



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, April 14, 2011

4:00 pm Regular Meeting

700 Second Avenue South

(between Lindsley Avenue and Middleton Street)

Howard Office Building, Sonny West Conference Center (1st Floor)

MISSION STATEMENT

The Planning Commission guides growth and development as Nashville and Davidson County 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.

Commissioners Present:

Jim McLean, Chairman
Hunter Gee, Vice Chairman
Stewart Clifton
Derrick Dalton
Ana Escobar
Tonya Jones
Phil Ponder
Councilmember Jim Gotto
Andree LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Director
Kelly Armistead, Admin Services Officer III
Doug Sloan, Legal
Craig Owensby, Public Information Officer
Dennis Corrieri, Planning Technician I
Bob Leeman, Planning Manager II
Brenda Bernards, Planner III
Jennifer Carlat, Planning Manager II
Michael Briggs, Transportation Planner
Brian Sexton, Planner I
Jason Swaggart, Planner II
Greg Johnson, Planner II
Tifinie Adams, Planner II
Rebecca Ratz, Planner II
Kathryn Withers, Planner III
Scott Morton, Planner II

Commissioners Absent:

Tonya Jones

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County

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Notice to Public

Please remember to turn off your cell phones.

The Commission is a 10-member body appointed by the Metro Council. The Commission meets on the 2nd and 4th Thursday of each month at 4:00 p.m., unless otherwise noted. The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, the Commission recommends an action to the Metro Council (e.g. zone changes, specific plans, overlay districts, and mandatory referrals). The Metro Council can accept or not accept the recommendation.

Agendas and staff reports can be viewed on-line at www.nashville.gov/mpc/agendas or weekdays from 7:30 a.m. to 4:00 p.m. at the Planning Department office located at 800 2nd Avenue South, downtown Nashville. Also, at the entrance to this meeting room, a binder of all staff reports has been placed on the table for your convenience.

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Writing to the Commission

You can mail, hand-deliver, fax, or e-mail comments on any agenda item to the Planning Department. For the Commission to receive your comments, prior to the meeting, you must submit them by **noon the day of the meeting**. Otherwise, you will need to bring 14 copies of your correspondence to the meeting and during your allotted time to speak, distribute your comments.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300
Fax: (615) 862-7130 E-mail: planningstaff@nashville.gov

Speaking to the Commission

If you want to appear in-person before the Commission, view our tips on presentations on-line at www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf and our summary regarding how Planning Commission public hearings are conducted at www.nashville.gov/mpc/docs/meetings/Rules_and_procedures.pdf. Briefly, a councilmember may speak at the very beginning of the commission meeting, after the individual item is presented by staff, or after all persons have spoken in favor or in

opposition to the request. Applicants speak after staff presents, then, those in favor speak followed by those in opposition.

The Commission may grant the applicant additional time for a rebuttal after all persons have spoken. Maximum speaking time for an applicant is 10 minutes, individual speakers is 2 minutes, and a neighborhood group 5 minutes, provided written notice was received prior to the meeting from the neighborhood group.

- Day of meeting, get there at least 15 minutes ahead of the meeting start time to get a seat and to fill-out a "Request to Speak" form (located on table outside the door into this meeting room).
- Give your completed "Request to Speak" form to a staff member.
- For more information, view the Commissions Rules and Procedures, at www.nashville.gov/mpc/pdfs/main/rules_and_procedures.pdf

Legal Notice

As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission's decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel.



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:01 p.m.

B. ADOPTION OF AGENDA

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to adopt the revised agenda as presented. (8-0)

C. APPROVAL OF MARCH 24, 2011 MINUTES

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the March 24, 2011 minutes. (8-0)

D. RECOGNITION OF COUNCILMEMBERS

Council Lady Langster spoke in support of Item 11.

Council Lady LaLonde spoke in support of Item 8.

Councilmember Toler spoke asked that his items remain on Consent and requested approval of Item 9.

Council Lady Wilhoite spoke regarding Item 5 and asked for approval.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

4. 2011S-001R-001 SUBDIVISION REGULATIONS

6a. 2011Z-003PR-001 STONE BROOK DRIVE

6b. 89P-032-001 BRENTWOOD SKYLINE

7a. 2011CP-010-001 GREEN HILLS MIDTOWN COMMUNITY PLAN AMENDMENT

7b. 2011Z-006PR-001 511 CHESTERFIELD AVENUE

Mr. Ponder moved and Mr. Gee seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn Items. (8-0)

Mr. Dalton out at 4:15 p.m.

Mr. Dalton in at 4:17 p.m.

F. CONSENT AGENDA

1. 2011CP-000-001 MAJOR STREET & COLLECTOR PLAN UPDATE

2. 2011CP-008-001 NORTH NASHVILLE COMMUNITY PLAN UPDATE

3. 2011Z-001TX-001 MAJOR STREET AND COLLECTOR PLAN: ZONING CODE TERMINOLOGY

11. 2011SP-009-001 BL2011-891 / LANGSTER ONE CITY

12. 2011Z-005PR-001
MURFREESBORO PIKE

13. 2011Z-007PR-001
BL2011-884 / GILMORE
909, 913 & 1001 8TH AVENUE SOUTH

14. 2011Z-008PR-001
1004 & 1016 8TH AVENUE SOUTH

15. 2011S-013-001
KIRKWOOD LANE

16. 2011S-016-001
1609 GLEN ECHO

17. 2011S-018-001
PLAN OF WEST NASHVILLE, RESUB LOT 902 & 904

18. Capital Improvements Budget

Mr. Gee recused himself from voting on the Consent Agenda due to Item 11.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the Consent Agenda. (7-0-1)

G. PREVIOUSLY DEFERRED ITEMS

Community Plan Amendments

1. 2011CP-000-001
MAJOR STREET & COLLECTOR PLAN UPDATE
Staff Reviewer: Michael Briggs

A request to adopt Implementing Complete Streets: Major and Collector Street Plan of Metropolitan Nashville, A Component of Mobility 2030, which updates the plan for major and collector streets for Metro Nashville-Davidson County. The Major and Collector Street Plan was last updated and adopted in 1992.

APPLICANT REQUEST - Adopt the Major and Collector Street Plan

Adopt the Major and Collector Street Plan A request to adopt *Implementing Complete Streets: Major and Collector Street Plan of Metropolitan Nashville, A Component of Mobility 2030*, which updates the plan for major and collector streets for Metro Nashville-Davidson County. The Major and Collector Street Plan was last updated and adopted in 1992.

Deferral This item was deferred by the Planning Commission in order to answer additional questions raised by Public Works and to hold work sessions with the Commissioners on March 10 to discuss Public Works' issues, and on March 24 to discuss the streets proposed – by the Commissioners' motion – to be removed from the Major and Collector Street Plan (MCSP). The Planning Commission granted Planning staff's request to defer consideration of adoption of the MCSP until April 14, 2011. The results of these work sessions are described in greater detail below under "Staff Recommendation."

MAJOR & COLLECTOR STREET PLAN BACKGROUND

Summary

The Major and Collector Street Plan (MCSP) is a comprehensive plan and implementation tool for guiding public and private investment in the major streets (Arterial-Boulevards and Arterial-Parkways) and collectors (Collector-Avenues) that make up the backbone of the city's transportation system. It is a part of, and implements, *Mobility 2030*, which is a functional plan component of the General Plan for Nashville and Davidson County.

Complete Streets

This update of the MCSP reflects Metro's commitment to utilizing a "Complete Streets" approach to street design. Complete Streets is an initiative by which cities, states, and other jurisdictions adopt policies to insure that future roadway projects will attempt to accommodate multiple users – pedestrians, bicyclists, motorists, transit riders, and drivers of motor vehicles, and people of all ages and abilities, including children, older adults, and people with disabilities.

Locally, Mayor Karl Dean's Complete Streets Executive Order informs the direction of the MCSP update. The Complete Streets Executive Order, issued on October 6, 2010, directs Metro Departments to "Give full consideration to the accommodation of the transportation needs of all users, regardless of age or ability..."

The MCSP implements the Complete Streets Executive Order by developing a thoroughfare system that provides for safe and efficient access to multiple users while addressing streetscape design in context with the existing or envisioned character of the community.

Complete Street design should be understood as a process, not a specific product. For that reason, not all "Complete Streets" will look the same. As such, good design standards balance engineering judgment and user needs within the context of the street. Roadway design relies on the design professional's knowledge of elements such as travel speeds, volumes, horizontal and vertical alignments and sight lines. User needs also influence the design of the Complete Street. Many of the facilities contained within the right-of-way are uniquely associated with motorists, pedestrians, transit riders, and cyclists of varying ages and abilities.

Context Sensitive Solutions

Character, or the physical context in which the street resides, is another factor considered in Complete Street design. Character influences the form and function of the roadway and its associated streetscape; for example, a rural two-lane Collector-Avenue will be designed differently than an urban, two-lane Collector-Avenue. Both will be designed to complement and enhance the desired character. The determination of street character has not typically taken into account the adjacent land use and context. Conventional street planning typically only allowed two levels of sensitivity to the surrounding land use and context—streets were either rural or urban—resulting in street designs with limited relation to their surroundings.

The Context Sensitive Solutions (CSS) process has the following attributes:

- Addresses needs in a financially feasible manner by matching the street to the setting that ensures safety for multiple users of corridor;
- Involves stakeholders in the design process, balancing various needs to produce a solution that is an asset of lasting value to the community.
- Allows flexibility in design guidelines, particularly in constrained conditions;
- Designs a transportation system that serves multiple users regardless of travel mode; and
- Incorporates aesthetics as an integral part of good design.

Professional organizations including the Institute of Transportation Engineers (ITE), which represents transportation engineers, the American Planning Association (APA), and the Congress for New Urbanism (CNU), which represent urban planning professionals, have endorsed the CSS approach. Additionally, the Tennessee Department of Transportation (TDOT) is taking the same approach with their state transportation routes.

To achieve the goal of creating streets that are sensitive to their context (rural streets in rural settings, urban streets in urban settings, etc.), the MCSP has more refined street designations than the prior plan.

Need to Update Plan

The most recent *Major Street Plan* and *Collector Street Plan* were separate documents that were last comprehensively updated in 1992, with minor amendments since then. As an element of the General Plan, the MCSP should be updated every seven to ten years to reflect change that has occurred and to respond to future planned growth, development, and preservation.

How the Major and Collector Street Plan Was Updated The MCSP consists of two pieces – the MCSP map, which provides the classification of every street, and the document, which explains these classifications and how they are to be used to guide future development of and improvement to Nashville's major and collector streets.

The MCSP was updated through the following steps:

1. Review of the plans referenced below,
2. Analysis of the existing conditions of all the major and collector streets in Davidson County, review of local transportation plans, review of Community Plans and Detailed Design Plans and assessment of the role of each street in light of *Mobility 2030's* guiding principles,
3. Designation of a Transect Category, Street Context, and Functional Design Type for each major and collector street in Davidson County. (Note that this assessment and proposal of street classifications did include upgrading some local streets to collectors or arterials and downgrading other streets from arterial to collector or from collector to local.)
4. Subjecting these proposed street classifications to the Nashville Area MPO's regional travel demand model to check the impact of the proposals on the overall street network,
5. Reviewing the document and street classifications with Metro Public Works, Metro Transit Authority and State of Tennessee Agencies, and receiving their input, and
6. Receiving input on street classifications and the document from the public at community meetings.

A comprehensive review of the following local planning documents influenced the MCSP update:

- Each Community Plan's recommendations for Major and Collector Streets
- Metropolitan Planning Organization Network (Regional Transportation Plan and Transportation Improvement Program)
- Strategic Plan for Sidewalks and Bikeways
- Nashville's Strategic Transit Master Plan
- 2011 Northeast Corridor Mobility Study
- 2009 Northwest Corridor Conceptual Feasibility Study

- 2007 Southeast Corridor Alternatives Analysis
- The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee
- The Subdivision Regulations of the Metropolitan Government of Nashville and Davidson County, Tennessee
- The Guiding Principles of *Mobility 2030*

HOW THE MAJOR AND COLLECTOR STREET PLAN WILL BE USED

With high development pressures expected to continue through 2035, transportation investments must be strategic and optimized to support economic growth and community livability. The street network will be expected to provide for multi-modal options and support and reflect the surrounding context and land use decisions. The CSS approach and Complete Streets process are designed to better achieve the expectations required of the transportation system. Planning Staff is developing user-friendly implementation tools to assist other Metro Departments, including Planning, Public Works, Stormwater, and MTA and TDOT, transportation stakeholders, the public, and private sector developers in applying the plan.

Users of the MCSP

The MCSP is used by the *public* and *private* sectors in planning, designing, budgeting, and constructing new streets and in making improvements to existing streets.

Public Sector

The Planning and Public Works Departments will use the MCSP to assess proposed street improvements and new streets to be built through private sector development and redevelopment where additional right of way or relocation of existing right of way may be required; in proposing street improvements and new streets as part of the land development process when Metro government is acting as a public sector developer; and, in proposing street improvements and new streets as part of the local and regional transportation planning and budgeting processes.

Metro Planning Commissioners will use the MCSP to assess the streets proposed in zoning and subdivision cases and to develop a recommended annual Capital Improvements Budget and Program that includes proposed new streets and street improvements.

Citizens will use the MCSP to gain a better understanding of each street's role in Davidson County's transportation network.

Private Sector

The private sector will use the MCSP when proposing new development to determine if any major or collector streets are to be provided or upgraded in the proposed development area and what the street cross section should look like. The private sector will then design the new street or improve the existing street accordingly.

The private sector will also use the MCSP when proposing redevelopment to determine if any additional right-of-way and/or facilities need to be provided to meet the future vision for the street.

In both *public and private* sector cases, Metro government will review proposed new streets and improvements to existing streets against the guidelines in the MCSP.

INTERPRETING MCSP DESIGNATIONS

The update of the MCSP, is designed to meet the goals of *Mobility 2030*, placing a greater emphasis on designing streets that serve multiple users and that reflect the character of the neighborhoods and centers through which the streets pass. Therefore, this update of the MCSP categorizes each street segment in a manner that provides greater guidance as to the context, purpose and goals of each street segment.

Each street segment classification includes three defining elements - **Environment, Street Context, and Functional Design Type**. In some cases there is a fourth element, which represents the enhanced multimodal expectation and/or scenic arterial overlay.

Every major and collector street is identified with a specific designation comprised of the three elements appropriate for that street segment and, in some cases, a fourth element representing either the enhanced multimodal expectation or scenic arterial overlay.

For example, **T5-M-AB5-UM** is a MCSP designation.

Environment

T5-M-AB5-UM in this example references the T5 Center Transect category. Recall that the Transect is an organizing tool used in Nashville's land use planning and policies. This designation influences the scale, location, and orientation of development in a given area. The Transect Categories used in the MCSP include:

- T2 Rural
- T3 Suburban
- T4 Urban
- T5 Center
- T6 Downtown
- D District

These are the same Transect Categories as are used in the Community Character Manual and in Community Plans updated since 2008.

Street Context

T5-M-AB5-UM in this example reflects mixed uses that surround this street segment. The three Street Context designations are Residential (R), Mixed Use (M), and Industrial (I). The Street Context adds to the overall understanding of context by defining the predominant existing or intended development pattern flanking a given street section. The Street Context influences design elements of the street and is based upon the adopted Community Plan. In this example, then, the street is passing through a Center that is predominately mixed use.

Functional Design Type

T5-M-AB5-UM in this example refers to an Arterial-Boulevard functional design with four travel lanes and one center turn lane. The MCSP has three Functional Design types - Collector-Avenue (CA), Arterial-Boulevard (AB), and Arterial-Parkway (AP). The purpose of Functional Design type is to classify streets according to the character of service they are intended to provide and to design those streets so that they fit their context and serve multiple users. Guidelines are laid out in the MCSP tables and illustrative cross sections to depict these designs.

Multi-modal and Scenic Overlays

T5-M-AB5-UM in this example is an urban multi-modal overlay indicating an increased emphasis on mass transit service in the corridor and the importance of pedestrian and bicycle connectivity to the surrounding land uses. Multimodal corridors may be urban (UM) or regional (RM).

Scenic arterials (S) connect areas of scenic and cultural significance and call for enhancement or preservation of existing natural areas on private property just outside the right-of-way.

IMPLEMENTATION OF THE MCSP

All major and collector streets identified in the MCSP have a designation assigned that reflects the surrounding environment, existing and/or future land use policy, purpose of road within the transportation network, identified future travel lanes, and multi-modal design accommodations. The MCSP also establishes rights-of-way based upon the MCSP designation and existing or planned mass transit service, bike lanes, and parking.

The designations along with design guidelines establish the necessary rights-of-way along Metro's major and collector corridors. In some instances, additional right-of-way width is needed compared to the previous MCSP adopted in 1992 to improve non-motorized travel modes along the corridor through bike lane additions, wider sidewalks, wider planting strips, and on-street parking. The addition of these infrastructure elements will also have the impact of changing the surrounding land use environments by calming traffic.

The new MCSP responds to a number of concerns expressed by residents and elected officials related to past decisions involving Metro's major and collector streets (e.g. lack of non-motorized infrastructure, a road design not mindful of the community's character, and transportation decisions not tied to land use decisions). The draft MCSP is more comprehensive, but Planning Department staff is working closely with Metro Public Works and other Metro staff in its implementation. Planning staff is developing computerized tools to assist in implementation. The documentation of right-of-way decisions will also take place to ensure consistency between developments along a corridor. Increased dialogue is expected as applicants work with both Public Works, Planning, and Codes to ensure the necessary amounts of right-of-way is dedicated based upon the future intent of Metro's major and collector streets.

Constrained Development Situations

Planning staff recognizes that in some situations, there are constraints on a developer or property owner's ability to dedicate the standard right-of-way outlined in the proposed MCSP update. This is not new to Nashville – there have long been constrained development situations, especially on streets with historic buildings, with shallow property depths, etc. Today, under the existing MCSP, there is independent negotiation between Metro Departments and applicants involving the rights-of-way. These constrained situations will continue to exist, so discussion among Metro Departments and applicants will continue to take place. In the future, however, the final outcome will be more clearly documented to ensure consistency in the future developments along the same corridor.

Planning staff, in conjunction with Public Works, is currently doing an assessment of potential constrained areas along the major and collector street plan system. These areas will be identified and designated for rights-of-way smaller than the standards in the MCSP. In instances where the applicant and Metro staff cannot come to an agreement on the appropriate amount of right-of-way, the applicant may go to the Metro Planning Commission to request a smaller right-of-way standard.

MAJOR & COLLECTOR STREET PLAN UPDATE COMMUNITY PARTICIPATION

Because of the nature of the MCSP, extensive stakeholder involvement has been undertaken with departments, agencies and partners that implement elements of the transportation infrastructure system in Metro Nashville along with outreach to community members.

Agency Stakeholder Outreach

Agencies involved in implementing portions of the MCSP include:

1. Metro Nashville Public Works (MPW)
2. Metropolitan Transit Authority (MTA)
3. Tennessee Department of Transportation (TDOT)
4. Nashville Area Metropolitan Planning Organization (MPO)
5. Metro Water Services Stormwater Program

Numerous meetings took place between Planning Department staff and representatives from the above listed agencies. Significant coordination and review of the draft document and MCSP designations were conducted jointly with MPW and TDOT. MTA coordinated with Planning Department staff in identifying future mass transit system opportunities within the draft MCSP based upon their strategic

plan. The Nashville Area MPO also coordinated priorities established within the newly adopted Regional Transportation Plan (RTP) and their regional mass transit planning efforts.

Transportation Advocacy Outreach

Advocacy groups such as the Transit Alliance of Middle Tennessee and Walk/Bike Nashville also reviewed the document and were included within the notifications of community meetings and the draft information on the Planning Department's website.

Community Outreach

Staff conducted two community meetings to discuss the update to the Major and Collector Street Plan. The community meeting held on October 26 from 6 pm to 7:30 pm introduced the update to community members. It emphasized the more context-sensitive approach of the MCSP update and introduced the Complete Streets approach. Information was available regarding the streets now included in the MCSP and how the new approach to establishing rights-of-way contrasts with the currently adopted MCSP.

The follow-up community meeting on November 9 from 6 pm to 7:30 pm reviewed again the elements contained within the MCSP designations. Specific concerns that were raised at the initial meeting were discussed along with staff's response. An extensive question and answer period was held with community members on implementation of the MCSP. Notification of community meetings was listed on the Planning Department's website and made public through radio, television, and newspaper. E-mail reminders were sent to those that attended the community meetings or requested notification through the Planning Department's website and through the Planning Departments' Development Dispatch e-mail newsletter, which reaches 2,300 plus people.

After these community meetings, staff opened a three-plus month comment period during which time staff visited with community members about the intent of the MCSP and specific street classifications.

Planning staff was also available to meet on an as-needed basis with local community groups to discuss the update to the MCSP. The Hillwood Area Neighborhood Association invited planning staff to present information to their members and surrounding neighborhoods at their meeting on November 13, 2010.

As of February 4, 2011, planning staff has responded to over 33 e-mails concerning the MCSP. Phone calls have also been taken with questions.

Drafts of the MCSP document and the accompanying interactive map (through which the community can look up the proposed classification of any street segment) were posted on October 14, 2010, December 9, 2010, and January 31, 2011.

Community Feedback

One theme that has emerged from the feedback that the Planning Department has received related to the MCSP involved traffic calming on major and collector streets. Residents have expressed concern in how the designations within the MCSP are applied in Metro Public Works' Neighborhood Traffic Management Program. Public Works uses the MCSP functional design type designation as one tool to determine eligibility for the program, which includes only local streets. Streets identified within the MCSP in addition to certain streets designated by the Public Works Department are generally not eligible for these low cost improvements.

Planning Department staff has explained the importance of including streets, even residential collector streets within the MCSP. The MCSP does not address the low cost traffic calming solutions such as signage, speed humps, and the speed radar trailer that are part of Metro Public Works' Neighborhood Traffic Management Program. The MCSP also does not authorize removal of traffic calming devices that also exist on streets today. Rather, the MCSP outlines substantial transportation improvements that could occur if public or private investment occurs along the corridor. For example, these improvements might include sidewalks, narrower pavement widths, bulb-outs, bike lanes, medians, roadside planting strips, or on-street parking. Studies and best practices promoted by ITE and CNU suggest that these improvements can change the environment and character of a corridor, thereby calming traffic in many instances.

Public Hearing

Notification of the February 24th Metro Planning Commission Public Hearing for consideration of the Major and Collector Street Plan was sent by email to those who participated in the MCSP process, requested to be notified through the Planning Department's website, and through the Planning Department's Development Dispatch e-mail newsletter. The public hearing was also listed on the Planning Department's website and made public through radio, television, and newspaper media.

CHANGES SINCE THE STATIC DRAFT PLAN WAS POSTED

Planning staff posted the draft *Implementing CompleteStreets: Major and Collector Street Plan of Metropolitan Nashville, A Component of Mobility 2030* on January 31, 2010 and indicated to community stakeholders that while comments and suggestions were still welcome, no changes would be made to that document until changes were proposed at Planning Commission. Staff has found that posting a "static" draft prior to Planning Commission hearing is helpful to the community because then everyone is responding to the same document at the public hearing.

During the time that the static version of the draft plan was posted, information from the public hearing at the February 24 Planning Commission Meeting, March 10 Planning Commission Work Session, March 24 Planning Commission Work Session, Metro Public Works final comments, and TDOT final comments have resulted in a number of final recommendations proposed and outlined within the conditions of this staff report.

Additionally, Public Works requested that Planning staff check with TDOT on current studies or projects underway on Hermitage Avenue and Ashland City Highway. Planning staff followed-up with TDOT regarding these streets. Jeanne Stevens, TDOT's Director of Long Range Planning, confirmed via e-mail that TDOT had no plans underway on Hermitage Avenue. Meanwhile, Planning staff agrees to make the change requested by Public Works to Ashland City Highway. Planning staff has proposed a condition that changes Ashland City Highway to reflect what was recently adopted in the Nashville Area MPO's 2035 Regional Transportation Plan (RTP).

STAFF RECOMMENDATION

Withdraw motion on floor and approve new motion that adopts the Major and Collector Street Plan (MCSP) entitled *Implementing Complete Streets: Major and Collector Street Plan of Metropolitan Nashville, A Component of Mobility 2030* with the following conditions:

CONDITIONS - Updated to reflect conditions from the February 24, 2011 Commission meeting, March 10, 2011 work session, March 24, 2011 work session, Public Works final comments, and TDOT final comments.

1. Remove the MCSP designation on Carothers Road because of approved Ordinance No. BL2006-1295, which establishes streets standards on Carothers Road that meets the planning and mobility concepts of the UDO's design standards and of the proposed MCSP. The accompanying MCSP map will depict Carothers Road as Collector-Avenue, but will provide no designation, and will include a note as follows, "Carothers Road shall be designed according to the streets standards established in the UDO."

Note to Commissioners – Planning staff recommends that the original condition, which simply removed Carothers Road altogether, be replaced with the new condition. The new condition leaves Carothers Road in the plan, because it is a vital part of the overall network. The new condition does, however, remove the MCSP designation since the design of the street has been determined during the adoption of the Carothers UDO.

2. Keep the MCSP designation on Harding Road east of Bosley Springs Road to west of Belle Meade Plaza as T5-M-AB6-UM to maintain a designation that is comparable to the designation in the currently adopted MCSP.

Note to Commissioners – Planning staff initially recommended designating this section of Harding Road as a five-lane road. This was an error, given that the currently adopted UDO calls for six-lanes and the currently adopted MCSP designates this section as a six-lane road as well.

3. Direct planning staff to fix typographical and grammatical errors as necessary.
4. Change the MCSP designation on Stewarts Ferry Pike from I-40 to McCrory Creek Road from T3-M-AB4 to T3-M-AB5 and on McCrory Creek Road to Lebanon Pike from T3-R-AB3 to T3-R-AB5 to reflect Public Works' pre-planning to widen to five lanes.
5. Remove Oakley Drive from the MCSP from Trousdale Drive to Edmondson Pike to reflect the removal of the proposed connection from the Collector Plan as adopted in the Southeast Community Plan.
6. Change the MCSP designation on Charlotte Pike (US 70/SR 24) from Old Hickory Boulevard (SR 251) to River Road from T3-M-AB2-S, T3-R-AB2-S, and T3-M-AB3-S to T3-M-AB4-S, and T3-R-AB4-S accordingly as requested by Public Works and to maintain a designation that is comparable to the designation in the currently adopted MCSP. The MCSP designation will be reviewed with the community during the Bellevue Community Plan Update, which is currently underway.
7. Change the MCSP designation on Ashland City Highway (SR 12) from Briley Parkway (SR 155) to Clarksville Pike (US 41A/SR 112) from T3-M-AB4, T3-R-AB3, and T4-R-AB3 to T3-M-AB5, T3-R-AB5, and T4-R-AB5 to reflect the Nashville Area MPO's recently adopted 2035 Regional Transportation Plan (RTP) that identifies the widening of this street to four lanes with a center turn lane in the FY 2016 to FY 2025 Horizon Years. The MCSP designation will be reviewed with the community, TDOT, and Public Works during the next update of the RTP and the next update of the Bordeaux-Whites Creek Community Plan.

Note to Commissioners – Planning staff has reviewed this segment of Ashland City Highway. Current TDOT-produced traffic counts and future traffic projections generated by the MPO's travel demand model do not show a substantial need for widening of Ashland City Highway to five lanes in the near future. Staff desires, however, to be consistent with the recently adopted RTP and will work with TDOT and Public Works in the future during updates of the RTP and the Bordeaux-Whites Creek Community Plan to determine whether widening is warranted.

8. Change the MCSP designation on Highway 100 from the County Line to the Natchez Trace Parkway from T2-R-AB2-S and T3-R-AB2-S to T2-R-AB4-S and T3-R-AB4-S as requested by Public Works and to maintain a designation that is comparable to the designation in the currently adopted MCSP. The MCSP designation will be reviewed with the community during the Bellevue Community Plan Update, which is currently underway.
9. Change the MCSP designation on the proposed Harding Place Extension from D-I-PAP4-S to F6* as requested by Public Works. A note shall be made on this designation as follows, "The proposed Harding Place Extension shall be designed as a multi-modal facility that adequately incorporates the needs of transit users, bicyclists, pedestrians, and other travelers adjacent to the corridor. It shall be re-designated to an appropriate MCSP designation(s) based on the finding of the environmental impact statement currently underway as of the original adoption date of this plan." Additionally, the accompanying MCSP map shall change the depiction of the proposed Harding Place Extension to a Multimodal Freeway Corridor.

Note to Commissioners – Public Works requested that the proposed Harding Place Extension be designated as an F6, or freeway design with six lanes because of Federal funding already secured to conduct an environmental impact statement. Planning staff recommends keeping that designation for now and to additionally recognize the need to provide multi-modal travel accommodations along the corridor. For example, this might be achieved through an adjacent shared-use trail. The proposed extension will be redesignated to reflect the findings of the environmental impact statement.

10. Change the MCSP designation on Korean Veterans Boulevard from 4th Avenue to 8th Avenue from T6-M-PAB4 to T6-M-PAB6* as requested by Public Works. A note shall be made on this designation as follows, “*Upon completion of the construction currently underway as of the original adoption date of this plan, Korean Veterans Boulevard from 4th Avenue to 8th Avenue shall be redesignated to the appropriate MCSP designation(s) reflecting the final cross section.”

Note to Commissioners – Public Works requested that KVB be designated as six lanes because of current construction work underway that designs the facility as four lanes with on-street parking on both sides of the street with the possibility to remove the on-street parking in the future and convert to two additional travel lanes. Planning staff recommends updating this designation to six lanes as requested by Public Works to align with current construction and update this designation that reflects the final cross section once construction is complete.

11. Depict on the accompanying MCSP map, an alternative conceptual alignment for the proposed extension of Walsh Road or “University Row” connector near the Trevecca University campus. The additional conceptual alignment shall be designated as T4-M-PAB4-UM. Additionally, change the MCSP designations of Polk Avenue from Nolensville Pike (US 31A/US 41A/SR 11) to Fesslers Lane from T4-M-AB3, T4-R-AB3, and D-I-AB3 to T4-M-AB3-UM, T4-R-AB3-UM, and D-I-AB3-UM. Change the MCSP designation of Fesslers Lane from Polk Avenue to Murfreesboro Pike (US 40/US 70S/SR 1) from D-I-AB4 to D-I-AB4-UM.

Note to Commissioners – Planning staff has worked with Trevecca University representatives to depict a second alignment containing similar mobility goals of the “University Row” concept. This second conceptual alignment requires changing some existing, connecting streets to recognize the potential enhanced transit concept with the UM (Urban Multimodal) designations added to these streets’ MCSP designations.

12. Change the dimensions of the width of the vehicular travel lanes and on-street parking in the MCSP document to reflect standards for urban lanes as set forth by the American Association of State Highway and Transportation Officials (AASHTO). A narrative added to the MCSP document defines urban travel lanes and non-urban travel lanes per AASHTO’s definition.

Note to Commissioners – Planning staff reviewed recommendations involving lane widths and the width of on-street parking per the AASHTO recommended standards. Urban travel lanes are defined in the MCSP text as 10 feet to 11 feet travel lanes. Non-urban travel lanes are described as 12 feet travel lanes. The width of on-street parking is described as 8 feet.

13. Remove the MCSP designation on 11th Avenue South/Industrial Boulevard from Broadway (US 70/US 70S/US 431/SR 1/SR 24) to Division Street and on 12th Avenue South from Broadway (US 70/US 70S/US 431/SR 1/SR 24) to 11th Avenue South/Industrial Boulevard because of the street design guidance established on 11th Avenue South/Industrial Boulevard and on 12th Avenue South within the Arts Center Redevelopment District and further described in the adopted Gulch Master Plan. This guidance meets the mobility goals of the district and improvements completed from 2003-2006 by Metro during Phase 1 Infrastructure Improvements in the Arts Center Redevelopment District meet the goals of the MCSP. The accompanying MCSP map will depict 11th Avenue South/Industrial Boulevard as an Arterial-Boulevard and 12th Avenue South as a Collector-Avenue, but will provide no further designation, and will accordingly include a note as follows, “11th Avenue South/Industrial Boulevard (or 12th Avenue South) shall be designed according to the guidance established in the Gulch Master Plan for the Arts Center Redevelopment District.”

Note to Commissioners – Planning staff reviewed the Gulch area streets in accordance to the Gulch Master Plan and considered the constructed improvements that were part of Phase 1 Infrastructure Improvements in the Arts Center Redevelopment District. Removal of the MCSP designations on 11th and 12th Avenues South reflects the street design guidance within the adopted Master Plan. The remaining arterial-boulevards within the Gulch area are not addressed with street design guidance in the Master Plan. Their future design through public or private improvements would be informed by the MCSP.

14. The MCSP will be effective as of August 1, 2011.

Approved with conditions, including an amendment to condition 13 by adding the following to the beginning of the condition “Change the MCSP designation on Division Street from the I-40 viaduct to 8th Avenue South (US 31/SR 6) from T6-M-AB4 to T6-M-AB3” and by adding an additional condition: 15. Removed the Bosley Springs connector from the MCSP until the traffic study outlined in the Harding Town Center UDO rezoning ordinance (BL2005-550) as a Short Range Objective of Goal 1 of the Vehicular Circulation System is completed. (7-0-1), Consent Agenda

Resolution No. RS2011-85

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011CP-000-001 is APPROVED WITH CONDITIONS, including an amendment to condition 13 by adding the following to the beginning of the condition, “Change the MCSP designation on Division Street from the I-40 viaduct to 8th Avenue South (US 31/SR 6) from T6-M-AB4 to T6-M-AB3” and by adding an additional condition: 15. Remove the Bosley Springs connector from the MCSP until the traffic study outlined in the Harding Town Center UDO rezoning ordinance (BL2005-550) as a Short Range Objective of Goal 1 of the Vehicular Circulation System is completed. (7-0-1)

Conditions of Approval:

1. Remove the MCSP designation on Carothers Road because of approved Ordinance No. BL2006-1295, which establishes streets standards on Carothers Road that meets the planning and mobility concepts of the UDO's design standards and of the proposed MCSP. The accompanying MCSP map will depict Carothers Road as Collector-Avenue, but will provide no designation, and will include a note as follows, "Carothers Road shall be designed according to the streets standards established in the UDO."
2. Keep the MCSP designation on Harding Road east of Bosley Springs Road to west of Belle Meade Plaza as T5-M-AB6-UM to maintain a designation that is comparable to the designation in the currently adopted MCSP.
3. Direct planning staff to fix typographical and grammatical errors as necessary.
4. Change the MCSP designation on Stewarts Ferry Pike from I-40 to McCrory Creek Road from T3-M-AB4 to T3-M-AB5 and on McCrory Creek Road to Lebanon Pike from T3-R-AB3 to T3-R-AB5 to reflect Public Works' pre-planning to widen to five lanes.
5. Remove Oakley Drive from the MCSP from Trousdale Drive to Edmondson Pike to reflect the removal of the proposed connection from the Collector Plan as adopted in the Southeast Community Plan.
6. Change the MCSP designation on Charlotte Pike (US 70/SR 24) from Old Hickory Boulevard (SR 251) to River Road from T3-M-AB2-S, T3-R-AB2-S, and T3-M-AB3-S to T3-M-AB4-S, and T3-R-AB4-S accordingly as requested by Public Works and to maintain a designation that is comparable to the designation in the currently adopted MCSP. The MCSP designation will be reviewed with the community during the Bellevue Community Plan Update, which is currently underway.
7. Change the MCSP designation on Ashland City Highway (SR 12) from Briley Parkway (SR 155) to Clarksville Pike (US 41A/SR 112) from T3-M-AB4, T3-R-AB3, and T4-R-AB3 to T3-M-AB5, T3-R-AB5, and T4-R-AB5 to reflect the Nashville Area MPO's recently adopted 2035 Regional Transportation Plan (RTP) that identifies the widening of this street to four lanes with a center turn lane in the FY 2016 to FY 2025 Horizon Years. The MCSP designation will be reviewed with the community, TDOT, and Public Works during the next update of the RTP and the next update of the Bordeaux-Whites Creek Community Plan.
8. Change the MCSP designation on Highway 100 from the County Line to the Natchez Trace Parkway from T2-R-AB2-S and T3-R-AB2-S to T2-R-AB4-S and T3-R-AB4-S as requested by Public Works and to maintain a designation that is comparable to the designation in the currently adopted MCSP. The MCSP designation will be reviewed with the community during the Bellevue Community Plan Update, which is currently underway.
9. Change the MCSP designation on the proposed Harding Place Extension from D-I-PAP4-S to F6* as requested by Public Works. A note shall be made on this designation as follows, "The proposed Harding Place Extension shall be designed as a multi-modal facility that adequately incorporates the needs of transit users, bicyclists, pedestrians, and other travelers adjacent to the corridor. It shall be re-designated to an appropriate MCSP designation(s) based on the finding of the environmental impact statement currently underway as of the original adoption date of this plan." Additionally, the accompanying MCSP map shall change the depiction of the proposed Harding Place Extension to a Multimodal Freeway Corridor.
10. Change the MCSP designation on Korean Veterans Boulevard from 4th Avenue to 8th Avenue from T6-M-PAB4 to T6-M-PAB6* as requested by Public Works. A note shall be made on this designation as follows, "Upon completion of the construction currently underway as of the original adoption date of this plan, Korean Veterans Boulevard from 4th Avenue to 8th Avenue shall be redesignated to the appropriate MCSP designation(s) reflecting the final cross section."
11. Depict on the accompanying MCSP map, an alternative conceptual alignment for the proposed extension of Walsh Road or "University Row" connector near the Trevecca University campus. The additional conceptual alignment shall be designated as T4-M-PAB4-UM. Additionally, change the MCSP designations of Polk Avenue from Nolensville Pike (US 31A/US 41A/SR 11) to Fesslers Lane from T4-M-AB3, T4-R-AB3, and D-I-AB3 to T4-M-AB3-UM, T4-R-AB3-UM, and D-I-AB3-UM. Change the MCSP designation of Fesslers Lane from Polk Avenue to Murfreesboro Pike (US 40/US 70S/SR 1) from D-I-AB4 to D-I-AB4-UM.
12. Change the dimensions of the width of the vehicular travel lanes and on-street parking in the MCSP document to reflect standards for urban lanes as set forth by the American Association of State Highway and Transportation Officials (AASHTO). A narrative added to the MCSP document defines urban travel lanes and non-urban travel lanes per AASHTO's definition.
13. **Change the MCSP designation on Division Street from the I-40 viaduct to 8th Avenue South (US 31/SR 6) from T6-M-AB4 to T6-M-AB3.** Remove the MCSP designation on 11th Avenue South/Industrial Boulevard from Broadway (US 70/US 70S/US 431/SR 1/SR 24) to Division Street and on 12th Avenue South from Broadway (US 70/US 70S/US 431/SR 1/SR 24) to 11th Avenue South/Industrial Boulevard because of the street design guidance established on 11th Avenue South/Industrial Boulevard and on 12th Avenue South within the Arts Center Redevelopment District and further described in the adopted Gulch Master Plan. This guidance meets the mobility goals of the district and improvements completed from 2003-2006 by Metro during Phase 1 Infrastructure Improvements in the Arts Center Redevelopment District meet the goals of the MCSP. The accompanying MCSP map will depict 11th Avenue South/Industrial Boulevard as an Arterial-Boulevard and 12th Avenue South as a Collector-Avenue, but will provide no further designation, and will accordingly include a note as follows, "11th Avenue South/Industrial Boulevard (or 12th Avenue South) shall be designed according to the guidance established in the Gulch Master Plan for the Arts Center Redevelopment District."

14. The MCSP will be effective as of August 1, 2011.

15. Remove the Bosley Springs connector from the MCSP until the traffic study outlined in the Harding Town Center UDO rezoning ordinance (BL2005-550) as a Short Range Objective of Goal 1 of the Vehicular Circulation System is completed.

2. 2011CP-008-001

NORTH NASHVILLE COMMUNITY PLAN UPDATE

Council District 2, 19, 21 (Frank Harrison, Erica Gilmore, Edith Taylor-Langster)

Staff Reviewer: Tifinie Adams

A request to amend the North Nashville Community (Subarea 8) Transportation Plan to include recommendations from the adopted "Implementing Complete Streets: Major and Collector Street Plan of Metropolitan Nashville, A Component of Mobility 2030" for major streets in the North Nashville Community, requested by Metro Planning Department.

APPLICANT REQUEST - Amend the North Nashville Community Plan: 2010 Update

Community Plan Amendment A request to amend the North Nashville Community (Subarea 8) Transportation Plan to include recommendations from the adopted *Implementing Complete Streets: Major and Collector Street Plan of Metropolitan Nashville, A Component of Mobility 2030* for major streets in the North Nashville Community.

Deferral This item was deferred by the Planning Commission to track with the Major and Collector Street Plan's adoption. The Major and Collector Street Plan was deferred on February 24 and March 10 to conduct additional work sessions.

BACKGROUND

The *North Nashville Community Plan: 2010 Update* was adopted on January 27th, 2011. During the North Nashville Community Plan update, the Major and Collector Street Plan (MCSP) was also in the process of an update; its adoption was slated for February 2011, one month after the adoption of the North Nashville Plan. Because the MCSP and North Nashville Community Plan were updated simultaneously, Planning staff discussed the new street designations with the North Nashville community during the Community Plan update process.

The draft recommendations made in the MCSP were incorporated into the adopted North Nashville Update, but were noted as "draft" recommendations until the MCSP was adopted. Therefore, staff was charged with pursuing a housekeeping amendment to include final recommendations from the adopted MCSP for major streets in the North Nashville Community.

North Nashville Community Plan: 2010 Update

The *North Nashville Community Plan: 2010 Update* focused on appropriate residential and commercial infill development, creating unique open space, as well as providing multiple transportation options. Transportation options are covered in the North Nashville's Transportation Plan. The Transportation Plan provides recommendations on bike and pedestrian facilities, greenways, transit, and major, collector and local streets within the North Nashville Community. Recommendations regarding major and collector streets in North Nashville are provided via the Major and Collector Street Plan (MCSP).

The Major and Collector Street Plan

The primary function of the MCSP is to provide guidance for street improvements and new streets that may occur throughout Davidson County during public or private investment. The MCSP focuses on creating context-sensitive, complete streets – streets that are designed to reflect their context (rural, suburban, and urban) and that are accessible to multiple users (pedestrians, cyclists, transit, vehicles, etc.).

The MCSP also considers how each street contributes to the function of the overall street network. In considering the overall street network, the MCSP makes recommendations for which streets should be designated as local, collector and arterial streets. There are multiple streets in North Nashville whose designations have changed from local to collector streets in this update of the MCSP.

2010 Major and Collector Street Plan Recommendations for the North Nashville Community

All major streets in the North Nashville community will now be consistent with the 2011 MCSP; the character of the street will be considered in addition to its function. Upon analyzing the function of local streets in North Nashville, there are six streets that no longer function as local streets and are designated as collector-avenue in the MCSP.

As described in the 2011 MCSP, Collector-Avenues are streets with relatively low speeds and traffic volumes that provide circulation within and between neighborhoods. Collector-Avenues usually serve short trips and are intended for collecting trips from local streets and distributing them to the Arterial-Boulevard network.

Collector-Avenues privilege access (the ability to get in and out of surrounding land uses such as businesses or residences on the street) over mobility (the ability to move people quickly through the area). This results in slower speeds on these streets. Collector-Avenues are present in both residential and mixed-use areas.

The six streets that have been designated as Collector – Avenues are listed below:

5th Avenue North The street 5th Avenue North from Jefferson Street to Garfield Street is being upgraded from a local street to a Collector-Avenue in the MCSP. 5th Avenue North is a key route from the Downtown Community to areas in the Germantown and Salementown neighborhood in North Nashville.

9th Avenue North The street 9th Avenue North from Buchanan Street to Dominican is being upgraded from a local street to a Collector-Avenue in the MCSP. 9th Avenue North is a key route from Buchanan Street to Dominican Street and provides access to three prominent public schools in the North Nashville Community. It has recently been improved with new, wider sidewalks along the southern portion of the street.

10th Avenue North The street 10th Avenue North from Dominican Drive to Metro Center Boulevard is being upgraded from a local street to a Collector-Avenue in the MCSP. 10th Avenue North is also a key route providing access to schools in North Nashville, but also to Rosa L. Parks Boulevard, the Looby Community Center, a local U.S. post office, and the Metro Center Business area.

Dominican Drive The street Dominican Drive from Metro Center Boulevard to 9th Avenue North is being upgraded from a local street to a Collector Avenue in the MCSP. Dominican Drive is a key route from Metro Center Business area to the Buena Vista Heights neighborhood.

21st Avenue North The street 21st Avenue North from Jefferson Street to the CSX Railroad is being upgraded from a local street to a Collector-Avenue in the MCSP.

21st Avenue North was mentioned by stakeholders during the 2010 North Nashville Community Plan Update as a street that has the potential to be a key north-south route. Currently 21st Avenue North ends at the CSX railroad and continues just north of Charlotte Avenue. The MCSP recommends extending 21st Avenue south towards Charlotte Avenue.

CONCLUSION

The 2011 MCSP encourages the creation of complete streets, context sensitive streets, and streets that move people and goods efficiently throughout the community. An analysis of local streets in the North Nashville community through the lens of the 2011 MCSP revealed that the six aforementioned streets play a major role in this community's multi-modal transportation system and should be designated as such. Other streets that were previously designated as major streets were also examined with regard to their character and context in addition to their function.

Including the 2011 MCSP recommendations will ensure consistency and enhance the function and character of all major streets in the North Nashville Community.

STAFF RECOMMENDATION

Staff recommends approval. If the Major and Collector Street Plan is deferred, staff recommends that this be deferred as well.

Approved (7-0-1), Consent Agenda

Resolution No. RS2011-86

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011CP-008-001 is **APPROVED**. (7-0-1)"

Zoning Text Amendments

3. 2011Z-001TX-001

BL2011-897 / GOTTO

MAJOR STREET AND COLLECTOR PLAN

Staff Reviewer: Rebecca Ratz

A request to amend Metro Zoning Code, Chapters 17.04 (Definitions) and 17.12 (District Bulk Regulations) by revising the definitions associated with street designations to reflect new Major and Collector Street Plan terminology; and by modifying the measurement of street setbacks for multi-family and non-residential districts and non-residential uses in the AG, AR2a, R and RS districts, consistent with these new designations, requested by the Metro Planning Department.

APPLICANT REQUEST - Revise the existing Zoning Code terminology to correspond with the new street designations that are part of the 2011 update of the Major and Collector Street Plan.

Text Amendment A request to amend Metro Zoning Code, Chapters 17.04 (Definitions) and 17.12 (District Bulk Regulations) by revising the definitions associated with street designations to reflect new Major and Collector Street Plan terminology; and by modifying the measurement of street setbacks for multi-family and non-residential districts and non-residential uses in the AG, AR2a, R and RS districts, consistent with these new designations, requested by the Metro Planning Department.

Deferral This item was deferred by the Planning Commission to track with the Major and Collector Street Plan’s adoption. The Major and Collector Street Plan was deferred on February 24 and March 10 to conduct additional work sessions.

PURPOSE

This text amendment is necessary to reflect the adoption of *Implementing Complete Streets: Major and Collector Street Plan of Metropolitan Nashville, A Component of Mobility 2030* - the new Major and Collector Street Plan (MCSP). The MCSP introduces new terminology related to arterial and collector street designations. This text amendment to the zoning code will replace the outdated terminology in the zoning code glossary with the terminology of the new MCSP.

Additionally, the table of street setbacks for multi-family and non-residential districts and uses will be amended to reflect the updated terminology and to distinguish between the measurement of right-of-way and the measurement of the street setback on private property.

BACKGROUND

The MCSP is a comprehensive plan and implementation tool for guiding public and private investment on the major streets that make up the backbone of Nashville’s transportation system. It is a part of, and implements, *Mobility 2030*, which is a functional plan component of the General Plan.

In response to Mayor Karl Dean’s executive order calling for the use of a Complete Streets approach in the design of all streets within Nashville, the MCSP update adds a design component to the traditional terminology associated with a street’s functional classification, resulting in the new designation termed Functional Design Type.

Where previously the terms “arterial” and “collector” were used and expressed functional classification exclusively, streets are now classified as “Arterial-Boulevard,” “Arterial-Parkway” or “Collector-Avenue.” This dual designation, the Functional design Type, provides direction on the character of service streets are intended to provide and the design criteria needed to fit the context and serve multiple users. The Functional Design Type is described in greater detail in the MCSP document and in the staff report for case 2011CP-000-001 found earlier in this staff report packet.

The changes in terminology within the MCSP require minor amendments to the zoning code to synchronize these terms as well as to reflect the distinction between the street setback – a component of private property – and the public right-of-way.

EXISTING METRO CODE AND PROPOSED CHANGES

Street designations are referenced within the Zoning Code in regard to several aspects of development and zoning. Some land uses are partially regulated based on the designation of adjacent streets. Standards affecting driveway access to private property and landscape buffer yards are regulated based on street designation. *No changes to permitted land uses or to access or buffering standards are proposed as part of this text amendment.*

Definitions

The definitions of the street designations “Collector” and “Arterial” in the Zoning Code need to be updated to reflect the terminology used in the MCSP and insure proper implementation of the existing standards. Rather than change every instance of the word “Collector” in the Zoning Code to “Collector-Avenue,” this text amendment will amend the definition of “Collector” in the “General Definitions” section of the Zoning Code (section 17.04.060) to define “Collector” as referring to “Collector-Avenue” as defined in the MCSP. A similar change is proposed for the definition of “Arterial” in the Zoning Code. The proposed change is as follows:

- “Arterial street” means a street designated as either an “Arterial-Boulevard” or an “Arterial-Parkway” on the adopted Major and Collector Street Plan.
- “Collector street” means a street designated as a “Collector-Avenue” on the adopted Major and Collector Street Plan.
- “Scenic Arterial” means a street designated as either a “Scenic Arterial-Boulevard” or a “Scenic Arterial-Parkway” on the adopted Major and Collector Street Plan.

Measurement of Setbacks

The setback standards for multi-family and non-residential zoning districts and uses are regulated in part by street designation. All street setbacks are currently measured from the center line of the street with the measurement dependent upon the zoning district and the street designation, as show in the existing Table 17.12.030B, below.

Table 17.12.030B

STREET SETBACKS FOR MULTI-FAMILY AND NON-RESIDENTIAL DISTRICTS; AND NON-RESIDENTIAL USES IN AG, AR2a, R AND RS DISTRICTS

Zoning Districts	Nonarterial Streets	Arterial Streets			
		U2, S2 OW2, OW6	U4, S4	U6, S6	U8, S8
AG, AR2a, all R and RS, RM2 through RM15	70 feet	70 feet	82 feet	94 feet	106 feet
RM20, RM40	60 feet	60 feet	72 feet	84 feet	96 feet
ON, OL, OG, OR20, OR40	50 feet	50 feet	62 feet	74 feet	86 feet

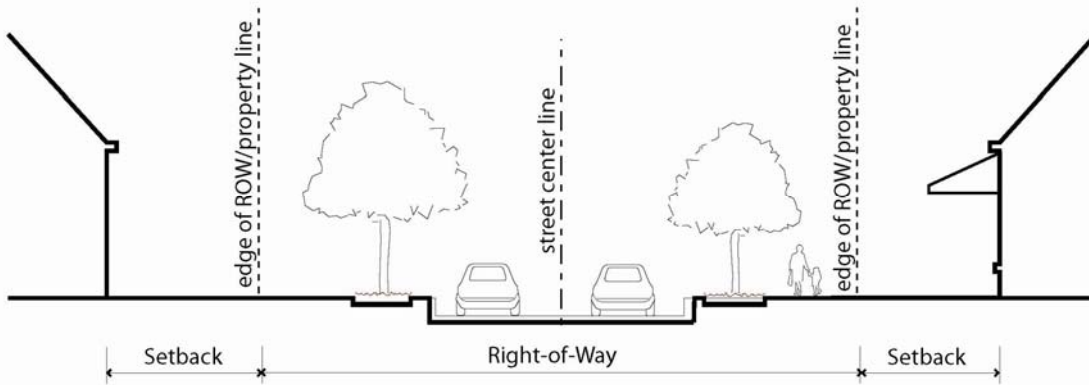
RM60, MUN, MUL, MUG, ORI	40 feet	40 feet	52 feet	64 feet	76 feet
SCN, SCC, SCR, CN	50 feet	50 feet	62 feet	74 feet	86 feet
CS, CL, CA	45 feet	45 feet	57 feet	69 feet	81 feet
IR, IG, IWD	35 feet	35 feet	47 feet	59 feet	71 feet

Due to the use of street designations (for example, Arterial Street – U4 or S4) in the street setback standards, a text amendment is needed to address the inconsistency with the new MCSP, which uses different terminology for street classification. However, simply inserting the new designations into the existing table is problematic due to the increased number of street designations that have come about with the MCSP update; to insert all of the new street categorizations would make the table difficult to use. In an effort to keep the information presented in the zoning code simple, an alternative method for measuring building placement is proposed, *though the street setback dimensions themselves will remain unchanged*. The zoning code text regarding the measurement of street setbacks will be amended as follows:

“Measurement: In all districts, the minimum street setback shall be measured from the standard right-of-way line as established in the table entitled “Standard Street Right-of-Way Widths” in the Major and Collector Street Plan.”

The amendment separates the two measurements that govern building placement and that are inherent in the existing centerline dimension: the setback, which is located on private property, and the width of the public right-of-way. The right-of-way width for each street designation is established by the MCSP and is found in that document. The setback dimension, as measured from the edge of the right-of-way, is included in the zoning code.

Diagram of the Relationship of Right-of-Way and Setback



The separation of the measurement into the component parts of setback and right-of-way also helps separate the appeals processes. The Board of Zoning Appeals currently oversees appeals regarding setbacks and the Metro Planning Commission, as set forth in the Metro Charter, establishes the right-of-way. By dividing the building location into right-of-way and setback measurements, it will be clearer to the applicant to which entity they need to appeal if they wish to set their building closer to the street (BZA) or if they wish to propose an alternative right-of-way width (MPC).

In order to translate the measurement from centerline into a measurement from the right-of-way line, Planning staff conducted an analysis of the existing setback dimensions. When one-half of the right-of-way width is subtracted from the established centerline setback, the result is a consistent setback dimension from the right-of-way line no matter the street type. See the table below, which looks at the setbacks for the agricultural zoning districts, all R and RS zoning districts and RM2 through RM15. Repeating the same process reveals a consistency within each of the zoning district groups. Setback variations, when considered from the right-of-way line, exist only between zoning districts and are influenced only by street designation because they are currently measured from the centerline. *This table is included to demonstrate that even though the measurement method is changing, the actual setback measurement is not changing.*

Table Showing How the Current Method of Establishing Setbacks (from Street Centerline) Is Translated into the New Method of Establishing Setbacks (from the Right-of Way Line)

		Old Street Classifications			
		U2, S2 OW2, OW6	U4, S4	U6, S6	U8, S8
AG, AR2a, all R and RS, RM2 through RM15	Nonarterial Streets				
Street Classification ROW Width	60 feet	60 feet	84 feet	108 feet	132 feet
Existing setback from centerline	70 feet	70 feet	82 feet	94 feet	106 feet
½ ROW width	30 feet	30 feet	42 feet	54 feet	66 feet

Resulting setback from ROW line	40 feet	40 feet	40 feet	40 feet	40 feet
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The amended Table 17.12.030B presents the street setbacks for each zone district group as measured from the right-of-way line. Note that the results of the analysis in the table above (a 40 foot setback) are found in the second column below – where the agricultural, R and RS, and RM2 – RM15 zoning districts are found.

The complete amended table is as follows:

Table 17.12.030B

STREET SETBACKS FOR MULTI-FAMILY AND NON-RESIDENTIAL DISTRICTS; AND NON-RESIDENTIAL USES IN AG, AR2a, R AND RS DISTRICTS

	AG, AR2a, all R and RS, RM2 through RM15	RM20, RM40	ON, OL,OG, OR20, OR40	RM60, MUN, MUL, MUG, ORI	SCN, SCC, SCR, CN	CS, CL,CA	IR, IG,IWD	CF, MUI	DTC
Setback	40 feet	30 feet	20 feet	10 feet	20 feet	15 feet	5 feet	0 feet	See chapter 17.37

STAFF RECOMMENDATION Staff recommends approval of the text amendment. Due to the changes in terminology that accompanied the adoption of the new MCSP, zoning code amendments are needed to ensure proper implementation by harmonizing the terminology of the MCSP and the Zoning Code. Additionally, the components of building placement need to be clarified by separating street setback dimensions from the more nuanced right-of-way dimension. If the Major and Collector Street Plan is deferred, staff recommends that this be deferred as well.

ORDINANCE NO. _____

An ordinance to amend Sections 17.04.060 and 17.12.030 of the Metropolitan Zoning Code by revising the definitions associated with street designations, and by modifying the measurement of street setbacks for multi-family and non-residential districts and non-residential uses in AG, AR2a, R and RS districts, due to the new designations.

WHEREAS the Metropolitan Planning Commission has recently adopted the 2011 update to the Major and Collector Street Plan (MCSP), and

WHEREAS the MCSP established new terminology associated with street designations to achieve Complete Streets and context-sensitive street design and this new terminology does not correspond to the terminology in the zoning code, and

WHEREAS the street setbacks for multi-family and non-residential districts and uses are currently regulated by street designation, and

WHEREAS the dimension of the street setback will not be changed, the method of measuring street setback for multi-family and non-residential districts and uses needs to be changed due to the new terminology as well as to separate the appeals process for right-of-way and setback;

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

Section 1. Section 17.04.060 (Definitions of General Terms) is hereby amended by deleting the definition of “Street” in its entirety, replacing it with the following definition, and adding the definitions of the additional street designations as follows:

“Street” means a publicly maintained right-of-way, other than an alley, that affords a means of vehicular access to abutting property. The following are street, Functional Design Type designations:

1. “Arterial street” means a street designated as either an “Arterial-Boulevard” or an “Arterial-Parkway” on the adopted Major and Collector Street Plan.
2. “Collector street” means a street designated as a “Collector-Avenue” on the adopted Major and Collector Street Plan.
3. “Local street” means a street with a low level of mobility that is used primarily for access to property and provides connectivity between collector and arterial streets.
4. “Minor local street” means a street that is a dead end or loop street providing service to no more than fifty single family residential lots or sixty-five multi-family units.
5. “Scenic Arterial” means a street designated as either a “Scenic Arterial-Boulevard” or a “Scenic Arterial-Parkway” on the adopted Major and Collector Street Plan.

Section 2. Section 17.04.060 (Definitions of General Terms) is hereby amended by deleting, the definition of “Street, frontage classifications” in its entirety and replacing it with the following definition:

"Street, frontage classifications" refers to the character of the street and adjacent buildings, and is applied in conjunction with the street, Functional design type designation.

Section 3. Section 17.12.030 (Street Setbacks) is hereby amended by deleting subsection “A” in its entirety and inserting the following:

A. Measurement: In all districts the minimum street setback shall be measured from the Standard right-of-way line as established by the table entitled “Standard Street Right-of-Way Widths” in the Major and Collector Street Plan.

Section 3. Section 17.12.030 B. (Street Classifications) is hereby amended by deleting the phrase “Major Street Plan” and inserting the phrase “Major and Collector Street Plan.”

Section 4. Section 17.12.030 is hereby amended by deleting Table 17.12.030B in its entirety and replacing it with the following new table:

Table 17.12.030 B: Street Setbacks for Multi-family and Non-residential Districts; and Non-residential uses in AG, AR2a, R and RS Districts

	AG - RM15	RM20, RM40	ON, OL, OG, OR20, OR40	RM60, MUN, MUL, MUG, ORI	CN, SCN, SCC, SCR	CL, CS, CA	IWD, IR, IG	CF, MUI	DTC
Setback	40	30	20	10	20	15	5	0	See chapter 17.37

Section 3. Section 17.12.030 (Street Setbacks) is hereby amended by adding a new Note 1 to Table 17.12.030B as follows:

Note 1: SP Districts. Street setbacks shall be as specifically listed in the site specific SP ordinance

Section 3. Section 17.12.030 (Street Setbacks) is hereby amended by deleting from Table 17.12.030B Note 1 the phrase “Major Street Plan” and inserting the phrase “Major and Collector Street Plan.”

Section 5. Section 17.12.030 (Street Setbacks) is hereby amended by deleting from Table 17.12.030B Note 3, and Note 4 in their entirety and renumbering the subsequent notes.

Section 7. Be it further enacted, that this ordinance 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.

Approved (7-0-1), Consent Agenda

Resolution No. RS2011-87

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-001TX-001 is **APPROVED. (7-0-1)**

Due to the changes in terminology that accompanied the adoption of the new Major and Collector Street Plan (MCSP), Zoning Code amendments are needed to ensure consistency between the terminology and standards of the MCSP and the Zoning Code.”

Subdivision: Regulations Amendments

4. 2011S-001R-001

SUBDIVISION REGULATIONS

Staff Reviewer: Brenda Bernards

A request to amend certain sections of Chapters 2, 3, 4, 6, 7, and 8 of the Subdivision Regulations of Nashville-Davidson County, adopted on March 9, 2006, and last amended on January 28, 2010, requested by the Metro Planning Department.

Staff Recommendation: APPROVE

The Metropolitan Planning Commission DEFERRED 2011S-001R-001 to the May 26, 2011, Planning Commission meeting. (8-0)

Zone Changes

5. 2011Z-002PR-001

2631 SMITH SPRINGS ROAD

Map 136, Parcel(s) 043

Council District 29 (Vivian Wilhoite)

Staff Reviewer: Jason Swaggart

A request to rezone from R10 to OR20 district property located at 2631 Smith Springs Road, approximately 760 feet west of Bell Road (.36 acres), requested by Keith Jordan, owner.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST - Rezone from residential to office and residential zoning

Zone Change A request to rezone from One and Two-Family Residential (R10) to Office and Residential (OR20) district property located at 2631 Smith Springs Road, approximately 760 feet west of Bell Road (.36 acres).

Existing Zoning

R10 District - 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% duplex lots.

Proposed Zoning

OR20 District - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. OR20 would allow up to 7 units on 0.36 acres.

CRITICAL PLANNING GOALS N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Neighborhood General (NG)

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

Consistent with Policy?

No. While the proposed OR20 zoning district does permit residential uses, which is consistent with the land use policy, it also permits non-residential uses which are not consistent with the land use policy. The OR20 would extend non-residential uses beyond what is called for in the Community Plan and would set a bad precedent.

PUBLIC WORKS RECOMMENDATION

1. An access study may be required at development.
2. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Typical Uses in Existing Zoning District: R10

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)	0.36	4.63 D	1 U	10	1	2

Typical Uses in Proposed Zoning District: OR20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.36	0.590 F	9,252 SF	214	28	28

Traffic changes between typical: R10 and proposed OR20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+204	+27	+26

Maximum Uses in Existing Zoning District: R10

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)	0.36	4.63 D	1 U	10	1	2

Maximum Uses in Proposed Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.36	0.8 F	12,545 SF	575	18	52

Traffic changes between maximum: **R10** and proposed **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+565	+17	+50

METRO SCHOOL BOARD REPORT

Projected student generation **1 Elementary 1 Middle 1 High**

Schools Over/Under Capacity Students would attend Lakeview Elementary School, J.F. Kennedy Middle School, and Antioch High School. All three schools are identified as over capacity. There is not capacity for additional elementary and middle school students within the cluster, but there is capacity within an adjacent cluster for high school students. This information is based upon data from the school board last updated October 2010.

Fiscal Liability

The fiscal liability for one new elementary student is \$20,000, and the fiscal liability for one new middle school student is \$23,500. This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Staff recommends that the request be disapproved. The proposed OR20 zoning district is not consistent with the property's land use policy because it permits non-residential uses.

Mr. Swaggart presented the staff recommendation of disapproval.

Councilmember Gotto out at 4:21 p.m.

Keith Jordan, applicant, stated that he also owns the property at 2635 Smith Springs Road which is adjacent to this property. Applicant wants to use this for an office only.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to close the Public Hearing. (7-0)

Mr. Ponder inquired if there was any other appropriate zoning that would handle this request.

Mr. Bernhardt stated that the basic problem is that the policy calls for residential in this area.

Councilmember Gotto in at 4:27 p.m.

Councilmember Gotto inquired how many single family units could be put in here under OR20. Does the proposed OR zoning allow less, more, or the same residential units as the current zoning?

Mr. Swaggart clarified that the proposed zoning would allow more.

Ms. Escobar asked applicant for clarification on which business would be located on this property as well as if he expected a heavy flow of traffic.

Mr. Clifton has concerns and stated that zoning is forever; he may have trouble supporting this.

Mr. Gee inquired if this zoning would be appropriate within the NC policy area.

Mr. Swaggart clarified that yes, it would be appropriate.

Dr. Cummings in at 4:34 p.m.

Ms. LeQuire inquired if the sites east of this property are both SP's.

Ms. LeQuire asked if the applicant considered SP.

Mr. Ponder moved and Mr. Dalton seconded the motion to defer one meeting and to let Councilmember Wilhoite get involved to establish a guideline for how much area needs to be included.

Councilmember Gotto asked the applicant if he ever considered an SP.

The applicant stated “no”, he had not.

Councilmember Gotto asked the applicant if he would be okay with a one meeting deferral.

Councilmember Gotto stated that he would like to get idea of why we have these pockets of Neighborhood Center land use policy and to take a look and see what makes sense for this area.

Vote taken to defer one meeting to the April 28, 2011, meeting. (9-0)

Councilmember Gotto wants to make sure staff stays in contact with the applicant.

Resolution No. RS2011-88

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-002PR-001 is DEFERRED to the April 28, 2011, Planning Commission meeting. (9-0)”

6a. 2011Z-003PR-001

STONE BROOK DRIVE

Map 171, Parcel(s) 159

Council District 31 (Parker Toler)

Staff Reviewer: Greg Johnson

A request to rezone from R10 to RM15 district for property located at Stone Brook Drive (unnumbered), approximately 1,750 feet south of Old Hickory Boulevard (6.56 acres), requested by Lukens Engineering Consultants, applicant, Mt. View LLC, owner (see also PUD Amendment Case # 89P-032-001).

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED 2011Z-003PR-001 to the May 12, 2011, Planning Commission meeting. (8-0)

6b. 89P-032-001

BRENTWOOD SKYLINE

Map 171, Parcel(s) 159

Council District 31 (Parker Toler)

Staff Reviewer: Greg Johnson

A request to amend the Brentwood Skyline Planned Unit Development Overlay District for property located at Stone Brook Drive (unnumbered), approximately 1,750 feet south of Old Hickory Boulevard (6.56 acres), zoned R10 and proposed for RM15, to permit 79 multi-family units where a 129,600 square foot office building was previously approved, requested by Lukens Engineering Consultants, applicant, Mt. View LLC, owner (see also Zone Change Case # 2011Z-003PR-001).

Staff Recommendation: DISAPPROVE. If PUD amendment is not approved by Council, direct staff to initiate a six-year PUD review to recommend appropriate zoning and land use policy.

Deferred to the May 12, 2011 Planning Commission meeting. (8-0)

The Metropolitan Planning Commission DEFERRED 89P-032-001 to the May 12, 2011, Planning Commission meeting. (8-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

Community Plan Amendments

7a. 2011CP-010-001

GREEN HILLS MIDTOWN COMMUNITY PLAN AMENDMENT

Map 104-10, Parcel(s) 108

Council District 18 (Kristine LaLonde)

Staff Reviewer: Tifinie Adams

A request to amend the Green Hills Midtown Community Plan: 2005 Update to change the Land Use Policy from Residential Low Medium Density (RLM) Policy to Residential High Density (RH) Policy for property located at 511 Chesterfield Avenue, zoned RM20 and proposed for RM40 zoning and within the Hillsboro-West End National Register District and I-440 Impact Overlay District (Area 1-F), requested by Diversified Real Estate Services Inc., applicant, for The Chesterfield LLC, owner. (See also Zone Change Case # 2011Z-006PR-001).

Staff Recommendation: DEFER to April 28, 2011 Planning Commission meeting.

The Metropolitan Planning Commission DEFERRED 2011CP-010-001 to the April 28, 2011, Planning Commission meeting. (8-0)

7b. 2011Z-006PR-001

511 CHESTERFIELD AVENUE
Map 104-10, Parcel(s) 108
Council District 18 (Kristine LaLonde)
Staff Reviewer: Greg Johnson

A request to rezone from RM20 to RM40 district property located at 511 Chesterfield Avenue, opposite Blair Boulevard (2.86 acres), and within the Hillsboro-West End National Register District and I-440 Impact Overlay (Area 1-F), requested by Diversified Real Estate Development Services Inc., applicant, The Chesterfield LLC, owner (See also Community Plan Amendment Case # 2011CP-010-001).

Staff Recommendation: DEFER to April 28, 2011 Planning Commission meeting.

The Metropolitan Planning Commission DEFERRED 2011Z-006PR-001 to the April 28, 2011, Planning Commission meeting. (8-0)

I. RECOMMENDATIONS TO METRO COUNCIL

Zoning Text Amendments

8. 2011Z-005TX-001

BL2011-900 / LaLonde, Gilmore, Evans, Holleman, Hollin, Jameson, McGuire, Sandra Moore

DETACHED ACCESSORY DWELLING UNIT

Staff Reviewer: Hilary Kahnle

A request to modify the Metro Zoning Code, Section 17.04.060.B (Definitions of General Terms), by adding definitions for "Accessory Apartment" and "Accessory Dwelling, Detached", modifying Section 17.08.030 (District Land Use Tables - Residential Uses) to add "Accessory Dwelling, Detached" as a use permitted with conditions (PC) within Historic Overlay Districts within the R, RM, OR20, OR40, and ORI zoning districts, and modifying Section 17.16.030.A (Uses Permitted with Conditions: Residential Uses) to add standards for an "Accessory Dwelling, Detached", requested by the Metropolitan Nashville Historical Commission.

Staff Recommendation: APPROVE WITH AMENDMENTS

APPLICANT REQUEST - The ordinance would permit detached accessory dwelling units in Historic Overlay Districts within R, RM, and OR zoning districts, provided that the accessory dwelling meets certain standards.

Text Amendment A request to modify the Metro Zoning Code, Section 17.04.060.B (Definitions of General Terms), by adding definitions for "Accessory Apartment" and "Accessory Dwelling, Detached", modifying Section 17.08.030 (District Land Use Tables - Residential Uses) to add "Accessory Dwelling, Detached" as a use permitted with conditions (PC) within Historic Overlay Districts within the R, RM, OR20, OR40, and ORI zoning districts, and modifying Section 17.16.030.A (Uses Permitted with Conditions: Residential Uses) to add standards for an "Accessory Dwelling, Detached", requested by the Metropolitan Nashville Historical Commission.

CRITICAL PLANNING GOALS

Allowing detached accessory dwellings in Historic Overlay Districts meets many of the Metro Planning Commission's "Critical Planning Goals":

- Provides a Range of Housing Choices
Detached accessory dwellings can generate additional income for homeowners by renting the unit.
- Provide for Affordable Housing
Detached accessory dwellings can provide an affordable housing alternative within Historic Overlay Districts where property values tend to be higher.
- Provide More Housing Alternatives

- Detached accessory dwellings can provide living spaces for persons with disabilities or medical hardships to live near caretakers or family members.
- Detached accessory dwellings can allow elderly homeowners to “age-in-place” and remain in their home by providing living space for a caregiver or family member.
- Detached accessory dwellings can encourage multi-generational housing by providing alternative housing options for the family.
- Encourage Housing Maintenance and Neighborhood Stability
- Detached accessory dwellings can encourage better upkeep of the existing housing stock in Historic Overlay Districts since homeowners can apply a portion of the income from their rental unit to maintaining their property.
- Homeowners can exchange rent reductions for maintenance services by tenants.
- Detached accessory dwellings can enhance neighborhood stability since they can provide homeowners (e.g., elderly homeowners on fixed incomes and single parents with low incomes) with the extra income they may need to remain in their homes for longer periods.
- Creates Walkable Neighborhoods
- By being limited to Historic Overlay Districts, Detached Accessory Dwellings immediately become part of these existing neighborhoods, helping contribute to their vibrancy by adding another housing option. These Historic Overlay Districts involve sustainable neighborhoods that are walkable, bikeable, well-served by transit, and have amenities like parks, shopping, and libraries.
- Supports Infill Development
- Detached accessory dwellings can reduce the square footage limitation of historic homes by allowing legal development of a secondary living unit.
- Efficient Use of Existing Housing
- Detached Accessory Dwellings offered as rental units and Infrastructure encourage increased residency in Historic Overlay Districts that tend to have adequate goods, services, transportation alternatives, and pedestrian infrastructure.
- Detached accessory dwellings can connect to existing utilities and therefore reduce the need to develop new utility related infrastructure.
- Promotes Compact Building Design
- Detached Accessory Dwellings help promote more compact forms of development thus conserving land.
- Preserves Historic Resources
- Detached Accessory Dwellings promote use of existing infrastructure, rehabilitation of existing housing and can also assist in the preservation of historic buildings, by providing another option for having two housing units on one lot, rather than demolishing a historic structure and developing a duplex.
- Detached Accessory Dwellings help to preserve the existing physical character of neighborhoods.
- Enhance Community Character
- The conditions included in Section 3 of the text amendment ensure that Detached Accessory Dwellings can be designed to blend-in with the surrounding architecture, maintain compatibility with the established neighborhood and preserve the community character.

ANALYSIS

Currently, detached accessory dwellings are not able to be built in certain zoning districts. The purpose of this amendment is to permit detached accessory dwellings in certain zoning districts, subject to conditions, within Historic Overlay Districts.

A detached accessory dwelling (also known as accessory apartment, guest house, carriage house, in-law apartment, or secondary unit) is a traditional, proven housing type. This form of housing can be integrated into existing single-family neighborhoods (that are within Historic Overlay Districts) to offer a housing alternative with little or no negative impact on the character of the neighborhood. Because the units are small and located behind the principal structure, they offer affordability and convenient accommodation in a neighborhood setting.

Proposed Bill

For clarification purposes, Section 1 of the text amendment defines “Accessory apartment” and “Accessory dwelling, detached.”

Accessory apartments are allowed in many zoning districts today, but have never been defined in the Zoning Code. The definition of “Accessory apartment” is added, then, to clarify the difference between Accessory apartment and Accessory dwelling, detached.

Accessory dwelling, detached, also referred to as Detached Accessory Dwelling, means a detached dwelling unit separate from the principal structure on a lot located within a Historic Overlay District. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s) and is detached from the principal structure. A detached accessory dwelling can be an independent structure or it can be a dwelling unit above a garage, or it can be attached to a workshop or other accessory structure on the same lot as the principal structure. In contrast, an Accessory Apartment (which is allowed in some zoning districts today) must be accessible through the principal structure, it can only be used to house a family member, and it cannot have its own utility meter. Most significantly, it cannot be detached from the principal structure.

Section 2 of the text amendment involves amending Section 17.08.030 (District land use tables – Residential Uses), to add a new entry after “Accessory apartment” for “Accessory dwelling, detached” under the following zoning districts: R80 through R6, RM2 through RM20-A, RM40 through RM100-A, OR20 through OR40-A, ORI and ORI-A. In each of these zoning districts, Accessory dwelling, detached, will be a Permitted with Conditions (PC) use. For additional information regarding the Alternative Zoning Districts (A), please see Text Amendment 2011Z-007TX-001.

Section 3 of the text amendment involves the conditions that a detached accessory dwelling in a Historic Overlay District must meet.

- **Applicability.** Detached accessory dwelling units are only allowed in Historic Zoning Districts with specified base zoning. The specified base zoning districts are R, RM, and OR zoning districts.
- **Density.** There can only be one detached accessory dwelling on a lot and its size is limited. If a lot currently is built out for all of the density that it is allowed, the lot is not allowed to have an additional unit and a Detached Accessory Dwelling would not be permitted.
- **Ownership.** The principal structure and the detached accessory dwelling unit must be owned by the same person and that person must live in one of the units.
- **Driveway Access.** No separate driveway to the accessory dwelling is allowed except from a rear alley.
- **Design Standards.** Standards are included that address height and massing for the Detached Accessory Dwelling as a way of ensuring that it is subordinate to the principal structure.

This ordinance has proposed amendments to change some of the wording, organization and bulk standards. Under Bulk Standards in Section 3, height and square footage have been modified. The changes in the ordinance have a ~~strike through~~ while the new additions are in **bold**.

It is important to note that per this ordinance, detached accessory dwelling units would not be permitted in Historic Zoning Districts with RS base zoning and detached accessory dwelling units would not be permitted outside of Historic Zoning Districts. Any existing or proposed Detached Accessory Dwelling in a Historic Overlay District shall comply with the adopted regulations and guidelines of the applicable historic overlay and will be reviewed by the Historical Commission. Any deviations from the conditions set forth in the ordinance must be reviewed and approved by the Historical Commission.

STAFF RECOMMENDATION Staff recommends approval with amendments.

Proposed Ordinance as Amended: New text within this ordinance is in **bold** typeface and deleted text contains a ~~strikeout~~.

ORDINANCE NO. _____

An ordinance amending various sections of Title 17 of the Metropolitan Code, Zoning Regulations, to modify Section 17.04.060.B (Definitions of General Terms), by adding definitions for “Accessory Apartment” and “Accessory Dwelling, Detached”, modifying Section 17.08.030 (District Land Use Tables - Residential Uses) to add “Accessory Dwelling, Detached” as a use permitted with conditions (PC) within Historic Overlay Districts within the R, RM, OR20, OR40, and ORI zoning districts, and modifying Section 17.16.030.A (Uses Permitted with Conditions: Residential Uses) to add standards for an "Accessory Dwelling, Detached". (Proposal No. 2011Z-005TX-001).

WHEREAS, it is desirable for the Metropolitan Government of Nashville and Davidson County to provide a range of housing opportunities in Historic Overlay Districts that have an established base zoning district allowing for mixed housing types;
WHEREAS, it is reasonable for the Metropolitan Government of Nashville and Davidson County to require specific regulations to ensure that a detached accessory dwelling is subordinate to the principal structure;
NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.04.060.B (Definitions of General Terms) be amended to add the following definitions for “Accessory Apartment” and “Accessory Dwelling, Detached” in alphabetical order:

“Accessory apartment” means a secondary dwelling unit, attached to a single-family residence, the principal dwelling unit on a lot. The accessory apartment dwelling shall be subordinate in size, height, and purpose to the principal dwelling.

“Accessory dwelling, detached”, also referred to as Detached Accessory Dwelling, means a detached dwelling unit separate from the principal structure on a lot located within a Historic Overlay District. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s) and is detached from the principal structure. A detached accessory dwelling can be an independent structure or it

can be a dwelling unit above a garage, or it can be attached to a workshop or other accessory structure on the same lot as the principal structure.

Section 2. That Section 17.08.030 (District land use tables – Residential Uses), be amended to add a new entry after “Accessory apartment” as follows:

Zoning District →	R80 through R6	RM2 through RM20-A	RM40 through RM100-A	OR20 through OR40-A	ORI and ORI-A
Accessory Dwelling, Detached	PC	PC	PC	PC	PC

Section 3. That Section 17.16.030 (Uses Permitted with Conditions: Residential Uses) be amended by inserting a new Subsection “F”, as follows:

- F. **Accessory dwelling, detached.** A detached self-sufficient dwelling unit shall be allowed accessory to a principal structure subject to the following standards:
1. Applicability.
 - a. The lot is within a Historic Overlay district.
 - b. While the following conditions listed below apply to a detached accessory dwelling they do not counter-act or over-ride the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.
 - c. **No accessory structure shall exceed 200 square feet when there is a detached accessory dwelling on the lot.**
 2. Lot Area. The lot area on which the detached accessory dwelling is to be placed shall comply with Table 17.12.020A.
 3. Density. A detached accessory dwelling is not allowed if the maximum number of dwelling units permitted for the lot has been met.
 4. Ownership.
 - a. No more than one detached accessory dwelling shall be permitted on a single lot in conjunction with the principal structure.
 - b. The detached accessory dwelling cannot be divided from the property ownership of the principal dwelling.
 - c. The detached accessory dwelling shall be owned by the same person as the principal structure and one of the two dwellings shall be owner-occupied.
 5. Setbacks. The setbacks for a detached accessory dwelling shall meet the setbacks found in Section 17.12.040.E. for Accessory buildings.
 6. Site Requirements.
 - a. A detached accessory dwelling may only be located in the established rear yard. The detached accessory dwelling is to be subordinate to the principal structure and therefore shall be placed to the rear of the lot.
 - b. There shall be a minimum separation of ten (10) feet between the principal structure and the detached accessory dwelling.
 7. Driveway Access.
 - a. On lots with no alley access, the lot shall have no more than one curb-cut from a public street for driveway access to the principal structure as well as the detached accessory dwelling.
 - b. Parking accessed from a public street shall be limited to one driveway for the lot with a maximum width of 12 feet.
 - c. If the detached accessory dwelling is part of a garage and an alley exists to the rear of the lot, the garage shall be alley loaded and no curb-cut provided from the front of the lot.
 8. Bulk and Massing.
 - ~~a. No accessory structure shall exceed 200 square feet when there is a detached accessory dwelling on the lot.~~
 - a. The living space of a detached accessory dwelling shall not exceed 700 square feet.
 - b. The footprint single-story detached accessory dwelling shall not exceed 700 square feet or 50 percent % of the first floor area of the principal structure, whichever is less.
 - c. The footprint of a two-story detached accessory dwelling shall not exceed 500 550 square feet or 40 percent % of the first floor area of the principal structure, whichever is less.
 - d. The detached accessory dwelling shall maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot. The detached accessory dwelling height shall not exceed the height of the principal structure as measured to the eave line, with a maximum eave height of 10 feet for single-story and 46 17 feet for two-story detached accessory dwellings.
 - e. The roof ridge line of the detached accessory dwelling must be less than the primary structure and shall not exceed 25 feet in height.
 9. Design Standards.
 - a. Detached accessory dwellings with a second story dwelling unit shall enclose the stairs interior to the structure and properly fire rated them per the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.
 - b. The detached accessory dwelling shall be of similar style, design and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.

- c. The detached accessory dwelling may have dormers that relate to the style and proportion of windows on the detached accessory dwelling and shall be subordinate to the roof slope by covering no more than 50 **percent** % of the roof.
 - d. Detached accessory dwellings may have dormers that are setback a minimum of two feet from the exterior wall.
- 9- 10. Metro Historic Zoning Commission Action. Any existing or proposed Detached Accessory Dwelling in a ~~H~~Historic ~~O~~verlay ~~D~~istrict shall comply with the adopted regulations and guidelines of the applicable historic overlay.
- 40- 11. Restrictive Covenant. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the detached accessory dwelling is being established accessory to a principal structure and may only be used under the conditions listed above.

Section 4. This Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY: Councilmembers Kristine LaLonde, Erica S. Gilmore, Emily Evans, Jason Holleman, Jamie Hollin, Mike Jameson, Sean McGuire, and Sandra Moore

Ms. Kahnle presented the staff recommendation of approval with amendments.

Ben Mosley, President of Germantown, spoke in support of staff recommendation.

John Brittle of Village Real Estate spoke in support of staff recommendation stating that we desperately need these housing developments.

Mr. Ponder moved and Councilmember Gotto seconded the motion to close the Public Hearing. (9-0)

Ms. LeQuire inquired if the driveway width was specifically written in and also inquired about interior stairs only?

Mr. Dalton out at 5:02 p.m.

Ms. Kahnle stated that the driveway width is not written in, but every project will go through a Historical Commission Review. She also noted that exterior stairs fall into disrepair; interior stairs are more aesthetically pleasing. The Historical Commission can use their own judgment, however.

Mr. Gee spoke in support of staff recommendation, stating that he wished this was being applied to larger geographic area.

Mr. Clifton spoke in support of staff recommendation.

Dr. Cummings spoke in support of staff recommendation and asked how this differs from flag lots.

Ms. Kahnle clarified that the structure will be required to be subordinate to the principle structure. The owner will be required to live in one of the structures, and the structure will have a 700 square foot limitation.

Ms. Escobar spoke in support of staff recommendation.

Mr. Ponder spoke in support of staff recommendation.

Councilmember Gotto moved and Mr. Ponder seconded the motion to approve staff recommendation. (8-0)

Resolution No. RS2011-89

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-005TX-001 is **APPROVED WITH AMENDMENTS** as shown, below. (8-0)

The text amendment permits necessary infill development and diverse housing types in historic districts with One and Two Family zone classifications while maintaining the permitted density allowed by the Zoning Code.

Amendments:

Proposed Ordinance as Amended: New text within this ordinance is in **bold** typeface and deleted text contains a ~~strikeout~~.

ORDINANCE NO. _____

An ordinance amending various sections of Title 17 of the Metropolitan Code, Zoning Regulations, to modify Section 17.04.060.B (Definitions of General Terms), by adding definitions for “Accessory Apartment” and “Accessory Dwelling, Detached”, modifying Section 17.08.030 (District Land Use Tables - Residential Uses) to add “Accessory Dwelling, Detached” as a use permitted with conditions (PC) within Historic Overlay Districts within the R, RM, OR20, OR40, and ORI zoning districts, and modifying Section 17.16.030.A (Uses Permitted with Conditions: Residential Uses) to add standards for an "Accessory Dwelling, Detached". (Proposal No. 2011Z-005TX-001).

WHEREAS, it is desirable for the Metropolitan Government of Nashville and Davidson County to provide a range of housing opportunities in Historic Overlay Districts that have an established base zoning district allowing for mixed housing types;
 WHEREAS, it is reasonable for the Metropolitan Government of Nashville and Davidson County to require specific regulations to ensure that a detached accessory dwelling is subordinate to the principal structure;
 NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.04.060.B (Definitions of General Terms) be amended to add the following definitions for “Accessory Apartment” and “Accessory Dwelling, Detached” in alphabetical order:

“Accessory apartment” means a secondary dwelling unit, attached to a single-family residence, the principal dwelling unit on a lot. The accessory apartment dwelling shall be subordinate in size, height, and purpose to the principal dwelling.
 “Accessory dwelling, detached”, also referred to as Detached Accessory Dwelling, means a detached dwelling unit separate from the principal structure on a lot located within a Historic Overlay District. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s) and is detached from the principal structure. A detached accessory dwelling can be an independent structure or it can be a dwelling unit above a garage, or it can be attached to a workshop or other accessory structure on the same lot as the principal structure.

Section 2. That Section 17.08.030 (District land use tables – Residential Uses), be amended to add a new entry after “Accessory apartment” as follows:

Section 3. That Section 17.16.030 (Uses Permitted with Conditions: Residential Uses) be amended by inserting a new Subsection “F”, as

Zoning District →	R80 through R6	RM2 through RM20-A	RM40 through RM100-A	OR20 through OR40-A	ORI and ORI-A
Accessory Dwelling, Detached	PC	PC	PC	PC	PC

follows:

- G. **Accessory dwelling, detached.** A detached self-sufficient dwelling unit shall be allowed accessory to a principal structure subject to the following standards:
 - 10. Applicability.
 - a. The lot is within a Historic Overlay district.
 - b. While the following conditions listed below apply to a detached accessory dwelling they do not counter-act or over-ride the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.
 - a. **No accessory structure shall exceed 200 square feet when there is a detached accessory dwelling on the lot.**
 - 11. Lot Area. The lot area on which the detached accessory dwelling is to be placed shall comply with Table 17.12.020A.
 - 12. Density. A detached accessory dwelling is not allowed if the maximum number of dwelling units permitted for the lot has been met.
 - 13. Ownership.
 - a. No more than one detached accessory dwelling shall be permitted on a single lot in conjunction with the principal structure.
 - b. The detached accessory dwelling cannot be divided from the property ownership of the principal dwelling.
 - c. The detached accessory dwelling shall be owned by the same person as the principal structure and one of the two dwellings shall be owner-occupied.
 - 14. Setbacks. The setbacks for a detached accessory dwelling shall meet the setbacks found in Section 17.12.040.E. for Accessory buildings.
 - 15. Site Requirements.
 - e. A detached accessory dwelling may only be located in the established rear yard. The detached accessory dwelling is to be subordinate to the principal structure and therefore shall be placed to the rear of the lot.
 - f. There shall be a minimum separation of ten (10) feet between the principal structure and the detached accessory dwelling.
 - 16. Driveway Access.
 - d. On lots with no alley access, the lot shall have no more than one curb-cut from a public street for driveway access to the principal structure as well as the detached accessory dwelling.
 - e. Parking accessed from a public street shall be limited to one driveway for the lot with a maximum width of 12 feet.
 - f. If the detached accessory dwelling is part of a garage and an alley exists to the rear of the lot, the garage shall be alley loaded and no curb-cut provided from the front of the lot.
 - 17. Bulk and Massing.
 - ~~a. No accessory structure shall exceed 200 square feet when there is a detached accessory dwelling on the lot.~~
 - ~~b. a.~~ The living space of a detached accessory dwelling shall not exceed 700 square feet.
 - ~~d. b.~~ The footprint single-story detached accessory dwelling shall not exceed 700 square feet or 50 **percent** % of the first floor area of the principal structure, whichever is less.
 - ~~e. c.~~ The footprint of a two-story detached accessory dwelling shall not exceed 500 550 square feet or 40 **percent** % of the first floor area of the principal structure, whichever is less.
 - ~~f. d.~~ The detached accessory dwelling shall maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot. The detached accessory dwelling height shall not exceed the height of the principal structure as measured to the eave line, with a maximum eave height of 10 feet for single-story and 46 17 feet for two-story detached accessory dwellings.
 - ~~g. e.~~ The roof ridge line of the detached accessory dwelling must be less than the primary structure and shall not exceed 25 feet in height.
 - 18. Design Standards.

- a. Detached accessory dwellings with a second story dwelling unit shall enclose the stairs interior to the structure and properly fire rated **them** per the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.
- b. The detached accessory dwelling shall be of similar style, design and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.
- g. The detached accessory dwelling may have dormers that relate to the style and proportion of windows on the detached accessory dwelling and shall be subordinate to the roof slope by covering no more than 50 **percent** % of the roof.
- h. Detached accessory dwellings may have dormers that are setback a minimum of two feet from the exterior wall.
- 9- 10. Metro Historic Zoning Commission Action. Any existing or proposed Detached Accessory Dwelling in a **H**historic **O**verlay **D**istrict shall comply with the adopted regulations and guidelines of the applicable historic overlay.
- 40- 11. Restrictive Covenant. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the detached accessory dwelling is being established accessory to a principal structure and may only be used under the conditions listed above.

Section 4. This Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY: Councilmembers Kristine LaLonde, Erica S. Gilmore, Emily Evans, Jason Holleman, Jamie Hollin, Mike Jameson, Sean McGuire, and Sandra Moore

9. 2011Z-006TX-001

BL2011-901 / COLE, TOLER

SINGLE-FAMILY COTTAGE DEVELOPMENT

Staff Reviewer: Rebecca Ratz

An ordinance amending Chapters 17.08, 17.12, 17.16 and 17.40 of Title 17 of the Metro Zoning Code to create a new land use called "Single-Family Cottage Development" and to allow it in all two-family (R) zoning districts, and to make a technical change to Chapter 17.40 pertaining to variances, requested by the Metro Planning Department, applicant.

Staff Recommendation: APPROVE WITH AMENDMENT to change the maximum number of cottages per open space from 10 to 12, and direct staff to initiate an amendment to the Subdivision Regulations and a text amendment to the Zoning Code to change the definition of Cottage Development to permit up to 12 units per open space.

APPLICANT REQUEST - Add new land use category, Single-family Cottage Development, and associated Permitted with Conditions standards in the Zoning Code.

Text Amendment A request to amend Chapters 17.08, 17.12, 17.16 and 17.40 of Title 17 of the Metro Zoning Code to create a new land use called "Single-Family Cottage Development" and to allow it in all two-family (R) zoning districts, **and to make a technical change** to Chapter 17.40 pertaining to variances, requested by the Metro Planning Department, applicant.

CRITICAL PLANNING GOALS

- Creates Open Space
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices
- Supports Infill Development
- Promotes Compact Building Design
- Preserves Historic Resources

Single-family Cottage Developments offer a new housing development type with units that are uniquely arranged around a central open space, share site amenities, and are smaller than many traditional single-family homes. The compact nature of their design, coupled with a potential density bonus increases their potential as infill development, increases walkability within neighborhoods, and provides additional housing choices. Single-family Cottage Developments can potentially preserve historic resources by allowing existing single- and two-family homes to be incorporated into the development. The standards also stipulate that no density bonus can be utilized if an historic structure has been demolished on the property in the two years prior to submittal of the development proposal.

PURPOSE

Cottage style development typically refers to small single-family buildings arranged around a common open space. Some units will face the street replicating the development pattern of the existing neighborhood, and others face the open space and are located on the interior of the property.

Existing Law and Proposed Bill

Cottage style development is currently permitted within multi-family zoning districts only. Cottage style development is not currently a separate land use – it is a type of multi-family development with several specific bulk standards. The existing cottage regulations are not often utilized because following the required bulk standards does not typically generate a development that achieves the number of units permitted by the multi-family base zoning (i.e. using the land for a cottage development generates fewer units than using it for townhouses

or stacked flats – other development types allowed in multi-family zoning districts). Thus the site cannot be developed to its full potential. Most developers would choose to build stacked flats or town homes with more units.

The proposed bill will allow single-family, cottage development within all two-family zoning districts provided that specific conditions of development are met. A new land use category will be created in order to set specific, context sensitive standards for the cottage developments within two-family zoning districts. These standards will be separate and different from the standards applicable in multi-family districts.

Proposed Development Standards

Bulk Standards

Consistent with Base Zoning The standards for minimum street setback and side setback dimensions; overall development building coverage; Impervious Surface Ratio (ISR); and parking requirements are required to be consistent with the base zoning district of the applicable property.

Additional Bulk Standards

Buildings shall be designed as one or one and a half story structures, with a maximum overall height of twenty-five feet to the top of a pitched roof. The maximum footprint of individual cottage units is 1000 square feet. Additionally, cottage units facing a public street must orient the porch to the street to maintain the building rhythm along the street. Minimum rear setbacks may be reduced from twenty feet to five feet when the rear property line abuts an alley.

The standards developed for Single-family Cottage Developments are tailored to create infill development that is in keeping with the character of the existing neighborhood in which it is built. The setback standards will insure the new development, as visible from the street, has a similar rhythm of building placement as existing homes along the street. The height and footprint of individual cottage units are both limited in scale. The height limit of twenty-five feet for a cottage unit is twenty feet lower than the 45 feet currently allowed by the base zoning for single- and two-family structures within the Urban Zoning Overlay. Outside of the UZO the existing height limit is “three stories” with no limit on the height in feet. The building height and footprint controls will insure that the scale of new development does not overwhelm existing single-family homes.

Open Space Requirement

Common open space is required at a rate of 350 square feet per unit. Units interior to the development shall orient toward this common open space. There shall be a minimum of four units and a maximum of 10 units arranged around each common open space. Two hundred square feet of private, or individual, open space is required adjacent to each unit.

The creation of common open space provides recreational, outdoor space for all residents of the development. The clustering of units around this space helps provide a sense of community and safety. Smaller private spaces are required to allow residents a small garden, patio or personal space within the larger development.

Density

Each development may build up to one-and-one-half times the units allowed by the base zoning. A density bonus is provided to incentivize the use of the Single-family Cottage Development standards versus creating large out of scale duplexes. This bonus is also provided as a trade off because of the standards that limit the cottage’s building footprint and height. As a result, although the density will increase, the intensity and scale of the development will be diminished due to the required bulk standards for height and building footprint.

Parking and Vehicular Access

Parking shall be appropriately placed and screened so it is not visible from the street, the common open space and/or properties adjacent to the cottage development. Parking that is not located directly off of an alley shall be in clusters with no more than six adjoining spaces. The number of parking spaces required shall be consistent with existing single-family requirements.

Cottage developments shall be accessed from an alley where alleys exist or are proposed. Property without alley access shall provide a twenty foot wide access easement (internal drive), to accommodate vehicles including emergency vehicles.

The development standards for parking and vehicular circulation are written to minimize the impact of the car on both the cottage development and the adjacent properties. Buffering of drive aisles and parking areas will reduce the visual impact of vehicles and parking requirements equal to those of standard single family developments will insure that all residents of cottage developments will have space to park without encroaching onto neighborhood streets.

Design

Cottage units shall be constructed of materials that are consistent with and complement the existing residential character of the area. Porches shall be provided for all units.

Additional design requirements, such as a required porch, materials compatible with the surrounding development, and the screening of parking from adjacent property as well as the internal common open space, all provide assurance that this new housing product will blend with the existing neighborhood character.

Single-family Cottage Developments shall not be eligible for the density bonus if a structure deemed Worthy of Conservation (WOC), National Register listed or National Register Eligible by the Metro Historical Commission has been demolished from the site within the two years prior to Final Site Plan approval. Cottage developments within historic overlays shall comply with the requirements of the applicable historic overlay district.

The development standards help to preserve the historic fabric of Nashville's older neighborhoods in several ways. First, existing single and two-family homes may be incorporated into new cottage developments. Meanwhile, developments will not be eligible for the density bonus if a historic structure has been demolished on the property within the past two years, thus discouraging the demolition of these historic homes. Second, Historic Zoning Commission review is required of all development within established historic overlays to insure new development is compatible with the existing historic character.

ANALYSIS

To meet the challenge of providing the housing needs of the growing Nashville region, while promoting more compact, infill development, this bill offers additional housing types that address the demand for detached, single family housing, but within smaller spaces and potentially with smaller price tags.

Cottage housing provides an option that preserves the privacy and personal space of a detached house, in a community setting. In the marketplace, they offer an alternative to the two choices most often available: single family houses and multi-family living. For those looking for a detached house, cottages provide an opportunity for a smaller single-family product designed to fit the character of existing single-family neighborhoods. For those looking for the lower maintenance lifestyle of apartment living coupled with the character of a neighborhood, cottages offer an ideal middle ground.

Finally, cottage housing also provides a third option for established neighborhoods with R zoning districts. Many of these neighborhoods have seen smaller homes demolished and replaced by very large duplexes, which are incompatible (in terms of mass and scale) with surrounding, smaller, single-family homes. Cottage developments offer a new choice – additional housing choices, but in a scale that is compatible with existing homes.

STAFF RECOMMENDATION Staff recommends approval.

ORDINANCE NO. BL2011-901

An ordinance amending Chapters 17.08, 17.12, 17.16 and 17.40 of Title 17 of the Metro Zoning Code to create a new land use called "Single-Family Cottage Development" and to allow it in all two-family (R) zoning districts, and to make a technical change to Chapter 17.40 pertaining to variances (Proposal No. 2011Z-006TX-001).

WHEREAS, it is desirable for the Metropolitan Government of Nashville and Davidson County to provide a range of homeownership opportunities throughout the County;

WHEREAS, increasing individual homeownership opportunities in zoning districts that permit multi-two-family housing can be accomplished by reducing minimum lot sizes to encourage "fee-simple" home ownership options;

WHEREAS, it is reasonable for the Metropolitan Government of Nashville and Davidson County to require specific development regulations including limited building footprint and building height in exchange for an increase in density.

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

Section 1. That Section 17.08.030 District Land Use Table is hereby amended as follows:

By adding the new use, "Single-family Cottage Development," under Residential Uses following "Single-family" and before "Two-family," as a use permitted with conditions (PC) in the R80 through R6 districts.

Section 2. That Section 17.12.020 District Bulk Regulations, is hereby amended by adding new "Note 2" after "Note 1" as follows

"Note 2: For all zoning districts permitting two-family uses, the maximum building coverage for Single-family Cottage Developments shall apply to the cottage development as a whole."

Section 3. That Chapter 17.16 Article II (Uses Permitted with Conditions) is hereby amended by adding within Section 17.16.030 new subsection D. as follows, and reordering the other subsections respectively.

D. Single-family Cottage Developments. A cottage development shall be permitted provided all of the following conditions are met:

1. **Location.** Cottage developments shall be permitted within all two-family(R) zoning districts along existing street(s) in accordance with the development standards below.
2. **Development Configuration.** The minimum number of cottage units arranged around a common open space in a cottage development shall be four and the maximum shall be ten.
3. **Required Open Space.**

- a. **Cottage Development:** Each cottage development shall provide a contiguous common open space totaling at least 350 square feet per cottage unit, excluding any shared parking areas or community facilities. The common open space shall have a minimum dimension of 30 feet in width.
- b. **Cottage Unit:** Each individual cottage unit shall have a minimum of 200 square feet of contiguous private open space directly abutting the cottage unit. The private open space shall be located on the individual cottage lot. The private open space shall have a minimum dimension of 10 feet in width.-
4. **Development Density.** The maximum density of a cottage development shall be 1.5 times the density allowed on the subject site by the base zoning district(s).
5. **Minimum Cottage Lot Size.** There is no minimum lot size for individual cottage unit lots.
6. **Bulk Standards.**
 - a. Building Coverage
 - i. **Cottage Development:** The maximum building coverage for the cottage development as a whole shall be in accordance with the standards of Table 17.12.020A. *(need to add a note to this table)*
 - ii. **Cottage Lot:** The maximum building coverage per cottage lot shall be 1,000 square feet. The maximum building coverage shall include attached garages, carports and porches that are enclosed by at least three walls and any accessory structures.
 - iii. The total square footage of a cottage lot shall not exceed that shown on the approved final plat; including expansion by the enclosure of any porch, carport, or other structure. A note shall be placed on the plat that any increase to the total square footage of a cottage unit is prohibited for the life of the cottage unit or the duration of the regulations of Section 17.12.100.
 - b. Impervious Surface Ratio. The impervious surface ratio for the cottage development as a whole shall be maximum of 0.60.
 - c. Building Height. The maximum building height of a cottage unit and any accessory structures shall be 18 feet. When a cottage unit incorporates a pitched roof with a slope no less than 6:12 and no greater than 12:12, the maximum height shall be 25 feet. The roof pitch shall begin no higher than 18 feet.
 - d. Street Setback.
 - i. **Cottage Development:** The street setback shall be in accordance with Table 17.12.030A and Section 17.12.030.C.
 - ii. **Cottage Lot:** The street setback standards for a cottage development shall also apply to an individual cottage unit.
 - e. Side Setback.
 - i. **Cottage Development:** The side setback shall mean the distance between a cottage unit and the side property line of the cottage development. The side setback shall be in accordance with Table 17.12.020A.
 - ii. **Cottage Lot:** All structures on an individual cottage lot shall have a minimum side setback of three feet from the cottage lot's property lines.
 - f. Rear setback.
 - i. **Cottage Development:** The rear setback shall mean the distance between the cottage unit and the rear property line of the cottage development. The rear setback shall be a minimum of 20 feet. Where the rear property line abuts a service road or alley, the rear setback may be five feet.
 - ii. **Cottage Lot:** All structures on an individual cottage lot shall have a minimum rear setback of three feet from the cottage lot's property line.
7. **Walkways.** A continuous walkway having a minimum width of four feet shall connect all cottage units to the common open space, parking areas, public sidewalk, and all community facilities on site.
8. **Parking Requirements.**
 - a. Parking shall meet the requirement for single-family residential units established in Table 17.20.030.
 - b. Parking shall be provided on each cottage lot, or in the form of shared parking cluster(s) in commonly owned space, or a combination of the two, but not within common open space.
 - c. All on-street parking spaces immediately abutting the cottage development, where on-street parking is permitted, may count toward the parking space requirement. A minimum of one half of the required spaces shall be provided on site.
 - d. Parking clusters that are not directly accessible from a public alley shall contain no more than six adjoining spaces and shall not be visible from a public street. Parking shall be screened from adjacent residential uses by landscaping or architectural screening as specified in Section 17.24.150.B.
 - e. Parking shall not be permitted in an established front yard setback or required common or private open space areas.
 - f. Parking may be permitted between, or to the side of structures, only when it is setback a minimum of ten feet from the leading edge of the front facade of a cottage unit and is accessed by a side or rear alley, or a side or rear private driveway.

- g. Parking shall be screened from the common open space, public streets and properties adjacent to the cottage development. Screening shall consist of evergreen vegetation. Opaque fencing may be used as a screen only within the cottage development's side setbacks.
9. **Access.**
- a. Cottage developments with an existing or proposed alley shall have all vehicular access from the alley.
 - b. Cottage developments without alley access shall be limited to two vehicular access points per development in order to accommodate a circular access easement.
 - i. The internal access easement shall be 20 feet of paved width.
 - ii. The access easement shall not be located between a cottage unit(s) and the common open space or a between a cottage unit(s) and the public street.
 - iii. The access easement shall be separated from a side property line by a minimum of four feet.
10. **Orientation and Design.**
- a. Cottage units shall orient their primary entrance, including the required porch, toward the common open space, except where a cottage unit abuts an existing street. Cottage units abutting a street shall orient the primary entrance toward the street and a secondary entrance shall face the common open space. Where feasible one entrance and porch may be used to address both the street and open space.
 - b. The maximum distance from at least one entrance of a cottage unit to the edge of the common open space shall be 60 feet.
 - c. Cottage housing units shall have a covered porch at least sixty square feet in size with a minimum dimension of six feet on any side. Covered porches shall not be enclosed with glass or screened.
 - d. Cottage units shall be constructed of materials that are consistent with and complement the existing residential character of the area.
 - e. An existing single- or two-family dwelling that is otherwise nonconforming to the standards of this section may be incorporated into the cottage development. However the extent of noncompliance shall not be increased.
11. **Historic Structures:** Single-family Cottage Developments shall not be eligible for the density bonus, listed under number 4 above, if a structure deemed Worthy of Conservation (WOC), National Register listed or National Register Eligible by the Metro Historical Commission has been demolished from the site within the two years prior to Final Site Plan approval.
12. **Community buildings.** Community buildings shall mean buildings or facilities including, but not limited to, pools and pool houses, which are open to all residents within the cottage development. Community buildings shall be permitted and shall have the same bulk standards as cottage units. Community buildings shall be located on commonly owned property.
13. **Metropolitan Development and Housing Agency (MDHA) and/or Metro Historic Zoning Commission Action.** Any existing or proposed Single-family Cottage Development located in whole or in part within a redevelopment district or a historic overlay district shall first be referred to and reviewed by MDHA and/or the Metropolitan Historic Zoning Commission for conformance with the relevant plan or guidelines. Any existing or proposed Single-family Cottage Development which has a structure(s) that is, in whole or in part, listed on the National Register of Historic Places, identified as eligible for the National Register of Historic Places, or identified as Worthy Of Conservation shall first be referred to and reviewed by the Metropolitan Historic Zoning Commission staff to determine the effects of the proposed development on the historic properties. Approval of the development shall not relieve any property owner from full compliance with the adopted regulations and guidelines of the applicable redevelopment or historic overlay guidelines. Within a Single-family Cottage Development, all development shall be consistent with the requirements of this section as well as any adopted redevelopment or historical overlay district, whichever is more restrictive.
14. **Final Site Plan Review and Approval.** Final site plans for single-family cottage developments shall be reviewed and require approval of the Planning Commission in accordance with section 17.40.170 B.

Section 4. That Section 17.40.170 Final site plan is hereby amended by adding under subsection B, "all uses requiring site plan approval by the Planning Commission under section 17.16" after "specific plan (SP) district" and before "or an institutional overlay district."

Section 5. That Section 17.40.340 Limits to jurisdiction is hereby amended by delete the section in its entirety and replacing it with the following.

17.40.340 Limits to jurisdiction

A. The board shall not grant variances to the following sections and tables and zoning districts:

Sections

Section [17.08.030](#) (land uses)

Section [17.12.080](#) (lot averaging)

Section [17.12.090](#) (cluster lot option)

Section [17.16.030](#).E (adaptive residential use)

Section [17.36.070](#).C (PUD minimum lot size)

Section [17.37](#) (Downtown Code (DTC) 1

Tables

Tables [17.12.020](#).B (density)

Table [17.12.020.C](#) (floor area ratio [FAR])

Zoning districts

SP District

Note 1: Within the DTC district, however, variances may be granted for building height at the street and overall building height, with a recommendation from the planning commission.

B. The board shall not grant variances within the following sections, tables, zoning districts, or overlay districts without first considering a recommendation from the planning commission.

Sections/Tables

Section [17.28.103](#) (underground utilities)

Section 17.16.030 D (Single-family Cottage Development)

Overlay Districts

PUD

UDO

Institutional

Section 6: That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY: Councilmembers Erik Cole and Parker Toler

Ms. Ratz presented the staff recommendation of approval with amendments.

Mr. Clifton out at 5:08 p.m.

Councilmember Gotto out at 5:08 p.m.

Councilmember Gotto in at 5:11 p.m.

Ms. Escobar out at 5:15 p.m.

Chariman McLean noted that this is equally as important as the Detached Accessory Dwelling Units. He also recommended the book "Pocket Neighborhoods" by Ross Chapin.

Mr. Ponder inquired if the second floor is limited due to the 1000 square foot footprint or can another 1000 square foot be built?

Ms. Ratz stated that the sloped roof requirement will limit the second floor square footage.

John Brittle of Village Real Estate expressed his excitement for this project and urged staff to approve.

Ms. Escobar in at 5:21 p.m.

Mr. Ponder moved and Councilmember Gotto seconded the motion to close the Public Hearing. (8-0)

Ms. LeQuire stated her support and also asked if the mixed use neighborhoods where this is already permitted have to follow these rules.

Ms. Ratz stated that these would apply to two family districts only.

Ms. LeQuire stated that the project in Germantown Court is two stories and asked if that would fit these requirements?

Ms. Ratz stated no, most of the houses are a story and a half.

Ms. LeQuire asked if the 200 square feet of open space is a requirement or a recommendation.

Ms. Ratz clarified that it is a requirement.

Mr. Gee spoke in support and asked if the two story variance in the Historic District would have to go before the Historical Commission?

Ms. Ratz stated that she wasn't entirely sure, but feels that the Historic Commission has the leeway to approve.

Mr. Gee stated that he would love to see this expanded to allow two stories. He also inquired if the 200 square feet of open space applies to the common space or if it applies to each individual lot.

Ms. Ratz stated that it would be on each individual lot.

Mr. Bernhardt clarified that there will be a 350 square foot common open space requirement and a 200 square foot private open space requirement.

requirement.

Mr. Gee noted another concern of limiting the footprint to 1000 square feet.

Ms. Ratz stated that 1000 square feet is large compared to the best practices.

Dr. Cummings inquired if there are standards specified for the fencing materials.

Ms. Ratz clarified that there are no specific requirements for fencing materials; more than likely they will be whatever the historic district standards are. An association will likely have control over fences, etc.

Mr. Ponder spoke in support.

Councilmember Gotto inquired if these are going to be like condos where all lots are owned by an HOA or is each owner going to own their own lot? Is the minimum lot size large enough to accommodate the house and the additional 200sq ft that is not in the footprint of the house?

Mr. Gee inquired if parking has to be immediately adjacent to the unit and if the unit has to be adjacent to an access drive.

Ms. Ratz stated no to both questions.

Councilmember Gotto inquired about the location requirements of the 200 square feet of open space, does it all have to be on one side of the house?

Ms. Ratz clarified that it can wrap around the unit as long as it's all connected and a minimum of 10' wide.

Councilmember Gotto moved and Mr. Gee seconded the motion to approve staff recommendation. (7-0)

Resolution No. RS2011-90

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-006TX-001 is APPROVED WITH AN AMENDMENT to change the maximum number of cottages per open space from 10 to 12, and direct staff to initiate an amendment to the Subdivision Regulations and a text amendment to the Zoning Code to change the definition of Cottage Development to permit up to 12 units per open space. (7-0)

The text amendment permits necessary infill development and diverse housing types in R zoning districts while promoting owner-occupancy and affordable housing.”

10. 2011Z-007TX-001

BL2011-898 / GOTTO, COLE

ALTERNATIVE ZONING DISTRICTS

Staff Reviewer: Kathryn Withers

A request to amend various sections of the Metro Zoning Code to add the following alternative zoning districts, MUN-A, MUL-A, MUG-A, MUI-A, RM9-A, RM15-A, RM20-A, OR20-A, RM40-A, OR40-A, RM60-A, RM80-A, RM100-A and ORI-A to create walkable neighborhoods through the use of appropriate building placement and bulk standards as an alternative to a zoning district that requires a site plan, requested by the Metro Planning Department.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Add new Alternative Zoning Districts to the Zoning Code that create walkable communities and may be used as an alternative to a zoning district that requires a site plan.

Text Amendment A request to amend various sections of the Metro Zoning Code to add new zoning districts known as alternative zoning districts, MUN-A, MUL-A, MUG-A, MUI-A, RM9-A, RM15-A, RM20-A, OR20-A, RM40-A, OR40-A, RM60-A, RM80-A, RM100-A and ORI-A, to create walkable neighborhoods through the use of appropriate building placement and bulk standards as an alternative to a zoning district that requires a site plan.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

This text amendment promotes walkable development through the placement of buildings in a “build-to” zone within 5 to 15 feet of the front property line. Meanwhile, maximum height is regulated through “step-backs” that preserve the pedestrian experience at street level by setting a height limit within the build-to zone, and then requiring the building façade of upper stories to “step-back” away from the street so that upper stories don’t tower over the street.

- Promotes Compact Building Design

The Alternative Zoning Districts offer a bonus in floor area ratio (FAR) for reductions in impervious surface ratio (ISR). For example, lot area devoted to landscaping can earn more square footage in the building. The ratio is one-to-one, so a 9 percent decrease in ISR would permit up to a 9 percent increase in FAR or density.

- **Supports Infill Development**

These districts will be available for use in areas where a zone district requiring a site plan would generally be required, as well as areas where a site plan is not required. The Specific Plan (SP) district and the Planned Unit Development (PUD), or Urban Design Overlay (UDO) require a site plan and many details that a developer or property owner may not possess at the time they begin a zone change process. Additionally, the cost associated with hiring development professionals to prepare the site plan application may be prohibitive for small projects. Offering another route – the use of an Alternative Base Zoning District – should provide more flexibility to developers, while still generating strong urban design in new development.

ANALYSIS

Outside of the Downtown Code District, the base zoning districts in the Zoning Code do not ensure that the development standards will be used to create walkable communities and implement the policies of the general plan. For example, all existing base zoning districts require a *minimum* building setback, but they do not have a *maximum* building setback. The result is that a building can be set to the rear of a lot, with parking placed in front of a building, which diminishes the pedestrian environment. Additionally, some of the required minimum building setbacks (RM9 through RM40) require the building to be placed so far from the street that it cannot contribute to creating a pedestrian friendly environment even if a developer wanted to create a walkable streetscape.

While some of the existing zoning districts can be used to implement the policies of the general plan if the developer so chooses, the standards in these zoning districts are so broad that they also permit development patterns in conflict with many of the policies in the general plan. As a result of the inability to implement community plans through the existing zoning districts, the Council has adopted Planned Unit Developments (PUD), Urban Design Overlays (UDO), and more recently Specific Plan (SP) base zoning to ensure basic urban design and more walkable streetscapes. The PUDs, UDOs, and SP, though very useful for many projects, can be a barrier for some small projects as discussed above.

The new Alternative Zoning Districts will allow the option of using a base zoning district that does not require a site plan, but instead contains standards that will ensure appropriate building placement and form. It does not preclude the use of the SP, UDO or PUD in areas where more detail is necessary at the rezoning stage or additional design flexibility is desired.

Proposed Bill

This amendment would create new zoning districts that a property owner could chose to request for a rezoning: MUN-A, MUL-A, MUG-A, MUI-A, RM9-A, RM15-A, RM20-A, OR20-A, RM40-A, OR40-A, RM60-A, RM80-A, RM100-A and ORI-A . These Alternative Zoning Districts each has an existing "companion" zoning district, with the exception of RM80-A and RM100-A. For example, today there is a MUN (Mixed Use Neighborhood) district and the ordinance would create a MUN-A (Mixed Use Neighborhood - Alternative) district. The main difference between the two districts is that MUN-A would have a "build to" zone instead of a minimum building "setback" and MUN-A would use height at the street and step backs to regulate height versus a "sky control plane." See diagram under Build-to Zone below.

NOTE - The attached ordinance to create the Alternative Zoning Districts appears to be more complicated than it actually is. That is because wherever the current, *companion* zoning district appears in the Zoning Code, the new Alternative Zoning District is being inserted after its companion. So, for example, wherever MUN is referenced in the Zoning Code, now MUN and *MUN-A* will be referenced.

The sections of the Zoning Code proposed for amendment include:

- Inserting a definition for "step-back."
- Inserting the Alternative Zoning Districts into the list of Established Zoning Districts.
- Inserting the Alternative Zoning Districts into the Zoning District Descriptions.
- Inserting the Alternative Zoning Districts into the Land Use Table.
- Creating and inserting a Bulk Standards Table for the Alternative Zoning Districts.
- Inserting the Alternative Zoning Districts into the Table of Setbacks for Single and Two-Family Dwellings.
- Adding notes to the Street Setbacks Table and to the Urban Zoning Overlay Street Setbacks Section to clarify that they do not apply to the Alternative Zoning Districts.
- Inserting the Alternative Zoning Districts into various sections throughout the Zoning Code wherever their "companion" district appears.

Proposed Districts The proposed Alternative Zoning Districts are comprised of mixed use (commercial, office and residential), more intense multi-family and mixed office (office and residential) districts: MUN-A, MUL-A, MUG-A, MUI-A, RM9-A, RM15-A, RM20-A, OR20-A, RM40-A, OR40-A, RM60-A, RM80-A, RM100-A and ORI-A. This list of districts was chosen because there is the most potential for their use to implement the new community character plans.

The ordinance proposes to create two Alternative Zoning Districts that do not have an existing "companion." Those are RM80-A (Residential, Multi-family at 80 units per acre) and RM100-A (Residential, Multi-family at 100 units per acre). These are to be used in intense urban locations where residential development is envisioned.

Uses The list of permitted uses for the proposed Alternative Zoning Districts are exactly the same as their existing "companion" zoning district. MUN-A contains the same permitted uses as MUN, and RM9-A is the same as RM9, etc. The uses permitted in new districts RM80-A and RM100-A are the same as the existing multifamily district, RM60.

Bulk Standards A new bulk standards table is proposed for the Alternative Zoning Districts. The minimum lot size, maximum density or floor area ratio, side and rear setback for Alternative Zoning Districts are the same as for the existing “companion” zoning district. The bulk standards for the new districts RM80-A and RM100-A were based on a combination of the bulk standards for RM60 and ORI, using the standards most appropriate to creating an intense urban residential district.

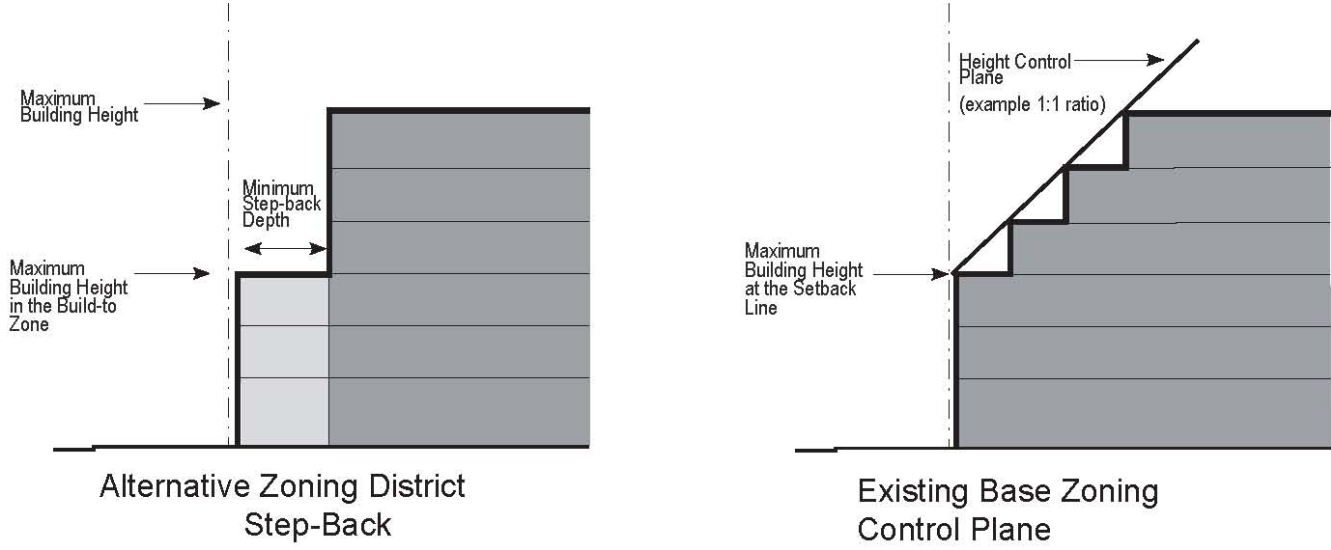
Build-to Zone

The build-to zone is one of the major differences between the Alternative Zoning Districts and their existing companion districts. The existing districts are regulated by a minimum setback. This only addresses how close a building can be set to the front property line, not how far back. Buildings on properties regulated by setbacks can be placed anywhere on the property so long as it is behind the minimum setback. The Alternative Zoning Districts will specify a “build-to” zone between 5 and 15 feet from the front property line in which the building must be placed. This standard insures buildings frame the street and create a more pedestrian friendly environment.



Height

Measurement of height is another major difference between the Alternative Zoning Districts and their existing companion districts. Currently, height is measured through the use of a “height control plane,” which is an inclined plane that slopes over a lot to establish the maximum height for structures on the lot. It begins at the minimum setback at a specified height and slopes inwardly at the slope established in the bulk standards table. This can create awkward floor plans with a “wedding cake effect” and has caused several projects to seek variances from the Board of Zoning Appeals or to use the SP zoning district to create a more desirable building form. The proposed new standard also sets a maximum height in the build-to zone, but instead of the sky-exposure plane, a minimum stepback of fifteen feet pushes the bulk of the upper stories off the street, thus giving the street a pedestrian feel without the tiered building form.



Incentives

Two incentives are offered by the Alternative Zoning Districts:

- The Alternative Zoning Districts offer a bonus in floor area ratio (FAR) for reductions in impervious surface ratio (ISR). Floor area ratio is the ratio of the square footage of the building to the square footage of the lot. Impervious surface ratio is the ratio of the square footage of impervious surfaces to the square footage of the lot.

of impervious surface on the lot to the square footage of the entire lot. With the incentive, lot area devoted to landscaping can earn more square footage in the building. The incentive is one-to-one, so for example, a 9 percent decrease in ISR would permit up to a 9 percent increase in FAR or density.

- The area of a parcel dedicated as right-of-way as part of a related development process may be used to calculate FAR or density for the applicable property. The formula to determine how much square footage or units can be built is based on the square footage of the parcel. When infill developers are trying to maximize the potential of a site, then dedicating part of that site as right-of-way reduces the square footage or units a developer can get from the site *unless the area dedicated as right-of-way is used to calculate FAR or density first* and then dedicated. By allowing the area of the parcel to be dedicated as right-of-way to be used in the calculation for FAR or density, the developer achieves the density they seek and land is still dedicated for the creation of necessary pedestrian amenities like sidewalks, on-street parking, and street trees.

Parking

Parking is required to be located behind or to the side of buildings. Parking ratios and dimensional standards would apply to the Alternative Zoning Districts exactly as they apply to their existing “companion” districts.

Conclusion

These new Alternative Zoning Districts will allow the option of using a zoning district that does not require a site plan, but instead contains bulk standards that will ensure building placement and form consistent with the policies of the general plan. It does not preclude the use of the SP, UDO or PUD in areas where more detail is required at the rezoning stage or additional design flexibility is desired, it is an additional tool available to implement the general plan.

STAFF RECOMMENDATION - Staff recommends approval.

ORDINANCE NO. BL2011-898

An ordinance to amend various sections of Title 17 of the Metropolitan Zoning Code to add the following alternative zoning districts, MUN-A, MUL-A, MUG-A, MUI-A, RM9-A, RM15-A, RM20-A, OR20-A, RM40-A, OR40-A, RM60-A, RM80-A, RM100-A and ORI-A to create walkable neighborhoods through the use of appropriate building placement and bulk standards as an alternative to a zoning district that requires a site plan. (Proposal No. 2011Z-007TX-001).

WHEREAS, there is a need to create non-site plan based zoning districts to implement the bulk standards necessary to create the walkable communities envisioned by the citizens of Davidson County through the general plan;

WHEREAS, encouraging and fostering development and reinvestment that promotes alternative modes of transportation such as walking, bicycling and transit are important to enhancing the quality of the life of the citizens of Metropolitan Nashville and Davidson County;

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

Section 1. That Section 17.04.060 (Definitions of General Terms) of the Metropolitan Code is hereby amended by inserting in alphabetical order a definition for “Step-back”:

“Step-back” means a change in the vertical plane of multi-story buildings that preserves the pedestrian experience at sidewalk-level by setting the upper story building facade away from the street beyond the maximum building height allowed at the build-to-zone.

Section 2. That Section 17.08.010 (Zoning Districts Established) of the Metropolitan Code is hereby amended by inserting the new zoning districts known as “alternative zoning districts” after Sections 17.08.010.B.3.d, 17.08.010.D.1, 17.08.010.E.1, and renumbering the remaining items accordingly within each sub-section as follows:

3. Multi-Family Districts.

- e. RM9-A (9 units an acre).
- f. RM15 (15 units an acre).
- g. RM15-A (15 units an acre).
- h. RM20 (20 units an acre).
- i. RM20-A (20 units an acre).
- j. RM40 (40 units an acre).
- k. RM40-A (40 units an acre).
- l. RM60 (60 units an acre).
- m. RM60-A (60 units an acre).
- n. RM80-A (80 units an acre).
- o. RM100-A (100 units an acre).

D. Mixed-Use Districts.

- 2. MUN-A Mixed-Use Neighborhood Alternative.
- 3. MUL Mixed-Use Limited.
- 4. MUL-A Mixed-Use Limited Alternative.
- 5. MUG Mixed-Use General.
- 6. MUG-A Mixed-Use General Alternative

- 7. MUI Mixed-Use Intensive
- 8. MUI-A Mixed-Use Intensive Alternative

E. Office Districts.

- 2. OR20-A Office/Residential Alternative (20 units an acre).
- 3. OR40 Office/Residential (40 units an acre).
- 4. OR40-A Office-Residential Alternative (40 units an acre).
- 5. ON Office Neighborhood.
- 6. OL Office Limited.
- 7. OG Office General.
- 8. ORI Office/Residential Intensive.
- 9. ORI-A Office/Residential Intensive Alternative.

Section 3. That Section 17.08.020.B.3 (Zoning Districts Described: Multi-Family Districts) of the Metropolitan Code is hereby amended by retaining the introductory paragraph, deleting Sections 17.08.020.B.3.b, 17.080.020.B.3.c, 17.080.020.B.3.d and inserting in their place the following descriptions incorporating the alternative zoning districts, and inserting a new sub-section 17.080.020.B.3.e as follows:

- b. RM6, RM9 and RM9-A Districts. Designed primarily for low to medium intensity multifamily development of two-story or three-story structures, these districts are appropriate for areas designated in the general plan to have low to moderate intensity residential development to meet the goals of preservation of open space or environmental features while creating opportunities walkable communities with housing choice and the ability to support transit. The RM9 or RM9-A district also may be appropriate for areas policed for lower intensity office and mixed-use development, or along mixed-use corridors. Generally, these districts should have good access to either arterial or collector streets. RM9-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan
- c. RM15, RM15-A, RM20 and RM20-A Districts. Designed for moderately high intensity multifamily structures, these districts are appropriate for areas designated in the general plan to have more intense residential development to meet the policy goals of encouraging transit and walkable communities, preserving open space and environmental features and providing a mix of housing types. These districts may also be used in areas envisioned to evolve from solely commercial to more mixed-use development along primary corridors and in mixed-use centers. These districts should have good access to arterial streets and public transportation service. RM15-A and RM20-A are designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and as an alternative to a zoning district that requires a site plan.
- d. RM40, RM40-A, RM60 and RM60-A Districts. These districts are designed for high intensity multifamily development, typically characterized by mid- and high-rise structures and structured parking. These districts are appropriate for areas designated in the general plan to have residential development at moderate to high intensities, and along to primary corridors to meet the policy goals of creating transit-oriented communities and diversity of housing choice. These districts may also be appropriate as a transition between more intense mixed-use centers and surrounding neighborhoods. These districts should have good access to arterial streets and public transportation service. RM40-A and RM60-A are designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and as an alternative to a zoning district that requires a site plan.
- e. RM80-A and RM100-A Districts. These districts are designed for high intensity residential structures, typically characterized by mid- and high-rise structures and structured parking. These districts are appropriate for implementing strictly residential policies of the general plan in areas characterized by the highest levels of accessibility, mass transit opportunities and essential support services. RM80-A and RM100-A are designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and as an alternative to a zoning district that requires a site plan.

Section 4. That Section 17.080.020.D (Zoning Districts Described: Mixed-Use Districts) of the Metropolitan Code is hereby amended by retaining the introductory paragraphs and deleting 17.08.020.D.1, 17.08.020.D.2, 17.08.020.D3, and 17.08.020.D.4 and inserting in their place the following descriptions:

- 1. MUN, Mixed-Use Neighborhood District and MUN-A, Mixed-Use Neighborhood District Alternative. Designed to implement the lower intensity mixed-use policies of the general plan, this district also may be used as an alternative to commercial zoning along prominent streets, or to promote the preservation and adaptive reuse of existing buildings that contribute to the historical or architectural character of an area. Bulk standards are designed to maintain a residential-scale of development. At a minimum, these districts should have good access to collector streets and public transportation service. MUN-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.
- 2. MUL, Mixed-Use Limited District and MUL-A, Mixed-Use Limited District Alternative. The MUL and MUL-A districts are intended to implement the moderate intensity mixed-use policies of the general plan. These districts also may be used in areas policed for concentrations of mixed commercial uses and for existing areas of commercial arterial development that are located in the vicinity of major intersections. The bulk standards permitted by this district, along with the range of allowable uses, are designed to promote the preservation and adaptive reuse of larger structures that contribute to the historical or architectural character of an area. These districts should be applied to areas that have good access to collector or arterial streets and public transportation service. MUL-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.
- 3. MUG, Mixed-Use General District and MUG-A, Mixed-Use General District Alternative. The MUG and MUG-A districts are intended to implement the moderately high intensity mixed-use policies of the general plan, being appropriate near major concentrations of

employment, commercial or institutional uses. These districts also may be used near the central business district, within regional activity centers, or in areas otherwise policed for concentrations of mixed commercial development with high levels of accessibility, including public transit service. The bulk regulations are designed to encourage consolidation of land and large scale development on or near arterial streets. MUG-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

- MUI, Mixed-Use Intensive District and MUI-A, Mixed-use Intensive District Alternative. The MUI and MUI-A districts permit a mixture of high intensity residential, office and compatible commercial uses in areas characterized by the highest levels of accessibility, mass transit opportunities and essential support services. The bulk standards for this district permit large scale buildings, and include incentives to locate off-street parking within structures. It is intended that this district be applied to areas near downtown in a manner consistent with the general plan and other adopted redevelopment plans, to selected segments of major traffic arteries extending from the downtown core area, or for selected portions of activity centers designated by the general plan. MUI-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

Section 5. That Section 17.080.020.E (Zoning Districts Described: Office Districts) of the Metropolitan Code is hereby amended by retaining the introductory paragraph and deleting specifically Sections 17.08.020.E.1, 17.08.020.E.2, and 17.08.020.E.6 and inserting in their place the following descriptions:

- OR20, Office/Residential District and OR20-A, Office/Residential District Alternative. The OR20 and OR20-A districts are designed for a mixture of compatible office and multifamily residential use at medium-high density levels of intensity. These districts are encouraged to locate in areas with good vehicular accessibility, preferably along collector or arterial streets, with access to public transportation services. OR20-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.
- OR40, Office/Residential District and OR40-A, Office/Residential District Alternative. The OR40 and OR40-A districts are designed for a mixture of office and multi-family uses at high density levels of intensity. These districts are encouraged to locate in areas characterized by high levels of accessibility, preferably along arterial streets, with access to public transportation services. OR40-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.
- ORI, Office/Residential Intensive District and ORI-A, Office Residential Intensive District. The ORI district is designed to provide adequate and suitable space in appropriate locations for high intensity office uses mutually compatible with high-density residential uses. A selective list of retail trade, business service and personal care service uses are permitted if the principal purpose is to serve the recurring needs of the occupants or employees of other permitted uses in these districts. These districts are appropriately located between districts characterized by less intense residential and office development and areas of more intensive commercial uses, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes. ORI-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

Section 6. That Section 17.080.030 (Zoning District Land Use Table) of the Metropolitan Code is hereby amended by modifying the land use table to incorporate the alternative zoning districts as follows:

- Under the "Residential" sub-heading, delete "RM2 through RM20" and replace with "RM2 through RM20-A" and delete "RM40 through RM60" and replace with "RM40 through RM100-A."
- Under the "Mixed-Use" sub-heading, delete "MUN" and replace with "MUN and MUN-A", and delete "MUL" and replace with "MUL and MUL-A", delete "MUG" and replace with "MUG and MUG-A", and delete "MUI" and replace with "MUI and MUI-A."
- Under the "Office" sub-heading, delete "OR20 through OR40" and replace with "OR20 through OR40-A" and delete "ORI" and replace with "ORI and ORI-A".

Section 7. That Section 17.12.020 (District Bulk Tables) of the Metropolitan Code is hereby amended by inserting as a new sub-section "D". and Table 17.12.020.D with its corresponding notes after Table 17.12.020.C:

D. District bulk Table 17.12.020.D establishes the bulk requirements for all structures in the alternative zoning districts for multi-family, mixed-use, and office.

Table 17.12.020D
ALTERNATIVE ZONING DISTRICTS

Zoning District	Min. Lot Area	Max. Density	Max. FAR (see Note 1)	Max. ISR (see Note 2)	Min. Rear Setback (in ft)	Min. Side Setback (in ft)	Max. Height in Build-to Zone	Min. Step-back	Max. Height	Build-to Zone (in ft) (See note 4)
MUN-A	None	Doesn't apply	0.60	0.80	20	None req.	3 stories in 45 feet	15 feet	4 stories in 60 feet	5 - 15

MUL-A	None	Doesn't apply	1.00	0.90	20	None req.	3 stories in 45 feet	15 feet	4 stories in 60 feet	5 - 15
MUG-A	None	Doesn't apply	3.00	0.90	20	None req.	5 stories in 75 feet	15 feet	7 stories in 105 feet	5 - 15
MUI-A	None	Doesn't apply	5.00	1.00	None req.	None req.	7 stories in 105 feet	15 feet	15 stories in 150 feet	5 - 15
RM9-A	15,000	15	0.60 See Note 8	0.70	20	10 See Note 3	20 feet	15 feet	35 feet	5 - 15
RM15-A	10,000	9	0.75 See Note 8	0.70	20	10 See Note 3	20 feet	15 feet	35 feet	5 - 15
RM20-A, OR20-A	7,500	20	0.80 (see Note 2)	0.70	20	5 See Note 3	30 feet	15 feet	45 feet	5 - 15
RM40-A, OR40-A	6,000	40	1.00 See Note 1	0.75	20	5 See Note 3	45 feet	15 feet	60 feet	5 - 15
RM60-A	6,000	60	None	0.80	20	5 See Note 3	65 feet	15 feet	90 feet	5 - 15
ORI-A	None	Doesn't apply	3.00	0.90	20	None req.	65 feet	15 feet	105	5-15
RM80-A	6,000	80	None	0.90	20	5	65 feet	15 feet	90 feet	5 - 15
RM100-A	6,000	100	None	0.90	20	5	65 feet	15 feet	90 feet	5 - 15

Note 1: The area of any parcel dedicated as right-of-way as part of a related development process may be used to calculate FAR or density for the applicable property. No maximum FAR applies to multi-family developments in the RM9-A thru RM40-A and OR20-A OR40-A, and ORI-A districts.

Note 2: Any development that has an impervious surface ratio less than the maximum permitted by the zoning may increase the base FAR or the base density by the same amount. For example, a 9% decrease in ISR would permit up to a 9% increase in FAR or base density.

Note 3: Within the urban zoning overlay district, any attached townhomes or rowhouses with alley access to required off-street parking, may have a zero-foot side setback (1) on internal lot lines between units, or (2) where the side of a unit is adjacent to an area having a minimum width of 10 feet that is shown on the final site plan as an open space area or a required landscape buffer yard, provided that each unit has a private yard and no more than eight units are contained in any single-structure.

Note 4: Alternative zoning districts shall have the following standards apply to the location of a building and its associated parking:

- a. The build-to zone for alternative zoning districts shall be measured shall be measured from the Standard right-of-way line as established by the table entitled "Standard Street Right-of-Way Widths" in the Major and Collector Street Plan.
- b. A parcel located at the intersection of two public streets shall have a building occupy the corner of the parcel that is bounded by the two intersecting public streets subject to the applicable "Notes" of this table, 17.02.020.D.
- c. A primary entrance to the building shall be located along the building façade within the build-to zone.
- d. A parcel that is sixty feet wide or greater shall have the front facade of the building extend across at least twenty-five percent of the parcel's frontage or the building front façade shall be at least twenty-five feet in width, whichever is greater.
- e. A parcel less than sixty feet wide shall have the building's front facade extend across the full width of the parcel in mixed-use and office districts unless a driveway is required to access required parking.

- f. If a driveway is needed for service to accessory parking, an opening of up to twenty-six feet wide shall be permitted.
- g. Parking shall be permitted only at the sides and rears of buildings.

Section 8. That Table 17.12.030A, Street Setbacks for Single and Two Family Districts of the Metropolitan Code, is hereby amended by inserting a new row to the bottom of the table as follows:

Zoning Districts	Minor-Local and Local Streets	All ⁽²⁾ Other Streets
RM9-A through RM100-A, MUN-A, MUL-A, MUG-A, MUI-A, OR20-A, OR40-A, and ORI-A	5 feet	5 feet

Section 9. That Table 17.12.030.B (Street Setbacks for Multi-Family and Non-Residential Districts; and Non-Residential uses in AG, AR2a, R and RS Districts) of the Metropolitan Code is hereby amended by inserting after Note 3, a new “Note 4” and renumbering the remaining notes accordingly:

“Note 4: The above street setback standards shall not apply within the Alternative Zoning Districts.”

Section 10. That Section 17.12.035.A (Street setbacks Within the Urban Zoning Overlay District) of the Metropolitan Code is hereby amended by inserting the following sentence at the end of the introductory paragraph to subsection A, at the end of subsection B, and the end of the introductory paragraph to subsection C:

“The standards of this sub-section shall not apply within the Alternative Zoning Districts.”

Section 11. That Sections 17.12.020.B.1 (Table of Minimum Lot Size and Setbacks for Attached Housing), 17.16.080 (Communication Uses), 17.16.190.E.1 (Transportation Special Exceptions), 17.20.040 (Adjustments to Required Parking), 17.20.080 (Off-Site Parking), 17.24.230 (Table of Landscape Buffer Yard Requirements), 17.28.030.B.1 (Hillside Development Standards: Non-Residential Sites), 17.28.040.E (Floodplain/Floodway Development Standards), 17.32.050.H.2 (Prohibited Signs), 17.32.110 (On-premises Signs—I, MUN, MUL, ON, OL, OG, OR20, OR40, CN and SCN Districts), 17.32.120 (On-Premises Signs—ORI, MUG and MUI Districts) of the Metropolitan Code are hereby amended by inserting “RM-A” after “RM”, “RM9-A” after “RM9”, “RM15-A” after “RM15”, “RM20-A” after “RM20”, “RM40-A” after “RM40”, “RM60-A, RM80-A, RM100-A” after “RM60” and “MUN-A” after “MUN”, “MUL-A” after “MUL”, “and MUG-A” after “MUG”, “and MUI-A” after “MUI”, “OR20-A” after “OR20”, and “OR40-A” after “OR40”, and “and ORI-A” after “ORI”, wherever they appear.

Section 12. That Section 17.16.090.F.5 (Industrial Uses) of the Metropolitan Code is hereby amended by deleting the phrase “MUL, MUG and MUI” and inserting in its place “MUL, MUL-A, MUG, MUG-A, MUI, and MUI-A”.

Section 13. That Section 17.28.030.A.3 (Hillside Development Standards) of the Metropolitan Code is hereby amended by deleting “RM40 and RM60” and inserting in its place “RM40, RM40-A, RM60, RM60-A, RM80-A and RM100-A”.

Section 14. That Section 17.40.670 (Nonconforming Lot Area) of the Metropolitan Code is hereby amended by inserting “RM-A” after “RM.”

Section 15. This Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.
Introduced by: Councilmembers Jim Gotto and Councilmember Erik Cole

Ms. Withers presented the staff recommendation of approval.

Dr. Cummings moved and Mr. Ponder seconded the motion to close the Public Hearing. (7-0)

Dr. Cummings moved and Mr. Ponder seconded the motion to approve staff recommendation. (7-0)

Resolution No. RS2011-91

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-007TX-001 is **APPROVED. (7-0)**

The text amendment will create non-site plan based zoning districts to implement the bulk standards necessary to create the walkable communities envisioned by the citizens of Davidson County through the general plan.”

Specific Plans

11. 2011SP-009-001

BL2011-891 / LANGSTER

ONE CITY

Map 092-14, Parcel(s) 039, 077-079, 083-086

A request to rezone from ORI and IR to SP-MU zoning for properties located at 329, 330, 331, 336, 337, 341 and 351 28th Avenue North, and at 3000 Charlotte Avenue, on the western side of the future 28th Avenue North (20.13 acres), to permit a mixed-use development, requested by Civil Site Design Group PLLC, applicant, Metro Government and Health Care REIT Inc., owners.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Permit an intense mixed-use office and commercial development.

Preliminary SP A request to rezone from Office/Residential Intensive (ORI) and Industrial Restrictive (IR) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 329, 330, 331, 336, 337, 341 and 351 28th Avenue North, and at 3000 Charlotte Avenue, on the western side of the future 28th Avenue North (20.13 acres), to permit a mixed-use development.

Existing Zoning

ORI District - Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities.

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

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes office and/or commercial uses.

CRITICAL PLANNING GOALS

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

The SP supports several critical planning goals. The placement of buildings and pedestrian entrances along street frontages combined with active uses and sidewalks along adjacent streets will improve the pedestrian environment next to the site. Placement of multiple uses within a single structure of multiple floors promotes compact building design. These complementary land uses will help to support transit along the Charlotte Avenue corridor and 28th Avenue. This development of this site includes the reuse and improvement of a site that is currently under-developed.

GREEN HILLS/ MIDTOWN COMMUNITY PLAN

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

Special Policy (SPA #1)

The special policy for this area supports the Mixed-Use land use policy. It recognizes that the area was once a predominately industrial area, but that it should continue to transition into a mixed-use area. It supports existing industrial zoning, but does not support the expansion of any industrial zoning.

Consistent with Policy?

Yes. The proposed Specific Plan is consistent with the land use policy and special policy for the property. The proposal will permit an intense mixture of uses including office, retail, restaurants as well as residential. The design guidelines will ensure a walkable urban development that meets the design intent of the policies.

PLAN DETAILS

The approximately 18 acres of land proposed for this SP consists of eight parcels. The properties are located on the south side of Charlotte Avenue, just east of I-440. The properties contain some vacant buildings and a large lumber yard. All the properties are developed and have no streams or environmentally sensitive areas.

The request is for a high intensity urban, mixed-use development intended to provide office space, retail, restaurants, and outdoor recreational areas. The proposed SP consists of a conceptual site diagram illustrating the possible lot layout and a booklet which contains additional zoning parameters. In addition to the conceptual lot layout, the diagram also identifies intended vehicular access points to Charlotte Pike and the proposed extension of 28th Avenue. The booklet details the intent of the proposed zoning. It provides general and specific information including a diagram of a conceptual build out, goals, photos and sketches demonstrating the design intent of specific areas within the project, and bulk and architectural standards.

The project consists of eight different areas (not to be confused with the 8 lots shown on the conceptual lot layout) which are referred to as “places” within the document. Each area consists of a specific intent and function and addresses six guiding design principles defined in the document – Urban Fabric, Circulation, Views, Solar Access, Relationships, and Human Factor. The eight different places include:

1. The Market Street: high touch, pedestrian scaled shopping and dining street.
2. The Boulevard: lush, pedestrian friendly streetscape with landscaped median is the collector for everyday traffic.
3. Arrival Court: expressive canopy and sophisticated landscape provide big sense of arrival.
4. The Dining Deck: anchored by healthy eating, local food is the main focus of the teaching and dining experience.
5. The Yard: a relocated heritage tree and interactive water feature anchor this multi-purpose gathering place.
6. The Water Gardens: water quality gardens double as a series of outdoor rooms for great minds to steep.
7. The Climbing Gardens: the terraced gardens link 28th avenue to the yards and back to Centennial Park.
8. Charlotte Avenue: urban edge, streetscape and architecture that serves as the public face of the project.

While the plan consists of many conceptual ideas, it also provides specific requirements. Standards include requirements for floor area (FAR), impervious surface ratios (ISR), height, build to zones, parking and uses. The specific standards combined with all the conceptual ideas are intended to ensure that however the site ultimately develops, that it is a sustainable, high density, walkable urban development that fits into and enhances the area which it resides.

FAR Requirements The maximum floor area for the project is 5.0. This will permit a development with a maximum build out of approximately 3,040,488 square feet.

Height Requirements The minimum building height is two stories, and the maximum height is 12 stories. The maximum height at the build-to line is seven stories (105 feet). Additional stories must be recessed at a minimum of 10 feet from the build-to line.

Building Build-to Zones The build-to zones establish the setback along street frontages. Sidewalks, landscaping, bicycle parking and pedestrian facilities such as outdoor dining may also be permitted within the build-to zones. The zones are broken into three different areas:

- 20 feet to 30 feet along Charlotte Avenue.
- 30 feet to 40 feet along 28th Avenue.
- 10 feet to 25 feet on internal streets.

Parking The SP does not propose alternative parking standards but relies on the standards found in the Metro Zoning Code. The majority of parking will be provided in structured parking; however, on-street parking will also be permitted. Bicycle parking will also be provided.

Uses Permitted uses include all uses permitted for the Mixed-Use General (MUG) zoning district as specified in the Metro Zoning Code with the exception of specifically excluded uses including: boarding house, cash advance, auto convenience, pawnshop, and cemetery. The total number of residential units is limited to 300 units.

Architectural Standards The SP includes minimal architectural standards that describe the intent of appropriate building design and specify acceptable materials.

Signage Signage will be addressed with the first final site plan. Staff is recommending that all signage meet standards for MUG, and that a comprehensive sign plan be submitted with the first final site plan.

Phasing As proposed the development of the project will occur in seven phases.

STORMWATER RECOMMENDATION

Preliminary SP approved as noted:

1. The stormwater pond discharge system shall connect into a dedicated storm system or a combination system that is in excess of 18".

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

*The conditions for the Traffic Impact Study (T.I.S.) will be handed out at the meeting.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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General Office (710)	4.17	3 F	544,935 SF	4923	845	812
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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)	14.56	0.6 F	380,540 SF	1355	115	122

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
General Office (710)	18.73	5 F	3,040,488 SF	23,192	3645	4648

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+16,914	+2685	+3714

METRO SCHOOL BOARD REPORT

Projected student generation

40 Elementary 24 Middle 19 High

Schools Over/Under Capacity Students would attend Park Avenue Elementary School, Bass Middle School, or Pearl-Cohn High School. Park Avenue Elementary and Pearl-Cohn High School are identified as under capacity, but Bass Middle School is identified as over capacity. There is capacity for middle school students within the cluster. This information is based upon data from the school board last updated October 2010.

Fiscal Liability The fiscal liability of 24 new middle school students is \$564,000 (10 X \$23,500 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposed project is consistent with the Mixed-Use land use policy and the special policy that apply to the development site.

CONDITIONS

- The following shall be omitted from note two on page 34 of the SP document, "to be eligible for square footage exemption."
- The following note shall be added the SP document, "Areas designated as "proposed active use conversion zone" shall provide widow display along at least 40% of the first floor façade and evenly distributed along the entire length of the facade. The building area within the zone shall be designed and constructed in a manner that will permit future conversion to active use (liner building space). The design and construction shall permit a space of not less than 30 feet in depth and a minimum of 16 feet in height. Liner building space along Charlotte Avenue shall be exempt from the square footage calculation."
- Surface parking except on street parking shall not be permitted within a build-to zone or between any roadway and building, and this requirement shall be specified as a note in the SP document.
- Signage shall meet standards for MUG. A comprehensive sign plan shall be submitted with the first final site plan, and this requirement shall be noted in the SP document.
- The uses of this SP shall be limited to all uses permitted in MUG expect for those uses specifically excluded by the SP. Residential is limited to a total of 300 units.
- No garage access shall be permitted along Charlotte Avenue or 28th Avenue. Garage access shall only be provided from internal drives.
- The stormwater pond discharge system shall connect into a dedicated storm system or a combination system that is in excess of 18".
- For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district for residential buildings as of the date of the applicable request or application.
- A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after

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

10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. 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.

Approved with conditions including revised conditions 2, 3, 8, and added conditions 9 and 10 of the Public Works Department with the following conditions renumbered accordingly. (7-0-1), Consent Agenda

Resolution No. RS2011-92

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-009-001 is **APPROVED WITH CONDITIONS including revised conditions 2, 3, 8, and added conditions 9 and 10 of the Public Works Department with the following conditions renumbered accordingly. (7-0-1)**

Conditions of Approval: - the following are from Jason's revisions

1. The following shall be omitted from note two on page 34 of the SP document, "to be eligible for square footage exemption."
2. The following note shall be added to the SP document, "Areas designated as "proposed active use conversion zone" shall provide active use and/or window display along at least 40% of the first floor building façade. The building area along this façade within the zone shall be designed and constructed in a manner that will permit future conversion to active use (liner building space) which if converted would maintain a minimum of 40% active use along the facade. The design and construction shall permit for a space of not less than 30 feet in depth and a minimum of 16 feet in height, measured from the first floor to the bottom of the 2nd floor above. Liner building space along Charlotte Avenue shall be exempt from the square footage calculation."
3. Surface parking except on street parking shall not be permitted within a build-to zone or between any roadway and building, except for temporary surface parking. Temporary surface parking shall not be located within 50 feet of Charlotte Avenue or 28th Avenue. Any temporary parking with more than 10 spaces shall meet the "parking area screening and landscaping requirements" specified in the Metro Zoning Code.
4. Signage shall meet standards for MUG. A comprehensive sign plan shall be submitted with the first final site plan, and this requirement shall be noted in the SP document.
5. The uses of this SP shall be limited to all uses permitted in MUG except for those uses specifically excluded by the SP. Residential is limited to a total of 300 units.
6. No garage access shall be permitted along Charlotte Avenue or 28th Avenue. Garage access shall only be provided from internal drives.
7. The stormwater pond discharge system shall connect into a dedicated storm system or a combination system that is in excess of 18".
8. Approved traffic conditions may be modified based on subsequent review and approval of a new Traffic Impact Study by Metro Traffic Engineer and the Planning Commission.
- 9. Phase 1 Traffic Conditions:**
 - a. Road A (Site Access 1) from the 28th Avenue Connector project limits to Road B shall be designed to include two travel lanes in each direction in order to accommodate the traffic that will be generated by the proposed development.
 - b. The eastbound approach of Road A at the intersection of the 28th Avenue Connector will be designed to include three eastbound approach lanes and shall be striped to include at a minimum one left turn lane and one right turn lane with approximately 200 feet of storage and tapers per AASHTO/MUTCD standards. The design and construction of this

approach shall be coordinated with the 28th Avenue Connector project.

- c. At the intersection of Road A, the northbound approach of the 28th Avenue Connector shall be modified to include a left turn lane with approximately 225 feet of storage and tapers per AASHTO/MUTCD standards. The design and construction of this approach shall be coordinated with the 28th Avenue Connector project.
- d. Road B (Site Access 2) shall be designed at a minimum as a two-lane roadway with one travel lane in each direction.
- e. The northbound approach of Road B shall align with 31st Avenue at the intersection of Charlotte Avenue and shall be designed to include one left turn lane with approximately 100 feet of storage, one through lane, and one right turn lane with approximately 170 feet of storage and tapers per AASHTO/MUTCD standards.
- f. The existing two-way left-turn lane on Charlotte Avenue should be restriped at the intersection of Road B to provide a dedicated westbound left turn lane with approximately 150 feet of storage and 75 feet of open taper.
- g. The traffic signal at the intersection of Charlotte Avenue and Road B/31st Avenue shall be modified to accommodate the new approach of Road B. At a minimum the modification will include protected/permissive left turn signal phasing for all approaches, and a right turn overlap for the northbound approach during the protected westbound left turn phase. Crosswalks with pedestrian signal heads and pushbuttons shall be provided across all legs of the intersection.
- h. The internal intersection of Road B and Road C shall be controlled by stop signs on the Road C approaches. Left turn lanes with at least 60 feet of storage and tapers per AASHTO/MUTCD standards shall be provided on the northbound and southbound approaches of Road B. The eastbound and westbound approaches of Road C should be designed to have a separate left turn and a shared through right turn lane. These left turn lanes should have at least 60 feet of storage and tapers per AASHTO/MUTCD standards.
- i. To minimize conflicts for traffic entering the site on Road B from Charlotte Avenue, remove all southbound angled parking on Road B for a minimum distance of 150ft from the intersection of Road B and Charlotte Avenue.
- j. The intersection of Charlotte Avenue at 28th Avenue is being redesigned, as part of the 28th Avenue Connector project currently being undertaken by Metro. The redesign of the existing traffic signal shall be coordinated with the 28th Avenue Connector project to minimize any required reconstruction associated with any anticipated future improvements required at this intersection.
- k. As described in the traffic impact study, "it is anticipated that the proposed development will be a major attractor for commuters with several thousand new jobs and daily visitors to the proposed medical offices and retail/restaurant space". Because of this consideration should be given to adding a bus stop for the #10 Charlotte Route within the project site. With the submittal of Final SP plans, the site shall be evaluated to determine where facilities could be provided to accommodate future transit/bus service.
- l. A cross access easement shall be provided to the adjacent property to the west. The utilization of this easement will be determined by Metro at the time a redevelopment plan is submitted for the adjacent property to the west.

10. Phase 2/Full Build-out Recommendations:

- a. Focused traffic impact studies will be required with the submittal of each Phase 2/Full Build-out final SP plan or as determined by the Metro Traffic Engineer. These studies will determine at what point each of the Phase 2 improvements (listed below) are to be constructed and whether additional mitigations are required. The expected improvements include the following:
 - b. A northbound right turn lane on the 28th Avenue Connector at the intersection of Charlotte Avenue with approximately 225 feet of storage and tapers per AASHTO/MUTCD standards.
 - c. An eastbound right turn lane on Charlotte Avenue at the intersection of the 28th Avenue Connector with approximately 300 feet of storage and tapers per AASHTO/MUTCD standards.
 - d. A westbound right turn lane on Charlotte Avenue at the intersection of the 28th Avenue Connector with approximately 200 feet of storage and tapers per AASHTO/MUTCD standards.
 - e. A modification of the northbound lanes on the 28th Avenue Connector at Charlotte Avenue to provide two left turn lanes, a single through lane, and a right turn lane with appropriate signage as required.
 - f. A modification to the lanes on the north approach of 28th Avenue at Charlotte Avenue to provide a southbound left turn lane, a southbound through lane, a southbound shared through/right turn lane, and a northbound through lane. The southbound left turn lane will have a minimum storage length of 160 feet and tapers per AASHTO/MUTCD standards. The southbound through/right turn lane on 28th Avenue will extend for a distance of at least 330 feet north of the Charlotte

Avenue intersection.

- g. Modification to the traffic signal at the intersection of Charlotte Avenue and 28th Avenue to provide protected-only left turn phasing for the recommended dual left turn lanes on the northbound approach of 28th Avenue. Right turn overlap phasing will be provided for the northbound, eastbound, and westbound approaches.
 - h. An eastbound right turn lane on Charlotte Avenue At the intersection of Road B/31st Avenue with approximately 150 feet of storage and tapers per AASHTO/MUTCD standards.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district for residential buildings as of the date of the applicable request or application.
 12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
 13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
 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.

The proposed project is consistent with the Mixed-Use land use policy and the special policy that apply to the development site.”

Zone Changes

12. 2011Z-005PR-001

MURFREESBORO PIKE

Map 120-01, Parcel(s) 167

Council District 13 (Carl Burch)

Staff Reviewer: Brian Sexton

A request to rezone from R10 to CL district property located at Murfreesboro Pike (unnumbered), approximately 350 feet south of Vultee Boulevard (1.04 acres), requested by Dale & Associates, applicant, Sam Bernhard, owner.

Staff Recommendation: APPROVE and direct staff to initiate a housekeeping amendment to change the land use policy to Commercial Arterial Existing.

APPLICANT REQUEST - Zone change from Residential to Commercial.

Zone Change A request to rezone from One and Two Family Residential (R10) to Commercial Limited (CL) district properties located at Murfreesboro Pike (unnumbered), approximately 350 feet south of Vultee Boulevard (1.04 acres).

Existing Zoning

R10 district - 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% duplex lots.

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

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

Consistent with Policy?

No. The proposed CL zoning is not consistent with the property’s RLM policy. The proposed CL zoning is intended for commercial uses while the RLM policy is intended for residential uses.

While the request to rezone to CL may be inconsistent with the RLM policy, the request would bring the property more into compliance with the existing commercial character of the area. The property is surrounded by a mixture of commercial and office uses. Residential uses are unlikely for this property as the RLM policy has eroded over time and rezonings inconsistent with the RLM policy have been approved. The applicant has requested this rezoning so that the property will be consistent with adjacent properties to the east and south that are zoned CL.

Because the property proposed to be rezoned to CL is surrounded by properties not consistent with the RLM policy, staff recommends approval of this rezoning and further recommends that the Planning Commission direct staff to initiate a housekeeping amendment to Commercial Arterial Existing (CAE) policy. CAE policy covers the property to the east as well as the south.

CAE policy is applied to existing areas of “strip commercial,” characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. Within CAE areas, small to moderate-sized development is important. Predominant uses found in CAE areas are retail and office activities, such as restaurants and consumer services. While CAE areas are rarely expanded, in this instance, it is appropriate to expand the CAE policy to maintain the viability of existing businesses and allow the use of this property, which is a vacant property between commercial and office uses.

History On November 9, 2000, the Planning Commission approved a rezoning from R10 to CL on an adjacent property (Parcel 153). The resolution approving CL for Parcel 153 also stated that CL was appropriate for the property currently seeking the zone change, Parcel 167.

On October 27, 2005, the Planning Commission recommended approval of a zone change on Parcel 167 (this parcel) from R10 to CL, but that request was withdrawn at the Metro Council on August 21, 2007. The Zoning Code states that Planning Commission recommendations are valid for two years, so that is why a new application is now being considered.

PUBLIC WORKS RECOMMENDATION A Traffic Impact study may be required at development.

Typical Uses in Existing Zoning District: **R10**

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)	1.04	4.63 D	4 L	39	3	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	1.04	0.122 F	5,526 SF	275	12	35

Traffic changes between typical: **R10** and proposed **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+236	+9	+30

Maximum Uses in Existing Zoning District: **R10**

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)	1.04	4.63 D	4 L	39	3	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip retail (814)	1.04	0.6 F	27,181 SF	1201	29	87

Traffic changes between maximum: **R10** and proposed **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1170	+26	+82

STAFF RECOMMENDATION Staff recommends that the request be approved and that the Commission direct staff to initiate a housekeeping amendment to change the residential policy to Commercial Arterial Existing.

Approved and directed staff to initiate a housekeeping amendment to change the land use policy to Commercial Arterial Existing. (7-0-1), Consent Agenda

Resolution No. RS2011-93

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-005PR-001 is **APPROVED and directed staff to initiate a housekeeping amendment to change the land use policy to Commercial Arterial Existing. (7-0-1)**

The request will allow the property to develop with improved consistency with the existing commercial character of the area.”

13. 2011Z-007PR-001

BL2011-884 / GILMORE
909, 913 & 1001 8TH AVENUE SOUTH
 Map 105-02, Parcel(s) 098-099, 440
 Council District 19 (Erica S. Gilmore)
 Staff Reviewer: Jason Swaggart

A request to rezone from IWD to MUG district properties located at 909, 913 and 1001 8th Avenue South, approximately 175 feet south of South Street (1.33 acres), requested by Hawkins Development Company, applicant, Nine O'Nine Inc., J. Frank Crowell Jr., James Frank Crowell III, and Mary Margaret Crowell, owners.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Rezone from Industrial to Mixed Use zoning.

Zone change A request to rezone from Industrial Warehousing and Distribution (IWD) district to Mixed Use General (MUG) district, properties located at 909, 913 and 1001 8th Avenue South, approximately 175 feet south of South Street (1.33 acres).

Existing Zoning

IWD District - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

Proposed Zoning

MUG District- Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

CRITICAL PLANNING GOALS N/A

GREENHILLS/MIDTOWN COMMUNITY PLAN

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

Mixed Use (MU) MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Consistent with Policy? Yes. The proposed mixed-use zoning district permits uses that are consistent with land use policies and the Edgehill DNDP which applies to these properties.

PUBLIC WORKS RECOMMENDATION A TIS may be required at development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.33	0.360 F	20,856 SF	75	7	7

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office	1.33	1.851 F	107,237 SF	1408	199	199

(710)						
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Traffic changes between typical: **IWD** and proposed **MUG**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1333	+192	+192

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.33	0.8 F	46,347 SF	165	14	15

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.33	3 F	173,804 SF	2042	292	274

Traffic changes between maximum: **IWD** and proposed **MUG**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1877	+278	+259

METRO SCHOOL BOARD REPORT

Projected student generation 14 Elementary 10 Middle 7 High

Schools Over/Under Capacity Students would attend Carter-Lawrence Elementary School, J.T. Moore Middle School, and Hillsboro High School. J.T. Moore Middle School is identified as being over capacity. There is no capacity within the cluster for additional middle school students. This information is based upon data from the school board last updated October 2010.

Fiscal Liability The fiscal liability of 10 new middle school students is \$235,000 (10 X \$23,500 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION Staff recommends that the request be approved. The proposed MUG zoning district is consistent with the land use policies that apply to these properties. While not a part of this request, staff also supports the rezoning of additional properties along this area to MUG upon request on Planning Commission direction.

Approved (7-0-1), Consent Agenda

Resolution No. RS2011-94

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-007PR-001 is **APPROVED. (7-0-1)**

The proposed MUG zoning district is consistent with the land use policies that apply to these properties.”

14. 2011Z-008PR-001

1004 & 1016 8TH AVENUE SOUTH
 Map 105-02, Parcel(s) 407, 507
 Council District 17 (Sandra Moore)
 Staff Reviewer: Jason Swaggart

A request to rezone from IWD to MUG district properties located at 1004 and 1016 8th Avenue South, approximately 175 feet south of Archer Street (1.31 acres), requested by Hawkins Development Company, applicant, JFC Enterprises Inc., owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Rezone from Industrial to Mixed Use zoning

Zone Change A request to rezone from Industrial Warehousing/Distribution (IWD) to Mixed Use General (MUG) district properties located at 1004 and 1016 8th Avenue South, approximately 175 feet south of Archer Street (1.31 acres).

Existing Zoning

IWD District - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

Proposed Zoning

MUG District -Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

CRITICAL PLANNING GOALS N/A

GREENHILLS/MIDTOWN COMMUNITY PLAN

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

Commercial Commercial is intended for commercial uses only, with no residential uses. It is intended for mixed commercial buildings with shops at street level and office uses on the upper levels.

Consistent with Policy? Yes. The proposed mixed-use zoning district is consistent with the Neighborhood Urban land use policy. While the proposed zoning district permits residential development, which is not called for in the detailed Commercial land use policy, staff recognizes that residential development is already permitted on this site as an adaptive reuse (Section 17.16.030.E of the Zoning Code). The overall intent of the policies are to create an urban mixed-use corridor. Being that residential would be permitted as an adaptive reuse under any commercial or shopping center zoning district prescribed in the Commercial land use policy, then issue of the land use is secondary. Meanwhile, the MUG zoning district is appropriate because it will permit a wider range of uses at a higher intensity which is consistent with the policies. This intensity is also appropriate given the location of the sites and their proximity to the Gulch. Urban mixed-use development should extend from the Gulch southward along the 8th Avenue corridor and the MUG zoning will permit this type of development. Finally, the MUG zoning district is appropriate because its bulk standards are in keeping with the urban design that is called for on this site in the Detailed Neighborhood Design Plan.

PUBLIC WORKS RECOMMENDATION A TIS may be required at development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.31	0.360 F	20,542 SF	74	7	7

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.31	1.851 F	105,574 SF	1391	196	198

Traffic changes between typical: **IWD** and proposed **MUG**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1317	+189	+191

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.31	0.8 F	45,629 SF	163	14	15

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.31	3 F	171,190 SF	2019	289	271

Traffic changes between maximum: **IWD** and proposed **MUG**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1856	+275	+256

METRO SCHOOL BOARD REPORT

Projected student generation **14** Elementary **10** Middle **7** High

Schools Over/Under Capacity Students would attend Carter-Lawrence Elementary School, J.T. Moore Middle School, and Hillsboro High School. J.T. Moore Middle School is identified as being over capacity. There is no capacity within the cluster for additional middle school students. This information is based upon data from the school board last updated October 2010.

Fiscal Liability The fiscal liability of 10 new middle school students is \$235,000 (10 X \$23,500 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION Staff recommends that the request be approved. The proposed MUG zoning district is consistent with the intent of the land use policies applied to these properties. While not a part of this request, staff also supports the rezoning of additional properties along this area to MUG upon request on Planning Commission direction.

Approved (7-0-1), Consent Agenda

Resolution No. RS2011-95

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-008PR-001 is **APPROVED. (7-0-1)**

The proposed MUG zoning district is consistent with the intent of the land use policies applied to these properties.”

J. PLANNING COMMISSION ACTIONS

Subdivision: Final Plats

15. 2011S-013-001

KIRKWOOD LANE

Map 118-01, Parcel(s) 431

Council District 17 (Sandra Moore)

Staff Reviewer: Greg Johnson

A request for final plat approval to create two lots on property located at 916 Kirkwood Avenue, approximately 250 feet east of Craig Avenue (0.37 acres), zoned R8, requested by Cornerstone Investments Inc., owners, Elite Surveying Services LLC, surveyor.

Staff Recommendation: APPROVE WITH A CONDITION, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability.

APPLICANT REQUEST - Final plat to create two lots

Final Plat A request for final plat approval to create two lots on property located at 916 Kirkwood Avenue, approximately 250 feet east of Craig Avenue (0.37 acres), zoned One and Two Family Residential (R8).

CRITICAL PLANNING GOALS

- Supports Infill Development

This subdivision is on a previously-developed property. Where there was one residential unit, there will be at least two units using the existing infrastructure.

PLAN DETAILS

Final Plat The applicant requests final plat approval for a two lot subdivision on Kirkwood Lane. Because neither of the two proposed lots meet lot comparability standards for lot frontage, this subdivision must be considered by the Planning Commission. A sidewalk is present along the Kirkwood Lane frontage of the subdivision.

Lot Comparability Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
Kirkwood Lane	7,913	67.3

The proposed lots have the following areas and frontage lengths:

- Lot 1: 8,185 square feet, **50** feet of frontage
- Lot 2: 8,188 square feet, **50** feet of frontage

Based on the lot comparability analysis, the frontage length of each lot is approximately 17 feet shorter than required.

Lot Comparability Exception

An exception to lot comparability may be granted when a proposed lot does not meet the minimum requirements of the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots do not meet any of the qualifying criteria for the exception to lot comparability. However, with an additional restriction on permitted density, the proposed lots meet **one** of the qualifying criteria for the exception to lot comparability:

“Where the proposed lot sizes are consistent with the adopted land use policy that applies to the property.”

Under the current zoning, a duplex could be constructed on each of the proposed lots. A duplex on each of the two lots (4 units total) would result in a residential density that is higher than recommended by RM policy. Under this scenario, the proposed subdivision would not meet the qualifying criteria allowing for an exception to lot comparability. Restricting development on one of the lots to allow only single-family development would allow the density of the subdivision to remain within the upper limit of RM policy, making the subdivision eligible for a lot comparability exception. Staff proposes a condition of approval to add a note to the plat that limits development on one of the two lots to allow only one single-family dwelling. The applicant has agreed to this condition.

STORMWATER RECOMMENDATION Final plat approved
PUBLIC WORKS RECOMMENDATION No exception taken

STAFF RECOMMENDATION Staff recommends approval with a condition of the subdivision, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability. With a restriction on duplexes for one of the two proposed lots, the proposed subdivision will be eligible for an exception to lot comparability requirements of the Subdivision Regulations. If an exception to lot comparability is not approved, staff recommends disapproval of the subdivision.

CONDITION

1. A note restricting development on one of the lots to single-family development shall be added to the plat.

Approved with a condition, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability. (7-0-1), Consent Agenda

Resolution No. RS2011-96

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-013-001 is **APPROVED WITH A CONDITION, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability. (7-0-1)**

Condition of Approval:

1. A note restricting development on one of the lots to single-family development shall be added to the plat.”

16. 2011S-016-001

1609 GLEN ECHO

Map 117-16, Parcel(s) 007 and 008
 Council District 25 (Sean McGuire)
 Staff Reviewer: Brenda Bernards

A request for final plat approval to create three lots on properties located at 1603 and 1609 Glen Echo Road, at the corner of Glen Echo Road and Belmont Boulevard (0.9 acres), zoned R10, requested by VLB Holdings LLC and Scott Knapp, owners, Dale & Associates, surveyor.

Staff Recommendation: APPROVE, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability.

APPLICANT REQUEST - Final plat to create three lots

Final Plat A request for final plat approval to create three lots on property located at 1603 and 1609 Glen Echo Road, at the southwest corner of Glen Echo Road and Belmont Boulevard (0.9 acres), zoned One and Two-Family Residential (R10).

CRITICAL PLANNING GOALS

- Supports Infill Development

This subdivision is on a previously-developed property. Where there were three residential units, there will be up to six units using the existing infrastructure.

PLAN DETAILS

Final Plat

The applicant requests final plat approval for a three lot subdivision at the southwest corner of Glen Echo Road and Belmont Boulevard.

Sidewalks are required on one of the lots. The applicant has placed the sidewalk on the Glen Echo frontage of Lot 3 at the request of the Public Works Department. Sidewalks are being added to the south side of Glen Echo Road as property is redeveloping. Glen Echo ends at Belmont Boulevard. Placing the sidewalk at the terminus of the street will better position the Public Works Department to complete the sidewalk network in the future.

Lot Comparability

Lots 1 and 2 do not meet the lot comparability requirements of the Subdivision Regulations for both area and for frontage on Glen Echo Road. Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

Lot comparability analyses were performed for both the Glen Echo Road frontage and Belmont Boulevard frontage and yielded the following information:

Lot Comparability Analyses		
Street	Requirements	
	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (linear ft.)
Glen Echo Road	13,592.6	94.1
Belmont Boulevard	16,141.7	128.0

Lot 3, with frontages on both streets, would need to meet the requirements for both. Lots 1 and 2 only needs to meet the requirements for Glen Echo Road. The proposed lots have the following areas and frontage lengths:

- Lot 1: **10,000.5** square feet, **71.2** feet of frontage
- Lot 2: **10, 000.7** square feet, **73.1** feet of frontage
- Lot 3: 21,041.5 square feet, 170 feet of frontage on Glen Echo Road and 129.9 on Belmont Boulevard.

Lot Comparability Exception

An exception to lot comparability may be granted when a proposed lot does not meet the minimum requirements of the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots meet **one** of the qualifying criteria for the exception to lot comparability:

“Where the proposed lot sizes are consistent with the adopted land use policy that applies to the property.”

The land use policy is Residential Medium (RM) which is intended to accommodate residential development within a density range of four to nine dwelling units per acre. The lots are .9 acres in size and four units are currently permitted for a density of approximately 4.4 units per acre which meets the RM policy. The density of the subdivided property would be 6.7 units per acre. The subdivision remains consistent with the RM policy. In addition Special Policy Area #11 of the Green Hills/Midtown Community Plan applies to this property. This policy calls for providing clear definition to street by placing buildings to create a “street wall” consistent with the width of the street. The proposed plat includes the removal of a platted setback which will allow buildings to be placed closer to the street consistent with the setbacks of the Zoning Code.

Special Policy Area #11.

1. Development within this area should be limited to one- and two-family structures and townhouse type structures that are on separate lots designed for individual ownership.

2. Any development within this area should create a sustainable and walkable neighborhood. Buildings shall form an appropriate street wall consistent with the width of the street. This is critical for scale and to provide a clear definition to the street. The streetscape elements

(sidewalks, street trees, street furnishings, etc.) shall fully support the development form. The massing of buildings shall complement each other in quality of construction and materials, scale, height, massing, and rhythm of buildings solid to open void. Any redevelopment shall achieve sensitive transition to surrounding development.

STAFF RECOMMENDATION Staff recommends approval and an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability. The subdivision is in compliance with the RM policy and Special Policy Area #11.

Approved, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability. (7-0-1), Consent Agenda

Resolution No. RS2011-97

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-016-001 is **APPROVED, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability. (7-0-1)**”

17. 2011S-018-001

PLAN OF WEST NASHVILLE, RESUB LOT 902 & 904

Map 091-11, Parcel(s) 107

Council District 20 (Buddy Baker)

Staff Reviewer: Greg Johnson

A request for final plat approval to create two lots on property located at 5001 Illinois Avenue, approximately 380 feet west of 49th Avenue North (0.68 acres), zoned R6, requested by Cole Investments LLC, owner, Campbell McRae & Associates Surveying Inc., surveyor.

Staff Recommendation: APPROVE, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability.

APPLICANT REQUEST - Final plat to create two lots

Final Plat A request for final plat approval to create two lots on property located at 5001 Illinois Avenue, approximately 380 feet west of 49th Avenue North (0.68 acres), zoned One and Two Family Residential (R6).

CRITICAL PLANNING GOALS

- Supports Infill Development

This subdivision is on a previously-developed property. Where there was one residential unit, there will be up to two units using the existing infrastructure.

PLAN DETAILS

Final Plat

The applicant requests final plat approval for a two lot subdivision on Illinois Avenue. Because neither of the two proposed lots meet lot comparability standards for lot frontage, this subdivision must be considered by the Planning Commission.

A sidewalk is not present along Illinois Avenue in front of the proposed subdivision. A note has been added to the plat to require construction of required sidewalk prior to the issuance of a building permit within the subdivision.

Lot Comparability Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Illinois Avenue	6,000	43.6

The proposed lots have the following areas and frontage lengths:

- Lot 1: 6,150 square feet, 45 feet of frontage
- Lot 2: 6,000 square feet, **36** feet of frontage

Based on the lot comparability analysis, the frontage length of Lot 2 is approximately 7.5 feet shorter than required.

Lot Comparability Exception An exception to lot comparability may be granted when a proposed lot does not meet the minimum requirements of the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception. The proposed lots meet **two** of the qualifying criteria for the exception to lot comparability:

1. If the proposed subdivision is within a one-quarter mile radius of any area designated as a "Mixed Use", "Office", "Commercial", or "Retail" land use policy category.
2. Where the proposed lot sizes are consistent with the adopted land use policy that applies to the property.

The proposed subdivision is located less than 200 feet from a mixed use land use policy (T4 Urban Community Center) along 51st Avenue North in West Nashville. Near the proposed subdivision, lots along 51st Avenue are zoned for commercial development (CS).

The T4 CM policy recommends residential density between 4 and 20 dwelling units per acre. Development within the proposed subdivision could reach a density of up to 15 dwelling units per acre, which is consistent with the existing land use policy.

STORMWATER RECOMMENDATION Final plat approved

PUBLIC WORKS RECOMMENDATION No exception taken

No building permit is to be issued until sidewalk is constructed per the Metro Public Works specifications.

STAFF RECOMMENDATION Staff recommends approval of the subdivision, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability.

Approved, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability. (7-0-1), Consent Agenda

Resolution No. RS2011-98

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-018-001 is **APPROVED, including an exception to Section 3.5 of the Subdivision Regulations for Lot Comparability. (7-0-1)**"

K. OTHER BUSINESS

18. Capital Improvements Budget

Approved (7-0-1), Consent Agenda

Resolution No. RS2011-99

"BE IT RESOLVED by The Metropolitan Planning Commission that the 2011-2012 to 2016-2017 Proposed Capital Improvements Budget is **APPROVED. (7-0-1)**"

19. Historical Commission Report

20. Board of Parks and Recreation Report

21. Executive Committee Report

22. Executive Director Report

23. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

April 14, 2011

Work Session

2:15 pm, Sonny West Conference Center (note change of location to accommodate Metro 3 recording of the session)

Topic: Commission's responsibilities, powers, and duties – rescheduled from Feb. 10

MPC Meeting

4 pm, Sonny West Conference Center

Capital Budget

April 18, 2011

Work Session

1 pm, 800 2nd Avenue South, Nash Room

Topic: Nolensville Road corridor study

April 28, 2011

MPC Meeting

4 pm, Sonny West Conference Center

Primrose UDO

6 pm, Sonny West Conference Center

Topic: Receive consultants' preliminary comments on Downtown Sign Standards

M. ADJOURNMENT

The meeting was adjourned at 5:51 p.m.

Chairman

Secretary