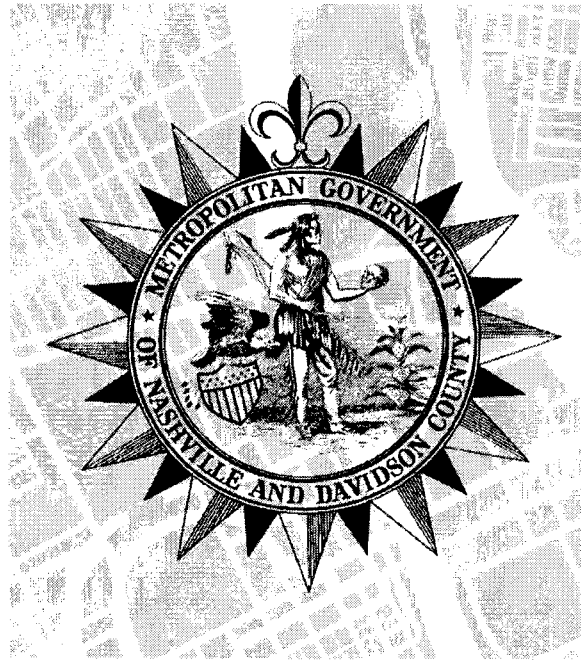


# Metropolitan Planning Commission



## Staff Report Part A

**June 25, 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**



**2007SP-162U-05**  
 Winberry Place  
 Map: 082-03 Parcel: 461, 462, 463, 464  
 East Nashville Community Plan  
 Council District 5 – Pam Murray



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

**Zone Change 2007SP-162U-05**  
**Winberry Place SP**  
5 – Murray  
5 - Porter  
Barge Cauthen & Associates, applicant, for B & V  
Development and Vernon Winfrey, owners

**Deferral**

*Deferred from the June 11, 2009, Planning Commission meeting at the request of the applicant*

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

Bernards  
*Approve with conditions*

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**APPLICANT REQUEST**  
**SP Final Site Plan**

**A request for final site plan approval for the Winberry Place Specific Plan located at 927, 929, 1001 and 1003 Lischey Avenue, on the east side of Lischey Avenue (0.74 acre), zoned SP, to construct up to four single-family residential units, four townhome units, and a one-story commercial building.**

**Existing 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 residential uses in addition to office and/or commercial uses.

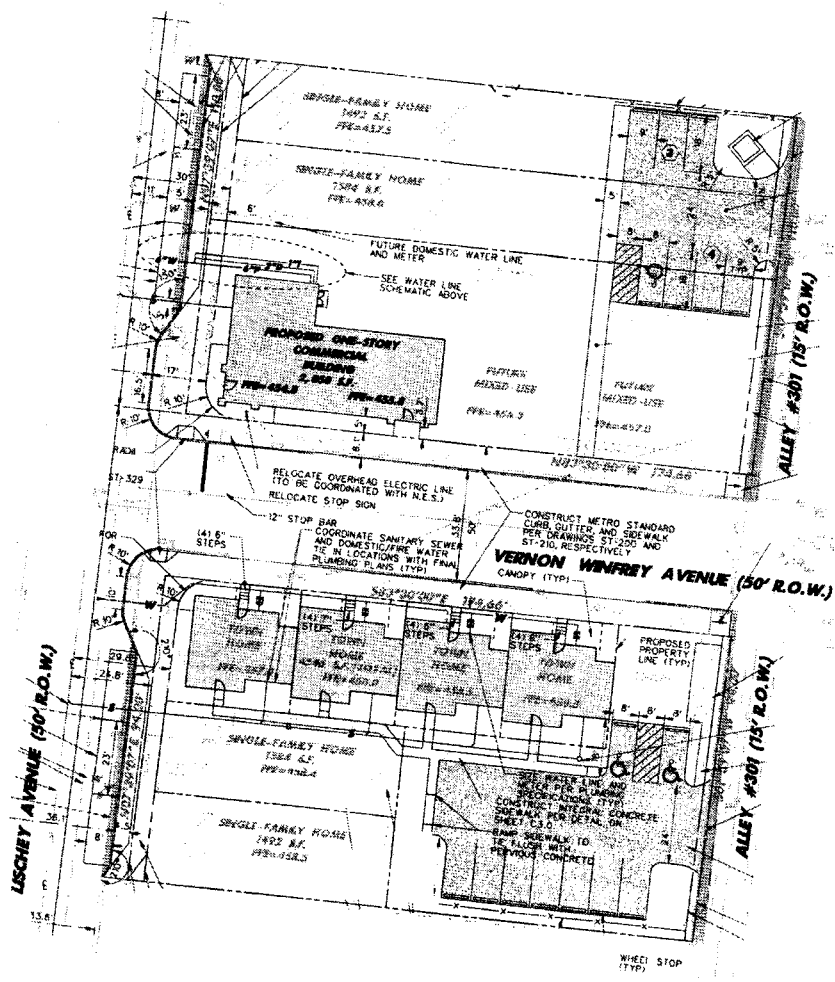
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**PLAN DETAILS**

The SP was approved for a two-story, mixed-use building, a three unit townhouse development and six, single-family residential units. The final site plan includes a one-story, 2,050 square foot commercial building, and up to four single-family residences and four townhome residential units. This final site plan only includes the first phase of the commercial portion of the development. The preliminary plan proposed condominium-type ownership for the residential portion. The proposed final site plan provides for each unit to be placed on its own lot.

While the final plan makes minor modifications to the layout, the changes are still consistent with the overall concept approved by the Council in terms of uses and development type.

The architectural style of the commercial building has been modified to ensure that the one-story building continues to create an urban presence at the corner. This is accomplished through decorative masonry treatments,





## Metro Planning Commission Meeting of 06/25/09

awnings, large windows, and a first floor approximately one and a half stories in height.

The four townhomes have been reconfigured, but continue to address both street frontages, and continue to be proposed at two stories in height. The four single-family residences have maintained the style of the preliminary plan.

### Signs

In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs within this SP will include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs will include three building signs. Building signs are attached directly to, or supported by brackets attached directly to a principal building.

Signs are to be externally lit with steady, stationary, down-directed, and completely shielded light sources or may be internally illuminated or back-lit with a diffused or shielded light source. Sign backgrounds must be opaque, only letters and logos may be illuminated.

The applicant has not presented a sign program for the commercial building and will need to include a program with the corrected copy of the Final SP plan. Two signs will be permitted on the protruding corner bay, one on each side, centered within the masonry lines and aligned. A third, smaller sign, for the second storefront will need to be similar in style as the first two signs and in proportion to the space it will be occupying.

### Access and Parking

Vehicular access remains from the alleys to the rear. Since the properties are located within the Urban Zoning Overlay (UZO), the SP parking standards are consistent with the UZO requirements. The first 2,000 sq. ft. of retail uses are exempt from parking requirements. In addition, the proposed development qualifies for a full 25% reduction based on proximity to transit, pedestrian access, and contextual front setbacks. The project originally required 18 parking spaces with 16 spaces provided on site and two spaces provided on the street. While the overall density of the development has been reduced, 16 parking spaces on-site and six on-street spaces are included in the plan.



## Metro Planning Commission Meeting of 06/25/09

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### STORMWATER RECOMMENDATIONS

1. If Metro Planning Commission will not be platting the easement, a separate Dedication of Easement will be needed for each parcel containing a water quality structure.
2. Register of Deeds fees for the Long Term Maintenance Plan will be \$67.
3. Downstream stormwater system analysis was checked on the Grading Permit Application Checklist. However, the analysis is missing from the design calculations. Please provide analysis showing the existing system can accept the proposed concentrated flow versus the existing overland flow regime.
4. Add NGVD“-29” to the site benchmark note.
5. Minimum construction entrance length is 100 feet.
6. Runoff entering Grates #s 2 and 6 do not received water quality treatment.
7. Detail ADS to RCP connections.
8. Provide perforated pipe beginning invert elevations. Bio-retention areas are to have minimum 3 feet head.
9. Concentrated flow from roofs to bio-retention areas must be less than or equal velocity of 2 fps or provide forebays.
10. Provide level spreaders and stone diaphragm and/or filter grass strip for overland flow into bio-retention areas.
11. Add a note on the plans that all erosion control measures are to be removed prior to as-built approvals.
12. Add a note stating the FEMA Community map, Panel Number and Date for the site location.

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### URBAN FORESTER RECOMMENDATION

Approved.

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### PUBLIC WORKS RECOMMENDATION

- 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. Final design and improvements may vary based on field conditions.
- Show a 25' minimum curb radius at the intersection of Lischey Avenue and Vernon Winfrey Avenue.





## Metro Planning Commission Meeting of 06/25/09

- Show a pedestrian curb ramp for the crossing of Lischey Avenue. Identify / construct reciprocal curb ramp on the east side of Lischey Avenue.
- Remove proposed 4" solid white lines along Lischey Avenue.
- Construct curb and gutter per standard detail ST-200. Include detail.
- Construct alley ramps per detail per ST-325. Include detail.
- Construct Alley #301 along property frontage to the Department of Public Works standards and specifications. Provide full width pavement overlay.

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### STAFF RECOMMENDATION

Staff recommends approval with conditions as the proposed Final SP site plan is consistent with the concept approved by Council.

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### CONDITIONS

1. Signs shall be limited to three building signs as described in the staff report. A sign program, to be approved by staff, shall be included in the corrected copy of the Final SP Plan.
2. The eastern lot lines for the single-family lots north of Vernon Winfrey Avenue shall be moved to the west of the parking lot and sidewalk.
3. The requirements of the Public Works Department shall be addressed on the corrected copy of the Final SP plan.
4. The requirements of the Stormwater Division shall be addressed on the corrected copy of the Final SP plan or prior to the issuance of building permits as described above.
5. The uses for this SP are limited to commercial as defined in the approved preliminary SP plan, up to four single-family residences and up to four townhomes.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations, and requirements of the MUL zoning district for the Residential District at the



## Metro Planning Commission Meeting of 06/25/09

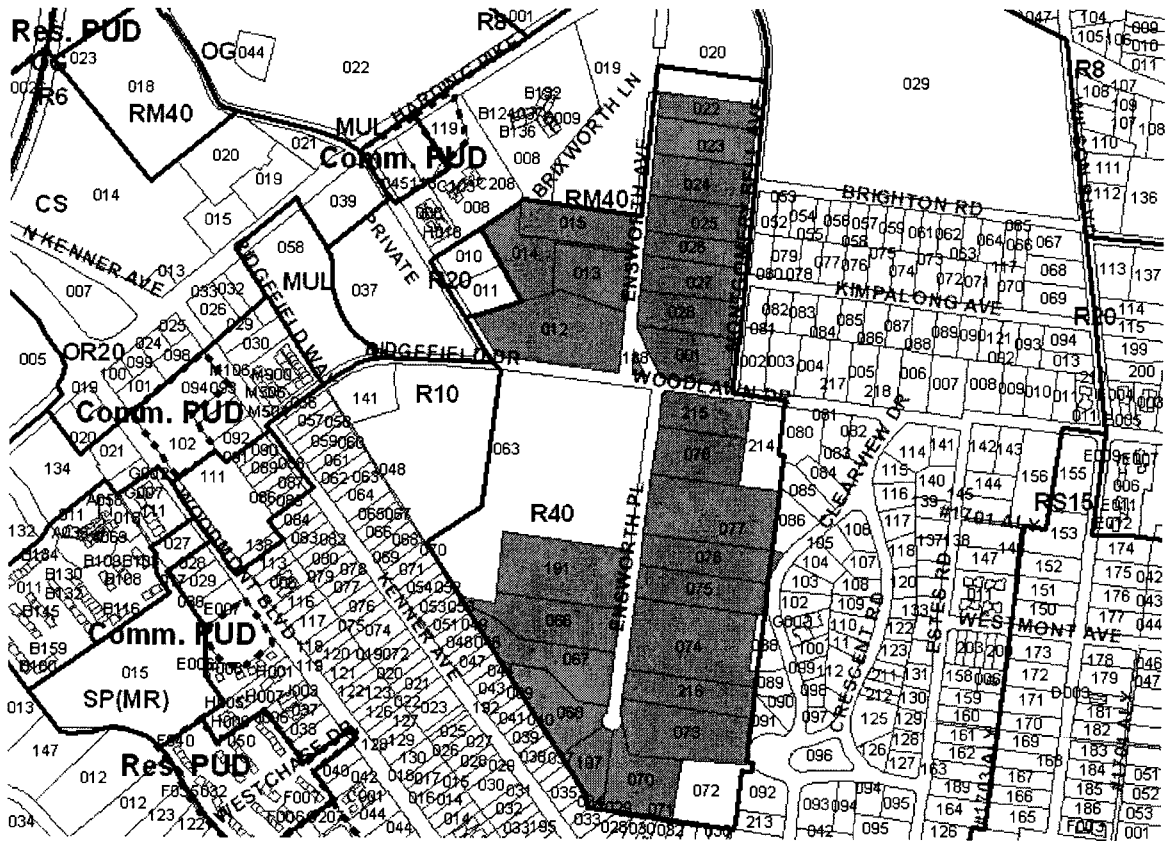
effective date of this ordinance, which must be shown on the plan.

7. Prior to the issuance of any permits, confirmation of approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
8. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
11. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
12. Minor adjustments to the site plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be



## Metro Planning Commission Meeting of 06/25/09

consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.



**2009Z-021PR-001**

Ensworth Place & Ensworth Avenue

Map:103-16 Parcels:012, 013, 014, 015, 022, 023, 024, 025, 026, 027,

Map:116-04 Parcels:001, 066-068, 070, 073, 074, 075, 076, 077, 078, 188, 191, 197,  
215, 216

Green Hills/Midtown Community Plan

Council District 24 – Jason Holleman



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

**Zone Change 2009Z-021PR-001**  
BL2009-430  
24 – Holleman  
8 – Fox  
Councilmember Jason Holleman, applicant for various property owners  
*Deferred from the April 23, 2009, Planning Commission meeting*

**Deferral**

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

Bernards  
*Approve*

**APPLICANT REQUEST**

**A request to rezone various properties from One and Two-Family Residential (R40) to Single-Family Residential (RS40) zoning along Ensworth Place and Ensworth Avenue (48.34 acres).**

**Existing Zoning**  
R40 District

R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

**Proposed 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.

**GREEN HILLS/MIDTOWN COMMUNITY PLAN**

Residential Low (RL)

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

**Consistent with Policy?**

Yes. The request to rezone the properties from R40 to RS40 is consistent with the RL policy. This 48 acre area is an established, low density residential development with predominantly single-family residences.

**ANALYSIS**

This request would rezone 27 properties from R40 to RS40. All but one of these properties is at least 40,000 square feet in size, ranging from 0.94 acres to 3.43 acres. The one property less than 40,000 square feet is currently, under the R40 zoning, a substandard parcel with approximately 2,600 square feet. This property resulted from the re-alignment of Ensworth Place and Ensworth



## Metro Planning Commission Meeting of 06/25/09

Avenue on the north side of Woodlawn Drive. The properties on Ensworth Avenue are within the Woodlawn West Neighborhood Conservation Overlay District. The Historic Commission reviewed this rezoning request and had no objections.

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### **PUBLIC WORKS RECOMMENDATION**

No exception taken.

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### **METRO SCHOOL BOARD REPORT**

#### **Projected Student Generation**

As this request to rezone from R40 to RS40 represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

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### **STAFF RECOMMENDATION**

Staff recommends approval of the zone change request. The RS40 zoning district is consistent with the RL land use policy.

# **TEXT AMENDMENTS**

**NO SKETCH**





**Project No.**  
**Name**  
**Council Bill**  
**Council District**  
**School District**

**Zone Change 2009Z-013TX-001**  
**Community Gardens**  
BL2009-479  
Countywide  
N/A

**Requested by**

Councilmembers Jason Holleman, Megan Barry, Kristine LaLonde, Erik Cole, Emily Evans, Bo Mitchell, Jerry Maynard, Sandra Moore, Carter Todd, and Darren Jernigan

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

T. Adams  
*Approve with comments*

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**APPLICANT REQUEST**

**An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending Chapters 17.04, 17.08, and 17.16 to add community gardening as a permitted use, a use permitted with conditions, or a special exception use in certain zoning districts.**

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**ANALYSIS**  
Proposed Use

The proposed council bill defines commercial community gardens as an individual or group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for commercial sale. Commercial community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

The proposed bill also defines non-commercial community gardening as a group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. Non-commercial community gardening refers to crops for use/consumption by growers only.

Community gardens may serve a recreational function or serve a commercial function, both of which provide food to the immediate community. Also referred to as the practice of urban agriculture, community gardens provide a food source in urban environments, and therefore are typically allowed in more urbanized residential areas.



## Metro Planning Commission Meeting of 06/25/09

### Existing Law & Background

Per the council bill, community gardens may be used for the commercial production and sale of crops or for non-commercial production of crops.

The Zoning Code currently does not have a "Community Garden" land use. Rather, the Zoning Code includes "Agricultural Activity," which means "the raising of animal, fowl, fish and agricultural or horticultural crops, including but not limited soybeans, tobacco, timber, orchard fruits, vegetables, flowers and/or ornamental plants for commercial purposes."

Agricultural Activity is permitted by right in agricultural zone districts (AG and AR2a). It is permitted as an accessory use in RS80, RS40, RS30, RS20 and R80, R40, R30, and R20 residential zone districts, with the condition that the minimum lot size shall be five acres and shall be outside of urban services district. This essentially prohibits "Community Gardens" in many more urbanized areas with smaller lot sizes.

Despite the limitations for the existing "Agricultural Activity" land use, community gardens do exist in Nashville. Under the existing law, some community gardens currently operating may be considered illegal.

### Proposed Text

The proposed council bill addresses the following:

#### *Definition*

The bill proposes two types of Community Gardens – commercial and non-commercial.

#### *Permitted*

Non-commercial community gardens would be a permitted use in all residential, industrial and commercial zone districts.

Commercial community gardens would be a permitted use in the AR2a, R80, RS80, R40 and RS40, as well as commercial and industrial zone districts.

Commercial community gardens would be a permitted-with-conditions use in the R20, RS20, R15 and RS15 zoning districts.

Commercial community gardens would be a special exception use in the RS10, RS7.5, RS5, RS3.75, R10, R8 and R6 zoning districts.



## Metro Planning Commission Meeting of 06/25/09

### Standards

The proposed bill adds standards to the Zoning Code for commercial community gardens including: landscape buffers, lighting, on-site storage of compost, drainage, refuse storage and disposal, parking, and buildings/structures height and coverage.

### Analysis

Community gardens serve as a food source in urban areas, particularly for populations of the elderly and those on fixed incomes where healthy food sources are not readily available. Meanwhile, from a land use standpoint, community gardens are also ideal in that they encourage the interim use of underutilized land.

Community gardens, while beneficial, may also have other impacts on a neighborhood. Therefore, considerations to location, parking and access, signage, and the storage of compost materials should be made. These impacts may be amplified if the community garden is a commercial operation. For this reason, planning staff suggests that the commercial and non-commercial community gardens uses be permitted as a use through a Special Exception, and *not* a Permitted or Permitted with Conditions land use.

As a Special Exceptions land use, the Board of Zoning Appeals will hold a public hearing and decide upon the appropriateness of a community garden. The Special Exception process provides an opportunity for public comment, and establishes a review process to encourage accountability on the part of the owner(s) with regard to management and maintenance of the community garden. As a Special Exception land use, the Planning Commission also provides a recommendation on the community garden land use and its consistency with the General Plan.

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### STAFF RECOMMENDATION

Staff recommends approval of this bill acknowledging the following issues may need to be addressed by the Metro Council prior to the third reading.

### Comments

The following are issues raised by Metro Codes, Metro Stormwater, the Metro Traffic Engineer and Metro Planning staff that need to be considered prior to third reading.

### Drainage

The site shall be designed and maintained to prevent increased water runoff from irrigation and/or other activities and/or fertilizer from draining onto adjacent property and to receiving streams.



## Metro Planning Commission Meeting of 06/25/09

### *Parking*

Where the minimum parking space standard requires additional parking area to be constructed, such area shall comply with the perimeter parking lot landscaping according to Chapter 17.24 of this code. In urban settings, the board of zoning appeals may consider on-street parking to satisfy the minimum parking standard, provided there is a finding of sufficient available public space. Minimum parking requirements shall be established by the Metro traffic engineer (Section 17.20.030F). (Note – regardless of whether the parking is determined per the parking table or by the Metro traffic engineer, the Community Garden land use should be added as a land use to the parking table in the Zoning Code (Section 17.20.030F).)

### *Building/Structure Height and Coverage*

No buildings or structures constructed on the site shall exceed ~~twenty feet (20')~~ sixteen feet (16') in height or ~~five percent (5%)~~ two percent (2%) of the total area of the property.

### *Definitions*

The definition “Commercial Community Gardening”, should clearly state that on-sites sales are not permitted.

The order of the wording of the definitions of community gardens should be changed to say:

“Community Garden (Commercial)” and “Community Garden (Non-Commercial)”

This will allow them to be next to each other in the definition section of the Code.

### *Land Use Table*

Planning staff recommends that all community gardens (commercial and non-commercial) should be permitted only by Special Exception. A Special Exception will allow review of the each garden case by case with regard to management accountability, review of appropriateness of the location, and potentially time limits to review the maintenance and upkeep of gardens, as well as other special exception general provisions.

### *Standards*

If Community Gardens (commercial and non-commercial) are permitted only by Special Exception, then Sections 3 and 4 of the original bill should be combined (which discuss conditions of approval for Permitted with Conditions land uses and Special Exception land uses



## Metro Planning Commission Meeting of 06/25/09

respectively) to then have conditions that address only Special Exception land uses.

### *Landscaping*

Planning staff recommends amending the Zoning Code's existing landscaping standards (Section 17.24) to create appropriate standards for community gardens, potentially including the use of fences. The standards proposed by the council bill may prove too onerous for community gardens especially as it requires irrigation of the landscape buffer.

### *On-site Storage and Use of Compost and Organic Matter*

In addition to the standards proposed in the council bill, Planning staff recommends that a "Community Garden Management Plan" be required, by the Board of Zoning Appeals, as part of the application for a community garden. The Board could then determine if the management plan provided adequate safeguards against the community garden becoming a nuisance.

### *Additional Issues Raised by Planning Staff*

In addition to the conditions proposed in the council bill, the following issues should be considered as the council bill proceeds.

**Signage** - Per Metro Codes, if the council bill does not include a signage standard, then signage would be reviewed per the zoning district where the community garden is proposed. In residential districts, signs not exceeding two square feet in area are allowed only if they are identifying residents' names, mailbox sign, or signs related to trespassing, private parking, and dangerous animals. Being silent on signage may not allow gardens to have identification at all; the councilman should consider adding signage standards. One sign at a maximum of three square feet is appropriate.

**Location** - Planning staff recognizes that the location of individual community gardens could present issues for the neighborhood or community. Staff recommends adding language that gives the Board of Zoning Appeals discretion in an SE case to determine if the proposed location is appropriate. The Board could consider the location of community gardens with regard to the guidance of the Community Plan, the proximity to other community gardens, and the like.

**Management Plan** - Planning staff recognizes that a poorly maintained or managed community gardens could have adverse impacts for the neighborhood. Staff recommends requiring a "Community Garden Management Plan,"



## Metro Planning Commission Meeting of 06/25/09

including the option for periodic review of the maintenance of the community garden, as a condition for approval as a Special Exception to encourage accountability.

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### **STAFF RECOMMENDATION**

Staff recommends approval with the comments included in the staff report.

**SEE NEXT PAGE**

**NO SKETCH**





**Project No.**  
**Name**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**  
**Staff Reviewer**

**Zone Change 2009Z-014TX-001**  
**Lobbying, Public Relations, and Pollsters**  
BL2009-480  
Countywide  
N/A  
Councilmember Jason Holleman  
Regen

**Staff Recommendation**

*No recommendation on bill content. If the Metro Council desires this amendment, then the existing portion of the Metro Code addressing lobbying should be amended, Chapter 2.196 "Lobbyist Registration and Disclosure", to ensure compliance and enforcement*

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**APPLICANT REQUEST**

**A council bill to amend the Metro Zoning Code, Chapter 17.40 to require persons to register as lobbyists whenever they are contracted by an entity to communicate directly or indirectly with the public about a rezoning and are paid \$1,000 or more.**

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**ANALYSIS**

Lobbying Overview  
*Lobbying*

The term "lobbying" often has a negative connotation for most persons. It seems to connote unlawful activity by government officials or public servants behind closed doors. While lobbying is designed to affect what government does, it is not one singular event. Lobbying is a process that serves a legitimate purpose by providing decision-makers with varying viewpoints. At best it creates vigorous public debate, and at worst it undermines.

*Lobbyist*

A lobbyist works on behalf of a client to influence the adoption or content of administrative decisions, rules, regulations, and legislation. A client can be a person or organization who retains, employs, or designates someone else to lobby on his or her behalf. Whether the lobbyist receives compensation from the client is immaterial. Lobbying is the collective action(s) by that person, organization or firm. Hence, any person or organization, (e.g. individual, a homeowner association or a neighborhood association) is a "lobbyist" that seeks to influence a government official, administrator, or legislative body.

*Influence*

Lobbyists influence government, legislators, and the general public by communicating their client's position via oral, written, and electronic means. Lobbyists work to further their client's interest or to inhibit opponents.



## Metro Planning Commission Meeting of 06/25/09

### *Fairness/Transparency*

The ability of lobbying to undermine public debate occurs when allegations are made regarding the fairness and transparency of client communications. Fairness arises as to the content and accuracy of communications.

Transparency concerns relate to “who” or “what” is behind those communications received by phone, e-mail, U.S. mail, T.V., and written and electronic means. To improve fairness and transparency, many local governments require lobbyists to register and file reports disclosing communications with government officials and legislators within a certain reporting period.

### Existing Law

The Zoning Code does not address lobbying activities. The Metropolitan Code of Laws does address lobbying of the Executive Branch (all agencies/departments), the Legislative Branch (i.e. Metro Council), but excludes the Judicial Branch. The regulations are contained in Chapter 2.196, *Lobbyist Registration and Disclosure*.

### Proposed Text

The bill would regulate lobbying activities by persons, firms, pollsters, and public relation companies on proposed or pending applications to rezone property. The bill defines a lobbyist as any person or firm hired to communicate with residents of Davidson County, directly or indirectly, and who receives pay or consideration in excess of \$1,000. The bill applies to lobbying of the general public vs. the existing Metro Code provisions which apply to lobbying the government.

The Zoning Code is probably not the best place for this content. One doesn't tend to think of lobbying as being a zoning specific concern. To ensure proper registration and disclosure, the content of this bill should be within the body of Chapter 2.196, *Lobbyist Registration and Disclosure*. By making one section of the Metro Code pertain to lobbying activity, the likelihood of compliance and enforcement is enhanced.

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### **STAFF RECOMMENDATION**

No recommendation on bill content. If the Metro Council desires this amendment, then the existing portion of the Metro Code addressing lobbying should be amended, Chapter 2.196 "Lobbyist Registration and Disclosure, ", to ease compliance and enforcement.

# **FINAL PLAT SUBDIVISIONS**



**2009S-027-001**  
Poplar Hill Subdivision  
Map: 154-00 Parcel: 282  
Bellevue Community Plan  
Council District 35 – Bo Mitchell



**Project No.** Subdivision 2009S-027-001  
**Project Name** Poplar Hill Subdivision  
**Council District** 35 - Mitchell  
**School District** 9- Coverstone  
**Requested by** Wyatt and Wendy Rampy, owners, Joseph Brown, surveyor

**Staff Reviewer** Bernards

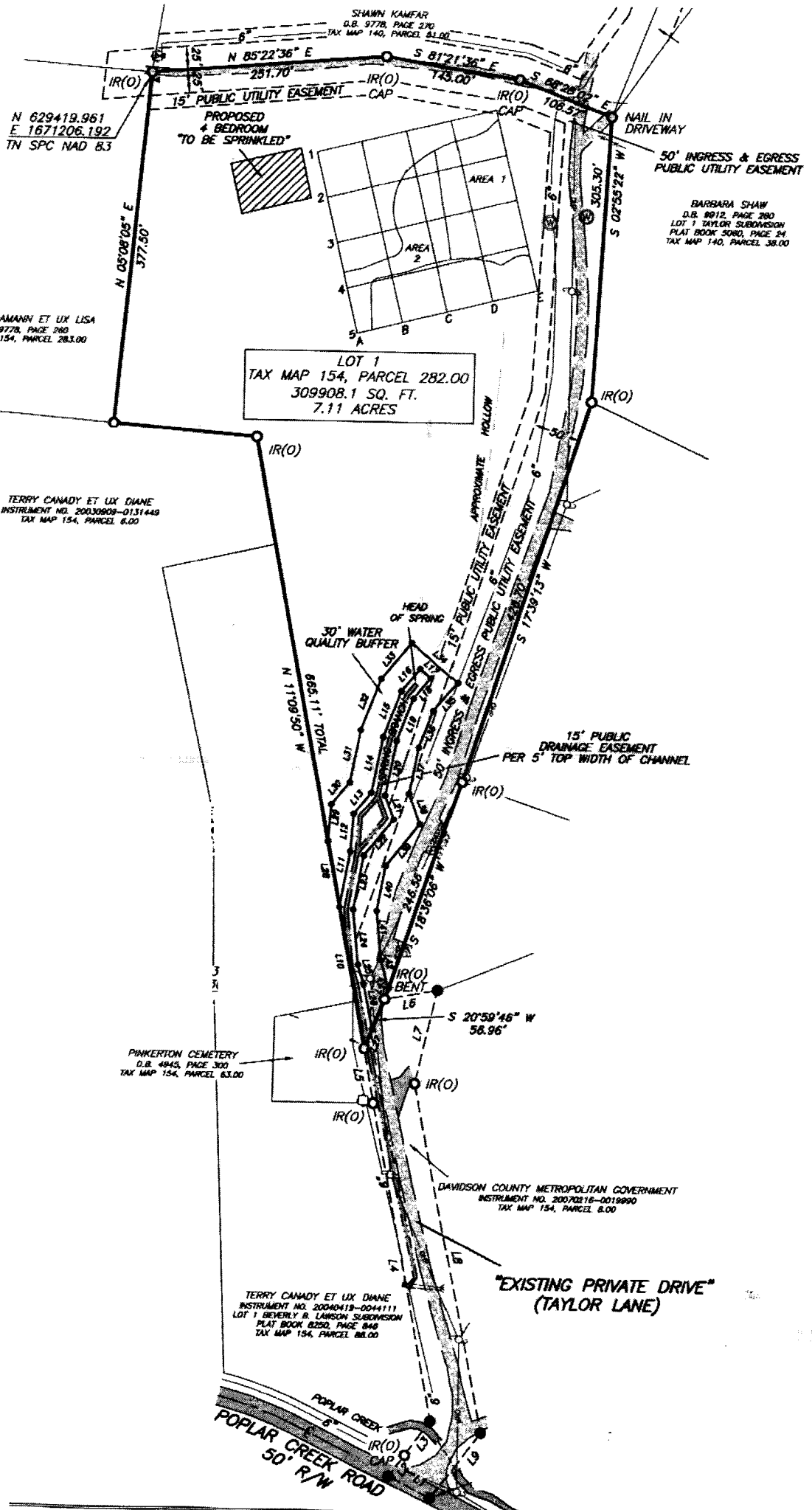
**Staff Recommendation** *Approve with conditions, including a variance to the Subdivision Regulations to allow more than 10 lots to access a private street*

**APPLICANT REQUEST**  
**Final Plat** A request for final plat approval to create one lot for property located at 8706 Poplar Creek Road, approximately 625 feet north of Poplar Creek Road (7.1 acres), zoned Agricultural Residential (AR2a).

**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 or rural land use policies of the general plan.

**PLAN DETAILS** The applicant is requesting final plat approval for a seven acre lot that is within a Natural Conservation Policy and is accessed from a private road. The Subdivision Regulations allow up to 10 lots, five acres or greater, within the Natural Conservation or Rural land use polices, to be accessed from a private street. This will be the 13<sup>th</sup> improved property to take access from this private street and a variance to Section 3-9.3.c.1 will be required.

**Access** The applicant has agreed to construct a private street in the access easement to Metro standards (20 feet of pavement with two four-foot shoulders). The street will extend from Poplar Creek Road to the point where it meets the access driveway for the property. No other driveway access will be permitted to this lot from the easement running along the eastern edge of this property unless that portion of the easement is also brought up to the same Metro street standards. Construction plans have been approved by Public



N 629419.961  
E 1671206.192  
TN SPC NAD 83

JEFFREY AMANN ET UX LISA  
D.B. 9778, PAGE 260  
TAX MAP 154, PARCEL 283.00

LOT 1  
TAX MAP 154, PARCEL 282.00  
309908.1 SQ. FT.  
7.11 ACRES

TERRY CANADY ET UX DIANE  
INSTRUMENT NO. 20030909-0131449  
TAX MAP 154, PARCEL 6.00

BARBARA SHAW  
D.B. 8912, PAGE 280  
LOT 1 TAYLOR SUBDIVISION  
PLAT BOOK 509D, PAGE 24  
TAX MAP 140, PARCEL 38.00

PINKERTON CEMETERY  
D.B. 4945, PAGE 300  
TAX MAP 154, PARCEL 63.00

DAVIDSON COUNTY METROPOLITAN GOVERNMENT  
INSTRUMENT NO. 20070216-0019990  
TAX MAP 154, PARCEL 6.00

TERRY CANADY ET UX DIANE  
INSTRUMENT NO. 20040419-0044111  
LOT 1 BEVERLY B. LAUSON SUBDIVISION  
PLAT BOOK 625D, PAGE 846  
TAX MAP 154, PARCEL 88.00

"EXISTING PRIVATE DRIVE"  
(TAYLOR LANE)

POPLAR CREEK  
POPLAR CREEK ROAD  
50' R/W



## Metro Planning Commission Meeting of 6/25/2009

Works. The road will need to be constructed or bonded prior to the recording of the plat. Upon completion of the road, it will need to be inspected by Public Works, or the applicant will need to obtain a letter from a registered engineer certifying that the road has been constructed to Public Works standards.

Prior to recording the final plat, a joint maintenance agreement will need to be prepared and signed by the applicant and all owners of adjacent property up to the point where the improved roadway will be located. Future lots using this shared access easement will be required to upgrade the road to Public Works standards to the point where the driveway access intersects with private road, and each future lot will be required to sign the joint maintenance agreement with the owner of this property and any others who follow.

### History

This parcel of land is one of 21 parcels created by deed in 1995. The access for these 21 parcels of land is the extension of an existing private ingress-egress easement from Poplar Creek Road. With the addition of these 21 parcels, there are now approximately 28 parcels that would use at least a small portion of this access easement as their sole access from Poplar Creek Road.

Although it is legal to create parcels of land five acres and greater by deed, it does not automatically make them "buildable" lots. If a parcel accesses utilities from a public right-of-way, a subdivision plat is not required. This parcel will obtain water and electric service from common lines that run through the private easement and must be platted.

In March 2003, the Planning Commission approved, with conditions, a final plat for a property adjacent to this parcel. That plat was never recorded. The conditions included:

- that the private road be brought up to public works standards from Poplar Creek Road to the point where it was to intersect with the access drive serving the property
- that a joint-access maintenance agreement be prepared and signed by the applicant and to be recorded when the next parcel on the joint access easement records a subdivision plat. All future applicant for buildable lots using the



# Metro Planning Commission Meeting of 6/25/2009

private road would be required to sign this joint maintenance agreement

- Metro health approval for the septic system was required before the plat could be recorded

Staff is recommending that these conditions also apply to this request with some minor modifications.

## Variance Request

The applicant has requested a variance to Section 3-9.3.c.1 of the Subdivision Regulations. Section 1-11 of the Subdivision Regulations permits the Planning Commission to grant variances if it finds 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.

Due to the location of the property and its proximity to Poplar Creek Road, and the fact that this portion of the private road is not maintained as well as other portions to the north, permitting the variance will improve the safety of this portion of the private road, and benefit all property owners accessing this private road. The impact of converting this parcel to a lot will be minimal, as this lot is close to Poplar Creek Road. Staff is recommending that the Planning Commission grant this variance request.

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### **PUBLIC WORKS**

#### **RECOMMENDATION**

Construction drawings approved

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### **HARPETH VALLEY UTILITY**

#### **DISTRICT RECOMMENDATION**

Approve

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### **STORMWATER**

#### **RECOMMENDATION**

Approved





## Metro Planning Commission Meeting of 6/25/2009

### FIRE MARSHAL RECOMMENDATION

- A sprinkler fire line shall only be installed by a Tennessee licensed sprinkler contractor.
- My review shows that this project will require the building to be sprinklered.
- Approved based on earlier and current comments being met.
- The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft.
- Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
- 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.
- 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.
- 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.
- Any fire flow less than 20 psi will require a meeting with the sprinkler division of the Fire Marshals
- Developer needs to provide more information to the Fire Marshal's Office.
- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
- Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
- All fire department access roads shall be 20 feet minimum width and shall have an unobstructed



## Metro Planning Commission Meeting of 6/25/2009

vertical clearance of 13.6 ft.

- 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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### STAFF RECOMMENDATION

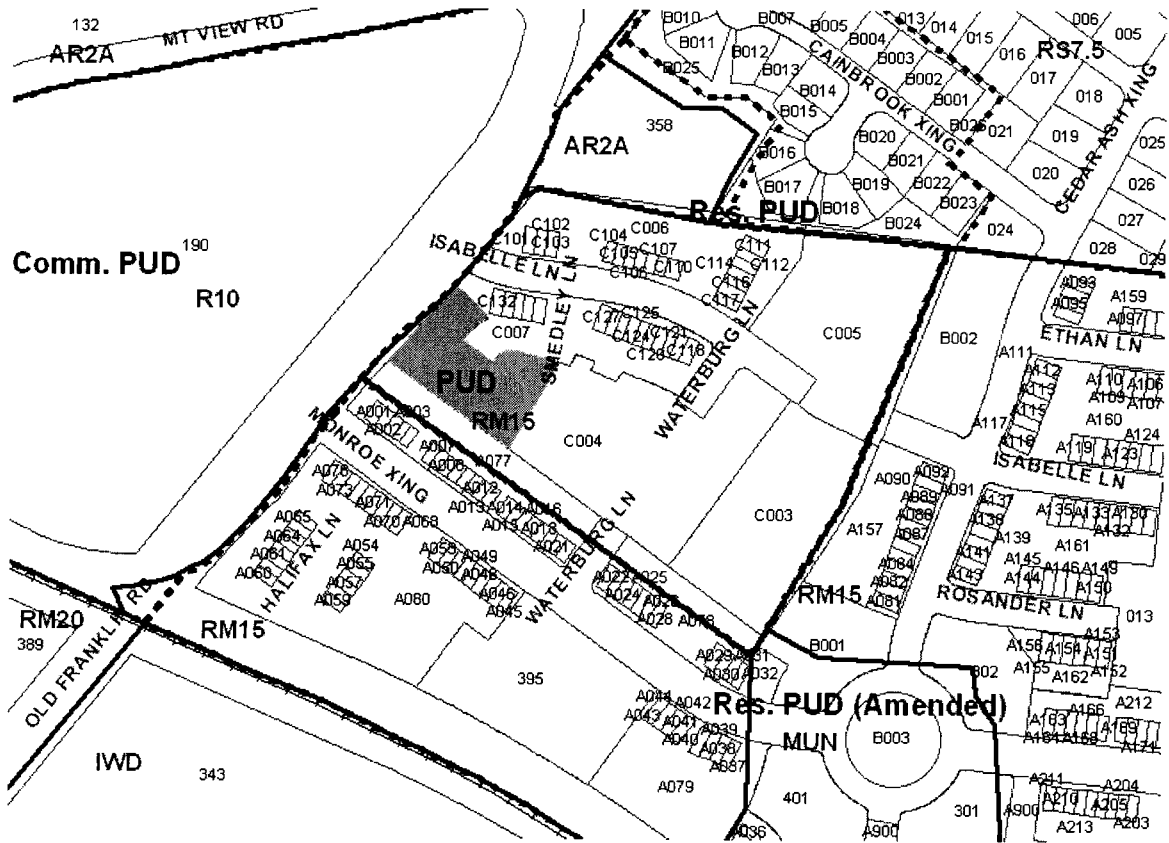
Staff recommends approval with conditions of the final plat, and that a variance be granted to Section 3-9.3.c.1 of the Subdivision Regulations to permit this lot to take access from an improved private road.

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### CONDITIONS

1. The private road shall be brought up to Metro Public Works standards from Poplar Creek Road to the point where it intersects with the access drive serving this lot.
2. A note shall be added to the plat that specifies that no additional access points shall be permitted from the easement that runs along the eastern edge of the property unless the easement is brought up to Public Works standards to the point where it intersects with the additional access.
3. The road shall be constructed or bonded prior to the recording of the plat. Upon completion of the road, the road shall be inspected by Public Works or the applicant shall obtain a letter from a registered engineer certifying that the road has been constructed to Public Works standards.
4. Prior to the recordation of the final plat, a joint maintenance agreement shall be prepared and signed by the applicant and all owners of property where the improved roadway will be located and shall be recorded. All future applicants for buildable lots using the private road shall be required to sign and join into this joint maintenance agreement.
5. Prior to the recordation of the final plat, Metro Health Department approval shall be indicated on the plat for septic systems prior to recording of the plat.

**REVISIONS  
and FINAL SITE PLANS**



**2004P-015-001**  
 Matlock, Ph. II.  
 Map: 163-16-C Parcel: part of 004  
 Antioch/Priest Lake Community Plan  
 Council District 32 – Sam Coleman



<b>Project No.</b>	<b>Planned Unit Development 2004P-015U-001</b>
<b>Project Name</b>	<b>Matlock Residential PUD</b>
<b>Council District</b>	32 - Coleman
<b>School Board District</b>	6 - Johnson
<b>Requested By</b>	Wamble and Associates PLLC, applicant for J2K Builders, LLC
<b>Staff Reviewer</b>	Bernards
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

**APPLICANT REQUEST**  
**Revise Preliminary Plan and PUD Final Site Plan**

**A request to revise the preliminary plan and for final approval for a portion (0.82 acres) of the Matlock Residential Planned Unit Development Overlay located at Waterburg Lane (unnumbered), on the east side of Old Franklin Road, zoned Multi-Family Residential (RM15), to reduce the overall density to 101 townhome units, replacing 104 townhome units and permit the development of 12 townhome units.**

**PLAN DETAILS**

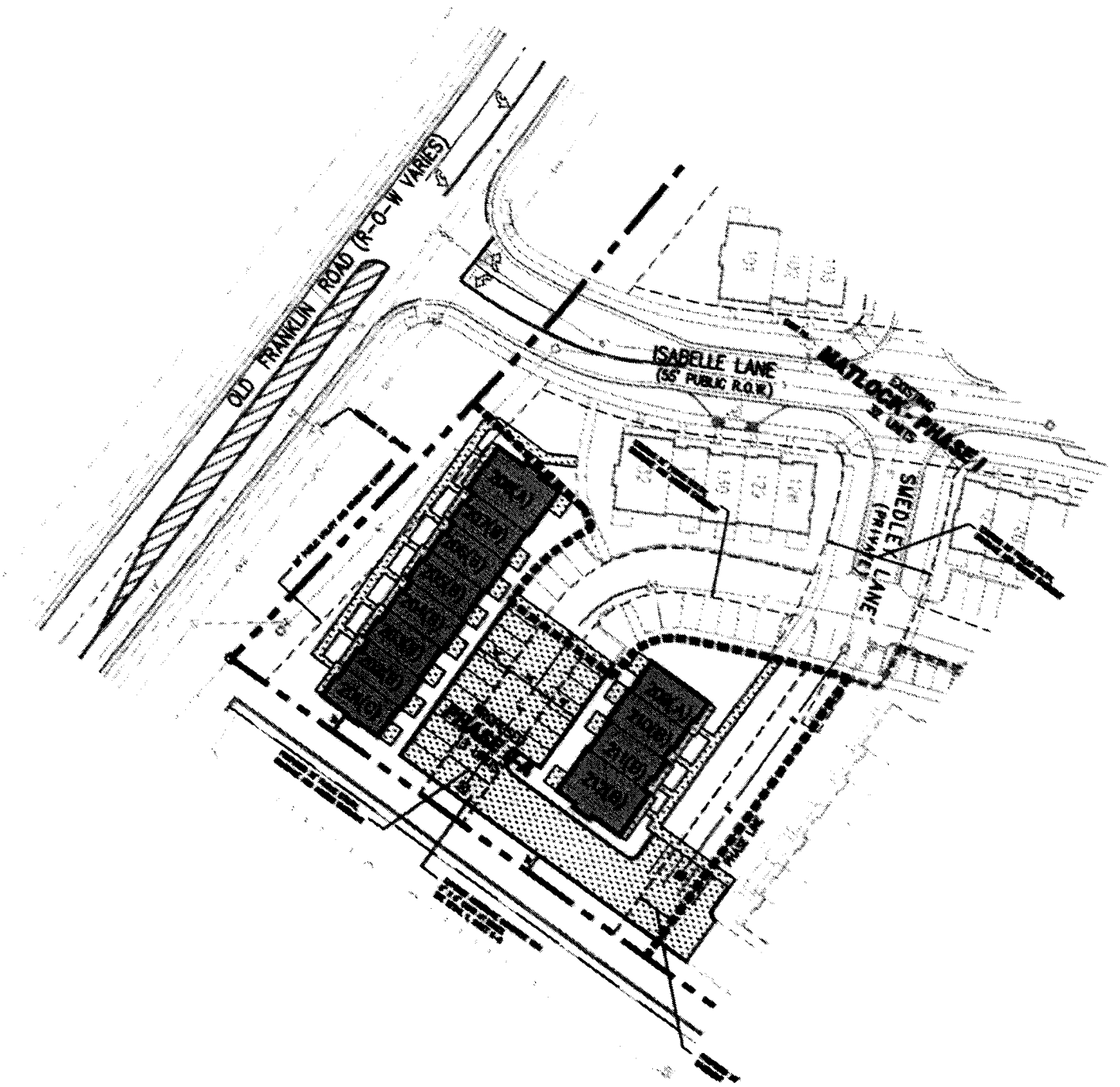
Site Plan

This request is to revise the preliminary plan to reduce the total number of units from 104 townhomes to 101 townhomes and to construct Phase IIA, which will consist of 12 attached units. These units will be accessed via a private drive, Smedley Lane, which will connect to Old Franklin Road via Isabelle Lane.

The preliminary plan has been revised to address access issues raised by the Fire Marshal. One unit was removed from Phase IIA and two units were removed from Phase IIB. The driveways in these two sections were connected in order to provide a sufficient turn-around to accommodate emergency vehicles.

Future Connections

Approval of Phase I in February 2007, included a condition that no final plats were to be approved or recorded for any other phase within this PUD until the entirety of the extension of Isabelle Lane, including the stream crossing, is completed or bonded. With the current request, this condition has been amended to require the stream crossing be included as part of the Phase III Final Site Plan. No permits will be issued for any portion of Phase III until the entirety of the extension of Isabelle Lane to the adjacent property, including the stream crossing, is constructed or bonded.





## Metro Planning Commission Meeting of 6/25/2009

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### **PUBLIC WORKS RECOMMENDATION**

- 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.
- Identify plans for solid waste collection and disposal. Identify dumpster pad locations. Service truck pickup routes to accommodate SU-30 turning movements. Solid waste collection and disposal plan to be approved by the Department of Public Works Solid Waste Division.
- Prior to building permits, restripe Old Franklin Road to provide a continuous center left turn lane as previously conditioned.

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### **STORMWATER RECOMMENDATION**

1. Add note to plans stating that this site is covered under Stormwater Detention Agreement # ...
2. Add note on erosion control sheet stating:  
"Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP – 10 and CP – 13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting."
3. Add note to plans stating that Stormwater Detention and Water Quality measures are treated within SWGR 2006-021.
4. Provide 4 sets for approval.

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### **FIRE MARSHAL RECOMMENDATION**

Approved

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### **WATER SERVICES RECOMMENDATION**

Conditional approval upon the construction and approval of Metro Project No.09-WL-20 ( public sewer line extension) & Metro Project No. 09-WL-17 (public water main extension).

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### **STAFF RECOMMENDATION**

The request is consistent with the concept and layout of the originally approved preliminary plan. Staff



## Metro Planning Commission Meeting of 6/25/2009

recommends that the request be approved with conditions.

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### CONDITIONS

1. Prior to the issuance of any building permits, restripe Old Franklin Road to provide a continuous center left turn lane as previously conditioned
2. The PUD Final Site Plan for Phase III shall include the entirety of the extension of Isabelle Lane to the adjacent property, including the stream crossing. No building permits will be issued for Phase III until the extension of Isabelle Lane, to the property line, is constructed or bonded.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.





## Metro Planning Commission Meeting of 6/25/2009

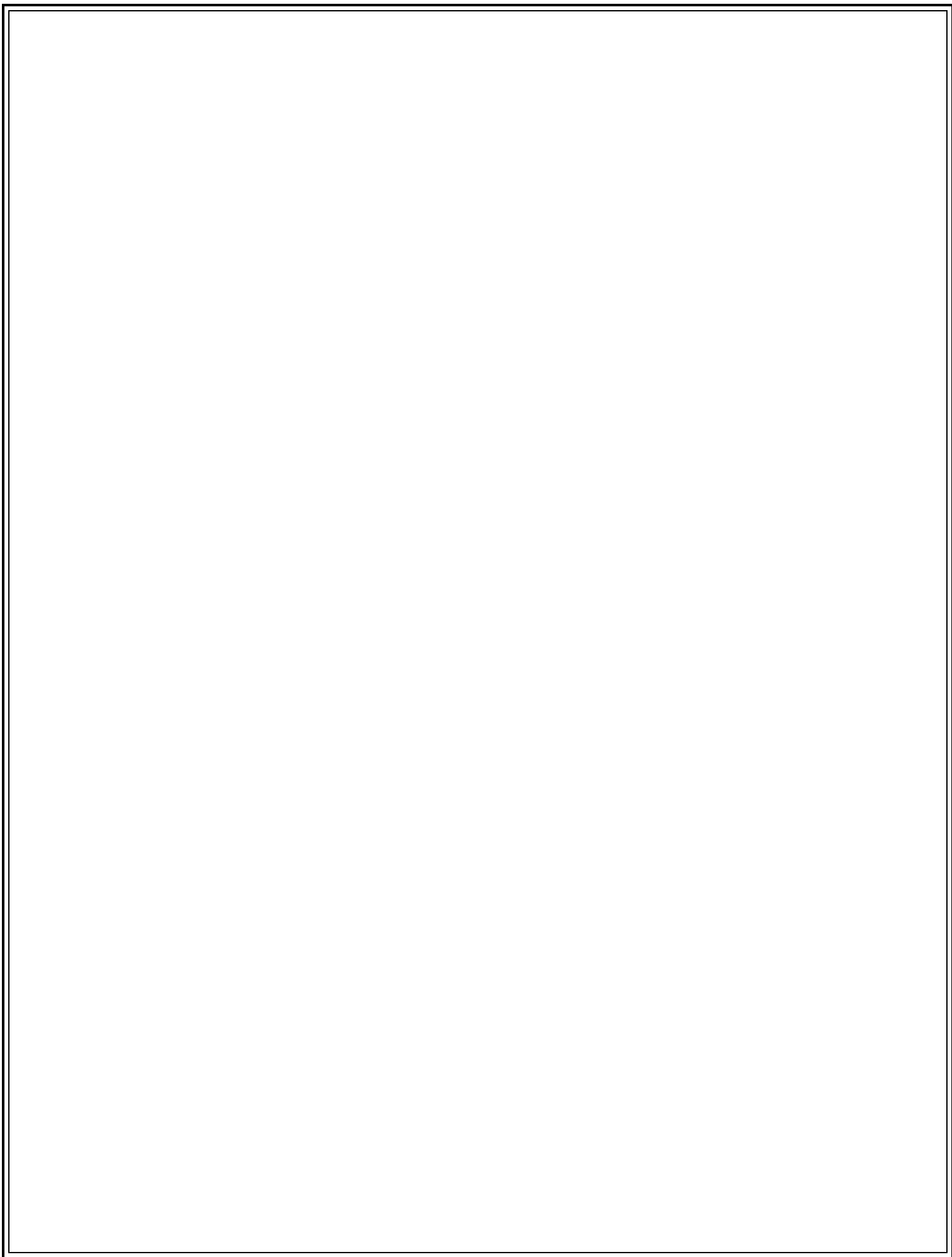
8. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

# Metropolitan Planning Commission



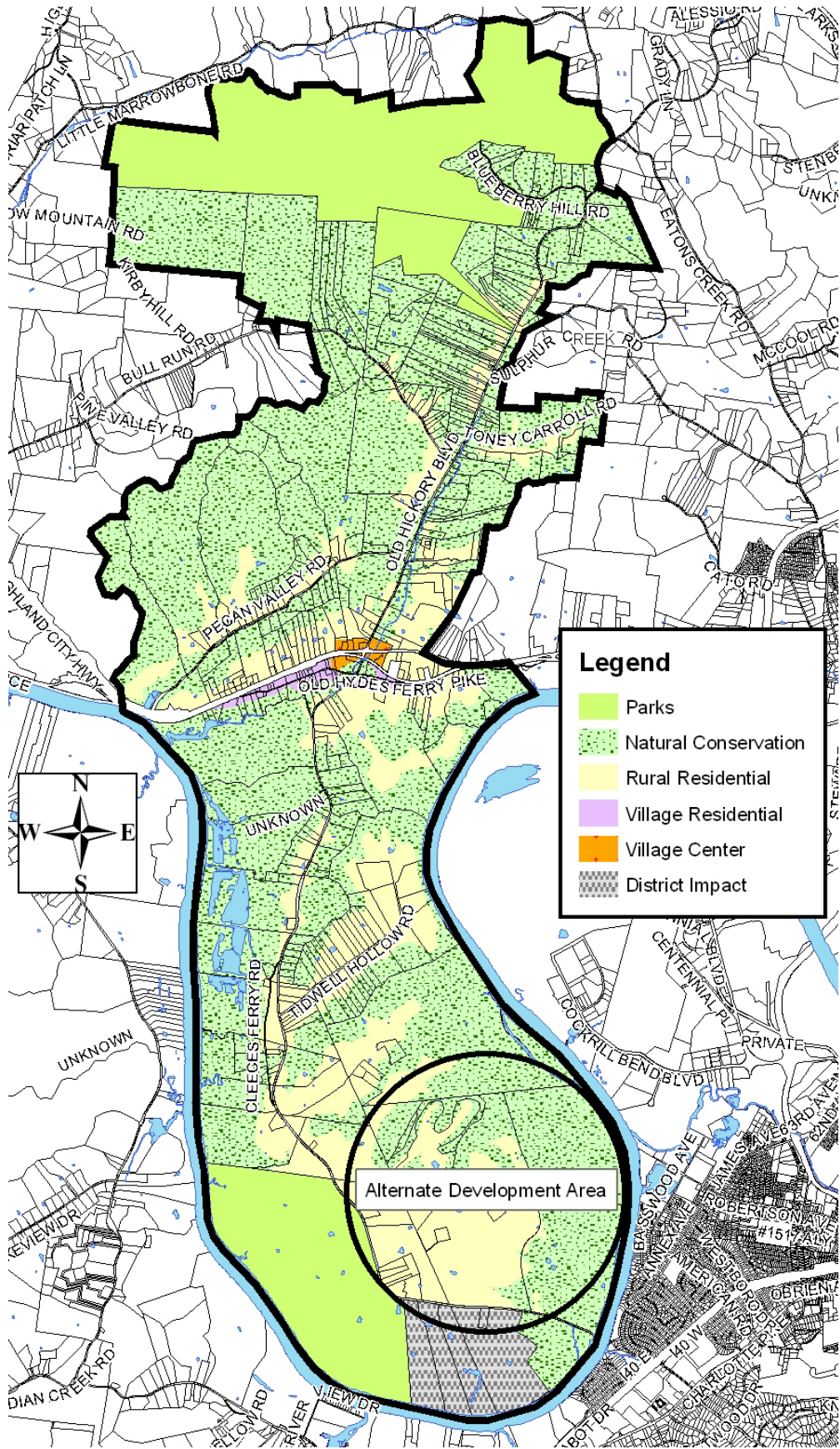
## Staff Reports Part B

**June 25, 2009**



**PREVIOUSLY DEFERRED ITEMS  
AND CONTINUED ITEMS**

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





**Project No.**  
**Request**

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

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

**2008CP-07G-03**  
**Amend the *Scottsboro/Bells Bend Detailed Design Plan* to include an Alternate Development Area Policy**  
 2008SP-022G-03  
 1 – Matthews  
 1 – Gentry  
 Planning Department  
*Deferred from the May 28, 2009, Planning Commission meeting*

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

**APPLICANT REQUEST**

**A request to 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**

**Vision for Scottsboro/Bells Bend**

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).

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



## Metro Planning Commission Meeting of 06/25/09

of stakeholders identify the rural character of the Scottsboro/Bells Bend area as a valuable attribute of Davidson County which should be preserved.

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;



## Metro Planning Commission Meeting of 06/25/09

### - Rural Residential Policy

- 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 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





## Metro Planning Commission Meeting of 06/25/09

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.

### 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.



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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.”

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.

### Conditions that Trigger the Special 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



## Metro Planning Commission Meeting of 06/25/09

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.

### **- 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



## Metro Planning Commission Meeting of 06/25/09

### - Corporate Campus Policy

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.

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

### Changes to the Initial Alternate Development Area Policies

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



## Metro Planning Commission Meeting of 06/25/09

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 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.

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### 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.



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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.

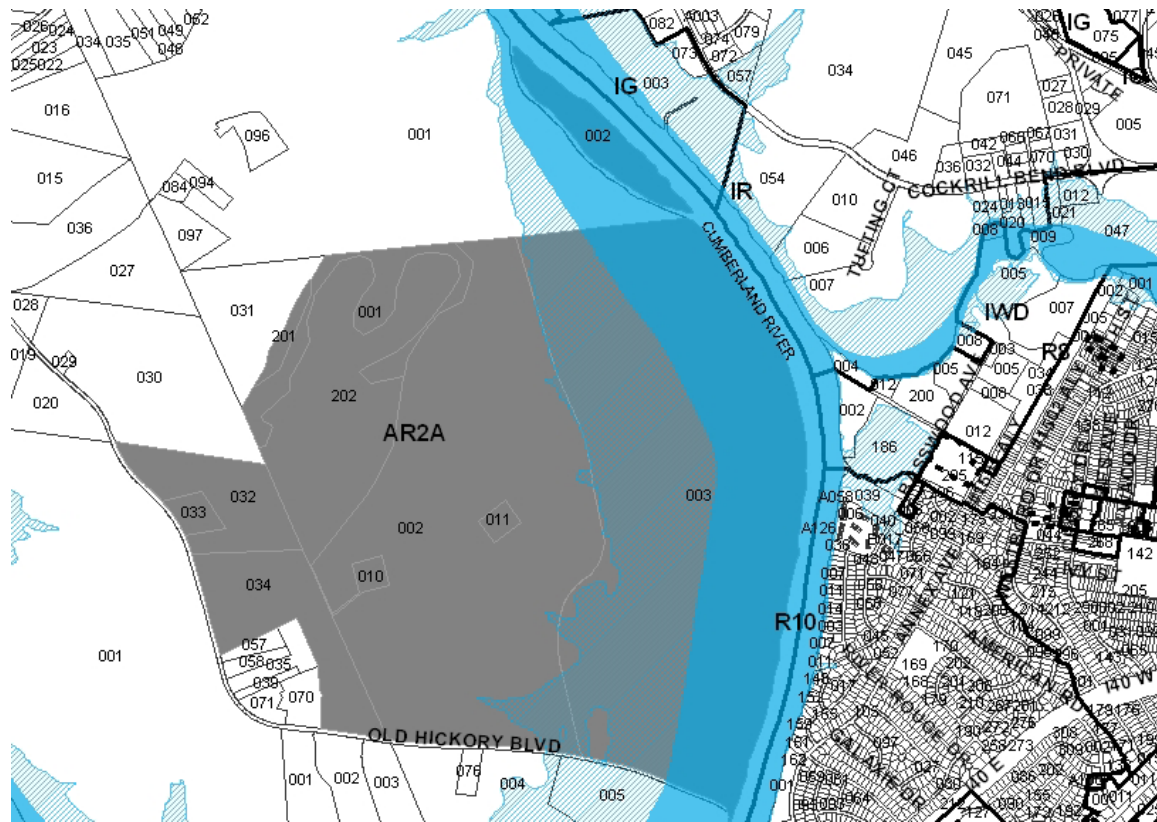
Planning staff recommends adoption of the Alternate Development Area policies. Correctly implemented, the detailed policy guidance can allow a unique economic development opportunity in Nashville/Davidson County, along with new businesses, jobs, and increased revenues. At the same time, the policies 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.

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.



**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 – Lonnell R. Matthews, Jr.



<b>Project No.</b>	<b>Zone Change 2008SP-022G-03</b>
<b>Project Name</b>	<b>May Town Center SP</b>
<b>Associated Case</b>	2008CP-007G-03
<b>Council Bill</b>	BL2009-471
<b>Council Districts</b>	1 - Matthews
<b>School Districts</b>	1 - Gentry
<b>Requested by</b>	Civil Site Design Group, applicant, for H.T.P.C. 2 Partnership and Bells Landing Partners, owners
 <b>Staff Reviewer</b>	 Bernards

**STAFF RECOMMENDATION**

**Approve with conditions as listed at the end of this report if the accompanying Bordeaux-Whites Creek Community Plan amendment, which adopts the Alternate Development Area (ADA) policy, is approved.**

Most of the Bells Bend area is eligible for residential development under current zoning; the SP would allow a more compact mixed-use center surrounded by conservation areas, an existing Metro park, and a proposed agricultural-research farm. Staff has evaluated May Town Center’s substantial economic impact, its aggressive land conservation plan, and its developers’ commitment to constructing public roads and bridges over the life of the project to manage off-site traffic impacts.

**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 a maximum of 8 million square feet of office uses, 600,000 square feet of retail uses, 600 hotel rooms, and 8,000 residential units, and a minimum of 900 acres of open space.**

**Existing Zoning - AR2a District**

Agricultural/Residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation and rural land use policies of the general plan. The AR2a district, using the gross *buildable* acres, would permit approximately 550-600 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.





## Metro Planning Commission Meeting of 06/25/09

### REGIONAL GROWTH AND DEVELOPMENT TRENDS

At its core, the issues surrounding the May Town Center SP zone change revolve around two seemingly disparate public policy goals – providing opportunities for economic development and preserving valued open space and natural features. An appropriate balance between the two is vitally important to the city and the region, as well as to Bells Bend, and that challenge is made even more pressing by the overall regional growth and development trends facing Metro Nashville and Middle Tennessee.

Census Bureau projections predict population increases over the next quarter-century of more than 20 percent in Metro Nashville/Davidson County, and more than 50 percent in the ten-county Middle Tennessee region. This continues a long-standing pattern. In 1965, 56.5% of the region's population lived in Metro Nashville/Davidson County, compared to 39.3% today and a projected 29.9% in 2035.<sup>1</sup>

According to the Census Bureau, Metro Nashville/Davidson County will continue to experience continued growth, with over 750,000 residents projected by 2035. The ten-county region, though, will grow even more quickly over the same period, to a projected 2.6 million. Metro Nashville/Davidson County will have a progressively smaller share of a growing regional population.<sup>2</sup>

That trend is represented in the chart below.

### REGIONAL POPULATION GROWTH

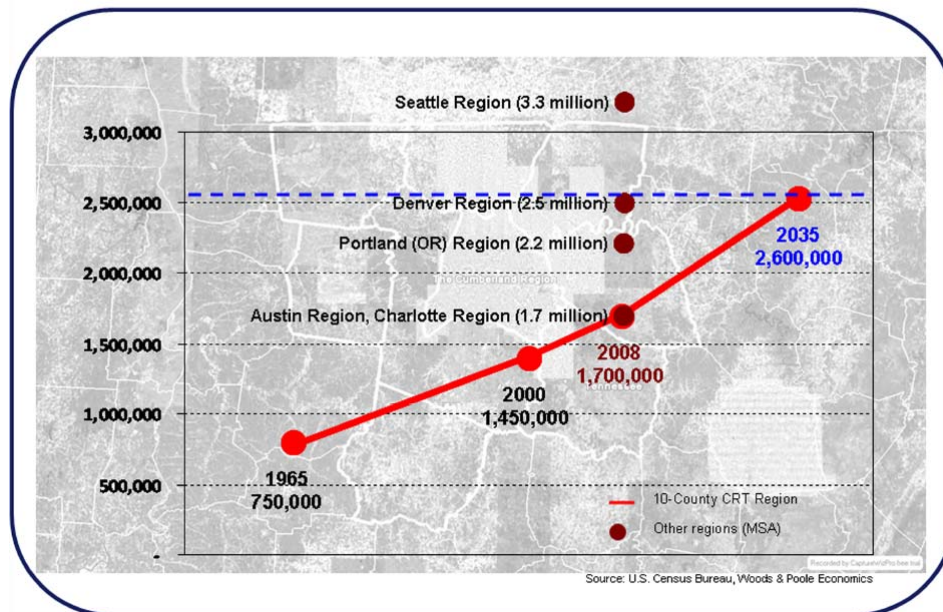


Figure 1: Regional Population Growth

<sup>1</sup> Growth forecasts provided by the Nashville Area MPO. The middle Tennessee region includes Cheatham, Davidson, Dickson, Maury, Montgomery, Robertson, Rutherford, Sumner, Williamson and Wilson Counties.

<sup>2</sup> Ibid.



## Metro Planning Commission Meeting of 06/25/09

Those significant population increases, projected throughout the city and the region, make the pattern of future growth, development and preservation critical, both to providing continued economic opportunity and to preserving the open space and natural features which give Middle Tennessee a competitive advantage over so many other regions.

Compact, walkable, mixed-use development offers the best potential combination of housing, employment, entertainment and services in a rapidly-growing city and region. A more sustainable city, with reduced travel times and carbon footprint, can best meet the daily needs of Middle Tennesseans in a manner that can accommodate future residents, preserve open space, and provide continued potential for economic development.

Building employment centers closer to housing will reduce commuting distance and associated costs, i.e. loss of productive time, cost of infrastructure, excessive fuel consumption, and reduced air quality. Recent research also suggests that locating employment centers nearer one another can create new avenues for economic growth by providing opportunities for new synergies among existing businesses.<sup>3</sup>

The compact, walkable, mixed-use development pattern that can provide economic development opportunities while preserving open space is, unfortunately, relatively rare in Middle Tennessee, and is certainly not representative of the region's growth and change since the mid-1960s. Development patterns since 1965, as reflected in the charts below, have become less centralized, and the 2035 projection represents the projected regional development pattern if the current trend of largely low-density development continues.

### 1965 DEVELOPMENT PATTERN

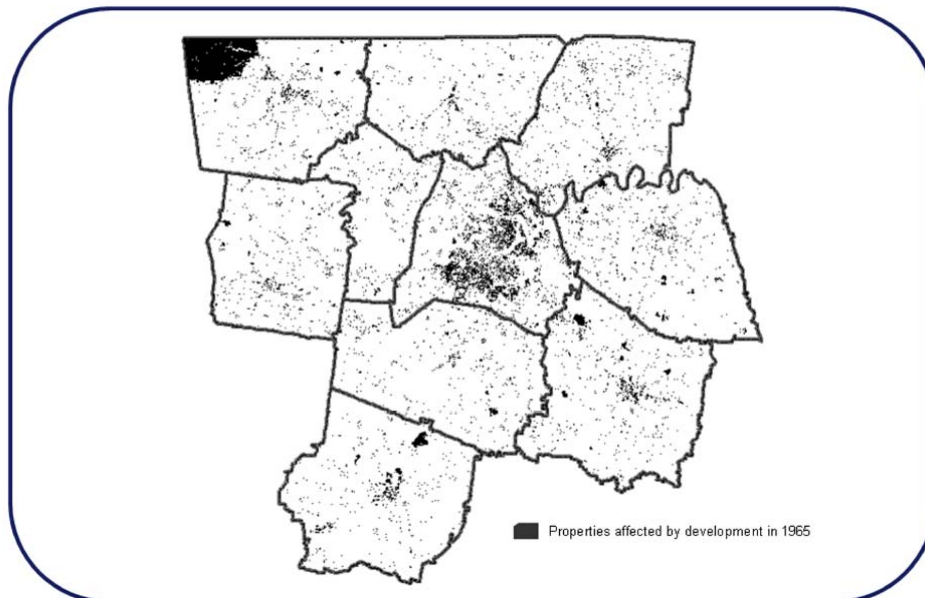


Figure 2: 1965 Development Pattern

<sup>3</sup> Gerald Carlino, Satyajit Chatterjee and Robert Hunt, "Urban Density and the Rate of Invention." Working Paper 06-14 (Federal Reserve Bank of Philadelphia, 2006) as referenced in "Job Sprawl Revisited: The Changing Geography of Metropolitan Employment." Elizabeth Kneebone for Brookings, April 2009.



## TODAY'S DEVELOPMENT PATTERN

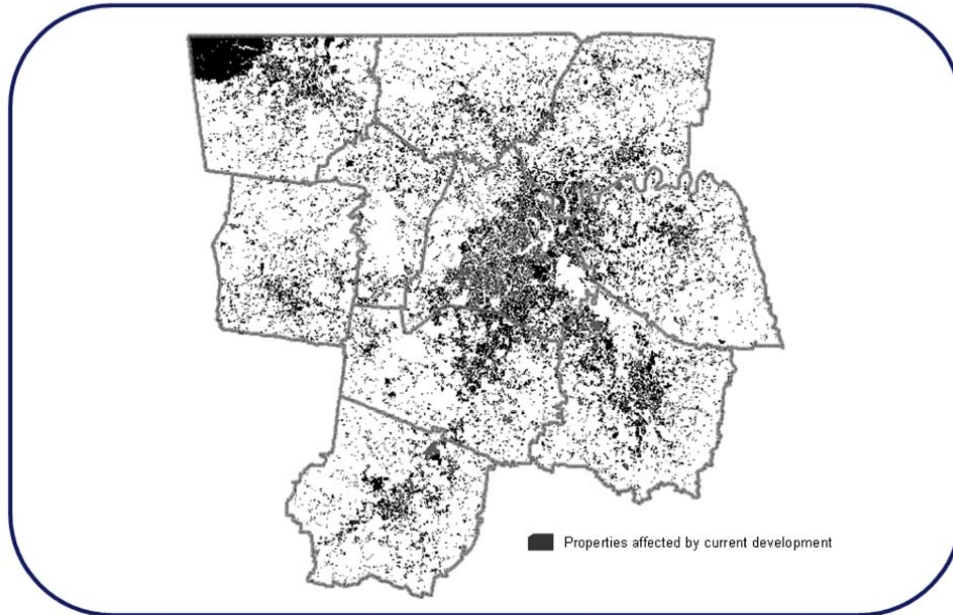


Figure 3: Today's Development Pattern

## 2035 DEVELOPMENT PATTERN?

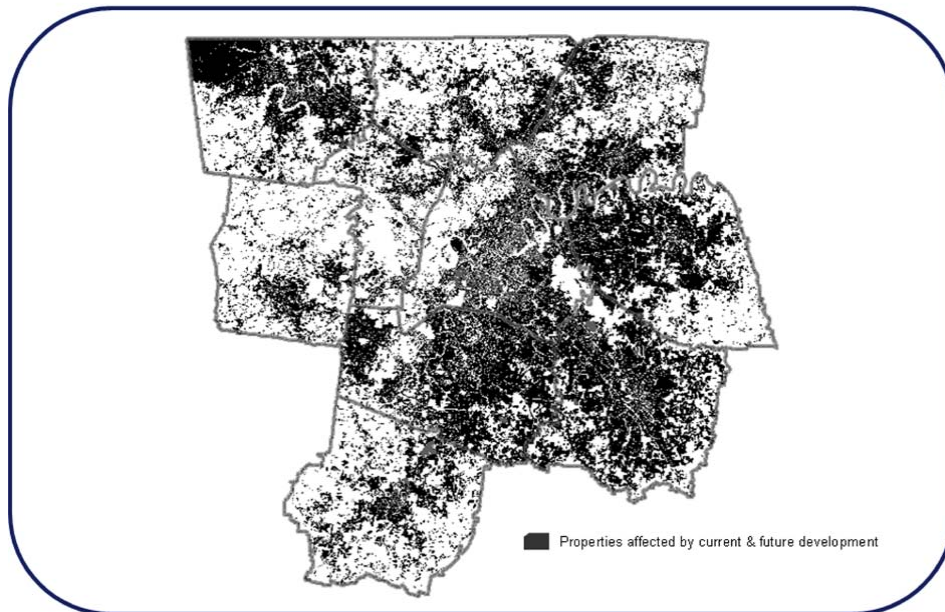


Figure 4: 2035 Development Pattern

Current development patterns must change if open space and natural areas are to be preserved. Nine hundred thousand new residents, rising energy costs, and increasing demand for services and infrastructure make it very unlikely that the existing, decentralized approach can be sustained, much less used as a base for future economic development.



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### **Economic Development: Regional Development, Job Sprawl, Competition, and Downtown**

A study provided to the Planning Commission June 1, 2009 by The University of Tennessee's Center for Business and Economic Research (CBER) included an assessment of the proposed May Town Center's impact on Nashville's existing downtown. That study also considered the possible effects of May Town Center's likely competitors in Davidson County and in the Middle Tennessee region.

#### Suburban Competition

CBER found that May Town Center's primary rival for new business will be the Cool Springs area and similar dispersed suburban areas – not downtown Nashville. While there will be some competition between May Town Center and existing Downtown office developments, CBER's report noted that businesses locating Downtown tend to see their presence Downtown as part of their image and branding, while businesses locating or relocating to suburban markets are more oriented toward building and location designs that meet their business needs and the needs of their employees.

Recent development in the Middle Tennessee region illustrates this trend. The attraction of suburban office parks and corporate campuses for prominent corporations includes the availability of land and space (for office expansion and construction phasing), close proximity to related company divisions, interaction between employees, and freedom in design (corporate branding and amenities). These conditions are difficult to achieve in a built-out urban downtown environment.<sup>4</sup> Janet Miller, Chief Economic Development and Marketing Officer for the Nashville Area Chamber of Commerce, discusses the characteristics companies look for when relocating:

*“... corporations have made the choice more often than not to locate into a corporate campus suburban setting – like a Century City office park – much more often than they opt for a Downtown or West End/Gulch location.”<sup>5</sup>*

CBER states that 13.9 million square feet of office space has been built in the Brentwood/Cool Springs/Franklin area in Williamson County.<sup>6</sup> Patrick Emery, until recently Regional Vice President of Crescent Resources LLC, which owns 277 undeveloped acres in Cool Springs, cited limited space choices, zoning, cost of sites, and the difficulty of finding sites in Nashville's Downtown core as reasons his company chose to develop in Cool Springs.

Other companies have made the same claim. Meridian Healthcare announced its move to Cool Springs in 2007, citing a need for extra space. Verizon Wireless, which moved 550 jobs from Grassmere Office Park, and Nissan, which moved 1,500 jobs from Downtown, noted site location, size, and tax incentives as reasons for relocating from urban Nashville to Cool Springs.<sup>7</sup>

#### The Unique Role of Downtown

While certain companies have indeed moved to suburban areas in outlying counties, Patrick Emery and others in the real estate community suggest that there is still a market for office space in

<sup>4</sup> B. Hampton, Site Selection Magazine Online, January 2002.

<sup>5</sup> Richard Lawson, Nashville Post, August 14, 2008.

<sup>6</sup> CB Richard Ellis, “2009 Nashville Market Outlook Report; Colliers International Real Estate Services Report, First Quarter 2009.” 2009.

<sup>7</sup> The City Paper, August 2007 and September 2007.



## Metro Planning Commission Meeting of 06/25/09

Downtown. While Cool Springs has historically filled its available space more quickly than Downtown, close proximity to customers, walkability, and the growing presence of residential development, along with the previously mentioned branding advantages, still lead some companies to prefer urban-center locations. CBER's report commented that:

*"The synergies gained from Downtown and MTC (May Town Center) will not only potentially expand business, employment and shopping opportunities but could also increase and strengthen the social activity and quality of life in both communities."*<sup>8</sup>

CB Ellis Managing Director Tom Frye suggests that the creation of new Downtown vacancies, no matter what their cause, creates new opportunities to provide office space for other companies which prefer to be located Downtown.<sup>9</sup>

### Job Sprawl

CBER's conclusion that the proposed May Town Center's competition is more likely to come from suburban locations than Downtown resonates with Nashville's recent experience in attracting and retaining corporate headquarters. This reflects a common pattern nationwide – the dispersion of employment centers away from cities' Downtown cores.

An April 2009 Brookings Institute study, *"Job Sprawl Revisited: The Changing Geography of Metropolitan Employment,"* found that employment in nearly all of the nation's largest metro areas decentralized steadily from 1998 to 2006. While the total number of jobs may be increasing, as is the case in the Nashville-Davidson-Franklin-Murfreesboro MSA, the location of those jobs is changing, with the number of jobs diminishing within three miles of Downtown, and increasing in outlying areas.<sup>10</sup>

The Brookings study found that the Nashville-Davidson-Franklin-Murfreesboro MSA experienced the same shift. From 1998 to 2006, the total MSA gained 84,991 jobs, but the number of jobs within three miles of Downtown dropped by 4.6 percent and the number of jobs within three to ten miles of Downtown dropped by 1.6 percent. Meanwhile, the number of jobs between ten and 35 miles of Downtown grew by 6.2 percent.<sup>11</sup>

The Brookings study is intended to draw attention to the phenomenon of "job sprawl" so that policymakers can address its potential impacts, which include:

- The cost to cities, counties and the state of providing infrastructure (roads, sewer, water, open space, schools), and reduced funding to cover those costs through the depletion of the tax base when jobs leave a downtown;
- The cost – both to businesses and governments – of providing transportation or transit options, especially if there is a "jobs-housing imbalance" where housing is not provided in proximity to the jobs, requiring employees to commute further to work;

<sup>8</sup> William F. Fox, LeAnn Luna, Larry Bray, and Devin Shepard. "The Economic Impact of the May Town Center Development on Davidson County, Tennessee." The University of Tennessee Center for Business and Economic Research, June 2009.

<sup>9</sup> Getahn Ward, *The Tennessean*, May 25, 2009.

<sup>10</sup> Elizabeth Kneebone, "Job Sprawl Revisited: The Changing Geography of Metropolitan Employment." Metropolitan Policy Program at Brookings, April 2009.

<sup>11</sup> *Ibid.*



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- The challenge of a “spatial mismatch” between jobs and housing, which could reduce some potential workers’ access to job opportunities. The Brookings study notes: *“When overlaid onto existing patterns of residential segregation, employment decentralization can result in different levels of geographic access to employment opportunities for different demographic groups...high levels of employment decentralization may thus impede efforts to connect historically under-employed workers to job opportunities.”*;
- The environmental impact of job sprawl, specifically in reduced air quality through increased emissions and a greater number of Vehicle Miles Traveled (VMT); and
- Reduced innovation; recent research and theory suggest that *“the decentralization of employment, by lowering density and interaction among proximate firms and workers, may also lower the rate of innovation.”*<sup>12</sup>

The relevance of the Brookings study to the May Town Center proposal lies in the study’s findings on the scale of job sprawl. While the Nashville-Davidson-Franklin-Murfreesboro MSA is, according to the study, the 10<sup>th</sup> most centralized of the “large employment” (500,000 jobs or more) metros, it still has just 24.8 percent of its jobs within three miles of the Central Business District (CBD), 31.9 percent of jobs within three to ten miles of the CBD, and 43.3 percent of jobs more than 10 miles away from the CBD.<sup>13</sup>

While the Nashville area may rank as the 10<sup>th</sup> most centralized, there is still significant job sprawl and significant impact as described above and illustrated in the map below, which shows the 3-, 10-, and 35-mile boundaries surrounding Downtown.

### Regional Competition – Suburban Developments

CBER’s economic impact study on the economic impact of the proposed May Town Center cites several suburban locations in outlying counties, including Cool Springs, McEwen, Berry Farms, Indian Lake, Providence Place, and proposed development in Murfreesboro, as current or future “regional competitors” to the proposed May Town Center.

Several of these are mixed-use developments which are promoted, with varying degrees of accuracy, as “walkable.”

Future projects such as McEwen and Berry Farms will have a diversity of uses, including office, residential and commercial, and are planned to be more compact and walkable than existing competitors – for example, the remaining unfilled areas of Cool Springs and Maryland Farms.

The CBER report asserts that the strongest competition will come from Cool Springs and new developments to the south, including McEwen and Berry Farms.<sup>14</sup> The “Alternative Non-Davidson County Centers” map provides the type and location of each current and proposed development, and lists sites which CBER has identified as potential regional competitors to the proposed May Town Center.

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<sup>12</sup> Ibid. Page 2.




<sup>13</sup> Ibid.

<sup>14</sup> Given the proximity of McEwen to Cool Springs and the scale of the map, McEwen is not listed separately, but is included within the boundary of Cool Springs. Berry Farms, which is further to the south and separated from Cool Springs, is indicated separately.



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## DISTANCE FROM DOWNTOWN

-  Alternative Sites/Areas
-  Approximate May Town Center area proposed for development
-  Distance from Downtown (3, 10, & 35 Miles)

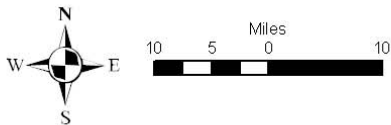
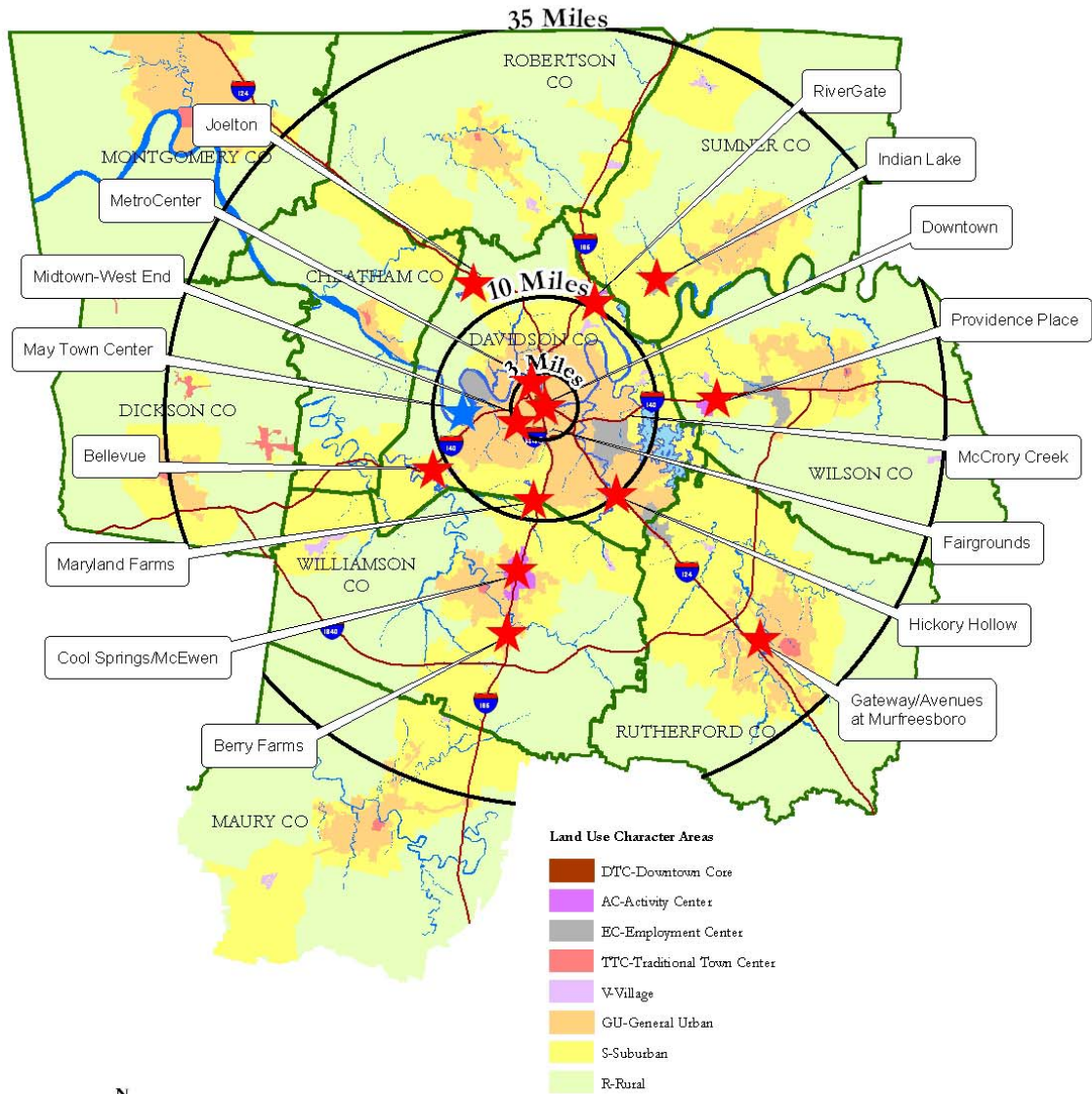


Figure 5: Distance from Downtown



# Metro Planning Commission Meeting of 06/25/09

## ALTERNATIVE NON-DAVIDSON COUNTY CENTERS

- Alternative Sites/Areas
  - Approximate May Town Center area proposed for development
  - 4-Mile Pop Boundary
- 4-Mile Pop = the estimated current population within 4 miles of the applicable center [not adjusted for overlap or institutional population]

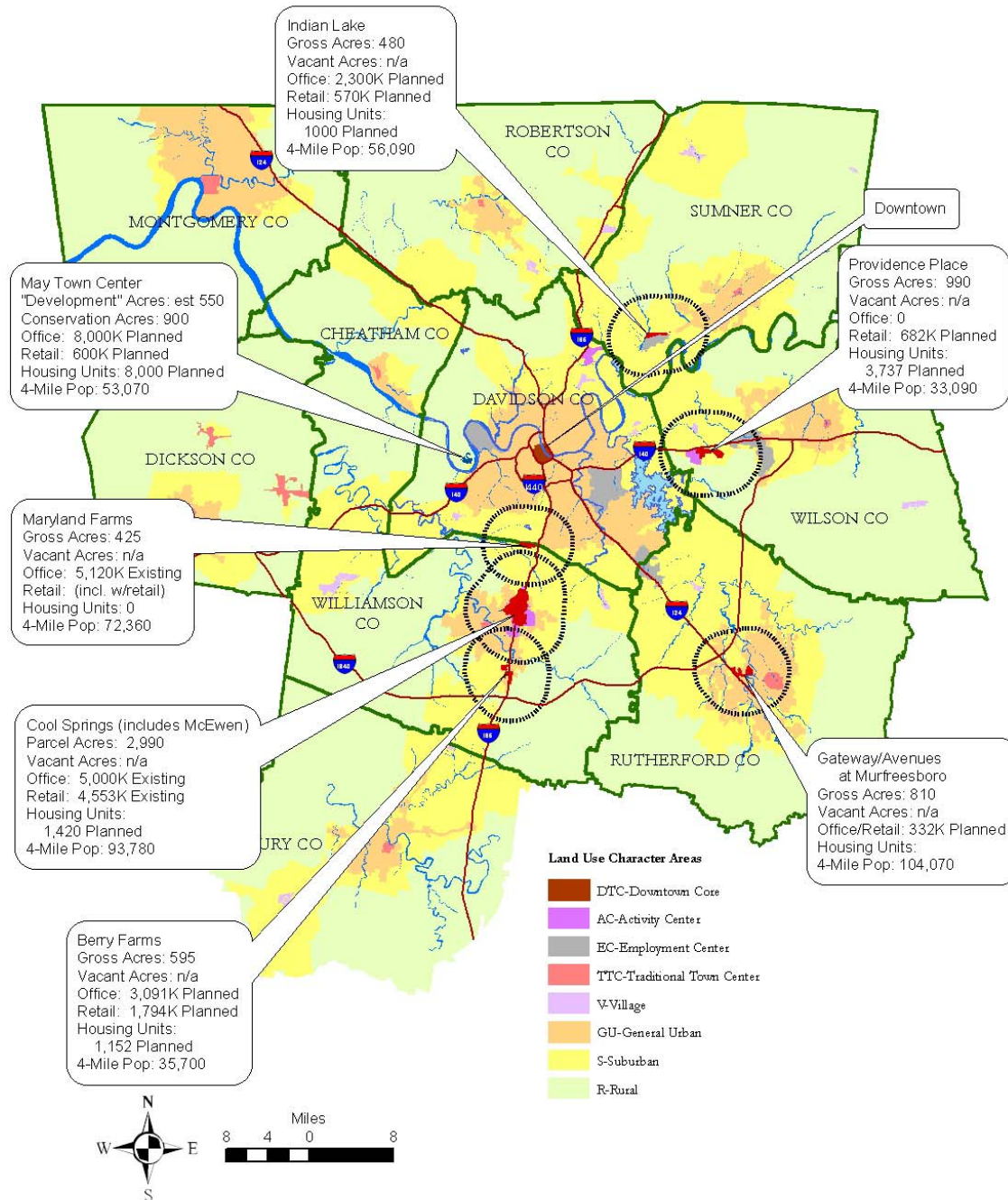


Figure 6: Alternative Non-Davidson County Centers





## **Metro Planning Commission Meeting of 06/25/09**

### Measuring Sprawl

The Brookings study addresses an issue that has been a point of disagreement throughout the debate on the proposed May Town Center – what should be the scale for measuring whether the proposed location constitutes “sprawl”? If the question is approached from a Downtown Nashville perspective, with the scale being the distance from Downtown, May Town Center is clearly on the edge of currently developed land in the northwest corner of Davidson County. If, however, the scale for comparison is the Middle Tennessee region – which is the scale considered for future population growth and the area within which air and water quality impacts will be felt by development throughout the region – the proposed May Town Center site is more accurately considered “inner ring” development.

At a distance of three miles, the proposed May Town Center location is much closer to the regional center than Cool Springs, twenty miles away, or McEwen and Berry Farms, even further. The relative compactness of the proposed May Town Center site in relation to Downtown is even more apparent in comparison to proposed development at McEwen and Berry Farms south of Cool Springs, the proposed Murfreesboro Gateway development over 30 miles from Downtown, and proposed projects in Hendersonville and Gallatin, 25 miles or more from Downtown.

It is revealing that the CBER study included many planned or proposed future developments, such as Berry Farms and McEwen, as competitors to the proposed May Town Center development. Berry Farms and McEwen are both on the south edge of Cool Springs, even further from Downtown. This reinforces what the Brookings study argued – that job sprawl will continue in the future, that new employment centers will form at even greater distance from the region’s core.

The proposed Murfreesboro “Gateway” development and the ongoing development at Indian Lake Village and Providence Place also suggest that the competition will continue to get tougher – that there will be more, not fewer, locations for Nashville/Davidson County to compete with in the future. These developments also suggest that despite discussion and concern about sprawl and its negative impacts, there is no evidence that opposition to sprawl is affecting regional thinking on development or new development patterns. Bottom line – sprawl is already a major development issue in our region, it is happening at several more distant locations, and, from a regional point of view, May Town Center would be a much more compact and centralized development.

### Compact Development and Preserving Regional Open Space

A major challenge posed by more distant employment centers in Middle Tennessee is that job dispersion threatens to devour one of our region’s major competitive advantages - its unique and valued open spaces and natural features. This issue, the balance of natural preservation and economic progress, must be addressed as our city and region continue to grow.

Sprawling development also results in the loss of prime farmland. The U.S. Department of Agriculture reports that the number of working farms in Tennessee fell by a third (127,000 to 84,000) from 1970 to 2008. The American Farmland Trust, which focuses on better farming practices and preservation of productive farmland, estimates that Tennessee is losing 42,000 acres of farmland each year, much of that to development. Good farmland – well-drained, accessible, and relatively flat – tends to make good development land; farming is a difficult business even in good economic times, and a market which places more dollar value on developed land tempts many farm



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owners to sell their property for low-density suburban development.<sup>15</sup> The proposed May Town Center, while intensive, is extremely compact with 8.6 million square feet of office and retail uses on 550 acres, compared to Cool Springs' 9.5 million square feet on nearly 3,000 acres. Berry Farms places 4.9 million square feet of office and retail on 600 acres, more compact than Cool Springs but less than the proposed May Town Center. More compact development potentially increases protection of surrounding open space and natural features, and promotes their use as amenities. It is significant that the proposed May Town Center permanently preserves at least two-thirds of its area, some 900 acres, protecting natural features such as streams, wetlands, floodplains, hills, prime agricultural lands, and woodlands.

### Economic Impacts of May Town Center

The CBER economic impact study assesses the private-sector impact of the proposed May Town Center development by providing estimates of job creation and associated income generated by the center's construction and ongoing operation. It also measures the proposal's public-sector impact by estimating both increased sales and property tax revenues and the additional operational costs which would be borne by Metro government.

The CBER study concludes that the Center's development through Phase III (also referenced as "Scenario 1") would result in a \$16.7 million annual surplus (sales and property tax revenues minus ongoing operations costs to Davidson County) for Davidson County, which would increase to \$26 million at the project's completion. Net new tax revenues are the total of annual sales and property taxes less the annual cost of providing county services, as show in Table 22 of the CBER report.<sup>16</sup>

**TABLE 22**  
**Ongoing Annual Cost of County Services versus Tax Revenues (Thousands, 2009 Dollars)**

	50% Built Out	75% Built Out	100% Built Out
Total Annual Sales and Property Tax Revenues	33,303	46,666	55,845
Annual Cost of County Services	16,607	24,117	29,819
Net New Tax Revenue	16,696	\$22,549	\$26,026

It is worth noting that the study included the capital costs of a proposed school, police station, and fire station among the costs to Metro Government. The zone change application for May Town Center requires, however, that the *development* pay for these civic buildings.

The mixture of uses within the proposed May Town Center development is one major reason for those significant projected surpluses. The CBER report's authors note that the largest operating cost covers ongoing public school operation and maintenance, made necessary by the residential space included in the proposed May Town Center. Meanwhile, non-residential components – office and commercial uses – generate revenues in the form of sales and property taxes, but require fewer services than residential-heavy communities.

<sup>15</sup> Farmland Information Center. "Why Save Farmland."

American Farmland Trust. State Issues and Programs.

Ralph E. Heimlich and William D. Anderson, "Development at the Urban Fringe and Beyond: Impacts on Agriculture and Rural Land." Agricultural Economic Report No. 803. Washington, D.C.: USDA ERS, 2001.

<sup>16</sup> William F. Fox, LeAnn Luna, Larry Bray, and Devin Shepard, "The Economic Impact of the May Town Center Development on Davidson County, Tennessee." The University of Tennessee Center for Business and Economic Research, June 2009.



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## ALTERNATIVE DAVIDSON COUNTY CENTERS

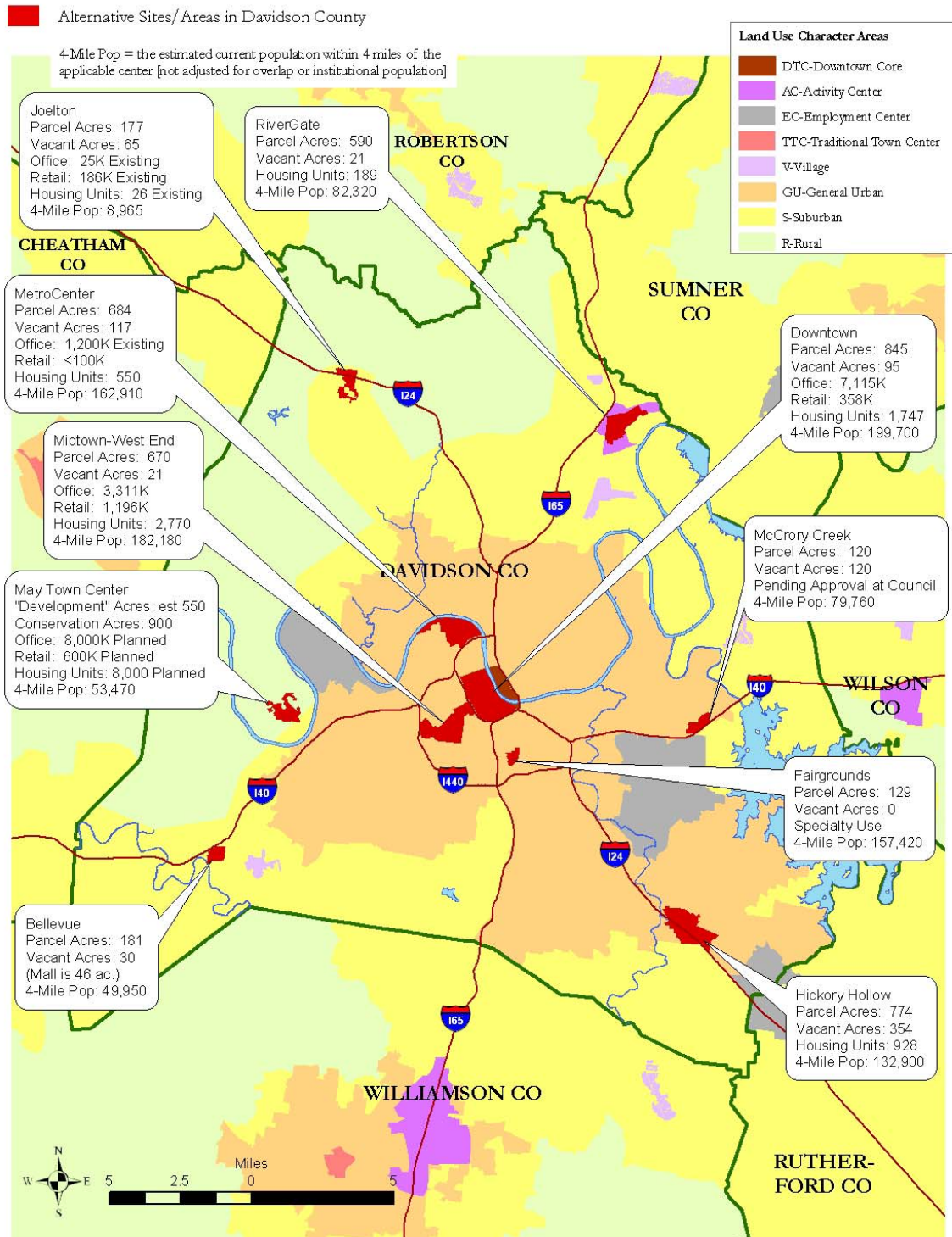


Figure 7: Alternative Davidson County Centers



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### Potential Alternative Sites in Davidson County for the Proposed May Town Center

Several other locations have been mentioned as possible options during the public discussion of the proposed Center, including Downtown, the Bellevue, Hickory Hollow, and RiverGate mall sites, the East Bank, MetroCenter, the Fairgrounds site, the McCrory Creek area near Nashville International Airport, and the Joelton area near Interstate 24.

### Staff Analysis of Alternative Sites

#### Downtown

Some opponents of the proposed Center have argued that May Town Center, or equivalent development, should only be located in Downtown, that the city center is not fully developed, and that any other location would impede Downtown's growth and progress. This argument represents a fundamental misunderstanding of the factors that guide development in Downtown, and of the impact those factors have on the *form* of development in Downtown.

Development in Downtown benefits from the presence of established infrastructure - roads, water, sewer, and utilities. This same infrastructure can, however, be a limiting factor when the objective is to assemble land for a project. Downtown's available land is fragmented by the block and alley structure (a network that needs to be maintained for the area's continued function), and by the presence of utilities which may need to be moved for new development. Ownership of land in Downtown is also fragmented, which can make it difficult to assemble. Add to these issues the presence of brownfields, which adds further challenges to assembling and preparing land for development.

The challenges of assembling land, dealing with multiple current owners, working within established infrastructure, and potentially building in brownfield areas make any larger-footprint project particularly difficult in a downtown setting. Corporate campuses and other projects covering many acres are far easier to develop in greenfield settings, where building uses, rather than the limitations of existing systems and structures, can drive project design.

#### Suburban Mall Sites

Redevelopment of the three conventional suburban mall sites (Bellevue, Hickory Hollow, and RiverGate) offers two major challenges. The sites are too small, the largest, Hickory Hollow, is less than one-third the size of the proposed May Town Center and each of them encompasses a large number of parcels with numerous landowners.

- Proposed May Town Center: 550 acres, 8 parcels, 1 owner
- Hickory Hollow Mall site: 157 acres, 44 parcels, 38 owners
- RiverGate Mall site: 132 acres, 39 parcels, 29 owners
- Bellevue Mall site: 111 acres, 18 parcels, 13 owners

Redevelopment of the malls could result in redevelopment of surrounding properties, but the same issue – assembly of land for a comprehensive, complete development – would only be compounded in this case. The larger issue, however, is that Metro Nashville/Davidson County does not have a history of assembling land and preparing it, with master plans, for redevelopment. Rather, the County has historically awaited proposals by individual property owners based on their assessment of the potential for the land.



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### The East Bank

The East Bank site occupies 376 acres across the Cumberland River from Downtown.

The East Bank site has several strengths: (1) adjacent to Downtown across the Cumberland River, (2) supports the policy goal of building concentrically from the Core, (3) support for redeveloping the site and relocating less desirable land uses with regard to visibility and efficient land use in Downtown, (4) infill site that has available infrastructure (roads, sewer, water), (5) located in a Brownfield Tax Incentive zone which allows for federal funding to assist in clean-up and development costs, (6) excellent access via interstates and rail lines, (7) premiere gateway location, (8) support for a mixed-use project in this location, and (9) located in the USD which generates higher tax revenues.

However, the East Bank also has its challenges: (1) difficulties in assembling property given multiple owners and their interest in remaining on the river, (2) involves brownfield redevelopment which can have more costs associated with it and a longer time frame to resolve potential environmental issues, (3) location may not appeal to the corporate campus subset of the corporate market as its neither rural nor suburban, (4) site is too small for corporate campuses, (5) the Titans stadium and parking occupies a portion of the site, (6) corporate campuses may be an underutilization of land in such an urban setting, and (7) only moderate proximity to executive housing.

### The MetroCenter Area

The MetroCenter occupies 684 acres along the Cumberland River northwest of Downtown.

The MetroCenter Area has several strengths: (1) proximity to Downtown (approximately 2.5 miles), (2) infill site that already has available infrastructure (roads, sewer, water), (3) good access to interstates, (4) the large size of the site, and (5) located in the USD which generates higher tax revenues.

However, the MetroCenter Area does have several challenges: (1) the site is mostly built out (only 117 acres is vacant), (2) difficulties in property assembly due to numerous owners, (3) potential competition with Downtown/Midtown for the corporate mid-rise buildings, (4) may have more costs associated with development since this is an infill site, especially with the potential for brownfields, (5) location may not appeal to the corporate campus subset of the corporate market as its neither rural nor suburban, and (6) not proximate to executive housing.

### The Fairgrounds Site

The Fairgrounds site occupies 129 acres on Wedgewood Avenue, south of Downtown and north of I-440.

The Fairgrounds site on Wedgewood Avenue has several strengths: (1) support for the relocation of the Fairgrounds and its uses, (2) infill site that already has available infrastructure (roads, sewer, water), (3) proximity to Downtown (approximately 2 miles), (4) involves relatively simple property assembly, and (5) located in the USD which generates higher tax revenues.



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However, the Fairgrounds site does pose several challenges for redevelopment: (1) finding another suitable location for the Fairgrounds and its uses in Davidson County, (2) size may not accommodate the corporate campus subset of the corporate market as it is too small, (3) potential competition with Downtown/Midtown for the corporate mid-rise buildings, (4) location may not appeal to corporate campuses as it is not a premier gateway location (it is between Nolensville Pike, the railroad tracks and the inner-ring neighborhoods), (5) not proximate to executive housing, (6) moderate access from Wedgewood at I-65 and Nolensville Pike at I-440, and (7) corporate campuses may be an underutilization of land in such an urban setting.

### The McCrory Creek Area

The McCrory Creek Area occupies 190 acres in Donelson, close to the Nashville International Airport.

The McCrory Creek Area has several strengths: (1) proximity to Downtown (approximately 8 miles), (2) proximity to the Nashville Airport, (3) involves building upon land that is surrounded by existing development, (4) good access via I-40 and with the proposed Harding interchange, (5) involves some greenfield development so there may be lesser costs, and (6) involves relatively simple property assembly.

However, the McCrory Creek Area also presents challenges: (1) recent development approval for another project that is a different product than the May Town Center (the McCrory Creek Business Park development plan was modified because the owners determined that the site is not conducive for corporate campus development because of it being too close to the airport and flight traffic), (2) significant office development in the area that is not entirely leased, (3) its small size may not appeal to the corporate campus subset of the corporate market, (4) its location may not appeal to corporate campuses since it is neither rural nor suburban, (5) since it is in the flight path of a major airport it is not a good location for additional residential development, (6) even though it is surrounded by existing development it remains a greenfield site and will require the extension of infrastructure, (7) not proximate to executive housing, and (8) it is located in the GSD and generates lower tax revenues.

### The Joelton Area

Within the Joelton Area, centered at the I-24 and Whites Creek Pike interchange, is a site occupying 177 acres of mainly office and retail uses.

The Joelton Area has several strengths: (1) convenient access adjacent to the interstate, (2) infill site that already has some available infrastructure (roads, limited sewer and water) and includes some greenfield area, and (3) proximity to Downtown (approximately 9 miles).

However, the Joelton Area does have its challenges: (1) lack of some services in this area, (2) size may not accommodate the corporate campus subset of the corporate market as it is too small, (3) lack of proximity to executive housing, and (4) located in the GSD which generates lower tax revenues.



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### The Use of Eminent Domain

It has been suggested that Metro Government could use eminent domain, the “authority of a government to take, or to authorize the taking of, private property for public use,”<sup>17</sup> to secure land for corporate headquarters.

Metro Nashville/Davidson County, however, has grown more reluctant to use eminent domain for private development. Eminent Domain is defined as the “authority of a government to take, or to authorize the taking of, private property for public use,”<sup>18</sup> with that government obliged to pay fair-market value for the property.

The American Planning Association, in its online guide to eminent domain,<sup>19</sup> describes the conditions under which eminent domain is used typically by governments which have been authorized to take private property for “public use.” Courts have defined “public use” as publicly owned, used by the public or having public benefit or advantage; that includes acquiring land to build or expand a highway or airport, or revitalize a depressed neighborhood. Most recently, eminent domain has also been used as a tool to implement comprehensive plans.

Eminent domain, though carrying a negative connotation, has been used to further the vision of a community by adherence to a comprehensive plan. Use of eminent domain has been most successful, and most accepted politically, where obvious and legitimate blight exist within a community, and there are revitalization plans that are supported by a comprehensive plan. In Nashville/Davidson County eminent domain is rarely used, and when it is used, it is most commonly used in areas designated as Redevelopment Districts by the Metropolitan Development and Housing Agency (MDHA).

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### COMMUNITY PLAN POLICY ANALYSIS FOR MAY TOWN CENTER

As mentioned previously, the proposed May Town Center has regional impacts that directly or indirectly affect three community planning areas at the policy and infrastructure levels: Bordeaux-Whites Creek, West Nashville, and Bellevue. Refer to the Figure 8 below.

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<sup>17</sup> Michael Davidson and Faye Dolnick. A Planners Dictionary, American Planning Association, August 2004.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.



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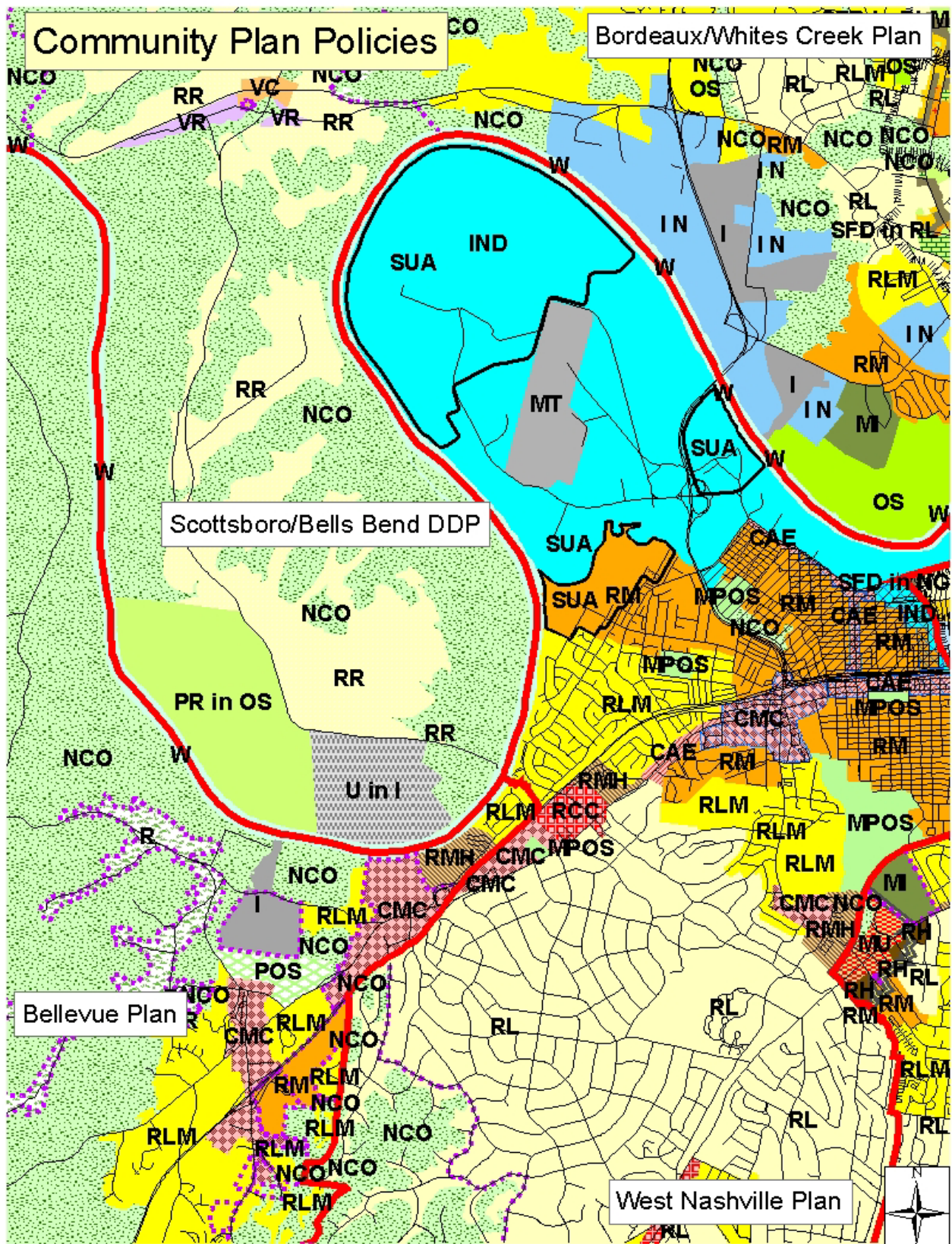


Figure 8: Community Plan Policies





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- **Bordeaux-Whites Creek Community Plan.** The proposed May Town Center is located entirely within the Bordeaux-Whites Creek Community Plan, and is part of the Scottsboro/Bells Bend Detailed Design Plan area. The Bordeaux-Whites Creek Community Plan is most directly affected by the proposed development in terms of location, scale and community character.

The associated plan amendment, if approved, supports an Alternate Development Area (ADA) with a compact town center, corporate campuses, and conserved lands so long as rural character is preserved in the remainder of the Scottsboro/Bells Bend Community. The May Town Center Specific Plan and its recommended conditions of approval are consistent with the proposed Alternate Development Area amendment policies of the Scottsboro/Bells Bend Detailed Design Plan. (The details of the recommended ADA policy are provided in the accompanying staff report for the plan amendment request.)

*While the developer states that only one bridge will be needed, Planning staff has identified the need for a limited access bridge – for pedestrians, bicyclists, and transit – based on the recent independent review of the applicant’s Traffic Impact Study by RPM Transportation Consultants (RPM). This bridge is required and most likely will be located near the old Cleeces Ferry site. However, the details regarding a limited access bridge have not been finalized, and will require further discussion with Scottsboro/Bells Bend and Bordeaux-Whites Creek stakeholders.*

During the planning process for the Scottsboro/Bells Bend Detailed Design Plan in 2007/2008, some stakeholders wanted to remove the bridge crossing the Cumberland River from the Metropolitan Planning Organization (MPOs) Long Range Transportation Plan (LRTP). This bridge project has been on the books since at least 1991, and its illustrative configuration goes through Bells Bend Park, which was created after the bridge was included in the LRTP. The bridge discussion grew increasingly complex when the developers of the proposed May Town Center began discussing possible bridge locations to accommodate their project. Planning staff discussed the issue of removing the bridge project from the LRTP with Public Works, and the decision was made to leave the bridge project in the LRTP as there will likely be a future need for it, even if the proposed May Town Center is not approved.

After further study, an additional full-access bridge may be needed in the area representative of the bridge included in the LRTP. If this third bridge is needed in the future, the presence of Bells Bend Park, the intent of conserving the rural character of Old Hickory Boulevard in Bells Bend, and the presence of environmentally sensitive natural features placed in Natural Conservation special policy need to be factored into its design in order to minimize any potential negative impacts. Refer to the figures 9 and 10 showing LRTP and Major Street Plan (MSP) projects.



### MPO Long Range Transportation Plan Projects (LRTP)

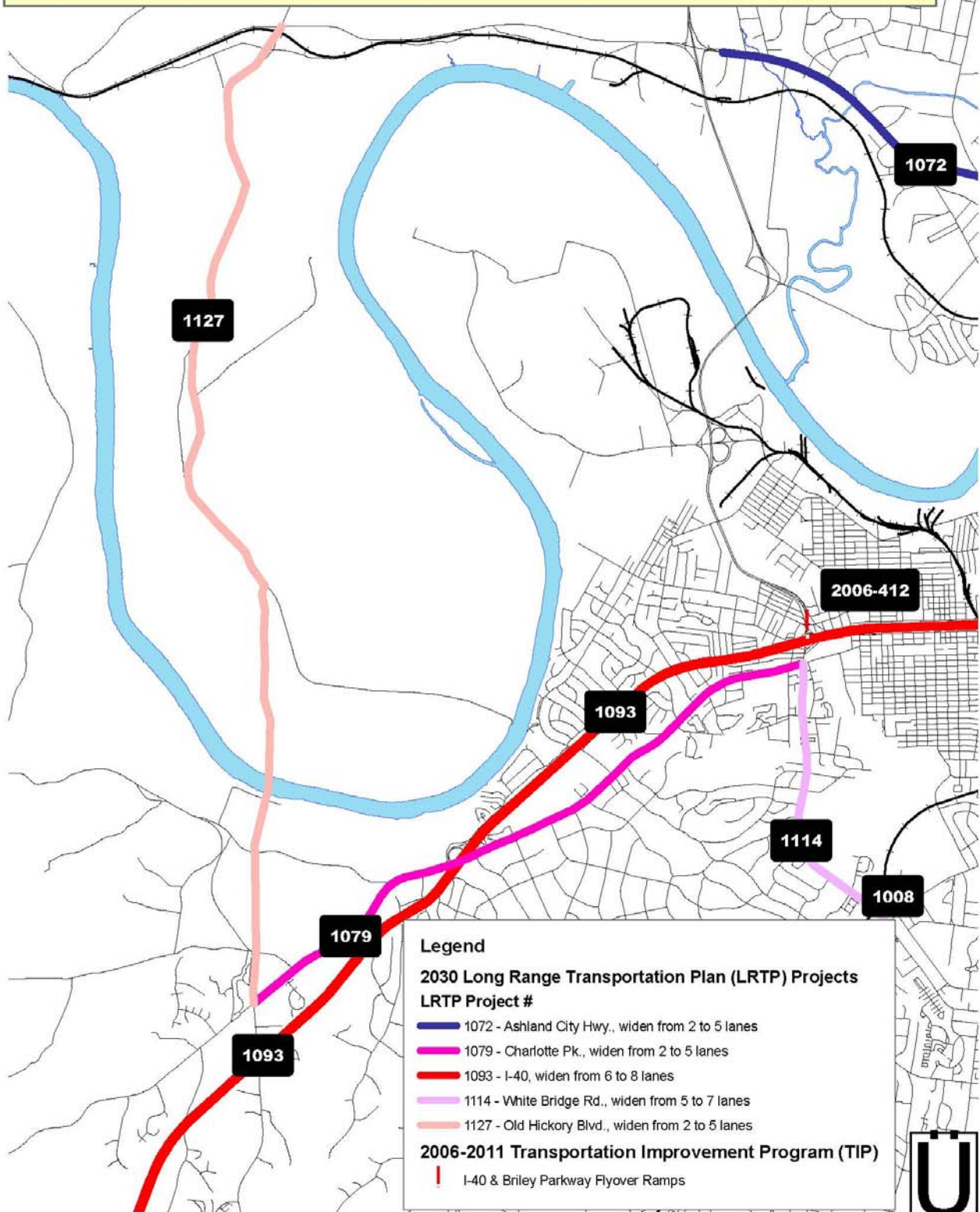


Figure 9: LRTP Projects



# Metro Planning Commission Meeting of 06/25/09

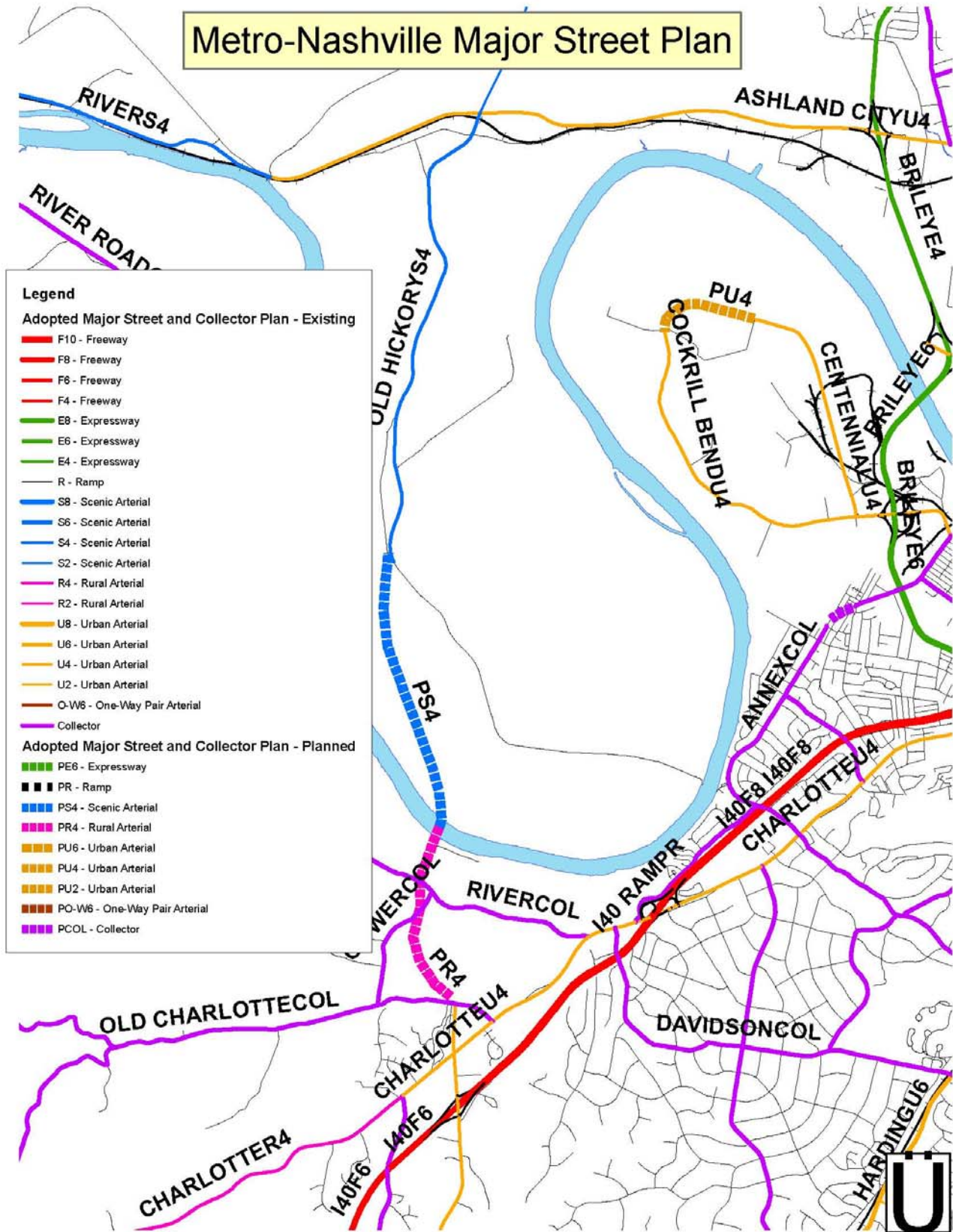


Figure 10: Major Street Plan



## Metro Planning Commission Meeting of 06/25/09

- **West Nashville Community Plan.** Across the Cumberland River, to the east and south of the proposed May Town Center site is the West Nashville Community Plan area. Secondary effects of the proposed development will be felt in the Cockrill Bend area of West Nashville and on some of West Nashville's major transportation facilities.

Since the fall of 2008, Planning staff has been working with stakeholders to update the West Nashville Community Plan, utilizing the Community Character Manual policies. The plan update is in draft form and was originally placed on the May 28, 2009, Planning Commission agenda. However, when the May Town Center zone change request moved forward, the plan update was moved to the August 27, 2008 Commission Agenda, due to timing concerns and the complexity of the May Town Center rezoning request.

The proposed May Town Center will receive primary access from Cockrill Bend, in the northern section of the West Nashville area, where a multi-modal, full access bridge (the first bridge) is required. To provide realistic transit, pedestrian and bicycle access, a limited access bridge (the second bridge) is also required. The limited access bridge will most likely span the Cumberland River and land in West Nashville along the old Cleeces Ferry site, which is publicly-owned land and is placed in Conservation policy. West Nashville stakeholders want to see this site preserved for its historic value and for it to remain as part of the open space and greenway network, which is not inconsistent with building a bridge for pedestrians, bicyclists and transit that would also provide greater access to the isolated Bells Bend Park. Conservation policy is along the floodplain of the Cumberland River, and needs to be taken into account with any bridge construction so as to protect environmentally sensitive features in West Nashville. However, the details regarding a limited access bridge have not been finalized, and will require future discussion with West Nashville stakeholders.

The draft plan update has placed District Impact and District Industrial policies in much of Cockrill Bend due to its current isolation and unique combination of prison facilities, industrial uses, the John C. Tune Airport, the marina, and the quarry. If the ADA policy and the May Town Center rezoning are approved, the community character policy along Centennial Boulevard, where the first bridge will connect into, may need to change to a mixed use corridor policy and further discussion with West Nashville stakeholders will be needed.

While the May Town Center SP is not inconsistent with the currently adopted West Nashville Community Plan (adopted in 1999), the draft update of the plan (underway since the fall of 2008), recommends removal of certain transportation improvements from the LRTP to reflect the community's preferences.

The draft plan recommends removal of the widening project of I-40, from Highway 70 South to I-440 for an additional lane in each direction, and the removal of the widening project for White Bridge Road, for an additional lane in each direction, from the LRTP. A recommendation to the MPO for removal of these transportation improvements would not be appropriate if the ADA policy and the May Town Center rezoning are approved. Therefore, staff recognizes that there are some inconsistencies between the ADA policy and the current draft of the West Nashville Community Plan Update.



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- **Bellevue Community Plan.** Across the Cumberland River, to the west of the proposed May Town Center site is the Bellevue Community Plan area. *An additional full access bridge (the third bridge) is likely to be required of May Town Center for connectivity and for improved traffic distribution.* This bridge, currently a project that is included in the MPO's LRTP and the adopted Bellevue Community Plan, would preferably connect Bells Bend to Old Hickory Boulevard with access to I-40 in the Bellevue planning area.

This area of the Bellevue Community is impacted by steep topography, and much of it has been placed in Natural Conservation and Rural policy, similar to policies in Scottsboro/Bells Bend. A key focus for Bellevue stakeholders is to prevent hillsides from being cut away, as has happened in the past with development and to protect viewsheds. There is also a special use area policy recognizing the quarry. If the third bridge is deemed necessary in the future, careful attention needs to be given to the environmentally sensitive features, especially the topography, of this area.

As stated before, the details regarding an additional full access bridge have not been finalized and will require future discussion with Bellevue stakeholders. Because the timing of this bridge is unknown, the next update of the Bellevue Community Plan (adopted in 2003) may need to examine whether or not any policy changes or infrastructure recommendations are necessary if the ADA policy amendment and the May Town Center rezoning are approved.

Staff has reviewed community character and public facilities in all three community planning areas in order to anticipate and evaluate any potential impacts. However, staff acknowledges that because of the proposed project's regional scale and long-term build-out, not all effects of the May Town Center project can be known at this point in time. Because of the project's scope and decades-long build-out schedule, other changes will continue to take place in and around the area affected by this development. Subsequent community plan updates will reflect those changes as well as updated data on the progress and impacts of May Town Center. While recognizing the work currently underway to update the West Nashville Community Plan, should the associated plan amendment be approved, the SP will be consistent with currently adopted community plan policies.

### **Additional Study**

While staff believes that the traffic impacts of the proposed project are generally understood and the transportation recommendations provided herein will offer the greatest opportunity for success, there are development spin-offs that warrant additional study should the project be approved. With the success of this project, it is anticipated that pressure will increase for compatible redevelopment along certain transportation corridors linking the region to the May Town Center. It is appropriate that certain additional studies be undertaken to ascertain the offsite impact of the project on development patterns to a similar degree to the protections provided to preserving the natural and rural character of the remaining Bells Bend area.

**Staff recommends that the developer of May Town Center provide the Metropolitan Planning Commission funding, in an amount not to exceed \$300,000, for developing and finalizing detailed corridor design plans and implementation recommendations in the following five (5) areas prior to approval of Phase II of the project and that any approval for Phase II be**



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**conditioned upon the findings of these plans and recommendations to the degree that the impacts can be credited to the approval of this application.**

**1. Cockrill Bend Corridor from the Cumberland River along Cockrill Bend Blvd, Centennial Blvd and John Merritt Blvd to Tennessee State University.**

**2. Bordeaux Corridor from Briley Parkway along Ashland City Highway, Clarksville Highway to Rosa L. Parks Blvd.**

**3. The Charlotte Pike/Richland Park Corridor from the railroad east of 42nd Ave to a point west of White Bridge Road with specific consideration of the appropriateness of implementing a storefront and development easement or transfer of development rights program to preserve the historic character of the neighborhood center in light of specific increased development pressures attributable to May Town Center.**

**4. The White Bridge Road Corridor from I-40 south to Nashville State Technical Institute.**

**5. The Old Hickory Blvd Corridor from the Cumberland River south to a point south of I-40 should the third full-access bridge be required with specific evaluation of how to minimize environmental impacts immediately south of the Cumberland River.**

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### 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. The site is composed of 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 archaeological surveys will be completed on any area proposed for development prior to final site plan approval.

**Staff recommends that as a part of the initial final site plan filed for approval a plan for protecting significant archaeological resources finds be presented and that the applicant work with the Metro Historical Commission, the State Historic Preservation Officer, and the State Archaeologist in preparing the protection plan.**

Approximately 725 acres of the site can be classified as prime farmland. This is primarily located in the floodplain and floodway along the Cumberland River and along stream banks. Most of this will be included in conservation easements.

#### 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



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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 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.

The proposed 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. As discussed below, a second bike/pedestrian/transit bridge will be required to complement the primary, full-service bridge.

### Development Components

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 includes conservation areas, active agriculture, local parks, recreation areas, greenways and the buffer area along Old Hickory Boulevard. The locations of the components are shown on Figure 11.

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 Boulevard will remain undeveloped. Also proposed south of the Town Center is a research park dedicated to 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.



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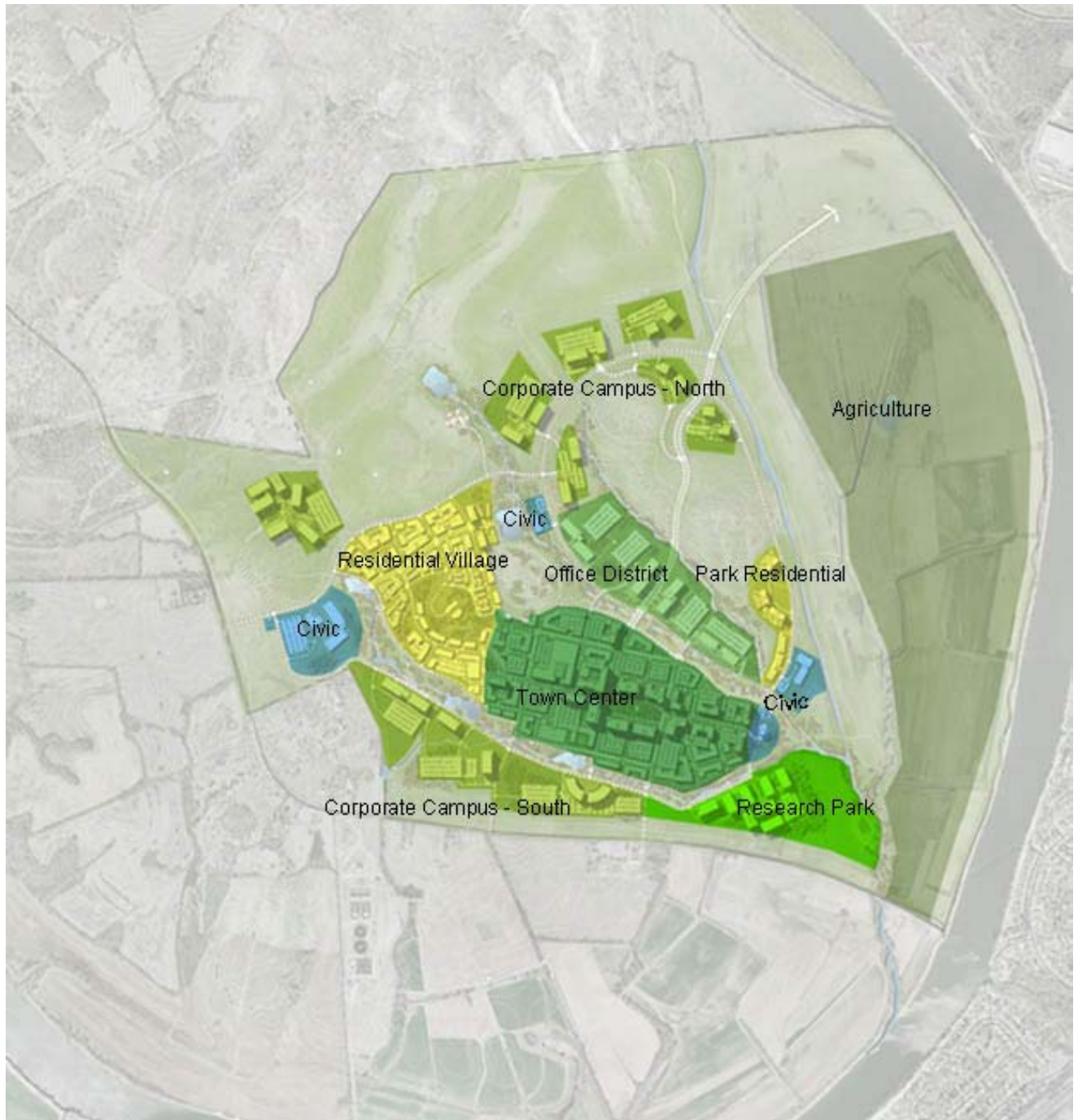


Figure 11: Development Components of May Town Center





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Several civic sites have been included in the plan, as well. These will provide locations for a number of uses including a school serving kindergarten through twelfth grade, 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 within May Town Center at a location acceptable to the Metro School Board. The same commitment has been made to provide 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.

### Design Related Issues

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.

- 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.

Staff will continue to work with the applicant to redesign the Park Residential 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 and to revise the Town Center street network.

**Staff recommends that a redesigned Park Residential District that promotes more consistency in building height and street relationship and a neighborhood design consistent with other districts in the Town Center and a revised street-layout reflected onto the Regulatory Plan and all other plans within the SP that includes the street layout shall be included in the corrected copy of the preliminary SP plan.**



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### Open Space

More than 900 acres will be left in open space as shown on Figure 12. The open space includes areas that are to be conserved in perpetuity through conservation easements (of at least 900 acres) These open spaces will separate May Town Center from the remainder of Bells Bend and will be placed in a conservation easement. The proposed plan identifies the following categories of land to be conserved:

- **Natural Conservation** areas to be left in their current state, the only permitted development will be up to six estate homes. Approximately 200 acres.
- **Natural Conservation with Agriculture** areas are primarily within the floodplain and floodway, the only permitted development are a greenway and farm-oriented facilities. Approximately 330 acres with a minimum of 200 acres for active agricultural use.
- **Office Campus Conservation** areas are the portions of the corporate campuses that are to remain undisturbed. Approximately 227 acres.
- **Local Parks and Civic Sites** may be developed to serve as active or passive parks or locations for civic facilities. Approximately 103 acres.
- **Greenways** in accordance with the Greenways Master Plan will be provided. Approximately 78 acres.
- **Buffers** of 300 feet will be provided along Old Hickory Boulevard which may be used for growing crops and trees but will not be developed. An additional use that should be added to the corrected copy of the preliminary SP plan is a multi-use path. Approximately 66 acres.

**Staff recommends that a multi-use path be added as a permitted use in the Buffers in the Conservation Easement Plan of the corrected copy of the preliminary SP plan.**

The conservation easements for the more than 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. **Staff recommends transfer or a plan for irrevocable transfer of the easements for tax purposes accompany the first final site plan approval after the permit for the initial bridges has been received.**



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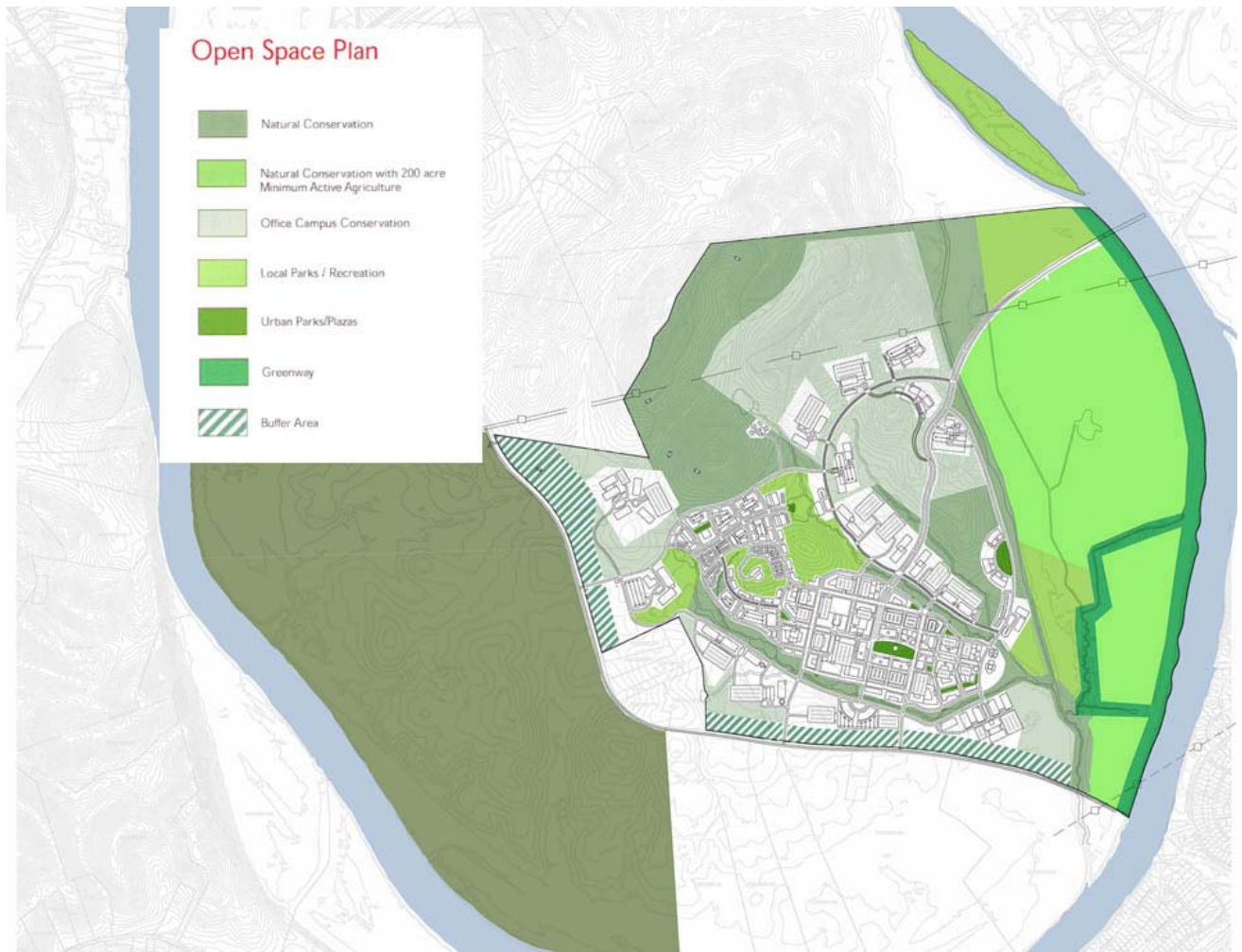


Figure 12: Open Space Plan



## Metro Planning Commission Meeting of 06/25/09

### Preservation

The plan provides for significant protection of sensitive environmental features including ridgelines, view sheds, woodlands, floodplains and floodways, unstable soils, steep slopes, waterways, and wetlands. More than 900 acres of the 1,500 acres that makeup 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 funds, up to \$1,000,000, available to property owners within Bells Bend to assist in the cost of applying for 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 to support conservation and preservation efforts within May Town Center.

Following testimony provided to the Planning Commission at the public hearing on May 28, Director Bernhardt conferred with The Land Trust for Tennessee. With regard to statements that the Land Trust would not accept easements from the May Town Center developers, Executive Director Jeanie Nelson clarified that The Land Trust for Tennessee had not taken this position. She stated that the Land Trust works with a diverse set of landowners, including at times developers, who are in a position to present a concrete proposal. The developer has not presented The Land Trust with such a proposal and The Land Trust, per policy, does not consider projects of a speculative nature. She further clarified that any conservation easement proposed to The Land Trust would be evaluated for acceptance in accordance with the organization's standards and practices.

The second program makes available funds, up to \$3,000,000, for the applicant to purchase development rights in order to secure a conservation easement for a 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 north of May Town Center. A multi-use path should be a permitted use within the buffer. 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. **Staff recommends that agencies that can administer the funds and hold these easements be expanded to include government agencies and the uses in the easement include a multi-use path in the Preservation Plan in the corrected copy of the preliminary SP plan.** 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.



## **Metro Planning Commission Meeting of 06/25/09**

### **Impact on Farm Lands**

There are 3,202 acres of land that can be classified as prime farmland in the Scottsboro/Bells Bend area. Of that acreage, 725 acres are found within the May Town Center site. This comprises 22.6 percent of the total prime farm land in the area and 49 percent of the May Town Center site. This is primarily located in the floodplain and floodway along the Cumberland River and along stream banks.

The majority of the prime farmland within May Town Center would be preserved. Approximately 330 acres is preserved in natural conservation with at least 200 of those acres preserved as active agriculture, another 78 acres is preserved as a greenway trail along the Cumberland; another 50 acres will be the TSU Research Park and conservation easements, and a 300 foot buffer along Old Hickory Boulevard. A portion of the site proposed for corporate campus land is to be preserved with conservation easements, the streams, stream buffers and wetlands are preserved, and a portion of the site to be local parks and civic sites is on prime farm land. The prime farm lands where development is proposed are located in the Park Residential District and a portion of the Southern Corporate Campus District.

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

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 and the Corporate Campuses may be allowed in 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 ADA 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. The SP plan incorporates these exceptions.. 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 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 with active uses or screened



## Metro Planning Commission Meeting of 06/25/09

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.

### Sustainability

A key component of the ADA is sustainable development. The May Town Center proposes 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.

The applicant has set a goal that 20 percent of the residential units in May Town Center will be workforce housing available to those earning between 80 percent and 120 percent of the median household income for the Nashville Metropolitan Statistical Area. At this time the commitment is in the appendix portion of the SP Plan. A component of the LEED program is diversity of housing types. Staff has discussed with the applicant moving this goal into the regulatory portion of the SP plan as part of the discussion on sustainability. **Staff recommends, in the corrected copy of the SP plan, that the goal of 20 percent of workforce housing be included in the Sustainability section of the SP plan.**

### 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 development phasing.



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Although there are five phases identified, the phasing program in the SP groups Phases I to III and Phases IV and V as Follows:

<u>Scenario 1</u> Phase I to III	<u>Scenario 2</u> Phase IV to V
<b>Office – up to 5 million square feet</b>	<b>Office – up to 3 million square feet</b>
<b>Residential – up to 4,000 units</b>	<b>Residential – up to 4,000 units</b>
<b>Hotel – not to exceed 300 rooms</b>	<b>Hotel – up to 300 rooms</b>
<b>Retail – up to 300,000 square feet</b>	<b>Retail – up to 300,000 square feet</b>

The applicant did provide a chart breaking down the phases further. **Staff recommends that the corrected copy of the preliminary plan describe the development for each phase as providing up to the following maximums for each use:**

Phase	Office (sq. ft.)	Residential (units)	Hotel (rooms)	Retail (sq. ft.)
<b>I</b>	<b>1.2 million</b>	<b>900</b>	<b>300</b>	<b>150,000</b>
<b>II</b>	<b>1.95 million</b>	<b>1,350</b>	<b>0</b>	<b>105,000</b>
<b>III</b>	<b>1.85 million</b>	<b>1,750</b>	<b>0</b>	<b>45,000</b>
<b><i>Phase I-III</i></b>	<b><i>5 million</i></b>	<b><i>4,000</i></b>	<b><i>300</i></b>	<b><i>300,000</i></b>
<b>IV</b>	<b>1.7 million</b>	<b>2,250</b>	<b>300</b>	<b>275,000</b>
<b>V</b>	<b>1.3 million</b>	<b>1,750</b>	<b>0</b>	<b>25,000</b>
<b>Build Out</b>	<b>8 million</b>	<b>8,000</b>	<b>600</b>	<b>600,000</b>

When the maximum of the office, residential, hotel or retail use is reached in any phase, no additional building permits will be issued for that use until a minimum amount of the other uses within the phase have been constructed. This will ensure that a mixed-use development will be developed.

**Staff recommends that the corrected copy of the preliminary plan establish the following minimums for each phase:**

Phase	Office (sq. ft.)	Residential (units)	Hotel (rooms)	Retail (sq. ft.)
<b>I</b>	<b>480,000</b>	<b>450</b>	<b>0</b>	<b>50,000</b>
<b>II</b>	<b>780,000</b>	<b>675</b>	<b>0</b>	<b>35,000</b>
<b>III</b>	<b>740,000</b>	<b>875</b>	<b>0</b>	<b>15,000</b>
<b><i>Phase I-III</i></b>	<b><i>2.0 million</i></b>	<b><i>2,000</i></b>	<b><i>0</i></b>	<b><i>100,000</i></b>
<b>IV</b>	<b>1.13 million</b>	<b>1,125</b>	<b>150</b>	<b>92,000</b>
<b>V</b>	<b>870,000</b>	<b>875</b>		<b>8,000</b>
<b>Total</b>	<b>4.0 million</b>	<b>4,000</b>	<b>150</b>	<b>200,000</b>

**Access to May Town Center**



## Metro Planning Commission Meeting of 06/25/09

As noted above, the SP Plan proposes a primary access to May Town Center via a single bridge from Cockrill Bend. The applicant has indicated that one bridge will be sufficient to accommodate the proposed development. The Planning Commission has raised concerns regarding this assertion and concerns have been raised regarding the limited connectivity provided by a single bridge. In order for Old Hickory Boulevard to retain its rural character, it can only be considered as a secondary access. A single primary access to May Town Center does not support sound planning principles regarding connectivity.

In order to address these and other transportation-related issues, 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 implementation of certain transportation demand management (TDM) practices, the bridge could support up to approximately 90 percent of Phases I, II, and III 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.

The independent review of the TIS noted that a single bridge crossing into Cockrill Bend will mean that most external bike or pedestrian trips will be at least four miles in length. This distance will severely limit those opting to travel by foot or by bicycle to May Town Center from other parts of Davidson County. The independent review found that a second bridge limited to pedestrians, cyclists and transit use, crossing the Cumberland River at the southern end of Old Hickory Boulevard would bring the Town Center approximately one mile from existing neighborhoods. By providing a bridge of this type at this location in addition to the Cockrill Bend location, the independent review estimated that approximately 98% of development proposed in Phases I, II, and III could be accommodated.

The TIS and the independent review used different methods to calculate the number of trips generated by the proposed development. While one method may have been more conservative in estimating the amount of trips generated, the maximum development approved through this application will be limited by the actual level-of-service of the transportation system regardless of the projection method used.

In addition to addressing capacity issues, this development must also address connectivity. A single bridge providing primary access, with secondary access from Old Hickory Boulevard, does not provide sufficient connectivity for a development of this nature and extent. The Public Works Department has recommended that the Planning Department require additional options to improve connectivity for both vehicles and other travel modes and to accommodate the projected traffic volumes.

**Staff recommends that two bridges be provided prior to the initial development of May Town Center.** These bridges would include a full-access, multi-modal bridge from Cockrill Bend and a second bridge limited to pedestrians, cyclists, and transit from the southern end of Old Hickory Boulevard at the location of the former Cleeces Ferry.

There are methods available to measure level of service (LOS) and determine when infrastructure improvements and additional TDM methods are sufficient to improve service, but measuring the appropriate timing of additional connectivity is more difficult. *Mobility 2030*, a functional plan of the General Plan adopted by the Planning Commission in September 2007, identifies connectivity





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as an essential component of a well balanced street system. A well connected street system can more easily distribute traffic, more efficiently move people and goods, reduce trip distances, and increase route choices for all modes of transportation. This is accomplished through the provision of more direct routes, which generate fewer vehicle miles traveled. Connectivity also supports transit use, walking and bicycling by providing more direct routing and routing options.

The Community Character Manual (CCM), adopted by the Planning Commission in August 2008, also identifies street connectivity as an important element in creating a well designed community. The CCM calls for linking new development, via road, sidewalks, bikeways, and greenways to surrounding development as well as future planned development. The proposed May Town Center SP has well connected streets internal to the development and provides opportunities for greenway connections but this development will not be well connected with the surrounding community with only a single bridge as a primary access and Old Hickory Boulevard as a secondary access.

To ensure that Old Hickory Boulevard within Bells Bend remains rural in character, that a LOS of D can be maintained, and that May Town Center is well connected to the western portion of Davidson County and the region, a third bridge will likely be necessary as May Town Center develops. A third bridge that provides full-access is advantageous from a connectivity perspective, as well as to provide access to Bellevue, I-40 West and other regional destination points. A development of this size needs sufficient access to disburse the traffic it generates without limiting primary access to one point to the east. The third bridge located at the western portion of Bells Bend (as indicated on the adopted MPO Long Range Transportation Plan and the Bellevue Community Plan) with a direct connection to the intersection of Old Hickory Boulevard and Charlotte Pike would significantly increase the connectivity and accessibility of this development to the more urban portions of Nashville and Davidson County. This access would allow direct access to Bellevue via an urban arterial (Old Hickory Boulevard) and regionally to points west via I-40 without the negative implications of potentially disrupting the existing collector and local roadway network in the West Nashville area.

**Staff recommends that absent a direct finding that it is unnecessary to achieve the stated objectives, a third full-access bridge be provided as the development of May Town Center progresses.** The purpose of this bridge is for community connectivity and access rather than to improve LOS on other connections (although it will also accomplish this). Therefore, the threshold to necessitate the third bridge will include the need for connectivity to the west, opportunity to reduce travel distances to reach the initial access point, as well as triggers such as level of service on roads leading into and within May Town Center, and the impact of this project on the adjacent street system.

**Staff recommends that the responsibility for ensuring that all three potential bridges are constructed falls exclusively to the developer(s) of May Town Center and that the Metropolitan Government will not assume any financial or other obligations for the construction of the bridges or associated infrastructure improvements.** Staff recognizes that while there may be unrelated development interests that benefit from the third bridge and could contribute to the cost, final responsibility and ability to utilize any development entitlements under this rezoning shall be assigned to the developer(s) of May Town Center.

In order to determine when a third bridge is necessary to provide increased connectivity, the monitoring program will need to include a component to assess the impacts of May Town Center on



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the adjacent street system and a determination of the ability of the existing street system to continue to efficiently move people and goods without additional connectivity. This will be reviewed by Planning, Public Works, MPO, MTA and TDOT staff. If staff determine that an additional connection is required, staff will make a recommendation to the Planning Commission to require an additional connection. The recommendation will include the type of bridge required, limited or full-access.

### **Monitoring and Concurrency Program**

In order to ensure that the decisions relative to infrastructure are made prior to the actual need for the infrastructure, a concurrency management program is proposed. To ensure traffic generated by the development does not exceed infrastructure capacity, specific development triggers have been proposed. Failure to adopt necessary or appropriate infrastructure conditions will result in the limiting of any future development until such time as the issue is resolved. The applicant originally proposed a concurrency program to ensure that the proposed development maintained an LOS E or better on the proposed full service bridge connecting with Cockrill Bend or any roadway leading from that bridge to the interchange with Briley Parkway. This condition would include a three year monitoring process to measure LOS. The LOS limit would establish that when actual and projected (based on actual building permits issued) roadway level-of-service was projected to fall below LOS E. No building permits for new construction would be issued until the projected level of service improves. Both Planning and Public Works staff raised concerns about the three-year monitoring period and the proposed LOS trigger. Staff has worked with the applicant and an alternative monitoring period and trigger have been agreed to.

**Staff recommends that a traffic monitoring plan be developed by the developer acceptable to Public Works, Planning, MPO, Metro Transit Authority (MTA), and the Tennessee Department of Transportation (TDOT) and included in the corrected copy of the preliminary SP plan. The monitoring period will be annually, with a report due July 1 of each year beginning with the opening of the recommended bridges to full project build out (90% of full development entitlements).** The monitoring will include traffic conditions in the vicinity of May Town Center in order to determine current and projected operating levels-of-service. The annual monitoring plan report will include details on the frequency and location of traffic monitoring stations, the application and review of the collected data, the application and use of level-of-service as a measure of effectiveness, and any other associated reporting requirements. The developer(s) of May Town Center will be required to monitor the capacity of the street system and pursue necessary mitigation strategies when the level-of-service is projected to drop from a LOS of D to a LOS of E on any access connections into May Town Center.

The proposed annual monitoring system will identify when the recommended two bridges and street system falls below LOS D. Mitigation measures will be required to proceed with development at the point when LOS falls below LOS D. Any and all mitigation measures will be considered as necessary to maintain acceptable LOS on the recommended two bridges and related public streets.

**Staff recommends that no building permits for construction of any new structures be issued when the projected level-of-service reaches a LOS of mid-level E.**

Following approval to proceed into Phase II, the developer shall add another component to the annual traffic study. The new component shall be a "Before and After" vehicle miles traveled



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(VMT) analysis using the MPO traffic model. The model would measure VMT with the first full access bridge only. The model would also measure VMT with the addition of a new full access bridge for determination of the impact a third bridge would have on connectivity.

**Staff recommends that following approval for development within Phase II as outlined in the phasing section of this report, no further site plans or building permits authorizing any new structure in Phases III, IV, and V may be issued or approved until the Metropolitan Planning Commission evaluates and determines the need for construction and the design of the third bridge as conditioned herein.**

A determination to require the construction of the bridge shall specifically consider the need for connectivity to the west, opportunity to reduce travel distances to reach the initial access point as based on the VMT findings of the Transportation Monitoring report, as well as factors such as level of service on roads leading into and within May Town Center, and the impact of this project on the adjacent street system.

The determination of the Planning Commission shall be final absent an appeal to the Metropolitan Council. An appeal may be filed by the developer or a Metro Councilmember. Any appeal shall be filed within 30 days of the decision of the Planning Commission. The Council shall consider any appeal within 6 months from the filing and by resolution either accept the determination of the Planning Commission with or without conditions, reject the determination of the Planning Commission, or take no action thus allowing the determination of the Planning Commission to become final. This condition shall be in place until such time as the third bridge is constructed, or the project is approved to proceed into Phase V.

### Street Framework

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 recommends that the corrected copy of the SP plan include the revised street-layout in the Regulatory Plan and all other plans within the SP that include the street layout of the preliminary SP plan.**

The Public Works Department will require that, prior to any final SP approvals, the developer(s)' engineer develop a traffic model in order to analyze the proposed street network within May Town Center. The model will be used as a guide to determine the appropriate roadway cross-sections and intersection designs. All modes of transportation will be considered during the modeling process,



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including pedestrians, bicyclists, motorists, and bus riders of all ages and abilities so that the integrity of a complete street design is promoted. Development and use of the model is be coordinated with and approved by Metro Public Works.

**Staff recommends that all requirements of the Public Works Department be met.**

### 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. At this time, the SP includes a proposal to prepare a report every 3 years to describe and substantiate progress made to achieve the transit objectives in the plan. The reporting would begin from the onset of construction, not including the bridge, until the project is substantially built out, or at least until 2030. **Staff recommends that the corrected copy of the preliminary SP plan require that the report be prepared annually and be submitted at the same time as other monitoring reports.**

MTA has included a series of conditions for additions to the transit section of the plan. These include

- Provision of operating funds for the cost of providing service as described in the MTA recommendations below
- Participation in the Easy Ride Program by employers with over 100 employees in May Town Center
- Provision of at least one dedicated bus lane on a bridge
- Streets within May Town Center are to be designed to accommodate transit use
- Transit routes are to be identified at final site plan review
- Passenger shelters are to be provided within the May Town Center and may be required along primary routes serving May Town Center
- An annual monitoring program will be established to determine transit needs to support development.

Additional details are described in the MTA Recommendation below.

**Staff recommends that the corrected copy of the Transit Plan in the preliminary SP be revised to include the conditions of MTA.**

### Urban Services District

**Staff recommends that the preliminary SP be accompanied by an application for inclusion into the Urban Services District.** A letter has been submitted to the Councilmember applying for inclusion into the Urban Services District.



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Preliminary SP approved.

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### WATER SERVICES RECOMMENDATION

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

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### 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.
- 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.

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### 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).



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- 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.
- 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

- With the submittal of final site plans, the developer's construction drawings, including all roadways, bridges, and any additional improvements shall comply with the design regulations established by the Department of Public Works. Roadway and street designs, as submitted in the Specific Plan application documents may or may not be applicable. All streets within May Town Center should be designed and operated as "complete streets" to enable safe access for all users including pedestrians, bicyclists, motorists, and bus riders of all ages and abilities. Final designs may vary based on field conditions.
- With the submittal of final site plans, a recycling collection and solid waste disposal plan is to be reviewed and approved by the Department of Public Works Solid Waste Division. Provide a comprehensive plan for solid waste management with an emphasis on waste reduction and recycling during all phases of construction through occupancy. It is recommended that recycling of construction debris be incorporated into the recycling collection plan.
- Metro Public Works is in general agreement with the findings and recommendations of the traffic impact study submitted by Wilbur Smith & Associates (WSA) and the supplemental review conducted by the Planning Department's consultant, RPM & Associates.
- Any modifications required on state routes or at interstate interchanges will require prior approval from the Tennessee Department of Transportation. Design of all interchange modifications shall be in accordance with TDOT interchange guidelines and TDOT consultation.

In accordance with the recommendations of the WSA traffic impact study, the following conditions shall be required:



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- It is recommended that MTA continue to be involved in the planning and development of May Town Center to promote and encourage transit usage within the development and throughout the region.
- It is recommended that bicycle parking facilities be provided at major parking facilities.
- The traffic study indicates that, with certain roadway improvements, traffic operations within the study area are expected to be manageable through the next 20 years.
- The roadway improvements identified in the long range transportation plan (LRTP) through the year 2025 and that are located within the study area are recommended to mitigate background traffic volumes and should be constructed as planned.

### **Recommended Roadway Improvements for May Town Center Based on 50% Build-out**

- The intersection of Ashland City Highway and the southbound Briley Parkway ramps should be signalized and an eastbound right turn lane and separate southbound left and right turn lanes should be provided. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission. Storage lengths shall be determined with further analysis and in cooperation with TDOT.
- At the intersection of Charlotte Pike and White Bridge Road, dual left turn lanes should be provided for the eastbound and westbound approaches. Storage lengths shall be determined with further analysis. The developer shall modify or rebuild the existing traffic signal to accommodate these improvements. This intersection will be monitored as part of the on-going traffic monitoring plan described below. Additional improvements may be required with future development phases.
- At the intersection of Ashland City Highway and the northbound Briley Parkway ramps, dual northbound left turn lanes and a separate northbound right turn lane should be provided. The developer shall modify or rebuild the existing traffic signal to accommodate these improvements. Storage lengths shall be determined with further analysis and in cooperation with TDOT.
- At the intersection of Charlotte Pike and the eastbound I-40 ramps, dual eastbound left turn lanes, an eastbound right turn lane, a westbound left turn lane, and a westbound right turn lane should be provided. Widen the I-40 eastbound on-ramp to provide a second receiving lane. The developer shall modify or rebuild the existing traffic signal to accommodate these improvements as necessary. Storage lengths shall be determined with further analysis and in cooperation with TDOT.
- At the intersection of Charlotte Pike and the westbound I-40 ramps, a westbound right turn lane, dual southbound left turn lanes, and a southbound right turn lane should be provided. The developer shall modify or rebuild the existing traffic signal to accommodate these improvements. Storage lengths shall be determined with further analysis and in cooperation with TDOT.
- West of Briley Parkway, Cockrill Bend Boulevard / Centennial Boulevard should be widened to five lanes and realigned to cross the Cumberland River with a new bridge, and the interchange of Briley Parkway and Centennial Boulevard should be improved. The proposed bridge should be constructed prior to beginning site development. The improvements to Cockrill Bend Boulevard / Centennial Boulevard and the interchange of Briley Parkway and Centennial Boulevard should be made in conjunction with the bridge construction or immediately following the construction of the bridge.



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- The developer shall provide a detailed analysis of the proposed Cockrill Bend Boulevard / Centennial Boulevard including any proposed exit ramps, public road intersections, and critical driveway intersections to determine the appropriate traffic control. If signalization is warranted at any intersection, the developer shall be responsible for the design and installation of such when approved by the Metro Traffic Engineer and the Traffic and Parking Commission.
- Briley Parkway should be widened to six lanes between the I-40 ramps and Centennial Boulevard. These improvements should be made in conjunction with the interchange improvements identified above.
- At the intersection of 51st Avenue and Alabama Avenue, a southbound left turn lane should be provided. This improvement should be made following the completion of the Cockrill Bend Boulevard / Centennial Boulevard roadway and interchange improvements. Storage lengths shall be determined with further analysis. The design of these improvements shall accommodate the existing sidewalks in the area.
- Each of the three project accesses on Old Hickory Boulevard should be constructed to provide one approach lane for all turning movements and should be controlled by stop signs on the project accesses.

### **Minimum Recommended Roadway Improvements for May Town Center that Shall be Implemented at 50% Build-out:**

- West of Briley Parkway, Cockrill Bend Boulevard / Centennial Boulevard should be improved to a six-lane limited-access facility with outer roads along both sides. East of Briley Parkway, Centennial Boulevard should remain an arterial and should be widened to provide four lanes between Briley Parkway and 63rd Avenue North with additional left turn lanes at critical intersections. The developer shall be responsible for any additional improvements related to this requirement including analysis, design, and construction of the proposed roadways and any traffic signals related to such.
- At the intersection of White Bridge Road and the westbound I-40 ramps, a separate southbound right turn lane should be provided. The developer shall modify or rebuild the existing traffic signal to accommodate these improvements as necessary. Storage lengths shall be determined with further analysis.
- The intersection of 51st Avenue and Alabama Avenue should be improved to provide a left turn lane and two through lanes on the southbound approach, two through lanes and a right turn lane on the northbound approach, and separate left and right turn lanes and two through lanes on the eastbound approach. The developer shall modify or rebuild the existing traffic signal to accommodate these improvements as necessary. The design of these improvements shall accommodate the existing sidewalks in the area.

### **Additional Conditions**

- Annual monitoring of traffic conditions in the vicinity of the project is required in order to determine current and projected operating levels-of-service. Prior to any final SP approvals, the developer shall work with Metro Public Works, Metro Planning, the MPO, and TDOT to develop a traffic monitoring plan. The plan will include details on the frequency and location of traffic monitoring stations, the application and review of the collected data, the application and use of level-of-service as a measure of effectiveness, and any other associated reporting requirements.





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- As a minimum, the developer will be required to pursue additional mitigation strategies when the level-of-service is projected to drop from a 'D' to an 'E' on any and all access connections into May Town Center. No further building permits within May Town Center will be approved when the projected level-of-service reaches a mid-level 'E' as determined based on actual traffic counts and the use of the latest edition of the ITE trip generation manual for projects seeking final approvals.
- Prior to any final SP approvals, the developer's engineer shall develop a traffic model to analyze the proposed road network within May Town Center. The model shall be used as a guide to determine the appropriate roadway cross-sections and intersection designs. All modes of transportation will be considered during the modeling process, including pedestrians, bicyclists, motorists, and bus riders of all ages and abilities so that the integrity of a complete street design is promoted. Development and use of the model shall be coordinated with and approved by Metro Public Works.
- Focused traffic studies will be required as development proceeds to assure compliance with the conditions above and to identify any improvements internal to May Town Center that may be required.
- The Metro Planning Department should require additional ingress/egress roads to improve connectivity for vehicular modes and other travel modes, and to accommodate the projected traffic volumes.

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### **METRO TRANSIT AUTHORITY RECOMMENDATION**

- Provide Operating Funding to cover the cost of any service not in place as of the date of the adoption of the ordinance approving the May Town Center SP to May Town center for the first two years of the initiation of the service or until such time as the Route meets acceptable ridership standards as determined by MTA. The details for this to be coordinated at the time of any final site plan approval, including start date of the service, the appropriate level of service, and operating costs and routing of the service.
- Require participation in the Easy Ride Program for employers with over 100 employees working within the May Town Center. The easy ride program provides a commute-to-work benefit that is paid for by employers for their employees.
- Provide a minimum of one dedicated lane on one bridge specifically for buses and HOVs. A park and ride facility will be required across the Cumberland River in close proximity to the bridge. The timing and location of providing the lot will be determined by MTA working with the May Town Center developer(s) and the Planning Department.
- Streets within May Town Center shall be designed to accommodate transit use.
- During final site plan review, transit routes will be identified.
- Provide passenger shelters with specific quantities and locations to be determined at the time of final site plan approval. Shelters shall be within the May Town Center and may be required along primary routes serving the May Town Center outside of the May Town Center.
- At the initiation of the construction of development, not including the bridge or supporting infrastructure:
  - An annual monitoring program will be established to determine transit needs to support development.
  - Reports of the findings of the program will be prepared by the developer(s) for the approval of MTA and the Planning Department



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- Based on the findings of the monitoring program additional transit facilities may be required such as:
  - Additional HOV lanes
  - Additional routes to May Town Center
  - Additional transit infrastructure (e.g. pull outs, shelters)
  - Additional crossing of the Cumberland River
  - Other transit facilities
- The monitoring program will also include the determination of the timing and location of park and ride facilities.

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### **METROPOLITAN NASHVILLE AIRPORT AUTHORITY RECOMMENDATION**

Given the issues presented by May Town Center's close proximity to John C. Tune Airport (JWN), the MNAA has predicated not objecting to this proposed development on the following actions by the developer:

- Any presentations, whether informational or promotional, include an explanation of likely impacts from airport operations.
- In accordance with FAA regulations, runway approaches must remain free of any land use that would constitute a hazard to air navigation or which might create: glare or misleading lights; smoke or limit visibility; radio frequency interference with aircraft navigation or communications; or a bird or wildlife hazard.
- FAA form 7460-1, "Notice of Proposed Construction," must be filed with the FAA under circumstances outlined in Federal Aviation Regulation (FAR) Part 77, Subpart B, "Notice of Construction or Alternation." The height of objects must not penetrate height standards as outlined in FAR Part 77, Subsection C, "Obstruction Standards."
- Avigation easements be granted over the entire development, including open space, and that these easements run with the title of the land to remain in effect on any land that is leased or sold.

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### **HISTORICAL COMMISSION RECOMMENDATION**

Our office strongly recommends that as part of the approval process of the development there be a condition requiring a comprehensive archeological survey of the proposed footprint and the potential bridge crossing(s) by a certified archeologist who will work closely with the (Metro Historical Commission (MHC), State Historic Preservation Officer (SHPO), and the State Archeologist. This should be conducted prior to the approval of a final site plan by the Planning Department and include a conservation/mitigation plan for the development.

This archaeological survey should be performed as early as possible to allow for consideration of the project's impact upon significant archaeological resources.

The developer is seeking a change in the zoning classification at the polar ends of the Zoning Code from AR2a to a Specific Plan with development standards similar to MUI. Rather than simply handing this change to the developer, the developer should be encouraged to buy down, via Transfer of Development Rights (TDRs), some of the existing zoning rights in the impacted area where there is a delta between CS and MUN.



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### STATE HISTORIC PRESERVATION OFFICER RECOMMENDATION

To conclude, this office would strongly recommend that a comprehensive archaeological and architectural resources survey of the proposed footprint of the May Town development and all of its potential bridge crossings be conducted prior to any earthmoving or construction related activity by persons who meet or exceed the professional qualifications for cultural resources consultants that are codified at 36 CFR Part 61. This survey should be performed as early as possible in the May Town planning process to allow for consideration of the project's possible impact upon significant archaeological and architectural resources.

I would also suggest strongly that the developer advise this office of any current or proposed Federal involvement in this project so that we can begin a timely Section 106 review.

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### STAFF RECOMMENDATION

*Staff has given extensive consideration to recommending deferral or denial to allow additional time for community discussion, especially in light of the status of the West Nashville Community Plan. After much discussion, staff cannot recommend deferring a decision on the appropriateness of this application. Staff believes that it is impossible to resolve secondary planning and land use issues until a decision has been made on the basic policy issue of whether this project will be approved. From the initial presentation by the developer and with the previous proposal for development of the site, the community dialogue has focused on the fundamental issue of whether any significant development at this location should be approved. Issues related to transportation have been researched and analyzed. Issues related to preservation have been widely discussed and understood. Issues related to economic development and regionalism have been presented. As a result, staff strongly believes that the community is polarized to the point that it is difficult, if not impossible, to meaningfully and rationally discuss any other planning and community development issues that may be desired until such time as the Planning Commission and Council resolve the issue of whether or not a development of this magnitude will be approved. Realistic and appropriate resolution of secondary issues is currently so wrapped up in positioning on both sides to support their positions that objective communication toward a desirable solution is not possible. While there do remain issues that need to be addressed, staff believes that adoption of the staff recommendations will address the most critical impacts of the proposal while, if approved, allowing ongoing opportunities for resolution of remaining issues through the planning process once a decision has been reached. At the risk of oversimplification of a very important proposal, not every impact can be determined, nor can every contingency be anticipated.*

Approve with conditions if the accompanying Bordeaux-Whites Creek Community Plan amendment, which adopts the Alternate Development Area (ADA) policy, is approved. Staff analysis of the ADA policy option and the May Town Center Specific Plan (SP) zoning seeks to balance two essential values – an exceptional opportunity for regional economic development and a compelling case for land conservation.

Regional Economic Development Significance. As proposed, May Town Center is a unique project of considerable economic significance to Nashville/Davidson County and the Middle Tennessee region. It is projected to provide Nashville/Davidson County's first viable corporate



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campus site, produce a net increase in jobs and earnings during both construction and operational phases, and have a net positive effect on the county's property tax base. The Specific Plan ensures a unique walkable urban environment, in immediate proximity to the regions core that combines corporate campuses with main street retail and office, plus a mixture of housing types – all of which contribute to accommodating the county's projected growth in a compact, sustainable development pattern served by multiple modes of transportation.

Regional Conservation Significance. The May Town Center SP limits development to approximately one-third of the site's 1500 acres, preserving the other 900 acres in perpetuity.

These 900 acres plus the 800 acre Bells Bend Park and the 1500 acre Beaman Park result in conservation of 3200 acres, or 24% of the land within the area of the Scottsboro/Bells Bend Detailed Design Plan. Most of the remaining land in the planning area is environmentally constrained and only marginally suited to low intensity rural development.

At the policy level, May Town Center directly or indirectly affects three community planning areas. In terms of location, scale, and character, the proposed May Town Center primarily affects the Bordeaux-Whites Creek Community. Secondary effects will be felt in the Cockrill Bend area of the West Nashville Community and on some of its major transportation facilities. The Bellevue Community may also experience secondary transportation impacts from the development. Staffs of the Planning Department and other Metro Departments have reviewed community character and public facilities in all three planning areas in order to anticipate and evaluate any potential impacts. However staff acknowledges that because of its regional scale and long-term build-out, not all effects of the May Town Center project can be known at this point in time.

- **Bordeaux-Whites Creek Community Plan.** The proposed May Town Center is entirely within the Bordeaux-Whites Creek Community Plan, in the Scottsboro/Bells Bend Detailed Design Plan area. The associated plan amendment, if approved, supports an Alternate Development Area (ADA) with a compact town center, corporate campuses, and conserved lands so long as rural character is preserved in the remainder of the Scottsboro/Bells Bend Community. The May Town Center Specific Plan, with recommended conditions of approval, is consistent with the proposed ADA policies of the Scottsboro/Bells Bend Detailed Design Plan.
- **West Nashville Community Plan.** The proposed May Town Center will receive primary access from Cockrill Bend in the northern section of the West Nashville community planning area. A full access bridge (the first bridge) will connect May Town Center to Centennial Blvd. A second bridge, for pedestrians, bicyclists, and transit vehicles only, will also be required. The May Town Center Specific Plan is not inconsistent with the currently adopted West Nashville Community Plan (1999). However this community plan is now being updated. The draft update of the plan, reflecting the community's preferences, recommends removal of certain transportation improvements from the Long Range Transportation Plan (LRTP) of the Metropolitan Planning Organization (MPO). A recommendation to the MPO for removal of these transportation improvements would not be appropriate if the ADA policy (and May Town Center rezoning) is approved. Therefore staff recognizes that there are some inconsistencies between the ADA policy and the current *draft* of the West Nashville Community Plan Update.
- **Bellevue Community Plan.** An additional full access bridge (the third bridge) is likely to be required of May Town Center for connectivity and reasonable traffic distribution. This bridge,



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currently included in the MPO LRTP and the adopted Bellevue Community Plan, would preferably connect to Old Hickory Blvd with access to I-40 in the Bellevue planning area. Because the timing of this third bridge is unknown, the next update of the Bellevue Community Plan may need to examine whether any amendments are necessary to incorporate the transportation and land use effects of this project.

Staff has evaluated May Town Center's substantial economic impact, its aggressive land conservation plan, and its commitment to constructing public facilities to manage off-site traffic impacts. While recognizing the work currently underway to update the West Nashville Community Plan, should the associated plan amendment be approved the SP will be consistent with all currently adopted community plan policies. Therefore staff recommends approval. Because of the project's scope and extended build-out schedule, other changes will continue to take place in and around the area affected by this development. Subsequent community plan updates will reflect those changes as well as updated data on the progress and impacts of May Town Center. Staff has concluded that localized impacts can be successfully managed and that the projected benefits of the project to the greater Nashville community make the project appropriate for approval.

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### CONDITIONS:

1. The applicant shall submit a corrected copy of the SP plan to include the following:
  - a. A redesigned Park Residential District that promotes more consistency in building height and street relationship and a neighborhood design consistent with other District in May Town Center
  - b. A revised street-layout in the Regulatory Plan and all other plans within the SP that includes the street layout to address design issues within the Town Center component and concerns with the disbursement of traffic from the Cockrill Bend bridge.
  - c. A multi-use path added as a permitted use in the Buffers in the Conservation Easement Plan
  - d. That government agencies can administer the funds and hold the easements for the buffers along Old Hickory Boulevard outside of May Town Center and a multi-use path added as permitted use in the buffer
  - e. A goal of 20 percent of workforce housing in the Sustainability section of the SP plan.
  - f. A description the maximum levels of development for each of the five phases as shown in the staff report.
  - g. Minimum levels of development for each of the five phases as shown in the staff report
  - h. A statement acknowledging that a traffic monitoring plan, will be developed by the developer acceptable to Public Works, Planning, MPO, Metro Transit Authority (MTA), and the Tennessee Department of Transportation (TDOT) in the Development Caps section of the SP plan and include that the monitoring period will be annually, with a report due July 1 of each year beginning with the opening of the recommended bridges to full project build out (90% of full development entitlements).
  - i. A statement acknowledging the conditions of MTA on the Transit Plan and that a transit report will be prepared annually and submitted at the same time as other monitoring reports.
  - j. The preliminary SP be accompanied by an application for inclusion into the Urban Services District
2. The developer of May Town Center provide the Metropolitan Planning Commission funding, in an amount not to exceed \$300,000, for developing and finalizing detailed corridor design plans and implementation recommendations in the following five (5) areas prior to approval



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- of Phase II of the project and that any approval for Phase II be conditioned upon the findings of these plans and recommendations to the degree that the impacts can be credited to the approval of this application.
- a. Cockrill Bend Corridor from the Cumberland River along Cockrill Bend Blvd, Centennial Blvd and John Merritt Blvd to Tennessee State University.
  - b. Bordeaux Corridor from Briley Parkway along Ashland City Highway, Clarksville Highway to Rosa L. Parks Blvd.
  - c. The Charlotte Pike/Richland Park Corridor from the railroad east of 42nd Ave to a point west of White Bridge Road with specific consideration of the appropriateness of implementing a storefront and development easement or transfer of development rights program to preserve the historic character of the neighborhood center in light of specific increased development pressures attributable to May Town Center.
  - d. The White Bridge Road Corridor from I-40 south to Nashville State Technical Institute.
  - e. The Old Hickory Blvd Corridor from the Cumberland River south to a point south of I-40 should the third full-access bridge be required with specific evaluation of how to minimize environmental impacts immediately south of the Cumberland River.
3. A plan for protecting significant archaeological resources finds shall be presented with the initial final site plan and the applicant shall work with the Metro Historical Commission, the State Historic Preservation Officer, and the State Archaeologist in preparing the protection plan.
  4. Transfer or a plan for irrevocable transfer of the easements for tax purposes shall accompany the first final site plan approval after the permit for the initial bridges has been received.
  5. Two bridges shall be provided prior to the initial development of May Town Center.
  6. Absent a direct finding that it is unnecessary to achieve the stated objectives, a third full-access bridge shall be provided as the development of May Town Center progresses.
  7. The responsibility for ensuring that all three potential bridges are constructed falls exclusively to the developer(s) of May Town Center and that the Metropolitan Government will not assume any financial or other obligations for the construction of the bridges or associated infrastructure improvements.
  8. No building permits for construction of any new structures shall be issued when the projected level-of-service reaches a LOS of mid-level E.
  9. Following approval for development within Phase II as outlined in the phasing section of this report, no further site plans or building permits authorizing any new structure in Phases III, IV, and V shall be issued or approved until the Metropolitan Planning Commission evaluates and determines the need for construction and the design of the third bridge as conditioned herein.
  10. The requirements of the Public Works Department shall be met.
  11. The applicant shall work with the Metropolitan Nashville Airport Authority to mitigate any undesirable impacts on aviation.
  12. The water and sewer capacity required by the Water Services Department shall be kept current.



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13. The uses for this SP are limited to the uses as described in the plan.
14. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application.
15. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
16. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
17. 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.