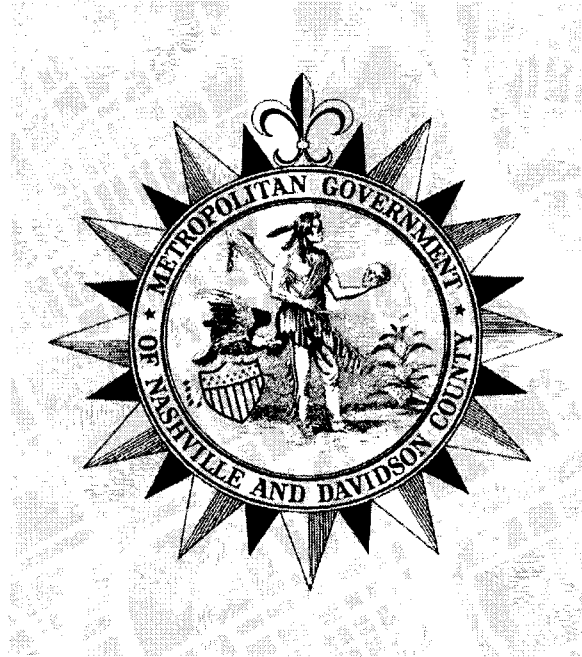


Metropolitan Planning Commission



Staff Reports

April 14, 2009

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

PREVIOUSLY DEFERRED ITEMS

NO SKETCH



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

Zone Change 2008Z-088T
Mobile Vendors: Cleveland Street
BL2008-325
5 - Murray
N/A
Councilmember Pam Murray
Deferred from the February 12th and 26th, 2009, Planning Commission meetings.

Staff Reviewer
Staff Recommendation

Regen
Disapprove

APPLICANT REQUEST

A council bill to amend the Metro Zoning Code, Section 17.04.060 to modify the definition of "mobile vendor" to exempt vending activity along Cleveland Street between Dickerson Pike and McFerrin Avenue.

Deferral

This item was deferred by Councilmember Murray on February 12th and 26th, 2009 so this bill and council bill BL2009-410 (Zoning Text Amendment 2009Z-002TX-001) could be considered together.

ANALYSIS

Existing Law

The Zoning Code allows mobile vendors as a use "permitted with conditions" (PC) in the CL, CS, CA and CF zoning districts. Mobile vendors may sell goods, wares or merchandise within a permanently, enclosed structure with no outdoor vending or display areas (tables, crates, cartons, racks or other devices). No outside vending or display areas are allowed except for vendors selling food, beverages, living plants, or agricultural products, or for licensed street vendors.

Proposed Text

The bill modifies the definition of mobile vendor by adding the following underlined language:

"Notwithstanding the foregoing, vendors selling only food and/or beverages, vendors selling living plants and agricultural products, vendors selling goods, wares or merchandise along Cleveland Street, and street vendors licensed pursuant to Section 13.080.040 of the Metropolitan Code of Laws shall not be considered 'mobile vendors'".

Analysis

Cleveland Street is a collector street running slightly more than one mile in length between Dickerson Pike and McFerrin Avenue. The entire street is within the bill sponsor's Council District (District 5). Currently, there



Metro Planning Commission Meeting of 4/14/2009

are six properties zoned commercial along Cleveland Street (CN, CL, and CS). Of these six properties, one is located in the historic Greenwood Neighborhood Conservation Overlay District and the other is in the historic Maxwell Neighborhood Conservation Overlay District; both Districts were adopted by the Metro Council in May 2008.

In addition to historic overlays, Cleveland Street runs through three different Detailed Neighborhood Design Plans (DNDPs) in the Subarea 5 Plan: Cleveland Park West, Cleveland Park East, and Greenwood. All three plans were adopted by the Planning Commission in 2005 after community involvement in their preparation. Each plan recognizes the existing built environment, community desire for reinvestment, and creation of neighborhood-scaled centers of activity.

By exempting Cleveland Street from the mobile vendor requirements, persons would be allowed to sell or display wares indoors or outdoors from permanent structures, temporary structures such as tents, vans, or cars, or from crates, cartons, racks, tables, etc. According to the Zoning Administrator, these vendors would be permitted by right (P) as a "retail" use on any of the six commercially zoned properties along Cleveland Street. Allowing these temporary vendors would serve to undermine efforts to bring new retail, office, and commercial investment. Temporary vendors do not support the long-term visions embraced by the community, and adopted in the DNDPs.

STAFF RECOMMENDATION

Staff recommends disapproval of this bill. The bill does not support the adopted DNDPs for Cleveland Park West, Cleveland Park East, Greenwood, or the Greenwood and Maxwell Neighborhood Conservation Overlay Districts. Further, carving out exemptions for a particular street, neighborhood, or commercial area dilutes the mobile vendor ordinance's enforceability and effectiveness.

SEE NEXT PAGE



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2009Z-015-001

BL2009-411

35 - Mitchell

9 - Coverstone

Councilmember Bo Mitchell, applicant, Betty French and Mary and James Johnson, owners

Deferred from the March 12, 2009, Planning Commission meeting at the request of the applicant.

Deferrals

Staff Reviewer
Staff Recommendation

Swaggart

Disapprove. If the Bill is amended to address staff concerns, then staff recommends approval with conditions.

APPLICANT REQUEST

A request to amend a previously approved Council Bill (BL2005-543) to modify a condition restricting access to Moss road for property located at 5109 Moss Road, zoned Multi-Family Residential (RM9), approximately 775 feet south of Collins Road (6.03 acres).

Zoning District
RM9 District

RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

REQUEST

This is a request to amend a previously approved Council Bill (BL2005-543) to modify a condition pertaining to the restriction of access to Moss Road. The bill, adopted in 2005, authorized the rezoning of two properties from Commercial Limited (CL) and Office Limited (OL) to single-family, two-family and multi-family residential (RM9), and included conditions. The conditions required that prior to the issuance of any building permits an updated Traffic Impact Study (TIS) be submitted, or that certain traffic conditions from a 2003 TIS would be required. The conditions are as follows:

1. Extend the existing left turn lane (12 ft wide) on Hwy 100 from the Collins Rd intersection to the westernmost site access joint access driveway. Install required transition per AASHTO. Lane shall be marked as 2-way left turn.
2. Dedicate 1/2 of ROW along HWY 100 frontage as required for street classification of U4 (84' ROW) per TDOT's APR plans. Adjacent western property shall also dedicate such ROW along its Hwy 100 property frontage.
3. Two site driveways shall be installed with 1 entering lane and 2 exiting lanes. Driveway widths shall not exceed 35 ft. One drive shall be installed opposite the



Metro Planning Commission Meeting of 4/14/2009

barn theater drive and the other drive shall be a joint access drive with adjacent western property. Adequate sight distance shall be provided.

4. The driveway opposite the Map 155, Parcel 204 shall be signalized if warrants are justified at completion of property development. Developer shall conduct traffic counts and submit warrant analysis to Metro Traffic Engineer for approval. Signal shall be bonded. Signal design shall provide video detection equipment for site traffic movements. Pedestrian facilities shall also be installed.
5. No access to Moss road shall be allowed.
6. Since Hwy 100 is a state facility, Hwy 100 improvements shall be submitted to TDOT for their approval.

Analysis

The intention of this bill is to restrict parcel 122, which is zoned for multi-family residential uses, from having any access to Moss Road. While the intent is to restrict access to Moss Road, the bill is worded such that both a new TIS is required *and* the conditions of the 2003 TIS must be satisfied. Since the 2003 TIS was conducted there have been numerous changes in the area and many of the conditions are no longer relevant to the site. The bill should be amended to require an updated TIS that would *supersede* the 2003 TIS. In addition, in order to ensure that the intent of this bill is met, it should explicitly restrict access to Moss Road.

While neither this bill nor the bill being amended specifically addresses secondary access, a secondary access from the property to Moss Road may be appropriate. Moss Road is in a single-family residential district, and it is appropriate to restrict commercial property from accessing Moss Road. Now that the property is zoned for residential uses (RM9), a secondary access *may* be feasible to Moss Road. Primary access to the property must continue to be from Highway 100. If an updated TIS warrants access to Moss Road, then it should be limited to secondary access only with primary access being from Highway 100.

PUBLIC WORKS RECOMMENDATION

A TIS will be required at development to address any changes in access that have been previously conditioned.



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STAFF RECOMMENDATION

Staff recommends disapproval. If the bill is amended to address staff concerns then staff recommends approval with conditions.

CONDITION (If approved)

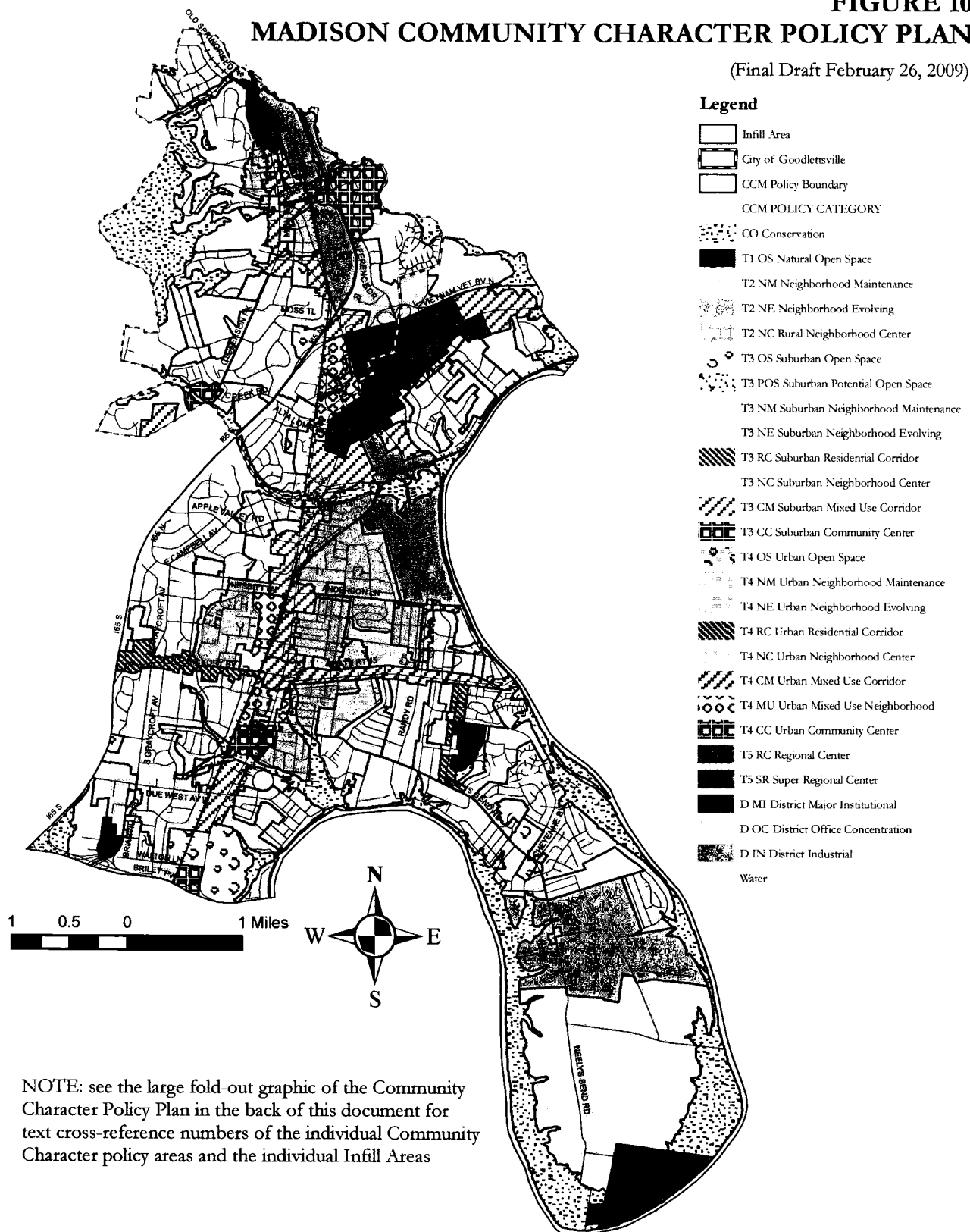
1. The bill shall be amended to clarify that a new TIS shall be required, and that the TIS conditions listed in BL2005-543 shall not be required.
2. The following condition shall be added: "Any future development under the RM9 zoning shall have its primary access from Highway 100, and based on the findings of the TIS, a secondary access may be permitted from Moss Road."

SEE NEXT PAGE

COMMUNITY PLAN

FIGURE 10 MADISON COMMUNITY CHARACTER POLICY PLAN

(Final Draft February 26, 2009)



NOTE: see the large fold-out graphic of the Community Character Policy Plan in the back of this document for text cross-reference numbers of the individual Community Character policy areas and the individual Infill Areas



**Project No.
Request**

2009CP-04-001
To Adopt the *Madison Community Plan: 2009 Update*

**Council District
School Districts
Requested by**

4 – Craddock, 9 – Forkum, 10 – Ryman
3 –North
Planning Staff

**Staff Reviewer
Staff Recommendation**

Adams / Eadler
Approve

APPLICANT REQUEST

A request to adopt the updated plan for the Madison Community, which includes RiverGate, Madison, and Neely’s Bend and parts of the City of Goodlettsville.

**MADISON COMMUNITY PLAN
COMMUNITY PARTICIPATION**

Staff conducted 11 meetings in the Madison Community beginning July 31, 2008, and ending February 19, 2009. The meetings included an educational meeting for the new Community Character Manual Policy, and workshops to develop the vision, concept plan, and community character policy plans. Open space and transportation systems were also discussed during these workshops. Three open houses were held in the Goodlettsville, RiverGate, and Madison/Neely’s Bend areas, where residents met with planning staff informally to discuss the plan as it related to their neighborhood or property. Meetings in January and February were conducted to present and gather comments on the first draft of the Madison Community Plan.

Staff met with the RiverGate – Madison Area Chamber of Commerce as well as the Montague Neighborhood Association during this planning process. Finally, staff met with several large property stakeholders including RiverGate Mall, Nossi College of Art, and the Embassy Center (formerly Memorial Hospital).

Notification of community meetings as well as the April 14, 2009, Planning Commission public hearing were published in newspapers and posted on the Planning Department’s website. Notices were sent to over 16,000 addresses in the Madison Community. Email and hard mail notification was sent periodically to 222 stakeholders who regularly participated in the process.



Metro Planning Commission Meeting of 4/14/2009

HIGHLIGHTS

Madison Community Plan: 2009 Update

Planning Fundamentals in the Madison Community Plan

In planning for the future of the Madison Community, sustainability and regionalism are two fundamental planning concepts that are essential in creating a community that meets the needs of today and the future. An overview of how these concepts were incorporated into the Madison Community plan is below.

Sustainable Development

The Madison Community Plan emphasizes sustainable development through the application of Community Character Policies. In doing so the Madison Community Plan reflects the spirit of *Concept 2010's* commitment to sustainable development as defined by its four core elements;

1. Balancing the economic, environmental and social/cultural needs of the community;
2. Creating development that is good for today and the future;
3. Engaging all stakeholders; and
4. Thinking regionally in planning for growth.

Planning for Regional Growth

The Madison Community Plan addresses regionalism in its application of Community Character Policies that encourage diversity in development, development that respects community character, preserves open space and environmentally sensitive features, and fosters transportation choice.

Housing

In a region with a growing population, providing housing options within the region helps distribute population equally; residents may find rural, suburban, and urban housing in Madison that is in close proximity to employment within the Madison Community and in Downtown Nashville. The Community Character Policies applied in the plan encourage this diversity and respect the community character by identifying distinct neighborhood areas, and by providing detailed guidance for appropriate infill development.

Transportation

Interstate 65, Gallatin Pike, Briley Parkway, and Dickerson Pike provide access to other parts of the region and to new development in outlying counties. Regional transportation planning efforts encourage alternative methods of transit to manage the movement of goods and services in the region. The Madison Community Plan complements these efforts by encouraging land uses along its corridors and in adjacent neighborhoods that would support transit services, such as bus



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Open Space and Environmentally Sensitive Features

rapid transit or light rail. The Mixed Use Corridor Policies applied in the plan encourage a mixture of uses along the corridor with higher intensity occurring at major nodes, and encouraging more dense and varied housing along the corridor and in nearby evolving neighborhoods.

Community Character Policy and Special Policies

Planning for regional growth also includes thinking comprehensively about open space and environmentally sensitive features and land. The Madison Community Plan uses Conservation Policy on sensitive lands that are part of a larger regional pattern of hillsides, rivers and creeks. The preservation and the remediation of these areas and the creation and preservation of parks in Madison contribute to a regional open space network.

The Madison Community Plan Update is the first plan to use the Community Character Manual (CCM) and its Community Character Policies. The Community Character Policies emphasize the character of development, encourage sustainable development and design, and make the link between transportation and land use.

The CCM is the dictionary of community character policies; the CCM provides a broad definition of the general characteristics and intent of the policies. The update of the Madison Community Plan applies Community Character Policies to all land in the Madison Community and gives more detailed guidance on unique conditions in the study area.

This detailed guidance is provided in Special Policies. The Special Policies expand on the Design Principles provided in the CCM. Where there are no unique conditions that would require Special Policies, the general policy language in the CCM is used. In either case, the CCM is the first line of resource for policy inquiries.

Community Character Policies Applied

The Madison Community Character Policies are organized like the CCM; by Transect Category and Community Element. The Transect category defines the character (from natural and rural to urban) and the community elements (open space, neighborhoods, centers and corridors) are the components that create complete communities.

Open Space and Conservation Community Character Policies

The Madison Community has 714 acres (4 percent) of land to which *Open Space* policies have been applied. Open Space in the Madison Community ranges in character from T1 Natural Open Space to T4 Urban Open Space. Open Space



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areas include parks and civic uses. In the Madison Community this includes Madison Park, E.N. Peeler Park, and the Madison Library among others. The Open Space policies encourage the preservation of existing open space. Where additional open space is needed or an opportunity to provide more open space presents itself, the Community Character Policy, *Potential Open Space*, has been applied.

Conservation Policy is applied to areas considered to be environmentally sensitive – steep slopes, floodplain and floodway, and bodies of water among others. The Conservation Policies encourage the preservation of undeveloped environmentally sensitive areas, and the remediation of environmentally sensitive areas that have been disturbed. Environmentally sensitive land where Conservation policy has been applied accounts for 2,307 acres (14 percent) of the land in the Madison Community.

The Madison Community is bordered by the Cumberland River, and has three creeks that run through the community in different locations (Masker Creek, Dry Creek, and Gibson Creek). In the Madison Community, the majority of Conservation Policy is applied to water bodies with adjacent floodplain and floodway. Steep slopes account for another large portion of Conservation Policy. These are mostly found in the northern portion of the Madison community within the city limits of Goodlettsville.

Neighborhood Community Character Policies

The Madison Community has a diverse selection of neighborhoods where Neighborhood Community Character Policies have been applied. These residential areas account for 10,245 acres (60 percent) of the land in the Madison Community. These neighborhoods may take on a rural, suburban, or urban character. Rural neighborhoods (T2), mostly located in the lower Neely's Bend are farms or single-family residential on large lots. Suburban neighborhoods (T3) such as the Sheppard Hills neighborhood and neighborhoods near Graycroft Avenue are mostly single-family residential land uses, on lots that are typically two acres in size. Urban neighborhoods (T4), centrally located near Downtown Madison and also located near Downtown Goodlettsville, typically have smaller lot sizes and often, a greater mixture of housing.

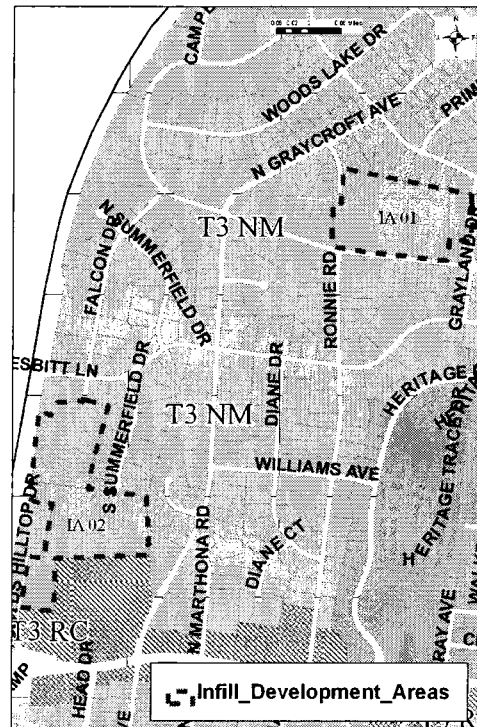
The Neighborhood Community Character Policies applied throughout the T2 Rural, T3 Suburban, and T4 Urban Transect areas encourage the maintenance of residential neighborhoods that are stable and that need only minor changes over time and



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the evolution of the neighborhoods where considerable changes overtime are more appropriate.

Where opportunities exist for new development in maintenance neighborhoods, the Madison Community Plan has identified "Infill Areas." These areas are discussed in the Special Policies. The infill areas provide guidance in creating compatible development in Madison's more stable residential neighborhoods.



*Example of Infill Development Areas
in a T3 Suburban Neighborhood
Maintenance area*

While maintenance policies promote preservation, and evolving policies promote enhancement, both policies encourage some level of housing choice and better connectivity to other community elements.

Center Community Character Policies

Centers in the Madison Community exist in the T2 Rural, T3 Suburban, T4 Urban, and T5 Center Transect categories. There are 907 acres of the Madison Community (5 percent of the total community) where Centers Community Character Policies has been applied. Development in Neighborhood, Community, Regional, and Super Regional Centers range from a one-story building height (such as in a T2 Rural Neighborhood Center in Neely's Bend), to development that may reach 20 stories in height (such as in a T5 Super Regional



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Center in Rivergate). The character of each type of center varies by its Transect category.

Where T2 Rural Neighborhood Center has been applied in northern Neely's Bend, the buildings are one story, and currently have services that serve residents within walking or five minute driving distance.

The T3 Suburban Neighborhood and Community Centers in Madison include the small neighborhood center at Graycroft Avenue and Due West Avenue, and the community centers near the Gallatin Pike / Briley Parkway interchange and the Vietnam Veterans Parkway / Two Mile Pike interchange in Goodlettsville.

T4 Neighborhood and Community Centers in Madison include the neighborhood center at Downtown Madison and the community center at Madison Square on Gallatin Pike.

Larger centers fall into the T5 Center category, and encompass much of the Rivergate area. These areas are identified as T5 Regional and Super Regional Centers and include the RiverGate Mall, and the commercial areas surrounding it. The City of Goodlettsville also has a regional center located on Dickerson Pike.

The community character policies applied to centers encourage the enhancement of commercial centers into mixed use centers. Rather than expanding commercial centers, infill and redevelopment of older commercial areas in Madison is ideal. Many of the centers in the Madison Community require significant enhancement in order to create lively, mixed use areas of activity envisioned by the policy.

Corridor Community Character Policies

Mixed use and residential corridors in the Madison community connect rural, suburban, and urban communities to one another. In doing so their character changes depending on the Transect Category in which they are located. The Community Character Policies reflect this changing character, with different site and building design principles depending on whether the corridor is in a suburban setting or an urban setting.

Mixed use corridors are the most prevalent corridor type in the Madison Community. A mixed use corridor contains a mixture of land uses ranging from residential to commercial. The uses may be vertically mixed in a stand alone building or designed as a mixture of uses on a single site. Residential corridors in



Metro Planning Commission Meeting of 4/14/2009

Madison are those corridors that have primarily residential and civic/public benefit land uses along them.

T3 Suburban and T4 Urban Residential and Mixed Use Corridor Community Character Policies were applied to portions of Old Hickory Boulevard, Gallatin Pike, State Route 45, and Dickerson Pike. Anderson Road, Larkin Springs Road, and Myatt Drive are smaller less prominent corridors where these corridor policies were applied as well. These policies cover 1,205 acres (7 percent) of land in the Madison Community.

The corridors in the Madison community serve a local and regional transportation function; prominent corridors in Madison such as Gallatin Pike, Dickerson Pike and State Route 45, also serve surrounding counties and cities. In doing so, the corridors must function to accommodate the movement of goods and services throughout the region, while also providing destinations *within* the Madison Community. Therefore these prominent corridors must provide adequate modes of transportation. The Corridor Community Character Policies encourage development that would support multiple transit options. Housing options and mixed use development are development types allowed in these policy areas that would support transit. Additional development along these corridors would encourage their use as a destination in the Madison Community, rather than just a route to other communities.

Districts

The Madison community includes major employment centers and areas of homogenous development in the application of District Community Character Policies. In the Madison Community, office, major institutional (medical and educational), and industrial districts cover 1,086 acres (6 percent) of the community.

Office Districts in the Madison Community exist in Goodlettsville along Conference Drive, and in the southern portion of the community near Briarville Road and Graycroft Avenue. Industrial Districts exist along Myatt Drive and in Goodlettsville near Long Hollow Pike. Institutional districts that cater to medical land and educational uses include the Tennessee Christian Medical Center on Larkin Springs Drive and future educational uses anticipated on Briarville Road.

District Community Character Policies encourage consistent design and form within the district. Districts that cater to major institutional land uses are encouraged to have



Metro Planning Commission Meeting of 4/14/2009

Transportation Element

appropriate transitions to the neighborhood surrounding them. More intrusive land uses found in industrial districts should be well buffered and separated from less intense areas.

The Madison Community Transportation Plan's strategy is to create a complete transportation network by providing recommendations for major and minor streets, transit, bikeways, sidewalks, and multi-use paths and greenways.

- ❑ The plan makes recommendations on roadway projects found in the LRTP (Long Range Transportation Plan) and in the Major/Collector Street Plan (MCSP). Recommendations include removing from these plans the widening of prominent corridors such as Gallatin Pike, because of the cost and negative impacts on potential and existing development. Other recommendations include the upgrade or downgrade of local streets based on envisioned or existing land uses.
- ❑ The plan recommends the removal of the Hadley Bend Connector and Bridge from the LRTP. The proposed alignment and bridge would have connected Briley Parkway to Lebanon Road. Based on cost, negative development impacts (the connection would adversely impact rural portions of the Madison community) and community input, a bike and pedestrian bridge has been included with the proposed vehicular connection eliminated.
- ❑ The plan makes recommendations for local street connections. These are highlighted in the Special Policies and details are found in the Transportation section of the plan.
- ❑ The plan recommends enhancing bus transit by consolidating stops, creating complete bus stops (transit stop amenities, more clearly defining stops), and by recommending new routes.
- ❑ Sidewalks are recommended along prominent corridors, near centers, and in urban residential areas. This includes Gallatin Pike, Old Hickory Boulevard, State Route 45, and neighborhoods south of Anderson Lane and north of State Route 45.
- ❑ An equestrian trail is recommended along the Cumberland River in southern Neely's Bend to connect with greenway trails in E.N. Peeler Park.



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Open Space Element

- ❑ Greenways are recommended along Mansker, Gibson, and Dry Creeks.

The Madison Community Plan makes recommendations for the preservation of existing open space and the creation of new open space.

- ❑ Open space in the Madison Community primarily includes regional, community, and Metro Nashville school parks. There are very few neighborhood and mini parks. The plan recognizes a need for neighborhood and mini parks in three areas: the vicinity of Northern Goodlettsville near Dickerson Pike; in the vicinity of the Sheppard Hills neighborhood; and in the vicinity of the Montague Neighborhood.
- ❑ Open space is also included in greenways. Mansker, Gibson, and Dry Creeks, are all recommended to have greenways along them.

STAFF RECOMMENDATION

Staff recommends approval the *Madison Community Plan: 2009 Update* as proposed.

SEE NEXT PAGE

ZONING MAP AMENDMENTS

NO SKETCH



Project No.

Zone Change 2009Z-002TX-001

Name

Mobile Vendors: Special Exception

Council Bill

BL2009-410

Council District

Countywide

School District

N/A

Requested by

Councilmember Pam Murray

Staff Reviewer

Regen

Staff Recommendation

Approve with amendment

APPLICANT REQUEST

A council bill to amend the Metro Zoning Code, Chapter 17.16, to allow mobile vendors unable to comply with the indoor-only provisions to apply for a Special Exception (SE) permit for outdoor vending.

ANALYSIS

Existing Law

The Zoning Code allows mobile vendors as a use “permitted with conditions” (PC) in the CL, CS, CA and CF zoning districts. Mobile vendors may sell goods, wares or merchandise within a permanently, enclosed structure with no outdoor vending or display areas (tables, crates, cartons, racks or other devices). No outside vending or display area are allowed except for vendors selling food, beverages, living plants, or agricultural products, or if the street vendor is licensed.

Proposed Text

The bill applies countywide and allows mobile vendors to locate on any collector street provided such activity occurs between 7:00 a.m. and 6:00 p.m.; there are no outdoor loudspeakers or public address systems; and a minimum 50 foot setback is maintained from any residential zoning district or public right-of-way. No mobile vendor can locate along a local residential street or an arterial street.

Analysis

This bill resolves staff issues with the earlier bill (BL2008-325) that proposed exempting only one street in Davidson County, Cleveland Street, from the mobile vendor requirements. This proposed bill requires anyone wanting to do an “outdoor” mobile vendor use to apply for a special exception (SE).

By making “outdoor” events a SE use, a public hearing is required by the Board of Zoning Appeals (BZA). The community will receive notice of the upcoming hearing by mail if they live within 600 feet of the proposed vendor location. In addition, one or more public hearing signs will be posted on the property, depending on the location’s street frontage, announcing the date and time of the public



Metro Planning Commission Meeting of 4/14/2009

hearing to the community. Further, the Planning Commission is required to provide the BZA a recommendation as to the proposed use's consistency with the General Plan.

By requiring a SE, community concerns can be addressed, and conditions can be adopted by the BZA, to ensure the proposed use enhances the neighborhood. Further, a SE enables the Codes Department to effectively enforce the mobile vendor standards by knowing who clearly has approval to vend outdoors, where they can vend, what hours they can vend, and under what other conditions, as may be adopted by the BZA. The SE approval also enables the BZA to revisit an applicant's compliance with adopted conditions, and if appropriate, revoke the vendor's SE status for non-compliance.

STAFF RECOMMENDATION

Staff recommends approval of this bill with one minor amendment. Staff recommends clarifying that a mobile vendor must be located on a collector street "designated on the adopted Major Street Plan". There are many streets within Davidson County that have the width of a collector street, but functionally, operate as a local street.

SEE NEXT PAGE

NO SKETCH



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

Zone Change 2009Z-004TX-001
Historic Bed & Breakfast Homestay
BL2009-432
Countywide
N/A
Councilmember Mike Jameson

Staff Reviewer
Staff Recommendation

Regen
Approve

APPLICANT REQUEST

A request to amend Chapters 17.16, 17.36 and 17.40 of the Zoning Code to delete “Historic Bed and Breakfast Homestay” as an historic overlay district and add it as a Special Exception (SE) use and a use permitted by right (P) in certain zoning districts.

ANALYSIS

Existing Law

The Zoning Code allows a historic bed and breakfast homestay (historic B&B) within a historic overlay district known as “Historic Bed and Breakfast Homestay”. The overlay district must be approved by the Metro Council with a recommendation from the Metro Planning Commission and Metro Historic Commission. To qualify for the historic overlay district, the structure must be evaluated for its role in local, state, or national history, mastery of craftsmanship, or its listing or eligibility for listing on the National Register of Historic Places.

Proposed Text

This bill proposes to allow historic B&B as a special exception (SE) use. The Board of Zoning Appeals (BZA) would review and approve the use after receiving approval of the use’s location via a resolution by the Metro Council and a recommendation from the Metro Planning Commission and Metro Historic Commission. In addition, the bill would allow historic B&B as a use by right (P) in certain zoning districts.

Analysis

Ordinance No. BL2005-701 was adopted by the Metro Council on August 19, 2005, making historic B&B a historic overlay district, and deleting it as a SE or P in certain zoning districts. Under the prior SE provisions, the Zoning Administrator notified the Metro Council of a pending historic B&B application, and the Metro Council had 60 days from said notification to approve the specific location by Council resolution. If the Metro Council failed to act within 60 days of the Zoning Administrator’s notification, the Board of Zoning Appeals could proceed with its consideration of the application.



Metro Planning Commission Meeting of 4/14/2009

The proposed bill essentially repeals Ordinance No. BL2005-701 and reinstates historic B&B as a SE and a P use as follows:

- Special exception (SE) in the AG, AR2a, all RS, all R, all RM, ON, OL, and OG districts subject to Metro Council pre-approval of the proposed location prior to BZA review and approval.
- Permitted (P) in the MUN, MUL, MUG, MUI, OR20, OR40, ORI, CN, CL, CS, CA, CF, CC, SCN, SCC, and SCR districts.

With the proposed changes, a property owner requesting a historic B&B could obtain approval in as little as a few days, if permitted by right, to at most four weeks, if a SE were required. Currently, an owner must wait three to four months to complete the rezoning process.

Besides reducing the time involved in getting approval, this bill eliminates the more restrictive qualifying criteria that a structure currently is required to meet: (a) its role in local, state, or national history, (b) mastery of craftsmanship, or (c) its listing or eligibility for listing on the National Register of Historic Places. Instead, structures would need to be determined by the Metro Historic Zoning Commission as "historically significant structure", as defined in Section 17.040.060 of the Zoning Code. This change reflects how structures were previously evaluated for historic B&Bs, prior to the enactment of Ordinance No. BL2005-701.

Metro Historic Zoning Commission

The staff of the Metro Historic Zoning Commission are currently reviewing this bill. A written recommendation from the Metro Historic Zoning Commission has not yet been received, but will be available by the meeting.

STAFF RECOMMENDATION

Staff recommends approval of this bill as it reduces the time it will take to approve a historic B&B from three to four months to approximately four weeks. It also broadens the definition of a historic structure, enabling more opportunities for unique travel stays by visitors and family members in Nashville. It also gives the Board of Zoning Appeals the ability to place unique conditions on the approval of a B&B Special Exception to address specific neighborhood concerns.

SEE NEXT PAGE



2009Z-006PR-001
Map: 168-00 Parcel: 082
Bellevue Community Plan
Council District 35 – Bo Mitchell



Project No.
Council District
School District
Requested by

Zone Change 2009Z-006PR-001
35 - Mitchell
9 - Coverstone
Dan Hall and Gregory Maples, owners

Staff Reviewer
Staff Recommendation

Sexton
Disapprove

APPLICANT REQUEST

A request to rezone from Single-Family Residential (RS40) and Agricultural/Residential (AR2a) to Commercial Neighborhood (CN) zoning properties located at 8983 Highway 100 and Highway 100 (unnumbered), approximately 400 feet west of Old Harding Pike (9.3 acres).

Existing Zoning
RS40 District

RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

AR2a District

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

Proposed Zoning
CN District

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

**BELLEVUE
COMMUNITY PLAN**

Natural Conservation (NCO)

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Consistent with Policy?

No. The CN district is not consistent with the NCO policy. The CN district encourages uses such as retail, office and consumer service while the NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. The property proposed for CN zoning consist of problem soils and steep slopes greater than 25%, which should not be intensified, and should not be further disturbed. The



Metro Planning Commission Meeting of 4/14/2009

Bellevue Community Plan encourages the protection and preservation of hills in NCO policy areas to help keep existing scenic views. Appropriate development would be very low intensity residential or community facilities.

PUBLIC WORKS

RECOMMENDATION

No exception taken.

Typical Uses in Existing Zoning District: RS40 and AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	9.3	0.93	9	87	7	10

Typical Uses in Proposed Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	9.3	0.066	27,772	2954	73	270

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	9.3	-	-	+2867	+66	+260

Maximum Uses in Existing Zoning District: RS40 and AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	9.3	0.93	9	87	7	10

Maximum Uses in Proposed Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	9.3	0.25	105,197	1388	196	197

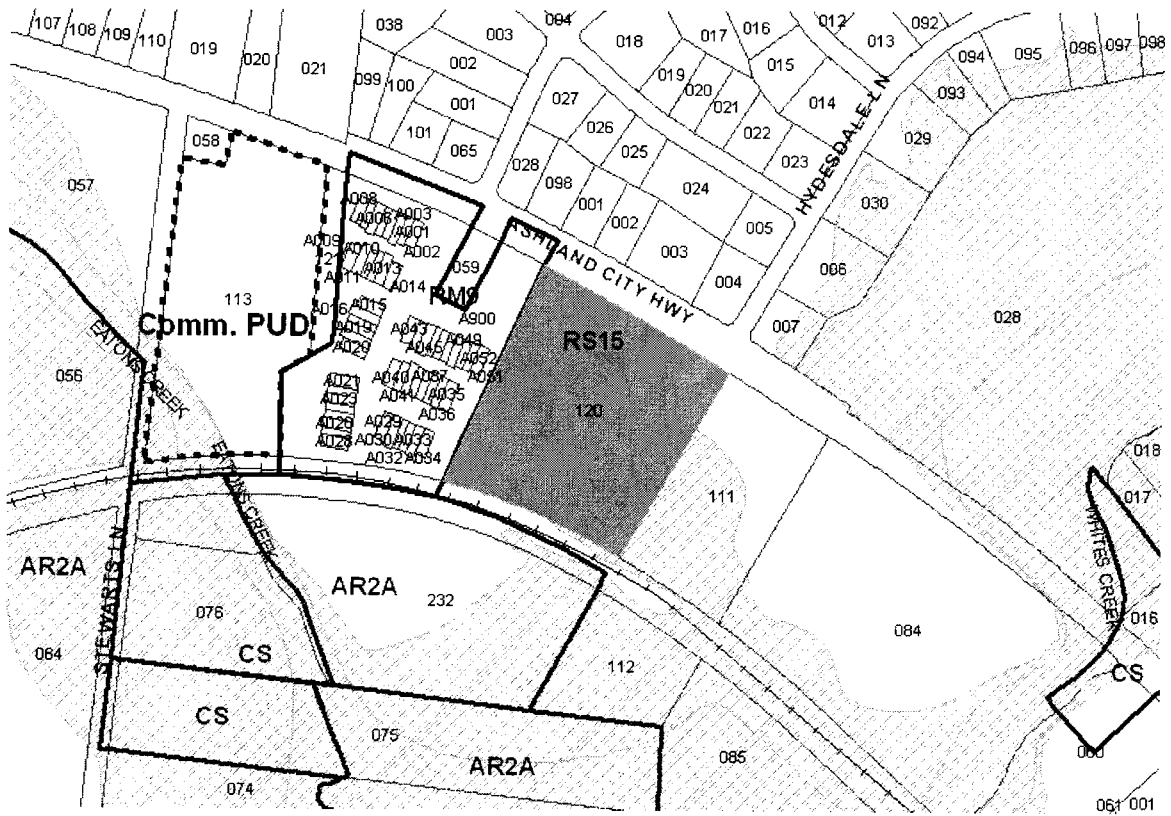
Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+77,425	+1301	+189	+187

STAFF RECOMMENDATION

Staff recommends disapproval of the request to rezone 9.3 acres from RS40 and AR2a to CN zoning. The CN district is not consistent with the NCO land use policy of the Bellevue Community Plan.

SEE NEXT PAGE



2009Z-017PR-001
 Map: 069-00 Parcel: 120
 Bordeaux/Whites Creek Community Plan
 Council District 1 – Lonell R. Matthews, Jr.



Project No.
Council District
School District
Requested by

Zone Change 2009Z-017PR-001
1 – Matthews
1 - Gentry
A. Brandon Starks, applicant, Jackson Street Missionary Baptist Church, owner

Staff Reviewer
Staff Recommendation

Sexton
Disapprove

APPLICANT REQUEST

A request to rezone from Single-Family Residential (RS15) to Commercial Service (CS) zoning property located at Ashland City Highway (unnumbered), approximately 1,620 feet east of Eatons Creek Road (7.14 acres).

Existing Zoning
RS15 District

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

Proposed Zoning
CS District

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

**BORDEAUX/WHITES CREEK
COMMUNITY PLAN**

Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Natural Conservation (NCO)

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Consistent with Policy?

No. The proposed CS zoning district is not consistent with the RM and NCO policies of the community plan. The RM policy is intended to accommodate residential development. The NCO policy is intended for the preservation of undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Approximately 0.9 acres of the property is within the NCO policy area and is located within the 100-year floodplain.



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The proposed CS zoning would permit a range of non-residential uses such as a restaurant, new automobile sales, and a bar or nightclub within a residential policy area and within the NCO policy area potentially disturbing the existing floodplain.

PUBLIC WORKS RECOMMENDATION

A traffic impact Study may be required at development.

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	7.14	2.47	17	163	13	18

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Auto Care Center (942)	7.14	0.139	43,231	NA	128	131

Traffic changes between typical: RS15 and proposed CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	7.14	N/A	N/A	NA	+115	+113

Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	7.14	2.47	17	163	13	18

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (820)	7.14	0.6	186,611	10,187	223	967

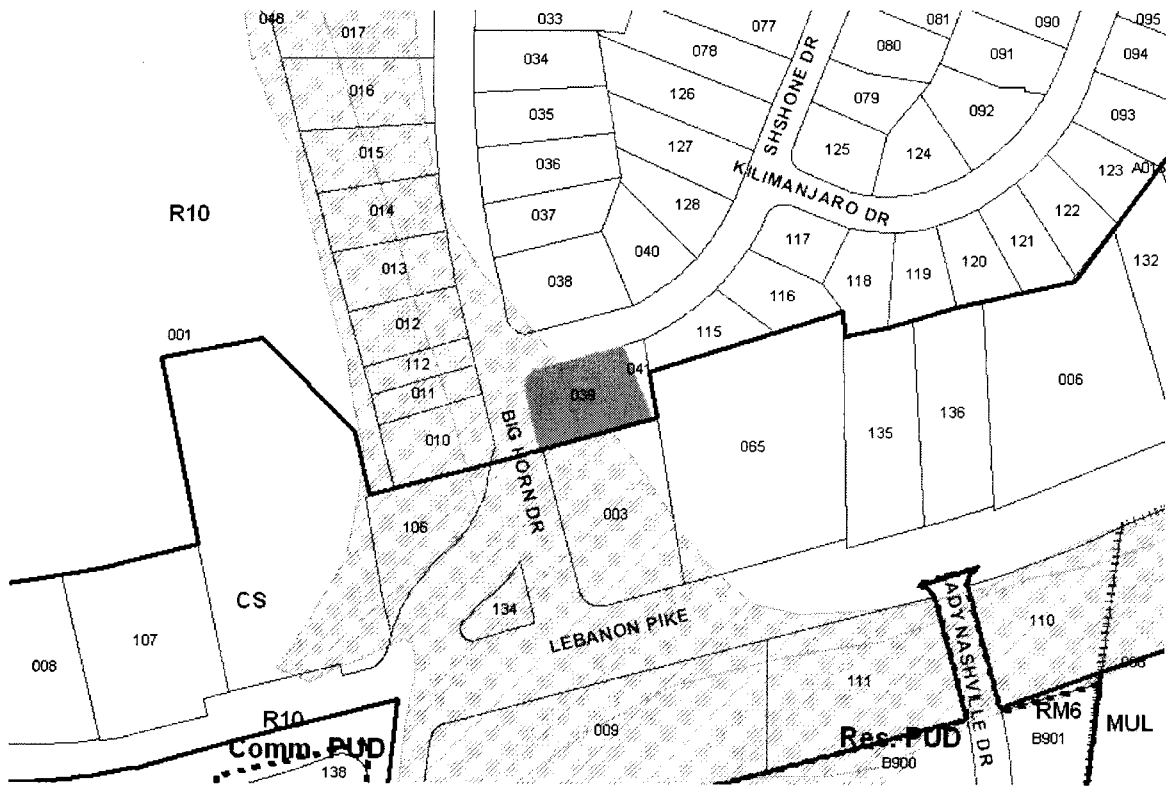
Traffic changes between maximum: RS15 and proposed CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	7.14	N/A	N/A	+10,024	+210	+949

STAFF RECOMMENDATION

Staff recommends disapproval of the request to rezone 7.14 acres from RS15 to CS. The proposed CS zoning district is not consistent with the RM and NCO policies of the Bordeaux/Whites Creek Community Plan

SEE NEXT PAGE



2009Z-019PR-001
 Map: 065-13 Parcel: 039
 Donelson/Hermitage/Old Hickory Community Plan
 Council District 11 – Darren Jernigan



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2009Z-019PR-001
BL2009-431
11 – Jernigan
4 - Glover
Harold Lanier et ux, owners

Staff Reviewer
Staff Recommendation

Sexton
Disapprove

APPLICANT REQUEST

A request to rezone from One and Two-Family Residential (R10) to Commercial Limited (CL) zoning property located at 4801 Big Horn Drive, at the southeast corner of Big Horn Drive and Shshone Drive (0.38 acres).

Existing Zoning
R10 District

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

Proposed Zoning
CL District

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

DONELSON / HERMITAGE COMMUNITY PLAN

Residential Low Medium (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.

Consistent with Policy?

No. The proposed CL zoning district is not consistent with the RLM policy of the Donelson / Hermitage community plan. The RLM policy is intended to accommodate residential development. The proposed CL zoning would permit a range of commercial uses such as a restaurant, new automobile sales, and a bar or nightclub.

PUBLIC WORKS RECOMMENDATION

A traffic impact Study may be required at development.

Typical Uses in Existing Zoning District: **R10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.38	4.63	1	10	1	2



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Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.38	0.198	3,277 sq. ft.	96	13	13

Traffic changes between typical: R10 and proposed CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	0.38	N/A	N/A	+86	+12	+11

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (0)	0.38	4.63	1	10	1	2

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (710)	0.38	0.6	9,931 sq. ft.	226	30	30

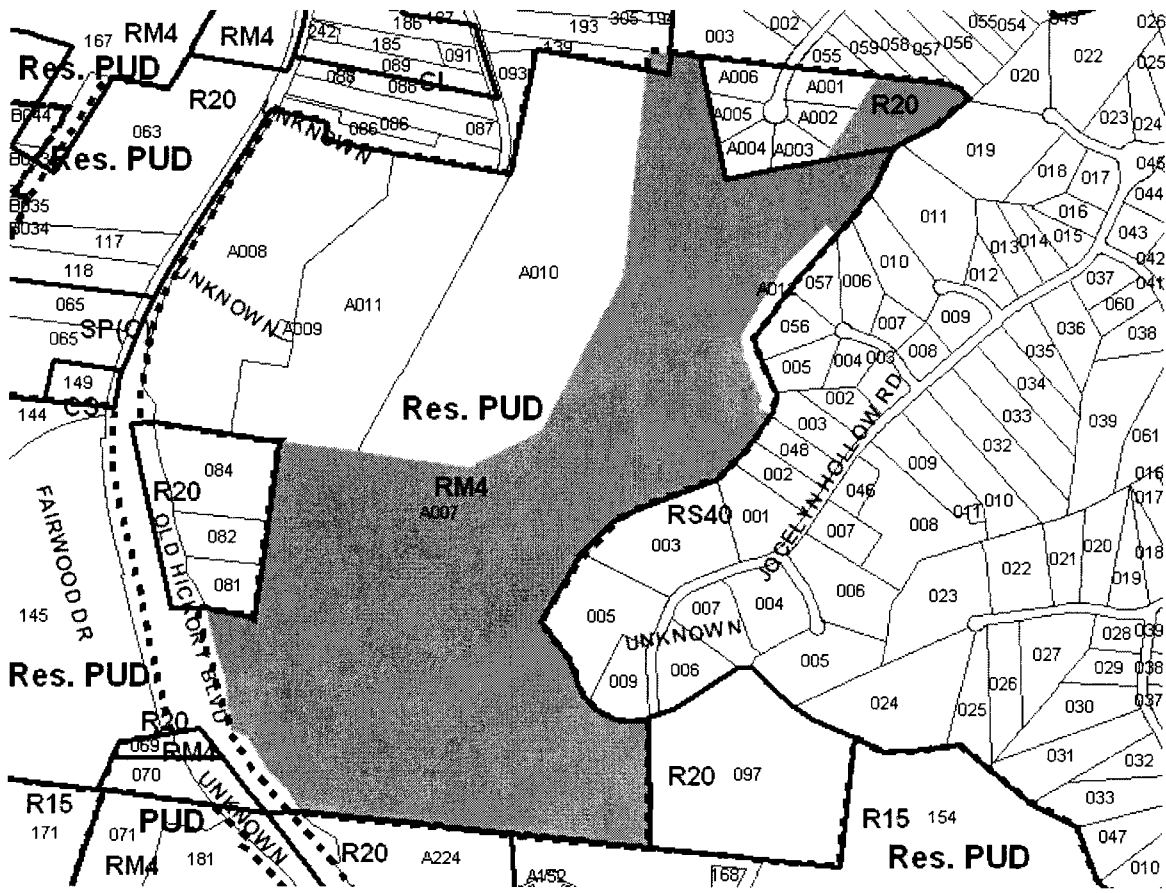
Traffic changes between maximum: R10 and proposed CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	0.38	N/A	N/A	+216	+29	+28

STAFF RECOMMENDATION

Staff recommends disapproval of the request to rezone 0.38 acres from R10 to CL. The proposed CL zoning district is not consistent with the RLM policy of the Donelson / Hermitage community plan.

**REVISIONS
and FINAL SITE PLANS**



66-84-G-06
 Lexington (formerly Williamsburg Village)
 Map: 128-04-0-A Parcel: 007
 Bellevue Community Plan
 Council District 23 – Emily Evans



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

Planned Unit Development 66-84-G-06
Lexington (Formerly Williamsburg Landing)
23 - Evans
9 - Coverstone
Planning Design & Research Engineers, Inc., applicant, for
Nandi Hills Associates, owner

Staff Reviewer
Staff Recommendation

Swaggart
Defer until a Traffic Impact Study or other acceptable traffic analysis has been submitted to Public Works for review.

APPLICANT REQUEST
Revise Preliminary and PUD Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Williamsburg Village Planned Unit Development Overlay located at Old Hickory Boulevard (unnumbered), and at the end of Tolbert Road (62.93 acres), zoned Multi-Family Residential (RM4), to permit the development of 128 townhome units and a 6,878 square foot club house and a pool.

Zoning District
RM4 District

RM4 is intended for single-family, duplex, and multi-family dwellings at a density of 4 dwelling units per acre.

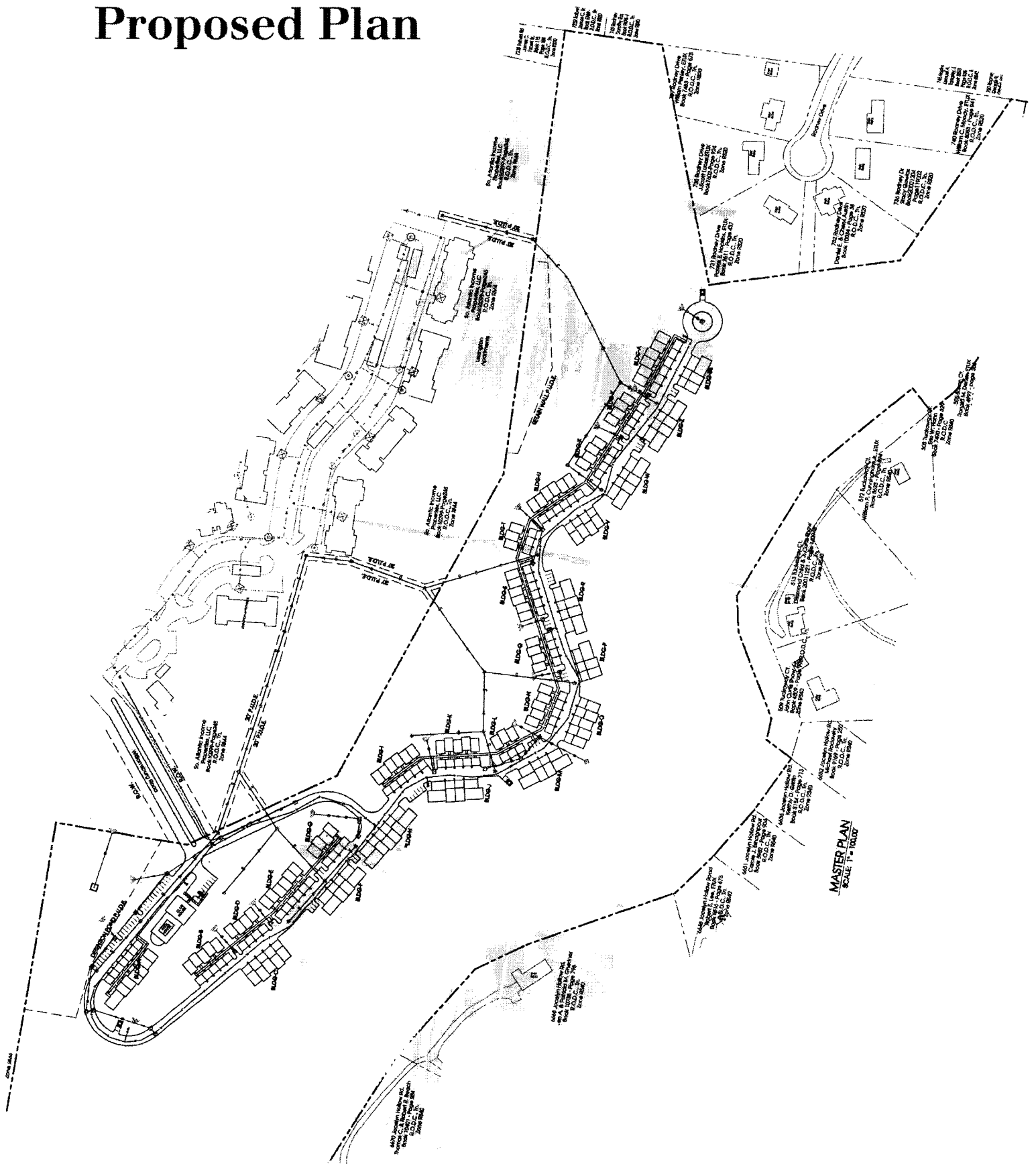
PLAN DETAILS

This is a request to revise the preliminary plan for a portion of the Lexington Planned Unit Development (PUD). This portion of the PUD is currently undeveloped and consists of dense woods and steep hills. The Lexington was approved in 1984, as Williamsburg Landing. It was approved for 840 multi-family units, and six single-family lots. Currently, final site plan approval has been granted for 598 multi-family units and six single-family lots. The proposed site plan is generally consistent with the approved preliminary plan and includes only minor modifications to minimize disturbance of areas with the steepest slopes.

Site Plan

The proposed plan calls for 128 townhome units, a club house and pool. Due to the steep topography on the site the units have been organized in a string shape utilizing more level areas of land in order to minimize grading. Access to the 128 units will be provided indirectly from Old Hickory Boulevard by a private drive through the existing development. A total of 311 parking spaces are required and the plan provides 358 spaces which include surface and garage parking.

Proposed Plan





Metro Planning Commission Meeting of 4/14/2009

Slope Stability Report

Due to the steep slopes and problem soils on the site the applicant was required to provide a Slope Stability Report. The report concluded that construction and development activities should be limited to the minimal disturbance necessary for the project. Further, it recommends that foundations and slopes should be designed by a geotechnical engineer, and that the geotechnical engineer should supervise construction. As a condition of approval, prior to the issuance of Use and Occupancy permits, a certification letter stamped by a licensed engineer stating that all elements of the development have been constructed using sound engineering techniques in accordance with the Slope Stability Report shall be submitted.

PUBLIC WORKS COMMENTS

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. A traffic study is required for this proposal.

STORMWATER RECOMMENDATION

Approved with the following conditions:

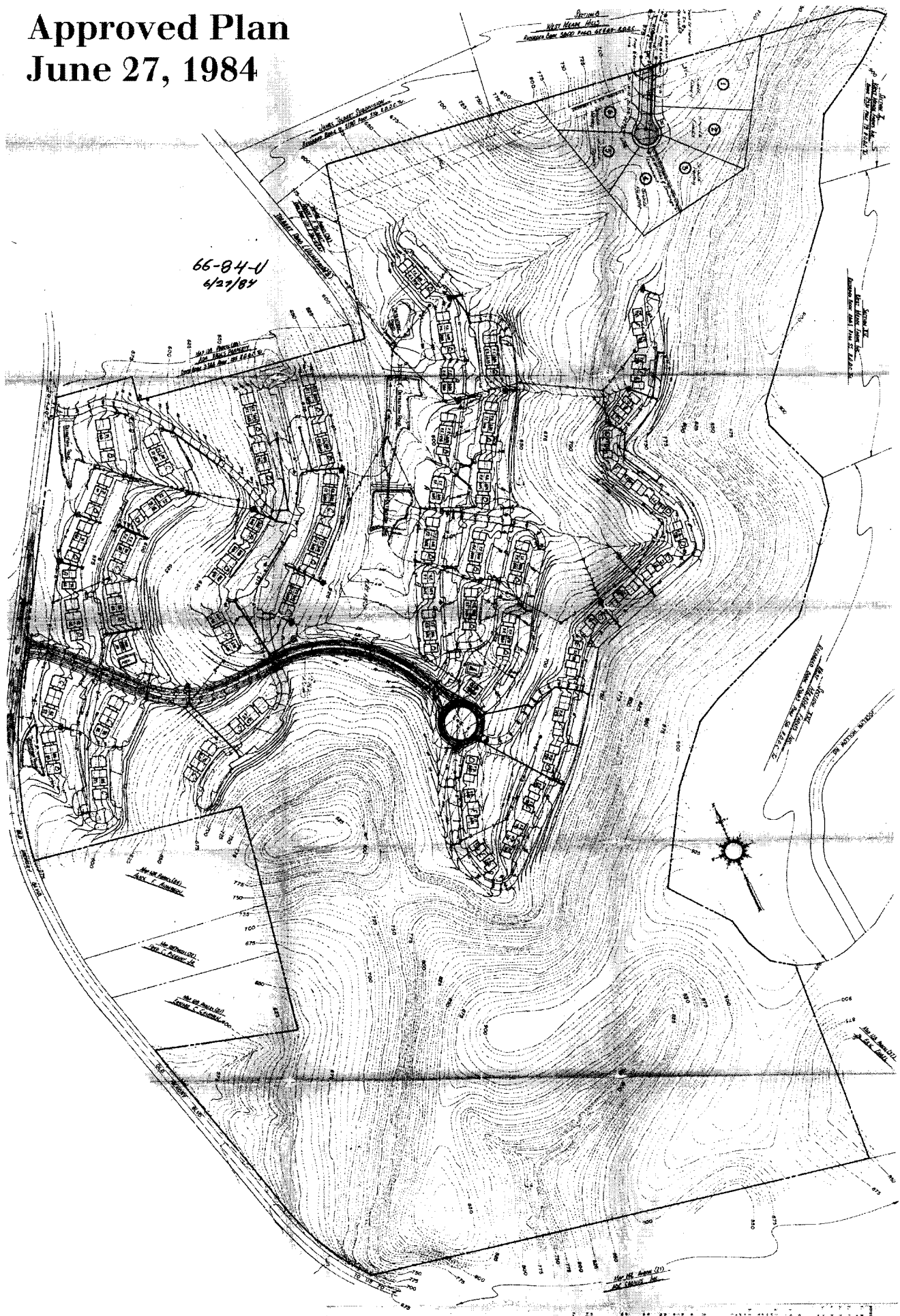
1. Provide drainage map showing sub-area to each inlet.
2. Check runoff coefficient when $Q=CIA$ is used. 0.015 is not right number.
3. Show ditch cross-section data on each grading plan.
4. Size the swale to pass 10 year flow.
5. The inlet should be located at the high end. Otherwise longer swale should be provided.
6. Five minutes residence time is needed for grass swale before detention pond.
7. Detention pond detail is not clear, the slope steeper than 3:1 should be verified by geotechnical engineer regarding slope stability.
8. Check next two downstream structure capacity.
9. Maintenance agreement with recording fee.
10. Easement document with recording fee.
11. Grading permit fee (\$1665.00).

STAFF RECOMMENDATION

Staff recommends that the request be deferred until a Traffic Impact Study or other acceptable traffic analysis has been submitted to Public Works for review.

Approved Plan June 27, 1984

66-84-11
6/27/84





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CONDITIONS (if approved)

1. Prior to the issuance of any building permits, a Traffic Impact Study or other acceptable traffic analysis shall be submitted to the Department of Public Works.
2. Prior to the issuance of Use and Occupancy permits, a certification letter stamped by a licensed engineer stating that all elements of the development have been constructed using sound engineering techniques in accordance with the Slope Stability Report shall be submitted.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.