

# Metropolitan Planning Commission



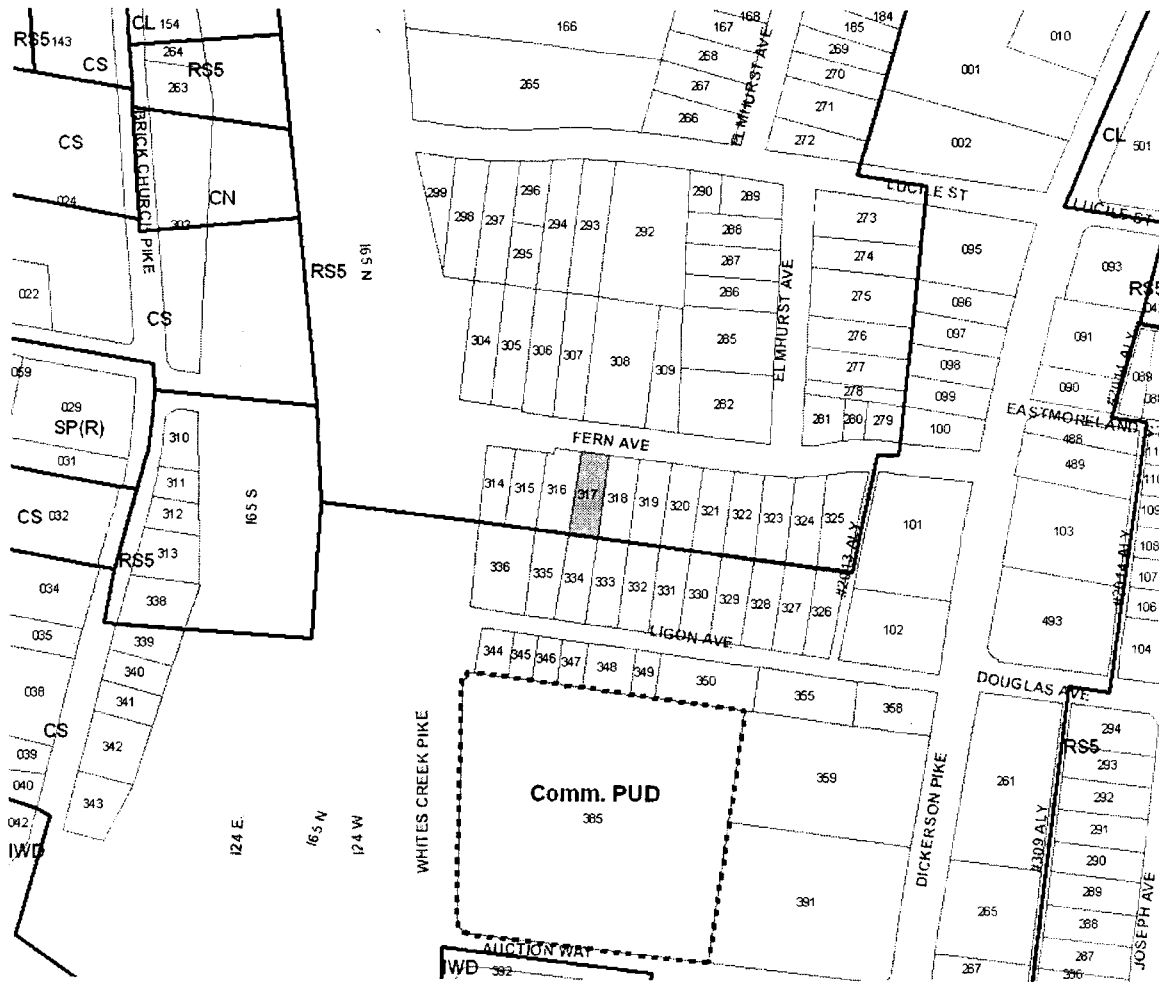
Staff Reports

June 28, 2012

*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**

- **Zone Change**
- **Text Amendment**



**2012Z-010PR-001**  
 18 FERN AVENUE  
 Map 071-14, Parcel(s) 317  
 East Nashville  
 05 - Scott Davis



**Project No.**  
**Council District**  
**School District**  
**Requested by**  
**Deferral**

**Zone Change 2012Z-010PR-001**

5 – S. Davis

5 – Porter

LaShaunda and Daniel Bryant, owners

This item was deferred by the Planning Commission at the April 24, 2012, Planning Commission at the request of the applicant and the district council member. It was deferred at the May 24, 2012, Planning Commission meeting by the Planning Commission.

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

Johnson

*Defer to July 26, 2012 Planning Commission meeting*

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**APPLICANT REQUEST**

**Zone change from RS5 to R6**

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two Family Residential (R6) district property located at 18 Fern Avenue, approximately 225 feet east of Whites Creek Pike (0.14 acres).

**STAFF RECOMMENDATION**

Staff recommends deferral of the request to the July 26, 2012, Planning Commission agenda, as requested by the applicant. This deferral will give the applicant more time to meet with surrounding neighbors and to determine the best way to proceed.

**NO SKETCH**



<b>Project No.</b>	<b>Zone Change 2012Z-009TX-001</b>
<b>Project Name</b>	<b>Boat Storage</b>
<b>Council Bill</b>	BL2012-158
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Councilmember Josh Stites
<b>Deferral</b>	Deferred by the applicant from the June 14, 2012, Planning Commission meeting.
<b>Staff Reviewer</b>	Regen
<b>Staff Recommendation</b>	<i>Disapprove</i>

**APPLICANT REQUEST**

**Modify Zoning Code to create new land use called “boat storage” and to allow it in commercial, shopping center, and industrial zoning districts.**

**ZONING TEXT AMENDMENT**

A request to amend the Metro Zoning Code, Chapters 17.04 (Definitions), 17.08 (Zoning Land Use Table), and 17.16 (Land Use Development Standards) to create a new land use called "Boat Storage" and to allow it as a use permitted by right (P) in the CS, CA, CF, SCC, SCR, IWD, IR, and IG zoning districts and permitted with conditions (PC) in the CL zoning district.

**CRITICAL PLANNING GOALS**

N/A

**EXISTING ZONING CODE**

The Zoning Code does not have a use called “boat storage” for dry storage of boats. The Zoning Administrator has determined a boat storage use is “self-service storage”. As such, boats can be stored indoors or outdoors on property zoned CS, CF, DTC, IWD, IR, or IG zoning districts.

**PROPOSED ZONING CODE**

The proposed text amendment would create a new land use called “boat storage” for the commercial parking or storage of boats. Boat storage would be allowed by right (P) in the CS, CA, CF, SCC, SCR, IWD, IR and IG zoning district, and permitted with conditions (PC) in the CL zoning district.

Boat storage would be defined as a use of property for the commercial parking or storage of boats. Such parking/storage is not intended to include boats for sale. In the CL zoning district only, a boat storage facility would be subject to the following conditions:

- 1) Maximum lot size of four acres of land;
- 2) Maximum number of boat slips is 100;
- 3) Maximum height of the boat storage facility is 18 feet;
- 4) Landscape buffer yard “B” (10’, 15’ or 20’) shall be required along all residential zone districts and districts permitting residential uses;



## Metro Planning Commission Meeting of 06/28/2012

- 5) Vegetation buffer of at least 25 feet in width shall be required between any storage building and the closest residential property line. This buffer is in addition to the landscape buffer yard "B".

### ANALYSIS

This bill would apply to all properties zoned CL, CS, CA, CF, SCC, SCR, IWD, IR and IG. Currently, a self-service storage use is only allowed as a "PC" use in the CS zoning district and as a "P" use in the CF, DTC, IWD, IR and IG zoning districts. A self-service storage use primarily involves individual units of varying size that are rented by individuals and businesses for off-site storage of belongings and documents. Occasionally, the storage operators rent space to persons for outdoor storage of recreational vehicles or boats in parking spaces along the storage property's perimeter. Due to its building form and operational profile, self-service storage is not allowed in the CL, CA, SCC, or SCR zoning districts.

### Zoning Districts

Over the years, the Metro Council has been cautious about expanding where self-service storage uses could locate in Davidson County. With the rewrite of the Metro Zoning Code in 1998, the Council created distinct zoning districts. Each zoning district's land uses are unique. While many districts allow the same land uses, none are identical.

- Both **Commercial-Limited (CL) and Commercial Service (CS)** are commercial zoning districts, one being limited in its range of uses (CL) and one being broader (CS). As defined in Section 17.08.020 (Zoning Districts Described), the CL district is intended for a limited range of commercial uses primarily concerned with retail trade, consumer services, restaurants, financial institutions, and offices. Contrastingly, the CS district was intended for the same uses as CL plus certain automotive uses, small scale manufacturing, small warehousing, and entertainment. The CL district does not allow self-service storage or warehouse uses as allowed by the CS, IWD, IR, and IG districts. ***Allowing "boat storage" would be contrary to purpose of the CL district. Further, the required landscape buffers would be very difficult to achieve in the CL zoning district.***
- The Commercial Attraction (CA) district was created by the Metro Council for commercial amusement, restaurant, hotels/motels, and recreational uses associated with tourism. The Opryland area has CA zoning. The CA district does not allow self-service storage or warehouse uses as allowed by the CS, IWD, IR and IG districts. ***Allowing "boat storage" would be contrary to the purpose of the CA district.***
- Both the **Shopping Center Community (SCC) and Shopping Center Regional (SCR)** zoning districts are for shopping centers, one being for your neighborhood commercial needs (SCC) and one being for regional retail centers (SCR). SCC zoned shopping centers are Nippers Corner, Hickory Plaza, Mt. View Marketplace, Belle Forest, and Northlake Village. SCR-zoned shopping centers are Rivergate Mall, Bellevue Mall, Green Hills Mall, and Hickory Hollow Mall. The SCC and SCR zoning districts do not allow self-service storage or warehouse uses as allowed by the CS, IWD, IR and IG districts. ***Allowing "boat storage" would be contrary to the purpose of the SCC and SCR districts.***





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### Proposed Definition

The definition does not distinguish whether boat storage applies only to storage uses physically located on land, or whether it also applies to boat storage on, or over, water such as a marina or boatdock “commercial” use. Further, the definition permits both outdoor storage and indoor storage of boats.

The proposed bill states that no building in the CL district may exceed 18 feet in height, but it doesn’t require a building for boat storage. As written, 100 percent open storage would be allowed in the CL district and all other zoning districts that would permit boat storage. In addition, the 18 foot height limitation is not a maximum height standard since “may” in the Zoning Code is defined as permissive, Section 17.04.050.J (Rules for Construction of Language: Shall and May). Therefore, a taller building can be constructed on the property. Also, there is a typo in the bill, Section 3, I. 4 states “eighteen (16) feet”. The Council Office has told staff the bill sponsor wanted the maximum height of a building to be eighteen (18) feet.

### **METRO CODES ADMINISTRATION RECOMMENDATION**

Not required for this project.

### **PUBLIC WORKS RECOMMENDATION**

Not required for this project.

### **STAFF RECOMMENDATION**

Staff recommends disapproval of this bill. As proposed, this text amendment would allow boat storage, a use akin to self-service storage, warehouse storage, and outdoor storage in the CL, CA, SCC and SCR zoning districts. Since self-service storage and warehouse uses are not allowed in these zoning districts, a boat storage use should also be prohibited.



## Metro Planning Commission Meeting of 06/28/2012

### ORDINANCE NO. BL2012-158

**An Ordinance amending Chapters 17.04, 17.08, and 17.16 of the Metropolitan Code pertaining to the storage of boats, all of which is more particularly described herein (Proposal No. 2012Z-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 17.04.060 by adding the following new definition:

“Boat storage” means the use of property for the commercial parking or storage of boats. Such parking/storage is not intended to include boats for sale.

Section 2. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by adding “boat storage” as a permitted (P) use in the CS, CA, CF, SCC, SCR, IWD, IR and IG zoning districts, and as a use permitted with conditions (PC) in the CL zoning district.

Section 3. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.06.070 by adding the following provision as subsection I. and re-lettering the remaining subsections accordingly:

I. Boat storage.

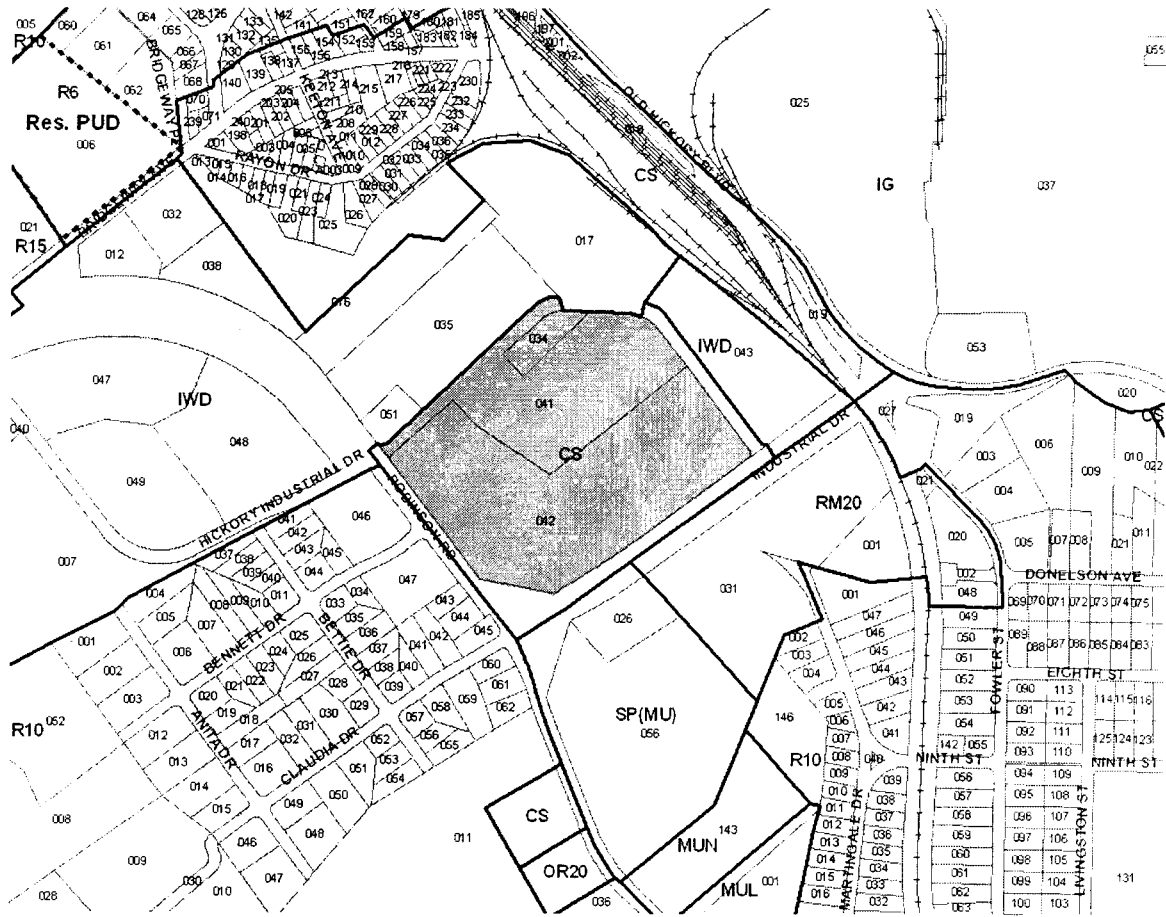
1. The boat storage facility must be located on a lot that does not exceed four (4) acres in size.
2. No more than one hundred (100) boat slips shall be permitted on the premises.
3. Landscape buffer. Screening in the form of a Landscape Buffer Yard Standard B shall be applied along all residential zone districts and districts permitting residential uses. Further a twenty-five (25) foot vegetation buffer shall be provided between any storage building and the closest residential property line. The maintenance standards set forth in Section 17.24.080 shall be applicable to all required landscaping.
4. No building on the property may exceed eighteen (16) feet in height.

Section 4. 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.

Sponsored by: Josh Stites

# **COMMUNITY PLAN POLICY CHANGES and ASSOCIATED CASE**

- **Plan Amendment**
- **Specific Plan**



**2012CP-014-001**  
 DONELSON-HERMITAGE-OLD HICKORY PLAN AMENDMENT  
 Map 044, Parcel(s) 034, 041-042  
 Donelson - Hermitage  
 11 - Darren Jernigan



<b>Project No.</b>	<b>Major Amendment 2012CP-014-001</b>
<b>Project Name</b>	<b>Amend the <i>Donelson-Hermitage-Old Hickory Community Plan: 2004 Update</i></b>
<b>Associated Case</b>	2012SP-016-001
<b>Council District</b>	11 – Jernigan
<b>School District</b>	4 – Shepherd
<b>Requested by</b>	Hawkins Development Company, applicant; Rayon City Investors, owner
<b>Staff Reviewer</b>	McCaig
<b>Staff Recommendation</b>	<i>Approve</i>

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**APPLICANT REQUEST**

**Amend the land use policy from Mixed Use in Community Center to T3 Suburban Community Center and District – Industrial.**

Major Plan Amendment

A request to amend the *Donelson-Hermitage-Old Hickory Community Plan: 2004 Update* to change the land use policy from Mixed Use in Community Center (MxU in CC) to T3 Suburban Community Center (T3 CC) and District-Industrial (D-IN) for properties located at 915, 921, and 932 Robinson Road, at the northeast corner of Robinson Road and Industrial Drive (28.82 acres).

**CRITICAL PLANNING GOALS**

N/A

**DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN**

**Existing Land Use Policy**

Detailed Policy

Mixed Use (MxU) policy 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.

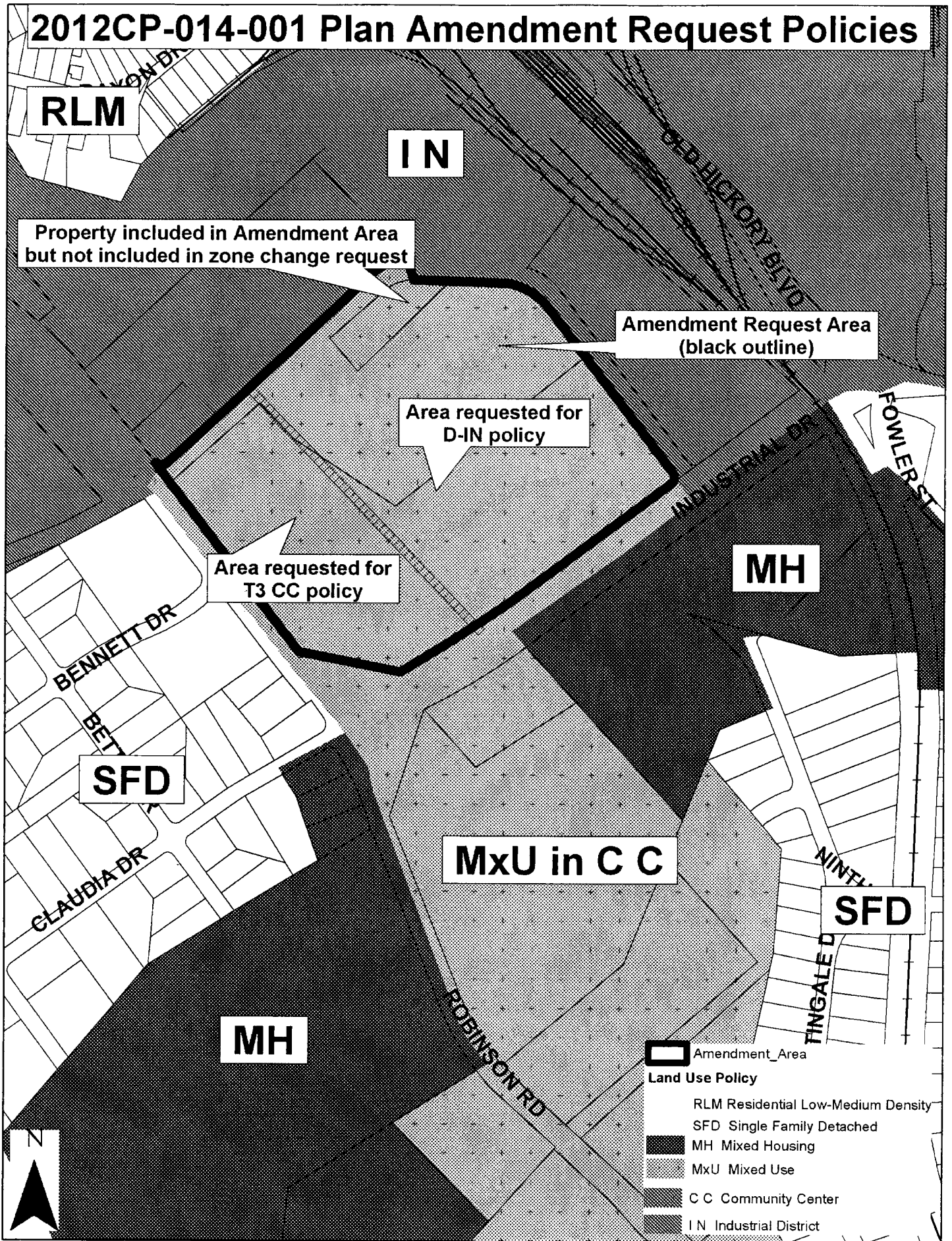
General Policy

Community Center (CC) policy is intended for dense, predominately commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. CC policy areas tend to mirror the commercial edge of another neighborhood, forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

**Proposed Land Use Policies**

T3 Suburban Community Center (T3 CC) policy is intended to enhance and create suburban neighborhood centers that are compatible with the general character of suburban neighborhoods. Where not present, infrastructure and transportation networks should be enhanced to improve pedestrian, bicycle and vehicular connectivity. T3 CC areas are pedestrian friendly areas, generally located at prominent intersections and serve suburban communities within a 10 to 20 minute drive.

# 2012CP-014-001 Plan Amendment Request Policies





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District Industrial (D-IN) policy is intended to preserve, enhance and create industrial districts in appropriate locations, so that they are strategically located and designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses intended in D-IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

### **BACKGROUND**

The applicant's property is approximately 28 acres located in the northeast quadrant of the intersection of Robinson Road and Industrial Drive. Mixed Use in Community Center (MxU in CC) policy was applied to this area during the 2004 update of the Donelson-Hermitage-Old Hickory Community Plan and its accompanying Old Hickory Village West Detailed Neighborhood Design Plan to promote the area's evolution into a more mixed use neighborhood along with commercial uses. This plan amendment was requested by the applicants to accompany the related zone change, a Specific Plan zone change which allows for commercial and mixed use on the western portion (approximately 9 acres). This is similar to what is allowed currently, while also allowing light industrial uses on the eastern portion (approximately 19 acres) of the property.

### **COMMUNITY PARTICIPATION**

Planning staff held a community meeting regarding the Community Plan Amendment request on June 4, 2012 with the District Councilmember, the applicants and stakeholders. Approximately 15 people attended the meeting. The applicants briefly discussed their plan, and attendees asked questions, mainly about desired businesses and aesthetics, and shared thoughts. Overall, attendees voiced support for the project and specifically mentioned the need for a grocery store and other small businesses in the area. The applicants already maintain a mixed business industrial park nearby, so the attendees were confident that the property would be aesthetically pleasing and well maintained.

Notification of the amendment request, community meeting and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 1,300 feet of the subject site. The applicants had previously spoken to stakeholders during a community meeting with the District Councilmember.

### **ANALYSIS**

Currently, the site is vacant and classified by the Metro Property Assessor as "vacant industrial land." Previously, the property was used by DuPont, and the current owner has restored the brownfield site to allow for new development. There are no sensitive environmental features on the site. To the north and west, the adjacent uses are industrial and include DuPont. To the south, across Industrial Drive, is Old Hickory Towers, an apartment community for senior citizens. To the west, across Robinson Road, is a single-family residential neighborhood. Further to the south are commercial uses along Robinson Road and another single-family residential neighborhood to the southeast.

According to the property owner, the owner has marketed the site for commercial uses for over 10 years, due to it being zoned Commercial Services (CS). While there has been some interest in commercial uses along Robinson Road, the interest for the remainder of the property has been for industrial uses.



## Metro Planning Commission Meeting of 06/28/2012

On the western portion of the property, the applicant is updating the LUPA policy of MxU in CC to the CCM policy of T3 CC. This will continue to allow commercial and mixed use for approximately 9 acres. In addition, the applicant is requesting entitlements to allow light industrial uses on the eastern portion of the property (approximately 19 acres), adjacent to other industrial uses, including Wise Industries and DuPont, and the railroad.

The applicant is requesting a Specific Plan (SP) zone district and proposes to eliminate heavy industrial uses and to supplement the existing row of trees with a landscape buffer along Industrial Drive, across from Old Hickory Towers, to provide a more complementary interface.

Per the Major and Collector Street Plan (MCSP), Robinson Road is classified as T4-M-AB5 (T4 Urban-Mixed Use-Arterial Boulevard-5 Lanes) with a standard right-of-way of 100 feet (50 feet half of standard right-of-way) along with planned sidewalks and a bike lane. Industrial Drive is classified as T4-M-CA4 (T4 Urban-Mixed Use-Collector Avenue-4 Lanes) with a standard right-of-way of 81 feet (40.5 half of standard right-of-way) along with planned sidewalks. The applicant is requesting two access points from the property to the south on Industrial Drive and two access points to the north on an existing private drive, along with additional gated access points to the east on the existing private drive. No access is requested directly to Robinson Road. The applicant is proposing to construct sidewalks along the entire frontage of both Robinson Road and Industrial Drive.

Outside of this application is a remaining parcel at 932 Robinson Road (approximately one acre) that is owned by a tire company and used for parking for its adjacent building to the north (the property that contains the building is currently in Industrial policy). Since the small parcel currently is part of the larger MxU in CC policy area, it is recommended that if this request is approved, its policy should also be changed to D-Industrial so that will be consistent with the surrounding policy.

In 2004, Mixed Use in Community Center (MxU in CC) policy was applied to this area as it was envisioned to move towards additional commercial services and a mix of uses. Since that time, additional commercial uses have been built to the south along Robinson Road. Since this area is on the northern edge of Old Hickory Village and the southern edge of Rayon City, denser residential uses are further away from the site, and there does not appear to be a strong market for commercial and mixed use where this property is located.

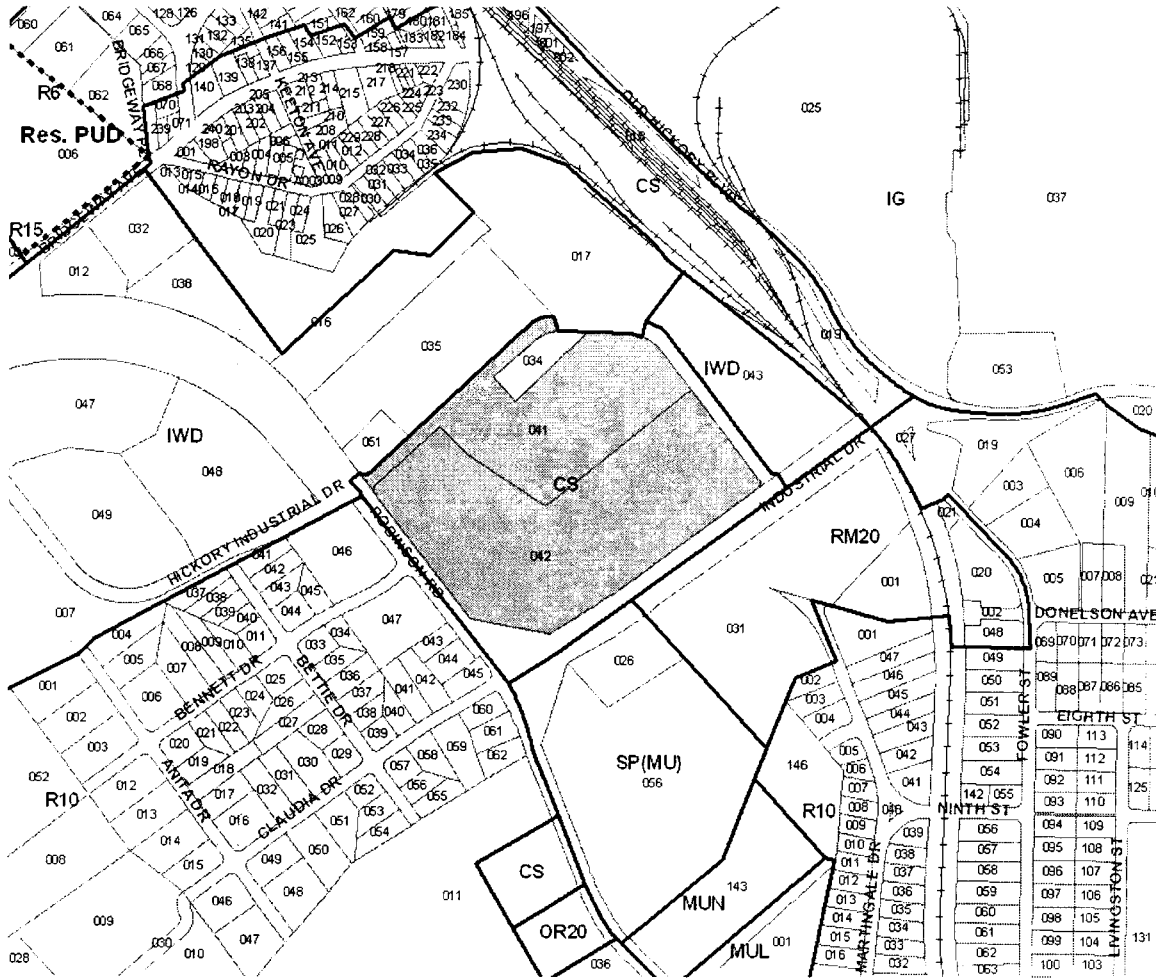
The site benefits from high visibility along the Robinson Road corridor. It is appropriate for the Robinson Road frontage to remain in a community center policy allowing for commercial and mixed use, while the eastern portion is allowed to become light industrial and transition to the heavier industrial uses located further to the east.

### **STAFF RECOMMENDATION**

Staff recommends approval.



**SEE NEXT PAGE**



**2012SP-016-001**  
**RAYON CITY INVESTORS**  
 Map 044, Parcel(s) 041-042  
 Donelson - Hermitage  
 11 - Darren Jernigan



**Project No.** Zone Change 2012SP-016-001  
**Project Name** Rayon City Investors SP  
**Associated Case** 2012CP-014-001  
**Council District** 11 – Jernigan  
**School District** 4 – Shepherd  
**Requested by** Hawkins Development Company, applicant, Rayon City Investors, owner

**Staff Reviewer** Bernards  
**Staff Recommendation** *Defer if the updated Traffic Impact Study (TIS) has not been reviewed by the Public Works Department by the June 28, 2012 Planning Commission meeting or disapprove. Approve with conditions if TIS has been approved prior to the Planning Commission meeting.*

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**APPLICANT REQUEST**

**To permit mixed-commercial and industrial uses.**

Zone Change

A request to rezone from Commercial Services (CS) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 915 and 921 Robinson Road, at the northeast corner of Robinson Road and Industrial Drive (27.81 acres), to permit a mixed use development.

**Existing Zoning**

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

**Proposed Zoning**

Specific Plan-Mixed Use (SP-MU) 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 commercial and industrial uses.*

**CRITICAL PLANNING GOALS**

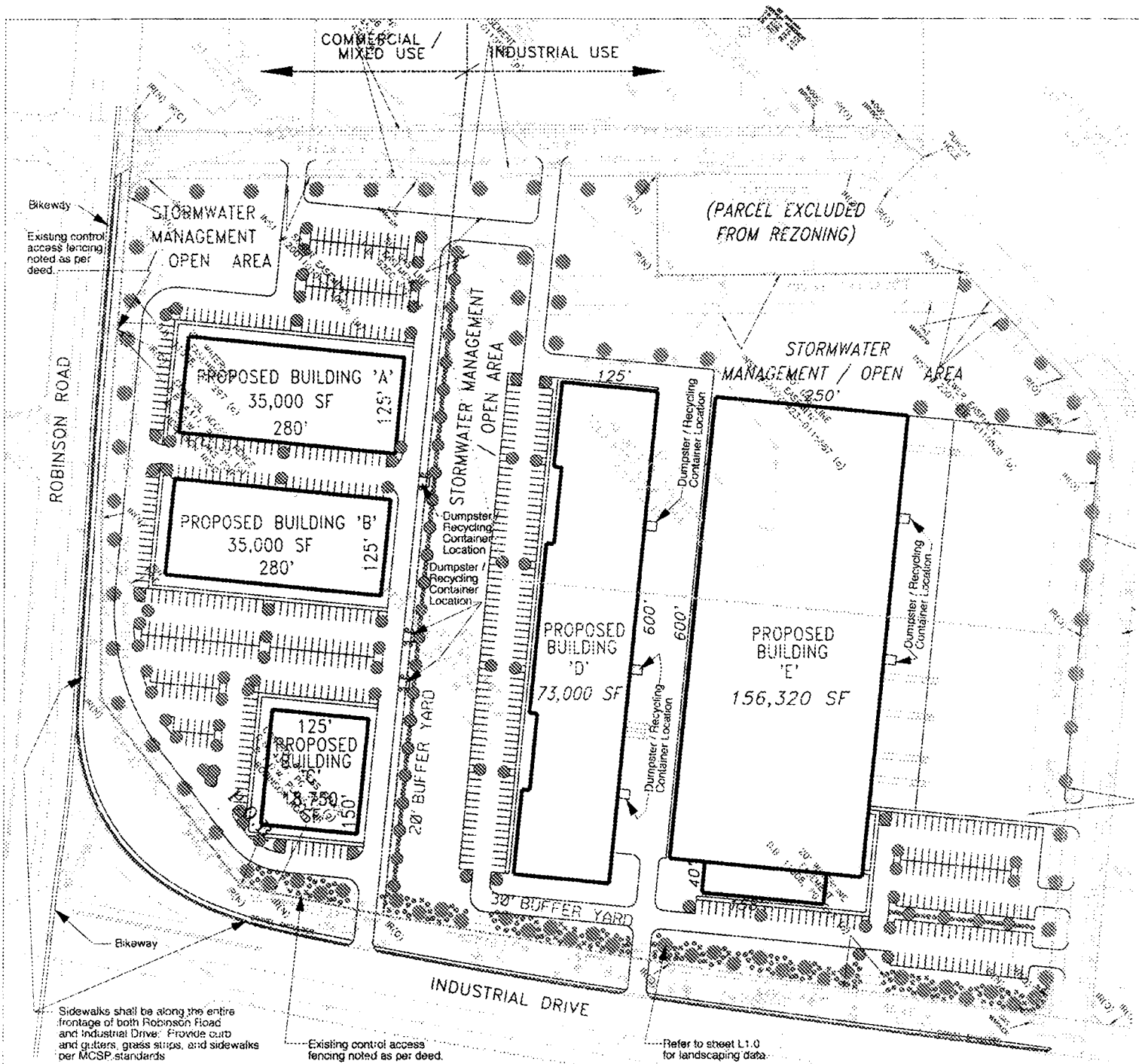
N/A

**DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN**

**Existing Land Use Policy**

Detailed Policy

Mixed Use (MxU) policy 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.





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### General Policy

Community Center (CC) policy is intended for dense, predominately commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. CC policy areas tend to mirror the commercial edge of another neighborhood, forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

### Proposed Land Use Policies

T3 Suburban Community Center (T3 CC) policy is intended to enhance and create suburban neighborhood centers that are compatible with the general character of suburban neighborhoods. Where not present, infrastructure and transportation networks should be enhanced to improve pedestrian, bicycle and vehicular connectivity. T3 CC areas are pedestrian friendly areas, generally located at prominent intersections and serve suburban communities within a 10 to 20 minute drive.

District Industrial (D-IN) policy is intended to preserve, enhance and create industrial districts in appropriate locations, so that they are strategically located and designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses intended in D-IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

### Consistent with Policy?

Yes, the SP is consistent with the proposed land use policies. The site benefits from high visibility along the Robinson Road corridor and remains an appropriate location for a mix of commercial uses. The eastern portion, which is to be for light industrial uses, will serve as a transition to the heavier industrial uses located further to the east.

### PLAN DETAILS

The plan calls for the SP to be divided into a commercial district fronting Robinson and an industrial district fronting Industrial Drive. Currently, there are two access points to the property, one from Robertson Road and the second from Industrial Drive. The plan includes two additional access points from Industrial Drive. There is an internal series of drives that provide access between the two districts. Sidewalks are proposed on Robertson Road and Industrial Drive. While there is a site plan associated with this SP, it is more of a regulatory plan.

The commercial district proposes a maximum of 88,750 square feet of building area. The bulk standards, parking and uses are generally the same as the CS zoning district, which is the current zoning on the property. As the policy for this portion of the SP is T3 CC, parking is to be located generally beside and/or behind the buildings with one row of parking along Robinson Road. The buildings will need to be oriented toward Robinson Road. The orientation of the building located at the corner of Robinson Road and Industrial Drive will be determined at final site plan.

The industrial district proposes a maximum of 229,320 square feet of building area. The bulk standards, parking and uses are generally the same as the IWD zoning district. The orientation of the buildings for this district will be toward Industrial Drive.



## Metro Planning Commission Meeting of 06/28/2012

### Landscaping

The SP plan includes requirements for landscaping around the perimeter of the property, internal landscape buffers and landscaping within parking areas. Staff will review all landscaping plans with the final site plan. There is an existing chain link fence along Robertson Road frontage that is within the right-of way. Robertson Road is a state route and a fence is required. This fence is in poor conditions and full of vegetation. The applicant will work with the State to improve the condition of the fence.

### Signage

Signs will be limited to building signs and monument signs. The building signs will be no greater than five percent of the first floor façade area and will be limited to one sign per business. Up to two ground signs will be permitted, including one per frontage. The signs may be either monument or pillar style signs, with a maximum area of 250 square feet and a maximum height of 15 feet.

### Traffic Impact Study

The applicant provided a Traffic Impact Study (TIS) that was dated 2001. The Public Works Department has determined that a TIS is required for this project and has requested an updated study be submitted. Section 17.20.140 allows the Planning Commission to require a TIS for non-residential developments of more than 50,000 square feet or, in the opinion of the Traffic Engineer, a study is needed. This SP meets both those standards.

### **STORMWATER RECOMMENDATION**

Preliminary Approval.

### **PUBLIC WORKS RECOMMENDATION**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter. -Show sidewalks with curb and gutter and grass strip, with the edge of the gutter at the existing edge of pavement on each street. Sidewalk and grass strip widths to comply with MCSP standards.
- Indicate solid waste plan – dumpster and recycling container locations. (SP General Note is not sufficient, indicate locations on plans.)
- An updated TIS is required to determine roadway improvements and develop conditions of approval. The recently submitted 2001 TIS is out of date.

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (820)	27.81	-	726,842 SF	24,654	497	2403

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
General Retail (820)	27.81	-	73,000 SF	5535	128	516



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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
Warehousing (150)	27.81	-	229,320 SF	817	69	74

Traffic changes between maximum: CS 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
-	-	-	-	-18,302	-300	-1813

### STAFF RECOMMENDATION

Staff recommends that the Rayon City Investors SP be deferred until a TIS is submitted and reviewed by the Public Works Department. If the TIS is submitted and reviewed prior to the Planning Commission meeting, staff recommends approval with conditions of the Rayon City SP as it is consistent with the proposed land use policies. If the TIS is not submitted, and the SP is not deferred, staff recommends disapproval.

### CONDITIONS (if approved)

1. The buildings in the commercial district shall be oriented toward Robinson Road. The orientation of the building located at the corner of Robinson Road and Industrial Drive shall be determined at final site plan consistent with the land use policy. The buildings in the industrial district shall be oriented toward Industrial Drive.
2. Prior to final site plan approval, landscaping plans for the SP shall be reviewed and approved by staff.
3. Signs will be limited to building signs and/or ground signs. The building signs will be no greater than five percent of the first floor façade area and will be limited to one sign per business. Up to two ground signs will be permitted, including one per frontage. These signs may be either monument signs or pillar style signs where the entire sign area is contained within two support posts, with a maximum area of 250 square feet and a maximum height of 15 feet.
4. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
5. Sidewalks shall be shown on the plan per Public Works standards with a required curb and gutter. Sidewalks shall be shown with curb and gutter and grass strip, with the edge of the gutter at the existing edge of pavement on each street. Sidewalk and grass strip widths shall comply with Major and Collector Street plan standards.
6. A solid waste plan is required and dumpster and recycling container locations shall be shown on the plan.
7. All requirements of the Public Works Department based on the revised TIS shall be met.



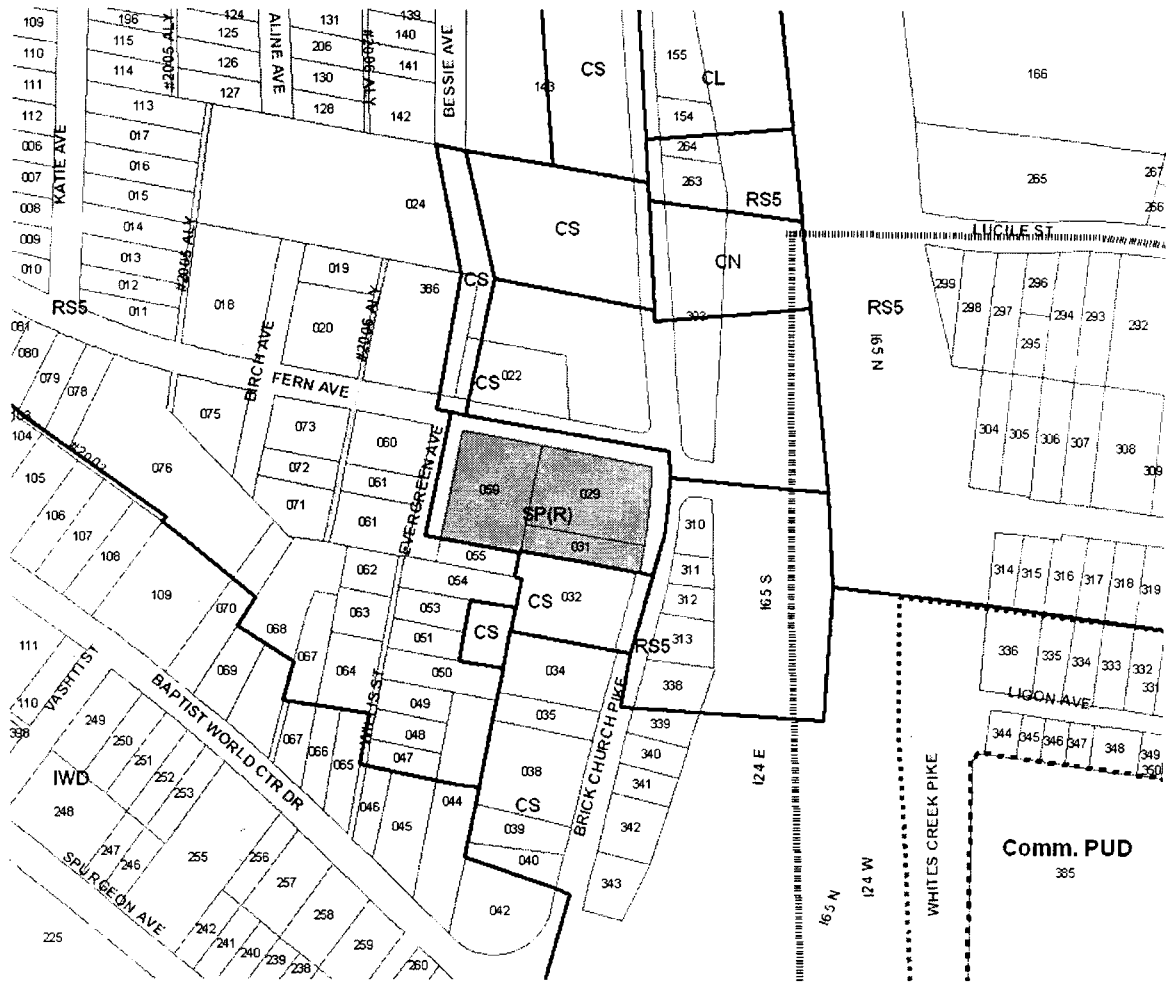
## Metro Planning Commission Meeting of 06/28/2012

8. The uses of this SP shall be limited to the commercial and industrial uses listed on the plan.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district for the commercial district and the IWD zoning district for the industrial district as of the date of the applicable request or application.
10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. 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.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



# **RECOMMENDATIONS TO METRO COUNCIL**

- **Specific Plans (4 year review)**
- **Specific Plan**
- **PUD (Cancel)**
- **Zone Changes**



**2006SP-159U-03**  
**FERN AVENUE LOFTS (4-YEAR REVIEW)**  
 Map 071-14, Parcel(s) 029, 031, 059  
 Bordeaux - Whites Creek  
 02 - Frank R. Harrison



<b>Project No.</b>	<b>SP District Review 2006SP-159U-03</b>
<b>Project Name</b>	<b>Fern Avenue Lofts SP</b>
<b>Council District</b>	2 – Harrison
<b>School District</b>	7 – Kindall
<b>Requested by</b>	Metro Planning Department
<b>Staff Reviewer</b>	Bernards
<b>Staff Recommendation</b>	<i>Find the SP district inactive and direct staff to prepare a report to the Council to either continue the implementation of the development plan as adopted or rezone to MUN-A or MUG-A zoning district.</i>

**APPLICANT REQUEST**

**Four year SP review to determine activity**

SP Review

The periodic review of an approved Specific Plan (R) district known as "Fern Avenue Lofts", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 1204 and 1206 Brick Church Pike and 40 Evergreen Avenue (1.3 acres), to permit 45 units via Council Bill BL2006-1228 approved on November 21, 2006, and amended to permit 64 units via Council Bill BL2008-145 approved on May 20, 2008.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP District is appropriate.

**DETAILS OF THE SP DISTRICT**

The Fern Lofts SP was originally approved for 45 residential units. This was amended by the Council and the SP is now approved for 64 residential units. The four-story building wraps around the Brick Church Pike, Fern Avenue and Evergreen Avenue street edges of the property, while parking is located within a proposed parking structure within the building. A small courtyard is located inside the site to provide a usable open space area for the residents.

**SPECIFIC PLAN REVIEW**

Staff conducted a site visit in May 2012. The four-story residential building has not been constructed.

The applicant responded to the letter requesting details of activity and confirmed there has been no activity on this property.

FERN AVENUE

FERN AVE

S 78°55'05" E

312.50'

PROPOSED BUILDING  
64 UNITS

12' ROW PLANTATION

EVERGREEN AVENUE

N 11°04'55" E

BRICK CHURCH PIKE

176.00'

131.00'

ALLEY

FRANKLIN BUSHBY  
ROCK HILL, SOUTH CAROLINA  
351

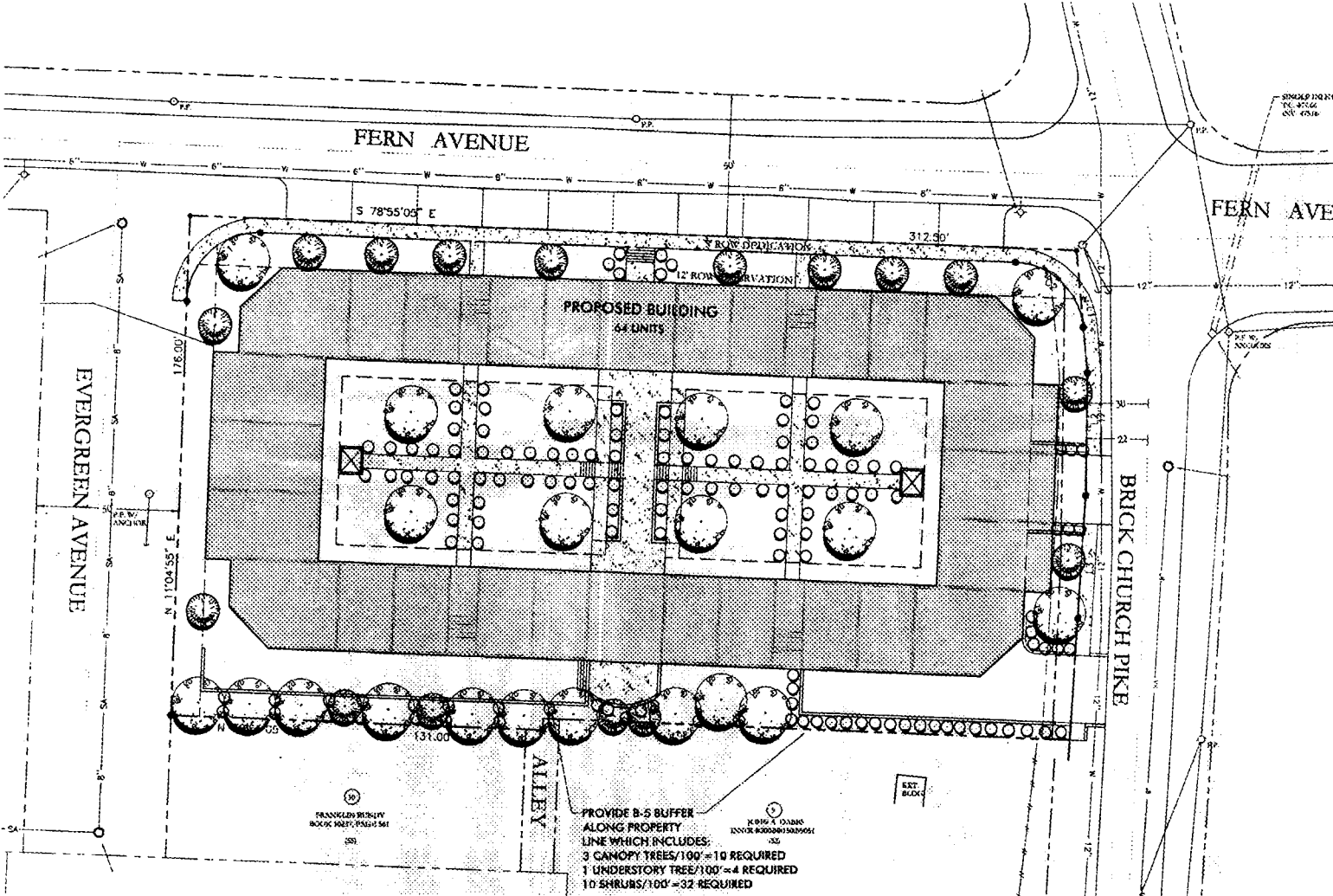
10 010 7 02885  
ISSUE 8/2008 01/2009 05/01

PROVIDE 8-5 BUFFER  
ALONG PROPERTY  
LINE WHICH INCLUDES:  
3 CANOPY TREES/100' = 10 REQUIRED  
1 UNDERSTORY TREE/100' = 4 REQUIRED  
10 SHRUBS/100' = 32 REQUIRED

EXT. BLOCK

30664P 10/2/07  
PL. 47566  
CIV. 47618

27.1%  
550.0/200





## Metro Planning Commission Meeting of 06/28/2012

### FINDING OF INACTIVITY

When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

### Permits on Hold

Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

### ANALYSIS

This property is within the Bordeaux-Whites Creek Community Plan. The land use policy is Community Center which is intended for uses such as single-family and multi-family residential, offices, commercial retail and services, and public benefit uses. The existing SP lies between a commercially zoned area and a residential neighborhood. The multi-family development serves as a transition and a buffer between these two uses.

Staff considers the design of the SP provides a strong presence on the street and sidewalks are included on all three block faces. The combination of these two elements helps to create a pedestrian friendly environment at this location. Staff supports a recommendation that the SP remain in place.

The property is no longer under the same ownership as when the SP was approved. The current property owner is attempting to sell the property and has had no interest in developing this property under the current zoning. Prospective purchasers are more interested in the property for commercial or industrial uses. In reviewing the available zoning districts that would be in compliance with the land use policy, staff can also recommend the property be rezoned to the MUL-A or MUG-A zoning district.

### Recommendation to Council

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted or rezone this property to the MUL-A or MUG-A zoning district.

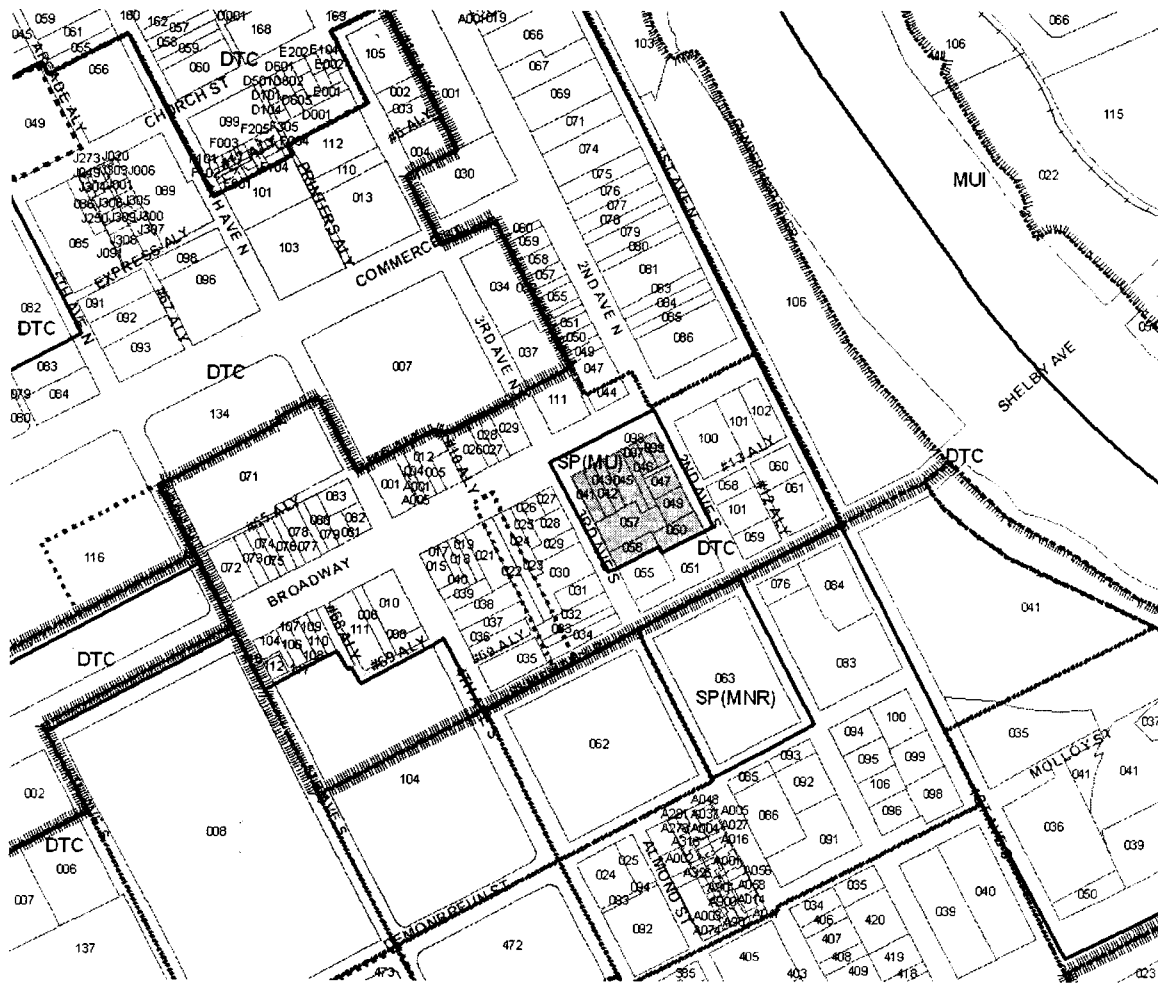


## **Metro Planning Commission Meeting of 06/28/2012**

### **STAFF RECOMMENDATION**

Staff recommends that the Fern Lofts SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted, or rezone this property to the MUL-A or MUG-A zoning district.

**SEE NEXT PAGE**



**2006SP-183U-09**

**BROADWAY HOTEL (4-YEAR REVIEW)**

Map 093-06-2, Parcel(s) 097-098

Map 093-06-4, Parcel(s) 041-043, 045-047, 049, 050, 056-057

Downtown

19 - Erica S. Gilmore





<b>Project Number</b>	<b>SP District Review 2006SP-183U-09</b>
<b>Project Name</b>	<b>Broadway Hotel SP</b>
<b>Council District</b>	19 – Gilmore
<b>School District</b>	7 – Kindall
<b>Requested by</b>	Metro Planning Department
<b>Staff Reviewer</b>	Bernards
<b>Staff Recommendation</b>	<i>Find the SP District active</i>

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#### **APPLICANT REQUEST**

##### **Four year SP review to determine activity**

##### SP Review

The periodic review of an approved Specific Plan (MU) district known as "Broadway Hotel", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 203, 205, 207, 209, 215, 217 and 221 Broadway, 109, 113 and 119 2nd Avenue South and at 110 and 116 3rd Avenue South (1.11 acres), to permit a 375-room hotel with retail and restaurant uses and 48 condominiums via Council Bill BL2006-1296 approved on March 20, 2007, and amended to permit a hotel with a maximum of 475 rooms and associated parking, conference space, and retail via Council Bill BL2008-188 approved on May 20, 2008.

##### Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires the review of each SP District four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Development within each SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

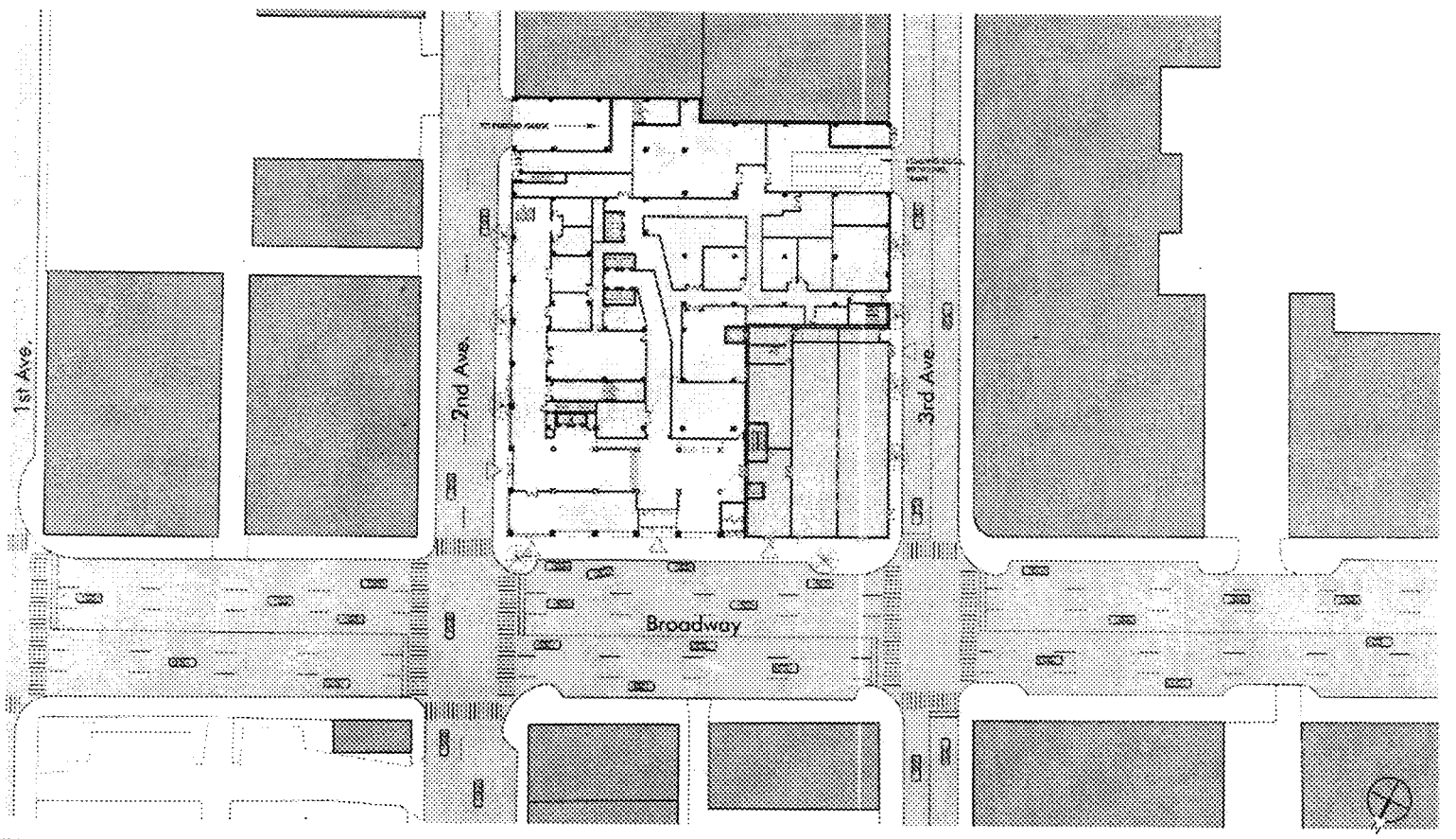
#### **DETAILS OF THE SP DISTRICT**

The Broadway Hotel was originally approved for a mix of hotel and residential units. It was amended to remove the residential units and add additional hotel rooms. Staff visited the site in May 2012. There was no apparent development activity on site.

##### Documentation of Activity

The property owner provided sufficient details in a letter dated May 25, 2012, for staff to recommend that the SP be found to be active.

*“Swerdling has been actively pursuing the development of a hotel consistent with the Broadway Hotel SP since December 2011. Swerdling has 90% of the site under contracts of purchase and is actively engaging in the due diligence process on those properties. Swerdling is in the process of completing the negotiation of the agreements to obtain control for the remaining 10% of the site and anticipates that those agreements will be executed with the next week.”*



# BROADWAY HOTEL

STREET LEVEL SITE PLAN  
MANHATTAN, NY  
04.11.06



## Metro Planning Commission Meeting of 06/28/2012

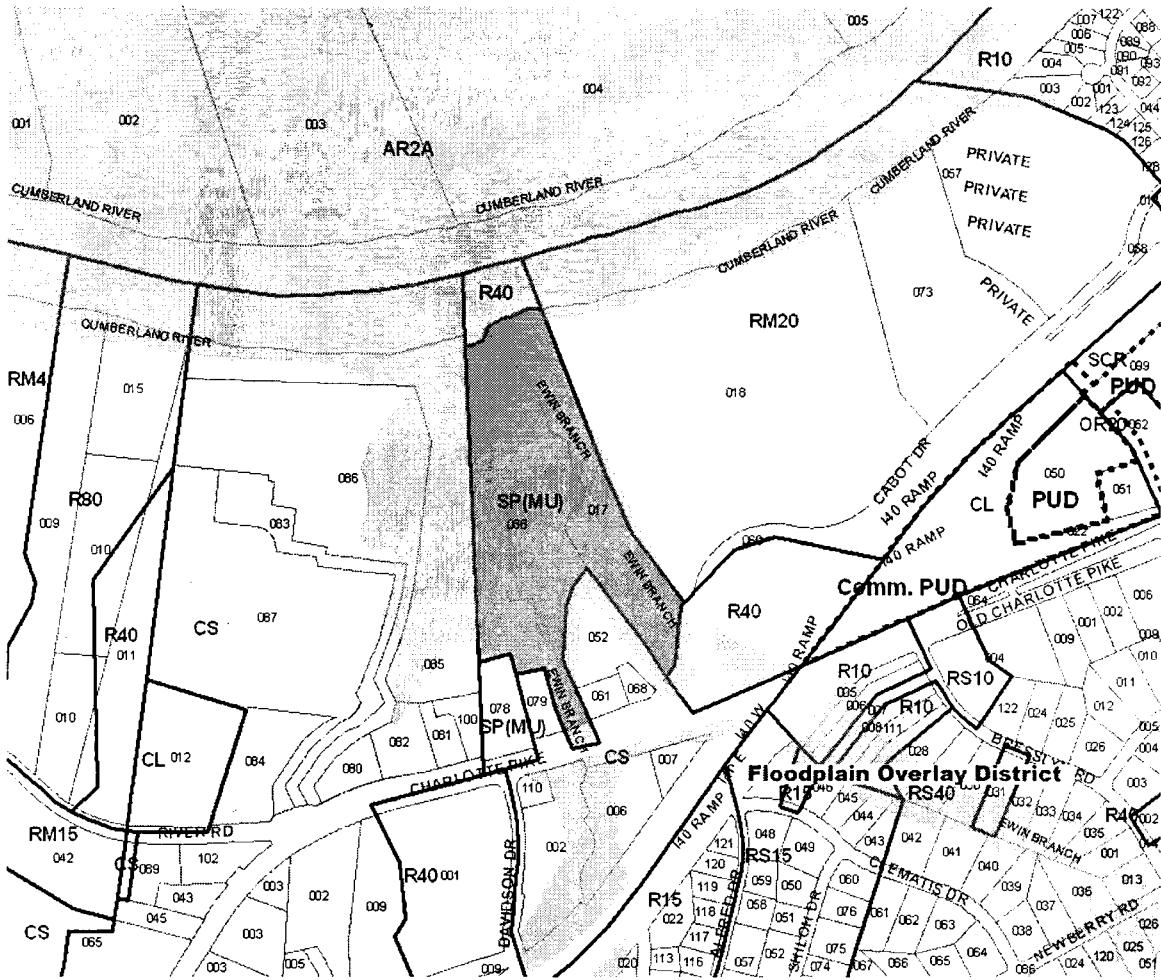
Work completed includes:

- 80% of conceptual budgeting
- 80% of the detailed quantity take-off and unit cost exercise
- 80% of the conceptual design and budgeting options
- 75% of the programming budget effects
- 50% of the review of site logistics and General Requirements
- 35% of the scheduling and constructability exercise
- 25% of the submarket and local/MEBE reviews
- 35% of local PM interviews
- 75% of the review of P&Z/SP analysis
- 50% of the parking garage analysis

*"Swerdling is in the process of finalizing the financing for the project. Swerdling has to date expended over \$500,000.00 on this project."*

### **STAFF RECOMMENDATION**

Based on the documentation provided by the property owner, staff recommends that the Broadway Hotel SP be found to be active.



**2008SP-006U-06**  
 H2O (4-YEAR REVIEW)  
 Map 102, Parcel(s) 017, 088  
 Bellevue  
 20 - Buddy Baker; 35 - Bo Mitchell



<b>Project No.</b>	<b>SP District Review 2008SP-006U-06</b>
<b>Project Name</b>	<b>H2O SP</b>
<b>Council District</b>	20 – Baker 35 – Mitchell
<b>School District</b>	1 – Gentry
<b>Requested by</b>	Metro Planning Department
<b>Staff Reviewer</b>	Bernards
<b>Staff Recommendation</b>	<i>Find the SP district inactive and direct staff to prepare a report to the Council recommending the property be rezoned to MUL and AR2a.</i>

**APPLICANT REQUEST**

**Four year SP review to determine activity**

SP Review

The periodic review of an approved Specific Plan (MU) district known as "H2O", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 6950 Charlotte Pike and at Cabot Drive (unnumbered) (23.93 acres), to permit an urban waterfront district consisting of a mixed-use development containing retail, office, residential, hotel, boathouses and various civic spaces with associated parking structures, garages and lots via Council Bill BL2008-190 approved on May 20, 2008.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

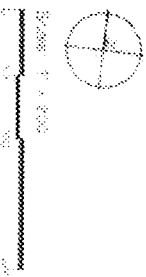
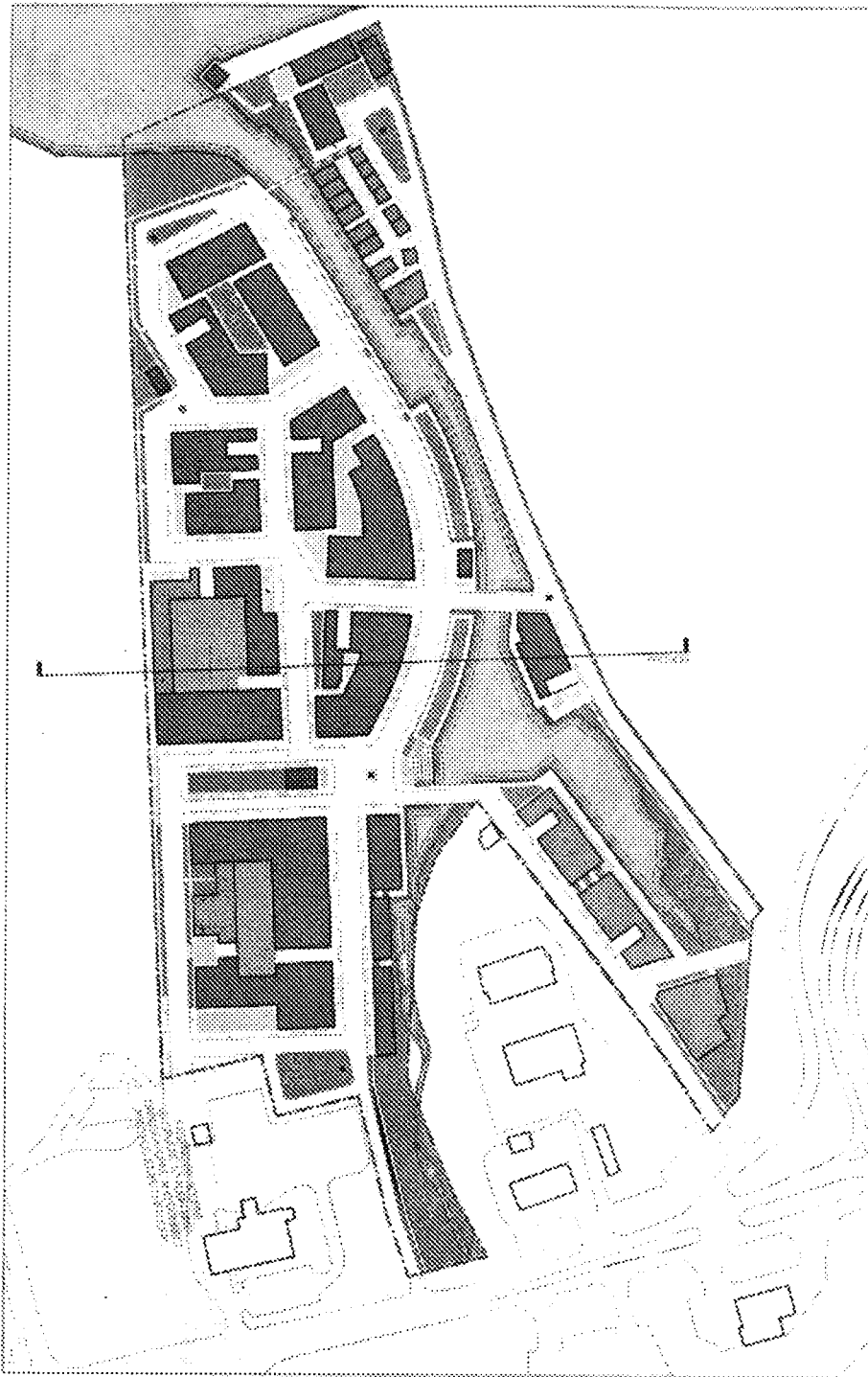
Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP District is appropriate.

**DETAILS OF THE SP DISTRICT**

The H2O SP is approved for a compact, walkable, mixed use development with civic, residential, commercial, retail, and hotel uses. This diverse community includes a range of living, working, shopping and recreational opportunities. The development is oriented to the river to create an urban waterfront district. It is divided into 11 blocks each block consisting of one or more buildings with a mix of uses. Ground floor retail and restaurant uses are allowed in all buildings.

The SP development build-out is 1.6 million square feet. In order to ensure a mix of use, the plan provides the following range for each use:

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



**KEY**

- CIVIL STRUCTURE
- PUBLIC CARBON FIBER LININGS (PCL)
- GREEN ROOF
- PAVEMENT AREA
- RESIDENTIAL HOME
- COMMERCIAL
- OFFICE
- TRAFFIC SIGNAL / STREET

H2O  
H2O



## Metro Planning Commission Meeting of 06/28/2012

### **SPECIFIC PLAN REVIEW**

Staff conducted a site visit in May 2012. There was no evidence of development activity on the property. The applicant did not respond to the letter requesting details of activity. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

### **FINDING OF INACTIVITY**

When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

### **Permits on Hold**

Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

### **ANALYSIS**

This property is within the Bellevue Community Plan. The Plan has been updated since the approval of the SP.

Previously, the land use policy was Commercial Mixed Concentration which is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics. There were also a specific policy related to environmental concerns that was addressed in the site plan. At the time of approval, the land use policy in place supported the H2O SP District.

With the updating of the Plan, the land use policies for this property have been significantly altered due to recent weather-related events. In May 2010, the portion of this property in the floodway was completely inundated. The land use policies are now Suburban Community Center on the portions of the property out of the floodplain and Natural Conservation on the portions within the floodplain. The current policies do not support the intensity and breadth of development envisioned in the H2O SP District.



## Metro Planning Commission Meeting of 06/28/2012

In order to develop the SP Plan, variances to the Stormwater regulations are needed. The original applicant requested three variances from the Stormwater Management Committee:

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

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

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

A condition of approval of the preliminary SP was that, prior to final site plan approval of any phase that requires filling of the floodplain, the necessary variance for uncompensated fill needed to be secured. In April 2009, the variance for the disturbance to the buffer expired.

In addition to the variances to the requirements of the Metro Stormwater Management Manual, permission is needed from the Corp of Engineers and the Tennessee Department of Environment and Conservation (TDEC) to fully develop this SP.

A further condition of approval of the preliminary SP was that, prior to final site plan approval of any phase that falls within the Corp of Engineer or TDEC jurisdiction, the necessary approvals from these agencies must be secured.

Based on the events of May 2010, obtaining all these approvals now would likely be more difficult.

### Amendments/Rezoning

As the SP is no longer consistent with the land use policies in place, the SP is no longer appropriate for the site and area. During the Bellevue Plan update, a development scenario was developed for these and adjacent properties. That scenario recommended a mix of housing, retail and office uses on the portion of the property outside of the floodplain. The scenario covered more than the H2O property but the uses are appropriate in this location. The Community Center policy usually requires an alternative zoning district or a site plan to accompany a zone change request. The zoning district most suitable to the policy would be the MUL-A district. However, there is very little street frontage associated with this property and what is included falls within the Natural Conservation policy. There would be little opportunity to implement the standards that distinguish the MUL-A district from the MUL district. This portion of the property was previously zoned MUL and staff recommends that the MUL district be reapplied.

For the portion within the floodplain, the scenario envisioned “*ultimately park and agricultural uses toward the Cumberland River. A trailhead location is situated in the center part of the site for the Brookmeade Greenway, running through the site and connecting over to the existing trail on the*





## Metro Planning Commission Meeting of 06/28/2012

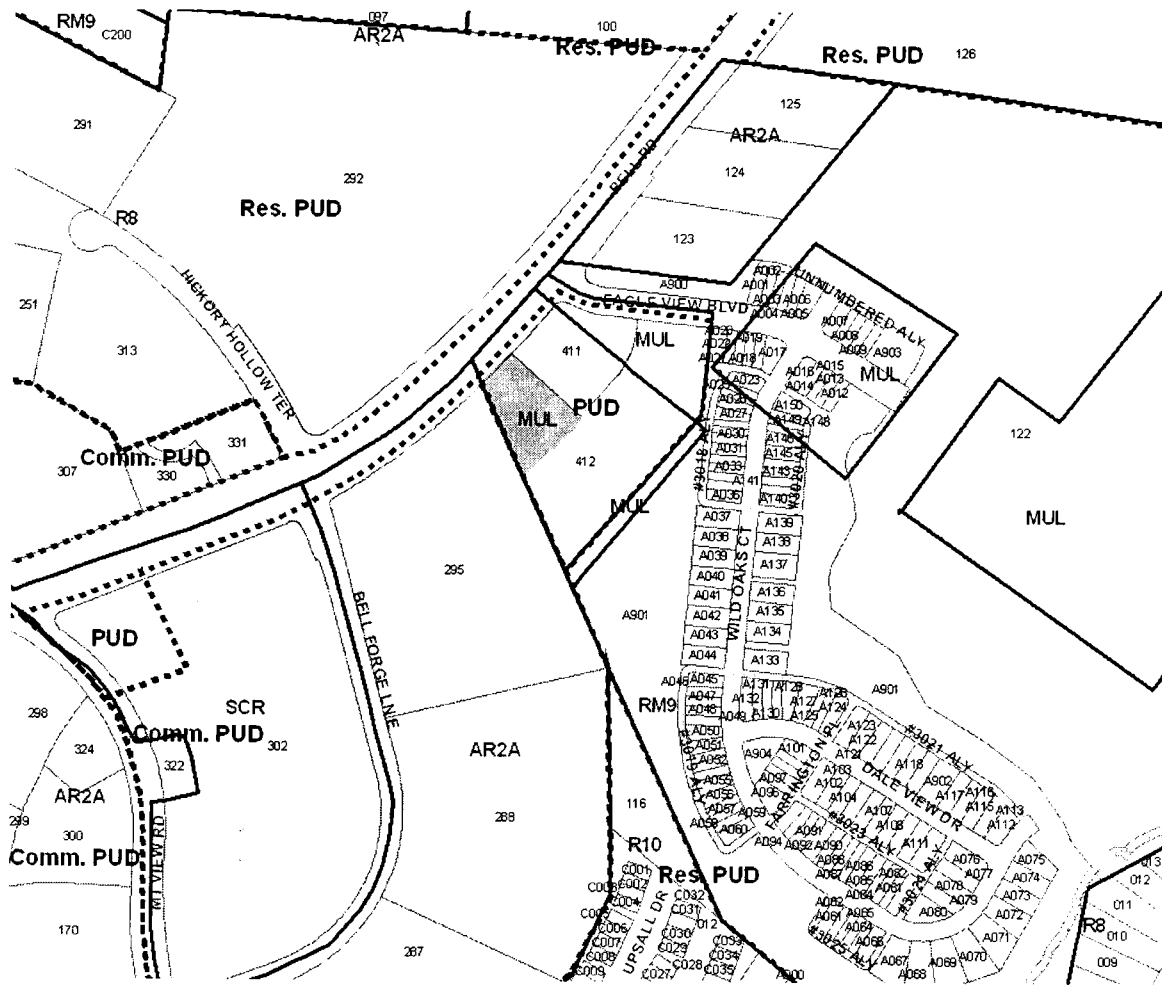
*western side of the site.*” In keeping with this vision and supporting the low intensity development intended with the Natural Conservation policy, staff recommends that this area be rezoned to AR2a.

### Recommendation to Council

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission’s determination of inactivity and the recommendation to Council to rezone this property to MUL and AR2a.

### **STAFF RECOMMENDATION**

Staff recommends that the H2O SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to recommend that the property be rezoned to MUL and AR2a.



**2012SP-018-001**

CAR WASH USA

Map 163, Part of Parcel(s) 412

**2007P-005-001**

THE SHOPPES AT RIDGEVIEW (CANCELLATION OF A PORTION)

Map 163, Part of Parcel(s) 412

Antioch - Priest Lake

32 - Jacobia Dowell



**Project No.** Planned Unit Development 2007P-005-001  
**Zone Change** 2012SP-018-001  
**Project Name** The Shoppes at Ridgeview (Cancellation)  
**Car Wash USA**  
**Council District** 32 – Dowell  
**School District** 6 – Mayes  
**Requested by** SEC, Inc., applicant for PNB Holding Co. 2, Inc. owner  
**Staff Reviewer** Swaggart

**Staff Recommendation** *Approve PUD cancellation with conditions. Approve SP with a condition and disapprove without all conditions*

**APPLICANT REQUEST**

**Cancel Planned Unit Development Overlay and rezone to permit an automatic car wash**

Cancel PUD

A request to cancel a portion of The Shoppes at Ridgeview Commercial Planned Unit Development Overlay District located on a portion of property at Eagle View Boulevard (unnumbered) and approved previously for approximately 6,900 square feet of retail uses, approximately 575 feet east of Bell Forge Lane, zoned Mixed Use Limited (MUL) and proposed for Specific Plan-Auto (SP-A) (0.9 acres).

Zone Change

A request to rezone from Mixed Use Limited (MUL) to Specific Plan – Auto (SP-A) district for a portion of property located at Eagle View Boulevard (unnumbered), approximately 575 feet east of Bell Forge Lane (0.9 acres), to permit a carwash.

**Existing Zoning**

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses. *While the property is zoned MUL the PUD overlay limits development on the subject site to 6,900 square feet of retail.*

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

N/A

**ANTIOCH/PRIEST LAKE COMMUNITY PLAN**

**Land Use Policy**

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





## Metro Planning Commission Meeting of 06/28/2012

houses; but multi-family development might work best on such busy corridors. 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?

The request is not consistent with the current policy; however, the Antioch/Priest Lake Community Plan is in the midst of being updated. The current policy will be updated with the community plan. Staff plans to amend the policy to a policy that would support the request.

### **PUD Overlay History**

The Shoppes at Ridgeview Planned Unit Development was approved by Council in 2008 for 40,411 square feet of retail. While Council approved the PUD, the Planning Commission recommended disapproval. The area that is now within the PUD was previously part of the Ridgeview Urban Design Overlay (UDO). Council also approved the cancellation of the UDO with the approval of the PUD. The Planning Commission approved a revision of the PUD to permit a Thornton's fuel station and convenience market in 2008. The Thornton's is the only portion of the PUD that is currently developed.

### **PLAN DETAILS**

This request is for a Specific Plan (SP) zoning district to permit an automatic car wash. The site is located along the east side of Bell Road northeast of Interstate-24 and Hickory Hollow Mall. The site is a vacant open lot with little to no trees.

### Site Plan

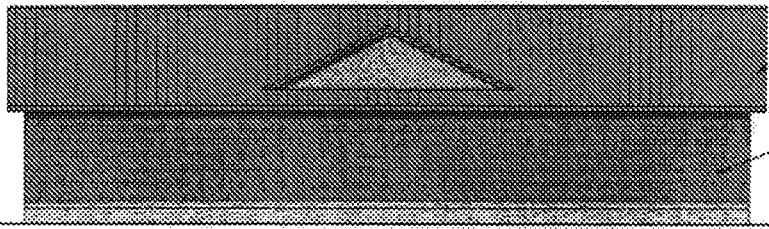
The proposed plan calls for a 3,600 square foot automatic "tunnel" car wash. The structure is located near the northern property line directly behind the existing Thornton's market. In addition to car wash, the plan calls for five vacuum stations which are located in the parking area.

Access into the site is from a private drive which accesses Bell Road via Eagle View Boulevard. The plan also identifies a connection to the adjacent church property directly to the south. The plan calls for the extension of the sidewalk along the private drive as well as a sidewalk connection to the Thornton's site which connects to Bell Road.

The proposed building materials are to be consistent with the existing Thornton's, but not identical. The proposed freestanding sign is also being coordinated with the existing Thornton's in terms of appearance. The maximum height of the sign is seven feet. Three additional 40 square foot building signs are also proposed. Landscaping is provided throughout and meets current Metro requirements including the Tree Protection and Replacement section. Landscaping is provided along the property boundary with Bell Road. A knee wall is shown along the private drive and will be consistent with the knee wall along the Thornton's site perimeter.

### **ANALYSIS**

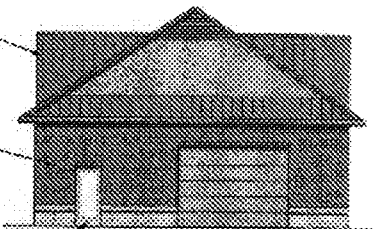
There are no issues with the proposed SP. While the request requires a zone change, it is consistent with the existing Thornton's market. Current zoning requires that a stand-alone car wash be in a SP zoning district; however, a car wash would be permitted on the Thornton's site as an accessory use. Since the design of the proposed car wash is being coordinated with the existing Thornton's, it could be viewed as accessory in terms of appearance even though it is not actually associated with



LEFT SIDE ELEVATION

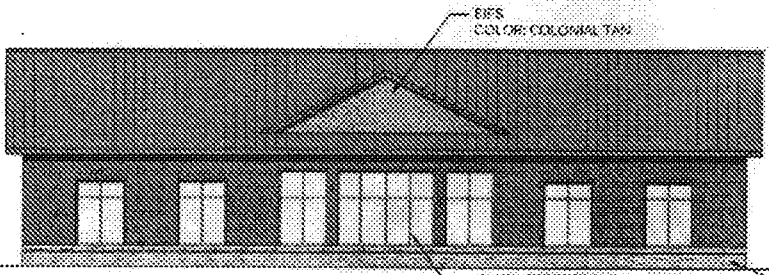
STANDING SEAM  
METL. ROOF  
COLOR: COPPER COTE

EPS BRICK  
NEW YORK STYLE



ALUM. STOREFRONT  
DOOR

ENTRANCE ELEVATION



EPS  
COLOR: COLONIAL TAN

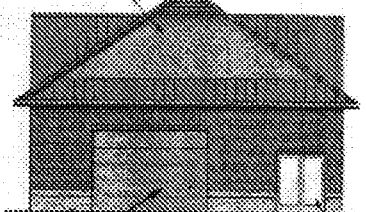
ALUM. STOREFRONT  
WITH CLEAR INSUL. GLASS

LEDGESTONE  
SOUTHWEST

RIGHT SIDE ELEVATION

EPS  
COLOR: COLONIAL TAN

ROOF VENT  
PAINTED TO MATCH EPS



OVERHEAD DOOR  
COLOR: COLONIAL TAN

ALUM. STOREFRONT  
DOORS

EXIT ELEVATION



## **Metro Planning Commission Meeting of 06/28/2012**

Thornton's. While the proposed use does not fit neatly into the land use policy, it is consistent with the uses that were permitted under the Council approved PUD. Because the proposed car wash is consistent with the uses originally approved by Council and is not out of character with the existing Thornton's, staff is recommending that the request be approved with conditions.

### **STORMWATER RECOMMENDATION**

Approved

### **PUBLIC WORKS RECOMMENDATION**

No Exceptions Taken

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions for both requests and disapproval of both requests without all staff conditions.

### **CONDITIONS**

1. Uses are limited to car wash as defined by the Metro Zoning Code.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.



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5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



**SEE NEXT PAGE**





<b>Project No.</b>	<b>Zone Change 2012Z-001-001</b>
<b>Council Bill</b>	BL2012-175
<b>Council District</b>	17 – Moore
<b>School District</b>	7 – Kindall
<b>Requested by</b>	Metro Planning Department, applicant, Lafayette Market Inc., owner.
<b>Staff Reviewer</b>	Johnson
<b>Staff Recommendation</b>	<i>Approve</i>

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**APPLICANT REQUEST**

**Zone change from SP-R to R6**

Zone change

A request to rezone from Specific Plan – Residential (SP-R) to the One and Two Family (R6) district property located at 24 Lincoln Street, at the northwest corner of Lincoln Street and Perkins Street (0.26 acres).

**Existing Zoning**

Specific Plan – Residential (SP-R) 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. The approved specific plan for this site includes five attached residential dwellings in one building.

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

N/A

**SOUTH NASHVILLE COMMUNITY PLAN**

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

Consistent with Policy?

Yes. The NG policy is a residential land use policy that recommends a variety of residential housing types up to a density of 20 dwelling units per acre. Zoning requests with residential densities at the higher end of the NG policy are encouraged to have a site plan. The R6 zoning district could result in a maximum density of approximately eight dwelling units per acre, which is within the recommended density of the NG policy.

**REQUEST DETAILS**

This property was rezoned from R6 to SP in March 2011. The SP was requested by a previous property owner, who intended to reuse an existing building as a multi-family residential use with five attached dwelling units. Since that zone change, the existing building has been removed,



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leaving the site vacant. Because the SP required the reuse of the existing building, the requirements of the SP cannot be fulfilled. Planning staff has initiated this zone change in order to place an appropriate zoning district on the property that will allow for development. As it stands today, the SP zoning does not allow ANY uses on the property. The R6 zoning district was selected because it was the zoning district in-place prior to the SP, and it the zoning district for the adjacent single-family residential area to the west and south. The R6 zoning will restore the previous development rights prior to the SP zoning.

### PUBLIC WORKS RECOMMENDATION

No exception taken

Maximum Uses in Existing 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
Multi-Family Residential (220)	0.26	-	5 U	34	3	4

Maximum Uses in Proposed Zoning District: R6

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)	0.26	7.71 D	2 L	20	2	3

Traffic changes between maximum: SP-R and proposed R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-14	-1	-1

### STAFF RECOMMENDATION

Staff recommends approval. The R6 zoning district is consistent with the recommended density of the Neighborhood General land use policy.

**SEE NEXT PAGE**



**2012Z-015PR-001**

2721 SHACKLETT DRIVE, 555, 559 & 561 UPSHAW DRIVE

Map 108-01, Parcel(s) 019-022

Donelson - Hermitage

15 - Phil Claiborne



<b>Project No.</b>	<b>Zone Change 2012Z-015PR-001</b>
<b>Council District</b>	15 – Claiborne
<b>School District</b>	4 – Shepherd
<b>Requested by</b>	Dale and Associates, applicant for TPS Parking Nashville, LLC, owners
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Disapprove</i>

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**APPLICANT REQUEST**

**Rezone from residential to commercial.**

Zone Change

A request to rezone from Single and Two-Family Residential (R10) to Commercial Services (CS) district properties located at 2721 Shacklett Drive and at 555, 559 and 561 Upshaw Drive, at the southeast corner of Shacklett Drive and Upshaw Drive (1.63 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

N/A

**WEST NASHVILLE COMMUNITY PLAN**

**Land Use Policy**

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

Consistent with Policy?

The proposed CS zoning district is consistent with the existing land use policy. While it is consistent, staff is recommending that the request be disapproved due to the fact that the area to be rezoned is immediately adjacent to and across the street from existing single-family residences. According to Metro records, all the residences on the west side of Upshaw Drive are occupied and a majority of them are owner-occupied. Approximately 43 percent of the homes in the neighborhood are owner-occupied. Permitting non-residential zoning to creep into the neighborhood could reduce the quality of life for residents and create pressures to relocate. Also, if approved the request would create a situation where one existing residence on Shacklett Drive would be completely surrounded by commercially-zoned property. While the neighborhood has a policy that calls for a transition into a commercial area in the future, this transition should only occur in a comprehensive manner so



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that no existing homes are impacted. As proposed today, with the surrounding residential homes in place, this request is premature.

### STORMWATER RECOMMENDATION

Ignore

### PUBLIC WORKS RECOMMENDATION

- Traffic study may be required at time of development

Typical Uses in Existing Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.63	4.63 D	7 L	67	6	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.63	0.418 F	29,679 SF	524	71	113

Traffic changes between typical: **R10** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+457	+65	+105

Maximum Uses in Existing Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.63	4.63 D	7 L	67	6	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.63	0.6 F	42,601 SF	692	95	127

Traffic changes between maximum: **R10** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+625	+89	+119

### STAFF RECOMMENDATION

Staff recommends that the request for CS be disapproved.