

Metropolitan Planning Commission



Staff Reports

April 22, 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



Project No.
Project Name
Council District
School District
Requested by

Subdivision 2007S-209G-12

Brentwood Knoll

31- Toler

2- Brannon

Metro Planning Department on behalf of Councilmember Parker Toler; Mark Sarmadi and Dean Baxter, owners
Deferred from the March 25, 2010, Planning Commission meeting at the request of the applicant.

Deferral

Staff Reviewer
Staff Recommendation

Logan
Approve

APPLICANT REQUEST

Rescind final plat approval.

Rescind Final Plat

A request to rescind final plat approval for Brentwood Knoll, containing 15 lots and open space located along Brentwood Knoll Court and Bryce Road (5.09 acres), zoned Single-Family Residential (RS10) and Agricultural/Residential (AR2a).

ZONING

RS10 District

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

AR2a District

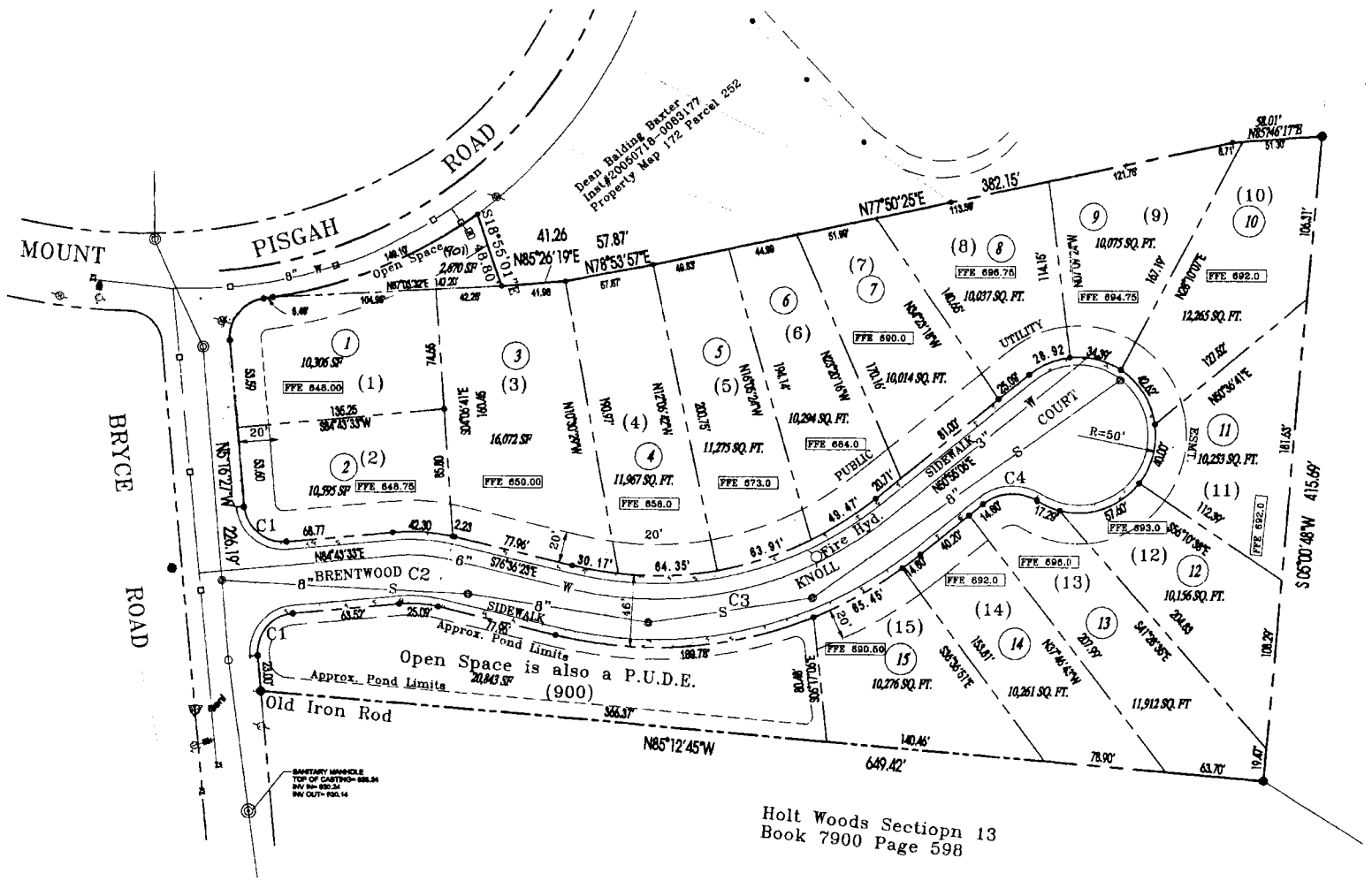
Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim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

PLAN DETAILS

The preliminary plat for Brentwood Knoll was approved on February 24, 2005. The final plat for Brentwood Knoll was recorded on May 22, 2008, and created 15 lots. All lots are owned by the original owner. Notices were sent via certified mail to the owner of the property as well as some others with interests in the property.

Bond Information

Generally, in order to record a final plat, the construction plans for the required infrastructure must be approved by Public Works, Stormwater and Water Services (hereinafter "the reviewing departments"). If the developer chooses not to install the required infrastructure prior to recording the final plat, the reviewing departments will determine a bond amount based on the approved construction plans. The developer will then post a bond prior to recording the final plat.





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The bond is comprised of two parts:

- 1) the performance agreement, which is the contract signed by the developer stating that they will complete the infrastructure, and
- 2) the security in the form of a letter of credit, cashier's check or surety bond.

The bond insures that the Metro Government will be able to complete the infrastructure in the event that the developer is unwilling or unable.

In this case, a bond was posted prior to recording the final plat. The surety company securing this bond is Developers Surety and Indemnity Company. This surety company is currently excluded from providing surety bonds to the Planning Commission until November 13, 2009, because they have not paid on this bond and two other bonds.

On October 9, 2009, the Planning Department made a demand on the surety bond for this development. On November 3, 2010, the case was sent to the Department of Law. To date, the surety company has not completed the infrastructure nor paid the amount of the bond (\$118,000). Since the bond is required to secure the satisfactory construction, installation, and dedication of the required improvements of the final plat, the bond will be released if the plat is rescinded.

Stormwater Easements

Metro Stormwater has requested that the easements for the detention pond be retained, even if the plat is rescinded. However, the Department of Law has stated that the easements are unnecessary due to the existing maintenance agreement that requires the developer to maintain the storm water infrastructure. The maintenance agreement runs with the land and is filed at the Register of Deeds to insure that future owners of the property continue to maintain the existing infrastructure. Should the owner of the property fail to maintain the existing infrastructure, Metro could pursue legal action to enforce the provisions of the existing agreement.

PUBLIC WORKS RECOMMENDATION

No Exception Taken



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STORMWATER RECOMMENDATION

If the plat can be rescinded and easements be retained, then Stormwater would like the easement for the detention pond retained. If the easements can't be retained by rescinding the plat, then Stormwater is ok with the rescission of the plat without easements.

STAFF RECOMMENDATION

Staff recommends approval of rescinding the plat since the infrastructure is incomplete and the surety company has not paid the amount of the bond.

SEE NEXT PAGE

NO SKETCH



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

Zone Change 2010Z-006TX-001
Historic B&B Homestay
BL2010-636
Countywide
Countywide
Councilmembers Kristine LaLonde, Mike Jameson, and Vivian Wilhoite

Staff Reviewer
Staff Recommendation

Regen
Approve with amendments

APPLICANT REQUEST

Delete Historic B&B Overlay District and allow Historic B&B's as a special exception (SE) or permitted (P) use in certain zoning districts.

Text Amendment

A council bill to amend the Metro Zoning Code, Chapters 17.04, 17.08, 17.16, 17.36, and 17.40 to delete Historic Bed and Breakfast Homestay (HB) as an historic overlay district and add it as a use permitted by right (P) or as a Special Exception (SE) use in various zoning districts.

CRITICAL PLANNING GOALS

N/A

PURPOSE

The proposed bill would make it easier to open up a historic B&B by reducing the approval time from three or four months to two months. The time is reduced by having Metro Council approve the location by resolution. At this time, an ordinance must be adopted for a historic B&B to operate.

ANALYSIS

Existing Law

Historic B&B homestay is allowed in an overlay district approved by Metro Council.

Proposed Bill

The proposed bill would allow a historic B&B via a special exception (SE) permit in agricultural, residential, and various office, and commercial districts. Prior to consideration by the Board of Zoning Appeals, the SE use would first be approved as to its location by the Metro Council via a resolution. In certain commercial and mixed-use zoning districts, a historic B&B would be permitted by right (P) in zoning districts that allow a hotel/motel use today. No pre-approval by Council would be required for those B&B's permitted by right.

History

On August 19, 2005, the Metro Council adopted BL2005-701 creating a historic bed & breakfast overlay. The overlay made it more difficult for a property to qualify for



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a historic B&B. Previously, only the structure needed to be determined by the Metro Historic Zoning Commission to be a “historically significant structure”, as then-defined in Section 17.040.060 of the Zoning Code. Borrowing heavily from the definition of a historic landmark district in Section 17.36.120.B of the Zoning Code, the historic B&B overlay district requires an evaluation of the structure’s role in local, state, or national history, mastery of craftsmanship, or its listing or eligibility for listing on the National Register of Historic Places.

The Metro Planning Commission recommended disapproval of BL2005-701 on February 22, 2007, primarily because it created a precedent for establishing a singular land use by overlay district. The Zoning Code’s premise is that land use should be established by the base zoning district.

Review/Approval

There is one historic B&B overlay district that has been approved by the Metro Council. Prior to the overlay district’s adoption in August 2005, there were eight historic B&B’s approved. The proposed bill’s review process is very similar as that prior to the overlay district’s adoption, as set forth below:

- 1) The applicant applies to the Codes Department for a zoning permit to operate a historic B&B.
- 2) If the zoning district in which the historic B&B is proposed allows the B&B use without a special exception, the Codes Department typically issues a permit to the applicant within one week, after all reviewing agencies approve the zoning permit. This review includes the Metro Historic Zoning Commission. Total time: 1 week.
- 3) If the location of the historic B&B is allowed subject to a special exception, then the application is referred to the BZA, a process that can take up to four weeks, as described below:
 - Zoning Administrator notifies Metro Council of a pending historic B&B application immediately after receiving it;
 - Metro Council has 60 days to approve the specific location of the historic B&B by Council resolution from notification date;
 - If Metro Council fails to act by resolution on the proposed B&B’s location within 60 days from the notification date, the BZA can proceed with



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consideration of the SE request, including Planning and Historic Commission recommendations.

- If Metro Council *disapproves* the location, the BZA *does not* consider the request and the historic B&B is not allowed.

Enhancements

The proposed bill enhances historic B&B's through the following modifications by allowing transfer of the B&B to a subsequent owner subject to Codes Department review and approval (does not necessitate BZA approval), larger sign with external illumination (helps guests find the house), shared parking (reduce on and off-street parking), applicant attendance at community meeting (informal presentation for neighbors to meet applicant and ask questions), prohibiting historic home events without separate SE approval from the BZA (regardless of whether inside or outside the home).

Substitute Bill

A substitute bill is proposed to address some community concerns and housekeeping items. Most notably, the substitute bill reduces the number of B&B guest rooms from four to three for consistency with state law as well as the Metro fire and building codes. In addition, the bill establishes a "spacing" requirement for B&Bs. The spacing requirement is similar to the Zoning's Code's day care spacing requirements. No more than two B&Bs would be allowed within 500 hundred feet on the same street block face or an opposing street block face. The measurement would be in a direct line from property line to property line.

Staff and the sponsor have agreed to several other bill amendments. The amendments clarify text regarding Zoning Administrator notification to the Metro Council of a pending application for a historic B&B, Council action by resolution, BZA consideration of a disapproved historic B&B by Council resolution, sign placement, sign size (decreased from six to two square feet), sign review by the Historic Zoning Commission, and permitting historic B&B's to operate as a use by right (P) only where a hotel/motel use is allowed today.

Metro Historical Commission

The staff of the Metro Historical Commission recommends approval of the substitute bill.

STAFF RECOMMENDATION

Staff recommends approval of the proposed substitute bill incorporating the proposed amendments. These amendments address the concerns expressed by both neighbors and operators of historic home events.



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Recommended amendments are underlined

SUBSTITUTE ORDINANCE NO. BL2010-636

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, to add the land use “**Historic Bed and Breakfast Homestay**” as a special exception (SE) and a use permitted by right (P) rather than a classification of the historic overlay districts, all of which is more particularly described herein (Proposal No. 2010Z-006TX-001).

WHEREAS, Ordinance BL2009-432 was adopted on second reading on July 7, 2009, and deferred indefinitely by the sponsor on July 19, 2009 in order to receive more community input on the proposed zoning changes;

WHEREAS, Ordinance No BL2005-701 amended the Metropolitan Code of Laws, Zoning Regulations, by adding Historic Bed and Breakfast Homestay as a historic overlay district;

WHEREAS, prior to the enactment of Ordinance No. BL2005-701 on August 19, 2005, a Historic Bed and Breakfast Homestay had been a special exception (SE) use or a use permitted by right (P) in certain zoning districts;

WHEREAS, under the prior special exception provisions, the Zoning Administrator notified the Metro Council of a pending Historic Bed and Breakfast Homestay application, and the Metro Council had 60 days from said notification to approve the specific location by Council resolution; and,

WHEREAS, under the prior special exception provisions, if the Metro Council failed to act within 60 days of the Zoning Administrator’s notification, the Board of Zoning Appeals could proceed with its consideration of the application; and,

WHEREAS, it is fitting and proper to make Historic Bed and Breakfast Homestay a use permitted by right in certain districts, and a special exception use subject to Metro Council approval of the specific location and Board of Zoning Appeals review and consideration.

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

Section 1. That Section 17.08.030 (Zoning Land Use Table) of the Metropolitan Code is hereby amended as follows:

1. By **deleting** “O” (Overlay) for “Historic Bed and Breakfast Homestay” in all zoning districts where it appears in the table.
2. By **inserting** “Historic Bed and Breakfast Homestay” as a special exception (SE) use in the AG, AR2a, all RS, all R, all RM, ON, OL, **OR20, OR40, MUN, CN, SCN, and SCC districts**.



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3. By **inserting** "Historic Bed and Breakfast Homestay" as a permitted use (P) in the MUL, MUG, MUL, OG, ORI, CL, CS, CA, CF, DTC, and SCR districts.

Section 2. That Section 17.16.160 (Residential Special Exception Uses) of the Metropolitan Code is hereby amended by **inserting** as subsection "A", Historic Bed and Breakfast Homestay and relettering subsections A and B accordingly.

A. Historic Bed and Breakfast Homestay.

1. **Historic Eligibility.** In order for a historic bed and breakfast homestay to operate, it must first be approved as an historic structure by the metropolitan historic zoning commission. A historic bed and breakfast homestay shall contain at least one historically significant structure as defined by Section 17.04.060.
2. **Historic Zoning Commission Review.** The application with site and architectural plans shall first be referred to and reviewed by the metropolitan historic zoning commission to determine the structure's historic eligibility as a historic bed and breakfast homestay. The commission shall furnish the board of zoning appeals with written recommendations on the eligibility of structures for such use based on historical significance, as defined in Section 17.04.060.
3. **Design Review.** If the proposed structure is deemed eligible, all exterior work proposed now or in the future shall be subject to design review guidelines adopted by the metropolitan historic zoning commission for determining the architectural compatibility and historical significance of such work. If the metropolitan historic zoning commission determines, pursuant to Chapter 17.40, Article IX, that the proposed bed and breakfast structure qualifies for historic preservation or landmark designation, the applicable design review guidelines shall apply. The metropolitan historic zoning commission's approval of work shall be granted in writing as a condition for issuance of a zoning permit.
4. **Owner-Occupied.** The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the historic home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the historic home.
5. **Bulk Standards.** The bulk regulations of the district for a residence shall apply. Overnight guest rooms may be located within historically significant accessory structures.
6. **Spacing.** No more than two (2) historic bed and breakfast homestays may locate on the same street block face or on an opposing street block face, or every 500 hundred feet, whichever results in fewer homestays. All distance measurements shall be taken in a direct line from property line to property line and including any public right-of-way.
7. **Parking.** One and only one off-street parking space shall be provided for each guest room. In the event the required off-street parking cannot be provided on-site, the owner may provide a shared parking agreement with a non-residential use to fulfill up to 50% of the



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required number of spaces. The commission shall advise on the appropriate location and potential adverse impacts caused by the off-site and off-street parking of vehicles, and may recommend fencing, screening and landscaping to buffer and protect surrounding residential properties.

8. **Signage.** One sign measuring no more than two feet by two feet shall be permitted for advertising the historic bed and breakfast homestay, regardless of how many street frontages or lots comprise the homestay. The sign may be externally illuminated by a porch light, mounted on the house, mounted on a permanent structure attached to the house such as a porch or wall, or mounted on a pillar. Signage should not damage nor obscure architectural details or character defining features, including windows, window hoods, transoms, columns and cornices. Awnings with letters/ graphics are not allowed. No other means of external illumination shall be permitted. The sign may advertise the name of the bed and breakfast only.
9. **Notification.** Prior to conducting a special exception hearing before the board of zoning appeals, and immediately after receiving an application for a historic bed and breakfast homestay, the zoning administrator, shall notify the district councilmember that an application for such use has been submitted as provided in Sections 17.40.280 and 17.40.290. Within thirty days from the date on which the application was filed, the district councilmember may hold a community meeting on the proposed homestay. If a meeting is held, the applicant shall attend and provide information about the homestay, including parking, lighting, hours of operation, signage, and any proposed changes to the exterior façade of the historic home.
10. **Transfer Upon Sale of Home.** A property owner may transfer the historic bed and breakfast homestay use to a subsequent property owner. If the subsequent property owner desires to continue the historic bed and breakfast homestay, the subsequent property owner shall obtain zoning and sign permit approvals from the metropolitan department of codes administration. A failure to obtain such approvals within thirty (30) calendar days of the property transfer shall make the historic bed and breakfast homestay use illegal. If the subsequent property owner desires to operate a historic bed and breakfast homestay, and the thirty (30) calendar days has elapsed since the property transfer occurred, a special exception (SE) application as provided in this Title shall be submitted for review and approval by the Board of Zoning Appeals.
11. **Guest Register.** The owner shall maintain and make available to the zoning administrator a guest register for each calendar year.
12. **Meal Service** shall be restricted to overnight guests only; no cooking facilities shall be permitted in any guest room. In addition, no historic home event shall occur in the home or on the property, whether inside or outside, without separate approval from the Board of Zoning Appeals for a "Historic Home Event".
13. The metropolitan fire marshal shall approve the structure for safety.

Section 3. That Section 17.36.110.D (Historic Overlay Districts Established: Historic Bed and Breakfast Homestay) of the Metropolitan Code is hereby **deleted** in its entirety.



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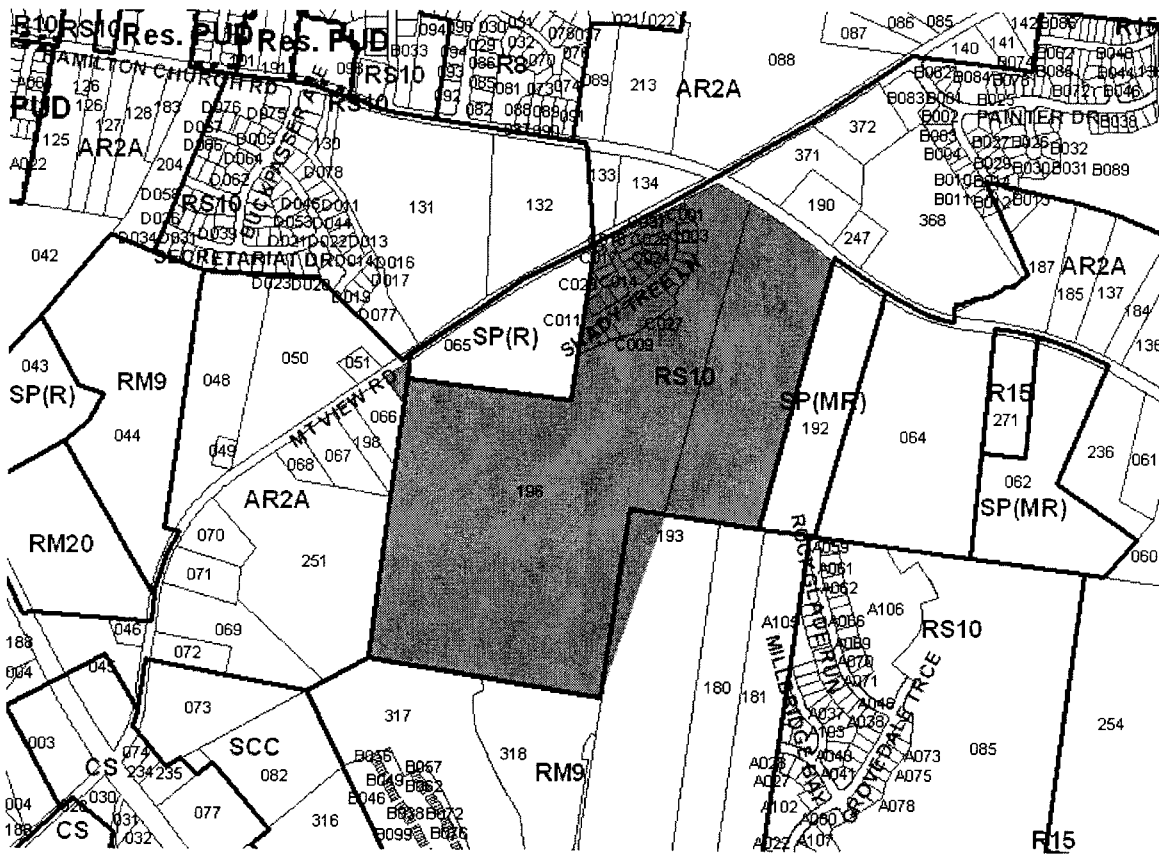
Section 4. That Section 17.36.120.C (Historic Districts Defined: Historic Bed and Breakfast Homestay) of the Metropolitan Code is hereby **deleted** in its entirety.

Section 5. That Section 17.40.280 (Special Exception Uses: Authority) of the Metropolitan Code is hereby amended by **deleting** the existing text and **inserting** the following in its place:

The metropolitan board of zoning appeals shall hear and decide requests for special exceptions in accordance with the provisions of this zoning code. Special exceptions shall be regulated in a manner consistent with Section 13-7-206, Tennessee Code Annotated. Prior to a public hearing by the Board of Zoning Appeals on any of the following land uses listed below, the Metropolitan Council shall first adopt a resolution approving the specific location of the following:

1. **Historic Bed & Breakfast Homestay:** In the event the Metro Council disapproves by resolution the specific location of a historic bed and breakfast homestay, the application shall not proceed to the Board of Zoning Appeals and no reapplication shall be accepted by the Zoning Administrator for a period of one year following the Council's resolution.
2. **Airport Runway, Asphalt Plant, Hazardous Operation, Sanitary Landfill, Waste Transfer Facility, Wastewater Treatment Facility:** In the event sixty days have elapsed from the date on which the zoning administrator notified the metropolitan council and the district councilmember that an application has been filed, and no council action has been taken to approve or disapprove the specific location by resolution, the requirement for council approval shall be waived and the board of zoning appeals may proceed to consider the application.

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.



2010UD-001-001

Fawn Crossing

Map: 150-14-0-C Parcels: 001 - 030

Map: 164-00 Parcels: part of 193, 196

Antioch/Priest Lake Community Plan

Council District 33 – Robert Duvall



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

Urban Design Overlay 2010UD-001-001
Fawn Crossing Urban Design Overlay
BL2010-631
33 - Duvall
6 - Johnson
Councilmember Robert Duvall

Staff Reviewer
Staff Recommendation

Johnson
Withdraw

APPLICANT REQUEST

Apply the Fawn Crossing Urban Design Overlay.

Preliminary UDO

A request to make applicable the provisions of an Urban Design Overlay (UDO) district to be known as the "Fawn Crossing UDO" to properties located at 6052 Mt. View Road and Hamilton Church Road (unnumbered) and for properties located along Shady Tree Lane and Apple Orchard Trail, zoned RS10 and RM9 (76.9 acres), to apply building design standards to all residential lots within the proposed and already-developed sections of the Fawn Crossing Subdivision.

STAFF RECOMMENDATION

Staff has received a written request from the applicant to withdraw this application. Staff recommends withdrawal of the Fawn Crossing UDO application.

SEE NEXT PAGE

**COMMUNITY PLAN
AMENDMENT**



Project No.
Project Name

Plan Amendment 2010CP-007-001
Amend the *West Nashville Community Plan: 2009 Update*

Council District
School Board District
Requested by

24 – Holleman
9 – Simmons
Daniel Barton, applicant

Staff Reviewer
Staff Recommendation

Wood
Approve

APPLICANT REQUEST

Amend the Community Character Policy for two properties located at 4414 and 4424 Westlawn Drive (Map 103-08, Parcels 072, 0.18 acres, and 272, 0.66 acres; approximately 0.84 acres total).

Amend the Community Plan

A request to amend the *West Nashville Community Plan: 2009 Update* by adding Special Policy language regarding transitional uses on 4414 and 4424 Westlawn Drive to the text for Area 07-T4-NM-03.

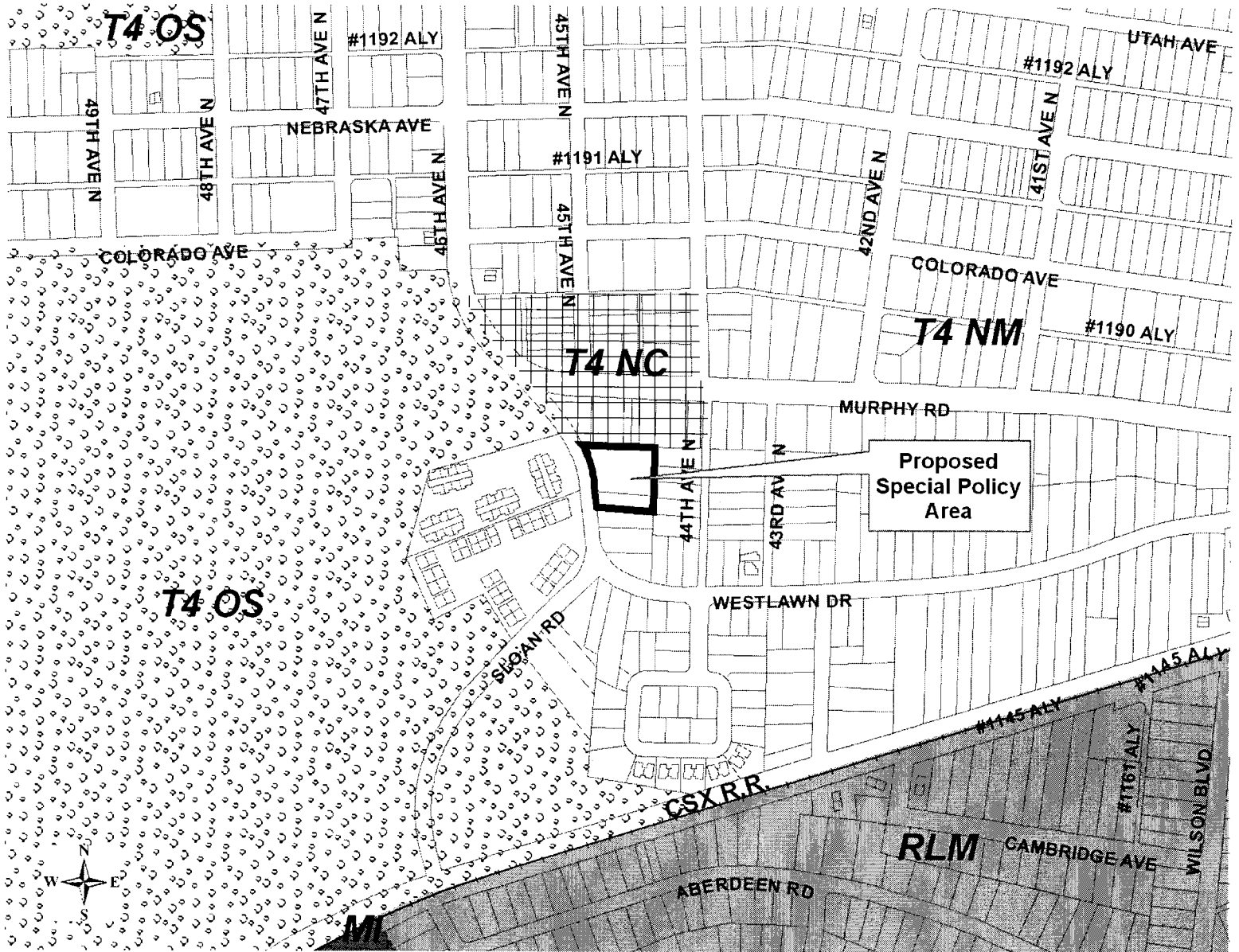
One of the properties (parcel 272 at 4424 Westlawn Drive, about 0.66 acres) included in this proposal was added by Metro Planning staff because it did not appear logical to staff to leave a small area wedged between the proposed office transition special policy area requested by the applicant and the existing T4 Urban Neighborhood Center policy to the north of this area.

CRITICAL PLANNING GOALS

The proposed Special Policy language added to the T4 Urban Neighborhood Maintenance policy is intended to meet the critical planning goal of creating walkable neighborhoods. It meets this goal by:

- Focusing development in nodes and centers
- Mixing uses by adding to the mix of uses in an area that complements the existing uses
- Creating a destination that can be walked to from nearby residential/office uses
- Creating an environment that allows someone to drive to a destination, but once there, to park and meet all needs on foot
- Retaining the existing block structure
- Minimizing vehicular access points
- Minimizing the prominence of parking facilities

Although this area currently lacks sidewalks, it ranks very high on the Pedestrian Generator Index and is anticipated to receive sidewalks in the next several years.





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West Nashville Community Plan:

Goal: Create appropriate transitions between high-intensity centers and surrounding neighborhoods.

The proposal offers a means of providing a transition between the small, but intense T4 Urban Neighborhood Center located along Murphy Road and 46th Avenue North and the adjacent T4 Urban Neighborhood Maintenance Area to the south. This transition would be accomplished by permitting low-intensity, small-footprint, non-residential uses with limited and thoughtfully located parking. Both the form and operational characteristics of the proposed transition area would be designed to recognize the locational challenges faced by the properties in question. The transition would also signal a shift from a retail commercial environment to a residential environment through design and operational elements that are specified below in the proposed policy.

WEST NASHVILLE COMMUNITY PLAN

Existing Policy T4 Urban Neighborhood Maintenance (T4 NM)

T4 NM Policy is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T4 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 are made to improve pedestrian, bicycle and vehicular connectivity.

Proposed Policy Add Special Policy Language:

Below is the proposed text of the Special Policy:

There are two parcels (10308027200 and 10308007200) located at 4424 and 4414 Westlawn Drive that, although zoned RS7.5, are currently used for a greenhouse/nursery business (#4424) and a residential use (#4414).

The greenhouse/nursery business is a nonconforming use that has been in operation for many years. As such, this established and small neighborhood business may continue its operation on parcel 10308027200 only and may seek Specific Plan zoning to legitimize its operations and provide improved buffering at its interfaces with properties to the rear and with parcel 10308007200. The site should continue to be limited to one access point.

Parcel 10308027200 may be considered for parking use subject to generous buffering at its interfaces with properties to the rear and with parcel 10308007200.



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Specific Plan zoning would be needed to properly accomplish these aims. This use may be appropriate for this parcel because of the parcel's location where it can serve the parking needs of the adjacent neighborhood commercial area and also because an appropriately-designed and buffered parking lot can serve as a transition to the south. In no case, should either of the properties be used for expansion of the commercial node found at the intersection of 46th Ave. N. and Murphy Rd.

The use of parcels 10308027200 and 10308007200 for small offices and/or residential use at densities higher than that permitted by RS7.5 zoning may also be considered on its merits subject to the following design principles:

Access – *Access is limited to a maximum of one point per property with shared access used wherever feasible to avoid multiple curb cuts and pedestrian and vehicular conflict points. Access into developments is aligned, where applicable, with access for development across the street. Cross access between multiple developments is required. Coordinated access and circulation create a transitional area that functions as a whole instead of as separate building sites. Access is designed to be easily crossed by pedestrians.*

Building Form (Mass, Orientation, Placement) – *The building form is in character with the existing development pattern of the surrounding urban neighborhood in terms of its mass, orientation and placement. The massing of buildings results in a building footprint with moderate lot coverage to allow for adequate on-site parking and buffering in the form of landscaping and fencing.*

Buildings are oriented to Westlawn Drive. Street setbacks for #4424 Westlawn are shallow to moderate, reflecting its closer proximity to the commercial development fronting on Murphy Road and 46th Avenue North. Street setbacks for #4414 Westlawn are more moderate and are consistent with the established residential setbacks to the south to aid in firmly establishing the transition from the Neighborhood Center on Murphy Road and 46th Avenue North and the residential development further south on Westlawn Drive and Sloan Road. Within these setbacks, stoops and porches are common to provide for some interaction between the public and private realm and to create a pedestrian friendly environment.



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Because these properties form a transition between a Neighborhood Center and the remainder of the Neighborhood Maintenance area, spacing between buildings reflects the residential spacing found to the south and east along Westlawn Drive.

Buildings on #4424 Westlawn Drive may be 1 to 3 stories in height, in keeping with the heights allowed for housing in the neighborhood. If used for offices, the house on #4414 Westlawn Drive should be retained on the site with any additions resulting in a building containing less than 2,000 square feet. The reason for this is to maintain a micro-business environment with low-impact on-site parking and appropriate buffering. If used for housing, buildings may be 1 to 3 stories in height.

Density/Intensity – *Residential use of these sites is consistent with the default T4 Urban Neighborhood Maintenance density range of 4 and 20 dwelling units per acre subject to the provision of adequate and sensitively placed, on-site parking.*

With reference to intensity, nonresidential use of these properties is very limited in terms of the appropriate range of activities and degree of intensity because this is an area of development transition between higher and lower intensity areas. The limited mass of buildings as described above is one factor controlling this intensity. Intensity is further controlled by the provision of on-site parking adequate to fully meet the needs of any uses placed on the properties. Building coverage is moderate and the overall amount of impervious surface is more comparable to a residential than to a commercial development environment.

Landscaping – *Landscaping on these properties is used in part to aid in defining the development transition through buffering.*

Parking – *Unless developed as a generously landscaped and buffered parking lot, parking for any buildings on #4424 is located behind or beside buildings and is screened from view. Because of the limitations presented by the street setback of the existing building, and the desire for the building form to present a transition to residential to the south, parking for #4414 is located behind the building.*



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Signage – Signage alerts motorists, pedestrians and cyclists to their location and assists them in finding their destination in a manner that complements and contributes to the envisioned residential character of the neighborhood. Signage is scaled for pedestrians and slow-moving vehicles, is smaller than that found in the adjacent T4 Urban Neighborhood Center area, and is in keeping with residential property name and address signage.

COMMUNITY PARTICIPATION

A community meeting was held on March 23, 2010. Notification was mailed to property owners in and within one-quarter mile of the proposed amendment area, and it was posted on the Planning Department website. Information related to the proposal was posted on the website. About 30 persons attended the community meeting. Attendees asked questions or made comments; opinions were diverse. Staff received six comment forms following the community meeting—one in support and five opposed to the change. Notification of the Planning Commission Public Hearing was mailed to recipients of the earlier notice, plus those who provided mailing and/or email addresses at or after the community meeting. Finally, an ad giving notice of the Public Hearing was published in the *Tennessean* and two community newspapers.

ANALYSIS

With reference to #4414 Westlawn, this is an existing 1930s house that the applicant wishes to purchase and use for offices, retaining the house with limited additions, primarily to the rear. This enables an existing residential structure to be retained, considered desirable in an older, established neighborhood that is currently experiencing rapid change through teardowns of existing homes and their replacement with much larger structures.

The re-use of this structure for an office also enables a transition to be established between an intense commercial area located at the intersection of two busy streets to the north and adjacent residential development to the south. Further, it introduces a use that is complementary to both the Neighborhood Center and Neighborhood Maintenance areas in terms of its form and function. It provides a neighborhood workplace that is midway between a traditional employment area and a home occupation and is thus best located at the edge of the commercial heart of the neighborhood.

The proposed Special Policy to establish a transition area would also enable staff to accomplish a housekeeping



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amendment. The nonconforming status of the greenhouse/nursery was overlooked during the recent plan update and therefore no Special Policy language was developed to address its future as had been done for the other nonconforming uses in the West Nashville Community. This application provides an opportunity to address this oversight, which is only applicable to #4424 Westlawn.

One final issue for the Commission to consider with regard to this application is the concern that the addition of a “transition” area will encourage property owners to the *south* of the transition to also seek to become part of the transition area and add office uses.

Concern about expansion of the transition area was raised by some attendees at the community meeting held for this plan amendment. Other attendees noted that each proposal for a transitional use should be considered separately on its merits.

In this location, there is no strong feature such as an alley, creek, or change in building orientation that provides a break between #4414 Westlawn and the residential development to the south (#4410 Westlawn). The strongest feature that exists is a tree line between #4414 and the adjacent house at #4410. Likewise, while the development across the street can sometimes provide a “cue” as to transition, that is not the case here. The multifamily residential development character across the street on Westlawn Drive is the same for #4424 and #4414 Westlawn as it is for the houses to the south as far as the entrance to McCabe Golf Course.

Planning Department staff is aware of the concern that the transition area may expand to the south. This does not diminish staff’s recommendation that the transition proposed by this application be created. Staff does recommend, however, that the Commissioners consider the concern about future expansion of the transition when addressing the two properties in the application before the Commission.

The following goal from the West Nashville Community Plan is also relevant and needs to be balanced with future equity concerns:

- Preserve the character of established neighborhoods, and strengthen transition areas between established neighborhoods and more



Metro Planning Commission Meeting of 4/22/2010

intensely developed areas, such as centers and corridors, within the West Nashville Community.

The area of transition, whatever its ultimate extent, is made stronger by maintaining the character, scale, and function of the residential environment to the south.

According to the Community Character Manual, T4 Urban Neighborhood Centers are “...*compatible with the general character of urban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm.*” Any transition established between a Neighborhood Center and a Neighborhood Maintenance area needs to be held to these same standards for compatibility. Any future transition to the south should become increasingly residential in form and function the further from the center that it is found.

STAFF RECOMMENDATION

Staff recommends approval.

**SPECIFIC PLANS,
ZONING MAP AMENDMENTS,
and TEXT AMENDMENTS,**



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

Zone Change 2009SP-031-001

Silver Spring Valley

BL2010-663

31 – Toler

2 – Brannon

Anderson, Delk, Epps and Associates, applicant for Y&H Tennessee Partnership, G.P., and Rachel and Amy Yazdian, owners

Staff Reviewer
Staff Recommendation

Swaggart

Approve with conditions

APPLICANT REQUEST

Rezone to permit 362 single-family residential lots.

Preliminary SP

A request to change from Agricultural/Residential (AR2a) to Specific Plan – Residential (SP-R) zoning for properties located at 6887 and 6891 Burkitt Road and at Kidd Road (unnumbered), approximately 6,250 feet east of Nolensville Pike (91.67 acres), to permit 362 single-family lots.

Existing Zoning
AR2a District

Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim nonurban land use policies of the general plan. *Approximately 45 lots would be permitted under AR2a.*

Proposed Zoning
SP-R District

Specific Plan-Residential is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes several variations on the single family residential building type.*

CRITICAL PLANNING GOALS

Preserves/Creates Open Space
Creates Walkable Neighborhoods

As proposed, the plan provides passive and active open space. The passive areas protect some environmental features such as the stream near the county line, and provide space for stormwater detention. A large portion of the open space is classified as active and will provide residents with opportunities for gathering and outdoor recreation.



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The proposed plan provides for future connectivity to surrounding properties, which will provide for a better street network when development occurs in the area. Internal street connectivity is moderate, and will permit sufficient vehicular dispersal within the development. Sidewalks are proposed along all streets and with additional mid-block sidewalk connections, pedestrians should be able to sufficiently and safely navigate throughout the development.

SOUTHEAST COMMUNITY PLAN

Suburban Neighborhood Evolving (T3-NE)

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

Consistent with Policy?

Yes, the proposed SP district is consistent with the area’s T3-NE policy. While the plan consists of only single-family lots, it offers two different housing options as well as two estate lots. The new lots along Burkitt Road are in keeping with existing lots along Burkitt and help maintain the rural character. The layout provides good street and pedestrian connectivity, and open space is provided throughout the site.

PLAN DETAILS

History

This plan is associated with a previously approved plan amendment to the Southeast Community Plan. On February 25, 2010, the Planning Commission approved a policy amendment for this site and other adjacent property from Rural to Suburban Neighborhood Evolving (T3-NE). This SP application was deferred to the April 22, 2010, Planning Commission meeting so that the applicant would have time to work with staff on design issues.

Current Site Conditions

The three properties proposed for rezoning are located on the south side of Burkitt Road just east of Nolensville Pike, which is in southeast Davidson County near the county line



Metro Planning Commission Meeting of 4/22/2010

Site Plan

with Williamson County. The properties are mostly vacant with the exception of a few structures located close to Burkitt Road. The land is primarily open field with some wooded areas. It contains rolling hills with a few steep slopes. A stream runs along sections of the western property line and through a portion of the property closer to Williamson County.

The plan calls for 362 single-family lots with an overall density of approximately four units per acre. There are 153 front loaded lots (42%) and 209 alley loaded lots (58%). Lot types include cottage, house and estate with the cottage being the smallest and the estate being the largest in size. There are only two estate lots which are located along Burkitt Road. The cottage lots are all alley loaded, and the house and estate lots are all front loaded. A majority of the lots front on public streets, but some of the cottage lots front onto open space, with vehicular access to lots at the rear by an alley.

Access and Sidewalks

The development's main entrance in Davidson County is from Burkitt Road. The plan provides for future connectivity to adjacent properties to the south, east and west. Phase One is located at the opposite end of the site from Burkitt Road, and access will be from Williamson County. The property in Williamson County is not currently developed, and access to Phase One will be dependent on the development of the adjacent site, as well as the Burkitt Place Development which is in Williamson and Davidson County. If the adjacent areas are not developed, then the phasing plan will have to be revised. Sidewalks are shown along all streets.

Open Space

Approximately 22 acres (25%) of the site is proposed for open space. Approximately 14 (63%) of these acres are designed to be usable space for residents with the remaining acres in landscape easements, stream buffers and detention areas.

STORMWATER RECOMMENDATION

Preliminary SP approved

PUBLIC WORKS RECOMMENDATION

1. The sight distance at Burkitt Rd and the project access must be improved prior to any construction permits being issued.



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2. Proposed roundabouts shall have a center radius of 35' or greater.
3. Road C at roundabout with Road A appears to have inadequate sight distance and may require significant grading.
4. Alleys shall have concrete ribbon curb.
5. Canopy street trees will not be allowed in the public right-of-way, understory trees are acceptable.
6. Evergreen street trees must not be planted in close proximity to an intersection in such a way as to interfere with adequate sight distance.
7. All lots must have public street frontage, or the alley frontage must be 24' in width. Specifically the entire alley system between roads C, A, G., H, and F. The alley from lot 147 to lot 159 and the connection to road F.
8. Stub street Road K south of Middlewick Lane should be removed or constructed to the property line.
9. The phasing plan shown is unacceptable and requires major revision.
10. Construction traffic shall enter through Burkitt Rd and not be routed through the adjacent development.
11. The building setback must be revised to provide a minimum distance of 5' or a minimum distance of 20' or greater to prevent parked vehicles from overlapping the sidewalk system.

Traffic

1. Developer shall construct an eastbound right turn deceleration lane on Burkitt Road at the project access with 100 ft of storage and transitions per AASHTO standards.
2. Developer shall construct a westbound left turn lane on Burkitt Road at the project access with 100 ft of storage and transitions per AASHTO/MUTCD standards.



Metro Planning Commission Meeting of 4/22/2010

3. Construct the project access road at Burkitt Road with one entering and two exiting lanes (LT and RT) each with a minimum 100 ft of storage and transitions per AASHTO/MUTCD standards.
4. As part of the development of construction plans, provide and document adequate sight distance from the project access at the intersection of Burkitt Road. Any required improvements on Burkitt Road shall be completed at the beginning of the project to address sight distance at the project access.
5. Developer shall conduct a signal warrant analysis at the intersection of Burkitt Road and the project access with the final platting of each phase (beginning with the platting of the 200th lot) or as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.
6. To address traffic calming on Road 'A' within the development, geometric modifications will be required where Road 'A' intersects with Road 'C' and with Road 'G'. The developer's site engineer shall coordinate with the developer's traffic engineer to determine appropriate design strategies at each location.
7. Developer shall modify traffic signal at Nolensville Pike and Burkitt Road to include a westbound right turn overlap during the protected SB left turn phase.
8. Developer may be required to extend the existing southbound left turn lane on Nolensville Road at Burkitt Road to address queuing concerns at this intersection. Additional analysis of the intersection shall be provided to address this prior to approval of any construction plans.
9. In keeping with the Planning Department's IDA policy, other infrastructure improvements will be required by this development. The length of these improvements are to be as established by the Planning Department staff. The design is to be by the developer's engineer and approved by the Public Works Department.



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Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	91.67	0.5 D	45 L	499	42	53

Maximum Uses in Proposed Zoning District: SP-R

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	91.67	-	362 L	3500	272	352

Traffic changes between maximum: AR2a and proposed SP-R.

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+317 L	+3001	+230	+299

METRO SCHOOL BOARD REPORT

Projected student generation

57 Elementary 41 Middle 37 High

Schools Over/Under Capacity

Students would attend Maxwell Elementary School, Marshal Middle School, and Cane Ridge High School. Maxwell and Marshall have been identified as over capacity. There is capacity within the cluster for middle school students, but there is no capacity within the cluster for additional elementary students. This information is based upon data from the school board last updated September 2009.

Fiscal Liability

The fiscal liability of 58 new elementary students is \$1,160,000 (58 X \$20,000 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

School Site Dedication

Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students.

This land dedication requirement is proportional to the development's student generation potential. Such site shall



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be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Cane Ridge High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

STAFF RECOMMENDATION

Staff recommends approval with conditions. As proposed the Specific Plan district is consistent with the T3-NE policy.

CONDITIONS

1. Uses in this SP district are limited to community facilities and 362 single-family lots.
2. Planning Commission approval shall include a variance from Section 3-4.2.b of the Subdivision Regulations which requires that residential lots have frontage directly on a public or private street for all lots fronting onto open space.
3. Understory trees are proposed within the planting strip along all streets. The final site plan shall show all utility locations, and ensure that utilities do not conflict with the final site location for trees.
4. Because access for Phase One is dependent on the development of adjacent projects, then the streets associated with those projects shall be completed prior to Phase One having final site plan approval, or the phasing plan shall be revised in order to accommodate access to the site.
5. Any required right-of-way within the project site that is identified as necessary to meet the adopted roadway plans shall be dedicated.
6. **2,658** feet of major roadways (or an equivalent transportation improvement) shall be improved by the applicant within the identified infrastructure deficiency area to a two-lane cross section at a level acceptable to



Metro Planning Commission Meeting of 4/22/2010

the Department of Public Works. Such improvements shall be undertaken within available right-of-way and at a level commensurate with the development entitlements appropriate on the site. Improvements are to accommodate additional traffic volumes within the Infrastructure Deficiency Area. When appropriate improvements can not be physically made, then the applicant may make a financial contribution for future roadway improvements within the identified infrastructure deficiency area. The Department of Public Works shall determine the appropriate contribution based on the linear feet of roadway to be improved.

7. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Cane Ridge High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS3.75 zoning district as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any



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additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance.
11. The following note shall be added to the Plan: "This development shall meet the requirements of the Americans with Disabilities Act", and shall be included in the corrected copy of the preliminary plan.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
13. The sight distance at Burkitt Rd and the project access must be improved prior to any construction permits being issued.
14. Proposed roundabouts shall have a center radius of 35' or greater.
15. Road C at roundabout with Road A appears to have inadequate sight distance and may require significant grading.



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16. Alleys shall have concrete ribbon curb.
17. Canopy street trees will not be allowed in the public right-of-way, understory trees are acceptable.
18. Evergreen street trees must not be planted in close proximity to an intersection in such a way as to interfere with adequate sight distance.
19. Stub street Road K south of Middlewick Lane should be removed or constructed to the property line.
20. The phasing plan shown is unacceptable and requires major revision.
21. Construction traffic shall enter through Burkitt Rd and not be routed through the adjacent development.
22. The building setback must be revised to provide a minimum distance of 5' or a minimum distance of 20' or greater to prevent parked vehicles from overlapping the sidewalk system.
23. Developer shall construct an eastbound right turn deceleration lane on Burkitt Road at the project access with 100 ft of storage and transitions per AASHTO standards.
24. Developer shall construct a westbound left turn lane on Burkitt Road at the project access with 100 ft of storage and transitions per AASHTO/MUTCD standards.
25. Construct the project access road at Burkitt Road with one entering and two exiting lanes (LT and RT) each with a minimum 100 ft of storage and transitions per AASHTO/MUTCD standards.
26. As part of the development of construction plans, provide and document adequate sight distance from the project access at the intersection of Burkitt Road. Any required improvements on Burkitt Road shall be completed at the beginning of the project to address sight distance at the project access.
27. Developer shall conduct a signal warrant analysis at the intersection of Burkitt Road and the project access with the final platting of each phase (beginning with the platting of the 200th lot) or as directed by the



Metro Planning Commission Meeting of 4/22/2010

Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.

28. To address traffic calming on Road 'A' within the development, geometric modifications will be required where Road 'A' intersects with Road 'C' and with Road 'G'. The developer's site engineer shall coordinate with the developer's traffic engineer to determine appropriate design strategies at each location.
29. Developer shall modify traffic signal at Nolensville Pike and Burkitt Road to include a westbound right turn overlap during the protected SB left turn phase.
30. Developer may be required to extend the existing southbound left turn lane on Nolensville Road at Burkitt Road to address queuing concerns at this intersection. Additional analysis of the intersection shall be provided to address this prior to approval of any construction plans.

SEE NEXT PAGE



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

Zone Change 2010SP-003-001
Metro Nashville Teachers Apartment
BL2010-675
25 – McGuire
8 – Fox
Metro Nashville Teachers Apartment Inc., owner

Staff Reviewer
Staff Recommendation

Sexton
Approve with conditions

APPLICANT REQUEST

Permit multi-family, restaurant, cellular communications tower and personal care service uses.

Rezoning

A request to change from Multi-Family Residential (RM20) to Specific Plan – Mixed Use (SP-MU) zoning for a portion of an existing development located within the Green Hills Urban Design Overlay district at 2209 Abbott Martin Road, at the southwest corner of Abbott Martin Road and Hillsboro Circle (2.08 acres), to grant preliminary and final approval for multi-family, restaurant, and cellular communication tower uses, and to grant preliminary approval for personal care service uses.

Existing Zoning
RM20 District

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

Proposed Zoning
SP-MU District

Specific Plan-Mixed Use is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes a mix of uses.*

CRITICAL PLANNING GOALS

N/A

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Regional Activity Center (RAC)

RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.



Metro Planning Commission Meeting of 4/22/2010

Consistent with Policy?

Yes. The proposed specific plan allowing for a mixture of uses is consistent with the property's RAC policy. The policy supports uses such as retail activities and high density residential.

PLAN DETAILS

The property is approximately 2.08 acres in size. It is located southwest of the Green Hills Mall along Abbott Martin Road within the Green Hills Urban Design Overlay. The property is developed and consists of an existing 14 story apartment building, a cellular communications tower and indoor restaurant. While the existing cellular communications tower is already permitted under the existing RM20 zoning, the applicant has requested that staff include the cellular tower within this rezoning request. The applicant was cited by the Metro Codes Dept. for illegal signage for the restaurant as well as operating a private restaurant as a public restaurant without the proper use permit. The applicant will need a sign permit and use permit to advertise and open the restaurant to the public.

The applicant is also seeking preliminary approval for a proposed beauty salon to be located within the building. This use is categorized as "personal care services" under the Zoning Code. Details of the beauty salon were not provided to staff for review. The applicant does not have any plans for construction of the beauty salon inside the existing building at this time. Prior to final site plan approval of the beauty salon, details of the signage and any exterior modifications will need to be reviewed and approved by staff.

This SP is regulatory in nature and does not propose any additional built square footage beyond the existing 111,079 square foot building.

Building Orientation

The existing building is oriented towards Abbott Martin Road and Hillsboro Circle. The primary entrance for pedestrians is located in the front of the building along Abbott Martin Road.

Access/Parking

Primary access to the site is located along Abbott Martin Road. Secondary access to the site is located along Hillsboro Circle. Sidewalks are already in place and the existing parking area is located on the northwest and southeast sides of the building. There are approximately 108 existing on-site parking spaces which meets the parking requirements of the Zoning Code.



Metro Planning Commission Meeting of 4/22/2010

Signs

Sign details were not included in this SP. All signage shall be consistent with the Signage Standards of the Green Hills Urban Design Overlay prior to use and occupancy permits. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

PUBLIC WORKS RECOMMENDATION

No exception taken

As the rezoning request does not significantly alter what is currently permitted, no additional traffic is anticipated.

STAFF RECOMMENDATION

Staff recommends approval of the zone change request. The proposed zoning district is consistent with the area's RAC policy which supports a mixture of uses such as retail and high density residential.

CONDITIONS

1. Prior to final site plan approval for the beauty salon, details of the signage and any exterior modifications shall be to be reviewed and approved by the staff.
2. All signage shall require a sign permit and be consistent with the Signage Standards of the Green Hills Urban Design Overlay.
3. The SP is limited to multi-family, restaurant, cellular communications tower and personal care service uses.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected

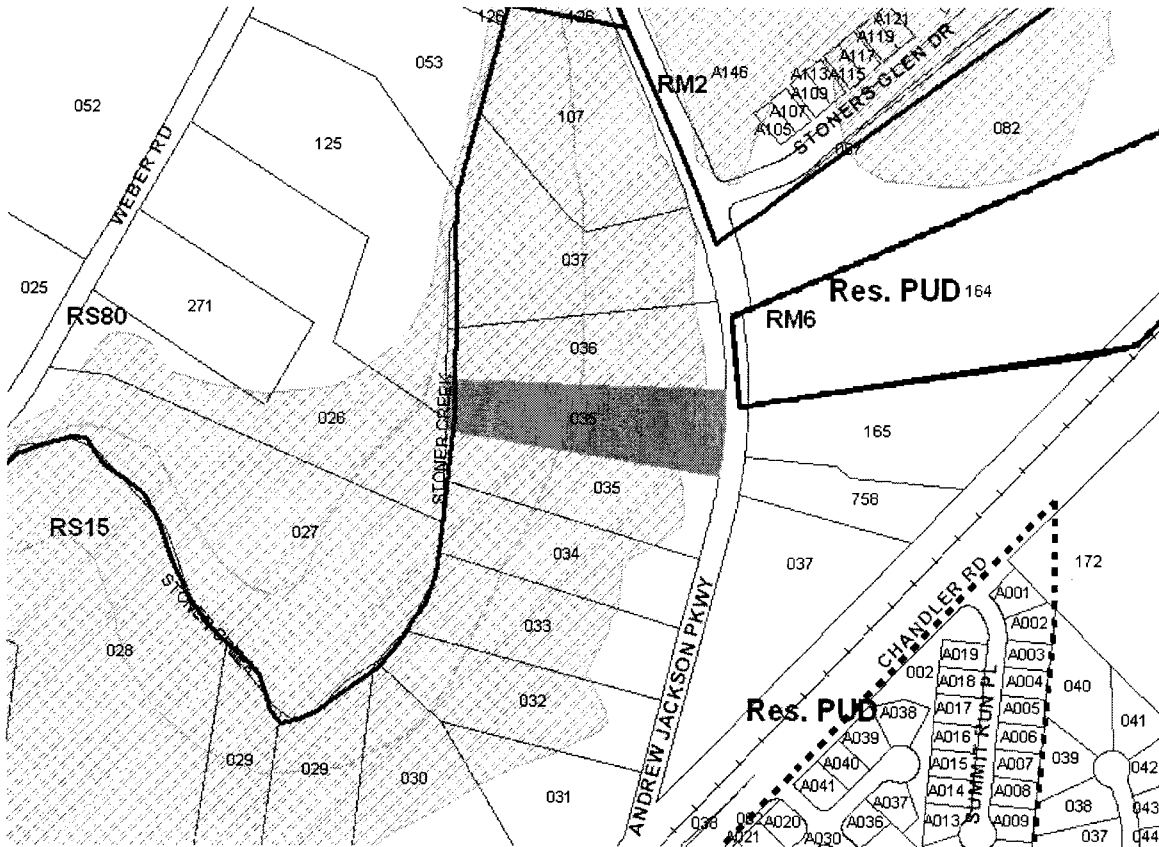


Metro Planning Commission Meeting of 4/22/2010

copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

SEE NEXT PAGE



2010SP-005-001
 4130 Andrew Jackson Parkway
 Map: 086-00 Parcel: 035.01
 Donelson/Hermitage/Old Hickory Community Plan
 Council District 12 -- Jim Gotto



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

Zone Change 2010SP-005-001
Andrew Jackson Parkway
BL2010-661
12 – Gotto
4 – Glover
Les Neely, applicant, Jim and Laria Gillispie, owners

Staff Reviewer
Staff Recommendation

Sexton
Approve with conditions

APPLICANT REQUEST

Permit a Medical Office and other specified uses of the MUN district.

Rezoning

A request to change from Single-Family Residential (RS15) to Specific Plan – Mixed Use (SP-MU) zoning and for final site plan approval for property located at 4130 Andrew Jackson Parkway, approximately 950 feet north of Chandler Road (2.04 acres), to permit an existing single-family dwelling unit to be used as a medical office and other specified uses of the MUN district.

Existing Zoning
RS15 District

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

Proposed Zoning
SP-MU District

Specific Plan-Mixed Use is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes a mix of uses.*

CRITICAL PLANNING GOALS

N/A

DONELSON/HERMITAGE COMMUNITY PLAN

Natural Conservation (NCO)

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

Neighborhood Center (NC)

NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding



Metro Planning Commission Meeting of 4/22/2010

*Hermitage Station
Detailed Design Plan
Mixed Use (MxU)*

Consistent with Policy?

neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

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

Yes. The proposed specific plan zoning is consistent with the property's NCO and MxU in NC policy. Both policies support low intensity community facility development as well as small scale office uses.

PLAN DETAILS

The property is approximately 2.04 acres in size and is located along Andrew Jackson Parkway across from the Hermitage Commuter Rail Station. The property is developed and consists of a one-story, single-family residence. This SP is regulatory in nature and does not propose any additional built square footage beyond the existing 2,685 square foot residence. The applicant intends to use a portion of the single-family residence as an eye doctors office.

The proposed SP plan would permit a medical office use on this property as well as all uses allowed by the MUN zoning district with the exception of the following prohibited uses in the SP:

- Cash Advance
- Boarding House
- Dormitory
- Check Cashing
- Title Loan
- Bar or Nightclub
- Pawnshop
- Power/gas substation
- Reservoir/water tank
- Waste water treatment



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- Water/sewer pump station
- Water treatment plant
- Wind energy facility

Access/Parking

Access to the site is from Andrew Jackson Parkway. There is an existing gravel parking area located in the rear of the residence. There are approximately 11 on-site parking spaces which meets the parking requirement of the Zoning Code.

Screening/Landscaping

The plan proposes a 12 foot landscape buffer in the rear of the residence screening the parking area from the existing residences in the back of the home. A variety of shrubs and canopy trees are proposed around the perimeter of the parking area.

Signs

While signage details for the eye doctor clinic were not included in this SP, the plan does include signage regulations. Approval of a sign permit shall be required prior to the any signs being placed on the property. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs include wall mounted signs with a maximum sign area of 20 square feet. Monument signage shall be limited to a maximum of one 3 foot tall by 4 foot wide monument style sign. The base shall be constructed of brick or stone. The sign shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

PUBLIC WORKS RECOMMENDATION

No exception taken

Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	2.04	2.47	5 L	48	4	6

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Medical Office (720)	2.04	-	2,700 SF	84	6	8



Metro Planning Commission Meeting of 4/22/2010

Traffic changes between Maximum: RS15 and proposed SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
			-	+36	+2	+2

STAFF RECOMMENDATION

Staff recommends approval with conditions of the zone change request. The proposed zoning district is consistent with the area's NCO and MxU in NC policies. Both policies support low intensity development and small scale office uses are consistent with the MxU in NC policy.

CONDITIONS

1. The SP is limited to medical office and specified uses of the MUN district.
2. Approval of a sign permit shall be required prior to the any signs being placed on the property. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs include wall mounted signs with a maximum sign area of 20 square feet. Monument signage shall be limited to a maximum of one 3 foot tall by 4 foot wide monument style sign. The base shall be constructed of brick or stone. The sign shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected



Metro Planning Commission Meeting of 4/22/2010

copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

5. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

NO SKETCH



Project No.
Project Name
Council Bills
Council District
School District
Requested by

Text Amendment 2010Z-008TX-001
Inflatable Sign Figures
BL2010-648
Countywide
Countywide
Councilmember Darren Jernigan

Staff Reviewer
Staff Recommendation

Regen
Disapprove

APPLICANT REQUEST

Permit businesses to display inflatable signs representing the human figure.

Text Amendment

A council bill to modify the Metro Zoning Code, Section 17.32.040 to allow inflatable advertising figures resembling the human form where they are attached to a fixed base, do not exceed 20 feet in height from the ground, are located more than 1,000 feet from any residential zoning district, and are used only during daylight hours.

CRITICAL PLANNING GOALS

N/A

PURPOSE

The proposed bill will allow inflatable advertising figures, up to 20 feet in height measured from the ground that are attached to a fixed base, to draw attention to businesses in commercial areas.

ANALYSIS

Existing Law

The existing Zoning Code, Section 17.32.050.O, prohibits signs that blow in the wind or are subjected to pressure by wind.

Proposed Bill

The proposed bill would make moving inflatable advertising figures representing the human form exempt from the sign regulations. The bill requires the inflatable signs to be attached to a fixed base, no more than 20 feet in height measured from the ground, used/displayed during daylight hours only, and kept in a state of good repair. Inflatable figures are signs that are inflated via a blower or air system one-time or continuously. These inflatable signs would be permitted in any commercial districts.

STAFF RECOMMENDATION

Staff recommends disapproval of this bill as it creates visual clutter along county roadways. Further, the bill would allow taller and larger signs. The number and size of signs is determined by the property's or tenant space's street frontage. By exempting these inflatable signs, they would be *in addition* to any other signs allowed on the property ---and not regulated for size or number.



Metro Planning Commission Meeting of 4/22/2010

ORDINANCE NO. BL2010-648

An Ordinance amending Section 17.16.250 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow inflatable advertising figures in commercial districts (Proposal No. 2010-008TX-001).

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.32.040, Exempt Signs, by adding the following new subsection BB.:

“BB. In commercial districts, inflatable moving advertising figures made to resemble the human form used to draw attention to an event or business, provided such inflatable advertising figures are attached to a fixed base, do not exceed twenty feet in height from the ground, are not located within 1,000 feet of a residential structure, are only used/displayed during daylight hours, and are kept in a good state of repair with a properly-functioning blower motor and material that is not worn or tattered.”

Section 2. 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.

SEE NEXT PAGE

NO SKETCH



Project No. Text Amendment 2010Z-009TX-001

Project Name

Medium Manufacturing

Council Bills

BL2010-647

Council District

Countywide

School District

Countywide

Requested by

Councilmember Darren Jernigan

Staff Reviewer

Regen

Staff Recommendation

Approve with amendment

APPLICANT REQUEST

Any medium manufacturing use shall be required to have an opaque fence to screen the view of any residentially occupied dwelling unit.

Text Amendment

A council bill to modify the Metro Zoning Code, Section 17.08.030 by making "medium manufacturing" a use permitted with conditions (PC) instead of permitted by right (P), and Section 17.16.090 by adding a new subsection "E" for medium manufacturing and requiring opaque fence screening for any outdoor storage that can be viewed from a residentially-occupied property with materials stacked no higher than the opaque fence.

CRITICAL PLANNING GOALS

N/A

PURPOSE

The proposed bill will require opaque fencing and prohibit any stacking of materials by a medium manufacturing use that can be viewed from a residentially occupied property.

ANALYSIS

Existing Law

A medium manufacturing use is permitted by right in the IR and IG zoning districts. The Zoning Code defines this use as one that processes extracted or raw materials such as, but not limited to, composting, alcoholic beverages, glue, carpet, porcelain products, welding, and furniture. The Zoning Code has no standards regarding the height of stacked materials outdoors for this use or any other use.

Proposed Bill

The proposed bill would require a medium manufacturing use to construct an opaque fence, if the property could be viewed from a residentially occupied dwelling. The bill does not require the "viewing" residential property to be zoned for residential use. Any industrial zoned property with a legally non-conforming residential use would trigger the fence construction. In addition, the bill would prohibit a medium manufacturer from stacking, piling, arranging, or heaping materials higher than the fence's height.



Metro Planning Commission Meeting of 4/22/2010

Amendments

The bill's intended purpose is consistent with protecting residential uses from industrial intrusions. However, a non-conforming residential use in an industrial zoning district (IWD, IR, or IG) does not appear to be an appropriate trigger for the fencing requirement. Hence, staff recommends an amendment to the council bill related to the "viewing" residential property. Staff recommends that the trigger for the opaque fence's construction and limitation on stacking materials outdoors be any property in a zoning district that permits residential use.

STAFF RECOMMENDATION

Staff recommends approval of this bill with the proposed amendment clarifying when a medium manufacturing use would have to construct an opaque fence.



Metro Planning Commission Meeting of 4/22/2010

ORDINANCE NO. BL2010-647

An Ordinance amending Chapters 17.08 and 17.16 of Title 17 of the Metropolitan Code, Zoning Regulations, to designate “manufacturing, medium” as a used permitted with conditions, all of which is more specifically described herein (Proposal No. 2010-009TX-001).

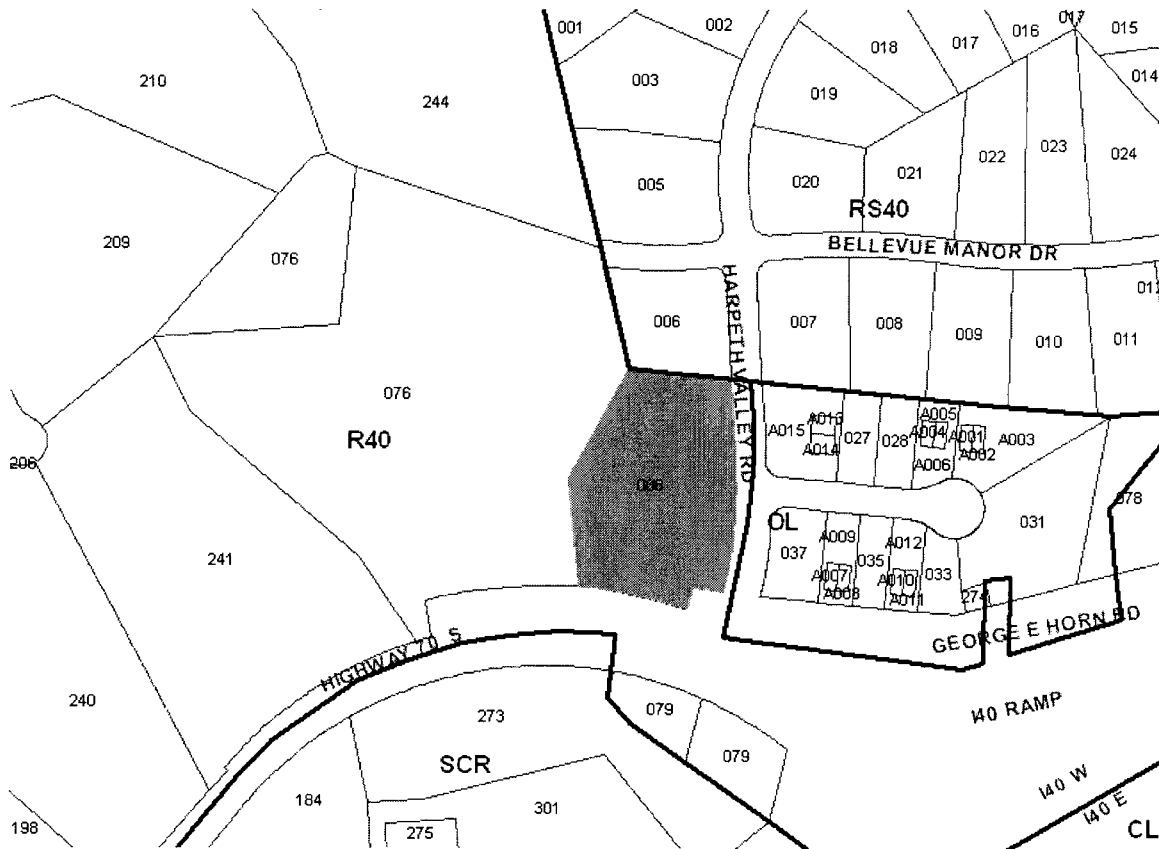
BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.08.030, District Land Use Tables, by deleting “manufacturing, medium” as a use permitted by right (P) in the IR and IG districts, and by adding “manufacturing, medium” as a use permitted with conditions (PC) in the IR and IG districts.

Section 2. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.16.090 by adding the following new subsection E., and re-lettering the existing subsections E. and F. accordingly:

“E. Manufacturing, Medium. Any medium manufacturing activity for which materials are stored outdoors shall be screened from view from any residentially-occupied property by an opaque fence. Materials shall not be piled or stacked higher than the opaque fence.”

Section 3. 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.



18-85P-001
 7734 Highway 70 S
 Map: 127-00 Parcel: 086
 Bellevue Community Plan
 Council District 22 – Eric W. Crafton



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

Planned Unit Development 18-85P-001
2010Z-010PR-001
BL2010-672
22 - Crafton
9 - Simmons
Eric Crafton, applicant, Patsy Potter, owner

Staff Reviewer
Staff Recommendation

Bernards
Approve

APPLICANT REQUEST

Cancel the 7734 Highway 70 South Planned Unit Development.

Zone Change

A request to cancel the 7734 Highway 70 South Commercial Planned Unit Development district located at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road, zoned One and Two-Family Residential (R40) and proposed for Commercial Limited (CL), (3.37 acres), approved for a commercial nursery facility.

Existing Zoning
R40 District

R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots. *Without the PUD overlay, the R40 zoning on this site would permit up to three residential lots.*

Commercial PUD

A commercial PUD overlay was applied to this property in 1987 to permit a garden and nursery center.

CRITICAL PLANNING GOALS

N/A

BELLEVUE COMMUNITY PLAN

Office Transition (OT)

OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Natural Conservation (NCO)

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development



Metro Planning Commission Meeting of 4/22/2010

(not exceeding one dwelling unit per two acres) may be appropriate land uses.

Consistent with Policy?

While the garden and nursery center permitted in this commercial PUD may be consistent with the NCO policy, the bulk of the property is within the OT policy. The permitted use is not consistent with the OT policy.

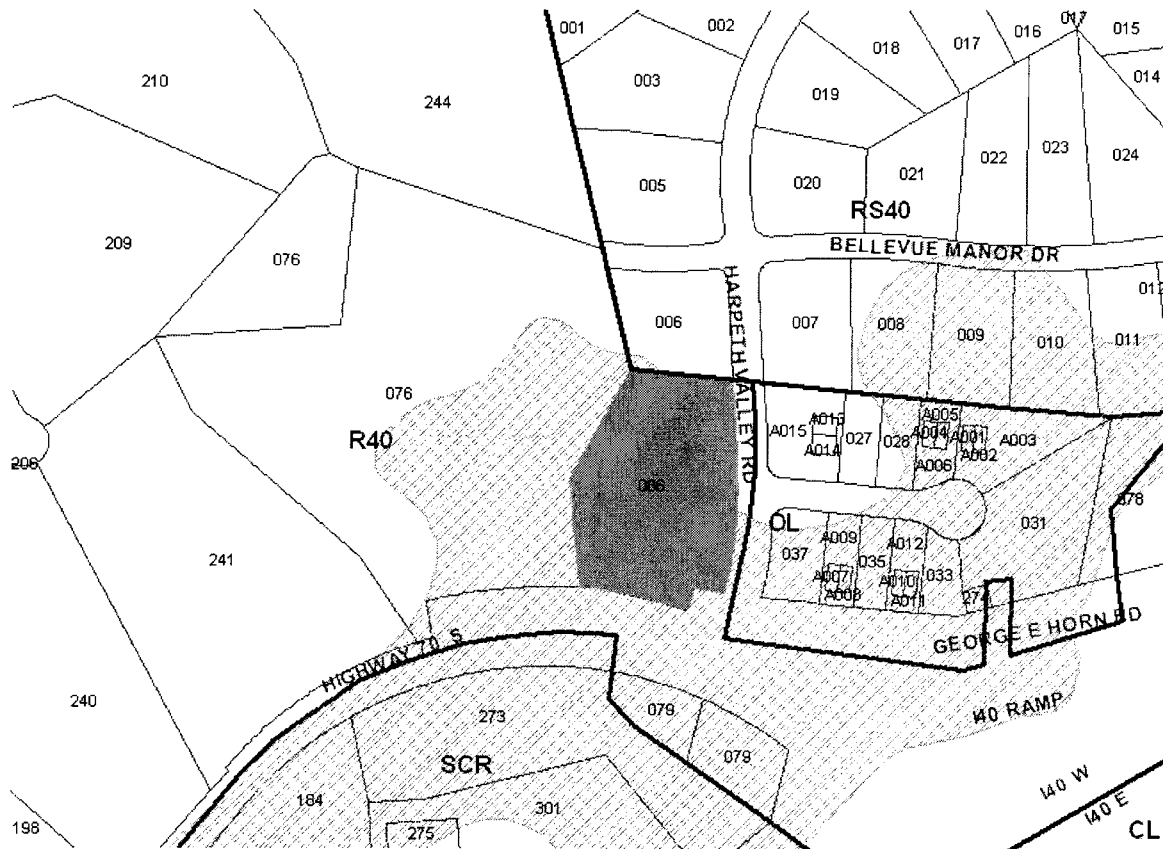
PUBLIC WORKS RECOMMENDATION

A TIS may be required at re-development.

STAFF RECOMMENDATION

Staff recommends approval of the request to cancel the Commercial PUD as the permitted garden and nursery center is not consistent with OT policy that covers the bulk of this property.

SEE NEXT PAGE



2010Z-010PR-001
 Map: 127-00 Parcel: 086
 Bellevue Community Plan
 Council District 22 – Eric W. Crafton



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

Zone Change 2010Z-010PR-001
18-85P-001
BL2010-673
22 - Crafton
9 - Simmons
Ted Potter, applicant, Patsy Potter, owner

Staff Reviewer
Staff Recommendation

Bernards
Disapprove

APPLICANT REQUEST

Rezone from R40 to CL.

Zone Change

A request to rezone from One and Two-Family Residential (R40) to Commercial Limited (CL) zoning for property located within the 7734 Highway 70 South Planned Unit Development Overlay at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road (3.37 acres).

Existing Zoning
R40 District

R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots. *Without the PUD overlay, the R40 zoning on this site would permit up to three residential lots.*

Proposed Zoning
CL District

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

CRITICAL PLANNING GOALS

N/A

BELLEVUE COMMUNITY PLAN

Office Transition (OT)

OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Natural Conservation (NCO)

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



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Consistent with Policy?

No. The proposed commercial zoning conflicts with the land use policies on the project site, which promote low-intensity office uses as a transition between residential and commercial uses and the NCO policy that calls for low-intensity residential development. While the majority of the site is within a floodplain the NCO policy covers only a small portion of the property along the western boundary.

Analysis

There is a Commercial PUD on this property that was adopted in 1985, to permit a landscape business. Across Highway 70 South there is a gas station and a martial arts studio in the R40 district and a restaurant in the Shopping Center Regional (SCR) district. The gas station and studio are legally non-conforming uses. A retail use was in place prior to the studio. In December 1988, the Board of Zoning Appeals approved the studio as a use that would not increase the degree of non-compliance.

The properties across Harpeth Valley Road were rezoned to Office Limited (OL) district in 1999. The low intensity Harpeth Valley Office Park was developed. The OL zoning district would be the appropriate zoning district for this policy.

PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: R40 PUD

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Greenhouse/Nursery (817)	3.37	-	2,868 SF	104	4	11

*Floor area controlled by PUD

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	3.37	0.165	24,221 SF	1074	27	80

Traffic changes between typical: R40 PUD and proposed CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
			-	+970	+23	+69



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Maximum Uses in Existing Zoning District: R40 PUD

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Greenhouse/Nursery (817)	3.37	-	2,868 SF*	104	4	11

*Floor area controlled by PUD

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	3.37	0.6	88,078 SF	6254	143	585

Traffic changes between maximum: R40 PUD and proposed CL

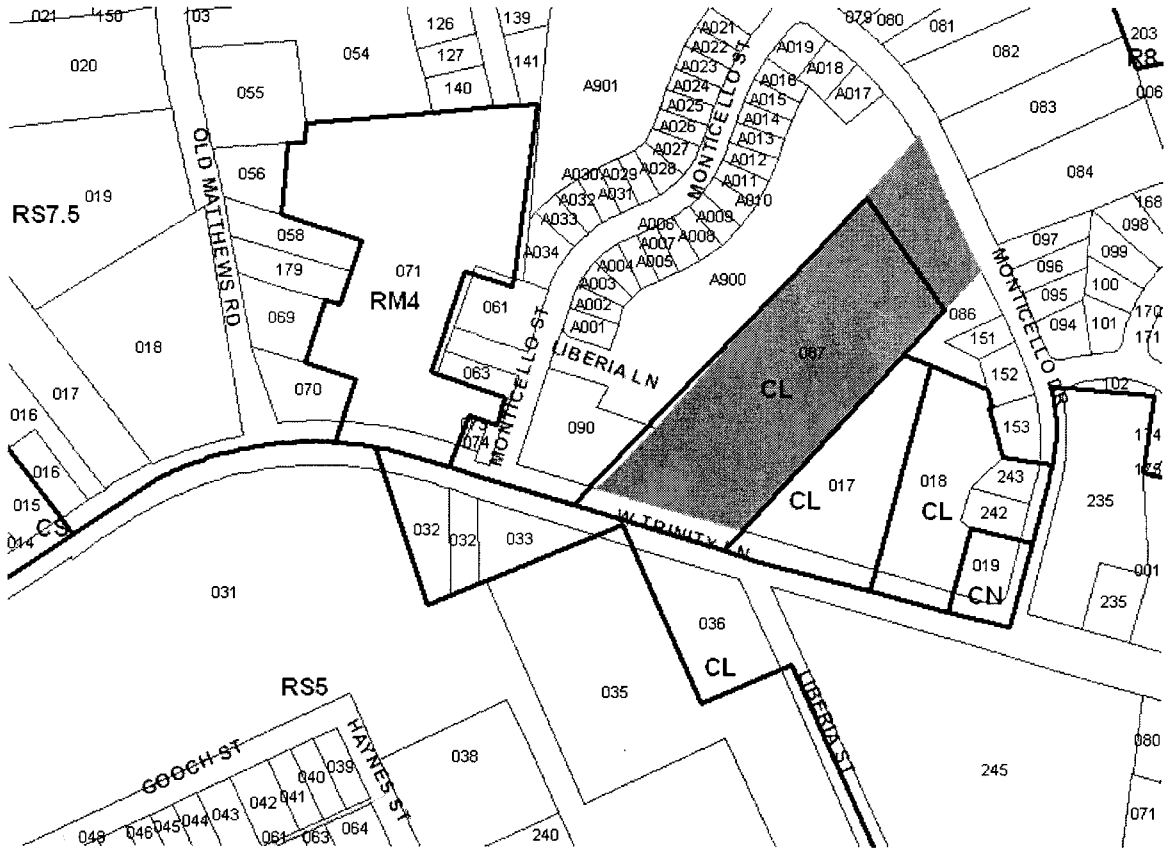
Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
				+6150	+139	+574

STAFF RECOMMENDATION

Staff recommends disapproval of the proposed CL zoning district. The CL zoning is inconsistent with the adopted OT land use policy that promotes low intensity office uses as a transition between the residential and commercial uses and the NCO policy which promotes low intensity residential development.

SEE NEXT PAGE

FINAL PLAT



2010S-029-001
 Trinity Lane Retail Partners
 Map: 071-01 Parcel: 087
 Bordeaux/Whites Creek Community Plan
 Council District 2 – Frank R. Harrison



Project No.
Project Name
Council District
School District
Requested by

Subdivision 2010S-029-001
Trinity Lane Retail Partners
2 – Harrison
1 – Gentry
Trinity Lane Retail Partners, owner, Blue Ridge Surveying Inc., surveyor

Staff Reviewer
Staff Recommendation

Sexton
Approve with conditions

APPLICANT REQUEST

Create three lots.

Final Plat

A request for final plat approval to create three lots on property located at 415 W. Trinity Lane, approximately 600 feet west of Monticello Drive (4.86 acres), zoned Single-Family Residential (RS7.5) and the majority zoned Commercial Limited (CL).

Existing Zoning
RS7.5 District

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

CL District

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

CRITICAL PLANNING GOALS

N/A

SUBDIVISION DETAILS

Site Access

Primary access to Lots 1, 2, and 3 is located on West Trinity Lane. The northwest portion of Lot 3 is accessed by Monticello Drive. The plat proposes a 30 foot Joint Access Easement that will be located in the middle of Lots 1 and 2 providing access to Lot 3 from West Trinity Lane.

Landscape Buffer

Landscape buffer yards are required between the CL and RS7.5 districts.

Sidewalks

There are sidewalks located along West Trinity Lane. Sidewalks are required by the Subdivision Regulations along the Monticello Drive street frontage.



Metro Planning Commission Meeting of 4/22/2010

**PUBLIC WORKS
RECOMMENDATION**

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

**STORMWATER
RECOMMENDATION**

Show existing water main as marked

**WATER SERVICES
RECOMMENDATION**

Approved

**FIRE MARSHAL
RECOMMENDATION**

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

STAFF RECOMMENDATION

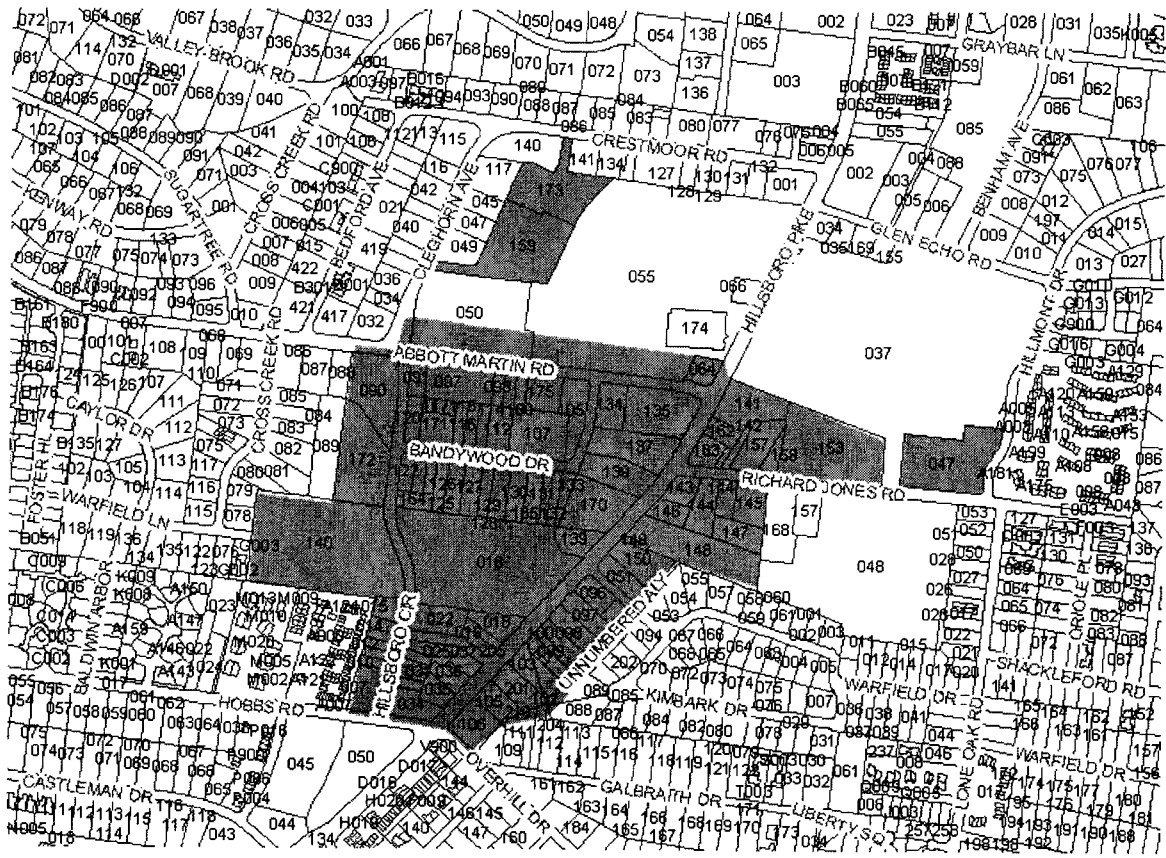
Staff recommends approval with conditions of the three lots.

CONDITION

1. The required sidewalk along Monticello Drive shall be constructed or bonded prior to final plat recordation.
2. Prior to the recording of the final plat, all Public Works' design standards shall be met. Any approval is subject to Public Works' approval of the construction plans.
3. The requirements of the Metro Water Services Department shall be met prior to the recording of the final plat.

SEE NEXT PAGE

URBAN DESIGN OVERLAY



2002UD-001-001
 Green Hills UDO (Amendment #5 - Conventional Base Standards)
 Map: 117-14 Parcels: VARIOUS
 Green Hills/Midtown Community Plan
 Council District 25 – Sean McGuire, District 34 – Carter Todd



Project No.

Urban Design Overlay 2002UD-001U-10

Name

Green Hills Urban Design Overlay

Council Bill

BL2010-674

Council District

25 - McGuire, 34 - Todd

School District

8 - Fox

Requested by

Planning Department on behalf of various property owners

Staff Reviewer

Ratz

Staff Recommendation

Approve

CRITICAL PLANNING GOALS

N/A

REQUEST

Modify variations to the conventional standards of the underlying zoning

Amend the UDO

An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending the Green Hills Urban Design Overlay (UDO) district, to modify variations to the conventional standards of the underlying zoning to ensure the intended design overlay objectives for signage, building form, massing and character within the overlay district.

HISTORY

The Green Hills Urban Design Overlay was originally passed in 2002. The UDO was developed to facilitate the redevelopment of Green Hills in to a visually coherent, pedestrian oriented center of commerce, entertainment, employment, and residences. Walkability, the clustering of land-use activities to foster mixed use, compact development, and pedestrian oriented signage are all important components of this concept.

When the UDO was passed in 2002, all the guidelines and standards were voluntary. Participation was encouraged through the use of development incentives. In 2007, the UDO was amended to make the Signage Standards mandatory. Since that time, issues have arisen regarding the application and interpretation of the Sign Standards that need to be addressed. Therefore, this amendment has been initiated by the Metro Planning Department.

This amendment will provide clarity and correct omissions in the original UDO language that will make the signage standards clearer and easier to implement. The primary focus of the amendment is on the signage portion of the UDO. In addition to changes that simplify the sign standards, the amendment is needed to address an unintended conflict between the UDO standards and the Tennessee State Statute. Finally, the amendment proposes



Metro Planning Commission Meeting of 4/22/2010

language allowing modifications from the standards of the UDO where existing site conditions would make strict adherence burdensome.

The amendment simply refines the regulatory standards keeping them in line with the adopted goals and intent that have been in place since 2002. An exhibit is found at the end of this staff report that shows the full text of the UDO amendment.

AMENDMENT DETAILS

Definitions

The amendment adds definitions pertaining to several terms of art used within the UDO. All the definitions are related to signage and clarify the specifications of different sign types.

Modifications:

This amendment will permit modifications from the specific standards of the UDO when a property demonstrates an exceptional narrowness, shallowness or shape; an exceptional topographic condition; or another extraordinary and exceptional condition. The condition shall be unique to the subject property and generally not prevalent to other properties in the area. Modifications may be approved by Planning Commission or Planning Staff as follows:

- a) Minor modifications – deviations of twenty percent or less on numerical standards– may be approved by Planning Staff. The applicant may elect to appeal any determination made by Planning Staff to the Planning Commission within seven business days.
- b) Major modifications – deviations of more than twenty percent on numerical standards and modifications of non-numerical standards – will be heard by the Planning Commission.

Edit language to indicate the Green Hills UDO Sign Standards are mandatory:

The 2007 UDO amendment (BL2007-1361) made the Sign Standards mandatory, but the actual UDO document was not edited to indicate the change. This amendment adds the language to the document in order to clarify that the signage standards are, in fact, mandatory for all users.

Edit language to explain the compliance procedures:

The 2007 amendment making the Sign Standards mandatory stated that “any change in signage” would require full compliance with the Sign Standards of the UDO. That all-encompassing language has caused two problems:



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The first problem is a conflict with a Zoning Code exemption for signs with “changeable copy” (such as a gas station price sign) that is designed to change on a daily basis. This amendment clarifies the issue with language specifying that for single-tenant signs, full compliance with the Sign Standards shall be required only when the proposed change requires a *sign permit*, not for routine maintenance or merely when some portion of the sign (like the price of gas) is changed.

The second conflict is with the State of Tennessee statute 13-7-208 regarding non-conforming uses and the protection this statute affords to signs. These two regulations conflict regarding the degree of physical change to a non-conforming sign that will trigger compliance with new zoning rules. The validity of the Green Hills UDO was challenged in regards to a tenant sign panel change on a non-conforming multi-tenant pole sign – a prohibited sign type within the UDO. The current UDO requirement that the entire sign must come into compliance with the UDO standards, was determined by the Board of Zoning Appeals to be in conflict with the statute because the degree of change was minor.

This amendment alleviates the conflict by specifying that a multi-tenant sign shall be required to come into full compliance with the UDO standards when consecutive changes to the sign add up to 50 percent of the sign area, in other words, when the majority of the sign area has been changed. The amendment specifies that the changes are cumulative and do not have to happen at one time.

Edit Language regarding prohibited signs to clarify the exclusion of Electronic Display Signs:

Signs that flash, change regularly, or have visible movement are already prohibited within the Green Hills UDO. However, since the passage of the UDO, the Planning Department has developed a more specific definition to regulate the use of electronic signs that will maintain its relevancy even as the specific sign technology continues to develop and change. This amendment includes the new language in order to reinforce the intent of the UDO Sign Standards.

Edit Language to allow Temporary Signs:

The current UDO standards do not allow any type of temporary sign. The prohibition was meant to eliminate visibility conflicts with banners that are attached to ground or pole signs as well as banners that are not properly secured. The amendment allows the use of temporary signs



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Clarify language regarding lighting types:

with the stipulations that they must be properly secured at all corners, they may not be attached to any ground signs and they are permitted for a period of no more than fourteen days.

The current UDO language indicates that back-lit signs shall utilize a "diffused light source." In order to clarify this standard for all users, the amendment adds language to further explain that the back-lighting shall "light the letters, characters or graphics on the sign, but not its background. The sign background shall be opaque."

Add language to permit Landmark Signs:

In rare instances an existing non-conforming sign must be removed or repaired and requires a new sign permit for reinstallation. New language will allow the Planning Commission to approve sign permits for existing non-conforming signs with community or cultural significance, such as the Donut Den sign in Green Hills.

Clarify Language regarding the total permitted sign area per building:

The amendment addresses two problems with the current standard for the Maximum Aggregate Sign Area permitted per building.

First, the amendment separates the standards for single-tenant buildings and multi-tenant buildings. The Green Hills commercial district has many multi-tenant strip shopping centers. Generally, each tenant applies for their signs independently of one another, but the existing standard for maximum sign area per building was written to apply to a single-tenant building and it is difficult to interpret in a multi-tenant situation. This amendment spells out the exact standards as they apply to both building types. The amendment also encourages the owners or managers of multi-tenant buildings to submit an overall sign plan, making each tenant's sign allocation clearer and making review more efficient and equitable.

The second change clarifies the applicable building façade used to calculate the permitted sign area. For single tenant buildings, it is the façade(s) facing the public street. For multi-tenant buildings it is the façade with the primary pedestrian entrance, which in many cases is the parking lot side of the building.

Add Hanging Sign as a permitted sign type:

Hanging signs are small ground signs with a post and arm from which the sign face hangs. This sign type is currently pictured within the guidelines section of the UDO, but is not included with the regulatory standards in



Metro Planning Commission Meeting of 4/22/2010

Change the maximum height for Projecting Signs and Awning Signs:

the appendix. The amendment adds *hanging signs* as a permitted sign type and includes specific standards.

The amendment changes the maximum height for projecting signs and awning signs from 14 feet to 16 feet. The new standard is consistent with the calculations used for measuring façade area. It also provides more flexibility in design, while still maintaining the pedestrian scale of the standards.

Add a minimum side property line setback for ground signs:

A side setback is not required under the current standards. The amendment established a two foot setback to reduce conflict with adjacent property owners.

STAFF RECOMMENDATION

Staff recommends approval of the proposed UDO amendment because it will correct weaknesses and omissions in the original language and provide some flexibility in design for sites that are physically constrained.



Metro Planning Commission Meeting of 4/22/2010

Exhibit A
Green Hills Urban Design Overlay
2002UD-001-001

Amendment 1 - Add language in "Section A: Definitions" as follows. Add the following in alphabetical order:

"CHANGEABLE COPY: copy designed to change on a daily basis such as, but not limited to, a sign indicating gas prices.

COPY: the graphic content of a sign surface in either permanent or removable letters, images, symbols, figures or message format.

DOUBLE SIDED SIGN: a single sign structure with sign copy on two parallel sides.

MULTI-TENANT SIGN: a sign or sign structure that identifies or advertises more than one entity (tenant, building name or development name).

PRINCIPAL BUILDING SIGN: A sign typically indicating the name of a building or development as opposed to a business or tenant.

DISPLAY SURFACE AREA: The area of a sign that is used for display purposes including Copy and background area. In relation to signs that do not have a background, Display Surface Area shall be computed on the basis of the smallest rectangle, triangle or circle large enough to frame the display.

SIGN TYPES

A. BUILDING SIGNS:

1. **Awning Sign:** a sign comprised of the application of words, lettering and/or logos to an awning face.
2. **Projecting Sign:** a sign attached to a wall that projects outward from the wall more than twelve inches; or a sign suspended from any structure that constitutes a covering or shelter such as a canopy, portico or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or form a wide angle with the surface to which it is attached.
3. **Wall Mounted:** a sign attached to a wall that does not project more than twelve inches.
4. **Window Sign:** any sign attached to or directly applied on a window or glass door that is intended to be viewed from the exterior of the building.

B. GROUND SIGNS

1. **Hanging Sign:** a ground sign with one vertical post, and one or two arms from which a sign hangs.
2. **Monument Sign:** 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. Openings in the base element shall not exceed 40% of the base facade area.

- C. **SINGLE-TENANT SIGN:** a sign or sign structure that identifies or advertises only one entity (tenant, building name or development name)"



Metro Planning Commission Meeting of 4/22/2010

Amendment 2 - Add "Section B: Modifications" after "Section A: Definitions", as follows, and renumbering subsequent Sections of the Regulatory Standards:

"SECTION B: MODIFICATIONS. The Planning Commission may grant modifications from the strict application of the provisions of this Urban Design Overlay based upon findings of fact related to the standards in this section.

1. **APPLICABILITY:** Any standard within the UDO, unless otherwise noted herein, may be modified insofar as the intent of the Urban Design Overlay is being met; the modification results in better urban design for the neighborhood as a whole; and the modification does not impede or burden existing or future development of adjacent properties. Any standards that shall not be modified are explicitly noted.

Variances and Special Exceptions for standards that are not regulated by the Green Hills UDO shall follow the procedures of Chapter 17.40 Articles VII and VIII of the Zoning Code.

Additionally, Variances and Special Exceptions to the UDO standards on height at the street and overall height shall follow the procedures of Chapter 17.40 Articles VII and VIII OF the Zoning Code.

2. **APPLICATIONS:** A written application for a modification shall be filed with the commission by the landowner or agent. The application shall state why the modification is being requested, what function the modification would accomplish, and what specific and unique circumstances exist that would authorize consideration by the Planning Commission under the review standards of this section. The application shall also indicate how the modification ensures compliance with the intent of the UDO and results in better urban design. Within three business days from the date the application for a major modification is filed, Planning Staff shall notify the district councilmember in writing as to the substance of the request.
3. **REVIEW STANDARDS:** Modifications may be permitted because of the exceptional narrowness, shallowness or shape of a specific piece of property; exceptional topographic condition; or other extraordinary and exceptional condition of a property. The condition shall be unique to the subject property and generally not prevalent to other properties in the area, and shall not have been created by the previous actions of any person having an interest in the property after the effective date of this ordinance.

Modifications may be approved by Planning Commission or Planning Staff as follows:

- c) Minor modifications – deviations of twenty percent or less on numerical standards– may be approved by Planning Staff.
- d) The applicant may elect to appeal any determination made by Planning Staff to the Planning Commission within seven business days.
- e) Major modifications – deviations of more than twenty percent on numerical standards and modifications of non-numerical standards – will be heard by the Planning Commission."

Amendment 3 - Delete "Section F.1 Provisions that apply with Incentives" (formerly section E.1.) in its entirety and replace it with the following:

"SECTION F.1: GENERAL PROVISIONS: The following signage standards shall apply to any new sign or change in signage that requires a sign permit, including the replacement of a sign panel(s) in accordance with The Metropolitan Zoning Code, Chapter 17.40, Article XI."



Metro Planning Commission Meeting of 4/22/2010

Amendment 4 - Add "F.1.b) Sign compliance procedures" after "F.1.a) Applicability of base district standards," (formerly Section E.1.a.) as follows:

"b) Sign compliance procedures:

New Signs: New signs shall comply with all Sign Standards of the Green Hills Urban Design Overlay.

Single-tenant Sign Changes: Existing single-tenant signs shall be brought into compliance with the UDO standards when a change to the sign requires a sign permit.

Nonconforming Multi-tenant Sign Changes: To prevent the demolition and rebuild of existing nonconforming multi-tenant signs, the Sign Display Surface Area may only be changed or replaced that do not result in a total aggregate change that exceeds fifty percent of the total Display Surface Area of the entire multi-tenant sign. Once the fifty percent threshold has been reached, no further changes shall be permitted until the entire sign complies with all provisions of the UDO Sign Standards. Display Surface Area that has not been changed shall be permitted to remain until such time as the sign is brought into compliance. At no time shall changes be permitted to signs that will increase the degree of non-conformity with the Green Hills UDO Sign Standards.

For calculation purposes, any Copy or Display Surface Area change shall be counted toward the fifty percent threshold, including multiple changes to the same area. The total aggregate change is the sum of all changes to the sign after the adoption of Ordinance (INSERT ORDINANCE NUMBER HERE).

For the purpose of compliance procedures only, the total Display Surface Area shall be the sum of all Display Surface Area from both sides of the sign

Notwithstanding the above, a non-conforming sign damaged by any involuntary means may be reconstructed to its pre-damage condition without increasing or reducing the existing total aggregate changes implicated in this section.

Amendment 5 – Delete "Section E.1.b) Signs not permitted" in its entirety and replace it with the following:

"F.1.c) Signs not permitted: In addition to signs prohibited in the base zoning district, pole-mounted signs, Electronic Display Signs, and new billboards shall not be permitted. Electronic Display Signs include, any sign or portion thereof that displays electronic static images, static graphics or static pictures, with or without textual information. Additionally, any sign that has visible moving parts; flashing or oscillating lighting, whether regular or intermittent; visible mechanical movement of any description, or other apparent visible movement achieved by any means are prohibited in the UDO area."

Amendment 6 – Delete "Section E.1.c) Maximum aggregate building signage," in its entirety and replace it with the following:

"F.1.d) Temporary Signs: Temporary signs shall be permitted in the Green Hills UDO area in accordance with the standards of the Metro Zoning Code 17.32.060, except as altered by this section. All temporary signs shall be attached to buildings and secured adequately at all corners. No temporary ground signs shall be permitted, including the attachment of temporary signs to existing permanent ground signs. Temporary signs shall be permitted to indicate a sale or special. Such messages may be displayed for a period of not more than fourteen days."



Metro Planning Commission Meeting of 4/22/2010

Amendment 7 – Delete “Section E.1.d) Limitations on lighting,” in its entirety and replace it with the following:

“F.1.e) Limitation on lighting: Lighted signs shall be either spot-lit, externally lit, or back lit with a diffused light source. Back-lighting shall illuminate only the letters, characters, or graphics on the sign, but not its background. The sign background shall be opaque. Lighting for signage shall be constant rather than intermittent. Changes in signage lighting shall correspond only with opening and closing times for businesses and/or with daybreak and nightfall transitions.

Awnings shall not be lit from underneath or backlit.”

Amendment 8 - Renumber “Section E.1.e) Placement of signs” to “Section F.1.f) Placement of signs.”

Amendment 9 – Add “Section F.1.g) Landmark Signs” after “F.1.f) Placement of signs” (formerly E.1.e) as follows:

“g) Landmark Signs: Signs that contribute notably to the community’s unique character because of their cultural or community significance. Nonconforming on-premises signs may be considered conforming to this ordinance, if determined to be a Landmark Sign subject to the conditions set forth below:

- (1) Any person who chooses to pursue the landmark designation for a nonconforming sign shall make application to the Planning Commission. The Commission shall not be empowered to approve an increase in the degree of nonconformity of a sign when approving it for a historic or landmark designation.
- (2) It is the duty of the applicant to establish for the Commission the community and/or cultural significance of the sign in question.”

Amendment 10 – Add “Section F.1.h) Maximum Aggregate Signage” after “Section F.1.g) Landmark Signs” as follows:

“F.1.h) Maximum Aggregate Signage

(1) Single Tenant Buildings:

- a. The maximum combined amount of Sign Copy area of all permanent on-premise building signage shall not exceed fifteen percent of the area of the ground floor building façade(s) along the building’s street frontage(s) or 105 square feet, which ever is greater. Occupants may divide the permitted signage among all facades, but no additional signage is given for facades without street frontage.

(2) Multi Tenant Buildings:

- b. Each multi-tenant building may display no more than two on-premises Principal Building Signs with a combined Sign Copy area of not more than thirty-two square feet.
- c. In addition to the Principal Building Signage, each occupant of a multi-tenant building may display on-premises building signs on any exterior-viewed portion of the complex that is part of the occupant's unit. The total Sign Copy area shall not exceed fifteen percent of the facade area for the public entry side of the occupants unit. Occupants may divide the permitted signage among the applicable facades, but no signage bonus is given for additional public entries or facades.
- d. Where the owner of a multi-tenant building so chooses, a common signage plan in accordance with the standards for a single occupancy building may be submitted.



Metro Planning Commission Meeting of 4/22/2010

(3) Ground signs

- e. A maximum of one ground sign shall be permitted per street frontage. Properties with greater than 400 feet of frontage on one street shall be permitted two ground signs on the applicable frontage. Signs located along the same frontage shall be spaced a minimum of 400 feet apart.

(4) Facade area shall be calculated by multiplying the façade length by the height of the building or tenant space to a maximum height of sixteen feet.”

Amendment 11 – Edit the “Table of Sign Standards” as follows

Edit the “Minimum Setback” for “Ground Sign-Monument” as follows:

delete

“None Required”

add

“2 ft. from side property line. 15 ft. from any public right-of-way if the sign is within 15 feet of a driveway connecting to a street.”

Edit the “Maximum Display Surface Area” for “Awning Sign-Front” and “Building Sign-Wall Mounted” as follows

delete

“facing the public street, which ever is less.”

add

“on which the sign is placed, which ever is less.”

Add the new sign type “Ground Sign – Hanging” to the table as follows:

“Minimum setbacks: 2 ft. from side property line. 15 ft. from any public right-of-way if the sign is within 15 feet of a driveway connecting to a street.

Maximum Height: 6 feet for the entire sign structure

Maximum Display Surface of individual signs: 10 square feet”

Edit the “Maximum Height” for Building Sign-Projecting,” “Awning sign-Front,” and “Awning Sign-Side” as follows:

delete

“14 ft.”

add

“16 ft.”

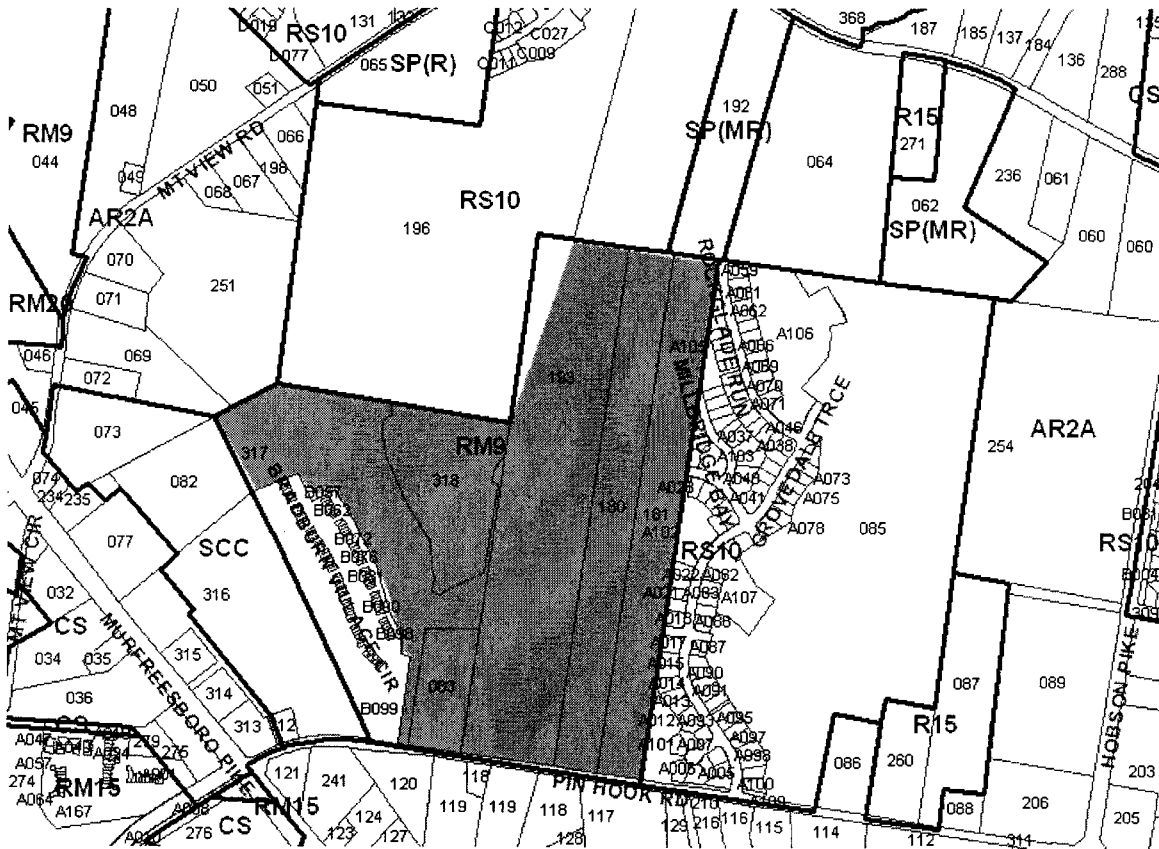
Edit the Table of Sign Standards footnotes

delete

^a A minimum ground clearance of 10 feet shall be provided for any portion of a pole sign that is within 15 feet of the street line.

^c Greater than 15 ft. above ground level

SEE NEXT PAGE



2010UD-002-001

Pin Hook

Map: 164-00 Parcels: 083, 180, 181, 317, 318

Antioch/Priest Lake Community Plan

Council District 33 – Robert Duvall



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

Urban Design Overlay 2010UD-002-001
Pin Hook Urban Design Overlay
BL2010-658
33 - Duvall
6 - Johnson
Councilmember Robert Duvall

Staff Reviewer
Staff Recommendation

Johnson
Defer to June 24, 2010, Planning Commission meeting

APPLICANT REQUEST

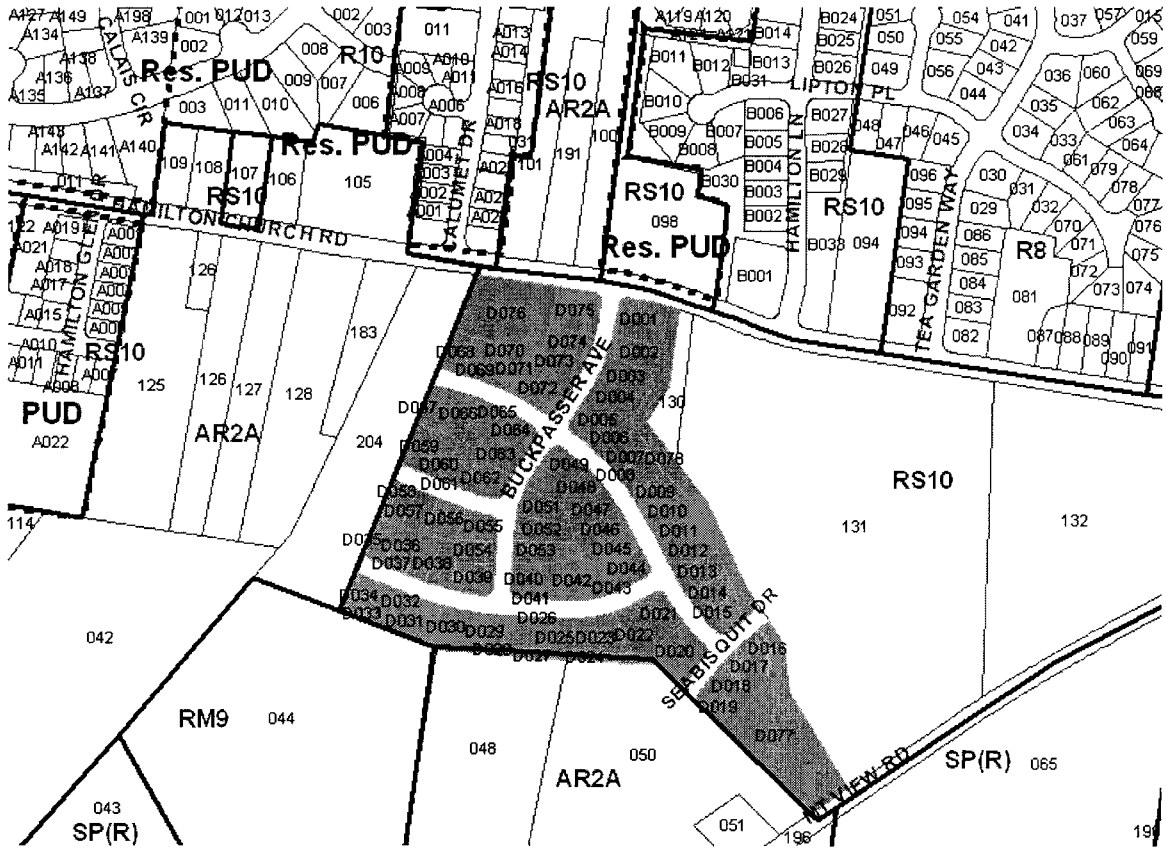
Apply the Pin Hook Urban Design Overlay.

Preliminary UDO

A request to make applicable the provisions of an Urban Design Overlay (UDO) district to be known as the "Pin Hook UDO" to properties located at 3534 and 3562 Pin Hook Road, Pin Hook Road (unnumbered), and at Hamilton Church Road (unnumbered), east of Murfreesboro Pike, zoned Multi-Family Residential (RM9) (88.39 acres), to apply building design and typology standards to lots zoned as RM9.

STAFF RECOMMENDATION

Staff has received a written request from the applicant to defer this application until the June 24, 2010 Planning Commission meeting. Staff recommends deferral of the Pin Hook UDO to the June 24 2010, Planning Commission meeting.



2010UD-003-001
 Keeneland Downs
 Map: 150-14-0-D Parcels: 001-077
 Antioch/Priest Lake Community Plan
 Council District 33 – Robert Duvall



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

Urban Design Overlay 2010UD-003-001
Keeneland Downs Urban Design Overlay
BL2010-669
33 - Duvall
6 - Johnson
Councilmember Robert Duvall

Staff Reviewer
Staff Recommendation

Johnson
Withdraw

APPLICANT REQUEST

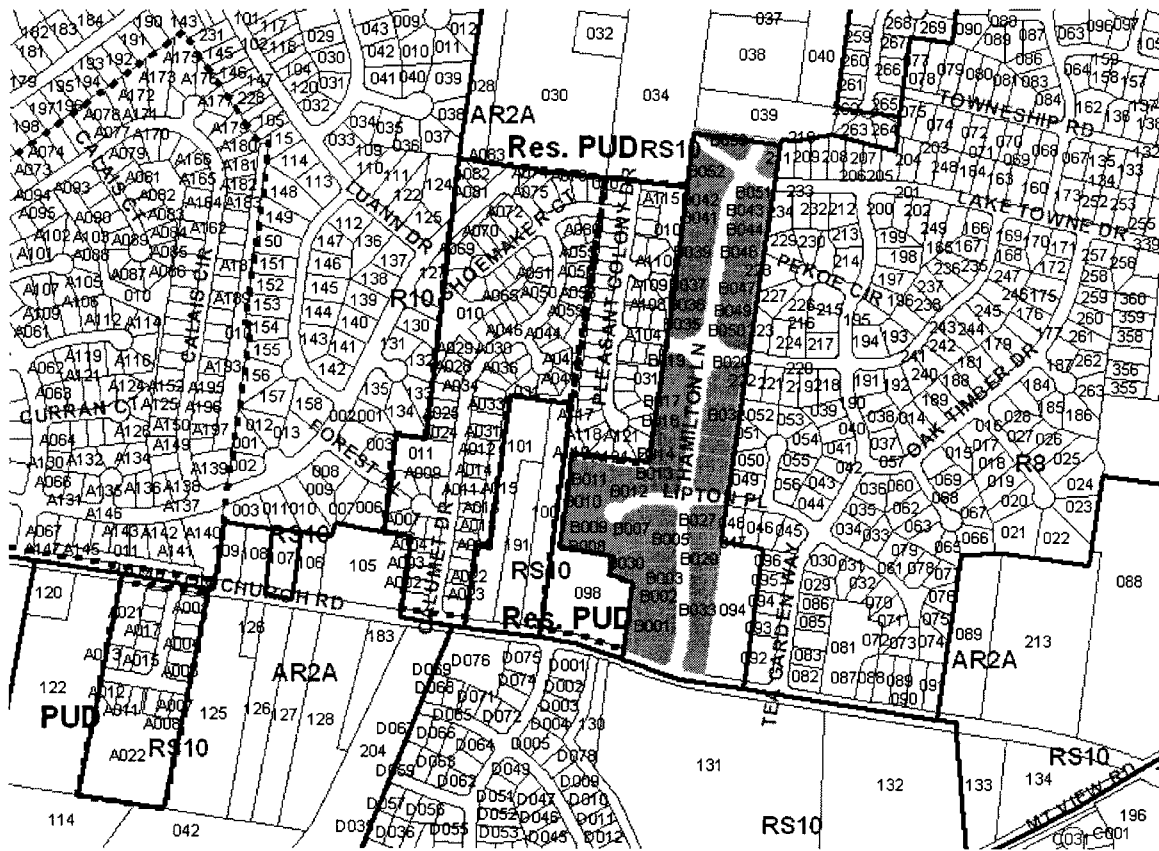
Apply the Keeneland Downs Urban Design Overlay.

Preliminary UDO

A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Keeneland Downs UDO" applicable to properties located along Buckpasser Avenue, Buckpasser Court, Backstretch Boulevard, Secretariat Drive, and Seabisquit Drive, south of Hamilton Church Road, zoned Single-Family Residential (RS10) (16.59 acres).

STAFF RECOMMENDATION

Staff has received a written request from the applicant to withdraw this application. Staff recommends withdrawal of the Keeneland Downs UDO application.



2010UD-004-001
 Hamilton View
 Map: 150-14-0-B Parcels: Various
 Antioch/Priest Lake Community Plan
 Council District 33 – Robert Duvall



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

Urban Design Overlay 2010UD-004-001
Hamilton View Urban Design Overlay
BL2010-662
33 - Duvall
6 - Johnson
Councilmember Robert Duvall

Staff Reviewer
Staff Recommendation

Johnson
Withdraw

APPLICANT REQUEST

Apply the Hamilton View Urban Design Overlay.

Preliminary UDO

A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Hamilton View UDO" applicable to properties located along Hamilton Lane, Lipton Lane, Forest Breeze Drive, and Lake Towne Drive, north of Hamilton Church Road, zoned Single-Family Residential (RS10) (13.42 acres).

STAFF RECOMMENDATION

Staff has received a written request from the applicant to withdraw this application. Staff recommends withdrawal of the Hamilton View UDO application.



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

Urban Design Overlay 2010UD-005-001
Harvest Grove Urban Design Overlay
BL2010-660
33 - Duvall
6 - Johnson
Councilmember Robert Duvall

Staff Reviewer
Staff Recommendation

Johnson
Withdraw

APPLICANT REQUEST

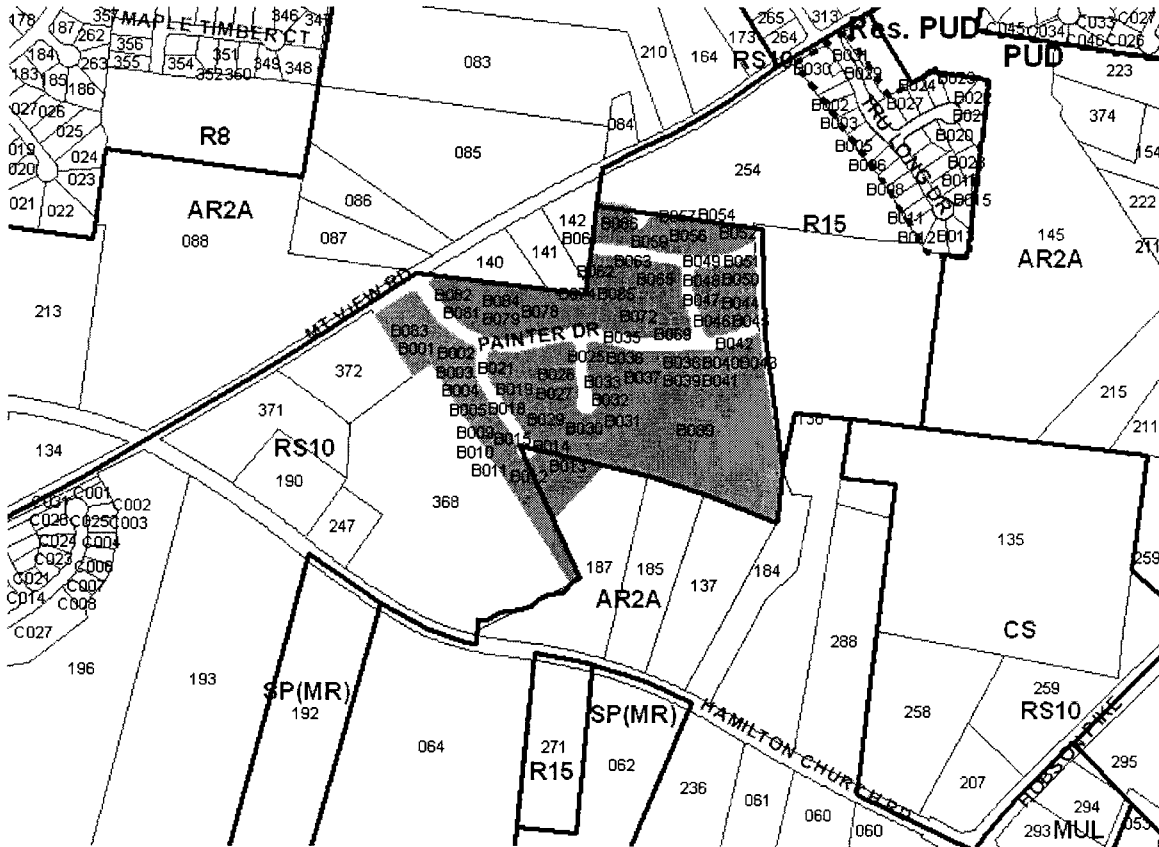
Apply the Harvest Grove Urban Design Overlay.

Preliminary UDO

A request to make applicable the provisions of an Urban Design Overlay (UDO) district to be known as the "Harvest Grove UDO" to properties located along Grovedale Trace, Gracewood Grove, Harvest Grove Drive, Millbridge Bay, and Rockglade Run, north of Pin Hook Road, zoned Single-Family Residential (RS10) (77.69 acres).

STAFF RECOMMENDATION

Staff has received a written request from the applicant to withdraw this application. Staff recommends withdrawal of the Harvest Grove UDO application.



2010UD-006-001
 Edison Park
 Map: 150-15-0-B Parcels: 001-089
 Antioch/Priest Lake Community Plan
 Council District 33 – Robert Duvall



Project No.	Urban Design Overlay 2010UD-006-001
Project Name	Edison Park Urban Design Overlay
Council Bill	BL2010-665
Council District	33 - Duvall
School District	6 - Johnson
Requested by	Councilmember Robert Duvall
Staff Reviewer	Johnson
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

Apply the Edison Park Urban Design Overlay.

Preliminary UDO

A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Edison Park UDO" applicable to properties located along Painter Drive, Schoolhouse Court, Jenny Ruth Point, Rebecca Trena Way, and Coneflower Trail, east of Mt. View Road, zoned Single-Family Residential (RS10) (20.36 acres).

CRITICAL PLANNING GOALS

N/A

Existing Zoning

The adoption of an Urban Design Overlay **does not change** the underlying, existing zoning. Where UDO standards conflict with similar standards of the Metro Zoning Code, the UDO controls.

RS10 District

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

ANTIOCH/ PRIEST LAKE COMMUNITY PLAN

Neighborhood General (NG)

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

Consistent with Policy?

NG policy recommends an accompanying UDO, PUD or site plan with base zone changes in this policy area. Although the subdivision was originally approved without site-specific design standards, the addition of building and property design standards is consistent with NG policy.



Metro Planning Commission Meeting of 4/22/2010

PLAN DETAILS

The Edison Park Urban Design Overlay District was initiated by Councilmember Duvall in order to establish basic building design standards for all residential lots within the Edison Park Subdivision. This subdivision was platted with 82 lots and has permitted or completed dwellings on approximately half of the lots. The standards of this UDO will apply to all future building permit approvals in Edison Park. The UDO does not affect the lot pattern within the previously approved subdivision.

The UDO is a regulatory tool that establishes development standards that vary from the base zoning districts for the properties within the UDO. The UDO standards have the same force and effect as the standards set forth in the base zoning districts of the Zoning Code. The only standard that the UDO cannot vary is use, which is controlled by the underlying base zoning district. The proposed Edison Park UDO includes standards for minimum building size, building materials, garage frontage, driveway width, and pedestrian frontage.

Building standards

A minimum floor area of 1,500 square feet is required for all dwellings within the UDO.

Building materials

The UDO requires the use of specific exterior building materials on building facades that face streets and open spaces. Brick, stone, wood siding, shingles, stucco, and fiber cement siding/shingles are eligible materials. A minimum percentage of 50 percent brick and stone must be provided on the front façade of each dwelling.

Garage frontage

Garage standards are proposed to lessen the visual impact of street-facing garages. To achieve this, garage door openings are limited in width and must have a front setback that is no more than eight feet in front of the front setback of the dwelling space.

Driveways

Driveway widths are limited in the UDO to lessen the amount of lot frontage devoted to curb cuts and impervious surface.

Pedestrian frontage

Pedestrian entrances that are visible from the street are required for each dwelling. The presence and visibility of separate pedestrian entrances is an important aspect of walkable neighborhoods.

Modifications

Based on site-specific issues, modifications to the standards may be necessary. A modification is a provision



Metro Planning Commission Meeting of 4/22/2010

Analysis

within this UDO allowing for deviations to the UDO development standards based on site-specific circumstances. The UDO modification may be approved by the Planning Commission if the intent of the standard and the stated goals of the UDO are determined to be met and the modification results in a more coordinated design for the neighborhood as a whole. Those standards that cannot be modified are explicitly noted as such in the code.

Three proposed standards within the UDO related to minimum building size, masonry materials on the front façade, and minimum garage parking spaces have weak relationships to the proposed goals of this UDO. These elements, as written, will not directly improve the pedestrian realm, building aesthetics, or the sense of place within the Edison Park subdivision.

The minimum garage setback standard proposed through the UDO does not achieve the intended goal of creating a strong pedestrian-friendly realm. Garages placed closer to the street than adjacent living space tend to weaken the quality of the pedestrian realm along the street.

The remaining standards generally follow standards included in other UDOs that have been approved by the Planning Commission and Metro Council. While these standards are consistent with the stated goals and have counterparts in other UDOs, the standards for driveway widths, visible pedestrian entrances, raised foundations, and garage widths are usually peripheral standards within a UDO. Approval of the UDO with only these standards will likely have little visual impact on the subdivision.

FIRE MARSHAL RECOMMENDATION

No comments

PUBLIC WORKS RECOMMENDATION

Public Works recommends disapproval of this UDO. It places additional restrictions on a financially troubled development, jeopardizing agreements for completion of the partially installed infrastructure.

STAFF RECOMMENDATION

Staff recommends disapproval of the Edison Park UDO. Proposed standards are either inconsistent with the stated goals of the UDO or are peripheral standards that will have little impact on the subdivision.



Metro Planning Commission Meeting of 4/22/2010

CONDITIONS (if approved)

1. UDO standards addressing minimum building sizes, front façade materials, and minimum garage parking spaces shall be removed from the UDO.
2. The garage street setback requirement shall be revised to state: "The garage shall have a setback equal to or greater than the front façade."

SEE NEXT PAGE



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

Urban Design Overlay 2010UD-007-001
Hamilton-Hobson Urban Design Overlay
BL2010-667
33 - Duvall
6 - Johnson
Councilmember Robert Duvall

Staff Reviewer
Staff Recommendation

Johnson
Approve with condition

APPLICANT REQUEST

Apply the Hamilton-Hobson Urban Design Overlay.

Preliminary UDO

A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Hamilton-Hobson UDO" applicable to properties located at 3527, 3606, 3618 and 7086 Hamilton Church Road, Hamilton Church Road (unnumbered), 2214 Hobson Pike and Hobson Pike (unnumbered), at the intersection of Hamilton Church Road and Hobson Pike, zoned Agricultural/Residential (AR2a), Single-Family Residential (RS10), Mixed Use Limited (MUL), and Commercial Service (CS) (45.18 acres).

CRITICAL PLANNING GOALS

Creates Walkable Neighborhoods

This UDO is intended to allow for a cohesive mixed-use node at the intersection of Hamilton Church Road and Hobson Pike. Buildings are intended to have a position along interior and arterial streets that will allow for an acceptable level of street presence to promote pedestrian activity among separate buildings and uses within the UDO. Requirements for cross access among adjacent lots may encourage additional pedestrian connectivity.

Existing Zoning

The adoption of an Urban Design Overlay **does not change** the underlying, existing zoning. Where UDO standards conflict with similar standards of the Metro Zoning Code, the UDO controls.

RS10 District

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

AR2a District

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



Metro Planning Commission Meeting of 4/22/2010

MUL District

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

CS District

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

ANTIOCH/ PRIEST LAKE COMMUNITY PLAN

Community/
Corridor Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

CC policy recommends an accompanying UDO, PUD or site plan with proposed rezonings in this policy area. The policy also includes design standards promoting a "main street" concept with mixed-use buildings placed with short setbacks along streets. The addition of development standards consistent with the design principles of the policy will promote consistency with policy.

PLAN DETAILS

The Hamilton-Hobson Urban Design Overlay District was initiated by Councilmember Duvall in order to establish basic building and site design standards for all lots within the Hamilton-Hobson UDO boundary. Although all of the included lots are within Community/Corridor Center policy, not all of the lots have mixed-use or commercial zoning. The standards of the UDO will not apply to land within the boundary unless it has commercial or mixed-use base zoning.

The UDO is a regulatory tool that establishes development standards that vary from the base zoning districts for the properties within the UDO. The UDO standards have the same force and effect as the standards set forth in the base zoning districts of the Zoning Code. The only standard that the UDO cannot vary is use, which is controlled by the



Metro Planning Commission Meeting of 4/22/2010

Building setbacks and frontage

underlying base zoning district. The proposed Hamilton-Hobson UDO includes standards for minimum building setbacks, frontage, and materials; pedestrian frontage; parking; landscaping; cross-access; and signage.

The proposed UDO intends to allow for various types of mixed-use and commercial development within the UDO. The building setbacks and frontage standards are intended to specify appropriate locations for buildings and parking. A setback standard sets a minimum and maximum building setback along Hobson Pike and Hamilton Church Road. This setback is intended to allow for some parking in front of each building, while requiring an effective level of street presence from each building. A frontage standard requires a minimum level of building façade facing the two arterial streets. This will maintain a consistent building frontage along the two streets. Along Hobson Pike and Hamilton Church Road, buildings must have a street setback between 15 feet and 60 feet from the property line. A minimum of 40% of the street frontage length along the two arterial streets must be occupied by buildings that meet these street setback requirements.

Building materials

The UDO requires the use of specific exterior building materials on building facades that face streets. Brick, stone, wood siding, shingles, stucco, and fiber cement siding/shingles are eligible materials. Minimum percentages of brick and stone must be provided on the front façade for a minimum percentage of 50% of each building.

Pedestrian frontage

Pedestrian entrances that are visible from the street are required for each building. The presence and visibility of separate pedestrian entrances is an important aspect of walkable neighborhoods.

Parking

Parking spaces placed in front of a building are limited to a single-loaded row. This standard, combined with a maximum building setback along Hobson Pike and Hamilton Church Road, are intended to promote strong building presence along the arterial streets.

Landscaping

Landscaping standards require visual screening of parking areas with low shrubs.

Cross access and joint access

A cross access standard requires individual developments within this UDO to share vehicular access from Hobson Pike and Hamilton Church Road or to allow for connections among their parking lots. This is intended to



Metro Planning Commission Meeting of 4/22/2010

Underground utilities

minimize the use of the arterial streets for cars traveling within the UDO boundary.

The UDO requires the installation of underground utilities with development within the UDO, where permissible. This requirement is intended to improve the quality of the streetscape within the UDO area.

Signage

Signage standards are proposed and are consistent with other UDOs. Ground signs must be monument signs with a base that is at least as wide as the sign background area. The maximum size of a monument sign is 50 square feet. Lighting standards for all sign types are proposed. Signs may be externally or internally illuminated. If internally-illuminated, only letters and logos can be illuminated. External lighting sources must be shielded to eliminate glare. Sign program requirements for multi-tenant buildings have been added. These standards require the coordination in the placement and size of signage on a multi-tenant building.

Modifications

Based on site-specific issues, modifications to the standards may be necessary. A modification is a provision within this UDO allowing for deviations to the UDO development standards based on site-specific circumstances. The UDO modification may be approved by the Planning Commission if the intent of the standard and the stated goals of the UDO are determined to be met and the modification results in a more coordinated design for the neighborhood as a whole. Any standards that cannot be modified are explicitly noted as such in the code.

Traffic Impact Study

Final site plans shall be submitted in the future for each individual development or phase of development within the overlay area. Final site plans shall consist of a detailed set of construction plans that fully demonstrate compliance with the intent of the urban design overlay and shall specifically describe the nature and scope of development to serve as the basis for the issuance of permits by the Codes Department and all other applicable metro departments. Following the approval of construction plans for individual phases of development, final subdivision plats may be required to establish lots, rights-of-way, easements, etc.

A condition of approval has been added to address the concerns of Metro Public Works over the impacts of development on roadway infrastructure.



Metro Planning Commission Meeting of 4/22/2010

Analysis of the potential traffic projections and trip generations may be required at submission of final site plans.

FIRE MARSHAL RECOMMENDATION

No comments

NES RECOMMENDATION

NES's main lines along both Hamilton Church and Hobson Pk will remain overhead. NES will need construction drawings to know what we can do. This will include knowing what Metro planning or codes will require the developers to do on road improvements.

PUBLIC WORKS RECOMMENDATION

Public Works recommends disapproval of this UDO because no detailed development site plan outlining the development and addressing traffic impacts to the existing and proposed roadway infrastructure has been provided. Without a detailed development plan, analysis of the potential traffic projections, trip generations and comparison to the analysis and conditions placed on the original rezoning in 2002, conflicts could adversely impact the ability to plan and construct future roadway improvements in the area.

STAFF RECOMMENDATION

Staff recommends approval with a condition of the Hamilton-Hobson UDO. Proposed standards are consistent with Community Center/Corridor policy and with other commercial and mixed-use UDOs.

CONDITION

1. A Traffic Impact Study may be required at each final UDO phase. Traffic conditions will be required, as applicable, as final plans are developed and submitted for approval.



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Hamilton-Hobson Commercial UDO (DRAFT)

Purpose

The purpose of this Urban Design Overlay is to apply building and property design standards to land with commercial or mixed use zoning and/or land use policy surrounding the intersection of Hamilton Church Road and Hobson Pike. These standards will be in addition to the existing standards of the Metro Zoning Code for the commercial and/or mixed-use base zoning district.

The design standards of the Urban Design Overlay are intended to achieve the following goals:

- The promotion of a strong pedestrian realm
- The enhancement of building aesthetics
- The protection of quality of life
- The placement of buildings and building entrances close to the street as appropriate in order to create a comfortable and interesting pedestrian environment.
- The use of high quality building materials that require little maintenance in order to demonstrate sustained quality and a sense of permanence.
- The allowance of vehicular movement within the UDO boundary without the use of arterial streets.

Process

Final site plans and/or building permits shall be submitted for any development within the boundary of the UDO. Plans shall consist of architectural and site drawings and/or a set of construction plans that fully demonstrate compliance with the UDO and shall specifically describe the nature and scope of development to serve as the basis for the issuance of permits by the Codes Department and all other applicable Metro departments.

Applicability

Base district standards that are not varied by the provisions set forth in the Hamilton-Hobson Urban Design Overlay shall apply as applicable to all property within the UDO boundary. Development standards within this UDO apply only to land within the UDO boundary that is zoned to allow for commercial, mixed-use, or multi-family development. To the degree permissible by law, all new structures must comply with the UDO standards.

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

- New signs shall comply with all Signage Standards of the UDO.
- Existing single tenant signs shall be brought into compliance when a change to the sign requires a sign permit.
- Notwithstanding the above, a non-conforming sign damaged by any involuntary means may be reconstructed to its pre-damage condition.

Street setbacks

Front: Along Hobson Pike and Hamilton Church Road:

- 15 foot minimum 60 foot maximum from the property line



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- Within each lot, a minimum of 40% of the street frontage length must be occupied by buildings with front setbacks between 15 feet and 60 feet from the property line.
- Buildings with street setbacks greater than 60 feet can only be approved after the minimum 40% of street frontage has been reached through final site plan approval for the block.
- Exception: Buildings with street setbacks greater than 60 feet can be approved on parcels 16400029500 and 16400005300 after the minimum 40% of street frontage has been reached for each lot.

Building materials

1. Exterior walls shall not be finished in unfinished concrete block or vinyl siding. EIFS can be used only above the first floor.
2. Brick or stone shall comprise of a minimum of 50% of the front façade on all lots.
3. For exterior building facades with street setbacks of 60 feet or less from either Hobson Pike or Hamilton Church Road, a minimum of 40% of first floor wall surface to a height of 14 shall be glazed with a minimum glass transparency of 70% Visible Light Transmittance.

Pedestrian frontage

4. For each building, a clearly identified and visible pedestrian entrance shall be provided along a street-facing exterior wall. Buildings with a street setback of 60 feet or less from Hobson Pike or Hamilton Church Road shall have a public pedestrian entrance facing the arterial street.

Parking

5. Landscaped passages are encouraged between buildings to provide access from rear parking areas to the building fronts.
6. For all buildings with street setbacks of 60 feet or less, a maximum of 1 row of parking is permitted within the street setback.

Landscaping

7. Parking areas and driveways shall be separated from the edge of the right-of-way by a perimeter landscape strip a minimum of 10 feet wide and planted with a continuous row of evergreen shrubs.
 - All shrubs shall be a minimum of 2 feet, 6 inches in height at the time of installation, forming a hedge that provides screening year-round.
 - Vegetation shall be maintained at a maximum height of 3 feet.

Cross Access and Joint Access

8. Cross Access, which allows for vehicles to pass between properties without entering the public right-of-way, and/or Joint Access, a shared driveway providing access to multiple properties via one driveway, shall be required. An easement agreement which provides for the mutual right of ingress and egress for both property owners shall be recorded with the Register of Deeds and be referenced on a final plat and in any restrictive covenants, and shall be referenced on the site plan.



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Signage

9. Externally lit signage using uplighting, downlighting, or backlighting techniques shall be permitted. Internal lighting shall be permitted to illuminate letters and logotype only. Sign backgrounds shall be opaque. External lighting sources shall be directed and shielded so that they do not produce glare off the site or on any object other than the sign.
10. Ground signs shall be monument in style. If the sign background does not extend all the way to the ground, the monument sign shall have a base that is at least as wide as and as deep as the sign background area. Openings in the base element shall not exceed 40 percent of the base façade area. Monument signs shall follow placement and spacing requirements of the Zoning Code.
 - The maximum sign area of a ground sign is 50 square feet.
 - The maximum height of a ground sign is 6 feet.
11. Buildings with multiple commercial tenants shall submit a sign program to Metro Planning for review prior to approval of sign permits for the building. The sign program shall identify the total amount of signage allowed and shall identify the amount of signage available for each tenant. The sign program shall identify the proposed sign locations on each multi-tenant building.

Open Space

12. Usable open space in the form of hardscaped plazas and green spaces should be provided within the UDO boundary. These spaces should be defined by building front building facades, driveways, and/or streets.

Traffic Impact Study

13. A Traffic Impact Study may be required at each final UDO phase. Traffic conditions will be required, as applicable, as final plans are developed and submitted for approval.

Utilities

14. Upon development of any lot that requires full compliance with this UDO, public utilities should be placed underground for all lots within the UDO boundary in the same block as the developed property, where approved by NES and other applicable utilities.

Modifications to standards

A modification is a provision within this UDO allowing for deviations to the UDO development standards based on site-specific circumstances. The UDO modification may be approved by the Planning Commission if the intent of the standard and the stated goals of the UDO are determined to be met and the modification results in a more coordinated design for the neighborhood as a whole. Any standards that shall not be modified are explicitly noted as such in the code. Modifications shall be approved by Planning Commission.