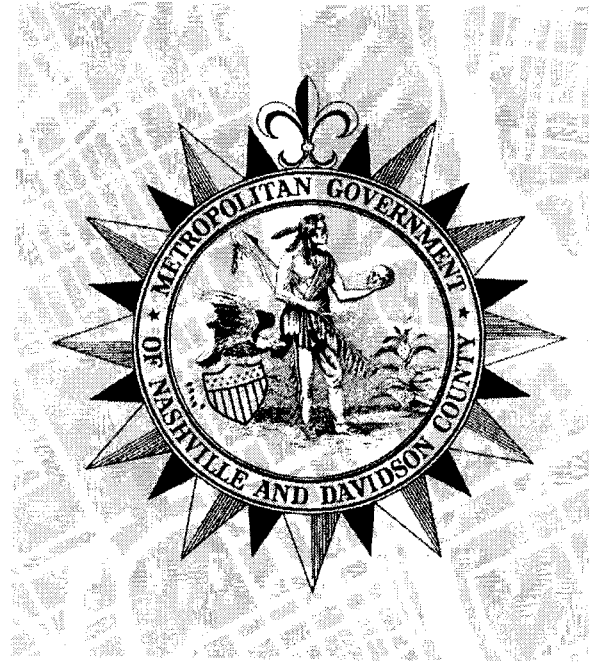


Metropolitan Planning Commission



Staff Reports

February 25, 2010

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.

**COMMUNITY PLAN
AMENDMENT**



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



**Project No.
Request**

2009CP-012-003

Amend the Southeast Community Plan: 2004 Update

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

2009SP-031-001

31 –Toler

2 – Brannon

Joe Epps, applicant for Y & H Tennessee Partnership G.P. and Rachael and Amy Yazdian, owners, for 6887 and 6891 Burkitt Road and Kidd Rd unnumbered and Metro Planning Department for 6901, 6907, 6913 and 6921 Burkitt Road and Burkitt Road unnumbered.

**Staff Reviewer
Staff Recommendation**

Eadler

Disapprove

APPLICANT REQUEST

Amend the Land Use Policy and the Infrastructure Deficiency Area for eight properties.

Amend the Community Plan

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).

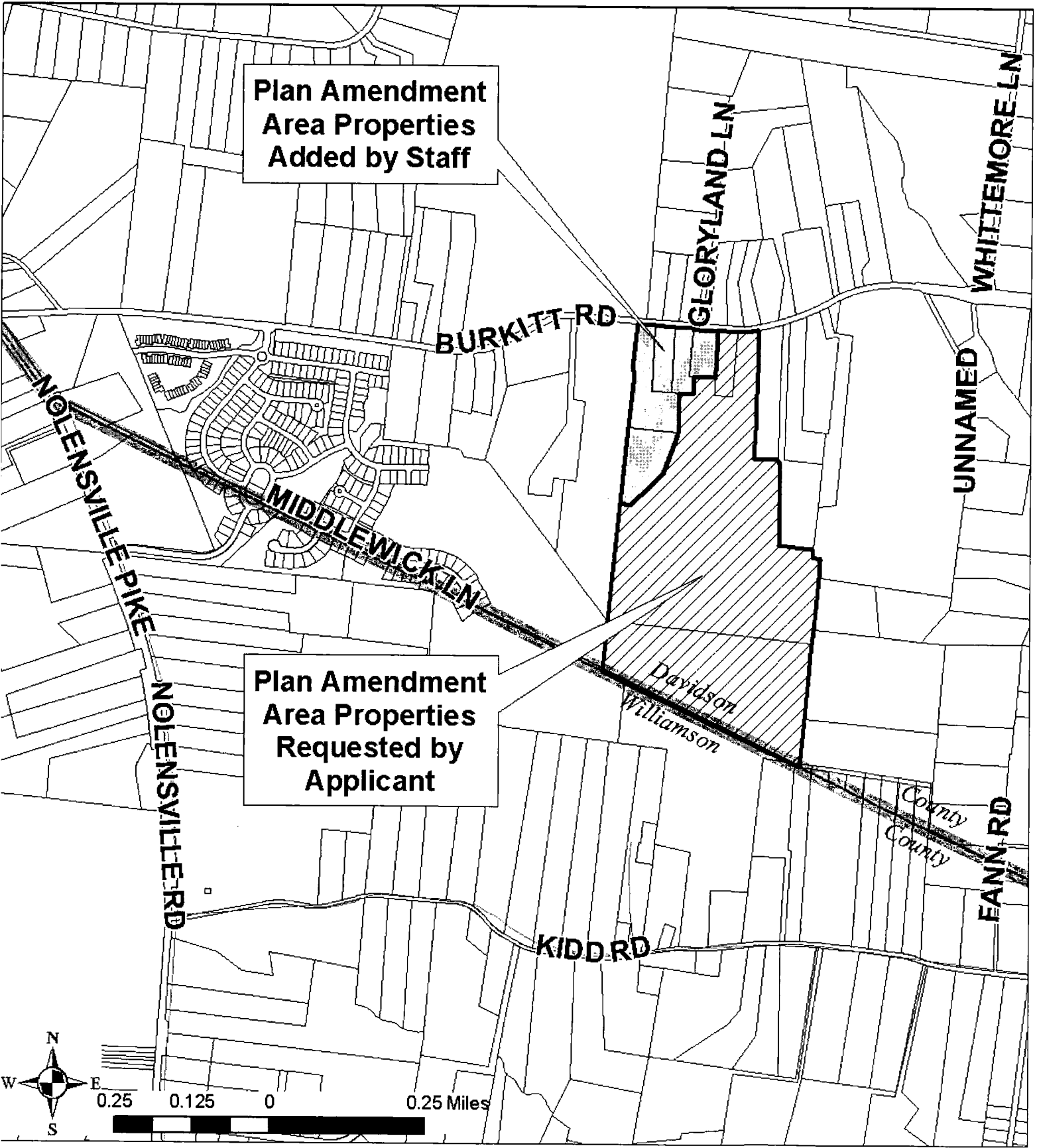
Five of the properties (about 15 acres) included in this proposal were added by Metro Planning staff because it did not appear logical to staff to leave a small area of “Rural” policy wedged between the area of “T3 NE” policy requested by the applicant and the existing “RLM” policy to the west of this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

Proposed Community Plan Amendment 2009CP-012-003 Silver Spring Valley





Metro Planning Commission Meeting of 2/25/2010

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.



Metro Planning Commission Meeting of 2/25/2010

“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 substandard 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



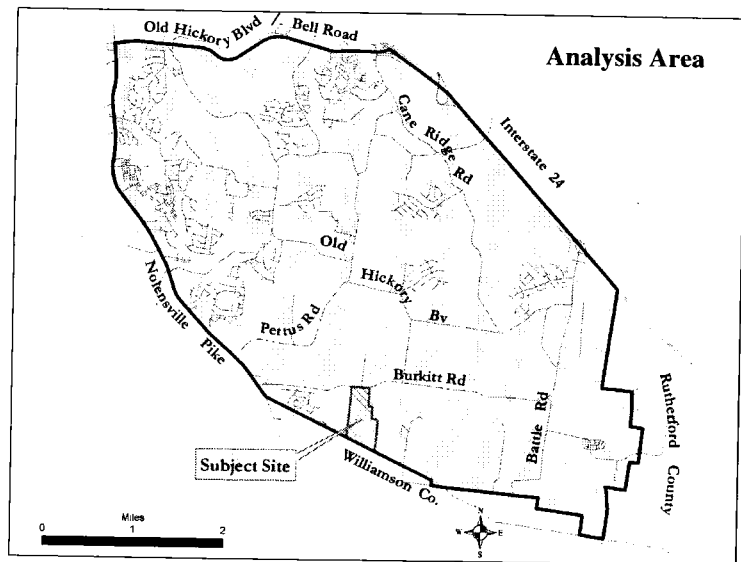
Metro Planning Commission Meeting of 2/25/2010

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



Metro Planning Commission Meeting of 2/25/2010

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



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Pending Lots In Various Stages of Approval

area would be about 154 units per year—compared to 377 single family units per year during the past decade.

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



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Completed Improvements

southwest about one and one-quarter miles north of the subject site.

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



Metro Planning Commission Meeting of 2/25/2010

Transit

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.

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:



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<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>
	Total 9,436

* 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



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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.

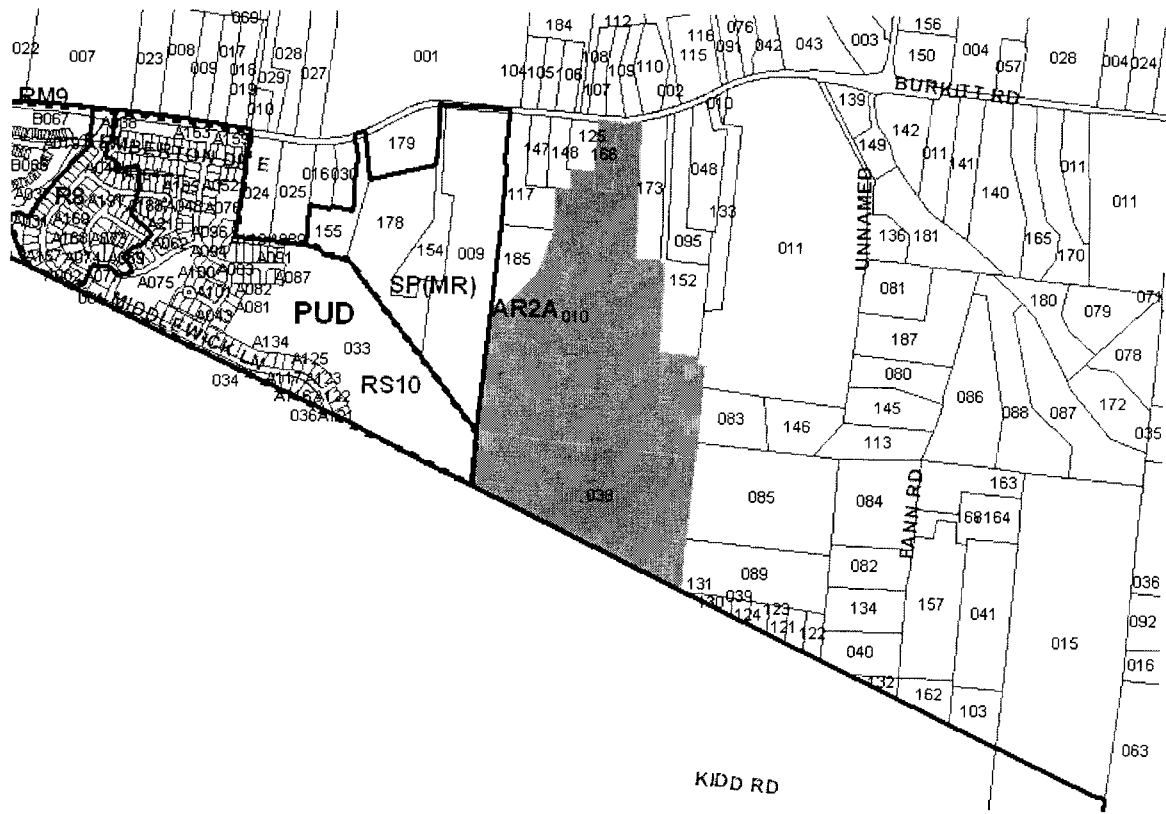
3. While public schools are generally adequate now, the situation is tenuous. With existing elementary and middle schools, at or above capacity, absent new capacity, additional growth will increasingly stress the schools currently serving this area. Like roads, a fraction of the growth possible based 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.



2009SP-031-001
 Silver Spring Valley
 Map: 187-00 Parcels: 010, 038, 166
 Southeast Community Plan
 Council District 31 – Parker Toler



Project No.
Project Name
Associated Case
Council District
School District
Requested by

Zone Change 2009SP-031-001

Silver Spring Valley

2009CP-012-003

31 – Toler

2 – Brannon

Anderson, Delk, Epps and Associates, applicant for Y&H Tennessee Partnership, G.P., and Rachel and Amy Yazdian, owners.

Staff Reviewer
Staff Recommendation

Swaggart

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.]

APPLICANT REQUEST

Rezone to permit 374 single-family residential lots.

Preliminary SP

A request to change from Agricultural/Residential (AR2a) to Specific Plan – Residential (SP-R) zoning for 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.

Existing Zoning
AR2a District

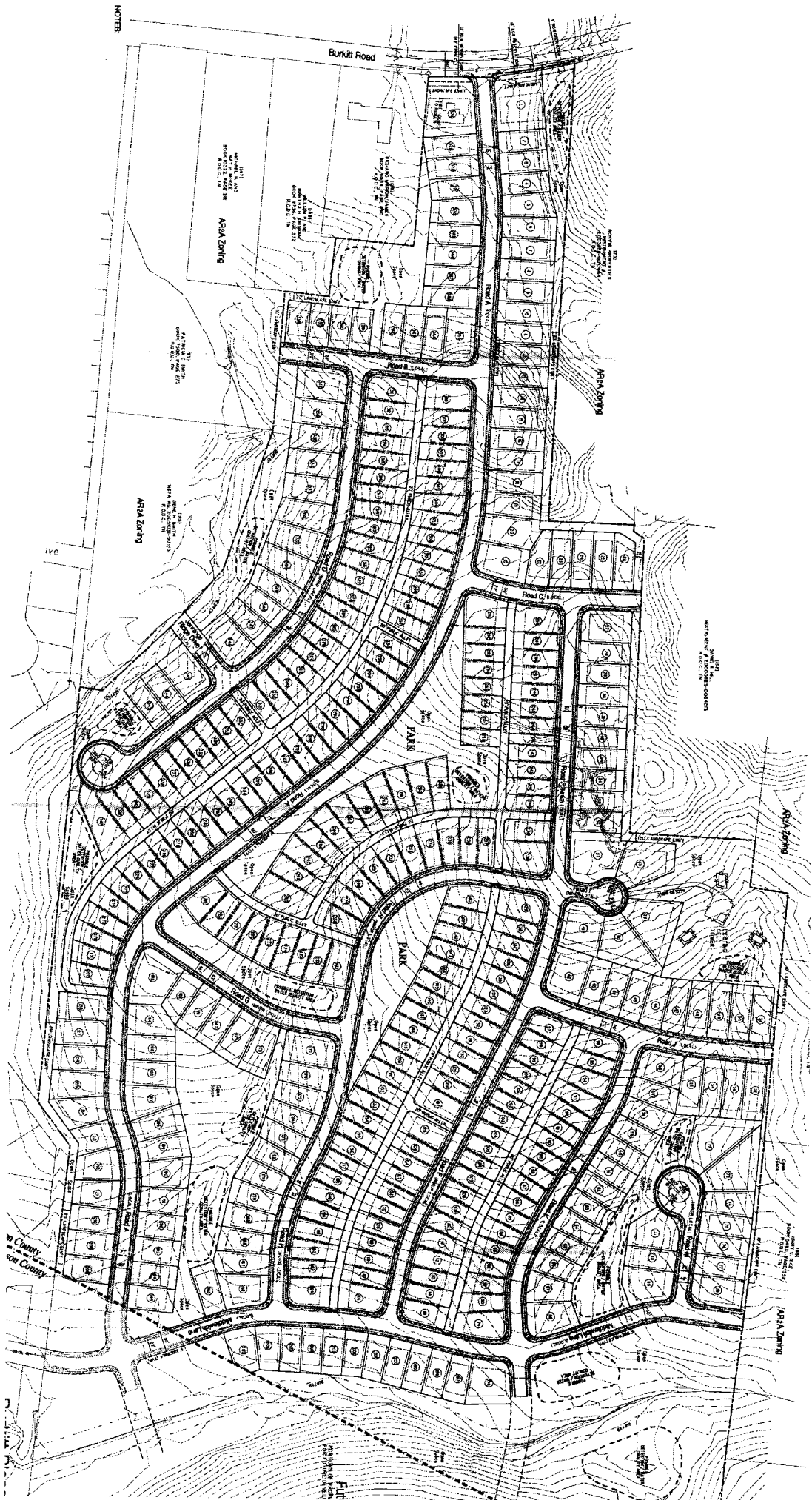
Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim nonurban land use policies of the general plan. *Approximately 45 lots would be permitted under AR2a.*

Proposed Zoning
SP-R District

Specific Plan-Residential is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes only one residential building type.*

CRITICAL PLANNING GOALS

N/A



SECTION

Burkitt Road

APHA Zoning

APHA Zoning

APHA Zoning

PARK

APHA Zoning

APHA Zoning

in County
of ...

...



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SOUTHEAST COMMUNITY PLAN

Existing Policy

Rural (R)

R is intended for areas that are physically suitable for urban or suburban development but the choice has been made that they should remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

Proposed Policy

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 will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic suburban neighborhoods were built.

Consistent with Rural (R) Policy?

No. The plan calls for a residential development that is suburban in nature with a density of approximately four units per acre. This is not consistent with the Rural Policy which is intended for agricultural uses, low intensity community facilities and low density residential (0.5 units per acre). While the policy can support slightly higher residential densities when development is clustered to preserve a substantial amount of the site in open space maintaining the rural character, the density with the proposed development is much too high, and it does not maintain the rural character.

Consistent with proposed Suburban Maintenance (T3-NE) Policy?

While the proposed plan has elements found in T3-NE policy, the individual elements and their organization of this proposed design fall short of meeting the policy. Development in T3-NE should provide a variety of housing options so that there is more choice. Housing types could include detached and attached housing (two-family, flats and condos). The proposed plan only provides single-family detached housing. Development in T3-NE should provide adequate internal and external connectivity for



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automobile and pedestrian movement. The proposed plan provides adequate connectivity to neighboring properties, but internal connectivity is limited due to long blocks, cul-de-sacs, and the arrangement of open space. Open space is a very important element in T3-NE. In T3-NE natural features should be preserved and strategically incorporated into the design to enhance the overall development. The location of open space should not only be to recognize environmentally sensitive lands, but also to recognize prominent land features that could become important gathering places for local residents. While the proposed plan provides active and passive open space, it is not well organized and fragmented. Again, the plan has elements found in the T3-NE policy, but the design needs much more refinement in order to be consistent with the policy.

PLAN DETAILS

Current Conditions

The three properties proposed for rezoning are located on the south side of Burkitt Road just east of Nolensville Pike, which is in southeast Davidson County near the county line with Williamson County. The properties are mostly vacant with the exception of a few structures located close to Burkitt Road. The land is mostly open field with some wooded areas. It contains rolling hills with few steep slopes. A stream runs along sections of the western property line and through a portion of the property closer to Williamson County.

Site Plan

The plan calls for 374 single-family lots with an overall density of approximately four units per acre. There are 164 front loaded lots (44%) and 210 alley loaded lots (56%). Lot types include cottage, house and estate with the cottage being the smallest and the estate being the largest in size. There are only two estate lots which are the two lots along Burkitt Road. The cottage lots are all alley loaded, and the house and estate lots are all front loaded. A majority of the lots front on public streets, but some of the cottage lots front onto open space, and are accessed at the rear by an alley.

Lot Frontage Variance

Section 3-4.2.b of the Subdivision Regulations requires that residential lots have frontage on a public or private street. *The lots fronting onto the open space will require a variance from this requirement.*

Access and Sidewalks

The development's main entrance in Davidson County is from Burkitt Road. The plan provides for future connectivity to adjacent properties to the south, east and



Metro Planning Commission Meeting of 2/25/2010

west. Phase One is located at the opposite end of the site from Burkitt Road, and access will be from Williamson County. The property in Williamson County is not currently developed, and access to Phase One will be dependent on the development of the adjacent site, as well as Burkitt Place which is in Williamson and Davidson County. Because access for Phase One is dependent on adjacent developments, those sites will need to be completed prior to Phase One final site plan approval, or the phasing plan will need to be revised to adequately accommodate access to the development.

Sidewalks are shown on both sides of all the streets. A sidewalk is not shown along Burkitt Road. If approved, a sidewalk should be provided along Burkitt Road.

Open Space

Approximately 21 acres (24%) of the site is proposed for open space. Approximately 12 (57%) of these acres are designed to be usable space for residents with the remaining acres in landscape easements, stream buffers and detention areas.

Landscape Plan

The landscape plan identifies trees within the front yards of lots along the streets. The area for the trees is within a public utility, drainage, and landscape easement, and not within the planting strip between the sidewalk and the street. Trees should be planted within the planting strip between the street and the sidewalk, and not within an easement competing with utilities. The plan calls for a four foot planting strip and according to the Urban Forester in order for the planting strip to adequately accommodate a canopy tree it should be a minimum of six feet in width.

In the past Metro has had a problem with similar projects where street trees were required, but could not be planted because the planting strip was an inadequate width or utilities had been placed in the strip. There have been different remedies to address this, but the typical solution has been to plant the trees within the front yard of lots, which requires permission from the individual property owners.

While the applicant has attempted to resolve this issue by modifying the 20 foot public utility and drainage easement to permit landscaping, the trees should be placed within an adequate sized planting strip and not have to compete with utilities. The plan should coordinate the location of street



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Analysis

trees and utilities now and not leave it to be determined at a later date.

As proposed, the plan is *not* consistent with the area's Rural Land Use policy, *nor* is it consistent with the proposed T-3-NE policy. The site plan has the following inadequacies which need be resolved if the policy is amended to T3-NE and this SP rezoning request is considered for approval:

- **Access/Phasing** – Phase One is located farthest away on the site from Burkitt Road, and is to be accessed from the adjacent development in Williamson County. If the adjacent property is not developed then access may not be available to Phase One.
- **Block Length** – The western block face of Local Road A is very long. A new street connection between Local Road A and Local Road D would provide a new break in the block face.
- **Sidewalks** – Sidewalks are not provided along Burkitt Road.
- **Street Trees** – Street trees are not provided within the planting strip between the sidewalk and the road, and the width of the planting strip is not adequate to adequately accommodate a canopy tree.
- **Open Space** - Natural features should be preserved and strategically incorporated into the design to enhance the overall development. The location of open space should not only be to recognize environmentally sensitive lands, but also to recognize prominent land features that could become a central gathering place for local residents.

STORMWATER RECOMMENDATION

Preliminary SP approved

PUBLIC WORKS RECOMMENDATION

1. This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
2. Road A at Lot 298 appears to combine a horizontal curve with a steep vertical curve creating a potentially dangerous condition -- consider other design options.
3. Road C at intersection with Road A appears to have inadequate sight distance.
4. Alleys shall have concrete ribbon curb.



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5. The proposed canopy street trees will require a six (6) foot grass strip between the curb and sidewalk. Increase right-of-way width accordingly.
6. Evergreen street trees must not be planted in close proximity to an intersection to maintain adequate sight distance.
7. Plan as submitted requires a redesign to provide street frontage for all lots.
8. Eliminate the stub street Road K south of Middlewick Lane.
9. Identify the owner of the portion of Middlewick Lane between Silver Spring Valley and Burkitt Place, and identify who is responsible for the construction.
10. Construct road A to Middlewick Lane.
11. The phasing plan shown is unacceptable and requires major revision.
12. Construction traffic shall not be routed through the adjacent development.

Traffic

1. Developer shall construct an eastbound right turn deceleration lane on Burkitt Road at the project access with 100 ft of storage and transitions per AASHTO standards.
2. Developer shall construct a westbound left turn lane on Burkitt Road at the project access with 100 ft of storage and transitions per AASHTO/MUTCD standards.
3. Construct the project access road at Burkitt Road with one entering and two exiting lanes (LT and RT) each with a minimum 100 ft of storage and transitions per AASHTO/MUTCD standards.
4. As part of the development of construction plans, provide and document adequate sight distance from the project access at the intersection of Burkitt Road. Any required improvements on Burkitt Road shall be completed at the beginning of the project to address sight distance at the project access.
5. Developer shall conduct a signal warrant analysis at the intersection of Burkitt Road and the project access with the final platting of each phase (beginning with the platting of the 200th lot) or as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.



Metro Planning Commission Meeting of 2/25/2010

6. To address traffic calming on Road 'A' within the development, geometric modifications will be required where Road 'A' intersects with Road 'C' and with Road 'G'. The developer's site engineer shall coordinate with the developer's traffic engineer to determine appropriate design strategies at each location.
7. Developer shall modify traffic signal at Nolensville Pike and Burkitt Road to include a westbound right turn overlap during the protected SB left turn phase.
8. Developer may be required to extend the existing southbound left turn lane on Nolensville Road at Burkitt Road to address queuing concerns at this intersection. Additional analysis of the intersection shall be provided to address this prior to approval of any construction plans.
9. In keeping with the Planning Department's IDA policy, other infrastructure improvements will be required by this development. The length of these improvements are to be as established by the Planning Department staff. The design is to be by the developer's engineer and approved by the Public Works Department.

Maximum Uses in Existing Zoning District: AR2a

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)	91.67	0.5 D	45 L	499	42	53

Maximum Uses in Proposed Zoning District: SP-R

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)	91.67	-	374 L	3500	272	352

Traffic changes between maximum: AR2a and proposed SP-R

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+329 L	+3001	+230	+299

METRO SCHOOL BOARD REPORT

Projected student generation 58 Elementary 42 Middle 38 High

Schools Over/Under Capacity Students would attend Maxwell Elementary School, Marshal Middle School, and Cane Ridge High School.



Metro Planning Commission Meeting of 2/25/2010

Maxwell and Marshall have been identified as over capacity. There is capacity within the cluster for middle school students, but there is no capacity within the cluster for additional elementary students. This information is based upon data from the school board last updated September 2009.

Fiscal Liability

The fiscal liability of 58 new elementary students is \$1,160,000 (58 X \$20,000 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

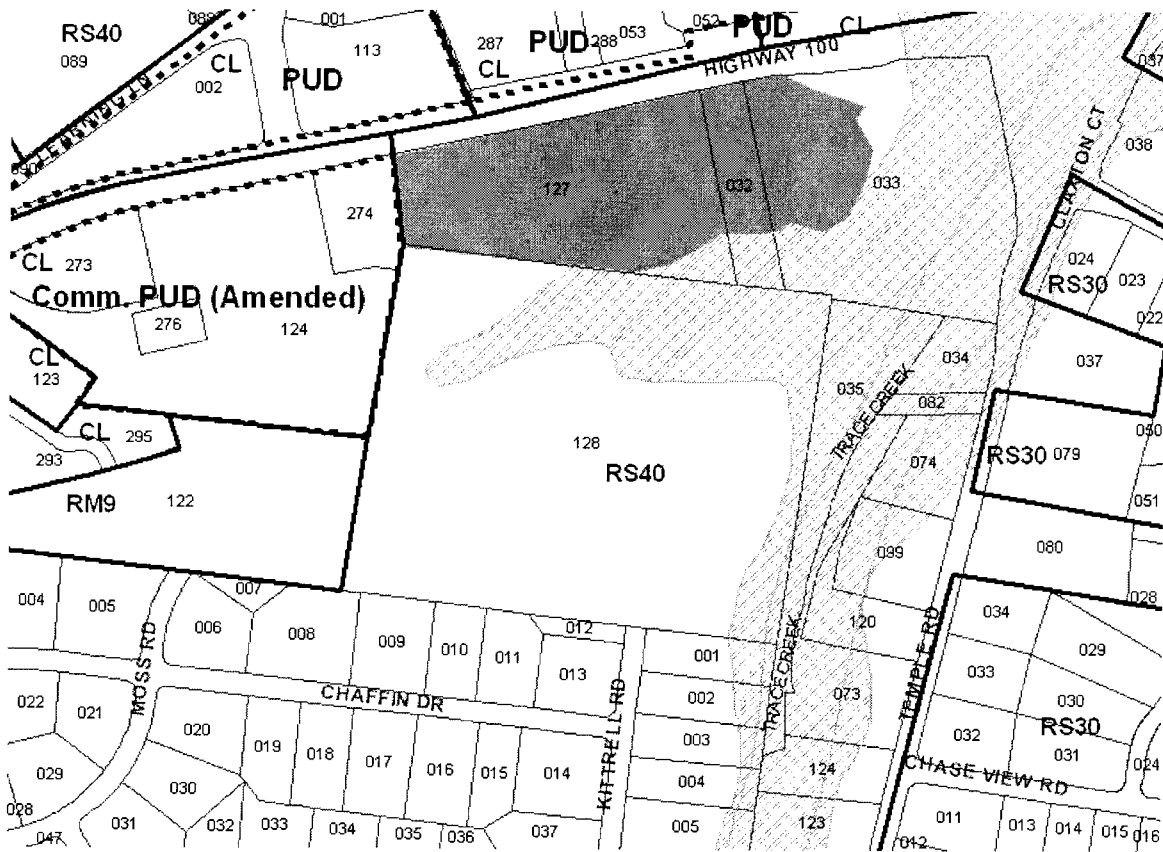
School Site Dedication

Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students.

This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Cane Ridge High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

STAFF RECOMMENDATION

Staff recommends disapproval of the request; however, if the land use policy for the properties are approved for T3-NE, then staff recommends that this request be deferred so that staff can work with the applicant to ensure that the plan is consistent with the T3-NE policy.



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



**Project No.
Request**

2010CP-006-001
Amend the *Bellevue Community Plan: 2003 Update*

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

2010Z-004PR-001
35 – Mitchell
9 – Simmons
Planning Staff

**Staff Reviewer
Staff Recommendation**

Wood
Approve

APPLICANT REQUEST

Amend the policy from RLM to CC.

Amend the Community Plan

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

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

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.

BELLEVUE COMMUNITY PLAN

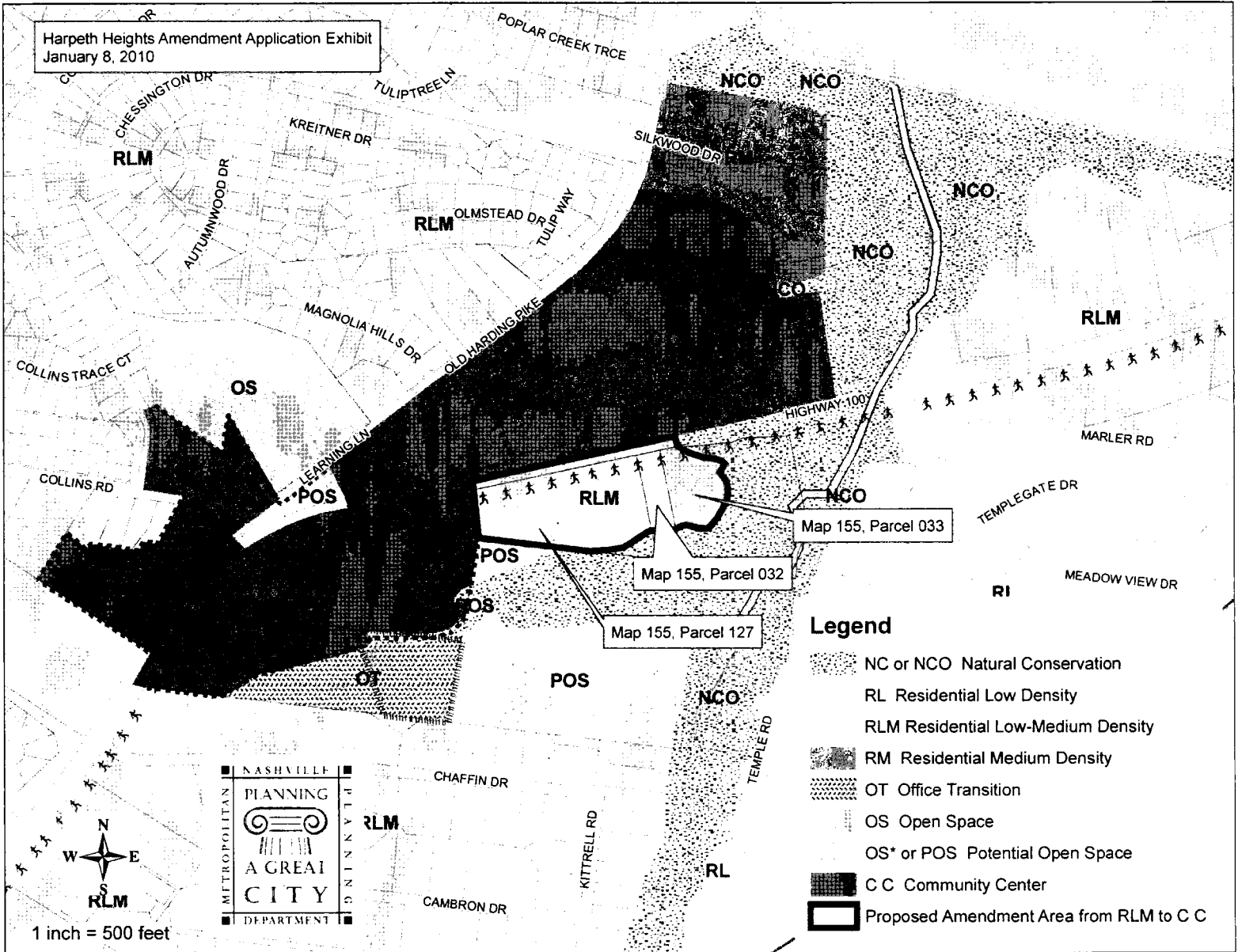
**Existing Policy
Residential Low Medium (RLM)**

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

Harpeth Heights Amendment Application Exhibit
January 8, 2010



Legend

-  NC or NCO Natural Conservation
-  RL Residential Low Density
-  RLM Residential Low-Medium Density
-  RM Residential Medium Density
-  OT Office Transition
-  OS Open Space
-  OS* or POS Potential Open Space
-  C C Community Center
-  Proposed Amendment Area from RLM to C C



1 inch = 500 feet



Metro Planning Commission Meeting of 2/25/2010

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 CONDITIONS

The 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/



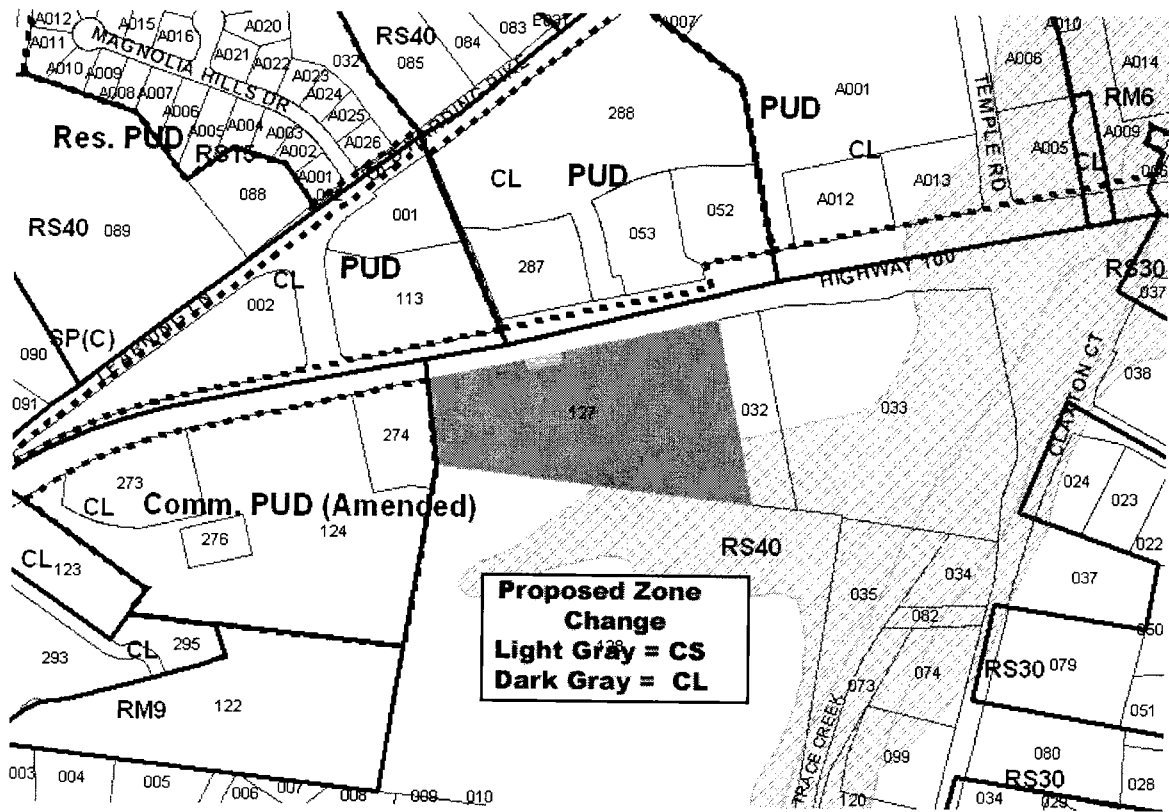
Metro Planning Commission Meeting of 2/25/2010

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.

SEE NEXT PAGE



2010Z-004PR-001
 Map: 155-00 Parcel: 127
 Bellevue Community Plan
 Council District 35 – Bo Mitchell



Project No.
Associated Case
Council District
School District
Requested by

Zone Change 2010Z-004PR-001
2010CP-006-001
35 – Mitchell
9 - Simmons
Harpeth Heights Baptist Church, owner

Staff Reviewer
Staff Recommendation

Bernards
Approve if associated Community Plan amendment is approved

APPLICANT REQUEST

Rezone from RS40 to CL and CS

Zone Change

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



Metro Planning Commission Meeting of 2/25/2010

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.



Metro Planning Commission Meeting of 2/25/2010

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

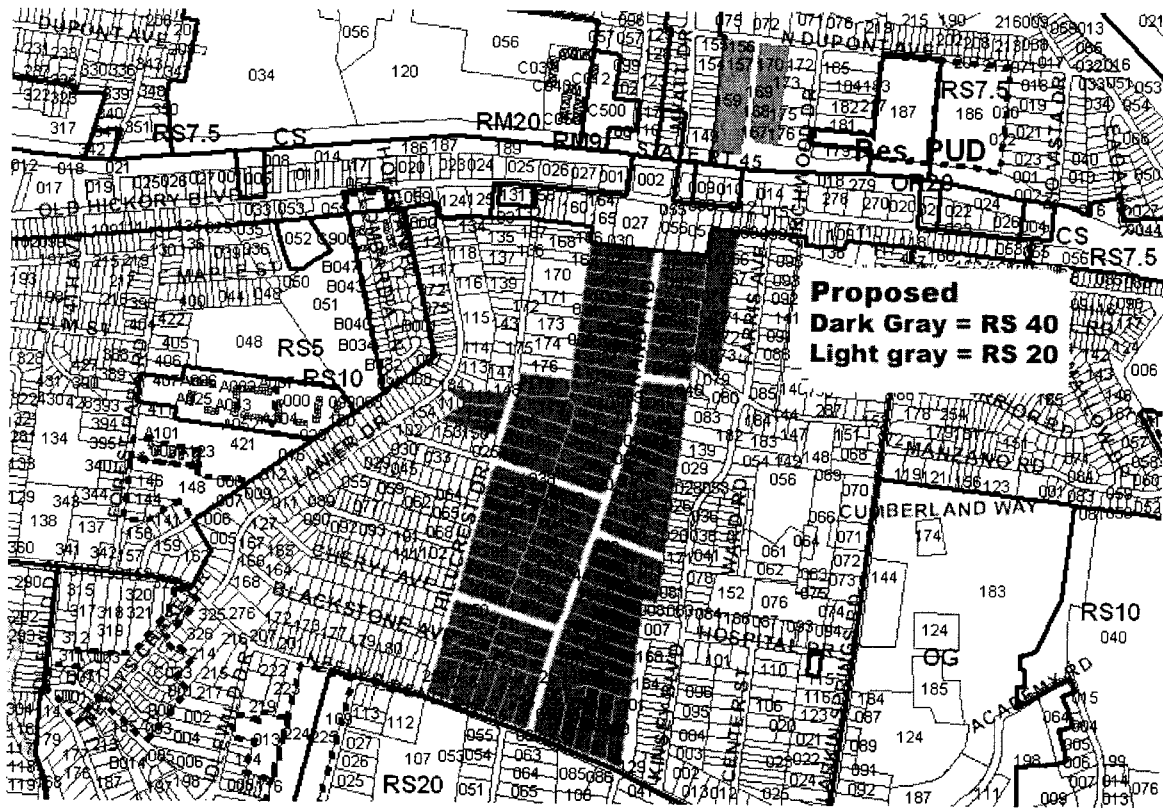
Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+9802	+212	+928

STAFF RECOMMENDATION

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

SEE NEXT PAGE

**ZONING MAP AMENDMENTS,
URBAN DESIGN OVERLAY,
and TEXT AMENDMENTS,**



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



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2010Z-003PR-001

BL2010-626

9 – Forkum

3 – North

Councilmember Jim Forkum, applicant for various property owners.

Staff Reviewer
Staff Recommendation

Bernards

Approve

APPLICANT REQUEST

Rezone from RS7.5 to RS20 and RS10 to RS40

Zone Change

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,



Metro Planning Commission Meeting of 2/25/2010

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 foot 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 Planning Commission Meeting of 2/25/2010

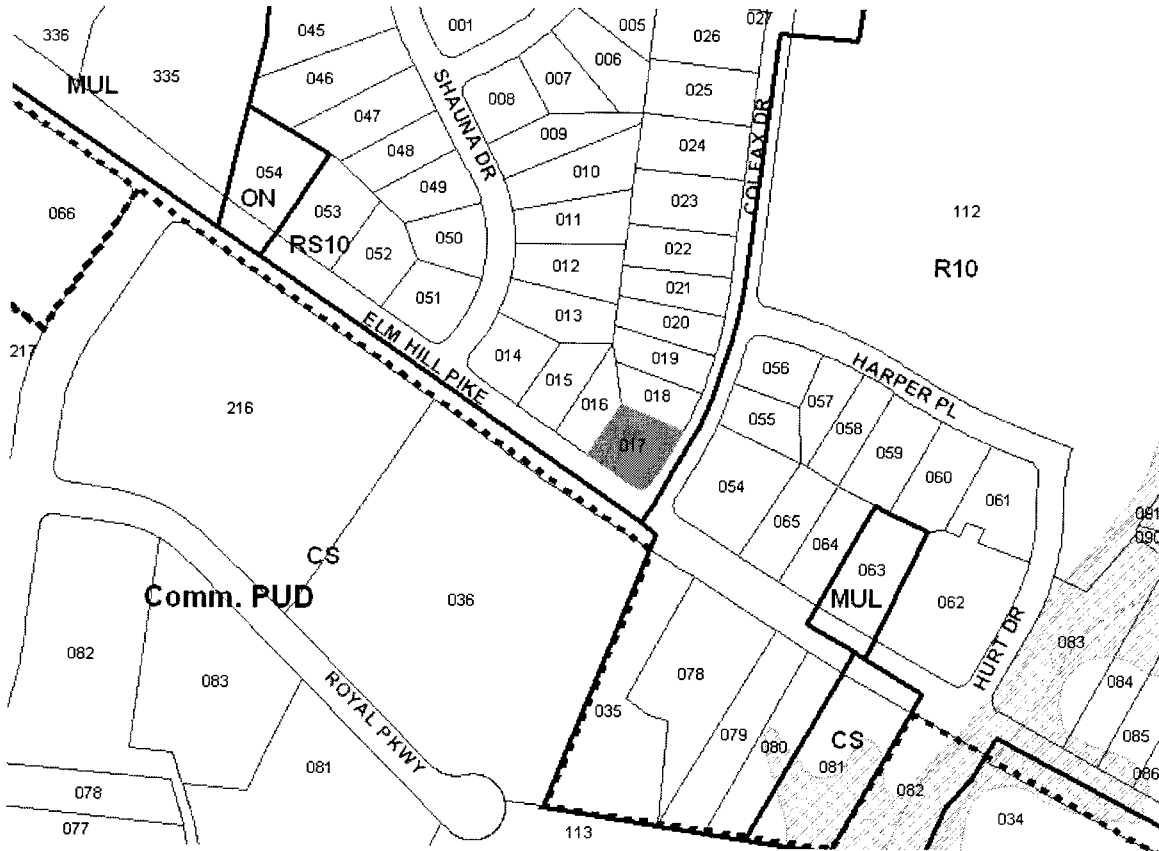
METRO SCHOOL BOARD REPORT

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.



2010Z-006PR-001

Map: 108-02 Parcel: 017

Donelson/Hermitage/Old Hickory Community Plan

Council District 14 – James Bruce Stanley



Project No.	2010Z-006PR-001
Council District	14 - Stanley
School District	4 - Glover
Requested by	Donna Adwell and Melissa Faulkner, owners
Staff Reviewer	Johnson
Staff Recommendation	Approve

APPLICANT REQUEST

Rezone from RS10 to ON.

Zone change

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.



Metro Planning Commission Meeting of 2/25/2010

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



Metro Planning Commission Meeting of 2/25/2010

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.

NO SKETCH



Project Nos. 2010Z-003TX-001
Project Name Construction / Demolition Landfill
Council Bill BL2010-634
Council District Countywide
School District Countywide
Requested by Councilmembers Walter Hunt and Parker Toler
Staff Reviewer Regen
Staff Recommendation Approve with amendment

APPLICANT REQUEST

Allow recycling at a construction/demolition landfill in an unenclosed building.

Text Amendment

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.



Metro Planning Commission Meeting of 02/25/10

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**.



Metro Planning Commission Meeting of 02/25/10

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-00 TX-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.

NO SKETCH



Project Nos.	2010Z-004TX-001
Project Name	Construction / Demolition
	Waste Processing (project specific)
Council Bill	BL2010-635
Council District	Countywide
School District	Countywide
Requested by	Councilmembers Walter Hunt and Parker Toler
Staff Reviewer	Regen
Staff Recommendation	<i>Approve with amendments</i>

APPLICANT REQUEST

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

Text Amendment

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,



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Currently Proposed Bill

and salvaging activities must occur within a completely enclosed building.

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;



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- 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.



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- 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.



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PROPOSED ORDINANCE

Recommended amendments are highlighted

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



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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



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- 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;



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- 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. The sign shall also incorporate a feature showing a quarterly progress-to-date on the quantity of materials recycled or 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.

SEE NEXT PAGE

NO SKETCH



Project No.

Zone Change 2010Z-006TX-001

Name

Historic B&B Homestay

Council Bill

BL2010-636

Council District

Countywide

School District

Countywide

Requested by

Councilmembers Kristine LaLonde, Mike Jameson, and Vivian Wilhoite

Staff Reviewer

Regen

Staff Recommendation

Approve with amendments

APPLICANT REQUEST

Delete Historic B&B Overlay District and allow Historic B&B's as a special exception (SE) or permitted (P) use in certain zoning districts.

Text Amendment

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.

CRITICAL PLANNING GOALS

N/A

PURPOSE

The proposed bill would make it easier to open up a historic B&B by reducing the approval time from three to four months to two months. The time is reduced by having Metro Council approve the location by resolution. At this time, an ordinance must be adopted for a historic B&B to operate.

ANALYSIS

Existing Law

Historic B&B homestay is allowed in an overlay district approved by Metro Council.

Proposed Bill

The proposed bill would allow a historic B&B via a special exception (SE) permit in agricultural, residential, and various office, and shopping center districts. Prior to consideration by the Board of Zoning Appeals, the SE use would first be approved as to its location by the Metro Council via a Resolution. In various commercial and mixed-use zoning districts, a historic B&B would be permitted by right (P) in zoning districts that allow a hotel/motel use today. No pre-approval by Council would be required for those B&B's permitted by right.



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History

On August 19, 2005, the Metro Council adopted BL2005-701 creating a historic bed & breakfast overlay. The overlay made it more difficult for a property to qualify for a historic B&B. Previously, only the structure needed to be determined by the Metro Historic Zoning Commission to be a "historically significant structure", as then-defined in Section 17.040.060 of the Zoning Code. Borrowing heavily from the definition of a historic landmark district in Section 17.36.120.B of the Zoning Code, the historic B&B overlay district requires an evaluation of the structure's role in local, state, or national history, mastery of craftsmanship, or its listing or eligibility for listing on the National Register of Historic Places.

The Metro Planning Commission recommended disapproval of BL2005-701 on February 22, 2007, primarily because it created a precedent for establishing a singular land use by overlay district. The Zoning Code's premise is that land use should be established by the base zoning district.

Review/Approval

There is one historic B&B overlay district that has been approved by the Metro Council. Prior to the overlay district's adoption in August 2005, there were eight historic B&B's approved. The proposed bill's review process is exactly as that prior to the overlay district's adoption, as set forth below:

- 1) The applicant applies to the Codes Department for a zoning permit to operate a historic B&B.
- 2) If the zoning district in which the historic B&B allows the B&B use without a special exception, the Codes Department typically issues a permit to the applicant within one week, after all reviewing agencies approve the zoning permit. This review includes the Metro Historic Zoning Commission. Total time: 1 week.
- 3) If the location of the historic B&B is allowed subject to a special exception, then the application is referred to the BZA, a process that can take up to four weeks, as described below:
 - Zoning Administrator (ZA) notifies Metro Council of a pending historic B&B application immediately after receiving it;
 - Metro Council has 60 days to approve the specific location of the historic B&B by Council resolution from notification date;



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- If Metro Council approves, or fails to act, within 60 days from the ZA's notification, the BZA proceeds with consideration of the SE request, including Planning and Historic Commission recommendations.
- If Metro Council *disapproves* the location, the BZA *does not* consider the request and historic B&B is not allowed.

Enhancements

The proposed bill enhances historic B&B's through the following modifications by allowing one more guestroom (four rooms instead of three), transfer of the B&B to a subsequent owner subject to Codes Department review and approval (does not necessitate BZA approval), larger sign with external illumination (helps guests find the house), shared parking (reduce on and off-street parking), applicant attendance at community meeting (informal presentation for neighbors to meet applicant and ask questions), prohibiting historic home events without separate SE approval from the BZA (regardless of whether inside or outside the home).

Proposed Amendments

Staff and the sponsor have agreed to several bill amendments. The amendments clarify text regarding Zoning Administrator notification to the Metro Council of a pending application for a historic B&B, Council action by resolution, BZA consideration of a disapproved historic B&B by Council resolution, sign placement, sign size (decreased from six to four square feet), sign review by the Historic Zoning Commission, and permitting historic B&B's to operate as a use by right (P) only where a hotel/motel use is allowed today.

Metro Historical Commission

The staff of the Metro Historical Commission is currently reviewing this bill. A written recommendation from the Historical Commission will be forwarded to the Metro Planning Commission, prior to its meeting on February 25, 2010.

STAFF RECOMMENDATION

Staff recommends approval of this bill with the proposed amendments. These amendments address the concerns expressed by both neighbors and operators of historic home events.



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Recommended amendments are highlighted

ORDINANCE NO. BL2010-636

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 add the land use “Historic Bed and Breakfast Homestay” as a special exception (SE) and a use permitted by right (P) rather than a classification of the historic overlay districts, all of which is more particularly described herein (Proposal No. 2010Z-006TX-001).

WHEREAS, Ordinance BL2009-432 was adopted on second reading on July 7, 2009, and deferred indefinitely by the sponsor on July 19, 2009 in order to receive more community input on the proposed zoning changes;

WHEREAS, Ordinance No BL2005-701 amended the Metropolitan Code of Laws, Zoning Regulations, by adding Historic Bed and Breakfast Homestay as a historic overlay district;

WHEREAS, prior to the enactment of Ordinance No. BL2005-701 on August 19, 2005, a Historic Bed and Breakfast Homestay had been a special exception (SE) use or a use permitted by right (P) in certain zoning districts;

WHEREAS, under the prior special exception provisions, the Zoning Administrator notified the Metro Council of a pending Historic Bed and Breakfast Homestay application, and the Metro Council had 60 days from said notification to approve the specific location by Council resolution; and,

WHEREAS, under the prior special exception provisions, if the Metro Council failed to act within 60 days of the Zoning Administrator’s notification, the Board of Zoning Appeals could proceed with its consideration of the application; and,

WHEREAS, it is fitting and proper to make Historic Bed and Breakfast Homestay a use permitted by right in certain districts, and a special exception use subject to Metro Council approval of the specific location and Board of Zoning Appeals review and consideration.

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

Section 1. That Section 17.04.060 (Definitions – Historic Bed and Breakfast Homestay) is hereby amended by deleting the word “three” and inserting the word “four” in its place.

Section 2. That Section 17.08.030 (Zoning Land Use Table) of the Metropolitan Code is hereby amended as follows:

1. By deleting “O” (Overlay) for “Historic Bed and Breakfast Homestay” in all zoning districts where it appears in the table.



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2. By inserting "Historic Bed and Breakfast Homestay" as a special exception (SE) use in the AG, AR2a, all RS, all R, all RM, ON, OL, **OR20, OR40, MUN, CN, SCN, and SCC**, ~~an OG~~ districts.
3. By inserting "Historic Bed and Breakfast Homestay" as a permitted use (P) in the ~~MUN, MUL, MUG, MUI, OR20, OR40, OG, ORI, CN, CL, CS, CA, CF, CC, DTC, SCN, SCC,~~ and SCR districts.

Section 3. That Section 17.16.160 (Residential Special Exception Uses) of the Metropolitan Code is hereby amended by inserting as subsection "A", Historic Bed and Breakfast Homestay and relettering subsections A and B accordingly.

A. Historic Bed and Breakfast Homestay.

1. **Historic Eligibility.** In order for a historic bed and breakfast homestay to operate, it must first be approved by the metropolitan historic zoning commission. A historic bed and breakfast homestay shall contain at least one historically significant structure as defined by in Section 17.04.060.
2. **Historic Zoning Commission Review.** The application with site, **signage** and architectural plans shall first be referred to and reviewed by the metropolitan historic zoning commission to determine the structure's eligibility for operation as a historic bed and breakfast homestay. The commission shall furnish the board of zoning appeals with written recommendations on the eligibility of structures for such use based on historical significance, as defined in Section 17.04.060.
3. **Design Review.** If the proposed structure is deemed eligible, exterior work proposed to be done will be subject to design review guidelines adopted by the metropolitan historic zoning commission for determining the architectural compatibility and historical significance of such work. If the metropolitan historic zoning commission determines, pursuant to Chapter 17.40, Article IX, that the proposed bed and breakfast structure qualifies for historic preservation or landmark designation, **the applicable** design review guidelines for ~~neighborhood conservation districts~~ shall apply. The metropolitan historic zoning commission's approval of work shall be granted in writing as a condition for issuance of a zoning permit.
4. **Owner-Occupied.** The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the historic home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the historic home.
5. **Bulk Standards.** The bulk regulations of the district for a residence shall apply. Overnight guest rooms may be located within historically significant accessory structures.
6. **Parking.** No more than one off-street parking space shall be provided for each guest room. In the event the required off-street parking cannot be provided on-site, the owner may provide a shared parking agreement with a non-residential use to fulfill up to 50% of the required number of spaces. The commission shall advise on the appropriate location and potential adverse impacts caused by the off-site and off-street parking of vehicles, and may recommend fencing, screening and



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landscaping to buffer and protect surrounding residential properties.

7. Signage. One sign measuring two feet by ~~two three~~ feet shall be permitted for advertising the historic bed and breakfast homestay, **regardless of how many street frontages or lots comprise the homestay**. The sign may be externally illuminated by a porch light and **flat-mounted** on the house or a permanent structure attached to, or abutting, the house such as a porch or wall. **Signage should not damage nor obscure architectural details or character defining features, including windows, window hoods, transoms, columns and cornices. Awnings with letters/graphics are not allowed.** No other means of external illumination shall be permitted. The sign may advertise the name of the bed and breakfast and a phone number. If a phone number is displayed, it must be in smaller font size than the name of the bed and breakfast.

8. Notification. Prior to conducting a special exception hearing before the board of zoning appeals, and immediately after receiving an application for a historic bed and breakfast homestay, the zoning administrator, shall notify the district councilmember that an application for such use has been submitted **as provided in Section 17.40.290. The Zoning Administrator shall also notify the Metro Council as provided in Section 17.40.280.** Within thirty days from the date on which the application was filed, the district councilmember may hold a community meeting on the proposed homestay. If a meeting is held, the applicant shall attend and provide information about the homestay, including parking, lighting, hours of operation, signage, and any proposed changes to the exterior façade of the historic home.

9. Transfer Upon Sale of Home. A property owner may transfer the historic bed and breakfast homestay use to a subsequent property owner. If the subsequent property owner desires to continue the historic bed and breakfast homestay, the subsequent property owner shall obtain zoning and sign permit approvals from the metropolitan department of codes administration. A failure to obtain such approvals within thirty (30) calendar days of the property transfer shall make the historic bed and breakfast homestay use illegal. If the subsequent property owner desires to **operate a continue the historic bed and breakfast homestay, and the thirty calendar days has elapsed since the property transfer occurred**, a special exception (SE) application as provided in this Title shall be submitted for review and approval by the Board of Zoning Appeals.

10. Guest Register. The owner shall maintain and make available to the zoning administrator a guest register for each calendar year.

11. Meal Service shall be restricted to overnight guests only; no cooking facilities shall be permitted in any guest room. In addition, no historic home event shall occur in the home or on the property, whether inside or outside, without separate approval from the Board of Zoning Appeals for a "Historic Home Event".

12. The metropolitan fire marshal shall approve the structure for safety.

Section 4. That Section 17.36.110.D (Historic Overlay Districts Established: Historic Bed and Breakfast Homestay) of the Metropolitan Code is hereby deleted in its entirety.

Section 5. That Section 17.36.120.C (Historic Districts Defined: Historic Bed and Breakfast Homestay) of the Metropolitan Code is hereby deleted in its entirety.



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Section 6. That Section 17.40.280 (Special Exception Uses: Authority) of the Metropolitan Code is hereby amended by inserting after the second sentence in that paragraph: "The specific location of a historic bed and breakfast homestay" shall first be approved by a resolution adopted by the metropolitan council prior to the public hearing by the board of zoning appeals. **If the Metro Council fails to approve the historic bed and breakfast homestay by resolution, the application shall not proceed to the Board of Zoning Appeals, and a reapplication shall not be accepted by the Zoning Administrator for a period of one year following the Council's resolution.** In addition, Tt..."

Section 7. That this Ordinance shall take effect five (5) days from and 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.

Sponsored by: Kristine LaLonde, Mike Jameson, Vivian Wilhoite

NO SKETCH



Project Nos.	2010Z-007TX-001
Project Name	Recycling Facility
Council Bills	BL2010-637
Council District	Countywide
School District	Countywide
Requested by	Councilmembers Walter Hunt and Parker Toler
Staff Reviewer	Regen
Staff Recommendation	<i>Approve with amendment</i>

APPLICANT REQUEST

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

Text Amendment

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



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Codes Administration

completely enclosed building has been found impractical for daily recycling activities.

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,



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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;

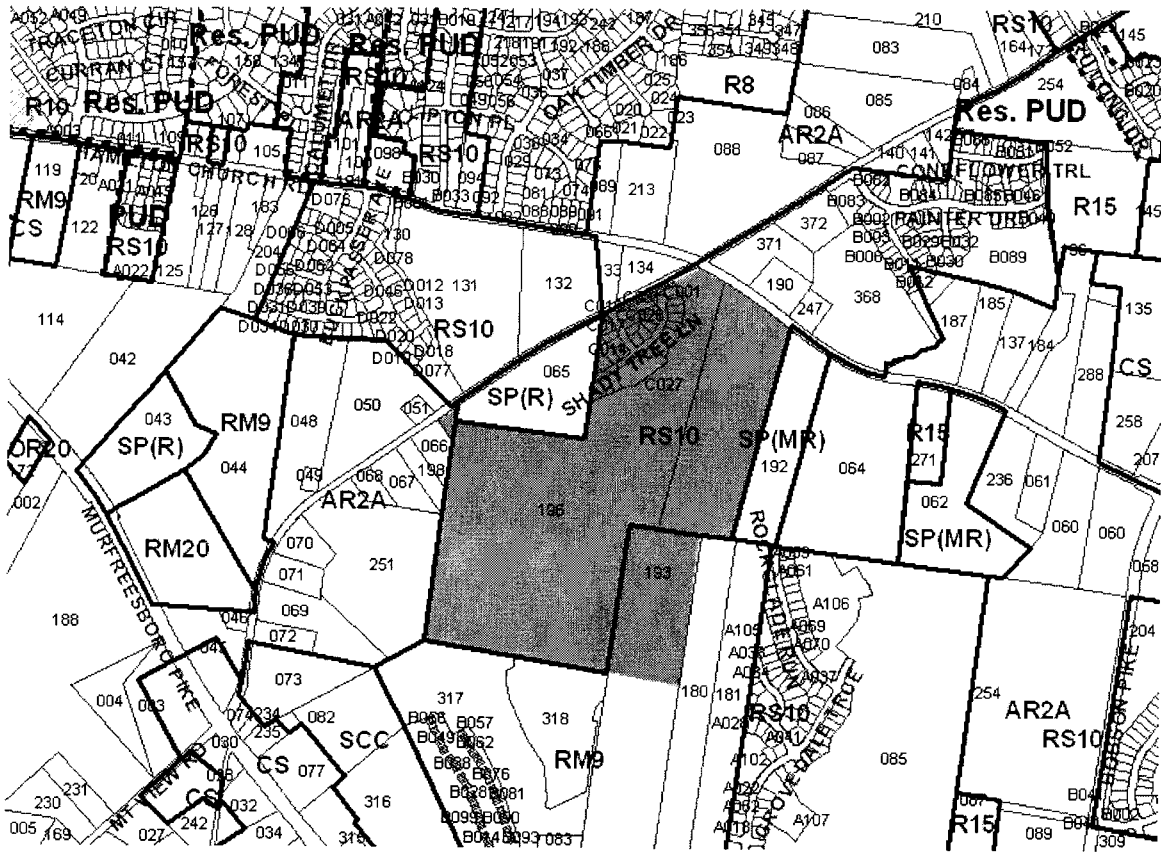
WHEREAS, it is impractical for a recycling facility to operate entirely within a completely enclosed building as set forth in the Zoning Code;

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.



2010UD-001-001
 Fawn Crossing
 Map: 150-14-0-C Various Parcels
 Antioch/Priest Lake Community Plan
 Council District 33 – Robert Duvall



Project No.	2010UD-001-001
Project Name	Fawn Crossing Urban Design Overlay
Council Bill	BL2010-631
Council District	33 - Duvall
School District	6 - Johnson
Requested by	Councilmember Robert Duvall
Staff Reviewer	Johnson
Staff Recommendation	Approve

APPLICANT REQUEST

Apply the Fawn Crossing Urban Design Overlay.

Preliminary UDO

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 Single-Family Residential (RS10) and Multi-Family Residential (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.

CRITICAL PLANNING GOALS

N/A

Existing Zoning

The adoption of an Urban Design Overlay **does not change** the underlying, existing zoning. Where UDO standards conflict with similar standards of the Metro Zoning Code, the UDO controls.

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.

RM9 District

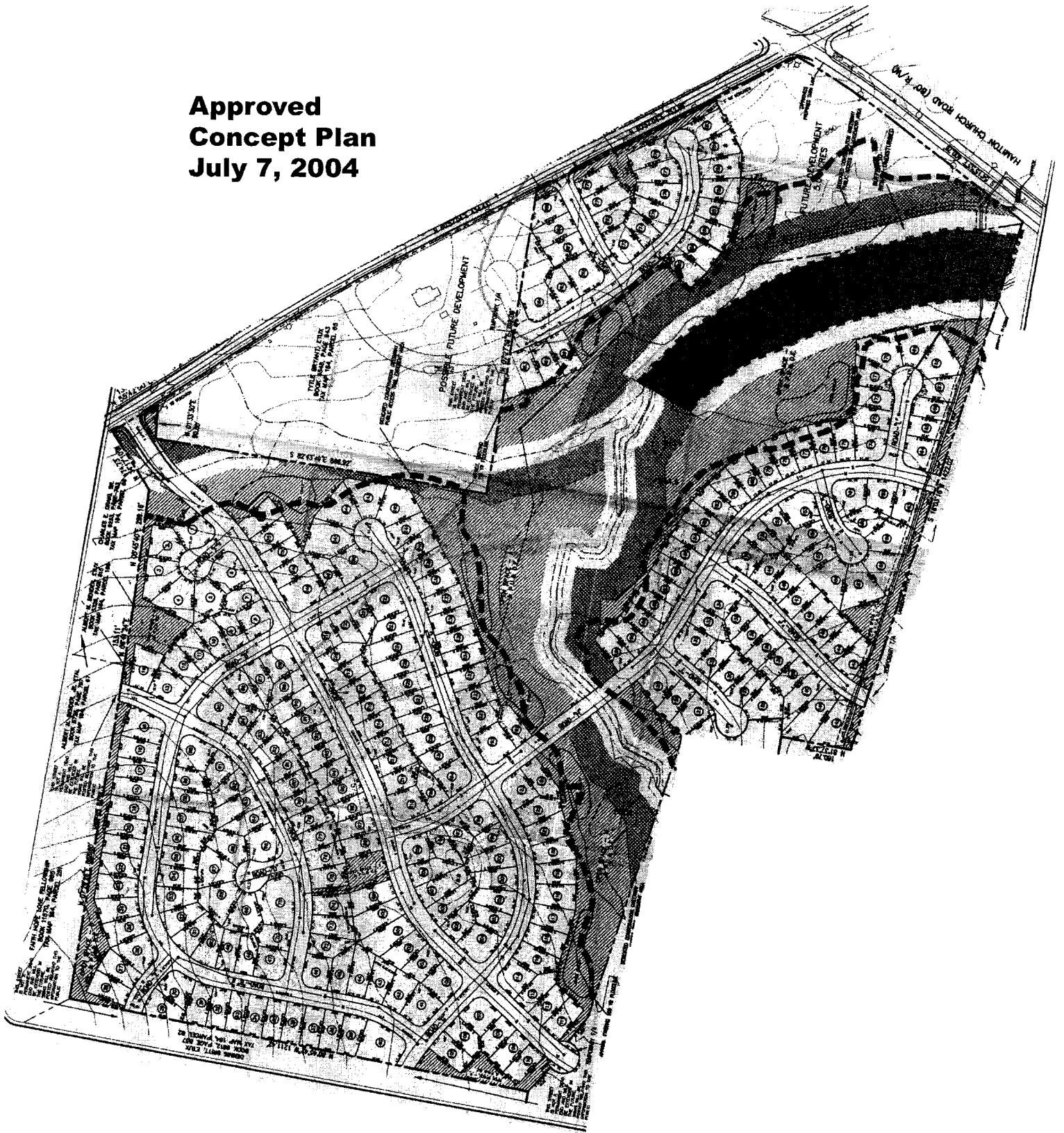
RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

**ANTIOCH/ PRIEST LAKE
COMMUNITY PLAN**

Neighborhood General (NG)

NG policy is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure

**Approved
Concept Plan
July 7, 2004**





Metro Planning Commission Meeting of 02/25/10

Consistent with Policy?

appropriate design and that the type of development conforms with the intent of the policy.

NG policy recommends an accompanying UDO, PUD or site plan with proposals in this policy area. Although the subdivision was originally approved without site-specific design standards, the addition of building and property design standards is consistent with NG policy.

PLAN DETAILS

The Fawn Crossing Urban Design Overlay District was initiated by Councilman Duvall in order to establish basic building design standards for all residential lots within the Fawn Crossing Subdivision. Phase 1 of the subdivision, with 26 single-family lots, has been platted and has had several dwellings constructed within it. Additional phases have not been platted, but received preliminary plat approval from the Metro Planning Commission in on July 8, 2004. The concept plan approval included 278 single-family lots at a density of 3.6 lots/ acre. The standards of this UDO will apply to all future building permit approvals in both Phase 1 and future phases. The UDO does not affect the lot pattern within the previously approved subdivision.

The UDO is a regulatory tool that establishes development standards that vary from the base zoning districts for the properties within the UDO. The UDO standards have the same force and effect as the standards set forth in the base zoning districts of the Zoning Code. The only standard that the UDO cannot vary is use, which is controlled by the underlying base zoning district. The proposed Fawn Crossing UDO includes standards for minimum building size, building materials, garage frontage, driveway width, and pedestrian frontage.

Building size

A minimum floor area for dwellings is required for all dwellings within the UDO. A minimum size of 1,200 square feet is required for dwellings in Phase 1 and a minimum of 1,500 square feet is required in future phases. In designing this UDO, staff has looked at several house plans that will accommodate the proposed standards on the lot sizes approved in the Fawn Crossing subdivision.

Building materials

The UDO requires the use of specific exterior building materials on building facades that face streets and open spaces. Brick, stone, wood siding, shingles, stucco, and fiber cement siding/shingles are eligible materials. Minimum percentages of brick and stone must be provided



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Garage frontage

on the front façade of each dwelling. This minimum percentage is 50% for Phase 1 and 75% for future phases.

Garage frontage standards are proposed to lessen the impact of street-facing garages. To achieve this, garage door openings are limited in width and must have a front setback at least five feet deeper than the front façade of each dwelling.

Driveways

Driveway widths are limited in the UDO to lessen the amount of lot frontage devoted to curb cuts and impervious surface.

Pedestrian frontage

Pedestrian entrances that are visible from the street are required for each dwelling. The presence and visibility of separate pedestrian entrances is an important aspect of walkable neighborhoods.

Modifications

Based on site-specific issues, modifications to the standards may be necessary. Any standard within the UDO may be modified, insofar as the modification meets the intent of the standard and the goals of the UDO; the modification results in better urban design for the neighborhood as a whole; and the modification does not impede or burden existing or future development of adjacent properties.

Minor modifications – deviations of 20 percent or less – may be approved by the Planning Commission's designee. Major modifications – deviations of greater than 20 percent – shall be approved by the Planning Commission.

FIRE MARSHAL RECOMMENDATION

The following comments may apply to future subdivision applications, but do not apply to the current Fawn Crossing Urban Design Overlay application:

1. Access to the property of the planned building group shall be provided by a minimum of two distinctly separate routes, each located as remotely from the other as possible.
2. Provide Civil Plans which show water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.



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3. All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds. Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.

PUBLIC WORKS RECOMMENDATION

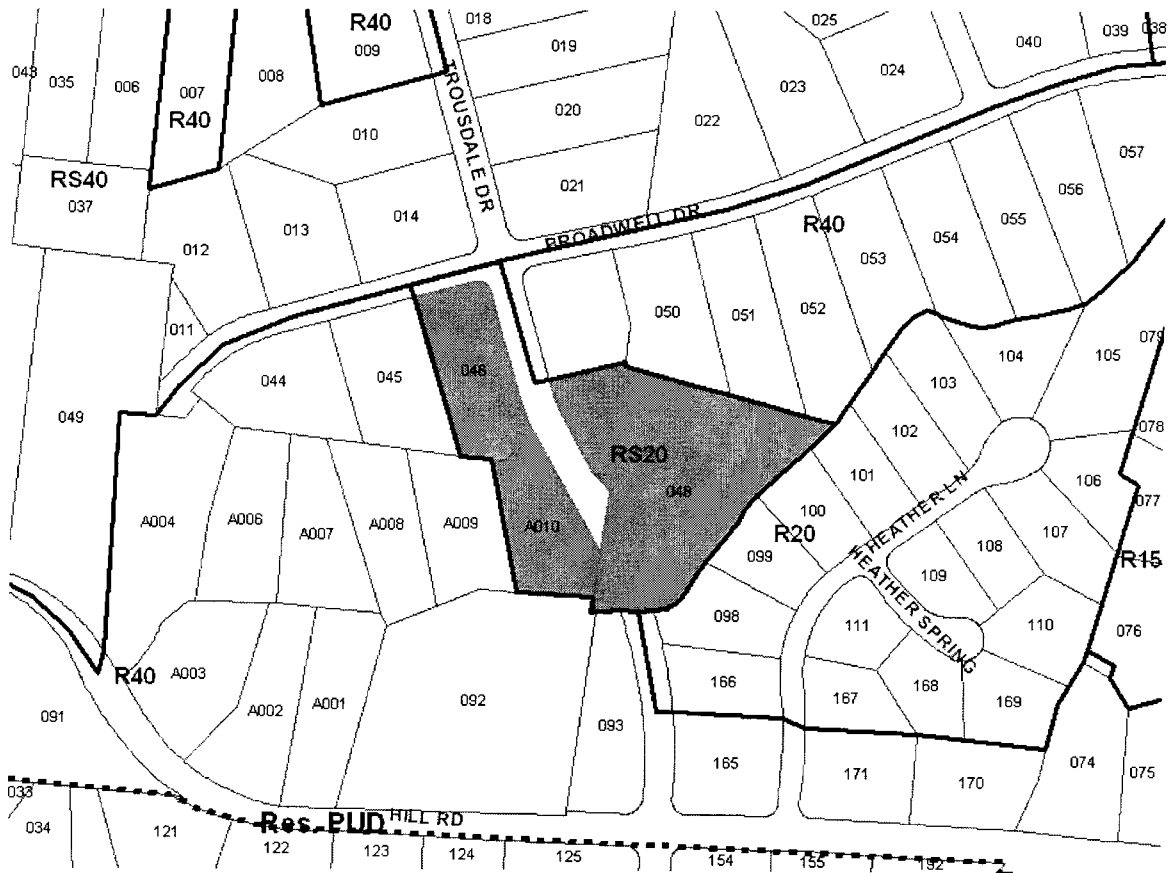
1. All previous conditions apply.

STAFF RECOMMENDATION

Staff recommends approval of the Fawn Crossing UDO.

SEE NEXT PAGE

CONCEPT PLANS



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



**Project No.
Project Name**

**Subdivision 2008S-061U-12
Brentwood Branch Estates (Concept Plan
Extension)**

**Council District
School Board District
Requested By**

26 – Adkins
2 - Brannon
Dale and Associates, applicant, for Michael and Sharon
Yates, owners

**Staff Reviewer
Staff Recommendation**

Swaggart
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.

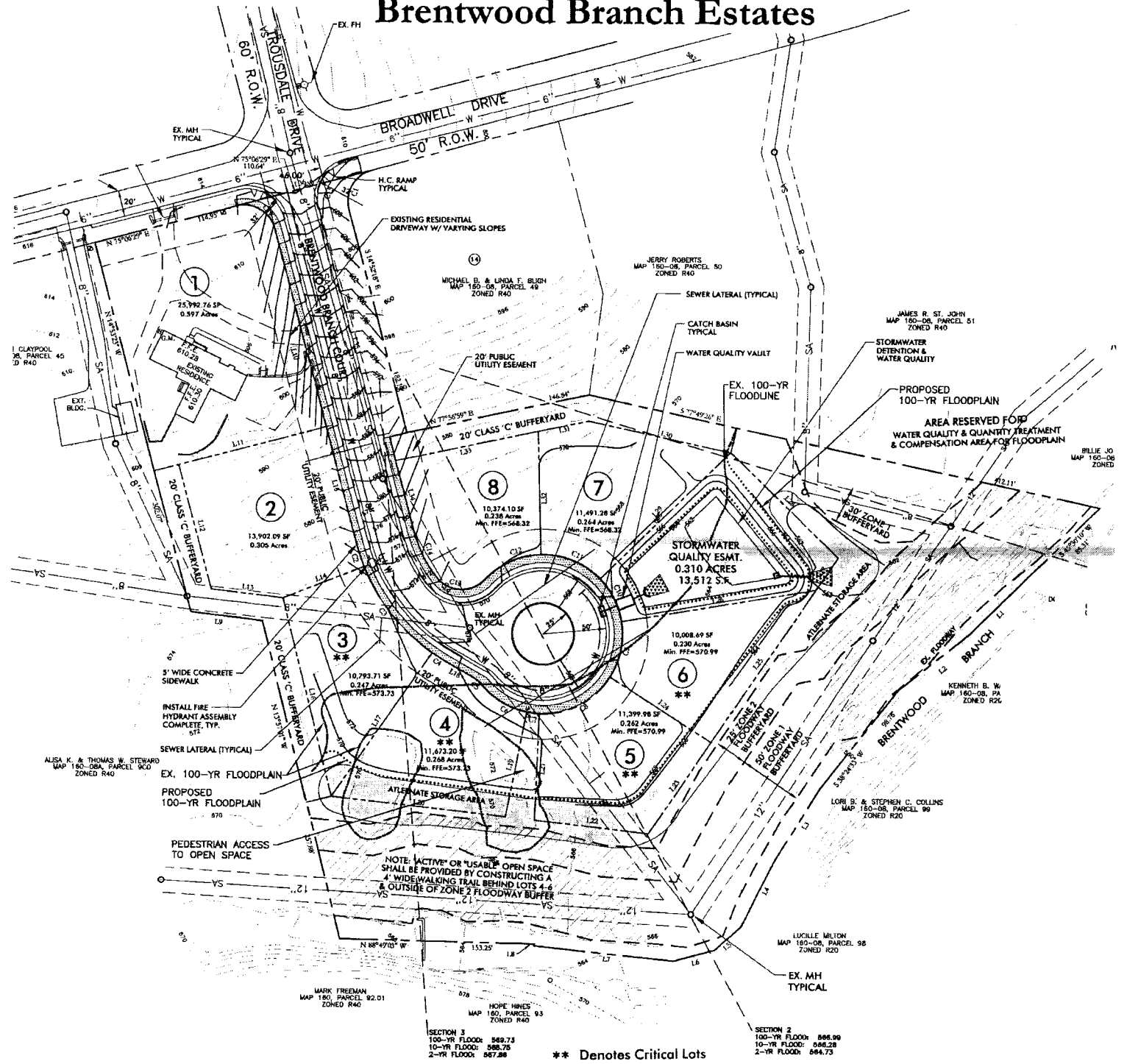
SUBDIVISION DETAILS

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

Brentwood Branch Estates



SECTION 3
 100-YR FLOOD: 569.73
 10-YR FLOOD: 565.75
 2-YR FLOOD: 567.88

** Denotes Critical Lots

SECTION 2
 100-YR FLOOD: 596.99
 10-YR FLOOD: 592.28
 2-YR FLOOD: 594.73



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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.