

May 23, 2013, Planning Commission meeting.

## 2. 2009SP-021-003

### **BLAKEMORE PRIMITIVE BAPTIST (AMENDMENT)**

Map 104-07, Parcel(s) 391  
Council District 18 (Burkley Allen)  
Staff Reviewer: Greg Johnson

A request to amend the Blakemore Primitive Baptist Specific Plan District for property located at 2411 B Blakemore Avenue, approximately 330 feet west of 24th Avenue South, (0.2 acres), to construct a roof over an outdoor terrace along Blakemore Avenue and to modify conditions in the original SP approval pertaining to outdoor music, hours of operation, the allowance of outdoor events, and notice to Metro Nashville Public Schools and Metro Parks and Recreation regarding event dates, requested by Dragon Park, LLC, owner and applicant.

**Staff Recommendation: Approve with conditions and disapprove without conditions.**

### **APPLICANT REQUEST**

**SP Amendment to change conditions related to hours of operation, outdoor sound, outdoor events, and notice to Metro departments.**

#### SP Amendment

A request to amend the Blakemore Primitive Baptist Specific Plan District for property located at 2411 B Blakemore Avenue, approximately 330 feet west of 24th Avenue South, (0.2 acres), to construct a roof over an outdoor terrace along Blakemore Avenue and to modify conditions in the original SP approval pertaining to outdoor music, hours of operation, the allowance of outdoor events, and notice requirements to Metro Nashville Public Schools and Metro Parks and Recreation regarding event dates.

#### **Existing 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.

#### **Proposed Zoning**

The amendment would allow for the construction of a terrace roof along the Blakemore Avenue frontage and changes to the operational standards of the SP.

#### **CRITICAL PLANNING GOALS**

N/A

#### **GREEN HILLS MIDTOWN COMMUNITY PLAN**

Open Space (OS) policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities.

#### Consistent with Policy?

Yes. The proposals to add a terrace roof along the Blakemore Avenue frontage and to change operational standards of the SP will not impact the consistency of the SP with the OS policy.

#### **REQUEST DETAILS**

The Blakemore Primitive Baptist SP was approved in 2009 to allow the property to be used for an event hall for weddings, corporate, charitable, and similar events; and residential uses permitted under the previous RM40 zoning district.

The SP is located on the south side of Blakemore Avenue, east of Natchez Trace Road. The 2,000 square foot hall includes an outdoor terrace facing Blakemore Avenue and an outdoor patio at the rear of the site. Metro property surrounds the site, with Fannie Mae Dees Park to the east and south and Harris-Hillman Elementary to the west of the site. The SP utilizes an access easement in the Metro Parks driveway adjacent to the site, but is not permitted to use parking spaces for Fannie Mae Dees Park. Harris-Hillman and Eakin Elementary Schools, along with the Martin Professional Development Center currently provide contract parking for most of the events at the event hall.

The proposed changes to the SP are summarized below:

#### Construction of terrace roof along Blakemore Avenue frontage

The applicant requests to construct a roof over the existing terrace facing Blakemore Avenue. As proposed, the roof will extend up to five feet beyond the edges of the terrace. The Zoning Code permits roofs to extend into required setback areas up to six feet beyond the edge of a building wall. The proposed roof falls into this category. A condition of approval has been added to ensure that these roof overhangs do not cross a property line.

#### Proposed changes to operational requirements

The applicant requests to amend several operational restrictions of the original SP approval related to noise, hours of operation, maintenance of common areas, location of events and notice to Metro for the dates and times of events. The

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operational standards reflect desires of community members at the time of SP approval. Outside of proposed changes to outdoor amplification and hours of operation standards, most of the requested changes would fix conflicting or awkwardly-worded standards.

### Outdoor amplification

The existing SP includes a requirement for “no amplified music outdoors.” The applicant seeks to replace this statement with the following: “Speakers for sound amplification are permitted in the front courtyard area only. Amplified sound from these speakers shall comply with the Metro Code section 17.28.090 as it applies to noise.” Staff finds no issues with this proposed change because it will comply with the noise requirements of the Zoning Code. The Zoning Code permits up to 65 decibels between 7:00 am and 7:00 pm. Up to 60 decibels are permitted after 7:00 pm.

### Hours of operation

The SP includes a requirement for events to end “no later than 11 pm.” The applicant seeks to allow events to end by midnight. The Zoning Code does not include restrictions of hours of operation unless a business intends to stay open after 3:00 am.

### Outside events

The SP includes a statement requiring all events to be within the building. The applicant proposes to remove this statement. As currently written, this requirement would not allow events to occur on the terrace along Blakemore Avenue or the rear patio, even though these spaces were intended to be used as part of the event space under the original SP. Removal of this statement will clarify the intent of these spaces.

### Notice to Metro Schools and Metro Parks and Recreation

The SP requires notice to Metro Parks at the time of each event booking and to Metro Nashville Public Schools (MNPS) prior to event dates when parking will be at Harris-Hillman and Eakin Elementary Schools and the Martin Professional Development Center.

Metro Parks has agreed that notice to Metro Parks is not needed prior to each event. Metro Parks already requires a permit for use of a public park associated with an event. If an event intends to use Fannie Mae Dees Park, or to use the access easement for valet parking, a permit would be required.

Another section of the SP requires approval from MNPS for parking at MNPS sites. Each year, the events hall is required to renew its Facility Use Agreement with MNPS, which includes a waiver of liability for the use of MNPS parking and proof of insurance. Additionally, the events hall is required to work with principals of the school sites and MNPS to ensure that parking is available for each event.

Based upon comments provided by MNPS and Metro Parks, staff finds that removal of the notice requirements is appropriate.

### **ANALYSIS**

The proposed roof along the Blakemore SP frontage complies with the bulk standards of the SP and will meet the applicable requirements of the Zoning Code with the conditions of approval. Additional proposed changes to the SP are largely operational in nature and will not cause a conflict with the Zoning Code or with Green Hills – Midtown Community Plan.

### **METRO NASHVILLE PUBLIC SCHOOLS RECOMMENDATION**

MNPS has had no issues related to the events hall. The events hall is up-to-date on its parking requirements with MNPS.

### **METRO PARKS AND RECREATION RECOMMENDATION**

Valet parking, vehicle stacking or parking of any kind that utilizes the Metro Parks driveway shall not be allowed except through a permit issued by the Metro Board of Parks and Recreation.

### **METRO POLICE DEPARTMENT RECOMMENDATION**

No complaints have been received related to the events hall use.

### **PUBLIC WORKS RECOMMENDATION**

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

2. Comply with original conditions of MPW regarding parking, valet, loading and shuttle operations.

### Original Public Works conditions

- No event parking including guest and service vehicles shall occur within the public right-of-way.
- Events should be supervised by the applicant or a designated management company to ensure that no parking occurs within the public right-of-way.
- All guest parking shall be off-site at the locations designated in the application submitted to the Metro Planning Department.
- Agreements between the applicant and the off-site parking providers shall be in writing and should be bound to this rezoning.

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- Parking at all off-site locations shall be coordinated with the owners of those facilities for each event unless contractual agreements with a parking provider is in place and addresses the specific days and times the parking will be made available for use.
- Adequate off-site parking shall be provided for all events.
- No valet parking shall be allowed unless a valet parking plan is submitted to and approved by the Department of Public Works.
- No loading and unloading of guests shall occur within the public right-of-way.
- If shuttle service is provided for any event, the following conditions shall apply:
- Shuttles shall not park or idle within the public right-of-way.
- No loading and unloading of guests from shuttles shall occur within the public right-of-way.

Because the proposed SP amendment will not increase development rights within the site, a traffic table was not generated.

### STAFF RECOMMENDATION

Staff recommends approval of the proposed SP amendment with conditions, including relevant conditions from the original Council bill, and disapproval without all conditions. The proposed changes will not impact the consistency of the SP with the community policy.

### CONDITIONS

1. Valet parking, vehicle stacking or parking of any kind that utilizes the Metro Parks driveway shall not be allowed except through a permit issued by the Metro Board of Parks and Recreation.
2. Prior to final site plan approval, the terrace roof design shall demonstrate that the overhangs to not extend beyond surrounding property lines.
3. Parking at Fannie Mae Dees Park for events shall be prohibited. Prior to each event, parking shall be available at Harris Hillman Elementary, Eakin Elementary, or Martin Professional Development Center as specified in the Facilities Use Agreement, or parking shall be available at an off-site location where shuttle service may be provided.
4. All Public Works requirements related to parking, loading and unloading, and shuttle services shall be met.
  - A. No event parking including guest and service vehicles shall occur within the public right-of-way.
  - B. Events should be supervised by the applicant or a designated management company to ensure that no parking occurs within the public right-of-way.
  - C. All guest parking shall be off-site at the locations designated in the application submitted to the Metro Planning Department.
  - D. Agreements between the applicant and the off-site parking providers shall be in writing and should be bound to this rezoning.
  - E. Parking at all off-site locations shall be coordinated with the owners of those facilities for each event unless contractual agreements with a parking provider is in place and addresses the specific days and times the parking will be made available for use.
  - F. Adequate off-site parking shall be provided for all events.
  - G. No valet parking shall be allowed unless a valet parking plan is submitted to and approved by the Department of Public Works.
  - H. No loading and unloading of guests shall occur within the public right-of-way.
  - I. If shuttle service is provided for any event, the following conditions shall apply:
    - Shuttles shall not park or idle within the public right-of-way.
    - No loading and unloading of guests from shuttles shall occur within the public right-of-way.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The uses of this SP shall be limited to events hall, single-family residential, two-family residential, multi-family residential, monastery or convent, orphanage, assisted-care living, hospice, nursing home, residence for handicapped, greenway, and park. Special exception approval is required for a Community Education use.
7. 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 zoning district as of the date of the applicable request or application.

Approved with conditions and disapproved without conditions (7-0), Consent Agenda

**Resolution No. RS2013-97**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-021-003 is **Approved with conditions and disapproved without conditions. (7-0)**

**The proposed amendments to the SP meet Zoning Code requirements and will not impact the consistency of the SP with the community policy.**

**CONDITIONS**

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    - G. No valet parking shall be allowed unless a valet parking plan is submitted to and approved by the Department of Public Works.
    - H. No loading and unloading of guests shall occur within the public right-of-way.
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