

Metropolitan Planning Commission



Staff Reports

September 23, 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.

PREVIOUSLY DEFERRED ITEMS

NO SKETCH



Project No. 2010Z-016TX-001
Project Name Amateur Radio Antenna
Council Bill BL2010-746
Council District Countywide
School District Countywide
Requested by Councilmember Anna Page
Deferral *Deferred from the August 26, 2010 and September 14, 2010, Planning Commission Meeting*

Staff Reviewer Regen
Staff Recommendation *Defer to October 14, 2010, Planning Commission meeting pending Metro Legal review.*

APPLICANT REQUEST **Require a FCC license to construct an amateur radio antenna / tower and remove at owner's expense any inactive radio antenna towers.**

Text Amendment **A council bill to amend Section 17.16.290 of the Metro Zoning Code, to require an active, valid FCC license for operation of an amateur radio antenna.**

PURPOSE The bill requires an amateur radio operator to have a current, valid license from the FCC. Proof of the license must be submitted to the Zoning Administrator, prior to construction of any antenna. In the event a license expires without being renewed, the antenna and any associated tower must be removed at the property owner's expense.

ANALYSIS
Existing Law The existing Zoning Code permits amateur radio antennas in the agricultural and residential zoning district as "accessory" (A) uses. Section 17.16.290 sets forth several standards for tower height, tower location, tower setback, and tower mounting.

Proposed Bill The bill adds a standard requiring amateur radio operators to have a currently valid FCC license. Proof of the license must be submitted to the Zoning Administrator, prior to construction of any antenna. In the event a license expires without being renewed, the antenna and any associated tower must be removed at the property owner's expense.

What is amateur radio? The FCC website defines amateur radio as being a voluntary, non-commercial radio service involving amateur radio operators communicating locally and worldwide using store-bought or homemade radios, computers, satellites, and even the internet. Known as "hams", amateur radio operators have served as



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emergency communicators during the initial stages of emergencies and disasters. They played a critical role during Hurricane Katrina.

Is a FCC license required?

The FCC requires operators to be licensed and pass an examination to operate on radio frequencies known as "amateur bands". There are three license types: Technician, general, and extra. Technician is the most common license obtained. A passing score on the test for all three license types is 74%. Anyone can obtain a license who has a FCC registration #, except a representative of a foreign government. To obtain a FCC registration #, an applicant must provide a valid social security number. Licenses are to operate a radio with a call name. One call name is licensed to one radio operator. The FCC does not license or inquire about the radio tower or its location from which the operator will transmit. Licenses are good for 10 years. As of 8/14/2010, Tennessee had 16,030 licensed operators per the national association of Amateur Radio operators known as "ARRL" which reports FCC licenses by state on its website.

Is a TN license required?

The State of TN does not require a state-issued amateur license. State law does plainly indicate a local government (city or county) cannot pre-empt FCC (Section 6-54-130).

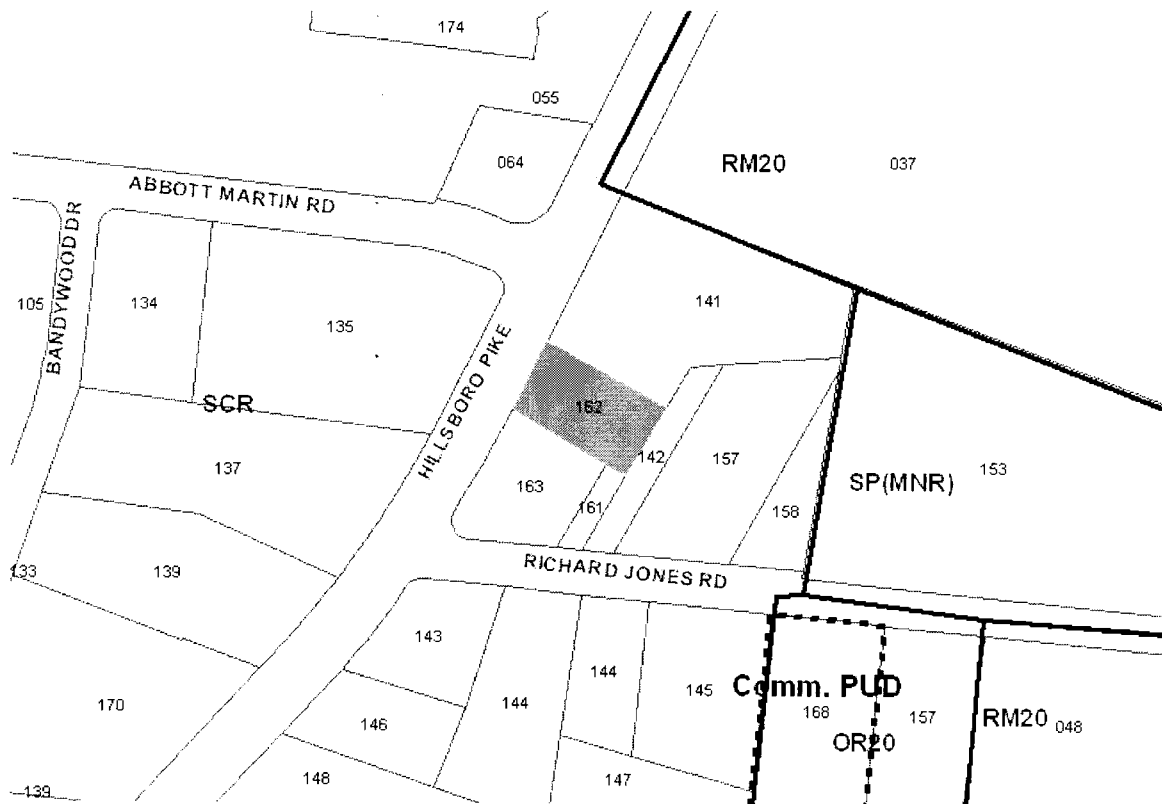
Metro Legal Review

Metro Legal is currently reviewing this bill and staff's analysis. Specifically, Legal is researching whether the bill, as filed, results in a pre-emption of state and federal law by prohibiting someone who has a FCC amateur radio license from using another person's radio antenna or tower to transmit, if the antenna/tower owner does not have a FCC amateur radio license. The FCC does not regulate radio antennas or towers, only the actual person's voice being transmitted over the airwaves. Hence, no amateur radio license is required to erect a radio antenna or tower. If adopted, this bill requires that any person with a radio antenna/tower must have a FCC amateur radio license.

STAFF RECOMMENDATION

Staff recommends deferral of this bill to the October 14, 2010, Planning Commission meeting in order to allow Metro Legal to determine whether or not the bill pre-empts state and/or federal law.

SEE NEXT PAGE



2010SP-016-001
Greenbriar Village
Map 117-14, Parcel(s) 162
Green Hills-Midtown
Council District 25 – Sean McGuire



Project No.	Zone Change 2010SP-016-001
Project Name	Greenbriar Village
Council District	25 – McGuire
School District	8 – Hayes
Requested by	Ragan-Smith-Associates, Inc. applicant for Hillsboro Plaza Partners II, owners
Deferral	<i>Deferred from the September 14, 2010, Planning Commission meeting</i>
Staff Reviewer	Swaggart
Staff Recommendation	<i>Withdraw at the request of the applicant.</i>

APPLICANT REQUEST

Rezone to permit an 8,142 square foot commercial building.

Preliminary SP

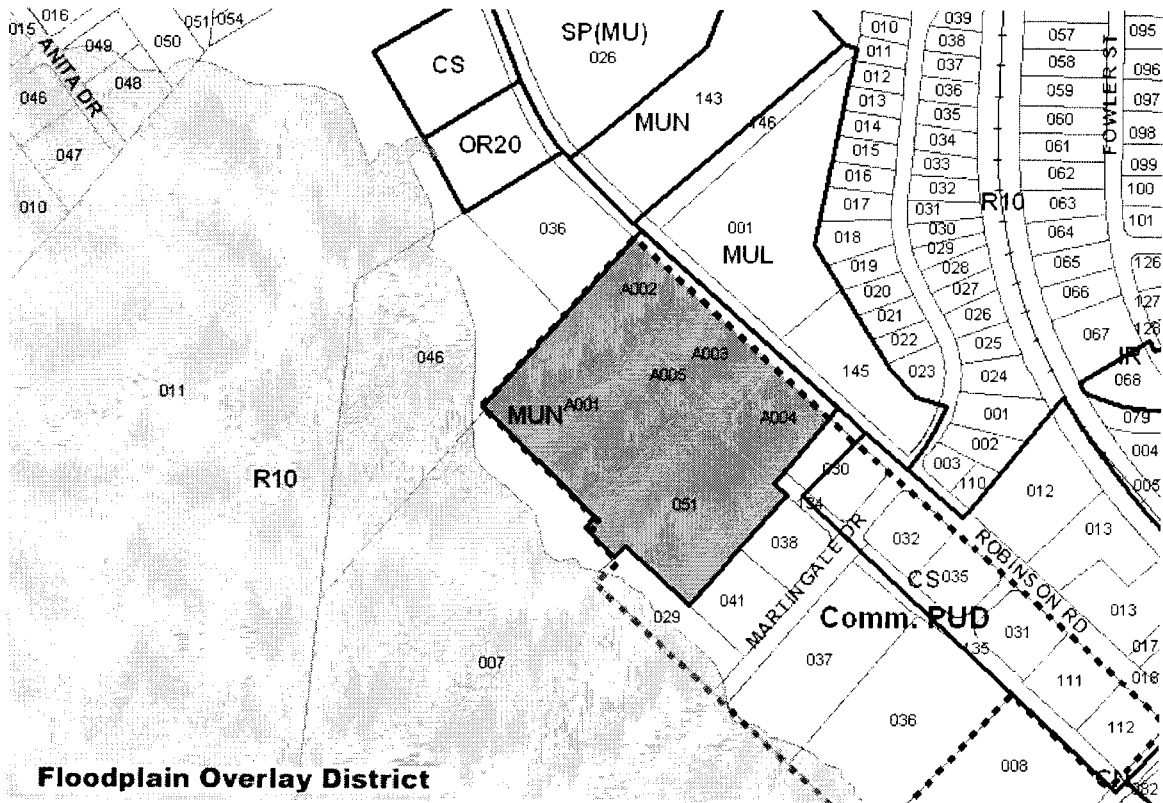
A request to rezone from Shopping Center Regional (SCR) to Specific Plan – Commercial (SP-C) zoning property located at 3902 Hillsboro Pike, approximately 225 feet north of Richard Jones Road and located within the Green Hills Urban Design Overlay District (0.43 acres), to permit the development of a one-story, 8,142 square foot building containing retail and restaurant uses.

Existing Zoning
SCR District

Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

Proposed Zoning
SP-C District

Specific Plan-Commercial 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 commercial uses.



103-79P-002
 Old Hickory Skilled Nursing Facility
 Map: 044-14-0-A Parcels:001, 002, 003, 004, 005
 Map: 053-00 Parcel: 051
 Donelson/Hermitage/Old Hickory Community Plan
 Council District 11 – Darren Jernigan



Project No. 103-79P-002
Project Name Old Hickory Skilled Nursing Facility PUD
Council District 11 - Jernigan
School District 4 - Shepherd
Requested by Littlejohn Engineer Associates, Inc, applicant, for Nashville Medical investors, LLC, owner
Deferral *Deferred from the September 14, 2010, Planning Commission meeting at the request of the applicant*

Staff Reviewer Sexton
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Permit a nursing home and accessory structure.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Old Hickory Skilled Nursing Facility Planned Unit Development Overlay located on properties at 1220, 1230, 1246, and 1250 Robinson Road and at Robinson Road (unnumbered), approximately 250 feet north of Martingale Drive, (13.49 acres), zoned Mixed Use Neighborhood (MUN), to permit a 78,864 square foot nursing home containing 124 beds and a 1,255 square foot accessory structure.

Existing Zoning
MUN District

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

CRITICAL PLANNING GOALS

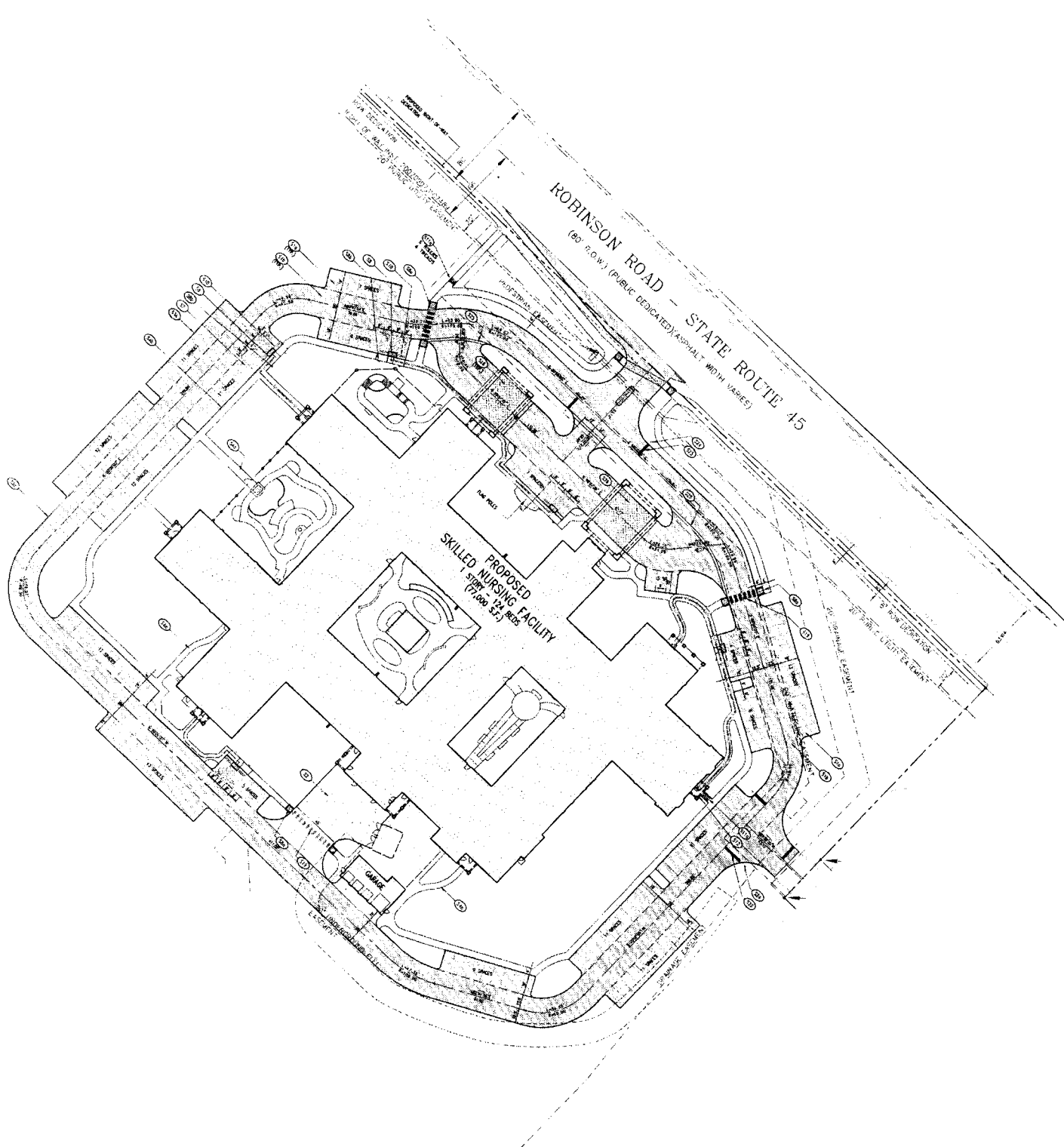
N/A

PLAN DETAILS

The Old Hickory Skilled Nursing Facility PUD is located south of State Route 45 along Robinson Road. It was originally approved in 1979 and was amended in 2009. The amendment also included a rezoning to MUN. The amended PUD was approved for a 96,830 square foot nursing home containing 159 beds and an 899 square foot accessory structure.

Final PUD

This PUD revision would reduce the overall building footprint of the previously approved development. The revised site plan proposes a one-story, 78,864 square foot nursing home and 1,255 square foot accessory structure on six lots. The six lots will need to be consolidated into one lot before this project can be constructed. The nursing home will accommodate 124 beds. The accessory structure is located on the rear of the nursing home and will act as a storage shelter for tools and equipment. The revised site plan also proposes three court yards that are integrated



ROBINSON ROAD - STATE ROUTE 45
(60' R.O.W.) (PUBLIC DEDICATED) (ADJACENT WITH LARGES)

PROPOSED
SKILLED NURSING FACILITY
577,000 sq. ft.
125 beds

PROPOSED 100' x 100' x 10' HIGH
CONCRETE WALL WITH
STEEL
ROOF
FOR SECURITY
ALL WALLS TO BE 20' MIN. HIGH
ALL WALLS TO BE 20' MIN. THICK
ALL WALLS TO BE 20' MIN. HIGH

EXISTING 100' x 100' x 10' HIGH
CONCRETE WALL WITH
STEEL
ROOF
FOR SECURITY
ALL WALLS TO BE 20' MIN. HIGH
ALL WALLS TO BE 20' MIN. THICK
ALL WALLS TO BE 20' MIN. HIGH



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within the middle of the building layout. A fourth court yard that was previously approved has been removed from the plan. A six foot tall monument sign is located in the front of the building.

Access/Parking

Access to the site is provided by one driveway from Robinson Road and an existing internal driveway to the east within the PUD. Staff is recommending that a joint access easement be provided from Robinson Road to the east property line on the corrected copy of the PUD final site plan. As the lots will need to be consolidated, the joint access easement will need to be included on the new plat.

The parking standards of the Zoning Code require that 42 parking spaces be provided. The revised plan proposes a total of 166 on-site parking spaces. Approximately 100 of the parking spaces are located next to the building giving pedestrians access to the sidewalks that surround the entire building. The remaining parking areas are separated by a private drive

PUBLIC WORKS RECOMMENDATION

The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

STORMWATER RECOMMENDATION

1. Provide Grading Permit fee (\$1425), Detention Agreement, and recording fees.
2. Provide NOC.
3. For the erosion controls, add outlet protection to all headwalls and use an inlet protection per our TCP's.
4. Add the following note to plans: "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP – 10 and CP – 13, respectively. "Contractor to coordinate exact location with NPDES department during preconstruction meeting."
5. Change note 4 on Sheet C2.0 (Site Grading) to state that final stabilization shall be achieved no later than 14 days of final grading. Also, add note that all 3:1 slopes or greater shall be stabilized with matting. Specify type and add detail to plans.
6. Provide all civil details (our inlet protection, outlet protection, junction box, etc.).



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7. For the storm structures, show how the roof drains tie into H1. For the storm structures, limit 15" pipes to runs of 50' or less.
8. Provide Tc calculations for the offsite basin. Also, use Tc = 5 minutes for all the small basins.
9. Provide a delineation showing all the green and paved areas.
10. For the pond outlet structure, add a note to the plans that state that the stone and fabric are temporary measures and will be removed once basin is stabilized. Which detail will be the permanent structure (detail 6 or 7)? One detail shows an invert of 433 and another at 432?
11. Site contains many outfalls (flow-splitter). Consider revising without the splitter (unit may contain an internal bypass).
12. Show that the water quality pond safely routes the 100-year event.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The proposed layout is consistent with the approved plan.

CONDITIONS

1. Prior to the issuance of any grading or building permits, a final plat shall be submitted to consolidate the lots. The final plat shall include a joint access easement from Robinson Road to the east property line.
2. Prior to the issuance of any building permits, a joint access easement shall be provided from Robinson Road to the east property line on the corrected copy of the PUD final site plan.
3. Prior to the issuance of any building permits, all requirements of Metro Stormwater shall be met.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of



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Public Works for all improvements within public rights of way.

6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
8. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
9. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

SEE NEXT PAGE

**TEXT AMENDMENTS and
SPECIFIC PLANS**

NO SKETCH



Project No. 2010Z-018TX-001
Project Name Personal Care Services
Council District Countywide
School District Countywide
Requested by Metro Planning Department

Staff Reviewer Regen
Staff Recommendation Approve

APPLICANT REQUEST

Permit “personal care services” as of right in various office zoning districts.

Text Amendment

A request to amend Section 17.08.030, of the Metro Zoning Code, to allow personal care services as a “P” (permitted by right) in the office zoning districts, Office Neighborhood (ON), Office Limited (OL), Office General (OG) and Office Residential (OR20 and OR40).

PURPOSE

This application responds to a Planning Commission request to staff. The Commission asked staff to prepare a draft bill after several property owners had to apply for a Specific Plan zoning district to allow a personal care service use. These property owners all had office zoning.

ANALYSIS

Existing Law

Section 17.08.030 (Zoning Code District Land Use Table) allows as a use permitted by right (P), “personal care services” in the ORI, mixed-use, commercial, and shopping center districts and as an accessory (A) use in two industrial zoning districts. Section 17.040.060 of the Metro Zoning Code defines “personal care services” as fitness centers, spas, tanning salons, beauty and barber care, and dry cleaning and laundry services not to include a laundry plant.

Proposed Bill

The request proposes to expand where personal care services are allowed in Davidson County. Section 17.08.020.E of the Metro Zoning Code describes the office zoning districts as where neighborhood services can be provided near residential areas as well as the workplace. The benefit of allowing personal care services where people live and work is convenience, reduced vehicle trips, and support of local neighborhood businesses.



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STAFF RECOMMENDATION

Staff recommends approval of this application to allow personal care services as a use permitted by right (P) in all office zoning districts. By allowing such uses in proximity to offices and neighborhoods, it provides workers and residents easier accessibility to services and convenience.

ORDINANCE NO. _____

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 “Personal Care Services” in Nashville and Davidson County (Proposal No. 2010Z-018TX-001), all of which is more particularly described herein.

WHEREAS, “Personal Care Services” is defined in Section 17.04.060 of the Metro Zoning Code as services such as fitness centers, spas, tanning salons, beauty and barber care, and dry cleaning and laundry services not to include a laundry plant.

WHEREAS, “Personal Care Services” is allowed via the Metro Zoning Code’s district land use Table 17.08.030 as a use permitted by right (P) in the ORI, mixed-use, commercial, and shopping center districts and as an accessory (A) use in a couple industrial zoning districts;

WHEREAS, the office zoning districts of ON, OL, OG, OR20, and OR40 are described in Section 17.08.020.E of the Metro Zoning Code for office development where neighborhood services can be provided near residential areas as well as the workplace; and,

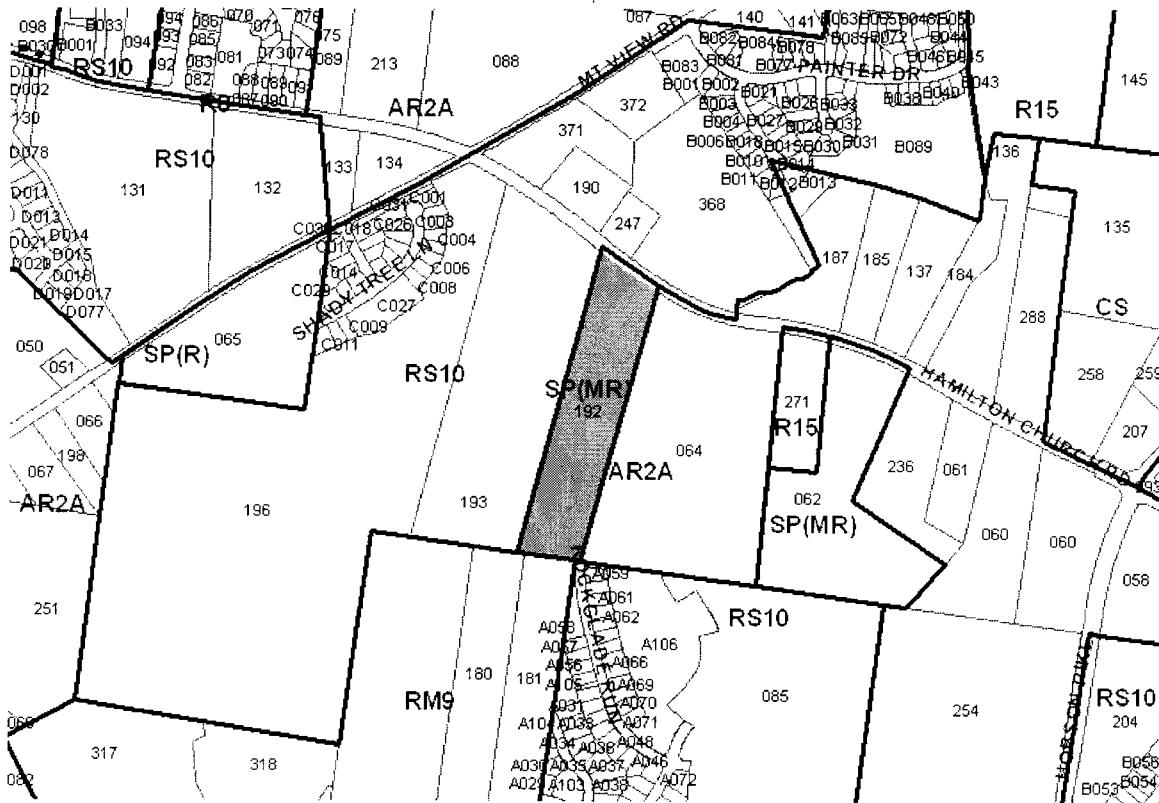
WHEREAS, it is fitting and proper to modify the Metro Zoning Code standards for “Personal Care Services” to enable them to locate closer to the persons they serve in Davidson County.

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

Section 1: Modify Section 17.08.030 (Zoning District Land Use Table: Commercial Uses) by **inserting** a “P” (permitted by right) for “Personal Care Services” in the ON, OL, OG, OR20, and OR40 zoning.

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.

SEE NEXT PAGE



2006SP-070G-13
 Brookridge Hamlet SP
 Map 164-00, Parcel(s) 192
 Antioch-Priest Lake
 Council District 33 – Robert DuVall



Project No.	SP District Review 2006SP-070G-13
Project Name	Brookridge Hamlet SP
Council District	33 - Duvall
School District	6 - Mayes
Requested by	Metro Planning Department
Staff Reviewer	Bernards
Staff Recommendation	<i>Find the SP District Active</i>

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan (MR) district known as "Brookridge Hamlet", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at Hamilton Church Road (unnumbered) (9.0 acres), approved for 26 single-family lots, 5 cottage lots, and 11 townhouse units via Council Bill BL2006-1117 effective on August 15, 2006.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP District be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

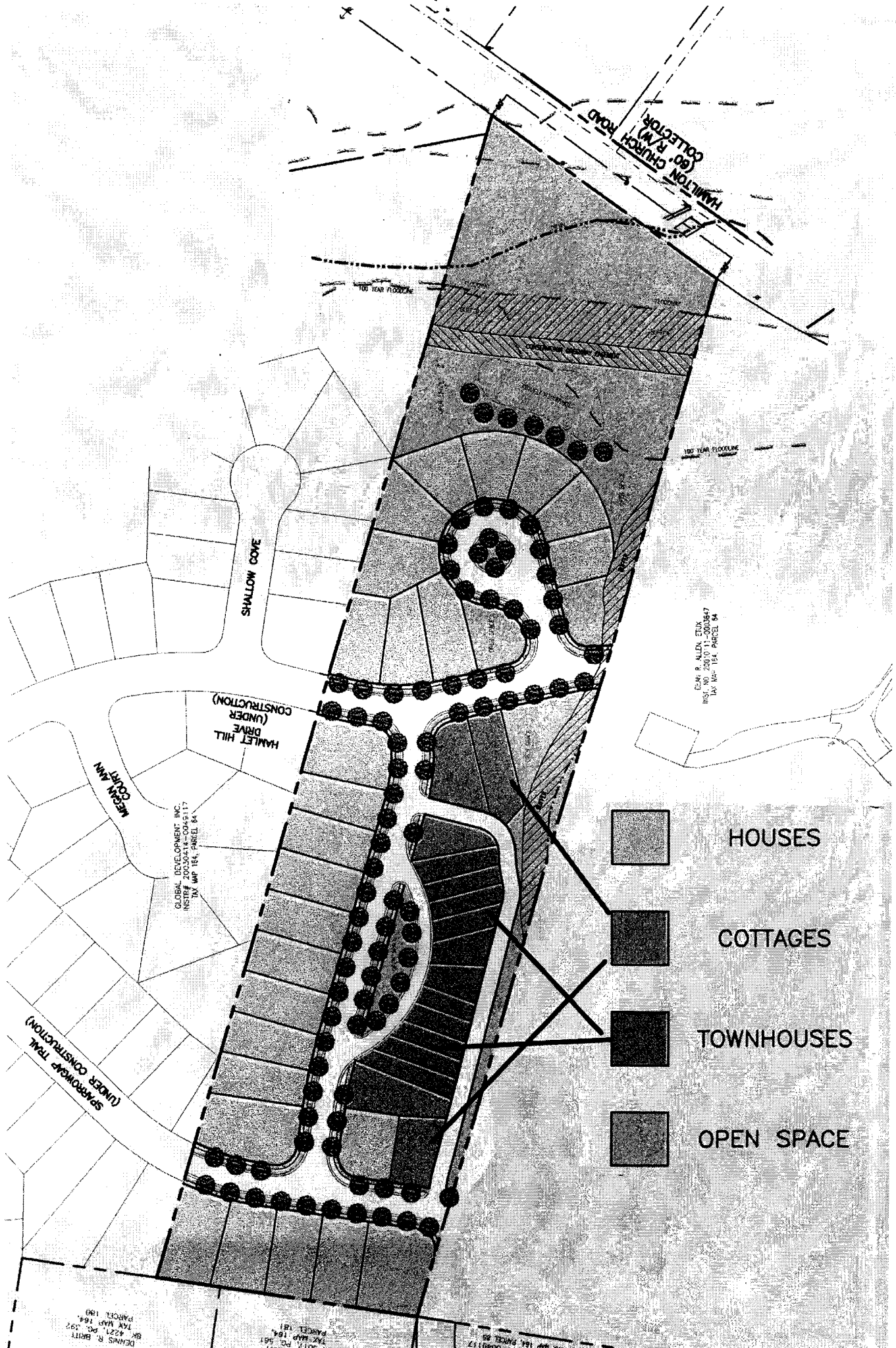
Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

CRITICAL PLANNING GOALS

N/A

DETAILS OF THE SP DISTRICT

The SP was approved for a 42 units, including 26 house lots, 5 cottage lots, and 11 townhouses with a density of approximately 4.3 units per acre. While the property fronts Hamilton Church Road access is provided from adjacent subdivisions to avoid crossings of Savage Creek which runs along Hamilton Church Road. There are four connections to adjacent subdivisions. The house lots have street access and some of the townhouses and cottages are accessed by private alleys to the rear. The remaining townhouses have front access from shared driveways.



HOUSES

COTTAGES

TOWNHOUSES

OPEN SPACE

GLOBAL DEVELOPMENT INC.
INSTR # 20030414-0045117
TAX MAP 154, PARCEL 84

DEANNS R. BRITT
BR. 4221, PG. 197
PARCEL 180
TAX MAP 154

BR. 5073, PG. 561
TAX MAP 154, PARCEL 181

INC. 20030414-0045117
TAX MAP 154, PARCEL 85

DEANNS R. BRITT
BR. 4221, PG. 197
TAX MAP 154, PARCEL 84



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SPECIFIC PLAN REVIEW

Staff conducted a site visit on August 15, 2010. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that would demonstrate that the SP was active.

Guidelines for Determining Activity

The Planning Commission has three guidelines for staff to use to determine activity:

1. Construction has begun on the SP. Construction means physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the SP; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction.
2. Either right-of-way has been acquired from a third party or construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the SP approval.
3. The Planning Commission may also take into consideration the aggregate of actions, if any, taken by the owner of the SP within the four years since council approval that indicates development activity.

The owner responded with the following details:

The required off-site sewerage system to serve this project and other projects in the area has been constructed and is in service. This consists of a sewerage pumping station, gravity trunk sewer and sewage force main.

All engineering and surveying required for construction documents have been completed for the following:

- *Water and sewer lines*
- *Streets*
- *Grading*
- *Drainage*
- *Storm Sewer System*
- *Erosion and Sediment Controls*
- *Water Quality and Detention Facilities*

ANALYSIS

In reviewing the documentation provided by the owner, staff finds that construction has begun on the SP with the off-site sewer facilities and that the owner has described an aggregate of actions that indicates activity. Staff recommends that this SP be found active and that it be placed back on the four-year review list. At that time, if



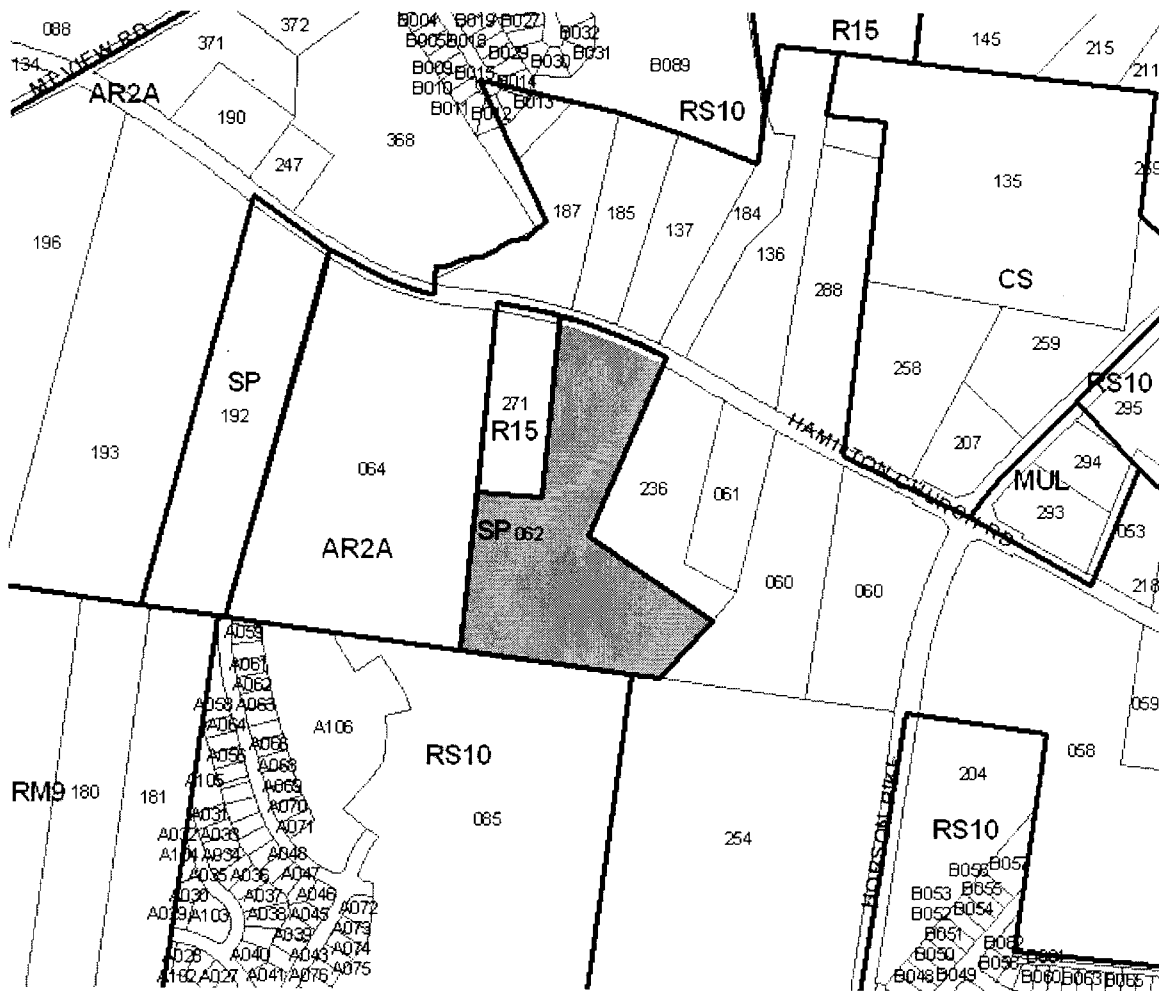
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the SP is not found to be complete, the owner will need to demonstrate that additional activity has taken place in the SP in order for it to be found active. Staff would note, however, that at this time the SP remains appropriate for the site and area. The approved plan is consistent with the Neighborhood General policy of the Antioch/Priest Lake Community Plan

STAFF RECOMMENDATION

Staff recommends that the Brookridge Hamlet SP be found to be active.

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2006SP-077G-13
 Rolling Hill Village SP
 Map 164-00, Parcel 062
 Antioch-Priest Lake
 Council District 33 – Robert DuVall



Project No. SP District Review 2006SP-077G-13
Project Name Rolling Hill Village SP
Council District 33 - Duvall
School District 6 - Mayes
Requested by Metro Planning Department

Staff Reviewer Bernards
Staff Recommendation Find the SP District Active

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan (MR) district known as "Rolling Hill Village", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at 3485 Hamilton Church Road (11.93 acres), approved for 27 single-family lots, 18 cottage lots, and 8 townhome units via Council Bill BL2006-1118 effective on August 15, 2006.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP District be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

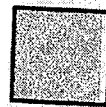
CRITICAL PLANNING GOALS

N/A

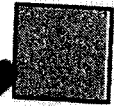
DETAILS OF THE SP DISTRICT

The SP is approved for 53 units at a density of approximately 4.4 units per acre. Housing types consist of 27 house lots, 18 cottage lots, and 8 townhouse units. Access to the development is from Hamilton Church Road and access to the housing units will be provided from new public streets, as well as private alleys. This development is well connected to the adjacent developments to the east, south and west.

HAMILTON CHURCH ROAD
(60' R/W)
COLLECTOR



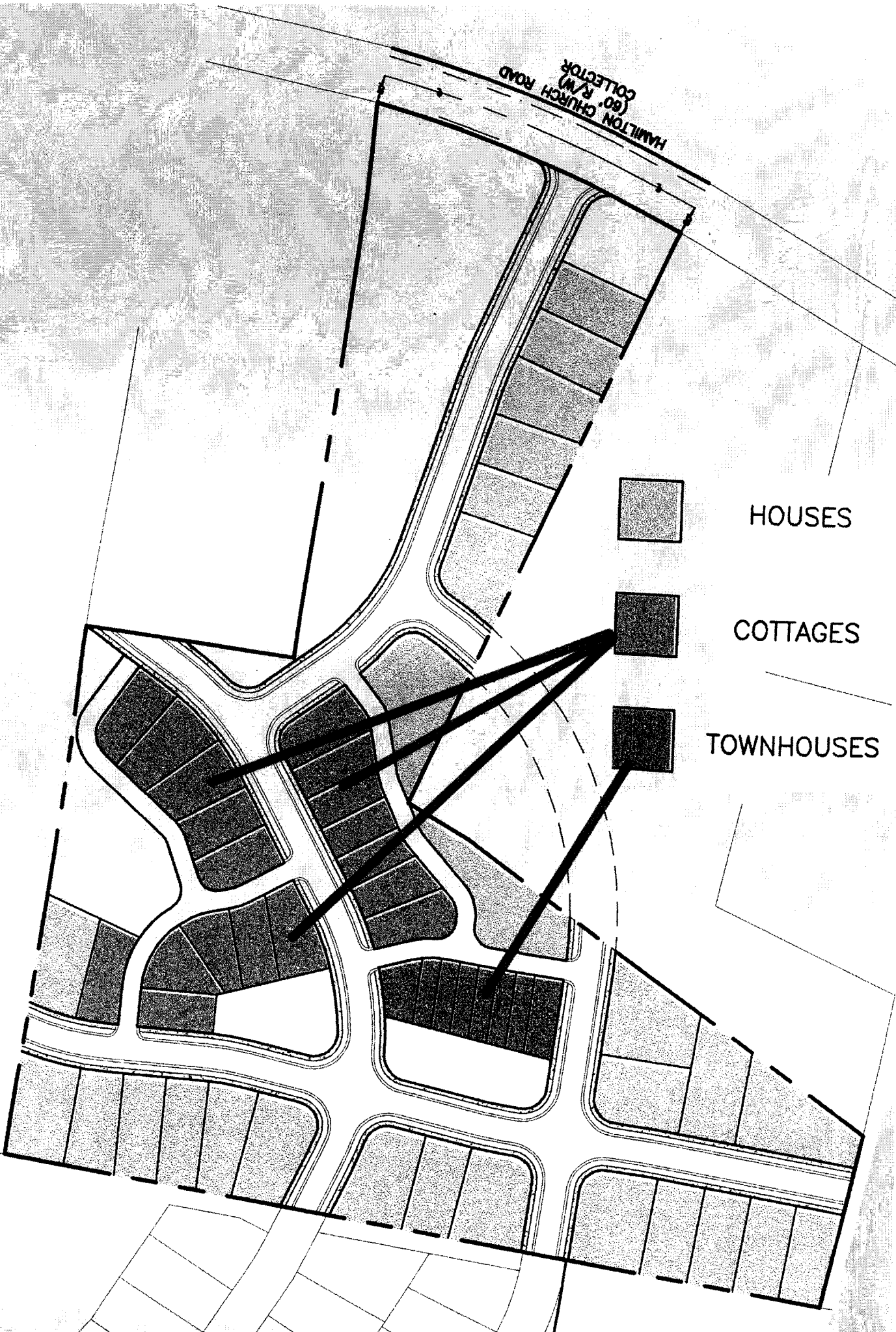
HOUSES



COTTAGES



TOWNHOUSES





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SPECIFIC PLAN REVIEW

Staff visited the site on August 15, 2010. Stormwater sewer and water facilities have been constructed. The staff assessment of this SP is that it is active. Staff recommends that this SP be found active and that it be placed back on the four-year review list.

STAFF RECOMMENDATION

Staff recommends that the Rolling Hill Village SP be found to be active.