- ❑ To meet guiding principle seven - creating environmentally sustainable and energy efficient development – the plan encourages all new development to meet basic Leadership in Energy and Environmental Design (LEED) certification. The plan also uses incentives to achieve higher LEED certification in parts of the Core and SoBro. In these areas, additional FAR is granted for additional LEED certification.
- ❑ To meet guiding principle eight - creating “great spaces” throughout Downtown for the enjoyment of citizens and visitors alike – the plan calls for the street to be treated as a valuable public realm, made lively by active first floor uses. The plan also calls for special treatments of the entrances into Downtown, continuation of Metro’s public art program and special guidance for Fifth Avenue of the Arts.
- ❑ Guiding principle nine - providing for improved mobility in and through Downtown to support other principles for healthy growth in Downtown – is addressed below in the “Transportation Plan.”
- ❑ With regard to building regulations, most Downtown neighborhoods are expected to remain within their currently permitted FAR of 5. Throughout Downtown, the plan calls for a minimum height of 45 feet at the street to ensure urban scale and density and make efficient use of land. Building heights will typically range from 65 to 105 feet at the street, with a stepback and then unlimited height (in SoBro and the Core) or a sky exposure plane. The upper range of height at the street is found on major corridors and at neighborhood centers. The plan does call for height limits on First and Second Avenues south of Broadway to create a pedestrian friendly transition from the river into SoBro. The plan calls for height limits on Upper Broadway to respect the scale of the existing historic structures. Finally, the plan calls for height caps in neighborhoods north of Charlotte where building height could impact views to the Capitol.
- ❑ With regard to use of land, Mixed Use is the dominant Detailed Land Use Policy for most of Downtown. Hope Gardens is the lowest intensity neighborhood, reflecting its historical character; the Core is the highest intensity neighborhood, reflecting its continued importance as the civic, commercial, and cultural core of the region. A new Structure Plan category called “Downtown Neighborhood” has been created for addition to Land Use Policy Application to cover neighborhoods outside of the Core.
- ❑ The Downtown Plan proposes the addition of three new Structure Plan categories, which were added to the Land Use Policy Application for use in Downtown by the Metro Planning Commission at its December 14 meeting. One of the three is called “Civic District.” It covers the government and cultural concentrations of State and Metro activities.
- ❑ The preservation and adaptive reuse of historic structures in the Second and Broadway corridor is an important feature of the plan, with a new Structure Plan category called “Second and Broadway” having been created to help guide development of this most important place.
- ❑ Special Policies have been included for the proposed Convention Center sites and for the Riverfront Concept Plan area.

- ❑ The recent Riverfront Concept Plan, including the proposed canal, is reflected in the Detailed Land Use Plans that cover the East Bank. Redevelopment of the East Bank into three mixed use neighborhoods with substantial entertainment and open space features is the vision of the plan.
- ❑ The provisions of several other recent plans for Downtown, including the Bicentennial Mall Master Plan, MDHA's Rolling Mill Hill plan, the Plan of Nashville, and the Gulch Plan have been reflected in the draft Downtown Community Plan.

Transportation Element - The Downtown Plan acknowledges that there is limited opportunity to add to the Downtown street network. This fact, combined with increasing interest of residents and businesses to move Downtown, means that future efforts to address mobility will need to rely heavily on transit, walking and cycling.

That said, to achieve the improved mobility guiding principle, selective street connection and intersection projects, new streets, transit, bikeways, improved sidewalks, and greenways are recommended throughout the community.

- ❑ The plan stresses the importance of providing street connectivity and recommends several new streets in areas envisioned to develop in the future, along with new connections of existing streets in neighborhoods including SoBro, the Gulch, and Sulphur Dell.
- ❑ Most importantly, the Downtown Plan, having established the vision for land use in the future, calls for a broad, multi-modal transportation plan for Downtown, capitalizing on the research already conducted by Metro Public Works Department and involving public and private stakeholders.

Open Space Element - The community contains several parks, including Riverfront Park, Church Street Park, Country Music Hall of Fame Park, Hope Gardens Park, and the Bicentennial Mall. The plan recognizes the need for additional parks and open spaces, particularly south of Broadway, in the Gulch and in the East Bank.

The plan also envisions additions to the existing network of greenways along the Cumberland River, in the Gulch and in the Lafayette neighborhood. Finally, the plan calls for the creation of a canal with a greenway on both sides in accordance with the Riverfront Concept Plan.

PUBLIC PARTICIPATION - In 2006, staff conducted four community meetings between September and December to engage the community in updating the Downtown Plan. Attendance at the community meetings ranged from 60 to 100 people. In addition, in August staff conducted a series of focus groups attended by over 120 people to gather information to shape the plan update process.

The *Downtown Plan: 2007 Update* was presented to Metro Planning Commission at its December 14, 2006 meeting. At that time, the Commission extended the public hearing to February 22, 2007 to allow for additional opportunity for community involvement.

In the intervening months, Metro Planning staff held two additional community meetings, three meetings on specific topics in the Downtown Plan, three "drop in" sessions where stakeholders could visit individually with planners on the impact of the plan, and participated in meetings called by individual developers and property owners on particular projects. The topics and attendance at each meeting are described below.

- Community Meeting – January 17 – Reviewed the entire plan and requested feedback on specific topics from attendees. Attendance – 30 people
- Community Meeting – February 7 – Reviewed changes made to the plan. Attendance – 20 people
- Lunch Meeting on Leadership in Environmental and Energy Design (LEED) – January 19. Attendance – 20 people.
- Lunch Meeting on Transfer of Development Rights – January 26. Attendance – 5 people.
- Lunch Meeting on Height and Floor Area Ratio (FAR) – February 2. Attendance – 7 people.
- Drop in Sessions, January 19, January 26 and February 2 – total attendance – 8 people.

SUBSTANTIVE CHANGES MADE - The following is a non-exhaustive list of changes made to the Downtown Plan since it was last presented to Metro Planning Commission on December 14, 2006. A comprehensive list of changes is found on the Metro Planning Department web site at www.nashville.gov/mpc/subarea9.htm

New Recommendations Added

1. Research and align the different affordable housing incentives currently present in Metro Zoning Code and through MDHA's redevelopment districts.
2. Create an open space plan for Downtown to address its unique open space needs and opportunities.
3. Research, through a proposed multi-modal transportation plan, the possibility of satellite parking served by transit.
4. Amend zoning code to allow the FAR in liner buildings to not be counted toward the primary use FAR of a building.

Specific Plan Rezoning Removed objective, in each neighborhood subdistrict, encouraging rezoning to Specific Plan zoning district. Replaced with one reference, at the beginning of Chapter V (Neighborhoods) that states:

"The policies, goals, and objectives in the Downtown Plan will be the basis for Metro Planning Commission staff recommendations relative to rezoning requests, subdivision requests, variances, and special exceptions. The objectives and policies are intended to implement the guiding principles of the Downtown Plan; they provide specific steps to create development that transforms the guiding principles into practices. All development is also encouraged, however, to offer additional or alternative innovative ways to achieve the guiding principles." This alerts the reader to how the Downtown Plan will be used by staff.

Environmentally Sustainable Development - Removed objective, in each neighborhood subdistrict, *requiring* that all new development meet a "Metro green building standard" or basic Leadership in Energy and Environmental Design (LEED) certification. Replaced this objective with one *encouraging* new development to meet basic LEED certification. This has the effect of making LEED an incentive-based tool in the Downtown Plan, not a requirement.

The use of incentives to encourage higher certification in LEED remains in the Downtown Plan. The incentive was changed, however, in two ways. First, the incentive itself was reduced. The Plan was amended so that LEED Silver Certification is exchanged for two additional FAR. Meanwhile, LEED Gold Certification is exchanged for four additional FAR. This is reduced from three and five FAR respectively.

Second, the neighborhood subdistricts eligible for the LEED incentive have expanded. In addition to SoBro Subdistrict 3, the LEED incentive is now available in SoBro Subdistrict 4 (the Gateway UDO) and in the Core Subdistrict 4 (the Central Business District minus parks, prominent civic structures, and historic districts).

Transfer of Development Rights - The Downtown Plan calls for the creation of tools to facilitate transfer of development rights, where "sending sites" may donate or sell their unused development rights (unused square footage) to "receiving sites" in areas intended for higher intensity development. The plan was amended, since December, to clarify the sending sites. The "Broadway Block" subdistrict including properties fronting onto Symphony Place and the Shelby Street Pedestrian bridge was removed from the "sending sites." Meanwhile, Historic Landmark Districts (a Council-approved designation provided to individual historic structures) were added to the sending sites. The sending sites are now Historic Landmark Districts and Historic Preservation Districts (which encompass larger historic districts like Second Avenue North).

The "receiving" sites have also been amended. The receiving sites had included only the Core Subdistrict 4 (the Central Business District) and SoBro Subdistrict 3. SoBro Subdistrict 4 (Gateway UDO) has been added to the list of receiving sites.

Access to Parking on Streets Designed to Be Especially Pedestrian Friendly - The Downtown Plan calls for some streets to be especially pedestrian friendly. This is accomplished, in part, by limiting access to parking from these streets to avoid pedestrian/auto conflicts. Language was added to provide relief for properties that may face onto two or more of these streets. The relief language states: "Special consideration [to allow access to parking] may be made for properties fronting onto two or more of the above-mentioned streets [streets where parking access is not allowed]." The intent language states, "It is the intent of this objective to provide the most pedestrian-friendly environment possible on these streets while still permitting access to these properties."

Minimum Height Requirements - In all neighborhood subdistricts, added a minimum height requirement of 45 feet at the street to achieve urban condition and urban density. Exceptions to the minimum height include Hope

Gardens, which has an established residential pattern. Other exceptions include Lafayette, Rutledge Hill, and the non-MDHA planned portion of Rolling Mill Hill. In these areas, development that is solely residential may be a minimum of two stories. The exception is not provided on Eighth Avenue South or Lafayette St., where higher-intensity development is envisioned.

Maximum Height Requirements - The Downtown Plan had called for building height limits for all construction north of Charlotte Avenue/Union Street to preserve views of the Capitol. Given the variations in topography, the building height limits were specified in terms of *elevation* (height above sea level), specifically an elevation limit of 560 feet, which is the elevation of the base of the Capitol. This created the opportunity for very tall structures in Sulphur Dell and Bicentennial Mall, which did not provide a smooth transition in development patterns from Germantown. Therefore, in Sulphur Dell and Bicentennial Mall, maximum height requirements of 75 feet (roughly six stories) were added.

Convention Center Special Policies - The Downtown Plan offers recommendations for urban design elements that will ensure that the convention center meets the guiding principles of the Downtown Plan and is an asset to the neighborhood. Language was added that encourages the developers of the convention center to offer alternate methods for achieving the guiding principles.

The Downtown Plan was amended to remove the SoBro site policy proposing that the convention center floors and ballroom space be lifted to preserve the existing street grid. The policy now calls for the existing street grid to be preserved, but does not state how this is to be accomplished. Among the policies for the SoBro site, a second was amended to allow parking access and loading/unloading from Fifth Avenue South, a street that had previously been prohibited from having these types of functions.

Fifth Avenue of the Arts - Several changes were made to the Downtown Plan at the request of supporters of the Fifth Avenue of the Arts. These include the following:

1. A reference in the Executive Summary was amended to note that the Downtown Plan supports both private *and public* efforts to support Fifth Avenue of the Arts.
2. In all neighborhood subdistricts that include Fifth Avenue of the Arts, the Plan was amended to add a goal to encourage public and private investment in Fifth Avenue of the Arts.
3. In all neighborhood subdistricts that include Fifth Avenue of the Arts, the Plan was amended to add an objective encouraging streetscaping to consider the arts theme.
4. In the Lafayette and Rutledge Hill neighborhoods, an objective was added encouraging active first floor uses on Fifth Avenue to encourage a pedestrian-friendly environment that could facilitate development of Fifth Avenue of the Arts.

Changes in Specific Neighborhoods - Core – Added objective noting that additional FAR may be appropriate in the Core for projects that meet the guiding principles of the Downtown Plan.

Upper Broadway/SoBro – The boundaries of these adjacent neighborhoods were amended to move the former Union Station train shed property, the baggage building property and the Frist parking lot from the Upper Broadway neighborhood into SoBro Subdistrict 3.

SoBro – The subdistricts including the east side of First Avenue South were amended to include a maximum building height of 175 feet.

East Bank – Because much of the East Bank is currently zoned industrial and likely to rezone, objectives were added to the various neighborhood subdistricts noting appropriate zoning districts to achieve the development envisioned. These are a mix of Mixed Use Intensive - the second most intensive zoning district in Nashville - and Mixed Use General, which encourages urban neighborhood scale development.

East Bank Central – Added a recommendation that the Nashville Bridge Building be preserved and adaptively reused.

Gulch –

1. The Downtown Plan calls for a proposed park at Ninth Ave. S. and Gleaves St. The Plan was amended to note that if the property is not secured for a public open space, redevelopment should include an open space feature such as a hard-scaped plaza or pocket park.
2. In the Mixed Use Subdistrict (bounded by Broadway to the north, Eleventh to the east, Twelfth to the south and the interstate to the west), the Plan was amended to name the streets where active first floor uses are required – Broadway, Demonbreun, Division, Twelfth, Eleventh, and Eighth.
3. In the same subdistrict, added Broadway to the list of streets where parking structures must be lined with an active use and where access to parking structures is prohibited.
4. In the same subdistrict, added new objective calling for historic or cultural designation for the Station Inn.
5. In the Rail Line Subdistrict (properties bounded by Eleventh Avenue South, Broadway and the rail lines), amended objective to require active first floor uses on 11th Ave. S. and Demonbreun Street.
6. In the same subdistrict, added a new objective prohibiting parking structure entrances on Demonbreun and a new objective noting that parking entrances need to be sensitive to the pedestrian environment.
7. In the same subdistrict, amended the objective for the proposed greenway to note that land for the greenway could be adjacent to the rail line *or* along Eleventh Avenue South.

Lafayette – Added a proposed greenway from Eighth and Lafayette, south on Lafayette to Sixth Avenue South and then south on Sixth Avenue South to provide a pedestrian connection to the Adventure Science Center.

Hope Gardens - Because parts of Hope Gardens are currently zoned for more intensive commercial than is befitting a classic urban neighborhood, objectives were added to the various neighborhood subdistricts noting appropriate zoning districts to achieve the development envisioned. These are a mix of Mixed Use Neighborhood and Mixed Use General, which encourage neighborhood scale mixed use development.

Bicentennial Mall – Part of Bicentennial Mall is currently zoned industrial and is appropriate to rezone. Therefore, the State Facility Mixed Use Subdistrict has an objective noting that Core Frame (CF) zoning is appropriate achieve the development envisioned.

Sulphur Dell - Part of Sulphur Dell is currently zoned industrial and is appropriate to rezone. Therefore, the Government and Mixed Use Subdistrict has an objective noting that Mixed Use General (MUG) zoning is appropriate achieve the development envisioned.

Public Square - Parts of Public Square are currently zoned industrial and appropriate to rezone. Mixed Use Intensive zoning is recommended for these areas should they rezone.

Capitol Hill – The Government, Educational, and Mixed Use Subdistrict was amended to include McLemore Street among streets that are to have lined parking and among the streets where access to parking is prohibited.

Staff Recommendation-Approve.

Ms. Carlat presented and stated that staff is recommending approval. She also presented additional conditions, to be included in the plan, to the Commission.

Mr. Lawson commended Ms. Carlat and staff for their work on the downtown community plan update.

Councilmember Jameson also thanked staff for their work on the downtown community plan. He spoke in favor of its approval.

Mr. Peter Heidenreich, 2120 Ashwood Ave., expressed issues associated with the community plan.

Mr. McLean requested additional clarification regarding building structures included on Demonbreun Street.

Ms. Carlat explained this concept to the Commission.

Mr. Clifton requested additional information on how the plan addresses the proposed new convention center, in particular, site location and the design of the facility.

Mr. Carlat explained these concepts to the Commission.

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to adopt the Downtown Community Plan: 2007 Update, including detailed neighborhood design plans for all seventeen neighborhoods. **(10-0)**

Resolution No. RS2007-054

“BE IT RESOLVED by The Metropolitan Planning Commission that the REQUEST TO ADOPT THE DOWNTOWN COMMUNITY PLAN: 2007 UPDATE, INCLUDING DETAILED NEIGHBORHOOD DESIGN PLANS FOR ALL SEVENTEEN NEIGHBORHOODS is **APPROVED. (10-0)**”

IX. REQUEST TO AMEND THE DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN: 2004 UPDATE FOR APPROXIMATELY 105 ACRES LOCATED BETWEEN BRILEY PARKWAY, PENNINGTON BEND ROAD, AND MCGAVOCK PIKE TO GO FROM RESIDENTIAL LOW-MEDIUM DENSITY AND NEIGHBORHOOD CENTER POLICIES TO COMMERCIAL MIXED CONCENTRATION POLICY.

APPLICANT REQUEST - Change the land use policy from Neighborhood Center (NC) and Residential Low-Medium Density (RLM) to Commercial Mixed Concentration (CMC) for approximately 105.06 acres located at the northwest corner of McGavock Pike and Pennington Bend Road.

CURRENT POLICIES

Residential Low-Medium Density (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Neighborhood Center (NC) - Neighborhood Center policy is intended to accommodate 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. NC areas are intended to have land uses that meet daily convenience needs and/or provide a place to gather and socialize.

PROPOSED POLICY

Commercial Mixed Concentration (CMC) - CMC is a policy that accommodates significant concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices. Good accessibility to and within CMC areas is of particular importance due to the amount of traffic generated by the uses in these areas.

ANALYSIS - Staff recommends approval of the proposed amendment with the special policy discussed below.

The applicant has requested CMC policy, which is appropriate in this location in light of the following considerations:

- a. the location has good access to a high-capacity urban interchange, Briley Parkway, which would be necessary for the type of development generally proposed;
- b. due to the location of the property abutting Briley Parkway, a lower-density pattern of housing is not desirable or sustainable;
- c. finally, the applicant's property, if developed as generally proposed, would be a good complement to the similar development across Briley Parkway.

The applicant has requested a rezoning for 105.06 acres the applicant owns in the area, prompting the community plan amendment. The applicant has requested a rezoning to change from AR2a, CL, and R15 base zoning districts to

CA (Commercial Attraction). Planning staff has worked with the applicant on amending the rezoning application to SP (Specific Plan), but at the time this staff report was written, the applicant had not submitted the SP plan.

A community meeting, attended by over 400 community stakeholders, was held Thursday, January 18th to discuss the plan amendment. Numerous people had concerns regarding the impact of traffic on nearby neighborhoods and how this development would complement Gaylord's other developments as well as the adjacent residential neighborhoods.

Staff recommends that a Special Policy be adopted to protect the integrity of the neighborhoods to the north, east, and south of the amendment area. These areas would be negatively affected by such things as additional traffic, light pollution, and noise.

Special Policy Area 18

This Special Policy applies to the property at the northeast quadrant of the Briley Parkway / McGavock Pike Interchange, property currently owned by Gaylord. Because of this site's location in close proximity to a residential area with only a residential arterial street as a boundary, the following measures should be taken to minimize the negative impacts of development of the property on surrounding neighborhoods:

- *No vehicular access from the property to Pennington Bend Road, except that of emergency and construction vehicles;*
- *Utilize a variety of techniques to minimize traffic accessing the site from McGavock Pike South;*
- *Develop a quality view and visual transition for the homes on the east side of Pennington Bend Road, closest to the development (e.g., not a paved parking lot);*
- *Include a landscape buffer between surrounding residential beyond that required in the zoning code for CA zoning abutting residential districts. Such buffering is needed to preserve and enhance the residentially-oriented design of the Pennington Bend Road streetscape, ensure Pennington Bend's continued success as a desirable residential street, and begin to buffer impacts of development such as noise;*
- *Lighting is to be located, scaled, and directed so as not to shine on adjacent residential areas;*
- *Lit signage is to be located, scaled, and directed so as not to shine on adjacent residential areas;*
- *Restrict certain allowed land uses in the Commercial Attraction Zoning District, further described in the Specific Plan Zoning District with the intent of ensuring maximum compatibility with adjacent neighborhoods;*
- *This CMC area is not intended to expand to the east side of Pennington Bend Road;*
- *Explore possible pedestrian connections to surrounding neighborhoods, greenways and shopping areas;*
- *Provide a trail or sidewalk along the west side of Pennington Bend Road and the north side of McGavock Pike;*
- *New developments within this Special Policy Area are to utilize the Specific Plan zoning district as the most effective tool to implement the intent of this Special Policy.*

Ms. Wood presented and stated that staff is recommending approval with special policy.

Mr. Swaggart presented Item #4, 2007Z-014U-14, Gaylord Entertainment and stated that staff is recommending approval with conditions.

Mr. Bennett Westbrook spoke in favor of the proposal.

Mr. Tom White, 36 Old Club Court, spoke in support of the proposal.

Mr. Ed Owens, Gresham, Smith & Partners, spoke in support of the proposal.

Ms. Margaret Murray, 3348 Cain Harbor Drive, spoke in opposition to the proposal.

Mr. David Lavecy, 4421 Frost Street, spoke in opposition to the proposal.

Mr. Joe Davis, P.O. Box 140200, spoke in favor of the proposal.

Ms. Nina Singleton, 2517 Pennington Bend Road, spoke in favor of the proposal.

Mr. Bill Strausser, 2718 Pennington Bend Road, spoke in favor of the proposal.

Mr. Richard Wagoner, 2731 Pennington Bend Road, spoke in favor of the proposal.

Mr. Charles Raid, 2340 Tally Green Court, spoke in favor of the proposal.

Ms. Teresa Martin spoke in favor of the proposal.

Ms. Jeannie Sealy, 2539 Miami Avenue, spoke in favor of the proposal.

Mr. Richard Loller, 2213 Pennington Bend, spoke in opposition to the proposal.

Ms. Laura Lawrence, 2514 Timwood Drive, spoke in support of the proposal.

Ms. Travis Loller, 2315 Pennington Bend, spoke in opposition to the proposal.

Mr. Rick Simpkins expressed issues with the proposal.

Mr. Brandon Cowan, a resident of Timwood Drive, spoke in opposition to the proposal.

Mr. James Nichols, 2315 Pennington Bend, expressed issues with the requested zone change.

Ms. Jerry Woolworth spoke in favor of the proposal.

Ms. Alexia Poe, 1499 Woodmont Blvd., spoke in favor of the proposal.

Ms. Nora Jean Sueter, 2728 Pennington Bend Road, expressed issues with the proposal.

Mr. Loring spoke in favor of the proposal. He explained that many meetings were held regarding the development and that the issue regarding traffic was discussed. He stated that the traffic engineers continue to study the ingress/egress of the development and that once the construction on Briley Parkway was completed, traffic would be alleviated in the area. He moved that the amendment as well as the zone change be approved.

Mr. Ponder seconded the motion.

Ms. Jones acknowledged the concerns expressed by some of the constituents affected by the development. She spoke favorably of the land use policy proposed by staff for this proposal as it contains many safeguards that will allow community input in the development.

Mr. Ponder acknowledged the sensitivity that Gaylord has expressed to the community and stated that he has confidence in the organization in that they will continue to work with the community on this proposal.

Ms. Nielson requested additional information regarding the final site plan and whether the Commission would be given an opportunity to review it after it is submitted.

Ms. Jones added that if Gaylord were to sell this parcel, the recommended SP zoning would remain in affect and any new owners would have to follow the requirements for developing this parcel.

Mr. McLean requested clarification regarding the traffic situation in relation to Pennington Bend.

Mr. Swaggart explained that a traffic study was completed and it was found there would be impacts to this area and there will be a need for off-site improvements. However, until a site plan is submitted, the off-site improvements regarding traffic have not been located.

Mr. Bernhardt clarified that the developers will only be responsible for off-site traffic improvements in relation to this proposal only.

Mr. Clifton requested additional information regarding the SP zoning in relation to the development.

Mr. Bernhardt explained this concept to the Commission.

Mr. Clifton expressed a concern with regard to the uses of SP zoning for this development.

Mr. Bernhardt briefly explained the uses of SP zoning that has been requested for this development.

Mr. Clifton stated he was hesitant in approving the proposal as submitted today. He spoke of the intensity of the proposal and was not in favor of moving forward on the request.

Ms. Cummings clarified that the Commission would be given the opportunity to monitor this proposal as it moves through the stages of development.

Mr. Tyler requested additional information regarding the proposed building height.

Mr. Bernhardt explained this concept to the Commission.

Mr. Tyler agreed that this proposal is over-whelming to the community. He acknowledged that with the SP zoning, there was some protection in place for the communities that would be directly affected by the proposal. However, he was not in favor of moving forward until traffic studies could be completed and there was assurance that the community would have some protection.

Ms. Beehan acknowledged the traffic concerns. She stated that the integrities of the neighborhood could actually be preserved with the conditions that have been placed on the rezoning and that it could be a positive impact. She also acknowledged that the land use would remain the same if, in fact, the parcel was sold by the owner.

Mr. Loring moved and Mr. Ponder seconded the motion, to approve the request to amend the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update for approximately 105 acres located between Briley Parkway, Pennington Bend Road, and McGavock Pike to go from residential low-medium density and neighborhood center to commercial mixed concentration policy, as well as to approve the request for Zone change 2007SP-014U-14, Gaylord Entertainment SP. **(8-2) No Votes – Clifton, Tyler**

[Note: Items IX and #4 were discussed by The Metropolitan Planning Commission together. See Item #4 for actions and resolutions.]

The commission recessed at 6:00 p.m.

Mr. Clifton left the meeting at 6:00 p.m.

The Commission resumed at 6:10 p.m.

**X. PUBLIC HEARING:
ZONING MAP AMENDMENTS**

1. 2006Z-096T
Council Bill BL2006-1088

A request to amend the Metro Zoning Code relative to park and recreation uses, requested by Councilmember Charlie Tygard.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - These council bills create new definitions and land uses related to passive and active parks.

ANALYSIS

Existing Law - Parks are currently defined in the Zoning Code for public use and owned by a local, state or federal government.

Proposed Bills - Each of the proposed bills attempts to differentiate a public park from what would be considered a private park or recreation center. Further, the bills would permit a private entity to own a park.

BL2006-1088 (2006Z-096T);

Sponsors: Councilmembers Tygard, Dread, and Williams

Defines passive park, active park and recreation center plus creates standards for active and passive parks.

BL2006-1283 (2006Z-196T)

Sponsor: Councilmember Williams

Defines passive park and creates standards for it.

BL2006-1368 (2006Z-196T)

Sponsor: Councilmember Tygard

Defines private, passive park and private, active park and creates standards for them.

Staff Recommendation - Staff recommends disapproval of all three bills because parks are considered public in nature. There are other zoning tools to permit private or non-profit entities to own land in Davidson County such as specific plan zoning and the neighborhood landmark overlay district. The land use "park" should be reserved for public parks owned and maintained by a local, state or federal government, regardless of how it is modified.

ORDINANCE NO. BL2006-1088

An ordinance amending Title 17 of the Metropolitan Code of Laws to clarify different park and recreation uses (Proposal No. 2006Z-096T).

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

Section 1. That section 17.040.060 B. be amended by deleting the definition "Park" in its entirety and substituting in lieu thereof the following:

"Park, passive" means any outdoor facility that is:

1. Open to the public for any passive recreational activity such as hiking, biking, swimming, boating and camping; and
2. Maintained predominately in a natural state.

"Park, active" means any outdoor facility that:

1. Includes permanent structures such as pavilions, playgrounds, swimming pools, bleachers; and/or
2. Allows for uses such as organized team sports or serves as or features a cultural, historical or archeological attraction; and

3. Is open to the public.

Section 2. That section 17.040.060 be amended by deleting the definition "Recreation Center in its entirety and substituting in lieu thereof the following:

"Recreation center" means any building or structure such as a community center or gymnasium that is available to the membership of a club or open to the public for active recreational purposes.

Section 3. That section 17.08.030 District Land Use Tables be amended by deleting the land use "Park" and substituting in lieu thereof the land use classification "Park, passive" which shall be permitted with conditions (PC)

in all zoning districts. Section 17.05.030 shall further be amended by adding the land use classification "Park, active" which shall be a Special Exception (SE) in all zoning districts.

Section 4. That section 17.16.120 C. shall be amended by inserting "passive" after Park, adding the following and renumbering the sections accordingly:

1. Street Standard. At a minimum, driveway access, if any, should be from a collector street unless pursuant to Section 17.16.150 (g) the Traffic Engineer determines that a lower classification of street is appropriate.
2. Landscape Plan. A detailed landscape plan shall be submitted and approved by the Urban Forester. Appurtenances and fixed landscape features shall be allowed only to the extent necessary to provide for the safety and convenience of the general public and consistent with maintaining a natural state.
3. Lighting. Only the least amount of lighting necessary to insure the safety of visitors during park hours shall be permitted.
4. Maintenance: Approval of a passive park shall be contingent on the park owner's ongoing commitment to maintain the property and its appurtenances in a safe, clean and functional manner.

Section 5. That section 17.16.220 be amended by adding the following section:
Park, active.

1. Street Standard. At a minimum, driveway access, if any, should be from a collector street.
2. Location. When an active park abuts or is located across a right-of-way from an area zoned or used as residential, then there shall be a minimum of 50 feet between the edge of the parking lot, playground, swimming pool, athletic field or other space designed for active recreation and the abutting residential area.
3. Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light. No illumination in excess of one-half foot candle shall be permitted across the boundary of any residential property or a public street or alley. Parking areas, if any, shall only be illuminated when in use.
4. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard Standard A shall be applied along common property lines.
5. Fencing. Adequate fencing may be required to ensure that balls and other recreational equipment do not fly into abutting or adjacent properties and streets.
6. A traffic management study may be required.
7. Notwithstanding any other provision of the Metropolitan Code of Laws, no new park, active or passive, as herein defined, shall henceforth be constructed within two thousand feet of the property line of any landfill or other waste disposal facility.

Section 6. That section 17.16.220 G be amended by adding:

"The board of zoning appeals may waive the above street standard based on a recommendation of the traffic engineer that the projected volume of traffic, to be generated by the proposed facility, can be safely and efficiently accommodated by the existing local street network without adversely impacting the surrounding neighborhood."

Section 7. That section 17.20.030 be amended by adding the category "park, passive" to the parking requirements table. The minimum parking spaces required shall be determined by the traffic engineer under Section 17.20.030 F consistent with maintaining the natural state of the park. Section 17.20.030 shall be further amended by deleting from the Parking Requirements Table the category "Public park."

Section 8. That section 17.20.030 be amended by adding the category "park, active" to the parking requirement table. The minimum parking spaces required shall be determined by the traffic engineer under Section 17.20.030 F.

Section 9. That section 17.20.030 be amended by adding the category "recreation center" to the parking requirement

table. The minimum parking spaces required shall be determined by the traffic engineer under Section 17.20.030 F. Section 10. 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.

Disapproved (10-0), *Consent Agenda*

Resolution No. RS2007-055

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-096T (BL2006-1088) is DISAPPROVED. (10-0)”

- 1a. 2006Z-196T**
Council Bill BL2006-1285
Council Bill BL2007-1368

A request to amending Title 17 of the Metro Zoning Code to create "passive park" as a new recreational land use permitted by right in non-residential districts and permitted by special exception in residential districts, requested by Councilmembers Lynn Williams and Charlie Tygard.

STAFF RECOMMENDATION: Disapprove

ORDINANCE NO. BL2006-1285

An Ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by creating a passive park as a new recreational land use, by providing that passive parks be permitted by right in non-residential districts and be permitted by special exception in residential districts, all of which is more particularly described herein (Proposal No. 2006Z-196T).

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

SECTION 1. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended as follows:

A. By amending Section 17.040.060 B. by adding the following new definition:
"Passive park" means any outdoor facility that:

1. Is open to the public only for passive recreational activity, such as pedestrian activities, hiking, and jogging; or serves as or features an historical, cultural or archeological attraction; and
2. Does not allow organized competitive activities; and
3. Is maintained in a natural state.

B. By amending Section 17.040.060 B. by amending the definition of "Park" by amending the third paragraph of the definition of "Park" by inserting after the word "greenways" and before the phrase "as defined" the phrase "or "passive park"".

C. By amending Section 17.08.030 District Land Use Tables by adding under the Recreation and Entertainment Uses: the land use classification "passive park" which be permitted in residential zone districts as a Special Exception (SE) and permitted by right (P) in all other zone districts.

D. By amending Section 17.16.220 by adding the following new section:
"J. Passive Park.

1. Street Standard. At a minimum, drive access, if any, should be from a collector street unless based upon a recommendation of the chief traffic engineer supported by a traffic management study, that the projected volume of traffic, to be generated by the proposed facility, can be safely and efficiently accommodated by the existing local street network without adversely impacting the surrounding neighborhood.

2. Landscape Plan. A detailed landscape plan shall be submitted with a recommendation from the Urban Forester. Appurtenances and fixed landscape features shall be allowed only to the extent necessary to provide for the safety and convenience of the general public and consistent with maintaining a natural state or the historical, cultural or archeological attraction.

3. Lighting. Only the least amount of lighting necessary to insure the safety of visitors during park hours shall be permitted.

4. Maintenance. Approval of a passive park shall be contingent on the park owner's demonstrated and ongoing commitment to maintain the property and/or attraction and appurtenances in a safe, clean and functional manner."

E. By amending the Section 17.20.030 by adding under the Recreation and Entertainment Uses the category "passive park" to the parking requirements table. The minimum parking spaces required shall be determined by the traffic engineer under Section 17.20.030 F.

F. By amending Section 17.16.120 C.1. by inserting after the word "park" and before the phrase ", as herein defined," the phrase "or passive park".

SECTION 2. 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.

ORDINANCE NO. BL2007-1368

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, to clarify different park and recreation uses by creating "park, private active" and "park, private passive" as new land uses, all of which is more particularly described herein (Proposal No. 2006Z-196T).

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

Section 1. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by amending Section 17.040.060.B. by deleting the current definition of "park" and adding the new definition "Park, private":

"Park, private" means any facility that is:

1. Privately owned and open to the public, regardless of whether a fee is charged for use;
2. However, the term "park, private" shall not be construed as to include:

- a. "Greenways" as defined in Metropolitan Code Section 17.04.060.B.;
- b. "Park" as defined in Metropolitan Code Section 13.24.010;
- c. Any private green space as approved in any Planned Unit Development (PUD), Specific Plan (SP) district, or Urban Design Overlay (UDO) approved by Council; or
- d. Any private green space as designated in a plat of subdivision as approved by the Metro Planning Commission.

3. Any reference in the Metropolitan Code to "park" not in relation to "park, private" shall be construed to refer to parks as defined in Metropolitan Code Section 13.24.010.

4. There shall be two categories of "Park, private": "park, private passive" and "park, private active" as herein defined:

a. "Park, private passive" means a facility:

- i. The predominant features of which are natural, such as grass fields, trees, lakes, or ponds, provided that

a park, private passive may include certain amenities such as playgrounds, fields, docks, and other open-air recreation facilities;

ii. That is primarily used for recreational activity, such as hiking, biking, swimming, boating, camping, playing sports or other games, picnics, and general play; and

iii. For which no fee is charged for entry or admission.

b. "Park, private active" means a facility:

i. The predominant feature of which consists of permanent recreational structures, such as pavilions, gymnasiums, tennis courts, track and field facilities, swimming pools, museums, or zoological or botanical gardens;

ii. The predominant feature of which is one or more cultural, historical or archeological features that attract a substantial number of visitors from areas not immediately surrounding the park; or

iii. For which a fee is charged for entry or admission.

5. Any privately-owned facility in possession of a park permit or being used as a park prior to the effective date of this Ordinance shall be entitled by right to treat such park as a "park, private passive" with all corresponding rights thereto.

Section 2. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by amending Section 17.08.030, District Land Use Tables, as follows:

1. By adding the land use classification "Park, private passive", which shall be permitted by right (P) in all zoning districts.

2. By adding the land use classification "Park, private active", which shall be permitted by Special Exception (SE) in all zoning districts.

Section 3. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by amending Section 17.16.220 by adding the following provisions as subsection F. and relettering the subsequent subsections accordingly:

F. Park, private active.

1. Street Standard. Driveway access shall be from a collector street unless the Board of Zoning Appeals determines that a higher or lower classification of street is appropriate based on projected use and/or the Traffic Engineer's determination pursuant to Section 17.126.150.G.

2. Metropolitan Development and Housing Agency (MDHA) and/or Metro Historic Zoning Commission Action. Any proposed park, private active located in whole or in part within a redevelopment district shall first be referred to and reviewed by MDHA for conformance with the relevant plan or guidelines. Any proposed park, private active with structures which are 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 park, private active use on the historic properties. Each agency shall provide a written recommendation to the Board of Zoning Appeals on the proposed park, private active.

3. Site Plan. A detailed site plan shall be submitted which shall address the location, orientation and design of proposed structures, and facilities per Section 17.16.150.D. of Metro Zoning Code. The site plan shall explain how the location and orientation will interact with the surrounding neighborhood per Section 17.16.150.I. of Metro Zoning Code. The site plan shall also address access including the ingress

and egress, location of parking and pedestrian access and how these elements will interact with the surrounding neighborhood.

4. Landscape Plan. A detailed landscape plan that maintains the landscape in a manner that is consistent with the overall context of the neighborhood shall be submitted to and approved by the Urban Forester.

5. Landscape Bufferyard. When a park, private active abuts an area zoned or used as residential, then a Standard C landscape bufferyard shall be required between the edge of the parking lot, swimming pool, or other permanent recreational structure designed for active recreation and the abutting residential area. The Board of Zoning Appeals may reduce or increase the landscape bufferyard based upon a recommendation of the Metro Planning Commission as to the appropriate bufferyard standard. No landscape bufferyard shall be required where lots are designed or intended to have front or side access directly onto the park.

6. Lighting Plan. A detailed lighting plan shall be submitted and approved by the Urban Forester. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light. No illumination in excess of one-half foot candle shall be permitted across the boundary of any residential property or a public street or alley. Parking areas, if any, shall only be illuminated during park hours.

7. Maintenance Plan. A maintenance plan addressing how the park will be maintained over time shall be submitted. Approval of a park, private active shall be contingent on the park owner's ongoing commitment to maintain the property and its appurtenances in a safe, clean and functional manner.

8. A traffic management study may be required, per Section 17.16.150.G of the Metropolitan Zoning Code.

9. The Board of Zoning Appeals may impose additional standards per Section 17.16.150.J. of the Metropolitan Zoning Code.

10. Notwithstanding any other provision of the Metropolitan Code of Laws, no new park, private active, as herein defined, shall henceforth be constructed within two thousand feet of the property line of any landfill or other waste disposal facility.

Section 4. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by amending Table 17.20.030, PARKING REQUIREMENTS, by adding the following new category "park, private active" under Recreation and Entertainment Uses:

Park, private active: Established by the traffic engineer (Section 17.20.030F). When possible, parking areas should be dispersed to avoid excessive impervious surface and parking abutting property zoned for or used for residential.

Section 5. 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.

Disapproved (10-0), *Consent Agenda*

Resolution No. RS2007- 056

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-196T (BL2006-1285 and BL2007-1368) are **DISAPPROVED. (10-0)**”

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2. **2006SP-174G-06**
Newsom Station Townhomes
Map 126-00, Part of Parcel 064
Subarea 6 (2003)
Council District - 35 Charlie Tygard

A request to change from AR2a to SP zoning a portion of property located at 7848 McCrory Lane, adjacent to the CSX Railroad and south of Highway 70 (30 acres), to permit 180 townhomes, requested by McCrory Lane Partners LLC, owner.

STAFF RECOMMENDATION: Disapprove

Mr. Swaggart presented and stated that staff is recommending disapproval.

Councilmember Tygard explained the issues associated with the proposal. He spoke of the quarries located on the parcel and suggested special conditions that should be included in the proposal to address the quarries. He also mentioned offering the quarries to the City, or State, or any non-profit organization, who would want the responsibility for their maintenance. He mentioned maintaining the integrity of the Harpeth River as well as any safety issues associated with the quarries. He requested the proposal be approved as submitted.

Mr. Tom White, 36 Old Club Court, spoke in favor of the proposal.

Mr. Bill Zimmerman, 104 Haley Road, spoke in opposition to the proposal.

Ms. Jennifer Smith, 8236 Canoe Ct., spoke in opposition of the proposal.

Mr. Eric Lewis, 7978 Hwy 100, spoke in opposition of the proposal.

Ms. Denise Sharp, 7938 Meadow View Drive, spoke in opposition of the proposal.

Mr. Art Asbury, 4561 Scenic Drive, spoke in favor of disapproving the proposal.

Ms. Pam Davee, 565 Ploughman's Bend Drive, spoke in opposition of the proposal.

Mr. Bo Mitchell, 6861 Bridgewater Drive, spoke in opposition of the proposal.

Mr. Blake McDaniel spoke in opposition of the proposal.

Ms. Nielson requested clarification regarding the use of SP zoning and the quarry and how it would apply to the quarry, if were not part of the proposal.

Mr. Bernhardt explained the special policy implemented for this parcel and how it states that this parcel is not appropriate for development until the water quality issues and safety issues pertaining to the quarry are specifically addressed.

Mr. McLean questioned the land use policy for the parcel just south of the quarry and whether it had special conditions regarding water quality and safety.

Mr. Swaggart explained that the parcel was approved prior to the application of special policy.

Ms. Hammond gave a brief explanation regarding the land use policies for this entire area in relation to the subarea plan update that took place in 2002.

Ms. Cummings expressed concern regarding the safety issues associated with the proposal in relation to the existing quarry.

Mr. Bernhardt explained the safety issues as well as the water quality issues associated with the development.

Mr. Lawson briefly summarized his views on the actions being requested of the Commission.

Mr. Tyler spoke of the environmental issues of the parcel and the fact that it is the owner's responsibility to address the quarry issues.

Ms. Beehan stated the problems should be addressed prior to approving the proposed development forward.

Mr. Ponder mentioned several issues associated with the development and stated that the owner should address them prior to approval.

Ms. Jones mentioned that staff has conditions that could be placed on the proposal if it were approved and she suggested that the proposal be deferred in order to allow additional time to find solutions to the many issues included in the development.

Mr. Loring acknowledged the neighbors' concerns regarding the quarry and stated he also had issues regarding its existence. He stated a solution should be found to address the situation.

Mr. Lawson spoke of making a policy decision that would be based on equity. He briefly discussed the issues at hand and commented that a deferment of the proposal may not be the solution. He offered that the Commission should see to it that the solution includes safety for the immediate residents as well as maintaining the water quality and that a desired outcome has been found.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to defer Zone Change 2006SP-174G-06 until March 22, 2007.

Mr. McLean requested additional information regarding the conditions suggested by staff in order to recommend approval.

Mr. Bernhardt explained these conditions to the Commission.

There was a brief discussion on the ways of moving the proposal forward, only after the water quality issue and the quarry issue was addressed.

Councilmember Tygard stated that he would support a two meeting deferral with the understanding that Metro Stormwater and TDEC get involved to monitor the water quality issues associated with the proposal.

Mr. Ponder requested additional clarification on whether the owner of Parcel 085 would be included in the discussions regarding the quarry and the water quality issues.

Mr. Bernhardt explained that when the Commission reviewed Parcel 085, the policy on the parcel allowed residential multi-family development. The parcel in question today has primarily a policy of natural conservation. He further explained that the special policy enacted by the Commission in December of 2006, will allow a more intense development on the quarry, provided certain conditions were met by the developers.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to defer Zone Change 2006SP-174G-06 until March 22, 2007. **(9-0)**

Resolution No. RS2007-057

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-174G-06 is DEFERRED TO THE MARCH 22, 2007, PLANNING COMMISSIONG MEETING. (9-0)"

3. **2007Z-008U-07**
Map 129-08, Various Parcels
Map 129-12, Various Parcels
Map 130-01, Various Parcels
Subarea 7 (2000)
Council District – 34 Lynn Williams

A request to change from R20 to RS20 zoning various properties located east of Highway 100 on Page Road, Heady Drive, W Tyne Drive, Gilman Avenue, Taggart Avenue, Brookfield Avenue, Alton Road, Cheek Road, and Clydelan Court (171.86 acres), requested by Councilmembers Lynn Williams and Emily Evans for various property owners.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - A request to change from One and Two-Family Residential (R20) zoning to Single-Family Residential (RS20) zoning on various properties located east of Highway 100 on Page Road, Heady Drive, W Tyne Drive, Gilman Avenue, Taggart Avenue, Brookfield Avenue, Alton Road, Cheek Road, and Clydelan Court (171.86 acres).

Existing Zoning

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

Proposed 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.

WEST NASHVILLE COMMUNITY PLAN POLICY

Residential Low (RL) - RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominate development type is single-family homes.

Consistent with Policy? -Yes. There is no significant change in density. If this request is approved, the density will stay approximately the same and within the intention of the Residential Low policy. The only development type would be single-family because duplexes would no longer be permitted.

Application Fee - There are 317 properties in this request, and the total fee would be \$2,509.30. If each property owner was to file a Zone Change application individually, the total fee would be \$380,400.

Staff Recommendation - The requested zoning is consistent with the land use policy of Residential Low, staff recommends approval.

PUBLIC WORKS RECOMMENDATION - No traffic increases will result from this rezoning.

METRO SCHOOL BOARD REPORT

Projected student generation - As this request to change to single family districts represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

Approved (10-0), *Consent Agenda*

Resolution No. RS2007-058

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-008U-07 is **APPROVED. (10-0)**

The proposed RS20 district is consistent with the West Nashville Community Plan’s Residential Low policy which calls for residential developments with a density between 1 and 2 dwelling units per acre.”

4. **2007SP-014U-14** (With Plan Amendment)
Gaylord Entertainment SP
Map 062-00, Parcels 023, 030, 111, 249
Subarea 14 (2004)
Council District – 15, J. B. Loring

A request to change from AR2a, CL and R15, to SP zoning, properties located at 2700 McGavock Pike, 2716, 2750 Pennington Bend Road and Pennington Bend Road (unnumbered), at the northwest corner of McGavock Pike and Pennington Bend Road (106.9 acres), to allow for the uses described herein, requested by Gresham-Smith & Partners, applicant, for Opryland Attractions, Inc., owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - A request to change approximately 106.9 acres located at 2700 McGavock Pike, 2716, 2750 Pennington Bend Road and Pennington Bend Road (unnumbered), at the northwest corner of McGavock Pike and Pennington Bend Road from agricultural and single-family and two family residential (AR2a), commercial limited (CL) and single-family, and two family residential (R15), to SP zoning.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and is 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. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

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

R15 district - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

Proposed Zoning

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

DONELSON, HERMITAGE, OLD HICKORY COMMUNITY PLAN POLICY

Existing Policies

Residential Low-Medium (RLM) - RLM is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Neighborhood Center (NC) - Neighborhood Center is intended to accommodate 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. NC areas are intended to have land uses that meet daily convenience needs and/or provide a place to gather and socialize.

Proposed Policies

Commercial Mixed Concentration (CMC) - CMC is a policy that accommodates significant concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail

concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices. Good accessibility to and within CMC areas is of particular importance due to the amount of traffic generated by the uses in these areas.

Special Policy Area 18 - This Special Policy proposed for the Donelson, Hermitage, Old Hickory Community Plan is in response to this zone change request. Because of the site's location in close proximity to a residential area with only a residential arterial street as a boundary, the following measures should be taken to minimize the negative impacts of development of the property on surrounding neighborhoods:

- No vehicular access from the property to Pennington Bend Road, except that of emergency and construction vehicles;
- Utilize a variety of techniques to minimize traffic accessing the site from McGavock Pike South;
- Develop a quality view and visual transition for the homes on the east side of Pennington Bend Road, closest to the development (e.g., not a paved parking lot);
- Include a landscape buffer between surrounding residential beyond that required in the zoning code for CA zoning abutting residential zoning districts. Such buffering is needed to preserve and enhance the residentially-oriented design of the Pennington Bend Road streetscape, ensure Pennington Bend's continued success as a desirable residential street, and begin to buffer impacts of development such as noise;
- Lighting is to be located, scaled, and directed so as not to shine on adjacent residential areas;
- Lit signage is to be located, scaled, and directed so as not to shine on adjacent residential areas;
- Restrict certain allowed land uses in the Commercial Attraction Zoning District, further described in the Specific Plan Zoning District with the intent of ensuring maximum compatibility with adjacent neighborhoods;
- This CMC area is not intended to expand to the east side of Pennington Bend Road;
- Explore possible pedestrian connections to surrounding neighborhoods, greenways and shopping areas;
- Provide a trail or sidewalk along the west side of Pennington Bend Road and the north side of McGavock Pike;
- New developments within this Special Policy Area are to utilize the Specific Plan zoning district as the most effective tool to implement the intent of this Special Policy.

Consistent With Policy? - Yes, the proposal is consistent with the proposed amendment to the Donelson-Hermitage, Old Hickory Community Plan. While there is no specific development proposed for these properties at this time, the SP district will limit the uses allowed in the district and also regulate future development's potential negative impact on surrounding properties by imposing specific restrictions and setting certain performance standards. Any future development in the SP district will be required to follow the standards that are incorporated into the SP district. Any future development plans will be reviewed for compliance with these standards.

Staff Recommendation - The conditions recommended by staff will limit the uses within the SP, require certain improvements and sets certain performance standards that will limit any developments potential impact to the residential areas to the east. Staff recommends approval of the SP district, with conditions.

PLAN DETAILS - At this time there is no specific development proposed for these properties, only a general intent to use the property for entertainment, hospitality, restaurants, retail sales, and service and lodging including timeshares. The SP district establishes conditions that will govern future development. To minimize development impacts on surrounding properties and ensure that any development will meet the criteria found in the area's special policy (Special Policy 18), staff recommends that specific conditions be applied to all development within this SP district.

RECENT REZONINGS - None

PUBLIC WORKS RECOMMENDATION - Approve with the following conditions:

1. A traffic analysis was conducted for this rezoning request and indicates significant offsite improvements may be required at the time of development. More detailed traffic analyses will be required at the time of development to determine the specific improvements required to mitigate the traffic impacts.
2. Any improvements shall be coordinated with the Metropolitan Department of Public Works and the Tennessee Department of Transportation.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family Detached (210)	21.58	0.5	10		8	11

Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	25.49	0.198	220,000		341	328

Typical Uses in Existing Zoning District: R15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family Detached(210)	51.99	2.47	129		97	130

TOTAL Traffic in Typical Uses in Existing Zoning Districts

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					446	469

Typical Uses in Proposed Zoning District: CA

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	105.06	0.233	1,067,000		1,100	4,002

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family Detached(210)	21.58	0.5	10		8	11

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center(820)	25.49	.6	667,000		688	2,501

Maximum Uses in Existing Zoning District: R15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family Detached(210)	51.99	2.47	128		97	130

TOTAL Traffic in Maximum Uses in Existing Zoning Districts

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					793	2,642

Maximum Uses in Proposed Zoning District: CA

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office()	105.06	.60	2,746,000		2,829	10,298

METRO SCHOOL BOARD REPORT

Projected student generation - Since there is no specific development plan to review at this time, projected student generations can not be calculated. All future development plans that include residential uses within the SP district will be reviewed for its impact on the Metro School System. If it is determined that the school system can not handle additional students then the developer may be required to dedicate a school site, and/or pay a fiscal liability fee, which would be determined upon each development plan review.

CONDITIONS

1. All uses allowed in the CA district shall be allowed with the exception of Day Care Home, School Day Care, Bed and Breakfast Inn, Furniture Store, Home Improvement Sales, Water Taxi Station, Adult Entertainment, and Fairgrounds.
2. There shall be no pari-mutuel betting and/or no casino gaming.
3. There shall be no vehicular access onto Pennington Bend Road, except for emergency and construction vehicles. All emergency access drives along Pennington Bend Road shall be blocked with crash gates that are approved by the Metro Fire Marshal’s Office. Responsibility for improvements to Pennington Bend Road shall be determined through Public Works’ review of the development’s associated traffic impact studies.
4. Principle traffic flows shall be directed to and from Briley Parkway.
5. To determine specific improvements required to mitigate traffic impacts, a detailed traffic analyses shall be required for all final development plans. Any improvements shall be coordinated with the Metropolitan Department of Public Works and the Tennessee Department of Transportation.
6. Where the eastern and northern SP district boundary abuts Pennington Bend Road or other public right of way, a 50 foot D-1 landscape buffer yard shall be required. In addition to the buffer yard this buffer yard shall also include a paved multi-use path at least 6 feet in width. In areas where the SP district does *not* abut Pennington Bend Road or other public right of way, a standard “D” landscape buffer yard shall be required, but a multi-use path shall not be required. Along the first 1,300 linear feet of the eastern SP district boundary and Pennington Bend Road, measured from the intersection of McGovock and Pennington Bend Road northward, a Standard “B” landscape buffer yard, including a paved multi-use path at least 6 feet in width may be substituted in lieu of the 50 foot buffer along Pennington Bend Road. The only breaks allowed in the landscape buffer yards shall be to provide adequate pedestrian connections into the SP district. The multi-use path along Pennington Bend Road shall be include appropriate pedestrian – scaled lighting and be designed in a way that there is no direct light trespass onto adjacent properties and that indirect light trespass is kept to a minimum.
7. All lighting within the district, including lighting of signage, shall be designed in a way that there is no direct light trespass onto adjacent properties, and that indirect light trespass is kept to a minimum. No illumination in excess of one-half foot-candle shall be permitted across the SP boundary onto any adjacent residential property or a public street. All final site plans within the SP district shall provide lighting studies that adequately show how any development will meet these criteria.
8. All uses within the SP district shall be designed in a way to limit noise pollution within the area. The maximum permitted sound pressure levels at the SP boundary shall not be more than 75 dBA.
9. All development plans that include residential uses within the SP district will be reviewed for its impact on the Metro School System. If it is determined that the school system can not handle additional students then the

developer may be required to dedicate a school site, and/or pay a fiscal liability fee, which would be determined upon each development plan review.

10. There shall be no signage allowed along Pennington Bend Road or primarily oriented to Pennington Bend Road with the exception of directional signage required by Metro Public Works or other Metro Agency. Signage along McGavock shall not exceed 40 feet in height.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CA zoning district effective at the date of the building permit. *This zoning district must be shown on all future development plans.*
12. The application including any attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the Planning Department and Department of Codes Administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
13. All stormwater management requirements of the Department of Water Services shall be approved prior to approval of any final site plan within this SP district. Prior to the issuance of any permits, confirmation of compliance with the final approval of all final development plans shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
14. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
15. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

Mr. Swaggart presented and stated that staff is recommending approval with conditions.

Resolution No. RS2007-059

“BE IT RESOLVED by The Metropolitan Planning Commission that the REQUEST TO AMEND THE DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN: 2004 UPDATE FOR APPROXIMATELY 105 ACRES LOCATED BETWEEN BRILEY PARKWAY, PENNINGTON BEND ROAD, AND MCGAVOCK PIKE TO GO FROM RESIDENTIAL LOW-MEDIUM DENSITY AND NEIGHBORHOOD CENTER POLICIES TO COMMERCIAL MIXED CONCENTRATION POLICY is **APPROVED. (8-2)**”

Resolution No. RS2007-060

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-014U-14 is **APPROVED WITH CONDITIONS. (8-2)**

Conditions of Approval:

1. All uses allowed in the CA district shall be allowed with the exception of Day Care Home, School Day Care, Bed and Breakfast Inn, Furniture Store, Home Improvement Sales, Water Taxi Station, Adult Entertainment, and Fairgrounds.
2. There shall be no pari-mutuel betting and/or no casino gaming.
3. There shall be no vehicular access onto Pennington Bend Road, except for emergency and construction

vehicles. All emergency access drives along Pennington Bend Road shall be blocked with crash gates that are approved by the Metro Fire Marshal's Office. Responsibility for improvements to Pennington Bend Road shall be determined through Public Works' review of the development's associated traffic impact studies.

4. Principle traffic flows shall be directed to and from Briley Parkway.
5. To determine specific improvements required to mitigate traffic impacts, a detailed traffic analyses shall be required for all final development plans. Any improvements shall be coordinated with the Metropolitan Department of Public Works and the Tennessee Department of Transportation.
6. Where the eastern and northern SP district boundary abuts Pennington Bend Road or other public right of way, a 50 foot D-1 landscape buffer yard shall be required. In addition to the buffer yard this buffer yard shall also include a paved multi-use path at least 6 feet in width. In areas where the SP district does *not* abut Pennington Bend Road or other public right of way, a standard "D" landscape buffer yard shall be required, but a multi-use path shall not be required. Along the first 1,300 linear feet of the eastern SP district boundary and Pennington Bend Road, measured from the intersection of McGovock and Pennington Bend Road northward, a Standard "B" landscape buffer yard, including a paved multi-use path at least 6 feet in width may be substituted in lieu of the 50 foot buffer along Pennington Bend Road. The only breaks allowed in the landscape buffer yards shall be to provide adequate pedestrian connections into the SP district. The multi-use path along Pennington Bend Road shall be include appropriate pedestrian – scaled lighting and be designed in a way that there is no direct light trespass onto adjacent properties and that indirect light trespass is kept to a minimum.
7. All lighting within the district, including lighting of signage, shall be designed in a way that there is no direct light trespass onto adjacent properties, and that indirect light trespass is kept to a minimum. No illumination in excess of one-half foot-candle shall be permitted across the SP boundary onto any adjacent residential property or a public street. All final site plans within the SP district shall provide lighting studies that adequately show how any development will meet these criteria.
8. All uses within the SP district shall be designed in a way to limit noise pollution within the area. The maximum permitted sound pressure levels at the SP boundary shall not be more than 75 dBA.
9. All development plans that include residential uses within the SP district will be reviewed for its impact on the Metro School System. If it is determined that the school system can not handle additional students then the developer may be required to dedicate a school site, and/or pay a fiscal liability fee, which would be determined upon each development plan review.
10. There shall be no signage allowed along Pennington Bend Road or primarily oriented to Pennington Bend Road with the exception of directional signage required by Metro Public Works or other Metro Agency. Signage along McGavock shall not exceed 40 feet in height.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CA zoning district effective at the date of the building permit. *This zoning district must be shown on all future development plans.*
12. The application including any attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the Planning Department and Department of Codes Administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
13. All stormwater management requirements of the Department of Water Services shall be approved prior to approval of any final site plan within this SP district. Prior to the issuance of any permits, confirmation of compliance with the final approval of all final development plans shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.

14. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
15. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

The proposed SP district, with the recommended conditions, is consistent with the Donelson, Hermitage, Old Hickory Community Plan's Commercial Mixed Concentration policy, which is intended to accommodate significant concentrations of mixed commercial development, as well as the special policy which was drafted specifically for this property in order to limit any future development's negative impact on the existing residential neighborhoods to the north and east."

5. **2007Z-022U-08**
 Map 091-04, Parcels 043-050; 051; 053-067
 Map 091-08, Parcels 123-126; 127-135
 Subarea 8 (2002)
 Council District - 21 Edward Whitmore

A request to change from R6 to RS7.5 (9.83 acres) and from R6 to RS5 (1.56 acres) zoning various properties located south of Dr. Walter S. Davis Boulevard on 40th Avenue North, Clover Street, Gulch Street, Branch Street and College Avenue (11.39 acres), requested by Councilmember Edward Whitmore for Tomorrow's Hope Neighborhood Association.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - Zone Change

A request to change from One and Two-Family Residential (R6) to Single-Family Residential (RS7.5) (9.83 acres) and from R6 to Single-Family Residential (RS5) (1.56 acres) zoning various properties located south of Dr. Walter S. Davis Boulevard on 40th Avenue North, Clover Street, Gulch Street, Branch Street and College Avenue (11.39 acres).

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.

Proposed Zoning

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

RS5 District - 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.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Single Family Detached (SFD) in Neighborhood General (NG) - NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design, and that the type of development conforms with the intent of the policy.

The SFD policy is intended for single family housing that varies based on the size of the lot.

Consistent with Policy? - Yes. The requested single family zoning is consistent with the area's Single Family Detached policy. Since the requested RS7.5 and RS5 districts are consistent with the area's SFD in NG policy, staff

recommends approval of the request.

For the properties proposed to be rezoned to RS5, there is one property that will be smaller than the minimum lot size. This existing non-conforming lot will remain a buildable lot. There are two properties between 5,000 and 6,000 square feet in size that will now meet minimum lot size requirements.

For the properties proposed to be rezoned to RS7.5, three properties will be smaller than the minimum lot size. As noted above, these existing non-conforming lots will remain buildable lots.

Application Fee - There are 37 properties in this request, and the total fee would be \$1,264. If each property owner was to file a Zone Change application individually, the total fee would be \$44,400.

Staff Recommendation - The requested zoning is consistent with the land use policy of Single Family Detached in Neighborhood General. Staff recommends approval.

RECENT REZONINGS - None

METRO SCHOOL BOARD REPORT

Projected student generation - As this request to change to single family districts represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

Ms. Bernards presented and stated that staff is recommending approval.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously, to approve Zone Change 2007Z-022U-08. **(9-0)**

Resolution No. RS2007-061

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-022U-08 is **APPROVED. (9-0)**

The proposed RS7.5 and RS5 districts are consistent with the North Nashville Community Plan’s Single Family Detached in Neighborhood General policy which is intended to promote detached single-family housing.”

- 6. **2007Z-023U-08**
Map 092-05, Parcels 071-089; 091-103; 333
Subarea 8 (2002)
Council District – 21 Edward Whitmore

A request to change from R6 to RS10 zoning various properties located west of 35th Avenue North on Geneva Circle and Albion Street (11.29 acres), requested by Councilmember Edward Whitmore for the Hadley Park Neighborhood Association.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST -Zone Change

A request to change from One and Two-Family Residential (R6) to Single Family Residential (RS10) zoning various properties located west of 35th Avenue North on Geneva Circle and Albion Street (11.29 acres).

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.

Proposed Zoning

RS10 District - 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.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Single Family Detached (SFD) in Neighborhood General (NG) - NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design, and that the type of development conforms with the intent of the policy.

The SFD policy is intended for single family housing that varies based on the size of the lot.

Consistent with Policy? - Yes. The requested RS10 single family zoning is consistent with the area’s Single Family Detached (SFD) in Neighborhood General(NG) policy.

Five properties included in this request will not meet the minimum lot size of RS10 zoning (10,000 square feet minimum); however these non-conforming lots will remain buildable lots.

Application Fee - There are 32 properties in this request, and the total fee would be \$1,263. If each property owner was to file a Zone Change application individually, the total fee would be \$48,400.

Staff Recommendation- The requested zoning is consistent with the land use policy of Single Family Detached in Neighborhood General. Staff recommends approval.

RECENT REZONINGS - None

METRO SCHOOL BOARD REPORT

Projected student generation -As this request to change to single family districts represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

Approved (10-0), *Consent Agenda*

Resolution No. RS2007-062

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-023U-08 is **APPROVED. (10-0)**

The proposed RS10 district is consistent with the North Nashville Community Plan’s Single Family Detached in Neighborhood General policy which is intended to promote detached single-family housing.”

- 7. **2007Z-024U-08**
 Map 092-01, Various Parcels
 Map 092-05, Various Parcels
 Map 092-06, Various Parcels
 Subarea 8 (2002)
 Council District 21 - Edward Whitmore

A request to change from R6 to RS3.75 (10.64 acres), from R6 to RS5 (44.63 acres), and from R6 to RS10 zoning (10.64 acres) various properties located south of Albion Street on 35th Avenue North, 34th Avenue North, 33rd Avenue North, 32nd Avenue North, 31st Avenue North, 30th Avenue North, 29th Avenue North, Clare Avenue, Batavia Street, Clifton Avenue, Torbett Street, and Indiana Avenue (59.09 acres), requested by Councilmember Edward Whitmore for the Hadley Park Neighborhood Association.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - Zone Change

A request to change from One and Two-Family Residential (R6) to Single-Family Residential (RS10) zoning (10.64 acres), from R6 to Single-Family Residential (RS5) (44.63 acres), and from R6 to Single-Family Residential (RS3.75) (10.64 acres) various properties located south of Albion Street on 35th Avenue North, 34th Avenue North, 33rd Avenue North, 32nd Avenue North, 31st Avenue North, 30th Avenue North, 29th Avenue North, Clare Avenue, Batavia Street, Clifton Avenue, Torbett Street, and Indiana Avenue (59.09 acres).

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.

Proposed Zoning

RS10 District - 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.

RS5 District - 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.

RS3.75 District - RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 11.6 dwelling units per acre.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Single Family Detached (SFD) in Neighborhood General (NG) - NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design, and that the type of development conforms with the intent of the policy.

The SFD policy is intended for single family housing that varies based on the size of the lot.

Consistent with Policy? - Yes. The requested single family zoning is consistent with the area's SFD policy. The requested RS10, RS5 and RS3.75 districts are consistent with the area's Single Family Detached (SFD) in Neighborhood General(NG) policy.

For the 91 properties proposed to be rezoned to RS3.75, at this time 81 properties do not meet the minimum lot size of 6,000 square feet required by the R6 district. Eight properties will not meet the minimum lot size of 3,750 square feet of the RS3.75 district. These existing non-conforming lots will remain below the minimum requirement of 3,750 square feet for a buildable lot, as described in Section 17.40.670 of the Zoning Code.

For the 252 properties proposed to be rezoned to RS5, 29 lots will not meet the minimum lot size requirement of 5,000 square feet. These existing non-conforming lots will remain buildable lots. In addition, eight properties will not meet the minimum lot size of 3,750 square feet of the RS3.75 district. These existing non-conforming lots will remain below the minimum requirement of 3,750 square feet for a buildable lot, as described in Section 17.40.670 of the Zoning Code.

All 10 properties proposed to be rezoned to RS10 meet the minimum lot requirement of 10,000 square feet.

Three properties located at the southeast corner of Albion Street and 29th Avenue, also zoned R6, are not included in this proposed rezoning as they fall under the Mixed Housing (MH) in Neighborhood General policy. This policy includes single family and multifamily housing that varies based on lot size and building placement on the lot. Housing units may be attached or detached, but are not encouraged to be placed at random. Generally, the character (mass, placement, height) should be compatible to the existing character of the majority of the street. Since the MH policy envisions a limited amount of housing choices beyond single family detached housing, and because these properties abut a small area designated for mixed use, current zoning better matches the intention of policy. The Councilmember stated he is in agreement with these three properties remaining in the R6 zoning district.

Application Fee - There are 351 properties in this request, and the total fee would be \$1,741. If each property owner was to file a Zone Change application individually, the total fee would be \$421,200.

Staff Recommendation- The requested zoning is consistent with the land use policy of Single Family Detached in Neighborhood General. Staff recommends approval.

RECENT REZONINGS - None

METRO SCHOOL BOARD REPORT

Projected student generation - As this request to change to single family districts represents a down zoning, the

number of expected students to be generated would be less than could be generated under current zoning.

Ms. Bernards presented and stated that staff is recommending approval.

Ms. Billie Sanders, 3514 Geneva Circle, spoke in opposition to the proposal.

Mr. McLean moved and Cummings seconded the motion, which passed unanimously, to approve Zone Change 2007Z-024U-08 with the recommendation that the Councilmember consider removing two parcels on Albion Street. (9-0)

Resolution No. RS2007-063

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-024U-08 is **APPROVED (9-0)**, including with the condition that the Councilmember consider removing two lots on Albion Street.

The proposed RS10, RS5 and RS3.75 districts, with the recommended conditions, are consistent with the North Nashville Community Plan’s Single Family Detached in Neighborhood General policy which is intended to promote detached single-family housing.”

8. 2007Z-026T
Council Bill BL2006-1367

A request to amend Section 17.40.106 of the Zoning Code to provide a process for periodic review of older planned unit developments, requested by Councilmember John Summers.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - A council bill to provide a process for periodic review of older planned unit developments.

ANALYSIS

Existing Law - The zoning ordinance does not include a process for evaluating old planned unit developments (PUDs), or portions thereof, that remain undeveloped many years after council enactment. During the past three years, five different bills have been considered by the Metro Council to trigger Council review of these older PUDs prior to permitting development to proceed. None of these bills has been enacted. In December 2006, the two most recently filed bills were deferred by Council and planning staff was asked to work with stakeholders to recommend a balanced bill around which consensus could be built. This zoning text amendment is the result of that request.

Proposed Bill - The proposed bill sets out a procedure by which the Planning Commission can determine if a PUD, or portion of a PUD, is (1) at least six years old and (2) inactive. It authorizes Planning Commission to propose legislation to the council that would make the property in the PUD consistent with the general plan and compatible with existing conditions in the area.

Below are specific provisions of BL2007-1367.

- Planning Commission, a councilmember, or a property owner in the PUD, or portion to be reviewed, can initiate a review.
- If the Planning Commission finds that six or more years have passed since the PUD, or portion thereof, was last approved by Council and that no substantial construction has taken place in furtherance of its development, then the PUD, or portion under review, is determined to be inactive.
- For PUDs or portions of PUDs found inactive, the Planning Commission recommends legislation to the Metro Council that will make the property consistent with the general plan and compatible with existing conditions in the area. The commission’s recommendation may be to re-approve, amend, or cancel the PUD, and make conforming changes to the base zoning district if necessary. Planning Commission has ninety days from initiation to review the PUD and to provide legislation to council should the PUD be found inactive.
- For PUDs or portions of PUDs found to be under active development, legislation is not sent to the council and a subsequent review cannot be initiated for one year.

- Metro Council has 6 months in which to act on legislation issuing from this process. If the council fails to take final action within that time limit, then the PUD is construed to be re-approved as is, and the 6 year clock is reset.
- Permits for grading and/or new building construction will not be issued during the review and legislative processes, which must be completed within nine months
- Owners of undeveloped older PUDs are provided a 270-day “grace period” to initiate development according to their existing master plans before this legislation takes effect.
- Modifications to older PUDs, or portions thereof, that are inactive are treated as amendments, requiring council action.

The full text of the bill is attached.

Staff Recommendation - Staff recommends approval of the zoning text amendment as a fair and balanced way to evaluate whether old planned unit developments have become obsolete or whether they remain compatible with current development patterns in the area and the community’s vision for its future.

ORDINANCE NO. BL2007-1367

An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending Section 17.40.120 to provide a process for periodic review of older planned unit developments which is more particularly described herein (Proposal No 2007Z-026T).

WHEREAS, there are a number of planned unit developments (PUDs) and portions of PUDs within Davidson county that have never begun construction and should be reviewed as to their continued appropriateness within their communities; and

WHEREAS, owners of such PUDs should have a reasonable opportunity to begin construction in accordance with the Council-approved master development plan prior to any proposed zoning change; and

WHEREAS, a process should be defined to evaluate and reconfirm, amend, or cancel older PUDs.

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

SECTION 1. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by amending Section 17.40.120.F.1, Changes to a Planned Unit Development District/Modification of Master Development Plan, by adding a new paragraph e. as follows:

e. 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.

SECTION 2. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by amending Section 17.40.120.G.2, Status of Earlier Planned Unit Developments, by adding a new paragraph m. as follows:

m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H 4.a.

SECTION 3. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by amending Section 17.40.120 by adding a new subsection H. as follows:

H. Periodic Review of Planned Unit Developments.

1. Authorization to Review. The metropolitan planning commission is authorized to review any planned unit development overlay district (PUD), or portion thereof, to determine whether development activity has occurred within six years from the date of the latter of initial enactment, subsequent amendment, or re-approval by the metropolitan council, and, if determined inactive in accordance with Section 4.a. of this section, to recommend legislation to the council to re-approve, amend or cancel the PUD and make conforming changes to the base zoning if necessary.

2. Initiation. Review of a PUD or portion thereof to determine inactivity may be initiated by the metropolitan planning commission
 - a. on its own initiative,
 - b. by written request of a member of the metropolitan council, or
 - c. by written request of a property owner within the area of the PUD overlay requested for review.

3. Notice of Review. Within five business days of the initiation of a review, the planning commission shall send written notice to the district councilmember(s) for the district(s) in which the PUD is located, to the Zoning Administrator, and to the owner(s) of property in the portion of the PUD overlay district to be reviewed.

4. Metropolitan Planning Commission Procedure. Within 90 days from the initiation of its review, the planning commission shall hold a public hearing in accordance with the planning commission's adopted Rules and Procedures to concurrently consider if the PUD or portion thereof should be classified as inactive and, if found inactive, provide a recommendation to the metropolitan council on legislation to re-approve, amend or cancel the PUD and make conforming changes to the base zoning district if necessary.
 - a. Determination of Inactivity. To determine that a PUD or portion thereof is inactive, the planning commission shall establish each of the findings i. through iii. below. The planning commission may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the site under review.
 - i. Six or more years have elapsed since the latter of
 - (1) the effective date of the initial enacting ordinance of the PUD,
 - (2) the effective date of any ordinance approving an amendment to the PUD,
 - (3) the effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with Section 5. a. or b of this section, or
 - (4) the deadline for action by the metropolitan council in accordance with Section 5. d. of this section, and
 - ii. Construction has not begun on the site; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the site; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and
 - iii. Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the PUD approval.
 - b. Recommendation to Metropolitan Council. If the planning commission determines that the PUD or portion thereof under review is inactive, the commission shall recommend legislation to the metropolitan council to re-approve, amend, or cancel the PUD, or portion thereof that is determined to be inactive, including conforming changes to the base zoning district if necessary. In recommending legislation, the planning commission shall:
 - i. Determine whether the existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans adopted by the Metropolitan Government.
 - ii. Recommend legislation to re-approve, amend, or cancel the existing overlay district, including as required:
 - (a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.
 - (b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.
 - (c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.

Failure of the planning commission to act within 90 days from the initiation of a review shall be considered a recommendation to re-approve by ordinance the existing PUD overlay district without alteration.

c. When Inactivity Not Established. If the planning commission determines that the PUD or portion thereof under review does not meet the criteria of Section 17.40.120.H.4.a for inactivity, the PUD review is concluded, the limitations of Section 6 are terminated, and a re-review of the PUD shall not be initiated in the manner of Section 2 of this section for 12 months following the commission's determination.

5. Metropolitan Council Consideration. The procedures of Article III of this chapter (Amendments) shall apply to metropolitan council consideration of ordinance(s) to:
 - a. Re-approve the existing PUD master plan and apply the appropriate base zoning district(s), if different from current base zoning,
 - b. Amend the PUD master plan, or
 - c. Cancel the PUD overlay district, including any change(s) to the underlying base zoning district.
 - d. Decline to take action by ordinance. If the metropolitan council does not act to re-approve, amend, or cancel the PUD within six months of receipt of the planning commission's recommended legislation, the property may be developed in accordance with the master development plan last approved by the metropolitan council, or subsequently revised by the planning commission.
6. No grading permit nor any building permit for new building construction shall be issued within the PUD overlay district or portion thereof for which a review has been initiated until the earlier of:
 - a. the metropolitan council's final action to re-approve, amend or cancel the PUD overlay district, or
 - b. six months following the planning commission's submission of a recommendation to the metropolitan council, or the deadline for that submission should the commission fail to act.

SECTION 4. BE IT FURTHER ENACTED, That this ordinance take effect 270 days 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.

Approved (10-0), *Consent Agenda*

Resolution No. RS2007-064

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-026T is **APPROVED. (10-0)**"

9. **2007SP-026U-11**
Eurotech Automobile Repair and Service
Map 119-09, Parcel 202
Subarea 11 (1999)
Council District - 16 Anna Page

A request to change from CS to SP zoning property located at 2849 Logan Street, approximately 505 feet north of Thompson Lane (0.31 acres), to permit the development of a 7,500 square foot automobile repair facility, requested by PBJ Engineering, applicant, for Kenneth Elam, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - A request to change approximately .31 acres located at 2849 Logan Street, approximately 500 feet north of Thompson Lane from Commercial Services (CS) to Specific Plan (SP) zoning to permit a 7,500 square foot automobile repair facility.

Existing Zoning

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

Proposed Zoning

SP District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.

- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

SOUTH NASHVILLE COMMUNITY PLAN POLICY

Existing Policies

Residential Low-Medium (RLM) - RLM is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Consistent With Policy? - No. The requested SP district is not consistent with the areas existing residential policy. The area's policy has not been updated since 1999, however, and does not reflect the current development pattern in this area. When this policy is updated in the near future staff will recommend the policy be changed to reflect the area's commercial and light industrial development pattern with which this SP is consistent.

Staff Recommendation - While the requested SP is not consistent with the area's current residential policy, the area is not residential in character and the existing zoning and growth trend is commercial and light industrial in nature. Since this policy will be recommended for changed to reflect the area's existing zoning and character, staff recommends that the SP be approved with conditions.

PLAN DETAILS

Site Plan - The site plan identifies a 7,500 square foot building which will be used for auto repair and services. The proposed front setback along Logan Street will be 45 feet. Access will be provided by a private drive off of Logan Street. Four parking spaces will be provided between the building and Logan Street and four spaces will also be provided at the rear of the building with a total of 8 spaces.

RECENT REZONINGS - None

PUBLIC WORKS RECOMMENDATION - All Public Works' design standards shall be met prior to any final approvals and permits issued.

CONDITIONS

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metropolitan 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.
6. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted,

except through an ordinance approved by Metro Council, that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Mr. Lawson announced that this item could be placed back on the consent agenda for approval with conditions.

Ms. Nielson moved and Mr. Ponder seconded the motion, to amend the Consent agenda by adding Zone Change 2007SP-026U-11 and to approve it with conditions. **(9-0)**

Resolution No. RS2007-065

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-026U-11 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metropolitan 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.
6. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

While the proposed SP district, with the recommended conditions, is not consistent with the existing South Nashville Community Plan's Residential Low Medium Policy which is intended to accommodate residential developments with a density between 2 and 4 dwelling units per acre, it is consistent with the area's development pattern. This area's policy will likely be changed to reflect the area's development pattern with the next scheduled update."

10. **2007SP-027U-03**
Hallmark at Clarksville Pike
Map 081-00, Part of Parcel 45
Subarea 3 (2003)
Council District – 21 Edward Whitmore

A request to change from R6 to SP zoning property located at Clarksville Pike (unnumbered), approximately 770 feet north of Ed Temple Boulevard (11.5 acres), to permit the development of a 96 unit multi-family complex, requested by Bernie L. Weinstein & Associates, applicant, for Charles Binkley and Eatherly Family Holdings Company, owners.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change approximately 11.5 acres located on the northwest side of Clarksville Pike (unnumbered), approximately 770 feet north of Ed Temple Boulevard, from One and Two-Family Residential (R6) to Specific Plan (SP) to permit preliminary approval of a 96 unit multi-family complex.

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.

Proposed Zoning

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

BORDEAUX-WHITES CREEK COMMUNITY PLAN POLICY

Existing Policies

Community Center (CC) - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Specific Plan, Urban Design Overlay, Planned Unit Development, or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent With Policy? -Yes. The proposed use, Multi-Family Residential is consistent with the types of uses envisioned in the area's Community Center policy. While staff would typically recommend that buildings within this type of policy front on the adjacent street, Clarksville Pike, to create a more pedestrian friendly street, this

property has many constraints, including environmental constraints, which limit what can be done along Clarksville Pike.

PLAN DETAILS

Site Plan - The plan calls for 96 multi-family units on approximately 11 acres with a density of approximately 8.3 units per acre. The development will consist of seven individual buildings spread out across the site. Six of the buildings will be 2-story residential structures providing a total of 16 units each (8 two bedroom and 8 three bedroom). The seventh building will be a one story 1,718 square feet community building.

Access - Access for the development is proposed at two locations. One access point will be directly onto Clarksville Pike and the second access point will be to Ed Temple Boulevard to the east through an adjacent property. To ensure that the proposed access point is available, a public access easement must be recorded across the adjacent property prior to any final approval for this development. If access through the adjacent property cannot be obtained, then a new access point must be provided in order to provide adequate access to the site.

Sidewalks - Sidewalks are shown along the interior streets and will provide for adequate pedestrian movement throughout the development and to Clarksville Pike.

Parking - The plan calls for a total of 204 parking spaces. A total of 144 parking spaces is required under Metro Zoning Code.

Staff Recommendation - Because the proposed use is consistent with uses envisioned in the area’s Community Center policy, staff recommends approval of the request, with conditions.

RECENT REZONINGS - None

STORMWATER RECOMMENDATION -Approve as noted:

1. Provide a Water Quality Concept plan.

PUBLIC WORKS RECOMMENDATION -All Public Works’ design standards shall be met prior to any final approvals and permits issued.

CONDITIONS

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application including any attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the Planning Department and Department of Codes Administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of any final site plan within this SP district. Prior to the issuance of any permits, confirmation of compliance with the final approval of all final development plans shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metropolitan 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. If any cul-de-sac

is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

6. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Mr. Swaggart presented and stated that staff is recommending approval with conditions.

Councilmember Hunt rescinded his request to defer as previously announced at the beginning of the meeting.

Mr. Paul Whitman, 501 Oxford Place, spoke in favor of the proposal.

Mr. Robert Rutherford, 214 2nd Avenue North, spoke in favor of the proposal.

Mr. Chris Utley, 511 Emerald Court, spoke in opposition of the proposal.

Mr. Mack Prichard, 1828 River Drive, spoke in opposition to the proposal.

Mr. Ponder stated he was in favor of staff's recommendation.

Mr. Loring stated he was in favor of staff's recommendation. He suggested the Councilmember continue working with the developer and the Commission recommend approval due to time constraints placed on the development.

Mr. Bernhardt explained that staff just received Public Works comments today. He further explained that staff is recommending that any access onto Clarksville Pike would be limited to a right in/right out access.

Mr. Lawson agreed with the added recommendation and went on further to say he would like TDOT, as well as Public Works continue to study this development to see if the recommendation would be a viable solution to the situation.

Mr. Bernhardt explained that the conditions included in staff's recommendation state that it has to meet all TDOT and Public Works standards.

Mr. Bernhardt suggested that if it is recommended by TDOT or Public Works that a full intersection be included in the development, that this recommendation be part of the Commission's recommendation as well.

Mr. Lawson stated that the Commission will have the chance to review the final plan once it is submitted and the Commission can determine if the issues regarding ingress/egress to this development have been addressed.

Ms. Cummings acknowledged this development has been heard by the Commission previously. She suggested the developer continue meeting with the community as they are an active community. She stated she would be in favor of approving with the strong recommendation on the added conditions.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve Zone Change 2007SP-027U-03 with the recommendation that access to the site via Clarksville Pike be limited to a right-in and right-out, and that this recommendation meets both TDOT and Metro's standards. **(9-0)**

Resolution No. RS2007-066

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-027U-03 is **APPROVED WITH CONDITIONS (9-0), including that access to the site via Clarksville Pike be limited to a right-in and right-out.**

Conditions of Approval:

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application including any attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the Planning Department and Department of Codes Administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of any final site plan within this SP district. Prior to the issuance of any permits, confirmation of compliance with the final approval of all final development plans shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
6. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

The proposed SP district, with the recommended conditions, is consistent with the Bordeaux, Whites Creek Community Plan's Community Center policy which is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare."

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11. **2007Z-029U-09**
Lower Broadway Historic Preservation
Map 093-06-2, Various Parcels
Map 093-06-3, Various Parcels
Map 093-06-4, Various Parcels
Subarea 9 (1997)
Council District – 6 Mike Jameson

A request to apply a historic preservation overlay district known as "Lower Broadway" to various properties located on 1st Avenue North, 2nd Avenue North, 3rd Avenue North, 4th Avenue North, 5th Avenue North, Opry Place, Shelby Avenue and Symphony Place (10.38 acres), zoned CF and CC and located within the Capitol Mall Redevelopment District, requested by Councilmember Mike Jameson.\

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Zone Change

A request to apply a historic preservation overlay district to various properties located on Lower Broadway on 1st Avenue North, 2nd Avenue North, 3rd Avenue North, 4th Avenue North, 5th Avenue North, Opry Place, Shelby Avenue, and Symphony Place (10.38 acres), zoned Core Frame (CF) and Commercial Core (CC).

Existing Zoning

CF District - Core Frame is intended to implement the central business district's land use policies for support services. The district is designed primarily for a diverse variety of business service functions along with retail trade and consumer service establishments and large parking structures that require locations in proximity to the central business district.

CC District Commercial Core district is intended for implementation of the commercial core policy of the general plan. This district is designed to provide for a concentration of financial, professional and administrative office uses, in conjunction with retail, food service, amusement and high density residential uses normally associated with a diverse and economically strong central business district. Development standards in this district encourage full and intense utilization of land, along with integration of multiple uses within structures. When provided, off-street parking is encouraged to be in underground structures. Particular importance is given to ease of pedestrian circulation in the core area and the extent to which development can contribute to a pedestrian environment along the street. Pedestrian-oriented activity at street level is an objective of the CC district, and to that end development incentives are offered in return for a pedestrian-oriented street frontage.

PROPOSED OVERLAY DISTRICT -Section 17.36.120 of the Metro Zoning Ordinance recognizes the Historic Preservation district (along with the Neighborhood Conservation and Historic Landmark districts) as *Historic districts*. These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

DOWNTOWN COMMUNITY PLAN (1997)

Central Business District (CBD) - The 1997 Downtown Community Plan provides for the CBD policy for Lower Broadway. 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.

While the 1997 Plan called for the preservation and enhancement of the unique historical features of Downtown, it did not specifically call for a Historic Preservation Overlay for Lower Broadway.

DOWNTOWN COMMUNITY PLAN (2007) -The Downtown Plan is in the process of being updated and is scheduled to be considered by the Metro Planning Commission at its February 22, 2007, meeting. The 2007 Downtown Community Plan provides for MU and AE policies for Lower Broadway.

Mixed Use (MU)- MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and

community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

In addition, it is a goal of the 2007 Plan to preserve and enhance the Lower Broadway corridor that shapes the historical and cultural identity of Nashville. This includes the preservation and adaptive reuse of historic structures. New development should respect the historic structures and the overall character of the corridor by maintaining the existing scale, massing, and building storefront rhythm. Further, the 2007 Plan calls for the adoption of a Historic Preservation Overlay for the Lower Broadway area.

Amusement and Entertainment (AE) - Amusement and Entertainment is intended for amusement and entertainment uses such as fairgrounds, arenas, stadiums, and zoos.

Consistent with Policy? - Yes. The proposed Lower Broadway Historic Preservation Overlay does not change the base zoning, but provides standards that help protect historic structures, which is called for in both the 1997 and 2007 Downtown Community Plans.

Metro Historic Zoning Commission Recommendation-The Metro Historical Zoning Commission (MHZC) considered the proposed historic overlay at a special meeting on February 15, 2007. MHZC recommended approval of the proposed historic overlay as submitted, with the exclusion of the properties located at 123 Second Avenue, South, and 120 Third Avenue, South, as the properties between these parcels and Broadway are not included in the proposed overlay. MHZC further recommended that all of the properties bounded by Broadway Avenue, Second Avenue, South, Shelby Avenue and Third Avenue, South, should be added to the historic preservation overlay if the pending zone change for the proposed Westin project does not occur. This area was excluded solely because of the pending zone change.

The MHZC also adopted design guidelines, written in accordance to the *Secretary of Interior Standards for Treatment of Historic Properties* for the proposed Lower Broadway Historic Preservation Overlay.

Staff Recommendation - Both the 1997 and proposed 2007 Downtown Community Plans provide for the unique historical features of Downtown and the 2007 Downtown Community Plan and specifically recommend that a Historic Preservation Overlay be placed on Lower Broadway. Accordingly, staff recommends approval of the proposed overlay with the condition that the properties located at 123 Second Avenue South and 120 Third Avenue South be excluded and that the properties bounded by Broadway Avenue, Second Avenue South, Shelby Avenue and Third Avenue South be added in the proposed historic overlay if the Westin Hotel is not developed.

Application Fee - There are 77 properties in this request, and the total fee would be \$1,265. If each property owner was to file a Zone Change application individually, the total fee would be \$92,400.

RECENT REZONINGS-None

MDHA RECOMMENDATION-Lower Broadway falls within the Metro Development and Housing Agency's (MDHA) Capitol Mall Redevelopment District. Comments were requested from MDHA but not received by the time the staff report was prepared. Tracts 74A, 75A, 76A, 101, 103, 104 of the Capital Mall Redevelopment Plan are included in the proposed Lower Broadway Historic Preservation Overlay. In the intent and design objectives sections for these tracts, the preservation and integration of the historic buildings on Lower Broadway is called out.

Intent Section of 74A:

Preserve and enhance the historic structures on Lower Broadway and the Ryman Auditorium.

Design Objectives Section for 74A, 75A, 76A:

Historically significant buildings on Broadway will be preserved and integrated in to the development

Intent of 101, 103 and 104:

The preservation of existing buildings that contribute the historical or architectural character of the district is also encouraged.

METRO SCHOOL BOARD REPORT

Projected student generation -As this request to apply a historic preservation overlay does not change the underlying zone district, the number of expected students to be generated is zero.

CONDITIONS

1. The properties located at 123 Second Avenue, South, and 120 Third Avenue, South, shall be removed from the proposed historic overlay.
2. The properties bounded by Broadway Avenue, Second Avenue, South, Shelby Avenue and Third Avenue, South, should be added to the historic preservation overlay if the pending zone change for the Westin project does not occur.

Approved with conditions (10-0), *Consent Agenda*

Resolution No. RS2007-067

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-029U-09 is **APPROVED. (9-0)**

The proposed historic preservation overlay district provides standards that help protect historic structures within “Lower Broadway”, which is called for in both the 1997 and 2007 Downtown Community Plan.”

12. **2007Z-032T**
Council Bill BL2007-1364
Historic Home Event & Historic B&B Homestay

A council bill to amend Chapters 17.04, 17.08, 17.16, 17.36, and 17.40 of the Metro Zoning Code pertaining to the regulation of the historic bed and breakfast homestay and historic home event uses, sponsored by Councilmember Emily Evans.

STAFF RECOMMENDATION: Approve with proposed amendments

APPLICANT REQUEST - A council bill to permit historic bed & breakfast (B&B) homestays and historic home events, depending on number of persons at an event, either by Special Exception or in a Neighborhood Landmark Overlay district.

ANALYSIS

Existing Law -Historic B&B homestay is allowed in an overlay district approved by Metro Council. A historic home event is allowed by special exception in residential zoning districts and the ON district, and permitted by right in all other zoning districts, except industrial where it is prohibited.

Proposed Bill- Historic B&B Homestay: The proposed bill would allow this use via a neighborhood landmark overlay district in lieu of a historic overlay district; both overlay districts require Metro Council approval. Further, the bill corrects an error in a prior bill (BL2005-701) that dealt with Historic B&B Homestay regarding the Zoning Code’s land use table. That bill required Historic B&B Homestays to be approved via a historic overlay district, but did not modify the Zoning Code’s land use table to delete this use as a special exception “SE” designation in the residential and AG districts. This bill corrects that omission.

Historic Home Event: The proposed bill attempts to address concerns regarding historic home event venues located in residential areas. There are three such approved venues in Davidson County: Riverwood, the Demonbreun House, and the Ambrose House. Over the past several years, neighbors and historic home owners (possibly future operators) have met to share concerns with the codes and planning departments regarding venue hours of operation, amplified music, parking, number of persons attending such events, and codes enforcement.

To address these concerns, the currently filed bill proposes to create two separate definitions for historic home events. One definition would allow for no limitation on the number of events and guests while the second definition limits the number of events to 26 per year and 50 guests per event. Limited historic home events would be allowed by special exception while historic home events would be allowed via a neighborhood landmark overlay (NLO)

district approved by Metro Council. The bill contains various standards relative to limited historic home events, while standards for a non-limited historic home event would be determined during the review of the NLO request.

Proposed Amendments -The bill sponsor, Councilmember Emily Evans, held a community meeting several weeks ago about the proposed bill. Based on that meeting, Councilmember Evans has drafted amendments to this bill which she has shared with staff. Additional minor amendments and refinements are expected prior to the Council's third reading.

The following amendments are proposed, which staff supports for a special exception (SE) historic home event. Where an applicant cannot meet these standards, an applicant may apply for NLO or specific plan zoning requiring Metro Council approval.

- 1) **Definitions:** Creates a single definition of a historic home event and deletes the originally proposed two-tiered use. The "Limited Historic Home Event" is no longer a separate use under the bill.
- 2) **Number of people on the site:** Historic home events would be permitted by Special Exception in all zoning districts with the following limitations on the total number of people present on the site (including guests, service staff, performers, etc.)
 - 30 people indoors or outdoors any day of the week; and
 - Up to 100 people indoors Friday, Saturday, or Sunday, with a total cap of 100 on the site (no more than 30 people can be outdoors during the event).
- 3) **Number of Events:** One event per each day.
- 4) **Hours of operation:**
 - Monday – Thursday no earlier than 8:00 a.m. may set-up and preparation commence and all take-down and clean-up activities must conclude by 9:00 p.m.
 - Friday – Saturday no earlier than 9:00 a.m. and must conclude by 11:00 p.m.
 - Sunday no earlier than 9:00 a.m. and must conclude by 6:00 p.m.
- 5) **On-street parking:** Only available for historic home event where property has sufficient street frontage. Parking placards will need to be displayed by venue attendees on the driver's front dash. Otherwise, parking must be provided on-site or off-site. For off-site parking, shuttle buses may be provided, but no large commuter buses. Shuttle buses shall seat no more than 25 persons.
- 6) **Music:** No amplified music shall be permitted.
- 7) **Permit Duration:** 5 years though shorter time may be granted at BZA's discretion. If a longer time is desired, the applicant must apply for a Neighborhood Landmark Overlay or Specific Plan zoning.
- 8) **Permit Renewal:** None – cannot renew permit.
- 9) **Transferability of Permit:** None – cannot transfer permit to a new owner. New owner must submit and receive SE approval from BZA.
- 10) **Variances:** The BZA cannot grant any variance from these regulations.

In addition to the amendments proposed by Councilmember Evans, staff recommends that the ordinance be amended to include a provision that would explicitly state that the BZA has the authority to limit the number of events per year to fewer than one per day. The current historic home event ordinance includes a provision that states: "The board of zoning appeals may limit the number and frequency of events to minimize disturbance to surrounding properties." Staff recommends that the bill be amended to ensure that this provision remains in the Code.

Staff Recommendation - Staff recommends approval of this bill with the proposed amendments. These amendments address the concerns expressed by both neighbors and operators of historic home events.

Ms. Regen presented and stated that staff is recommending approval with the proposed amendments.

Ms. Jones left the meeting at 7:45 p.m.

Mr. William Cochran, 751 Benton Avenue, expressed issues regarding the proposed amendment.

Mr. Pete Horton, 726 Benton Avenue, requested that the amendment be deferred.

Ms. Betty Horton, 726 Benton Avenue, spoke in opposition to the amendment.

A resident of 2816 Blair Blvd. spoke regarding the amendment.

Mr. Jeff Ockerman, 205 S. 12th Street, expressed issues with the proposed amendment.

Mr. Gordon Gilbreth, 2601 Barton Avenue, expressed issues with the proposed amendment.

Mr. Jeff Thornhill, 402 S. 11th Street, spoke in opposition with the proposed amendment.

Mr. Emily Cothran, 122 South 12th Street, spoke in opposition to the proposed amendment.

Ms. Ann Butterworth, 205 South 12th Street, spoke regarding the amendment.

Councilmember Summers requested action on the amendment. He spoke of the current historic homes that are causing some of the issues with the neighborhoods. He stated that the amendment would address noises, traffic, etc. and suggested that there be a limitation added to address the number of parties that could be held at the historic homes.

Councilmember Evans stated she was not in favor of deferring this amendment. She spoke of the many items contained in the amendment that needed to fit all of Davidson County. She stated she has held stakeholder meetings regarding the bill and that she will be holding another stakeholder meeting after the Council Public hearing scheduled in March. She stated she will continue working on the amendment.

Ms. Beehan requested additional clarification regarding the number of guests that was mentioned in the amendment.

Ms. Regen explained this concept to the Commission.

Ms. Beehan stated the amendment has too many unanswered questions and should not be moved forward.

Ms. Cummings expressed issues with the number of events that could be held if the amendment was approved.

Mr. McLean stated the amendment is moving in the right direction. He suggested that each event should be approved on a case-by-case basis. He agreed that daily parties would be considered a business.

Ms. Nielson expressed issues regarding the number of events that could be held and stated that it should be studied further.

Mr. Ponder spoke of outside events and the number of guests allowed; he mentioned tour buses; and also lighting as mentioned in the amendment. He suggested further study on these particular items.

Mr. Loring spoke in favor of the text amendment.

Mr. McLean moved and Ms. Nielson seconded the motion to approve the amendment with the recommendation that additional studies be completed on the many issues mentioned by the Commission (i.e., number of guests, lighting, number of events, tour buses, cooking events, location of events, etc.). **(8-0)**

Resolution No. RS2007-068

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-032T is **APPROVED WITH PROPOSED AMENDMENTS AND ADDITIONAL CONDITION. (8-0)**

Conditions of Approval:

The following amendments are proposed, which staff supports for a special exception (SE) historic home event. Where an applicant cannot meet these standards, an applicant may apply for NLO or specific plan zoning requiring Metro Council approval.

1. Definitions: Creates a single definition of a historic home event and deletes the originally proposed two-

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tiered use. The “Limited Historic Home Event” is no longer a separate use under the bill.

2. Number of people on the site: Historic home events would be permitted by Special Exception in all zoning districts with the following limitations on the total number of people present on the site (including guests, service staff, performers, etc.)
 - 30 people indoors or outdoors any day of the week; and
 - Up to 100 people indoors Friday, Saturday, or Sunday, with a total cap of 100 on the site (no more than 30 people can be outdoors during the event).
3. Number of Events: One event per each day.
4. Hours of operation:
 - Monday – Thursday no earlier than 8:00 a.m. may set-up and preparation commence and all take-down and clean-up activities must conclude by 9:00 p.m.
 - Friday – Saturday no earlier than 9:00 a.m. and must conclude by 11:00 p.m.
 - Sunday no earlier than 9:00 a.m. and must conclude by 6:00 p.m.
5. On-street parking: Only available for historic home event where property has sufficient street frontage. Parking placards will need to be displayed by venue attendees on the driver’s front dash. Otherwise, parking must be provided on-site or off-site. For off-site parking, shuttle buses may be provided, but no large commuter buses. Shuttle buses shall seat no more than 25 persons.
6. Music: No amplified music shall be permitted.
7. Permit Duration: 5 years though shorter time may be granted at BZA’s discretion. If a longer time is desired, the applicant must apply for a Neighborhood Landmark Overlay or Specific Plan zoning.
8. Permit Renewal: None – cannot renew permit.
9. Transferability of Permit: None – cannot transfer permit to a new owner. New owner must submit and receive SE approval from BZA.
10. Variiances: The BZA cannot grant any variance from these regulations.

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In addition to the amendments proposed by Councilmember Evans, the commission recommends that the ordinance be amended to include a provision that would explicitly state that the BZA has the authority to limit the number of events per year to fewer than one per day. The current historic home event ordinance includes a provision that states: “The board of zoning appeals may limit the number and frequency of events to minimize disturbance to surrounding properties.” The Commission recommends that the bill be amended to ensure that this provision remains in the Code.

In addition to the staff recommended conditions, the Commission recommends that the Council study the issues discussed by the Commission and citizens at the Commission hearing, including, but not limited to, the number of guests, lighting, number of events, tour buses, cooking events, and location of events inside and outside.

13. 2007Z-033T
Council Bill BL2007-1366
Signs in CL District

A council bill to amend Section 17.32.050 of the Metro Zoning Code to allow signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color within the CL zoning district, sponsored by Councilmember Feller Brown.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - A council bill to permit changeable text, graphics or displays on signs in the Commercial Limited (CL) Zoning District.

ANALYSIS

Existing Law - Signs in the CL zoning district may not have electronically changeable messages or graphics except for time/temperature/date signs.

Proposed Bill - The proposed bill would allow on-premise signs in the CL zoning district with changeable messages or graphics. As written, the bill would further expand the use of electronic message boards throughout the county to CL zoned properties. Currently in the CS district such signs are permitted for drug stores, banks, fast-food restaurants, and other retail stores, but are prohibited in the CL district for the same use.

Staff Recommendation - Staff recommends disapproval.

Over the past several years, there have been various changes proposed to the sign provisions. At the same time, sign technology has significantly changed. Before the use of this type of electronic sign is further expanded throughout the county, staff recommends that a comprehensive evaluation of the sign code is undertaken.

ORDINANCE NO. BL2007-1366

An Ordinance amending Section 17.32.050 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color within the CL zoning district, all of which is more specifically described herein (Proposal No. 2007Z-033T).

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

Section 1. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by amending Section 17.32.050, Prohibited Signs, by amending subsection H. by deleting the phrase "CN and CL districts" and substituting in lieu thereof the phrase "and CN districts".

Section 2. 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.

Ms. Nielson moved and Ms. Cummings seconded the motion, to disapprove Zone Change 2007Z-033T. **(7-1) No Vote – Loring**

Resolution No. RS2007-069

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-033T is **DISAPPROVED. (7-1)**”

- 14. 2007Z-034T**
Council Bill BL2007-1365
Recreational Facilities in Cluster Lot Subdivisions

A council bill to amend Section 17.12.190 of the Metro Zoning Code to require persons utilizing the cluster lot subdivision option to construct recreational facilities on a portion of the designated common open space, sponsored by Councilmember Walter Hunt.

STAFF RECOMMENDATION: Approve with amendments, but disapprove if the bill is not amended to address staff concerns.

APPLICANT REQUEST - A council bill to require active recreational facilities in cluster-lot subdivisions containing 25 or more residential units.

ANALYSIS

Existing Law - Section 17.12.090 of the Zoning Code regulates cluster lot subdivisions located outside of a Planned Unit Development (PUD) district while Section 17.36.070 regulates such subdivisions within a PUD. The provisions require 15% of the gross land area within each phase to be designated for common open space. Such land may include landscape buffer yards, but may not include stormwater management devices, grassy or landscaped medians/islands, or planting strips per the Subdivision Regulations. There is no requirement for such open space areas to be improved with active or passive recreational uses.

Proposed Bill - The proposed bill would require a developer, who elects to use the cluster-lot subdivision provisions of the Zoning Code, to provide active recreational facilities at the rate of one facility per every 25 residential lots. The bill specifically identifies such facilities as tennis courts, basketball courts, playgrounds, baseball/softball diamonds, or volleyball courts.

Staff Recommendation - Staff recommends approval with amendments. The bill provides much needed facilities in residential cluster lot developments. Active recreational facilities are needed for children and adults to maintain a healthy lifestyle. However, the bill should be amended to address several specific issues that are not currently addressed. Staff recommends the following amendments.

1. An amendment that states that the recreation facilities required under this bill shall be located within usable open space areas and prohibited from being located in natural areas with slope greater than 15%, floodplain, sinkholes, or areas that would impact cultural resources.
2. An amendment to add that the requirement for recreation facilities also applies to cluster-lot subdivisions within a PUD.

In addition, staff recommends that the Council consider:

1. Whether some flexibility in the type of recreational facilities might be appropriate for developments that may serve more diverse or limited age groups
2. Use of a sliding scale as to the number of facilities within larger developments.

Approved with amendments, but disapproved if the bill is not amended to address staff concerns (10-0), **Consent Agenda**

Resolution No. RS2007-070

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-034T is **APPROVED WITH AMENDMENTS, but disapprove if the bill is not amended to address staff concerns. (10-0)**

Amendments:

1. An amendment that states that the recreation facilities required under this bill shall be located within usable open space areas and prohibited from being located in natural areas with slope greater than 15%, floodplain, sinkholes, or areas that would impact cultural resources.
2. An amendment to add that the requirement for recreation facilities also applies to cluster-lot subdivisions within a PUD.

In addition, the Commission recommends that the Council amend the bill to address the following concerns:

1. To provide some flexibility in the type of recreational facilities for developments that may serve more diverse or limited age groups
2. Use of a sliding scale as to the number of facilities within larger developments.”

15. 2007Z-042T
Council Bill BL2007-1369
Transfer of Development Rights

A council bill to amend sections of the Metro Zoning Code, to permit the transfer of development rights from Historic Landmark Districts and Historic Preservation Districts in Downtown Nashville as “sending” sites to designated “receiving” sites, sponsored by Councilmember’s Mike Jameson, Diane Neighbors, Erik Cole, Charlie Tygard, Walter Hunt, Rip Ryman, Emily Evans, Buck Dozier and Randy Foster.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - A request to amend Chapter 17.12 of the Metropolitan Zoning Code, “District Bulk Regulations,” by adding a new section numbered 17.12.120 titled “Transfer of Development Rights”.

ANALYSIS

Existing Law/Enabling Legislation - In 2001, the State of Tennessee enacted a law enabling counties and municipalities to permit the transfer of development rights.

Although the use of transfer of development rights is standard practice in a number of other states, as of the date that Council Bill 2007-1369 was filed, staff is unaware of any other county or municipality in Tennessee that has enacted an ordinance to permit transfer of development rights.

Background -In August 2006, Metro Planning staff began the update of the Downtown Community Plan formerly known as the Subarea 9 Plan, which was last updated in 1997. In focus groups and visioning sessions, Metro staff repeatedly heard that Downtown community members wanted to preserve existing historic structures and districts, not as museum pieces, but as actively-used buildings on lively historic blocks.

As a result, the Downtown Plan includes a guiding principle to “protect and reuse historic structures and districts.” The Downtown Plan includes specific recommendations to achieve this guiding principle. First, the Plan calls for the creation of Historic Preservation Districts. This zoning overlay provides protection for historic structures and districts, guidance on restoration and additions to historic structures, and guidance on building historically sensitive infill. Second, to ensure that property owners within Historic Preservation Districts are able to preserve the historic structure and realize the value of their property, the Downtown Plan also calls for the creation of tools to permit transfer of development rights.

As the Downtown Plan update progressed, the Westin Hotel Specific Plan rezoning was introduced at Council and was approved, with conditions, at Metro Planning Commission in November 2006. Among the conditions included in the current Westin Hotel SP ordinance is a requirement that the final Specific Plan cannot be approved until a Historic Preservation District is adopted for the Lower Broadway area (Broadway from 1st Avenue, South, to 5th Avenue, South) where the proposed Westin is located.

District Councilmember Mike Jameson, in working for passage of the Westin SP and the Historic Preservation District for Lower Broadway, requested that Metro Planning staff draft legislation to permit transfer of development rights from “sending sites” within any adopted Historic Preservation Districts in Downtown to other areas of Downtown. The transfer of development rights will allow the property owners in Historic Preservation Districts to realize the full value of their properties while removing the pressure to destroy or irrevocably alter the existing historic structures or character of the area.

Transfer of Development Rights -Transfer of development rights (TDR) is a tool used to protect specific properties from development by allowing the owners of those properties to “transfer” (through sale or donation) their unused development rights to another site.

TDR has often been used to shield greenfields from development, by transferring development rights to areas intended to accommodate higher intensity development. The legislation under consideration uses TDR to allow owners of properties in Council-adopted Historic Preservation Districts to transfer their development rights to receiving sites elsewhere in Downtown. This relieves the pressure on a historic property owner to redevelop their property in a way that alters the historic nature of the property, while allowing them to realize the full value of their under-utilized development rights.

The legislation permits property owners in “sending sites,” which are historic districts defined in the legislation, to transfer, through sale or donation, all or part of the property’s unused development rights (undeveloped square footage) to a “receiving site,” intended for higher-intensity development. Once development rights are transferred from a sending site, the sending site is not allowed to seek additional development rights through rezoning or other measures. Meanwhile, a receiving site can continue to purchase additional development rights, but should be cognizant of if and how the additional square footage could be accommodated within other building regulations such as height or sky exposure plane regulations.

Definitions

Development rights are defined as the square footage permitted for a property as calculated based on the floor area ratio (FAR) rights granted under the property’s existing base zoning district. The only development rights available for transfer are the rights for the *undeveloped* square footage on the property. Consider, for example, a 10,000 sq. ft. property zoned Core Frame (CF). The FAR in CF is 5, so on a 10,000 sq. ft. lot, a 50,000 sq. ft. building may be constructed. Imagine that the property has an existing historic structure of 30,000 sq. ft. and that the property is within a Historic Preservation District, so it is eligible for transfer of development rights. The property may sell or donate all or part of the unused 20,000 sq. ft. to a buyer in a “receiving site” intended for higher intensity growth.

Transfer of development rights is defined as the sale or donation of development rights (undeveloped square footage) from a sending site to a receiving site. The legislation stipulates that the sale price is to be negotiated, between the buyer and seller, in a free marketplace. State law mandates that if a government or not-for profit conservation or preservation organization is a receiving site, then it may only receive development rights through *donation*. Meanwhile, individual property owners or their designees may purchase development rights or receive

them as a donation.

Sending sites are defined in the legislation as properties within any Council-adopted Historic Preservation District or Historic Landmark District within Downtown Nashville (defined as bounded by Jefferson Avenue to the north, Interstate 24 to the east, Interstate 40 to the south and Interstate 40/65 to the west. There is currently one Council-adopted Historic Preservation District in Downtown – the Second Avenue Historic District, which includes both sides of Second Avenue North from Broadway to Union St. There are several existing Historic Landmark Districts (a designation placed on specific structures) in Downtown Nashville. Figure A below shows the existing historic district on Second Avenue North and the boundaries of the proposed historic district on Lower Broadway.

Receiving sites are defined as properties within the boundaries outlined in the legislation. The receiving sites are illustrated in Figure B below and include, roughly, part of the Downtown Core, part of SoBro, all of the Gulch, North Gulch and Sulphur Dell, and part of the Lafayette neighborhood.

Transfer Procedure

Application. The legislation requires that both the owners or developers of the sending site and those of the receiving site file an application for TDR with the Planning Department. The Planning Department will provide the application and may assess a fee. At a minimum, the application will include a statement indicating that by requesting TDR, the property owner of a sending site agrees that they, and anyone in the future chain of title, will not apply for additional floor area ratio, square footage or any other form of density for the property in the future.

Recording the Transfer of Development Rights from Sending Sites. The transfer of development rights from the sending site will be in writing in an instrument signed by the owner of the sending site and submitted to the Planning Department for approval. The instrument will then be recorded in the Office of the Register of Deeds, with an additional copy provided to the Metropolitan Planning Commission. This instrument will include the total square footage initially allowed (per FAR in the applicable zoning district for the property), the square footage transferred from the property, and the square footage of development that remains for the property. Once the transfer of development rights from the sending site is complete, this site loses any future claim for increased intensity of development. A statement to this effect is required on any subsequent deeds for the property.

Recording the Transfer of Development Rights to Receiving Sites. Whenever transferred development rights are allocated to a receiving property, the TDR is to be noticed in writing in an instrument signed by the owner of the receiving site and submitted to the Planning Department for approval. The instrument is then recorded in the Office of the Register of Deeds, with an additional copy of the instrument provided to the Metropolitan Planning Commission. The instrument will include the total square footage permitted on the receiving site (per the FAR of its base zoning district) and the additional square footage permitted through TDR. If the receiving site is subdivided or consolidated in the future, the transferred development rights are to be noted on any future plat(s), deed(s) or other relevant instrument used or referenced in any such subdivision or consolidation. A statement including this same information is to be noted on any future deeds for the property.

Other Development Standards. The legislation notes that for the receiving site, the transferred development rights are in addition to those currently permitted by the base zoning district, i.e. no zone change is required to secure the additional development rights. All other development standards, including building heights, sky exposure planes and building setbacks, continue to apply to both the sending site and the receiving site. It is the receiving site owner's responsibility to determine whether additional development rights (square footage) can be accommodated within the receiving site's existing development standards.

Staff Recommendation - Approve. Transfer of development rights allows owners of historic structures or properties within historic zoning districts to realize the full value of their properties while continuing to preserve historic structures or create infill development that is complementary in scale to surrounding historic structures.



Figure A. Sending Sites for Transfer of Development Rights.



Figure B. Receiving Sites for Transfer of Development Rights.

ORDINANCE NO. BL2007-1369

An ordinance to amend sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to permit the transfer of development rights from Historic Landmark Districts and Historic Preservation Districts in Downtown Nashville as "sending" sites to designated "receiving" sites, which is more particularly described herein (Proposal No 2007Z-042T).

WHEREAS, in 2001, the State of Tennessee promulgated law enabling individual counties and municipalities to permit the transfer of development rights to achieve land use goals, as per Tennessee Code Annotated Sections 13-7-101 and 13-7-201;

WHEREAS, the transfer of development rights can relieve development pressure from areas intended to be low intensity while allowing property owners in the areas intended to be low intensity to realize the value of their development entitlements by permitting these property owners to donate or sell the value of undeveloped development rights;

WHEREAS, the Downtown Community Plan: 2007 Update, adopted pursuant to 13-3-303 and 13-4-202, Tennessee Code Annotated, calls for the preservation and adaptive reuse of historic structures, specifically calling for the creation of two new historic zoning districts in Downtown, one to encompass Lower Broadway and one to encompass Printer's Alley and Fifth Avenue historic district, the creation of new Historic Landmark Districts and the creation of transfer of development rights from these sites to other sites in Downtown;

WHEREAS, the transfer of development rights pursuant to sound community planning standards is hereby declared to be in accordance with the health, safety and welfare of Nashville/Davidson County because it furthers the protection of historic and culturally-relevant structures and districts at a time when this objective is made urgent by development pressures upon these structures and districts.

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

SECTION 1 By amending Chapter 17.12 of the Metropolitan Zoning Code, "District Bulk Regulations" by adding a new section numbered 17.12.120 titled "Transfer of Development Rights."

A. Transfer of Development Rights for Downtown Historic Preservation Districts and Downtown Historic Landmark Districts.

1. Purpose. The transfer of development rights provisions established by this section are intended to protect structures and sites in historic and culturally-relevant districts in Downtown Nashville, while allowing owners of these structures and sites to realize the value of their under-utilized development entitlements. This is accomplished by permitting property owners in "sending sites", historic districts defined in this section, to transfer, through sale or donation, all or part of the property's unused development rights (undeveloped square footage) to a "receiving site" as defined in this section, which is an area intended for higher-intensity development. The transfer of development rights provisions are established pursuant to the authority contained in Sections 13-7-101 and 13-7-201 of the Tennessee Code Annotated.

2. Definitions and Regulations. Transfer of development rights between sites is allowed as follows:

a. Development Rights. The "development rights" of a property within a Historic Preservation District or Historic Landmark District are defined as the square footage permitted for a property as calculated based on the floor area ratio (FAR) rights granted under the property's existing base zoning district. The only development rights available for transfer through sale or donation are the rights for the undeveloped square footage on the property.

b. Sending Sites. Sites within any Council-adopted Historic Preservation District or Historic Landmark District within Downtown Nashville, Davidson County may transfer development rights. For the purposes of this section, "Downtown Nashville" is defined as bounded by Jefferson Avenue to the north, Interstate 24 to the east, Interstate 40 to the south and Interstate 40/65 to the west.

c. Receiving Sites.

i. Location. Development rights may be transferred, through sale or donation, to the following sites in Downtown as

described below and more specifically illustrated on Figure 17.12.120. It is the applicant's responsibility to confirm with the metropolitan planning department, at the time of application, that the proposed receiving site is within the approved receiving site area as defined in this section. The following are the permitted receiving sites:

- 1) In the Core with the following boundaries - south of Charlotte Avenue, west of properties fronting onto Second Avenue South, north of properties fronting onto Broadway and east of the train tracks excluding Council-adopted Historic Preservation Districts, Historic Landmark Districts and the Downtown Public Library;
- 2) In SoBro with the following boundaries: The northern boundary is south of the properties fronting on Broadway from the train tracks to Sixth Avenue South; south of Demonbreun Street from Sixth Avenue South to Third Avenue South excluding the Country Music Hall of Fame; roughly south of properties fronting onto Broadway from Third Avenue South to First Avenue South and south of the Shelby Street Pedestrian Bridge from First Avenue South to the Cumberland River; The eastern boundary is west of the Cumberland River from the Shelby Street pedestrian bridge to north of the terminus of Molloy Street and west of First Avenue South from Molloy Street to Peabody Street; the southern boundary is Peabody Street from First Avenue South to Seventh Avenue South, Lea Avenue from Seventh Avenue South to Eighth Avenue South, Shirley Street from Eighth Avenue South to Tenth Avenue South and the properties fronting onto the south side of Demonbreun from Tenth Avenue South to the train tracks; the western boundary is the train tracks.
- 3) In the Gulch and North Gulch with the following boundaries: The eastern boundary is the train tracks (using the eastern most train tracks as the boundary in the North Gulch just south of Charlotte Avenue); the southern and western boundary is I65 and I40; the northern boundary is Herman Street;
- 4) In Sulfur Dell with the following boundaries: The northern boundary is Jefferson Street; the eastern boundary is the Cumberland River; the southern boundary is the train tracks; the western boundary is Fourth Avenue North; and
- 5) In Lafayette for only those properties fronting on, or consolidating to front onto Eighth Avenue South from the intersection of Eighth Avenue South and Lafayette to the train tracks and for those properties fronting on, or consolidating to front onto Lafayette Street from the intersection with Eighth Avenue South to the east side of Fifth Avenue South.

ii. Eligibility.

- 1) Receiving sites eligible for donation of development rights. The Metropolitan Government of Nashville, the State of Tennessee or a not-for-profit conservation or preservation organization shall only be a receiving site through donation of development rights. A sending site property owner may donate all or part of the sending site development rights to these entities.
 - 2) Receiving sites eligible for purchase of development rights. Individual property owners or their designees may purchase development rights or receive the development rights as a donation. A sending site property owner may transfer all or part of the development rights to another individual or entity by donation or sale only with the consent of both the sending and receiving sites' property owners and through negotiations in a free marketplace.
- d. Transfer Procedure. The procedure for a transfer of development rights must meet the following criteria:

i. Application. The owners or developers of the sending site and those of the receiving site shall file an application for transfer of development rights with the metropolitan planning department. The application shall be on a form provided by, and available from, the metropolitan planning commission and may be a joint application for both the sending site and the receiving site. A fee may be assessed to the application. At a minimum, the application shall include a warranty statement indicating that by requesting this transfer of development rights, the property owner of a sending site agrees that they, and anyone henceforth in the chain of title, will not apply for additional floor area ratio, square footage or any other form of density for the property in the future.

ii. Recording the Transfer of Development Rights from Sending Sites. The conveyances of development rights from the sending site shall be in writing in an instrument that shall be signed by the owner of the sending site and shall be submitted to the metropolitan planning department for approval with the requirements of this section and such approval entered in writing on the document by the director or by another designee of the metropolitan planning department. At that point, the instrument shall be recorded in the office of the register of deeds subject to fees as set out in 8-21-1001 of Tennessee Code Annotated, with an additional copy of the instrument provided to the metropolitan planning commission for record purposes. This instrument should include the total square footage initially allowed, per FAR in the applicable zoning district for the property, the square footage transferred from the

property, and the square footage of development that remains for the property. Once the transfer of development rights from the sending site is complete, this site shall forfeit any future claim for additional floor area ratio, square footage or other opportunity for increased intensity of development including, but not limited to, any type of rezoning. A statement to this effect shall be required on any subsequent deeds for the property.

iii. Recording the Transfer of Development Rights to Receiving Sites. Whenever transferred development rights are allocated to a receiving property, such allocation shall not become effective until the transferred development rights are noticed in writing in an instrument that shall be signed by the owner of the receiving site and shall be submitted to the metropolitan planning department for approval with the requirements of this section and such approval entered in writing on the document by the director or by another designee of the metropolitan planning department. At that point, the instrument shall be recorded in the office of the register of deeds subject to fees as set out in 8-21-1001 of Tennessee Code Annotated, with an additional copy of the instrument provided to the metropolitan planning commission for record purposes. The instrument shall include the total square footage permitted on the receiving site per the FAR of its base zoning district and the additional square footage permitted through transfer of development rights. If the receiving site is subdivided or consolidated in the future, the transferred development rights shall be noted on any future plat(s), deed(s) or other relevant instrument used or referenced in any such subdivision or consolidation. A statement including this same information shall be noted on any future deeds for the property.

3. Other Development Standards. For receiving sites, the transferred development rights (square footage) shall be in addition to those currently permitted by the receiving site's base zoning district. All other applicable development standards, including, but not limited to, building heights, sky exposure planes, and building setbacks shall continue to apply to both the sending site and the receiving site when a transfer of development rights occurs. The assessment of whether the transferred development rights can be accommodated within the receiving site's existing applicable development standards is the responsibility of the owners of the receiving sites.

4. Conflict with Provisions of Zoning Code. If there is a conflict between the development rights considered in this section and any other part of the Zoning Code, these provisions shall prevail.

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.

Approved with conditions (10-0), *Consent Agenda*

Resolution No. RS2007-071

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-042T (BL2007-1369) is **APPROVED**. (10-0).

XI. CONCEPT PLANS

16. **2006S-385G-14**
Roehrig Estates Subdivision
Map 044-07, Parcel 009
Subarea 14 (2004)
Council District – 11 Feller Brown

A request for concept plan approval to create 7 lots on property located at Jones Circle (unnumbered), approximately 1,250 feet north of Fourth Street (6.05 acres), zoned R15, requested by William Bryan Roehrig III, owner, Jesse Walker, surveyor.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST -Concept Plan

A request for concept plan approval to create 7 lots on property located at Jones Circle (unnumbered), approximately 1,250 feet north of Fourth Street (6.05 acres), zoned One and Two-Family Residential (R15).

ZONING

R15 district - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and

duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. No lots have been designated as duplex on the preliminary plat.

PLAN DETAILS -This plan was previously approved on October 23, 2003. The applicant did not record a final plat before the preliminary plat expired and is now requesting re-approval.

Five of the seven proposed lots have frontage on Old Hickory Lake. There is also a 20-foot lake access easement on the edge of lot 1 that will serve all of the lots. The proposed lots range in size from 23,782 square feet to 39,066 square feet. None of the lots have been identified as duplex lots. There is one existing house on the site that will remain.

The proposed water quality treatment area is located within open space above the floodplain elevation. The Stormwater Appeal Board approved a variance for the individual lots to contain the buffer area of the lake front; however, it is to be placed in a conservation easement to ensure that the areas will remain undisturbed.

The proposed Roehrig Court right-of-way abuts the neighboring parcel to the west, Map 44-07, Parcel 88.01, to provide for future subdivision if that owner so chooses.

Sidewalks are not required under Section 3-8 of the Subdivision Regulations because this is an infill subdivision accessed by a permanently dead-ended street of not more than 750 feet in length.

Staff Recommendation -Staff recommends that this subdivision be approved with conditions

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

STORMWATER -Approve

CONDITIONS

1. The conservation easements along the lake front will be recorded with the final plat.
2. Amend note 20 to reflect that an overall critical lot grading plans will be reviewed at the development plan application, not with the final plat. Individual critical lots plans will be reviewed prior to the issuance of individual building permits.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives 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 any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

Ms. Withers presented and stated that staff is recommending approval.

Mr. Al Woods, 29 Jones Circle, expressed issues with the proposal.

Ms. Hazel Sprague spoke in opposition to the proposal.

Mr. Jesse Walker spoke in favor of the proposal.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve Concept Plan 2006S-385G-14. **(8-0)**

Resolution No. RS2007-072

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-385G-14 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. The conservation easements along the lake front will be recorded with the final plat.

2. Amend note 20 to reflect that an overall critical lot grading plans will be reviewed at the development plan application, not with the final plat. Individual critical lots plans will be reviewed prior to the issuance of individual building permits.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives 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 any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.”

XII. FINAL PLATS

17. **2007S-027U-10**
Lealand Hall
Map 132-01, Parcel 030, 031
Subarea 10 (2005)
Council District – 25 Jim Shulman

A request to revise the preliminary and for final plat approval to create 10 lots on properties located at 4109 and 4115 Lealand Lane, approximately 480 feet north of Outer Drive (3.41 acres), zoned RS10, requested by MEC, Inc, applicant, for Nashville Property Managers LP, owner.

STAFF RECOMMENDATION: Disapprove

The Metropolitan Planning Commission DEFERRED Final Plat 2006S-027U-10 to March 8, 2007, at the request of the applicant. (10-0)

XIII. REVISIONS AND FINAL DEVELOPMENT PLANS

18. **79-81-G-13**
Bell Forge Commercial PUD
Map 163-00, Parcel 302
Subarea 13 (2003)
Council District – 33 Robert Duvall

A request for final approval of a Planned Unit Development district, located at the northwest intersection of Bell Road and Mt. View Road, zoned SCR (0.67 acres), to permit the development of a fuel center with five pumps providing 10 fueling stations and a 266 square foot kiosk to be constructed within the existing parking lot, requested by CEI Engineering, applicant, for Hickory Hollow Associates LLC, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Final PUD

A request for final approval for a portion of a commercial Planned Unit Development district at the Northeast intersection of Bell Road and Mt. View Road, zoned Shopping Center Regional (SCR) (.67 acres) to permit the development of a fuel center with five fuel pumps providing 10 fueling stations and a 266 square foot kiosk.

PLAN DETAILS

Site Plan - The plan proposes a fuel center with five pump providing 10 fueling stations and a 266 square foot kiosk within the existing parking lot of the retail shopping center.

Preliminary Plan - This PUD was originally approved in 1981 for various commercial uses. The PUD was amended in 2006 for five fuel pumps, and was approved by the Commission on August 10, 2006, and Metro Council on November 21, 2006. As proposed, the site plan is consistent with the plan that was approved by both the Planning Commission and Metro Council.

Staff Recommendation - The proposed site plan is consistent with the last approved preliminary plan. Staff recommends that the request be approved with conditions.

PUBLIC WORKS RECOMMENDATION - Approved with the following conditions.

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance.

STORMWATER RECOMMENDATION - No Exceptions Taken

CONDITIONS

1. 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.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metropolitan 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.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. 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.
6. 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/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

Approved with conditions (10-0), **Consent Agenda**

Resolution No. RS2007-073

"BE IT RESOLVED by The Metropolitan Planning Commission that 79-81-G-13 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. 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.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metropolitan 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.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. 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.

6. 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/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.”

19. 2004P-015U-13
Matlock, Phase 1
Map 163-00, Part of Parcel 258 and Part of 259
Subarea 13 (2003)
Council District – 32 Sam Coleman

A request to revise the preliminary plan and for final approval of a portion of a Planned Unit Development located along the east side of Old Franklin Road at Matlock Lane, classified RM15, (9.94 acres), to permit the development of 104 townhouse units, replacing 111 townhouse units and to remove a street connection via Matlock Lane to the Provincetown development, and to construct 32 townhouse units and to designate a portion of Matlock Lane as a private street, requested by Wamble and Associates, applicant for J2K Builders LLC, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Revision to Preliminary PUD and Approval of Final PUD

A request to revise the preliminary plan, and for final approval for a portion of a commercial Planned Unit Development district located at along the east side of Old Franklin Road and south of Mt. View Road, classified Multi-Family Residential (RM15), (9.94 acres), to reduce the overall gross density to 104 townhouse units, replacing 111 townhouse units, and the construction of 32 town house units.

PLAN DETAILS

Site Plan - The proposed plan reduces the total number of units that was approved on the preliminary plan from 111 town homes to 104 town homes and for the construction of Phase 1 which will consist of 32 attached 2 bedroom condominium units. Units in phase 1 will be accessed from the extension of Isabelle Lane which is to be a public street. The extension of Isabelle Lane will connect to Old Franklin Road.

Preliminary Plan - The original preliminary PUD plan was approved in December 2004, for 111 town homes. A final PUD for Phase 1 was subsequently approved in January 2006. As proposed this plan is consistent with the approved preliminary plan with minor changes being made due to land area and topography.

Staff Recommendation - The request is consistent with the concept and layout of the originally approved preliminary plan. Staff recommends that the request be approved with conditions.

PUBLIC WORKS RECOMMENDATION - Approved with the following conditions.

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Developer shall construct a 3 lane road cross section on Old Franklin Road along property frontage with a dedicated southbound left turn lane (75 feet of storage) at the project access road. Design shall extend toward Mt. View Road and coordinate with Provincetown PUD widening plans for Old Franklin Road at the Mt. View Road intersection.
3. Developer shall construct project access road with 1 entering lane and 2 exit lanes with 50 feet of storage length.
4. Remove vegetation to provide adequate sight distance at access road.
5. With future phases of this development, developer shall conduct traffic counts at the Mt. View Road/Old Franklin Road intersection and submit signal warrant analysis to the Metro traffic engineer for approval. Upon approval, developer shall submit plans to the Metro traffic engineer and install signal.

STORMWATER RECOMMENDATION - Approved

CONDITIONS

1. No final plat shall be approved or recorded for any other phase within this Planned Unit Development until such time that the entirety of the extension of Isabelle Lane is completed, and or bonded, including the stream crossing.
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.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
4. The requirements of the Metropolitan 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.
5. 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.
6. 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.
7. 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/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

Approved with conditions, including that No permits shall be issued for any additional phases within this PUD until such time that the entirety of the extension of Isabelle Lane including the stream crossing has been constructed and or bonded, **(10-0), Consent Agenda**

Resolution No. RS2007-074

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-015U-13 is **APPROVED WITH CONDITIONS (10-0), including that any subsequent final PUD shall include the extension of Isabelle Lane including the stream crossing. No permits shall be issued for any additional phases within this PUD until such time that the entirety of the extension of Isabelle Lane including the stream crossing has been constructed and or bonded.**”

- 20. 2002UD-001U-10**
 Green Hills (Amendment)
 Map117-14, Parcel 159
 Subarea 10 (2005)
 Council District – 25 Jim Shulman

A request to amend the existing Urban Design Overlay District to add property located at 3821 Green Hills Village Drive to the Green Hills UDO, located along the east side of Cleghorn Avenue, south of Crestmoor Road, (3.79 acres) classified SCR, to require all provisions of the UDO to apply to this property, requested by Councilmember Shulman.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST

Amend UDO - A request to amend the existing Urban Design Overlay District to add property located at 3821 Green Hills Village Drive to the Green Hills UDO, along the east side of Cleghorn Avenue, south of Crestmoor Road, (3.79 acres), and to require that all provisions of the UDO to apply to this property.

BASE ZONING

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

GREEN HILLS- MIDTOWN COMMUNITY PLAN POLICY

Regional Activity Center (RAC) - RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

UDO History - The Green Hills UDO is a zoning overlay intended to promote a compact multi-level urban village that is visually coherent and pedestrian oriented, and is a center of commerce that includes entertainment, employment and living activities. The overlay includes pedestrian, bicycle and transit linkages within the center, as well between the surrounding areas. The UDO was adopted by the Metro Council in 2002 and amended in 2003.

Utilization of the guidelines thus far has been incentive based and at the choice of the property owner. The development guidelines of the UDO become applicable when a proposed development utilizes any of the incentive provisions of the UDO. For example, in exchange for providing structured parking instead of surface parking, or mixed-use buildings instead of single-use buildings, developments become eligible for “bonuses” such as parking reductions, increased building height, and additional floor area for residential development. The owner still has the option to develop under the base zoning standards if no incentives are desired and the UDO standards are then encouraged but not mandatory.

The guidelines of the UDO include standards for:

- Streetscape
- Building placement, height and massing
- Architectural Treatment
- Parking
- Signage and Awnings

Proposed Change - Add the property located at 3821 Green Hills Village consisting of 3.79 acres into the boundary of the Green Hills UDO and require that all provisions of the UDO to apply to this property.

Staff Recommendation - The addition of the subject property into the Green Hills UDO is consistent with the goal of developing into a visually coherent urban village. Staff recommends approval.

PUBLIC WORKS RECOMMENDATION -N/A

STORMWATER RECOMMENDATION -N/A

FIRE MARSHAL-N/A

Approved (10-0), *Consent Agenda*

Resolution No. RS2007-075

“BE IT RESOLVED by The Metropolitan Planning Commission that 2002UD-001U-10 Green Hill Amendment is **APPROVED. (10-0)**”

The proposed addition of the subject property into the Green Hills UDO is consistent with the goal of developing the area into a visually coherent urban village.”

21. **2002UD-001U-10**
Green Hills (Sign Amendment)
Map 117-14, Various Parcels
Map 131-02-0-B, Various Parcels
Map 131-02, Various Parcels
Subarea 10 (2005)
Council District – 25 Jim Shulman

A request to amend the Urban Design Overlay District to various parcels in a portion of the Green Hills commercial area along Hillsboro Drive, Bandywood Drive, portions of Hillsboro Pike, Abbott Martin Road, Hillsboro Circle, Hobbs Road, Richard Jones Road, and Warfield Drive, classified OR20, SCR, and RM20 districts, to require the on-site sign provisions of the UDO to become mandatory for any change in signage (new tenant, new sign face or any type of sign change), requested by Councilmember Shulman.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - Amend UDO

A request to amend the Urban Design Overlay District to various parcels in a portion of the Green Hills commercial area along Hillsboro Drive, Bandywood Drive, portions of Hillsboro Pike, Abbott Martin Road, Hillsboro Circle, Hobbs Road, Richard Jones Road, and Warfield Drive, classified Office Residential (OR20), Shopping Center Regional (SCR), and Multi-Family Residential (RM20) districts, to require the on-site sign provisions of the UDO to become mandatory for any change in signage (new tenant, new sign face or any type of sign change).

BASE ZONING

OR20 District - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

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

RM20 District - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

GREEN HILLS- MIDTOWN COMMUNITY PLAN POLICY

Regional Activity Center (RAC) - RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

UDO History - The Green Hills UDO is a zoning overlay intended to promote a compact multi-level urban village that is visually coherent and pedestrian oriented, and is a center of commerce that includes entertainment, employment and living activities. The overlay includes pedestrian, bicycle and transit linkages within the center, as well between the surrounding areas. The UDO was adopted by the Metro Council in 2002 and amended in 2003.

Utilization of the guidelines under the currently adopted UDO is incentive based and at the choice of the property owner. The development guidelines of the UDO become applicable whenever a proposed development utilizes any of the incentive provisions of the UDO. For example, in exchange for providing structured parking instead of surface parking, or mixed-use buildings instead of single-use buildings, developments become eligible for “bonuses” such as parking reductions, increased building height and floor area ratio. The owner still has the option to develop under the base zoning standards if no incentives are desired and the UDO standards are then encouraged but not mandatory.

The guidelines of the UDO include standards for:

- Streetscape
- Building placement, height and massing
- Architectural Treatment
- Parking

- Signage and Awnings

Proposed Change The proposed amendment is to make the signage requirements of the UDO mandatory for any change in signage (new tenant, new sign face, or any type of sign change) for all properties within the boundary of the UDO.

The sign standards include:

- **Signs not permitted:** In addition to signs prohibited by the base zone district, on-premise temporary signs, pole mounted signs, and billboards. Any signs which have any visible moving parts, flashing or osculating lights, visible mechanical movements of any description, or other apparent visible movement achieved by any means are prohibited within the UDO.
- **Maximum aggregate building signage:** The maximum aggregate amount of display surface area of all permanent on-premise building signage permitted on a parcel per public street frontage shall not exceed 15% of the area of the ground floor building façade facing the public street or 105 square feet, whichever is greater.
- **Limitation on lighting:** lighted signs shall be spotlighted, externally lit, or back-lit with a diffused light source. Neon lights are permitted if they form the lettering on a sign and/or they are used to define a logo or border.
- **Placement of signs:** Signs shall be placed so as not to obscure key architectural features or door or window openings. No signs shall extend above the eave line or parapet of the principle building(s) on the lot.

The sign standards encourage the use of wood and painted metal with a dull or matte finish as the preferred sign materials. Plastic and similar synthetic materials are discouraged, but not prohibited

Staff Recommendation -Approve. The amendment will ensure that signs will be designed, placed and illuminated in a manner that is appropriate to pedestrian, transit and auto environments is integral to creating a cohesive urban village.

PUBLIC WORKS RECOMMENDATION -N/A

STORMWATER RECOMMENDATION - N/A

FIRE MARSHAL -N/A

Approved (10-0), *Consent Agenda*

Resolution No. RS2007-076

“BE IT RESOLVED by The Metropolitan Planning Commission that 2002UD-001U-10 Green Hills Sign Amendment is **APPROVED. (10-0)**

The proposed sign requirements ensure that signs will be designed, placed and illuminated in a manner that is appropriate to pedestrian, transit and auto environments, and is integral to creating a cohesive urban village.”

XIV. MANDATORY REFERRALS

22. **2006M-231U-09**
 BL2006-1304
 Renaming Gateway Blvd. to Korean War Vet. Memorial Blvd
 Subarea 9 (1997)
 Council District 6 – Mike Jameson

A request to amend the Official Street and Alley Acceptance and Maintenance Map for The Metropolitan Government of Nashville and Davidson County, by changing the name of a portion of Gateway Boulevard between Davidson Street and 4th Avenue South to "Korean War Veterans Memorial Boulevard."

STAFF RECOMMENDATION: Disapprove

The Metropolitan Planning Commission DEFERRED Mandatory Referral 2006M-231U-09 to March 22, 2007, at the request of the applicant. (10-0)

XV. OTHER BUSINESS

- 23. Employee contract amendments for John Broome and David Kline

Approved (10-0), *Consent Agenda*

- 24. Grant Agreement between the TDOT and Metro Planning commission on behalf of the Nashville Area MPO for the FY 2006 FTA Section 5303 Planning Allocations for short-Range Transit Planning

Approved (10-0), *Consent Agenda*

- 25. Executive Director Reports

- 26. Legislative Update

XVI. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Chairman

Secretary



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