

Metropolitan Planning Commission



Staff Reports

January 28, 2010

Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to 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.

PREVIOUSLY DEFERRED ITEMS



2009P-005-001
 Taco Mamacita (Beer PUD)
 Map: 105-01 Parcel: part of 233
 Green Hills/Midtown Community Plan
 Council District 19 – Erica Gilmore



Project No.
Project Name
Council Bill
Council District
School Board District
Requested By

Planned Unit Development 2009P-005-001
Taco Mamacita (PUD)
Filed on January 22, 2010
19 - Gilmore
8 - Fox
Villa Properties Joint Venture LLC, owner.

Deferral

This item was deferred from the December 10, 2009, Planning Commission

Staff Reviewer
Staff Recommendation

Sexton
Approve with conditions

APPLICANT REQUEST

Exemption from minimum distance requirements of the beer regulations.

Preliminary PUD and Final Site Plan

A request for preliminary and final site plan approval for a proposed Planned Unit Development located on a portion of property at 1200 Villa Place, at the southeast corner of Villa Place and Edgehill Avenue, zoned Single-Family Residential (RS5), (1.07 acres), to permit an existing 4,443 square foot restaurant an exemption from beer regulations requiring a 100 foot minimum distance from a residential use.

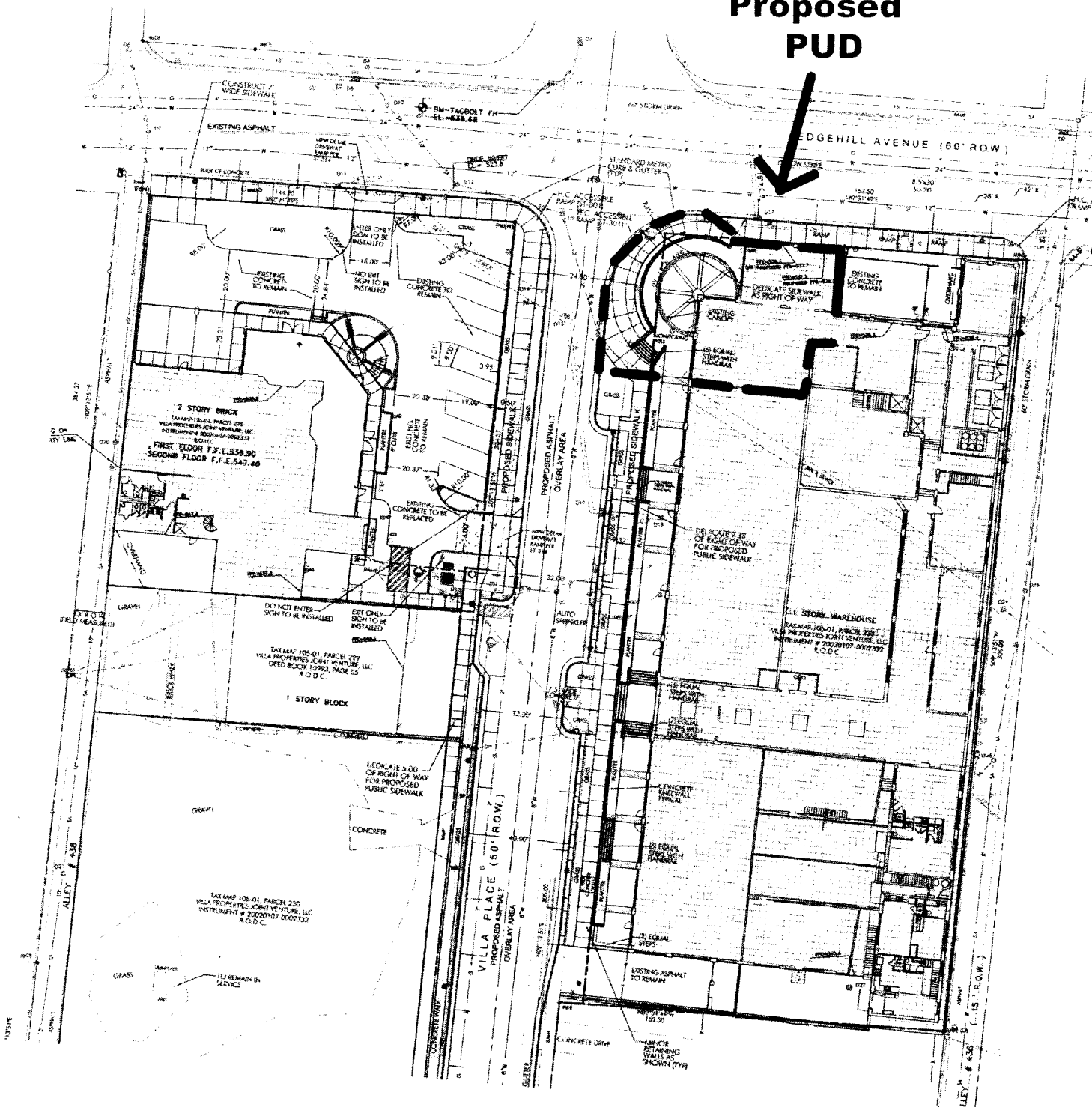
History of the Property

On February 6, 2003, the Metropolitan Board of Zoning Appeals granted a change of use to a grandfathered non-conforming industrial use to permit the renovation of an existing building and construction of a 66,300 square foot building for retail, residential and office uses. While the property is zoned RS5, the BZA approval establishes and regulates all uses on the property which permits retail and restaurant uses. The approval includes conditions that all retail and restaurant establishments shall be closed by midnight each night, no more than 13% of the building shall be used for restaurant use and all sales of off-premise liquor sales shall be prohibited.

Update for January 28, 2010 Planning Commission meeting

At its December 10, 2009, meeting, the Planning Commission voted to defer this item until the January 28, 2010, meeting due to community concerns regarding Board of Zoning Appeals case 2002-232, Villa Way, LLC. Staff was requested to review the BZA case file to determine if there were any conditions that would prohibit the sale of low-content alcohol within a restaurant, or if there was anything else in the BZA approval that would prevent a PUD from being applied to this property. The

Proposed PUD



2 STORY BRICK
TAX MAP 105-01, PARCEL 208
VELA PROPERTIES JOINT VENTURE, LLC
INSTRUMENT # 20020107 0002332
R.O.D.C.
FIRST FLOOR F.F.E. 536.80
SECOND FLOOR F.F.E. 547.40

1 STORY BLOCK
TAX MAP 105-01, PARCEL 227
VELA PROPERTIES JOINT VENTURE, LLC
DEED BOOK 10993, PAGE 23
R.O.D.C.

1.1 STORY WAREHOUSE
TAX MAP 106-01, PARCEL 228
VELA PROPERTIES JOINT VENTURE, LLC
INSTRUMENT # 20020107 0002332
R.O.D.C.

VILLA PLACE (50' ROW)
PROPOSED ASPHALT
OVERLAY AREA

EDGEHILL AVENUE (160' ROW)

ALLEY (15' ROW)

ALLEY (15' ROW)



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archived document contained over 500 pages of compiled meeting notes as well as the approved order from the BZA that regulates and establishes all uses on the property which included retail and restaurant.

According to the Zoning Administrator, there is nothing within the 500 page archived document that prohibits the sale of low alcohol content beer within a restaurant. The Zoning Administrator also declared that the approved BZA order regulates and establishes all uses on the property, not the 500 page archived document and the approval of this PUD would not impact or change the BZA order governing the uses on this property.

CRITICAL PLANNING GOALS

N/A

Zoning District
RS5 District

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

PLAN DETAILS

In July 2003, the Metro Council passed an ordinance that allows some restaurants with a valid on-premises liquor license from the state Alcoholic Beverage Commission to be exempt from the minimum distance requirements included in the beer permit provisions of the Metro Code. In order to qualify for the exemption, the restaurant must be on property that is subject to a Commercial Planned Unit Development (PUD).

The proposed PUD plan is to allow an existing 4,443 square foot restaurant at the corner of Edgehill Avenue and Villa Place to serve low alcohol content beer. The existing restaurant is located less than 100 feet from residential uses along Edgehill Avenue. By placing the commercial PUD on the property, the restaurant can be exempted from this requirement.

The property contains 132 off-site parking spaces along Villa Place and Edgehill Avenue which meets the requirements of the zoning code for parking.

STAFF RECOMMENDATION

Staff recommends approval with conditions since the proposed PUD plan meets the requirements of the PUD provisions of the Zone Code. In addition, approval of this PUD does not impact or change the BZA order governing uses on this property.



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CONDITIONS

1. This approval does not include any signs. Signs are regulated by Codes through the approved order from BZA. 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.
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.

SEE NEXT PAGE



Project No.
Project Name
Council District
School District
Requested by

2009S-108-001

J.J. Pryor Subdivision

6 - Jameson

5 - Porter

Alain Christopher Keenan, owner, Kirk Duclos, surveyor

Deferral

This item was deferred from the December 10, 2009, Planning Commission meeting to allow for the applicant to implement suggestions from the Planning Commission into the proposed subdivision. This item was deferred from the January 14, 2010, Planning Commission hearing to allow more time for the applicant to complete the changes.

Staff Reviewer
Staff Recommendation

Johnson

Approve with conditions

APPLICANT REQUEST

Final plat to create four lots.

Final Plat

A request for final plat approval to create four single-family lots on properties located at 1703 Greenwood Avenue and at 1203 and 1205 Chapel Avenue, at the northeast corner of Greenwood Avenue and Chapel Avenue (1.43 acres), zoned One and Two-Family Residential (R6) and located within the Eastwood Neighborhood Conservation Overlay.

CRITICAL PLANNING GOALS

N/A

ZONING
R6 District

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

**Neighborhood Conservation
Overlay District (NC)**

Neighborhood Conservation (NC) districts are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

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



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

PLAN DETAILS

The applicant submitted a request for five lots on this property that was considered by the Planning Commission at its December 10, 2009, meeting. The applicant agreed to a deferral of the request in order to respond to the Planning Commission's suggestions to pursue a subdivision that preserves the setting of the historic Colonel Pryor House and includes four buildable lots and open space.

A revised plat has been submitted that maintains the same basic layout as the previous submittal, but shows Lot 5 as open space instead of a buildable lot. The layout ensures that new development will not have a shorter setback to Greenwood Avenue than the historic house, which faces Greenwood Avenue. It also complies with suggestions of the Planning Commission for four buildable lots and open space.

The proposal complies with applicable requirements of the Subdivision Regulations except for lot comparability. As shown above, four lots within the current proposal do not meet lot comparability standards. An exception to lot comparability could be granted because all proposed lot sizes are consistent with the NG policy that applies to the site.

The final plat proposes four single-family lots and one open space parcel at the corner of Greenwood and Chapel Avenues. Each lot complies with the minimum lot size requirements for R6 zoning. An existing single-family dwelling is located on Lot 1 and is planned to remain. Access to buildable lots along Chapel Avenue is proposed



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through a shared driveway for Lots 2-3 and an additional driveway for Lot 4.

Three lots currently occupy the plat boundary. The final plat for these three lots was approved by the Planning Commission on July 24, 2008. The original request in 2008, was for four lots, but the applicant reduced the request to three lots after working with Planning staff.

Historic Property

The East Nashville Community Plan identifies this site as a historic resource. The Colonel Pryor House is located on proposed Lot 1 and is designated as National Register Eligible by the Metro Historic Zoning Commission. Additionally, this site is located within the Eastwood Neighborhood Conservation District. The Metro Historic Zoning Commission will have the ability to review design issues related to new development within this subdivision. Specific issues include building placement, façade design, and parking locations

Lot Comparability

Section 3-5.1 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

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

Lot Comparability Analysis		
Street	Requirements	
	Minimum lot size (square feet)	Minimum lot frontage (linear feet)
Greenwood Avenue (interior lot)	12,087	52
Chapel Avenue (interior lot)	6,615	63
Greenwood Avenue (corner lot)	12,087	67
Chapel Avenue (corner lot)	7,318	81

As proposed, the five lots have the following areas and street frontages (Numbers shown in bold fail lot comparability standards):

- Lot 1: 26,498.5 square feet with 96.37 feet of frontage
- Lot 2: 8,104 square feet with **50 feet** of frontage



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- Lot 3: 7,127.3 square feet with **50 feet** of frontage
- Lot 4: 7,457 square feet with **61 feet** of frontage

Lots 2-4 fail lot comparability for lot frontage and the open space lot also fails lot comparability for area.

Lot Comparability Exception

A lot comparability exception can be granted if the lot does not meet the minimum requirements of the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots could meet **one** of the qualifying criteria of the exception to lot comparability:

- Where the proposed lots sizes are consistent with the adopted land use policy that applies to the property. All of the proposed lots are larger than 7,000 square feet, which is larger than the minimum lot size in NG (Neighborhood General) policy.

Analysis

Requests to subdivide this property generate concerns over the relationship of new development and the existing Colonel Pryor House.

The design principles of NG policy strongly recommend alley access for lots of 50 feet in width or less. Two of the proposed lots along Chapel have a width of 50 feet. Alley access is not proposed, but these two lots (Lots 2 and 3) would share a driveway via an access easement from Chapel Avenue. Lot 4 is over 60 feet in width and would have its own driveway connection to Chapel Avenue. Shared access for the two 50 foot wide lots combined with precedent for this type of direct street access to lots on surrounding blocks of Chapel Avenue will make this proposal consistent with surrounding development.

The shared access easement will be 16 feet wide and extends approximately 43 feet into the subdivision. Metro Historic staff has indicated to the applicant that the Metro Historic Zoning Commission may require the placement of off-street parking at the rear of Lots 2-4, away from Chapel Avenue. For a shared driveway to access parking at the rear of Lots 2 and 3, the shared access easement should extend a minimum of 100 feet into the site. A condition of approval has been added to extend the length of the shared access easement for Lots 2 and 3.



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At the December 10, 2009, Planning Commission hearing, the Planning Commission suggested having a Metro park within the subdivision. The Metro Parks Department was contacted about this possibility and indicated that the dedication of a public park was unlikely because the area surrounding this subdivision is not underserved by parks with Eastland Park located only two blocks to the north. In the proposed plat, the open space is shown on its own parcel. Maintenance of open space within a separate lot would require the formation of a home owners' association for this subdivision. The inclusion of the open space lot with a buildable lot would ensure the maintenance of the open space area by the owner of that lot. For this reason, Planning staff recommends the inclusion of the open space area within Lot 1. The preservation of this corner area as open space would be guaranteed by a note on the plat that would restrict dwelling and storage buildings from this area. Structures consistent with open space or park use could be constructed with approval of the Metro Planning Commission. The applicant has agreed to revise the plat to comply with this condition prior to recordation of the plat.

HISTORICAL COMMISSION RECOMMENDATION

Metro Historic Commission staff has reviewed the revised plat and the recommendations of Metro Planning staff. A letter was submitted by Metro Historic Commission staff expressing concurrence with the Planning staff recommendation.

PUBLIC WORKS RECOMMENDATION

No exception taken

STORMWATER RECOMMENDATION

Approved

FIRE MARSHAL RECOMMENDATION

No comment at this time.

STAFF RECOMMENDATION

Staff recommends approval with conditions for the final plat request with an exception to lot comparability standards for lot frontage.

CONDITIONS

1. A revised plat shall be submitted that combines the proposed open space area with Lot 1. The area currently identified as open space shall be identified with the following note: "This portion of Lot 1 shall not have any buildings that require a building permit to be constructed within its boundary. Any future use on



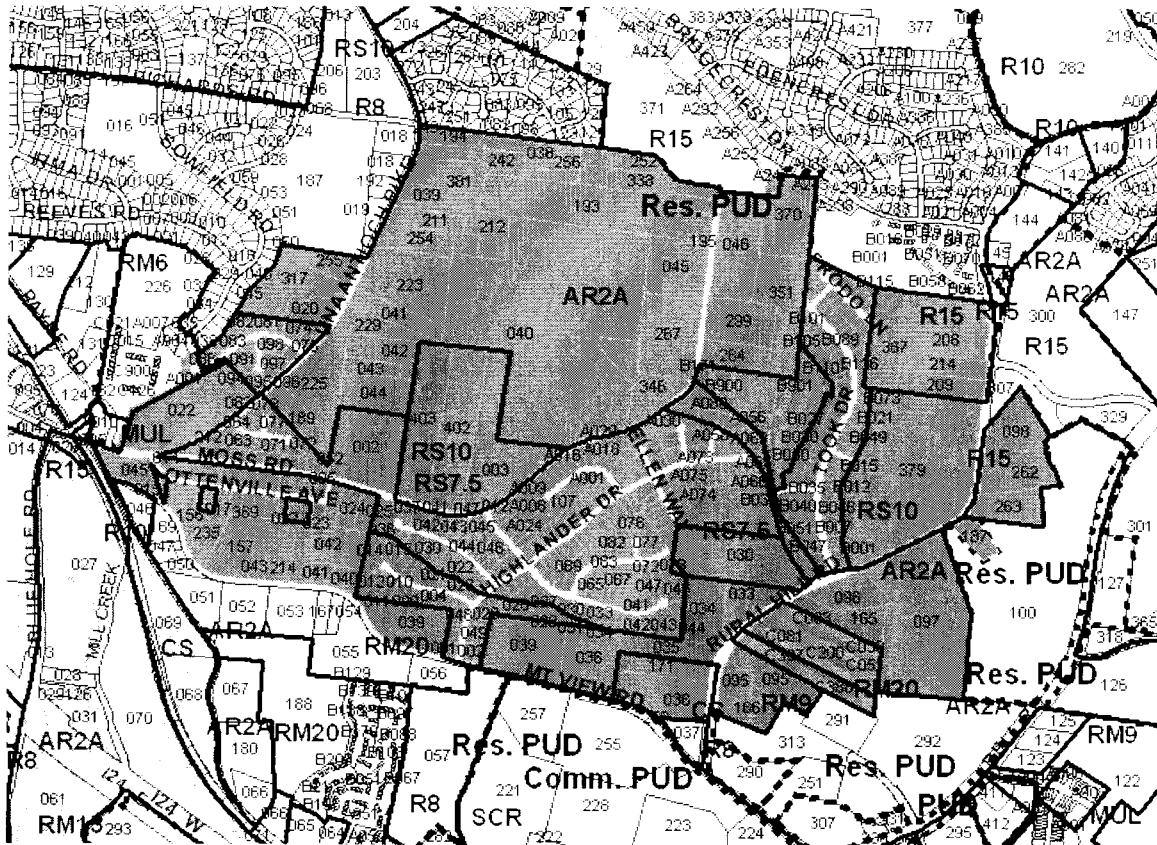
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this area must be approved by the Metro Planning Commission.”

2. The shared access easement for Lots 2 and 3 shall be extended to a minimum length of 100 feet along the shared property line between Lots 2 and 3.

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COMMUNITY PLAN



2008CP-002G-13

Map: various
 Parcels: various
 Antioch/Priest Lake Community Plan
 Council District 28 – Duane A. Dominy
 Council District 33 – Robert Duvall



**Project No.
Request**

2008CP-002G-13

Amend the *Antioch-Priest Lake Community Plan: 2003 Update*

**Council District
School Districts
Requested by**

28 – Dominy and 33 –Duvall

6 – Johnson

Metro Planning Department for Councilmembers Dominy and Duvall

**Staff Reviewer
Staff Recommendation**

Wood

Approve with condition

APPLICANT REQUEST

Adopt the *Rural Hill-Moss Road Detailed Design Plan* as an Amendment to the *Antioch-Priest Lake Community Plan: 2003 Update*.

Amend the Community Plan

A request to adopt the Rural Hill-Moss Road Detailed Design Plan as an amendment to the Antioch-Priest Lake Community Plan: 2003 Update for approximately 636 acres between Una Antioch Pike and Rural Hill Road north of the Hickory Hollow Mall

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features
- Creates Open Space
- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Provides a Range of Housing Choices
- Promotes Compact Building Design
- Encourages Community Participation

The draft *Rural Hill-Moss Road Detailed Design Plan* (DDP) preserves sensitive environmental features through the application of T3 Suburban Potential Open Space (T3 POS) policy to large contiguous areas of steep slopes and stream corridors in the study area. As an alternate policy (in the event that the land cannot all be preserved as open space), Conservation (CO) policy is applied to this land, so if development *does* occur, it will occur in manner that protects sensitive environmental features. The draft DDP also preserves such features through language in other policies, such as T3 Suburban Residential Corridor, that provides protection to similar but less widespread sensitive features found elsewhere in the study area.

The draft DDP focuses heavily on the provision of a comprehensive open space network that is planned to serve a variety of functions. It is one of the key features of the DDP. This comprehensive open space network will be facilitated through the application of T3 POS policy as described above and through the planned use of this area for stormwater infrastructure required to serve development. The community will need this open space network to serve recreational and environmental purposes as it reaches a more suburban level of development. The open space network is also intended to serve as one of the

Rural Hill - Moss Roa
Detailed Design
Plan Boundary

RICHARDS RD

UNA-ANTIOCH PK

MOSS RD

HIGHLANDER DR

TOOK DR

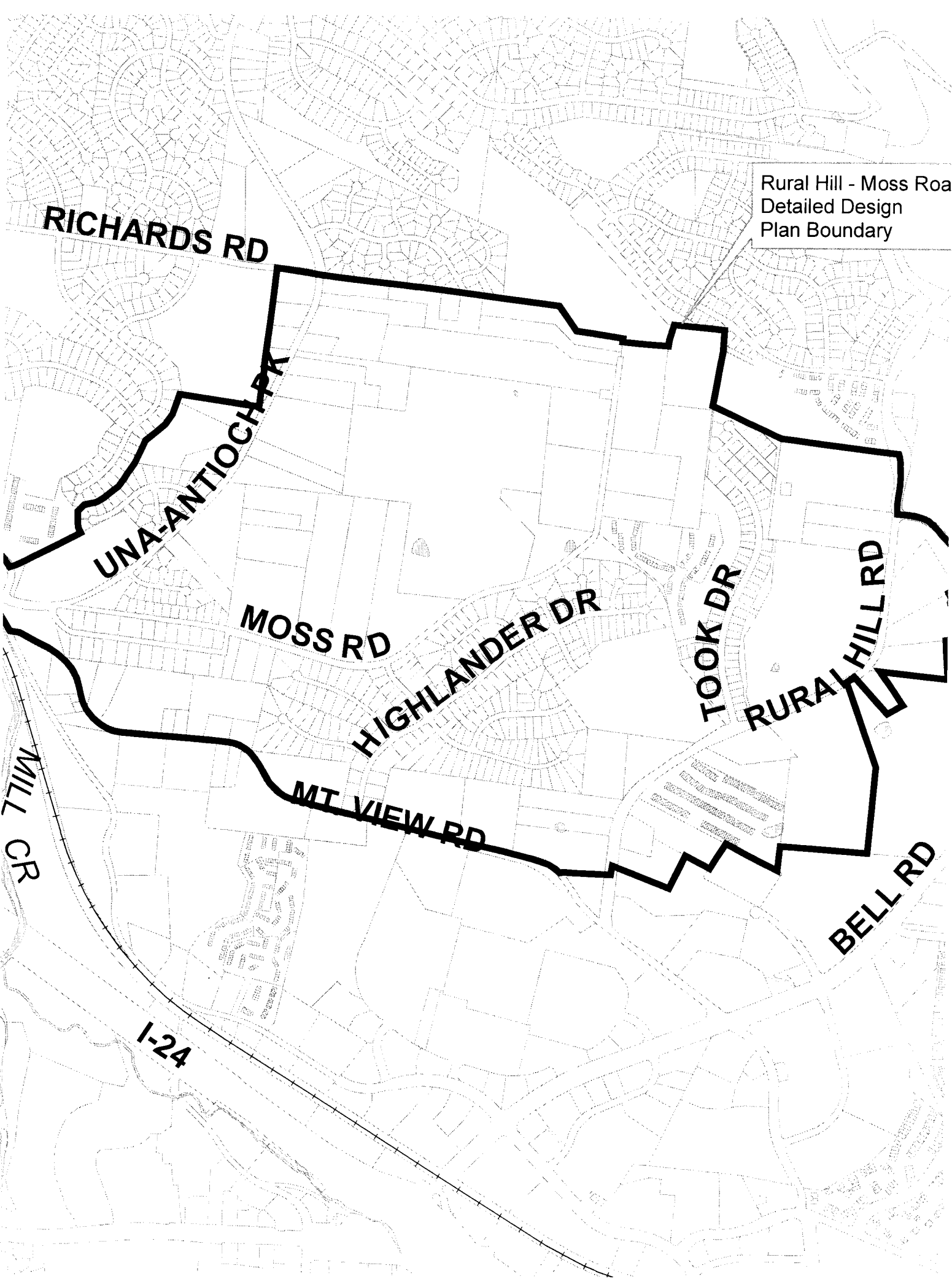
RURAL HILL RD

MT VIEW RD

BELL RD

I-24

MILL CR





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developing community's chief amenities, providing not only enjoyment, but also value and contributing to the community's distinct identity and successful market positioning. This open space network is expected to be partly public (the greenways system) and partly private (the open lands that may be held by a variety of ownership entities ranging from homeowner associations to conservation easements held by nonprofits), but is intended to be widely accessed by residents of the Rural Hill-Moss Road Community.

The draft DDP contains policies that will foster the development of compact, interconnected, and walkable neighborhoods. Higher density mixed housing areas are located along the edges of the neighborhood on prominent corridors where transit and community services are most accessible, accompanied by a planned street, sidewalk, and multi-use path network to connect these developing neighborhoods to both the rest of the Rural Hill-Moss Road community and areas outside of it. Single family neighborhoods are planned in the interior of the community that will be likewise connected by streets, sidewalks, and greenways.

A variety of transportation choices are supported by the location of the higher-density housing closest to existing bus routes and major streets combined with the comprehensive bicycle and pedestrian network provided by the planned sidewalks and greenway trails. Transit service for the area is supported by the more intense housing at the periphery while many residents of the lower density housing also enjoy proximity to the transit routes and the ability to reach them on foot or by bicycle.

The draft DDP provides a variety of housing choices through the application of different residential policies that will allow for a mix of single and multifamily housing within the study area. In addition, different lot sizes will be provided within the single-family areas, with some homes being served by driveways and others by rear lanes. Some homes will face onto the street while others will face onto open space. In addition, there is some opportunity for housing to occur in a vertical mixed use pattern in the planned T3 Suburban Neighborhood Center along Una Antioch Pike near the railroad crossing.

The draft DDP promotes compact building design in the T3 Suburban Residential Corridor area in particular by limiting the size of new stacked flat buildings to 15,000



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square feet for the purpose of fostering neighborhood-scale housing in a setting of generally standard block sizes except where prevented by topography.

The process of developing the draft DDP involved substantial community participation through seven community meetings held to develop the plan and a website maintained by the Planning Department throughout the process.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

Existing Policies

Residential Low Medium (RLM)

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

Residential Medium-High (RMH)

RMH is intended for existing and future residential areas characterized by densities of about nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate in RMH areas. The most common types include attached townhomes and walk-up apartments

Neighborhood General (NG)

Neighborhood General is a classification for areas that are primarily residential in character. To meet a spectrum of housing needs, ideally, NG areas contain a variety of housing that is carefully arranged, not randomly located.

Neighborhood Center (NC)

Neighborhood Center is a classification for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Proposed Policies

Conservation (CO)

CO policy is intended to preserve and enhance environmentally sensitive land, such as the steep slopes found on this property, within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplain, rare or special plant or animal habitats, wetlands and unstable or problem soils.



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T3 Suburban Open Space and T3 Suburban Potential Open Space

CO policy encourages building form in character with the existing development pattern of the neighborhood to the extent that this character minimizes disturbance of existing environmental features. Any development on the site is grouped in order to preserve environmentally sensitive features. CO policy areas include the environmentally constrained features themselves along with any land lacking such constraints that must be accessed through the environmentally constrained land.

T3 OS policy is intended to preserve and enhance existing open space in suburban areas. T3 OS policy includes public parks and may also include private land held in conservation by land trusts and private groups or individuals. Enhancements to existing open space are guided by the *Metropolitan Parks and Greenways Master Plan*. A variation of T3 OS – *T3 Potential Suburban Open Space (T3 POS)* – may also be utilized to create open space by identifying areas that should be used for suburban open space in the future. T3 POS policy is always used in combination with an alternate community character policy in case the property owner decides not to redevelop the land as open space.

Special Policies for the T3 POS/CO area in the Rural Hill-Moss Road DDP focus on providing high connectivity, through construction of new streets and greenway trails, accounting for areas of environmentally unconstrained land within the policy area, retaining native vegetation, and providing community stormwater and amenity functions.

T3 Suburban Neighborhood Maintenance

T3 NM Policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Special Policies for the T3 NM area in the Rural Hill-Moss Road DDP focus on providing improved connectivity.

T3 Suburban Neighborhood Evolving

T3 NE policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as



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characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

Special Policies for the T3 NE areas in the Rural Hill-Moss Road DDP focus on providing appropriate access and parking for the respective lot patterns, ensuring that buildings are oriented to streets or open space and avoiding double-frontage lots, establishing high levels of pedestrian and vehicular connectivity through new streets, alleys and sidewalks, developing the land at moderate densities, and preserving existing trees. In addition, the use of the adjacent T3 POS area for stormwater management and the use of Low Impact Development (LID) stormwater management techniques are encouraged, as is the treatment of stormwater management devices as amenities.

T3 Suburban Neighborhood Center

T3 NC policy is intended to enhance and create suburban neighborhood centers that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Neighborhood Centers are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, civic and public benefit land uses, with residential present only in mixed use buildings. T3 Suburban Neighborhood Centers serve suburban neighborhoods within a five-minute drive.

Special Policies for the T3 NC area in the Rural Hill-Moss Road DDP focus on providing appropriate access and parking for a compact mixed use area, establishing high levels of pedestrian and vehicular connectivity, and allowing for monument signs. In addition, the use of Low Impact Development (LID) stormwater management techniques is encouraged as is the treatment of stormwater management devices as amenities.



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T3 Suburban Residential Corridor

T3 RC policy is intended to preserve, enhance and create suburban residential corridors that support predominately residential land uses; are compatible with the general character of suburban neighborhoods as characterized by development pattern, building form, land use, and associated public realm; and that move vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Special Policies for the T3 RC area in the Rural Hill-Moss Road DDP focus on providing appropriate access and parking; encouraging blocks that are an appropriate length for a neighborhood environment while making allowances for topographic conditions; guiding building orientation and setbacks to provide elements of rural design along Rural Hill Road, Mt. View Road, and Una Antioch Pike; and controlling the mass of larger buildings so that they do not overwhelm the intended neighborhood setting. Construction techniques are called for to minimize alteration of the landform, and a transition in building heights is established from the higher intensity development east of the study area to the lower intensity interior of the study area. Establishing high levels of connectivity through the construction of new streets and alleys is also emphasized. Development is intended to be at moderate densities due to environmental conditions and the need to create a transition between higher density development outside the study area and lower density development in the interior of the study area. Densities will vary with the carrying capacity of the land and the quality of the development's design. Preservation of existing trees is encouraged. In addition, the use of the adjacent T3 POS area for stormwater management and the use of Low Impact Development (LID) stormwater management techniques are encouraged, as is the treatment of stormwater management devices as amenities.

BACKGROUND

In 2008, Councilmembers Robert Duvall and Duane Dominy asked the Planning Department staff to work with them and their constituents to develop a Detailed Design Plan for the area generally between Rural Hill Road and Una Antioch Pike just north of the Hickory Hollow mall. They and their constituents were not satisfied with the quality of development that was occurring in this partly-developed residential and rural area to that point. Planning staff began work on the project in fall of 2008.

The DDP that was developed through the year-plus long planning process responds to these concerns through



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application of the recently established Community Character policies to the study area coupled with special policies that respond to local conditions and goals. Together, the Community Character and special policies will provide guidance for new development in the study area through design principles addressing items such as access, building form, connectivity, and density and intensity.

The plan also contains systems strategies for public facilities and services such as transportation and stormwater management that will help to create an interconnected community with an integrated stormwater and open space network that will not only serve as community infrastructure but as a community amenity.

To aid in implementation, the plan contains two special tools: an Infrastructure Deficiency Area (IDA) and a Specific Plan (SP) Template for rezonings. The IDA will harness new development to provide pedestrian infrastructure that would not otherwise be provided in locations not expected to redevelop. The SP Template will provide detailed guidance to developers on how to prepare rezoning applications for property within the study area to best meet the intent of the DDP. Note that the decision before the Commission does not include a SP rezoning. The decision is solely regarding the plan amendment adopting the DDP. The SP template is for property owners to use, if they so choose, in the future.

COMMUNITY PARTICIPATION

Notification of the upcoming DDP community meetings was mailed to those in and within 1,320 feet of the proposed DDP study area and was posted on the Planning Department website. Seven community meetings were held between October 2008 and December 2009 to develop the DDP. Notice of the public hearing for the DDP was sent to all property owners in the study area and all those who participated in the DDP process and was also posted on the Planning Department website.

PHYSICAL SITE CONDITIONS

The study area contains steep topography in some areas and several stream corridors, one of which includes floodplain. These features pose constraints to development.

Land Use

Land uses within the study area include undeveloped land, agriculture, a mixture of suburban and rural housing, three small family cemeteries, and religious institutions.

Access

The site has access to the larger community via Rural Hill Road, a collector street, Mt. View Road, and Una Antioch



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Development Pattern

Pike, both arterial streets. These higher order streets are in turn accessed by an incomplete network of local streets which will be expanded substantially under the DDP.

Historic Features

This area of the Antioch-Priest Lake community is primarily single-family homes and undeveloped land with multi-family housing found on Rural Hill Road.

Although there are no recognized historic structures associated with the study area, the Rural Hill-Moss Road community is part of the original village of Antioch, which had its origins in the mid-1800s. The Shields Antioch Lands (encompassing Moss Road and Ottenville Road) became one of the first African-American subdivisions in Davidson County. A number of the families who were present in the early days of the village's settlement still reside in the community today, adding to the area's rich cultural history.

Conclusion

The draft Rural Hill-Moss Road DDP is in keeping with the following goals and objectives of the *Antioch-Priest Lake Community Plan: 2003 Update*.

Promote a high quality of life by offering a wide range of housing opportunities in response to the residents' needs.

Preserve important features of the natural environment such as trees, cedar glades plant communities, hills, and open space.

In addition, the draft DDP adds needed detail and clarity to the Antioch-Priest Lake Community Plan for this area and will be a valuable resource in guiding development decisions within the Rural Hill-Moss Road community.

Finally, the draft DDP includes innovative planning for preservation of open space and environmentally sensitive features to be used as a recreational amenity, a low-impact tool to address stormwater, and a unique feature to mark the community as an attractive, distinctive place to live.

STAFF RECOMMENDATION

Staff has conducted additional research in response to a question raised about historically significant properties and discovered additional small cemeteries within the study area that were not found prior to the issuance of the public review draft. As a result, staff recommends approval with the following condition:

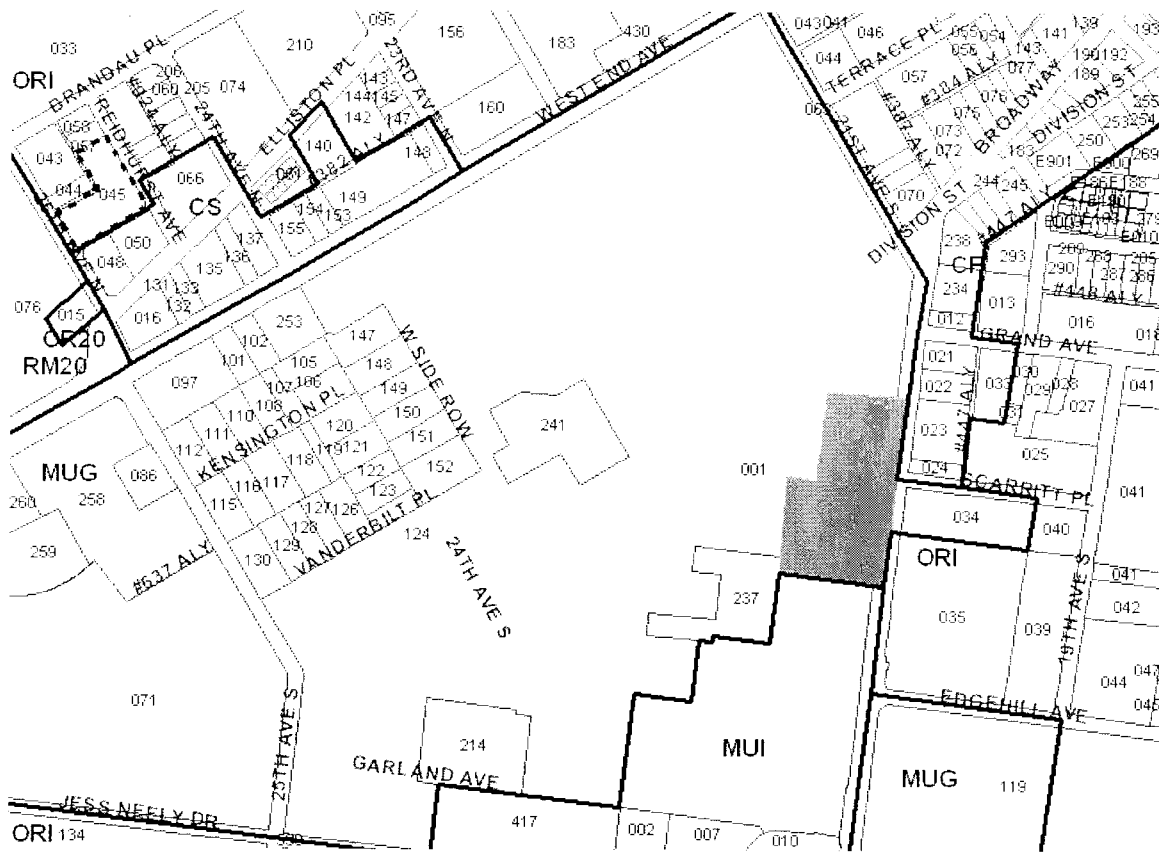


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Add the following item to the Special Policies for each of the Community Character Policies applied in the Rural Hill-Moss Road Detailed Design Plan:

Historically Significant Sites or Features: There are small family cemeteries that have been documented within the study area, some of which share parcels with other uses. Because of the historic settlement patterns within the Rural Hill-Moss Road Community, it is likely that there may be additional such cemeteries located within the community that have not yet been documented. Therefore, additional study to discover possible cemeteries and archeological surveys if warranted are recommended prior to development of properties within the Rural Hill-Moss Road community.

**ZONING MAP AMENDMENTS,
and TEXT AMENDMENTS**



2010Z-001PR-001

Map: 104-04 Parcel: part of 001
 Green Hills/Midtown Community Plan
 Council District 18 – Kristine LaLonde



Project No.
Council District
School District
Requested by

Zone Change 2010Z-001PR-001
18 – LaLonde
8 – Fox
Vanderbilt University, owner

Staff Reviewer
Staff Recommendation

Sexton
Approve

APPLICANT REQUEST

Rezone from MUG to MUI.

Rezoning

A request to rezone from Mixed Use General (MUG) to Mixed Use Intensive (MUI) zoning for a portion of property located at 2415 Vanderbilt Place known as the General Library at Vanderbilt University approximately 1,400 feet south of West End Avenue (4.82 acres).

Existing Zoning
MUG District

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

Proposed Zoning
MUI District

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

CRITICAL PLANNING GOALS

N/A

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Major Institutional (MI)

MI is intended to apply to existing areas with major institutional activities that are to be conserved, and to planned major institutional areas, including expansions of existing areas and new locations. Examples of appropriate uses include colleges and universities, major health care facilities and other large scale community services that do not pose a safety threat to the surrounding neighborhood. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Consistent with Policy?

Yes. The proposed Mixed Use Intensive zoning district is consistent with the area's MI policy. The intention of Vanderbilt University is to put zoning in place that will allow for the future expansion and renovation of



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their General Library. This rezoning is consistent with the university's long-term Master Plan.

PUBLIC WORKS RECOMMENDATION

No exception taken

Typical Uses in Existing Zoning District: MUG

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low-Rise (710)	4.82	1.851 F	388,634 SF	3795	556	515

Typical Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low-Rise (710)	4.82	0.894 F	187,703 SF	2167	311	290

Traffic changes between typical: MUG and proposed MUI

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-1628	-245	-225

Maximum Uses in Existing Zoning District: MUG

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low-Rise (710)	4.82	3 F	629,877 SF	5504	818	785

Maximum Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low-Rise (710)	4.82	5 F	1,049,796 SF	8156	1231	1255

Traffic changes between maximum: MUG and proposed MUI

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2652	+413	+470



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STAFF RECOMMENDATION

Staff recommends approval of the zone change request. The MUI zoning district is consistent with MI land use policy.

NO SKETCH



Project No.	2009Z-003TX-001
Project Name	Electronic Sign Enforcement
Council District	Countywide
School District	Countywide
Requested by	Councilmember Jason Holleman
Staff Reviewer	Regen
Staff Recommendation	<i>Approve with amendment</i>

APPLICANT REQUEST

Add Section 17.32.170 (Enforcement of Electronic Display Signs) to the Zoning Code.

Text Amendment

A request to amend the Zoning Code by adding section 17.32.170 (Enforcement of Electronic Display Signs) to require electronic LED signs found not to be in compliance with the sign regulations by the Zoning Administrator to be rendered dark, motionless, and bear no message for a minimum of seven (7) calendar days, requested by Councilmember Jason Holleman.

CRITICAL PLANNING GOALS

N/A

PURPOSE

The proposed bill establishes a progressive penalty schedule for electronic signs, including light-emitting diode (LED) signs, which do not comply with the Zoning Code provisions.

ANALYSIS

Existing Law

The existing Zoning Code prohibits various types of signs. When a sign violation occurs, the Codes Department issues a citation. The penalty is up to \$50 per day for each day the property remains out of compliance with no ceiling on the maximum penalty to be paid by the property owner. If a property owner fails to remedy the situation, the inspector will issue a warrant for the property owner to appear in Environmental Court. This process usually takes one month.

Proposed Bill

For electronic signs, the proposed bill provides the Codes Department another tool, in addition to citations and environmental court, with which to enforce the Zoning Code standards. For each sign violation, three things shall occur: 1) Notification; 2) Penalty Period; and 3) Compliance. A property owner or permit holder can appeal the Zoning Administrator's decision to the Board of Zoning Appeals.



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Notification: The Zoning Administrator shall be required to notify the property owner and permit holder. Then, within 10 days of such notification, the electronic sign, according to the bill text, must be "... rendered dark, motionless, and display no message or image...". Essentially, the sign must be turned-off.

Penalty Period: A progressive penalty schedule is proposed for each violation of the sign standards, as noted below. Once the penalty period expires, the electronic sign can be turned back on provided it complies with the Zoning Code.

1 st violation:	7 days
2 nd violation:	30 days
3 rd violation:	90 days
4 th violation:	365 days

Compliance: If after the 4th violation, the sign again fails to comply, each subsequent violation shall require the sign be turned-off for another 365 days.

Zoning Administrator Appeal: A property owner or permit holder can appeal the Zoning Administrator's (ZA) decision. The appeal must be filed with the Board of Zoning Appeals (BZA) within ten (10) days from the date of the ZA's notification of violation. Until the BZA acts upon the appeal, the sign can remain in operation.

STAFF RECOMMENDATION

Staff recommends approval with an amendment to the proposed bill. As written, the bill provides another disincentive to violate the Zoning Code standards. The bill though should be clarified to indicate whether the progressive penalty schedule is "reset" with a new property owner or permit holder. Meaning, the violations of a prior permit holder or property owner do not penalize a new property owner or permit holder.



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PROPOSED ORDINANCE

17.32.170 Enforcement for electronic display signs

- A. Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, including but not limited to LED signs, found by the zoning administrator to be in violation of any provision of this title shall be, in addition to such other penalties and remedies available pursuant to sections 17.40.610, 17.40.620, and 17.40.630, subject to the following enforcement action:
1. Upon a finding by the zoning administrator of an initial violation and upon notification to the permit holder of such violation, the sign shall be, within ten (10) days of notification of the violation, rendered dark, motionless, and display no message or image for a period of seven (7) days.
 2. Upon a finding by the zoning administrator of a second violation and upon notification to the permit holder of such violation, the sign shall be, within ten (10) days of notification of the violation, rendered dark, motionless, and display no message or image for a period of thirty (30) days.
 3. Upon a finding by the zoning administrator of a third violation and upon notification to the permit holder of such violation, the sign shall be, within ten (10) days of notification of the violation, rendered dark, motionless, and display no message or image for a period of ninety (90) days.
 4. Upon a finding by the zoning administrator of each subsequent violation after a third violation has been found and upon notification to the permit holder of such violation, the sign shall be, within ten (10) days of notification of the violation, rendered dark, motionless, and display no message or image for a period of three hundred and sixty-five (365) days each time a violation is found.
- B. The filing of an appeal of the zoning administrator's decision pursuant to section 17.40.180 of this chapter within ten (10) days of notification of the violation shall toll [suspend] enforcement as set forth in subsection A. above until such time as an order is entered by the Board of Zoning Appeals as to the merits of the appeal, but shall not toll [suspend] enforcement pursuant to sections 17.40.610, 17.40.620, and 17.40.630.

NO SKETCH



Project No.

Zone Change 2010Z-001TX-001

Name

Electronic Sign Overlay District, Version 1

Associated Case

2010Z-005TX-001

Council District

Countywide

School District

N/A

Requested by

Councilmembers Charlie Tygard and Jim Gotto

Staff Reviewer

Withers

Staff Recommendation

Disapprove. Staff finds that, from a land use policy perspective, electronic display signs are not appropriate in residentially- and agriculturally-zoned areas and therefore recommend that Council disapprove this bill and also pass a bill banning the use of the Specific Plan for approving electronic display signs in residential areas. If Council determines that electronic display signs are appropriate in these areas, then this version of the Electronic Sign Overlay District is preferable to the system currently in place for approving electronic display signs.

APPLICANT REQUEST

Create a new zoning overlay district for electronic display signs that provides a process to consider allowing electronic display signs that meet specific design standards in residential areas.

Text Amendment

A request 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 create a new zoning overlay district for electronic display signs that provides a process to consider allowing electronic display signs that meet specific design standards in residential areas.

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 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 (for example, a drug-store type sign that displays products and prices).



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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, and 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 point out the ongoing difficulty of enforcing sign codes even in commercial and industrial areas. Recently, there have been requests for spot CS or SP rezonings to secure the right to place an electronic sign at a church or school that has a residential zoning classification or other zoning district that does not allow such signs. The request for a spot CS or SP rezoning has occurred because there has been no other process 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 ordinance that the Task Force created was reviewed by the Planning Commission at meetings in June, August and October. The Task Force Ordinance proposed to allow electronic signs as a special exception for community education facilities, cultural center, recreation center, or religions institution uses in residential districts and for all non-residential uses in the rest of the commercial, office and mixed-use districts where the signs are not currently permitted.



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Proposed Text General

The Planning Commission voted to disapprove that bill and requested staff create an ordinance that provided a process for requesting the electronic signs that would allow for consideration of context and community input. This ordinance was first submitted to the Planning Commission in October and has been refined since then with input from interested Councilmembers.

Type of Use

The proposed Electronic Sign Overlay District provides a means by which land uses situated within areas of the community where zoning does not currently 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 adopted general plan. This proposal does not impact the districts where electronic signs are currently permitted - CA, CS, CF, CC, SCR, MUI, ORI, IWD, IR and IG.

Properties eligible for an electronic sign overlay district are those having a community education, cultural center, recreation center, or religious institution use and are located within the agricultural, residential, MUN, MUL, MUG, OR20, OR40 districts. In addition, properties with non-residential uses located in the OL, OG, CN, CL, SCC and SCN districts are eligible to be considered for an electronic sign overlay district.

Approval Process

This proposal is stricter than the previous Sign Task Force bill that allowed any non-residential use in the less intense mixed use and office-residential districts to apply for an electronic sign via the special exception process.

The approval process for the Electronic Sign Overlay District is the same as the rezoning process. The application is heard at a Planning Commission Meeting with a recommendation from Planning Staff. It then heads to Metro Council for three readings, the second being a Public Hearing.

Development Standards

The bill creates certain standards that an electronic display sign must meet to be eligible for an Electronic Sign Overlay District.



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Variation of Development Standards

- Only one electronic display sign is allowed per site unless an electronic display sign existed on the lot prior to the effective date of this ordinance. This would allow sites where the BZA had approved a sign previously to request another sign, or a site that was very large and had an existing sign previous to the new ordinance, to request another sign.
- Electronic display signs shall have a maximum electronic display surface area of 32 square feet, which shall be integrated into a brick, stone or wood monument sign.
- The minimum street setback shall be fifteen feet from the property line and the electronic display sign shall not encroach upon the required side setbacks of the base zoning district.
- The maximum height of the sign shall be eight feet.
- The sign area 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.
- All portions of the electronic display surface area must use one color and one tone only.
- 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 (candelas per square meter) from dusk until dawn. The sign shall not exceed 5,000 nits during daytime hours.

Some variations to the development standards may be granted with the initial approval of the Electronic Sign Overlay District.

- If located within the Urban Zoning Overlay District, an electronic display sign may be a wall sign as opposed to a monument sign.
- Height may be varied if the site for the sign is beneath the curb line of the adjacent road, however, total height of the sign may not exceed eight feet above the grade of the adjacent road
- Materials of the base of the monument sign may be substituted, but may not be a single pole.
- Street Setback may be reduced if the location of the proposed sign will not impede sight distance.



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Analysis

The following are some of the specific attributes of the Electronic Sign Overlay District. The Overlay:

- Defines electronic display signs and clarifies that images and messages are to be static for eight seconds without flashing.
- Prevents future requests for spot Specific Plan or other inappropriate commercial zoning districts to accommodate the signs in residential districts by prohibiting the future use of SP solely for electronic display signs.
- Prohibits the Board of Zoning Appeals from approving an electronic display sign in conflict with this ordinance.
- Provides a process that involves the district councilmember and the community in determining the appropriateness of the electronic display sign in a specific location and allows for additional conditions to be placed on approvals.
- Requires consideration of consistency with Community Plan, but does allow for electronic signs in residential neighborhoods.

STAFF RECOMMENDATION

Disapprove. The primary focus of residential areas should be to promote residential livability. Electronic display signs – by adding a level of commercial advertising – do not do that.

Staff would note that while this proposal is not endorsed by Planning Staff, it is a much preferable alternative to the process in place today, which involves the unintended use of the Specific Plan District without any clear development standards or the use of an inappropriate spot commercial zoning district placed on a residential area.

Staff would argue, however, that the most appropriate action, from a land use and community character perspective, would be to ban electronic display signs – regardless of the process by which they are requested – from any residentially- or agriculturally-zoned area.



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PROPOSED ORDINANCE

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. 2010Z-001TX-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;

WHEREAS, a process is needed that will allow for Metro 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 methods and/or devices within the display area where the message is displayed. Each message displayed shall remain static, motionless, and fixed for a minimum of eight seconds, and the change sequence shall be accomplished instantaneously without any special effects. Electronic display signs include, but are not limited to, 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."



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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 adopted 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. Properties eligible for an electronic sign overlay district are those having a community education, cultural center, recreation center, or religious institution use located within the agricultural, residential, MUN, MUL, MUG, OR20, OR40 districts. In addition, properties with non-residential uses located in the OL, OG, CN, CL, SCC and SCN districts are eligible 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. Number, Sign size, design and setback.

1. Only 1 electronic display sign per lot, unless an electronic display sign existed on the lot prior to the effective date of this ordinance.

2. Electronic display signs shall have a maximum electronic display surface area of thirty- two square feet, which shall be integrated into a brick, stone or wood monument sign.

3. The minimum street setback shall be fifteen feet from the property line and the electronic display sign shall not encroach upon the required side setbacks of the zoning district.

4. The maximum height of the sign shall be eight feet measured as per 17.32.160.H. The height of the sign shall be exempt from the provisions of 17.32.050.G.2.

5. The sign area 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. Color. All portions of the electronic display surface area must use one color and one tone only.

C. 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 (candelas per square meter) from dusk until dawn. The sign shall not exceed 5,000 nits during daytime hours.



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17.36.490 Variation of Development Standards

Variations to these development standards may be incorporated within the specific standards of an overlay district. Variations may be considered if they ensure the resulting sign is more compatible with the existing and desired context of the specific site and neighborhood characteristics, and the resulting sign is in conformance with the principles and objectives of the general plan. Standards that may be varied include:

- A. If located within the Urban Zoning Overlay District an electronic display sign may be a wall sign as opposed to a monument sign.
- B. Height may be varied if the site for the sign is beneath the curb line of the adjacent road, however, total height of the sign may not exceed eight feet above the grade of the adjacent road
- C. Materials of the base of the monument sign may be substituted but may not be a single pole.
- D. Street Setback may be reduced if the location of the proposed sign will not impede sight distance.

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."

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, sign 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 a 250' radius of the proposed sign location.

B. Metro Historic Zoning Commission Action. Any property located within an historic overlay district or neighborhood conservation overlay district, listed on the national register of historic places, or eligible for the national register of historic places, shall first be referred to and reviewed by the metropolitan historic zoning commission. The commission shall provide a written recommendation to the planning commission on the impact of an electronic sign on the property or feature which would be subject to any applicable historical design review guidelines.

C. Planning Commission Action. The planning commission shall review an application to apply the ESO district and the associated development plans. 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 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 ESO district and the associated development plan subject to conditions. All conditions shall be transmitted in writing to the applicant.



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

D. Council Consideration. An 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.

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 ESO district. An application to modify an approved 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 C 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 increase the area or height of the proposed sign or exceed a change of ten percent of any setback. 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(C).

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 Section 17.40.340 is amended by adding the following provision at the end thereof: "Further, the board shall not grant a variance for an electronic display sign in conflict with the requirements of Section 17.32.050 H.2."

Section 67. 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.

NO SKETCH



Project No.

Zone Change 2010Z-002TX-001

Name

Electronic Sign Overlay District, Version 2

Associated Cases

2010Z-005TX-001

Council District

Countywide

School District

N/A

Requested by

Councilmember Jason Holleman

Staff Reviewer

Withers

Staff Recommendation

Approve. This version of the Electronic Sign Overlay District allows the use of the Overlay in additional commercial, office and mixed use zoning districts, while prohibiting the use of the Overlay in areas zoned for residential and agricultural uses. This version also restricts the use of the signs in the zoning districts where they are currently permitted, requiring the use of the Overlay – and associated development standards – for future electronic display signs in these zoning districts.

APPLICANT REQUEST

Create a new zoning overlay district for electronic display signs that provides a process to consider allowing electronic display signs that meet specific design standards, but prohibits electronic display signs in residential areas.

Text Amendment

A request 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 create a new zoning overlay district for electronic display signs that provides a process to consider allowing electronic display signs that meet specific design standards, but prohibits electronic display signs in residential districts.

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 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 (for example, a drug-store type sign that displays products and prices).



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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, and 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 rules that govern 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 process 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 Ordinance that the Task Force created was reviewed by the Planning Commission at meetings in June, August and October. The Task Force Ordinance proposed to allow electronic signs as a special exception for community education facilities, cultural center, recreation center, or religions institution uses in residential districts and for all non-residential uses in the rest of the



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commercial, office and mixed-use districts where the signs are not currently permitted.

The Planning Commission voted to disapprove that bill and requested staff work to create an ordinance that would a process for requesting the electronic signs that would allow for consideration of context and community input. That ordinance was first submitted to the Planning Commission in October and has been refined since then with input from Councilmembers Tygard and Gotto and is on this agenda as item 2010Z-001TX-001 (Version 1 of the Electronic Sign Overlay District).

During this time, Councilmember Holleman has also been working on a ordinance similar to the version sponsored by Councilmembers Tygard and Gotto, in that it uses an "electronic sign overlay district" as the process to consider approval of electronic signs. Councilman Holleman's version, however, does not allow the signs in agricultural and residential districts and adds restrictions in some zoning districts where electronic display signs are currently permitted by right, by requiring future applications to be made through the Electronic Sign Overlay District and be subject to its development standards.

Proposed Text
General

The electronic sign overlay district provides a means by which land uses situated within areas of the community where zoning does not currently 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 adopted general plan.

Electronic Display Signs are proposed to be prohibited in the AG, AR2a, R, RS, RM, MUN, MUL, MUG, OR20, OR40, ON, OL, OG, CN, SCN, and SCC districts.

Electronic Display Signs are proposed to be allowed only within an Electronic Sign Overlay District in the MUI, ORI, CL, CS, CF, SCR, IWD, IR and IG districts.

Recall that LED message boards and digital signs are currently allowed by right in the following



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Type of Use

commercial, office and industrial zoning districts – CA, CS, CF, CC, SCR, MUI, ORI, IWD, IR and IG.

Approval Process

Properties eligible for an electronic sign overlay district are non-residential uses located within the MUI, ORI, CL, CS, CF, SCR, IWD, IR and IG districts.

The approval process is the same as a rezoning. The application is heard at a Planning Commission Meeting with a recommendation from Planning Staff. It then heads to Metro Council for three readings, the second being a Public Hearing.

Development Standards

The bill creates certain standards that an electronic display sign must meet to be eligible for an Electronic Sign Overlay District.

- Only one electronic display sign is allowed per site. (This differs from 2010Z-001TX-001 which allows for more than one sign per site if one existed prior to the effective date of the ordinance.)
- Electronic display signs shall have a maximum electronic display surface area of 21 square feet, which shall be integrated into a brick, stone or wood monument sign. (This differs from 2010Z-001TX-001 which allows signs to be a maximum of 32 square feet)
- For a monument sign, the minimum street setback shall be fifteen feet from the property line and the electronic display sign shall not encroach upon the required side setbacks of the base zoning district.
- Allows for the sign to be a building sign in urban contexts.
- The maximum height of the sign shall be eight feet.
- The sign area 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.
- All portions of the electronic display surface area must use one color and one tone only.
- 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 (candelas per square meter) from dusk until dawn. The sign shall not exceed 5,000 nits during daytime hours.



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Analysis

The following are some of the specific attributes of the Electronic Sign Overlay District. The Overlay:

- Defines electronic display signs and clarifies that images and messages are to be static for eight seconds without flashing.
- Prevents future requests for Specific Plan or other inappropriate spot commercial zoning districts to accommodate the signs in residential districts by prohibiting the future use of SP solely for electronic display signs.
- Prohibits the Board of Zoning Appeals from approving an electronic display sign in conflict with this ordinance.
- Provides a process that involves the district councilmember and the community in determining the appropriateness of the electronic display sign in a specific location and allows for additional conditions to be placed on approvals.
- Requires consideration of consistency with Community Plan.
- Does not allow electronic display signs in agricultural, residential, and less intense office, mixed use and commercial districts.

STAFF RECOMMENDATION

Approve. This version of the Electronic Sign Overlay District allows the use of the Overlay in additional commercial, office and mixed use zoning districts, while prohibiting the use of the Overlay in areas zoned for residential and agricultural uses where these signs are not appropriate.

This version also restricts the use of the signs in the zoning districts where they are currently permitted, requiring the use of the Overlay – and associated development standards – for future electronic display signs in these zoning districts to allow for the consideration of context and community input in locating future electronic display signs.



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PROPOSED ORDINANCE

ORDINANCE NO. BL2009-XXX (2010Z-002TX-001)

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, and to amend portions of the existing zoning ordinance pertaining to electronic signs, all of which is more particularly described herein.

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;

WHEREAS, a process is needed that will protect residential neighborhoods and allow for Metro Council and community consideration of requests for electronic display signs in zoning districts that are not in residential districts but impact the quality of life for the residents of Davidson County; 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 methods and/or devices within the display area where the message is displayed. Each message displayed shall remain static, motionless, and fixed for a minimum of eight seconds, and the change sequence shall be accomplished instantaneously without any special effects. Electronic display signs include but are not limited to 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 deleted and replaced with the following:



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2. Electronic Display Signs in AG, AR2a, R, RS, RM, MUN, MUL, MUG, OR20, OR40, ON, OL, OG, CN, SCN, and SCC except for time/temperatures/date signs.

3. Electronic Display Signs in MUI, ORI, CL, CS, CF, SCR, IWD, IR and IG unless located within an Electronic Sign Overlay District.

Section 3. That Section 17.40.340 is amended by adding the following provision at the end thereof: "Further, the board shall not grant a variance for an electronic display sign in conflict with the requirements of Section 17.32.050 H.2 and H.3."

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, and the area is not intended for predominantly residential development, 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. Properties eligible for an electronic sign overlay district are non-residential uses located within the MUI, ORI, CL, CS, CF, SCR, IWD, IR and IG districts.

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. Number, sign size, design and setback.
 1. Only 1 electronic display sign per site.
 2. Electronic display signs shall have a maximum electronic display surface area of twenty-one square feet,
 3. Ground signs shall integrate the electronic display surface areas 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.



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4. Within the Urban Zoning Overlay District, the electronic display sign may be a building sign. Outside the UZO, all electronic display surface areas must be integrated into a monument-style sign.

5. The minimum street setback shall be fifteen feet and the electronic display sign shall not encroach upon the required side setbacks of the base zoning district.

4. The maximum height of the sign shall be eight feet measured as per 17.32.160.H

5. 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.

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

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."

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, sign 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 a 250' radius of the proposed sign location.

B. Metro Historic Zoning Commission Action. Any property located within an historic overlay district or neighborhood conservation overlay district, listed on the national register of historic places, or eligible for the national register of historic places, shall first be referred to and reviewed by the metropolitan historic zoning commission. The commission shall provide a written recommendation to the planning commission on the impact of an electronic sign on the property or feature which would be subject to any applicable historical design review guidelines.

C. Planning Commission Action. The planning commission shall review an application to apply the ESO district and the associated plans. 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 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.



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2. **Conditional Approval.** The planning commission may recommend approval of the 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.

D. **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.

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 ESO district.** An application to modify an approved 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 increase the area or height of the proposed sign or exceed a change of ten percent of any setback or other 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(C).

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(C).

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.

NO SKETCH



**Project No.
Name**

**Zone Change 2010Z-005TX-001
Fee Structure for Electronic Sign Overlay
District**

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

**2010Z-001TX-001 and 2010-002TX-001
N/A
Countywide
N/A
Planning Department Staff**

**Staff Reviewer
Staff Recommendation**

**Withers
*Approve if either, or both, 2010Z -001TX-001 and
2010Z-002TX-001 are approved. Disapprove if both
2010Z-001TX-001 and 2010Z-002TX-001 are
disapproved.***

APPLICANT REQUEST

Create an application fee for the Electronic Sign Overlay District.

Text Amendment

A resolution to amend the previously adopted fee structure (RS2009-769) for “minor” Specific Plan applications to remove references to alternative sign standards and to establish a new fee structure for electronic sign overlay district applications

CRITICAL PLANNING GOALS

N/A

ANALYSIS

As for all other rezoning requests, a fee is needed for Electronic Sign Overlay District applications, if the ordinance is adopted. Since the Electronic Sign Overlay District proposes to prohibit the use of the Specific Plan (SP) District as a vehicle for approving an electronic display sign, the previous resolution establishing the fee structure for SP applications must also be amended to remove references to SP application for alternative electronic sign standards. The resolution also notes that if there is a joint application for a SP District and an Electronic Sign Overlay District then only one fee will be charged.

STAFF RECOMMENDATION

Approve if either, or both, of 2010Z -001TX-001 and 2010Z-002TX-001 are approved. Disapprove if both 2010Z-001TX-001 and 2010Z-002TX-001 are disapproved.



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PROPOSED ORDINANCE

RESOLUTION NO. RS2010-XXX

A proposed resolution to amend the previously adopted fee structure (RS2009-769) for “minor” Specific Plan applications to remove references to alternative sign standards and to establish a new fee structure for electronic sign district applications (Proposal No. 2010Z-005TX-001).

WHEREAS, Title 17 of the Metropolitan Code of Laws was amended to add the electronic sign overlay district; and,

WHEREAS, pursuant to the authority of Section 17.40.760 of the Metropolitan Code of Laws, the Planning Department has developed for the Metropolitan Council’s consideration a fee structure for electronic sign overlay district applications;

WHEREAS, pursuant to Section 17.40.740 of the Metropolitan Code of Laws, the adoption of a new fee structure may be accomplished by resolution;

WHEREAS, the Metro Council finds it fitting and proper to establish the electronic sign overlay district application fees;

WHEREAS, the electronic sign overlay district involves review effort equivalent to that of a minor specific plan district; and,

WHEREAS, the Section 17.40.105 was amended to prohibit Specific Plan applications for the sole purpose of approving and electronic sign, therefore the Specific Plan application fee language much be amended to reflect the change.

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

Section 1. That the application fee for a specific plan application shall be based on whether the application is minor, general, housekeeping, or unique as set forth below.

1) A “minor” specific plan application shall be accompanied by a fee of \$1,400.00 at the time of application filing where the applicant seeks either:

(a) To reuse an existing building with no more than 25% increase in the total square footage of all structures;

(b) To gain approval of a development plan (preliminary) approval, where the requirement for a final site plan is waived as per Section 17.40.106.G of the Zoning Code;

(c) To allow an auto-related land use required by Chapter 17.16 to be located in a specific plan district;

(d) To allow two detached dwelling units on one lot;

(e) To allow alternative standards for signs that are not electronic signs.

2) A “general” specific plan application shall be accompanied by a fee of \$1,400.00 at the time of application filing where the applicant seeks development plan (preliminary) approval for a new SP plan. In addition, the initial final site plan application for the SP as required by Section



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17.40.106.G of the Zoning Code shall be accompanied by a fee of \$1,100.00 at the time of application filing for approval of the initial final site plan;

3) A "housekeeping" specific plan application shall be accompanied by a fee of \$700.00 at the time of application filing where the applicant seeks either:

(a) To make minor change(s) to an adopted Specific Plan district ordinance which requires Metro Council approval per the Zoning Code;

(b) To add or delete a land use(s) to an adopted Council approved plan with no proposed changes to the development plan;

Section 2. That the application fee for an electronic sign overlay district application or a joint specific plan and electronic sign overlay district shall be accompanied by a fee of \$1,400.00 at the time of application filing.

Section 3. That this Resolution shall take effect after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

SEE NEXT PAGE

FINAL PLAT

NO SKETCH



Project No.

**Subdivision Regulation Amendment
2009S-119-001**

**Council District
School District
Requested by**

Countywide
Countywide
Metro Planning Department

**Staff Reviewer
Staff Recommendation**

Logan
Approve

APPLICANT REQUEST

Amend Subdivision Regulations.

Amend Subdivision Regulations

A request to amend the Subdivision Regulations, to delete Section 3-7.3 (Completion of Improvements).

CRITICAL PLANNING GOALS

N/A

REQUEST

This request is to delete Section 3-7.3 (Completion of Improvements), copied below.

Current Text

Completion of Improvements. After all required inspections are completed, the final paving course may be applied when 75 percent of the structures are completed within a subdivision. Under no circumstances shall final paving occur until all utility installations, including service lines to lots are complete. However, when an undue hardship is created by disallowing the final paving of a street prior to construction of 75 percent, but not less than 50 percent, of the structures within a subdivision, the Public Works Department may permit final paving to occur and the Planning Commission may allow the subsequent reduction of the Performance Bond as described in Section 6-3-2. Once 90 percent of all structures within a subdivision are completed, no further building permits shall be issued until all infrastructure has been completed and accepted by the applicable departments and agencies.

Analysis

Section 3-7.3 is in conflict with Section 6-1.1 of the Subdivision Regulations. Section 6-1.1 provides that all required public improvements must be completed and dedicated prior to the approval of a final subdivision plat, or that a bond can be posted in lieu of completion and dedication. Furthermore, in instances where the bond has been called, Metro needs the flexibility to complete the infrastructure or demand that the developer complete the infrastructure prior to 75% build out. The timing for applying the final



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paving course is a Department of Public Works decision and is addressed in Section 3.2.1 of that department's "Subdivision Street Design Standards and Specifications" publication.

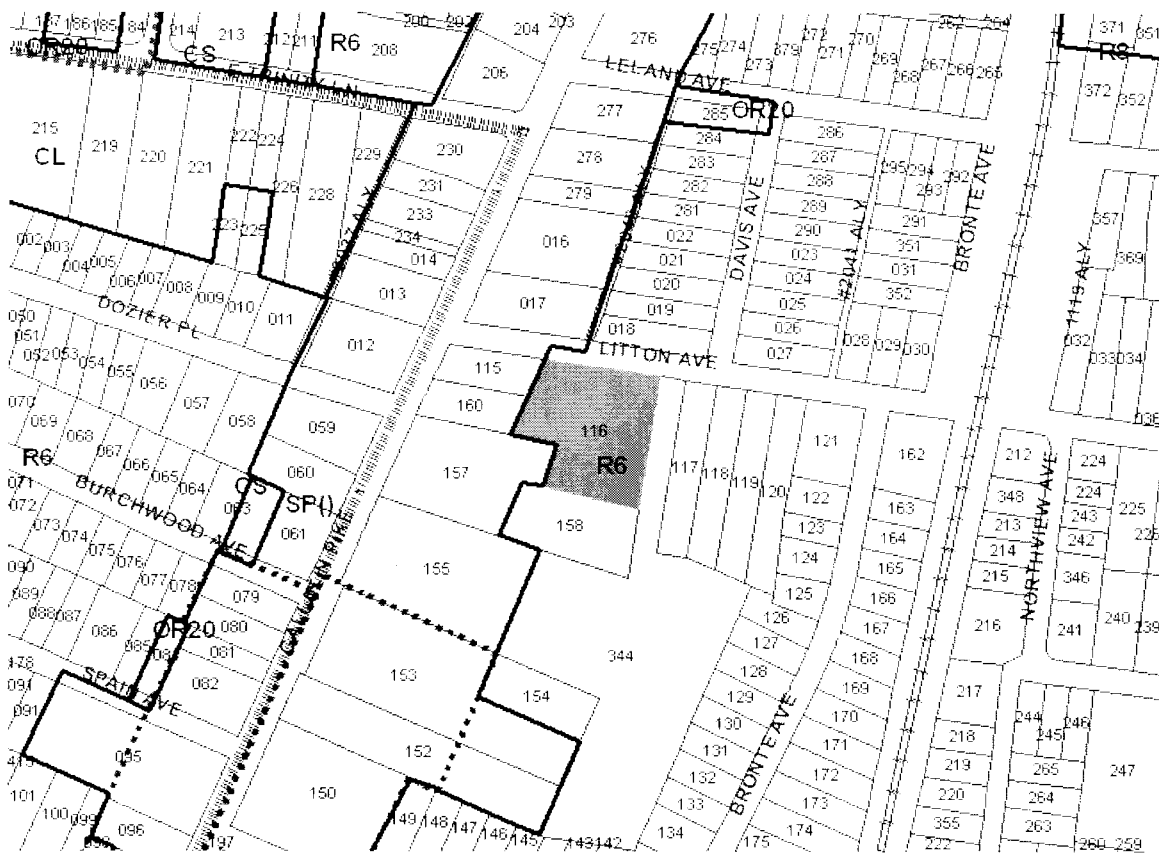
**PUBLIC WORKS
RECOMMENDATION**

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends approval.

SEE NEXT PAGE



2010S-001-001
 Copperstone Village Estates
 Map: 072-10 Parcel: 116
 East Nashville Community Plan
 Council District 7 – Erik Cole



Project No.
Project Name
Council District
School Board District
Requested By

Subdivision 2010S-001-001
Copperstone Village Estates
7 – Cole
5 - Porter
Tommy Walker, applicant for Copperstone Village, LLC, owner

Staff Reviewer
Staff Recommendation

Swaggart
Approve

APPLICANT REQUEST

Permit three new residential lots.

Final Plat

A request for final plat approval to create three lots on property located at 1118 Litton Avenue, approximately 250 feet east of Gallatin Pike (1.51 acres), zoned One and Two-Family Residential (R6).

CRITICAL PLANNING GOALS

N/A

Zoning
R6 District

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS

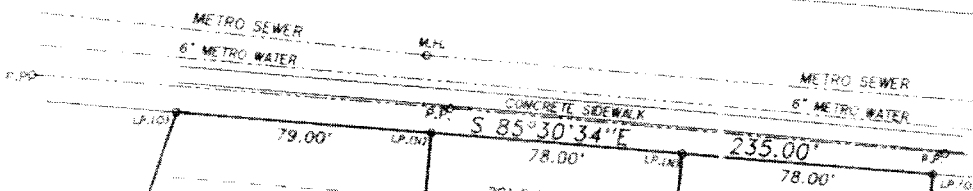
This final plat is for three new lots. The property being subdivided is located on the south side of Litton Avenue, just east of Gallatin Pike. The property is currently vacant.

All three lots will have direct access to Litton Avenue and range in size from 0.429 acres to 0.478 acres. All three lots would be eligible for a duplex. A sidewalk exists along Litton Avenue so a new sidewalk is not required.

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

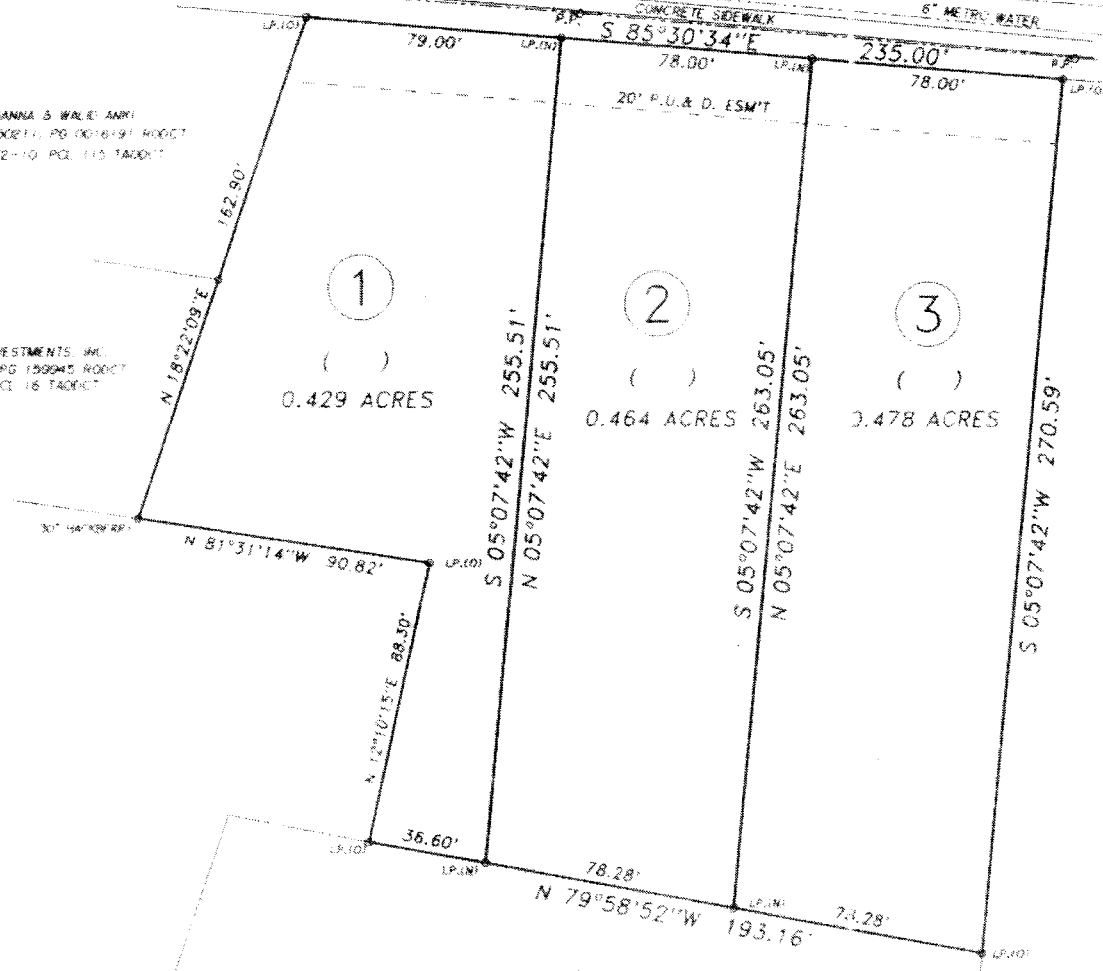
Lot Comparability Analysis		
Street	Requirements	
	Minimum lot size (square feet)	Minimum lot frontage (linear feet)
Litton Avenue	15,812	55

LITTON AVE. (50')



HANNA & WALE ANTI
DB 2000R11, PG 0618-91 RODCT
MAP 72-10, PCL 115 TAODCT

BROTHERS INVESTMENTS, INC.
DGD 20061128, PG 159945 RODCT
MAP 72-10, PCL 16 TAODCT



①
()
0.429 ACRES

②
()
0.464 ACRES

③
()
3.478 ACRES

COPPERSTONE VILLAGE LLL
AF 20070412, PG 0043727 RODCT
MAP 72-10, PCL 156 TAODCT



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The proposed lots have the following areas and street frontages:

- Lot 1: 18,673 square feet with 79 feet of frontage
- Lot 2: 20,223 square feet with 78 feet of frontage
- Lot 3: 20,811 square feet with 78 feet of frontage

All lots meet zoning requirements, subdivision requirements, and pass for lot comparability.

STAFF RECOMMENDATION

The proposed three lot subdivision is consistent with all zoning and subdivision requirements. Staff recommends that the plat be approved.