



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201

**Minutes  
Of the  
Metropolitan Planning Commission**

*4/24/2008*

\*\*\*\*\*

*4:00 PM*

*Metro Southeast at Genesco Park  
1417 Murfreesboro Road*

**PLANNING COMMISSION:**

James McLean, Chairman  
Phil Ponder, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Derrick Dalton  
Tonya Jones  
Ann Nielson  
Victor Tyler  
Councilmember Jim Gotto  
Andrée LeQuire, representing Mayor Karl Dean

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Asst. Executive Director  
David Kleinfelter, Planning Mgr. II  
Ted Morrissey, Legal Counsel  
Jason Swaggart, Planner I  
Bob Leeman, Planner III  
Trish Brooks, Admin. Svcs Officer 3  
Carrie Logan, Planner I  
Craig Owensby, Communications Officer  
Brenda Bernards, Planner III  
Nedra Jones, Planner II  
Brian Sexton, Planner I  
Jonathan Honeycutt, Public Works  
Steve Mishu, Metro Water

**I. CALL TO ORDER**

The meeting was called to order at 4:03 p.m.

**II. ADOPTION OF AGENDA**

Ms. Hammond announced there were no changes to the agenda.

Mr. Ponder moved and Mr. Dalton seconded the motion, which passed unanimously to adopt the agenda. (6-0)

**III. APPROVAL OF APRIL 10, 2008 MINUTES**

Mr. Ponder moved and Mr. Tyler seconded the motion, which passed unanimously to approve the April 10, 2008 minutes as presented. (6-0)

Ms. LeQuire arrived at 4:04 p.m.

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Steine spoke in favor of Item #11, 2008Z-006T, Digital Billboards & LED signs. He briefly explained the bill and requested its approval.

Councilmember Page spoke in opposition to the Motor Vehicle Business Establishment application for 2632 Nolensville Pike. She briefly explained the issues associated with the application and ask that the Commission implement their newly adopted policy and deny the request.

Councilmember Coleman acknowledged that Item #1, 2007CP-21U-13, Amend the Antioch-Priest lake Community Plan: 2003 Update, and Item #2, 2008SP-002U-13, Starwood Commons, were on the Deferral Agenda and would be heard at the June 8, 2008, meeting. He briefly explained the reason for the deferral and asked that the Commission approve the request.

Ms. Nielson arrived at 4:10 p.m.

Ms. Cummings arrived at 4:10 p.m.

Mr. Clifton arrived at 4:10 p.m.

Councilmember Stanley spoke in favor of Item #18, 2008Z-047U-14, which was on the Consent Agenda with the recommendation of approval. He briefly explained the proposed rezoning and requested its approval. He also announced that he would be co-sponsoring a community meeting with the Stanford Estates Home Owners Association in order to discuss the rezoning with the affected property owners. The meeting will be held at 7:00 p.m. on Monday, April 28, 2008, at the Donelson Christian Academy.

Councilmember Jameson spoke regarding Item #8, 2006SP-183U-09. He briefly spoke of the outstanding issues associated with the proposal, in particular, building height and setback. He spoke in favor of the changes made to the design aspects of the proposal as the changes better enhance the LEED certification requirements of the development. He requested that the Commission carefully consider the outstanding issues prior to making their recommendation.

Councilmember Jameson spoke regarding Item #9, 2007SP-122U-05, Gallatin Pike Improvement District. He stated he was in favor of the requested amendments being proposed to the Gallatin Pike SP and that the issues that had just surfaced that generated opposition would be studied further and amended prior to the implementation of the bill.

Councilmember Jameson explained that he was asked by Councilmember Holleman to speak on his behalf on Item #16, 2008Z-045U-10, which was on the Consent Agenda with the recommendation of approval. He briefly explained the intentions of the requested zone change as well as the support it had received by the community. He requested its approval.

Councilmember Jameson then spoke on Item #24, 2008P-004U-05, East River Apartments. He explained that the developer had requested this item be deferred to allow additional time to further study LEED certification requirements for this project.

Mr. Clifton requested clarification from Councilmember Jameson on whether the condominium aspects of the proposed Broadway Hotel had been removed from the project and whether the mixed-use aspects were still in tact.

Councilmember Jameson verified that the condominiums were removed from the hotel due to the collapse of the residential market. He further stated that the mixed use aspects were still part of the development, and could be considered a healthier mix due to their location within the project.

Councilmember Ryman stated he would address the Commission once his item was presented for discussion.

Councilmember Toler spoke in favor of Item #12, 2008Z-038U-12, which was on the Consent Agenda with the recommendation of approval. He explained he had numerous petitions in support of the proposal and requested its approval.

Councilmember Harrison spoke in favor of approving Item #3, 2008Z-039U-03. He stated that the requested development would enhance the diversity of land uses defined for this area and would be an enhancement to the community. He requested its approval.

Councilmember Bennett spoke in favor of Item #9, 2007SP-122U-05, Gallatin Pike Improvement District. She stated that the SP provides additional housekeeping measures that will further enhance development along Gallatin Pike.

Councilmember Murray spoke in favor of Item #9, 2007SP-122U-05, Gallatin Pike Improvement District. She spoke in favor of Item #14, 2008Z-043U-05, Maxwell Heights, which was on the Consent Agenda with a recommendation of approval. Councilmember Murray spoke in favor of Item #15, 2008Z-044U-05, which was also on the Consent Agenda with the recommendation of approval. She then mentioned her support for Item #25, 2008UD-001U-05. She stated that the overlay would assist with the sign regulations for this area and requested its approval.

**V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

- |     |                |   |   |
|-----|----------------|---|---|
| 1.  | 2007CP-21U-13  | A request to amend the Antioch-Priest Lake Community Plan: 2003 Update to go from Corridor General to Commercial Mixed Concentration policy for a portion of Map 164, Parcel 41 located along the south margin of Murfreesboro Pike   | – deferred to June 12, 2008 at the request of the applicant |
| 2.  | 2008SP-002U-13 | A request to change from AR2a to SP-MU zoning property located at 3839 Murfreesboro Pike, approximately 230 feet north of Old Hickory Boulevard, to permit the development of multi-family residential uses on up to 28 acres at density of 9 dwelling units for a maximum of 250 dwelling units and the development of commercial uses of 421,500 square feet on up to 37.1 acres of land at a floor area ratio of up to .40 | – deferred to June 12, 2008 at the request of the applicant |
| 24. | 2008P-004U-05  | A request to revise the preliminary plan and for final approval for a Planned Unit Development located at 201 North 8 <sup>th</sup> Street and Ramsey Street (unnumbered), at the southwest and northeast corner of Ramsey Street and North 8 <sup>th</sup> Street (5.63 acres), zone Mutil-Family Residential (RM20), to permit 90 multi-dwelling units where 104 units previously existed                                   | – deferred to May 8, 2008 at the request of the applicant   |

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn Items as presented. **(10-0)**

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

**VI. PUBLIC HEARING: CONSENT AGENDA  
ITEMS PREVIOUSLY DEFERRED**

- |    |               |  |          |
|----|---------------|--|----------|
| 5. | 2008CP-03U-08 | Amend the Germantown portion of the Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2nd & Hume to clarify one goal of the plan - “Encourage new development to be sensitive of and compatible to the scale, mass, materials and architecture of the historical context of the neighborhood.” - by providing additional guidance on heights of proposed new structures as well as guidance on providing transitions in height and massing between new structures and adjacent historic structures. | -Approve |
|----|---------------|--|----------|

- |    |               |   |  |
|----|---------------|---|--|
| 6. | 2007Z-167U-08 | A request to apply the historic overlay district to 548 properties in Germantown bounded by Rosa Parks Boulevard, Jefferson Street, Hume Street, and 2nd Avenue North (93.08 acres), zoned R6, SP, OR20, MUN, MUG, CS, CF, and IR and within the Phillips-Jackson Redevelopment District. | -Approve, subject to the approval of the associated Community Plan amendment |
|----|---------------|---|--|

Mr. Bernhardt questioned whether or not Mr. Lyons was present at the meeting. He had submitted a letter of opposition regarding Item #6, 2007Z-167U-08.

Mr. Lyons was not at the meeting.

**ZONING MAP AMENDMENTS**

- |     |               |   |          |
|-----|---------------|---|----------|
| 12. | 2008Z-037U-12 | A request to rezone various properties from R10 to RS10 north of Barnes Road, between Old Hickory Boulevard and Nolensville Pike.   | -Approve |
| 14. | 2008Z-043U-05 | A request to apply a Neighborhood Conservation Overlay to various properties west of Gallatin Avenue, located along Bailey Street, W. Eastland Avenue, Finn Street, Laurent Street, McFerrin Avenue, Mansfield Street, Maxwell Avenue, N. 10th Street, and Silverdene Place, zoned CN, RS5, RM20 and SP.  | -Approve |
| 15. | 2008Z-044U-05 | A request to apply a Neighborhood Conservation Overlay to various properties located along Apex Street, Bailey Street, Chicamauga Avenue, Cleveland Street, Emmett Avenue, Granada Avenue, Laurent Street, Granada Court, Manila Street, McFerrin Avenue, N. 9 <sup>th</sup> Street, Petway Avenue, Seymour Avenue, and W. Eastland Avenue, zoned CN, RS5 and RM40. |          |
|     |               | <b>- Approve, subject to approval of the proposed overlay by the Metro Historic Commission prior to the Planning Commission meeting.</b>  |          |
| 16. | 2008Z-045U-10 | A request to rezone various properties from R10 to RS15 district north of Woodmont Boulevard between Lynnbrook Road and Estes Road and along Cantrell Avenue, Cantrell Square, Oaklawn Avenue, Westmont Avenue, Wilson Boulevard, Woodlawn Drive, and Woodmont Boulevard.   | -Approve |
| 18. | 2008Z-047U-14 | A request to rezone various properties from R10 to RS15 district and RS10 to RS15 district along Belding Drive, Danyacrest Drive, Dedham Drive, Dinah Court, Disspayne Drive, Downeymeade Court, Downeymeade Drive, Edgemont Drive, Eldon Court, Jenry Court, Jenry Drive, Lebanon Pike, Myrich Drive, Stafford Drive, and Walcott Drive.                           | -Approve |
| 19. | 2005P-017G-06 | A request to amend the existing Planned Unit Development District for Shoppes on the Harpeth, approved by Council Bill BL2005-746, located at 8042, 8050, 8058, and 8100 Highway 100, approximately 580 feet west of Temple Road, classified CL, to modify the signage provisions.  | -Approve |

**CONCEPT PLANS**

- |     |               |  |                        |
|-----|---------------|--|------------------------|
| 20. | 2008S-079U-07 | A request for concept plan approval to create 14 lots on properties located at 7273 Centennial Place and Centennial Place (unnumbered), approximately 5,200 feet north of Cockrill Bend Boulevard, zoned IR. | - Approve w/conditions |
|-----|---------------|--|------------------------|

**FINAL PLANS**

- |     |               |   |                       |
|-----|---------------|---|-----------------------|
| 21. | 2008S-066G-04 | A request for final plat approval to create 3 lots and on a portion of the property located at 94 Berkley Drive, approximately 315 feet east of Gallatin Pike, zoned RM40 and within a Planned Unit Development District overlay. | -Approve w/conditions |
|-----|---------------|---|-----------------------|

**REVISIONS AND FINAL SITE PLANS PLANNED UNIT DEVELOPMENTS**

23. 2002P-003U-03 A request to revise the preliminary plan for the Park Preserve Planned Unit Development Overlay on properties located at Whites Creek Pike (unnumbered), Brick Church Pike (unnumbered), and Vista Lane (unnumbered), between Brick Church Pike and Whites Creek Pike (200.43 acres), zoned RM9, to revise the overall layout and to stub Suzanne Drive to the property line.

**- Approve with conditions, including 1) The layout may need to be revised, which may result in the loss of lots, if Stormwater appeals are not obtained and 2) A bike and pedestrian connection shall be required on Johnna Drive.**

**OTHER BUSINESS**

- 26. Recommended Capital Improvements Budget 2008-2009 to 2013-2014 -Approve
- 27. 3D data contract -Approve
- 28. Employee contract renewal for Hilary Kahnle. -Approve
- 29. Amendment No. 1 to Contract No. L-2008 Between the Metropolitan Government of Nashville and Davidson County and LandDesign, Inc. with Attachment B. -Approve

Mr. Clifton requested that the Commission remove Item #6, 2007Z-167U-08 from the Consent Agenda, to hear the staff presentation. He referenced a letter submitted to the Commission that contained areas of concern from a property owner affected by the proposal.

Mr. Bernhardt explained the proposed Plan Amendment and overlay to the Commission. He specifically addressed the concern outlined in Mr. Lyons letter and stated that the proposal does not alter the already existing CS zoning planned for this area as stated in Mr. Lyon’s letter.

Mr. Clifton withdrew his request to hear Item #6, 2007Z-167U-08.

Ms. Jones moved and Mr. Ponder seconded the motion, which passed unanimously to adopt the Consent Agenda as presented. Ms. LeQuire recused herself from voting on the Consent Agenda. **(9-0-1)**

**VII. ITEMS PREVIOUSLY DEFERRED**

Motor Vehicle Business Establishment application for 2632 Nolensville Pike, Marco Juarez, owner. (Proposal No. 2008Z-033U-11)

State Representative Janis Sontany explained the recently adopted state legislation regarding used car lots to the Commission.

Mr. McLean clarified certain aspects of the legislation with Representative Sontany.

Mr. Clifton offered that Representative Sontany was currently sponsoring additional legislation to further clarify the implementation of this bill. He acknowledged the complexity of the issue.

Mr. Kleinfelter presented the information pertaining to the Motor Vehicle Business Establishment application for 2632 Nolensville Pike.

Ms. Cummings requested clarification on the length of time a property owner has to remove graffiti from their premises.

Mr. Bill Penn, Metro Codes Administrator, explained the graffiti violation and its removal to the Commission.

Mr. Gotto requested that Mr. Penn provide additional information on each of the violations that have been reported on the property owner.

Mr. Penn briefly explained each of the violations to the Commission. He then introduced Ms. Custode, who is the Metro Property Standards Inspector for this area. She submitted photos of the area to the Commission for the record.

Ms. Sandra Custode explained each of the operation issues that prompted code violations for this owner.

Ms. Cummings acknowledged the number of violations incurred by the owner, and the fact that Metro Codes has worked with the owner in order to assist with compliance.

Mr. Clifton acknowledged the reasons for the state legislation and how it can assist in improving various neighborhoods throughout the City.

Ms. Jones expressed issues with the subjectivity of the legislation.

Mr. Tyler requested clarification on the fee charged for this application.

Mr. Kleinfelter provided this information to the Commission.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove as the applicant did not show cause as to why this business should continue as a Motor Vehicle Business Establishment. **(8-2) – No Votes – Jones, Tyler**

**Resolution No. RS2008-80**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-033U-11 is DISAPPROVED. Applicant did not show cause as to why this business should continue as a Motor Vehicle Business Establishment. (8-2)”**

- 
- 1. 2007CP-21U-13**  
Amend the Antioch-Priest Lake Community Plan: 2003 Update  
Subarea 13  
Council District 32 – Sam Coleman

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

**Staff Recommendation: Disapprove applicant’s request and approve staff’s recommended plan amendment.**

**The Metropolitan Planning Commission DEFERRED Community Plan 2007CP-21U-13 to June 8, 2008, at the request of the applicant. (10-0)**

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- 2. 2008SP-002U-13**  
Starwood Commons  
Map: 164-00 Parcel: 041  
Subarea 13  
Council District 32 – Sam Coleman

A request to change from AR2a to SP-MU zoning property located at 3839 Murfreesboro Pike, approximately 230 feet north of Old Hickory Boulevard (65.1 acres), to permit the development of multi-family residential uses on up to 28 acres at density of 9 dwelling units for a maximum of 250 dwelling units and the development of commercial uses of 421,500 square feet on up to 37.1 acres of land at a floor area ratio of up to .40, requested by R. Chris Magill Consulting, LLC, applicant, for Vastland Starwood Development LLC, owner.

**Staff Recommendation: Disapprove**

**The Metropolitan Planning Commission DEFERRED Zone Change 2008SP-002U-13 to June 8, 2008, at the request of the applicant. (10-0)**

**3. 2008Z-039U-03**

Map 071-01, Part of Parcel 087

Subarea 3

Council District 2 – Frank Harrison

A request to rezone from RS7.5 to CL district a portion of property located at 415 W. Trinity Lane, approximately 560 feet west of Monticello Drive (4.10 acres), requested by Leslie and Lori Y. Stratton, applicant, for Greater Grace Temple Community Church, owner.

**Staff Recommendation: Disapprove**

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

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

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

**Existing Zoning**

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

**Proposed Zoning**

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

**BORDEAUX/WHITES CREEK COMMUNITY PLAN**

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

**Consistent with Policy?** No. The uses allowed in the Commercial Limited district would be incompatible with the Residential Medium policy. Areas designated RM are suitable for residential development, civic and public benefit activities, and small open spaces, such as parks, greens, squares and plazas. The uses surrounding this site on the west, north, and northeast are predominantly residential or vacant land. Commercial Mixed Concentration (CMC) policy, with zoning that supports commercial development, is concentrated to the east, along both sides of Trinity Lane, extending to the interchange of I-65 and Brick Church Pike.

Several commercially zoned properties in the area are vacant and others are underutilized, so opportunities already exist to expand and intensify commercial development, without permitting the intrusion of commercial zoning into residential areas to the west. Limiting commercial uses to the existing commercially zoned land prevents the expansion of “strip” commercial development along Trinity Lane. The community plan envisions high intensity residential development for this area to promote and support public transit in the area and provide viable housing options for families.

**PUBLIC WORKS RECOMMENDATION** TIS may be required at time of development

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

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

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

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

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

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

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

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

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

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

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

Ms. Nedra Jones presented and stated that staff is recommending disapproval.

Ms. Nielson questioned whether the applicant was interested in obtaining SP zoning for this parcel.

Ms. Nedra Jones stated that due to the costs associated with SP zoning, the applicant did not show an interest in obtaining SP zoning.



Ms. Cummings acknowledged that the requested zoning for this parcel was not consistent with the community plan, however, she stated that the requested use would contribute to the diversity of various land uses located in this area.

Ms. Cummings moved and Mr. Gotto seconded the motion, to approve Zone Change 2008Z-039U-03. **(8-2) No Votes – Ponder, Nielson**

**Resolution No. RS2008-81**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-039U-03 is **APPROVED. (8-2)**

**While the proposed CL district is not consistent with the Bordeaux/Whites Creek Community Plan’s Residential Medium policy, it is consistent with adjacent property zonings.”**

**VIII. PUBLIC HEARING: COMMUNITY PLANS**

4. **2008CP-01U-06**  
Bellevue Plan Special Policy Area 1 Amendment  
Subarea 6  
Council District 20 – Buddy Baker, Council District 35 – Bo Mitchell

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

**Staff Recommendation: Approve plan amendment**

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

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

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

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

**PROPOSED REVISED SPECIAL POLICY 1** The proposed language for Special Policy Area #1 is as follows:

**SECTION I. Applicability.**

Special Policy 1 applies to the area designated CMC that is on the north and south sides of Charlotte Pike, west of the I-40 interchange, and along River Road west of Charlotte Pike. Some of the topography and floodplain in this area is unsuitable for development. The following policies apply.

**SECTION II. Policy for Environmentally Sensitive Areas.**

The environmentally sensitive portions of this special policy area should be conserved and maintained in their natural state, including the following:

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

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

### SECTION III. Policy for Non-environmentally Sensitive Areas.

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

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

### B. Transition.

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

### SECTION IV. Implementation.

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

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

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

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

For the portion of the site that is developable, however, staff questioned the out-moded recommendation that all development have a 0.15 floor-to-area (FAR) building intensity. This FAR results in a low-intensity, conventional

suburban style development that is an underutilization of land so close to other development and the I-40 interchange with Charlotte Ave.

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

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

**Treatment of Other Locations** “Commercial Mixed Concentration” (CMC) policy, which is the base land use policy under Special Policy Area 1, ordinarily supports fairly intense development and large scale buildings where the land is suitable and infrastructure is available or can be provided. Standard CMC policy is open-ended in that it does not include extensive guidance regarding intensity or the character and form of development within these areas.

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

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

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

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

**Broad Planning Principles and Guidelines** Besides the standard land use policies described in *Land Use Policy Application*, the “Transect” is now being used to provide guidance for the character and form of development within an area. The Transect is a tool for recognizing and preserving the diversity of development – from rural to urban – in a community. The current language for Special Policy Area 1 predates, and does not reflect, the type of guidance the Transect provides. As a supplement to the land use policies, the Transect is a valid basis for establishing the particular character and form of development intended within the special policy area. In this case, the Transect calls for the development of this area – near a major interstate interchange and surrounded by residential development – to be developed at an urban standard.

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

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

**STAFF RECOMMENDATION** Staff recommends approval of the proposed new language for Special Policy Area

Mr. Eadler presented and stated that staff is recommending approval of amending the Bellevue Plan Special Policy area, 2008CP-01U-06.

Ms. Bernards presented and stated that staff is recommending approval with conditions of Zone Change 2008SP-006U-06, including the conditions contained in the supplemental report, as well as approval of the Revised Special

Policy.

Councilmember Mitchell spoke in favor of the proposed development. He stated the project provides positive growth for a walkable and sustainable community that would allow residents to live, work or play in the area. He stated that any traffic and connectivity issues could be addressed as the project moved through the various phases of development.

Councilmember Baker also spoke in favor of the proposed development. He did, however, state that he was opposed to the development having access to Cabot Drive.

Ms. Janice Lampley, 506 Achievement Drive, spoke in opposition to the proposed development.

Mr. Brian Wright, 236 Pearl Street, spoke in favor of the proposed development.

Mr. Wallace Lampley, 506 Achievement Drive, spoke in opposition to the proposed development.

Ms. Mary Currin, 509 Continental Drive, spoke in favor of the proposed development.

Ms. Leslie Oliver spoke in favor of the proposed development.

Mr. Jeff Kolb, 6504 Cornwall Drive, spoke in favor of the proposed development.

Mr. Chris Ude, 222 Pearl Street, spoke in favor of the proposed development.

Mr. Billy Walls, 504 Nichol Road, spoke in opposition of the proposed development.

Mr. Greg Morgan, 2521 Devon Valley Drive, spoke in favor the proposed development.

Mr. Al Ganier spoke in favor of the proposed development.

Councilmember Mitchell stated that the developer would continue to meet with the residents affected by this proposal in order to address any issues or concerns they would have with the project.

A letter of support, written by Dr. Casey Bearden, was read into the record by a Ms. Stephanie Lanton.

Ms. LeQuire requested additional clarification on any changes or realignments scheduled for Cabot Drive.

Ms. Bernards explained this concept to the Commission.

Mr. Dalton spoke in favor of the proposal, however, expressed a concern with the traffic issues associated with Cabot Drive.

Mr. Ponder spoke in favor of the proposed development. He was appreciative of the efforts the Councilmember and applicant have made, and continue to make, in keeping residents informed of the proposal. He did, however, express a concern with the road conditions located in this area and stated that the conditions need to be addressed.

Ms. Nielson acknowledged the effort that the applicant will continue to make in order to keep area residents informed of the project.

Mr. Clifton acknowledged the concerns of the residents due to the size of the development. He stated that most of the concerns would have to be addressed at the Council level and that from a planning perspective, the proposal looks good.

Ms. Cummings spoke in favor of the proposed development. She mentioned that the proposal contains a model city and the methods used to propose this development should be modeled by future developers looking to develop in the City.

Mr. Tyler requested clarification on the condition that references a required variance for any uncompensated fill.

Ms. Bernards explained this concept to the Commission.

Mr. Steve Mishu, Metro Stormwater, further explained the requirement of uncompensated fill to the Commission.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously to approve and amend the Bellevue Plan Special Policy area, 2008CP-01U-06, as well as approve with conditions, Zone Change 2008SP-006U-06. **(10-0)**

[Note: Items #4 and #10 were discussed by the Metropolitan Planning Commission together. See Item #10 for actions and resolutions.]

**5. 2008CP-03U-08**

Request to Amend the Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2<sup>nd</sup> & Hume  
Subarea 8  
Council District 19 – Erica Gilmore

Amend the Germantown portion of the Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2<sup>nd</sup> & Hume to clarify one goal of the plan - “Encourage new development to be sensitive of and compatible to the scale, mass, materials and architecture of the historical context of the neighborhood.” - by providing additional guidance on heights of proposed new structures as well as guidance on providing transitions in height and massing between new structures and adjacent historic structures.

**Staff Recommendation: Approve**

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

**CURRENT POLICIES**

**Mixed Live/Work in Neighborhood Urban (MLW in NU)** MLW is intended for primarily residential uses, while providing opportunities for small commercial establishments, mostly home-run professional or retail services.

**Mixed Use in Neighborhood Urban (MU in NU)** MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

**Civic or Public Benefit in Neighborhood Urban (CPB in NU)** CPB is intended for various public facilities including schools, libraries, and public service uses.

NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Parks Reserves and Other Open Space in Open Space (PR in OS)** PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.

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

**Parks Reserves and Other Open Space in Potential Open Space (PR in POS)** POS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The POS designation indicates that the area in question is intended for open space use, but has not been secured yet for that use.

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

**Housekeeping Amendment – Changing 8<sup>th</sup> Ave. N. to Rosa L. Parks Blvd.** A note is proposed to be added before the introduction alerting readers of the DNDP that if the Germantown portion of the document is amended, references to “8<sup>th</sup> Avenue North” will be replaced with “Rosa L. Parks Boulevard.” All remaining references to 8<sup>th</sup> Avenue North found elsewhere in the document are to be assumed to reference Rosa L. Parks Boulevard.

**Amendment to “Intent of Plan”** Among the goals of the *Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2<sup>nd</sup> & Hume* is a goal addressing the compatibility of new development with the historical context of the neighborhood. The goal is proposed to be amended as follows with new language in *italics*:

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

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

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

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

“Corridor Center areas stretch along *Rosa L. Parks Boulevard* on the western boundary of Salemtown and Germantown with a break in between Hume Street and Taylor Street (Werthan Bag Company). These areas include mostly highway commercial uses, although it does include some residential and public benefit uses. New *structures* along this portion of *Rosa L. Parks Boulevard* should *generally have a maximum height of between four (4) and six (6) stories, but should be no taller than 75 feet. Structures should be designed with the tallest and largest mass near Rosa L. Parks Boulevard. Any sides of above-grade structured parking facing a public street should be lined with active uses such as residential, retail, office or commercial. Parking structures are subject to the same height, mass and transition provisions of all structures with the exception that parking structures at the alley or back of the property should be limited to two (2) stories or 25 feet. Below-grade structured parking is strongly encouraged.*

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

*New structures should be designed to provide a transition, in scale and massing, to adjacent historic structures. A*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Amendment to Land Use Policy Maps**

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

#### **Amendment to “Details; 3<sup>rd</sup> & Monroe”**

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

**BACKGROUND** Council member Erica Gilmore, Metro Historical Commission, and Germantown stakeholders have been working to create a Historic Zoning District for the Germantown neighborhood. As a zoning district, the Historic Overlay District is reviewed for conformance with the community plan – in this case the *North Nashville Community Plan* and the *Detailed Neighborhood Design Plan for East Germantown, Germantown, Salemtown and Metro/2<sup>nd</sup> & Hume*.

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

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



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

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

**STAFF RECOMMENDATION** Approve.

Approved, (9-0-1) *Consent Agenda*

**Resolution No. RS2008-82**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008CP-03U-08 is **APPROVED. (9-0-1)**”

**IX. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS ON PUBLIC HEARING ZONING MAP AMENDMENTS**

- 6. 2007Z-167U-08**  
Germantown Historic Preservation District  
Map: 082-09 Parcels: Various  
Subarea 8  
Council District 19 – Erica Gilmore

A request to apply the historic overlay district to 548 properties in Germantown bounded by Rosa Parks Boulevard, Jefferson Street, Hume Street, and 2nd Avenue North (93.08 acres), zoned R6, SP, OR20, MUN, MUG, CS, CF, and IR and within the Phillips-Jackson Redevelopment District, requested by Councilmember Erica Gilmore, for various owners.

**Staff Recommendation: Approve, subject to the approval of the associated Community Plan amendment.**

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

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

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

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

**Existing Zoning**

**R6 District** - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

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

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

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

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

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

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

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

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

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

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

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

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

#### **NORTH NASHVILLE COMMUNITY PLAN**

**Mixed Live/Work in Neighborhood Urban (MLW in NU)** MLW is intended for primarily residential uses, while providing opportunities for small commercial establishments, mostly home-run professional or retail services.

**Mixed Use in Neighborhood Urban (MU in NU)** MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

**Civic or Public Benefit in Neighborhood Urban (CPB in NU)** CPB is intended for various public facilities including schools, libraries, and public service uses.

NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Parks Reserves and Other Open Space in Open Space (PR in OS)** PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.

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

**Parks Reserves and Other Open Space in Potential Open Space (PR in POS)** POS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The POS designation indicates that the area in question is intended for open space use, but has not been secured yet for that use.

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

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

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

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

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

- The Introduction section was revised to update the history of the neighborhood to include the more recent past from 1980 to the present and to refine the guiding principles.
- Illustrative drawings and photographs were added to include commercial, mixed-use and multi-family building types.
- Additional language was added to address commercial and industrial requirements.
- The New Construction section was divided into two sections (Section 2.0 - New Construction within historic context, and Section 3.0 - New Construction with limited or no historic context).
- A map designating all historic properties and context was added.
- Text was added referencing the Germantown Detailed Neighborhood Design Plan

The changes reflect the unique character of Germantown, which includes many industrial properties and a high

concentration of non-contributing structures at its perimeter boundaries.

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

**Analysis** In the staff report for the December 13, 2007, Planning Commission meeting, staff recommended that the overlay contain fewer properties due to the high ratio of noncontributing/vacant property to contributing property within the requested boundary. Staff's analysis, however, did not include consideration of the MHZC's purpose for requesting the zoning overlay. MHZC staff has provided the Planning Department with a purpose statement. The stated purpose "...of the proposed Germantown Historic Preservation Overlay is to protect one of the city's most architecturally and historically significant neighborhoods in its entirety. That purpose encompasses the preservation of historic structures and the compatible redevelopment of the contextual neighborhood." Therefore, the intent of the Historic Preservation Overlay is not only to preserve individual structures, but to conserve the neighborhood character; a goal normally served by the application of a Neighborhood Conservation Overlay.

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

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

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

Redevelopment Districts and Historic Overlays serve two distinct purposes. The purpose of a Redevelopment District is to eliminate blight and promote redevelopment. The purpose of a Historic Overlay is to preserve historic structures and neighborhood character. This is especially important in areas where redevelopment may inadvertently encourage demolition and development that is incompatible with the existing historic fabric. Therefore, staff recommends approval of the Historic Preservation Overlay as recently approved by Metro Historic Zoning Commission, with the exception of the four properties removed during first reading Metro Council.

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

**PUBLIC WORKS RECOMMENDATION** No Exceptions Taken

#### **METRO SCHOOL BOARD REPORT**

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

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

Approved, (9-0-1) *Consent Agenda*

**Resolution No. RS2008-83**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-167U-08 is **APPROVED. (9-0-1)**

**The proposed Historic Overlay will protect the area’s architectural integrity and is not inconsistent with the North Nashville Community Plan’s area policies.”**

7. **2008SP-009G-06**  
Bluffs On Sawyer Brown  
Map 128-00 Parcels 045  
Subarea 6  
Council District 22 – Eric Crafton

A request to change approximately 39.09 acres from R15 to Specific Plan - Residential (SP-R) zoning property located at Sawyer Brown Road (unnumbered), approximately 540 feet north of Meadow Lane Drive, to permit the development of 115 townhome units, requested by Dale & Associates, applicant, for Hodges & Sons Inc., owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary SP**

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

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

**Existing Zoning**

R15 District-R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

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

**BELLEVUE COMMUNITY PLAN**

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

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

**PLAN DETAILS**

**Site Plan** The plan calls for 115 units arranged in 18 buildings that range from four to seven units each. The buildings line a private street that includes sidewalks on one side. There is a small community open space area

proposed in the north portion of the development. Most of the site is within open space, about 40% of which is undisturbed.

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

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

1. A preliminary geotechnical analysis has been performed to insure the feasibility of this proposal. This plan has been modified to indicate placement of roadways and buildings with grading to stable soils and placement of engineered fill. Prior to any construction, a detailed geotechnical report will be submitted with final SP plans.
2. Prior to the issuance of Use and Occupancy permits, a certification letter stamped by a licensed engineer stating that everything has been constructed in compliance with the geotechnical report shall be submitted.

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

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

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

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

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

In accordance with the TIS recommendations:

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

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

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

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

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

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

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

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

**STORMWATER RECOMMENDATION** Preliminary Approved.

**NASHVILLE ELECTRIC SERVICE RECOMMENDATION**

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

**FIRE MARSHAL RECOMMENDATION** Conditional

- Additional information will be required before a building permit can be issued, adequate information not provided to allow approval of this project in its entirety at this time.
- Fire Hydrants shall be in-service before any combustible material is brought on site.
- All fire hydrants shall provide a minimum of 1000 gpm @ 20 psi. If so, all single family residences up to 3600 sq. ft. are pre-approved.
- Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
- More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B
- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
- Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.

- Fire hydrant shall comply with 2006 edition of NFPA 1 table H
- Provide a Master Water Plan which shows water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.
- Print fire hydrant flow data on plans.
- Flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.
- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

#### **METRO SCHOOL BOARD REPORT**

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

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

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

#### **CONDITIONS**

1. There shall be no construction access from Holt Valley Road.
2. Remove dumpster from open space and place in a less visible area.
3. This SP is limited to multi-family residential.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM4 zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



Ms. Logan presented and stated that staff is recommending approval with conditions.

Mr. Roy Dale spoke in favor of the proposed zone change request.

Ms. Mary Ann Pickard, 616 Meadow Lane Drive, spoke in opposition to the proposed zone change request.

Mr. Edward Casey, 520 Holt Valley Road, spoke in opposition to the proposed zone change request.

Mr. Ponder requested additional clarification on the recommendation in relation to the number of units being proposed for this proposal.

Ms. Logan explained the number of units, as well as the geotechnical studies that would be required for the number of units currently being requested.

Mr. Ponder requested additional information on the slopes contained in the proposal and the grading that would be required in order to develop this parcel.

Ms. Logan explained the grading requirement as well as information pertaining to the soil located on the site.

Mr. Gotto requested additional information on the geotechnical studies that would be required prior to the developing of this site.

Ms. Logan explained the requirements of the geotechnical studies for this parcel.

Ms. Cummings acknowledged the changes made to the footprint of this development.

Mr. Clifton requested clarification on the ridge tops contained in the proposal.

Ms. Logan briefly explained the alterations made to the proposal in relation to the preservation of certain areas located on the parcel.

Mr. Bernhardt offered additional information on the requested proposal in relation to the original plan submitted for this proposal.

Mr. Clifton requested clarification on the stream and any disturbances that would be caused by this proposal.

Ms. Logan stated that the plan does not contain any additional disturbances to the existing stream located on this parcel.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve with conditions Zone Change 2008SP-009G-06. **(10-0)**

**Resolution No. RS2008-84**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-009G-06 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

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

regulations and requirements of the RM4 zoning district as of the date of the applicable request or application.

5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**The proposed SP district is consistent with the Bellevue Community Plan's Residential Low Medium policy, which is intended for residential developments with a density between two and four units per acre."**

## **X. PUBLIC HEARING: ZONING MAP AMENDMENTS**

8. **2006SP-183U-09**  
Broadway Hotel  
Map: 93-06-2 Parcels: 097, 098, 099  
Map: 093-06-4 Parcels: 041, 042, 043, 045, 046, 047, 049, 050, 056, 057  
Subarea 9  
Council District 6 – Mike Jameson

A request to amend the SP-MU district for properties located at 203, 205, 207, 209, 215, 217, and 221 Broadway and at 109, 110, 113, 116, and 119 2nd Avenue South, bounded by 2nd Avenue South, 3rd Avenue South and Broadway (1.16 acres), to permit the development of a hotel with a maximum of 475 rooms and associated parking, conference space, and retail, where a 375-room hotel and 48 condominium units were previously approved, requested by Waller, Lansden, Dortch and Davis, applicant, for Mayesco LLC, 119 Second Avenue LLC, Charles E. Tillman, Norma Tillman, Richard D. Piliponis, and J. S. Higgins, owners.

**Staff Recommendation: Approve with conditions**

### **APPLICANT REQUEST - Amend SP**

A request to amend the SP-MU district for properties located at 203, 205, 207, 209, 215, 217, and 221 Broadway and at 109, 110, 113, 116, and 119 2nd Avenue South, bounded by 2nd Avenue South, 3rd Avenue South and Broadway (1.16 acres), to permit the development of a hotel with a maximum of 475 rooms and associated parking, conference space, and retail, where a 375-room hotel and 48 condominium units were previously approved.

### **Existing 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 hotel and commercial uses.

**SUMMARY** Staff evaluated the SP amendment against the General Plan and Capitol Mall Redevelopment Plan, the Downtown Community Plan approved by the Planning Commission on February 22, 2007, and the currently adopted SP plan, which was approved by the Planning Commission on November 14, 2006. Staff recommends approval of the requested SP amendment with conditions, including:

1. The Broadway street façade shall be pulled up to the property line with recesses and step-backs along the building edge only for entrance and design transition from old-buildings-to-new purposes.
2. The Broadway Hotel street façade shall maintain a rhythm and repetition consistent with the established historic pattern found along Broadway
3. The wing of the building that projects towards Broadway shall be pulled back by a minimum of four (4) rooms and relocating those rooms by taking the North/South tower up in height by two stories. The bulk of the building will sit back from Broadway a minimum of 85 feet instead of the currently proposed 60 feet

**Concept 2010: A General Plan -Goals and Objectives for Nashville and Davidson County**

4. Preserve and enhance the unique and historic features which make downtown distinct from other commercial areas.
  - Avoid street level dead spaces which reduce the appeals of downtown for pedestrians. Encouraging retail facilities at street level can make the streetscape more interesting.
  - Encourage the preservation and reuse of architecturally or historically significant buildings.
  - Promote new development which is compatible with and respectful of historic buildings.
  - Provide the flexibility to make the use of historic buildings economically feasible while preserving their architectural integrity.

**Capital Mall Redevelopment Plan (36) Tract 102 (Amendment No.4 Intent: Ord #097-755)** To provide adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible non-residential uses. Living areas are integrated with working and shopping areas to encourage the reduction of travel needs and parking requirements. Strong pedestrian linkages are encouraged. The preservation of existing buildings that contribute the historical or architectural character of the district is also encouraged.

Principal Use: High intensity residential mixed use with compatible non-residential use, including office, retail shops, entertainment, restaurants, and other eating and drinking establishments, but not drive-in facilities; and personal services businesses such as barber or hairdressing shops, shoe repair, watch and jewelry repair, dry cleaning and pressing shops, etc.

Design Objectives: Façade guidelines of the Market Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.

**DOWNTOWN COMMUNITY PLAN** The overarching land use policy in place on the site is “Mixed Use.” Mixed Use policy allows residential, commercial and office uses. This policy includes buildings that have a mixture of uses both within the block and within the building. A mix of uses within a single building is preferable in creating a more lively, pedestrian oriented streetscape, especially vertically mixed use buildings with retail or restaurants at street level and residential and/or office above.

The land use policy provides guidance on appropriate uses, but the *form* of the building will be different depending on the neighborhood and subdistrict of the building. Portions of the site are in two neighborhoods and three subdistricts in the Downtown Community Plan.



**Second and Broadway Detailed Neighborhood Design Plan**

**Mixed Use in Second and Broadway (MxU in SB)** The properties generally facing onto Broadway are in the Second and Broadway neighborhood in Subdistrict 3, the Lower Broadway Corridor. The intent of this subdistrict is to preserve and enhance the corridor by encouraging adaptive reuse of the historic structures and the creation of new development that is respectful of the historic structures and the overall character of the corridor by maintaining the existing scale, massing, and building storefront rhythm.

**SoBro Detailed Neighborhood Design Plan Subdistrict 3**

**Mixed Use in Downtown Neighborhood (MxU in DN)** Properties on 2<sup>nd</sup> Ave. S. off of Broadway are in the SoBro neighborhood in Subdistrict 3, the SoBro Mixed Use Subdistrict. It is the intent of this subdistrict to create a balanced, mixed use neighborhood with an emphasis on residential and entertainment uses, pedestrian-friendly streetscapes, development that is sustainable and that honors the existing building heights along First and Second Avenues preserving some views to the river.

**SoBro Detailed Neighborhood Design Plan Subdistrict 5**

**Mixed Use in Downtown Core (MxU in DC)** Properties on 3<sup>rd</sup> Ave. S. off of Broadway are in the SoBro neighborhood in Subdistrict 5, the Broadway Block subdistrict. It is the intent of this subdistrict to create a balanced, mixed use, pedestrian friendly, sustainable neighborhood. The urban design emphasis is on creating buildings that complement – in scale and massing – neighboring features such as the Schermerhorn Symphony Center and Lower Broadway.

**Consistent with Policy?** Staff analyzed the plan against the goals and objectives of each subdistrict, along with a comprehensive analysis of the height and floor area ratio.

**Second and Broadway** The plan is consistent with the objectives that focus on pedestrian oriented streetscapes and minimizing parking. The plan is not consistent with two other objectives: constructing buildings to the property line and complementing adjacent historic structures. Details about this inconsistency are discussed further elsewhere in the staff report, in the section addressing elevations.

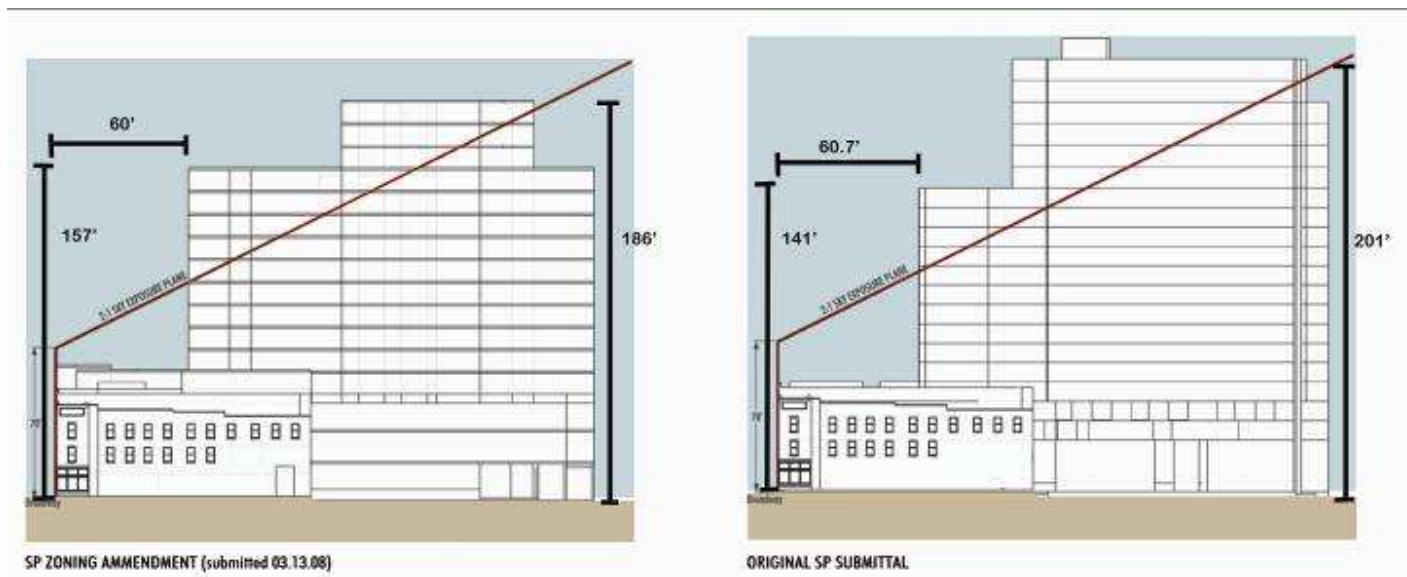
**SoBro Subdistrict 3** The plan is consistent with the objectives that focus on pedestrian oriented streetscapes. One objective states that parking entrances “shall not be located on Second Avenue.” The applicant has stated that a parking entrance is necessary on Second Avenue in this location because of the topography. The plan is consistent with another objective that requires parking entrances to “minimize the impact on the quality of the pedestrian environment.”

**SoBro Subdistrict 5** The plan is consistent with the objectives that focus on utilizing parking reductions and shared parking. The purpose of these objectives, however, is to “preserve the low-intensity and historic scale of Subdistrict 5,” which is not accomplished by this plan.

**FAR and Height** The plan is consistent with many of the objectives of the three subdistricts. These objectives that are complied with are the more obvious objectives related to pedestrian oriented streetscapes, minimizing parking, and even LEED certification, since it was required by the original Council bill. Staff commends the applicant for the level of streetscape activity created by this plan. The presence of an active streetscape, however, does not, by itself, create a pedestrian-friendly environment. The three DNDPs are very specific regarding the appropriate floor area ratio (FAR) and height for this location.

FAR is the total building floor area divided by the total horizontal area of the lot. The Second and Broadway DNDP clearly limits the FAR to five. SoBro subdistrict 3 says that additional FAR *may* be allowed if the structure achieves LEED certification. The proposed plan has a FAR of 7.9. Staff would be supportive of additional FAR in this location, only if the impact to the Lower Broadway Historic District was minimized by the methods stated later in the staff report.

In addition, the Second and Broadway DNDP limits development to a 2:1 sky exposure plane. This sky exposure plane is intended to limit the impact of new development on the Broadway Historic District. The placement of structures within this sky exposure plane is consistent with the existing buildings on Broadway, which have historically been human-scaled, ranging from two to five stories. Below is a diagram of the sky exposure plane applied to the adopted SP plan and proposed SP plan. As demonstrated, the tower is taller in the portion of the building closest to Broadway.



Sky Exposure Plane of the proposal (left) and adopted SP plan (right), with height labeled

**PLAN DETAILS** The boundary of the proposed SP amendment remains the same as the adopted SP plan. The site includes everything between Broadway, 2nd Avenue South, 3rd Avenue South, and the Shelby Street Bridge, with the exception of two properties. The plan calls for a maximum of 475 hotel rooms and associated retail and restaurant uses. The adopted SP plan is approved for 375 hotel rooms and 48 condominiums. The retail and restaurant uses are oriented to pedestrian activity on Broadway. The restaurant is within the rehabilitated historic buildings, along with a

small number of hotel rooms. The remainder of the hotel rooms are within the tower. The base of the building is three stories and the tower, which is setback 60' from Broadway, is 16 stories, or 186 feet, at the highest point. The approved plan included base of three stories and a tower that was set back 60.7 feet from Broadway and was 19 stories, or 201 feet, at the highest point. The portion of the tower closest to Broadway is taller, at 157 feet, than in the approved plan, which was 141 feet. (See Sky Exposure Plane graphic above.)

**Proportion and Rhythm & Design** The Broadway Hotel's first three stories of architecture that comprise the street façade along 2<sup>nd</sup> Avenue, Broadway and 3<sup>rd</sup> Avenue are essential to the creation of a strong streetscape. It is important that the architecture relate in proportion and rhythm to the existing historic architecture along Lower Broadway. The street façade is "the basic building block of the streetscape, it is the dominant source of a street's historic character. Like the buildings themselves, street facades have some consistent characteristics which visually tie one to another... the streetscape is largely composed of a visual pattern which is repeated down the street. It is from the repetition of this façade pattern that the historic street gets its strong and unified visual character."

*A Market and Design Study for the Broadway National Register Historic District* adopted by MDHA and the Metro Historical Commission

The architectural elements for the proposed Broadway Hotel are close to being consistent with the existing architecture and street pattern found along Lower Broadway. Compatible design for new structures and additions is important in historic districts such as Lower Broadway. New buildings within the Lower Broadway historic district should reflect the architecture of their time and not attempt to imitate or copy old architecture, however, new buildings should also relate to the existing historic buildings in terms of siting, height, mass, ratio of solids to voids and materials. The Lower Broadway Historic District should continue to develop as a pedestrian-oriented environment of ground floor storefronts. Buildings should relate to pedestrians by using materials and a human scale compatible with the established local historic pattern. Buildings along Lower Broadway historically were built up to the property line in order to maintain a strong presence and street edge. The current proposal does not fulfill this historic pattern; instead the new buildings are set back from the back of sidewalk creating a different condition along the street than is historically found along Broadway.

Other sections of this staff report have described how the Broadway Hotel proposal does not relate in terms of height and mass. In regards to ratio of solids to voids, the windows on the existing historic structures create a pattern and rhythm along Lower Broadway with the repetition of evenly-spaced, similarly-sized, upper story windows. These windows help give Lower Broadway a sense of human scale. Using window sizes and proportions that are familiar to the pedestrian helps them to relate to the overall size of a building. The alignment and similar scale of windows reflect a common historic pattern that should be continued along Lower Broadway.

Currently, the proposed street façade buildings for the Broadway Hotel that face directly onto Lower Broadway do begin to create a similar rhythm and repetition with their windows as what historically exists along Lower Broadway. For new construction to be compatible with the existing historic structures on the site, the connection to them is critical and the current design should be revised to be more appropriate. The connection between the new addition and the historic structures on site should relate in mass, scale and form while remaining subordinate to the main structure. Because the new Broadway facade addition is larger than the original historic structures, the 'link' between the two should be small, recessed, and not dominate the façade.

Also, the new Broadway façade should break up the mass of the addition into smaller modules that relate to the historic building's massing. Other than the 'link' between the new addition and the historic structures, the applicant has done a good job of keeping the Broadway facade addition simple in design to remain consistent with the historic facades along Lower Broadway. The elevation along Third Avenue has a better design approach to attaching the new addition to the historic building. The new addition design should be refined to be pedestrian-friendly and work to create a strong, active street presence along Third Avenue. The elevation along Second Avenue is successful at creating a pattern and rhythm along the street with the repetition of evenly-spaced, similarly-sized, upper story windows until you get to the bay closest to the parking garage entrance. The applicant should refine the design of this bay to be more consistent with the Second Avenue façade.



Proposed SP Plan- Broadway Elevation



Adopted SP Plan- Broadway Elevation

**Redevelopment District** The properties along Broadway are located in the Metropolitan Development and Housing Agency Capital Mall Redevelopment District and the Broadway National Register Historic District. This proposal has not been before the MDHA Design Review Committee. The design objectives for the Capital Mall Redevelopment District Plan are:

*Facade guidelines of the Market Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.*

**Changes from the adopted preliminary SP plan** There are several differences between the adopted SP plan and the proposed amendment:

1. This bill removes 48 condominiums and proposes an additional 100 hotel rooms, for a maximum of 475 hotel rooms. Only an additional 82 hotel rooms, for a total of 457 hotel rooms, are shown in the plan.
2. The FAR of the original adopted SP plan is 7.02, without FAR exemptions like the affordable housing component. The new proposal includes a floor area ratio of 7.9, which was calculated differently than in the adopted SP plan. If the FAR for the proposed SP amendment is calculated the same as the adopted SP plan, the FAR is 7.66. Staff would be less concerned about the increase in the FAR, from 7.02 to 7.66, if the plan lessened the impact on the Broadway Historic District, by removing the portion of the tower closest to Broadway.

3. The adopted SP allows a 19 story building with a height of 201 feet, without rooftop mechanical and screening. The proposed SP would allow a 16 story building with a height of 186 feet. The SP includes a maximum height of 200 feet to account for rooftop mechanical and screening. Again, staff is not concerned with the height solely as a number. Staff is more concerned about the relationship of the tower to the Broadway Historic District. It would be possible to have a tower that was slightly taller than 16 stories, that was also more appropriate in this location, if it removed some of the mass closest to Broadway. Along with architectural treatments, this could create a tower that appears to be part of SoBro, instead of a shadow over Lower Broadway.

**Impact on Lower Broadway Historic District** Staff recognizes that there is an adopted SP on this property. However, the proposed plan increases in intensity and FAR without lessening the impact on Lower Broadway. The front portion of the tower is 60-feet from Broadway and is 13 stories tall. While the width of this portion of the tower is approximately one-quarter of the frontage of the property, the position and design of the tower causes it to be interpreted by a pedestrian as a much larger mass. Staff would be supportive of a design that lessened the impact to the Broadway Historic District, even if the plan technically increased FAR or possibly even the height at the rear of the site, away from Broadway.



Adopted SP looking down on Lower Broadway



Proposed SP looking down on Lower Broadway

**METRO HISTORIC STAFF RECOMMENDATION** As in the adopted Specific Plan District, the proposed structure stands in the neighborhood known historically and currently as Lower Broadway and immediately adjacent to the boundaries of the Broadway National Register Historic District. Lower Broadway is a neighborhood made up of pedestrian-scaled buildings ranging from 2 to 5 stories, for a maximum of 75 feet.

The proposed hotel is T-shaped, with a lower tower 154' in height 60' from Broadway and a tower 186' in height rising along Third Avenue. A building of this height and scale so close to Broadway is incompatible with the Broadway National Register District. Additionally, the height along the Third Avenue streetscape is out of scale with the historic buildings adjacent and across the street.

More details are needed about the materials for the project. The applicant will want to keep in mind the importance of the materials being compatible with the historic buildings along Lower Broadway.

The street level elevations are still being refined. Along Second Avenue and Broadway, the design and function are improved regarding the generation of activity. However, the location of service functions along Third Avenue, along with the height of the tower, is destructive of the quality of pedestrian experience and street level activity.

The Historical Commission recommends disapproval based on the building's incompatibility in size, scale, and height, 2) inconsistency with the Downtown plan, and 3) the negative impact on the integrity of the Broadway National Register Historic District.

**PUBLIC WORKS RECOMMENDATION** All Public Works' design standards shall be met prior to any final



approvals and permit issuance.

- Per the recommendations of the traffic access study, development shall provide 160 offsite parking spaces to meet the projected parking demand of 234 spaces.
- Any changes to on-street parking, loading zones, or valet parking will require action by the Metropolitan Traffic and Parking Commission.

**STORMWATER RECOMMENDATION** When this was reviewed initially, green roofs were not an accepted measure of water quality. Not only is it an approved method, but it's an approved method that achieves full water quality credits.

There are 2 issues that will need to be addressed during development review.

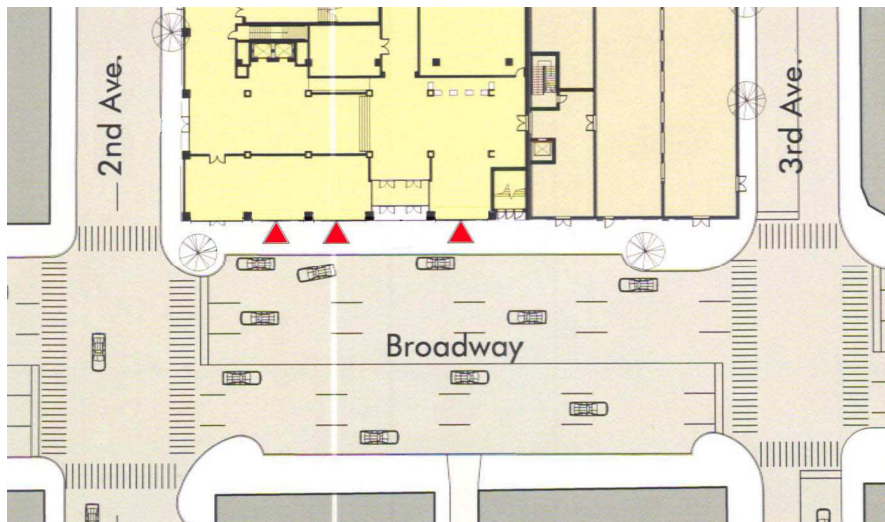
1. The site will be required to have a minimum finished floor elevation.
2. The site currently drains toward 2nd Avenue / 2nd Avenue and Shelby. The site plan indicated a stormwater connection to 3rd Avenue. This may not be acceptable.

Preliminary SP Approved.

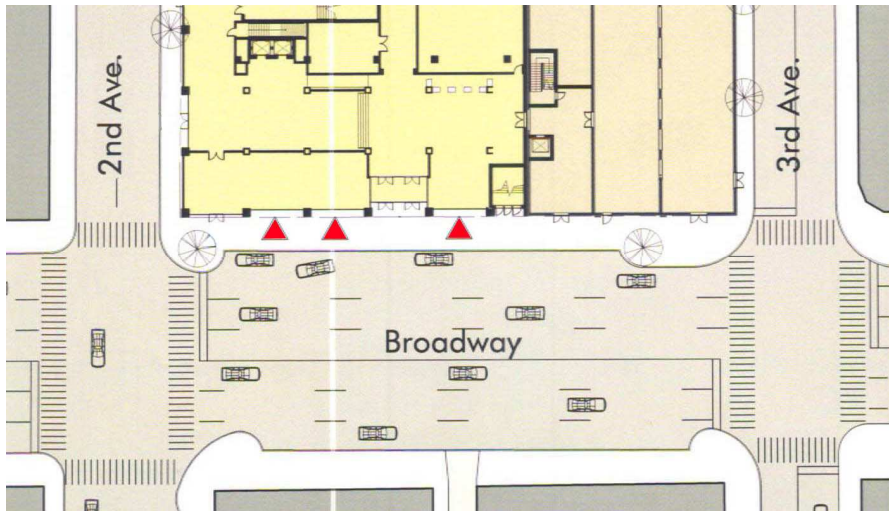
**STAFF RECOMMENDATION** Staff evaluated the proposed SP amendment against both the Downtown Plan and the SP plan adopted by Metro Council. This request continues to be inconsistent with the Downtown Plan. While this request is better in some respects than the adopted SP plan, staff has determined that this request does not lessen the impact to Lower Broadway, due to a portion of the tower that is located closer to the Broadway Historic District. Staff recommends approval with conditions that will lessen the impact on Lower Broadway.

#### CONDITIONS

1. The Broadway street façade shall be pulled up to the property line with recesses and step-backs along the building edge only for entrance and design transition from old-buildings-to-new purposes. The street elevation of the new structure shall be in the same plane as the original 'historic' facades, in order to be consistent with other buildings in the historic streetscape. Although similar in form and materials, the composition and details of the new façade are to be more simplified. The design transition from old-buildings-to-new shall be reinforced by the narrow recessed connector.



Example as suggested in Condition 1 text



Street condition of new building as currently proposed by applicant

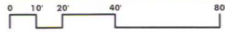
2. The Broadway Hotel street façade shall maintain a rhythm and repetition consistent with the established historic pattern found along Broadway. For illustration purposes, the street façade portions of '207' and '215' need to be designed to maintain a proportional façade-width similar to street facades found along Lower Broadway. The façade proportion of '207' and '215' is currently broken in half and should instead be a full façade. The portion of the façade on '215' that connects the old buildings to the new shall be recessed and designed in such a way as to not draw a sharp contrast and make the connector an incompatible feature, as it is currently designed.



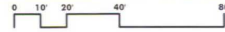
3. Consideration shall be given to the design of the tower wing that projects toward Lower Broadway. In order to pull the bulk of the building back and lessen its impact on Broadway, Planning Commission Staff recommends pulling the wing back by a minimum of four (4) rooms and relocating those rooms by taking the North/South tower up in height by two stories. The bulk of the building will sit back from Broadway a minimum of 85 feet instead of the currently proposed 60 feet. The overall tower would take-on a T-form instead of having a longer wing that extends forward toward Broadway.



**APPLICANT'S  
TYPICAL FLOOR PLAN**



**CONDITION #3  
TYPICAL FLOOR PLAN**



Second Avenue elevation as currently proposed by applicant



Second Avenue elevation example as suggested in Condition 3 text

4. In order to achieve more sustainable design, it is the expressed intent of the Metropolitan Council that this development is required to achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A LEED Accredited Professional assigned by the property owner shall monitor all design and construction. Prior to issuance of a temporary certificate of occupancy for any use of the development, a report (including an executive summary and a LEED scorecard including four levels of probability of attainment for each classification of LEED point scoring) shall be provided by an approved independent LEED Accredited Professional for review by the Department of Codes Administration. The report shall indicate that, where feasible, all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Quarterly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) may be issued.
5. This development is required to provide a 'green roof' utilizing best development practices as certified by an accredited professional experienced in the provision of 'green roofs'. Said roof shall cover a minimum of 15,900 square feet if constructed in accordance with the plans as submitted. If an alternative tower design is approved as per Condition 7, an equivalent amount of 'green roof' shall be provided. Certification must be achieved and maintained as set forth for LEED certification herein. Said green roof may count toward required LEED certification.
6. To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months from the date that all documentation necessary and requested by the U.S. Green Building Council has been provided by the Developer. A maximum of two three (3) month extensions will be allowed

to allow necessary time to achieve final certification.

7. Façade elevations along the property line adjacent to Broadway, 2nd Ave and 3rd Ave. shall continue to be designed in compliance with the requirements of *A Market and Design Study for the Broadway National Register Historic District* and any applicable MDHA design guidelines and shall be approved by the MDHA Design Review Committee after review and comment by the Metro Historical Commission and prior to approval of the final site plan and issuance of any building permits. In particular, the proportions and rhythm of the window and door openings of existing buildings along Broadway shall be utilized as a guide. Storefronts along Broadway, Second and Third Avenues shall have bulkheads (kickplates) to remain consistent with existing storefronts in the historic district.
8. It is the intent of the Metropolitan Council to mitigate any potential impacts on the lower Broadway corridor that may be caused by the scale and massing of this development. Therefore, with the review of the final site plan, the Planning Commission is authorized to approve the tower portion of the development in conformance with the plans as submitted or an alternative tower design that would be further back from Broadway than 85 feet, in conformance with Condition 3. The alternative tower design shall fall within the following building envelope:  
Minimum building setback from Broadway: Maintain the existing Core Frame zoning district of 1' horizontal setback to 1.5 foot vertical rise in height as measured 70' from the Broadway property line with no portion of the tower closer to Broadway than the 85 feet as stated in Condition 3.
9. Prior to issuance of a building permit for any exterior renovation or alteration to the Broadway or 3rd Ave. elevations of the buildings at 217 and 221 Broadway currently within the Broadway National Register Historic District the application shall be approved by the Historical Commission. Unless otherwise waived by the Metro Historic Commission, all work shall be in accordance with the requirements of *A Market and Design Study for the Broadway National Register Historic District* as well as the Secretary of the Interior's Standards for Rehabilitation regardless of whether the building remains within the Broadway National Register Historic District or not.
10. This SP district permits all uses permitted within the CF zoning district.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Logan presented and stated that staff is recommending approval with conditions.

Ms. Hilary Kahnle, presented and stated that staff is recommending approval with conditions.

Mr. Mike Mizell, 511 Union Street, spoke in favor of the proposed development.

Mr. David Minnigan, 2100 West End Avenue, spoke in favor of the proposed development. He presented information to the Commission for the record.

Mr. Ron Lustic, Price Circle Drive, spoke in favor of the proposed development.

Mr. Bernhardt offered additional information on the alignment configuration of this development.

Mr. Kim Hawkins, 105 Broadway, spoke in favor of the proposed development.

Mr. Mike Coolidge, 1512 Larimer Street, spoke in favor of the proposed development.

Mr. Tyler left the meeting at 6:35 p.m.

Mr. Charles Robin, 125 2<sup>nd</sup> Avenue North, spoke in favor of the proposed development.

Mr. Dan Brown, 171 Antioch Pike, spoke in opposition to the proposed development.

Ms. Regina DuBois, 114 2<sup>nd</sup> Avenue South, spoke in favor of the proposed development.

Mr. David Currey, 936 Currey Road, spoke in opposition to the proposed development.

Mr. Gotto requested additional clarification on the proposed development in relation to the recommendation being made by staff.

Mr. Bernhardt briefly explained the changes that were made to the original development as well as the changes that were not made, as recommended by staff.

Mr. Gotto acknowledged the amendments made by the applicant and spoke in favor of approving the project.

Ms. Cummings spoke in favor of approving the proposal as requested by the applicant.

Mr. Clifton requested clarification on the conditions placed on the development in relation to the requested conditions of the applicant.

Mr. Bernhardt offered a brief explanation as to the changes that would be made to the conditions if the Commission were to approve the development as requested by the applicant.

Mr. Clifton acknowledged the various changes made to the original proposal and the efforts displayed by the applicant in meeting the staff's conditions. He then requested additional information on the historic overlay and its affect on this development.

Mr. Bernhardt explained the historic overlay issue and how it related to this development.

Mr. Clifton spoke in favor of approving the development as requested by the applicant.

Ms. Nielson expressed issues with the proposed development and its affect it would have on the historic nature of this area.

Mr. Ponder spoke in favor of the proposed development as requested by the applicant. He acknowledged the intentions to preserve the historic nature of this location, however, stated that the project would be a great improvement to this area.

Ms. Jones spoke in favor of approving the development as requested by the applicant.

Mr. Dalton acknowledged and spoke in favor of the changes made to the development.

Ms. LeQuire expressed issues with regard to the alterations that were made to the development that were used to meet the necessary requirements of the original proposal.

Mr. Clifton addressed the concerns mentioned by Ms. LeQuire.

Mr. Ponder offered that any future developments would have to be studied on an individual basis.

Ms. Cummings moved and Mr. Dalton seconded the motion, to approve with conditions, Zone Change 2006SP-183U-09, including an amendment to conditions #3 and #8 to pull the Broadway wing back a minimum of two rooms for a setback of 74 feet. (8-1) No Vote – Nielson

**Resolution No. RS2008-85**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-183U-09 is APPROVED WITH CONDITIONS, including an amendment to conditions 3 and 8 to pull the Broadway wing back a minimum of two rooms for a setback of a minimum of 74 feet from Broadway. (8-1)**

**Conditions of Approval:**

1. The Broadway street façade shall be pulled up to the property line with recesses and step-backs along the building edge only for entrance and design transition from old-buildings-to-new purposes. The street elevation of the new structure shall be in the same plane as the original ‘historic’ facades, in order to be consistent with other buildings in the historic streetscape. Although similar in form and materials, the composition and details of the new façade are to be more simplified. The design transition from old-buildings-to-new shall be reinforced by the narrow recessed connector.
2. The Broadway Hotel street façade shall maintain a rhythm and repetition consistent with the established historic pattern found along Broadway. For illustration purposes, the street façade portions of ‘207’ and ‘215’ need to be designed to maintain a proportional façade-width similar to street facades found along Lower Broadway. The façade proportion of ‘207’ and ‘215’ is currently broken in half and should instead be a full façade. The portion of the façade on ‘215’ that connects the old buildings to the new shall be recessed and designed in such a way as to not draw a sharp contrast and make the connector an incompatible feature, as it is currently designed.
3. Consideration shall be given to the design of the tower wing that projects toward Lower Broadway. In order to pull the bulk of the building back and lessen its impact on Broadway, Planning Commission Staff recommends pulling the wing back by a minimum of two (2) rooms and relocating those rooms by taking the North/South tower up in height by two stories. The bulk of the building will sit back from Broadway a minimum of 74 feet instead of the currently proposed 60 feet. The overall tower would take-on a T-form instead of having a longer wing that extends forward toward Broadway.
4. In order to achieve more sustainable design, it is the expressed intent of the Metropolitan Council that this development is required to achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A LEED Accredited Professional assigned by the property owner shall monitor all design and construction. Prior to issuance of a temporary certificate of occupancy for any use of the development, a report (including an executive summary and a LEED scorecard including four levels of probability of attainment for each classification of LEED point scoring) shall be provided by an approved independent LEED Accredited Professional for review by the Department of Codes Administration. The report shall indicate that, where feasible, all construction practices and building materials used in the construction are in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Quarterly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once

- certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy (assuming all other applicable conditions are satisfied) may be issued.
5. This development is required to provide a 'green roof' utilizing best development practices as certified by an accredited professional experienced in the provision of 'green roofs'. Said roof shall cover a minimum of 15,900 square feet if constructed in accordance with the plans as submitted. If an alternative tower design is approved as per Condition 7, an equivalent amount of 'green roof' shall be provided. Certification must be achieved and maintained as set forth for LEED certification herein. Said green roof may count toward required LEED certification.
  6. To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months from the date that all documentation necessary and requested by the U.S. Green Building Council has been provided by the Developer. A maximum of two three (3) month extensions will be allowed to allow necessary time to achieve final certification.
  7. Façade elevations along the property line adjacent to Broadway, 2nd Ave and 3rd Ave. shall continue to be designed in compliance with the requirements of *A Market and Design Study for the Broadway National Register Historic District* and any applicable MDHA design guidelines and shall be approved by the MDHA Design Review Committee after review and comment by the Metro Historical Commission and prior to approval of the final site plan and issuance of any building permits. In particular, the proportions and rhythm of the window and door openings of existing buildings along Broadway shall be utilized as a guide. Storefronts along Broadway, Second and Third Avenues shall have bulkheads (kickplates) to remain consistent with existing storefronts in the historic district.
  8. It is the intent of the Metropolitan Council to mitigate any potential impacts on the lower Broadway corridor that may be caused by the scale and massing of this development. Therefore, with the review of the final site plan, the Planning Commission is authorized to approve the tower portion of the development in conformance with the plans as submitted or an alternative tower design that would be further back from Broadway than 74 feet, in conformance with Condition 3. The alternative tower design shall fall within the following building envelope:  
Minimum building setback from Broadway: Maintain the existing Core Frame zoning district of 1' horizontal setback to 1.5 foot vertical rise in height as measured 70' from the Broadway property line with no portion of the tower closer to Broadway than the 74 feet as stated in Condition 3.
  9. Prior to issuance of a building permit for any exterior renovation or alteration to the Broadway or 3rd Ave. elevations of the buildings at 217 and 221 Broadway currently within the Broadway National Register Historic District the application shall be approved by the Historical Commission. Unless otherwise waived by the Metro Historic Commission, all work shall be in accordance with the requirements of *A Market and Design Study for the Broadway National Register Historic District* as well as the Secretary of the Interior's Standards for Rehabilitation regardless of whether the building remains within the Broadway National Register Historic District or not.
  10. This SP district permits all uses permitted within the CF zoning district.
  11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.
  12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance



prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

**While the amendment to the SP district is not completely consistent with the Downtown Community Plan's policies, the new plan decrease the impact along lower Broadway, and better relates with existing buildings on lower Broadway than the original plan."**

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The Commission recessed at 7:00 p.m.

The Commission resumed at 7:20 p.m.

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9. **2007SP-122U-05**  
Gallatin Pike Improvement District  
Map: 061-03, 061-07, 061-11, 061-15, 072-02,072-03, 072-06, 072-10  
Parcels: Various  
Subarea 5  
Council District 6 – Mike Jameson, Council District 5 – Pam Murray,  
Council District 7 – Eric Cole, Council District 8 – Karen Bennett

An ordinance to amend Council Bill BL2007-1523 to make various amendments to the Gallatin Pike Improvement District Specific Plan for properties located along Gallatin Pike between South 5<sup>th</sup> Street and Briley Parkway (263.71 acres), requested by the Metro Planning Department, applicant, on behalf of Councilmembers Mike Jameson, Pam Murray, Eric Cole, and Karen Bennett.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Amend SP**

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

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

**Proposed Zoning**

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

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

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

As is common with any new comprehensive regulatory scheme, issues have arisen during implementation of the SP that need to be addressed. Some amendments are needed to address unintended consequences of provisions included in the SP, while others are needed simply to correct errors in the document. The amendments have been filed with the Council as a single ordinance. Each proposed amendment will be discussed separately below.

**SUMMARY OF PROPOSED AMENDMENTS** The individual proposed amendments to the SP are listed below in the order in which they appear in the ordinance.

1. Guidelines for side streets – Extend SP standards onto side streets up to 150 feet from Gallatin Pike, and allow property owners to use the standards beyond that distance if the property is included within the SP district.
2. “Trigger” provisions – Clarify provisions that regulate when the SP standards apply.
3. Sign Guidelines
  - A. Repair of damaged signs – Allow property owners to repair damaged signs without complying with the SP sign standards.
  - B. Monument signs – Allow monument signs in Subdistricts 1 and 2 under limited circumstances.
  - C. Multi-tenant sign standards – Require properties with more than three tenants to develop a coordinated sign program for the entire property.
  - D. Sign size standards – Increase the maximum size for monument and wall mounted signs in certain situations.
4. Nonconforming uses – Allow property owners to request the Planning Commission to approve a change from an existing legally nonconforming use to a new nonconforming use that is more compatible with surrounding land uses.
5. Fencing guidelines – Materials and height standards for fencing; prohibit chain link fencing in front of any building.
6. Exclusion of additional uses – Add prohibition of check cashing, and cash advance businesses.

**STAFF RECOMMENDATION** Staff recommends approval of the proposed amendments to the Gallatin Pike SP

#### **DETAILS OF PROPOSED AMENDMENTS**

##### **1. Guidelines for side streets**

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

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

##### **Proposed amendment:**

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

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

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

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

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

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

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

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

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

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

**Proposed amendments:**

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

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

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

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

**3. Sign Guidelines**

**a. Repair of damaged signs**

The currently adopted Gallatin Pike SP requires all sign permits to comply with all of the sign standards contained in the SP. When the original SP ordinance was being prepared, the Councilmembers for this area were clear in their intent that any new or replaced sign constructed within the boundaries of the SP should be required to meet the SP standards. When any property owner applies for a permit for any work on a sign within the SP district, therefore, the Department of Codes Administration refers the permit to the Planning Department for confirmation that the work will comply with the SP standards.

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

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

**Proposed amendments:**

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

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

**b. Monument signs**

Monument signs currently are prohibited in Subdistricts 1 and 2 (between South 5th Street and the Inglewood railroad overpass). As with the sign size limitations discussed above, this prohibition was included in the SP based on the assumption that buildings within these subdistricts would be located close to the street. Many ongoing businesses along Gallatin Pike may need to obtain a permit to change their signage, but there may also be no concurrent requirement that their buildings be located at the street. For example, if a new business moves into an existing building, and the value of any needed building permit to allow the new tenant to use the property is less than 25% of

the value of the improvements on the property, then the building would not be required to be moved closer to the street. Many such properties include pole signs. If the property owner seeks a permit to add a new tenant to the sign, under the current terms of the SP, the property owner is required to remove the pole sign and only wall mounted signs are permitted.

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

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

**Proposed amendments:**

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

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

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

• Signage

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

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

• Signage

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

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

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

**c. Signs for multi-tenant buildings**

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

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

**Proposed amendment:**

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

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

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

**d. Maximum size**

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

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

**Proposed amendment:**

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

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

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

3. Wall mounted building signs on building faces located up to 50 feet from the property boundary along the public right of way shall have a maximum sign area of 48 square feet. Building faces located more than 50 feet from

the property boundary along the public right of way may add an additional one square foot of sign area for every foot over 50 feet that the building face is located from the street, up to a maximum size of 100 square feet.

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

#### **4. Nonconforming Uses**

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

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

#### **Proposed amendments:**

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

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

#### **5. Fencing guidelines**

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

#### **Proposed amendments:**

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

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

#### **6. Exclusion of additional uses**

When the SP was originally prepared, Councilmembers expressed an interest in prohibiting certain uses within the SP district. Staff recommended that, in general, any use that was to be excluded from the district should be either identified in the Zoning Code as a separate use, or at least a term defined in the Code. When the SP was originally adopted in July 2007, there were some uses that the Councilmembers wished to prohibit, but which were not at that

time separately defined in the Code. For example, interest was expressed about prohibiting “cash advance” businesses within the district. As of July 2007, however, a cash advance business was classified by the Zoning Administrator as a “financial institution” along with banks and other similar businesses.

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

**Proposed amendment:**

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

Cash advance  
Check cashing

Mr. Kleinfelter presented and stated that staff is recommending approval.

Mr. James Weaver, 511 Union Street, expressed issues with the proposed amendments.

Mr. Horace Bass, 900 Main Street, expressed issues with the proposed amendments.

Ms. Lequire requested clarification on the affects the SP zoning would have on properties located in Urban Zoning Overlays (UZO).

Mr. Kleinfelter explained the differences of SP Zoning and Urban Zoning Overlays to the Commission.

Ms. Jones expressed concerns with the trigger mechanisms that were in place with the implementation of this policy and how it would affect the smaller business owners.

Mr. Bernhardt clarified that staff acknowledges the additional changes that are needed to the policy that would better serve the intentions of both the Council and the business owners located along Gallatin Pike.

Ms. Jones mentioned issues that the policy would generate for the business owners that would fall below the trigger mechanism.

Mr. Bernhardt and Mr. Kleinfelter acknowledged the concerns expressed and stated that staff will continue to work on the trigger mechanism, as well as look at amending the policy so that is more applicable for the business owners affected by it.

Mr. Clifton offered that the bill is driven by Council and that the modifications for the bill would be addressed at the Council level.

Mr. Bernhardt offered that the amendments being made to the policy are intended to assist those property owners that are affected by its implementation.

Mr. Ponder expressed issues with monument signage as opposed to pole signage and the distance requirement that is being used to determine which type of sign would be required.

Mr. Kleinfelter explained the purpose of signage and the intent of the distance requirement that is being recommended in the policy.

Mr. Bernhardt offered additional information on the intent of the bill and how each district affected by this policy would differ. He further offered that as the businesses change over the years, the SP policy would bring new owners into compliance.



Mr. Gotto questioned whether the policy is dictating monument signage as opposed to pole signage.

Mr. Kleinfelter explained the effects that the policy would have on new business owners as well as the effects it would have on those business owners that only need to change a sign due to new ownership.

Mr. Bernhardt offered additional information on the sign requirement contained in the SP policy. He also mentioned the improvements being made along Gallatin Road that are a result of the SP zoning.

Mr. Clifton spoke in favor of amending the SP policy.

Ms. Cummings acknowledged the improved development taking place on Gallatin Road.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to approve Zone Change 2007SP-122U-05. **(8-1) No Vote – Jones**

**Resolution No. RS2008-86**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-122U-05 is **APPROVED. (8-1) No Vote – Jones**

**The proposed amendment to the original SP district will address unintended consequences of the SP, more clearly clarify certain requirements and correct errors in the original document which will help ensure that the SP meets the original intent.”**

**10. 2008SP-006U-06**

H2O

Map: 102-00 Parcels: 017, 088

Subarea 6

Council District 20 – Buddy Baker, Council District 35 – Bo Mitchell

A request to rezone from OR20 and MUL to SP-MU zoning for the H2O development located at 6950 Charlotte Pike and Cabot Drive (unnumbered), extending from Charlotte Pike to the Cumberland River (23.93 acres), to permit an urban waterfront district consisting of a mixed-use development containing commercial, office, residential, hotel, bathhouses, and various civic spaces with associated parking structures, garages and lots, requested by Town Planning & Urban Design Collaborative LLC, applicant, for SFB Investment Company LLP, owner.

**Staff Recommendation: Approve with conditions, subject to approval of the associated Community Plan Policy Amendment.**

**APPLICANT REQUEST - Preliminary SP**

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

**Existing Zoning**

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

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

### **Proposed Zoning**

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

### **BELLEVUE COMMUNITY PLAN**

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

### **Existing Special Policy Area**

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

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

### **Proposed Special Policy Area**

**Special Policy Area # 1. SECTION I. Applicability.** Special Policy 1 applies to the area designated CMC that is on the north and south sides of Charlotte Pike, west of the I-40 interchange and along River Road west of Charlotte Pike. Some of the topography and floodplain in this area is unsuitable for development. The following policies apply.

**SECTION II. Policy For Environmentally Sensitive Areas.** The environmentally sensitive portions of this special policy area should be conserved and maintained in their natural state, including the following: 1) areas with slopes of 20 percent or more, and 2) floodways, floodway buffer zones and 100-year floodplain outside of the floodway and floodway buffer zones. While regulations may allow some alteration of the 100-year floodplain outside of the floodway and floodway buffer zone, such alteration is discouraged whenever the development that would otherwise be enabled by such alteration can be clustered on the portion of the site that is not environmentally sensitive. Any development that is allowed in the environmentally sensitive areas should be very low intensity. Grading and other disturbance of these areas should be kept to a minimum.

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

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

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

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

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

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

#### **PLAN DETAILS**

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

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

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

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

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

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

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

All uses permitted in the Mixed Use Intensive (MUI) zoning district will be permitted within H2O to the same extent as provided in the Zoning Code, including uses permitted with conditions, as special exceptions, or as accessory uses, unless otherwise provided below:

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

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

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

**Access, Street Network and Parking** Access is proposed from two points on Cabot Drive and two points on Charlotte Pike. Cabot Drive provides access to the eastern portion of the site and connects to the more dense western portion with two vehicular bridges and one pedestrian bridge. One of the access points from Charlotte Pike is the original driveway access to the golf driving range and is 20 feet in width. This width will unlikely be adequate to accommodate the volume of traffic generated by this proposal. Both this access and the southernmost Cabot Drive access are very close to the access ramp for I-40 and may pose safety issues, particularly for left turning traffic. The fourth access point lines up with Davidson Drive. At this time, this access is an unplatted 50 foot easement across the property at 6962 Charlotte Pike. This property is zoned SP and one condition of the SP is that any redevelopment of the property would include the 50 foot easement to the H20 property to the rear. This access point is to be the main access into the H20 development.

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

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

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

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

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

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

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

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

**Stormwater Variance** The applicant requested three variances from the Stormwater Management Committee:

- to allow disturbance of the 75 foot floodway buffer of the Cumberland River;
- to allow disturbance of the 50 foot stream buffers of Davidson Branch and Ewin Branch; and
- to allow an alteration of the floodplain of the Cumberland River, including up to 170,000 cubic yards of uncompensated fill.

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

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

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

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

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

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

**STORMWATER RECOMMENDATIONS - Preliminary SP Approved Except as Noted:**

- Add Vicinity Map to plans.
- Add Buffer Note to plans:

(The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)

- Make sure that the water quality provisions set forth within the stormwater appeal is within the concept plan.
- Applicant is to comply with all conditions set forth by the Stormwater Appeals Committee.

**URBAN FORESTER RECOMMENDATION Approved**

**WATER SERVICES RECOMMENDATION**

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

**FIRE MARSHAL RECOMMENDATION Approval Pending:**

- The turning radius of a fire department access road shall be 25' inside and 50' outside.
- When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with nationally recognized standards.
- All roadways with two way traffic shall be 20 feet in width minimum.
- Access to the property of the planned building group shall be provided by a minimum of two distinctly separate routes, each located as remotely from the other as possible.
- More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
- Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads.
- Provide a Master Water Plan which shows water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.
- More than three stories above grade, Class I standpipe system shall be installed.
- Fire Hydrants shall be in-service before any combustible material is brought on site.
- Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
- More than 50 ft (15 m) above grade and containing intermediate stories or balconies, Class I standpipe system shall be installed.
- More than one story below grade, Class I standpipe system shall be installed.
- Print fire hydrant flow data on plans.

**NES RECOMMENDATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**METRO SCHOOL BOARD REPORT**

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

**Projected student generation    7 Elementary    0 Middle    7 High**

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

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

**CONDITIONS**

1. Uses are limited to all uses permitted in the MUI zoning district unless otherwise provided in Table 10 on page A.18 of the regulating plan.
2. Building shall have articulation at intervals of a minimum of every 75 feet in length.
3. Primary access to the development shall be via the 50 foot easement across 6962 Charlotte Pike.
4. A greenway/conservation easement shall be provided at the time of the subdivision of the property.
5. The sign standards shall meet the following:
  - Definitions for each permitted sign type shall be provided.
  - A size limit of 100 square feet shall apply to all signs.
  - All roof signs and any signs that extend above the roof line shall be prohibited.
  - A height and/or square footage limitation for display area of these sandwich signs shall be provided
  - Signs with exceptional design that do not meeting the sign standards shall be considered on a case-by-case by the Planning Commission.
6. Prior to final site plan approval of any phase that requires filling of the floodplain, the applicant shall secure the necessary variance for uncompensated fill. Council approval shall be required if meeting the requirements of the Metro Stormwater Management Manual means the plan layout cannot be built as approved.
7. Prior to final site plan approval of any phase that falls within the Corp of Engineer or TDEC jurisdiction, the applicant shall secure the necessary approvals from these agencies. Council approval shall be required if meeting the requirements of the Corp of Engineers or TDEC means the plan layout cannot be built as approved.
8. Council approval shall be required if meeting the requirements of the Public Works Department means the plan layout cannot be built as approved.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application.



10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. Council approval shall be required if meeting the requirements of the Fire Marshal means the plan layout cannot be built as approved.

**Resolution No. RS2008-87**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008CP-01U-06 is **APPROVED. (10-0)**”

**Resolution No. RS2008-88**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-006U-06 is **APPROVED WITH CONDITIONS. (10-0)**”

**Conditions of Approval:**

1. Uses are limited to all uses permitted in the MUI zoning district unless otherwise provided in Table 10 on page A.18 of the regulating plan.
2. Building shall have articulation at intervals of a minimum of every 75 feet in length.
3. Primary access to the development shall be via the 50 foot easement across 6962 Charlotte Pike.
4. A greenway/conservation easement shall be provided at the time of the subdivision of the property.
5. The sign standards shall meet the following:
  - Definitions for each permitted sign type shall be provided.
  - A size limit of 100 square feet shall apply to all signs.
  - All roof signs and any signs that extend above the roof line shall be prohibited.
  - A height and/or square footage limitation for display area of these sandwich signs shall be provided
  - Signs with exceptional design that do not meeting the sign standards shall be considered on a case-by-case by the Planning Commission.
6. Prior to final site plan approval of any phase that requires filling of the floodplain, the applicant shall secure the necessary variance for uncompensated fill. Council approval shall be required if meeting the requirements of the Metro Stormwater Management Manual means the plan layout cannot be built as approved.

7. Prior to final site plan approval of any phase that falls within the Corp of Engineer or TDEC jurisdiction, the applicant shall secure the necessary approvals from these agencies. Council approval shall be required if meeting the requirements of the Corp of Engineers or TDEC means the plan layout cannot be built as approved.
8. Council approval shall be required if meeting the requirements of the Public Works Department means the plan layout cannot be built as approved.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUI zoning district as of the date of the applicable request or application.
10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. Council approval shall be required if meeting the requirements of the Fire Marshal means the plan layout cannot be built as approved.

**The proposed SP district is consistent with the Bellevue Community Plan's area policies.”**

**11. 2008Z-006T**  
Digital Billboards & LED Signs

A council bill to amend Section 17.32.050 of the Zoning Code regarding digital billboards, requested by Councilmember Ronnie Steine.

**Staff Recommendation: Approve with amendments**

**APPLICANT REQUEST** - A council bill to amend Section 17.32.050 of the Zoning Code regarding digital billboards.

**ANALYSIS**

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

**Proposed Bill** The proposed bill would provide that electronic signs are permitted in all zoning districts, except

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

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

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

The term “electronic sign” embraces a couple different technologies seen in Metro that have been recently installed, including digital signs and LED signs. Digital signs have color and animation with a TV picture quality such as the one on West End Avenue at 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** G. Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, when where the copy, graphics, or digital display does not remain fixed, static, motionless, and nonflashing for a period of two (2) seconds or more eight (8) seconds, provided that this provision shall not be applicable to any sign located within the CA district with a change time of less than two (2) seconds. Digital display billboards less than two thousand (2,000) feet apart, and digital billboards that are not in compliance with the provisions of section 17.32.150, are also prohibited.

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

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

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

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

<b>SIGN BILLS</b>				
<b>Bill #</b>	<b>Sponsor</b>	<b>Council Action</b>	<b>MPC Action</b>	<b>Description</b>
BL2005-648	Dozier	Failed 3rd reading 1/17/06	Disapproved 12/8/05	Permit signs with graphics or electronic displays oriented to a four-lane or controlled access highway maintained by the State of Tennessee and located within the urban services district (USD), with a speed limit of forty miles per hour (40 m.p.h.) or less.
BL2006-974	Dozier, Wallace	Withdrawn 7/18/06	Disapproved 2/23/06	Permit signs with graphics or electronic displays oriented to a four-lane or controlled access highway maintained by the State of Tennessee and located within the urban services district (USD), with a speed limit of forty miles per hour (40 m.p.h.) or less.

BL2007-1366	Brown	Approved	Disapproved 2/22/07	To allow signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color within the CL zoning district. Notwithstanding the foregoing provisions, signs with lights or illuminations that display non-scrolling and non-flashing electronic text shall be permitted within the CL district, provided the text remains static for at least three seconds and the sign is not located within four hundred feet of any residential property with frontage on the same street.
BL2007-152	Tygart	Deferred Indefinitely 5/4/08	Disapproved 3/24/08	To allow electronic signs if remain static for eight seconds with less than two second interval change time, including digital billboards provided such billboards are 2,000 feet apart. Permits LED signs in residential zoning districts along collector and arterial streets shown on Major Street Plan for community education facilities, cultural centers, recreation centers, and religious institutions. Continues to allow video signs in CA district.

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

- 1) Prohibit electronic signs in agricultural zoning districts in addition to residential districts;
- 2) Require messages to change instantaneously with no delay;
- 3) Prohibit any kind of special effects during a message’s display or the transition between messages;
- 4) Re-establish existing Zoning Code sign provision requiring a minimum of 100 feet between any billboard and any residentially zoned property;
- 5) Require minimum separation distance of 2,000 feet between billboards regardless of whether they are on same or opposite side of the same street, regardless of their location, and regardless of whether they are wall-mounted on a building. Current code requires only a 250 foot separation distance as provided in Section 17.32.150.7 a, b, and c as well as Figure 17.32.150-02.
- 6) Establish a time period in which all existing signs must comply with these new provisions; and,
- 7) Identify Zoning Administrator’s role in enforcing the adopted sign provisions.

### Amendments

#### Amendment # 1

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

#### Amendment # 2

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

**Amendment # 3**

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

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

Ms. Regen presented and stated that staff is recommending approval with amendments.

Ms. Cummings requested clarification on whether any regulations were in place that would address sign illumination.

Ms. Regen explained that the code currently contains a provision that states that the billboards can not cause any off-site impacts to neighborhoods.

Ms. Jones questioned whether this bill would allow any residential signs.

Ms. Regen stated that this bill only allows signage in non-residential zoning districts.

Mr. Bernhardt offered that Councilmember Tygard is currently steering a committee that is studying the issue of residential signage.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve with amendments 2008Z-006T. **(9-0)**

**Resolution No. RS2008-89**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-006T is **APPROVED WITH AMENDMENTS. (9-0-1)**”

**Amendment # 1**

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

**Amendment # 2**

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

**Amendment # 3**

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

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

A request to rezone various properties from R10 to RS10 north of Barnes Road, between Old Hickory Boulevard and Nolensville Pike (161.84 acres), requested by Councilmember Parker Toler, for various owners.

**Staff Recommendation: Approve**

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

**Existing Zoning**

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

**Proposed Zoning**

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

**SOUTHEAST COMMUNITY PLAN**

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

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

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

**Consistent with Policy?** With the existing development pattern, the RS10 zoning district complies with the three residential policies in the area.

**Analysis** This rezoning request changes 610 lots from R10 to RS10. Out of the 610 properties included in this request, there are 58 duplexes, 1 quadraplex, 2 residential condominiums, 109 residential zero lot line units, 418 single-family dwellings and 18 vacant properties.

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

**PUBLIC WORKS RECOMMENDATION** No Exception Taken

**METRO SCHOOL BOARD REPORT** As this request to change from R10 to RS10, it represents a downzoning. The number of expected students to be generated would be less than could be generated under current zoning.

**STAFF RECOMMENDATION** Staff recommends approval since the RS10 district complies with the residential policies.

Approved, (9-0-1) *Consent Agenda*

**Resolution No. RS2008-90**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-037U-12 is **APPROVED. (9-0-1)**

**The proposed RS10 district is consistent with the Southeast Community Plan’s residential policies.”**

**13. 2008Z-040G-06**

Map: 128-00 Parcels: 065, 065.01  
Subarea 6  
Council District 22 – Eric Crafton

A request to rezone from R20 to CS district properties located at 497 and 501 Old Hickory Boulevard, approximately 3,000 feet south of Tolbert Road (7.33 acres), requested by Lori Moss, applicant, for Willie, Joyce and Dorothy Moss, owners.

**Staff Recommendation: Disapprove**

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

**Existing Zoning**

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

**Proposed Zoning**

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

**BELLEVUE COMMUNITY PLAN POLICY**

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

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

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

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

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

**PUBLIC WORKS RECOMMENDATION** A Traffic Impact Study may be required at development.

**STAFF RECOMMENDATION** Staff recommends disapproval. While the proposed CS zoning district permits

office uses, other permitted uses are inconsistent with the both RLM policy and the Special Policy of the adopted community plan.

Mr. Sexton presented and stated that staff is recommending disapproval.

Ms. Lori Moss, 710 Old Hickory Blvd., spoke in favor of the proposed zone change request.

Mr. Ponder spoke in favor of staff recommendation.

Ms. Cummings requested clarification on the land uses that surround the parcel in question.

Mr. Bernhardt explained that the policy for this area calls for residential zoning, with the exception of office use, that is contained in the special policy for the area.

Mr. Clifton acknowledged that the request would not comply with the policy planned for this area.

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously, to disapprove Zone Change 2008Z-040G-06. **(9-0)**

**Resolution No. RS2008-91**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-040G-06 is **DISAPPROVED. (9-0)**

**The proposed CS district is not consistent with the Bellevue Community plan’s Residential Low Medium policy, which is intended for residential developments with a density between two and four units per acre, or the special policy which allows for small scale office uses.”**

- 14. 2008Z-043U-05**  
Maxwell Heights  
Map: 082-08, 082-12 Parcels: Various  
Subarea 5  
Council District 5 – Pam Murray

A request to apply a Neighborhood Conservation Overlay to various properties west of Gallatin Avenue, located along Bailey Street, W. Eastland Avenue, Finn Street, Laurent Street, McFerrin Avenue, Mansfield Street, Maxwell Avenue, N. 10th Street, and Silverdene Place (65.12 acres), zoned CN, RS5, RM20 and SP, requested by Councilmember Pam Murray for various owners.

**Staff Recommendation: Approve**

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

**Existing Zoning**

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

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

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

SP District - Specific Plan is a zoning District category that provides for additional flexibility of design, including the



relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. Property within the Specific Plan district includes institutional uses.

### **Proposed Overlay District**

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

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

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

### **EAST NASHVILLE COMMUNITY PLAN POLICY**

**Single Family Detached (SFD)** SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

**Parks, Reserves and Other Open Space (PR)** PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.

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

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

**Consistent with Policy?** Yes. The Neighborhood Conservation Overlay District does not change the existing base zone districts, but provides additional standards that help protect the character of the area. The East Nashville Community emphasizes the need to preserve the character of existing residential neighborhoods.

**Metro Historic Zoning Commission Recommendation** The Metro Historic Zoning Commission recommended approval of the Maxwell Heights Neighborhood Conservation Overlay to include 205 parcels within the Maxwell Heights neighborhood as well as the adopted design guidelines for the proposed district at its February 11 meeting.

**PUBLIC WORKS RECOMMENDATION** No Exceptions Taken

### **METRO SCHOOL BOARD REPORT**

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

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

Approved, (9-0-1) *Consent Agenda*

**Resolution No. RS2008-92**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-043U-05 is **APPROVED. (9-0-1)**

**The proposed Neighborhood Conservation Overlay will help protect the area’s architectural integrity and is not inconsistent with the East Nashville Community Plan’s area policies.”**

15. **2008Z-044U-05**  
Greenwood  
Map: 082-04, 082-08 Parcels: Various  
Subarea 5  
Council District 5 – Pam Murray

A request to apply a Neighborhood Conservation Overlay to various properties located along Apex Street, Bailey Street, Chicamauga Avenue, Cleveland Street, Emmett Avenue, Granada Avenue, Laurent Street, Granada Court, Manila Street, McFerrin Avenue, N. 9<sup>th</sup> Street, Petway Avenue, Seymour Avenue, and W. Eastland Avenue (72.4 acres), zoned CN, RS5 and RM40, requested by Councilmember Pam Murray for various owners.

**Staff Recommendation: Approve, subject to approval of the proposed overlay by the Metro Historic Commission prior to the Planning Commission meeting.**

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

**Existing Zoning**

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

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

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

**Proposed Overlay District**

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

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

or

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

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

#### **EAST NASHVILLE COMMUNITY PLAN POLICY**

##### **Greenwood Detailed Neighborhood Design Plan**

**Single Family Detached (SFD)** SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

**Parks, Reserves and Other Open Space (PR)** PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.

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

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

**Special Policy Areas** The area proposed for the conservation overlay district consists of several different zone districts and land use policies. Special policies 7 & 9 are within the boundary of the overlay and are described below.

**Special Policy Area 7 and 9** The alternate policy for these Parks, Reserves and Other Open Space is Mixed Housing.

**Consistent with Policy?** Yes. The Conservation Overlay District does not change the existing base zone districts, but provides additional standards that help protect the character of the area. The East Nashville Community emphasizes the need to preserve the character and atmosphere of existing residential neighborhoods.

**Metro Historic Zoning Commission Recommendation** The Historic Zoning Commission staff is recommending approval of the Neighborhood Conservation Overlay to include 346 parcels within the Greenwood neighborhood as well as the adopted design guidelines for the proposed district. The Metro Historic Zoning Commission is scheduled to consider the overlay district at its April 23 meeting.

**PUBLIC WORKS RECOMMENDATION** No Exceptions Taken

#### **METRO SCHOOL BOARD REPORT**

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

**STAFF RECOMMENDATION** Staff recommends approval of the Greenwood Neighborhood Conservation Overlay provided that the Metro Historic Zoning Commission has approved the proposed district boundaries and design guidelines. There are many homes and structures within this proposed overlay that contribute to the historical significance of the area. Approximately 59 percent of the structures within the proposed district were built prior to 1945 and have not been significantly altered.

Approved, subject to approval of the proposed overlay by the Metro Historic Commission prior to the Planning

**Resolution No. RS2008-93**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-044U-05 is **APPROVED. (9-0-1)**

**The proposed Neighborhood Conservation Overlay will help protect the area’s architectural integrity and is not inconsistent with the East Nashville Community Plan’s area policies.”**

**16. 2008Z-045U-10**

Map: 116-04, 116-08 Parcels: Various  
Subarea 10  
Council District 24 – Jason Holleman

A request to rezone various properties from R10 to RS15 district north of Woodmont Boulevard between Lynnbrook Road and Estes Road and along Cantrell Avenue, Cantrell Square, Oaklawn Avenue, Westmont Avenue, Wilson Boulevard, Woodlawn Drive, and Woodmont Boulevard (46.37 acres), requested by Councilmember Jason Holleman for various owners.

**Staff Recommendation: Approve**

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

**Existing Zoning**

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

**Proposed Zoning**

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

**GREEN HILLS/MIDTOWN COMMUNITY PLAN**

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

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

**Consistent with Policy?** Yes. The request to downzone the property from R10 to RS15 is consistent with the RLM policy and will bring the properties within the RL policy closer to one to two dwelling units per acre density of this policy.

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

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

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

**PUBLIC WORKS RECOMMENDATION** No Exception Taken

**METRO SCHOOL BOARD REPORT**

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

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

Approved, (9-0-1) *Consent Agenda*

**Resolution No. RS2008-94**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-045U-10 is **APPROVED. (9-0-1)**

**The proposed RS15 district is consistent with the Green Hills/Midtown Community Plan’s residential policies.”**

**17. 2008Z-046G-02**

Map: 017-00 Parcels: Various

Map: 018-00 Parcels: Various

Map: 025-00 Parcels: Various

Subarea 2

Council District 10 – Rip Ryman

A request to rezone various properties from R20 and AR2a to RS80 district east of Union Hill Road, along Brick Church Pike, Dry Creek Road, and Hitt Lane (1,086.25 acres), requested by Councilmember Rip Ryman for various owners.

**Staff Recommendation: Approve**

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

**Existing Zoning**

AR2A District - Agricultural/residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

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

**Proposed Zoning**

RS80 District - RS80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre.

**PARKWOOD/UNION HILL COMMUNITY PLAN**

**Natural Conservation (NCO)** NCO policy is intended for undeveloped areas with the presence of steep terrain,

unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

**Consistent with Policy?** Yes. The NCO policy of the Parkwood/Union Hill community plan calls for very low density residential development not to exceed one dwelling unit per two acres. The proposed RS80 zoning density of .46 is consistent with policy.

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

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

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

**PUBLIC WORKS RECOMMENDATION** No Exception Taken

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

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

Mr. Sexton presented and stated that staff is recommending approval.

Mr. Bernhardt clarified that RS80 zoning only permits single-family homes and not duplexes, as stated in the staff report.

Councilmember Ryman spoke in favor of this zone change request. He stated he held a community meeting and those that attended were mainly in favor of approving the RS80 zoning. He explained also that he sent out a poll to all the residents and only received three responses that were in opposition. He stated that many of the residents affected by this zone change wanted to remain in a rural setting. He requested its approval.

Mr. Stacy Marchand, 5547 Brick Church Pike, spoke in opposition to the proposed rezoning.

Ms. Nielson stated she would support the zone change and would request that the residents that did not want to rezone their property would be given the opportunity to opt out.

Mr. Clifton acknowledged the issue mentioned by the resident, however, stated that the plan for the area would support the requested zone change.

Ms. Cummings spoke in favor of the proposed rezoning, however, she too recommended that the residents who did not want to participate were given the opportunity to opt out.

Ms. LeQuire requested additional information on the number of parcels that were zoned AR2a and R20.

Mr. Sexton explained the number of parcels that were R20 and the number that were AR2a.

Mr. Ponder spoke in favor of the requested zone change for the area.

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously, to approve Zone Change 2008Z-046G-02. (9-0)

**Resolution No. RS2008-95**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-046G-02 is **APPROVED. (9-0)**

**The proposed RS80 district is consistent with the Parkwood/Union Hill Community plan’s Natural Conservation policy.”**

**18. 2008Z-047U-14**

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

Parcels: Various

Subarea 14

Council District 14 – Bruce Stanley

A request to rezone various properties from R10 to RS15 district (10.44 acres) and RS10 to RS15 district (153.55 acres) along Belding Drive, Danyacrest Drive, Dedham Drive, Dinah Court, Disspayne Drive, Downeymeade Court, Downeymeade Drive, Edgemont Drive, Eldon Court, Jenry Court, Jenry Drive, Lebanon Pike, Myrich Drive, Stafford Drive, and Walcott Drive (163.99 acres), requested by Councilmember Bruce Stanley for various owners.

**Staff Recommendation: Approve**

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

**Existing Zoning**

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

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

**Proposed Zoning**

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

**DONELSON-HERMITAGE COMMUNITY PLAN**

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

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

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

**Major Institutional (MI)** MI is intended to apply to existing areas with major institutional activities that are to be conserved, and to planned major institutional areas, including expansions of existing areas and new locations.

Examples of appropriate uses include colleges and universities, major health care facilities and other large scale community services that do not pose a safety threat to the surrounding neighborhood. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

**Consistent with Policy?** Yes. The RS15 zoning district complies with the various policies in the area, including the two residential policies (RL and RLM) that a majority of these properties fall within. This rezoning is also consistent with the Natural Conservation policy since it is changing to a zoning district that allows less density. One parcel, Map 85-06 Parcel 001, has Major Institutional policy since it is part of Donelson Christian Academy. Changing the zoning on this property from RS10 to RS15 will not have an impact on the school and it will avoid leaving one remaining pocket of RS10 zoning.

**Analysis** This rezoning request changes nine lots from R10 to RS15 and 278 lots from RS10 to RS15. Out of the 287 properties included in this request, this rezoning will create 70 (24%) non-conforming lots where the existing lot sizes will be less than 15,000 square feet. The non-conforming lots will range in size from 11,326 square feet to 14,810 square feet.

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

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

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

**PUBLIC WORKS RECOMMENDATION** -No Exception Taken

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

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

Approved, **(9-0-1) Consent Agenda**

**Resolution No. RS2008-96**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-047U-14 is **APPROVED. (9-0-1)**

**The proposed RS15 district is consistent with the Donelson/Hermitage Community plan’s area policies.”**

- 19. **2005P-017G-06**  
Shoppes On The Harpeth: Amend #1  
Map: 155-12 Parcels: 287, 288  
Map: 156-09 Parcels: 052, 053  
Subarea 6  
Council District 35 – Bo Mitchell

A request to amend the existing Planned Unit Development District for Shoppes on the Harpeth, approved by Council Bill BL2005-746, located at 8042, 8050, 8058, and 8100 Highway 100, approximately 580 feet west of Temple Road, classified CL (10.12 acres), to modify the signage provisions, requested by the Metro Planning Department, applicant,



on behalf of Councilmember Charlie Tygard.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Amend PUD**

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

**Zoning District**

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

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

Section 3.3 of BL2005-746 stipulates that all signs shall be monument type not exceeding 5 feet in height. It further stipulates that no free standing sign shall be allowed along Old Harding Pike. The existing condition is to be deleted and replaced with the following: "All signs shall be monument type signs, not to exceed 15 feet in height. Monument signage shall be architecturally coordinated with the proposed buildings and comply with the requirements of the zoning administrator. No freestanding signs shall be allowed along Old Harding Pike."

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

**PUBLIC WORKS RECOMMENDATION** No Exceptions Taken

**STORMWATER RECOMMENDATION** No Exceptions Taken

**STAFF RECOMMENDATION** Staff recommends approval.

Approved, (9-0-1) *Consent Agenda*

**Resolution No. RS2008-97**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-017G-06 is **APPROVED. (9-0-1)**

**The proposed amendment to the PUD only allows for taller signs and does not allow for any new development in the PUD."**

**XI. PUBLIC HEARING:  
CONCEPT PLANS**

- 20. 2008S-079U-07**  
Westport Business Park Concept Plan  
Map: 079-00      Parcels: 050, 097  
Subarea 7  
Council District 20 – Buddy Baker

A request for concept plan approval to create 14 lots on properties located at 7273 Centennial Place and Centennial Place (unnumbered), approximately 5,200 feet north of Cockrill Bend Boulevard (28.24 acres), zoned IR, requested by Cline Development LLC, and Centennial Place Realty LLC, owners, Southern Engineering Services, surveyor.

**Staff Recommendation: Defer until Stormwater Staff's comments have been adequately address. If plan is approved prior to the meeting then staff will revise the recommendation as needed.**

**APPLICANT REQUEST - Concept Plan**

A request for concept plan approval to create 14 lots on 28.24 acres located at 7273 Centennial Place and Centennial Place (unnumbered), approximately 5,200 feet north of Cockrill Bend Boulevard, zoned Industrial Restrictive (IR).

### **ZONING**

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

**SUBDIVISION DETAILS** The application is to subdivide two properties into 14 new industrial lots. The two properties proposed to be subdivided are located within a large industrial area west of downtown Nashville adjacent to the runway for John C Tune Airport. The properties are part of an older subdivision entitled Cockrill Bend Industrial Subdivision and are currently vacant and consist of sparsely wooded areas and open field.

**Site Plan** The plan calls for 14 lots on approximately 28.24 acres. Lots range in size from approximately 47,161 to approximately 126,336 square feet. All lots will be accessed from new public streets that will connect to Centennial Boulevard or Centennial Place. As proposed, the subdivision will be constructed in two phases with lots 1-6 in phase one and the remaining lots (7-14) in phase two.

Metro GIS shows closed contours on the property, and indicates the likely presence of sinkholes. The Subdivision Regulations do not specifically disallow sinkholes within lots that are not zoned residential; however, the Commission does have the authority to determine if land is suitable for development (Section 3-3). Since this is not a residential district sinkholes *may* reside within lots, however, more detail is needed to determine if the presence of sinkholes within lots could cause future problems. In order to address this issue, a geotechnical study shall be prepared and submitted with the Development Plan. The report must verify if sinkholes are present and if present how they are to be treated. Furthermore, lots shall be designated as critical lots and a note indicating the presence of sinkholes shall be placed on any future final plat.

**STORMWATER RECOMMENDATION** Defer until the following conditions are met (if not deferred then Stormwater recommends *disapproval*):

1. Metro GIS indicates the presence of a stream that runs parallel to Lots 97.02 and 97.03. The stream continues north running parallel to Centennial Blvd. As such, show and label the Stream Tops of Bank. Furthermore, Show and Label a 30', "Water Quality Buffer" for said Stream. The Water Quality Buffer is scaled from the stream Tops of Bank. The total required buffer width is 30' + 30' + the top width of channel.
2. A Water Quality Concept is conspicuously absent from the plan. Show and Label a Water Quality Concept. Appropriate correction is required.

**PUBLIC WORKS RECOMMENDATION** - Approve with the following conditions:

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works.
2. Prior to the submittal of construction plans, provide documentation of adequate sight distance at project entrances.
3. Roadway section and schedule per standard drawing ST-260.
4. Prior to the submittal of construction plans, the applicant shall provide a geotechnical study to support roadways with fill material, and document the fill slope stability along the public right of way.
5. Along Centennial Boulevard, begin fill slope outside of the public right of way.
6. A TIS may be required at the time of development.

**STAFF RECOMMENDATION** Staff recommends that the subdivision be approved with conditions.

### **CONDITIONS**

1. A geotechnical study must be prepared and submitted with the Development Plan. The report must verify if sinkholes are present and if present how they are to be treated.
2. Lots with sinkholes shall be designated as critical lots, and a note shall be added to any future final plat indicating the presence of sinkholes.

3. Re-label lots 1-14.
4. Correct phasing plan. It shows 15 lots when the plan is for 14 lots.
5. Metro GIS indicates the presence of a stream that runs parallel to Lots 97.02 and 97.03. The stream continues north running parallel to Centennial Blvd. As such, show and label the Stream Tops of Bank. Furthermore, Show and Label a 30', "Water Quality Buffer" for said Stream. The Water Quality Buffer is scaled from the stream Tops of Bank. The total required buffer width is 30' + 30' + the top width of channel.
6. A Water Quality Concept is conspicuously absent from the plan. Show and Label a Water Quality Concept. Appropriate correction is required.
7. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works.
8. Prior to the submittal of construction plans, provide documentation of adequate sight distance at project entrances.
9. Roadway section and schedule per standard drawing ST-260.
10. Prior to the submittal of construction plans, the applicant shall provide a geotechnical study to support roadways with fill material, and document the fill slope stability along the public right of way.
11. Along Centennial Boulevard, begin fill slope outside of the public right of way.
12. A TIS may be required at the time of development.
13. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received 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 date of conditional approval by the Planning Commission.

Approved with conditions, **(9-0-1) Consent Agenda**

**Resolution No. RS2008-98**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-079U-07 is **APPROVED WITH CONDITIONS. (9-0-1)**

**Conditions of Approval:**

1. A geotechnical study must be prepared and submitted with the Development Plan. The report must verify if sinkholes are present and if present how they are to be treated.
2. Lots with sinkholes shall be designated as critical lots, and a note shall be added to any future final plat indicating the presence of sinkholes.
3. Re-label lots 1-14.
4. Correct phasing plan. It shows 15 lots when the plan is for 14 lots.
5. Metro GIS indicates the presence of a stream that runs parallel to Lots 97.02 and 97.03. The stream continues north running parallel to Centennial Blvd. As such, show and label the Stream Tops of Bank. Furthermore, Show and Label a 30', "Water Quality Buffer" for said Stream. The Water Quality Buffer is scaled from the stream Tops of Bank. The total required buffer width is 30' + 30' + the top width of channel.
6. A Water Quality Concept is conspicuously absent from the plan. Show and Label a Water Quality Concept.

- Appropriate correction is required.
7. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works.
  8. Prior to the submittal of construction plans, provide documentation of adequate sight distance at project entrances.
  9. Roadway section and schedule per standard drawing ST-260.
  10. Prior to the submittal of construction plans, the applicant shall provide a geotechnical study to support roadways with fill material, and document the fill slope stability along the public right of way.
  11. Along Centennial Boulevard, begin fill slope outside of the public right of way.
  12. A TIS may be required at the time of development.
  13. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received 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 date of conditional approval by the Planning Commission.”

**XII. PUBLIC HEARING:  
FINAL PLANS**

- 21. 2008S-066G-04**  
Chippington Plaza II, 2nd Resub., Lot 2  
Map: 051-12 Parcel: 126  
Subarea 4  
Council District 4 – Michael Craddock

A request for final plat approval to create 3 lots and on a portion of the property located at 94 Berkley Drive, approximately 315 feet east of Gallatin Pike (5.94 acres), zoned RM40 and within a Planned Unit Development District overlay, requested by Chippington II L.P., owner, Barge Waggoner Sumner & Cannon, surveyor.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST** - A request for final plat approval to create three lots on a portion of the property located at 94 Berkley Drive, approximately 315 feet east of Gallatin Pike (5.94 acres), zoned Multi-Family Residential (RM40) and within a Planned Unit Development District overlay.

**ZONING**

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

**PLAN DETAILS** This subdivision proposes to create three lots from two lots within the Chippington Plaza PUD. Lots 2 and 3 contain two residential towers. Although properties are not typically permitted to exceed the maximum density allowed by the zoning district, the density for the towers is shared between these two lots. Since the properties are within a Planned Unit Development, it is permitted in this situation. The new lot may require a PUD revision, amendment and/or final site plan before any building or grading permits can be issued.

This request creates one lot with no street frontage. This PUD already contains one lot without street frontage. Street frontage is not required because the plat is consistent with the existing PUD.

**PUBLIC WORKS RECOMMENDATION** No Exceptions Taken

**STORMWATER RECOMMENDATION** Approved

**STAFF RECOMMENDATION** Staff recommends approval.

**CONDITIONS** Prior to recording the final plat, the following revisions need to be made:

1. Show all three lots within the boundary of the plat.
2. Revise purpose note to reflect the correct number of lots.
3. Delete note 16, which incorrectly references PUD requirements.
4. Add lot size for Lot 3.
5. Submit a plan stamped by Madison Utility District.

Approved with conditions, **(9-0-1) Consent Agenda**

**Resolution No. RS2008-99**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-066G-04 is **APPROVED WITH CONDITIONS. (9-0-1)**

**Conditions of Approval:**

1. Show all three lots within the boundary of the plat.
2. Revise purpose note to reflect the correct number of lots.
3. Delete note 16, which incorrectly references PUD requirements.
4. Add lot size for Lot 3.
5. Submit a plan stamped by Madison Utility District.”

- 22. 2008S-080G-06**  
Bellevue Road Subdivision  
Map: 142-00 Parcel: 080  
Subarea 6  
Council District 22 – Eric Crafton

A request for final plat approval to create 3 lots on property located at 132 Bellevue Road, approximately 1,290 feet west of Hicks Road (3.09 acres), zoned RS15, requested by James and Terri Sneed, owner, E. Roberts Alley & Associates, surveyor.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to create 3 lots on property located at 132 Bellevue Road, approximately 1,290 feet west of Hicks Road (3.09 acres), zoned Single-Family Residential (RS15).

**ZONING**

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

**PLAN DETAILS** The existing lot is approximately three acres and includes a lake. This subdivision proposes to create three lots. Two of the proposed lots would not have street frontage and would be situated behind an existing home. One of these lots could face a private street within an adjacent PUD, but would not have access to that street.

**Variance for Street Frontage** Section 3-4.2.b of the Subdivision Regulations requires all residential lots to have street frontage. This request creates two lots with no street frontage. The applicant has submitted a variance request stating that the lake, existing house, and private drives create a hardship for developing this property. However, these conditions were created by the owner or the previous owners. The PUD that limits the access was subdivided from a larger parcel that also included this property. Additional access was eliminated by that subdivision. Self-made conditions do not constitute a hardship.

It may be appropriate to permit the development of one additional lot. The additional lot could be accommodated without dividing ownership of the lake, which would eliminate maintenance issues with multiple owners. An access easement may also be sufficient access for one lot. Two additional lots is an inappropriate increase in density for this property because a pond on this site diminishes the useable acreage, and because of the limited ability to gain access to property with no street frontage.

**PUBLIC WORKS RECOMMENDATION** No Exceptions Taken

- Identify owner of Open Space "C".

**STORMWATER RECOMMENDATION** Approved

**STAFF RECOMMENDATION** Staff recommends disapproval because the request does not meet the Subdivision Regulations for street frontage.

**CONDITIONS (if approved)** - Prior to recording the final plat, the following revisions need to be made:

1. Revise to show two lots, with the entirety of the lake within one lot or common open space.

Ms. Logan presented and stated that staff is recommending disapproval.

Mr. John C. Hayes, 717 Princeton Hills Drive, spoke in favor of the proposal.

Mr. Phillip Jones, 701 Commerce Avenue, spoke in opposition of the proposal.

Mr. J.J. Sneed, 132 Bellevue, spoke in favor of the proposal.

Mr. Paul Biggers, 126 Belle Glen Drive, spoke in opposition to the proposal.

Mr. Ponder requested clarification on how the applicant would access the proposed development.

Ms. Logan explained that the only access was through an access easement, as there was not a road that would access the development.

Ms. LeQuire requested clarity on the restrictive covenants that were in place for this parcel.

Mr. Morrissey stated that the Commission has no say on restrictive covenants as they are considered a private matter between land owners.

Mr. Gotto questioned whether the lots in question met the requirements for RS15.

Ms. Logan stated they did meet these requirements.

Mr. Gotto briefly explained his support to approve this request as submitted by the applicant.

Ms. Cummings requested clarification on the variance that was included in the proposal.

Ms. Logan explained this concept to the Commission and how it affected the properties in question.

Mr. Bernhardt offered additional information regarding road frontages and public access as required by the Subdivision Regulations.

Ms. LeQuire acknowledged the number of homes that would access the private easement and stated she would be inclined to approve the request.

Mr. Clifton questioned whether the number of homes requesting to use the private easement would alter the recommendation being made by staff.

Ms. Logan stated that the recommendation would remain the same due to the fact that a variance would still be required for the street frontages.

Mr. Clifton spoke in favor of approving the staff's recommendation.

Mr. Clifton moved and Ms. Cummings seconded the motion, to disapprove to disapprove 2008S-080G-06. **(6-3) No Votes – Jones, LeQuire, Gotto**

**Resolution No. RS2008-100**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-080G-06 is **DISAPPROVED. (6-3)**”

**XIII. PUBLIC HEARING:  
REVISIONS AND FINAL DEVELOPMENT PLANS**

- 23. 2002P-003U-03**  
Park Preserve  
Map: 059-00      Parcels: 135, 191, 208, 209, 210, 211, 212  
Subarea      3  
Council District      2 – Frank Harrison

A request to revise the preliminary plan for the Park Preserve Planned Unit Development Overlay on properties located at Whites Creek Pike (unnumbered), Brick Church Pike (unnumbered), and Vista Lane (unnumbered), between Brick Church Pike and Whites Creek Pike (200.43 acres), zoned RM9, to revise the overall layout and to stub Suzanne Drive to the property line, requested by Ragan-Smith-Associates, applicant, for Harding Corporation, owner. **Staff Recommendations: Disapprove, but approve with conditions if Stormwater approval is obtained prior to the meeting**

**APPLICANT REQUEST - Revise Preliminary PUD**

A request to revise the preliminary plan for the Park Preserve Planned Unit Development Overlay on properties located at Whites Creek Pike (unnumbered), Brick Church Pike (unnumbered), and Vista Lane (unnumbered), between Brick Church Pike and Whites Creek Pike (200.43 acres), zoned Multi-Family Residential (RM9), to revise the overall layout and to stub Suzanne Drive to the property line.

**PLAN DETAILS** Park Preserve preliminary PUD was approved in 2002 and revised in 2003. The plan proposes 743 units, with 416 single-family units and 327 multi-family units. There are several minor changes to the layout. First, the intersection off of Whites Creek Pike has been modified. Park Preserve Way changed from a through street to a T-intersection, which minimizes grading in this location. Second, this plan better accommodates slopes on the site. Some buildings, as well as intersections, have been rearranged in order to minimize grading and preserve slopes. The lots on the east side of Park Preserve Way, which were in steep slopes, have been removed. Third, a stub street has been added to the north, where there was previously a cul-de-sac. This street will eventually connect to Ewing Drive. These changes are minor and are considered a revision to the PUD.

**Stormwater Concerns** During a recent Stormwater Management Committee meeting, the committee members stated that stream crossings should be limited to no more than one crossing per 1000 feet. In reviewing the Park

Preserve Preliminary PUD revision, it is shown to have 5 stream crossings. The 4 crossings to the far north section of the site are spaced less than 1000 feet apart. If these stream crossings are not permitted, the layout of the development could change significantly. Because of the potential change in layout, this issue should be resolved during the review of the preliminary plan.

**PUBLIC WORKS RECOMMENDATION** The developer's construction drawings shall comply with the design regulations established by the Department of Public Works.

Show and dimension right of way along Whites Creek Pike. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).

Identify plans for recycling collection and solid waste disposal. Solid waste plan must be approved by the Department of Public Works Solid Waste Division.

Street names to be coordinated and approved by the Department of Public Works mapping section.

Comply with previous conditions of Park Preserve.

The implementation of these conditions will be based on thresholds determined as plans are developed.

#### **Phase I**

1. Construct a northbound right turn lane on Whites Creek Pike at Malta Drive with 180' of storage and 100' of taper per A Policy on Geometric Design of Highways and Streets published by AASHTO.

2. Provide three lanes on Malta Drive at Whites Creek Pike. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.

#### **Phase III**

1. Provide three lanes on Revels Drive at Whites Creek Pike. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.

2. Construct a southbound left turn lane on Whites Creek Pike at Revels Drive. This lane shall provide a minimum of 100' of storage and adequate bay and departure tapers per A Policy on Geometric Design of Highways and Streets published by AASHTO.

#### **Phase V**

1. Construct a westbound left turn lane on Ewing Drive at Vista Lane. This lane shall provide a minimum of 100' of storage and adequate bay and departure tapers per A Policy on Geometric Design of Highways and Streets published by AASHTO.

2. Provide three lanes on Vista Lane at Ewing Drive. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.

**STORMWATER RECOMMENDATION** Preliminary PUD Returned for Corrections:

1. GIS identified several streams located onsite without appropriate buffers. Provide adequate buffers or provide a hydrologic determination declassifying the streams as wet weather conveyances.

2. The PUD revision proposes 5 stream crossings. 4 of the proposed crossings are spaced less than 1000 feet apart with some crossings located 600 feet apart. Each stream crossing should be limited to 1 crossing per 1000 feet.

**STAFF RECOMMENDATION** Staff recommends disapproval, but approval with conditions if Stormwater approval is obtained prior to the meeting.

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

1. Comply with all Public Works requirements.



2. Comply with all Stormwater requirements.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
5. 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.
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.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
8. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
9. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions, including 1) The layout may need to be revised, which may result in the loss of lots, if Stormwater appeals are not obtained and 2) A bike and pedestrian connection shall be required on Johnna Drive, **Consent Agenda** (9-0-1)

**Resolution No. RS2008-101**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2002P-003U-03 is **APPROVED WITH CONDITIONS, including 1) The layout may need to be revised, which may result in the loss of lots, if Stormwater appeals are not obtained and 2) A bike and pedestrian connection shall be required on Johnna Drive. (9-0-1)**

**Conditions of Approval:**

1. Comply with all Public Works requirements.
2. Comply with all Stormwater requirements.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
5. 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.

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.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
8. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
9. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

- 24. 2008P-004U-05**  
 East River Apartments  
 Map: 082-12 Parcels: 013, 020  
 Subarea 5  
 Council District 6 – Mike Jameson

A request to revise the preliminary plan and for final approval for a Planned Unit Development located at 201 North 8th Street and Ramsey Street (unnumbered), at the southwest and northeast corner of Ramsey Street and North 8th Street (5.63 acres), zoned Multi-Family Residential (RM20), to permit 90 multi-family dwelling units where 104 units previously existed.

**Staff Recommendations: Approve with conditions**

**The Metropolitan Planning Commission DEFERRED Planned Unit Development to the May 8, 2008, meeting at the request of the applicant. (10-0)**

**XIV. PUBLIC HEARING:  
 URBAN DESIGN OVERLAYS**

- 25. 2008UD-001U-05**  
 Dickerson Pike Sign UDO  
 Map: 071-03, 071-07, 071-11, 071-14, 071-15  
 Parcels: Various  
 Subarea 5  
 Council District 5 – Pam Murray

A request to apply an Urban Design Overlay district to various properties located along Dickerson Pike between 1st Street and Trinity Lane (153.85 acres), zoned CS and CL, to regulate all signs for properties along Dickerson Pike, requested by Councilmember Pam Murray.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Preliminary UDO**

A request to apply an Urban Design Overlay district to various properties located along Dickerson Pike between 1st Street and Trinity Lane (153.85 acres), zoned CS and CL, to regulate all signs for properties along Dickerson Pike.

**BACKGROUND** Councilmember Pam Murray has been working with business and property owners along those

portions of Dickerson Pike located within her district to attempt to develop strategies and plans that to revitalize that street. As part of that effort, Councilmember Murray asked the Planning Department to develop an overlay that would provide higher standards for signage along Dickerson Pike. The Dickerson Pike Sign UDO is intended to provide those standards.

The purpose of the UDO is to enhance the Dickerson Pike streetscape by, among other things, discouraging clutter from inappropriate signs. The UDO standards encourage signage that is appropriate in scale and design for pedestrians, motorists, cyclists and for the building(s) it identifies. The UDO allows for creative approaches to signage to ensure that signage is designed for the purpose of identifying a destination in a unique and functional manner.

The UDO includes every parcel of land that abuts both sides of Dickerson Pike from Interstate 24 to Trinity Lane, and every parcel on the west side of Dickerson Pike from Trinity Lane to Rock Street.

The property south of Douglas Avenue within the proposed UDO is also located within the MDHA Skyline Redevelopment District, which was approved on third reading by the Metro Council on April 15, 2008.

**EAST NASHVILLE COMMUNITY PLAN** The proposed Dickerson Pike UDO is located within a wide variety of land use policy areas of the East Nashville Community Plan, including Neighborhood Urban, Neighborhood General, and Community Center. The land uses supported in those areas include mixed housing, mixed use, offices, and commercial retail. A portion of the proposed UDO is located within Special Policy #1, which is intended to guide land use decisions until more detailed planning efforts can be completed. Among other things, Special Policy #1 states that the only requests for rezoning that should be approved are those that achieve a high standard of urban design.

**Existing Zoning** All property affected by this Ordinance is currently zoned CS or CL.

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

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

**STAFF RECOMMENDATION** Staff recommends approval of the Dickerson Pike Sign UDO.

**PLAN DETAILS** The UDO includes standards to address several issues, including prohibited signs, sign lighting, design and materials, and signs for multi-tenant buildings. A copy of the UDO will be delivered to the Commissioners with this staff report, and it has been posted to the Planning Department website at [www.nashville.gov/mpc](http://www.nashville.gov/mpc).

Non-conforming signs must be brought into conformity with these standards if a permit is required to alter, reconstruct, replace or relocate the sign. If a sign is damaged, then the property owner can repair the sign without complying with these standards.

The UDO does not replace, but supplements the standard sign provisions of Chapter 17.32 of the Metro Code. If there is a conflict between the UDO standards and the sign provisions of the Zoning Code, then requested sign permit must comply with the UDO provisions.

Mr. Kleinfelter presented and stated that staff is recommended approval.

Mr. Jay West, 316 Church Street, expressed issues with the proposed urban design overlay and requested its deferral.

Mr. Kleinfelter explained the procedures that would be followed if this request was to be deferred by the Commission.

Mr. Bobby Colson, 100 Auction Way, spoke in opposition to the proposed urban design overlay.

Mr. John Ewing, 2009 Whites Creek Pike, spoke in opposition to the proposed urban design overlay.

Mr. Bill Colson expressed issues with the requested urban design overlay.

Mr. Donald Wall expressed issues with the requested urban design overlay.

Mr. Umar Niazi, 1322 Dickerson Pike, expressed issues with the requested urban design overlay.

Mr. Ponder moved and Mr. Dalton seconded the motion, which passed unanimously to close the public hearing and defer Urban Design Overlay 2008UD-001U-05 to May 8, 2008.

**Resolution No. RS2008-102**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2008UD-001U-05 is DEFERRED to the May 8, 2008, Planning Commission meeting, and the public hearing is closed. (9-0)”**

**XV. OTHER BUSINESS**

26. Recommended Capital Improvements Budget 2008-2009 to 2013-2014.

Approved with conditions, **(9-0-1) Consent Agenda**

27. 3D data contract.

Approved with conditions, **(9-0-1) Consent Agenda**

28. Employee contract renewal for Hilary Kahnle.

Approved with conditions, **(9-0-1) Consent Agenda**

29. Amendment No. 1 to Contract No. L-2008 Between the Metropolitan Government of Nashville and Davidson County and LandDesign, Inc. with Attachment B.

Approved with conditions, **(9-0-1) Consent Agenda**

30. Executive Director Reports

Mr. McLean announced that it was Ms. Nielson’s last meeting as a Commissioner. He thanked her for her many years of service to the Planning Commission.

31. Legislative Update

**XVI. ADJOURNMENT**

The meeting adjourned at 9:00 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of its programs, services, activities or in its hiring or employment practices. **ADA inquiries should be forwarded to:** Josie L. Bass, Planning Department ADA Compliance Coordinator, 800 Second Avenue South, 2<sup>nd</sup>. Floor, Nashville, TN 37201, (615)862-7150. **Title VI inquiries should be forwarded to:** Michelle Lane, Metro Title VI Coordinator, 222 Third Avenue North, Suite 200, Nashville, TN 37201, (615)862-6170. **Contact Department of Human Resources for all employment related inquiries** at (615)862-6640.