

# Metropolitan Planning Commission



## Staff Reports

February 28, 2008

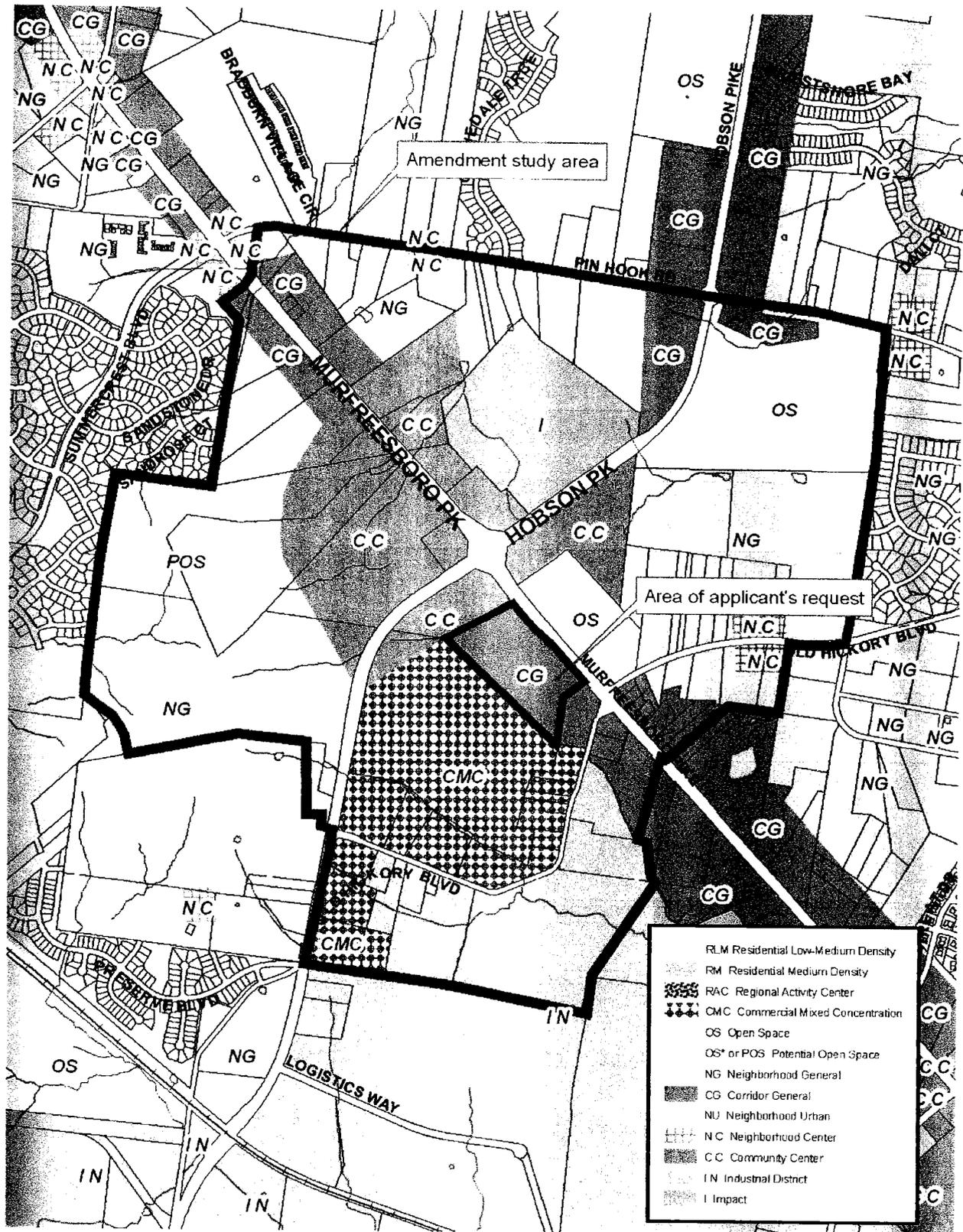


**COMMUNITY PLAN  
AMENDMENT**

**SEE NEXT PAGE**



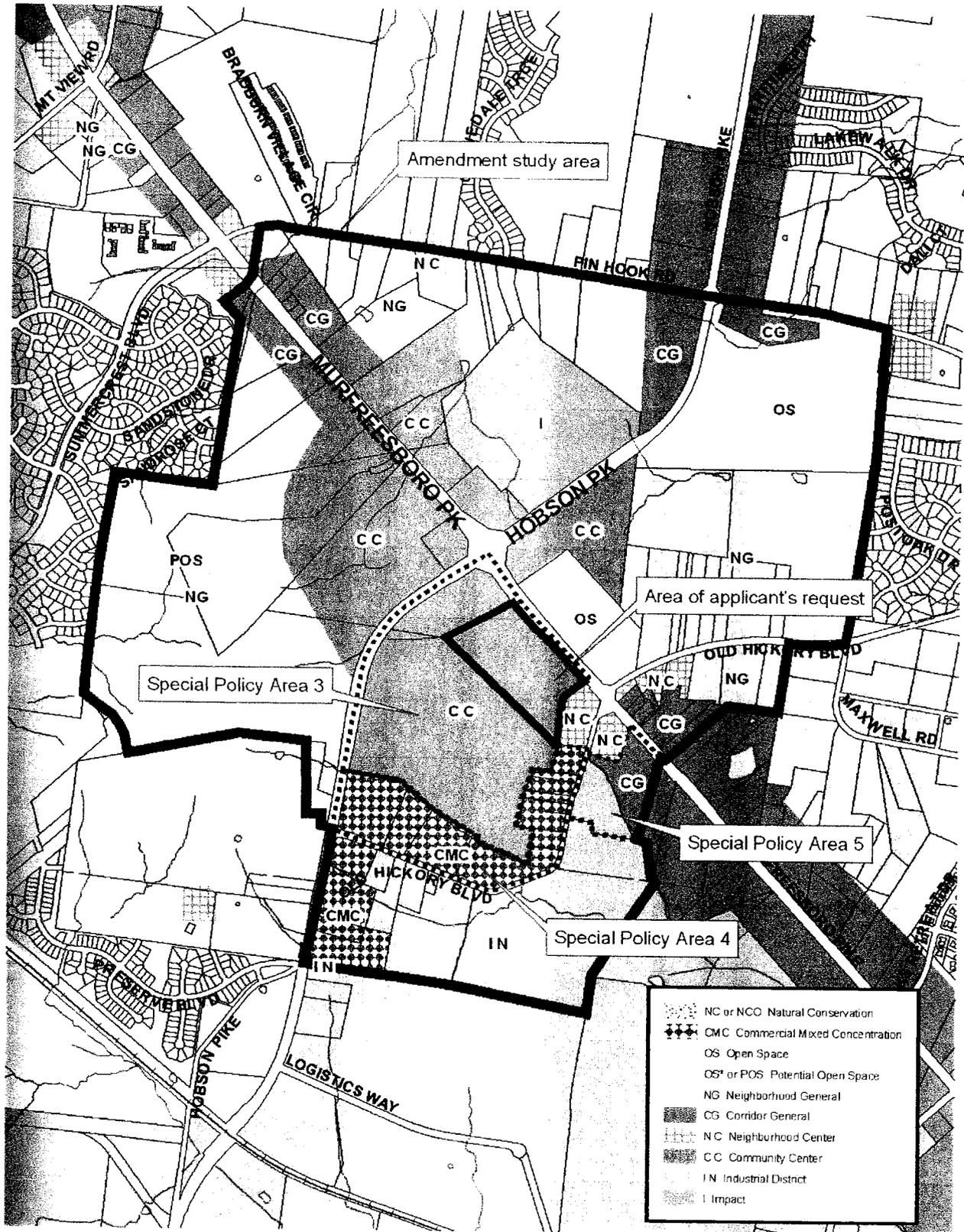
2007CP-021U-13 Land Use Policies Before Amendment



- RLM Residential Low-Medium Density
- RM Residential Medium Density
- RAC Regional Activity Center
- CMC Commercial Mixed Concentration
- OS Open Space
- OS\* or POS Potential Open Space
- NG Neighborhood General
- CG Corridor General
- NU Neighborhood Urban
- NC Neighborhood Center
- CC Community Center
- IN Industrial District
- I Impact



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





**Project No.  
Request**

**2007CP-21U-13  
Amend the Antioch-Priest Lake Community  
Plan: 2003 Update**

**Associated Cases  
Council District  
School Districts  
Requested by**

2008SP-002U-13  
32 - Coleman  
6 - Johnson  
R. Chris Magill Consulting, LLC, applicant, for  
Vastland Starwood Development LLC, owner.

**Staff Reviewer  
Staff Recommendation**

Wood  
*Disapprove applicant request and approve staff's  
recommended plan amendment.*

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**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.**

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**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. Examples might include single family detached, townhouses, or two-family houses; but multi-family development might work best on such busy corridors.

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**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.

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**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 sits at the intersection of two major thoroughfares or extends



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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 CC 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.

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### 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.

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### 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.

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### 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 - 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 was 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.



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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, a similar effort was undertaken by Councilman Coleman, 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.*



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- *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 as to whether the mix of uses within the policy area is balanced and thoughtfully integrated, or for that matter whether there is any mix of uses at all. 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 Development or 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 in the form of a component of vertical mixed use development 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 have Community Center policy to better 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



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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. This is particularly important when so much time and attention has been paid to the implementation of appropriate urban design principles for the other nearby emerging Community Center areas along Murfreesboro Pike.

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### **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 is a suburban environment but it is still 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



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may be oriented to an internal street, private drive, or open space, but is not 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 community character 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 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



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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 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, on site parking is screened from view of the street and from view of



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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 or 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



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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.



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### **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:

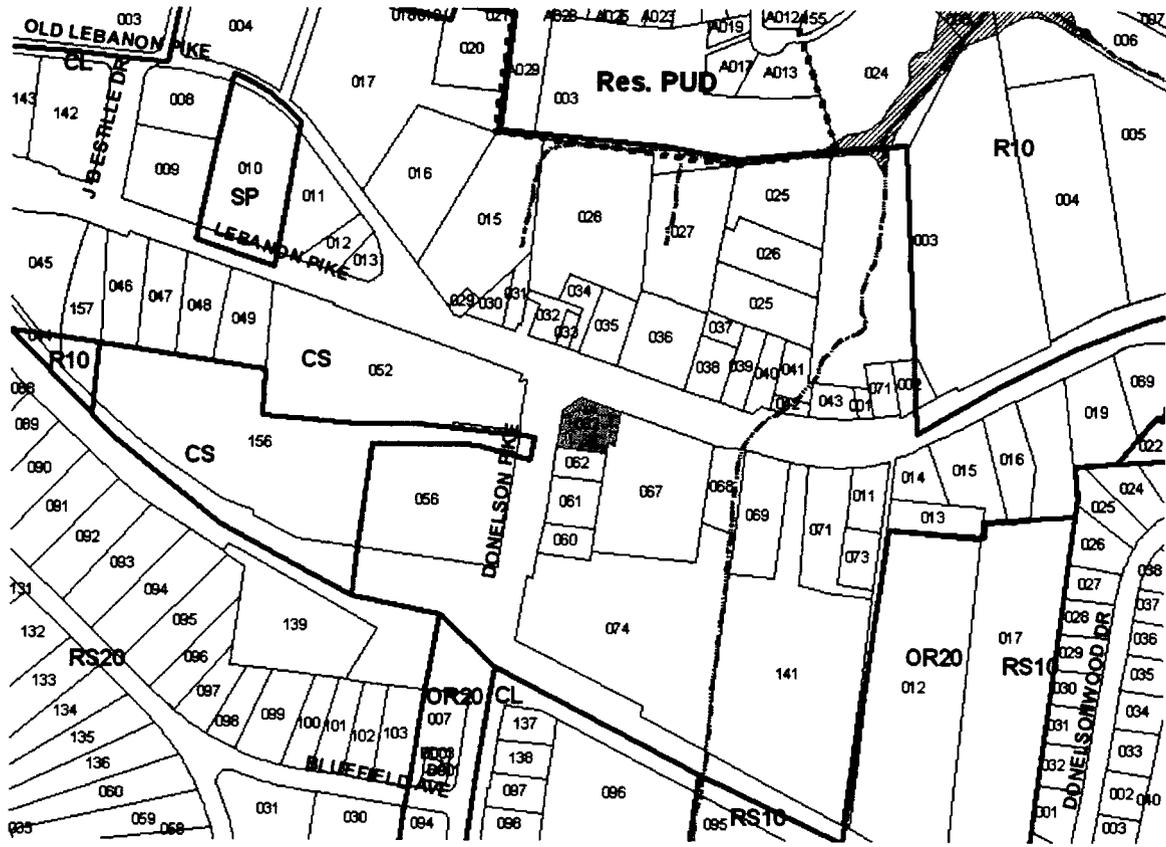
This parcel is zoned IWD and contains a light industrial use. The portion of the parcel that is south of the stream that bisects the property is in Industrial policy while the northern portion, which adjoins Murfreesboro Pike, is in Corridor General policy. To aid in implementing these policies, the 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.

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#### **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.

## **PREVIOUSLY DEFERRED ITEMS**



**2007SP-148U-14**  
 2801 Lebanon Pike  
 Map 096-01, Parcel 062-01  
 Subarea 14 (2004)  
 Council District 14 - James Bruce Stanley



**Project No.** Zone Change 2007SP-148U-14  
**Project Name** Lebanon Pike SP  
**Council Bill** BL2007-33  
**Council District** 14 – Stanley  
**School District** 4 – Glover  
**Requested by** Bob Grayson, applicant, for Leroy J. Humphries and Beverly S. Beam, owner  
**Deferrals** *Deferred from the October 25, 2007, Planning Commission meeting*

**Staff Reviewer** Sexton  
**Staff Recommendation** *Disapprove*

**APPLICANT REQUEST**

**Preliminary SP & Final Site Plan** A request to change from Commercial Service (CS) to Specific Plan-Auto (SP-A) zoning property located at 2801 Lebanon Pike, at the southeast corner of Lebanon Pike and Donelson Pike (0.31 acres), to permit an existing structure to be used for used automobile sales.

**History** At its October 25, 2007, meeting, the Planning Commission deferred this case indefinitely at the request of the applicant. The Councilmember has introduced the Council Bill for the March 4, 2008, Council public hearing. The Planning Commission should make a recommendation on this ordinance prior to it being heard at second reading by the Council.

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

**Proposed Zoning**  
 SP-A District Specific Plan-Auto 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 automobile uses.

**DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN**

Community Center (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at



DONELSON PIKE  
(90.72' R.O.W.)

LEBANON PIKE  
(96.62' R.O.W.)

I=00-26-08  
R=6510.74'  
T=24.75'  
L=49.49'  
C=49.49'  
BRC=N8-27-16E

L.J. HUMPHRIES AND J.A. BEAM, III ETUX  
TAX MAP 96-01  
PARCEL 67  
BOOK 10681, PAGE 953, R.O.D.C., TN.

C.Y. THURMAN, ETUX  
TAX MAP 96-01  
PARCEL 62  
BOOK 8359, PAGE 666, R.O.D.C., TN.

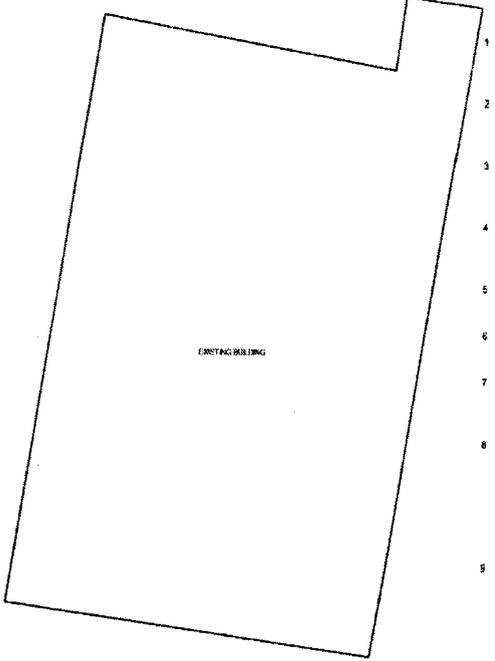
**SITE & UTILITIES PLAN**

SCALE: 1" = 20'-0"

**NOTES**

NOTE: ALL ASPHALT SURFACES TO REMAIN, NO NEW ASPHALT WILL BE ADDED.

NOTE: THERE WILL BE NO CHANGE REQUIRED IN IMPERVIOUS SURFACES.





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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 CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying 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.

*Donelson Station Detailed  
Neighborhood Design Plan  
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?**

No. While auto related use may be appropriate in CC areas under certain circumstances, used car lots are not the type of use that is contemplated within the vision of the Donelson Station Detail Neighborhood Design Plan. Auto-oriented uses are not conducive to creating a pedestrian-oriented streetscape.

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### **PLAN DETAILS**

Site Plan

The site contains an existing one story, 1,785 square foot brick garage with an attached 14 foot canopy, on 0.31 acres of land. A portion of the garage includes a 466 square foot auto detailing facility. The existing building is proposed to remain and be converted into the used auto dealership.

The front setback along Lebanon Pike is 57 feet. The site is proposed to be enclosed by a 24 inch cultured stone veneer knee wall and contains interior landscaping.

Sidewalks

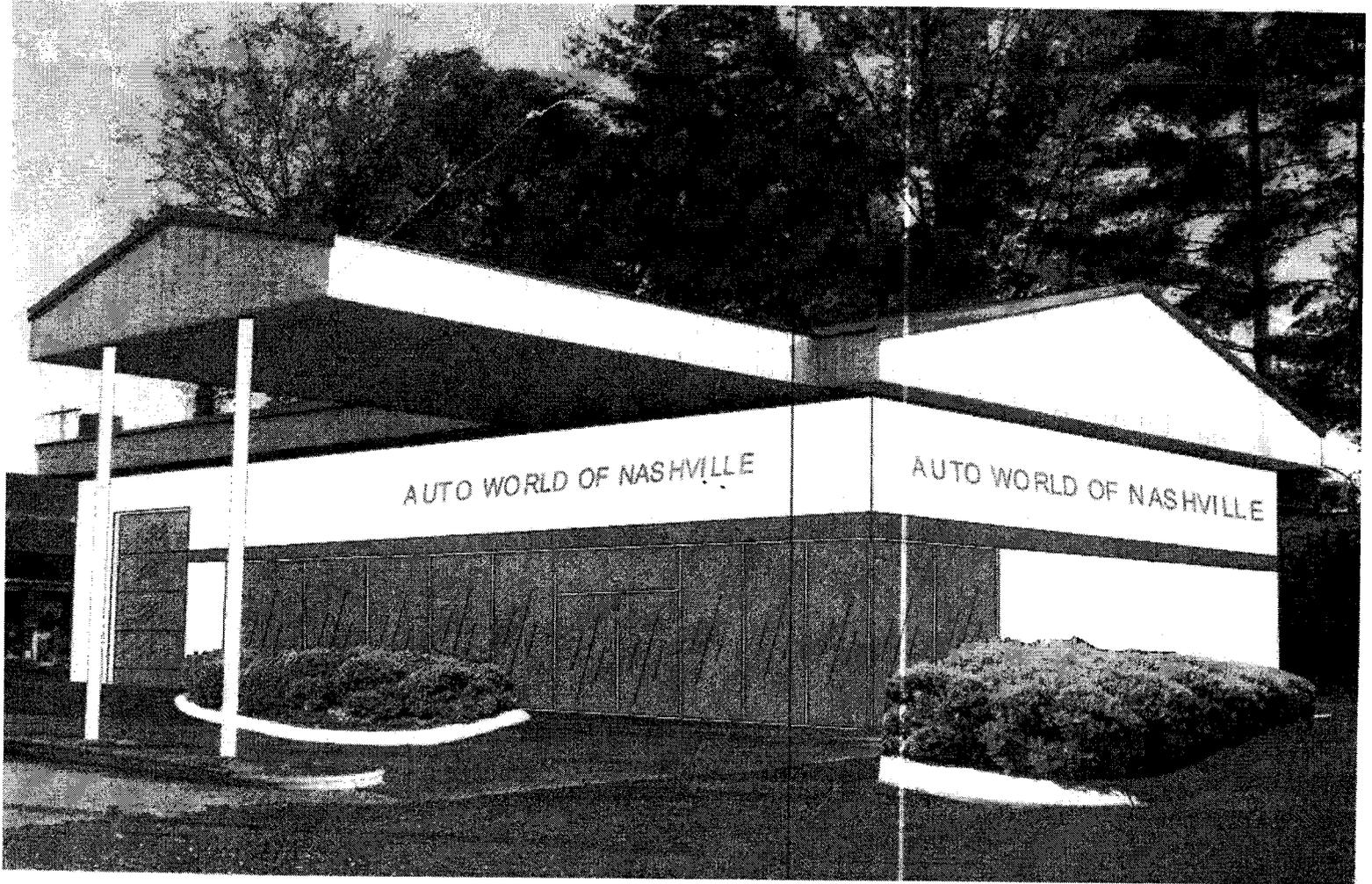
Sidewalks are shown on the site plan.

Parking

The plan calls for 22 parking spaces and one handicap parking space.

Access

The main access to the site is located off Lebanon Pike. A secondary access is located off Donelson Pike.





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### **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. Final design and improvements may vary based on field conditions.

- Identify existing right of way and easements along Donelson Pike and Lebanon Pike. (Reference: Fed. Aid Proj. No. STP-M-24(8), State Proj. No. 19041-3265-54, P.E. No. 19041-1263-54)
  
- Along Lebanon Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW)..

#### **Typical Uses in Existing Zoning District: CS**

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.31	0.198	2,673	83	11	11

#### **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
Automobile Sales (Used) (841)	0.31	n/a	1,920	65	4	6

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--		--	-753	-18	-7	-5

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.31	0.60	8,102	385	14	41

#### **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
Automobile Sales (Used) (841)	0.31	n/a	1,920	65	4	6

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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### STAFF RECOMMENDATION

Staff recommends disapproval because the request to rezone to SP-A to permit a used auto sales dealership is inconsistent with the Downtown Donelson Detailed Neighborhood Design Plan.

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### CONDITIONS

(if approved)

1. 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. Final design and improvements may vary based on field conditions. Identify existing right of way and easements along Donelson Pike and Lebanon Pike. (Reference: Fed. Aid Proj. No. STP-M-24(8), State Proj. No. 19041-3265-54, P.E. No. 19041-1263-54)
2. Along Lebanon Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
3. All signs shall be either monument or façade-mounted building signage. Pole mounted signs, including billboards, shall not be permitted.
4. The proposed knee wall design shall be approved by planning staff prior to issuance of any building or use permit for the property. The knee wall shall be constructed along Donelson and Lebanon Pike. The knee wall shall be a minimum 24 inch height and the wall shall be constructed of either: concrete, stone, split-faced masonry or other similar material; or pillars with vertical pickets of wrought iron or similar material between the pillars.
5. Any adjacent right of way shall include a sidewalk or if the condition of the existing side walk is inadequate per Metro standards for construction, a new sidewalk shall be constructed by the applicant.
6. No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire or similar materials shall be allowed on the property.



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7. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct ambient light.
8. The uses in this SP are limited to used automobile dealership and uses allowed in MUN zoning.
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 CS zoning district as of the date of the applicable request or application.
10. A corrected copy of the preliminary and final 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 adjustments 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 adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments 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.



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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.
13. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

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<b>Project No.</b>	<b>Subdivision 2008S-021U-13</b>
<b>Project Name</b>	<b>Smith Springs Cove</b>
<b>Council District</b>	33 – Duvall
<b>School District</b>	6 - Johnson
<b>Requested by</b>	John F. Pratt, owner, Littlejohn Engineering Associates Inc., surveyor
<b>Deferral</b>	<i>Deferred from the January 24, 2008, Planning Commission meeting at the request of the applicant.</i>
<b>Staff Reviewer</b>	Jones
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

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**APPLICANT REQUEST**  
Concept Plan

**A request for concept plan approval to create 5 lots on property located at Smith Springs Road (unnumbered), approximately 475 feet north of Folkstone Drive (1.44 acres).**

**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.

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**SUBDIVISION DETAILS**

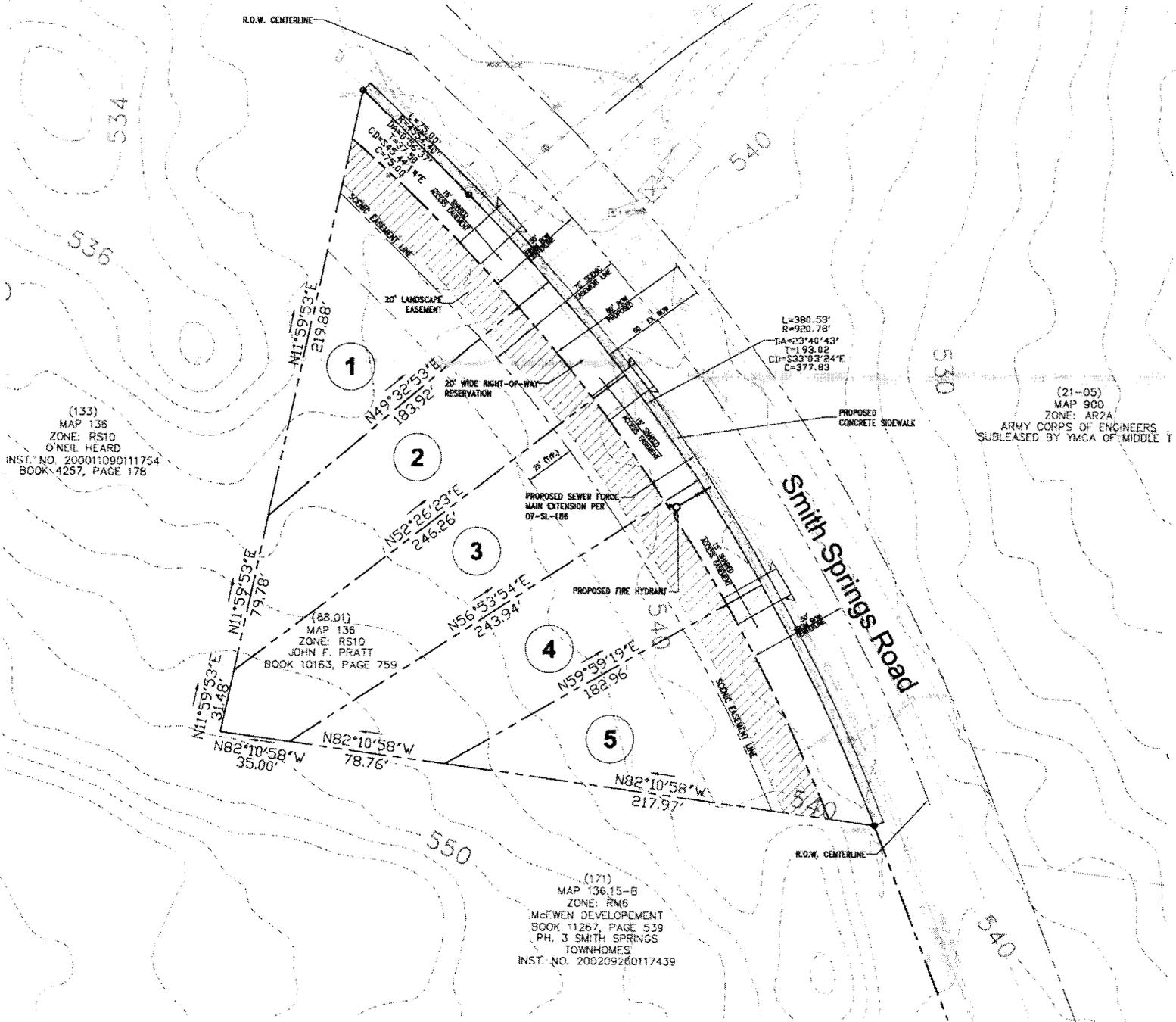
The concept plan for Smith Springs Cove proposes to create five single-family lots from an existing, vacant lot. The lot sizes range in size from 11,934 square feet to 13,995 square feet. The five lots will front onto Smith Springs Road.

Access

The property fronts onto Smith Springs Road, which is classified as a scenic arterial road. Section 3-4.4 of the Metro Subdivision Regulations state that when property is divided along an existing arterial or collector street, combined driveways or a private access drive must be provided in order to limit driveway entrances and potential traffic hazards. A 15-foot shared access easement is proposed for Lots 2 and 3, as well as Lots 4 and 5. Lot 1 will have an individual access that aligns with an access drive on the eastern side of Smith Springs Road. A five foot sidewalk is also planned within the right-of-way of Smith Springs Road to accommodate pedestrian travel.

Landscaping

The classification of Smith Springs Road as a scenic arterial requires a standard A landscape buffer. The plan includes a 20-foot landscape buffer.



(133)  
 MAP 136  
 ZONE: RS10  
 O'NEIL HEARD  
 INST. NO. 20001109011754  
 BOOK 4257, PAGE 178

(88.01)  
 MAP 136  
 ZONE: RS10  
 JOHN F. PRATT  
 BOOK 10163, PAGE 759

(171)  
 MAP 136 15-B  
 ZONE: RM6  
 McEWEN DEVELOPMENT  
 BOOK 11267, PAGE 539  
 PH. 3 SMITH SPRINGS  
 TOWNHOMES  
 INST. NO. 20020920117439

(21-05)  
 MAP 900  
 ZONE: AR2A  
 ARMY CORPS OF ENGINEERS  
 SUBLEASED BY YMCA OF MIDDLE T



## Metro Planning Commission Meeting of 2/28/08

### Setback along a Scenic Arterial

The applicant is requesting a variance from Section 3-10.5.b of the Subdivision Regulations for setbacks along a scenic arterial street. In order to preserve the viewshed along scenic routes, the Subdivision Regulations require that the setbacks along roads designated as scenic arterials be platted by measuring the applicable zone district required yard from the scenic landscape easement line instead of the property line. The applicant is requesting a variance to this section of the Subdivision Regulations, stating that the 40-foot setback from the scenic easement takes away building area, particularly from Lots 1 and 5 where the proposed triangular shape of each lot limits the buildable area and will most likely require specialized floor plans or a reduction in the number of buildable lots. Instead, the applicant is proposing a 25 foot setback measured from the scenic easement line.

### Variances

The Planning Commission may grant a variance from the subdivision regulations provided the following criteria are met:

- The granting of this variance will not be detrimental to the public safety, health, or welfare in the neighborhood in which the property is located.
- The conditions upon which the request for this variance is based are unique to the subject area and are not applicable to other surrounding properties.
- Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County.

In evaluating the variance to the setback measurement, there are no physical characteristics or topographic conditions that present challenges to developing the



## Metro Planning Commission Meeting of 2/28/08

site. Even with a 40 foot setback from the scenic easement, the site can accommodate the five lots.

The granting of a variance must be based on extraordinary hardship that results from strict compliance with the Subdivision Regulations. The applicant, however, has not identified any unique conditions or characteristics associated with this property that create an undue hardship. To ensure continuous harmonious development along Smith Springs Road, it is important to establish a precedent of adhering to the setback requirements at this site, so that any future development will comply with these regulations, and the need for similar variance requests will be eliminated.

Staff recommends disapproval of the variance request to avoid the scenic route setback requirements. Staff recommends as a condition of approval that the concept plan be revised to show the setback measured 40 feet from the scenic landscape easement line.

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### **PUBLIC WORKS RECOMMENDATION**

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.

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### **STORMWATER RECOMMENDATION**

Approved. This project will ultimately require an approved Storm Water Grading Plan prior to Final Plat Approval.

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### **STAFF RECOMMENDATION**

Staff recommends approval of the concept plan with conditions. Staff recommends disapproval of the request for a variance to the setback requirements along a scenic arterial. The variance request is not supported by a showing of hardship, as required by the subdivision regulations. To allow a variance to the regulations would set a precedent in the area for any future development to also request a variance to the setback measurement.

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### **CONDITIONS**

1. The setback line shall be measured 40 feet from the scenic landscape easement line.

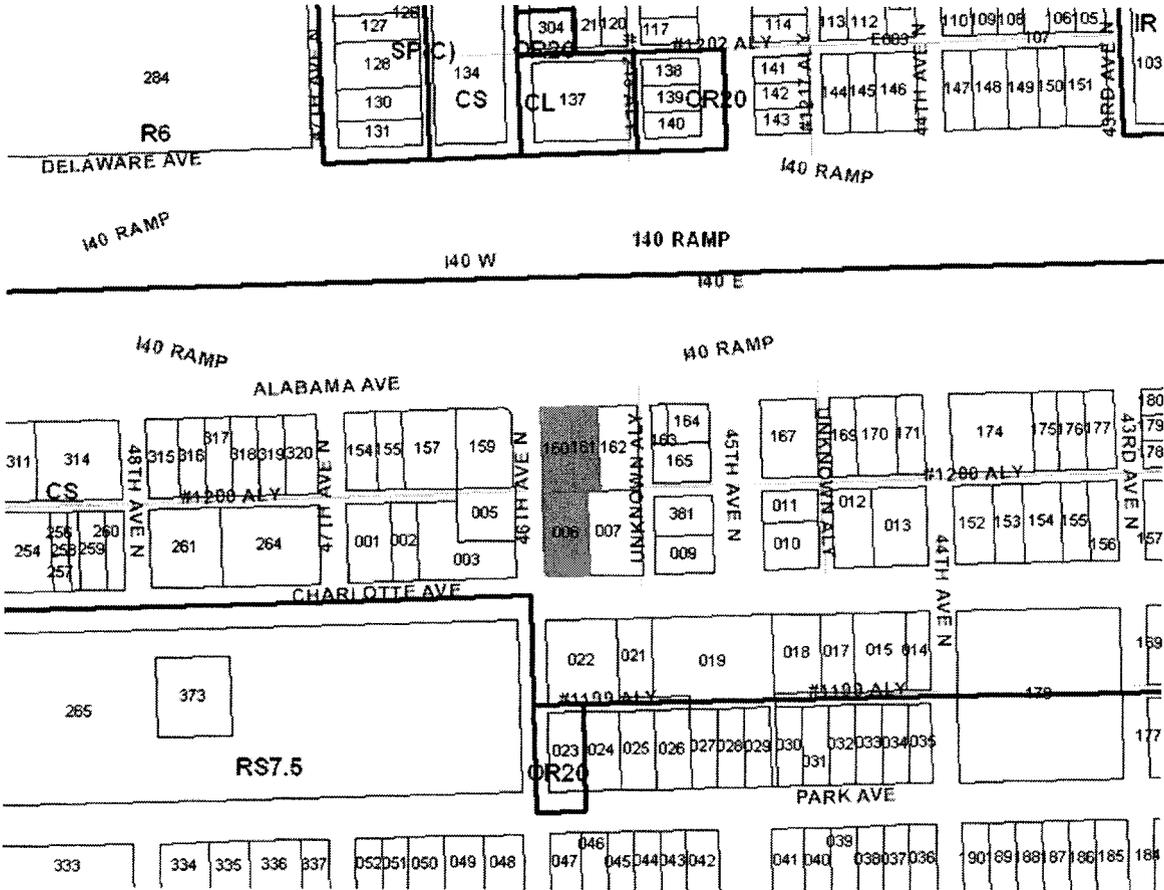


## Metro Planning Commission Meeting of 2/28/08

2. The 20 foot landscape buffer shall comply with the requirements of a 20 foot standard "C" landscape buffer.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

**SEE NEXT PAGE**

# **ZONING MAP AMENDMENTS**



**2007Z-182U-07**

Charlotte Avenue Church of Christ

Map 091-12, Parcels 160, 161

Map 091-16, Parcel 006

Subarea 7 (2000)

Council District 24 - Jason Holleman



**Project No.**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2007Z-182U-07**  
BL2008-114  
24 – Holleman  
9 – Warden  
Metropolitan Historic Zoning Commission for  
Councilmember Jason Holleman

**Staff Reviewer**  
**Staff Recommendation**

Logan  
*Approve*

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**APPLICANT REQUEST**

**A request to apply a Historic Landmark Overlay to property located at 4508 Charlotte Avenue, 4509 Alabama Avenue, and 4511 Alabama Avenue, between 45th Avenue North and 46th Avenue North, (.72 acres), zoned Commercial Service (CS).**

**Existing Zoning**  
CS District

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

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**Proposed Overlay District**  
Historic Landmark

A historic landmark is defined in Section 17.36.120 of the Metro Zoning Ordinance as “a building, structure, site, or object... of high historical, cultural, architectural, or archaeological importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville or Davidson County.” It must meet one or more of the following criteria:

1. Be associated with an event that made a significant contribution to local, state, or national history;
2. Be associated with the lives of persons significant in local, state, or national history;
3. Embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or possesses high artistic value;
4. Has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. Be listed or is eligible for listing in the National Register of Historic Places.

Metro Historic Commission staff has determined that the Charlotte Avenue Church of Christ is eligible for



## Metro Planning Commission Meeting of 2/28/08

listing in the National Register of Historic Places, which satisfies criteria five above.

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### WEST NASHVILLE COMMUNITY PLAN

#### Commercial Arterial Existing (CAE)

CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into more pedestrian-friendly areas.

Charlotte Avenue Church of Christ is listed as worthy of conservation in the West Nashville Community Plan, which was adopted on January 28, 2000. Metro Historic Commission staff has now determined that the building is eligible for the National Register.

#### Consistent with Policy?

Yes. The Historic Landmark Overlay District is consistent with CAE policy in this area. Furthermore, Charlotte Avenue Church of Christ is listed in the West Nashville Plan as “Worthy of Conservation,” and the subarea plan recommends that these properties be protected. The subarea plan also states on page 42 that this area “contains a number of historically significant features that should be preserved.”

#### Metro Historic Zoning Commission Recommendation

At its meeting on February 11, 2008, the Metro Historic Zoning Commission (MHZC) approved the proposed boundaries of the 4508 Charlotte Avenue Historic Landmark District as historically significant. The MHZC noted that the Tennessee Historical Commission had deemed the property eligible for listing in the National Register of Historic Places.

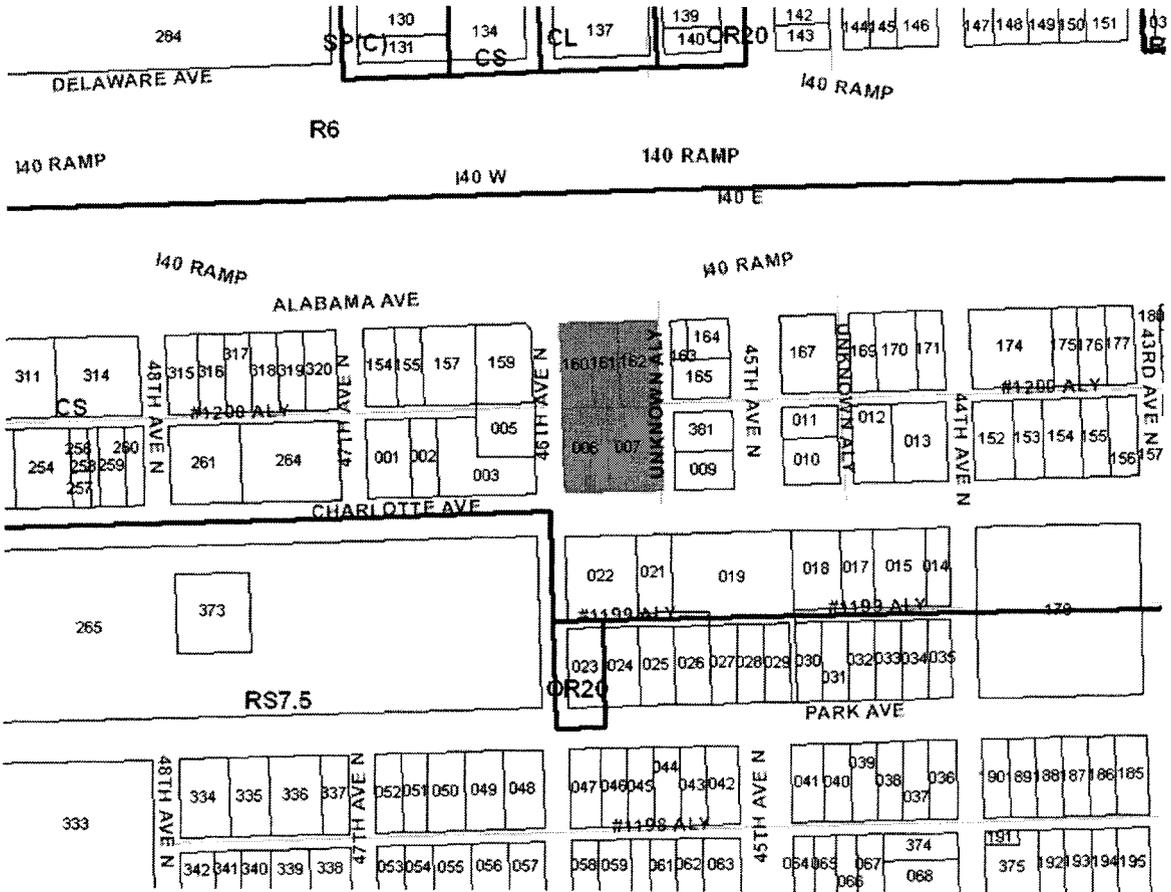
Additionally, the MHZC adopted design guidelines for the district.

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#### STAFF RECOMMENDATION

Staff recommends approval. The request is consistent with the adopted Community Plan and is eligible for listing on the National Register.

**SEE NEXT PAGE**



**2008SP-005U-07**  
 Charlotte Avenue Church of Christ  
 Map 091-16, Parcels 006, 007  
 Map 091-12, Parcels 160, 161, 162  
 Subarea 7 (2000)  
 Council District 24 - Jason Holleman



<b>Project No.</b>	<b>Zone Change 2008SP-005U-07</b>
<b>Project Name</b>	<b>Charlotte Avenue Church of Christ SP</b>
<b>Council Bill</b>	BL2008-141
<b>Council District</b>	24 – Holleman
<b>School District</b>	9 – Warden
<b>Requested by</b>	Metro Planning Department, on behalf of Councilmember Jason Holleman
<b>Staff Reviewer</b>	Logan
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

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**APPLICANT REQUEST**  
**Preliminary SP**

**A request to change from Commercial Service (CS) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 4506 and 4508 Charlotte Avenue and 4507, 4509 and 4511 Alabama Avenue, at the northeast corner of 46th Avenue North and Charlotte Avenue, (1.35 acres), to permit Mixed Use Limited (MUL) uses with building placement and height standards**

**Existing Zoning**  
CS District

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

**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/or commercial uses.

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**WEST NASHVILLE**  
**COMMUNITY PLAN**

Commercial Arterial Existing (CAE)

CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into more pedestrian-friendly areas.



## Metro Planning Commission Meeting of 2/28/08

### Consistent with Policy?

Yes. CAE policy recognizes “strip commercial development,” but requires redevelopment to be pedestrian-friendly. The subarea plan states on page 42 that this is “an older commercial area with a mixture of primarily small commercial businesses that generally have their own (sometimes multiple) driveways.” The SP allows commercial uses consistent with CAE policy. The plan further states on page 101 that the Richland Park Shopping District “is a collaboration of older brick buildings that are not set back from the sidewalk. There is parallel parking in front of the buildings. The distinctive character of this area is an asset that should be preserved. Any new development in the area should conform to the existing setback.”

### PLAN DETAILS

The plan is a set of redevelopment standards that are proposed to guide future development. The bulk standards, listed below, are intended to create a pedestrian-friendly development.

Standard	Mixed-use <sup>1</sup>	Office	Stacked flats <sup>1</sup>	Live-work <sup>1</sup>	Townhouses <sup>1</sup>
Front setback (Charlotte Avenue)	Minimum of 80% of front façade must be built within 10 feet of the front property line.				
Side Setbacks	none required			End units: 5 feet minimum	
Street side setback(46th Ave. N)	Minimum of 80% of front façade must be built within 10 feet of the front property line.				
Rear Setback	5 feet minimum				
Building width at build-to line	Buildings must extend across a minimum of 50% of the lot frontage along Charlotte Avenue				
Maximum height	3 stories, not to exceed 53 feet				
Minimum height	One-story buildings to be a minimum height of 23' (14' min. first floor height). All buildings must have their primary facade facing Charlotte Avenue and one-story buildings must be designed to appear to be two stories.				
All other bulk standards	MUL requirements from Metro Zoning Code				

<sup>1</sup> Refer to Bedford UDO for descriptions of building types and materials pages 17-22

This property is located northeast diagonally from Richland Park. It is also on the same street as many buildings that have been determined by the Metro Historic Commission to be worthy of conservation or eligible to be listed on the National Register. These buildings are located close to the street and create a walkable center for the community. If the building that



# Metro Planning Commission Meeting of 2/28/08

currently occupies the site, which is eligible to be listed on the National Register, cannot be saved, this SP will require any redevelopment to respect the historic, pedestrian-friendly character of the area.

The SP prohibits parking and drive-through development from fronting on Charlotte Avenue and prohibits chain link fences and outdoor sales, storage, or display of goods. The SP also requires the primary pedestrian entrance to be along Charlotte Avenue and does not permit pole signs.

## Reviewing Department Recommendations

Due to the nature of this SP as a regulating plan rather than a detailed site plan, other development review Departments did not have enough technical information to provide a complete review of the SP as submitted. All Department approvals must be obtained with the final SP site plan.

## PUBLIC WORKS RECOMMENDATION

A traffic study may be required at development.

### Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center(814)	1.35	0.128	7,527	360	14	40

### Typical Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise (710 )	1.35	0.201	11,820	258	34	34

### Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise(710 )	1.35	0.60	35,283	599	82	119

### 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
Office Building Low Rise(710 )	1.35	1.0	58,806	887	123	145



## Metro Planning Commission Meeting of 2/28/08

### 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
--			+23,523	288	41	26

### STORMWATER RECOMMENDATION

Preliminary SP returned for corrections:

- Add FEMA Note / Information to plans.
- Add North Arrow & Bearing Information to plans.
- Add Vicinity Map to plans.
- Provide the Proposed Site Layout (Scale no less than 1" = 100', Contours no greater than 5').
- Add 78-840 Note to plans:  
(Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.)
- Add Preliminary Note to plans:  
(This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)
- Add Access Note to plans:  
(Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)
- Add C/D Note to plans:  
(Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)
- Show Existing Topo on plans.
- Provide a Water Quality Concept on plans.
- Provide Room for Detention (if necessary).

### WATER SERVICES RECOMMENDATION

Once a plan has been determined, a request, site plan & \$500.00 must be submitted for a study.

### FIRE MARSHAL RECOMMENDATION

Approved based on no construction being done this application. Any construction will require additional information.



## Metro Planning Commission Meeting of 2/28/08

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### **METRO SCHOOL BOARD REPORT**

The proposed SP allows for commercial and residential. At this time, the amount of residential development proposed for this property is not able to be determined. Staff will determine the impact, if any, on Metro Schools with the final SP site plan.

Students would attend Sylvan Park Elementary School, West End Middle School, and Hillsboro High School. Hillsboro High School has been identified as being over capacity by the Metro School Board. There is capacity at a high school in an adjacent cluster. This information is based upon data from the school board last updated April 2007.

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### **STAFF RECOMMENDATION**

Staff recommends approval with conditions because request is consistent with policy and promotes pedestrian-friendly development.

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### **CONDITIONS**

1. Parking will determined with the final SP site plan.
2. The final SP site plan shall meet the requirements of Public Works, Stormwater, Water Services, the Fire Marshal, and the Urban Forester.
3. The following uses are not permitted: Automobile convenience, Automobile parking, Car wash, Commercial amusement (outside), Commuter rail, Distributive business/wholesale, Donation center drop-off, Mobile storage unit, Park, Power/gas substation, Radio/TV/satellite tower, Recycling collection center, Reservoir/water tank, Satellite dish, Telephone service, Warehouse, Waste water treatment, Water treatment plant, Water/sewer pump station.
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 MUL zoning district as of the date of the applicable request or application.



## Metro Planning Commission Meeting of 2/28/08

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

**SEE NEXT PAGE**





**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2008Z-010G-12**  
Planned Unit Development 2008P-003G-12  
None  
31 - Toler  
2 - Brannon  
Dale and Associates, applicant for Centex Homes, owner

**Staff Reviewer**  
**Staff Recommendation**

Swaggart  
*Disapprove. If approved, the Infrastructure Deficiency Area requirements for this property must be met with any development proposal associated with this zone change.*

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**APPLICANT REQUEST**

**A request to rezone approximately 24.01 acres located at 13153, 13159, 13167 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 430 feet south of Muci Drive from Agricultural/Residential (AR2a) to Multi-Family Residential (RM9) district (See also PUD Proposal No. 2008P-003G-12).**

**Existing Zoning**  
AR2a District

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

**Proposed Zoning**  
RM9 District

RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

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**SOUTH EAST COMMUNITY PLAN 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.

Infrastructure Deficiency Area

This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to



## Metro Planning Commission Meeting of 2/28/08

roadway within the IDA. The applicant will be required to improve approximately 4,345 linear feet of roadway within the IDA. Roadway to be improved will be determined by Public Works' staff. This is in addition to any other off site roadway improvements required by Public Works.

### Consistent with Policy?

No. While the proposed RM9 zoning district is supported by area's policy, the associated PUD plan is not consistent with the overall intent of the area's Commercial Mixed Concentration Policy. While highway oriented uses are acceptable, the policy calls for these areas to become, over time, more pedestrian friendly, with buildings set close to the street and with parking placed to the rear. The proposed PUD plan calls for what appears to be a random unit layout that includes individual driveways for every unit, and no centralized or organized open space.

### PUBLIC WORKS RECOMMENDATION

#### Typical 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)	24.01	0.5	12	115	9	13

#### Typical Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	24.01	9	211*	1211	94	111

\* Associated PUD proposes 211 townhomes

#### 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
--	24.01		+199	+1096	+85	+98

### METRO SCHOOL BOARD REPORT

**Projected student generation**      14 Elementary    9 Middle    9 High

### Schools Over/Under Capacity

Students would attend AZ Kelly Elementary School, Antioch Middle School, and Antioch High School. All three school have been identified as full by the Metro School Board. There is capacity within the cluster for middle school students, but there is no additional



## Metro Planning Commission Meeting of 2/28/08

capacity for elementary students, and there is no capacity in the adjacent high school cluster. The fiscal liability generated by this request is \$196,000 for elementary students and \$180,000 for high school students. This information is based upon data from the school board last updated April 2007.

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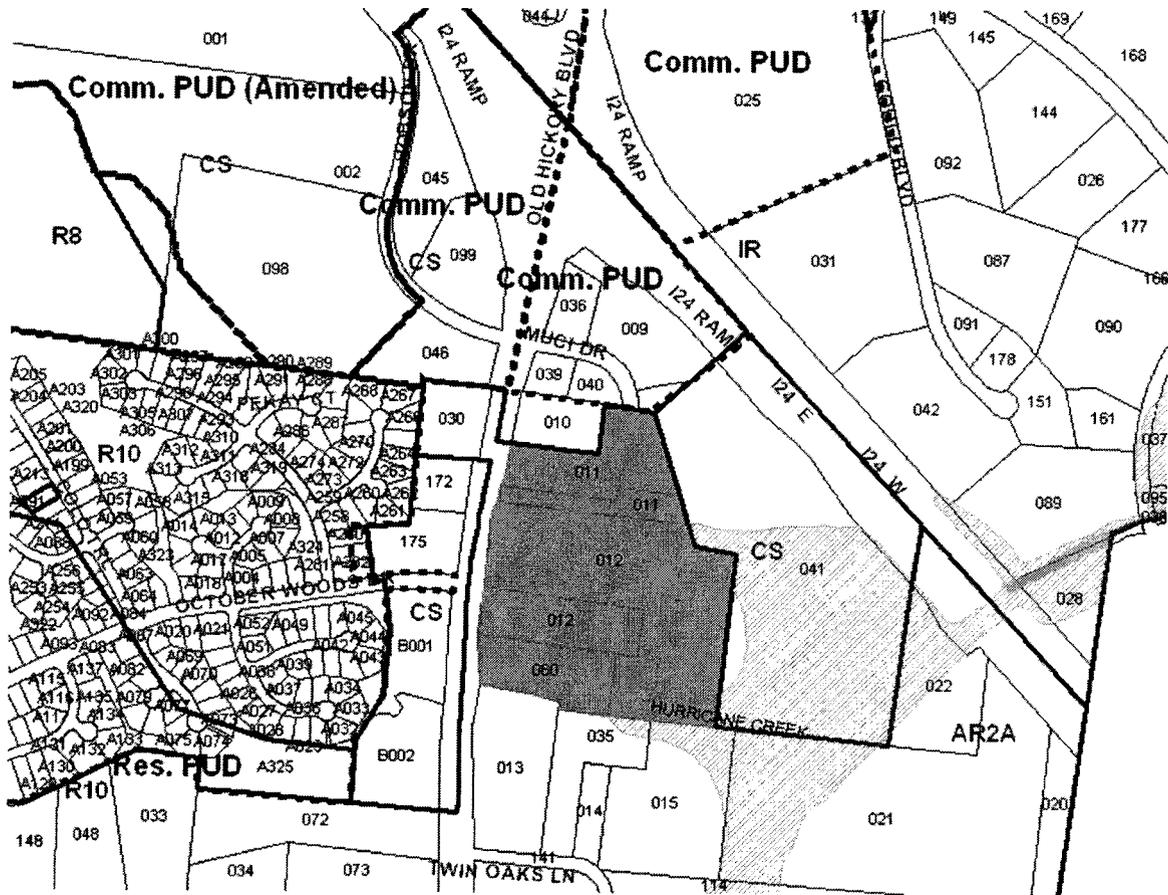
### **STAFF RECOMENDATION**

Staff recommends that the request be disapproved. While the density of the proposed zoning is supported by the area's policy, the associated PUD plan does not provide a development that meets all of the design principles or the full intent of the Commercial Mixed Concentration policy. If approved, then the IDA requirements need to be met with any development proposal associated with this zone change.

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

1. This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 4,345 linear feet of roadway. Roadway to be improved will be determined by Public Works' staff prior to any approval of any final site plan for this development. Improvements must be completed or bonded prior to approval of any final site plan for this development.



**2008P-003G-12**  
 Cane Ridge Villas  
 Map183-00, Parcels 011, 011.01, 012, 012.01, 060  
 Subarea 12 (2004)  
 Council District 31 - Parker Toler



<b>Project No.</b>	<b>Planned Unit Development 2008P-003G-12</b>
<b>Project Name</b>	<b>Cane Ridge Villas</b>
<b>Associated Case</b>	Zone Change 2008Z-010G-12
<b>Council District</b>	31 - Toler
<b>School Board District</b>	2 - Brannon
<b>Requested By</b>	Dale and Associates, applicants for Centex Homes, owner
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Disapprove</i>

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**APPLICANT REQUEST**

**Preliminary PUD**

**A request for preliminary approval for a Planned Unit Development on properties located at 13153, 13159, 13167 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 430 feet south of Muci Drive (24.01 acres), zoned Agricultural/Residential (AR2a) and proposed for Multi-Family Residential (RM9) zoning, to permit 211 multi-family units (See also Zone Change Proposal No. 2008Z-010G-12).**

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**PLAN DETAILS**

**General**

The applicant has requested preliminary approval for a new Planned Unit Development (PUD) for 211 attached townhomes. It is associated with a zone change request from AR2a to RM9, the zoning district necessary to allow for the PUD. The proposal includes five properties. The current land uses are single-family homes, a mobile home, and farm buildings. The land is generally flat and does not contain any significant environmental constraints. There is a stream adjacent to the southern property boundary and a small portion of the area is encumbered with flood plain.

**Site Plan**

The site plan calls for 211 single-family attached units. The overall density proposed is approximately 9 units per acre. Individual units are distributed in four to six unit rows scattered across the site. The units will all front onto new private streets, no units are proposed to front Old Hickory Boulevard.

The development will be accessed from Old Hickory Boulevard and from the end of Muci Drive. All units will be accessed by individual drives off new private streets. Sidewalks are shown on all new streets but not on both sides of all streets.

The proposed total floor area is approximately 612,846 square feet (.60 FAR), and the proposed impervious





## Metro Planning Commission Meeting of 2/28/08

surface is 480,062 square feet (.47 ISR). A total of 10.35 acres (44%) of land is shown in common open space, and is distributed throughout the development. A standard B buffer yard is shown along the southern property line for area's adjacent AR2a zoning district, and a standard A buffer yard is shown along the eastern and northern property line adjacent the CS zoning district.

The Southeast Community Plan calls for a greenway along the stream adjacent the southern property boundary. The plan provides a greenway easement, and pathway along the southern property line, and along a portion of the eastern property line. There is no greenway requirement along the eastern property line so the easement should be removed from the plan, unless it is incorporated into the plan to connect to the southern greenway.

### Staff Analysis

The proposed location of residential units appears to be random, and does not foster a pedestrian friendly form. Sidewalks are not located on both sides of all streets and proposed sidewalks are bisected numerous times due to each unit having its own front driveway from the street. The areas identified as common open space are between units, and do not provide sufficient usable open space. Overall the development does not meet the intent of the PUD overlay.

The PUD overlay is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would be permitted under the conventional zoning provisions. PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments.

The plan is also not consistent with the Commercial Mixed Concentration policy, which intends for the area to develop in a more pedestrian friendly manner.

The proposed extension of Muci Drive, which will provide one of only two access points into the development, is located within non-permissible Zone 1 and Zone 2 stream buffer, and will require a stream buffer disturbance to be approved by the Metro Stormwater Management Committee. Since the development does not meet the full intent of the policy, and does not provide a well planned community, planning will not recommend that the



## Metro Planning Commission Meeting of 2/28/08

Stormwater Management Committee approve the stream buffer disturbance.

In order to meet the PUD requirements and be consistent with the area's long range plan, numerous changes to the plan are needed. As proposed, the plan provides only one unit type which makes it difficult to incorporate sufficient usable open space. Units need to be redistributed in a way that provides at least one large centralized common area, or different unit types should be used to give more flexibility in the layout of open space. Sidewalks should be provided on both sides of all streets with fewer driveway crossings. This would require a different type of housing product or, at least, a variety of unit types.

### **Infrastructure Deficiency Area**

On July 22, 2004, the Planning Commission adopted an update to the Southeast Community Plan that identified an "Infrastructure Deficiency Area" (IDA) where the Commission determined infrastructure was insufficient to accommodate expected development in the area.

This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 4,345 linear feet of roadway within the IDA. Roadway to be improved will be determined by Public Works' staff. This is in addition to any other roadway improvements required by Public Works.

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### **PUBLIC WORKS RECOMMENDATION**

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.

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### **STORMWATER RECOMMENDATION**

Disapprove or defer until the Stormwater Management Committee has approved a stream buffer disturbance for the extension of Muci Drive.

1. Non-permissible Zone 1 and Zone 2 buffers were observed (roadway). Remove buffer disturbances or provide appeal allowing disturbances.
2. Property will be subject to cut and fill requirements for any floodplain alterations.



## Metro Planning Commission Meeting of 2/28/08

### STAFF RECOMMENDATION

Staff recommends that the request be disapproved. The proposed plan does not meet the intent of the Planned Unit Development Overlay Code provisions, nor is it consistent with the overall intent of the area's land use policy.

### CONDITIONS

(if approved)

1. This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 4,345 linear feet of roadway. Roadway to be improved will be determined by Public Works' staff prior to any approval of any final site plan for this development. Improvements must be completed or bonded prior to approval of any final site plan for this development.
2. Remove the greenway easement and path shown along the eastern property line, or incorporate it into the overall PUD plan to connect to the southern greenway.
3. The southern greenway easement shall include the streambed located on the property, and an additional 25 feet, and shall be identified as a Dedicated Conservation Greenway Public Access Trail Easement Area.
4. Sidewalks shall be required on both sides of all streets.
5. A sidewalk is required along the property line adjacent Old Hickory Boulevard.
6. A variety of housing products shall be required, and shall be designed in a way to minimize individual curb cuts along streets.
7. Open space shall be placed in a way that is usable for the enjoyment of future residents, and shall include a centralized common area.
8. Prior to final site plan approval the Stormwater Management Committee must approve the stream buffer disturbance for the extension of Muci Drive. If the buffer disturbance is not approved then the plan will have to be revised. If access into the development is limited to one point, then it must be approved by Metro Public Works and the Fire Marshal.



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9. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
10. 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.
11. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
12. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
13. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

**SEE NEXT PAGE**

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**NO SKETCH**



**Project No.**  
**Project Name**  
**Council Bill**  
**Requested By**

**Zoning Text Change 2008Z-011T**  
**Definition of Family**  
BL2008-151  
Councilmember Vivian Wilhoite

**Staff Reviewer**  
**Staff Recommendation**

Logan  
*Approve*

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**APPLICANT REQUEST**

**A request to amend Section 17.04.060 of the Metro Zoning Code to modify the definition of "family" to include a group of not more than eight unrelated elderly persons living together as a single housekeeping unit.**

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**APPLICATION DETAILS**

Section 17.12.060 of the Zoning Code currently defines "Family" as:

1. An individual, or two or more persons related by blood, marriage or law, or, unless otherwise required by federal or state law, a group of not more than three unrelated persons living together in a dwelling unit. Servants and temporary nonpaying guests having common housekeeping facilities with a family are a part of the family for this code;
  
2. A group of not more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit in accordance with Tennessee Code Annotated 13-24-102. For purposes of this subsection, 'mentally handicapped' and 'physically handicapped' includes persons being professionally treated for drug and/or alcohol dependency or abuse.

This zoning text change proposes to add: "3. A group of not more than eight unrelated persons over the age of sixty-five, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit."

Assisted-care living and nursing homes are currently permitted in Agricultural/Residential, Multi-Family Residential, and Mixed-Use zoning districts and some Office and Commercial zoning districts. This ordinance would permit very small elderly care facilities to be permitted anywhere that one family is permitted to live,



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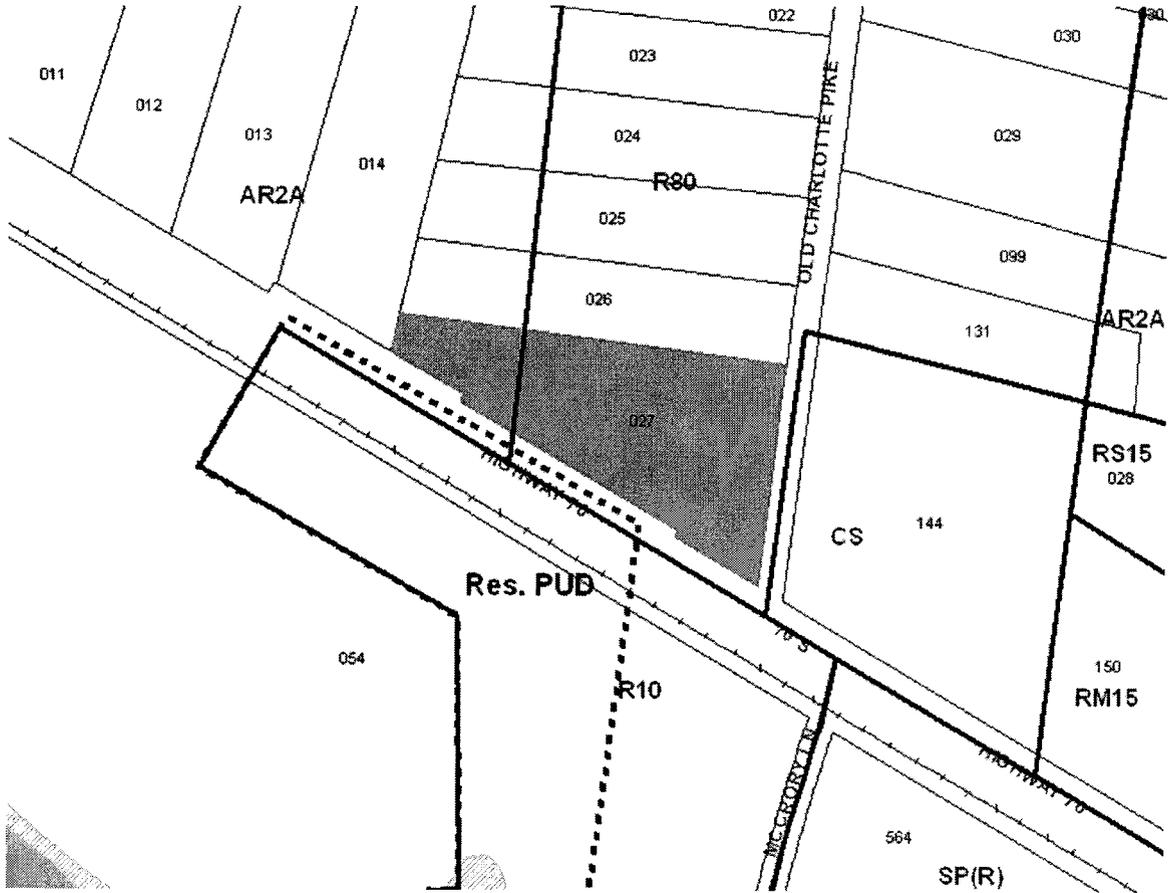
including Single-Family Residential and One and Two-Family Residential districts. Although this text change would allow up to eight unrelated persons over 65 years old to live together in a single housekeeping unit, these facilities would still be required to obtain the appropriate licenses from the State in order to operate.

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### **STAFF RECOMMENDATION**

Staff recommends approval of the proposed ordinance.

**SEE NEXT PAGE**



**2008Z-017G-06**  
Map 126-00, Parcel 027  
Subarea 6 (2003)  
Council District 35 - Bo Mitchell



<b>Project No.</b>	<b>Zone Change 2008Z-017G-06</b>
<b>Council Bill</b>	None
<b>Council District</b>	35 - Mitchell
<b>School District</b>	6 - Johnson
<b>Requested by</b>	Oliver Cromwell Carmichael, owner
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Disapprove</i>

**APPLICANT REQUEST**

**A request to change approximately 4.5 acres located at the northwest corner of Old Charlotte Pike and Highway 70 South (unnumbered), from Agricultural/Residential (AR2a) and One and Two-Family Residential (R80) to Commercial Service (CS) zoning.**

**Existing Zoning**  
AR2a District

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

R80 District

R80 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.

**Proposed Zoning**  
CS District

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

**BELLEVUE COMMUNITY  
PLAN POLICY**

Neighborhood Center (NC)

NC 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 NC 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, small-scale office, and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should



## Metro Planning Commission Meeting of 2/28/08

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?

No. The NC policy requires that zone change requests be accompanied by an Urban Design (UDO) or Planned Unit Development (PUD) overlay district, or the rezone request must be for a Specific Plan (SP) to ensure that any development is consistent with the policy requirements. While CS zoning would allow for some uses called for in the policy, a mixed-use zoning district with a PUD or UDO, or a mixed-use SP district is required to be consistent with the policy. CS zoning does not insure consistency with the NC policy in terms of uses or urban form.

### PUBLIC WORKS RECOMMENDATION

#### Typical Uses in Existing Zoning District: AR2a and R80

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.5	0.5	2	20	2	3

#### Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	4.5	0.066	11,761	506	13	45

#### Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	4.5	0.6	117,612	7547	173	697

#### 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
--				+486	+11	+42

### STAFF RECOMMENDATION

Staff recommends disapproval, since the NC policy requires a zone change requests must be accompanied by an UDO or PUD, or the rezone request must be for a SP to ensure that any development is consistent with the policy requirements.

**SEE NEXT PAGE**



**2008Z-018U-07**

Map 091-08, Parcels 197, 198, 199, 200, 201, 202, 214, 215, 216, 217, 218, 219, 220, 203

Subarea 7 (2000)

Council District 20 - Buddy Baker



**Project No.**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2008Z-018U-07**  
BL2008-133  
20 – Baker  
1 - Thompson  
Jesse Walker Engineering, applicant, for EastOak LLC,  
Mary A. Sisson and Violet Louise Boyden, owners

**Staff Reviewer**  
**Staff Recommendation**

Jones  
*Approve*

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**APPLICANT REQUEST**

**A request to change from Industrial Restrictive (IR) to One and Two Family Residential (R6) zoning properties located at 4400, 4501, 4502, 4504, 4506, 4507, 4508, 4509, 4510, 4511, 4516 and 4518 Michigan Avenue, at the intersection of 46th Avenue North and Michigan Avenue (2.50 acres).**

The Council Bill was filed for this request while the application was still under review by staff. Since the application was filed, 4518 Michigan Avenue (parcel 203) was added to the request in order to avoid creating an isolated parcel of IR zoning.

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**Existing Zoning**  
IR District

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

**Proposed 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. Re-subdividing this property according to the R6 district would allow a total of 19 lots, five of which could be developed as duplex lots. A maximum of 24 units consisting of 14 single-family lots and 5 duplex lots (10 units) could be constructed on the 2.50 acre site. If the site is developed under the current lot configuration all of the lots can have duplex on them since they were platted before 1984, for a total of 38 units.

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**WEST NASHVILLE  
COMMUNITY PLAN**

**Industrial and Distribution (IND)**

IND policy is intended for existing and future areas of industrial and distribution development. Most types of industrial and distribution uses are found in this policy category including: storage, business centers, wholesale



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centers, and manufacturing. Certain support uses such as sales, service, and office facilities will also be present in IND areas. 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?

Although the R6 zoning district is not supported by the IND land use policy, the one and two family residential uses permitted by the requested R6 zoning are consistent with the solid residential fabric of the surrounding neighborhood. The area both west and south of this site is primarily single-family with some two-family development dispersed throughout. It is zoned R6, with a land use policy of RM.

The lots requested for rezoning to residential were, at one time, zoned, subdivided, and used for residential purposes. In 1979 the Metro Council changed the zoning of lots on this block of Michigan Ave. from residential to industrial, contrary to the Planning Commission's recommendation to disapprove. Although the site was never actually developed for industrial purposes, the industrial zoning remains to this day.

The West Nashville Community Plan was adopted 8 years ago. At that time, the policy line between industrial land uses and residential land uses was determined by the existing zoning line, not by any over-arching planning principles, nor by any natural or man-made boundaries that would differentiate areas appropriate for industrial uses from areas appropriate for residential uses. The policy line reflected perceptions about the market in 1979. Market conditions have changed significantly, however, since these properties were zoned industrial, and the area is experiencing a surge in new construction and rehabilitation of residential properties.

Because this block has a unique zoning history and because there is no rationale to support the policy line in its current location, staff is recommending approval of this request to restore residential zoning on these residential lots.

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### RECENT REZONINGS

None

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### PUBLIC WORKS RECOMMENDATION

No Exception Taken

Maximum Uses in Proposed Zoning District: R6



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Land Use (ITE Code)	Acres	Density	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	2.32	6.18	14	134	11	15

### Maximum Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (110)	2.32	0.6	60,635	423	56	60

### 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
--				-289	-45	-45

## METRO SCHOOL BOARD REPORT

### Projected student generation

3 Elementary    2 Middle    2 High

### Schools Over/Under Capacity

Students would attend Cockrill Elementary School, Bass Middle School, and Pearl-Cohn High School. All three schools are identified as having capacity for new students by the Metro School Board. The projections show three additional students would be generated at the elementary school level, and two additional students each at the middle and high school level by this zone change request.

## STAFF RECOMMENDATION

Staff recommends approval of the request to rezone 2.50 acres from IR to R6. The one and two family residential district is not consistent with the current Industrial and Distribution land use policy, but it is consistent with the surrounding residential development pattern. The current lot configurations could not support an industrial form of development, but are conducive to a residential uses given that the lots average roughly 7,700 square feet.



**2008Z-019U-08**  
 Map 092-03, Parcel 055  
 Subarea 8 (2002)  
 Council District 19 - Erica S. Gilmore



**Project No.**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2008Z-019U-08**  
BL2008-135  
19 - Gilmore  
7 - Kindall  
Glenn and Chandra Jamison, owners

**Staff Reviewer**  
**Staff Recommendation**

Swaggart  
*Disapprove CL. Staff would recommend an SP for a coffee shop or other small scale retail in the existing building and recommends that Council refer the application back to the Planning Commission as an SP prior to third reading.*

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**APPLICANT REQUEST**

**A request to change approximately 0.2 acres located at 2110 Meharry Boulevard, approximately 255 feet west of 21<sup>st</sup> Ave. North from Residential Multi-Family Residential (RM20) to Commercial Limited (CL) zoning.**

**Existing Zoning**  
RM20 District

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

**Proposed Zoning**  
CL District

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

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**NORTH NASHVILLE  
COMMUNITY PLAN POLICY**

**Structure Policy**  
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.

**Detailed Policy**  
Institutional (INS)

INS is intended for major institutions such as colleges, universities, and hospital complexes.



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### Consistent with Policy?

No. While the proposed CL zoning district would allow for uses that would be consistent with the area's policy, it would also allow for uses that are not consistent with the policy such as a funeral home or automobile service. To ensure that any proposed change in use is consistent with the policy, an enforceable site plan such as an Urban Design Overlay or, Planned Unit Development Overlay to accompany zone change request, or a Specific Plan zoning district is required. The applicants have informed staff that they plan to open a coffee shop in the existing building. The applicants' proposed use would be consistent with the policy, as it will provide a supporting service to Fisk University and Meharry Medical Center, but if the property changes ownership and converts to another use, it may not be consistent with the policy.

### PUBLIC WORKS RECOMMENDATION

#### Typical Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	0.2	20	4	33	3	4

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	0.2	0.13	1,132	87	9	25

#### Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty retail center (814)	0.2	0.6	5,227	262	12	35

#### 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
--			+4,095	+54	+6	+21

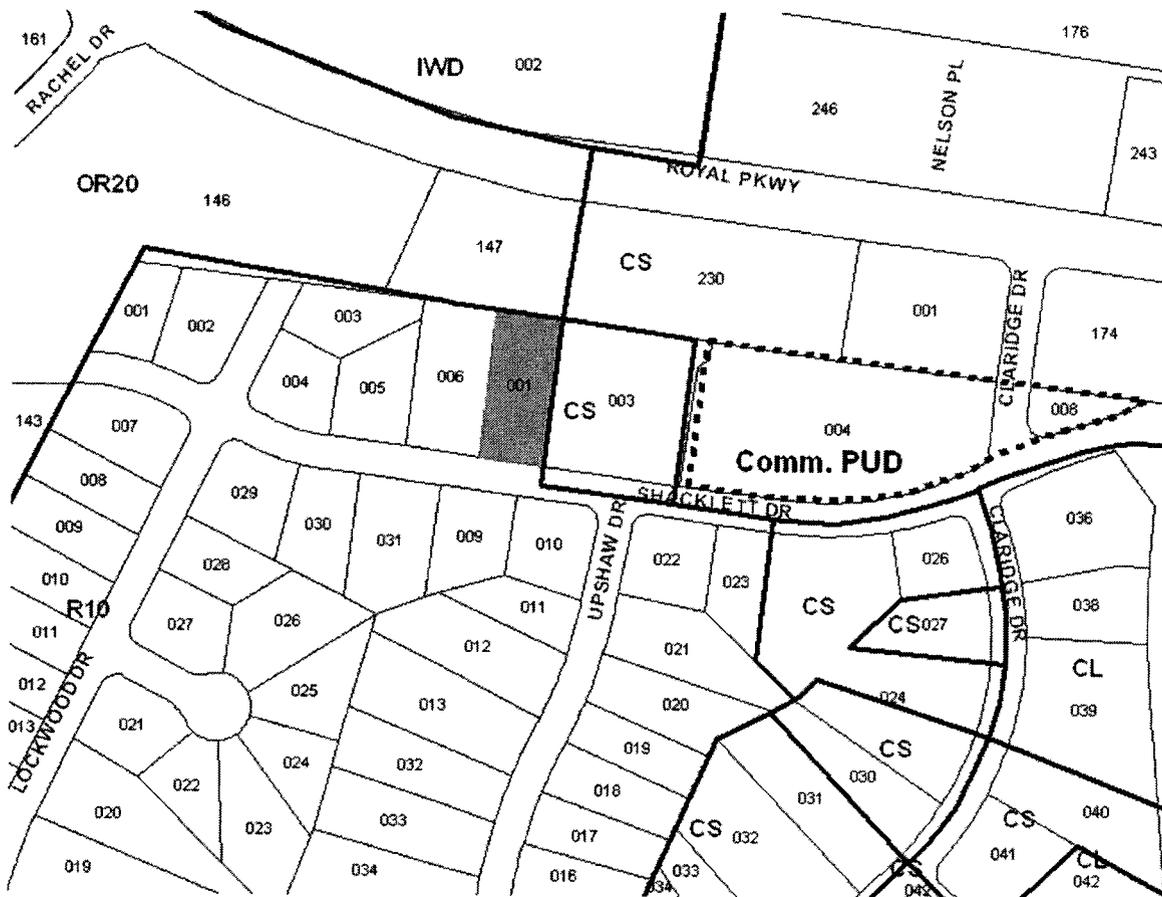


## Metro Planning Commission Meeting of 2/28/08

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### STAFF RECOMMENDATION

Staff recommends disapproval of CL but would recommend approval of a SP zoning district that would allow for a coffee shop and other small retail uses in the existing building. Staff will work with the applicants on a SP plan, and the applicants have expressed interest. Staff recommends that Council refer the application back to the Planning Commission as an SP prior to third reading.



**2008Z-020U-14**  
Map 108-01, Parcel 001  
Subarea 14 (2004)  
Council District 15 - Phil Claiborne



<b>Project No.</b>	<b>Zone Change 2008Z-020U-14</b>
<b>Council Bill</b>	None
<b>Council District</b>	15 - Claiborne
<b>School District</b>	4 - Glover
<b>Requested by</b>	Barge Cauthen and Associates, applicant for Executive Travel and Parking, LLC, owner
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve</i>

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**APPLICANT REQUEST**

**A request to change approximately 0.44 acres located at 2712 Shacklett Drive, approximately 1,030 feet west of Donelson Pike from Residential Single-Family and Two-Family (R10) to Commercial Services (CS) zoning.**

**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**

CS District

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

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**DONELSON/HERMITAGE/OLD-HICKORY COMMUNITY PLAN 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?**

Yes. The proposed CS zoning district is consistent with the area's CMC policy.



# Metro Planning Commission Meeting of 2/28/08

## PUBLIC WORKS RECOMMENDATION

### Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.44	3.7	1	10	1	2

### Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.44	0.198	3,795	108	14	14

### Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty retail center (814)	0.44	0.6	11,500	530	17	50

### 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
--			+7,705	98	+13	+12

## STAFF RECOMMENDATION

Staff recommends that the request be approved, as it is consistent with the area's CMC policy.

**SEE NEXT PAGE**

**NO SKETCH**



**Project No.**  
**Name**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2008Z-023T**  
**Digital and LED Signs**  
BL2007-152  
Countywide  
N/A  
Councilmember Charlie Tygard

**Staff Reviewer**  
Staff Recommendation

Regen  
*Disapprove.*

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**APPLICANT REQUEST**

**A request to amend the Metro Zoning Code, Section 17.32.050.G and H to allow digital and LED (i.e. electronic) signs in certain areas of Davidson County.**

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**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, including residentially zoned properties located along a collector or arterial street, as shown on the adopted Major Street Plan. 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 add a prohibition for digital billboards that are less than 2,000 feet apart from one another. 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 that would: 1) clarify that video and other animated signs are prohibited in all



## Metro Planning Commission Meeting of 2/28/08

districts except for the CA zoning district; and 2) permit LED message boards on collector and arterial streets in all residential zone districts.

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 30<sup>th</sup> 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

This council bill proposes to amend Section 17.32.050.G and H. of the Zoning Code (Prohibited Signs) as follows:

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 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.

2. LED message boards in residential zone districts except on collector or arterial streets.



## Metro Planning Commission Meeting of 2/28/08

### Analysis

In the past few years, there have been three council bills to permit electronic signs; two failed to receive Council support and one was adopted (see table below). All three bills were recommended for disapproval by the Metro Planning Commission. While this latest bill does create more restrictive display periods for electronic signs, it includes the far more sweeping change of allowing LED signs for any use located in a residential zone district.

### SIGN BILLS

Bill #	Sponsor	Council Action	MPC Action	Description
BL2005-648	Dozier	Failed 3rd Reading 1/17/06	Disapproved 12/8/2005	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

As written, the current bill would permit **any** residential or non-residential uses in residential zone districts to have a LED sign, if the property was along an arterial or collector street. Hence, any residential homeowner or apartment complex could place a LED sign in their front yard, displaying any kind of message they so desired. The “whereas” statements in this bill indicate the intent was for “non-residential uses” like non-profits, schools, and religious institutions to have LED signs, but not every residential homeowner. As written, the bill is not restricted to non-residential uses. If the Metro Council should decide to permit LED signs in residential zone districts, staff recommends that the ordinance should be amended to limit the use of such signs to those uses that are permitted as Special



## Metro Planning Commission Meeting of 2/28/08

Exceptions in residential zone districts, such as churches, schools, and other non-profits.

The Zoning Administrator has indicated that the Codes Department considers digital billboards to be illegal under the current Metro Code sign provisions because, in application, most such signs violate the provisions of subsection H in the current law, which prohibits signs with "lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color." This bill proposes to permit digital signs and digital billboards like those recently erected along I-65 near 100 Oaks Mall, I-24 westbound in Hermitage, and elsewhere in Metro. According to the Zoning Administrator, all of these digital signs and billboards are on private property, except Metro's convention center sign which is on public property. Those signs erected with a valid Metro permit were approved with the explicit statement that such signs were not to be digital. The proposed bill would clarify that digital billboards are allowed so long as the display message remains static or fixed for 8 seconds or more, the transition time between messages is two seconds or more, and digital billboards are spaced a minimum of 2,000 feet apart.

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### **STAFF RECOMMENDATION**

Staff recommends disapproval of the bill as drafted because LED signs would be permitted for all uses located in residential zone districts. At a minimum, the ordinance should be amended to limit the use of LED signs to those uses that are permitted as Special Exceptions in residential zone districts, such as churches, schools, and other non-profits. In addition, the ordinance should be amended to clarify that the provisions of 17.32.150 with respect to billboards shall continue to apply to digital billboards.

Staff notes that the proposed ordinance does include some provisions that would improve the Code by adding new limitations on the display of electronic signs that are not currently in the current Code. The restrictions proposed, however, are minimal and staff does not believe they will result in a significant reduction in the proliferation of electronic signs that have begun to clutter Nashville's roadsides. Staff recommends that further study involving all



## Metro Planning Commission Meeting of 2/28/08

stakeholders should be performed to develop a comprehensive ordinance to address electronic signs in light of new technology that has permitted the number of such signs to increase markedly throughout Nashville.

**NO SKETCH**



**Project No.**  
**Name**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2008Z-024T**  
**Vehicular Rental / Leasing**  
BL2007-150  
Countywide  
N/A  
Councilmember Parker Toler

**Staff Reviewer**  
**Staff Recommendation**

Regen  
*Approve*

**APPLICANT REQUEST**

**A request to amend the Metro Zoning Code, Section 17.08.030 (District Land Use Table) to permit with conditions countywide in the shopping center regional (SCR) zoning district the rental or leasing of automobiles, motorcycles, recreational vehicles, boats, recreational equipment, and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease (e.g. car rental agencies).**

**ANALYSIS**

Existing Law

Section 17.08.030 of the Zoning Code allows vehicular rental/leasing within a Specific Plan (SP) district, as provided in council bill BL2006-972 (2006Z-029T) and within all of the industrial districts.

“Vehicular rental/leasing” permits the renting or leasing of automobiles, motorcycles, recreational vehicles, boats, recreational equipment, light trucks and vans, moving vans, and moving trucks, including incidental parking and servicing of such vehicles. No “Automobile Repair” or “Scrap Operation” activities are permitted, and no inoperable vehicles can be stored on-site.

Proposed Bill

The proposed bill would permit, with conditions, limited vehicular rental/leasing in the Shopping Center Regional (SCR) district or an adopted SP district. The bill does not alter the use’s existing “permitted by right” status in the industrial districts.

Analysis

The SCR district is described in Section 17.08.020 of the Zoning Code as a district intended for very large, regional shopping and activity centers such as Bellevue Mall, Green Hills Mall, Rivergate Mall, Hickory Hollow Mall, Nashville West, Hill Center at Green Hills, and the Bellevue West Shopping Center. It also is a zoning district applied to large-scale shopping



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centers at major intersections such as Nolensville Pike/Old Hickory, I-65/Old Hickory, and Nolensville Pike/Harding Place.

Within Metro, there are 399 parcels zoned SCR encompassing 1,362 acres of land; 61% of these parcels are located in 36 planned unit developments (PUD). See table below.

### SCR Zoning

Parcels	399
Acres	1,362
SCR & within PUD overlay	61% (36 PUDs)
USD	approx. 60%
GSD	approx. 40%
<u>Council Districts</u>	13 districts
4 (Craddock), 10 (Ryman), 11 (Gotto), 14 (Stanley), 20 (Baker), 22 (Crafton), 25 (McGuire), 26 (Adkins), 27 (Foster), 31 (Toler), 32 (Coleman), 33 (Duvall), 35 (Mitchell)	

For those properties located in a PUD, the Zoning Code stipulates that the base zoning or the last Council adopted PUD plan would determine whether a vehicular rental/leasing use is allowed. If the PUD plan does not specifically indicate such a use is allowed, or the base zoning does not permit the vehicular rental/leasing use, then a rezoning and PUD amendment would be required. If the Council-approved plan did not include the vehicular rental/leasing use and the base zoning does permit the use, then the Planning Commission would determine if the use “. . . alter(s) the basic development concept of the PUD.” If the Commission determines that the proposed plan alters the development concept, then the change is referred back to the Metro Council. If the Commission determines that it does not alter the basic development concept, then vehicular rental/leasing likely would be permitted as a revision to the PUD.

Given the nature of these regional activity and shopping centers, locating an auto rental or leasing company would be convenient for area residents. Since this use incorporates such a wide variety of vehicles, the bill limits the types of vehicles available for rental or leasing as set forth below.



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Amend Section 17.16.070.P (Uses Permitted w/  
Conditions: Commercial Uses)

Vehicular Rental/Leasing. This use shall be allowed in the SCR district or as provided in an adopted Specific Plan district by the Metro Council. In the SCR district, the use shall be limited to renting and/or leasing passenger automobiles, sport utility vehicles, pick-up trucks (3/4 ton or less), and small cargo vans (gross vehicle weight rating of not more than 8,500 pounds), including incidental parking and servicing of these vehicles for rental or lease. No motorcycle, recreational vehicles, boats, recreational equipment, moving vans or moving trucks shall be rented or leased from the property. In addition, no "Automobile Repair" or "Scrap Operation" activities may occur on-site and no inoperable vehicles shall be stored on the property.

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**STAFF RECOMMENDATION**

Staff recommends approval of this text amendment.

**SEE NEXT PAGE**