



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, June 9, 2011

4:00 pm Regular Meeting

700 Second Avenue South

(between Lindsley Avenue and Middleton Street)

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

MISSION STATEMENT

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

Commissioners Present:

Jim McLean, Chairman
Hunter Gee, Vice Chair
Stewart Clifton
Ana Escobar
Phil Ponder
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Kelly Armistead, Administrative Services Officer III
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Jennifer Carlat, Planning Manager II
Jennifer Regen, Development Relations Manager
Brenda Bernards, Planner III
Anita McCaig, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Tifinie Adams, Planner II
Scott Morton, Planner II
Brian Sexton, Planner I

Commissioners Absent:

Tonya Jones
Derrick Dalton

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300
p: (615) 862-7190; f: (615) 862-7130

Notice to Public

Please remember to turn off your cell phones.

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

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

Meetings on TV can be viewed live or shown at an alternative time on Channel 3. Visit www.nashville.gov/calendar for a broadcast schedule.

Writing to the Commission

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

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

Speaking to the Commission

If you want to appear in-person before the Commission, view our tips on presentations on-line at **www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf** and our summary regarding how Planning Commission public hearings are conducted at **www.nashville.gov/mpc/docs/meetings/Rules_and_procedures.pdf**. Briefly, a councilmember may speak at the very beginning of the commission meeting, after the individual item is presented by staff, or after all persons have spoken in favor or in opposition to the request. Applicants speak after staff presents, then, those in favor speak followed by those in opposition. The Commission may grant the applicant additional time for a rebuttal after all persons have spoken. Maximum speaking time for an applicant is 10 minutes, individual speakers is 2 minutes, and a neighborhood group 5 minutes, provided written notice was received prior to the meeting from the neighborhood group.

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

Legal Notice

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



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 862-7150 or e-mail her at josie.bass@nashville.gov. For Title VI inquiries, contact Shirley Sims-Saldana or Denise Hoppood of Human Relations at (615) 880-3370. For all employment-related inquiries, contact Ron Deardoff at (615) 862-6640

MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:08 p.m.

B. ADOPTION OF AGENDA

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to adopt the revised agenda as presented. (6-0)

C. APPROVAL OF MAY 26, 2011 MINUTES

Ms. Hammond noted that Ms. LeQuire requested the wording from her statement on page 14, Item 4, to state, "Ms. LeQuire spoke in favor of connectivity and in favor of staff recommendation" instead of "Ms. LeQuire spoke in support of the applicant's request."

Ms. Hammond also noted that Ms. LeQuire requested that the vote count be changed on Item 4 to (7-2), listing her as voting against.

Mr. Clifton moved and Mr. Gee seconded the motion, which passed unanimously, to approve the May 26, 2011 minutes as revised. (6-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Toler spoke in support of Items 3, 6, and 9.

Councilmember Jameson was in attendance but elected to speak at a later time.

Councilmember Holleman asked for approval of Item 8.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

2a. 2011CP-013-002

ANTIOCH PRIEST LAKE COMMUNITY PLAN AMENDMENT

2b. 2011Z-002PR-001

BL2011-935 / WILHOITE
2631 SMITH SPRINGS ROAD

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn Items. (6-0)

F. CONSENT AGENDA

4a. 2011CP-008-002

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

4b. 2011Z-016PR-001

BL2011-929 / LANGSTER
21ST AVENUE & SPRUCE STREET

6. 2011Z-010TX-001

BL2011-923 / TOLER
COTTAGE DEVELOPMENT, SINGLE-FAMILY DEFINITION TEXT AMENDMENT

7. 2011Z-015PR-001

BL2011-925 / MATTHEWS
3941 & 3945 STEWARTS LANE

9. 88P-009-001

AUTUMN OAKS, PHASE 10A

- 10. Contract between MPC and Code Studio. The amendment reappropriates \$3,160 from fiscal year 2011 to fiscal year 2012 and provides an additional expenditure of \$6,670 from the Advance Planning and Research Fund in fiscal year 2012 to extend the contract for specialized consultant expertise to develop appropriate design standards and regulations for on-premise signage in Downtown Nashville.**

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the Consent Agenda. (6-0)

G. PREVIOUSLY DEFERRED ITEMS

Community Plan Amendments

1a. 2011CP-006-001

CP 6: BELLEVUE COMMUNITY PLAN AMENDMENT

Map 155, Parcel(s) 088
Council District 35 (Bo Mitchell)
Staff Reviewer: Anita Mccaig

A request to amend the Bellevue Community Plan: 2003 Update by changing the current Land Use Policy from Residential Low Medium density (RLM) to Office Transition Policy (OT) for property located at 7836 Old Harding Pike, at the intersection of Learning Lane and Old Harding Pike (1.26 acres), requested by Barge Cauthen & Associates Inc., applicant, Corporate Investors Partnership VIII LLC, owner (See also Specific Plan Case # 2011SP-011-001).

Staff Recommendation: APPROVE WITH CONDITION

APPLICANT REQUEST - Amend the land use policy from Residential Low Medium density to Office Transition.

Amend the Community Plan A request to amend the Bellevue Community Plan: 2003 Update by changing the current Land Use Policy Residential Low Medium density (RLM) to Office Transition (OT) for property located at 7836 Old Harding Pike, adjacent to the Harpeth Valley Elementary School.

CRITICAL PLANNING GOALS N/A

BELLEVUE COMMUNITY PLAN

Current Policy

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

Proposed Land Use Policy

Office Transition (OT) OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices. Care is taken to keep buildings in scale with adjacent neighborhoods.

BACKGROUND The applicant is seeking to rezone this property to allow a day care for approximately 190 children. A day care of this size is a land use is not endorsed by the current land use policy, so the applicant is also seeking an amendment to the Bellevue Community Plan to apply a land use policy that would support the day care.

The applicant's property is approximately 1.3 acres. Since the Bellevue Community Plan update process is in its early stage and is not anticipated to be completed until the end of 2011, the applicant wanted to move ahead with the plan amendment request and associated zone change request. In efforts to lessen confusion for the community, an older Land Use Policy Application (LUPA) policy has been requested, instead of a Community Character Manual (CCM) policy (which will be used when the entire Bellevue Community Plan update is completed) and the plan amendment area is solely the applicant's property.

During the Bellevue Community Plan update process in 2002 and 2003, stakeholders in this area were concerned about adding uses that exacerbated traffic congestion at the awkward intersection of Old Harding Pike and Highway 100. Since that time, plan amendments and rezonings have occurred along Highway 100, bringing additional commercial uses that have added more traffic as well as additional curb cuts to this area, while making some roadway improvements to address the additional traffic. One of these projects was the new Walgreens in 2003 that rerouted Old Harding Pike to connect to Highway 100, directly to the south of this property, and left a section of what was formerly Old Harding Pike to the east. This section was renamed Learning Lane.

Due to the established residential pattern on Old Harding Pike and concerns about increasing commercial uses in 2002/2003, Residential Low Medium density (RLM) policy was placed along this stretch of Old Harding Pike during the 2002/2003 Bellevue Community Plan update.

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 1,300 feet of the subject site. Planning staff held a community meeting regarding the Community Plan Amendment request on May 16, 2011 with the district councilman and stakeholders; approximately 13 people attended the meeting.

Meeting attendees were generally supportive of a day care land use, but were opposed to the "general office" component of the applicant's zone change request. In response to this concern, the applicant has removed the zone change request for general office uses and is requesting only a day care. The plan amendment request is "Office Transition," however, Planning staff are willing to propose a special policy be added that states that this site is appropriate solely for day care. When Planning staff update the Bellevue Community Plan in 2011 and apply a new Community Character Policy, staff will also bear in mind that the community requested that the site be used solely for day care and not general office.

The other significant concern voiced by meeting attendees was concern about traffic, the property's vehicular access and what additional traffic and access point(s) mean for compounding existing traffic issues. Meeting attendees were interested in knowing if any traffic and/or access solutions could be required of the applicant that would avoid worsening the traffic and even improve the existing traffic situation. The conditions proposed to address the traffic are described in greater detail in the accompanying zone change request.

ANALYSIS

Physical Site Conditions The plan amendment area's topography is flat with no environmentally sensitive features such as steep slopes, problem soils, floodplains or wetlands. The property is, generally, lower in elevation than the adjacent Magnolia Hills subdivision. The amendment property was not flooded during the May 2010 flood.

Land Use Currently, the plan amendment area contains a single-family house.

Access At present, the property is accessed from a driveway along Old Harding Pike. Access is discussed in greater detail in the accompanying zone change request.

Old Harding Pike has a planned bike lane as part of the Nashville-Davidson County Strategic Plan for Sidewalks and Bikeways.

Development Pattern The development pattern in the area is a mixture of uses. To the north and east of this property are single-family residential uses in the Magnolia Hills subdivision. This subdivision has no physical access to the amendment property. Adjacent to the amendment property, to the west, is the Harpeth Valley Elementary School. South of Old Harding Pike/Learning Lane are commercial uses along Highway 100 in the community center.

In August 2003, the Bellevue Community Plan was amended to provide additional limited commercial development opportunities around the Highway 100/ Old Harding Pike intersection. However, the community stressed they did not want non-residential uses moving further east on the north side of Old Harding Pike as they wanted to protect the single-family residential neighborhood. Across the Bellevue Community, stakeholders wanted to contain nodal centers and preserve residential corridors along major streets.

In March 2009, the property (1.6 acres) adjacent to the west side of Harpeth Valley Elementary School was rezoned to a Specific Plan district to allow for a day care use. Since that time, a day care has not been built and the owner plans to pursue a bank use for a portion of that property, although a day care use remains a permitted option per the zoning.

Historic Features There are no recognized historic features on the site.

Conclusion The applicant wishes to rezone this property to accommodate a day care for approximately 190 children. This land use is not endorsed by the current land use policy, so the applicant is also seeking an amendment to the Bellevue Community Plan to apply a land use policy that would support the day care.

The site is challenging, given its small size and its location - nestled between an established neighborhood and an active elementary school, at an awkward intersection. Staff finds that the day care is an appropriate land use, as it can serve the community and serve as a transition between the school, commercial center and the established single-family neighborhood, without significantly expanding the commercial center.

The concerns raised by the community regarding traffic are legitimate. The traffic issues will face any future land use on this site. Planning staff has consulted with Metro Schools and Metro Public Works and agrees that the traffic improvements requested of the applicant by Metro Public Works will mediate the traffic caused by the day care and will serve to improve the overall traffic flow of the Old Harding Pike/Hwy 100 intersection during the critical pick up and drop off times for the school and day care.

Planning staff does recognize that the community requested that only a day care be permitted on the site and the Office Transition policy allows office uses in addition to day care. There is no land use policy that is solely for day care. Staff will, therefore, recommend to the Planning Commission, the addition of a special policy to allow only day care on this site. Furthermore, staff will consider the community's interest in only allowing day care when the new Community Character Policies are applied to the entire Bellevue Community during the Community Plan update, which is currently underway.

STAFF RECOMMENDATION Staff recommends approval with condition that a special policy be added to the Office Transition policy. The special policy will state that day care land uses are the only uses appropriate for the site.

Ms. McCaig presented the staff recommendation of approval with conditions.

Ms. LeQuire in at 4:23 p.m.

Seth Sparkman, representing applicant, asked for approval with conditions of Items 1a and 1b.

Mr. Clifton moved and Councilmember Gotto seconded the motion to close the Public Hearing. (7-0)

Mr. Clifton inquired if we have ever had a traffic manager before.

Devin Doyle, Public Works, stated that the primary concern is the interaction with the elementary school traffic and how the operation of this driveway will affect the school traffic and potentially the other traffic on Old Harding Road. The only traffic congestion related issues seem to be strictly related to the school, but only for short durations during drop off and pick up. The applicant was asked to provide some kind of traffic manager.

Ms. Escobar asked for clarification on a Type C landscape buffer.

Mr. Johnson clarified.

Mr. Ponder stated that this is a large facility and asked if any other facility in the county has 190 children.

Councilmember Gotto inquired how many residents were in attendance at the community meeting and how many notices were sent out.

Ms. McCaig stated that there were 13 in attendance and around 140 notices were mailed out.

Councilmember Gotto inquired if there was any sort of feel for a consensus at the meeting?

Ms. McCaig stated that it seemed they were okay with a day care use if the access issues could be worked out, but they were very concerned with traffic issues.

Councilmember Gotto asked if the councilmember is in support and Ms. McCaig stated that he appears to be if the issues can be resolved.

Councilmember Gotto asked what will be done if we start this and find out that the traffic is a huge problem.

Mr. Doyle stated that he doesn't think it will ever get to that point, but there is a condition listed that it has to be re-evaluated and other alternatives presented to Public Works. There is also a condition for them to have ongoing communication with the school. Mr. Doyle again stated that he does not think this will ever be an issue, but the conditions were placed in there to protect the community.

Councilmember Gotto inquired how much storage is on site for cars. Is there enough room to keep the cars out of the street?

Mr. Doyle stated that they have gone beyond what is required as far as parking and they do have a circular drop off.

Councilmember Gotto asked if any thought was given to moving it closer to the street. He also asked about the dumpster location and where the back door of the cafeteria facility will be.

Mr. Johnson stated that he had not received a floor plan yet.

Councilmember Gotto stated that he has some concerns, but will see what everyone else has to say.

Ms. LeQuire inquired if residential isn't appropriate anymore? Would denser housing be an appropriate transition? If we shift to commercial office transition, are there other transitions that are appropriate other than a daycare?

Ms. McCaig stated that it is unusual to have only one use for an area, but the Community Plan is being updated right now and later in the year closer to November and December, we will have Community Character Policies out there. This is basically an office transition policy without the office, limiting it to daycare for now.

Ms. LeQuire stated that if there are 190 students, then that is 115 students over the limit of what would have to have a special exception from the BZA. Ms. LeQuire also noted that the play area seems extremely small.

Mr. Johnson stated that the size of the play area is not something that is considered by in the zoning code.

Mr. Gee inquired as to why we are putting a single use on a policy area that is going to change in six months anyway. Mr. Gee also noted that the play area is small and asked what the zoning ordinance says as far as parking in concerned.

Mr. Johnson clarified that there would be 29 parking spaces for the daycare.

Mr. Gee inquired if any residential would be allowed with an OT policy.

Ms. McCaig clarified that usually only small scale office is the predominant use.

Mr. Gee moved and Ms. LeQuire seconded the motion to approve the OT policy.

Councilmember Gotto inquired what percentage of this parcel is impervious surface.

Mr. Johnson stated that he would have to check.

Mr. Clifton stated that this is a much needed facility out there and he is pleased to see that there is another choice for child care in an area that needs it.

Councilmember Gotto stated that he would like to see it included in the motion to make it contingent on SP approval at Council, otherwise you are changing the Land Use Policy.

Ms. LeQuire asked if the commission is comfortable with OT for this site and do they think that it is never going to be residential or appropriate for residential.

Mr. Bernhardt stated that a mixed use district would be appropriate but the community was not comfortable with that at this time. OT is basically a holding policy.

Mr. Bernhardt stated that an additional suggestion would be to bring this back before the MPC when Bellevue is brought back so the commission knows specifically what is happening with this as part of the Bellevue update.

Mr. Gee amended his motion to approve OT contingent on SP approval at Council.

Mr. Johnson informed Councilmember Gotto that 54% of the site is impervious.

The vote was taken. (7-0)

Resolution No. RS2011-133

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011CP-006-001 is APPROVED, with the Office Transitional Land Use Policy contingent upon the approval of 2011SP-011-001 by the Metropolitan Council. (7-0)”

1b. 2011SP-011-001

BL2011-933 / MITCHELL

THE ACADEMY OF BELLEVUE

Map 155, Parcel(s) 088

Council District 35 (Bo Mitchell)

Staff Reviewer: Greg Johnson

A request to rezone from RS40 to SP-INS zoning and for final site plan approval for property located at 7836 Old Harding Pike, at the intersection of Learning Lane and Old Harding Pike(1.26 acres), to permit a daycare center for a maximum of 190 individuals, requested by Barge Cauthen & Associates Inc., applicant, Corporate Investors Partnership VIII LLC, owner (See also Community Plan Amendment Case # 2011CP-006-001).

Staff Recommendation: APPROVE WITH CONDITIONS with approval of the associated community plan amendment; DISAPPROVE if the associated plan amendment is disapproved

APPLICANT REQUEST - Permit daycare center for 190 individuals

Preliminary and Final SP A request to rezone from Single-Family Residential (RS40) to Specific Plan – Institutional (SP-INS) zoning and for final site plan approval for property located at 7836 Old Harding Pike, at the intersection of Learning Lane and Old Harding Pike (1.26 acres), to permit a day care center for a maximum of 190 individuals.

Existing Zoning

RS40 District RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

Proposed Zoning

SP-INS District -Specific Plan-Institutional 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 institutional uses.

CRITICAL PLANNING GOALS N/A

BELLEVUE COMMUNITY PLAN

Existing Policy

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

Proposed Policy

Office Transition (OT) OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Consistent with Policy? The SP is not consistent with the existing RLM policy because of the proposed uses. RLM policy recommends low to medium density residential land uses. Within residential zoning districts, daycare center uses with more than 75 students require a Special Exception approval from the Board of Zoning Appeals. The day care center use can be permitted with conditions in non-residential zoning districts. The proposed SP would allow the use of the property for a maximum of 190 individuals and would not require any approvals from the BZA if the SP rezoning were to be approved by the Metro Council.

The proposed Office Transition policy is intended for areas bordering residential and commercial areas for small-scale office uses. The proposed day care use is considered among the acceptable uses within the OT policy.

PLAN DETAILS The proposed SP consists primarily of a site plan and a landscaping plan identifying the layout of the proposal on the lot and its relationship to surrounding development.

Day care center is the only permitted land use within this SP. Any standards not addressed by the SP must follow the standards of Commercial Limited (CL) zoning.

Site Layout The proposed building is one-story in height with a footprint of 13,800 square feet and is shown on the northeast side of the property adjacent to several single-family residential lots. Placement of the building in this location allows for the placement of the parking lot and outdoor play area away from the residential lots.

The SP proposes one vehicular access point to Learning Lane. This driveway connection leads to a side parking lot with sufficient parking to meet parking standards within the Zoning Code. A circular driveway is provided for pick-up and drop-off and is required by the Zoning Code for day care uses.

As this day care center will serve children, an outdoor play area is proposed at the front of the building along Learning Lane. This play area is required by the Zoning Code for day care uses.

Vehicular access The proposed driveway connection to Learning Lane would be situated adjacent to the intersection of Learning Lane and Old Harding Pike. At a community meeting for this project, traffic on these streets was cited as a concern of surrounding residents. In order to address possible traffic-related issues that could result from the proximity of the driveway and intersection, the applicant submitted a Traffic Impact Study (TIS) to address site access. Metro Public Works reviewed the TIS and generated conditions of approval for traffic-related improvements that are intended to mitigate traffic-related impacts of the proposed day care. The conditions address improvements to the intersection of Old Harding Pike and Learning Lane that are intended to improve traffic flow at peak times.

Signage Specific signs and sign standards are not proposed within the SP. Because the property is intended to provide an appropriate transition between residential development and commercial development, signage should not be intrusive to adjacent residential development. Conditions of approval have been added to limit ground sign height to a maximum height of six feet, which is similar to ground signs for surrounding commercial development.

Community Meeting A community meeting to discuss this SP proposal and associated plan amendment was held on May 16, 2011. Approximately 13 people were in attendance. A number of issues were raised including traffic and vehicular access to the site.

STORMWATER RECOMMENDATION

1. Provide Grading Permit fee (\$815), NOC, Detention Agreement, Long Term plan, Dedication of Easement, and recording fees.
2. For the erosion control measures, consider adding check dams (and detail) to the ditch.
3. For the outlet structure detail, a 36" pipe was noted on the plans. Show outlet diversion detail (no internal bypass was observed). Unsure if the outlet diversion and pond outlet structure are the same. Be sure to include all updated water quality details.
4. The roof drains and tie-in locations were not clearly shown on plans. Also, better delineate these locations on the drainage maps. Double check pipe calculations after showing roof tie-ins.
5. All inlets were shown to be in sag, which was not observed on the plans. Based on the grading, it doesn't appear that inlets 7 and 13 collect any drainage.
6. For the storm structures, include the flows from pond outlet and pipe bypass within the calculations.
7. The proposed roadside ditch is too flat. Provide ditch and trench sizing calculations. Consider revising the ditch layout.
8. Double check the pre Tc calculations (should be longer than 100') and post CN's for basins B and C (use a value equal or greater

than the existing CN).

9. Show clean-outs for underground detention on plans (add detail).
10. Routing / hydrograph combinations do not appear correct (some areas may be shown as bypass). If adding basins to the pond, update water quality calculations.

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.

1. The applicant shall employ a trained traffic control officer/manager to work with the Harpeth Valley Elementary School administration and crossing guards to improve the arrival and dismissal traffic management program for Harpeth Valley Elementary School. In addition, the traffic control officer shall be responsible for actively managing the traffic entering and exiting the Bellevue Academy daycare site during the arrival and dismissal times of Harpeth Valley Elementary School. The requirement to provide active traffic management by the applicant may be re-evaluated in the future by the Metro Traffic Engineer at the request of the applicant.
2. The applicant shall connect the existing sidewalk that terminates at the eastern property line on Old Harding Pike to the sidewalk planned within the proposed Bellevue Academy site. Approximately 230 feet of new sidewalk shall be provided along the property frontage and continue the sidewalk along Learning Lane terminating at the existing sidewalk at the Harpeth Valley Elementary School exit drive. Pedestrian facilities should be provided for the existing crosswalk at the signalized intersection. Pedestal poles with pushbuttons and countdown pedestrian signal heads shall be provided on the northwest and southwest corners of the intersection. All pedestrian facilities shall conform to Metro and ADA standards.
3. When directed by the Metro Traffic Engineer, the applicant shall convert the eastbound through lane at the intersection of Learning Lane and Old Harding Pike into a shared left turn/through lane. This will include adding a three section signal head for left turns, realigning the existing signal heads, and striping a 2'x4' white lane line extension. The signal timing shall be adjusted to include eastbound/westbound split signal phasing. The decision to implement this modification shall be based upon a favorable recommendation from the supplemental traffic letter/report that will be required of the applicant. These improvements shall be bonded when the project is permitted for construction.
4. The applicant shall submit a traffic letter/report along with supporting documentation completed by the applicant's traffic engineer to Metro Public Works for review and approval. The study shall describe and evaluate the operation of the development during arrival and dismissal of Harpeth Valley Elementary School and shall be submitted at least six months following the issuance of the use and occupancy permit. At the discretion of the Metro Traffic Engineer, the applicant may be required to submit the report at an earlier time. Based on the findings of the report, additional conditions may be required and may include: modification/relocation of the proposed driveway/access, modification to the traffic management plan, or further modification to the traffic signal operation. If additional conditions are required or if the development is not operating at full capacity six months after the use and occupancy permit is issued, the Metro Traffic Engineer may require additional future analysis of the driveway operation.
5. The applicant shall modify the operation of the existing traffic signal at the intersection of Learning Lane and Old Harding Pike. This shall include installing vehicle detection for the Old Harding Pike approaches and adding a right turn overlap phase and signal head for the southbound right turn movement from Old Harding Pike onto Learning Lane. Signal operation & timing changes shall be developed to accommodate the Harpeth Valley Elementary School and the Bellevue Academy daycare traffic.

Maximum Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.26	0.93 D	1 L	10	1	2

Maximum Uses in Proposed Zoning District: SP-MNR

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Day Care (565)	1.26	-	190 Children	859	144	133

Traffic changes between maximum: RS40 and proposed SP-MNR

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+849	+143	+131

STAFF RECOMMENDATION If the associated plan amendment is approved, staff recommends approval of the SP request. Approval is recommended because the proposed land use is consistent with the Office Transition policy. Additionally, traffic-related conditions of approval from Metro Public Works have been proposed to address traffic movement within the surrounding center. Staff recommends disapproval if the plan amendment is disapproved.

CONDITIONS

1. A fence will be required to surround all play areas as required by the Zoning Code.
2. Freestanding signs shall be limited to ground signs with a height to a maximum of 6 feet. No pole signs shall be permitted. All other signage standards shall comply with the CL standards of the Zoning Code.
3. Note No. 5 on page C-1.00 shall be changed to read as follows: "Proposed daycare will serve a maximum of 190 individuals."
4. A type C landscape buffer shall be provided along property lines shared with single-family residential lots.
5. Should the proposed day care use transition to general office use or commercial use, a maximum of one row of parking shall be permitted in front of the building along Learning Lane.
6. Prior to building permit approval, a plat shall be recorded to align the front property line according to the right-of-way dedication shown on the preliminary site plan.
7. Comments listed above from Metro Public Works and Metro Stormwater shall be addressed on the corrected copy of the preliminary SP plan.
8. All requirements of Chapter 17.24 (Landscaping, buffering and tree replacement) of the Metro Zoning Code for CL zoning shall be met with any final site plan within the SP.
9. 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 CL zoning district.
10. 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.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Johnson presented the staff recommendation of approval with conditions with approval of the associated community plan amendment; disapproval if the associated plan amendment is disapproved.

Ms. LeQuire stated that she would be comfortable supporting this with a pervious parking lot and noted that she would really like to see a larger play area.

Mr. Bernhardt stated that the parking could be limited to the maximum required by the Code and dedicate the extra space to a play area.

Mr. Gee stated that they meet stormwater requirements and they are limiting themselves to less than what might typically be required on impervious surfaces?

Mr. Bernhardt stated that 54% is the maximum.

Mr. Gee stated that he does not want to put a condition in there regarding pervious pavement as there are cost implications to that.

Mr. Gee stated that he would like to see as much pervious pavement as possible and does not know if he will support this or not.

Councilmember Gotto stated that he disagrees, if this is going to be approved, we need to ask for as much pervious pavement as possible. He also stated that he would like to see a larger play area and he does not like the building being jammed back against the houses. It would work much better if it was located towards the middle or the front of the site. Councilmember Gotto also stated that the dumpster location is bad.

Ms. LeQuire asked for clarification on the play area location.

Mr. Johnson clarified.

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

Resolution No. RS2011-134

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-011-001 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. A fence will be required to surround all play areas as required by the Zoning Code.
2. Freestanding signs shall be limited to ground signs with a height to a maximum of 6 feet. No pole signs shall be permitted. All other signage standards shall comply with the CL standards of the Zoning Code.
3. Note No. 5 on page C-1.00 shall be changed to read as follows: “Proposed daycare will serve a maximum of 190 individuals.”
4. A type C landscape buffer shall be provided along property lines shared with single-family residential lots.
5. Should the proposed day care use transition to general office use or commercial use, a maximum of one row of parking shall be permitted in front of the building along Learning Lane.
6. Prior to building permit approval, a plat shall be recorded to align the front property line according to the right-of-way dedication shown on the preliminary site plan.
7. Comments listed above from Metro Public Works and Metro Stormwater shall be addressed on the corrected copy of the preliminary SP plan.
8. All requirements of Chapter 17.24 (Landscaping, buffering and tree replacement) of the Metro Zoning Code for CL zoning shall be met with any final site plan within the SP.
9. 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 CL zoning district.
10. 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.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed land use is consistent with the Office Transition policy. Traffic-related conditions of approval from Metro Public Works address traffic movement within the surrounding center.”

2a. 2011CP-013-002

ANTIOCH PRIEST LAKE COMMUNITY PLAN AMENDMENT

Map 135, Parcel(s) 205-211, 214, 215, 340

Map 136, Parcel(s) 034-039, 042-049

Council District 29 (Vivian Wilhoite)

Staff Reviewer: Tifinie Adams

A request to amend the Antioch – Priest Lake Community Plan: 2003 Update to change the Land Use Policy from Neighborhood General (NG) to Neighborhood Center (NC) for various properties located along Smith Springs Road and Bell Road between Old Smith Springs road and Bell Road (16.16 acres), requested by the Metropolitan Planning Department, applicant.

Staff Recommendation: DISAPPROVE

Deferred to the June 23, 2011 MPC meeting. (6-0)

The Metropolitan Planning Commission DEFERRED 2011CP-013-002 to the June 23, 2011, Planning Commission meeting. (6-0)

2b. 2011Z-002PR-001

BL2011-935 / WILHOITE

2631 SMITH SPRINGS ROAD

Map 136, Parcel(s) 043

Council District 29 (Vivian Wilhoite)

Staff Reviewer: Jason Swaggart

A request to rezone from R10 to OR20 district property located at 2631 Smith Springs Road, approximately 760 feet west of Bell Road (.36 acres), requested by Keith Jordan, owner (Associated Community Plan Amendment 2011CP-013-002) .

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED 2011Z-002PR-001to the June 23, 2011, Planning Commission meeting. (6-0)

Planned Unit Developments

3. 53-84P-001

HICKORY HEIGHTS VILLAS

Map 161, Parcel(s) 093

Council District 31 (Parker Toler)

Staff Reviewer: Greg Johnson

A request to revise a portion of the preliminary plan for the Hickory Heights Residential Planned Unit Development Overlay located at Swiss Avenue (unnumbered), approximately 750 feet west of Zermatt Avenue (3.87 acres), zoned RM15, to permit 195 multi-family dwelling units with structured parking within two buildings, requested by Wamble & Associates, applicant, for McL-R Partnership, owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Permit 195 multi-family units

PUD Revision A request to revise a portion of the preliminary plan for the Hickory Heights Residential Planned Unit Development Overlay located at Swiss Avenue (unnumbered), approximately 750 feet west of Zermatt Avenue (3.87 acres), zoned multi-family residential (RM15), to permit 195 multi-family dwelling units with structured parking within two buildings.

Existing Zoning

RM15 District - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre.

CRITICAL PLANNING GOALS N/A

SOUTHEAST COMMUNITY PLAN

Residential Medium High (RMH) RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments.

Consistent with Policy? Yes. The proposed multi-family units are consistent with the RMH policy calling for nine to twenty dwelling units per acre.

PLAN DESCRIPTION This PUD was originally approved by Council in 1984, for 1,500 dwelling units and was revised in 1989, to allow 1,464 dwelling units. To date, a total of 744 dwelling units have received final PUD approval. The proposal would change a portion of the PUD to permit a multi-family development consisting of 195 multi-family dwelling units with a new driveway connection to Old Hickory Boulevard. Approval of the proposal will allow the PUD, as a whole, to remain within the total number of residential units last approved by Council.

Plan Details According to the plan, the proposed dwellings will be accommodated in two buildings on steeply sloped terrain with over

20% slope. Each building will have three residential floors with two levels of parking underneath. The Council-approved preliminary PUD showed a general building height of three stories. The current proposal is consistent with that plan for the height of the proposed buildings. The two below-grade parking levels will provide the required parking for all dwellings. Driveway access from Old Hickory Boulevard will provide direct access to the parking structures.

The proposal is located on a portion of the Council-approved PUD plan that was neither within the proposed footprint of development, nor identified as open space. Because the proposal will be consistent with the Council approval in terms of building height and total number of dwelling units, staff considers the proposal to be consistent with the original Council approved PUD plan. A plat approved after the preliminary PUD approval does not include the project site in its boundary of construction. Prior to building permits, revision of the plat will be required to place the proposal within the boundary of construction.

PUD revision This application was submitted as a PUD Revision, an application type that is intended for relatively minor changes and additions to a PUD project. PUD Revisions require Planning Commission approval, but not Council approval. With a PUD Revision, this proposal must meet the current Code requirements for landscaping and parking. The proposed plan does meet these requirements. Staff reviewed the remainder of the proposal against the Council approved plan, which was adopted under the previous Zoning Code (COMZO) and found it to be consistent with the Council approved plan.

NES RECOMMENDATION

- Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. Pad(s) and riser pole should be shown on the revised preliminary PUD plan.
- Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 20-foot public utility easement required adjacent to public r-o-w.
- NES can meet with developer/engineer upon request to determine electrical service options
- NES needs any drawings that will cover any road improvements to State Route 254 - Old Hickory Blvd that the State of TN or Metro Public Works will require.
- NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ www.nespower.com).
- Developer engineer should plan on a 3 phase service from NES pad mounted transformer or NES may require two pad mounted transformers.

STORMWATER RECOMMENDATION Preliminary PUD approved except as noted:

- For the north section of the site, water quality will be handled by an underground 80% TSS removal unit.

FIRE MARSHAL RECOMMENDATION All current Fire Codes shall be met including aerial equipment access.

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.
- Sight distance documentation was received and indicates that significant grading of the adjacent properties and associated easements will be required prior to any construction activity in order to provide adequate sight distance at the project access.
- A TIS is required prior to Final PUD plans.

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposal does not exceed the total number of residential units last approved by Council and is consistent in height to other residential buildings within the PUD.

CONDITIONS

1. Prior to building permit approval, a revised plat shall be recorded that removes the proposed development site from the open space area, as shown in the original plat.
2. Conditions shown above from the Fire Marshal, NES, Metro Stormwater, and Metro Public Works shall be met.
3. 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.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Mr. Johnson presented the staff recommendation of approval with conditions.

Chairman McLean recused himself and stepped out at 5:09 p.m.

Mr. Clifton out at 5:09 p.m.

Mr. Clifton in at 5:12 p.m.

Tom White, representing applicant, spoke in support of staff recommendation and asked for approval.

Megan Jakes, 3510 Steffisburg Drive, spoke against staff recommendation noting traffic issues, loss of downtown view from her townhome, decreased property values, and loss of green space.

Ken Jakes, 5920 Clarksville Hwy, asked the commission to give consideration to the surrounding community and stated that apartments tend to lessen property values whereas private ownership increases property values.

Councilmember Toler stated that this fits into the plan and that the owner has a right for what he is asking.

Tom White stated that the density is still only two thirds of what it could have been and the height will not deter from the view.

Mr. Clifton moved and Mr. Ponder seconded the motion to close the Public Hearing. (6-0)

Mr. Ponder stated that it is less than what it could have been.

Mr. Clifton inquired if this complex will cut off the view to downtown?

Mr. Bernhardt stated that he is not sure.

Ms. LeQuire asked staff to confirm that the reason this request is being approved on steep slopes is because there were no standards in place when the PUD was originally approved and the old PUD did not have this area identified as Open Space.

Mr. Johnson confirmed that this was correct.

Councilmember Gotto noted that this is a very significant reduction in density, over a third less than what was originally approved. The height of building has been cut down.

Councilmember Gotto moved and Mr. Ponder seconded the motion to approve staff recommendation. (6-0-1) Chairman McLean recused himself.

Resolution No. RS2011-135

"BE IT RESOLVED by The Metropolitan Planning Commission that 53-84P-001 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Prior to building permit approval, a revised plat shall be recorded that removes the proposed development site from the open space area, as shown in the original plat.
2. Conditions shown above from the Fire Marshal, NES, Metro Stormwater, and Metro Public Works shall be met.
3. 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.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced."

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

Community Plan Amendments

4a. 2011CP-008-002

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Map 092-07, Parcel(s) 338-339, 341, 407, 424

Map 092-11, Parcel(s) 025, 027.01, 027
Council District 21 (Edith Taylor Langster)
Staff Reviewer: Tifinie Adams

A request to amend the North Nashville Community Plan: 2010 Update to change the Land Use Policy from District Industrial (D IN) to T4 Mixed Use Neighborhood (T4 MU) for multiple properties located at 21st Avenue North and Clifton Avenue, zoned OR20, OR40, MUG, and IR district (6.59 acres), requested by the Metropolitan Planning Department, applicant.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Amend land use policy from District Industrial (D IN) to T4 Urban Mixed Use Neighborhood (T4 MU) Amend the Community Plan A request to amend the North Nashville Community Plan: 2010 Update to change the land use policy from District Industrial (D IN) to T4 Urban Mixed Use Neighborhood (T4 MU) for multiple properties located at 21st Avenue North and Clifton Avenue.

CRITICAL PLANNING GOALS N/A

NORTH NASHVILLE COMMUNITY PLAN

Current Policy

District Industrial (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.

Proposed Policy

T4 Urban Mixed Use Neighborhood (T4 MU) T4 MU policy is intended to preserve, enhance, and create urban, mixed use neighborhoods characterized by a development pattern that contains a diverse mix of residential and nonresidential land uses, and that are envisioned to remain or develop in a mixed use pattern. T4 MU areas are areas intended to be mixed use in nature with the presence of commercial and even light industrial uses, but also a significant amount of moderate to high density residential development.

BACKGROUND AND ANALYSIS This community plan amendment is a housekeeping amendment being undertaken by the Planning Staff to correct an oversight in the North Nashville Community Plan. District - Industrial community character policy was applied to properties near 21st Avenue North and Clifton Avenue, however this area is not solely industrial. It contains a mixture of land uses which includes light industrial, civic and public benefit (schools, and churches), and residential. The North Nashville Community Plan also included a development scenario for the properties within the plan amendment area. The development scenario envisioned a mixture of land uses, and the adaptive reuse of a historic structure.

The T4 Urban Mixed Use Neighborhood community character policy is proposed to recognize the existing mixture of land uses and to reflect the character that is envisioned for the area.

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.

STAFF RECOMMENDATION Staff recommends approval.

DEVELOPMENT SCENARIO



Approved (6-0), Consent Agenda

Resolution No. RS2011-136

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011CP-008-002 is **APPROVED. (6-0)**”

4b. 2011Z-016PR-001

BL2011-929 / LANGSTER
21ST AVENUE & SPRUCE STREET
 Map 092-07, Parcel(s) 338-339
 Council District 21 (Edith Taylor Langster)
 Staff Reviewer: Greg Johnson

A request to rezone from IR to MUG-A zoning for property located at 615 Spruce Street and 21st Avenue North (unnumbered), north of Charlotte Pike (2.06 acres), requested by Jeff Heider, applicant, for John L. and Inarae P. Combs, owners.

Staff Recommendation: APPROVE

APPLICANT REQUEST -Zone change to permit mixed use

Zone Change A request to rezone from Industrial-Restrictive (IR) to Mixed Use General – Alternative (MUG-A) zoning for property located at 615 Spruce Street and 21st Avenue North (unnumbered), north of Charlotte Pike (2.06 acres).

Existing Zoning

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

Proposed Zoning

MUG-A District - Mixed Use General – Alternative is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports Infill Development

MUG-A zoning will promote walkable neighborhoods with relatively short building setbacks required along street frontages, requiring placement of parking lots away from the pedestrian realm. The specificity of building setbacks will also provide the expectation that infill development will be consistent with surroundings.

NORTH NASHVILLE COMMUNITY PLAN

Existing Policy

District-Industrial (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.

Proposed Policy

T4 Mixed Use Neighborhood (T4 MU) T4 MU policy is intended to preserve, enhance, and create urban, mixed use neighborhoods characterized by a development pattern that contains a diverse mix of residential and nonresidential land uses, and that are envisioned to remain or develop in a mixed use pattern. T4 MU areas are areas intended to be mixed use in nature with the presence of commercial and even light industrial uses, but also a significant amount of moderate to high density residential development.

Consistent with Policy? Yes. The proposed MUG-A zoning district is intended to implement the design-related intent of the mixed use policy areas. The zoning district requires relatively short building setbacks to ensure consistency among development within mixed use areas.

PUBLIC WORKS RECOMMENDATION A TIS may be required at development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Light Manufacturing (140)	2.06	0.277 F	24,485SF	94	18	18

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.06	0.184 F	16,510 SF	334	45	98

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+240	+27	+80

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Light Manufacturing (140)	2.06	0.6 F	53,840 SF	206	40	40

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.06	3F	269,200 SF	2860	415	381

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2654	+375	+341

METRO SCHOOL BOARD REPORT

Projected student generation 12 Elementary 7 Middle 6 High

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

STAFF RECOMMENDATION Staff recommends approval of the proposed MUG-A zoning district with approval of the associated community plan amendment. The zoning classification is intended to implement mixed use policies and will ensure consistency for infill development in terms of building setbacks.

Approved (6-0), Consent Agenda

Resolution No. RS2011-137

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-016PR-001 is **APPROVED. (6-0)**

The MUG-A zoning classification is appropriate because it is intended to implement mixed use policies and will ensure consistency for infill development in terms of building setbacks."

I. RECOMMENDATIONS TO METRO COUNCIL

Zoning Text Amendments

5. 2010Z-025TX-002

BL2011-924 / JAMESON

HOME OCCUPATION

Staff Reviewer: Jennifer Regen

A request to amend Title 17 of the Metro Zoning Code to modify standards applicable to a "Home Occupation" and create a new land use with standards called "Home Business", requested by Councilmember Mike Jameson.

Staff Recommendation: APPROVE

APPLICANT REQUEST -Modify regulations governing home businesses.

Text Amendment A request to amend Title 17 of the Metro Zoning Code to modify standards applicable to a "Home Occupation" and create a new land use with standards called "Home Business."

CRITICAL PLANNING GOALS

- Encourages Housing Maintenance and Neighborhood Stability
- Supports Infill Development
- Efficient Use of Existing Housing and Infrastructure
- Preserves Historic Resources

This council bill supports maintaining, preserving, and supporting Nashville's housing stock and infrastructure. It accomplishes this by allowing homeowners and residents to use a small portion of their home for a business. Allowing for this accessory use in the agricultural and residential zoning districts promotes homeownership, rental property maintenance, and efficient use of existing infrastructure by promoting reinvestment in existing neighborhoods.

APPLICATION DETAILS This request is to modify the home occupation standards by creating two different permit types: Home Occupation (no clients) and Home Business (clients). Under both permit types, a home-based business can occur in a residential dwelling in the AG, AR2a, R, and RS zoning districts. In addition, a home occupation is allowed in the RM district. Clients and patrons may only come to a home business by scheduled appointment. This bill will replace Council Bill BL2011-858 which the Planning Commission approved the substitute bill on April 28, 2011. The current proposal addresses community concerns and issues raised by the Planning Commission.

City of Nashville The very first zoning code of the former City of Nashville was adopted in 1933, allowing home occupations as an accessory use in all estate and residential zoning districts. The last update to the city's zoning code in 1962 continued to allow home occupation with the same accessory standards as adopted in 1933:

"The office of a member of a recognized profession, such as a doctor, dentist, or musician, provided the office is in the home of such person and there is no display visible from the street, nor signboard used to advertise such use except an unlighted or indirectly lighted name plate not more than one square foot in area."

Davidson County The zoning code of former Davidson County also allowed home occupations in all estate and residential zoning districts as early as 1947 and up and until 1963 as follows:

"Any occupation in connection with which there is no stock in trade nor commodity sold upon the premises, no person employed other than a member of the immediate family residing on the premises, and no mechanical equipment used except such as is permissible for purely domestic or household purposes; and in connection with which there is used no sign or display that will indicate from the exterior that the building is being allowed in whole or in part for any purpose other than that of a dwelling."

Metro Nashville & Davidson County The zoning code for Metro Nashville and Davidson County adopted in 1971 also allowed home occupations in all residential zoning districts as an accessory use with clients and patrons coming to the home. In 1976, home occupation was modified to restrict group instruction to four persons simultaneously. Then, with the 1998 Zoning Code rewrite, home occupations were prohibited from allowing clients and patrons to come to the home. Staff continues to research why the 1998 rewrite created an altogether ban on clients and patrons.

Summary Nashville's history reflects that of numerous communities across the nation. When zoning codes were first adopted in the

1930's and 1940's, home occupations represented a potential nonconforming use in the newly created residential zoning districts. Not wanting to eliminate these businesses, or disrupt the lives of their residents, zoning codes were adopted to reflect what existed at the time of their adoption, that is, doctors, attorneys, dressmakers, etc. using their own homes to see clients and patrons. The City of Nashville, Davidson County, and Metro Nashville and Davidson County's Zoning Codes all incorporated this recognition of existing uses.

Community Input After receiving input from the Planning Commission at its April 28, 2011, Work Session and from various community meetings held since that date, the sponsor drafted a new council bill to address comments and concerns. This new bill, BL2011-924 will go to a council public hearing on July 5, 2011.

Bill Changes The key differences between this bill and BL2011-858 are as follows:

Change: Renaming of Tier 1 to "home occupation" and Tier 2 to "home business";
Reason: Easier to understand names.

Change: Allow home business as an accessory use instead of as a special exception use.
Reason: Keeps both home occupation and home business as accessory uses to a residential dwelling unit.

Change: A home business must operate in an owner-occupied residential dwelling.
Reason: Neighborhood groups want an owner-occupied dwelling for home business. "Home occupation" though will remain available to owners and renters since no clients or patrons come to the residential dwelling.

Change: Modify "cottage industry" definition to allow recording studio and group instruction of up to four individuals at one time.
Reason: Recording studio was never meant to be prohibited. The City of Nashville allowed musicians as a home occupation when it adopted its first Zoning Code in 1933. Metro Nashville and Davidson County allowed the instruction of up to four persons until the Zoning Code rewrite in 1998.

Change: Disallow a sign, plaque, or other form of business identification.
Reason: Neighborhood groups do not want any form of business identification.

Change: Allow on-street parking.
Reason: Many residential areas in Nashville do not have driveways, thus, on-street parking is the only option for residents and visitors.

Change: Require Zoning Administrator (ZA) review of home occupation or home business permit, if three complaints are received within a calendar year. ZA can refer permit to the Board of Zoning Appeals (BZA), and if referred, BZA will hold a public hearing on the matter.
Reason: Creates a predictable process for resolution of complaints.

Analysis The current home occupation standards in the Zoning Code prohibit customers from coming to a residential property where a home business is located. This council bill allows customers under certain conditions for a home business. A home occupation would continue to disallow customers coming to the home. The bill creates two-type of home-based businesses: Home occupation (no clients) and home business (clients). Both permits would be approved administratively by the Codes Department; see the table below for a comparison of today's zoning code to BL2011-924.

Permitted Uses Existing Code: Any activity is allowed provided no clients/patrons come to the home, no outdoor activities, emissions, noise, glare, etc. occur.

Proposal: Both home-based business uses allow general office and cottage industry activities with one non-resident employee. Only the home business use allows clients and patrons to come to the home; home occupation will continue to prohibit clients or patrons.

- General Office (non-medical);
- Cottage Industry where persons are engaged in the on-site production of goods or services such as, but not limited to:
 - Artists, sculptors, photography; ceramics, jewelry making, dress-making, tailoring, sewing, ironing, home crafts;
 - Baking, preserving, cooking, catering;
 - Barber or beauty shop (one-chair);
 - Catalog or internet sales;
 - Group instruction of up to 4 persons;
 - Licensed massage therapy;
 - Personal counseling;
 - Recording studio;
 - Upholstery;
 - Watch or clock repair;
 - Woodworking.

Prohibited Uses

Existing Code: Automobile-related uses are prohibited as a home business.

Proposal: The following uses would be **prohibited** as a home business and home occupation, in addition to any automobile-related uses:

- Animal boarding, grooming, bathing, or exercising; animal day care;
- Automobile/farm/lawn equipment sales, rentals, detailing, washing, repair, dismantling, storage, or salvage; engine or machine shops;
- Bed and breakfast;
- Direct retail sales;
- Divination (palm reading, fortune-telling, etc);
- Group instruction of more than 4 persons;
- Kennel;
- Rental or leasing of homes for special events and gatherings;
- Restaurants or tea rooms;
- Small appliance repair;
- Tattoo / tanning / body-piercing;
- Wedding chapel;
- Wrecker service; or,
- Any businesses where employees come to the home and then are dispatched to other locations.

HOME-BASED BUSINESS

Comparison: Existing Code vs. Proposed Bill

Standards	Item	Existing Code	Proposed Bill
LOCATION	Where can business locate?		
	Home, Garage, or Accessory Building / Structure		Yes
	Outdoor area for swim or tennis	No	Yes
SIZE	How much of the home can business occupy?		
	Maximum of 20% of square footage of home (excluding garage or accessory bldg.)		Yes
	Business is limited to a maximum of 500 square feet of home, garage, or accessory bldg. regardless of home's size		Yes
EMPLOYEES	How many employees can the business have?		
	Persons residing in the home		Yes
	1 part-time or 1 full-time employee living outside of home can work on-site at the		Yes
	Can full-time equivalents be used in computing # of employees	Not Addressed	No
	Employee defined as independent contractor, volunteer, or assisting w/out paid	No	Yes
OCCUPANCY	Who can operate the home-based business?		
	Property Owner		Yes
	Tenant w/ written authorization from property owner, if tenant operating business	Yes, home occ	Yes, home occ No, home bus
VISITORS	Can clients come to the home, and how many?		
	Allows clients/patrons to come to home	No	Yes
	Limitation on # of "visitors/clients/patrons" to home per day	Prohibited	10 visits per day
DELIVERIES	Can deliveries be made to the home, or from the home?		
	Allows deliveries to home (UPS, FedEx, USPS, DHL, etc.)		Yes
	Can a delivery truck be used by business, if maximum axle load doesn't exceed one and one-half tons		Yes
	Limitation on # of deliveries to home per day	No	Yes
HOURS	Can business operate only during certain hours of the day?		
	Limitation on business' hours of operation	No	Yes
	Evening hours and/or weekend hours allowed to operate	Yes	No
SIGNS	Can business put a sign on the property advertising itself?		
	Sign on property along street, on mailbox / door / awning / porch		No
	Advertising on vehicles visible from street or alley that are parked in driveway, carport, street, alley		No
	Advertising on vehicles parked in an enclosed garage		Yes
PARKING	Where can clients park?		
	Employee park on-street	Yes	Yes
	Clients / patrons park on-site		Yes
	Clients / patrons park on-street	No	Yes
STORAGE	How can items be stored outside?		
	Can materials, goods, and/or products be stored outside, on carport, porch, deck		No
	Can materials, goods, and/or products be stored on-site for a business located elsewhere		No
NOTIFICATION	Will neighbors receive notice about a home business next door?		
	Home occupation		No
	Home business	N/A	Yes
PERMITS	How many permits can be issued per dwelling?		
	Can two permits be issued for the same dwelling and/or property	No	Yes
	If two permits issued for same dwelling, do the standards apply to both as if one permit were issued?	N/A	Yes
	Can permit be transferred to a new property owner, address, tenant	Not Addressed	No
	Business license required from County Clerk	Not Addressed	Yes
PERMIT REVIEW	If complaints to Codes Dept., will the BZA reconsider issuance of permit at a public hearing?		
	Home occupation and Home business	Not Addressed	3 complaints triggers Zoning Admin review who can refer permit to BZA

PUBLIC WORKS RECOMMENDATION No exception taken.

CODES ADMINISTRATION RECOMMENDATION The proposed bill can be administered by the Codes Department, however, the department does have concerns about its enforcement. Specifically, allowing customers and clients to visit the home. The Codes

Department does not have sufficient staff to observe home businesses for extended periods of time to determine whether a violation has occurred.

STAFF RECOMMENDATION Staff recommends approval of this council bill. It recognizes the evolution of home occupation businesses given the advent of technology, flexible work schedules, and dual income families.

ORDINANCE NO. BL2011-924

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, to modify the standards applicable to a “Home Occupation” and create a new land use with standards called “Home Business” (Proposal No. 2010Z-025TX-002).

WHEREAS, former zoning codes for the City of Nashville and Davidson County allowed home occupations with clients and patrons permitted to visit the home without restriction as early as 1933 and as late as 1963; and,

WHEREAS, former zoning codes of the Metropolitan Government of Nashville and Davidson County allowed home occupation with up to four (4) clients able to visit the home for instruction purposes as early as 1971 and as late as 1989; and,

WHEREAS, the Metro Zoning Code allows today a home occupation as an accessory use of a residence (secondary to the primary use of the residence as a dwelling or home) with no clients or patrons permitted to visit; and,

WHEREAS, the U.S. Census American Community Survey of Davidson County for 2005-2009 identified 12,845 people in Davidson County who work from home; and,

WHEREAS, in recognition of changing electronic technology, demographics, household composition, self-employment trends, and needs of our community, the current home occupation (business) standards need updating; and,

WHEREAS, a home occupation is not an automatic entitlement by zoning, but rather subject to strict conditions to assure its compatibility with the surrounding residential character and may be revoked at any time by Metro Government if significant violations occur; and,

WHEREAS, the Metropolitan Government of Nashville and Davidson County wants to support home occupations and home businesses to the extent they maintain and preserve the residential character of residential neighborhoods.

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

Section 1. That Section 17.04.060 (Definitions) of the Metro Zoning Code is hereby amended by **inserting** in alphabetical order a definition for “cottage industry” and “non-resident employee” and **deleting** the current definition for “home occupation” and **inserting** a new definition for “Home Occupation” and “Home Business” as follows:

Cottage Industry means a home business or home occupation where persons are engaged in the on-site production of goods or services such as, but not limited to, the following in accordance with the regulations set forth in Sections 17.16.250.C and 17.16.250.D: Artists, ceramics, home crafts, photography studio, sculptors; baking, catering, cooking, preserving; one-chair barber or beautician; catalog or internet sales; dressmaking, ironing, jewelry-making, sewing, tailoring; individual instruction or counseling; group instruction or counseling of not more than four persons; licensed massage therapy; recording studio; upholstery, woodworking, and watch or clock repair. A cottage industry shall not mean any of the following, or any similar activities, as determined by the Zoning Administrator: Automobile/farm/lawn/boat equipment detailing, dismantling, painting, rentals, repair, sales, salvage, service, storage, or washing; engine or machine shops; small appliance repair; wrecker service; bed and breakfast; wedding chapel; the rental or leasing of homes for special events and gatherings; group instruction or counseling of more than four persons; kennel; animal boarding, grooming, bathing, or exercising; animal day care; medical office or labs; personal defense involving any weapons; restaurants; tea rooms; retail sales (direct); tattoo/tanning/body-piercing; divination; and any business where employees come to the home and then are dispatched to other locations.

Home Business means an occupation, service, profession or enterprise to occur on a property containing a single-family or two-family dwelling where it is an accessory use and where a non-resident employee, clients, and/or patrons may come to the property. The home business activities allowed shall be in accordance with the regulations set forth in Section 17.16.250.C.

Home Occupation means an occupation, service, profession or enterprise to occur on a property containing a single-family, two-family, or multi-family dwelling, where it is an accessory use and where a non-resident employee may come to the property, but no clients or patrons come to the property at any time. The home occupation activities allowed shall be in accordance with the regulations set forth in Section 17.16.250.D.

Non-Resident Employee means an employee, business partner, co-owner, independent contractor, volunteer, or anyone who does not reside in the principal dwelling unit, yet visits the site as part of the home business or home occupation, regardless of whether compensation is received. A non-resident employee is one person, and shall not be construed to mean part-time or full-time staff equivalents or employee shifts, even when only one non-resident employee is on the premises at any given time.

Section 2. That Section 17.08.030.D (Zoning Land Use Table: Residential Uses) of the Metro Zoning Code is hereby amended by **inserting** a new land use called “Home Business” as an accessory use (A) in the AG, AR2a, R, and RS zoning districts.

Section 3. That Section 17.16.250 (Uses Permitted as Accessory Uses: Residential Accessory Uses) of the Metro Zoning Code is hereby amended by **deleting** the existing subsection "C" and **inserting** a new subsection "C" for "Home Business" and a new subsection "D" for "Home Occupation".

C. HOME BUSINESS

1. Purpose and Intent.

A home business is intended to allow Davidson County residents to use their home for limited business activities subject to strict conditions to maintain and preserve the residential character and integrity of neighborhoods.

2. Applicability No home business shall be initiated until the Zoning Administrator has received an application with all applicable fees, and approved the proposed home business as complying with Section 17.16.250.C. In addition, the Zoning Administrator may establish reasonable conditions on the operation of any home business, or refer an application to the Board of Zoning Appeals for a determination. Any home business shall be subject to the provisions of this section regardless of whether a business license has been obtained from the County Clerk.

3. Eligible Area of a home business shall be as follows:

- a. It shall occupy no more than the equivalent of twenty percent (20%) of the total gross floor area of the principal dwelling unit, or 500 square feet of gross floor area, whichever is less.
- b. It shall be conducted in the principal dwelling, a garage, a storage building, or other accessory structure. With the exception of personal instruction occurring as a cottage industry outdoors such as tennis or swimming lessons, the home business shall comply with Section 17.16.250.C.3a and 3b.

4. Alteration of Residence. The home business shall not alter the residential character or appearance of the principal dwelling, accessory building, or premises, its fire code or building code classifications, or have separate utility service or capacity beyond what is customary for the residential dwelling unit's size.

5. Permitted Activities shall be general office (non-medical) and cottage industry, as defined in Section 17.04.060, with clients and patrons allowed to come to the property subject to the further limitations imposed by this section.

6. Prohibited Activities shall be those activities not classified as a cottage industry as defined in Section 17.04.060. In addition, no outdoor area can be rented or leased by a non-resident employee for a cottage industry such as a swimming pool or tennis court.

7. Occupancy. The owner of the property must reside permanently in the dwelling unit as a principal residence.

8. Employees working on site at the home business are limited to persons who reside in the home and one non-resident employee.

9. Clients, patrons, and deliveries shall only be allowed by scheduled appointment during the hours of 8:00 a.m. to 6:00 p.m., Monday thru Friday and subject to the following restrictions below. For purposes of this section, a "visit" means any trip made onto the property for any purpose during the aforementioned hours and days of the week.

- a. No more than two visits per hour; however, for group instruction a maximum of four students shall be allowed for one lesson provided the maximum number of visits to the home is not exceeded per hour or per day;
- b. No more than a total of 10 visits per day; and,
- c. No truck deliveries or pick-ups, except by public or private parcel services.

10. Parking for the home business shall be in compliance with Section 16.24.330.K.3 of the Metro Code. However, in no case shall additional parking spaces be created on the property for the home business. Any vehicle used by the home business to transport or deliver materials, goods, or services shall be limited to one passenger vehicle. A "passenger vehicle" includes motorcycles, automobiles, pick-up trucks and vans, and shall be limited to an axle load capacity of up to one and one-half tons.

11. Storage of materials or goods shall be permitted with the following standards:

- a. Only those goods, materials, or items utilized or produced in connection with the home business may be stored within the dwelling unit or accessory structure designated for the home business. No storage shall occur on any deck, carport, unenclosed porch or structure, or outdoor area.
- b. All hazardous, flammable, or combustible compounds, products or materials shall be maintained and used in compliance with the Metro Fire Code.

12. Operation of the home business shall comply with the following standards:

- a. It shall not be visible, noticeable, or perceptible at or beyond the property line or from any public right-of-way (including alleys), or from neighboring residential properties;
- b. It is prohibited from having electrical, mechanical or chemical equipment that is not normally associated with residential uses with the exception of cottage industry activities that involve welding, ceramics, woodworking and similar materials; and,
- c. It shall not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise, sound or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness; electromagnetic or other disturbance to neighboring wifi, radio or television reception; glare, liquid or solid refuse or other waste that exceeds the average weekly residential rate of generation; or other objectionable substance, condition or element.

13. **Signs and Advertising** shall be prohibited including exterior displays or interior displays of goods visible from the outside, or any exhibit whatsoever that would indicate that the dwelling unit or accessory building is being utilized, in whole or in part, for any purpose other than a residence. Further, no vehicle shall be parked on the property with a temporary or permanent sign or logo visible from the public right-of-way, including an alley.

14. **Number of Permits.** No more than two home business permits shall be granted per a residential dwelling unit. The limitations of this section shall apply to the combined permits as if there was only one home business at the residence.

15. **Business License.** In conjunction with the submittal of a home business application, the applicant shall provide a copy of a valid, unexpired business license, from the State of Tennessee, if required, for the proposed home business. If a business license is not renewed, the home business permit shall become void.

16. **Permit Transferability.** A home business permit shall not be transferred or assigned to another person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home business. Upon termination of the occupant's residency, the home business permit shall become null and void.

17. **Notification of Property Owners and District Councilmember.** Prior to the submittal of a home business application, the applicant shall send a letter by certified mail, return receipt requested, to the district councilmember as well as each property owner that owns property adjacent to, or abutting, the applicant's property, and to any homeowner's association in which the applicant's property is located. The content of the letter shall be as prescribed by the Zoning Administrator. The applicant shall submit the original return receipt postcards from the certified mailing to the Zoning Administrator with the submittal of a home business application.

18. **Appeal of Decision.** Within 60 days from the date of permit issuance or denial, a person may appeal the Zoning Administrator's decision by filing a written appeal with the Board of Zoning Appeals as provided in Section 17.40.180.A. The appeal shall contain the name and address of the person appealing the action, the decision being appealed, and the reasons for said appeal. The Board of Zoning Appeals shall hold a public hearing on the appeal in accordance with this Title.

19. **Revocation of Permit.** Upon the filing of three or more complaints within a calendar year regarding a home business permit, the Zoning Administrator shall notify the permit holder in writing of such complaints and the Zoning Administrator will determine whether such complaints are valid. If it is determined that violations have occurred, the Zoning Administrator may revoke a permit as provided in Section 17.40.590. The permit holder may appeal the Zoning Administrator's decision to the Board of Zoning Appeals for a public hearing as provided in this Title.

D. HOME OCCUPATION

1. **Applicability** The home occupation shall be subject to all of the standards of a home business contained in Section 17.16.250.C in addition to the standards below, or where standards may conflict, the home occupation standards below shall apply. In addition, the provisions of Sections 17.16.250.C.9 and 17.16.250.C.17 shall not apply.

2. **Permitted Activities** shall be general office (non-medical) and cottage industry subject to the further limitations imposed by this section.

3. **Prohibited Activities** shall be any activities not allowed by Section 17.16.250.D.2, and any that involve a patron, client, or more than one non-resident employee coming to the home.

4. **Occupancy.** The owner of the property must reside permanently in the dwelling unit as a principal residence, or if a rental or leased dwelling unit, the applicant shall submit a written notarized statement from the property owner(s) giving the tenant, who must reside permanently in the home, permission to operate the proposed home occupation.

5. **Clients, patrons and deliveries** shall be prohibited at any time, except deliveries or pick-ups by public or private parcel services shall be permitted.

Section 4. This Ordinance shall take effect immediately 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: Councilmember Mike Jameson

Ms. Regen presented the staff recommendation of approval.

Chairman McLean in at 5:27 p.m.

Councilmember Gotto out at 5:28 p.m.

Councilmember Gotto in at 5:34 p.m.

Ms. Escobar out at 5:34 p.m.

Ms. Escobar in at 5:36 p.m.

Councilmember Jameson spoke in support of staff recommendation and addressed issues previously raised by each commissioner.

Council Lady Emily Evans, District 23, spoke in support of staff recommendation.

Chairman McLean out at 5:49 p.m.

Colleen O'Connell, 3000 Windemere Cr, spoke in support of staff recommendation stating that there does not seem to be any problems generated by home businesses/home occupations. Approval is vital due to this being the worst economy in years.

Chairman McLean in at 5:52 p.m.

Carol Norton, 801 Boscobel Street, spoke in support of staff recommendation stating that this is just a housekeeping measure to clarify what is allowed. This will keep all businesses legal and will level the playing field as far as taxes are concerned.

Sandra Walker, 2120 Lebanon Road #26, spoke in support of staff recommendation stating that this is what we need to do to support our community and our neighbors, especially considering the state of our economy.

Mare Wakefield, 1014 Sharpe, spoke in support of staff recommendation.

Name unclear, East Nashville, spoke in support of staff recommendation stating that parameters will be set to say what is right and what is wrong. It's a win-win situation for everyone.

Jane Hardy, 208 Elmington Avenue, spoke in support of staff recommendation stating that this will improve Nashville's sustainability and resilience.

Ken Winters, Paris Avenue, spoke against staff recommendation.

Mina Johnson, 6600 Fox Hollow Road, expressed great concerns with home businesses stating that they pardon some businesses but punish others. Ms. Johnson stated that she does support home occupations and asked the commission to please exclude home businesses since they require a state license.

Susan Floyd, 222 Bonabrook, suggested that we baby steps, get the 12,000 people that are working from home a permit and think for the future.

Charlotte Cooper, 3409 Trimble Road, spoke against staff recommendation stating that residential neighborhoods should remain residential. This bill will not prevent violations.

Patsy Bruce, PO Box 120428, spoke against staff recommendation stating that this will provide more opportunities for crime in neighborhoods.

Sandra Carlton, 211 Mockingbird Road, spoke against staff recommendation stating that she draws the line at customers coming in to neighborhoods to conduct business. She also expressed concerns about the lack of enforcement.

Mr. Clifton moved and Councilmember Gotto seconded the motion to close the Public Hearing. (7-0)

Mr. Clifton stated that this could be a major step towards sustainability. He also stated that he is not sure this bill is in the right format yet. He does have a few concerns, but is basically in support of the bill because "Don't ask, Don't tell" is not a way to run a city. It is not appropriate to look the other way. Rules should be out there and enforced.

Mr. Clifton asked staff what we do with the issue of being able to tell from your senses (sight, smell, etc.) that a business is in our neighborhood.

Ms. Regen stated that this was not addressed specifically because the process would be what it is today and that is to call Codes.

Mr. Clifton asked if there is any way to limit sound.

Ms. Regen clarified that, by the bill, you are not allowed to be able to hear or smell or perceive the business from the property line.

Mr. Clifton stated that this can not help but offer a step towards more appropriate environmental living, but it will need to continue to be modified as ideas are brought up.

Ms. Escobar thanked Councilmember Jameson for his hard work on this bill and stated her support. She noted that we should encourage people to be able to work from home, especially with the way the economy is. The playing field should be leveled. She also stated that this might help reduce crime instead of encouraging it and feels like this is a good place to start.

Mr. Ponder also thanked Councilmember Jameson and the staff for their hard work and expressed his support. It will contribute to the financial success of the community and the state.

Councilmember Gotto stated several issues with this bill:

1. Unfair competitive advantage to open up the door this widely for people to operate a business in a residential neighborhood.
2. Enforcement will be non-existent just as it is today. Who will do the initial inspection prior to issuing a permit? Codes?
3. An HOA can prohibit this, but the majority of the people don't live under a HOA therefore they won't have a choice.
4. Neighborhood notification does not seem to mean much because there is really nothing that can be done if the business applying meets all requirements.
5. This is basically a mass rezoning.

Councilmember Gotto stated that he feels that this is premature. He admitted that there is a problem that needs to be addressed, but doesn't feel that we don't know exactly what the problem is. He will not support this bill at this time.

Ms. Regen stated yes, Codes would do the initial inspection before a permit is issued. It will not be inspected again after the initial visit unless there is a complaint.

Chairman McLean asked if a HOA overrides the ordinance.

Ms. Regen stated yes.

Ms. LeQuire moved to accept staff recommendation.

Ms. LeQuire asked if there is any kind of fee to get a permit.

Ms. Regen clarified that there is a one time \$50 fee.

Ms. LeQuire suggested making it an annual fee to keep it legitimized.

Ms. LeQuire moved and Mr. Ponder seconded the motion to approve staff recommendation.

Ms. Escobar out at 6:40 p.m.

Mr. Gee inquired if the bill addresses who the owner of the home business is.

Ms. Regen stated no, the bill does not address that. It just stated that they must reside there.

Mr. Gee asked for confirmation that neither a home occupation nor a home business will have to be approved by the BZA unless there are 3 complaints.

Ms. Regen confirmed.

Mr. Gee inquired if there any current permitted uses that this bill will prohibit.

Ms. Regen stated no.

Ms. Escobar in at 6:42 p.m.

Mr. Gee expressed his support and thanked Councilmember Jameson for his work on the bill.

Mr. Gee stated that he wants to make sure a few issues have been thoroughly considered by the staff and the Councilmember before this goes to Council:

1. List direct retail as a prohibited use but retail sales of products produced by the permitted uses are allowed.
2. Hours of operation: Staff report suggests that you can not operate your business at any other time outside of the business hours, for example, not being allowed to bake a cake for your business during an "off" time. The language may need to be changed.
3. Signage of vehicles: Perhaps we could limit it to one vehicle with signage, possibly a size limitation on the sign.
4. One vehicle allowed on site: The language of the bill suggests that the business is only allowed ONE vehicle. Isn't the intent that the business can only have one vehicle parked on the property with other vehicles allowed to be parked elsewhere? We might need to clarify this.

Mr. Clifton clarified that even though a HOA can ban this from their neighborhood, Volunteer Neighborhood Associations can not legally keep it out.

The vote was taken. (6-1) Councilmember Gotto voted against.

Resolution No. RS2011-138

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-025TX-001 is **APPROVED. (6-1)**

The text amendment is appropriate because it recognizes the evolution of home occupation businesses given the advent of technology, flexible work schedules, and dual income families."

6. 2011Z-010TX-001

BL2011-923 / TOLER

COTTAGE DEVELOPMENT, SINGLE-FAMILY DEFINITION TEXT AMENDMENT

Staff Reviewer: Rebecca Ratz

A request to amend Chapters 17.04 and 17.12 of Title 17 of the Metro Zoning Code to amend the definition of "Cottage Development, single-family" and the standards for Single-Family cottage developments, requested by the Metro Planning Department, applicant.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Modify the definition and standards relating to single-family cottage development.

Text Amendment A request to amend Chapters 17.04 and 17.12 of Title 17 of the Metro Zoning Code to amend the definition of "Cottage Development, Single-Family" and the standards for Single-Family cottage developments.

PURPOSE To change the maximum number of permitted cottage units surrounding each common open space from ten units to twelve units.

Existing Law Currently, the Zoning Code limits the number of cottages permitted around a single common open space to ten units.

Proposed Bill The proposed bill will change the maximum number of cottage units that may surround a common open space from ten units to twelve units. This change was requested by the Planning Commission at the April 14th, 2011 Planning Commission meeting at which time they approved the pending legislation BL2011-901 permitting single-family cottage developments in two-family zoning districts.

The proposed change will apply to the existing single-family cottage standards applicable within multi-family districts as well as to the pending legislation that permits single-family cottage development within two-family (R) districts located in the Urban Service District.

ANALYSIS Best practices research has shown that in most municipalities that permit cottage developments, the typical maximum number of units permitted per common open space is twelve. The Nashville Planning Commission asked that this standard be included in Nashville's cottage standards as well.

STAFF RECOMMENDATION Staff recommends approval.

ORDINANCE NO. 923

An ordinance amending Chapters 17.04 and 17.12 of Title 17 of the Metro Zoning Code to amend the definition of "Cottage Development, Single-Family" and the standards for Single-Family Cottage Developments.
(Proposal No. 2011Z-010TX-001)

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

Section 1. That Section 17.04.060.B (Definitions of General Terms) is amended by modifying the definition of "Cottage development, single family" by deleting the number "ten" and replacing it with the number "twelve" wherein it appears.

Section 2. That Section 17.12.100.B (Density) is amended by deleting in the second sentence the number "ten" and replacing it with the number "twelve."

Section 3. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Introduced by Councilmembers Erik Cole and Parker Toler

Resolution No. RS2011-139

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-010TX-001 is **APPROVED. (6-0)**

This amendment is consistent with best practices research, which has shown that in most municipalities that permit cottage developments, the typical maximum number of units permitted per common open space is twelve.”

Zone Changes

7. 2011Z-015PR-001

BL2011-925 / MATTHEWS
3941 & 3945 STEWARTS LANE
 Map 069, Parcel(s) 109-110
 Council District 01 (Lonnell Matthews, Jr.)
 Staff Reviewer: Greg Johnson

A request to rezone from AR2a to IWD zoning property located at 3941 and 3945 Stewarts Lane, approximately 3,100 feet south of Ashland City Highway (4.44 acres), requested by Tony R. Clouse, owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Zone change from Agricultural/Residential to Industrial

Zone Change A request to rezone from Agricultural/Residential (AR2a) to Industrial Warehousing/Distribution (IWD) zoning property located at 3941 and 3945 Stewarts Lane, approximately 3,100 feet south of Ashland City Highway (4.44 acres).

Existing Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

NORTH NASHVILLE COMMUNITY PLAN

Industrial (IN) IN 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 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.

Consistent with Policy? Yes. The IN policy is intended to house light to heavy industrial land uses. The IWD zoning district permits warehousing and distribution uses within this category.

PUBLIC WORKS RECOMMENDATION A TIS may be required prior to development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential(210)	4.44	0.5 D	2 L	20	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	4.44	0.080 F	15,472 SF	56	5	5

Traffic changes between typical: **AR2a** and proposed **IWD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+36	+3	+2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential(210)	4.44	0.5 D	2 L	20	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	4.44	0.8 F	154,725 SF	551	47	50

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+531	+45	+47

METRO SCHOOL BOARD REPORT Because the proposed zoning district does not permit residential development, it will not generate students and does not require a school board report.

STAFF RECOMMENDATION Staff recommends approval of the proposed IWD zoning district. The proposed zoning classification is consistent with the IN land use policy.

Approved (6-0), Consent Agenda

Resolution No. RS2011-140

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-015PR-001 is **APPROVED. (6-0)**

The proposed zoning classification is consistent with the IN land use policy.”

Neighborhood Conservation Overlays

8. 2011NHC-001-001

BL2011-920 / HOLLEMAN

PARK-ELKINS NEIGHBORHOOD CONSERVATION OVERLAY

Map 091-15, Parcel(s) 207-220, 227-229, 265-267, 269-274, 276-282, 327-347, 373

Map 091-15-0-A, Parcel(s) 001-006

Map 091-16, Parcel(s) 019, 021-086, 170, 177-181, 183-201, 204-214, 374, 375, 380

Map 091-16-0-A, Parcel(s) 100-115

Council District 24 (Jason Holleman)

Staff Reviewer: Brenda Bernards

A request to make applicable the provisions of Neighborhood Conservation Overlay District to properties located south of Interstate 40 along 43rd Avenue North, 44th Avenue North, 47th Avenue North, 48th Avenue North, 50th Avenue North, 51st Avenue North, Elkins Avenue, Park Avenue and Sylvan Glen Court (36.39 acres), requested by Councilmember Jason Holleman on behalf of various property owners.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Apply the Park-Elkin Neighborhood Conservation Overlay District

Apply Neighborhood Conservation Overlay District A request to apply a Neighborhood Conservation Overlay District to properties located south of Interstate 40 along 43rd Avenue North, 44th Avenue North, 47th Avenue North, 48th Avenue North, 50th Avenue North, 51st Avenue North, Charlotte Avenue, Elkins Avenue, Park Avenue and Sylvan Glen Court (51.93 acres), zoned Single-Family Residential (RS7.5), Commercial Neighborhood (CN), Commercial Services (CS) and Office/Residential (OR20).

Existing Zoning

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

CN District - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

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

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

CRITICAL PLANNING GOALS

- Preserves Historic Resources

The preservation of historic resources contributes to a community's identity. Historic buildings are a visual reminder of the community's past. The history of a site may educate the public regarding important historic events or a community's cultural identity. Preserving historic resources is also closely tied to creating sustainable communities. Reusing existing structures conserves resources and also focuses development in areas with existing infrastructure.

WEST NASHVILLE COMMUNITY PLAN POLICY

There are four Community Character Polices within the proposed overlay. Three have historically significant sites or features identified in the proposed overlay.

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

07-T4-NM-03 There are numerous historical properties in this area.

Historically Significant Sites or Features:

- The Park Avenue Historic District, located along Park Avenue between 50th Avenue North and 42nd Avenue North, is designated as National Register Eligible. The National Register Eligible Designation also applies to Parcel 09115015200, which contains St. Ann's Church and School, 4501 Nebraska Avenue, and 4404 Nebraska Avenue.
- The Worthy of Conservation designation applies to the Murphy Road Historic District located along Murphy Road between 44th Avenue North and 37th Avenue North; the Sylvan Park Historic District, located between Elkins Avenue, 42nd Avenue North, Colorado Avenue, and 52nd Avenue North; 5210 Nevada Avenue; 4102, 4104, and 4110 Idaho Avenue; and 233, 237, and 241 54th Avenue North.
- Because of these designations, owners of these properties are encouraged to work with the Metropolitan Historical Commission to protect and preserve the historic features on the site.

T4 Urban Open Space (OS) T4 OS policy is intended to preserve and enhance existing open space in urban areas. T4 OS policy includes public parks and may also include private land held in conservation by land trusts and private groups or individuals. Enhancements to existing open space are guided by the Metropolitan Parks and Greenways Master Plan. There are two special policies on the properties within the proposed overlay.

07-T4-OS-08 West Nashville's T4 Urban Open Space Area 8 is referenced as 07-T4-OS-08. It is Richland Park. In fall of 2008, a Master Plan for Richland Park was completed by the Metro Parks Department.

Historically Significant Sites or Features:

- Parcel 09115026500, Richland Park, and Parcel 09115037300, the Richland Park Branch Library, are National Register Eligible as part of the overall Park Avenue Historic District. Because of this historical designation, Metro Parks and Metro Public Library are encouraged to work with the Metropolitan Historical Commission to protect and preserve features on these sites.

07-T4-OS-09 West Nashville's T4 Urban Open Space Area 9 is referenced as 07-T4-OS-09 on the accompanying map. It is the Cohn Adult Learning Center. Keeping the open space and park if the civic and public benefit use should cease is encouraged.

Historically Significant Sites or Features:

- Parcel 09115033300, the Cohn Adult Learning Center, is National Register Eligible as part of the overall Park Avenue Historic District. Because of this historical designation, Metro Schools is encouraged to work with the Metropolitan Historical Commission to protect and preserve features on this site.

T4 Urban Neighborhood Center (NC) T4 NC policy is intended to preserve, enhance, and create urban neighborhood centers that are compatible with the general character of urban 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. T4 Urban Neighborhood Centers are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, civic and public benefit land uses, with residential only present in mixed use buildings. T4 Urban Neighborhood Centers serve urban neighborhoods within a 5 minute walk.

07-T4-NC-03 Historically Significant Sites or Features This entire Special Policy Area has been designated as the Worthy of Conservation Charlotte Avenue Historic District. There are several historically significant sites within this area with various historical designations, and one, Richland Hall at 4822 Charlotte Avenue, is listed on the National Register of Historic Places. Because of the various historical designations, owners of the private properties are encouraged to work with the Metropolitan Historical Commission to protect and preserve the historic features on the site.

T4 Urban Community Center (CC) T4 CC policy is intended to preserve, enhance, and create urban community centers encouraging their development and redevelopment as intense mixed use areas that are compatible with the general character of urban 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. T4 Urban Community Centers are pedestrian friendly areas, generally located at intersections of prominent urban streets. T4 Urban Community Centers serve urban communities within a 5 minute drive or a 5 to 10 minute walk.

Consistent with Policy? Yes. The proposed Park-Elkin Neighborhood Conservation Overlay does not change the base zoning. Further, the proposed overlay will serve to preserve the distinctive character of this area. As noted above, there are a number of historically significant sites within this area identified in the West Nashville Community Plan.

PROPOSED OVERLAY DISTRICT Section 17.36.120 of the Metro Zoning Ordinance recognizes Neighborhood Conservation Districts, along with Historic Preservation Districts and Historic Landmarks, as "Historic Districts." These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

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

The Metro Historic Zoning Commission will review any new construction including additions, demolitions, or relocation of structures.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION This matter is scheduled to go before the Metro Historical Zoning Commission on June 8, 2011. As there will not be a decision prior to the mailing of the staff report, staff is recommending that this proposed overlay be approved if it is approved by the Historical Zoning Commission.

Staff Recommendation The Historic Commission staff has made the following recommendation:

"Staff suggests the Commission recommend to City Council that the Park & Elkins neighborhood be designation as a Neighborhood Conservation Zoning Overlay and that the proposed design guidelines be adopted to guide future change. The district meets standards 1, 3 and 5 of the section 17.36.10.B of the zoning ordinance and is eligible for listing in the National Register of Historic Places."

Staff Analysis and Findings: *"The Park & Elkins district meets standard 1 of the ordinance as it is a prime example of the suburban development and growth of Nashville. The Park & Elkins district is the oldest part of the Sylvan Park neighborhood. On May 24, 1887, the West Nashville Land improvement company held an auction to sell lots in what was then referred to as the "New Town" community. The original plan included present Richland Park and residential lots along the present Park Avenue, formerly known as First Avenue. This area later added the Charlotte Park addition, the Sylvan Park addition and other additions until it included all of what is now all referred to as "Sylvan Park".*

In 1906, Sylvan Park was annexed to Nashville, and the street names were changed to conform to existing Nashville street numbering systems; numbered avenues were renamed after states, and numbered streets continued where Nashville street numbers had stopped.

In 1927, the city purchased the farm of Warren Sloan to create Nashville's next airport. The airport was known as McConnell Field and remained the primary hub for air transport in Nashville until 1939 when it moved to Berry Field. The old airport became McCabe Municipal Golf course, which it remains today.

The neighborhood, perhaps best meets section 3 of the ordinance as an excellent collection of Victorian-era structures and the bungalows of the post-depression era.

Homes of the Victorian, Queen Anne and Eastlake styles were most popular among the homes built between 1887 and about 1910. After 1910 and continuing through the period of the Great Depression, the bungalow became the predominant style. With the advent of World War II, construction all but stopped, due to shortages of materials. Immediately after the war, a new style house replaced the bungalow as the predominate type, being more rectangular, and having no overhang, were influences of the Deco style in that they were more streamlined and modern in appearance.

The State Historic Preservation Office has deemed the area eligible for listing in the National Register of Historic Places (standard 5) and the neighborhood is working on a National Register nomination to submit to the National Park Service.

As a part of the designation, Staff presents a draft set of design guidelines which is closely based on other Neighborhood Conservation Zoning Overlay design guidelines and meets the Secretary of the Interior Standards. The guidelines differ from most other design guidelines in that it specifically allows for the addition of front and side dormers. The State Historic Preservation Office does not find that the addition of front or side dormers, if designed correctly, would negatively affect the district's National Register status. The desire for these additions came out of previous discussions with the neighborhood, when a much larger overlay was proposed several years ago.

Staff suggests the Commission recommend to City Council that the Park & Elkins district be designated as a Neighborhood Conservation Zoning Overlay and that the proposed design guidelines be adopted to guide future change in the district."

METRO OWNED PROPERTIES There are three Metro owned properties within the proposed Overlay:

- Richland Park Branch Library
- Richland Park
- Cohn Alternative Learning Center

Section 17.40.060B of the Zoning Code requires that an application to amend the official zoning map of property owned by the metropolitan government must be initiated only by the Mayor, the head of the department or agency to which the property is assigned, or by the Director of Public Property Administration. At this time, only the Director of Schools has signed the application. The Councilmember is working with the department head of Public Libraries and Metro Parks on this matter. As the boundaries of the Overlay must be contiguous, both the library and park must be included or neither can be included. If the required signatures are not obtained prior to third reading at Council, these properties will not be included in the Overlay. While the park and library properties would contribute to the overall Overlay, their removal would not negatively impact the integrity of the Park-Elkins Neighborhood Conservation Overlay District.

METRO SCHOOL BOARD REPORT

Projected student generation As this request to apply a Neighborhood Conservation Overlay does not change the underlying zone district, no new students will be generated with this action.

STAFF RECOMMENDATION Staff recommends approval if the Metro Historical Zoning Commission recommends approval. The request is consistent with the applicable land use policies and the intent of Section 17.36.120 of the Metro Zoning Code.

Ms. Bernards presented the staff recommendation of approval, including the removal of three commercial properties fronting Charlotte Avenue and the Richland Park and library properties..

Mr. Ponder out at 6:55 p.m.

Wendell Goodman, 4901 Park Ave, spoke in support of staff recommendation.

Chairman McLean moved and Mr. Clifton seconded the motion to close the Public Hearing. (6-0)

Chairman McLean moved and Mr. Clifton seconded the motion to approve staff recommendation.

Ms. Escobar inquired if there is a Metro property within this overlay, how that affects the Metro property.

Ms. Bernards stated that the zoning code requires that the Director of the Department who is responsible for the property, the Mayor, or the Real Property Services Department head has to sign the application. The School Board signed, but Parks & Library did not so they are not included. Richland Park & Richland Library are not included in the overlay.

Ms. LeQuire inquired why they didn't sign.

Robin Zeigler, Historic Zoning Administrator, stated that it was just an issue of time. If we had been able to do this next month, they probably would have come on board.

Ms. LeQuire inquired if they can still sign at some point.

Ms. Zeigler stated that there is definitely the possibility to expand at some point.

Mr. Bernhardt clarified that if it is not part of the bill, then it cannot be added; it would have to go through a new bill.

Ms. LeQuire inquired who would have to initiate expanding it?

Councilman Gotto inquired if this could be amended on Third Reading.

Mr. Bernhardt stated that this can be reduced but not added to.

Ms. Bernards clarified that the Councilmember has asked to remove the park and the library, as well as three commercial properties on Charlotte Avenue as part of a substitute bill. She stated that there will be a substitute bill sent without these properties if signatures are not obtained prior to Third Reading at Council. Ms. Bernards confirmed that these properties are included in the Council Bill, currently.

Ms. LeQuire stated that she would like to have someone encourage the Councilmember to get the signatures by Third Reading, as she would love to see the large park site included if it can be included.

Mr. Bernhardt stated that if the Councilmember can get it included, he will.

Councilmember Gotto inquired how many commercial properties are included in this and are they okay with it?

Ms. Zeigler stated that everyone that attended the meeting was in support. The office has not received any calls or emails in opposition. Everyone received notice and there was a public meeting.

Councilmember Gotto stated that he would like to be sure they are aware of what will be happening.

The vote was taken. (6-0)

Resolution No. RS2011-141

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011NHC-001-001 is **APPROVED. (6-0)**

The request is consistent with the applicable land use policies and the intent of Section 17.36.120 of the Metro Zoning Code.”

Ms. LeQuire out at 7:08 p.m.

J. PLANNING COMMISSION ACTIONS

Planned Unit Developments: final site plans

9. 88P-009-001

AUTUMN OAKS, PH 10A

Map 181, Part of Parcel(s) 274

Council District 31 (Parker Toler)

Staff Reviewer: Jason Swaggart

A request for a revision to the preliminary PUD phasing plan and for final PUD approval for 21 single-family homes in the Autumn Oaks Planned Unit Development on a portion of property located at Autumn Crossing Way (unnumbered), at the terminus of Oakfield Grove (4.1 acres), zoned R20, requested by Civil Site Design Group PLLC, for FAPAO LLC, owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Revise phasing and final site plan for 21 single-family lots.

Preliminary PUD revision and final approval A request for a revision to the preliminary PUD phasing plan and for final PUD approval for 21 single-family homes in the Autumn Oaks Planned Unit Development on a portion of property located at Autumn Crossing Way (unnumbered), at the terminus of Oakfield Grove (4.1 acres), zoned One and Two Family Residential (R20).

Existing Zoning

R20 - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

PLAN DETAILS The Autumn Oaks Planned Unit Development (PUD) is located in southeast Nashville, north of Nolensville Pike. The development was approved in 1988 for 354 single-family lots. Currently 205 lots have been platted. This request is to revise the preliminary plan and for final site plan approval for 21 single-family lots.

Revision to Preliminary The revision to the preliminary plan does not propose any changes to the layout or the lot count, but only proposes to modify phasing lines.

Final Site Plan The final site plan is for phase 10 A, which consist of 21 single-family lots. All lots will be accessed from an extension of Oak Grove, which will connect the northern and southern sections of Oakfield Grove which are not currently connected.

Analysis The proposed revision does not propose any changes to the layout of the development or lot count but only modifies phase lines. The final site plan for 21 single-family lots is consistent with the last approved preliminary site plan, and with the concept plan approved by Council. The request meets all zoning requirements. Staff recommends approval with conditions.

PUBLIC WORKS RECOMMENDATION No Exception Taken

STORMWATER RECOMMENDATION Approved with the following conditions:

1. Provide the recording fee (\$72).

2. Stabilize the existing pond slopes.
3. The proposed contours show grading work within the pond. Make sure new grading will not reduce the pond volume.

STAFF RECOMMENDATION Staff recommends approval with conditions if confirmation of fee payment has occurred prior to the meeting. As proposed the request is consistent with the previously approved plan and meets all zoning requirements.

CONDITIONS

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

Approved with conditions (6-0), Consent Agenda

Resolution No. RS2011-142

"BE IT RESOLVED by The Metropolitan Planning Commission that 88P-009-001 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

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

K. OTHER BUSINESS

- 10. Contract between MPC and Code Studio.** The amendment reappropriates \$3,160 from fiscal year 2011 to fiscal year 2012 and provides an additional expenditure of \$6,670 from the Advance Planning and Research Fund in fiscal year 2012 to extend the contract for specialized consultant expertise to develop appropriate design standards and regulations for on-premise signage in Downtown Nashville.

Resolution No. RS2011-143

“BE IT RESOLVED by The Metropolitan Planning Commission that the amendment to the contract between MPC and Code Studio is **APPROVED. (6-0)**”

11. Historical Commission Report

Mr. Gee was appointed to the Historical Commission.

12. Board of Parks and Recreation Report

Mr. Ponder was appointed to the Board of Parks and Recreation.

13. Executive Committee Report

14. Executive Director Report

15. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

June 9, 2011

MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

June 23, 2011

MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

June 30, 2011

Community Meeting

6-8 pm, Cross Point Church, 7675 Hwy 70S (former Circuit City building next to Home Depot)

Bellevue Community Plan Update

Discussion of community character policies as they apply to conservation, open space, and residential areas.

July 28, 2011

MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

M. ADJOURNMENT

The meeting was adjourned at 7:12 p.m.

Chairman

Secretary