

Metropolitan Planning Commission



Staff Reports

December 12, 2013



Metro Planning Commission Meeting of 12/12/2013

Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to evolve into a more socially, economically and environmentally sustainable community with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.



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PREVIOUSLY DEFERRED ITEMS

- **Community Plan Amendments**



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NO SKETCH



Project No. Major Amendment 2013CP-000-002
Project Name Amend *Implementing Complete Streets: Major and Collector Street Plan of Metropolitan Nashville, A Component of Mobility 2030*

Associated Case 2013CP-010-005
Council Districts 17 – Moore
18 – Allen
25 – McGuire
34 – Todd

School Districts 7 – Pinkston
8 – Hayes

Requested by Metropolitan Planning Department

Staff Reviewer Briggs
Staff Recommendation *Defer to the March 13, 2014, Planning Commission meeting.*

APPLICANT REQUEST

Amend the Major and Collector Street Plan to include the Green Hills Area Transportation Plan

COMMUNITY PARTICIPATION

Community meetings were held on October 28, 2013, and November 18, 2013, to review the recommendations of the Green Hills Area Transportation Plan.

STAFF RECOMMENDATION

Staff recommends deferral to the March 13, 2014, Planning Commission meeting.



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NO SKETCH



Project No.	Major Amendment 2013CP-010-005
Project Name	<i>Amend Green Hills-Midtown Community Plan, 2005 update</i>
Associated Case	2013CP-000-002
Council Districts	17 – Moore 18 – Allen 25 – McGuire 34 – Todd
School Districts	7 – Pinkston 8 – Hayes
Requested by	Metropolitan Planning Department
Staff Reviewer	Briggs
Staff Recommendation	<i>Defer to the March 13, 2014, Planning Commission meeting.</i>

APPLICANT REQUEST

Amend the Green Hills-Midtown Community Plan to include the Green Hills Area Transportation Plan

COMMUNITY PARTICIPATION

Community meetings were held on October 28, 2013, and November 18, 2013 to review the recommendations of the Green Hills Area Transportation Plan.

STAFF RECOMMENDATION

Staff recommends deferral to the March 13, 2014, Planning Commission meeting.



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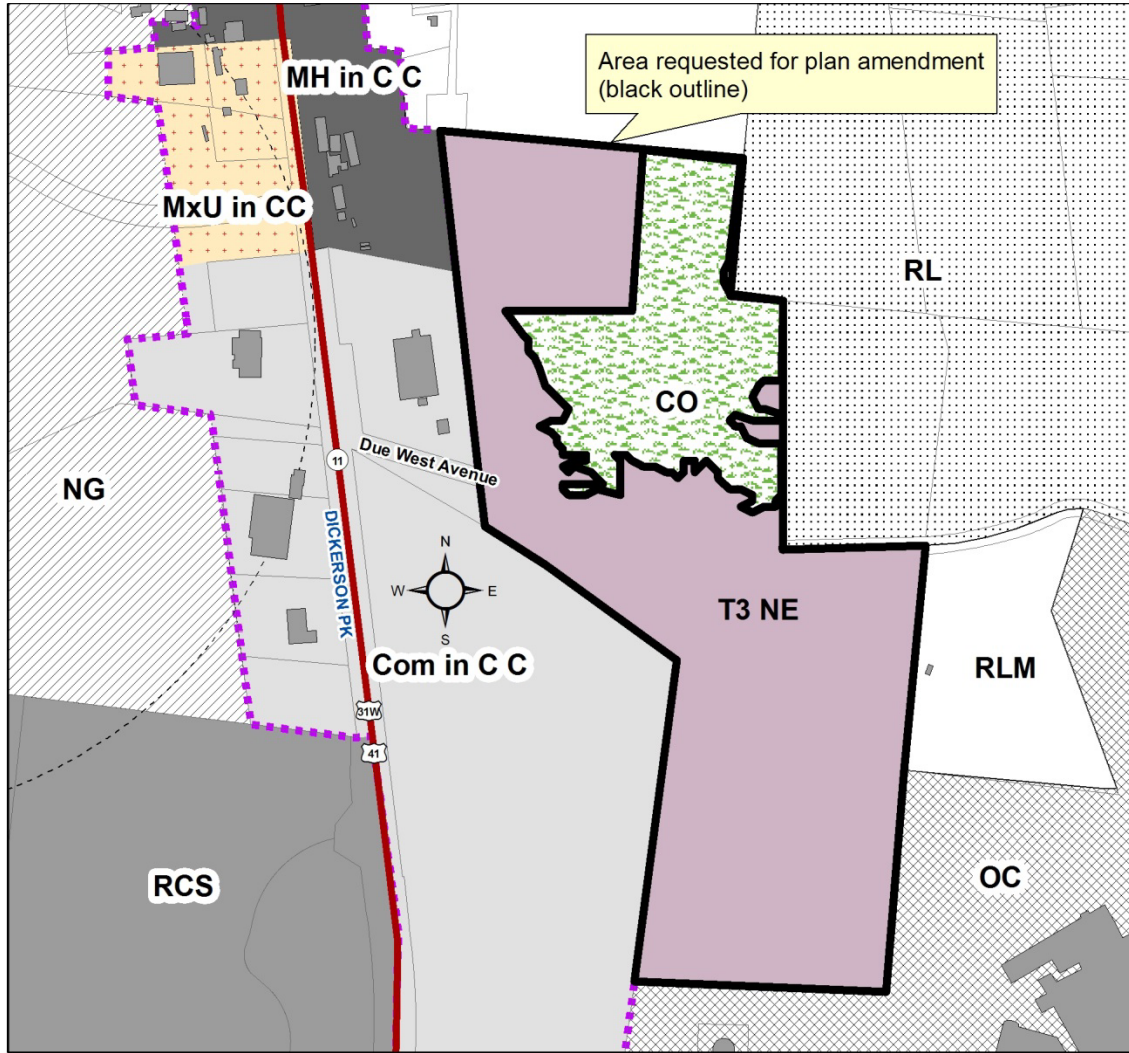
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COMMUNITY PLAN POLICY CHANGES and ASSOCIATED CASES

- **Plan Amendments**
- **Specific Plans**



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2013CP-002-001
PARKWOOD-UNION HILL COMMUNITY PLAN
AMENDMENT
Map 050, Parcel(s) 073-074
Map 051, Parcel(s) 020



Project No.	Minor Amendment 2013CP-002-001
Project Name	Amend the <i>Parkwood–Union Hill Community Plan: 2006 Update</i>
Associated Case	2013SP-038-001
Council District	08 – Bennett
School District	03 - Speering
Requested by	Barge Cauthen & Associates, applicant; Skyline Commercial Properties, owner
Staff Reviewer	Claxton
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Amend the land use policy from Residential Low Medium to Suburban Neighborhood Evolving and Conservation.

Minor Plan Amendment

A request to amend the *Parkwood–Union Hill Community Plan: 2006 Update* to change the policy from Residential Low Medium (RLM) to T3 Suburban Neighborhood Evolving (T3 NE) and Conservation (CO) for properties located at 915 and 927 Old Due West Avenue, approximately 460 feet east of Dickerson Pike (47.09 acres).

CRITICAL PLANNING GOALS

N/A

SOUTHEAST COMMUNITY PLAN

Current Policies

Residential Low (RL) is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

Residential Low Medium (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 other types of housing, such as townhomes, stacked flats or duplexes, may be appropriate.

Proposed Policies

Conservation (CO) policy is applied to preserve or enhance environmentally sensitive features, such as floodways, floodplains and steep slopes. CO policy discourages development in these areas.

Suburban Neighborhood Evolving (T3 NE) policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable



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land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

COMMUNITY PARTICIPATION

Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 600 feet of the subject site.

ANALYSIS

The policies that will be applied to the plan amendment site are Conservation (CO) and T3 Suburban Neighborhood Evolving (T3 NE).

CO policy is proposed to be applied to the steep slopes on the northeast portion of the site, approximately 10 acres. The application of the CO policy would assist in preserving this environmentally sensitive feature.

Suburban Neighborhood Evolving (T3 NE) policy is proposed to be applied to the southern and northwestern portions of the site; roughly 37 acres. T3 NE policy permits higher density housing, but is suburban in character with regard to building form, land use and associated public realm. Under the guidance of this policy, suburban residential development should provide a mixture of housing types that would appeal to a population that is evolving in age and diversity (Davidson County is expected to see substantial growth in its aging and minority populations by 2040). Residential development should also provide through building placement and form, a public realm that is pedestrian friendly and that is reminiscent of classic suburban neighborhoods; e.g. entrances oriented to the street, moderate setbacks, sidewalks, substantial landscaping, and access to formal and informal open spaces.

The application of T3 NE policy and any subsequent development of this character are appropriate in this location. Residential development with a mixture of housing at higher densities should locate along major corridors, in this case Dickerson Pike, to help break-up contiguous suburban commercial development. Development of this character is compatible with the pattern of development that has occurred along the corridor in recent years.

CONCLUSION

The proposed request would apply Conservation policy to the steep slopes on this property, preserving them from development and erosion. Suburban Neighborhood Evolving policy would encourage higher density suburban residential development along the Dickerson Pike corridor. Development of this type would accommodate the County's growing and diverse population and would continue the precedent of providing an appropriate balance of residential and commercial along the corridor. For these reasons, the application of the aforementioned policies is appropriate.

STAFF RECOMMENDATION

Staff recommends approval.

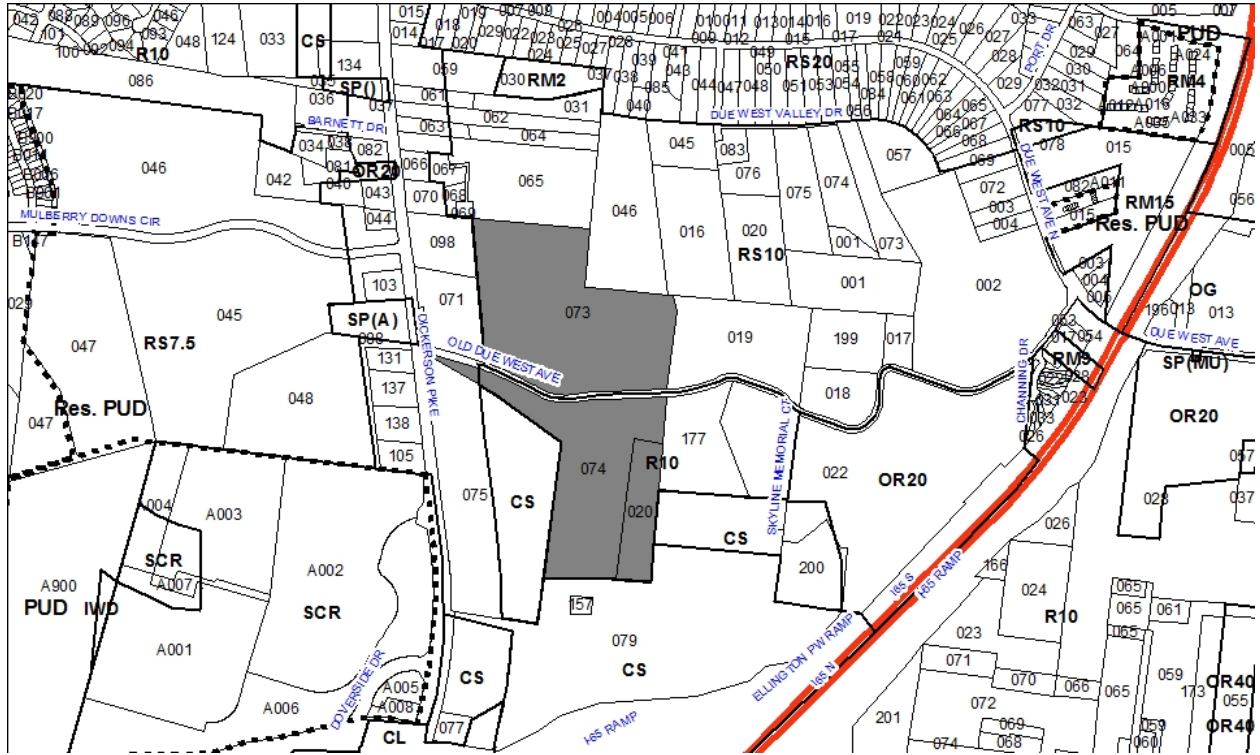


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2013SP-038-001
SKYLINE APARTMENTS
Map 050, Parcel(s) 073-074
Map 051, Parcel(s) 020
Parkwood - Union Hill
08 - Karen Bennett



Project No. 2013SP-038-001
Project Name Skyline Apartments
Associate Case 2013CP-002-001
Council District 08—Bennett
School District 03—Speering
Requested by Barge Cauthen & Associates, applicant; Skyline Commercial Properties, owner

Staff Reviewer Diaz-Barriga
Staff Recommendation *Approve with conditions, including the revised Public Works conditions, subject to the approval of the associated policy amendment and disapprove without all conditions. Disapprove if the policy amendment is not approved by the Commission.*

APPLICANT REQUEST

Permit up to 280 multi-family residential units and 160 assisted care living units.

Preliminary SP

A request to rezone from One and Two-Family Residential (RS10), Single-Family Residential (R10), and Commercial Service (CS) to Specific Plan-Residential (SP-R) zoning for properties located at 915 and 927 Old Due West Avenue, approximately 460 feet east of Dickerson Pike (47.09 acres), to permit up to 280 multi-family residential dwelling units and 480 assisted care living units (beds).

Existing Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 102 lots with 25 duplex lots for a total of 127 units.*

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 92 units.*

Current zoning would allow a maximum total of 219 dwelling units.

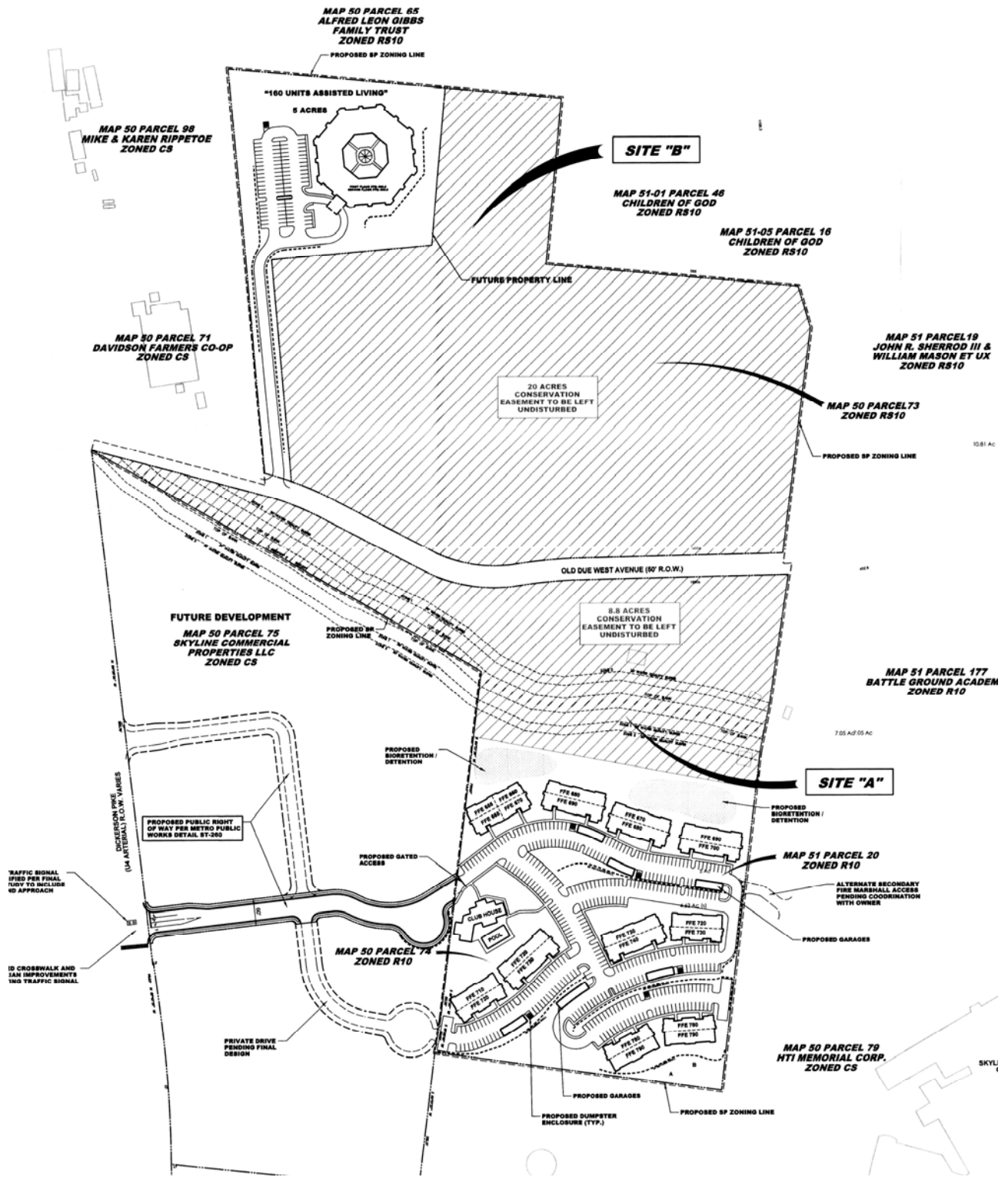
Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

Specific Plan-Residential (SP-R) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes two residential building types.



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Proposed Site Plan



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CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features
- Provides a Range of Housing Choices

This SP places over half of its total acreage (28.8 acres of 47 total acres) within conservation easements and requires these areas to be left undisturbed. These identified areas contain either steep slopes or streams, and placing conservation easements on these areas will help to permanently protect sensitive environment features of the area. The proposed development also provides an additional housing option for the area, one that is within proximity to various support and convenience services.

PARKWOOD-UNION HILL COMMUNITY PLAN

Existing Policies

Residential Low (RL) is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

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

Proposed Policies

Suburban Neighborhood Evolving (T3 NE) policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

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

Consistent with Policy?

This SP is accompanied by a request for a policy amendment. The SP request is not consistent with the existing RL and RLM policies. RL supports density of one to two dwelling units per acre, and RLM supports density of two to four dwelling units per acre. The request is consistent with the proposed T3 NE and CO policies. The proposed density of 13 units per acre on the north portion and 6.4 dwelling units per acre on the south portion is well within the range supported by NE policy, which is 4 to 20 dwelling units an acre. The overall density of the proposed SP is 9.3 units per acre, where every three assisted living units count as one dwelling unit as defined in the Zoning Code. The multi-family units proposed with the SP provide an additional housing choice for the area. The SP identifies land within the proposed CO policy as land within a conservation easement to be left undisturbed.



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PLAN DETAILS

The site consists of three existing parcels, east of Dickerson Pike and north of Briley Parkway. Two of the parcels are south of Old Due West Avenue and one parcel is north of Old Due West Avenue. The SP proposes 280 multi-family residential units and 480 assisted care beds (160 dwelling units) on a total of 47.09 acres. Within the site, the SP proposes 28.8 acres to be contained within a conservation easement and left undisturbed.

Site Plan

The SP proposes 10 buildings clustered on the south half of the site. The plan limits uses to a total of 280 multifamily units. These buildings are proposed to be up to four stories tall with a maximum height of 45 feet. The site plan proposes to step the buildings and the parking into the hillside in a series of steps, as opposed to flattening the bulk of the site for the new development. The southern portion of the SP will have two access points along Dickerson Pike through a public road, to be dedicated prior to development, one of which will intersect Dickerson Pike at an existing traffic signal. This public road will include sidewalks, and the SP also includes off-site traffic improvements, including a crosswalk and crosswalk signals at the intersection of the new public road and Dickerson Pike. The SP also dedicates 8.8 acres of the southern portion to a conservation easement, which is identified as to be left undisturbed.

The SP proposes an assisted living building on the northern portion of the site, and limits the number of units to 480 beds or 160 dwelling units. This portion of the SP is accessed from Old Due West Avenue. The SP dedicates 20 acres of the northern portion to a conservation easement, which is identified as to be left undisturbed.

ANALYSIS

Staff is recommending that the request be approved with conditions, including the revised Public Works conditions, subject to the approval of the associated policy amendment. The request should be disapproved if the associated policy amendment is disapproved.

The request is consistent with the proposed NE and CO policies. The proposed SP provides an additional housing option for the area, which could benefit those who work at the adjacent hospital who wish to live in proximity to their job. The density supported by the NE policy and proposed with this request can help strengthen the commercial developments, both existing and future, of the immediate area. This request also preserves a large area of land, and is further identified by the CO policy. The southernmost portion of the site, where the majority of the development is occurring, is shown to be on both steep slopes and problem soils. A geotechnical report is required prior to final site plan approval. If the geotechnical report determines that portions of the site are unsuitable for development, the SP should be reduced in scale from the original proposed unit count. Also, the public right-of-way will need to be dedicated prior to the issuance of any building permits, to ensure proper access to the site.

FIRE MARSHAL RECOMMENDATION

D103.2 Grade.

Fire apparatus access roads shall not exceed 10 percent in grade.



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STORMWATER RECOMMENDATION

Add Preliminary Note to plans: (This drawing is for illustration purposes to indicate the basic premise of the development. The final unit count and details of the plan shall be governed by the appropriate regulations at the time of final application.)

PUBLIC WORKS RECOMMENDATION

1. Prior to Final SP site plan approval of the SP northern property with proposed assisted living with access off Old Due West, a Traffic Impact Study shall be conducted by developer to identify roadway improvements for Old Due West Ave. and Dickerson Rd. Significant roadway improvements on Old Due West Ave may be required including re-locating proposed driveway in order to provide adequate sight distance.
 2. An updated focused TIS may be required for development of parcel 75 adjacent to the Skyline Apartments located in the SP southern property boundary prior to project approval in order to identify adequate on-site road/driveway design, access to Dickerson Rd and determine any modifications to the TIS recommended roadway improvements and phasing plan as listed below. **The TIS phasing plan may be modified based on the land use proposed in Parcel 75 and any associated focused TIS recommendations.**
 3. The cross section of the main roadway accessing the Skyline Apartments and aligned with signalized Skyline Commons Driveway may require modification to provide turn lanes at intersections and additional lane storage length at signal at the time of future development of adjacent property in Parcel 75.
 4. Depending on available ROW, the Skyline Commons Driveway opposite the Skyline Apartment road may require modification in order to construct a separate EB through lane and to provide appropriate alignment with the proposed 4th leg at this intersection.
 5. The Developer shall design signal modification plans and install signal at the southern project access with Dickerson Pike. The Engineer shall submit signal modification plans including pedestrian signals and associated pedestrian facilities per ADA standards to the Metro Traffic Engineer for approval. Final SP construction drawings shall include roadway improvement plans, pavement marking / signage plans, and the proposed phasing of improvement, as recommended in the traffic impact study phasing plan.
 6. In accordance with the TIS recommendations for the Skyline Apartments in the SP southern property, the following conditions will be required
- #### Northbound Dickerson Road
1. Developer shall construct a third northbound through lane from the vicinity of the Skyline Medical Center/Doverside Dr intersection and extend lane to the project's northern access and terminate as a right turn lane at this location with pavement markings and signage per MUTCD standards.
- #### Intersection of Dickerson Road and the Northern Project Access
2. The northern project access shall be constructed as an unsignalized T-intersection approximately 450 feet north of the southern access and the existing signalized Skyline Commons access.
 3. Developer shall construct a dedicated northbound right turn lane at the project access.



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4. The project access should be constructed to include at least one eastbound entering lane and two westbound exiting lanes, striped as separate left and right turn lanes.

Intersection of Dickerson Road and the Southern Project Access / Skyline Commons Access

5. The southern project access should be constructed directly opposite the existing signalized Skyline Commons access with appropriate lane alignment.

6. The existing striping on Dickerson Road should be modified to provide a dedicated southbound left turn lane for the new project access with a minimum of 75ft of storage.

7. In addition to the additional northbound through lane, developer shall construct a dedicated northbound right turn lane at the project access with a minimum of 200ft of storage and transition per AASHTO and MUTCD standards.

8. At a minimum, the existing eastbound driveway for Skyline Commons should be modified to include a shared left/through lane unless a separate EB through lane can be constructed by developer within available ROW.

9. The project access should be constructed to include at least two eastbound entering lanes and three westbound exiting lanes, striped as two left turn lanes with a minimum of 180 ft. of storage and transition per AASHTO and MUTCD standards, and a shared through/right turn lane.

10. Developer shall modify the existing traffic signal to include a protected-only left turn signal phase for southbound motorists, a right turn overlap signal phase for northbound motorists, and a split phase operation for eastbound and westbound motorists. Also, the modified traffic signal should include pedestrian crosswalks and signal phases to facilitate access between the existing Skyline Commons shopping center and the proposed mixed-use project.

11. Developer shall construct a bus pull off lane and allow a bus shelter on the east side of Dickerson Road at appropriate distance to intersection.

TIS Phasing Plan

It is likely that the SP and adjacent property will develop in phases, therefore the roadway improvements shall be implemented as follows:

With the 280 Skyline apartments,

Developer shall construct the main access road and construct a NB right turn lane with appropriate storage length and transition and a EB through lane at new intersection, the bus shelter and pull off lane per MTA guidelines, and modify signal including pedestrian improvements. Developer may submit additional analysis prior to Final SP approval to determine if the NB right turn lane and EB through lane can be delayed to the next phase.

The main east-west access road should be constructed from Dickerson Road to the multi-family site. The intersection geometry and signal modifications shall be designed and constructed in a way that will accommodate the future northbound through lane and right turn lane with minimal disruption.

Before any commercial space is occupied

Developer shall construct the third northbound through lane extended north to the intersection with Skyline

Commons and the new project roadway. Also, a separate northbound right turn lane shall be constructed at the new project roadway.

Before 50% of the commercial space is occupied (or 500 peak hour trips are generated)



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The northern access shall be constructed and the northbound through lane should be extended to the north access.

TRAFFIC TABLE

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	24.97	3.7 D	92 U	963	75	100

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)	22.12	4.63 D	127 U*	1296	99	133

*Based on 25 two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	47.09	-	280 U	1821	141	172

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Assisted Living (254)	47.09	-	480 Beds	684	68	106

Traffic changes between maximum: **RS10, R10** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+246	+35	+45

Traffic changes between maximum: **RS10, R10** and proposed **SP-MR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-68	-10	-25



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SCHOOL BOARD REPORT

This SP would not generate any more students than what would be generated by the current RS10 and R10 districts.

Students would attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School.

STAFF RECOMMENDATION

Approval with conditions, including the revised Public Works conditions, subject to the approval of the associated policy amendment and disapproval without all conditions. Disapprove if policy amendment is not approved by the Commission.

CONDITIONS

1. All right of way shall be dedicated by plat prior to issuance of any building permits.
2. A geotechnical study shall be completed by a licensed engineer and submitted with the final site plan application. If the geotechnical study determines that portions of the site are unsuitable for development, the SP should be reduced in scale from the original proposed unit count.
3. Comply with Public Works requirements based on the TIS review.
4. All off site pedestrian improvements, including a crosswalk and crosswalk signals at the existing traffic signal, must be completed prior to issuance of any use and occupancy permits.
5. Prior to final site plan approval, the plan shall change the limits to “up to 4 stories and maximum of 45’ feet.”
6. Final SP must follow the road network and grading plans as shown in the preliminary plan.
7. Add Preliminary Note to plans: This drawing is for illustration purposes to indicate the basic premise of the development. The final unit count and details of the plan shall be governed by the appropriate regulations at the time of final application.
8. Permitted land uses are limited to 280 multi-family residential dwelling units and a 480 bed assisted living facility (160 dwelling units)
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.
10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to final site plan approval.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved



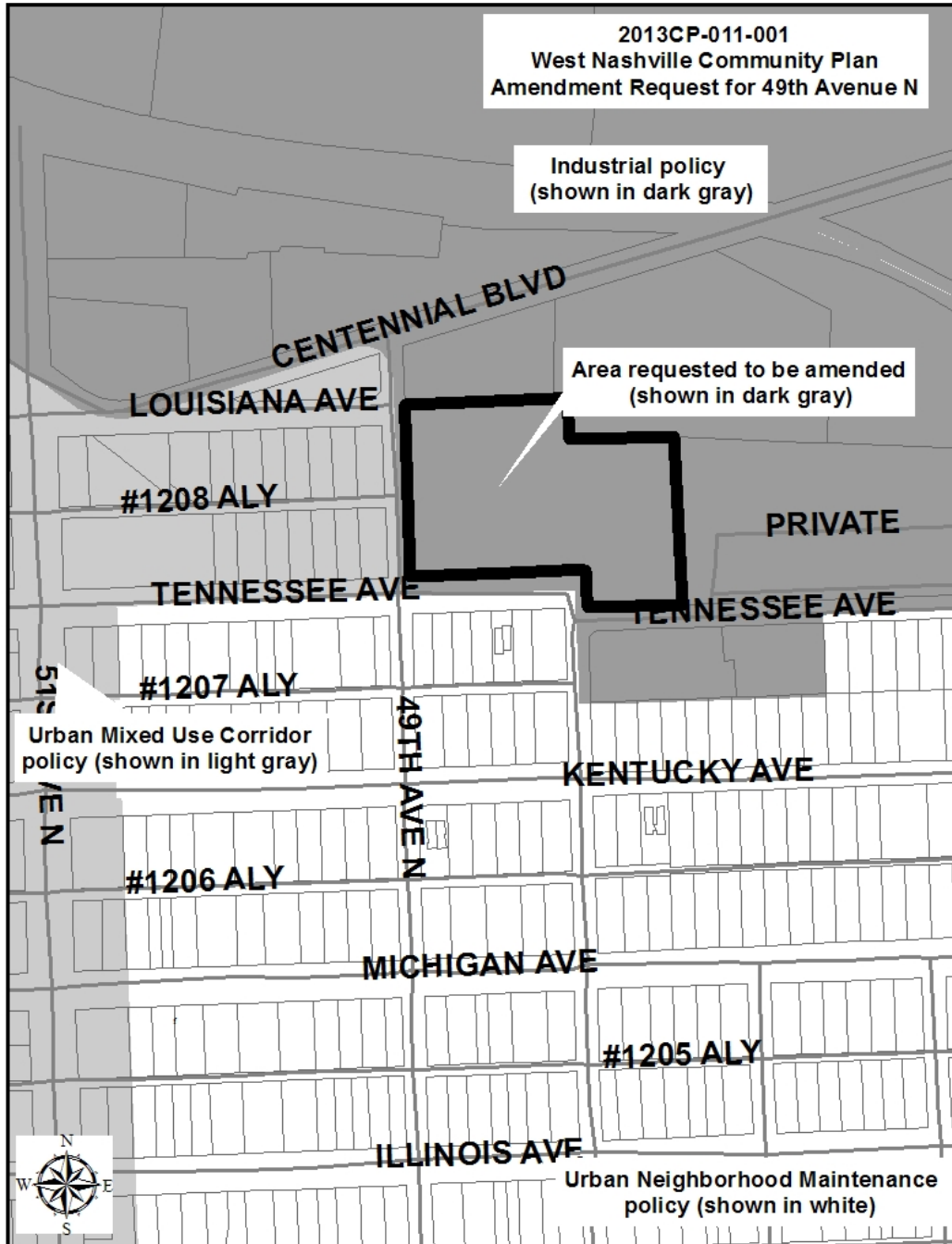
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by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



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2013CP-011-001
WEST NASHVILLE COMMUNITY PLAN
AMENDMENT
Map 091-07, Parcel(s) 108
07, West Nashville
20 (Buddy Baker)



Project No.	Major Plan Amendment 2013CP-011-001
Project Name	West Nashville Community Plan Amendment
Associated Case	2013SP-029-001
Council District	20 – Baker
School Districts	1 – Gentry
Requested by	Dale & Associates, applicant; Jackson Masonry, owner
Staff Reviewer	McCaig
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Amend land use policy from District Industrial to Urban Neighborhood Evolving.

Major Plan Amendment

A request to amend the *West Nashville Community Plan: 2009 Update* to change the land use policy from District Industrial (D-IN) to Urban Neighborhood Evolving (T4-NE) policy for property located at 1200 49th Avenue North, at the northeast corner of 49th Avenue North and Tennessee Avenue (3.68 acres).

CRITICAL PLANNING GOALS

- Provides a Range of Housing Choices
- Supports Infill Development

The application of Urban Neighborhood Evolving policy encourages a range of housing choices, thereby creating a community where different points of the life-cycle can be accommodated. This is accomplished by incorporating a range of building sizes, building types, housing costs, tenure of residents, and age of structures within the neighborhood. This development proposal offers a housing design that is different than what exists nearby, but still complements the adjacent residential in its design.

The Urban Neighborhood Evolving policy supports infill development by locating the development in an established residential area with existing adequate infrastructure. It reuses an existing site and develops it more intensely. The policy also supports new development that complements the existing development pattern in terms of building setbacks, types, masses, orientation, scale, and rhythm.

WEST NASHVILLE COMMUNITY PLAN

Current Policy

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



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Proposed Policy

Urban Neighborhood Evolving (T4-NE) policy, a community character policy, is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing.

BACKGROUND

Case 2013SP-029-001, the companion to this case, is a zone change from IR district to SP district for the subject property located at 1200 49th Avenue North. The requested SP district is proposed for residential use and is inconsistent with the existing District Industrial policy. The applicant requests a plan amendment for Urban Neighborhood Evolving policy so that the land use policy will be consistent with the proposed zone change.

COMMUNITY PARTICIPATION

An early postcard notification announcing the plan amendment and a regular notice communicating the time and date of the community meeting and the Planning Commission Public Hearing were mailed to 280 property owners within 1,300 feet of the potential plan amendment area.

A community meeting was held by the Planning Department on Monday, October 28, 2013 at St. Luke's Community House. Approximately 18 people were in attendance, including the area councilmember, property representatives, surrounding property owners, and neighbors. No one voiced opposition, and most voiced support. Several meeting attendees voiced support for the modified proposal, while stating that initially they had been opposed to the proposal.

The applicant has been working with the Nations Neighborhood Association, surrounding property owners, and the area councilmember for several months prior to October's community meeting. During that time, negotiations included the reduction of the number of houses from 66 to 55; changes to the spacing of houses along the Tennessee Avenue frontage to match the rhythm of houses along the south side of Tennessee; and the provision of deeper landscape buffers between the residential development and adjacent industrial uses.

ANALYSIS

The property (4.34 acres) is located at 1200 49th Avenue North on the northeast corner of 49th Avenue North and Tennessee Avenue.

Physical Site Conditions

The subject property does not have any physical constraints such as steep slopes, floodways or floodplains.



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Land Use

The property is currently being used by Jackson Masonry for offices and internal and external storage. The property owner wishes to retain a small lot, 0.5 acre, to house their offices and employees. On the other portion of the property, the applicant wishes to develop 55 houses.

Existing Development Pattern

The property is located at the junction of residential and industrial uses. To the north and east is a large, established area of industrial uses. To the west and south is a large, established residential neighborhood.

The residential neighborhood, the Nations, is undergoing considerable pressure for additional housing, retail, and services and is a highly desirable location to live in. Directly across 49th Avenue to the west from this property is a recently approved small cottage development, and directly across Tennessee Avenue to the south, new homes are being constructed.

Under this proposal, the business offices will be retained while allowing the other portion of the property to be developed with 55 single-family houses.

Access and Transportation

Currently, the property is accessed from 49th Avenue North across from Louisiana. The redevelopment proposes two entrances, a primary entrance along 49th Avenue North and a secondary entrance along Tennessee Avenue.

SUMMARY

The application of Urban Neighborhood Evolving policy is appropriate for the subject property. The property will continue to accommodate the current office uses while allowing the majority of the property to be redeveloped with houses that complement the existing neighborhood's residential uses and provide additional housing units in a desirable neighborhood. In addition, the new development will create improved street frontage and an improved landscape buffer. Currently, the property is overgrown and creates a less desirable aesthetic along Tennessee Avenue.

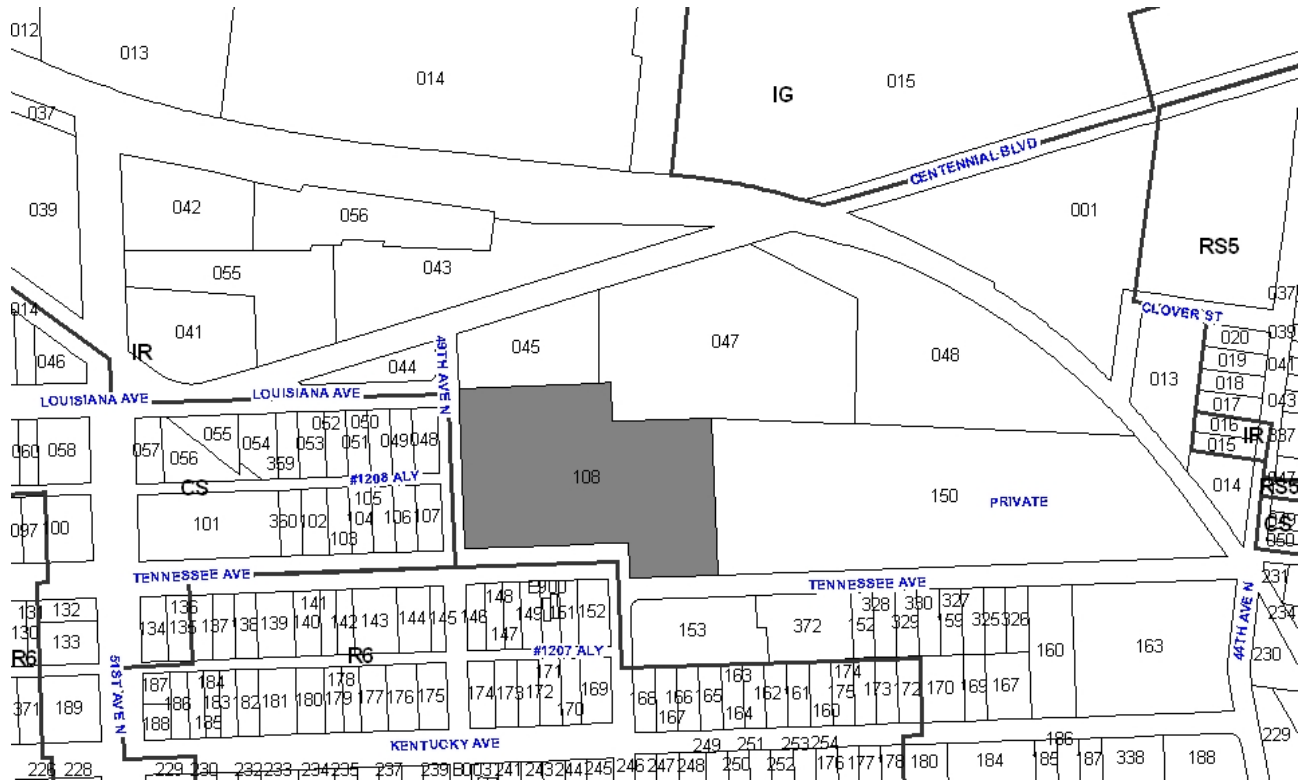
STAFF RECOMMENDATION

Staff recommends approval.

Since appropriate transition language is included in the *Community Character Manual*, there are no special policies associated with either the T4-NE or the D-IN policy that need to be added to the proposed amendment.



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2013SP-029-001
 49TH & TENNESSEE
 Map 091-07, Parcel(s) 108
 West Nashville
 20 (Buddy Baker)



Project No.	Zone Change 2013SP-029-001
Project Name	49th and Tennessee
Associated Case	2013CP-011-001
Council District	7 – Baker
School District	1 – Gentry
Requested by	Dale and Associates, applicant; Jackson Masonry, owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions and disapprove without all staff conditions if the Commission approves the associated policy amendment and disapprove if the associated policy amendment is not approved.</i>

APPLICANT REQUEST

Preliminary SP to permit 55 multi-family dwellings.

Preliminary SP

A request to rezone from Industrial Restrictive (IR) to Specific Plan – Mixed Residential (SP-MR) zoning for property located at 1200 49th Avenue North, at the northeast corner of 49th Avenue North and Tennessee Avenue, (3.68 acres), to permit up to 55 residential dwelling units.

Existing Zoning

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

Proposed Zoning

Specific Plan-Mixed Residential (SP-MR) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a mixture of housing types which include units that front on streets as well as units that front onto open space.

CRITICAL PLANNING GOALS

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

This area is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. The request provides an additional housing option in the area. Additional housing options are important to serve a wide range of people with different housing needs. The plan provides active open space and a sufficient sidewalk network connecting all parts of the development which foster active living and supports walkable neighborhoods. The plan will increase the density for the area. Density is an important factor for walkability and a strong public transportation system. Higher density areas typically foster walkability and better public transportation because housing, work and



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conveniences are located within a smaller area making them more assessable by foot and or public transportation.

WEST NASHVILLE COMMUNITY PLAN

Existing Policy

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

Proposed Policy

Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lots sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing.

Consistent with Policy?

The proposed SP district is not consistent with the existing D-IN policy, but it is consistent with the proposed T4 NE policy. The proposed SP will provide a new housing type with a design that is in compliance with the T4 NE policy.

PLAN DETAILS

The subject property is approximately 4.18 acres in size; however, the proposal only covers approximately 3.68 acres. The remaining 0.5 acres will remain IR. The site is located in the Nations, on the northeast corner of 49th Avenue and Tennessee Avenue. It is developed with an industrial use (Jackson Masonry) consisting of two buildings and outdoor storage. The site has been graded, is relevantly flat and contains little vegetation or mature trees. There are no streams or other environmentally sensitive features on the site, but there is a large ditch than runs along the property boundary with Tennessee Avenue.

Site Plan

The plan calls for 55 detached residential units. Units are oriented to 49th Avenue, Tennessee Avenue or open space. Twenty-three units are oriented towards a public street and the remaining 32 units are oriented towards one of two internal open space areas. All units include front porches. Units are limited to three stories in 35 feet.

Landscaping is shown throughout the development. The courtyards are landscaped and landscaping is also shown in front of the units along 49th and Tennessee. Street trees are shown along 49th. Stormwater requirements are being met with rain gardens and other Low Impact Devices (LID). The rain gardens provide additional landscaping. A ten foot buffer yard is provided along the northern property boundary. Landscaping is also provided along the eastern property boundary.



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Access into the site is proposed from one drive off of 49th Avenue and one drive off of Tennessee Avenue. The plan calls for a five foot sidewalk along both 49th and Tennessee. The plan provides an internal sidewalk network that permits easy navigation throughout the development.

A total of 128 parking spaces are shown (2.3 stalls per unit). All the units fronting onto open space include a two car garage (64 garage stalls). The remaining 64 spaces are surface and provide parking for the units facing 49th and Tennessee and guest parking.

ANALYSIS

While the SP is not consistent with the existing Industrial land use policy, it is consistent with the proposed Urban Neighborhood Evolving land use policy as previously discussed. The plan also meets several critical planning goals. If the associated policy amendment is approved then staff can recommend approval of the SP with conditions. If the proposed Urban Neighborhood Evolving land use policy is not approved, then the request should not be approved.

Staff has no major issues with the request; however, Planning and Public Works staff are requesting that on street parking be provided along 49th Avenue and Tennessee Avenue. The applicant has agreed to provide the parking along 49th, but is not agreeable to providing the parking along Tennessee. On street parking is in keeping with a more urban form and is appropriate along both streets. It is also important to note that on-street parking was required along Tennessee Avenue with the Tennessee Avenue Cottages Specific Plan which is located on the northwest corner of Tennessee and 49th. The Planning Commission recommended that Council approve that SP at the September 26, 2013, Planning Commission meeting. Staff is recommending that any approval include a condition requiring on street parking along 49th and Tennessee.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Returned for Corrections

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Indicate on the plans installation of curb and gutter, sidewalk, drainage infrastructure, and grass strip along 49th and Tennessee Ave with on-street parking "bulbed in."
- The solid waste/ recycling collection will be the sole responsibility of the HOA.

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)	4.34	0.6 F	113,430 SF	404	36	37



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Maximum Uses in Existing Zoning District: **SP-MR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	4.34	-	55 U	524	37	54

Traffic changes between maximum: **IR** and proposed **SP-MR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+120	+1	+17

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed **SP-MR** district: 30 Elementary 17 Middle 17 High

The proposed SP-MR zoning district could generate 64 additional students. Students would attend Cockrill Elementary School, Mckissack Middle School, and Pearl-Cohn High School. Cockrill Elementary is identified as being over capacity and there is no additional capacity for elementary students within the cluster. This information is based upon data from the school board last updated September 2012.

Fiscal Liability

The fiscal liability of 30 new elementary students is \$645,000 (30 X \$21,500 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 with conditions and disapproved without all staff conditions if the Commission adopts the policy amendment and that the request be disapproved if the associated policy amendment is not approved.

CONDITIONS

1. Permitted land uses shall be limited to 55 residential units.
2. On street parking meeting Public Works design guidelines shall be provided along 49th Avenue and Tennessee Avenue.
3. Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 1,000 square feet.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.



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



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RECOMMENDATIONS TO METRO COUNCIL

- **Text Amendment**
- **Specific Plans**
- **Zone Changes**



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NO SKETCH



Project No.	Text Amendment 2013Z-015TX-001
Project Name	Animal related uses
Council District	Countywide
School District	Countywide
Requested by	Metropolitan Planning Department, applicant
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Amend the Zoning Code pertaining to animal hospitals, kennel/stables, veterinarians and animal boarding facilities.

Text Amendment

A request to amend Sections 17.04, 17.08, 17.16 and 17.20 of the Metropolitan Zoning Code pertaining to animal hospitals, kennels/stables, veterinarians and animal boarding facilities.

CRITICAL PLANNING GOALS

- Supports Infill Development

The proposed text amendment would add Animal Boarding Facility as a permitted with conditions (PC) use in most of the mixed use and commercial zoning districts. Mixed use zoning districts are becoming more prevalent in and around the core of Nashville, with the intent of fostering the creation of a more dense and urban mixed use environment, including residential use. Pet ownership is common among urban households and permitting animal boarding facilities near existing and future urban residential will further support the desired infill development.

EXISTING ZONING CODE

The Zoning Code provides certain definitions for animal hospitals, kennels/stables and animal boarding facilities currently and permits those uses in certain zoning districts by right, with conditions and by special exception. The zoning code permits veterinarian use in certain zoning districts by right and with conditions, however, does not provide a definition for the use. The zoning code also establishes conditions for all of the above mentioned uses where permitted with conditions and by special exception.

PROPOSED ZONING CODE

Animal Hospital and Veterinarian

The proposed text amendment addresses the duplication of having both the animal hospital use and veterinarian use. Animal hospital is proposed to be incorporated into a veterinarian use. A definition for veterinarian would be established and would include a reference to animal hospitals.

In addition to zoning districts currently allowing veterinarians, the proposed text adds veterinarian as a use in the same zoning districts as animal hospitals: permitted by-right (P) in districts (Industrial Warehousing/Distribution and Industrial Restrictive) and permitted by special exception (SE) in the Agricultural (AG) and (AR2A) zoning districts. The text also modifies the conditions for a veterinarian use by clarifying that pets may be permitted outdoors between the hours of seven a.m. and seven p.m.



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The conditions related to animal boarding facilities where permitted with conditions as a primary use and where permitted as an accessory use to a veterinarian use are modified so that they are consistent. Animal boarding facilities are currently permitted as an accessory to veterinarian uses with certain conditions. Veterinarian use is already permitted by right or with conditions in every district in which animal boarding facility is currently permitted or proposed as a PC use.

Animal Boarding Facility and Kennel/Stable

The proposed text adds animal boarding facility to the following zoning districts as a use permitted with conditions (PC):

Mixed-Use Limited (MUL),	Mixed-Use Limited-A (MUL-A),
Mixed-Use General (MUG),	Mixed-Use General-A (MUG-A),
Mixed-Use Intensive (MUI),	Mixed-Use Intensive-A (MUI-A),
Commercial Limited (CL),	Commercial Service (CS),
Commercial Core Frame (CF),	Shopping Center Community (SCC) and
Shopping Center Regional (SCR)	

The text amendment modifies the conditions for an animal boarding facility where permitted with conditions by removing the spacing requirement for a facility from an existing residence and clarifying that pets would only be permitted outdoors between the hours of seven a.m. and seven p.m. The text also adds a parking requirement for animal boarding facility.

The proposed text adds Kennel/stable as a use permitted by special exception (SE) in the IWD zoning district and permits a security residence as an accessory use to the kennel/stable use where permitted with conditions.

PROPOSED TEXT

Section 17.04.060 Definitions of general terms

~~"Animal hospital" means an enterprise for the care and treatment of the diseases and injuries of animals, and where animals may be boarded during their treatment and convalescence.~~

"Animal boarding facility" means any **lot**, buildings, **structure or premises** ~~land-~~used, designated or arranged for the temporary boarding, care and grooming of domesticated dogs and cats for profit. ~~This use does not include an animal hospital.~~

"Veterinarian" means a person who is licensed to give medical care and treatment to animals. A veterinarian use may include the operation of an enterprise for the care and treatment of the diseases and injuries of animals, where animals may be boarded during their treatment and convalescence.

Section 17.16.060. Medical uses

~~**B. Veterinarian.** The building footprint of veterinary offices and facilities shall be limited to two thousand five hundred square feet with no more than two establishments per lot. The following shall apply:~~

- 1.** The building footprint of veterinary offices and facilities shall be limited to two thousand five hundred square feet with no more than two establishments per lot.



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- ~~1. Animal boarding shall occur within completely enclosed structures.~~
- ~~2. Landscape Buffer Yard. Outdoor exercise yards and/or runs shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district or district permitting residential use, landscape buffer yard Standard B shall apply along common property lines. A six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.~~
- 23. Animal Boarding Facilities Kennel. Facilities Kennels for the boarding of companion animals not undergoing medical treatment are permitted as an ancillary use subject to the following conditions.**
 - a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding facility ~~kennel~~.
 - b. **Landscape Buffer Yard. Outdoor exercise yards and/or runs shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district, landscape buffer yard Standard B shall apply along common property lines. A minimum six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.**
 - b. No outdoor kennels or runs are permitted.
 - e. No part of any building or structure in which animals are housed shall be closer than fifty feet from any existing residence located on an adjacent parcel.
 - c. **Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.**
 - d. Cages. ~~For a kennel,~~ **Each animal boarded at the facility** shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
 - e. **Runs. Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.**
 - fe. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
 - g. On-Site Waste Collection. All on-site waste shall be housed either within the **veterinarian kennel** building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the **boarding facility kennel** shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams, or rivers.



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- 3.h. Security Residence.** The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030(C) shall be met.

Section 17.16.070. Commercial uses

B. Animal Boarding Facility.

1. ~~Setback. No part of any building or structure in which animals are housed shall be closer than two hundred feet, and no kennel run shall be located within one hundred feet, from any existing residence.~~
1. **Landscape Buffer Yard. Outdoor exercise yards and/or runs shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district, landscape buffer yard Standard B shall apply along common property lines. A minimum six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.**
2. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
3. Cages. Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
4. Runs. Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
5. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
6. On-Site Waste Collection. All on-site waste shall be housed either within the **animal boarding facility** ~~kennel building~~ or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

Section 17.16.175. Commercial special exceptions

A. Kennel/Stable.

1. Setback. No part of any building or structure in which animals are housed shall be closer than two hundred feet, and no kennel run shall be located within one hundred feet, from any existing residence, other than one owned or occupied by an owner or operator of the kennel or stable. In the event more than ten horses are boarded on five acres or more, the building setback shall increase to two hundred feet from the property line.
2. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
3. Cages. ~~For a kennel, e~~ Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and



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construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

4. Runs. ~~For a kennel, e~~ Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
5. Stalls. Each horse shall have sufficient space to stand up, lie down and turn around without touching the sides of the stall. Stalls are to be of material and construction that permits cleaning and sanitizing.
6. Riding Ring. For a horse, no riding ring, including jumps and corrals, shall be located closer than fifty feet to any property line.
7. Trail Rides. No horse shall be ridden or walked along public rights-of-way for any length of time or duration.
8. Gates and Locks. All gates for entrance/exit to the stalls, riding rings, and other training area must be kept locked when not in use. All horses connected with the riding stable shall be enclosed by appropriate fencing so they shall not be permitted to run at large.
9. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
10. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the kennel shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

11. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030(C) shall be met.

17.16.174 Medical special exceptions.

A. Veterinarian.

1. **The building footprint of veterinary offices and facilities shall be limited to two thousand five hundred square feet with no more than two establishments per lot.**
2. **Animal Boarding Facilities. Facilities for the boarding of companion animals not undergoing medical treatment are permitted as an ancillary use subject to the following conditions.**
 - a. **No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding facility.**
 - b. **Landscape Buffer Yard. Outdoor exercise yards and/or runs shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district, landscape buffer yard Standard B shall apply along common property lines. A minimum six-foot opaque vertical fence may substitute for**



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landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.

c. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.

d. Cages. Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

e. Runs. Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.

f. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.

g. On-Site Waste Collection. All on-site waste shall be housed either within the veterinarian building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the boarding facility shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams, or rivers.

3. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030(C) shall be met.

17.20.030 Parking Requirements (Table)

<u>Commercial Uses</u>	
<u>Land Use</u>	<u>Minimum Parking Spaces</u>
<u>Animal boarding facility</u>	<u>1 space per 400 square feet</u> <u>UZO district: First 2,000 square feet: exempt: 1 space per 500 square feet for floorspace in excess of 2,000 square feet.</u>



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Uses are permitted in zoning districts as indicated in the following table:

	Ag	SP	Mixed Use				Office				Commercial					Downtown (DTC)			Shopping Center			Industrial					
	AG and AR2a	* S P	MUN and MUN-A	MUL and MUL-A	MUG and MUG-A	MUI and MUI-A	O N	O L	O G	OR 20 thru OR 40-A	ORI and ORI-A	C N	C L	C S	C A	C F	North	South	West	Central	S C N	S C C	S C R	I W D	I R		
Medical Uses																											
Animal hospital																										P	P
Veterinarian	<u>SE</u>		PC	PC	PC	PC	PC	PC	PC	PC	PC	P	P		P	P	P	P	P	PC	PC	PC			<u>P</u>	<u>P</u>	
Commercial Uses																											
Animal boarding facility			<u>PC</u>	<u>PC</u>	<u>PC</u>							<u>PC</u>	<u>PC</u>		<u>PC</u>	P	P	P	P	<u>PC</u>	<u>PC</u>	PC	PC				
Kennel/stable	SE											SE	SE												<u>SE</u>		

ANALYSIS

The proposed text amendment clarifies existing terms and conditions for the animal related uses listed above and expand locational options for these uses.

Currently, animal boarding facilities are only permitted in the Downtown Code (DTC) zoning district and with conditions in the IWD and IR zoning districts. The text amendment will expand the zoning districts in which these facilities, which provide short-term care for dogs and cats, are permitted, allowing them closer to where pet owners reside throughout Davidson County.

The proposed text eliminates the spacing requirement for outdoor play areas accessory to veterinarian and animal boarding facility uses from existing residences however limits their outdoor ability to daytime hours. Other Metro Nashville laws address excessive noise and offensive sanitary conditions.

Animal hospital uses permitted and existing currently would become classified and allowed to remain as a Veterinarian use. The text amendment will allow veterinarian uses in the same zoning districts as Animal hospitals currently.

CODES ADMINISTRATION RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval.

ORDINANCE NO. _____

An ordinance amending Sections 17.04, 17.08, 17.16 and 17.20 of Title 17 of the Metropolitan Code pertaining to animal hospitals, kennels/stables, veterinarians and animal boarding facilities in Nashville and Davidson County all of which is more particularly described herein (Proposal No. 2013Z-015TX-001).

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



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Section 1. Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by deleting the term “Animal Hospital”, wherein it appears in Section 17.04.060 (definitions and general terms) and in Section 17.08.030 (district land use tables).

Section 2. Section 17.04.060 (definitions of general terms) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by adding the following term and definition to in alphabetical order:

“Veterinarian” means a person who is licensed to give medical care and treatment to animals. A veterinarian use may include the operation of an enterprise for the care and treatment of the diseases and injuries of animals, where animals may be boarded during their treatment and convalescence.

Section 3. Section 17.04.060 (definitions of general terms) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by deleting the definition for “Animal Boarding Facility” wherein it appears and substituting with the following definition:

“Animal Boarding Facility” means any lot, building, structure or premises used, designated or arranged for the temporary boarding, care and grooming of domesticated dogs and cats for profit.

Section 4. Section 17.08.030 (district land use tables) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by adding “Veterinarian” as a use permitted (P) in the IWD and IR zoning districts, and as a use permitted by special exception (SE) in the AG and AR2A zoning districts.

Section 5. Section 17.08.030 (district land use tables) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by adding “Animal Boarding Facility” as a use permitted with conditions (PC) in the MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, CL, CS, CF, SCC and SCR zoning districts.

Section 6. Section 17.08.030 (district land use tables) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by adding “Kennel/stable” as a use permitted by special exception (SE) in the IWD zoning district.

Section 7. Section 17.16.060 (Uses Permitted with Conditions (PC) - medical uses) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by deleting subsection B. in its entirety, and substituting with the following new subsection B:

B. Veterinarian.

1. The building footprint of veterinary offices and facilities shall be limited to two thousand five hundred square feet with no more than two establishments per lot.
2. Animal Boarding Facilities. Facilities for the boarding of companion animals not undergoing medical treatment are permitted as an ancillary use subject to the following conditions.



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- a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding facility.
 - b. Landscape Buffer Yard. Outdoor exercise yards and/or runs shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district, landscape buffer yard Standard B shall apply along common property lines. A minimum six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.
 - c. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.
 - d. Cages. Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
 - e. Runs. Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
 - f. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
 - g. On-Site Waste Collection. All on-site waste shall be housed either within the veterinarian building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the boarding facility shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams, or rivers.
3. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030.C shall be met.

Section 8. Section 17.16.070 (Uses Permitted with Conditions (PC) - commercial uses) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by deleting subsection B. in its entirety, and substituting with the following new subsection B:

B. Animal Boarding Facility.

1. Landscape Buffer Yard. Outdoor exercise yards and/or runs shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district, landscape buffer yard Standard B shall apply along common property lines. A minimum six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.



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2. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
3. Cages. Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
4. Runs. Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
5. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
6. On-Site Waste Collection. All on-site waste shall be housed either within the animal boarding facility or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

Section 9. Section 17.16.174 (Uses Permitted by Special Exception (SE)) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by adding the following new Section 17.16.174:

17.16.174 Medical Special Exceptions.

(Refer to zoning district land use table)

A. Veterinarian.

1. The building footprint of veterinary offices and facilities shall be limited to two thousand five hundred square feet with no more than two establishments per lot.
2. Animal Boarding Facilities. Facilities for the boarding of companion animals not undergoing medical treatment are permitted as an ancillary use subject to the following conditions.
 - a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding facility.
 - b. Landscape Buffer Yard. Outdoor exercise yards and/or runs shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district, landscape buffer yard Standard B shall apply along common property lines. A minimum six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.



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- c. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.
 - d. Cages. Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
 - e. Runs. Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
 - f. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
 - g. On-Site Waste Collection. All on-site waste shall be housed either within the veterinarian building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the boarding facility shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams, or rivers.
3. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030.C shall be met.

Section 10. Section 17.16.175 (Uses Permitted by Special Exception (SE) - commercial uses) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by deleting subsection A. in its entirety, and substituting with the following new subsection A:

- A. Kennel/Stable.
1. Setback. No part of any building or structure in which animals are housed shall be closer than two hundred feet, and no kennel run shall be located within one hundred feet, from any existing residence, other than one owned or occupied by an owner or operator of the kennel or stable. In the event more than ten horses are boarded on five acres or more, the building setback shall increase to two hundred feet from the property line.
 2. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
 3. Cages. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
 4. Runs. Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.



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5. Stalls. Each horse shall have sufficient space to stand up, lie down and turn around without touching the sides of the stall. Stalls are to be of material and construction that permits cleaning and sanitizing.
6. Riding Ring. For a horse, no riding ring, including jumps and corrals, shall be located closer than fifty feet to any property line.
7. Trail Rides. No horse shall be ridden or walked along public rights-of-way for any length of time or duration.
8. Gates and Locks. All gates for entrance/exit to the stalls, riding rings, and other training area must be kept locked when not in use. All horses connected with the riding stable shall be enclosed by appropriate fencing so they shall not be permitted to run at large.
9. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
10. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the kennel shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.
11. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030.C shall be met.

Section 11. Section 17.20.030 (Parking Requirements Table) of Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by adding the following commercial use “Animal Boarding Facility” and the following minimum parking requirement: 1 space per 400 square feet; UZO district: First 2,000 square feet: exempt: 1 space per 500 square feet for floorspace in excess of 2,000 square feet.

Section 12. 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.

INTRODUCED BY:

Member of Council

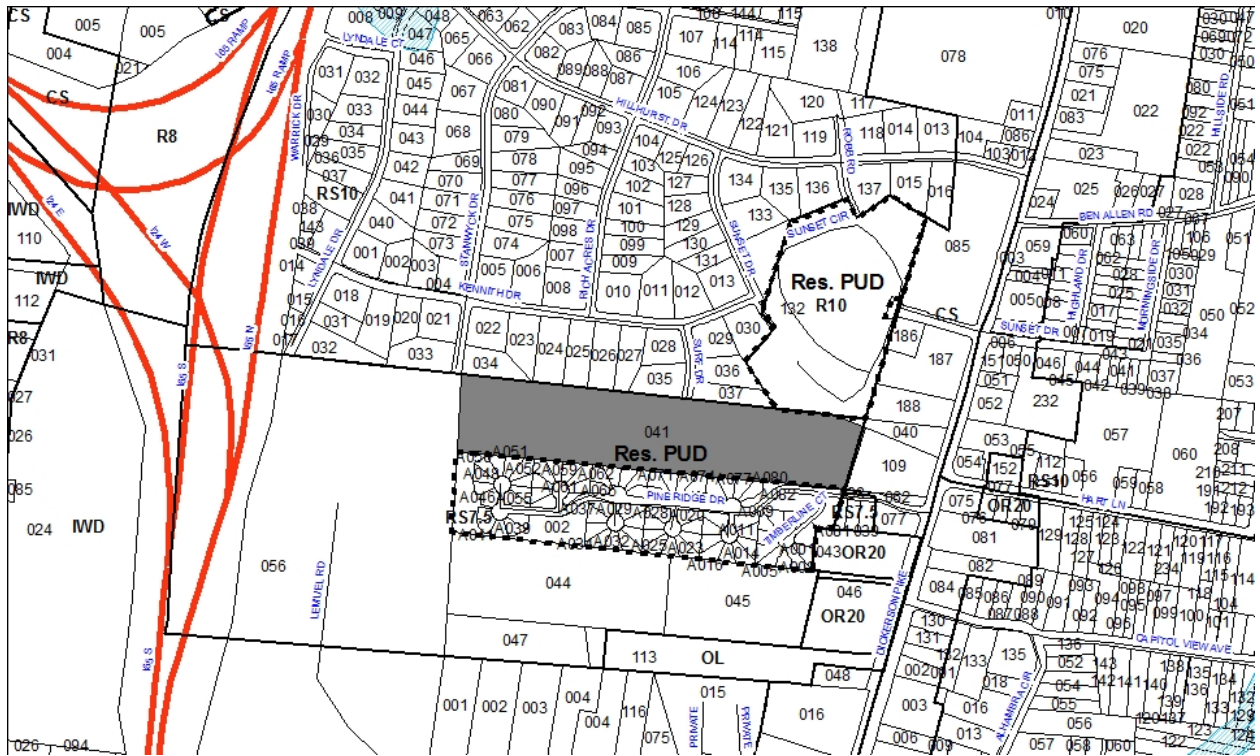


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2013SP-034-001
COTTAGE PARK
Map 060, Parcel(s) 041
East Nashville
02 - Frank R. Harrison



Project No.	Zone Change 2013SP-034-001
Project Name	Cottage Park
Council District	2 – Harrison
School District	1 – Gentry
Requested by	Dale and Associates, applicant; Danny and Melanie Eaton owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Preliminary SP to permit 81 multi-family dwellings.

Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan-Residential (SP-R) zoning for property located at Surf Drive (unnumbered), approximately 435 feet west of Dickerson Pike (16.58 acres), to permit up to 81 residential dwelling units.

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 96 units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

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

This area is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. While this request does not provide any additional density than what would be permitted under the current RS7.5 district, it provides an additional housing option for the area that is designed to be walkable. The plan also provides attractive green areas for residence to enjoy. Bus service is located along Dickerson Pike, which will provide residents with additional transportation options.

EAST NASHVILLE COMMUNITY PLAN

Neighborhood General (NG) policy 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



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Development overlay district or site plan should accompany proposals in these policy areas, to ensure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

Yes. The proposed SP provides an additional housing option in the area providing more choice for a variety of people consistent with the NG policy.

PLAN DETAILS

The approximately 16 acre site is located just west of Dickerson Pike behind the Congress Inn. Hillhurst Acres subdivision is to the north and Pine Ridge subdivision is to the south. Pine Ridge is within a PUD. The site is relatively flat, but there are some small areas with steep slopes located on the western side of the site.

Site Plan

The plan call calls for 81 detached units. Units are oriented to either an internal, private drive or open space. Units are intended to be two stories, but the plan would permit a maximum of three stories.

Landscaping is shown throughout the development. The courtyards are landscaped and street trees are shown along the internal private drive. Stormwater requirements are being met with rain gardens and other Low Impact Devices (LID). The rain gardens provide additional landscaping. A 20 foot landscape buffer yard is shown along the northern and southern property boundary. Only about 12 acres of the approximately 16 acre site is proposed for development. The remaining area which is about four acres will be left as open space (conservation land).

Access into the site is proposed from Pine Ridge Drive through a previously recorded access easement recorded (Pine Ridge Section 1, Instrument No. 198701156900191). The plan also provides a turnaround for Surf Drive, which dead ends into the site; however, access is limited to emergency vehicles only. The internal private drive includes a landscaped median. The plan shows a sidewalk along both sides of the internal drive. Sidewalks are also shown throughout the development connecting units to the drive, parking areas and open space. The plan also calls for an offsite pedestrian connection to Dickerson Pike along Pine Ridge Drive. A total of 211 parking spaces are shown (2.6 stalls per unit). All spaces are surface and are located beside or behind the units away from the internal drive and/or open space.

ANALYSIS

The SP is consistent with the land use policy and meets several critical planning goals. It is also important to note that the density under the proposed SP is lower than what would be permitted under the existing RS7.5 district. A cluster lot or conventional subdivision would be required to develop the property under the RS7.5 district.

STORMWATER RECOMMENDATION

Preliminary SP approved

PUBLIC WORKS RECOMMENDATION

Approved with conditions

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



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- Final designs of off-site improvements are to be coordinated with MPW prior to Final SP submittal.
- ROW dedication for the turnaround at Site Access #2 is required prior to building permit approval.

A traffic table was not prepared since this request reduces the overall density of what is currently permitted under the existing zoning.

SCHOOL BOARD REPORT

This SP would not generate any more students than what would be generated by the current RS7.5 district.

Any students would attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School. This information is based upon data from the school board last updated September 2012.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions and disapproved without all staff conditions.

CONDITIONS

1. Permitted land uses shall be limited to 81 residential units.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM6 zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro 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.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.



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5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



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2013SP-044-001

1004 GALLATIN AVENUE

Map 083-01, Parcel(s) 158

East Nashville

05 - Scott Davis



Project No.	Zone Change 2013SP-044-001
Project Name	1004 Gallatin Avenue
Council District	5 – S. Davis
School District	5 – Kim
Requested by	Metro Planning Department, applicant; Gary Baker, owner.
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Permit an Animal Boarding Facility.

Preliminary SP and Final Site Plan

A request to rezone from Mixed Use General Alternative (MUG-A) to Specific Plan-Mixed Use (SP-MU) and for final site plan approval for property located at 1004 Gallatin Avenue, approximately 140 feet north of Granada Avenue and located within the Gallatin Pike Urban Design Overlay District (0.21 acres), to permit an existing building to be used for an animal boarding facility and all other uses permitted by the MUG zoning district.

Existing Zoning

Mixed Use General Alternative (MUG-A) is intended for a moderately high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Proposed Zoning

Specific Plan-Mixed Use (SP-MU) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes an Animal Boarding Facility and uses permitted by the MUG zoning district.

CRITICAL PLANNING GOALS

N/A

HISTORY and PROPOSAL

An animal boarding facility currently operates within the building on the site. It was permitted in 2011 under the Gallatin Pike SP. This proposed SP permits the animal boarding facility use on the property. The SP does not propose alterations to the site from what currently exists, however, it does allow future redevelopment of the site in a manner consistent with the surrounding context and recently rezoned Gallatin Pike corridor.

EAST NASHVILLE COMMUNITY PLAN

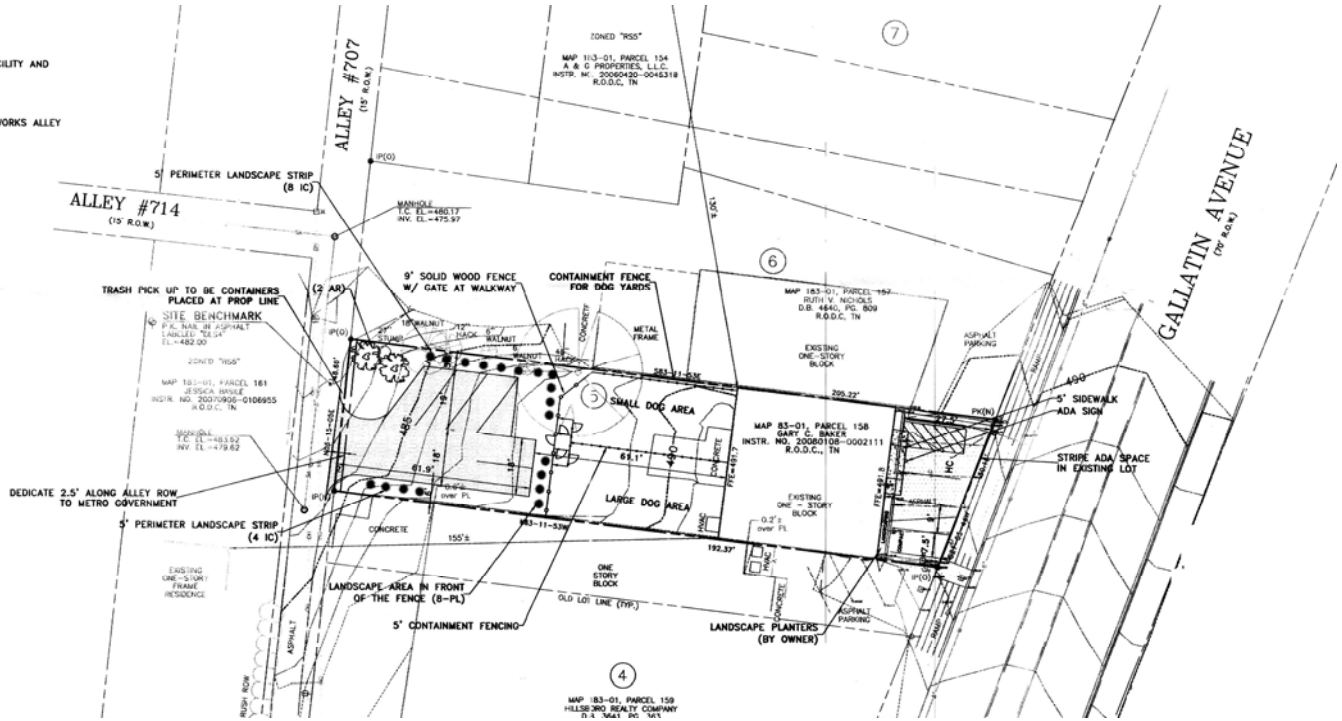
Structure Plan

Community Center is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood



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FACILITY AND
WORKS ALLEY



Proposed Site Plan



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forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy. This policy applies to that portion of the Main Street – Gallatin Pike corridor south of Ordway Place to South 5th Street.

Detailed Policy

Mixed Use (MxU) 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.

Consistent with Policy?

The request is consistent with the MxU in CC land use policy. The SP permits a mixture of uses as allowed in the MUG zoning district. It also permits an additional use, animal boarding facility, within an existing building.

PLAN DETAILS

This site is situated in the middle of a block on the west side of Gallatin Avenue north of Granada Avenue and south of Sharpe Avenue. The SP provides for the existing animal boarding facility use within the existing 2,400 square foot building. Existing parking is provided in front of the building as well as five parking spaces behind the building accessed from the alley; each of the four parking spaces in front of the building are accessed directly from Gallatin Avenue. Two outdoor dog areas are provided behind the building enclosed by containment fences. Landscaping is shown on the site plan around the parking area at the rear of the building. However, this SP does not require the landscaping to remain since buffers would not be required from MUG zoning to the adjacent MUG-A zoning.

The SP allows signage consistent with CS zoning; one ground sign up to 40 feet in height and up to 198 square feet of display area. The CS zoning district also permits building signage to cover up to 15 percent of the building façade area.

The SP allows redevelopment of the site and future expansions that meet the requirements of the MUG zoning district.

PUBLIC WORKS RECOMMENDATION

No Exception Taken

WATER SERVICES RECOMMENDATION

Approved



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STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposal is consistent with the site's MxU in CC land use policy.

CONDITIONS

1. Permitted land uses are limited to animal boarding facility and all uses permitted by the MUG-A zoning district.
2. All signage shall comply with the CS signage standards of the Metro Zoning Code.
3. All landscaping shown on the Specific Plan for the animal boarding facility shall be optional.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG zoning district as of the date of the applicable request or application.
5. 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.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

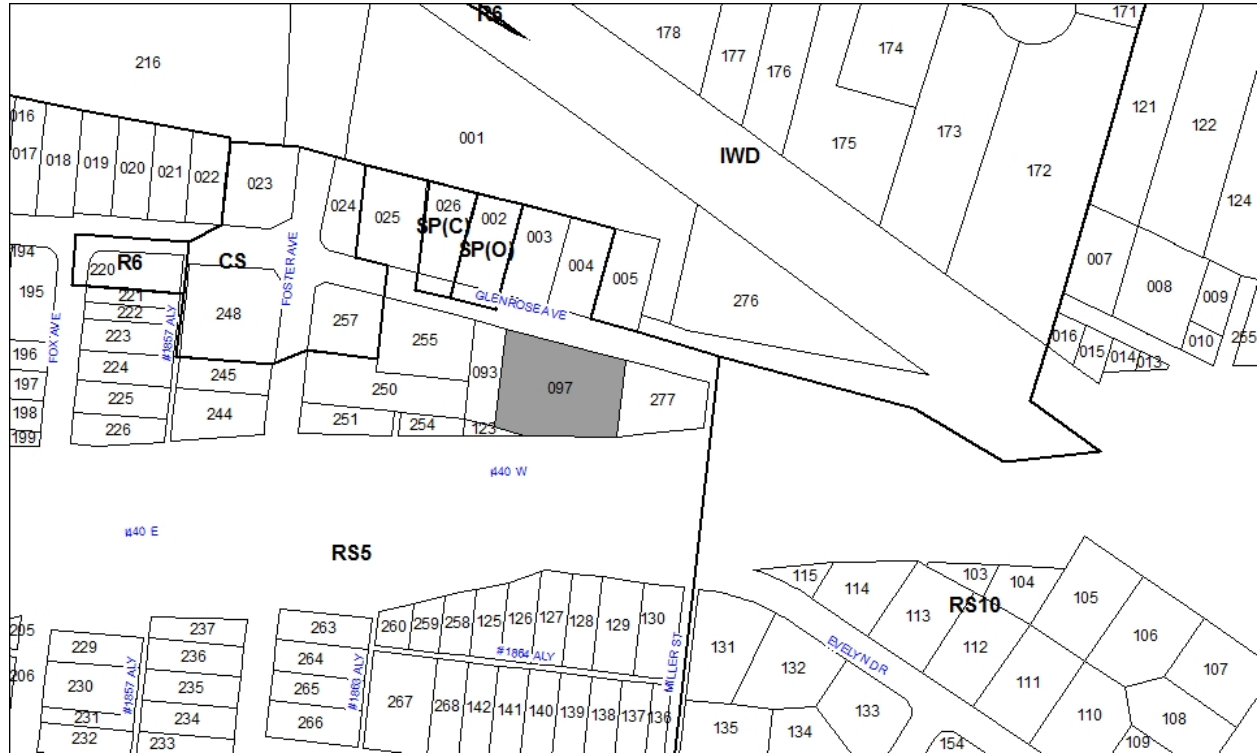


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2013SP-045-001

95 GLENROSE AVENUE SP

Map 119-02, Parcel(s) 097

South Nashville

17 - Sandra Moore



Project No.	Zone Change 2013SP-045-001
Project Name	95 Glenrose Avenue
Council District	17 – Moore
School District	7 – Pinkston
Requested by	MTLC Properties, LLC, applicant; Development Management Group, LLC, owner.
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions</i>

APPLICANT REQUEST

Permit general office, warehouse and retail use.

Preliminary SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 95 Glenrose Avenue, approximately 350 feet east of Foster Avenue, (0.73 acres), to permit general office, warehouse and retail use.

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods

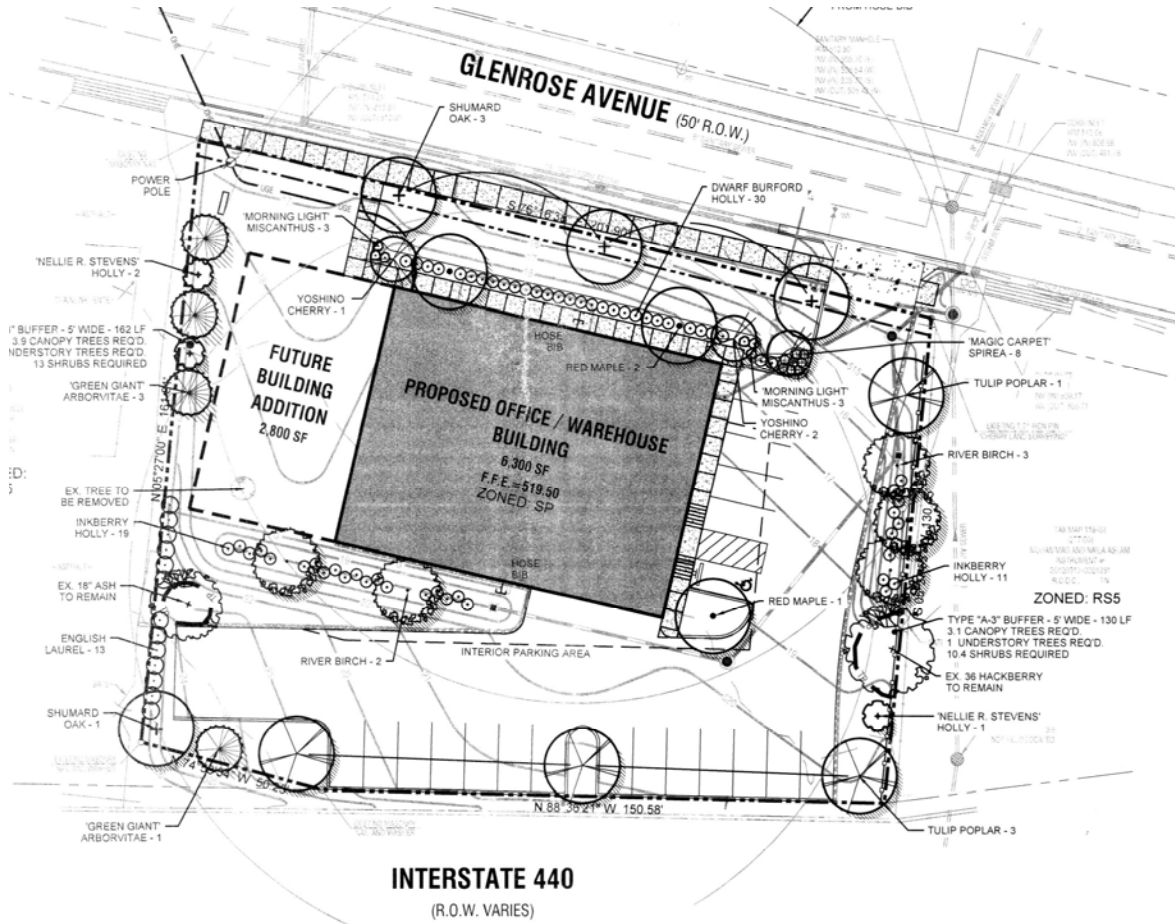
The SP creates new development opportunity in an area where adequate public infrastructure exists, which is preferable to development in areas where new roads have to be constructed, because it does not burden Metro with the cost of maintaining new infrastructure. The proposed development will support the viability of the surrounding area as an urban node. The SP improves the pedestrian environment on Glenrose Avenue by establishing a build-to zone for new buildings on the site, establishing a sidewalk and street trees where they do not exist presently and by limiting curb-cuts.

SOUTH NASHVILLE COMMUNITY PLAN

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



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Proposed Site Plan



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overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

Yes, the request is consistent with the NU land use policy. The request provides additional retail and office opportunity that will support the development of the Foster Avenue and Glenrose Avenue node to the west. The SP also permits a warehouse use which serve as a transition between existing industrial uses and zoning to the north and the intended mixed use node to the west.

Site Details

This site is situated on the south side of Glenrose Avenue east of Foster Avenue. The site abuts I-440 to the south. Industrially zoned and utilized property is located to the north of the site. A single-family dwelling is located to the east between the site and I-440. A church is located to the west of the site. The site currently contains a single-family dwelling.

Specific Plan Proposal

The SP will establish a 6,300 square foot office/warehouse building on the site. The SP allows for a future 2,800 square foot expansion of the office/warehouse building for a total of 9,100 square feet of building area. The SP allows a maximum of 0.60 FAR. The SP will permit the building to be used for retail purposes in the future. The building will be limited to one story in height, up to 25 feet. A landscape buffer with a screening fence will separate the development from the existing single-family dwelling to the west.

The SP proposes limiting vehicular access to the site to one location near the east boundary. Parking will be located beside or behind the building. The SP establishes a sidewalk and landscaping along Glenrose Avenue as well as landscaping around the proposed building and parking area.

Any development standard not addressed by the SP will be guided by the MUN-A zoning district.

ANALYSIS

This request is consistent with the NU land use policy and meets several critical planning goals. Staff recommends approval with conditions.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, indicate a 4 foot grass strip with a 5 foot sidewalk off the back of the existing curb. ~ MPW will work with the developer at Final SP stage to ensure ADA compliance within the ROW.
- All truck access shall be via Foster Ave.
- Developer shall sign exit drive on Glenrose Ave. "No Right Turn by Trucks"



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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.73	7.41 D	5 U	48	4	6

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
Warehousing (150)	0.73	-	9,100 SF	33	3	3

Traffic changes between maximum: **RS5** 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
-	-	-	-	-15	-1	-3

WATER SERVICES RECOMMENDATION

Approved as a Preliminary SP only.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The proposal is consistent with the site's NU land use policy.

CONDITIONS

1. Permitted land uses are limited to general office, warehouse and retail uses.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN-A zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site



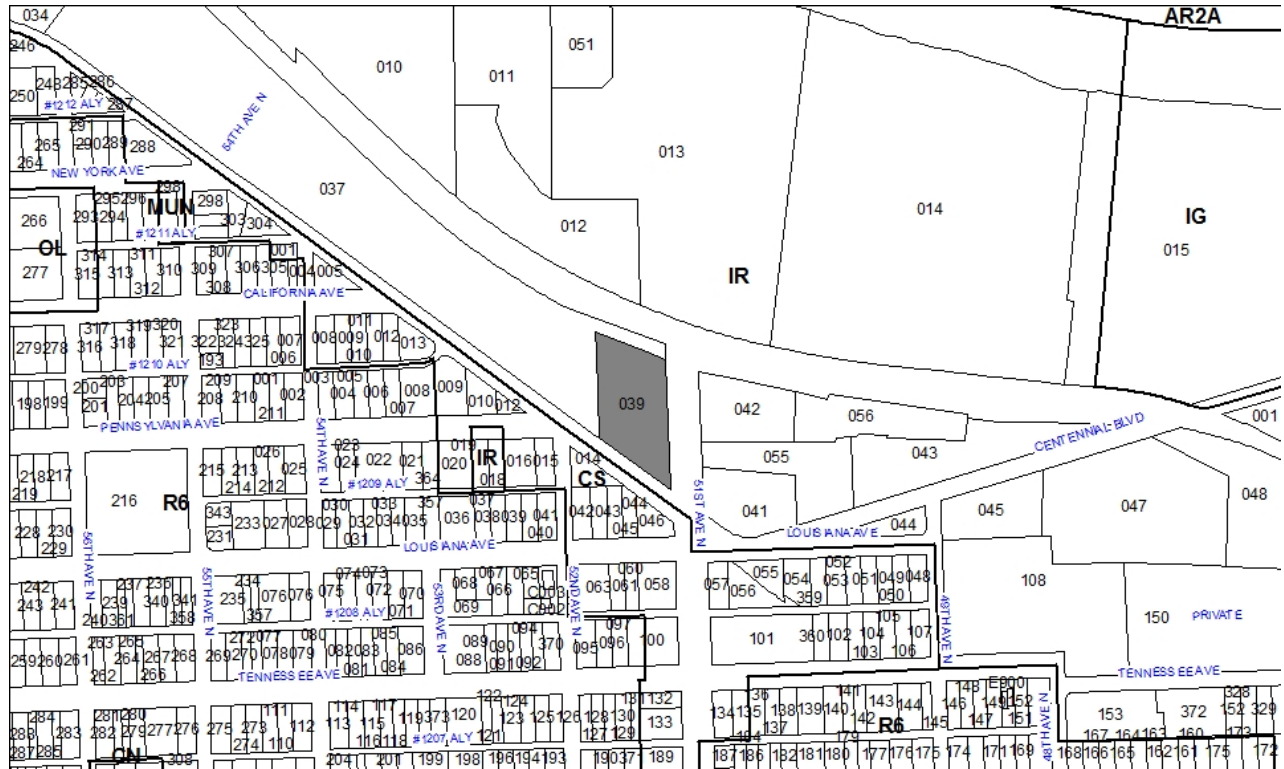
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conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



Metro Planning Commission Meeting of 12/12/2013



2013SP-047-001

51ST and CENTENNIAL

Map 091, Parcel(s) 039

West Nashville

20 - Buddy Baker



Project No.	Zone Change 2013SP-047-001
Project Name	51st and Centennial SP
Council District	20 – Baker
School District	1 – Gentry
Requested by	Dale & Associates, applicant; Brucewood Partners, owner.
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions</i>

APPLICANT REQUEST

Permit a commercial development.

Preliminary SP

A request to rezone from Industrial Restrictive (IR) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 1405 Centennial Boulevard, at the corner of 51st Avenue North and Centennial Boulevard, (1.9 acres), to permit a general office, retail, restaurant-full service and warehouse development.

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

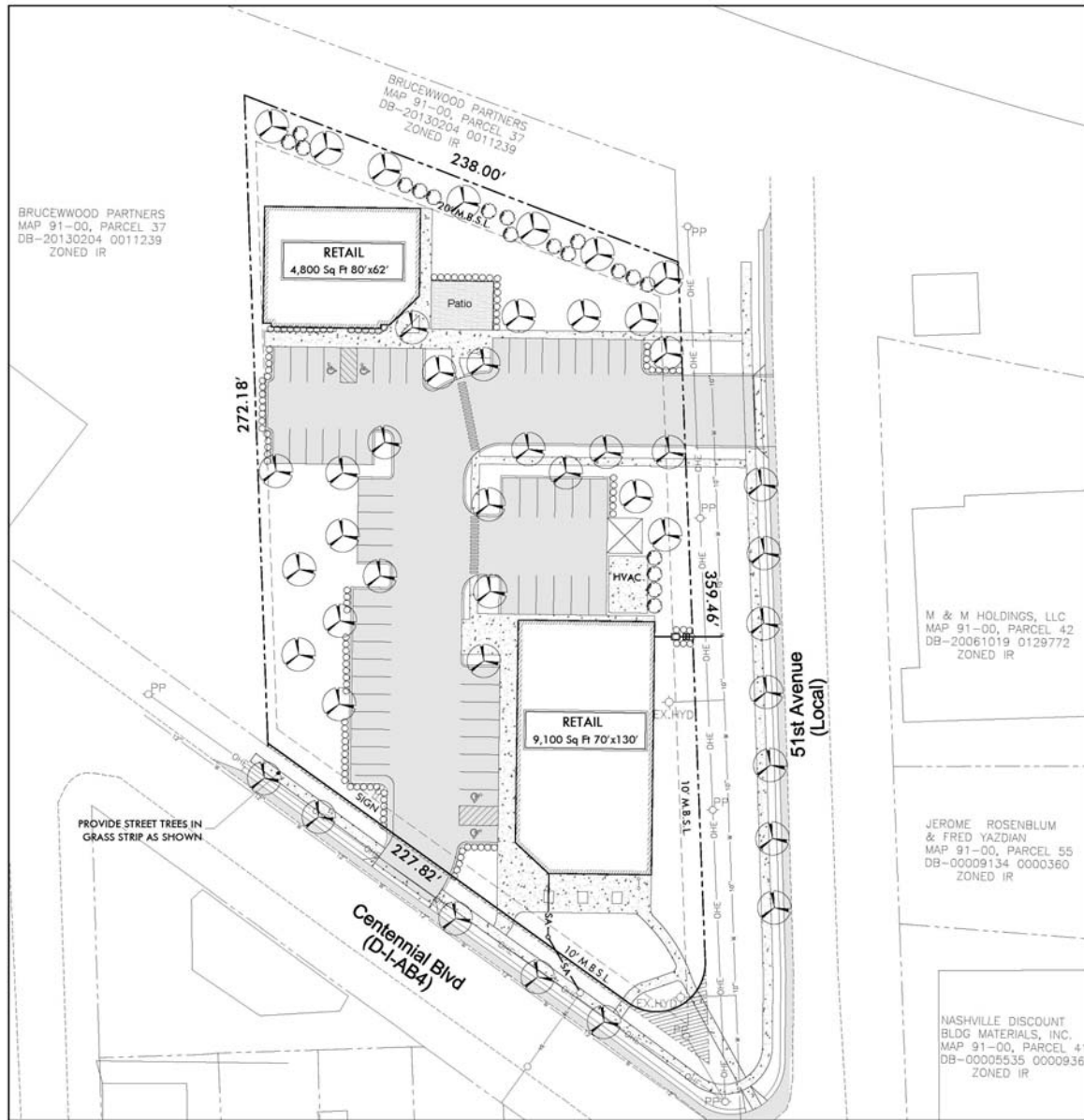
- Supports Infill Development
- Creates Walkable Neighborhoods

The SP utilizes a vacant site on the edge of an industrial area and neighborhood. The SP establishes commercial development in an area where adequate public infrastructure exists, which is preferable to development in areas where new roads or other public infrastructure have to be constructed, because it does not burden Metro with the cost of maintaining new infrastructure.

The SP establishes a commercial building at the street corner of the site and a second building to the rear of the site. Both proposed buildings provide a pedestrian orientation and/or have direct connections to sidewalks that will be established with this SP along both Centennial Boulevard and 51st Avenue North. The improved pedestrian environment along this site fosters walkable neighborhoods as does locating additional commercial services within walking distance to both the adjoining industrial area and nearby neighborhood.



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Proposed Site Plan



Metro Planning Commission Meeting of 12/12/2013

The proposed development of commercial services in buildings constructed with a pedestrian scale and orientation supports infill development as it enhances the viability of both the adjoining industrial area and the nearby neighborhood.

WEST NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

The request is consistent with the D IN land use policy. The request permits uses (office, retail and restaurant full-service) supportive to the surrounding industrial area as well as the nearby neighborhood. The SP also establishes the future ability for the proposed buildings to be used as warehouses. The site is located along the southern edge of the industrial area and will establish a transition between the industrial area and the neighborhood to the south.

PLAN DETAILS

This currently vacant site is located at the northwest corner of two arterial streets, Centennial Boulevard and 51st Avenue North. The site is surrounded by IR zoned industrial uses to the north, northwest and east and by CS zoned commercial uses to the south across Centennial Boulevard.

Specific Plan Proposal

The SP will establish two commercial buildings on the site. A one-story, 9,100 square foot retail building is proposed to be located at the street intersection corner of the site. The building will be oriented to the south. The SP requires an elevation be submitted with the final site plan to ensure adequate glazing along the east façade oriented to 51st Avenue North. A second, 4,800 square foot building will be located near the back of the site behind the parking area, however direct pedestrian access is provided to the building from both Centennial Boulevard and 51st Avenue.

The plan provides the following bulk regulations (the plan utilized the MUL-A zoning district for standards that are not specifically limited by the SP):

Max FAR – .60 (proposed: 0.17)

Max ISR – 0.90 (proposed: 0.61)

Street Setback – 10 feet from Centennial Blvd. and 51st Ave.

Side Yard Setback – 5 feet from property line

Rear Yard Setback – 20 feet

Maximum Height – 30 feet

Vehicular access is provided from two driveways, one on each fronting street. The site provides parking as required by the code. The parking areas will be screened with landscaping from the fronting streets. The SP will establish sidewalks along the street frontages as required by the Major and Collector Street Plan, including street trees in between the sidewalk and travel lanes.



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ANALYSIS

This request is consistent with the D IN land use policy and meets several critical planning goals. Staff recommends approval with conditions.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approve with conditions:

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Prior to Final SP, verify that the curb placement will not obstruct SU-30 turning movements.
- Developer shall submit TIS prior to Final SP to determine roadway improvements and submit roadway construction plans and signal modification plans as required.

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)	1.9	0.6 F	49,658 SF	177	15	16

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.9	-	13,900 SF	633	19	55

Traffic changes between maximum: **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
-	-	-	-	+456	+4	+39

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The proposal is consistent with the site's D-IN land use policy and meets several critical planning goals.

CONDITIONS

1. Permitted land uses are limited to general office, retail, restaurant full-service and warehouse uses.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.

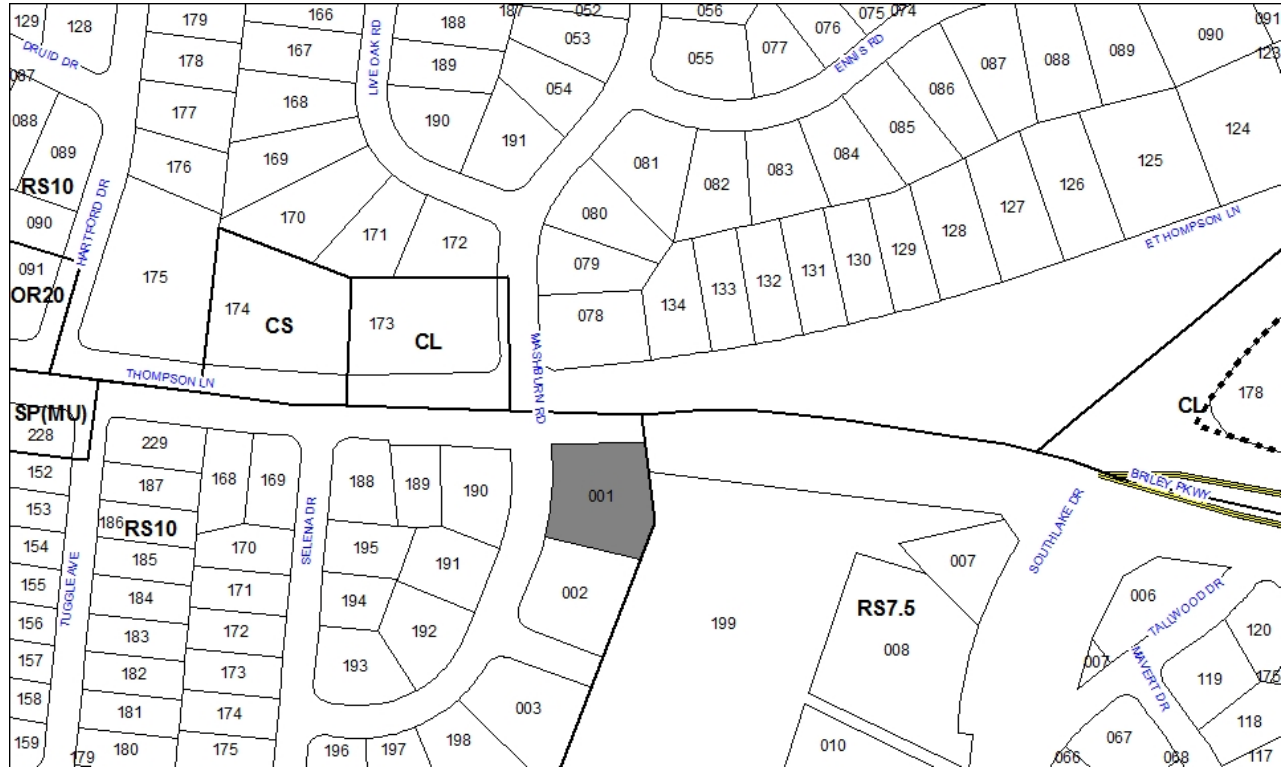


Metro Planning Commission Meeting of 12/12/2013

3. A Traffic Impact Study shall be submitted and approved prior to Final Site Plan approval.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. 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.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



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2013SP-050-001

69 THOMPSON LANE

Map 119-15, Parcel(s) 001

South Nashville

16 - Tony Tenpenny



Project No.	Specific Plan 2013SP-050-001
Project Name	69 Thompson Lane
Council District	16—Tenpenny
School District	07—Pinkston
Requested by	Charles Walker, owner and applicant
Staff Reviewer	Diaz-Barriga
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Preliminary and Final SP to permit general office and residential uses in an existing structure.

Preliminary and Final SP

A request to rezone from Single-Family Residential (RS10) to Specific Plan-Office (SP-O) and for final site plan approval for property located at 69 Thompson Lane, at the southeast corner of Mashburn Road and Thompson Lane, (0.65 acres), to permit a general office and residential uses.

Existing Zoning

Single Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 2 units.*

Proposed Zoning

Specific Plan-Office (SP-O) 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 uses.

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE COMMUNITY PLAN

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

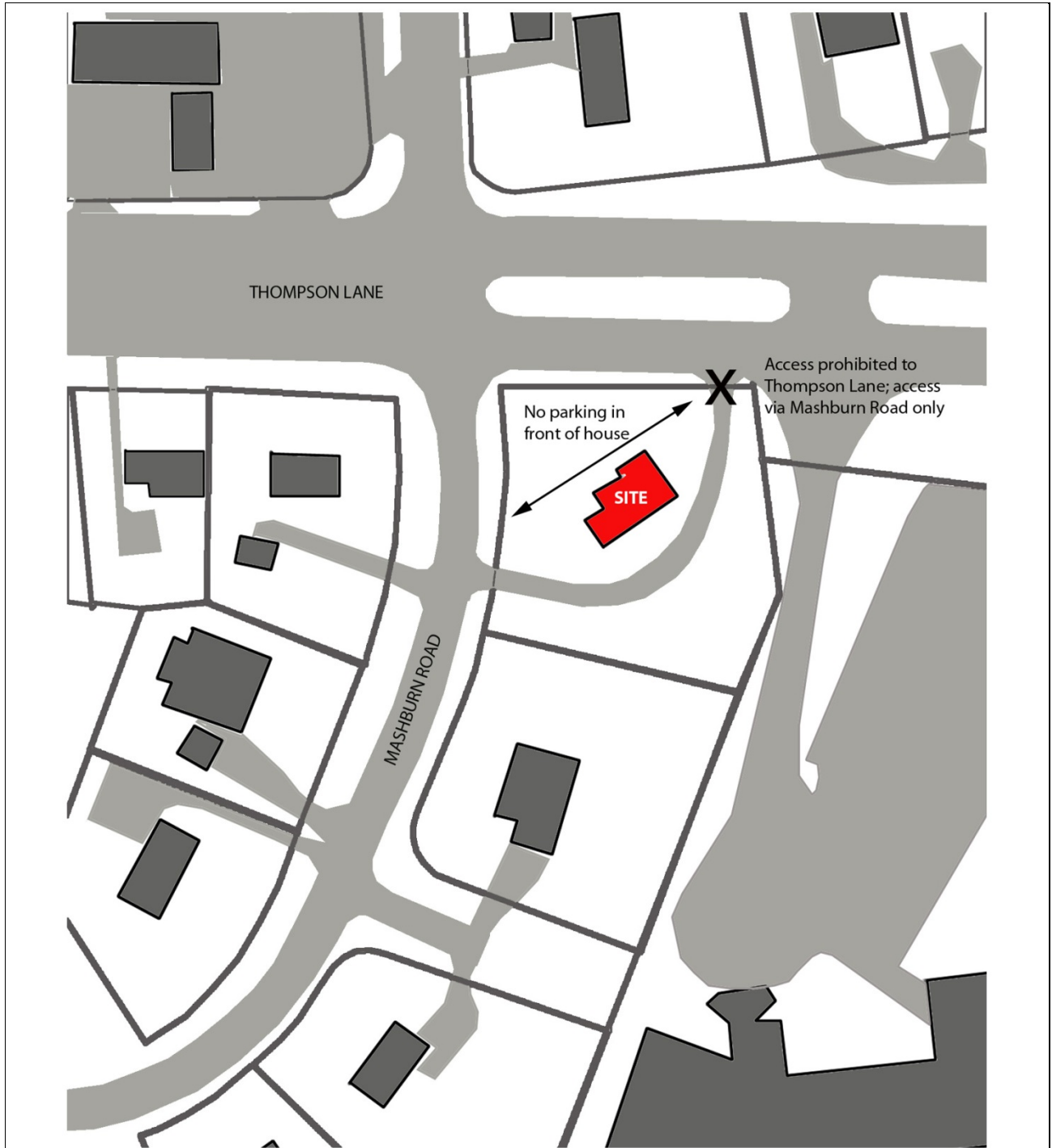
Special Policy Area 3 is identified on the Thompson Lane corridor from Simmons Avenue to the Mashburn Road intersection. In RLM policy areas, Special Policy 13 provides for some community services uses and office uses, but at a residential scale.

Consistent with Policy?

Yes, the SP is consistent with the Special Policy Area 3. It proposes uses acceptable in the Special Policy area of the RLM policy. It maintains the FAR and building height limits of the Special Policy Area. It also addresses the parking locations prescribed within the Special Policy Area.



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2013SP-050-001 69 Thompson Lane

SP Limits: Parcel ID 11915000100 Acres: 0.65
Permitted Uses: General Office and Residential
Uses limited to existing building
MAX FAR: 0.40
MAX ISR: 0.70
MAX Height: 3 stories in a maximum of 45 feet

One access point permitted, along Mashburn Road
No parking in front of building
Driveway ramps are to be per MPW ST-234
Fallback zoning: RS10
SP shall meet landscape requirements of 17.24
Signage shall comply with Section 17.32.010 and meet the OR20 standards Section 17.32.110



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PLAN DETAILS

The site consists of a single lot at the corner of Mashburn Road and Thompson Lane, and the site is approximately 0.65 acres. The SP limits uses to residential and general office uses, and limits the uses to the existing structure. The SP proposes a 0.4 maximum FAR. Access for the site will be limited to a single drive off of Mashburn Road, and no vehicular access will be allowed from Thompson Lane. Parking is required to be on the side and rear of the building only, and no parking will be permitted in front of the building. The existing structure is 1560 square feet and is within the Urban Zoning Overlay, and would therefore be exempt from a minimum parking requirement for general office use. Should the use continue to be single-family residential, 2 parking spaces would be required.

ANALYSIS

The SP is consistent with the special policy for the area. The uses, residential and general office, are supported by the special policy. The reuse of the existing house for all uses maintains a form and scale appropriate for the area. The limitation of parking to the side and rear of the building, and the limitation of one access drive for the site, also enforces the residential character of the area.

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.
- Driveway ramps are to be per MPW ST-324, revise plans prior to building permit submittal.

TRAFFIC TABLE

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.65	3.7	2 U	20	2	3

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)	0.65	-	1,560 SF	55	7	7

Traffic changes between maximum: **RS10** 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
-	-	-	-	+35	+5	+4

SCHOOL BOARD REPORT

The proposed SP-MU would not generate any more students than what would be generated by the current RS10 district.



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STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Driveway ramps are to be per MPW ST-324, revise plans prior to building permit submittal.
3. Permitted land uses are limited to residential and general office uses using the existing structure.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district as of the date of the applicable request or application.
5. A corrected copy of the SP preliminary and final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property.
6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



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2013Z-043PR-001
1736 ARTHUR AVENUE
Map 081-11, Parcel(s) 484
North Nashville
21 - Edith Taylor Langster



Project No.	Zone Change 2013Z-043PR-001
Council District	21 – Langster
School District	1 – Gentry
Requested by	Edgar Covington, owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Zone change from CS to MUN-A.

Zone Change

A request to rezone from Commercial Service (CS) to Mixed-Use Neighborhood – A (MUN-A) zoning for property located at 1736 Arthur Avenue, approximately 150 feet south of Buchanan Street (0.06 acres).

Existing Zoning

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

Proposed Zoning

Mixed Use Neighborhood-A is intended for a low intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The proposed MUN-A district requires buildings to be placed closer to the street and that parking be located away from the street. These requirements create a more walkable neighborhood by creating a better public realm where the automobile is not the focus.

NORTH NASHVILLE COMMUNITY PLAN

Existing Policy

Urban Mixed Use Corridor (T4 CM) policy is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

Yes. The proposed MUN-A is consistent with the T4 CM policy. The proposed MUN-A district permits a mixture of uses consistent with the policy. Also, the MUN-A district requires that buildings be placed close to the street and that parking be located to the rear or side, which is intended to promote a more urban form consistent with the policy.



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PUBLIC WORKS RECOMMENDATION

A traffic study may be required at time of development.

A traffic table was not prepared since the proposed MUN-A district will not generate any more traffic than what would be generated by the existing CS district.

METRO SCHOOL BOARD REPORT

Because of the small size of the lot, the proposed MUN-A district will not generate any additional students.

STAFF RECOMMENDATION

Staff recommends approval, as the proposed MUN-A district is consistent with the North Nashville Community Plan land use policy.

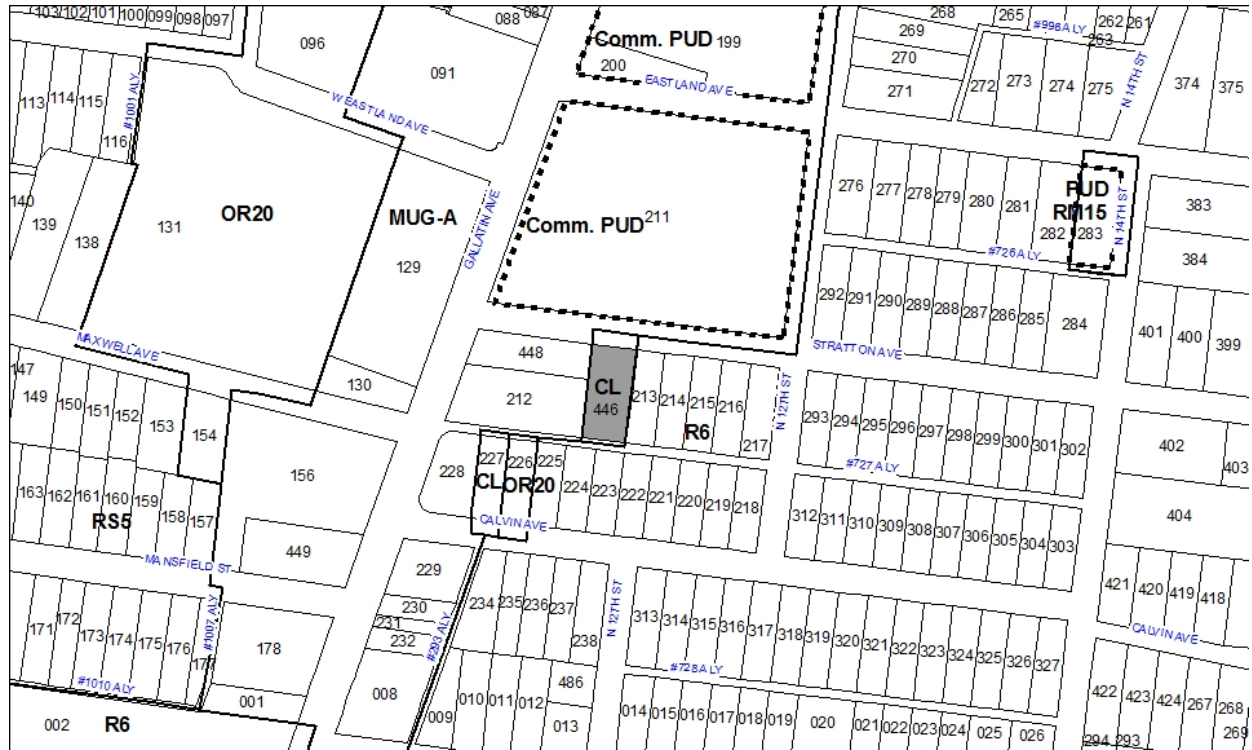


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2013Z-044PR-001
1104 STRATTON AVENUE
Map 083-05, Parcel(s) 446
East Nashville
06 - Peter Westerholm



Project No.	2013Z-044PR-001
Council District	06—Westerholm
School District	05—Kim
Requested by	Jimmy Williams and Matthew Huffman, owners
Staff Reviewer	Diaz-Barriga
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Zone change from CL to MUN-A.

Zone Change

A request to rezone from Commercial Limited (CL) to Mixed Use Neighborhood (MUN-A) zoning for property located at 1104 Stratton Avenue, approximately 225 feet east of Gallatin Avenue (0.28 acres).

Existing Zoning

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

Proposed Zoning

Mixed Use Neighborhood – A (MUN-A) is intended for a low intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The rezoning to the MUN–A district promotes walkable neighborhoods by locating any new development closer to the street, with an entrance oriented on the façade and parking limited to the side and rear of the structure. All of these design elements increase the built structure’s presence along the streetscape and strengthens the pedestrian environment.

EAST NASHVILLE COMMUNITY PLAN

Structure Plan

Community Center (CC): CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

Detailed Policy

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



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Consistent with Policy?

Yes. The proposed zoning district will allow a mixture of residential, retail, and office uses consistent with the MxU in CC policy. The intensity of the proposed zoning district will provide a transition in scale from the more intense MUG-A zoning along Gallatin Pike and the less intense R6 zoning of the neighborhood to the east. Further, the MUN-A district will strengthen the pedestrian environment along this property by requiring the building to be placed within a build-to zone, parking to be placed at the side or rear of the building, and an entrance to be placed on the front façade. All of these requirements help activate the building's façade with the pedestrian environment. This zone change reduces the amount of commercial uses allowed on the property, and now permits single-family, two-family, and multifamily residential uses. The existing building use, as office, would become a legally, non-conforming structure due to the size of the building (office uses within MUN-A are limited to 2,500 square feet). Also, the existing building can be adapted into a residential use through the reuse of the existing structure, and could be added onto so long as it does not violate the bulk standards of MUN-A zoning. The maximum FAR (0.6) would allow a building of up to 7,318 square feet, which could create up to seven 1,000 dwelling units.

PUBLIC WORKS RECOMMENDATION

Traffic study may be required at time of development.

TRAFFIC TABLE

The proposed MUN-A district permits the same FAR as CL and so no additional traffic will be generated by the request.

SCHOOL BOARD REPORT

Projected student generation 3 Elementary 2 Middle 2 High

The proposed MUN-A district could generate up to seven additional students. (The potential number of units in the MUN-A district is based on FAR as there is no maximum density. The max FAR for MUN-A is 0.6; therefore, the maximum floor area permitted on the 0.28 acre site is 7381 square feet. The generation assumes a unit size of 1,000 SF. It is also important to note that the site could develop as nonresidential, which would not generate any additional students.

Students would attend Ross Elementary School, Bailey Middle School, and Stratford High School. None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated September 2012.

STAFF RECOMMENDATION

Staff recommends approval as the proposed MUN-A zoning district is consistent with the Mixed Use in Community Center policy.

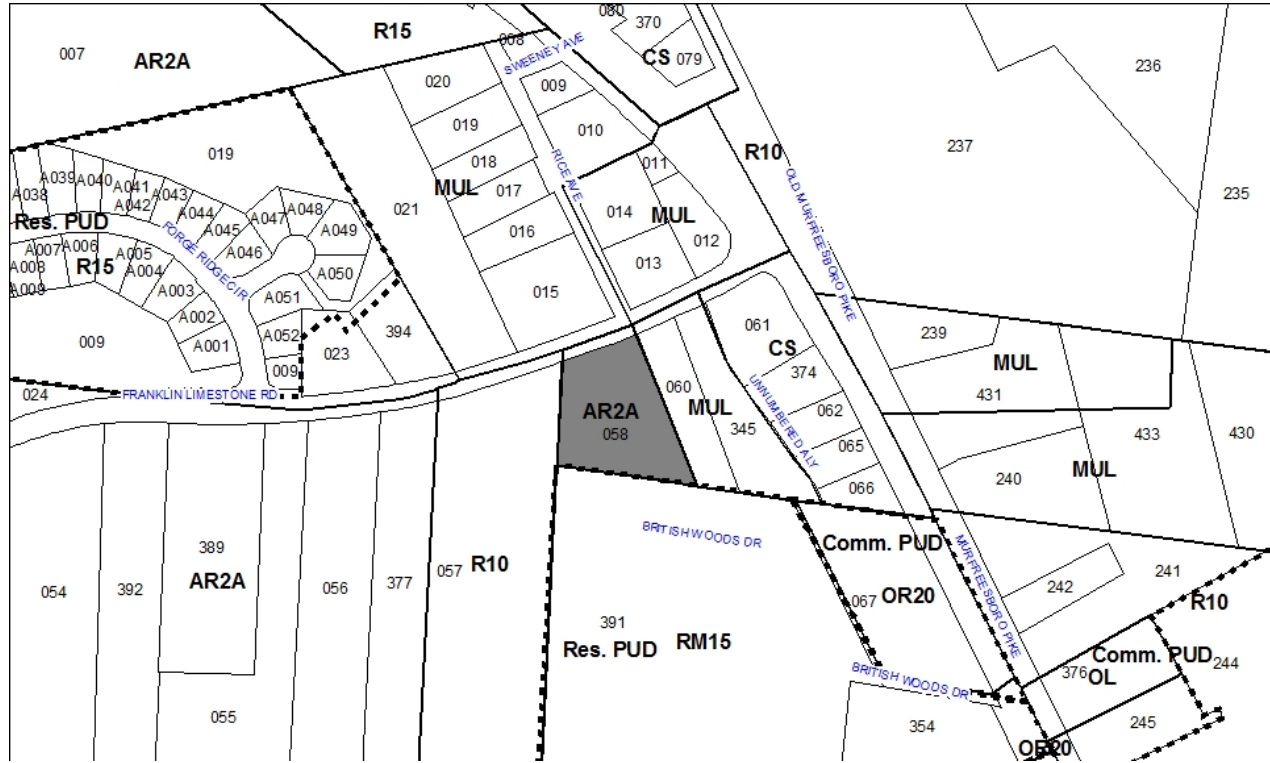


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2013Z-046PR-001
212 FRANKLIN LIMESTONE ROAD
Map 135, Parcel(s) 058
Antioch - Priest Lake
28 - Duane A. Dominy



Project No.	Zone Change 2013Z-046PR-001
Council District	28 – Dominy
School District	7 – Pinkston
Requested by	Walter Creech, owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Zone change from AR2a to MUL.

Zone Change

A request to rezone from Agricultural Residential (AR2a) to Mixed Use Limited (MUL) zoning for property located at 212 Franklin Limestone Road, approximately 330 feet west of Murfreesboro Pike (1.77 acres).

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

Existing Policy

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

Consistent with Policy?

Yes. The proposed MUL is consistent with the T3 CM policy. The proposed MUL district permits a mixture of uses consistent with the policy.

PUBLIC WORKS RECOMMENDATION

A traffic study may be required at time of development.



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Maximum Uses in Existing Zoning District: **AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.77	0.5 D	2 U*	20	2	3

*Based on one two-family unit

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.77	-	77,101 SF	5735	133	535

Traffic changes between maximum: **AR2a** and proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+5715	+131	+532

METRO SCHOOL BOARD REPORT

Projected student generation existing AR2a district: 0 Elementary 0 Middle 0 High

Projected student generation proposed MUN district: 47 Elementary 25 Middle 22 High

The proposed SP-R zoning district could generate 94 more students than what is typically generated under the existing AR2a zoning district (The potential number of units in the MUN district is based on FAR as there is no maximum density. The max FAR for MUN is one; therefore, the maximum floor area permitted on the 1.77 acre site is 77,101 square feet. The generation assumes a unit size of 1,200 SF). It is also important to note that the site could develop as nonresidential, which would not generate any additional students.

Students would attend Una Elementary School, Margaret Allen Middle School, and Antioch High School. Una Elementary School and Antioch High School are identified as being over capacity. There is capacity within the cluster for additional elementary students and there is capacity for additional high school students in the adjacent Cane Ridge, Glenclyff and McGavock clusters. This information is based upon data from the school board last updated September 2012.

Fiscal Liability

The fiscal liability of 47 new elementary students is \$1,010,500 (47 X \$21,500 per student). The fiscal liability for 22 new high school students is \$792,000 (22 x \$36,000). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Approve as the proposed MUL district is consistent with the Antioch – Priest Lake Community Plan land use policy.



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Project No.	Zone Change 2013Z-047PR-001
Council District	20 – Baker
School District	1 – Gentry
Requested by	Craighead & Hostettler Realty, applicant and NLC Partners, owner
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Zone change from CS to RM20-A.

Zone Change

A request to rezone from Commercial Service (CS) to Multi-Family Residential-A (RM20-A) zoning for properties located at 5701 Louisiana Avenue, 5701 California Avenue and California Avenue (unnumbered), approximately 430 feet north of Morrow Road (6.1 acres).

Existing Zoning

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

Proposed Zoning

Multi-Family Residential-A (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 122 units.*

CRITICAL PLANNING GOALS

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

The proposed RM20-A district will encourage redevelopment of the property at a moderate residential intensity and permit a variety of housing types including multi-family. The RM20-A zoning district will encourage new development in a form that supports a strong pedestrian environment by locating and orienting new buildings toward the street, reducing the number of vehicular access points and minimizing the prominence of parking facilities.

The RM20-A zoning district encourages the development of healthy neighborhoods by supporting a stronger walking environment and supporting the development and viability of nearby commercial corridors as walking destinations.

The density permitted with the proposed RM20-A district increases the supply of housing within an already developed area of Nashville served by existing infrastructure, which allows additional development without burdening Metro with the cost of maintaining new infrastructure. The properties are located in an area served by a network of streets that provide multiple options for



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access to nearby commerce, services, employment and recreation which helps mitigate traffic congestion along major arterials and expressways.

Further, the additional residential opportunity within a developed area of Nashville mitigates urban sprawl by relieving the need to build additional housing on the periphery of the county in an existing green-field or in a bordering county.

WEST NASHVILLE COMMUNITY PLAN

Urban Neighborhood Maintenance (T4 NM) Policy is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use and the public realm. Where not present, enhancements are made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The proposed RM20-A district is consistent with the Urban Neighborhood Maintenance policy. The proposed zoning district will permit a variety of housing types up to 20 units per acre on the property.

The West Nashville Community Plan recognizes the non-conformity of the site as it contains a non-conforming lumber yard and sawmill use. The plan calls for future zone changes to bring the site into to conformance with the T4 Urban Neighborhood Maintenance policy. The RM20-A zoning district brings the site into conformance with the land use policy.

With the RM20-A zoning district, this property will work to maintain or enhance the neighborhood's character by providing a transition from the intensely zoned industrial area to the west and the existing residential neighborhood to the east. Redevelopment of the site will require improvements to the adjacent streetscape and pedestrian environment.

The proposed RM20-A zoning district, while permitting a higher density than the surrounding R6 zoning district, limits new buildings to a height and scale consistent with that which is permitted on the surrounding R6 zoned lots.

The RM20-A zoning district was established as a designed based zoning district intended to insure the design objectives of the urban neighborhood maintenance policy. The use of the A zoning district relieves the need to utilize a SP zoning in this instance.

PUBLIC WORKS RECOMMENDATION

A traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	6.1	0.6 F	159,429 SF	9197	203	870



Metro Planning Commission Meeting of 12/12/2013

Maximum Uses in Proposed Zoning District: **RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	6.1	20 D	122 U	863	64	85

Traffic changes between maximum: **CS** and proposed **RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-8334	-139	-785

SCHOOL BOARD REPORT

Projected student generation proposed RM20-A district: 17 Elementary 10 Middle 10 High

The proposed RM20-A district could generate up to 37 additional students. Students would attend Cockrill Elementary School, McKissack Middle School and Pearl-Cohn High School. Cockrill Elementary has been identified as over capacity. There is no capacity within the cluster for additional elementary school students. This information is based upon data from the school board last updated September 2012.

Fiscal Liability

The fiscal liability of 17 new elementary students is \$340,000 (17 X \$20,000 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 as the proposed RM20-A zoning district is consistent with the Urban Neighborhood Maintenance policy.



Metro Planning Commission Meeting of 12/12/2013



2013Z-051PR-001
707 44TH AVENUE N
Map 091-12, Parcel(s) 059
West Nashville
20 - Buddy Baker



Project No.	Zone Change 2013Z-051PR-001
Council District	20 – Baker
School District	1 – Gentry
Requested by	Nashville Civil, LLC, applicant and Curtis Groves, owner
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Zone change from R6 to RM20-A.

Zone Change

A request to rezone from One and Two-Family Residential (R6) to Multi-Family Residential-A (RM20-A) zoning for property located at 707 44th Avenue North, at the southwest corner of 44th Avenue North and Indiana Avenue (0.21 acres).

Existing Zoning

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of one duplex lot for a total of two units.*

Proposed Zoning

Multi-Family-Residential A (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 4 units.*

CRITICAL PLANNING GOALS

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

The proposed RM20-A district will encourage redevelopment of the property at a higher intensity and permit a variety of housing types including multi-family. The RM20-A zoning district will encourage new development in a form that supports a strong pedestrian environment by locating and orienting new buildings toward the street, reducing the number of vehicular access points and minimizing the prominence of parking facilities.

The density permitted with the proposed RM20-A district increases the supply of housing within an already developed area of Nashville served by existing infrastructure, which allows additional development without burdening Metro with the cost of maintaining new infrastructure. The properties are located in an area served by a network of streets that provide multiple options for access to nearby commerce, services, employment and recreation which helps mitigate traffic congestion along major arterials and expressways.



Metro Planning Commission Meeting of 12/12/2013

Further, the additional residential opportunity within a developed area of Nashville mitigates urban sprawl by relieving the need to build additional housing on the periphery of the county in an existing green-field or in a bordering county.

WEST NASHVILLE COMMUNITY PLAN

Urban Neighborhood Maintenance (T4 NM) Policy is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use and the public realm. Where not present, enhancements are made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The proposed RM20-A district is consistent with the Urban Neighborhood Maintenance policy. The proposed zoning district will permit a variety of housing types with up to four units on the property.

The site contains a duplex and is located at the edge of the Nations neighborhood. Industrially zoned warehouses exist to the east and northeast of the property and newly constructed townhomes are located immediately to the north of the site. With the RM20-A zoning district, this property will maintain the neighborhood's character by providing a transition from the intensely zoned industrial area to the east and the existing residential neighborhood to the south and west.

The proposed RM20-A zoning district, while permitting a higher density than the surrounding R6 zoning district (up to four dwelling units on this property instead of two dwelling units), limits new buildings to a height and scale consistent with that which is permitted on the adjacent R6 zoned lots.

PUBLIC WORKS RECOMMENDATION

A traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.21	7.71 D	2 U*	20	2	3

*Based on one two-family unit

Maximum Uses in Proposed Zoning District: **RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.21	20 D	4 U	27	3	3



Metro Planning Commission Meeting of 12/12/2013

Traffic changes between maximum: R6 and proposed RM20-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 2 U	+7	+1	0

SCHOOL BOARD REPORT

The proposed RM20-A district would generate no additional students from what's currently generated with the R6 district. Students would attend Cockrill Elementary School, McKissack Middle School and Pearl-Cohn High School.

STAFF RECOMMENDATION

Staff recommends approval as the proposed RM20-A zoning district is consistent with the Urban Neighborhood Maintenance policy.



Metro Planning Commission Meeting of 12/12/2013

SEE NEXT PAGE

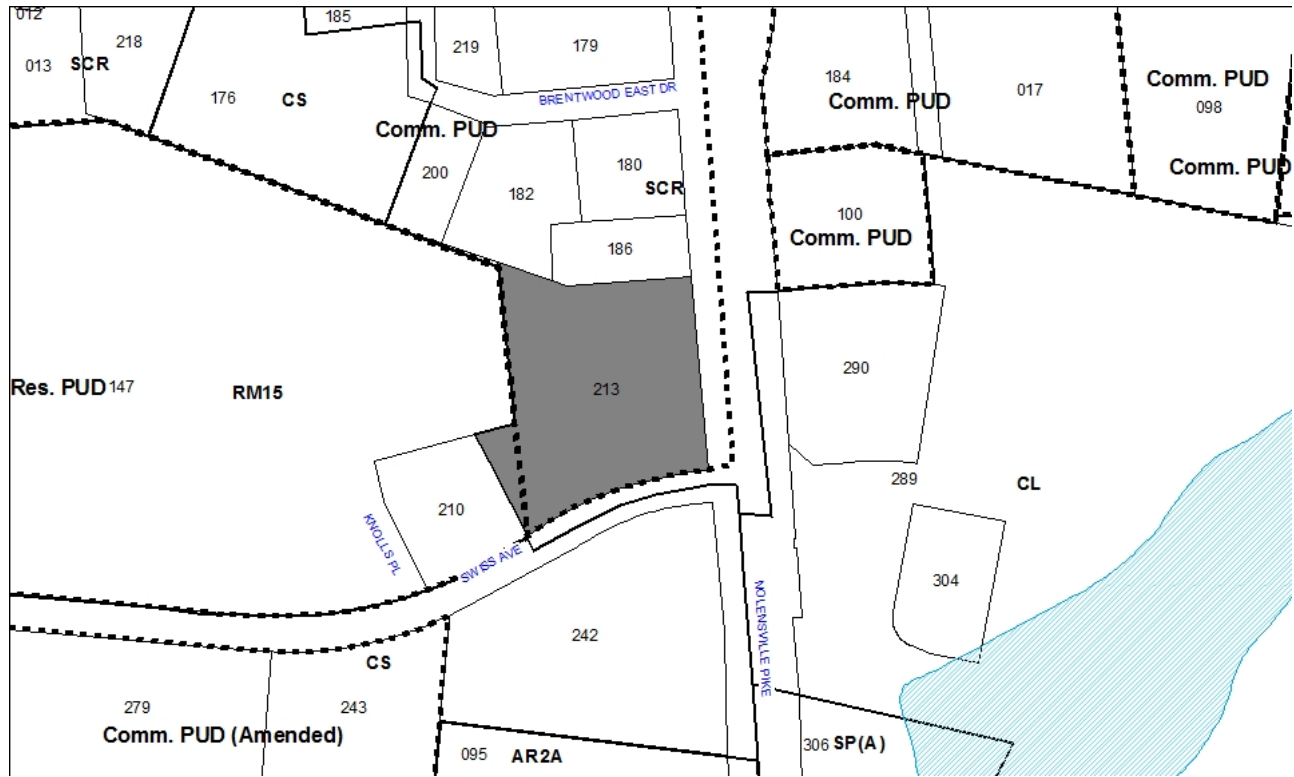


PLANNING COMMISSION ACTIONS

- **Planned Unit Developments (Final)**
- **Subdivision (Infill)**
- **Subdivision (Regulations Amendment)**



Metro Planning Commission Meeting of 12/12/2013



133-76P-001
EXPRESS OIL SWISS AVENUE
Map 161, Parcel(s) 213
Southeast
04 - Brady Banks



Project No.	Planned Unit Development 133-76P-001
Project Name	Express Oil, Swiss Avenue (Prelim & Final)
Council District	4 – Banks
School District	2 – Brannon
Requested by	Littlejohn Engineering Associates, applicant; Avenue Bank, owner.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Revise a portion of a Planned Unit Development and final site plan to permit an automobile service facility.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of a Commercial Planned Unit Development on property located at 400 Swiss Avenue, at the northwest corner of Nolensville Pike and Swiss Avenue, zoned Shopping Center Regional (SCR) (2.53 acres), to permit the development of a 3,695 square foot automobile service facility where a 5,463 square foot car wash was previously approved.

Existing Zoning

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

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The subject site is located along the northwest side of Nolensville Pike and Swiss Avenue. The site currently contains a 5,463 square foot car wash. The site is located within the Brentwood East Commercial Park Planned Unit Development (PUD). The commercial PUD was originally approved in 1976 for various commercial uses. The PUD has been revised numerous times over the years and is mostly built out. It includes a variety of uses including but not limited to retail, restaurant, automobile convenience, automobile service, car wash, financial institutions (bank), and medical office.

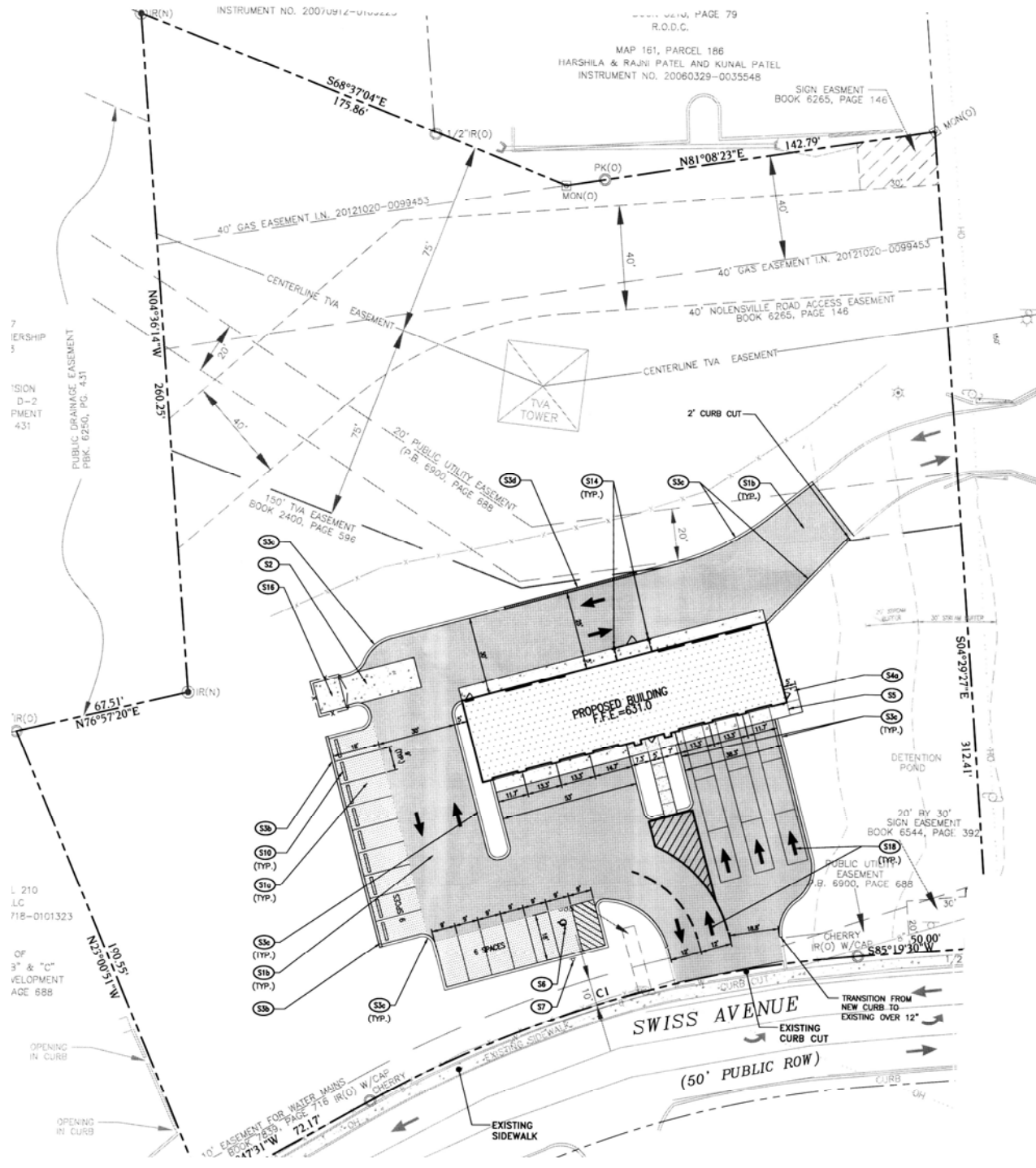
The proposal is to change in use from car wash to automobile service. The plan calls for the existing 5,463 structure to be demolished and replaced with a new 3,695 square foot building. Access to the site will remain at its current locations from Nolensville Pike and Swiss Avenue. The plan calls for additional perimeter as well as interior landscaping.

ANALYSIS

There are no changes proposed that would be in conflict with the approved PUD concept. The proposed use is permitted under the current SCR zoning district as well as the use has been previously permitted within the PUD. The proposal reduces the overall floor area on the site and therefore, does not exceed the floor area last approved by the Planning Commission or Council.



Metro Planning Commission Meeting of 12/12/2013



Proposed PUD Plan



Metro Planning Commission Meeting of 12/12/2013

Section 17.40.120.G permits the Planning Commission to approve “minor modifications” under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, and is provided below for review.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
 - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
 - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
 - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
 - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
 - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development



Metro Planning Commission Meeting of 12/12/2013

plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

STORMWATER RECOMMENDATION

Approve with Conditions

A Technical Review was performed for the above referenced project. The following items were noted:

Plan Information and Fees:

1. Provide TDEC Tracking Number on NOC note and add that site drains to waters impaired for Habitat Alteration.
2. Provide Dedication of Easement for routing of offsite water through site i.e. from A4 to A1, the detention pond and pond outlet.
3. Provide executed Declaration of Restrictions and Covenants with LTMP and recording fee.

Erosion Protection & Sediment Control (EPSC) Measures:

4. Provide Construction Exit with minimum length of 100 ft.

Stormwater Treatment – Bioretention Area

5. Show pretreatment gravel diaphragm on Sheet C4.0 and provide better detail on C6.0.
6. Indicate permeable filter fabric in bioretention area.
7. Revise filter area calculation to use average ponding depth (hf) of 0.25' rather than 0.5'.
8. Provide landscape plan.

Buffer Issues

9. Show stream buffers on grading plan and provide required buffer sign every 100 ft.
10. Clarify whether SWMC Variance required for this project and include number on plan.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The request is not inconsistent with the approved PUD concept and the use is permitted in the SCR base district and in the PUD.



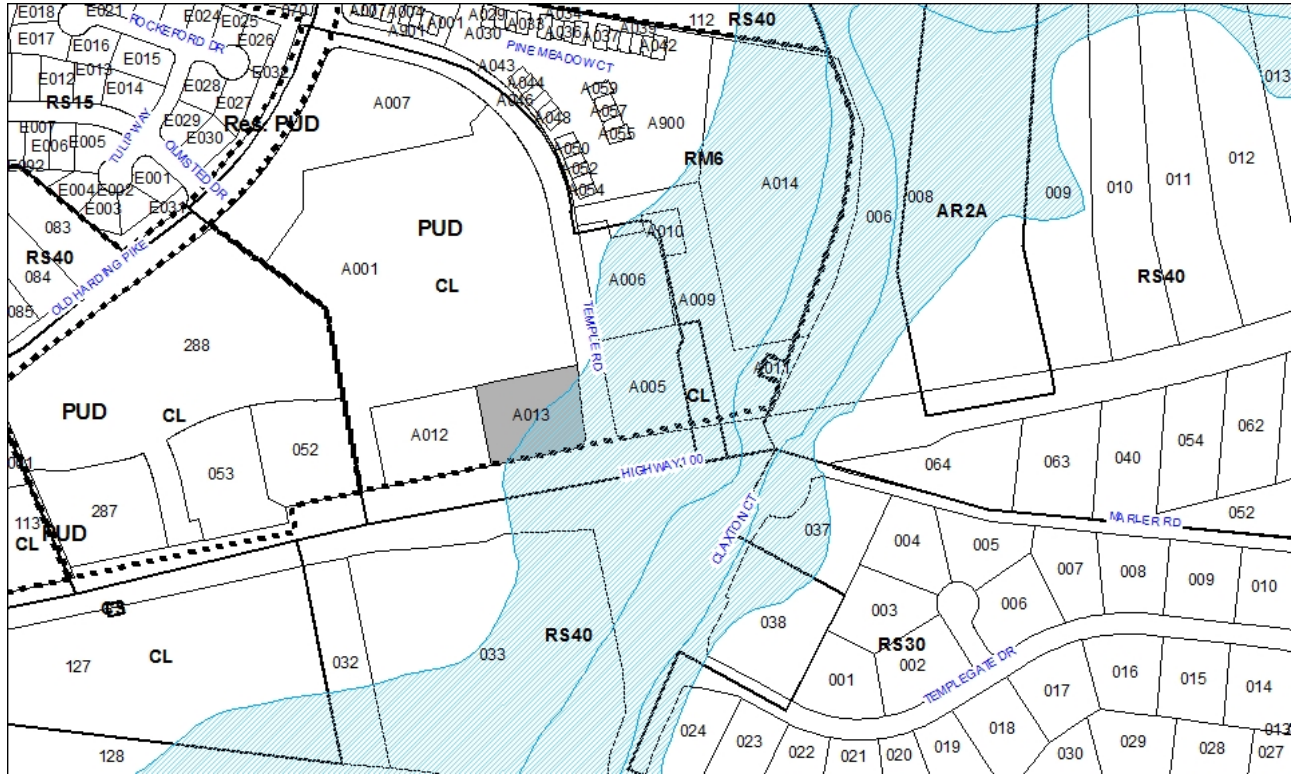
Metro Planning Commission Meeting of 12/12/2013

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by Metro Stormwater.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.



Metro Planning Commission Meeting of 12/12/2013



2005P-008-003
HARPETH VILLAGE (ZAXBY'S)
Map 156-09-0-A, Parcel(s) 013
Bellevue
35 - Bo Mitchell



Project No.	Planned Unit Development 2005P-008-003
Project Name	Harpeth Village (Zaxby's)
Council District	35 – Mitchell
School District	9 – Frogge
Requested by	WMB Properties, applicant for Regions Bank, owners
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Defer to the January 9, 2014, Planning Commission meeting.</i>

APPLICANT REQUEST

Revise a Planned Unit Development and final site plan for a restaurant use.

Revise Preliminary PUD and Final Site Plan

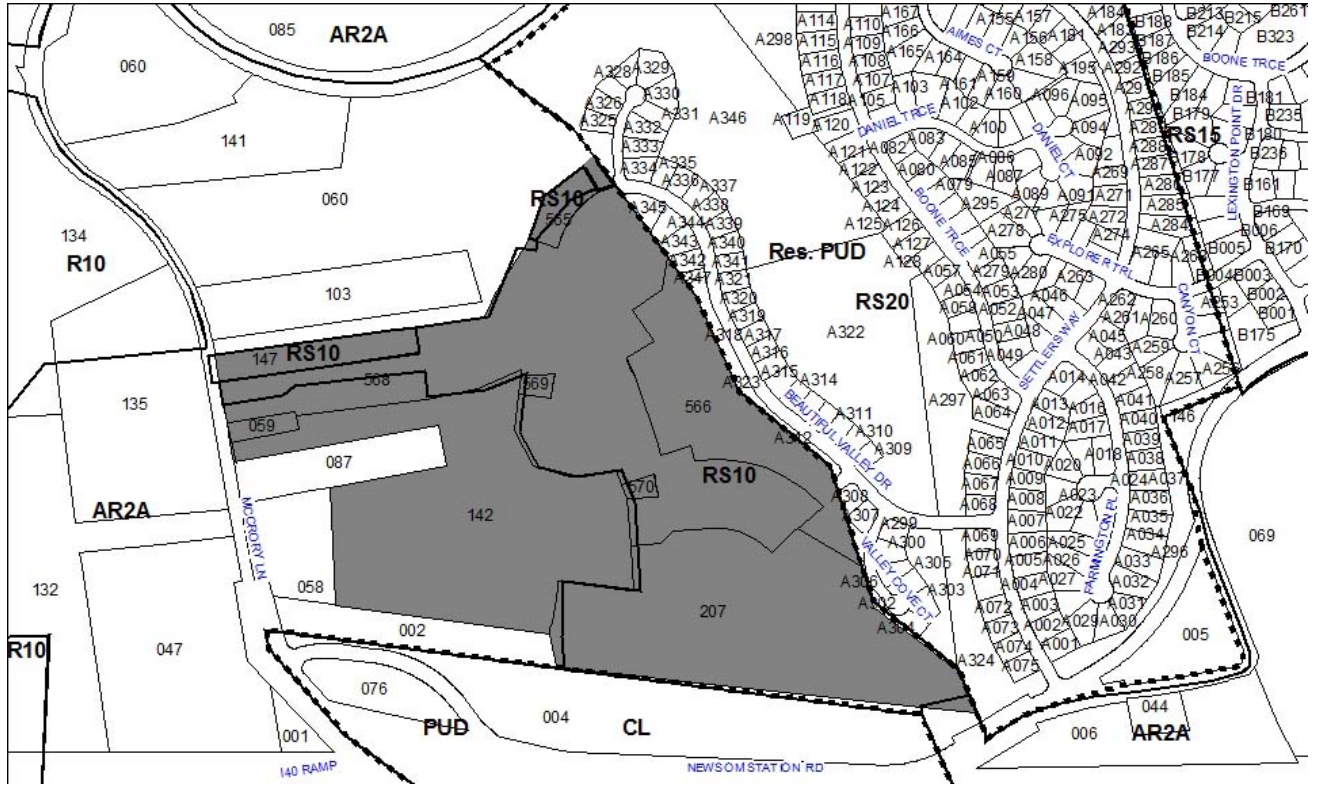
A request to revise the preliminary plan and for final site plan approval for a portion of the Harpeth Village Commercial Planned Unit Development Overlay District on property located at 8000 Highway 100, at the northwest corner of Highway 100 and Temple Road, zoned Commercial Limited (CL) (1.01 acres), to permit the construction of a 3,652 square foot restaurant

STAFF RECOMMENDATION

Staff recommends deferral to the January 9, 2014, Planning Commission meeting as requested by the applicant.



Metro Planning Commission Meeting of 12/12/2013



2013S-145-001

TRAVIS PLACE (PRELIMINARY PLAT REVISION)

Map 126, Parcels 568,569,566,565,142,570,207,147 and Part of 060

Bellevue

35 - Bo Mitchell



Project No.	Subdivision 2013S-145-001
Project Name	Travis Place
Council District	35 – Mitchell
School Board District	9 – Frogge
Requested By	Civil Site Design Group, applicant; Steven Adcock, J.D. Valiquette and JL Rodgers, owners
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Revise preliminary to permit 148 single-family residential lots.

Final Plat

A request to revise a previously approved preliminary plat to add eight lots for a total of 148 lots on properties and portions of properties located at Beautiful Valley Drive (unnumbered), 7946, 7972 and 7986 McCrory Lane and McCrory Lane (unnumbered) and Newsome Station Road (unnumbered), approximately 1,000 feet north of Newsom Station Road, zoned Single-Family Residential (RS10), (49.86 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 184 lots.*

CRITICAL PLANNING GOALS

N/A

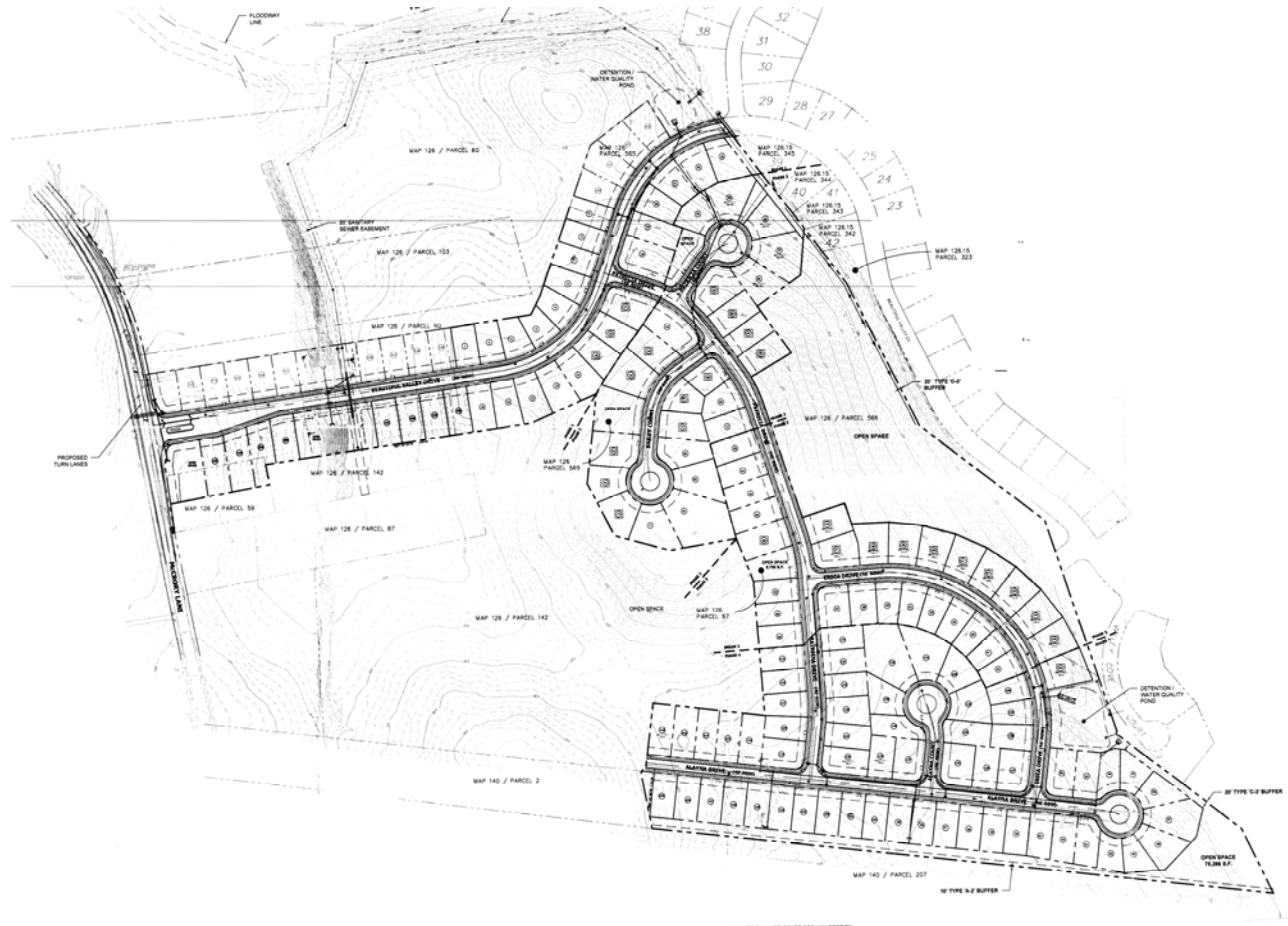
PLAN DETAILS

The Travis Place Subdivision was originally approved in 2006, for 135 single-family cluster lots. The subdivision has been revised several times. The last revision which was approved in 2006 includes 140 lots. At this time no lots have received final plat approval. The preliminary approval has been extended twice. The last extension was approved by the Planning Commission in January of this year. The intent of this revision is to add eight lots to the subdivision for a total of 148 lots. The additional lots will be located on the south side of a proposed extension of Beautiful Valley Drive near McCrory Lane.

This is a cluster lot development. Cluster lot developments permit smaller lots than what the base zoning permits when certain requirements are met. The intent of the cluster lot option is to protect sensitive areas such as steep hillsides. Smaller lot sizes decrease the development foot print permitting development to be clustered to areas with less environmental constraints. The site is zoned RS10 which requires a minimum 10,000 square foot lot. The site contains large area with steep slopes and the cluster lot option is being utilized in order to minimize disturbance of these areas. Lots have been clustered down to the RS5 district which requires a minimum 5,000 square foot lot.



Metro Planning Commission Meeting of 12/12/2013



Proposed Subdivision



Metro Planning Commission Meeting of 12/12/2013

The site is located on the east side of McCrory Lane north of the interstate and south of the Harpeth River. The site contains areas with steep slopes. There is also a stream that bisects the property closer to McCrory Lane. Portions of the site have been graded consistent with the current preliminary plan and include some roadways and stormwater facilities. This plan is also associated with the Beautiful Valley Place subdivision which includes nine lots which will be located directly north, on the opposite side of the proposed extension of Beautiful Valley Drive.

Site Plan

The site plan calls for 148 single-family cluster lots. All lots will be located on new streets. The largest lot is approximately 20,000 square feet (0.46 acres) and the smallest lot is approximately 5,800 square feet (0.13 acres). All lots are front loaded and will be accessed from a new street.

The main access point will be from McCrory Lane via the extension of Beautiful Valley Drive from Boone Trace to the east. The plan also provides a stub street to the west. This stub will provide for a future connection to McCrory Lane when the adjacent property develops. Sidewalks are provided along both sides of all streets.

The plan calls for approximately ten acres of open space. A majority of the open space includes areas with steep hillsides, but also includes areas set aside to meet stormwater requirements. A five foot walking path is shown within the largest open space area.

ANALYSIS

As proposed staff have no issues with this request. The plan does not propose any major changes to the currently approved subdivision. The only change is that eight lots have been added closer to McCrory Lane. This subdivision has been around for a very long time. Since a lot of grading has taken place in the past then it is important that it finally develop. As proposed the request is consistent with the cluster lot option and does not require any variances from the Zoning Code or the Subdivision Regulations.

STORMWATER RECOMMENDATION

Approved

HARPETH VALLEY UTILITY DISTRICT RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approved with conditions

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

STAFF RECOMMENDATION

Staff recommends that the request be approved as it meets zoning and subdivision requirements.

CONDITIONS

1. Comply with the previously approved construction plans.



Metro Planning Commission Meeting of 12/12/2013

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

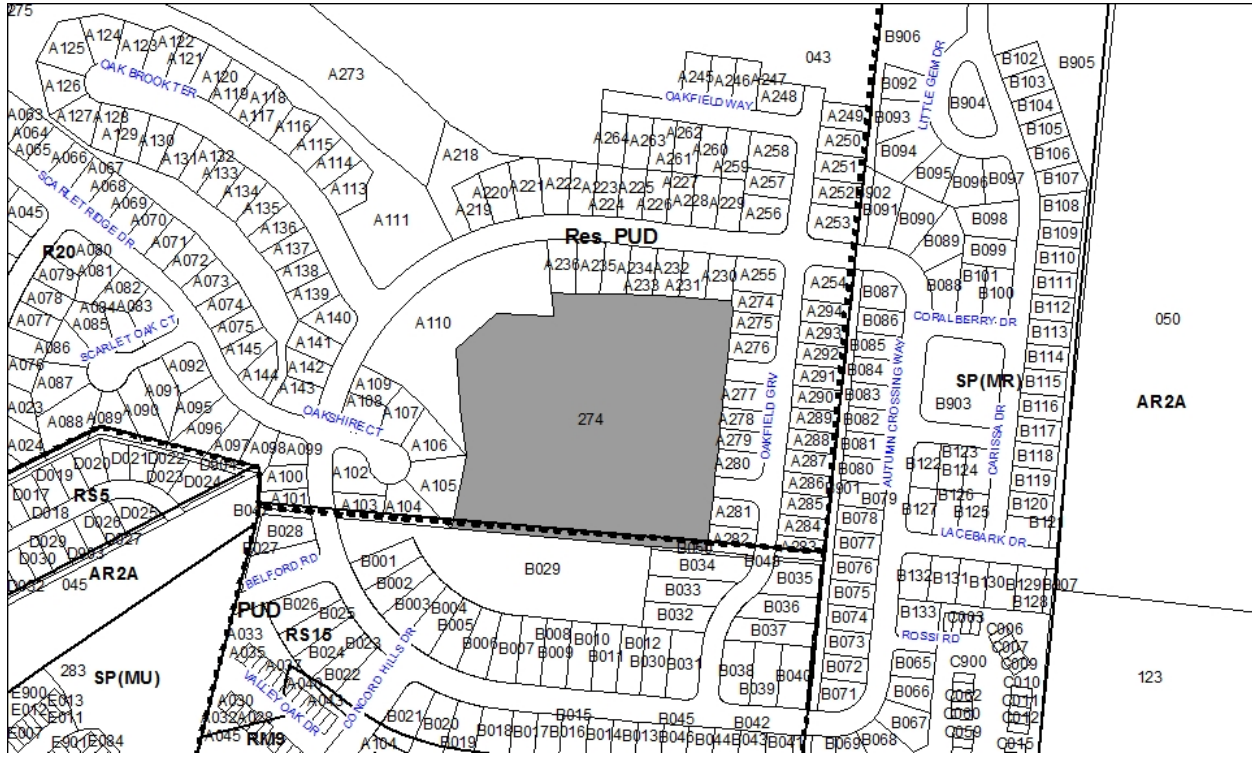


Metro Planning Commission Meeting of 12/12/2013

SEE NEXT PAGE



Metro Planning Commission Meeting of 12/12/2013



2013S-198-001

AUTUMN OAKS, PH 10B

Map 181, Parcel(s) 274

Southeast

31 - Fabian Bedne



Project No.	2013S-198-001
Project Name	Autumn Oaks, Ph. 10B
Council District	31– Bedne
School District	2 – Brannon
Requested by	Investment Properties, LLC, owners, Crawford & Cummings, P.C., surveyor
Staff Reviewer	Aprill
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Final plat to create 32 lots within Autumn Oaks Planned Unit Development Overlay District.

Final Plat Approval

A request for final plat approval to create 32 lots and dedicate right-of-way within the Autumn Oaks Planned Unit Development Overlay District on property located at Autumn Crossing Way (unnumbered), approximately 2,300 feet north of Nolensville Pike (10.82 acres), zoned One and Two-Family Residential (R20).

Existing Zoning

Autumn Oaks Planned Unit Development, Phase 10B

Last approved by Council in 1988 for 354 single-family lots. This portion of the PUD was revised in 2011 to divide Phase 10 into two sections (Phase 10A and 10B), with no changes to the total number of lots. This portion of the revised PUD was previously approved for 32 single-family lots.

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

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

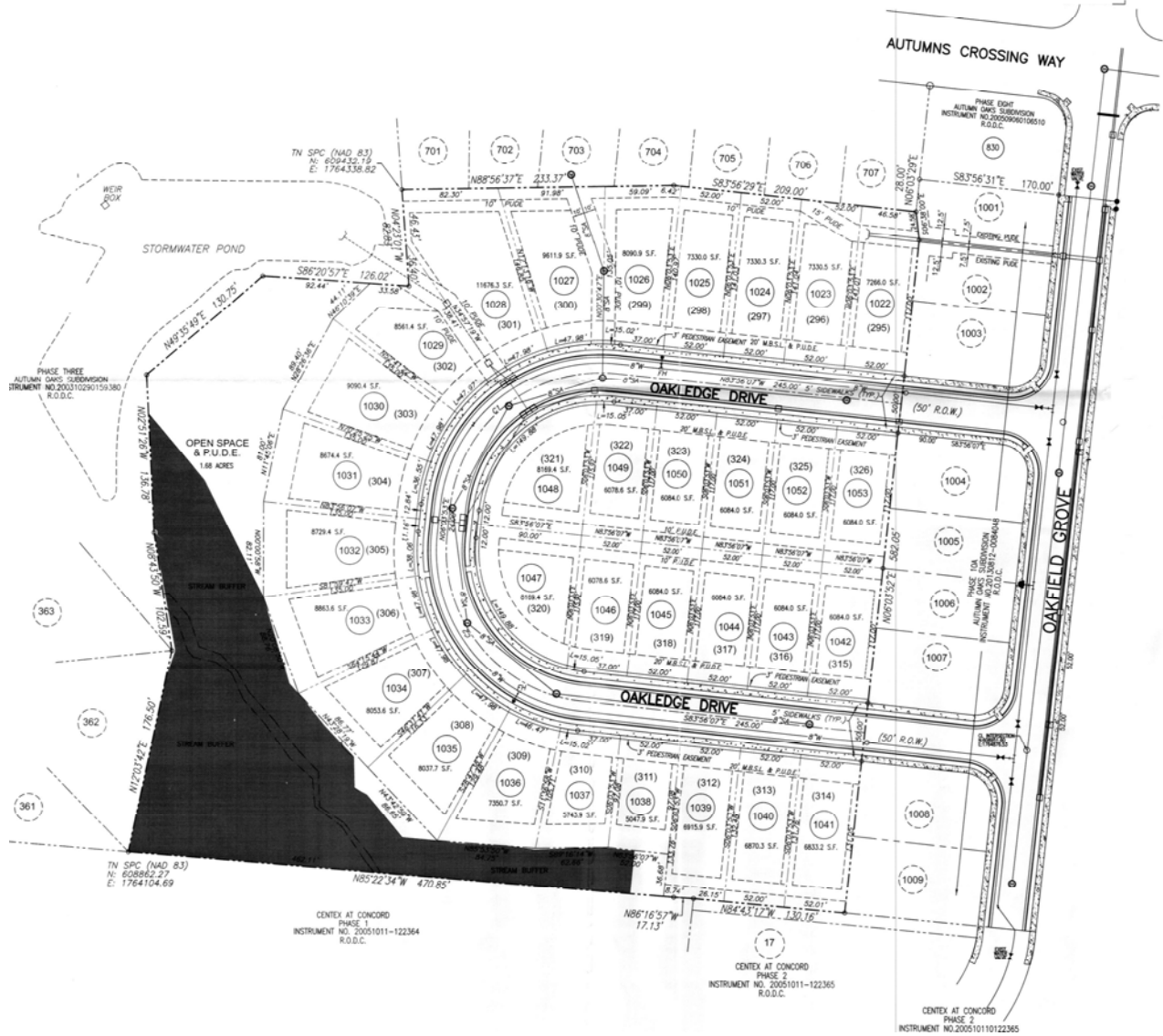
The applicant requests final plat approval to create 32 lots within the Autumn Oaks Planned Unit Development Overlay District on 10.82 acres. The lots are arranged along a horseshoe-shaped street, with 1.68 acres, or 20% of this phase, provided as open space.

Normally, final plats are reviewed and approved administratively if they are consistent with the approved final site plan; however, the Planning Commission is reviewing this request for final plat approval due to a MPC policy established on May 6, 2009, regarding performance bonds. Specifically, this policy states that:

“The Planning Department will not administratively approve any applications, including those for bonds, final plats, UDOs, SPs, and PUDs, for any development within the same UDO, SP, or PUD as another phase with a breached performance agreement with expired security. This is applied where the breach has occurred by the same developer, or by a separate developer.”



Metro Planning Commission Meeting of 12/12/2013





Metro Planning Commission Meeting of 12/12/2013

In this case, Metro has made a demand on the surety company for Phase 8B of the Autumn Oaks Planned Unit Development.

Timeline of Events:

- 2009: Bond policy established
- 2011: Phase 10A receives final site plan approval
- 2012: Metro makes a demand on the surety company for Phase 8B, turns file over to Legal
- 2013 (April): Application for final site plan for Phase 10B is submitted
- 2013 (October): Application for final plat approval for Phase 10B is submitted

In addition to the demand on the surety company, Metro placed a hold on the two remaining vacant properties within Phase 8B. A hold was also placed on all other undeveloped portions of this PUD.

Staff has determined that Phase 10B is not dependent on Phase 8B for infrastructure or roadway connections. Staff has also determined that the developers and owners of Phase 8B are in no way connected to the developers and owners of Phase 10B.

ANALYSIS

The final plat for Phase 10B of the Autumn Oaks PUD is consistent with the final site plan approved in April 2013. It makes no changes to the number of approved lots, and makes only one minor change to the size of a lot, to absorb a corner of open space. Section 10B exceeds the open space requirement of 15% with 20% open space.

The Autumn Oaks PUD has another phase with a breached performance agreement. The bond for Autumn Oaks, Phase 8B (Subdivision No. 2010S-065-001) was posted in February 2011, by a different developer. The bond for Phase 8B was called in June 2012, because the developer had not received approval for the release or extension of the bond.

A demand letter was sent to the American Safety Casualty Insurance Company on June 11, 2012. The surety company was given two weeks to submit proceeds from the bond to the Metro Planning Department, or the case would be forwarded to the Metropolitan Department of Law. The surety company did not submit payment on the bond; therefore, the case was turned over to Metro Legal on June 28, 2012.

Phase 10B is adjacent to phases 3, 7, and 10A, but is dependent only on Phase 10A for vehicular access out of the subdivision. Phase 10A was approved for final plat recording on February 15, 2013. Phase 3 and Phase 7 have both been constructed and completed.

The bond application for this phase will also require Planning Commission approval.

FIRE MARSHAL RECOMMENDATION

APPROVED

- Note: flow data from previous phases.

STORMWATER RECOMMENDATION

APPROVED



Metro Planning Commission Meeting of 12/12/2013

PUBLIC WORKS RECOMMENDATION

NO EXCEPTION TAKEN

- 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.

WATER SERVICES RECOMMENDATION

APPROVED WITH CONDITIONS

- As all of our previous conditions have been met on the latest replat on “stamp received” Nov. 19, 2013. We recommend approval contingent on construction as detailed previously.

STAFF RECOMMENDATION

Staff recommends approval with conditions. This final plat is consistent with the approved site plan. It is not dependent on the portion of the PUD with incomplete infrastructure. Additionally, this phase is owned by a different developer than the phase with incomplete infrastructure.

CONDITIONS

1. The final plat for Phase 10A shall be recorded prior to Phase 10B.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.



Metro Planning Commission Meeting of 12/12/2013

SEE NEXT PAGE



Project No.	Subdivision 2013S-189-001
Project Name	Sneed Estates, Resub Lot 6
Council District	34 – Todd
School District	8 – Hayes
Requested by	Stanley Draper, applicant, Charles and Kathleen Fulk, owners.
Deferral	This application was deferred at the November 20, 2013, special continued Planning Commission meeting. The public hearing was closed on November 20, 2013.
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Approve under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach). Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).</i>

APPLICANT REQUEST

Final Plat to create two single-family residential lots.

Final Plat

A request for final plat approval to create two lots on property located at 4320 Lindawood Drive, approximately 660 feet north of Trimble Road, zoned Single-Family Residential (RS20) (0.94 acres).

Existing Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 2 units.*

CRITICAL PLANNING GOALS

N/A

INFILL SUBDIVISION REVIEW: ONE OR TWO-TIER APPROACH

In 2011, the Subdivision Regulations were amended. Included in the amendment was the replacement of Section 3-5, Lot Comparability with Section 3-5, Infill Subdivisions. The section applies to subdivision proposals in areas that are predominately developed.

The first section, Section 3-5.1, requires that new lots in areas that are predominately developed be generally comparable to surrounding lots and is written as follows:

1. *Infill Subdivisions.* In areas previously subdivided and predominately developed, residential lots resulting from a proposed subdivision within the R and RS zoning districts on an existing street shall be generally comparable with surrounding lots.



Metro Planning Commission Meeting of 12/12/2013

The subsequent section, Section 3-5.2, refers to criteria for determining comparability which is as follows:

2. Criteria for Determining Comparability: The following criteria shall be met to determine comparability of lots within infill subdivisions:
 - a. The resulting density of lots within the RL, RLM and RM land use policies do not exceed the prescribed densities of the polices.
 - b. For lots within NE, NM and NG policies, the lots fit into the community character as defined in Section 7-2 and are consistent with the general plan.
 - c. All minimum standards of the zoning code are met.
 - d. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto open space.
 - e. The current standards of all reviewing agencies are met.

One-Tier Approach

Under the one-tier approach, staff read subsections 1 and 2 together and defined comparability by utilizing the language in Subsection 3-5.2. New lots would be comparable in the RL, RLM and RM land use polices if the resulting densities do not exceed the prescribed densities of the policies. The density calculation can be determined two ways:

1. Looking at the lot(s) proposed with the subdivision;
2. Looking at a larger area.

The area for determining density is not defined; therefore, staff must use best judgment to define the area to use for the density calculation. It could include solely the lots created by the proposed subdivision, adjacent lots on both sides of the lot(s) proposed for the subdivision, across the street or the entire block.

Two-Tier Approach

Under the two-tier approach, subsections 1 and 2 are considered separately, creating a two-part test for determining comparability. Staff must first determine if the proposed lots are generally comparable, as specified in subsection 1. The terms “generally comparable” and “surrounding lots” are not defined. If it is determined that the proposed lots are generally comparable to surrounding lots, then the new lots must also be consistent with subsection 2.

Since the regulations do not define the area for which proposed lots should be compared, staff must define an area for which to compare. Without guidance from the regulations, the defined area becomes subjective. To reduce subjectivity, staff has defined the area to compare as lots on the same block face. If it is a corner lot then staff assessment would include both block faces.

Planning Commission Action

The Planning Commission is the ultimate interpreter of the Subdivision Regulations. The Planning Commission has the ability to agree with either interpretation or provide a new interpretation.



Metro Planning Commission Meeting of 12/12/2013

PLAN DETAILS

This subdivision proposes two single-family residential lots where one lot and an existing dwelling exist. The site is situated within a predominantly single-family residential neighborhood, though non-conforming duplex uses are located to the east, west and south of the property.

The proposed lots will contain the minimum lot area required by RS20 zoning. The lot areas are as follows:

Lot 1: 20,600 sq. ft. (0.47 acres); 60.77' frontage

Lot 2: 20,512 sq. ft. (0.47 acres); 60.77' frontage

Each lot would be permitted an individual driveway. The subdivision plat indicates the existing driveway would remain on the property and provide access for Lot 1. Stormwater requirements address the creek identified on the east portion of the site.

ANALYSIS

One-Tier Approach

The land use policy that applies to the existing lot and surrounding area is Residential Low. The Residential Low policy supports low intensity development with a maximum density of two units per acre. The density for the proposed two lots is approximately 2.11 units per acre (2 units/0.944 acres = 2.11 units per acre). If a larger area is evaluated, the density of that area including the proposed subdivision is approximately 1.34 units per acre. Staff used the lots on the same block face fronting Lindawood Drive in determining that this subdivision is consistent with the surrounding area. Since the density of the proposed subdivision, when looking at the surrounding area, meets policy, staff recommends that the two proposed lots are comparable.

Two-Tier Approach

First, staff determines whether the subdivision is "generally comparable." While this term is subjective, staff used lot frontage and lot area. The two proposed lots are not generally comparable in terms of lot size and width at the street:

Average Area:	0.91 Acres (lots on the same block fronting Lindawood Drive)
Proposed Areas:	Lot 1 is 0.47
	Lot 2 is 0.47

Average Frontage:	119.4' (lots on the same block fronting Lindawood Drive)
Proposed Frontages:	Lot 1 is 60.77'
	Lot 2 is 60.77'

Since the proposed lots are not generally comparable to the surrounding lots using this criteria, then it is not necessary to consider whether the lots are consistent with the community plan policy. Under this approach, staff recommends disapproval.

STORMWATER RECOMMENDATION

Approve with conditions

- Provide adequate PUDE's on plat (for the wet weather conveyances and along the ROW's).



Metro Planning Commission Meeting of 12/12/2013

WATER SERVICES RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve with conditions.

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.

STAFF RECOMMENDATION

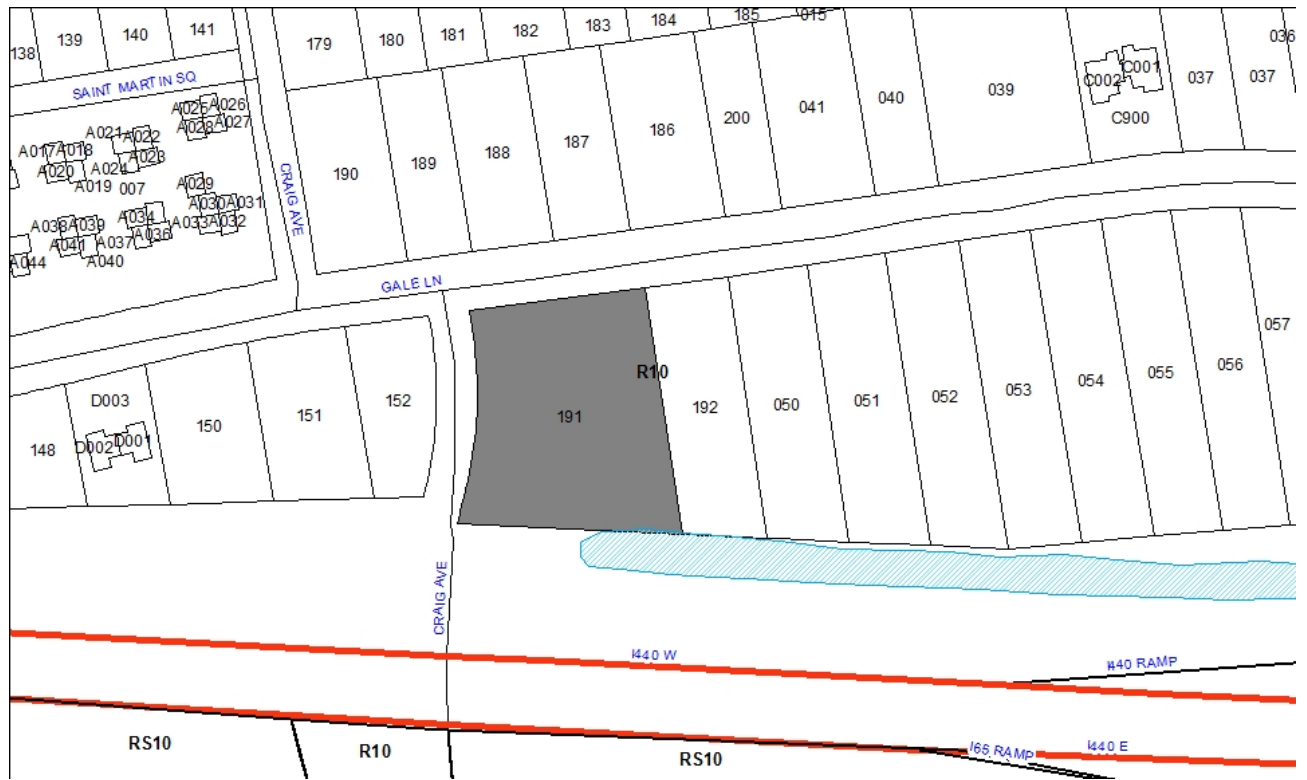
Approve under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach). Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).

CONDITIONS

1. Comply with Stormwater requirements.
2. Provide proof of removal of the existing building on the site prior to recordation of the subdivision.
3. Sidewalks are required along the Lindawood Drive frontage of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a. Submit a bond application and post a bond with the Planning Department,
 - b. Construct sidewalk and have it accepted by Public Works,
 - c. Submit contribution in-lieu of construction to the Planning Department, one additional lot will require a \$500 contribution to Pedestrian Benefit Zone 4-B.
 - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Public Works Department, or
 - e. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.



Metro Planning Commission Meeting of 12/12/2013



2013S-178-001
VAULX LANDS, RESUB LOT 5 AND PART OF LOT 4
Map 118-05, Parcel(s) 191
10, Green Hills - Midtown
17 (Sandra Moore)



Project No. Subdivision 2013S-178-001
Project Name Vaulx Land Resub. Lot 5 and Part of Lot 4
Council District 17 – Moore
School District 7 – Pinkston
Requested by Robert J. Deal, owner; Smith Land Surveying, LLC, applicant

Staff Reviewer Swaggart
Staff Recommendation *Approve under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach). Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).*

APPLICANT REQUEST

Concept plan to create four single-family residential lots and one two-family lot.

Concept Plan

A request for concept plan approval to create five lots, including one duplex lot, on property located at 929 Gale Lane, at the southeast corner of Gale Lane and Craig Avenue, zoned One and Two-Family Residential (R10) (1.47 acres).

Existing Zoning

One and Two-Family Residential R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 6 lots with 1 duplex lot for a total of 7 units.*

CRITICAL PLANNING GOALS

- Supports infill development

The proposed subdivision will provide additional housing opportunities in a developed area where a infrastructure is adequate.

INFILL SUBDIVISION REVIEW: ONE OR TWO-TIER APPROACH

In 2011, the Subdivision Regulations were amended. Included in the amendment was the replacement of Section 3-5, Lot Comparability with Section 3-5, Infill Subdivisions. The section applies to subdivision proposals in areas that are predominately developed.

The first section, Section 3-5.1, requires that new lots in areas that are predominately developed be generally comparable to surrounding lots and is written as follows:

1. *Infill Subdivisions.* In areas previously subdivided and predominately developed, residential lots resulting from a proposed subdivision within the R and RS zoning districts on an existing street shall be generally comparable with surrounding lots.



Metro Planning Commission Meeting of 12/12/2013

The subsequent section, Section 3-5.2, refers to criteria for determining comparability which is as follows:

2. Criteria for Determining Comparability: The following criteria shall be met to determine comparability of lots within infill subdivisions:
 - a. The resulting density of lots within the RL, RLM and RM land use policies do not exceed the prescribed densities of the polices.
 - b. For lots within NE, NM and NG policies, the lots fit into the community character as defined in Section 7-2 and are consistent with the general plan.
 - c. All minimum standards of the zoning code are met.
 - d. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto open space.
 - e. The current standards of all reviewing agencies are met.

One-Tier Approach

Under the one-tier approach, staff read subsections 1 and 2 together and defined comparability by utilizing the language in Subsection 3-5.2. New lots would be comparable in the RL, RLM and RM land use polices if the resulting densities do not exceed the prescribed densities of the policies. The density calculation can be determined two ways:

1. Looking at the lot(s) proposed for subdivision;
2. Looking at a larger area.

The area for determining density is not defined; therefore, staff must use best judgment to define the area to use for the density calculation. It could include solely the lots created by the proposed subdivision, adjacent lots on both sides of the lot(s) proposed for the subdivision, across the street or the entire block.

Two-Tier Approach

Under the two-tier approach, subsections 1 and 2 are considered separately, creating a two-part test for determining comparability. Staff must first determine if the proposed lots are generally comparable, as specified in subsection 1. The terms “generally comparable” and “surrounding lots” are not defined. If it is determined that the proposed lots are generally comparable to surrounding lots, then the new lots must also be consistent with subsection 2.

Since the regulations do not define the area for which proposed lots should be compared, staff must define an area for which to compare. Without guidance from the regulations, the defined area becomes subjective. To reduce subjectivity, staff has defined the area to compare as lots on the same block face. If it is a corner lot then staff assessment would include both block faces.

Planning Commission Action

The Planning Commission is the final interpreter of the Subdivision Regulations. The Planning Commission has the ability to agree with either interpretation or provide a new interpretation.



Metro Planning Commission Meeting of 12/12/2013

PLAN DETAILS

This subdivision proposes four single-family residential lots and one duplex lot (six units) where one lot and an existing dwelling currently exist. Lots 1, 2, 3 and 5 are proposed for single-family and Lot 4 is proposed for two-family. The property is located at the southeast corner of Gale Lane and Craig Avenue and is adjacent to I-440 to the south. Sevier Park is located to the west and the property is also within the Breeze Hill Historic District. The majority of the area is developed with single-family but there are some two-family and multi-family in the immediate area.

All lots will contain the minimum lot area required by R10 zoning. The approximate lot areas and street frontages are as follows:

- Lot 1: 15,938 sq. ft. (0.36 acres), 215' along Gale and 135' along Craig;
- Lot 2: 11,950 sq. ft. (0.27 acres), 50' along Gale;
- Lot 3: 12,150 sq. ft. (0.27 acres), 50' along Gale;
- Lot 4: 10,441 sq. ft. (0.24 acres), 50' along Craig;
- Lot 5: 13,610 sq. ft. (0.31 acres), 75' along Craig.

Access for Lots 2-5 will be limited to a single drive off of Craig Avenue. The access point is located along the southern property line. Access for the existing home (Lot 1) will be from existing drives located off of Gale Lane and Craig Avenue.

ANALYSIS

One-Tier Approach

The land use policy that applies to the lot proposed for subdivision and a majority of the surrounding lots is Residential Low Medium. The Residential Low Medium policy supports development with a maximum density of four units per acre. The density for the proposed six units on 1.47 acres is approximately 4.08 units per acre (6 Units/1.47 Acres = 4.08 units per acre). If a larger area is evaluated, the density of the area (including the proposed six units) is 1.9 units per acre. The calculation for the area includes lots on the south side of Gale Lane from Craig Avenue to Vaulx Lane.

Because the density for the five lot subdivision is under the density of RLM policy for the larger area, the subdivision is comparable.

Two-Tier Approach

First, staff determines whether the subdivision is "generally comparable." Two of the proposed lots along Gale Lane, Lots 2 and 3, are not generally comparable in terms of lot size and width at the street.

- Average Area: 0.71 Acres
- Average Frontage: 92' (Gale Lane)

Proposed Lot Area and Frontage

- Lot 1: 0.36 acres, 215' along Gale;
- Lot 2: 0.27 acres, 50' along Gale;
- Lot 3: 0.27 acres, 50' along Gale;
- Lot 4: 0.24 acres, 50' along Craig;
- Lot 5: 0.31 acres, 75' along Craig.



Metro Planning Commission Meeting of 12/12/2013

Since the lots are not generally comparable to the surrounding lots for area or frontage then it is not necessary to consider whether the lots are consistent with the community plan policy. Under this approach, staff recommends disapproval.

STORMWATER RECOMMENDATION

Approve with Conditions

- Water quality concept plan to be per development plans.
- If stream exists, then no disturbance to buffers allowed without a variance.

WATER SERVICES RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.
- Label and dimension the ROW from the centerline of the road to the property corner.

STAFF RECOMMENDATION

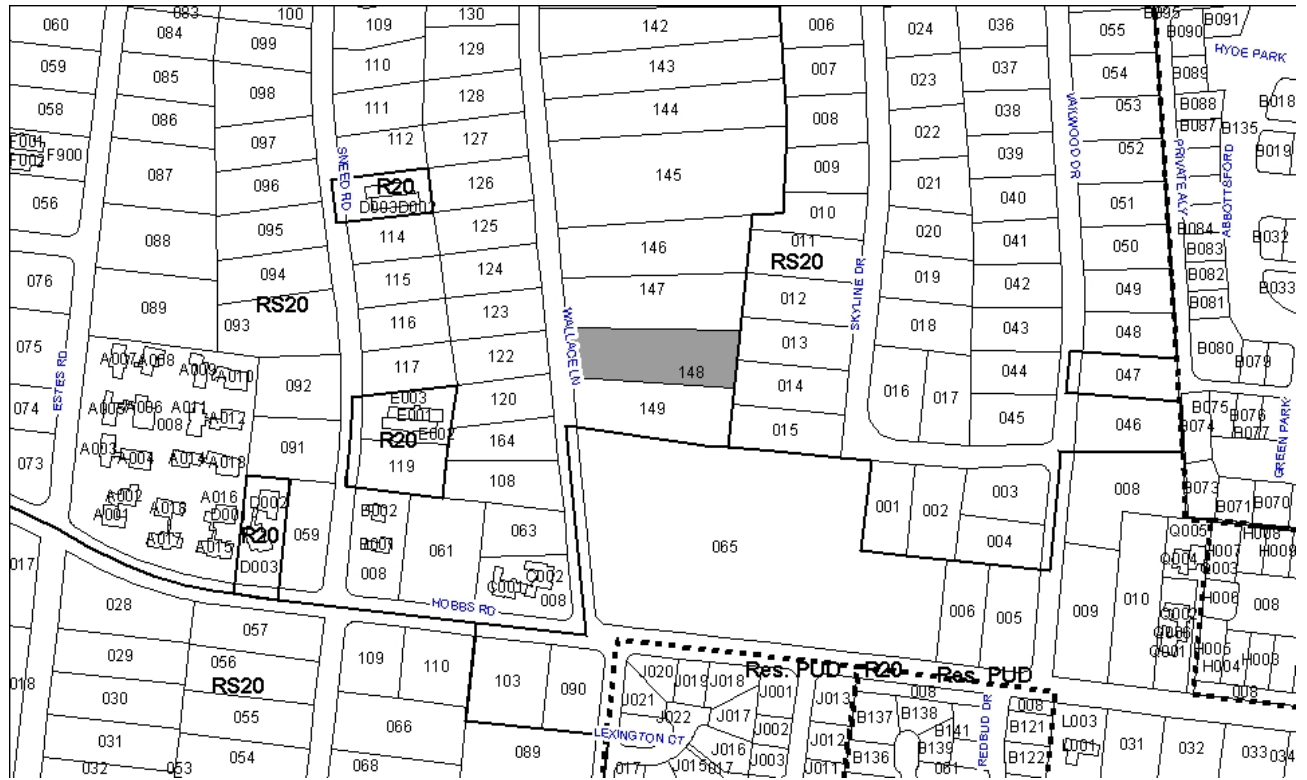
Approve under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach). Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).

CONDITIONS

1. Sidewalks are required along the Gale Lane and Craig Avenue frontage of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a. Submit a bond application and post a bond with the Planning Department,
 - b. Construct sidewalk and have it accepted by Public Works,
 - c. Submit contribution in-lieu of construction to the Planning Department, one additional lot will require a \$6,000 contribution to Pedestrian Benefit Zone 4-A.
 - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (4-A), in a location to be determined in consultation with the Public Works Department, or add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.
2. Label and dimension the ROW from the centerline of the road to the property corner.
3. Water quality concept plan to be per development plans.
4. If stream exists, then no disturbance to buffers allowed without a variance.



Metro Planning Commission Meeting of 12/12/2013



2013S-161-001
VAILWOOD HEIGHTS, RESUB LOT 33
Map 116-16, Parcel(s) 148
10, Green Hills - Midtown
34 (Carter Todd)



Project No. Subdivision 2013S-161-001
Project Name Vailwood Heights, Resub. Lot 33
Council District 34 – Todd
School District 8 – Hayes
Requested by Barbara and Susan Taylor, owners; Stanley K. Draper, applicant

Staff Reviewer Swaggart
Staff Recommendation *Approve under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach). Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).*

APPLICANT REQUEST

Final Plat to create two single-family residential lots.

Final Plat

A request for final plat approval to create two lots on property located at 4124 Wallace Lane, approximately 560 feet north of Hobbs Road, zoned Single-Family Residential (RS20), (1.10 acres).

Existing Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 2 units.*

CRITICAL PLANNING GOALS

- Supports infill development

The proposed subdivision will provide additional housing opportunities in a developed area where a infrastructure is adequate.

INFILL SUBDIVISION REVIEW: ONE OR TWO-TIER APPROACH

In 2011, the Subdivision Regulations were amended. Included in the amendment was the replacement of Section 3-5, Lot Comparability with Section 3-5, Infill Subdivisions. The section applies to subdivision proposals in areas that are predominately developed.

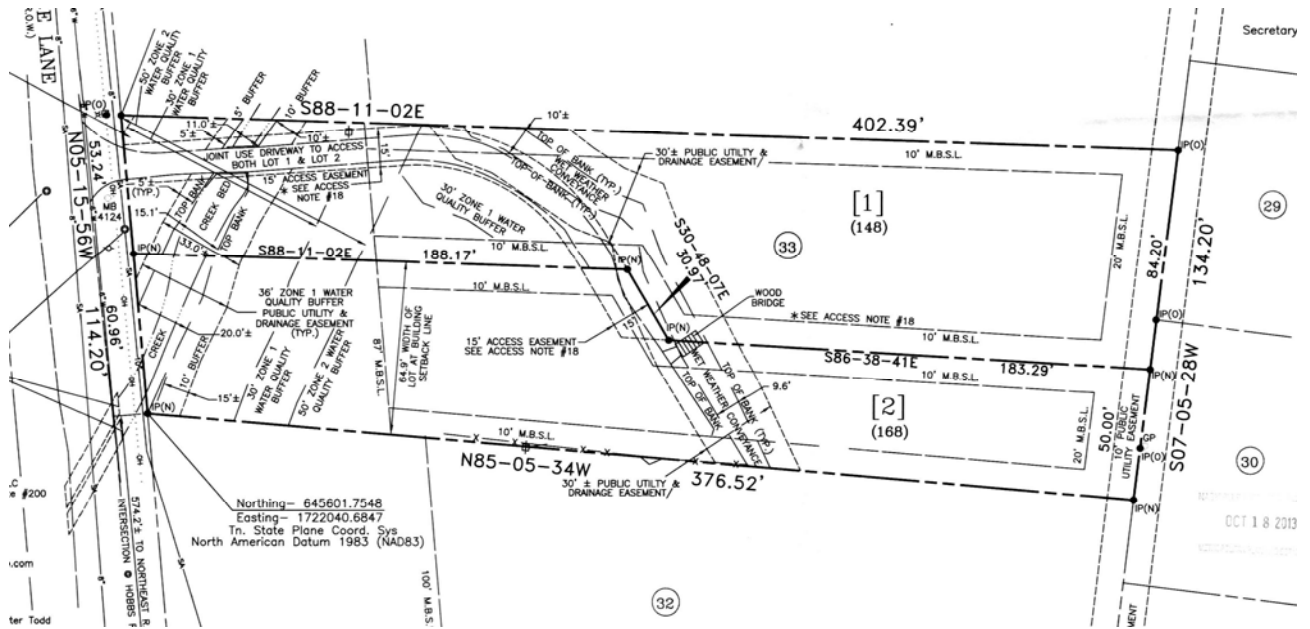
The first section, Section 3-5.1, requires that new lots in areas that are predominately developed be generally comparable to surrounding lots and is written as follows:

1. *Infill Subdivisions.* In areas previously subdivided and predominately developed, residential lots resulting from a proposed subdivision within the R and RS zoning districts on an existing street shall be generally comparable with surrounding lots.
- 2.

The subsequent section, Section 3-5.2, refers to criteria for determining comparability which is as follows:



Metro Planning Commission Meeting of 12/12/2013



Proposed Subdivision



Metro Planning Commission Meeting of 12/12/2013

2. Criteria for Determining Comparability: The following criteria shall be met to determine comparability of lots within infill subdivisions:
 - a. The resulting density of lots within the RL, RLM and RM land use policies do not exceed the prescribed densities of the policies.
 - b. For lots within NE, NM and NG policies, the lots fit into the community character as defined in Section 7-2 and are consistent with the general plan.
 - c. All minimum standards of the zoning code are met.
 - d. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto open space.
 - e. The current standards of all reviewing agencies are met.

One-Tier Approach

Under the one-tier approach, staff read subsections 1 and 2 together and defined comparability by utilizing the language in Subsection 3-5.2. New lots would be comparable in the RL, RLM and RM land use policies if the resulting densities do not exceed the prescribed densities of the policies. The density calculation can be determined two ways:

1. Looking at the lot(s) proposed for subdivision;
2. Looking at a larger area.

The area for determining density is not defined; therefore, staff must use best judgment to define the area to use for the density calculation. It could include solely the lots created by the proposed subdivision, adjacent lots on both sides of the lot(s) proposed for the subdivision, across the street or the entire block.

Two-Tier Approach

Under the two-tier approach, subsections 1 and 2 are considered separately, creating a two-part test for determining comparability. Staff must first determine if the proposed lots are generally comparable, as specified in subsection 1. The terms “generally comparable” and “surrounding lots” are not defined. If it is determined that the proposed lots are generally comparable to surrounding lots, then the new lots must also be consistent with subsection 2.

Since the regulations do not define the area for which proposed lots should be compared, staff must define an area for which to compare. Without guidance from the regulations, the defined area becomes subjective. To reduce subjectivity, staff has defined the area to compare as lots on the same block face. If it is a corner lot then staff assessment would include both block faces.

Planning Commission Action

The Planning Commission is the final interpreter of the Subdivision Regulations. The Planning Commission has the ability to agree with either interpretation or provide a new interpretation.

PLAN DETAILS

This subdivision proposes two single-family residential lots where one lot currently exists. The lot is located on the west side of Wallace Lane, north of Hobbs Road. The existing lot is approximately 48,046 square feet (1.10 acres) in size. The lot is fairly deep and contains significant vegetation along Wallace Lane. A wet weather conveyance also bisects the property. The site is



Metro Planning Commission Meeting of 12/12/2013

situated within a predominantly single-family residential neighborhood, though there are legally non-conforming two-family uses in the immediate areas.

Both lots will contain the minimum lot area required by RS20 zoning. The approximate lot areas and street frontages are as follows:

Lot 1: 26,450 sq. ft. (0.607 acres); 53.24' along Wallace;

Lot 2: 21,596 sq. ft. (0.496 acres); 60.96' along Wallace.

The plat provides an 87 foot minimum setback which is consistent with the original 1950 plat. Each lot would be permitted an individual driveway; however, due to the location of the wet weather conveyance, access will be limited to the existing driveway which will be located on Lot 1. A shared access easement will permit access to Lot 2 across Lot 1.

ANALYSIS

One-Tier Approach

The land use policy that applies to the existing lot and a majority of the surrounding lots is Residential Low. The Residential Low policy supports low intensity development with a maximum density of two units per acre. The density for the proposed two lots is approximately 1.8 units per acre (2 Units/1.10 Acres = 1.8 units per acre). Since the density for the proposed two lots is within the density prescribed by the policy then the lots are comparable. Normally, a two-lot plat that meets the Subdivision Regulations would be administratively approved.

For informational purposes, staff also calculated the density for the area. The lots considered in the calculation include lots on the east side of Wallace Lane from Abbott Martin to the adjacent lot to the south of the subject site. The density for the area, including the proposed two lots is approximately 1.03 units per acre (20 Units/19.39 = 1.03 units per acre). This is consistent with the policy for the area; therefore the lots would be comparable.

Two-Tier Approach

First, staff determines whether the subdivision is “generally comparable.” The two proposed lots are not generally comparable in terms of lot size and width at the street:

Average Area: 1.13 Acres

Average Frontage: 112' (Wallace Lane)

Proposed Areas: Lot 1 is 0.607 Acres, Lot 2 is 0.496 Acres

Proposed Frontages: Lot 1 is 53.24', Lot 2 is 60.96'

Since the lots are not generally comparable to the surrounding lots, then it is not necessary to consider whether the lots are consistent with the community plan policy. Under this approach, staff recommends disapproval.

STORMWATER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

Approved



Metro Planning Commission Meeting of 12/12/2013

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

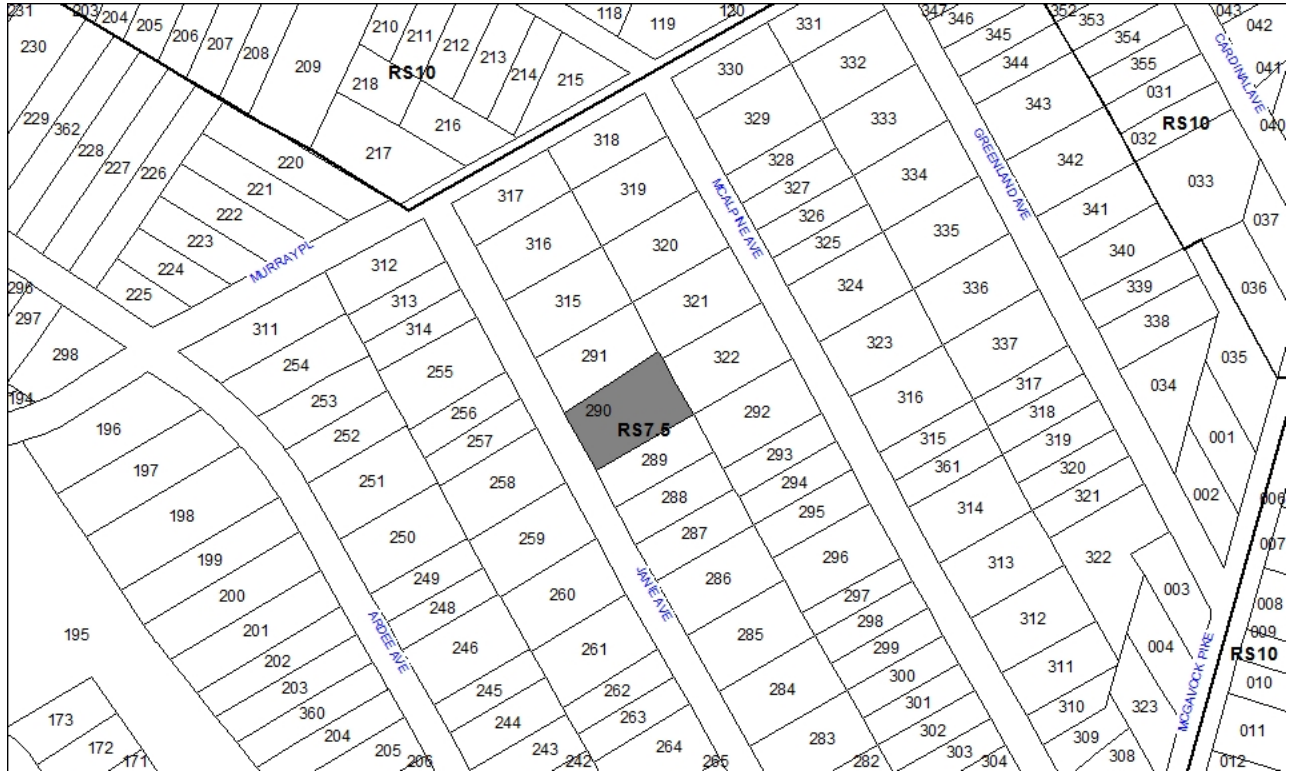
Approve under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach). Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).

CONDITIONS

1. Provide proof of removal of the existing building on the site prior to recordation of the subdivision.
2. Sidewalks are required along the Wallace Lane frontage of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a. Submit a bond application and post a bond with the Planning Department,
 - b. Construct sidewalk and have it accepted by Public Works,
 - c. Submit contribution in-lieu of construction to the Planning Department, one additional lot will require a \$500 contribution to Pedestrian Benefit Zone 4-B.
 - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (4-B), in a location to be determined in consultation with the Public Works Department, or add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.



Metro Planning Commission Meeting of 12/12/2013



2013S-205-001

COUNTRY CLUB ESTATES, RESUB LOTS 22 & 23, BLK D

Map 072-04, Parcel(s) 290

East Nashville

07 - Anthony Davis



Project No.	Subdivision 2013S-205-001
Project Name	Country Club Estates, Resub Lots 22 & 23, Blk D
Council District	7 – Davis
School District	3 – Speering
Requested by	Jeffrey & Julie Miler, owners, James Terry & Associates, surveyor
Staff Reviewer	Aprill
Staff Recommendation	<i>Approve, including a separate driveway for Lot 2, under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach). Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).</i>

APPLICANT REQUEST

Final plat to create two single-family residential lots.

Final Plat

A request for final plat approval to create two lots on property located at 1415 Janie Avenue, approximately 1,300 feet north of McGavock Pike, zoned Single-Family Residential (RS7.5) (0.43 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS 7.5 would allow a maximum of 2 units.*

CRITICAL PLANNING GOALS

- Supports infill development

The proposed subdivision will provide additional housing opportunities in a developed area where a infrastructure is adequate.

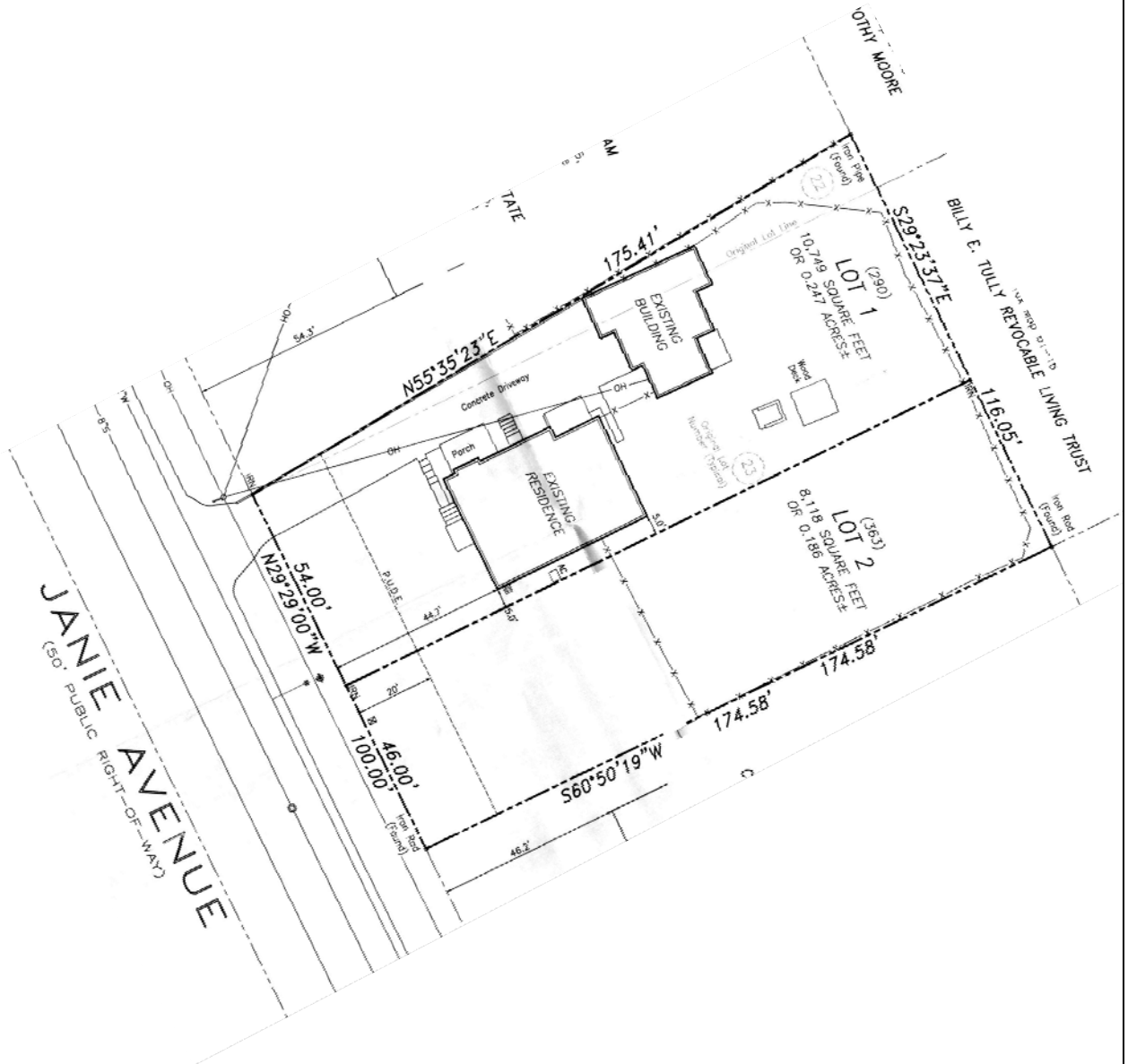
INFILL SUBDIVISION REVIEW: ONE OR TWO-TIER APPROACH

In 2011, the Subdivision Regulations were amended. Included in the amendment was the replacement of Section 3-5, Lot Comparability with Section 3-5, Infill Subdivisions. The section applies to subdivision proposals in areas that are predominately developed.

The first section, Section 3-5.1, requires that new lots in areas that are predominately developed be generally comparable to surrounding lots and is written as follows:



Metro Planning Commission Meeting of 12/12/2013



Proposed Subdivision



Metro Planning Commission Meeting of 12/12/2013

1. *Infill Subdivisions.* In areas previously subdivided and predominately developed, residential lots resulting from a proposed subdivision within the R and RS zoning districts on an existing street shall be generally comparable with surrounding lots.

The subsequent section, Section 3-5.2, refers to criteria for determining comparability which is as follows:

2. **Criteria for Determining Comparability:** The following criteria shall be met to determine comparability of lots within infill subdivisions:
 - a. The resulting density of lots within the RL, RLM and RM land use policies do not exceed the prescribed densities of the polices.
 - b. For lots within NE, NM and NG policies, the lots fit into the community character as defined in Section 7-2 and are consistent with the general plan.
 - c. All minimum standards of the zoning code are met.
 - d. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto open space.
 - e. The current standards of all reviewing agencies are met.

One-Tier Approach

Under the one-tier approach, staff read subsections 1 and 2 together and defined comparability by utilizing the language in Subsection 3-5.2. New lots would be comparable in the RL, RLM and RM land use polices if the resulting densities do not exceed the prescribed densities of the policies. The density calculation can be determined two ways:

1. Looking at the lot(s) proposed for subdivision;
2. Looking at a larger area.

The area for determining density is not defined; therefore, staff must use best judgment to define the area to use for the density calculation. It could include solely the lots created by the proposed subdivision, adjacent lots on both sides of the lot(s) proposed for the subdivision, across the street or the entire block.

Two-Tier Approach

Under the two-tier approach, subsections 1 and 2 are considered separately, creating a two-part test for determining comparability. Staff must first determine if the proposed lots are generally comparable, as specified in subsection 1. The terms “generally comparable” and “surrounding lots” are not defined. If it is determined that the proposed lots are generally comparable to surrounding lots, then the new lots must also be consistent with subsection 2.

Since the regulations do not define the area for which proposed lots should be compared, staff must define an area for which to compare. Without guidance from the regulations, the defined area becomes subjective. To reduce subjectivity, staff has defined the area to compare as lots on the same block face. If it is a corner lot then staff assessment would include both block faces.



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Planning Commission Action

The Planning Commission is the final interpreter of the Subdivision Regulations. The Planning Commission has the ability to agree with either interpretation or provide a new interpretation.

PLAN DETAILS

This subdivision proposes two single-family lots where one lot currently exists. The lot is located on the northeast side of Janie Avenue, north of McGavock Pike and south of Gallatin Pike. The existing lot is approximately 18,867 square feet (.43 acres) in size. The site is situated within a predominately single-family residential neighborhood.

Both lots will contain the minimum lot area required by RS7.5 zoning. The approximate lot areas and street frontages are as follows:

Lot 1: 10,749 sq. ft. (.25 acres); 54' along Janie

Lot 2: 8,118 sq. ft. (.19 acres); 46' along Janie

ANALYSIS

One-Tier Approach

The land use policy that applies to the existing lot and the majority of the surrounding lot is Residential Medium. The Residential Medium policy is designed to accommodate residential development within a range of about four to nine dwelling units per acre. The density for the proposed two lots is approximately 4.6 units per acre (2 Units/.43 acres = 4.6 units per acre). Because the density of the subdivision is within the density allowed by the land use policy, the two proposed lots are comparable.

For informational purposes, staff also calculated the density for the area. The lots considered in the calculation include lots on the north side of Janie Avenue from Murray Place to lots near the intersection with McGavock Pike. The density for the area, including the proposed two lot subdivision is approximately 3.4 units per acre (21 Units/6.17 = 3.4 units per acre). This is below the policy for the area.

Two-Tier Approach

First, staff determines whether the subdivision is “generally comparable”. The two proposed lots are not generally comparable in terms of lot size and width at the street:

Average Area: .34 acres

Average Frontage: 89 feet

Proposed Areas: Lot 1 is .25 acres,

Lot 2 is .19 acres

Proposed Frontages: Lot 1 is 54',

Lot 2 is 46'

Since the lots are not generally comparable to the surrounding lots then it is not necessary to consider whether the lots are consistent with the community plan policy. Under this approach, staff recommends disapproval.



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ACCESS

Section 3-5.3 of the Subdivision Regulations requires joint access. Lot 1 has an existing driveway on the northwestern edge of the property, which cannot be used to access Lot 2.

Section 3-5.3 of the Subdivision Regulations states, "Infill lots with a street frontage of less than 50 feet in width shall have rear or side access via an alley. Where no improved alley exists, these lots shall be accessed via a shared drive." Further, "the Planning Commission may waive this requirement if existing conditions prevent alley access of shared drive access."

Lot 2 is 46' wide, which requires a joint access. Additionally, due to the existing driveway, garage, and residence on Lot 1, it is not feasible to require joint access for the benefit of both Lot 1 and Lot 2. Staff recommends an exception to these requirements.

STORMWATER RECOMMENDATION

APPROVED

WATER SERVICES RECOMMENDATION

APPROVED

- As all our previous comments have been addressed on the latest re-plat (stamped received Nov 11 2013), we recommend approval on the sewer only. Madison serves this site with water

PUBLIC WORKS RECOMMENDATION

APPROVED WITH CONDITIONS

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.

STAFF RECOMMENDATION

Approve, including a separate driveway for Lot 2, under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach).

Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).

CONDITIONS

1. Sidewalks are required along the Janie Avenue frontage of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a. Submit a bond application and post a bond with the Planning Department,
 - b. Construct sidewalk and have it accepted by Public Works,
 - c. Submit contribution in-lieu of construction to the Planning Department, one additional lot will require a \$500 contribution to Pedestrian Benefit Zone 2-A.
 - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (2-A), in a location to be determined in consultation with the Public Works Department, or add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works



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specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.

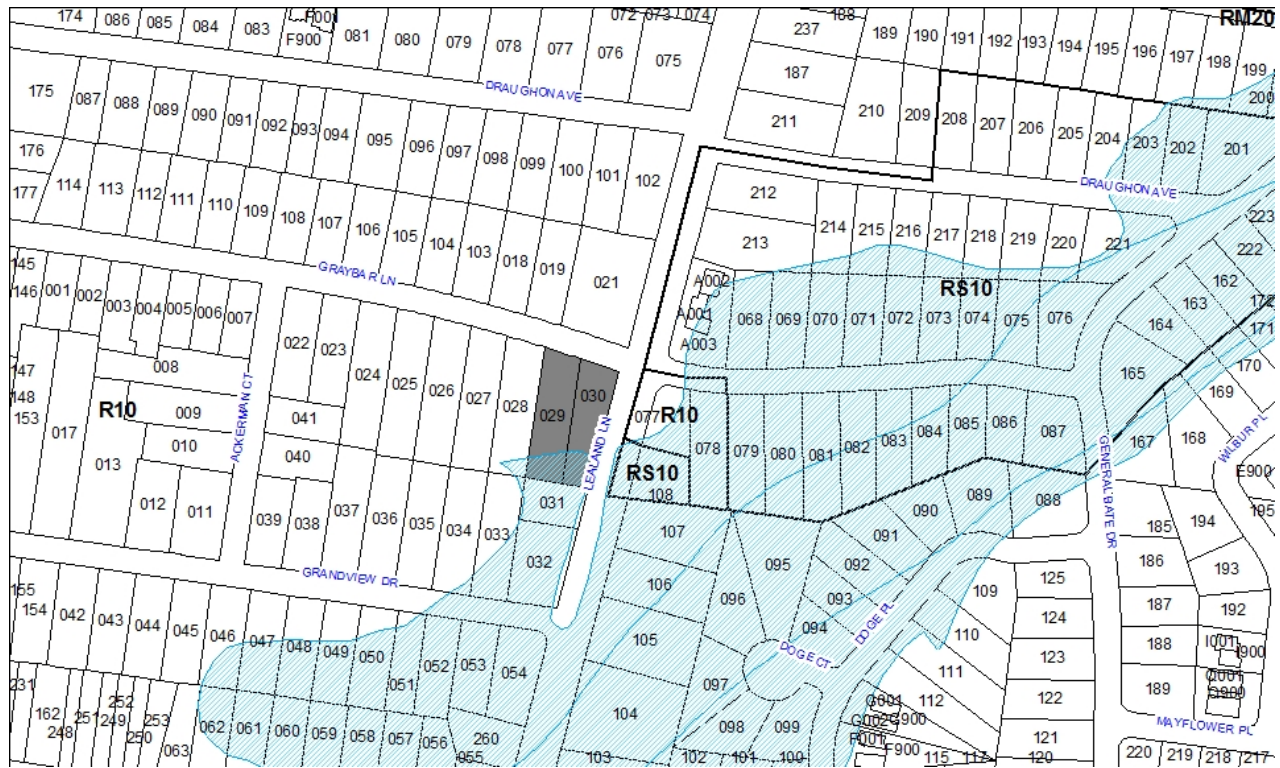


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2013S-218-001
GRAYBAR LANE
Map 118-13, Parcel(s) 029-030
Green Hills - Midtown
25 - Sean McGuire



Project No. Subdivision 2013S-218-001
Project Name Graybar Lane
Council District 25 – McGuire
School District 8 – Hayes
Requested by Jacob Tant and Aubrey Harwell Jr., owners; Dale & Associates, Inc, applicant

Staff Reviewer Cuthbertson
Staff Recommendation *Approve under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach). Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).*

APPLICANT REQUEST

Final Plat to create three residential lots.

Final Plat

A request for final plat approval to create three lots on properties located at 1001 and 1003 Graybar Lane, at the southwest corner of Graybar Lane and Lealand Lane, zoned One and Two-Family Residential (R10), (0.81 acres).

Existing Zoning

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 3 lots with 2 duplex lots for a total of five units.*

CRITICAL PLANNING GOALS

N/A

INFILL SUBDIVISION REVIEW: ONE OR TWO-TIER APPROACH

In 2011, the Subdivision Regulations were amended. Included in the amendment was the replacement of Section 3-5, Lot Comparability with Section 3-5, Infill Subdivisions. The section applies to subdivision proposals in areas that are predominately developed.

The first section, Section 3-5.1, requires that new lots in areas that are predominately developed be generally comparable to surrounding lots and is written as follows:

1. *Infill Subdivisions.* In areas previously subdivided and predominately developed, residential lots resulting from a proposed subdivision within the R and RS zoning districts on an existing street shall be generally comparable with surrounding lots.

The subsequent section, Section 3-5.2, refers to criteria for determining comparability which is as follows:



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2. Criteria for Determining Comparability: The following criteria shall be met to determine comparability of lots within infill subdivisions:
 - a. The resulting density of lots within the RL, RLM and RM land use policies do not exceed the prescribed densities of the polices.
 - b. For lots within NE, NM and NG policies, the lots fit into the community character as defined in Section 7-2 and are consistent with the general plan.
 - c. All minimum standards of the zoning code are met.
 - d. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto open space.
 - e. The current standards of all reviewing agencies are met.

One-Tier Approach

Under the one-tier approach, staff read subsections 1 and 2 together and defined comparability by utilizing the language in Subsection 3-5.2. New lots would be comparable in the RL, RLM and RM land use polices if the resulting densities do not exceed the prescribed densities of the policies. The density calculation can be determined two ways:

1. Looking at the lot(s) proposed with the subdivision;
2. Looking at a larger area.

The area for determining density is not defined; therefore, staff must use best judgment to define the area to use for the density calculation It could include solely the lots created by the proposed subdivision, adjacent lots on both sides of the lot(s) proposed for the subdivision, across the street or the entire block.

Two-Tier Approach

Under the two-tier approach, subsections 1 and 2 are considered separately, creating a two-part test for determining comparability. Staff must first determine if the proposed lots are generally comparable, as specified in subsection 1. The terms “generally comparable” and “surrounding lots” are not defined. If it is determined that the proposed lots are generally comparable to surrounding lots, then the new lots must also be consistent with subsection 2.

Since the regulations do not define the area for which proposed lots should be compared, staff must define an area for which to compare. Without guidance from the regulations, the defined area becomes subjective. To reduce subjectivity, staff has defined the area to compare as lots on the same block face. If it is a corner lot then staff assessment would include both block faces.

Planning Commission Action

The Planning Commission is the final interpreter of the Subdivision Regulations. The Planning Commission has the ability to agree with either interpretation or provide a new interpretation.

PLAN DETAILS

This subdivision proposes three residential lots where two lots, each containing a single-family dwelling, exist. The subdivision would create a third lot from the rear yards of the existing two lots.



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The subdivision establishes two duplex-eligible lots and one lot limited to a single-family dwelling for a total of five dwelling units. The subject property is located in a residential area and surrounded by single-family and some two-family residential uses.

Lots 1 and 2 will remain oriented to Graybar Lane. Lot 3 will be oriented to Lealand Lane. A stream is located along the southern edge of the subject site. Stream buffers will occupy almost half of Lot 3 in order to protect the stream from development impacts.

All three lots will contain the minimum 10,000 square feet of lot area required by R10 zoning. The approximate lot areas and street frontages are as follows:

Lot 1: 10,087 sq. ft. (0.23 acres); 77.19' along Graybar Lane;

Lot 2: 10,118 sq. ft. (0.23 acres); 77.87' along Graybar Lane (fronting street);

Lot 3: 15,041 sq. ft. (0.35 acres); 104.7' along Lealand Lane.

As required by Section 3-4.4.a the Subdivision Regulations, this plat permits only one driveway on to the collector street, Lealand Lane. The one driveway onto Lealand Lane may be shared by Lots 2 and 3 or used exclusively by Lot 3. Lots 1 and 2 are permitted one driveway each on Graybar Lane.

ANALYSIS

One-Tier Approach

The land use policy that applies to the existing lot and surrounding area is Residential Low Medium. The Residential Low Medium policy supports low to medium intensity development with a maximum density of four units per acre. The density for the proposed three lots is approximately 6.17 units per acre (5 units/0.81 acres = 6.17 units per acre). If a larger area is evaluated, the density of that area including the proposed subdivision is 4 units per acre. Staff used the lots on the same block face fronting Graybar Lane and Lealand Lane. Because the density of the area meets policy, the three proposed lots are comparable.

Two-Tier Approach

First, staff determines whether the subdivision is "generally comparable." The three proposed lots are comparable in terms of lot frontage however the proposed lots fronting Graybar Lane are not comparable in terms of lot size; therefore the subdivision is not generally comparable.

As the subdivision is situated on the corner of the block it is measured against two block faces. The proposed lots fronting Graybar Lane are measured against surrounding lots in the same block fronting the same street. The proposed lot fronting Lealand Lane is measured against the surrounding lot in the same block fronting the same street.

Graybar Lane (Lot 1 & 2)

Average Area (surrounding lots):	0.43 acres
Proposed Areas:	0.23 acres (Lot 1)
	0.23 acres (Lot 2)



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Average Frontage (surrounding lots):	75.5 feet
Proposed Frontages:	77.19 feet (Lot 1)
	77.87 feet (Lot 2)

Lealand Lane (Lot 3)

Average Area (surrounding lot):	0.22 acres
Proposed Area:	0.35 acres

Average Frontage (surrounding lot):	83 feet
Proposed Frontage:	104.7 feet

Since the proposed lots are not generally comparable to the surrounding lots then it is not necessary to consider whether the lots are consistent with the community plan policy. Under this approach, staff recommends disapproval.

STORMWATER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.
- Label and dimension the ROW on all public streets, from the centerline of the road to the property corners.

STAFF RECOMMENDATION

Approve under current policy of reviewing based on the definitions of compatibility in Section 3-2.2 of the Subdivision Regulations (one-tier approach). Should the Commission determine that the new interpretation of Section 3-5.1 be reviewed separately from Section 3-5.2, staff recommends disapproval (two-tier approach).

CONDITIONS

1. Comply with Public Works conditions.
2. Remove the existing accessory buildings on Lot 3 prior to recordation of the subdivision.
3. Sidewalks are required along the Lealand Lane and Graybar Lane frontages of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a. Submit a bond application and post a bond with the Planning Department,
 - b. Construct sidewalk and have it accepted by Public Works,



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- c. Submit contribution in-lieu of construction to the Planning Department, one additional lot will require a \$500 contribution to Pedestrian Benefit Zone 4-B.
- d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (4-B), in a location to be determined in consultation with the Public Works Department, or add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.



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NO SKETCH



Project No.	Subdivision 2013S-002R-001
Project Name	Subdivision Regulations Amendments
Council District	Countywide
School District	Countywide
Requested by	Metro Planning Department

Staff Reviewer	Logan
Staff Recommendation	<i>Approve and that the housekeeping amendments become effective December 13, 2013, and that Section 3-5, Infill Subdivisions becomes effective for applications submitted after the noon filing deadline on December 12, 2013.</i>

APPLICANT REQUEST

Amend the Subdivision Regulations

Amendment

A request to amend the Subdivision Regulations of Nashville-Davidson County, adopted on March 9, 2006, and last amended on June 13, 2013.

AUTHORITY

Both the Metro Charter and Tennessee state law authorize the Commission to adopt subdivision regulations. These regulations are intended to "provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity."

PURPOSE

Housekeeping Amendments

The current Subdivision Regulations were adopted in March 2006. Several of the proposed amendments are housekeeping amendments. These include:

- Reorganizing Chapter 2 to provide greater clarity,
- Change references from development plan to final site plan,
- Refining the flag lot criteria, and
- Adding consistent language related to various exceptions throughout the Subdivision Regulations.

Staff recommends that these housekeeping amendments become effective December 13, 2013.

Section 3-5, Infill Subdivisions

Infill subdivisions are subdivisions in areas previously subdivided and predominantly developed, within the R and RS zoning districts on an existing street. Staff evaluated where infill development is appropriate and aims to balance infill development with preserving neighborhoods. The proposed amendments require infill development to be reviewed against community character, with different criteria for existing neighborhoods and evolving neighborhoods. In existing neighborhoods, proposed subdivisions must meet zoning requirements and must conform to community character in



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terms of lot frontage, lot size, street setback and lot orientation. In evolving areas, proposed lots must meet zoning requirements.

Staff recommends that Section 3-5, Infill Subdivisions becomes effective for applications submitted after the noon filing deadline on December 12, 2013, and that previous applications be reviewed under the previous Subdivision Regulations.

PROPOSED AMENDMENTS FOR SECTION 3-5

3-5 Infill Subdivisions

1. *Infill Subdivisions.* In areas previously subdivided and predominantly developed, residential lots resulting from a proposed subdivision within the R and RS zoning districts on an existing street shall be ~~generally comparable with the surrounding lots~~ **compatible with the General Plan as outlined in Sections 3-5.2, 3-5.3 and 3-5.4.**
2. *Criteria for Determining ~~Comparability~~ Compatibility within policy areas designated in the General Plan as Neighborhood Maintenance, Residential Low, Residential Low Medium and Residential Medium policies, except where a Special Policy exists.* For the purposes of this section, “surrounding parcels” is defined as the five R or RS parcels fronting the same street on either side of the parcel proposed for subdivision, or to the end of the blockface, whichever is less. Parcels will be excluded if used for a non-residential purpose, including but not limited to a school, park or church. Where surrounding parcels do not exist, the Planning Commission may grant an exception to the comparability criteria by considering a larger area which results in general comparability. **An exception to the comparability criteria may be granted by the Planning Commission for a SP, UDO, PUD or cluster lot subdivision.** The following criteria shall be met to determine ~~comparability~~ **compatibility of proposed lots to surrounding parcels within infill subdivisions:**
 - a. The resulting density of lots ~~within the RL, RLM and RM land use policies~~ do not exceed the prescribed densities of the policies **for the area. To calculate density, the including the lot(s) proposed to be subdivided and the surrounding parcels shall be used.**
 - b. ~~For lots within the NE, NM and NG policies, the~~ **proposed lots are consistent with fit into the community character of surrounding parcels as determined below: as defined in Section 7-2 and are consistent with the general plan.**
 1. **Lot frontage is either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is less; and**
 2. **Lot size is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is less; and**
 3. **Where the minimum required street setback is less than the average of the street setback of the two parcels abutting either side of the lot proposed to be subdivided, a minimum building setback line shall be included on the proposed lots at the average setback. When one of the abutting parcels is vacant, the next developed parcel shall be used; and**
 4. **Orientation of proposed lots shall be consistent with the surrounding parcels.**



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- c. All minimum standards of the zoning code are met.
 - d. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.
 - e. The current standards of all reviewing agencies are met.
3. **Criteria for Determining Compatibility within policy areas designated in the General Plan as Neighborhood Evolving, Neighborhood General and/or Special Policies:**
- a. All minimum standards of the zoning code are met.
 - b. Each lot has street frontage or meets the requirements of Section 3-4.2.b for fronting onto an open space or meets the requirements of Sections 4-6.3 or 5-3.1 fronting onto an open space.
 - c. The current standards of all reviewing agencies are met.
 - d. The proposed lots comply with any applicable special policy.
4. **Infill Subdivision Frontage.** Infill lots ~~with a street frontage of less than 50 feet in width~~ shall have rear or side access via an **improved** alley. **For infill lots with a street frontage of less than 50 feet in width and** ~~where no improved alley exists, these lots shall be accessed via a shared drive. Where there is an odd number of lots, one lot may have its own access. The Planning Commission may grant an exception if existing conditions prevent alley access or shared drive access.~~ For infill lots at the terminus of a permanent dead-end street, rear or side alley access shall be required, or where no improved alley exists, a shared drive shall be required for lots with street frontage less than 35 feet in width. Where there is an odd number of lots, one lot may have its own access. The Planning Commission may ~~waive this requirement~~ **grant an exception** if existing conditions prevent alley access or shared drive access.

PUBLIC OUTREACH

The proposed amendments and an online comment form were posted on the Planning Department website and the link was included in the November 27, 2013, *Development Dispatch*. The *Development Dispatch* is sent, via email, to 855 addresses on the Development Professionals list and 1587 addresses from various community lists maintained by the Planning Department.

As required by State law, a notice was placed in the Tennessean advertising the December 12, 2013, Planning Commission consideration of the proposed amendment.

Staff made the following presentations related to proposed amendments:

- Planning Commission Work Session on November 14, 2013,
- Planning & Zoning Committee on December 2, 2013,
- Community Meeting to be held on December 9, 2013.

Community feedback will be reviewed and an updated staff report will be provided at the meeting, if necessary.

STAFF RECOMMENDATION

Staff recommends approval and further recommends that the housekeeping amendments become effective December 13, 2013, and that Section 3-5, Infill Subdivisions becomes effective for



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applications submitted after the noon filing deadline on December 12, 2013, and that previous applications be reviewed under the previous Subdivision Regulations.