



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
of the
Metropolitan Planning Commission**

November 12, 2009

4:00 PM

***Metro Southeast at Genesco Park
1417 Murfreesboro Road***

PLANNING COMMISSION:

James McLean, Chairman
Stewart Clifton
Derrick Dalton
Tonya Jones
Victor Tyler
Councilmember Jim Gotto

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
Doug Sloan, Legal Counsel
Marie Cheek, Planning Tech II
Craig Owensby, Public Information Officer
Brenda Bernards, Planner III
Jason Swaggart, Planner II
Brian Sexton, Planner I
Greg Johnson, Planner II
Cynthia Wood, Planner III
Joni Priest, Planner II
Carrie Logan, Planner II
Rebecca Ratz, Planner I
Jennifer Carlat, Planning Mgr. II
Steve Mishu, Metro Water

Commission Members Absent:

Judy Cummings
Hunter Gee
Andrée LeQuire, representing Mayor Karl Dean
Phil Ponder, Vice Chairman

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

I. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond briefly explained the various corrections which were made to the agenda. In particular, she explained that Item #1, 2009CP-009-001, The Downtown Community Plan was on the agenda with the recommendation for approval and should include the following conditions: 1) revisions to relevant paragraphs in the Building Regulating Plans for the amended neighborhoods to ensure that the listings of "Streets Where Active First Floor Uses Are Required" accurately match the corresponding listings in the *Downtown Code* as adopted by the Metropolitan Planning Commission; 2) addition of the "Streets Where Active First Floor Uses Are Required" to the Building Regulating Plan Maps for each neighborhood; and 3) correction of typographical and numbering errors.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the agenda as corrected. **(6-0)**

III. APPROVAL OF OCTOBER 22, 2009, MINUTES

Mr. Gotto moved and Mr. Clifton seconded the motion, which passed unanimously to approve the October 22, 2009, minutes as presented. **(6-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Harrison spoke in favor of Item #5, 2009SP-017-001, Kelly Driver Senior Retirement. He acknowledged that staff was recommending disapproval on the proposal, however briefly explained various reasons in which the development would be beneficial, as well as compatible to this area of his district, and requested its approval.

Councilmember Matthews spoke in favor of Item #10, 2009Z-039PR-001, Bordeaux/Whites Creek Community Plan. He briefly explained that the request would allow a neighborhood church to erect a LED sign, and that he, as well as the community, were in support. He requested its approval.

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

4. 2006SP-105-001 A request to amend the existing SP (adopted with Council Bill BL2006-1229) for the previously approved H & M Motors SP located at 1525 4th Avenue South to add all other uses permitted by CS zoning as permitted uses – deferred to December 10, 2009, at the request of the councilmember, as well as the applicant.
6. 2009SP-024-001 A request to change from R8 and AR2a to SP-MU zoning for property located at Old Hickory Boulevard (unnumbered) and a portion of property located at Murfreesboro Pike (unnumbered), at the southeast corner of Murfreesboro Pike and Hobson Pike, to permit the development of 112 residential dwelling units and 20,000 square feet of retail or office uses in two structures – deferred to December 10, 2009, at the request of the applicant.
7. 2009SP-025-001 A request to change from RS7.5 to SP-MR zoning a portion of properties located at 5000 Mountain Springs Road and at Hobson Pike (unnumbered), north of Hobson Pike (40.8 acres), to permit 219 residential dwelling units comprised of 32 single-family lots and 187 multi-family dwelling units – deferred to December 10, 2009, at the request of the applicant.
13. Contract between MPC (on behalf of MPO) and TDOT for additional planning funds – deferred to December 10, 2009, at the request of the applicant.

Mr. Bernhardt announced that Councilmember Moore requested that Item #4, 2006SP-105-001, H & M Motors (Amendment #1) be deferred to the December 10, 2009, meeting.

Mr. McLean verified that the applicant of Item #4, H & M Motors, was in agreement with the deferral.

Mr. Clifton moved and Mr. Tyler seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items as presented. **(6-0)**

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS AND SPs

1. 2009CP-009-001 A request to amend the Downtown Community Plan: 2007 Update in association with the Nashville Downtown Code -Approve w/conditions
2. 2009Z-031TX-001 A request to amend the Metro Zoning Code to insert a new Chapter 17.37 called "The Downtown Code", requested by the Metro Planning Commission -Approve

- 3. 2009Z-030PR-001 A request to rezone various properties downtown from CC, CF, CS, IG, IR, IWD, MUI, MUL, MUN, and OR20 to DTC (823.92 acres), located north of I-40 and south of Jefferson Street, requested by the Metro Planning Commission and the Metropolitan Government -Approve
- 8. 2009SP-028-001 A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 570 Murfreesboro Pike, to permit an existing structure to be utilized for auto sales (used), auto repair, vehicular leasing and all other uses permitted by CS zoning. -Approve w/conditions
- 9. 2009SP-029-001 A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 630 Murfreesboro Pike to permit auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning. -Approve w/conditions
- 11. 2009P-004-001 A request for preliminary approval for the Nashville Corners Shopping Center Commercial Planned Unit Development for property located at Murfreesboro Pike (unnumbered), approximately 750 feet south of Hamilton Church Road, zoned CS, to permit 21,250 square feet of restaurant and retail space and to allow access directly to Murfreesboro Pike rather than the current approved access shown on a recorded plat through the property located at 3035 Hamilton Church Road. -Approve w/conditions

FINAL PLAT

- 12. 2009S-090-001 A request to create four lots on properties located at 2720, 2722, 2724 and 2726 Bluefield Avenue and at Donelson Pike (unnumbered).

-Approve, including a variance to Section 3-4.2(f) of the Metro Subdivision Regulations for lot depth to width ratio.

OTHER BUSINESS

- 14. A resolution to authorize the expenditure of up to \$50,000 from the Advance Planning and Research Fund as per the Metropolitan Charter Section 6.14. The funds will be used to obtain specialized consultant expertise to undertake a market analysis and feasibility study to determine the appropriate form of, and land uses for, development and redevelopment on Nashville's corridors, and to recommend specific economic development tools and strategies to target sustainable development opportunities along those corridors. -Approve
- 15. New employee contract for Mary Elizabeth Ikard. -Approve
- 16. Exclusion of American Southern Insurance Company, Bond Safeguard Insurance Company, Developers Surety and Indemnity Company, Lexon Insurance Company, National Grange Mutual Insurance Company, and Travelers Casualty and Surety Company of America from providing surety bonds for one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations. -Approve

Mr. McLean questioned whether Item #16 was reviewed and approved by Legal Counsel.

Mr. Sloan verified that his department was in agreement with Item #16.

Mr. Gotto questioned whether the length of time mentioned in Item #16 was sufficient in preventing these organizations from providing bonds.

Mr. Sloan explained that the Subdivision Regulations mandated the one year time limit.

Mr. Bernhardt offered that the Commission could review and amend the Subdivision Regulations in the future, however, the one year time limit was currently in effect.

Mr. Gotto expressed concern with the time limit currently being used and suggested the Commission review the regulations.

He spoke of a project in his district whereby development ceased and the bonding company failed to follow through on their commitment.

Mr. Gotto moved and Mr. Dalton seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. **(6-0)**

VII. PUBLIC HEARING: COMMUNITY PLAN AMENDMENTS

1. 2009CP-009-001

Downtown Community Plan

Downtown Community Plan

Council District 6 – Mike Jameson, Council District 19 – Erica Gilmore

Staff Reviewer: Cynthia Wood

A request to amend the Downtown Community Plan: 2007 Update in association with the Nashville Downtown Code.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Amend the Downtown Community Plan Community Plan Amendment

A request to mend the Downtown Community Plan: 2007 Update in association with the Nashville Downtown Code.

CRITICAL PLANNING GOALS The *Downtown Community Plan: 2007 Update*, addresses all of the critical planning goals. The amendments that are currently being considered do not alter or diminish the Downtown Plan's commitment to the critical planning goals.

DOWNTOWN COMMUNITY PLAN

Existing Structure Plan Policies:

Open Space (OS) and Potential Open Space (POS) Open Space is a general classification encompassing a variety of public, private not-for-profit, and membership-based open space and recreational activities. There are two subcategories of Open Space. The designation OS indicates that the area in question has already been secured for Open Space use. The designation POS indicates that the area in question is intended to be in open space use, but has not yet been secured for that use.

Community Center (C C) Community Center (C C) is the Structure Plan classification for dense, predominantly commercial areas at the edge of a neighborhood, which either sit at the intersection of two major thoroughfares or extend along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Generally, Community Center areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops. Neighborhood and community oriented civic uses and residential uses are also appropriate in C C areas.

Downtown Core (DC) The Downtown Core is a Structure Plan category for the employment center of Downtown. It constitutes the single largest concentration of non-residential development in Nashville/Davidson County. Offices are the predominant type of development, although the Downtown Core contains a diverse array of land uses supporting and complementing the commercial including retail, entertainment, community facilities, government services, and high density residential. The DC area in Downtown is located in the geographic center of Downtown and includes the Core and SoBro.

Civic District (CV) The Civic District contains numerous civic facilities from the State Capitol and Metro City Hall to courts, museums, and theatres. It also includes various government offices in buildings ranging from historic structures to modern skyscrapers. While civic structures are predominant in the Civic District, the district also includes retail, service, and residential uses along with associated structured and surface parking. The intent for this area is to recognize its role as the civic center of the state, region, and city, celebrate its civic function and heritage, and encourage a vibrant mixture of supporting uses. Strong relationships to surrounding open space networks and neighborhoods are key to successful future development. The CV areas in Downtown include Bicentennial Mall, the areas surrounding Capitol Hill and the Public Square, and the Fulton Complex in Rutledge Hill.

Second and Broadway (SB) This Structure Plan category applies to the two corridors that form the historical and cultural identity of Nashville at the local, regional, and even international levels: Broadway and Second Avenue. Second and

Broadway contains many historic low- to mid-rise buildings that range in height from two to eight stories, a height range that should be maintained. The uses of these buildings include the famous honky-tonks of lower Broadway to the dignified buildings of upper Broadway such as the Frist Center for the Visual Arts, Union Station, and the Customs House. An important goal for this area is the preservation and adaptive reuse of these historic buildings. They form a distinctive corridor that cannot be replicated and should retain its prized authentic qualities of urban design.

Downtown Neighborhood (DN) The Downtown Neighborhood Structure Plan category applies to those parts of Downtown where intense mixed use development that includes significant residential development is desired, although at a less intense scale than the Downtown Core. On the Structure Plan, the DN district is comprised of several distinct neighborhoods, each with its own unique character and intended development pattern, which are further defined in each neighborhood's Building Regulating Plan.

Existing Detailed Land Use

Plan Policies Note that only those policies that are affected by amendments are described below. Other detailed land use policies are present in the study area, but are not affected include Amusement and Entertainment (AE), Institutional (I), Parks, Reserves, and Other Open Space (PR), Transportation (T), and Utility (U).

Civic or Public Benefit (CPB) This policy includes various public facilities including schools, libraries, and public service uses.

Mixed Use (MU) This policy includes buildings that have a mixture of uses both within the block and within the building. This policy allows residential as well as commercial uses. A mix of uses within the building is preferable in creating a more pedestrian-oriented streetscape, especially vertically mixed-use buildings with retail or restaurant activities at street level and residential and/or office above.

PLAN DETAILS

Plan Amendment Proposal A series of amendments are proposed to the *Downtown Community Plan: 2007 Update* (DTP), which was adopted by the Metro Planning Commission on February 22, 2007. This series of amendments is being considered in conjunction with a major effort to implement the DTP that the City is undertaking for a large portion of the Downtown Community (see 2009Z-031TX-001 and 2009Z-030PR-001 on this agenda) – the adoption of the Downtown Code (DTC), a new zoning code designed to ensure that future development within the DTC boundary will meet the intent of the DTP.

Community Input Because the amendments to the DTP are made in conjunction with the proposed DTC, there were numerous community meetings and resource team meetings to craft the DTC, followed by a community meeting for the DTP amendments. The community meeting for the DTP amendments was held on Thursday, September 3, 2009 at 4:30 PM in the Downtown Library Auditorium. The DTP amendments community meeting was attended by approximately 25 people.

Origin of the Amendments As the proposed DTC was being developed, several issues came to light which needed to be reconciled between the DTP and the DTC. Therefore, the focus of the proposed amendments is:

- To maintain consistency between the DTP and the new DTC that will be used to implement it;
- To reflect the results of further analysis that went into developing the DTC; analysis that revealed the need for refinements to the DTP; and
- To better focus the DTP on intent and vision, providing guidance rather than regulation while allowing the new DTC to address the quantitative, regulatory elements of zoning.

The proposed amendments fall into the following categories:

1. Amendments that Change the Community Plan Text
2. Amendments that Change the Community Plan Map Boundaries and Text
3. Street Connection Amendment
4. Housekeeping Amendments

ANALYSIS

1. Amendments that Change the Community Plan Text

1a. Floor Area Ratio (FAR) Amendments The *Downtown Community Plan: 2007 Update* (DTP) includes within it a Building Regulating Plan that contains the specific urban design goals and objectives for each of the various neighborhoods

within Downtown Community.

To guide building form and placement within the Downtown Community, some of the guidance in the DTP is expressed in quantitative or dimensional terms. One of the quantitative tools used frequently in the DTP is Floor Area Ratio (FAR).

FAR has not been used in the new Downtown Code (DTC). Rather, the DTC states the number of stories permitted per subdistrict or street, to create a zoning code that is simpler to understand and implement, and will have more consistent results across properties. The fact that DTP uses the FAR tool and the DTC does not, creates a possibility for confusion and conflict between the two documents.

The amendments to the DTP address this issue by removing numerous references to FAR throughout the Building Regulating Plans for the various subdistricts and replacing these references with more generalized intent language to communicate the desired intent for the mass of buildings within each subdistrict.

1b. Garage Liner Amendments The DTP contains policies that require all floors of parking structures on specific streets in specific neighborhoods to be “lined” with buildings that have active uses. The intent of these policies is to balance the need to provide parking with the need for active streetscapes that foster comfortable pedestrian transportation.

The DTC takes a different approach to meeting this intent. In the DTC, all parking structures on specified primary and secondary streets in all subdistricts are required to be lined with active uses at the street level. Meanwhile, bonus height is provided to developers who line the upper floors of the parking structures.

The amendments to the DTP to address this issue result in the DTP using the same approach as that used in the DTC.

1c. Entrances to Parking Amendments The DTP policies prohibit entrances to parking on certain Downtown streets designated as “primary,” or of particular significance to travel and activities that occur along them. As in the case of the garage liner policies, the intent of these policies is to balance the needs of the vehicular traveler with the needs of the pedestrian traveler by minimizing conflict points on Downtown’s most significant streets.

In the DTC, by contrast, alley access is encouraged, but street access is not prohibited. Street access is instead determined on a case-by-case basis, to provide the flexibility to address the nuances of each site and proposed access points’ impact on the pedestrian realm.

The amendments to the DTP to address this issue add specific language to the DTP to guide balancing the needs of these multiple modes of transportation when placing parking access points along streets. This guidance would be used to assist in making the case-by-case determinations for development proposals being reviewed under the DTC and also for any future rezonings that might occur within the DTC boundary. This language is added both in objectives in individual subdistricts, and also in the “Systems and Strategies – Parking and Access” section in Chapter 4 of the DTP.

1d. Height Amendments The DTP and DTC address height differently. The DTP uses height in feet and the concept of a sky exposure plane, wherein increases in height are allowed for corresponding building step-backs from the street. The DTC refers to height in stories and does not use the sky exposure plane, but rather uses a single “step back” at a specified height.

The DTP height amendments bring the community plan back to a focus on intent and on the unique role of each neighborhood by referring mainly to low-, mid-, and high-rise height ranges, which are defined in the glossary. These definitions have been amended to reflect the results of further analysis that went into the DTC. Substantive height amendments were also made for certain areas:

North Gulch The DTP calls for a maximum height of 105' at the street with a 1:1.5 sky exposure plane to a maximum elevation of 560', matching the elevation of the base of the State Capitol. The intent of this height limit is to avoid visual conflict with the Capitol.

The proposed DTC calls for a specific height cap of seven stories; with four stories being the height cap on Herman Street. Both of these methods of measuring height achieve the same intent, and the reduced height along Herman Street will provide an improved transition to the lower-intensity Hope Gardens neighborhood to the north.

The amendments to the DTP remove the language regarding the 105' height and 1:1.5 sky exposure plane and include language regarding the intent of the height limit so that a variety of techniques may be used to meet that intent.

SoBro Subdistrict 3 Height Amendments The Building Regulating Plan Goals and Objectives in the DTP for SoBro Subdistrict 3, "SoBro Mixed Use Subdistrict," contain building height policies for buildings that front along First and Second Avenues South. These height policies are intended to achieve a step-down in building heights that follows the terrain as it slopes down towards the Cumberland River, thereby providing views of the river from buildings west of the river and emulating the step-down in building heights found on the northern portions of First and Second Avenues north of Broadway.

The amendments to the DTP change the language regarding envisioned building heights in this portion of SoBro Subdistrict 3 from a measurement-based approach to an intent-based approach to allow for a different measurement system to be used in the proposed DTC that will meet the same intent as that in the DTP.

1e. Height Bonuses The DTP provided height bonuses in some areas for achieving higher than standard levels of Leadership in Energy and Environmental Design (LEED) certification. The DTC provides height bonuses for a variety of programs including LEED, workforce housing provision, civil support space provision, and upper level garage liners among others.

Amendments have been made to the "height objective" in each subdistrict in the DTP to note whether that subdistrict is eligible for height bonuses. These height bonuses are then implemented through the Bonus Height Program in the DTC.

1f. Minimum Height Amendments The DTP calls for a minimum height at the street of 45 feet throughout most of the neighborhoods, while in the DTC, the minimum is 25 feet. In both cases, the intent is to help provide an urban form that is appropriate to an intense downtown environment.

The amendments change most of the references to the 45 foot minimum height at the street called for in the DTP to match the 25 foot minimum height in the DTC, which is the result of further study, analysis, and community discussion.

1g. Removal of References to Commercial Core (CC) Zoning District Since this district will cease to exist with the enactment of the DTC, references to it in the DTP have been amended out.

2. Amendments that Change Community Plan Map Boundaries and Text In the Downtown Community Plan (DTP), there are two maps for each neighborhood within the Downtown Community – a Detailed Land Use Plan Map and a Building Regulating Plan Map. The research undertaken with the creation of the DTC demonstrated the need to change the boundaries of some Downtown neighborhoods. When a boundary change was recommended, then both maps must be changed for each neighborhood in the DTP.

2a. Gulch and North Gulch Boundary Change and Gulch Subdistricts Consolidation Two major sets of changes to the DTP are proposed here. In the DTP, the Gulch Neighborhood extends north to the back of the properties that front on the south side of Broadway. Properties to the north of this boundary are in the North Gulch Neighborhood (i.e. properties on both sides of Broadway were in the North Gulch).

In the DTC, the northern boundary of the Gulch Neighborhood is the back of properties fronting onto the north side of Charlotte (i.e., properties on both sides of Charlotte would be in the Gulch). The proposed new boundary in the DTP would match the DTC boundary and place both Church Street and Charlotte Avenue in the Gulch Neighborhood, placing the entire area that passes beneath viaducts into the Gulch Neighborhood.

Also in the DTP, the Gulch Neighborhood is broken down into three Building Regulating Plan subdistricts with somewhat varying height regulations among the subdistricts that used a sky exposure plane method of regulating height in which a certain number of vertical feet are allowed for each horizontal foot that the building is "stepped back" from the street once it reaches a certain height threshold. This is one technique for achieving a pedestrian-friendly streetscape by limiting height at the street to help move light and air.

The proposed DTC takes another approach that enables the three subdistricts within the DTP to be consolidated into one. In this approach, heights are limited to ten stories in most places. Fifteen stories are permitted on Church, Broadway and Demonbreun. Twenty stories are permitted at certain key intersections. A step-back is required at seven stories except at

those key intersections.

The amendments to the DTP change the boundaries as shown on the accompanying maps and incorporate the DTC approach of addressing stepbacks into the merged subdistricts.

2b. Hope Gardens Policy Boundary and Text Amendments The Hope Gardens Neighborhood is distinct among all of the neighborhoods in the Downtown Community because it is an established, predominantly single-family residential community. Creating appropriate transitions in scale and intensity between this significantly lower intensity neighborhood and the remainder of Downtown is an important goal of the DTP.

In conducting analysis to develop the proposed DTC, the thinking about the most appropriate ways to accomplish this transition has evolved. The policies in the DTP for Hope Gardens were based on the Planning Commission's 1995 Hope Gardens Neighborhood Plan. At the time that plan was developed, it was hoped that development along Herman Street, the southern boundary of Hope Gardens, would evolve away from its current industrial character. This has not only failed to occur, but the industrial character of the street has continued to thrive with new development. In light of this, the proposed DTC allows mixed use development along the north side of Herman Street where the DTP limited the development type to mixed housing.

The amendments to the DTP allow mixed use development to occur along the north side of Herman Street and remove the sky exposure plane approach currently used in this mixed use subdistrict. Instead, the plan incorporates a step down at the back edges of properties where they interface with the lower scaled interior residential properties of the neighborhood. This is the same approach proposed in the DTC. On the maps the proposed changes are on Herman Street and Meharry Boulevard between Morrison Street and 11th Avenue North.

2c. Core Historic Subdistrict Boundaries In the DTP, Subdistrict 3, the Historic Subdistrict, along with the associated Special Policy Area in the Detailed Land Use Plan, do not encompass the corner of 3rd Avenue North and Union Street where a group of historically significant structures are located. In the DTC, in contrast, the equivalent subdistrict and Special Policy Area encompass the corner of 3rd and Union and also include a small contiguous part of the Second and Broadway Neighborhood in the DTP.

The amendments to the DTP match the Community Plan Building Regulating Plan Subdistrict and Detailed Land Use Plan Special Policy Area boundaries to those used for the equivalent regulating subdistrict in the proposed DTC as shown in the maps. The text is changed so that affected properties would be referenced to the new subdistricts and Special Policy.

The effect of this is that the properties that moved from the Community Plan's Core Building Regulating Plan Subdistrict 4 with Mixed Use in Downtown Core Detailed Land Use Plan policy are now part of Subdistrict 3. Subdistrict 3 focuses on the preservation and adaptive reuse of historic structures and complementary new development adjacent to such structures. The Special Policy that applies to this same concentration of historic structures in the Core neighborhood also applies to the added area. The Special Policy focuses on the same intent and vision regarding historic structures as does Building Regulating Plan Subdistrict 3.

2d. Lafayette and Rutledge Hill Neighborhood Boundaries In the DTP, the boundary between the Lafayette and Rutledge Hill Neighborhoods is 5th Avenue South. In the proposed DTC, the boundary is further east along 2nd Avenue South. This change is so that only the historic portions of Rutledge Hill are in the Rutledge Hill Neighborhood of both the DTP and DTC, improving the cohesiveness within the two neighborhoods.

The amendments to the DTP match the community plan subdistrict boundaries to those used in the proposed DTC as shown on the maps. The text is rearranged so that affected properties are referenced to the correct, new subdistricts.

2e. Lafayette and SoBro Neighborhood Boundaries In the DTP, the southwestern boundary of the SoBro Neighborhood with the Lafayette Neighborhood is Lea Avenue. In the DTC, the boundary is shifted to enlarge the SoBro Neighborhood to the south and west. This reflects the most recent understanding of the location for the proposed Convention Center and future Korean War Veterans Boulevard terminus roundabout developments, ensuring that those proposed developments would be in one neighborhood and not split across two. The change is most easily seen in the accompanying subdistrict maps.

The amendments to the DTP match the community plan subdistrict boundaries to those used in the proposed DTC as shown

on the maps. The text is rearranged so that affected properties are referenced to the correct, new subdistricts.

2f. Second and Broadway and SoBro Neighborhoods Boundaries In the DTP, the boundary of the Second and Broadway Neighborhood with the SoBro Neighborhood is the southern edge of properties fronting onto Broadway. In the DTC, the southern boundary of the Second and Broadway Neighborhood is Symphony Place. The amendments to the DTP match the community plan subdistrict boundaries to those used in the proposed DTC as shown on the maps. The text is changed so that affected properties are referenced to the correct new subdistricts.

This boundary change places the historically significant structures in the subject area into the Second and Broadway Neighborhood, which focuses on the preservation and adaptive reuse of such structures and new development that is complementary with the historic structures. The SoBro subdistrict standards in the Community Plan do not have such a focus.

2g. Capitol Hill and Public Square Neighborhoods Merger and Bicentennial Mall Neighborhood Boundary Change In the DTP, there are two neighborhoods that contain significant concentrations of important civic structures and public open space – Capitol Hill and Public Square. In the proposed DTC, these neighborhoods are merged into a single “James Robertson” Subdistrict. In addition, a few properties along James Robertson Parkway that are in the Bicentennial Mall Neighborhood in the DTP are instead included in the James Robertson Subdistrict in the proposed DTC.

The amendments to the DTP match the community plan Neighborhood boundaries to those used in the proposed DTC as shown below. The text is rearranged so that affected properties are referenced to the correct, new Neighborhoods and subdistricts. This is to improve the cohesiveness within what were formerly two separate neighborhoods with similar characteristics and development intent.

2h. Parks, Reserves, or Other Open Space in Open Space to Parks, Reserves, or Other Open Space in Potential Open Space Housekeeping Amendments and Civic and Public Benefit in Open Space to Mixed Use in Downtown Neighborhood Housekeeping Amendment

During the mapping for the DTP amendments, it was discovered that a scattered handful of parcels were inadvertently mis-designated in public ownership policies during the Community Plan Update in 2007, because they were incorrectly believed to be in public rather than private ownership. The amendments correct the mapping errors.

3. Street Connection Amendment

3a. Division to Ash Street Connection The DTP recommends connecting Division and Ash Streets to form a continuous east-west route in the southern portion of the Downtown Community. The DTC instead calls for a route that would straighten Division Street and then connect to Fogg Street and then to Ash Street.

The amendments to the DTP match the community plan recommendation for this southern route to that contained in proposed DTC. This reflects the results of additional study of the feasibility of different street connections.

4. Housekeeping Amendments There are numerous maps, figures, and cross-references within the DTP that were affected by the above amendments and must be changed. In addition, staff discovered three small mapping errors involving Civic or Potential Open Space properties which were corrected.

All of the amendments are detailed in the Attachment A to the draft Adoption Resolution.

STAFF RECOMMENDATION Recommend approval of the request to amend the *Downtown Community Plan: 2007 Update* with the following conditions of approval:

1. Revisions to relevant paragraphs in the Building Regulating Plans for the amended neighborhoods to ensure that the listings of “Streets Where Active First Floor Uses Are Required” accurately match the corresponding listings in the *Downtown Code* as adopted by the Metropolitan Planning Commission;
2. Addition of the “Streets Where Active First Floor Uses Are Required” to the Building Regulating Plan Maps for each neighborhood; and
3. Correction of typographical and numbering errors.

Approved with conditions, (6-0) *Consent Agenda*

Resolution No. RS2009-146

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009CP-009-001 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Revisions to relevant paragraphs in the Building Regulating Plans for the amended neighborhoods to ensure that the listings of “Streets Where Active First Floor Uses Are Required” accurately match the corresponding listings in the *Downtown Code* as adopted by the Metropolitan Planning Commission;
2. Addition of the “Streets Where Active First Floor Uses Are Required” to the Building Regulating Plan Maps for each neighborhood; and
3. Correction of typographical and numbering errors.”

VIII. PUBLIC HEARING: TEXT AMENDMENT, ZONING MAP AMENDMENTS AND SPs

2. 2009Z-031TX-001

Downtown Code

Downtown Community Plan

Council District 6 – Mike Jameson, Council District 19 – Erica Gilmore

Staff Reviewer: Joni Priest

A request to amend the Metro Zoning Code to insert a new Chapter 17.37 called "The Downtown Code", requested by the Metro Planning Commission.

Staff Recommendation: Approve

[Note: Items #2 and #3 were discussed by The Metropolitan Planning Commission together. See Item #3 for staff report, actions, and resolutions.]

Approved, (6-0) *Consent Agenda*

3. 2009Z-030PR-001

Nashville Downtown Code

Downtown Community Plan

Council District 6 – Mike Jameson, Council District 19 – Erica Gilmore

Staff Reviewer: Joni Priest

A request to rezone various properties downtown from CC, CF, CS, IG, IR, IWD, MUI, MUL, MUN, and OR20 to DTC (823.92 acres), located north of 1-40 and south of Jefferson Street, requested by the Metro Planning Commission and the Metropolitan Government, applicant, for various property owners.

Staff Recommendation: Approve

APPLICANT REQUEST Create a new chapter of the Zoning Code titled “Downtown Code”, rezone downtown properties and make associated changes to the Zoning Code. Please note that this request has two parts. The first action is the amendment to the Zoning Code to create a new Chapter and zoning district – the Downtown Code. The second action is to rezone portions of Downtown to the Downtown Code zoning district.

Text Amendment A request to amend the Metro Zoning Code to insert a new Chapter 17.37 called "The Downtown Code", requested by the Metro Planning Department.

Rezoning A request to rezone various properties downtown from Commercial Core (CC), Core Frame (CF), Commercial

Services (CS), Industrial General (IG), Industrial Restrictive (IR), Industrial Warehousing/ Distribution (IWD), Mixed Use Intensive (MUI), Mixed Use Limited (MUL), Mixed Use Neighborhood (MUN), and Office Residential (OR20) to Downtown Code (DTC), (823.92 acres), located north of I-40 and south of Jefferson Street.

Existing Zoning

CC District - Commercial Core is intended for a concentration of financial, professional and administrative office uses, in conjunction with retail, food service, amusement and high density residential uses normally associated with a central business district.

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

CS District - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

IG District - Industrial General is intended for a wide range of intensive manufacturing uses.

IR District - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

IWD District - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

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

MUL District - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

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

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

Proposed Zoning

DTC District - Downtown Code is designed for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown. Included among the common goals for the DTC district is the efficient use of land capitalizing on a high level of services, reduced reliance on the automobile with enhanced usage of mass transit, and the creation of a vibrant and safe pedestrian streetscape. The DTC district is intended to implement the policies of the general plan.

CRITICAL PLANNING GOALS

- Creates Open Space
- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Provides a Range of Housing Choices
- Supports Infill Development
- Promotes Compact Building Design
- Preserves Historic Resources
- Encourages Community Participation

The DTC identifies neighborhoods within one-quarter mile of existing open space in Downtown to show which areas are served by open space and, conversely, which areas are *deficient* in open space. The DTC provides standards for the creation of unique types of open spaces to meet the varying needs of citizens: greens, squares, plazas, courts and pocket parks/playgrounds. While the DTC does not require the creation of open space, its Bonus Height Program provides height

bonuses for the development of public open spaces.

Walking is encouraged in the *Downtown Community Plan: 2007 Update* by making the walk safe, interesting, and comfortable. The DTC fulfills the vision of the Downtown Plan by emphasizing frontage design, requiring active ground level uses, and setting standards for vehicular activity to make the pedestrian experience safer and more enjoyable.

A variety of transportation options currently exist within Downtown. The DTC supports these transportation options by providing a variety of land uses within compact, mixed use, higher-density neighborhoods – essentially providing the critical mass of employees, visitors and residents to support transportation options.

First and foremost, the DTC expands allowed uses within Downtown to include two-family and single-family, providing a variety of housing types. The DTC includes standards for the development of buildings with “storefront,” “stoop” and “porch” frontages to accommodate housing in mixed-use buildings, stacked flats, townhouses, two-family dwellings, and single-family dwellings. Finally, the Bonus Height Program provides height bonuses for the development of workforce housing.

By emphasizing mixed-use, walkable neighborhoods within Downtown, the DTC reinforces Metro Government’s commitment to sustainability and responsible use of resources including pre-existing infrastructure and already-developed land. Part of being sustainable is encouraging infill to use existing under-utilized infrastructure – water lines, sewer lines, electricity, and streets – in lieu of creating new infrastructure and continuing green-field consumption.

The DTC allows greater height at the street, greater overall height, and greater intensity than current zoning allows. By regulating frontage design and requiring active uses on the ground floor, the DTC maintains lively, safe, attractive streets, while encouraging more compact, higher-density development.

The DTC includes a subdistrict for 2nd Avenue and Lower Broadway that reinforces the historic zoning overlay for these streets. The DTC also creates subdistricts for the Core Historic, Upper Broadway, and Rutledge Hill neighborhoods to encourage preservation and compatible infill in these historic areas. The DTC also ensures the preservation of view of the Capitol building by limiting height in the northern neighborhoods of Downtown.

Community participation in the creation of the DTC began with updating the Downtown Community Plan in 2006/2007. Over 500 people participated in 22 community meetings during this time period – creating the vision that is explained in the Downtown Plan and implemented through the DTC. Since October 2007, the community has provided input on the DTC through three community meetings, and 21 stakeholder meetings. Staff has also integrated feedback from numerous individual consultations with property owners and stakeholders.

DOWNTOWN COMMUNITY PLAN

Existing Structure Plan Policies

Open Space (OS) and Potential Open Space (POS) Open Space is a general classification encompassing a variety of public, private not-for-profit, and membership-based open space and recreational activities. There are two subcategories of Open Space. OS indicates that the area in question has already been secured for Open Space use. POS indicates that the area in question is intended to be in open space use, but has not yet been secured for that use.

Community Center (CC) Community Center (CC) is the Structure Plan classification for dense, predominantly commercial areas at the edge of a neighborhood, which either sit at the intersection of two major thoroughfares or extend along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Generally, Community Center areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops. Neighborhood and community oriented civic uses and residential uses are also appropriate in C C areas.

Downtown Core (DC) The Downtown Core is a Structure Plan category for the employment center of Downtown. Offices are the predominant type of development, although the Downtown Core contains a diverse array of land uses supporting and complementing the commercial including retail, entertainment, community facilities, government services, and high density residential. The DC area in Downtown is located in the geographic center of Downtown and includes the Core and SoBro.

Civic District (CV) The Civic District contains numerous civic facilities from the State Capitol and Metro City Hall to courts, museums, and theatres. It also includes various government offices in buildings ranging from historic structures to modern skyscrapers. While civic structures are predominant in the Civic District, the district also includes retail, service, and residential uses along with associated structured and surface parking. The intent for this area is to recognize its role as the civic center of the state, region, and city, celebrate its civic function and heritage, and encourage a vibrant mixture of supporting uses. Strong relationships to surrounding open space networks and neighborhoods are key to successful future development.

Second and Broadway (SB) This Structure Plan category applies to the two corridors that form the historical and cultural identity of Nashville at the local, regional, and even international levels: Broadway and Second Avenue. Second and Broadway contains many historic low- to mid-rise buildings that range in height from two to eight stories, a height range that should be maintained. The uses of these buildings include the famous honky-tonks of lower Broadway to the dignified buildings of upper Broadway such as the Frist Center for the Visual Arts, Union Station, and the Customs House. An important goal for this area is the preservation and adaptive reuse of these historic buildings. They form a distinctive corridor that cannot be replicated and should retain its prized authentic qualities of urban design.

Downtown Neighborhood (DN) The Downtown Neighborhood Structure Plan category applies to those parts of Downtown where intense mixed use development that includes significant residential development is desired, although at a less intense scale than the Downtown Core. On the Structure Plan, the DN district is comprised of several distinct neighborhoods, each with its own unique character and intended development pattern, which are further defined in each neighborhood's Building Regulating Plan.

Existing Detailed Land Use Plan Policies

Parks Reserve / Other Open Space (PR) - PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.

Civic or Public Benefit (CPB) CPB is intended for various public facilities including schools, libraries, and public service uses.

Mixed Housing (MH) MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Institutional (INS) INS is intended for major institutions such as colleges, universities, and hospital complexes.

Mixed Use (MxU) MxU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

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

Utility (U) Utility is intended for uses such as power plants, water and wastewater treatment plants, landfills, and waste transfer stations.

Transportation (T) Transportation is intended for a variety of transportation uses such as airports, boatdocks, railroad yards, and landports.

Consistent with Policy? Yes. With the adoption of the accompanying amendments to the Downtown Plan, the Downtown Code will implement the Downtown Plan. The amendments are proposed to maintain consistency between the Downtown Plan and the DTC; to reflect the results of further analysis that went into developing the DTC; and to better focus the Downtown Plan on intent and vision rather than quantitative, regulatory measures.

CODE DETAILS

Introduction The Introduction illustrates how the DTC implements the vision cast by the *Downtown Community Plan: 2007 Update*, and outlines the application of the DTC as a zoning district.

Subdistricts The DTC is divided into 15 subdistricts to regulate the development of these unique neighborhoods within Downtown.

Uses The Uses section incorporates the Use Chart of the Zoning Code and expands the allowed uses within Downtown.

General Standards The General Standards includes the regulations that apply to all subdistricts, outlines standards for the voluntary development of open space, and explains the Bonus Height Program.

Analysis The DTC will implement the community vision for Downtown outlined in the *Downtown Community Plan: 2007 Update* and described above in the "Critical Planning Goals." The DTC will also provide more certainty to the development process, by replacing the current land-use zoning with form-based zoning, which provides clear standards for the form of development and a clear understanding for each property owner of what their entitlements and obligations are.

The DTC allows more development rights than current zoning and permits additional land uses. In exchange, the DTC includes basic urban design standards to ensure a safe, interesting, and comfortable experience in the public realm.

Finally, the DTC is designed to be easier for property owners and developers to use and understand the possibilities for development of their land. Drawings and illustrative photographs are incorporated into the document to make it user-friendly.

With additional input from Metro Departments and the public, the changes have been made to the Draft dated October 01, 2009. In addition to typographical, grammatical and formatting changes, the following changes have been made:

- Page 7 – Deleted "The DTC sets standards for the size spacing and design of vehicular access points to parking lots and parking structures."
- Page 13 – Added a map of the MDHA redevelopment districts and Historic Overlays.
- Page 14 – Clarified that the DRC shall have 4-year terms, with the appointees of the Mayor, Vice-Mayor, and Planning Commission starting with a 2-year term.
- Page 15 – Changed Compliance Level 2 – 25% or 1000 square feet, whichever is greater.
- Page 15 – Changed Compliance Level 3 – redevelopment after the demolition or destruction of 5-50%.
- Page 28 – Added language clarifying the historic zoning overlays.
- Page 40 – Added language clarifying the National Register District.
- Page 35 – Added "*All standards of the Gateway UDO shall apply to development along the boulevard except maximum height at the street, step-back depth, overall height, and floor area ratio*" to harmonize the standards of the DTC and UDO.
- Page 56 – Edited the boundaries of the Use Areas to match the boundaries of the subdistricts.
- Pages 57-58 – Updated with the recently added use categories: Animal boarding facility, Community garden (commercial), Community garden (non-commercial), Microbrewery, After-hours establishment, and Artisan distillery.
- Page 61 – Edited the minimum building height of 25 feet applies to all buildings except those designed for single-family use, two-family use, or multi-family use with residential on the ground floor.
- Page 65 – Changed the spacing of street trees and the planting area for trees.
- Page 80 – Removed Design Goals for Vehicular Access. These have been integrated into the Downtown Community Plan.
- Page 81 – Clarified that underground parking may not encroach into the right-of-way.
- Page 82 – Under Perimeter Screening Standards for Surface Parking, deleted "No reductions in width shall be permitted."
- Page 83 – Corrected typo to say that service elements *should* not be accessible from Primary streets, unless a Primary street is the only frontage.

PUBLIC WORKS RECOMMENDATION - Approve with conditions

1. Page 7 – "The DTC sets standards for the size spacing and design of vehicular access points to parking lots and parking structures." Add – "Access points to public streets require approval and permitting through The Department of Public Works."
2. Page 80 – "No parking is required within the boundary of the DTC." Add – "However, development applications may be required to demonstrate that adequate parking is provided, so as not to adversely affect neighboring businesses, property owners, and the public."

3. Draft Ordinance Page 6 – Clarify that that Street Functional Classifications do not replace the existing street classifications of arterial, collector, local street, and minor local street.

STORMWATER RECOMMENDATION Approve

FIRE MARSHAL RECOMMENDATION Approve based on condition that all applicable fire codes shall be adhered to.

NES RECOMMENDATION Approve with conditions.

NES is subject to rules and regulations set forth by but not limited to the National Electrical Safety Code (NESC), Federal Energy Regulatory Commission (FERC), North American Electric Reliability Corporation (NERC), TVA, and the Electric Power Board. There may be certain cases/exceptions where the downtown code is difficult to achieve due to regulatory issues, particularly in the areas of setbacks and alley-only access where NESC structural loading and clearance requirements can be in conflict with proposed developments. NES engineering staff will work diligently with each developer to integrate their needs into a compatible electric service configuration, and encourages developers to contact them early in their initial planning.

STAFF RECOMMENDATION Agenda Item 2 – Amend Zoning Code to create a new Chapter and zoning district – the Downtown Code. Approve to implement the vision outlined in *Downtown Community Plan: 2007 Update*, streamline the development process in Downtown and ensure the long-term economic, environmental and social sustainability of Downtown.

Agenda Item 3 – Rezone portions of Downtown to the Downtown Code zoning district. Approve to implement the vision outlined in *Downtown Community Plan: 2007 Update*, streamline the development process in Downtown and ensure the long-term economic, environmental and social sustainability of Downtown.

Approved, (6-0) *Consent Agenda*

Resolution No. RS2009-147

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-031TX-001 is **APPROVED. (6-0)**”

Resolution No. RS2009-148

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-030PR-001 is **APPROVED. (6-0)**”

The proposed amendment to the Metro Zoning Code to insert a new Chapter 17.37, entitled, “The Downtown Code”, is consistent with the adopted Downtown Community Plan.”

4. 2006SP-105-001

H & M Motors (Amendment #1)
Map: 105-07 Parcels: 407
South Nashville Community Plan
Council District 17 – Sandra Moore
Staff Reviewer: Brian Sexton

A request to amend the existing Specific Plan district (adopted with Council Bill BL2006-1229) for the previously approved H & M Motors SP located at 1525 4th Avenue South, at the northwest corner of 4th Avenue South and Mallory Street (0.44 acres), to add all other uses permitted by CS zoning as permitted uses in the SP-A District, requested by Tony and Maryam Sarmadi, owners.

Staff Recommendation: Approve with conditions

The Metropolitan Planning Commission DEFERRED Zone Change 2006SP-105-001 to December 10, 2009, at the request of the Councilmember and applicant. (6)

5. **2009SP-017-001**
Kelly Driver Senior Retirement
Map: 069-16 Parcel: 054
Bordeaux/Whites Creek Community Plan
Council District 2 – Frank R. Harrison
Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to SP-R zoning for property located at 3605 Hydes Ferry Pike, at the southwest corner of Hydes Ferry Pike and E. Stewarts Lane (5.43 acres), to permit 21 multi-family units and a community club-house, requested by Jared Gray, applicant, for Mark Driver, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Rezone to permit 21 multi-family residential units.

Preliminary SP A request to rezone from Single-Family Residential (RS10) to Specific Plan – Residential (SP-R) zoning for property located at 3605 Hyde’s Ferry Pike, at the southwest corner of Hyde’s Ferry Pike and E. Stewarts Lane (5.43 acres), to permit 21 multi-family units and a community club-house.

Existing Zoning

RS10 District - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

Proposed Zoning

SP-R - Specific Plan-Residential 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 only one residential building type.*

CRITICAL PLANNING GOALS N/A

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Existing Policy

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

Consistent with Policy? The density for the proposed residential development, approximately 3.9 units per acre, is consistent with the density anticipated in the policy. However, the proposed development is multi-family and is inconsistent with the surrounding single-family development pattern.

PLAN DETAILS

Current Conditions The parcel is located in the Bordeaux area at the southwest quadrant of the intersection of Hyde’s Ferry Road and Stewart’s Lane. The parcel is approximately 5.4 acres in size. The parcel is mostly vacant open field, but there is a wooded area located along a stream near the northeast corner of the property. A small house is situated near the southeastern corner next to Hydes Ferry Road. TVA lines and a gas line run along the northern property line along Stewart’s Lane and include easements which encumber a large portion of the property. The property also contains an old rock wall that runs approximately 400 feet in length westward from Hyde’s Ferry Road.

Plan Proposal The development is intended to provide housing targeted to retirees and seniors. The plan calls for the existing house to remain and for ten additional duplex units for a total of 21 units for an overall density of approximately 3.9 units per acre. A 1,300 sq. ft. club house is also proposed. The 20 duplex units and clubhouse are arranged in an oval pattern circling a central green. The development will be gated and vehicular access will be from a secured private drive off of Hyde’s Ferry Road. The drive is a loop which runs behind the units and clubhouse. Access for the existing house will remain at its present location onto Hyde’s Ferry.

The proposed units are small (625 sq. ft.) and are single-story with a single-car garage. Garages are located at the rear of the unit along the private drive. Elevations for the units have not been provided, but elevations including material should be

submitted with a final site plan.

A walking trail is shown along the northern property line within the utility easements. The area also identifies a garden area to be used by residents.

Analysis While the density of this proposal is consistent with the density anticipated in the area's RLM policy, the development is not consistent with development pattern of the surrounding area. The property is currently zoned for single-family residential, and the area immediately surrounding the site consists of single-family residences. The nature of the proposed development is multi-family, and is similar to a development that would be permitted in a RM4 district. Because the proposed development is not compatible with the surrounding area it is not appropriate at this location.

Ideally the property should be developed in a way that is more consistent with the surrounding area, which would include single-family lots. Under the existing RS10 district approximately 20 lots or cluster lots would be permitted. Because of the utility easements a large portion of the parcel cannot be developed so it would be difficult to achieve the permitted density under a regular or cluster lot subdivision. However, a PUD could allow lots to be clustered to a smaller size than what is permitted under a typical cluster lot subdivision if environmentally sensitive features are protected. Given the existing constraints on the property the project could still possibly achieve close to 20 units with a cluster lot PUD. To meet the PUD standards the development would have to protect the stream and the wooded area along the stream.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. Provide pavement detail for private street / drive.
3. Construct traffic island on private street / drive at project access to accommodate two-way traffic flow.
4. Along Hyde's Ferry Road, sidewalks are to be constructed per the Department of Public Works standard and specifications. Extend sidewalk construction to property corners. Construct ramp for driveway access to Hyde's Ferry Road.
5. The solid waste collection and disposal plan is to be reviewed and approved by the Department of Public Works Solid Waste Division.

METRO SCHOOL BOARD REPORT

Projected student generation 3 Elementary 2 Middle 1 High

Schools Over/Under Capacity Students would attend Bordeaux Elementary School, Brick Church Middle School, and Whites Creek High School. Bordeaux Elementary has been identified as being over capacity by the Metro School Board; however, *there is capacity for additional elementary students within the cluster.*

STAFF RECOMMENDATION Staff recommends disapproval of the request. The proposed development plan is not consistent with the development pattern of the surrounding area.

CONDITIONS

1. Uses in this SP district are limited to 21 multi-family units and community facility. *While the applicant is intent on targeting seniors and retirees, Metro cannot enforce who ultimately resides in the development.*
2. Revise purpose note on cover sheet to reflect intent of the proposal. Purpose note shall indicate that the proposal is to permit 21 multi-family units and a community club-house. This change shall be made on development plan.
3. As proposed the existing house could not be platted as an individual lot under the current Subdivision Regulations. The existing structure shall be incorporated into the overall development proposal. At a minimum it shall be connected to the central development by a sidewalk. This change shall be included on the final site plan.
4. The final site plan shall include a landscape plan. Landscape plan shall include proposed plantings, and details for landscape buffer yards.

5. The final site plan shall identify and label all proposed fence and walls. No chain link or vinyl fencing shall be permitted.
6. A sidewalk is required along Hyde's Ferry Road. Construction details for the portion of sidewalk that crosses the blue line stream shall be provided with the final site plan.
7. At a minimum there shall be two parking spaces per unit, and at least five guest spaces. The final site plan shall identify all parking spaces consistent with this condition.
8. Elevations for all structures shall be provided with the final site plan.
9. Prior to final site plan approval the Metro Historic Commission shall review the existing wall on the site and determine its historical status, and if the wall can be relocated.
10. 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 RM4 zoning district as of the date of the applicable request or application.
11. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
12. 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.
13. 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.
14. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

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

Mr. Bernhardt offered that the development was not inconsistent with the comprehensive plan, however, was considered inconsistent with the character of the area. He then offered that the developer had made significant changes in an effort to make the proposal more conducive and compatible to development patterns of the surrounding area.

Ms. Joan Gilmore, 2987 McLemore Circle, spoke in favor of the proposed development.

Mr. Jared Gray, 8170 Coley Davis Road, spoke in favor of the proposed development.

Mr. Mark Driver, 3698 Hwy 49 E, spoke in favor of the proposed development.

Mr. McLean questioned whether the units would be rented or sold after their completion.

Mr. Driver explained his intentions for the proposed units to the Commission.

Mr. Gotto spoke of baby boomers and the need for the proposed housing type. He acknowledged staff's concern and their recommendation to disapprove, however, spoke on how the proposal fits the Subarea plan and was supported by the community, as well as the Councilmember. He stated he would be supporting the plan.

Mr. Tyler questioned whether other multi-family units were located within this area.

Mr. Swaggart explained the location of the nearest multi-family units within the area.

Mr. Tyler requested additional information pertaining to the proposal's setbacks, design and layout as well as any landscaping plans that were included in the proposal.

Mr. Swaggart explained these plans to the Commission.

Mr. Clifton stated that the proposal would be an asset as it provides additional housing choices for the area. He stated he would support the proposal with the staff conditions.

Mr. Dalton stated he is in support with staff conditions.

Mr. Clifton moved and Mr. Dalton seconded the motion, which passed unanimously, to approve with staff conditions Zone Change 2009SP-017-001. **(6-0)**

Resolution No. RS2009-149

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-017-001 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Uses in this SP district are limited to 21 multi-family units and community facility. *While the applicant is intent on targeting seniors and retirees, Metro cannot enforce who ultimately resides in the development.*
2. Revise purpose note on cover sheet to reflect intent of the proposal. Purpose note shall indicate that the proposal is to permit 21 multi-family units and a community club-house. This change shall be made on development plan.
3. As proposed the existing house could not be platted as an individual lot under the current Subdivision Regulations. The existing structure shall be incorporated into the overall development proposal. At a minimum it shall be connected to the central development by a sidewalk. This change shall be included on the final site plan.
4. The final site plan shall include a landscape plan. Landscape plan shall include proposed plantings, and details for landscape buffer yards.
5. The final site plan shall identify and label all proposed fence and walls. No chain link or vinyl fencing shall be permitted.
6. A sidewalk is required along Hyde's Ferry Road. Construction details for the portion of sidewalk that crosses the blue line stream shall be provided with the final site plan.
7. At a minimum there shall be two parking spaces per unit, and at least five guest spaces. The final site plan shall identify all parking spaces consistent with this condition.
8. Elevations for all structures shall be provided with the final site plan.
9. Prior to final site plan approval the Metro Historic Commission shall review the existing wall on the site and determine its historical status, and if the wall can be relocated.
10. 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 RM4 zoning district as of the date of the applicable request or application.

11. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
12. 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.
13. 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.
14. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

The proposed SP-R is consistent with the Bordeaux/Whites Creek Community Plan's Residential Low Medium policy."

6. **2009SP-024-001**
Belz-Hobson Pike Townhomes
Map: 164-00 Parcel: part of 201
Map: 164-00 Parcel: 272
Antioch/Priest Lake Community Plan
Council District 32 – Sam Coleman
Staff Reviewer: Greg Johnson

A request to change from R8 and AR2a to SP-MU zoning for property located at Old Hickory Boulevard (unnumbered) and a portion of property located at Murfreesboro Pike (unnumbered), at the southeast corner of Murfreesboro Pike and Hobson Pike (12.91 acres), to permit the development of 112 residential dwelling units and 20,000 square feet of retail or office uses in two structures, requested by Civil Site Design Group, PLLC, applicant, for Belz-McDowell Properties, owner.

Staff Recommendation: Approve with conditions

The Metropolitan Planning Commission DEFERRED Zone Change 2009SP-024-001 to December 10, 2009, at the request of the applicant. (6-0)

7. **2009SP-025-001**
Belz-Mountain Springs Community
Map: 164-00 Parcels: part of 040 & 174
Antioch/Priest Lake Community Plan
Council District 32 – Sam Coleman
Staff Reviewer: Greg Johnson

A request to change from RS7.5 to SP-MR zoning a portion of properties located at 5000 Mountain Springs Road and at Hobson Pike (unnumbered), north of Hobson Pike (40.8 acres), to permit 219 residential dwelling units comprised of 32 single-family lots and 187 multi-family dwelling units, requested by Civil Site Design Group, PLLC, applicant, for Belz-McDowell Properties, owner.

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Zone Change 2009SP-025-001 to December 10, 2009, at the request of the applicant. (6-0)

8. 2009SP-028-001

Tennessee Motors of Murfreesboro, Inc.
Map: 106-06 Parcel: 001
South Nashville Community Plan
Council District 17 – Sandra Moore
Staff Reviewer: Jason Swaggart

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 570 Murfreesboro Pike, approximately 820 feet east of Fesslers Lane (1.28 acres), to permit an existing structure to be utilized for auto sales (used), auto repair, vehicular leasing and all other uses permitted by CS zoning, requested by Tennessee Motors of Murfreesboro, Inc., applicant, for Lineage Realty Co., Inc., owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Rezone to permit auto sales (used), auto repair and vehicular leasing.

Preliminary SP A request to rezone from Commercial Service (CS) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 570 Murfreesboro Pike, approximately 820 feet east of Fesslers Lane (1.28 acres), to permit an existing structure to be utilized for auto sales (used), auto repair, and vehicular leasing and all other uses permitted in the CS zoning district.

Existing Zoning

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

Proposed Zoning

SP-A District - Specific Plan-Auto 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 automobile uses.*

CRITICAL PLANNING GOALS N/A

SOUTH NASHVILLE COMMUNITY PLAN

Existing Policy

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

Consistent with Policy? Yes. The policy does permit auto sales and similar uses when the site plan provides appropriate layout and design that conforms to the intent of the policy. The site is developed, and while the layout and design of the existing site does not conform to the policy, the plan provides some improvements which will bring the property more into conformance with the policy.

PLAN DETAILS

Current Conditions The property is located at 570 Murfreesboro Pike, approximately 820 feet east of Fessler’s Lane. The property is developed, and was once an auto dealership. The site contains a large building, approximately 11,000 square feet in size, and hard surfaced parking area. The site has two access points onto Murfreesboro Pike and also has access to Lannie Boswell Avenue to the north through the adjacent property to the west.

Plan Proposal The plan calls for the existing property to be used for auto sales (used), auto repair and vehicular leasing and all other uses permitted in the CS zoning district. The existing building will be utilized and there are no proposed major modifications to its exterior. The existing drive near the eastern property line along Murfreesboro Pike will be closed. A retaining wall will be required along the sidewalk and landscaping will be provided between the car display area and sidewalk. The existing pole sign will be removed and no free standing signage is proposed. The only sign will be a wall mounted sign at the front of the building. The plan also calls for additional landscaping areas.

Analysis The request will utilize an existing building which was once a car dealership. While auto-oriented uses may not be conducive to creating a pedestrian-oriented streetscape, the proposal will bring the property closer to the goal of creating a pedestrian-oriented streetscape that is consistent with the intent of the policy. The plan proposes to close one of the existing drives which will remove a break in the sidewalk. The plan also calls for a landscaped area between the sidewalk and car display area, which will provide some improvement. These minor changes will enhance the appearance along Murfreesboro Pike and help to create a more pedestrian oriented environment. Since the specific request is to permit auto sales and related uses, and no thought has been put into other uses permitted in the CS zoning district, then it is not appropriate to include other CS uses in the approval. Permitted uses should only be auto sales (used), auto repair and vehicular leasing.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
3. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
4. Show and dimension right of way along Murfreesboro Pike. Label and show a reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
5. Add plan preparers name and contact information.
6. Remove east access to Murfreesboro Pike, retain west access that aligns with Cleveland Ave.

STAFF RECOMMENDATION Staff recommends approval with conditions. The request is to utilize a previous car lot for used car sales. The plan proposes minor improvements to the site which bring the property more into keeping with the area’s Community Center policy.

CONDITIONS

1. Uses in this SP district are limited to auto sales (used), auto repair, vehicular leasing.
2. Revise purpose note on all sheets to reflect intent of the proposal. Purpose note shall indicate that the proposal is to permit auto sales (used), auto repair, vehicular leasing. All other uses in the CS zoning district shall not be permitted and shall be removed from the purpose note.
3. This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
4. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
5. Show and dimension right of way along Murfreesboro Pike. Label and show a reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
6. Prior to the issuance of an occupancy permit construction plans for the retaining wall and other improvements along

Murfreesboro Pike as shown on the SP shall be approved by the Department of Public Works. No occupancy permit shall be issued until Public Works has approved construction plans and work has been completed, inspected and approved by the Department of Public Works.

7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
8. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
9. 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.
10. 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.
11. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

Staff recommended disapproval of this proposal based on comments from Metro Stormwater. Metro Stormwater has reviewed revised drawings from the applicant and has determined that the proposal can be approved.

Approved with conditions, *Consent Agenda (6-0)*

Resolution No. RS2009-150

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-029-001 is **APROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Uses in this SP district are limited to auto sales (used), auto repair, vehicular leasing.
2. Revise purpose note on all sheets to reflect intent of the proposal. Purpose note shall indicate that the proposal is to permit auto sales (used), auto repair, vehicular leasing. All other uses in the CS zoning district shall not be permitted and shall be removed from the purpose note.
3. This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
4. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
5. Show and dimension right of way along Murfreesboro Pike. Label and show a reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
6. Prior to the issuance of an occupancy permit construction plans for the retaining wall and other improvements along

Murfreesboro Pike as shown on the SP shall be approved by the Department of Public Works. No occupancy permit shall be issued until Public Works has approved construction plans and work has been completed, inspected and approved by the Department of Public Works.

7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
8. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
9. 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.
10. 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.
11. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

The proposed SP-A district is consistent with the South Nashville Community Plan's Community/Corridor Center policy."

9. 2009SP-029-001

Joslin
Map: 106-06 Parcel: 073
South Nashville Community Plan
Council District 17 – Sandra Moore
Staff Reviewer: Brenda Bernards

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 630 Murfreesboro Pike, at the northwest corner of Murfreesboro Pike and Transit Avenue (2.65 acres), to permit auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning, requested by Joslin Sign & Maintenance Company, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Rezone to allow for a mix of uses.

Preliminary SP A request to rezone from Commercial Services (CS) to Specific Plan-Auto (SP-A) zoning and for final site plan approval for property located at 630 Murfreesboro Pike, at the northwest corner of Murfreesboro Pike and Transit Avenue (2.65 acres), to permit auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning.

Existing Zoning

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

Proposed Zoning

SP-A 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 auto and equipment-related uses in addition to all uses permitted in the CS zoning District.*

CRITICAL PLANNING GOALS N/A

SOUTH NASHVILLE COMMUNITY PLAN

Existing Policy

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

Consistent with Policy? Yes. The CC land use policy supports the proposed new auto and equipment-related uses.

PLAN DETAILS There are no changes to existing buildings or uses proposed at this time. There are currently three businesses operating on the property. The first is a sign manufacturing facility in a 35,000 square foot building. The second is a used car lot operating from a 1,500 square foot building. This is a legally non-conforming use and is not impacted by the recent state legislation concerning Motor Vehicle Business Establishments as the frontage of the property exceeds 250 feet. The third business is a Body Shop Estimate Center, operating from a 3,000 square foot building. This SP was requested because this particular use is not permitted under the CS zoning district. The estimating center is a place where cars are examined to estimate the cost of damage for insurance purposes. There is no specific land use in the Zoning Code for this use and, as some of the cars need to be stored on the site for more than one day, the Zoning Administrator has classified this use as Auto Repair although no repairing is done on the premise at this time.

As this application does not propose to change any uses on the property at this time, the requirements usually recommended for auto and equipment-related uses will apply only when the property is used for any new auto or equipment-related use or if the site of the existing used auto sales lot or the body shop estimate center has been vacant for greater than 30 months. The auto and equipment-related uses include the following as defined in the Metro Zoning Code:

- automobile repair,
- new and used automobile sales,
- automobile services,
- car wash,
- vehicular rental/leasing,
- vehicular sales and services limited, and
- heavy equipment sales and services

The requirements would not apply for any uses not listed above that would be permitted under CS zoning.

Requirements for New Auto and Equipment-Related Uses If the site of the existing used auto sales lot or the body shop estimate center is vacant for greater than 30 months and new uses are added in these locations, or if new auto-related or equipment-related uses are added on the property, the following requirements shall be met:

- There shall be a physical separation of the automobile display area or parking area from the sidewalk or Murfreesboro Pike and 25 feet along any public right-of-way intersecting Murfreesboro Pike by a knee wall. The knee wall shall be 24 inches in height, and shall be constructed of either:
 - a. concrete, stone, split-faced masonry or other similar materials; or
 - b. masonry pillars with wrought iron or similar materials between pillars.

Where there is a retaining wall separating the sidewalk from the automobile area of at least 20”, a wrought iron fence or fence

with similar character of at least 20" shall suffice for the knee wall.

- No chain link fence shall be within 25 feet of the Murfreesboro Pike public right-of-way. No razor wire, barbed wire or similar material shall be within 25 feet of any public right-of-way.
- All interior landscaping requirements of the Zoning Code shall be met, including a minimum of eight percent interior landscaping.
- All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
- Other than garage doors or other entranceways existing as of the effective date of this ordinance, no garage doors or other entryways that provide vehicular access into a building or structure shall face any public right-of-way. In instances where it is physically impossible to meet this requirement, entryways must be oriented in a way that is least visible from any public right-of-way. Landscaping or other methods may be utilized to screen entryways.
- All automobile repair and/or service activities, as defined by Metro Code, shall be provided within the confines of an enclosed structure, or where permitted, within the rear yard behind a structure and not visible from any public right-of-way or residential structure.
- Inoperable vehicles or equipment shall be confined within an enclosed structure, or where permitted, within the rear yard behind a structure, and not visible from any public right-of-way or residential structure.

SIGNAGE The following sign restrictions apply to signs for new auto-related uses and equipment-related uses on the site of the existing used auto sales lot or the body shop estimate center if they are vacant for greater than 30 months or if new auto-related uses are added elsewhere on the SP. For all other uses permitted in the SP, the sign requirements of the CS zoning district shall apply.

Sign Requirements for New Auto and Equipment-Related Uses Sign shall be limited to one wall-mounted sign and one monument sign per business, the monument sign may be two sided with the maximum area allowed shall be per side, informational signs and temporary signs. A maximum of two monument style signs per frontage are permitted in this SP. All other signs are prohibited. Signs shall not be back-lit but may be spotlighted, or externally-lit and no electronic signs shall be permitted.

Based on the frontage of the lot associated with the business, for frontage up to 100 feet in length any one sign can be a maximum of 60 feet but the total signage per business cannot exceed 60 square feet. For frontages greater than 100 feet in length, any one sign can be a maximum of 96 square feet but the total signage per business cannot not exceed 96 square feet.

Monument signs shall be limited to a maximum of five feet in height, or three feet in height for any portion of the sign located within 15 feet of a driveway. To safely accommodate vehicular movements to and from public streets, all monument signs must be placed at a location that will not obstruct visibility along the adjacent public street or for vehicles entering or exiting the site. Informational signs may also be allowed but can not exceed a total of 25 square feet. Maximum area for any individual informational sign shall be 4 square feet. Locations must be approved by the Planning staff. Temporary signs may be allowed subject to Section 17.32.060 of the Metro Zoning Code.

PUBLIC WORKS RECOMMENDATION

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office/Low Rise(710)	2.65	0.263 F	30,359 SF	533	73	113

Typical Uses in Proposed Zoning District: **SP-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office/Low Rise(710)	2.65	-	8,000 SF	191	22	25

Traffic changes between typical: CS and proposed SP-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-342	-51	-88

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office/Low Rise(710)	2.65	0.60	33,454 SF	575	79	117

Maximum Uses in Proposed Zoning District: SP-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office/Low Rise(710)	2.65	-	8,000 SF	191	22	25

Traffic changes between maximum: CS and proposed SP-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-384	-57	-92

STAFF RECOMMENDATION Staff recommends approval with conditions as the CC land use policy supports the proposed uses.

CONDITIONS

1. For any new auto-related use on a site vacated by a previous auto-related use for more than 30 months or for any new auto-related uses elsewhere on the SP, the following shall apply:
 - a. There shall be a physical separation of the automobile display area or parking area from the sidewalk or Murfreesboro Pike and 25 feet along any public right-of-way intersecting Murfreesboro Pike by a knee wall. The knee wall shall be 24 inches in height, and shall be constructed of either:
 - o concrete, stone, split-faced masonry or other similar materials; or
 - o masonry pillars with wrought iron or similar materials between pillars.

Where there is a retaining wall separating the sidewalk from the automobile display area of at least 20", a wrought iron fence or fence with similar character of at least 20" may be substituted for the knee wall.
 - b. No chain link fence shall be within 25 feet of the Murfreesboro Pike public right-of-way. No razor wire, barbed wire or similar material shall be within 25 feet of any public right-of-way.
 - c. All interior landscaping requirements of the Zoning Code shall be met, including a minimum of eight percent interior landscaping.
 - d. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

- e. Other than garage doors or other entranceways existing as of the effective date of this ordinance, no garage doors or other entryways that provide vehicular access into a building or structure shall face any public right-of-way. In instances where it is physically impossible to meet this requirement, entryways must be oriented in a way that is least visible from any public right-of-way. Landscaping or other methods may be utilized to screen entryways.
 - f. All automobile repair and/or service activities, as defined by Metro Code, shall be provided within the confines of an enclosed structure, or where permitted, within the rear yard behind a structure and not visible from any public right-of-way or residential structure.
 - g. Inoperable vehicles or equipment shall be confined within an enclosed structure, or where permitted, within the rear yard behind a structure, and not visible from any public right-of-way or residential structure.
2. For uses permitted in the CS zoning district, the sign regulations for the CS zoning district shall apply. The following sign restrictions apply to signs for new auto uses on the site of the existing used auto sales lot or the body shop estimate center if they are vacant for greater than 30 months or if new auto-related uses are added elsewhere on the SP.
 - a. One wall-mounted sign and one monument sign per business, the monument sign may be two sided with the maximum area allowed shall be per side, informational signs and temporary signs. Signage is limited to a maximum of two monument style signs per street frontage. Monument signs shall be limited to a maximum of five feet in height, or three feet in height for any portion of the sign located within 15 feet of a driveway. All other signs shall be prohibited. Signs shall not be back-lit but may be spotlighted, or externally-lit and no electronic signs shall be permitted.
 - b. Based on the frontage of the lot associated with the business, for frontage up to 100 feet in length any one sign may be a maximum of 60 feet but the total signage per business shall not exceed 60 square feet. For frontages greater than 100 feet in length, any one sign may be a maximum of 96 square feet but the total signage per business shall not exceed 96 square feet.
 3. The uses for this SP are limited to auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning.
 4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
 5. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
 6. 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.

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.

Approved with conditions, **Consent Agenda (6-0)**

Resolution No. RS2009-151

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-029-001 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. For any new auto-related use on a site vacated by a previous auto-related use for more than 30 months or for any new auto-related uses elsewhere on the SP, the following shall apply:
 - h. There shall be a physical separation of the automobile display area or parking area from the sidewalk or Murfreesboro Pike and 25 feet along any public right-of-way intersecting Murfreesboro Pike by a knee wall. The knee wall shall be 24 inches in height, and shall be constructed of either:
 - o concrete, stone, split-faced masonry or other similar materials; or
 - o masonry pillars with wrought iron or similar materials between pillars.Where there is a retaining wall separating the sidewalk from the automobile display area of at least 20”, a wrought iron fence or fence with similar character of at least 20” may be substituted for the knee wall.
 - i. No chain link fence shall be within 25 feet of the Murfreesboro Pike public right-of-way. No razor wire, barbed wire or similar material shall be within 25 feet of any public right-of-way.
 - j. All interior landscaping requirements of the Zoning Code shall be met, including a minimum of eight percent interior landscaping.
 - k. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
 - l. Other than garage doors or other entranceways existing as of the effective date of this ordinance, no garage doors or other entryways that provide vehicular access into a building or structure shall face any public right-of-way. In instances where it is physically impossible to meet this requirement, entryways must be oriented in a way that is least visible from any public right-of-way. Landscaping or other methods may be utilized to screen entryways.
 - m. All automobile repair and/or service activities, as defined by Metro Code, shall be provided within the confines of an enclosed structure, or where permitted, within the rear yard behind a structure and not visible from any public right-of-way or residential structure.
 - n. Inoperable vehicles or equipment shall be confined within an enclosed structure, or where permitted, within the rear yard behind a structure, and not visible from any public right-of-way or residential structure.
2. For uses permitted in the CS zoning district, the sign regulations for the CS zoning district shall apply. The following sign restrictions apply to signs for new auto uses on the site of the existing used auto sales lot or the body shop estimate center if they are vacant for greater than 30 months or if new auto-related uses are added elsewhere on the SP.
 - c. One wall-mounted sign and one monument sign per business, the monument sign may be two sided with the maximum area allowed shall be per side, informational signs and temporary signs. Signage is limited to a maximum of two monument style signs per street frontage. Monument signs shall be limited to a maximum of five feet in height, or three feet in height for any portion of the sign located within 15 feet of a driveway. All other signs shall be prohibited. Signs shall not be back-lit but may be spotlighted, or externally-lit and no electronic signs shall be permitted.
 - d. Based on the frontage of the lot associated with the business, for frontage up to 100 feet in length any one sign may be a maximum of 60 feet but the total signage per business shall not exceed 60 square feet. For frontages greater than 100 feet in length, any one sign may be a maximum of 96 square feet but the total signage per business shall not exceed 96 square feet.
3. The uses for this SP are limited to auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.

5. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
6. 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.

The proposed SP-A district is consistent with the South Nashville Community Plan’s Community/Corridor Center policy.”

10. 2009Z-039PR-001

Map: 058-00 Parcel: part of 181
Bordeaux/Whites Creek Community Plan
Council District 1 – Lonnell R. Matthews, Jr.
Staff Reviewer: Jason Swaggart

A request to rezone from CL to CS zoning for a portion of property located at 4100 Clarksville Pike, approximately 1,300 feet south of Kings Lane (0.16 acres), requested by Word of Life Christian Center, Inc., owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST -Rezone from CL to CS.

Rezoning A request to rezone from Commercial Limited (CL) to Commercial Service (CS) zoning, for a portion of property located at 4100 Clarksville Pike, approximately 1,300 feet south of Kings Lane (0.16 acres).

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

BORDOUX/WHITES CREEK COMMUNITY PLAN

Structure Plan Policy

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

Detailed Land Use Policy

Mixed Housing (MH) MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Consistent with Policy? No, the proposed Commercial Services district is not consistent with the Mixed Housing in Community Center land use policy. While the existing commercial district is not consistent with the policy, the proposed district permits a wider range of commercial uses, and moves further from what the policy envisions.

It is important to note that this request has been initiated to allow for an electronic sign that is not permitted under the existing district. Zonings such as this, that are inconsistent with the land use plan, and single out land, especially small areas, for a use different than what is permitted in the surrounding area, are considered inconsistent with the character of the area and are not appropriate.

Also, while Planning would not review any sign permit under the existing or the proposed zoning, the applicant did provide sign details with the application. The height of the sign submitted with the application is approximately 19 feet, and is not in compliance with proposed BL2009-464. This bill specifies distance requirements for electronic signs and limits the height of signs based on proximity to agriculturally or residentially-zoned property. Accordingly a sign at the specified location would not be permitted to be 19 feet in height. Since the zoning line is not specified on the submitted site plan then the exact height permitted can not be determined; however, it appears that the maximum height permitted under BL2009-464 would be about 6.5 feet.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

STAFF RECOMMENDATION Staff recommends that the request be disapproved. The proposed CS zoning district is not consistent with the area's land use policy, and the nature of the request is inappropriate as it is only a means to circumvent zoning requirements.

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

Mr. Gotto questioned whether SP zoning was considered for the request.

Councilmember Matthews explained that the community members affected by this proposal were not in favor of supporting SP zoning, but would support CS zoning.

Ms. Jola Moore, 514 Fisk Street, spoke in favor of the proposed rezoning.

Mr. Ben Williams spoke in favor of the proposed rezoning.

Pastor Author spoke in favor of the proposed rezoning.

Ms. Jones expressed concerns with rezoning only a portion of a parcel.

Mr. Clifton spoke of his participation in the rewriting of the 1998 zoning code and how the rewrite affected various parcel owners county-wide. He then spoke on the issue of LED signs and residential neighborhoods. As he closed, he stated he could support this request due to the fact that the parcel is already commercially zoned and that it would not affect any residential areas.

Mr. Tyler questioned how the total square footage was determined for the requested rezoning.

Mr. Bernhardt explained that staff only analyzed the type of zoning that was being requested and did not review the total square footage portion of the request. He further explained that the square footage for the sign would need to be reviewed by the Codes Department.

Mr. McLean questioned the normal area required for signage.

Mr. Swaggart explained these requirements to the Commission.

Mr. Gotto explained he was in agreement with Mr. Clifton in that the sign would not affect any residential neighborhoods and was supported by both the Councilmember and the community.

Mr. Dalton questioned the existing zoning on the surrounding parcels.

Mr. Swaggart provided the zonings of the surrounding parcels to the Commission.

Ms. Jones expressed concerns with approving the request and the proposed sign being counter productive to any neighborhood improvements currently being considered for Clarksville Highway.

Mr. Gotto confirmed with Councilmember Matthews that the proposed sign was discussed and part of the neighborhood improvements slated for this area.

Mr. Clifton offered additional comments on the requested zoning and its approval.

Mr. Clifton moved and Mr. Dalton seconded the motion to approve Zone Change 2009Z-039PR-001. **(5-1) Yes Votes – Gotto, Tyler, Clifton, McLean, Dalton**
No Vote – Jones

Resolution No. RS2009-152

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-039PR-001 is **APPROVED. (5-1)**

While the proposed CS district is not consistent with the Bordeaux/Whites Creek Community Plan’s Mixed Housing policy, the property was previously zoned from CS to CL as part of a mass rezoning without the owner’s consent. Since the property owner did not consent to the mass rezoning then the request will only permit what was originally permitted prior to the previous mass rezoning.”

11. 2009P-004-001

Nashville Corners Shopping Center
Map: 150-00 Parcel: 364
Antioch/Priest Lake Community Plan
Council District 33 – Robert Duvall
Staff Reviewer: Greg Johnson

A request for preliminary approval for the Nashville Corners Shopping Center Commercial Planned Unit Development for property located at Murfreesboro Pike (unnumbered), approximately 750 feet south of Hamilton Church Road (2.6 acres), zoned CS, to permit 21,250 square feet of restaurant and retail space and to allow access directly to Murfreesboro Pike rather than the current approved access shown on a recorded plat through the Wal-Mart property located at 3035 Hamilton Church Road, requested by CPH Engineers Inc., applicant, for Nashville Venture No. One L.P., owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Construct 21,250 square feet of retail/restaurant space.

Preliminary PUD A request for preliminary approval for the Nashville Corners Shopping Center Commercial Planned Unit Development for property located at Murfreesboro Pike (unnumbered), approximately 750 feet south of Hamilton Church Road (2.6 acres), zoned Commercial Service (CS), to permit 21,250 square feet of restaurant and retail space and to allow access directly to Murfreesboro Pike rather than the current approved access shown on a recorded plat through the Wal-Mart property located at 3035 Hamilton Church Road.

PLAN DETAILS The proposed PUD is located along the south side of Murfreesboro Pike, approximately 800 east of Hamilton Church Road. The proposal includes 21,250 square feet of retail/restaurant space on four lots within the western half of the property. Lot 1 faces Murfreesboro Pike with 155 feet of frontage. Lots 2-4 face a parking lot occupying the eastern half of the property. The proposal includes a driveway connection to Murfreesboro Pike at the northeastern corner of

property. Two driveway connections are proposed to the adjacent property to the south. A stub connection is proposed near the southeast corner of the property to the adjacent undeveloped property to the east. The project meets parking requirements for proposed restaurant and retail uses.

The existing plat for this property restricts direct vehicular access to Murfreesboro Pike. The applicant has applied for a PUD in order to achieve an acceptable driveway connection to Murfreesboro Pike and has worked with Metro Public Works to locate the proposed connection. At this time, Metro Public Works does not promote the placement of a traffic signal at the proposed driveway connection with Murfreesboro Pike.

A series of rain gardens is proposed along the Murfreesboro Pike frontage in order to strengthen the visual quality of the front setback while providing necessary stormwater capture functionality. This frontage is further strengthened by a masonry knee wall along the front property line and shrub and tree plantings along the front of the parking lot. A condition of approval has been added to require replacement of the proposed Cedar trees along the front of the parking lot with a deciduous tree type.

PUBLIC WORKS RECOMMENDATION

1. Submit a letter documenting that adequate sight distance is available from the currently proposed driveway onto Murfreesboro Road.
2. The developer shall design and install a traffic signal at the driveway entrance to Murfreesboro Road when it is warranted and approved by the Traffic & Parking Commission.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposed PUD amendment meets all zoning requirements and has provided an acceptable frontage condition to allow a driveway connection to Murfreesboro Pike.

CONDITIONS

1. Eastern Red Cedar trees proposed for the front of the north side of the parking area shall be replaced with either Shumard Oak or Sugar Maple trees.
2. Submit a letter documenting that adequate sight distance is available from the currently proposed driveway onto Murfreesboro Road.
3. The developer shall design and install a traffic signal at the driveway entrance to Murfreesboro Road when it is warranted and approved by the Traffic & Parking Commission. The traffic signal shall be bonded with final plat.
4. Pole signs shall not be permitted within this Planned Unit Development; all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages, except for time/temperature/date signs, shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
5. 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.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act and the Fair Housing.
8. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval 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 preliminary PUD plan shall be presented to the Metro Council as an

amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Approved with conditions, *Consent Agenda (6-0)*

Resolution No. RS2009-153

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009P-004-001 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Eastern Red Cedar trees proposed for the front of the north side of the parking area shall be replaced with either Shumard Oak or Sugar Maple trees.
2. Submit a letter documenting that adequate sight distance is available from the currently proposed driveway onto Murfreesboro Road.
3. The developer shall design and install a traffic signal at the driveway entrance to Murfreesboro Road when it is warranted and approved by the Traffic & Parking Commission. The traffic signal shall be bonded with final plat.
4. Pole signs shall not be permitted within this Planned Unit Development; all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages, except for time/temperature/date signs, shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
5. 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.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act and the Fair Housing.
8. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval 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 preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The proposed commercial Planned Unit Development meets all zoning requirements.”

IX. PUBLIC HEARING: FINAL PLAT

12. **2009S-090-001**
A.V. Wallace Subdivision
Map: 096-01 Parcels: 097, 098, 099, 100, 139
Donelson/Hermitage/Old Hickory Community Plan
Council District 15 – Phil Claiborne
Staff Reviewer: Brian Sexton

A request to create four lots on properties located at 2720, 2722, 2724 and 2726 Bluefield Avenue and at Donelson Pike

(unnumbered), approximately 475 feet west of Donelson Pike (2.88 acres), zoned RS20, requested by Richard T. Wallace Trustee, Kristan and Kelley Kivilaan, Keith and Rachel Lesuer, and James and Catherine Goodrich, owners, Gaylon Northcutt, surveyor.

Staff Recommendation: Approve including a variance to Section 3-4.2(f) of the Metro Subdivision Regulations for lot depth to width ratio.

APPLICANT REQUEST - Create four lots.

Final Plat A request to consolidate one parcel into four existing lots and to grant a variance to Section 3-4.2.f for lot width for properties located at 2720, 2722, 2724 and 2726 Bluefield Avenue and at Donelson Pike (unnumbered), approximately 475 feet west of Donelson Pike (2.88 acres), zoned Single-Family Residential (RS20).

ZONING

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

SUBDIVISION DETAILS The proposed subdivision consolidates one parcel into four existing lots along Bluefield Avenue. These properties are zoned RS20 and have existing homes on each lot. Lot 1 contains 37,838 square feet, Lot 2 contains 28,791 square feet, Lot 3 contains 45,204 square feet and Lot 4 contains 27,732 square feet. The rear of the property borders the Tennessee Central Railroad. The plat proposes a 25 foot Landscape easement along the rear property line of each lot to provide additional buffering against the railroad.

Site Access Primary access to each lot is located on Bluefield Avenue. The plat proposes a 20 foot ingress and egress easement that will be located in the middle of all four lots. The easement will provide each lot additional access to Donelson Pike to the East.

Section 3-4.2.f Section 3-4.2.f of the Subdivision Regulations requires lot width be not less than 25 percent of the average lot depth. The applicant is requesting a variance to this section of the regulations stating the additional square footage and the irregular lot configuration of the original lots makes it impossible to comply with this requirement. Since the existing lots are irregularly shaped making it impossible to meet the width requirement, staff recommends that a variance to the lot width requirement be approved.

PUBLIC WORKS RECOMMENDATION No Exception Taken.

STORMWATER RECOMMENDATION Approved.

WATER SERVICES RECOMMENDATION Approved.

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

STAFF RECOMMENDATION Staff recommends approval including a variance to Section 3-4.2(f) of the Metro Subdivision Regulations for lot depth to width ratio. The existing lots are irregularly shaped making it impossible for the applicant to meet the width requirement of the subdivision regulations for lot depth to width ratio.

Approved, include a variance to Section 3-4.2(f) of the Metro Subdivision Regulations for lot depth to width ratio. *Consent Agenda (6-0)*

Resolution No. RS2009-154

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-090-001 is **APPROVED, including a variance to Section 3-4.2(f) of the Metro Subdivision Regulations for lot depth to width ratio. (6-0)**”

X. OTHER BUSINESS

- 13. Contract between MPC (on behalf of MPO) and TDOT for additional planning funds.

The Metropolitan Planning Commission DEFERRED the Contract between MPC (on behalf of MPO) and TDOT for additional planning funds to December 10, 2009, at the request of the applicant. (6-0)

14. A resolution to authorize the expenditure of up to \$50,000 from the Advance Planning and Research Fund as per the Metropolitan Charter Section 6.14. The funds will be used to obtain specialized consultant expertise to undertake a market analysis and feasibility study to determine the appropriate form of, and land uses for, development and redevelopment on Nashville's corridors, and to recommend specific economic development tools and strategies to target sustainable development opportunities along those corridors.

Approved, *Consent Agenda (6-0)*

15. New employee contract for Mary Elizabeth Ikard.

Approved, *Consent Agenda (6-0)*

16. Exclusion of American Southern Insurance Company, Bond Safeguard Insurance Company, Developers Surety and Indemnity Company, Lexon Insurance Company, National Grange Mutual Insurance Company, and Travelers Casualty and Surety Company of America from providing surety bonds for one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations.

Approved, *Consent Agenda (6-0)*


17. Historical Commission Report
18. Board of Parks and Recreation Report
19. Executive Director Reports
20. Legislative Update

XI. ADJOURNMENT

The meeting adjourned at 5:12 pm.

Chairman

Secretary

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