

Metropolitan Planning Commission



Staff Report

October 24, 2013



Metro Planning Commission Meeting of 10/24/2013

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.



Metro Planning Commission Meeting of 10/24/2013



2013SP-020-001

906 BOSCOBEL (PRELIM & FINAL)

Map 082-16, Parcel 348

East Nashville

06 - Peter Westerholm



Project No. Zone Change 2013SP-020-001
Project Name 906 Boscobel (Preliminary and Final)
Council District 6 – Westerholm
School District 5 – Kim
Requested by Daniel Fell, applicant for Damon Frazee, owner

Deferrals The Planning Commission indefinitely deferred this request on June 13, 2013 at the request of the applicant.

Staff Reviewer Swaggart
Staff Recommendation *Approve with conditions and disapprove without all staff conditions.*

APPLICANT REQUEST

Permit one single-family residence, or a two-family residence (attached or detached).

Preliminary and Final SP

A request to rezone from One and Two-Family Residential (R8) to Specific Plan –Residential (SP-R) and for final site plan for property located at 906 Boscobel Street, approximately 175 feet east of South 9th Street and located within the Edgefield Historic Preservation District (0.2 acres), to permit up to two detached residential dwelling units.

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 1 duplex lot for a total of 2 units.*

Proposed 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. This Specific Plan would permit one single-family unit or a two-family unit (attached or detached).

CRITICAL PLANNING GOALS

N/A

EAST NASHVILLE COMMUNITY PLAN

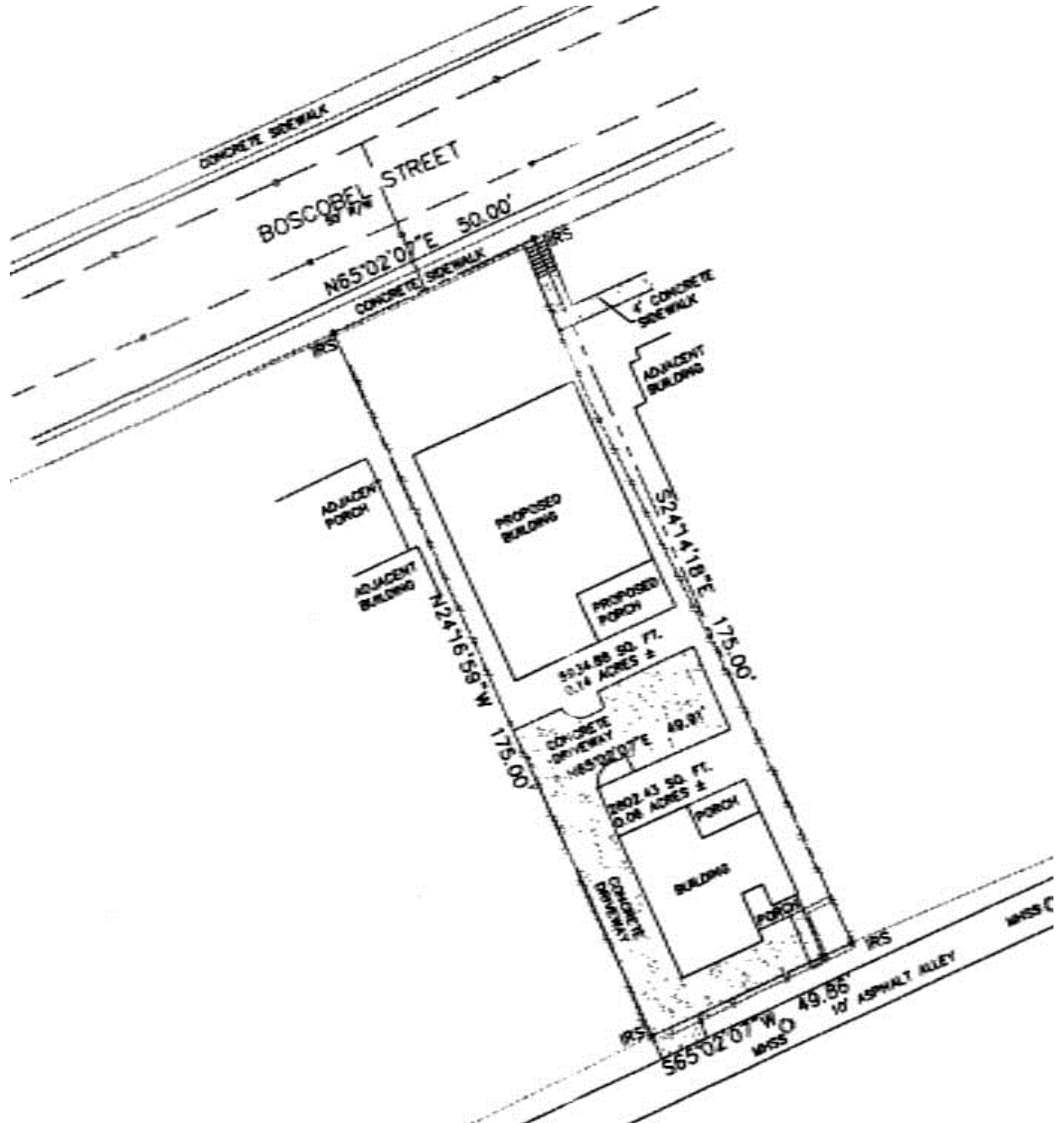
Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design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

Consistent with Policy?

Yes. The proposed SP is consistent with the Neighborhood General policy. Because this property is within the Edgefield Historic Preservation District, the design of any home must be approved by the Metro Historic Zoning Commission.



Metro Planning Commission Meeting of 10/24/2013



Proposed Specific Plan



Metro Planning Commission Meeting of 10/24/2013

The policy is intended to promote all types of housing options. The proposed SP does not increase the current development rights, but would permit another housing option consistent with the policy.

PLAN DETAILS

The property is located on the south side of Boscobel Street between 9th and 10th Street, within the Urban Zoning Overlay (UZO) and the Edgefield Historic Preservation District. The lot is developed with a single-family structure at the rear of the lot. The structure's elevation is slightly higher than Boscobel and it is accessed by an alley at the rear of the lot.

This SP permits two detached units on one lot, while the current zoning only permits an attached two-family unit on one lot. The SP will also permit one single-family unit, which is currently exists on one lot, in the event that a second unit is not constructed.

In order to ensure compatibility with surrounding development, staff proposes the following standards for the SP:

1. Permitted Uses: Single-Family and Two-Family Residential (attached and detached).
2. No more than two units are permitted.
3. All standards and requirements of the R8 district, the Edgefield Historic Preservation District and the Urban Zoning Overlay District shall apply.
4. The lot shall not be subdivided.
5. No vehicular access shall be permitted from Boscobel.
6. Parking shall be consistent with Zoning Code requirements.
7. Garbage pickup shall be from alley # 264.
8. Final design, building footprints and access may be modified as approved by Metro Historic during permit review, but shall not conflict with requirements specified in this plan.
9. 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.

ANALYSIS

The SP does not propose any new uses or additional density. The existing zoning permits two-family residential, but because the property is within the UZO and the Edgefield Historic Preservation District, the units must be attached. The proposed SP would permit the units to be detached, which would allow for the preservation of the existing structure at the back of the lot and the construction of a new dwelling along the Boscobel street frontage to match the character of surrounding residential development. The SP does not require that the existing, non-historic structure remain. Since this is within a historic preservation district, removal of existing structures and/or the addition of any new structures will require approval from the Metro Historic Zoning Commission. This request is also for final site plan approval, which does not require Council approval. The SP standards will be applied with any building permits.

STORMWATER RECOMMENDATION

Approved



Metro Planning Commission Meeting of 10/24/2013

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.
- Solid waste and recycling for both residences provided from the Alley.
- Per MPC request identify the parking and access for the site.

HISTORICAL COMMISSION RECOMMENDATION

The MHZC supports the rezoning of 906 Boscobel as it will allow a second building to be constructed in a more appropriate location and maintain the historic rhythm of the street. The exterior design and exact location and shape of the footprint will be reviewed by the MHZC as the property is located in the Edgefield Historic Preservation Zoning Overlay.

METRO SCHOOL BOARD REPORT

Based on data from the Metro School Board last updated September 2012, the proposed SP zoning district will not generate additional students from what is generated by the existing R8 zoning district.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions and disapproved without all staff conditions.

CONDITIONS

1. Permitted uses shall be limited to Single-Family and Two-Family Residential (attached or detached).
2. No more than two units shall be permitted.
3. All development standards, regulations and requirements of the R8 district, the Edgefield Historic Preservation District and the Urban Zoning Overlay District shall apply.
4. The lot shall not be subdivided.
5. No vehicular access shall be permitted from Boscobel.
6. Parking shall be consistent with Zoning Code requirements.
7. Garbage pickup shall be from alley # 264.
8. Final design, building footprints and access may be modified as approved by Metro Historic during permit review, but shall not conflict with requirements specified in this plan.
9. No permits shall be issued for a detached two-family structure until the zoning has been approved by Council.
10. 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



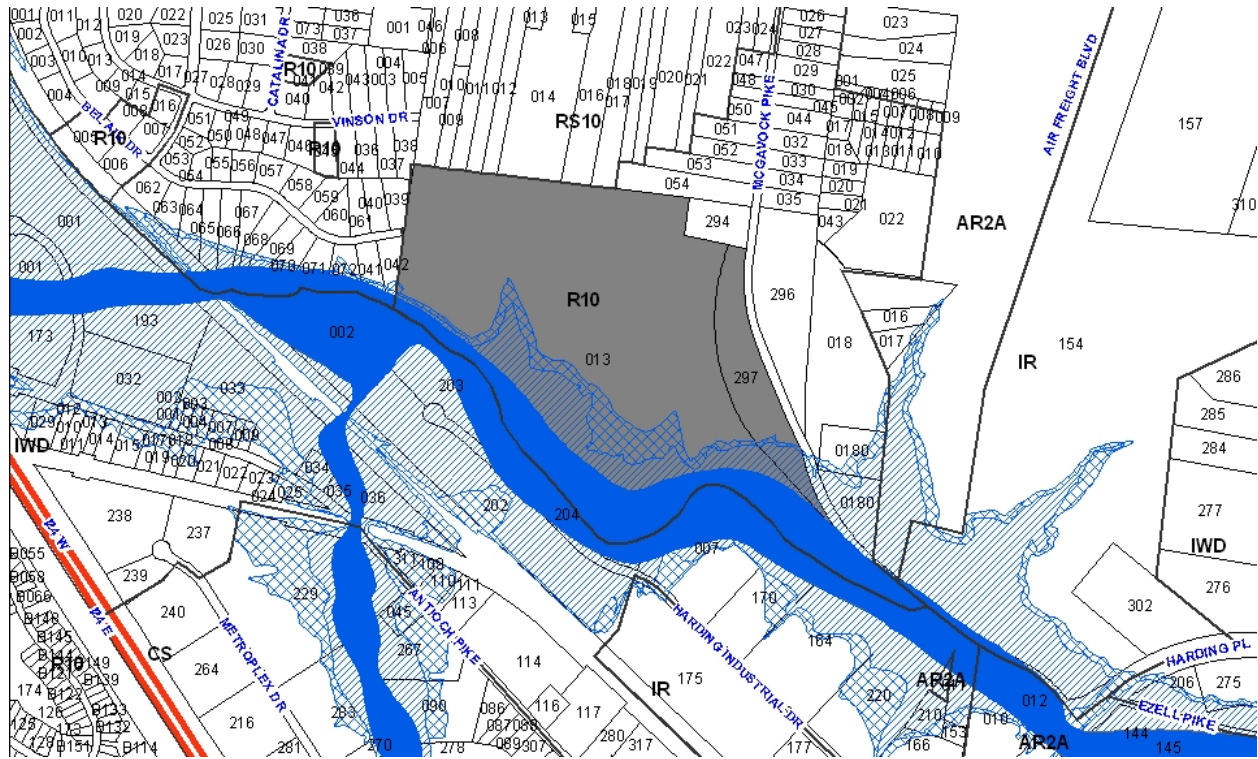
Metro Planning Commission Meeting of 10/24/2013

subject to the standards, regulations and requirements of the R8 zoning district as of the date of the applicable request or application.

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.



Metro Planning Commission Meeting of 10/24/2013



2013Z-031PR-001
MCGAVOCK PIKE (UNNUMBERED)
Map 134, Parcel(s) 013, 297
Antioch - Priest Lake
13 - Josh Stites



Project No.
Council District
School District
Requested by

Zone Change 2013Z-031PR-001
13 - Stites
7 - Pinkston
Hawkins Development Company, applicant; Estate of Louise M. Miles and Metropolitan Nashville Airport Authority, owners

Deferral

This request was deferred at the September 12, 2013, and October 10, 2013, Planning Commission meetings at the request of the applicant to allow for additional discussion with surrounding property owners.

Staff Reviewer
Staff Recommendation

Cuthbertson
Approve

APPLICANT REQUEST
Zone Change from R10 to IWD.

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Industrial Warehousing/Distribution (IWD) zoning for properties located at McGavock Pike (unnumbered), approximately 1,850 feet north of Harding Place and partially located with the Floodplain Overlay District (88.81 acres).

Existing Zoning

One and Two-Family Residential (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 percent duplex lots. *R10 would permit a maximum of 386 lots with 96 duplex lots for a total of 434 units.*

Proposed Zoning

Industrial Warehousing/Distribution (IWD) is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

CRITICAL PLANNING GOALS

N/A

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

District Industrial (D IN) policy is intended to preserve, enhance, and create Industrial Districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

Conservation (CO) policy is intended to preserve and enhance environmentally sensitive land within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive



Metro Planning Commission Meeting of 10/24/2013

environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils.

Consistent with Policy?

Yes. The IWD zoning district permits a variety of low intensity industrial uses consistent with the District Industrial policy. The Metro Zoning Code provides landscape buffer requirements and discourages connections between industrial and residential areas to ensure protection of nearby residentially zoned property.

While the proposed IWD district is not consistent with the Conservation policy, which applies to portions of the properties containing slopes and low lying areas along Mill Creek, these areas are mostly protected by the Zoning Code's Hillside Development standards and the Floodplain Overlay District and Metro Stormwater requirements, which require a buffer adjacent to any floodway.

ANALYSIS

The two subject properties are located southwest of Nashville International Airport. Located immediately southwest of a principal runway and under a flight path, the site is within the Airport Overlay district, which regulates the height of proposed buildings. There is a residential area to the north and northwest of the site, though many of the residentially zoned lots immediately to the north of the site have been cleared and are currently owned by the Metropolitan Nashville Airport Authority. A large developed industrial area is located to the south of the site across Mill Creek.

The proximity to the airport and flight path makes the site suitable for low intensity and low occupancy industrial uses, such as those permitted in the IWD district. The site would not be suitable for the currently permitted residential uses.

The site's District Industrial policy supports the proposed IWD zoning. A more intense policy, District Impact, is located to the north, east and south of the site. The District Impact policy anticipates very intense – high impact uses that would be permitted in the highest intensity industrial zoning.

Section 17.20.150 of the zoning code requires that access for nonresidential properties which abut residential-zoned areas be designed so as to minimize the intrusion of nonlocal traffic onto residential local and minor local streets. While McGavock Pike provides an indirect connection to the residential area, it is likely that all industrial and business related traffic to and from the site would travel south on McGavock Pike in order to connect to I-24 via Harding Place. There is no direct vehicular connection between the site and residential neighborhood to the northwest.

A "D" landscape buffer (the largest and most heavily planted) is required with development on an IWD zoned property abutting an R zoned area, which will further mitigate any impact development on the subject property may have on the residential area to the north and northwest.

PUBLIC WORKS RECOMMENDATION

- Traffic study may be required at time of development.



Metro Planning Commission Meeting of 10/24/2013

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)	88.81	4.63 D	508 U	4639	366	463

*Based on 101 duplex lots

Maximum Uses in Proposed Zoning District: IWD

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	88.81	0.6 F	2,321,138 SF	8264	697	743

Traffic changes between maximum: R10 and proposed IWD

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+3625	+331	+280

STAFF RECOMMENDATION

Staff recommends approval as the proposed IWD district is consistent with the District Industrial policy.



Project No.	Text Amendment 2013Z-013TX-001
Project Name	LED & Digital Signs
Council Bill	BL2013-568
Council District	Countywide
Requested by	Councilmember Burkley Allen
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Approve with an amendment</i>

APPLICANT REQUEST

Prohibit LED message boards and digital display signs within certain zoning districts.

ZONING TEXT AMENDMENT

A request to amend Section 17.32.050 of the Metropolitan Zoning Code to prohibit LED message boards and digital display signs within the MUI, MUI-A, ORI and MHP zoning districts.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

Currently, Section 17.32.050.H.2 of the Zoning Code prohibits LED message boards and digital display signs in the AG, AR2a, R, RS, RM, RM-A, MUN, MUN-A, MUL, MUL-A, MUG, MUG-A, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, CN, CL, SCC and SCN districts, except for time/temperature/date signs.

PROPOSED ZONING CODE

The proposed text amendment will add Mixed Use Intensive (MUI), Mixed Use Intensive-Alternative, Office/Residential Intensive (ORI) and Mobile Home Park (MHP) to the list of districts in which LED message boards and digital display signs are unconditionally prohibited.

The Mixed Use Intensive (MUI) district is intended for a high intensity mixture of residential, retail, and office uses.

The Mixed Use Intensive-Alternative (MUI-A) district is intended for a high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

The Office/Residential Intensive (ORI) district is intended for high intensity office and/or multifamily residential uses with limited retail opportunities.

The Mobile Home Park (MHP) district requires a minimum two acre lot size and is intended for mobile homes at nine units per acre.

ANALYSIS

Section 17.32.050.G.2 permits signs with copy, graphics, or digital displays that change messages by electronic or mechanical means, other than tri-face billboards, in CA, CS, CF, CC, SCR, IWD, IR and IG districts, subject to distance requirements from agriculturally or residentially zoned



Metro Planning Commission Meeting of 10/24/2013

property. Section 17.32.050.H.2 of the zoning code prohibits such signs, outright, in all other districts except MUI, MUI-A, ORI, ORI-A and MHP. The MUI, MUI-A, ORI, ORI-A and MHP districts are not addressed in either section pertaining to digital display or LED signs.

This text amendment would include the MUI, MUI-A, ORI and MHP districts on the list of districts in which LED message boards and digital display signs are outright prohibited. Staff recommends including ORI-A in this ordinance for consistency with the ORI district.

LED message boards and digital display signs are prohibited in zoning districts in which residential uses are permitted as a principal use and/or in zoning districts which are often located adjacent to or in close proximity to principally residential areas. The MUI, MUI-A, ORI, ORI-A and MHP districts all permit residential uses as a principal use.

CODES RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval with a condition.

CONDITION

1. Amend the ordinance to include the Office/Residential Intensive-Alternative (ORI-A) district.

ORDINANCE NO. 2013-568

An ordinance to amend Sections 17.32.050 of the Metropolitan Zoning Code, to prohibit LED message boards and digital display signs within the MUI, MUI-A, ORI, and MHP zoning districts (Proposal 2013Z-013TX-001)

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

Section 1. That Section 17.32.050 of the Code of the Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended as follows by amending subsection H.2 by deleting the phrase "AG, AR2a, R, RS, RM, RM-A, MUN, MUN-A, MUL, MUL-A, MUG, MUG-A, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, CN, CL, SCC and SCN districts", and substituting with the phrase "AG, AR2a, R, RS, RM, RM-A, MUN, MUN-A, MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, MHP, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, ORI, CN, CL, SCC and SCN districts".

Section 2. This Ordinance shall take effect immediately 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.

INTRODUCED BY:

Councilmember Burkley Allen



Project No.	Text Amendment 2013Z-014TX-001
Project Name	Automobile Related Use Conditions
Council Bill No.	BL2013-569
Council District	Countywide
School District	Countywide
Requested by	Councilmembers Bedne, Tenpenny, Blalock, and Potts.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

Amend the Zoning Code to specific auto related uses.

Text Amendment

A request to amend Chapters 17.08 and 17.16 of the Metropolitan Zoning Code pertaining to specific automobile related uses, by making Automobile Sales, New a Permitted with Conditions (PC) use in the Commercial Services (CS) zoning district, and providing conditions for which the use is permitted and by modifying existing conditions for Automobile Repair; Automobile Sales, Used; Car Wash and Vehicular Sales and Service, Limited uses.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

The current Zoning Code delineates in which zoning districts specific land uses are permitted and under which conditions they are permitted. The proposed text amendment will affect Automobile Repair; Automobile Sales, New; Automobile Sales, Used; Car Wash; and Vehicular Sales and Service, Limited uses.

PROPOSED ZONING CODE

The proposed text amendment modifies some of the existing requirements and adds additional requirements for auto related uses. The request also modifies sign requirements. The proposal would make the following changes:

Automobile Repair

1. Requires that buildings, structures, inoperable vehicles, outdoor storage and automobile repair activates be located a minimum of 200 feet from any district boundary permitting residential or a property legally occupied by a residential structure. The current requirement is 25 feet.
2. Prohibits more than one automobile repair use from being located on the same block face.

Automobile Sales

1. Add the same requirements for Automobile Sales, New as are required for Automobile, Sales Used.
2. Requires that buildings, structures, inoperable vehicles, outdoor storage and automobile repair activates be located a minimum of 200 feet from any district boundary permitting residential or a property legally occupied by a residential structure. The current requirement is 25 feet.
3. Removes sign requirements for properties with more than 300 feet of frontage.



Metro Planning Commission Meeting of 10/24/2013

4. Prohibits more than one Automobile Sales, New or Used use from being located on the same block face.
5. Prohibits Automobile Sales, New or Used land uses from being located within 1000' feet of one another.
6. Requires that the applicant for an automobile sales, new or used use hold a community meeting prior to submitting an application to Metro Codes for the use.

Car Wash

1. Prohibits more than one car wash from being located on the same block face.
2. Prohibits Car Wash uses from being located within 500 feet of one another.
3. Requires that the applicant for a Car Wash use hold a community meeting prior to submitting an application to Metro Codes for the use.

Vehicular Sales and Services, Limited

1. Prohibits more than one Vehicular Sales and Services, Limited use from being located on the same block face.
2. Prohibits Vehicular Sales and Services, Limited uses from being located within 1,000 feet of one another.
3. Requires that the applicant for a Vehicular Sales and Services, Limited use hold a community meeting prior to submitting an application to Metro Codes for the use.

ANALYSIS

Over the years, auto-related uses have proliferated Nashville and especially along the major corridors leading into Nashville. Historically, these uses have had little regulation, which has led to unsightly properties packed with automobiles, which may or may not function, stacked tires and other auto parts, with little to no landscaping. The unsightliness of these uses has had a negative impact on surrounding properties, including perceived property values and revitalization efforts. Nashville citizens and elected officials have struggled to control the negative impacts that these uses have on surrounding areas, but prior to 2006, Metro had little to no control over how these uses developed.

In 2006, Council attempted to address these issues by passing legislation (BL2006-972) requiring certain newly established auto-related uses to be zoned Specific Plan (SP), which was a fairly new zoning district at the time. The ordinance modified and added definitions for various auto-related uses and amended the zoning districts where auto-related uses were permitted. For example, the ordinance created Automobile Sales, New and Automobile Sales, Used. Prior to the ordinance, all automobile sales were classified as Vehicular Sales and Services Limited. Also, the auto-related uses were previously permitted in many other zoning districts including mixed-use, commercial, shopping center and industrial. The ordinance removed them from a majority of the districts except industrial and made them a "PC" use in the SP zoning district.

While the 2006 ordinance redefined various uses, created new uses, and defined in what districts the uses were permitted, it did not provide any specific conditions for the "PC" uses. Shortly after the adoption of the ordinance, the Planning Department created an internal policy for reviewing auto-related uses that included conditions upon which staff could support a proposed "Auto SP". The policy took into account whether the existing zoning previously permitted the auto-related use and whether the land use policy supported the auto-related use. It also provided conditions for permitting the use. While the ordinance did not provide any specific guidance on how these uses



Metro Planning Commission Meeting of 10/24/2013

should develop, the policy was developed with the understanding that Council's intent was to provide additional review and requirements to ensure that the uses did not continue to detract from their surroundings.

Earlier this year, Council approved legislation (BL2013-418) which pertained to certain auto-related uses. Primarily, the amendment made it possible for certain auto-related uses to be permitted with conditions (PC) in the CS zoning district, no longer requiring a SP zoning district. The intent of the text amendment was to simplify the process for someone wishing to apply for an auto-related use *while maintaining the original intent of the 2006 ordinance and Planning Department policy for design standards.*

Staff has several concerns with the current proposal.

First, the amendment sets locational requirements which may prohibit the subject uses in areas where they may be appropriate. This includes CS zoning districts adjacent to properties zoned industrial. This also includes areas with a land use policy that specifically promotes these uses. For example, the Madison Community Plan recognizes the "Motor Mile", which is an area along Gallatin Pike that consist of numerous auto-related uses. The intent of promoting these uses within this area is to consolidate auto-related uses. By defining the areas where these uses are more appropriate, there is more certainty in the development community in looking for potential sites. It also allows the convenience of having numerous options within one area for consensus of these services.

Second, the locational requirements solidify existing uses in their current locations and may create monopolies for some business, because competition would not be permitted to locate within close proximity. This creates an unfair business climate and does not promote economic development.

Third, the proposal requires that a community meeting be held with surrounding property owners prior to an application being submitted. While in certain processes it is important for community involvement, it is unfair to the community in this case because the community would have no influence on the review process. If the proposed use meets all Code requirements, then the permit would be issued, regardless of community concerns. Therefore, requiring a community meeting sets up a false expectation that community input will alter the design/development of the auto-related use.

The existing PC requirements that were approved by Metro Council earlier this year address design based issues, which lessen the impact of these uses on the streetscape and surrounding properties. Prior to the previous amendment (BL2013-418), staff reviewed 28 SP zone changes for the auto-related uses. Almost all of these were approved by Council and almost all incorporated some or all of the site improvements implemented by the Planning Department's review policy.

CODES ADMINISTRATION RECOMMENDATION

Disapprove

The proposed text amendment imposes greater distance requirements from other automobile-related uses, residential structures, and residential district boundaries. Because the CS district has historically allowed these uses, the proposed text amendment will make many of the existing automobile-related uses legally non-conforming. This will provide "grandfathering" protection



Metro Planning Commission Meeting of 10/24/2013

through state law pursuant to Tennessee Code Annotated § 13-7-208. Grandfathered status will perpetuate the existing automobile-related uses in their current location and eliminate competition.

The greater distance requirements create permitting and enforcement issues. The problem is identifying the actual use of properties within the regulated distance. This will require a parcel by parcel analysis, for all parcels within the regulated distance. While the land use information and permitting history in KIVA is helpful, due to ever changing uses, the accuracy is questionable absent a site inspection. This is particularly true in attempting to determine whether a structure is being used as a legally occupied residence.

The proposed text amendment requires a community meeting prior to the issuance of a permit. Pursuant to ordinance 2013-418, the subject uses are permitted with conditions. As long as the applicant satisfies the conditions, the permit must be issued as a matter of law irrespective of community concerns.

STAFF RECOMMENDATION

Staff recommends disapproval.

ORDINANCE NO. BL2013-569

An ordinance to amend Chapters 17.08 and 17.16 of the Metropolitan Zoning Code pertaining to the conditions applicable to certain automobile related uses, all of which is more specifically described herein (Proposal 2013Z-014TX-001).

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

Section 1. That Section 17.16.070 of the Metropolitan Code is hereby amended by deleting the phrase “25 feet”, wherein it appears in subsections E.6 and F.6, and substituting with the phrase “two hundred feet”.

Section 2. That Section 17.16.070 of the Metropolitan Code is hereby amended by adding the following new subsection E.9:

“9. No more than one automobile repair establishment shall be located on a single block face.”

Section 3. That Section 17.16.070 of the Metropolitan Code is hereby amended by deleting the existing provisions of subsection F and substituting with the following:

Automobile Sales, (New and Used).

1. There shall be a physical separation of any automobile display area or any parking area from the public right-of-way. The separation shall be provided by one of the following options:



Metro Planning Commission Meeting of 10/24/2013

- a. A solid wall that is no less than 24 inches in height and no more than 36 inches in height. The wall shall be constructed of concrete, stone, split-faced masonry or similar materials; or
 - b. A fence that is no less than 24 inches in height and no more than 36 inches in height that includes solid masonry pillars with wrought iron or similar materials between pillars.
2. Driveways shall be consolidated if required by the Metro Traffic Engineer.
 3. Chain link fence, barbed wire, razor wire or similar fencing is prohibited within 25 feet of a public right-of-way.
 4. Fencing or walls within 25 feet of a public right-of-way shall not be more than 36 inches in height.
 5. Service doors facing any district that permits residential uses or a legally occupied residential structure shall be screened by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
 6. All buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be located a minimum of 200 feet from any district boundary that permits residential uses or a legally occupied residential structure, and all buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be screened from any district boundary that permits residential uses or a legally occupied residential structure by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
 7. Inoperable vehicles, outdoor storage and automobile repair activities shall be located to the rear or side yard and shall not be visible from any public right-of-way.
 8. Billboards and/or digital signs are not permitted. On-premises ground signs shall be limited as follows:

Lot Frontage in Feet	Max Number of Signs	Max Sign Area	Max Height
Less than 100	1	64 sq. ft.	20 ft.
100 – 299	1	100 sq. ft.	20 ft.

9. No more than one automobile sales establishment shall be located on any one block face.
10. Automobile sales establishments shall not be located within 1,000 linear feet of another automobile sales establishment.
11. Prior to obtaining a permit to operate an automobile sales establishment, the permit applicant shall provide proof to the zoning administrator that a community meeting was held to inform the public regarding the plans for the proposed establishment, and that written notice of the community meeting was sent by U.S. mail to the district councilmember and to all property owners within six hundred feet of the proposed automobile sales) establishment at least fourteen days prior to the community meeting.

Section 4. That Section 17.16.070 of the Metropolitan Code is hereby amended by adding the following new provisions at the end of subsection I.:

10. No more than one car wash shall be located on any one block face.
11. A Car wash shall not be located within 500 linear feet of another car wash.
12. Prior to obtaining a permit to operate a car wash, the permit applicant shall provide proof to the zoning administrator that a community meeting was held to inform the public regarding the plans for the proposed car wash, and that written notice of the community meeting was sent by U.S. mail to the district councilmember and to all property owners within six



Metro Planning Commission Meeting of 10/24/2013

hundred feet of the proposed car wash at least fourteen days prior to the community meeting.

Section 5. That Section 17.16.070 of the Metropolitan Code is hereby amended by adding the following provisions at the end of subsection T.:

9. No more than one vehicular sales and service, limited establishment shall be located on any one block face.
10. Vehicular sales and service, limited establishments shall not be located within 1,000 linear feet of another vehicular sales and service, limited establishment.
11. Prior to obtaining a permit to operate a vehicular sales and service, limited establishment, the permit applicant shall provide proof to the zoning administrator that a community meeting was held to inform the public regarding the plans for the proposed establishment, and that written notice of the community meeting was sent by U.S. mail to the district councilmember and to all property owners within six hundred feet of the proposed vehicular sales and service, limited establishment at least fourteen days prior to the community meeting.

Section 6. That Section 17.08.030, District land use tables, is hereby amended by deleting the “P” (permitted) designation for automobile sales, new under the “CS” (Commercial Services) zoning district and substituting with the designation “PC” (permitted with conditions).

Section 7. This ordinance take effect immediately 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.

INTRODUCED BY:

Fabian Bedne

Tony Tenpenny

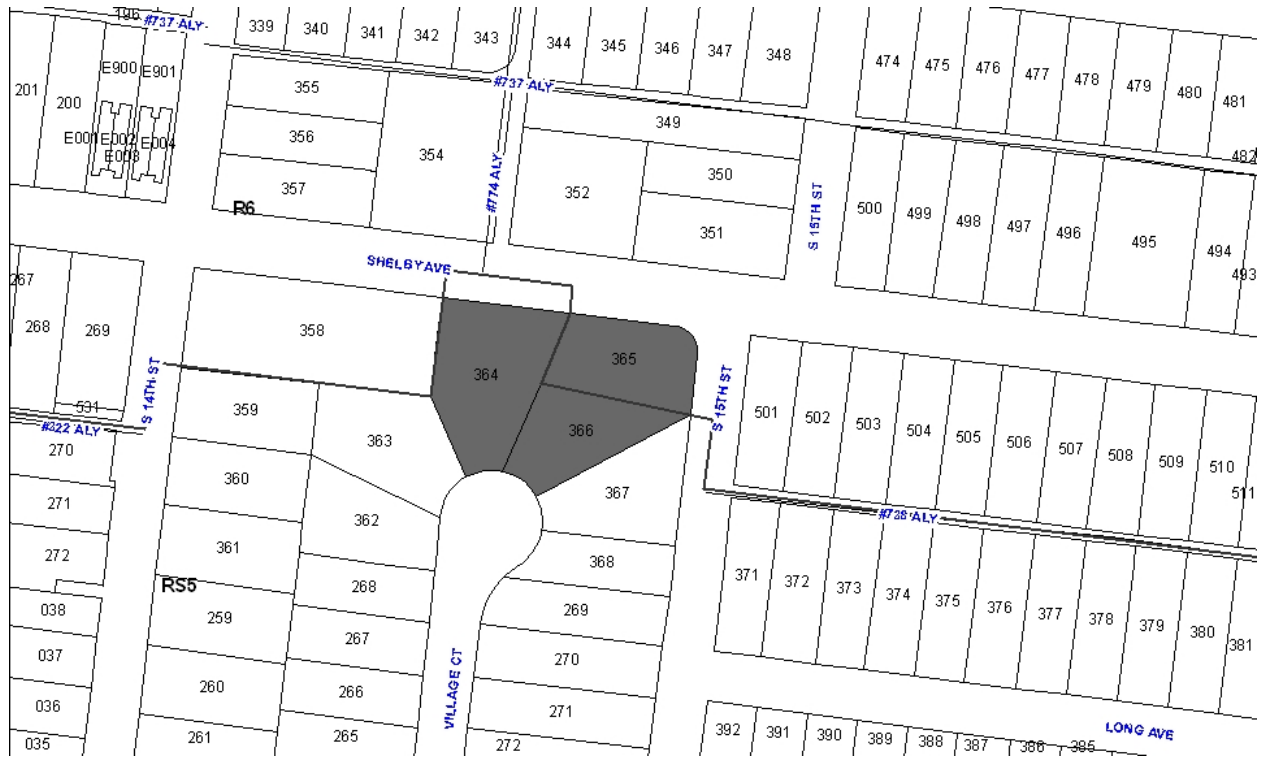
Davette Blalock

Jason Potts

Members of Council



Metro Planning Commission Meeting of 10/24/2013



2013S-137-001
SHELBY VILLAGE NO. 1, RESUB LOTS 10 & 11
Map 083-13, Parcel(s) 364-366
East Nashville
06 - Peter Westerholm



Project No.	Subdivision 2013S-137-001
Project Name	Shelby Village No 1, Resub Lots 10 & 11
Council District	6 – Westerholm
School District	5 – Kim
Requested by	Fiddlehead Developers, LLC., owner; Brackman Land Surveying, applicant.
Staff Reviewer	Cuthbertson
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Final Plat to create six single family residential lots.

Final Plat

A request for final plat approval to create six lots and for a variance from the Sidewalk requirement of Section 3-8.2 of the Metro Subdivision Regulations on properties located at 500 and 501 Village Court and at 1420 Shelby Avenue, at the southwest corner of Shelby Avenue and South 15th Street, zoned Single-Family Residential (RS5) (0.84 acres).

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 7 units.*

CRITICAL PLANNING GOALS

- Provides a Range of Housing Choices
- Supports Infill Development

This subdivision creates new residential development opportunity in a neighborhood where adequate public infrastructure exists, which is preferable because it does not burden Metro with the cost of maintaining new infrastructure. This subdivision mitigates urban sprawl by increasing the supply of in-town housing, which relieves the pressure to develop greenfields on the periphery of Davidson County.

This subdivision is located in an area that contains services and employment, and where alternative modes of transportation are present. Sidewalks, bike lanes and bus service all exist on Shelby Avenue connecting to a larger transportation network.

PLAN DETAILS

This subdivision proposes to create six single-family residential lots where three parcels and two homes exist. The property has frontage on three public streets; Shelby Avenue and South 15th Street to the north and east and Village Court to the south. The site is surrounded by residential neighborhoods and a Metro park is adjacent to the property to the west. Four of the proposed lots (Lots 1-4) will front on Shelby Avenue and two lots (lots 5 and 6) will front Village Court to the south. Lots 5 and 6 could be redeveloped in the future.



Metro Planning Commission Meeting of 10/24/2013

All proposed lots will contain the minimum lot area required by RS5 zoning. The lot areas are as follows:

Lot 1: 6,177 sq. ft.	Lot 4: 5,009 sq. ft.
Lot 2: 5,000 sq. ft.	Lot 5: 8,126 sq. ft.
Lot 3: 5,000 sq. ft.	

The proposed subdivision will prohibit vehicular access to Shelby Avenue. Lot 4 will be permitted access to South 15th Street. Vehicular access to Lots 1 – 3 will come through an access easement connecting each lot to Village Court to the south.

The site contains significant slopes on its north and west side as it drops sharply from Shelby Avenue and South 15th Street. As such, Lots 1 – 4 have been designated critical lots. Prior to issuance of new building permits, critical lot plans will be required to ensure no adverse impact will result from the development of the site.

A dwelling is currently under construction on level portion of Lot 4 and the footprint of the structure is shown on the plat. The house is located 2.5 feet from South 15th Street which is closer than the zoning code would normally permit. However, the Board of Zoning Appeals granted a variance from the street setback requirements from both South 15th Street and Shelby Avenue in 2011.

Variance request

Section 3-8.2.b of the Subdivision Regulations requires the existing sidewalk on Shelby Avenue be maintained and requires the construction of a sidewalk along South 15th Street in order to extend the existing sidewalk network. Under Section 3-8.2 this subdivision is not eligible to pay the in-lieu fee. The applicant is requesting a variance of the requirement to construct a sidewalk along the South 15th Street frontage with a condition that they contribute to the pedestrian network in accordance with Section 3-8.2.c. Section 3-8.2.c would allow the applicant to make a contribution to the area's Pedestrian Benefit zone in-lieu of constructing the sidewalk on South 15th Street. The applicant has cited the topography as the unique feature of the property that would create a hardship if constructing a sidewalk on South 15th Street was required.

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

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



Metro Planning Commission Meeting of 10/24/2013

As noted above, four criteria must be met in order for the Planning Commission to grant a variance to the requirement or construct a sidewalk on South 15th Street. The applicant has provided the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area because a sidewalk on this section would not provide direct pedestrian connections for adjoining lots south of the property, as the lots south of the subject property back to South 15th Street.
- b. The subject property drops sharply from the South 15th Street frontage. The elevation challenges are unique to the area.
- c. The variance is requested because of the elevation challenges along the South 15th Street frontage. Requiring a sidewalk would result in significant grading efforts that would alter the natural state of the property.
- d. The variance requested would not prevent the extension of the sidewalk network on South 15th Street, to the south, along the east side of the street.

ANALYSIS

For infill subdivisions in R and RS zoning districts that are in areas that are previously subdivided and predominantly developed, lots must be generally compatible with surrounding lots. For determining compatibility in Neighborhood General (NG) policy areas, the Subdivision Regulations state that the lots must be consistent in terms of community character. The definition of community character from the Subdivision Regulations is shown below:

Community Character – The image of a community or area is defined by such factors as its built environment, natural features and open space elements, types of housing, infrastructure, and the type and quality of public facilities and services. It is the intent of Neighborhood General areas to create new neighborhoods that are generally compatible with the urban neighborhoods' characteristics in terms of building form, land use and associated public realm, but with opportunities for increased housing choice and improved pedestrian, bicycle and vehicular connectivity.

The proposed subdivision is consistent with the community character of the surrounding area. The proposed subdivision would create development opportunity on a section of Shelby Avenue that has been vacant and a gap in the street's built fabric. Lots 1-4 are oriented to Shelby Avenue in a manner consistent with the development pattern surrounding the subdivision. While the site provides some significant topographical challenges, the designation of the Lots 1-4 as critical lots will ensure that development does not have a detrimental impact.

STORMWATER RECOMMENDATION

Approve.

WATER SERVICES RECOMMENDATION

Approval is contingent on construction and completion of Metro Project #'s 13-SL-90. Please set bond at \$12,000 for this project.

PUBLIC WORKS RECOMMENDATION

Approve with conditions.

- 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.



Metro Planning Commission Meeting of 10/24/2013

- The applicant has requested a variance to the Subdivision Regulations that require sidewalk construction. If the variance is not granted, the plat must be revised to indicate sidewalk construction per MPW standards.

STAFF RECOMMENDATION

Staff recommends approval of the subdivision and a variance of the requirement to construct a sidewalk on South 15th Street per Section 3-8.2.b of the subdivision regulations with conditions. With the variance, the plat is consistent with the subdivision regulations and RS5 zoning requirements.

CONDITIONS

1. In accordance with Section 3-8.2.c of the Subdivision Regulations, submit a \$500 contribution in-lieu of construction of the sidewalk on South 15th Street to the Planning Department to Pedestrian Benefit Zone 2-A.
2. Approval is contingent on construction and completion of Metro Project #'s 13-SL-90 with a bond set at \$12,000.