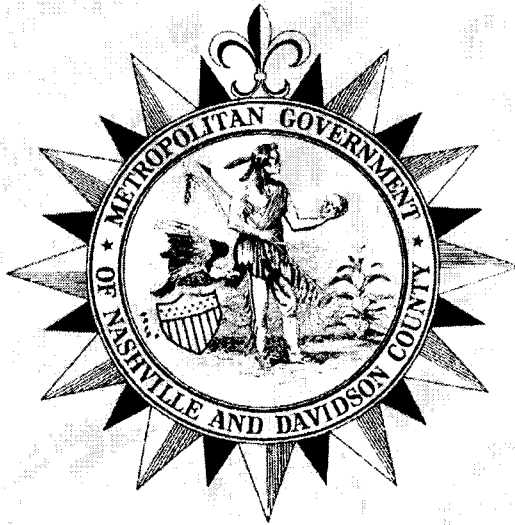


Metropolitan Planning Commission



Staff Reports

October 14, 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

- **Text Amendment**

NO SKETCH



Project No.
Project Name
Council Bill
Council District
School District
Requested by
Deferral

Text Amendment 2010Z-016TX-001
Amateur Radio Antenna
BL2010-746
Countywide
Countywide
Councilmember Anna Page
Deferred from the August 26, 2010, September 14, 2010, and September 23, 2010, Planning Commission Meeting.

Staff Reviewer
Staff Recommendation

Regen
Approve

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 emergency communicators during the initial stages of



Metro Planning Commission Meeting of 10/14/2010

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. Anyone can obtain a license who has a FCC registration number, except a representative of a foreign government. To obtain a FCC registration number, 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 ten years. As of August 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 reviewed this bill and informed the Planning Department it had no concerns with the legality of the bill.

STAFF RECOMMENDATION

Staff recommends approval of this bill. Metro Legal has determined it does not pre-empt state and/or federal law.

RECOMMENDATIONS TO THE METRO COUNCIL

- **Text Amendment**
- **Specific Plan**
- **Zone**
- **Mandatory Referral**

NO SKETCH



Project No.
Project Name

Text Amendment 2010Z-017TX-002
Bars, Nightclubs, Restaurant (fast-food),
Restaurant (take-out), and Restaurant (full-
service)

Council Bills
Council District
School District
Sponsored by

BL2010-753
Countywide
Countywide
Councilmember Vivian Wilhoite

Staff Reviewer
Staff Recommendation

Regen
Disapprove

APPLICANT REQUEST

Prohibit the location of bars, nightclubs, and restaurants within 100 feet of a religious institution, community education, daycare center, daycare home, single-family or two-family residence, or a park.

Text Amendment

A council bill to amend Section 17.08 and 17.16 of the Metro Zoning Code, to designate bars and restaurants as uses permitted with conditions and to add certain location restrictions for these uses.

CRITICAL PLANNING GOALS

N/A

PURPOSE

This text amendment is intended to address where bars, nightclubs and restaurants can locate in proximity to religious institutions, schools, daycares, residences and parks.

ANALYSIS
Existing Law

Section 17.08.030 (Zoning Code District Land Use Table) identifies the land uses allowed in each zoning district. Restaurants and bars/nightclubs are allowed by right (P) in nearly all the mixed-use, commercial, and shopping center districts. The Zoning Code only restricts these uses in the MUN, CN, and SCN districts. Instead of allowing them by right, these uses are allowed permitted with conditions (PC). Where the Zoning Code allows restaurants (full-service and take-out) as a PC use, they are limited to 5,000 square feet for each establishment, provided the base zoning district's maximum floor area ratio (FAR) is not exceeded. Further, in the MUN district, a take-out restaurant must be located within a permanently enclosed structure. Lastly, the Zoning Code restricts a bar/nightclub to 2,500 square feet in any zoning district. There are no other special provisions governing restaurants in the Zoning Code.



Metro Planning Commission Meeting of 10/14/2010

Proposed Bill

This bill proposes a 100 foot minimum separation distance between a bar/nightclub and full-service/take-out restaurants from the following land uses:

- Religious institutions
- Community education
- Daycare centers
- Daycare homes
- Single or two-family residences
- Parks

The bill specifies that the minimum distance is to be measured in a straight line, from the closest point of the bar, nightclub, full-service or take-out restaurant to the closest point of the aforementioned uses.

In addition the bill proposes that these distance restrictions will apply to any new bar/nightclub or restaurant (full service and take-out) located in an SP zoning district.

STAFF RECOMMENDATION

Staff recommends disapproval of this bill. It does not promote nor support smart growth, sustainability, or creating a more walkable community because it prohibits these uses in proximity to residences and public places. The minimum separation distance requirement alone would make a large number of properties in Davidson County non-conforming land uses. Further, the bill appears to be inconsistent in how it treats properties that are alike in many respects. For example, in the mixed-use districts, the bill proposes no restrictions in the MUL district, a moderately intense commercial zoning district. However, in the more intensive MUG and MUI districts, the bill proposes to restrict where restaurants and bars/nightclubs can locate.

To create opportunities for people to eat out in their neighborhood, or in major business districts that attract visitors and tourists, restaurants and bars/nightclubs should continue to be allowed under the current Zoning Code requirements.



Metro Planning Commission Meeting of 10/14/2010

ORDINANCE NO. BL2010-753

An Ordinance amending Chapters 17.08 and 17.16 of Title 17 of the Metropolitan Code, Zoning Regulations, to designate bars and restaurants as uses permitted with conditions and to add certain location restrictions for these uses, all of which is more specifically described herein (Proposal No. 2010TX-017-001).

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

Section 1. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.08.030, District Land Use Tables, by designating “bar or nightclub”, “restaurant, full-service”, and “restaurant, take-out” as uses permitted with conditions (PC) in the SP, MUN, MUG, MUI, ORI, CL and CS zoning districts.

Section 2. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.16.070, Commercial Uses, by deleting subsection G. in its entirety and substituting with the following new subsection G.:

“G. Bar or Nightclub.

1. Establishments within the MUN, CN and SCN districts shall be limited to two thousand five hundred square feet of gross floor area per establishment, with no more than one establishment per lot.
2. No establishment shall be located within one hundred feet of:
 - a. A religious institution;
 - b. A facility engaged primarily in community education or its playground;
 - c. A day care center or day care home;
 - d. A single or two-family residence; or
 - e. A park.

Distances shall be measured in a straight line from the closest point of the establishment's building to the closest point of the religious institution, community education facility, day care, single or two-family residence, or park.”

Section 3. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.16.070, Commercial Uses, by deleting subsection P. in its entirety and substituting with the following new subsection P.:

“P. Restaurant, Fast Food. Each establishment shall be limited to five thousand square feet of gross floor area, maximum.”

Section 4. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.16.070, Commercial Uses, by adding the following new subsection Q., and re-lettering the remaining subsections accordingly:



Metro Planning Commission Meeting of 10/14/2010

“Q. Restaurant, Full-Service and Take-Out.

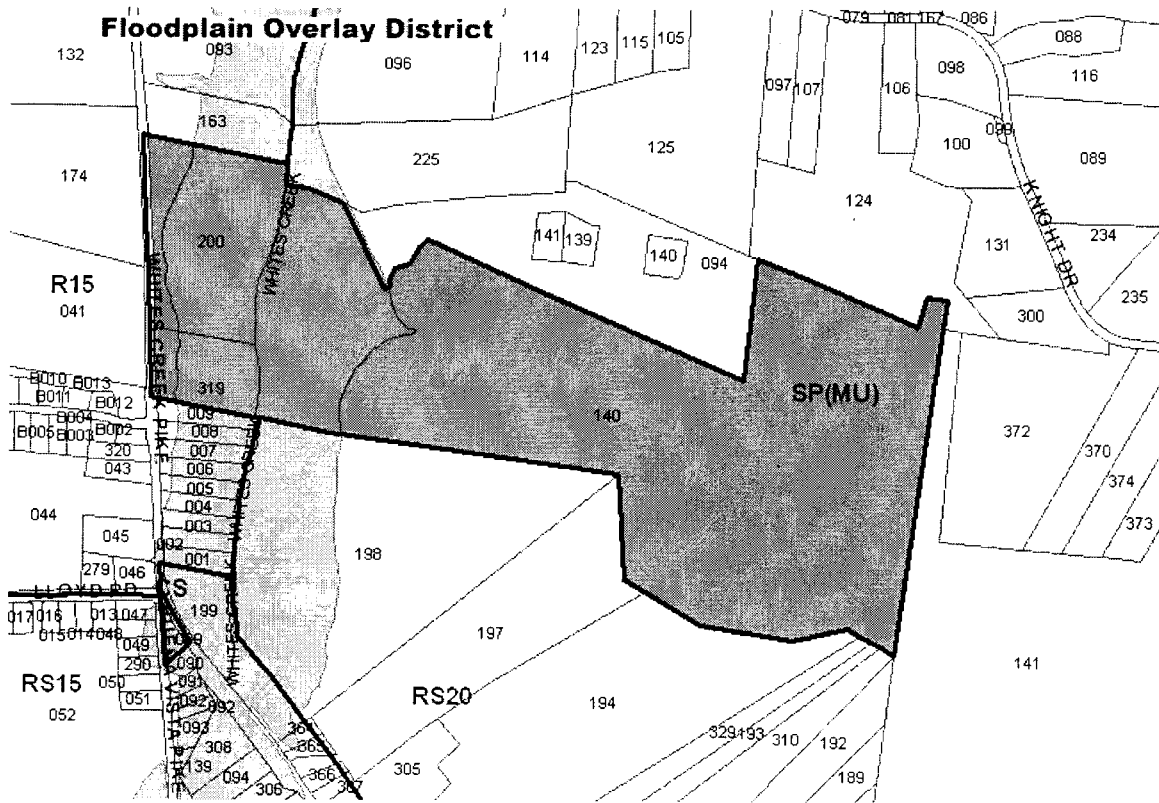
1. Establishments within the MUN and CN shall be limited to five thousand square feet of gross floor area, maximum.
2. In the MUN district, a restaurant, take-out, must be located within a permanent, enclosed structure.
3. No establishment shall be located within one hundred feet of:
 - a. A religious institution;
 - b. A facility engaged primarily in community education or its playground;
 - c. A day care center or day care home;
 - d. A single or two-family residence; or
 - e. A park.

Distances shall be measured in a straight line from the closest point of the establishment's building to the closest point of the religious institution, community education facility, day care, single or two-family residence, or park.”

Section 5. 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: Vivian Wilhoite

SEE NEXT PAGE



2009SP-022-003
 THE MANSION AT FONTANEL (AMENDMENT #1)
 Map 049, Parcel(s) 140
 Map 049-00-0, Parcel(s) 200, 319
 Bordeaux - Whites Creek
 Council District 03 - Walter Hunt



Project No.	Specific Plan 2009SP-022-003
Project Name	Mansion at Fontanel SP
Council Bill	BL2010-780
Council Districts	3 - Hunt
School Districts	3 - North
Requested by	EDGE Planning, Landscape Architects, applicant, for Fontanel Properties LLC, owner
Staff Reviewer	Bernards
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

Amendment of the Mansion at Fontanel SP.

Amend SP

A request to amend the SP District (adopted with Council Bill BL2009-561) for the previously approved Mansion at Fontanel Specific Plan District and for final site plan approval, for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres), to amend the allowed capacity of the Seasonal Performance Entertainment Venue from 2,500 to 4,500 persons, to amend the event season from May 1-October 31 to April 1-November 30, to amend the maximum number of events from eight (one per month with two floating dates) to fourteen (one per month with six floating dates) with no more than two per month, and to allow unimproved seasonal parking on the east side of Whites Creek.

Existing Zoning
SP-MU District

Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes a mix of uses.*

**CRITICAL PLANNING GOALS
BORDEAUX/WHITES CREEK
COMMUNITY PLAN**

N/A

Existing Policy
Natural Conservation (NCO)

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

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R=8738.614

D=0.8427
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D=0.8427
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SECTION 11, T32N R10E S12E
RANGE 10 EAST
TOWNSHIP 32 NORTH
RANGE 10 EAST
SECTION 11

SECTION 12, T32N R10E S12E
RANGE 10 EAST
TOWNSHIP 32 NORTH
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SECTION 12

SECTION 13, T32N R10E S12E
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SECTION 14

SECTION 15, T32N R10E S12E
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SECTION 16, T32N R10E S12E
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TOWNSHIP 32 NORTH
RANGE 10 EAST
SECTION 16

SECTION 17, T32N R10E S12E
RANGE 10 EAST
TOWNSHIP 32 NORTH
RANGE 10 EAST
SECTION 17

FLOODWAY
50' FLOODWAY BUFFER
75' FLOODWAY BUFFER

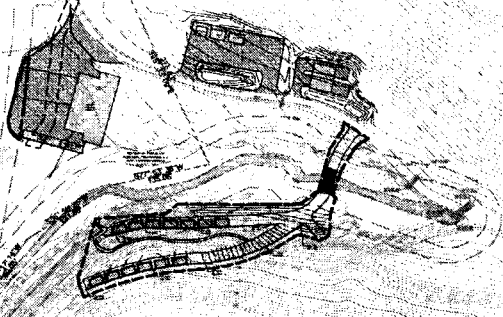
100' VEHICULAR
ACCESS BUFFER

100' VEHICULAR
ACCESS BUFFER

100' VEHICULAR
ACCESS BUFFER

FLOODWAY
50' FLOODWAY BUFFER
75' FLOODWAY BUFFER

100' VEHICULAR
ACCESS BUFFER





Metro Planning Commission Meeting of 10/14/2010

Rural (R)

R is intended for areas that are physically suitable for urban or suburban development but the community has chosen to 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.

Whites Creek Historic District

This property is within Nashville's only National Register-listed rural historic district. Development is encroaching on the Whites Creek Historic District and should be limited to reduce negative impacts on this significant area.

Conservation subdivisions, rural conservation overlays and roadway cross-sections appropriate for rural areas should be used to preserve the rural character of the Whites Creek Historic District. The plan discourages typical suburban design and subdivision of the property along Whites Creek Pike into small lots that front the road. New development should blend into the natural landscape and protect the existing views from Whites Creek Pike.

Consistent with policy?

No. The original finding of consistency of the SP with the Natural Conservation (NCO) and Rural (R) land use policies was based upon the following factors:

- The proposed use, scale and location of buildings were consistent with the intent of the policies to support low intensity development and preserve sensitive environmental features of the property.
- While commercial uses are no longer contemplated in the NCO and R policies, the SP brought this property more into compliance with the intensity, design, building orientation and location of development envisioned by the policies than the R15 and RS20 zoning districts. (While the site has constraints in terms of floodplain and steep slopes, it is still developable for one and two-family residences at a density higher than the one unit per two acres called for in the policy.)
- The uses, types of building and location of buildings supported the Whites Creek Historic District.

The proposed amendment does not change the buildings along Whites Creek Pike and the SP does continue to support the Whites Creek Historic District. The amendment does propose to expand the scope of the Seasonal Performance Entertainment Venue (venue) by increasing the capacity of the venue, the event season and the number of events that would be held. In order to



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accommodate the increased number of patrons, it will be necessary for parking to be provided on the east side of Whites Creek within the floodway.

In recommending approval with conditions of the original SP staff argued that:

In conclusion, staff finds that while the proposed commercial uses are not consistent with the use provisions of the NCO and R policies as currently defined, at the time of adoption small scale commercial uses were considered appropriate in these policy areas. While the outdoor entertainment venue is larger than neighborhood scale and will include commercial activities, it will only be used intermittently and also be available as a community facility. In terms of built intensity and form, open space conservation, and preservation of rural character, the proposed SP brings this property more in line with the land use policy intent than does the current zoning, and better addresses the overarching vision of the Bordeaux-Whites Creek Plan to preserve rural lands. Further, with consideration of the Whites Creek Historic District and the desire to keep this area rural in character, the proposed SP supports this goal while the current zoning does not.

On balance, the proposed SP, in this particular circumstance, is found to be more consistent with the intent of the NCO and R policies and supportive of the Historic District, providing a development concept by which the environmentally sensitive features and the rural area can be preserved than the current zoning.

Staff had noted that the venue was larger than neighborhood scale with a capacity of 2,500. As the proposed amendment increases the capacity and brings cars across Whites Creek, it moves this SP further away from the intent of the NCO and R policies.

PLAN DETAILS

The Planning Commission approved the Mansion at Fontanel SP, including final site plan approval for Phase I on October 22, 2009. The final site plan for Phase II was approved on February 11, 2010. At this time, the applicant is requesting an amendment to the SP to expand the capacity of the Seasonal Performance Entertainment Venue (venue) from a maximum of 2,500 patrons to a maximum of 4,500 patrons, the length of the performance season from six months to eight months, and the number of events from eight to fourteen, as well as requesting that



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Council Bill BL2009-561

unimproved parking be permitted on the east side of Whites Creek.

Included in the SP is an outdoor venue located east of Whites Creek. The Council approval of this SP specified the following conditions for this venue:

The definition of "Seasonal Performance Entertainment Venue" shall be revised to include:

- a. *One event per month between May and October.*
- b. *Two floating events to be held between May and October with no more than two events per month.*
- c. *No event shall last more than one day and the maximum number of days for events between May and October shall not exceed eight.*
- d. *Events shall be limited to Friday, Saturday or Sunday and shall end by 10:30pm*
- e. *A stage shell shall be provided.*
- f. *Decibel level output shall be limited to 96db at the soundboard location for the stage."*

Further, BL2009-561 required that:

...all Public Works conditions related to the access drives, driveway, bridge, special event traffic management, reporting, and number of parking spaces shall be met.

Proposed Amendments

The applicant has requested a number of amendments related to the venue. Currently, the capacity of the venue is limited to 2,500 people. The event season runs from May 1 to October 30 with a maximum number of eight events with one per month and two floating dates. The request is to expand the capacity of the venue to 4,500 people, extend the event season by two months April 1- November 30, and increase the number of events to fourteen with one per month with six floating dates. The conditions concerning the number of performances per month, length of performances, days of the week, and decibel level are to remain unchanged.

Parking

In order to accommodate the increase in capacity, additional parking spaces will be necessary. Currently, there are approximately 1,000 unimproved parking spaces on the west side of Whites Creek to accommodate event patrons. The applicant has requested that an additional 900 spaces be permitted on the east side of Whites Creek. This parking would be accessed by single lane bridge across the creek.



Metro Planning Commission Meeting of 10/14/2010

Staff expressed concern that this bridge would need to accommodate a significant amount of vehicle traffic as well as all pedestrians from cars parked on the west side of the creek. The applicant has provided an interior traffic control plan for both entering and exiting the venue. This was developed by Red Mountain Entertainment, a company that specializes in event management. The plan includes four Police Officers who will direct traffic at the two entrances and at the intersection of Buena Vista Pike, Whites Creek Pike and Lloyd Road and the intersection of old Hickory Boulevard and Whites Creek Pike. There will be 16 parking attendants directing traffic on the property.

The plan proposes that a four foot pedestrian lane and an eight foot vehicular lane be delineated on the bridge. Parking attendants will be on both sides of the bridge so that traffic can be stopped in the event a vehicle needs to travel against the prevailing traffic.

STORMWATER RECOMMENDATION

Amendment Approved

FIRE MARSHAL RECOMMENDATION

Approved.

WATER SERVICES RECOMMENDATION

Metro Water Service has no objections to the amendment regarding the number of people at events and seasonal parking. This amendment will not require any additional capacity studies for this venue. MWS recommends approval.

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.

Comply with all previous traffic conditions including those associated with the original SP approval, as well as the Phase 2 Final SP approval.

In addition, within one year of MPC approval of this proposed Amendment, the applicant shall submit a traffic letter/report along with supporting documentation completed by the applicant's traffic engineer to Metro Public Works for review and approval. The study shall describe and evaluate the operation of this development during large events, including the operation of the



Metro Planning Commission Meeting of 10/14/2010

intersection of Whites Creek Pike and Old Hickory Boulevard and the intersection of Whites Creek Pike and Buena Vista Pike. It should also include information related to the number, date, and size of all large events. Based on the findings of the report, additional conditions may be required.

STAFF RECOMMENDATION

Staff recommends disapproval as the proposed amendment is inconsistent with the purpose and intent of the NCO and Rural policies and due to the significant increase in activity and intensity.

CONDITIONS (if approved)

1. All conditions of the SP adopted with Council Bill BL2009-561 not changed with this amendment shall remain.
2. 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.
3. The applicant shall comply with all previous traffic conditions including those associated with the original SP approval, as well as the Phase II Final SP approval.
4. Within one year of approval of this proposed Amendment, the applicant shall submit a traffic letter/report along with supporting documentation completed by the applicant's traffic engineer to Metro Public Works for review and approval. The study shall describe and evaluate the operation of this development during large events, including the operation of the intersection of Whites Creek Pike and Old Hickory Boulevard and the intersection of Whites Creek Pike and Buena Vista Pike. It shall also include information related to the number, date, and size of all large events. Based on the findings of the report, additional conditions may be required.
5. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning

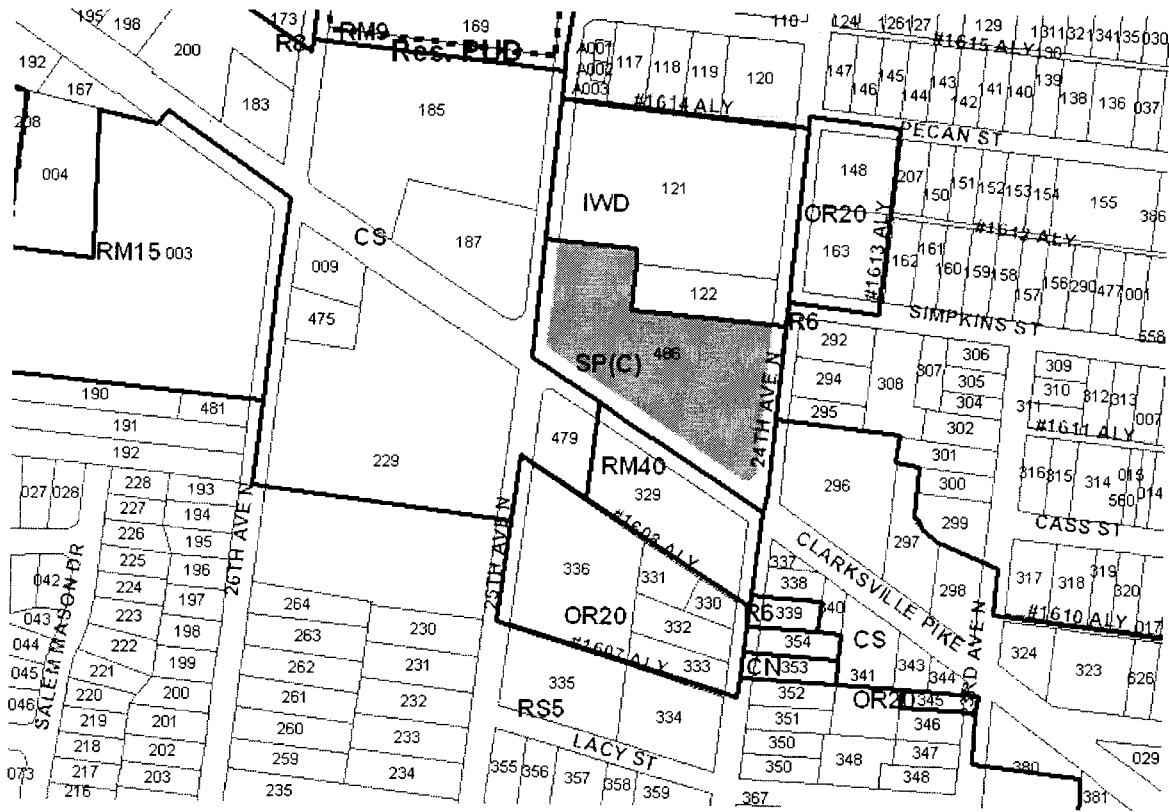


Metro Planning Commission Meeting of 10/14/2010

Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

SEE NEXT PAGE



2009SP-027-003
 25TH & CLARKSVILLE (AMENDMENT #1)
 Map 081-06, Parcel(s) 486
 North Nashville
 Council District 02 - Frank R. Harrison



Project No.	Specific Plan 2009SP-027-003
Project Name	25th & Clarksville (Amendment # 1)
Council Bill	BL2010-771
Council District	2 - Harrison
School Board District	1 – Gentry
Requested By	Moran Foods, Inc, owners
Staff Reviewer	Sexton
Staff Recommendation	<i>Approve with a conditions</i>

APPLICANT REQUEST

Amend wall mounted building sign condition.

Amend SP

A request to amend the Specific Plan district (adopted with Council Bill BL2009-590) for the previously approved 25th & Clarksville Specific Plan District, located at 2400 Clarksville Pike, between 24th Avenue North and 25th Avenue North (2.39 acres), to amend the condition pertaining to wall-mounted building signs.

Existing 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.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The 25th & Clarksville SP was approved by Metro Council on January 19, 2010. The approved plan includes a one-story grocery store. A condition of approval limited the size of wall mounted building signs to 48 square feet. The proposed amendment would increase sign area and permit two wall mounted building signs with a maximum sign area of 126.75 square feet each. The proposed increase will provide for signage that is more appropriate in size in relation to the size of the building. This amendment will not relieve the applicant of the requirements to meet all other conditions of approval of the SP.

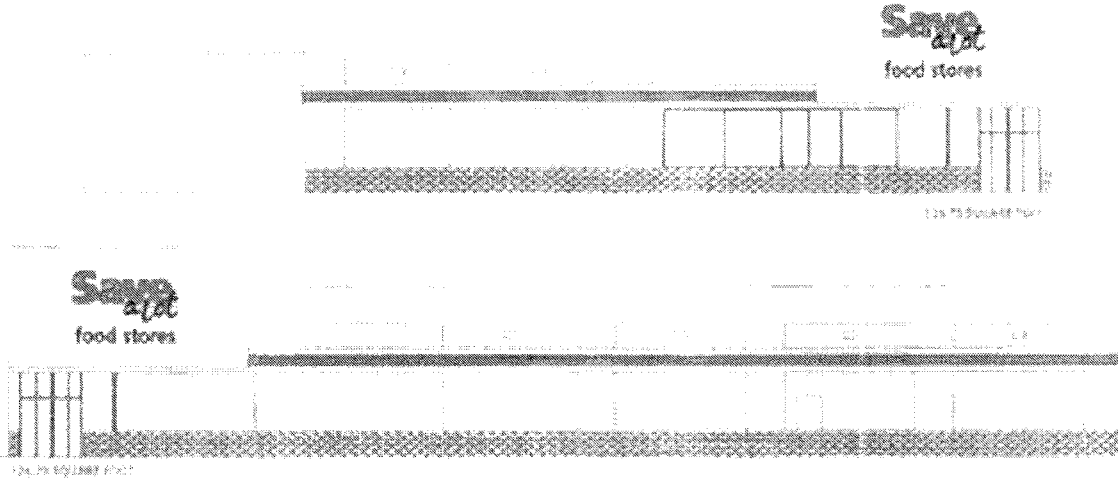
STAFF RECOMMENDATION

Staff recommends that the request be approved with the condition below. All other conditions of the approved SP remain in place.

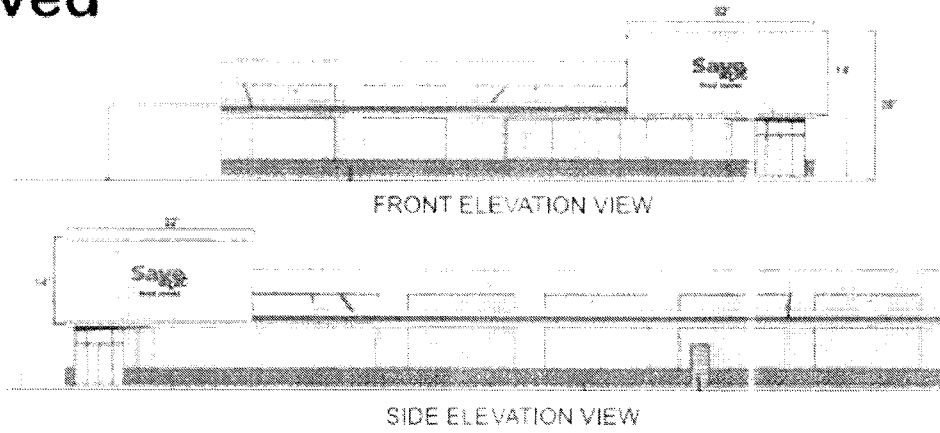
CONDITIONS

1. All original conditions of approval, with the exception of those related to wall mounted signs, shall be met.

Proposed



Approved





Metro Planning Commission Meeting of 10/14/2010

2. Permitted signs include wall mounted signs with a maximum sign area of 130 square feet. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.



2010SP-017-001
 GATEWOOD
 Map 071-11, Parcel(s) 016
 East Nashville
 Council District 05 - Jamie Hollin



Project No.	Specific Plan 2010SP-017-001
Project Name	Gatewood
Council District	5 - Hollin
School District	5 - Porter
Requested by	MDHA, applicant, Akal Group, Inc., owner
Staff Reviewer	Johnson
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Rezone to permit multi-family residential uses.

Preliminary SP

A request to rezone from Commercial Limited (CL) to Specific Plan-Residential (SP-R) zoning for property located at 1503 Dickerson Pike, at the northeast corner of Dickerson Pike and Gatewood Avenue and within the Dickerson Pike Sign Urban Design Overlay (2.25 acres), to permit all uses permitted by RM60 zoning.

Existing Zoning

CL District

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

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 proposes residential to the density allowed by the RM60 zoning district.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices
- Supports Infill Development

The Gatewood SP promotes multi-family residential development in a street-focused format emphasizing pedestrian activity and the relationship between buildings and streetscape. Housing following these standards could serve as a catalyst for the development of additional walkable mixed-use infill projects along an arterial road currently established primarily with car-focused commercial development. The variety of housing types available to the proposed SP will add diversity in housing options to the surrounding area, which consists mainly of low-density single-family development.

**EAST NASHVILLE
COMMUNITY PLAN**

Community/Corridor Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a

Dickerson Road

60% Min.

15 ft.
Min.

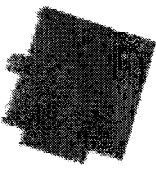
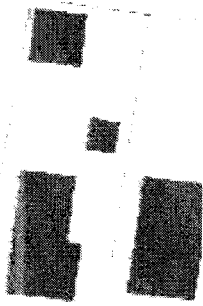
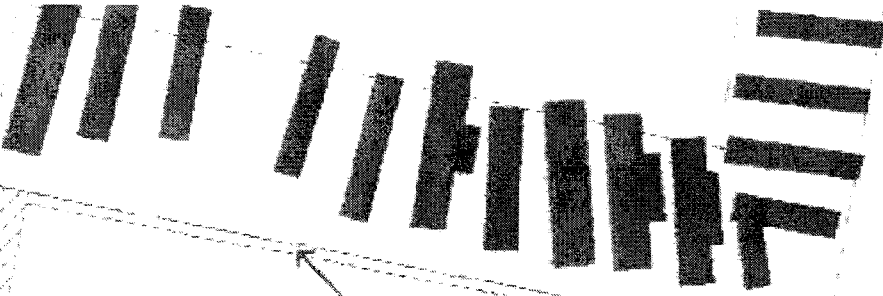
Build to Zone
5 ft. Min.
20 ft. Max.

Side Setback

100% Frontage Requirement

Gatewood Avenue

Luton Street





Metro Planning Commission Meeting of 10/14/2010

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

Consistent with Policy?

The proposed multi-family residential zoning is consistent with the intent of the land use policy to promote a mixed-use node along an important thoroughfare to serve as a center for surrounding neighborhoods. Development standards are proposed in order to provide specific design-based criteria to ensure design that is compatible with the intent of the land use policy.

PLAN DETAILS

The proposed preliminary SP is a standards-based SP that anticipates residential development on the project site on Dickerson Pike. The SP proposes to use the standards of the RM60 zoning district. Design standards are proposed in addition to the standards contained in the RM60 zoning district in order to promote a strong pedestrian environment and quality building design along the property frontage.

Building Design

The property is surrounded on three sides by public streets. Along these streets, a build-to zone of 5 feet to 20 feet is proposed. Building frontage must extend along a minimum of 60 percent of the Dickerson Pike street frontage. These requirements will ensure that buildings constructed within the site are placed with strong relationships to public streets.

Façade design standards included in the SP are intended to emphasize the relationship between development and public space along Dickerson Pike. These include requirements for public entrances and window spacing. A recommended condition of approval requires the revision of a building façade articulation standard to provide acceptable examples. Staff recommends this revision because the current standard is written generally and could be interpreted to require only minimal façade elements that would provide limited enhancement of the street frontage. In addition to façade standards, a maximum height of four stories is proposed within the site.



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Parking Standards

Development standards propose the use of Urban Zoning Overlay (UZO) parking standards within the Zoning Code. Although this property is not located within the UZO, its location along a major arterial road with transit and a mix of uses makes the use of UZO standards appropriate.

Landscaping Standards

The proposed SP includes standards for street tree spacing, landscaped buffers, and landscaped screening where parking lots are visible from the public street. These standards generally follow the requirements in the Zoning Code for the RM60 district. An additional requirement proposing a minimum 40 foot spacing for street trees along Gatewood Ave. and Dickerson Pike is proposed by the applicant.

STORMWATER RECOMMENDATION

Because no construction is proposed, no stormwater permit required.

PUBLIC WORKS RECOMMENDATION

- Clarify parking and access locations as described in development standards.
- An access study may be required at development.

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	2.25	0.357 F	34,989 SF	1535	35	106

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	2.25	60 D	135 U	942	70	92

Traffic changes between maximum: CL and proposed SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-593	+35	-14



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METRO SCHOOL BOARD REPORT

Projected student generation 24 Elementary 15 Middle 14 High

Schools Over/Under Capacity

Students would attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School. None of these three schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated September 2009.

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed design elements and the RM60 development standards ensure consistency with land use policy in terms of proposed uses and design.

CONDITIONS

1. The following façade design standard shall be added to the development standards:

Street-facing building facades shall be articulated with building elements, such as:

- Bay windows
- Porches
- Canopies
- Facade recesses and projections
- Other features that visually articulate building facades into distinct segments

2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM60 zoning district for residential buildings as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan

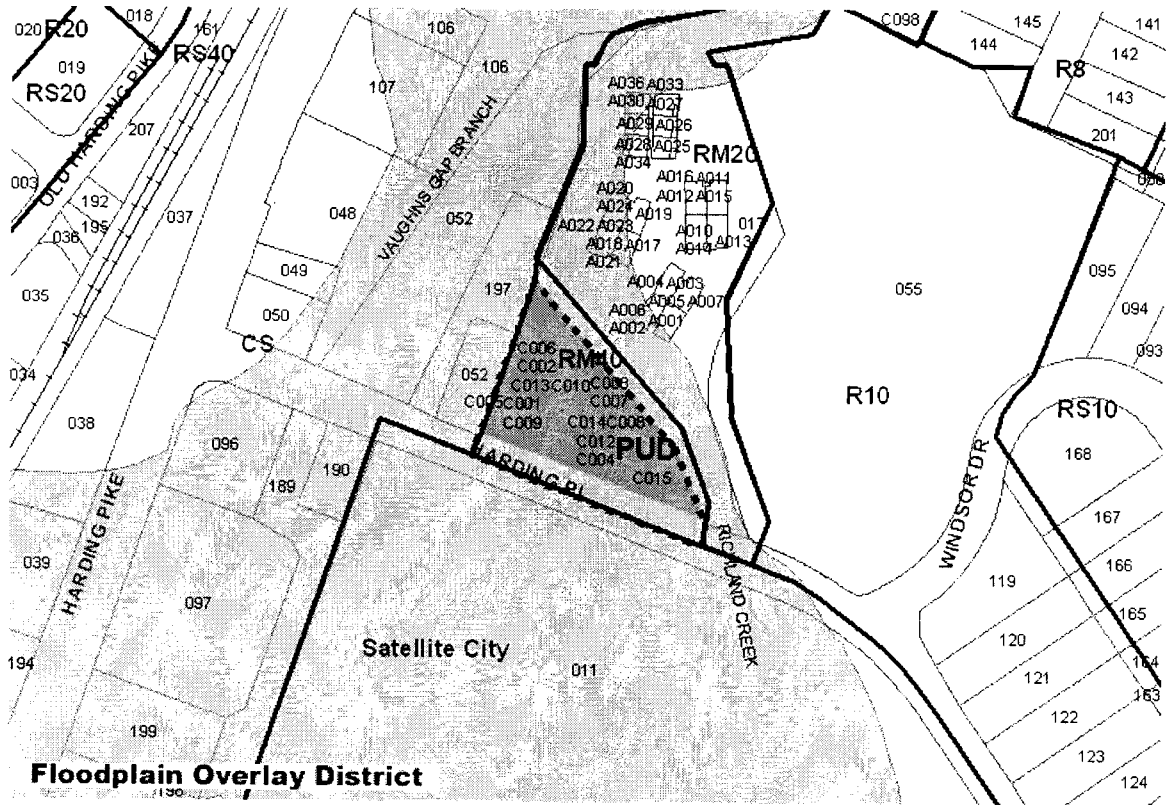


Metro Planning Commission Meeting of 10/14/2010

incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

SEE NEXT PAGE



2010SP-018-001
 HARDING ACADEMY (NEW)
2005P-005-001
 HARDING PLACE CONDOS
 Map 130-01-0-C, Parcel(s) 001-015
 West Nashville
 Council District 23 - Emily Evans



Project No. Zone Change 2010SP-018-001
Project Name Harding Academy SP
Project No. Planned Unit Development 2005P-005-001
Project Name Harding Place Condominiums (Cancellation)
Council District 23 – Evans
School District 9 – Simmons
Requested by Barge Cauthen & Associates, applicant for Harding Academy, owner

Staff Reviewer Swaggart
Staff Recommendation *Approve the SP zoning with conditions and approve the PUD cancellation*

APPLICANT REQUEST

Rezone and cancel Residential PUD Overlay.

Zone Change

A request to rezone approximately 0.87 acres from Multi-Family Residential (RM40) and within the Floodplain Overlay District to Specific Plan – Institutional (SP - INS) to construct 60 parking spaces for Harding Academy on property located at 112 Harding Place, east of Harding Road.

Cancel PUD

A request to cancel the Harding Place Condos Residential Planned Unit Development located at 112 Harding Place, east of Harding Pike, zoned Multi-Family Residential (RM40) and within the Floodplain Overlay District (0.87 acres), approved for 14 condominium units.

Existing Zoning
RM40 District

RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

FO District

Floodplain Overlay District represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. **The proposed zoning request will not remove this property from the FO.**

Proposed Zoning
SP-INS District

Specific Plan-Institutional is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the



Metro Planning Commission Meeting of 10/14/2010

ability to implement the specific details of the General Plan. This Specific Plan includes institutional uses.

CRITICAL PLANNING GOALS N/A

WEST NASHVILLE COMMUNITY PLAN

Conservation (CO)

CO policy is intended to preserve and enhance environmentally sensitive land within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils.

Consistent with Policy?

While the policy would call for a site of this nature to remain undeveloped due to the fact that it is completely within the floodway for Richland Creek, the proposal is more in keeping with the policy than the currently approved condominium development. The proposed parking lot is designed to minimize runoff utilizing porous pavement in the parking areas to increase the rate of water absorption, and will restore a portion of the natural stream bank.

REQUEST DETAILS

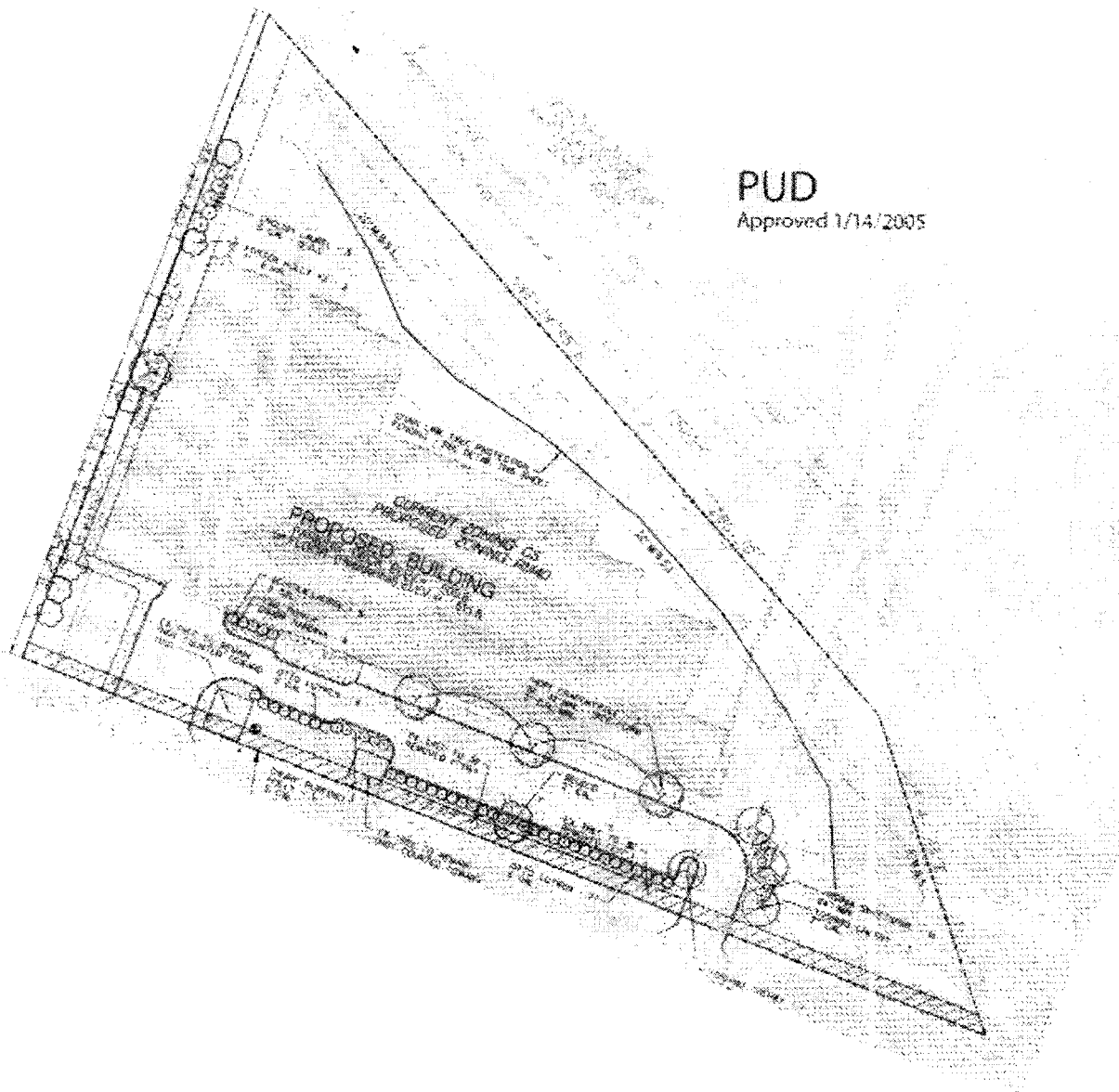
The request is to cancel the Planned Unit Development (PUD), and to rezone the property from RM40 to SP-INS, to permit the property to be used for a parking lot for Harding Academy. The site is located on Harding Place just west of Harding Pike. Richland Creek runs along the properties northern boundary. The property is completely within the floodway for Richland Creek, and is, therefore, within the Floodplain Overlay District.

In 2005, the Planning Commission approved the Harding Place Condominiums PUD for 14 residential units. The PUD has final site plan approval. The site is currently vacant; however, prior to the approval of the PUD, the site was occupied by a large structure which housed the Nashville Humane Society.

Since the site has been disturbed in the past, then the Metro Code requirements for building in the floodplain and floodway, the "50 percent rule," does not apply. Metro Code requires that undisturbed property encumbered by floodplain or floodway preserve a minimum of 50 percent of the floodplain area, including

PUD

Approved 1/14/2005





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all of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater. A grading permit has been issued for this site in the past so it is considered disturbed and is exempt from this requirement.

While the floodplain code requirements do not apply, the Stormwater Management Division's buffer requirements do apply. Since this property is completely within the floodway, then it is required to be within a buffer. The proposal will require variances from the Metro's Stormwater regulations, which must be approved by the Stormwater Management Committee (SMC). If the preliminary plan is approved by the Metro Council, then the final site plan should not be approved until the SMC has approved all the necessary variances.

Site Plan

The development plan calls for a parking lot which will accommodate 60 automobiles. Ten percent (6) of the parking spaces provided are designated for compact cars. The drive isles will be asphalt; however, the parking spaces will be paved with pervious concrete. Access to the lot will be from Harding Place from a single drive.

Analysis

While the SP is not completely consistent with the area's CO policy, the proposed use is more appropriate than the uses currently approved in the PUD. The plan utilizes some Low Impact Development techniques which will improve water infiltration on the site. The plan also calls for portions of the natural stream bank to be restored, removing invasive plant species, clearing debris, and planting native species. Since this request will require that the SMC approve variances from the Stormwater Regulations, then the final site plan should not be approved until all the required stormwater variances have been granted.

PUBLIC WORKS RECOMMENDATION

If approved 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



Metro Planning Commission Meeting of 10/14/2010

STORMWATER RECOMMENDATION

Approve Except as Noted:

Provide an approved variance from the Stormwater Management Committee for the buffer disturbances. If the variance is not granted prior to third reading at Council, then the Preliminary SP shall be re-referred to the Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the request to rezone from RM40 to Specific Plan be approved with conditions and that the request to cancel the PUD be approved. The proposed SP is more appropriate for the site than the currently approved PUD plan.

CONDITIONS

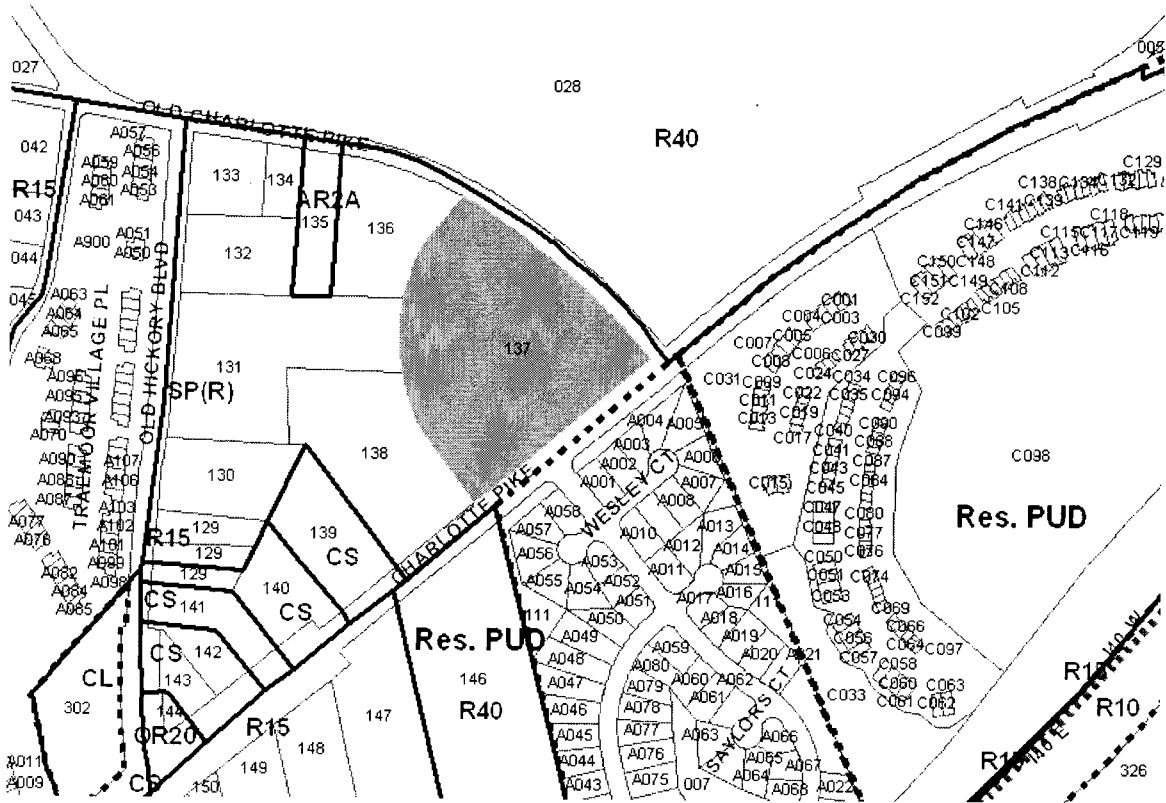
1. All required stormwater variances shall be approved prior to approval of the final site plan.
2. Uses permitted in this SP Zoning District include automobile parking and Greenway; no other uses shall be permitted.
3. Provide an approved variance from the Stormwater Management Committee for the buffer disturbances. If the variance is not granted prior to third reading at Council, then the Preliminary SP shall be re-referred to the Planning Commission.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CL zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP



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documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. 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.



2010Z-023PR-001

Map 114, Parcel(s) 137
 Bellevue
 Council District 35 - Bo Mitchell



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2010Z-023PR-001
BL2010-733
35 – Mitchell
9 – Simmons
West Charlotte Properties, LLC, owner

Staff Reviewer
Staff Recommendation

Swaggart
Approve, if the Commission directs staff to commence a housekeeping amendment to change the policy to Commercial Mixed Concentration (CMC).

APPLICANT REQUEST

Rezone from R15 to CL.

Zone Change

A request to rezone from One and Two-Family Residential (R15) to Commercial Limited (CL) zoning for property located at 7300 Charlotte Pike, at the corner of Charlotte Pike and Old Charlotte Pike (7.35 acres).

Existing Zoning
R15 District

R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

Proposed Zoning
CL District

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

CRITICAL PLANNING GOALS

N/A

HISTORY

The property proposed for CL is zoned for residential, but for the past several years the use on the property has been commercial in nature. The property has been the Moose Lodge and consists of a building and paved parking lot.

BELLEVUE COMMUNITY PLAN

Residential Low Medium (RLM)

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

Consistent with Policy?

No. The proposed commercial zoning is not consistent with the property's residential policy. The proposed commercial zoning permits uses that conflict with the residential land use policy.



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The property proposed for CL is surrounded on the north and west by Commercial Mixed Concentration (CMC) policy. CMC policy is intended to include medium high to high density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities. While RLM policy exists south of the property, on the other side of Charlotte Pike, the RLM policy does not relate well with the surrounding CMC policy. Due to this inconsistency between the two policies, it is unlikely that the property would easily develop as a residential subdivision. Since the existing RLM policy does not relate well with the surrounding CMC policy, then staff could support a policy amendment. If the Planning Commission directs staff to file a housekeeping amendment to change the policy to Commercial Mixed Concentration (CMC), then staff can recommend approval of the rezoning request.

PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: R15

Land (ITE Code)	Use	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)		7.35	3.09 D	28 L	268	21	29

Typical Uses in Proposed Zoning District: CL

Land (ITE Code)	Use	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)		7.35	0.165 F	52,827 SF	4486	106	415

Traffic changes between typical: R15 and proposed CL

Land (ITE Code)	Use	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-		-	-	-	+4218	+85	+386

Maximum Uses in Existing Zoning District: R15

Land (ITE Code)	Use	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)		7.35	3.09 D	28 L	268	21	29



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Maximum Uses in Proposed Zoning District: CL

Land (ITE Code)	Use	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)		7.35	0.6 F	192,099 SF	10381	227	986

Traffic changes between maximum: R15 and proposed CL

Land (ITE Code)	Use	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-		-	-	-	+10113	+206	+957

STAFF RECOMMENDATION

Staff recommends that the request be approved with the Commission directing staff to initiate a housekeeping amendment to change the residential policy to Commercial Mixed Concentration (CMC).



2010Z-024PR-001
4000 ALBION STREET
Map 091-08, Parcel(s) 116
North Nashville
Council District 21 - Edith Taylor Langster



Project No.	Zone Change 2010Z-024PR-001
Council Bill	BL2010-776
Council District	21 – Langster
School District	1 – Gentry
Requested by	Larry Davis, owner
Staff Reviewer	Bernards
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Rezone from CN to MUL.

Zone Change

A request to rezone from Commercial Neighborhood (CN) to Mixed-Use Limited (MUL) zoning for property located at 4000 Albion Street, at the northwest corner of Albion Street and 40th Avenue North (0.1 acres).

**Existing Zoning
CN District**

Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

**Proposed Zoning
MUL District**

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

CRITICAL PLANNING GOALS

N/A

**NORTH NASHVILLE
COMMUNITY PLAN**

Tomorrow's Hope DNDP

**Mixed Use in Neighborhood Center
(MxU in NC)**

MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers



Metro Planning Commission Meeting of 10/14/2010

of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

Yes. The uses permitted in the MUL zoning district are consistent with the MxU in NC land use policy. While there was no site plan provided with this application, the intent of the rezoning is to allow a currently non-conforming building to be rehabilitated and used for an office.

PUBLIC WORKS RECOMMENDATION

An access study may be required at development.

Typical Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.1	0.355 F	1,546 SF	104	9	26

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.1	0.458 F	1,995 SF	124	9	27

Traffic changes between typical: CN and proposed MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+449 SF	+20	0	+1

Maximum Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.1	0.25	1,089 SF	85	9	25



Metro Planning Commission Meeting of 10/14/2010

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

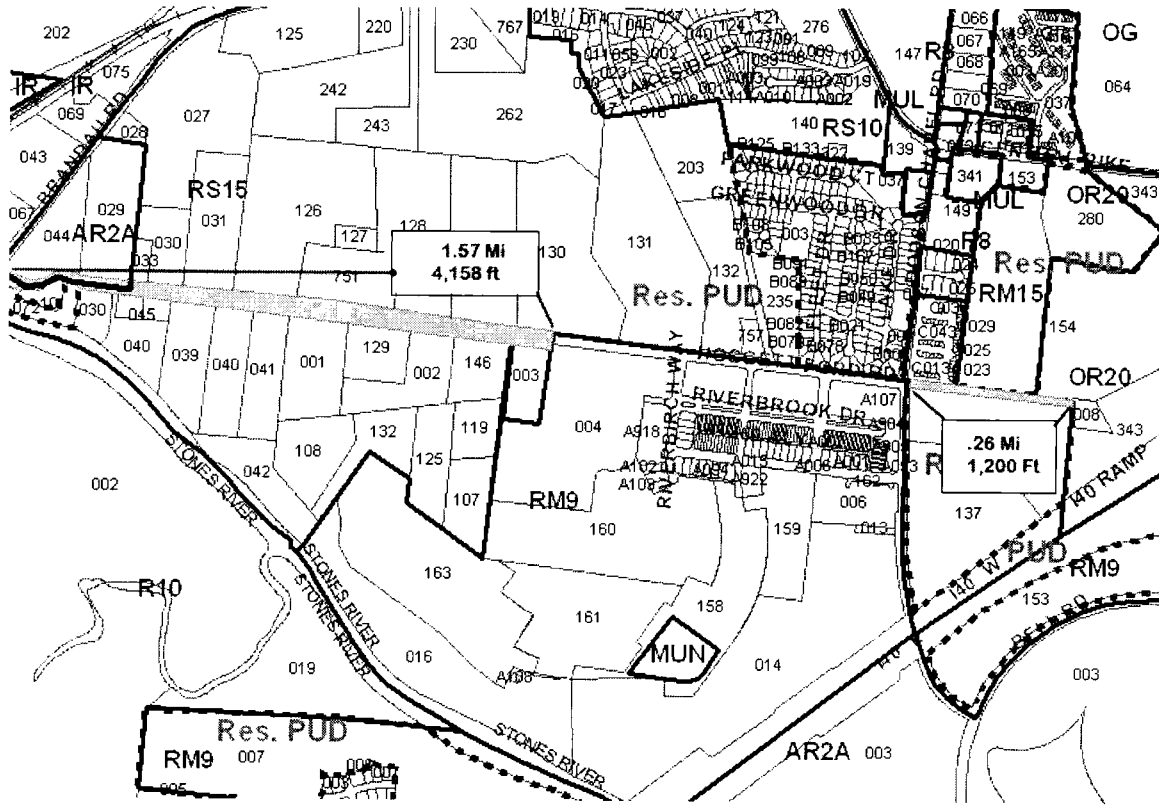
Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.1	0.6 F	2,613 SF	150	10	28

Traffic changes between maximum: CN and proposed MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1,524 SF	+65	+1	+3

STAFF RECOMMENDATION

Staff recommends approval of the zone change request from CN to MUL.



2010M-009PR-001
 Hoggett Ford Road Acceptance
 Map 085, Parcel Various
 Council District 14 (James Stanley)



Metro Planning Commission Meeting of 10/14/2010

Section 2. That the Director of the Department of Public Works is hereby authorized and directed to cause said change to be made on said Map as set out in Section 1 of this Ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory Ordinance.”

CRITICAL PLANNING GOALS N/A

HISTORY

The portions of Hoggett Ford Road proposed to be accepted are private and not maintained by Metro. The western portion serves approximately 30 parcels of land with 14 single-family homes according to Metro Land Information. The parcels were created between 1923 and 2004, with the majority of them being created in the late 1960's. The homes along this road are served by private water wells and septic systems, not public water and sewer lines.

The council bill indicates that four to six of these homes have no access to water service.

METRO CHARTER

Under Article 11, Chapter 5 of the Metro Charter, the Planning Commission is required to make a recommendation to the Metro Council relating to Mandatory Referrals. The Charter reads as follows:

Section. 11.505
Mandatory Referrals
to Planning Commission

“Whenever the commission shall have adopted the master or general plan of the metropolitan government area or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the area under the jurisdiction of the metropolitan government until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; provided, that in case of disapproval, the commission shall communicate its reasons to the council and said council by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, said council shall have the power to proceed. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting body, board or official.”



Metro Planning Commission Meeting of 10/14/2010

METRO WATER SERVICES

On matters of accepting roads for maintenance, Metro Water Services defers to the Department of Public Works as established by Metro Code. It is our understanding that this segment does not meet criteria for acceptance. If the perceived benefit of accepting this as a public road is to solve a water related issue, we believe acceptance will neither help nor hinder resolution of that issue.

METRO HEALTH DEPARTMENT

From a public health standpoint, certainly connection to the public water supply for everyone would provide a safer and more reliable approved potable water source for these families free of these bacteria.

METRO PUBLIC WORKS RECOMMENDATION

Disapprove. The road does not meet Public Works standards.

Hoggett Ford Road does not meet the requirements of Chapter 13.10 of the Metro Charter, which says:

13.10.010 - Criteria for accepting private roads.

From the effective date of the ordinance codified in this chapter, privately owned roads may be accepted by ordinance only if the director of the department of public works certifies that such roads satisfy the following criteria:

- A. An adequate right-of-way, minimum width of fifteen meters (fifty feet), is properly dedicated and recorded by plat to the metropolitan government, free of all encumbrances;
- B. A level roadway pavement course, constructed of at least one hundred fifty mm (six inches) of compacted, stone base and seven meters (twenty-two feet) in width, must be in place and in good condition;
- C. Adequate drainage facilities in place to maintain safe vehicular travel conditions;
- D. As-built plans certified as to location by a registered land surveyor and as to design and construction by a professional engineer must be submitted and approved by the department of public works prior to acceptance of the road;
- E. The road must be a minimum of one hundred eighty-two meters (six hundred feet) in length;
- F. The road must serve a minimum of six, and a maximum of twenty residences; and all such residences must be single-family homes or duplexes;
- G. The road must meet design standards for "local rural roads" specified in the edition of the "Policy on Geometric Design of Highways and Streets" of the American Association of State Highway and Transportation Officials current as of the date of acceptance of the road by the metropolitan government;
- H. The road must have one, and only one, terminus on an existing public road as of the date of acceptance;
- I. The road must be in existence and its location must be on file in the office of the director of public works as of the effective date of the ordinance codified in this chapter;
- J. Development of property adjacent to roads accepted pursuant to this section beyond the limits specified in subsection F of this section without the approval of the director of the department of public works is prohibited. Approval shall be contingent upon a finding by the director that such



Metro Planning Commission Meeting of 10/14/2010

further development is consistent with the health, safety and welfare of the citizens of Davidson County and consistent with acceptable engineering standards of practice;

- K. No public or private road may be connected to a road accepted pursuant to this chapter without the approval of the director of the department of public works. Approval shall be contingent upon a finding by the director that such connection is consistent with the health, safety and welfare of the citizens of Davidson County and consistent with acceptable engineering standards of practice.

13.10.020 - Appropriation of public funds prior to road acceptance.

No private road may be accepted as a public road by the metropolitan government until funds adequate for its maintenance, and for placement of appropriate signage, shall have been appropriated.

13.10.030 - Findings by the metropolitan council prior to road acceptance.

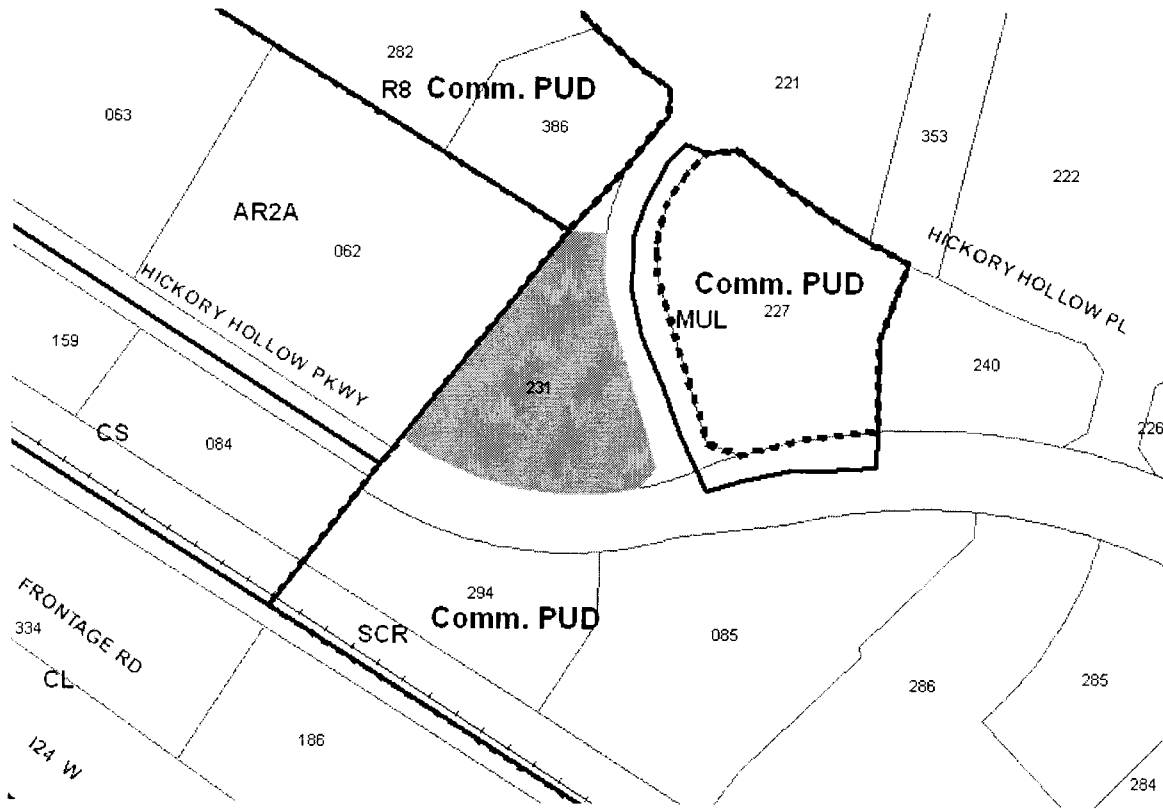
Satisfaction of the criteria herein established shall not create a right to have a private road accepted as a public road by the metropolitan government. Acceptance shall require an affirmative finding by the metropolitan council that (1) it is in the best interest of the metropolitan government to accept the road and (2) that the requirements of Section 13.10.010(A) through (K) of this chapter have been satisfied. The criteria set forth in Section 13.10.010 do not constitute a design standard for new roads and do not replace existing department of public works road standards.

STAFF RECOMMENDATION

Staff recommends disapproval of this request noting the findings of the Public Works Department and the determination of Water Services that the acceptance will not accomplish the goals stated for the acceptance.

PLANNING COMMISSION ACTIONS

- **Final Plans**
- **Concept Plans**



1-74P-003
HICKORY HOLLOW (SOUTH NASHVILLE FMC)
Map 163, Parcel(s) 231
Antioch - Priest Lake
Council District 32 - Sam Coleman



Project No.	Planned Unit Development 1-74P-003
Project Name	Hickory Hollow (South Nashville Fresenius Medical Center)
Council District	32 - Coleman
School District	6 - Mayes
Requested by	Colliers International, applicant, for Sue Tomlinson, owner
Staff Reviewer	Sexton
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Permit a Medical Office facility and new curb cut.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Hickory Hollow Mall Planned Unit Development Overlay located at 5214 Hickory Hollow Parkway, at the northwest corner of Hickory Hollow Parkway and Hickory Hollow Lane (1.67 acres), zoned Shopping Center Regional (SCR), to permit an existing 10,000 square foot structure to be used as a medical office, inventory stock and to permit a new curb cut.

Existing Zoning
SCR District

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

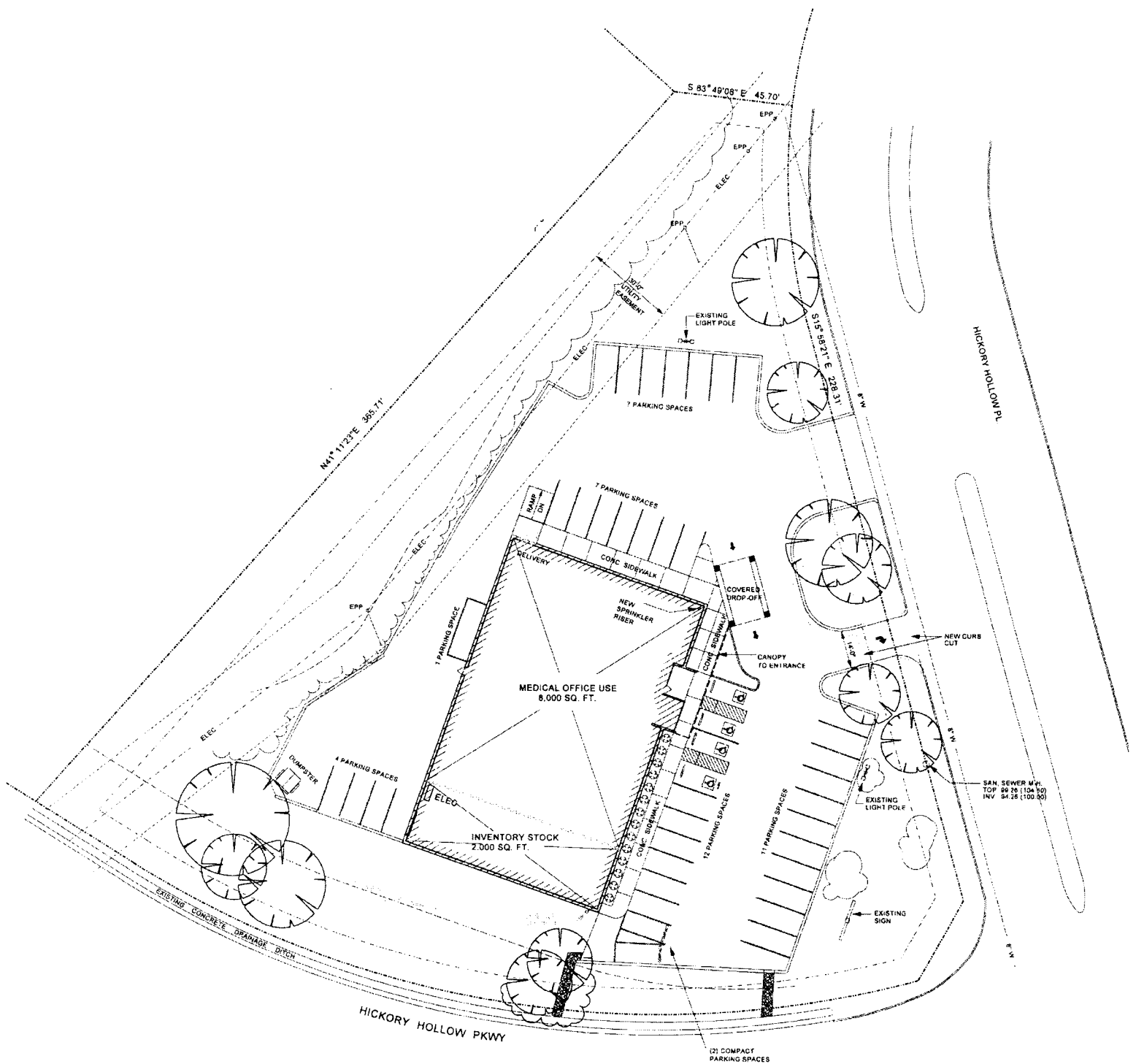
CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The Hickory Hollow Mall PUD is located immediately north of Interstate 24 along Bell Road in southeast Nashville. It includes the Hickory Hollow Mall and much of the surrounding commercial area along Bell Road and Hickory Hollow Lane. This proposed revision to the preliminary PUD plan is for an existing outparcel located along Hickory Hollow Parkway. The parcel is developed and currently includes an existing 10,000 square foot building.

The applicants plan to reuse the existing building for a medical office and inventory stock. The plan calls for 8,000 of the existing 10,000 square foot structure to be used for the medical office and the remaining 2,000 square feet will be used for inventory stock. The existing building foot print will remain unchanged.



N41°12'2"E 395.71'

S 83°49'08" E 45.70'

S15°58'21" E 228.31'

HICKORY HOLLOW PL

MEDICAL OFFICE USE
8,000 SQ. FT.

INVENTORY STOCK
2,000 SQ. FT.

HICKORY HOLLOW PKWY

(2) COMPACT
PARKING SPACES

SAN SEWER M.H.
TOP 84.26 (104.11)
INV 84.26 (100.00)

EXISTING CONCRETE DRAINAGE DITCH

EXISTING LIGHT POLE

EXISTING SIGN

EXISTING LIGHT POLE

UTILITY PLACEMENT

7 PARKING SPACES

7 PARKING SPACES

1 PARKING SPACE

4 PARKING SPACES

12 PARKING SPACES

11 PARKING SPACES

NEW CURB CUT

CANOPY TO ENTRANCE

COVERED DROP-OFF

CONC SIDEWALK

DELIVERY

NEW SPRINKLER RISER

ELEC

EPP

DUMPSTER

ELEC

EPP

EPP

EPP

EPP

EPP

EPP

EPP

EPP

EPP

EPP



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Access/Parking

Access to the site is provided by an existing driveway and new curb cut located off of Hickory Hollow Place. The parking standards of the Zoning Code require that a total of 42 parking spaces be provided. Forty-two spaces are shown on the plan.

PUBLIC WORKS RECOMMENDATION

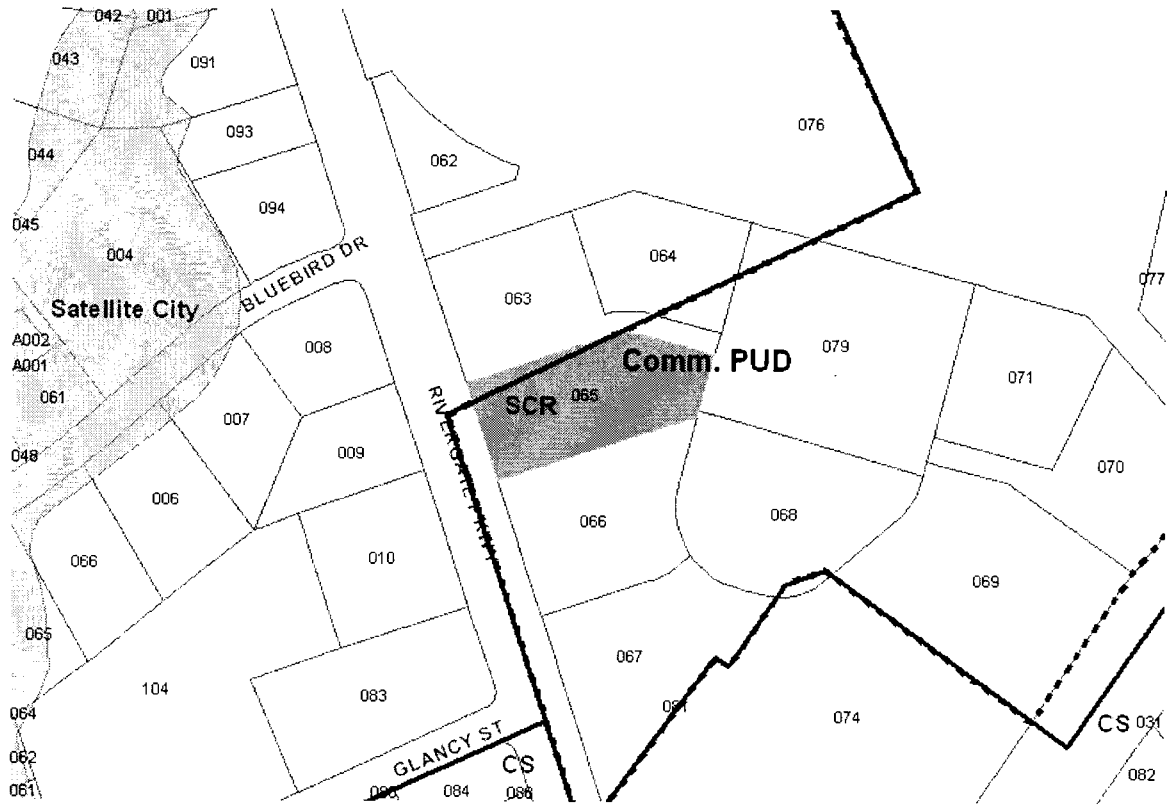
The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The proposal meets all zoning requirements and is consistent with the overall concept of the original PUD plan approved by Council.

CONDITIONS

1. Prior to the issuance of any building or grading permits, confirmation of PUD final site plan approval shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any building or grading permits, confirmation of PUD final site plan approval shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. 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.
4. 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.
5. 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. Deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.



38-79P-001
RIVERGATE MALL (MCDONALD'S)
Map 034-02, Parcel(s) 065
Madison
Council District 10 - I. C. "Rip" Ryman



Project No.
Project Name
Council District
School District
Requested by
Staff Reviewer
Staff Recommendation

Planned Unit Development 38-79P-001
Rivergate Mall (McDonald's)
10 – Ryman
3 – North
TSquare Engineering, applicant, for McDonald's Corporation, owner
Johnson
Approve with conditions

APPLICANT REQUEST

Permit alterations to drive-thru and parking for fast food restaurant.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Rivergate Mall Commercial Planned Unit Development located at 906 Rivergate Parkway, approximately 1,100 feet north of Gallatin Pike, zoned Shopping Center Regional (SCR) (1.03 acres), to permit a dual drive-thru addition to an existing McDonald's fast-food restaurant.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The Rivergate Mall PUD is located to the north of the intersection of Gallatin Road and Rivergate Parkway in Madison. It includes a portion of the Rivergate Mall and all of the commercial development along the west side of Gallatin Road between Rivergate Parkway and Conference Drive.

This preliminary PUD revision adds a second drive-thru lane and revises the parking layout for a portion of the site. Outside of these changes, the design of the site remains largely unchanged.

The property is accessed from Rivergate Parkway from a driveway to the north of the property that is shared with surrounding development. Additional access is available from the internal driveway system of the Rivergate Mall.

PUBLIC WORKS RECOMMENDATION

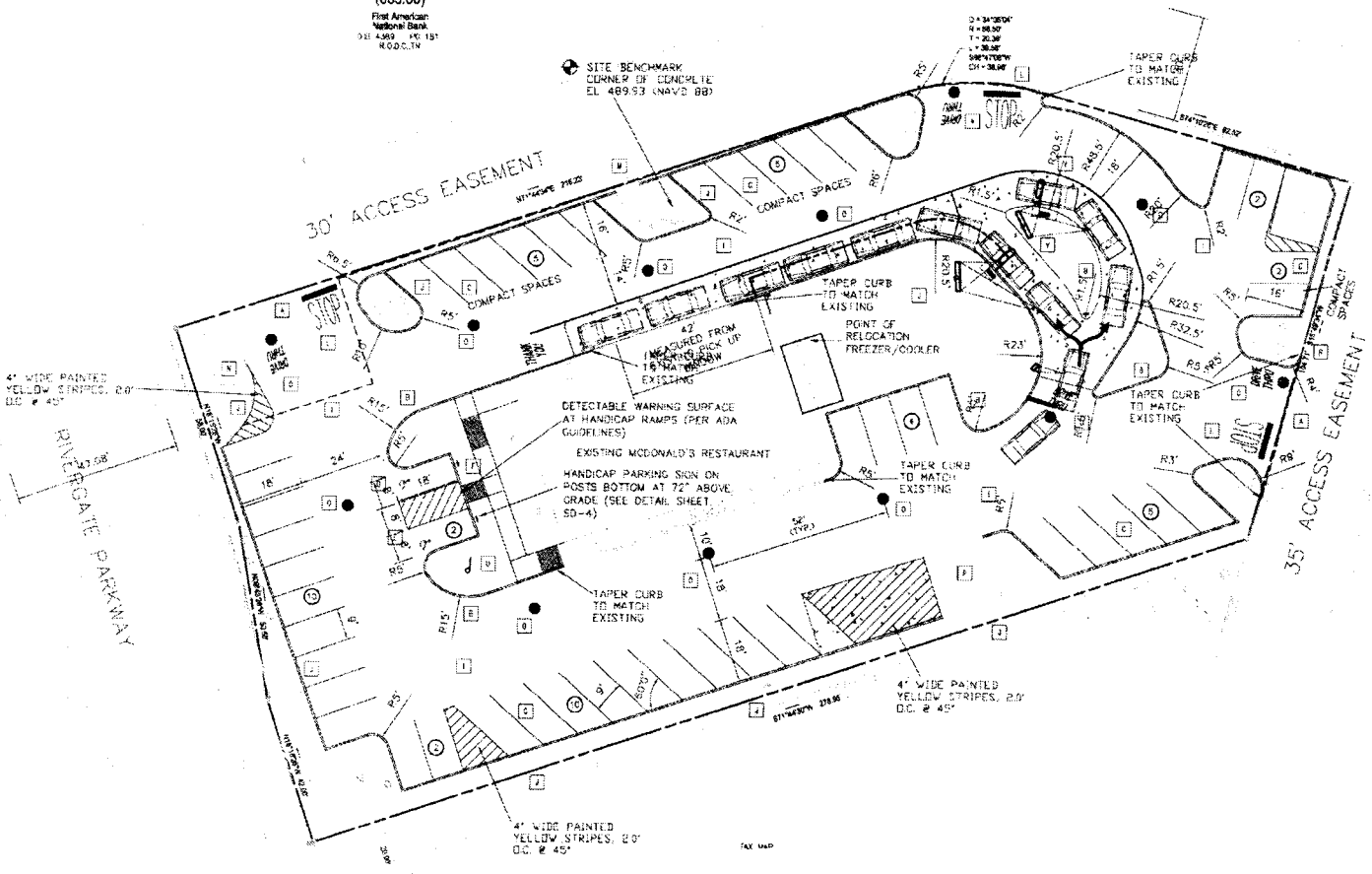
The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Show one-way pavement markings as necessary.

TAX MAP
 14, Group 20
 (063.00)
 First American
 National Bank
 931 4369 MC 157
 KODOLIN

SITE BENCHMARK
 CORNER OF CONCRETE
 EL. 489.53 (NAVD 88)

2" = 34.200'
 4" = 68.400'
 1" = 20.000'
 DIMENSIONS
 IN FEET



30' ACCESS EASEMENT

35' ACCESS EASEMENT

RIVERGATE PARKWAY

EXISTING MCDONALD'S RESTAURANT
 HANDICAP PARKING SIGN ON
 POSTS BOTTOM AT 72" ABOVE
 GRADE (SEE DETAIL SHEET)

DETECTABLE WARNING SURFACE
 AT HANDICAP RAMPS (PER ADA
 GUIDELINES)

TAPER CURB
 TO MATCH
 EXISTING

4" WIDE PAINTED
 YELLOW STRIPES, 20'
 O.C. @ 45°

4" WIDE PAINTED
 YELLOW STRIPES, 20'
 O.C. @ 45°

TAX MAP



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STORMWATER RECOMMENDATION

1. Provide at least one site benchmark with property vertical datum reference (i.e., NGVD-29). Plan Sheets C-0, C-1, and C-2 may be required during technical review.
2. Add the local FEMA Map information including the Community Map Number, and Date for the site to the plans.
3. Design calculations must be stamped by a register TN PE.
4. Add O&M information concerning the underground detention structure to the Long Term Maintenance Plan. A pdf file with Contech maintenance plan is attached to this email.
5. The Inspection & Maintenance Agreement and Dedication of Easement remain to be notarized.
6. Add a detail drawing for MWS TCP-03 Construction Entrance/Exit. Use a minimum length of 100 feet. Use the MWS TCP-03 reference number.
7. Reference MWS BMPs numbers on the Plan Sheet C-3 legend and the BMP detail drawings.
8. Provide construction ready detail drawings for the underground detention structure. Add at a minimum four accessways and two observation ports north and south.
9. Provide the Outlet Control Structure detail drawing used in the detention calculations.
10. Contech Stormfilter detail drawing should be construction ready. The drawing in the submittal was labeled "Preliminary".
11. Calculate the 100-year stormwater elevation at the 5-foot bypass weir.
12. Add a note on the plans that all erosion control measures are to be removed prior to as-built approval.
13. Please check General Information listed on the plans, especially the Utility Information listing the street as Hickory Hollow Lane.

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed changes are consistent with the approved plan.

CONDITIONS

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in

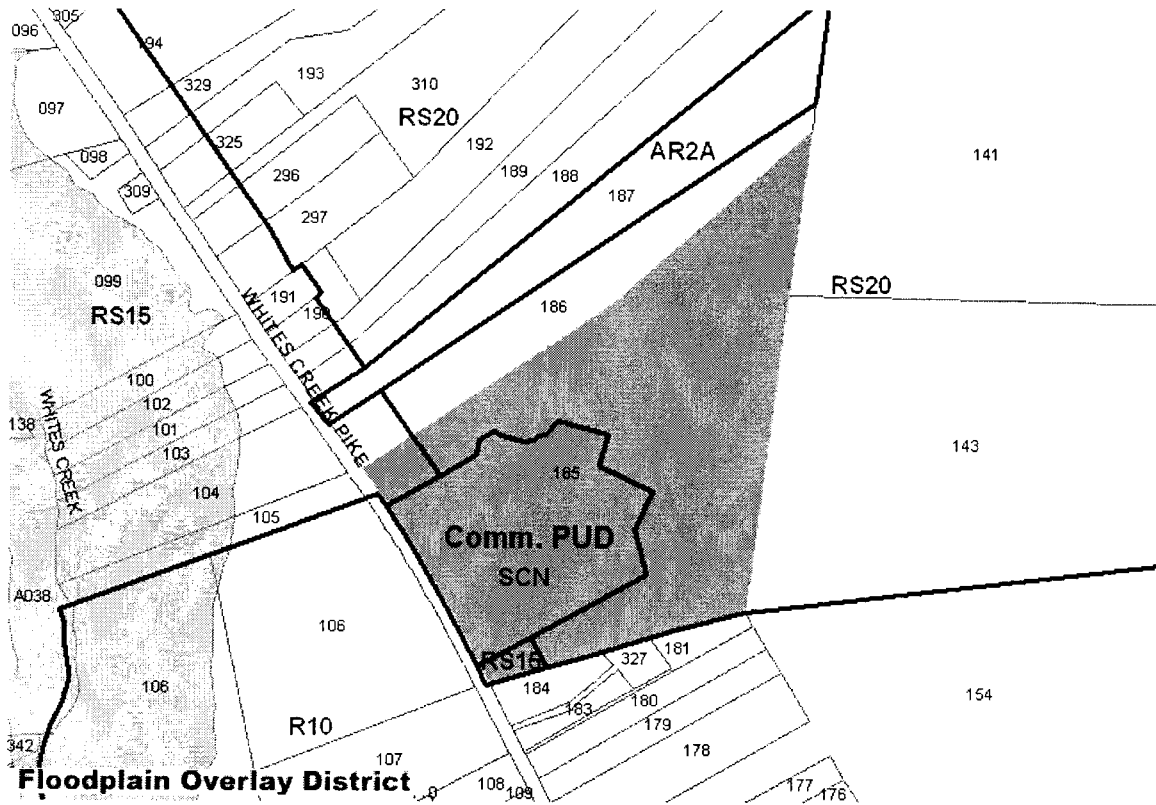


Metro Planning Commission Meeting of 10/14/2010

specific instances when the Metro Council directs the Metro Planning Commission to review such signs.

2. 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.
3. Prior to the issuance of any building or grading permits, confirmation of PUD final site plan approval shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. 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.
5. 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.
6. 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



2010S-083-001
 PARMLEY COVE
 Map 049, Parcel(s) 185
 Bordeaux - Whites Creek
 Council District 03 - Walter Hunt



Project No.
Project Name
Council District
School Board District
Requested By

Subdivision 2010S-083-001
Parmley Cove
3 – Hunt
3 - North
Dale and Associates, applicant for Pinnacle National Bank,
owner

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions

APPLICANT REQUEST

Concept plan approval for 101 single-family cluster lots.

Concept Plan

A request for concept plan approval to create 101 single-family cluster lots on property located at 3705 Whites Creek Pike, approximately 2,450 feet north of Green Lane (38.44 acres), zoned Single-Family Residential (RS10).

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.

CRITICAL PLANNING GOALS

N/A

SUBDIVISION DETAILS

This is a request for concept plan approval for 101 single-family cluster lots. The property is located on the east side of Whites Creek Pike, north of Briley Parkway and is currently vacant. The property is characterized by rolling hills with open field and forest. Steep hillsides are also present on the site but they are primarily isolated along the eastern property boundary. Metro GIS indicates that there is a stream on the site, but it has been determined that it is not a stream but is a wet-weather conveyance.

This property was recently zoned from RS15, RS20 and SCN to RS10. A portion of the property was within a commercial Planned Unit Development (PUD) approved for 80,000 square feet of office and retail. The remaining portion of the property outside of the PUD was approved for a 45 lot residential subdivision. Earlier this year, the Planning Commission recommended that Council approve a request to rezone the property to RS10 and cancel the commercial PUD overlay. The rezoning (BL2010-728) and the PUD cancellation (BL2010-737) were both recently approved by Council.





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Plan Details

The concept plan calls for 101 single-family cluster lots on approximately 38 acres with a density of approximately 2.6 units per acre. The cluster lot option was created in order to provide for flexibility in design, the creation of common open space, and the preservation of natural features or unique or significant vegetation. The cluster lot option permits lots to be clustered into smaller areas of a site in order to protect more sensitive land features. Lots can be reduced down to two base zone districts, in this case to the RS5 zoning district, provided the sensitive areas are protected and that there is at least 15 percent of usable open space per phase.

The lots will range in size from 5,416 square feet to 10,606 square feet. Approximately seventeen acres or 46% will be in open space, and approximately 8 acres (45%) of the open space is active or within a natural conservation areas. A small trail network and gazebo are shown in the active areas. The areas along the eastern property boundary with steep slopes are designated for conservation.

Site Access/Connectivity

Access to the site will be from a single public road from Whites Creek Pike. The street layout provides stub streets which will provide for future connectivity when adjacent properties develop. Two stub streets are proposed to the north, one to the east and one to the south.

Sidewalks

Sidewalks will be provided on all new streets. This site is within the Urban Service District and sidewalks are required along White's Creek Pike.

Critical Lots

Metro Zoning Code requires that lots with slopes equal to or greater than 25 percent be designated as critical lots and that they must meet certain performance standards. A number of lots have been identified as critical due to possible steep slopes. While Metro maps indicate that there are 25 percent and steeper slopes on the property, there is some question which lots will need to be identified as critical lots. A topography study will be conducted during the development planning stage to identify the topography of the site. There may be some rearranging of lots following the study. Any changes to the layout should be minor in nature, but could result in a net loss of lots. If changes are major then the development plan may require approval from the Planning Commission.

Fire Marshal's Office

The Fire Marshal's Office has not approved the plan. Their primary issue is with access into the development.



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The Fire Code requires two access points for single and two-family developments with over 30 units. While the plan provides for connectivity to adjacent properties, the adjacent properties are vacant. Until the adjacent properties develop and are connected to this site, access will be from a single point at Whites Creek Pike.

The applicant is working with the Fire Marshal's Office, and if a secondary emergency access point can not be identified, then homes may require a sprinkler system. The applicant will continue to work with the Fire Marshal's Office on this issue. No final plats will be approved until the project has been approved by the Fire Marshal's Office.

Staff Analysis

The Concept Plan meets all Zoning Code and Subdivision Regulation requirements. The plan provides active, usable open space and protects the steep hillsides. Given the topography of this site and surrounding area, the proposal provides for adequate connectivity to adjacent properties. While the plan has not been approved by the Fire Marshal's Office, solutions that will not require changes to the plan are available. If any future alteration to the plan is required, then it may require re-approval from the Planning Commission.

PUBLIC WORKS RECOMMENDATION

1. 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.
2. A recent field visit indicated the proposed access road may have to be relocated approximately 80ft to the north to provide adequate sight distance. This may require significant lot scheme redesign. Prior to the preparation of construction plans, conduct a field run survey to document where adequate sight distance can be achieved for the access road onto Whites Creek Pike. Indicate the available and required sight distance at the project entrance for the posted speed limit per AASHTO standards.
3. Prior to the recording of the first final plat, construct a northbound right turn lane on Whites Creek Pike at the



Metro Planning Commission Meeting of 10/14/2010

access road with 100 ft of storage and transitions per AASHTO standards.

4. Prior to the recording of the first final plat, construct the site access road at Whites Creek Pike with one entering and two exiting lanes (LT and RT) each with a minimum 100 ft of storage and transitions per AASHTO/MUTCD standards.

STORMWATER RECOMMENDATION

Approved

STAFF RECOMMENDATION

Staff recommends that the concept plan be approval with conditions. With the conditions, the request will meet all Zoning Code and Subdivision Regulation requirements; the plan protects the most sensitive hillsides on the site and provides for future connectivity to adjacent properties.

CONDITIONS

1. A sidewalk is required along Whites Creek Pike. The sidewalk shall meet Public Works standards and include a planting strip.
2. The development plan shall provide a more detailed topography study, and lots with slopes equal to 25% or greater shall be designated as critical and meet performance standards for critical lots. Major changes to the layout will require re-approval from the Planning Commission.
3. Prior to the recording of the first final plat, construct a northbound right turn lane on Whites Creek Pike at the access road with 100 ft of storage and transitions per AASHTO standards.
4. Prior to the recording of the first final plat, construct the site access road at Whites Creek Pike with one entering and two exiting lanes (LT and RT) each with a minimum 100 ft of storage and transitions per AASHTO/MUTCD standards.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of final plat.



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6. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a development plan, and in no event more than 30 days after the date of conditional approval by the Planning Commission.