

**DRAFT**



**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**

*October 8, 2009*

\*\*\*\*\*

*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  
Hunter Gee  
Victor Tyler  
Councilmember Jim Gotto  
Andrée LeQuire, representing Mayor Karl Dean

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Asst. Executive Director  
Doug Sloan, Legal Counsel  
Bob Leeman, Planning Mgr. II  
Trish Brooks, Admin. Svcs Officer 3  
Craig Owensby, Public Information Officer  
Brenda Bernards, Planner III  
Jason Swaggart, Planner II  
Brian Sexton, Planner I  
Greg Johnson, Planner II  
Rebecca Ratz, Planner I  
Kathryn Withers, Planner III  
Jennifer Carlat, Planning Mgr II  
Steve Mishu, Metro Water  
Jonathon Honeycutt, Public Works

*Mission Statement: The Planning Commission guides growth and development as Nashville and Davidson County evolve into a more socially, economically and environmentally sustainable community, with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.*

**I. CALL TO ORDER**

The meeting was called to order 4:00 p.m.

**II. ADOPTION OF AGENDA**

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt the agenda as presented. **(9-0)**

Mr. McLean acknowledged and welcomed Mr. Gotto back to the Commission as he was reappointed by Metro Council to serve two additional years.

**III. APPROVAL OF SEPTEMBER 10, 2009, AND SEPTEMBER 24, 2009, MINUTES**

Mr. Ponder moved and Ms. Jones seconded the motion, which passed unanimously, to approve the September 10, 2009, meeting minutes as presented. **(9-0)**

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the September 24, 2009, meeting minutes as presented. **(9-0)**

**DRAFT**

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Barry spoke in favor of staff's recommendation to disapprove Item #6, 2009Z-008TX-001, Electronic Signs (Special Exception Use). She briefly explained that many of her constituents were in opposition to the proposed amendment and asked that the Commission disapprove the request.

Councilmember Hunt briefly explained that Item #7, 2009SP-022-001, Plowboy Mansion contained some controversial issues and asked that the Commission consider these issues when deliberating their decision.

Ms. LeQuire arrived at 4:05 p.m.

Councilmember Claiborne stated he would address the Commission after his items were presented for discussion.

**V. "GO GREEN, DISTRICT 18" MAKING NASHVILLE GREEN INITIATIVE PRESENTATION.**

Mr. Mark Deutschman, of Village Real Estate Services, made a brief presentation to the Commission on the "Go Green District 18" campaign. He spoke on the goals and objectives of the campaign and encouraged all to participate.

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

- 2. 2009SP-013-001      A request to change from R10 to SP-MU zoning property located at 2518 Old Smith Springs Road, approximately 1,090 feet east of Ned Shelton Road, to permit a single-family residence with guest house, and detached garage, and a two story, 7,600 square foot office building – deferred to October 22, 2009, at the request of the applicant.
- 12. A request to determine if Item No. 7 (2008CP-007G-03 Alternate Development Area Policy of the Scottsboro/Bells Bend Detailed Design Plan) and Item No. 8 (2008SP-022G-03 May Town Center) of the June 25, 2009 Planning Commission meeting will be reheard at a future meeting – withdrawn, at the request of the applicant. .

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items. **(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."

**VII. PUBLIC HEARING: CONSENT AGENDA  
ZONING TEXT AMENDMENT, URBAN DESIGN OVERLAY, AND SPECIFIC PLANS**

- 8. 2009SP-023-001      A request to rezone from CF to SP-MU zoning properties located at 1200 and 1310 Clinton Street, to permit an existing facility to be utilized for all uses permitted by the CF zoning district as well as the manufacturing and warehousing of alcoholic beverages.      -Approve w/conditions

**REVISED SITE PLANS**

- 9. 144-66P-001      A request to revise the preliminary plan and for final approval for a portion of the Overlook at Nashville West Planned Unit Development Overlay located at 6834 Charlotte Pike, to grant final approval for mass grading on the entire site, and revise the preliminary and grant final approval for the construction of a 10,101 square foot restaurant, replacing an approved 5-story hotel within Phase 1.      -Approve w/conditions

**DRAFT**

- 10. 98-73P-002                    A request to revise the preliminary plan and for final approval for a portion of the Hickory Hills Planned Unit Development Overlay located at 529 Hickory Hills Boulevard, to permit a 701 square foot addition to an existing 2,580 automobile convenience facility.                    -Approve w/conditions
  
- 11. 2005P-010-001                A request to revise the preliminary plan and for final approval for a portion of the Nashville Commons at Skyline Planned Unit Development Overlay located at 3458 Dickerson Pike, to permit a 153,859 square foot retail/commercial building and replace a proposed commercial out-parcel approved for 11,000 square feet of retail uses with additional parking.                    -Approve w/conditions

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. **(10-0)**

**VIII. PREVIOUSLY DEFERRED ITEMS**

- 1.        **2009SP-016-001**  
          1812 Pearl Street Office  
          Map: 092-08 Parcel: 080  
          North Nashville Community Plan  
          Council District 19  
          Staff Reviewer: Greg Johnson

A request to rezone from R6 to SP-MU zoning property located at 1812 Pearl Street, at the northeast corner of Pearl Street and 19th Avenue North (0.16 acres), to permit an office and one single-family dwelling unit within the existing structure containing 924 square feet, requested by George S. Morgan et ux, owners.

**Staff Recommendation: Disapprove**

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

Mr. George Morgan, 1812 Pearl Street, spoke in favor of the proposed zone change.

Mr. Clifton suggested having the Home Occupancy ordinance reviewed sometime in the future and then spoke on how the requested zone change was inconsistent with the Subarea plan. He stated he would not be supporting the request and would motion to disapprove the request.

Mr. Gotto questioned whether the applicant was successful in obtaining any additional information from the Codes Department on ways he could bring his business into compliance.

Mr. Bernhardt explained that the applicant was advised by the Codes Department that he would need to rezone his property in order to bring his business into compliance.

Mr. Gotto then asked that staff explain the reasons that were prohibiting the applicant from successfully running his business at this residence.

Mr. Johnson explained the reasons to the Commission.

Mr. Tyler questioned whether the land uses for this area, as well as the surrounding areas, were undergoing any changes or were expecting any changes in the near future.

Mr. Bernhardt explained that the property in question was in an area that was designated to remain single-family, detached and that the surrounding areas were designated for higher density and mixed use and there were no requests to change these plans.

**DRAFT**

Mr. Gee suggested deferring the proposal indefinitely to allow the community plan update to take place in January. He spoke of how there could be consideration of a change in the policy for this area as it was a good area for an inner city, mixed use, walkable neighborhood that could possibly support the requested use.

Ms. LeQuire questioned whether a deferral would allow the applicant to continue his home occupation at the residence.

Mr. Clifton expressed concern with the Commission deferring the proposal, as the deferral may be considered an approved recommendation by Council.

Mr. Bernhardt offered that the Commission could recommend a deferral pending affirmation by the Councilmember or that they could recommend a deferral with a request that the Councilmember re-refer the item back to the Commission.

Mr. Gotto questioned whether the applicant could legally continue to run his business pending the outcome of the zone change request.

Mr. Sloan explained the determination on whether the applicant could continue his business during the interim was up to the Codes Department.

Mr. Clifton withdrew his motion to disapprove.

Mr. Gotto moved and Mr. Dalton seconded the motion, which passed unanimously, to defer Zone Change 2009SP-016-001 to October 22, 2009, to allow additional time to consult with Councilmember Gilmore and the Metro Codes Department on a long-term deferral until the Community Plan Update. **(10-0)**

**Resolution No. RS2009-128**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-016-001 is **DEFERRED TO THE OCTOBER 22, 2009, PLANNING COMMISSION MEETING. (10-0)**”

---

**IX. PUBLIC HEARING; PREVIOUSLY DEFERRED ITEMS**

- 2. 2009SP-013-001**  
Universal Robotics  
Map: 135-00 Parcel: 334  
Antioch/Priest Lake Community Plan  
Council District 29 – Vivian Wilhoite  
Staff Reviewer: Jason Swaggart

A request to change from R10 to SP-MU zoning property located at 2518 Old Smith Springs Road, approximately 1,090 feet east of Ned Shelton Road (2.29 acres), to permit a single-family residence with guest house, and detached garage, and a two story, 7,600 square foot office building, requested by Looney Ricks Kiss Architects, applicant, for Benno Von Hopffgarten, owner.

**Staff Recommendation: Disapprove**

**The Metropolitan Planning Commission DEFERRED Zone Change 2009S-013-001 to October 22, 2009, at the request of the applicant. (10-0)**

---

## DRAFT

### **X. PUBLIC HEARING: COMMUNITY PLAN AMENDMENTS**

#### **3. 2009CP-014-001**

Downtown Donelson

Map: 084-15, 084-16, 085-13, 095-03, 095-03-A, 095-04, 096-01, 096-02, 900-00

Parcels: Various

Donelson/Hermitage/Old Hickory Community Plan

Council District 15 – Phil Clairborne

Staff Reviewer: Tifinie Adams

A request to amend the Downtown Donelson Detailed Neighborhood Design Plan in association with the Downtown Donelson Urban Design Overlay, requested by The Metro Planning Department. (See Proposal No. 2009Z-034TX-001 and 2009UD-001-001)

**Staff Recommendation: Approve**

#### **APPLICANT REQUEST - Amend Downtown Donelson DNDP - Amend the Downtown Donelson DNDP.**

A request to amend the Downtown Donelson Detailed Neighborhood Design Plan in association with the Donelson Urban Design Overlay.

#### **CRITICAL PLANNING GOALS**

The Downtown Donelson DNDP and amendments, working in concert with the Downtown Donelson UDO, meets several critical planning goals.

- Supports a Variety of Transportation Choices
- Encourages Community Participation
- Supports Infill Development

The DNDP and the UDO acknowledge that the Lebanon Pike corridor and Downtown Donelson play a significant role in the regional transportation system. Downtown Donelson hosts a stop on the Music City Star commuter rail line, while Lebanon Pike provides access to Downtown Nashville and Wilson County and is an alternative route choice for Interstate 40. The land use policies and development standards in the DNDP and the UDO reinforce the need for Transit Oriented Development (TOD) near the commuter rail, mixed use development along the corridor, and coordination between vehicular and non-vehicular transportation options. The policies and standards link land use and transportation to ensure that viable transportation options will continue to exist in Donelson.

Lebanon Pike is a suburban corridor, thus a balance had to be found between creating a sustainable development pattern while acknowledging the suburban character of the area and the suburban nature of the market in the area. Community members – those with property frontage on Lebanon Pike and residents living adjacent to the corridor - did provide input that helped to find that delicate balance. Property owner interviews, a design charrette, and community meetings covering each phase of the project, provided ample opportunities for input to be heard and included in the DNDP and the UDO. What resulted was a vision for a distinctive, and attractive mixed – use community.

The Downtown Donelson DNDP and UDO balance sustainable urban form with suburban character. They do so by providing opportunities for a diverse mixture of land uses (and housing) at various development intensities. Through the land use policies of the DNDP and the development standards of the UDO, one could build multiple stories or a single story along the corridor. In all cases however, the creation of a stronger pedestrian environment and a unique sense of place are priorities. The result is a development pattern where suburban character is present, but that is more sustainable than typically found in suburban areas.

Infill development is critical to creating a more sustainable development pattern. Placing infill development on Lebanon Pike where infrastructure exists is less burdensome on land and resources. The DNDP and UDO include policies and development standards that discuss the redevelopment of vacant and underutilized properties. Particularly the reuse of “big-box” development and suburban shopping centers, which provide unique infill opportunities in suburban commercial markets.

#### **EXISTING POLICY**

**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 land has been secured for an open space use.

## DRAFT

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

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

**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.

**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)** 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.

### PROPOSED POLICY

**Corridor General (CG)** CG policy is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single-family detached, single-family attached or two-family houses however multi-family development might work best on busy corridors.

The western boundary of the DNDP adopted in 2004 included Fairway Drive, south of Lebanon Pike and the Crossing Shopping Center property, north of Lebanon Pike. During the creation of the Downtown Donelson UDO, its western boundary included property extending further west to Briley Parkway. The western boundary of the DNDP now corresponds to the new boundary of the UDO. The policy on those properties now included in the UDO will change from Residential Low Medium (RLM) to Corridor General (CG).

Another small property in this area that was identified as Open Space (OS) policy will also change to Corridor General (CG) policy. These areas are denoted as 1a and 1b on the attached maps.

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

The Downtown Donelson UDO encourages the incorporation of open space that acts as public gathering space and focal points with any new or redevelopment within Donelson. The Crossings Shopping Center and the Donelson Plaza were redevelopment priorities in Donelson and policy on portions of these properties will change from Mixed Use (MxU) and Mixed Housing (MH) to Parks, Reserve and Other Open Space (PR). These areas are denoted as 2a and 2b on the attached maps.

An area near Graylynn Drive, south of Lebanon Pike, abuts a small creek. During the creation of the Donelson UDO, property owners in this area wished to protect the creek from further development encroachment. Policy in this area was originally Mixed Housing (MH) and will now change to Parks, Reserves and Other Open Space (PR), in an effort to buffer the creek from more intense development mixed housing development. This area is denoted as 2c on the attached maps.

**Mixed Use (MxU)** 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.

The DNDP adopted in 2004 identified the intersection of Lebanon Pike and Old Lebanon Pike, and the Music City Star commuter rail station as appropriate for open space. Since 2004, the Music City Star commuter rail station has been built, and a transit oriented development pattern should emerge rather than strictly open space. The open space at the intersection of Lebanon Pike and Old Lebanon Pike as also been reduced to provide opportunity for future development that would support the rail station as well.

# DRAFT

Properties that were developed with civic and public benefit land uses (churches and a post office) were placed in Civic or Public Benefit land use policy in the 2004 Downtown Donelson DNDP. During the creation of the Downtown Donelson UDO, these land uses were also seen as being appropriate in a mixed use environment.

The policy discussed in these areas will change from Parks, Reserves or Other Open Space (PR) and Civic or Public Benefit (CPB) land use policies to Mixed Use (MxU) land use policy to encourage a land use pattern that supports transit and mixed use development. These areas are denoted as 3a and 3b on the attached maps.

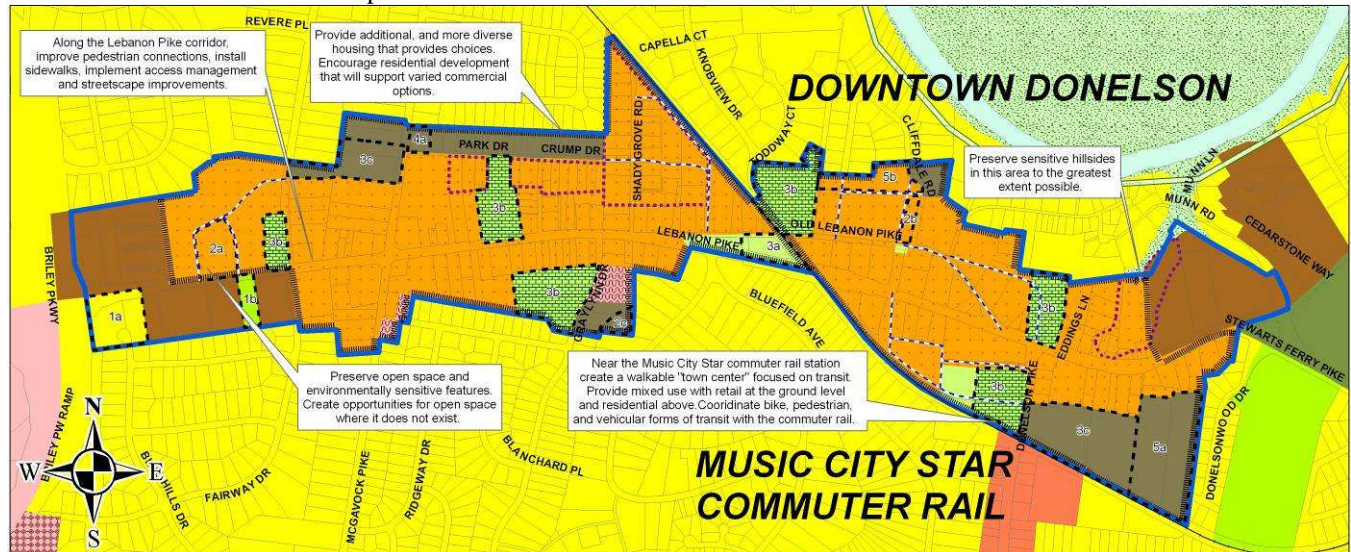
There were also some areas that contained Mixed Housing (MH) land use policies. In the 2004 DNDP, these policies were consistent with the development goals for Downtown Donelson, but they did not directly correspond with the existing Commercial Services (CS) and Commercial Limited (CL) zoning. In creating the Downtown Donelson UDO, it was important to be forthright about the existing zoning and its entitlements. For this reason, the policy in the DNDP should align as well. Policy in these areas will change from Mixed Housing (MH) to Mixed Use (MxU). Mixed Use policy still allows for residential land uses to be a component of new and redevelopment. These areas are denoted as 3c on the attached maps.

**Transition or Buffer (TB)** Transition or Buffer policy is intended to provide a transition from intense commercial activity to a more residential character. Uses should be residential in scale, character, and function, but may have a limited commercial or mixed-use component.

The application of Transition or Buffer land use policy occurred under similar circumstances as the application of Mixed Use Policy discussed above. In keeping with the development goals of the 2004 DNDP, Mixed Housing policy was applied to property. The zoning however was inconsistent with what the policy encouraged; these areas were zoned Office / Residential (OR20).

To be forthright about the existing zoning and its entitlements, the policy in these areas will change from Mixed Housing (MH) to Transition or Buffer (TB). Office is the primary land use in OR20 zoning. Office adjacent to residential offers an appropriate transition in land use. These areas are denoted as 4a, 5a, and 5b on the attached maps.

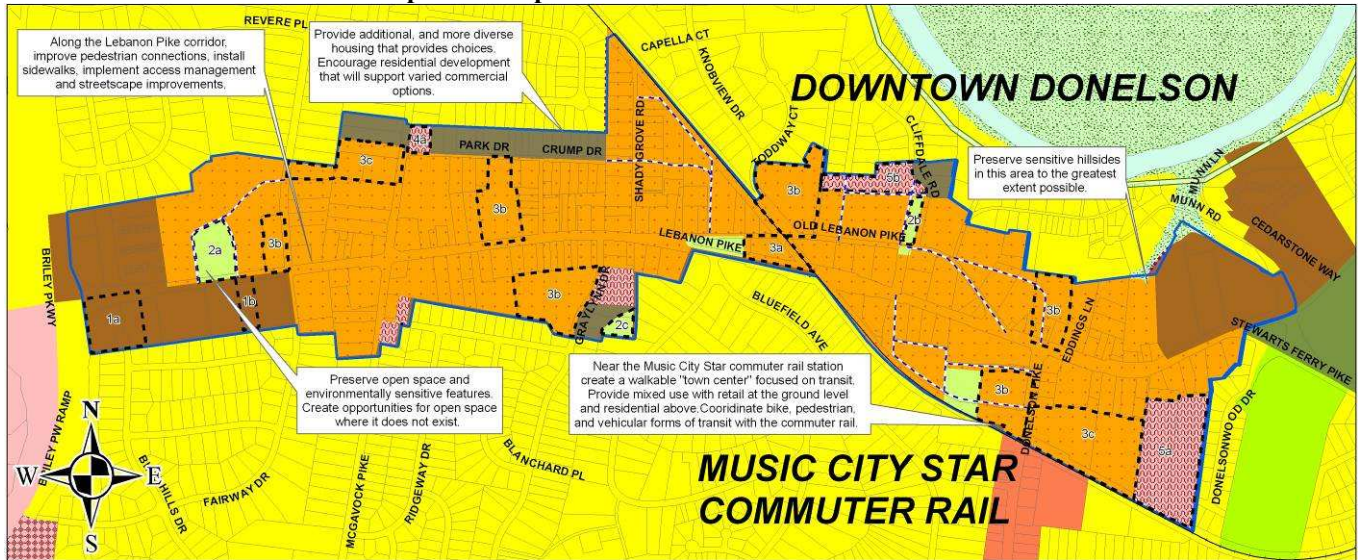
## Downtown Donelson DNDP Adopted 2004





# DRAFT

## Downtown Donelson DNDP 2009 Update - Proposed Plan Amendments



**BACKGROUND** The Downtown Donelson Detailed Neighborhood Design Plan (DNDP) was adopted on October 4, 2004. At that time, community members set forth a vision for the Lebanon Pike corridor that included a “Town Center” near the Music City Star commuter rail station, mixed use activity areas along Lebanon Pike, and opportunities for a mixture of housing adjacent to Lebanon Pike.

To implement this vision, the community engaged in the creation of the Downtown Donelson Urban Design Overlay (UDO). In creating the UDO, the Downtown Donelson DNDP adopted in 2004 and the detailed land use policies within it were revisited.

Several changes to the 2004 Downtown Donelson Detailed Neighborhood Design Plan are proposed. The proposed amendments retain the vision that the community created in 2004 DNDP, but accommodate changes that may have occurred in the study area since that time. The proposed amendments also conform to the goals and objectives set forth in the Downtown Donelson UDO.

**COMMUNITY PARTICIPATION** Community engagement for the creation of the Downtown Donelson UDO began with four meetings starting in February 2009 and ending in May 2009, where the overall vision and implementation strategy were determined; an Urban Design Overlay for Donelson was chosen to help implement the Downtown Donelson DNDP. Five additional community meetings beginning in June 2009 and ending in August 2009 were held to create the UDO.

Over a seven month period, Planning staff engaged the community by holding a two-day design charrette in the community, met with individual property owners, and held community meetings to discuss each UDO sub district and its development character.

Based on the amount and level of community engagement, the policy changes to the DNDP were considered to be minor; they meet the overall intent of the 2004 Downtown Donelson DNDP and the UDO.

**STAFF RECOMMENDATION** Staff recommends approval.

*[Note: Items #3, #4, and #5 were discussed by The Metropolitan Planning Commission together. See Item #5 for actions and resolutions.]*



**DRAFT**

**XI. PUBLIC HEARING: ZONING TEXT AMENDMENT, URBAN DESIGN OVERLAY, AND SPECIFIC PLANS**

**4. 2009Z-034TX-001**

Adaptive Reuse for Downtown Donelson  
Staff Reviewer: Kathryn Withers

A request to amend Section 17.16.030 (E) of the Metro Zoning Code to permit adaptive reuse of commercial areas in the proposed Downtown Donelson Urban Zoning Overlay District, requested by the Metro Planning Department, on behalf of Councilmember Phil Claiborne. (See Proposal No. 2009CP-014-001 and 2009UD-001-001)

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Text Amendment - Permit Adaptive Reuse in UDO.**

A request to amend Section 17.16.030 (E) of the Metro Zoning Code to permit adaptive reuse of commercial areas in the proposed Downtown Donelson Urban Zoning Overlay District.

**CRITICAL PLANNING GOALS N/A**

**PURPOSE** The Downtown Donelson UDO envisions mixed-use, compact, transit-oriented development. However, the existing base zoning prohibits that vision by prohibiting residential development and encouraging auto-oriented development patterns. The Lebanon Pike Corridor is largely zoned Commercial Service (CS) and Commercial Limited (CL): the most auto-oriented zoning districts in Davidson County. The commercial base zoning not only ensures an auto-dominated development pattern, with large buildings at the back of lots abutting single-family homes and prohibiting buildings close to the street, but it also prohibits residential development.

The UDO is a tool that requires specific design standards for development in a designated area. UDOs can modify zoning standards such as setbacks, building height, floor area ratio, and parking. The only standard a UDO can not modify is the land uses allowed by the base zoning district, so the UDO itself cannot be used to allow residential development where the base zoning prohibits residential development.

To permit residential development along the corridor and realize the vision of the community, an amendment to Section 17.16.030. E. of the Metro Zoning Ordinance, Adaptive Residential Development, is necessary. This section of the Zoning Code adds residential development as a permitted use in the commercial zoning districts, such as CL and CS. This provision was previously allowed only within the Urban Zoning Overlay, but the proposed amendment to the section will add residential as permitted uses to commercially zoned properties within the Donelson UDO.

This amendment will encourage the reuse of underutilized commercial properties along the existing Lebanon Pike corridor for higher intensity residential development as called for by the Downtown Donelson DNDP and UDO.

**ANALYSIS**

Existing Law Section 17.04.060 E. of the Zoning Code currently provides for residential uses to be permitted on a lot or in an existing building with frontage of an arterial or collector street in the Urban Zoning Overlay District and classified as a non-residential zoning district. The section requires that a minimum of 40 percent of the building's square footage be devoted to the residential use.

Proposed Bill The proposed bill would make the adaptive reuse provisions available to all non-residentially zoned properties within the boundary of the Downtown Donelson UDO.

**STAFF RECOMMENDATION** Staff recommends approval of the bill as it will support the goal of a mixed-use community in Downtown Donelson.

*[Note: Items #3, #4, and #5 were discussed by The Metropolitan Planning Commission together. See Item #5 for actions and resolutions.]*

**DRAFT**

**5. 2009UD-001-001**

Downtown Donelson Urban Design Overlay District

Map: 084-15, 084-16, 085-13, 095-03, 095-03-A, 095-04, 096-01, 096-02, 900-00

Parcels: Various

Donelson/Hermitage/Old Hickory Community Plan

Council District 15 – Phil Claiborne, Council District 14 – James Bruce Stanley

Staff Reviewer: Kathryn Withers

A request to apply the Urban Design Overlay (UDO) district to be known as the "Downtown Donelson UDO" to establish sign and development standards for properties located on Lebanon Pike from Briley Parkway to Stewarts Ferry Pike, and on Old Lebanon Pike, J.B. Estille Drive, Donelson Pike, Fairway Drive, McGavock Pike, Crump Drive, Park Drive, Graylynn Drive, Cliffdale Drive, and Benson Road (229.35 acres), to establish sign and development standards, requested by Councilmember Phil Claiborne and Councilmember James Bruce Stanley (See Proposal No. 2009CP-014-001 and 2009Z-034TX-001).

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Apply UDO - Adopt the Downtown Donelson Urban Design Overlay.**

A request to apply the Urban Design Overlay (UDO) district to be known as the "Downtown Donelson UDO" to establish sign and development standards for properties located on Lebanon Pike from Briley Parkway to Stewarts Ferry Pike, and on Old Lebanon Pike, J.B. Estille Drive, Donelson Pike, Fairway Drive, McGavock Pike, Crump Drive, Park Drive, Graylynn Drive, Cliffdale Drive, and Benson Road (229.35 acres).

**Existing Zoning** -The adoption of an Urban Design Overlay **does not change** the underlying, existing zoning.

CS District - Commercial Service is intended for a wide range of commercial service-related uses including low intensity manufacturing and storage facilities

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

SCC District - Shopping Center Community is intended for moderate intensity retail, office, and consumer service uses for a wide market area

OL District - Office Limited is intended for moderate intensity office uses

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

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

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

R8 District - R8 requires a minimum 8,000 square foot lot and intended for single- and two-family dwellings at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

**DOWNTOWN DONELSON DETAILED NEIGHBORHOOD DESIGN PLAN**

Please see 2009CP- 014-001 for a detailed discussion of the policy amendments to support the Downtown Donelson UDO.

**CRITICAL PLANNING GOALS**

The Downtown Donelson UDO, working in concert with the Downtown Donelson DNDP and amendments,

- Supports a Variety of Transportation Choices
- Encourages Community Participation meet several critical planning goals.
- Supports Infill Development

The UDO and the DNDP acknowledge that the Lebanon Pike corridor and Downtown Donelson play a significant role in the regional transportation system. Downtown Donelson hosts a stop on the Music City Star commuter rail line, while Lebanon Pike provides access to Downtown Nashville and Wilson County and is a critical transportation option within the Eastern corridor. The land use policies and development standards in the DNDP and the UDO reinforce the need for Transit Oriented

## DRAFT

Development (TOD) near the commuter rail, mixed use development along the corridor, and coordination between vehicular and non-vehicular transportation options. The policies and development standards link land use and transportation to ensure that viable transportation options will continue to exist in Donelson.

Lebanon Pike developed as a conventional suburban corridor, necessitating a balance between a sustainable development pattern and the suburban character and market in the area. Community members – those with property along Lebanon Pike as well as residents living adjacent to the corridor - offered input that helped create that delicate balance within the UDO. Property owner interviews, a design charrette, and community meetings covering each phase of the project, provided ample opportunities for input. What resulted was a plan for a distinctive, and attractive mixed-use community.

The Downtown Donelson DNDP and UDO balance sustainable urban form with suburban character. They do so by providing opportunities for a diverse mixture of land uses (and housing) at various development intensities. Through the land use policies of the DNDP and the development standards of the UDO, one could build multiple stories or a single story along the corridor. In all cases however, the creation of a stronger pedestrian environment and a unique sense of place are priorities. The result is a development pattern where suburban character is present, but that is more sustainable than typically found in suburban areas.

Infill development is critical to creating a more sustainable development pattern. Placing infill development on Lebanon Pike where infrastructure exists is less burdensome on land and resources. The DNDP and UDO include policies and development standards that discuss the redevelopment of vacant and underutilized properties, and particularly the reuse of “big-box” development and suburban shopping centers, which provide unique infill opportunities in suburban commercial markets.

**PLAN DETAILS** The Downtown Donelson Urban Design Overlay District, together with the Adaptive Reuse Text Amendment for Downtown Donelson and the Downtown Donelson Detailed Neighborhood Design Plan create policy and implementation tools for a mixed use, transit oriented downtown for the Donelson community. The UDO is a regulatory tool that established development standards that vary from the base zoning districts for the properties within the UDO. The UDO standards have the same force and effect as the standards set forth in the base zoning districts of the Zoning Code. The only standard that the UDO can not vary is use, which is controlled by the underlying base zoning district.

**Regulating Plan** The Regulating Plan of the Downtown Donelson UDO is divided into seven different subdistricts, each with varying development standards designed to enhance the unique character of each area. The districts range from an intense transit oriented development district, to a suburban mixed-use corridor to a transitional residential district. The following is a brief description of each subdistrict.

### **Subdistrict 1** Transit Oriented Development (TOD)

This is an intense, mixed-use district within a five-minute walk of the Donelson Music City Star Station. Development in the area shall promote additional modes of transportation (bike, pedestrian and vehicular). Buildings may range from one to five stories in height.

### **Subdistrict 1A** TOD Support

This is a transition area between the intensity of Subdistrict 1 and the more suburban corridor in Subdistrict 2. A moderately intense “main street” with mixed use development, buildings in Subdistrict 1A may range from one to three stories in height.

### **Subdistrict 2** Mixed-Use Corridor

This is a corridor that balances sustainable, walkable development with suburban character by incentivizing buildings built to the street, but allowing for one row of parking in front. The subdistrict also calls for enhanced pedestrian environment through landscaping, access management and transit, signage, and mixed use development. Buildings may range from one to three stories in height.

### **Subdistrict 3** Commercial / Industrial Support

This area consists of light industrial and office land uses; however it lacks the infrastructure and access to support such uses. This area is intended to remain a community support area and new development should provide quality vehicular and pedestrian infrastructure. Buildings may range from one to three stories in height.

### **Subdistrict 4** Residential and Civic Corridor

Subdistrict 4 includes areas on either end of the Lebanon Pike corridor that preserve the existing residential and civic character, while providing additional housing choice that accommodates the community’s differing lifestyles. Buildings may range from

# DRAFT

one to three stories in height.

## **Subdistrict 5 Residential Neighborhood**

This subdistrict calls for development in the form of mixed housing that provides additional housing choice and creates transitions between intense commercial land uses, and less intense residential neighborhoods. Buildings may range from one to three stories in height.

## **Subdistrict 5A Residential/Office Neighborhood**

Subdistrict 5A is envisioned to include office land uses along with mixed housing to create transitions between intense commercial land uses, and less intense residential neighborhoods. Buildings may range from one to three stories in height.

**Street Types** Streets within the Downtown Donelson UDO are classified as either “arterial” or “primary” and setbacks are based on these classifications. Recognizing the high volume of traffic and the suburban nature of the Lebanon Pike, Donelson Pike and McGavock Pike Corridors, mixed use development along these corridors may be setback behind a row of parking. Along primary streets, to create a more pedestrian friendly and engaging streetscape, buildings may have only a limited setback from the back of the sidewalk with no parking between the building and the street.

**“Trigger” or Compliance Provisions** Properties within the Downtown Donelson UDO boundary may choose to voluntarily utilize the standards and incentives of the UDO at any point after the UDO is adopted. Compliance with the UDO becomes mandatory, however, when one of the following actions take place.

- Property ownership changes after the effective date of the UDO ordinance, and changes to the property are made (see “full compliance” and “partial compliance” below).
- The base zoning is changed by request of the property owner, and changes to the property are made (see “full compliance” and “partial compliance” below). In Subdistricts 4 and 5, a property owner would need a base zone change to realize the full potential of their property under the UDO.
- A property owner uses any of the development incentives provided as part of this UDO.

Following the changes listed above, compliance with the UDO standards shall be required as follows:

### **Full Compliance** Full compliance with the Development Standards shall be required when:

Property is redeveloped or vacant property is developed

The total building square footage of any expansion(s) is greater than 25 percent of the total building square footage of all improvements on the lot prior to expansion.

When a new structure is built on a lot with multiple structures, the new structure shall be in compliance with all the Development Standards.

### **Partial Compliance** Compliance with the landscaping and screening standards and streetscape enhancements shall be required when:

- The total building square footage of any expansion(s) is between 10 percent and 25 percent of the total building square footage of all improvements on the lot prior to expansion, or
- The value of any one building permit or the value of multiple building permits reaches 25 percent or more of the total value of all improvements on the lot prior to application for the building permit.
- Expansions shall not be constructed on the front or street side, of a structure, unless the proposed expansion would bring the structure more into compliance with the standards of this UDO.

**Signage** The Signage Standards of the UDO shall apply when a sign permit is required, including the replacement of a sign panel, according to the following provisions.

- New signs shall comply with all Signage Standards.
- Existing single tenant signs shall be brought into compliance when a change to the sign requires a sign permit.
- Existing multi-tenant signs of a type permitted in the subdistrict (monument, pillar, projecting, wall-mounted) may be permitted for individual tenant-sign change without achieving full compliance as to size, location, and illumination.
- Existing multi-tenant signs of a type prohibited in the subdistrict (pole-mounted, etc.) shall be permitted to install new sign panels until 50 percent of the total signage area has been replaced, including multiple changes to the same area of the sign. Once the 50 percent threshold has been reached, no further signage changes will be allowed unless the sign is changed to a type complying with all provisions of the Signage Standards. Panels that have not been changed may

## DRAFT

remain until such time as the property owner replaces the nonconforming sign with a permitted sign type.

- Notwithstanding the above, a non-conforming sign damaged by any involuntary means may be reconstructed to its pre-damage condition.

**Modifications** Based on site-specific issues, modifications to the standards may be necessary. Any standard within the UDO may be modified, insofar as the intent of the standard is being met; the modification results in better urban design for the neighborhood as a whole; and the modification does not impede or burden existing or future development of adjacent properties.

Minor modifications – deviations of 20 percent or less – may be approved by the Planning Commission’s designee. Major modifications – deviations of 21 percent or more – shall be approved by the Planning Commission.

**Development Incentives** The following development incentives, or bonuses, are available to properties developing within the Downtown Donelson UDO standards:

- Floor Area Ratio (FAR) bonus of 1 in Subdistricts 1, 1A, 2 and 3. (This provides 40 percent more building square footage than is currently allowed under base zoning).
- Square Footage Bonuses for providing plazas, new streets required by UDO, and use of Low Impact Stormwater techniques.
- Adaptive Reuse, which allows residential development in commercial zoning districts without a zone change.
- Parking Structures exempt from FAR calculation.
- Increased setbacks allowed for outdoor dining.
- Increased square footage or parking reductions for transit stops constructed as part of a development project.
- Urban Zoning Overlay requirements for number of parking spaces , which provides a reduction in required parking.
- Transfer of Development Rights from properties along Mill Creek and the west bank of the Stones River to properties within the Downtown Donelson UDO.

**PUBLIC WORKS RECOMMENDATION** No comments

**STORMWATER RECOMMENDATION** Permits will be required during development phase

**STAFF RECOMMENDATION** Staff recommends approval the Downtown Donelson UDO.

Ms. Wither presented and stated that staff is recommending approval of Community Plan 2009CP-014-001, Adaptive Reuse Amendment 2009Z-034TX-001 and the Downtown Donelson Urban Design Overlay, 2009UD-001-001.

Councilmember Claiborne acknowledged and thanked all those that contributed to the proposed Downtown Donelson Urban Design Overlay District. He briefly explained that there were many community meetings held in which his constituents, as well as business owners, were given the opportunity to provide their input and insights for the Downtown Donelson area. He spoke of the plan establishing a positive path for future sustainable growth and asked that the Commission approve the proposed plans.

Mr. John Taylor spoke in favor of the proposed Downtown Donelson Urban Design Overlay.

Mr. Floyd Schecter, 2900 Lebanon Road, spoke in favor of the proposed Downtown Donelson Urban Design Overlay

Ms. Lou Ann Brown spoke in favor of the proposed Downtown Donelson Urban Design Overlay.

Mr. Ray Mosely, 151 Spring Valley Road, spoke in favor of the proposed Downtown Donelson Urban Design Overlay.

Mr. Gotto acknowledged and commended Councilmember Claiborne’s work on the proposed development plan for the Downtown Donelson plan. He stated he was in favor of approving the plan.

Mr. Ponder also acknowledged and commended Councilmember Claiborne’s work on the plan and spoke in favor of its approval.

**DRAFT**

Ms. LeQuire spoke of a constituent concern received by the Commission on whether the plan provided an economic reality and asked that staff discuss this concern and also explain any compromises that were discussed during any of the community meetings.

Ms. Withers explained various issues that were compromised during their community meetings.

Ms. LeQuire then spoke on the economic factor that is contained in various community plans and asked that staff speak on this issue.

Mr. Bernhardt explained the economic component contained in the proposed plan.

Ms. LeQuire requested additional clarification on the parking requirements contained in the plan and how the requirements would support transit-oriented development.

Mr. Bernhardt explained this concept to the Commission.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve 2009CP-014-001, Downtown Donelson, to approve 2009Z-034TX-001, Adaptive Reuse for Downtown Donelson and to approve 2009UD-001-001, Downtown Donelson Urban Design Overlay District. **(10-0)**

**Resolution No. RS2009-129**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009CP-014-001 is **APPROVED. (10-0)**”

**Resolution No. RS2009-130**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-034TX-001 is **APPROVED. (10-0)**”

**Resolution No. RS2009-131**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009UD-001-001 is **APPROVED. (10-0)**

**The proposed Urban Design Overlay is consistent with the proposed new policies for the downtown Donelson area within the Donelson/Hermitage/Old Hickory Community Plan.”**

- 6. **2009Z-008TX-001**  
Electronic Signs (Special Exception Use)  
Staff Reviewer: Kathryn Withers

A request to amend the Metro Zoning Code to designate electronic display signs as a permitted use or a special exception use in certain zoning districts, and to add standards for electronic display signs, requested by Councilmember Charlie Tygard.  
**Staff Recommendation: Disapprove. Approve alternate ordinance for an Electronic Sign Overlay District**

**APPLICANT REQUEST - Text Amendment - Permit electronic display signs in certain zoning districts.**

A request to amend the Metro Zoning Code to designate electronic display signs as a permitted use or a special exception use in certain zoning districts, and to add standards for electronic display signs.

**CRITICAL PLANNING GOALS** N/A

**ANALYSIS**

**Existing Law & Background** - Section 17.32.050.G and H of the Zoning Code regulate signs with graphics, messages, and motion. Although this section is entitled “Prohibited signs” this is the only section of the sign ordinance controlling electronic



## DRAFT

signs. These sections govern electronic billboards, as well as the full motion signs that are permitted only in the CA district, and LED message boards and digital signs.

The LED message boards and digital signs are currently allowed in the most intense commercial and industrial districts of the city – CA, CS, CF, CC, SCR, MUI, ORI, IWD, IR and IG. They are allowed to have changeable copy graphics and/or text that must remain static for eight seconds, and then must change instantaneously without any special effects. The signs are not permitted to be located less than 100 feet from any agriculturally or residentially zone properties. The signs are currently expressly prohibited in the AG, AR2a, R, RS, RM, MUN, MUL, MUG, ON, OL, OG, OR20, OR40, CN, CL, SCC and SCN districts.

The LED message boards have become sought after by civic uses such as churches, school, community facilities and businesses who wish to advertise events and services. There have been previous attempts to amend the zoning ordinance to allow the LED message boards in residential areas, but these attempts were met with community opposition. Many community members cite the commercial nature of the signs as being an intrusion into residential neighborhoods. Community members also argue that the city has not done an effective job of enforcing the electronic signs that currently exist in the commercial and industrial districts, giving neighborhoods little assurance that the signs in residential areas will operate in compliance. Recently, there have been requests for CS or SP rezonings to secure the right to place an electronic sign at a church or school that has a residential zoning classification. The request for a CS or SP rezoning has occurred because there has been no other venue to submit a request or make application for one of these signs.

To address the issue, Metro Council created a Sign Task Force in August of 2008 to review the Sign Ordinance with a focus on recommendations pertaining to on-premise electronic signs, a technology that was not available when the Sign Ordinance was drafted 16 years ago. The task force was co-chaired by Burkley Allen and Jane Alvis. Other committee members were At-large Council members Megan Barry and Charlie Tygard as well as John Brittle, Stewart Clifton, Terry Cobb, Bob Cooper, Judge Gloria Dumas, Dan Haskell, Debby Dale Mason, Larry McWhirter, Anna Shepherd, Patricia Totty, Chris Whitson and staff members Sonny West, Jon Cooper and Kathryn Withers. The Task Force met monthly to discuss options and this ordinance is their recommendation.

**Proposed Text** General. The proposed bill defines the term “electronic display sign,” designates electronic display signs as a permitted use or a special exception (SE) use in specific zoning districts in the land use tables, and adds standards for special exception electronic display signs. This bill would clarify where an electronic display sign would be allowed, rather than the current ordinance, which only describes where the signs are not allowed.

**Type of Use.** The bill proposes to allow electronic signs as a Special Exception (SE) use for community education facilities, cultural centers, recreation centers, and religious institutions in the AG, AR2a, R, RM and RS districts. The bill proposes to allow electronic signs as a SE use with all non-residential uses in the MUI, I, ON, OL, OG, ORI, OR20, OR40, CN, CL, SCC and SCN districts. The bill proposes that the electronic signs only be allowed to replace an existing back-lit or flood-lit sign. New construction would not be eligible for on of the signs.

Meanwhile, for the zoning districts where the signs are currently allowed (CA, CS, CF, CC, SCR, IWD, IR and IG), the proposed change to zoning code would note that electronic display signs would be a “permitted use” in these zoning districts.

**Approval Process for Special Exception Uses.** By making the electronic signs a SE use, a public hearing is required by the Board of Zoning Appeals (BZA). The community will receive notice of the upcoming hearing by mail if they live within 600 feet of the proposed electronic sign location. In addition, one or more public hearing signs will be posted on the property, announcing the date and time of the public hearing to the community.

**Location and Operational Standards.** This bill proposes no changes to the operational criteria for electronic display signs in zoning districts where the signs are currently permitted. In the zoning districts where the electronic display signs would now be permitted as Special Exception (SE) uses, there are several standards that would be reviewed by the BZA when considering the SE.

The standards proposed for the SE signs are:

- Spacing - Electronic display signs shall be spaced a minimum of 500 feet from any other electronic display sign and setback at least 250 feet from an existing residence
- Duration – Copy on an electronic display sign would be required to have a minimum duration of eight seconds and

## DRAFT

must be a static display, no appearance of a visual dissolve or fading

- Color - amber color only
- Intensity and contrast - Each electronic display sign shall shut off between the hours of 10:00 p.m. and 6:00 a.m. and use automatic day/night dimming software to reduce the illumination intensity of the sign to 500 nits from dusk until 10:00 p.m. The sign shall not exceed 5,000 nits during daytime.
- Sign size, design and setback:
- Electronic Display Standards - The maximum surface area of the electronic sign component shall be 32 SF and it shall be integrated into a brick, stone or wood monument-style sign.
- Overall Sign Standards - The minimum street setback for the sign shall be fifteen feet, the maximum height shall be eight feet. In residential districts, the dimensions of the sign shall conform to the size limitations of the ON zoning district. In all other zoning districts, dimensions shall be based upon the sign standards for the base zoning.

Analysis In its recommendation, the Sign Task Force attempted to make this new technology available in a limited manner and as a replacement for a currently back-lit or flood-lit sign that use more energy than the new energy efficient electronic display signs would use. There is, however, an equity issue in allowing these electronic display signs to be permitted only to replace pre-existing, back-lit or flood-lit signs, rather than to allow them as an option for newly constructed developments as well.

The spacing requirements of 500 feet from any other electronic display sign and setback at least 250 feet from an existing residence will limit the eligibility for these signs. Staff used geographic analysis to determine which parcels could be eligible in the Agricultural and Residential zoning district under the proposed ordinance. Staff found that 1,296 parcels met the criteria for a community education facilities, cultural center, recreation center, or religions institution. Of those, 720 were churches (one of the primary uses that have sought this type of sign). After the setbacks from existing residences were applied, there remained a total of 467 parcels that could meet the location standards, with 198 of the parcels being churches. It was found that approximately 27.5 percent of churches in Residential and Agricultural zoning districts would be eligible for signs under the proposed ordinance, however, the number that would actually request a sign may be less given that the location the GIS analysis found on any given parcel that met the criteria of being 250 feet away from an existing residence may not be an appropriate location of a sign (i.e., the eligible spot on a parcel may be off the street, behind the building, etc.)

**STAFF RECOMMENDATION** Staff recommends disapproval of this bill for two primary reasons. From a land use policy perspective, staff would argue that these electronic display signs are not appropriate in all residentially- and agriculturally-zoned areas. While there may be some areas zoned for residential or agricultural use where an electronic display sign could be appropriate, staff finds that the process outlined in this bill does not adequately allow for consideration of the context of the site and the potential impact on surrounding properties. Rather than a one-size-fits-all list of criteria for the BZA to consider, the decision on the appropriateness of an electronic display sign should be based upon analysis of the context of the area.

Meanwhile, from a practical point of view, the bill, as written, will not prevent future requests for Specific Plan or other inappropriate commercial zoning districts to accommodate the signs in residential districts. The process and standards recommended in this bill will limit the community education facilities, cultural centers, recreation centers, and religious institutions that are eligible to apply for, and receive permission to have, an electronic display sign. This is unlikely, however, to reduce the demand for these signs. As a result, these institutions will continue to seek electronic display signs by requesting rezoning to Specific Plan or other commercial zoning districts.

Rather than approve a process that does not adequately allow for consideration of context and pushes some institutions to inappropriate zone changes, staff recommends an alternate proposal – the creation of an Electronic Sign Overlay District as proposed below. This overlay district would include a process for requesting the electronic signs that will allow for community input and context sensitive review.

### **ORDINANCE NO. BL2009-XXX**

An ordinance to amend various sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to establish the Electronic Sign Overlay District and to add standards for electronic display signs within the proposed overlay district, all of which is more particularly described herein (Proposal No. 2009Z-008TX-001).

WHEREAS, much effort has been put forth to study the issue of whether to permit electronic display signs for schools, churches, recreation centers and cultural centers in zoning districts that permit residential development and whether to permit electronic display signs for all uses in other zoning districts;

## DRAFT

WHEREAS, a process is needed that will allow for Council and community consideration of requests for electronic display signs in zoning districts that otherwise do not allow electronic display signs; a process that will allow for consideration of the context of the proposed location of the sign and the impact of the proposed sign on the surrounding neighborhood; and WHEREAS, an Electronic Sign Overlay District will create baseline standards for the development and operation of electronic display signs, and will create a process to allow for flexibility and context sensitive considerations in determining whether an electronic display sign should be permitted in a particular location;

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.04.060 of the Metropolitan Code is hereby amended by adding the following definition as a subcategory under the definition of "Sign.":

17. "Electronic display sign" means an on-premises sign, or portion thereof, that displays electronic static images, static graphics or static pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LED's), fiber optics, lights bulbs, or other illumination devices within the display area where the message is displayed. Each message displayed shall remain static for a minimum of eight seconds, and the change sequence shall be accomplished instantaneously. Electronic display signs include computer programmable, microprocessor controlled, electronic or digital displays. Electronic display signs shall not include animated images or graphics, audio components, scrolling messages, or video moving images similar to television images.

18. "Video display signs" means an on-premises sign with video, continuous scrolling messages, or moving images similar to television images. Video display signs shall only be permitted within the commercial attraction (CA) zoning district.

Section 2. That Chapter 17.32.050 H. 2 of the Metropolitan Code is hereby amended by adding the following after "time/temperature/date signs", "unless located within an Electronic Sign Overlay District."

Section 3. That Chapter 17.36 of the Metropolitan Code is hereby amended by adding the following new Article XIII:

### Article XIII. Electronic Sign Overlay District (ESO)

#### 17.36.450 Purpose and Intent

The purpose of the electronic sign overlay district is to provide a means by which land uses situated within areas of the community where zoning does not permit electronic display signs by right, may have a process to obtain an electronic display sign if the sign is found to be compatible with the existing and proposed development pattern as outlined in the principles, policies and objectives of the general plan. Any application of an electronic sign overlay district shall include development standards, location standards and operational standards that embody this purpose and intent.

#### 17.36.460 Overlay Designation

Any ordinance creating an electronic sign overlay district shall be created according to the procedures of Chapter 17.40, Article III and shall be depicted as a mapped geographical area on the official zoning map.

#### 17.36.470 Applicability

A. Zoning Districts permitting residential development. For property located within the AG, AR2a, R, RM, RS, MUN, MUL, MUG, OR20, OR40 districts, only the civic land uses designated as community education facilities, cultural centers, recreation centers and religious institutions are eligible to be considered for an electronic sign overlay district.

B. Non-residential Zoning Districts. For property located within the OL, OG, CN, CL, SCC and SCN districts, all non-residential uses permitted in such districts are eligible to be considered for an electronic sign overlay district.

#### 17.36.480 Development Standards

In addition to other applicable provisions of this code, the following development standards shall apply to electronic display signs approved within an electronic overlay sign district.

A. Sign size, design and setback.

1. Electronic display signs shall have a maximum electronic display surface area of twenty-one square feet, which shall be integrated into a brick, stone or wood monument-style sign. For the purposes of this section, a monument-style sign is a low-profile ground sign with a consistent base. If the sign background area does not extend to the ground, the monument sign shall have a base that is at least as wide and as deep as the sign background area. Openings in the base element shall not exceed 40% of the base façade area.

2. The minimum street setback shall be fifteen feet and the electronic display sign shall not encroach upon the

## DRAFT

required side setbacks of the base zoning district.

3. The maximum height of the sign shall be eight feet.

4. The overall area of the sign in residential districts shall conform to the size limitation applicable to the ON district pursuant to Chapter 17.32. The overall size of the sign structure for all other districts shall be based upon the sign standards for the base zoning district as provided in Chapter 17.32.

B. Duration. All portions of the message shall have a minimum duration of eight seconds and shall be a static display. All changes in the message shall be instantaneous. There shall be no appearance of a visual dissolve or fading, no part of one message, image or display shall appear simultaneously with any part of a second message, image or display. Further, there shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement, or flow of the message, image or display.

C. Color. All portions of the electronic display surface area must use one color only.

D. Intensity and contrast. The intensity and contrast of light levels shall remain constant throughout the sign face. Each electronic display sign shall use automatic day/night dimming software to reduce the illumination intensity of the sign to 500 nits from dusk until dawn. The sign shall not exceed 5,000 nits during daytime hours.

### 17.36.490 Variation of Development Standards

Variations to the development standards may be incorporated within the specific standards of an overlay district if variations are deemed to be necessary to ensure that the proposed sign is more compatible with the existing and desired context of the specific site and neighborhood characteristics and that the proposed sign is in conformance with the principles and objectives of the general plan.

Section 4. That Section 17.40.105 of the Metropolitan Code is hereby amended by inserting a new sentence at the end of the section, "The Specific Plan district shall not be used for the purpose of approving an electronic display sign. An electronic display sign may, however, be included as part of a comprehensive development application."

Section 5. That Chapter 17.40 Article IV. Overlay District Procedures of the Metropolitan Code is hereby amended by adding the following new section 17.40.161:

### 17.40.161 Electronic Sign Overlay District

A. New Applications. An application to establish an Electronic Sign Overlay (ESO) district shall be filed with the planning commission in the form and content established by the planning commission. The application shall, at a minimum, include a site plan indicating the location of the proposed ESO, development plans in compliance with Chapter 17.36 Article XIII specifically including dimensioned sign elevations with materials and sign specifics, and shall include information about adjacent land uses and location of structures within 250' of the proposed sign location.

B. Planning Commission Action. The planning commission shall review an application to apply the Electronic Sign Overlay (ESO) district and the associated development plan. The planning commission shall act to recommend approval, approval with conditions or disapproval of the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metro clerk, the zoning administrator and all other appropriate governmental departments.

1. Approval. The planning commission's recommendation of approval of a proposed Electronic Sign Overlay (ESO) district and the associated development plan shall be based on findings that the development plan is compatible with the character of the surrounding neighborhood and policies for future development as outlined in the general plan and does not impede or burden existing or future development of adjacent properties.

2. Conditional Approval. The planning commission may recommend approval of the Electronic Sign Overlay (ESO) district and the associated development plan subject to conditions. All conditions shall be transmitted in writing to the applicant.

3. Disapproval. If the planning commission recommends disapproval of the proposed Electronic Sign Overlay (ESO) district and the associated development plan, the reasons for that recommendation of disapproval shall be stated in writing and transmitted to the applicant.

C. Council Consideration. An Electronic Sign Overlay (ESO) district and associated development plan shall be approved upon adoption of an ordinance by the metropolitan council, following a recommendation from the planning commission, according to the procedures of Metropolitan Zoning Code Chapter 17.40, Article III. Testimony and evidence material to the provisions of Chapter 17.36, Article XIII may be considered by the council in its deliberations.

D. Final Site Plan Approvals. A final site plan application for property lying within an Electronic Sign Overlay (ESO) district shall be reviewed and acted on by the planning commission according to the procedures of Section 17.40.170(B) prior the issuance of any permits. Approval shall be based on a finding that the final site plan conforms with the approved development

## DRAFT

plan and all other applicable provisions of this title.

E. Written certification from the sign manufacturer that the sign's maximum light intensity has been pre-set to not exceed levels established in 17.36.480 (D) shall be presented to the Planning Commission prior to the issuance of any permits.

F. Changes to an Electronic Sign Overlay (ESO) district. An application to modify an approved Electronic Sign Overlay (ESO) district or its associated development plan shall be filed with the planning commission in the form and content established by the planning commission. The planning commission shall review all proposed changes according to the procedures of subsection B of this section. Changes shall be considered as follows:

1. Minor Modifications. The planning director shall have the authority to grant minor modifications to the approved development plan that do not exceed a change of ten percent of any square footage limitation, setback, or dimensional requirement. At the planning director's discretion, any minor modification may be referred to the planning commission for review and action as set forth in Section 17.40.161(B).

2. Major Modifications. All other modifications to the approved development plan shall be considered major modifications. Major modifications shall be considered by the metropolitan council in accordance with Metropolitan Zoning Code Chapter 17.40 Article III, following review and recommendation by the planning commission as set forth in Section 17.40.161(B).

Section 6. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Ms. Withers presented and stated that staff is recommending disapproval and to take no action on the alternate ordinance.

Mr. Clifton acknowledged the complexity of the issue of electronic signs and mentioned that the proposed ordinance as well as the staff's alternate ordinance did not address all of the outstanding issues that are associated with electronic signs. He spoke on continuing the effort to further study electronic signage as the existing regulations do not appropriately address placement of signs throughout the city. He stated he would move to disapprove the proposed ordinance.

Dr. Cummings seconded the motion.

Mr. Gotto suggested amending the motion to include a directive that would allow staff to work on and produce an electronic sign overlay and to bring it back to the Commission on either the first or second meeting in January.

Mr. Bernhardt acknowledged the request of the Commission for staff to work on developing an electronic sign overlay.

Ms. Jones requested clarification on the proposed alternate ordinance provided by the staff.

Mr. Bernhardt explained that the alternate ordinance that was being proposed by staff was the result of the Commission's directive to recommend an electronic sign overlay. He further explained that the alternate amendment was not reviewed by Councilmembers nor was it reviewed by the community.

Mr. Gotto requested clarification on the best procedure that the Commission should follow that would provide a final action on the proposed amendment while at the same time keep the public hearing open on a new overlay that would be provided by staff.

Mr. Bernhardt suggested that the Commission take action on the proposed bill and explained that a separate application could be made to accompany any new ordinance.

Mr. Gotto moved and Mr. Dalton seconded the amended motion, which passed unanimously, to disapprove 2009Z-008TX-001, Electronic Signs (Special Exception Use) and to direct staff to prepare an Electronic Sign Overlay alternative to bring back to the January 28, 2010 Planning Commission meeting. **(10-0)**

### Resolution No. RS2009-132

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-008TX-001 is DISAPPROVED. Staff are to prepare an Electronic Sign Overlay alternative to bring back to the January 28, 2010 Planning Commission meeting. (10-0)"**

## DRAFT

7. **2009SP-022-001**  
Plowboy Mansion  
Map: 049-00 Parcels:140, 200.01, 319  
Bordeaux/Whites Creek Community Plan  
Council District 3 – Walter Hunt  
Staff Reviewer: Brenda Bernards

A request to rezone from R15 and RS20 to SP-MU zoning for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres), to convert the existing residence into a regional tourist attraction known as "Plowboy Mansion" to permit special events, restaurant, tours of the residence, artisan distillery and micro-brewery, visitor center, specialty retail, seasonal performance entertainment venue, shuttle bus transportation around the facility, and memorabilia museum, requested by EDGE Planning/Landscape Architecture, applicant, for Fontanel Properties LLC, owner.

**Staff Recommendation: Approve with conditions**

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

Mr. James Lawson, 3969 Lloyd Road, spoke in opposition to the proposed development.

Mr. Charles Clark, 4011 Whites Creek Pike, spoke in opposition to the proposed development.

Ms. Gwendolyn Clark, 4011 Whites Creek Pike, spoke in opposition to the proposed development.

Ms. Zan Martin, 3504 Whites Creek Pike, spoke in favor of the proposed development.

Mr. Ray Jenkins, 4022 Whites Creek Pike, spoke in opposition to the proposed development.

Mr. Bill Reynolds, 3667 Knight Drive, spoke in favor of the proposed development.

Mr. Randall Davis, 3875 Whites Creek Pike, spoke in opposition to the proposed development.

Mr. Don Majors, 3937 Lloyd Road, spoke in opposition to the proposed development. He presented information to the Commission for the record.

Mr. Richard Trest, 4420 White Creek Pike, spoke in favor of the proposed development.

Mr. Marc Oswald, 329 Harbor Drive, spoke in favor of the proposed development.

Mr. Jared Stancil, 3108 Blevins Road, spoke in favor of the proposed development.

Mr. John Haas, 210 12<sup>th</sup> Avenue South, spoke in favor of the proposed development.

Mr. Bill Thompson, 3832 Dry Fork Road, spoke in opposition to the proposed development.

Mr. Ken Wyatt, 5351 Simpkins Road, spoke in opposition to the proposed development.

Ms. Jean Thompson, 3832 Dry Fork Road, spoke in opposition to the proposed development.

Mr. Jim Graves spoke in favor of the proposed development.

Ms. Mary Ann Wyatt, 5351 Simpkins Road, spoke in opposition to the proposed development.

Mr. Clifton acknowledged and briefly spoke on the difficult nature of the proposed development as it was not what the community expected, however, was considered by the community, better than the current uses allowed on the property. He spoke on the sound venue included in the proposal and how difficult it is to contain sound and how it could impact the



## DRAFT

community. Mr. Clifton then quoted the policy intended for the area and stated that the requested use was contrary to the plan.

Dr. Cummings thanked the community members for sharing their thoughts on the proposed development. She spoke of previous requests made on or near this area and how the community wanted to keep this area residential and rural. She too agreed that the proposed development was contrary to the plan and questioned the nature of the requested SP zoning.

Mr. Bernhardt acknowledged the concern mentioned that the requested use was contrary to the plan. He then explained that he developed the language that would allow the requested commercial uses in the R and NCO policy area as it was his belief that the totality of the proposal did preserve much of the rural character of this area and that the development only contained a small portion of commercial uses.

Dr. Cummings briefly explained various reasons in which she would be unable to support the requested uses included in the development. She spoke particularly about the sound venue and the number of concerts that were being proposed every month and the impact that the noise levels would have on the community. She also spoke on the additional traffic that would be generated by these concerts and the lack of infrastructure in this area to support additional traffic.

Mr. Tyler requested additional clarification on the policy of rural historic district.

Ms. Bernards explained the definition of a rural historic district to the Commission.

Mr. Tyler questioned if there were additional restrictions placed on the development due to its location in a rural historic district.

Ms. Bernards explained there were no additional restrictions included, however briefly explained the various facets included in the development that were considered improvements or enhancements for the Whites Creek Pike Historic District.

Mr. Tyler then questioned if there were zoning regulations that would prohibit the sale of liquor near religious institutions or educational institutions.

Ms. Bernards explained the code that referenced the sale of liquor near or around religious and educational institutions.

Mr. Tyler requested specific information on the type of liquor sales that would be allowed within the brewery, which was also a component of the development.

Ms. Bernards explained the type of liquor sales that could take place in the brewery.

Mr. Tyler then clarified that the development was to contain a full-service restaurant.

Mr. Gee requested clarification on the portion of the development that was considered historic and whether there were any regulations placed on the area.

Ms. Bernards explained that the community plan provided that developments be rural in character.

Mr. Gee clarified that the rural land use policy prohibited commercial uses.

Mr. Bernhardt offered there were discussions on possible amendments to the community plan for this area and asked that staff further clarify the uses that could be allowed under the policy for this community plan.

Ms. Carlat offered additional information on the uses intended for this area.

Mr. Gee explained he liked the proposed application however also expressed concerns with the sound venue and suggested that the developer continue working on ways to improve the venue, or to develop other community uses that would be more in character with the rural area. He too suggested a possible plan amendment, as that process would bring the developer and the community together to discuss and compromise various aspects of the proposal. He too expressed concern with the intended uses being inconsistent with the plan.

## DRAFT

Mr. Gotto questioned the number of homes that would be allowed under the current zoning for this parcel.

Mr. Bernhardt explained the existing policy and the number of homes that could be developed in this area. He also explained some of the environmental issues that would lower the number of homes to be built.

Mr. Gotto acknowledged that the proposal preserved a very large tract of land and spoke on this fact and stated he was in favor of approving the staff's recommendation.

Ms. LeQuire explained she was in favor of preserving the rural character of this area as mandated by the historic register and that the proposed plan could possibly honor the mandate. She asked that staff provide additional explanation on the parking components contained in the staff report.

Ms. Bernards offered additional information on parking component of the plan.

Ms. LeQuire suggested that the development be environmentally friendly and that any parking lots be pervious in nature and that any screening of trees be placed in an indigenous way to further enhance the Whites Creek area. She expressed concern with the community notification process currently in place and suggested that staff review the process. Ms. LeQuire then briefly spoke on her concern to keep this area rural in character.

Mr. Dalton spoke of the proposal containing quality of life issues and his hesitancy in approving the development. He spoke of the noise issues and its affect on existing community members as well as the lack of infrastructure in the area that would support additional traffic.

Ms. Jones acknowledged the constituent concerns regarding the effects that the sound venue would have on their community. She then spoke on the success of other venues located in or near residential areas that were successful throughout the city. She too spoke on the difficult nature of the request.

Mr. Ponder too acknowledged the good concept of the plan however too expressed concern with the sound venue included in the plan. He requested clarification on whether this proposal would be considered spot zoning.

Mr. Sloan offered a brief definition on spot zoning in relation to the existing parcels surrounding the requested proposal.

Mr. Bernhardt offered additional information on spot zoning in relation to the requested development.

Ms. Jones suggested that a motion include a contingency comment that would direct the developer to continue working with Councilmember Hunt on the sound venue component of the development.

Mr. Bernhardt offered additional suggestions on the various actions that Commission could take on the proposed development as it was an SP that could contain additional conditions.

Mr. Gotto questioned whether Councilmember Hunt would agree to a deferral.

Councilmember Hunt explained that the developer was aware of the issues associated with the sound venue component and that he has already been directed to continue working with the community on the outstanding issues. He acknowledged the request to defer the proposal until October 22, 2009.

There was a brief discussion on whether there was adequate time to defer the proposal as it was slated to be heard at the November public hearing.

Mr Gotto moved and Mr. Ponder seconded the motion to defer the proposal for one meeting.

Mr. Clifton expressed issues with the motion to defer and reiterated his concerns that the proposal was contrary to the plan for this area.

Mr. Gotto explained that he did not agree that the proposal was contrary to the plan and that he would renew his motion.

**DRAFT**

Mr. Gotto moved and Mr. Ponder seconded the motion, to reopen the public hearing and defer Zone Change 2009SP-022-001, Plowboy Mansion to October 22, 2009. **(8-2) Yes Votes – Clifton, Gee, Gotto, Ponder, Jones, Dalton, Lequire, McLean No Votes – Cummings, Tyler**

**Resolution No. RS2009-133**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-022-001 is DEFERRED TO THE OCTOBER 22, 2009, PLANNING COMMISSION MEETING, RE-OPENING THE PUBLIC HEARING. (8-2)”**

**8. 2009SP-023-001**

Marathon  
Map: 092-04 Parcels: 335, 381  
North Nashville Community Plan  
Council District 19 – Erica Gilmore  
Staff Reviewer: Brenda Bernards

A request to rezone from CF to SP-MU zoning properties located at 1200 and 1310 Clinton Street, at the northwest corner of Clinton Street and 12th Avenue North (2.2 acres), to permit an existing facility to be utilized for all uses permitted by the CF zoning district as well as the manufacturing and warehousing of alcoholic beverages not to exceed 1,000 barrels per month (a barrel being 55 gallons), requested by Corsair Artisan LLC, applicant, for Barry Walker, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary SP -Add Artisan Distillery to permitted uses on this property.**

A request to rezone from Core Frame (CF) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 1200 and 1310 Clinton Street, at the northwest corner of Clinton Street and 12th Avenue North (2.2 acres), to permit an existing facility to be utilized for all uses permitted by the CF zoning district as well as the manufacturing and warehousing of alcoholic beverages not to exceed 1,000 barrels per month (a barrel being 55 gallons).

**Existing Zoning**

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

**Proposed Zoning**

SP-MU District - Specific Plan-Commercial 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 mix of uses.

**CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Supports Infill Development
- Preserves Historic Resources

The proposed distillery is a small scale commercial use with retail and tour activities at street level. This new use has a significant reduction in truck traffic compared to the existing use, providing improved pedestrian conditions. In keeping with the North Nashville Community Plan’s goal of enhancing this area’s role as a gateway to Downtown, the proposed distillery provides a notable tourist draw tied to Tennessee’s history and draws both residents and visitors to an improving area, helping to enhance the area’s profile. The distillery will provide an appropriate and interesting use for a historic Nashville structure, the Marathon Motor Works factory, and the continued lease income will assist in the ongoing restoration of these buildings.

**NORTH NASHVILLE COMMUNITY PLAN**

*Watkins Park DNDP*

**Existing Policy**

**Neighborhood Urban (NU)** 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

## DRAFT

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 proposed SP adds a new use, Artisan Distillery, in addition to the uses permitted in the CF zoning district, for a property already supporting a mix of uses. The uses on the property include light manufacturing, artist studios, radio broadcasting and brewery operations.

**PLAN DETAILS** The Marathon SP includes the properties of the Marathon Motor Works factory at 12<sup>th</sup> Ave N and Clinton Street. These properties are currently zoned CF and the SP would add Artisan Distillery and associated storage as uses.

The Marathon SP is comprised of a set of connected brick buildings, originally an engine then automobile factory, with the main structure built in 1881. A provision that the existing buildings be preserved is included in the SP. The existing building is currently being restored. The improved portion of the buildings house various uses including light manufacturing and art studios, gymnasium space, radio broadcasting, and brewery operations. Street parking and a 0.4 acre open lot provide parking for the property.

The existing brewery brews, bottles, warehouses, and beer in a portion of this space. This space is proposed to be converted to a brewery/distillery with no addition or demolition of structures. The brewery currently provides tours and is a local and tourist draw. The brewery operations and tours would continue, with the addition of a distillery and a gift shop. As the proposed use will manufacture alcohol at a lower volume, there is anticipated a significant reduction in water and sewer use, truck deliveries to the property as well as outgoing delivery volume. The proposed use is projected to use one fifth the water and generate one fifth the wastewater of the current use. Truck and delivery traffic is projected to be less than 25 percent of the traffic generated by the current use.

**STORMWATER RECOMMENDATION** No Stormwater Permit required.

**WATER SERVICES RECOMMENDATION** Preliminary SP approval

**FIRE MARSHAL RECOMMENDATION** Conditional Approval  
All applicable fire codes shall be adhered to.

**HISTORICAL COMMISSION RECOMMENDATION** The Historical Commission has reviewed the plans and have no comments on this proposal

**PUBLIC WORKS RECOMMENDATION** A traffic and parking study may be required when the property redevelops.

*As the proposed additional use will not generate changes in traffic, no traffic table was prepared.*

**STAFF RECOMMENDATION** The Marathon SP is consistent with the MxU in NU land use policy of the Watkins Park DNDP and staff recommends approval.

### CONDITIONS

1. The uses for this SP are limited to all uses permitted by the CF zoning district as well as the manufacturing and warehousing of alcoholic beverages.
2. 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.
3. 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. The corrected

**DRAFT**

copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.

4. 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.
5. 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.

Approved with conditions, (10-0) *Consent Agenda*

**Resolution No. RS2009-134**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-023-001 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. The uses for this SP are limited to all uses permitted by the CF zoning district as well as the manufacturing and warehousing of alcoholic beverages.
2. 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.
3. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
4. 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.
5. 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-MU district is consistent with the North Nashville Community Plan’s policies.”**

## **XII. PUBLIC HEARING: REVISED SITE PLANS**

### **9. 144-66P-001**

Overlook at Nashville West PUD (Cracker Barrel)  
Map: 102-00 Parcel: 050  
West Nashville Community Plan  
Council District 20 – Buddy Baker  
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Overlook at Nashville West Planned Unit Development Overlay located at 6834 Charlotte Pike, approximately 450 feet east of Templeton Drive (6.04 acres), zoned CL, to grant final approval for mass grading on the entire site, and revise the preliminary and grant final approval for the construction of a 10,101 square foot restaurant, replacing an approved 5-story hotel within Phase 1, requested by Littlejohn Engineering Associates, applicant, for Nashville West Shopping Center LLC, owner.

**Staff Recommendation: Approve with conditions**

### **APPLICANT REQUEST - Revise Preliminary PUD and Final Site Plan -Change use, revise layout, final site plan approval for Phase 1, and for mass grading for Phase 1 and Phase 2.**

A request to revise the preliminary plan and for final approval for a portion of the Overlook at Nashville West Planned Unit Development Overlay located at 6834 Charlotte Pike, approximately 450 feet east of Templeton Drive (6.04 acres), zoned Commercial Limited (CL), to grant final approval for mass grading on the entire site, and revise the preliminary and grant final approval for the construction of a 10,101 square foot restaurant, replacing an approved 5-story hotel within Phase 1.

### **Existing Zoning**

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

### **CRITICAL PLANNING GOALS N/A**

**PLAN DETAILS** This PUD was originally approved in 1966 for various commercial uses. In 2008, the PUD was amended to include the existing auto repair use and two new hotels. Both hotels have received final site plan approval.

This request is for preliminary approval, for final site plan approval for a portion of the PUD, and for final approval for mass grading of the entire site. The request proposes two primary changes from the previously approved plan. First, the plan calls for the previously approved five-story, 70,500 square foot hotel closest to Charlotte Pike to be revised to a 10,101 square foot Cracker Barrel restaurant. Second, it calls for the previously approved five-story 63,000 square foot hotel further from Charlotte Pike to be increased in size to 70,000 square feet. Final site plan approval is for Phase 1 (Cracker Barrel).

Typically, grading permits are only issued on PUDs that have received final site plan approval. The applicant has requested that mass grading be approved for Phase 1 and Phase 2. Final site plan approval is not being requested for Phase 2 but, because of the existing topography and the relationship between phases, comprehensive grading is required.

**Analysis** The proposed new restaurant use is consistent with the approved uses in the PUD and is permitted by the underlying base zoning. The change does not increase the total floor area over what was last approved by Metro Council. While grading permits are typically only permitted for PUDs that have received final site plan approval, grading on Phase 2, which is not requested for final site plan approval is required for the development of Phase 1. As long as Metro Stormwater approves the mass grading plan, staff recommends that it be approved with conditions.

### **PUBLIC WORKS RECOMMENDATION**

1. Submit a geotechnical report evaluating the slope stability with the proposed grading along Charlotte Pike.
2. Identify any mitigation, if applicable.
3. 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.
4. Show and dimension right of way along Charlotte Pike at property corners.
5. Along Charlotte Pike, label and identify bike lanes / paved shoulder. Construct sidewalks with a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways.
6. Locate sidewalks within the public right of way / dedicate right of way, as applicable.



## DRAFT

7. Driveway ramps to be constructed to the Department of Public Works standards and specifications.
8. Tennessee Department of Transportation approval is required for any modifications and work within the Charlotte Pike right of way.
9. In accordance with the recommendations of the traffic impact study, the following improvements are required: **1.** Construct the site access drive at Charlotte Pike with one entering and two exiting lanes (LT and RT). **2.** Construct an eastbound left turn lane on Charlotte Pike at the proposed site access with 100 ft of storage and transitions per AASHTO/MUTCD standards. **3.** Provide and document as part of the final development plans that adequate sight distance can be provided from the site access.

### **STORMWATER RECOMMENDATION** Approve with the following conditions:

1. Provide Detention Agreement, Long Term Plan Maintenance Plan, Easements, or the instrument numbers of the recorded documents.
2. Provide NOC.
3. For the storm structure calculations, no information was provided for N-values and spread, etc. If N-12 is being proposed, label pipes as such.
4. Provide a water quality drainage map (separate from storm structures) for the water quality unit being proposed for this site.
5. For the water quality pond, it appears that the pond is short circuiting. Also, show a 2 % bottom slope.
6. For the water quality pond, 2:1 side slopes were observed. Provide a geotechnical report showing 2:1 slopes are stable or reduce to 3:1.
7. 1:1 side slopes were observed between Cracker Barrel and Charlotte Pike. Stability and maintenance issues exist. Revise.
8. Provide downstream structure information (flow, location, sizes, inverts, capacity, etc.).
9. Slopes shall be evaluated, and certified for stability prior to the issuance of any temporary or final Use and Occupancy permit for the site.

**STAFF RECOMMENDATION** Staff recommends that the request be approved with conditions. The proposed changes are consistent with the concept of the approved plan, and meet all zoning requirements.

### **CONDITIONS**

1. Remove "Amendment" from title on preliminary plan and replace with "Revision".
2. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for public infrastructure.
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.

**DRAFT**

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, (10-0) *Consent Agenda*

**Resolution No. RS2009-135**

“BE IT RESOLVED by The Metropolitan Planning Commission that 144-66P-001 is **APPROVED WITH CONDITIONS.**  
**(10-0)**

**Conditions of Approval:**

1. Remove “Amendment” from title on preliminary plan and replace with “Revision”.
2. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for public infrastructure.
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.”

- 
10. **98-73P-002**  
Hickory Hills PUD (Sudden Service Revision)  
Map: 040-00 Parcel: 148  
Parkwood/Union Hill Community Plan  
Council District 3 – Walter Hunt  
Staff Reviewer: Brian Sexton

A request to revise the preliminary plan and for final approval for a portion of the Hickory Hills Planned Unit Development Overlay located at 529 Hickory Hills Boulevard, at the northeast corner of Hickory Hills Boulevard and Old Hickory Boulevard

## DRAFT

(0.9 acres), zoned OR20, to permit a 701 square foot addition to an existing 2,580 automobile convenience facility, requested by Civil Resource Consultants, applicant, for C & H Properties LLC, owner.

**Staff Recommendation: Approve with conditions**

### **APPLICANT REQUEST - Revise Preliminary PUD and Final Site Plan - Revise layout and increase overall floor area.**

A request to revise the preliminary plan and for final approval for a portion of the Hickory Hills Planned Unit Development Overlay located at 529 Hickory Hills Boulevard, at the northeast corner of Hickory Hills Boulevard and Old Hickory Boulevard (0.9 acres), zoned Office/Residential (OR20), to permit a 701 square foot addition to an existing 2,580 automobile convenience facility.

### **Existing Zoning**

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

### **CRITICAL PLANNING GOALS N/A**

**PLAN DETAILS** The Hickory Hills PUD is located east of Interstate 24 and north of Old Hickory Boulevard in Parkwood/Union Hill Community. The PUD was originally approved in 1973, for various commercial, office and residential uses. The proposed revision is to permit a 701 square foot addition to an existing convenience store.

**Site Plan** The proposed plan calls for two new additions to an existing 2,580 square foot convenience store. The first addition is located on the west side of the convenience store adding an additional 605 square feet of floor space to the facility. The second addition proposes a 96 square foot restroom facility which is located on the north side of the convenience store in the rear of the building.

**Access/Parking** Primary access to the site is from Old Hickory Boulevard. Secondary access is from Hickory Hills Boulevard to the west and Hickory Hills Court to the north. The plan proposes 28 parking spaces which meets the zoning code requirement for parking.

### **PUBLIC WORKS RECOMMENDATION**

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

### **STORMWATER RECOMMENDATION** Approved

**STAFF RECOMMENDATION** Staff recommends that the request be approved with conditions. The proposed changes are consistent with the approved plan and meet all zoning requirements.

### **CONDITIONS**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission

**DRAFT**

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, (10-0) *Consent Agenda*

**Resolution No. RS2009-136**

“BE IT RESOLVED by The Metropolitan Planning Commission that 98-73P-002 is **APPROVED WITH CONDITIONS.**  
**(10-0)**

**Conditions of Approval:**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.”

- 11. 2005P-010-001**  
 Nashville Commons at Skyline PUD  
 Map: 050-12-A Parcel: 001  
 Parkwood/Union Hill Community Plan  
 Council District 3 – Walter Hunt  
 Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Nashville Commons at Skyline Planned Unit Development Overlay located at 3458 Dickerson Pike, at the northwest corner of Doverside Drive and Dickerson Pike (19.76 acres), zoned SCR, to permit a 153,859 square foot retail/commercial building and replace a proposed commercial out-parcel approved for 11,000 square feet of retail uses with additional parking, requested by Gresham, Smith and Partners, applicant, for Wal-Mart Stores East, LP, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST Revise Preliminary PUD and Final Site Plan -Revise layout and final site plan approval for a 153,859 square foot Wal-Mart store.**

A request to revise the preliminary plan and for final approval for a portion of the Nashville Commons at Skyline Planned Unit Development Overlay located at 3458 Dickerson Pike, at the northwest corner of Doverside Drive and Dickerson Pike (19.76 acres), zoned Shopping Center Regional (SCR), to permit a 153,859 square foot retail/commercial building and replace a

## DRAFT

proposed commercial out-parcel approved for 11,000 square feet of retail uses with additional parking.

### Existing Zoning

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

### CRITICAL PLANNING GOALS N/A

**PLAN DETAILS** This PUD was originally approved in 2005 for various commercial uses and has since been revised numerous times. The last revision was approved by the Planning Commission in 2008.

This requested change calls for a 1.43 acre out-parcel and the approved for 11,000 sq. ft. of retail uses for this out-parcel to be removed to provide additional parking for the Wal-Mart Store. The request is also for final site plan approval for the 153,859 square foot Wal-Mart.

**Staff Analysis** The last revision approved by the Planning Commission in 2008, included the addition of this out-parcel now proposed to be removed. The request meets all zoning requirements and, does not negatively impact the overall development, but simply creates more parking for the Wal-Mart Store. Staff recommends that the request be approved with conditions.

### PUBLIC WORKS RECOMMENDATION

1. Identify portion of revision on the submitted plan.

### STORMWATER RECOMMENDATION Approve with conditions:

1. Provide easement for the water quality features (pervious pavement). Can be done by plat or separate instrument.

**STAFF RECOMMENDATION** Staff recommends that the request be approved with conditions. The proposed changes are consistent with the concept of the approved plan and meet all zoning requirements.

### CONDITIONS

1. 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.
2. 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.
3. 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.
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 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.

**DRAFT**

Approved with conditions, (10-0) *Consent Agenda*

**Resolution No. RS2009-137**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-010-001 is **APPROVED WITH CONDITIONS. (10-0)**

**Conditions of Approval:**

1. 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.
2. 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.
3. 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.
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 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.”

**XIII. OTHER BUSINESS**

12. A request to determine if Item No. 7 (2008CP-007G-03 Alternate Development Area Policy of the Scottsboro/Bells Bend Detailed Design Plan) and Item No. 8 (2008SP-022G-03 May Town Center) of the June 25, 2009 Planning Commission meeting will be reheard at a future meeting.

**The Metropolitan Planning Commission WITHDREW the request to determine if 2008CP-007G-03 and 2008SP-022G-03 would be reheard at a future meeting at the request of the applicant. (10-0)**

13. Historical Commission Report
14. Board of Parks and Recreation Report
15. Executive Director Reports
16. Legislative Update



**DRAFT**

**XIV. ADJOURNMENT**

The meeting adjourned at 6:40 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, and activities, or in its hiring or employment practices. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at 862-7150 or e-mail her at [josie.bass@nashville.gov](mailto:josie.bass@nashville.gov). For Title VI inquiries contact Shirley Sims-Saldana or Denise Hopgood of Human Relations at 880-3370. For all employment-related inquiries call 862-6640.