



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
of the
Metropolitan Planning Commission**

February 25, 2010

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Derrick Dalton
Tonya Jones
Hunter Gee
Victor Tyler
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
Doug Sloan, Legal Counsel
Bob Leeman, Planning Mgr. II
Jennifer Carlat, Planning Mgr. II
Jennifer Regen, Development Relations Manager
Craig Owensby, Public Information Officer
Brenda Bernards, Planner III
Bob Eadler, Planner II
Carrie Logan, Planner II
Cyndi Wood, Planner II
Jason Swaggart, Planner II
Greg Johnson, Planner II
Brian Sexton, Planner I
Marie Cheek, Planning Tech II

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

I. CALL TO ORDER

The meeting called to order at 4:00 pm.

II. ADOPTION OF AGENDA

Dr. Cummings moved and Councilmember Gotto seconded the motion, which passed unanimously, to adopt the agenda as presented. (9-0)

III. APPROVAL OF JANUARY 28, 2010, AND FEBRUARY 11, 2010, MINUTES

Mr. Gee requested a correction be made to the January 28, 2010, meeting minutes for Item #1, page 6, stating Ms. Jones voted 'yes' and Mr. Clifton voted 'no'.

Mr. Ponder moved and Dr. Cummings seconded the motion, which passed unanimously, to approve the revised January 28, 2010, minutes as presented with a correction to the vote specification for Item #1. (9-0)

Councilmember Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the February 11, 2010, minutes as presented. (9-0)

3/12/2010 9:30:31 AM

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Forkum spoke on Item #5 and asked for the Commission's support on the proposal.

Mr. Tyler arrived at 4:03

Councilmember Duvall declined to speak until the opening of the public hearing for Item #11.

Councilmember Coleman expressed support for fellow council members and declined to speak until the opening of the public hearings for Items #1, 2, and 11.

Councilmember Dominy declined to speak until the the public hearing for Item #11.

Councilmember Toler declined to speak until the pubic hearing for items #1 and #2.

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

9. 2010Z- A council bill to amend the Metro Zoning Code, Chapters 17.04, 17.08, 17.16, 17.36, -Deferred
006TX-001 and 17.40 to delete Historic Bed and Breakfast Homestay (HB) as an historic overlay Indefinitely
district and add it as use permitted by right (P) or as a Special Exception (SE) use in
various zoning districts.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the Deferred or Withdrawn Items as presented. (10-0)

Ms. Hammond announced, "As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission's decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel."

VI. PUBLIC HEARING: CONSENT AGENDA

PUBLIC HEARING: ZONING MAP AMENDMENTS, TEXT AMENDMENTS, URBAN AND DESIGN OVERLAY

5. 2010Z- A request to rezone from RS7.5 to RS20 zoning for various properties along -Approved
003PR-001 Larchmont Drive between State Route 45 and N. Dupont Avenue, and from RS10 to
RS40 zoning for various properties along Hillcrest Drive, Neelys Bend Road, and
Randy Road.
6. 2010Z- A request to rezone from RS10 to ON zoning property located at 2898 Elm Hill Pike. -Approved
006PR-001

PUBLIC HEARING: CONCEPT PLANS

12. 2008S- A request to permit the extension of an approved concept plan for one year for the -Approved
061U-12 Brentwood Branch Estates Subdivision at 501 Broadwell Drive, Hill Road
(unnumbered) and at Trousdale Dr. (unnumbered).

OTHER BUSINESS

13. Employee contract for Scott Morton, pending approval from Metro Human Resources Department -Approved
Mr. Ponder moved and Mr. Dalton seconded the motion, which passed unanimously, to approve the Consent Agenda as presented. (10-0)

VII. PUBLIC HEARING: COMMUNITY PLANS

1. **2009CP-012-003**
Southeast Community Plan: 2004 Update
Map: 187-00 Parcels: 010, 038, 117, 125, 147, 148, 166, 185
Southeast Community Plan
Council District 31 – Parker Toler
Staff Review: Bob Eadler

A request to amend the Southeast Community Plan: 2004 Update by changing from Rural to T-3 Suburban Neighborhood Evolving policy and applying the Infrastructure Deficiency Area for approximately 109 acres located at 6887, 6891, 6901, 6907, 6913 and 6921 Burkitt Road, Burkitt Road (unnumbered) and Kidd Road. (See also Proposal No. 2009SP-031-001)

Staff Recommendation: Disapprove

APPLICANT REQUEST - Amend the Community Plan - Amend the Land Use Policy and the Infrastructure Deficiency Area for eight properties.

A request to amend the *Southeast Community Plan: 2004 Update* by changing from “Rural” to “T3 Suburban Neighborhood Evolving” (T3 NE) policy and applying the Infrastructure Deficiency Area for approximately 109 acres located at 6887, 6891, 6901, 6907, 6913 and 6921 Burkitt Road, Burkitt Road (unnumbered) and Kidd Road (unnumbered).

Five of the properties (about 15 acres) included in this proposal were added by Metro Planning staff because it did not appear logical to staff to leave a small area of “Rural” policy wedged between the area of “T3 NE” policy requested by the applicant and the existing “RLM” policy to the west of this area.

CRITICAL PLANNING GOALS When applied in appropriate locations, the proposed T3 NE policy is intended to meet critical planning goals, such as providing a range of housing options, promoting infill development, and supporting transportation choices.

However this proposed plan amendment would not support these planning goals at this time. Instead, it would add to the over-abundance of development opportunities already available in the Southeast Community planning area, between Old Hickory Boulevard and the county line; an area that lacks adequate infrastructure and is part of a rural network of projected land use that is totally reliant on the automobile. The nearest transit is about 5 miles away and the area is not served by bikeways, sidewalks or greenways.

Southeast Community Plan Goal: Maintain Rural Character While Planning for Growth

The proposal would be another departure from this key Community Plan goal. When the plan was adopted in 2004, “Rural” policy was applied to over 3,300 acres—about 12 percent of the community that was intended to retain its rural character. As a result of amendments in 2005 and 2006, the “Rural” policy area has been reduced by more than 1,000 acres—about 30 percent of the original area.

SOUTHEAST COMMUNITY PLAN

Existing Policy “Rural (R)” “Rural” policy areas generally do not have urban or suburban services available and such services have not been planned for these areas. “Rural” policy is applied when there is ample opportunity provided elsewhere within the community to accommodate the urban and suburban development expected for the foreseeable future, and where the community has concurred that an area should remain rural within the planning horizon.

The predominant type of development in “Rural” policy areas is low density residential that is rural in character. Agricultural uses and low intensity community facilities are types of uses also found in “Rural” policy areas. To preserve rural character and avoid the creation of expensive sprawl, residential densities should be one dwelling unit per two acres or lower. Slightly higher gross densities may be warranted when the development is clustered and a substantial portion of the site is preserved as open space.

Proposed Policy “T3 Suburban Neighborhood Evolving (T3 NE)”

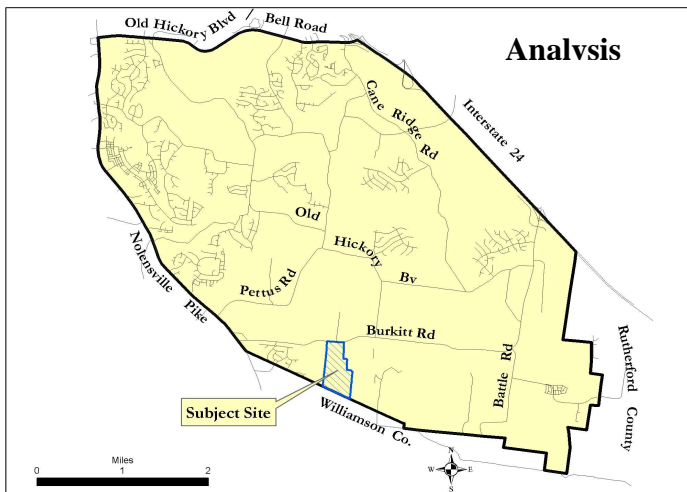
“T3 NE” policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than conventional post-1950 suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This development pattern acknowledges the scarcity of easily developable land (without sensitive environmental features), changing market preferences, and the cost of developing housing - challenges that were not faced when the original suburban neighborhoods were built.

“Infrastructure Deficiency Area (IDA)” The “IDA” policy and area is intended to address the recognized deficiencies in the transportation system and public schools within defined areas of the community that are undergoing urban and suburban development. The “IDA” mitigation recommendations are applied to zone changes and new subdivisions within the “IDA” area. Based on the type and amount of development proposed, a pre-established formula is used to calculate, the number of feet of off-site standard roadway that will have to be upgraded in conjunction with the development being proposed.

The “IDA” in the Southeast community does not currently apply to the “Rural” policy area because significant development, and thus urban level infrastructure, is not anticipated there. However, because the proposed “T3 NE” policy would generate the types of impacts the “IDA” policy is intended to address, expansion of the “IDA” policy is proposed in conjunction with the “T3 NE” policy.

BACKGROUND In January 2005, six months after the updated community plan was adopted, two of the properties included in this request were the subject of a proposed plan amendment from “Rural” to “Residential Low-Medium Density (RLM)” policy. Staff recommended disapproval of that request and the Planning Commission deferred it indefinitely. In late 2005, those properties (as well as others) were purchased and have been held by the current owners up to the present time. Since 2006, development has commenced or is pending for most of the area on the south side of Burkitt Road between Nolensville Pike and the subject site—except for the properties directly to the west of those proposed to be rezoned. All of the properties on the north side of Burkitt Road are in “NG” or “RLM” policy, but remain rural in character.

COMMUNITY PARTICIPATION A community meeting was held on January 21, 2010, Notification was mailed to property owners in and within one-quarter mile of the proposed amendment area, and it was posted on the Planning Department website. Information related to the proposal was posted on the website and handed out at the community meeting. About 40 persons attended the community meeting. Attendees asked questions or made comments; opinions were diverse. Staff received nine comment forms following the community meeting—three in support, three that indicated they were fine with the land use proposed in an accompanying zone change, but concerned about traffic and services, and three opposed to the change. Notification of the Planning Commission Public Hearing was mailed to recipients of the earlier notice, plus those who provided mailing and/or email addresses at or after the community meeting. Finally, an ad giving notice of the Public Hearing was published in the *Tennessean* and two community newspapers.



ANALYSIS In addition to the subject site (the area for which the plan amendment would be made), the analysis of the impact of the change focused on the growing southeastern section of the community where this proposal is located. Throughout this report, the “subject site” refers to only the area seeking a plan amendment. Meanwhile, the “analysis area” refers to the larger area studied regarding the impact of the plan amendment and what development could occur if the plan amendment is approved.

The analysis area studied is bordered by Old Hickory Blvd., I-24 and Rutherford County to the north and east; and Nolensville Pike and Williamson County to the west and south. The subject site is on the southern edge of this area. The analysis area contains 12,660 acres. This section

of the community has considerable development potential and, until the recent economic downturn, had been experiencing robust growth over the past decade.

Physical Development Constraints The subject site is hilly, but does not contain significant areas with steep slopes (20%+). It contains two blue-line streams that are modestly constraining features. Blue-line streams are identified for storm water management and are subject to storm water regulations. The only problem soils are found along the blue-line streams.

Steep slopes were further examined in response to comments at the community meeting that, unlike the subject site, other areas of planned urban and suburban development have topographic issues thus making the subject site more appropriate for development. The larger analysis area does not have any large concentrations of steeply sloping land. Although steep slopes are a significant constraint on some individual property, overall, they have not been a deterrent to development. An estimated 12.5 percent of the “undeveloped” land in urban and suburban policies in the larger analysis area has steeply sloping terrain. That compares to about 10.5 percent in all of the existing urban and suburban development throughout the analysis area.

Existing Land Use Land uses surrounding the subject site include undeveloped land, agriculture, emerging urban and suburban residential development to the west and south in Nolensville; and rural housing in “Rural” policy to the north and east. The character of the larger analysis area overall is generally as follows:

-- Conservation (floodplain) and Open Space = 11 percent

- “Rural” policy and character = 19 percent
- Developed Urban/Suburban = 12 percent
- Vacant or underused in Urban/Suburban policies = 58 percent

Past and Future Single Family Development

Past Decade From 1999 until the economic downturn, an estimated 5,070 single family lots under ½ acre were created in the analysis area. About 3,770 contain single family homes and an estimated 1,300 currently approved subdivision lots – or 26 percent – are currently vacant. The plan amendments in 2005 and 2006 account for 30 of the homes and 38 of the vacant lots.

Growth Forecast Based on the most recent forecast of residential growth prepared by the Metropolitan Planning Organization (MPO), on average, about 190 additional households are expected per year in the analysis area over the next 25 years. Assuming the 80/20 ratio of single to multifamily units built in the past decade holds in the future, the rate of new single family households expected within the analysis area would be about 154 units per year—compared to 377 single family units per year during the past decade.

Pending Lots In Various Stages of Approval As of November 2009, throughout the analysis area there were 18 developments in various stages of approval that include single family homes. Based on their current status, collectively, they would create about 3,315 additional single family lots under ½ acre. The plan amendments in 2005 and 2006 account for 1,350 of those lots; the remaining 1,965 are scattered throughout the analysis area, including 64 in the Jennings Springs SP that abuts the west side of the subject proposal.

“Uncommitted” Urban and Suburban Policy Areas The 4,615 existing and pending lots pale in comparison to the *potential* in undeveloped areas already planned for urban and suburban housing. One-third of the analysis area—about 4,080 acres—is vacant or underutilized land in urban land use policies either “Residential Low-Medium Density (RLM)” or “Neighborhood General (NG)” policy. These are policies that would allow the type of development envisioned in the subject site’s development proposal. The latent residential development potential in this “uncommitted” existing “RLM” and “NG” policy is estimated to be 16,320 units at an average density of 4 homes per acre. Based on an 80/20 ratio of single to multifamily, this land use plan area currently has the potential for about 13,060 additional single family units without any additional land use policy changes.

Summary of Single Family Potential The overall potential for urban and suburban single family homes—existing vacant lots plus lots in pending development plus lots in uncommitted “RLM” and “NG” policy area—based on the current plan, is estimated to be 17,675 units.

Access and Transportation Access The subject site has access to the larger community via Burkitt Rd and, in Williamson County, via Kidd Road Burkitt Road intersects Nolensville Pike about 6,000 feet west of the subject site. Other key roads in the analysis area are Blue Hole, Cane Ridge, and Pettus roads, and Old Hickory Blvd. All of the roads are 2-lane, with turn lanes at some intersections and entrances to developments. All of these road are in the IDA, except for the segment of Burkitt Rd that is in “Rural” policy. The only unbuilt major road is the planned 4-lane Southeast Parkway. This parkway traverses the community from northeast to southwest about one and one-quarter miles north of the subject site.

Completed Improvements The only major street widening in the analysis area during the past decade was the short segment of Nolensville Pike from the new Walmart Center entrances north to Old Hickory Blvd. Traffic signals and turn lanes have been installed at several key intersections along Nolensville Pike and elsewhere by Metro or private development to manage and relieve traffic congestion at those locations—most notably, at Barnes Road.

Results of the IDA A review of developments since the IDA policy went into effect in 2005 revealed that 12 projects have received preliminary approvals that include requirements for the upgrading of 2.1 miles of substandard roads when those developments commence. To date, no construction has occurred and only one payment has been received by the Public Works Department in lieu of construction as a result of the IDA policy.

Proposed Improvements The adopted Major Street Plan calls for the construction or widening of all of the major roads within the analysis area. The MPO’s current Long Range Transportation Plan (LRTP) includes the following:

- *Nolensville Pike* - widen to 5 lanes from Burkitt Road to Old Hickory Blvd. by 2016;
- *Burkitt Road/Whittimore Lane/Old Hickory Blvd.* - widen to 4 lanes from Nolensville Pike to I-24 by 2025;
- *New Southeast Parkway* from I-24 to Nolensville Pike opposite Concord Road by 2016;
- *Blue Hole Road* - widen to 4 lanes from Bell Road to Pettus Road by 2016;

- *Cane Ridge Road* - widen to 4 lanes from Bell Road to SE Parkway by 2016; from SE Parkway to Old Hickory Blvd. by 2025; and,
- *Old Hickory Blvd.* - add center left turn lane from I-24 to SE Parkway.

Altogether, the LRTP projects affect 15 miles of roads. They would add 28 lane-miles of new roadway, and 5 miles of two-way center left turn lanes.

None of these LRTP projects are in the Transportation Improvement Program (TIP), which is the short-term program for funding and implementing the highest priority projects in the LRTP. The widening and reconstruction of Blue Hole, Pettus and Cane Ridge roads are projects in Metro’s 6-year Capital Improvements Program and Budget (CIPB). None of those projects are funded either.

Transit Finally, there is no transit service near the subject site and none is planned for the foreseeable future. The nearest transit is on Nolensville Pike and it stops at Old Hickory Blvd., over 5 miles from the subject site.

Transportation and Access Conclusion As described above, there are several planned projects for the street network in the area, but none of these are programmed for immediate funding.

Sewer Service The subject site is at the upper edge of an area that drains generally west toward Mill Creek. There is a major interceptor sewer along Mill Creek with branch lines serving the developments west of the subject site. The site has access to the sewers in the development to the west.

The areas to the east and north of the subject site are in “Rural” policy. About 75 percent of that “Rural” policy is in the Indian Creek watershed, which does not have an existing or planned trunk sewer, and is at least 2 miles from the Mill Creek interceptor sewer via natural drainage in the Indian Creek watershed.

Development of the subject site will expose the adjacent “Rural” policy areas to sewers that are currently one-quarter to one-half miles away. The presence of sewers would increase the vulnerability of those rural areas to pressure for urban or suburban development if there is a possibility of gaining access to them.

Public Schools The subject site and overall analysis area are served by Cane Ridge and Overton High Schools; Marshall and Oliver middle schools; and A.Z. Kelly, Maxwell, and Shane elementary schools. With the exception of Overton High School, all of these schools have been built and opened since 2001 in response to growth prior to and during the past decade. Currently, all of the elementary and middle schools are at or over capacity.

Considering the entire analysis area, the potential cumulative impact of development of the existing, pending and “uncommitted” opportunities plus known and assumed multifamily units on schools serving the analysis area is considerable. Total student potential for all grades is estimated to be as follows:

<u>UNITS</u>	<u>STUDENTS*</u>
1,300 existing single family lots under ½ acre	581
3,315 pending single family plus 5,720 multifamily units	<u>2,492</u>
<i>Subtotal</i>	3,073
 13,060 “uncommitted” single family plus 3,260 potential multifamily units in “RLM” & “NG” Policy**	 <u>6,413</u>
	<i>Total 9,436</i>

* Average of A.Z. Kelley & Maxwell student generation rates

** Assumes 80/20 single/multifamily ratio

In 2004, a policy went into effect whereby, Metro Planning staff recommends a condition on zone changes that would generate 100 or more public school students, that these developments provide a school site. Since then, zone changes for three developments in the analysis area have included conditions related to dedicating school sites. To date, none of those sites have been dedicated. Together, those three developments would generate an estimated 1,269 students. The policy did not apply to 16 smaller zone changes that together would generate an additional estimated 763 students.

Metro’s currently adopted 6-year CIPB does not include any additions or new elementary or middle schools in either the Overton or Cane Ridge High School clusters. There is one unfunded project for a new elementary school in the Antioch H.S.

cluster, which serves the areas north and east of the analysis area. Within the Cane Ridge H.S. cluster, Antioch Middle School has capacity, but its service area currently does not extend into any part of the analysis area.

Public Parks and Recreation The service standard for a Neighborhood Park is one-quarter to one-half mile radius. The subject site is about a mile from the nearest site intended for a future park (a recently purchased 40 acre site at Pettus and OHB). About 60 percent of new single family lots (vacant and built) created in the analysis area since 1999 are within one-half mile of 1) an existing elementary school [this presumes a joint school-park arrangement], 2) an existing park of any kind, or 3) a site recently purchased for any kind of future park.

CONCLUSION

1. The opportunity for single family development in the analysis area is currently over 4 ½ times the amount of such development built in the past decade and 4 ½ times the expected single family growth for the next 25 years based on MPO forecasts. There is no compelling need to create more opportunity – there is ample land that is already in various stages of approval, is zoned for development or could be zoned for single-family development in accordance with the Southeast Community Plan.
2. The substandard condition of the vehicle transportation system in the area is not being adequately addressed and, in the face of ongoing growth, continues to deteriorate. Public investment in new capacity in the analysis area has been minuscule and no new significant projects are funded. Despite being in place for five years, the “Infrastructure Deficiency Policy” has yet to produce any concrete results. Absent significant expansion of capacity, a fraction of the potential development noted in #1 above could overwhelm the system.
3. While public schools are generally adequate now, the situation is tenuous. With existing elementary and middle schools, at or above capacity, absent new capacity, additional growth will increasingly stress the schools currently serving this area. Like roads, a fraction of the growth possible based on the current plan has the potential to overwhelm the schools in this area.
4. Sewers and physical site conditions are not issues for the subject site. But, by their presence on the subject site, sewers could increase the vulnerability of more “Rural” policy areas to pressure for similar policy changes and development.

In conclusion, a change from rural to urban policies should not be provided until: (1) an overall decision to undo or reconfigure the Rural policy is made and there is a clear need for additional urban land and (2) the issues regarding public services, particularly transportation and public schools, are meaningfully and adequately addressed.

STAFF RECOMMENDATION Staff recommends disapproval.

[Note: Items #1 and #2 were discussed by the Metropolitan Planning Commission together. See Item #2 for actions and resolutions.]

2. **2009SP-031-001**
Silver Spring Valley
Map: 187-00 Parcels: 010, 038, 166
Southeast Community Plan
Council District 31 – Parker Toler
Staff Review: Jason Swaggart

A request to change from AR2a to SP-R zoning properties located at 6887 and 6891 Burkitt Road and at Kidd Road (unnumbered), approximately 6,250 feet east of Nolensville Pike (91.67 acres), to permit 374 single-family lots, requested by Anderson, Delk, Epps & Associates, applicant, for Y & H Tennessee Partnership G.P. and Rachel and Amy Yazdian, owners. (See also Proposal No.2009CP-012-003)

Staff Recommendation: Disapprove. If associated policy is approved then staff recommends deferral to the March 25, 2010, Planning Commission meeting, or to the April 22, 2010, meeting if the bill is requested by the deadline for the May Council Public Hearing.

Mr. Eadler presented the staff recommendation of disapproval.

Tom White, representing Mr. Yazdian, asked the Commission to support the policy change.

Joe Epps of Anderson, Delk, Epps, and Associates, representing Mr. Yazdian, asked the commission for approval.

Steve Abernathy, from 5929 Pettus Rd. in the Cane Ridge community, spoke in favor of the rezoning due to sewers, road improvements, and a resulting increase in the county's tax base.

Houston Hill, 6861 Burkitt Rd, owner of 80 acres in 5 parcels near the affected properties, asked the Commission to approve the proposals.

Brian Olson from 4315 Barnes Cove Dr. spoke in favor of the proposal.

Councilmember Coleman expressed support of the plan amendment due to the developer's experience and the quality of past developments along with street and infrastructure improvements.

Dudley Smith, 1221 Clifty Dr., developer of the Burkitt Place community, expressed support of the proposal.

Nanette Coffee, resident of Sugar Valley and president of the Sugar Valley Homeowners Association asked the commission to support the proposal.

Gene Smith, 6921 Burkitt Rd, owner of parcels 117 and 185, stated development is unavoidable and spoke in favor of the proposal.

Councilmember Toler requested a review of the presented development map, noted the lack of sewer installation in rural areas and asked the Commission to approve the proposal.

Stacy Carter, area property owner, spoke in favor of Subarea Plan Amendment and is against present rural policy.

Kenneth Kelly, property owner on Burkitt Road, supports the development and emphasized the developer's previous improvements to the area.

Fred Yazdian, developer, requested Commission support of his project.

Councilmember Gotto noted the lack of opposition from the community and is in favor of approval, stating quality improvements to the area, and availability of parcels using gravity flow in sewers as reasons.

Mr. Dalton left the meeting at 4:45.

Mr. Gee stated the benefits of the project in spite of inconsistencies with area and asked for clarification of the sewer policy. Discussion between Mr Gee and Mr. Eadler ensued.

Mr. Dalton returned to the meeting at 4:47 pm.

Mr. Tyler inquired about area zoning, development status, and location of undeveloped commercial properties in relation to present proposal.

Dr. Cummings and Mr. Bernhardt discussed addressing of green space in the policy consistency review.

Mr. Clifton discussed the feasibility of development in the proposed area and noted the amount of community support is the reason he can support it.

Members of the Commission and Councilmember Toler discussed development in Williamson and surrounding counties. Councilmember Toler noted the need for resubmittal of the accompanying specific plan in the event the community plan is updated.

Councilmember Gotto moved to approve the applicant's request, including an addition to defer item #2 to the March 25, 2010, or April 22, 2010, Planning Commission meeting, if the bill is requested for the May 2010 Council Public Hearing, and Mr. Dalton seconded the motion, which was approved. (9-0-1). Ms. LeQuire abstained.

Mr. Bernhardt summarized the discussion and asked for direction from the Commission for future review of process.

Mr. Gee and Mr. Clifton discussed the need for an update to the community plan.

Mr. Bernhardt noted the benefits to the community in having direction from the Commission.

Resolution No. RS2010-23

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009CP-012-003 is **APPROVED. (9-0-1)**”

Resolution No. RS2010-24

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-031-001 is **DEFERRED to the April 22, 2010, Planning Commission Meeting. (9-0-1)**”

3. 2010CP-006-001

Bellevue Community Plan: 2003 Update
Map: 155-00 Part of Parcel: 127
Map: 156-00 Part of Parcels: 032, 033
Bellevue Community Plan
Council District 35 – Bo Mitchell
Staff Reviewer: Cynthia Wood

A request to amend the Bellevue Community Plan: 2003 Update by changing from Residential Low Medium (RLM) to Community Center (CC) policy properties on approximately 9.38 acres located at 8033, 8045 and 8059 Highway 100, zoned RS40, requested by the Metro Planning Department. (See also Proposal No. 2010Z-004PR-001)

Staff Recommendation: Approve

APPLICANT REQUEST - Amend the Community Plan - Amend the policy from RLM to CC.

A request to amend the *Bellevue Community Plan: 2003 Update* by changing the land use policy from Residential Low Medium (RLM) to Community Center (CC) on approximately 9.3 acres located at 8033, 8045, and 8059 Highway 100.

CRITICAL PLANNING GOALS Application of Community Center (CC) policy to these properties that share the same locational characteristics as adjacent properties that are already in the CC policy area will foster the development of a cohesive mixed-use center for the surrounding neighborhoods that will provide consumer services, civic and public benefit activities, and even additional housing options in a walkable environment that is convenient and accessible. In addition, this development pattern is supportive of transit through its intensity, walkability, status as a destination, and compact form.

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Provides a Range of Housing Choices

BELLEVUE COMMUNITY PLAN

Existing Policy

Residential Low Medium (RLM) RLM policy areas are 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.

Proposed Policy

Community Center (CC) CC policy is 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. Generally, CC areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops. Neighborhood and community oriented public and public benefit activities and residential uses are also appropriate in CC areas. Residential development in CC areas that is not above retail or offices is typically higher intensity townhomes and multi-family housing.

BACKGROUND This particular CC policy area has expanded through community plan amendments since the Bellevue Community Plan was updated in 2003. The non-floodplain portions of these three parcels were not included in the earlier

amendments, despite their being surrounded by commercial uses and zoning. A zone change application from residential to commercial for one of the parcels, 2010Z-004PR-001, that is also on this Planning Commission agenda, has made timely the issue of whether or not to add this land to the CC policy area.

COMMUNITY PARTICIPATION Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known neighborhood organizations within 600 feet of the subject site (in this case, to avoid confusion the same number of feet was used as for the zone change notice although it was in excess of the normal 500 foot requirement). Since this is a minor plan amendment, a community meeting is not required.

PHYSICAL SITE CONDITIONSThe site is free of physical constraints. The parcels contain floodplain that poses a constraint to development, but this floodplain is being kept in Natural Conservation (NCO) policy. The site is also close to Overall Creek.

Land Use The site is used for a religious institution and residences. Surrounding land uses include commercial and public benefit (the Bellevue YMCA).

Access The site has access to Highway 100, an arterial street.

Development Pattern This area of Bellevue is primarily commercial and civic/public benefit that is surrounded by townhouses and single-family homes.

Historic Features There are no recognized historic features associated with this site.

Conclusion The requested amendment is in keeping with the goals and objectives of the *Bellevue Community Plan: 2003 Update*. The Bellevue Plan promotes limiting commercial development to specified nodes and lists the Highway 100/ Old Harding CC area as being one of them. Adding this site to the CC area will help to complete the node.

STAFF RECOMMENDATION Staff recommends approval.

Ms. Wood presented the staff recommendation of approval.

Mr. Clifton left the meeting at 5:03pm.

[Note: Items #3 and #4 were discussed by the Metropolitan Planning Commission together. See Item #4 for actions and resolutions.]

4. 2010Z-004PR-001

Map: 155-00 Parcel: 127

Bellevue Community Plan

Council District 35 – Bo Mitchell

Staff Reviewer: Brenda Bernards

A request to rezone from RS40 to CL zoning (6.76 acres) and from RS40 to CS zoning (0.03 acres) for property located at 8059 Highway 100, approximately 750 feet west of Temple Road, requested by Harpeth Heights Baptist Church, owner. (See also Proposal No. 2010CP-006-001).

Staff Recommendation: Approve if associated Community Plan amendment is approved

APPLICANT REQUEST - Zone Change - Rezone from RS40 to CL and CS

A request to rezone from Single-Family Residential (RS40) to Commercial Limited (CL) zoning (6.76 acres) and from Single-Family Residential (RS40) to Commercial Service (CS) zoning (0.03 acres) for property located at 8059 Highway 100, approximately 750 feet west of Temple Road.

Existing Zoning

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

Proposed Zoning

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

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

BELLEVUE COMMUNITY PLAN

Existing Policy

Residential Low Medium (RLM) RLM policy areas are 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.

Proposed Policy

Community Center (CC) CC policy is 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. Generally, CC areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops. Neighborhood and community oriented public and public benefit activities and residential uses are also appropriate in CC areas. Residential development in CC areas that is not above retail or offices is typically higher intensity townhomes and multi-family housing.

Consistent with Policy? Yes. While, the request to rezone the properties from RS40 to CL and CS is not consistent with the current RLM policy, it is consistent with the proposed CC policy which supports commercial uses.

ANALYSIS The property is currently developed as a church, which is a use permitted under the existing zoning. The church would like to convert an existing sign to an LED sign, which is not possible under the current zoning. There is one LED sign on the property for the Bellevue YMCA located to the rear of the church. The YMCA does not have frontage onto Highway 100, but does access Highway 100 via an easement. This LED sign was approved by the BZA in June 2006. When the church applied for a variance to convert its existing sign to LED in December 2007, the BZA did not grant the variance. The BZA has received numerous requests for variances to permit this type of sign. The number of requests was an indication that this was a matter requiring legislative action by the Council not variances from the BZA.

In order to be able to convert the sign, the church originally requested that the property be rezoned to the CS zoning district. While staff agreed that the RS zoning was no longer appropriate due to the surrounding CL zoned properties, a number of the uses permitted in CS are not consistent with the CC land use policy that is in place on the surrounding properties. The CL district, however, does not permit an LED sign.

Following discussions with staff, the church has revised its request to the CL zoning district for the bulk of the property and the CS zoning district to a small area where the existing sign is located. The revision to the request will ensure that more intense commercial uses such as a laundry plant, major appliance repair, light manufacturing, warehousing, distribution, and a power plant as an accessory use could not be possible on this property as the small size of the CS zoning district would not permit new buildings, but the church could convert its sign. The requested zone change meets the intent of the CC policy.

PUBLIC WORKS RECOMMENDATION A TIS may be required at development.

If this rezoning is connected with signage, any new signage should be located out of future ROW so that appropriate sight distance is accommodated.

Typical Uses in Existing Zoning District: **RS40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	6.79	0.93 D	6 L	58	5	7

Typical Uses in Proposed Zoning District: **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center(820)	6.79	0.165 F	48,802 SF	4261	101	394

Traffic changes between typical: **RS40** and proposed **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+4203	+96	+387

Maximum Uses in Existing Zoning District: **RS40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	6.79	0.93 D	6 L	58	5	7

Maximum Uses in Proposed Zoning District: **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center(820)	6.79	0.6 F	177,463 SF	9860	217	935

Traffic changes between maximum: **RS40** and proposed **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+9802	+212	+928

STAFF RECOMMENDATION Staff recommends approval of the zone change request if the associated policy amendment is also approved.

Ms. Bernards presented the staff recommendation of approval if associated community plan is approved.

Councilmember Mitchell stated his opposition to commercial zoning of the area, but noted the church's request to install an LED sign and requested support from the Commission to rezone the parcels.

Richard Lee, pastor at Harpeth Heights Baptist Church, explained the origin of the LED sign request and clarified it as the reason for a commercial zoning change.

John Ladd, 104 Triple Hall Circle, spoke against a rezoning and cited past community opposition to development in the area.

Janie Burk, homeowner at 109 Temple Hollow Circle, spoke against rezoning the parcels.

Joe Sharpe, resident of Temple Gate subdivision which is located 50 yards from proposal, supports the location of the church but is against rezoning the adjacent parcels or the community plan amendment.

Ms. LeQuire inquired about parcels 32 and 33 in relation to the location of the church, as well as NCO overlay.

Ms. Bernards clarified which portions of the parcels outside the NCO overlay would be affected by commercial zoning.

Mr. Dalton asked about commercial property photos and the proximity of YMCA signs.

Ms. Bernards and Councilmember Gotto discussed Metro Council and Board of Zoning Appeals (BZA) approval. Ms. LeQuire asked about LED sign approval and its repercussions for future LED sign requests by churches.

Mr. Bernhardt clarified that the land use policy will affect all properties equally.

Dr. Cummings and Mr. Dalton, questioned any limitations of zoning and amendment to the properties if sold.

Ms. Bernards clarified that inappropriate commercial use is not permitted within the present proposal.

Mr. Gee asked for clarification of CL zoning in regard to LED signs.

Ms. Bernards and Dr. Cummings discussed the location of residential homes in relation to property and its view of an LED sign.

Mr. Bernhardt responded that the majority of Temple Gate subdivision residents look down on the proposed rezoning area, but cannot answer due to unknown height of existing church. Mr. Bernhardt also noted the Commission is not approving an LED sign.

Councilmember Gotto, Mr. Bernhardt, and Ms. LeQuire discussed zoning and overlay options, and inquired about the dimensions of church LED sign and the possibility of future signage.

Pastor Lee, Harpeth Heights Baptist Church, stated the LED sign will be located above present signage and would be three feet in height.

Councilmember Gotto moved to approve the zoning with the condition that sign be placed on top of existing sign, and LED portion will be no taller than 3 feet above the top of sign.

Mr. Tyler seconded the motion to approve the zoning with Councilmember Gotto's condition.

Councilmember Gotto and Councilmember Mitchell discussed placing a restrictive covenant on parcels to restrict future development.

Councilmember Gotto amended his original motion to approve with the recommendation to the Councilmember to address restrictions.

Mr. Ponder left meeting at 6:15 pm.

Mr. Sloan stated restrictions on zoning may not be possible and discussed options with Councilmember Gotto.

Councilmember Gotto moved to approve the staff recommendations of items #3 and #4, including a recommendation to Councilmember Mitchell to address concerns about the placement and height of sign with a restrictive covenant. Mr. Tyler seconded the motion, which was approved. **(6-2) Yes – Gotto, Gee, Tyler, McLean, Jones, LeQuire, XXXX , No – Cummings, Dalton.**

Resolution No. RS2010-25

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010CP-006-001 is **APPROVED. (6-2)**”

Resolution No. RS2010-26

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-004PR-001 is **APPROVED. (6-2)**

The proposed CL and CS zoning districts are consistent with the Bellevue Community Plan's Community Center policy.”

Mr. Gee suggested reordering items in order to hear Item #7 after other recycling proposals.

Chairman McLean asked about number of speakers present for Item #11 and Item #8.

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS, TEXT AMENDMENTS, URBAN AND DESIGN OVERLAY

5. 2010Z-003PR-001

Maps: 43-11, 043-14, 043-15, 052-02, 052-03, 052-06

Parcels: Various

Madison Community Plan

Council District 9 – Jim Forkum

Staff Reviewer: Brenda Bernards

A request to rezone from RS7.5 to RS20 zoning for various properties along Larchmont Drive between State Route 45 and N. Dupont Avenue (7.39 acres), and from RS10 to RS40 zoning for various properties along Hillcrest Drive, Neelys Bend Road, and Randy Road (103.91 acres), requested by Councilmember Jim Forkum for various property owners.

Staff Recommendation: Approve

APPLICANT REQUEST - Zone Change -Rezone from RS7.5 to RS20 and RS10 to RS40

A request to rezone from Single-Family Residential (RS7.5) to Single-Family Residential (RS20) zoning for various properties along Larchmont Drive between State Route 45 and N. Dupont Avenue (7.39 acres), and from Single-Family Residential (RS10) to Single-Family Residential (RS40) zoning for various properties along Hillcrest Drive, Neelys Bend Road, and Randy Road (103.91 acres).

Existing Zoning

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

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

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.

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

MADISON COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) T3 NM Policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy? Yes. The request to rezone the properties is consistent with the T3 NM policy as the larger minimum lot sizes will maintain the existing development pattern.

ANALYSIS There are two distinct areas included in this one rezoning request. As the areas are in close proximity to each other, and as they are a similar type of request, they have been included in the same application.

RS7.5 to RS20 There are 13 properties included in this portion of the rezoning request. One property is less than the 7,500 square feet of the existing zoning district. All but two properties could be subdivided into at least two lots under the current zoning. There are two lots less than 20,000 square feet in size and no lots greater than 40,000 square feet in size.

RS10 to RS40 Of the 87 lots included in this portion of the rezoning request, all are greater than the 10,000 square feet minimum lot size of the RS10 zoning district and all but one are large enough to be potentially subdivided into at least three lots. There are 12 lots less than 40,000 square feet. One lot at 16,600 square feet is owned by NES and used as a sub station. There are 11 lots ranging between the 33,900 square feet and 39,600 square feet. There are two lots greater than 80,000 square feet that could potentially be subdivided under the proposed zoning.

While there are 14 lots that would be considered non-conforming under this rezoning, all would remain buildable lots as the Zoning Code permits a single family residence for any legally created lot greater than 3,750 square feet even if it becomes non-conforming through a rezoning such as this. As the proposed zoning would permit few opportunities for subdividing the existing lots, the existing character will be maintained. This is consistent with the T3 NM policy.

PUBLIC WORKS RECOMMENDATION No exception taken.
As this request represents a down zoning, the amount of traffic generated will not increase.

METRO SCHOOL BOARD REPORT

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

STAFF RECOMMENDATION Staff recommends approval of the zone change request. The new zoning districts are consistent with T3 NM land use policy.

Approve (10-0), **Consent Agenda**

Resolution No. RS2010-27

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-003PR-001 is **APPROVED. (10-0)**

The proposed RS20 zoning district is consistent with the Madison Community Plan’s Suburban Neighborhood Maintenance policy.”

- 6. **2010Z-006PR-001**
Map: 108-02 Parcel: 017
Donelson/Hermitage/Old Hickory Community Plan
Council District 14 – James Bruce Stanley
Staff Reviewer: Greg Johnson

A request to rezone from RS10 to ON zoning property located at 2898 Elm Hill Pike, at the northwest corner of Elm Hill Pike and Colfax Drive (0.35 acres), requested by Donna Adwell and Melissa Faulkner, owners.

Staff Recommendation: Approve

APPLICANT REQUEST - Zone change-Rezone from RS10 to ON.

A request to rezone from Single-Family Residential (RS10) to Office Neighborhood (ON) zoning property located at 2898 Elm Hill Pike, at the northwest corner of Elm Hill Pike and Colfax Drive (0.35 acres).

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

ON District - Office Neighborhood is intended for low intensity office uses.

CRITICAL PLANNING GOALS N/A

DONELSON/ HERMITAGE/ OLD HICKORY COMMUNITY PLAN

Office Transition (OT) OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Consistent with Policy? Yes. The site is located on Elm Hill Pike, directly across the street from the Metro Airport Center Commercial PUD, a 66-acre PUD containing commercial and office uses. A single-family residential neighborhood abuts the site to the north. The OT policy has been applied to single-family residential lots along the north side of Elm Hill Pike to provide a buffer between the intense commercial uses of the PUD and the residential dwellings to the north of Elm Hill Pike.

ANALYSIS The residential neighborhood abutting the project site to the north is zoned single-family residential (RS10). The Metro Zoning Code requires lots with ON zoning to provide a type “C” landscape buffer along property lines shared with lots zoned RS10. Installation of the landscape buffer will be required by Metro Codes prior to the issuance of a use and occupancy permit.

FIRE MARSHAL RECOMMENDATION No exception taken

PUBLIC WORKS RECOMMENDATION No exception taken

Typical Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.35	3.7 D	1 L	10	1	2

Typical Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise(710)	0.35	0.056 F	853 SF	34	5	5

Traffic changes between typical: RS10 and proposed ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+24	+4	+3

Maximum Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.35	3.7 D	1 L	10	1	2

Maximum Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.35	0.4 F	6,098 SF	299	13	37

Traffic changes between maximum: RS10 and proposed ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+289	+12	+35

METRO SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

This information is based upon data from the school board last updated September 2009.

STAFF RECOMMENDATION Staff recommends approval of the proposed ON zoning district. The ON zoning is consistent with the adopted land use policy for this property.

Approve (10-0), **Consent Agenda**

Resolution No. RS2010-28

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-006PR-001 is **APPROVED. (10-0)**

The proposed ON zoning district is consistent with the Donelson/Hermitage/Old Hickory Community Plan’s Office Transition policy.”

- 7. **2010Z-003TX-001**
 Construction/Demolition Landfill
 Staff Reviewer: Jennifer Regen

A council bill to amend the Metro Zoning Code, Sections 17.16.110.A and 17.16.210.A, to modify the construction/demolition landfill standards to allow a recycling facility as an accessory use in various zoning districts, sponsored by Councilmembers Walter Hunt and Parker Toler.

Staff Recommendation: Approve with amendment

APPLICANT REQUEST - Text Amendment - Allow recycling at a construction/demolition landfill in an unenclosed building.

A council bill to amend the Metro Zoning Code, Sections 17.16.110.A and 17.16.210.A, to modify the construction/demolition landfill standards to allow a recycling facility as an accessory use in various zoning districts.

CRITICAL PLANNING GOALS

Green Ribbon Committee The proposed bill fulfills a key goal of Mayor Karl Dean’s *Green Ribbon Committee on Environmental Sustainability* for Waste Recycling and Reduction known as green building construction. Green building is an opportunity to use resources efficiently and to move closer to a sustainable future.

PURPOSE - The proposed bill will allow the two existing construction/ demolition (C&D) landfills in Davidson County, and any future C&D landfill, to recycle items on-site in lieu of disposing them in the landfill. Recycling activities would not be required to be within a completely enclosed building.

ANALYSIS

Existing Law The existing Zoning Code allows a “Recycling Facility” as a use permitted with conditions (PC) in the IWD, IR, and IG zoning districts. Currently, a recycling facility is required by Section 17.16.110.C to conduct all sorting, processing, and salvaging activities within a completely enclosed building. Further, the Zoning Code requires a landscape buffer yard, fencing, and a minimum lot size, as well as restricts access to certain streets.

Proposed Bill The proposed bill would allow an existing, or future, C&D landfill to do on-site recycling as an accessory (A) use.

As an accessory use, the bill states the provisions of Section 17.16.110.C would not apply to a “Recycling Facility” located on the same property as a C&D landfill.

The Zoning Code's standards for a C&D landfill and a recycling facility overlap. Both require landscape buffer yards, access restrictions, setbacks, and a minimum lot size. Since the two uses have similar standards, the removal of the standards for the accessory recycling facility will not detrimentally affect adjacent uses. The C&D landfill, as the primary use, would still require that all standards are met for the property.

The most notable component of the proposed bill is that the recycling facility will no longer be required to conduct sorting, processing, and salvaging activities within a completely enclosed building.

Proposed Amendments Staff is proposing two amendments clarifying that any accessory recycling facility associated with a C&D landfill shall only recycle C&D materials and no other waste.

STAFF RECOMMENDATION Staff recommends approval of this bill with the amendments proposed below. As written, the bill encourages and facilitates voluntary salvage and recycling by construction/demolition landfills.

Amend Section 17.16.110.A by **inserting** as "5" the following:

5. Recycling Facility. If located on the same lot as the construction/demolition landfill, a recycling facility shall be permitted as an accessory use **provided it accepts construction/demolition waste only**. The provisions of Section 17.16.110.C shall not apply to an accessory use.

Amend Section 17.16.20.A by **inserting** as "4" the following:

4. Recycling Facility. If located on the same lot as the construction/demolition landfill, a recycling facility may be permitted as an accessory use **provided it accepts construction/demolition waste only**.

FILED BILL

ORDINANCE NO. BL2010-634

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County relative to “Construction/Demolition Landfill” in Nashville and Davidson County (Proposal No. 2010Z-003TX-001), all of which is more particularly described herein.

WHEREAS, a construction/demolition landfill is prohibited from salvaging or recycling material brought to the landfill;

WHEREAS, it is fitting and proper for a construction/demolition landfill to salvage and recycle materials on-site in lieu of disposing them in the landfill;

WHEREAS, this ordinance is to encourage and facilitate voluntary salvage and recycling by construction/demolition landfills.

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

Section 1: Modify Section 17.16.110.A (Uses Permitted with Conditions – Waste Management Uses: Construction/Demolition Landfill) to permit a recycling facility as an accessory use (A) to a construction/demolition landfill by **inserting** the following:

5. Recycling Facility. If located on the same lot as the construction/demolition landfill, a recycling facility shall be permitted as an accessory use. The provisions of Section 17.16.110.C shall not apply to an accessory use.

Section 2: Modify Section 17.16.210.A (Special Exception Uses – Waste Management Uses: Construction/Demolition Landfill) to permit a recycling facility as an accessory use (A) to a construction/demolition landfill by **inserting** the following:

4. Recycling Facility. If located on the same lot as the construction/demolition landfill, a recycling facility may be permitted as an accessory use.

Section 3. That this Ordinance shall take effect five (5) days after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Ms. Regen presented the staff recommendation of approval with amendment.

Mr. Dalton left the meeting at 5:46pm.

Mr. Bernhardt noted the three text amendments – other agencies are here to answer questions if needed.

James Showman, 2314 Clifton Ave, stated landfill facility attracts wildlife and pests to area properties.

Justin Southwick, 5853 Brentwood Trace, requested to speak for all three text amendments at once.

Chairman McLean asked the commission about voting after hearing all three text amendments at one time.

Mr. Cobb, Director of Metro Department of Codes, described past meetings that addressed improvement areas in the zoning code to encourage recycling. Mr. Cobb noted limited space for recycling regarding item #7, #8, and #10.

[Note: Items #7, #8, and #10 were discussed by the Metro Planning Commission together. See Item #10 for actions and resolutions.]

8. **2010Z-004TX-001**
Construction / Demolition Waste Processing (project specific)
Staff Reviewer: Jennifer Regen

A council bill to amend the Metro Zoning Code to add a new land use "Construction/Demolition Waste Processing (project-specific)" as a use permitted with conditions (PC) in various zoning districts, sponsored by Councilmembers Walter Hunt and Parker Toler.

Staff Recommendation: Approve with amendments

APPLICANT REQUEST - Text Amendment - Allow on-site or off-site recycling of construction/ demolition materials for a specific project.

A council bill to amend the Metro Zoning Code to add a new land use "Construction/Demolition Waste Processing (project-specific)" as a use permitted with conditions (PC) in various zoning districts.

CRITICAL PLANNING GOALS

Green Ribbon Committee The proposed bill fulfills a key goal of Mayor Karl Dean's *Green Ribbon Committee on Environmental Sustainability* for Waste Recycling and Reduction known as green building construction. Green building is an opportunity to use resources efficiently and to move closer to a sustainable future. By allowing the salvaging of all, or part, of a structure through orderly and controlled dismantling and removal of building components, these materials can be reused or recycled into new products (cabinetry, fixtures, windows, flooring, wood, concrete, masonry, drywall, and ferrous metals).

PURPOSE The proposed bill adds a new use to the Zoning Code, "Construction/Demolition (C&D) Waste Processing (project specific)." The bill will allow property owners who are constructing and/or demolishing buildings or structures to recycle materials on-site or off-site in lieu of discarding them directly in a C&D landfill.

ANALYSIS

Existing Law The existing Zoning Code does not have a use called "Construction/Demolition Waste Processing (project specific)". There is a use called "Recycling Facility" which is permitted with conditions (PC) in the IWD, IR, and IG zoning districts. C&D processing can occur as part of a "Recycling Facility", however, all sorting, processing, and salvaging activities must occur within a completely enclosed building.

Currently Proposed Bill This bill allows any property owner within Davidson County who is constructing a building/structure and/or demolishing an existing building/structure to establish an on-site or off-site recycling area. In the case of an off-site area, the off-site location must be within a ¼ mile radius of property on which the recycling or demolition is occurring (the primary site).

Site Eligibility Properties with a non-residential base zoning district would have no minimum lot size. Those properties with a residential base zoning district would have to be ten times the minimum lot size of the base zoning district or one acre, whichever is less. All land uses within Davidson County would be eligible for a C&D waste processing (project specific) use.

Project Specific Unlike a general "recycling facility", the proposed "construction/demolition waste processing (project specific)" use can only accept, collect, salvage, recycle, separate, and process waste from the primary property. Other property owners within Davidson County are prohibited from bringing C&D waste to this property, regardless of whether a fee is charged.

Waste Reduction and Recycling Plan Every applicant for a C&D waste processing (project specific) use would be required to submit a "Waste Reduction and Recycling Plan" to the Directors of Public Works and Codes Administration for their joint review and approval. The plan must describe in detail how the primary site and its C&D waste will be gathered, separated, processed, and transported. Key elements of the plan are as follows:

- Waste Manager must be designated as 24/7 contact person to respond and handle concerns or complaints.
- Waste Processing Schedule must be provided identifying all of the following:

- a) Type and quantity of materials to be generated, recovered, reused, salvaged, separated and processed on-site as well as off-site;
- b) Type and quantity of materials to be sold on-site or off-site;
- c) Number of cubic yards to be stored on-site at any one time of processed and unprocessed materials;
- d) On-site storage method and location for materials;
- e) Recycling facilities and landfills that will receive materials;
- f) Frequency materials will be collected and hauling companies that will transport materials.
- Security must be provided to prevent illegal dumping or theft of materials.
- Notification to the district councilmember by the Zoning Administrator immediately after receiving an application for a C&D waste processing use proposed in, or within 1,000 feet, of any agricultural, R, RS, or RM zoning district.
- Performance Security must be provided via a letter of credit or a cashier's check to the Director of Public Works. Security amount to be determined by Public Works for the removal of waste processing equipment, materials, and ancillary items.
- Waste Management Summary Report must be provided to the Directors of Public Works and Codes verifying the type and actual tonnage of materials generated, recovered, reused, salvaged, separated, discarded, and processed on-site as well as off-site. Report must be submitted six months after initial approval, and every six months thereafter until the waste processing use is closed.

Inactivity A property shall be deemed inactive by the Director of Codes Administration, if no activity has occurred on the property during any six consecutive months, regardless of the calendar year in which such inactivity occurred. Once deemed inactive, all waste processing shall cease and new application for the use submitted for review and approval.

- Proposed Amendments** In reviewing the bill, several housekeeping amendments are proposed by staff, as described below:
- a. *Off-Site Facility Location:* Permit an off-site recycling site to be located within ½ mile of the property instead of ¼ mile. This change ensures more opportunities for recycling.
 - b. *Project Eligibility:* Delete proposed Section 17.16.110.B2 since it conflicts with the *Lot Size* requirements contained in the “Waste Reduction and Recycling Plan”.
 - c. *Sale of Materials:* Modify to indicate rock from the site can be sold on-site. This change will reduce truck trips on local streets to cart off the rock to another location for sale.
 - d. *Materials and Storage:* Modify to indicate that on-site separation of materials on the original project site is required to ensure materials salvaged are not contaminated by being thrown into one big bin.
 - e. Add “*Signage*” requirement for the project. Required sign shall be large and prominent (4’ x 8’) on the site’s primary street frontage indicating the project name, contact name and number, project completion date, and kind of materials to be recycled and salvaged. An additional sign shall be placed on any off-site recycling facility. Sign(s) shall be approved by the Metro Planning Department, prior to the issuance of any grading or demolition permits.
 - f. Modify Sections 2 and 3 of the bill to indicate that a C&D waste processing (project specific) use would be allowed as a permitted w/conditions (PC) use in all zoning districts.
 - g. Correct several typographical errors.

STAFF RECOMMENDATION Staff recommends approval of this bill with the housekeeping amendments. As written, the bill encourages and facilitates voluntary salvage and recycling by residential and non-residential property owners. The bill fulfills a key goal of Mayor Karl Dean’s *Green Ribbon Committee on Environmental Sustainability* for green building construction. Further, the bill provides accountability by requiring the property owner to submit a “Waste Reduction and Recycling Plan”. In essence, the property owner creates the yardstick by which the waste processing use will be evaluated for compliance by Metro. Each plan can be tailored to the specific needs of the property owner, provided the community and county public health and environment are not adversely affected.

PROPOSED ORDINANCE

ORDINANCE NO. BL2010-635

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to modify the definitions, land use table, and development standards to add a new land use “Construction/Demolition Waste Processing (project-specific)” as a use permitted with conditions (PC) in Nashville and Davidson County (Proposal No. 2010Z-004TX-001), all of which is more particularly described herein.

WHEREAS, to protect the health, safety, and welfare of Davidson County residents and the environment, the reuse and

recycling of construction and demolition materials is one component of a larger holistic practice called sustainable or green building construction;

WHEREAS, at the end of a building's life, demolition generates large amounts of materials that can be reused or recycled, principally wood, concrete, masonry, drywall, and ferrous metals;

WHEREAS, salvaging all or part of a structure through orderly and controlled dismantling and removal of building components can enable reuse of materials such as cabinetry, fixtures, windows, and flooring;

WHEREAS, Mayor Karl Dean's *Green Ribbon Committee on Environmental Sustainability* detailed in its report the need to develop and implement a construction and demolition recycling program citywide to divert materials from the landfill as part of its Energy and Building Subcommittee Report section entitled "Waste Recycling and Reduction"; and,

WHEREAS, allowing "Construction/Demolition Waste Processing (project-specific)" countywide shall implement a *Green Ribbon Committee* waste reduction goal;

WHEREAS, this ordinance is to encourage and facilitate voluntary recycling and reuse of materials during construction and demolition activities on a project site.

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

Section 1. Modify Section 17.040.060 (Definitions of General Terms) by **inserting** the following definitions in alphabetical order:

"Completion" means the earliest of the following dates: the date a temporary certificate of occupancy is issued by Metro for a project, the date a certificate of occupancy is issued by Metro for a project, or the date the final inspection approving the project is completed.

"Construction" means the building, rehabilitation, remodeling, renovation or repair of any structure or any portion thereof, including any tenant improvements to an existing structure.

"Construction and demolition (C&D) waste, debris, or material" means discarded materials resulting from construction, remodeling, repair, demolition, or salvage operations that are generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, ceiling tiles, ceramic tile, carpeting, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project. "Construction/Demolition Waste Processing (project-specific)" means space designated during the term of the demolition or construction project, located either physically on the project site or on another property within a one-half quarter mile (1/2) (1/4) mile radius of the project site boundary, where the project contractor shall divert construction and demolition debris for purposes of recycling, salvaging, and disposing of materials recovered from demolition of existing, or construction of new, buildings and structures on the project site. No materials shall be received from any other construction project, other than the designated project, for which the space was originally intended.

"Demolition" means the decimating, razing, ruining, tearing down or wrecking in whole or in part, any facility, structure, foundation, landscaping, pavement or building, (wall, fence) whether in whole or in part, whether interior or exterior.

"Reuse" means (a) the on-site use of reprocessed construction and demolition or (b) the off-site redistribution of a material which would otherwise be disposed of, for use in the same or similar form as it was produced.

"Salvage" means the controlled removal of construction or demolition waste/material from a building, construction, or demolition site for the purpose of recycling, reuse, or storage for later recycling, reuse, or proper storage for future recycling or reuse.

Section 2. Modify Section 17.08.030 (Zoning Land Use Table: Waste Management Uses) by **inserting** "Construction/Demolition Waste Processing (project-specific)" as a land use in alphabetical order and **permitting it with conditions (PC) in all zoning districts.**

Section 3. Modify Section 17.16.110 (Land Use Development Standards: Uses Permitted with Conditions – Waste Management Uses) by **inserting** as "B. Construction/Demolition Waste Processing (project-specific), and renumbering the section accordingly.

B. Construction/Demolition Waste Processing (project-specific)

1. Applicability. The provisions of this section shall apply to any land use within Davidson County. Any site not complying with these requirements shall be prohibited.

Project Eligibility. All development and/or demolition projects with a non-residential base zoning district are eligible for a construction/demolition waste processing (project-specific). For those development and/or demolition projects with an agricultural or residential base zoning district, an eligible project shall comprise a minimum of three (3) acres.

2. Waste Reduction and Recycling Plan: The applicant shall submit a plan to the Director of Public Works and the Director of Codes Administration for their joint review and approval describing and detailing how the project site and its construction and demolition waste will be gathered, separated, processed, and transported, including the items a) through m p) below. Additional information may be required by the reviewing agencies to ensure the property can safely and suitably handle the project's construction and demolition waste.
 - a. *Waste Manager.* The plan shall designate and identify a person who will be responsible for all construction demolition waste management, including their name, title, mailing address, e-mail address, fax number, and 24/7 phone number to respond and handle all concerns involving the site's recycling methods, processes, materials, and flow of debris on and off-site;
 - b. *Waste Processing Location.* The location where the project contractor shall divert construction and demolition debris for purposes of recycling, salvaging, and disposing of materials recovered from demolition of existing, or construction of new, buildings and structures on the project site.
 - c. *Lot Size.* There is no minimum lot size for properties with a non-residential base zoning district. For those properties with an agricultural or residential base zoning district, the waste processing location shall be at least ten times the base zoning district, or a minimum of one (1) acre, whichever is less.
 - d. *Operation Timeline.* The operating timeline for waste processing on the property from the initial start-up date to completion date, including any relevant milestone dates. A property shall have all waste processing equipment, materials, and ancillary items removed from it within 90 days of project completion, as defined in this title.
 - e. *Hours of Operation.* The hours of operation for all activities to occur on the property, including a statement of compliance with Chapter 16.44 (Noise Control) of the metropolitan code of laws;
 - f. *Materials and Storage.* A completed waste reduction and recycling schedule in a form and content established by the Director of Public Works, but at a minimum, it shall provide the following information for both **the project-specific site and any off-site location:**
 - i. The type and estimated quantity of materials to be generated, recovered, reused, salvaged, separated and processed on-site as well as off-site, including those that will be sold on the premises or off-site;
 - ii. The method and frequency of collection for the materials noted above;
 - iii. The number of cubic yards to be stored on-site at any one time of processed and unprocessed materials;
 - iv. **The on-site separation method for each of the materials noted above;**
 - v. The on-site storage method for each of the materials noted above;
 - vi. The on-site storage location for each of the materials noted above;
 - vii. The recycling facilities and landfills that will receive materials noted above;
 - viii. The hauling companies that will transport the materials noted above.
 - g. *Sale of Materials.* **Materials from the site that have been recycled, salvaged, recovered, or excavated may be given away, sold on the premises, or removed for reuse.** The sale of materials, if any, that shall occur on the property recovered or salvaged recyclables and reusable materials may be given away or sold on the premises, or may be removed for reuse, except no mining of rock shall occur for sale to other persons and/or entities;
 - h. *Trash Dumpsters.* The location of all trash dumpsters on the property for waste not to be recovered and/or generated;
 - i. *Public Health and Environment.* A description of the on-site storage method and off-site transport methods that will be used to prevent dirt and materials from creating drift or becoming airborne, producing odors, leaking, littering, or generating run-off due to wet conditions due to weather or man-made activities so as not to create a health hazard, public nuisance, or fire hazard. All activities shall comply with all rules and regulations of the Tennessee Department of Conservation and Environment, Metropolitan Government Stormwater Regulations, and all other applicable local, state and federal laws and regulations;
 - j. *Security.* A description of how the property will be secured to prevent illegal theft of materials and dumping, including lighting;
 - k. *Signage.* **A large and prominent sign measuring at least 32 square feet in size shall be installed on the project site's primary street frontage. At a minimum, the sign shall identify the project name, contact name, contact phone number, project completion date, quantity and type of materials to be recycled and salvaged. If an off-site recycling location shall be used, the same sign shall be installed at that location too. Sign(s) shall be approved by the Metro Planning Department, prior to the issuance of any grading or demolition permits.**

- l. *Inactivity.* A property shall be deemed inactive by the Director of Codes Administration, if no activity has occurred on the property during any six consecutive months, regardless of the calendar year in which such inactivity occurred. Once deemed inactive, all waste processing activities shall cease until a new application for the waste processing has been submitted, reviewed, and approved by the reviewing agencies.
- m. *Waste Management Summary Report.* Six months after the initial approval of the Waste Reduction and Recycling Plan, and every six months thereafter, the applicant shall submit to the Directors of Public Works and Codes Administration a waste management summary report in a form and content established by the Director of Public Works. At a minimum, the report shall provide the following information and documentation verifying the type and actual tonnage of materials generated, recovered, reused, salvaged, separated, discarded, and processed on-site as well as off-site.
- n. *Notification.* Prior to the issuance of a zoning permit, and immediately after receiving an application for a new or relocated construction/demolition waste processing (project-specific) use, the zoning administrator, shall notify the district councilmember that an application for such use has been submitted. Such notification shall only be required within the use is proposed within an agricultural or residential zoning district, or within 1,000 feet of an agricultural or residential zoning district boundary line.
- o. *Non-Compliance.* The Directors of Public Works and Codes Administration shall determine if the applicant has complied with the approved Demolition and Construction Recovery Plan. If it is determined that the applicant has failed to comply with the applicant’s recovery plan, the Performance Security shall be forfeited.
- p. *Performance Security.* The submittal of a letter of credit or cashier’s check as performance security to the Director of Public Works in an amount specified by the Director for the removal of waste processing equipment, materials, and ancillary items. All forfeited performance securities shall be used for the purposes of making the property safe for public health and well-being and to promote recycling within Davidson County.

Section 4. That this Ordinance shall take effect five (5) days after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Ms. Regen presented the staff recommendation of approval with amendments.

[Note: Items #7, #8, and #10 were discussed by the Metro Planning Commission together. See Item #10 for actions and resolutions.]

- 9. 2010Z-006TX-001**
Historic Bed and Breakfast Homestay
Staff Reviewer: Jennifer Regen

A council bill to amend the Metro Zoning Code, Chapters 17.04, 17.08, 17.16, 17.36, and 17.40 to delete Historic Bed and Breakfast Homestay (HB) as an historic overlay district and add it as use permitted by right (P) or as a Special Exception (SE) use in various zoning districts, sponsored by Councilmembers Kristine LaLonde, Mike Jameson, and Vivian Wilhoite.
Staff Recommendation: Approve with amendments

The Metropolitan Planning Commission DEFERRED INDEFINITELY 2010Z-006TX-001 at the request of the applicant.

- 10. 2010Z-007TX-001**
Recycling Facility
Staff Reviewer: Jennifer Regen

A council bill to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County relative to “Recycling Facility” in Nashville and Davidson County, sponsored by Councilmembers Walter Hunt and Parker Toler.
Staff Recommendation: Approve with amendment

APPLICANT REQUEST -Text Amendment -Permit a “Recycling Facility” to sort, separate, process, and store materials without being in a completely enclosed building.

A council bill to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County relative to “Recycling Facility” in Nashville and Davidson County.

CRITICAL PLANNING GOALS

Green Ribbon Committee The proposed bill fulfills a key goal of Mayor Karl Dean's *Green Ribbon Committee on Environmental Sustainability* for Waste Recycling and Reduction known as green building construction. Green building is an opportunity to use resources efficiently and to move closer to a sustainable future.

PURPOSE The proposed bill will allow a "Recycling Facility" to operate without being in a completely enclosed building. The facility's operations would include loading, unloading, sorting, separating, processing, converting, and storing materials to be recycled or discarded.

ANALYSIS

Existing Law The existing Zoning Code allows a "Recycling Facility" as a use permitted with conditions (PC) in the IWD, IR, and IG zoning districts. Currently, a recycling facility is required by Section 17.16.110.C to conduct all sorting, processing, and salvaging activities within a completely enclosed building.

Proposed Bill The proposed bill would no longer require a recycling facility to conduct sorting, processing, and salvaging activities within a completely enclosed building, except where the facility is within 1,000 feet of a certain districts permitting residential uses. The requirement to have a completely enclosed building has been found impractical for daily recycling activities.

Codes Administration The Zoning Administrator and Director of the Department of Codes Administration have suggested an amendment to the bill. The modification continues the current Zoning Code's requirement of a completely enclosed building for compacting, sorting, processing, or storage, except when such activity is located *more* than 1,000 feet from a property zoned for residential use (AG, AR2a, RS, R, RM, MU, or OR districts). When there is no residential zoning district within 1,000 feet, the Codes Department recommends the recycling activities be permitted to occur outdoors. For outdoor recycling, the recycling operator would be required to install an opaque fence at least 8 feet in height. The use of non-rigid plastic or fabric material does not constitute "opaque fencing" per the Zoning Code. Additionally, in the urban zoning overlay district, fences cannot be made of sheet plastic, sheet metal, corrugated metal or plywood.

Proposed Amendment The Department of Codes Administration suggests that Section 17.16.110.C.5 (Uses Permitted with Conditions – Waste Management Uses: Recycling Center) be retained with the underlined modification shown below:

17.16.110.C

5. All compacting, sorting, processing or storage shall take place within a completely enclosed building, except as provided in subsection c below. The term "completely enclosed building" means a structure with at least four walls and is totally enclosed when all doors are closed. The enclosed area(s) of a recycling facility shall have concrete floors or floors made of some other hard material that is easily cleanable. All loading and unloading shall take place:

a. On a partially enclosed loading dock when the loading dock connects directly to the completely enclosed building in which compacting, sorting, processing or storage takes place; or

b. Within a Completely Enclosed Building. If a recycling facility utilizes a loading dock for loading and unloading, the loading dock shall not be used for storage and shall be cleaned of all materials at the close of each business day. The areas around loading docks and other high-traffic areas shall be paved.

c. Where a recycling facility site is located *more* than 1,000 feet away from any property zoned AG, AR2a, RS, R, RM, MU, or OR district, a completely enclosed building shall not be required for compacting, sorting, processing or storage.

STAFF RECOMMENDATION Staff recommends approval of this bill with the proposed amendments. As written, the bill encourages and facilitates salvage and recycling. The proposed amendment by the Department of Codes Administration ensures residential areas are not adversely impacted by recycling activities.

PROPOSED ORDINANCE

ORDINANCE NO. BL2010-637

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County relative to "Recycling Facility" in Nashville and Davidson County (Proposal No. 2010Z-007TX-001), all of which is more particularly described herein.

WHEREAS, to protect the health, safety, and welfare of Davidson County residents and the environment, recycling facilities are a major component of creating a sustainable community;

WHEREAS, the Zoning Code currently requires a recycling facility to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste, including construction and demolition materials, in a completely enclosed building having at least four walls and where doors are closed and where the floors are concrete or of otherwise hard material to permit easy cleaning;

WHEREAS, it is impractical for a recycling facility to operate entirely within a completely enclosed building as set forth in the Zoning Code;

WHEREAS, it is fitting and proper to modify the Zoning Code standards for a recycling facility to encourage and facilitate voluntary salvage and recycling efforts within Davidson County.

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

Section 1: Modify Section 17.16.110.C.5 (Uses Permitted with Conditions – Waste Management Uses: Recycling Center) by **deleting** it in its entirety.

Section 2. That this Ordinance shall take effect five (5) days after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Ms. Regen presented the staff recommendation of approval with amendment.

Justin Southwick, Brentwood TN, employee of Wilmont Inc., noted challenges to small businesses and requested more time to speak with Metro Public Works.

James Showman described various hazards of uncovered recycling centers.

Dani Bagget, resident of Antioch area, spoke in support of recycling but in opposition of placing recycling centers in central areas. Ms. Bagget urged the Commission to use care in their decision.

Mr. Dominy, an Antioch resident, expressed concerns about potential damage done to roads due to heavy equipment that would utilize recycling centers.

Mr. Gee expressed concerns about previous landfill policies for construction and demolition (C & D) material.

Ms. Regen stated a C & D landfill must be licensed by the state to accept these materials.

Mr. Gee and Ms. Regen discussed staff consideration of requiring enclosed centers.

Mr. Bernhardt explained the continuation of a use in an area previously zoned.

Mr. Gee referenced Item #8 for clarification of the sale of rock, which was clarified by Ms. Regen to mean any materials. He also asked about open recycling in regards to Item #10 with regard to any negative impact to the area.

Ms. Regen explained the policy limits recycling and landfill facilities to be located in industrial zoning districts.

Ms. LeQuire asked about Stormwater's involvement in department discussions, and addressing road maintenance.

Mr. Cobb from Codes, Mr. Mishu from Water Services, and Mr. Hasty from Public Works discussed Metro's Solid Waste Plan requirements, expressing support for the three text amendments.

Dr. Cummings expressed concerns about any residential areas near the recycling facilities, and inquired about solutions used in other cities.

Councilmember Gotto inquired about the filing of bills for the text amendments and the deadline date of March 2, 2010.

Councilmember Gotto moved and Ms. Jones seconded the motion, which was unanimous, to approve 2010Z-004TX-001. (8-0)

Councilmember Gotto moved and Ms. Jones seconded the motion, which was unanimous, to approve 2010Z-007TX-001. (8-0)

Mr. Gee moved and Mr. Dalton seconded the motion, which was unanimous, to approve 2010Z-003TX-001. (8-0)

Resolution No. RS2010-29

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-003TX-001 is **APPROVED. (8-0)**”

Resolution No. RS2010-30

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-004TX-001 is **APPROVED. (8-0)**”

Resolution No. RS2010-31

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-007TX-001 is **APPROVED. (8-0)**”

The Commission recessed at 6:40 pm.

The Commission meeting was called to order at 6:52pm.

11. 2010UD-001-001

Fawn Crossing
Map: 150-14-0-C Various Parcels
Antioch/Priest Lake Community Plan
Council District 33 – Robert Duvall
Staff Reviewer: Greg Johnson

A request to make applicable the provisions of an Urban Design Overlay (UDO) district to be known as the "Fawn Crossing UDO" to properties located at 6052 Mt. View Road and at Hamilton Church Road (unnumbered) and for properties located along Shady Tree Lane and Apple Orchard Trail, zoned RS10 and RM9 (89.0 acres), to apply building design standards to all residential lots within the proposed and already-developed sections of the Fawn Crossing Subdivision, requested by Councilmember Robert Duvall.

Staff Recommendation: Approve

Mr. Johnson presented the staff recommendation of approval.

Councilmember Coleman discussed meeting with other council members to protect neighborhood integrity, and stated the purpose of the UDO is to maintain standards of housing.

John Rogers, 211 Commerce St., spoke on behalf of 1st TN Bank, spoke in opposition to the proposal.

Bill Hostettler, partner at HMD Homes, referenced a previously distributed plat and asked the Commission for disapproval.

Gene Whitle, representing Avenue Bank, spoke in opposition of the proposal due to the economic status, claiming UDO sets up obstacles for home sales.

Loretta Owens, Executive Director of The Housing Fund, resident of Creive Hall, requested reworking of UDO before adoption.

Danielle Baggett of 612 Summertime Ct, expressed concerns about lowered home values due to low-cost housing in community.

Elsie Painter, resident of Hamilton Church Rd., asked the Commission to approve the UDO proposal.

Forest Dominy, 401 Henderson Road, asked the commission to support the proposal.

Jim McAnn of Avenue Bank, expressed concerns in lending in areas where zoning is not established.

Tracy McCartney, executive director of The Tennessee Fair Housing Council, discussed the impact of increasing price point of homes, and cautioned the Commission against approval.

Francisco Capas, 612 Chestwood Ct., spoke in support of the proposal.

Councilmember Dominy asked the Commission to pass the UDO in order to increase and maintain the value of homes in the area.

Cathy Dodd, director of Woodbine Community Organization and resident of Davidson County, spoke about buyers of houses in the \$120,000 price bracket and urged the Commission to consider disapproval.

Councilmember Duvall discussed the purposes of overlays and the need for compromise in matching UDO standards while protecting property value, and asked the Commission to disapprove.

Jody Derek, sales manager for HMD homes, cited the Planning Commission mission statement and asked the Commission for disapproval.

Mr. Gee expressed indecision, the need for cleaning up empty lots, and his hesitation in approving a UDO overlay against community opinion.

Councilmember Gotto and Mr. Bernhardt discussed UDO overlay effects, homeowner associations, and restrictive covenants.

Chairman McLean and the developer of existing homes discussed minimum UDO standards and placement of designated covenants.

Councilmember Gotto and Mr. Johnson discussed balancing property value with new developments.

Ms. Jones noted the need to see the restrictive covenants before voting.

Mr. Dalton stated his favor with the proposal.

Ms. LeQuire described the UDO proposal as limiting and does not follow quality design; Ms. LeQuire stated she will vote to disapprove.

Ms. Lequire moved and Mr. Gee seconded the motion to disapprove. **Motion failed. (3-5)**

Mr. Dalton moved to grant the proposed UDO per Councilmember Duvall's request and Dr. Cummings seconded the motion.

Discussion ensued between the Commission, Councilmember Duvall, and developer Mr. Hostettler.

Councilmember Gotto asked for a commitment from Councilmember Duvall and Mr. Hostettler regarding future building permits, recommending to Metro Council to defer indefinitely at public hearing, find a compromise, and return to Metro Council for final reading and approval.

The Commission and Councilmember Duvall discussed available options for compromise.

Mr. Dalton moved to withdraw his previous motion to approve and Dr. Cummings seconded the motion.

Councilmember Gotto moved and Mr. Dalton seconded the motion, which passed unanimously, to defer indefinitely the UDO, send a recommendation to Metro Council to hold the public hearing on the 1st Tues of March, and re-refer to the Planning Commission. (8-0)

Resolution No. RS2010-32

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010UD-001-001 is **DEFERRED INDEFINITELY AND RECOMMEND TO THE COUNCIL TO HOLD THE PUBLIC HEARING ON MARCH 2, 2010, DEFER INDEFINITELY AND RE-REFER TO THE PLANNING COMMISSION. (8-0)**”

IX. PUBLIC HEARING: CONCEPT PLANS

12. 2008S-061U-12

Brentwood Branch Estates (Concept Plan Extension)
Map: 160-08-0- A Parcel: 010
Southeast Community Plan
Council District 26 – Gregory E. Adkins
Staff Reviewer: Jason Swaggart

A request to permit the extension of an approved concept plan for one year from its expiration date on March 27, 2010, for the Brentwood Branch Estates Subdivision for eight single-family clustered residential lots located at 501 Broadwell Drive, Hill Road (unnumbered) and at Trousdale Dr. (unnumbered), zoned RS20 (4.42 acres), requested by Dale & Associates, applicant, for Michael and Sharon Yates, owners.

Staff Recommendation: Approve

APPLICANT REQUEST - Extend Concept Plan Approval -Extend concept plan approval.

A request to permit the extension of an approved concept plan for one year from its expiration date on March 27, 2010, for the Brentwood Branch Estates Subdivision for eight single-family clustered residential lots located at 501 Broadwell Drive, Hill Road (unnumbered) and at Trousdale Dr. (unnumbered), zoned Single-Family Residential (RS20) (4.42 acres).

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 This is a request to extend concept plan approval for Brentwood Branch Estates, a major subdivision. The properties included in the concept plan are located on the south side of Broadwell Drive in the Crieve Hall area. The concept plan was approved for eight single-family cluster lots by the Planning Commission on March 27, 2008.

Section 2-3.4.f of the Subdivision Regulations specifies the effective period of concept plan approval. It states that the effective period for a *major* subdivision is two years, but that prior to expiration the approval can be extended for one year if the Planning Commission deems the extension appropriate based upon progress made in developing the subdivision. The concept plan approval will expire on March 27, 2010.

According to the applicant, the development was put on hold due to the housing market. The applicant has requested in writing that the approval be extended for one year. The request letter dated January 15, 2010, list the following as a summary of the progress that has made in completing the development:

- Mandatory Referral Process initiated (withdrawn due to a determination that it was not necessary)
- Complete Boundary & Topographic Survey
- 80% Construction Drawing set, including detailed stormwater calculations, hydraulic flood analysis and cut/fill calculation for flood plain disturbance.
- Plans initially submitted to Stormwater for Sufficiency Review prior to placing the project on hold

The letter further states that approximately \$75,000 has been spent on land acquisition, surveying, planning and design.

Staff Analysis The current concept plan meets all subdivision and zoning requirements. Since it meets all the requirements and the applicant has invested time and money into the project which will ultimately lead to its development, then staff has no issues with extending the concept plan approval for one year.

STAFF RECOMMENDATION Staff Recommends that concept plan approval be extended for one year as requested by the applicant to March 27, 2011.

Approve (10-0), **Consent Agenda**

Resolution No. RS2010-33

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-061U-12 is **APPROVED. (10-0)**”

X. OTHER BUSINESS

13. Employee contract for Scott Morton, pending approval from Metro Human Resources Department

Approve (10-0), **Consent Agenda**

14. Historical Commission Report

15. Board of Parks and Recreation Report

16. Executive Director Reports

17. Legislative Update

XI. ADJOURNMENT

The meeting adjourned at 8:16pm.

Chairman

Secretary



The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of, its programs, services, and activities, or in its hiring or employment practices. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at 862-7150 or e-mail her at josie.bass@nashville.gov. For Title VI inquiries contact Shirley Sims-Saldana or Denise Hopgood of Human Relations at 880-3370. For all employment-related inquiries call 862-6640.