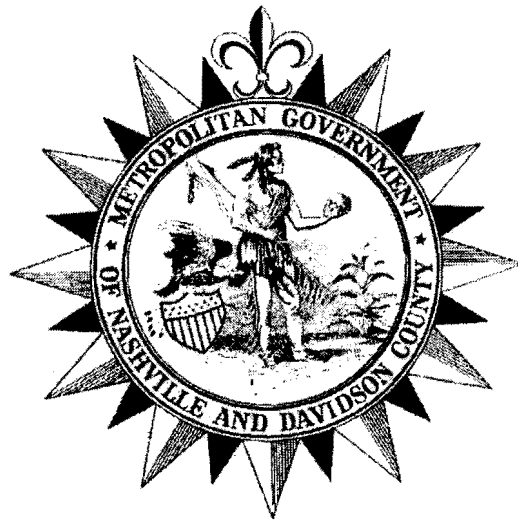


Metropolitan Planning Commission



Staff Reports

December 9, 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**
- **Specific Plan**
- **Zone Change**
- **Mandatory Referral**

NO SKETCH



Project No.	Text Amendment 2010Z-019TX-001
Project Name	Nonconforming Uses and Structures
Council Bill	BL2010-783
Council District	Countywide
School District	Countywide
Requested By	Metro Planning Department
Staff Reviewer	Leeman
Staff Recommendation	<i>Defer until February 24, 2011, to allow stakeholders to review the proposal.</i>

APPLICANT REQUEST

Revise Zoning Code provisions relating to nonconforming uses and structures.

Text Amendment

A request to amend Title 17 of the Metro Zoning Code, to clarify the status and review of nonconforming uses and structures within Davidson County.

APPLICATION DETAILS

Tennessee Code Annotated (TCA) Section 13-7-208 affords certain protections to “industrial, commercial or business establishments” and multi-family residential establishments that legally exist at the time of a zoning change. These are commonly referred to as nonconforming uses.

Recently, there have been concerns expressed regarding Metro’s compliance with TCA Section 13-7-208. This ordinance revises the Zoning Code to ensure compliance with TCA Section 13-7-208 and to clearly define the protections under TCA and additional protections under the Zoning Code. As noted above, TCA protects “industrial, commercial or business establishments” and multi-family residential establishments. Metro’s Zoning Code currently offers additional protections to nonconforming residential uses, nonconforming structures and nonconforming signs. Additionally, the proposed ordinance clarifies the standards for reviewing various nonconforming conditions.



Metro Planning Commission Meeting of 12/09/10

The following chart summarizes the proposed changes to the Zoning Code:

Current Zoning and Department of Codes Administration Procedures	BL2010-783
Nonconforming Uses: Industrial, commercial or business establishments	
<p>May repair structure.</p> <p>May expand structure, but must meet current FAR and bulk standards</p> <p>May destroy and rebuild structure, but must meet current FAR and bulk standards</p> <p>The property owner may request to use percentage of reconstruction cost instead of percentage floor area damaged.</p>	<p>No substantive change</p> <p>No substantive change</p> <p>May destroy, which is defined as destruction of 50% of the floor area, and rebuild, but must meet current FAR and bulk standards</p> <p>Percentage floor area damaged is the only measurement used.</p>
Nonconforming Structures	
<p>Repairs and incidental or structural alterations may be made provided there is no increase in the degree of non-conformity.</p> <p>May be enlarged or converted to another permitted use, provided there is no increase in the degree of non-conformity.</p> <p>Involuntary damage to less than fifty percent of total floor area may be reconstructed. If damage exceeds fifty percent of the total floor area, the structure shall be reconstructed in accordance with all applicable provisions of this title. The property owner may request to use percentage of reconstruction cost instead of percentage floor area damaged.</p>	<p>Same, but one additional requirement: improvements to the site shall be required in accordance with the standards of the existing zoning.</p> <p>May be enlarged by twenty five percent or less, provided there is no increase in the degree of nonconformity and improvements to the site shall be required in accordance with the standards of the existing zoning.</p> <p>May be enlarged by greater than twenty five percent, if the structure and the site are brought into compliance with the existing zoning.</p> <p>All building permits within five years shall be aggregated for purposes of measuring the twenty five percent standard.</p> <p>Applies to voluntary and involuntary damage. For voluntary damage or destruction, improvements to the site shall be required in accordance with the standards of the existing zoning, regardless of the degree of damage. Percentage floor area damaged is the only measurement used.</p>



Metro Planning Commission Meeting of 12/09/10

Nonconforming Residential Uses and Structures

In a RS district, two- family nonconforming use may be restored within two years

In any non-residential district, any single-family dwelling may be restored within one year of the date of damage, regardless of the percentage of damage or destruction.

Not addressed in current code.

Repairs and incidental or structural alterations may be made provided there is no increase in the degree of non-conformity.

May be enlarged, provided there is no increase in the degree of non-conformity.

Involuntary damage to less than fifty percent of total floor area may be reconstructed. If damage exceeds fifty percent of the total floor area, the structure shall be reconstructed in accordance with all applicable provisions of this title. The property owner may request to use percentage of reconstruction cost instead of percentage floor area damaged.

For one and two-family structures, the setbacks of the original dwelling shall apply to any reconstructed residential dwelling.

No substantive change

Applies to one and two-family structure, not just single-family structures.

Any multi-family residential establishment or structure that ceases occupation for 30 months must comply with current zoning regulations.

Same, but one additional requirement: improvements to the site shall be required in accordance with the standards of the existing zoning.

Enlargements may be made in a manner that complies with the existing zoning. Improvements to the site shall be required in accordance with the standards of the existing zoning.

One and two-family: Applied to voluntary and involuntary damage. If fifty percent or less damage, damaged area must be reconstructed in accordance with all applicable provisions of this title.

Multi-family: Applied to voluntary and involuntary damage. If fifty percent or less damage, the reconstruction must be in conformance with the original height, density, setback or square-footage of the original facilities in existence immediately prior to the damage.

If the damage for one and two-family or multi-family is greater than fifty percent, the structure shall be reconstructed in accordance with all applicable provisions of this title. New facilities shall comply with all architectural design standards required under current zoning regulations and be consistent with the architectural context of the immediate and adjacent block faces. If the current zoning regulations do not include bulk standards for the zoning district in which a residential structure is destroyed, the setbacks of the destroyed residential structure shall apply to any reconstructed residential structure.

For voluntary damage or destruction, improvements to the site shall be required in accordance with the standards of the existing zoning, regardless of the degree of damage.



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Nonconforming Lots

No substantive change. Deletes sentence regarding minimum lot sizes in IWD, IR or IG, since these zoning districts no longer require a minimum lot size.

Nonconforming Signs

For voluntary damage, a sign shall be brought into compliance if the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds fifty percent of the estimated replacement cost of the sign (in current dollar value). All permits within any six consecutive calendar months shall be aggregated for purposes of measuring the fifty percent standard.

A sign shall be brought into compliance with the provisions of this title when the cost exceeds fifty percent or if greater than fifty percent of the display surface area is altered, repaired, replaced, restored or rebuilt. All permits within five years shall be aggregated for purposes of measuring the fifty percent standard.

For single-tenant lots, a nonconforming sign shall be brought into compliance when the principal land use on the lot is changed to a different use as described by the district land use table.

Applies to single-tenant and multi-tenant lots

For multi-tenant lots, each tenant may replace, alter, repair or restore an associated sign of a size not to exceed fifteen percent of the facade area of the building occupied by the tenant. Use of this provision must be noted on the overall signage plan.

Removed.

Not addressed in current code.

A nonconforming sign shall be brought into compliance with this title when the principal land use on the lot has been inactive pursuant to Section 17.40.650.B.

Process

BZA reviews the appropriateness of changes to nonconforming uses and structures.

BZA reviews the appropriateness of changes to nonconforming uses. Applications for changes to nonconforming structures that comply with these provisions will be issued permits by the Department of Codes Administration.

**DEPARTMENT OF LAW
RECOMMENDATION**

This ordinance does not violate federal, state or local laws.

STAFF RECOMMENDATION

Staff recommends deferral until February 24, 2011, to allow stakeholders to review the proposal.



Metro Planning Commission Meeting of 12/09/10

SUBSTITUTE ORDINANCE NO. BL2010-783

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Regulations, relative to Nonconforming Uses and Structures, all of which is more particularly described herein (Proposal No. 2010Z-019TX-001).

WHEREAS, Tennessee Code Annotated Section 13-7-208 affords certain protections to nonconforming uses.

WHEREAS, The Metropolitan Government of Nashville and Davidson County recognizes the importance of complying with Tennessee Code Annotated Section 13-7-208; and

WHEREAS, The Metropolitan Government of Nashville and Davidson County also wishes to offer certain protections to nonconforming residential uses and nonconforming structure.

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

Section 1: Section 17.04.060 (Definitions of General Terms) is hereby amended by inserting the following definitions in alphabetical order:

“Industrial, commercial or business establishment” means an industrial or commercial use, as specified by Section 17.08.030 - District land use tables, and all other legal commercial activities.

“Multi-family residential establishment” means a multi-family use that is protected by Tennessee Code Annotated Section 13-7-208.

“Nonconforming residential use” means a one or two-family residential use permitted to exist under prior zoning regulations and operating in a manner prohibited by a change in zoning.

“Nonconforming residential structure” means a residential structure that was legally constructed but which now does not meet one or more of the standards or requirements (other than use) of the zoning district.

Section 2: Section 17.04.060 (Definitions of General Terms) is hereby amended by deleting the definition for “Nonconforming structure” and replacing with the following new definition:

“Nonconforming structure” means a structure, other than a residential structure, that was legally constructed but which now does not meet one or more of the standards or requirements (other than use) of the zoning district.

Section 3: Section 17.04.060 (Definitions of General Terms) is hereby amended by deleting the definition for “Nonconforming use” and replacing with the following new definition:



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"Nonconforming use" means an industrial, commercial or business establishment legally established, but which now does not currently conform to the applicable use regulations of the zoning district, and is protected by Tennessee Code Annotated Section 13-7-208.

Section 4: Section 17.40.180 (Powers) is hereby amended by deleting Subsection D in its entirety and replacing with the following Subsection D:

D. Changes to Nonconforming Uses. The board shall determine the appropriateness of proposed changes to nonconforming uses.

Section 5: The title of Article XIV (Nonconforming Uses, Structures, Lots and Signs) is hereby amended by deleting the title in its entirety and replacing with the following title:

Article XIV. Nonconforming Uses, Nonconforming Residential Uses, Nonconforming Residential Structures, Nonconforming Structures, Nonconforming Lots and Nonconforming Signs

Section 6: Section 17.40.640 (General) is hereby amended by deleting the first paragraph and replacing with the following paragraph:

In order to protect the health, safety and general welfare of the community, nonconforming uses and/or structures which existed legally upon the effective date of the ordinance codified in this title, but which are not in conformance with all the applicable provision of this title, shall be subject to the provisions of this article to the fullest extent permitted by the Tennessee Code Annotated.

Section 7: Section 17.40.640 (General) is hereby amended by deleting the last paragraph and replacing with the following paragraph:

The following provisions apply to legally nonconforming uses of land, nonconforming improvements to the land, pre-existing lots or parcels of substandard size, uses nonconforming with respect to operational performance standards, and nonconforming signs. These provisions must be applied uniformly in all zoning districts including, but not limited to, those established by Section 17.40.105, Chapter 17.36 and Chapter 17.37. These provisions shall be applied in a manner consistent with Tennessee Code Annotated Section 13-7-208.

Section 8: Section 17.40.650 (Nonconforming uses) is hereby amended by deleting Subsection B in its entirety and replacing with the following Subsection B:

B. Inactivity of a Nonconforming Use. When a nonconforming use has been inactive for a period of thirty months or more, the land and its associated improvements shall thereafter be used only in accordance with the provisions of this title. An intent to resume activity shall not qualify the property for a continuation of the nonconforming use.

Section 9: Section 17.40.650 (Nonconforming uses) is hereby amended by deleting Subsection C.1 in its entirety and replacing with the following Subsection C.1:

1. When a nonconforming use is changed to a conforming use, all nonconforming protections offered by this code are forfeited.

Section 10: Section 17.40.650 (Nonconforming uses) is hereby amended by deleting Subsection D in its entirety and replacing with the following Subsection D:



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D. Alteration or Expansion of a Structure Containing a Nonconforming Use. Alterations and expansions shall be permitted, but must conform to the current zoning district requirements to the greatest extent possible.

Section 11: Section 17.40.650 (Nonconforming uses) is hereby amended by deleting Subsection E in its entirety and replacing with the following Subsection E:

E. Damage or Destruction of a Structure Containing a Nonconforming Use. Damage or destruction of a building or other form of structure (except a sign) occupied or used by a nonconforming use may be restored pursuant to the following provisions:

1. On land with minor improvements, the nonconforming use shall cease upon damage or destruction in the amount of twenty-five percent or more of the assessed valuation of all buildings, structures and other improvements on the property.
2. A structure containing a nonconforming use that has sustained damage by any voluntary or involuntary means to fifty percent or less of its total floor area may be reconstructed. If the damage is greater than fifty percent of the total floor area, the structure shall be reconstructed to conform to the provisions of the existing zoning regulations as to setbacks, height, bulk, or requirements as to the physical location of a structure upon the site.

Section 12: Article XIV (Nonconforming Uses, Structures, Lots and Signs) is hereby amended by inserting the following new Section 17.40.655:

17.40.655 Nonconforming residential uses and nonconforming residential structures.

A. Continuing a Legally Nonconforming Residential Use. A nonconforming residential use may continue subject to the following provisions:

1. In a RS district, any nonconforming two-family residential use or structure that ceases operation or occupation for 24 continuous months must comply with current zoning regulations.
2. In any non-residential district, any nonconforming one or two-family residential use or structure that ceases operation or occupation for one year must comply with current zoning regulations.
3. Any multi-family residential establishment or structure that ceases operation or occupation for 30 months must comply with current zoning regulations.

B. Repair and Alteration of a Structure Containing a Nonconforming Residential Use or a Nonconforming Residential Structure. Repairs, incidental alterations and structural alterations may be made to a nonconforming structure provided there is no increase in the degree of nonconformity. Improvements to the site, including transportation, parking, and access; streetscape; signage; and landscaping and buffering shall be required in accordance with the standards of the existing zoning.

C. Enlargements of a Structure Containing a Nonconforming Residential Use or a Nonconforming Residential Structure. Enlargements may be made in a manner that complies with the existing zoning. Improvements to the site, including transportation, parking, and access; streetscape; signage; and landscaping and buffering shall be required in accordance with the standards of the existing zoning.



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D. Damage or Destruction of a Structure Containing Nonconforming Residential Use or a Nonconforming Residential Structure.

1. A nonconforming one or two-family structure that has sustained damage by any voluntary or involuntary means to fifty percent or less of its total floor area may be reconstructed, provided that the damaged area is reconstructed in accordance with all applicable provisions of this title.
2. Any nonconforming multi-family residential establishment that is damaged or destroyed by any voluntary or involuntary means to fifty percent or less of its total floor area may be reconstructed, if the reconstruction is in conformance with the original height, density, setback or square-footage of the facilities in existence immediately prior to the damage.
3. If the damage by any voluntary or involuntary means is greater than fifty percent of the total floor area, the structure shall be reconstructed in accordance with all applicable provisions of this title. New facilities shall comply with all architectural design standards required under current zoning regulations and be consistent with the architectural context of the immediate and adjacent block faces. If the current zoning regulations do not include bulk standards for the zoning district in which a residential structure is destroyed, the setbacks of the destroyed residential structure shall apply to any reconstructed residential structure.
4. For voluntary damage or destruction, improvements to the site, including transportation, parking, and access; streetscape; signage; and landscaping and buffering shall be required in accordance with the standards of the existing zoning, regardless of the degree of damage.

Section 13: Section 17.40.660 (Nonconforming structures) is hereby amended by deleting in its entirety and replacing with the following Section 17.40.660:

17.40.660 Nonconforming structures.

The following provisions shall apply to all nonconforming structures.

- A. Continuation and Conversion of Use. The use of a nonconforming structure may be continued or converted to another permitted use except as otherwise provided in this article.
- B. Repairs and Alterations. Repairs and incidental or structural alterations may be made to a nonconforming structure provided there is no increase in the degree of nonconformity. Improvements to the site, including transportation, parking, and access; streetscape; signage; and landscaping and buffering shall be required in accordance with the standards of the existing zoning.
- C. Enlargements.
 1. A nonconforming structure may be enlarged by twenty five percent or less of the total floor area existing at the time the structure became nonconforming, provided there is no increase in the degree of nonconformity. Additionally, improvements to the site, including transportation, parking, and access; streetscape; signage; and landscaping and buffering shall be required in accordance with the standards of the existing zoning. All building permits within five years shall be aggregated for purposes of measuring the twenty five percent standard.



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2. A nonconforming structure may be enlarged by greater than twenty five percent or more of the total floor area existing at the time the structure became nonconforming, if the structure and the site are brought into compliance with the existing zoning. All building permits within five years shall be aggregated for purposes of measuring the twenty five percent standard.

D. **Damage or Destruction of Nonconforming Structures.** A nonconforming structure damaged by any voluntary or involuntary means to fifty percent or less of its total floor area may be reconstructed in conformance with the original height, density, setback and square-footage. If damage is greater than fifty percent of the total floor area, the structure shall be reconstructed in accordance with all applicable provisions of this title. For voluntary damage or destruction, improvements to the site, including transportation, parking, and access; streetscape; signage; and landscaping and buffering shall be required in accordance with the standards of the existing zoning, regardless of the degree of damage.

Section 14: Section 17.40.670 (Nonconforming lot area) is hereby amended by deleting the last sentence.

Section 15: Section 17.40.690 (Nonconforming signs) is hereby amended by deleting Subsection C in its entirety and replacing with the following Subsection C:

C. A sign shall be deemed destroyed and must be brought into compliance with the provisions of this title if the cost exceeds fifty percent of the estimated replacement cost of the sign (in current dollar value) or if greater than fifty percent of the display surface area is altered, repaired, replaced, restored or rebuilt. All permits within five years shall be aggregated for purposes of measuring either fifty percent standard. Any reconstruction or replacement of a destroyed sign must comply with the provisions of this title.

Section 16: Section 17.40.690 (Nonconforming signs) is hereby amended by deleting Subsection D in its entirety and replacing with the following Subsection D:

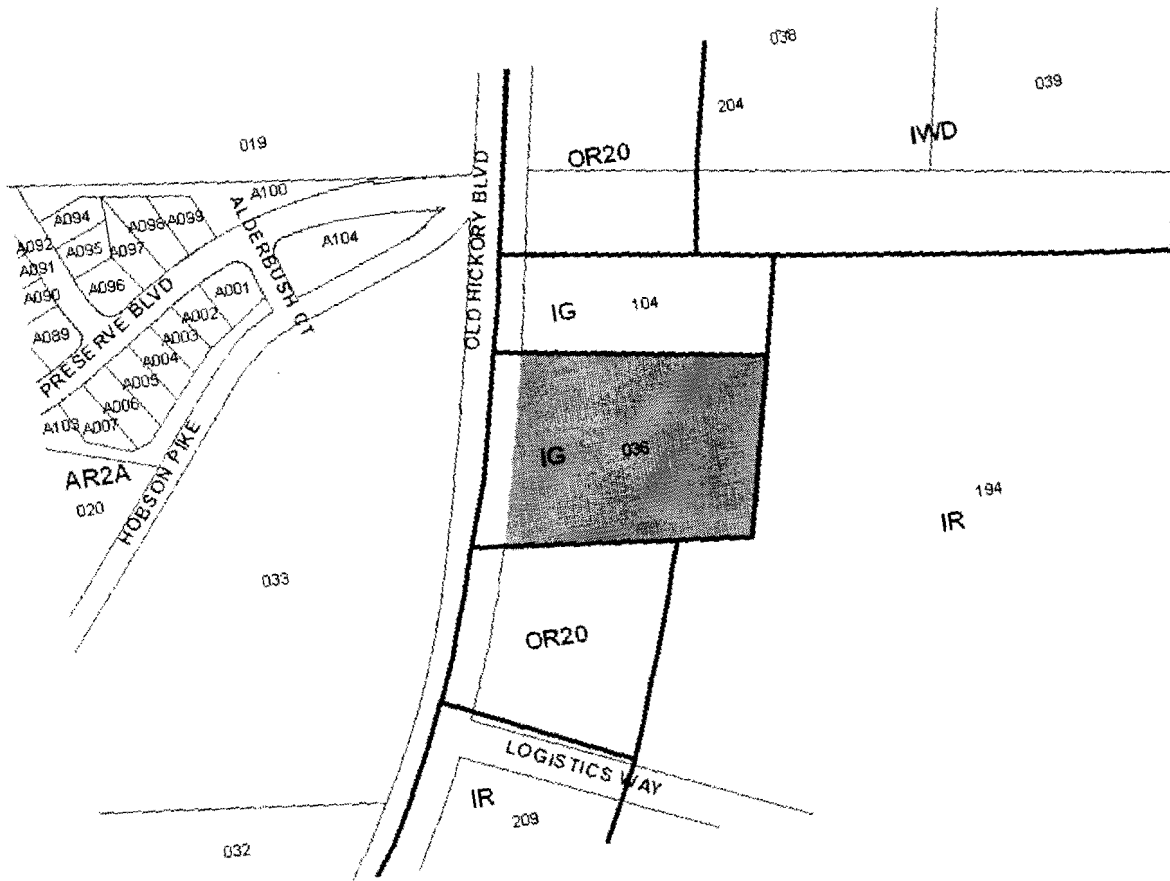
D. A nonconforming sign shall be brought into compliance with this title when the principal land use category on the lot is changed to a different land use category as described by the district land use table.

Section 17: Section 17.40.690 (Nonconforming signs) is hereby amended by deleting Subsection E in its entirety and replacing with the following Subsection E:

E. A nonconforming sign shall be brought into compliance with this title when the principal land use, specified by the land use category in the district land use table, on the lot has been inactive pursuant to Section 17.40.650.B.

Section 18. 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.

SPONSORED BY:
Councilmembers Cole, Claiborne and Jameson



2010SP-012-001
OLD HICKORY CENTER (PRELIM. & FINAL)
 Map 175-00, Parcel(s) 036
 Antioch - Priest Lake
 32 - Sam Coleman



Project No.	Specific Plan 2010SP-012-001
Project Name	Old Hickory Center
Council Bill	BL2010-779
Council District	32 - Coleman
School District	6 - Mayes
Requested by	Saeed Sassan, owner
Deferral	<i>Deferred from the October 28, 2010, Planning Commission meeting.</i>
Staff Reviewer	Johnson
Staff Recommendation	<i>Defer indefinitely</i>

APPLICANT REQUEST

Rezone to permit an daycare center, personal care instruction, retail, and restaurant/bar uses.

Preliminary and Final SP

A request to rezone from Industrial General (IG) to Specific Plan – Mixed Use (SP-MU) zoning and for final site plan approval for property located at 12761 Old Hickory Boulevard, approximately 350 feet north of Logistics Way (3.28 acres), to permit daycare center, personal care instruction, retail and restaurant/bar uses as well as certain uses permitted in the IG zoning district.

STAFF RECOMMENDATION

Staff has received a written request from the applicant to defer this application indefinitely. Staff recommends indefinite deferral of the Old Hickory Center SP application.



Project No. **Zone Change 2010Z-025PR-001**
Council Bill BL2010-772
Council District 22 - Crafton
School District 9 - Simmons
Requested by David Lowry, applicant, Charlie B. Mitchell Jr., owner
Deferral *Deferred from the October 28, 2010, and November 11, 2010 Planning Commission meetings.*

Staff Reviewer Johnson
Staff Recommendation *Approve*

APPLICANT REQUEST **Zone change from residential to agricultural.**

Zone Change **A request to rezone from One and Two-Family Residential (R40) to Agricultural/Residential (AR2a) zoning various properties located at 7739 Charlotte Pike and at Charlotte Pike (unnumbered), approximately 4,700 feet west of Sawyer Brown Road (65.49 acres).**

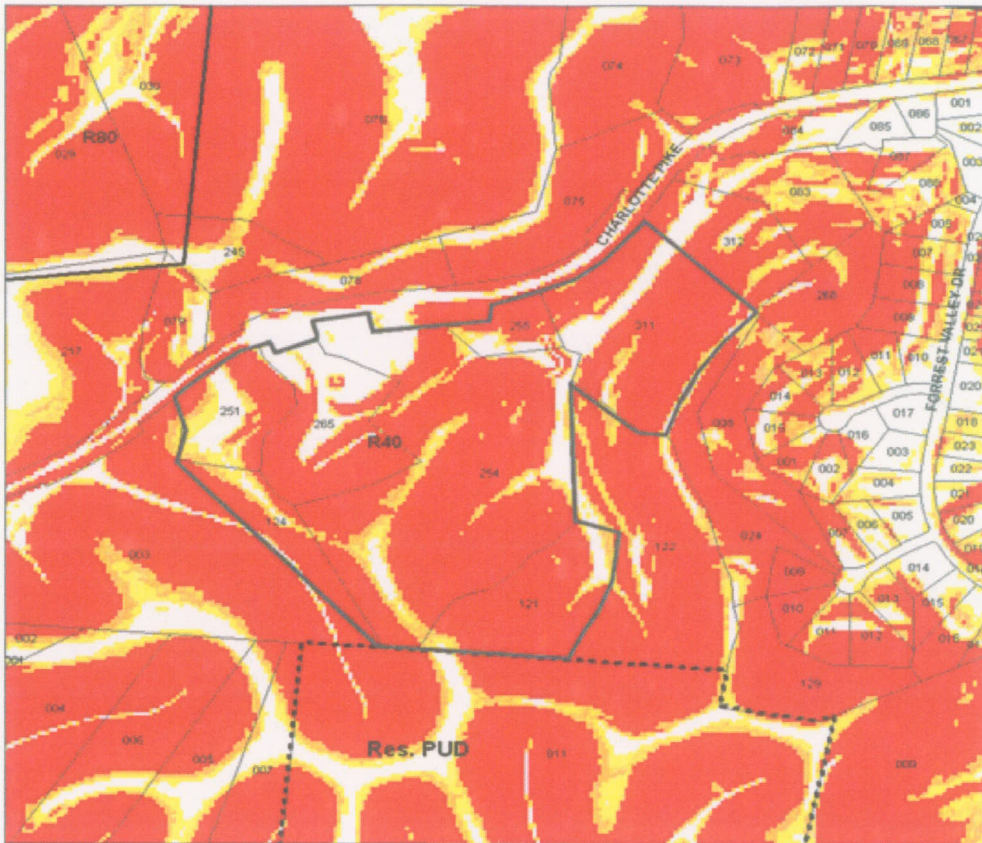
Existing Zoning **R40 District** R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots. This zoning district could permit approximately 76 dwelling units. The subject site has had R40 zoning since 1974.

Proposed Zoning **AR2a District** Agricultural/Residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. This zoning district could permit approximately 34 dwelling units.

CRITICAL PLANNING GOALS N/A

**BELLEVUE
COMMUNITY PLAN**

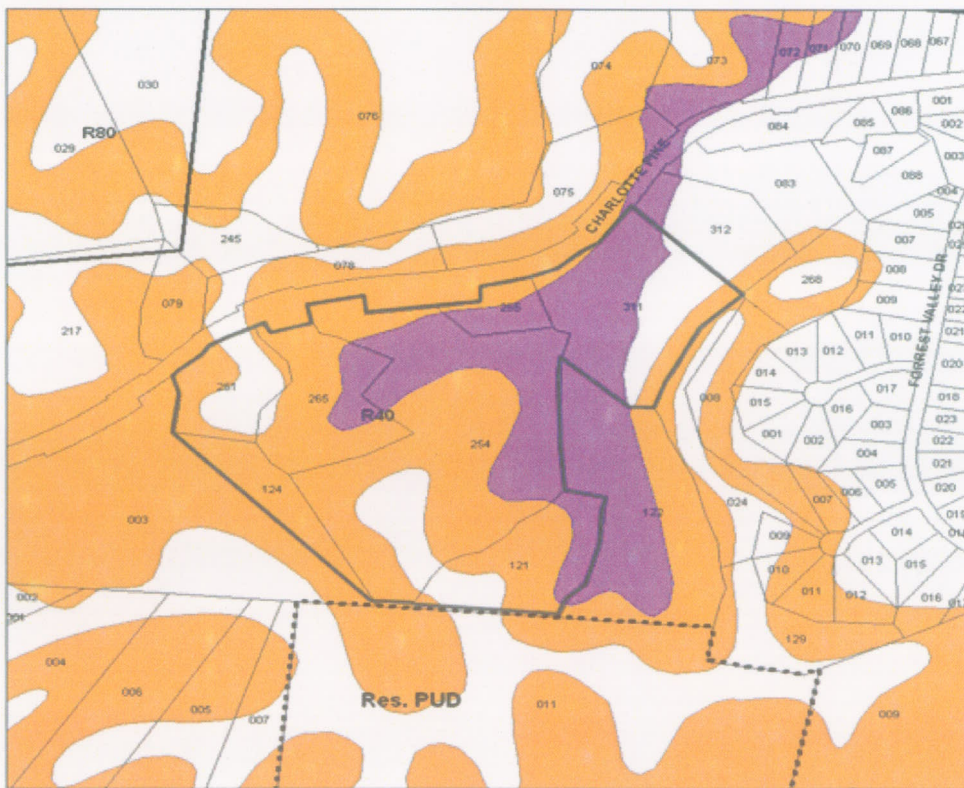
Natural Conservation (NCO) NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate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



Slopes

Slope Legend
Slopes (Categorized for Zoning Ordinance) - 2007
VALUE

	< 15
	15 - 19
	20 - 24
	>= 25



Soils

Problem Soil Legend

	Dellrose_Cherty_Silt_Loam
	Bodine_sulfura



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Consistent with Policy?

Yes, the proposed AR2a zoning district would allow for the development of up to 33 residential lots within the 65 acre boundary at a density of 0.5 units per acre. This residential density is the lowest allowed by any standard zoning classification, and is consistent with NCO policy according to the Land Use Policy Application of Nashville.

As shown in a grading permit from 2005, the site was approved for the storage of fill material consisting of soil, rock, concrete, stumps, and asphalt pavement.

Much of the site is identified with steep slopes and problem soils. Any development consistent with the Zoning Code requirements of AR2a zoning would have to follow additional standards for development on steep slopes and problem soils.

TRAFFIC INFORMATION

Traffic Table not prepared. Request is a down zoning and will not generate additional traffic demands.

METRO SCHOOL BOARD REPORT

As this is a down zoning, fewer school age children would be generated by this zoning district than the R40 now in place.

STAFF RECOMMENDATION

Staff recommends approval of the proposed AR2a zoning district as it is consistent with the NCO policy.



2010Z-026PR-001
 1101 38TH AVENUE NORTH
 Map 091-04, Parcel(s) 015
 North Nashville
 21 - Edith Taylor Langster



Project No. Zone Change 2010Z-026-001
Council District 21 – Langster
School District 1 – Gentry
Requested by Timothy Patton, owner
Deferral *This item was deferred from the November 11, 2010, Planning Commission meeting.*

Staff Reviewer Johnson
Staff Recommendation *Approve*

APPLICANT REQUEST Zone change from residential to office.

Zone Change A request to rezone from One and Two-Family Residential (R6) to Office Neighborhood (ON) zoning property located at 1101 38th Avenue North, approximately 180 feet north of John L. Driver Avenue (0.17 acres).

Existing Zoning
R6 District R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

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

CRITICAL PLANNING GOALS N/A

**NORTH NASHVILLE
COMMUNITY PLAN**

Neighborhood General (NG) NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? The proposed office zone is appropriate in this location at the edge of a residential district because it is surrounded on three sides by non-residential zoning, with a vacant lot to the south and a parking lot across 38th Avenue North. The size limit of 2,500 square feet per tenant, with a maximum of 2,900 square feet total, for offices in the proposed ON zone allows for a small-scale transition use at the edge of the residential street.



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Though it is not technically consistent with NG policy, the current draft of the North Nashville Community Plan Update identifies this residential area adjacent to the Tennessee State University campus as appropriate for a mixed-use neighborhood policy that would allow for small-scale commercial and office development in the form of live/work buildings or single-use buildings that are consistent with the scale of surrounding development. The proposed ON zoning is consistent with this draft policy both because of the uses that would be permitted and the size limit for these uses.

The North Nashville Community Plan Update is scheduled to be considered by the Planning Commission at its January 13, 2010, meeting. If the draft policy for this area is adopted at that time this zone change will be consistent with the policy. If this zone change request is approved and the Update is delayed by more than six months or the mixed use neighborhood policy is not included in the Update, staff recommends that the Planning Commission direct that a housekeeping amendment be made so that the ON zoning district on this parcel is consistent with land use policy.

PUBLIC WORKS RECOMMENDATION

No exception taken

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.17	7.71 D	1 L	10	1	2

Typical Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.165 F	1,221 SF	14	2	2

Traffic changes between typical: R6 and proposed ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+4	+1	0



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Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.17	7.71 D	1 L	10	1	2

Maximum Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.4 F	2,500 SF*	33	5	5

*Office is permitted with conditions (PC) in ON and limits maximum floor area to 2,500 SF.

Traffic changes between maximum: R6 and proposed ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+23	+4	+3

METRO SCHOOL BOARD REPORT

The proposed ON zone would allow for the same number of residential units on the subject property as the existing R6 zone. Because there is no change in residential density, a school board report was not generated.

STAFF RECOMMENDATION

Staff recommends approval of the proposed ON zoning district because it is surrounded by non-residential zoning and land uses and because it will provide an appropriate transition to adjacent residential development with a maximum size limit for office uses.

If this rezoning request is approved and the North Nashville Community Plan Update is delayed by more than six months or the mixed use neighborhood policy is not included in the Update, staff recommends that the Planning Commission direct that a housekeeping amendment be made so that the ON zoning district is consistent with land use policy.



Project No.	Mandatory Referral 2010M-009PR-001
Project Name	Hoggett Ford Road Acceptance
Council Bill	BL2010-768
Council District	14 - Stanley
School District	4 – Shepherd
Requested by	Councilmember Stanley
Staff Reviewer	Leeman
Staff Recommendation	<i>Withdraw at the request of the applicant</i>

APPLICANT REQUEST

Accept Hoggett Ford Road as a Public Road.

Mandatory Referral

A request to amend the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government of Nashville and Davidson County by accepting Hoggett Ford Road as a public road.

STAFF RECOMMENDATION

Staff recommends withdraw, per the request of the applicant.

SEE NEXT PAGE

COMMUNITY PLAN POLICY CHANGES and ASSOCIATED CASES

- **Amendments**
- **Specific Plan**
- **Zone Change**

NO SKETCH



Project No. 2010CP-000-001
Project Name Update the *Community Character Manual (CCM)* and apply the CCM Update to the West Nashville and Madison Community Plans
Council District Countywide
School Districts Countywide
Requested by Planning Staff
Staff Reviewer Wood
Staff Recommendation *Approve*

APPLICANT REQUEST

Update the *Community Character Manual (CCM)* and apply the CCM Update to the West Nashville and Madison Community Plans.

Amend the Community Plan

A request to update the *Community Character Manual*, adopted by the Metropolitan Planning Commission in 2008, to make necessary changes to the document and to apply the updated CCM to the *Madison Community Plan: 2009 Update* and the *West Nashville Community Plan: 2009 Update*.

CRITICAL PLANNING GOALS

N/A

BACKGROUND

When the Metro Planning Commission adopted the *Community Character Manual (CCM)* in 2008, the Commission asked Planning staff to report back to the Commissioners on what amendments to CCM were found to be necessary *after* staff had applied the Community Character Policies through Community Plan Updates. Since that time, Planning staff has applied Community Character Policies during the Madison Community Plan Update, the West Nashville Community Plan Update and the North Nashville Community Plan Update (currently underway and expected to come before the Commission at its January 27th, 2011 meeting). Staff has identified several proposed amendments, which are summarized below.

COMMUNITY PARTICIPATION

Notification of the CCM update and the Planning Commission Public Hearing were posted on the Planning Department website and sent multiple times to a wide variety of known public and private groups and organizations. These included the distribution lists from the Madison, North Nashville, and West Nashville Community Plan Updates. The distribution list consists of over 2,000 recipients. Information about the update, including the draft



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amended material, was also posted on the Planning Department website beginning in September 2010.

Two community meetings were held to discuss the CCM update, on October 7 and 25, 2010. Although they were lightly attended, participation was highly engaged and productive.

PROPOSED AMENDMENTS

The new language is in italics and the language with the strikethrough is proposed to be deleted. Please refer to the *Community Character Manual (CCM)* at http://www.nashville.gov/mpc/pdfs/CCM/CCM_FINAL_080903.pdf for the pages where the changes are proposed to be made. There is also a complete version of the draft CCM with the changes highlighted at http://www.nashville.gov/mpc/ccm_manual.asp.

Amendments to the General Principles:

1. In Non Conforming General Principle add residential nonconforming uses and include examples where the *zoning* does not match the *policy* (pp. 40-41 in CCM)
Purpose and Effects: These are clarification changes that would affect any area with nonconforming residential uses by making it clearer that the Community Plan provides guidance for how these nonconforming uses (where the land use does not conform to the zoning) should be used in the future. The changes would affect any area with inconsistent zoning (where the zoning does not conform to the policy) in the same way. Also, when the Community Plan is updated, if any nonconforming or inconsistent use or zoning is missed (i.e., it is not called out in the plan), some basic guidance would be provided, should the issue of its redevelopment arise and the Planning Commission, Council or BZA need guidance from the Community Plan.

Draft Text

Development That is ~~Non-Consistent~~ *Inconsistent* with Land Use Policy and/or Non-Conforming with Regard To Zoning

A “non-conforming” land use is land that is used in a way that does not conform with zoning. An “~~non-in~~consistent” land use is land that is used in a way that is not consistent with land use policy. “~~Non-In~~consistent” zoning is zoning that is not *supported* by the *land use* policy.

~~In Nashville/Davidson County, there may be existing non-residential developments within areas that are zoned residential and have a residential Community Character Policy. Alternately, there may be residential development within nonresidential policy that is zoned commercial—a property that is both nonconforming with zoning and non-consistent with policy. In either case, the expansion of such uses through changes in zoning is not recommended, unless it is established during the Community Planning or Detailed Design Plan processes that there is an expressed desire to redevelop land for a different use.~~

For example, an existing commercial development that is zoned residential is non-conforming with zoning. If the Community Character Policy for the area calls for the area to be residential, then the commercial development is also inconsistent with policy. The same can be true when a residential use is present that is used in a manner that is nonconforming to the way the property is zoned or zoned in a manner that is inconsistent with the policy for its neighborhood. When the Community Plan is updated, planning staff attempt to list all of the cases where a land use is



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inconsistent and/or non-conforming. The Plan then provides guidance on whether an expansion of such uses is advisable.

Areas with non-conforming uses are generally encouraged to redevelop in accordance with applicable Community Character Policy whenever the non-conforming uses cease. Communities are, however, sometimes confronted with proposals for adaptive reuse of sites or buildings where existing non-conforming activities are no longer viable. For example, someone may propose to redevelop the site of an old service station in the midst of a residential area into a store. Such adaptive reuses should be considered on their merits provided that:

- They would generate minimal non-local traffic and the traffic can be adequately served by existing infrastructure;
- The proposed use can be adequately served by existing infrastructure;
- They would not increase the degree of non-conformity with the zoning code; and
- Appropriate zoning can be applied, which, in the course of accommodating the acceptable use, does not expose the adjoining area to the potential for incompatible land uses.

In the absence of acceptable adaptive reuses or zoning to accommodate them, areas that contain existing non-conforming uses that are no longer viable are recommended to rezone to a zoning district *compatible with or at least closer to compatibility with the Community Character Policy named in the Community Plan or Detailed Design Plan.*

While planning staff attempt to find and give guidance for all cases of inconsistent and non-conforming uses and zoning, there may be some cases that are not discussed in detail in the community plan, due to the complexity of identifying sites and zoning that do not conform to policy. Any future rezoning proposals or community plan amendments for these sites should be considered on their merits with attention given to the issues listed above.

2. Add language to the Stormwater General Principle that currently discusses Light Imprint Development techniques and make distinctions between Low Impact Development and Light Imprint Development. (pp. 38-40)

Purpose and Effects: These changes are partly informational and provide additional options for environmentally sensitive site selection and design throughout Davidson County.

Draft Text

Stormwater and the Transect

Stormwater best management practices are synonymous with sustainable design practices. Sustainable design practices encourage reducing the amount and use of impervious surfaces which help to reduce the amount of stormwater runoff. Using site specific techniques help to manage the amount of runoff associated with development. In less developed areas, techniques such as reducing or sharing parking, narrowing streets, eliminating cul-de-sacs, providing adequate open space, using swales or ditches versus curb and gutter and preserving ecological and buffer areas are used. In more densely developed areas, techniques such as encouraging increased density consuming less land, using less impervious surface, green-roofs, adding buffer areas and open space, and minimizing land disturbance are used.

The term generally used for such sustainable design practices is Low Impact Development (LID), a relatively new stormwater management strategy that is used in several cities and towns across the country including Nashville. Examples of local LID projects can be found on the Metro Water Services website under Stormwater at <http://www.nashville.gov/stormwater/index.asp>. Similar to LID but broader in its scope is Light Imprint Development, which includes but goes beyond stormwater management. Light Imprint adds to sustainable stormwater management practices the development of compact, walkable neighborhoods in accordance with New Urbanist principles (see <http://www.lightimprint.org/> for further information).



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Amendments to the Conservation Community Character Policy (see proposed text and graphics for all changes below)

1. Add language discussing the treatment of wildlife corridors, view sheds, and problem soils that are not associated with steep slopes. Add language discussing the treatment of stream corridors that are not associated with floodplains and floodways. (pp. 43-49 in CCM)
Purpose and Effects: These changes would affect some portions of West Nashville and Madison that have these natural features by making it clearer that the Conservation policy is meant to apply to them.
2. Add language that clarifies that human-made slopes are not considered the same as naturally created steep slopes under CO Conservation policy and provide alternative guidance for them. (pp. 43-49)
Purpose and Effects: This recognizes that although human-made steep slopes do need to be treated carefully during the development process they do not pose the same constraints nor serve the same natural purposes as naturally arising steep slopes.
3. Add language that addresses unmapped sensitive natural features that Conservation policy would cover, such as isolated fragments of steep slopes that are too small to map or streams determined to be regulated by Stormwater. (pp. 43-49)
Purpose and Effects: During the West Nashville, Madison, and North Nashville updates it became clear that some natural features are so small (fragments of steep slopes, etc.) that they are difficult to map. They do need, however, to be covered by Conservation policy for the same reasons as other naturally arising sensitive environmental features.
4. Add language that suggests that
 - a. development should remediate any natural feature that has been harmed and
 - b. if re/development occurs, it should treat the natural feature as an amenity. (pp. 43-49)
5. *Purpose and Effects:* This strengthens the role of Conservation policy in remediating situations where sensitive environmental features have already been compromised by development and encourages their restoration through redevelopment. This would apply primarily in the more urbanized Transect categories (T3 Suburban, T4 Urban, T5 Center, T6 Downtown, D District).
6. Include the steep slopes graphics that were created for the 2008 West Nashville/Bellevue Plan Amendment. (pp. 43-49)
Purpose and Effects: This helps clarify the Conservation policy intent for treatment of steep slopes by adding helpful illustrations.

Draft Text

Introduction

Conservation Community Character policy is found in all Transect Categories except T6 Downtown. Its intent is to preserve environmentally sensitive land features through protection and remediation. Environmentally sensitive land features are kept in a natural state and any development is minimal to protect water quality, minimize infrastructure and public service costs, and preserve the unique environmental diversity of Davidson County, which is important to its healthy economy and overall sustainability.

Conservation policy is mapped to identify land with sensitive environmental features. These features include, but are not limited to, *viewsheds*, steep slopes, *stream corridors*, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or *problem* soils. These sensitive environmental features are subject to all appropriate local, state and federal regulations. Additional special policies to address concerns unique to the site may be applied through the Community Planning or the Detailed Design Plan process.

Policy Intent



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Preserve and enhance environmentally sensitive land within all Transect Categories. Conservation policy identifies land with sensitive environmental features including, but not limited to, *viewsheds*, *stream corridors*, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils.

The following is a list of environmentally sensitive features frequently found in Davidson County. Development on land with these features is regulated by applicable local, state, and federal regulations and may be subject to additional special policies applied during the Community Planning or the Detailed Design Plan process.

Floodplain – Land area, including the floodway of any river, stream or watercourse, susceptible to being inundated by water as identified by the 100-year flood.

Floodways – The channel of a stream that has current, direction and velocity during a flood, and in which debris may be carried.

Rare Plant and Animal Species, including Cedar Glades – *There are several rare plant and animal species in Nashville. Cedar Glades are communities of rare plant species that are found nowhere else in the world but Middle Tennessee. They are most concentrated in the vicinity of J. Percy Priest Reservoir in the Antioch-Priest Lake and Donelson-Hermitage-Old Hickory Communities.*

Ridgelines – *Points of higher ground that separate two adjacent streams, watersheds, or valleys.*

Steep Slopes – *Those areas of land with slopes that are 20 percent or greater. This includes areas of steep hillsides, and steeply sloping land leading to ridge tops and bluffs. Policies for treatment of steep slopes apply not only to areas that are large and contiguous enough to be mapped on the Community Character Policy Plan, but also on areas of steep slopes that are too small to be so mapped. These will be identified during the site planning process and generally can also be found through the Metro geographic information system database. Areas of human-made steep slopes, such as berms and retaining walls, are not considered steep slopes for the purposes of this section. The development of human-made slopes is guided rather by following principles regarding stormwater management presented in the General Principles section of this document as well as Metro's grading and building regulations.*

Stream Corridors – *These include, at a minimum, stream channels that convey water for at least part of the year and the regulatory water quality buffer that surrounds the stream channel. Stream corridors may in some instances include steeply sloped uplands that extend beyond the regulatory water quality buffer.*

Unstable/Problem Soils – *Unstable soils are typically associated with steep slopes or the bases of steep slopes. The former are generally Bodine-Sulfura soils and the latter is most commonly Dellrose. Problem soils include sinkholes and wetland soils.*

View sheds – *Areas of the natural landscape which have been identified from defined viewpoints and that have inherent scenic qualities and/or aesthetic values as defined a subarea or other community plan.*

Other environmentally sensitive features, include, but are not limited, to wildlife corridors and fragile geological formations. These may be identified during the Community Planning process.

Density/Intensity – Density and intensity are secondary to form of development and are designed to preserve sensitive environmental features. The density and intensity of development for the environmentally constrained portions of a site is lower than for the more developable portion of a site, to an extent that preserves the essential integrity of the natural landform and vegetation. Specific residential densities or intensity in Conservation Areas are determined during the planning process by physical site characteristics, Transect Category, adjacent Community Character Policy areas, and the impact that the proposed development would have on the environmental feature in question. In general, the more environmentally sensitive the site is, the lower the acceptable density or intensity of development is. The adequacy of the infrastructure (including, but not limited to, roads and sewers) and



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the feasibility of extending infrastructure is also considered. In all cases, the density and intensity and their appropriate form are established through the Community Planning or Detailed Design Plan process, to be in keeping with preservation and remediation goals and the goals and objectives of the Community Plan. *In the case of environmentally sensitive land that has been disturbed, efforts are made to remediate any alteration that has occurred in these areas as development/redevelopment occurs.*

Development Arrangement – Development is grouped on the site to preserve the environmentally sensitive features. Lot configuration and right-of-way prioritize the preservation of environmentally sensitive features over consistency with surrounding lot and right-of-way patterns. Site specific vegetation, viewsheds and topography are used to determine where buildings are best located to minimize environmental disturbance. Context sensitive setbacks are designed to preserve scenic view sheds when to do so will not interfere with the need to observe site-sensitive setbacks that preserve sensitive environmental features. *Sensitive environmental features are used as site amenities.*

Rare Plant or Animal Species – *Once alerted by the Planning Department to the potential presence of rare plant or animal species on a development site, developers consult with the State of Tennessee to determine the actual presence of any such species on the site. If any such are present, their habitat is left undisturbed through methods such as site design techniques, conservation easements, and transfer of development rights. The development potential of a site containing rare plant or animal species may be lower than for other nearby sites lacking similar environmental features.*

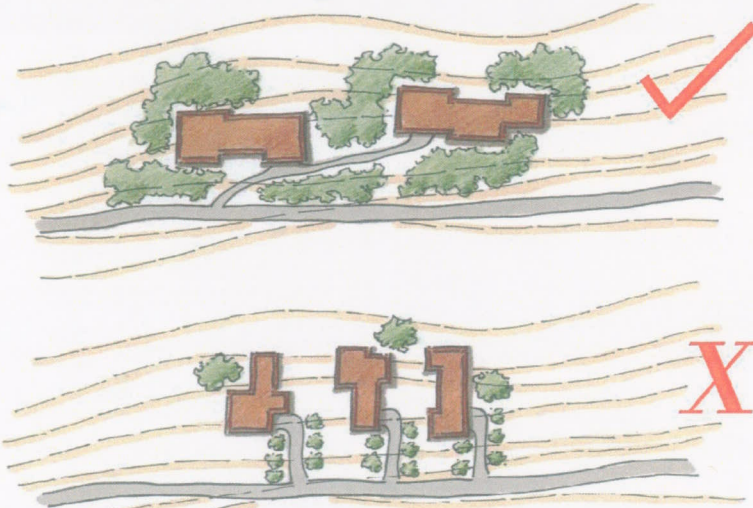
Ridgelines – *Rooftops of any building or structure are below the defined ridgeline and/or are buffered using mature stands of trees and native plants and vegetation, unless located within a T5 Center Area, where buildings may project above a defined ridgeline.*



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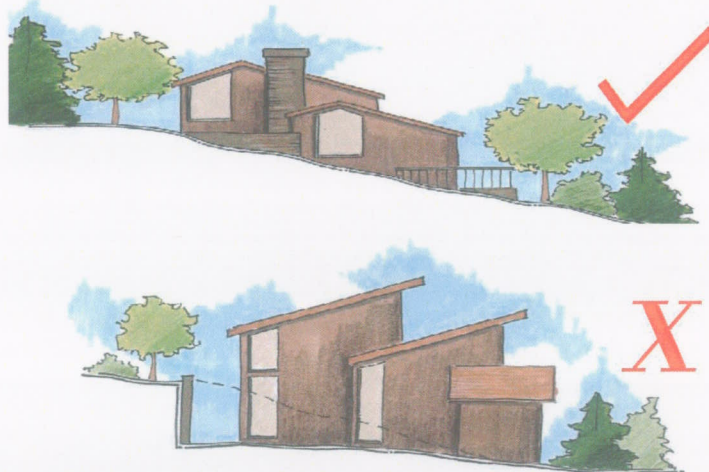
The following graphics illustrate appropriate techniques for developing on steep slopes and ridgelines.

Access, Building Form & Character



Consolidated driveways are preferred over individual driveways for each lot or building. Driveways should be constructed parallel to the natural slope rather than perpendicular to it, thus minimizing alteration of the landform.

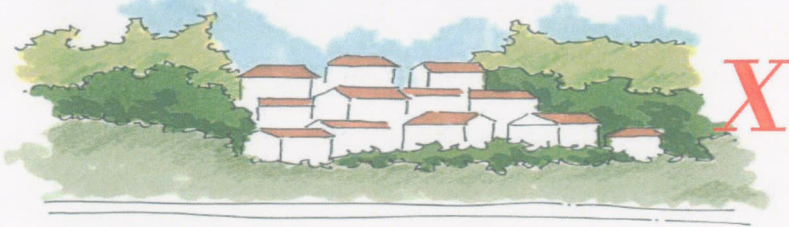
Access, Building Form & Character



Development should be constructed in a manner that follows existing contours as much as possible, particularly in sensitive areas such as steep slopes and unstable soils.

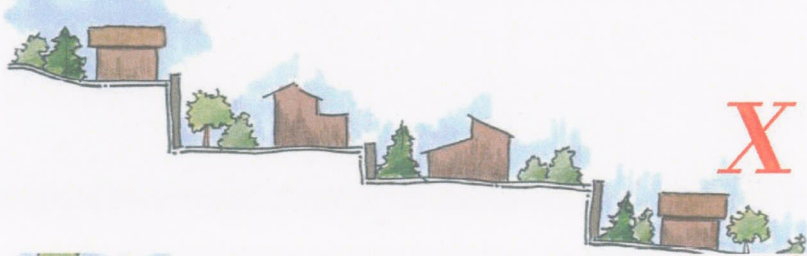


View Shed and Tree Protection



Existing vegetation on slopes and ridgelines should be preserved to the greatest extent possible.

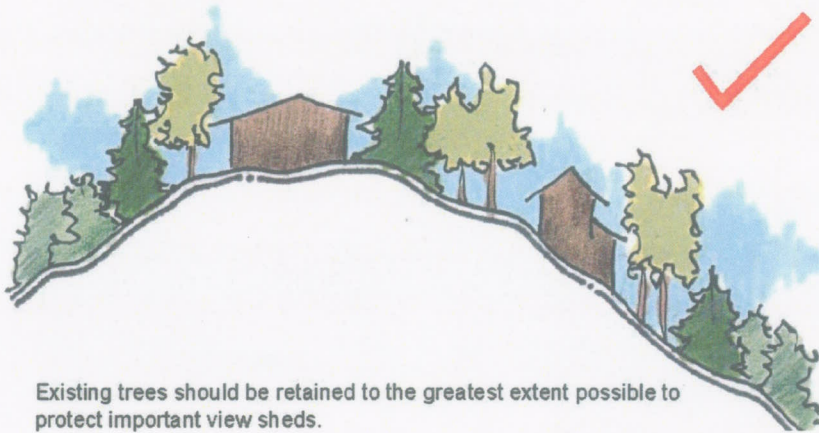
View Shed and Tree Protection



Buildings on hillsides and ridgetops should be constructed to fit the natural contours of the land rather than altering them through such means as significant grading and the construction of retaining walls.



View Shed and Tree Protection



Existing trees should be retained to the greatest extent possible to protect important view sheds.

Stream Corridors – At a minimum, the stream and regulatory buffer are left undisturbed. Stream crossings are minimized and when made are done in the least impactful manner. Stream corridors are utilized as part of the stormwater drainage system for the development and are also used as community amenities and greenway corridors. The development potential of a site containing stream corridors may be lower than for other nearby sites lacking similar environmental features.

Unstable and Problem Soils – Geotechnical studies may be required prior to site development in parts of the county where unstable or other problem soils are known to exist. Once discovered on a site, problem soils are left undisturbed through methods such as site design techniques, conservation easements, and transfer of development rights. The development potential of a site containing unstable or problem soils may be lower than for other nearby sites lacking similar environmental features.

View sheds – Buildings do not impede in the defined viewshed. Rooftops of any building or structure are below the perceived skyline and/or are buffered using mature stands of trees and native plants and vegetation.

Amendments to the Open Space Community Character Policies

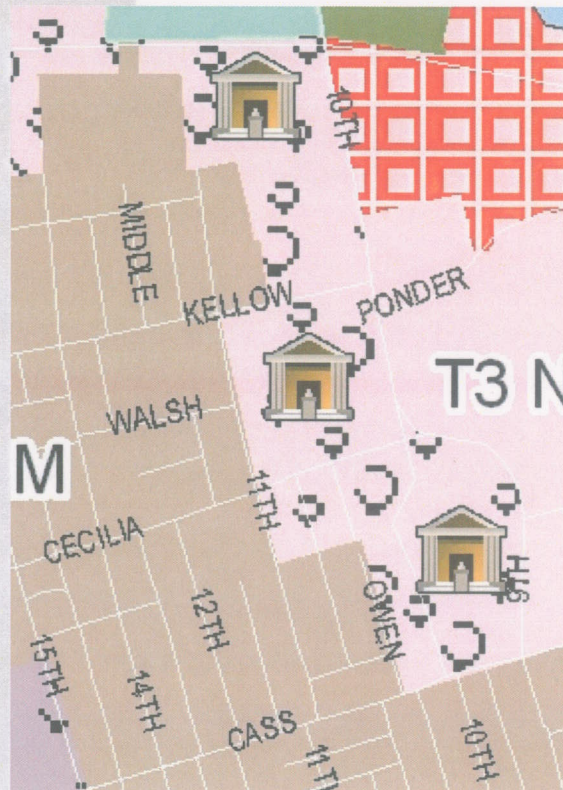
1. Clarify and make consistent the way that civic uses (schools, libraries, etc.) are treated on the Community Character policy plan so that it is clear that civic uses are considered integral parts of their respective community character areas (all community character policy areas have language that allows for them, so they do not need to be made part of Open Space policy).

Purpose and Effects: This is primarily a change in the way policies are mapped and does not have any substantive effect. It would make the way publicly owned uses such as public schools and libraries are treated more consistent. In the past, these uses have sometimes been included in Open Space policy and sometimes in the surrounding policy. In the future, the civic site would be included in the surrounding policy and any significant open space associated with it would be placed in Open Space policy as long as it was the intention of the community to retain it as public open space.



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Example of Mapping Civic Uses with Open Space Policy: Looby Library and Theater, Hull-Jackson Montessori Elementary School, and John Early Middle School with Surrounding Open Spaces



Amendments to the Neighborhood Community Character Policies

1. Add language to T3 and T4 Neighborhood Maintenance and Evolving policies that areas in close proximity to Centers or Residential or Mixed-Use Corridor policy may experience increased density to create a transition from the busy corridor or center to the surrounding neighborhood and to support transit on these prominent corridors and mixed use centers. (pp. 91-93, 95-97, 139-141, 145-147 in CCM)

Purpose and Effects: Currently, Neighborhood Maintenance and Evolving policies include language that addresses where higher densities than the policy would normally support may occur, including along corridors. This change would make clearer the nature and intent of higher density near corridors and centers. This change is being done to make this aspect of these policies clearer and better explain why it exists as well as to recognize that Community Centers are very similar to Residential and Mixed Use Corridor areas in this regard.

Draft Text

(T4 Urban Neighborhood Maintenance is used as the example for this proposed language, but the language will also be found in T4 Urban Neighborhood Evolving, T3 Suburban Neighborhood Maintenance, and T3 Suburban Neighborhood Evolving)

Building Form (Mass, Orientation, Placement) – (add as new second paragraph,)

While T4 Urban Neighborhood Maintenance areas usually contain a mixture of residential building types, these are sometimes randomly located rather than thoughtfully placed in relation to corridors and centers. A my future mix arranges



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building types in strategic locations through zoning decisions that place higher intensity buildings nearer to centers and corridors and uses these more intense building types as land use transitions. Allowing for higher intensity residential building types and higher densities in residential development will add value to neighborhoods through the increased ability to support consumer services and transit.

Density/Intensity – Density is secondary to the form of development, however, T4 Urban Neighborhood Maintenance Areas are intended to be moderate to high density. Density is generally between 4 and 20 dwelling units per acre, although there are some exceptions where higher densities are found. Areas with adequate infrastructure, and access, *and the ability to form transitions and support future mass transit and the viability of consumer businesses, are most appropriate for higher density. These are primarily areas along corridors internal to the neighborhood or near larger centers and corridors adjacent to the neighborhood are most appropriate for higher density.* In all cases density and intensity and its appropriate form are established through the Community Planning process or Detailed Design Plan process to be in keeping with the goals and objectives of the Community Plan. *This analysis may result in a more specific density range than that found in this manual or may result in the continued use of the standard density range found in this manual.* Implementation through rezoning occurs as proposals as judged on their merits and ability to meet the goals of the Community Plan. Intensity associated with non-residential development is not applicable in this policy category.

2. Add language regarding transitions in scale and massing to adjacent historic structures to T4 Urban Neighborhood Maintenance, Evolving, Mixed Use Neighborhood, Residential Corridor, and Mixed Use Corridor policies (pp. 139-154, 165-181)
Purpose and Effects: This change will promote increased preservation of historically significant structures in the urban environments where they are most commonly found.

Draft Text

New structures are designed to provide a transition in scale and massing to adjacent historic structures. A successful transition may be provided by reducing the height and massing of the new structure when approaching a smaller historic structure and using a building type such as articulated townhomes near historic structures to complement the historic structure's form. Applicants are also encouraged to offer additional or alternative innovative ways to provide transition in scale, massing and building type. In all cases, new structures adjacent to historic structures complement in height and massing historic structures and do not threaten the integrity of the historic property and its environment.

3. Add language discussing view sheds in T2 Rural Neighborhood Maintenance and T2 Rural Neighborhood Evolving. (pp. 67-69, 71-73)
Purpose and Effects: This is being done because view sheds are especially important features of the character of Rural residential areas. This change would not affect West Nashville or North Nashville, but would affect the Madison Community Plan, which has T2 Neighborhood areas.

Draft Text

General Characteristics

T2 Rural Neighborhood Maintenance Areas demonstrate an established development pattern consisting of low density residential development, agricultural, and civic and public benefit land uses. Attached and detached residential buildings and agricultural buildings are dispersed across the landscape. Buildings are located with consideration given to sensitive environmental features, *preservation of scenic viewsheds*, and ability to farm land, resulting in deep setbacks and generous spacing between buildings.

4. Add language to all Neighborhood Maintenance and Neighborhood Evolving policies that development should not result in the creation of lots with double frontage. Also add that exceptions could be granted to avoid environmentally sensitive features. (pp. 67-69, 71-73, 91-93, 95-97, 139-141, 145-147)



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Purpose and Effects: This is a technical change that reflects standard planning practice regarding the orientation of lots to streets.

Draft Text

Building Form (Mass, Orientation, Placement) (place at end of section)

Development does not result in the creation of double-frontage single- or two-family lots, unless there are extenuating circumstances, such as the need to avoid disturbing sensitive environmental features.

5. Add more language encouraging community gardens in residential policies. (pp. 67-69, 71-73, 91-93, 95-97, 111-114, 139-141, 145-147, 149-152, 165-168)

Purpose and Effects: This change would clarify that community gardens are a welcome aspect of residential character and development in Nashville's neighborhoods throughout the Transect.

Draft Text

Examples of Appropriate Land Uses (In order of appropriateness)

Residential

Community Gardens and Other Open Spaces

Civic or Public Benefit

5. Add language to the "Landscaping" Design Principle in all residential policies: "*Landscaping should be used to screen ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems that would be visible from public streets.*" (pp. 67-69, 71-73, 91-93, 95-97, 111-114, 139-141, 145-147, 149-152, 165-168)
Purpose and Effects: These changes add detail to the Landscaping Design Principle based on previous experience in implementing good design standards throughout the Transect.
6. Add language within the "Building Form" Design Principle to all Neighborhood policies that open space should be provided as part of new/infill development – lay out the site's natural features first and develop around them. (pp. 67-69, 71-73, 91-93, 95-97, 139-141, 145-147, 149-152)
Purpose and Effects: This change recognizes that open space is an integral part of the residential environment and that much of tomorrow's open space will be provided through private development. The change will result in the creation of more usable, thoughtfully developed open space in neighborhoods.

Draft Text

Building Form (Mass, Orientation, Placement) (before the Double-frontage Lot language being added above)

New developments that create their own street or internal drive systems also provide inviting, functional, and accessible open space as an integral part of the development. Less extensive new developments provide smaller open spaces that may serve multiple purposes, such as rain gardens that serve as storm water management devices as well as site amenities.

Amendments to the Center Community Character Policies

1. Add a Design Principle encouraging placing utilities underground, in alleys, or at the back of property.
Purpose and Effects: This would be a new Design Principle that would foster good design standards throughout the Transect. (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208, 221-225, 227-229, 232-235 in OCM)



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Draft Text

Utilities

Utilities are placed underground if feasible. If this cannot be accomplished, they are placed in an alley or rear service lane or otherwise at the back of the property. Small utilities that cannot be placed in these locations are carefully screened from public view

2. Allow stand-alone residential in T2 Rural, T3 Suburban, and T4 Urban Neighborhood Center Policies. (pp. 75-77, 101-103, 155-157)

Purpose and Effects: This change would allow for a greater mixture of uses in Neighborhood Centers and would provide added flexibility and additional housing options in neighborhoods at logical locations.

Draft Text

Examples of Appropriate Land Uses (In order of appropriateness)

Vertical Mixed Use

Commercial

Office

Civic or Public Benefit

Residential

3. Add language allowing flexibility in individual first floor tenant square footage in the Design Principle "Building Form" in Centers subject to extra design guidance in light of what is viable in various commercial areas. For example, where currently 70,000 square feet of first floor tenant square footage is allowed in T3 Suburban Community Center policy, a provision would be added that *may* allow greater square footage subject to meeting certain design principles. (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208)

Purpose and Effects: This change reflects lessons learned about the need to accommodate changing and varied industry standards in commercial and mixed use buildings. The effects would be to link allowing larger building mass with providing design elements that would create a more inviting, pedestrian-friendly shopping environment within the development.

4. Examine T5 Regional Center as the preferred location for "big-box" development. Allow for "big box" development in T3 Suburban Community Centers with certain design guidance. (pp. 105-108)

Purpose and Effects: This change reflects lessons learned about the need to accommodate changing and varied industry standards for siting "big box" stores. The effect would primarily be on T3 Suburban Community Centers, where these would now be allowed to be developed if they met appropriate building and site design requirements.

Note: These two items are closely related and are being addressed together.



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Draft Text

(Example used is from T3 Suburban Community Center policy but would also be found in T4 Urban Community Center)

Building Form (Mass, Orientation, Placement (added at the end of the Design Principle)

Additional individual first floor tenant space square footage may be considered in cases of exceptional development design that is especially attentive to

- *Strongly articulating the façade of large buildings and including such elements as windows and doors;*
 - *Placing the parking in a manner that breaks up large expanses of pavement, provides safe pedestrian movement, and deters speeding vehicles;*
 - *Orienting the large buildings and using smaller buildings to frame the large building all in a manner that creates a town center environment that serves as a destination within the center, and*
 - *Providing one or more areas of publicly accessible, usable, and inviting open space within the development*
5. Consider allowing *new* T5 Center Regional Centers (i.e. adding the word "create" under the intent language).
Purpose and Effects: This reflects the understanding that areas that are not now T5 Center Regional Centers could someday evolve into such places. (pp. 199-202)

Draft Text

Policy Intent

Enhance or create regional centers, encouraging their redevelopment as intense mixed use areas that serve multiple communities as well as the entire County with supporting land uses that create opportunities to live, work, and recreate.

6. Add to the "Landscaping" Design Principle: "*Landscaping* [“or structural treatments such as walls” would be added in the T5 and T6 categories] *should be used to screen ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems that would be visible from public streets*”, also add “*Chain linked fencing or fencing with razor or barbed wire is not appropriate along any public right-of-way or within 25 feet of right-of-way*” (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208, 221-225, 227-229, 232-235)
Purpose and Effects: These changes add detail to the Landscaping Design Principle based on previous experience in implementing good design standards throughout the Transect.
7. Access: add “*Access points should be consolidated and coordinated with strategic access points across all fronting streets.*” (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208, 227-229, 232-235)
Purpose and Effects: This change strengthens the access management aspects of these policies
8. Add language dealing with transitions to adjacent residential community character policy areas that is compatible with the language in those policies (see Item # 1 under Neighborhood policies). (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208, 227-229, 232-235)
Purpose and Effects: The purpose and effects of this change would be to create better transitions between higher intensity areas such as Centers and Corridors and their adjoining community character policy areas. It would be cross-referenced with similar language in the adjoining policies such as the change referenced in Item # 1 under Neighborhood Community Character Policies above.



Metro Planning Commission Meeting of 12/09/10

Draft Text

(example used is T3 Suburban Community Center, but the language would also be found in T4 Urban Community Center, T5 Center Regional Center, and T5 Center Super Regional Center)

Building Form (Mass, Orientation, Placement) – The building form is in character with the envisioned T3 Suburban development pattern in terms of its mass, orientation, and placement. The building form does, however, complement the adjacent neighborhoods that it serves and the infrastructure to which it has access. *Transitions in scale and massing may be formed at the edges of the Suburban Community Center where it adjoins lower intensity community character areas, with thoughtful attention given to the placement and orientation of buildings within these edges as they relate to their surroundings. Implementation through rezoning occurs as proposals as judged on their merits and ability to meet the goals of the Community Plan.*

9. Add language to the Parking Design Principle to discourage providing excess parking that makes it difficult to achieve other CCM or community plan policies. (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208)
Purpose and Effects: The purpose and effects of this change would be to discourage the provision of excess parking when to do so would make it difficult to achieve other CCM or community plan policies.

Draft Text

(example used is T3 Suburban Community Center, but the language would also be found in T2 Rural center, T3 Suburban Neighborhood Center, T4 Urban Neighborhood Center, T4 Urban Community Center, T5 Center Mixed Use Neighborhood, T5 Center Regional Center, and T5 Center Super Regional Center)

Parking – Parking is provided on-street or on-site in surface lots or in structures. If parking is located in front of the primary building, then the parking is screened, from the primary street(s), by buildings on out parcels, which are oriented to face the primary street with setbacks and spacing that create a street wall that fosters a pedestrian friendly environment. One row of parking is allowed between all buildings (including outparcels) and the street. Parking is primarily behind the building with limited parking beside the building. Parking beside the building is designed to cause minimal disruption to the way the buildings frame the street and create a pedestrian friendly environment. Parking is screened from view of the street and from view of abutting residential properties. On-street parking offsets parking needs and creates a buffer between the street and the pedestrian. *When establishing parking quantities, other design principles and community plan policies are not compromised.* Shared parking is encouraged. Surface parking is divided into sections by landscape islands and internal street networks. Parallel parking along internal streets is used to provide definition to the street, calm traffic, and enhance pedestrian use of the center. Bicycle parking is provided.

Amendments to the Corridor Community Character Policies

1. Add a Design Principle encouraging placing utilities underground, in alleys, or at the back of property. (pp. 111-114, 119-122, 165-168, 173-176, 239-241 in CCM)
Purpose and Effects: This would be a new Design Principle that would foster good design standards throughout the Transect. **See proposed language on Item # 1 under Amendments to Center Community Character Policies.**
2. Add language to T3 Suburban and T4 Urban Mixed Use Corridor policies allowing flexibility in individual first floor tenant square footage under the “Building Form” Design Principle subject to extra design guidance in light of what is viable in various commercial areas. (pp. 119-122, 173-176)
Purpose and Effects: This change reflects lessons learned about the need to accommodate changing and varied industry standards in commercial and mixed use buildings. **See proposed language on Items # 3 and 4 under Amendments to Center Community Character Policies.**



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3. Add to the "Landscaping" Design Principle: "*Landscaping [or structural treatments such as walls] would be added in the T5 and T6 categories] should be used to screen ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems that would be visible from public streets*", also add "*Chain linked fencing or fencing with razor or barbed wire is not appropriate along any public right-of-way or within 25 feet of right-of-way*" (pp. 111-114, 119-122, 165-168, 173-176, 239-241)
Purpose and Effects: These changes add detail to the Landscaping Design Principle based on previous experience in implementing good design standards throughout the Transect.
4. Add: "*Access points should be consolidated and coordinated with strategic access points across all fronting streets*" to the "Access" Design Principle. (pp. 111-114, 119-122, 165-168, 173-176, 239-241)
Purpose and Effects: This change strengthens the access management aspects of these policies.
5. Add language dealing with transitions to adjacent residential community character policy areas that is compatible with the language in those policies that also refers to transitions between higher and lower intensity areas. (pp. 111-114, 119-122, 165-168, 173-176, 239-241)
Purpose and Effects: The purpose and effects of this change would be to create better transitions between higher intensity areas such as Centers and Corridors and their adjoining community character policy areas. It would be cross-referenced with similar language in the adjoining policies such as the change referenced in Item # 1 under Neighborhood Community Character Policies above. **See proposed language on Item # 8 under Amendments to Center Community Character Policies.**
6. Add language to the Parking Design Principle to discourage providing excess parking that makes it difficult to achieve other CCM or community plan policies. (pp. 119-127, 173-181)
Purpose and Effects: The purpose and effects of this change would be to discourage the provision of excess parking when to do so would make it difficult to achieve other CCM or community plan policies.

Draft Text

(example used is T3 Suburban Mixed Use Corridor, but the language would also be found in T4 Urban Mixed Use Corridor)

Parking – Parking is provided on-site in surface lots and shared parking is encouraged. One row of parking may be considered between non-residential buildings and the street. The remaining parking is behind or beside the building. Limited parking is allowed beside the building and is designed to cause minimal disruption to the way the buildings frame the street and create a pedestrian friendly environment. *When establishing parking quantities, other design principles and community plan policies are not compromised.* On-site surface parking is divided into sections by landscape islands and internal street networks. On-site surface parking is also screened from view of the street and from view of abutting residential properties. Bicycle parking is provided.

Amendments to the District Community Character Policies

1. In the District Impact policy under "Access" says these uses need to be on major arterials, which is unlikely for a substation. Distinguish between a smaller utility like a substation and a larger one like a landfill when it comes to access. (pp. 249-253 in CCM) *Purpose and Effects:* This change recognizes the different characteristics of different uses within District Impact Policy.

Draft Text

Access – Vehicular access for larger *Impact activities* is from major arterials and freeways. *Smaller Impact activities, such as electrical substations, may be accessed from collector or even local streets.* Larger thoroughfares provide access on the outer areas of the D Impact Area while private, local access and service streets provide access to buildings internal to the D Impact Area. Some uses may require limited and controlled access points for safety.

2. Add to the "Landscaping" Design Principle for all District Community Character policies: "*Landscaping should be used to screen ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems*



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that would be visible from public streets”, also add “Chain linked fencing or fencing with razor or barbed wire is not appropriate along any public right-of-way or within 25 feet of right-of-way.” (pp. 249-253, 255-257, 259-261, 263-265)

Purpose and Effects: These changes add detail to the Landscaping Design Principle based on previous experience in implementing good design standards throughout the Transect.

3. For all District Community Character policies, add to the “Access” Design Principle that “*Access points should be consolidated and coordinated with strategic access points across all fronting streets.*” (pp. 249-253, 255-257, 259-261, 263-265)

Purpose and Effects: This change strengthens the access management aspects of these policies.

Amendments to the Appendices

1. Revisit the definitions of “civic” and “public benefit” to make sure they are adequate. (pp. 275, 280 in CCM)

Purpose and Effects: The definitions of “civic,” which includes public uses such as schools and libraries, and “public benefit,” generally viewed as a broader category that also includes religious institutions and charitable institutions, have proved challenging to interpret and apply and are being revisited.

Draft Text

Civic (use) – a public facility or service other than public utility equipment provided by a governmental organization

Public Benefit – a non-governmental land use that provides a public service. Some examples of public benefit uses include religious institutions, and cultural, educational or community centers operated by institutional entities for charitable purposes.

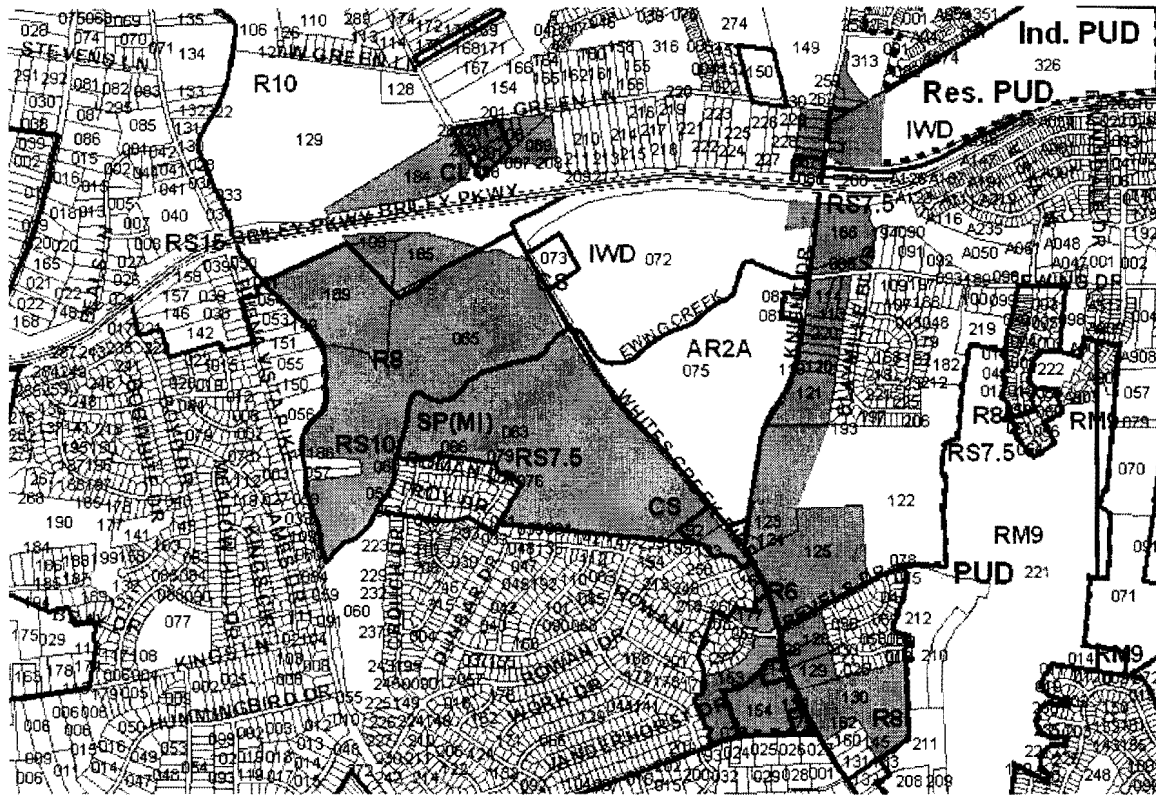
Amendments to the *Madison Community Plan: 2009 Update* and the *West Nashville Community Plan: 2009 Update*

1. Amend the Madison and West Nashville Community Plans to incorporate the second edition of the Community Character Manual as adopted by the Metropolitan Planning Commission on August 14, 2008 and amended by the Commission on December 9, 2010 into those community plans.

Purpose and Effects: These amendments will make the updated Community Character Policies applicable to the Madison and West Nashville Community Plans.

STAFF RECOMMENDATION

Staff recommends approval.



2010CP-003-002

BORDEAUX-WHITES CREEK COMMUNITY PLAN: 2003 UPDATE

Map 049-00, Parcel(s) 201-204, 206, 230-233, 259, 261-264, 280-281, 301

Map 059-00, Parcel(s) 063, 065, 067-069, 072, 086-088, 112-114, 117-126, 128-130, 139, 153, 164, 177, 179, 184-185, 187, 189, 192-193, 199-200

Bordeaux - Whites Creek

02 - Frank R. Harrison; 03 - Walter Hunt



Project No. 2010CP-003-002
Project Name Amend the *Bordeaux-Whites Creek Community Plan: 2003 Update*
Council District 2 – Harrison and 3 – Hunt
School Districts 1 – Gentry and 3 – North
Requested by Planning Department
Staff Reviewer Wood
Staff Recommendation *Approve*

APPLICANT REQUEST Amend land use policies from RLM, RM, NC, and CC to T3 CM, T3 CC, T3 NE, and D IN.

Amend the Community Plan A request for a minor amendment to the *Bordeaux-Whites Creek Community Plan: 2003 Update* to change from RLM, RM, NC, and CC policies to T3 CM, T3 CC, T3 NE, and D IN policies for properties located along Whites Creek Pike, Green Lane, Knight Drive, Revels Drive, and Ewing Drive.

CRITICAL PLANNING GOALS N/A

BELLEVUE COMMUNITY PLAN

Current Policies

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

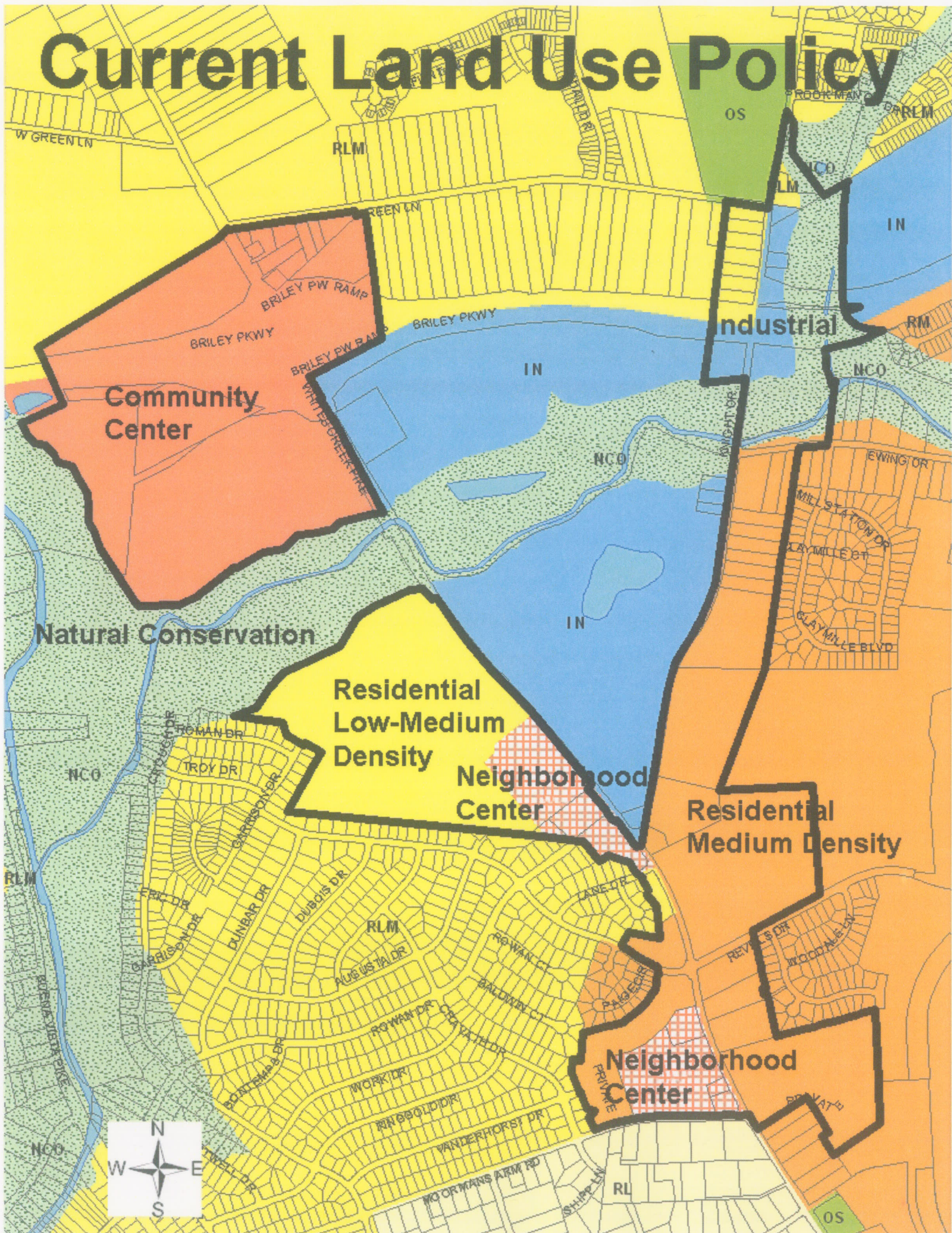
Residential Medium (RM) RM policy areas are intended to accommodate residential development within a density range of four to nine dwelling units per acre. A mix of housing types is appropriate.

Neighborhood Center (NC) NC policy is intended to create small, pedestrian-friendly areas that serve as local centers of activity with uses that meet daily convenience needs and/or provide a place to gather and socialize. NC areas may contain single or multiple uses, including mixed-use and residential development.

Proposed Land Use Policies
T3 Suburban Neighborhood Evolving (T3 NE)

T3 NE policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and

Current Land Use Policy





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associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

T3 Suburban Community Center (T3 CC)

T3 CC policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections. T3 Suburban Community Centers serve suburban communities within a 10 to 20 minute drive.

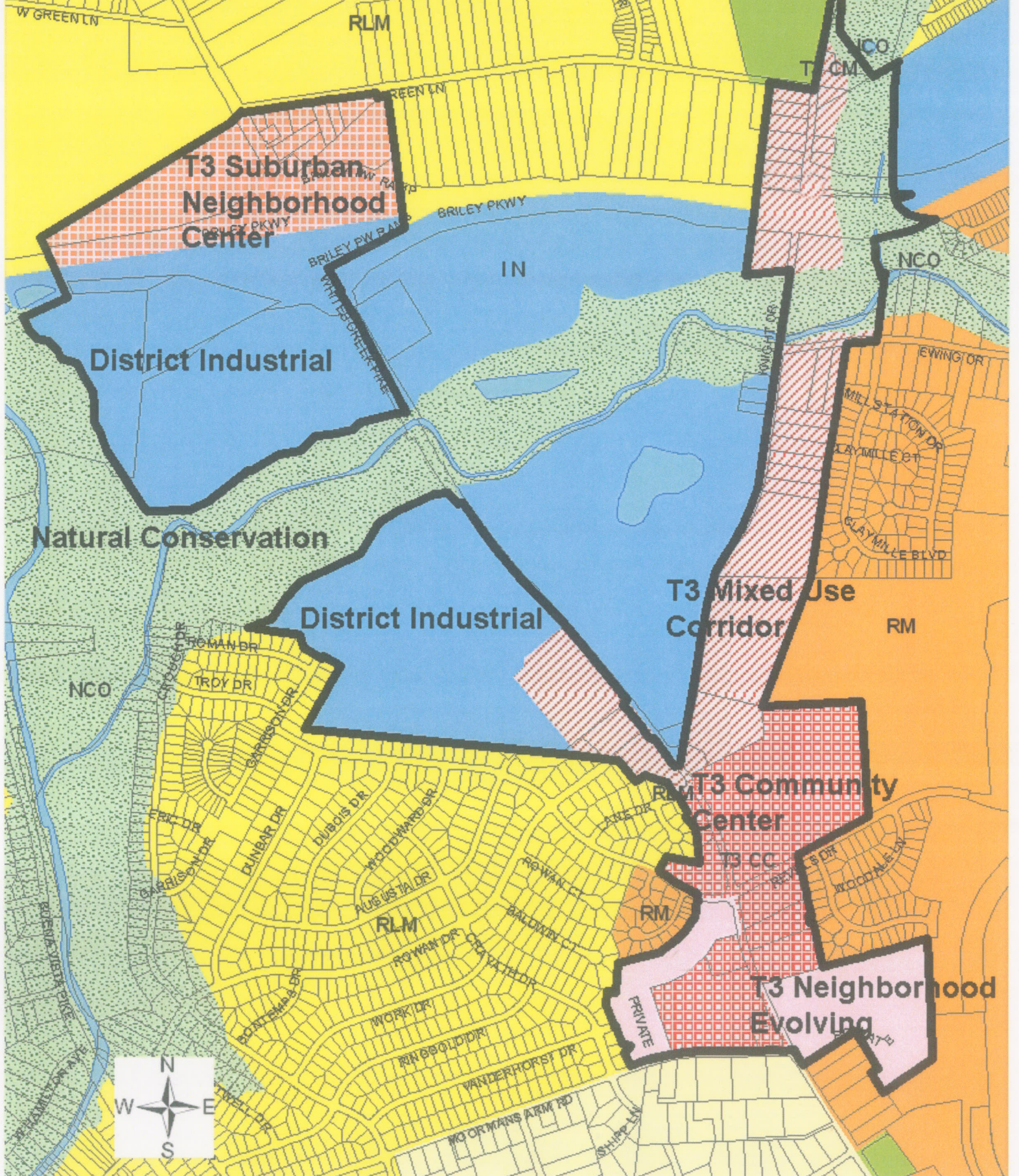
T3 Suburban Mixed Use Corridor (T3 CM)

T3 CM policy is intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of suburban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

D Industrial (D IN)

D IN policy is intended to preserve, enhance, and create Industrial Districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

Proposed Land Use Policy





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BACKGROUND

On August 12, 2010, the Planning Commission recommended approval of a proposed zone change for a 1.13 acre parcel from One and Two-Family Residential (R10) to Office Neighborhood (ON) zoning for property located at 3200 Knight Drive, approximately 230 feet north of Briley Parkway (2010Z-017PR-001). As part of its motion, the Commission directed staff to prepare a minor housekeeping community plan amendment, including determining the affected area that needed to be amended, to make the community plan consistent with the zoning decision.

In determining the area to be amended, staff noted that there had been an earlier zone change enacted by Council on October 7, 2009 (Substitute Ordinance No. BL2008-324 / 2008SP-025U-03) from RS7.5, R8, and CS to mixed-use SP, the Park at Ewing Creek, with an emphasis on industrial and warehousing. The Planning Commission recommended disapproval of the zone change unless certain conditions were met. These conditions were met and the rezoning was approved by the Council. The SP covers a 91.51 acre site that is in RLM and NCO policy. This earlier zone change, because of the large amount of land area affected and the significant change in land use direction, also impacted the adjacent land use policies.

Both zone changes are located in an area that already has a strong presence of industrial and impact uses. These include the FedEx facility at Briley Parkway and Knight Drive, across from 3200 Knight Drive, the UPS facility at Whites Creek Pike and Briley Parkway, across from the Park at Ewing Creek SP, and the quarry that lies between Whites Creek Pike and Knight Drive. Knight Drive between Briley Parkway and Whites Creek Pike and Whites Creek Pike between Knight Drive and Briley Parkway are significant industrial truck routes.

In approving the zone change at 3200 Knight Drive, the Planning Commission considered its location across from an impactful industrial use and determined that the property was not suitable for continued residential use and a nonresidential use would be more appropriate. The earlier zone change reflected a similar view of the area surrounding the Briley Parkway – Whites Creek Pike – Knight Drive complex of intersections that had a more industrial future than envisioned in the community plan.



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In line with this approach, if the property at 3200 Knight Drive is impacted by being across from an industrial facility, then all of the properties on Knight Drive and Whites Creek Pike that face existing or future industrial development merit the same consideration for nonresidential development opportunity. Staff is recommending a mixed use corridor policy, which would allow for office and commercial use in addition to allow for a continued residential presence, for the properties along Knight Drive.

The ripple effects of the changing policies also affect mixed use policies (Community Center at Whites Creek Pike and Briley Parkway and Neighborhood Center on Whites Creek Pike near Knight Drive) that were put in place in 2003 to support what was then intended to develop as a predominantly residential area. That residential opportunity has been removed by past decisions, making it necessary to rearrange the mixed use policy areas that were intended to provide consumer products and services to the population that will no longer be present in the future now that the area is becoming industrial instead of residential. Therefore, staff is also recommending that the Community Center at Whites Creek Pike and Briley Parkway be reduced in scope to a Neighborhood Center, that the Neighborhood Center further south on Whites Creek Pike be removed, and that the consumer opportunity for the local neighborhoods be focused at Whites Creek Pike and Moormans Arm Road by enlarging what is now a Neighborhood Center and making it a Community Center. There is significant development opportunity available at that location and it is better situated to serve the actual concentration of population in the area.

Staff is recommending the use of the new Community Character policies for this amendment, particularly given the age of the community plan and the size of the amendment area. The amendment would also include the application of a small amount of T3 Suburban Neighborhood Evolving policy to some multifamily residential development surrounding the T3 Suburban Community Center that would now be at Whites Creek Pike and Moormans Arm Road.

COMMUNITY PARTICIPATION

Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property



Metro Planning Commission Meeting of 12/09/10

owners and known groups and organizations within 500 feet of the subject site. Since this is a “housekeeping” plan amendment, a community meeting was not required.

ANALYSIS

Physical Site Conditions

The majority of the site is free of significant physical constraints to development. The portion of the Park at Ewing Creek SP that contains floodplain is being kept in Natural Conservation policy and is not part of this amendment.

Land Use

Land uses within the site are industrial, impact, residential, and commercial. Surrounding land uses are residential.

Access

The site has access to Whites Creek Pike, Knight Drive, and Briley Parkway.

Development Pattern

The development pattern in the area is industrial and impact surrounded by emerging suburban residential with support commercial and remaining rural development.

Historic Features

There are no recognized historic features associated with this site.

Conclusion

This amendment is a recognition of previous zoning decisions that acknowledges the impacts of present and future development on properties that front on Knight Drive and Whites Creek Pike between their intersection and the Briley Parkway interchange. The amendment also acknowledges the shift in residential development patterns and the need for consumer commercial opportunities to shift accordingly to support that changed population pattern.

STAFF RECOMMENDATION

Staff recommends approval.



Project No.
Project Name

Major Plan Amendment 2010CP-014-003
Amend the *Donelson-Hermitage-Old Hickory*
Community Plan: 2004 Update

Associated Case
Council District
School Districts
Requested by

2010SP-019-001
12 – Gotto
4 – Shepherd
Anderson, Delk, Epps & Associates, Inc., applicant
Chance Allen and Roy Jones, owners

Staff Reviewer
Staff Recommendation

McCaig
Approve

APPLICANT REQUEST

Amend the land use policy from Residential to Community Center.

Amend the Community Plan

A request to amend the *Donelson-Hermitage-Old Hickory Community Plan: 2004 Update* by changing the current Land Use Policy Residential Medium (RM) to Community Character Policy T3 Suburban Community Center (T3 CC) for property located along Old Hickory Boulevard, near the intersection with Hermitage Woods Drive.

CRITICAL PLANNING GOALS

The proposed T3 Suburban Community Center policy is intended to meet the critical planning goal of supporting infill development. It meets this goal by:

- Developing in an existing community at a higher intensity than before
- Focusing development along a major corridor
- Adding development where existing infrastructure is available
- Providing a mixture of uses that complements surrounding land uses
- Minimizing vehicular access points

DONELSON-HERMITAGE COMMUNITY PLAN

Current Policy
Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A mix of housing types is appropriate. The most common types include compact, single family detached units, town homes, and walk-up apartments.

2010CP-014-003

Com in C C

O in MI

RM

Ins in MI

Amendment Request
Change from RM to T3 CC

RMH

RM

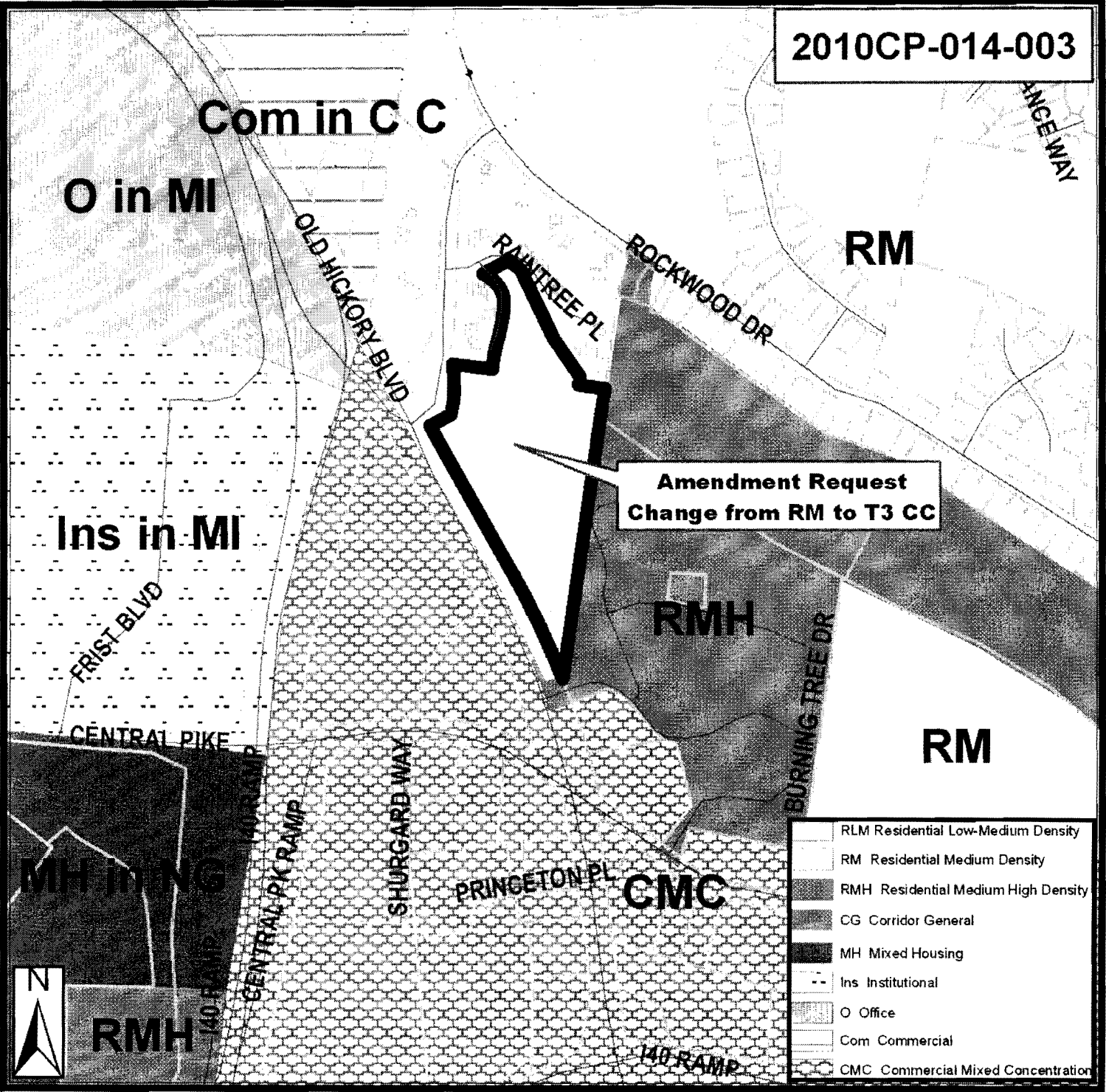
CMC

MH in NG

RMH



- RLM Residential Low-Medium Density
- RM Residential Medium Density
- RMH Residential Medium High Density
- CG Corridor General
- MH Mixed Housing
- Ins Institutional
- O Office
- Com Commercial
- CMC Commercial Mixed Concentration





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Proposed Land Use Policy T3 Suburban Community Center (T3 CC)

T3 CC policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, infrastructure and transportation networks should be enhanced to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections and serve suburban communities within a 10 to 20 minute drive.

BACKGROUND

This property is approximately 10.6 acres. In the early 1970s it was part of a larger residential Planned Unit Development comprised of 240 acres. However, the property has never been developed. Its current zoning is RM9.

During the Donelson-Hermitage-Old Hickory Community Plan update process in 2003 and 2004, stakeholders were concerned about developing any additional multi-family residential in this area due to it already having a large portion of condominiums and apartments. However, due to the property's existing RM9 zoning, RM policy was placed on the property.

COMMUNITY PARTICIPATION

The applicant held a community meeting on August 30, 2010, with the district councilman and the adjacent homeowners. Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 1,300 feet of the subject site. Planning staff held another community meeting on November 18, 2010, to discuss the plan amendment request and rezoning proposal with the community; seven community members, the district councilmember, applicants and staff were in attendance. Attendees were supportive of the proposed plan amendment and rezoning with a recommendation to remain thoughtful in project design so as not to exacerbate existing traffic congestion along the Old Hickory Boulevard corridor and surrounding streets.

ANALYSIS

Physical Site Conditions

The site does have some steep slopes which should be taken into account with any development of this property.



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Elevation along the property ranges from 580 feet on the southern end to around 500 feet on the northern end. When Old Hickory Boulevard, which runs in front of this property, was widened to four lanes the roadway was cut through the hillside, leaving this property standing higher than the roadway. Development will result in bringing the front portion of the property down closer to the level of the roadway and most likely, significant grading of the property to prepare it for development.

Land Use

Currently, the site is vacant and is covered by vegetation, shrubs and trees. The applicant is requesting a mixed use rezoning which is supported in the requested T3 CC policy. This property provides an opportunity for a smooth transition from the adjacent commercial, medical and office uses to the adjacent residential uses.

Access

At present the site is accessed by Hermitage Woods Drive. However, this development proposes only accessing the site from Old Hickory Boulevard, which is a major corridor, and aligning that access point with an existing cut in the median and access across the street. The property is also close to an interchange with Interstate 40.

Development Pattern

The development pattern in the area is varied. Immediately surrounding the property are multi-family uses, including Burning Tree Apartments, Raintree Village, and Hickory Woods Condominiums. Across the street are medical office uses and a hospital. This property is also adjacent to a commercial node at the intersection of Old Hickory Boulevard and Central Pike to the south and a large shopping center area to the north.

Historic Features

There are no recognized historic features associated with this site.

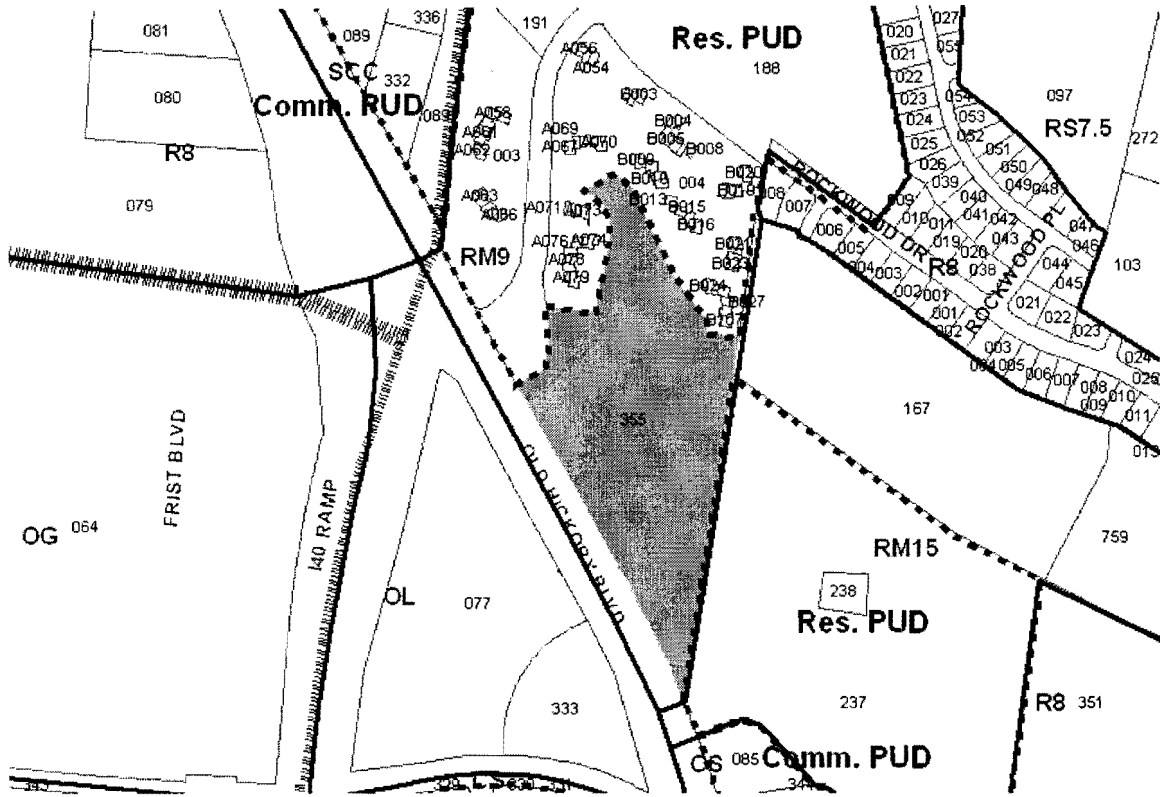
Conclusion

The proposed rezoning conforms to the Design Principles of the proposed T3 Community Center policy so no special policy language is needed. The amendment also acknowledges the shift in residential development patterns and the need for additional consumer commercial and business opportunities to shift accordingly to support and complement the adjacent residential development pattern.

STAFF RECOMMENDATION

Staff recommends approval.

SEE NEXT PAGE



2010SP-019-001
 ALLEN AND JONES PROPERTY
 Map 086-00, Parcel(s) 355
 Donelson - Hermitage
 12 - Jim Gotto



Project No. 2010SP-019-001
Project Name Allen and Jones Property SP
Associate Case 2010CP-014-003
Council Bill BL2010-803
Council District 12 - Gotto
School District 4 - Shepherd
Requested by Anderson, Delk, Epps & Associates, Inc., applicant,
 Davco-O.H. Blvd Properties, owner

Staff Reviewer Johnson
Staff Recommendation *Approve SP with conditions or approve MUL zoning, subject to approval of the associated Community Plan amendment*

APPLICANT REQUEST Permit land uses consistent with MUL zoning

Preliminary SP A request to rezone from Multi-Family Residential (RM9) to Specific Plan - Mixed Use (SP-MU) zoning property located at Old Hickory Boulevard (unnumbered), approximately 600 feet north of Central Pike (10.65 acres), to permit a mixture of commercial and/or medical uses along with a possible assisted-living facility and active senior living.

Existing Zoning RM9 District
 RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. This zoning would allow for 96 lots on the subject property.

Proposed 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 residential uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS N/A

DONELSON-HERMITAGE COMMUNITY PLAN

Existing Policy Residential Medium (RM)
 RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact,



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single-family detached units, town-homes, and walk-up apartments.

Proposed Policy

T3 Suburban Community Center
(T3 CC)

T3 CC policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections. T3 Suburban Community Centers serve suburban communities within a 10 to 20 minute drive.

Consistent with Policy?

The applicant proposes to amend the current land use policy through a concurrent policy amendment application. The proposed uses and bulk standards within the SP generally follow the use and bulk standards of the MUL zoning district, which is consistent with the intent of the T3 CC policy. With the proposed conditions of approval by staff, the SP would be consistent with the T3 CC land use policy. As an alternative, MUL zoning would also be consistent with the T3 CC policy.

PLAN DETAILS

The proposed SP consists primarily of permitted land uses, minimal development standards and a conceptual grading plan. The development standards include proposed bulk standards and architectural standards for future development within the project site. The grading plan illustrates anticipated grading of the site needed for proposed uses.

Land uses

Permitted land uses and bulk standards within the SP generally follow the MUL zoning district. Several industrial, utility, and commercial uses permitted within the MUL zoning district have been excluded from the permitted uses list for this SP.

Bulk Standards

Bulk standards proposed by the SP also generally follow MUL standards. Variations from MUL zoning requirements occur in several instances. Building height requirements include an overall building height of 5 or 6 stories depending upon the specific land use involved, as well as a height control plane consistent with the MUL



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zone. If approved, the SP should be required to tailor its building height requirements according to the specific location of a building within the site. A condition of approval related to building heights has been added.

Access and Parking

The SP proposes one direct driveway access to connect the site directly to Old Hickory Boulevard. A private street called Heritage Woods Drive borders the project site to the west and provides access to a residential development to the north of the project site. Use of this driveway for access to the project site is prohibited by the SP.

Urban Zoning Overlay (UZO) parking standards are proposed through the SP. Because the project site does not have the characteristics of a typical commercial site within the UZO, including the lack of transit access and connectivity to surrounding residential development, the use of UZO parking standards is not appropriate. A condition of approval has been added to use non-UZO parking standards.

Parking location standards are not included in the SP. Nothing in the SP or in the MUL zoning classification will restrict the placement of significant amounts of parking along Old Hickory Boulevard, which would be inconsistent with the intent of the proposed T3 CC policy. The T3 CC policy recommends the placement of parking to the side or behind a building in relation to the public street. A maximum of one row of parking can be placed along the public street in front of a commercial building. Conditions of approval have been added to add site-specific requirements for the placement of buildings and structures with emphasis on the relationship between future development and the Old Hickory Boulevard frontage.

Architectural Standards

The SP includes minimal architectural standards that describe the intent of appropriate building design and specify acceptable materials for exterior walls, roofs, and awnings. These architectural standards do not provide direction in site-specific issues like pedestrian entrance locations or relationships between buildings and streets or public spaces.

Grading Plan

The applicant submitted a conceptual grading plan as part of the SP application. The plan proposes significant alteration to the existing topography, which slopes distinctly up from Old Hickory Boulevard to a high point near the northeast corner of the site. The grading plan



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proposes a retaining wall that would reach a height of approximately 35 feet along the east property line near Old Hickory Boulevard. The grade of the project site would sit below the grade of the adjacent property to the east. In contrast, the grade at the north of the site would increase in height adjacent to the condo development to the north.

ANALYSIS

According to the Zoning Code, an SP is “*intended to address the unique characteristics of an individual property through a site specific plan.*” As proposed, this SP lacks elements that address the unique characteristics of the project site. The primary element of the SP is the permitted uses, which generally follow the MUL zoning district. The minimal bulk and architectural standards are slightly modified from MUL zoning standards and do not adequately reflect the characteristics of the site and surrounding residential development. The conceptual grading plan illustrates the intent to consistently grade the entire site to allow for the many options allowed within the SP. Through SP zoning, the grading plan should be linked to a development plan and site-specific development standards that shows the integration of buildings, parking, landscaping, etc. within a specific project.

According to the Zoning Code, the SP district is

“not intended for speculative development projects, but represents the applicant’s firm intention to develop according to a master development plan in a single development operation, or a phased series of development operations.”

The SP standards submitted by the applicant lack a meaningful connection to the project site. Without a sufficient level of development assurances normally provided through a preliminary site plan and/or well-rounded development standards this SP does not provide the minimum level of elements necessary to guide a context sensitive final SP plan.

The proposed conditions of approval provide site-specific requirements that intend to address the unique characteristics of this SP and the intent of SP zoning. These conditions of approval focus on the relationship of future development to the Old Hickory Boulevard street frontage and building height throughout the project site.



Metro Planning Commission Meeting of 12/09/10

STORMWATER RECOMMENDATION

Preliminary SP Returned for Corrections:

- Proposed Site Layout (Scale no less than 1" = 100', Contours no greater than 5')
- Provide a Water Quality Concept.
- Provide Room for Detention.

FIRE MARSHAL RECOMMENDATION

This approval is for the concept plans only. The developer shall provide the Fire Marshal's office with additional details before the development plans can be approved.

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.
- Project access drive shall align with the existing driveway on the opposite side of OHB and shall be constructed with a minimum of 3 exiting lanes and 1 entering lane.
- Developer shall construct NB right turn lane on OHB at access drive with 200 ft of storage and transition per AASHTO/MUTCD standards.
- Developer shall construct a SB left turn lane on OHB at access drive with a minimum of 200 ft of storage and taper per AASHTO/MUTCD standards.
- Provide adequate sight distance at access drive and any internal drives.
- Roadway construction plans shall require TDOT approval.
- Developer shall conduct signal warrant analysis at 25%, 50 % and 75% project completion or as directed by Metro traffic engineer. Developer shall submit signal plans and upon approval by the Traffic and Parking Commission shall install signal which may include pedestrian signals and facilities per ADA standards. Signal design shall include communication



Metro Planning Commission Meeting of 12/09/10

with adjacent signals on Old Hickory Blvd. and any necessary advanced signal warning signals.

- If a traffic signal is warranted, developer shall re-evaluate the intersection and determine the need to widen the existing driveway on the opposite side of OHB to improve traffic operations. The necessary improvements, if any, shall be based on the results of the analysis as approved by the Metro traffic engineer.
- Upon site plan development, a focused TIS may be required to determine adequate main driveway width and any required turn lanes and to locate internal cross driveways an appropriate distance from signal in order to provide adequate lane storage at signal.

Typical Uses in Existing Zoning District: RM9

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)	10.65	9 D	95 U	700	51	70

Typical Uses in Proposed Zoning District: SP (MUL)

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.65	0.245 F	113,658 SF	7381	167	694

Traffic changes between typical: RM9 and proposed SP (MUL)

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+6681	+116	+624

Maximum Uses in Existing Zoning District: RM9

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)	10.65	9 D	95 U	700	51	70

Maximum Uses in Proposed Zoning District: SP (MUL)

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.65	1 F	463,914 SF	18413	381	1779



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Traffic changes between maximum: RM9 and proposed MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+17,713	+330	+1709

METRO SCHOOL BOARD REPORT

Projected student generation 40 Elementary 23 Middle 19 High

Schools Over/Under Capacity

Students would attend Dodson Elementary School, Dupont-Tyler Middle School, or McGavock High School. Dodson Elementary School and Dupont-Tyler Middle School have been identified as being over capacity by the Metro School Board. There is no capacity for elementary and middle school students within the cluster.

The fiscal liability for 40 elementary students is \$800,000. The fiscal liability for 23 middle school students is \$540,500. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2010.

STAFF RECOMMENDATION

If the associated Community Plan amendment related to this SP proposal is approved, staff recommends approval with conditions of the proposed SP. As proposed, the SP lacks a significant relationship between the proposed standards and the characteristics of the project site. Proposed conditions of approval provide stronger connection between the SP and the project site.

As a separate option to SP zoning, staff supports the approval of MUL zoning if the associated Community Plan amendment related to this SP proposal is approved.

CONDITIONS

1. A build-to zone of 5 feet to 65 feet from the right-of-way line shall be established along Old Hickory Boulevard. A minimum of 40% of the build-to zone shall be occupied by building frontage, which is defined as building façade that fronts onto Old Hickory Boulevard where primary pedestrian access to the building is available.
2. Where parking is placed in front of a building façade within the build-to zone, it shall have a minimum setback of 5 feet from the right-of-way along Old



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Hickory Boulevard. All other parking shall have a minimum 20 foot setback from Old Hickory Boulevard.

3. Parking placed in front of building frontage along Old Hickory Boulevard shall be limited to one row in depth.
4. The parking standards shall be revised to require non-UZO parking standards of the Metro Zoning Code for allowed uses.
5. Building height standards shall be revised to allow a maximum height of 6 stories for hotel structures and 5 stories for other commercial and residential structures within 300 feet of the Old Hickory Boulevard right-of-way. Structures or portions of structures placed 300 feet or more from the Old Hickory Boulevard right-of-way shall have a maximum height of 3 stories.
6. A maximum density of 20 dwelling units per acre is permitted within this SP.
7. Comments listed above from Metro Public Works and Metro Stormwater shall be addressed on the corrected copy.
8. All requirements of Chapter 17.24 (Landscaping, buffering and tree replacement) of the Metro Zoning Code shall met with any final site plan within the SP.
9. 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 MUL zoning district for residential buildings as of the date of the applicable request or application.
10. 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

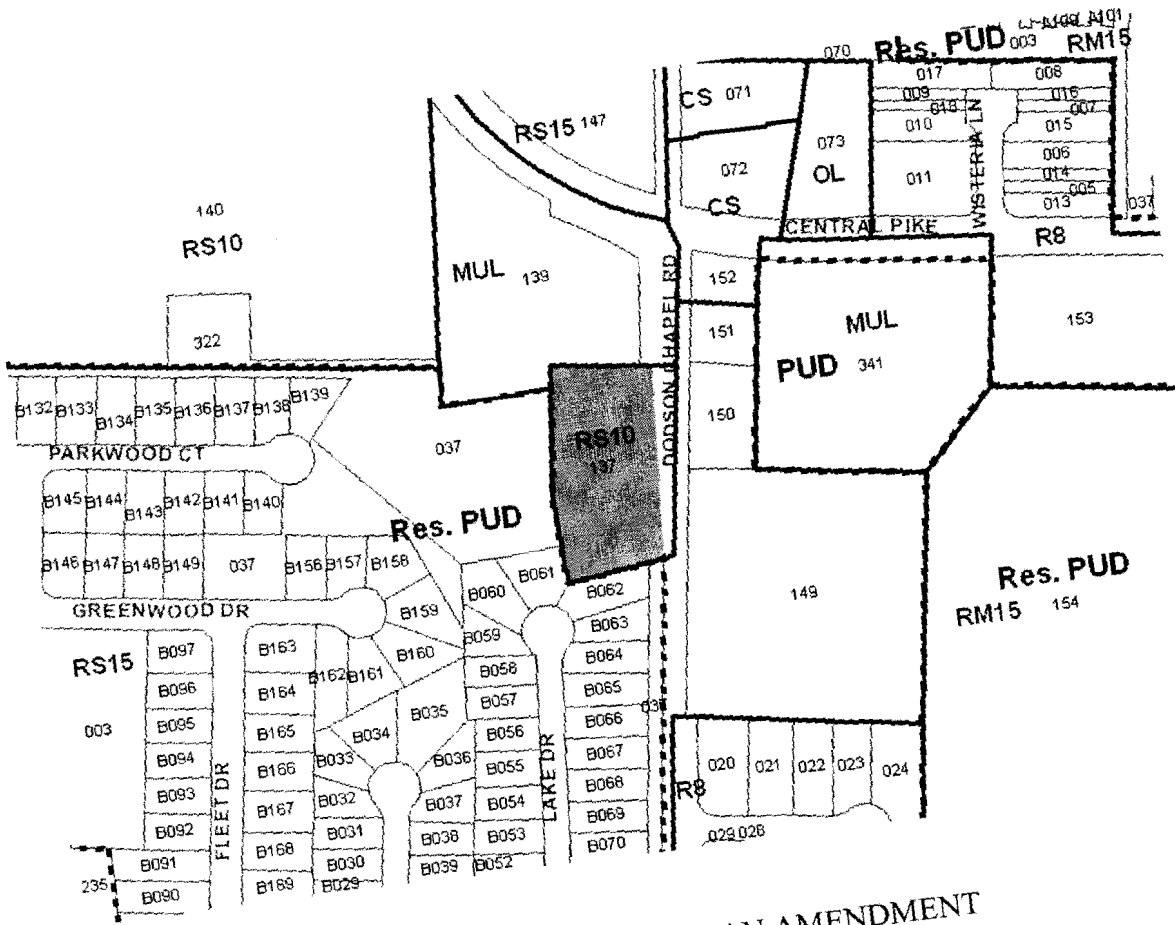


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single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then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

11. 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.
12. 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



2010CP-014-004
 DONELSON-HERMITAGE COMMUNITY PLAN AMENDMENT
 Map 086-00, Parcel(s) 137
 Donelson - Hermitage
 14 - James Bruce Stanley



Project No.
Project Name

Minor Plan Amendment 2010CP-014-004
Amend the *Donelson-Hermitage-Old Hickory*
Community Plan: 2004 Update

Associated Case
Council District
School District
Requested by

2010Z-029PR-001
14 – Stanley
4 – Shepherd
Faran Ferdowsi, applicant, Ralph and Dorothy Gleaves
Fitzpatrick, owners

Staff Reviewer
Staff Recommendation

McCaig
Approve

APPLICANT REQUEST

Amend the land use policy from SFAD in NG to MxU in NC.

Amend the Community Plan

A request to amend the *Donelson-Hermitage-Old Hickory*
***Community Plan: 2004 Update* by changing the current**
Detailed Land Use Policy Single Family Attached and
Detached in Neighborhood General (SFAD in NG) to
Mixed Use in Neighborhood Center (MxU in NC) for
property located at 3954 Dodson Chapel Road, south of
Central Pike.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The proposed Mixed Use in Neighborhood Center policy is intended to meet the critical planning goal of creating a walkable neighborhood. It meets this goal by:

- Focusing development as part of a center, at a higher intensity that currently exists
- Providing a mixture of uses that complements the existing uses
- Creating destinations that can be walked to from nearby residential and office uses
- Creating an environment that allows someone to drive to, but once there park and walk

DONELSON-HERMITAGE
COMMUNITY PLAN

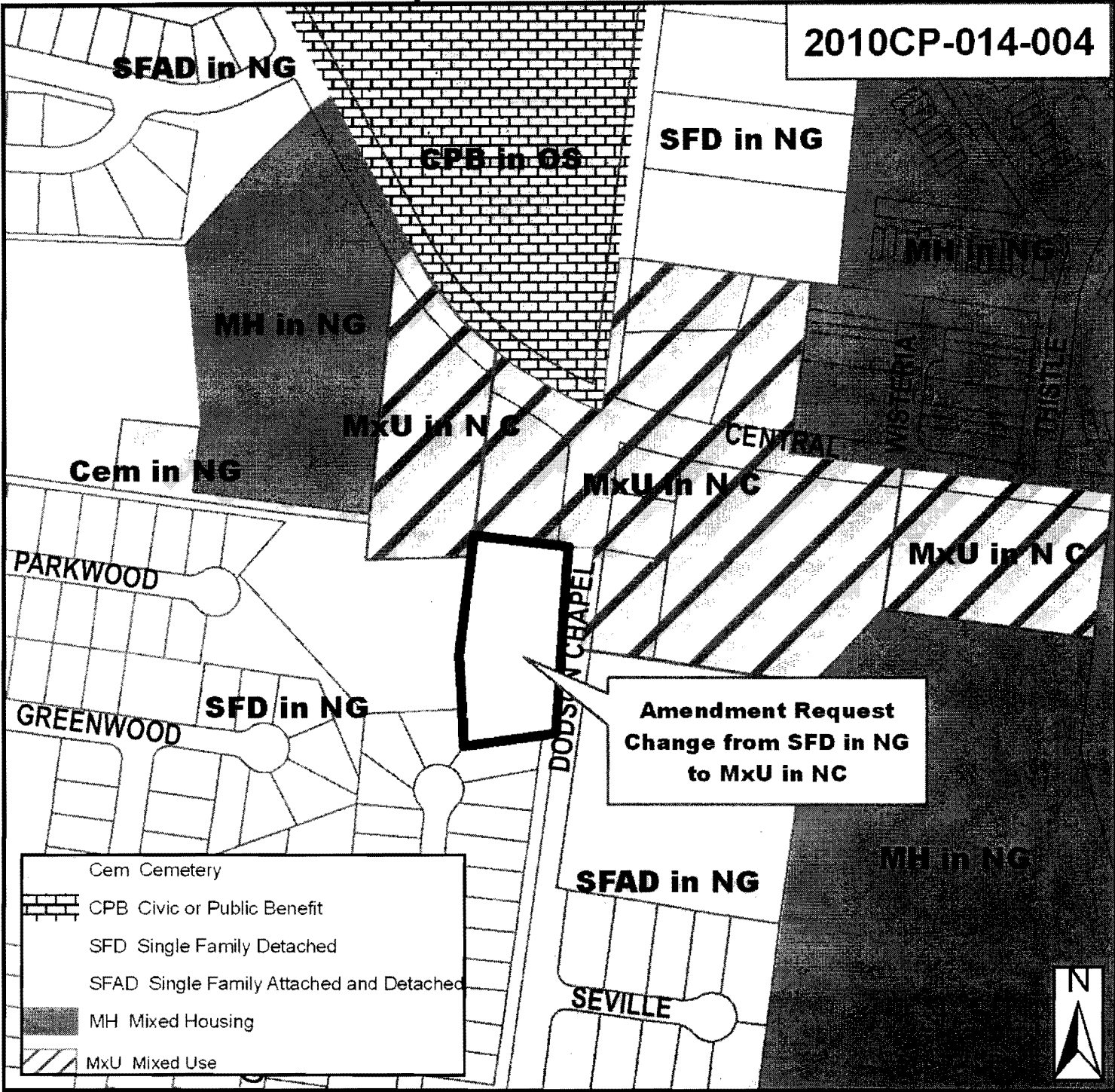
Current Policy
Single Family Attached and
Detached (SFAD)

SFAD detailed policy accommodates both single family and multi-family housing that varies based on lot size and building placement on the lot.

Neighborhood General (NG)

NG policy is intended for areas that are primarily residential in character. NG areas contain a variety of housing that is carefully arranged, not randomly located.

2010CP-014-004





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Proposed Land Use Policy

Mixed Use (MxU)

MxU detailed policy is intended for areas containing a mixture of uses, both horizontally and vertically. The category allows residential as well as commercial uses and focuses on creating a pedestrian-oriented streetscape.

Neighborhood Center (NC)

NC policy is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, the neighborhood center is a walk-to area within a five minute walk of the surrounding neighborhood it serves.

BACKGROUND

This property is approximately 1.43 acres, zoned RS10, and contains a single-family home. During the Donelson-Hermitage-Old Hickory Community Plan update process in 2003 and 2004, residential policy was continued on this property.

COMMUNITY PARTICIPATION

Prior to the plan amendment application, the district councilmember held a community meeting to discuss the associated zone change. However, no one from the community attended the meeting. Notification of the plan amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 800 feet of the subject site. Since this is a minor plan amendment, a community meeting was not required.

ANALYSIS

Physical Site Conditions

The site does have some small areas of steep slopes (greater than 20 percent) which should be taken into account with any development of this property.

Land Use

Currently, the site contains a single-family house. The applicant is requesting a rezoning to Mixed Use Limited (MUL) to redevelop this property as part of the existing office and commercial building on the adjacent property to the north. This property provides an opportunity to provide a smooth transition from the adjacent commercial, medical and office uses to the adjacent residential uses.

Access

At present the site is accessed by Dodson Chapel Road.

Development Pattern

The development pattern in the area is varied. Immediately surrounding the property is the single-family Fleetwood subdivision and a strip medical/office center. The offices



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are part of the neighborhood center node at the intersection of Dodson Chapel Road and Central Pike which includes additional offices, small businesses, a grocery store, the Hermitage Branch Library and the Hermitage Police Precinct. Across the street from the property are additional residential uses which continue south on Dodson Chapel Road.

Historic Features

There are no recognized historic features associated with this site.

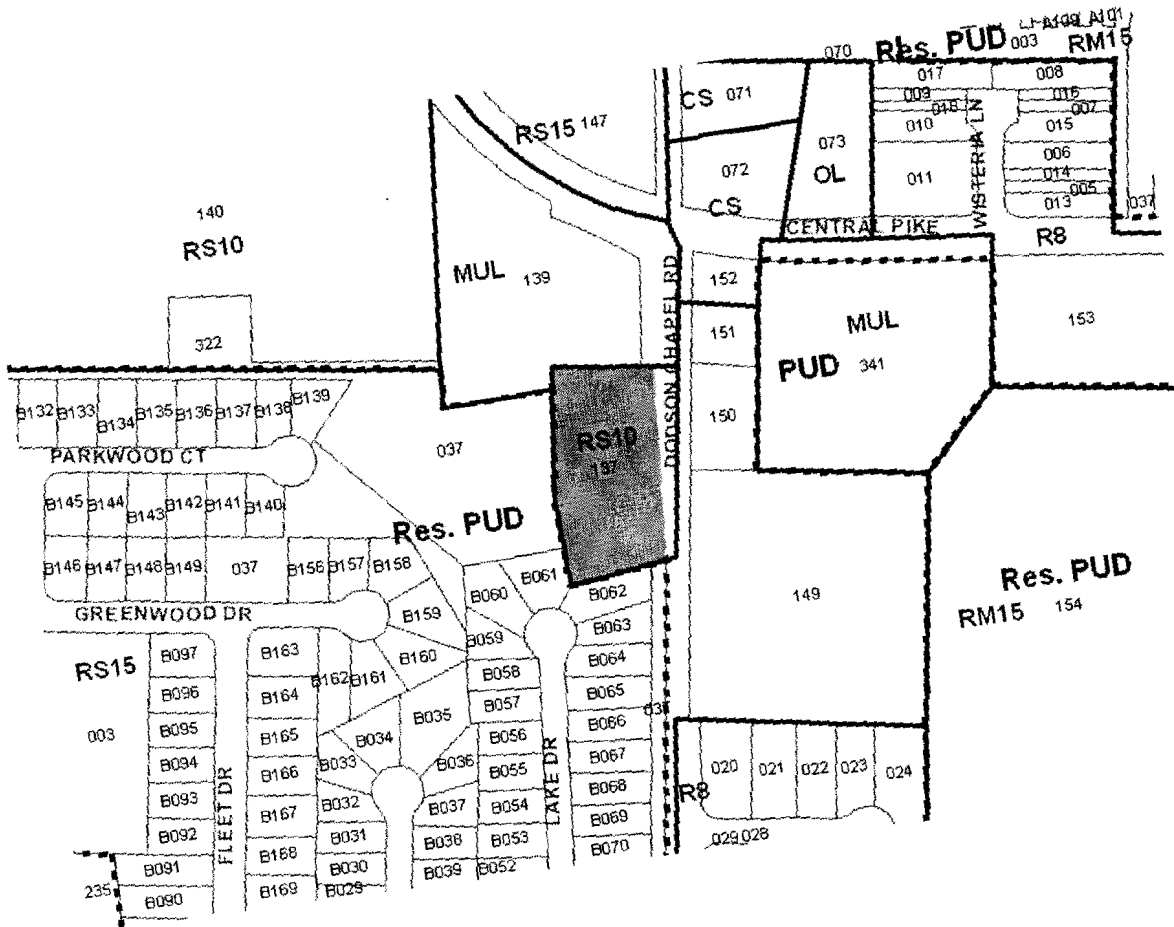
Conclusion

The requested MxU in NC policy is an extension of the neighborhood center node policy surrounding the Dodson Chapel Road / Central Pike intersection. No special policy language is needed.

STAFF RECOMMENDATION

Staff recommends approval.

SEE NEXT PAGE



2010Z-029PR-001
 3954 Dodson Chapel Road
 Map 086-00, Parcel(s) 137
 Donelson - Hermitage
 14 - James Bruce Stanley



Project No. Zone Change 2010Z-029PR-001
Associated Case 2010CP-014-004
Council District 14 – Stanley
School District 4 – Shepherd
Requested by Faran Ferdowsi, applicant for Ralph and Dorothy Gleaves, Fitzpatrick, owners

Staff Reviewer Swaggart
Staff Recommendation *Approve, subject to approval of the associated Community Plan Amendment*

APPLICANT REQUEST **Rezone from single-family residential to mixed use.**

Rezoning **A request to rezone from Single Family Residential (RS10) to Mixed-Use Neighborhood (MUN) zoning for property located at 3954 Dodson Chapel Road, approximately 230 feet south of Central Pike (1.43 acres).**

Existing Zoning
 RS10 District RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *A maximum of five lots would be permitted under the existing RS10 zoning district.*

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

CRITICAL PLANNING GOALS N/A

**DONELSON-HERMITAGE
COMMUNITY PLAN**

Existing Policies
 Neighborhood General (NG) NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located.

Single Family Detached (Detailed Policy)
 SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.



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Proposed Policies

Neighborhood Center

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

Mixed-Use (Detailed Policy)

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

Consistent with Policy?

The proposed mixed-use zoning district is not consistent with the property's current residential land use policies; however, it is consistent with the proposed Mixed Use in Neighborhood Center land use policy.

PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: **RS10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.43	3.7 D	5 L	48	4	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.43	0.057 F	3,550 SF	190	10	30

Traffic changes between typical: **RS10** and proposed **MUN**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+142	+6	+24



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Maximum Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.43	3.7 D	5 L	48	4	6

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.43	0.6 F	37,374 SF	1637	37	112

Traffic changes between maximum: RS10 and proposed MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1589	+33	+106

STAFF RECOMMENDATION

If the associated Community Plan Amendment is approved, then staff recommends that the proposed MUN zoning district be approved. The MUN district is consistent with the proposed land use policies.

SEE NEXT PAGE

RECOMMENDATIONS TO THE METRO COUNCIL

- **Text Amendments**
- **Specific Plan**
- **Zone Change**
- **Amend UDO**
- **Amend PUD**

NO SKETCH



Metro Planning Commission Meeting of 12/09/10

not allow retail and financial institution land uses to have alternate financial services as accessory uses unless the alternate financial service is allowed as a primary use under the zoning classification.

The Metro Zoning Code defines a financial institution as "any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies."

Summary

With a reported 110 million persons in the U.S. not having a bank account, alternate financial services could be considered necessary commercial activities in our communities. Access to these services via traditional retailers will likely increase. The popularity of using stand-alone AFS (e.g. cash advance, check cashing, title loan) may well decrease as customers opt for in-store retail financial service centers since the AFS business offers no other products and/or services.

STAFF RECOMMENDATION

Staff recommends disapproval of this bill. It does not support the adoption of BL2008-169 which was to distinguish AFS uses from other types of businesses. The bill improperly classifies accessory and stand alone AFS uses as being equal land uses. While other businesses such as Wal-Mart, Tyson Foods, US Bank, and Wells Fargo, provide similar services as a stand-alone ASF for customer or employee convenience, their primary land use is not short-term cash lending.

The purpose of the Zoning Code is to distinguish land uses that function differently. By removing references to the Tennessee Code of Laws, the bill limits the ability for AFS uses to exist as accessory uses conducted by existing financial institutions and/or retail businesses. The AFS business is a short-term cash lending business.



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ORDINANCE NO. BL2010-786

An Ordinance amending Section 17.04.060 by modifying the definitions of "cash advance", "check cashing", "pawnshop", and "title loan", all of which is more specifically described herein (Proposal No. 2010Z-021TX-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 17.04.060, Definitions of General Terms, by deleting the definitions of "cash advance", "check cashing", "pawnshop", and "title loan", and substituting with the following new definitions:

"Cash advance" means any building, room, space or portion thereof where unsecured, short-term cash advances are provided, including those made against future pay checks.

"Check cashing" means any building, room, space or portion thereof where checks are cashed in exchange for a fee.

"Pawnshop" means any building, room, space or portion thereof where a pawnbroker regularly conducts business.

"Title loan" means any building, room, space or portion thereof where a business operates that makes loans in exchange for possession of the certificate of title to property or a security interest in titled property.

Section 2. 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: Jamie Hollin

NO SKETCH



Project Nos.
Project Name

Text Amendment 2010Z-022TX-001
Community Education: Eliminate Minimum Site Size Requirements

Council Bill
Council District
School District
Requested by

None
Countywide
Countywide
Metro Planning Department

Staff Reviewer
Staff Recommendation

Regen
Approve

APPLICANT REQUEST

Delete minimum campus size standards for public or private Community Education (K-12) land uses from the Zoning Code.

Text Amendment

A request to modify the Metro Zoning Code, Section 17.16.040 (Uses Permitted with Conditions: Educational Uses) by deleting the minimum campus size requirements for public or private community education uses (elementary, middle, and high school) in subsections 1 and 5.

PURPOSE

This text amendment deletes the minimum campus size requirements for public or private, K-12 schools.

ANALYSIS

Existing Law

Section 17.16.040.A.1 (Uses Permitted with Conditions: Educational Uses) sets forth minimum site size standards based on a school's total enrollment capacity.

School Type	Minimum Campus Size
Elementary (K—8)	5 acres + 1 acre/100 students
Middle (5—9)	10 acres + 1 acre/100 students
High (7—12)	15 acres + 1 acre/100 students

Proposed Bill

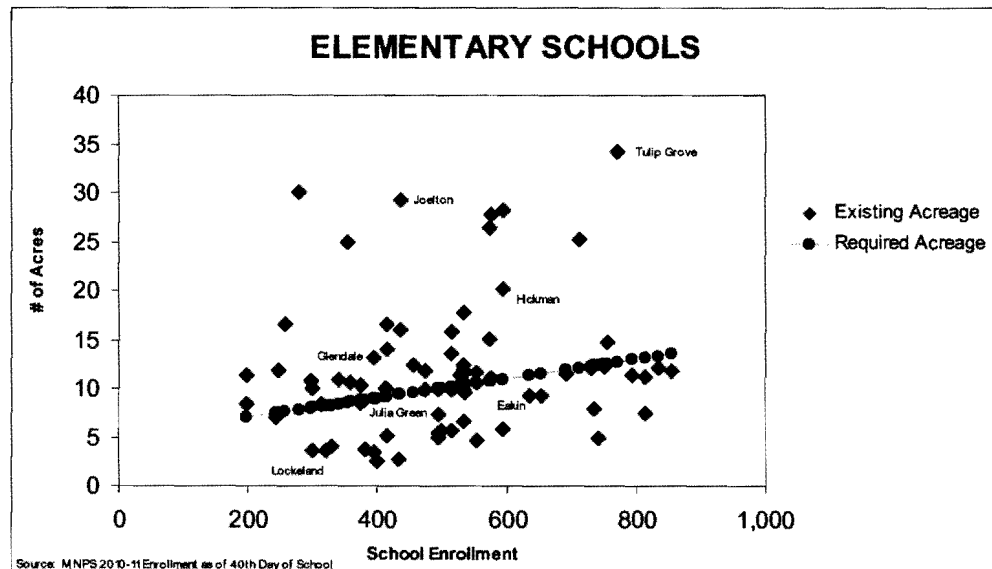
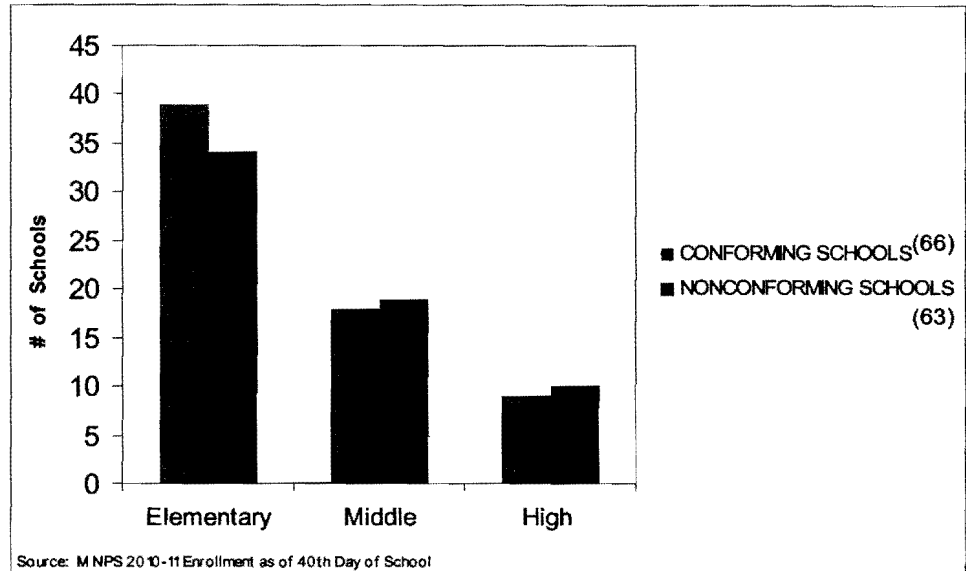
The proposed bill deletes the minimum campus size requirements from the Metro Zoning Code. The Zoning Code's campus size standards bear no relationship to a school site's physical characteristics, programs, activities, competitive sports, or lack thereof. Further, neither federal, state, nor local education departments stipulate a



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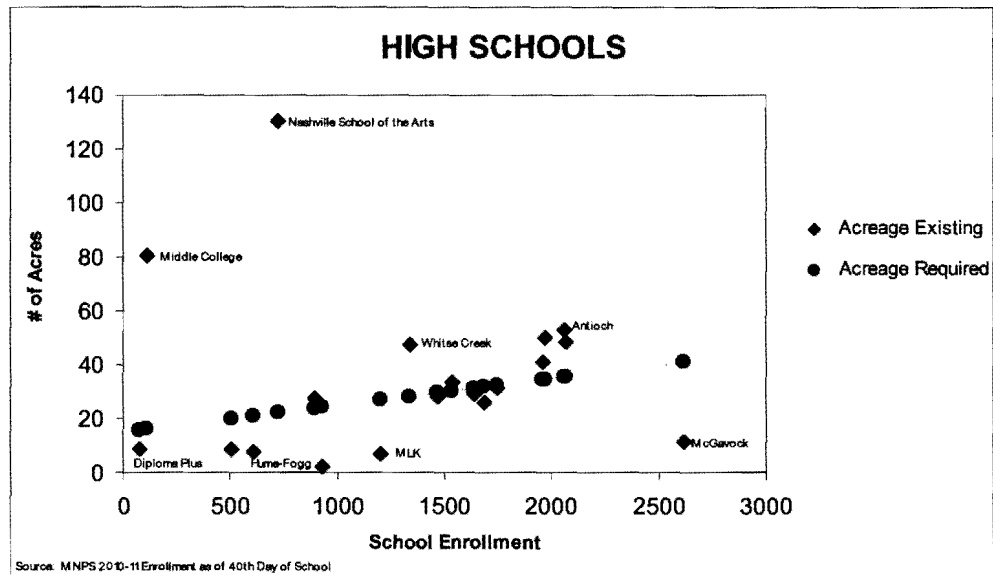
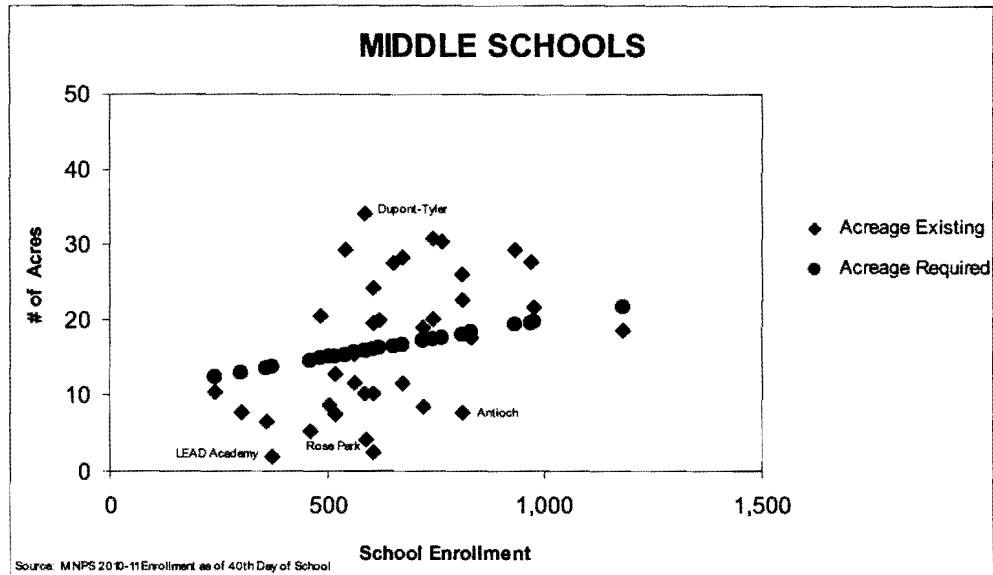
minimum campus size for elementary, middle, or high schools.

Planning staff evaluated Metro Nashville Public School facilities and found that 49% of Nashville's public schools could not be built today under the current Metro Zoning Code campus size standards: 39 elementary schools (out of 73), 18 middle schools (out of 37), and 9 high schools (out of 19) comply with said minimum campus site size standards; see charts below for further detail.





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Metro Nashville Public Schools

Metro Schools supports this text amendment. Since the adoption of these minimum site size standards in the Zoning Code more than a decade ago, Metro Schools has been stymied in locating new schools in urban areas. The adoption of this bill will enable both public and private schools to be more ideally situated in the future— that is, closer to the students they serve.



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STAFF RECOMMENDATION

Staff recommends approval of this bill. With limited acreage available in urban and suburban areas, and restricted funding, the minimum campus size standards are a barrier to developing new public schools as well as private schools. There is no credible evidence to indicate or suggest a correlation between school acreage and academic performance.



Metro Planning Commission Meeting of 12/09/10

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 “Community Education” in Nashville and Davidson County (Proposal No. 2010Z-022TX-001), all of which is more particularly described herein.

WHEREAS, “Community Education” is defined in Section 17.04.060 of the Metro Zoning Code as elementary, middle, or high school instruction, as approved under state regulations;

WHEREAS, “Community Education” uses are required to have a minimum campus size based on total enrollment capacity per Section 17.16.140 of the Metro Zoning Code;

WHEREAS, the minimum campus size bears no relationship to a school site’s physical characteristics, programs, activities, competitive sports, or lack thereof.

WHEREAS, the federal, state and local education departments do not stipulate a minimum lot size for elementary, middle, or high schools;

WHEREAS, an evaluation of Metro Nashville Public School facilities revealed that 49% of Nashville’s public schools could not be built today under the current Metro Zoning Code campus size standards: 39 elementary schools (out of 73) , 18 middle schools (out of 37), and 9 high schools (out of 19) comply with said minimum campus site size standards;

WHEREAS, with limited acreage available in the urban and suburban areas, and restricted funding, the minimum campus size standards are a barrier to developing new public school as well as private schools;

WHEREAS, there is no credible evidence to indicate or suggest a correlation between school acreage and student academic performance;

WHEREAS, the Metropolitan Nashville Public School endorses amending the Zoning Code to delete the minimum campus size standards;

WHEREAS, it is fitting and proper to modify the Metro Zoning Code standards by deleting the minimum campus size standards.

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

Section 1: Modify Section 17.16.040 (Uses Permitted with Conditions: Educational Uses) by deleting “1. Campus Size” and “5. Reduced Lot Size” and renumbering the subsections accordingly.

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.

NO SKETCH



Project No.	Text Amendment 2010Z-023TX-001
Project Name	Tri-Face Billboards
Council Bills	BL2010-798
Council District	Countywide
School District	Countywide
Sponsored by	Councilmember Crafton
Staff Reviewer	Bernards
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST	Define Tri-Face Billboards and exempt from certain height restrictions
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Text Amendment	A council bill to modify the Metro Zoning Code, Sections 17.04.060 (Definitions) and 17.32.050.G (Prohibited Signs) by adding a definition for "tri-panel billboard" and exempting a tri-panel billboard from the distance requirements applicable to electronic signs.
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CRITICAL PLANNING GOALS	N/A
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PURPOSE	This text amendment is intended to treat tri-face billboards similar to standard billboards. Currently, the Zoning Code classifies this type of sign as a changeable message sign, similar to digital and electronic signs, and places additional restrictions on the height the sign can be in relation to agriculturally and residentially zoned properties.
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ANALYSIS	
Existing Law	Section 17.32.050.G of the Zoning Code has height restrictions for signs with "any copy, graphics, or digital displays that change messages by electronic or mechanical means" in relation to agriculturally and residentially zoned land. As tri-face billboards change message by a mechanical means, they must meet the restricted height.

Proposed Bill	The proposed bill adds a definition of tri-face billboards to the Zoning Code.
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"Tri-face billboard" means a non-internally illuminated billboard consisting of a sign face comprised of a series of vertical triangular louvers that can be rotated to show up to three separate sign messages.



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In section 17.32.050.G, tri-face billboards are specifically excluded from the height restrictions.

“Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, other than tri-face billboards, shall not be permitted in the CA, CS, CF, CC, SCR, IWD, IR and IG districts unless the following distance requirements are satisfied, based upon the overall height of the sign:”

STAFF RECOMMENDATION

Staff recommends approval of this bill. This amendment will treat tri-face billboards similar to standard billboards.

ORDINANCE NO.

An Ordinance amending Sections 17.04.060 and 17.32.050 of Title 17 of the Metropolitan Code, Zoning Regulations, to add a definition for tri-face billboards and to exempt tri-face billboards from the distance requirements applicable to electronic signs (Proposal No. 2010Z-023TX-001).

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

Section 1. That Section 17.04.060 of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by adding the following new definition for “tri-face billboard”:

“Tri-face billboard” means a non-internally illuminated billboard consisting of a sign face comprised of a series of vertical triangular louvers that can be rotated to show up to three separate sign messages.

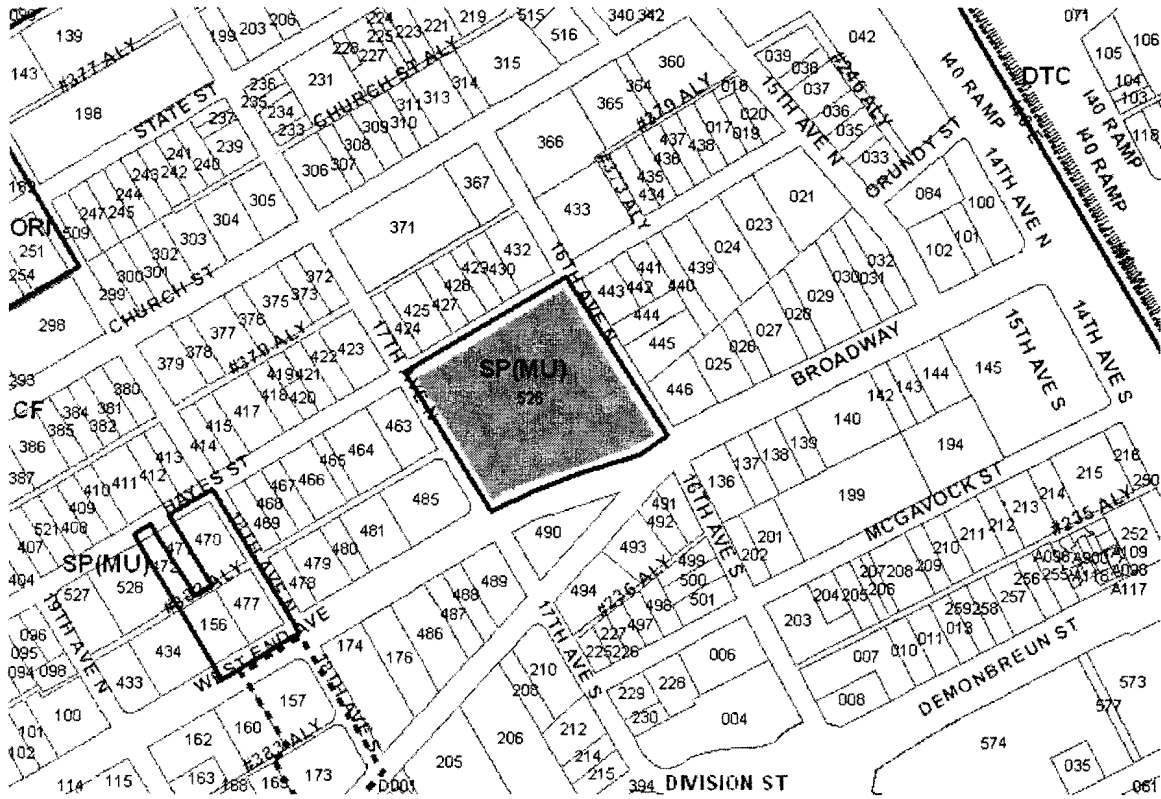
Section 2. That Section 17.32.050 of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting the first sentence of subsection G.2. in its entirety, and substituting with the following new sentence:

“Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, other than tri-face billboards, shall not be permitted in the CA, CS, CF, CC, SCR, IWD, IR and IG districts unless the following distance requirements are satisfied, based upon the overall height of the sign:”

Section 3. 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.

INTRODUCED BY: Eric Crafton

SEE NEXT PAGE



2006SP-114U-10
 1600 WEST END SUMMIT (4-YEAR REVIEW)
 Map 092-12, Parcel(s) 526
 Green Hills - Midtown
 19 - Erica S. Gilmore



Project No. SP District Review 2006SP-114U-10
Project Name West End Summit SP (4 Year Review)
Council District 19 – Gilmore
School District 7 – Kindall
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 – Mixed Use (SP-MU) district known as "West End Summit", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at West End Avenue (unnumbered) (3.93 acres), approved for a maximum building height of 400 feet and build-to lines for a mixed-used building complying with all other provisions of the MUI zoning district via Council Bill BL2006-1154 effective on September 19, 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.

DETAILS OF THE SP DISTRICT

The West End Summit SP established a maximum building height of 400 feet and set build-to lines for a mixed-use building. All other bulk standards of the MUI zoning district apply.

Staff visited the site on September 20, 2010. On site grading and rock excavation in preparation for a below-grad parking facility have occurred on the site. The project engineer provided details of infrastructure improvements that have been made related to the development of this SP.



Metro Planning Commission Meeting of 12/09/10

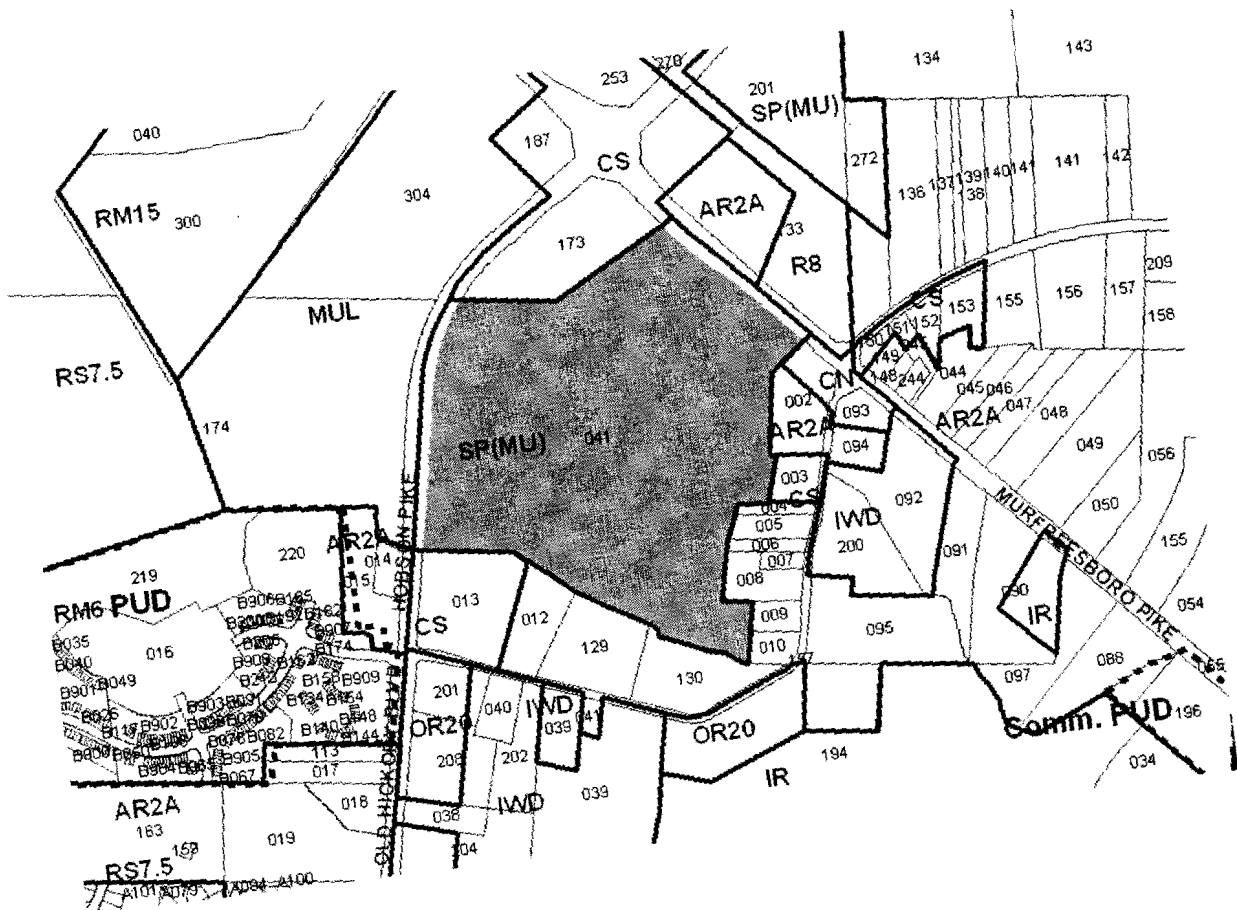
These include:

- Extension of 409 L.F. of 8" public water line installation with associated valves and appurtenances in 16th Ave
- Extension of 182 L.F. of 12" public sanitary sewer line extension in 16th Ave.
- Extension of 470 L.F. of 12" public sanitary sewer line extension in 17th Ave.
- Extension of 459 L.F. of 24" and 30"" storm drainage pipe installation with associated manholes in 17th Ave
- Repaving of 16th and 17th Avenues in construction areas

STAFF RECOMMENDATION

Staff recommends that the West End Summit SP be found to be active and that it be placed back on the four-year review list.

SEE NEXT PAGE



2008SP-002-002
STARWOOD COMMONS (AMENDMENT #1)
 Map 164-00, Parcel 041
 Antioch - Priest Lake
 32 - Sam Coleman



Project No.	Zone Change 2008SP-002-002
Project Name	Starwood Commons (Amendment #1)
Council Bill	BL2010-805
Council District	32 – Coleman
School District	6 – Mayes
Requested by	R. Chris Magill Consulting, LLC, applicant for Vastland Starwood Development, LLC, owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST **Amend SP to permit an interim use and final site plan.**

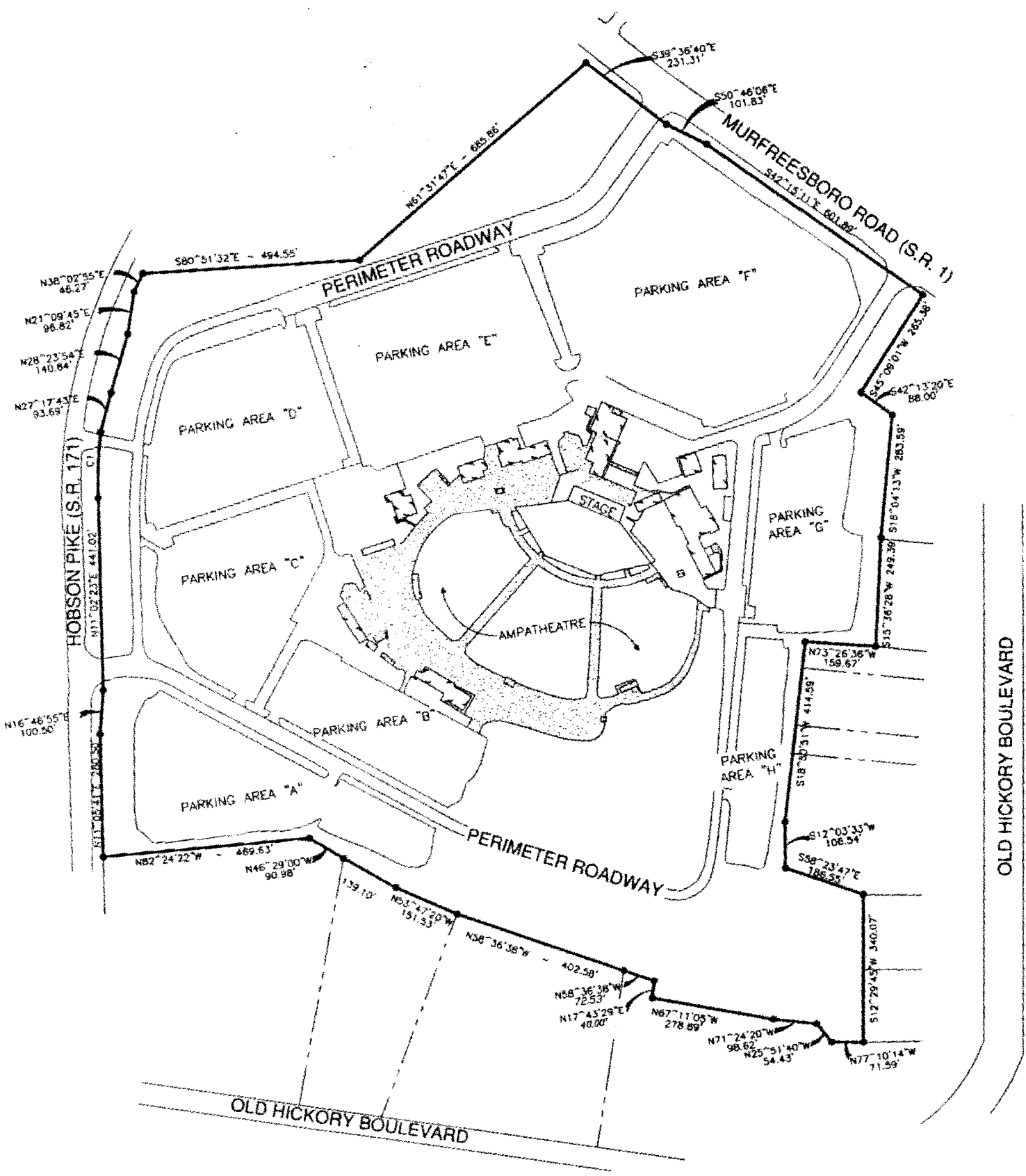
Preliminary SP **A request to amend the SP District (adopted with Council Bill BL2008-137) for the previously approved Starwood Commons Specific Plan District and for final site plan approval, for property located at 3839 Murfreesboro Pike, approximately 230 feet north of Old Hickory Boulevard (65.1 acres), to allow all previously approved uses associated with the Starwood Amphitheater to be temporarily permitted.**

Proposed 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 residential uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS N/A

**ANTIOCH/PRIEST LAKE
COMMUNITY PLAN**

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





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Consistent with Policy?

While the Community Center policy is not intended for a large scale stand alone outdoor amphitheater, the proposed amendment is only for an interim use. The interim use will not replace the previously approved mixed-use development which is consistent with the land use policy.

REQUEST DETAILS

This is a request to amend the Starwood Commons Specific Plan to allow all the previously permitted uses associated with the Starwood Amphitheater *as an interim use*, and for final site plan approval for the interim use only. The site is currently vacant. Some of the improvements associated with the previous amphitheater, such as stormwater facilities, some utilities and paved areas, remain, but all the facilities, such as stage, restrooms and concession stands have been removed. While some improvements remain, a majority of the site has been damaged, including existing improvements, and will require repair.

The existing SP, Starwood Commons, was approved by Metro Council in 2008. The SP permits up to 250 multi-family units and up to 421,500 square feet of commercial uses. According to the applicant, the troubled economic times have made it impossible to market the approved mixed-use development, so they would like to temporarily use the site for outdoor entertainment as permitted prior to the SP.

As proposed the site would be used for an outdoor amphitheater (Commercial Amusement Outdoors). The use would be an interim use only, and all facilities needed for any event on the site would be temporary. No permanent structures associated with the interim use would be permitted. The amendment prohibits the proposed interim use from coexisting with the original Council approved plan for Starwood Commons and therefore, once any portion of the commercial and/or residential uses are under construction the interim use shall cease and no longer be permitted.

Staff Analysis

There are no major issues with permitting the proposed interim use as this use was permitted prior to the SP zoning, and will be temporary. To ensure that traffic generated by the interim use is similar and does not exceed the traffic generated by the previous amphitheater, staff recommends that the interim Commercial Amusement Outdoors use operate under the original limitations of the 1985, order established by the Board of Zoning Appeals. The order



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which permitted the amphitheater within an AR2a zoning district limited the number of seats to 5,000.

STORMWATER RECOMMENDATION

No construction activities requested. No permit required.

PUBLIC WORKS RECOMMENDATION

Upon development of retail or commercial in place of or in addition to the outdoor commercial amusement land use, comply with previous traffic conditions of Starwood Commons SP or submit a revised Traffic and Parking study.

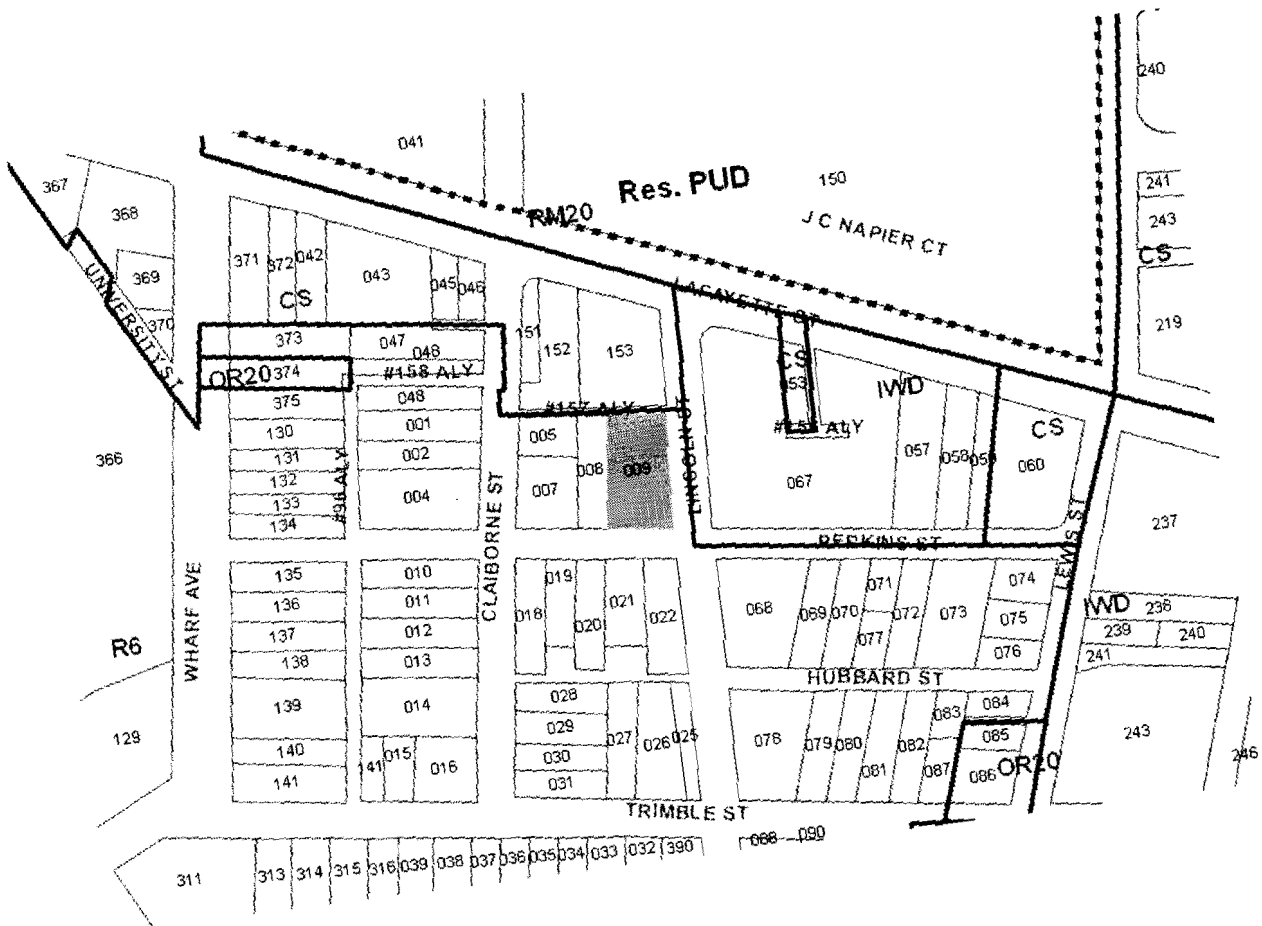
STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. While the proposed amendment is not consistent with the site's Community Center land use policy, it is a temporary use, and does not replace the mixed-use plan that is consistent with the policy.

CONDITIONS

1. This amendment shall permit an interim Commercial Amusement Outdoor use only. The original plan (Application No. 2008SP-002U-13) and Council Bill (2008-137) shall establish the requirements/conditions for the primary use.
2. The interim use shall cease once construction has begun for the commercial shopping center and/or residential uses permitted by the original SP (BL2008-137).
3. All facilities and structures needed for the interim plan shall be portable.
4. Permanent structures for the interim plan are not permitted, and in no way shall the original council approved plan (BL2008-137) and this interim plan be integrated.
5. Events shall be limited to a maximum 5,000 people.
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.

SEE NEXT PAGE



2010SP-020-001
LINCOLN APARTMENTS (PRELIM. & FINAL)
 Map 105-04, Parcel(s) 009
 Elm Hill - Woodbine
 17 - Sandra Moore



Project No. Specific Plan 2010SP-020-001
Project Name Lincoln Street Apartments
Council District 17 - Moore
School District 7 - Kindall
Requested by Gary Wynn, applicant, on behalf of Bruce Carlock, Trustee, owner

Staff Reviewer Johnson
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST Permit a multi-family use.

Preliminary and Final SP A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Residential (SP-R) zoning and for final site plan approval for property located at 24 Lincoln Street, at the northwest corner of Lincoln Street and Perkins Street (0.26 acres), to permit an existing one-story brick structure to be used as five apartment units.

Existing Zoning
R6 District

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots. R6 zoning would allow a maximum of one duplex on the subject property.

Proposed Zoning
SP-R District

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

CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods

The proposed SP will allow for residential development within an existing building that will be improved and reused for the proposed use. The project is adjacent to compatible commercial land uses and to an existing transit line. The proximity of these related land uses combined with existing sidewalk infrastructure will help to promote a walkable neighborhood.



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SOUTH NASHVILLE COMMUNITY PLAN

Existing Policy

Neighborhood General (NG)

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

Consistent with Policy?

Yes, the proposed number of dwellings is consistent with the density supported by the Neighborhood General policy. The form of development with relatively shallow setbacks from surrounding streets and building design that emphasizes the public street is consistent with the design principles of the NG policy.

PLAN DETAILS

This SP is intended to reuse an existing building on the project site as a multi-family residential use housing five attached dwelling units. The existing building was constructed prior the existence of zoning requirements. It contained ten residential dwelling units when it was purchased ten years ago by the current owner, who has allowed it to remain vacant since. Because any rights related to nonconforming uses have expired, any use of the current building must follow current zoning requirements. The proposed multi-family residential use consisting of five residential uses falls within the upper end of density allowed by the NG policy.

Access and Parking

Five parking spaces are proposed on the project site in addition to four additional spaces available on Lincoln Street adjacent to the site. Three angled parking spaces are provided along an alley located to the north of the project site. A curb cut along Perkins Street to the south of the site would provide access to two additional on-site parking spaces. This proposed curb cut would have two negative impacts on the project through 1) the placement of parking in a portion of the backyard space and 2) the placement of parking within the street-side setback along Perkins Street. A condition of approval has been added to remove proposed driveway access to Perkins Street. Removal of this driveway would result in 7 total parking spaces either on the site or adjacent to the site on Lincoln Street. The Zoning Code would require 7.5 total parking spaces for the



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five proposed dwellings under an RM zoning district, but also allows for permitted reductions to these parking requirements. A ten percent parking reduction can be used for this project because it is located within 600 feet of a bus line along Lafayette Street. An additional ten percent reduction can be included for this project because the residential building was constructed within ten feet of the front property line. The six spaces meet the Zoning Code requirements.

Site plan and building façade design

The site plan and façade design drawings submitted with the SP application demonstrate the intent to improve the relationship between the existing building and the public street. The site plan shows new walkways connecting front doors to the Lincoln Street sidewalk. New trees are proposed for the front yard of each unit. A façade design drawing for the Lincoln Street façade was submitted with the application. The drawing shows the intent to replace redundant door openings with window openings.

Because the SP intends to allow more intense development than allowed under the current zoning, landscaping buffers should be consistent with the Zoning Code. A "B" landscaping buffer shall be provided along the west property line that is shared with a property with R6 zoning.

Fall-back Zoning

A condition of approval has been added to include a fall back zoning classification for any standards that are not addressed specifically by the SP. The RM20 zoning classification is recommended as the fall back zoning classification.

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. Provide plan for solid waste management including recycling.



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Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.26	7.71 D	2 L	20	2	3

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)	0.26	-	5 U	34	3	4

Traffic changes between Maximum: R6 and proposed SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+14	+1	+1

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 0 Middle 0 High

Schools Over/Under Capacity

Students would attend Whitsitt Elementary School, Cameron Middle School, and Glencliff High School. None of the 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 October 2010.

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed residential project is consistent with the land use policy in terms of density and design characteristics.

CONDITIONS

1. A type "B" landscape buffer, as defined by the Zoning Code, shall be provided along the west property line.
2. The proposed driveway connection to Perkins Street shall be removed from the site plan.
3. The uses of this SP shall be limited to multi-family residence.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or



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Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district for residential buildings as of the date of the applicable request or application.

5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
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.

SEE NEXT PAGE



2010SP-021-001
 2400 WEST END
 Map 092-15, Parcel(s) 135-137
 Green Hills - Midtown
 21 - Edith Taylor Langster



Project No. Specific Plan 2010SP-021-001
Project Name 2400 West End SP
Council Bill BL2010-800
Council District 21 - Langster
School District 8 - Hayes
Requested by Ragan-Smith Associates, Inc. applicant, on behalf of RMR
TN West End, LLC, owner

Staff Reviewer Johnson
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Permit an 8-story mixed-use building with underground parking.

Preliminary SP

A request to rezone from Commercial Service (CS) to Specific Plan-Mixed-Use (SP-MU) zoning for properties located at 2400, 2402 and 2404 West End Avenue, at the northwest corner of West End Avenue and 24th Avenue North (1.37 acres), to permit the development of a structure containing hotel and restaurant uses with underground parking.

Existing Zoning
CS District

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

Proposed Zoning
SP-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 office and/or commercial uses.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Supports Infill Development
- Promotes Compact Building Design

The SP supports several critical planning goals. The placement of building form and pedestrian entrances along street frontages combined with the increase in sidewalk width along adjacent streets will improve the pedestrian environment next to the site. Placement of multiple uses within a single structure of multiple floors promotes compact building design. These complementary land uses will help to support transit along the West End Avenue corridor. This development of this site includes the reuse and improvement of a site that is currently under-developed.

REIDHURST AVENUE

ELLISTON PLACE
FOR FRONT OF WAY AND PARKING AREA

N44°07'44"E 288.94'

ALLEY # 382

S31°22'43"E 247.03'

24TH AVENUE NORTH

WEST END HOTEL
PHASE I
(8) STORIES - 161 ROOMS
± 142,849 S.F.

28,865 SQ. FT.
0.66 ACRES

2,050 S.F. OPEN
SPACE (PASSIVE)
OR
LANDSCAPE AREA

30,144 SQ. FT.
0.69 ACRES

WEST END HOTEL
PHASE II - ADDITION
(8) STORIES - 61 ROOMS
± 41,866 S.F.

WINE BAR & PREP AREA
± 3,186 S.F.

WEST END AVENUE
FOR FRONT OF WAY AND PARKING AREA

S58°35'29"W 279.75'

N61°22'43"W 174.86'

DEDICATED R.O.W.

840 S.F. OPEN
SPACE (PASSIVE)

TRAVEL LANE
EX. 25'

BUILDING
ACCESS
10'x4.5' FLUSH
PLANTER (TYP.)

BUILDING
ACCESS

MINIMUM 11-FT
TRAVEL LANES

11' MIN. 11' MIN. 11' MIN.

8' M.B.S.L. & R.O.W. RESERVATION

OLD LOT LINE

LOADING ZONE/
TEMPORARY STANDING
FOR CHECK IN OR
VALET PARKING

SECOND FLOOR
OUTLINE

METRO ST-324
DRIVEWAY RAMP

SCREEN WALL

SITE TRIANGLE
(TYP.)

SCREEN WALL

DUMPSTER PAD
AND ENCLOSURE

RETAINING
WALL (TYP.)

RAMP TO
UNDERGROUND
PARKING

6' SIDEWALK

DEDICATED

METRO ST-
HANDICAP
W/ADA DE
WARNING (

940 S.F. OPEN
SPACE (PASSIVE)

PARKING
METER (TYP.)

SITE TRIANGLE
(TYP.)

MINIMUM 11-FT
TRAVEL LANES

CONCRETE BANDING
FLUSH WITH WALK (TYP.)

10'x6' FLUSH
PLANTER (TYP.)
METRO ST-324
DRIVEWAY RAMP

METRO ST-324
DRIVEWAY RAMP

9' M.B.S.L./R.O.W. RESERVATION

3 SPACES @
8'x22' EACH

3 SPACES @
8'x22' EACH

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8'x22' EACH

3 SPACES @
8'x22' EACH



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GREEN HILLS/ MIDTOWN COMMUNITY PLAN

Mixed Use (MU)

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.

Neighborhood Urban (NU)

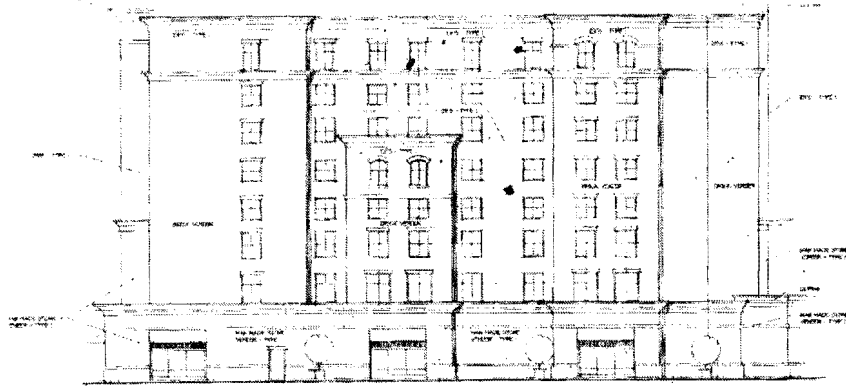
NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. 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?

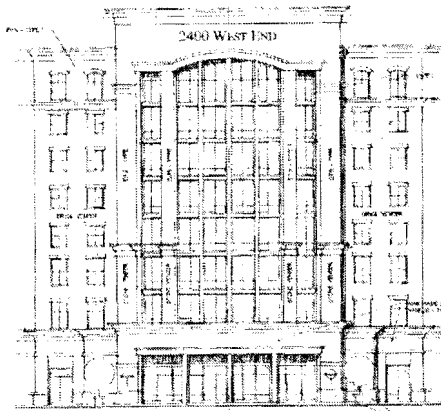
The proposed SP meets the land use and design intent of the existing policy with the exception of building height. The policy recommends a maximum of 6 stories in this location. The proposed 8 story building height is consistent with the project location along a wide significant corridor in West End Avenue and the presence of Vanderbilt dormitories of 10+ stories on the opposite side of West End Avenue. Further, reduced floor to floor height typical of hotel design will reduce the perceived height of the building.

PLAN DETAILS

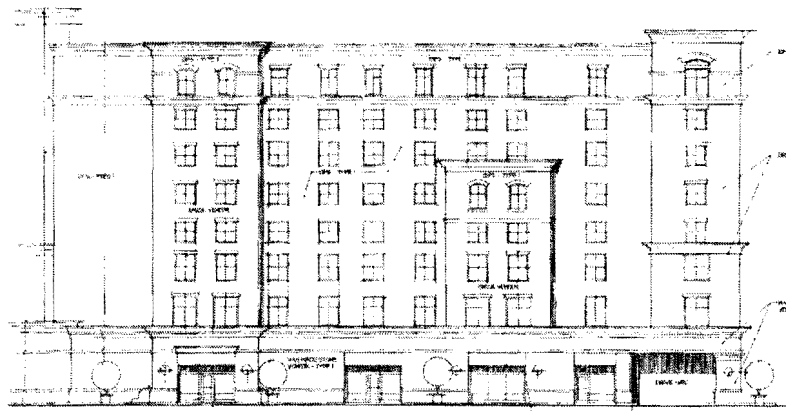
The SP proposes an 8-story building consisting of approximately 220 hotel rooms and a wine bar. These proposed land uses are permitted within the CS zoning classification. The proposed height of the project requires a zone change due to the three-story maximum height within the CS zoning district.



1 EAST ELEVATION



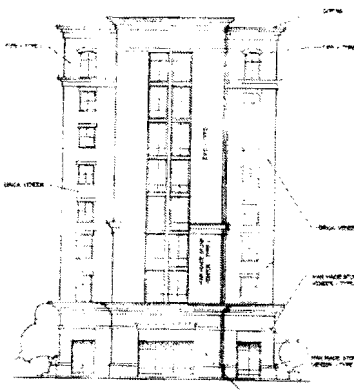
2 NORTHEAST ELEVATION



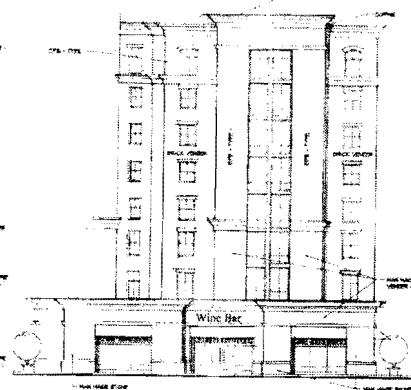
3 NORTH ELEVATION



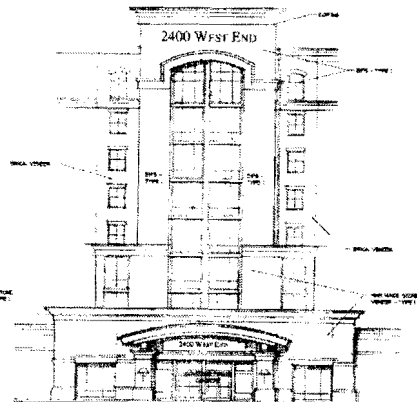
4 WEST ELEVATION



5 SOUTH ELEVATION



6 SOUTH ELEVATION



7 SOUTH ELEVATION



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Building Form

The project is organized around a circular driveway in the middle of the site, which provides access to the main lobby of the hotel in the northeast corner of the site. The presence of this interior driveway allows for the placement of building form primarily along the 24th Avenue and Elliston Place street frontages. A proposed wine bar is intended to hold a prominent position at one end of the building at the corner of West End Avenue and 24th Avenue.

Phased Development

Development is proposed in two phases. Phase I would include construction of proposed underground parking, driveways, and most of the hotel. An 8-story hotel addition on the west side of the circular driveway is proposed as a possible Phase II portion of development. As proposed, this addition would consist of approximately 48 hotel rooms.

Access and Parking

Three driveway access points are proposed on the SP site plan. Two driveways from West End Avenue will provide access to patrons of the proposed hotel. A driveway entrance near the middle of the property along West End Avenue will provide access to a circular driveway and a porte cochere entrance to the hotel. A second driveway entrance at the southwest corner of the site provides direct access to the underground parking garage. A third driveway is proposed along Elliston Place at the northwest corner of the site. This driveway is intended for the purpose of deliveries and trash collection.

Two levels of underground parking are proposed with Phase I of the SP. With the inclusion of applicable parking reductions provided within the Zoning Code, the proposed parking provides an acceptable amount of parking for the proposed uses. Additionally, the applicant intends to provide on-street parking along Elliston Place and a portion of 24th Avenue.

Street Frontage

The proposed SP shows the intent to reserve additional right-of-way along Elliston Place and West End Avenue to meet the current minimum right-of-way standards of the Major and Collector Street Plan, which provides right-of-way dedication and reservation recommendations for arterial and collector streets. The current Major and Collector Street Plan has not been updated to reflect the Complete Street design elements consistent with Mayor Dean's Executive Order. The updated Major and Collector Street Plan, which is anticipated for early-2011, will likely recommend additional right-of-way along Elliston Place for



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the provision of bike lanes, as recommended by the Strategic Plan for Sidewalks and Bikeways. Additionally, the Elliston Place Detailed Neighborhood Design Plan includes goals for wide sidewalks and accommodations for bicyclists within the study area.

To reflect the anticipated recommendation of the future Major and Collector Street Plan, the Strategic Plan for Sidewalks and Bikeways, and the intent of the Mayor's Office to implement Complete Streets standards, Planning staff and Metro Public Works recommend an additional required building setback along Elliston Place in addition to the proposed right-of-way reservation. A minimum building setback of 48 feet from street center line along Elliston Place has been added as a condition of approval to provide additional space for the installation of street elements, such as wider sidewalks, tree planters, and bike lanes consistent with Complete Streets. This 48 foot setback would add approximately 6 additional feet to the proposed building setback along Elliston Place. Currently, the proposed plan includes a 42 foot building setback along Elliston Place from the street centerline.

Building Elevations

Building elevations submitted with the application provide information on the character and materiality of exterior building facades. Ground floor walls will use a stone veneer. Upper floors will have a combination of EIFS and brick veneer.

Sidewalk entrances are shown on the building elevations. Several entrances are provided along the Elliston Place street frontage, which would provide access to first floor hotel functions or retail. The proposed wine bar facing West End Avenue would provide the only building entrance along the West End sidewalk. A second entrance on the south side of the building is shown adjacent to the circular drive adjacent to the hotel lobby on the interior of the site. As proposed, the hotel would not provide building entrances along 24th Avenue or at the hotel lobby at the corner of 24th Avenue and Elliston Place.

The Elliston Place Detailed Neighborhood Design Plan (DNDP) promotes mixed use development along Elliston Place, including ground floor commercial/retail land uses. Although ground floor commercial/retail land uses are not proposed within this SP along Elliston Place, the building elevations illustrate the intent to provide the semblance of storefront street frontage along Elliston Place. The first



Metro Planning Commission Meeting of 12/09/10

floor height along Elliston Place is taller than upper floors to resemble retail floor heights. Additionally, the amount of glazing along the Elliston Place frontage should be increased to reflect retail frontage.

Fall-back Zoning

A condition of approval has been added to include a fall back zoning classification for any standards that are not addressed specifically by the SP. The MUI zoning classification is recommended as the fall back zoning classification.

STORMWATER RECOMMENDATION

Preliminary SP approved

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.
- Consistent with the Major Street Plan, Metro Strategic Plan for Sidewalks and Bikeways, and recently reviewed development project(s) along Elliston Place, it is recommended that the building setback be placed 48 feet from the centerline of this corridor. [Comment (Public Works)] for clarification, refers to Elliston Place corridor
- The temporary dumpster enclosure appears inaccessible to a SU-30 vehicle. Provide dumpster and recycling access that does not require trucks to back into the public ROW.
- Dedicate ROW radii at street corners and sufficient ROW to encompass other street improvements including the 6 foot furnishing zone and 8 foot public sidewalk.
- A TIS and Parking Study will be required prior to development to determine any roadway mitigations or on street parking modifications.



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Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail center (814)	1.37	0.6 F	35,806 SF	1570	36	108

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
Hotel (310)	1.37	-	176,787 SF	1776*	126*	122*

*Trips based on # of rooms

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
Retail (814)	1.37	-	3,168 SF	174	10	30

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
Restaurant (932)	1.37	-	2,000 SF	255	24	23

Traffic changes between Maximum: CS and proposed SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+635	+124	+67

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed project is consistent with the proposed land use policy in terms of proposed uses and design.

CONDITIONS

1. The SP shall provide a minimum building setback of 48 feet from the corridor centerline along Elliston Place.
2. A minimum of 60% of the length of the Elliston Place building elevation shall be comprised of storefront-type window glazing.
3. The dumpster access along Elliston Place must be revised prior to final site plan approval to meet Public



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Works standards for access and minimal intrusion on the Elliston Place street frontage requested by Metro Planning.

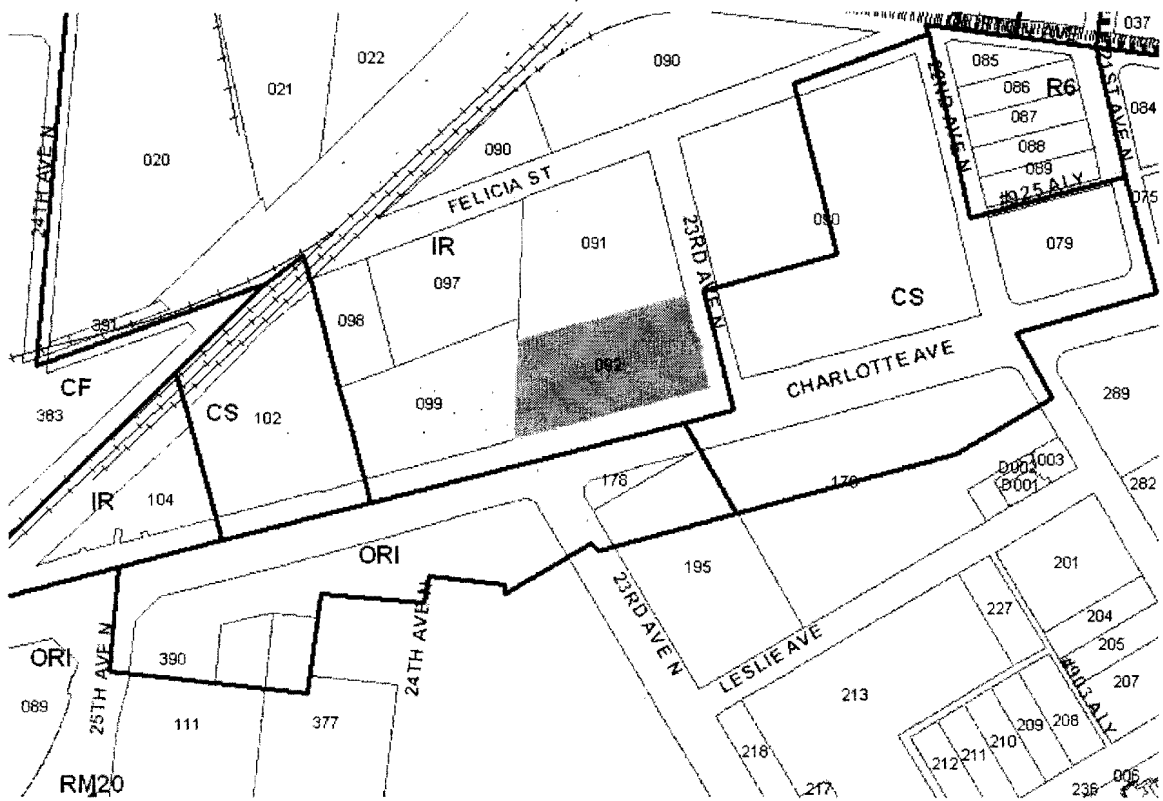
4. The uses of this SP shall be limited to hotel, retail, restaurant and bar uses.
5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district for residential buildings as of the date of the applicable request or application.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. 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.



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8. 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



2010Z-027PR-001
 2300 CHARLOTTE AVENUE
 Map 092-11, Parcel(s) 092
 Green Hills - Midtown
 21 – Edith Taylor Langster



Project No.	Zone Change 2010Z-027PR-001
Council District	21 – Langster
School District	7 – Kindall
Requested by	Charlotte 2300, LLC, owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Rezone from industrial to mixed-use.

Zone Change

A request to rezone from Industrial Restrictive (IR) to Mixed Use Limited (MUL) zoning for property located at 2300 Charlotte Avenue, at the northwest corner of Charlotte Avenue and 23rd Avenue North (1.1 acres).

Existing Zoning
IR District

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

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

**GREENHILLS/MIDTOWN
COMMUNITY PLAN**

Mixed Use (MU)

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.

Consistent with Policy?

Yes. The uses permitted in the MUL zoning district are consistent with MU land use policy. While there was no site plan provided with this application, the intent of the rezoning is to allow an existing building to be utilized for uses permitted in the MUL zoning district.



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PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mini Warehouse (151)	1.1	0.574 F	27,503 SF	69	5	8

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 Office (710)	1.1	0.115 F	5,510 SF	NA	437	535

Traffic changes between typical: IR and proposed MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	NA	+432	+527

Maximum Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mini Warehouse (151)	1.1	0.6 F	28,749 SF	72	5	8

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 Office (710)	1.1	1.0 F	47,916 SF	NA	3800	4652

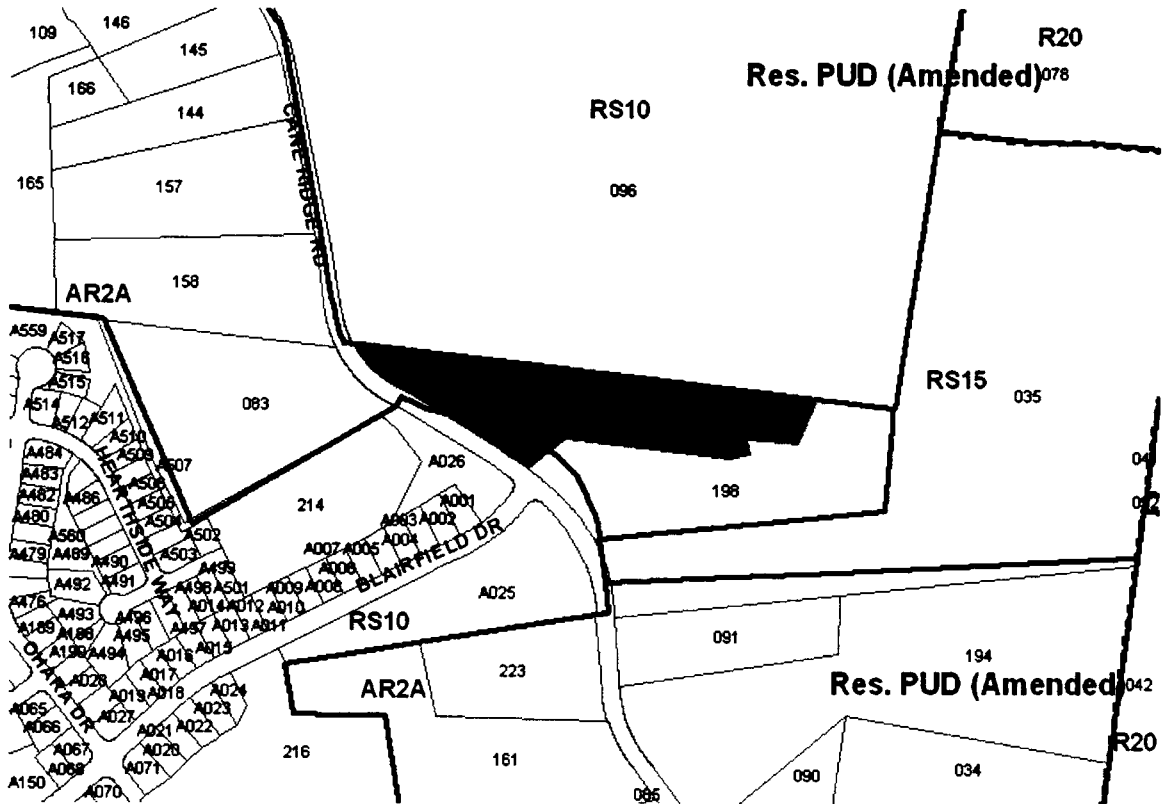
Traffic changes between maximum: IR and proposed MUL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	NA	+3795	+4644

STAFF RECOMMENDATION

Staff recommends that the request be approved. The proposed MUL zoning district is consistent with the property's Mixed-Use land use policy.

SEE NEXT PAGE



2010Z-028PR-001
 5700 CANE RIDGE ROAD
 Map 174-00, Parcel(s) 185
 Southeast
 32 – Sam Colman



Project No. 2010Z-028PR-001
Council District 32 - Coleman
School District 2 - Brannon
Requested by Dale & Associates, applicant, Richard Nelson, owner
Staff Reviewer Johnson
Staff Recommendation *Approve with a condition*

APPLICANT REQUEST

Zone change from Agricultural to Single-Family Residential.

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Single-Family Residential (RS20) zoning property located at 5700 Cane Ridge Road, opposite Blairfield Drive (5.49 acres).

Existing Zoning
AR2a District

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

Proposed Zoning
RS20 District

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

CRITICAL PLANNING GOALS

N/A

**SOUTHEAST
COMMUNITY PLAN**

Neighborhood General (NG)

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

Consistent with Policy?

The proposed RS20 zoning is identified as an appropriate zoning classification within NG policy for development that does not intend to incorporate a design overlay or SP zone. RS20 zoning would allow for residential development with densities well below the maximum of 20 dwelling units per acre established by NG policy.



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Infrastructure Deficiency

This property is located within the Infrastructure Deficiency Area. Approval of any development proposal within the identified Infrastructure Deficiency Area shall be required to improve major roadways (or construct an equivalent transportation improvement) to accommodate additional traffic volumes. The required length of roadway improvements required with development on this property is 159 feet.

PUBLIC WORKS RECOMMENDATION

Traffic Comment

An access study may be required at development to ensure adequate sight distance at driveway and intersection spacing along Cane Ridge.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	5.49	0.5 D	2 L	20	2	3

Typical Uses in Proposed Zoning District: RS20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	5.49	1.85 F	10 L	96	8	11

Traffic changes between typical: AR2a and proposed RS20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	8 L	+76	+6	+8

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	5.49	0.5 D	2 L	20	2	3

Maximum Uses in Proposed Zoning District: RS20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	5.49	1.85 F	10 L	96	8	11



Metro Planning Commission Meeting of 12/09/10

Traffic changes between maximum: AR2a and proposed RS20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	8 L	+76	+6	+8

METRO SCHOOL BOARD REPORT

Projected student generation 2 Elementary 2 Middle 2 High

Schools Over/Under Capacity Students would attend A.Z. Kelley Elementary School, Marshall Middle School, or Cane Ridge High School. All three schools have been identified as being over capacity by the Metro School Board. There is no capacity for elementary school students within the cluster, but there is capacity for middle school students within the cluster. There is capacity within an adjacent cluster for high school students.

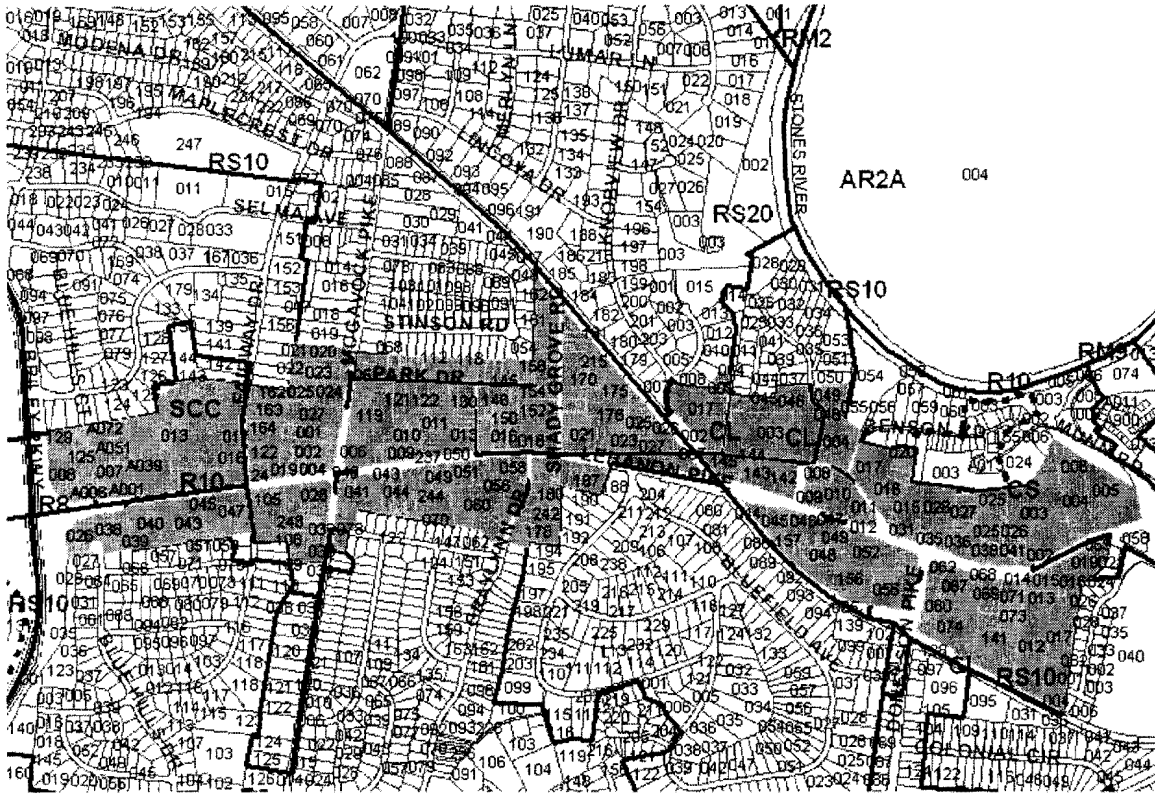
The fiscal liability for two elementary students is \$40,000. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2010.

STAFF RECOMMENDATION

Staff recommends approval with a condition of the proposed RS20 zoning district because it consistent with the Neighborhood General land use policy.

CONDITION

1. Prior to recording of a final plat within the boundary of this zone change, the 159 feet of IDA requirements shall be satisfied, completed or bonded.



2009UD-001-002

DOWNTOWN DONELSON (AMEND)

Map 084-15, Parcel(s) 162-164

Map 084-16, Parcel(s) 021-023, 027, 105-112, 115-119, 121, 122, 125, 129-148, 150.01, 150-152, 154-163, 165, 167-172, 175, 176, 206, 211-215, 217

Map 085-13, Parcel(s) 017, 046-049

Map 095-03, Parcel(s) 008, 013, 016, 017, 019, 022, 026, 038-040, 043, 045, 047, 104, 122, 124, 125, 129

Map 095-03-0-A, Parcel(s) 001-072

Map 095-04, Parcel(s) 001-006, 008-011, 015.01, 013-019, 021-028, 031-033, 040, 041, 043-046, 049-060, 078, 092, 178-183, 185-187, 236, 237, 241-246, 248

Map 096-01, Parcel(s) 001-004, 006-013, 015-017, 020, 025.01, 025-049, 052, 056, 062.01, 060-062, 067-069, 071, 073, 074, 141-144, 156-157

Map 096-02, Parcel(s) 001-005, 011-017, 019, 069, 071

Donelson - Hermitage

14 - James Bruce Stanley; 15 - Phil Claiborne



Project No. 2009UD-001-002
Project Name Downtown Donelson Urban Design Overlay
Council Bill BL2010-799
Council District 14- Stanley and 15- Claiborne
School Board District 1 – Gentry
Requested By Planning Department, Councilmember Claiborne and Councilmember Stanley

Staff Reviewer Withers
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST Amend UDO to revise signage standards.

Amend UDO A request to amend the Downtown Donelson Urban Design Overlay District for properties located on Lebanon Pike from Briley Parkway to Stewarts Ferry Pike, and on Old Lebanon Pike, J.B. Estille Drive, Donelson Pike, Fairway Drive, McGavock Pike, Crump Drive, Park Drive, Graylynn Drive, Cliffdale Drive, and Benson Road (229.35 acres), to revise signage standards.

CRITICAL PLANNING GOALS N/A

REQUEST DETAILS This request is to revise several of the signage standards of the Downtown Donelson Urban Design Overlay District. The UDO has been in place for a year, and this is a housekeeping amendment to deal with observations that have been made about the signage standards during that time.

UDO BACKGROUND The Downtown Donelson Urban Design Overlay District, is a regulatory implementation tool for creating a mixed use, transit oriented downtown for the Donelson community. The UDO established alternative development standards that vary from the base zoning districts for the properties within the UDO. The only standard that the UDO does not vary is land use, which is controlled by the underlying base zoning district. The Regulating Plan is divided into seven different subdistricts, each with varying development standards designed to enhance the unique character of each area. The districts range from an intense transit oriented development district, to a suburban mixed-use corridor to a transitional residential district. The UDO is voluntary for current property owners, except for signage standards. Compliance with the building standards is triggered when the property ownership changes AND



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property is redeveloped or vacant property is developed, the total building square footage of any expansion(s) is greater than 25 percent of the total building square footage of all improvements on the lot prior to expansion, or when a new structure is built on a lot with multiple structures, the new structure shall be in compliance with all the Development Standards.

Signage Compliance Triggers

The Signage Standards of the UDO apply when a sign permit is required, including the replacement of a sign panel, according to the following provisions.

- New signs shall comply with all Signage Standards.
- Existing single tenant signs shall be brought into compliance when a change to the sign requires a sign permit.
- Existing multi-tenant signs of a type permitted in the subdistrict (monument, pillar, projecting, wall-mounted) may be permitted for individual tenant-sign change without achieving full compliance as to size, location, and illumination.
- Existing multi-tenant signs of a type prohibited in the subdistrict (pole-mounted, etc.) shall be permitted to install new sign panels until 50 percent of the total signage area has been replaced, including multiple changes to the same area of the sign. Once the 50 percent threshold has been reached, no further signage changes will be allowed unless the sign is changed to a type complying with all provisions of the Signage Standards. Panels that have not been changed may remain until such time as the property owner replaces the nonconforming sign with a permitted sign type.
- Notwithstanding the above, a non-conforming sign damaged by any involuntary means may be reconstructed to its pre-damage condition.

Modifications

The UDO allows for modifications when a standard of the UDO can not be met, because of site-specific issues. Any standard within the UDO may be modified, insofar as the intent of the standard is being met; the modification results in better urban design for the neighborhood as a whole; and the modification does not impede or burden existing or future development of adjacent properties.

Minor modifications – deviations of 20 percent or less – may be approved by the Planning Commission's designee. Major modifications – deviations of 21 percent or more – shall be approved by the Planning Commission.



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PROPOSED AMENDMENT

Below is the list of items proposed for amendment. The page numbers in parentheses refer to the page of the UDO that is being amended.

- Add language to allow portions of signs with manual changeable copy messages to illuminate the sign background (p.22). *Currently, the UDO allows internal lighting to illuminate letters and logotype only. This would require that a manually changeable message sign be externally lit, which is not practical for this type of sign. A typical manually changeable message sign consists of an internally lit background box with solid movable letters placed over top.*
- Add a definition of manually changeable copy sign, “Manual Changeable Copy Signs: Signs on which alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.” (p.23) *“Manual changeable copy sign” required a definition in order to permit the change above.*
- Amend language to allow wall signs to be mounted on exposed raceways but require the exposed raceway to be painted to match the sign or the building wall that the sign is attached to (p.22). *The UDO currently specifies that wall signs can not be mounted on exposed raceways but staff finds that as long as the raceway is painted to match either the sign or the building wall, this requirement is unnecessary. A raceway is the box that letters or graphics are mounted on that contains the electrical components of the sign, such as wiring and transformers. The raceway is then mounted to the building wall.*
- Amend the definition of monument sign, “Monument Signs: a low profile sign with a base that is at least 3' wide or 50% of the maximum width of the sign (whichever is greater).” (p.23). *The purpose of the signage standards is to incentivize and require the use of lower profile signs, and the current requirement for the base to be the width of the sign is not necessary. The base standard of 3' or 50% of the width of the sign will ensure that sign is placed on a substantial base.*
- Increase the area of monument signs from 28 to 48 square feet and increase the maximum height from 5



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feet to 7 feet. (p.25) *Staff has found that the original size is small for the context of Lebanon Road.*

- Increase the area of pillar signs from 28 to 42 square feet and to increase the maximum height from 12 feet to 15 feet. (p.25) *Staff has found that the original size is small for the context of Lebanon Road.*
- Allow the pillar sign in Subdistrict 1 (the area around the train station) and Subdistrict 1A (Old Lebanon Pike around the railroad crossing). (p.25) *Staff finds that the pillar sign is also appropriate for use in these commercial and mixed use districts.*
- Allow properties with greater than 400 feet of frontage two ground signs. Multiple signs on a single property shall be spaced a minimum of 100 feet apart. (p.25) *Currently, only the monument sign is allowed to be used when a property is allowed multiple signs. These amendments allow the use of the pillar sign in more areas and staff finds that the use of pillar or monument sign, where permitted, should be at the discretion of the property owner. Additionally, the UDO currently requires that the signs be spaced 400 feet apart, and staff finds that 100 feet is an adequate separation distance.*

**PUBLIC WORKS
RECOMMENDATION**

Sign design and location near intersections shall allow adequate sight distance.

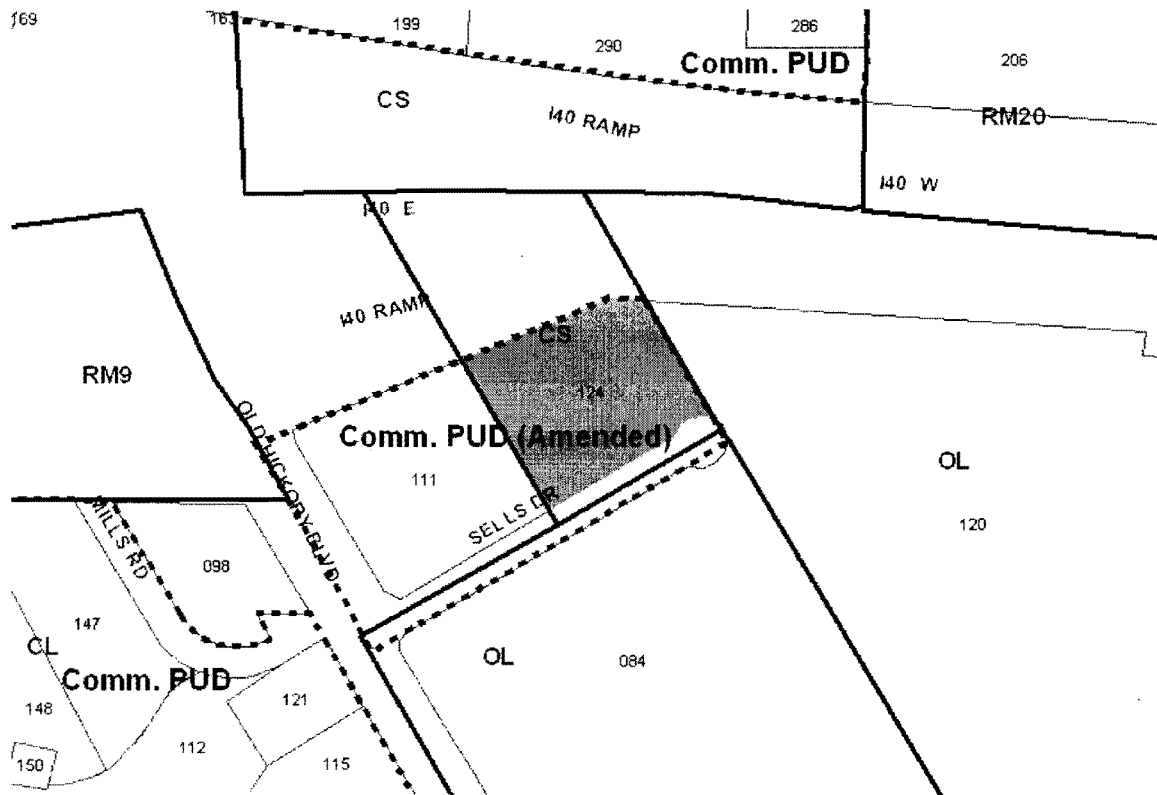
**STORMWATER
RECOMMENDATION**

N/A

STAFF RECOMMENDATION

Staff recommends that the request be approved.

SEE NEXT PAGE



210-73P-001
 PERFORMANCE MARINE (AMENDMENT)
 Map 097-00, Parcel(s) 124
 Donelson - Hermitage
 12 - Jim Gotto



Project No. **Planned Unit Development 210-73P-001**
Project Name **Performance Marine PUD (Amendment)**
Council District 12 - Gotto
School District 4 - Shepherd
Requested by Metro Planning Department for Wells Fargo Bank N.A.,
owner

Staff Reviewer Bernards
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST **Amend PUD to increase allowable uses.**

Amend PUD **A request to amend a portion of the Performance Marine Commercial Planned Unit Development Overlay located at 4010 Sells Drive, approximately 360 feet east of Old Hickory Boulevard, classified Commercial Service (CS), (1.44 acres), to permit certain additional uses allowed by Commercial Service zoning, but which are currently prohibited due to a condition in Council Bill (BL2002-1003) that permitted only vehicular sales, limited (boat sales only).**

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

CRITICAL PLANNING GOALS N/A

DONELSON-HERMITAGE COMMUNITY PLAN

Commercial Mixed Concentration (CMC) 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 and other appropriate uses with these locational characteristics.

Consistent with Policy? Yes. The additional commercial uses proposed within this PUD are consistent with policy.

PUD AMENDMENT PUD HISTORY

The PUD on this property originally included properties at 4000, 4010 and 4022 Sells Drive. There is a combination restaurant, convenience market and gas station with car



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wash on the property at 4000 Sells Drive. The property at 4022 Sells Drive includes a large office complex and associated parking and this portion of the PUD was cancelled in 2007.

The portion of the PUD located at 4010 Sells Drive was amended in 2002 and the property was rezoned from CL to CS in order to permit boat sales facility. At that time, the Planning Commission action was as follows:

Be it further resolved by the Metropolitan Planning Commission that proposal no. 210-73-g-14 is given conditional approval with amendment that if use changes from boat sales to another use, then it goes back to the Metro Council as a PUD amendment (5-4).

In 2006, the CS zoning district was amended Vehicle Sales, Limited was removed as a permitted uses. The boat sales facility is no longer in business and once the business has been closed for 30 months, this non-conforming use will no longer be permitted. The result is that there will be no uses permitted on this property.

The Councilmember has worked with the adjacent property owners to develop a list of uses that would be appropriate for this property. These uses include:

Permitted Uses

cultural center	gardening (commercial)
religious institution	community gardening (non-commercial)
financial institution	furniture store
general office	home improvement sales
leasing/sales office	personal care services
assisted-care living	restaurant, fast-food
hospice	restaurant, full-service
medical appliance sales	restaurant, take-out
medical or scientific lab	retail
nursing home	audio/video tape transfer
veterinarian	multi-media production
ATM	printing and publishing
bed and breakfast inn	safety services
business service community	

Permitted with conditions

day care center (up to 75)
day care center (over 75)



Metro Planning Commission Meeting of 12/09/10

Accessory Uses

day care-parent's day out
monastery or convent

There was also a condition in the 2002 amendment that no billboards be permitted within this PUD. This condition would remain in place.

PUBLIC WORKS RECOMMENDATION

A focused TIS may be required at re-development.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the zone change request. The proposed uses in the PUD amendment are consistent with CMC policy.

CONDITIONS

1. The uses of this PUD shall be limited to those uses listed in this staff report.
2. No billboards shall be permitted within this PUD. This approval does not include any other signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
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.

SEE NEXT PAGE

PLANNING COMMISSION ACTIONS

- **Specific Plan**



Project No. Zone Change 2007SP-122-006
Project Name Dog Spot Final Site Plan
Gallatin Pike Improvement District SP
Council District 5 – Hollin
School District 5 - Porter
Requested by Lukens Engineering Consultants, applicant for Gary C. Baker, owner
Staff Reviewer Swaggart
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Final site plan approval.

Final Site Plan Approval

A request for final site plan approval for property located at 1004 Gallatin Avenue, approximately 150 feet north of Granada Avenue (0.21 acres), to permit an animal boarding facility within an existing structure, and to permit a modification from the required setback between the animal boarding facility use and residential uses.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This is a request for final site plan approval for an animal boarding facility. The property is approximately 9,147 square feet in size (0.21 acres), and is located on the west side of Gallatin Avenue between Granada Avenue and Sharpe Avenue. The property is developed and contains a 2,400 square foot building.

The Gallatin Pike Improvement District was recently amended by Council to permit animal boarding facilities with conditions within portions of the Mixed Use land use category in Subdistrict 1 and 2 (BL2010-736). The conditions are as follows:

1. Setback. No part of any building or structure in which animals are housed shall be closer than two hundred feet, and no kennel run shall be located within one hundred feet, from any existing residence.
2. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious

01 AND

850 ALLEY

ALLEY #707

ALLEY #714

5' PERMETER LANDSCAPE STRIP
9' DRIVE

TRAMP RICK UP TO BE CONTAINED
PLACE AT THIS LINE

5' FENCE WOOD FENCE
W/ GATE OF WALKWAY

CONCRETE TRESTLE
FOR THE DRIVE

DEDICATE 15' ALONG ALLEY FOR
TO METRO GOVERNMENT

5' PERMETER LANDSCAPE STRIP
& 9' DRIVE

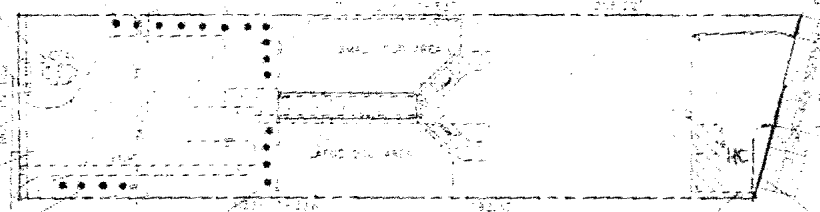
LANDSCAPE AREA IN FRONT
OF THE FENCE

COVERED WALKWAY
5' SIDEWALK

40' DRIVE

REMOVE DRIVE RAMP AND
REPLACE EXISTING LOT TO PLACE
FRONT IN PARKING LOT 10' PARKING

GALE WINSTON





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- material to permit proper cleaning and disinfecting.
3. Cages. Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
 4. Runs. Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
 5. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
 6. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.
 7. Modifications to the Conditions. The Planning Commission may modify the conditions above if the proposed modification is consistent with the principles and further the objectives of the Gallatin Pike SP.

The subject property is located within Subdistrict 1. The land use category is Mixed Use and permits the animal boarding facility use, **if** it meets the conditions listed above. *The building on the property which will house the animals is located within 200 feet from four homes and does not meet the setback requirement (# 1 above).*

As specified by condition number seven, the Planning Commission **may** modify any of the required conditions if the Planning Commission finds that the applicant has



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provided and acceptable alternative and that the overall site plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP.

Site Plan

The site plan identifies the existing building and proposed alterations/improvements. The plan identifies two outdoor dog areas – one for small dogs and one for large dogs – at the rear of the building. In lieu of providing the required distance separation proposed to reduce the noise impact of animal barking, the applicant proposes that the dog areas be enclosed by a nine foot tall solid fence. In addition, a solid row of evergreen shrubs is shown along the outside (west) of the fence. Additional landscaping is shown along the northern and southern property line, and one canopy tree is shown near the rear property line.

To address other zoning requirements, the plan shows a total of six parking spaces. The required five parking spaces are located at the rear of the building and are accessed from a rear alley, in addition, one handicap space is located in front of the building.

Staff Analysis

The proposed animal boarding facility use is permitted with conditions. The conditions are intended to ensure the use will not negatively impact any nearby residential properties, and the safety and well being of any animals being boarded. Because the request does not meet all the required conditions for the use, then the final site plan must be approved by the Planning Commission. *If the request met all the required conditions then it would not require approval from the Planning Commission, but could be reviewed and approved at an administrative level.*

As proposed, the request does not meet the condition which requires any building or structure housing animals to be a minimum 200 feet away from a residence. The building proposed to house animals is within 200 feet of four residences. The addresses for properties located within 200 feet are as follows:

- 1044 SHARPE AVE
- 1044 SHARPE AVE
- 1040 SHARPE AVE
- 1041 GRANADA AVE



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For staff to recommend approval of a modification to the setback requirement, the applicant must provide adequate alternatives to achieve the same purposes as the required setback requirement, and must demonstrate that the overall site plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP. Offsets which are intended to buffer the animal boarding use from nearby residents could include a variety of improvements designed to buffer the sight and sounds from the proposed facility. Site improvements that would meet the goals of the Gallatin Pike SP could include a variety of improvements, including closing off the parking along Gallatin, providing landscaping along Gallatin or a combination of the two.

As proposed, the plan offers landscaping and a solid fence between the building and the homes within 200 feet. It is also important to note that a building on the adjacent property to the north sits between the building to house animals and three homes to the northwest. Given the existing site conditions, *staff believes that a nine foot tall solid fence combined with a solid row of evergreen plants could provide adequate buffering to compensate for the lack of separation provided the impacted property owners believe that the visual and noise impacts of the facility would be mitigated.*

While staff finds that the plan proposes an alternative to mitigate the impacts caused by reducing the required setback, *the applicant has not demonstrated how the final site plan could be consistent with the principles and further the objectives of the Gallatin Pike SP.* This is an existing developed site so it would be difficult to meet all the goals; however, site improvements that meet the intent and goals of the plan could be provided. Improvements that reduce automobile and pedestrian conflict, by placing all required parking at the back of the building and limiting or restricting automobile access along Gallatin Pike are available. *This would allow the removal of extremely dangerous backing onto Gallatin Pike and would be consistent with the recommendations of the Department of Public Works.*

The proposed use only requires five parking spaces, and five are provided at the rear of the building. Since adequate parking, including handicap parking, can be



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provided at the rear of the building, then staff recommends that the front parking area be closed to direct vehicular access. Staff recommends that the specific method to eliminate front parking be proposed by the applicant and designed to allow pedestrian access to the facility, clearly prevent vehicular access to the paved area, and consider removal of the asphalt and/or replacing the excess asphalt with appropriate landscaping. This would be consistent with the principles and furthers the objectives of the Gallatin Pike SP and meet the Council requirement for approval of the modification. This would also address Public Works' concern with parking at the front of the building.

STORMWATER RECOMMENDATION

No grading permit required.

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.

At sites where adequate parking can be provided in accordance with the requirements of the Gallatin Road SP and all other applicable codes, it is recommended that any existing non-compliant parking should be removed.

STAFF RECOMMENDATION

Staff recommends approval of the modification as proposed and a finding that the plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP if:

1. following the public hearing, the Planning Commission determines that the proposed fence and landscaping alternative proposed by the applicant adequately mitigates the impacts that reducing the required setback creates; and
2. the applicant submits a revised final site plan acceptable to the Departments of Planning and Public Works designed to allow pedestrian access to the facility and clearly prevent vehicular access to the paved area, through removal of the asphalt and instillation of appropriate landscaping and curbing and/or



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installation of properly designed landscape planters.

If the previous conditions are not met, staff recommends disapproval as the request will not meet the conditions for the animal boarding facility and is not consistent with the principles or further the objectives of the Gallatin Pike SP

CONDITIONS

1. A revised final site plan acceptable to the Departments of Planning and Public Works designed to allow pedestrian access to the facility and clearly prevent vehicular access to the paved area, through removal of the asphalt and installation of appropriate landscaping and curbing and/or installation of properly designed landscape planters, be presented within 120 days.
2. All signage shall meet the sign standards established by the Gallatin Pike SP.