

# Metropolitan Planning Commission



Staff Reports

**October 23, 2014**



## Metro Planning Commission Meeting of 10/23/2014

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

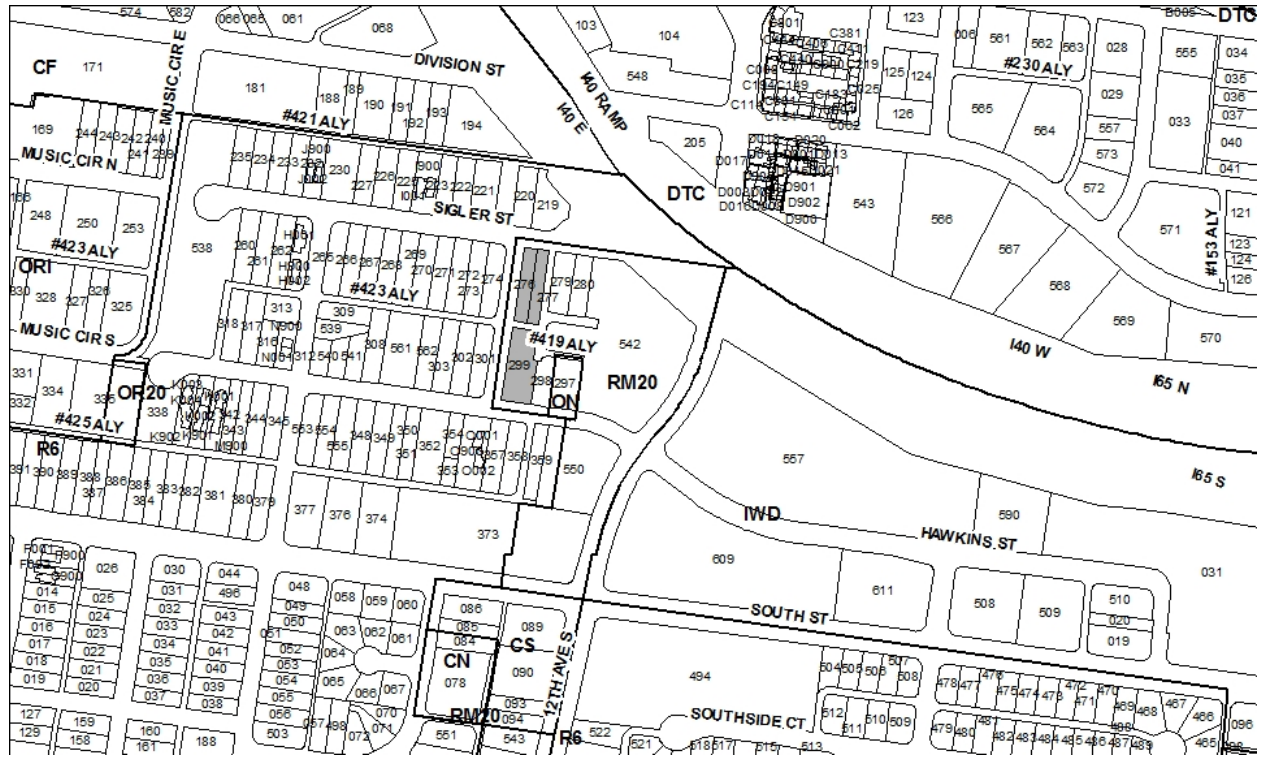


## **PREVIOUSLY DEFERRED ITEMS**

- **Community Plan Amendments**
- **Specific Plans**
- **Zone Changes**



# Metro Planning Commission Meeting of 10/23/2014



**2014SP-041-001**

1212 HAWKINS STREET

Map 093-13, Parcel(s) 276-277, 299

10, Green Hills - Midtown

19 (Erica S. Gilmore)





**Project No.** Zone Change 2014SP-041-001  
**Project Name** 1212 Hawkins Street  
**Council District** 19 – Gilmore  
**School District** 5 – Kim  
**Requested by** Barge Cauthen & Associates, applicant; Gulchetto Enterprises, Inc., owner.

**Deferrals** This request was deferred at the June 12, 2014, the July 24, 2014, the August 14, 2014, the September 11 and 25, 2014, and the October 9, 2014, Planning Commission meetings at the request of the applicant.

**Staff Reviewer** Swaggart  
**Staff Recommendation** *Approve with conditions and disapprove without all conditions.*

**APPLICANT REQUEST**

**Preliminary SP to permit 19 residential units.**

Preliminary SP

A request to rezone from Multi-Family Residential (RM20) to Specific Plan - Residential (SP-R) zoning for properties located at 1212 Hawkins Street and 1119 and 1121 Sigler Street, approximately 330 feet west of 12th Avenue South, (0.71 acres), to permit up to 19 multi-family units.

**Existing Zoning**

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. *RM20 would permit a maximum of 14 units on this site.*

**Proposed Zoning**

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

**DEFERALS AND PUBLIC HEARING**

This request has been deferred several times. Since the last deferral, the plan has been changed substantially. The previous plan before the Commission was for 45 flats. The current plan calls for 19 townhomes. Staff is recommending that the public hearing be reopened since the plan has changed significantly and the request has been deferred numerous times. Public Hearing notices were mailed.

**CRITICAL PLANNING GOALS**

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



# Metro Planning Commission Meeting of 10/23/2014



Proposed Site Plan



## Metro Planning Commission Meeting of 10/23/2014

This area is served by adequate infrastructure, such as roads, water and sewer. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure because it does not burden Metro with the cost of maintaining new infrastructure. The request provides for an additional housing option in the area. Additional housing options are important to serve a wide range of people with different housing needs. The area is served with a sidewalk network, which provides a safe pedestrian environment, and encourages walking. More intense development fosters walkability and better public transportation because housing, work and conveniences are located within a smaller area, making them more accessible by foot and or public transportation. Bus service is located about 400 feet to the east on 12<sup>th</sup> Avenue South.

### **GREENHILLS/MIDTOWN COMMUNITY PLAN**

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

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

#### Consistent with Policy?

Yes. The proposed SP is consistent with the MH in NG land use policy. The plan provides for an additional housing option for the area in an urban form, which is appropriate for the site.

### **PLAN DETAILS**

The site is located along the east side 13<sup>th</sup> Avenue South between Sigler Street to the north and Hawkins Street to the south. This is approximately 400 feet west of 12<sup>th</sup> Avenue South and just south of I-40. The development pattern on Hawkins Street and Sigler Street is primarily one and two-family residential. A portion of the site, closest to Hawkins contains a small multi-family use. The site does not have any environmentally sensitive areas.

#### Site Plan

The plan calls for 19 townhomes. All units front onto Hawkins Street, 13<sup>th</sup> Avenue or Sigler Street. The plan also provides conceptual elevations.

Vehicular access will be provided from two existing alleys. One alley which splits the development in half, provides access to 13<sup>th</sup> Avenue S. The second alley is located at the rear of the site and will provide access to Sigler Street. The existing sidewalk along Hawkins Avenue and 13<sup>th</sup> Avenue S. will be widened to six feet. A four foot wide planting strip is shown along 13<sup>th</sup> Avenue S. The plan requires that parking meet Metro Zoning requirements. It would also permit UZO reductions. Each unit contains a two car garage.

### **ANALYSIS**

The plan is consistent with the Green Hills/Midtown Community plan and meets several critical planning goals.



# Metro Planning Commission Meeting of 10/23/2014



**Proposed Elevations**



# Metro Planning Commission Meeting of 10/23/2014

## FIRE MARSHAL'S OFFICE

N/A

## STORMWATER RECOMMENDATION

Approved

## PUBLIC WORKS RECOMMENDATION

Conditional if approved

- 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.
- Dedicate ROW to the back of sidewalk.

Maximum Uses in Existing Zoning District: **RM20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.71	20 D	14 U	209	11	26

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.71	-	19 U	225	13	31

Traffic changes between maximum: **RM20** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 5 U	+16	+3	+5

## WATER SERVICES RECOMMENDATION

Approved

## METRO SCHOOL BOARD REPORT

Projected student generation existing RM20 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP-R district: 0 Elementary 0 Middle 0 High

The proposed development would not generate more students than what would be generated under the existing zoning. These numbers are based on the Urban Infill Factor (UIF). The UIF takes into account that these type developments typically do not generate many new students because the units tend to be small. The proposed site plan only calls for one and two bedroom units. Any students that did live in the development would attend Eakin Elementary, West End Middle School and Hillsboro High School. Eakin Elementary and West End Middle School are over capacity. There is capacity within the Hillsboro cluster for additional elementary and middle school students. This information is based upon data from the school board last updated September 2013.



## **Metro Planning Commission Meeting of 10/23/2014**

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions as it is consistent with the Green Hills/Midtown Community plan and meets several critical planning goals.

### **CONDITIONS**

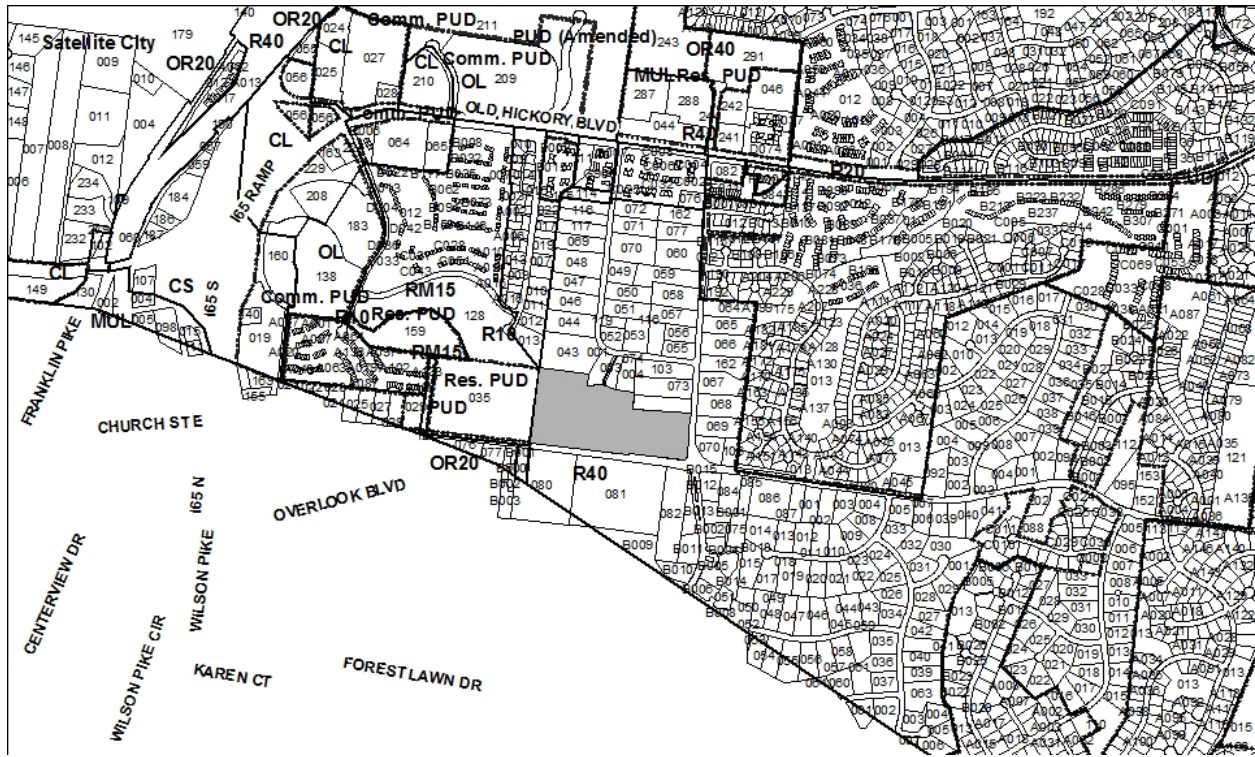
1. Use in the SP is limited to up to 19 residential units.
2. Final architectural drawing must be approved by the Planning Department prior to final site plan approval. Final drawings must be consistent with the preliminary concept and the community plan policy.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 10/23/2014



**2014SP-046-001**

**CHURCH STREET TOWNHOMES**

Map 171, Parcel(s) 041-042, 071, 072, 105, 114

Map 171-02, Parcel(s) 002-006

12, Southeast

04 (Brady Banks)





**Project No.** Zone Change 2014SP-046-001  
**Project Name** Church Street Townhomes  
**Council District** 4 – Banks  
**School District** 8 – Pierce  
**Requested by** Lands’ End, applicant; various property owners.

**Deferrals** This request was deferred from the August 28, 2014, the September 25, 2014, and the October 9, 2014, Planning Commission meetings.

**Staff Reviewer** Swaggart  
**Staff Recommendation** *Defer to the November 13, 2014, Planning Commission meeting, unless a recommendation of approval is received from all reviewing agencies. If a recommendation is received prior to the meeting, staff recommends that the Planning Commission open the public hearing, approve with conditions and disapprove without all conditions if the Planning Commission finds that the plan provides an appropriate transition.*

**APPLICANT REQUEST**

**Preliminary SP to permit 107 residential units.**

Preliminary SP

A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Mixed Residential (SP-MR) zoning for properties located at 500, 524, 532, 554, 558, 552, 556 Church Street East, 5665, 5669, 5671 Valley View Road and 5693, 5689 Cloverland Drive, (17.58 acres), to permit up to 107 residential units.

**Existing Zoning**

One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 19 lots with 4 duplex lots for a total of 23 units.*

**Proposed Zoning**

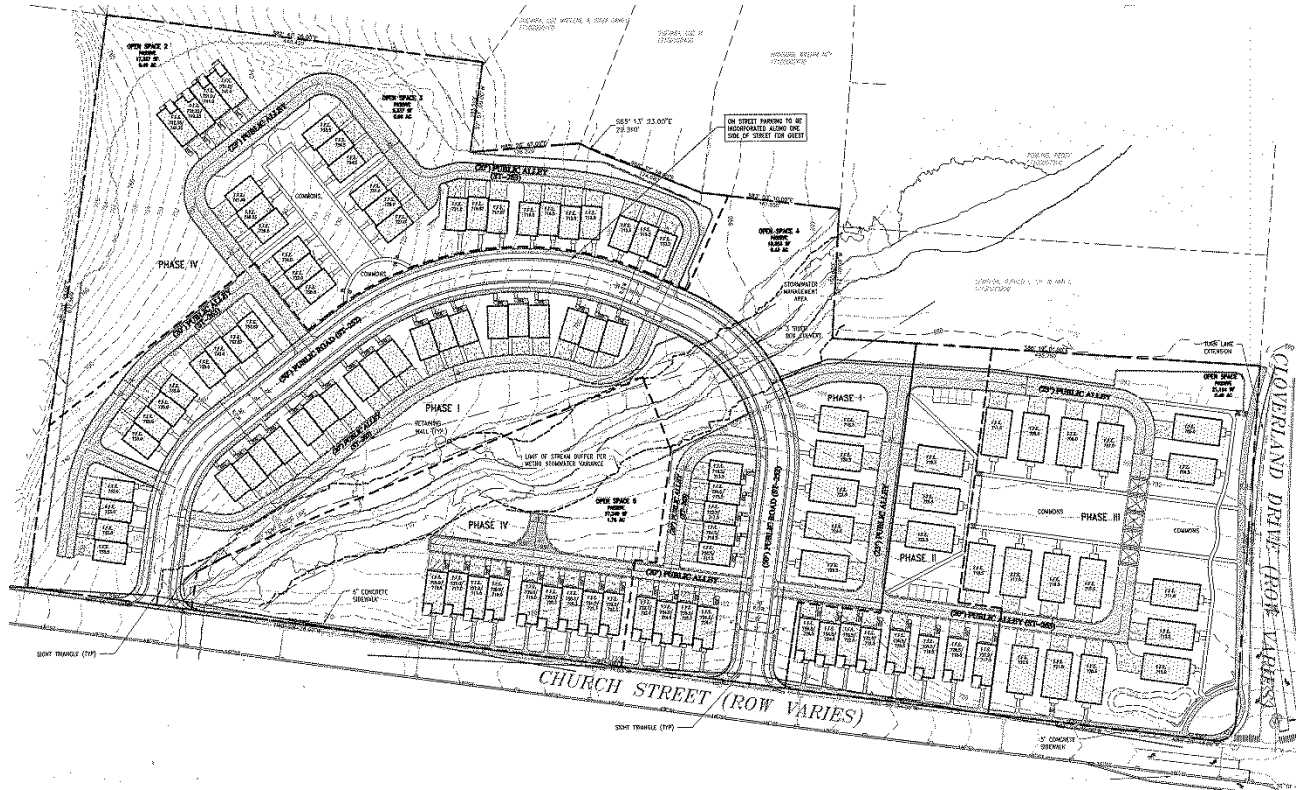
Specific Plan-Mixed Residential (SP-MR) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a mixture of housing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

**DEFERALS AND PUBLIC HEARING**

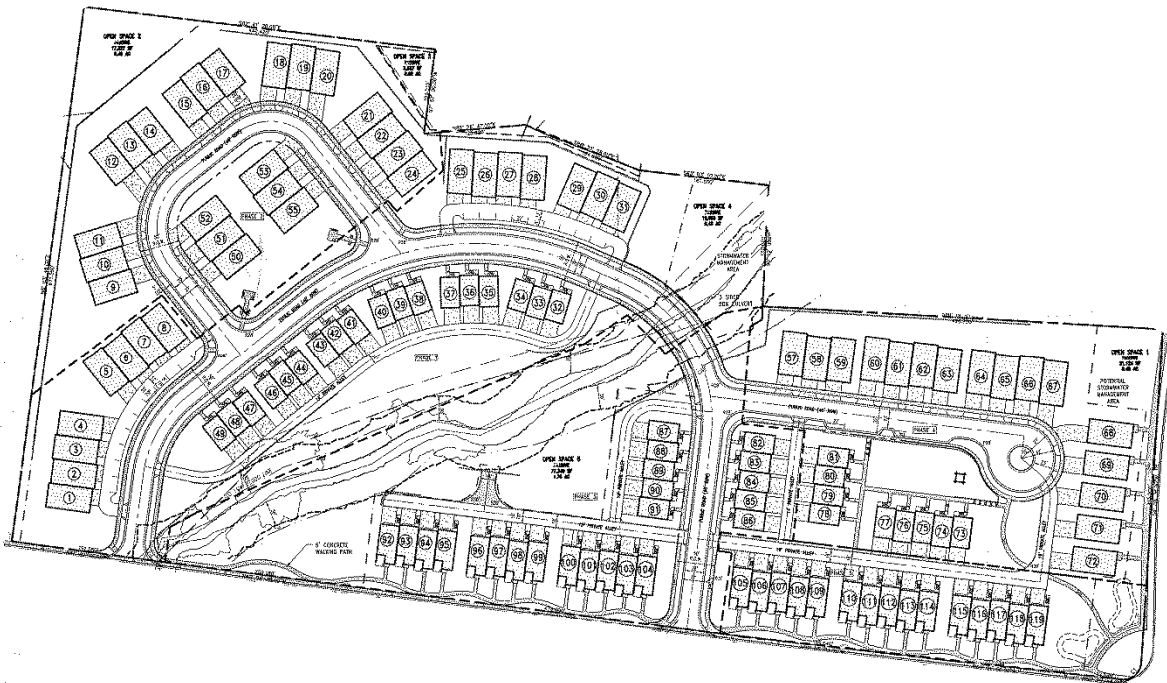
A public hearing for this request was held at the August 28, 2014, Planning Commission meeting. The public hearing was closed. The Commission deferred the request to the September 25, 2014, Planning Commission meeting in order to give the applicant more time to work with staff and the community before making a final recommendation to Council. The request was subsequently deferred to provide additional time. Since the deferral, the plan has changed significantly and staff



# Metro Planning Commission Meeting of 10/23/2014



Currently Proposed Site Plan for October 23, 2014, MPC meeting



Previously Proposed Site Plan



## Metro Planning Commission Meeting of 10/23/2014

has revised the recommendation from disapproval to approval with conditions. Staff is recommending that the public hearing be reopened since the plan and staff's recommendation have changed. Public Hearing notices were mailed to surrounding property owners.

### PREVIOUS RECOMMENDATION

Staff's previous recommendation was to disapprove. Staff found that the original plan that was presented at the August 28, 2014, Planning Commission meeting did not provide an adequate transition from the multi-family area west of the site to the single-family area to the east.

### CRITICAL PLANNING GOALS

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

The area is served by roads, water and sewer. Development in areas with existing infrastructure is more appropriate than development in areas not served with infrastructure because it does not burden Metro with the cost of extending and maintaining new infrastructure. The request provides for an additional housing option in the area. Additional housing options are important to serve a wide range of people with different housing needs. The plan calls for an internal sidewalk system as well as new sidewalks along Church Street and Cloverland Drive.

### SOUTHEAST COMMUNITY PLAN

Suburban Neighborhood Maintenance (T3 NM) policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 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 may be made to improve pedestrian, bicycle and vehicular connectivity.

#### Consistent with Policy?

The plan provides an appropriate transition, then the proposed plan would be consistent with the land use policy. At approximately six units per acre, the proposal is less than the maximum of the 20 units per acre that could be supported by the policy. While the policy supports up to 20 units per acre, the plan should fit within the general character of the surrounding area. This site sits between a higher density apartment complex to the west and a single-family neighborhood to the immediate north. The development pattern on the east side of Cloverland is also single-family uses. The site is an ideal location for a transition between the two areas. The plan transitions the density from west to east with the higher density located on the western area of the site. The density decreases towards the east. The plan also calls for detached units at the eastern end of the site along Church Street and Cloverland Drive.

### PLAN DETAILS

The approximately 17 acre site is located on the northwest quadrant of Church Street East and Cloverland Drive. It consists of several properties and portions of properties. Several of the lots contain single-family homes and a large portion of the site consists of dense wooded areas. There is a small stream that bisects the property.



## Metro Planning Commission Meeting of 10/23/2014

### Site Plan

The plan proposes 107 residential units. There are two unit types:

- 24 – 30' detached units;
- 83 – 24' attached units.

Units along Church Street East consist of 13 attached units and seven detached units. All 24 units are alley-loaded. Five detached units are proposed along Cloverland Drive. All units, with the exception of four units, front onto a street or open space. The remaining four units, which are located at the north western corner of the site, front onto an alley. The plan also provides conceptual elevations.

Setbacks along Church Street are approximately 35 feet, and the setbacks along Cloverland Drive are approximately 40 feet. Internal setbacks vary, but all units are relatively close to the street.

Units would be accessed by new public streets or alleys. New streets would connect to Church Street East at two locations. New sidewalks are proposed along Church Street East and Cloverland Drive.

### **ANALYSIS**

The plan has changed significantly from the last plan. The current plan provides mostly rear loaded units, which creates a better streetscape than the previous plan, which included mostly front loaded units requiring numerous curb cuts. The plan also provides more usable open space than the previous plan. It also provides a better transition between the multi-family use to the west and single-family use to the east. While staff finds that the current plan is a substantial improvement over the previous plan, and provides a better transition, staff is recommending that it only be approved if the Commission finds that the plan provides the appropriate transition.

### **FIRE MARSHAL'S OFFICE**

N/A

### **PUBLIC WORKS RECOMMENDATION**

#### **Returned for correction**

- 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.
- Sidewalks along the roads must be located within the ROW, may require dedication.
- Extend the sidewalk on Church ST to the west property line.
- The faces of the proposed garages must be located either 5 feet from the back of sidewalk or 20 feet from the back of sidewalk.
- Revise profile so the maximum grade is 3% for a minimum of 50' from the edge of pavement of Church St.
- Sight triangles are labeled but not dimensioned; include the proposed landscape within the triangles. Show vertical and horizontal sight distance.
- Remove feature from the alley in Phase III.
- Show Stop signs.
- Add guest parking off alley on Phase IV and II.
- Show PW standard details ST 324 ramp at all ally intersections with the public street.



## Metro Planning Commission Meeting of 10/23/2014

- Show PW standard details ST200, 210, 328, and 329.

### TRAFFIC AND PARKING

#### Conditions if approved

Developer shall install the following recommended road improvements. Developer shall design signal plan and submit to Metro traffic engineer for approval. Developer shall submit construction plans for road and signal improvements.

#### TIS Conclusions and Recommendations

The following specific recommendations will provide safe and efficient traffic operations within the study area following the completion of the proposed project:

- Extend the southbound right turn lane on Cloverland Drive approximately 200 feet and provide taper to AASHTO standards.
- The final design of each of the project access drives should have one exiting lane and one entering lane.
- The final design of each of the project access drives should be completed such that departure sight triangles, as specified by AASHTO, will be clear of all potential sight obstructions, including horizontal and vertical curvature, landscaping, monument signs, etc.
- Sidewalk should be provided on along the project site frontage on Church Street East and Cloverland Drive.

#### Maximum Uses in Existing Zoning District: **R40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	17.58	1.08 D	23 U*	221	18	24

\*Based on R40 allowing 25% duplex lots.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	17.58	-	107 U	845	63	84

#### Traffic changes between maximum: **R40** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 89 U	+624	+45	+60



## **Metro Planning Commission Meeting of 10/23/2014**

### **STORMWATER RECOMMENDATION**

#### **Approved with conditions**

- Minimum Finished Floor Elevations must be obtained for each structure.
- Final Site Plan is subject to final approval from the Metro Stormwater Variance Committee.

### **WATER SERVICES**

#### **Approved**

### **METRO SCHOOL BOARD REPORT**

**Projected student generation existing R40 district: 2 Elementary 1 Middle 1 High**

**Projected student generation proposed SP-MR district: 7 Elementary 3 Middle 2 High**

The proposed SP-MR zoning district could generate 8 more students than what is typically generated under the existing R40 zoning district. Students would attend Granbery Elementary, Oliver Middle School, and Overton High School. All three schools are over capacity. There is additional capacity within the cluster for additional middle school students, but there is no additional capacity in the cluster for elementary or high school students. There is capacity for additional high school students in the adjacent Antioch, Glenclyff and Hillsboro high school clusters. This information is based upon data from the school board last updated September 2013.

#### **Fiscal Liability**

The fiscal liability of 5 new elementary students is \$107,500 (\$21,500 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

### **STAFF RECOMMENDATION**

Staff recommends deferral to the November 13, 2014, Planning Commission meeting, unless a recommendation of approval is received from all reviewing agencies. If a recommendation is received prior to the meeting, staff recommends that the Planning Commission open the public hearing, approve with conditions and disapprove without all conditions if the Planning Commission finds that the plan provides an appropriate transition.

### **CONDITIONS**

1. Uses shall be limited to 107 residential units.
2. The number of front loaded units shall not be increased and the location of front loaded units shall not be modified, except through an ordinance adopted by the Metropolitan Council.
3. Building design along Church Street East shall vary for each building of units.
4. All units shall have a raised foundation between 18" and 36" at the front façade.
5. Prior to the approval of any final site plan any additional ROW along Church Street East or Cloverland needed to meet the Major and Collector Street plan shall be dedicated.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. 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



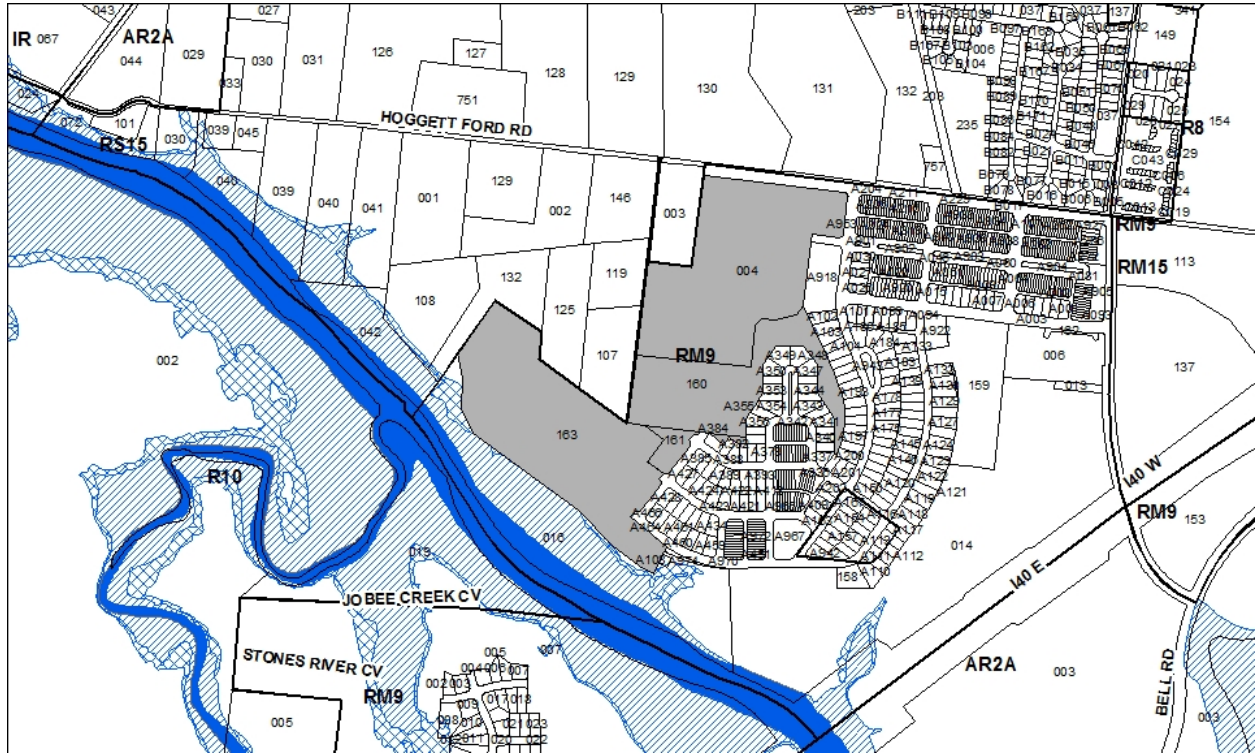
## **Metro Planning Commission Meeting of 10/23/2014**

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.

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



# Metro Planning Commission Meeting of 10/23/2014



**2004UD-002-006**  
VILLAGES OF RIVERWOOD, PH 5, 6 & 7  
Map 097-00, Parcel(s) 004, 160, 161, 163  
14, Donelson - Hermitage  
14 (James Bruce Stanley)





**Project No.** 2004UD-002-006  
**Project Name** Villages of Riverwood, PH 5, 6, & 7  
**Council District** 20 – Baker  
**School District** 9 - Frogge  
**Requested by** Ragan-Smith Associates Inc., applicant; Beazer Homes Corp., owner.

**Deferral** This request was deferred at the September 25, 2014, and the October 9, 2014, Planning Commission meeting at the request of the applicant.

**Staff Reviewer** Birkeland  
**Staff Recommendation** *Defer to the November 13, 2014, Planning Commission meeting if a recommendation is not received from NES prior to the meeting. If a recommendation of approval is received, staff recommends approval with conditions.*

**APPLICANT REQUEST**

**Revise a portion of the Urban Design Overlay for Phases 5, 6 and 7 and for final site plan for Phase 6.**

Revise Preliminary Plan and Final Site Plan

A request for revision to preliminary UDO for Phases 5, 6 and 7 and final site plan approval for Phase 6 only for a portion of the Villages of Riverwood Urban Design Overlay located at Hoggett Ford Road (unnumbered), at the terminus of Stonewater Drive (23.55 acres), to permit 228 dwelling units, zoned Multi-Family Residential (RM9).

**Existing Zoning**

Multi-Family Residential (RM9) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre.

**VILLAGES OF RIVERWOOD UDO**

In 2004, the preliminary Villages of Riverwood Urban Design Overlay (UDO) was approved by Metro Council. The plan included a total of 1,978 dwelling units and 65,000 square feet of mixed-use development, including the possibility of office and retail, and a future assisted-living facility.

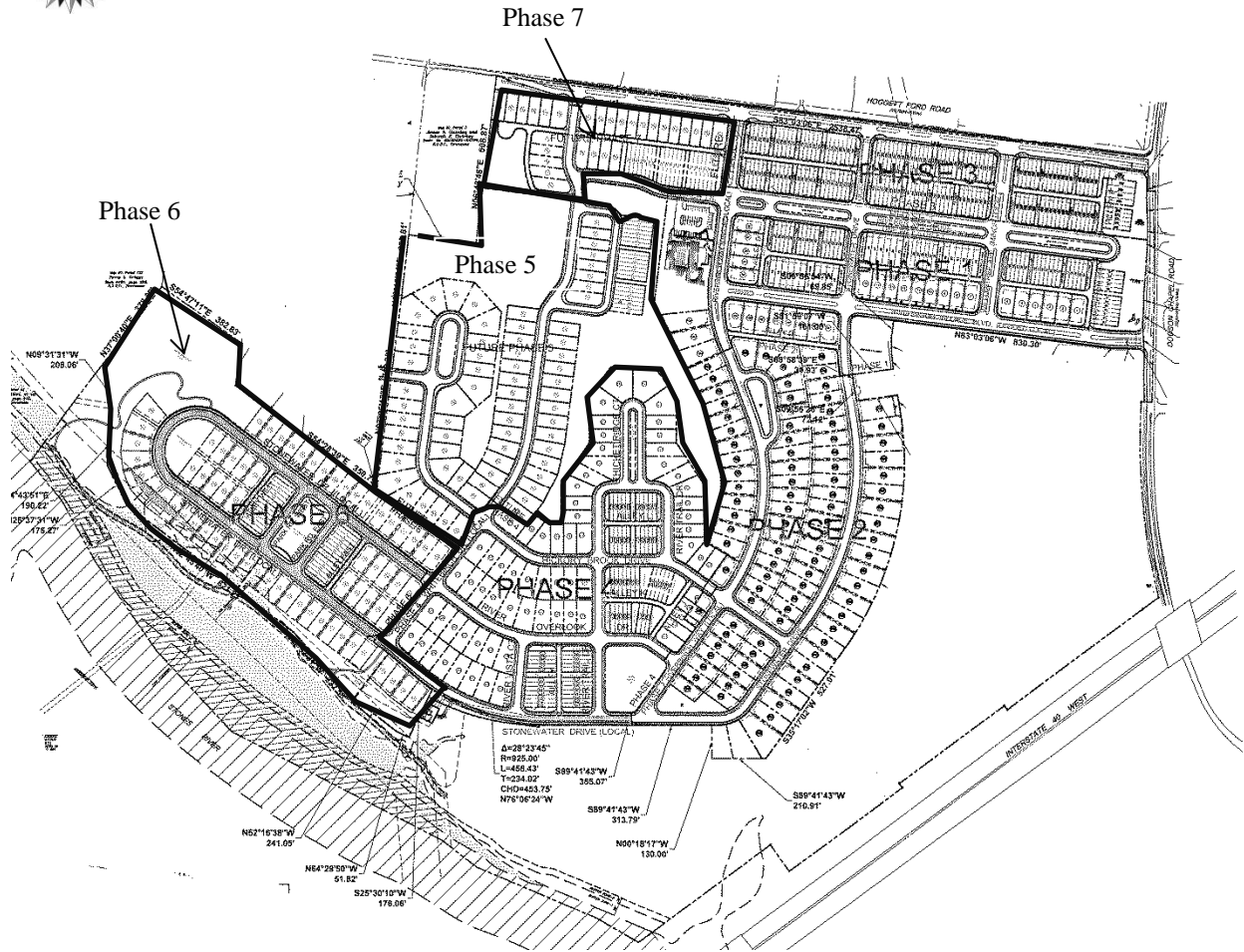
The residential portion of the plan is comprised of single-family detached units, townhouse units, and stacked flats. The southernmost portion of the site, adjacent to the Stones River, is planned to include a 776-unit assisted living facility. Final site plan approvals have been granted for other phases of this UDO.

**SITE PLAN**

The site plan shows a revision to phases 5, 6 and 7 of the Urban Design Overlay. The application is only for a final approval for phase 6. Final site plan for phases 5 and 7 are not included in this application and will happen in the future.



# Metro Planning Commission Meeting of 10/23/2014



Proposed UDO Plan



## Metro Planning Commission Meeting of 10/23/2014

This final site plan for Phase 6 is located along the southwestern edge of the UDO boundary. Access to this area is provided by Whitebirch Drive that connects to Hoggett Ford Road, along the north side of the other phases. The preliminary plan limits the overall number of single-family dwellings within the UDO boundary to 702; Phases 5 – 7 reduce the total amount housing units in the UDO to 694 units. The preliminary plan limits the overall number of townhome style dwelling units within the UDO boundary to 291; Phases 5-7 increase the total to 337 total units. The overall unit mix is to vary by 15%.

The following table illustrates the proposed changes for the Villages of Riverwood - Phases 5, 6, and 7.

		Phase 5	Phase 6	Phase 7	Total Housing Type
2004	Single Family	61	83	46	190
	Townhome	16	45	0	61
	<b>2004 Total (251)</b>	<b>77</b>	<b>128</b>	<b>46</b>	<b>251</b>
2014	Single Family - General	68	67	28	163
	Townhome	21	24	20	65
	<b>2014 Total (228)</b>	<b>89</b>	<b>91</b>	<b>48</b>	<b>228</b>
	Total Change	+12	-37	+4	-23

The revision to preliminary UDO for Phases 5 and 7 and final site plan and construction plans for Phase 6 has a slightly different design layout than what was previously approved. These changes are minor and allow the same access points within the UDO to remain the same, providing interconnectivity between the phases.

With approval of the final site plan for Phase 6, easements for the greenway trail will be dedicated and the developer will build a greenway trail along the Stones River, to the southwest of Phase 6. The greenway trail will provide connections into Phase 6. On the final site plan for Phases 5 and 7 all proposed greenway easements and open spaces will be identified to provide interconnectivity between the phases.

### FIRE MARSHAL RECOMMENDATION

#### Approved with Conditions

- Grade (slightly over 10%) approved by T. Wallace. This subdivision has submitted engineering data that supports the approval for construction of homes up to 3,600 sq. ft. Any home over 3,600 sq. ft. will require an independent permit review by the Fire Marshal's Office. 1,000 gpm @ 20 psi required, 1,918 gpm @ 20 psi provided per Metro Water 1/31/12.

### PARKS RECOMMENDATION

#### Approved with Conditions

- A greenway/conservation easement acceptable to Metro Parks shall be recorded prior to the issuance of any building permits in Phase 6. The greenway/conservation easement shall



## **Metro Planning Commission Meeting of 10/23/2014**

include all of the floodway and floodway buffer area between the trail and the river and including the trail area.

### **NES RECOMMENDATION**

**Recommendation will be provided at the meeting if it is received prior to the meeting.**

### **STORMWATER RECOMMENDATION**

**Approved**

### **WATER RECOMMENDATION**

**Approved with Conditions**

- Approved contingent upon construction plans being submitted and approved at the Final Plat Stage.
- 

### **PUBLIC WORKS RECOMMENDATION**

**Approved with Conditions**

- Complete roadway repairs on Riverwood Village Blvd prior to recording final plats in Phase 6.

### **TRAFFIC & PARKING**

No exception taken

### **STAFF RECOMMENDATION**

Staff recommends deferral to the November 13, 2014, Planning Commission meeting if a recommendation is not received from NES prior to the meeting. If a recommendation of approval is received, staff recommends approval with conditions. The proposed modification is consistent with the intent of the UDO.

### **CONDITIONS**

1. Prior to recordation of the final plat for phase 6, the applicant shall provide confirmation that the "Dedicated Conservation Greenway Public Access Trail Easement Area," associated with phase 6, has been recorded.
2. A "Dedicated Conservation Greenway Public Access Trail Easement Area" easement shall include all of the floodway and floodway buffer area between the trail and the river and including the greenway.
3. Provide access easements for all greenway connection points to public rights-of-way.
4. If the greenway in Phase 6 is not constructed prior to the approval of a final plat for phase 5 or 7, whichever comes first, the greenway in phase 6 shall be bonded with phase 5 or 7, whichever comes first.
5. Prior to the construction of the greenway, construction plans for the greenway shall be reviewed and approved by Metro Parks.
6. 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.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

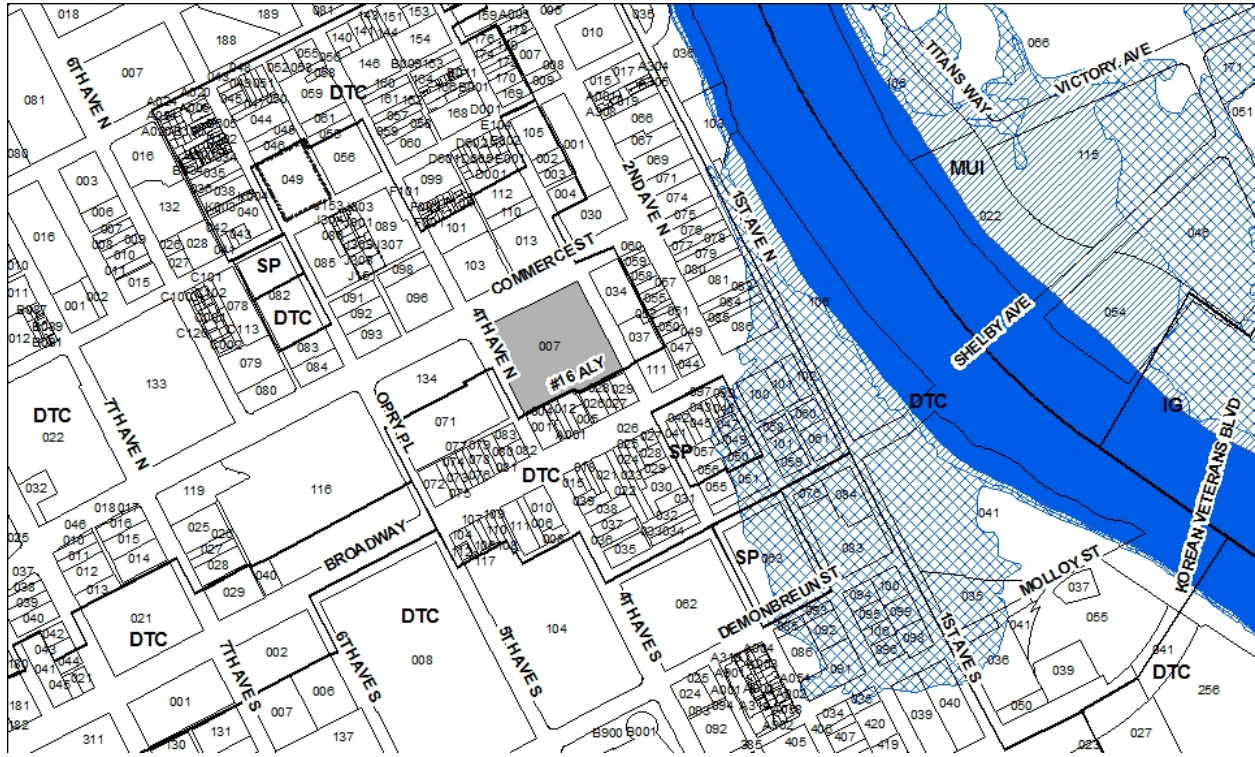


## Metro Planning Commission Meeting of 10/23/2014

8. 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.
9. The UDO 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.
10. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary UDO plan. If a corrected copy of the preliminary UDO plan incorporating the conditions of approval 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 preliminary UDO plan shall be presented to the Metro Council as an amendment to this UDO ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.



# Metro Planning Commission Meeting of 10/23/2014



**2014DT-001-001**

US BANK (DTC SIGNAGE MODIFICATION APPEAL)

Map 093-06-2, Parcel(s) 007

09, Downtown

19 (Erica S. Gilmore)



**Project No.** DTC Signage Modification Appeal  
**2014DT-001-001**

**Project Name** US Bank Skyline Signs – AT&T Building  
**Council District** 19 – Gilmore  
**School District** 5 – Kim  
**Requested by** Joslin Sign Company, applicant; US Bank, Prefco XIV Limited Partnership, et al, owners.

**Deferral** This request was deferred at the September 25, 2014, Planning Commission meeting at the request of the applicant.

**Staff Reviewer** Collins  
**Staff Recommendation** *Disapprove.*

**APPLICANT REQUEST**

Appeal the denial of a sign modification to the Downtown Code Sign Standards.

Modification Appeal

A request to appeal the modification denial, and to approve a signage modification for property located at 333 Commerce Street, at the southeast corner of 4<sup>th</sup> Avenue North and Commerce Street, within the Capital Mall Redevelopment District and the Core subdistrict of the Downtown Code (DTC), to allow two skyline signs on both the northeast and southwest facades of the AT&T building, and to exceed the permitted skyline sign square footage for each referenced facade, where no more than one skyline sign per façade is permitted, and 720 square feet is the maximum skyline sign square footage permitted on each facade.

**Existing Zoning**

Downtown Code (DTC) is a zoning district designed for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown. It provides for and encourages a mix of compatible land uses that provide opportunities to live, work, and shop within the neighborhoods of Downtown.

Core Subdistrict is a sub-district in the DTC that comprises the core of Nashville’s central business district. It is the densest neighborhood in downtown and allows the greatest height allowances. Pedestrian comfort and safety should be prioritized with an interesting sidewalk realm, activity on the ground level of buildings, and controlled vehicular access.

Modifications to the DTC Standards

- All sign modifications are considered Major Modifications per the DTC Sign Standards. In addition, two additional types of modifications for signage related permits may be requested: Modifications for Exceptional Design and Modifications for Tourist Oriented Businesses.
- Major Modifications may be approved by the DTC DRC. Within MDHA redevelopment districts, the MDHA DRC shall act as the DTC DRC.
- Any determination made by the DTC DRC or the MDHA DRC regarding standards of the DTC may be appealed to the Planning Commission.



## Metro Planning Commission Meeting of 10/23/2014

### MODIFICATION APPEAL DETAILS

#### **Modification Disapproved by MDHA Capitol Mall Design Review Committee:**

The site is located within the MDHA Capitol Mall Redevelopment District. Any proposed modification to the DTC Sign Standards requires review from the applicable MDHA Design Review Committee per the DTC. The request to allow two additional skyline signs (332 SF each) on the northwest and southeast facade of the building, and to exceed the permitted skyline sign square footage for those façades, was considered and disapproved by the MDHA Capitol Mall Design Review Committee on July 1, 2014. The signage proposal exceeds the permitted number of skyline signs on a given facade and would exceed the maximum allowable square footage. The proposal did not consist of an exceptional design that warranted approval.

#### **DTC Sign Standards Intent:**

- Establish reasonable and improved standards for Downtown business identification;
- Encourage creative and innovative approaches to regulating signs consistent with the principles of the Downtown Community Plan;
- Promote economic vitality in Downtown;
- Enhance the overall visual environment in Downtown by discouraging signs that contribute to the visual clutter of the streetscape;
- Ensure signs are designed for the purpose of identifying a business in an attractive and functional manner; and
- Ensure signs reinforce the existing and envisioned character and are complementary to the architectural design of Downtown.

#### **Modifications for Exceptional Design:**

Creative signage that does not fit the specific regulations of this Sign Standards may be considered by the appropriate reviewing body, based on its merits, as they relate to all of the following design criteria:

- architecture
- the configuration or location of the building or property
- building scale
- legibility
- technical competence and quality in design, construction and durability

Applications for this type of Modification require submittal of a common sign plan for the property in question. Approval of any related structures (i.e. canopy) will require review by all applicable agencies. Exceptional design modifications shall not permit electronic changeable copy where it is otherwise not permitted.





# Metro Planning Commission Meeting of 10/23/2014

## Skyline Sign Standards:

**Permitted Number of Signs:** “No more than one skyline sign per facade is allowed. However, additional skyline signs may be allowed as a Modification for Exceptional Design”

**Permitted Area:** For buildings 201’ in height or taller: 720 square feet in area for a skyline sign on a given façade.

## Section V: Sign Standards

### Skyline Sign

#### Description

A building sign is attached flat to or mounted away from the building facade. Sign may be parallel to the building facade or vertical. Located on the upper band of a building.

#### General Standards

- A skyline sign is only allowed on buildings greater than 75 feet in height.
- A skyline sign must be located within the top third of the building.
- No portion of a skyline sign may extend above the roof line or above a parapet wall of a building with a flat roof.
- No more than one skyline sign per facade is allowed. However, additional skyline signs may be allowed as a Modification for Exceptional Design. See additional information on page 104.
- Raceways are not permitted on skyline signs.
- A skyline sign can be internally (but not externally) illuminated in accordance with page 118.

#### Design Standards

- |                                  |                   |
|----------------------------------|-------------------|
| Ⓐ Area (max)                     | See pages 109-110 |
| Ⓑ Height (max)                   | 14 feet           |
| Ⓒ Width (max % of facade length) | 60%               |



#### Skyline Signs - area determined by average height of building

75' to 100'	480 square feet
101' - 200'	600 square feet
201' and taller	720 square feet



# Metro Planning Commission Meeting of 10/23/2014

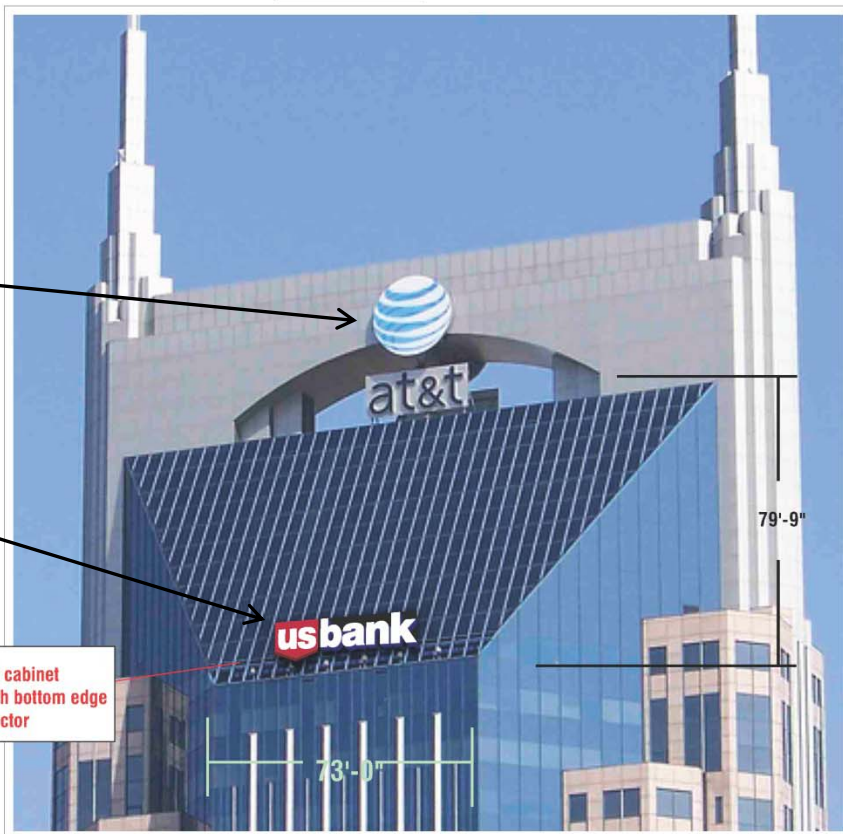
## Signage Modification Proposal

The applicant is requesting approval to allow two skyline signs on both the northeast and southwest facades of the AT&T Building, and to exceed the permitted skyline sign square footage of 720 SF for the northeast and southwest facades each. The existing AT&T skyline signs are to remain in place, and are approximately 728 SF each, located on the uppermost band of both the northeast and southwest facades of the building. The applicant is requesting to install two “US Bank” skyline signs of approximately 332 SF each, beneath the AT&T signs on both the northeast and southwest facades, as depicted in the graphics below.

**PRESENTATION PURPOSES ONLY**  
Drawing not intended for manufacturing purposes at this time

Northeast and Southwest facades

PROPOSED SIGNAGE - 8'-0" letters



Approx. 728 SF sign existing

Additional 332 SF sign requested

baseline of cabinet to align with bottom edge of ice deflector

CLIENT:	PAGE NUMBER	TICKET NO.:	DATE:	DATE:	REVISIONS:
	2	241739	5/22/13	11/8/13 Viv 11/11/13 Viv	Reduced to 200 square foot sign Revised to show 8 ft sign option
ADDRESS:	PROJECT MANAGER:	DESIGNER:			
DOWNTOWN NASHVILLE 333 COMMERCE ST. NASHVILLE, TN	BRIAN DENAMEN	Viv			
	ELECTRONIC FILE NAME:				
	USB\2013\TN\DOWNTOWN NASHVILLE				
NOTE: PRINTS ARE THE EXCLUSIVE PROPERTY OF 'MCSIGN COMPANY'. ANY UNAUTHORIZED USE OR DUPLICATION WILL RESULT IN A 20% CHARGE PER OCCURANCE PER THE VALUE OF THE DISPLAY. © MC SIGN CO. 15					



# Metro Planning Commission Meeting of 10/23/2014

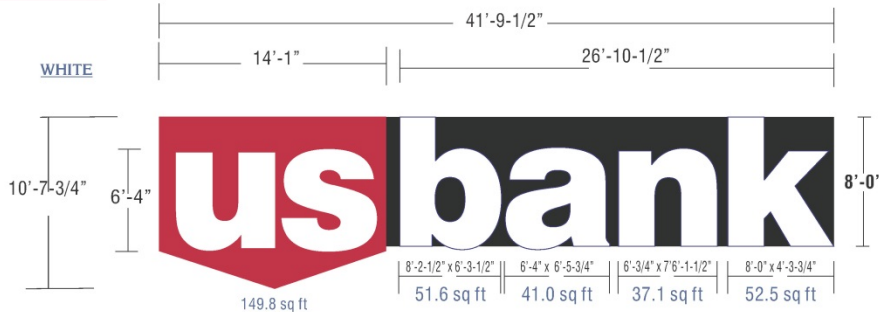
## LED ILLUMINATED CHANNEL LETTERS

SCALE: 3/16" = 1'-0"

Shield: 149.8 Square Feet  
bank: 182.2 Square Feet  
Total: 332.0 Square Feet

**PRESENTATION PURPOSES ONLY**  
Drawing not intended for manufacturing purposes at this time

### 8'-0" letters



### LED ILLUMINATED CHANNEL LETTERS:

**FAB'D BACKER:** 12" deep fabricated backer cabinet with 2" x 2" x 1/8" sq. tube alum. structure - Cabinet to be manufactured in sections as required - All painted Matte Black. INTERNAL ENGINEERING REQUIRED FOR FABRICATION DETAILS!

**CABINET:** 8" deep extruded aluminum w/ .050 alum. back & 1-1/2" internal angle iron structural framework; Bleed retainer system; Cabinet painted Matthews Red

**FACE:** 3M Panaflex material w/ surface applied Trans. Red vinyl overlay; 'us' copy to show thru White

**FACES:** 3/16" White polycarbonate

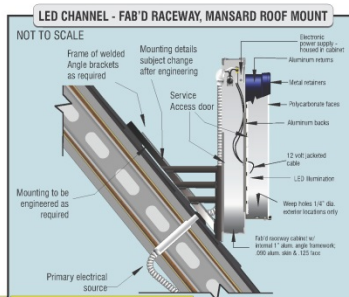
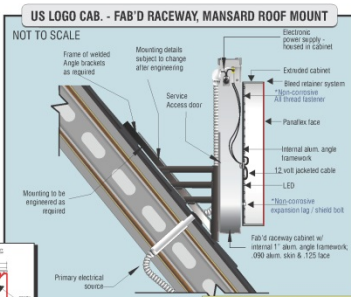
**TRIMCAP:** 1" metal retainers painted Matthews Blue

**RETURNS:** 8" deep .063 alum. - painted Matthews Blue

**BACKS:** .090 alum. - pre-painted White

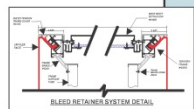
**ILLUMINATION:** White GE Tetra PowerMax WHPMS2-65K led's as required Power supplies to be housed within backer cabinet

**MOUNTING:** Letters thru bolted to backer cabinet Backer cabinet installed on building using mansard brackets as required - painted to match building - ALL DETAILS TO FOLLOW!



**COLOR MATCHING**

- Pantone 2748 Blue Matthews MP10918.
- Pantone 193 Red Matthews N9305P 3M 3632-83
- FAB'D BACKER: Flat Black



**MOUNTING METHOD:**  
(Use appropriate method following wall inspection)  
Eng holes w/ hollow cone (pre-welded lag)  
Expansion lag bolts & shields w/ solid concrete  
This list - all listed fasteners w/ wood blocking

**NOT TO SCALE**  
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
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**MC SIGN COMPANY**  
8959 TYLER BLVD.  
MENTOR, OHIO 44060  
PH. 440-209-6200  
FAX 440-209-6277  
www.mcsign.com

CLIENT:	PROJECT NUMBER:	TICKET NO.:	DATE:	DATE:	REVISIONS:
us bank	1	241739	5/22/13	11/8/13 Viv	Reduced to 200 square foot sign
ADDRESS:	PROJECT MANAGER:	DESIGNER:			
DOWNTOWN NASHVILLE 333 COMMERCE ST. NASHVILLE, TN	BRIAN DENAMEN	Viv			
	ELECTRONIC FILE NAME:				
	USB-2013:TN:DOWNTOWN NASHVILLE				

**Sign On.™**  
Partner with the best.

CLIENT SIGNATURE & APPROVAL DATE:

## ANALYSIS

The Modification request would result in two highly visible skyline signs on both the northeast and southwest façades of the building, where only one is permitted. The existing AT&T skyline signs already use all of the allowable square footage of 720 SF for each respective facade. Adding an additional 332 SF of skyline signage, per respective façade, only further clutters the building's architecture and Nashville's skyline.

The modification request was disapproved by the MDHA DRC on July 1<sup>st</sup>, 2014, as the proposed additional skyline signs of 332 SF each on the northeast and southwest facades, only moves further away from the intent of the DTC Sign Standards. The DTC Sign Standards Intent includes enhancing the visual environment of Downtown, and ensuring signs are complementary to the architectural design of Downtown. The proposed additional signage would result in increased visual cluttering that detracts from both the individual building's architecture, as well as the city's skyline as a whole.

Alternatively, the proposed skyline signs could be located on the northwest and southeast facades that do not already have skyline signage on them, as permitted in the DTC. These unsigned facades would be the appropriate location for the additional skyline signs. Additionally, to staff's knowledge no downtown building has more than one skyline sign on a given façade. Approval of this modification may create a precedent for future modification approvals of multiple skyline signs per building façade.



## **Metro Planning Commission Meeting of 10/23/2014**

### **STAFF RECOMMENDATION**

Staff recommends disapproval. The request of the Modification appeal is inconsistent with the DTC Sign Standards, the MDHA DRC decision for disapproval, and the intent of the DTC Sign Standards to enhance the visual environment of Downtown and for signage that is complementary to Downtown's architecture. In addition, staff has determined that the proposed skyline signage does not rise to the level of an Exceptional Design modification.

### **CONDITIONS IF APPROVED**

1. No further Skyline Signs shall be permitted on any of the building's façades.
2. No further square footage for Skyline Signs shall be permitted for the building.

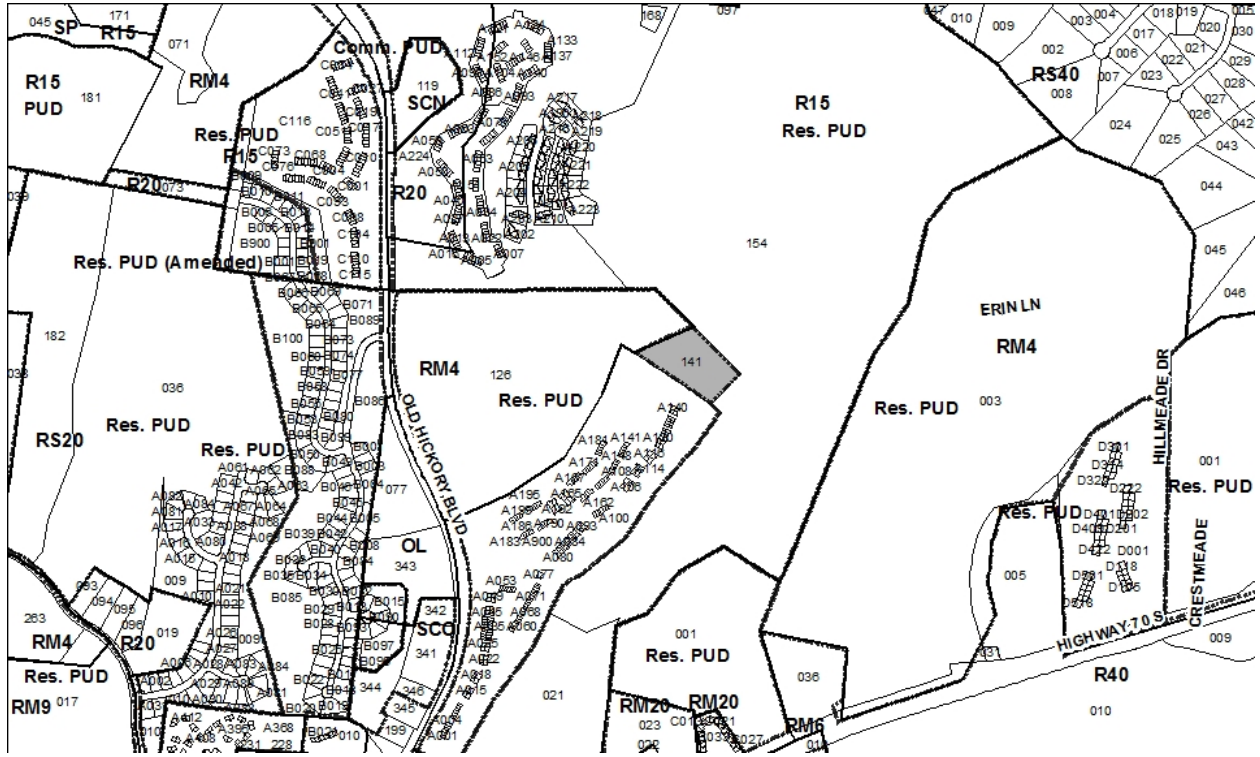


**SEE NEXT PAGE**





# Metro Planning Commission Meeting of 10/23/2014



2014S-162-001

AMBERWOOD APARTMENTS, RESUB RESERVE PARCEL A

Map 128, Parcel(s) 141

06, Bellevue

23 (Emily Evans)



**Project No.** 2014S-162-001  
**Project Name** Amberwood Apartments, Resub. Reserve Parcel A  
**Council District** 23 – Evans  
**School District** 9 – Frogge  
**Requested by** Chapdelaine & Associates, applicant; Edmund and Anne Attebury, owner.

**Deferrals** This request was deferred at the September 11, 2014, Planning Commission meeting.

**Staff Reviewer** Swaggart  
**Staff Recommendation** *Defer to the January 8, 2015, Planning Commission meeting.*

---

**APPLICANT REQUEST**

**Create one residential lot.**

Final Plat

A request for final plat approval to remove the reserve status and create one lot on property located at Old Hickory Boulevard (unnumbered), approximately 2,430 feet north of Highway 70 South, zoned One and Two-Family Residential (R15) (4.13 acres).

**Existing Zoning**

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of 11 lots with 2 duplex lots for a total of 13 units.*

**STAFF RECOMMENDATION**

Staff recommends that the request be deferred to the January 8, 2015, Planning Commission meeting at the request of the applicant.



**SEE NEXT PAGE**



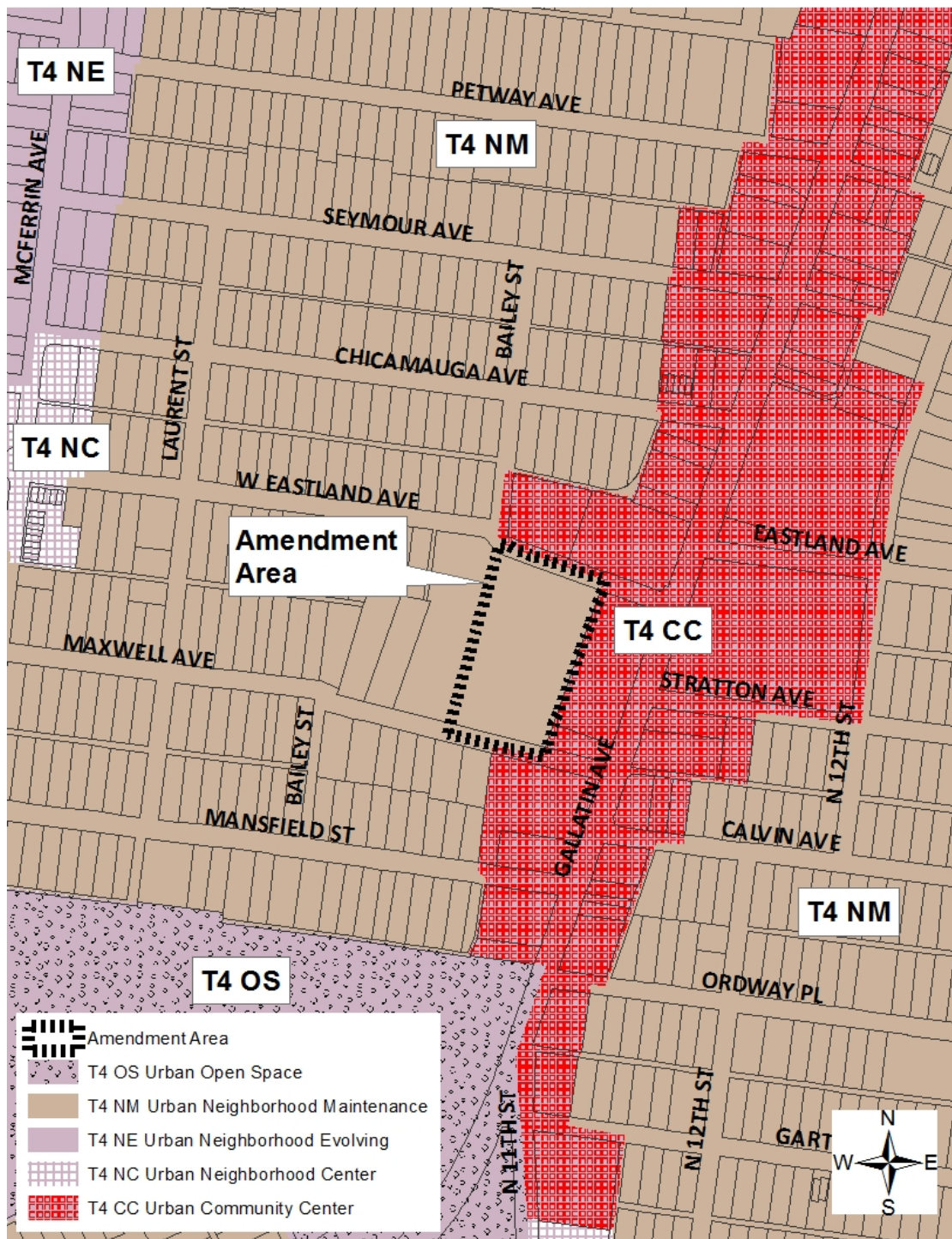


## **COMMUNITY PLAN POLICY CHANGES and ASSOCIATED CASE**

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



# Metro Planning Commission Meeting of 10/23/2014



**2014CP-005-004**  
EAST NASHVILLE PLAN AMENDMENT  
Map 083-05, part of Parcel(s) 131  
05, East Nashville  
05 (Scott Davis)



<b>Project No.</b>	<b>Major Plan Amendment 2014CP-005-004</b>
<b>Project Name</b>	<b>East Nashville Community Plan: 2006 Update</b>
<b>Associated Case</b>	2014SP-075-001
<b>Council District</b>	5 – S. Davis
<b>School Districts</b>	5 – Kim
<b>Requested by</b>	Smith Gee Studio, applicant; Sophia’s Heart Foundation, owner.
<b>Staff Reviewer</b>	Wood
<b>Staff Recommendation</b>	<i>Defer to the November 13, 2014, Planning Commission meeting unless a recommendation is received from all reviewing agencies for the associated SP application.</i>

**APPLICANT REQUEST**

**Change from T4 Urban Neighborhood Maintenance to T4 Urban Community Center.**

Major Plan Amendment

A request to amend the *East Nashville Community Plan: 2006 Update* by changing the Community Character Policy from T4 Urban Neighborhood Maintenance to T4 Urban Community Center for a portion of the property located at 1034 W. Eastland Avenue, approximately 200 feet west of Gallatin Avenue (2.92 acres)

**CRITICAL PLANNING GOALS**

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

This proposal meets several critical planning goals. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. The development will have building entrances along the street frontages and parking placed away from street frontages, improving upon the walkable design of the surrounding streets.

**EAST NASHVILLE COMMUNITY PLAN**

**Current Policy**

T4 Urban Neighborhood Maintenance (T4 NM) 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.

**Proposed Policy**

T4 Urban Community Center (T4 CC) 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



## Metro Planning Commission Meeting of 10/23/2014

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.

### BACKGROUND

The East Nashville Community Plan was last updated in 2006. The zoning for 1034 West Eastland at that time was the same as it is today – OR20, Office/Residential, which permits office uses and residential uses at a density of up to 20 units per acre. The *Land Use Policy Application* policy manual for community plans was still in place in 2006. The property was placed in a residential policy classification called Neighborhood General through the plan update. This was done despite the OR20 zoning because it could serve the purpose of providing a transition in land use and intensity between the higher intensity mixed use development planned along Gallatin Pike and the single- and two-family residential neighborhood to the west of the site.

The property on the north side of West Eastland Avenue (1035 West Eastland Avenue) was also zoned OR20 when the community plan was updated, but it was placed within the adjacent Mixed Use in Community Center detailed land use policy because it is not as deep. The property at 1035 West Eastland is currently going through a Specific Plan rezoning process to allow for multi-story mixed use development that is similar to the development proposed at 1034 West Eastland. The Planning Commission recommended approval with conditions of the 1035 West Eastland SP at its August 14, 2014, meeting. If this community plan amendment is approved, the Urban Community Center policy will line up on both side of West Eastland Avenue.

In 2014, the policies for all of the nine community plans that still used policies in the *Land Use Policy Application* manual were translated to the equivalent newer *Community Character Manual* policies. *The Community Character Manual* policies provide more detailed guidance than the Land Use Policy Application policies did, particularly with regard to urban design issues such as massing, orientation and scale of buildings, setbacks and spacing, location of access and parking, etc. The Neighborhood General policy for the site and adjacent neighborhood was translated to the current T4 Urban Neighborhood Maintenance policy. The Community Center policy along Gallatin Pike was translated to T4 Urban Community Center policy.

The applicants filed a community plan amendment application along with their application to rezone the property to SP-MU. The community plan amendment application is only for the portion of the property that will include a mixed use component. The zone change application is for the entire property. The two policy areas will be separated by a continuation of Bailey Street. Bailey Street is a street that runs north to south above and below the project site but does not extend through it. The development facing both sides of the Bailey Street extension will be purely residential.

### COMMUNITY PARTICIPATION

Community meeting notices were mailed out to property owners within 1,300 feet of the site on September 19<sup>th</sup>. Local neighborhood associations were also notified. A copy of the notice was also placed on the Planning Department website. The community meeting was held on October 2, 2014, at the East Police Precinct on East Trinity Lane. It was attended by 7 people in addition to the development team and Metro Planning staff. The major topics of discussion were:

- How traffic bottlenecks at the intersection of Gallatin Pike and West Eastland Avenue would be addressed;



## Metro Planning Commission Meeting of 10/23/2014

- How the impacts of other proposed developments in the area, such as the one at 1035 West Eastland opposite the site, were being taken into consideration along with potential impact of the 1034 West Eastland proposal;
- The potential for local neighborhood residents to use some of the proposed development amenities, such as the pool and community room;
- Questions about parking.

Public hearing notices were mailed out to property owners within the same area on October 10<sup>th</sup>. Local neighborhood associations were again notified and a copy of the notice was placed on the Planning Department website.

### ANALYSIS

Gallatin Pike is one of the major transportation corridors leading to Downtown Nashville. It is planned and zoned for intense mixed use, walkable, and transit-supportive development. The concentration of retail goods and services at Gallatin and West Eastland was identified as one of the major nodes along the corridor during the East Nashville Community Plan update process in 2006. The Gallatin Pike Bus Rapid Transit Lite service runs along Gallatin Pike, along with local bus service, and there are BRT stations at its intersection with West Eastland. In addition, the portion of 1034 West Eastland that is proposed for amendment to T4 Urban Community Center will face the same policy on the north side of West Eastland. Finally, the Metro Public Works Department has begun the process of making intersection improvements to the Gallatin-West Eastland intersection that will address some of the concerns expressed by local residents. Developments proposed around the intersection, including this one at 1034 West Eastland and the one pending approval for 1035 West Eastland, will also be contributing to addressing the needs for traffic improvements and increased walkability.

Both the T4 NM and T4 CC policies in the *Community Character Manual* contain policy guidance for transitional areas between more intense mixed use areas along major corridors such as Gallatin Pike and lower-intensity developed neighborhoods further away from the corridors. The following excerpts are some of the language regarding transitional areas in both T4 NM and T4 CC policy in the *Community Character Manual*:

#### T4 NM transitions:

- Areas with adequate infrastructure, access, and the ability to form transitions and support future mass transit and the viability of consumer businesses, are most appropriate for higher density. These are primarily areas along corridors internal to the neighborhood or near larger centers and corridors adjacent to the neighborhood.

#### T4 CC transitions:

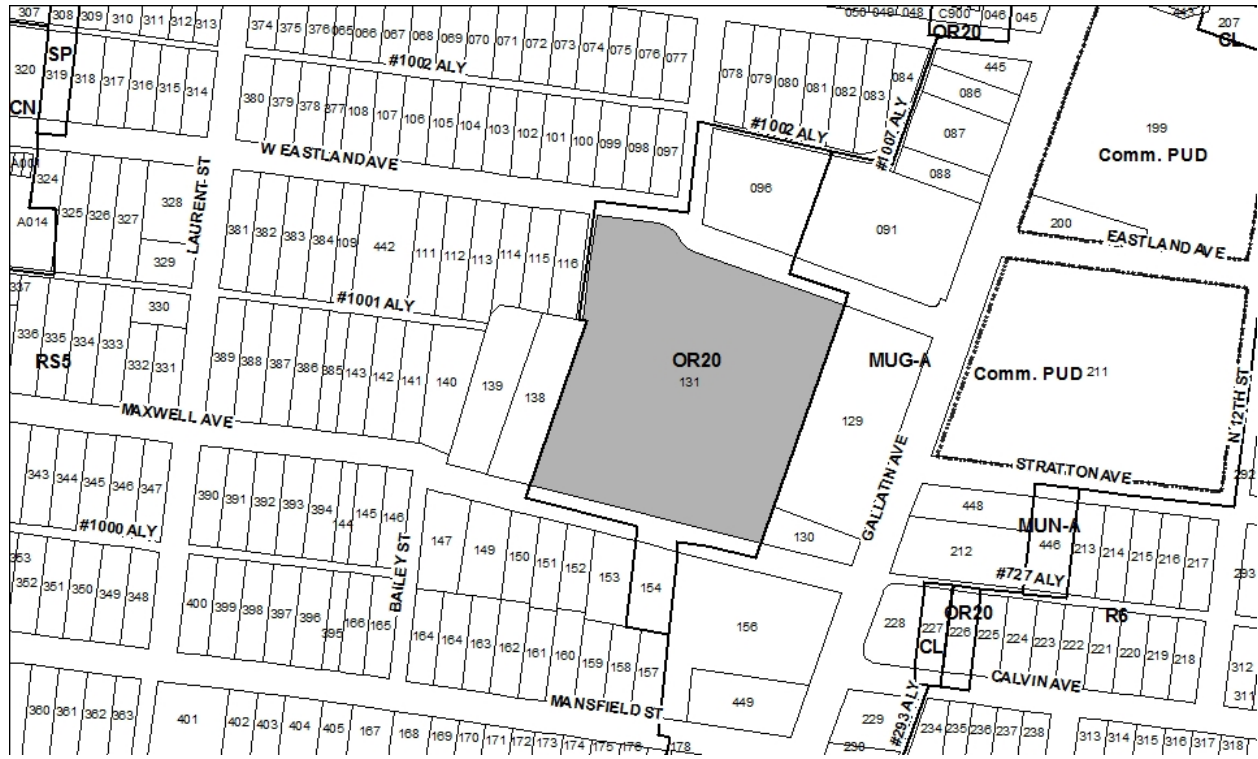
- Transitions in scale and massing may be formed at the edges of the Urban Community Center where it adjoins lower intensity community character areas, with thoughtful attention given to the placement and orientation of buildings within these edges as they relate to their surroundings. Implementation through rezoning occurs as proposals as judged on their merits and ability to meet the goals of the Community Plan.

### STAFF RECOMMENDATION

Staff recommends deferral to the November 13, 2014, Planning Commission meeting unless a recommendation is received from all reviewing agencies for the associated SP application.



# Metro Planning Commission Meeting of 10/23/2014



**2014SP-075-001**  
1034 WEST EASTLAND (LIV EAST)  
Map 083-05, part of Parcel(s) 131  
05, East Nashville  
05 (Scott Davis)



**Project No.** 2014SP-075-001  
**Project Name** 1034 West Eastland (Liv East)  
**Associated Case** 2014CP-005-004  
**Council District** 5 – Davis  
**School District** 5 – Kim  
**Requested by** Smith Gee Studio, applicant; Sophia’s Heart Foundation, Inc., owner.

**Staff Reviewer** Milligan  
**Staff Recommendation** *Defer to the November 13, 2014, Planning Commission meeting unless a recommendation is received from all reviewing agencies. If a recommendation is received prior to the meeting, staff recommends approval with conditions and disapproval without all conditions if the associated policy amendment is approved; disapproval if the associated policy amendment is disapproved.*

**APPLICANT REQUEST**

**Preliminary SP to permit mixed-use development.**

Preliminary SP

A request to rezone from Office/Residential (OR20) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 1034 West Eastland Avenue (4.66 acres), to permit a mixed-use development.

**Existing Zoning**

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 93 units.*

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

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

This proposal meets several critical planning goals. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. The development will have building entrances along the street frontages and parking placed away from street frontages, improving upon the walkable design of the surrounding streets.





# Metro Planning Commission Meeting of 10/23/2014



**Proposed Site Plan**





## Metro Planning Commission Meeting of 10/23/2014

The project will replace an existing office building, intensifying development on an infill site. The proposed multi-family units will provide additional housing choice within the surrounding community. Located near a bus line, the development would allow residents to use public transportation and non-residential uses to provide a destination for public transportation users. The concentration of high density residential will foster walking, biking and the use of public transportation.

### **EAST NASHVILLE COMMUNITY PLAN**

#### **Existing Land Use Policy**

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

#### **Proposed Land Use Policy**

T4 Urban Community Center (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 SP zoning is consistent with the proposed T4 CC policy. The proposed SP would redevelop an underutilized site into an intense mixed use project, providing for infill multi-family units where infrastructure currently exists. The project is proposing sidewalks and other improvements to enhance the pedestrian connectivity of the area.

### **PLAN DETAILS**

The site is located at 1034 West Eastland Avenue, west of Gallatin Avenue, south of West Eastland Avenue and north of Maxwell Avenue. The site is approximately 4.66 acres in size. The current use of the property is Sophia's Heart Foundation, which is classified as Medical Offices and Professional Services, and a large surface parking lot.

#### Site Plan

The plan proposes a mixed-use development including up to 320 multi-family dwelling units, 6,000 square feet of nonresidential space, and 17 townhomes. There are a total of 337 residential units that would be permitted with this SP. The multi-family dwelling units and the nonresidential space will be located in the building closest to Gallatin Avenue and the townhomes will be adjacent to the existing residential area. The mixed-use building is proposed to range in height from 4 stories in 65 feet along Maxwell Street to 5 stories in 75 feet for the remainder of the building. The townhomes are proposed to be a maximum of 3 stories in 36 feet.



## **Metro Planning Commission Meeting of 10/23/2014**

The plan includes an extension of Bailey Street to the south, connecting to Maxwell Street. The Bailey Street extension will include on street parking. Access to the mixed-use building will be from West Eastland and Maxwell Street. Structured parking is incorporated into the mixed-use building. Along the West Eastland frontage and Bailey Street adjacent to the mixed use building, a 4' planting zone and 8' sidewalk are provided. Along Maxwell Street and Bailey Street adjacent to the townhomes, a 4' planting area and 6' sidewalk are provided. Bicycle parking will meet the requirements of the Bike Parking Ordinance.

Architectural standards state that the façade plane must be interrupted every 50' with either a change in building material, a horizontal undulation of 3' or greater, or a porch, stoop, or balcony. For the ground floor residential units on street facing facades, a minimum of 45% of the units will have a porch or stoop with direct access to a public sidewalk. The townhome units will have a minimum raised foundation of 18 inches measured at the front setback, with minor reductions for topographically challenged areas.

### **ANALYSIS**

The plan is consistent with the proposed land use policy and adds a mixed-use development on an infill site. The plan meets several critical planning goals including creating a more pedestrian friendly, walkable streetscape; providing a range of housing choices; and supporting a variety of transportation choices.

### **FIRE DEPARTMENT RECOMMENDATION**

#### **Approve with conditions**

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

### **STORMWATER RECOMMENDATION**

#### **Approved**

### **WATER SERVICES**

#### **Approved**

1. Approved as a Preliminary SP only. The required capacity fees (1-year commitment) must be paid, and any required public construction plans must be approved, before the Final SP can be approved.

### **PUBLIC WORKS RECOMMENDATION**

#### **Returned for corrections**

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Plans submitted were regulatory in nature. MPW will coordinate with the developer prior to Final SP design regarding the roadway design elements and the streetscapes.
3. A mandatory referral will be required for all building signage, balconies, street furniture, etc. installed within the existing or proposed ROWs.
4. All ROW must be dedicated prior to building permit submittal.
5. Remove the "entry feature" from within the existing W Eastland roadway.
6. Remove the bulb-outs from W. Eastland and Maxwell Street.



## Metro Planning Commission Meeting of 10/23/2014

7. On-street parking will require right-of-way dedications and widening of W. Eastland and Maxwell Street.
8. Indicate the location of the back of house/ solid waste/ loading zone(s).
9. Comply with the recommendation from the MPW Traffic Engineer.

### TRAFFIC AND PARKING RECOMMENDATION

#### Returned for corrections

1. Additional TIS analysis has been requested. Comments are forthcoming after review of TIS addendum.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	4.66	20 D	93 U	688	50	69

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	4.66	-	337 U	2166	169	203

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	4.66	-	6,000 SF	295	12	36

Traffic changes between maximum: **OR20** and **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,773	+131	+170

### METRO SCHOOL BOARD REPORT

**Projected student generation existing OR20 district: 0 Elementary 0 Middle 1 High**  
**Projected student generation proposed SP-MU district: 1 Elementary 1 Middle 2 High**

The proposed SP-MU zoning district could generate 3 more students than what is typically generated under the existing OR20 zoning district, utilizing the urban infill factor. Students would attend Glenn Elementary, Jere Baxter Middle School, and Maplewood High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated September 2013.



## Metro Planning Commission Meeting of 10/23/2014

### STAFF RECOMMENDATION

Staff recommends deferral to the November 13, 2014, Planning Commission meeting unless a recommendation is received from all reviewing agencies. If a recommendation is received prior to the meeting, staff recommends approval with conditions and disapproval without all conditions if the associated policy amendment is approved; disapproval if the associated policy amendment is disapproved.

### CONDITIONS

1. Permitted land uses shall be limited to multi-family residential and all other uses in MUG-A. Residential shall be limited to up to 337 units. Non-residential uses shall be limited to 6,000 square feet.
2. Detailed construction drawings for the streetscape elements shall be reviewed and determined if they are appropriate with the final site application.
3. All residential units shall have a minimum raised foundation of 18" at the Bailey Street and Maxwell Street frontages, measured at the front setback. Minor reductions may be granted by Planning Staff with the Final SP application for topographically challenged areas and ADA required units.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the application request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Metro Council shall be provided to the Planning Commission prior to or with the final site plan application.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

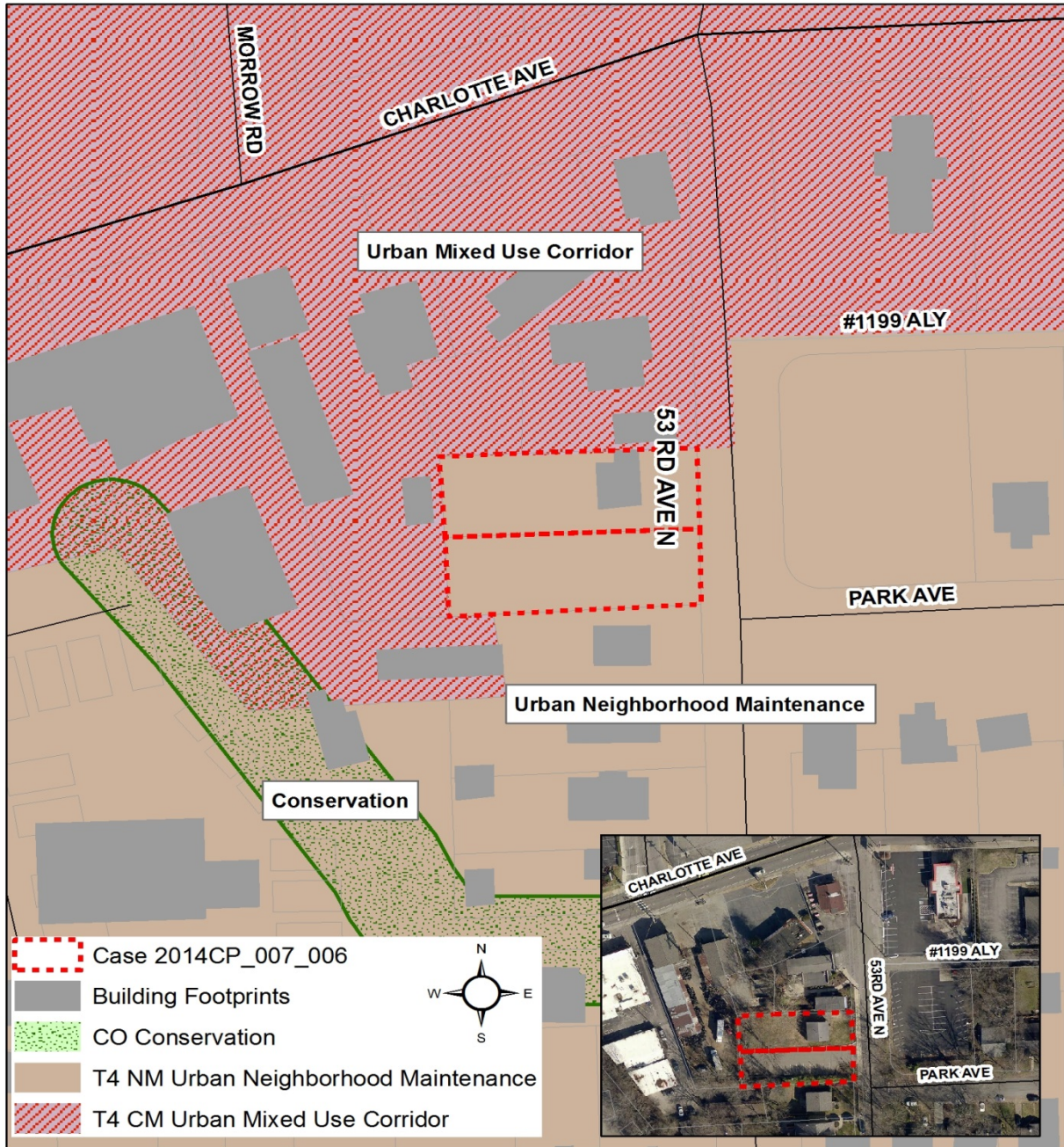


**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 10/23/2014

## ATTACHMENT A: Map of the Proposed Amendment Area West Nashville Community Plan Amendment Case # 2014CP-007-006



**2014CP-007-006**  
 WEST NASHVILLE PLAN AMENDMENT  
 Map 091-15, Parcel(s) 039-040  
 07, West Nashville  
 24 (Jason Holleman)



<b>Project No.</b>	<b>Major Plan Amendment 2014CP-007-006</b>
<b>Project Name</b>	<b>West Nashville Community Plan Amendment</b>
<b>Associated Case</b>	<b>2014SP-062-001</b>
<b>Council District</b>	24 – Holleman
<b>School District</b>	9 – Frogge
<b>Requested by</b>	Dale and Associates, applicant; Henry and Sarah Hood, owners.
<b>Staff Reviewer</b>	Capewhart
<b>Staff Recommendation</b>	<i>Disapprove.</i>

**APPLICANT REQUEST**

**Amend land use policy from Urban Neighborhood Maintenance policy (T4 NM) to Urban Mixed Use Corridor (T4 CM).**

Major Plan Amendment

A request to amend the West Nashville Community Plan: 2009 Update to change the Land Use Policy from Urban Neighborhood Maintenance Policy (T4 NM) to Urban Mixed Use Corridor Policy (T4 CM) for properties located at 333 and 335 53<sup>rd</sup> Avenue North.

**CRITICAL PLANNING GOALS**

N/A

**WEST NASHVILLE COMMUNITY PLAN**

**Current Policy**

Urban Neighborhood Maintenance (T4 NM) 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.

**Special Policy in this Urban Neighborhood Maintenance Area**

There are four parcels located on both sides of 53rd Avenue North that are either partly or entirely zoned OR20. Two of these parcels (09115003900 and 09115004100) contain single-family homes and two parcels (09115004000 and 09115010500) contain surface parking parcels. Although this zoning and the parking parcels do not conform to the T4 Urban Neighborhood Maintenance policy, the OR20 zoning may be retained because of this area’s ability to serve as a transition from the more intense commercial and mixed use development along Charlotte Avenue to this Neighborhood Maintenance area, but the zoning should not be allowed to expand. Any future rezoning should move closer to conformance with the Neighborhood Maintenance policy.

**Proposed Policy**

Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the



## Metro Planning Commission Meeting of 10/23/2014

corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

### **BACKGROUND**

The companion to this case, 2014SP-062-001 considers a zone change from OR20 and CS to SP-C district on properties located at 333 and 335 53<sup>rd</sup> Avenue North to permit a full service-restaurant and grocery store. The proposed zoning and land uses are inconsistent with the T4 NM policy and its special policy. The special policy recommends that the OR20 and CS zoning not expand, and that any changes in zoning align with the Urban Neighborhood Maintenance policy.

### **COMMUNITY PARTICIPATION**

An early postcard notification announcing the plan amendment was sent to property owners within 1,300 feet of the potential plan amendment area. A notice communicating the time and date of the community meeting and Planning Commission Public Hearing was sent to property owners within 1,300 feet of the potential plan amendment area.

A community meeting was held on Monday, October 6<sup>th</sup>, 2014 at the McCabe Community Center (4601 Murphy Rd, Nashville, TN 37209) from 6:00 p.m. to 7:00 p.m. There were six attendees at the meeting. There was some hesitation expressed from meeting attendees about the proposal to apply the Urban Mixed Use Corridor policy to the subject properties because of the intensity of development that it can allow.

The proposed zone change was also discussed at the October 6<sup>th</sup> meeting. While the attendees were amenable to limited commercial land uses on the proposed properties, there was still a strong desire to maintain a transition from Charlotte Pike to the interior of the neighborhood. Attendees discussed building design and massing, and limiting the types of commercial uses, as ways to achieve an appropriate transition.

### **ANALYSIS**

#### **Physical Site Conditions**

There is 100-year floodplain on the back portions of the subject properties; approximately 566 square feet on 335 53<sup>rd</sup> Avenue North approximately and 2,178 square feet on 333 53<sup>rd</sup> Avenue North.

#### **Land Use**

335 53<sup>rd</sup> Avenue North is classified as 1-unit residential and there is an existing structure on the property. 333 53<sup>rd</sup> Avenue North is classified as automobile parking. The subject properties are surrounded to the north and west by commercial and industrial land uses. Land uses to the east of the subject properties include commercial land uses and automobile parking. Land uses to the south are predominately single family residential.

#### **Existing Development Pattern**

The development pattern is urban, characterized by a gridded street pattern and moderately sized lots. Residential properties in the area are generally equal to or less than 10,000 square feet





## Metro Planning Commission Meeting of 10/23/2014

(0.23 acres). Commercial properties near the subject properties range in size from 8,700 square feet (0.2 acres) to 16,500 square feet (0.38 acres). The subject properties combined are 14,810 square feet (0.34 acres).

### Access

The subject properties currently have access from 53<sup>rd</sup> Avenue North, a local street. There is no alley.

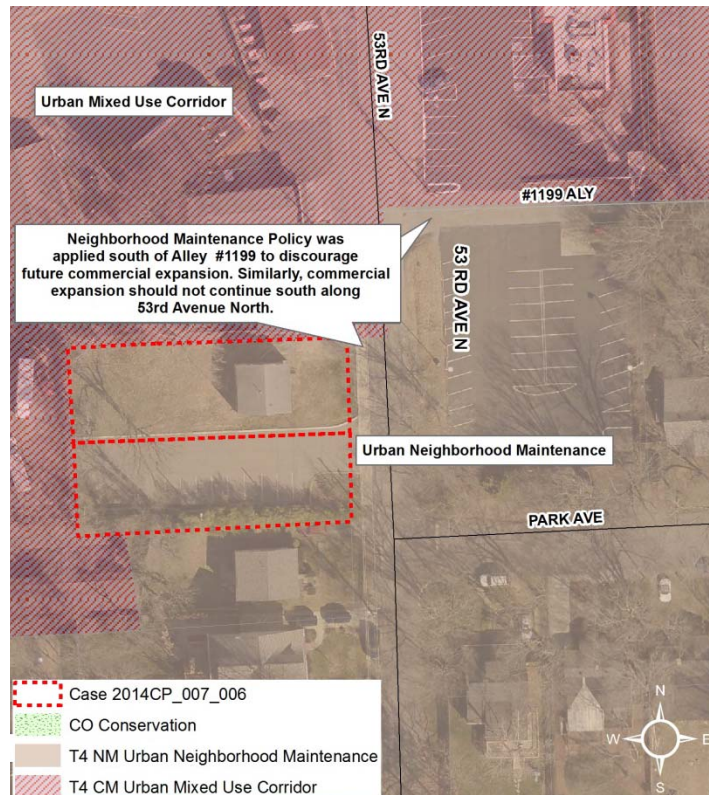
### Historic Features

The existing structure on 335 53<sup>rd</sup> Avenue North is identified as Worthy of Conservation, and is among other worthy of conservation properties on 53<sup>rd</sup> Avenue North, and that are identified as the Sylvan Park Historic District.

### Summary

The existing Urban Neighborhood Maintenance policy and its Special Policy (that limits the expansion of the existing OR20 and CS zoning) are appropriate at this location.

At this location, the subject properties and an automobile parking lot east of 53<sup>rd</sup> Avenue North are zoned OR20 and are in the Urban Neighborhood Maintenance policy. The application of Urban Neighborhood Maintenance Policy in this location was to discourage the expansion of commercial beyond Alley #1199 and further south along 53<sup>rd</sup> Avenue North; therefore the application of Urban Mixed Use Corridor is inappropriate.

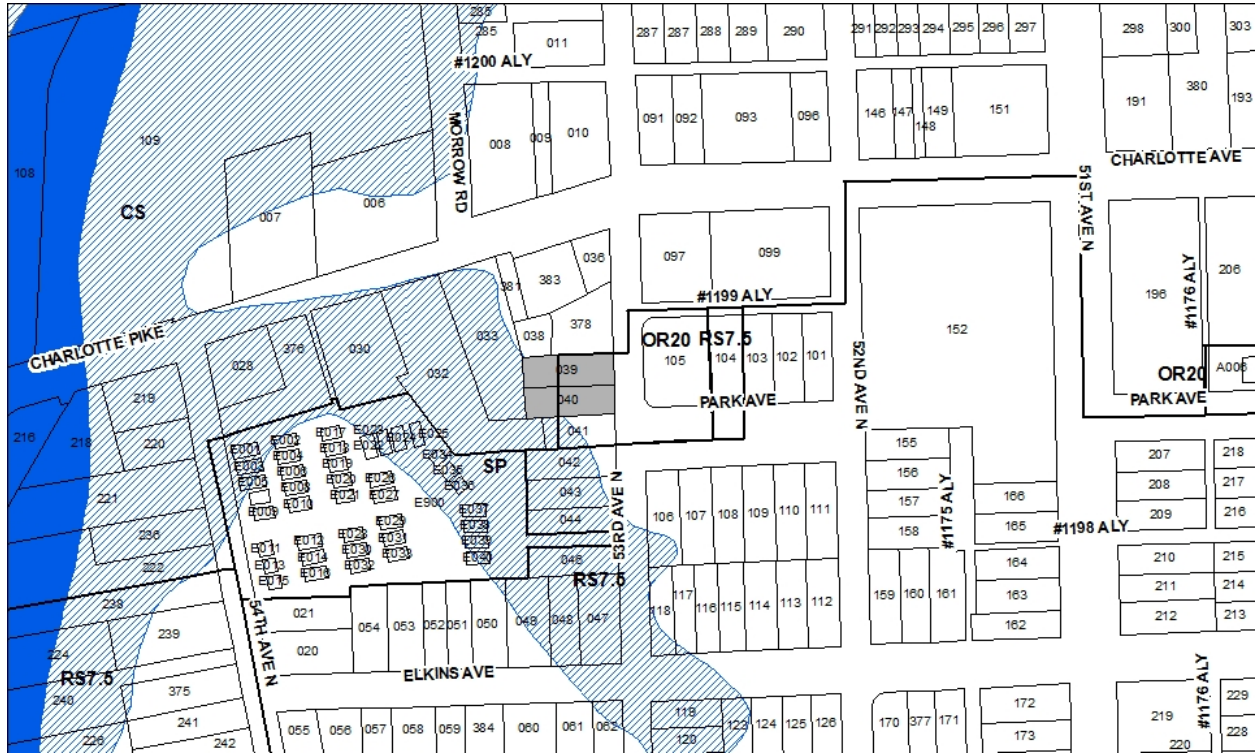


### STAFF RECOMMENDATION

Staff recommends disapproval.



# Metro Planning Commission Meeting of 10/23/2014



**2014SP-062-001**  
53RD AVENUE NORTH  
Map 091-15, Parcel(s) 039-040  
07, West Nashville  
24 (Jason Holleman)



<b>Project No.</b>	<b>2014SP-062-001</b>
<b>Project Name</b>	<b>53<sup>rd</sup> Avenue North</b>
<b>Associated Case</b>	2014CP-007-006
<b>Council District</b>	24 – Holleman
<b>School District</b>	9 – Frogge
<b>Requested by</b>	Dale and Associates, applicant; Henry and Sarah Hood, owners.
<b>Staff Reviewer</b>	Sajid
<b>Staff Recommendation</b>	<i>Disapprove.</i>

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**APPLICANT REQUEST**

**Preliminary SP to a full-service restaurant and grocery store.**

Preliminary SP

A request to rezone from Office/Residential (OR20) and Commercial Service (CS) to Specific Plan-Commercial (SP-C) zoning for properties located at 333 and 335 53rd Avenue North, approximately 260 feet south of Charlotte Avenue and partially located within the Floodplain Overlay District, (0.34 Acres), to permit a restaurant and grocery store within the existing building.

**Existing Zoning**

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 6 units.*

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

**Proposed Zoning**

Specific Plan-Commercial (SP-C) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes commercial uses.

**CRITICAL PLANNING GOALS**

N/A

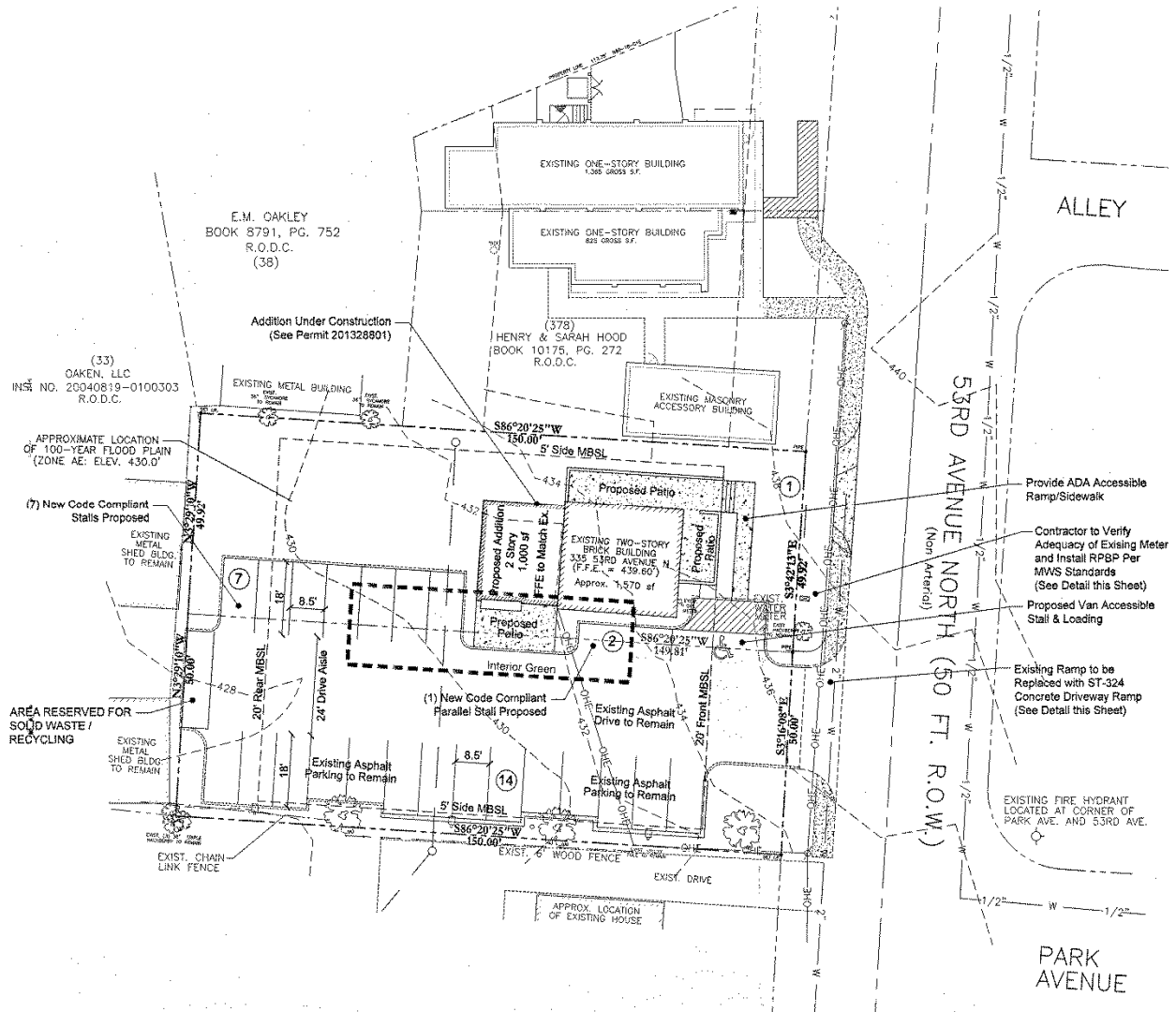
**WEST NASHVILLE COMMUNITY PLAN**

**Existing Policy**

Urban Neighborhood Maintenance (T4 NM) policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections. T3 Suburban Community Centers serve suburban communities within a 10 to 20 minute drive.



# Metro Planning Commission Meeting of 10/23/2014



**Proposed Site Plan**



## Metro Planning Commission Meeting of 10/23/2014

### **Proposed Policy**

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

### Consistent with Policy?

The proposed SP is not consistent with the existing policy. Urban Neighborhood Maintenance is a residential policy that is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm whereas the SP proposes a commercial use.

The proposed SP is consistent with the proposed Urban Mixed Use Corridor policy. The request would allow for a new full-service restaurant and small grocery store that is located south of the intersection of Charlotte Pike and 53<sup>rd</sup> Avenue North in an area characterized by intense mixed use.

Although the proposed SP is consistent with the requested plan amendment, staff finds that the existing Urban Neighborhood Maintenance policy is more appropriate for this site. The existing policy provides for a better transition to the south rather than extending the intensity present along Charlotte Pike farther into the neighborhood.

### **PLAN DETAILS**

The site is located south of the intersection of Charlotte Avenue and 53<sup>rd</sup> Avenue North. Surrounding zoning includes CS, OR20, SP and RS7.5, and the area includes a mixture of uses. Access to the site is from an existing driveway on 53<sup>rd</sup> Avenue North.

### Site Plan

The SP proposes a 2,570 SF full-service restaurant and grocery store on the site. Two parcels are included in the SP. The front two-thirds of both parcels are zoned OR20 while the rear third is zoned CS. The proposed restaurant use is not permitted in OR20. The site includes an existing two story brick building which, along with a rear building addition, is proposed for the restaurant and grocery store uses. The addition was originally permitted as an office use and is already under construction. Patios for outdoor dining are also proposed at the front and north side of the existing building.

The SP provides a total of 23 parking spaces. The fourteen existing spaces located along the southern property line will remain, and an additional nine space are proposed. Since the site is located in the Urban Zoning Overlay, the Zoning Code exempts the first 1,000 SF of gross floor area and requires 1 space per 150 SF in excess of 1,000 SF. Therefore, the proposed restaurant use must provide a minimum of 10 parking spaces per the Zoning Code. In addition, the site is subject to a parking agreement with Miel, which is located immediately north of the subject property. Seven of the parking spaces located on the subject property are required for Miel to provide parking required by the Zoning Code. This leaves 16 parking spaces for the proposed restaurant while only 10 are required by the code. If the entire building served as a stand-alone grocery store, a maximum of 2 parking spaces would be required per the Zoning Code. The SP is consistent with the requirements of the Zoning Code for parking.



## **Metro Planning Commission Meeting of 10/23/2014**

Since the site is located in proximity of residences, staff recommends that, if approved, signage follow the requirements of the MUL district, which prohibits LED and digital display signs with the exception of time/temperature/date signs.

### **ANALYSIS**

Staff recommends disapproval of the SP as the use is not consistent with the Urban Neighborhood Maintenance policy. Although a plan amendment has been requested, the existing policy provides for a better transition to the south rather than extending the intensity present along Charlotte Pike farther into the neighborhood.

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

Approved

### **TRAFFIC & PARKING RECOMMENDATION**

No exception taken

### **WATER SERVICES RECOMMENDATION**

Approve

- Approved as Preliminary SP - Applicant will need to pay required capacity fees before FINAL SP can be approved.

### **PUBLIC WORKS RECOMMENDATION**

Approve with conditions

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

No table was prepared because this request is not anticipated to generate significant additional traffic.

### **STAFF RECOMMENDATION**

Staff recommends disapproval of the SP as the use is not consistent with the Urban Neighborhood Maintenance policy.

### **CONDITIONS (if approved)**

1. Uses within the SP shall be limited to full-service restaurant and grocery store uses.
2. Parking located in front of the building shall be screened with evergreen landscaping.
3. Signage shall be limited to MUL zoning district standards.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.



## **Metro Planning Commission Meeting of 10/23/2014**

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



**SEE NEXT PAGE**





## **RECOMMENDATIONS TO METRO COUNCIL**

- **Specific Plans**
- **Zone Changes**



**NO SKETCH**



<b>Project No.</b>	<b>Text Amendment 2014Z-020TX-001</b>
<b>Project Name</b>	<b>Alternative Financial Services</b>
<b>Council Bill</b>	BL2014-908
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Councilmember Jacobia Dowell, Councilmember Karen Johnson and Councilmember Fabian Bedne
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Approve with an amendment.</i>

**APPLICANT REQUEST**

**Modify definition of financial institution and provide land use development standards for cash advance, check cashing, pawnshop and title loan establishments**

Text Amendment

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to cash advance, check cashing, pawnshop , and title loan establishments.

**CURRENT TEXT**

The Zoning Code has definitions for Financial Institutions, Cash Advance, Check Cashing, Pawnshop, and Title Loan Establishments. The Code also provided Land Use Development Standards for zoning districts in which these uses are permitted subject to certain conditions (PC).

From Chapter 17.040.060 of the Zoning Code, the existing definitions are as follows:

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

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

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

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

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



## Metro Planning Commission Meeting of 10/23/2014

From Chapter 17.080.030 of the Zoning Code, the existing district land use table is as follows:

USE	MUN and MUN-A	MUL and MUL-A	MUG and MUG-A	MUI and MUI-A	ON	OL	OG	OR20 thru AR40-A	ORI and ORI-A
Cash Advance	PC	P	P	P	PC	P	P	P	P
Check Cashing	PC	P	P	P	PC	P	P	P	P
Financial Institution	PC	P	P	P	PC	P	P	P	P
Title loan	PC	P	P	P	PC	P	P	P	P
Pawnshop	PC	P	P	P					PC

USE	CN	CL	CS	CA	CF	DTC	SCN	SCC	SCR	IWD	IR	IG
Cash Advance	PC	P	P	P	P		P	P	P	P		
Check Cashing	PC	P	P	P	P		P	P	P	P		
Financial Institution	PC	P	P	P	P	P	P	P	P	P		
Title loan	PC	P	P	P	P		P	P	P	P		
Pawnshop	PC	P	P	P	P		PC	PC	P	PC	PC	PC

Section 17.16.050 provides the conditions for districts where financial institutions, cash advance, check cashing and title loans are permitted with conditions (PC):

- A. Financial Institution, Cash Advance, Check Cashing and Title Loan. A financial institution, cash advance, check cashing or title loan office shall be limited to two thousand five hundred square feet of gross floor area.

Section 17.16.070 provides the conditions for districts where pawnshops are permitted with conditions (PC):

- P. Pawnshop.
  1. In the MUN, ORI and CN zone districts, each establishment shall be limited to five thousand square feet of gross floor area, maximum.
  2. In the IWD, IR and IG zone districts, each establishment shall be limited to two thousand five hundred square feet of gross floor area, maximum.

### PROPOSED TEXT

This text amendment would revise the definition of financial institution to specifically exclude cash advance, check cashing and title loans as follows:

Financial Institution means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions and mortgage companies, **but excluding cash advance, check cashing, and title loan establishments.**

The amendment would also amend the District Land Use Tables to designate cash advance, check cashing, pawnshop and title loan as uses permitted with conditions (PC), and amend the conditions for districts in which uses are permitted with conditions.



## Metro Planning Commission Meeting of 10/23/2014

Section 17.16.050 subsection A is deleted in its entirety and replaced with the following:

- A. Financial Institution. A financial institution shall be limited to two thousand five hundred (2,500) square feet of gross floor area, per establishment.

Section 17.16.050 is amended by adding subsection D as follows:

- D. Cash Advance, Check Cashing and Title Loan
  1. A cash advance, check cashing, or title loan office shall be limited to two thousand five hundred (2,500) square feet of gross floor area per establishment.
  2. In the mixed use, office, and commercial zoning districts, a cash advance, check cashing, or title loan office shall not be located less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which a cash advance, check cashing, or title loan office is located.

Section 17.16.070 is amended by adding the following provision to the end of subsection P.

1. No pawnshop establishment shall be located less than one thousand three hundred and twenty (1,320) linear feet from the property line of another property upon which another pawnshop establishment is located.

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### ANALYSIS

The number of check cashing, cash advance, pawnshop, and title loan facilities has increased dramatically in recent years. From 1996 to 2001, the number of check cashing establishments more than doubled. In 1985, there were approximately 5,000 pawnshops. This number has grown to over 14,000.

Research has shown that there is a concentration of alternative financial institutions along major thoroughfares within Nashville. There have been studies and reports in regards to the impact of the concentrations of this type of business. One study, prepared by the Regional Planning Agency of Chattanooga-Hamilton County, found that a concentration of alternative financial institutions may have a negative effect on the appreciation of nearby property values. A report by the St. Louis County Planning Department found that communities perceive areas with a high concentration of alternative financial institutions as having underlying economic problems.

A recent study by the Federal Reserve Board, showed that the highest concentrations of payday lending stores on a per capita basis are in southern states, including Tennessee, that do not explicitly prohibited payday lending. The number of pawnshops is also relatively high in the south. In Nashville, there is a concentration of cash advance, check cashing, pawnshops, and title loans along major thoroughfares. Negative perceptions of alternative financial service providers can lead to a disincentive for new business development and economic redevelopment of an area. Also, a concentration of one particular type of business may limit commercial choice for nearby residents.

### ZONING ADMINISTRATOR RECOMMENDATION

The Zoning Department takes no exception with the proposed legislation.

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## Metro Planning Commission Meeting of 10/23/2014

### STAFF RECOMMENDATION

Staff recommends approval of the bill with the following amendments:

Section 17.080.030 : Clarify that the District Land Use Tables are modified to make cash advance, check cashing, pawnshop, and title loan as uses permitted with condition (PC) in all zoning districts in which cash advance, check cashing, pawnshop, and title loan are currently permitted (P).

Section 17.16.050 D: Modify 2 so that the distance requirement applies to mixed use, office, commercial, shopping center, and industrial zoning districts.

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### ORDINANCE NO. BL2014-908

**An Ordinance amending Chapters 17.04, 17.08, and 17.16 of the Metropolitan Zoning Code to designate cash advance, check cashing, pawnshop, and title loan as uses permitted with conditions and adding conditions applicable to these uses (Proposal No. 2014Z-020TX-001).**

WHEREAS, a study conducted by the Regional Planning Agency of Chattanooga-Hamilton County, Tennessee, concluded that the proliferation and clustering of cash advance, check cashing, pawnshops, and title loan establishments (frequently called “Alternative Financial Services”) can have a detrimental effect on local property values and economic redevelopment; and

WHEREAS, a 2009 examination of the locations of alternative financial service providers by the Board of Governors of the Federal Reserve System provides evidence that these businesses tend to locate in areas where the population is disproportionately minority and poorly educated; and

WHEREAS, the fees and lending practices used by alternative financial service establishments can have a significant negative effect on a city’s residents {Source: Baylor, Don; “The Hidden Costs of Payday Lending,” Texas Business Review, April 2008}; and

WHEREAS, as shown on Exhibits A and B attached hereto and made a part of this ordinance, Nashville, Tennessee has a high concentration of alternative financial service establishments along the major thoroughfares in the city; and

WHEREAS, in order to protect local property values and economic redevelopment in Nashville, Tennessee, the Metropolitan Council deems it to be in the best interest of the residents of the city that the proliferation and clustering of alternative financial services be further regulated through the Metropolitan Zoning Code.

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

Section 1. That Section 17.04.060 of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by adding the following provision at the end of the definition of “financial institution”:



## Metro Planning Commission Meeting of 10/23/2014

“, but excluding cash advance, check cashing, and title loan establishments”

Section 2. That Section 17.08.030, District Land Use Tables, is hereby amended by designating “cash advance” “check cashing”, “pawnshop” and “title loan” as uses permitted with conditions (PC) in all zoning district in which they are currently permitted (P).

Section 3. That Section 17.16.050, Office Uses, is hereby amended as follows:

1. By deleting subsection A. in its entirety and substituting with the following new subsection A.:  
“A. Financial Institution. A financial institution shall be limited to two thousand five hundred (2,500) square feet of gross floor area per establishment.”
2. By adding the following provision as subsection D.:  
“D. Cash Advance, Check Cashing and Title Loan.
  1. A cash advance, check cashing, or title loan office shall be limited to two thousand five hundred (2,500) square feet of gross floor area per establishment.
  2. No cash advance, check cashing, or title loan establishment shall be located less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another cash advance, check cashing, or title loan office is located.”

Section 4. That Section 17.16.070, Commercial Uses, is hereby amended by adding the following provision at the end of subsection P:

“3. No pawnshop establishment shall be located less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another pawnshop establishment is located.”

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

Sponsored by: Jacobia Dowell, Karen Johnson, Fabian Bedne



**NO SKETCH**





<b>Project No.</b>	<b>Text Amendment 2014Z-021TX-001</b>
<b>Project Name</b>	<b>Short Term Rental Property</b>
<b>Council Bill</b>	BL 2014-909
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Councilmember Burkley Allen, applicant.
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Disapprove as submitted; Approve substitute ordinance.</i>

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**APPLICANT REQUEST**

**Create new use “Short Term Rental Property” and regulations for the use.**

Text Amendment

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Property.

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**PROPOSED TEXT**

As currently proposed this text amendment would introduce “Short Term Rental Property (STRP)” as a new use in the Zoning Code. The proposed bill defines STRP as follows:

A dwelling unit containing not more than three sleeping rooms that is used and/or advertised for rent for transient occupancy by guests. Dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, hotels, and motels shall not be considered Short Term Rental Property.

It would also add “Transient” as a new term in the Zoning Code. The proposed bill defines transient as follows:

Any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations for a period of less than thirty (30) continuous days.

In addition to adding uses and terms to the Zoning Code, it also provides standards for which STRP would be regulated. A summary of the requirements follows:

1. Specifies application requirements.
2. Specifies sign and advertising requirements.
3. Specifies noise restrictions.
4. Prohibits recreational vehicles, buses, trailers, or tents shall be visible on the street or property in conjunction with the STRP use.
5. Prohibits food from being prepared or served by the owner/operator of the STRP.
6. Restricts the age of renters to 21 and above.
7. Restricts the maximum occupancy.
8. Restricts the duration of stay.
9. Specifies notification requirements.
10. Specifies expiration of permit for STRP.
11. Prohibits permits to be transferred from person to person.



## Metro Planning Commission Meeting of 10/23/2014

12. Prohibits any person from operating more than one STRP.
13. Specifies when and how a permit for a STRP can be revoked and the appeal process for any revoked permit.

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### ANALYSIS

Staff is recommending disapproval of the proposed text amendment. While staff recognizes the need for the regulation of these types uses in order to ensure that neighborhoods are protected, most of these requirements are, likely, more suited for Title 5, Revenue and Finance, of the Code. Staff recommends disapproval until such time as the bill is substituted and/or amended, and that a new bill is introduced to modify Title 5. Staff has met with Councilmember Burkley Allen to explain the concerns with the current ordinance.

The sponsor has drafted a substitute ordinance that removes the conditions from Title 17, the Zoning Code, and separate ordinance that adds requirements to Title 6, Business Licenses and Regulations. The text of these ordinances is at the end of this report. The Planning Commission does not make a recommendation on Title 6.

### ZONING ADMINISTRATOR RECOMMENDATION

Disapprove current bill, but approve with minor amendments to the substitute ordinance.

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### STAFF RECOMMENDATION

Staff recommends disapproval as submitted, but approval of the substitute ordinance.

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### ORDINANCE NO. BL2014-909

**An ordinance to amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Property. (Proposal No. 2014Z-021TX-001).**

WHEREAS, short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy; and

WHEREAS, short-term rental of homes can provide homeowners an opportunity to hold property in difficult economic circumstances or as an investment; and

WHEREAS, hotel taxes from short term rental of homes can be used to promote travel and tourism and to support the local tourism industry; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals.

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

Section 1. That Section 17.04.060 of the Metropolitan Code is hereby amended by adding the following new definitions:



## Metro Planning Commission Meeting of 10/23/2014

“Transient” means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations for a period of less than thirty (30) continuous days.

“Short Term Rental Property (STRP)” means a dwelling unit containing not more than three sleeping rooms that is used and/or advertised for rent for transient occupancy by guests. Dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, hotels, and motels shall not be considered Short Term Rental Property.

Section 2. That Section 17.08.030 of the Metropolitan Code, District Land Use Tables, is hereby amended by adding “Short Term Rental Property” as an accessory (A) use in all zoning districts that allow residential use.

Section 3. That Section 17.16.250 of the Metropolitan Code is hereby amended by adding the following as subsection E.:

“E. Short Term Rental Property (STRP). A STRP is permitted as an accessory use in all zoning districts that allow residential use subject to the following:

1. Application. No STRP shall be initiated until the Zoning Administrator has received and approved a STRP permit application submitted by the owner of the property.
  - a. The application shall include the name, telephone number, address, and email address of the owner and of a person or business (“responsible party”) residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns.
  - b. The application shall include proof of insurance evidencing homeowner’s fire, hazard, and liability insurance. Liability coverage shall have limits of not less than \$1,000,000 per occurrence.
  - c. If the STRP unit shares a common wall or a common driveway with another property owner, written notification to such neighboring property owner(s) must be given prior to the application.
2. Signage. Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP shall be prohibited.
3. Noise. All STRP occupants shall abide by the noise restrictions contained in section 11.12.070.A. of the Metropolitan Code.
4. No recreational vehicles, buses, trailers, or tents shall be visible on the street or property in conjunction with the STRP use.
5. No food shall be prepared for or served to the transient by the permit holder.
6. The principal renter of a STRP unit shall be at least twenty-one (21) years of age.
7. Maximum occupancy. The maximum number of paying adult guests permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit.
8. Duration. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four (24) hours. The maximum stay for any guest shall be thirty (30) consecutive days.
9. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week to address problems associated with the STRP.
10. Expiration of permit. A STRP permit shall expire three hundred sixty-five (365) days after it is issued. STRP permits may be renewed upon the payment of a fifty dollar renewal fee to the department of codes administration.
11. Taxes. The permit holder shall be responsible for collecting and remitting all applicable room,



## Metro Planning Commission Meeting of 10/23/2014

occupancy, and sales taxes required by state law or the Metropolitan Code.

12. Permit Transferability. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.

13. No more than one STRP permit shall be issued for any one individual.

14. Revocation of Permit. Upon the filing of three or more complaints within a calendar year regarding a STRP 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 as provided in this Title.

Section 4. This Ordinance shall take effect on March 1, 2015, 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: Burkley Allen, Charlie Tygard



## Metro Planning Commission Meeting of 10/23/2014

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Chapter 6.28 of the Metropolitan Code pertaining to Short Term Rental Property.

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

Section 1. That Chapter 6.28 of the Metropolitan Code is hereby amended by adding the following new Section 6.28.030:

**“6.28.030 Short Term Rental Property (STRP).**

- A. For purposes of this section, Short Term Rental Property (STRP)” means a dwelling unit containing not more than three sleeping rooms that is used and/or advertised for rent for transient occupancy by guests as those terms are defined in Section 5.12.010 of the metropolitan code. Dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, hotels, and motels shall not be considered Short Term Rental Property.
- B. No person or entity shall operate or advertise a residential property for use as a STRP without obtaining a permit issued by the department of codes administration.
- C. Application. The STRP permit application shall include the following information:
  1. The name, telephone number, address, and email address of the owner and of a person or business (“responsible party”) residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns;
  2. Proof of insurance evidencing homeowner’s fire, hazard, and liability insurance. Liability coverage shall have limits of not less than \$1,000,000 per occurrence.
  3. If the STRP unit shares a common wall or a common driveway with another property owner, proof of written notification to such neighboring property owner(s) prior to filing the application.
- D. Signage. Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP is prohibited.
- E. All STRP occupants shall abide by the noise restrictions contained in section 11.12.070.A. of the Metropolitan Code.
- F. No recreational vehicles, buses, trailers, or tents shall be visible on the street or property in conjunction with the STRP use.
- G. No food shall be prepared for or served to the transient by the permit holder.
- H. The principal renter of a STRP unit shall be at least twenty-one (21) years of age.
- I. Maximum occupancy. The maximum number of paying adult guests permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit.
- J. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four (24) hours. The maximum stay for any guest shall be thirty (30) consecutive days.
- K. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week to address problems associated with the STRP.



## Metro Planning Commission Meeting of 10/23/2014

- L. Expiration of permit. A STRP permit shall expire three hundred sixty-five (365) days after it is issued. STRP permits may be renewed upon the payment of a fifty dollar renewal fee to the department of codes administration.
- M. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
- N. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.
- O. No more than one STRP permit shall be issued for any one individual.
- P. STRP permit holders shall obtain a use permit from the zoning administrator as an accessory use to the primary residential use pursuant to section 17.16.250.E. of the metropolitan code.
- Q. Denial or Revocation of Permit.
  - 1. Upon the filing of three or more complaints within a calendar year regarding a STRP permit, the department of codes administration shall notify the permit holder in writing of such complaints.
  - 2. If the department of codes administration determines that violations of this section or any other ordinance or law relating to STRPs have occurred, the permit to operate a STRP may be revoked.
  - 3. Before revoking any permit, the department of codes administration shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
  - 4. Any denial or revocation of a STRP may be appealed by writ of certiorari to the Circuit or Chancery Courts of Davidson County within sixty days from the date of the denial or revocation.”

Section 2. The provisions of this ordinance shall be enforced from and after March 1, 2015.

Section 3. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Burkley Allen

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Charlie Tygard  
Members of Council



## Metro Planning Commission Meeting of 10/23/2014

### SUBSTITUTE ORDINANCE NO. BL2014-909

An ordinance to amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Property (Proposal No. 2014Z-021TX-001).

WHEREAS, short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy; and

WHEREAS, short-term rental of homes can provide homeowners an opportunity to hold property in difficult economic circumstances or as an investment; and

WHEREAS, hotel taxes from short term rental of homes can be used to promote travel and tourism and to support the local tourism industry; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals.

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

Section 1. That Section 17.04.060 of the Metropolitan Code is hereby amended by adding the following new definitions:

“Transient” means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations for a period of less than thirty (30) continuous days.

“Short Term Rental Property (STRP)” means a dwelling unit containing not more than three sleeping rooms that is used and/or advertised for rent for transient occupancy by guests. Dwelling units rented to the same occupant for more than 30 continuous days, bed and breakfast establishments, hotels, and motels shall not be considered Short Term Rental Property.

Section 2. That Section 17.08.030 of the Metropolitan Code, District Land Use Tables, is hereby amended by adding “Short Term Rental Property” as an accessory (A) use in all zoning districts that allow residential use.

Section 3. That Section 17.16.250 of the Metropolitan Code is hereby amended by adding the following provision as subsection E.:

“E. Short Term Rental Property (STRP). A STRP is permitted as an accessory use in all zoning districts that allow residential use provided a permit has been issued for operation of the property as a STRP pursuant to section 6.28.030 of the metropolitan code.”

Section 4. The provisions of this ordinance shall be enforced from and after March 1, 2015.



## Metro Planning Commission Meeting of 10/23/2014

Section 5. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Burkley Allen

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Charlie Tygard  
Members of Council





**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 10/23/2014



**2014SP-076-001**  
**CLEVELAND PARK/MCFERRIN SP**  
Various Maps and Various Parcels  
05, East Nashville  
05 (Scott Davis)



**Project No.** 2014SP-076-001  
**Project Name** Cleveland Park/McFerrin SP  
**Council Bill** BL2014-896  
**Council District** 5 – Scott Davis  
**School District** 5 – Kim  
**Requested by** Councilmember Scott Davis, applicant; various property owners

**Staff Reviewer** Sajid  
**Staff Recommendation** *Approve with conditions and disapprove without all conditions.*

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**APPLICANT REQUEST**

**To permit detached accessory dwelling units.**

Application type

A request to rezone from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning for various properties located along Arrington Street, Berry Street, Cleveland Street, Douglas Avenue, Evanston Avenue, Joseph Street, Lischey Avenue, Meridian Street, Montgomery Avenue, N. 2nd Street, N. 5th Street, N. 6th Street, N. 7th Street, N. 8th Street, Pennock Avenue, Richardson Avenue, Stainback Avenue, Stockell Street, Treutland Avenue, Vaughn Street and Vernon Winfrey Avenue, south of Douglas Avenue, (238.26 acres), to allow detached accessory dwelling units with all other standards of the RS5 district.

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

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

The propose SP expands the range of housing choices in the area while maintaining the existing character of the neighborhood at the street. Permitting detached accessory dwelling units in an area where infrastructure is already available supports infill development. In addition, the subject properties are served by transit routes that run throughout the neighborhood which will be supported by the additional density proposed by the SP.



## Metro Planning Commission Meeting of 10/23/2014

### EAST NASHVILLE COMMUNITY PLAN

#### Structure Plan Policy

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

**Cleveland Park, McFerrin Park and Greenwood Detailed Neighborhood Design Plan (DNDP)**  
Single-Family Detached (SFD) is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

#### Structure Plan Policy

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

**Cleveland Park, McFerrin Park and Greenwood Detailed Neighborhood Design Plan (DNDP)**  
Mixed Housing (MH) is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

#### Structure Plan Policy

Urban Community Center (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.

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



## Metro Planning Commission Meeting of 10/23/2014

### Consistent with Policy?

Yes. The SP proposes to permit detached accessory dwelling units (DADUs) in certain locations while maintaining the standards of RS5 zoning for all primary and accessory structures that are not DADUs. This is consistent with the goals of the detailed policies of the DNDP to preserve the existing single-family character within the core of the neighborhoods, while expanding housing options to help create affordable housing alternatives. The bulk and massing standards included in the SP for DADUs will ensure that the single-family context at the street is maintained. In addition, the access standards included in the SP help achieve the pedestrian-oriented goals of the DNDP by restricting access to alleys where available and prohibiting additional curb cuts for properties without access to an improved alley.

### **ANALYSIS**

The SP proposes to allow an additional housing type to the Cleveland Park and McFerrin Park neighborhoods by permitting detached accessory dwelling units (DADUs) in certain locations while maintaining the existing RS5 zoning for all primary and accessory structures that are not DADUs. The standards included reflect those that are already in place for DADUs permitted countywide in One and Two-Family Residential Districts (R) districts.

Standards are included to address where DADUs location, placement and vehicular access. The SP proposes to permit DADUs on lots with an improved alley adjacent to the rear or side property line or on any lots that are at least 15,000 square feet in area. The units may only be located behind the principle structure. For lot with access to an improved alley, any additional access must be from the alley, and for units without alley access, no more than one curb cut from a public street is permitted to access both the primary structure and the DADU.

Bulk and massing standards are also included in the SP to ensure that DADUs are accessory to the primary structure on a given lot. The height of a DADU may not exceed the height of the principle structure on the lot or 27 feet in height at the roof ridge line, whichever is greater. The living space for a detached accessory dwelling unit is limited to 700 square feet, but the footprint of the structure can be up to 750 square feet on lots less than 10,000 square feet or 1,000 square feet on lots 10,000 square feet or more.

The SP also proposes design standards to ensure that DADUs complement the style, design and hue of the primary structure and hence maintain the character of the neighborhood. In addition, provisions are included for properties located within a historic overlay district. Currently, none of the properties subject to this SP are located within a historic overlay district.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions of the SP as it is consistent with the structure plan policies and detailed policies and meets three critical planning goals.

### **CONDITIONS**

1. Uses within the SP shall be limited to all uses permitted by RS5 and detached accessory dwelling units.
2. Property within the SP shall be treated as RS5 for the purposes of proposed subdivisions. All Subdivision Regulations shall apply, including Section 3-5.



## Metro Planning Commission Meeting of 10/23/2014

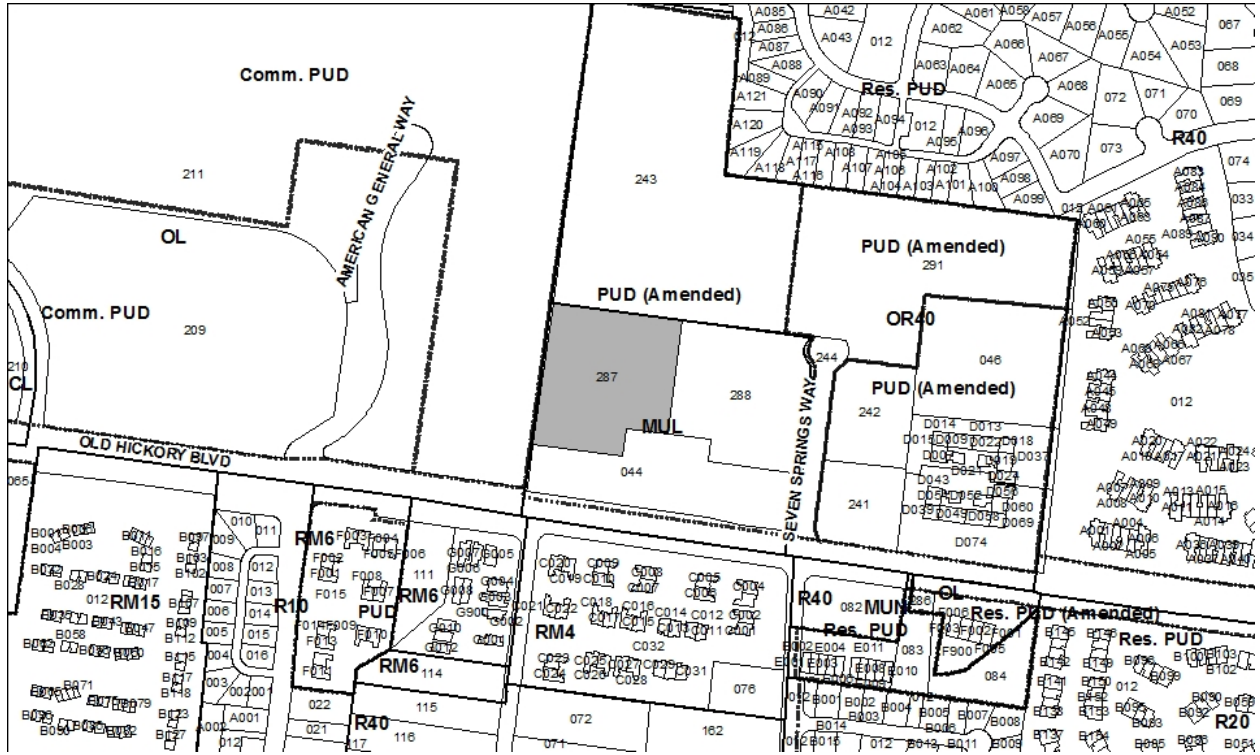
3. No new Detached Accessory Dwelling Units may be built within public water, sewer, or utility easements.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 10/23/2014



**98P-007-007**  
SEVEN SPRINGS WEST  
Map 160, Parcel(s) 287  
12, Southeast  
04 (Brady Banks)





<b>Project No.</b>	<b>Planned Unit Development 98P-007-007</b>
<b>Project Name</b>	<b>Seven Springs West</b>
<b>Council District</b>	4 – Banks
<b>School District</b>	2 – Brannon
<b>Requested by</b>	Barge Cauthen & Associates, applicant, for Highwoods Realty Limited Partners, owner.
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve with conditions.</i>

**APPLICANT REQUEST**

**To permit the development of a seven story office building and parking garage.**

Planned Unit Development (Revision and Final Site Plan)

A request for final site plan approval for a portion of the Seven Springs Commercial Planned Unit Development Overlay District for property located at 340 Seven Springs Way, approximately 150 feet north of Old Hickory Boulevard (3.65 acres), zoned Mixed Use Limited (MUL), to permit the development of a 7-story, 203,000 square foot office building and an associated parking garage.

**Existing Zoning**

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

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. *The subject PUD is approved for a mixture of residential, office and commercial uses.*

**PLAN DETAILS**

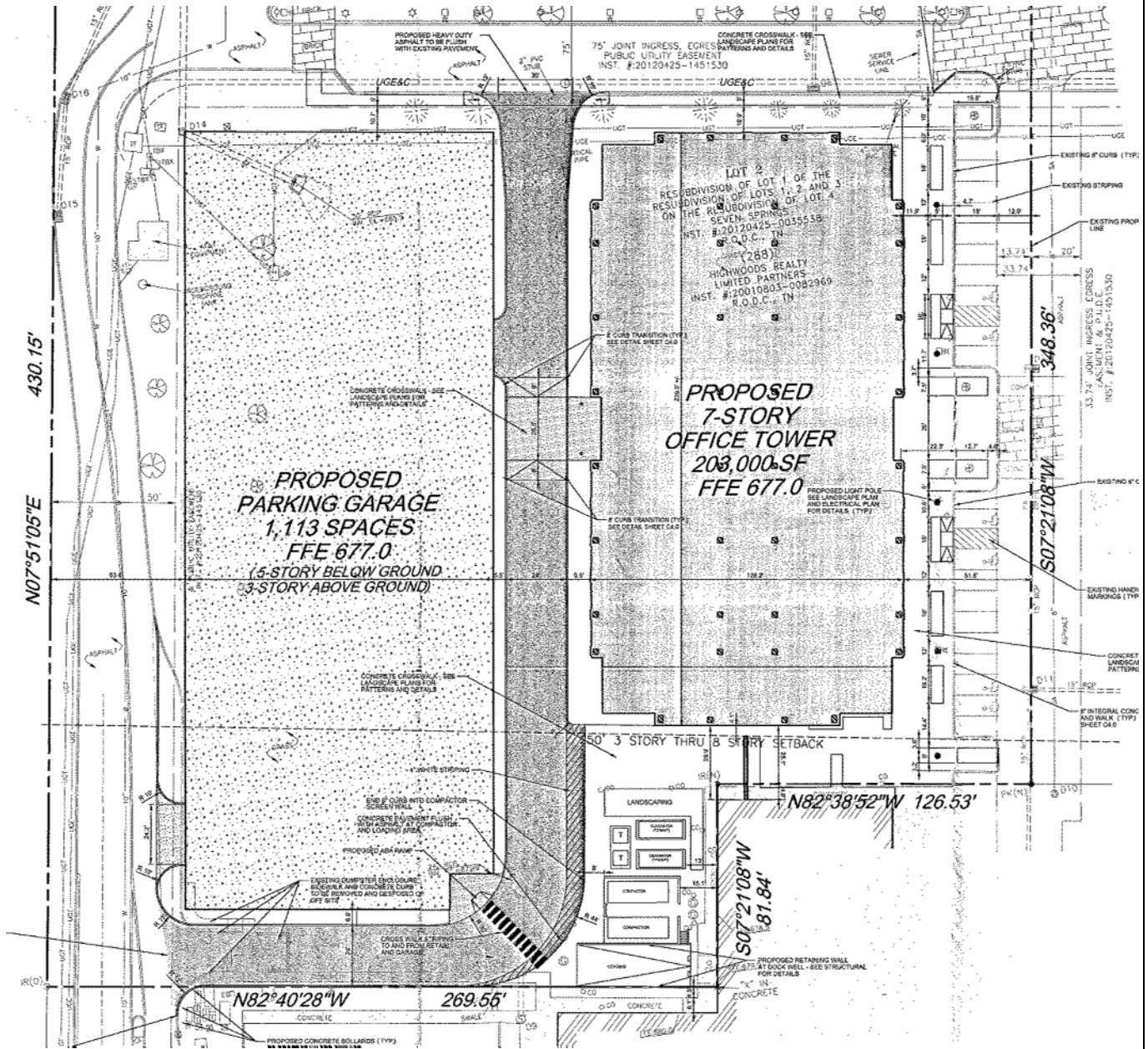
This proposed plan calls for a seven story 203,000 square foot office building. The plan also calls for a parking garage with three levels above ground and five levels below ground. The proposed garage will provide 1,113 parking spaces.

**ANALYSIS**

The plan is consistent with the previously approved preliminary plan. The only difference is that the previous plan was approved for eight stories, while the current proposal is for seven. While this is a very minor change, the Code requires that the change be approved by the Planning Commission.



# Metro Planning Commission Meeting of 10/23/2014



Proposed Site Plan



## **Metro Planning Commission Meeting of 10/23/2014**

### **FIRE MARSHAL RECOMMENDATION**

**Approved**

### **PUBLIC WORKS RECOMMENDATION**

**No Exceptions Taken**

### **STORMWATER RECOMMENDATION**

**Approved**

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions of the revision to preliminary and final site plan.

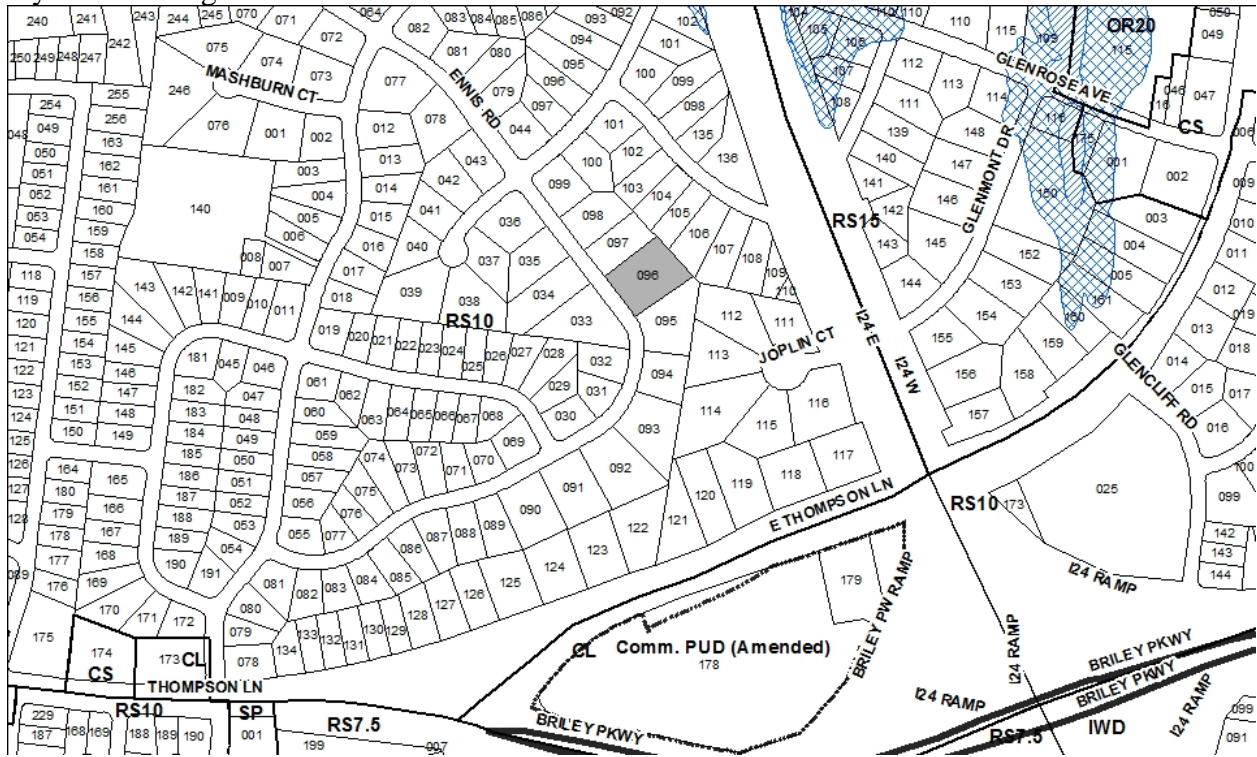
### **CONDITIONS**

1. Provide bike parking per Metro Code.
2. All sign permit applications shall be reviewed by planning staff. Signage shall follow Zoning Code requirements except as required by Council bill BL2009-564:
  - a. Ground signs shall be monument-style with a consistent base that is at least as wide as the sign background area.
  - b. A maximum of two ground signs are allowed along the commercial frontage of Old Hickory Boulevard and/or Seven Springs Way for Parcel A.
  - c. Each ground sign shall have a maximum height of eight feet and a maximum display area of 100 square feet. The total display area for ground signs shall not exceed 192 square feet.
  - d. For internally-illuminated signs, lighting shall be diffused and shall illuminate only letters and logos. Sign background area shall be opaque.
  - e. Building signs for first floor retail/restaurant spaces shall be aligned on the facade. A minimum and maximum height for these signs shall be submitted as part of the sign program. The minimum and maximum heights shall be within three feet (e.g. 12 foot minimum and 15 foot maximum height).
  - f. A sign program illustrating all intended sign locations shall be submitted to Metro Planning prior to approval of building permits. The sign program will illustrate the allotment of signage display area to individual tenants and the proposed placement of signage on each building.
  - g. All signs prohibited by the Zoning Code, including billboards, are prohibited within Parcel A of the Seven Springs PUD.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. 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.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. 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



# Metro Planning Commission Meeting of 10/23/2014

construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.



8.  
9.

**2014S-205-001**  
LAUREL ACRES, RESUB LOT 39  
Map 119-11, Parcel(s) 096  
11, South Nashville  
16 (Tony Tenpenny)



<b>Project No.</b>	<b>2014S-205-001</b>
<b>Project Name</b>	<b>Laurel Acres, Resub. Lot 39</b>
<b>Council District</b>	16 – Tenpenny
<b>School District</b>	7 – Pinkston
<b>Requested by</b>	Brackman Land Surveying, applicant; Larissa Lentile, owner.
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Disapprove.</i>

**APPLICANT REQUEST**

**Create two lots.**

Final Plat

A request for final plat approval to create two lots on property located at 2624 Ennis Road, approximately 400 feet south of Malden Drive, zoned Single-Family Residential (RS10) (0.91 acres).

**Existing Zoning**

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

**CRITICAL PLANNING GOALS**

N/A

**REQUEST DETAILS**

This final plat proposes to split one lot into two lots. Each lot will have access from Ennis Road. Proposed lots are as follows:

- Lot 1: 17,800 Sq. Ft. (0.41 acres), and 80’ of frontage;
- Lot 2: 21,895 Sq. Ft. (0.50 acres), and 82.25’ of frontage.

Lot 2 contains slopes in excess of 25% and is designated as a critical lot.

**ANALYSIS**

The proposed the subdivision does not meet the infill compatibility analysis that is outlined in Section 3-5.2 of the Subdivision Regulations. Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the sites Suburban Neighborhood Maintenance policy area.

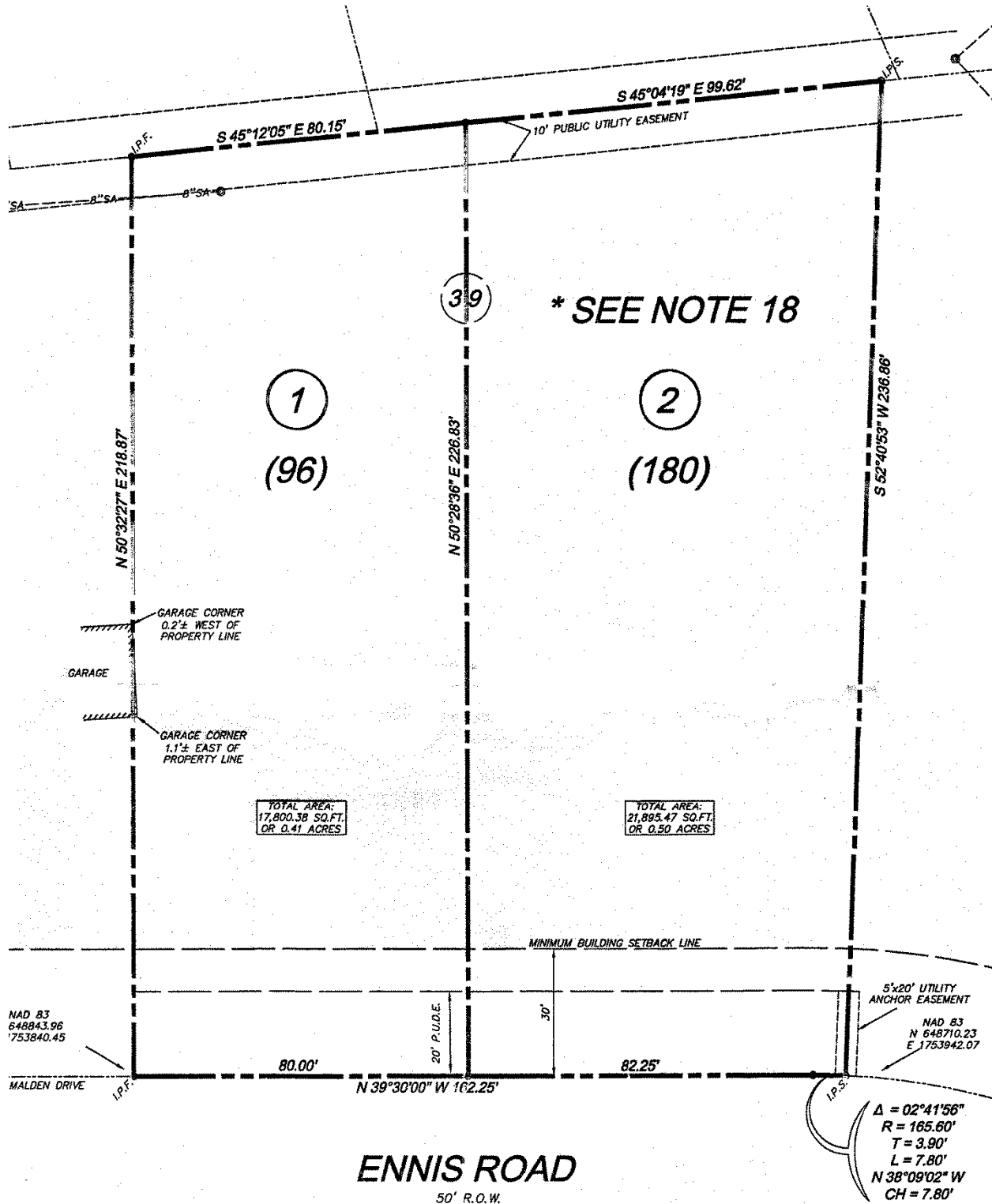
Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

Zoning Code

Proposed lots meet the minimum standards of the RS7.5 zoning district.



# Metro Planning Commission Meeting of 10/23/2014



Proposed Site Plan



## Metro Planning Commission Meeting of 10/23/2014

### Street Frontage

Proposed lots have frontage on a public street.

### Density

Urban Neighborhood Maintenance land use policy supports density up to 20 dwelling units per acre. The proposed infill subdivision provides a density of approximately 2 dwelling units per acres, which falls within the range supported by policy.

### Community Character along Ennis Road

1. Lot frontage: The proposed lots must have frontage either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater.

<b>Lot Frontage Analysis</b>	
70% of Average	94.3'
<b>Smallest Surrounding Parcel</b>	<b>111'</b>

	Frontage
Lot 1	80.00
Lot 2	82.25

2. Lot size: The proposed lots must have lot area that is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater.

<b>Lot Size Analysis</b>	
<b>70% of Average</b>	22,651 SF
Smallest Surrounding Parcel	<b>23,958 SF</b>

	Area
Lot 1	17,800.38
Lot 2	21,895.47

3. Street Setback: The subdivision that created the existing lot and the surrounding lots has a platted 30' front yard setback. The proposed plat maintains the patted setback.
4. Lot Orientation: Both lots are oriented towards Ennis Road.

### Compatibility with Surrounding Area

Neither lot is compatible with the surrounding lots as outlined in the Subdivision Regulations. There are smaller lots within a short distance of the proposed subdivision; however, lots in the immediate area, including lots outside of the comparability analysis are larger than the proposed lots. Due to the large lots, the immediate area to this proposed subdivision has a distinct character. The proposed subdivision is not consistent with this character. Also, Lot 2 contains slopes in excess of 25%. It is likely that these lots are larger because they both contain steep slopes. The steep slopes cover a majority of the frontage proposed for Lot 2.

Staff recommends disapproval because the proposed lots do not meet the surrounding community character as outlined in the Subdivision Regulations, nor are they consistent with the immediate area outside the analysis area. Also, Lot 2 would be encumbered with steep slopes. Lastly, the applicant has not submitted any information describing how the proposed subdivision is harmonious with the surrounding community character.



## **Metro Planning Commission Meeting of 10/23/2014**

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **PUBLIC WORKS RECOMMENDATION**

**No exception taken**

### **STORMWATER RECOMMENDATION**

**Returned for corrections**

- Show north arrow and datum reference on plat.

### **WATER SERVICES RECOMMENDATION**

**Returned for corrections**

- For the latest re-plat of the subject subdivision (stamped received October 3 2014), our previous comments still apply.
- Capacity fees are required only if the Planning Commission approves.

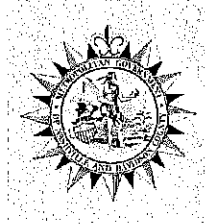
### **STAFF RECOMMENDATION**

Staff recommends disapproval as the request is not consistent with the surrounding community character.

### **CONDITIONS (if approved)**

1. Obtain approvals from Stormwater and Water Services prior to recordation.





**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37210

October 14, 2014

**Re: Reinstatement of Lexon Insurance Company to provide surety bonds**

Dear Chairman McLean and Members of the Planning Commission,

On January 9, 2014, the Metropolitan Planning Commission voted to exclude Lexon Insurance Company from providing new or replacement surety bonds for a period of one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations.

On April 29, 2014, Lexon filed an application with the Metropolitan Planning Commission to be taken off of the Metropolitan Planning Commission's exclusion list and to be once again permitted to provide new or replacement surety bonds. Lexon has been working to complete their obligations involving their surety bonds for Windhaven Shores, Sections 2, 3, and 4. The Metropolitan Department of Law has confirmed that Lexon has also tendered the full amount of the bond for the Turn Lanes (\$121,000.00) into a trust account ready to be disbursed for completion of this work. Lexon is also still actively working on final approval of the storm water as-builts for this project from Metro Water Services' Stormwater Division. According to the Metropolitan Department of Law and the various Metro agencies, all other performance issues were contracted for by Lexon and built-out in 2012-2013 for this project.

Accordingly, provided that Lexon Insurance Company fulfills its final above-described obligations under the surety bond within the next 30 days (or other reasonable period of time specifically agreed upon by Lexon and the Metropolitan Department of Law), then staff recommends that Lexon Insurance Company be reinstated to provide new or replacement surety bonds.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Sloan".

Doug Sloan  
Deputy Director, Metro Planning Department

KARL F. DEAN  
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ENGINEERING  
720 SOUTH FIFTH STREET  
NASHVILLE, TENNESSEE 37206  
615-862-8760

October 16, 2014

Mr. Doug Sloan  
Director of Planning  
Metropolitan Nashville/Davidson County Planning Department  
800 Second Avenue South  
Nashville, TN 37219-6300

Re: Annual Sidewalk Cost

Dear Mr. Sloan:

In accordance with Metro Code 17.20.120 D, the average cost to install sidewalks in Metro Government is \$96 per linear foot, based on a five-foot wide sidewalk installed in 2013-2014.

If you have any questions, please do not hesitate to let us know.

Sincerely yours,  
The Department of Public Works

A handwritten signature in black ink, appearing to read "Mark Macy".

Mark Macy, P. E.  
Director of Engineering

Copies to: Randy Lovett  
Terry Cobb  
Devin Doyle  
Scott McCormick



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**  
Planning Department  
800 2nd Avenue South  
P.O. Box 196300  
Nashville, Tennessee 37219-6300

**TO:** Chairman McLean and Planning Commissioners  
**FROM:** Doug Sloan, Deputy Director  
**DATE:** October 17, 2014  
**RE:** Sidewalk in-lieu fee update

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In R and RS districts, the Subdivision Regulations require the sidewalk in-lieu fee to be established by the Department of Public Works:

*Financial Contribution to the Pedestrian Network.* A contribution to Metro as an Alternative to Sidewalk Installation. Where permitted by Section 3-8.2.c.1, the developer may make a financial contribution to Metro in lieu of construction. The value of said contribution shall be the average linear foot sidewalk project cost, determined on an annual basis by the Public Works Department review of sidewalk projects contracted for or constructed by Metro. Any such payments received by Metro shall be assigned and designated for implementation of the Strategic Plan for Sidewalk Capital Improvements, as amended from time to time. The fee in lieu of sidewalk construction shall be used to accommodate pedestrian needs within the pedestrian benefit zone in which the development property is located. The applicant's payment shall be allocated within 24 months of receipt of the payment; otherwise, said payment shall be refunded to the subdivision applicant.

In 2012, at the request of the Planning Commission, Planning staff worked with Public Works to establish a reduced sidewalk in-lieu fee. Staff recently received an updated sidewalk in-lieu fee amount of \$96 per linear foot from the Department of Public Works. Due to the increase in development and the related need for sidewalk infrastructure, Planning staff has determined that the updated fee is appropriate at this time.

As required by the Subdivision Regulations, staff will begin applying the updated amount to subdivisions submitted for the October 30, 2014, filing deadline.