

Metropolitan Planning Commission

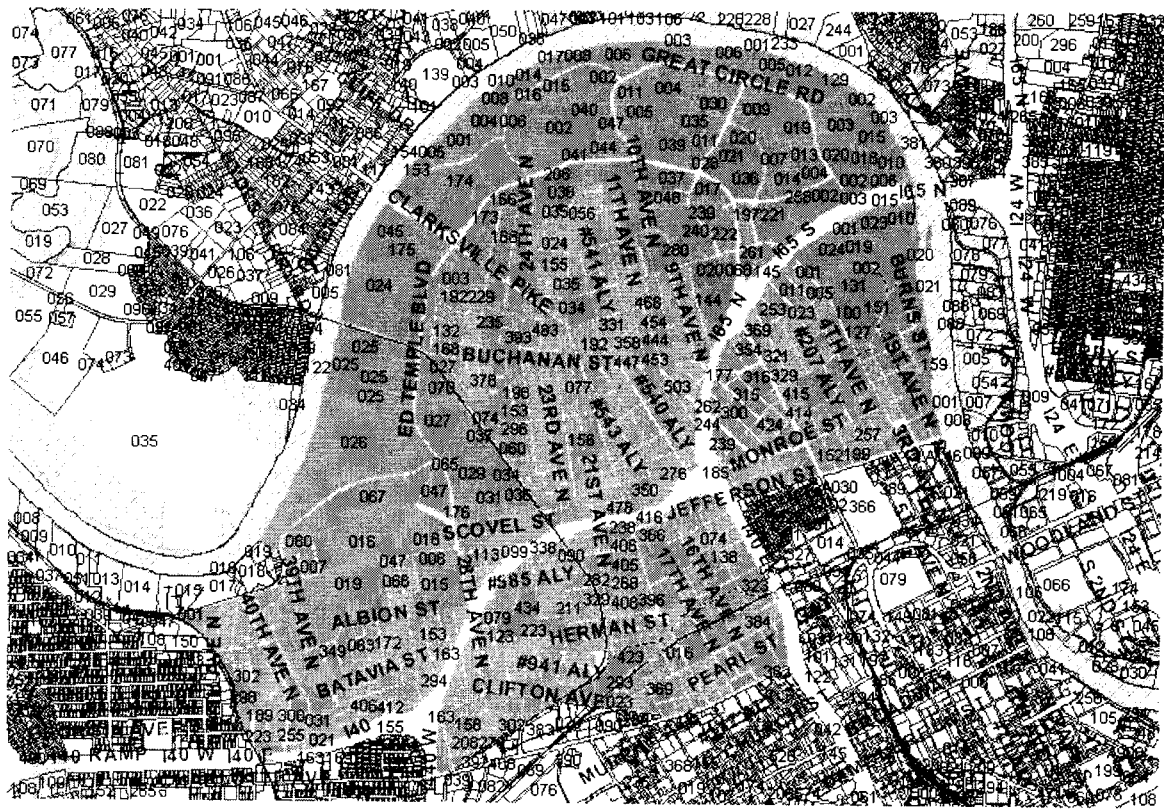


Staff Reports

January 27, 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.

**COMMUNITY PLAN
AMENDMENT**



2010CP-008-001

CP 8: NORTH NASHVILLE: 2010 UPDATE

Maps Various, Parcels Various

North Nashville

2 – Frank Harrison, 19 - Erica Gilmore, 21 – Edith Langster



Project No. 2010CP-008-001
Project Name *North Nashville Community Plan: 2010 Update*
Council District 2 – Harrison, 19 – Gilmore, 21 – Langster
School Districts 1 – Gentry, 7 - Kindall
Requested by Metro Planning Department

Staff Reviewer Adams
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

A request to adopt the *North Nashville Community Plan: 2010 Update.*

Amend the Community Plan

A request to amend the North Nashville Community Plan, updating the land use policies applied in 2002 to 4,838 acres (including parcels and right-of-way) contained in the North Nashville Community, also referred to as Subarea 8.

CRITICAL PLANNING GOALS

The North Nashville Community Plan Update meets the following critical planning goals through the application of Community Character Policies.

Preserves Sensitive Environmental Features

The North Nashville Community Plan seeks to preserve environmentally sensitive features through the application of Conservation Policy along areas of steep slopes, problem soils and floodplain and floodway in the North Nashville community. The Conservation Policy encourages the preservation and remediation of environmentally sensitive features.

Creates Open Space

The North Nashville community's open space network is diverse and ample; North Nashville has several mini/pocket parks, neighborhood parks, community parks, regional parks, and open space associated with greenways and prominent civic uses. The 2010 Plan Update recommends providing other unique open spaces in the form of community gardens, providing additional mini/pocket parks, as well as preserving and enhancing open space associated with civic uses such as schools and community centers.

Creates Walkable Neighborhoods

The North Nashville community has neighborhoods that are considered walkable; they boast a well connected and linear street network, sidewalks, and a mixture of building types at various densities and intensities located at the street. Where those characteristics are not present, the Community Plan encourages enhancements through the Neighborhood Community Character Policies. In non-



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Supports a Variety of Transportation Choices

residential areas, Center and Corridor Community Character Policies provide design guidance on building placement, parking, and access in order to enhance the pedestrian environment in centers and along corridors.

The Transportation Chapter of this plan also encourages the creation of walkable neighborhoods through recommendations for sidewalks, crosswalks, and street connectivity throughout North Nashville.

Provides a Range of Housing Choices

The North Nashville community has several major corridors that traverse the community. The Corridor Community Character Policies applied to these and other streets in the community emphasize multi-modal transportation options that accommodate vehicles, mass transit, bicyclist, and pedestrians.

Similar to open space, the North Nashville community's housing choices are diverse and ample and are affordable. There are portions of the North Nashville community where neighborhoods struggle with dilapidated housing, high vacancies, and/or a disproportionately high number of rental properties.

To foster the creation of strong neighborhoods with a range of housing choices, the Community Plan makes the distinction between urban and suburban neighborhoods, evolving and maintenance neighborhoods, and infill areas where additional density and building types are also appropriate.

Supports Infill Development

Rather than limit residential infill to corridors, centers, and neighborhoods that are considered to be Evolving Neighborhoods, the North Nashville Community Plan also encourages residential infill development *throughout* the community, including neighborhoods considered to be Maintenance Neighborhoods. This was intentionally done to encourage residential infill in areas where the development pattern is established, but the area continues to struggle with dilapidated housing and high vacancies. Infill in these areas is encouraged to be considerate of the surrounding development pattern with regard to site location, building placement and massing and scale.

The North Nashville Community Plan Update also encourages non-residential infill along corridors and in centers, by including design and redevelopment guidance



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that recognizes the physical and market constraints that may be present in these areas.

Promotes Compact Building Design

The North Nashville Community Plan supports compact building design in its Corridor and Center Policies. These policies recognize the development constraints present within an urban and developed community like North Nashville, and provide guidance on building placement and parking location for better utilization of constrained sites.

The Corridor and Center community character policies are broad enough that they do not preclude innovative design techniques that are used to minimize sprawl. Structured parking, shared parking, and vertical mixed-use buildings are all compact building design elements that are accommodated in the North Nashville Community Plan.

Preserves Historic Resources

The North Nashville community contains properties, structures, and places that are listed on the National Register of Historic Properties that are eligible for the National Register, or are considered Worthy of Conservation by the Metropolitan Historic Commission. The plan recognizes those historic places, structures, and districts through Special Policies.

Those policies recommend collaboration with the Metropolitan Historic Commission to coordinate the adaptive reuse of such structures, and/or to minimize impacts to historic properties in the event that development occurs in their vicinity.

Encourages Community Participation

Community participation was encouraged throughout the North Nashville Plan Update process and in future implementation. The North Nashville Community Plan Update utilized outreach methods that were tailored to the stakeholders in this community (see below). The North Nashville Community Plan promotes the stakeholders' stewardship of the community plan after its adoption by including a detailed section on community-guided implementation complete with resources and an implementation guide.

NORTH NASHVILLE PLAN UPDATE COMMUNITY PARTICIPATION

Staff conducted 10 community meetings in North Nashville between January 26 and September 16, 2010. The community meetings included workshops to develop and assess the vision and goals, concept plan, community character policy plan, and the open space and transportation



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plans. Open house meetings allowed stakeholders to speak informally with planners and ask questions regarding the vision, goals, and community character policies.

Community meetings were held from 3 pm to 5 pm and repeated from 6 pm to 8 pm to cater to the seniors, parents, and working professionals in the community.

Planning staff also were interviewed on local radio stations and stayed in consistent contact with television and print media outlets. The staff held separate stakeholder meetings with neighborhood leaders, developers, religious institutions, and universities to understand their individual needs and concerns. The staff also met with the individuals leading projects adjacent to the study area including the African American Museum of Music, Art, and Culture, the 28th Avenue Connector project, and the Gateway to Heritage landscape and beautification project. The team utilized newsletters to inform and educate stakeholders. The newsletters were emailed to stakeholders and distributed at community and neighborhood meetings.

Notification of community meetings was listed on the Planning Department's website and made public through radio, television, and newspaper media as well as an initial mailing to every property owner in the North Nashville Community. U.S Postal mail reminders were sent to stakeholders midway through the process in June 2010. Regular email reminders and updates were sent to stakeholders throughout the process.

Notification of the January 27th Metro Planning Commission Public Hearing for consideration of the North Nashville Plan Update was sent by email and by U.S. Postal mail to those who participated in the North Nashville Community Plan Update process. The public hearing was also listed on the Planning Department's website and made public through radio, television, and newspaper media.

HIGHLIGHTS

Community Character Policy and Special Policies

North Nashville Community Plan: 2010 Update

The North Nashville Community Plan Update is the third plan to use the Community Character Manual (CCM) and its Community Character Policies. The Community Character Policies emphasize the character of development, encourages sustainable development and design, and makes the link between transportation and land use.



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Community Character Policies

Applied

Conservation Community Character Policies

Conservation Policy is applied to environmentally sensitive areas – steep slopes, floodplain and floodway, and bodies of water among others. The Conservation Policies encourage the preservation of undeveloped environmentally sensitive areas, and the remediation of environmentally sensitive areas that have been disturbed. Environmentally sensitive land where Conservation policy has been applied accounts for 743 acres (15 percent) of the land in the North Nashville Community.

In the North Nashville Community, the majority of Conservation Policy is applied to the Cumberland River and the adjacent floodplain and floodway. The Community is bordered by the Cumberland River. Floodplain and floodway covers much of the Ted Rhodes Golf Course, Ted Rhodes Park, and the Tennessee State University Farm west of Clarksville Highway and small portions of Germantown and Salemtown south of Interstate 65. The Metro Center Levee safeguards most of Metro Center from flooding by the Cumberland River. During the May 2010 flooding, Ted Rhodes Golf Course and Park, and Tennessee State University farm were inundated, while other isolated areas of flooding were caused by over saturated land.

Steep slopes account for a small portion of Conservation Policy applied in the North Nashville and are found in isolated areas near Metro Center and the College Heights Neighborhood south of Tennessee State University.

Open Space Community Character Policies

Open Space in the North Nashville Community includes T3 Suburban Open Space to T4 Urban Open Space. The Open Space is very diverse with parks ranging from small pocket parks, to large community and regional parks. There are four mini/pocket parks, four neighborhood parks, one community park, and one regional park. Open Space policies in the North Nashville Community accounts for 449 acres or (9 percent) of the land area.

North Nashville stakeholders expressed general satisfaction with the open space/ park system. As a result, the Open Space Community Character Policies encourage the enhancement of existing open space (including more amenities for seniors and families) and pursuit of unique open space opportunities, rather than recommended locations for new parks.

North Nashville stakeholders were also pleased to learn of the existing Metro Center Greenway in the community and its



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planned extension west toward Tennessee State University; however the greenway was deemed inaccessible because of a lack of directional signage and easily accessible trailheads. The Open Space Policies recommend locations for additional trail access points and directional signage.

The North Nashville Community Plan also recommends Community Gardens in areas where land is either vacant or underutilized; this was also recommended to provide access to healthy food in a community plagued with food deserts.

Where additional open space is needed or an opportunity to provide more open space presents itself, the Community Character Policy, *Potential Open Space*, has been applied.

Neighborhood Community Character Policies

The North Nashville Community has a diverse selection of neighborhoods where Neighborhood Community Character Policies have been applied. These residential areas account for 2,041 acres (42 percent) of the land in the North Nashville Community. These neighborhoods are mostly urban in character with some suburban areas. Examples of T3 Suburban character areas include College Heights, Preston Taylor, Cumberland Gardens, and the residential area south of Metro Center.

A greater mixture of housing and in some cases greater density characterizes North Nashville's urban neighborhoods. Examples of T4 Urban Neighborhoods include Germantown, Salementown, Historic Buena Vista, and Buena Vista Heights.

The Neighborhood Community Character Policies applied throughout the T3 Suburban and T4 Urban Transect areas encourage either the maintenance or evolution of neighborhoods over time. Residential neighborhoods that are stable and that need only minor changes overtime should be maintained while neighborhoods where considerable changes over time are more appropriate are considered evolving.

Where opportunities exist for new development in maintenance neighborhoods, the Community Plan has identified "Infill Areas." These areas are discussed in the Special Policies. The infill areas provide guidance in creating compatible development in specific locations within in North Nashville's "maintenance" neighborhoods. The Community Plan also encourages appropriate infill *throughout* the community, to create opportunities for new development in neighborhoods that lack residential investment. Finally, the Community Plan recognized the growing need for home-based



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business opportunities and includes strategic areas where Live-Work land uses and building types were appropriate.

In all cases, the residential policies applied throughout the community encourage some level of housing choice and better connectivity to Centers, Corridors and Open Space.

Center Community Character Policies

Centers in the North Nashville Community exist in the T3 Suburban, T4 Urban, and T5 Center Transect categories. There are 157 acres of the North Nashville Community (3 percent of the total land area) where Centers Community Character Policies has been applied. Centers in North Nashville are distinctive due to their location at prominent intersections and along the peripheral of adjacent neighborhoods; however a stronger pedestrian environment and more diverse offering of commercial and retail could enhance their appeal to residents and visitors. Therefore, to encourage development in these areas, Center Community Character Policies were applied in strategic locations.

T3 Suburban and T4 Urban Neighborhood Centers were identified in practical locations within suburban and urban neighborhoods. These locations are generally where non-residential zoning and commercial land uses currently existed at the time of the update. Neighborhood Centers identified in the 2002 North Nashville Update where commercial land uses and/or zoning *did not* exist were not reintroduced in the 2010 update. This was an intentional strategy employed to strengthen commercial development in center and along corridors. The neighborhood centers are found in the Hadley Park, Germantown, Salemtown, and Buena Vista Heights neighborhoods.

T3 Suburban and T4 Urban Community Centers were identified as areas that currently served the community, but also had potential to serve communities adjacent to North Nashville. Located at major intersections ideal for “nodal” development, these community centers included the major intersections of 28th Avenue North/Jefferson Street and Rosa L. Parks Boulevard/Jefferson Street. These Centers were identified because of the locational assets and their growth potential due to significant forthcoming public and private investments either in or adjacent to the North Nashville Community.

The T3 Suburban Community Center that includes the retail portion of Metro Center is applied to the northern portion of Rosa L. Parks Boulevard and Metro Center’s Fountain Square



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complex. A greater mixture of land uses as envisioned by the T3 Community Center policy was ideal to North Nashville stakeholders.

The T5 Center Transect category encompasses a small portion of the North Nashville Community near Charlotte Pike and 28th Avenue North. This area is identified as a T5 Center Mixed Use Neighborhood. This area was identified as a mixed-use center because it generally relates to the Midtown area which includes Charlotte from I40 to I440. This area will also see greater development potential due to the planned 28th Avenue Connector.

The Center Community Character Policies encourage the enhancement of commercial centers into mixed-use centers. Community stakeholders repeatedly stated that they wanted to see the existing commercial centers and corridors revitalized. Therefore, rather than expanding commercial centers, infill and redevelopment of existing, underutilized commercial areas in North Nashville is the preferred alternative in North Nashville. Many of the centers in the North Nashville Community require considerable enhancement in order to create lively, mixed-use areas of activity as envisioned by the policy.

Corridor Community Character Policies

Mixed-use corridors are the most prevalent corridor type in the North Nashville Community. A mixed-use corridor contains land uses ranging from residential to commercial. The uses may be vertically mixed in a stand-alone building or designed as a mixture of uses on a single site. Residential corridors in North Nashville are those corridors that have primarily residential and civic/public benefit land uses along them.

T3 Suburban and T4 Urban Residential Corridor Community Character Policies and Mixed Use Corridor Community Character Policies were applied to Jefferson Street, Buchanan Street, 28th Avenue North, Rosa L. Parks Boulevard, Clarksville Highway, Dr. D.B. Todd Boulevard, and a small portion of Charlotte Pike on the southern edge of the community. These policies cover 262 acres (5 percent) of land in the North Nashville Community.

The corridors in the North Nashville community serve primarily a local transportation function; however corridors like Clarksville Highway, 28th Avenue North, and Rosa L. Parks Boulevard play a more noticeable regional



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transportation role. For those corridors, the focus is the movement of goods, services, and people throughout the region, while also providing access to destinations *within* the North Nashville Community. Corridors serving the neighborhood and/or community may pay more attention to providing safe and accessible thoroughways for daily travelers while also accommodating land uses that create sustainable and complete neighborhoods.

The Corridor Community Character Policies encourage development that would support unique transit options such as local shuttle services and transit routes to and from major university and medical centers. Housing options and mixed-use development are development types allowed in these policy areas that would also support transit. Additional development along these corridors would encourage their use as a destination in the North Nashville Community, rather than just a route to other communities.

Districts

District Community Character Policies are applied to the major employment centers and areas of single-use development. In the North Nashville Community, office, major institutional (medical and educational), and industrial districts cover 1,183 acres (25 percent) of the community. The districts include undeveloped land that lends itself to development opportunities, newer development that appeals to new businesses and industries, and historic buildings that have evolved from their industrial land use over time or those that are primed to be restored to accommodate innovative industrial operations targeted toward the “green” industry.

Institutional District Policy covers the campuses of Tennessee State University, Fisk University, Meharry Medical College, Watkins College of Art, Design and Film, the Dominican Convent, and the Metro General Hospital campus. Industrial District Policy covers areas in Metro Center, Tomorrow’s Hope Neighborhood on the western fridge of the community, and areas in the Fisk-Meharry neighborhood adjacent to the CSX Railroad. Office District Policy is also applied in the Metro Center Area.

District Community Character Policies encourage consistent design and form within the district. Districts that cater to major institutional land uses are encouraged to have appropriate transitions to the neighborhood surrounding them. More intrusive land uses found in industrial districts should be well buffered and separated from less intense areas.



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Transportation Element

The North Nashville Community Transportation Plan's strategy is to create a complete transportation network by providing recommendations for major and minor streets, transit, bikeways, sidewalks, and multi-use paths and greenways.

- The Major/Collector Street Plan (MCSP) is being updated at the same time that the North Nashville Community Plan Update is occurring. The updated MCSP focuses on creating context-sensitive, complete streets – streets that are designed to reflect their context (rural, suburban, urban) and that are accessible to multiple users (pedestrians, cyclists, transit, vehicles, etc.)

Because the MCSP and North Nashville Community Plan were being updated simultaneously, Planning staff discussed the new street designations with North Nashville staff. The draft recommendations made in the MCSP are incorporated into the North Nashville Update, but are noted as “draft” recommendations until the MCSP is adopted. The MCSP is slated for adoption in February, 2010. At that time, the North Nashville Community Plan will be adjusted to reflect the 2010 MCSP recommendations as final recommendations.

- The North Nashville Community Plan includes all of the North Nashville-related roadway projects found in the RTP (Regional Transportation Plan) and in the TIP (Transportation Improvement Projects) (TIP). These plans were also being updated during the North Nashville Community Plan Update process. In some cases, the North Nashville Community Plan includes additional recommendations on these projects – recommendations that reflect what staff heard from the community about these projects.

The RTP projects mentioned dealt mostly with adding HOV lanes to interstate systems near or adjacent to the North Nashville Study area. The plan recommends considering sound walls or landscaping to buffer the interstate from adjacent neighborhoods. TIP recommendations include intersection and interstate ramp improvements in the study area, as well as connections for the Metro Center Greenway system.

- The Community Plan makes recommendations for local street connections. Local street connections are identified in the Watkins Park neighborhood, Tomorrow's Hope



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Neighborhood, and near Rosa L. Parks Boulevard in the Salementown neighborhood. These are highlighted in throughout the various community character policies and details are found in the Chapter III Transportation portion of the plan.

- The Community Plan took into consideration the long range plans of the MPO (Metropolitan Planning Organization) and MTA (Metro Transit Authority). Recommendations based on these plans included using underutilized rail lines for commuter rail, implementing the mini-hub concept for bus transit, and implementing transit routes to connect universities and other employment centers throughout the community and adjacent areas.
- The Community Plan identified Civic Connectors throughout the community. Civic Connectors identify routes along local and major streets that connect civic and public benefit land uses. These routes are areas where sidewalks, crosswalks, and other pedestrian friendly amenities are considered a top priority.
- The Metro Center Levee Greenway is being extended west toward Tennessee State University. Greenway connections from its existing terminus in Metro Center, through Tennessee State University property, to a future terminus at Boyd Park are recommended in the Plan.

Open Space Element

The North Nashville Community Plan makes recommendations for the preservation of existing open space and the creation of limited, new open space.

- Open space in the North Nashville Community includes mini/pocket parks, neighborhood parks, regional parks, community parks and Metro Nashville school parks. North Nashville has ample park space and therefore only three areas were in need of additional park space in the form of mini/pocket parks: the Fisk-Meharry neighborhood, Tomorrow's Hope neighborhood, and the Buena Vista Heights neighborhood.
- Community Gardens are recommended to provide recreational and social benefits and to provide access to healthy food in a community that is a known "food deserts." A discussion of community gardens and a map showing potential properties for community gardens is located in the Chapter IV, Open Space.



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Plan Implementation

The North Nashville Community Plan Update has a strong emphasis on plan implementation. The North Nashville Stakeholders charged the staff early on to create a document that could be utilized in future community-based implementation efforts. The following details were included in Chapter V, Implementation.

- ❑ The community plan discusses in detail the roles of public, private, and community sectors in implementation of the community plan. It also discusses the primary function of the community plan which is to guide zoning, subdivision, capital improvement budget, and land use decisions. Other elements of community development may be addressed in the community plan, but are best championed by the community.
- ❑ North Nashville stakeholders were involved in an Implementation workshop where implementation priorities were identified. Economic Development, Residential Development and Youth and Community Development were the three focus areas for the workshop. Priorities in each of these areas and strategies for accomplishing these goals are clearly defined and recommendations for pursuing them are outlined in the Implementation Chapter.
- ❑ Resources ranging from Metropolitan Nashville Government to Non-Profits are provided in the Implementation Chapter and their primary function and contact information are included. This is to aid the community in the creation of partnerships to pursue any implementation goals. An Implementation Guide is also included to track short, medium and long-range actions by the public, private, and community sectors throughout the planning period.
- ❑ Implementation through detailed design analysis and zoning was recommended for the Jefferson Street Corridor. Strategies for successful corridor redevelopment are discussed including: examination of the market, demographic analysis of adjacent neighborhoods, and focusing redevelopment in areas with land use anchors.
- ❑ North Nashville Stakeholders, particularly those in the development community, stressed the need for more economic development incentives. As a result, Planning Staff is recommending the following incentive – the Planning Department would “sponsor” (charge no fee) for zone changes in areas throughout the County defined as



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“economically disadvantaged.” To qualify, the zone change would be required to use a site-plan based zoning district (SP, UDO or PUD) and would be required to implement the goals and objectives of the community plan.

CHANGES SINCE THE STATIC DRAFT PLAN WAS POSTED

Planning staff posted the draft *North Nashville Community Plan: 2010 Update* on November 10, 2010, and indicated to community stakeholders that while comments and suggestions were still welcome, no changes would be made to that document until changes were proposed at Planning Commission. Staff has found that posting a “static” draft prior to Planning Commission hearing is helpful to the community because then everyone is responding to the same document.

During the time that the static version of the draft plan was posted, community comments and new information from stakeholders has prompted the following changes. These changes have been added as conditions of approval.

1. Inclusion of North Nashville related projects from the Metropolitan Planning Organization’s (MPO) Regional Transportation Plan and Transportation Improvement Plan after the MPO adopted these plans in December, 2010.
2. Amendments to the street plan in the North Nashville Community Plan, which change 9th Ave. N and Dominican to collector streets rather than local streets. This change prompted by a request from Metro Public Works during the Major and Collector Street Plan update process.
3. Amendments to the Community Character Policies on 28th Ave. N. – *this was to be discussed with the community at the January 11 Open House, which was postponed to January 20 due to inclement weather.*
4. Amendments to the Community Character Policies near D.B. Todd at TSU – *this was to be discussed with the community at the January 11 Open House, which was postponed to January 20 due to inclement weather.*



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STAFF RECOMMENDATION

Approve the *North Nashville Community Plan: 2010 Update* with the following conditions:

1. North Nashville related projects from the Metropolitan Planning Organization's (MPO) Regional Transportation Plan and Transportation Improvement Plan shall be added.
2. Amendments to the Community Character Policies on 28th Ave. N. shall be added.
3. Amendments to the Community Character Policies near D.B. Todd at TSU shall be added.
4. The North Nashville Community Plan: 2010 Update shall be amended by way of a housekeeping amendment after the adoption of the MCSP (Major Collector Street Plan) to reflect the MCSP and its recommendations for major streets in the North Nashville Community, also referred to as Subarea 8.

RECOMMENDATIONS TO THE METRO COUNCIL

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

NO SKETCH



Project No.	Text Amendment 2009Z-032TX-001
Project Name	Home Occupation: Beauty/Barber Shop
Council Bill	BL2010-754
Council District	Countywide
School District	Countywide
Requested by	Councilmember Bruce Stanley
Staff Reviewer	Regen
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Permit cosmetology and barber shops as home occupation uses.

Text Amendment

A request to amend Section 17.16.250 of the Metro Zoning Code to permit cosmetologists and barbers as home occupations in residential zoning districts.

CRITICAL PLANNING GOALS

N/A

APPLICATION DETAILS

This request is to allow a cosmetologist or barber as a home occupation. The business would be allowed to have one chair in which to cut or style hair with no more than two customers on the premises at any one time. On January 4, 2011, the bill was amended by Metro Council, prior to its adoption on 2nd reading. The amendment states that only the property owner can work on the premises. Hence, no other individual other than the property owner could work at the barber or cosmetology shop. A person who rents a home or apartment could not operate a shop.

Analysis

The current home occupation standards in the Zoning Code prohibit customers coming to the property operating a home occupation business. Additionally, home occupations are prohibited from having a sign advertising the business. This proposed amendment would allow customers on-site for a cosmetologist or barber, but no other home occupation (e.g. lawyer, accountant, bookkeeper).

While the text amendment does not specifically permit signs, Chapter 62-4-126 of the Tennessee Code requires a sign identifying the barber or cosmetology shop. The law states the sign must be clearly visible from the street, yet provides no minimum or maximum sign dimensions. A similar state law applies to realtors who work from their homes. The Zoning Administrator has indicated that if this bill were adopted, a barber or beauty shop would get



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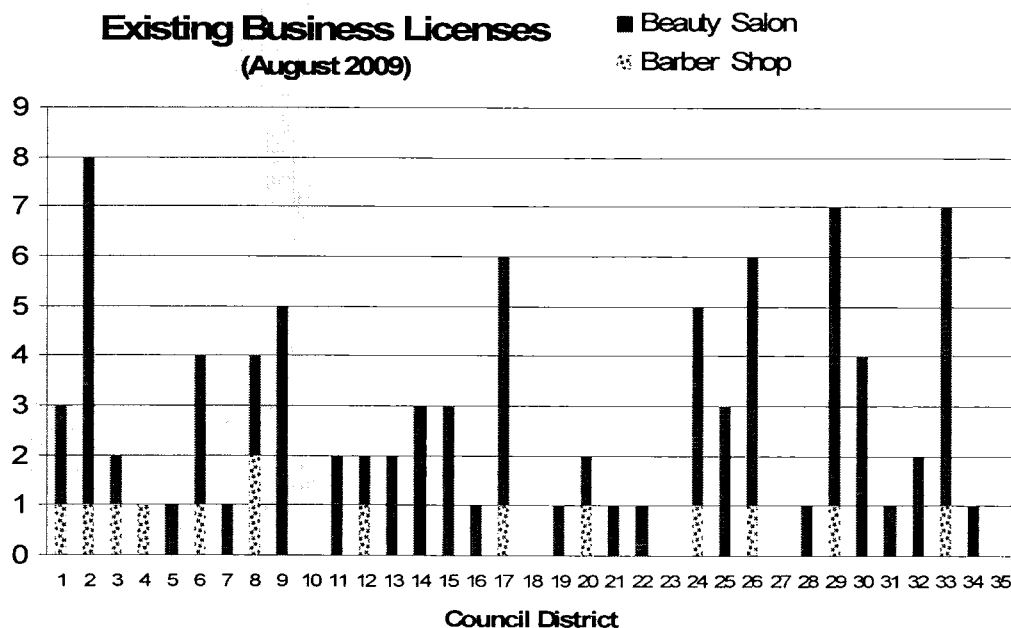
the same size sign as a realtor – a one by one foot sign. The intent of a home occupation use is not to receive drive-by business, but instead, word of mouth referrals from clients. Therefore, a larger sign is unnecessary given the limited size and scope of the proposed beauty/barber shop home occupation use.

Business Licenses

In August 2009, staff requested and received business license data from the Metro County Clerk. According to that data, a business license had been granted to a total of 90 barber shops and beauty salons in residential zoning districts (14 barber shops and 76 beauty salons). The State of Tennessee business license application requires the business license to be issued for the location at which the business will be conducted. None of these barber shops or beauty salons has received a zoning permit since the use is currently prohibited by the Zoning Code.

Staff analyzed the County Clerk's data further by Council district and zoning district. The graphs below display those results. The data revealed that beauty salons represent 80 percent of issued licenses while 84 percent of **all** issued licenses (beauty and barber) were for properties within an R or RS zoning district.

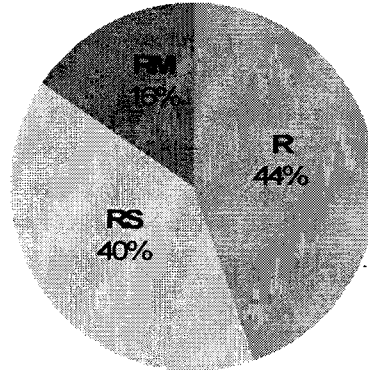
Existing Business Licenses
(August 2009)





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Barber Shop & Beauty Salon (Business Licenses by Residential Zoning District)



August 2009

STAFF RECOMMENDATION

Staff recommends approval of this proposed text amendment. It recognizes the evolution home occupation businesses, particularly with the beauty salon and barber shop business. In addition, the Codes Department has indicated there have been no complaints received about beauty salon and barber shop businesses in residential areas.



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ORDINANCE NO. BL2010-754

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending Section 17.16.250 pertaining to cosmetology and barber shops as a home occupation accessory use in residential districts, all of which is more particularly described herein (Proposal No. 2009Z-032TX-001).

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

Section 1. That Section 17.15.250 of the Metropolitan Code is hereby amended by deleting subsection C.1. in its entirety and substituting with the following new subsection C.1.:

~~“1. The home occupation shall be conducted in a dwelling unit or accessory building by one or more occupants of the dwelling unit. Except for cosmetology and barber shops, no clients or patrons may be served on the property. Cosmetology and barber shops shall be allowed to have one chair available to service customers, and no more than two customers shall be allowed on the premises at any one time. No more than one part-time or full-time employee not living within the dwelling may work at the home occupation location.”~~

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

**Amendment No. 1
To
Ordinance No. BL2010-754**

Madam President:

I move to amend Ordinance No. BL2010-754 by deleting Section 1 in its entirety and substituting with the following new Section 1:

Section 1. That Section 17.16.250 of the Metropolitan Code is hereby amended by deleting subsection C.1. in its entirety and substituting with the following new subsection C.1.:

“1. The home occupation shall be conducted in a dwelling unit or accessory building by one or more occupants of the dwelling unit. Except for cosmetology and barber shops, no clients or patrons may be served on the property and no more than one part-time or full-time employee not living within the dwelling may work at the home occupation location. Cosmetology and barber shops shall be allowed to have one chair available to service customers, and no more than two customers shall be allowed on the premises at any one time. Further, only a resident titleholder of the property upon which such home occupation cosmetology or barbershop is located shall be permitted to work upon the premises.”

Sponsored by: Bruce Stanley

SEE NEXT PAGE

NO SKETCH



Project No.	Text Amendment 2010Z-022TX-001
Project Name	Community Education: Modify Site and Design Requirements
Council District	Countywide
School District	Countywide
Requested by	Metro Planning Department
Staff Reviewer	Regen
Staff Recommendation	Approve

APPLICANT REQUEST

Delete and modify community education standards in Zoning Code.

Text Amendment

A request to modify the Metro Zoning Code, Section 17.16.040.A (Uses Permitted with Conditions: Educational Uses) by deleting the minimum campus and reduced lot size standards, modifying the setback and street standards, and adding a minimum public street frontage for community education uses (elementary, middle, and high school).

PURPOSE

This text amendment deletes the minimum campus size requirements for public or private, elementary, middle, and high schools, but would require a minimum public street frontage. The amendment also modifies the building and athletic field setbacks and street standards.

Existing Law and Proposed Bill

Community education uses are permitted with conditions (PC) in the agricultural and residential zoning districts, and permitted by right (P) in various mixed-use, office, commercial, and shopping center districts. The use is prohibited in industrial zoning districts. This staff report addresses only the PC standards for agricultural and residential zoning districts.

Campus Size

Existing: Section 17.16.040.A.1 sets forth minimum site size standards based on a school's total enrollment capacity. These standards are known in education facility planning as the "rule of thumb" approach.



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

Proposed: The proposed bill deletes the minimum campus size and reduced lot size requirements from the Zoning Code. These minimum campus size standards bear no relationship to a school site's physical characteristics, programs, activities, competitive sports, or lack thereof. Further, neither federal, state, nor local education departments stipulate a minimum campus size for elementary, middle, or high schools.

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

Setback

Existing: Section 17.16.040.A.2 requires a minimum 50 foot building setback for elementary and middle schools abutting a zoning district permitting residential use (e.g. R/RS, RM, OR20/OR40, MUL). High schools must provide a 100 foot minimum setback for building and outdoor activity areas. All community education uses must be at least 2,000 feet from any landfill or waste disposal facility.

Proposed: The proposed bill deletes the minimum 50 foot and 100 foot setbacks for community education uses, but retains the setback from a landfill or waste disposal facility.

Street Standard

Existing: Section 17.16.040.A.4 requires community education uses to locate on certain size streets. Elementary schools must access a local street (or minor local if it intersects a collector or arterial in same block); middle schools a collector street; and high schools an



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arterial street (or at the intersection of two collector streets).

Proposed: The proposed bill deletes the minimum access standards on a local, collector or arterial street. Instead, access is required on an improved public street with a written recommendation from the Traffic Engineer to the Zoning Administrator. The recommendation must state the existing street network will not be impacted nor the surrounding neighborhood or businesses. In addition, the parcel(s) must have a minimum street frontage of 150 feet along the property line of one improved public street.

Reduced Lot Size

Existing: Section 17.16.040.A.5 permits the Board of Zoning Appeals to approve a smaller campus size provided the community education use has no extracurricular, interscholastic or intramural competitive sports or outdoor physical education facilities (except playgrounds and nature centers).

Proposed: The proposed bill deletes the "reduced lot size" since the minimum campus size standards are proposed for deletion.

ANALYSIS

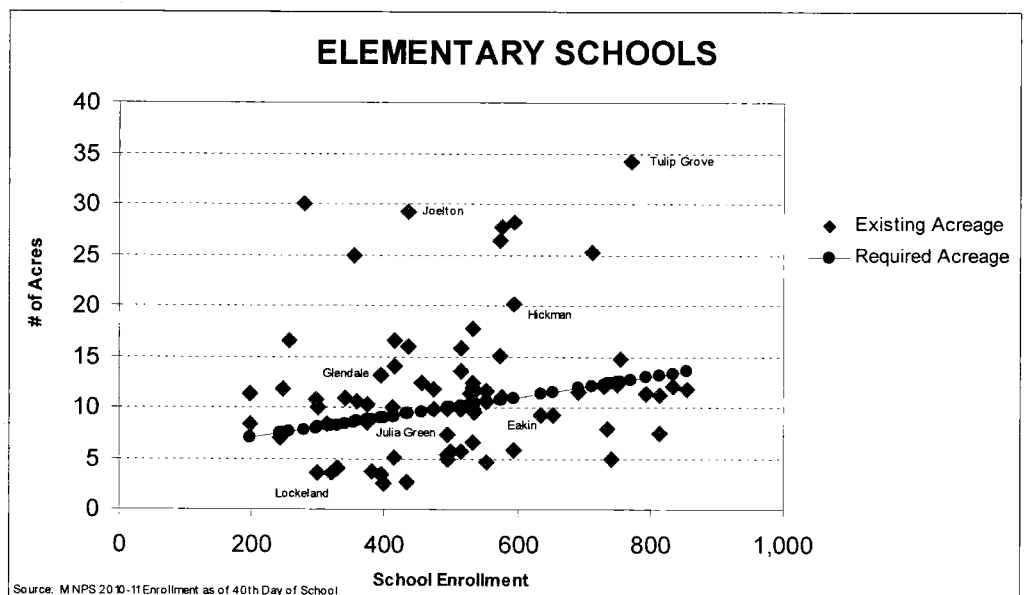
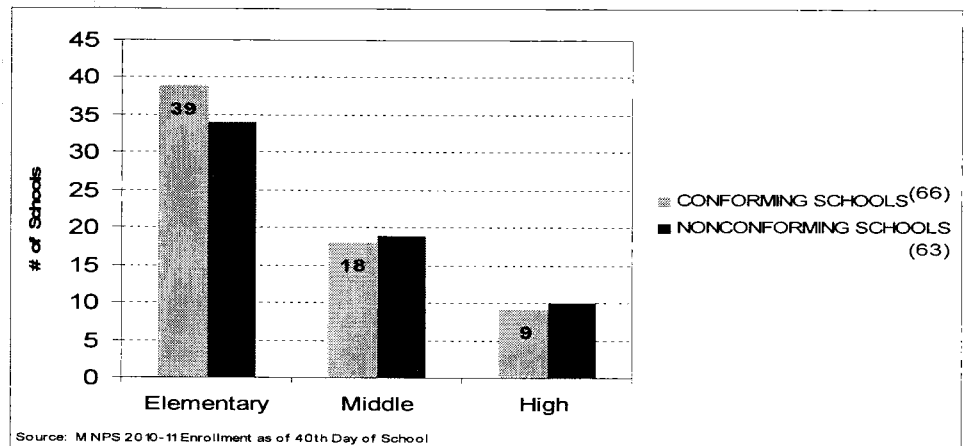
With the changes in education policy over the past 50 years, facility planning has changed too. No longer is total enrollment capacity the school planner's touchstone. Rather, the school's curriculum, number of students per classroom, ancillary facilities (gyms, athletic fields, auditorium, library, technology center, resource centers, labs), transportation and parking for students, teachers, aides, volunteers, administrators ---all are factors in school facility planning, each having their own unique requirements. Hence, the "rule of thumb" approach for minimum campus size is no longer valid for cities and counties with rural, suburban, and urban areas such as Nashville. They worked well when land costs were low and large parcels were easily available.

Nashville's education initiatives will require additional facilities. The proposed bill provides new facility opportunities by establishing reasonable standards. If adopted, any future school would comply with the minimum lot area and setback requirements of Table 17.12.020.B of the Zoning Code. The same table used today to determine the minimum lot size for a religious institution or daycare.



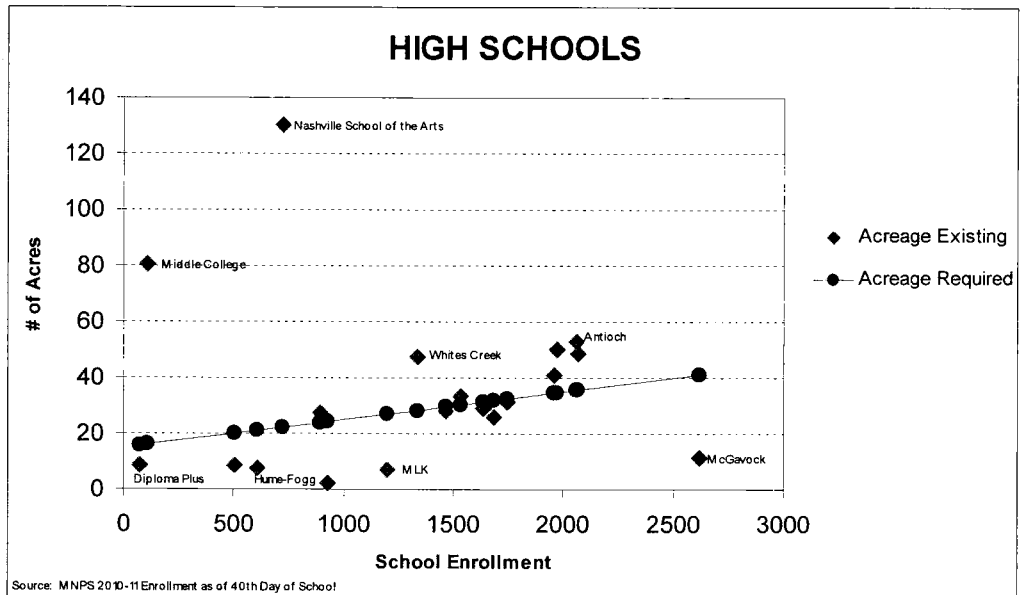
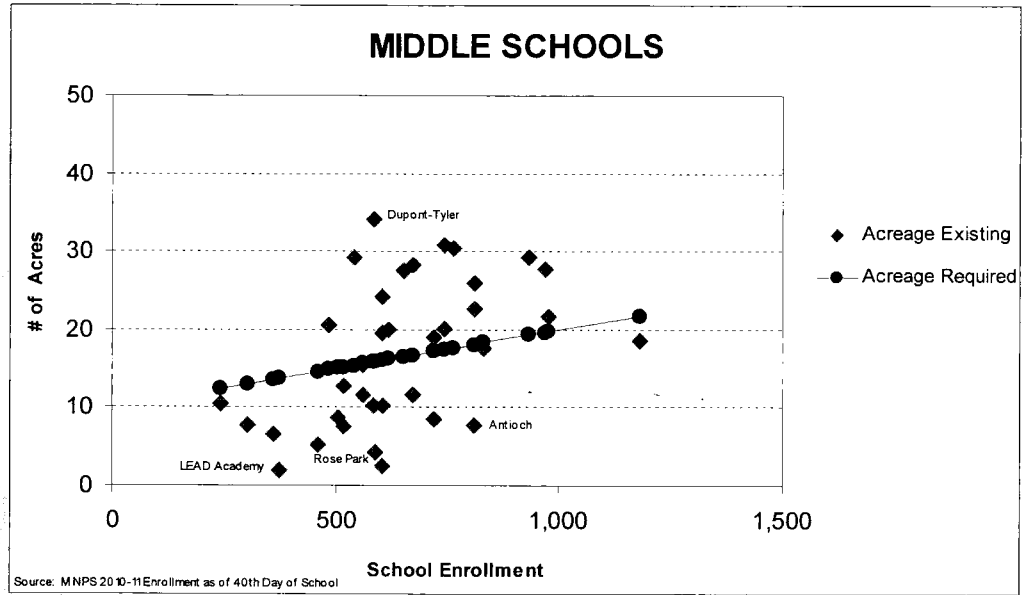
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To ensure new facilities are located properly in residential neighborhoods, the proposed bill requires a minimum public street frontage of 150 feet. On corner lots, only one frontage shall be used to meet this minimum standard. This minimum public street frontage ensures a sufficient frontage for ingress/egress.





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METRO NASHVILLE PUBLIC SCHOOLS

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



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STAFF RECOMMENDATION

Staff recommends approval of this proposed text amendment. With limited acreage available in urban and suburban areas, and restricted funding, the minimum campus size, setback, and street standards have been a barrier to developing new public schools as well as private schools.

ORDINANCE NO. _____

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County relative to "Community Education" in Nashville and Davidson County (Proposal No. 2010Z-022TX-001), all of which is more particularly described herein.

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

WHEREAS, "Community Education" uses are required to have a minimum campus size based on total enrollment capacity and to locate on certain streets per Section 17.16.140 of the Metro Zoning Code;

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

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

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

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

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

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

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



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

Section 1: Modify Section 17.16.040.A (Uses Permitted with Conditions: Educational Uses) by **deleting** "1. Campus Size" in its entirety and **inserting** in its place "1. Minimum Street Frontage" and "1a. Measurement of Minimum Street Frontage" as follows:

1. Minimum Street Frontage. A community education use shall have a minimum street frontage of 150 feet along the property line of one improved public street.
 - a. Measurement of Minimum Street Frontage. The minimum street frontage shall be calculated by adding the horizontal distance between the side property lines, including those of abutting parcel(s). In no case, however, shall multiple street frontages be included in the calculation for a corner, double-frontage, or multiple-street frontage parcel. Where the use is proposed on a cul-de-sac, the minimum street frontage shall be calculated at the front building setback line.

Section 2: Modify Section 17.16.040.A.2 (Setback) by **deleting** the first two sentences of the paragraph.

Section 3. Modify Section 17.16.040.A.4 (Street Standard) by **deleting** the text in its entirety and **inserting** the following in its place:

4. Street Standard. Community education uses shall provide principal driveway access via any improved public street subject to a written recommendation from the traffic engineer to the Zoning Administrator. The written recommendation shall provide whether the projected volume of traffic to be generated by the community education use can be safely and efficiently accommodated by the existing street network without adversely impacting the surrounding neighborhood and/or businesses.

Section 4. Modify Section 17.16.040 (Uses Permitted with Conditions: Educational Uses) by **deleting** "5. Reduced Lot Size".

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

NO SKETCH



Project No.
Project Name

Text Amendment 2010Z-024TX-001
Cash Advance, Check Cashing, Title Loan and Pawnshop

Council Bills
Council District
School District
Sponsored by

BL2010-786
Countywide
Countywide
Councilmember Jamie Hollin

Staff Reviewer
Staff Recommendation

Regen
Disapprove

APPLICANT REQUEST

Revise Zoning Code definitions for cash advance, check cashing, pawnshop, and title loan uses.

Text Amendment

A request to amend Chapters 17.04, 17.08, and 17.16 of the Metropolitan Code by deleting the definitions of “cash advance”, “check cashing”, “pawnshop”, and “title loan”, and deleting such uses from the land use table and the land use development standards.

PURPOSE

This text amendment classifies *any* land use that makes loans, gives cash, or cashes checks as “financial institution” regardless of whether it is the primary business, or an accessory use.

ANALYSIS

Existing Law

On October 7, 2008, the Metro Council adopted a text amendment bill, BL2008-169, establishing definitions for cash advance, check cashing, pawn shop, and title loan as regulated by the Tennessee Code of Laws. That bill also identified in what zoning districts such uses would be allowed. Prior to the adoption of this bill, these uses, except pawnshop, were classified as “financial institutions” by the Zoning Administrator. A pawnshop was classified as a “retail” use.

Prior Bill (BL2010-786)

On October 19, 2010, the Metro Council introduced a text amendment bill, BL2010-786 (2010Z-021TX-001), to remove from the above land uses, any reference to the Tennessee Code of Laws. The bill was deferred indefinitely by the Metro Council at the January 4, 2011 public hearing. Essentially, retail and financial institution land uses would not be allowed to have cash advance, check cashing, pawnshop, or title loan (alternate financial services [AFS]) as accessory uses unless the AFS use was allowed as a primary use by the base zoning district. The Planning Commission received staff’s analysis in its



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December 9, 2010, staff report packet as did the bill's sponsor. In response to staff's analysis, the sponsor deferred indefinitely this bill, and introduced a new bill on January 4, 2011, BL2010-827.

Current Bill (BL2010-827)

The current bill basically repeals the adoption of BL2008-169 adopted in October 2008, by the Metro Council and eliminates the need for BL2010-786. By removing any distinction between the various AFS uses from the Zoning Code, this bill classifies **all** AFS businesses, whether primary or accessory, as a "Financial Institution".

Background

With a reported 110 million **persons** in the U.S. not having a bank account, AFS could be considered a necessary commercial activity in our communities. Today, banks, credit unions, and retailers are beginning to offer AFS as an accessory use in an attempt to increase their profits.

Metro Zoning Code

The Metro Zoning Code defines the various land uses addressed in this bill and references the Tennessee Code of Laws. By referencing state law, the Zoning Code mimics state law which draws a distinction between a bank or credit union and AFS businesses.

"Financial institution means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies."

Cash advance means any building, room, space or portion thereof where unsecured, short-term cash advances are provided, including those made against future pay checks, as regulated by Title 45, Chapter 17, of the Tennessee Code Annotated.

Check cashing means any building, room, space or portion thereof where checks are cashed in exchange for a fee, as regulated by Title 45, Chapter 18, of the Tennessee Code Annotated.

Pawnshop means any building, room, space or portion thereof where a pawnbroker regularly conducts business, as regulated by Title 45, Chapter 6, of the Tennessee Code Annotated.

Title loan means any building, room, space or portion thereof where a business operates that makes loans in exchange for possession of the certificate of title to property or a security interest in titled property, as regulated by Title 45, Chapter 15, of the Tennessee Code Annotated."



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Specific Plans

Since the addition of these land uses to the Zoning Code, a number of specific plans have been adopted with conditions restricting these land uses. The adoption of this bill would not modify the restrictions in these specific plans, including the one adopted for Gallatin Pike. Therefore, retaining these AFS definitions is necessary in the Zoning Code, unless, and until, the restrictions placed by these specific plans are modified by Metro Council.

STAFF RECOMMENDATION

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



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ORDINANCE NO. BL2010-827

An Ordinance amending Chapters 17.04, 17.08, and 17.16 of the Metropolitan Code by deleting the definitions of "cash advance", "check cashing", "pawnshop", and "title loan", and deleting such uses from the land use table and the land use development standards (Proposal No. 2010Z-024TX-001).

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

Section 1. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.04.060, Definitions of General Terms, by deleting the definitions of "cash advance", "check cashing", "pawnshop", and "title loan" in their entirety.

Section 2. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.08.030, District Land Use Tables, by deleting the following uses: "cash advance", "check cashing", "pawnshop", and "title loan".

Section 3. That Chapter 17.16 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended as follows:

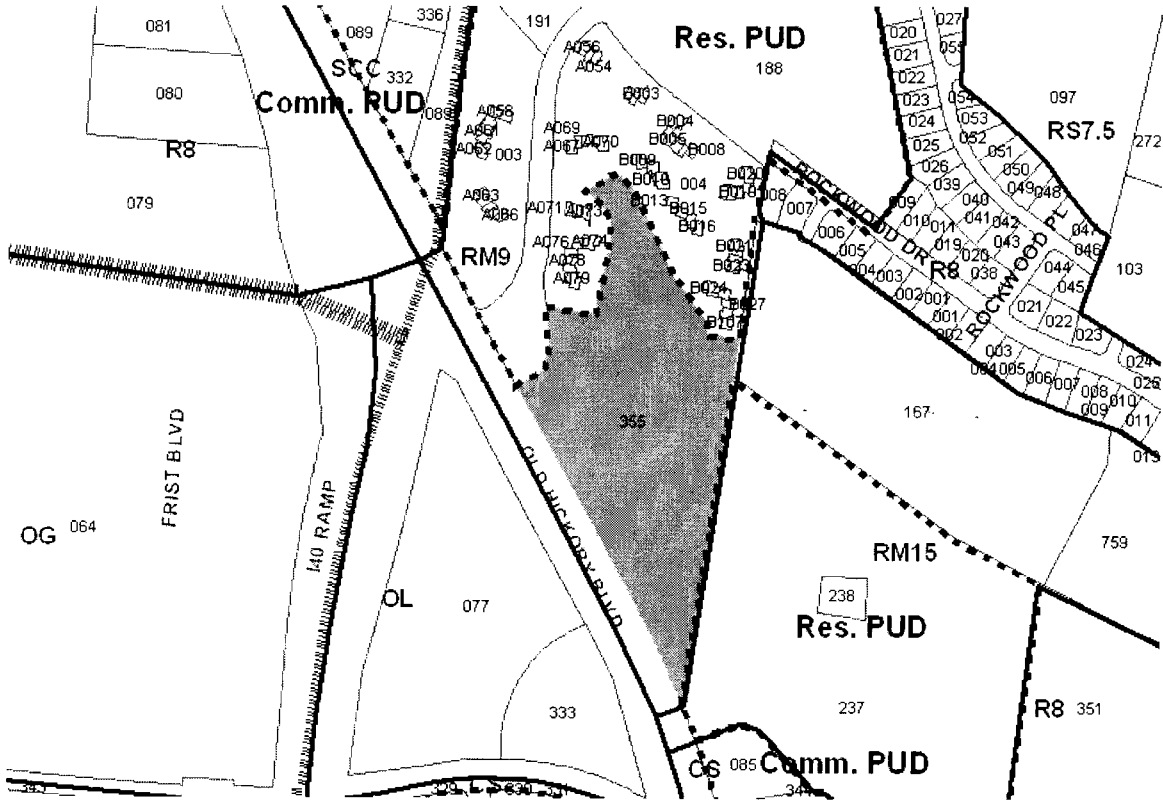
1. By amending Section 17.16.050 by deleting subsection A. in its entirety and substituting in lieu thereof the following new subsection A.
"A. Financial Institution. A financial institution shall be limited to two thousand five hundred square feet of gross floor area per establishment."

2. By amending Section 17.16.070 by deleting subsection N., "Pawnshop", in its entirety.

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

Sponsored by: Jamie Hollin

SEE NEXT PAGE



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



Project No. 2010SP-019-001
Project Name Allen and Jones Property SP
Council Bill BL2010-803
Council District 12 – Gotto
School District 4 – Shepherd
Requested by Anderson, Delk, Epps & Associates, Inc., applicant,
Davco-O.H. Blvd Properties, owner
Referral Referred to the Planning Commission by the Metro
Council on January 18, 2011
Staff Reviewer Johnson
Staff Recommendation *Approve SP with conditions or approve MUL zoning*

APPLICANT REQUEST

Permit land uses consistent with MUL zoning

Preliminary SP

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

Referral

This request was originally heard by the Planning Commission at its December 9, 2010, meeting. The Planning Commission recommended approval of the SP with conditions or approval of MUL zoning.

Since the Planning Commission approval, the applicant has met with Planning staff and the district Councilmember to discuss the intent of the SP and possible changes to the conditions of approval. Based on these discussions, Planning staff has revised several conditions of approval. This item was referred back to the Planning Commission for consideration of the revised conditions of approval.

Existing Zoning

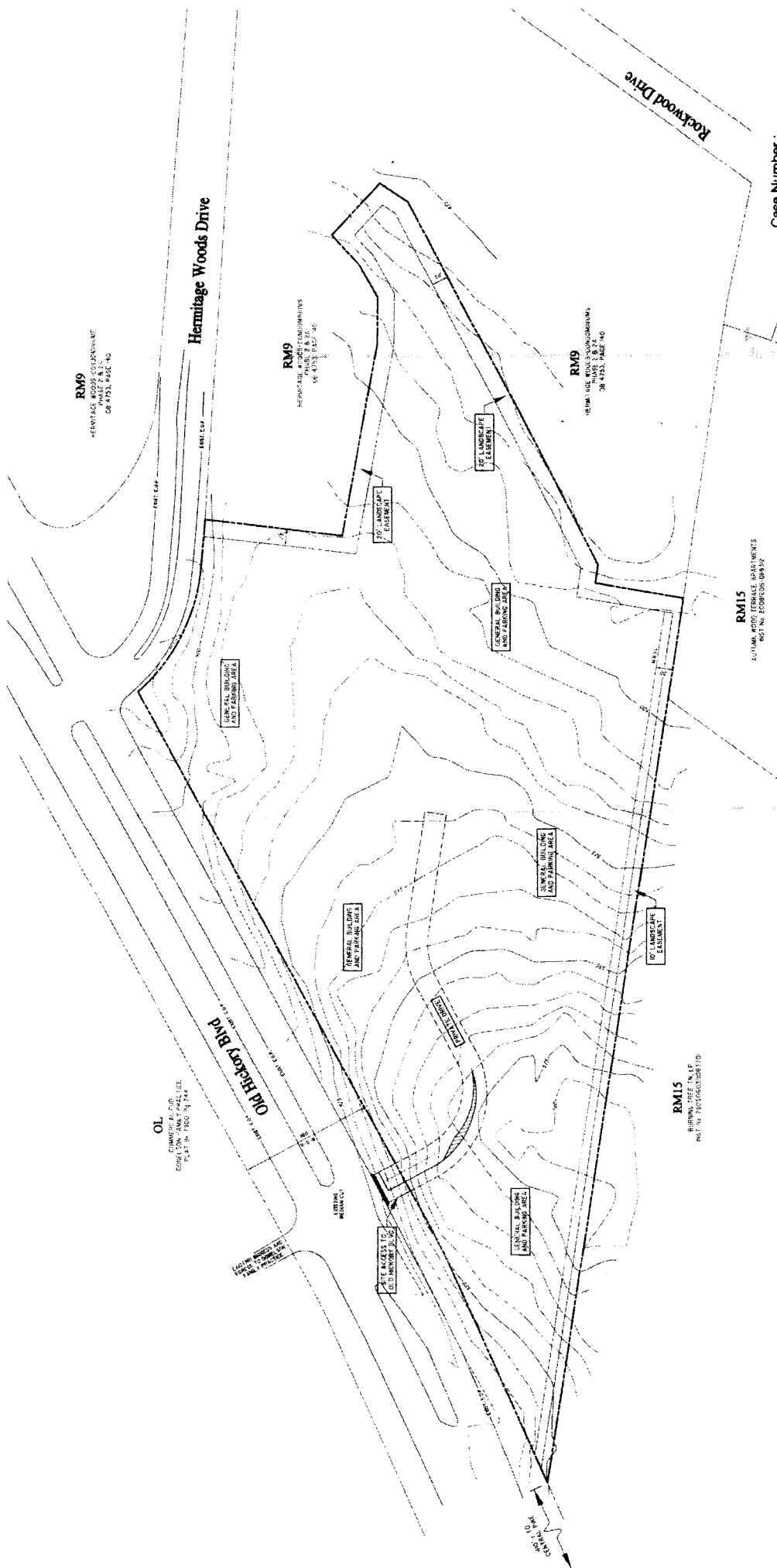
RM9 District

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

Proposed Zoning

SP-MU District

Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This



RM9
HERMITAGE WOODS DEVELOPMENT
PHASE 2 & 3
DR 4753, PAGE 10

RM9
HERMITAGE WOODS DEVELOPMENT
PHASE 2 & 3
DR 4753, PAGE 10

RM9
HERMITAGE WOODS DEVELOPMENT
PHASE 2 & 3
DR 4753, PAGE 10

RM15
HERMITAGE WOODS TERRACE APARTMENTS
RST No. 200908-00032

RM15
HERMITAGE WOODS TERRACE APARTMENTS
RST No. 200908-00032

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CONTRACT NO. 1001
CONTRACT NO. 1001
PART 10 7000 10 144

Case Number :



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Specific Plan includes residential uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS

N/A

DONELSON-HERMITAGE COMMUNITY PLAN

Existing Policy

T3 Suburban Community Center
(T3 CC)

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

Consistent with Policy?

The proposed uses and bulk standards within the SP generally follow the use and bulk standards of the MUL zoning district, which is consistent with the intent of the T3 CC policy. With the proposed conditions of approval by staff, the SP would be consistent with the T3 CC land use policy. As an alternative, MUL zoning would also be consistent with the T3 CC policy.

PLAN DETAILS

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

Land uses

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

Bulk Standards

Bulk standards proposed by the SP also generally follow MUL standards. Variations from MUL zoning requirements occur in several instances. Building height



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requirements include an overall building height of 5 or 6 stories depending upon the specific land use involved, as well as a height control plane consistent with the MUL zone. If approved, the SP should be required to tailor its building height requirements to limit building heights to the rear of the site adjacent to residential development. Under MUL zoning, building heights could reach 20 stories or more on portions of the site because of the height control plane that allows greater height away from public streets.

Access and Parking

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

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

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

Architectural Standards

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



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Grading Plan

The applicant submitted a conceptual grading plan as part of the SP application. The plan proposes significant alteration to the existing topography, which slopes distinctly up from Old Hickory Boulevard to a high point near the northeast corner of the site. The grading plan proposes a retaining wall that would reach a height of approximately 35 feet along the east property line near Old Hickory Boulevard. The grade of the project site would sit below the grade of the adjacent property to the east. In contrast, the grade at the north of the site would increase in height adjacent to the condo development to the north.

ANALYSIS

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

According to the Zoning Code, the SP district is

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

The SP standards submitted by the applicant lack a meaningful connection to the project site. Without the staff recommended conditions this SP does not provide the minimum level of elements necessary to guide a context sensitive final SP plan.

The proposed conditions of approval provide site-specific requirements that intend to address the unique characteristics of this SP and the intent of SP zoning. These conditions of approval focus on the relationship of



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future development to the Old Hickory Boulevard street frontage and building height throughout the project site.

FIRE MARSHAL RECOMMENDATION

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

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Project access drive shall align with the existing driveway on the opposite side of OHB and shall be constructed with a minimum of 3 exiting lanes and 1 entering lane.
- Developer shall construct northbound right turn lane on OHB at access drive with 200 ft of storage and transition per AASHTO/MUTCD standards.
- Developer shall construct a southbound left turn lane on OHB at access drive with a minimum of 200 ft of storage and taper per AASHTO/MUTCD standards.
- Provide adequate sight distance at access drive and any internal drives.
- Roadway construction plans shall require TDOT approval.
- Developer shall conduct signal warrant analysis at 25%, 50 % and 75% project completion or as directed by Metro traffic engineer. Developer shall submit signal plans and upon approval by the Traffic and Parking Commission shall install signal which may include pedestrian signals and facilities per ADA standards. Signal design shall include communication with adjacent signals on Old Hickory Blvd. and any necessary advanced signal warning signals.
- If a traffic signal is warranted, developer shall re-evaluate the intersection and determine the need to provide additional improvements to ensure that the



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intersection operates at an acceptable level-of-service. The necessary improvements, if any, shall be based on the results of the analysis as approved by the Metro traffic engineer.

- Upon site plan development, a focused TIS may be required to determine adequate main driveway width and any required turn lanes and to locate internal cross driveways an appropriate distance from signal in order to provide adequate lane storage at signal.

Typical Uses in Existing Zoning District: **RM9**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	10.65	9 D	95 U	700	51	70

Typical Uses in Proposed Zoning District: **SP (MUL)**

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

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

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

Maximum Uses in Existing Zoning District: **RM9**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	10.65	9 D	95 U	700	51	70

Maximum Uses in Proposed Zoning District: **SP (MUL)**

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

Traffic changes between maximum: **RM9** and proposed **MUL**

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



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METRO SCHOOL BOARD REPORT

Projected student generation 40 Elementary 23 Middle 19 High

Schools Over/Under Capacity

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

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

STAFF RECOMMENDATION

Staff recommends approval with conditions of the proposed SP. As proposed, the SP lacks a significant relationship between the proposed standards and the characteristics of the project site. Proposed conditions of approval provide stronger connection between the SP and the project site.

As a separate option to SP zoning, staff supports the approval of MUL zoning.

CONDITIONS

1. Each lot with frontage along Old Hickory Boulevard shall include at least one Primary Building Façade.

A Primary Building Façade shall:

- Have a setback between 5 feet and 95 feet from the Old Hickory Boulevard right-of-way.
- Face Old Hickory Boulevard
- Provide a primary pedestrian entrance to the building
- Have a minimum length along Old Hickory Boulevard that is greater than or equal to the depth of its attached building.

2. Where parking is placed in front of a Primary Building Façade, it shall have a minimum setback of 5 feet from the right-of-way along Old Hickory Boulevard and a maximum of two rows of parking spaces. All other parking shall have a minimum 20 foot setback from Old Hickory Boulevard.



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3. The parking standards shall be revised to require non-UZO parking standards of the Metro Zoning Code for allowed uses.
4. The SP shall be revised to remove references to height control plane, as it applies to building heights.
5. A maximum density of 20 dwelling units per acre and a maximum FAR of 1.0 are permitted within this SP. The application of maximum density and maximum FAR to assisted-living and nursing home facilities shall be as defined by the Metro Zoning Code.
6. Comments listed above from Metro Public Works and Metro Stormwater shall be addressed on the corrected copy of the preliminary SP plan.
7. All requirements of Chapter 17.24 (Landscaping, buffering and tree replacement) of the Metro Zoning Code for MUL zoning shall met with any final site plan within the SP.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.



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10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

SEE NEXT PAGE



2010Z-033PR-001
 731 MCFERRIN AVENUE
 Map 082-08, Parcel(s) 307
 East Nashville
 05 - Jamie Hollin



Project No. **Zone Change 2010Z-033PR-001**
Council District 5 – Hollin
School District 5 – Porter
Requested by Design House 1411 LLC, applicant, Brinkman Holding LLC, owner

Staff Reviewer Bernards
Staff Recommendation *Disapprove*

APPLICANT REQUEST

Rezone from RS5 to MUN

Zone Change

A request to rezone from Single-Family Residential (RS5) to Mixed-Use Neighborhood (MUN) zoning for property located at 731 McFerrin Avenue, at the southeast corner of McFerrin Avenue and Chicamauga Avenue within the Greenland Neighborhood Conservation Overlay (0.32 acres)

**Existing Zoning
RS5 District**

RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

**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 Housing (MH)

Mixed Housing is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Neighborhood General (NG)

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



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Consistent with Policy?

No. The proposed MUN zoning district is inconsistent with the MH in NG policy, which does not allow for commercial or office uses. The portion of the property fronting on Chicamauga Avenue is oriented towards the existing residential neighborhood. There is an existing building on the southern end of the property, oriented towards McFerrin Avenue, which has been used as a daycare center since 1995. A daycare center is a permitted use in the RS5 zoning district.

PUBLIC WORKS RECOMMENDATION

Parking per Metro code will be required at redevelopment.

Typical Uses in Existing Zoning District: RS5

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Residential (210)	0.32	7.41 D	2 L	20	2	3

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)	0.32	0.431	6,007 SF	295	12	36

Traffic changes between typical: RS5 and proposed MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+275	+10	+33

Maximum Uses in Existing Zoning District: RS5

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Residential (210)	0.32	7.41 D	2 L	20	2	3

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.32	0.6	8,363 SF	396	14	42



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Traffic changes between maximum: RS5 and proposed MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+376	+12	+39

METRO SCHOOL BOARD REPORT

Projected student generation

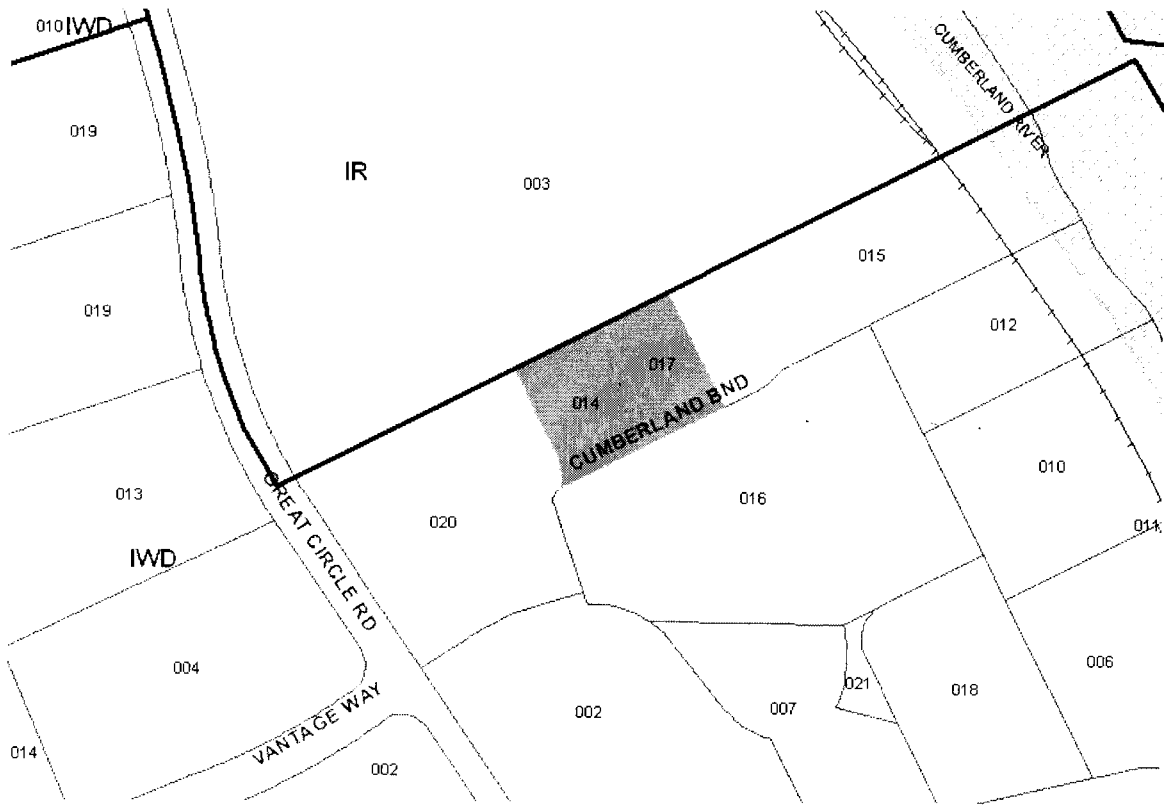
1 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Hattie Cotton Elementary School, Gra-Mar Middle School, or Maplewood 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 disapproval of the requested zone change as the MUN zoning district is inconsistent with the MH in NG land use policy.



2010Z-034PR-001
250 & 260 CUMBERLAND BEND
Map 071-13, Parcel(s) 014, 017
North Nashville
02 - Frank R. Harrison



Project No.	Zone Change 2010Z-034PR-001
Council District	2 – Harrison
School District	1 – Gentry
Requested by	In-Form Smallwood + Nickle LLC, applicant, Marilyn Joan Wright Rev. Trust and J. Douglas Wright, Jr. Rev. Trust, owners
Staff Reviewer	Bernards
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Zone change from IWD to OG.

Zone Change

A request to rezone from Industrial Warehouse/ Distribution (IWD) to Office General (OG) zoning for properties located at 250 and 260 Cumberland Bend, approximately 500 feet east of Great Circle Road (2.22 acres).

Existing Zoning
IWD District

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

Proposed Zoning
OG District

Office General is intended for moderately high intensity office uses.

CRITICAL PLANNING GOALS

N/A

**NORTH NASHVILLE
COMMUNITY PLAN**

Community Plan Update

The North Nashville Community Plan is in the process of being updated. It is scheduled to be considered by the Planning Commission at the January 27, 2011 meeting, the same date as this rezoning request is to be considered. Both the current policy and the proposed policy are listed below.

Existing Policy
Light Mixed Industrial (LMI)

LMI policy is intended for industrial uses such as manufacturing, distribution, warehousing, wholesaling, and storage.

Industrial (IN)

IN policy areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing



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compatible industrial and non-industrial uses. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Updated Policy

District Industrial Area (D-IN)

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

08-D-IN-01

North Nashville's D District Industrial Area 1 is referenced as 08-D-IN-01. It applies to a large industrial and office area in MetroCenter along the Cumberland River. In this area, a number of Special Policies apply. Where the Special Policy is silent, the guidance of the D District Industrial policy applies. In the case of this property the following Special Policy applies:

Design Principle: Density/Intensity

- Due to MetroCenter's creation as a mixed-business industrial park, the area has Industrial Warehousing/ Distribution (IWD) zoning. This zoning should remain in place; however, some office uses may be present in this District Industrial area. Office uses can be accommodated in this area, including offices at intensities exceeding what is typical of those found in industrial uses.

Consistent with Policy?

Yes. The proposed rezoning is consistent with the existing policy and the updated policy for this property. Both policies support office uses in mixed-use business parks. The subject property is within a business park.



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PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.22	0.391 F	37,810 SF	631	87	122

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.22	0.391 F	37,810 SF.	631	87	122

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

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.22	0.8 F	77,363 SF	1095	153	166

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.22	1.5 F	145,055 SF	1777	253	242

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+67,692 SF	+682	+100	+76

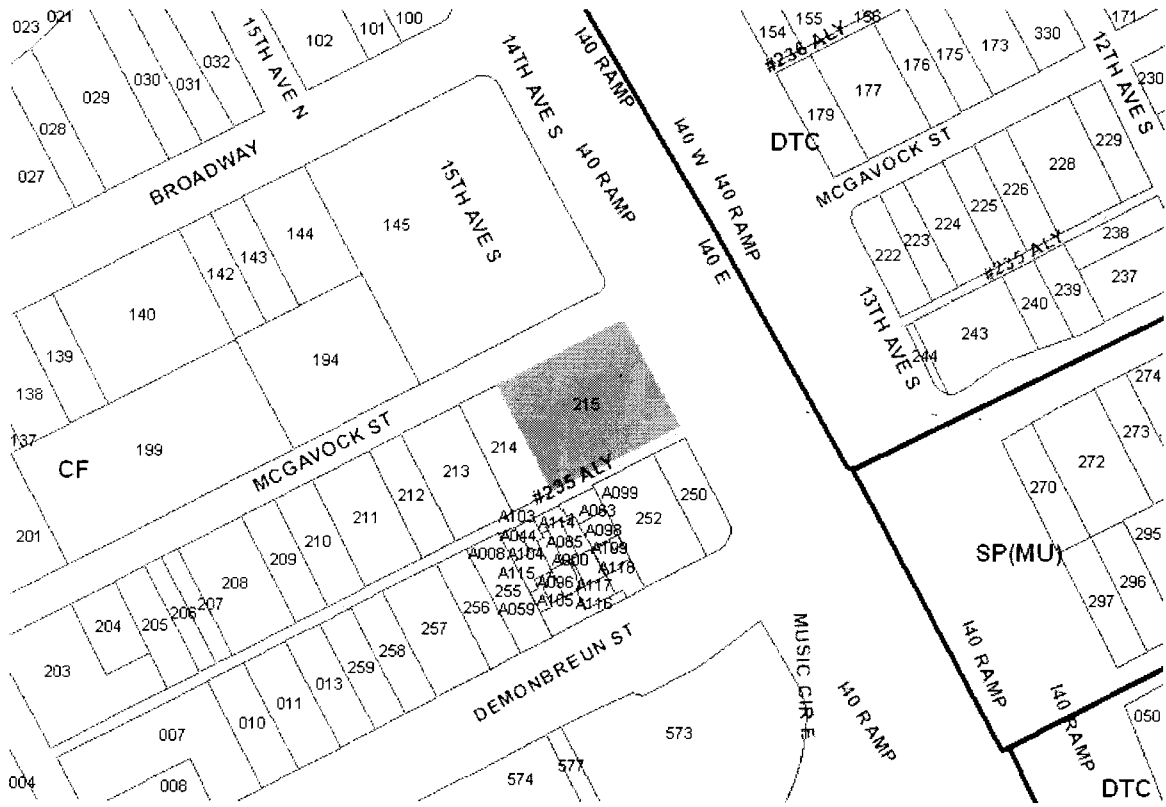
STAFF RECOMMENDATION

Staff recommends approval of the zone change request from IWD to OG as it is consistent with the existing policy and the updated policy.

SEE NEXT PAGE

PLANNING COMMISSION ACTIONS

- **Urban Design Overlay**



2001UD-002-001
 MUSIC ROW UDO (BEAMAN TOYOTA SIGN)
 Map 093-09, Parcel(s) 215
 Green Hills - Midtown
 19 - Erica S. Gilmore



Project No.	Urban Design Overlay 2001UD-002-001
Project Name	Music Row UDO Modification
Council District	19 – Gilmore
School District	7 – Kindall
Requested by	Metro Planning Department
Staff Reviewer	Priest
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Permit increased signage display area.

UDO Modification

A request for a modification to the sign standards of the Music Row Urban Design Overlay District (UDO) to allow Beaman Automotive to relocate an existing historic sign (Pontiac American Indian) from one building to another building on property located at 1503 McGavock Street.

Existing Zoning
Core Frame (CF)

Core Frame is intended for a wide range of parking and commercial service support uses for the central business district.

CRITICAL PLANNING GOALS

N/A

APPLICATION DETAILS

Beaman Automotive has recently reorganized their facilities and updated many of the buildings in their complex along Broadway and McGavock Street. As part of the site redevelopment, the historic sign, currently located on Broadway, is proposed to be relocated at the corner of McGavock Street and 14th Avenue South. In the existing location, the sign is not within the UDO. In the new location, the sign is within the UDO.

The square footage of the sign is noncompliant with the UDO standards but is compliant with the base zoning standards. Within the Music Row UDO, the maximum square footage allowed for a projecting sign is 20 square feet. The historic sign is approximately 203 square feet. As a projecting sign, the following requirements of the UDO would apply:



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Music Row UDO – Projecting Signs

- Shall not extend above the roof eaves or parapet wall.
- Maximum Area: 20 square feet.
- These signs shall not extend more than 4 feet from façade.
- Minimum height: 7 feet above grade.

UDO DETAILS

The Music Row UDO was adopted in 2001 to guide redevelopment of the Music Row area when the main tourist draw, the Country Music Hall of Fame, was relocated.

The Signage Standards are intended to implement the intent of the Music Row UDO document that focuses on making the area more pedestrian friendly while retaining some of the “Times Square” character. For example, neon signs are permitted, object signs are permitted, and the UDO outlines standards for “Creative Signage” by encouraging “signs of unique design that exhibit a high degree of thoughtfulness, imagination, inventiveness, and character.” Designation as a “Creative Sign” requires approval of the Planning Commission. Creative Sign approval exempts a sign from the UDO requirements.

The UDO outlines the following standards for evaluating a creative sign:

Design Quality – The sign shall:

- Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area; and
- Be of unique design

Architectural Criteria – The sign shall:

- Utilize and/or enhance the architectural elements of the building; and
- Be placed in a logical relation to the overall composition of the building’s façade and not cover any key architectural features/details of the façade.

ANALYSIS

The Beaman Motor Co. sign is an historic landmark sign that demonstrates cultural, architectural, and commercial history. The sign was built and erected in 1928. The materials, technology and design of the sign are all representative of this era. The sign has been kept in good repair and maintains the integrity of its character defining features. As a long-time Nashville business, the Beaman brand is locally and regionally significant.



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The historic integrity of the sign makes it a reasonable candidate for designation as a Creative Sign, allowing for exemption from the UDO signage standards.

STAFF RECOMMENDATION

Staff recommends approval of the modification as the sign is historically significant and contributes to the character of the neighborhood, has merit as a Creative Sign, and meets the square footage standards of the base zoning.