

# Metropolitan Planning Commission

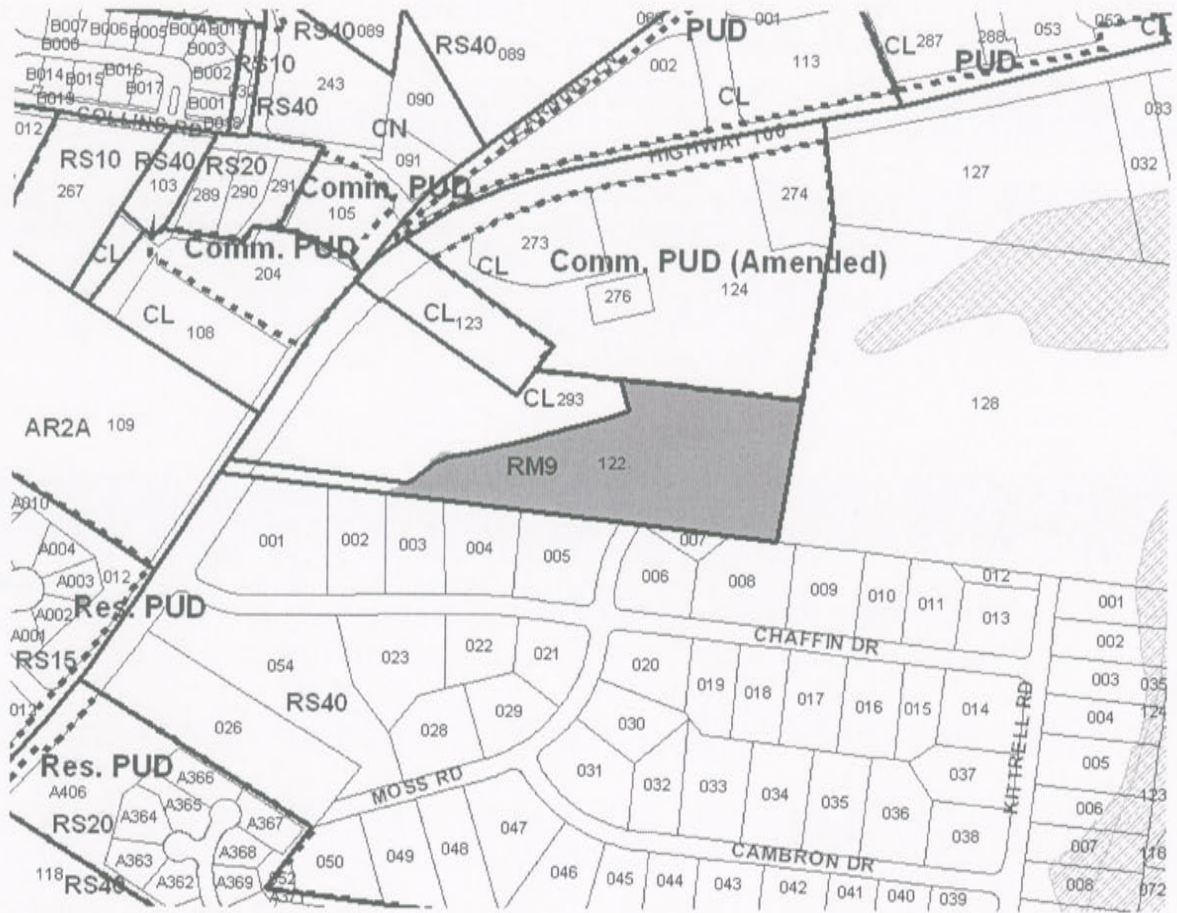


Staff Reports

May 28, 2009

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

## **PREVIOUSLY DEFERRED ITEMS**



**2009Z-015PR-001**  
 Map: 155-00 Parcel: 122  
 Bellevue Community Plan  
 Council District 35 – Bo Mitchell



**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

**Deferrals**

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

**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



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### Analysis

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.

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 HWY 100.

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### 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 condition.

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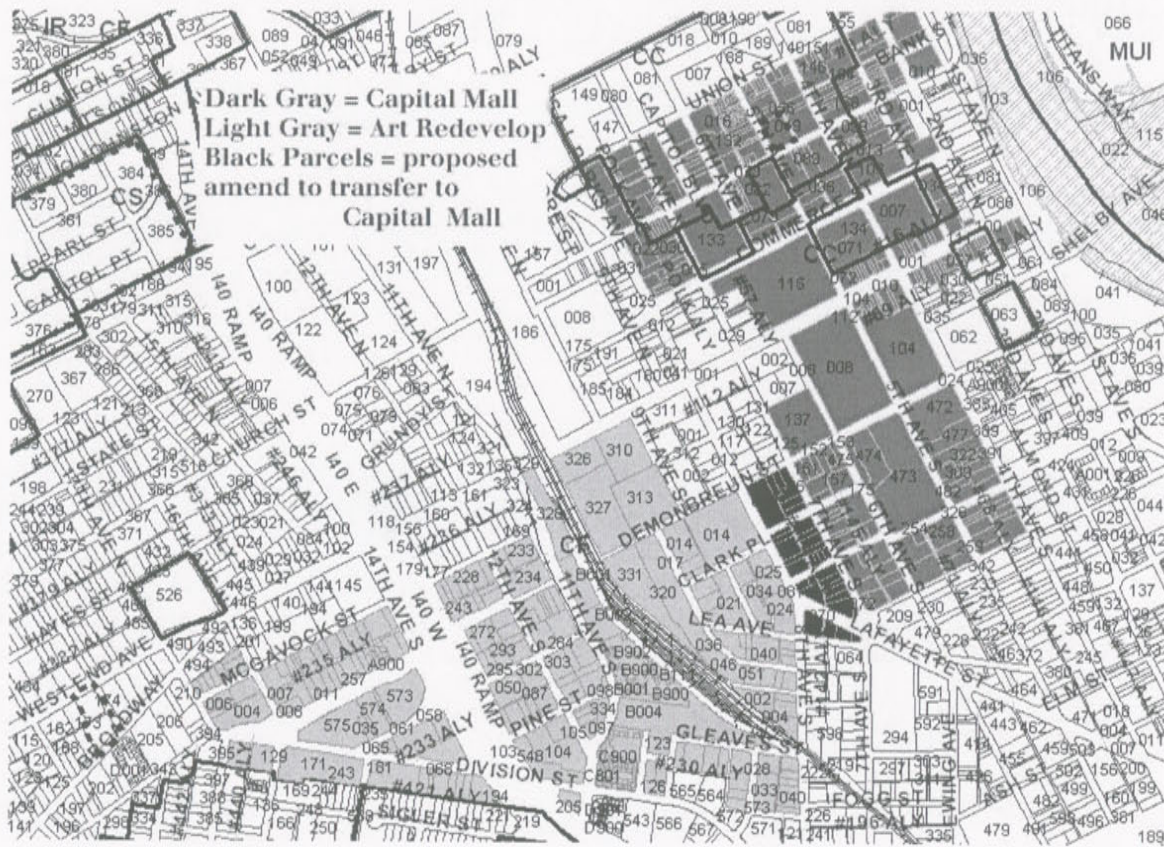
### CONDITION (If approved)

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**



# ZONING MAP AMENDMENTS



**2009Z-023PR-001**

MDHA Redevelopment Plans Amendments

Map: 093-10 Parcels: 065, 066, 067, 070, 071, 072, 073, 074, 075, 076, 077, 081, 082, 083, 084, 085, 087, 088, 090, 091

Map: 093-10 Parcels: 092, 093, 094, 095, 096, 097, 099, 104, 105, 106, 108, 109, 469

Downtown Community Plan  
Council District 19 – Erica S. Gilmore



**Project No.**  
**Council Bill**  
**Council District**

**School District**  
**Requested by**

**Staff Reviewer**  
**Staff Recommendation**

**Zone Change 2009Z-023PR-001**  
**BL2009-436**  
 19 – Gilmore  
 6 – Jameson  
 7 – Kindall  
 M.D.H.A., applicant for various property owners

Swaggart  
*Approve*

**APPLICANT REQUEST**

**A request to amend the Arts Center and Capital Mall Redevelopment District Plans for various properties located east of 8th Avenue South, zoned Core Frame (CF), Commercial Core (CC), and Specific Plan (SP) and located within the Gateway Boulevard Urban Design Overlay (213.94 acres), to transfer various properties from the Arts Center Redevelopment Plan to the Capital Mall Redevelopment Plan, establish certain development standards for the old convention center site and the new convention center site, establish an effective time period, provide a means for funding and acquiring property for the new convention center, and adopt the master site plan for the new convention center.**

**Existing District**  
 CF District

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

CC District

Commercial Core is intended for high intensity office, retail, restaurant, amusement, and multi-family uses.

SP-MU District

Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses.

**REDEVELOPMENT DISTRICT**

Nashville’s redevelopment districts are established to ensure the use and long-term viability of the urban areas that they encompass. The districts aim to strategically reverse disinvestment and blight and promote redevelopment that is sustainable from the perspective of economics, environment, aesthetics, public safety and historic preservation. Although specific goals differ across



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districts, all include strategies for achieving vibrant mixes of land use, income levels and modes of transportation.

### DOWNTOWN NASHVILLE COMMUNITY PLAN

#### Detailed Neighborhood Design Plans

The Arts Center and Capitol Mall Redevelopment Plans overlap several *Detailed Neighborhood Design Plans* (DNDPs) within the Downtown Community as well as existing and proposed DNDPs in the Green Hills/Midtown Community. While the Redevelopment Plans are regulatory in nature, the DNDPs are policy documents that provide guidance - on a block-by-block basis - on future development and preservation within a defined neighborhood.

When the Downtown Community Plan was last updated in 2007, the Downtown Plan delineated seventeen neighborhoods in Downtown - each with its own character and its own role to serve in supporting a healthy, growing Downtown. The Arts Center and Capitol Mall Redevelopment Plans overlap seven Downtown neighborhoods. Each neighborhood is listed below with a very brief description of the vision for its future growth and preservation. For more information on the intent of each DNDP, see the *Downtown Community Plan: 2007 Update* at <http://www.nashville.gov/mpc/subarea/subarea9.htm>

#### Core

Future growth in the Core is envisioned to contribute to the economic vitality of the city and region, primarily through the development of office buildings with other uses to support the office such as residential, hotel, entertainment and retail, all of which should be developed in a manner that creates a pedestrian-friendly streetscape. This neighborhood is the area of greatest development intensity in Downtown where the tallest buildings are found.

#### Public Square

Future growth in the Public Square neighborhood should complement the existing civic buildings and open space such as the Metro Courthouse, the Justice A.A. Birch Courthouse and Public Square, providing a mixture of uses to support the existing civic uses, in a manner that creates a pedestrian-friendly streetscape. Building heights are mid-



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### Second and Broadway

rise and should not exceed the elevation of the State Capitol to preserve views of the Capitol.

Future development in the Second and Broadway neighborhood should be designed to preserve and enhance Second Avenue and Lower Broadway as corridors that shape the historical and cultural identity of Nashville. The adaptive reuse of historic buildings is encouraged and new development should respect the historic buildings and the overall character, height and massing of the corridor.

### Upper Broadway

Future development in the Upper Broadway neighborhood should be designed to preserve and enhance the numerous historic structures along Upper Broadway, accommodating a mix of uses and recognizing Upper Broadway's role in transitioning from the mid-rise character of the adjacent Midtown neighborhood to the historic, low-rise character of Lower Broadway.

### SoBro

Future growth in the SoBro neighborhood is envisioned to be a complement to, and an extension of, the Downtown Core. SoBro is intended to be a high-intensity, mixed use neighborhood emphasizing cultural, entertainment and residential uses while accommodating some office uses. To enliven the numerous entertainment venues in the neighborhood, all development should create a comfortable and lively pedestrian environment.

### Gulch

The Gulch is less dense than the Core or SoBro and is intended to accommodate a mix of uses in chiefly mid-rise buildings, with an emphasis on residential, entertainment and retail uses in a combination of new buildings and adaptively reused existing and/or historic structures. Given the Gulch's unique street pattern and topography, there are specific locations that are appropriate for development that is distinctive with regard to height or architectural features.

### Lafayette

The Lafayette neighborhood is envisioned to redevelop as a vibrant, mixed use neighborhood of primarily low- to mid-rise buildings with taller buildings flanking the primary corridors - Lafayette Street and 8th Avenue South. It is envisioned that the Lafayette neighborhood could provide significant housing for Downtown.

The Arts Center and Capitol Mall Redevelopment Plans also overlap one existing DNDP and three planned, but not yet created, DNDPs in the Green Hills-Midtown Community. Each neighborhood is listed below with a



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very brief description of the vision for its future growth and preservation. For more information on the intent of each DNDP, see the *Green Hills-Midtown Community Plan: 2005 Update* at <http://www.nashville.gov/mpc/subarea/subarea10.htm>

### Edgehill

The Edgehill DNDP was adopted in 2005. It calls for the preservation of the mixed income neighborhood including preservation of existing housing, with new housing in mixed use centers or as a transition to higher intensity development. The plan calls for preservation of the existing pedestrian-friendly environment, additional mixed use development on a neighborhood scale and additional open spaces for passive and active use by the neighborhood.

### Green Hills/Midtown (Future)

The *Green Hills-Midtown Community Plan: 2005 Update* calls for the creation of DNDPs for three "neighborhoods" in Midtown - areas Church Street, Music Row and Broadway. Because these DNDPs have not yet been created, the guidance of the land use policies in place – Neighborhood Urban and Office Concentration policies – is controlling. See descriptions of these policies below.

### **Land Use Policies and Detailed Land Use Policies**

The following is a list of the *Detailed Land Use Policy* (the first policy listed and the one that is applied during the Detailed Neighborhood Design Plan [DNDP] process) and the *Land Use Policy* (the second policy listed, and the one that is applied during the Community Plan Update). Recall that in all Community Plan Updates, each piece of land is assigned a Land Use Policy to guide decisions on its future growth, development and preservation. When additional, neighborhood-scale planning is required, the Detailed Land Use Policy is applied. The entire Downtown Community underwent Detailed Neighborhood Design Planning when the Downtown Community Plan was updated in 2007. Therefore all properties – including those within the Arts Center and Capitol Mall Redevelopment Plans – have Detailed Land Use Policies.

### **Policies**

#### Civic or Public Benefit in Downtown Core (CPB in DC)

This policy includes various public facilities including schools, libraries and public services uses within the Downtown Core neighborhood. See description of the vision for the Core neighborhood above.



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### Amusement and Entertainment in Downtown Core (AE in DC)

This policy includes amusement and entertainment uses such as performance venues, arenas, stadiums and the like, within the Downtown Core neighborhood. See description of the vision for the Core neighborhood above.

### Transportation in Downtown Core (T in DC) –

This policy is used to distinguish a variety of transportation uses including railroad yards, land ports, bus terminals, etc, within the Downtown Core neighborhood. See description of the vision for the Core neighborhood above.

### Mixed Use in Downtown Core (MxU in DC)

This policy includes buildings that have a mix of uses within the block and/or within the building, allowing residential, commercial and office uses. A mixture of uses within one building is preferable to create a pedestrian-oriented streetscape with ground-floor commercial or office and upper floor office or residential. Mixed Use is found within the Land Use Policy of “Downtown Core”. See description of the vision for the Core neighborhood above.

### Mixed Use in Second and Broadway (MxU in SB)

This policy includes buildings that have a mix of uses within the block and/or within the building, allowing residential, commercial and office uses. A mixture of uses within one building is preferable to create a pedestrian-oriented streetscape with ground-floor commercial or office and upper floor office or residential. Mixed Use is found within the Land Use Policy of “Second and Broadway”. See description of the vision for the Second and Broadway neighborhood above.

### Amusement and Entertainment in Second and Broadway (AE in SB)

This policy includes amusement and entertainment uses such as performance venues, arenas, stadiums and the like, within the Second and Broadway neighborhood. See description of the vision for the Second and Broadway neighborhood above.

### Parks, Reserves and Other Open Space in Open Space (PR in OS)

This policy is used to distinguish existing open spaces intended for active and passive recreation and the buildings – including community centers – that support them.

### Parks, Reserves and Other Open Space in Potential Open Space (PR in POS)

This policy is also used to distinguish open spaces intended for active and passive recreation, however, it is used in the *Potential Open Space* Land Use Policy,



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### Mixed Use in Downtown Neighborhood (MxU in DN)

suggesting that the land has not been secured for open space, but open space is recommended in the future.

This policy includes buildings that have a mix of uses within the block and/or within the building, allowing residential, commercial and office uses. A mixture of uses within one building is preferable to create a pedestrian-oriented streetscape with ground-floor commercial or office and upper floor office or residential. Mixed Use is found within the Land Use Policy of "Downtown Neighborhood". Downtown Neighborhood policy is applied in Downtown outside of the Core and SoBro to a variety of neighborhoods such as the Gulch and Lafayette that are envisioned to redevelop with some mixed use, but a heavy emphasis on residential.

### Mixed Use in Neighborhood Urban (MxU in NU)

This policy includes buildings that have a mix of uses within the block and/or within the building, allowing residential, commercial and office uses. A mixture of uses within one building is preferable to create a pedestrian-oriented streetscape with ground-floor commercial or office and upper floor office or residential. The description of the Land Use Policy, Neighborhood Urban, is below.

### Neighborhood Urban (NU) – NU

is for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. 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.

### Office Concentration (OC)

OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

### **AMENDMENT DETAILS**

In 2008 the Metro Council authorized the Metropolitan Development and Housing Agency (MDHA) to undertake predevelopment activities for the construction of a new downtown convention center –the Music City Center (Resolution No. 2008-143). The amendment to the Arts





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Center Plan and the Capitol Mall Plan is designed to assist in the predevelopment activities of the Music City Center as previously authorized by Metro Council. It will be the third amendment to the Arts Center Plan and the eighth amendment to the Capitol Mall Plan. The amendment is designed to accomplish the following objectives:

1. Ensure that the Music City Center will be completely within one redevelopment district.
2. Provide basic guidelines and objectives for the redevelopment of the old convention center site.
3. Provide basic guidelines and objectives for the redevelopment of the Music City Center site.
4. Extend the duration of the effective period for the Capitol Mall Plan.
5. Update the Tax Increment in the Capital Mall Plan.
6. Grant MDHA the authority to assemble the land needed for the Music City Center.
7. Adopt the Master Plan.

### District Boundary Changes

Currently the area for the Music City Center is within both the Arts Center Plan district and the Capitol Mall Plan district. To better facilitate the development of the convention center, the boundaries between the two districts will be realigned so that the Music City Center will be entirely within the Capital Mall Plan. This will require the property east of 8<sup>th</sup> Avenue that is within the Arts Center Plan District to be transferred over to the Capitol Mall Plan District.

### Old Convention Center Site

With the development of the new convention center the old convention center site will be available for redevelopment. The amendment provides basic guidelines for redevelopment of the site. It addresses intent for redevelopment, types of uses, design objectives, and access.

### New Convention Center Site

The Master Plan for the Music City Center provides basic guidelines for the development of the center on a block by block basis. It addresses intent, types of uses, design objectives, and access.

### Effective Period of Plan

The amendment extends the duration of the Capitol Mall Plan provisions until 2040, allowing ample time for maturity of bonds and/or bank loans issued to finance TIF backed improvements.



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### Tax Increment Financing

To accommodate the development of the Music City Center and related projects, the amendment increases the tax increment financing provision by \$85 million.

### Assembly of Land

The amendment authorizes MDHA to assemble the land required for the Music City Center and related projects through negotiation, condemnation or other necessary legal means.

### Master Plan

This amendment includes the Master Plan (Exhibit 6). The Master Plan does not include individual building design but regulates land use as specified in the Capitol Mall Plan.

### Staff Analysis

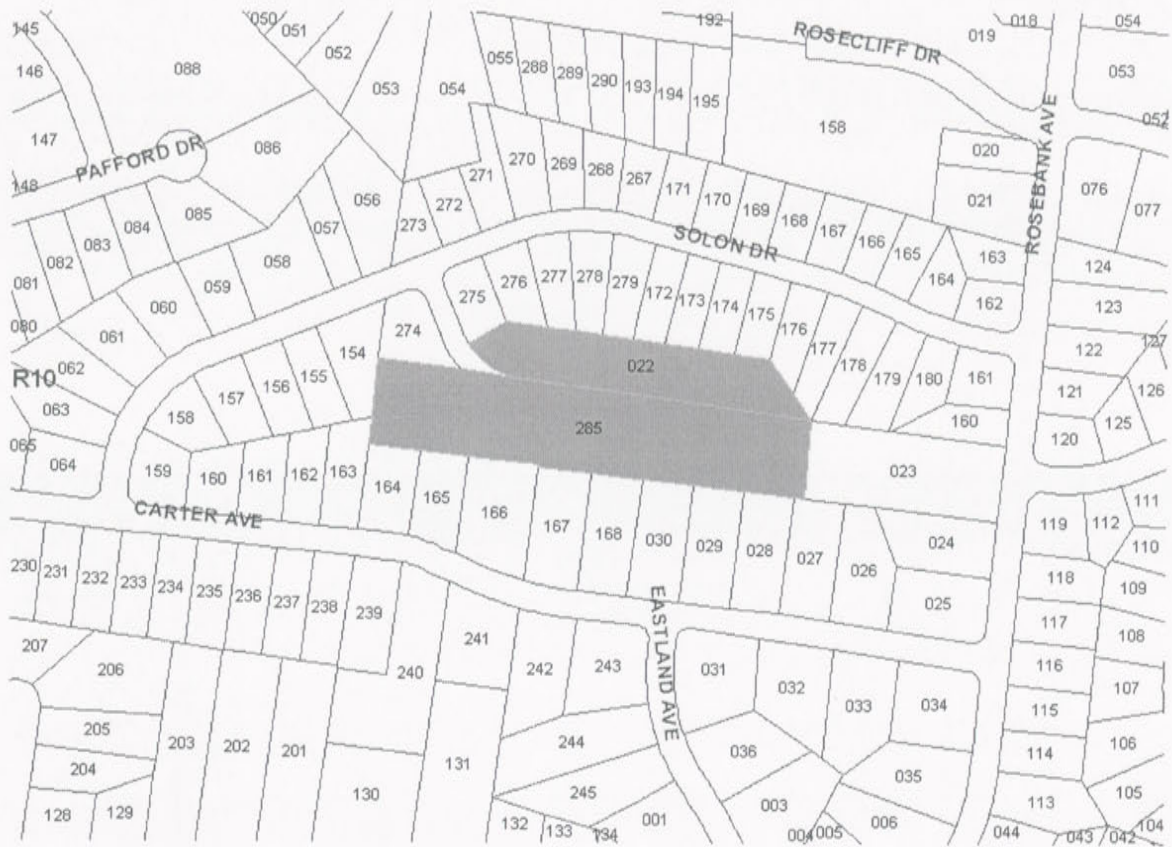
As written, the guidelines are consistent with the goals and objectives found in the Downtown Nashville Community Plan. The amendment provides the necessary changes in the Capital Mall Plan to assist in the development of the Music City Center as authorized by Metro Council. Staff recommends that the Planning Commission recommend approval of the amendment to the Metro Council.

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### STAFF RECOMMENDATION

Staff recommends approval of the amendment to the Arts Center Plan and the Capitol Mall Plan.

# CONCEPT PLANS



**2006S-096U-05**  
Solon Court (Preliminary Plat Extension)  
Map: 083-04 Parcel: 285  
Map: 084-01 Parcel: 022  
East Nashville Community Plan  
Council District 7 – Erik Cole



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

**Subdivision 2006S-096U-05**  
**Solon Court**  
7 - Cole  
5 - Porter  
Stewart Building Group LLC, owner, Dale & Associates, surveyor

**Staff Reviewer**  
**Staff Recommendation**

Bernards  
*Approve with conditions and including a variance for the plat extension*

**APPLICANT REQUEST**  
**Preliminary Plat Extension**

**A request to extend preliminary approval to April 11, 2010, for the Solon Court subdivision, approved for 12 single-family residential lots, and a request for a variance from Section 1-9.2 of the Subdivision Regulations.**

**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.

**SUBDIVISION DETAILS**

The preliminary plat for the Solon Court subdivision was approved by the Planning Commission on April 11, 2006. The original request for this site was for a 12 lot subdivision on a temporary dead-end street. The Planning Commission approval included a permanent dead-end street. In order to accommodate the revised street, and to comply with the conditions of approval, the lots were shifted and reduced in number by one.

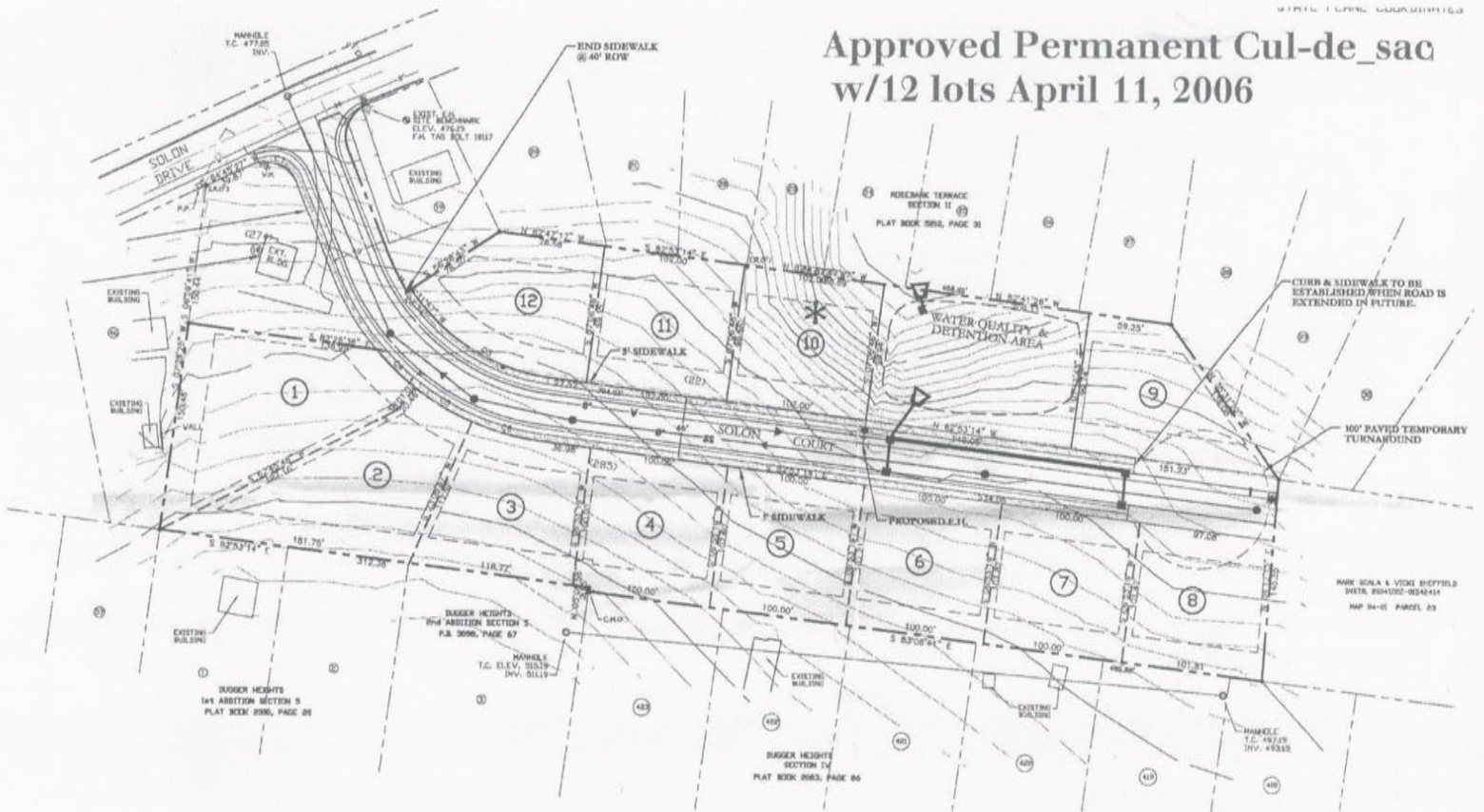
There were two conditions of approval of the preliminary plat. The first required that the temporary turnaround for the street be located outside of the building envelopes of the adjacent lots and the second required that all Public Works and Stormwater conditions be addressed prior to final plat approval.

With the approval of a permanent cul-de-sac, the first condition was no longer required. The second condition remains as a condition of approval. As the change from temporary to permanent cul-de-sac modified the lot layout of this subdivision, the applicant will need to provide staff paper copies of the preliminary plat with the new layout.

Extension Request

The applicant is requesting an extension of the approval to April 11, 2010 to complete the installation of the

# Approved Permanent Cul-de-sac w/12 lots April 11, 2006





## Metro Planning Commission Meeting of 5/28/2009

### Variance Request

infrastructure. The construction plans have been approved and installation is approximately 80% completed.

The preliminary plat was approved under the previous Subdivision Regulations. Section 1-9.2 of the Subdivision Regulations prohibits the extension of a preliminary plat approved under the old Subdivision Regulations adopted March 21, 1991.

2. *Subdivisions Submitted or Approved Prior to the Effective Date.* Any subdivision submitted as a complete application or approved in preliminary or final form, but not yet expired, prior to the effective date may, at the discretion of the applicant, continue under the subdivision regulations adopted March 21, 1991, as amended, but no extensions shall be granted for these subdivisions.

The applicant has requested a variance to this section of the Subdivision Regulations. Section 1-11 permits the Planning Commission to grant variances if it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations provided that such variance does not have the effect of nullifying the intent and purpose of these regulations.

The findings are based on a number of criteria. These include conditions unique to the property that are not applicable generally to other property and the particular physical conditions of the property involved. The physical conditions must cause a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

Construction approval was granted by Water Services in 2006 and by Stormwater and Public works in 2007. Due to the difficult topography of this site, the progress of construction has been slowed but significant work has been completed to date including:

- Grading is 80% complete
- The pond needs fine grading and stabilization and the retaining wall on the low side of the pond's berm is not constructed
- Water and Sewer are in place (including service lines) and have been inspected, but the as-built set of plans have not yet been approved
- Electric is in the ground and has been inspected
- No gas is proposed



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- Stormwater infrastructure is in place
- The roadway is at sub-grade and lacks gravel base, sub-base and curbing
- All utilities are in place and have been inspected

In summary, the site still needs final grading and stabilization of the pond, along with the wall construction, and the completion of the gravel base, asphalt and curb/gutter. The developer anticipates the infrastructure will be completed and a final plat submitted within six months.

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### STORMWATER RECOMMENDATION

Extension Approved.

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### STAFF RECOMMENDATION

Staff recommends that approval with conditions of the preliminary plat be extended to April 11, 2010 and that the Planning Commission grant a variance to Section 1-9.2 of the Subdivision Regulations.

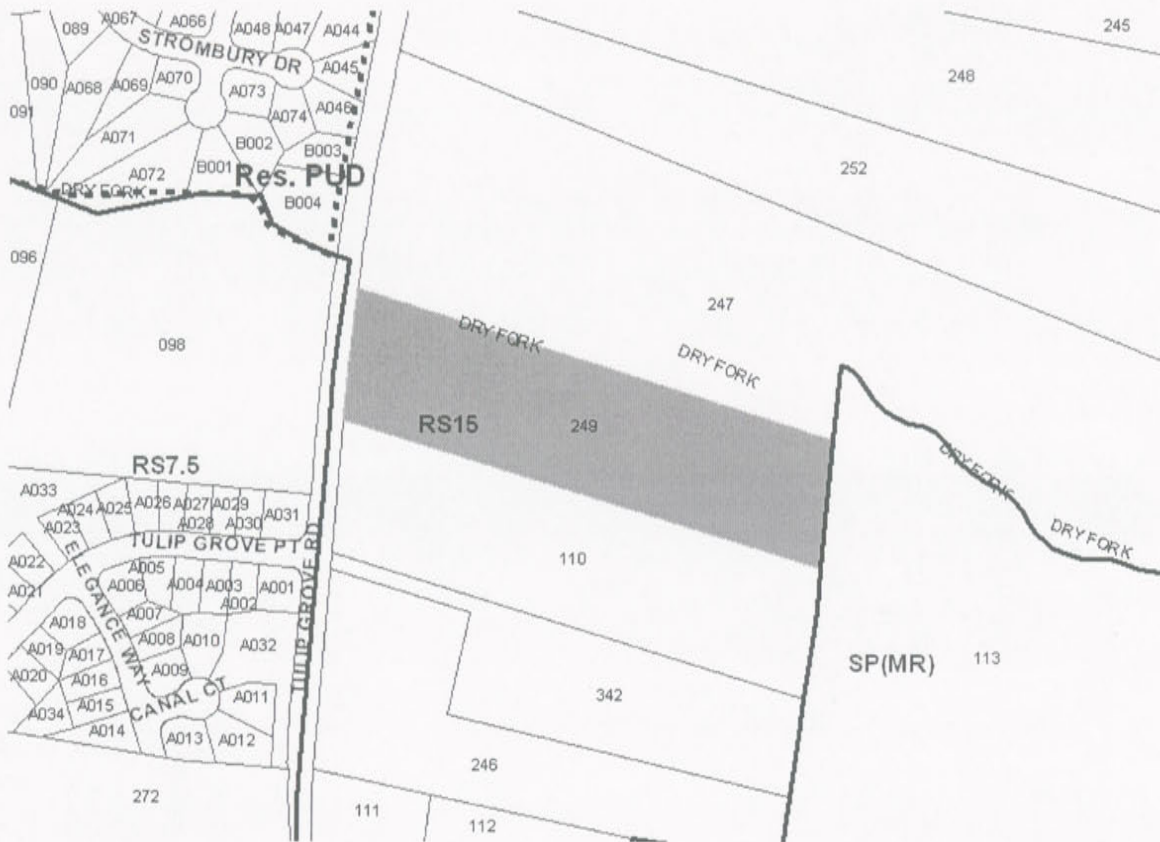
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### CONDITIONS

1. All Public Works and Stormwater conditions of the original preliminary plat approval shall be addressed prior to final plat approval.
2. The applicant shall submit a copy of the preliminary plat with the new layout.



**SEE NEXT PAGE**



**2006S-148G-14**  
 Hermitage Creek  
 Map: 086-00 Parcel: 249  
 Donelson/Hermitage/Old Hickory Community Plan  
 Council District 12 – Jim Gotto



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

**Subdivision 2006S-148G-14**  
**Hermitage Creek**  
12 - Gotto  
4 - Glover  
H. Group LLC, owner, Wamble & Associates, surveyor

**Staff Reviewer**  
**Staff Recommendation**

Logan  
*Approve with conditions and including a variance for the plat extension*

**APPLICANT REQUEST**  
**Preliminary Plat Extension**

**A second request to extend the preliminary approval to June 16, 2010, for Hermitage Creek Subdivision, approved for 11 single-family cluster lots, and a request for a variance from Section 1-9.2 of the Subdivision Regulations.**

**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.

**SUBDIVISION DETAILS**

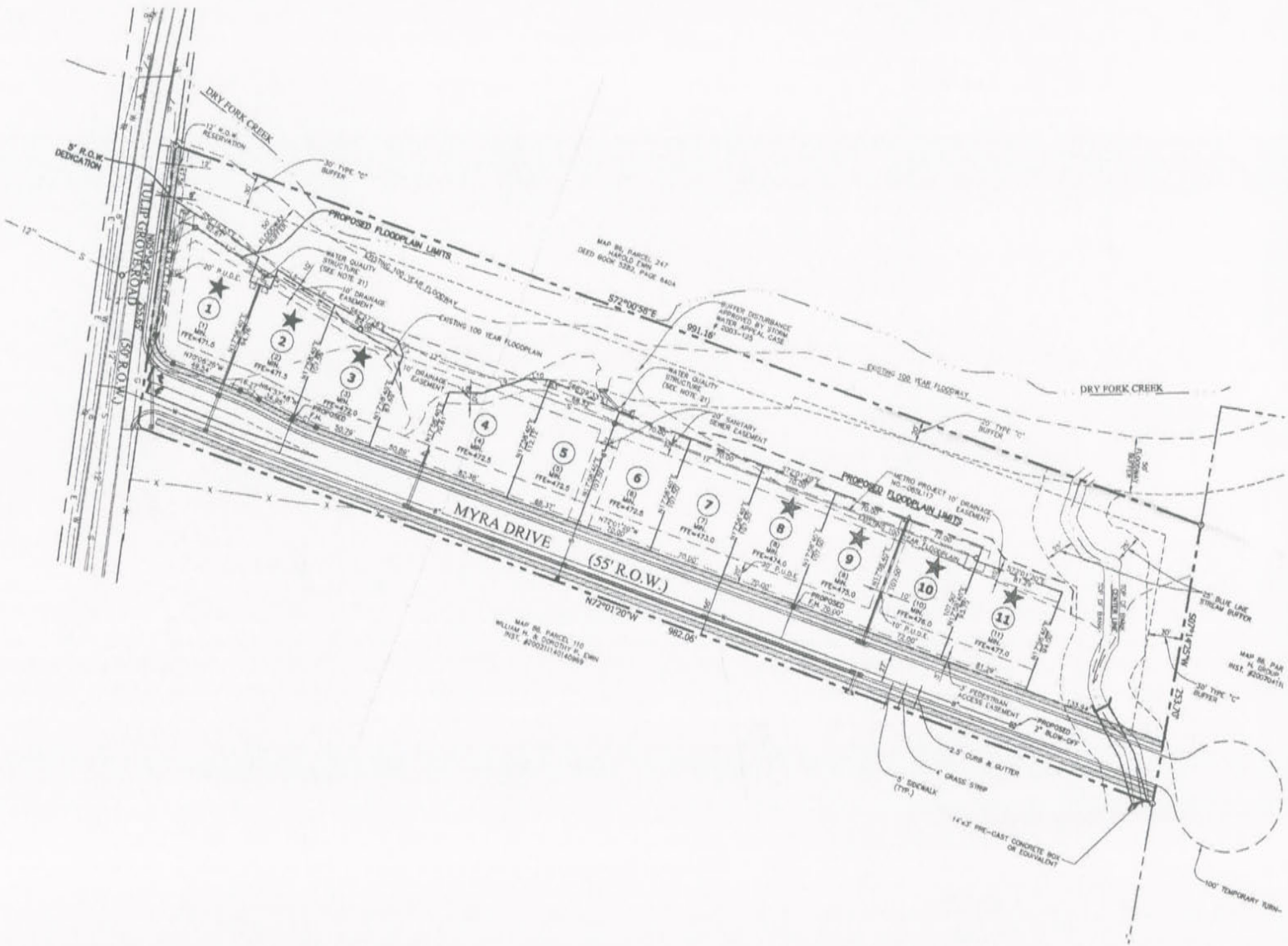
The original preliminary plat for Hermitage Creek was approved by the Planning Commission on May 25, 2006, under the previous Subdivision Regulations that were adopted March 21, 1991. A request to extend the preliminary plat for one year, along with a variance, was approved by the Planning Commission on June 12, 2008.

Extension Request

The applicant is requesting an extension of the approval to June 16, 2010, to complete the installation of the infrastructure.

The preliminary plat was approved under the previous Subdivision Regulations. Section 1-9.2 of the Subdivision Regulations prohibits the extension of a preliminary plat approved under the old Subdivision Regulations adopted March 21, 1991.

- 3. *Subdivisions Submitted or Approved Prior to the Effective Date.* Any subdivision submitted as a complete application or approved in preliminary or final form, but not yet expired, prior to the effective date may, at the discretion of the applicant, continue under the subdivision regulations adopted March 21, 1991, as amended, but no extensions shall be granted for these subdivisions.





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### Variance Request

The applicant has requested a variance to this section of the Subdivision Regulations. Section 1-11 permits the Planning Commission to grant variances if it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations provided that such variance does not have the effect of nullifying the intent and purpose of these regulations.

The findings are based on a number of criteria. These include conditions unique to the property that are not applicable generally to other property and the particular physical conditions of the property involved. The physical conditions must cause a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

The applicant has stated that "All utilities, except the NES power pole, are installed, and have passed by inspectors, water and sewer. The flow tests on the hydrants are to be completed soon. The bridge specified by PW is being designed ... The road is ready for curb/gutter and asphalt, along with a turn lane to be installed on Tulip Grove Rd."

The applicant expects to submit a final plat, along with the necessary bond, no later than August 2009.

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### STORMWATER RECOMMENDATION

Approved

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### PUBLIC WORKS RECOMMENDATION

No Exception Taken regarding the extension of the preliminary plat approval.

The construction plan approval is greater than two (2) years and has expired. Prior to construction, resubmit the construction plans to the Department of Public Works for review and approval.

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### FIRE MARSHAL RECOMMENDATION

Conditional

Before a plat for one or two family buildings can be approved, plans must show results from fire hydrant(s) flow test, performed within 6 months with a minimum of 1000 gpm @ 20 psi available at fire hydrants.

Approved based on no construction being done this application.



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Approved based on no construction being done this application. Any new construction will require additional information.

This approval is for the concept plans only the developer shall provide the Fire Marshal's office with additional details before the development plans can be approved.

Add to Plat Notes: The Nashville Fire Dept. requires new construction to comply with the 2006 edition of NFPA 1, Table H.

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### **WATER SERVICES RECOMMENDATION**

Approve as consistent with previous approval.

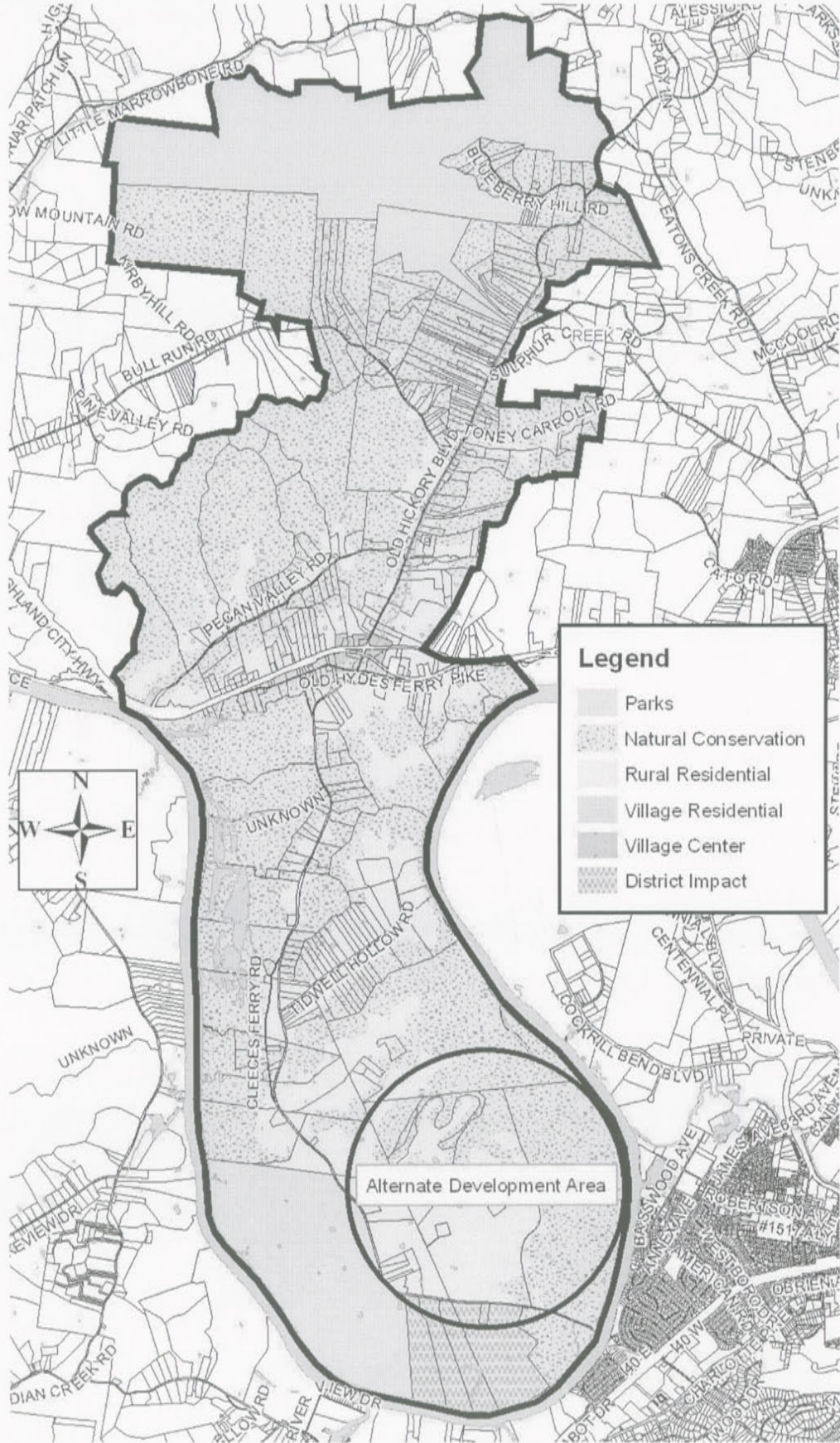
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### **STAFF RECOMMENDATION**

Staff recommends that approval with conditions of the preliminary plat be extended to June 16, 2010 and that the Planning Commission grant a variance to Section 1-9.2 of the Subdivision Regulations.

# **COMMUNITY PLAN**

2008CP-07G-03-001  
 Scottsboro/Bells Bend Detailed Design Plan Policy with  
 Location of Proposed Alternate Development Area







**Project No.  
Request**

**2008CP-07G-03**  
**Amend the *Scottsboro/Bells Bend Detailed Design Plan* to include an Alternate Development Area Policy**

**Associated Case  
Council District  
School Districts  
Requested by**

2008SP-022G-03  
1 – Matthews  
1 – Gentry  
Planning Department

**Staff Reviewer  
Staff Recommendation**

Anita McCaig  
*Approve as amended (see “Changes to the Initial Alternate Development Area Policies” below)*

**APPLICANT REQUEST**

**Amend the *Scottsboro/Bells Bend Detailed Design Plan* to include detailed policies for an area referred to as the Alternate Development Area that permits development of a mixed use town center and corporate campuses, while permanently preserving significant open space and the rural character of the remainder of Scottsboro/Bells Bend.**

**SCOTTSBORO/BELLS BEND  
DETAILED DESIGN PLAN  
HIGHLIGHTS**

**Community Participation**

From October of 2007 through June of 2008, staff conducted nine meetings in the Scottsboro/Bells Bend Community to create the *Scottsboro/Bells Bend Detailed Design Plan*. The Alternate Development Area policies were included in the Draft *Scottsboro/Bells Bend Detailed Design Plan* that was presented to the Commission at the July 24, 2008 meeting. At the August 14, 2008 Commission meeting, the Commission voted to adopt the *Scottsboro/Bells Bend Detailed Design Plan* and defer indefinitely the Alternate Development Area policies until additional details could be presented regarding the proposed May Town Center Specific Plan rezoning (2008SP-022G-03).

**Vision for Scottsboro/Bells Bend**

Scottsboro/Bells Bend is a rural portion of Davidson County located to the north and west of Downtown. The Scottsboro/Bells Bend area has a variety of stakeholders. Community meetings during the detailed design plan process revealed that a significant majority of stakeholders identify the rural character of the Scottsboro/Bells Bend area as a valuable attribute of Davidson County which should be preserved.



## Metro Planning Commission Meeting of 5/28/2009

The May family, who controls a roughly 1,500 acre area in the southeast portion of Bells Bend, proposed an alternative vision for their property – the creation of a concentrated, mixed-use town center with adjacent corporate campuses surrounded by a significant portion of permanently preserved farmland and land with environmentally sensitive features.

In addition to these two visions, there were other property owners interested in varying degrees of development opportunity for their properties.

The goal of the *Scottsboro/Bells Bend Detailed Design Plan* was to balance the preservation of rural character while allowing thoughtfully-designed development opportunities in appropriate areas. The Alternate Development Area was proposed to be one area where a balance between preservation with growth could be struck.

### Current Land Use Policy

When it was adopted in 2008, the *Scottsboro/Bells Bend Detailed Design Plan* applied unique land use policies to the community that were tailored to respond to the community's environmental features and emphasize preservation of the rural and natural character.

Two policies were applied to the May property when the *Scottsboro/Bells Bend Detailed Design Plan* was adopted in August 2008 – Natural Conservation policy and Rural Residential policy.

### - Natural Conservation Policy

Natural Conservation policy was applied to 58 percent of the entire Scottsboro/Bells Bend Community to preserve the area's environmentally sensitive features such as steep slopes, ridgetops, unstable soils, floodways/floodplains, woodlands, waterways, wetlands, viewsheds, and wildlife habitat. Natural Conservation policy was applied to any environmentally sensitive features present on the May property.

Land use options in Natural Conservation policy include:

- Maintain the land in its natural state;
- Small-scale farming if environmental constraints of the land allow; and/or
- One dwelling unit per five acres if environmental constraints of the land allow.

Natural Conservation policy also encourages land owners to use additional tools, such as conservation easements or



## Metro Planning Commission Meeting of 5/28/2009

### - Rural Residential Policy

purchase of development rights, to permanently preserve land.

The density of one dwelling unit per five acres in Natural Conservation areas is less density than the land is currently zoned for (AR2a zoning, which allows one dwelling unit per two acres). This was done to acknowledge that that existing environmentally sensitive features are ill-suited for higher density, and that it would be difficult to achieve that density today, despite the zoning.

Rural Residential policy covers almost 15 percent of the Scottsboro/Bells Bend Community and is located along the flatter portions of the community where the majority of homes are already located. Rural Residential policy preserves the rural and natural character of the area while allowing limited residential development opportunities that contribute to the rural character.

Rural Residential policy land use options include:

- Maintain the land in its natural state;
- Small-scale farming;
- Large-scale farming if environmental constraints of the land allow;
- One dwelling unit per five acres;
- One dwelling unit per two acres if environmental constraints of the land allow; and/or
- In some selected areas, well-designed layouts of homes grouped together to preserve surrounding environmental features may be possible by working with the Planning Department on designs that preserve the rural character of the landscape. Any proposal requires a rezoning to Specific Plan zoning.

The majority of the Scottsboro/Bells Bend Community – 98.5 percent – is zoned AR2a which allows one dwelling unit per 2 acres. The Rural Residential policy allows one dwelling unit per two acres, acknowledging this zoning. However, Rural Residential policy offers opportunities to move away from that lot and land use pattern and encourages larger lots and agricultural uses. If property owners and/or the Council member wanted to rezone to a lower density that is more rural in character, this policy would support that rezoning. The Rural Residential policy also allows for conservation subdivisions – siting homes so that significant environmental features are preserved.



## Metro Planning Commission Meeting of 5/28/2009

### Alternate Development Area Policy

As noted above, when Planning staff recommended approval of the *Scottsboro/Bells Bend Detailed Design Plan*, it provided an alternate vision for one portion of the Scottsboro/Bells Bend Community. The “Alternate Development Area” policies are recommended for this area, which is comprised of approximately 1,500 acres or 11 percent of the larger Scottsboro/Bells Bend Community. Refer to the attached map.

The Alternate Development Area includes land with sensitive environmental features, including steep slopes and floodway/floodplain. It also includes some of the flattest, most developable land in Scottsboro/Bells Bend.

During the detailed planning process, two alternate policies – representing two worthy public policy goals – were proposed for the Alternate Development Area.

One policy calls for this area to be preserved in a natural/rural state consistent with the rest of the detailed design plan area. An alternate policy for this area proposes that the site be redeveloped as a compact, mixed use, pedestrian friendly town center with adjacent corporate campuses, surrounded by a zone of permanently preserved rural, natural and farmland areas including prime farmland, greenways and trails, woodlands, viewsheds, streams and wetlands, hills and ridgetops, existing cemeteries and archeological sites.

This policy concentrates development onto approximately one-third of the property while permanently preserving at least 900 acres in a natural/rural state, including a defined edge to delineate and buffer the center from the surrounding rural area and the Old Hickory Boulevard rural corridor.

To ensure the alternative policy of a mixed use town center and corporate campuses supports the policies for the remainder of the Scottsboro/Bells Bend area – preservation in a rural and natural state – additional goals and conditions are applied to the Alternate Development Area.

First, there are goals and conditions that must be met for the Alternate Development Area to be *eligible* for Regional Center and Corporate Campus policies (that would replace the Natural Conservation and Rural Residential policies). These are titled “Conditions that Trigger the Special Policy.”



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### Conditions that Trigger the Special Policy

Second, there are general goals and conditions that describe how the Alternate Development Area (if it is eligible for Regional Center and Corporate Campuses development) interacts with the rest of the Scottsboro/Bells Bend Community. These are titled "Conditions for Balancing Economic Development and Rural Preservation."

Finally, there are the goals specific to the Regional Center policy and the Corporate Campus policy.

The provisions and conditions of the Alternate Development Area allow the creation of a town center and corporate campuses, while preserving the rural character of the remainder of the Scottsboro/Bells Bend Community. These conditions include building a bridge(s) as primary access to the site and submitting a master plan that:

- Provides a unique development concept where the site and building design meet high standards of sustainability;
- Provides true transportation options for pedestrians, cyclists, vehicles, and transit;
- Does not extend commercial, office or higher intensity residential development to the north of the southernmost defined ridgeline;
- Ties development of the Alternate Development Area to preservation to the north of the Area to permanently preserve the natural/rural character of the remainder of Scottsboro/Bells Bend;
- Includes significant protection of environmentally sensitive features and a defined buffer to create a firm edge around the proposed development (at least 900 acres to be permanently preserved);
- Includes a completed archeological survey for the entire site, except for those portions left undisturbed, and preserves significant sites, cemeteries, and other features;
- Preserves at least 200 acres of prime farmland for farming;
- Buffers development from the existing Bells Bend Park and Nature Center; and
- Includes an application for inclusion of the Area in the Urban Services District.

Any proposed development in the Alternate Development Area would be required to be implemented through zoning that includes a site plan, such as Specific Plan zoning.



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### **- Conditions for Balancing Economic Development and Rural Preservation**

The purpose of these goals and conditions is to balance economic development and rural preservation. The conditions address development of the Alternate Development Area, but also address how this defined area relates to the remainder of the Scottsboro/Bells Bend Community. To address how the Alternate Development Area interacts with the rest of the Scottsboro/Bells Bend Community, several conditions must be met that include:

- Preserving viewsheds from Old Hickory Blvd.;
- Preserving buffers between the Alternate Development Area and the rest of the Scottsboro/Bells Bend Community;
- Limiting development and instituting a land preservation program to assist in maintaining Old Hickory Blvd. as a rural corridor and prevent “strip development” from occurring;
- Requiring access from the south or east via a bridge(s), with guidance on preserving Old Hickory Blvd. as a rural corridor; and
- Requiring sustainable design of the site layout and buildings, per standards established by the Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND) program.

### **- Regional Center Policy**

The goal of Regional Center policy is to create an intense, mixed use, multi-modal center that forms a unique, sustainable and walkable community. The Regional Center policy provides additional guidance through urban design principles and development guidelines, including addressing access to and within the site, preserving significant environmental features, block length, building form, connectivity, appropriate density, landscaping, lighting, parking, signage, and transit. These include specifying how buildings interact with each other, with their unique setting, and with the surrounding rural area.

### **- Corporate Campus Policy**

The goal of Corporate Campus policy is to create employment and office centers that are uniquely integrated into the adjacent mixed use center, served by multi-modal transportation systems, and uniquely designed to complement the existing rural setting and preserve environmental features. The Corporate Campus policy provides additional guidance through urban design principles and development guidelines, including addressing access to and within the site, preserving significant environmental features, building form, connectivity, appropriate density, landscaping, lighting,



## Metro Planning Commission Meeting of 5/28/2009

### Changes to the Initial Alternate Development Area Policies

parking, signage, and transit. These include specifying how the campuses are sited and how they interact with each other, with the Regional Center and with the surrounding rural area.

Staff recommends two minor changes to the initial Alternate Development Area policy that was presented to the Commission on July 24, 2008.

The first change concerns the height of buildings in the northern portion of the Corporate Campus policy. The original draft of the Alternate Development Area policies called for buildings in the Corporate Campus policy to not exceed 600' in elevation. There are proposed buildings in the Specific Plan for May Town Center that may exceed the 600' defined elevation cap. It will not be known if these buildings will exceed the 600' elevation height cap until development is finalized.

Staff proposes that the 600' elevation height cap be changed to instead measure the height of these buildings in stories and allow up to 12 stories. These corporate campus sites were initially proposed for an area with flatter land along Old Hickory Boulevard across from the Bells Bend Park and Nature Center. Staff requested that these buildings be moved away from Old Hickory Boulevard to preserve views along Old Hickory Boulevard, preserve a buffer between Old Hickory Boulevard and the town center, and to draw traffic away from Old Hickory Boulevard. The May Town Center applicant responded by placing these corporate campuses at the entrance to the development – near the proposed bridge across the Cumberland. While this land is encumbered by some steep slopes, the proposed building areas for the corporate campuses avoids the steep slopes that comprise the continuous ridgeline and the applicant proposes to design the structures to address the slopes through terracing.

Staff has amended the Corporate Campus policy's language on building height to state "due to the unique location and desire to minimize intrusion onto the steep slopes, buildings in the Corporate Campus area are allowed a building height of up to 12 stories."

The second change proposed by staff decreases the minimum and maximum heights of the buildings in the heart of the Regional Center policy. The original draft of



## Metro Planning Commission Meeting of 5/28/2009

the Alternate Development Area policy required a minimum height of 12 stories and a maximum height of 18 stories for buildings in the town center portion of the Regional Center policy. The recommended change is a minimum height of 8 stories and a maximum of 15 stories.

### ANALYSIS

The community planning process seeks the input of all community stakeholders. It also requires Planning staff to provide professional recommendations to ensure that each community meets the goals of Nashville/Davidson County's General Plan and the County's commitment to sustainable development. In doing so, the preservation and development of each community is considered in light of its role in Davidson County and the Middle Tennessee region.

During the detailed planning process for the Scottsboro/Bells Bend Community, two important public policy goals – rural preservation and economic development through the creation of sustainable development and corporate campuses – were weighed.

Whenever a community plan or detailed design plan is undertaken, stakeholders are asked to compromise in their visions – to accommodate competing visions and to accommodate the needs of the overall County. This case is unique, however, in that the Alternate Development Area policies represent significant compromise for some community stakeholders and includes significant guidance from the Planning staff on how the Scottsboro/Bells Bend Community can meet two equally valid public policy goals.

Planning staff recommends adoption of the Alternate Development Area policies. Correctly implemented, the detailed policy guidance can allow a unique economic development opportunity in Nashville/Davidson County, along with new businesses, jobs, and increased revenues. At the same time, the policies call for significant rural preservation of at least 900 acres, to be permanently preserved in a natural/rural state that can contribute to the rural character not only in appearance, but can provide certain community amenities such as hiking trails, equestrian trails, greenways, farming opportunities, and local food production. The preservation of this land provides a viable option for preservation in Scottsboro/Bells Bend.





## Metro Planning Commission Meeting of 5/28/2009

The Alternate Development Area policies also provide a viable option for development of land that is currently zoned AR2a and could be developed today as numerous single-family homes, which could also negatively impact the rural character of the community. A subdivision of this magnitude also could result in pressure to change the rural character of Old Hickory Boulevard since it would likely not include a provision for building a bridge across the Cumberland River.

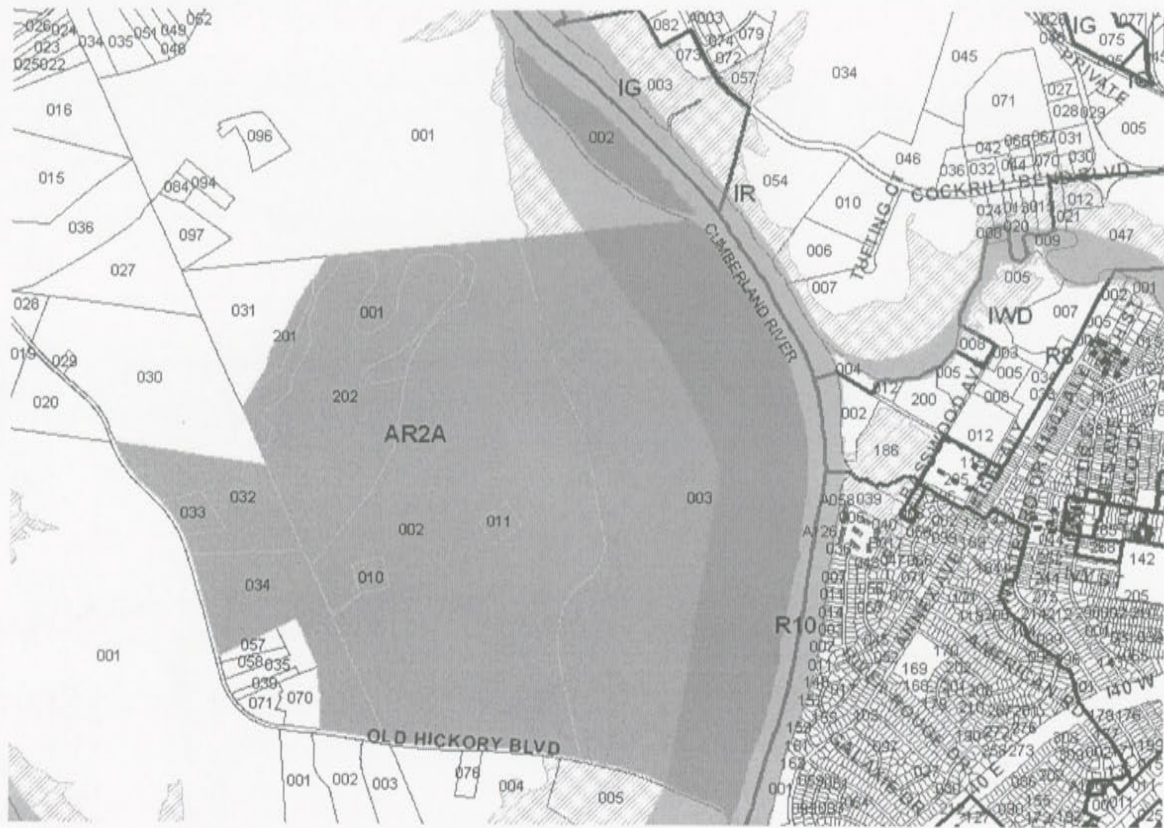
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### STAFF RECOMMENDATION

Staff recommends amending the *Scottsboro/Bells Bend Detailed Design Plan* to include the Alternate Development Area policies with the changes noted above, as a model to balance rural preservation with economic development.

**SEE NEXT PAGE**

## **SPECIFIC PLANS**



**2008SP-022G-03**

May Town Center

Map: 079-00 Parcel: 002

Map: 090-00 Parcels: 001, 002, 003, 010, 011, 201, 202

Bordeaux/Whites Creek Community Plan

Council District 1 – Lonell R. Matthews, Jr.



**Project No.**  
**Project Name**  
**Associated Case**  
**Council Districts**  
**School Districts**  
**Requested by**

**Zone Change 2008SP-022G-03**  
**May Town Center SP**  
2008CP-007G-03  
1 - Matthews  
1 - Gentry  
Civil Site Design Group, applicant, for H.T.P.C. 2  
Partnership and Bells Landing Partners, owners

**Staff Reviewer**  
**Staff Recommendation**

Bernards  
*A staff recommendation for the preliminary SP plan will be provided with the Staff Report for the June 25, 2009, meeting.*

**APPLICANT REQUEST**  
**Preliminary SP**

**A request to change from Agricultural/Residential (AR2a) to Specific Plan Mixed Use (SP-MU) for properties located at 3886, 3920, 3924, 3992, 4068, 4072, 4194, and 4206 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 4,700 feet south of Cleeces Ferry Road (1,487.69 acres), to create a new mixed use SP district called "May Town Center" proposed for general office uses, commercial uses, hotels, residential uses, and open space.**

**Existing Zoning**  
AR2a District

Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation land use policy of the general plan. The AR2a district, using the gross *buildable* acres, would permit approximately 578 building lots of which 25 percent could be duplex lots.

**Proposed Zoning**  
SP-MU District

Specific Plan-Mixed Use is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes office, commercial, hotel, residential, recreational, agricultural, and civic uses and open space.



May Town Center



**BORDEAUX/WHITES CREEK  
COMMUNITY PLAN**

**Existing Policies**

*Scottsboro/Bells Bend Detailed  
Neighborhood Design Plan*  
Natural Conservation

Natural Conservation policy within the Scottsboro/Bells Bend Plan is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Land use options include maintaining the land in its natural state, small scale farming, and very low density residential development not exceeding one dwelling unit per five acres.

Rural Residential

Rural Residential policy is intended to preserve the rural and natural character of the area while allowing limited residential development opportunities, at a maximum density of one unit per two to five acres that contribute to the rural character. Typical land use include low-impact agriculture and related accessory uses, low density residential and civic/public benefit use.

**Proposed Special Policies**

Regional Center

The goal of Regional Center policy is to create an intense, mixed-use, multi-modal center area that forms a unique, sustainable and walkable community. The Regional Center policy provides additional guidance through urban design principles and development guidelines, including addressing access to and within the site, preserving significant environmental features, block length, building form, connectivity, appropriate density, landscaping, lighting, parking, signage, and transit. These include specifying how buildings interact with each other, with their unique setting, and with the surrounding rural area.

Corporate Campus

The goal of Corporate Campus policy is to create employment and office centers that are uniquely integrated into the adjacent mixed use center, served by multi-modal transportation systems, and uniquely designed to complement the existing rural setting and preserve environmental features. The Corporate Campus policy provides additional guidance through urban design principles and development guidelines, including addressing access to and within the site, preserving significant environmental features, building form, connectivity, appropriate density, landscaping, lighting, parking, signage, and transit. These include specifying



## Metro Planning Commission Meeting of 05/28/09

### Consistent with Policy?

how the campuses are sited and how they interact with each other, with the Regional Center and with the surrounding rural area.

Yes, if the accompanying Community Plan Amendment is approved and an application is made for inclusion into the Urban Services District. The Scottsboro/Bells Bend Detailed Design Plan includes an Alternative Development Area (ADA) that balances conservation with economic development. The ADA includes conditions that, if met, will trigger the use of the special Regional Center and Corporate Campus policies. The first condition is that primary access will be provided by a bridge(s).

- The bridge(s) can connect to West Nashville and/or to Cockrill Bend, must be part of a master plan for the property, and must be fully-funded and designed as a complete street with provisions for mass transit, pedestrians and cyclists prior to final site approval for any other portion of the master plan.

The second condition of the policy is that a master plan for the entire site must be submitted that creates a unique development offering a diversity of corporate headquarter options with an integrated, mixed-use regional center, residential, office, commercial and entertainment/recreational opportunities.

The following is a synopsis of the initial conditions required to implement the ADA policy:

- Design the development so that the site and building design meet high standards of sustainability and true multi-modal transportation options are provided but preserves the natural and rural character of the rest of Scottsboro/Bells Bend, including areas to the north and along Old Hickory Boulevard.
- Provide significant, permanent protection of environmentally sensitive features and a defined buffer to create a firm edge around the proposed development.
- Conduct an archeological survey for the entire site, except those portions of the site left undisturbed and include a preservation plan for preserving significant archeological features, cemeteries and other features.
- Preserve at least 200 acres of farmland.
- Include an application for inclusion in the Urban Services District with the master plan.





## Metro Planning Commission Meeting of 05/28/09

After these conditions that trigger the use of the ADA are met, additional conditions are provided for balancing economic development and rural preservation. In addition, there are design details of the Regional Center and Corporate Campus special policies that further specify how development is to occur.

The submitted Specific Plan for May Town Center is consistent with the intent of the ADA. However, there remain points relative to the design and standards within the SP that need to be addressed by the applicant with a corrected copy of the preliminary plan. These are discussed below. The applicant has provided a letter indicating the intention to apply for inclusion into the Urban Service District. The application will be required to be made prior to the June 25, 2009 Planning Commission meeting.

### PLAN DETAILS

#### Existing Conditions

The site is bound by Old Hickory Boulevard to the south and west, the Cumberland River to the east and steep wooded hills to the north. There are three distinct areas: floodplains on the eastern portion, steep wooded hills on the northern portion, and rolling hills on the southwest portion. A TVA line cuts across the northern portion of the site. There are wetlands and streams that are proposed to be left undisturbed and in some cases restored.

There are a number of historic features on the site that will be preserved. There is one structure - a farmstead that has been designated Worthy of Conservation, two cemeteries, and three possible prehistoric burial grounds. As required by the ADA, an Archaeological Inventory Report was conducted and additional surveys will be completed on any area proposed for development prior to final site plan approval.

#### Overview

May Town Center is proposed on a site of approximately 1,500 acres in Bells Bend. The plan calls for a compact, mixed-use town center composed of high density residential, commercial, and office uses with a ground level environment of retail and service uses within easy walking distance of office and residential districts of varying intensity. Specific areas around the town center have been designated for corporate campuses and office buildings. A minimum of 900 acres will be left in open space, including undisturbed areas, urban parks and plazas, greenways, and agriculture. Associated with the



## Metro Planning Commission Meeting of 05/28/09

### Development Components

agricultural component is a research park to be owned by Tennessee State University (TSU). The developer has formed a partnership with TSU and has donated 200 acres of farmland and a 50 acre campus site for the research park.

As required by the ADA, primary access to May Town Center will be from a bridge across the Cumberland River from Cockrill Bend to the east. Old Hickory Boulevard will serve as a secondary access to the development. The compact development and preservation of sensitive environmental features of May Town Center are consistent with the ADA policy.

The development area is divided into four major components. These include the Town Center, the Office District, Corporate Campus and Residential Districts. The open space plan include conservation areas, active agriculture, local parks, recreation areas, greenways and the buffer area along Old Hickory Boulevard.

The Town Center is where the most intense development will be located. Office, residential and hotel buildings surround a central urban green that serves as the focal point of the district. Ground floor retail, wide sidewalks and streets designed for multi-modal trips are proposed to create a vibrant pedestrian environment.

The Office District to the north of the Town Center will accommodate a variety of office types.

Corporate Campus Districts are proposed for areas north and south of the Town Center. The northern campuses are partially within some environmentally sensitive portions of the property. Of the 270 acres, at least 150 acres will be dedicated for permanent conservation. Buildable areas will be defined and the remainder of each site will be left in a natural state. While some development may occur on the slopes, the northern boundary of any allowable building site will be the TVA line. An exception to this boundary may be granted if the developer can demonstrate that an alternative location for a campus is a more sustainable option. Staff would need to approve the location of any development north of the TVA line.

The southern corporate campuses lie between Old Hickory Boulevard and the stream marking the southern edge of the Town Center. A 300 foot buffer along Old Hickory



## Metro Planning Commission Meeting of 05/28/09

Boulevard will remain undeveloped. Also proposed south of the Town Center is a research park dedicated to the exploratory studies in the environmental and agricultural sciences. As noted above, this will belong to TSU.

Residential Districts are located to the east and west of the Town Center. Residential options include high and medium density buildings and townhomes. In addition, up to six estate homes may be developed within the Natural Conservation areas. Sidewalks and trails will provide pedestrian connections from each district to the Town Center.

Several civic sites have been included in the plan, as well. These will provide locations for a number of uses including a school, fire station, police station, religious institutions, and a district energy system-related facility. Depending on the use, and subject to Metro approval, sites, or locations within buildings, will be donated or provided for civic uses.

The applicant will provide land for, and pay the construction cost of, a school serving kindergarten through twelfth grade within May Town Center at a location acceptable to the Metro School Board. The same commitment has been made to provide for a fire station. Police facilities will be provided in locations acceptable to the Police Department, such as storefronts, or as ancillary space in commercial buildings.

A future marina location has been identified on the plan. Development for this use will require a subsequent amendment to the SP as limited standards were included.

Several outstanding design-related issues remain with the Town Center and the Residential District to the east of the Town Center (the Park Residential). In some areas of the Town Center, the street network loses its consistency as larger blocks alter the street grid. These larger blocks disrupt the consistent street grid present throughout the rest of the Town Center. Staff will continue to work with the applicant to resolve street layout issues.

The Park Residential area is not currently designed as a neighborhood. Instead it is an isolated residential component of the plan, much like the Corporate Campuses, with two distinct parts adjacent to each other.

Design Related Issues



## Metro Planning Commission Meeting of 05/28/09

- One area allows for residential buildings up to 15 stories in height that are positioned away from the adjacent street along a secondary street.
- One area allows shorter buildings up to four stories in height that would be located along a main street.
- The differences in the allowable building height and positioning across the street from each other with little relationship to each other creates an awkward condition between two dissimilar residential types.

The Park Residential will continue to work with the applicant to redesign this area to promote more consistency in building height and street relationship, while promoting stronger interactions between individual buildings to reinforce a neighborhood design rather than a one-sided extension of the Town Center.

### Open Space

More than 900 acres will be left in open space. The open space includes areas to be conserved in perpetuity through conservation easements (at least 900 acres), areas to be used for agriculture, local parks, urban plazas, greenways, recreational areas and a buffer area along Old Hickory Boulevard. The buffer will separate May Town Center from the remainder of Bells Bend and will be placed in a conservation easement.

The conservation easements for the approximately 900 acres of May Town Center to be permanently preserved are to be irrevocably in place prior to the issuance of the building permit for construction of the bridge. A plan for the timing of the transfer of the easements for tax purposes shall be determined subject to approval by the Metro Planning Commission or designee. The plan for transfer of the easements for tax purposes shall accompany the first final site plan approval after the permit for the bridge has been received.

### Standards

The SP prescribes the design parameters of May Town Center including land uses, street locations, building heights, the relationships among the elements within the development, landscape standards and parking. Consistency with these elements will be reviewed by staff with each SP final site plan. A regulatory code has been developed with specific standards to ensure that the plan for a compact, mixed-use, pedestrian-oriented center is realized. The components of the code include a Regulating Plan, Building Envelope Standards and Urban Space Principles. The uses in May Town Center,



## Metro Planning Commission Meeting of 05/28/09

generally, include those permitted in the MUI district to the same extent provided in the Zoning Code with a few exceptions.

Within the SP plan, building placement relies on a regulating tool called the Regulating Building Line (RBL), which determines front setback of the front façade of each building. Currently, the code does not illustrate the location of the RBL in relation to the right-of-way. The distance between the RBL and the right-of-way line along each street frontage must be specified in order to determine the appropriate building setbacks for development. Staff has proposed the following regulating building lines for the various street types of the code:

- Core, Main, and General (the town center): 0-10'
- Corporate Edge: 5-30'
- Corporate Campus: RBL not applicable
- Dwelling: 5-20'
- Local: 5-30'

If the set backs are included, the reference in the code to the RBL offset lines will no longer be needed. Staff is working with the applicant on this issue.

Building heights range from 3 to 15 stories with the tallest buildings surrounding the central urban green in the Town Center. Some civic or exceptional uses may be allowed a building that is a minimum of one-story. The ADA limits the height of development in the Regional Center policy to no higher than the major ridgelines and landforms directly to the north of the site. The major ridgeline in the ADA is defined at 600 feet in elevation. The Alternate Development Area policy proposes two exceptions to this standard. The first exception to this is for a limited number of designated buildings in the Town Center where it is deemed appropriate for the building form to have increased height to provide focal points and vista terminations. These exceptions are proposed on the SP plan. The second exception is for buildings in the northern Corporate Campus, which may need to exceed the 600 foot elevation due to their unique location and desire to minimize intrusion onto the steep slopes. As a result, buildings in the northern Corporate Campus area are allowed to rise to a maximum of 12 stories in height.

Parking

Parking will generally be accommodated in structures. Limited surface parking may be included in the Office and



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### Sustainability

Residential Districts, or as a temporary condition. Any surface lots will be screened with landscaping. Parking setback lines are proposed along the majority of streets. These lines indicate the street frontages where parking structures need to be lined or screened with landscaping. There are areas where there is no parking setback line within the Town Center. Standards to minimize the impact of exposed parking structures through landscaping and setbacks have been included.

A key component of the ADA is sustainable development. The May Town Center needs to achieve the equivalent of 45 credits for the LEED ND pilot program. Of these 45 points, specific credits related to construction practices, water conservation, transportation and housing choices, and the prevention of light pollution are required. The applicant has proposed a comprehensive program to meet this component of the ADA. In order to monitor compliance, a report prepared by a LEED accredited professional will be prepared every three years from the initial construction phase to substantial build-out at the end of Phase V. The report will describe and substantiate progress made to achieve LEED ND objectives.

### Architectural Standards

The plan also includes architectural standards proposed by the applicant, which are to be enforced by a Town Architect. The Town Architect will be responsible for design review, and ensuring that the development complies with the adopted architectural standards. The standards will apply to all construction within May Town Center. The standards have been reviewed by staff and any changes to the standards will require staff approval.

### Phasing

May Town Center is proposed to be developed in five phases. Phases I to III represent "Scenario 1" of the Traffic Impact Study (TIS) prepared by the applicant. The purpose of the phasing plan is to ensure that complete components of May Town Center are built to provide a walkable, compact community from the initial stages. The Phasing of infrastructure has been designed to complement the proposed development.

Development Program by phase is as follows:

Phase I to III

Office – up to 5 million square feet

Residential – up to 4,000 units

Hotel – not to exceed 300 rooms

Retail – up to 300,000 square feet



## Metro Planning Commission Meeting of 05/28/09

### Access to May Town Center

Phase IV to V

Office – up to 3 million square feet

Residential – up to 4,000 units

Hotel – up 300 rooms

Retail – up to 300,000 square feet

As noted above, the SP Plan proposes a primary access to May Town Center via a bridge from Cockrill Bend. The maximum development approved through this application will be limited to the capacity that the initial bridge, and adjacent streets, can accommodate. The applicant has indicated that one bridge will be sufficient to accommodate the proposed development. The Planning Commission had raised concerns regarding this assertion and an independent review of the applicant's TIS was conducted. This review used an alternate method of determining the traffic that will be generated from the proposed development. The conclusion of the review found that, with implementing certain transportation demand management (TDM) practices, the bridge could support up to 98 percent of the first three phases of the development. TDM practices encourage alternate modes of travel than single-occupancy vehicle travel. These could include ride-share programs and increased opportunities for bicycling, walking and transit use.

### Development Caps

In order to ensure that the traffic generated does not exceed infrastructure capacity, development caps have been proposed. The goal is to maintain a Level of Service (LOS) E or better on the bridge or any roadway leading from the bridge to the interchange with Briley Parkway. A monitoring program every 3 years is proposed to measure LOS, and when service fall below E no new building permits will be issued until the level of service improves.

The proposed monitoring of development will provide an indication of when the single bridge and street system has reached capacity, that is, falls below LOS E as determined in the three year monitoring process, and additional bridges are necessary to permit further development. More than one bridge is advantageous from an access perspective, as concerns remain about a development of this size with limited access. A second or possibly third bridge would increase the accessibility of this development to the more urban portions of Nashville and Davidson County. A key component of the ADA is that Old Hickory Boulevard remain rural in nature. In order for



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### Street Framework

that to occur, Old Hickory Boulevard cannot provide significant access to the May Town Center. This application approves a single bridge only and any additional bridge(s) shall require an amendment by the Metro Council, and revised development standards.

The plan proposes nine types of streets that range from boulevards to alleys. Lighting, landscaping, lane widths, sidewalks, bicycle facilities and street sections vary with each street type. The streets can be categorized into four basic types:

- Boulevards that create entry portals and connect districts
- Local streets that provide secondary connections and access to individual lots
- A main street which serves as the commercial center
- Mews and alleys that provide mid-block connections and service and parking areas.

Larger streets include separate bike lanes, and along narrower streets with slower traffic speeds bicycles are incorporated into vehicle lanes.

The independent review of the TIS found that the internal street system, rather than the bridge, may be a more limiting factor for the capacity of the infrastructure. The review recommended that additional analyses be conducted to identify the internal infrastructure needs as they relate to traffic capacity. The applicant has indicated that the internal street system will be modified to address this concern. Staff is recommending that the revised street-layout be reflected in the Regulatory Plan and all other plans within the SP that includes the street layout of the preliminary SP plan.

### Transit Plan

Transit is proposed to serve May Town Center internally and be connected to the wider transit network provided by the Metro Transit Authority (MTA). The applicant is working with MTA to establish service. A report to be prepared every 3 years will describe and substantiate progress made to achieve the transit objectives in the plan. The reporting will begin from the onset of construction, not including the bridge, until the project is substantially built out, or at least until 2030.

### Preservation

As required by the ADA, the plan provides for significant protection of sensitive environmental features including ridgelines, view sheds, woodlands, floodplains and





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floodways, unstable soils, steep slopes, waterways, and wetlands. More than 900 acres of the 1,500 acres that make up May Town Center are proposed to be permanently preserved using conservation easements.

In addition to preservation within the development, the applicant has proposed two programs for preservation outside May Town Center.

The first program makes available funds, up to \$1,000,000, to property owners within Bells Bend to assist in the cost of applying conservation easements. This supports the policy goal of limiting development north of May Town Center. The funds would be held by a non-profit agency, such as the Land Trust for Tennessee or another agency approved by the Metro Planning Commission, and would become available upon completion of the bridge. Property owners would have three years upon completion of the bridge to indicate interest in applying for the program and an additional three years to complete the easements. At the end of the six year period, any remaining funds will revert for conservation and preservation efforts within May Town Center.

The second program makes available funds, up to \$3,000,000, for the applicant to purchase a conservation buffer along Old Hickory Boulevard. The purpose of this program is to meet the ADA requirement for maintaining the rural nature of Old Hickory Boulevard. These funds would also be held by a non-profit agency, such as the Land Trust for Tennessee or another agency approved by the Metro Planning Commission, and would become available upon completion of the bridge. Property owners would have four years upon completion of the bridge to indicate interest in applying for the program and an additional three years to complete the easements. At the end of the period to indicate interest, staff and the applicant will assess how much of the funds will be needed to complete the easements based on the indicated interest. At that time, the surplus will be given to TSU to be used for the sustainable agricultural program. At the end of the seven year period, the remaining funds will also be directed to this program. These funds can only be used for sustainable agricultural efforts within Bells Bend.

Urban Services District

The ADA requires that the preliminary SP be accompanied by an application for inclusion into the Urban Services



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### Economic Study

District. This letter has been submitted confirming the applicant's commitment to applying for inclusion into the Urban Services District. In order to be fully consistent with the ADA, a letter to the Councilmember requesting inclusion is required prior to the June 25, 2009 Planning Commission meeting.

A key argument made by the applicant for supporting the May Town Center is that it will attract relocating businesses to Davidson County by offering a corporate office environment not currently available in Davidson County. The applicant has argued that, currently, a significant number of businesses moving to Middle Tennessee are relocating to areas in the counties surrounding Davidson County. The applicant has also argued that the May Town Center development will generate revenues that outweigh limited costs to Nashville/Davidson County.

The Planning Commission has raised several questions and concerns surrounding the fiscal impact of May Town Center. To answer these questions, the Commission requested a Fiscal Impact Analysis of the proposal. The fiscal impact analysis will assess the projected costs and revenues of the proposed May Town Center development. The study will also consider the likely impact of the May Town Center development on downtown and on comparable sites in Davidson County and the Middle Tennessee Region, attempting to discern if May Town Center will draw development from these sites or outside the region. Finally, the study will consider whether the type of development proposed for May Town Center is likely to be successful.

To address these issues and better understand the fiscal impact of the May Town Center, a Fiscal Impact Analysis is underway. The results of this study are anticipated to be received June 1, 2009.

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### STORMWATER RECOMMENDATION

Preliminary SP Approved except as noted:

- Provide coordinates of the wet weather conveyances on plans (per TDEC's determination).



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### WATER SERVICES RECOMMENDATION

Preliminary plan approval. The applicant will need to keep the water and sewer capacity current.

### FIRE MARSHAL RECOMMENDATION

#### Conditional Approval

- More than one fire department access road shall be provided when it is determined by the Fire Marshal that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- New commercial developments shall be protected by a fire hydrant(s) that comply with the 2006 edition of NFPA 1 table H.
- To see table H go to (<http://www.nashfire.org/prev/tableH51.htm>)
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads.
- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
- When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with nationally recognized standards.
- Any residential construction over 3600 sq. ft. will require an independent review by the Fire Marshals office and be required to comply with the 2006 edition of NFPA 1 table H.
- (<http://www.nashfire.org/prev/tableH51.htm>)
- All roadways with two way traffic shall comply with public works minimum requirements.
- Before a building permit can be issued Water Plans showing water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations shall be provided.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.



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- All fire department access roads shall be 20 feet minimum width and shall have an unobstructed vertical clearance of 13.6 ft.
- Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
- Fire Hydrants shall be in-service before any combustible material is brought on site.

### NES RECOMMENDATION

#### URBAN CORE:

- 1) The developer's engineer to provide an overall underground electrical layout plan that covers the entire project area to determine the size of conduit duct bank and man-holes.
- 2) Possible need for electrical substation on property needs to be reviewed with Greg Johnston, NES Planning Supervisor (TVA lines appear to cross the subject property).
- 3) Developer to provide an electrical duct layout showing proposed transformers and switch gear locations for NES review and approval. NES will determine the number of conduits during the circuit and transformer location approval.
- 4) Possible dry vault transformers may be required (NES Dry Vault Guidelines see attached).
- 5) NES standard Pad-mounted switch gear (PMH type) - vs. - Vista sidewalk submersible type must be evaluated on available space.
- 6) Street Lighting - All street lighting shall meet Metro Public Works and NES standards (See <http://www.nespower.com/documents/StreetLightManual08.pdf>).
- 7) NES transformer equipment locations must follow the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules.
- 8) NES underground facilities are to be placed within a Public Utility easement.

#### OFFICE DISTRICTS & OTHERS SECTIONS:

- 1) Above ground Pad-mount underground equipment in these areas.
- 2) Requires a 20-ft setback minimum with other underground utility conflicts eliminated during development planning.



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- 3) NES needs any drawings that will cover any road improvements that Metro PW might require to evaluate existing facility relocations.
- 4) NES needs load information and future plans or options to buy other property (over-all master plans)
- 5) Temporary power - 3 phase overhead electrical cost evaluations based on in & out labor plus part of the material cost per NES Energy Services Engineering procedures.
- 6) NES must maintain overhead lines to existing customers along Old Hickory Boulevard.

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### **PUBLIC WORKS RECOMMENDATION**

Comments will be forthcoming. TIS and the independent review are under review.

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### **STAFF RECOMMENDATION**

A staff recommendation for the preliminary SP plan will be provided with the Staff Report for the June 25, 2009, meeting.