

# Metropolitan Planning Commission



## Staff Reports

**January 28, 2016**



## Metro Planning Commission Meeting of 12/10/2015

*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 CONSIDERED ITEMS**

- **Subdivision Regulations Amendment**
- **Community Plans**
- **Specific Plans**
- **Subdivision (Final)**



**NO SKETCH**



<b>Project No.</b>	<b>Subdivision 2015S-001R-001</b>
<b>Project Name</b>	<b>Subdivision Regulations Amendments</b>
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Metro Planning Department

**Deferral** This request was deferred from the November 12, 2015, and the December 10, 2015, Planning Commission meetings.

**Staff Reviewer** Logan  
**Staff Recommendation** *Defer to the February 11, 2016, Planning Commission meeting.*

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**APPLICANT REQUEST**

**A request to amend the Subdivision Regulations of Nashville-Davidson County, adopted on March 9, 2006, and last amended on January 4, 2014.**

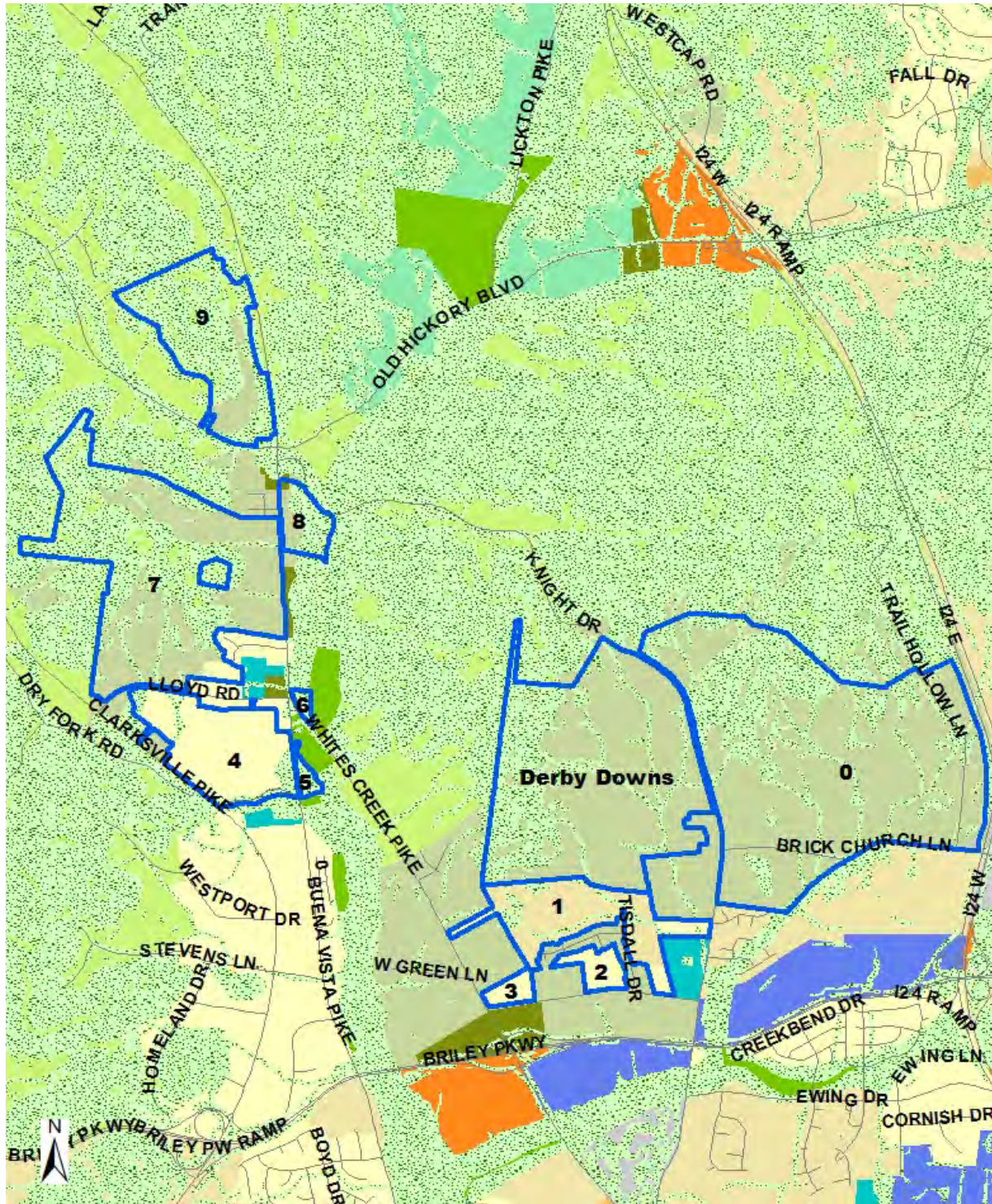
**STAFF RECOMMENDATION**

Staff recommends deferral to the February 11, 2016, Planning Commission meeting.





# Metro Planning Commission Meeting of 1/28/2016



## 2015CP-000-001

### BORDEAUX-WHITES CREEK COMMUNITY PLAN AMENDMENT

Various properties in 11 areas

Whites Creek

1 – Loniel Greene, Jr.

3 – Brenda Haywood



**Project No.  
Project Name**

**Plan Amendment 2015CP-001-002  
Community Character Policies for Whites  
Creek 11 Areas**

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

2015CP-000-001  
1 - Greene, 3 – Haywood  
1 – Gentry  
Metro Planning Department

**Deferral**

This request was deferred at the June 22, 2015, Planning Commission special meeting for the adoption of NashvilleNext and the August 13, 2015, the November 12, 2015, and the December 10, 2015, Planning Commission meetings.

**Staff Reviewer  
Staff Recommendation**

McCaig  
*Defer to the May, 26, 2016, Planning Commission meeting.*

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**APPLICANT REQUEST**

**A request to adopt the policies as recommended, along with two special policies in specific areas, for the 11 deferred areas in the Whites Creek Study Area. For Area 0, staff’s recommendation has been updated to not include a Special Policy for this area.**

Amend the Bordeaux-Whites Creek Community Plan

A request to amend the Bordeaux-Whites Creek Community Plan: 2015 Update by changing community character policies for properties within 11 areas deferred from the June 22, 2015, Metro Planning Commission hearing to adopt NashvilleNext.

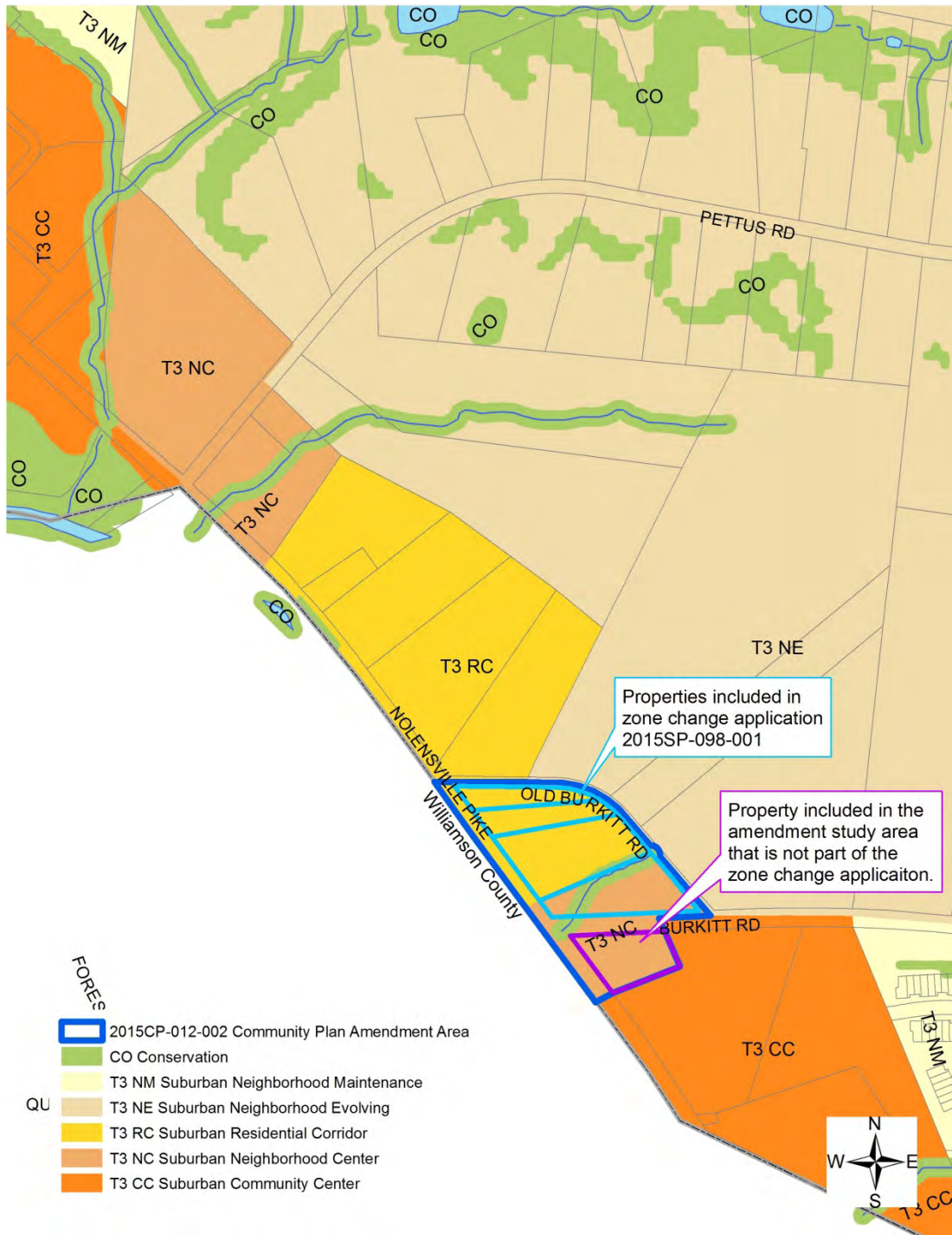
**STAFF RECOMMENDATION**

Staff recommends deferral to the May 26, 2016, Planning Commission meeting.





# Metro Planning Commission Meeting of 1/28/2016



2015CP-012-002  
**SOUTHEAST COMMUNITY PLAN AMENDMENT**  
 Map 186-00, Parcel(s) 013.01, 011-014  
 12, Southeast  
 31 – Fabian Bedne





<b>Project No.</b>	<b>Major Plan Amendment 2015CP-012-002</b>
<b>Project Name</b>	<b>Southeast Community Plan – Amendment</b>
<b>Associated Case</b>	2015SP-098-001
<b>Council District</b>	31 – Bedne
<b>School Districts</b>	2 – Brannon
<b>Requested by</b>	Gresham, Smith and Partners, applicant; 6968 Nolensville Road, LLC, owner.

**Deferrals** This request was deferred from the December 10, 2015, and the January 14, 2016, Planning Commission meetings.

**Staff Reviewer** Wood  
**Staff Recommendation** *Approve.*

**APPLICANT REQUEST**

**Amend the Community Character policy for properties located at 6960 and 6968 Nolensville Pike, Nolensville Pike (unnumbered) and 7203 and 7205 Old Burkitt Road from T3 Suburban Residential Corridor, T3 Suburban Neighborhood Center, and Conservation to T3 Suburban Community Center.**

Major Plan Amendment

A request for a Major Amendment to the Southeast Community Plan to change the Community Character Policies from T3 Suburban Residential Corridor, T3 Neighborhood Center, and Conservation to T3 Suburban Community Center for properties located at 6960 and 6968 Nolensville Pike, Nolensville Pike (unnumbered) and 7203 and 7235 Old Burkitt Road (8.22 acres).

**SOUTHEAST COMMUNITY PLAN – AMENDMENT**

**Current Policies**

T3 Suburban Residential Corridor (T3 RC) is intended to preserve, enhance and create suburban residential corridors. T3 RC areas are located along prominent arterial-boulevard or collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive and comfortable access and travel for all users. T3 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal



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habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

### **Proposed Policy**

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

### **BACKGROUND**

The community plan amendment was requested in conjunction with zone change application 2015SP-098-001. 2015SP-098-001 is a request to change the zoning from AR2a to Specific Plan – Mixed Use for 6960 and 6968 Nolensville Pike and 7203 and 7235 Old Burkitt Road. An additional property, Nolensville Pike (unnumbered), was added to the proposed amendment study area at the direction of the Planning Department. Nolensville Pike (unnumbered), which lies between the boundaries of the zone change site and the existing T3 CC area on the south side of Burkitt Road, would have been the only property to remain in T3 NC policy if the amendment is to be adopted.

The previous (2004) update of the Southeast Community Plan was amended in 2009 to change the policies on the south side of Burkitt Road from Neighborhood General and Neighborhood Center to T3 CC. The 2009 policy change left a portion of the original Neighborhood Center policy around the intersection of Burkitt Road and Nolensville Pike. The Natural Conservation (now CO policy) applied to what the Planning Department's GIS data indicated was a blue line stream and the Corridor General (now T3 RC) policy north of the apparent blue line stream remained in place. The Water Services Department Stormwater Management Division has provided documentation that the area shown as CO policy is a wet weather conveyance rather than a blue line stream. CO policy does not apply to wet weather conveyances.

### **COMMUNITY PARTICIPATION**

- Community meeting and public hearing notices were mailed out to property owners within 1,300 feet of the amendment area on October 12, 2015, and the notice was also placed on the Planning Department website. The community meeting was held on October 27, 2015, at the National College of Business and Technology at 1638 Bell Road. It was attended by 6 people in addition to Councilman Fabian Bedne, the development team, and Metro Planning staff. There was a general consensus that more consumer services were needed in the immediate area. Attendees did not think that the T3 CC area around the intersection of Nolensville Pike and Concord Road (located about a mile north of Burkitt Road) was sufficient to meet current or future consumer demand. However, there were some concerns that were raised. The concerns expressed by attendees were:
- That the potential building heights supported by T3 CC policy would be too tall in light of the existing and desired character of the surrounding area, its distance from areas closer to the central city, which attendees feared would create additional traffic problems given the area's



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location near the county line where transit service would continue to be limited for several years.

- Site access problems, either along Nolensville Pike or along Burkitt Road, because of traffic volumes and speeds, intersection spacing, and sight distance.
- The uncertainties about the timing of the planned widening of Nolensville Pike and other issues associated with the widening, including extent and locations of future right-of-way, the specifics of realigning the intersection of Nolensville Pike and Burkitt Road, and other design details.
- The housing types supported by the existing T3 RC and T3 NE policies were perceived as being out of character with what is desired by existing residents, particularly because of the predominance of townhouses.
- Additional nearby townhouse development proposals that are currently in the pipeline, some of which have not yet been filed with the Planning Department.

### **ANALYSIS**

Changes in conditions and policy direction since the 2004 Southeast Community Plan Update support favorable consideration of T3 CC policy in the amendment area. These include the 2010 amendment from Neighborhood Center and Neighborhood General to T3 Suburban Community Center policy on the south side of the intersection of Nolensville Pike and Burkitt Road and significant residential growth adjacent to the Nolensville Pike corridor in both Davidson and Williamson Counties. Applying T3 CC policy in the amendment area would result in a more logical arrangement of development around the intersection of Burkitt Road and Nolensville Pike by placing the same policy on both sides of a major intersection as outlined in the Application section of T3 CC policy in the Community Character Manual. It would also provide needed consumer services to this increasing population.

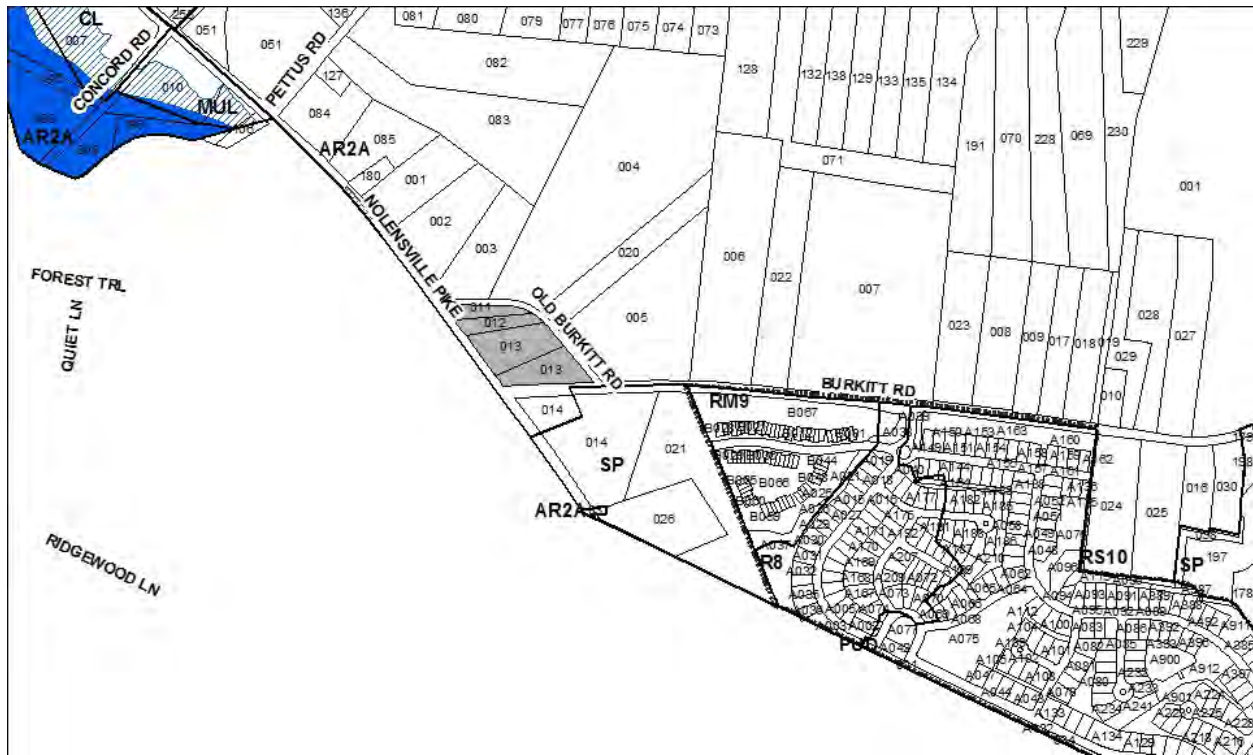
In addition, the documentation provided by the Water Services Department Stormwater Management Division that the area shown as CO policy is a wet weather conveyance rather than a blue line stream is sufficient justification to remove the CO Policy and replace it with T3 CC policy. CO policy does not apply to wet weather conveyances.

### **STAFF RECOMMENDATION**

Staff recommends approval of the amendment request.



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**2015SP-098-001**  
CEDARWOOD SP  
Map 186, Parcel(s) 013.01, 011-013  
12, Southeast  
31 (Fabian Bedne)



**Project No.** Zone Change 2015SP-098-001  
**Project Name** Cedarwood SP  
**Associated Case** 2015CP-012-002  
**Council District** 31 – Bedne  
**School District** 2 – Brannon  
**Requested by** Gresham Smith & Partners, applicant; 6968 Nolensville Road, LLC, owner.

**Deferrals** This request was deferred from the December 10, 2015, and the January 14, 2016, Planning Commission meetings.

**Staff Reviewer** Swaggart  
**Staff Recommendation** *Approve with conditions and disapprove without all staff conditions if the associated policy amendment is approved. If the associated policy amendment is not approved, then staff recommends disapproval.*

**APPLICANT REQUEST**

**Zone change to permit a commercial development.**

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Specific Plan-Commercial (SP-C) zoning for properties located at 6960 and 6968 Nolensville Pike and 7203 and 7235 Old Burkitt Road, at the corner of Nolensville Pike and Burkitt Road, (6.72 acres), to permit a maximum of 5,200 square feet of automobile convenience and restaurant uses and all uses permitted within the CL zoning district with some exceptions.

**Existing Zoning**

Agricultural/Residential (AR2a) requires a minimum lot size of two 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 two acres. The AR2a district is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 3 lots with 3 duplexes for a total of 6 units.*

**Proposed Zoning**

Specific Plan-Commercial (SP-C) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes commercial uses.

**CRITICAL PLANNING GOALS**

N/A

**SOUTHEAST COMMUNITY PLAN**

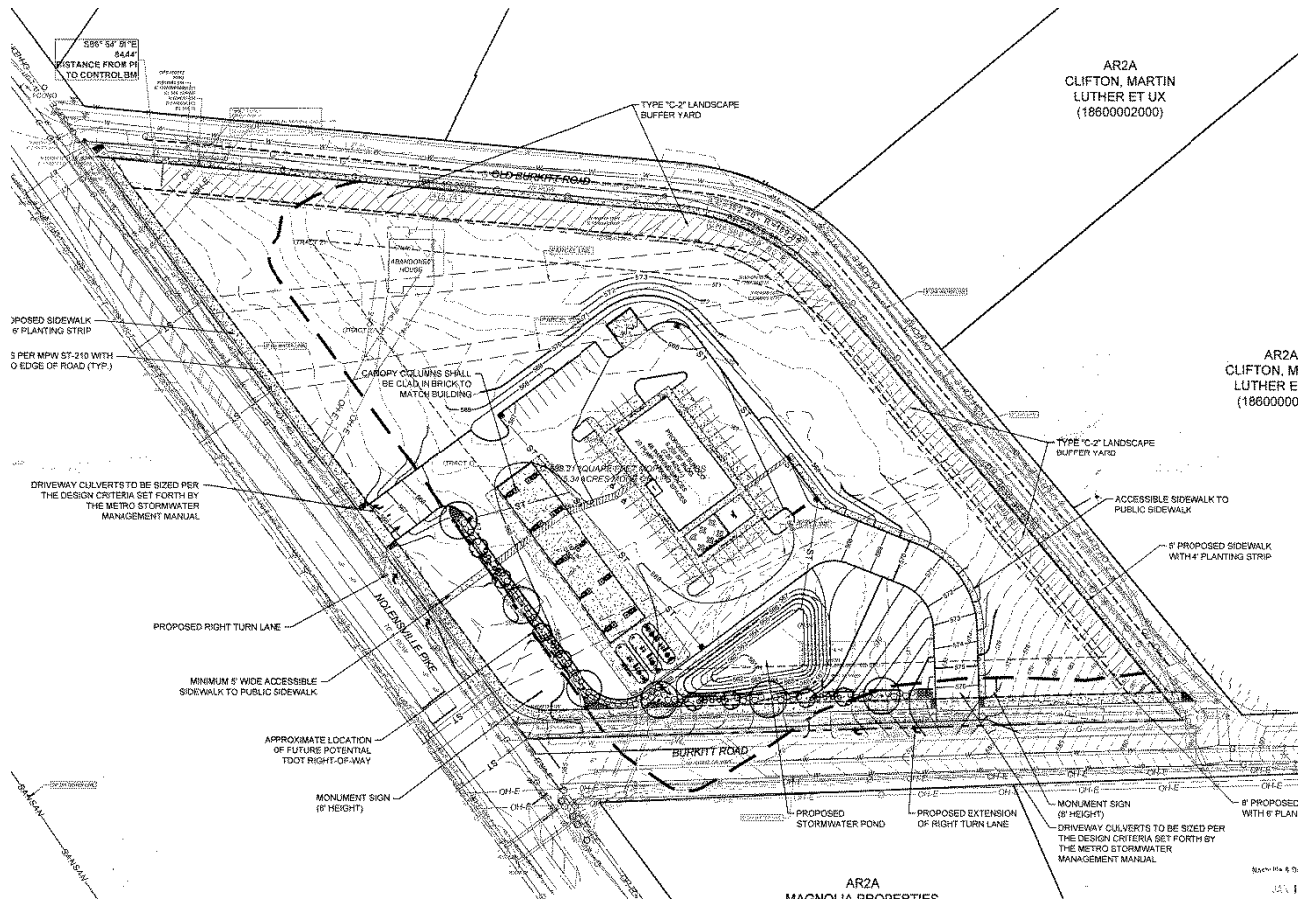
**Current Policies**

T3 Suburban Residential Corridor (T3 RC) is intended to preserve, enhance and create suburban residential corridors. T3 RC areas are located along prominent arterial-boulevard or





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## Proposed Site Plan

CONCEPTUAL EXHIBIT

 **Cornerstone Consulting**  
 Engineers & Architectural, Inc.  
 1110 N. Orange St., Alhambra, CA 91801  
 Ph: (626) 820-4200, Fax: (626) 820-5200



Front Elevation



Rear Elevation



**Proposed A Plus Facility**  
 5,100 S.F. A Plus Exterior Perspective

EP-1



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collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive and comfortable access and travel for all users. T3 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

### **Proposed Elevations**

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

### **Proposed Policy**

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

### Consistent with Policy?

The proposed SP is not consistent with the existing T3 RC policy, which only supports residential development; however the proposed SP is consistent with the proposed T3CC policy. While the proposed SP calls for an automobile oriented business, the plan calls for enhanced sidewalks along Nolensville Pike, Burkitt Road and Old Burkitt Road. The proposed sidewalks along Nolensville Pike and Burkitt Road are consistent with the Major and Collector Street Plan (MCSP). Old Burkitt Road is not in the MCSP. The proposed SP also provides pedestrian connections from the building to the sidewalks along Nolensville Pike and Burkitt Road. The plan calls for landscaping along the frontage of Nolensville Pike and Burkitt Road, which is intended to soften the parking areas and fuel area from the sidewalk. The plan calls for the building and columns for the gas canopy to be brick. All these improvements will provide for a design that is in keeping with the goals of the proposed T3 CC policy.

### **PLAN DETAILS**

The approximately 6.72 acre site which consists of four properties is located at the northeast corner of Nolensville Pike and Burkitt Road just north of the town of Nolensville. Old Burkitt Road runs



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along the east and northeast property boundary. A majority of the site is vacant, but there is a single-family home located on the two most northern parcels at the southeast intersection of Nolensville Pike and Old Burkitt Road.

### Site Plan

The plan calls for a 3,327 square foot automobile convenience market, and a 1,373 square foot restaurant. Both uses would be located in the same structure. The plan would permit all uses that are permitted within the CL zoning district with the exception of used and new automobile sales, and automobile repair. The plan would permit a maximum floor area of 5,200 square feet. Architectural elevations are provided. As proposed, the building will be brick and has windows and entry doors on both sides of the building. The plan calls for an outside eating area along the south side of the building.

Access into the site is provided from one drive along Nolensville Pike and another drive along Burkitt Road. Parking is shown along all sides of the building. The SP requires that the number of parking spaces be consistent with Metro Zoning Code requirements.

A Type C-2 Landscape Buffer Yard is shown along the Old Burkitt Road frontage. The plan provides a landscaping detail for the landscaping area shown along Nolensville Pike and Burkitt Road, but details are not provide for interior of the buffer yard.

Free standing sign details are provided. The plan calls for two eight foot tall monument style sign. A portion of the sign is digital to permit the display of gas prices. The overall sign area is approximately 45 feet. As proposed, building signage would be consistent with Metro Zoning Code requirements for the CL zoning district.

### **ANALYSIS**

Commercial uses are not consistent with the T3 RC policy that covers a portion of the subject site. If the Commission were to approve the associated policy amendment, which *could* support commercial uses, then staff would recommend approval with conditions. As proposed, the plan is consistent with the proposed T3 CC policy. The proposed SP calls for sidewalks consistent with the MCSP, and landscaping along all street frontages, which would enhance the pedestrian zone along both roadways. The plan also calls for adequate sidewalk connections to the proposed building, which would make it safer for a pedestrian to navigate from the public sidewalk to the proposed building.

Staff is recommending a condition that the proposed SP be limited to automobile convenience and restaurant uses as depicted on the SP plan. Staff finds that this is necessary, because the plan does not provide any details for other uses. It is important that all Public Works conditions be required, as they are intended to improve traffic flow and safety. Most of the requirements are based on the recommendations by the Traffic Impact Study (TIS) that was submitted by the applicant. Additional conditions are requirements from the Metro Traffic Engineer that are a result of their review of the TIS.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve with conditions**

- Fire Code issues for the structures will be addressed at permit application review.



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## STORMWATER RECOMMENDATION

Approved

## PUBLIC WORKS RECOMMENDATION

Approved with conditions

- 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.
- Prior to the building permit application. Submit copy of recorded ROW dedication at both intersections prior to building permit signoff by MPW. Dedications should be to the back of the proposed sidewalks.
- If sidewalks are required along Old Burkitt, Burkitt, or Nolensville Road, then they are to be constructed per MPW standards and specifications, with appropriate lane widths adjoining the MPW standard curb and gutter with grass strip per the MCSP.
- Comply with MPW Traffic Engineer conditions.

## TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

In accordance with TIS findings and site plan dated 11/17/2015:

1. Developer shall construct an extension of the SB left turn lane on Nolensville Pk with a minimum of 150 ft. of storage with transition per AASHTO standards at project access drive. Provide adequate sight distance at Nolensville access driveway.
2. Developer shall reconstruct Old Burkitt Rd to align with the approved Burkitt Commons SP driveway on Burkitt Rd. and provide adequate sight distance.
3. Developer shall construct an additional project access driveway to the relocated section of Old Burkitt Rd with adequate sight distance.
4. Developer shall construct a 3 lane cross section along Burkitt Rd frontage with adequate transition per AASHTO standards.
5. Additional queue analysis will be required to determine if adequate storage is provided in the center turn lane to allow WB left turn lane storage on Burkitt Rd at Nolensville Rd and EB left turn lane storage for 41/54 left turn vehicles at proposed Burkitt Rd project driveway location without LTL conflicts and spill over into the thru lanes.
6. Project shall dedicate ROW to allow future Nolensville Pk and Burkitt Rd road construction per TDOT plans.

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 Residential (210)	6.72	0.5 D	3 U	29	3	4



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Maximum Uses in Proposed Zoning District: **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Automobile Convenience (945)	6.72	-	20 pumps 3,327 SF	3256	202	268

Maximum Uses in Proposed Zoning District: **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (934)	6.72	-	1,373 SF	682	68	47

Traffic changes between maximum: **AR2a** and **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+3,909	+67	+311

### WATER SERVICES RECOMMENDATION

#### Approved with conditions

Approved as a Preliminary SP only. Public construction plans must be submitted and approved prior to Final SP approval.

### STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions if the associated policy amendment is approved. If the associated policy amendment is not approved, then staff recommends disapproval.

### CONDITIONS

1. Uses shall be limited to automobile convenience and restaurant.
2. The maximum floor area within the SP shall be 5,200 square feet.
3. A landscape strip along the northern perimeter of the parking area shall be provided consistent with the perimeter landscaping requirements of the Metro Zoning Code, and shall be shown on the final site plan.
4. A landscape strip along the eastern side of the drive from Burkitt Road consistent with the perimeter landscaping requirements of the Metro Zoning Cod shall be provided, and shall be shown on the final site plan.
5. Development shall meet the Tree Density requirements of the Metro Zoning Code.
6. Building signage shall be consistent with the Metro Zoning Code as permitted in the MUL zoning district.
7. A five foot wide sidewalk and four foot wide planning strip shall be required along Old Burkitt Road. If necessary, right-of-way along Old Burkitt Road shall be dedicated to accommodate the required sidewalk.
8. Developer shall reconstruct Old Burkitt Rd to align with the approved Burkitt Commons SP driveway on Burkitt Rd. and provide adequate sight distance.



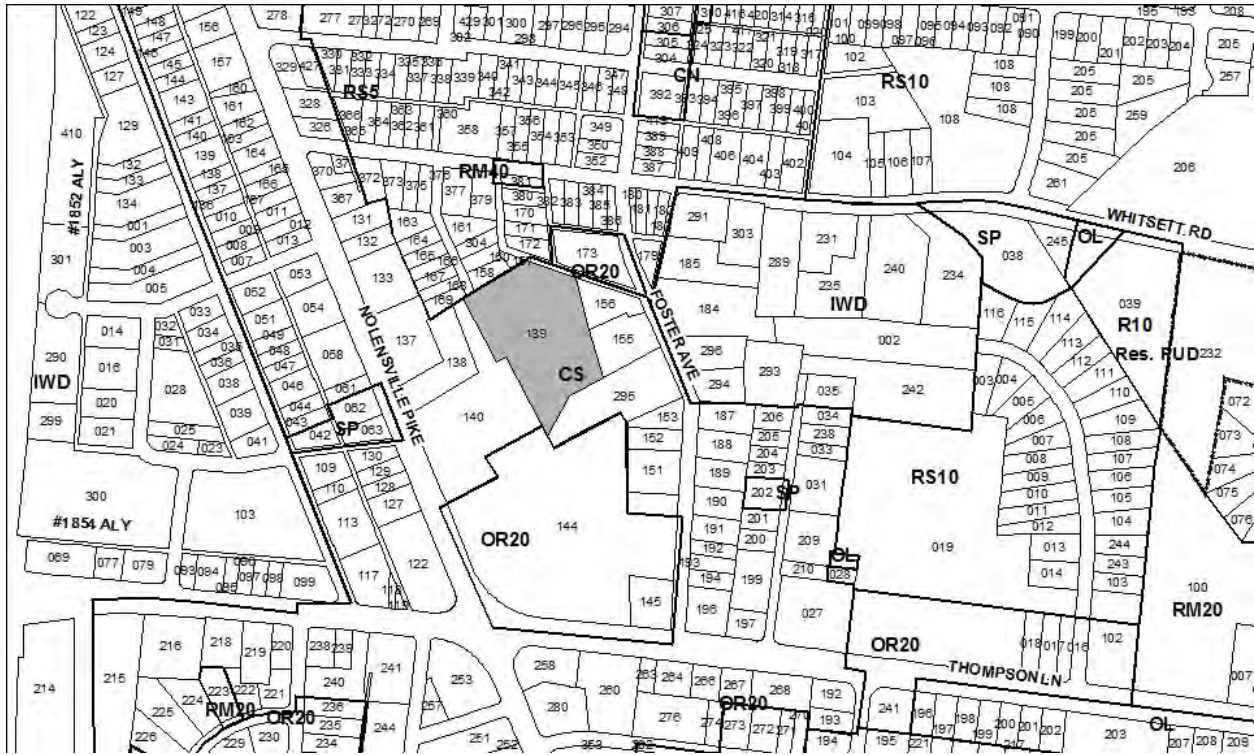


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9. Developer shall construct an additional project access driveway to the relocated section of Old Burkitt Rd with adequate sight distance.
10. Developer shall construct a 3 lane cross section along Burkitt Rd frontage with adequate transition per AASHTO standards.
11. Additional queue analysis will be required to determine if adequate storage is provided in the center turn lane to allow WB left turn lane storage on Burkitt Rd at Nolensville Rd and EB left turn lane storage for 41/54 left turn vehicles at proposed Burkitt Rd project driveway location without LTL conflicts and spill over into the thru lanes.
12. Project shall dedicate ROW to allow future Nolensville Pk and Burkitt Rd road construction per TDOT plans.
13. 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.
14. Prior to the building permit application. Submit copy of recorded ROW dedication at both intersections prior to building permit signoff by MPW. Dedications should be to the back of the proposed sidewalks.
15. If sidewalks are required along Old Burkitt, Burkitt, or Nolensville Road, then they are to be constructed per MPW standards and specifications, with appropriate lane widths adjoining the MPW standard curb and gutter with grass strip per the MCSP.
16. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
17. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
18. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
19. 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.



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**2016SP-001-001**

311 CARTER SP

Map 119-09, Parcel(s) 139

11, South Nashville

16 (Mike Freeman)



**Project No.** **Specific Plan 2016SP-001-001**  
**Project Name** **311 Carter SP**  
**Council District** 16 – Freeman  
**School District** 7 – Pinkston  
**Requested by** Dale & Associates, applicant; War Eagle 1, Partnership, GP, owner.

**Deferrals** This request was deferred from the January 14, 2016, Planning Commission meeting.

**Staff Reviewer** Swaggart  
**Staff Recommendation** *Defer unless Public Works recommends approval prior to the Planning Commission meeting. If Public Works recommends approval prior to the meeting, then staff recommends approval with conditions and disapproval without all conditions.*

**APPLICANT REQUEST**  
**Rezone to permit a residential development.**

Zone Change  
 A request to rezone from Commercial Services (CS) to Specific Plan – Residential (SP-R) zoning for property located at 311 Carter Street, approximately 260 feet west of Foster Avenue (3.5 acres), to permit up to 92 residential units.

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

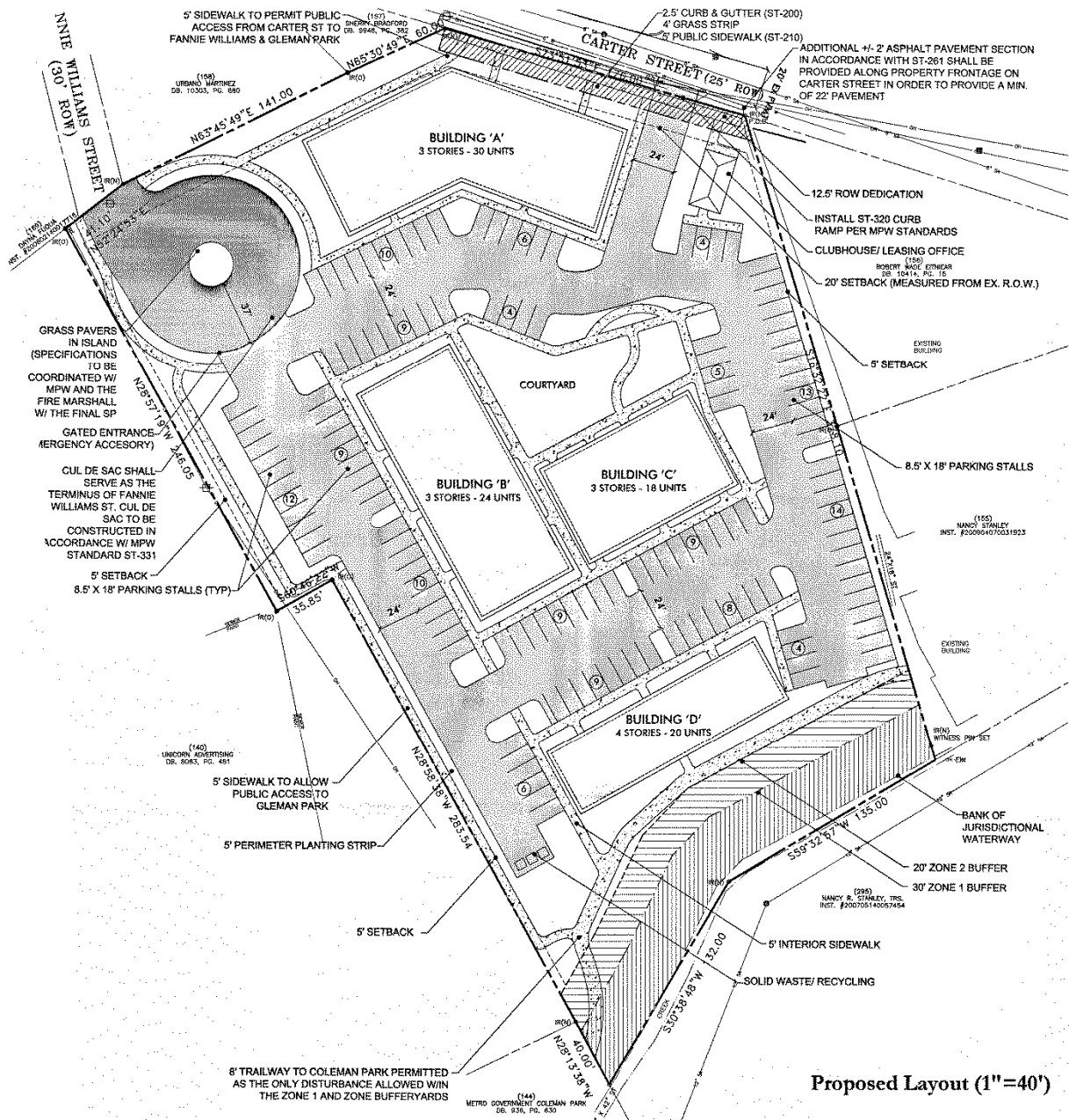
**Proposed Zoning**  
Specific Plan-Residential (SP-R) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one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

- CRITICAL PLANNING GOALS**
- Supports Infill Development
  - Provides a Range of Housing Choices
  - Provides a Variety of Transportation Choices
  - Creates Walkable Neighborhoods

The area is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development in areas not served with adequate infrastructure, such as substandard roads, water and sewer, because it does not burden Metro with the cost of upgrading or building new infrastructure. The plan provides an additional housing option to the immediate area, which are important to serve a wide range of people with different housing needs. The plan would increase the residential density in the immediate area. Given the sites proximity to Nolensville



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Proposed Layout (1"=40')

Proposed Site Plan



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Pike, the additional density is appropriate as it supports the Nolensville commercial corridor. The additional density and proximity to Nolensville Pike also supports public transportation and walkable neighborhoods. People living in more dense mixed-use areas are more likely to use public transit because every day services are located more closely and it can be more efficient than driving oneself. The plan also calls for a sidewalk connection to the existing walking path at the Coleman Park and Community Center.

### **SOUTH NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban neighborhoods that fit in with the general character of existing urban neighborhoods, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban 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.

#### Consistent with Policy?

Yes. The proposed SP is consistent with the T4 NE policy. The policy supports all types of residential uses, and recognizes that development patterns may change over time. In this case, there is not a consistent development pattern in the immediate area. The surrounding area consists of light industrial, commercial, office and single and two-family residential uses. The area to the north along Fannie Williams Street, which dead-ends into the property, consists of single and two-family residential uses. This area is also located within the T4 NE policy and it is likely that the area will transition into higher density residential development over time. The additional density is appropriate given the proximity to Nolensville Pike. The plan is also designed so that the only building facing a public street is set close to the street consistent with the urban form supported by the policy.

### **PLAN DETAILS**

The site is located on the southwest side of Carter Street, just west of the intersection of Carter Street and Foster Avenue. Nolensville Pike is approximately 300 feet to the west, but there is no direct access from the site to Nolensville Pike. The site is just north of the Coleman Park and Community Center. The site is approximately 3.5 acres and is developed and contains a large metal building. The current land use is classified as a lumber yard. There is a small stream located along the southern property line, but there are no other known environmental constraints.

#### Site Plan

The plan calls for a maximum of 92 residential units. Units are divided between four buildings (A - D). Building A, which is located adjacent to Carter Street, is three stories and contains 30 units. The two buildings located behind Building A (Buildings B and C) are also three stories in height. These buildings are oriented in a way that creates a central green space. Building B contains 24 units and Building C contains 18 units. Building D is located behind Buildings B and C near the rear property line. It is four stories in height and contains 20 units. The plan also calls for a small clubhouse/leasing office adjacent to Carter Street.

The plan provides architectural standards, and requires that elevations for all buildings be provided with any final site plan. Standards pertain to entry ways, glazing and window orientation, materials and finished ground floor elevations.





## Metro Planning Commission Meeting of 1/28/2016

Primary access is from Carter Street. The plan also proposes a turn-around at the end of Fannie Williams Street. There would be no vehicular access to the development from Fannie Williams Street, with the exception that it would provide emergency access. The plan calls for surface parking only. No parking is shown along Carter Street. The plan calls for a five foot wide public sidewalk and four foot sidewalk along the frontage of Carter Street and along the proposed turnaround for Fannie Williams Street. The plan provides internal sidewalks throughout the development. The plan also calls for a sidewalk connection to the existing walking path in the adjacent Coleman Park and Community Center.

The SP is consistent with the T4 NE policy and meets several critical planning goals.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approved with conditions**

- Fire Code issues for the structures will be addressed at permit application review.

### **STORMWATER RECOMMENDATION**

#### **Approved**

### **PUBLIC WORKS RECOMMENDATION**

#### **Returned for corrections**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Comply with MPW Traffic Engineer
- Prior to the Final SP, coordinate with MPW to install additional solid waste and recycling container(s). 3 shown appear to be deficient.

### **TRAFFIC AND PARKING RECOMMENDATION**

#### **Returned for corrections**

- An access study is required prior to preliminary SP approval.

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
Retail (820)	3.5	0.6 F	91, 476 SF	6409	147	600

Maximum Uses in Proposed Zoning District: **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	3.5	-	92 U	682	49	69



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Traffic changes between maximum: CS and SP-R

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-5,727	-98	-531

## WATER SERVICES RECOMMENDATION

### Approved with conditions

- Approved as a Preliminary SP only. The required capacity fees must be paid prior to Final Site Plan/SP approval.

## METRO SCHOOL BOARD REPORT

Projected student generation existing CS district: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP-MU district: 11 Elementary 6 Middle 5 High

The proposed SP-MU would generate 22 additional students. Students would attend Whitsitt Elementary School, Wright Middle School and Glencliff High School. There is capacity for additional students in all three schools. This information is based upon data from the school board last updated November 2015.

## STAFF RECOMMENDATION

Staff recommends deferral unless Public Works recommends approval prior to the Planning Commission meeting. If Public Works recommends approval prior to the meeting, then staff recommends approval with conditions and disapproval without all conditions.

## CONDITIONS (if approved)

1. The SP shall be limited to a maximum of 92 residential uses.
2. A sidewalk and public pedestrian easement shall be provided in order to connect Carter Street and Fannie William Street to the proposed greenway that provides access to Coleman Park. Final details for this connection shall be determined with the final site plan.
3. Signage shall meet signage requirements as specified for the RM20-A zoning district.
4. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application.
5. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
6. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
7. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
9. 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.



## **Metro Planning Commission Meeting of 1/28/2016**

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.

10. 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**



# Metro Planning Commission Meeting of 1/28/2016



**2016SP-010-001**  
1023 PETWAY AVENUE SP  
Map 083-01, Parcel(s) 237  
05, East Nashville  
05 (Scott Davis)



**Project No.** 2016SP-010-001  
**Project Name** 1023 Petway Avenue SP  
**Council District** 5 - Davis  
**School District** 5 - Kim  
**Requested by** Harold Johnson, applicant and owner.

**Deferrals** This request was deferred from the December 10, 2015, Planning Commission meeting.

**Staff Reviewer** Milligan  
**Staff Recommendation** *Defer to the February 25, 2016, Planning Commission meeting.*

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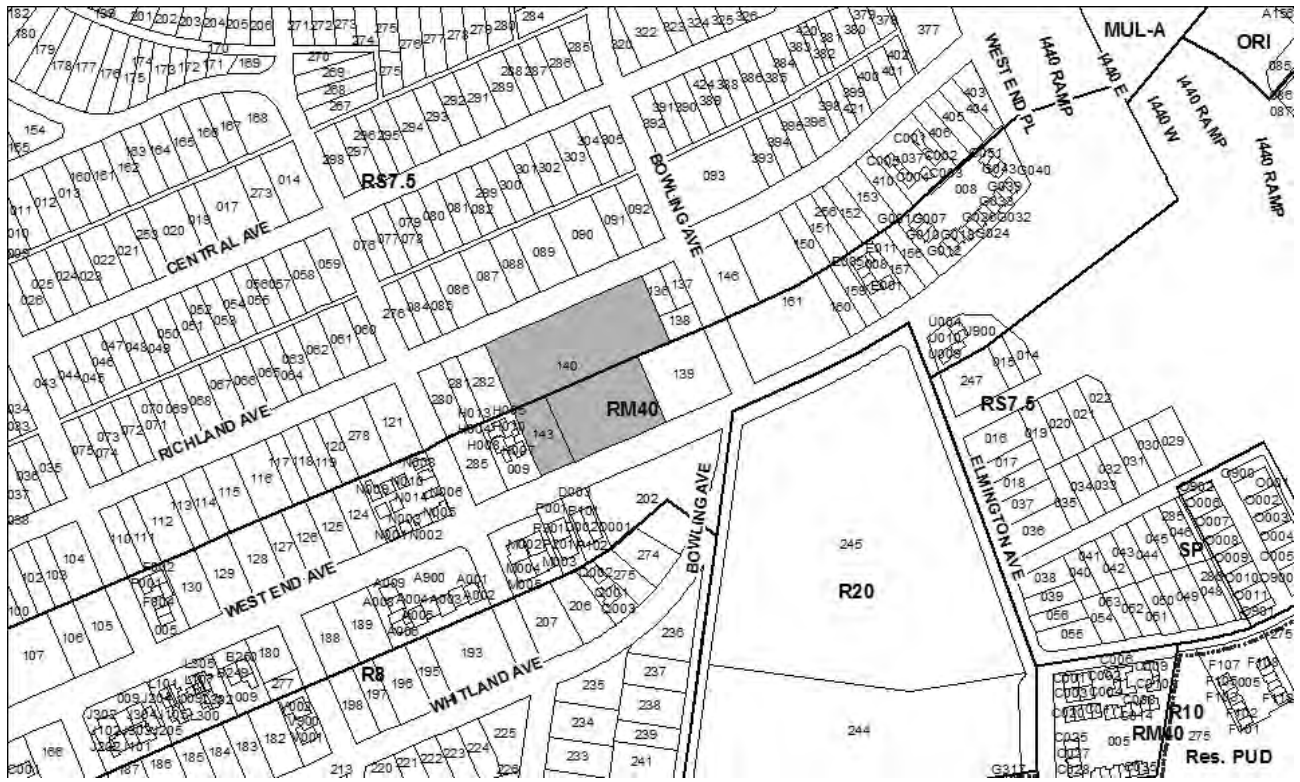
**APPLICANT REQUEST**  
**Approve an SP for 2 residential units.**

Request  
A request to rezone from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning for property located at 1023 Petway Avenue, approximately 885 feet west of Gallatin Avenue and located within the Greenwood Neighborhood Conservation Overlay District (0.28 acres), requested by Harold Johnson, applicant and owner.

**STAFF RECOMMENDATION**  
Staff recommends deferral to the February 25, 2016, Planning Commission meeting to allow for Metropolitan Historic Zoning Commission review.



# Metro Planning Commission Meeting of 1/28/2016



**2015S-174-001**  
WELCH PROPERTY SUBDIVISION, SECTION II  
Map 104-09, Parcel(s) 140, 143  
10, Green Hills - Midtown  
24 (Kathleen Murphy)





<b>Project No.</b>	<b>2015S-174-001</b>
<b>Project Name</b>	<b>Welch Property Subdivision, Section II</b>
<b>Council District</b>	24 - Murphy
<b>School District</b>	9 - Frogge
<b>Requested by</b>	Ragan-Smith & Associates, applicant; Mike Ford Custom Builders, LLC, owner.
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Defer to the February 11, 2016, Planning Commission meeting.</i>

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**APPLICANT REQUEST**

**Create 27 lots and dedicate easements.**

Final Plat

A request for final plat approval to create 27 lots and dedicate easements on property located at 3606 and 3622 West End Avenue, approximately 340 feet east of Craighead Avenue, zoned Single-Family Residential (RS7.5) and Multi-Family Residential (RM40) (3.98 acres).

**STAFF RECOMMENDATION**

Staff recommends deferral to the February 11, 2016, Planning Commission meeting.



**SEE NEXT PAGE**



## **RECOMMENDATIONS TO METRO COUNCIL**

- **Zoning Text Amendments**
- **Specific Plans**
- **Zone Changes**
- **Neighborhood Conservation Overlays**
- **Neighborhood Landmark Overlays**



**NO SKETCH**



<b>Project No.</b>	<b>Zone Change 2016Z-002TX-001</b>
<b>Project Name</b>	<b>Historic Home Events</b>
<b>Council Bill</b>	BL2015-96
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Councilmember Brett Withers
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**

**Amend certain sections of sections of the Metropolitan Zoning pertaining to Historic Home Events.**

**ZONING TEXT AMENDMENT**

A request to amend Section 17.04.060 and 17.08.030 of the Metropolitan Code, Zoning Regulations, by modifying the definition of "Historic home event" to limit events to enclosed areas.

**CRITICAL PLANNING GOALS**

N/A

**PROPOSED AMENDMENT**

The proposed amendment pertains to historic home events. Historic home events are permitted as a Special Exception (SE) in the AG, AR2a, all single-family, two-family, multi-family, mobile home park, office neighborhood (ON) zoning districts. The use is permitted by right within the mixed-use, office with the exception of ON, commercial, DTC and shopping center zoning districts. The requirements for districts where the use is permitted under a SE are as follows:

Historic Home Events.

1. Lot Size. The minimum bulk standard for the zone district shall apply.
2. Location. The events shall be within a historically significant structure, as determined by the historic zoning commission.
3. Parking. Where the minimum parking space standard requires additional parking area to be constructed, such area shall comply with the perimeter parking lot landscaping according to Chapter 17.24 of this code. In urban settings, the board of zoning appeals may consider on-street parking to satisfy the minimum parking standard, provided there is a finding of sufficient available public space.
4. Signs. Signs for advertising shall not be permitted.
5. Meals. Meal service shall be restricted to patrons of the special event only, and not to the general public.
6. Owner-Occupied. The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the historic home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the historic home.



## Metro Planning Commission Meeting of 1/28/2016

7. Frequency of Events. The board of zoning appeals may limit the number and frequency of events to minimize disturbance to surrounding properties.

Currently the use is not restricted within the confines of a home so the event may also take place on the premises outside of a home (yard, porch, deck, etc.). The proposed amendment requires that events take place within the confines of the home and not outside.

The ability to provide historic home events allows historic properties to be preserved when it may not be financially feasible to preserve them with only residential uses. However, the preservation of the historic structures must be balanced with potential disruption to the surrounding neighborhood. The proposed amendment is intended to ensure that these events do not disturb surrounding residents.

### **Chapter 17.04 – General Provisions and Definitions**

Section 17.04.060 of the Metropolitan Zoning Code specifies the following definition for historic home events:

"Historic home event" means the hosting of events such as, but not limited to, weddings or parties for pay in a private home which has been judged to be historically significant by the historical commission.

### **Proposed Amendment**

The amendment proposes that the definition for "Historic home events" be amended by further defining where events must take place within a structure that is determined to be "historically significant" by the Historical Commission.

The proposed definition for each use is as follows:

Historic home event" means the hosting of events such as, but not limited to, weddings or parties for pay in a private home which has been judged to be historically significant by the historical commission. The event must be confined to an enclosed area within the private home, limited to the space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to ceiling.

### **STAFF RECOMMENDATION**

Staff recommends that the proposed text amendment be approved.

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### **ORDINANCE NO. BL2015-96**

An Ordinance amending Section 17.04.060 and 17.08.030 of the Metropolitan Zoning Code by modifying the definition of "Historic home event" to limit events to enclosed areas (Proposal No. 2016Z-002TX-001).

WHEREAS, the definition of "Historic home event" in Section 17.04.060 of the Metropolitan Code refers to the hosting of events "in a private home", with no further clarification regarding where such events may be conducted; and



## **Metro Planning Commission Meeting of 1/28/2016**

WHEREAS, it is fitting and proper that the definition of "Historic home event" be amended to clarify the proper location for Historic home events.

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

Section 1. That 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 definition of "Historic home event", and substituting with the following new definition:

"Historic home event" means the hosting of events such as, but not limited to, weddings or parties for pay in a private home which has been judged to be historically significant by the historical commission. The event must be confined to an enclosed area within the private home, limited to the space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to ceiling.

Section 2. This Ordinance shall take effect immediately 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: Brett Withers





**NO SKETCH**



<b>Project No.</b>	<b>Zone Change 2016Z-003TX-001</b>
<b>Project Name</b>	<b>Alternative Financial Services</b>
<b>Council Bill</b>	BL2016-117
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Councilmembers Jeff Syracuse, Mike Freeman, Fabian Bedne and Colby Sledge
<b>Staff Reviewer</b>	Burnette
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**

**Amend Chapters 17.04 and 17.08 of the Metropolitan Code, Zoning Regulations, pertaining to flex and installment Loans.**

**ZONING TEXT AMENDMENT**

A request to amend Chapters 17.04 and 17.08 of the Metropolitan Code, Zoning Regulations, designating flex loan and installment loan as uses permitted with conditions and adding conditions applicable to these uses.

**CRITICAL PLANNING GOALS**

N/A

**PROPOSED AMENDMENT**

The proposed amendment would make changes to Sections 17.04, 17.08 and 17.16 of the Zoning Code. The Metro Zoning Code currently has definitions for other alternative financial service uses including cash advance, check cashing, pawnshop and title loan establishments, all of which are defined separately from a Financial Institution use. In addition, Section 17.16 provides land use development standards for these uses.

The Zoning Code does not currently include flex and installment loan uses in the permitted use table, nor is there a definition for either use, and the Zoning Administrator would currently classify each use as cash advance. This amendment proposes to establish Flex and Installment Loan uses and provides a definition and land use development standards for each use. The proposed land use development standards for each use are the same as currently exist within the Metro Zoning Code for other alternative financial services uses. This amendment also proposes to amend the definition of a financial institution use by adding that flex loan and installment loan uses are excluded from the definition of a financial institution, which already excludes other alternative services uses from that definition.

**Chapter 17.04 – General Provisions and Definitions**

Section 17.04.060 of the Metropolitan Zoning Code specifies the following definition for financial institution uses:

"Financial institution" means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies, but excluding cash advance, check cashing, and title loan establishments.



## Metro Planning Commission Meeting of 1/28/2016

The amendment proposes that the definition for financial institution located in Chapter 17.04 of the Metro Zoning Code be amended by deleting “but excluding cash advance, check cashing, and title loan establishments.”, and replacing it with “but excluding cash advance, check cashing, title loan, flex loan and installment loan establishments.”

Definitions for “flex loan” and “installment loan” uses are to be added to Chapter 17.04 as well. The proposed definition for each use is as follows:

“Flex loan” means any building, room, space or portion thereof where a written agreement providing open-end credit, either unsecured or secured by personal property, in which repeated non-commercial loans for personal, family or household purposes is contemplated, as regulated by Title 45, Chapter 12, of the Tennessee Code Annotated.

“Installment loan” means any building, room, space or portion thereof where a loan is repaid over time with a set number of scheduled payments to a financial institution.

### **Chapter 17.08 – Zoning Districts and Land Uses**

Section 17.08.030, District bulk table, contains the Land Use Table. This table specifies which uses are permitted in each zoning district found within Davidson County.

The amendment proposes that “flex loan” and “installment loan” be added to the list of uses in the table. The amendment further proposes that the table show that both uses are permitted with conditions (PC) within the MUN, MUN-A, MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, ORI, ORI-A, CN, CN-A, CL, CL-A, CS, CS-A, CA, CF, SCN, SCC, SCR and IWD zoning districts.

### **Chapter 17.16 – Land Use Development Standards**

Chapter 17.16.050 – Office uses, specifies conditions for certain uses that are permitted with conditions. The amendment proposes to add “flex loan” and “installment loan” to Section 17.16.050.D, which currently includes conditions for existing Alternative Financial Services uses: “D. Cash Advance, Check Cashing, Title Loan, Flex Loan and Installment Loan.

1. No cash advance, check cashing, title loan, flex loan or installment loan establishment shall be located less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another cash advance, check cashing, title loan, flex loan or installment loan office is located.
2. Cash advance, check cashing, title loan, flex loan or installment loan offices in the MUN, MUN-A, ON, and CN zoning districts shall be limited to two thousand five hundred (2,500) square feet of gross floor area per establishment.”

### **ANALYSIS**

Staff recommends that the proposed text amendment be approved. The proposed text amendment creates additional alternative financial services uses and permits said uses with the same conditions and within the same base zoning districts in which existing alternative financial services uses are currently permitted with conditions. Research has shown that a concentration of alternative financial services uses is present along major thoroughfares in Nashville. A study prepared by the Regional Planning Agency of Chattanooga and Hamilton County found that a concentration of these



## **Metro Planning Commission Meeting of 1/28/2016**

uses may have a negative impact on the appreciation of nearby properties. Another study by the St. Louis County Planning Department found that communities perceive areas with a high concentration of alternative financial institutions as having underlying economic problems. Given the adverse impacts studies have shown that alternative financial services uses may have on the surrounding community, staff finds that providing conditions applicable to the uses is appropriate.

### **CODES RECOMMENDATION**

**Approve.**

### **STAFF RECOMMENDATION**

Staff recommends that the proposed text amendment be approved.

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### **ORDINANCE NO. BL2016-117**

**An Ordinance amending Chapters 17.04 and 17.08 of the Metropolitan Zoning Code to designate flex loan and installment loan as uses permitted with conditions and adding conditions applicable to these uses (Proposal No. 2016Z-003TX-001).**

WHEREAS, a study conducted by the Regional Planning Agency of Chattanooga-Hamilton County, Tennessee concluded that the proliferation and clustering of “Alternative Financial Services” such as cash advance, check cashing, pawnshops, and title loan establishments can have a detrimental effect on local property values and economic redevelopment; and

WHEREAS, the study noted that efforts to promote economic revitalization through diversification of land uses in certain areas may be impeded by the clustering of certain alternative financial services; and

WHEREAS, a 2009 examination of the locations of alternative financial service providers by the Board of Governors of the Federal Reserve System provides evidence that these businesses tend to locate in areas where the population is disproportionately minority and poorly educated; and

WHEREAS, in the last decade, many cities have created zoning ordinances designed to limit the concentration of alternative financial services (AFS) businesses such as check-cashing outlets, money transmitters, car title lenders, payday loan stores, pawnshops, and rent-to-own stores; and

WHEREAS, AFS businesses have been expanding at a rapid rate, and the abundance of payday lenders in certain communities may be the result of a void left by banks and credit unions that have departed from middle- and low-income neighborhoods.

WHEREAS, the fees and lending practices used by alternative financial service establishments can have a significant negative effect on a city’s residents {Source: Baylor, Don; “The Hidden Costs of Payday Lending,” Texas Business Review, April 2008}; and

WHEREAS, as a result of the high fees associated with using AFS services, consumers become enmeshed in a cycle of debt and dependency from which it is difficult to emerge.



## **Metro Planning Commission Meeting of 1/28/2016**

WHEREAS, Tennessee is among 27 states that have permissive regulations for payday establishments that have an Annual Percentage Rate (APR) of 391% or higher. Tennessee's rate is 459%. Under Tennessee law, a payday lender can charge \$15 per returned check, or \$17.65 for every \$100 loaned to the borrower; and

WHEREAS, pursuant to Title 45, Chapter 12 of Tennessee Code Annotated, certain rules and regulations governing financial institutions have been established which regulate flexible credit lenders and which became effective on January 1, 2015; and

WHEREAS, as a result of this new TCA legislation, there are additional types of alternative finance lenders (flexible credit loans) that are not currently identified in the zoning code, but have a similar impact as the alternative financial services noted in the RPA study; and

WHEREAS, on March 26, 2015, the Consumer Financial Protection Bureau (CFPB) -- a federal agency -- announced its consideration of rules proposed to end payday debt traps by requiring lenders to take steps to ensure that consumers can repay their loans. However, it is anticipated that implementation of any such new regulations will be months if not years away; and

WHEREAS, cities have authority to regulate the location and operation of AFS businesses within their boundaries, particularly in the aftermath of the U.S. Supreme Court decision in Village of Euclid, Ohio v. Ambler Realty Co. which established the general principle that zoning restrictions can legitimately be designed to protect public safety, health, and welfare of residents, specifically allowing the exclusion, separation, or limitation of particular types of land uses deemed harmful in some way to the local community; and

WHEREAS, other Tennessee cities, including Chattanooga and Memphis, have addressed AFS businesses by enacting minimum distance requirements from each other; and whereas on December 9, 2014, the Knoxville City Council approved resolution R-428-2014 titled "A Resolution of the Council of the City of Knoxville respectfully requesting that the Metropolitan Planning Commission consider and make a recommendation to City Council regarding the possible limitation of alternative financial establishments to the zoning regulation definitions and to potentially regulating the clustering of same"; and

WHEREAS, as shown on Exhibits A and B attached hereto and made a part of this ordinance, Nashville, Tennessee has a high concentration of alternative financial service establishments along the major thoroughfares in the city; and

WHEREAS, in order to protect local property values and economic redevelopment in Nashville, Tennessee, the Metropolitan Council deems it to be in the best interest of the residents of the city that the proliferation and clustering of alternative financial services be further regulated through the Metropolitan Zoning Code.

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



## Metro Planning Commission Meeting of 1/28/2016

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 terms and definitions:

“Flex loan” means any building, room, space or portion thereof where a written agreement providing open-end credit, either unsecured or secured by personal property, in which repeated non-commercial loans for personal, family or household purposes is contemplated, as regulated by Title 45, Chapter 12, of the Tennessee Code Annotated.

“Installment loan” means any building, room, space or portion thereof where a loan is repaid over time with a set number of scheduled payments to a financial institution.

Section 2. 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 deleting the final provision at the end of the definition of “financial institution” which currently reads:

“but excluding cash advance, check cashing, and title loan establishments.” and replacing it with the following: “but excluding cash advance, check cashing, title loan, flex loan and installment loan establishments.”

Section 3. That Section 17.08.030, District Land Use Tables, is hereby amended by designating “flex loan” and “installment loan” as uses permitted with conditions (PC) in zoning districts MUN, MUN-A, MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, ORI, ORI-A, CN, CN-A, CL, CL-A, CS, CS-A, CA, CF, SCN, SCC, SCR and IWD.

Section 4. That Section 17.16.050, Office Uses, is hereby amended as follows:

1. By deleting subsection D. in its entirety and substituting with the following new subsection D.:

“D. Cash Advance, Check Cashing, Title Loan, Flex Loan and Installment Loan.

1. No cash advance, check cashing, title loan, flex loan or installment loan establishment shall be located less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another cash advance, check cashing, title loan, flex loan or installment loan office is located.

2. Cash advance, check cashing, title loan, flex loan or installment loan offices in the MUN, MUN-A, ON, and CN zoning districts shall be limited to two thousand five hundred (2,500) square feet of gross floor area per establishment.”

Section 5. If any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of the Ordinance.

Section 6. Be it further enacted that this Ordinance shall take effect immediately 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: Jeff Syracuse, Mike Freeman, Fabian Bedne, Colby Sledge



# Metro Planning Commission Meeting of 1/28/2016



**2016SP-016-001**

**OAKWOOD AVENUE SP**

Map 072, Parcel(s) 002, 021, 023, 024, 026

05, East Nashville

05 (Scott Davis)





<b>Project No.</b>	<b>2016SP-016-001</b>
<b>Project Name</b>	<b>Oakwood Avenue SP</b>
<b>Council District</b>	05- Davis
<b>School District</b>	03 - Speering
<b>Requested by</b>	Dale & Associates, applicant; Robert and Patricia Johnson, owners.
<b>Staff Reviewer</b>	Deus
<b>Staff Recommendation</b>	<i>Approve with conditions and disapprove without all conditions.</i>

**APPLICANT REQUEST**  
**Rezone from IR to SP-MU.**

Zone Change

A request to rezone from Industrial Restrictive (IR) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 2034 and 2037 Pittway Drive and Oakwood Avenue (unnumbered), approximately 1, 400 feet north of East Trinity Land (20.61 acres), to permit a mixed-use development.

**Existing Zoning**

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

**Proposed Zoning**

Specific Plan-Mixed Use (SP-MU) 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**

- Creates Walkable Neighborhoods
- Supports Infill Development

This request directs development to areas where infrastructure is already existing (i.e. sewer lines, roads) as opposed to areas where there are not adequate public facilities. This reduces the service constraints placed on Metro’s resources. The proposed request would also enhance walkability along a corridor through the orientation of buildings and enhancement of the pedestrian network.

**EAST NASHVILLE COMMUNITY PLAN**

District Employment Center (D EC) is intended to preserve, create, and enhance concentrations of employment that are often in a campus-like setting. A mixture of office, commercial, and even light industrial uses are present, but are not necessarily vertically mixed. Complementary uses are also present and are encouraged as secondary and supportive to the primary function of D Employment Center areas as places of intense economic activity featuring large numbers of jobs. Daily convenience retail, restaurants, and services for the employees and medium to high density residential are appropriate secondary and supportive uses within the D Employment Center Area.



# Metro Planning Commission Meeting of 1/28/2016

## Oakwood Avenue Specific Plan (SP)

Development Summary	
SP Name	Oakwood Avenue Specific Plan
SP Number	2016SP-016-001
Council District	05
Map & Parcel	Map 072, Parcel(s) 002, 021, 023, 024, 026

Site Data Table	
Site Data	20.61
Existing Zoning	IR
Proposed Zoning	SP-MU
Allowable Land Uses	Commercial, Office & Residential

### Specific Plan (SP) Standards

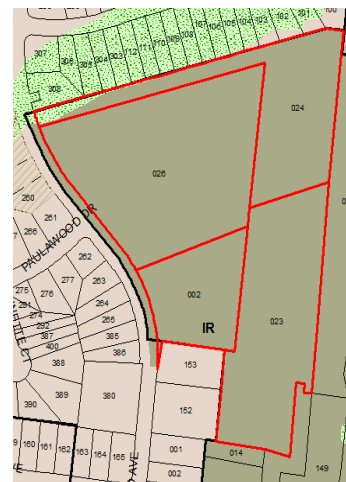
1. Uses within this SP shall be limited to those permitted under the MUG-A zoning district.
2. Height is limited to two stories and 35 feet along the northern property boundary and along Oakwood Avenue. No structure can exceed five stories.
3. At least 60% of the total floor area shall be used for non- residential uses.
4. Non- residential uses shall be prohibited fronting Oakwood Avenue.
5. A standard class 'D' landscape buffer yard is required along the entire northern property line.
6. Sidewalks on Oakwood Avenue are required to be improved with a 5' planting strip and a 6' sidewalk.
7. Along Oakwood Avenue vehicular access is limited to two access points.
8. Building façades fronting a street shall provide direct pedestrian entrances for a minimum of 50% of the ground floor units along each street frontage and a minimum of 25% glazing.
9. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers or egress windows.
10. EIFS, vinyl siding and untreated wood shall be prohibited.
11. A raised foundation of 18"-36" is required along all public streets.
12. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
13. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application.
14. 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.

### General Plan Consistency Note

The proposed Specific Plan is located within the East Nashville Community Plan (Subarea 05). The proposed SP is located in the following policy area:

- District Employment Center (D EC)

An urban form with improved pedestrian facilities is consistent with policy in this location.



### **Proposed Site Standards**



## Metro Planning Commission Meeting of 1/28/2016

These uses may also be found in mixed use areas close to the D Employment Center area. In general, secondary and supportive uses do not occupy more than about quarter of the land in any given D Employment Center area in order to protect its primary function of providing intense concentrations of jobs.

Conservation (CO) is intended to preserve and enhance environmentally sensitive land in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they area in and whether or not they have already been disturbed.

### Consistent with Policy?

Yes. Generally, this policy allows for concentrations of employment through a mixture of office and commercial uses. In order to create the necessary conditions to achieve the intent of the policy, a condition has been included that would require that at least 60% of the total floor area shall be used for non- residential uses.

Furthermore, residential uses would be allowed in order to create an appropriate transition between this site and the adjacent residential neighborhoods. The guidance within the policy requires that buildings at the edge of the District Employment Center step down in order to create an appropriate transition to the surrounding lower-intense neighborhoods. A condition has been included that limits height along Oakwood Avenue and the northern property line to two stories and 35 feet. Non-residential uses would be prohibited fronting Oakwood Avenue. These requirements would facilitate an appropriate transition.

There is a small portion of the site located on the northern property line that is located within the Conservation policy due to slopes. The presence of a TVA easement and the requirement of a landscape buffer yard will preserve this environmental feature.

### **ANALYSIS**

These properties are located at 2034 and 2037 Pittway Drive and Oakwood Avenue (unnumbered) on approximately 20.61 acres. The site is currently zoned IR which permits light industrial uses, and are currently vacant with the exception of a small warehouse found on the southern portion of the site.

If these properties were to redevelop under the proposed SP, there would be design standards in place that would be sensitive to the adjacent residential neighborhoods. Uses permitted would be those found under the MUG-A district, which allow for office, commercial, and residential. These uses are considered appropriate land uses under the policy. There would be a requirement that at least 60% of the total floor area shall be used for non- residential uses in order to spur concentrations of employment.

Height would be limited to two stories and 35 feet along the northern property line and Oakwood Avenue; no structure could exceed five stories. As mentioned, this step down would create an appropriate transition to the surrounding neighborhoods and would be in keeping with policy which



## Metro Planning Commission Meeting of 1/28/2016

requires a step down in height as development moves closer to lower-intensity uses. There would also be a landscape buffer yard 'D' required along the northern property line.

This SP would enhance the pedestrian network and activate the public realm as it would require sidewalks along Oakwood Avenue to be improved with a 5' planting strip and a 6' sidewalk. Building facades fronting a street shall provide a direct pedestrian entrance for a minimum of 50% of ground floor units and have 25% glazing requirements. Vehicular access would be limited to two access points along Oakwood Avenue which would limit the disruption to the public realm.

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **WATER SERVICES RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

Ignore

### **PUBLIC WORKS RECOMMENDATION**

N/A

### **TRAFFIC & PARKING RECOMMENDATION**

#### **Conditions if approved.**

- Traffic study may be required at time of development.

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
Warehousing (150)	20.61	0.6 F	538, 662 SF	1918	162	173

Maximum Uses in Proposed Zoning District: **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	20.61	3.0 F	2, 693, 314 SF	+57760	+1076	+5780

Traffic changes between maximum: **IR** and **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+55,842	+914	+5,607



## Metro Planning Commission Meeting of 1/28/2016

### METRO SCHOOL BOARD REPORT

**Projected student generation existing IR district            0 Elementary            0 Middle            0 High**  
**Projected student generation proposed SP-MU district   8 Elementary            6 Middle            13 High**

The proposed SP-MU district would generate 27 more students than what is typically generated under the existing IR district using the urban infill factor. Student would attend Tom Joy Elementary, Jere Baxter Middle School and Maplewood High School.

The information is based upon data from the school last updated November 2015.

### STAFF RECOMMENDATION

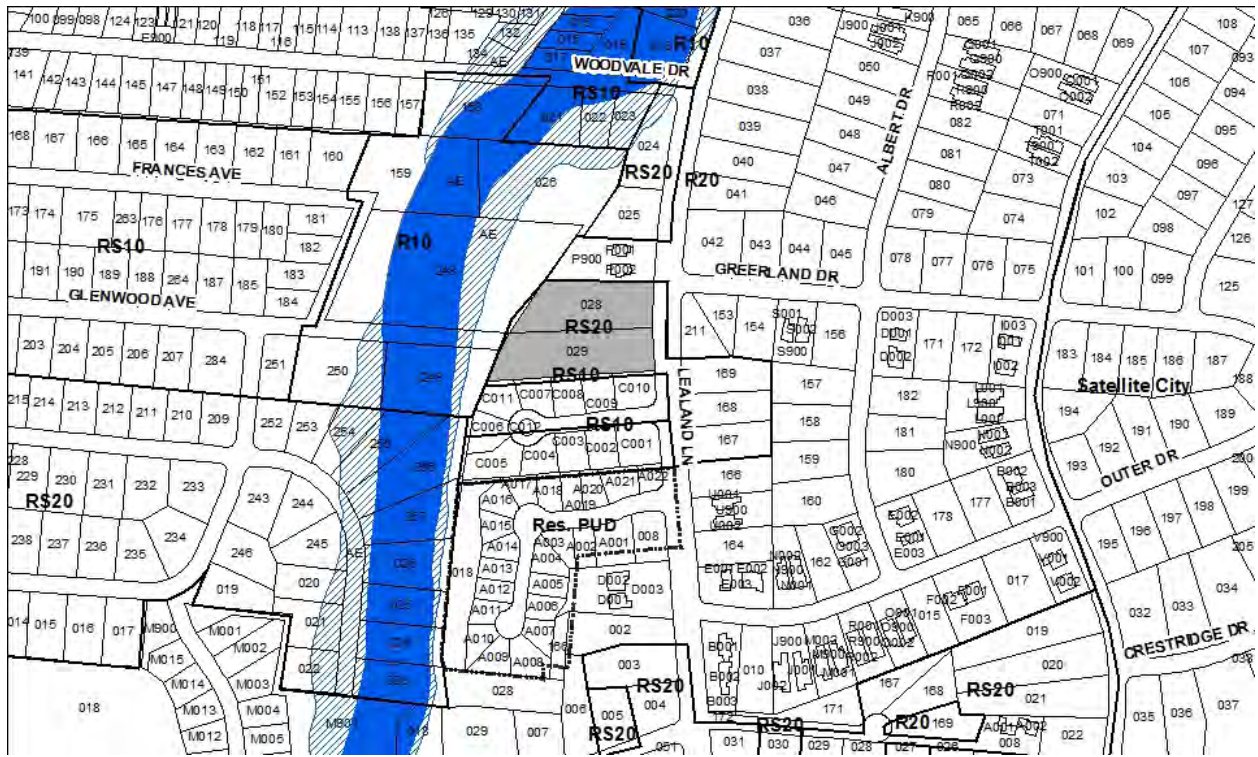
Staff recommends approval with conditions and disapproval without all conditions.

### CONDITIONS

1. Uses within this SP shall be limited to those permitted under the MUG-A zoning district.
2. Height is limited to two stories and 35 feet along the northern property boundary and along Oakwood Avenue. No structure can exceed five stories.
3. At least 60% of the total floor area shall be used for non- residential uses.
4. Non- residential uses shall be prohibited fronting Oakwood Avenue.
5. A standard class 'D' landscape buffer yard is required along the entire northern property line.
6. Sidewalks on Oakwood Avenue are required to be improved with a 5' planting strip and a 6' sidewalk.
7. Along Oakwood Avenue vehicular access is limited to two access points.
8. Building façades fronting a street shall provide direct pedestrian entrances for a minimum of 50% of the ground floor units along each street frontage and a minimum of 25% glazing.
9. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers or egress windows.
10. EIFS, vinyl siding and untreated wood shall be prohibited.
11. A raised foundation of 18"-36" is required along all public streets.
12. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
13. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application.
14. 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.



# Metro Planning Commission Meeting of 1/28/2016



**2016Z-007PR-001**

Map 132-01, Parcel(s) 028-029

10, Green Hills - Midtown

25 (Russ Pulley)



**Project No.**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2016Z-007PR-001**  
25 – Pulley  
8 - Pierce  
Build Nashville DB2, applicant; H.V. McCracken, Nancy Merrit and T.C. Simmons and Jimmi and J. Vaughan, owners.

**Staff Reviewer**  
**Staff Recommendation**

Birkeland  
*Approve.*

**APPLICANT REQUEST**

**Zone change from RS20 to R20.**

Zone Change

A request to rezone from Single-Family Residential (RS20) to One and Two-Family Residential (R20) zoning for properties located at 4101 and 4105 Lealand Lane, approximately 130 feet north of Lealand Court (2.58 acres).

**Existing Zoning**

Single-Family Residential (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. *RS20 would permit a maximum of 5 units.*

**Proposed Zoning**

One and Two-Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots. *R20 would permit a maximum of 5 lots with 1 duplex lot for a total of 6 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development

This request creates an opportunity for infill development in an area that is served by existing infrastructure. Locating development in areas served by existing, adequate infrastructure does not burden Metro with the cost of upgrading or building new infrastructure.

**GREEN HILLS – MIDTOWN COMMUNITY PLAN**

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The proposed R20 district is consistent with T3 Neighborhood Maintenance Policy. The R20 zoning district allows residential uses that are consistent with T3 Neighborhood Maintenance land





## Metro Planning Commission Meeting of 1/28/2016

use policy in this location. A rezoning to R20 would allow for up to two units on each property. The properties proposing the rezoning are located along Lealand Lane, a collector street, where a slight increase in density would be appropriate within a Neighborhood Maintenance Policy. R20 zoning is located adjacent to the properties along the northern property line of 4101 Lealand Lane and along the east side of Lealand Lane, opposite the site.

### FIRE MARSHAL RECOMMENDATION

N/A

### PUBLIC WORKS RECOMMENDATION

N/A

### TRAFFIC AND PARKING RECOMMENDATION

#### Conditions of Approval

- Traffic study may be required at the time of development

### WATER SERVICES RECOMMENDATION

No agency review required

### STORMWATER RECOMMENDATION

No agency review required

Maximum Uses in Existing 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 Residential (210)	1.43	2.17 D	3 U	29	3	4

Maximum Uses in Proposed Zoning District: **R20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential (210)	1.43	2.17 D	6 U	58	5	7

\*Based on two two-family lots.

Traffic changes between maximum: **RS20** and **R20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 3 U	+29	+2	+3

### METRO SCHOOL BOARD REPORT

Projected student generation existing RS20 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed R20 district: 0 Elementary 0 Middle 0 High



## **Metro Planning Commission Meeting of 1/28/2016**

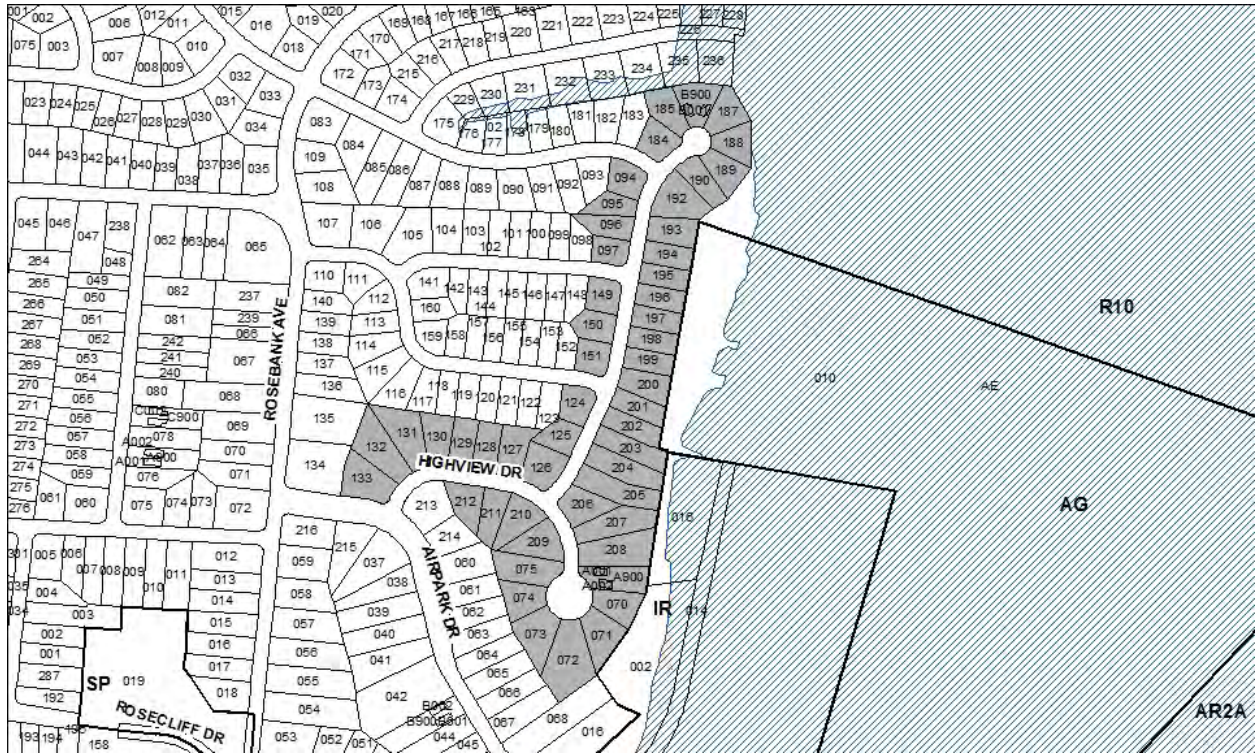
The proposed R20 zoning district could generate no more students than what is typically generated under the existing RS20 zoning district. Students would attend Percy Priest Elementary School, J.T. Moore Middle School, and Hillsboro High School. Percy Priest Elementary is over capacity. There is additional capacity for elementary students in the cluster. This information is based upon data from the school board last updated November 2015.

### **STAFF RECOMMENDATION**

Staff recommends approval. The properties requesting the zone changes are located on a collector street. R20 zoning provides an opportunity for infill development for one or two family residential structures along a collector street, which is supported by the T3 Suburban Neighborhood Maintenance policy.



# Metro Planning Commission Meeting of 1/28/2016



## 2016Z-010PR-001 ~ BL2016-112

Map 073-13, Parcel(s) 094-097, 124-133, 149-151, 184, 185, 187-190, 192-212

Map 073-13-0-B, Parcel(s) 001-002, 900

Map 084-01, Parcel(s) 070-075

Map 084-01-0-A, Parcel(s) 001-002, 900

05, East Nashville

06 (Brett Withers); 07 (Anthony Davis)



<b>Project No.</b>	<b>Zone Change 2016Z-010PR-001</b>
<b>Council Bill</b>	BL2016-112
<b>Council District</b>	6 – Withers 7 – Davis
<b>School District</b>	5 – Kim
<b>Requested by</b>	Councilmember Brett Withers and Councilmember Anthony Davis, applicants; various property owners.
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**  
**Apply a Contextual Overlay District.**

Zone Change

A request to apply the provisions of the Contextual Overlay District to various properties located along Highview Drive and Lethia Drive (20.47 acres).

**Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots.

**Proposed Zoning**

Contextual Overlay provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

**CRITICAL PLANNING GOALS**

N/A

**EAST NASHVILLE COMMUNITY PLAN**

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low to moderate density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.



## Metro Planning Commission Meeting of 1/28/2016

### Consistent with Policy?

Yes. The proposed Contextual Overlay is consistent with the policy. The Contextual Overlay would help to preserve the general character of the existing neighborhood with specific standards for new construction that are directly related to the existing residential structures in the area.

### **ANALYSIS**

The Contextual Overlay District provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

The design standards established through the Contextual Overlay include specific standards in regards to street setback, building height, building coverage, access, driveways, garages, and parking areas. Street setbacks, building height, and building coverage are directly tied to the lots abutting on either side of a lot proposed for new construction. Access, driveway, garage and parking design standards are intended to help control new accesses on the public streets as well as the location of garages and parking to lessen the impact of new construction on existing homes. The design standards are already established and cannot be modified.

### **CONTEXTUAL OVERLAY STANDARDS**

- A. Street setback. The minimum required street setback shall be the average of the street setback of the two developed lots abutting each side of the lot. When one or more of the abutting lots is vacant, the next developed lot on the same block face shall be used. The minimum provided in 17.12.030A and the maximum provided in 17.12.030C.3 shall not apply. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the minimum required street setback shall be calculated and met for each street.
- B. Height.
1. The maximum height, including the foundation, of any primary structure shall not be greater than 35 feet or 125% of the average height of the principal structures on the two lots abutting each side of the lot, whichever is less. When one of the abutting lots is vacant, the next developed lot on the same block face shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum height shall be calculated for each street and limited to 35 feet or 125% of the average height of the lesser value. When 125% of the average of the abutting structures is less than 27 feet, a maximum height of 1.5 stories in 27 feet shall be permitted.
  2. The maximum height, including the foundation, of any accessory structure shall not be greater than 27 feet.
  3. For the purposes of this section, height shall be measured from grade or, if present, the top of a foundation which shall not exceed three feet above grade, to the roof line.
- C. Maximum building coverage. The maximum building coverage (excluding detached garages and other accessory buildings) shall be a maximum of 150% of the average of the building coverage (excluding detached garages and other accessory buildings) of the two abutting lots on each side. When the abutting lot is vacant, the next developed lot shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum building coverage shall be calculated and met for each street.



## Metro Planning Commission Meeting of 1/28/2016

- D. Access and driveways, garages and parking areas.
1. Access and Driveways.
    - a. Where existing, access shall be from an improved alley. Where no improved alley exists, a driveway within the street setback may be permitted.
    - b. For a corner lot, the driveway shall be located within 30 feet of the rear property line.
    - c. Driveways are limited to one driveway ramp per public street frontage.
    - d. Parking, driveways and all other impervious surfaces in the required street setback shall not exceed twelve feet in width.
  2. Garages.
    - a. Detached. The front of any detached garage shall be located behind the rear of the primary structure. The garage door of a detached garage may face the street.
    - b. Attached. The garage door shall face the side or rear property line

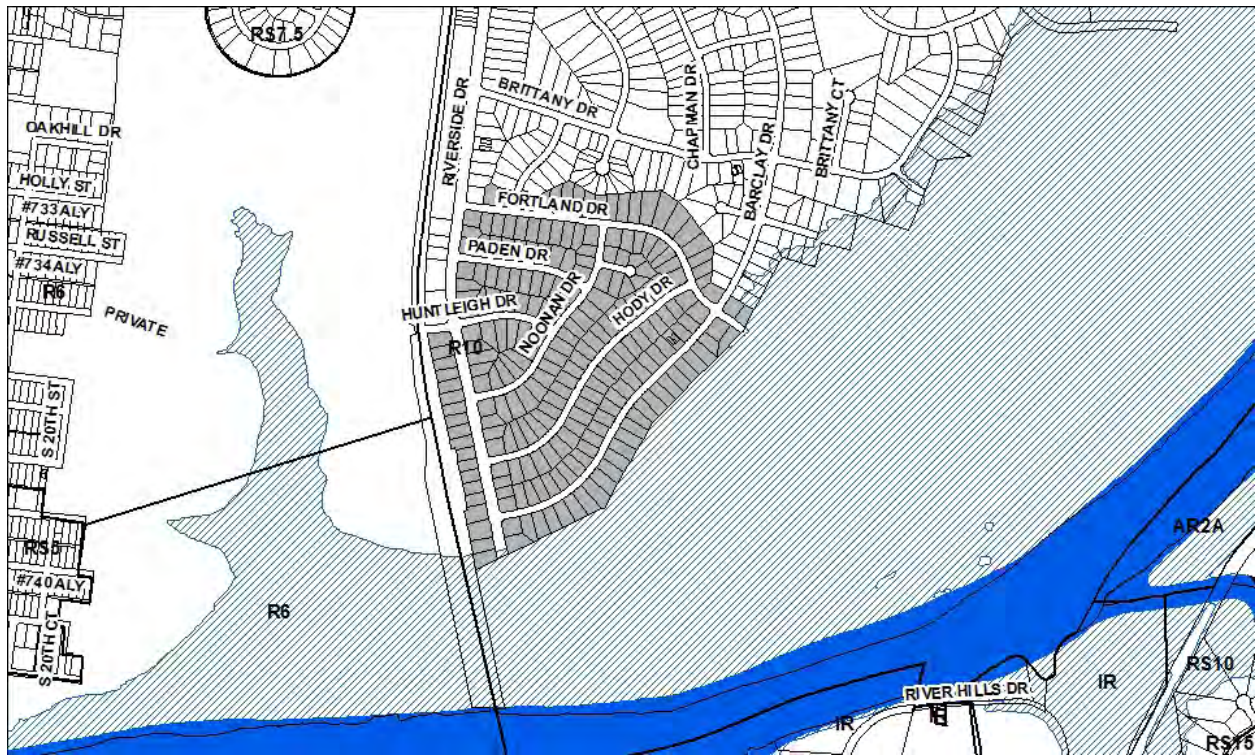
### **STAFF RECOMMENDATION**

Staff recommends approval as the establishment of a contextual overlay is consistent with the policy for the area.





## Metro Planning Commission Meeting of 1/28/2016



### 2016Z-011PR-001 ~ BL2016-113

Map 083-15, Parcel(s) 004-005, 011-174, 176-183

Map 083-15-0-D, Parcel(s) 001-002, 900

Map 083-16, Parcel(s) 016-028, 050-058

Map 094-03, Parcel(s) 001-010, 012-036

05, East Nashville

06 (Brett Withers)



<b>Project No.</b>	<b>Zone Change 2016Z-011PR-001</b>
<b>Council Bill</b>	BL2016-113
<b>Council District</b>	6 – Withers
<b>School District</b>	5 – Kim
<b>Requested by</b>	Councilmember Brett Withers, applicant; various property owners.
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**

**Apply a Contextual Overlay District.**

Zone Change

A request to apply the provisions of the Contextual Overlay District to various properties located along Barclay Drive, Fortland Drive, Hody Drive, Huntleigh Drive, Noonan Court, Noonan Drive, Paden Drive, and Riverside Drive (71.28 acres).

**Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots.

**Proposed Zoning**

Contextual Overlay provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

**CRITICAL PLANNING GOALS**

N/A

**EAST NASHVILLE COMMUNITY PLAN**

T3 Suburban Neighborhood Maintenance is intended to preserve the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low to moderate density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.





## Metro Planning Commission Meeting of 1/28/2016

### Consistent with Policy?

Yes. The proposed Contextual Overlay is consistent with the policy. The Contextual Overlay would help to preserve the general character of the existing neighborhood with specific standards for new construction that are directly related to the existing residential structures in the area.

### **ANALYSIS**

The Contextual Overlay District provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

The design standards established through the Contextual Overlay include specific standards in regards to street setback, building height, building coverage, access, driveways, garages, and parking areas. Street setbacks, building height, and building coverage are directly tied to the lots abutting on either side of a lot proposed for new construction. Access, driveway, garage and parking design standards are intended to help control new accesses on the public streets as well as the location of garages and parking to lessen the impact of new construction on existing homes. The design standards are already established and cannot be modified.

### **CONTEXTUAL OVERLAY STANDARDS**

- A. Street setback. The minimum required street setback shall be the average of the street setback of the two developed lots abutting each side of the lot. When one or more of the abutting lots is vacant, the next developed lot on the same block face shall be used. The minimum provided in 17.12.030A and the maximum provided in 17.12.030C.3 shall not apply. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the minimum required street setback shall be calculated and met for each street.
- B. Height.
1. The maximum height, including the foundation, of any primary structure shall not be greater than 35 feet or 125% of the average height of the principal structures on the two lots abutting each side of the lot, whichever is less. When one of the abutting lots is vacant, the next developed lot on the same block face shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum height shall be calculated for each street and limited to 35 feet or 125% of the average height of the lesser value. When 125% of the average of the abutting structures is less than 27 feet, a maximum height of 1.5 stories in 27 feet shall be permitted.
  2. The maximum height, including the foundation, of any accessory structure shall not be greater than 27 feet.
  3. For the purposes of this section, height shall be measured from grade or, if present, the top of a foundation which shall not exceed three feet above grade, to the roof line.
- C. Maximum building coverage. The maximum building coverage (excluding detached garages and other accessory buildings) shall be a maximum of 150% of the average of the building coverage (excluding detached garages and other accessory buildings) of the two abutting lots on each side. When the abutting lot is vacant, the next developed lot shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum building coverage shall be calculated and met for each street.



## Metro Planning Commission Meeting of 1/28/2016

- D. Access and driveways, garages and parking areas.
1. Access and Driveways.
    - a. Where existing, access shall be from an improved alley. Where no improved alley exists, a driveway within the street setback may be permitted.
    - b. For a corner lot, the driveway shall be located within 30 feet of the rear property line.
    - c. Driveways are limited to one driveway ramp per public street frontage.
    - d. Parking, driveways and all other impervious surfaces in the required street setback shall not exceed twelve feet in width.
  2. Garages.
    - a. Detached. The front of any detached garage shall be located behind the rear of the primary structure. The garage door of a detached garage may face the street.
    - b. Attached. The garage door shall face the side or rear property line

### **STAFF RECOMMENDATION**

Staff recommends approval as the establishment of a contextual overlay is consistent with the policy for the area.



# Metro Planning Commission Meeting of 1/28/2016



**2016Z-012PR-001**

Map 071-12, Parcel(s) 237

05, East Nashville

05 (Scott Davis)



<b>Project No.</b>	<b>Zone Change 2016Z-012PR-001</b>
<b>Council District</b>	5 – S. Davis
<b>School District</b>	5 – Kim
<b>Requested by</b>	Steve and Catherine Scott, applicants and owners.
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Disapprove.</i>

**APPLICANT REQUEST**  
**Zone change from RS5 to R6.**

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential (R6) zoning for property located at 709 Ward Street, approximately 300 feet west of Rosedale Avenue (0.34 acres).

**Existing Zoning**

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of one unit.*

**Proposed Zoning**

One and Two-Family Residential (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 percent duplex lots. *R6 would permit a maximum of one duplex lot for a total of two units.*

**CRITICAL PLANNING GOALS**

N/A

**EAST NASHVILLE**

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

No. While the T4 NM policy can support two-family residential zoning districts, the location for the proposed R6 district is not appropriate. A large area surrounding the subject property is zoned single-family residential (RS5). The policy could support two-family zoning districts at key locations, such as oversized corner lots. The property is located midblock, which is not an appropriate location for a two-family zoning district on a predominately single-family residential street and within a larger single-family residential district.

**FIRE MARSHAL RECOMMENDATION**

N/A



# Metro Planning Commission Meeting of 1/28/2016

## PUBLIC WORKS RECOMMENDATION

N/A

## TRAFFIC AND PARKING RECOMMENDATION

### Condition if approved

Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **RS5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	0.34	8.71 D	2 U	20	2	3

Maximum Uses in Proposed Zoning District: **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two -Family Residential* (210)	0.36	7.26 D	2 U	39	3	5

\*Based on two two-family lots.

Traffic changes between maximum: **RS5 and R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2 U	+19	+1	+2

## STORMWATER RECOMMENDATION

N/A

## METRO SCHOOL BOARD REPORT

Projected student generation existing **RS5** district: 0 Elementary 0 Middle 0 High

Projected student generation proposed **R6** district: 0 Elementary 0 Middle 0 High

The proposed R6 district would not generate any additional students. Students would attend Shwab Elementary School, Here Baxter Middle School and Maplewood High School. There is capacity for additional students in all three schools. This information is based upon data from the school board last updated November 2015.

## HARPETH VALLEY UTILITY DISTRICT RECOMMENDATION

No issues

## WATER SERVICES RECOMMENDATION

N/A



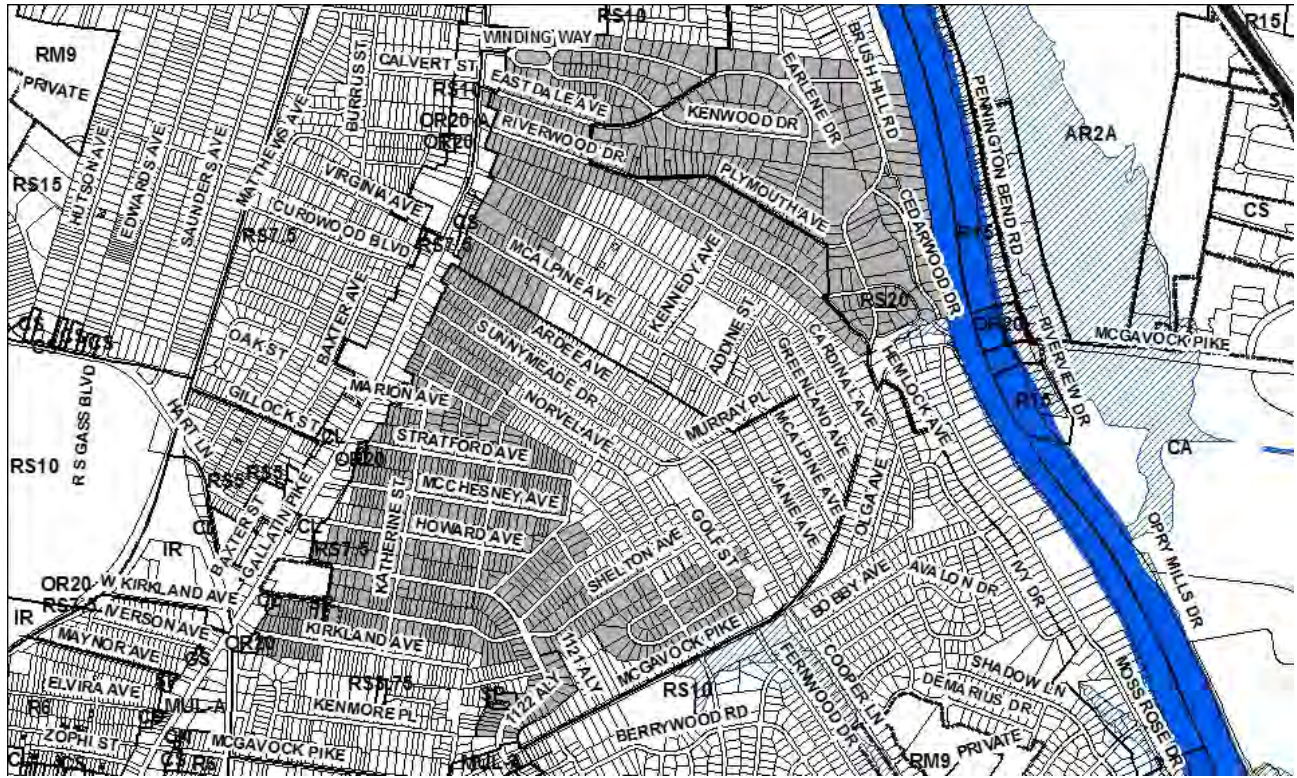
## **Metro Planning Commission Meeting of 1/28/2016**

### **STAFF RECOMMENDATION**

Staff recommends disapproval as the proposed R6 zoning district is not consistent with the T4 NM land use policy at this midblock location located within a wider area zoned for only single-family units.



# Metro Planning Commission Meeting of 1/28/2016



**2016NHC-001-001 ~ BL2016-107**

**INGLEWOOD PLACE - JACKSON PARK NEIGHBORHOOD CONSERVATION OVERLAY**

Map Various, Parcel(s) Various

05, East Nashville

07 (Anthony Davis)



<b>Project No.</b>	<b>2016NHC-001-001</b>
<b>Project Name</b>	<b>Inglewood Place-Jackson Park Neighborhood Conservation Overlay District</b>
<b>Council Bill No.</b>	BL2016-107
<b>Council District</b>	7 – A. Davis
<b>Requested by</b>	Councilmember Anthony Davis, applicant; various property owners.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Approve with an amendment.</i>

**APPLICANT REQUEST**

**Apply Neighborhood Conservation Zoning Overlay.**

Neighborhood Conservation Zoning Overlay

A request to apply the provisions of the Inglewood Place - Jackson Park Neighborhood Conservation Overlay District to properties located along Ardee Avenue, Brush Hill Court, Brush Hill Road, Cedarwood Drive, E. Riverwood Drive, Earlene Drive, Eastdale Avenue, Eastdale Place, Glenshade Drive, Golf Street, Greenfield Avenue, Greenland Avenue, Howard Avenue, Inglewood Circle N., Inglewood Circle S., Jakes Avenue, Katherine Street, Kennedy Avenue, Kenwood Drive, Kingswood Avenue, Kirkland Avenue, Marion Avenue, McAlpine Avenue, McChesney Avenue, Newman Avenue, Norvel Avenue, Oxford Street, Plymouth Avenue, Riverside Drive, Riverwood Drive, Shelton Avenue, Stratford Avenue, Sunnymead Drive, and Winding Way (454 acres).

**Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

Specific Plan-Mixed Use (SP-R) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

**Proposed Overlay**

Neighborhood Conservation Zoning Overlay Districts (NCZO) are geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development.

**CRITICAL PLANNING GOALS**

- Preserves Historic Resources

The Neighborhood Conservation Zoning Overlay District is intended to preserve historic structures within the Inglewood Place and Jackson Park Neighborhoods through the implementation of development and design guidelines by the Metro Historic Zoning Commission and staff.

**EAST NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to





## Metro Planning Commission Meeting of 1/28/2016

retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Conservation (CO) is intended to preserve and enhance environmentally sensitive land in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they area in and whether or not they have already been disturbed.

### Consistent with Policy?

Yes. All policies encourage the preservation and protection of historic features. The proposed Inglewood Place – Jackson Park Neighborhood Conservation Zoning Overlay District will aid implementation of the design principles provided for the land use policy.

### **REQUEST DETAILS**

The original request for the proposed Inglewood Place – Jackson Park Neighborhood Conservation Overlay included both the Inglewood Place and Jackson Park neighborhoods and various other properties. The applicant has indicated his intention to amend the request to only include the Inglewood Place neighborhood along with some various properties; the Jackson Park neighborhood would then be removed from the Conservation Zoning Overlay District, if the Council Bill is amended by the Metro Council.

The properties to be included in the proposed Inglewood Place Neighborhood Conservation Zoning Overlay are generally located east Gallatin Pike, south of Newman Avenue, north of Kirkland Avenue, and west of McGavock Pike. The area consists primarily of single-family residential with some two-family residential uses. This area also includes a few multi-family civic and institutional uses.

The following background information from the Metro Historical Commission staff was available in the staff report to the MHZC. This information refers to the application for the Inglewood Place – Jackson Park Neighborhood Conservation Overlay. The applicant may amend the request to limit the Neighborhood Conservation Overlay to only include the Inglewood Place neighborhood and a few various properties.

### ***Metro Historic Zoning Commission staff recommendation***

Applicable Ordinance: Article III. Historic Overlay Districts, 17.36.120 Historic districts defined.

A. Historic Preservation and Neighborhood Conservation Districts. These districts are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:



## Metro Planning Commission Meeting of 1/28/2016

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

### **Background:**

The proposed overlay includes two National Register of Historic Places districts that are currently under consideration. Both have been recommended by the Metro Historical Commission and are scheduled to be reviewed by the State Historic Review Board in early 2016. Staff with the State Historic Preservation Office (Tennessee Historical Commission) has determined that the districts are eligible for listing in the National Register; therefore, final approval from the National Park Service is expected. The neighborhood has been in discussion about the overlay since at least since 2008. The most recent public informational meeting was hosted by Councilman Davis and the neighborhood association on September 9, 2015 at the Litton Alumni Center on Gallatin Road. Earlier informational meetings took place on May 7, 2015 and November 22, 2010, also at the Litton Alumni Center on Gallatin Road. The Planning Commission's public hearing is scheduled for January 28, 2016 and Metro Council's on February 2, 2016.

A draft of the design guidelines has been available on the MHZC for several months. The most recent version, that now includes photographs and a revised history, was posted in late October.

### **Analysis and Findings:**

The proposed overlay meets section 17.36.120.A.5 of the ordinance since it is eligible for listing in the National Register of Historic Places. The State Historic Preservation Office has received nominations to list two areas of the proposed overlay in the National Register of Historic Places. The two districts and the connecting area between exhibit a high level of integrity. Eighty percent of the resources in Inglewood Place are contributing and 90% of the resources in Jackson Park are contributing, according to the National Register of Historic Places nominations.

The proposed overlay also includes a portion between the two National Register districts that is from the same development period and with a similar development pattern and architectural styles and forms as those found within the boundaries of the two nominated districts. The connection between the two districts has an estimated 85% contributing properties. Staff finds the proposed overlay to be eligible for listing in the National Register and therefore meets section 17.36.120.A.5 of the ordinance for a neighborhood conservation zoning overlay.



## **Metro Planning Commission Meeting of 1/28/2016**

The guidelines were written following the general format of previous neighborhood conservation design guidelines and based on the National Park Service's Secretary of Interior's Standards (Historic Preservation Act), as required by local and state law. It also includes specific guidance based on an architectural resource surveys conducted by History Inc., an independent consultant, for the National Register of Historic Places nominations. The guidelines include the Secretary of Interior Standards for Rehab.

### **Recommendation**

Staff suggests that the Commission recommend approval of the overlay to Metro Council finding the proposal meets standard 5 of section 17.36.120A of the code based on the fact that the area is eligible for listing in the National Register of Historic Places. Staff recommends adoption of the proposed design guidelines finding them to meet the Secretary of Interior's Standards for Rehabilitation, as required by local and state law.

### **METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

On December 16, 2015, the Metro Historic Zoning Commission recommended approval and adoption of the design guidelines for the Inglewood Place – Jackson Park Neighborhood Conservation Zoning Overlay.

### **STAFF RECOMMENDATION**

Staff recommends approval with amendments to the proposed Neighborhood Conservation Overlay to remove all properties from the neighborhood conservation zoning overlay that are not located in the Inglewood Place Historic District and additional various properties and approval with an amendment to revise the name to Inglewood Park Neighborhood Conservation Zoning Overlay District.



**SEE NEXT PAGE**





<b>Project No.</b>	<b>2016NL-001-001</b>
<b>Project Name</b>	<b>4909 Indiana Avenue</b>
<b>Council District</b>	20 - Roberts
<b>School District</b>	01 - Gentry
<b>Requested by</b>	Jeff Estepp, LLC, applicant and owner.
<b>Staff Reviewer</b>	Deus
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**

**Apply a Neighborhood Landmark Overlay.**

Neighborhood Landmark Overlay

A request to apply a Neighborhood Landmark Overlay District to property located at 4909 Indiana Avenue, approximately 245 feet west of 49th Avenue North, (0.55 acres), zoned One and Two-Family Residential (R6).

**Existing Zoning**

One and Two-Family Residential (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 percent duplex lots. *R6 would permit a maximum of 4 lots with 1 duplex lot for a total of 5 units.*

**Proposed Zoning**

Neighborhood Landmark Overlay District (NLOD) is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood or community.

**CRITICAL PLANNING GOALS**

N/A

**HISTORY**

This property is located at 4909 Indiana Avenue and was constructed in 1955. The Church of God has served as a place for worship and provided neighborhood services to the West Nashville community for over six decades. In 2015, the property was acquired by a new owner with the intent of preserving the structure.

**ANALYSIS**

Section 17.36.420 of the Zoning Code defines a neighborhood landmark as a feature that has historic, cultural, architectural, civic, neighborhood or archeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood.



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To be eligible for this designation a property must meet one or more of the following criteria:

1. It is recognized as a significant element in the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community;
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;
4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;
5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community; and
6. Retaining the feature will help to reinforce the neighborhood and/or community's traditional and unique character.

The applicant has had community conversations with neighbors who have expressed support for this application due to the community services that the congregation has offered the neighborhood for decades. The structure has become a recognizable landmark for neighbors with its vintage architectural style that have been preserved in the face of a changing landscape. Retaining this feature would reinforce the neighborhood's traditional and unique character.

In recommending approval of a neighborhood landmark district, the planning commission shall find that:

- a. The feature is a critical component of the neighborhood context and structure;
- b. Retention of the feature is necessary to preserve and enhance the character of the neighborhood;
- c. The only reason to consider the application of the neighborhood landmark district is to protect and preserve the identified feature;
- d. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the neighborhood landmark overlay designation and return the district to the base zoning district prior to the application of the district;
- e. It is in the community's and neighborhood's best interest to allow the consideration of an appropriate neighborhood landmark development plan as a means of preserving the designated feature; and
- f. All other provisions of this section have been followed.

Staff finds that this application meets these six criteria. As mentioned, this structure has contributed to the neighborhood's character for over six decades by offering community services and as a place of worship. By retaining this feature, it would preserve the neighborhood's history. Absent the retention of the feature the base zoning is appropriate, as it would allow for residential uses, consistent with the adjacent neighborhood. By applying a Neighborhood Landmark Overlay to this property a critical structure of an established neighborhood can be preserved.



## **Metro Planning Commission Meeting of 1/28/2016**

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **PUBLIC WORKS RECOMMENDATION**

N/A

### **WATER SERVICES RECOMMENDATION**

N/A

### **STAFF RECOMMENDATION**

Staff finds that this request meets the criteria for establishing a Neighborhood Landmark Overlay and recommends approval.





**SEE NEXT PAGE**

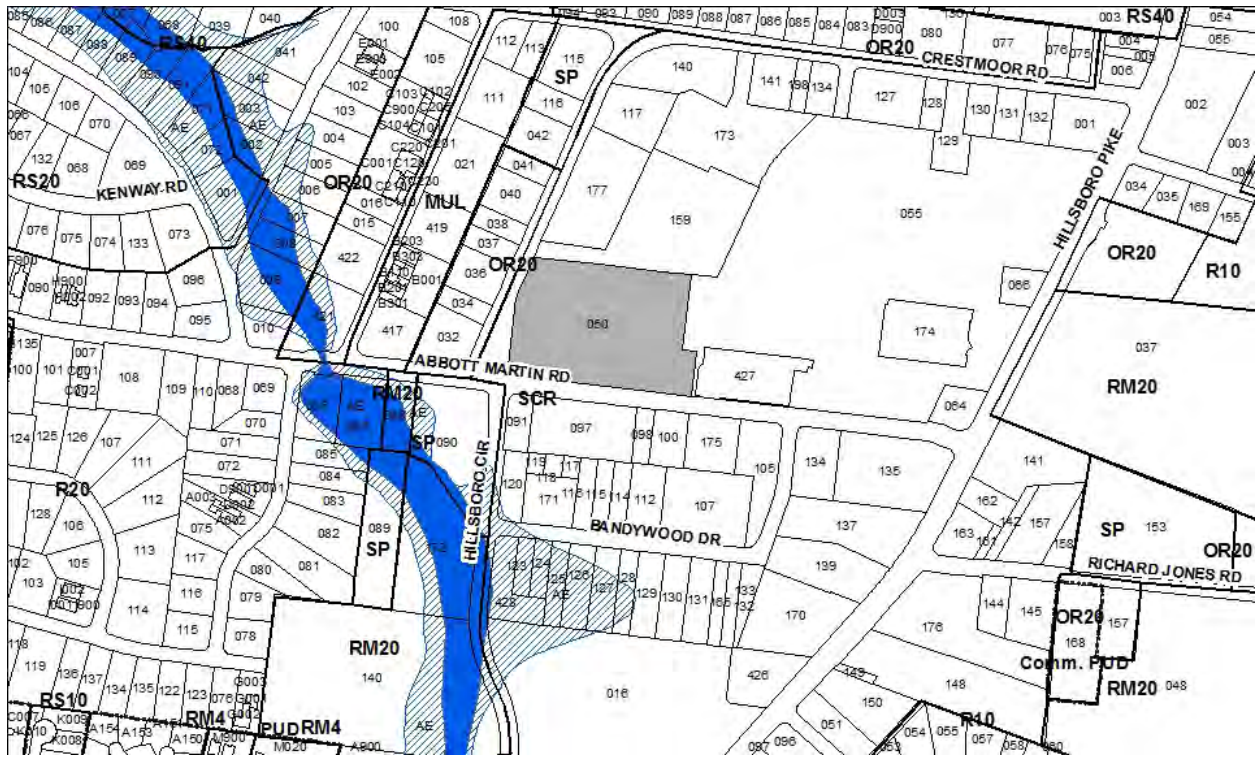


## **PLANNING COMMISSION ACTIONS**

- **Urban Design Overlays**
- **Subdivision (Final)**



# Metro Planning Commission Meeting of 1/28/2016



**2002UD-001-009**

**GREEN HILLS URBAN DESIGN OVERLAY**

Map 117-14, Parcel(s) 050

10, Green Hills - Midtown

25 (Russ Pulley)



<b>Project No.</b>	<b>UDO Sign Modification 2002UD-001-009</b>
<b>Project Name</b>	<b>Dillard’s Signage – Green Hills UDO</b>
<b>Council District</b>	25 – Pulley
<b>School District</b>	8 – Pierce
<b>Requested by</b>	Barge, Waggoner, Sumner & Cannon applicant; Dillard Tennessee Operating LTD, owner.
<b>Staff Reviewer</b>	Collins
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**

**Modification to the UDO sign standards to allow three wall signs of 256 square feet each for the new Dillard’s building along Abbott Martin Road, to be located on the south, east and west building facades.**

Modification

A request for a Modification to the Green Hills Urban Design Overlay (UDO) sign standards to allow three wall signs of 256 square feet each for the new Dillard’s building, to be located on the south, east, and west facades respectively, where 100 square feet or 5% of the building facade facing the public street (whichever is less) is the maximum individual area for a wall sign permitted, for property located at 2140 Abbott Martin Road.

**Existing Zoning**

Shopping Center Regional (SCR) is the base zoning and is intended for high intensity retail, office, and consumer service uses for a regional market area.

Green Hills UDO is an Urban Design Overlay that provides voluntary urban design standards for mixed use development within the Green Hills commercial area, with signage standards that are mandatory for all development within the UDO boundary.

**CRITICAL PLANNING GOALS**

N/A

**GREEN HILLS - MIDTOWN COMMUNITY PLAN**

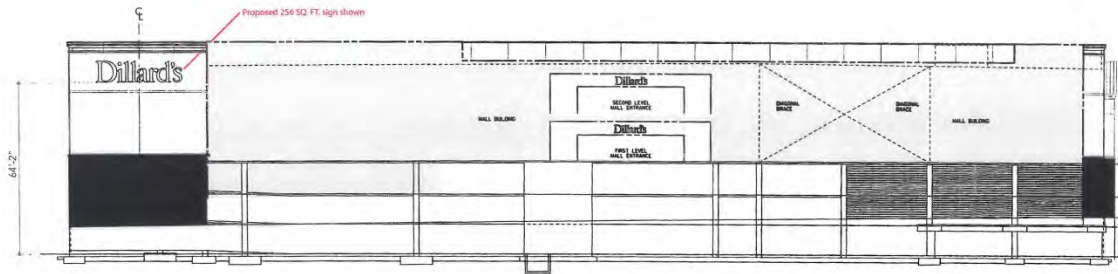
T5 – Regional Center (T5 RG) is intended to enhance regional centers, encouraging their redevelopment as intense mixed use areas that serve multiple communities as well as the County and the surrounding region with supporting land uses that create opportunities to live, work, and play. T5 Regional Centers are pedestrian friendly areas, generally located at the intersection of two arterial streets, and contain commercial, mixed use, residential, institutional land uses.

Consistent with Policy?

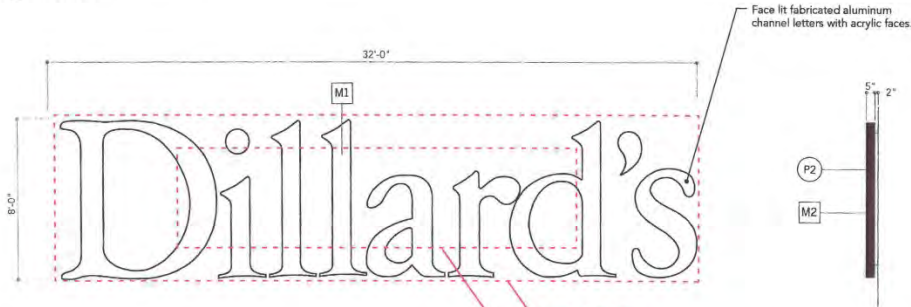
Yes. The three signs proposed at 256 square feet each are necessary and typical for a regional malls anchor tenant’s visibility, and are consistent with such intense mixed-use developments.



# Metro Planning Commission Meeting of 1/28/2016



3 East Elevation  
Scale: 1" = 30'-0"



1 Front View - 256 SQ. FT.  
Scale: 1/4" = 1'-0"

2 Side View  
Scale: 1/8" = 1'-0"

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DRAWING FOR DESIGN INTENT ONLY; NOT INTENDED FOR CONSTRUCTION.  
ALL SIGNS TO BE FABRICATED AND INSTALLED PER APPROVED FABRICATOR SHOP DRAWINGS.

dA Dillard's Identity

THE MALL AT  
GreenHills

Phase 2B  
Emerald  
Parking

100%  
Design  
Intent/80%  
Package

FINAL BUILDING PERMIT PACKAGE

rsr design

1400 University  
Lake Drive  
Suite 100  
Folsom, CA 95630  
916.474.2200

rsrdesign.com

May 01, 2015

14

## Wall Sign Dimensions



Existing Wall Sign



Proposed Wall Sign



## Metro Planning Commission Meeting of 1/28/2016

### MODIFICATION REQUEST DETAILS

The applicant is requesting a modification to the following Sign Standards of the Green Hills UDO:

#### 1) Maximum Display Surface Area of Individual Signs

Building sign - wall mounted type: 100 SF, or 5% of the building facade facing the public wall, whichever is less.

Three wall mounted signs are proposed, each at 256 square feet of area. The proposed locations are on the south facade (Abbott Martin Road frontage), the west facade (Cleghorn Avenue frontage), and the east facade of the building (facing an internal private access drive).

### ANALYSIS

The existing Dillard's is being redeveloped along Abbott Martin Road. As part of that that construction, the existing wall signs will be replaced. The applicant is also proposing a monument sign at the corner of Cleghorn Avenue and Abbott Martin Road that complies with the UDO. The three existing wall signs are 416.25 SF each located on the south, west, and east facades. The applicant is proposing to replace them with three wall signs of 256 square feet each. The proposed sign size exceeds the maximum allowed individual sign size of 100 SF or 5% of the facade wall facing the public street, whichever is less. Given the large facade walls of the anchor department store, the 5% calculation yields approximately 446 SF. Therefore 100 SF would be the maximum individual sign area permitted by the UDO.

The proposed signs are each significantly smaller than the existing wall signs by nearly 160 SF. In addition the total aggregate area of the proposed signage is approximately 768 SF, well within the limits allowed by UDO which permits a total aggregate sign area of 15% of the ground floor facade facing the public street or 105 SF, whichever is *greater* (per public street frontage). In this case, well over 1000 SF of total aggregate sign area is permitted. The signs are also each within the 5% facade calculation (approximately 446 SF). The proposed wall signs are internally LED illuminated channel letters, with sign dimensions of 8' tall x 32' wide. Their placement at the top of the building facades complies with the UDO and does not obscure architectural details. Given the intense commercial nature of the Green Hills Mall, staff would recommend any future amendment to the Green Hills UDO include amending the sign standards to better align with the existing mall anchor tenant's signage sizes.

### PUBLIC WORKS RECOMMENDATION

Approve with Conditions

- Comply with sight distance requirements for signage in Metro Zoning Code (for any ground signage).

### STAFF RECOMMENDATION

Staff recommends approval. The modification request is consistent with the UDO's vision for tasteful signage that reduces visual clutter, given that a significant reduction in the size of the existing wall signs will occur.



# Metro Planning Commission Meeting of 1/28/2016



**2015S-179-001**

G.W. HARDING'S ADDITION, RESUB LOTS 67 & 68

Map 081-15, Parcel(s) 128

08, North Nashville

21 (Ed Kindall)



**Project No.** 2015S-179-001  
**Project Name** G. W. Harding’s Addition, Resub. Lots 67 & 68  
**Council District** 21 - Kindall  
**School District** 1 - Gentry  
**Requested by** Clint T. Elliott, applicant; Poplar Street Properties, LLC, owner.

**Staff Reviewer** Milligan  
**Staff Recommendation** *Defer to February 11, 2016, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation is received, staff recommends approval with conditions.*

**APPLICANT REQUEST**  
**Create 3 lots.**

Final Plat  
 A request for final plat approval to create three lots on property located at 1909 Formosa Street, approximately 165 east of 21st Avenue North, zoned Single-Family Residential (RS5) (0.43 acres).

**Existing Zoning**  
Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 3 units.*

**CRITICAL PLANNING GOALS**  
 • Supports Infill Development

The proposed subdivision creates infill housing opportunity in an area that is served by existing infrastructure. Development in areas with adequate infrastructure is more appropriate than development in areas not served with adequate infrastructure, such as substandard roads, water and sewer, because it does not burden Metro with the cost of upgrading or building new infrastructure.

**PLAN DETAILS**  
 The plan proposes to create three lots from 1 existing parcel located on Formosa Street, east of 21<sup>st</sup> Avenue N. The property is approximately 0.43 acres in size. There is one existing home located on the lot which is proposed to be demolished. There are existing sidewalks along Formosa Street. Access is proposed to be limited to the existing alley.

The land use policy for the subject property is Urban Neighborhood Maintenance (T4 NM), which is subject to the compatibility criteria in Section 3-5.2 of the Subdivision Regulations. All three proposed lots meet the infill lot compatibility analysis. The subject property is proposed to be







## Metro Planning Commission Meeting of 1/28/2016

subdivided into three lots with the following areas and street frontages:

- Lot 1: 6,250 Sq. Ft., (0.143 Acres), and 41.67 Ft. of frontage;
- Lot 2: 6,250 Sq. Ft., (0.143 Acres), and 41.67 Ft. of frontage;
- Lot 3: 6,250 Sq. Ft., (0.143 Acres), and 41.67 Ft. of frontage.

### ANALYSIS

#### Lot Compatibility

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the Suburban Neighborhood Maintenance policy area.

#### Zoning Code

Proposed lots meet the minimum standards of the RS5 zoning district.

#### Street Frontage

Proposed lots have frontage on a public street.

#### Density

The T4 Urban Neighborhood Maintenance policy no longer includes density limitations.

#### Community Character

1. Lot frontage: The proposed lots must have frontage either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. In this case, the lots created must be equal to or greater than 38 feet, which is equal to the surrounding a lot with the least amount of frontage. The proposed subdivision meets the lot frontage requirement.

<b>Lot Frontage Analysis</b>	
Minimum Proposed	41.67'
70% of Average	37'
<b>Smallest Surrounding Parcel</b>	<b>38'</b>

2. Lot size: The proposed lots must have lot area that is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater. In this case, the minimum lot area must be at least 5,548 square feet, which is equal to the smallest surrounding lot. The proposed subdivision meets the lot size requirement.

<b>Lot Size Analysis</b>	
Minimum Proposed	6,250 SF
70% of Average	5,500 SF
<b>Smallest Surrounding Parcel</b>	<b>5,548 SF</b>

3. Street Setback: The street setback would be as required by the Zoning Code.

4. Lot Orientation: All proposed lots are oriented toward Formosa Street.



## Metro Planning Commission Meeting of 1/28/2016

### Agency Review

All agencies have not recommended approval.

### Harmony of Development

The proposed subdivision meets the Community Character criteria. To further provide for the harmonious development of the community, the applicant has proposed that all access will be limited to the existing alley. Additionally, the applicant has proposed to limit height to 2 stories in 35 feet. All units will also include a raised foundation of 18" to 36".

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

#### **Returned for corrections**

- C/D Note: Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).

### **WATER SERVICES RECOMMENDATION**

#### **Returned for corrections**

- The required capacity fees must be paid prior to plat approval (see MWS letter dated 8/25/15 for details).

### **TRAFFIC AND PARKING RECOMMENDATION**

**No exception taken**

### **PUBLIC WORKS RECOMMENDATION**

**No exception taken**

### **STAFF RECOMMENDATION**

Staff recommends deferral to the February 11, 2016, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation is received, staff recommends approval with conditions.

### **CONDITIONS**

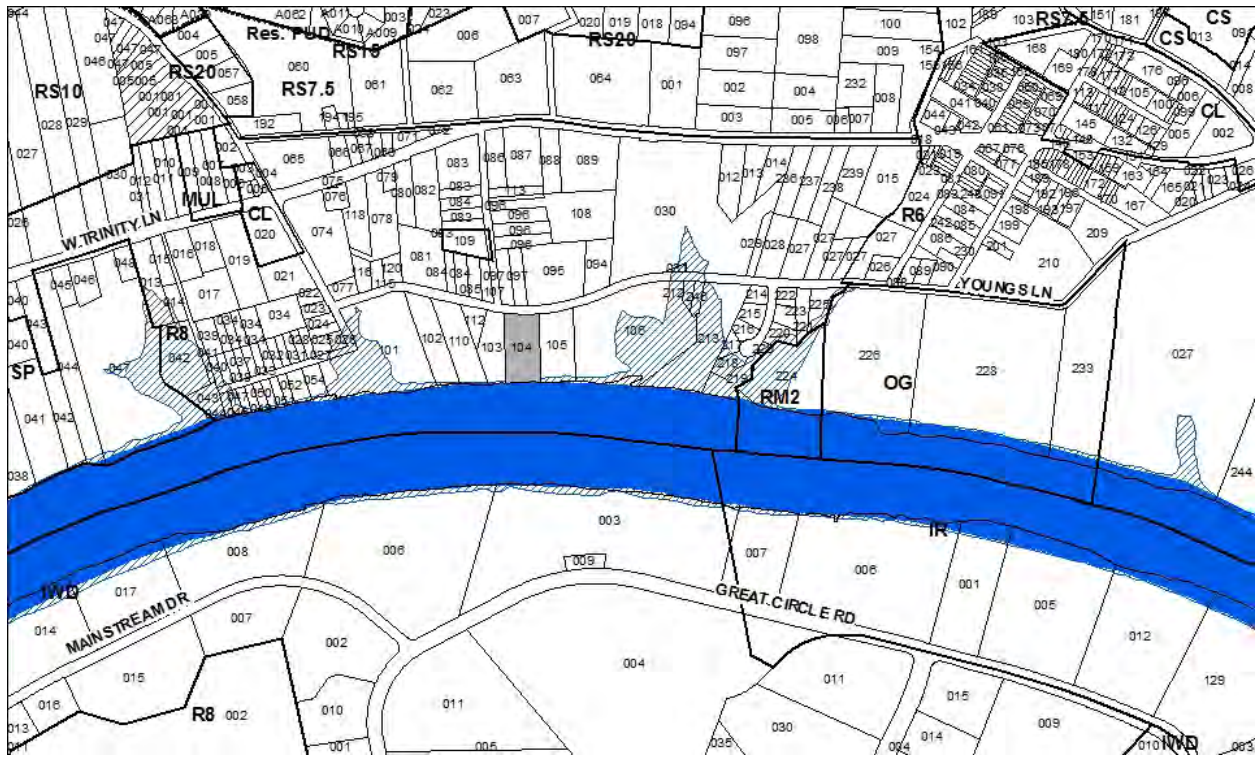
1. Prior to recordation, the existing residences shall be demolished and removed from the plat.



**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 1/28/2016



**2016S-011-001**

**SKYLINE RIVERFRONT ESTATES**

Map 070-07, Parcel(s) 104

03, Bordeaux - Whites Creek

02 (DeCosta Hastings)



<b>Project No.</b>	<b>2016S-011-001</b>
<b>Project Name</b>	<b>Skyline Riverfront Estates</b>
<b>Council District</b>	02- DeCosta Hastings
<b>School District</b>	01- Gentry
<b>Requested by</b>	GAM Engineering Inc, applicant; Owen Ferguson, owner.
<b>Staff Reviewer</b>	Deus
<b>Staff Recommendation</b>	<i>Defer to the February 11, 2016, Planning Commission meeting if a recommendation of approval is not received by Water Services. If a recommendation of approval is received, staff recommends approval with conditions.</i>

**APPLICANT REQUEST**

**Create three lots.**

Final Plat

A request for final plat approval to create three lots on property located at 906 Youngs Lane, approximately 1,365 feet west of Lathan Court, zoned One and Two-Family Residential (R8) (1.85 acres).

**Existing Zoning**

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 9 lots with 2 duplex lots for a total of 11 units.*

**CRITICAL PLANNING GOALS**

N/A

**BORDEAUX-WHITES CREEK COMMUNITY PLAN**

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create suburban neighborhoods that provide more opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than many existing 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. These are challenges that were not faced when the original suburban neighborhoods were built.

**PLAN DETAILS**

This request is for a final approval to create three lots on property located at 906 Youngs Lane. There are no existing structures on this property. There are no sidewalks present along Youngs Lane; the applicant has indicated an in- lieu fee will be paid.





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The existing lot is 78, 425 square feet (1.85 acres) and is being proposed to be subdivided into three lots with the following square footage:

- Lot 1: 22, 204 SF (0.62 acres)
- Lot 2: 27, 057 SF ( 0.62 acres)
- Lot 3: 27, 084 SF (0.62 acres)

### **ANALYSIS**

The Subdivision Regulations establishes criteria for subdivisions in determining compatibility for Neighborhood Evolving policy (3-5.3).

- a. All minimum standards of the zoning code are met.

The lots proposed exceed 8,000 square feet, as the zoning district for this property is R8, which requires a minimum of 8,000 square feet.

- b. Each lot has street frontage or meets the requirement of Section 3-4.2 b for fronting onto an open space or meets the requirement of Sections 4-6.3 or 5-.3.1 fronting onto an open space.

The proposed lots will front onto Youngs Lane.

Staff finds that the proposed subdivision meets these criteria.

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

Approved

### **PUBLIC WORKS RECOMMENDATION**

#### **Conditions if approved**

- If sidewalks are required by Planning and the applicant chooses to construct rather than pay the in-lieu fee, they should be shown fully within the right-of-way, and labeled on the plan per Public Works standards. This includes curb and gutter, 4' grass strip, 5' sidewalk, or as determined by Public Works, and a minimum of 20 feet of street pavement width. Final construction plans must be submitted that address any related drainage improvements, grading, utility relocation(s), and tree removal. A permit is required from The Department of Public Works prior to commencing any work within the right-of-way.

### **TRAFFIC & PARKING RECOMMENDATION**

No Exception Taken

### **WATER SERVICES RECOMMENDATION**

Returned

- For the latest re-plat (stamped received December 22, 2015), our previous comments still apply: Awaiting approval of the required public sewer construction plans (just submitted on





## Metro Planning Commission Meeting of 1/28/2016

12/22/15 - in review process). Once these are approved, the plat can be accurately reviewed. The required capacity fees must be paid prior to plat approval.

### STAFF RECOMMENDATION

Staff recommends deferral to the February 11, 2016, Planning Commission meeting if a recommendation of approval is not received by Water Services. If a recommendation of approval is received, staff recommends approval with conditions.

### CONDITIONS

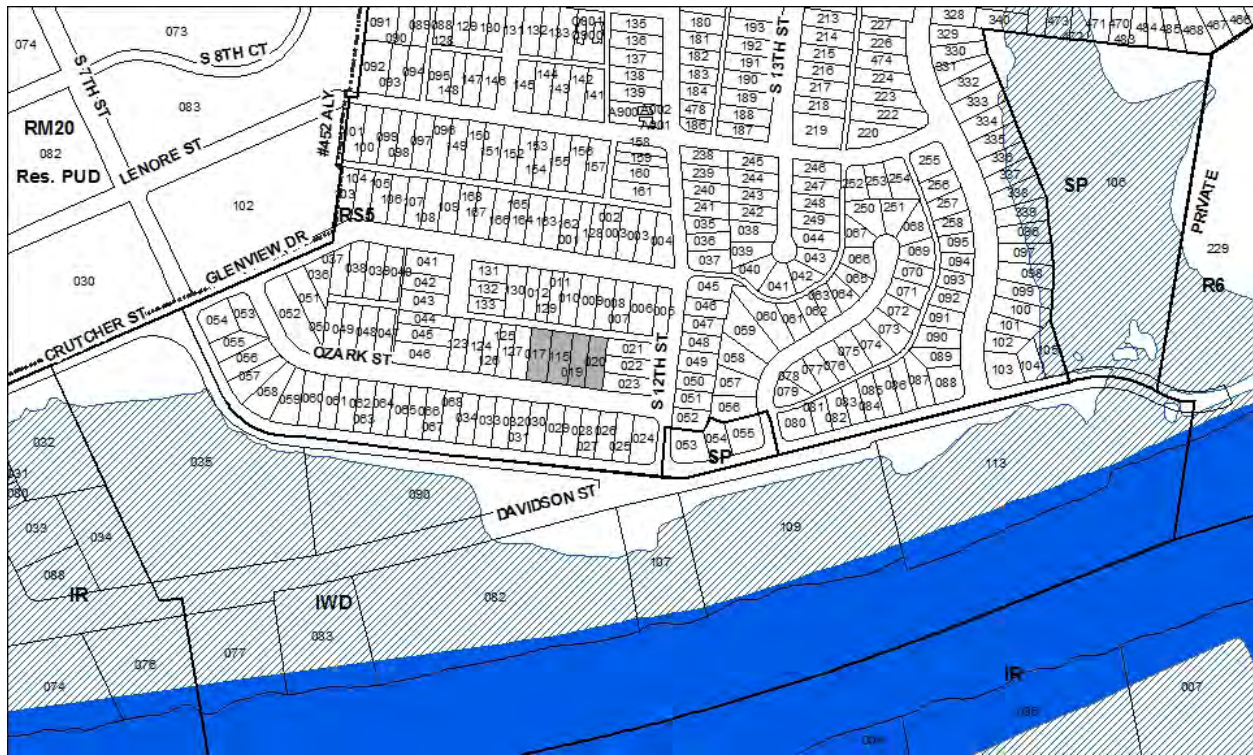
1. Sidewalks are required along Young Lane. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
  - a. Submit a bond application and post a bond with the Planning Department,
  - b. Construct sidewalk and have it accepted by Public Works,
  - c. Submit contribution in-lieu of construction to the Planning Department. The rate of \$96 per linear foot of total frontage area will require a \$19,200.00 contributions to Pedestrian Benefit Zone 2.
  - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Public Works Department, or
  - e. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.



**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 1/28/2016



**2016S-018-001**

HAYNIE'S CENTRAL PARK PLAN, RESUB LOTS 59-62

Map 094-05, Parcel(s) 017, 019, 020, 115

05, East Nashville

06 (Brett Withers)



<b>Project No.</b>	<b>2016S-018-001</b>
<b>Project Name</b>	<b>Haynie's Central Park Plan</b>
<b>Council District</b>	6 – Withers
<b>School District</b>	5 – Kim
<b>Requested by</b>	Dale & Associates, applicant; Justin Hicks, owner.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Approve with conditions.</i>

**APPLICANT REQUEST**

**Create 5 lots.**

Final Plat

A request for final plat approval to create five lots on properties located at 1109, 1111, 1113 and 1115 Ozark Street , approximately 160 feet west of South 12th Street, zoned Single-Family Residential (RS5) (0.74 acres).

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 6 units*

**CRITICAL PLANNING GOALS**

- Supports Infill Development

The proposed subdivision creates infill housing opportunity in an area that is served by existing infrastructure. Development in areas with adequate infrastructure is more appropriate than development in areas not served with adequate infrastructure, such as substandard roads, water and sewer, because it does not burden Metro with the cost of upgrading or building new infrastructure.

**PLAN DETAILS**

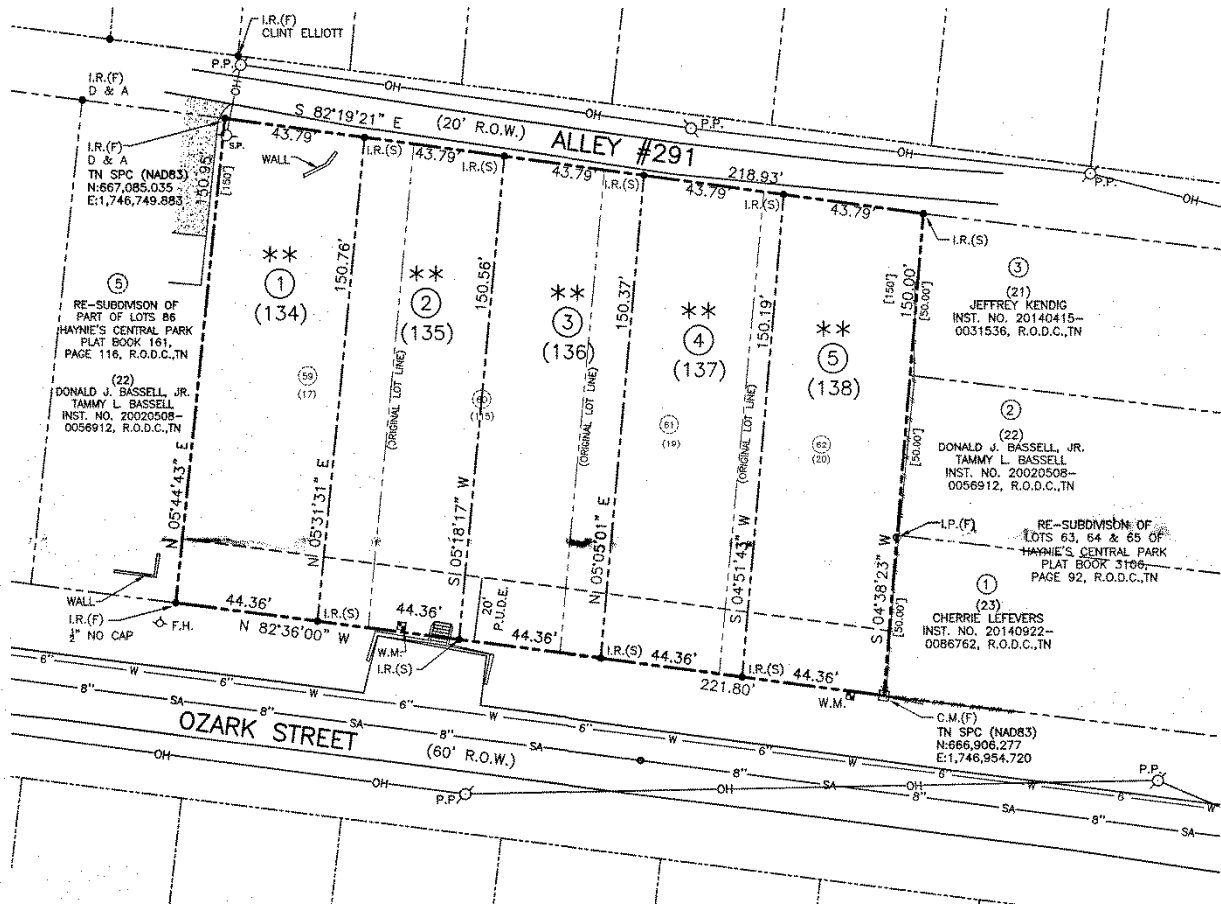
The plan proposes to create five lots from four existing lots located on Ozark Street, west of South 12<sup>th</sup> Street. Access for all proposed lots is limited to the existing alley. The land use policy for the subject property is T4 Urban Neighborhood Evolving (T4 NE), which is not subject to the compatibility criteria in Section 3-5.2 of the Subdivision Regulations. The proposed subdivision is subject to section 3-5.3, as shown in the analysis.

Subdivision Regulations require sidewalks along Ozark Street. If the plat is approved, the applicant may construct the sidewalks or contribute the in-lieu fee for sidewalk construction.

The proposed lots will be designated as Critical Lots because the natural slope is 20 percent or greater. Prior to application for a building permit on a lot designated as Critical, a Critical Lot plan shall be submitted for review and approval.



# Metro Planning Commission Meeting of 1/28/2016



**Proposed Subdivision**



## Metro Planning Commission Meeting of 1/28/2016

### **Proposed Subdivision**

The property is proposed to be subdivided into five lots with the following areas and street frontages:

- Lot 1: 6,664 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage;
- Lot 2: 6,635 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage;
- Lot 3: 6,625 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage;
- Lot 4: 6,616 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage;
- Lot 5: 6,607 Sq. Ft., (0.15 Acres), and 44.36 Ft. of frontage.

### **ANALYSIS**

#### Zoning Code

Proposed lots meet the minimum standards of the RS5 zoning district.

#### Street Frontage

Proposed lots have frontage on a public street.

#### Agency Review

All review agencies recommend approval.

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

**Approved**

### **WATER SERVICES RECOMMENDATION**

**Approved**

### **TRAFFIC AND PARKING RECOMMENDATION**

**No exception taken**

### **PUBLIC WORKS RECOMMENDATION**

**Approved with conditions**

- 1) If sidewalks are required by Planning and the applicant chooses to construct rather than pay the in-lieu fee, they should be shown fully within the right-of-way, and labeled on the plan per Public Works standards. This includes curb and gutter, 4' grass strip, 5' sidewalk, or as determined by Public Works, and a minimum of 20 feet of street pavement width. Final construction plans must be submitted that address any related drainage improvements, grading, utility relocation(s), and tree removal. A permit is required from The Department of Public Works prior to commencing any work within the right-of-way.

### **STAFF RECOMMENDATION**

Staff finds that this subdivision meets the infill subdivision requirements. Therefore, staff recommends approval with conditions.



## Metro Planning Commission Meeting of 1/28/2016

### CONDITIONS

1. Access shall be limited to the alley only for all lots.
2. Sidewalks are required along the Ozark Street of the proposed subdivision. Prior to final plat recordation, one of the options must be chosen related to the required sidewalks:
  - a. Submit a bond application and post a bond with the Planning Department,
  - b. Construct sidewalk and have it accepted by Public Works,
  - c. Submit contribution in-lieu of construction to the Planning Department, 5 additional lots will require a \$21,292.00 contribution to Pedestrian Benefit Zone 2-A.
  - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Planning Department and the Public Works Department, or
  - e. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.
3. A raised foundation of 18"- 36" is required for all residential structures.
4. Height is limited to two stories in 35 feet.



**SEE NEXT PAGE**





# Metro Planning Commission Meeting of 1/28/2016



**2016S-025-001**

BEAUMONT PLACE, RESUB LOTS 7 & 8

Map 083-02, Parcel(s) 314

Map 083-06, Parcel(s) 128

05, East Nashville

06 (Brett Withers)



<b>Project No.</b>	<b>Final Plat 2016S-025-001</b>
<b>Project Name</b>	<b>Beaumont Place, Resub Lots 7 &amp; 8</b>
<b>Council District</b>	06 – Withers
<b>School Districts</b>	05 – Kim
<b>Requested by</b>	Dale & Associates, Inc., applicant; Grayson D. Adler, Melissa Tedesco, Timothy Kenefick, and Robert D. Young, owners.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Defer to the February 25, 2016, Planning Commission meeting.</i>

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**APPLICANT REQUEST**

**Create 3 lots.**

Final Site Plan

A request for final plat approval to create three lots on properties located within the Eastwood Neighborhood Conservation Overlay District at 300 and 302 Manchester Avenue, at the northeast corner of Manchester Avenue and Benjamin Street, zoned One and Two-Family Residential (R6) (0.5 acres).

**STAFF RECOMMENDATION**

Staff recommends deferral to the February 25, 2016, Planning Commission meeting as requested by the applicant.