

Metropolitan Planning Commission



Staff Reports

January 13, 2011

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

PREVIOUSLY DEFERRED ITEMS

- **Community Plan Amendment**
- **Specific Plan**

NO SKETCH



Project No. Community Character Manual
2010CP-000-001

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

Council District Countywide

School Districts Countywide

Requested by Metro Planning Department

Deferral Deferred from the December 9, 2010 Planning Commission meeting

Staff Reviewer Wood

Staff Recommendation *Approve*

NOTE: *This staff report has been updated since the staff report distributed for the December 9, 2010 meeting. The change pertains only to the Landscaping Design principle discussed in the report, which appears in three places below.*

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

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

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



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COMMUNITY PARTICIPATION

Notification of the CCM update and the Planning Commission Public Hearing were posted on the Planning Department website and sent multiple times to a wide variety of known public and private groups and organizations. These included the distribution lists from the Madison, North Nashville, and West Nashville Community Plan Updates. The distribution list consists of over 2,000 recipients. Information about the update, including the draft amended material, was also posted on the Planning Department website beginning in September 2010.

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

PROPOSED AMENDMENTS

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

STAFF RECOMMENDATION

Staff recommends approval.

PROPOSED AMENDMENTS

Amendments to the General Principles:

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

Draft Text

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

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



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

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

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

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

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

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

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

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



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Draft Text

Stormwater and the Transect

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

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

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

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



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Draft Text

Introduction

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

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

Policy Intent

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

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

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

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

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

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

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

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



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

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

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

Density/Intensity – Density and intensity are secondary to form of development and are designed to preserve sensitive environmental features. The density and intensity of development for the environmentally constrained portions of a site is lower than for the more developable portion of a site, to an extent that preserves the essential integrity of the natural landform and vegetation. Specific residential densities or intensity in Conservation Areas are determined during the planning process by physical site characteristics, Transect Category, adjacent Community Character Policy areas, and the impact that the proposed development would have on the environmental feature in question. In general, the more environmentally sensitive the site is, the lower the acceptable density or intensity of development is. The adequacy of the infrastructure (including, but not limited to, roads and sewers) and the feasibility of extending infrastructure is also considered. In all cases, the density and intensity and their appropriate form are established through the Community Planning or Detailed Design Plan process, to be in keeping with preservation and remediation goals and the goals and objectives of the Community Plan. *In the case of environmentally sensitive land that has been disturbed, efforts are made to remediate any alteration that has occurred in these areas as development/redevelopment occurs.*

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

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

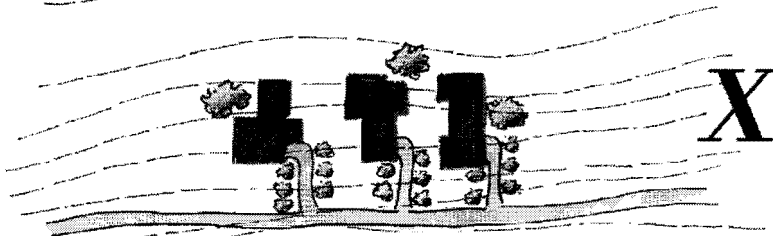
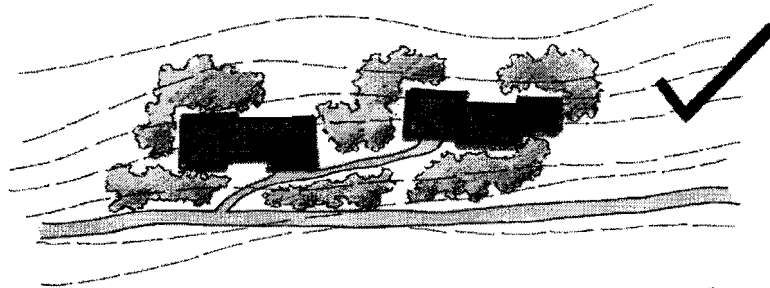
Ridgelines – *Rooftops of any building or structure are below the defined ridgeline and/or are buffered using mature stands of trees and native plants and vegetation, unless located within a T5 Center Area, where buildings may project above a defined ridgeline.*



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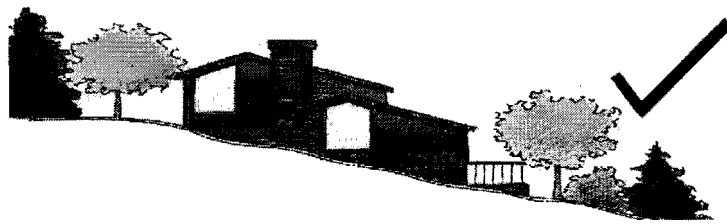
The following graphics illustrate appropriate techniques for developing on steep slopes and ridgelines.

Access, Building Form & Character



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

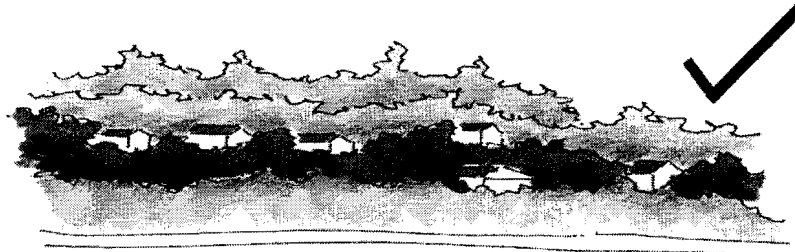
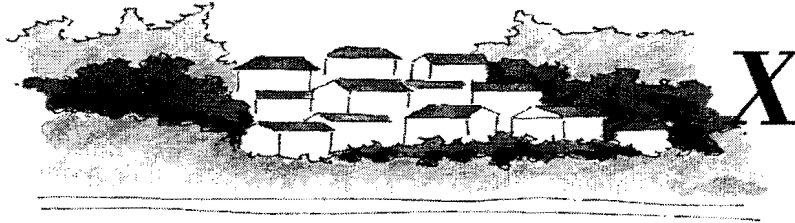
Access, Building Form & Character



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

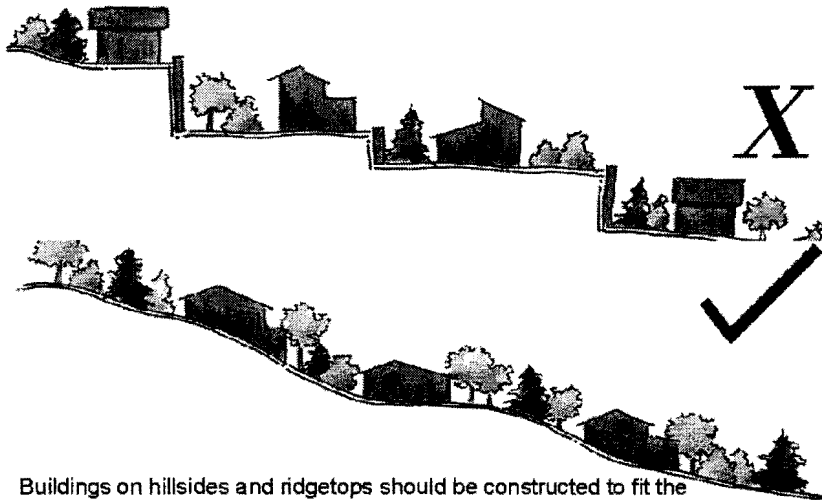


View Shed and Tree Protection



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

View Shed and Tree Protection

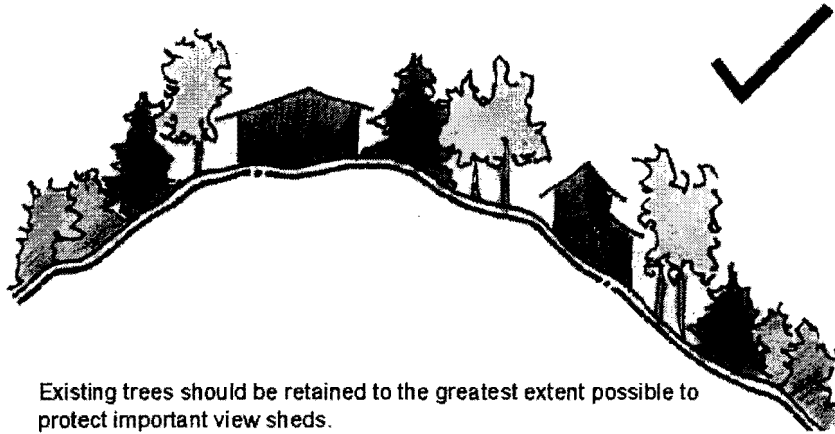


Buildings on hillsides and ridgetops should be constructed to fit the natural contours of the land rather than altering them through such means as significant grading and the construction of retaining walls.



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View Shed and Tree Protection



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

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

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

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

Amendments to the Open Space Community Character Policies

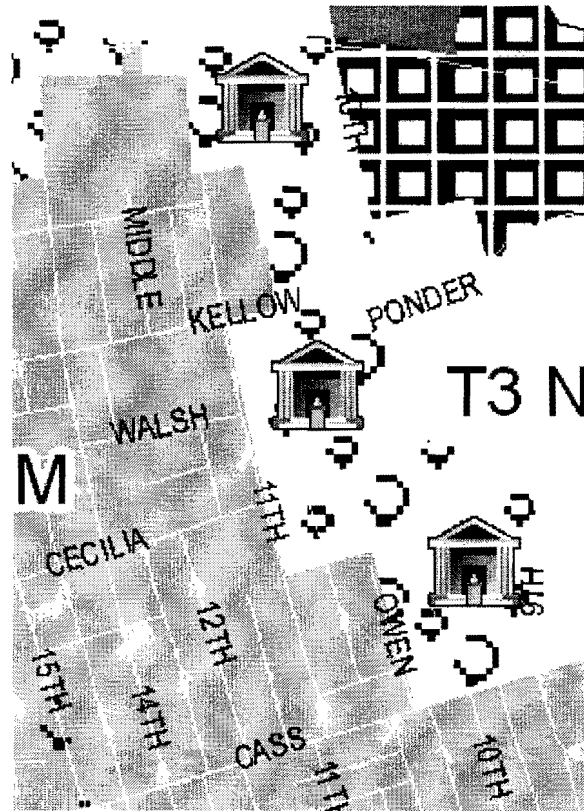
1. Clarify and make consistent the way that civic uses (schools, libraries, etc.) are treated on the Community Character policy plan so that it is clear that civic uses are considered integral parts of their respective community character areas (all community character policy areas have language that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

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



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



Amendments to the Neighborhood Community Character Policies

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

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



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Draft Text

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

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

While T4 Urban Neighborhood Maintenance areas usually contain a mixture of residential building types, these are sometimes randomly located rather than thoughtfully placed in relation to corridors and centers. Any future mix arranges building types in strategic locations through zoning decisions that place higher intensity buildings nearer to centers and corridors and uses these more intense building types as land use transitions. Allowing for higher intensity residential building types and higher densities in residential development will add value to neighborhoods through the increased ability to support consumer services and transit.

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

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

Draft Text

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

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

Draft Text

General Characteristics

T2 Rural Neighborhood Maintenance Areas demonstrate an established development pattern consisting of low density residential development, agricultural, and civic and public benefit land uses. Attached and detached residential buildings and agricultural buildings are dispersed across the landscape. Buildings are



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located with consideration given to sensitive environmental features, *preservation of scenic view sheds*, and ability to farm land, resulting in deep setbacks and generous spacing between buildings.

4. Add language to all Neighborhood Maintenance and Neighborhood Evolving policies that development should not result in the creation of lots with double frontage. Also add that exceptions could be granted to avoid environmentally sensitive features. (pp. 67-69, 71-73, 91-93, 95-97, 139-141, 145-147)
Purpose and Effects: This is a technical change that reflects standard planning practice regarding the orientation of lots to streets.

Draft Text

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

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

5. Add more language encouraging community gardens in residential policies. (pp. 67-69, 71-73, 91-93, 95-97, 111-114, 139-141, 145-147, 149-152, 165-168)
Purpose and Effects: This change would clarify that community gardens are a welcome aspect of residential character and development in Nashville's neighborhoods throughout the Transect.

Draft Text

Examples of Appropriate Land Uses (In order of appropriateness)

Residential

Community Gardens and Other Open Spaces

Civic or Public Benefit

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

Draft Text

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

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

Amendments to the Center Community Character Policies

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



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Draft Text

Utilities

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

2. Allow stand-alone residential in T2 Rural, T3 Suburban, and T4 Urban Neighborhood Center Policies. (pp. 75-77, 101-103, 155-157)
Purpose and Effects: This change would allow for a greater mixture of uses in Neighborhood Centers and would provide added flexibility and additional housing options in neighborhoods at logical locations.

Draft Text

Examples of Appropriate Land Uses (In order of appropriateness)

Vertical Mixed Use

Commercial

Office

Civic or Public Benefit

Residential

3. Add language allowing flexibility in individual first floor tenant square footage in the Design Principle "Building Form" in Centers subject to extra design guidance in light of what is viable in various commercial areas. For example, where currently 70,000 square feet of first floor tenant square footage is allowed in T3 Suburban Community Center policy, a provision would be added that *may* allow greater square footage subject to meeting certain design principles. (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208)
Purpose and Effects: This change reflects lessons learned about the need to accommodate changing and varied industry standards in commercial and mixed use buildings. The effects would be to link allowing larger building mass with providing design elements that would create a more inviting, pedestrian-friendly shopping environment within the development.
4. Examine T5 Regional Center as the preferred location for "big-box" development. Allow for "big box" development in T3 Suburban Community Centers with certain design guidance. (pp. 105-108)
Purpose and Effects: This change reflects lessons learned about the need to accommodate changing and varied industry standards for siting "big box" stores. The effect would primarily be on T3 Suburban Community Centers, where these would now be allowed to be developed if they met appropriate building and site design requirements.

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

Draft Text

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

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

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

- *Strongly articulating the façade of large buildings and including such elements as windows and doors;*



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

Draft Text

Policy Intent

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

6. Add to the "Landscaping" Design Principle: "*Landscaping [“or structural treatments such as walls” would be added in the T5 and T6 categories] should be used to screen ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems that would be visible from public streets*”, also add "*Fencing and walls that are along or are visible from the right-of-way are constructed from materials that manage property access and security while complementing the surrounding environment and furthering Community Character Manual and Community Plan urban design objectives.*" (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208, 221-225, 227-229, 232-235)
Purpose and Effects: These changes add detail to the Landscaping Design Principle based on previous experience in implementing good design standards throughout the Transect.
7. Access: add "*Access points should be consolidated and coordinated with strategic access points across all fronting streets.*" (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208, 227-229, 232-235)
Purpose and Effects: This change strengthens the access management aspects of these policies
8. Add language dealing with transitions to adjacent residential community character policy areas that is compatible with the language in those policies (see Item #1 under Neighborhood policies). (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208, 227-229, 232-235)
Purpose and Effects: The purpose and effects of this change would be to create better transitions between higher intensity areas such as Centers and Corridors and their adjoining community character policy areas. It would be cross-referenced with similar language in the adjoining policies such as the change referenced in Item #1 under Neighborhood Community Character Policies above.

Draft Text

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

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

9. Add language to the Parking Design Principle to discourage providing excess parking that makes it difficult to achieve other CCM or community plan policies. (pp. 75-77, 101-103, 105-108, 155-157, 159-162, 191-195, 199-202, 205-208)



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Purpose and Effects: The purpose and effects of this change would be to discourage the provision of excess parking when to do so would make it difficult to achieve other CCM or community plan policies.

Draft Text

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

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

Amendments to the Corridor Community Character Policies

1. Add a Design Principle encouraging placing utilities underground, in alleys, or at the back of property. (pp. 111-114, 119-122, 165-168, 173-176, 239-241 in CCM)

Purpose and Effects: This would be a new Design Principle that would foster good design standards throughout the Transect. **See proposed language on Item #1 under Amendments to Center Community Character Policies.**

2. Add language to T3 Suburban and T4 Urban Mixed Use Corridor policies allowing flexibility in individual first floor tenant square footage under the “Building Form” Design Principle subject to extra design guidance in light of what is viable in various commercial areas. (pp. 119-122, 173-176)

Purpose and Effects: This change reflects lessons learned about the need to accommodate changing and varied industry standards in commercial and mixed use buildings. **See proposed language on Items # 3 and 4 under Amendments to Center Community Character Policies.**

3. Add to the “Landscaping” Design Principle: “*Landscaping [“or structural treatments such as walls” would be added in the T5 and T6 categories] should be used to screen ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems that would be visible from public streets*”, also add “*Fencing and walls that are along or are visible from the right-of-way are constructed from materials that manage property access and security while complementing the surrounding environment and furthering Community Character Manual and Community Plan urban design objectives.*” (pp. 111-114, 119-122, 165-168, 173-176, 239-241)

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

4. Add: “*Access points should be consolidated and coordinated with strategic access points across all fronting streets*” to the “Access” Design Principle. (pp. 111-114, 119-122, 165-168, 173-176, 239-241)

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

5. Add language dealing with transitions to adjacent residential community character policy areas that is compatible with the language in those policies that also refers to transitions between higher and lower intensity areas. (pp. 111-114, 119-122, 165-168, 173-176, 239-241)

Purpose and Effects: The purpose and effects of this change would be to create better transitions between higher intensity areas such as Centers and Corridors and their adjoining community character policy areas. It would be cross-referenced with similar language in the adjoining policies such as the change



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referenced in Item #1 under Neighborhood Community Character Policies above. **See proposed language on Item #8 under Amendments to Center Community Character Policies.**

6. Add language to the Parking Design Principle to discourage providing excess parking that makes it difficult to achieve other CCM or community plan policies. (pp. 119-127, 173-181)
Purpose and Effects: The purpose and effects of this change would be to discourage the provision of excess parking when to do so would make it difficult to achieve other CCM or community plan policies.

Draft Text

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

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

Amendments to the District Community Character Policies

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

Draft Text

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

2. Add to the "Landscaping" Design Principle for all District Community Character policies: "*Landscaping should be used to screen ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems that would be visible from public streets*", also add "*Fencing and walls that are along or are visible from the right-of-way are constructed from materials that manage property access and security while complementing the surrounding environment and furthering Community Character Manual and Community Plan urban design objectives.*" (pp. 249-253, 255-257, 259-261, 263-265)
Purpose and Effects: These changes add detail to the Landscaping Design Principle based on previous experience in implementing good design standards throughout the Transect.
3. For all District Community Character policies, add to the "Access" Design Principle that "*Access points should be consolidated and coordinated with strategic access points across all fronting streets.*" (pp. 249-253, 255-257, 259-261, 263-265)
Purpose and Effects: This change strengthens the access management aspects of these policies.

Amendments to the Appendices

1. Revisit the definitions of "civic" and "public benefit" to make sure they are adequate. (pp. 275, 280 in CCM)
Purpose and Effects: The definitions of "civic," which includes public uses such as schools and libraries, and "public benefit," generally viewed as a broader category that also includes religious



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institutions and charitable institutions, have proved challenging to interpret and apply and are being revisited.

Draft Text

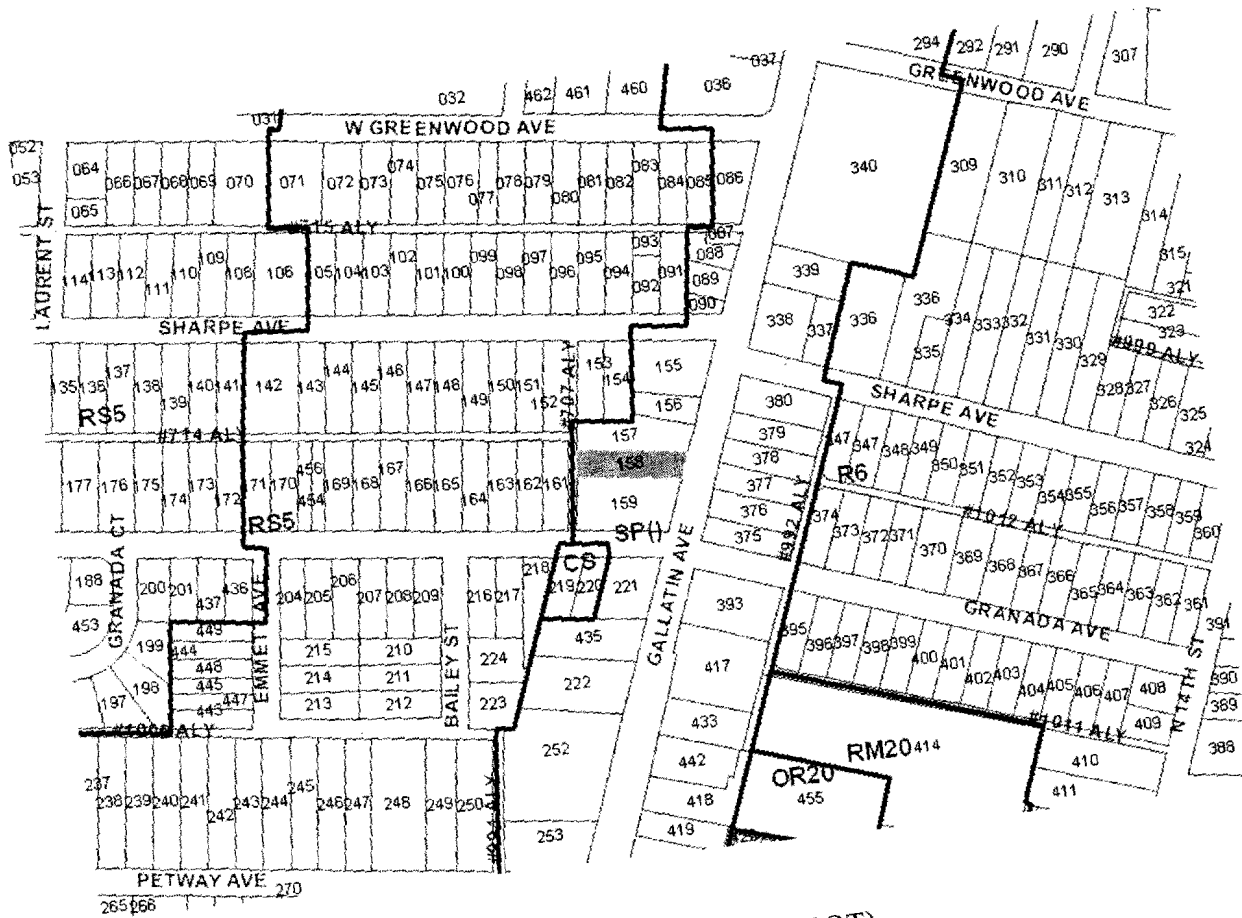
Civic (use) – a public facility or service other than public utility equipment provided by a governmental organization.

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

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

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

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



2007SP-122-006
GALLATIN SPECIFIC PLAN (FINAL: THE DOG SPOT)
 Map 083-01, Parcel(s) 158
 East Nashville
 05 - Jamie Hollin



Project No.
Project Name

Zone Change 2007SP-122-006
Dog Spot Final Site Plan
Gallatin Pike Improvement District SP

Council District
School District
Requested by

5 – Hollin
5 – Porter
Lukens Engineering Consultants, applicant for Gary C. Baker, owner

Deferral

Deferred from the December 9, 2010, Planning Commission meeting.

Staff Reviewer
Staff Recommendation

Swaggart
Approve modification to use requirement and approve the final site plan with conditions

APPLICANT REQUEST

Modification to use requirements and final site plan approval.

Final Site Plan Approval

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

Deferral

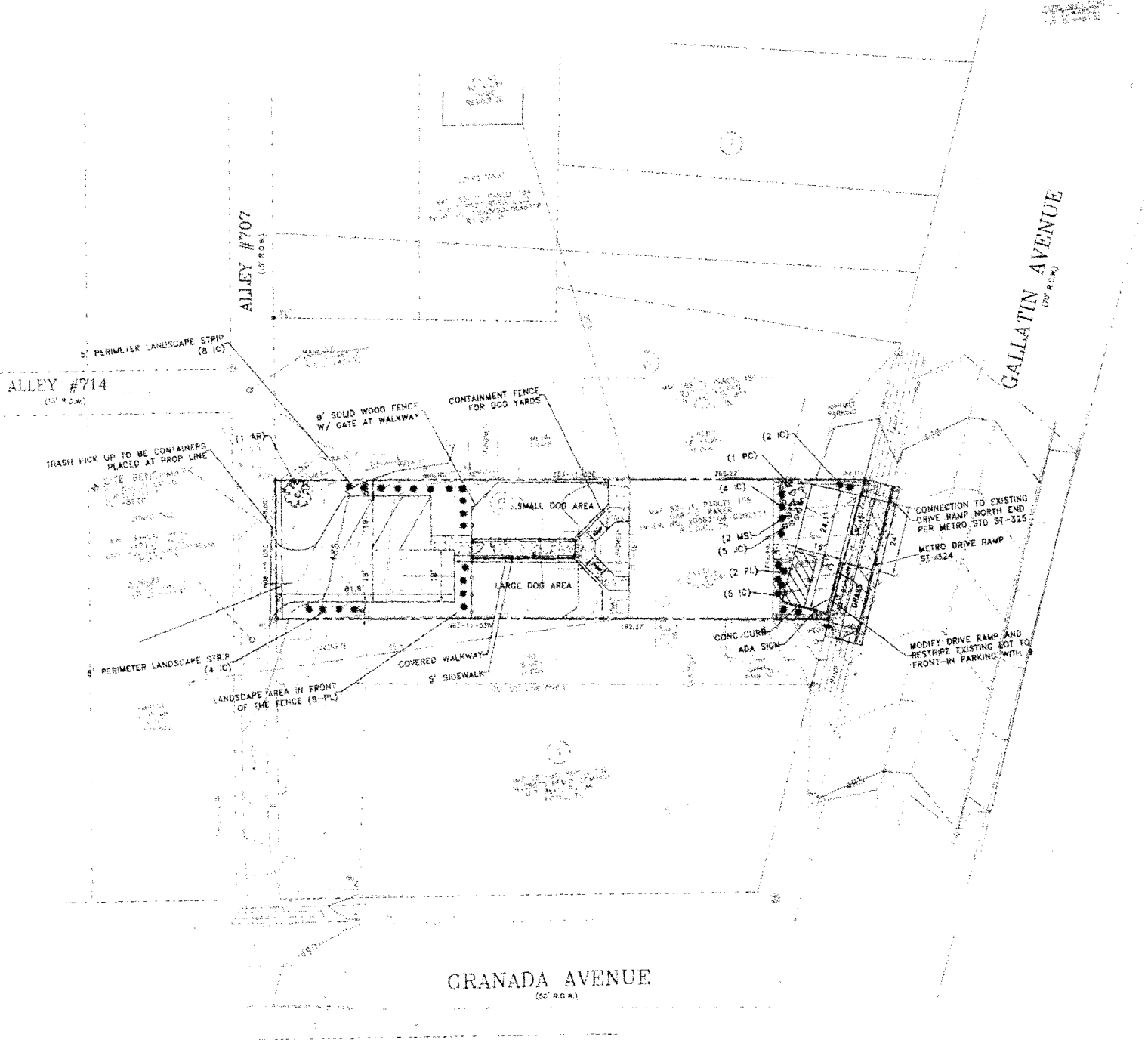
This item was deferred from the December 9, 2010, meeting by the Planning Commission. The Commission asked that the applicant provide revised plans to include:

- All proposed landscaping areas on the site;
- Landscape details identifying proposed landscape materials and proposed installation size; and
- The proposed handicapped parking space with curb and gutter and American with Disabilities Act (ADA) compliant sidewalk along entire property frontage, and the installation of a driveway ramp 24 feet wide meeting the requirement for standard detail drawing ST-324.

The Commission requested that Planning Staff review ADA requirements for the location of handicap parking spaces. The Commission also requested that the applicant clear up any Codes violations. The applicant was notified of an illegal banner sign on November 29, 2010, and was cited on December 2, 2010.

Follow-Up

A revised site plan was submitted on December 22, 2010. The plan does provide the information requested by the



GRANADA AVENUE
(50' R.O.W.)

GALLATIN AVENUE
(70' R.O.W.)

ALLEY #707
(25' R.O.W.)

ALLEY #714
(10' R.O.W.)

CONNECTION TO EXISTING
DRIVE RAMP NORTH END
PER METRO STD ST-325
METRO DRIVE RAMP
ST-324

MODIFY DRIVE RAMP AND
RESTRIPE EXISTING LOT TO
FRONT-IN PARKING WITH 8

TRASH PICK UP TO BE CONTAINERS
PLACED AT PROP LINE

PERIMETER LANDSCAPE STRIP
(4 IC)

LANDSCAPE AREA IN FRONT
OF THE FENCE (B-PL)

COVERED WALKWAY
9" SIDEWALK

CONC. CURB
ADA SIGN

CONTAINMENT FENCE
FOR DOG YARDS

9" SOLID WOOD FENCE
W/ GATE AT WALKWAY

SMALL DOG AREA

LARGE DOG AREA

PERIMETER LANDSCAPE STRIP
(8 IC)

(1 AR)

(1 PC)

(2 IC)

(2 IC)

(2 WS)

(5 JC)

(2 PL)

(5 IC)



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Planning Commission. Furthermore, the revised plan provides required landscaping in front of the building. *As proposed, staff finds that the landscaping and other improvements in front of the building are consistent with the principles and further the objectives of the Gallatin Pike SP, and staff recommends approval with revised conditions. (The staff report has been modified to reflect the revised recommendation.)*

Planning, Legal and Public Works staff have reviewed ADA requirements for parking and have determined that ADA standards do not dictate the location of parking areas. While ADA does not dictate the location of parking areas, it does however, dictate the location of accessible parking spaces. Section 4.6.2 of the ADA Accessibility Guidelines for Buildings and Facilities states, that “Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.”

This requirement, which was presented by the applicant at the December 9, 2010, Planning Commission meeting, only specifies the location of accessible parking spaces within the parking area and *not* the location of the parking area. The location of parking areas is determined by zoning. ADA requires that any accessible space located in a parking area must be located the shortest accessible route of travel to an accessible entrance. If the zoning requires all the parking to be located at the rear of the building then the location of the accessible parking space would have to meet the ADA requirement and be located the shortest accessible distance from the space to the accessible entrance.

At the time this report was finalized, January 7, 2011, the illegal banner sign was still up, and the Codes Violation has not been resolved.

CRITICAL PLANNING GOALS

N/A



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REQUEST DETAILS

This is a request for a modification to the required setback (Condition # 1 below) to allow final site plan approval for an animal boarding facility. The property is approximately 9,147 square feet in size (0.21 acres), and is located on the west side of Gallatin Avenue between Granada Avenue and Sharpe Avenue. The property is developed and contains a 2,400 square foot building.

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

1. **Setback.** No part of any building or structure in which animals are housed shall be closer than two hundred feet, and no kennel run shall be located within one hundred feet, from any existing residence.
2. **Building Temperature.** Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
3. **Cages.** Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
4. **Runs.** Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
5. **Watering of Animals.** All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
6. **On-Site Waste Collection.** All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted



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sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

7. Modifications to the Conditions. The Planning Commission may modify the conditions above if the proposed modification is consistent with the principles and further the objectives of the Gallatin Pike SP.

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

As specified by condition number seven, the Planning Commission may modify any of the required conditions if the Planning Commission finds that the applicant has provided an acceptable alternative and that the overall site plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP.

Site Plan

The site plan identifies the existing building and proposed alterations/improvements. Five parking spaces are required and six are provided. Five spaces are located at the rear of the building and one handicap space is provided in front of the building. The five spaces at the rear are accessed by an alley and the front space has direct access to Gallatin Avenue. The existing drive in front of the building will be modified to meet the standard Metro Drive Ramp ST-324. A new sidewalk including planting strip and curb and gutter are also identified on the plan and is consistent with the requirement for modifications within the right of way.

Two fenced and separate outdoor dog areas – one for small dogs and one for large dogs – is located at the rear of the building. **Both dog areas are enclosed as required for the use. A covered walkway that runs between the two fenced outdoor dog areas provides access from the rear parking area to the rear entrance. The walkway and outdoor dog areas are separated by a fence; therefore customers will *not* have to walk through the outdoor animal area to access the building.**

Landscaping is provided in front and behind the building. To accommodate the landscaping in front of



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the building the existing concrete will be removed. In lieu of providing the required distance separation required to reduce the noise impact of barking, the applicant proposes that the dog areas be enclosed by a nine foot tall solid wood fence. In addition, a row of evergreen shrubs is shown along the outside (west) of the fence. Additional landscaping is shown along the northern and southern property line, and one canopy tree is shown near the rear property line.

Staff Analysis

The proposed animal boarding facility use is permitted with conditions. The conditions are intended to ensure the use will not negatively impact any nearby residential properties, and the safety and wellbeing of any animals being boarded. **This request is different from other requests in the SP for final site plan approval because the use is permitted with conditions. Since the request does not meet all the conditions, it must meet additional performance standards not required for routine requests for final site plan approval. (If the request met all the required conditions, then it would not be required to meet additional performance standards, and since there is no proposed expansion it would be subject to Section B.1.C. of the SP. The aforementioned section only requires that the uses be permitted and that an adequate number of parking spaces be provided. It also would not require approval from the Planning Commission, but could be reviewed and approved at an administrative level.)**

As proposed, the request does not meet condition # 1, which requires any building or structure housing animals to be a minimum 200 feet away from a residence. The building proposed to house animals is within 200 feet of four residences. The addresses for properties located within 200 feet are as follows:

- 1040 SHARPE AVE
- 1042 SHARPE AVE
- 1044 SHARPE AVE
- 1041 GRANADA AVE

For staff to recommend approval of a modification to the setback requirement, the request must meet additional performance standards to achieve the same purposes as the required setback requirement, and demonstrate that the overall site plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP. Offsets which are intended to buffer nearby residents from the



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animal boarding facility could include a variety of improvements designed to buffer the sight and sounds from the proposed facility. Site improvements that would meet the goals of the Gallatin Pike SP could include a variety of improvements, including closing off the parking along Gallatin Avenue, providing landscaping along Gallatin Avenue or a combination of the two.

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

The plan calls for the front parking area to be modified to allow a single handicap parking space. Currently the front of the building has no landscaping and contains approximately four parking spaces. The layout of the existing spaces requires that a driver back into Gallatin Avenue to exit. The proposed modifications in front of the building includes but is not limited to the reduction of hardscape, the introduction of landscaping, the reduction of parking from four spaces to one, a new drive ramp, sidewalk, planting strip and curb and gutter. It is also important to note that the proposed front space will not require backing into Gallatin Avenue to exit the site.

While the SP does not encourage front loaded parking, the plan calls for a new sidewalk and a reduction in the size of the driveway into the site, and will reduce automobile and pedestrian conflict. ***With the reduction of automobile and pedestrian conflict and the introduction of significant landscaping in front of the building, staff finds that the overall site plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP.*** Staff recommends approval of the revised plan. A condition of staff's recommendation is that no Use and Occupancy Permit be issued nor shall the business be opened until all exterior improvements have been completed as shown on the final site plan including but not limited to the construction of the rear parking lot, outdoor dog areas, the removal of concrete and the installation of all landscaping.



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Final construction plans for the improvements in the public right-of-way including but not limited to the alteration of the driveway and the construction of the sidewalk and curb and gutter must be approved by the Department of Public Works. Staff understands that the final construction plans may need to be modified from what is shown on the final site plan to address site specific constraints. Staff can support minor modifications provided that a sidewalk is constructed and the driveway is no more than 24 feet in width. This will ensure that the intent to reduce automobile and pedestrian conflict is not lost with any modification to the final construction plans, and that the overall site plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP. The Use and Occupancy permit should not be issued until the sidewalk and drive ramp have been completed and approved by the Department of Public Works.

STORMWATER RECOMMENDATION

No grading permit required.

PUBLIC WORKS RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval of the modification as proposed and a finding that the overall plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP, and approval of the final site plan with conditions.

CONDITIONS

1. No Use and Occupancy Permit (U&O) shall be issued until:
 - a. All exterior improvements have been completed as shown on the approved final site plan including but not limited to the construction of the rear parking lot, outdoor dog areas, removal of concrete, the installation of all landscaping, and improvements in the public right-of-way including but not limited to the alteration of the driveway and the construction of the sidewalk and curb and gutter. The final construction plans shall be approved by the Department of Public Works and the final construction plans may be modified from what is shown on the final site plan to address specific site



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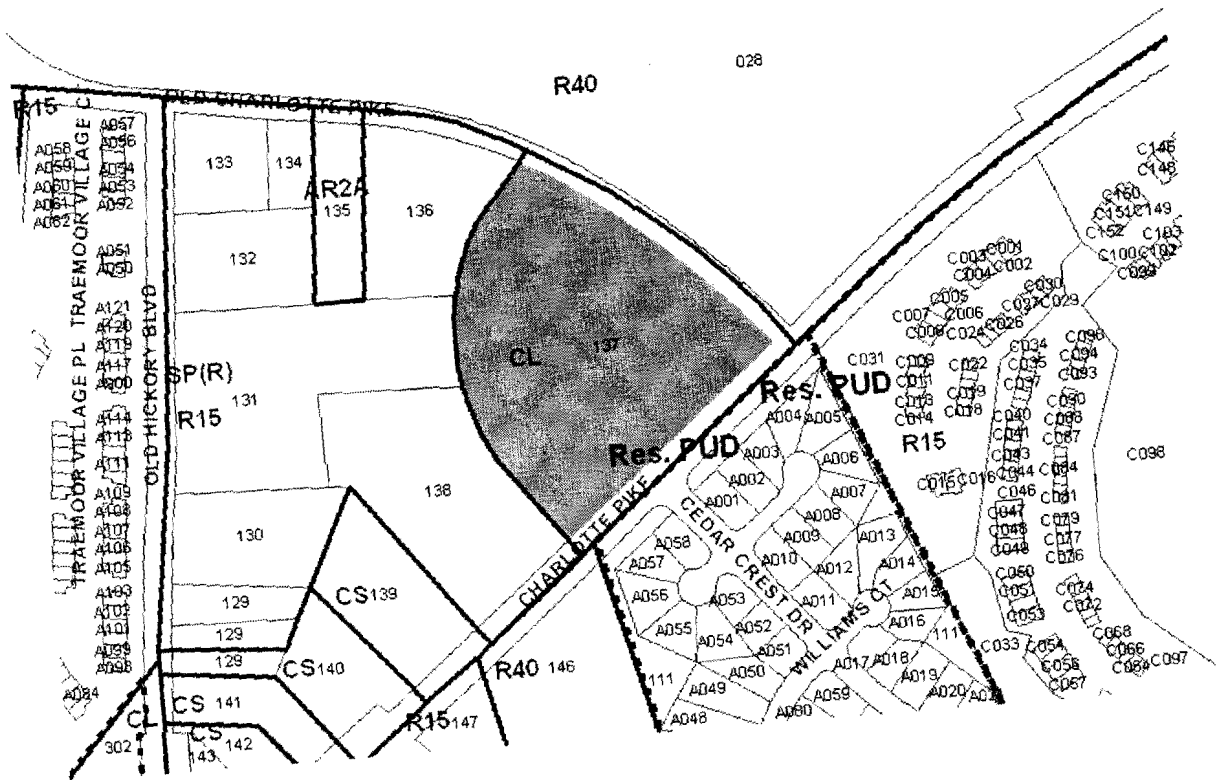
constraints provided a sidewalk is provided and the driveway is limited to 24 feet in width.

- b. Any sign violations have been remedied and inspected by Planning staff.
2. All signage shall meet the sign standards established by the Gallatin Pike SP.

SEE NEXT PAGE

COMMUNITY PLAN POLICY CHANGES and ASSOCIATED CASES

- **Amendments**



2010CP-006-004
 CP6: BELLEVUE PLAN AMENDMENT
 Map 114, Parcel(s) 137
 Bellevue
 35 - Bo Mitchell



Project No. Community Plan 2010CP-006-004
Project Name Amend the *Bellevue Community Plan: 2003 Update*
Council District 35 – Mitchell
School Districts 9 – Simmons
Requested by Metro Planning Department
Staff Reviewer Adams
Staff Recommendation *Approve*

APPLICANT REQUEST Amend land use policy from Residential Low Medium to Commercial Mixed Concentration

Amend the Community Plan A request to amend the Bellevue Community Plan: 2003 Update to change the Land Use Policy from Residential Low-Medium (RLM) Density to Commercial Mixed Concentration (CMC) for property located at 7300 Charlotte Pike, at the corner of Charlotte Pike and Old Charlotte Pike (7.35 acres).

CRITICAL PLANNING GOALS N/A

BELLEVUE COMMUNITY PLAN

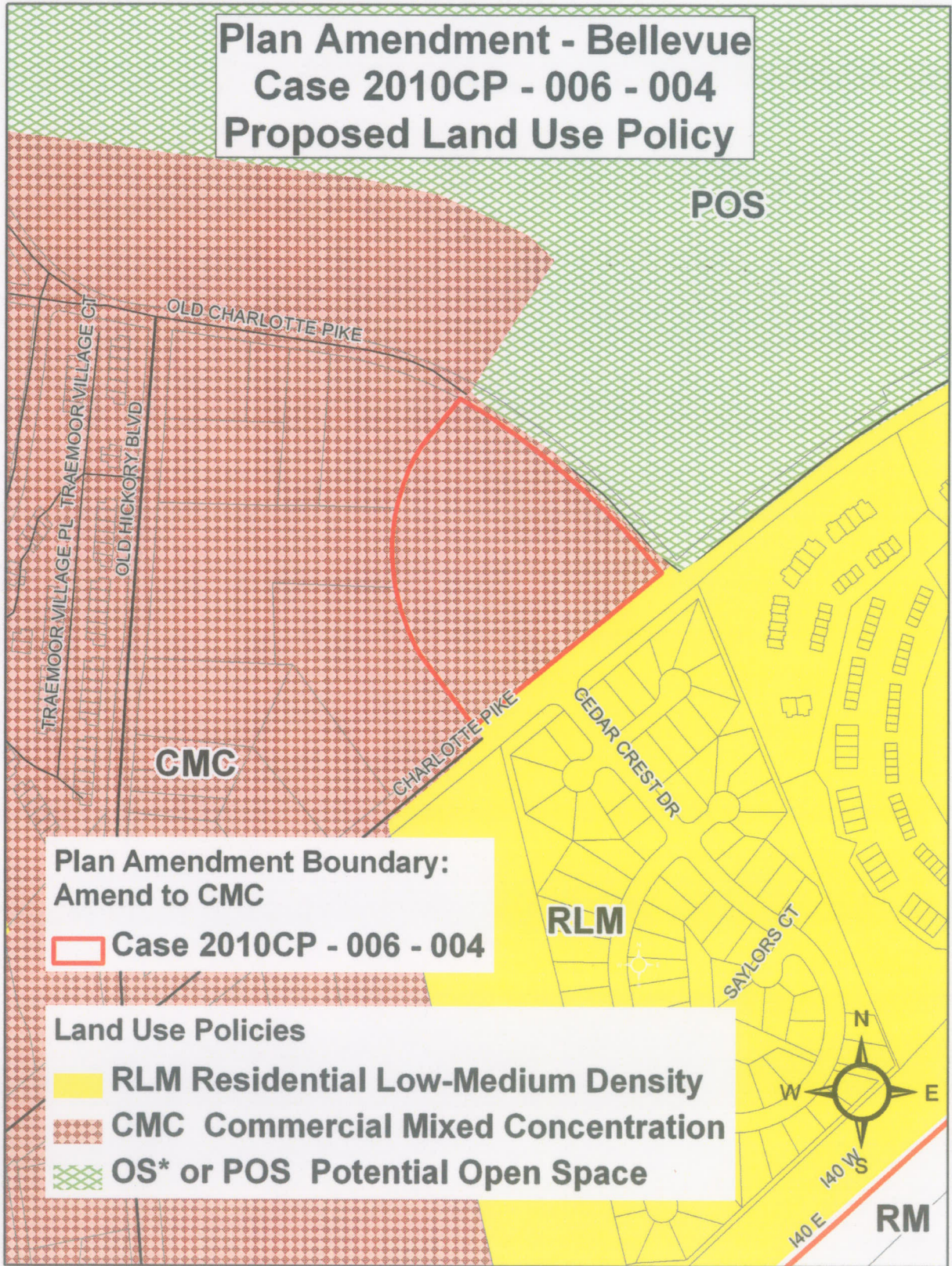
Existing Policy
Residential Low Medium (RLM) RLM policy areas are intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be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

Proposed Policy
Commercial Mixed Concentration (CMC) CMC policy is intended to include medium-high to high density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

BACKGROUND On October 14, 2010, the Planning Commission recommended approval of a zone change from R15 to CL for this property. The motion adopted by the Planning Commission included a directive that staff prepare a “housekeeping” amendment to the community plan to bring the land use policy for the subject property in conformance with the recommended CL zoning.

PROPOSED LAND USE POLICY

**Plan Amendment - Bellevue
Case 2010CP - 006 - 004
Proposed Land Use Policy**





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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 500 feet of the subject site. Since this is a "housekeeping" plan amendment, a community meeting and early postcard notification were not required.

ANALYSIS

Physical Site Conditions

The site is developed with a building and parking lot that accommodates the former Moose Lodge. There are undeveloped portions of the site that contain slopes 20 percent and greater. This may be due to grading previously completed on the site to accommodate the existing building and parking lot.

Land Use

Surrounding land uses include an adjacent rock quarry to the east, abutting single family residential to the north and west, and adjacent single-family residential to the south.

Access

The site has access to Charlotte Pike and Old Charlotte Pike; this access is located at the corner of Charlotte Pike and Old Charlotte.

Development Pattern

The development pattern in the area is suburban residential and commercial development along Charlotte Pike.

Historic Features

There are no recognized historic features associated with this site.

Conclusion

This amendment is an expansion of the existing CMC policy to recognize an existing land use and recently approved commercial zoning. The existing RLM policy is not consistent with the commercial zone district CL. The CMC policy is more consistent with the commercial zone district CL and the existing land use on the property.

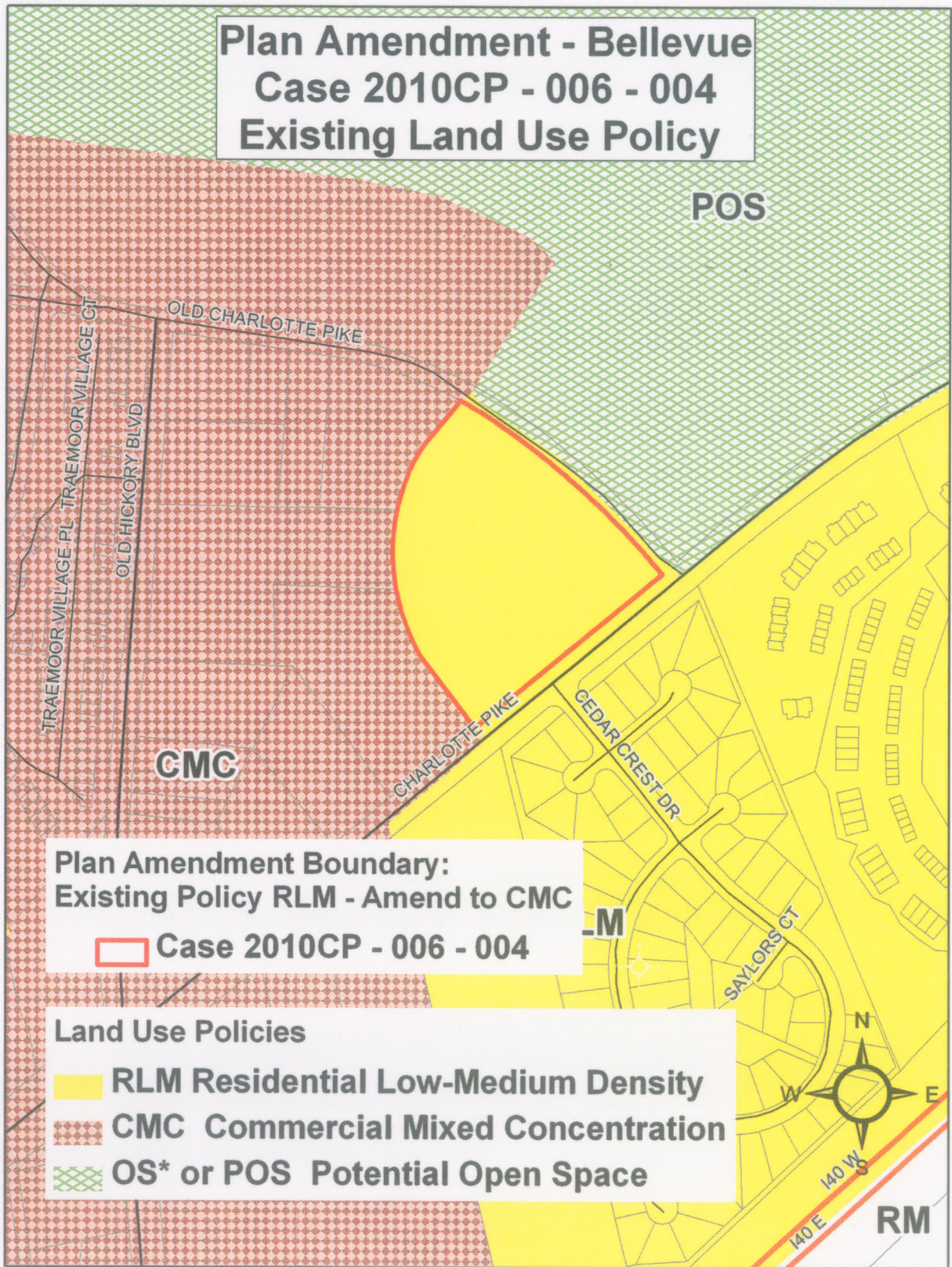
PUBLIC WORKS RECOMMENDATIONS

The property has difficult access due to topography and sight distance may be an issue on each frontage. Future development will require access relocation.

STAFF RECOMMENDATION

Staff recommends approval. This amendment is an expansion of the existing adjacent CMC policy to recognize an existing land use and recently approved

EXISTING LAND USE POLICY





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commercial zoning. The existing RLM policy is not consistent with the commercial zone district CL and character of the area. The CMC policy is more consistent with the commercial zone district CL and the existing land use on the property.

SEE NEXT PAGE

RECOMMENDATIONS TO THE METRO COUNCIL

- **Text Amendments**
- **Specific Plan**
- **Zone Change**
- **Mandatory Referral**

NO SKETCH



Project No. Text Amendment 2010Z-020TX-001
Project Name Relocation of Nonconforming Uses
Council Bill BL2010-784
Council District Countywide
School District Countywide
Requested By Metro Planning Department requested the original ordinance; the Substitute Ordinance was sponsored by Councilmember Hollin

Referral Referred to the Planning Commission by the Metro Council on December 21, 2010.

Staff Reviewer Leeman
Staff Recommendation *Approve substitute ordinance with amendment.
 Disapprove substitute without the amendment*

APPLICANT REQUEST Allow conditional relocation of nonconforming uses within the same SP, UDO, PUD or IO.

Text Amendment A request to amend Section 17.40.650 of the Metro Zoning Code, to provide for the conditional relocation of non-conforming uses.

CRITICAL PLANNING GOALS N/A

HISTORY On October 28, 2010, the Planning Commission considered this text amendment and recommended approval of a proposed Substitute Ordinance. The recommended Substitute Ordinance was not introduced at Council. Instead, the sponsor introduced an alternative Substitute Ordinance on Second Reading and referred that new Substitute Ordinance back to the Planning Commission for reconsideration. This staff report analyzes the Council-referred Substitute Ordinance.

The table below compares the Planning Commission recommended Substitute Ordinance with the one introduced at Council.



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Comparison of Relocation of Nonconforming Uses Substitute Bills			
	MPC Recommended Substitute	Council Substitute	Comment
Applies to:	Any zoning district that requires final site plan (17.40.170.B)	Any zoning district that requires final site plan (17.40.170.B) excluding DTC	Same intent
Relocation Option	Nonconforming Uses - relocate elsewhere in the same zoning district (as defined by the council ordinance approving the district)	Nonconforming Uses - relocate elsewhere in the same zoning district (as defined by the council ordinance approving the district) - as Item 1 condition	Same intent
Condition - facilitate redevelopment	Relocation <u>necessary to facilitate</u> redevelopment of current location of nonconforming use	Relocation <u>will facilitate</u> redevelopment of current location of the nonconforming use	Same intent
Condition - restrict sending property from future nonconforming uses.	Property owner commits to preventing any nonconforming use on the property (BZA order recorded at Register of Deeds)	No Condition	Key policy difference
Condition - compatibility	New location no less compatible with surrounding land uses than existing location	New location no less compatible with surrounding land uses than existing location	Same
Condition - cause of nonconformity	No condition	Relocating use would have been permitted at the new location prior to enactment of council ordinance approving the district	Same intent
Recommendation	By Planning Commission (required)	No Recommendation by Planning Commission	Different
Final Decision by	BZA	BZA	Same
Documentation required to meet conditions	None specified	None specified	Same
Permissive?	BZA "May" allow relocation of nonconforming use	BZA "May" allow relocation of nonconforming use	Same



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REFERRAL SUBSTITUTE ORDINANCE DETAILS

Under the protections afforded by Tennessee Code Annotated Section 13-7-208, nonconforming uses may not expand by acquiring additional property. However, Metro can offer additional protections than those provided by TCA.

This Substitute Ordinance includes criteria clarifying the circumstances under which it is appropriate to relocate a nonconforming use. These criteria include:

1. This ordinance would allow the relocation of nonconforming uses within the same Specific Plan, Urban Design Overlay, Planned Unit Development or Institutional Overlay.
2. The relocating nonconforming use would have been permitted at the new location prior to the enactment of the ordinance referenced above.
3. The Board of Zoning Appeals determines that the relocation will facilitate redevelopment of the current location of the nonconforming use and that the new location of the nonconforming use is no less compatible with the surrounding land uses than the existing location.

KEY POLICY DIFFERENCE

There is a key policy difference between the Substitute Ordinance introduced by Council on Second Reading and the Substitute recommended by the Planning Commission. The key policy difference is that the Ordinance recommended by the Planning Commission included language requiring the property owner of the sending property to commit to preventing any nonconforming use on the sending property in the future. This would be done by recording, at the Register of Deeds, the BZA Order allowing the relocation and stipulating that the use must cease at the sending site. The new Substitute Ordinance does not include this provision. Without this provision, the current site with the non-conforming use could transfer the non-conforming use multiple times to multiple sites, and/or the existing non-conforming uses would not be required to cease.

Another difference between the two ordinances is that the ordinance recommended by the Planning Commission required a recommendation from the Planning Commission to the BZA regarding the relocation. The current Substitute Ordinance does not. Staff does not see



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this as a key policy difference in that the BZA will still need to make the final decision.

STAFF RECOMMENDED AMENDMENT

Staff recommends approval of the substitute ordinance with one additional requirement, as follows:

- 4. The Board of Zoning Appeals determines that the owner of the current location commits to preventing any nonconforming use on the property. Upon approval by the Board of Zoning Appeals, and prior to the issuance of any permits, this restriction shall be recorded at the Register of Deeds by the owner of the property.*

Staff recommends disapproval if this requirement is not included in the Substitute Ordinance.

DEPARTMENT OF LAW RECOMMENDATION

These changes do not change the previous opinion that this ordinance does not violate federal, state or local laws or ordinances.

STAFF RECOMMENDATION

Staff recommends approval of the substitute ordinance with an amendment and disapproval without the amendment.

A Substitute Ordinance was introduced at Council on Second Reading on December 21, 2010. The Substitute is shown below, including the staff recommended amendment which is underlined and in bold:

SUBSTITUTE ORDINANCE NO. BL2010-784

An ordinance to amend Section 17.40.650 of the Metropolitan Code, Zoning Regulations, to provide for the conditional relocation of Nonconforming Uses, all of which is more particularly described herein (Proposal No. 2010Z-020TX-001).

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

Section 1. Section 17.40.650 (Nonconforming Uses) is hereby amended by inserting the following new subsection F:

F. Relocation of Nonconforming Use. Within any zoning district that requires a final site plan under 17.40.170.B, excluding the Downtown Code, nonconforming uses may be relocated to another property if all of the following conditions are satisfied:

1. The new location is within the same zoning district as defined by the ordinance adopted by the Council of the Metropolitan Government of Nashville and Davidson County;

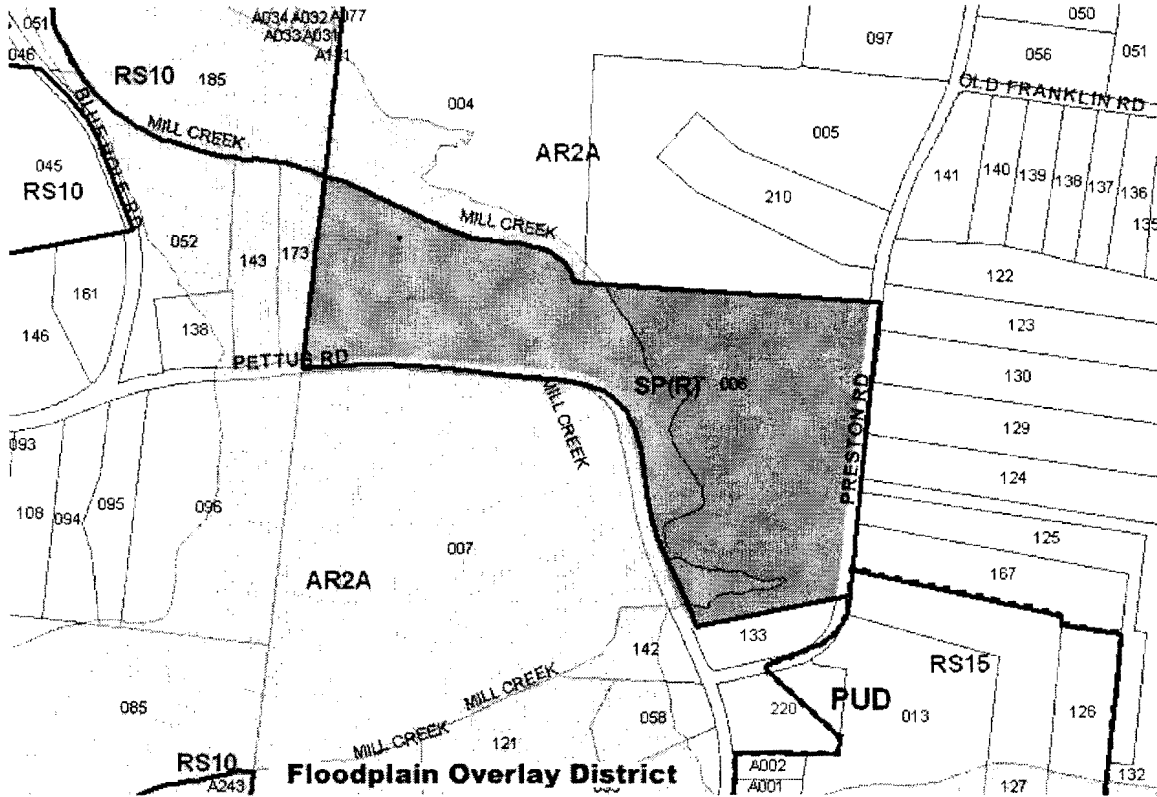


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2. The relocating nonconforming use would have been permitted at the new location prior to the enactment of the ordinance referenced in subsection F.1. above;
3. The Board of Zoning Appeals determines that the relocation will facilitate redevelopment of the current location of the nonconforming use and that the new location of the nonconforming use is no less compatible with surrounding land uses than the existing location.
- 4. The Board of Zoning Appeals determines that the owner of the current location commits to preventing any nonconforming use on the property. Upon approval by the Board of Zoning Appeals, and prior to the issuance of any permits, this restriction shall be recorded at the Register of Deeds by the owner of the property.**

Section 2. This Ordinance shall take effect five (5) days after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Jamie Hollin



2004SP-090G-12
 KINGSPORT ESTATES (4-YEAR REVIEW)
 Map 174, Parcel(s) 006
 Southeast
 32 - Sam Coleman



Project No. SP District Review 2004SP-090G-12
Project Name Kingsport Estates SP
Council District 32 – Coleman
School District 2 – Brannon
Requested by Metro Planning Department

Staff Reviewer Bernards
Staff Recommendation Find the SP District active

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan-Residential (SP-R) district known as "Kingsport Estates", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 5748 Pettus Road and partially located within the Floodplain Overlay District (41.44 acres), approved for 72 single-family units via Council Bill BL2006-1157 effective on November 21, 2006.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Development within each SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP District is appropriate.

DETAILS OF THE SP DISTRICT

The SP was approved for 72 single family lots. The SP is designed to accommodate the floodplain and floodway of Mill Creek and a small stream. The development leaves the floodway and most of the floodplain undisturbed. Connections are provided to Preston Road and Pettus Road with a future connection to the north.

SPECIFIC PLAN REVIEW

Staff conducted a site visit on November 29, 2010. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.



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The owner responded that, although construction activity has stopped on the site at present, mass grading has been completed and significant storm and sanitary sewer has been installed. It is anticipated that construction will be restarted within the next two years.

Analysis

In reviewing the documentation provided by the owner, staff finds that the owner has described an aggregate of actions that indicates activity. Staff recommends that this SP be found active and that it be placed back on the four-year review list. At that time, if the SP is not found to be complete, the owner will need to demonstrate that additional activity has taken place in the SP in order for it to be found active. Staff would note, however, that at this time the SP remains appropriate for the site and area. The approved plan is consistent with the Residential Low Medium and Natural Conservation policies of the Southeast Community Plan.

STAFF RECOMMENDATION

Staff recommends that the Kingsport Estate SP be found to be active.

SEE NEXT PAGE



Project No. SP District Review 2006SP-119U-08
Project Name 4th Avenue North and Monroe Street SP
Council District 19 – Gilmore
School District 1 – Gentry
Requested by Metro Planning Department

Staff Reviewer Bernards
Staff Recommendation Find the SP District active

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan-Mixed-Use (SP-MU) district known as "4th Avenue North & Monroe Street", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at the southwest corner of 4th Avenue North and Monroe Street (1.65 acres), approved for the development of 38 units and 2,775 square feet of commercial space via Council Bill BL2006-1150 effective on November 21, 2006.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP District be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Development within each SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

DETAILS OF THE SP DISTRICT

The 4th Avenue North and Monroe Street SP was approved for 38 residential units and commercial space. The units that have been constructed front 4th Avenue. Additional units are planned along Monroe Street and along the rear alley.

Analysis

Staff visited the site on November 29, 2010. A majority of the SP has been developed. The staff assessment of this SP is that it is active and staff recommends that this SP be found active and that it be placed back on the four-year review list.

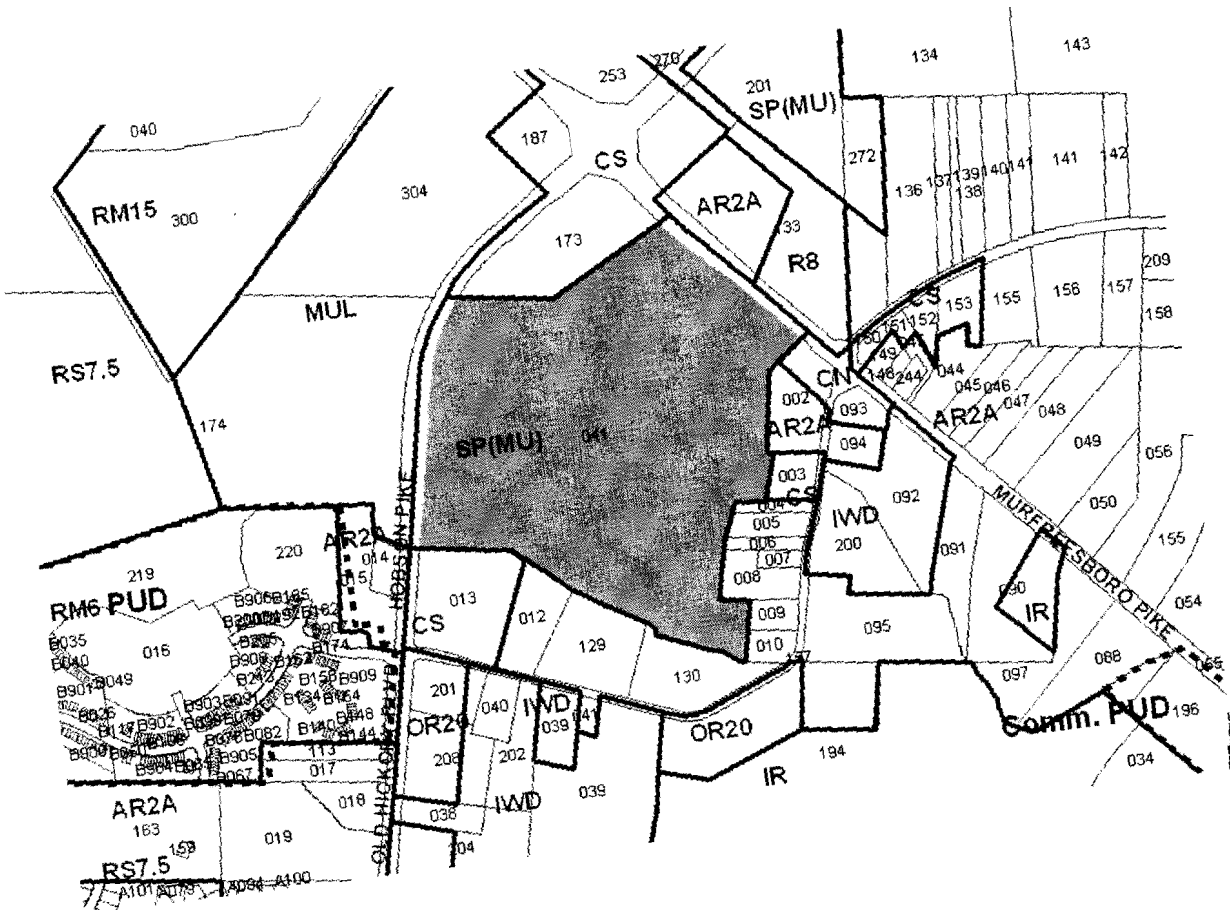


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STAFF RECOMMENDATION

Staff recommends that the 4th Avenue North and Monroe Street SP be found to be active.

SEE NEXT PAGE



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



Project No. Zone Change 2008SP-002-002
Project Name Starwood Commons
Council Bill BL2010-805
Council District 32 – Coleman
School District 6 – Mayes
Requested by R. Chris Magill Consulting, LLC, applicant for Vastland Starwood Development, LLC, owner
Referral Referred to the Planning Commission by the Metro Council on January 4, 2011
Staff Reviewer Swaggart
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

Preliminary SP

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

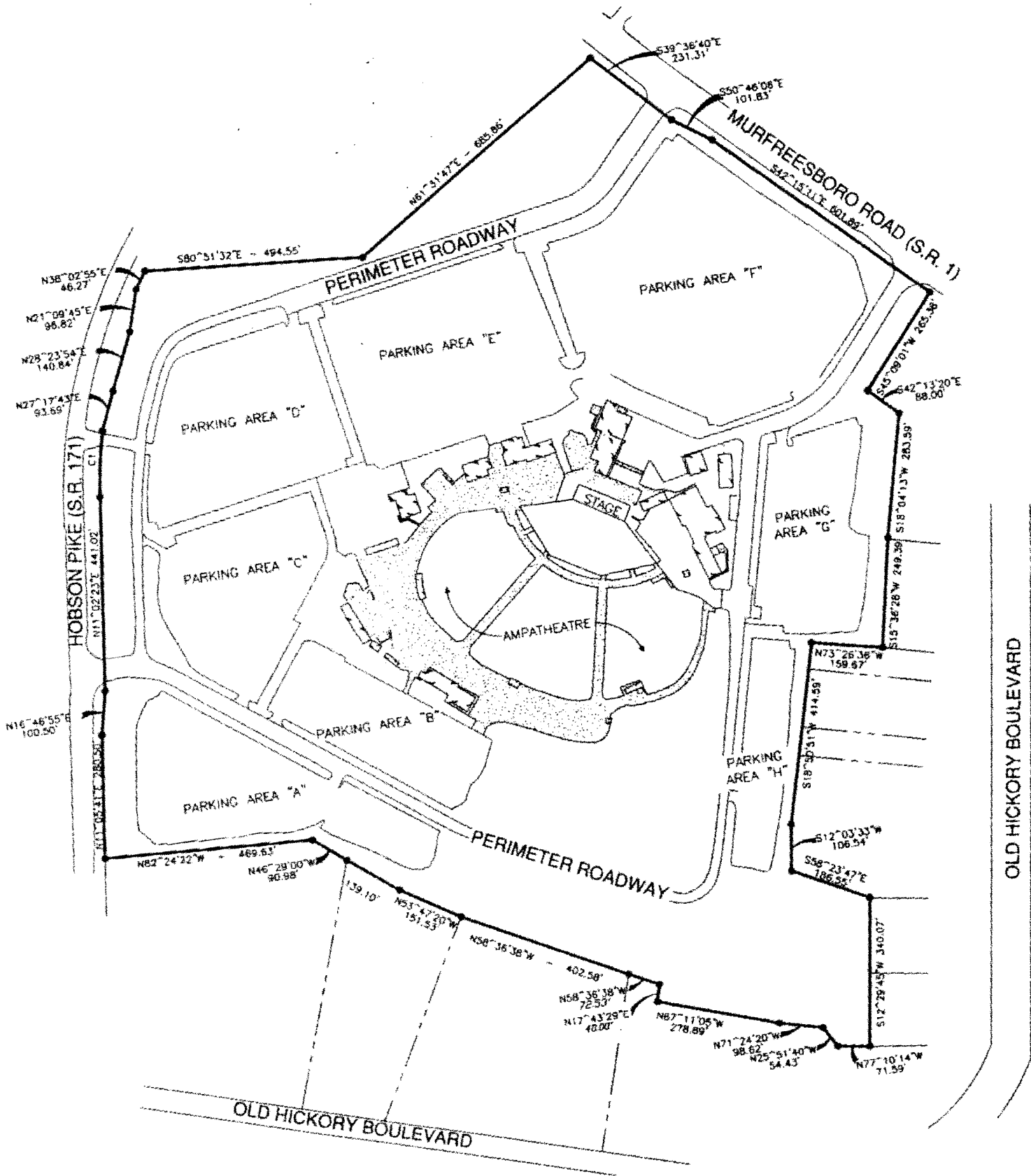
Proposed Zoning
SP-MU District

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

Referral

This request was originally heard by the Planning Commission at its December 9, 2010, meeting. The Planning Commission recommended approval with conditions and requested that it be referred back to the Commission before being considered on Third Reading by Metro Council. The Commission had concerns with lack of details in the amendment and asked that the applicant work with the Councilman and residents impacted to ensure that the amendment adequately addresses potential impacts to the surrounding area and, in particular, any traffic impacts.

The applicant has revised the amendment and the current proposal includes more details as requested by the Commission. The updated amendment now addresses event details and traffic and is outlined below.





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CRITICAL PLANNING GOALS N/A

**ANTIOCH/PRIEST LAKE
COMMUNITY PLAN**

Community Center (CC)

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

Consistent with Policy?

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

REQUEST DETAILS

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

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



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

In addition to the original restrictions above, the applicant has provided additional restrictions. These were drafted specifically to address concerns raised by the Planning Commission at its December 9, 2010, meeting, and raised by local residents who attended a community meeting held on January 3, 2011. The conditions address event related issues and traffic mitigation. Traffic mitigation is based on attendance levels and consists of three tiers. The applicant also plans to create web page and email notification list to inform local residents of the events at the amphitheater including times that traffic could be affected.

Event Details (limits)

Event Season:	April through November
Number of Events:	Maximum of 18 per season
Duration of Events:	Maximum of three days with maximum of six three day events per season. No event patrons shall be permitted to stay on site overnight.
Evening Termination time:	Sound amplification shall terminate no later than 11:30 PM.
Events Patrons:	12,000 Maximum
Event Days:	Any day of the week
Event Coordinator(s):	Each event will be managed by a professional promotion company which specializes in outdoor venues.
Stage Orientation:	Southwest
On Site Lighting:	Lighting will be designed in such a way as to emit no more than one foot-candle at any common property line with the Starwood site
Sound Levels:	Maximum 108 decibels at sound board
Off-Site Parking	All parking shall be on-site. No "walk-in" pedestrian traffic will be permitted.
Duration of Temporary Use:	Subject to re-approval by Metropolitan Planning Commission after five years of becoming law.



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Traffic Mitigation

1st Tier: estimated attendance 1 to 6,000

1. Contract the services of a parking management company for both ingress and egress. See staffing levels below.
2. Use traffic directors/flaggers to quickly and efficiently move cars off surrounding roadways and into onsite parking lots.
3. Use traffic directors in parking lots to optimize available parking space.
4. For egress, all traffic exiting Hobson Pike must turn left out of the parking lot towards I-24.
5. For egress, all traffic exiting gate one (1) on Murfreesboro Pike nearest Hobson Pike must turn left, and cars are not permitted to turn left onto Hobson Pike.
6. For egress, all traffic exiting gate two (2) on Murfreesboro Pike must turn right.

2nd Tier: estimate attendance 6,001 to 9,000

1. Contract the services of a parking management company for both ingress and egress. See staffing levels below.
2. Use traffic directors/flaggers to quickly and efficiently move cars off surrounding roadways and into onsite parking lots.
3. Use traffic directors in parking lots to optimize available parking space.
4. For ingress and egress, hire police officers for traffic control at the intersection of Old Hickory Boulevard and exit 62 off I-24 east.
5. For ingress and egress, hire police officers for traffic control at the intersection of Hobson Pike and Murfreesboro Pike.
6. For egress, all traffic exiting Hobson Pike must turn left out of the parking lot towards I-24. Hire officers to control traffic exiting onto Hobson Pike.
7. For egress, all traffic exiting gate one (1) on Murfreesboro Pike nearest Hobson Pike must turn left. Cars are not permitted to turn left onto Hobson Pike. Hire officers to control traffic at gate one (1) and the intersection of Murfreesboro Pike and Hobson Pike.
8. For egress, all traffic exiting gate two (2) on Murfreesboro Pike must turn right. Hire officers to control traffic exiting gate two (2).



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3rd Tier: estimate attendance 9,001 to 12,000

1. Contract the services of a parking management company for both ingress and egress. See staffing levels below.
2. Use traffic directors/flaggers to quickly and efficiently move cars off surrounding roadways and into onsite parking lots.
3. Use traffic directors in parking lots to optimize available parking space.
4. For ingress and egress, hire police officers for traffic control at the intersection of Old Hickory Boulevard and exit 62 off I-24 east.
5. For ingress and egress, hire police officers for traffic control at the intersection of Old Hickory Boulevard and exit 60 off I-24 west.
6. For ingress and egress, hire police officers for traffic control at the intersection of Hobson Pike and Murfreesboro Pike.
7. For egress, all traffic exiting Hobson Pike must turn left out of the parking lot towards I-24. Hired officers to control traffic exiting onto Hobson Pike.
8. For egress, all traffic exiting gate one (1) on Murfreesboro Pike nearest Hobson Pike must turn left. Cars are not permitted to turn left onto Hobson Pike. Hire officers to control traffic at gate one (1) and the intersection of Murfreesboro Pike and Hobson Pike.
9. For egress, all traffic exiting gate two (2) on Murfreesboro Pike must turn right. Hire police officers to control traffic exiting gate two (2).
10. For ingress and egress, hire police officers for traffic lights between I-24 and Murfreesboro Pike for traffic control. Exact locations to be determined in cooperation with Metro Public Works.

ANALYSIS

Staff recommends approval with conditions. The proposed use was permitted prior to the SP zoning, and as proposed the use will only be temporary and does not negate the previously approved mixed-use development. To address concerns expressed by both the Commission and the community, the applicant has provided more details including site restrictions and a traffic mitigation plan. The traffic plan has been reviewed and is acceptable to the Department of Public Works.

A concern staff has is with the duration of the temporary use that has been proposed by the applicant. The applicant's proposal is to require a review by the



Metro Planning Commission Meeting of 01/13/2011

Commission of the temporary use after five years. If the interim use of the property exhibits major problems, then five years would be a long time before addressing these problems. Staff recommends that the temporary use be reviewed by the Commission and a recommendation be given to Metro Council. The review and recommendation by the Metropolitan Planning Commission to the Metro Council should be no earlier than August 1, 2013, and no later than September 20, 2013, and every four years thereafter. The review should ascertain if operational conditions need to be added, modified or deleted”.

STORMWATER RECOMMENDATION

No construction activities requested. No permit required.

PUBLIC WORKS RECOMMENDATION

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

STAFF RECOMMENDATION

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

CONDITIONS

1. The proposed “Duration of Temporary Use” shall be deleted and replaced with the following, “Subject to review and recommendation by the Metropolitan Planning Commission to the Metro Council no earlier than August 1, 2013, and no later than September 20, 2013, and every four years thereafter to ascertain if operational conditions need to be added, modified or deleted”.
2. This amendment shall only permit an interim Commercial Amusement Outdoor use. The original plan (Application No. 2008SP-002U-13) and Council Bill (BL2008-137) shall establish the requirements for the principal use.
3. The interim use shall cease once construction has begun for the commercial shopping center and/or residential uses permitted by the original SP (BL2008-137).



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4. All facilities and structures needed for the interim plan shall be portable.
5. Permanent structures for the interim plan are not permitted, and in no way shall the original council approved plan (BL2008-137) and this interim plan be integrated.
6. Events shall be limited to a maximum 12,000 people.
7. The event season, number, duration, and coordination shall be limited to those described in the staff report.
8. The stage orientation, on-site lighting, sound levels and parking requirements shall be limited to those described in the staff report.
9. Traffic mitigation shall be conducted as described in the staff report.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

SEE NEXT PAGE



Project No.	Zone Change 2010SP-022-001
Project Name	CarMax Rivergate
Council District	10 – Ryman
School District	3 – North
Requested by	Little John Engineering Associates, applicant for CarMax Auto Superstores, Inc., owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Rezone to permit auto sales (new and used), auto repair, car wash, private fuel storage and dispensing, auto part sales and auto storage.

Preliminary SP

A request to rezone from Commercial Services (CS) to Specific Plan – Auto (SP-A) zoning for property located at 2353 Gallatin Pike, approximately 400 feet east of Riverchase Boulevard (15.04 acres), to permit a 29,100 square foot expansion to an existing 24,720 square foot auto sales facility for auto sales (new and used), auto service, auto repair, car wash, private fuel storage and dispensing, auto parts sales, and auto storage.

Existing Zoning
CS District

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

Proposed Zoning
SP-A District

Specific Plan-Auto 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 automobile uses.

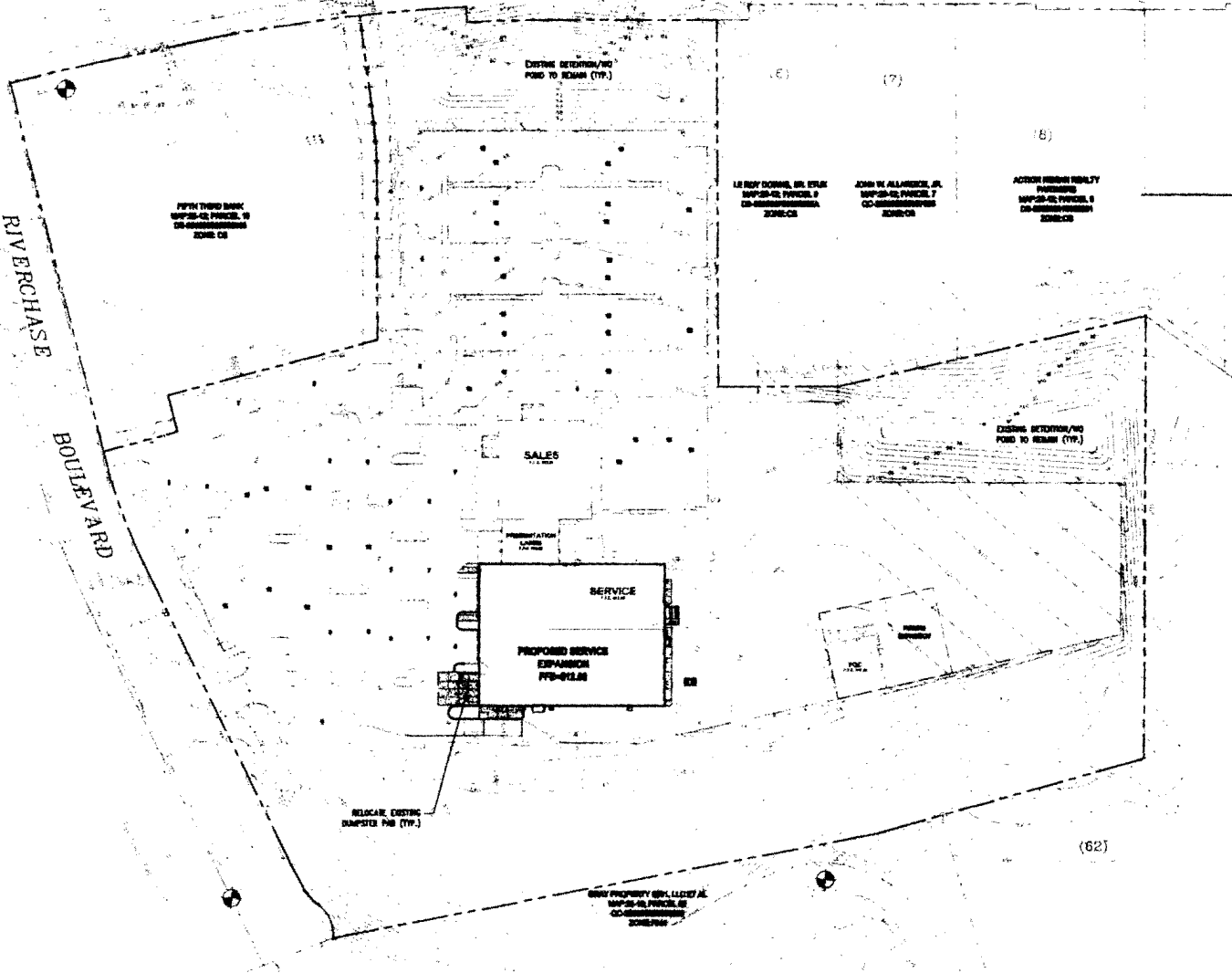
CRITICAL PLANNING GOALS N/A

**MADISON
COMMUNITY PLAN**

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

GALLATIN PIKE
(ROW VARIES)



1774 THIRD BANK
MPS-02.02, PAGES 10
CO-CONFORMANCE
ZONE-CB

DISTING. DETENTION/NO
FLOOD TO REMAIN (TYP.)

LE ROY DOWNE, JR. ET AL
MPS-02.02, PAGES 1
CO-CONFORMANCE
ZONE-CB

JOHN W. ALLAMORE, JR.
MPS-02.02, PAGES 7
CO-CONFORMANCE
ZONE-CB

ACORN RESIDENTIAL
MPS-02.02, PAGES 8
CO-CONFORMANCE
ZONE-CB

SALES

SERVICE

PROPOSED SERVICE
EXPANSION
PFS-02.02

EXISTING DETENTION/NO
FLOOD TO REMAIN (TYP.)

RELOCATE, EXISTING
DUMPSTER PFS (TYP.)

1802 PROPERTY ON LOTS 1 & 2
MPS-02.02, PAGES 12
CO-CONFORMANCE
ZONE-CB

(62)



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neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Special Policy

This site is within a part of Madison known as the "Motor Mile." The Motor Mile is an area along Gallatin that includes numerous auto dealerships, and the plan recognizes this area and calls for it to be preserved.

Consistent with Policy?

Yes, the proposed auto related uses are consistent with uses found within the property's land use policy.

REQUEST DETAILS

This is a request to rezone approximately 15.04 acres from CS to SP-A to permit various auto related uses. It is important to note that CarMax is currently located on the site and that the sale of new cars is permitted under the current CS zoning district. The request is to accommodate an expansion of the existing facility and for additional services including the sale of used cars, auto service, auto repair, car wash, private fuel storage and dispensing, auto parts sales (retail) and auto storage (parking). While most of the uses are permitted in the current CS zoning district, auto sales used and auto repair are only permitted in a SP zoning district, and therefore, the SP is required to permit *all* the proposed uses.

The plan identifies the existing facility and proposed expansions. The existing floor area is 24,720 square feet and the proposed expansions will bring the total floor area to 53,820 square feet. Proposed expansions are located near the back of the property approximately 600 feet from Gallatin Road. The plan is consistent with CS bulk standards, with the difference between CS and the proposed SP is that auto sales used, and auto repair would be permitted.

Staff Analysis

Staff recommends approval with conditions of the request. The site is currently used for new car sales. The proposed uses are consistent with uses found in the T-3 Suburban Mixed-Use land use policy which applies to the property. The proposal will not significantly change the appearance of the site, nor will it change the character of the site.

STORMWATER RECOMMENDATION

Preliminary SP Approved



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PUBLIC WORKS RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. As proposed the request is consistent with the property's land use policy.

CONDITIONS

1. Permitted uses include auto sales new, auto sales used, auto service, auto repair, car wash, private fuel storage and dispensing, auto parts sales (retail), and auto storage (auto parking).
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 CS 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



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

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



2010Z-030PR-001
7000 HARPER ROAD
Map 014, Parcel(s) 010
Joelton
01 - Lonell Matthews, Jr.



Project No. Zone Change 2010Z-030PR-001
Council District 1 – Matthews
School District 3 – North
Requested by Joe F. Gillespie, Jr., applicant, Betsy Beard, owner

Staff Reviewer Johnson
Staff Recommendation *Approve; direct staff to initiate a special policy for the subject property and surrounding CS-zoned land to identify it as a mixed use center.*

APPLICANT REQUEST

Zone change from Commercial to Mixed Use

Zone Change

A request to rezone from Commercial Service (CS) to Mixed Use Neighborhood (MUN) zoning property located at 7000 Harper Road, at the southeast corner of Clarksville Pike and Harper Road (3.9 acres).

Existing Zoning
CS District

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

Proposed Zoning
MUN District

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

CRITICAL PLANNING GOALS

N/A

**JOELTON
COMMUNITY PLAN**

Rural (R)

Rural policy is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

Consistent with Policy?

The proposed MUN zoning district is inconsistent with Rural policy, which does not allow for commercial and office land uses. However, the subject property and several surrounding properties form a contiguous node of land with commercial zoning (CS). This low intensity commercial node is in an appropriate location for non-residential land uses because of its location along Clarksville Pike, a significant road within this part of the county, and its distance from other commercially-zoned land. The closest commercially-zoned land of similar size is more than a mile away on Clarksville Pike. The proposed MUN zoning will allow for the same



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development rights as CS zoning in terms of Floor Area Ratio (FAR), but will also allow for residential uses and will place a maximum square footage size on individual commercial uses. The proposed MUN zoning will not increase development rights and will permit residential land uses. These characteristics will be more consistent with Rural policy than the current CS zone.

With approval of the zone change, staff recommends direction from the Planning Commission to place a special policy on the subject property and surrounding commercially-zoned properties. The intent of this special policy is to identify this mixed use node as an appropriate location for low-intensity commercial land uses within the Rural policy.

PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

Typical 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
Strip Shopping (814)	3.9	0.057 F	9,683 SF	452	15	45

Typical Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	3.9	0.195	33,127 SF	1455	34	101

Traffic changes between typical: CS and proposed MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+23,444 SF	+1003	+19	+56

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
Shopping Center (820)	3.9	0.6 F	101,930 SF	6876	156	645



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Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	3.9	0.6 F	101,930 SF	6876	156	645

Traffic changes between maximum: CS and proposed MUN

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

METRO SCHOOL BOARD REPORT

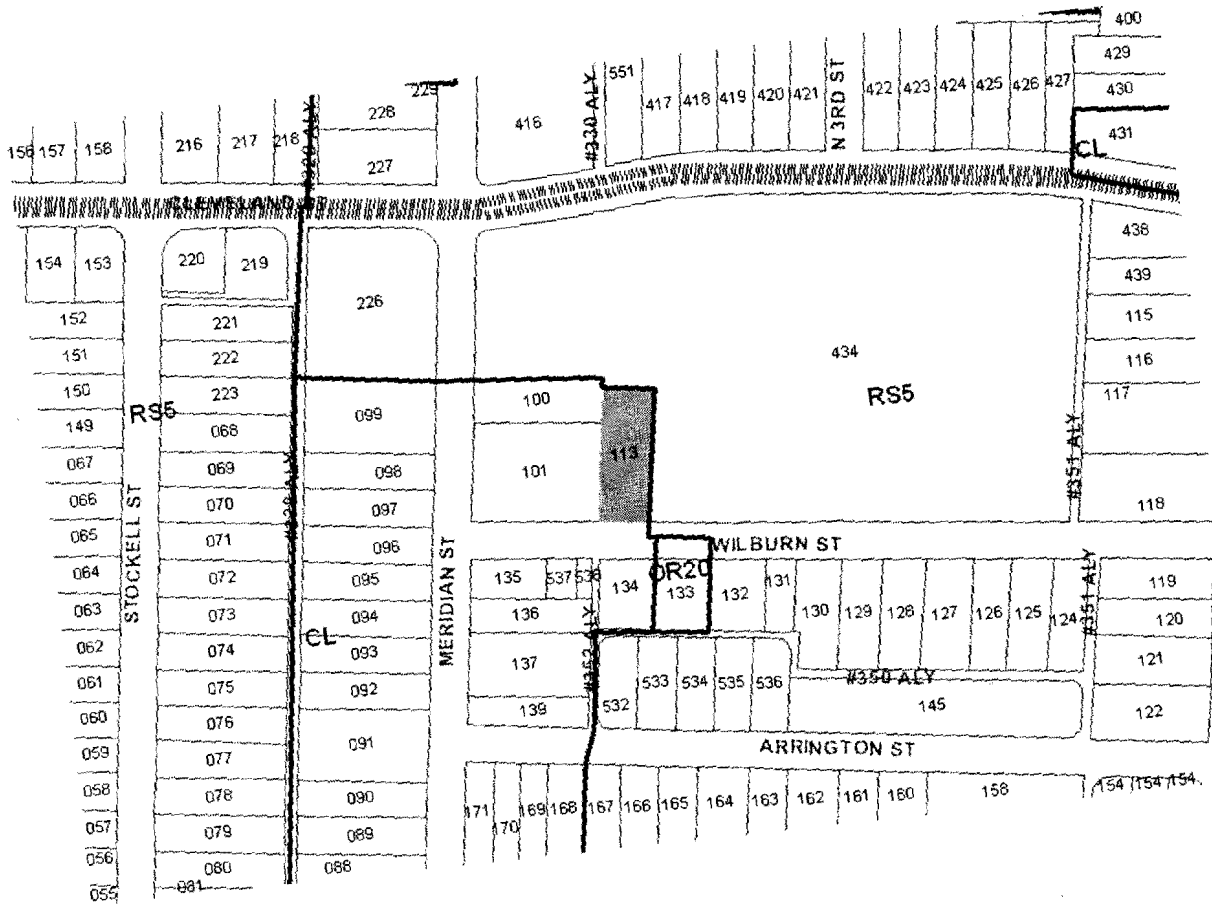
Projected student generation 4 Elementary 2 Middle 4 High

Schools Over/Under Capacity

Students would attend Joelton Elementary School, Joelton Middle School, or Whites Creek High School. None of these schools has been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated October 2010.

STAFF RECOMMENDATION

Staff recommends approval of the proposed MUN zoning district as this location is appropriate for a low intensity commercial node. Additionally, staff recommends that the Planning Commission direct staff to initiate a special policy for the subject property and surrounding CS-zoned land to identify this area as a low-intensity mixed use center within the Rural policy area.



2010Z-031PR-001
 307 WILBURN STREET
 Map 082-07, Parcel(s) 113
 East Nashville
 05 - Jamie Hollin



Project No. Zone Change 2010Z-031PR-001
Council District 5 – Hollin
School District 5 – Porter
Requested by Urban Housing Solutions, applicant for Robert Solomon, owner

Staff Reviewer Swaggart
Staff Recommendation *Approve*

APPLICANT REQUEST **Rezone from commercial to mixed-use zoning.**

Rezoning A request to rezone from Commercial Limited (CL) to Mixed-Use Neighborhood (MUN) zoning for property located at 307 Wilburn Street, approximately 200 feet east of Meridian Street (0.28 acres), requested by Urban Housing Solutions Inc., applicant, Robert Solomon, owner.

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

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

CRITICAL PLANNING GOALS N/A

**EAST NASHVILLE
COMMUNITY PLAN**

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

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

**McFerrin Park Detailed
Neighborhood Design Plan (DNDP)** This property is located within the McFerrin Park DNDP. The DNDP (Subdistrict 3) calls for mixed-use, but medium to high density residential and live work uses are



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also appropriate. Appropriate zoning districts include MUN, MUL, OR20, and RM40.

Consistent with Policy?

Yes. The proposed mixed-use zoning district permits uses that are consistent with the property's land use policies and with the McFerrin Park DNDP.

PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.28	0.221 F	2,695 SF	153	10	28

Typical Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.28	0.431 F	5,256 SF	263	12	35

Traffic changes between typical: CL and proposed MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2,291 SF	+110	+2	+7

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.28	0.6	7,317	351	14	40

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.28	0.6	7,317	351	14	40

Traffic changes between maximum: CL and proposed MUN

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



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METRO SCHOOL BOARD REPORT

Projected student generation

3 Elementary 2 Middle 1 High

Schools Over/Under Capacity

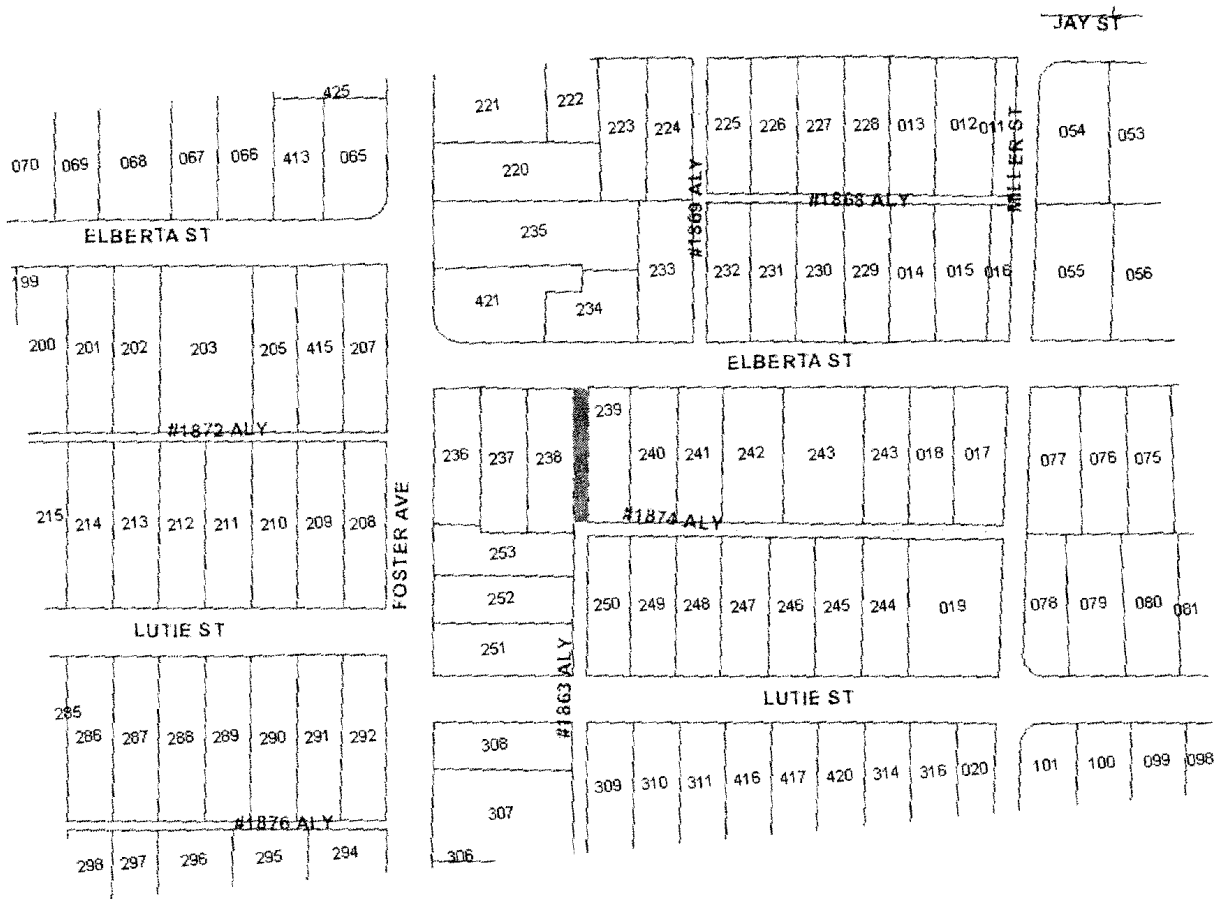
Students would attend Glenn Elementary School, Jere Baxter Middle School, and Maplewood High School. Glenn Elementary is as identified as being over capacity. There is no capacity within the cluster for additional elementary students. This information is based upon data from the school board last updated October 2010.

Fiscal Liability

The fiscal liability of three new elementary students is \$60,000 (3 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 that the request be approved. The proposed MUN zoning district is consistent with the land use policies and the DNDP that apply to this property.



2010M-012AB-001
ALLEY #1863 CLOSURE (PORTION OF)
 Map 119-05, Parcel(s) 238-239
 Elm Hill- Woodbine
 16 - Anna Page



Project No.	Mandatory Referral 2010M-012AB-001
Project Name	Abandon a Portion of Alley #1863
Council Bill	None
Council District	16 - Page
School District	7 - Kindall
Requested by	Ralph Corrin III
Staff Reviewer	Leeman
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

Abandon a portion of Alley #1863

Alley and Street Abandonment

A request to abandon a portion of Alley #1863, from Elberta Street south to Alley #1874, between properties located at 111 and 113 Elberta Street.

CRITICAL PLANNING GOALS

- Variety of Transportation Choices
- Supports Walkable Communities

Maintaining the existing alley system supports the goal of having transportation choices. Closing the alley does not. Maintaining the alley also supports walkable communities by encouraging vehicular access at the rear of the property, which allows the front of each house to be more pedestrian oriented.

**SOUTH NASHVILLE
COMMUNITY PLAN**

The South Nashville Community Plan calls for maintenance and enhancement of the street systems where possible: "Connectivity, or how well-connected individual streets in a network are, is key to how well the community's street system functions. A completely "connected" network is one that does not have many dead-end streets segments. On the other hand, a poorly-connected network with cul-de-sacs and longer blocks increases travel distances, concentrates traffic on fewer streets causing increased congestion, and creates barriers to effective emergency access." Alleys are a historical integral part of the overall street system in this area.

METRO CHARTER

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

Section. 11.505
Mandatory Referrals
to Planning Commission

"Whenever the commission shall have adopted the master or general plan of the metropolitan government area or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the area under



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the jurisdiction of the metropolitan government until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; provided, that in case of disapproval, the commission shall communicate its reasons to the council and said council by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, said council shall have the power to proceed. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting body, board or official.”

REASON FOR CLOSURE

The applicant stated on the application that the “Alley is a haven for crime including vandalism, graffiti, litter, narcotics trafficking and loitering, along with public intoxication.” The applicant has indicated that they believe closing this alley will eliminate a possible cut-through so that people cannot walk from the market at the corner of Foster Avenue and Lutie Street through the alley to Elberta Street.

Alley Length/ Zoning

The portion of Alley #1863 proposed to be abandoned is approximately 145 feet in length with two houses on either side of it. The surrounding properties are zoned RS5 and are all served by this alley and Alley #1874.

ANALYSIS

This alley provides vehicular access and circulation between Elberta Street, Lutie Street and Miller Street. The alley is paved and is approximately 15 feet wide.

Alleys are an important structural element to the transportation network in this part of the Woodbine area. These facilities, as well as streets, bikeways, sidewalks and pedestrian ways directly affect mobility to and from the community and within it. They provide access and circulation to the surrounding residential properties, and are needed by Metro Public Works for trash pick-up. Closing this portion of Alley #1863 would permanently reduce the traffic flow opportunities in the area and would establish a negative precedent. The issues identified by the applicant as the reasons for the closure will, likely, not go away with the closure of this alley. These issues are



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better addressed through code enforcement, police enforcement and community support.

While Public Works staff did recommend disapproval to the Traffic and Parking Commission, the Traffic and Parking Commission recommended approval of this request to the Metro Council. Public Works staff is now recommending approval to the Planning Commission reflecting the action by the Traffic and Parking Commission.

PUBLIC WORKS

Approve. Public Works will support the Traffic and Parking Commission's approval at the October, 2010 meeting.

**TRAFFIC AND PARKING
COMMISSION**

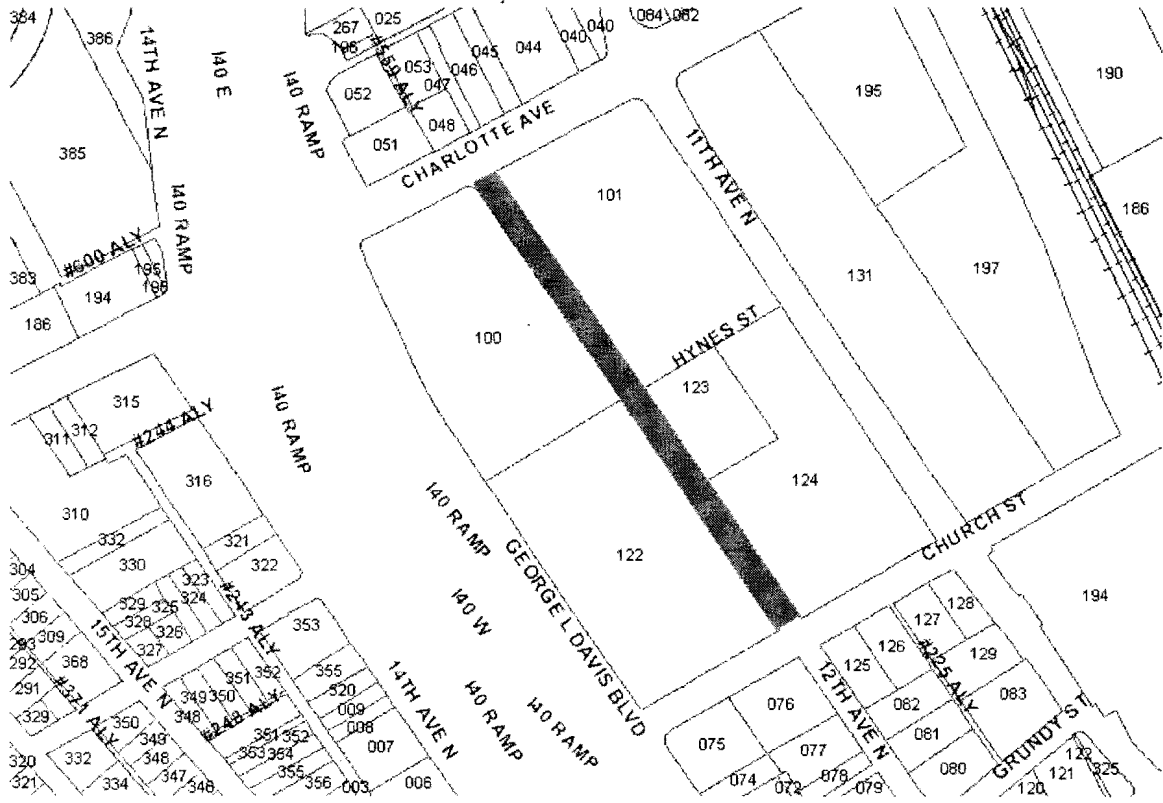
Approved.

**EMERGENCY
COMMUNICATIONS CENTER**

The Emergency Communications Center is recommending approval.

STAFF RECOMMENDATION

Staff recommends disapproval of the request to abandon a portion of Alley #1863 since this alley provides necessary circulation and access for the neighborhood.



2010M-014AB-001
 12TH AVENUE NORTH (PORTION OF) ABANDONMENT
 Map 093-05, Parcel(s) 100-101, 122-124
 Downtown
 19 – Erica S. Gilmore



Project No. Mandatory Referral 2010M-014AB-001
Project Name Abandon a Portion of 12th Avenue North
Council Bill None
Council District 19 - Gilmore
School District 7 - Kindall
Requested by Nashville Electric Service

Staff Reviewer Leeman
Staff Recommendation *Disapprove*

APPLICANT REQUEST Abandon a portion of 12th Avenue North

Alley and Street Abandonment A request to abandon a portion of 12th Avenue North between Church Street and Charlotte Avenue (easements and utilities to be retained), adjacent to properties located at 200, 220 and 308 12th Avenue North and at 300 George L. Davis Boulevard and at 1214 Church Street.

HISTORY This request was previously disapproved by the Planning Commission on September 23, 2004. The Commission found that closing this portion of 12th Avenue North would limit access in the area. Twelfth Avenue North provides a direct connection from Broadway to Charlotte Avenue, which is the only one in this immediate area.

This request was also disapproved by the Metro Traffic and Parking Commission on September 13, 2004. The Traffic and Parking Commission disapproved the request citing the need for the availability of traffic circulation in the area. They also indicated the need to keep this road open to the public for alternative access to the Gulch. This would be the only alternative if 11th Avenue North had to be closed.

CRITICAL PLANNING GOALS This request to close a portion of 12th Avenue North is counter to the goal of providing connectivity for route options and pedestrian connections.
•Variety of Transportation Choices

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

Section. 11.505
Mandatory Referrals
to Planning Commission

“Whenever the commission shall have adopted the master or general plan of the metropolitan government area or any part thereof, then and thenceforth no street, park or other



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

APPLICATION REQUIREMENTS

This request is scheduled to go before the Traffic and Parking Commission on January 10, 2011. Staff will update the Commission at the meeting as to the action taken at the Traffic and Parking Commission.

A Traffic Impact Study was submitted by the applicant and was reviewed by the Public Works Department.

ANALYSIS

This item is recommended for disapproval by the Metro Emergency Communications Center, Fire Marshal, Planning Department and Public Works Department.

Metro Water & Sewerage Services Department recommended conditional approval: Easement rights must be retained for a 12” water and 12” sewer line.

Planning staff recommends disapproval since this portion of roadway is needed for traffic circulation, and to provide alternative access to the Gulch. This is important during normal conditions, but is especially important if 11th Avenue had to be closed temporarily.

Staff remains concerned about the request because of the loss of area circulation that would result. This would leave 11th Avenue as the only way out of the Gulch area if heading north toward Charlotte Pike. Although 11th Avenue has a traffic signal at Charlotte Pike and 12th



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Avenue North does not, there is still the possibility that 11th Avenue North could be blocked by an accident or other unanticipated event, and that there would be a need for alternate access. George L. Davis Boulevard is a one way street from Church Street to Charlotte Avenue and does not provide for two-way traffic, as does 12th Avenue North.

Recent Projects in the Area

The Planning Department is also involved with several significant projects in the area that are being designed to utilize 12th Avenue. Keeping 12th Avenue open is necessary to ensure adequate connectivity for the area. These projects include:

1. Pre-application meetings for a mixed-use development north of Charlotte, including retail, residential, and potentially a hotel.
2. Pre-application meetings for an apartment development (2 buildings, around 300 units) along 11th at Charlotte.
3. Pre-application meetings for a hotel at 12th and Church – on the Church Street side, but with a parking garage that exits onto 12th below.

PUBLIC WORKS

The section of 12th Avenue North being requested for closure is necessary to provide improved traffic circulation into the Gulch development area, and to provide alternative access to the Gulch in the event of emergencies or unexpected road closures or obstructions. This need is further emphasized due to current and future development plans in and around the Gulch/Broadway area.

Public Works recommends disapproval of the request to close this portion of 12th Avenue North due to life safety and operational concerns.

STAFF RECOMMENDATION

Planning staff recommends **disapproval** for the reasons stated by Public Works staff, and since closing this portion of 12th Avenue North would limit access in the area. Twelfth Avenue North provides a direct connection for two-way traffic from Broadway to Charlotte Avenue – the only one in this immediate area.

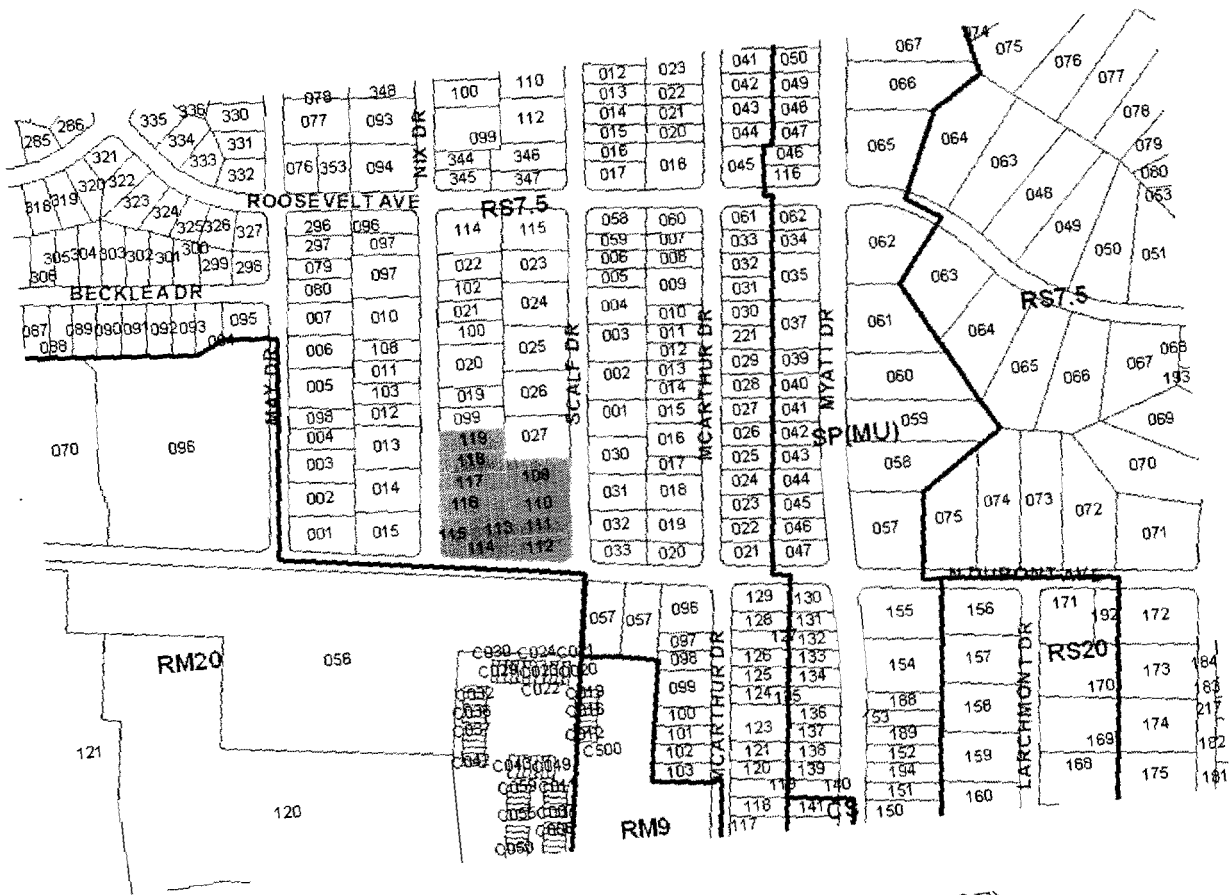
CONDITION (If approved)

1. Easement rights must be retained for a 12” Water and 12” sewer line.

SEE NEXT PAGE

PLANNING COMMISSION ACTIONS

- **Final Plats**



2001S-116G-04
MARDALEE SUBDIVISION (ACCEPTANCE OF FEE IN LIEU OF)
 Map 043-10, Parcel(s) 109-119
 Madison
 09 - Jim Forkum



Project No.	Subdivision 2001S-116G-04
Project Name	Mardalee Subdivision
Council District	9 – Forkum
School District	3 – North
Requested by	Public Works Department
Staff Reviewer	Bernards
Staff Recommendation	<i>Approve with a condition</i>

APPLICANT REQUEST

Amend conditions of approval.

Final Plat

A request to amend the conditions of approval to accept a financial contribution in lieu of constructing public sidewalks in the Mardalee Subdivision, located at 157, 161, 165 and 169 Scalf Drive, 801, 805 and 809 N. Dupont Avenue, and at 192, 196, 200 and 204 Nix Drive, zoned RS7.5 (2.47 acres).

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This eleven lot subdivision was approved in June 2001. Sidewalks were required on Nix Drive, North Dupont Avenue and Scalf Drive. A variance to the Subdivision Regulations was granted in December 2001, and sidewalks were not required on North Dupont Avenue. A bond was posted for the required sidewalks along Nix Drive and Scalf Drive.

The bond has been collected but the amount is insufficient to complete the infrastructure. There are no sidewalks in the immediate area and this subdivision would have qualified for the in lieu fee option if it had been available at the time. Both Metro Legal and Public Works staff are recommending that the condition of approval to construct sidewalks be amended to allow for the funds to be used towards sidewalks within the same pedestrian benefit zone. The sidewalks would remain on the plat. This amendment would ensure sidewalks would be built in due course according to the sidewalk priority index but no longer tie the funds to this particular subdivision.

STAFF RECOMMENDATION

Staff recommends approval of changing the conditions of approval of the Mardalee Subdivision.



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CONDITION

1. The \$21,489. collected bond amount shall be contributed to the Pedestrian Benefit Zone in lieu of construction of the required sidewalks.

SEE NEXT PAGE



2003S-274U-05
MARTIN SUBDIVISION (ACCEPTANCE OF FEE IN LIEU OF)
Map 073-01, Parcel(s) 166, 280-281
Map 073-05, Parcel(s) 218
East Nashville
07 - Erik Cole



Project No.	Subdivision 2003S-274U-05
Project Name	Martin Subdivision
Council District	7 - Cole
School District	5 - Porter
Requested by	Public Works Department
Staff Reviewer	Bernards
Staff Recommendation	<i>Approve with a condition</i>

APPLICANT REQUEST

Amend conditions of approval.

Final Plat

A request to amend the conditions of approval to accept a financial contribution in lieu of constructing public sidewalks in the Martin Subdivision, located at 1901, 1905 and 1909 Warden Drive and at 2008 Avalon Drive, zoned RS10 (1.48 acres).

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This four lot subdivision was approved in January 2004. Sidewalks were required on Warden Drive and Avalon Drive. A variance to the Subdivision Regulations was requested for the required sidewalks but was not granted by the Planning Commission. A bond was posted for the sidewalks.

The bond has been collected but the amount is insufficient to complete the infrastructure. There are no sidewalks in the immediate area and this subdivision would have qualified for the in lieu fee option if it had been available at the time. Both Metro Legal and Public Works staff are recommending that the condition of approval to construct sidewalks be amended to allow for the funds to be used towards sidewalks within the same pedestrian benefit zone. The sidewalks would remain on the plat. This amendment would ensure sidewalks would be built in due course according to the sidewalk priority index but no longer tie the funds to this particular subdivision.

STAFF RECOMMENDATION

Staff recommends approval of changing the conditions of approval of the Martin Subdivision.

CONDITION

1. The \$29,000. collected bond amount shall be contributed to the Pedestrian Benefit Zone in lieu of construction of the required sidewalks.



Project No.	Subdivision 2005S-232G-04
Project Name	Keels Subdivision
Council District	9 – Forkum
School District	3 – North
Requested by	Public Works Department
Staff Reviewer	Bernards
Staff Recommendation	<i>Approve with a condition</i>

APPLICANT REQUEST

Amend conditions of approval.

Final Plat

A request to amend the conditions of approval to accept a financial contribution in lieu of constructing public sidewalks in the Keel Subdivision, located at 105 and 107 Sarver Avenue, zoned RS7.5 (.87 acres).

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This two lot subdivision was approved in August 2005. Sidewalks were required on Sarver Avenue. A variance to the Subdivision Regulations was requested for the required sidewalks but was not granted by the Planning Commission. A bond was posted for the sidewalks.

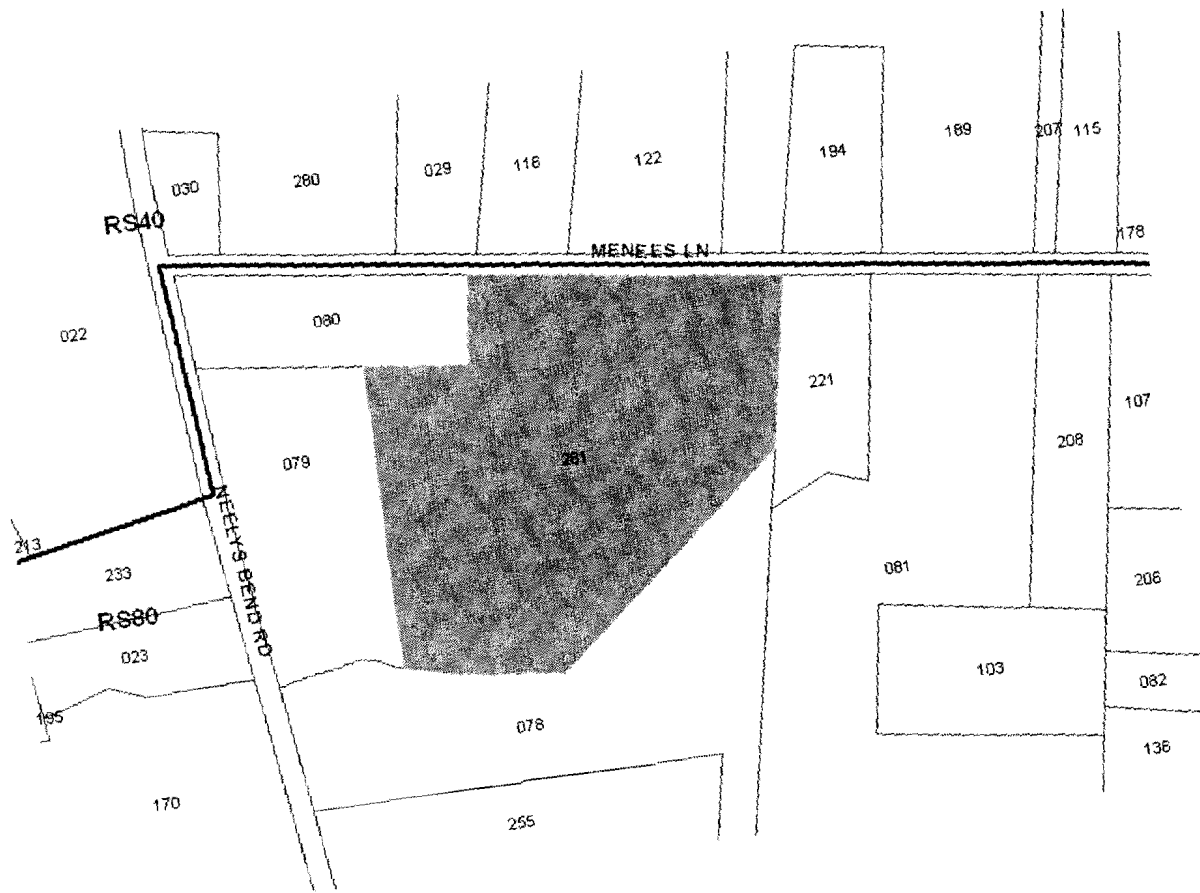
The bond has been collected but the amount is insufficient to complete the infrastructure. There are no sidewalks in the immediate area and this subdivision did qualify for the in lieu fee option at the time of approval. Both Metro Legal and Public Works staff are recommending that the condition of approval to construct sidewalks be amended to allow for the funds to be used towards sidewalks within the same pedestrian benefit zone. The sidewalks would remain on the plat. This amendment would ensure sidewalks would be built in due course according to the sidewalk priority index but no longer tie the funds to this particular subdivision.

STAFF RECOMMENDATION

Staff recommends approval of changing the conditions of approval of the Keels Subdivision.

CONDITION

1. The \$5,000. collected bond amount shall be contributed to the Pedestrian Benefit Zone in lieu of construction of the required sidewalks.



2010S-109-001
BRENDA RECTOR PROPERTY
Map 063, Parcel(s) 281
Madison
09 - Jim Forkum



Project No.	Subdivision 2010S-109-001
Project Name	Brenda Rector Property
Council District	9 – Jim Forkum
School Board District	3 – Mark North
Requested By	Brenda Rector, owner and Benny M. Cantrell Surveyor
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with condition</i>

APPLICANT REQUEST

Final plat to create three new lots.

Final Plat Approval

A request for final plat approval to create three lots on a portion of property located at Menees Lane (unnumbered), approximately 690 feet east of Neelys Bend Road (6.02 acres), zoned Single-Family Residential (RS80).

Zoning

RS80 District

RS80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre.

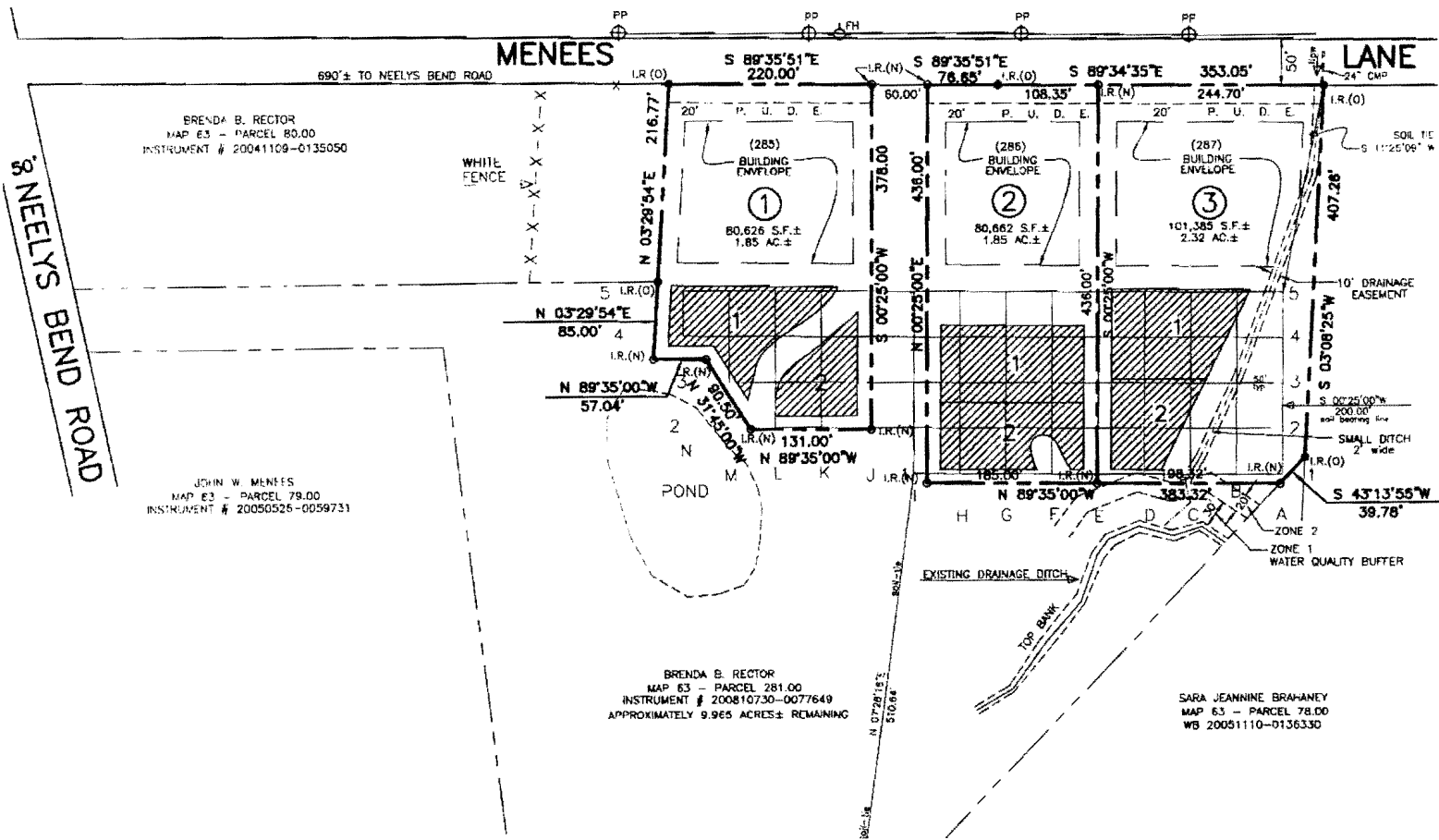
SUBDIVISION DETAILS

This is a request to create three new lots out of a parcel containing approximately 15.37 acres. The property is located in Neely's Bend, southeast of the intersection of Neely's Bend Road and Menees Lane. Currently there are no residential structures on the property and it is classified as farm land.

The plat identifies three new lots located along Menees Lane. As proposed the lots meet the minimum requirements for the RS80 zoning district and contain the following land area:

- Lot 1: ~80,626 square feet;
- Lot 2: ~80,662 square feet;
- Lot 3: ~101,385 square feet.

The remaining nine acres, which will continue to be a parcel, complies with all applicable regulations. A lot comparability analysis was not conducted as the surrounding area is not predominantly developed. Public sewer is not located in the area so septic is required. The plat has received preliminary approval from Metro Health Department, and will require final approval prior to the recording of the plat. Sidewalks are not required because



BRENDA B. RECTOR
 MAP 63 - PARCEL 80.00
 INSTRUMENT # 20041109-0135050

JOHN W. MENEES
 MAP 63 - PARCEL 78.00
 INSTRUMENT # 20050526-0059731

BRENDA B. RECTOR
 MAP 63 - PARCEL 281.00
 INSTRUMENT # 200810730-0077649
 APPROXIMATELY 9.965 ACRES ± REMAINING

SARA JEANNINE BRAHANEY
 MAP 63 - PARCEL 78.00
 WB 20051110-0136330



Metro Planning Commission Meeting of 01/13/2011

the property is within the General Service District and the Sidewalk Priority Index score is less than twenty.

**STORMWATER
RECOMMENDATION**

Approved

**PUBLIC WORKS
RECOMMENDATION**

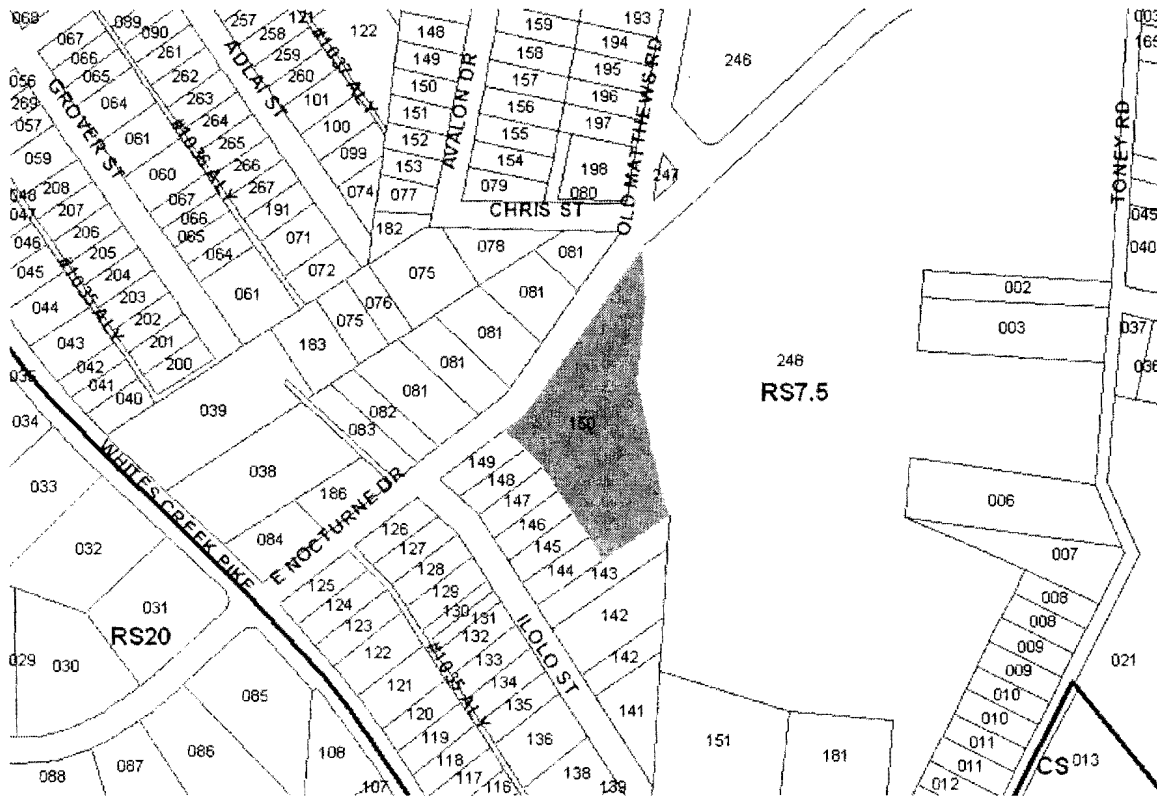
No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends that the final plat for three lots be approved with a condition. As proposed the subdivision is consistent with all applicable zoning and subdivision requirements.

CONDITION

1. Prior to recordation of the plat, final approval from the Metro Health Department shall be required.



2010S-113-001
 HAYNIE'S DEWEY HEIGHTS, RESUB LOT 49
 Map 070-04, Parcel(s) 150
 Bordeaux - Whites Creek
 02 - Frank R. Harrison



Project No. Subdivision 2010S-113-001
Project Name Haynie's Dewey Heights, Resub Lot 49
Council District 2 – Harrison
School District 1 – Gentry
Requested by Quarterhorse Construction, LLC, owner, Tommy Walker, surveyor

Staff Reviewer Johnson
Staff Recommendation *Approve with a condition*

APPLICANT REQUEST

Final plat to create three lots

Final Plat

A request for final plat approval to create three lots on property located at E. Nocturne Drive (unnumbered), approximately 560 feet north of Whites Creek Pike (2.02 acres), zoned Single-Family Residential (RS7.5).

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

Final Plat

The applicant requests final plat approval for a three lot subdivision on Nocturne Drive. Subdivisions of three lots or more must be approved by the Metro Planning Commission.

All three lots meet the lot comparability requirements for both area and frontage, as well as applicable requirements of the Nashville Subdivision Regulations and the Metro Zoning Code. Sidewalks are required on two of the lots. These need to be shown on the plat.

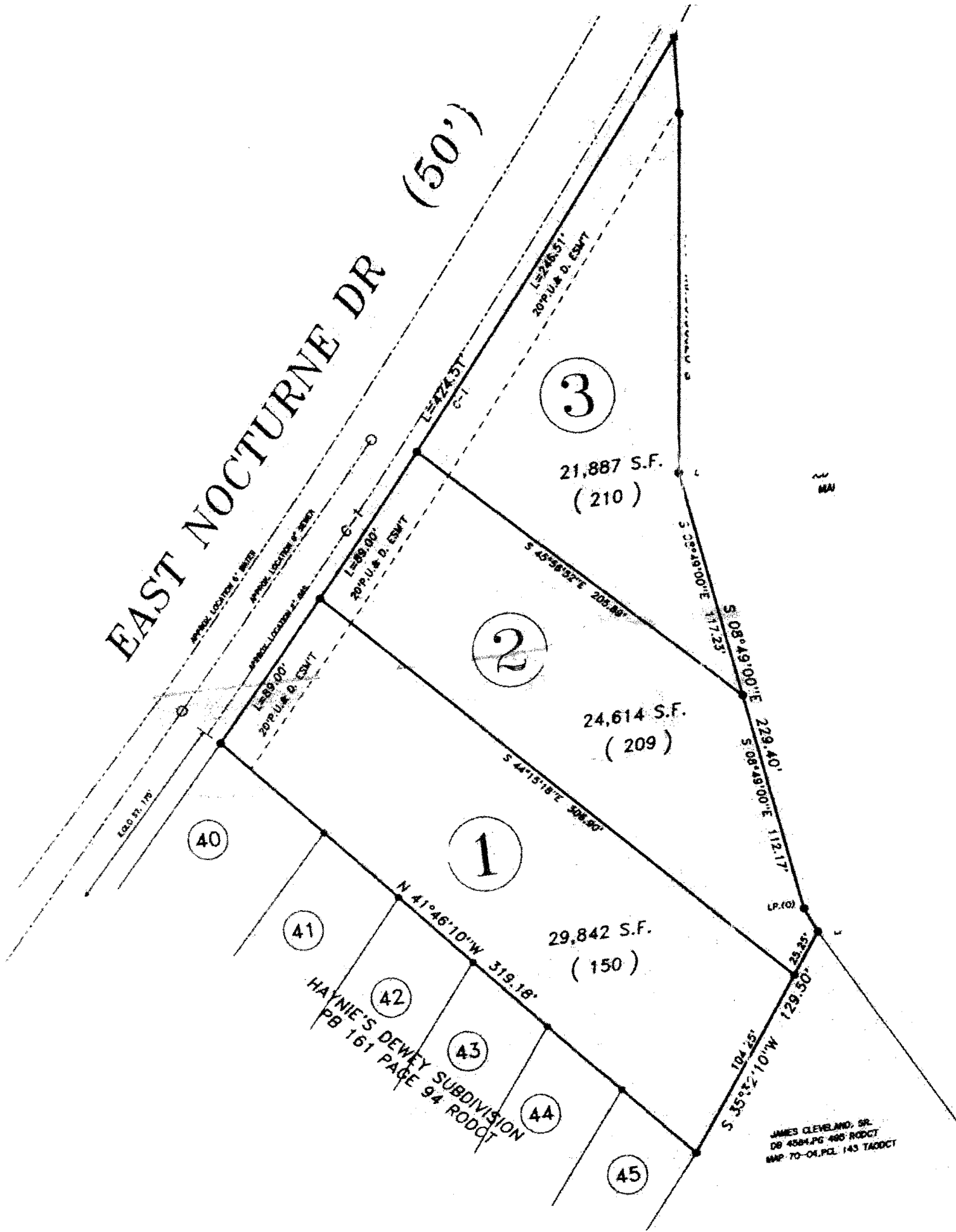
Lot Comparability

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

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
Nocturne Drive	10,081	88.2

EAST NOCTURNE DR (50')



3

21,887 S.F.
(210)

2

24,614 S.F.
(209)

1

29,842 S.F.
(150)

40

41

42

43

44

45

HAYNIE'S DEWEY SUBDIVISION
PB 161 PAGE 94 RODCT

JAMES CLEVELAND, SR.
DB 4584 PG 465 RODCT
MAP 70-04 PCL 143 TAODCT



Metro Planning Commission Meeting of 01/13/2011

The proposed the lots have the following areas and frontage lengths:

- Lot 1: 29,842 square feet, 89 feet of frontage
- Lot 2: 24,614 square feet, 89 feet of frontage
- Lot 3: 21,887 square feet, 256.51 feet of frontage

Sidewalks

Sidewalks are not present on the project site. Because the project site is located within an area with a Sidewalk Priority Index (SPI) score of greater than 20, the sidewalk provisions of the Subdivision Regulations apply. The applicant has several options, which are included in the condition of approval related to sidewalks.

1. The applicant may construct sidewalk along the Nocturne Drive street frontage of two of the new lots. The proposed location of the sidewalk must be shown on the plat.
2. The applicant may post a bond with the Planning Department for the construction of sidewalks. The proposed location of the sidewalk must be shown on the plat.
3. In lieu of sidewalk construction or posting of bond, the applicant may submit a payment to Public Works, to be used for the implementation of the Strategic Plan for Sidewalk Capital Improvements.
4. The applicant may add a note to the plat stating: "No building permit is to be issued until the proposed sidewalk is constructed per the Department of Public Works' specifications." The proposed location of the sidewalk must be shown on the plat.

STORMWATER RECOMMENDATION

1. Add Purpose Note to plat.
2. Add Access Note to plat.



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STAFF RECOMMENDATION

Staff recommends approval with a condition.

CONDITION

1. Sidewalks shall be shown along the Nocturne Drive frontage for two of the lots. Prior to the recording of this plat, one of the following four options must be implemented
 - a. Submittal of a bond application and posting of a bond with the Planning Department for the sidewalk;
 - b. Submittal of payment in-lieu of construction of the sidewalk to the Department of Public Works;
 - c. Construction of sidewalk and including its acceptance by Public Works; or
 - d. The addition of the following note to the plat:
"No building permit is to be issued until the proposed sidewalk is constructed per the Department of Public Works' specifications."