Metropolitan Planning Commission

Part A Deferred Items & Zoning Request

Staff Reports

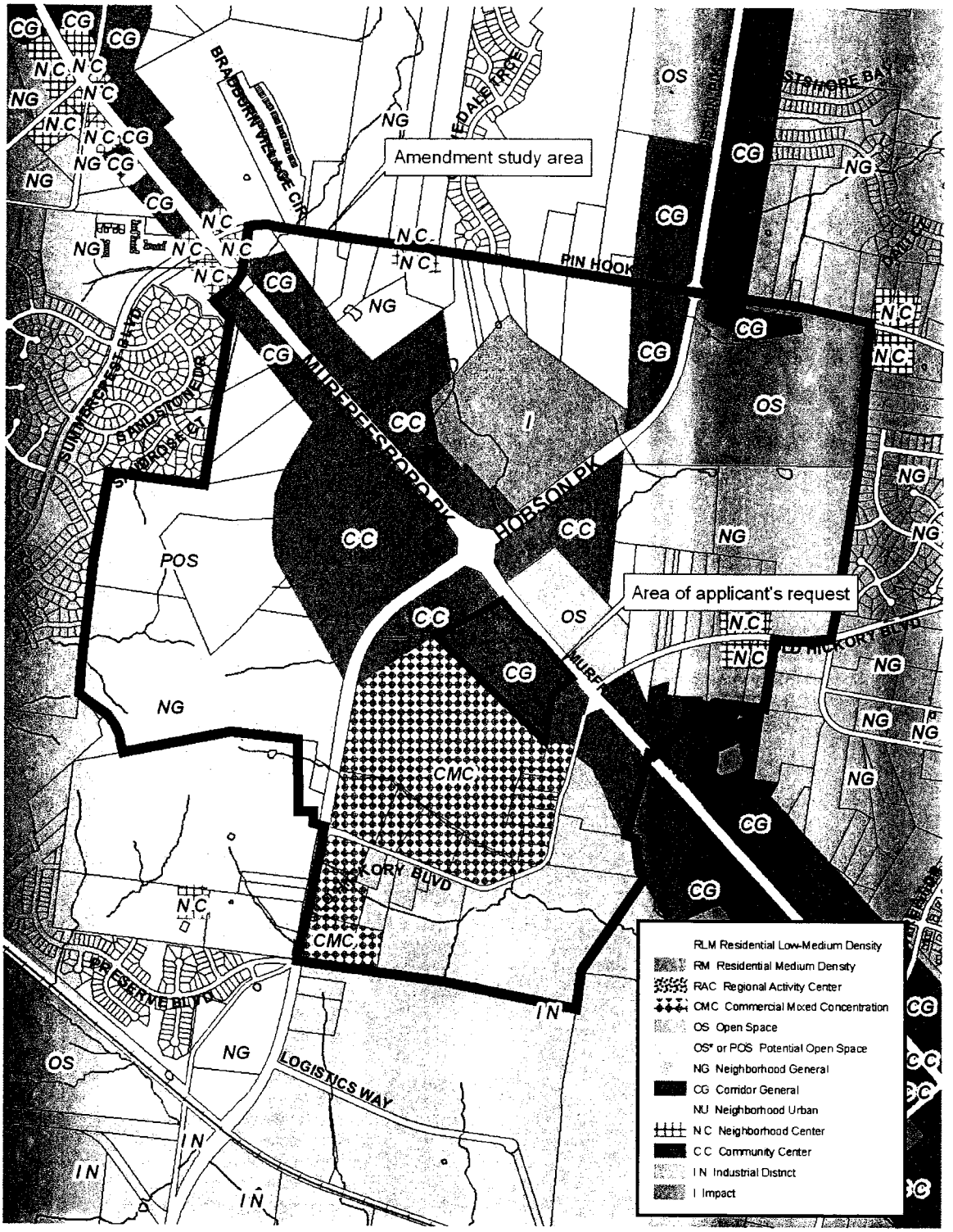
April 24, 2008

PREVIOUSLY DEFERRED ITEMS

Metro Planning Commission Meeting of 4/24/08

Item #1

2007CP-021U-13 Land Use Policies Before Amendment



Metro Planning Commission Meeting of 4/24/08

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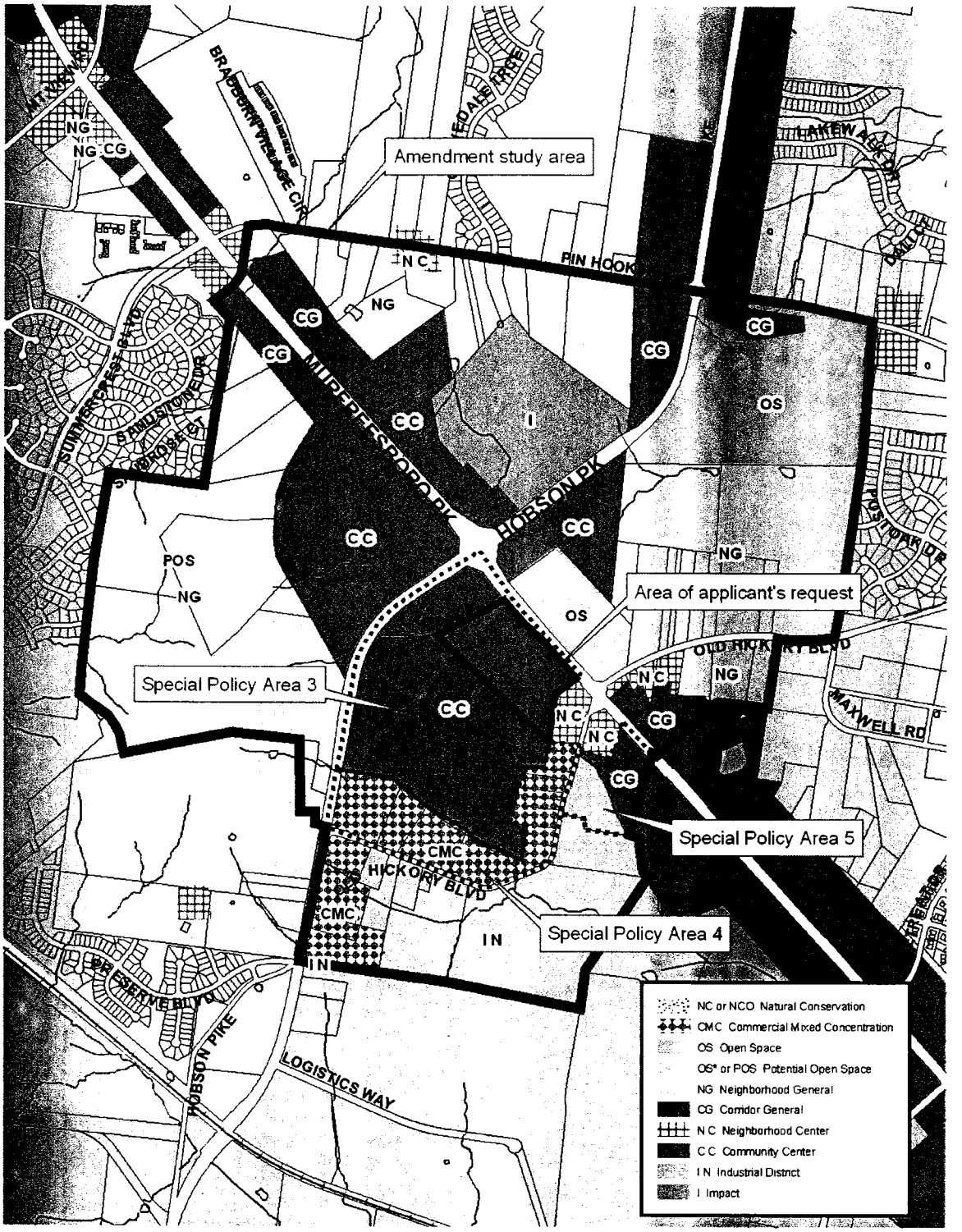


Item # 1

Metro Planning Commission Meeting of 4/24/08

Project No.	**2007CP-21U-13**
Request	**Amend the Antioch-Priest Lake Community Plan: 2003 Update**
Associated Cases	2008SP-002U-13
Council District	32 - Coleman
School Districts	6 - Johnson
Requested by	Chris Magill
Deferral	*Deferred from the February 28, 2008, Planning Commission meeting*
Staff Reviewer	Wood
Staff Recommendation	*Disapprove applicant's request and approve staff's recommended plan amendment.*

APPLICANT REQUEST

A request to amend the *Antioch-Priest Lake Community Plan: 2003 Update* to replace Corridor General land use policy with Commercial Mixed Concentration land use policy for a portion of Map 164, Parcel 41 located along the south margin of Murfreesboro Pike at Hobson Pike.

CURRENT LAND USE POLICY

Corridor General (CG)

Corridor General is for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. Corridor General areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Housing types might include single family detached, townhouses, or two-family houses; but multi-family development, may also work on heavily-traveled corridors.

APPLICANT'S REQUESTED LAND USE POLICY

Commercial Mixed Concentration (CMC)

CMC accommodates major concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices.

STAFF'S RECOMMENDED LAND USE POLICIES

Community Center (C C)

C C is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sit at

the intersection of two major thoroughfares or extend along a major thoroughfare. C C areas tend to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within C C areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

Neighborhood Center (N C)

N C is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five-minute walk of the surrounding neighborhood it serves. The key types of uses intended within N C areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses.

COMMUNITY PARTICIPATION

A community meeting was held on February 7, 2008, at the Mt. View Elementary School cafeteria. It was attended by about 22 people.

ANALYSIS

This plan amendment request is associated with a Specific Plan zone change proposal 2008SP-002U-13, which calls for a retail and residential development on the former Starwood Amphitheater site that is between Hobson Pike, Murfreesboro Pike, and Old Hickory Boulevard. All but approximately 17 acres of the 65-acre site are in Commercial Mixed Concentration policy. The remaining 17 acres are in Corridor General policy.

Existing Policy

The Commercial Mixed Concentration policy was placed on most of the applicant's site and several surrounding properties to accommodate the use of the property at the time of the last Plan update - Starwood Amphitheater. Starwood Amphitheater has since left the site. The remaining three quadrants of the intersection, including the property between the Starwood parcel and Hobson Pike, were placed in Community Center policy. This policy was used with the intent of developing one of two new community-scaled mixed use areas to provide consumer services with supportive higher density residential to the

planned new urban neighborhoods in the fast-growing Mt. View area.

The second planned mixed use area is under development at the Davidson-Rutherford county line, where Planning staff, Councilman Coleman, and area residents and property owners worked together for several months to develop the Hickory Woods Specific Plan in order to implement the Community Center policy. Further toward Downtown Nashville, a similar effort was undertaken by the District Councilman, Planning staff, and area representatives for another Community Center area that is more developed than the two more outlying nodes, the Rural Hill Road Specific Plan. Both these implementation efforts paid significant attention to urban design to create highly functional, pedestrian-friendly concentrations of thoroughly integrated and synergistic mixed use development. A similar level of attention to urban design is appropriate for this site.

The Corridor General policy along Murfreesboro Pike was placed along the undeveloped frontage of Starwood in response to the presence of the Mt. View Elementary School across the street. The primary intent was to provide a policy that required design-based zoning for its implementation and avoided traditional suburban strip commercial style development on a site that is highly visible from a prominent civic site, the Mt. View Elementary School across Murfreesboro Pike.

While the mixture of commercial and residential land uses proposed by the applicant for the site is generally appropriate for the location, the requested land use policy is not appropriate. The use of Commercial Mixed Concentration policy would be an expansion of an outdated policy that was put in place primarily to accommodate a special use (Starwood Amphitheater) that is no longer in existence. Now that the use is gone, it is appropriate to reexamine this site in light of its location at a planned community-scaled mixed use intersection that is intended to be developed with high standards of urban design. This is also appropriate in light of the goals of the *Antioch-Priest Lake Community Plan: 2003 Update* regarding Commercial and Residential Development:

- *Goal: Promote a high quality of life by offering a wide range of housing opportunities in response to the residents' needs.*
- *Goal: Serve the area with a commercial mix at appropriate locations.*
- *Goal: Establish better controls for commercial development, including design, building materials, landscaping, and signage.*

Applicant Request

Commercial Mixed Concentration policy is appropriate for locations where there is no preference for requiring a mix of use, and/or no preference as to whether the mix of uses within the policy area is balanced and thoughtfully integrated. Commercial Mixed Concentration areas are intended to achieve their development pattern solely through market forces as they arise at the given point in time when each particular CMC area develops. In addition, there is no requirement under CMC policy to use urban design-based zoning tools such as Planned Unit Developments, Urban Design Overlays or the Specific Plan District.

Community Center (C C) policy, on the other hand, is specifically intended to be used for the purpose of developing concentrations of integrated commercial and higher density residential development that serve several neighborhoods. The residential development within C C areas can occur within vertically mixed use buildings or as free-standing residential that often serves as a transition between the commercial and/or mixed use portions of the C C policy area and adjacent neighborhoods. In either case, these residences serve to provide additional market support to the commercial uses within the center and provide local residents with a housing option that enables them convenient access to consumer goods and services.

Staff Alternative

As an alternative to the applicant's requested amendment; staff recommends that the entire parcel be placed under Community Center policy to integrate the property into the planned mixed-use, community-scaled intersection at Hobson and Murfreesboro Pikes.

Planning staff has reviewed the policies within the overall amendment study area that was established for this case and is recommending a few other associated policy changes. One is to move the Neighborhood

Center node that is located approximately 1,200 feet east of Murfreesboro Pike from its current planned location to the intersection of Old Hickory Boulevard and Murfreesboro Pike, where there is already some commercial zoning in place. There is no commercial zoning at the current N C location and it is more likely that the policy will be implemented at the proposed location. In addition, staff recommends that Special Policies be put in place in the area as specified below.

The use of these land use policies and the special policies below is particularly important to ensure that the development at this intersection meets the improved urban design standards required for the other nearby emerging Community Center areas along Murfreesboro Pike.

Special Policy Area 3 – Former Starwood Site Community Center Policy Area
The following design principles should be followed in the development of this site:

Access - Access is provided from Murfreesboro Pike and Hobson Pike. Shared access is used to avoid multiple curb cuts. Access into developments is aligned, where applicable, with access for development across the street. Access is designed to be easily crossed by pedestrians. Cross access between multiple developments within a center is required. Coordinated access and circulation create a center that functions as a whole instead of as separate building sites.

Block Length – Curvilinear and linear block structure with moderate to short distance between intersections is appropriate. It is recognized that this suburban environment is intended to be compact, mixed-use, and pedestrian friendly.

Building Placement (Mass, Orientation, Scale) - Buildings are massed and scaled to complement the emerging and planned adjacent neighborhoods that the center serves and the infrastructure to which it has access. The massing of buildings results in a footprint with moderate lot coverage, ideally with 70,000 square feet or less of individual first floor tenant space. To accommodate greater mass, buildings are encouraged to add stories.

Buildings, including entrances, are oriented to the street. If the building is internal to the development, it may be oriented to an internal street, private drive, or open space, but is not be oriented to parking.

Buildings are generally one to three stories, and in some locations up to five stories. The height is based on the building type and location within the Community Center policy area. Consideration is given to the following factors: proximity to other land use policies and the role of the building in transitioning between policies, height of surrounding buildings, and adjacent civic buildings.

Setbacks are shallow and consistent; they may be deep enough to allow for one row of parking in front of the building or where additional pedestrian access and areas for patios and street furniture are needed. Buildings lining Murfreesboro Pike opposite Mt. View Elementary School should form a strong street wall.

Connectivity (Pedestrian/Bicycle) – Pedestrian and bicycle connectivity to surrounding neighborhoods is moderate and is provided by sidewalks, bikeways, and greenways. Pedestrian connectivity within the Community Center is high in order to allow pedestrians to park and walk from business to business. Sidewalks are present within the center. Crosswalks are provided at intersections and vehicular access points and are clearly marked.

Connectivity (Vehicular) – Connectivity to surrounding neighborhoods and suburban corridors is moderate. Connectivity within the center is provided through coordinated access and circulation, which may include the construction of new streets, drives and alleys. Mass transit is provided near easily accessed areas of the center, such as major entrances, and coordinated with sidewalks and bikeways.

Density/ Intensity – The density and intensity and of the Community Center is secondary to form. The density of residential development is envisioned to be slightly higher than that of the developing neighborhoods surrounding it, which typically do not exceed 20 dwelling units per acre in any location.

Residential development should serve the purpose of providing transitional land uses between the center and less intense residential areas. The density of residential development is moderate to support the center's commercial, office and mixed use development. The intensity of non-residential development is moderate with generally one to three story buildings and the potential for up to five story buildings, and a moderate geographic scale, generally centered around the intersection of Murfreesboro and Hobson Pikes and not to exceed a half-mile in diameter. Intensification should take place within the defined boundaries of the Community Center policy rather than through expansion of the policy.

Landscaping – Landscaping is formal. Street trees, bushes, and other plantings are appropriate. In surface parking lots, landscaping in the form of trees, bushes, and other plantings are provided. Nonresidential uses and surface parking lots are buffered when they abut residential development. Consideration should be given to the use of native plants and natural rainwater collection to minimize maintenance costs and the burden on infrastructure.

Lighting – Lighting is provided to create a safe, welcoming environment in the Community Center policy area without encroaching into surrounding non-center policies. As a result, the scale and design of the lighting is appropriate for pedestrians and to the scale and character of the center, and lighting is projected downward and onsite. Street lighting is integral to the streetscape; spacing and location of lighting is considered in relation to street trees and plantings.

Parking – Parking is provided on-street, on-site in surface lots, or on-site in structured parking. Whether structured or surface, parking is preferably located behind, beside or beneath the primary structure. If parking is located in front of the primary structure, then the parking is screened, from the primary street(s), by buildings on out-parcels. Out-parcels may have one row of parking between the structure and the street. Those buildings are oriented to face the primary street with setbacks that frame the street and spacing to create a "wall" along the street. Surface parking is divided into sections by landscape islands and internal street

networks designed to allow future development or infill as a street with buildings lining it. In all cases, parking is screened from view of the street and from view of abutting residential properties. On-street parking offsets parking needs and creates a buffer between the street and the pedestrian. Shared parking is encouraged. It is especially important to break up the parking that is visible from Mt. View Elementary School.

Service Area – This Community Center policy area provides services to meet the daily needs of residents within a ten to twenty minute drive as well as services that are needed less frequently and provide a draw to the larger community.

Signage – Signage alerts motorists, pedestrians and cyclists to their location and assists them in finding their destination in a manner that is not distracting or overwhelming. The design and location of signage complements and contributes to the envisioned character of the center. Signage is generally scaled for vehicles. Monument signs are appropriate and are encouraged to be consolidated to the greatest extent possible. Appropriate signage scaled for pedestrians includes building mounted signs, projecting signs, or awning signs.

Special Policy Area 4 – Old Hickory Boulevard Commercial Mixed Concentration Area
The following design principles should be followed in the development of this Commercial Mixed Concentration policy area, and the use of urban design-based zoning (Planned Unit Development, Urban Design Overlay or Specific Plan District) is required for its implementation:

Access (Pedestrian/Bicycle) - There is a high level of connectivity between streets and sidewalks. Walkways for pedestrians are provided from large parking areas to buildings. Crosswalks are provided at intersections and corners and are raised or clearly marked.

Access (Vehicular) – Vehicular access is obtained from Old Hickory Boulevard.

Building Placement (Orientation, Mass, Scale) - Building height, scale, and orientation within this

Commercial Mixed Concentration Area provides a transition between the adjacent Industrial policy area and the residential component of the adjacent Community Center policy area. Buildings are located and oriented to create a pedestrian friendly environment. While setbacks of the buildings in relation to each other may vary, buildings oriented to internal street networks are placed in shallow to moderate setbacks to frame internal street networks, creating a defined space for pedestrians.

Landscaping - Landscaping is formal. Street trees and other plantings are appropriate. In surface parking lots, landscaping in the form of trees, shrubs, and other plantings is provided. Nonresidential uses and surface parking lots are buffered when they abut residential development. Additional buffering may be necessary at the interface of this and other policy areas. Consideration is given to the use of native plants and natural rainwater collection to minimize maintenance costs.

Lighting – Lighting is provided to enhance the streetscape and provide safety. Lighting is designed to blend with the character of the adjacent neighborhoods and Community Center policy area. Lighting near residential areas is down lighting and does not intrude into residential areas.

Parking - Parking contains heavily landscaped medians and is designed to minimize visibility and/or the appearance of vast contiguous areas of parking.

Signage – Signage alerts motorists, pedestrians and cyclists to their location and assists them in finding their destination in a manner that is not distracting or overwhelming. The design and location of signage complements and contributes to the envisioned character of the Commercial Mixed Concentration area, which is expected to be at a moderate scale with a mixture of uses ranging from residential and institutional to office and business park uses. Signage is generally scaled for vehicles, but some pedestrian activity is expected in the area because of the emerging adjoining residences and the adjacent Community Center. Monument signs are appropriate and are encouraged to be consolidated to the greatest extent

possible. Appropriate signage scaled for pedestrians includes building mounted signs, projecting signs, or awning signs.

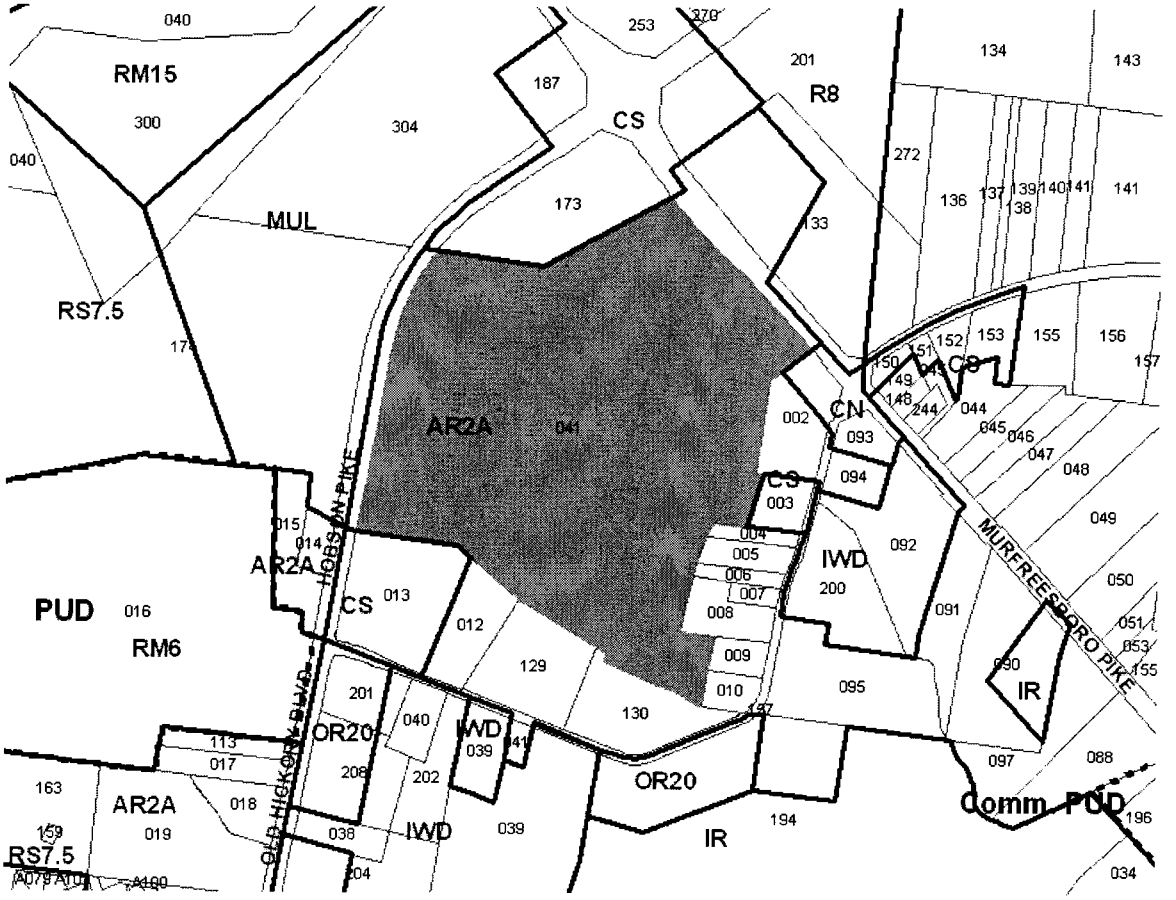
Special Policy Area 5: Transitional Industrial Parcel on Murfreesboro Pike East of Old Hickory Boulevard

The following guidance should be followed for the development of this site, the current use of which does not conform to the land use policy, in order to bring it into future conformance with the community plan:

This parcel is zoned IWD and contains a light industrial use. The portion of the parcel that is south of the stream that bisects the property is in Industrial policy while the northern portion, which adjoins Murfreesboro Pike, is in Corridor General policy. To aid in implementing these policies, the property should not be rezoned to IR or IG, but rather should be rezoned to either a base district that would create a transition towards the intended policy arrangement combined with either a Planned Unit or Urban Design Overlay, or should be rezoned to a Specific Plan District that achieves the same intent. Applicants are encouraged to work with the Planning Department to establish the most appropriate combination of uses and urban design on the site, with the understanding that the site's Murfreesboro Pike frontage is most appropriate for shallow setbacks with very limited parking in front of the building and a solid street wall.

STAFF RECOMMENDATION

Staff recommends disapproval of the applicant request for Commercial Mixed Concentration policy and approval of the staff recommendation of Community Center policy, Neighborhood Center policy, and accompanying Special Policies as outlined above.



2008SP-002U-13
Starwood Commons
Map: 164 Parcel: 041
Subarea 13
Council District 32 – Sam Coleman

Metro Planning Commission Meeting of 4/24/08

Item # 2

Project No.	**2008SP-002U-13**
Project Name	**Starwood Commons SP**
Associated Cases	2007CP-021G-13
Council Bill	BL2008-137
Council District	32– Coleman
School District	6 – Johnson
Requested By	R. Chris Magill Consulting, LLC, applicant, for Vastland Starwood Development LLC, owner
Deferral	*Deferred from the February 28, 2008, Planning Commission meeting*
Staff Reviewer	Jones
Staff Recommendation	*Disapprove*

APPLICANT REQUEST

A request to change from Agricultural/Residential (AR2a) to Specific Plan (SP-MU) zoning property located at 3839 Murfreesboro Pike, approximately 230 feet north of Old Hickory Boulevard (65.1 acres), to permit the development of multi-family residential uses on 28 acres at density of 9 dwelling units for a maximum of 250 dwelling units, and the development of commercial uses of 421,500 square feet on 37.1 acres of land at a floor area ratio of up to .40.

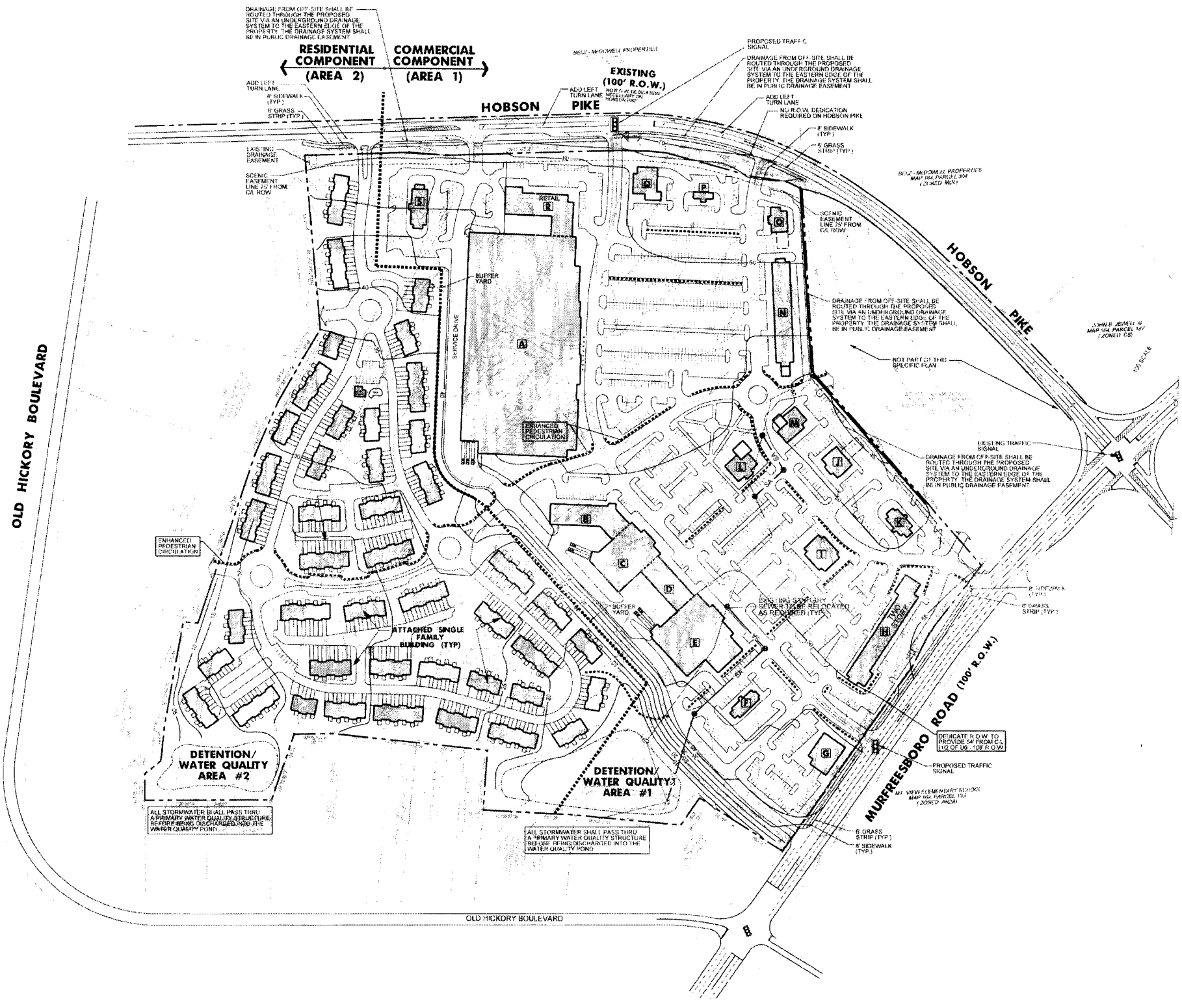
History

This item was deferred at the February 28, 2008, Planning Commission meeting at the request of the council representative to allow the applicant and staff to agree upon a site layout that respects the land use policies while meeting the access and visibility needs of potential retailers.

Existing Zoning

AR2a District

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



DRAINAGE FROM OFF-SITE SHALL BE ROUTED THROUGH THE PROPOSED SITE VIA AN UNDERGROUND DRAINAGE SYSTEM TO THE EASTERN EDGE OF THE PROPERTY. THE DRAINAGE SYSTEM SHALL BE IN PUBLIC DRAINAGE EASEMENT
RESIDENTIAL COMPONENT (AREA 2)
COMMERCIAL COMPONENT (AREA 1)
BELZ - McDOWELL PROPERTIES
EXISTING (100' R.O.W.)
NO R.O.W. DEDICATION NECESSARY ON HOBSON PIKE
PROPOSED TRAFFIC SIGNAL
ADD LEFT TURN LANE
8' SIDEWALK (TYP.)
6' GRASS STRIP (TYP.)
HOBSON PIKE
EXISTING DRAINAGE EASEMENT
SCENIC EASEMENT LINE 75' FROM C/L ROW
RETAIL
BUFFER YARD
SERVICE DRIVE
ENHANCED PEDESTRIAN CIRCULATION
NOT PART OF THIS SPECIFIC PLAN
EXISTING TRAFFIC SIGNAL
OLD HICKORY BOULEVARD
ATTACHED SINGLE FAMILY BUILDING (TYP)
EXISTING SANITARY SEWER TO BE RELOCATED AS REQUIRED (TYP)
TWO STORY
MURFREESBORO ROAD (100' R.O.W.)
DEDICATE R.O.W. TO PROVIDE 54' FROM C.L. (1/2 OF US - 108' R.O.W.)
DETENTION/ WATER QUALITY AREA #2
DETENTION/ WATER QUALITY AREA #1
ALL STORMWATER SHALL PASS THRU A PRIMARY WATER QUALITY STRUCTURE BEFORE BEING DISCHARGED INTO THE WATER QUALITY POND
6' GRASS STRIP (TYP.)
8' SIDEWALK (TYP.)

Proposed Zoning
Specific Plan-Mixed Use (SP-MU)

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

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

Existing Policy

Commercial Mixed Concentration (CMC)	CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.
Corridor General (CG)	CG is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. 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 to the intent of the policy.
Community/Corridor Center (C C)	C C is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within C C areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

Staff Recommended Policy
Community/Corridor Center (C C)

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

Applicant Proposed Policy
Commercial Mixed Concentration (CMC)

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

Consistent with Policy?

No. The preliminary SP site plan is inconsistent with the existing Corridor General policy, the requested Commercial Mixed Concentration policy, and the Community Center policy recommended by staff.

- The Corridor General (CG) policy has been designated on the portion of the property fronting Murfreesboro Pike. The proposed site plan concentrates office and retail uses along the property's frontage at Murfreesboro Pike, which are contrary to the residential and civic benefit uses that are appropriate in CG areas.
- As stated in the accompanying community plan amendment, the mixture of commercial and residential land uses proposed by the applicant are generally appropriate for this location, but the arrangement of buildings and form of development does not meet the intent of the Community Center (CC) policy.
- Staff recommends the Community Center (C C) policy as an alternative to the requested Commercial Mixed Concentration. The recommended policies address a development form that emphasizes placement of buildings,

pedestrian activity, and mixed uses. The proposed SP plan is not consistent with the staff recommended policy.

PLAN DETAILS

Site Plan and Council Bill

The Council Bill for this request was filed while the plan was under review. There are conflicts among the information provided in the Council Bill, the SP application, and the current site plan.

Although the SP application proposes 250 town home units on a maximum of 23.1 acres, the ordinance includes 250 units on up to 28 acres.

The commercial square footage outlined in the SP application indicates a commercial floor area ratio of .23 on 42 acres, or a maximum total of 420,790 square feet. The Council Bill includes 421,500 square feet of commercial, but the bill also allows revisions to the overall FAR of up to 0.40 for a maximum of 646,430 square feet of commercial land uses if the plan is changed in the future.

The commercial uses in the SP application include all permitted and permitted with conditions uses defined by the Commercial Limited (CL) zoning district with the exception of adult entertainment and retail, title loan shops, flea markets, pawn shops and auction houses, transient housing and warehousing and storage.

Design Standards

The design standards section of the plan state a maximum floor area ratio of 0.23 for the overall commercial component, but a 0.40 floor area ratio per lot. Assuming the floor area ratio per lot is 0.40, then the ratios as proposed conflict with each other, since the per lot maximum exceeds the overall FAR for the commercial component.

The plan includes a maximum height of three stories, minimum front and rear setbacks of 20 feet, and minimum side building setbacks of 0 or 10 feet for the commercial uses. The building standards for the residential uses include a maximum height of 2.5 stories, and building setbacks of 22 feet for the front yard, none for the side yard, and 35 feet for the rear yard.

Access/Parking

The site is accessible via Hobson Pike and Murfreesboro Pike. Four points of access onto Hobson Pike are shown on the plan. Three access points are planned for Murfreesboro Pike. The illustrative plan suggests the internal street network will consist of private drives in both the residential and commercial portions of the development. Pedestrian access will be accommodated by five-foot sidewalks along Hobson Pike and Murfreesboro Pike, but no sidewalks are identified along the streets internal to the development.

The plan proposes 2.15 parking spaces per unit for the residential uses. Parking spaces for the commercial uses are not outlined by use, but the plan indicates that parking will be based on the requirements of the Metro Zoning Code.

Landscaping Buffers

The plan does not include a specific landscaping plan, but does state that landscaping will achieve the minimum standards as defined by the Metro Zoning Ordinance on the Final Site plan.

PUBLIC WORKS RECOMMENDATIONS

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

In accordance with the recommendations of the traffic impact study the following improvements are required:

1. Widen Hobson Pike at the intersection of Murfreesboro Road to provide one additional through lane in both the NB and SB direction. The additional lanes shall extend 500 ft north and south of Murfreesboro Road with transitions per AASHTO/MUTCD standards.

2. Widen Hobson Pike at the intersection of Murfreesboro Road to provide one additional left turn lane in both the NB and SB direction and with tapers per AASHTO/MUTCD standards. Each of the northbound left turn lanes shall provide a total of 250 ft of storage. Each of the southbound left turn lanes shall provide a total of 150 ft of storage.

3. Widen Hobson Pike south of the intersection of Murfreesboro Road to provide a continuous center two-way left turn lane (TWLTL). The TWLTL shall extend from the NB dual left turn lanes at Murfreesboro Road to the proposed SBLT lane at the intersection of Old Hickory Boulevard, which is to be constructed by a separate development.

4. Modify the traffic signal at Murfreesboro Road and Hobson Pike as needed to accommodate the road widening and the dual left turn movements.

5. Developer shall conduct a signal warrant analysis on Hobson Pike at the middle/main commercial access drive as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.

6. All access drives onto Hobson Pike and Murfreesboro Road should be constructed with a minimum of one entering and two exiting lanes. At the middle/main drive onto Hobson Pike, consideration and coordination should be given to providing three exit lanes to align with future development opposite Hobson Pike.

7. Developer shall conduct a signal warrant analysis on Murfreesboro Road at the middle/main commercial access drive as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.

8. As shown on the submitted site plan, provide a dedicated northbound right turn lane on Hobson Pike at the proposed residential access drive with 100 ft of storage and transition per AASHTO/MUTCD standards.

9. As shown on the submitted site plan, provide a dedicated northbound right turn lane on Hobson Pike at the proposed service access drive with 75 ft of

storage and transition per AASHTO/MUTCD standards.

10. As shown on the submitted site plan, provide a dedicated northbound right turn lane on Hobson Pike at the main/middle access drive with 150 ft of storage and transition per AASHTO/MUTCD standards.

11. On Murfreesboro Road, extend the existing eastbound right turn lane from Hobson Pike to the main (second) entrance into the site.

12. Coordinate with Public Works regarding the proposed northernmost access drive on Hobson Pike.

13. Relocate proposed westernmost access drive on Murfreesboro Road along the existing property line and provide a cross access easement to Map 164 Parcel 173.

14. Along Hobson Pike and Murfreesboro Pike, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways. Sidewalks to be located within right of way.

15. Along Hobson Pike and Murfreesboro Pike, construct bike lanes, consistent with the Strategic Plan for Sidewalks & Bikeways.

16. Identify plans for solid waste disposal and recycling collection (i.e. Dumpster pad/enclosure, compactor, etc.). Collection and disposal plan to be approved by the Department of Public Works Solid Waste Division.

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

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	65.1	0.5	32	307	24	33

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	65.1	N/A	421,500	17,301	372	1618

Metro Planning Commission Meeting of 4/24/08

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

Land Use (ITE Code)	Acres	Density	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	65.1	N/A	250	1494	115	136

Change in Traffic Between **Typical Uses** in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				+18,488	+463	+1721

MAXIMUM Uses in **Proposed** Zoning District: **SP**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	65.1	N/A	646,430	22,845	480	2146

MAXIMUM Uses in **Proposed** Zoning District: **SP**

Land Use (ITE Code)	Acres	Density	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	65.1	N/A	250	1494	115	136

Change in Traffic Between **Maximum Uses** in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				24,032	+571	+2349

STORMWATER RECOMMENDATION

1. There is a possible stream located on site that we will need a stream determination. If a stream, show undisturbed buffers or provide hydraulic determination.

FIRE MARSHAL RECOMMENDATION

1. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads.
2. The final plat shall show location for all fire hydrants before plat approval.
3. A fire department access road shall extend to within 50 ft of at least one exterior door that can

be opened from the outside and that provides access to the interior of the building.

4. Actual or projected flow data shall be provided on plat showing compliance with 2006 edition of NFPA1 table H.
5. Provide a Master Water Plan which shows water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.
6. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
7. All roadways with-two way traffic shall be 20 feet in width minimum.

METRO SCHOOL BOARD REPORT

Projected student generation **5 Elementary** **4 Middle** **2 High**

Schools Over/Under Capacity

Students would attend Mt. View Elementary School, Kennedy Middle School, and Antioch High School. All three schools have been identified as being over capacity by the Metro School Board. Another middle school within the cluster has capacity. There is no capacity within the cluster to accommodate the projected number of elementary students, nor within a neighboring cluster to accommodate the projected number of high school students. The fiscal liability is $70,000 for the elementary students and $ 40,000 for the high school students. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION

Staff recommends disapproval of the zone change request to allow the proposed SP-MU zoning district at this location. The proposed layout does not embody the design principles mandated by the existing or recommended land use policies. The site plan has been

designed to incorporate a traditional suburban layout that promotes the separation of residential and commercial uses, and the secondary nature of those uses to the parking. The site plan should be designed to adhere to the principles of the Community Center policy as recommended by the accompanying plan amendment with this request.

Councilmember Coleman has requested that a condition be included in this SP to require construction of 337,200 square feet of commercial and office uses prior to the beginning of construction of residential uses. The requested condition has been included below.

CONDITIONS (if approved)

1. Final use and occupancy permits for at least 337,200 square feet of commercial and office space must be issued prior to any permits issued for residential construction, other than preliminary site grading.

2. All residential buildings shall have a finished floor elevation at a minimum of 1.5 ft. from the top of curb measured at the mid point of the lot frontage.

3. All building walls shall be finished in brick, stone, fiber-cement siding, shingles, or stucco.

4. All buildings shall be constructed in accordance with the bulk standards outlined in the preliminary SP plan.

5. Prior to or in conjunction with final site plan approval, elevations illustrating the commercial buildings and the residential units shall be reviewed and approved by the Planning Commission in accordance with the standards outlined in the preliminary SP plan. Residential buildings shall have a minimum three sides clad in brick and/or cement-fiber board.

6. Prior to or in conjunction with final site plan approval, a scenic easement shall be designated along Hobson Pike that complies with Section 3-10.5 of the Subdivision Regulations.

7. Prior to or in conjunction with final site plan approval, all trash dumpsters shall be identified on the plan.

8. Stormwater requirements must be met prior to or in conjunction with final site plan approval.

9. Public Works requirements must be met prior to or in conjunction with final site plan approval

10. Commercial uses shall be limited to all permitted and permitted with conditions uses defined by the Residential (RM9) district, and the Commercial Limited (CL) district with the exception of the following prohibited uses: adult entertainment and retail, title loan shops, flea markets, pawn shops and auction houses, transient housing, warehousing and storage.

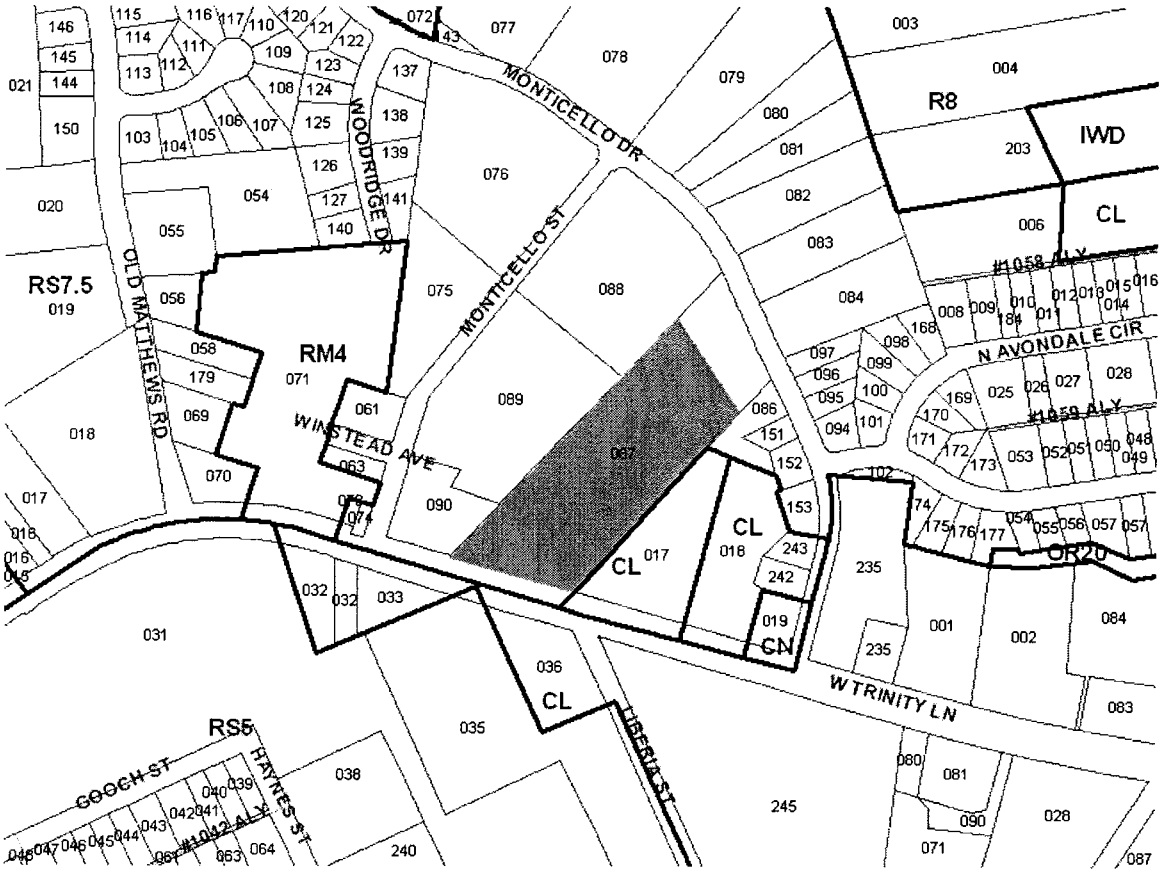
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the CL and RM9 zoning districts as of the date of the applicable request or application.

12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

13. 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.

14. 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.



2008Z-039U-03
Map 071-01, Part of Parcel 087
Subarea 3
Council District 2 – Frank Harrison

Metro Planning Commission Meeting of 4/24/08

Item # 3

Project No.	**Zone Change 2008Z-039U-03**
Council Bill	BL2008-186
Council District	2 - Harrison
School District	1 – Thompson
Requested by	Leslie and Lori Y. Stratton, applicant, for Greater Grace Temple Community Church, owner
Deferral	*Deferred from the April 10, 2008, Planning Commission meeting*
Staff Reviewer	Jones
Staff Recommendation	*Disapprove*

APPLICANT REQUEST

A request to rezone 4.10 acres from Single-Family Residential (RS7.5) to Commercial Limited (CL) zoning for a portion of property located at 415 W. Trinity Lane, approximately 560 feet west of Monticello Drive.

History

At its April 10, 2008, meeting, the Planning Commission recommended deferral of the requested zone change to allow the applicant to consider changing the request to a Specific Plan zoning district. The public hearing for this application was closed by vote of the Commission.

The applicant has indicated a desire to construct a funeral home on the site. The Planning Commission has recommended the applicant pursue a Specific Plan (SP) district that specifies this proposed use; however, the applicant has stated that the cost and time associated with the SP district would impede development of the site. Although an SP district would identify the use as a funeral home on the site, this use is still inconsistent with the Residential Medium (RM) policy which encourages only residential type uses at this location. The Zoning Code only permits funeral homes in commercial, office, shopping center and mixed use districts.

Existing Zoning
RS7.5 District

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

Proposed Zoning
CL District

Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

MONTICELLO DR
MONTICELLO ST
WOODRIDGE DR
OLD MATTHEWS RD
WINSTEAD AVE
N AVONDALE CIR
W TRINITY LN
LIBERIA ST
GOOCH ST
HAYNES ST
RS7.5
RM4
R8
RM
IN
IWD
CL
CC
OS
RS5
CMC
CN
OR20

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Residential Medium (RM)	RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.
Consistent with Policy?	No. The uses allowed in the Commercial Limited district would be incompatible with the Residential Medium policy. Areas designated RM are suitable for residential development, civic and public benefit activities, and small open spaces, such as parks, greens, squares and plazas. The uses surrounding this site on the west, north, and northeast are predominantly residential or vacant land. Commercial Mixed Concentration (CMC) policy, with zoning that supports commercial development, is concentrated to the east, along both sides of Trinity Lane, extending to the interchange of I-65 and Brick Church Pike. Several commercially zoned properties in the area are vacant and others are underutilized, so opportunities already exist to expand and intensify commercial development, without permitting the intrusion of commercial zoning into residential areas to the west. Limiting commercial uses to the existing commercially zoned land prevents the expansion of "strip" commercial development along Trinity Lane. The community plan envisions high intensity residential development for this area to promote and support public transit in the area and provide viable housing options for families.

PUBLIC WORKS RECOMMENDATION

TIS may be required at time of development

Metro Planning Commission Meeting of 4/24/08

Typical and Maximum Uses in **Existing** Zoning District: **RS7.5**

Land Use (ITE Code)	Acres	Density	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	4.10	4.94	20	192	15	21

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gasoline Service Station/Convenience Market (945)	2.10	0.06	5,488	NA	426	529

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	2.0	0.10	8,712	411	15	43

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (820)	4.10	0.60	107,157	7104	164	656

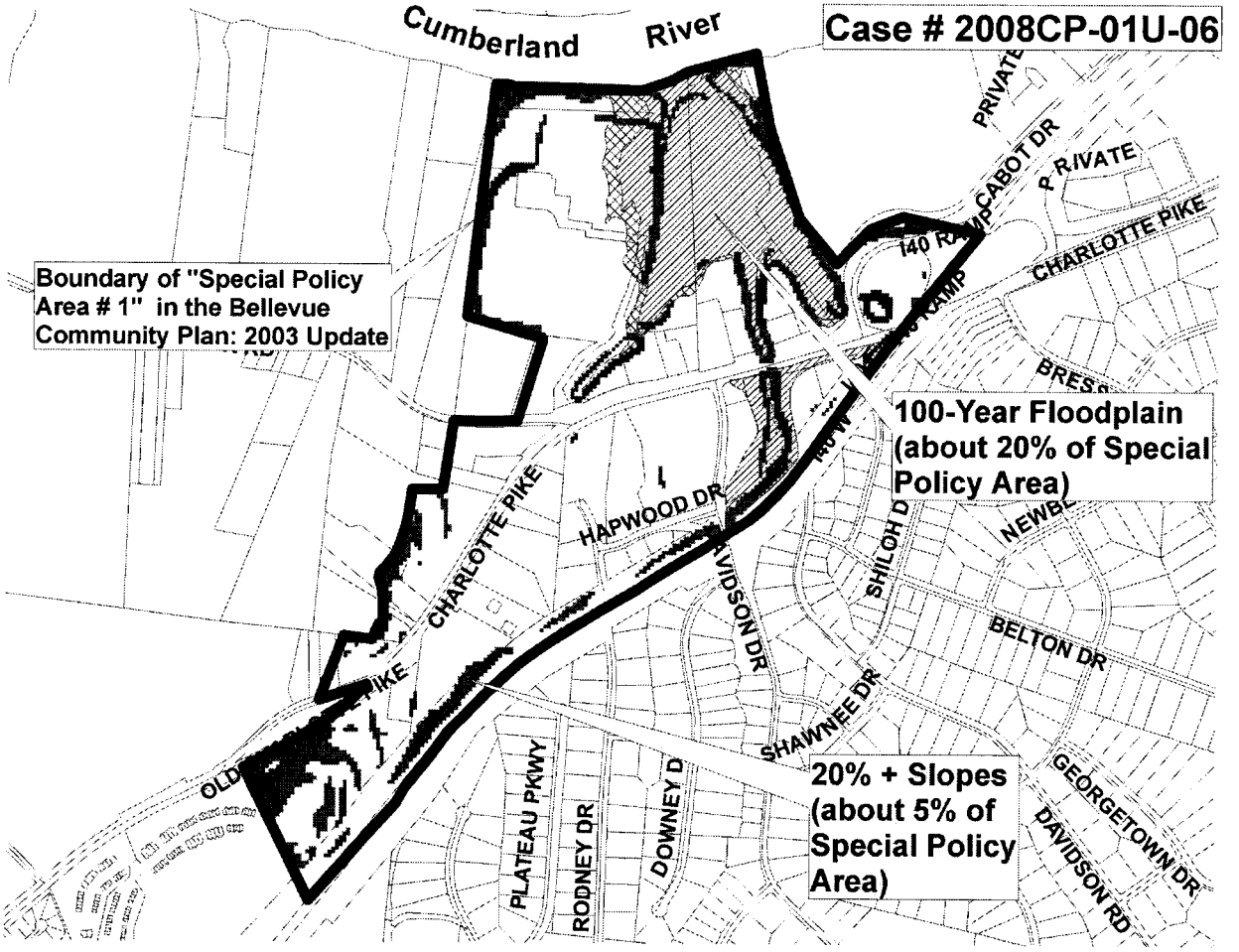
Change in Traffic Between **Maximum Uses** in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				6912	+149	+635

STAFF RECOMMENDATION

Staff recommends disapproval of the request to rezone 4.10 acres from RS7.5 to CL. The uses permitted in the Commercial Limited district are incompatible with the medium density residential uses in the surrounding area, and the development intensities encouraged by RM policy. A Specific Plan district would provide certainty as to the proposed use on the site; however, the proposed use as a funeral home would still be inconsistent with the residential policy for this site.

COMMUNITY PLAN AMENDMENT


Case # 2008CP-01U-06
Cumberland River
Boundary of "Special Policy Area # 1" in the Bellevue Community Plan: 2003 Update
100-Year Floodplain (about 20% of Special Policy Area)
20% + Slopes (about 5% of Special Policy Area)
CHARLOTTE PIKE
HAPWOOD DR
CABOT DR
PRIVATE
NEWBL
BELTON DR
SHAWNEE DR
PLATEAU PKWY
RODNEY DR
DOWNEY D
GEORGETOWN DR
DAVIDSON RD

Project No.	**2008CP-01U-06**
Request	**Amend the Bellevue Community Plan: 2003 Update**
Associated Case	2008SP-006U-06
Council Districts	20 - Baker 35 - Mitchell
School Districts	1 - Thompson 9 - Warden
Requested by	Metro Planning Department
Staff Reviewer	Eadler
Staff Recommendation	*Approve plan amendment*

APPLICANT REQUEST

A request to amend the *Bellevue Community Plan: 2003 Update* to refine and update Special Policy 1.

CURRENT SPECIAL POLICY 1

The current language for Special Policy Area # 1 (see graphic at end of report) is as follows:

"Special Policy 1 applies to the CMC policy area on the north and south sides of Charlotte Pike west of the I-40 interchange and along River Road. Some of the topography and floodplain in this area is unsuitable for nonresidential or intensive residential use.

Therefore: Commercial uses in this CMC area should be in smaller scale buildings with a low floor area ratio (0.1 to 0.15) [ratio of floor space to land area]. Residential uses in this CMC area should be limited to the middle of the RMH range (15 units per acre) and lower where topographic conditions are severe. Where proposed residential uses border existing single family, a transition should be made within the site so that similar densities and building types will be adjacent to existing development."

PROPOSED REVISED SPECIAL POLICY 1

The proposed language for Special Policy Area #1 is as follows:

SECTION I. Applicability.
Special Policy 1 applies to the area designated CMC that is on the north and south sides of Charlotte Pike, west of the I-40 interchange, and along River Road west of Charlotte Pike. Some of the topography and

floodplain in this area is unsuitable for development. The following policies apply.

SECTION II. Policy for Environmentally Sensitive Areas.
The environmentally sensitive portions of this special policy area should be conserved and maintained in their natural state, including the following:

1) areas with slopes of 20 percent or more, and
2) floodways, floodway buffer zones and 100-year floodplain outside of the floodway and floodway buffer zones.

While regulations may allow some alteration of the 100-year floodplain outside of the floodway and floodway buffer zone, such alteration is discouraged whenever the development that would otherwise be enabled by such alteration can be clustered on the portion of the site that is not environmentally sensitive. Any development that is allowed in the environmentally sensitive areas should be very low intensity. Grading and other disturbance of these areas should be kept to a minimum.

SECTION III. Policy for Non-environmentally Sensitive Areas.
In the portions of this special policy area that are not environmentally sensitive, including regulated sensitive areas that meet requirements to be treated as "developable" land, development and redevelopment should be based on the standard policies, principles and guidelines for the CMC policy category as described in the document "Land Use Policy Application," together with the provisions of paragraphs "A" and "B" of this section.

A. Development Character. Development should be moderate to high intensity with urban character and form. Buildings should be a minimum of two (2) stories and may be up to a maximum of six (6) stories, including above-ground parking floors, except as provided in paragraph B. The massing of buildings results in a footprint with moderate to high lot coverage. Development should be pedestrian-friendly with buildings that are regularly spaced and generally built to the sidewalk with minimal space between

buildings. Primary pedestrian entrances are oriented to the fronting street. Parking should be provided on-street or on-site in surface lots or in structures. Parking should be primarily behind the building. Limited parking may be allowed beside the building but should be designed to cause minimal disruption to the way the buildings frame the street and create a pedestrian friendly environment. The public realm should be distinguished with the consistent and frequent use of lighting and the use of formal landscaping. Blocks should be short and street and pedestrian networks highly connected.

B. Transition.
The density of residential development and the intensity of nonresidential development, at the edges of this special policy area should be comparable to that of the adjacent neighborhood, if developed. If the adjacent property is not developed, the density and intensity of development should be comparable to the appropriate scale and massing for the adjacent Land Use Policy. Where proposed residential uses border existing single family, a transition should be made within the developing site so that complementary, but slightly higher densities and building types will be adjacent to the existing development. Maximum height of proposed transitional buildings should not exceed three (3) stories where the adjacent site is developed and the buildings are three (3) stories or less; or, where the adjacent site is undeveloped. Where adjacent buildings exceed three (3) stories, proposed transitional buildings should not exceed the height of the adjacent buildings.

SECTION IV. Implementation.
Site-specific zoning—either SP or a UDO or PUD overlay district in combination with appropriate base district zoning—is recommended whenever a zone change is necessary to ensure the intended type and design of development and the provision of any needed infrastructure improvements. Base district zoning changes that increase development potential are not recommended for floodway and floodway buffer areas or large contiguous areas with slopes of 20 percent or more, as described in SECTION II of this special policy.

COMMUNITY PARTICIPATION

This request was processed as a minor plan amendment. As required, notification was sent to affected property owners in and near Special Policy Area 1. A community meeting is optional for minor plan amendments and was not held for this proposal. Recipients of the notice who were unable to attend the Public Hearing were invited to submit comments by mail or email to staff.

ANALYSIS

The issue that led to the review of Special Policy Area 1, and the focus of this analysis, is the appropriateness and viability of the special policy as it applies to the developable portions of the special policy area.

Staff agrees with, and does not question, the appropriateness of the current special policies for the environmentally constrained areas or for the transition areas along the fringe of the special policy area. Although the revised language expands the existing policies for those areas, it does not change the overall intent.

For the portion of the site that is developable, however, staff questioned the out-moded recommendation that all development have a 0.15 floor-to-area (FAR) building intensity. This FAR results in a low-intensity, conventional suburban style development that is an underutilization of land so close to other development and the I-40 interchange with Charlotte Ave.

Staff analyzed several factors to determine the appropriateness and viability of the current special policy for the developable portions of Special Policy Area 1. They included:

1. the treatment of other locations with similar circumstances;
2. current zoning;
3. whether unique conditions warranted special treatment in this instance; and
4. broad planning principles and guidelines.

Treatment of Other Locations

"Commercial Mixed Concentration" (CMC) policy, which is the base land use policy under Special Policy Area 1, ordinarily supports fairly intense development and large scale buildings where the land is suitable and infrastructure is available or can be provided. Standard

CMC policy is open-ended in that it does not include extensive guidance regarding intensity or the character and form of development within these areas.

Only a few areas designated CMC have special policies applicable to them. Of the areas designated CMC that contain some environmentally constrained land, none were identified that had special policies with provisions restricting development to the extent the subject special policy does. The unique features present on this site – both floodplain and steep slopes – warrant special policy guidance.

Zoning

The 0.15 floor-to-area ratio (FAR) in the current special policy is considerably below the FAR allowed in the CS, OR20 and MUL zoning already in place in Special Policy Area 1. The CS allows an FAR of 0.60, the OR20 allows 0.80 and the MUL allows 1.00. Without any changes in current zoning, the potential already exists for 4 to 6 times the amount of floor space supported by the current policy.

The existing OR20 and MUL districts both allow densities above the current special policy recommendation of 15 dwelling units per acre (du/ac). OR20 allows up to 20 du/ac and MUL has the potential for densities of 30-40 du/ac based on dwelling unit sizes ranging from 1,000 to 1,500 sf. ft.

Unique Conditions

Staff did not identify any conditions unique to the developable portions of the special policy area that warrant the limitations imposed by the current policies.

Broad Planning Principles and Guidelines

Besides the standard land use policies described in *Land Use Policy Application*, the "Transect" is now being used to provide guidance for the character and form of development within an area. The Transect is a tool for recognizing and preserving the diversity of development – from rural to urban – in a community. The current language for Special Policy Area 1 predates, and does not reflect, the type of guidance the Transect provides. As a supplement to the land use policies, the Transect is a valid basis for establishing the particular character and form of development intended within the special policy area. In this case, the

Transect calls for the development of this area – near a major interstate interchange and surrounded by residential development – to be developed at an urban standard.

CONCLUSION

Based on the factors analyzed, the current special policy is not viable or realistic, and an updated policy would be more appropriate for the developable portions of Special Policy Area 1.

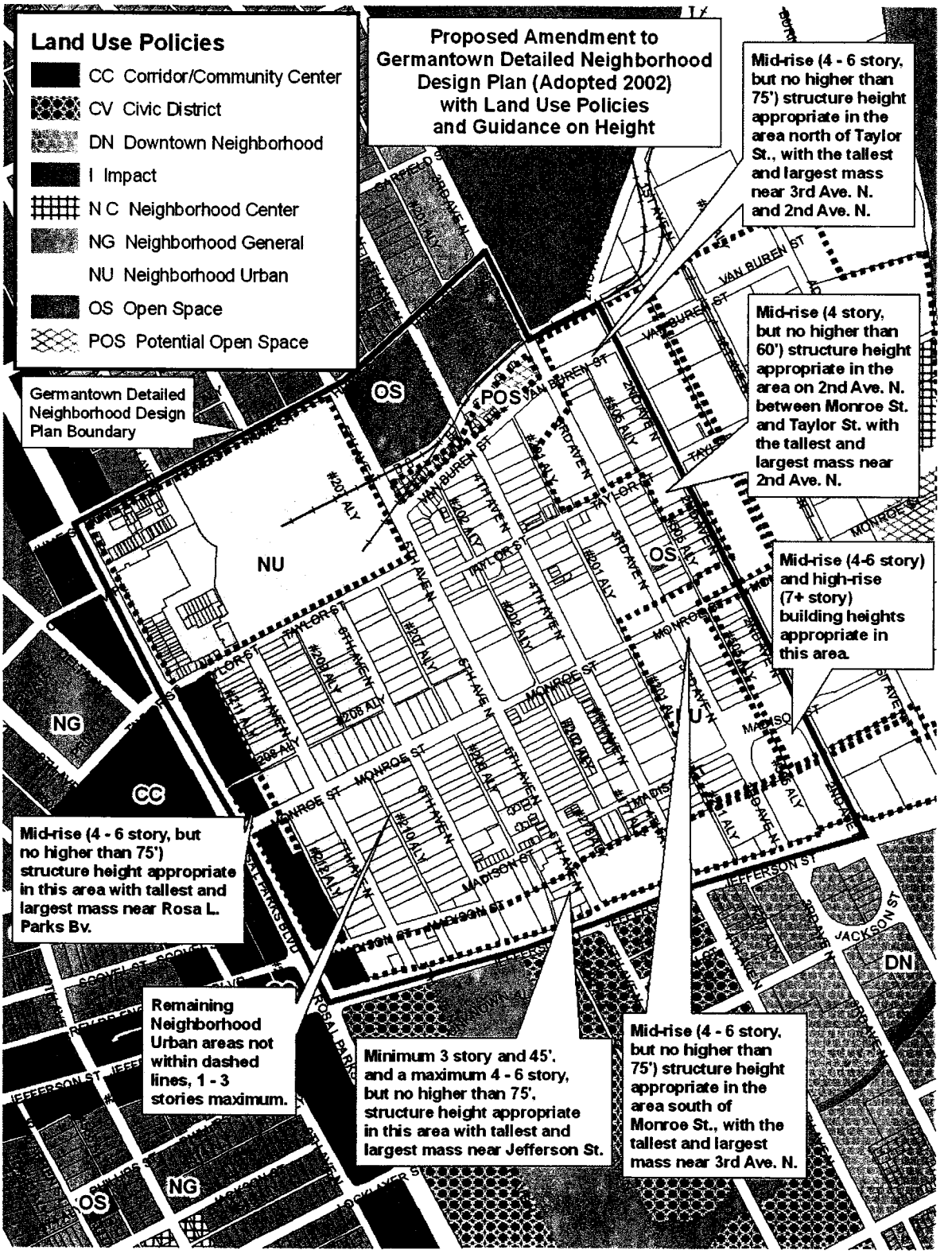
The developable portions of Special Policy Area 1 are suitable for development that is urban in character. The existing "CMC" policy together with the T4-Urban Transect Category as currently envisioned are appropriate guides for the types, character and form of development in this special policy area.. Site-specific zoning should be used to assure the character and form of development intended.

STAFF RECOMMENDATION

Staff recommends approval of the proposed new language for Special Policy Area 1.

Metro Planning Commission Meeting of 4/24/08

2008CP-003U-08 Recommended Amendment



Metro Planning Commission Meeting of 4/24/2008 **Item # 5**

Project No.	**2008CP-03U-08**
Request	**Request to Amend the *Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2nd & Hume***
Associated Cases	2007Z-167U-08
Council District	19 – Gilmore
School Districts	1 – Thompson
Requested by	Metro Planning Department
Staff Reviewer	Carlat
Staff Recommendation	*Approve*

APPLICANT REQUEST

Amend the Germantown portion of the *Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2nd & Hume* to clarify one goal of the plan - "Encourage new development to be sensitive of and compatible to the scale, mass, materials and architecture of the historical context of the neighborhood." - by providing additional guidance on heights of proposed new structures as well as guidance on providing transitions in height and massing between new structures and adjacent historic structures. It is the intent of the amendment to provide clarity on how future development will be evaluated for sensitivity to and compatibility with historical context.

CURRENT POLICIES

Mixed Live/Work in Neighborhood Urban (MLW in NU)

MLW is intended for primarily residential uses, while providing opportunities for small commercial establishments, mostly home-run professional or retail services.

Mixed Use in Neighborhood Urban (MU in NU)

MU 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.

Civic or Public Benefit in Neighborhood Urban (CPB in NU)

CPB is intended for various public facilities including schools, libraries, and public service uses.

NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. 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.

Parks Reserves and Other Open Space in Open Space (PR in OS)

PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.

OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The OS designation indicates that recreational activity has been secured for an open space use.

Parks Reserves and Other Open Space in Potential Open Space (PR in POS)

POS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The POS designation indicates that the area in question is intended for open space use, but has not been secured yet for that use.

PROPOSED CHANGES

No land use policies are proposed to be *added* or *removed.* Rather, the amendment proposes guidance to clarify the DNDP goal on compatibility with historic structures.

Housekeeping Amendment – Changing 8th Ave. N. to Rosa L. Parks Blvd.

A note is proposed to be added before the introduction alerting readers of the DNDP that if the Germantown portion of the document is amended, references to "8th Avenue North" will be replaced with "Rosa L. Parks Boulevard." All remaining references to 8th Avenue North found elsewhere in the document are to be assumed to reference Rosa L. Parks Boulevard.

Amendment to "Intent of Plan"

Among the goals of the *Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2nd & Hume* is a goal addressing the compatibility of new development with the historical context of the

neighborhood. The goal is proposed to be amended as follows with new language in *italics:*

"Encourage new development to be sensitive of and compatible to the scale, mass, materials, and architecture of the historical context of the neighborhood, *where historical context is present.*"

Amendment to "How to Use this Plan"

The currently adopted DNDP provides guidance on how to use the DNDP. This section is proposed to be amended to add clarification noting that proposed developments are evaluated for their conformance with the stated guidelines of the DNDP, *as well as* for their conformance with the intent of the DNDP. The new language is below in *italics:*

"Developers interested in working in this neighborhood are encouraged to follow this plan in determining the appropriate location *and form* of all future development. *When development proposals are submitted for property within the Detailed Neighborhood Plan, the proposals will be evaluated for conformance with the provisions and the overall intent of the Detailed Neighborhood Plan. Development proposals that do not meet the exact provisions of the Detailed Neighborhood Plan may be permitted if the development demonstrates consistency with the overall intent of the Detailed Neighborhood Plan.*"

Amendment to Structure Plan Policy "Corridor Center"

The Corridor Center Structure Plan Policy (land use policy) is located on Rosa L. Parks Blvd. (formerly 8th Ave. N.) from Jefferson St. to Taylor Street. This policy currently calls for building heights of four to six stories. Given the proximity of historic structures across the alley to the east (facing onto 7th Ave. N.), the policy is amended to discuss overall height of structures (including parking structures) on Rosa L. Parks Blvd. and appropriate transitions – in scale and massing – between structures on Rosa L. Parks Blvd. and historic structures on 7th Ave. N. The proposed language is below in *italics*:

"Corridor Center areas stretch along *Rosa L. Parks Boulevard* on the western boundary of Salemtown and Germantown with a break in between Hume Street and Taylor Street (Werthan Bag Company). These areas include mostly highway commercial uses, although it does include some residential and public benefit uses. New *structures* along this portion of *Rosa L. Parks Boulevard*

should *generally have a maximum height of* between four (4) and six (6) stories, *but should be no taller than 75 feet. Structures should be designed with the tallest and largest mass near Rosa L. Parks Boulevard. Any sides of above-grade structured parking facing a public street should be lined with active uses such as residential, retail, office or commercial. Parking structures are subject to the same height, mass and transition provisions of all structures with the exception that parking structures at the alley or back of the property should be limited to two (2) stories or 25 feet. Below-grade structured parking is strongly encouraged.*

Height of all structures will be measured from the median elevation along each street's setback to the top of the parapet on a flat roof and to the median of the slope of a pitched roof.

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

Amendment to Structure Plan Policy "Neighborhood Urban" on Prominent Corridors

The Neighborhood Urban Structure Plan Policy (land use policy) is located on all of Germantown except for Rosa L. Parks Blvd. The DNDP calls for specific height allowances in different portions of the Neighborhood Urban policy.

On Jefferson St. from 3rd Ave. N. to Rosa L. Parks Blvd., the policy currently calls for building heights to be a minimum of three stories and a maximum of four to six stories with the building required to "step back" after four stories. Meanwhile, on portions of 2nd Ave. N. and 3rd Ave. N. from Jefferson St. to Van Buren St., the policy currently calls for building heights of four to six stories. Given the proximity of historic structures to new structures on these streets, the policy is amended to discuss overall height of structures (including parking structures) on Jefferson St., 3rd Ave. N. and 2nd Ave. N. and appropriate transitions – in

scale, massing and building type – between new structures and historic structures.

Please note that the overall height on Jefferson St. (a minimum of three stories and a maximum of four to six stories) remains, but the step back after four stories has been removed and height in feet for three, four and six stories has been added. Meanwhile, portions of 2nd Ave. N. and 3rd Ave. N. have had the overall height *reduced* from a maximum of six stories to a maximum of four stories. The new proposed language is below in *italics*:

"Jefferson Street between 3rd Avenue and Rosa L. Parks Boulevard, should be developed with mixed-use, mid-rise structures. Structures on Jefferson Street from 3rd Avenue to Rosa L. Parks Boulevard should be a minimum of three stories and 45 feet and should generally have a maximum height of four (4) to six (6) stories, but should be no taller than 75 feet.

Structures on 3rd Avenue from Jefferson Street to Monroe Street and on 2nd Avenue and parts of 3rd Avenue north of Taylor Street should generally have a maximum height of four (4) to six (6) stories, but should be no taller than 75 feet. (See Figure E-9.A – Germantown Land Use Plan Element for a visual representation of the boundaries described above.)

Structures on the north side of Monroe Street from 3rd Avenue to 2nd Avenue, along the east side of 2nd Avenue from Monroe Street to Taylor Street and on the south side of Taylor Street surrounding 2nd Avenue should generally have a maximum height of four (4) stories, but should be no taller than 60 feet. (See Figure E-9.A – Germantown Land Use Plan Element for a visual representation of the boundaries described above.)

In all cases, structures on 2nd Avenue, 3rd Avenue and Jefferson Street should be designed with the tallest and largest mass pushed to 2nd Avenue, 3rd Avenue and Jefferson Street. Any sides of above-grade structured parking facing a public street should be lined with active uses such as residential, retail, office or commercial. Parking structures are subject to the same height, mass and transition provisions of all structures with the exception that parking structures at the alley or back of the property should be limited to two (2) stories or 25 feet. Below grade structured parking is strongly encouraged.

In all cases, structures on 2nd Avenue, 3rd Avenue and Jefferson Street should be designed to provide a transition, in scale and massing, to adjacent historic structures. A successful transition may be provided by reducing height and massing of the structure when approaching a historic structure and/or using a different building type such as articulated townhomes near historic structures to complement the historic structure's form. Applicants are also encouraged to offer additional or alternative innovative ways to provide transition in scale, massing and building type. In all cases new development adjacent to historic structures should complement, in height and massing, historic structures and not threaten the integrity of the property and its environment.

Height of all structures on 2nd Avenue, 3rd Avenue and Jefferson Street will be measured from the median elevation along each street's setback to the top of the parapet on a flat roof and to the median of the slope of a pitched roof.

Mid-rise *structures* of four (4) to six (6) stories and high-rise *structures* of over six (6) stories are appropriate east of the alley *between 2nd Avenue and 3rd Avenue south of Monroe Street and east of the alley between 1st Avenue and 2nd Avenue north of Monroe Street*, encompassing most of East Germantown. (See Figure E-6.E – East Germantown Land Use Plan Element for a visual representation of the boundaries described above.).

Amendment to Structure Plan Policy "Neighborhood Urban" – Internal to Neighborhood

As noted above, the Neighborhood Urban Structure Plan Policy (land use policy) is located on *all* of Germantown except for Rosa L. Parks Blvd. For the portions of Neighborhood Urban *internal* to the Germantown neighborhood, the policy currently calls for building heights to be one to two-and-one-half stories. This is proposed to be amended to allow buildings to be one to three stories to reflect the height generally allowed per zoning today. The proposed language is below in *italics:*

"Structures in all other areas in the Neighborhood Urban Structure Plan area should range from *one (*1) to *three (3)* stories, with consideration given to achieving compatibility with the height of adjacent historic structures."

Amendment to Detailed Land Use Policy "Mixed Use"

This section describes the detailed land use policy Mixed Use. This detailed land use policy is applied to the corridors in the Germantown neighborhood (Rosa L. Parks Blvd., Jefferson St. and portions of 3rd and 2nd Aves. N.). It is proposed to be amended to note that the use of different building types may assist in providing a transition from new structures to historic structures. The proposed language is below in *italics*:

"The choice of building type – townhomes, stacked flats, mixed use or other similar innovative building types – may be used to provide a transition from new structures to adjacent historic structures."

Amendment to Concept Plan Map

The Concept Plan Map (currently page 13 in the DNDP) is proposed to be amended to reflect the changes in height described above.

Amendment to Land Use Policy Maps Figure E-9.A, E-6.A, and E-17.A

Figure E-9.A is the "Germantown Detailed Neighborhood Design Plan, Land Use Plan Element", which is a map of the land use policies for the neighborhood. This map is proposed to be amended to reflect the changes in height and transition proposed above. Figures E-6.A and E-17.A are maps of land use policies for East Germantown and Salemtown respectively. Because there is overlap in the area shown in these maps, the East Germantown map and the Salemtown map show portions of Germantown. Therefore, it is necessarily to amend the latter two maps to consistently reflect changes in the Germantown map.

Amendment to "Details; 3rd & Monroe"

The Germantown DNDP has a separate section titled "Details," which is used to show how development could occur – in conformance with the DNDP – in various areas within the Germantown neighborhood. Metro Planners often call these "development scenarios." One model is provided for the corner of 3rd Ave. N. and Monroe St. This development scenario is proposed to be amended to reflect the changes in height and transition proposed above.

BACKGROUND

Council member Erica Gilmore, Metro Historical Commission, and Germantown stakeholders have been working to create a Historic Zoning District for the Germantown neighborhood. As a zoning district, the Historic Overlay District is reviewed for conformance with the

community plan – in this case the *North Nashville Community Plan* and the *Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2nd & Hume*.

The Germantown DNDP calls for new structures to be sensitive to and compatible with historic structures, but provides little guidance on how to accomplish this goal. Community stakeholders asked Metro Planning to evaluate the Germantown DNDP and propose concrete suggestions on how the goal of sensitivity and compatibility could be met.

COMMUNITY PARTICIPATION

Metro Planning Staff held one community meeting on Thursday, February 7 to discuss the proposed plan amendment and take community feedback. Approximately 25 people attended the community meeting, representing residents, property owners, developers as well as Metro Historic Commission and Metro Development and Housing Agency staff (Germantown is within the Phillips-Jackson Redevelopment District).

ANALYSIS

The *Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2nd & Hume* lists, among its goals, "Encourage new development to be sensitive of and compatible to the scale, mass, materials and architecture of the historical context of the neighborhood." The DNDP also calls, however, for "an appropriate mix of uses that are compatible and provide locations for neighborhood commercial services" and "an appropriate mix of house types that are compatible and provide the opportunity for a mixed-income community." Striking a balance between supporting redevelopment, while encouraging development to be sensitive to and compatible with historic structures is key to the continued health of Germantown.

The proposed amendment provides clarification on how to create appropriate transitions between new structures and historic structures through height, massing, building type or other innovative methods proposed by applicants.

STAFF RECOMMENDATION

Approve.

PREVIOUSLY DEFERRED ITEMS

2007Z-167U-08
Germantown Historic District
Map Various, Parcels Various
Subarea 8 (2002)
Council District 19 - Erica S. Gilmore

Metro Planning Commission Meeting of 4/24/2008

Item # 6

Project No.	**Zone Change 2007Z-167U-08**
Associated Case	2008CP-03U-08
Council Bill	BL2007-19
Council District	19 – Gilmore
School District	1 - Thompson
Requested by	Councilmember Erica Gilmore
Deferral	*Deferred at the December 13, 2007, and January 10, 2008, Planning Commission meetings*
Staff Reviewer	Logan
Staff Recommendation	*Approve, subject to the approval of the associated Community Plan amendment.*

APPLICANT REQUEST

A request to apply the historic overlay district to 548 properties in Germantown bounded by Rosa Parks Boulevard, Jefferson Street, Hume Street, and 2nd Avenue North (93.08 acres).

Deferrals

This request was deferred at the January 10, 2008, Planning Commission meeting so that the Germantown Detailed Neighborhood Design Plan and Germantown Design Guidelines could be revised to eliminate discrepancies between the two plans.

This request was also deferred at the December 13, 2007, Planning Commission meeting so Planning staff could review new information provided shortly before the meeting. Metro Historic Zoning Commission (MHZC) staff explained that intent of the overlay was to conserve the neighborhood character, not preserve individual historic structures. MHZC staff further indicated that the purpose of the proposed historic overlay district is significantly different from the goals and objectives of the existing MDHA Redevelopment District. Staff requested the deferral to provide additional time to evaluate the request in light of the stated intent.

For the reasons stated below, staff recommends approval of the requested overlay with the boundary as approved by Metro Historic Zoning Commission, as amended during the first reading at Metro Council.

Existing Zoning
R6 District

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an

overall density of 7.72 dwelling units per acre including 25% duplex lots.

SP-R District

Specific Plan-Residential 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.

SP-MR District

Specific Plan-Mixed Residential 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.

SP-MU District

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

OR20 District

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

MUN District

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

MUG District

Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

CS District

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

CF District

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

IR District

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

PROPOSED OVERLAY DISTRICT

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

1. The district is associated with an event that has made a significant contribution to local, state or national history; or

2. It includes structures associated with the lives of persons significant in local, state or national history; or

3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or

5. It is listed or is eligible for listing in the National Register of Historic Places.

Portions of the Germantown neighborhood are currently listed on the National Register of Historic Places. If the historic overlay district is adopted, then the Metro Historic Zoning Commission will review any new construction including additions, demolitions, or relocation of structures.

NORTH NASHVILLE COMMUNITY PLAN

Neighborhood Urban (MLW in NU)	MLW is intended for primarily residential uses, while providing opportunities for small commercial establishments, mostly home-run professional or retail services.
Mixed Use in Neighborhood Urban (MU in NU)	MU 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.
Civic or Public Benefit in Neighborhood Urban (CPB in NU)	CPB is intended for various public facilities including schools, libraries, and public service uses. NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. 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.
Parks Reserves and Other Open Space in Open Space (PR in OS)	PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space. OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The OS designation indicates that recreational activity has been secured for an open space use.

Parks Reserves and Other Open Space in Potential Open Space (PR in POS)

POS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The POS designation indicates that the area in question is intended for open space use, but has not been secured yet for that use.

Consistent with Policy?

Yes. The proposed Germantown Historic Preservation Overlay does not change the base zoning. Further, the proposed overlay will serve to preserve the distinctive character of the Germantown neighborhood.

Metro Historic Zoning Commission Recommendation

At its public hearing held on October 23, 2007, the Metro Historic Zoning Commission approved the boundaries of the proposed Germantown Historic Preservation District, as being historically significant according to the criteria of Metro Code 17.36.120.

The MHZC also approved design guidelines for the proposed district at the meeting.

In order to build further consensus among residents, developers, and commercial property owners, the neighborhood, with the consent of Councilperson Erica Gilmore, held a number of meetings beginning in November 2007 to discuss the proposed overlay and the design guidelines. These meetings were attended by interested developers, neighbors, and the Metro Historic Zoning Commission staff and helped to identify changes in an effort to improve the guidelines. A revised set of design guidelines were drafted as a result of these meetings. The revised guidelines are on the Metro Historic Zoning Commission agenda for April 23, 2008.

The changes proposed to the adopted design guidelines are as follows:

- The Introduction section was revised to update the history of the neighborhood to include the more recent past from 1980 to the present and to refine the guiding principles.
- Illustrative drawings and photographs were added to include commercial, mixed-use and multi-family building types.

- Additional language was added to address commercial and industrial requirements.
- The New Construction section was divided into two sections (Section 2.0 - New Construction within historic context, and Section 3.0 - New Construction with limited or no historic context).
- A map designating all historic properties and context was added.
- Text was added referencing the Germantown Detailed Neighborhood Design Plan

The changes reflect the unique character of Germantown, which includes many industrial properties and a high concentration of non-contributing structures at its perimeter boundaries.

Germantown Detailed Neighborhood Design Plan

The Germantown Detailed Neighborhood Design Plan (DNDP) was adopted by the Planning Commission on June 27, 2002, after a series of community meetings. The DNDP includes detailed land use and building height and placement guidelines. Currently, development in this area is reviewed for consistency with the DNDP as part of the Phillips Jackson Redevelopment District development review process. The Planning Department serves on the MDHA design review committee and ensures that the DNDP guidelines are followed before new development takes place. Staff from the MHZC and MDHA, as well as neighborhood representatives serve on the MDHA design review committee. (See 2008CP-03U-08 for details on the associated Community Plan amendment)

Analysis

In the staff report for the December 13, 2007, Planning Commission meeting, staff recommended that the overlay contain fewer properties due to the high ratio of noncontributing/vacant property to contributing property within the requested boundary. Staff's analysis, however, did not include consideration of the MHZC's purpose for requesting the zoning overlay. MHZC staff has provided the Planning Department with a purpose statement. The stated purpose "...of the proposed Germantown Historic Preservation Overlay is to protect one of the city's most architecturally and historically significant neighborhoods in its entirety. That purpose encompasses the preservation of historic structures and the compatible redevelopment of the

contextual neighborhood." Therefore, the intent of the Historic Preservation Overlay is not only to preserve individual structures, but to conserve the neighborhood character; a goal normally served by the application of a Neighborhood Conservation Overlay.

In addition to new information about the intent of the requested overlay, MHZC staff has indicated that, while the redevelopment district has been highly effective, the neighborhood has evolved to the point that it is ready for the city's most effective preservation tool. The currently applicable Phillips-Jackson Redevelopment District is designed to encourage investment and eliminate blight. Accordingly, the Redevelopment District is intended to promote and guide new development within its boundaries. The overlay district requested by the MHZC, on the other hand, is intended to conserve the character of the historic Germantown neighborhood.

Based upon the MHZC's goals for the overlay district, staff has reanalyzed this zoning application. Application of the Overlay to the area surrounding the National Register District will clearly further the goals intended for this overlay district. The National Register District represents the most intact portion of Germantown. The intent of this overlay is to secure development that is compatible with not only the historic structures, but also the pattern of development in the neighborhood.

The majority of properties in the requested overlay are within the Phillips Jackson Redevelopment District. Projects within the Redevelopment District are reviewed by the MDHA Design Review Committee. The Design Guidelines for Historic Properties within the Phillips Jackson Redevelopment District comply with the Secretary of the Interior's Standards for Treatment of Historic Properties, but only apply to vacant, listed, or eligible historic properties. They do not apply to noncontributing properties.

Redevelopment Districts and Historic Overlays serve two distinct purposes. The purpose of a Redevelopment District is to eliminate blight and promote redevelopment. The purpose of a Historic Overlay is to preserve historic structures and

neighborhood character. This is especially important in areas where redevelopment may inadvertently encourage demolition and development that is incompatible with the existing historic fabric. Therefore, staff recommends approval of the Historic Preservation Overlay as recently approved by Metro Historic Zoning Commission, with the exception of the four properties removed during first reading Metro Council.

RECENT REZONINGS

In the past three years, there have been three rezonings to MUN and four to Specific Plan within the area proposed as the Germantown Historic Preservation Overlay. Between 1996 and 2003, there were eight rezonings to MUN.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

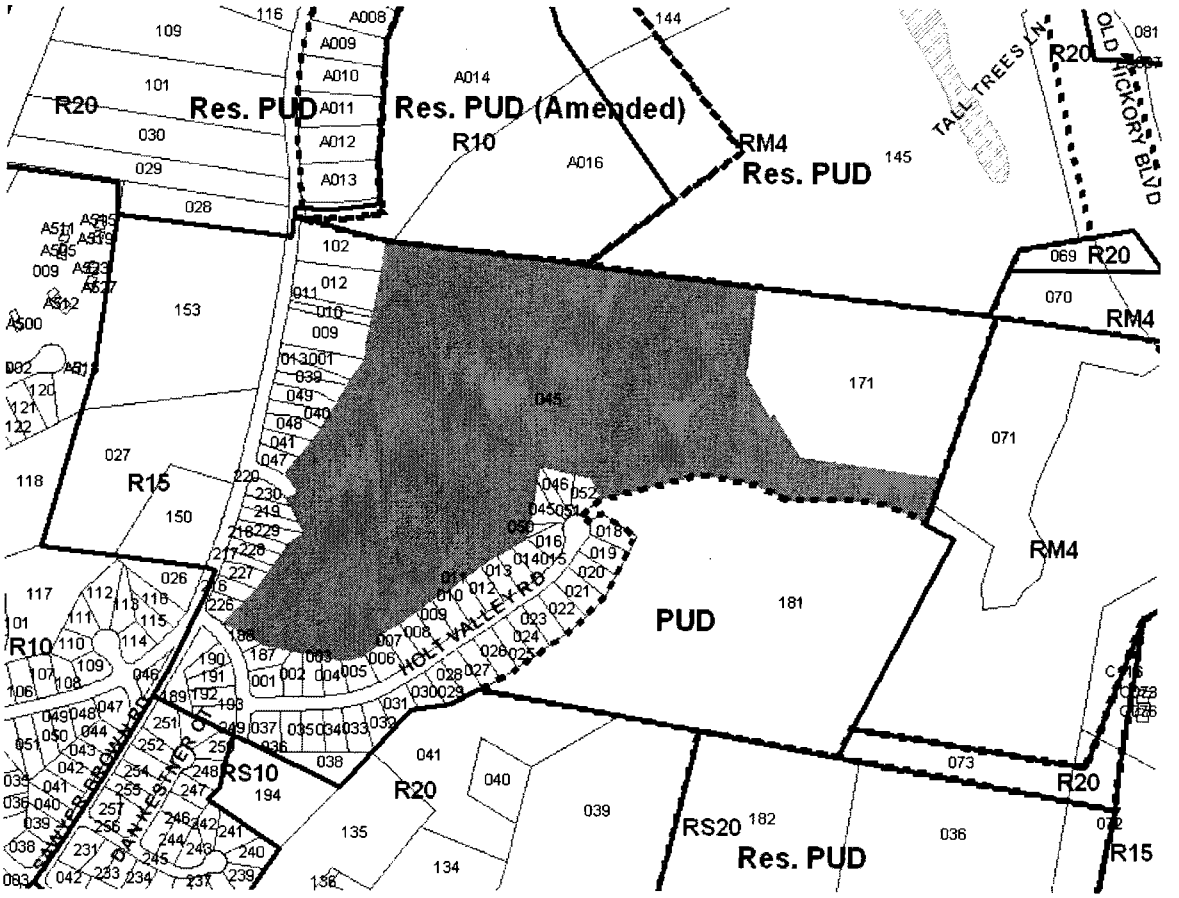
METRO SCHOOL BOARD REPORT

Projected student generation

As this request to apply a historic preservation overlay does not change the underlying zone district, the number of expected students to be generated is zero.

STAFF RECOMMENDATION

Staff recommends approval, subject to the approval of the associated Community Plan amendment. The overlay is consistent with the applicable land use policies and the intent of Section 17.36.120.



2008SP-009G-06
Bluffs On Sawyer Brown
Map 128-00, Parcels 045
Subarea 6
Council District 22 – Eric Crafton

Project No.	**Zone Change 2008SP-009G-06**
Project Name	**Bluffs on Sawyer Brown**
Council Bill	BL2008-196
Council District	22 – Crafton
School District	9 – Warden
Requested by	Dale & Associates, applicant, for Hodges & Sons Inc., owner
Deferral	*Deferred from the April 10, 2008, Planning Commission meeting*
Staff Reviewer	Logan
Staff Recommendation	*Approve with conditions*

APPLICANT REQUEST
Preliminary SP

A request to change 39.09 acres from One and Two-Family Residential (R15) to Specific Plan - Residential (SP-R) zoning property located at Sawyer Brown Road (unnumbered), approximately 540 feet north of Meadow Lane Drive, to permit the development of 115 townhome units.

Council Bill

A Council bill has been filed for this project. The bill states that 130 townhome units are permitted.

Existing Zoning
R15 District

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% duplex lots.

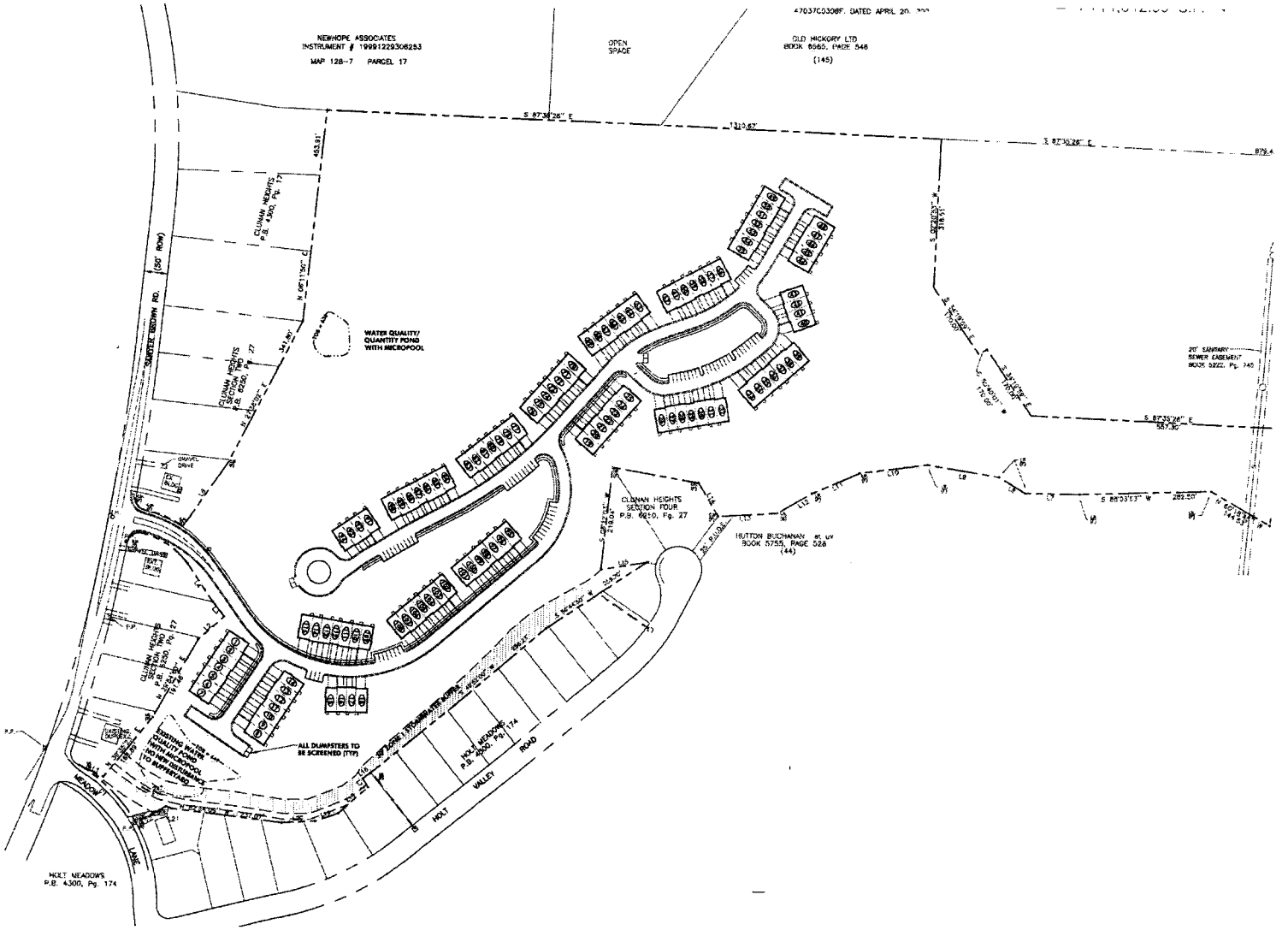
Proposed Zoning
SP-R District

Specific Plan-Residential 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.

BELLEVUE COMMUNITY PLAN

Residential Low Medium (RLM)

RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.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CLUNAN HEIGHTS
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SECTION FOUR
P.B. 6250, Pg. 27
HUTTON BUCHANAN
BOOK 5755, PAGE 528
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CLUNAN HEIGHTS
SECTION TWO
P.B. 6250, Pg. 27
ALL DUMPSTERS TO
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WITH MICROPOOL
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TO BUFFERYARD)
HOLT MEADOWS
P.B. 4300, Pg. 174
HOLT VALLEY ROAD
MEADOW LANE
HOLT MEADOWS
P.B. 4300, Pg. 174

Consistent with Policy?

While RLM policy permits densities at a range of two to four units per acre, the maximum permitted under this policy is not always appropriate. This property is encumbered by a stream, steep slopes, problem soils, and access issues. The applicant has demonstrated the appropriateness of the requested density, which is in the middle of the density range for this site.

PLAN DETAILS

Site Plan

The plan calls for 115 units arranged in 18 buildings that range from four to seven units each. The buildings line a private street that includes sidewalks on one side. There is a small community open space area proposed in the north portion of the development. Most of the site is within open space, about 40% of which is undisturbed.

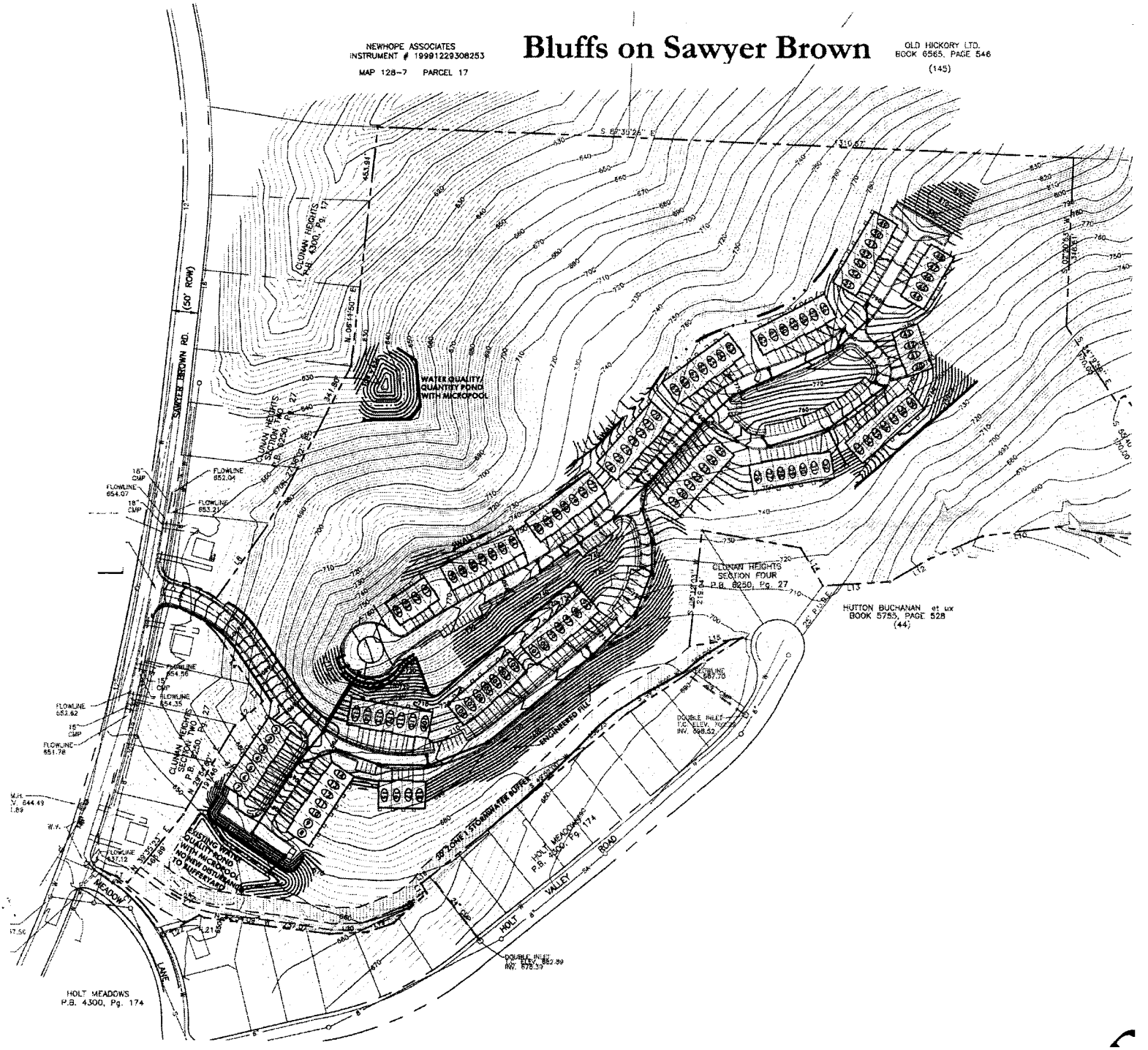
Environmental Concerns

This property contains steep slopes and problem soils. Most of the property has a slope of over 25%. While the development is proposed for the ridgeline, there is grading proposed on some of the steep slopes. Almost all of the grading for the proposed development is within problem soils. This property contains both Bodine-Sulfura, which is prone to movement, and Dellrose Cherty Silt Loam, which is weak, has a lot of fine pores and is quite crumbly.

The applicant has moved the grading away from the homes on Holt Valley Road. The applicant has also added several notes to the plans that address the environmental concerns:

1. A preliminary geotechnical analysis has been performed to insure the feasibility of this proposal. This plan has been modified to indicate placement of roadways and buildings with grading to stable soils and placement of engineered fill. Prior to any construction, a detailed geotechnical report will be submitted with final SP plans.

2. Prior to the issuance of Use and Occupancy permits, a certification letter stamped by a licensed engineer stating that everything has been constructed in compliance with the geotechnical report shall be submitted.


Bluffs on Sawyer Brown
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INSTRUMENT # 19991229308253
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OLD HICKORY LTD.
BOOK 6565, PAGE 546
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CLONAN HEIGHTS P.B. 4300, Pg. 171
CLONAN HEIGHTS SECTION TWO P.B. 8250, Pg. 27
CLONAN HEIGHTS SECTION FOUR P.B. 8250, Pg. 27
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EXISTING WATER QUALITY POND WITH MICROPOOL TO REMAIN, NO NEW DISTURBANCE TO BUFFER AREA
50' CLOSE-T STORMWATER BUFFER
ENGINEERED FILL
HUTTON BUCHANAN et ux
BOOK 5755, PAGE 528
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HOLT MEADOWS P.B. 4300, Pg. 174
HOLT VALLEY ROAD
HOLT MEADOWS LANE
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FLOWLINE 853.21
FLOWLINE 854.16
FLOWLINE 854.35
FLOWLINE 853.62
FLOWLINE 851.78
FLOWLINE 837.12
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Access

The applicant was also asked to show adequate sight distance from the proposed access point. A note has been added to the plans stating that it will be shown with the SP final site plan. The access point is also in an area with steep slopes and problem soils. There are several notes on the plan that address the construction of the access road, and a requirement that the construction plans are subject to the approval of Public Works.

PUBLIC WORKS RECOMMENDATION

All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

Solid waste disposal plan is to be approved by the Department of Public Works Solid Waste Division.

Identify location and type of retaining walls, including top and base of wall elevations, base length, thickness of base, batter decrement (if required), etc. Submit geotechnical report as to the wall type and suitability of wall locations. Retaining walls are not to support roadways.

Prior to the submittal of construction plans, provide documentation of adequate sight distance at project access.

In accordance with the TIS recommendations:

Construct a NB right turn lane on Sawyer Brown Road at the proposed access with 50 feet of storage and transition per AASHTO standards.

Construct a SB left turn lane Sawyer Brown Road at the proposed access with 50 feet of storage and transition per AASHTO standards.

Metro Planning Commission Meeting of 4/24/2008

Maximum Uses in **Proposed** Zoning District: **R15**

Land Use (ITE Code)	Acres	Density	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	39.09	2.47	96	1002	77	104

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

Land Use (ITE Code)	Acres	Density	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	39.09	3.32	130	803	64	75

Change in Traffic Between **Maximum Uses** in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+34	+199	+13	+29

STORMWATER RECOMMENDATION

Preliminary Approved.

NASHVILLE ELECTRIC SERVICE RECOMMENDATION

1) Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval
2) Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning)
3) 20-foot easement required adjacent to all public right of way or behind sidewalk to start 20' PUE.
4) NES can meet with developer/engineer upon request to determine electrical service options
5) NES needs any drawings that will cover any road improvements to Sawyer Brown Rd that Metro PW might require
6) Developer should work with Metro PW on street lighting if public streets or give NES light locations if private drives.
7) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
8) Does developer have any other options on property next to this 1 to be serve ugrd.

Metro Planning Commission Meeting of 4/24/2008

FIRE MARSHAL RECOMMENDATION

Conditional

Additional information will be required before a building permit can be issued, adequate information not provided to allow approval of this project in its entirety at this time.

Fire Hydrants shall be in-service before any combustible material is brought on site.

All fire hydrants shall provide a minimum of 1000 gpm @ 20 psi. If so, all single family residences up to 3600 sq. ft. are pre-approved.

Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.

More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B

All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.

Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.

Fire hydrant shall comply with 2006 edition of NFPA 1 table H

Provide a Master Water Plan which shows water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.

Print fire hydrant flow data on plans.

Flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.

A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

METRO SCHOOL BOARD REPORT

Projected student generation **5 Elementary 4 Middle 4 High**

Schools Over/Under Capacity

Students would attend Gower Elementary School, Hill Middle School, or Hillwood High School. None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION

Staff recommends approval with conditions because the stream, steep slopes, problem soils and access issues have been adequately addressed for a preliminary plan.

CONDITIONS

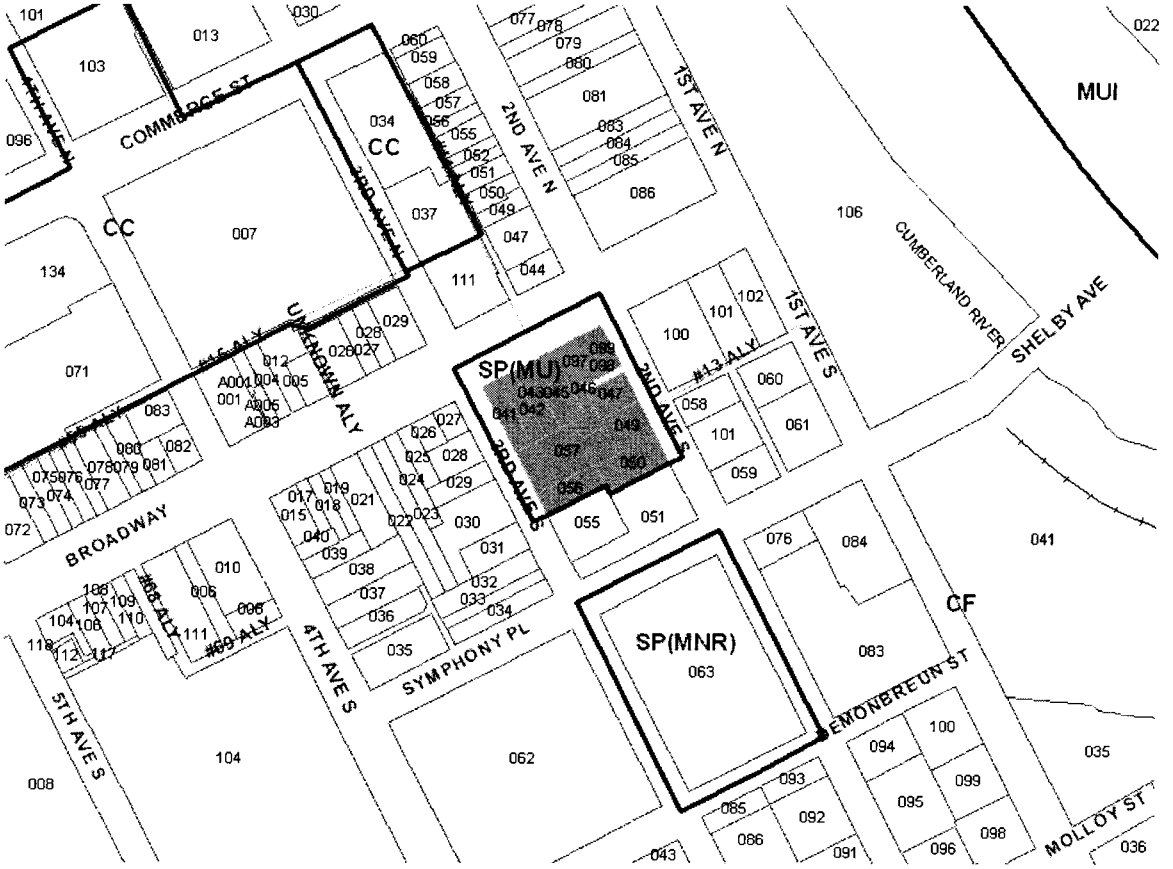
1. There shall be no construction access from Holt Valley Road.
2. Remove dumpster from open space and place in a less visible area.
3. This SP is limited to multi-family residential.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM4 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 the Planning Commission and Council shall be

provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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.

ZONING MAP AMENDMENTS



2006SP-183U-09
The Westin Nashville Hotel & Condominiums
Map: 93-06-2 Parcels: 097, 098, 099
Subarea 9
Council District 6 – Mike Jameson

Project No. **Zone Change 2006SP-183U-09**
Project Name **Broadway Hotel: Amendment #1 (formerly Westin)**

Please see 2nd Web link for this Staff Report.

2007SP-122U-05
Gallatin Pike Improvement District
Map: 061-03, 061-07, 061-11, 061-15, 072-02,072-03, 072-06, 072-10
Parcels: various
Subarea 5
Council District 5 – Pam Murray

Project No. **Zone Change 2007SP-122U-05**
Project Name **Gallatin Pike SP: Amendment #1**
Council Bill BL2008-198
Council District 5 – Murray; 6 – Jameson; 7 – Cole; and 8 – Bennett
School District 5 - Porter
Requested by Metro Planning Department

Staff Reviewer Kleinfelter
Staff Recommendation *Approve*

APPLICANT REQUEST
Amend SP

An ordinance to amend Council Bill BL2007-1523 to make various amendments to the Gallatin Pike Improvement District Specific Plan for properties located along Gallatin Pike between South 5th Street and Briley Parkway (263.71 acres).

Existing Zoning

All property affected by this Ordinance is currently within the boundaries of the Gallatin Pike Improvement District Specific Plan zoning that was adopted by the Metro Council on July 17, 2007.

Proposed Zoning
SP District

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

BACKGROUND

The Gallatin Pike Improvement District SP was adopted by the Metro Council on July 17, 2007. The SP district expressly implements the detailed land use policies in the East Nashville Community Plan along a portion of Gallatin Pike. The SP includes provisions that tie land uses, building regulations, infrastructure requirements, and signage regulations directly to the detailed community plan policies for property included within the boundaries of the SP district.

The SP includes every parcel of land that abuts both sides of Main Street / Gallatin Pike, from South 5th Street to the south side of Briley Parkway, except for those parcels located within the Institutional Overlay for the Nashville Auto Diesel College and Planned Unit Developments adopted pursuant to BL2003-82 and BL2005-881.

As is common with any new comprehensive regulatory scheme, issues have arisen during implementation of

the SP that need to be addressed. Some amendments are needed to address unintended consequences of provisions included in the SP, while others are needed simply to correct errors in the document. The amendments have been filed with the Council as a single ordinance. Each proposed amendment will be discussed separately below.

SUMMARY OF PROPOSED AMENDMENTS

The individual proposed amendments to the SP are listed below in the order in which they appear in the ordinance.

1. Guidelines for side streets – Extend SP standards onto side streets up to 150 feet from Gallatin Pike, and allow property owners to use the standards beyond that distance if the property is included within the SP district.

2. "Trigger" provisions – Clarify provisions that regulate when the SP standards apply.

3. Sign Guidelines

   a. Repair of damaged signs – Allow property owners to repair damaged signs without complying with the SP sign standards.

   b. Monument signs – Allow monument signs in Subdistricts 1 and 2 under limited circumstances.

   c. Multi-tenant sign standards – Require properties with more than three tenants to develop a coordinated sign program for the entire property.

   d. Sign size standards – Increase the maximum size for monument and wall mounted signs in certain situations.

4. Nonconforming uses – Allow property owners to request the Planning Commission to approve a change from an existing legally nonconforming use to a new nonconforming use that is more compatible with surrounding land uses.

5. Fencing guidelines – Materials and height standards for fencing; prohibit chain link fencing in front of any building.

6. Exclusion of additional uses – Add prohibition of check cashing, and cash advance businesses.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments to the Gallatin Pike SP

DETAILS OF PROPOSED AMENDMENTS

1. Guidelines for side streets

The primary intent of the Gallatin Pike SP is to implement context sensitive design and land uses along the Gallatin Pike corridor from South 5th Street to Briley Parkway. Towards that end, the SP plan currently states that the "design guidelines, system regulations, and building standards" contained in the document "apply only to the Gallatin Pike frontage for any parcel located within the SP district." Since the enactment of the SP zoning, staff has reviewed several proposed projects for compliance with the SP provisions. In most instances, the potential applicant's request proposed to utilize the SP standards along the side streets as well as on the Gallatin Pike frontage.

Staff recommends approval of an amendment to extend the SP standards to the property frontage on side streets within the SP district to a maximum of 150 feet from the intersection of the side street with Gallatin Pike. The proposed amendment would further allow property owners to choose use the standards beyond 150 feet for those parcels that extend farther than that distance away from Gallatin Pike. This modification of the scope of the SP standards will further the goals of the SP district by ensuring that new development visible from Gallatin Pike is consistent with the standards of the SP district.

Proposed amendment:

A. Delete the last paragraph on Page 6 of the SP document "Application of Guidelines, Standards, and Regulations" and replace it with the following:

For any parcel located within the SP district, the design guidelines, system regulations, and building standards listed above apply to the Gallatin Pike frontage and any side street frontage to a maximum of 150 feet from the intersection of the side street with Gallatin Pike. The land uses and signage standards apply to all property located within the SP district. The standard provisions for the zoning district identified in the land use table for each subdistrict shall control the development guidelines, system regulations and building standards for any frontage on a side street within the SP district. The owner of a parcel located within the SP district, may,

however, choose to utilize the design guidelines, system regulations, and building standards contained in this SP for any side street located within the SP district.

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2. **"Trigger" provisions – When is the SP applicable to construction along Gallatin Pike? (Page 7 of the SP document)**

The current SP states that the design guidelines, system regulations, and building standards apply if:

1. The value of any one expansion is twenty-five percent, or the value of multiple expansions during any five-year period is fifty percent of the value of all improvements on the lot prior to expansion; or

2. The total building square footage of any one expansion is twenty-five percent, or the total building square footage of multiple expansions during any five-year period is fifty percent of the total building square footage of all improvements on the lot prior to expansion.

Paragraph 1 of this section has caused confusion as to when the standards of the SP apply to a proposal to develop property within the district. From discussions held with Councilmembers during the drafting of the original SP document, Planning staff believes it was the intent of the Council to require development within the SP to comply with the SP guidelines if the value of any proposed redevelopment is 25% or more of the value of the buildings currently on the property, regardless of whether the redevelopment would expand the size of the building. As drafted and adopted, however, the SP ordinance inserted the word "expansion" when addressing the value of redevelopment of the property. Therefore, if a property owner proposes to completely rebuild a structure without "expanding" it, then a technical interpretation of the SP ordinance might allow the development to avoid compliance with the standards of the SP ordinance.

Staff recommends that the ordinance be amended to clarify that the SP guidelines apply to redevelopment of a property that exceeds 25% of the value of the current buildings, even if that redevelopment does not expand the size of the building.

One possible concern related to this issue is whether this amended provision would have the undesired effect of requiring a property owner to demolish a currently viable building and rebuild under the SP guidelines. For example, if a property owner were to lease a building to a new tenant, and the value of the tenant's building permit to renovate the building exceeds 25% of the current value of the existing building, would the SP provisions require that the building be demolished and rebuilt in accordance with the SP guidelines? The conflict in this situation is between the intent of the SP to guide new development along Gallatin Pike towards a more sustainable and economically viable model, and the economic waste of requiring a property owner to demolish a serviceable building.

The SP does not currently define what method is to be used to determine the value of improvements located on a property, or the value of any new improvements. Planning staff generally uses the Davidson County Tax Assessor's appraisal data to determine the value of improvements on the property. The applicant's building permit is used to determine the value of proposed new improvements. In order to give property owners more flexibility, staff recommends an amendment to the SP that would allow a property owner to submit a commercially acceptable estimate of the replacement cost for the improvements as an alternative to using the appraised value. Initially, staff will continue to refer to the Assessor's appraised value because that information is readily available. If the permit value exceeds 25% of the appraised value, however, then the property owner would have the option to submit an estimate of the replacement cost based upon commercially available and accepted valuation services.

Paragraph 2 of this section, which requires compliance with the SP if a proposed project will expand an existing building by 25% or more, has not been difficult to apply and does not need to be amended.

Proposed amendments:

B. Delete paragraph 1 on Page 7 of the SP plan and replace it with the following:

1. The value of any one building permit is twenty-five percent, or the value of multiple building permits during any five-year period is fifty percent of the value of all improvements on the lot prior to application for the building permit; or

C. Add a new paragraph 3 on Page 7 of the SP plan as follows and renumber the existing paragraphs 3, 4, and 5 accordingly:

3. For the purposes of paragraph 1, above, the "value of all improvements on the lot prior to application for the building permit" initially will be determined by reference to the official records of the Davidson County Assessor of Property. If the improvements on the lot currently meet Metro Code standards, then the owner may, at their option, submit a commercially acceptable estimate of the replacement cost of the improvements, which may be used as an alternate method to determine their value.

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3. Sign Guidelines

a. Repair of damaged signs

The currently adopted Gallatin Pike SP requires all sign permits to comply with all of the sign standards contained in the SP. When the original SP ordinance was being prepared, the Councilmembers for this area were clear in their intent that any new or replaced sign constructed within the boundaries of the SP should be required to meet the SP standards.

When any property owner applies for a permit for any work on a sign within the SP district, therefore, the Department of Codes Administration refers the permit to the Planning Department for confirmation that the work will comply with the SP standards.

Existing signs are sometimes damaged by the weather or acts of third parties that are not within the control of the property owner or the owner's tenants. When this occurs, a permit must be obtained before significant work can be performed on the sign. An unintended consequence of the SP ordinance has been that property owners are unable to repair an existing sign without bringing it into full compliance with the SP standards. If the property owner has an existing pole sign that is not allowed by the SP standards, then the owner may choose to leave the sign in its damaged condition rather than request a permit to make repairs, which would require removal of the sign altogether.

Staff recommends an amendment to the SP that would allow repairs to a damaged nonconforming sign to return the sign to its pre-damage condition without requiring the sign to be brought into compliance with the SP standards. No expansion or other modification to the sign inconsistent with the SP would be allowed.

Proposed amendments:

D. Delete the current paragraph 3 on Page 7 of the SP plan and replace it with the following:

3. Notwithstanding paragraphs 1 and 2, above, the signage and fencing provisions contained in this SP shall apply to all sign related permits and to the construction of any new fence. If a nonconforming sign is damaged, however, the issuance of a permit for repairs to the sign to restore the sign to its pre-damage condition shall not require compliance with the standards contained in this SP.

b. Monument signs

Monument signs currently are prohibited in Subdistricts 1 and 2 (between South 5th Street and the Inglewood railroad overpass). As with the sign size limitations discussed above, this prohibition was included in the SP based on the assumption that buildings within these subdistricts would be located close to the street. Many ongoing businesses along Gallatin Pike may need to obtain a permit to change their signage, but there may also be no concurrent requirement that their buildings be located at the street. For example, if a new business moves into an existing building, and the value of any needed building permit to allow the new tenant to use the property is less than 25% of the value of the improvements on the property, then the building would not be required to be moved closer to the street. Many such properties include pole signs. If the property owner seeks a permit to add a new tenant to the sign, under the current terms of the SP, the property owner is required to remove the pole sign and only wall mounted signs are permitted.

Staff recommends that the Council consider an amendment that would modify the current prohibition against monument signs in Subdistricts 1 and 2 to allow properties to erect monument signs if two conditions are met: 1) all buildings on the property are set back 100 or more feet from the edge of the right of way, and 2) there is a pre-existing pole sign or other prohibited sign on the property that is to be replaced with the monument sign. Such signs would be required to comply with the existing size limits for monument signs found on Page 41 of the SP document.

Finally, a housekeeping amendment is needed to clarify that monument signs are permitted in Subdistrict 3. Paragraph 3.1 of the System Regulations for Subdistrict 3 (Page 34) clearly allows monument signs, but they are not listed in the Subdistrict 3 Building Regulations (Page 36). Because the Council intended for monument signs to be permitted in Subdistrict 3, an amendment is needed to add that type of signage to the Building Regulations for that Subdistrict.

Proposed amendments:

F. Revise paragraph 3.1 the System Regulations for Subdistrict 1 (Page 15) and Subdistrict 2 (Page 25) by inserting the following underlined language:

3.1 All signs must be building-mounted and pedestrian scale. Monument signs that comply with Section VII "Signage Standards" may be used if 1) a minimum of 60 % of the total building frontage along Gallatin Pike is set back 100 or more feet from the property boundary along the right of way, and 2) there is a pre-existing pole sign or other prohibited sign on the property that will be replaced with the monument sign.

H. Revise the signage guidelines contained in the Building Regulations for Subdistrict 1 (Page 18) and Subdistrict 2 (Page 28) by inserting the following underlined language:

• Signage
- Building Sign- Projecting; Building Sign- Wall Mounted; Awning Sign; Monument sign, if permitted in paragraph 3.1 of the System Regulations. (See "Signage Standards" for additional signage regulation.)

J. Revise the signage guidelines contained in the Building Regulations for Subdistrict 3 (Page 36) by inserting the following underlined language:

• Signage
- Ground Sign – Monument; Building Sign- Projecting; Building Sign- Wall Mounted; Awning Sign. (See "Signage Standards" for additional signage regulation.)

K. Revise paragraph C. 1. of the SP Signage Standards (Page 41) by inserting the following underlined language:

1. Where otherwise permitted by this SP, one monument sign per street frontage is allowed for multi-tenant principal buildings or for single freestanding buildings.

c. Signs for multi-tenant buildings

The current Signage Standards (Pages 40-41) allow each occupant in a multi-tenant building to display up to two on-premises building signs. Under other provisions in the SP, each of those signs could be up to 48 square feet in size. These guidelines are reasonable for a building that has no more than two or three tenants. If a building is divided into several individual professional offices or other businesses, however, the 96-square feet of signage per tenant could lead to a very cluttered and confusing result.

Staff recommends that the addition of language to the SP plan that would require any multi-tenant property with more than three separate tenants to submit a "sign program" for the entire property be considered. The sign program would be required to comply with all provisions in the SP, except those addressing the number and size of allowed signs. The number and size of allowed signs would be dependent upon the characteristics of each property, and the overall sign program would be reviewed by staff for compliance with the goals and intent of the SP plan.

Proposed amendment:

L. Revise paragraph C. 2. of the SP Signage Standards (Page 41) by inserting the following underlined language:

2. In addition to the monument signage allowed, each occupant of a multi-tenant building containing up to three tenants may display up to two on-premises building signs. Properties with separate freestanding buildings are also allowed up to two on-premises building signs per building. Awnings signs shall be counted as building signs for means of calculation.

The owner of any property containing more than three tenants or three separate buildings must submit an overall sign program for the property prior to the issuance of any new sign permit. The sign program will be reviewed by the Planning Department and approved by the Executive Director if it is consistent with the overall goals and intent of the SP district and generally consistent with these Signage Standards. The submitted sign program must, at a minimum, comply with the limitations set forth in Chapter 17.32 of the Zoning Code for the zoning district identified in the land use table for each subdistrict. Only the sign for which a building permit is sought will be required at the time of the permit issuance to bring their signage into compliance with the sign program. All future sign permits for the property will be required to comply with the approved sign program.

d. Maximum size

The current sign guidelines in the SP assume that the buildings on the property will meet the building standards, including the requirement that most buildings be constructed close to the street. The sign guidelines apply to all sign-related permits, however. The result has been that new building-mounted signs for existing buildings that are set back far from the street may be smaller than needed to be reasonably visible from the right of way.

The current sign guidelines (Pages 40-41) limit the size of a wall mounted building sign to 48 square feet. Although that is generally adequate for a building located at the edge of the right of way, it is somewhat small if the building is located farther from the street. Staff recommends that the sign provisions be amended so the maximum size for wall mounted signs will be 48 square feet for buildings located up to 50 feet from the street, with one additional square foot of permitted size for every foot over 50 feet that the building is located from the street, up to a maximum size for wall mounted signs of 100 square feet.

Proposed amendment:

M. Delete the existing paragraph E of Section VII of the SP plan (Page 41) and replace it with the following language:

1. Monument signs shall have a maximum sign area of 48 square feet, and shall not exceed six (6) feet in height or three (3) feet in height if any portion of the sign located within 15 feet of a driveway. If the property is entitled to more than one monument sign under the provisions of this SP, the Planning Director is authorized to approve an increase in the maximum area of one monument sign by up to 50% in exchange for giving up the entitlement to any other monument sign otherwise permitted under this SP, provided the proposed consolidation is consistent with the intent of this ordinance. The height of the enlarged monument sign shall not exceed six (6) feet in height or three (3) feet in height if any portion of the sign located within 15 feet of a driveway.

2. Projecting building signs shall have a maximum sign area of 12 square feet.

3. Wall mounted building signs on building faces located up to 50 feet from the property boundary along the public right of way shall have a maximum sign area of 48 square feet. Building faces located more than 50 feet from the property boundary along the public right of way may add an additional one square foot of sign area for every foot over 50 feet that the building face is located from the street, up to a maximum size of 100 square feet.

4. Awning signs shall have a maximum sign area of 50% of the surface area of the awning.

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4. Nonconforming Uses

In most circumstances, the Zoning Code requires changes in nonconforming uses to be approved by the BZA. If a property is currently being used in a way that is not consistent with the current zoning, but was permitted to continue because the use was in existence before the current zoning was adopted, then the property owner must get permission from the BZA to change the use of the property to anything other than the uses allowed under the current zoning. When the Council adopted an ordinance in 2005 to create the new "Specific Plan" zoning district, the ordinance included a provision stating that the Board of Zoning Appeals did not have jurisdiction to consider variances within an SP district. Nothing was included in the ordinance, however, to address nonconforming uses.

Ultimately, it may be advisable to amend the Zoning Code to clarify whether nonconforming uses within an SP district generally should be considered by the BZA the same as in any other district, or through some other process. Because of the complexity and variety of issues addressed by the Gallatin Pike SP, however, Staff recommends that this SP should be amended to clarify that any requested changes in legal nonconforming uses must be reviewed and approved by the Planning Commission. The language included in the proposed amendment, below, is consistent with the review of nonconforming uses that is performed by the BZA for other zoning districts.

Proposed amendments:

E. Add a new paragraph to the end of the existing language on Page 7 of the SP plan as follows:

In this SP district, an existing nonconforming use may be changed to a new nonconforming use upon a determination by the Metro Planning Commission that the new nonconforming use will be more compatible with surrounding land uses than the existing nonconforming use.

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5. Fencing guidelines

Since adoption of the original SP, staff has noted that several properties within the SP district have erected chain link fences in front of the buildings and adjacent to the right of way. In order to prevent the proliferation of unsightly fencing along Gallatin Pike, staff recommends that the Council amend the SP plan to add standards for new fencing on property within the SP district. Staff recommends that no chain link fence should be permitted in front of any building. All fences and walls in front of buildings should be made of visually attractive materials such as wood, brick, ornamental metal, or similar

materials. Staff further recommends that fencing should be consistent with the materials and design of the principal building on the property. Finally, staff recommends a height limit for any fence in front of a building of four feet.

Proposed amendments:

G. Add new paragraph 4.4 to the "Landscaping and Buffering" provisions of the System Regulations for Subdistrict 1 (Page 16), Subdistrict 2 (Page 26), and Subdistrict 3 (Page 34), as follows:

4.4 Fences and walls in front of buildings must be constructed of wood, brick, masonry, vinyl, ornamental iron or aluminum, or similar materials in a manner that complements the primary building's materials and design and may not exceed a height of four (4) feet. No chain link fencing shall be permitted in front of any building.

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6. Exclusion of additional uses

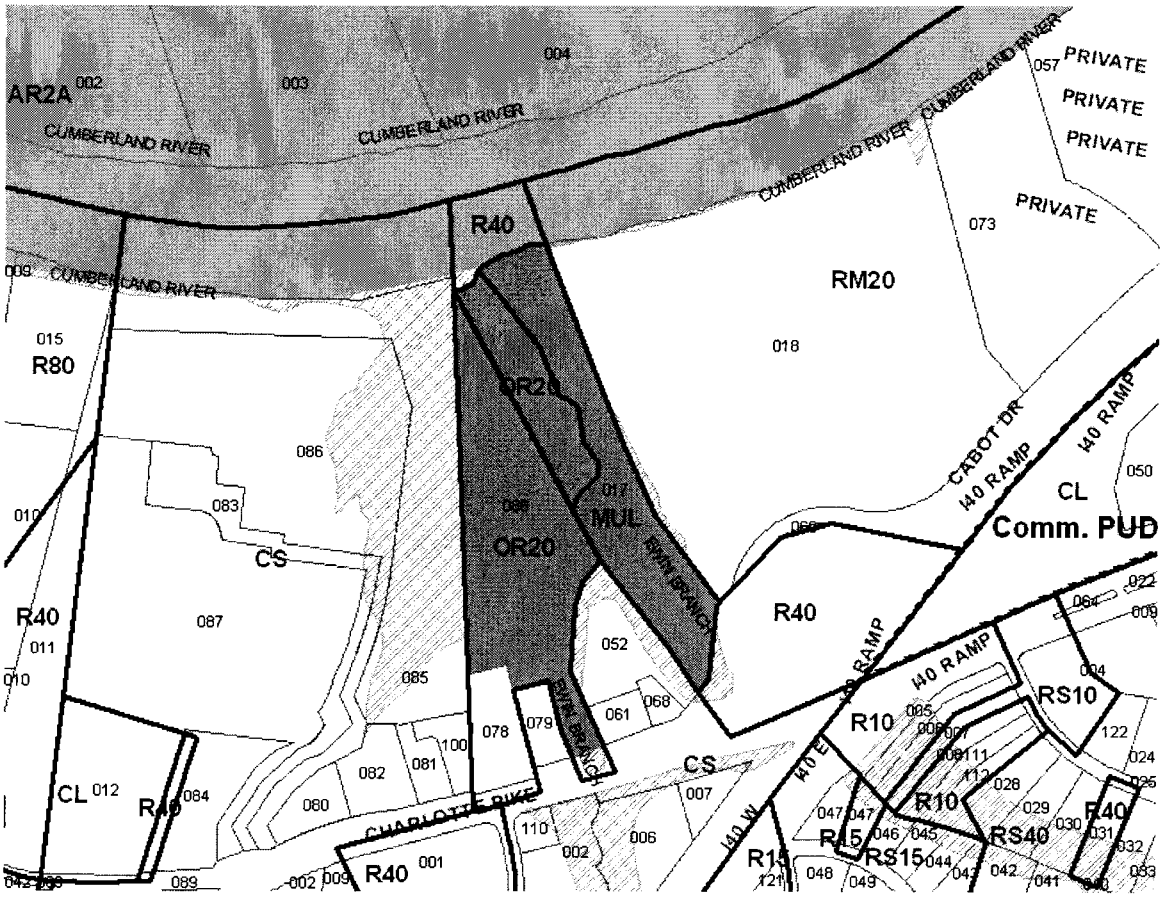
When the SP was originally prepared, Councilmembers expressed an interest in prohibiting certain uses within the SP district. Staff recommended that, in general, any use that was to be excluded from the district should be either identified in the Zoning Code as a separate use, or at least a term defined in the Code. When the SP was originally adopted in July 2007, there were some uses that the Councilmembers wished to prohibit, but which were not at that time separately defined in the Code. For example, interest was expressed about prohibiting "cash advance" businesses within the district. As of July 2007, however, a cash advance business was classified by the Zoning Administrator as a "financial institution" along with banks and other similar businesses.

An ordinance is currently pending in the Council that will establish separate definitions in the Code for check cashing, pawn shop, title loan, and cash advance businesses. That ordinance will be heard on public hearing on May 6. If that ordinance is adopted, then it would be reasonable now to amend the Gallatin Pike SP to add those uses to the list of prohibited uses.

Proposed amendment:

I. Add the following to the list of excluded uses contained in the SP plan for Subdistrict 1 (Page 21), Subdistrict 2 (Page 30), and Subdistrict 3 (Page 38):

Cash advance
Check cashing



2008SP-006U-06
H2O
Map: 102 Parcels: 017, 088
Subarea 6
Council District 35 – Bo Mitchell

Metro Planning Commission Meeting of 4/24/2008

Item # 10

Project No.	**Zone Change 2008SP-006U-06**
Project Name	**H20 SP**
Council Bill	BL2008-190
Associated Case	2008CP-01U-06
Council Districts	35 - Mitchell 20 - Baker
School Districts	1 - Thompson 9 - Warden
Requested by	Town Planning & Urban Design Collaborative LLC, applicant, for SFB Investment Company LLP, owner
Staff Reviewer	Bernards
Staff Recommendation	*Approve with conditions, subject to approval of the associated Community Plan Policy Amendment.*

APPLICANT REQUEST
Preliminary SP

A request to rezone from Office and Residential (OR20) and Mixed Use Limited (MUL) to Specific Plan-Mixed Use (SP-MU) zoning for the H2O development located at 6950 Charlotte Pike and Cabot Drive (unnumbered), extending from Charlotte Pike to the Cumberland River (23.93 acres), to permit an urban waterfront district consisting of a mixed-use development containing commercial, office, residential, hotel, boathouses, and various civic spaces with associated parking structures, garages and lots.

Existing Zoning

MUL District

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

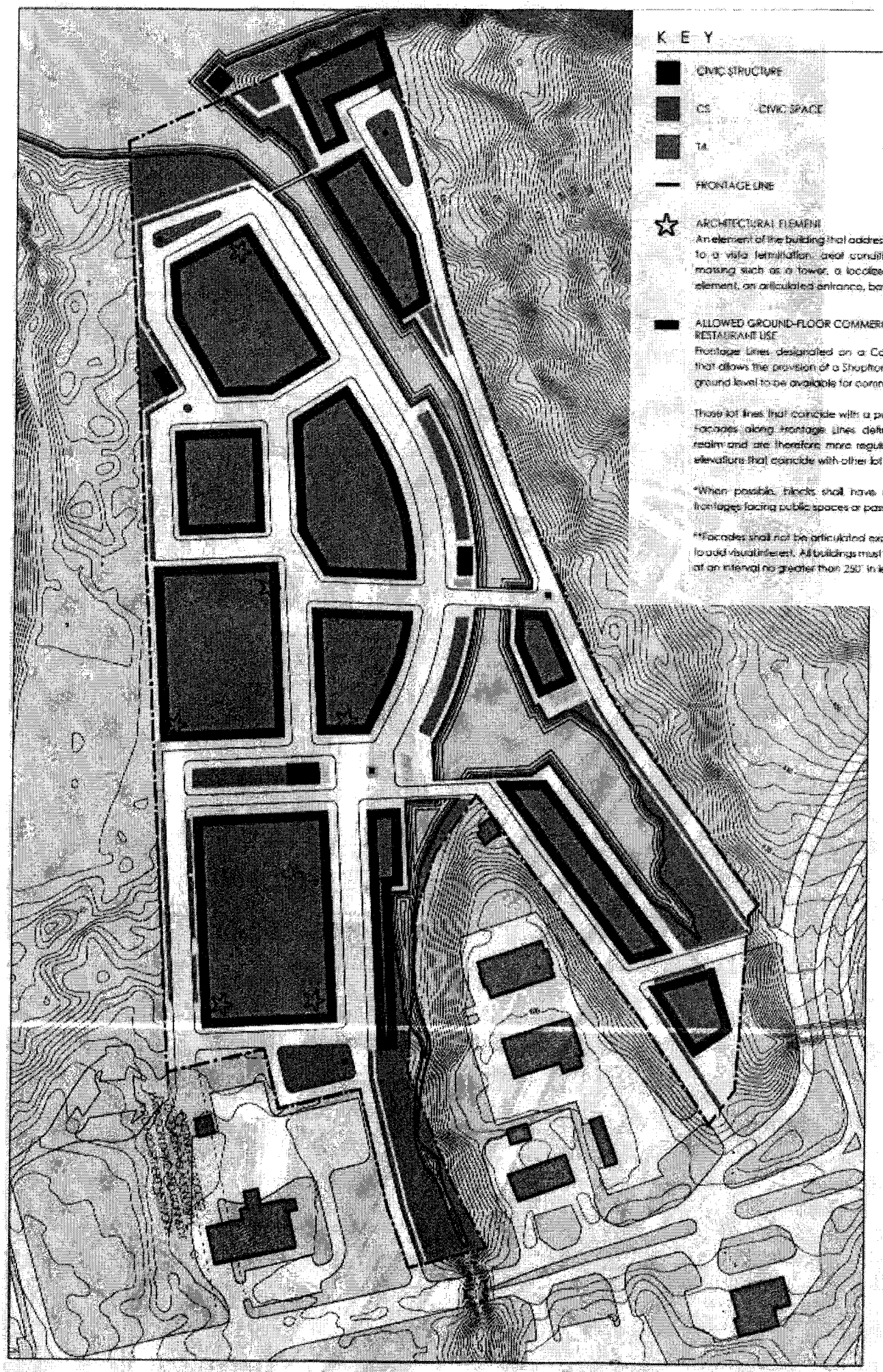
OR20 District

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

Proposed Zoning

SP-MU District

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



K E Y

CIVIC STRUCTURE

CS CIVIC SPACE

T4

FRONTAGE LINE

ARCHITECTURAL ELEMENT
An element of the building that addresses or responds to a vista termination, axial condition or desired massing such as a tower, a localized symmetrical element, an articulated entrance, bay window, etc.

ALLOWED GROUND-FLOOR COMMERCIAL/ RETAIL/ RESTAURANT USE
Frontage Lines designated on a Community Plan that allows the provision of a Shopfront, causing the ground level to be available for commercial use.

Those lot lines that coincide with a public frontage. Facades along Frontage Lines define the public realm and are therefore more regulated than the elevations that coincide with other lot lines.

*Where possible, blocks shall have internal block frontages facing public spaces or passages.

**Facades shall not be articulated excessively solely to add visual interest. All buildings must be articulated at an interval no greater than 250' in length.

BELLEVUE COMMUNITY PLAN

Commercial Mixed Concentration (CMC)	CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.
Existing Special Policy Area Special Policy Area # 1.	Special Policy 1 applies to the CMC area on the north and south sides of Charlotte Pike, west of the I-40 interchange, and along River Road. Some of the topography and floodplain in this area is unsuitable for nonresidential or intensive residential use. Therefore: Commercial uses in this CMC area should be in smaller scale buildings with a low floor area ratio (0.1 to 0.15). Residential uses in this CMC area should be limited to the middle of the RMH range (15 units per acre) and lower where topographic conditions are severe. Where proposed residential uses border existing single family, a transition should be made within the site so that similar densities and building types will be adjacent to existing development.
Proposed Special Policy Area Special Policy Area # 1. SECTION I. Applicability.	Special Policy 1 applies to the area designated CMC that is on the north and south sides of Charlotte Pike, west of the I-40 interchange and along River Road west of Charlotte Pike. Some of the topography and floodplain in this area is unsuitable for development. The following policies apply.
SECTION II. Policy For Environmentally Sensitive Areas.	The environmentally sensitive portions of this special policy area should be conserved and maintained in their natural state, including the following: 1) areas with slopes of 20 percent or more, and 2) floodways, floodway buffer zones and 100-year floodplain outside of the floodway and floodway buffer zones. While regulations may allow some alteration of the 100-year floodplain outside of the floodway and floodway buffer zone, such alteration is discouraged whenever the development that would otherwise be enabled by such

alteration can be clustered on the portion of the site that is not environmentally sensitive. Any development that is allowed in the environmentally sensitive areas should be very low intensity. Grading and other disturbance of these areas should be kept to a minimum.

SECTION III. Policy For Non-environmentally Sensitive Areas.

In the portions of this special policy area that are not environmentally sensitive, including regulated sensitive areas that meet requirements to be treated as "developable" areas, development and redevelopment should be based on the standard land use policies for the CMC policy category as described in the document "Land Use Policy Application," together with the provisions of paragraphs "A" and "B" of this section.

A. Development Character.

Development should be moderate to high intensity with urban character and form. Buildings should be a minimum of two (2) stories and may be up to a maximum of six (6) stories, including above-ground parking floors, except as provided in paragraph B. The massing of buildings results in a footprint with moderate to high lot coverage. Development should be pedestrian-friendly with buildings that are regularly spaced and generally built to the sidewalk with minimal space between buildings. Primary pedestrian entrances are oriented to the fronting street. Parking should be provided on-street or on-site in surface lots or in structures. Parking should be primarily behind the building. Limited parking may be allowed beside the building and is designed to cause minimal disruption to the way the buildings frame the street and create a pedestrian friendly environment. The public realm should be distinguished with the consistent and frequent use of lighting and the use of formal landscaping. Blocks should be short and street and pedestrian networks highly connected.

B. Transition.

The density of residential development, and the intensity of nonresidential development, at the edges of this special policy area should be comparable to that of the adjacent neighborhood, if developed; or the appropriate scale and massing for the adjacent Land Use Policy, if the adjacent area is undeveloped. Where proposed residential uses border existing single family, a transition should be made within the site so that complementary, but slightly higher densities and

building types will be adjacent to the existing development. Maximum height of proposed transitional buildings should not exceed three (3) stories where the adjacent site is developed and the buildings are three (3) stories or less; or, where the adjacent site is undeveloped. Where adjacent buildings exceed three (3) stories, proposed transitional buildings should not exceed the height of the adjacent buildings.

SECTION IV. Implementation.

Site-specific zoning—either SP or a UDO or PUD overlay district in combination with appropriate base district zoning—is recommended whenever a zone change is necessary to ensure the intended type and design of development and the provision of any needed infrastructure improvements. Base district zoning changes that increase development potential are not recommended for floodway and floodway buffer areas or large contiguous areas with slopes of 20 percent or more, as described in SECTION II of this special policy.

Consistent with Policy?

Yes, with the conditions recommended by staff, the proposed development would be consistent with the proposed policy. The property has steep slopes and floodplain, but the floodplain has been disturbed and falls under Section III of the Special Policy. The proposed development does not include development on the steep slopes, but there are streets within these areas. The proposed buildings are between two to six stories and parking will be primarily accommodated in parking structures with some on-street parking. The development is proposed to be pedestrian-friendly with buildings that are regularly spaced and generally built to the sidewalk with minimal space between buildings. Primary pedestrian entrances are oriented to the fronting street. Section IV of the special policy requires a site plan which is provided through the SP district.

PLAN DETAILS

Site Plan

The H20 SP district proposes a compact, walkable, mixed use development with civic, residential, commercial, retail, and hotel uses. This diverse community proposes a range of living, working, shopping and playing opportunities. The development of H2O will be guided by a Regulating Plan and an associated set of development standards.

The plan consists of two documents: the Regulating Plan and the explanatory document. The Regulating Plan is to serve as the zoning code for the property, while the explanatory document provides supporting information and detail for clarification purposes. The Regulating Plan consists of a series of plans, diagrams, street cross sections, code, and definitions.

The plan is based on Smart Growth principles and draws heavily from the Smart Code developed by Duany, Playter-Zybeck & Co. The Code portion of the Regulating Plan has been modified to work with Metro's Zoning Code. The development is identified as a Transect Zone, T-4 Urban Center which describes pedestrian friendly areas that contain commercial, mixed-use, civic and residential uses.

The 24 acre property is located along the Cumberland River and includes the Davidson Branch and Ewin Branch. This property was previously used as a golf driving range. The proposed development is oriented to the river and proposes to create an urban waterfront district. The development is divided into 11 blocks and is to be developed in four phases. Each block will consist of one or more buildings with a mix of uses. Ground floor retail and restaurant uses will be allowed in all buildings.

Standards

The SP standards include uses, setbacks, height, parking, the street network, landscape standards, and signage. Through the building permit process, Metro staff will be responsible for ensuring that the development complies with the adopted SP standards.

Proposed Uses

The SP district includes a mix of commercial, office, residential and hotel uses with a total build-out of 1.6 million square feet. Rather than a specific number of square footage for each use, the plan provides the following range for each use:

- Commercial – 10 to 30%
- Office – 5 to 30%
- Residential – 40 to 85%
- Hotel – 0 to 15%

All uses permitted in the Mixed Use Intensive (MUI) zoning district will be permitted within H2O to the same extent as provided in the Zoning Code, including

uses permitted with conditions, as special exceptions, or as accessory uses, unless otherwise provided below:

Permitted Uses	Prohibited Uses
Sideyard House	Cottage
Accessory Unit	House
Live-Work Unit	Estate House
Boathouse	High School
Kiosk	Elementary School
Push Cart	Cremation Facility
Bus Shelter	Cemetery
Fountain or Public Art	Warehouse
Passenger Terminal	Temporary Tent
Meeting Hall	Drive -Through Facility
Artisan Light Industrial	Rest Stop
Farmers Market Storage	Roadside Stand
Urban Self Storage	Automobile Service

Setback and Height

Setbacks on all sides of the block range from zero to 15 feet. There are requirements for minimum frontage build-out of either 60 or 70% for each block. The SP provides that the buildings shall have articulation at intervals of a minimum of every 250 feet in length. This is interval is too long and staff recommends that the minimum be reduced to every 75 feet in length.

The heights of the buildings for blocks 1, 3, 4, 5, 6 and 7 range from a minimum of four stories and a maximum of six stories. The building heights for blocks 2, 8, 9, 10 and 11 range from two to four stories. At identified key corners and vistas, architectural elements, which are defined as "an element of the building that addresses or responds to a vista termination, axial condition or desired massing such as a tower, a localized symmetrical element, an articulated entrance, bay window, etc." may exceed the height limit of six stories. The space above six stories may be accessible but must not be habitable.

Access, Street Network and Parking

Access is proposed from two points on Cabot Drive and two points on Charlotte Pike. Cabot Drive provides access to the eastern portion of the site and connects to the more dense western portion with two vehicular bridges and one pedestrian bridge. One of the access points from Charlotte Pike is the original driveway access to the golf driving range and is 20 feet in width. This width will unlikely be adequate to accommodate the volume of traffic generated by this proposal. Both

this access and the southernmost Cabot Drive access are very close to the access ramp for I-40 and may pose safety issues, particularly for left turning traffic. The fourth access point lines up with Davidson Drive. At this time, this access is an unplatted 50 foot easement across the property at 6962 Charlotte Pike. This property is zoned SP and one condition of the SP is that any redevelopment of the property would include the 50 foot easement to the H20 property to the rear. This access point is to be the main access into the H20 development.

Five thoroughfare types are proposed including a street, drive, bridge, pedestrian square, and square. The right-of-ways range from 28 to 64 feet in width and include one and two way streets. Within the right-of-way, space is allocated to traffic lanes, parking (except on bridges), sidewalks and planting strips. The thoroughfares are designed for speeds of 10, 15 or 20 miles per hour. The pavement widths are narrow, ranging from 18 to 34 feet. The plan calls for all streets to be private and to meet Public Works standards for construction techniques and maintenance.

Parking is provided in parking structures, garages, lots and on street. The parking structures will be lined with retail, office, and/or residential uses. The plan proposes a shared-parking arrangement to take maximum advantage of the mix of uses. As each phase is developed, sufficient parking must be provided to accommodate the proposed uses.

Greenway and Brookmeade Park

A greenway is identified along the Cumberland River. The plan identifies the greenway and includes a pedestrian bridge across the Davidson Branch. This Greenway will connect to the existing greenway in the adjacent Brookmeade Park development. The applicant has met with the Parks Department to discuss the interfacing of the development and the park. While the bulk of the property will need to be filled to meet minimum finished floor elevation requirements, at least one building will be built to the park level with pedestrian access to the development via a series of stairways leading up from the park to the property.

Landscaping

Where possible, the plan proposes to retain the existing vegetation and to require any species of plants that are

added to the site are to be native to the site. Streets are to be tree-lined. A variety of small open spaces such as squares and plazas are identified in the plan which will include landscaping elements. All rooftops are proposed to be green roofs.

Signage

The regulating document includes some aspects of the signage requirements. There are a number of types of signs that are to be permitted but these have not been defined. Definitions will provide a regulatory framework for each sign type and must be provided for all permitted sign types. Currently the plan limits the size of external neon signs only. The size limit of 100 square feet must apply to all signs. The plan also permits rooftop signs, which could potentially become oversized without stronger limits. Staff is recommending that all roof signs and any signs that extend above the roof line be prohibited. The plan also permits sandwich board signs which appear to be the only type of ground sign permitted. There needs to be a height and/or square footage limitation for display area of these signs. There is a provision that allows signs with exceptional design, which do not meet the sign standards, to be approved case-by-case by the Planning Commission.

Architectural Standards

The explanatory document includes architectural guidelines that will regulate building, landscaping, environmental, and signage design in greater detail than the proposed Regulating Plan through covenants and restrictions. The guidelines provide a thorough set of requirements and suggestions that do not conflict with the regulating plan. Staff finds the regulating plan and code to be sufficient for the review of built form within the SP boundaries.

An Office of Town Planning and Design (OTPD) will be created by the developer and will include a Town Director of Planning and Design. The OTPD will be responsible for design review and ensuring that the development complies with the adopted architectural standards.

Stormwater Variance

The applicant requested three variances from the Stormwater Management Committee:

- to allow disturbance of the 75 foot floodway buffer of the Cumberland River;

- to allow disturbance of the 50 foot stream buffers of Davidson Branch and Ewin Branch; and
- to allow an alteration of the floodplain of the Cumberland River, including up to 170,000 cubic yards of uncompensated fill.

On April 3, 2008, the Stormwater Management Committee considered the variance requests and approved with conditions the disturbances to the buffers. The request for uncompensated fill in the floodplain was deferred until a number of items were addressed by the applicant. These included the provision of the following:

- the results of a flood study for Davidson Branch and Ewin Branch;
- a phasing schedule for the project;
- a detailed plan of Phase 1 of the project; and
- a biologist familiar with stream channel relocation on-site for any channel relocation.

In addition the applicant needs to address the impacts based on the latest Corps flood storage analysis of uncompensated fill on the Cumberland River.

Prior to final site plan approval of any phase that requires filling of the floodplain, the applicant must secure the necessary variance for uncompensated fill. Council approval shall be required if meeting the requirements of the variance means the plan layout cannot be built as approved.

Corp of Engineers and TDEC

In addition to the variances to the requirements of the Metro Stormwater Management Manual, the applicant will need permission from the Corp of Engineers and the Tennessee Department of Environment and Conservation (TDEC) to fully develop this property as proposed in the plan. The applicant has initiated the process to receive the necessary permission to develop along the Cumberland River, Davidson Branch, Ewin Branch.

Prior to final site plan approval of any phase that falls within the Corp of Engineer or TDEC jurisdiction, the applicant must secure the necessary approvals from these agencies. Council approval shall be required if meeting the requirements of the Corp of Engineers or

TDEC means the plan layout cannot be built as approved.

STORMWATER RECOMMENDATIONS

Preliminary SP Approved Except as Noted:

- Add Vicinity Map to plans.
- Add Buffer Note to plans:
  (The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)
- Make sure that the water quality provisions set forth within the stormwater appeal is within the concept plan.
- Applicant is to comply with all conditions set forth by the Stormwater Appeals Committee.

URBAN FORESTER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

A sewer pumping station may be required to serve a portion of this proposed development.
Recommend approval at this preliminary stage

FIRE MARSHAL RECOMMENDATION

Approval Pending:

- The turning radius of a fire department access road shall be 25' inside and 50' outside.
- When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with nationally recognized standards.
- All roadways with-two way traffic shall be 20 feet in width minimum.
- Access to the property of the planned building group shall be provided by a minimum of two distinctly separate routes, each located as remotely from the other as possible.
- More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- All dead end roads over 150 ft. in length require a

100 ft. diameter turnaround, this includes temporary turnarounds.

- Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads.
- Provide a Master Water Plan which shows water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.
- More than three stories above grade, Class I standpipe system shall be installed.
- Fire Hydrants shall be in-service before any combustible material is brought on site.
- Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
- More than 50 ft (15 m) above grade and containing intermediate stories or balconies, Class I standpipe system shall be installed.
- More than one story below grade, Class I standpipe system shall be installed.
- Print fire hydrant flow data on plans.

NES RECOMMENDATION

- Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval
- Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning)

- Developer engineer to provide a drawing of existing easements and proposed easements for the electrical, phone and catv.
- 30-foot easement required adjacent to Cabot Dr and Charlotte Pk
- NES needs to meet with developer/engineer to determine electrical service options
- NES needs any drawings that will cover any road improvements to Charlotte Pk or Cabot Dr that Metro PW might require
- Developer should work with NES on street lighting requirements and locations of future location(s)
- NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
- NES needs load information for each building type and size. (Required to determine load capacity)
- Draw utilities per TN-One-Call color code on separate layers
- Building and/or building envelopes, existing and proposed contours
- Meter Locations (identify quantity for Multi-units)
- Coordination with NES Energy Services Engineering (phone: 747-3775) must be made to prepare orders for electrical transformers, switch gear, man holes and cable well-in-advance to insure materials are available prior to any construction.

PUBLIC WORKS RECOMMENDATION

At the time of the drafting of this staff report, the required Traffic Impact Study was under review by the Public Works staff. Council approval shall be required if meeting the requirements of the Public Works Department means the plan layout cannot be built as approved.

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	23.93	0.8	833,912	6831	1024	1013

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	23.93	N/A	124,476	1580	224	219

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	23.93	N/A	712	3405	249	301

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mixed Use Shopping Center (814)	23.93	N/A	216,798	9313	179	542

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

Land Use (ITE Code)	Acres	FAR	Total Rooms	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel/Motel (310)	23.93	N/A	150	1338	88	87

Change in Traffic Between **Maximum Uses** in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				+8805	-284	+136

METRO SCHOOL BOARD REPORT

As noted above, there is no specific number of units included in the SP district. The residential portion of the development will be between 40 to 85% of the final development scenario. School capacity calculation was run using a development scenario of 700 units which assumes approximately 65% of the development as residential. Due to the urban nature of this proposed development, the projected student count was generated using the Urban Infill Factor.

Projected student generation

7 Elementary 0 Middle 7 High

Students would attend Brookmeade Elementary School, Hill Middle School, and Hillwood High School. All three school have been identified as having capacity by the Metro School Board.

STAFF RECOMMENDATION

Staff recommends approval with conditions. With the adoption of Special Policy Area 1, the H20 SP is consistent with the land use policies for this area.

Metro Planning Commission Meeting of 4/24/2008

CONDITIONS

1. Uses are limited to all uses permitted in the MUI zoning district unless otherwise provided in Table 10 on page A.18 of the regulating plan.

2. Building shall have articulation at intervals of a minimum of every 75 feet in length.

3. Primary access to the development shall be via the 50 foot easement across 6962 Charlotte Pike.

4. A greenway/conservation easement shall be provided at the time of the subdivision of the property.

5. The sign standards shall meet the following:
   - Definitions for each permitted sign type shall be provided.
   - A size limit of 100 square feet shall apply to all signs.
   - All roof signs and any signs that extend above the roof line shall be prohibited.
   - A height and/or square footage limitation for display area of these sandwich signs shall be provided
   - Signs with exceptional design that do not meeting the sign standards shall be considered on a case-by-case by the Planning Commission.

6. Prior to final site plan approval of any phase that requires filling of the floodplain, the applicant shall secure the necessary variance for uncompensated fill. Council approval shall be required if meeting the requirements of the Metro Stormwater Management Manual means the plan layout cannot be built as approved.

7. Prior to final site plan approval of any phase that falls within the Corp of Engineer or TDEC jurisdiction, the applicant shall secure the necessary approvals from these agencies. Council approval shall be required if meeting the requirements of the Corp of Engineers or TDEC means the plan layout cannot be built as approved.

8. Council approval shall be required if meeting the requirements of the Public Works Department means the plan layout cannot be built as approved.

9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application.

10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

the issuance of any building permits. Council approval shall be required if meeting the requirements of the Fire Marshal means the plan layout cannot be built as approved.

NO SKETCH

Metro Planning Commission Meeting of 4/24/2008

Item # 11

Project No.	**Zone Change 2008Z-006T**
Name	**Digital and LED Signs**
Council Bill	BL2008-201
Council District	Countywide
School District	N/A
Requested by	Councilmember-at-Large Ronnie Steine
Staff Reviewer	Regen
Staff Recommendation	*Approve with amendments*

APPLICANT REQUEST

A council bill to amend Section 17.32.050 of the Zoning Code regarding digital billboards.

ANALYSIS

Existing Law

Section 17.32.050.G and H of the Zoning Code regulate signs with graphics, messages, and motion. The two sections contain provisions that appear contradictory and are difficult for the Codes Department to enforce. Currently, scrolling, flashing, and changeable copy signs are generally prohibited in all zoning districts except CS and CL, with one exception. Time/date/ temperature signs are permitted in all non-residential zoning districts provided they remain fixed, static, motionless, and non-flashing for a period of two seconds or more.

Proposed Bill

The proposed bill would provide that electronic signs are permitted in all zoning districts, except residential zoning districts. It is identical to bill BL2007-152 for electronic signs that the Commission considered several weeks ago, except it prohibits electronic signs in residential areas.

This council bill proposes to amend Section 17.32.050.G and H. of the Zoning Code (Prohibited Signs). As written, the bill adds provisions to subsection G to require the display of an electronic sign to remain static for eight seconds and requires a transition between displays of less than two seconds. The bill would also require a minimum 2,000 foot separation distance between digital billboards. Because of the conflicting language in subsections G and H of the current Code, it is unclear whether digital billboards currently are permitted. Under this ordinance, they would be permitted so long as they comply with the amended provisions of subsection G.

Current subsection H is deleted from the Code and replaced with a new section H that would: 1) clarify that video and other animated signs are prohibited in all districts except for the CA zoning district; and 2) prohibit LED message boards in any residential zoning district.

The term "electronic sign" embraces a couple different technologies seen in Metro that have been recently installed, including digital signs and LED signs. Digital signs have color and animation with a TV picture quality such as the one on West End Avenue at 30th Avenue, North, or the Nova Copy sign along I-40 in downtown Nashville. Unlike digital signs, LED signs are not multi-color. LED signs have red or amber-colored lights and lettering on message boards such as those at a drugstore or businesses which display date, time, and temperature.

Proposed Text

G. Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, ~~when~~ where the copy, graphics, or digital display does not remain fixed, static, motionless, and nonflashing for a period of ~~two (2) seconds or more~~ eight (8) seconds~~, provided that this provision shall not be applicable to any sign located within the CA district~~ with a change time of less than two (2) seconds. Digital display billboards less than two thousand (2,000) feet apart, and digital billboards that are not in compliance with the provisions of section 17.32.150, are also prohibited.

~~H. billboards in permitted districts, or signs located in ON, OL, OG, OR20, OR40, ORI, MUN, MUL, MUG, SCN, SCC, CN and CL districts with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for time/temperature/date signs. This provision shall also apply to all signs located within one hundred feet of property classified within a residential district.~~

H.1. Video, continuous scrolling messages, and animation signs, except in the commercial attraction (CA) district.

H.2. LED message boards in residential zoning districts.

Analysis

Since year 2005, there have been four council bills to permit electronic signs; two failed to receive Council support, one was adopted, and one is still pending (see table below). All four bills were recommended for disapproval by the Metro Planning Commission. This latest bill does create more restrictive display periods for electronic signs, and prohibits such signs in residential areas.

SIGN BILLS				
Bill #	**Sponsor**	**Council Action**	**MPC Action**	**Description**
BL2005-648	Dozier	Failed 3rd reading 1/17/06	Disapproved 12/8/05	Permit signs with graphics or electronic displays oriented to a four-lane or controlled access highway maintained by the State of Tennessee and located within the urban services district (USD), with a speed limit of forty miles per hour (40 m.p.h.) or less.
BL2006-974	Dozier, Wallace	Withdrawn 7/18/06	Disapproved 2/23/06	Permit signs with graphics or electronic displays oriented to a four-lane or controlled access highway maintained by the State of Tennessee and located within the urban services district (USD), with a speed limit of forty miles per hour (40 m.p.h.) or less.
BL2007-1366	Brown	Approved	Disapproved 2/22/07	To allow signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color within the CL zoning district. Notwithstanding the foregoing provisions, signs with lights or illuminations that display non-scrolling and non-flashing electronic text shall be permitted within the CL district, provided the text remains static for at least three seconds and the sign is not located within four hundred feet of any residential property with frontage on the same street.
BL2007-152	Tygard	Deferred Indefinitely 5/4/08	Disapproved 3/24/08	To allow electronic signs if remain static for eight seconds with less than two second interval change time, including digital billboards provided such billboards are 2,000 feet apart. Permits LED signs in residential zoning districts along collector and arterial streets shown on Major Street Plan for community education facilities, cultural centers, recreation centers, and religious institutions. Continues to allow video signs in CA district.

Proposed Amendments

As with the most recent electronic sign bill, staff recommends changes to the legislation in response to comments made by the commission, staff, and the public at the Planning Commission meeting on March 27, 2008 in relation to council bill BL2007-152 . The proposed amendments do the following:

1) Prohibit electronic signs in agricultural zoning districts in addition to residential districts;
2) Require messages to change instantaneously with no delay;

3) Prohibit any kind of special effects during a message's display or the transition between messages;
4) Re-establish existing Zoning Code sign provision requiring a minimum of 100 feet between any billboard and any residentially zoned property;
5) Require minimum separation distance of 2,000 feet between billboards regardless of whether they are on same or opposite side of the same street, regardless of their location, and regardless of whether they are wall-mounted on a building. Current code requires only a 250 foot separation distance as provided in Section 17.32.150.7 a, b, and c as well as Figure 17.32.150-02.
6) Establish a time period in which all existing signs must comply with these new provisions; and,
7) Identify Zoning Administrator's role in enforcing the adopted sign provisions.

Amendments

Amendment # 1

G. Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, where the copy, graphics, or digital display does not remain fixed, static, motionless, and nonflashing for a period of eight (8) seconds with all copy changes occurring instantaneously without any special effects. Sign display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, shimmering, scrolling, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement. ~~change time of less than two (2) seconds~~. Signs less than 100 feet from any residentially zoned property. Digital display billboards, including the conversion of existing billboards to digital billboards, less than two thousand (2,000) feet apart, measured airline distance, regardless of their placement, design, street orientation or the classification of the street on which they are located. Notwithstanding the foregoing, any~~d~~ digital billboards ~~that are~~ not in compliance with the applicable provisions of section 17.32.150~~,~~ are also prohibited.

Amendment # 2

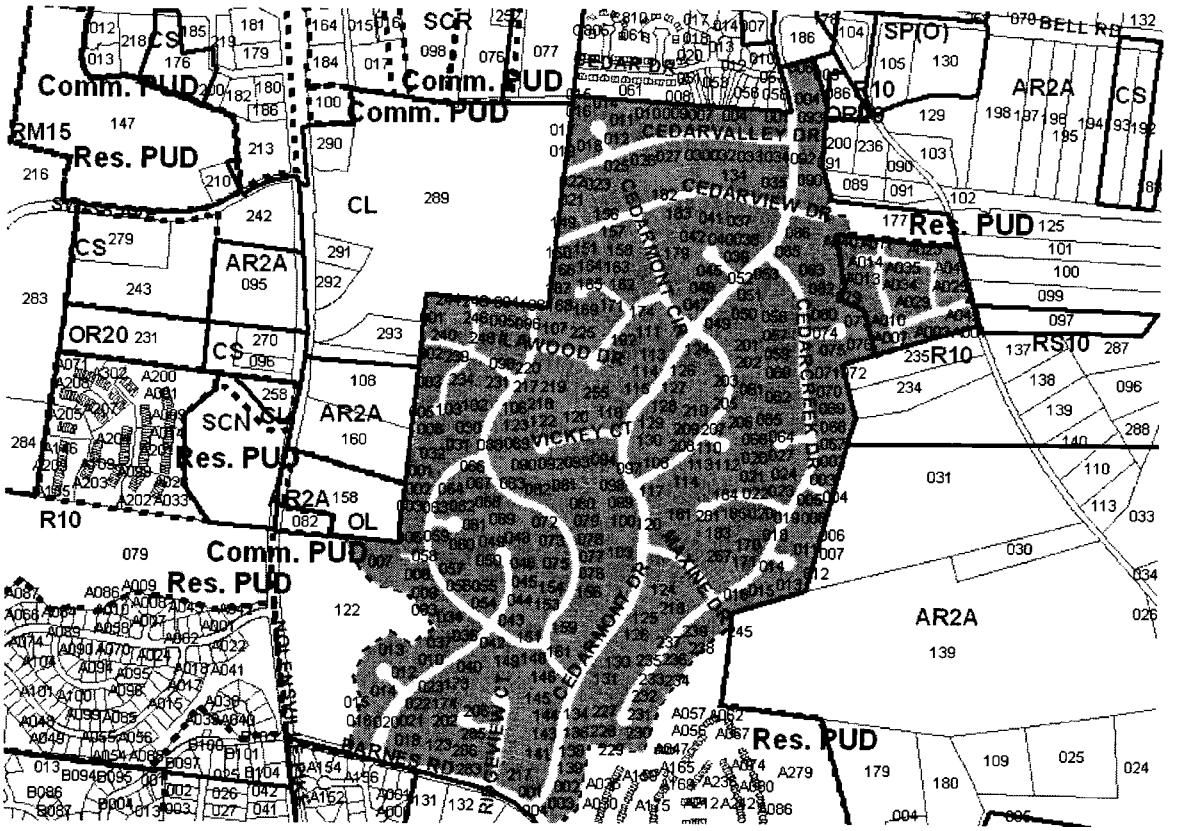
H.2. LED message boards in agricultural or residential zoning districts.

Amendment # 3

Within Metro Nashville and Davidson County, all existing signs regardless of the date on which they were erected or converted to an electronic or digital sign, shall comply with Sections 17.32.050.G and 17.32.050.H within thirty (30) days of this bill's effective date or September 1, 2008, whichever is later. Those signs not in compliance shall be subject to the provisions of Section 17.40.620 of the Metro Zoning Code.

STAFF RECOMMENDATION

Staff recommends approval of the bill with the proposed amendments. This bill recognizes the new electronic technology for commercial uses, yet prohibits its intrusion into residential areas.



2008Z-037U-12
Map: 161-16, 162-09 Parcels: various
Subarea 12
Council District 31 – Parker Toler

Metro Planning Commission Meeting of 4/24/08

Item # 12

Project No.	**Zone Change 2008Z-037U-12**
Council Bill	BL2008-192
Council District	31 - Toler
School District	2 - Brannon
Requested by	Councilmember Parker Toler
Staff Reviewer	Logan
Staff Recommendation	*Approve*

APPLICANT REQUEST

A request to rezone various properties from One and Two-Family Residential (R10) to Single-Family Residential (RS10) north of Barnes Road, between Old Hickory Boulevard and Nolensville Pike (161.84 acres).

Existing Zoning
R10 District

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning
RS10 District

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

SOUTHEAST COMMUNITY PLAN

Residential Low Medium (RLM)

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

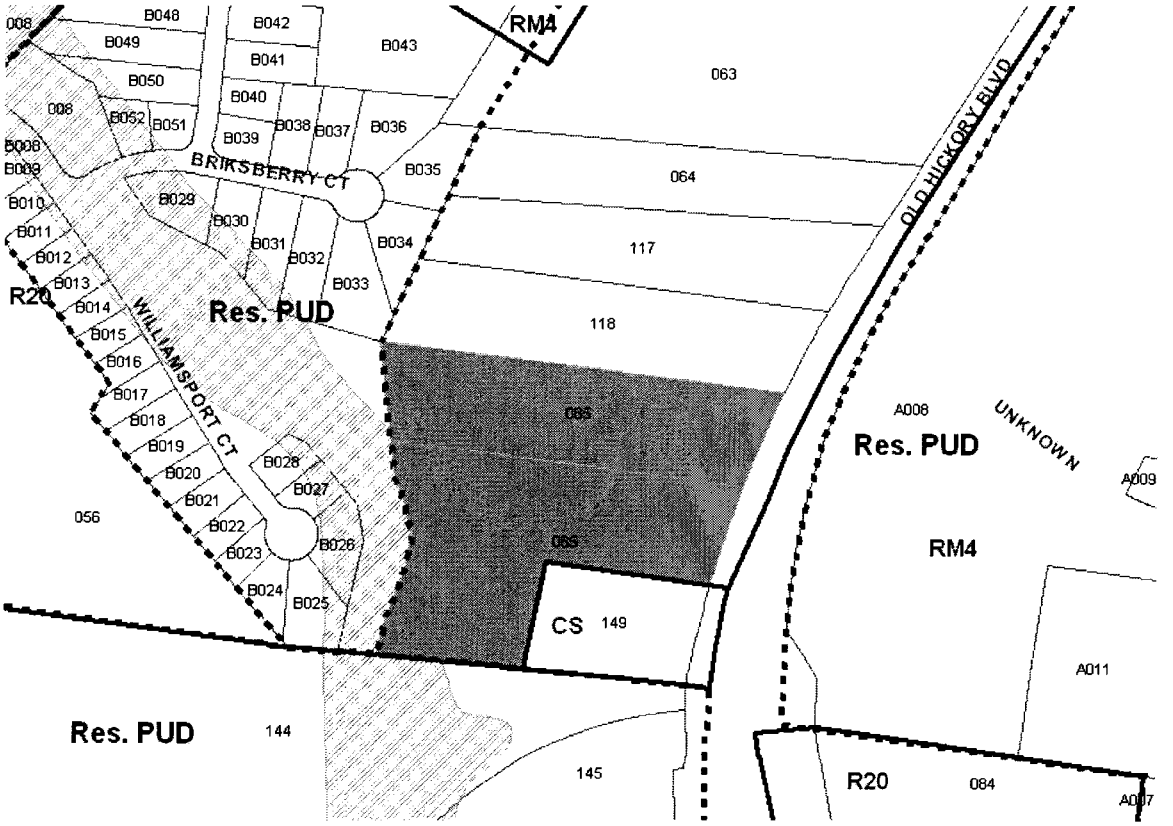
Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Neighborhood General (NG)

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.
Consistent with Policy?	With the existing development pattern, the RS10 zoning district complies with the three residential policies in the area.
Analysis	This rezoning request changes 610 lots from R10 to RS10. Out of the 610 properties included in this request, there are 58 duplexes, 1 quadraplex, 2 residential condominiums, 109 residential zero lot line units, 418 single-family dwellings and 18 vacant properties.
Non-Conforming Lots	Section 17.40.650 of the Zoning Code stipulates that when a two-family structure with a non-conforming use within an RS district is damaged or destroyed, the structure may be restored within two years regardless of percentage of damage or destruction.
PUBLIC WORKS RECOMMENDATION	No Exception Taken
METRO SCHOOL BOARD REPORT	As this request to change from R10 to RS10, it represents a downzoning. The number of expected students to be generated would be less than could be generated under current zoning.
STAFF RECOMMENDATION	Staff recommends approval since the RS10 district complies with the residential policies.



2008Z-040G-06
Map: 128 Parcels: 065, 065.01
Subarea 6
Council District 22 – Eric Crafton

Project No.	**Zone Change 2008Z-040G-06**
Council Bill	BL2008-179
Council District	22 - Crafton
School District	9 - Warden
Requested by	Lori Moss, applicant, Willie Joyce and Dorothy Moss, owners
Staff Reviewer	Sexton
Staff Recommendation	*Disapprove*

APPLICANT REQUEST

A request to rezone from One and Two-Family Residential (R20) to Commercial Services (CS) district properties located at 497 and 501 Old Hickory Boulevard, approximately 3,000 feet south of Tolbert Road (7.33 acres).

Existing Zoning
R20 District

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

Proposed Zoning
CS District

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

BELLEVUE COMMUNITY PLAN POLICY

Residential Low Medium (RLM)

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

Special Policy 7

Special Policy # 7 The policy applies to certain properties along Tolbert Road, Old Hickory Boulevard, and Highway 70S that are identified on the accompany map and on a list of properties maintained by the Metropolitan Planning Department. The Special policy is to allow small offices to be built on these properties under certain conditions:

- A Planned Unit Development is required
- The base zoning district that may be used is Office Neighborhood

Consistent with Policy?

No. RLM policy is intended to accommodate residential development. While the proposed CS zoning district would permit office uses as supported by Special Policy 7 for office use, other permitted uses such as small warehouse, light manufacturing, financial and restaurant are inconsistent with both the policy and the special policy of the adopted community plan.

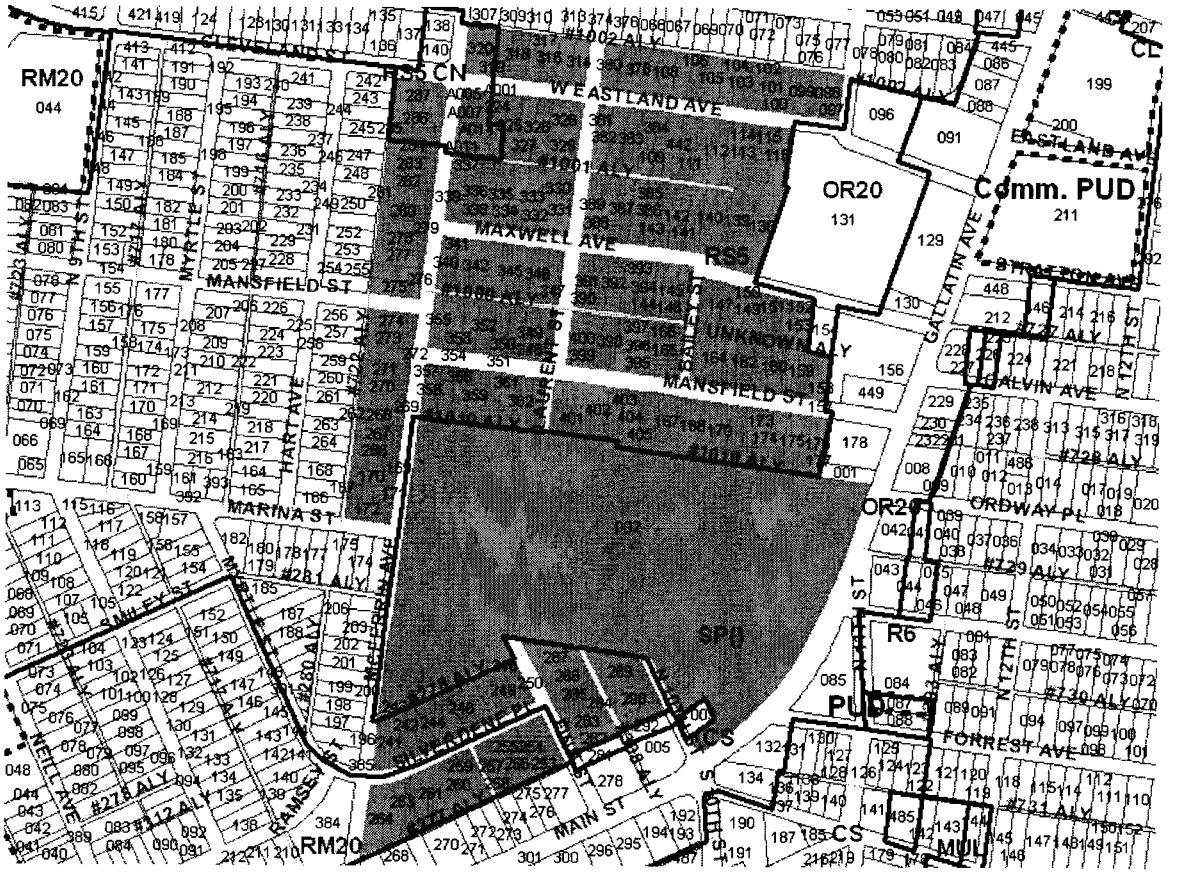
To ensure that any proposed change use is consistent with the special policy, an enforceable site plan such as a Planned Unit Development Overlay (PUD) must accompany all proposals for small office uses. A PUD was not submitted with the proposed zone change request.

PUBLIC WORKS RECOMMENDATION

A Traffic Impact Study may be required at development.

STAFF RECOMENDATION

Staff recommends disapproval. While the proposed CS zoning district permits office uses, other permitted uses are inconsistent with the both RLM policy and the Special Policy of the adopted community plan.



2008Z-043U-05
Map: 082-08, 082-12 Parcels: various
Subarea 5
Council District 5 – Pam Murray

Metro Planning Commission Meeting of 04/24/08 Item # 14

Project No. **Name**	**Zone Change 2008Z-043U-05** **Maxwell Heights Neighborhood Conservation Overlay**
Council Bill	BL2007-1501
Council District	5 – Murray
School District	5 – Porter
Requested by	Councilwoman Pam Murray for various property owners
Staff Reviewer	Jones
Staff Recommendation	*Approve*

APPLICANT REQUEST

A request to apply a Neighborhood Conservation Overlay to various properties west of Gallatin Avenue, located along Bailey Street, W. Eastland Avenue, Finn Street, Laurent Street, McFerrin Avenue, Mansfield Street, Maxwell Avenue, N. 10th Street, and Silverdene Place (65.12 acres).

Existing Zoning

RS5 District

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

RM20 District

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

CN District

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

SP District

Specific Plan 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. Property within the Specific Plan district includes institutional uses.

Proposed Overlay District
Neighborhood Conservation Overlay District (NCO)

Section 17.36.120 of the Metro Zoning Ordinance recognizes the Neighborhood Conservation district [along with the Historic Preservation and Historic

Landmark districts] as *Historic districts*. These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or

2. It includes structures associated with the lives of persons significant in local, state or national history; or

3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or

5. It is listed or is eligible for listing in the National Register of Historic Places.

The area known today as Maxwell Heights was largely developed from 1880 to 1942, and consists of homes in a broad range of architectural styles including the Greek Revival, Queen Anne, Folk, Craftsman, Bungalow, American Four Square, Spanish Mission, and Tudor styles. Most of the area was originally a part of the city of Edgefield and was located on land that was a part of a land grant made by the State of North Carolina to James Shaw in return for his services in the Revolutionary War.

EAST NASHVILLE COMMUNITY PLAN POLICY

Single Family Detached (SFD)	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.

Parks, Reserves and Other Open Space (PR)	PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.
Neighborhood General (NG)	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 Use (MxU)	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.
Consistent with Policy?	Yes. The Neighborhood Conservation Overlay District does not change the existing base zone districts, but provides additional standards that help protect the character of the area. The East Nashville Community emphasizes the need to preserve the character of existing residential neighborhoods.
Metro Historic Zoning Commission Recommendation	The Metro Historic Zoning Commission recommended approval of the Maxwell Heights Neighborhood Conservation Overlay to include 205 parcels within the Maxwell Heights neighborhood as well as the adopted design guidelines for the proposed district at its February 11 meeting.

PUBLIC WORKS RECOMMENDATION

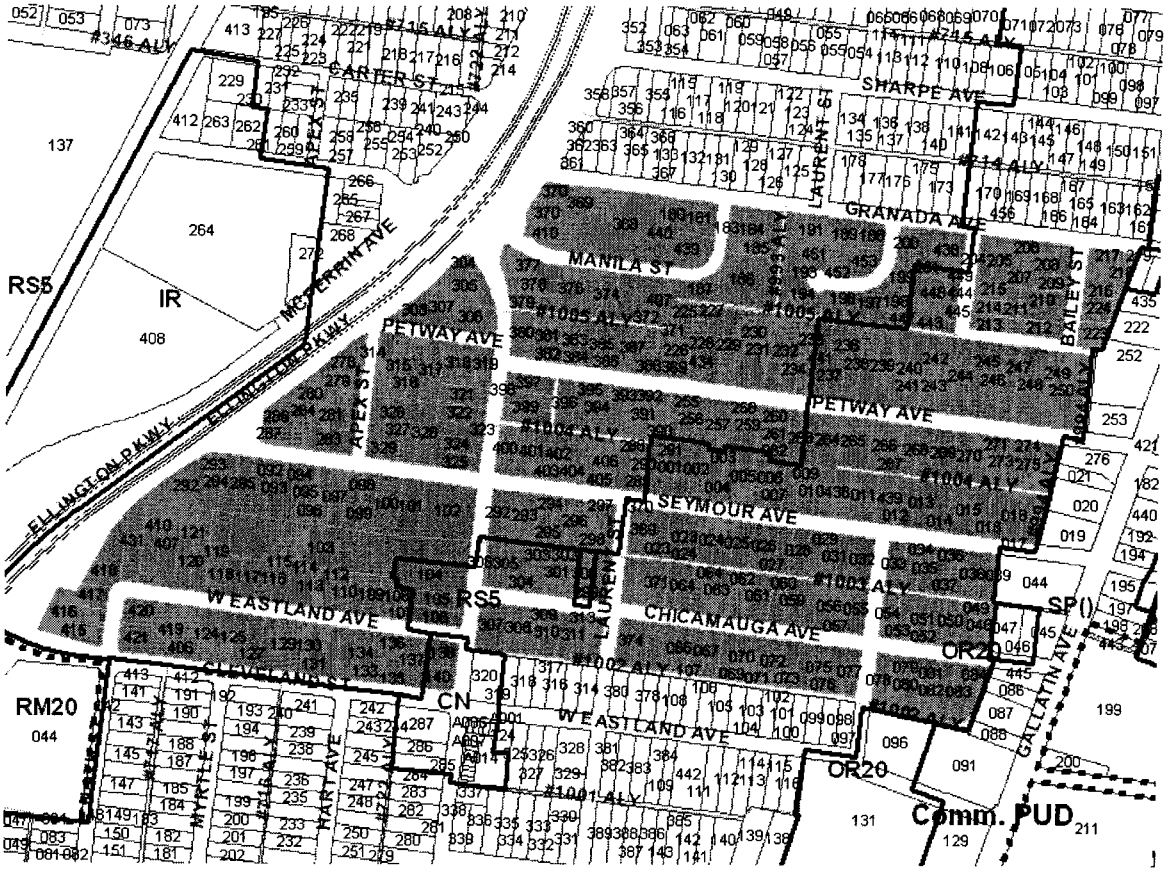
No Exceptions Taken

METRO SCHOOL BOARD REPORT

Projected Student Generation	As this request to apply a conservation overlay does not change the underlying zone district, the number of expected students to be generated is zero.

STAFF RECOMMENDATION

Staff recommends approval of the Maxwell Heights Neighborhood Conservation Overlay provided that the Metro Historic Zoning Commission has approved the proposed district boundaries and design guidelines prior to the Commission meeting. There are many homes and structures within this proposed overlay that are identified as Worthy of Conservation. Maxwell Heights also includes East Literature Magnet School which is designated as a Historic Landmark. In addition, the State Historic Preservation Office of the Tennessee Historical Commission has deemed the Maxwell Heights neighborhood as eligible for listing in the National Register of Historic Places as a district.



2008Z-044U-05
Map: 082-04, 082-08 Parcels: various
Subarea 5
Council District 5 – Pam Murray

Metro Planning Commission Meeting of 04/24/08

Item #15

Project No. **Name**	**Zone Change 2008Z-044U-05** **Greenwood Neighborhood Conservation Overlay**
Council Bill	BL2007-1501
Council District	5 – Murray
School District	5 – Porter
Requested by	Councilwoman Pam Murray for various property owners
Staff Reviewer	Jones
Staff Recommendation	*Approve, subject to approval of the proposed overlay by the Metro Historic Zoning Commission prior to the Planning Commission meeting.*

APPLICANT REQUEST

A request to apply a Neighborhood Conservation Overlay to various properties located in the Greenwood Neighborhood area located between Ellington Parkway and Gallatin Avenue and between Granada Avenue and Cleveland Street (72.4 acres).

Existing Zoning

RS5 — 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.

RM40 — RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

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

Proposed Overlay District

Neighborhood Conservation Overlay District (NCO)

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

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

The area known today as Greenwood is an example of one of Nashville's turn-of-the-century suburbs, which was largely developed from 1880 to the early 1940s, and consists of homes in a broad range of architectural style including the Greek Revival, Queen Anne, Folk, Craftsman, Bungalow, American Four Square, Spanish Mission and Tudor styles.

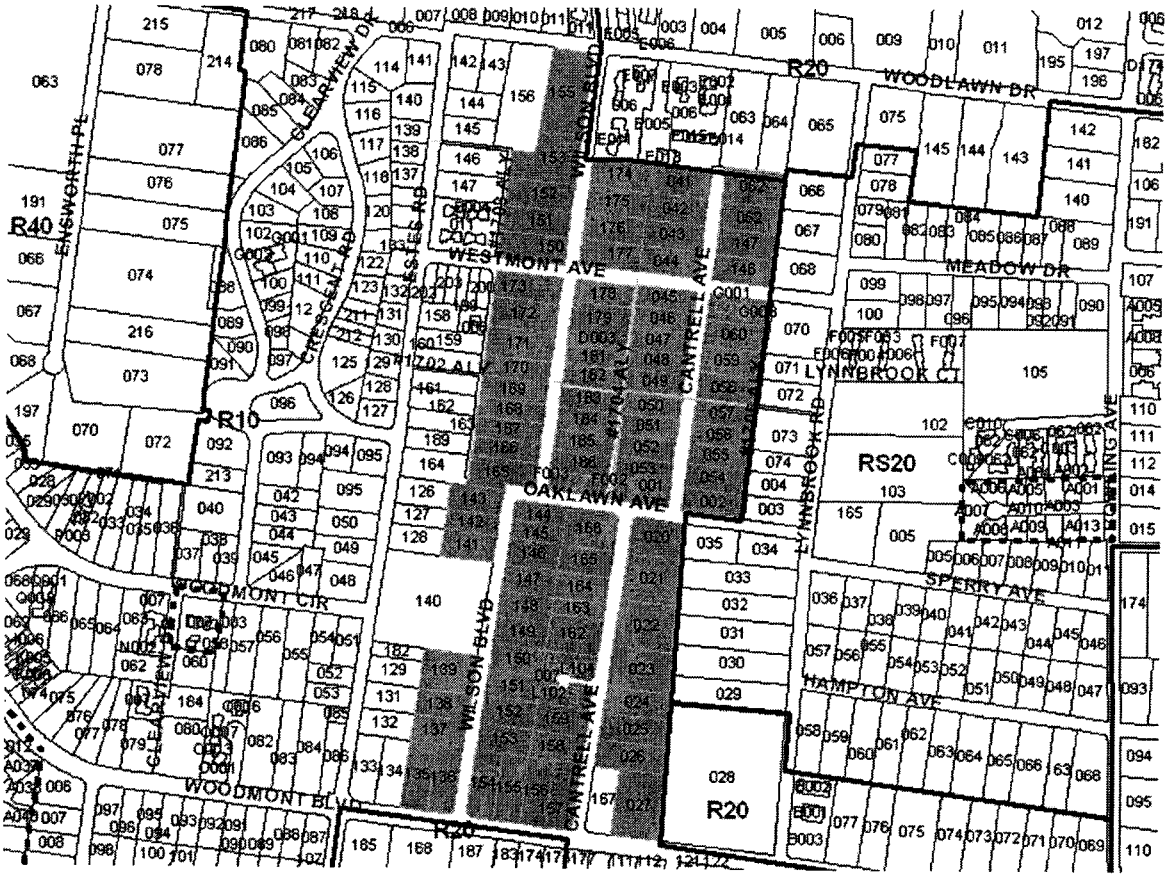
EAST NASHVILLE COMMUNITY PLAN POLICY

Greenwood Detailed Neighborhood Design Plan

Single Family Detached (SFD)	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.
Parks, Reserves and Other Open Space (PR)	PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.
Mixed Housing (MH)	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.
Mixed Use (MxU)	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.
Special Policy Areas	The area proposed for the conservation overlay district consists of several different zone districts and land use policies. Special policies 7 & 9 are within the boundary of the overlay and are described below.
Special Policy Area 7 and 9	The alternate policy for these Parks, Reserves and Other Open Space is Mixed Housing.
Consistent with Policy?	Yes. The Conservation Overlay District does not change the existing base zone districts, but provides additional standards that help protect the character of the area. The East Nashville Community emphasizes the need to preserve the character and atmosphere of existing residential neighborhoods.
Metro Historic Zoning Commission Recommendation	The Historic Zoning Commission staff is recommending approval of the Neighborhood Conservation Overlay to include 346 parcels within the Greenwood neighborhood as well as the adopted design guidelines for the proposed district. The Metro Historic Zoning Commission is scheduled to consider the overlay district at its April 23 meeting.
PUBLIC WORKS RECOMMENDATION	No Exceptions Taken
METRO SCHOOL BOARD REPORT	
Projected Student Generation	As this request to apply a conservation overlay does not change the underlying zone district, the number of expected students to be generated is zero.
STAFF RECOMMENDATION	Staff recommends approval of the Greenwood Neighborhood Conservation Overlay provided that the Metro Historic Zoning Commission has approved the

proposed district boundaries and design guidelines. There are many homes and structures within this proposed overlay that contribute to the historical significance of the area. Approximately 59 percent of the structures within the proposed district were built prior to 1945 and have not been significantly altered.



2008Z-045U-10
Map: 116-04, 116-08 Parcels: various
Subarea 10
Council District 24 – Jason Holleman

Metro Planning Commission Meeting of 4/24/2008

Item #16

Project No.	**Zone Change 2008Z-045U-10**
Council Bill	BL2008-178
Council District	24 – Holleman
School District	08 - Fox
Requested by	Councilmember Jason Holleman
Staff Reviewer	Bernards
Staff Recommendation	*Approve*

APPLICANT REQUEST

A request to rezone various properties from One and Two-Family Residential (R10) to Single-Family Residential (RS15) district north of Woodmont Boulevard between Lynnbrook Road and Estes Road and along Cantrell Avenue, Cantrell Square, Oaklawn Avenue, Westmont Avenue, Wilson Boulevard, Woodlawn Drive, and Woodmont Boulevard (46.37 acres).

Existing Zoning

R10 District

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning

RS15 District

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Residential Low (RL)

RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

Residential Low Medium (RLM)

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

Consistent with Policy?

Yes. The request to downzone the property from R10 to RS15 is consistent with the RLM policy and will bring

the properties within the RL policy closer to one to two dwelling units per acre density of this policy.

Analysis

This rezoning request changes 95 lots from R10 to RS15 . Out of the 95 lots included in this request, this rezoning will create five (5.3%) non-conforming lots where the existing lot sizes will be less than 15,000 square feet. The non-conforming lots will range in size from 10,980 square feet to 14,810 square feet. This request also includes nine lots that are identified as duplex lots and four lots that are identified as vacant by the Property Assessor's office.

Non-Conforming Uses and Lots

Section 17.40.650 of the Zoning Code stipulates that when a two-family structure with a non-conforming use within an RS district is damaged or destroyed, the structure may be restored within two years regardless of percentage of damage or destruction.

Section 17.40.670 of the Metro Zoning Code stipulates that a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by the zoning district where the lot is located provided the lot contains a minimum area of 3,750 square feet and existed prior to the date of the ordinance.

PUBLIC WORKS RECOMMENDATION

No Exception Taken

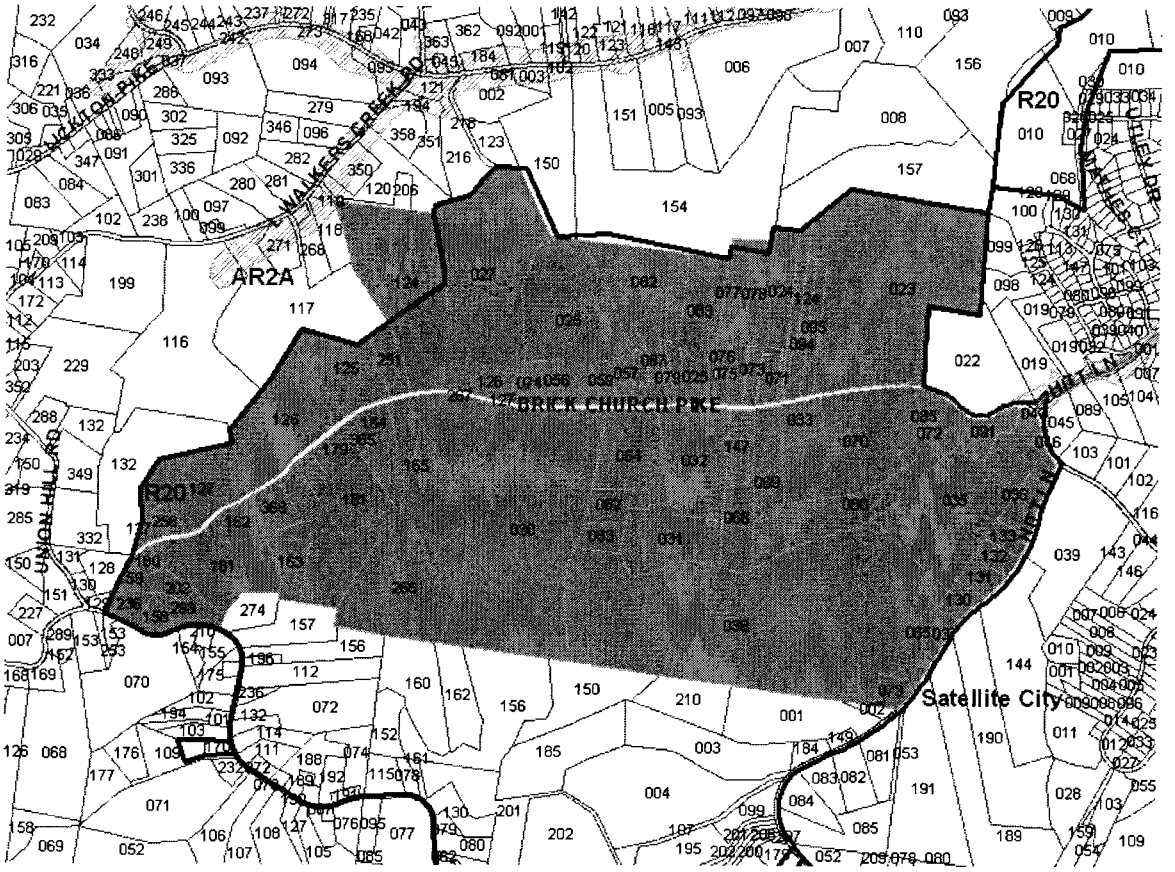
METRO SCHOOL BOARD REPORT

Projected Student Generation

As this request to change to single-family districts represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

STAFF RECOMMENDATION

Staff recommends approval of the zone change request because it is consistent with policies. The RL and RLM policies are applied to areas that are predominantly single-family residential. The RS15 is intended for single-family dwelling and would be appropriate at this location.



2008Z-046G-02
Map: 17 Parcels: various
Subarea 2
Council District 10 – Rip Ryman

Metro Planning Commission Meeting of 4/24/08

Item #17

Project No.	**Zone Change 2008Z-046G-02**
Council Bill	BL2008-194
Council District	10 – Rip Ryman
School District	3 - North
Requested by	Councilmember Rip Ryman
Staff Reviewer	Sexton
Staff Recommendation	*Approve*

APPLICANT REQUEST

A request to rezone various properties from One and Two-Family Residential (R20) and Agricultural/Residential (AR2A) to Single-Family Residential (RS80) zoning east of Union Hill Road, along Brick Church Pike, Dry Creek Road, and Hitt Lane (1,086.25 acres).

Existing Zoning

AR2A District

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

R20 District

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

Proposed Zoning

RS80 District

RS80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of .58 dwelling units per acre including 25% duplex lots.

PARKWOOD/UNION HILL COMMUNITY PLAN

Natural Conservation (NCO)

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Metro Planning Commission Meeting of 4/24/08

Consistent with Policy?

Yes. The NCO policy of the Parkwood/Union Hill community plan calls for very low density residential development not to exceed one dwelling unit per two acres. The proposed RS80 zoning density of .58 is consistent with policy.

Analysis

This rezoning request changes 73 properties from R20 to RS80 and one property from R20 and AR2A to RS80. Out of the 74 properties included in this request, this rezoning will create 5 (7%) non-conforming properties where the existing lot sizes will be less than 80,000 square feet. The non-conforming properties will range in size from 27,442 square feet to 60,548 square feet. This request also includes 12 properties that are identified as vacant by the Property Assessor's office.

Non-Conforming Uses and Lots

Section 17.40.650 of the Zoning Code stipulates that when a two-family structure with a non-conforming use within an RS district is damaged or destroyed, the structure may be restored within two years regardless of percentage of damage or destruction.

Section 17.40.670 of the Metro Zoning Code stipulates that a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by the zoning district where the lot is located provided the lot contains a minimum area of 3,750 square feet and existed prior to the date of the ordinance.

PUBLIC WORKS RECOMMENDATION

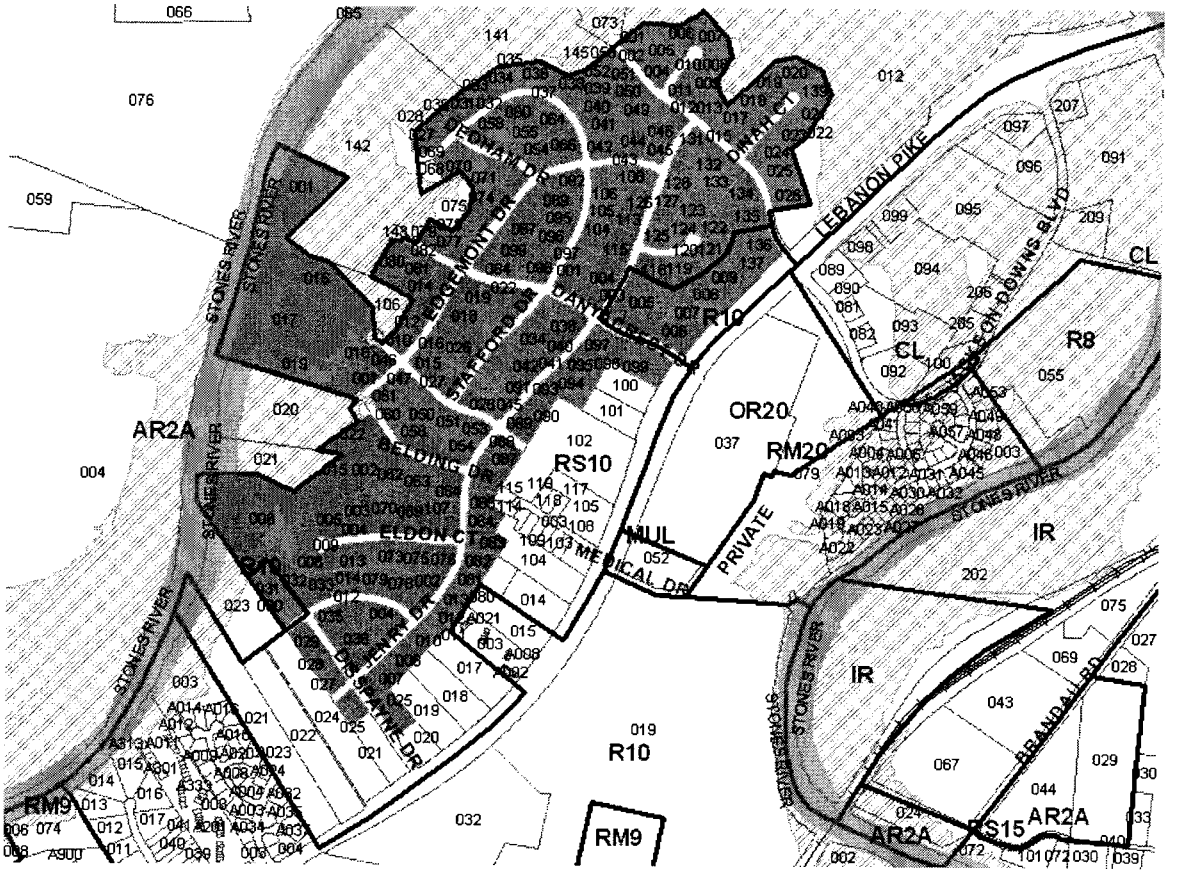
No Exception Taken

METRO SCHOOL BOARD REPORT

The request to change from R20 and AR2A to RS80, represents a downzoning. The number of expected students to be generated would be less than could be generated under current zoning.

STAFF RECOMMENDATION

Staff recommends approval since the RS80 zoning district complies with the NCO policy of the adopted community plan.



2008Z-047U-14

Map: 085-06, 085-07, 085-10, 085-11, Parcels: Various
085-14, 085-15 Parcels: Various

Subarea 14

Council District 14 – Bruce Stanley

Metro Planning Commission Meeting of 4/24/08

Item #18

Project No.	**Zone Change 2008Z-047U-14**
Council Bill	BL2008-189
Council District	14 - Stanley
School District	4 - Glover
Requested by	Councilmember James Bruce Stanley
Staff Reviewer	Leeman
Staff Recommendation	*Approve*

APPLICANT REQUEST

A request to rezone various properties from One and Two-Family Residential (R10) to Single-Family Residential (RS15) district (10.44 acres) and Single-Family Residential (RS10) to Single-Family Residential (RS15) district (153.55 acres) along Belding Drive, Danyacrest Drive, Dedham Drive, Dinah Court, Disspayne Drive, Downeymeade Court, Downeymeade Drive, Edgemont Drive, Eldon Court, Jenry Court, Jenry Drive, Lebanon Pike, Myrich Drive, Stafford Drive, and Walcott Drive (163.99 total acres).

Existing Zoning

R10 District

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

RS10 District

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

Proposed Zoning

RS15 District

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

DONELSON-HERMITAGE COMMUNITY PLAN

Natural Conservation (NCO)

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Residential Low (RL)	RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.
Residential Low Medium (RLM)	RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.
Major Institutional (MI)	MI is intended to apply to existing areas with major institutional activities that are to be conserved, and to planned major institutional areas, including expansions of existing areas and new locations. Examples of appropriate uses include colleges and universities, major health care facilities and other large scale community services that do not pose a safety threat to the surrounding neighborhood. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.
Consistent with Policy?	Yes. The RS15 zoning district complies with the various policies in the area, including the two residential policies (RL and RLM) that a majority of these properties fall within. This rezoning is also consistent with the Natural Conservation policy since it is changing to a zoning district that allows less density. One parcel, Map 85-06 Parcel 001, has Major Institutional policy since it is part of Donelson Christian Academy. Changing the zoning on this property from RS10 to RS15 will not have an impact on the school and it will avoid leaving one remaining pocket of RS10 zoning.
Analysis	This rezoning request changes nine lots from R10 to RS15 and 278 lots from RS10 to RS15. Out of the 287 properties included in this request, this rezoning will create 70 (24%) non-conforming lots where the existing lot sizes will be less than 15,000 square feet. The non-conforming lots will range in size from 11,326 square feet to 14,810 square feet.

Non-Conforming Uses and Lots

Section 17.40.650 of the Zoning Code stipulates that when a two-family structure with a non-conforming use within an RS district is damaged or destroyed, the structure may be restored within two years regardless of percentage of damage or destruction.

Section 17.40.670 of the Metro Zoning Code stipulates that a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by the zoning district where the lot is located provided the lot contains a minimum area of 3,750 square feet and existed prior to the date of the ordinance.

This request also includes seven lots that are identified as duplex lots and three lots that are identified as vacant by the Property Assessor's office. The councilmember for this district has indicated that there are currently only 5 duplex lots.

PUBLIC WORKS RECOMMENDATION

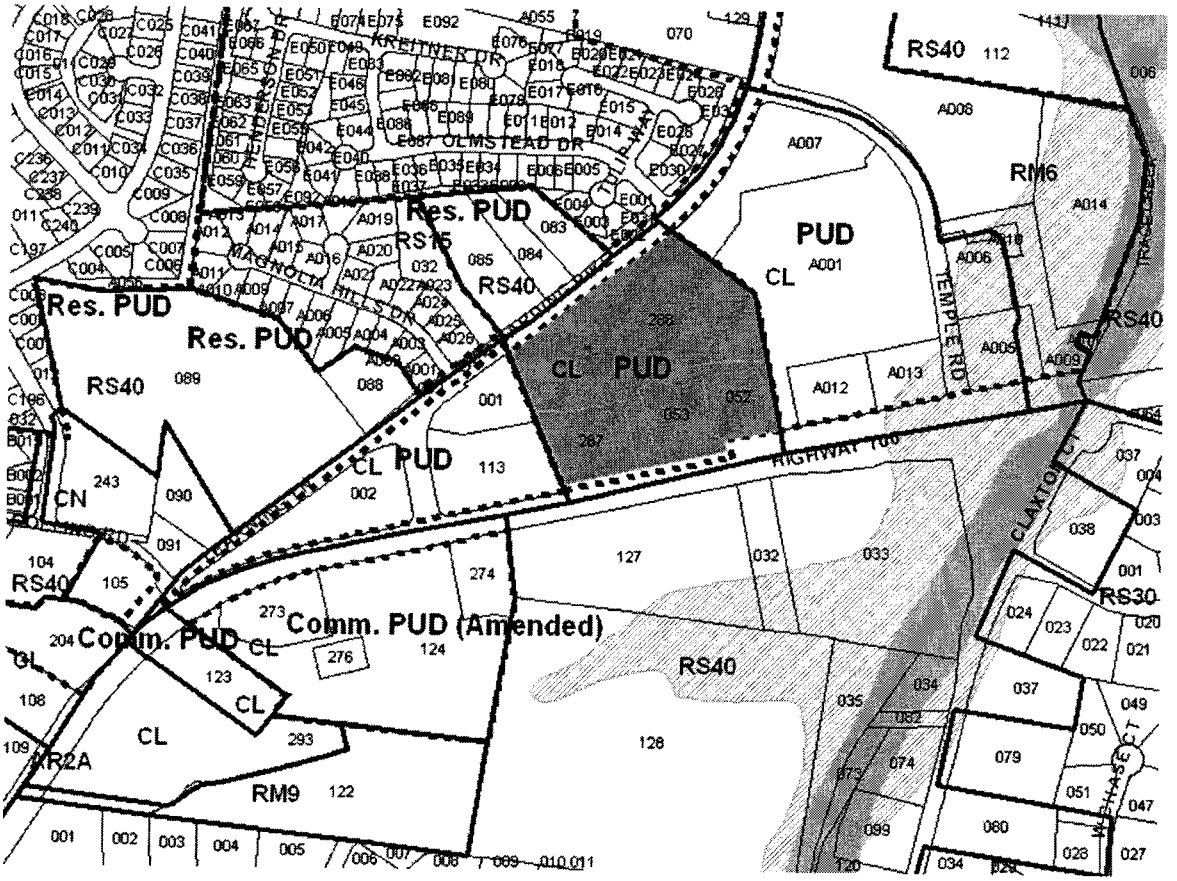
No Exception Taken

METRO SCHOOL BOARD REPORT

As this request is to change from RS10 to RS15 and from R10 to RS15, it represents a downzoning. The number of expected students to be generated would be less than could be generated under current zoning.

STAFF RECOMMENDATION

Staff recommends approval since the RS15 district complies with the residential policies.



2005P-017G-06
Shoppes On The Harpeth: Amend #1
Map: 155-12 Parcels: 287, 288
Map: 156-09 Parcels: 052, 053
Subarea 6
Council District 35 – Bo Mitchell

Metro Planning Commission Meeting of 4/24/08

Item #19

Project No.	**Planned Unit Development 2005P-017G-06**
Project Name	**Shoppes on the Harpeth**
Bill No.	BL2008-173
Council District	35 - Mitchell
School Board District	9 – Warden
Requested By	Metro Planning Department, applicant on behalf of Councilmember Charlie Tygard
Staff Reviewer	Swaggart
Staff Recommendation	*Approve*

APPLICANT REQUEST
Amend PUD

A request to amend the existing Planned Unit Development District for Shoppes on the Harpeth, located at 8042, 8050, 8058, and 8100 Highway 100, approximately 580 feet west of Temple Road, classified Commercial Limited (CL) (10.12 acres), to modify the signage provisions.

Zoning District
CL District

Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

PLAN DETAILS

There is no associated plan with this application. The request is to amend the enacting ordinance by modifying a condition of the approval.

Section 3. 3 of BL2005-746 stipulates that all signs shall be monument type not exceeding 5 feet in height. It further stipulates that no free standing sign shall be allowed along Old Harding Pike. The existing condition is to be deleted and replaced with the following: "All signs shall be monument type signs, not to exceed 15 feet in height. Monument signage shall be architecturally coordinated with the proposed buildings and comply with the requirements of the zoning administrator. No freestanding signs shall be allowed along Old Harding Pike."

Analysis

The proposed new condition will allow signs to be taller than originally permitted. This will allow signs within the development to be consistent with other signs in the area including the adjacent Harpeth Village PUD.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STORMWATER RECOMMENDATION	No Exceptions Taken
STAFF RECOMMENDATION	Staff recommends approval.