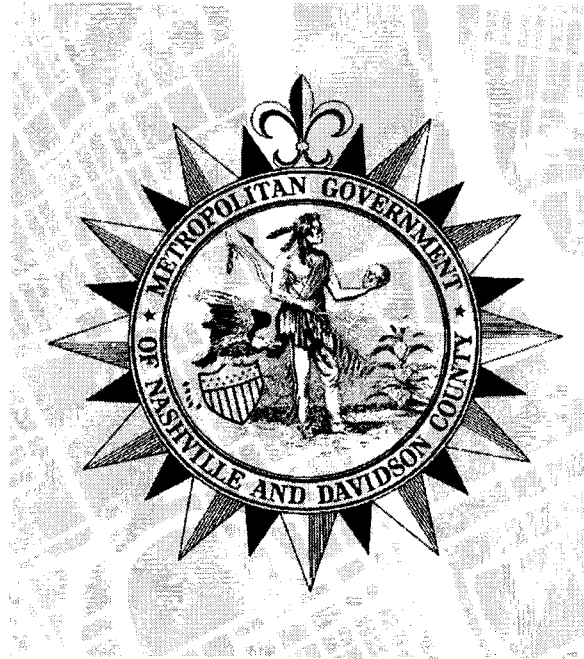


# Metropolitan Planning Commission



Staff Reports

August 28, 2008

## **PREVIOUSLY DEFERRED ITEMS**



**2008S-125U-10**  
 Michalena Subdivision  
 Map: 104-16 Parcel: 272  
 Subarea 10  
 Council District 18 – Keith Durbin



<b>Project No.</b>	<b>Subdivision 2008S-125U-10</b>
<b>Project Name</b>	<b>Michalena Subdivision</b>
<b>Council District</b>	18 – Durbin
<b>School Board District</b>	8 - Fox
<b>Requested By</b>	Advantage Land Surveying, applicant for Jeffrey and Michelle Rencher, owners
<b>Deferral</b>	<i>Deferred from the August 14, 2008, Planning Commission meeting at the request of the applicant.</i>
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Disapprove</i>

**APPLICANT REQUEST**

<b>Final Plat</b>	<b>A request for final plat approval to create 2 lots and a variance from the lot comparability requirements of the Subdivision Regulations on property located at 1705 Beechwood Avenue, approximately 300 feet west of Oakland Avenue (0.4 acres), zoned Single-Family Residential (RS7.5) and located within the Belmont-Hillsboro Neighborhood Conservation Overlay.</b>
-------------------	--

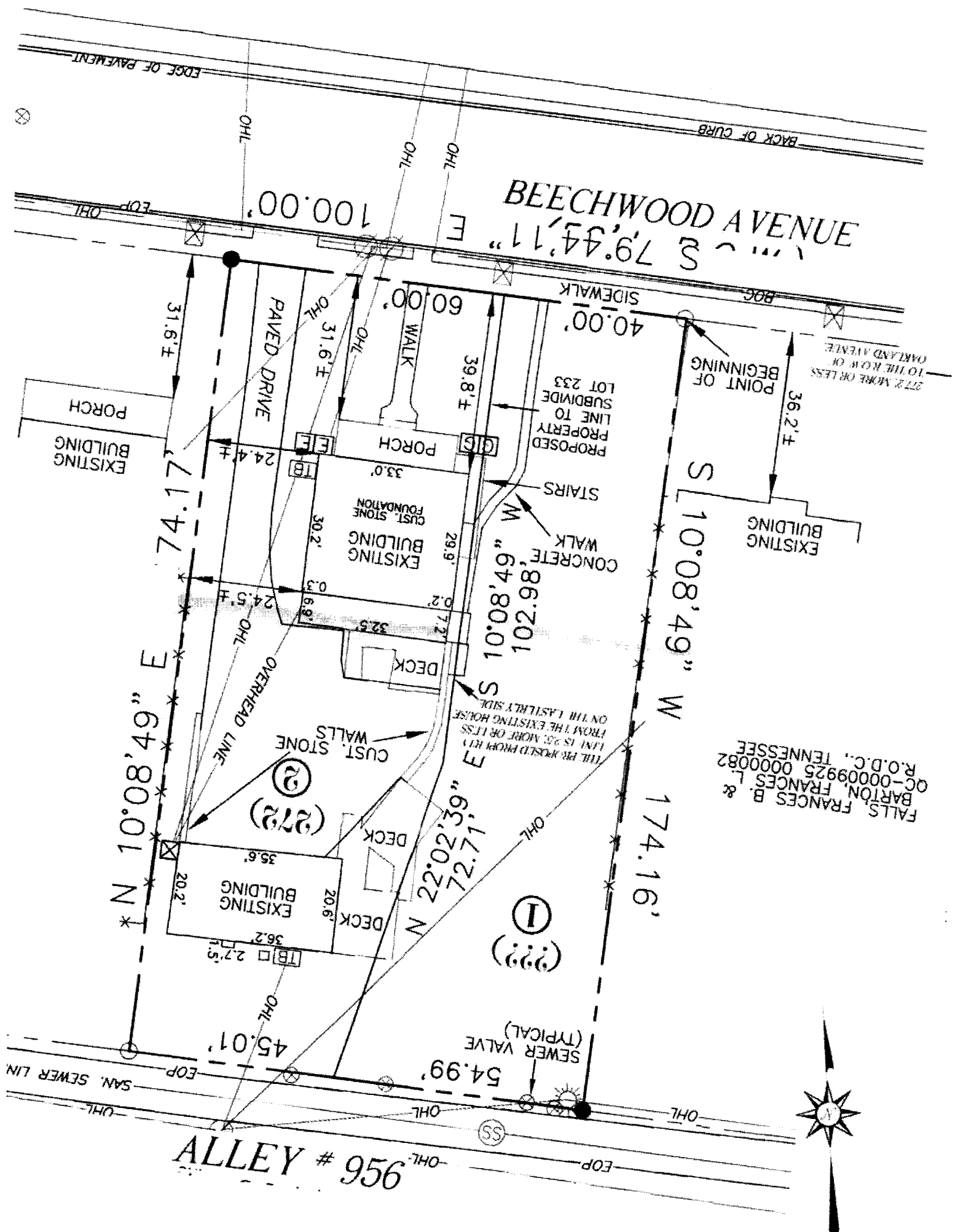
**ZONING**

RS7.5 District	<u>RS7.5</u> 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.
----------------	---

**SUBDIVISION DETAILS**

The plan calls for the creation of two lots from an existing lot located at 1705 Beechwood Avenue. Currently the existing lot contains two individual residential structures with the original structure fronting on Beechwood Avenue and what appears to be a renovated garage to the rear. While two residential structures are not permitted on one lot within a single-family residential district, Metro records indicate that the rear structure is a legal nonconforming use.

In order to meet the requirements for minimum lot size and accommodate the existing structure, the proposed lot line is off-center on the property, with Lot 1 60 feet wide and Lot 2 40 feet wide. At approximately 100 feet the proposed lot line angles toward the west to ensure that Lot 2 is 7,500 square feet in area.



BEECHWOOD AVENUE  
 79'4.11" E

100.00' E

POINT OF BEGINNING  
 27% MORE OR LESS  
 TO THE HOME OF  
 OAKLAND AVENUE

FALLS, FRANCES B. &  
 BARTON, FRANCES L.  
 OC-0009925 0000082  
 R.O.D.C., TENNESSEE

74.17' E  
 10'08'49" E  
 10'08'49" N

174.16' W  
 10'08'49" W

EXISTING BUILDING  
 PORCH  
 PAVED DRIVE

EXISTING BUILDING  
 CUST. STONE FOUNDATION  
 PORCH  
 DECK  
 CUST. STONE WALLS

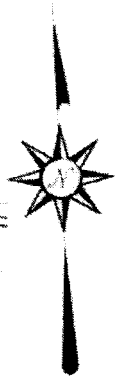
THE PROPOSED PROPERTY LINE IS 2% MORE OR LESS FROM THE EXISTING HOUSE ON THE EASTERN SIDE.

EXISTING BUILDING  
 DECK

(???) (I)

SEWER VALVE (TYPICAL)

ALLEY # 956





## Metro Planning Commission Meeting of 8/28/2008

### Lot Comparability

Section 3-5 of the Subdivision Regulations requires that new lots in areas previously subdivided and predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

A lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Beechwood	6,936.09	46.56

As proposed, the 2 new lots will have the following areas and street frontages:

- Lot 1: 7,500 sq. ft., (0.1722 acres), with approximately 40 linear ft. of frontage on Beechwood.
- Lot 2: 9,916.545 sq. ft., (0.2277 acres), with approximately 60 linear ft. of frontage on Beechwood.

Lot 1 fails for frontage by approximately six feet. While the Subdivision Regulations do allow for exceptions to the minimum area and frontage when certain requirements are met, this plat does not meet any of the requirements for an exception.

### Variance from Lot Comparability

The applicant has requested a variance from the lot comparability requirement. Variances from the Subdivision Regulations may be granted by the Planning Commission if the Commission finds that extraordinary hardship or practical difficulties may result from strict compliance with the regulations, and that the variance will not have the effect of nullifying the intent and purpose of the regulations. The Planning Commission must make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or



## Metro Planning Commission Meeting of 8/28/2008

- improvements in the neighborhood in which the property is located.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
  3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
  4. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

If the structure could be moved further to the west then the new lot line could be drawn in a way that would allow both lots to meet the comparability requirement. The property is within the Belmont-Hillsboro Neighborhood Conservation Overlay. Accordingly, the Metro Historic Zoning Commission (MHZC) has the authority to decide whether or not the house can be moved.

---

### **METRO HISTORICAL ZONING COMMISSION**

As noted above, the property is within the Belmont-Hillsboro Neighborhood Conservation Overlay. The plat submitted assumed that the existing house fronting onto Beechwood Avenue would remain in place. This results in Lot 2 not meeting lot comparability standards and Lot 1 with a sub-standard side setback. A recently adopted ordinance (BL2007-45) gives the MHZC the authority to determine setbacks for properties within historic overlay districts.

The applicant requested that the MHZC permit the existing house fronting onto Beechwood Avenue to be relocated 10 feet to the west. The MHZC is required to approve relocation of the house because that commission must approve any



## Metro Planning Commission Meeting of 8/28/2008

construction within the adopted Neighborhood Conservation Overlay District. If the MHZC allowed the house to be moved, then both lots would have sufficient frontage to meet lot comparability standards and the side setbacks would meet the zoning requirements. If the MHZC would not approve moving the house, then the applicant further requested that the MHZC reduce the required side setback to allow a 2 ½ foot setback for the existing structure facing Beechwood Avenue.

At its meeting on August 20, 2008, the MHZC considered both requests. The staff of the MHZC analyzed the proposed subdivision and concluded that:

*“The proposed subdivided plat would produce two unusually shaped parcels, where frontage at the street and alley on each separate parcel differ by 15 feet. Lots within the district are almost universally rectangular in shape. Additionally, the staff has calculated the average lot width on both the south side of the block and within a radius of 200 feet, omitting 1705 Beechwood in the calculations. On the south side of the block (10 parcels) the average lot width equals 48.6 feet. Within a radius of 200 feet of the parcel (33 parcels) the average lot width equals 60.2 feet.*

*“After analyzing the lot widths and their affect on the established pattern and rhythm of existing historic buildings on the same and opposite sides of a street, staff feels that the reduction in side setback to allow for a subdivision of the parcel is not compatible with other parcels in the district, and therefore does not meet the applicable design guidelines. Staff recommends disapproval of the application as submitted.”*

The MHZC disapproved both the request to move the house and the request for reduced side setback for Lot 1.





## Metro Planning Commission Meeting of 8/28/2008

---

### ANALYSIS

Planning staff recommends disapproval of the proposed subdivision because it would create a lot that does not meet the setback requirements of the Zoning Code. In addition, the staff recommends disapproval of the applicant's request for a variance from the lot comparability requirements. The MHZC's refusal to allow the house facing Beechwood to be moved arguably creates a unique hardship that may support a variance from the comparability requirements. Staff cannot recommend approval of the variance, however, because the proposed plat also includes a substandard setback for Lot 1. If the lot line between the proposed lots is shifted to allow Lot 1 to meet the setback requirements, then Lot 2 would be further in violation of the comparability requirements. In addition, if the lot line is shifted to allow Lot 1 to meet the standard setback requirements, it would require an increase in the irregularity of this lot line in order to ensure that Lot 2 is at least 7,500 square feet in area.

As currently submitted, the plat does not show side setbacks that either meet the minimum 5-foot setback required in the Code, or an alternative setback approved by the MHZC. Proposed Lot 2 also does not meet lot comparability requirements.

---

### STORMWATER RECOMMENDATION

Approved

---

### PUBLIC WORKS RECOMMENDATION

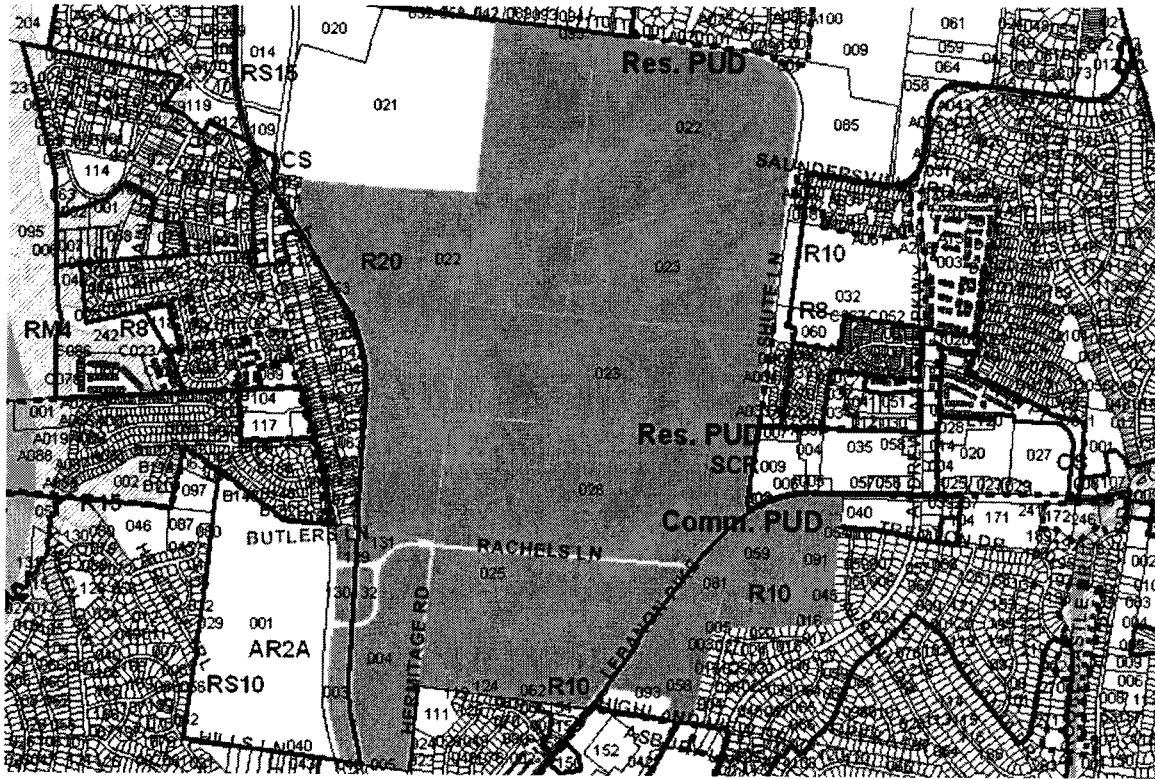
No Exception Taken

---

### STAFF RECOMMENDATION

Staff recommends disapproval of this request because Lot 1 will not meet the standards of the Zoning Code and Lot 2 does not meet lot comparability requirements.'

# **ZONING MAP AMENDMENTS**



**008Z-063G-14**

Map: 064-00 Parcels:022, 022.01, 023, 023.01

Map: 075-00 Parcels:003, 004, 025, 026, 058, 059.01, 081, 091, 129, 130, 131, 132

Subarea 14

Council District 11 – Darren Jernigan



<b>Project No.</b>	<b>Zone Change 2008Z-063G-14</b>
<b>Project Name</b>	<b>Hermitage Historic Landmark Overlay</b>
<b>Council Bill</b>	BL2008-273
<b>Council Districts</b>	11- Jernigan, 12 – Gotto
<b>School District</b>	4 – Glover
<b>Requested by</b>	Councilmembers Darren Jernigan and Jim Gotto
<b>Staff Reviewer</b>	Logan
<b>Staff Recommendation</b>	<i>Approve</i>

**APPLICANT REQUEST**  
**Historic Landmark Overlay**

**A request to apply a Historic Landmark Overlay to properties located west of Shute Lane, along Old Hickory Boulevard, Rachels Lane, Hermitage Road, and Lebanon Pike (997.08 acres), zoned Agricultural/Residential (AR2a), and One and Two-Family Residential (R10 and R20).**

**Existing Zoning**  
AR2a District

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

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.

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 Overlay District**  
Historic Landmark

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

1. Be associated with an event that made a significant contribution to local, state or national history;



## Metro Planning Commission Meeting of 8/28/2008

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

---

### **DONELSON/HERMITAGE COMMUNITY PLAN**

#### Open Space (OS)

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.

#### **Consistent with Policy?**

Yes. Open Space policy was applied to this property to preserve the rural landscape surrounding The Hermitage. The plan lists the property as a historic resource and states that “[t]he remaining rural character surrounding the historic buildings in the area, such as Two Rivers, Clover Bottom, Cleveland Hall, and the views from the Hermitage and Tulip Grove, deserves rigorous protection. Commercial development surrounding The Hermitage in particular should be strictly controlled through building and sign height limits and landscape screens to prevent any additional visibility of modern structures from within the property.” The application of a historic landmark overlay will further protect the rural landscape.

#### National Historic Landmark

The Hermitage is designated as a National Historic Landmark. The Greek Revival home was built in 1819, by Andrew Jackson, 7<sup>th</sup> President of the United States.

---

### **METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

The Metro Historic Zoning Commission recommended approval of the proposed Historic Landmark Overlay District for The Hermitage as a historically significant geographical area at its August 20, 2008, meeting and adopted design guidelines for the district, which meet the Secretary of Interior Standards.



## Metro Planning Commission Meeting of 8/28/2008

### HISTORY AND SIGNIFICANCE:

The property on which The Hermitage stands was first owned and settled by Nathaniel Hays. In 1780, Hays laid claim to a 640 acre preemption land grant comprised of heavily forested land less than two miles away from the Cumberland and Stone's rivers. In 1798 he supervised construction of a substantial, two-story, log farmhouse. At that time Andrew Jackson owned an adjoining plantation named Hunter's Hill. Hays cleared fields and grew cotton on his land. He bartered the cotton he grew at Jackson's nearby Hunter's Hill General Store, where he had an account.

In 1804 Hays decided to move his family to Bedford County and sold his farm to Jackson for \$3,400 on July 5<sup>th</sup> of that year. Jackson sold his more valuable Hunter's Hill farm on the Cumberland River to pay off debts. Jackson immediately hired a Nashville craftsman to dress up the farmhouse's interior with French wallpaper and painted trim. He hired men to clear fields and build fences. In August, he and Rachel moved to their new property, which Jackson initially called "Rural Retreat" before quickly renaming it "Hermitage." How Jackson decided on the name is not known, but "Hermitage" means essentially the same thing as "Rural Retreat." Jackson hired two Nashville men to construct a new log Kitchen outbuilding the following year. The Kitchen was a dual-purpose building that also served as slave quarters for Betty the cook and her family.

Initially Jackson operated this cotton farm with nine African-American slaves, but this number gradually grew to forty-four slaves by 1820. Jackson rapidly converted the farm into a prosperous 1,000-acre plantation and supervised the construction of many outbuildings, including a distillery, dairy, carriage shelter, cotton gin and press, and slave cabins at the field quarters. Jackson typically grew two hundred acres of cotton as his cash crop with the remainder of the farm dedicated to producing food stuffs for the Jacksons, their slaves, and livestock. Jackson also used part of The Hermitage for his true passion in life, raising racehorses. Andrew and Rachel lived in the log farmhouse until the winter of 1820-1821.

From 1819 to 1821, skilled carpenters and masons hired by Jackson built a Federal- style, two-story brick dwelling for Jackson and his family. At the same time, Jackson employed William Frost, an English gardener from Philadelphia, to design and layout a formal garden for Rachel. The 8- room mansion featured several outbuildings, including a smokehouse and kitchen. In the main stair hall, Rachel Jackson selected scenic wallpapers imported from France that depicted themes from Greek mythology. After brick production began for the mansion, Jackson had new brick slave dwellings built. In the 1820s, brick and log cabins for housing 95 African-American slaves, dotted the Hermitage landscape.

Andrew Jackson took office as seventh President of the United States in 1829. While Jackson was president, his son Andrew Jackson Jr. and Jackson's Nashville friends saw to Hermitage affairs. A series of overseers managed day- to-day operations. In 1831, while in Washington, President Jackson hired Nashville architect David Morrison to enlarge the mansion dramatically with flanking one-story wings, a two-story entrance portico with Doric columns, a small rear portico, and copper gutters. The east wing contained a library and farm office while a large dining room and pantry comprised the west wing. Jackson also paid Morrison to construct a



## Metro Planning Commission Meeting of 8/28/2008

Grecian “temple & monument” for Rachel Jackson, who had died in 1828. Craftsmen built the domed limestone tomb with a copper roof from 1831 to 1832.

After a chimney fire seriously damaged the mansion on October 13, 1834, President Jackson hired noted Nashville architects and master builders Joseph Reiff and William C. Hume to rebuild the mansion into a stately Greek Revival-style monument. Reiff and Hume completed the repairs in 1836. In 1837, Jackson retired from the U.S. presidency and returned to The Hermitage. Andrew Jackson died on June 8, 1845 and was laid to rest two days later under the tomb next to his wife Rachel. At the time of his death, 161 African-American slaves operated the cotton plantation and resided in dozens of slave cabins scattered about the 1,050-acre plantation.

### **Decline and Decay, 1845-1889**

Upon Jackson’s death, his adopted son Andrew Jackson, Jr. (1808-1865) inherited the property. The following year, he began selling off small outlying parcels of land. He made some improvements to the property such as new carriage drive, gates, and a new fence around the garden, but did little to improve the property’s agricultural efforts. He tried to diversify his moneymaking ventures with an iron works and lead mine in Kentucky, but those efforts were unsuccessful. By 1853, mounting debts forced him to mortgage The Hermitage plantation.

The first movement to “save” The Hermitage occurred in the 1850s. In January 1854, Congress rejected a proposal to use The Hermitage as a southern branch of the U.S. Military Academy at West Point. In 1856, Andrew Jackson, Jr. sold a 500-acre core section of the 1,050-acre farm, including the mansion and outbuildings, for \$48,000 to the State of Tennessee. The State bought the property with the intent that it would be put to a public use, such as a school, but funding was unavailable so the State allowed the Jackson family to remain at The Hermitage as tenants. Between 1856 and 1861, the U.S. House of Representatives and U.S. Senate contentiously debated whether to accept Tennessee’s offer of The Hermitage for a branch of West Point, but ultimately rejected the idea. In 1857, Governor Andrew Johnson also proposed converting The Hermitage into an “Executive Mansion” for the governor. That year, Andrew Jackson, Jr. sold the remaining 550 acres of The Hermitage farm to private buyers. In 1858, the Jackson family vacated the property and relocated to a cotton plantation in Mississippi, taking nearly all the slaves with them. At least five slaves remained at The Hermitage serving as caretakers and tenants.

From 1859 to 1861, Tennessee politicians proposed several new uses for The Hermitage, including a State Military School and a model farm for the Tennessee Agricultural Bureau. No proposal succeeded. In 1860, Governor Isham Harris became the first political leader to advocate for outright preservation of The Hermitage, but the looming Civil War prevented any such action. In the fall of 1860, Andrew Jackson, Jr. and family returned as Hermitage tenants, their Mississippi cotton plantation had failed, bringing a handful of slaves with them. During the early years of the Civil War, some Hermitage slaves left the property for freedom. Although several important battles took place at Nashville and in the surrounding region, no military action took place near The Hermitage. During the Civil War, the Confederate States of America proposed converting The Hermitage into a Confederate Military Academy, but like all others, this proposal was never implemented. At the end of the Civil War, the 13th Amendment officially freed all Hermitage slaves.



## Metro Planning Commission Meeting of 8/28/2008

Andrew Jackson, Jr. died in 1865 leaving his widow, Sarah, to oversee The Hermitage. After the Civil War ended, Sarah Jackson and her son, Andrew Jackson III conducted the very small farming operation with paid day labor and tenant farmers. The Hermitage farm fell into disrepair and the buildings began a slow deterioration. The state government was without funds for rebuilding vital infrastructure, much less maintaining this state-owned historic site. In 1865, Governor William G. Brownlow instructed repairs be made to Jackson's tomb, and a survey completed for the entire property. In 1866, Governor Brownlow made several unsuccessful proposals for its use, including a public institution for invalid soldiers. The following year, the Tennessee Legislature authorized a public auction of The Hermitage, however, it never followed through.

In the 1870s and 1880s, as Nashville grew into a southern commercial center, increasing numbers of people, from newspaper journalists to wealthy Nashvillians, began to make excursions to The Hermitage. Tennessee politicians continued to explore options regarding the proper use of this state-owned property. In 1883, the State approved \$350 for repairing the Tomb and building an iron fence around it. The state undertook no other action until 1888, when the legislature proposed converting the Hermitage mansion into a hospital for invalid Confederate soldiers. This led to public outcry for preservation of the landmark and ultimately to the creation of an organization of Tennessee women who fought to save The Hermitage.

### Preservation

In April 1889, Tennessee chartered the Ladies' Hermitage Association (LHA), an organization modeled directly on the Mount Vernon Ladies' Association of the Union—who had purchased and opened George Washington's Mount Vernon as a museum in 1860. Members of the LHA lobbied Tennessee politicians into a compromise that would turn over the Hermitage mansion to them, while allowing a Confederate Soldier's Home to be constructed elsewhere on the property. On the last day of legislative session, with one member of the LHA lobbying feverishly on the capitol floor, the Tennessee Legislature approved the proposal. This bill gave the LHA control of the 25-acre core section of the Hermitage farm that included the mansion, garden, remains of the original log Hermitage farmhouse, and several historic outbuildings. The Tennessee Legislature awarded the remaining 475 acres to the Tennessee Confederate Soldiers' Home. The Home itself was completed in 1892 and stood about one-half mile from the Hermitage mansion. The Soldiers' Home used the acreage for a farming operation that helped support the institution.

Members of the LHA set to work on planning and making long-deferred repairs to the buildings and grounds. This included a major project for the original log Hermitage farmhouse and kitchen outbuilding. The farmhouse had been seriously damaged during a summer storm, causing the chimney and a wall to collapse. From 1889 to 1897, the LHA repaired not only the "First Hermitage," but also the Hermitage mansion and helped repair the adjoining Hermitage Church, which was then privately owned. These were the first historic preservation projects undertaken in Tennessee and among the first in the U.S. They also began efforts to purchase the Hermitage mansion furnishings from the Jackson family. Their first acquisition came in 1897 with the purchase of Andrew Jackson's bedroom furnishings, including the paintings, furniture, and curtains. By the 1920s, the LHA had successfully purchased most of the mansion furnishings from the Jackson family and, turned its attention to enlarging and improving the Hermitage grounds. The State of Tennessee turned over 232 acres in 1923 and in 1933 the Tennessee Confederate Soldiers' Home shut down and the entire 500-acre farm was given to the LHA to





## Metro Planning Commission Meeting of 8/28/2008

manage. In the 1930s, the LHA secured Work Progress Administration funding for a project to convert the Hermitage into a working farm. WPA workers razed much of the former Confederate Soldiers' Home, using the salvaged materials to construct several new buildings, including a ticket office, caretaker's residence, and museum.

In the 1950s and 1960s, the LHA continued to enlarge The Hermitage property by acquiring surrounding lands and historic buildings, including Tulip Grove mansion and the Hermitage Church. In 1960, the federal government recognized The Hermitage as a National Historic Landmark. In the 1960s and 1970s, as Nashville suburban growth encroached on The Hermitage, the LHA convinced the State of Tennessee to purchase the remaining portion of the Hermitage plantation, which Andrew Jackson, Jr. had sold to private individuals in 1857. Developers wished to build sprawling residential subdivisions here, but the state converted this land into the Hermitage Wildlife Management Area, which was turned over to the LHA in 2002. Today, the LHA manages 1,120 acres, which includes the entire 1,050-acre tract that Andrew Jackson owned when he died in 1845.

Tulip Grove, built in 1836 by William C. Hume and Joseph Rieff for Andrew Johnson Donelson, stands on an elevated lawn surrounded by tulip poplar trees. It is a great example of Greek Revival architecture as it was adapted in Tennessee. The interior of the house is classical. The front has beautiful painted plaster walls that were painted by Ralph E. W. Earl to resemble Italian marble. Earl also decorated all the raised panels in the doors leading off the hall with "graining" effect to resemble curly oak. Tulip Grove was listed on the National Register in 1970.

A list of historic resources compiled by the staff of The Hermitage is attached. They are currently working to update the National Historic Landmark designation to encompass all of the land managed by the LHA with its contributing structures.

### MHZC STAFF COMMENTS:

1. The MHZC must base its recommendation to the Metro Planning Commission and the Metro Council on the following criteria:

- **Is the proposed district historically significant based upon the standards in the ordinance?**

*Yes, The Hermitage is a National Historic Landmark, and the adjacent Tulip Grove is individually listed on the National Register of Historic Places. The boundaries of the proposed district include approximately 997 acres and make up most of the original tract owned by Jackson. The property includes landscape features, archeological sites and over two dozen structures that contribute to the district's historical significance (see attached list of historic resources).*

2. The MHZC must base its adoption of design guidelines on the following criteria:

- **Are the proposed District's Design Guidelines in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties?**



## Metro Planning Commission Meeting of 8/28/2008

*Yes. The proposed guidelines are based upon the Secretary of the Interior's Standards and are those that have been adopted by MHZC for all Historic Landmark Districts.*

---

### **STAFF RECOMMENDATION**

Planning staff concurs with the MHZC staff recommendation and recommends that the Planning Commission approve the request to apply a Historic Landmark Overlay.

**NO SKETCH**



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

**Zone Change 2008Z-070T**  
**Microbreweries**  
BL2008-282  
Countywide  
N/A  
Councilmember Erica Gilmore

**Staff Reviewer**  
Staff Recommendation

Regen  
*Approve with amendments.*

**APPLICANT REQUEST**  
**Text Amendment**

**A council bill to amend Chapters 17.04 and 17.08 of the Zoning Code to allow microbreweries as a permitted use in the Core Frame (CF), Industrial Restricted (IR) and Industrial General (IG) zoning districts.**

**ANALYSIS**

Existing Law

Any business that manufactures alcoholic beverages is classified by the Zoning Code as a “medium manufacturing” use. This use is permitted in only two zoning districts: the IR and IG districts. Prior to January 1, 1998, alcoholic beverages could be produced in the CF district if less than 5,000 barrels per month were produced.

Proposed Bill

Borrowing in part from the prior Zoning Code, the proposed bill would create a new land use called “microbrewery” defined as the production of up to 5,000 barrels per month of alcoholic beverages. Currently, those breweries located downtown and mid-town are legal non-conforming uses in the CF district. Any new, relocated, or expanded brewery use is prohibited today in the CF district. Below are the provisions included in the proposed ordinance:

- Amend Section 17.04.060 (Definitions) to add “Microbrewery” as follows:

Microbrewery means the production of alcoholic beverages in quantities not to exceed five thousand (5,000) barrels per month.

- Amend Section 17.08.030 (District Land Use Table) to add “Microbrewery” as a use permitted by right (P) in the CF, IR, and IG zoning districts.



## Metro Planning Commission Meeting of 8/28/2008

### Analysis

The “microbrewery” use is defined in the proposed ordinance as “the production of alcoholic beverages.” That definition captures not only the production of beer, but also other alcoholic beverages like wine, liquor, and spirits. Reference to 5,000 barrels per month in the microbrewery definition, however, does not address the different barrel sizes used in the alcoholic beverage industry. To address these points, the Council may want to consider modifying the microbrewery definition by either (1) tailoring it to address only the brewing of beer, or (2) expanding it to account for other alcoholic beverages and including a standard of measurement that is accepted across all beverage industries.

### *Proposed Amendments*

#### ***Option 1***

Microbrewery means the production of alcoholic beverages beer in quantities not to exceed five thousand (5,000) barrels per month; a barrel containing 31 gallons (U.S., liquid).

#### ***Option 2***

~~Microbrewery~~ Brewery/Distillery (limited) means the production of alcoholic beverages in quantities not to exceed ~~five thousand (5,000) barrels per month~~ two million (2,000,000) gallons per year (U.S., liquid).

Amend Section 17.08.030 by adding “Brewery/Distillery (limited)” as a use permitted (P) in the CF, IR, and IG zoning districts.

---

### **STAFF RECOMMENDATION**

Staff recommends approval of the proposed bill with an amendment incorporating either Option 1 or Option 2. The bill will allow alcoholic beverage brewers/distillers to locate, relocate, or expand operations in the downtown and midtown areas. When paired with a restaurant or on-site consumption of brewed or distilled beverages, these establishments are a destination for visitors and residents.

**SEE NEXT PAGE**

**NO SKETCH**



**Project No.** Zone Change 2008Z-071T  
**Name** Small Wind Energy Systems  
**Council Bill** BL2008-283  
**Council District** Countywide  
**School District** N/A  
**Requested by** Councilmembers Mike Jameson and Charlie Tygard

**Staff Reviewer** Regen  
**Staff Recommendation** *Disapprove with request for re-referral.*

---

**APPLICANT REQUEST**  
**Text Amendment** A council bill to amend Chapters 17.04, 17.08 and 17.16 of the Zoning Code to allow small wind energy systems as an accessory (A) use in all zoning districts.

---

**ANALYSIS**

**Proposed Use** “Small wind energy systems” refers to equipment that captures the power of moving air (wind) and converts it into energy, storing it in a battery or transferring it to the power grid. The system typically consists of a windmill structure comprised of a turbine on a single pole measuring 150 feet tall or less, and which has a rated capacity of producing 100 kilowatts (kW) or less per hour. The pole may be a freestanding or a guyed structure, and typically does not require a beacon light by the Federal Aviation Administration (FAA).

Small wind turbines were commonplace on farms and ranches before rural electrification programs. Today, they are an important element of this country’s energy independence. Both NES and TVA sponsor small wind energy systems as part of the “Green Power Switch” program.

**Existing Law** The Zoning Code does not allow small energy wind systems. The State of Tennessee does not regulate them.

**Proposed Bill** The proposed bill would allow small wind energy systems as an accessory (A) use in all zoning districts with a maximum height of 150 feet and a maximum rated energy capacity of 50 kW or less.





## Metro Planning Commission Meeting of 8/28/2008

### Proposed Text

The proposed bill adds definitions and standards to the Zoning Code for small wind energy systems. Standards address setbacks, access, electrical wires, lighting, structure appearance, signs, code compliance, utility notification, noise, and abandonment of structures.

### Analysis

Small wind energy systems refers to a technology that captures an abundant energy supply on Earth – wind – where a constant, consistent wind speed of eight miles per hour (m.p.h.) is sustained. Less than 8 m.p.h. and power cannot be generated. As the wind blows, the rotating blade on the windmill stops a percentage of the wind. That “percentage” is what is converted into energy; and according to physics, the maximum amount of energy that can be converted is 59.3%. While an unlimited supply of energy exists, there is in fact, a maximum amount that can actually be converted.

### *U.S. Dept. of Energy*

The U.S. Department of Energy’s National Renewable Energy Laboratory has classified seven wind power levels in the United States ranging from one to seven; one being the worst and seven being superb. Nashville is rated a one; the entire southeast is rated between one and two except for coastal areas, and scattered locations in the Smoky Mountains and Cumberland Plateau.

### *Specifications*

These small wind energy systems produce less energy than large turbines, but they are meant to be economically efficient for individual businesses and homeowners. Typical cost is \$10,000 for equipment and installation with a breakeven point of four to seven years in the country’s windiest locations. To minimize interference from surrounding buildings and trees, the lowest part of a turbine’s blade must be mounted at least 25 to 35 feet off the ground. While Nashville is a Class 1 (weakest) for wind, Class 2 locations need towers typically 100 feet in height or greater.

### *Nashville’s Wind Speed*

To independently verify Nashville’s classification, planning staff contacted the Nashville International Airport. The airport has investigated wind power for generating electricity to light the airport terminals and parking lots. Recently, the airport obtained from the National Ocean and Atmospheric Association (NOAA) the last ten years of wind data for the airport taken at a height of more than 20 feet above the ground. The captured data was for every hour of every day within



## Metro Planning Commission Meeting of 8/28/2008

the past 10 years. The conclusion was that conventional wind power systems would not work in Nashville. The data revealed no consistent, constant or sustained wind speed of 8 m.p.h. or more.

### *Proposed Standards*

While the opportunity for small wind energy systems is quite limited in Nashville, allowing them promotes the goal of decreasing reliance on traditional energy sources. Wind opportunities do exist for those people who live or work where the natural or man-made topography create a sustained wind speed, or for those people wanting to support green energy initiatives.

The proposed standards create a model ordinance, blending features of several other wind ordinances elsewhere in the country. The standards create a zoning barrier, however, by allowing the use, but creating requirements that very few properties in the county could meet. Further, given the limited wind opportunities in Nashville, the proposed standards unduly burden those seeking an alternative energy source.

Setbacks: The bill requires setbacks equal to the height of the structure from all property lines, plus an additional 20 feet. If a tower is 110 feet tall, then a 130 foot setback would be required from the front, side, and rear property lines. That essentially means one would need property with a minimum length and width of 260 feet. Few properties have those minimum dimensions let alone acreage. Based on the calculated acreage needed of 1.55 acres, less than 10% of all properties in Davidson County would qualify.

Location: The bill allows a windmill only as an accessory (A) use to a property. That means, it could not be the principal use, as in the only use on the property. Depending on the property's location, it may make sense for it to be the only use due to topography. Further, the bill does not permit a small wind energy system to be attached to a building. Therefore, it would not be permitted for the systems to be attached to bridges and buildings, as was recently announced as being planned for New York City.



## Metro Planning Commission Meeting of 8/28/2008

Abandonment: The bill requires a Notice of Abandonment to be issued by the Zoning Administrator. The Codes Department only issues a "Notice" which if not responded to is followed by a "Notice of Abatement," and if not responded to, the Codes Department proceeds to Environmental Court. There is no notice called Notice of Abandonment.

### *Proposed Amendments*

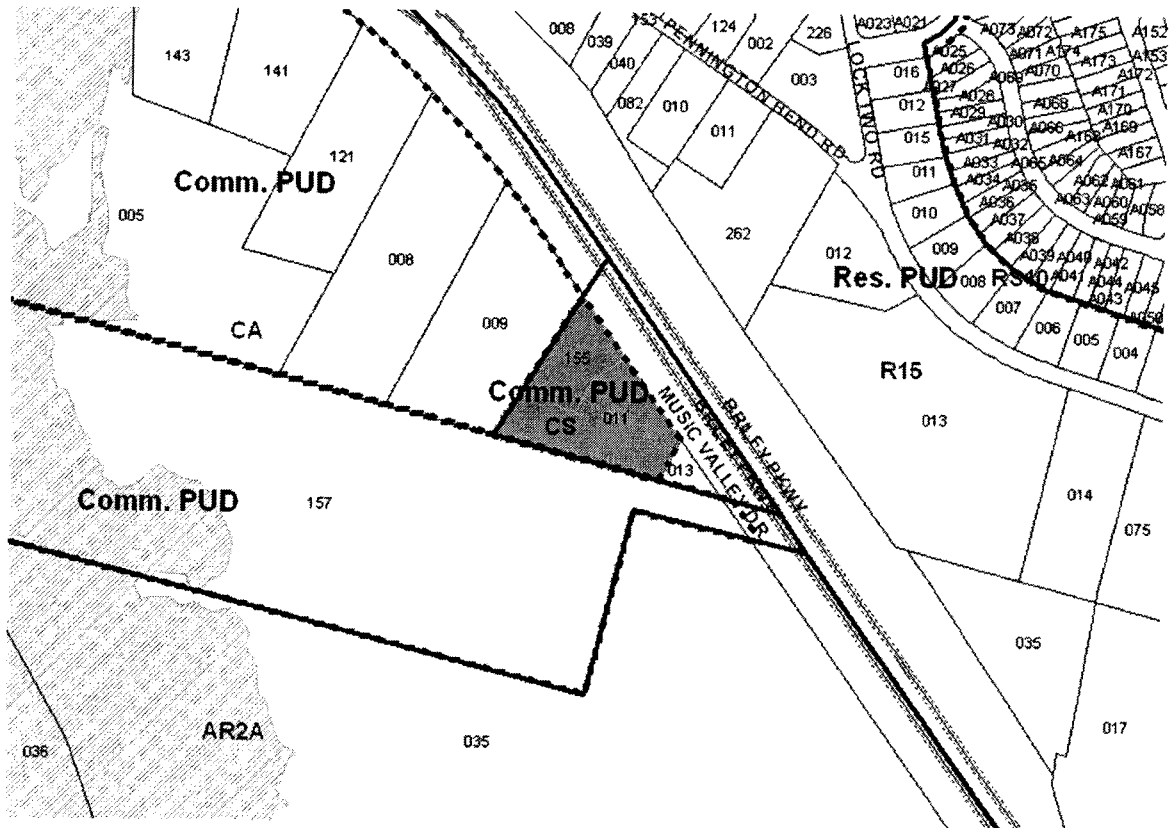
Based on available research and the national trend for energy independence, modifying the proposed ordinance standards may be appropriate for setbacks, location, and abandonment of structures.

---

### **STAFF RECOMMENDATION**

Staff recommends disapproval of this bill and requests it be re-referred to the Planning Commission after second reading. Staff will work with the sponsors to refine the bill to provide realistic opportunities for small wind energy systems in Nashville.

# **SPECIFIC PLANS**



**2008SP-020U-14**

Map: 062-00 Parcels: 011.01, 155

Subarea 14

Council District 15 – Phil Claiborne



<b>Project No.</b>	<b>Zone Change 2008SP-020U-14</b>
<b>Project Name</b>	<b>Cullum &amp; Maxey SP</b>
<b>Associated Case</b>	<b>Cullum &amp; Maxey PUD Cancellation</b>
<b>Council Bill</b>	BL2008-272
<b>Council District</b>	15 - Claiborne
<b>School District</b>	4 - Glover
<b>Requested by</b>	Dale & Associates, applicant, for Robert T. Sircy Jr. and The Maxey Family, L.P., owners
<b>Staff Reviewer</b>	Bernards
<b>Staff Recommendation</b>	<i>Approve with conditions subject to the cancellation of the Cullum &amp; Maxey PUD</i>

---

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

**A request to change from Commercial Services (CS) to Specific Plan (SP-A) zoning for property located within the Cullum & Maxey Planned Unit Development at 2600 Music Valley Drive and Music Valley Drive (unnumbered), approximately 5,995 feet north of McGavock Pike (3.25 acres), to permit "Vehicular sales and service, limited" with associated sales office, maintenance/service area and parts storage**

**Existing Zoning**  
CS District

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

**Proposed Zoning**  
SP-A District

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

---

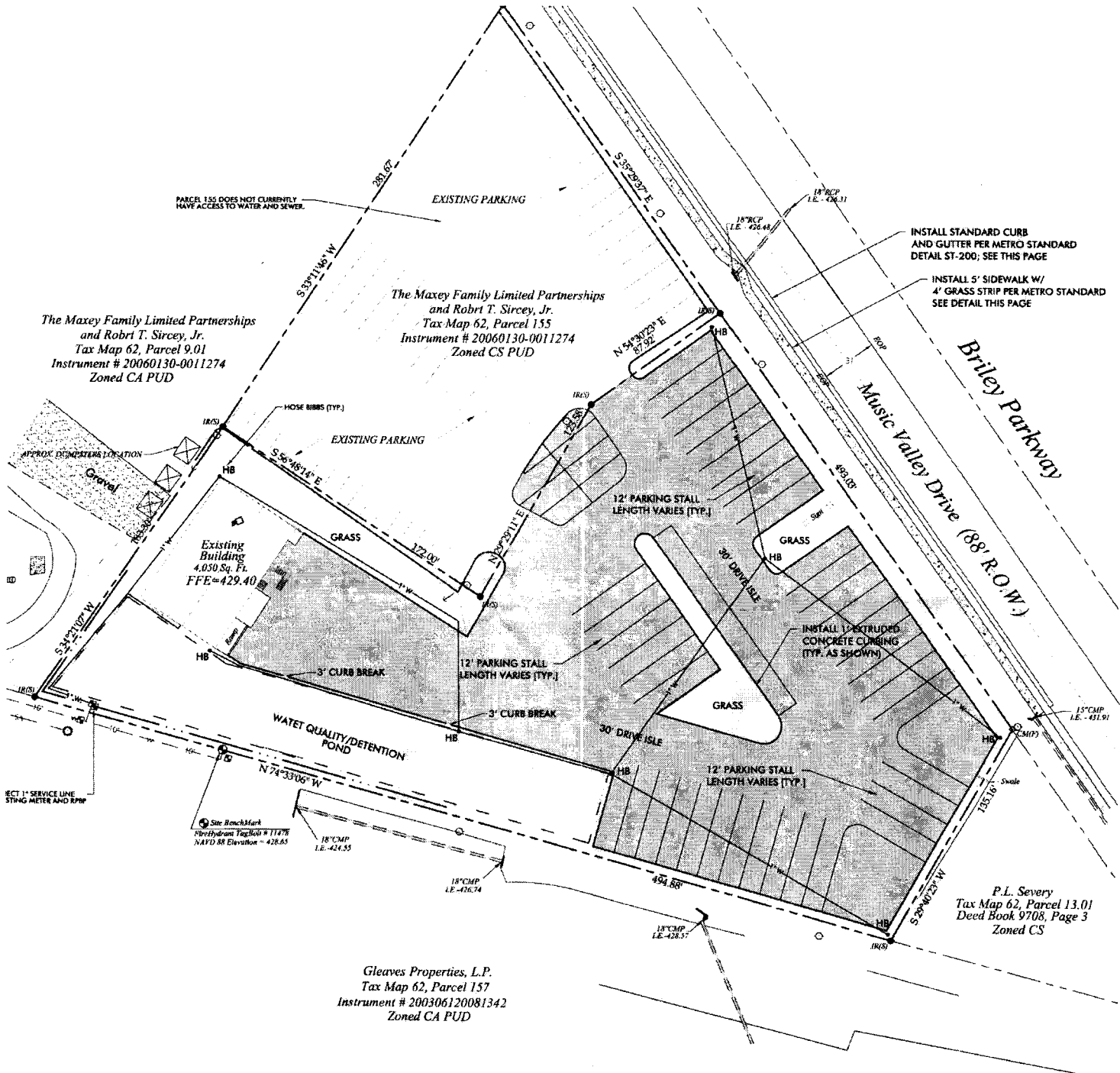
**DONELSON-HERMITAGE**  
**COMMUNITY PLAN**

**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.

**Consistent with Policy?**

Yes. The proposed uses meet the intent of the CMC policy. The purpose of the SP is to expand an existing



PARCEL 155 DOES NOT CURRENTLY HAVE ACCESS TO WATER AND SEWER.

The Maxey Family Limited Partnerships and Robrt T. Sircey, Jr.  
Tax Map 62, Parcel 9.01  
Instrument # 20060130-0011274  
Zoned CA PUD

The Maxey Family Limited Partnerships and Robrt T. Sircey, Jr.  
Tax Map 62, Parcel 155  
Instrument # 20060130-0011274  
Zoned CS PUD

Existing Building  
4,050 Sq. Ft.  
FFE=429.40

INSTALL STANDARD CURB AND GUTTER PER METRO STANDARD  
DETAIL ST-200; SEE THIS PAGE

INSTALL 5' SIDEWALK W/ 4' GRASS STRIP PER METRO STANDARD  
SEE DETAIL THIS PAGE

INSTALL 1" EXTRUDED CONCRETE CURBING (TYP. AS SHOWN)

P.L. Severy  
Tax Map 62, Parcel 13.01  
Deed Book 9708, Page 3  
Zoned CS

Gleaves Properties, L.P.  
Tax Map 62, Parcel 157  
Instrument # 200306120081342  
Zoned CA PUD



## Metro Planning Commission Meeting of 8/28/2008

Recreational Vehicle (RV) sales business onto a property previously used for the sale of manufactured homes. The adjacent property is also used for RV sales and there is a large campground adjacent to the rear of the property.

### PLAN DETAILS

The SP includes two parcels of land that will allow for RV sales. Currently RV sales are not permitted by the base zoning and were not approved in the PUD originally. Therefore, an SP zone change is necessary to allow this use.

Parcel 011.01 was used for the sale of manufactured homes. All but one of the buildings associated with this use have been demolished. The remaining 4,050 square foot building is to be converted for use as a sales office and/or maintenance/service facility. The intent of the SP is to allow for the expansion of an established RV sales business to the north on Parcel 009 by allowing for an additional paved sales area. The uses of this SP shall be limited to a "Vehicular sales and service, limited" as defined by the Zoning Code with associated sales office, maintenance/service area and parts storage

Parcel 155 is currently used for the storage of RVs associated with the sales business. In the original application, this parcel was not included. In reviewing the Cullum & Maxey Planned Unit Development (PUD), there was no record that this parcel had been approved for its current use. The applicant agreed to include both parcels that make up the PUD in this SP.

#### Access and Sidewalks

Currently, Parcel 011.01 has access onto Music Valley Drive. Parcel 155 access is via the main entrance to the RV sales business on Parcel 009 to the north. The applicant is proposing to close the access on Parcel 011.01 from Music Valley Drive and to also access this portion of the business via the main entrance on Parcel 009.

Sidewalks are required and are shown on the plan.

#### Signage

The existing sign for the business, located on Parcel 011.01 is to remain. No new signage is proposed.





# Metro Planning Commission Meeting of 8/28/2008

## **PUBLIC WORKS RECOMMENDATION**

For the proposed sidewalk construction along Music Valley Drive, resubmit construction plans to the Department of Public Works for review and approval.

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.

### Maximum Uses in Existing Zoning District: CS/PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	2.18	N/A	10,000	466	16	46

\*Based on estimated square footage of approved PUD plan.

### Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Vehicular Sales (841)	2.18	N/A	4,748	159	10	13

### 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
--	2.18		-5,252	307	6	33

## **FIRE MARSHALL RECOMMENDATION**

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

## **STORMWATER RECOMMENDATION**

Approved

## **WATER SERVICES RECOMMENDATION**

Refer to July 3, 2008, availability letter – the recommended approval is for a parking lot only, any future development of the site will require further studies.

Add a note to the plan that Parcel 155 does not currently have access to water and sewer.



## Metro Planning Commission Meeting of 8/28/2008

---

### STAFF RECOMMENDATION

Staff recommends approval with conditions of this SP subject to the cancellation of the Cullum & Maxey PUD.

---

### CONDITIONS

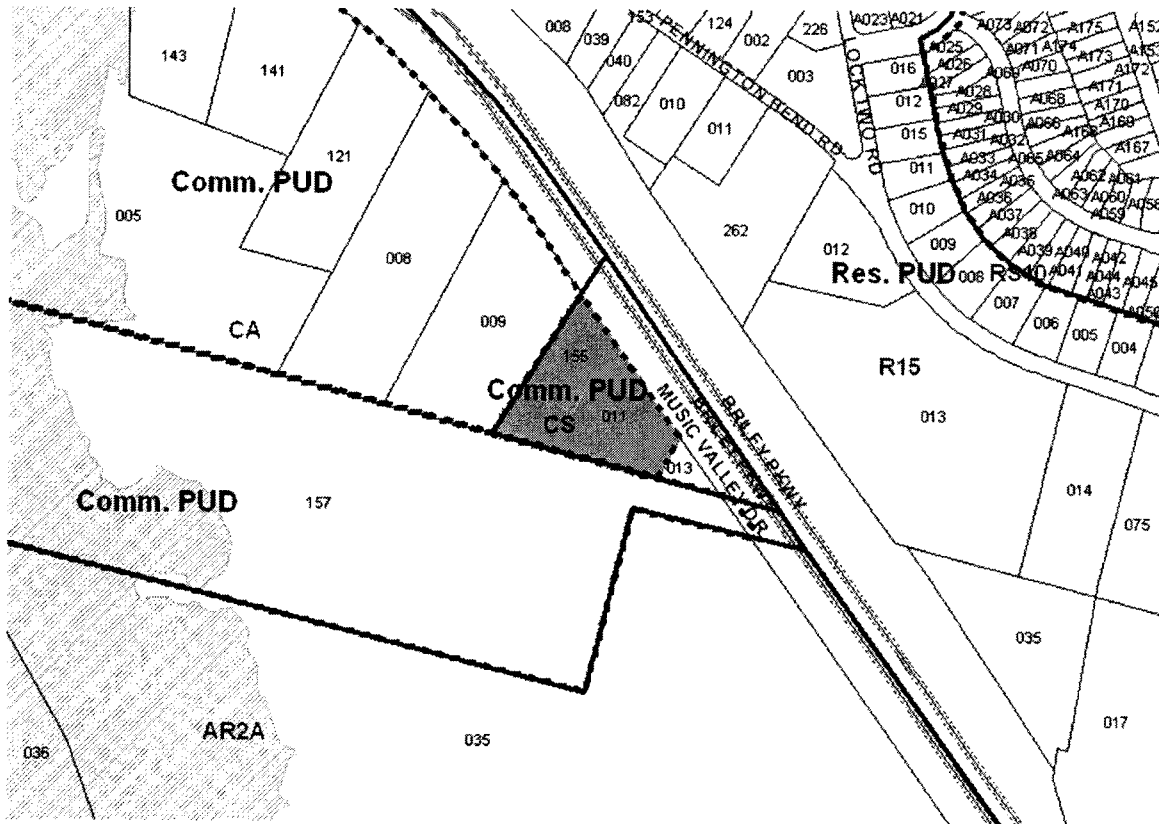
1. The use of this SP shall be limited to a "Vehicular sales and service, limited" with associated sales office, maintenance/service area and parts storage.
2. The requirement of the Public Works Department shall be met prior to Final Plan approval.
3. Add a note to the plan that Parcel 155 does not currently have access to water and sewer.
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 CS zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by 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.



## **Metro Planning Commission Meeting of 8/28/2008**

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.

**SEE NEXT PAGE**



**49-75-U-14**  
 Cullum & Maxey (PUD Cancellation)  
 Map: 062-00 Parcels: 011.01, 155  
 Subarea 14  
 Council District 15 – Phil Claiborne



**Project No.** Planned Unit Development 49-75-U-14  
**Project Name** Cullum & Maxey PUD Cancellation  
**Associated Case** Zone Change 2008SP-020U-14  
**Council Bill** BL2008-271  
**Council District** 15 - Clairborne  
**School District** 4 - Glover  
**Requested by** Dale & Associates, applicant, for The Maxey Family L.P. and Robert Sircy, owners

**Staff Reviewer** Bernards  
**Staff Recommendation** *Approve, subject to approval of the associated Cullum & Maxey SP rezoning*

---

**APPLICANT REQUEST**  
**Cancel PUD**

A request to cancel the Cullum & Maxey Planned Unit Development located at 2600 Music Valley Drive and Music Valley Drive (unnumbered), approximately 5,995 feet north of McGavock Pike (3.25 acres), zoned Commercial Services (CS) and proposed for Specific Plan-Auto (SP-A), approved for manufactured home sales.

---

**Existing Zoning**  
CS District

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

Commercial PUD

A commercial PUD overlay was applied to these properties in March 1980. Phase I, Parcel 011.01, was approved for manufactured home sales. There is no record of Final Site Plan approval for Phase II, Parcel 155, although earlier plans indicate that manufactured home sales were contemplated for this Parcel as well.

---

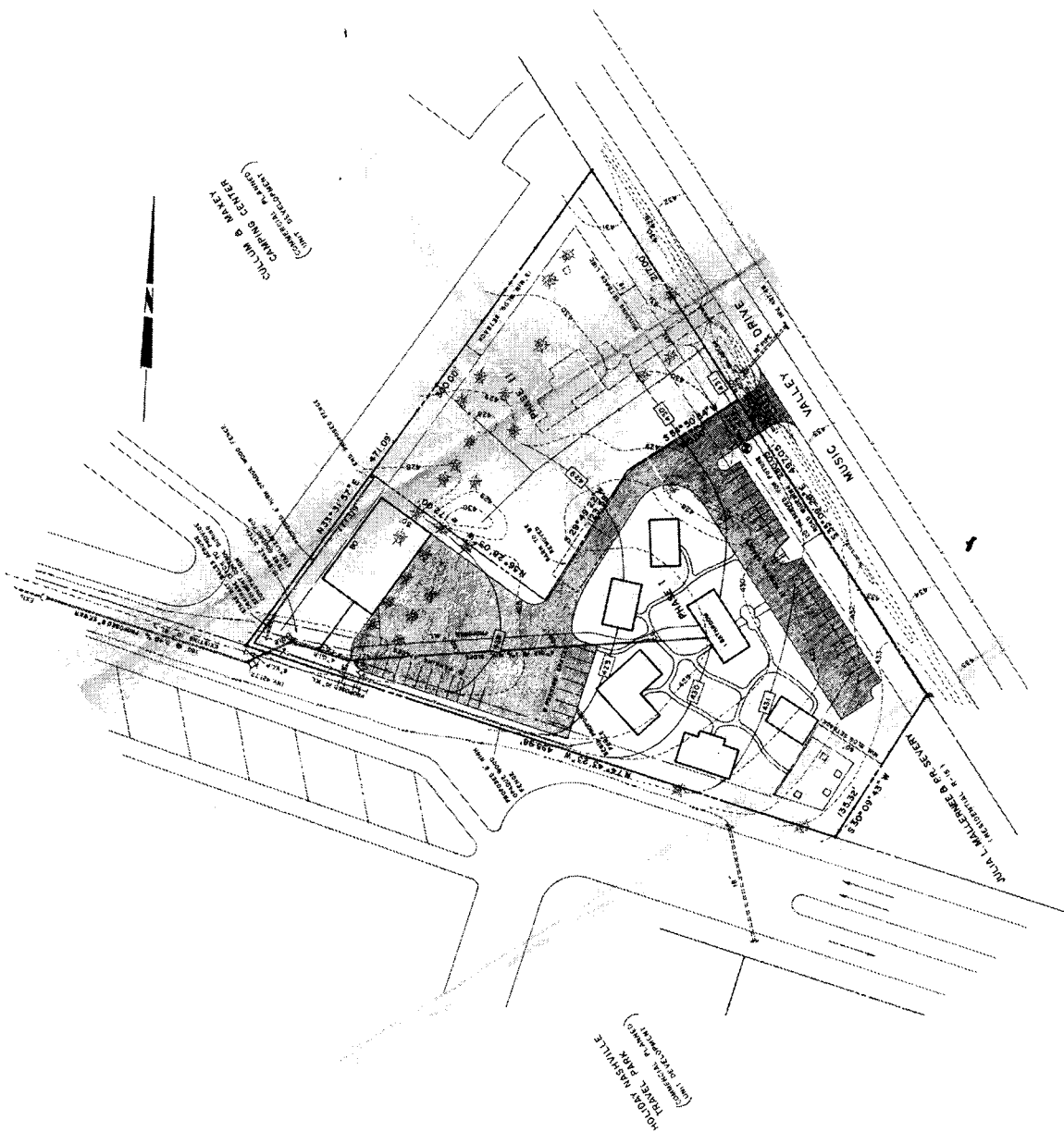
**DONELSON HERMITAGE**  
**COMMUNITY PLAN**

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.

**Consistent with policy?**

Yes. The proposed SP-A zoning district to replace the existing PUD is consistent with the CMC policy.



CULMIN & SALEY  
(Contract Manager)  
City of Oklahoma

HOUSLEY RESERVOIR  
(Contract Manager)  
City of Oklahoma



## Metro Planning Commission Meeting of 8/28/2008

---

**FIRE MARSHALL  
RECOMMENDATION**

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

---

**WATER SERVICES  
RECOMMENDATION**

No capacity study is required for a PUD cancellation.

---

**STAFF RECOMMENDATION**

Staff recommends approval of the request to cancel the Cullum & Maxey PUD overlay if the associated rezoning request is approved.



**SEE NEXT PAGE**

# **CONCEPT PLANS**



**2006S-290G-06**  
South Harpeth Estates  
Map: 178-00 Parcels: 042, 043  
Subarea 6  
Council District 35 -- Bo Mitchell



<b>Project No.</b>	<b>Subdivision 2006S-290G-06</b>
<b>Project Name</b>	<b>South Harpeth Estates</b>
<b>Council District</b>	35 - Mitchell
<b>School Board District</b>	9 - Warden
<b>Requested By</b>	Charles and Louise Frost, owners, PBJ Engineering, surveyor
<b>Staff Reviewer</b>	Bernards
<b>Staff Recommendation</b>	<i>Approve with condition</i>

**APPLICANT REQUEST**  
**Concept Plan Extension**

**A request to extend the concept plan approval for one year for an 8 lot subdivision on property located at 9618 New Highway 96 and New Highway 96 (unnumbered), approximately 1,600 feet north of Little East Fork Road (18.3 acres), zoned Agricultural Residential (AR2a).**

**Zoning**  
AR2a District

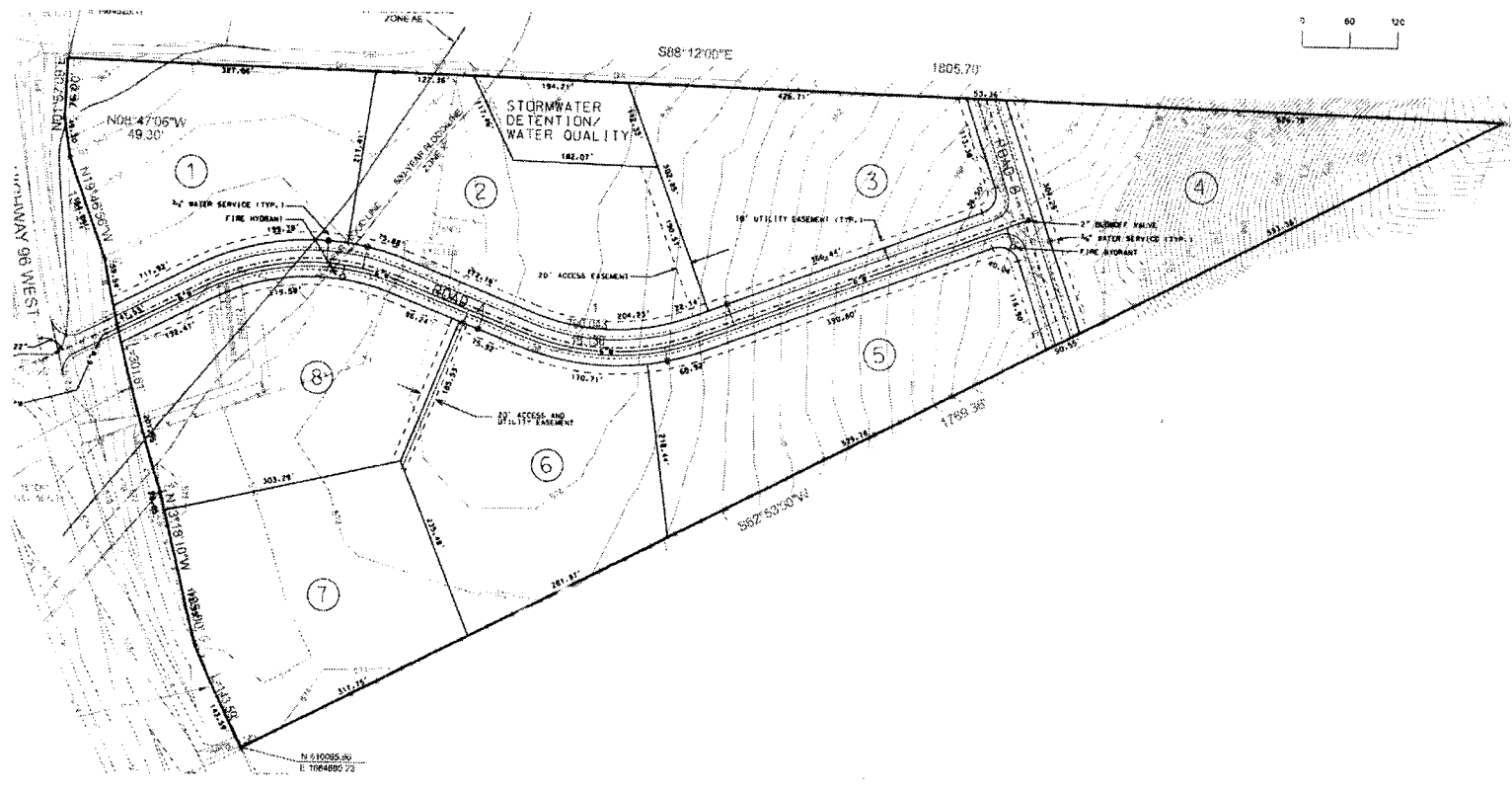
Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim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

**SUBDIVISION DETAILS**

The concept plan for the eight lot South Harpeth Estates subdivision was approved by the Planning Commission on September 14, 2006. The applicant is requesting an extension of the approval due to delays that have occurred in obtaining septic plan approval from the Metro Health Department. The applicant is actively addressing the Health Department requirements, but anticipates that they will be unable to resolve all of the issues concerning the septic plan prior to the expiration of the concept plan.

Section 2-3.4.f of the Subdivision Regulations provide for an extension of one additional year for a concept plan:

- f. *Effective Period of Concept Plan Approval.* The approval of a concept plan of a minor subdivision shall be effective for a period of one year and the approval of a concept plan for a major subdivision shall be effective for two years from the date of Planning Commission Approval. Prior to the expiration of the concept plan approval, such plan approval may be extended for one additional year upon request and if the Planning Commission deems such extension





## Metro Planning Commission Meeting of 8/28/2008

appropriate based upon progress made in developing the subdivision.

The applicant has made this request because progress has been made on the development of this subdivision including:

- Erosion prevention and sediment control measures constructed.
- Lots have been staked.
- Grid stakes in place for Health Department work.
- Septic fields (primary and secondary) have been staked and fenced off.
- Concrete swale for drainage of future detention basin constructed.
- Concrete swale constructed for drainage of septic field curtain drains.

At the time that the final plat is submitted for review and approval, a copy of the final plat stamped with Metro Health Department approval will be required with the initial application.

---

### **STAFF RECOMMENDATION**

Staff recommends that approval of the concept plan be extended for one year from the Planning Commission agenda date since significant progress has been made.

---

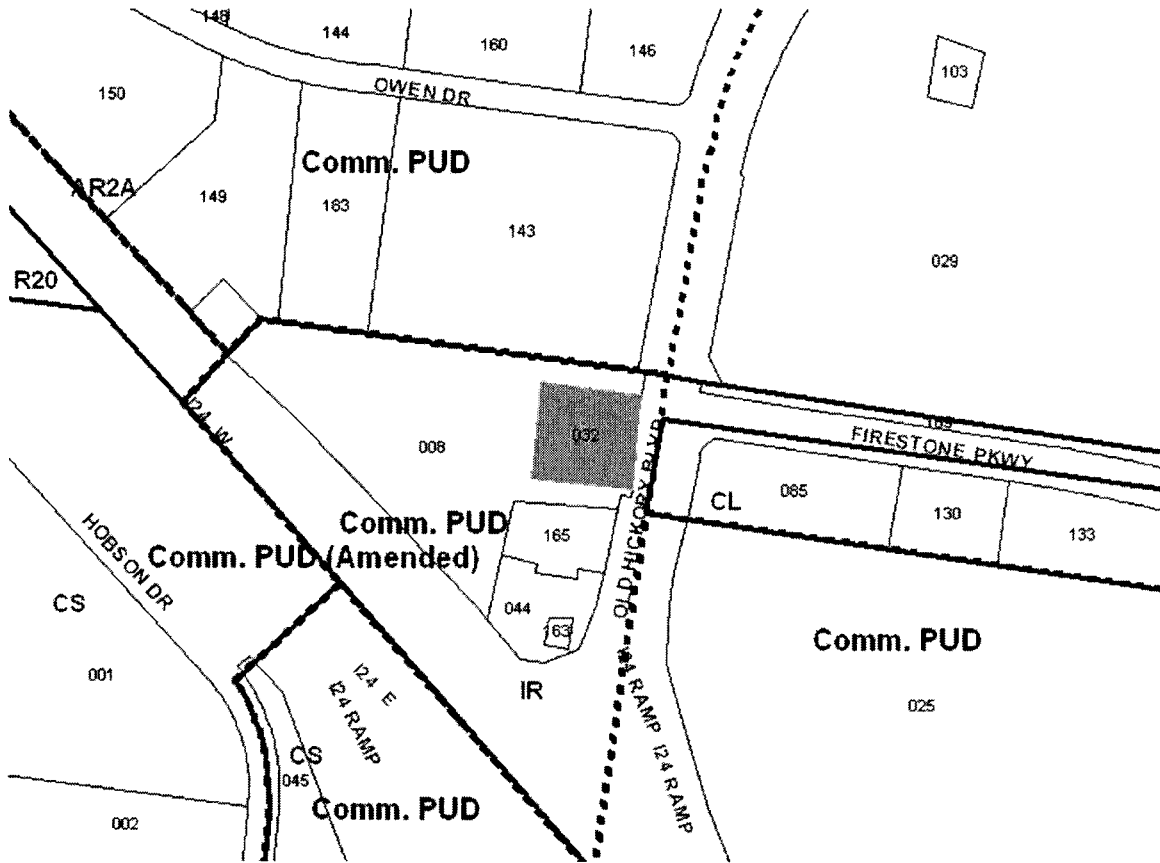
### **CONDITION**

At the time that the final plat is submitted for review and approval, a copy of the final plat stamped with Metro Health Department approval shall be required with the initial application.

**SEE NEXT PAGE**

**REVISIONS  
and FINAL SITE PLANS**





**149-66-U-13**  
 Thornton's  
 Map: 183-00 Parcel: 032  
 Subarea 13  
 Council District 32 – Sam Coleman



<b>Project No.</b>	<b>Planned Unit Development 149-66-U-13</b>
<b>Project Name</b>	<b>Thornton's Old Hickory Blvd.</b>
<b>Council District</b>	32 - Coleman
<b>School Board District</b>	6 - Johnson
<b>Requested By</b>	GPD Associates, applicant, for Robert and Rita Breece, owners
<b>Staff Reviewer</b>	Sexton
<b>Staff Recommendation</b>	<i>Approve with conditions.</i>

---

**APPLICANT REQUEST**  
**Revise Preliminary and**  
**For Final Site Plan**

**A request to revise the preliminary plan and for final approval for a portion of a Commercial Planned Unit Development located at 13000 Old Hickory Boulevard, approximately 430 feet north of I-24, (0.92 acres), to permit a 3,755 square foot automobile convenience center where a 2,840 square foot automobile convenience center was previously approved, zoned Industrial Restrictive (IR).**

**Zoning District**  
IR District

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

---

**PLAN DETAILS**

History

A commercial PUD overlay was applied to this site in 1966. The current uses include a hotel, two restaurants, a cemetery, and two existing convenience centers on two out parcels.

Site Plan

The revised plan proposes a new 3,755 square foot Thornton's convenience center on one of the out parcels which will include 8 gas pump islands. The plan also proposes a 7-foot retaining wall to be located in the rear of the convenience center.

The preliminary PUD plan was approved to permit a 2,840 square foot convenience center on this out parcel. Section 17.40.120.G.2.h of the Metro Zoning Ordinance stipulates that the total floor area of a commercial or industrial classification of a PUD shall not be increased more than ten percent beyond the total floor area

EX. PRIVATE DRIVE

ROSE MANAGEMENT PARTNERSHIP  
#4 20041208-014486  
EX. ASPHALT

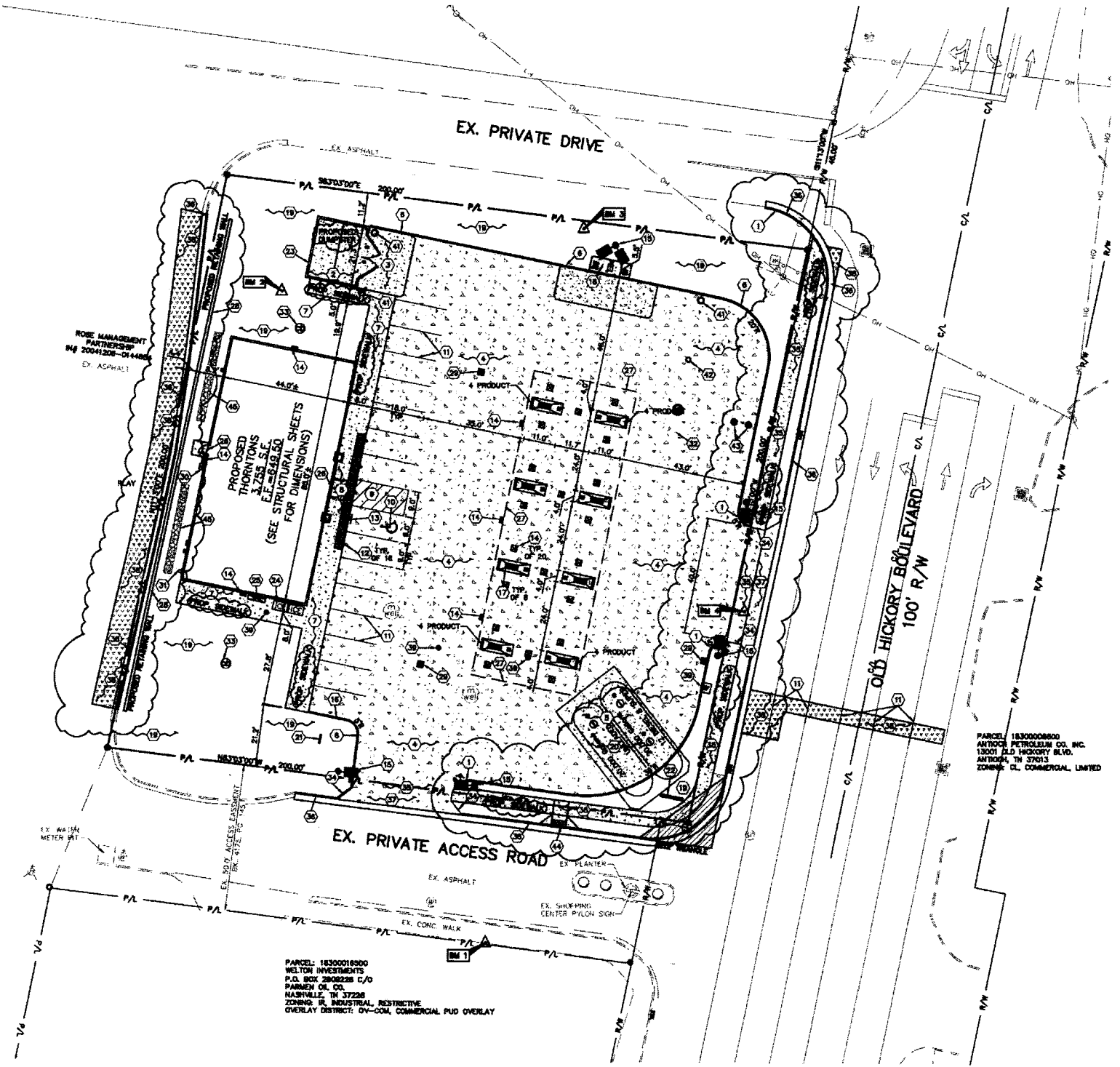
PROPOSED THORNTONS  
3.75% S.E.  
E.F. #38-58.50  
(SEE STRUCTURAL SHEETS  
FOR DIMENSIONS)

Old HICKORY BOULEVARD  
100' R/W

PARCEL 1830000600  
ANTON PETROLEUM CO. INC.  
18001 OLD HICKORY BLVD.  
ANTON, TN 37013  
ZONING: C. COMMERCIAL LIMITED

EX. PRIVATE ACCESS ROAD

PARCEL: 18300018500  
WELTON INVESTMENTS  
P.O. BOX 2508288 C/O  
PARMEN OIL CO.  
NASHVILLE, TN 37228  
ZONING: R. INDUSTRIAL RESTRICTIVE  
OVERLAY DISTRICT: OY-COM. COMMERCIAL PUD OVERLAY





## Metro Planning Commission Meeting of 8/28/2008

last approved by the council. The revised plan increases the building square footage by 915 square feet resulting in a 3,755 square foot building. The increased floor area of the revised plan is under ten percent of the total floor area of the PUD which is approximately 70,394 square feet.

### Access/Parking

There are three existing access points into the site. Two are off Old Hickory Boulevard and a third is off a private road to the south. The applicant has agreed to close both access points onto Old Hickory Boulevard and replace them with a single, central access point onto the site from Old Hickory Boulevard. The revised plan proposes a total of 31 parking spaces which meets the minimum requirement of the Metro Zoning Code.

### Signage

Limited details concerning signage were included in the plan. The applicant must provide sign details for staff review and approval on the corrected copy of the PUD final site plan.

---

### **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.

Provide legal documentation allowing access to private roads / driveways.

Remove northern driveway located within the Old Hickory Boulevard / Firestone Parkway intersection.

At southeastern driveway ramp to Old Hickory Boulevard, construct maximum twenty four (24') width ramp per the Department of Public Works standards and specifications.

At southern property boundary, provide sidewalk connectivity at the access road / Old Hickory Boulevard intersection. Construct



## Metro Planning Commission Meeting of 8/28/2008

ramp per the Department of Public Works standards and specifications.

At the southeastern property corner, provide corner site visibility triangle.

Verify parking table. Provide required parking.

Developer shall eliminate one curb cut on OHB.

Northern property drive shall be widened to 3 lane cross section and Developer shall modify existing traffic signal as necessary.

Access ramps to private drives shall be a maximum of 35 ft wide. Document adequate truck turning movements.

---

### STORM WATER RECOMMENDATION

The project is conditionally approved.

1. Item No. 6 on the first Technical Review letter. The BMP references shown are for the Tennessee Department of Environment and Conservation (TDEC). The BMP reference numbers for Metro Water Services are required. This edit can be handled using a reference table on the plans.
2. Please confirm the size of the existing storm sewer crossing Old Hickory Blvd. The Metro GIS indicates that the existing storm sewer is 18-inches, the plans indicate a 24-inch pipe.
3. The Long Term Maintenance Plan is not required to be bound. The plan can be unbound here. However, the maximum page size for ROD recording is 8.5" x 14". Resubmit the 11'x17" drawing to this size.
4. The Register of Deed fees for the Long Term Maintenance Plan and the Inspection and Maintenance Agreement are \$5 per page plus \$7. A total of twenty-nine (29) pages were in the submitted plan. The Inspection



## Metro Planning Commission Meeting of 8/28/2008

and Maintenance Agreement must be completed and notarized.

5. The Register of Deed fees for the Dedication of Easement document are \$5 per page plus \$2. The Dedication of Easement document must be completed and notarized.

---

### STAFF RECOMMENDATION

Staff recommends approval with conditions of this request.

---

### CONDITIONS

1. The corrected copy of the final site plan shall include sign details that have been reviewed and approved by staff.
2. The corrected copy of the final site plan shall comply with the requirements of the Stormwater Management division of Water Services.
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 Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. 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.
5. 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.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to



## Metro Planning Commission Meeting of 8/28/2008

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.

7. 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.

# **URBAN DESIGN OVERLAY**





**2002UD-001U-10**  
 Green Hills UDO (modification)  
 Map: 117-14 Parcel: 37  
 Subarea 10  
 Council District 25 – Sean McGuire



**Project No.**  
**Project Name**

**Green Hills UDO 2002UD-001U-10**  
**Green Hills UDO Revision Request – Modify Signage Requirements**

**Council District**  
**School District**  
**Requested by**

25 - McGuire  
8 - Fox  
Premier Sign & Lighting Services

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

Johnson  
*Disapprove*

---

**APPLICANT REQUEST**  
**Modify UDO**

**A request to modify the existing Urban Design Overlay District to allow a business located at 3909 Hillsboro Pike,(1.7 acres) classified Shopping Center Regional (SCR), to vary from requirements of the Green Hills UDO related to signage height and display area size.**

**ZONING**  
SCR District

Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area

---

**APPLICATION DETAILS**

Premier Signs requests a revision to the standards of the Green Hills Urban Design Overlay (Green Hills UDO) to allow for the construction of a ground sign at 3909 Hillsboro Pike. The proposed sign has an overall height of 30 feet with an overall display area of approximately 105 square feet. The applicant requests relief from height and sign area standards of the Green Hills UDO, which allow for a maximum height of 6 feet from grade and a sign area of 28 square feet for all ground signs.

The Green Hills UDO was adopted in 2003 as a voluntary urban design overlay with development incentives promoting mixed-use development. In 2006, Metro Council specifically made the signage portion of the Green Hills UDO mandatory for all new signage and any changes to existing signage requiring a permit. To date, two businesses have received approval through the mandatory standards: Shell/Daily’s on Hillsboro Rd. and AT&T on Hillsboro Rd.

The signage standards are intended to implement the intent of the Green Hills UDO document that focuses on reducing “the scale of signs to a pedestrian standard”



## Metro Planning Commission Meeting of 8/28/2008

and “ensuring that signs will be placed and illuminated in a manner that is appropriate to a pedestrian environment.” The Green Hills UDO document is the result of a community process that focused on creating an “urban village concept” for Green Hills. The standards reinforce this intent by requiring ground signs to have an overall height similar to that of an adjacent pedestrian and by limiting the size of sign display areas to a scale more appropriate to pedestrians and motorists at ground level.

The sign standards table contained in the UDO is included at the end of this staff report. Under those standards, all free-standing signs are required to be monument-style signs, with a maximum height of 6 feet and a maximum size of 28 square feet. The applicant is requesting a pole sign, which is not permitted within this UDO. The 30 foot height of the sign requested by the applicant is 5 times taller than the maximum 6-foot height permitted under the UDO. The requested 128 square foot size is more than 4 times larger than permitted under the UDO.

The applicant has submitted a letter outlining several reasons for the modification request. The letter cites the location of the existing building and required setbacks as problems for signage. The applicant states that signage will be blocked by parked cars and adjacent buildings. The applicant is not required to construct the new sign in the location of the current sign, which is located approximately 40 feet from the back of the sidewalk. Monument signs can be built along the front property line, unless they are placed within 15 feet of a driveway connecting to Hillsboro Pike. In this case, monument signs might have a required setback up to 15 feet. The subject site, which has two driveway connections to Hillsboro Pike, allows for two locations for signage. Taking advantage of these two locations would allow for visually unblocked views of signage from each direction on Hillsboro Pike (see “alternative signs” attachment).

Additionally, Trader Joe’s, the business which will occupy the building, has received approval for a 100 square foot illuminated building sign on the Hillsboro Pike side of the building. The size of this sign will be highly visible from Hillsboro Pike.



## Metro Planning Commission Meeting of 8/28/2008

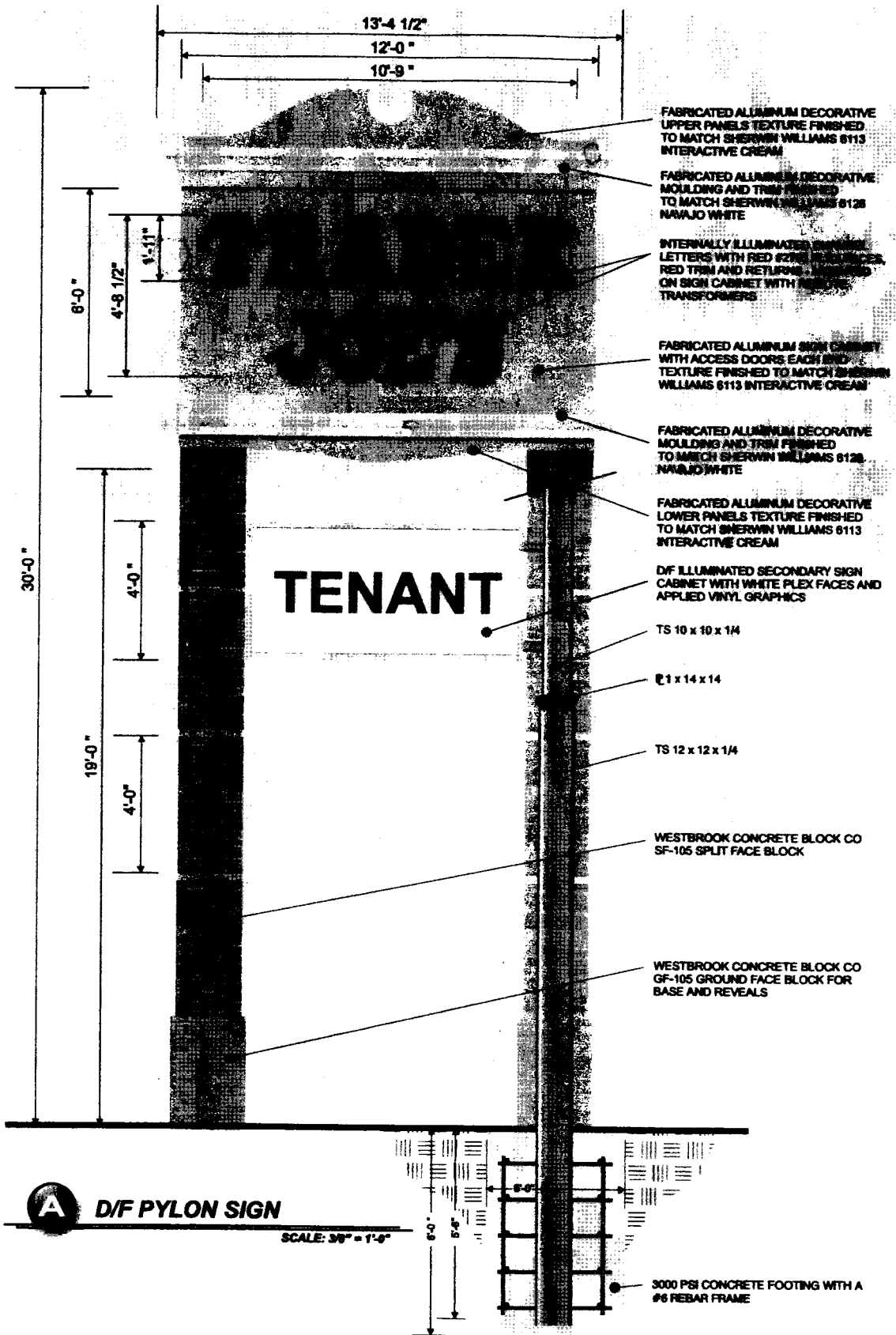
The letter also identifies existing signage on surrounding properties as a reason to allow this modification. The letter reasons that a 6 foot tall ground sign will go unnoticed among surrounding ground signs that are 20-30 feet in height. Several other locations within and surrounding the Green Hills UDO currently use low-profile monument signs along Hillsboro Pike among taller surrounding signage. Taller ground signs are still prevalent within the Green Hills UDO boundary because the signage portion of the Green Hills UDO only were made mandatory by the Metro Council in November 2006 and has only seen a handful of sign applications for ground signs since its inception. Tall signs within the Green Hills UDO area are a part of the reason that additional size and height requirements were put into place. The intent of the Green Hills UDO toward pedestrian-scaled signage will become more visible over time as redevelopment occurs.

### STAFF RECOMMENDATION

Staff recommends disapproval as the proposed sign does not meet the intent of the Green Hills UDO as it applies to signage. Modification of the UDO standards to allow the requested sign would effectively revoke the standards included in the UDO for free-standing signs.

Table of Sign Standards

Permanent On-Premise Sign Types	Minimum Setback	Maximum Height	Maximum Display Surface Area of Individual Signs
Ground Sign-Monument	None Required	2.5 ft. for any part of sign within 15 ft. of a driveway, 6 ft. otherwise	28 sq. ft.
Building Sign-Projecting 2nd story and above	N/A	1 foot below the cornice or eave line <sup>2</sup>	20 sq. ft.
Building Sign-Projecting	N/A	14 ft. <sup>2</sup>	10 sq. ft.
Awning Sign-Front	N/A	14 ft.	52 sq. ft. or 5% of the building facade wall facing the public street, whichever is less
Awning Sign-Side Treated the same as Building Sign-Projecting	N/A	14 ft. <sup>2</sup>	10 sq. ft.
Building Sign-Wall -Mounted Type	N/A	1 foot below the cornice or eave line	100 sq. ft. or 5% of the building facade wall facing the public street, whichever is less.

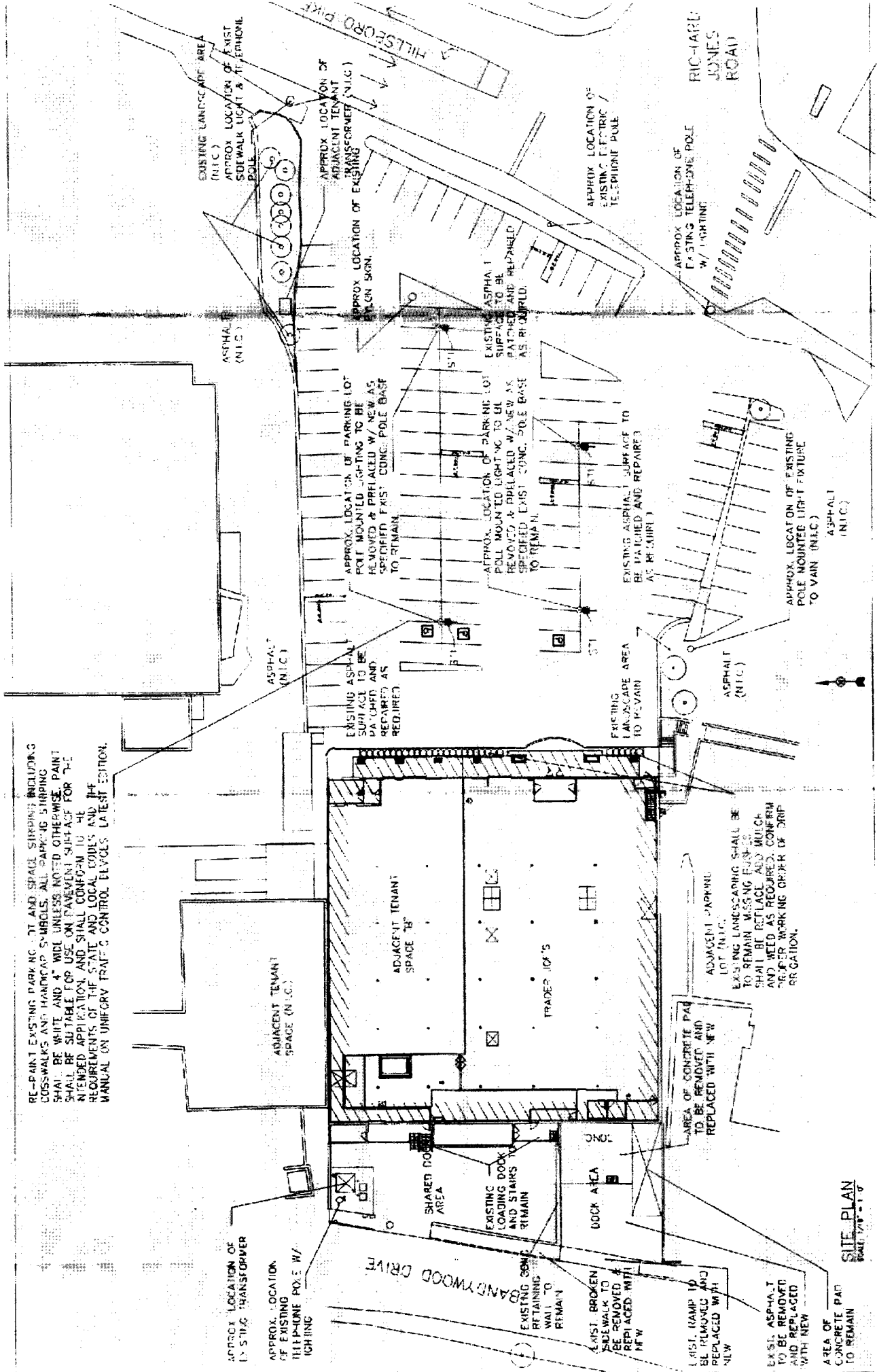


This artwork is the property of Broadway National. Unauthorized use, publication or distribution is prohibited.

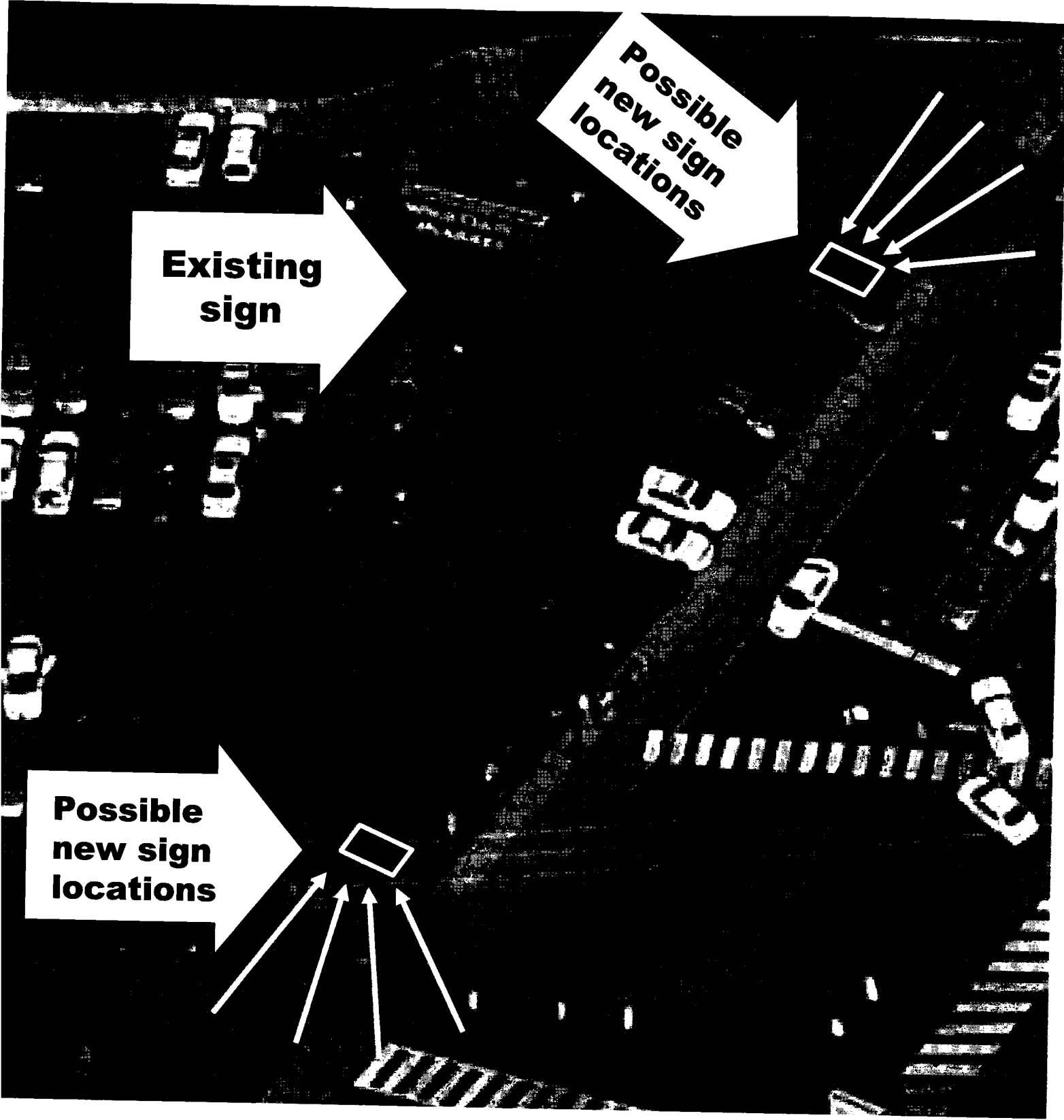
Job Name: <b>TRADER JOE'S</b>	Date: <b>1/12/08</b>	REVISION	Job No. <b>EZZ-08</b>
Address: <b>3000 HILLSBORO PKE</b>	Scale: <b>AS NOTED</b>	▲ 5.12.08 DV	 <b>broadwaynational</b> 2150 68th Avenue, Roseton, NY 11779 Tel: (631) 737-5140 Fax: (631) 737-3160
City, State: <b>MADISONVILLE, TN 37215</b>	Drawn by: <b>DSE</b>	▲ 4.28.08 DSE	
Project Manager: <b>NICK STRILAK</b> E-Mail:		▲	
		Sheet <b>1</b>	

117-14-137

RE-PAINT EXISTING PARKING LOT AND SPACE STRIPES INCLUDING CROSSWALKS AND HANDICAP SYMBOLS. ALL PARKING STRIPES SHALL BE WHITE AND 4" WIDE UNLESS NOTED OTHERWISE. PAINT SHALL BE SUITABLE FOR USE ON PAVEMENT SURFACE FOR THE INTENDED APPLICATION AND SHALL CONFORM TO THE REQUIREMENTS OF THE STATE AND LOCAL CODES AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES LATEST EDITION.



**SITE PLAN**  
 SHEET 1/24 OF 1-6



**Existing  
sign**

**Possible  
new sign  
locations**

**Possible  
new sign  
locations**

Alternate sign locations

The applicant is concerned about signage visibility within the site. Two ground signs are allowed within the site. If identical signs are placed to bookend the parking along Hillsboro Rd. they will allow for visibility from each direction.