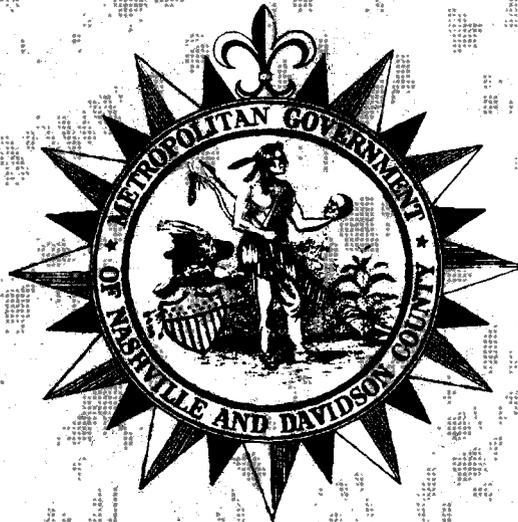


Metropolitan Planning Commission



Preview/Review Staff Report

October 23, 2008

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

PREVIOUSLY DEFERRED ITEMS



Project No. Subdivision 2008S-150U-03
Project Name Park Preserve, Phase 1
Council District 2 – Harrison
School District 1 – Gentry

Requested by Nashville Area Habitat for Humanity Inc., owner,
Ragan-Smith-Associates Inc., surveyor

Deferral *Deferred from the September 25, 2008, Planning Commission meeting to allow the applicant, the community and the council representative opportunity to reach a solution to the outstanding issues. The public hearing for this item was closed at the previous meeting.*

Staff Reviewer Jones
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST
Cluster Lot

A request for concept plan approval to create a cluster-lot subdivision containing 34 single-family lots at 508 and 512 Ewing Drive and Ewing Drive (unnumbered), approximately 600 feet west of Ewing Lane (10.31 acres), zoned Single-Family Residential (RS7.5).

ZONING
RS7.5 District

RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. While only 34 lots are proposed, the RS7.5 zoning would permit up to 51 cluster lots on 10.31 acres.

History

A preliminary plat was previously approved by the Planning Commission for this property on January 26, 2006, for 46 lots. Since a final plat was not recorded within two years, the preliminary plat expired on January 25, 2008.

The Park Preserve Planned Unit Development, also owned by Habitat for Humanity, is located immediately south of the Park Preserve Subdivision, which proposes a future street connection into the PUD. The PUD was approved by Metro Council in July 2002, for 416 single family lots and 327 multi-family units on 200 acres.

STEVEN A. AARON
1850 22nd Street
Tampa, FL 33606

RAY & GREGORY, LLC
1100 1st Street
Tampa, FL 33606

RAY & GREGORY, LLC
1100 1st Street
Tampa, FL 33606



PARK PRESERVE
LAND AREA 22,111

OCEANIC POND

THE STRUCTURE
FOOTPRINT (TRIP)

CONCRETE STRUCTURE
TO BE REMOVED (TRIP)

S20°31'18"W 531.29'

RAY & GREGORY, LLC
1100 1st Street
Tampa, FL 33606

RAY & GREGORY, LLC
1100 1st Street
Tampa, FL 33606



Metro Planning Commission Meeting of 10/23/08

SUBDIVISION DETAILS

The concept plan proposes to create 34 single-family lots within a cluster lot development on 10.31 acres. The cluster lot option contained in the Metro Code allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS7.5 (minimum 7,500 sq. ft. lots) to RS3.75 (minimum 3,750 sq. ft. lots) if the plan meets all the requirements of the cluster lot provisions of the Metro Zoning Code. The applicant has reduced the minimum lot sizes by one base zone classification to RS5 (minimum 5,000 sq. ft. lots) and the proposed lots range in size from approximately 5,000 square feet to 7,600 square feet.

Open Space/Landscaping

Cluster lot developments are required to provide 15 percent usable open space per phase. The concept plan designates 24 percent or 2.45 acres of the site as open space including both passive and active space with a playfield, and playground equipment. A standard B-3 landscape buffer is planned along the eastern perimeter of the site to screen the development from neighboring property. This area is not counted as usable open space.

Sidewalk

A five foot sidewalk is planned within the right of way throughout the development.

Access/Street Connectivity

The plan proposes a new public road that will intersect onto Ewing Drive to the north at Gwynnwood Drive and extends south ending in a stub street that will eventually connect to the Park Preserve PUD. This PUD, also owned by Habitat for Humanity, is currently undeveloped with a stub street connection that would tie into Park Preserve, Phase I Concept Plan. There is also a stub street shown on this concept plan to provide a future connection to the west.

PUBLIC WORKS RECOMMENDATION

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



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2. Construct Ewing Drive pavement section along property frontage per standard drawing ST-253. Provide tapers per AASHTO / MUTCD standards. Coordinate Ewing Dr improvements with road widening at La Vista by Park Preserve PUD.
3. Construct the site access road at Ewing Drive with one entering and two exiting lanes (LT and TH/RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
4. Lots 1 and 16 shall have no driveway access to Ewing Drive.

STORMWATER RECOMMENDATION

Approved. The lot layout is acceptable; however, the water discharging from the pipe between Lots 33 and 34 is not receiving full treatment. This issue must be dealt with at the time of plan submittal to the MWS Stormwater Division.

FIRE MARSHAL RECOMMENDATION

1. Before a plat for 1 or 2 families can be approved, plans showing water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations shall be provided.
2. All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
3. Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
4. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B.
5. Fire Hydrant flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.



Metro Planning Commission Meeting of 10/23/08

STAFF RECOMMENDATION

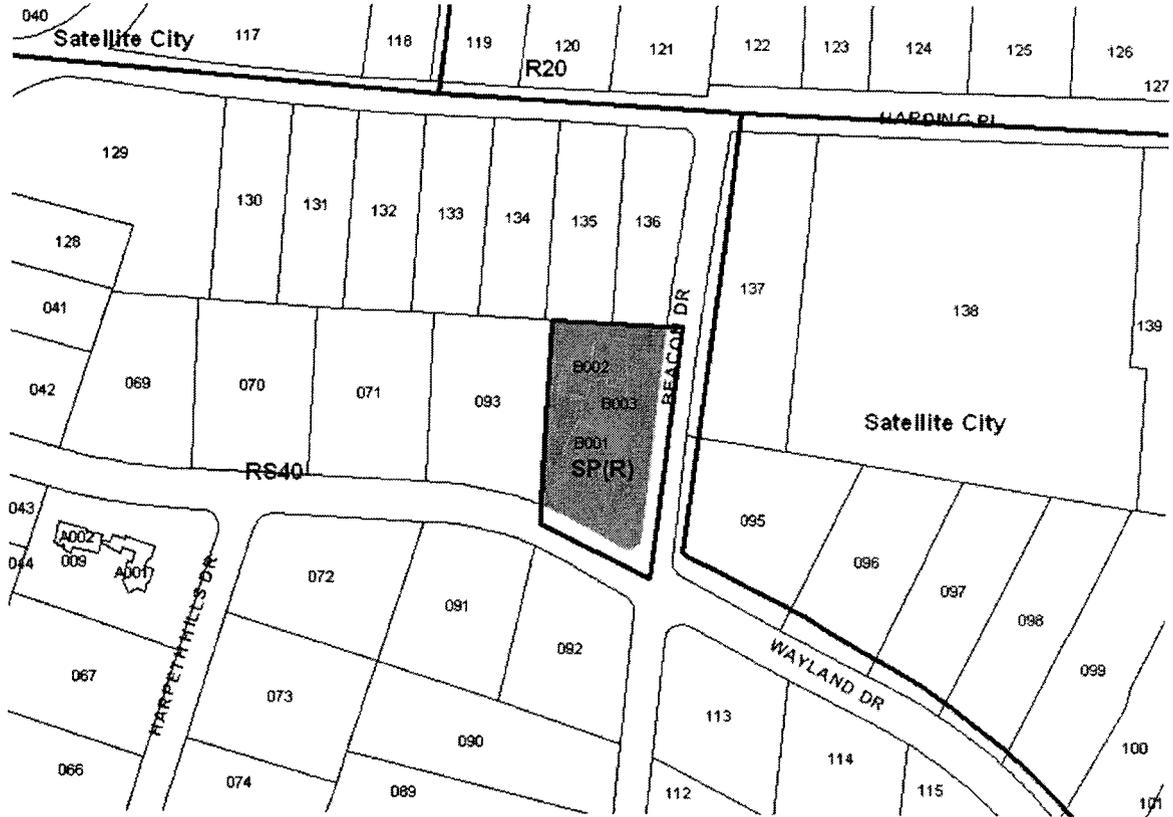
Staff recommends approval with conditions of the concept plan for the Park Preserve, Phase 1.

CONDITIONS

1. All development plans shall comply with the conditions and design regulations established by the Department of Public Works.
2. All development plans submitted for approval must comply with the Fire Marshal's requirements listed above.
3. All development plans shall comply with the Stormwater requirements listed above.
4. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

SEE NEXT PAGE

SPECIFIC PLANS



2007SP-114U-10

4000 Wayland Drive (Formerly Beacon Way Townhomes)

Map: 130-11-0 Parcels: 001, 002, 003

Green Hills/Midtown Community Plan

Council District 34 – Carter Todd



Project No.
Project Name
Council District
School District
Requested by
Staff Reviewer
Staff Recommendation

Zone Change 2007SP-114U-10
4000 Wayland Drive (Formerly Beacon Way Townhomes)
34 - Todd
8 - Fox
Carbine and Associates, applicant for Charles R. Carroll, owner
Leeman
Approve with conditions

APPLICANT REQUEST
Final Site Plan

A request for final site plan approval for the Specific Plan-Residential (SP-R) located at 4000 Wayland Drive, at the northwest corner of Wayland Drive and Beacon Drive (1.25 acres), to construct one single-family residence with a detached garage, and install drainage, landscaping, and a wall associated with the proposed residence.

Proposed Zoning
SP-R District

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

PLAN DETAILS

History

This property was rezoned from RS40 to SP-R in July 2007. Prior to that, this property was rezoned from R40 to RS40 in September 2006. The owner of the property at that time was issued a building permit to build a duplex on the property before the RS zoning took effect. While the RS40 did not permit duplexes, the owner could have legally built a duplex. Instead of building a duplex on this property, a request to rezone to an SP district was made to allow two lots smaller than the 40,000 square feet required by the existing RS40 zoning (27,992 sq. ft. and 24,029 sq. ft.). The Planning Commission recommended approval and the Council subsequently approved the rezoning to SP in July 2007.

The approved SP contains two single-family homes on two lots, including a new 6,000 sq. ft. house on Lot 1 and an existing 7,200 sq. ft. house on Lot 2. The SP

BLOCK "A"
TYNE MEADE
BOOK 4508, PAGE 494
R.O.D.C.

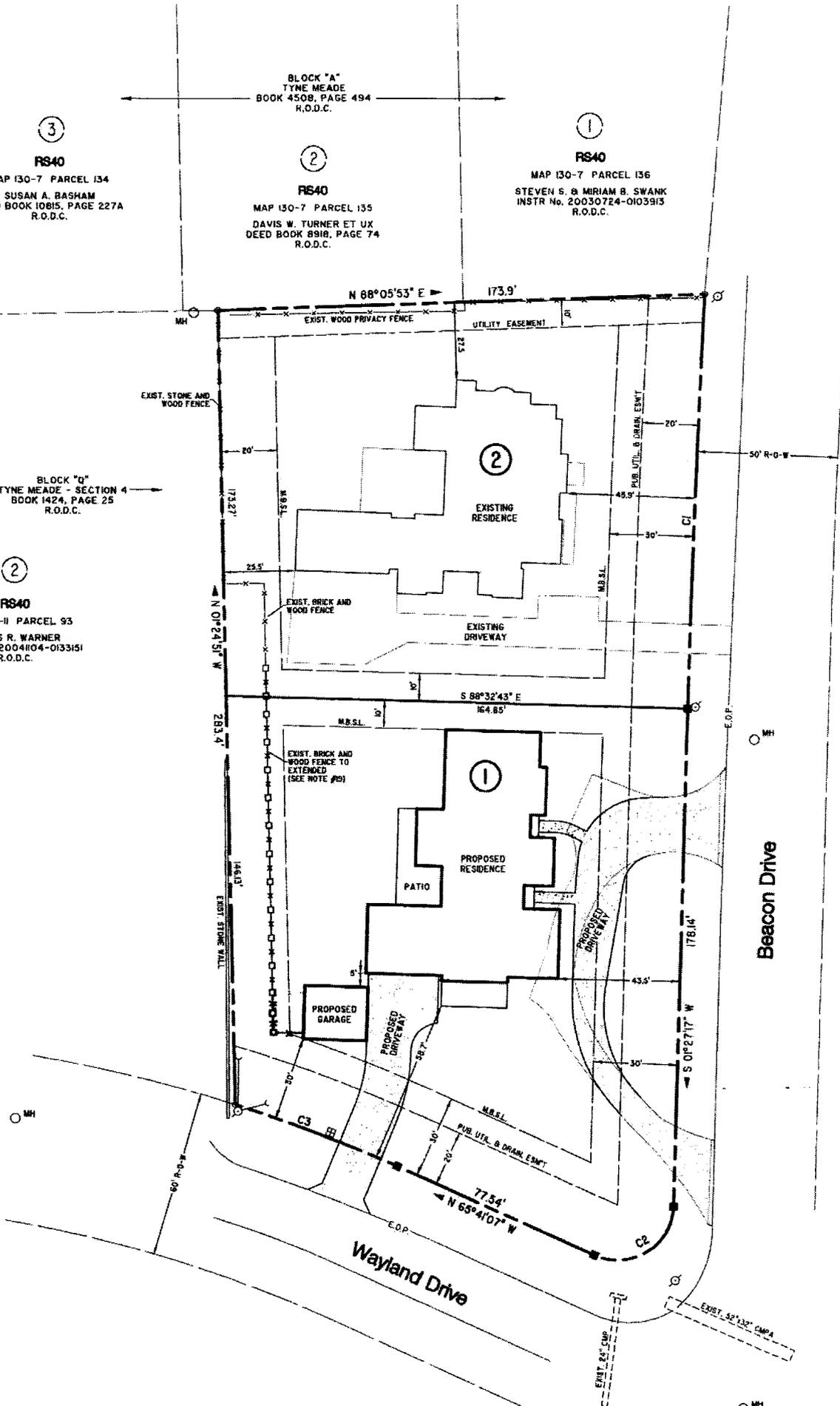
③
RS40
MAP 130-7 PARCEL 134
SUSAN A. BASHAM
DEED BOOK 10815, PAGE 227A
R.O.D.C.

②
RS40
MAP 130-7 PARCEL 135
DAVIS W. TURNER ET UX
DEED BOOK 8918, PAGE 74
R.O.D.C.

①
RS40
MAP 130-7 PARCEL 136
STEVEN S. & MIRIAM B. SWANK
INSTR No. 20030724-0103913
R.O.D.C.

BLOCK "Q"
TYNE MEADE - SECTION 4
BOOK 1424, PAGE 25
R.O.D.C.

②
RS40
MAP 130-II PARCEL 93
JAMES R. WARNER
INSTR No. 2004104-0133151
R.O.D.C.



Beacon Drive

Wayland Drive

Benchmark
Tag belt on Fire Hydrant (FH #4327)
Elevation 105.59 (assumed)



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Proposed Final Site Plan

plan provided more requirements, such as specific landscaping, a wall, and design standards, than if the property was developed under straight zoning. To date, not all of the requirements have been met. Prior to the issuance of building permits for Lot 1, all requirements of the SP for Lot 2 must be completed, including landscaping and completion of the wall.

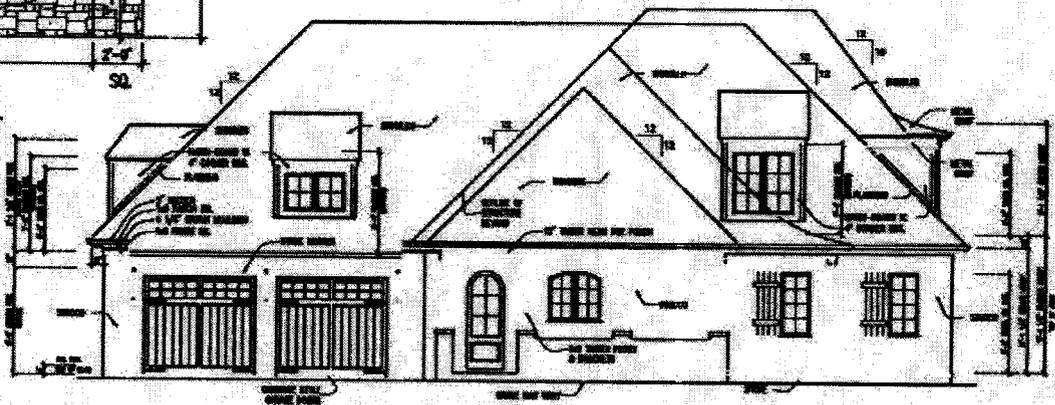
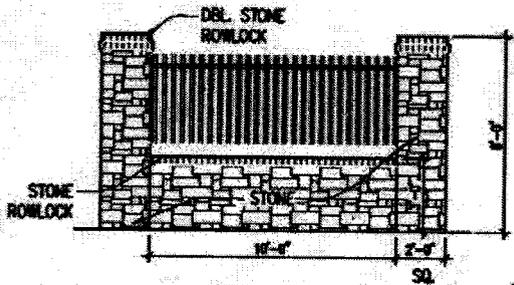
The SP final site plan for Lot 1 maintains approximately the same building footprint for the proposed home, which includes 5,996 sq. ft. for the primary structure and an additional 430 sq. ft. for a detached garage along Wayland Drive.

While the primary structure is consistent with the Preliminary SP plan, a detached one-car garage is proposed with this final site plan, in addition to the two-car attached garage. The detached garage is closer to Wayland Drive (30 feet from Wayland) than the primary structure (60 feet from Wayland). The proposed plan for the detached garage includes a stucco exterior with ornamental doors and dormers on the sides facing each street. The proposed detached garage is turned to face Beacon Drive, which serves to minimize the overall visual impact of the garage doors on Wayland Drive. There is also a wall separating this SP from the neighboring property to the west, as was approved with the preliminary SP. This wall will serve to screen the garage area from the neighboring property.

Although the proposed additional garage is different from the approved preliminary SP plan, staff recommends approval since it is not out of character with the street. The proposed final site plan is consistent with the house at the corner of Lynnwood Boulevard and Wayland Drive, which is set back approximately 30 feet from Wayland Drive with the garage facing Wayland Drive.

Changes to Final Site Plan

Even though the detached garage was not included on the preliminary plan approved by Council, staff recommends that the change be considered as a minor adjustment to the final site plan as permitted by the standard condition included in the Council Bill. That condition states:



LEFT SIDE ELEVATION



FRONT ELEVATION

- NOTE:
1. FINISH WALL, BRICK & ALL MASONRY TO MATCH THE HISTORY.
 2. FINISH EXTERIOR SURF. WITH 2" OF RED BRICK SLIP.
 3. FINISH TERRAZZO ON PORCHES.



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"Be it further enacted, that minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or intensity, 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 present in the plan that is a part of this ordinance."

Sidewalks

Since there are no existing sidewalks in the area, the preliminary SP plan included a requirement for a monetary contribution to be made in lieu of sidewalk construction, consistent with the Subdivision Regulation requirements. With this requirement, staff recommends a condition that the contribution for 148 linear feet be made prior to final plat recordation.

WATER SERVICES RECOMMENDATION

Approved

METRO STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No exception taken.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Prior to the issuance of any building permits for Lot 1, a final plat shall be recorded subdividing Lot 1 and Lot 2 as depicted on the SP plan.
2. Prior to the issuance of any building permits for Lot 1, a sidewalk contribution must be made to the Public Works Department for 148 linear feet of frontage consistent with the requirements of the Subdivision Regulations.



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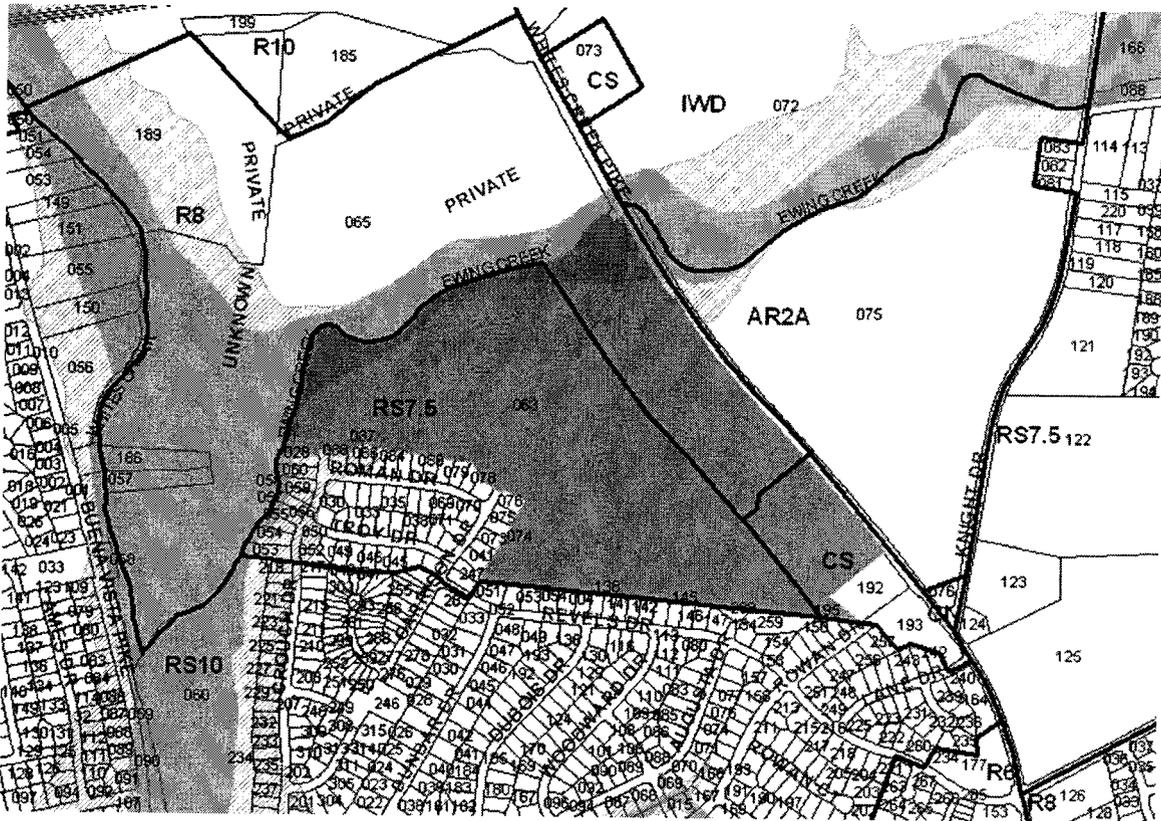
3. Prior to the issuance of any building permits for Lot 1, all requirements of the SP for Lot 2 shall be completed, including landscaping and completion of the wall.
4. No drains shall be located so as to drain directly onto neighboring properties. Drains shall be directed toward the drainage areas on site between Lot 1 and Lot 2. French drains, or similar type drain, shall be installed around the wall to direct water flow to a centralized location on site.
5. New home on Lot 1 shall have a maximum height of 30 feet.
6. The wall shall be built as depicted on the final site plan. This wall will be constructed of stone. All columns will be at least 8 feet (from the ground) at their lowest point. The wood portion will be no more than six inches from the top of stone on the column. The fence will extend from the northwest corner of Lot 2 to a point that is parallel with the southwest corner of the proposed house on Lot 1. It shall be located so that no existing mature trees will be removed during the installation. If necessary, the fence will be re-directed at 90 degree angles only.
7. 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 RS20 zoning district as of the date of the applicable request or application.
8. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro



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Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

9. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.



2008SP-025U-03

The Park at Ewing Creek

Map: 059-00 Parcels: 063, 195

Bordeaux/Whites Creek Community Plan

Council District 2 – Frank Harrison



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

Zone Change 2008SP-025U-03
Park at Ewing Creek SP
BL2008-324
2 - Harrison
1 - Gentry
Dale & Associates, applicant, for Ewing Creek, LLC,
owner

Staff Reviewer
Staff Recommendation

Bernards
Disapprove

APPLICANT REQUEST
Preliminary SP

A request to rezone from Single-Family Residential (RS7.5), One and Two-Family Residential (R8), and Commercial Service (CS) to Specific Plan-Mixed Industrial (SP-MI) zoning properties located at 2832 Whites Creek Pike and Rowan Drive (unnumbered), approximately 1,510 feet south of Briley Parkway (91.97 acres), to permit the development of a retail, office, warehouse and industrial campus and open space.

Existing Zoning
RS7.5 District

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

R8 District

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% duplex lots.

CS District

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

Proposed Zoning
SP-MI District

Specific Plan-Mixed Industrial 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 retail, office, warehouse and industrial campus and open space.



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BORDEAUX/WHITES CREEK COMMUNITY PLAN

Natural Conservation (NCO)

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

Residential Low Medium (RLM)

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

Neighborhood Center (NC)

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

Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

Consistent with Policy?

No. While some of the proposed uses are consistent with land use policies, the majority of the proposed retail, office, warehouse and industrial uses will be located on areas now designated as RLM policy, which does not support these uses. The portion of the property designated NC is consistent with proposed District A uses. The portion of the property that is designated NCO is to remain as open space and this is consistent with the policy.

PLAN DETAILS

The proposed SP includes three districts, each with its own land uses and bulk standards. While a plan is included showing a new street and lots, this is meant to



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District A

be illustrative only and no specific street or lot layout is proposed with this rezoning request.

District A, with approximately 12 acres in area, is proposed for commercial, retail, office and warehouse uses fronting Whites Creek Pike from the southern property line to the TVA easement. The uses and bulk standards for this district are similar to those for the CS zoning district with the following uses excluded: residential, non-residential drug treatment, automotive sales, bar or nightclubs, hotels motels, and construction/demolition landfills. Building heights are to be two stories and the maximum floor area ratio (FAR) is proposed to be 0.8.

Various building materials are identified. These include various types of concrete, brick and stone as well as stucco and architectural metals and glazing. More detail is required on what is included in "architectural metals." While the colors for these buildings are not limited, the more intense colors are restricted to be used as accents only.

A 30 foot landscape buffer is proposed along Whites Creek Pike in order to provide additional buffering from the existing, active quarry across from the property. Details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species is needed.

District B

District B, with approximately 38 acres in area, is proposed for industrial, office, and warehouse uses in the center of the property. Uses permitted within this sub-district are those allowed under the Industrial Warehousing/ Distribution (IWD) zoning district with the following uses excluded: residential, construction/demolition landfill, automotive sales and uses, non-residential drug treatment, sanitary landfill, adult entertainment, and mineral extraction. Building heights are limited to one to two stories. The bulk standards of the IWD zoning district will apply in District B.

Various building materials are identified. These include various types of concrete, brick and stone, architectural metals and glazing. Gloss, highly reflective metals are prohibited as the primary building



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material. As is the case for District A, more detail is required on what is included in "architectural metals." While the colors for these buildings are not limited, the colors are to be subdued and not reflective.

A standard B buffer is identified along the north, west and south perimeter of District B. A list of proposed trees and shrubs species is needed.

District C

District C is approximately 42 acres in area and is proposed for open space. This district includes the floodway along the northern boundary and an approximately 300 foot wide buffer to provide permanent separation of the industrial uses from the adjacent residential subdivision. Uses in this portion of the SP are limited to a greenway along Ewing Creek and maintenance of the open space, including the wooded areas. The existing vegetation is to be supplemented with additional plantings. A tree protection plan will be required for any portion of District C adjacent to development in District B.

The buffers in District A and B, and the open space in District C, will be managed and maintained through an association set up for this purpose. No details of this association have been provided and will be required prior to final site plan approval of the first phase of this proposed development.

Streets and Sidewalks

Any street or streets accessing District B through District A will be designed to Public Works' non-residential local street standard. A five foot sidewalk is included in this street standard. In order to comply with the Subdivision Regulations, the principal street of this development must be a loop street or other street pattern that provides two access points to Whites Creek Pike. If more than one street is built, a short cul-de-sac that is accessed from a principal street may be permitted.

Sidewalks are required along the frontage of Whites Creek Pike.

Access Management

An access management plan is required. This plan needs to provide for limited access on to Whites Creek Pike from District A. No more than two access points are permitted in addition to the loop street. Wherever



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Parking

possible, access to District A will be from the new principle street with cross access easements

Parking requirements for each use will be governed by the standards of the Zoning Code for each proposed use. In District A, parking shall be located to the side or rear of the building with only one row of parking permitted on the Whites Creek Pike frontage. All parking shall be screened as required by the Zoning Code.

Building Orientation

The proposed plan provides setbacks but does not discuss building orientation. Buildings on lots adjacent to Whites Creek Pike, shall be oriented towards Whites Creek Pike, with the primary building entrances facing the street.

Signs, Lighting and Fencing

Signs, lighting and fencing for District A are proposed to be based on the standards of the CS zoning District and based on the IWD zoning district standards for District B.

For District A, in addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs will include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs in District A include building signs and freestanding ground signs. Building signs are attached directly to, or supported by brackets attached directly to a principal building. Freestanding ground signs are supported by structures or supports that are anchored in the ground and that are independent of any building or other structure and are a maximum six feet in height.

Signs in District A shall be externally lit with steady, stationary, down directed, and completely shielded light sources. Freestanding ground signs may be lit from a ground lighting source. All signs in District A shall be constructed using high-quality durable materials such as metal, stone, brick, and hardwood, and shall complement materials and features of buildings on the same property. The design and alignment of signs on multiple use buildings shall compliment each other such that visual unity effect is achieved.



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Phasing

Any phase of development in District A that will include multiple stories and/or tenants shall submit an overall sign program with the final site plan.

There are no sign, lighting or fencing standards proposed for District C. In this district, signage and lighting will be limited to that necessary to support the open space and greenway functions only.

As each lot is developed the developer must demonstrate how the access management plan is being achieved and that the development of any one lot will not preclude subsequent development from meeting the intent and requirements of the SP

STORMWATER RECOMMENDATIONS

Preliminary SP approved except as noted:

- Any work within the floodplain will require fill compensation.
- Regional stormwater facility is partially located under the TVA easement. TVA approvals will be required.

WATER SERVICES RECOMMENDATION

Approval at this time with these conditions set forth by the capacity letter.

- Public water & sewer extensions will be required in addition to the construction of a 16 inch public water main in White Creek Pike.
- At this point in time this is all the applicant needs. Prior to future development of the commercial site further capacity issues must be addressed.
- Easements will be the responsibility of the developer & at the developers expense.
- Pressure regulating devices when pressures exceed 100 psi.
- Contact the Fire Marshal regarding adequate fire protection

FIRE MARSHAL RECOMMENDATION

Reviewed

- Fire Hydrants shall be in-service before any combustible material is brought on site.
- All fire department access roads shall be 20 feet minimum width and shall have an unobstructed vertical clearance of 13.6 ft.



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- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.
- Actual or projected fire hydrant flow data shall be provided on plat showing compliance with 2006 edition of NFPA 1 table H.
- More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads
- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
- Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
- Access to the property of the planned building group shall be provided by a minimum of two distinctly separate routes, each located as remotely from the other as possible.

NES RECOMMENDATION

- 1) Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. This shall cover the entire project area.
- 2) Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 3) NES has existing easement along Whites Creek Pike – Book 5706 Page 637
- 4) 30-foot public utility easement required adjacent to public r-o-w. Make drainage and common open space areas should be a public utility easement.
- 5) NES can meet with developer/engineer upon request to determine electrical service options



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- 6) NES needs any drawings that will cover any road improvements to Metro r-o-w that Public Works will require.
- 7) Developer shall work with Metro PW on street lighting. This is urban services area and must be lit to Metro's minimum requirements.
- 8) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ www.nespower.com).
- 9) NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
- 10) Developer shall work with the NES Vegetation Management Section if NES has to build ovhd distributions lines for serve.
- 11) To serve lot 16 NES must have a permit in place to cross TVA either ovhd or ugrd. This permit process takes 4-6 weeks for approval from TVA prior to final construction pack being issued.

TO APPLY FOR SERVICE:

1. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates (TN83F) that contains the civil site information (Engineer shall provide approved plans by Metro Planning w/ any changes from other departments)
2. Developer to provide a proposed easement drawing for the electric, phone and catv.
3. All street lighting shall meet Metro's requirements and be installed by developer – NES needs locations for conduit stub-outs to those areas
4. Contact Dwight Tidwell, NES Energy Services Engineering, @ 747-3282 to begin an order for new service, identify any service removals and temporary power needs to the ESE representative assigned job to coordinate all work in regards to the project.

PUBLIC WORKS RECOMMENDATION

Public Works comments are forthcoming.

STAFF RECOMMENDATION

Staff recommends disapproval of this request as the proposed industrial, office, warehouse, and retail uses are not consistent with the RLM land use policy which covers the majority of this property. Furthermore, a



Metro Planning Commission Meeting of 10/23/08

substantial amount of additional details are needed on the preliminary plan in order to effectively review any final site plans that would be submitted under this SP.

CONDITIONS (if approved)

1. This SP is limited to retail, office, and warehouse uses in District A, industrial, office, and warehouse uses in District B, and open space and greenways in District C.
2. The corrected copy of the SP plans shall include a definition of architectural metals; planning staff shall approve materials.
3. The corrected copy of the SP plan shall include a plant species list for all buffers to be approved by the urban forester
4. Prior to final site plan approval of the first phase of this development, an association to manage and maintain the landscape buffer yards shall be established and a management plan shall be prepared and approved by the Urban Forester
5. A tree protection plan shall be provided with the final site plan for each lot developed adjacent to District C.
6. For any final site plan that proposes a street, the street pattern shall meet the requirements of the Subdivision Regulations. The principle street shall be a loop street or similar pattern that provides two access points to Whites Creek Pike.
7. The corrected copy of the SP shall include sidewalks along Whites Creek Pike.
8. The corrected copy of the SP shall include a description of the access management plan including no more than two driveway access points to Whites Creek Boulevard.
9. Prohibited signs in District A shall include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.



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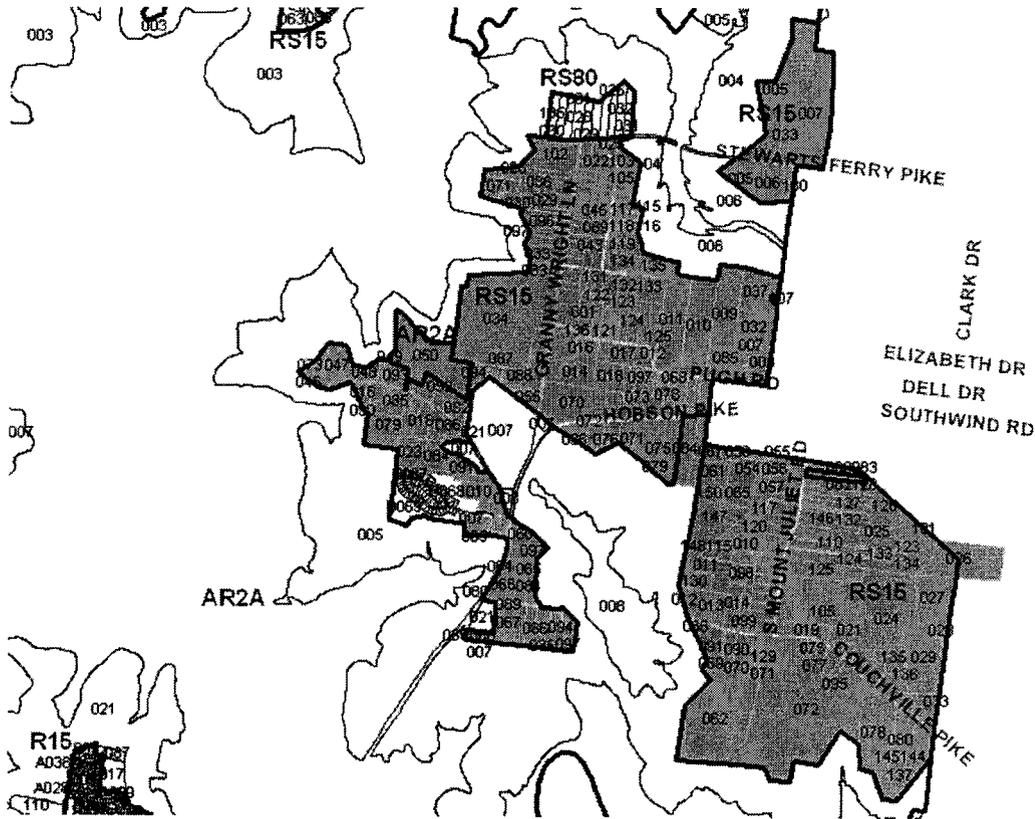
10. Permitted signs in District A shall include building signs and freestanding ground signs a maximum 6 feet in height.
11. Signs in District A shall be externally lit and shall be constructed using high-quality durable materials.
12. A sign program shall be required with a Final Site Plan for any phase of the development in District A that will include multiple stories and/or tenants.
13. Signage and lighting in District C shall be limited to that necessary to support the greenway and open space functions.
14. 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, District A shall be subject to the standards, regulations and requirements of the CS zoning district, District B shall be subject to the standards, regulations and requirements of the IWD zoning district, and District C shall be subject to the standards, regulations and requirements of the AR2a zoning district, as of the date of the applicable request or application.
15. 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. 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.



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16. 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.
17. 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.

ZONING MAP AMENDMENTS



2008Z-078G-13
 Stewarts Ferry Pike
 Map: 110-00 Parcel: 102
 Map: 111-00 Parcels:005, 007, 022, 023, 024, 033
 Map: 123-00, 124-00, 137-00, 137-04, 138-00 Parcels: Various
 Antioch/Priest Lake Community Plan
 Council District 33 – Robert Duvall



Project No.	Zone Change 2008Z-078G-13
Council Bill	BL2008-318
Council District	33 – Duvall
School District	06 - Johnson
Requested by	Councilmember Robert Duvall
Staff Reviewer	Bernards
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

A request to rezone various properties from Agricultural/Residential (AR2a) and Single-Family Residential (RS15) to Single-Family Residential (RS80) zoning along Bakers Grove Road, Couchville Pike, Granny White Lane, Hobson Pike, Mt. Juliet Road, Palimino Place, Pugh Road, Stewarts Ferry Pike, and Thoroughbred Drive (2,265.98 acres).

Existing Zoning
AR2a District

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

RS15 District

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

Proposed Zoning
RS80 District

RS80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre.

**ANTIOCH/PRIEST LAKE
COMMUNITY PLAN**

Rural (R)

R is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.



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Consistent with Policy?

Yes. The request to rezone the property from AR2a and RS15 to RS80 is consistent with the R policy.

ANALYSIS

This request will rezone 288 parcels from AR2a and RS15 to RS80. Of the 288 parcels included in this request, the rezoning will create 46 substandard parcels where the existing lot sizes will be less than 80,000 square feet. Of these 46 parcels, five are non-residential (three cemeteries, two churches) which range in size from 5,663 square feet to 52,708 square feet. Eight parcels are part of larger parcels in the adjacent Wilson County. There are 15 parcels that are owned by the same owners as the adjacent parcel and, when combined, would be over 80,000 square feet in size. There are 18 stand-alone, residential parcels that will be less than 80,000 square feet in size. These range in size from 6,970 square feet to 73,360 square feet.

Substandard Lots

Section 17.40.670 of the Metro Zoning Code allows that a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by the zoning district provided the lot contains a minimum area of 3,750 square feet and existed prior to the date of the ordinance.

PUBLIC WORKS RECOMMENDATION

No exception taken.

Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	2,193.71	2.47	5,418	40933	3803	3897

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	72.27	0.5	36	407	35	43

Maximum Uses in Proposed Zoning District: RS80

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	2,265.98	0.46	1,042	8983	739	884



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Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	2,265.98		-4,412	-32357	-3099	-3056

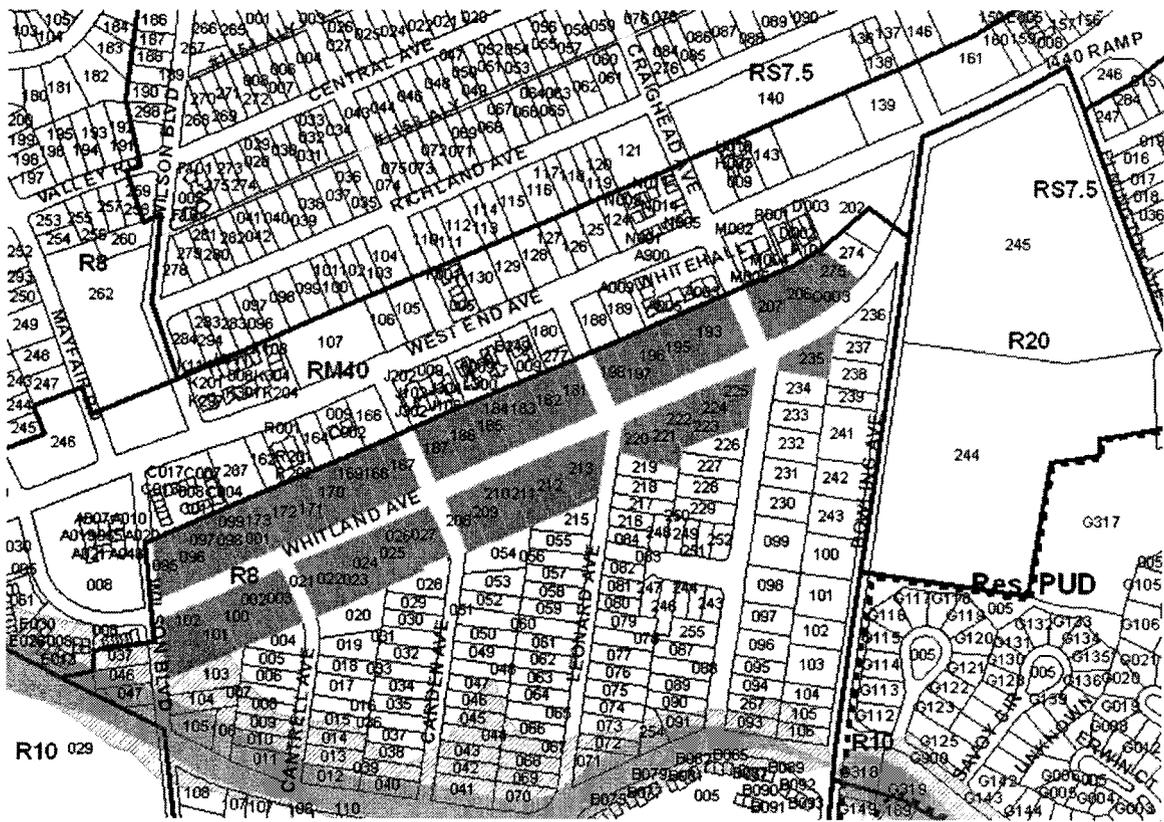
METRO SCHOOL BOARD REPORT

Projected Student Generation

As this request to change to single-family districts represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

STAFF RECOMMENDATION

Staff recommends approval of the zone change request because the RS80 zoning district is consistent with R land use policy.



2008Z-079U-10

Whitland Avenue

Map: 103-16 Parcels: Various

Map: 104-09, 104-09-Q Parcels: Various

Green Hills/Midtown Community Plan

Council District 24 – Jason Hollman



Project No. Zone Change 2008Z-079U-10
Council Bill BL2008-319
Council District 24 – Holleman
School District 8 - Fox
Requested by Councilmember Jason Holleman

Staff Reviewer Logan
Staff Recommendation *Approve, subject to approval of the proposed overlay by the Metro Historic Zoning Commission prior to the Planning Commission meeting.*

APPLICANT REQUEST

A request to apply a Neighborhood Conservation Overlay for various properties on both sides of Whitland Avenue between Wilson Boulevard South and Bowling Avenue, zoned One and Two-Family Residential (R8) (19.61 acres).

Existing Zoning
R8 District

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

PROPOSED OVERLAY DISTRICT

Section 17.36.120 of the Metro Zoning Ordinance recognizes Neighborhood Conservation Districts, along with Historic Preservation Districts and Historic Landmarks, as "Historic Districts." These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and



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distinguishable entity whose components may lack individual distinction; or

4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

The Metro Historic Zoning Commission will review any new construction including additions, demolitions, or relocation of structures.

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

Residential Low Medium (RLM)

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

Consistent with Policy?

Yes. The proposed Whitland Avenue Neighborhood Conservation Overlay does not change the base zoning. Further, the proposed overlay will serve to preserve the distinctive character of Whitland Avenue.

**Metro Historic Zoning Commission
Recommendation**

On October 20, 2008, the Metro Historic Zoning Commission will meet regarding the Whitland Avenue Neighborhood Conservation Zoning District. The MHZC will determine whether it is a historically significant geographic area as per the criteria of Metro Code 17.36.120. Additionally, the Commission will consider design guidelines for the proposed expansion area. MHZC staff has recommended that the application meets both requirements.

**PUBLIC WORKS
RECOMMENDATION**

No Exceptions Taken



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METRO SCHOOL BOARD REPORT

Projected student generation

As this request to apply a Neighborhood Conservation Overlay does not change the underlying zone district, the number of expected students to be generated is zero.

STAFF RECOMMENDATION

Staff recommends approval because the request is consistent with the applicable land use policies and the intent of Section 17.36.120.

NO SKETCH



Project Nos.	Zone Change 2008Z-082T and 2008Z-086T
Name	After-Hours Establishments
Council Bills	BL2008-299, BL2008-327
Council District	Countywide
School District	N/A
Requested by	Councilmember Anna Page
Staff Reviewer	Regen
Staff Recommendation	<i>Approve with amendments 2008Z-082T</i> <i>Approve 2008Z-086T</i>

APPLICANT REQUEST

BL2008-299 (2008Z-082T)
A council bill to amend the Metro Zoning Code, Chapters 17.04 and 17.08, to create "after hours establishment" as a use permitted with conditions, and to provide restrictions and conditions regarding the location of after hours establishments.

BL2008-327 (2008Z-086T)
A council bill to amend the Metro Zoning Code, Table 17.20.030 (Parking Requirements) and Table 17.20.040 (Adjustment to Required Parking) for "After Hours Establishments".

ANALYSIS

Existing Law

The Zoning Code does not regulate "After-Hours Establishments". The Metro Code does regulate the operation of these businesses in Chapter 6.06 (Business Licenses and Regulations), but not their location.

Chapter 6.06 defines an after-hours establishment as a commercial business open to the general public after 3:00 a.m. where patrons bring their own alcoholic beverages to drink; or a nightclub marketed to teenagers under the age of 18 who can be on the premises without a parent or legal guardian.

Every after-hours establishment must obtain a permit from the Department of Codes. A permit costs \$250 initially and \$100 for annual renewal plus any cost associated with a background check. Each establishment must provide a security plan for the premises, including any parking lot areas. The security plan is reviewed and approved by the Metro Police Department.



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The security plan requires one security officer for every 50 patrons, an officer in readily identifiable attire, officer patrol of restrooms and parking areas, a dedicated officer for any establishment parking lot, and a dedicated officer at the establishment's front door with a hand-held counter to ensure patron occupancy doesn't exceed the maximum capacity. The Metro Code further provides for mandatory, regular police checks to ensure the establishment complies with the Metro Code.

An after-hours establishment permit can be revoked for non-compliance by the Director of Codes, and such revocation can be appealed by the applicant or permit holder to the Director of Codes within five days of receiving a letter indicating the director's decision to deny an initial permit, renewal, or revocation.

Proposed Bill

BL2008-299 (2008Z-082T): Creates a definition for after-hours establishment, permits with conditions (PC) the use in the CS, CA, CF, CC, IR, and IG zoning districts, and limits the use to arterial streets, and locations where the establishment is located at least 500 feet away from any residential property.

BL2008-327 (2008Z-086T): Creates a parking requirement for use and prohibits a 10% parking reduction if use is located near a public transit route.

Proposed Text

BL2008-299 (2008Z-082T): This bill modifies the Chapter 6.06 definition of an after-hours establishment by truncating it to "a commercial establishment open to the general public after the hour of 3:00 a.m. that allows patrons to bring alcoholic beverages onto the premises (BYOB)." Nightclubs marketed to teenagers are not part of the proposed zoning definition.

Today, the Zoning Administrator classifies an after-hours establishment as a "bar/nightclub" which is allowed in the CS, CA, CF, and CC zoning districts. The proposed bill permits with conditions (PC) an establishment in those districts and expands it to include two industrial zoning districts, IR and IG.

The bill proposes to limit after-hours establishments to properties having driveway access to an arterial street



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and those located further than 500 feet from any residential property.

BL2008-327 (2008Z-086T): This bill creates a parking requirement of 1 space for every 75 square feet of gross floor area in the establishment. It also prohibits a 10% parking reduction for any establishment located within 660 feet of a public transit route.

Analysis

In March 2008, the Metro Council determined "after-hours establishments" are appropriate with certain operational standards via council bill BL2008-116. The Codes Department has an application and review process for these establishments that mirrors the adopted council bill requirements. Hence, staff's analysis focuses on where these uses should be allowed within the county.

Existing Establishments

Within Davidson County, there are 14 after-hours establishments currently operating and one pending application. Ten after-hours establishments are located in downtown, mid-town, or on Main Street, while four others are located on West Trinity Lane, Nolensville Pike, and Antioch Pike, in addition to a pending application for Nolensville Pike. All of these establishments have been permitted since February 2008. No permits have been denied or revoked by the Director of Codes. Ten of these establishments have received no complaints since obtaining their after-hours permit, while four have received complaints, according to the Codes Department database. Those four establishments have been cited for graffiti on buildings, illegal banners, or inside wiring being a possible fire hazard. Staff contacted the Metro Police Department for any incidents reported to that department. The police department has received numerous complaints about one establishment on Nolensville Pike, but few for any other establishments.

BL2008-299

The bill's definition of an after-hours establishment does not conflict with the existing definition in Chapter 6.06 of the Metro Code. The zoning districts where an establishment could be located are the same as where a bar/nightclub or club can locate, except for the IR and IG districts. These uses are currently not allowed in any industrial zoning district. The bill further restricts an establishment's location by requiring it to be a



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minimum of 500 feet from any property line having a residential use and to have driveway access from an arterial street.

The adopted community plans and redevelopment districts for downtown, midtown, and Main Street all call for a mixed-use environment. Nashville's downtown is known for its variety of entertainment venues like restaurants, bars, nightclubs, adult-entertainment businesses, hotels, performing arts centers, and arenas. Many of these businesses close in the early morning hours, and after-hours establishments remain open after 3:00 a.m., providing people a way to continue socializing with friends.

Staff analyzed the location of all 14 existing after-hours establishments plus the one pending application. Few would satisfy the 500 foot minimum distance requirement. None of them would satisfy the bill's locational criteria. Of the 13 existing after-hours establishments (excluding Rocketown an under age 18 venue), 70% or 10 establishments, would not meet this standard. All the establishments though can meet the required driveway access on an arterial street proposed by the bill.

To address the apparent concerns of suburban residents, staff recommends after-hours clubs not be allowed at all in the CS zoning district or in the IR and IG districts as the bill allows. Instead, staff recommends the establishments be permitted in the CA, CF, CC districts, and IR and IG districts within the urban zoning overlay (UZO), only.

BL2008-327

Staff has no objections to this bill. The bill's parking requirement of 1 space per 75 square feet is appropriate. It is the same parking requirement as for bars/nightclubs. The prohibition for establishments to receive the standard 10% parking reduction if located within 660 feet of a public transit line is not problematic. If a person is unable to drive from the after-hours establishment, they will need to find alternative transportation such as a cab as public transit does not operate between the hours of 11:15 p.m. and 5:42 a.m.



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STAFF RECOMMENDATION

Staff recommends approval with several amendments to council bill BL2008-299 to ensure after-hours establishments have an opportunity to locate in downtown, mid-town and industrial zoning districts within the UZO. Staff recommends approval of council bill BL2008-327. Staff's recommended amendments to BL2008-299 are as follows:

- 1) delete CS district from list of zoning districts where an after-hours establishment would be allowed;
- 2) add for IR and IG zoning districts that they must be located within the UZO to protect suburban residents; and,
- 3) delete minimum separation distance of 500 feet from an after-hours establishment to the property line of a residential use.

NO SKETCH



Project Nos.	Zone Change 2008Z-087T
Name	Prohibiting Auto-uses in Industrial Districts
Council Bills	BL2008-326
Council District	Countywide
School District	N/A
Requested by	Councilmember Anna Page
Staff Reviewer	Regen
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

A council bill to amend the Metro Zoning Code, Section 17.08.030 to require Specific Plan (SP) zoning and delete as permitted by right in the industrial zoning districts (IWD, IR, and IG) "Automobile sales, used," "Automobile repair", "Vehicular Rental/Leasing", "Vehicular Sales and Service, Limited", "Wrecker Service", and "Heavy Equipment, Sales and Service".

ANALYSIS

Existing Law

The current Zoning Code permits by right (P) various auto-uses such as auto repair, auto service, vehicular sales and service, heavy equipment sales and service, salvage yard, and wrecker service in industrial zoning districts (IWD, IR and IG).

Proposed Bill

The bill would require Specific Plan (SP) zoning for auto-uses in industrial districts. No longer would such uses be permitted by right. Existing auto-uses in the IWD, IR and IG districts would be grandfathered in if this bill is adopted. Those auto-uses legal today would simply become legal, non-conforming uses and be subject to the non-conforming use provisions of the Zoning Code (Sections 17.40.640 – 17.40.690). Therefore, this bill would apply only to new businesses or existing ones that desire to expand their current operations. The table below identifies the affected auto-uses in bold font that this bill modifies.



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AUTO-RELATED USES

Note: Bill only affects the location of **bolded** land uses and districts with highlighted text.

Land Use	Zoning District														
	MUL	MUG	MUI	CL	CS	CA	CF	CC	SCN	SCC	SCR	SP	IWD	IR	IG
Automobile Convenience	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC				
Automobile repair												PC	P	P	P
Automobile sales, new				P	P	P						PC	P	P	P
Automobile sales, used												PC	P	P	P
Automobile service		P	P	P	P	P	P	P		P	P	PC	P	P	P
Car wash												PC	P	P	P
Heavy equipment, sales and service												PC	P	P	P
Scrap operation															P
Vehicular rental/leasing												PC	P	P	P
Vehicular sales and service, limited												PC	P	P	P
Wrecker service												PC	P	P	P

Analysis

In March 2006, the Metro Council adopted council bill BL2006-972 requiring SP zoning for all auto-related uses wanting to locate in non-industrial zoning districts, except automobile sales (new), automobile service, and automobile convenience (e.g. gas stations).

Since the adoption of council bill BL2006-972, five persons have submitted SP applications to operate "auto sales, used" businesses. When others seeking to operate an "auto sales, used" business or other auto use requiring SP zoning learn that adoption of an SP by Metro Council can take from three to four months and that there is a \$6,195 application fee, those potential applicants have chosen to pursue other properties that are either legally non-conforming and zoned CS today or look for properties zoned industrial where the auto uses are permitted by right.

Requiring SP zoning for virtually all of the auto-uses creates a real barrier of entry. Further, it creates an inconsistency between seemingly similar uses. A scrap operation would continue to be permitted by right in the IG district, but an auto repair business would require SP zoning. Other industrial uses like a tank farm, waster



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water treatment plant, heavy and medium manufacturing, and mining operations (quarry, soil) would continue to be permitted by right in the IR and IG districts.

STAFF RECOMMENDATION

Staff recommends disapproval of this bill as it significantly limits opportunities for auto-uses to locate in Davidson County. Location of auto uses in industrial zoning districts has not been demonstrated to have any negative effects on other industrially zoned properties.

NO SKETCH



Project No.	Zone Change 2008Z-088T
Name	Mobile Vendors: Cleveland Street
Council Bill	BL2008-325
Council District	5 - Murray
School District	N/A
Requested by	Councilmember Pam Murray
Staff Reviewer	Regen
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

A council bill to amend the Metro Zoning Code, Section 17.04.060 to modify the definition of "mobile vendor" to exempt vending activity along Cleveland Street between Dickerson Pike and McFerrin Avenue.

ANALYSIS

Existing Law

The Zoning Code allows mobile vendors as a use "permitted with conditions" (PC) in the CL, CS, CA and CF zoning districts. Mobile vendors may sell goods, wares or merchandise within a permanently, enclosed structure with no outdoor vending or display areas (tables, crates, cartons, racks or other devices). No outside vending or display area are allowed except for vendors selling food, beverages, living plants, or agricultural products, or if the street vendor is licensed.

Proposed Bill

The bill exempts Cleveland Street from the mobile vendor provisions.

Proposed Text

The bill modifies the definition of mobile vendor by adding the following underlined language:

“Notwithstanding the foregoing, vendors selling only food and/or beverages, vendors selling living plants and agricultural products, vendors selling goods, wares or merchandise along Cleveland Street, and street vendors licensed pursuant to Section 13.080.040 of the Metropolitan Code of Laws shall not be considered ‘mobile vendors’”.

Analysis

Cleveland Street is a collector street running slightly more than one mile in length between Dickerson Pike and McFerrin Avenue. The entire street is within the bill sponsor’s Council District, District 5. Currently, there are six properties zoned commercial along Cleveland Street (CN, CL, and CS). Of these six



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properties, one is located in the historic Greenwood Neighborhood Conservation Overlay District while the another is in the historic Maxwell Neighborhood Conservation Overlay District; both Districts were adopted by the Metro Council in May 2008.

In addition to historic overlays, Cleveland Street runs through three different Detailed Neighborhood Design Plans (DNDPs) in the Subarea 5 Plan: Cleveland Park West, Cleveland Park East, and Greenwood. All three plans were adopted by the Planning Commission in 2005 after community involvement in their preparation. Each plan recognizes the existing built environment, community desire for reinvestment, and creation of neighborhood-scaled centers of activity.

By exempting Cleveland Street from the mobile vendor requirements, persons would be allowed to sell or display wares indoors or outdoors from permanent structures, temporary structures such as tents, vans, or cars, or from crates, cartons, racks, tables, etc. According to the Zoning Administrator, these vendors would be permitted by right (P) as a "retail" use on any of the six commercially zoned properties along Cleveland Street. Allowing these temporary vendors would serve to undermine efforts to bring new retail, office, and commercial investment. Temporary vendors do not support the long-term visions embraced by the community, and adopted in the DNDPs.

STAFF RECOMMENDATION

Staff recommends disapproval of this bill. The bill does not support the adopted DNDPs for Cleveland Park West, Cleveland Park East, Greenwood or the Greenwood and Maxwell Neighborhood Conservation Overlay Districts. Further, carving out exemptions for a particular street, neighborhood, or commercial area dilutes the bill's enforceability and effectiveness.

SEE NEXT PAGE

NO SKETCH



Project No.
Project Name

Zoning Text Change 2008Z-089T
Text Amendment to apply tree density requirements to residential development

Council Bill
Requested By

BL2008-328
Councilmembers Megan Barry, Mike Jameson and Vivian Wilhoite

Staff Reviewer
Staff Recommendation

Hammond
Approve

APPLICANT REQUEST

A request to amend Chapter 17.24 of Title 17 of the Metropolitan Code to make the tree density requirements applicable to certain residential development.

APPLICATION DETAILS

Existing Law

Article II of Chapter 17.24 of the Zoning Code addresses tree protection and replacement. To minimize tree removal and encourage preservation of existing trees, the Code requires properties to achieve a “tree density” factor of at least 14 units per gross acre using both existing (protected) and new (replacement) trees. A “unit” represents a numerical value assigned to existing trees based on the tree’s diameter at breast height (approximately 4.5 feet above the ground) and to new trees based on their caliper size (a tree’s diameter measured 1 foot off the ground). Both measurements are made from the uphill side of the tree.

When calculating the tree density factor, the Zoning Code allows deductions from a project’s gross acreage area for property now or proposed in the future to be covered by a lake or pond year round, any fenced athletic field, or any structures located or proposed to be located on the property. A “structure” was interpreted in a recent court opinion to include buildings, parking areas, drive aisles, and loading areas.

Section 17.24.050 of the Code lists several types of development to which the landscaping and tree protection provisions of the Code do not apply. Section 17.24.050 C. contains an exception for certain types of residential property.

Analysis

The stated purpose of this ordinance is to extend the tree density requirements to residential development. The ordinance proposes two text amendments. Section 1 of the ordinance revises Section 17.24.050, the



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“Exceptions” portion of the Zoning Code, and Section 2 revises Section 17.24.100, the “Replacement of trees” provisions.

Section 1 of the ordinance proposes to change the first sentence of Section 17.24.050 C. to clarify that the only residential property exempt from the tree requirements are those lots that have been previously platted, which typically will be owned by individual homeowners. The amended section C would not exempt lots that are part of a “new subdivision.” The term “new subdivision” is not defined in the ordinance. Staff recommends that Council amend the ordinance to include a definition of what is, or is not, a “new subdivision.”

Current first sentence of 17.24.050 C. exempts:

A platted lot zoned for single-family or two-family dwellings for which a valid building permit has been issued.

Proposed new first sentence of 17.24.050 C. exempts:

An individual lot not part of a new residential subdivision zoned for a single-family or two-family dwelling for which a valid building permit has been issued.

Section 2 of the ordinance retains the existing tree density requirements for non-residential properties, and sets out a new incremental schedule for tree density required for residential development. The schedule of required tree density for residential properties is based upon the number of units included in the development.

Section 2 proposes the following tree density requirements for residential developments:

Number of housing units	Tree Density Factor measured in Tree Density Units (TDU), using protected or replacement trees, or both
Between 2 and 25 single family or two family units	≥ 14 TDU
Between 26 and 50 single family or two family units	≥ 12 TDU
Between 51 and 75 single family or two family units	≥ 10 TDU
76 or more single family or two family units	≥ 7 TDU



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As described above, "Tree Density Units" are calculated under the existing Zoning Code by measuring the "diameter at breast height" (DBH) for protected trees and the caliper size for replacement trees. The Zoning Code includes separate tables for "Protected Trees" and for "Replacement Trees." Protected trees with a larger DBH and replacement trees with a larger caliper size are worth more "units" than smaller trees.

All aspects of calculating the tree density factor for a property are not proposed to be changed by this ordinance. The tree density factor calculations currently promote using replacement trees over the protection of existing trees. Small replacement trees have the same TDU value as larger protected trees. For example, a protected tree with a 6-inch DBH has a TDU value of 0.2, while a replacement tree with a 6-inch caliper size has a TDU value of 1.0. If the intent of the Council is to protect existing trees, then consideration should be given to amending the ordinance to revise the TDU values for replacement and protected trees.

General Plan Policy

The General Plan for Nashville and Davidson County addresses the importance of vegetation for effective stormwater management, moderating glare, radiant heat, noise and wind, and enhancing community appearance. The plan recommends "[t]o ensure that the vegetative cover is sufficiently protected in developing areas, landscaping requirements should apply to all new commercial and residential development."

STAFF RECOMMENDATION

The proposed ordinance furthers the implementation of the General Plan. Trees serve to reduce the negative impacts from the development of property, including reducing stormwater impacts and limiting the "heat island" effect from large areas of pavement. Staff recommends approval of the proposed ordinance because it is intended to provide for greater tree density on property being developed for residential purposes.

Staff recommends that the Council consider an amendment to define the term "new subdivision" and, if the intent of the Council is to protect existing trees, then the TDU tables contained in the ordinance should be revised. There are also minor amendments to the



Metro Planning Commission Meeting of 10/23/08

ordinance that are needed to correct typographical errors and other minor errors in the existing Zoning Code sections. These changes are not substantive in nature and have been communicated to the Council staff office.

If the ordinance is extensively amended, then staff recommends that the Commission request the Council to re-refer it to the Commission for consideration of the amendments.

FINAL PLAT SUBDIVISIONS



2008S-162G-02
 Wooten Subdivision
 Map: 033-06 Parcel: 006
 Parkwood/Union Hill Community Plan
 Council District 10 – Rip Ryman



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

Subdivision 2008S-162G-02
Wooten Subdivision
10 – Ryman
3 - North
Rocky Montoya surveyor, for Aaron and Robin Walker owners

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions including an exception to the lot comparability requirement

APPLICANT REQUEST
Final Plat

A request for final plat approval to create 2 lots on property located at 1204 Campbell Road, at the northwest corner of Campbell Road and Old Dickerson Pike (1.1 acres), zoned One and Two-Family Residential (R20).

ZONING
R20 District

R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS

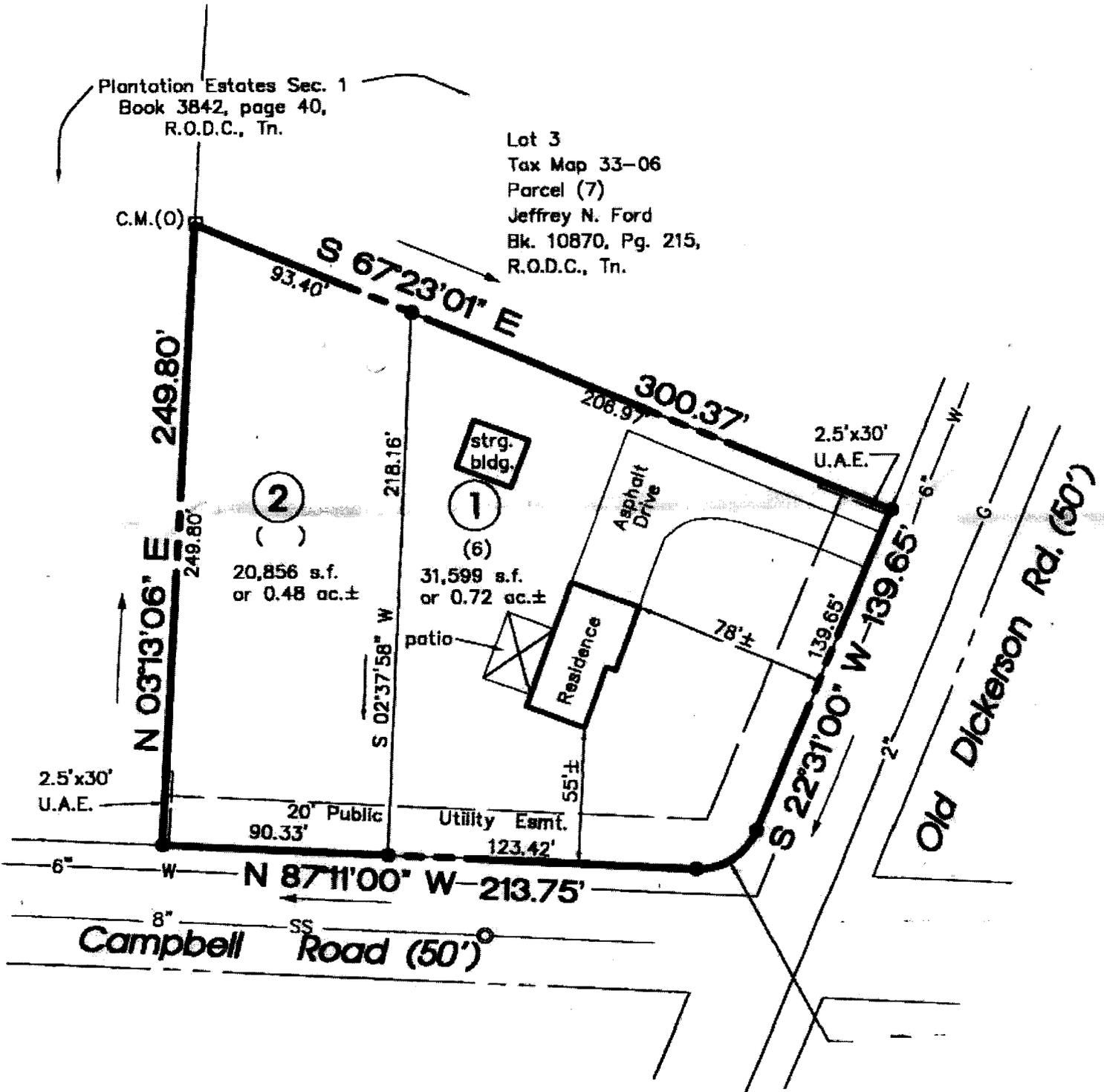
The plat will create two new lots with a density of approximately 2 units per acre. The existing lot is located at 1204 Campbell Road which is at the northwest intersection of Campbell Road and Old Dickerson Pike. The existing lot consists of one house and a small storage building and contains no significant slopes or floodway or floodplain.

Lot Comparability

Both lots meet the minimum lot size requirement for the R20 zoning district, but Section 3-5 of the Subdivision Regulations requires that new lots in areas previously subdivided and predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. It is important to note that the area surrounding this subdivision proposal is not fully developed. It consists of some previously subdivided properties as well as many that have not been subdivided. As a result, there is some question whether or not a lot comparability analysis is required. Since there are some questions, staff opted to perform a comparability analysis as well as to notify surrounding property owners of the subdivision request. The lot comparability analysis yielded the following information:

Plantation Estates Sec. 1
Book 3842, page 40,
R.O.D.C., Tn.

Lot 3
Tax Map 33-06
Parcel (7)
Jeffrey N. Ford
Blk. 10870, Pg. 215,
R.O.D.C., Tn.





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Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Old Dickerson Rd.	39,939	145
Campbell Road	39,939	131

The proposed new lots will have the following areas and street frontages:

- **Lot 1:** 31,599 sq. ft., (.72 acres), with ~139 linear ft. of frontage on Old Dickerson Road, and ~123 linear ft. of frontage on Campbell Road.
- **Lot 2:** 20,856 sq. ft., (.48 acres), with ~90 linear ft. of frontage on Campbell Road.

Both lots fail for area and frontage and do not pass for comparability.

Lot Comparability Exception

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

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

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Residential Low Medium Density (RLM) land use policy. RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.



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As the area does not have a clear development pattern, there is some uncertainty if the proposed lots should be required to meet the lot comparability standards. While the lots do not meet the requirements for area or frontage, they do qualify for an exception. Because the proposed density of the subdivision is consistent with the area's Residential Low Medium policy, staff recommends that the Commission allow an exception to the lot comparability requirements.

Front Yard Setbacks

The property was originally platted with an 80 foot minimum front setback along Old Dickerson Pike and a 75 foot minimum front setback along Campbell Road. The existing house on proposed Lot 1 meets the front setback requirement along Old Dickerson Pike but encroaches into the front setback along Campbell Road. When there is no platted setback, front setbacks are determined by zoning. Under zoning the front setback for proposed Lot 2 would be the average of the front setback of the neighboring properties along Campbell Road. According to Codes Staff this would call for a minimum front setback of 60 feet. Since the existing house on Lot 1 encroaches into the existing platted front setback and the zoning would require that the setback on Lot 2 to be deeper than the existing house on Lot 1, staff recommends that the platted front setback be removed from Campbell Road.

STORMWATER RECOMMENDATION

Returned for Corrections

1. The current plat resubmittal (received 10/13/2008) is still not in compliance with Storm Water's requirements. Applicant must show and label a 30' dimension that extends perpendiculary-from the top of bank line. Currently, the "30' Water Quality Buffer" scales to 25' rather than 30'.

WATER SERVICES RECOMMENDATION

Returned for Corrections

1. Add the PRV note and revise Note #13 as specified on provided mark-up.

PUBLIC WORKS RECOMMENDATION

No Exception Taken



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STAFF RECOMMENDATION

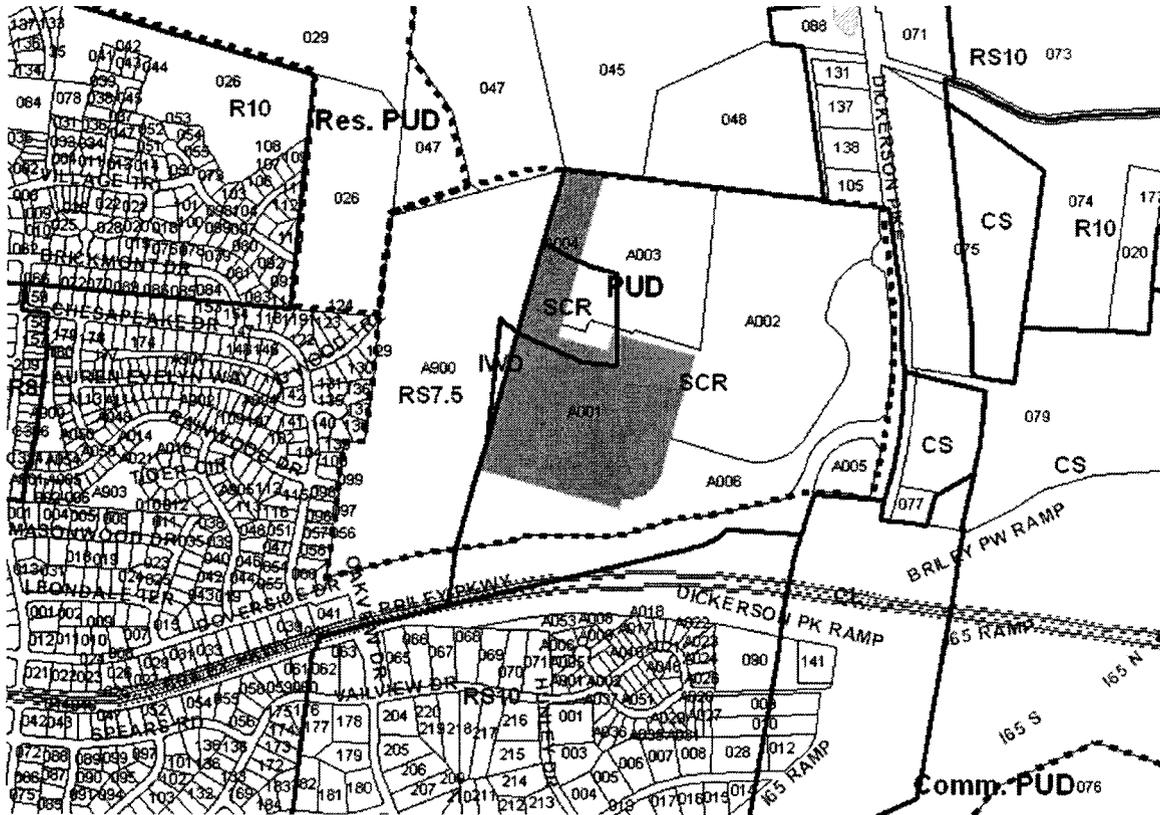
Staff recommends that the final plat be approved with conditions including an exception to the lot comparability requirement.

CONDITIONS

1. Prior to recordation, the plat must be corrected as specified above by the Metro Department of Stormwater and Water Services.
2. The platted front setback along Campbell Road shall be removed. The front setback along Campbell Road shall be determined by the Metro Zoning Code.

SEE NEXT PAGE

**REVISIONS
and FINAL SITE PLANS**



2005P-010G-02

Nashville Commons at Skyline (Wal-Mart Revision #2, Water Tank)

Map: 050-12-0-A Parcels: 001, 004

Parkwood/Union Hill Community Plan

Council District 3 – Walter Hunt



Project No.

Project Name

Council District

School Board District

Requested By

Planned Unit Development 2005P-010G-02

Nashville Commons at Skyline

3 - Hunt

3 - North

Gresham Smith and Partners, applicant for Nashville Commons, L.P., owner and Wal-Mart Stores East L.P., owners

Staff Reviewer

Swaggart

Staff Recommendation

Approve with conditions

APPLICANT REQUEST

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Nashville Commons at Skyline Planned Unit Development Overlay located at 3458 Dickerson Pike, at the northwest corner of Briley Parkway and Dickerson Pike (24.01 acres), zoned Shopping Center Regional (SCR), to reduce the area of a proposed Wal-Mart Superstore from 184,109 to 153,859 sq. ft., to construct a 150,000 gallon water tank, and to create a 1.43 acre out parcel with 11,000 sq. ft. of retail.

Zoning District

SCR District

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

PLAN DETAILS

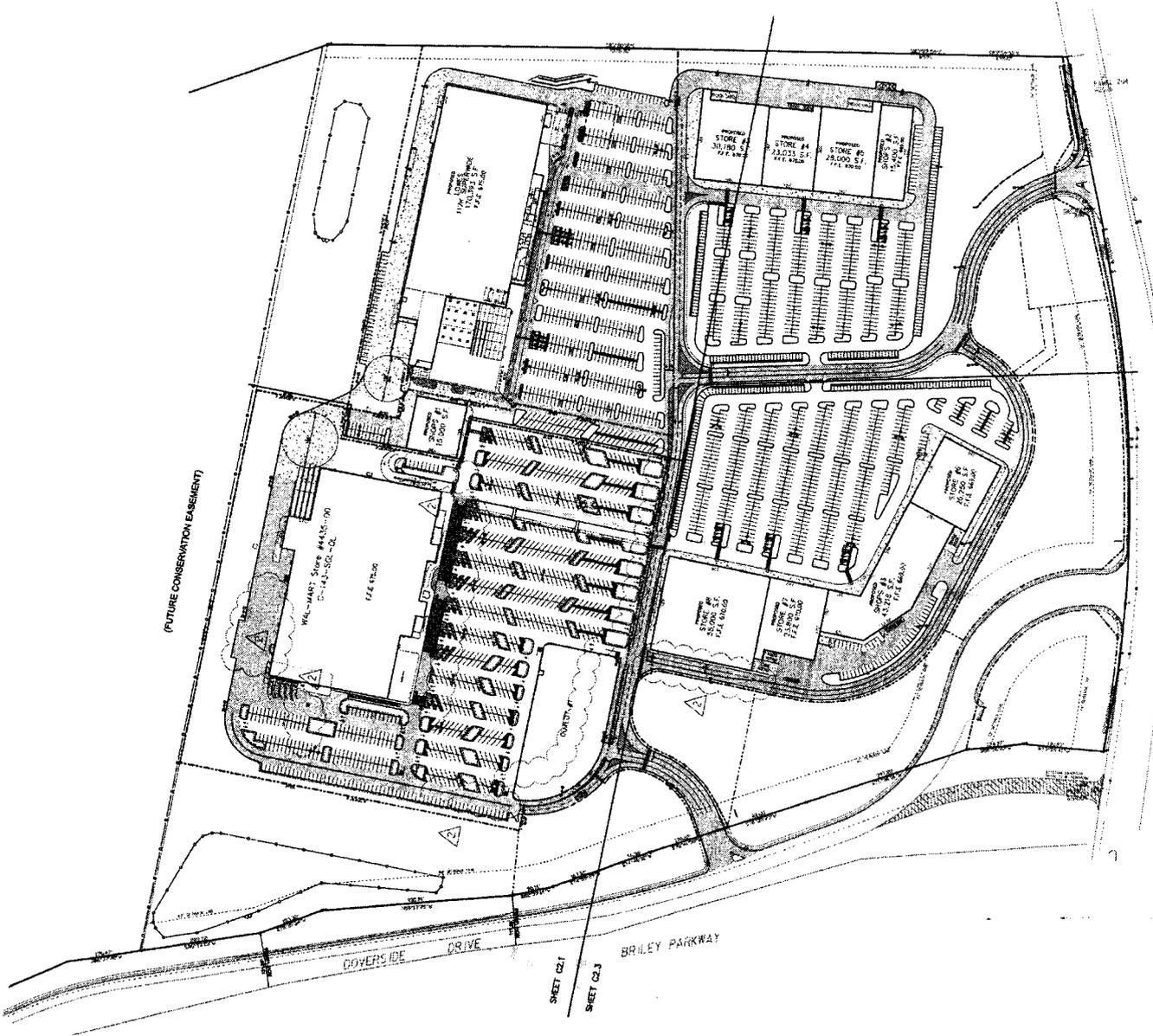
This is a request to revise the last approved preliminary plan and for final site plan approval for Phase 1 of the Nashville Commons Planned Unit Development. The site is currently graded and some infrastructure is in place but no structures have been erected. Approval of a final site plan is a prerequisite for Metro to issue permits for the construction of Phase 1 which will consist of a 153,859 square foot retail store and a 150,000 gallon water tank.

Preliminary PUD

The PUD was originally approved in 2005 for 718,781 square feet of retail and restaurant uses. The PUD has been revised several times and the last approved preliminary was for 691,783 square feet of retail and restaurant uses.

Site Plan

The proposed overall site plan is for 672,753 square feet of retail and restaurant uses and a 150,000 gallon water tank. The plan is consistent with the last approved site plan in terms of uses, access points, building form, and connectivity. Minor revisions include a decrease in the floor area of Store 1 (Walmart) from 184,109 square feet to 153,859 square feet, and the addition of a new 1.43 acre



(FUTURE CONSERVATION EASEMENT)

COVERSIDE DRIVE

BRILEY PARKWAY

SHEET C2.1
SHEET C2.3

DECEMBER 1992



Metro Planning Commission Meeting of 10/23/08

Staff Analysis

out parcel intended for 11,000 square feet of retail. The out parcel is located in an area that was previously approved for parking for Store 1 (Walmart).

The proposed floor area does not exceed the floor area that was approved by Council or the last approved preliminary, and is consistent with the original concept. While the proposed new out parcel will be within an area that was approved for parking both Store 1 and the new out parcel will have sufficient parking under the Zoning Code.

Staff's main concern with respect to the proposed final site plan is that the applicant is proposing to remove street lights from the new segment of Doverside Drive. While street lights were not specifically required in the Council-approved preliminary PUD plan, street lights were shown on the last site plan approved by the Planning Commission. The site is in the General Services District (GSD) and street lights are not required under zoning. Public sidewalks are also not required in the GSD, but were required along Doverside Drive with the PUD. Lighting is important along public sidewalks, and the removal of the street lights can create an unsafe environment for pedestrians. Since sidewalks are required along Doverside Drive then street lights are also necessary and need to be shown on the final site plan.

PUBLIC WORKS RECOMMENDATION

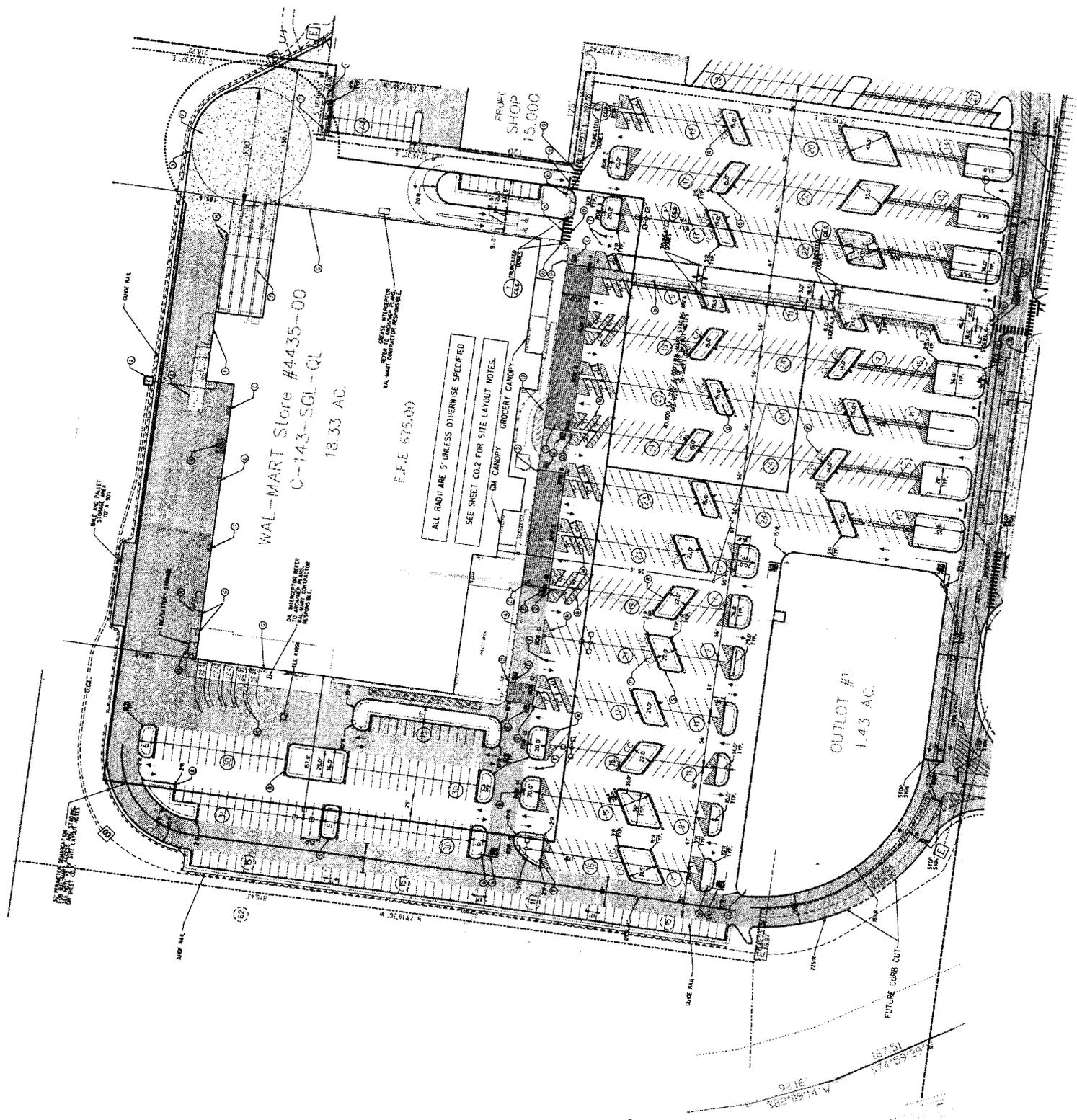
1. All Public Works' design standards shall be met prior to any final approvals and permit issuance.
2. Any approval is subject to Public Works' approval of the construction plans.
3. Identify transit / drop-off and pick-up location. Provide detail (ie. Sidewalk width, furniture / shelter, ADA accessibility route).
4. MTA approval required for transit location.

STORMWATER RECOMMENDATION

Approved

STAFF RECOMMENDATION

Staff recommends approval with conditions including a condition that street lights along Doverside Drive be required as shown on the last approved final site plan.



WAL-MART Store #4435-00
 C-143-SGL-QL
 18.33 AC.

PROPERTY SHOP
 15,000

F.F.E. 675.00

ALL RADII ARE 5' UNLESS OTHERWISE SPECIFIED
 SEE SHEET C02 FOR SITE LAYOUT NOTES.

DM CANOPY GROCERY CANOPY

OUTLOT #1
 1.43 AC.

THE LAND SHALL
 BE USED FOR
 THE STORE

ALL INTERIOR WALLS
 TO BE CONSTRUCTED
 AS PER PLAN

FUTURE CURB CUT

92.16
 S62°09'14"W

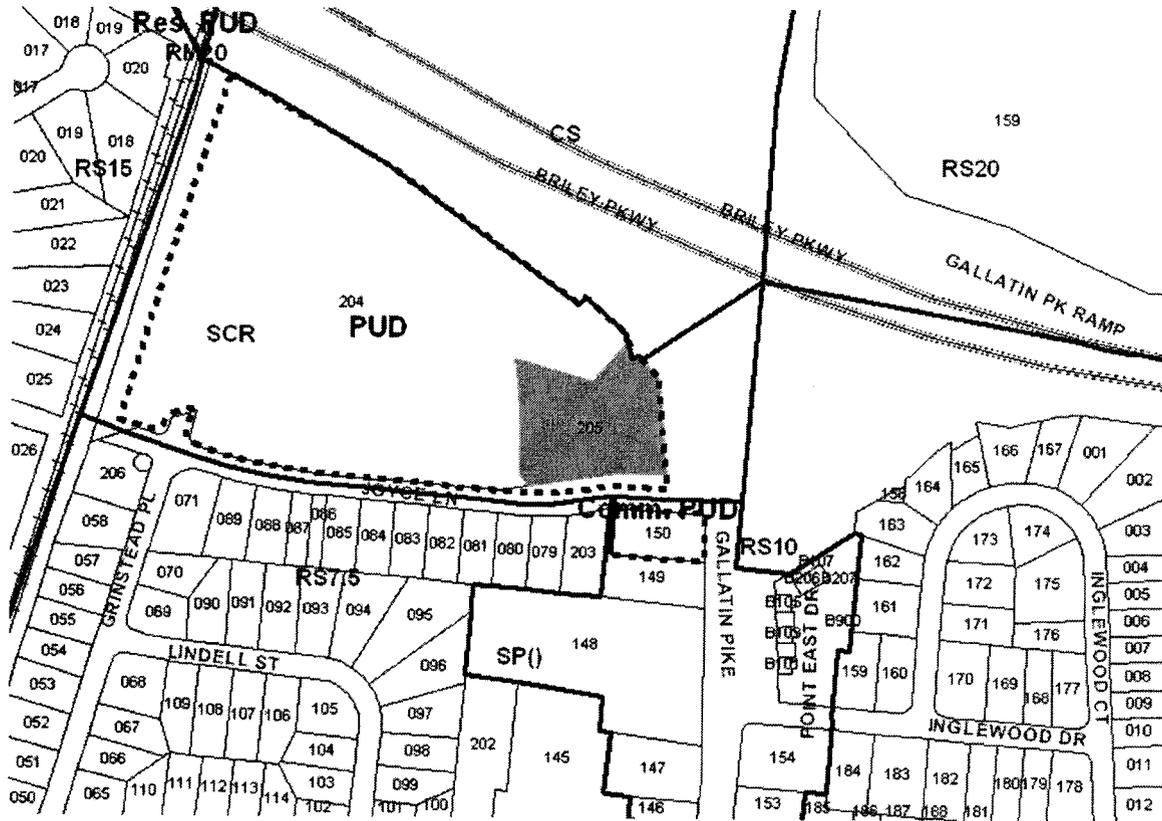
157.51
 S74°09'29"E



Metro Planning Commission Meeting of 10/23/08

CONDITIONS

1. Street lights along Doverside Drive are required and shall be added to the plans as shown on the last approved final site plan approved by the Planning Commission. The revised plan shall be submitted to the Planning Commission prior to the issuance of any building permits.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
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.



2005P-027U-05
 Home Depot (Amendment #1 - Regions Bank)
 Map: 061-03 Parcel: 205
 East Nashville Community Plan
 Council District 4 – Michael Craddock



Project No.
Project Name

Planned Unit Development 2005P-027U-05
Home Depot (Amendment #1 – Regions Bank)

Council District
School Board District
Requested By

04 - Craddock
3 – North
Sain Associates., applicant, for Home Depot U.S.A., Inc., owner

Staff Reviewer
Staff Recommendation

Sexton
Disapprove, but approve the amendment if access to the site from Joyce Lane remains restricted.

APPLICANT REQUEST
Amend Preliminary PUD

A request to amend a portion of the Home Depot Planned Unit Development Overlay, approved by Council Bill BL2005-881, located at Gallatin Pike (unnumbered), at the northwest corner of Gallatin Pike and Joyce Lane, classified Shopping Center Regional (SCR) (1.81 acres), to delete Condition #20 restricting access to Joyce Lane and to allow for the development of a 4,952 square foot financial institution, replacing two 3,600 square foot restaurants.

Existing Zoning
SCR District

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

PLAN DETAILS

On January 17, 2006, the Metro Council approved a 133,007 square foot Home Depot and two 3,600 square foot restaurants on this site. The Council approved plan included a cross access easement from the Home Depot driveway to the site. The PUD was approved with the condition that access from Joyce Lane to the restaurants be restricted. The two restaurants were never constructed.

This is a request to amend the approved PUD plan to permit a one-story, 4,952 square foot financial institution replacing the two restaurants. The request is also for the deletion of the condition that is currently restricting access to Joyce Lane.

A financial institution is consistent with the existing commercial use already approved in the PUD.

PUBLIC DRAINAGE EASEMENT
 STORMWATER DETENTION AGREEMENT
 INST. No. 20061026-0133005
 ITEM 10

HOME DEPOT
 MAP# 6103
 PARCEL #224

INTERNAL ACCESS AISLE
 (ON HOME DEPOT DEVELOPMENT)

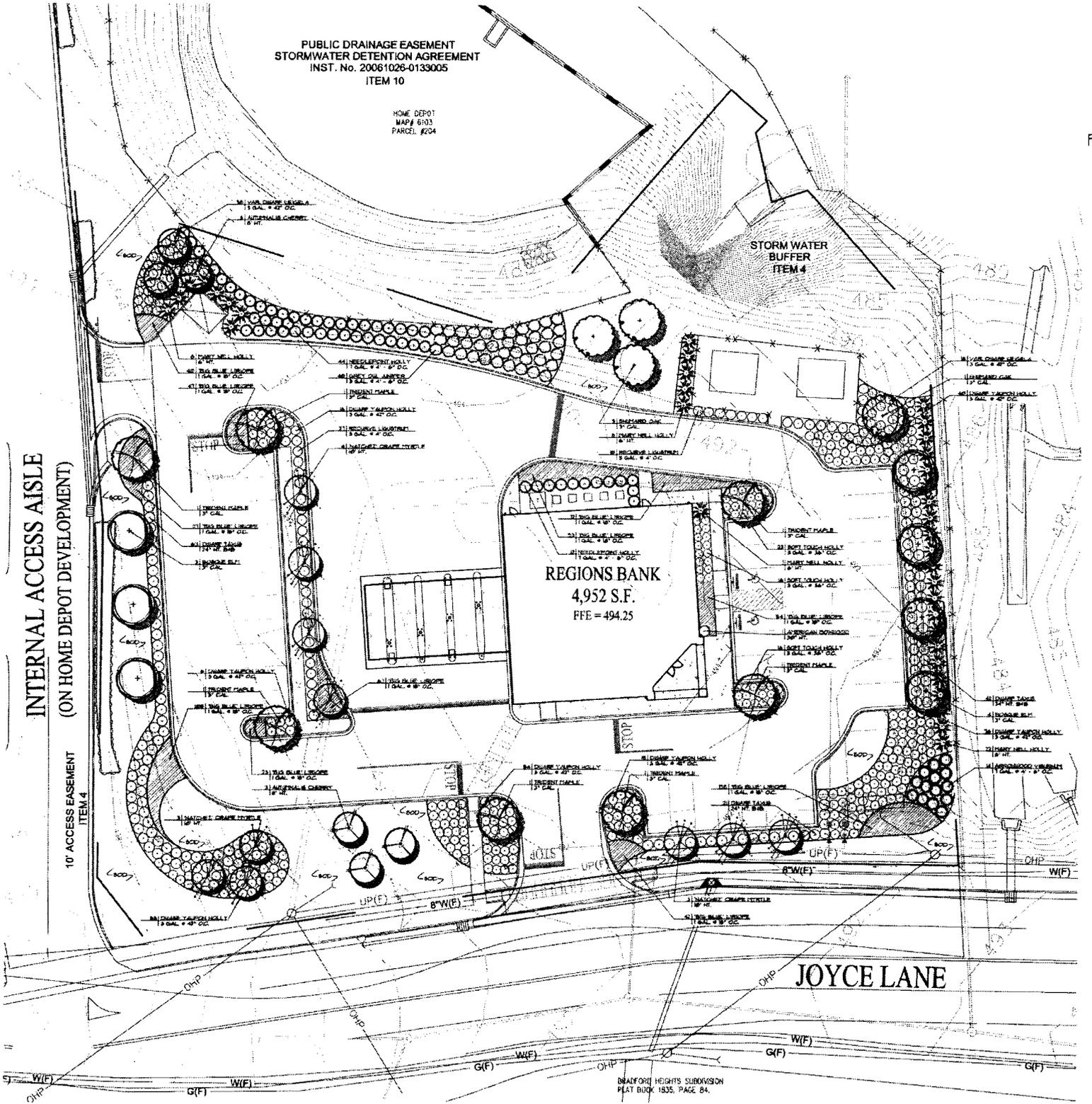
10' ACCESS EASEMENT
 ITEM 4

STORM WATER
 BUFFER
 ITEM 4

REGIONS BANK
 4,952 S.F.
 FFE = 494.25

JOYCE LANE

BRADFORD HEIGHTS SUBDIVISION
 PLAT BOOK 1935, PAGE 84.





Metro Planning Commission Meeting of 10/23/2008

Building Orientation

The proposed financial institution is orientated toward Joyce Lane and Gallatin Pike separated by a row of parking spaces on the southern and eastern sides of the building. The rear of the building faces two existing historical log cabins, discussed in more detail below, and Briley Parkway. There are five drive through banking lanes proposed on the westside of the building.

Access/Parking

The proposed plan shows the 10 foot cross access easement from Home Depot driveway with a second access from Joyce Lane. As noted above, a condition of the Council approved PUD restricts access to the site from Joyce Lane. The applicant is requesting the deletion of the Council adopted condition in order to permit a right-in only access. Staff is recommending that the condition restricting access remain.

The plan proposes a total of 34 parking spaces which meets the minimum requirement of the Zoning Code.

Landscaping

A 10 foot landscape buffer is proposed on the eastern and southern property lines. A five foot landscape buffer is proposed along the western property line. The plan also proposes trees and shrubs on the site which meets the minimum landscaping requirements of the Metro Zoning Code.

Historic Structures

There are two fenced existing log cabins located in the rear of the building. The cabins were listed as secondary structures on the National Register of Historic Places along with Evergreen Place, the primary structure. Because Evergreen Place has been demolished, the property no longer retains integrity of design, materials, workmanship, and feeling (qualities for which it was listed), which is the reason it was removed from the National Register in March 2008. The cabins were moved and the property was graded in preparation for commercial development. The Historical Commission has noted that the cabins, the only log buildings remaining on the site, were constructed prior to the Civil War and need to be carefully preserved.

PUBLIC WORKS RECOMMENDATION

All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval



Metro Planning Commission Meeting of 10/23/2008

is subject to Public Works' approval of the construction plans.

Modify site to encourage uses of Home Depot's shared driveway and discourage exiting traffic from using the proposed driveway.

STAFF RECOMMENDATION

Staff recommends disapproval as submitted. However, staff would recommend approval of the amendment if access to the site from Joyce Lane remains restricted.

CONDITIONS

1. The two existing log cabins shall be carefully preserved from negative impacts resulting from the planning, installing, running, and maintaining of the irrigation system for the landscape buffer yards.
2. 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.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval 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 preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.