

**2008SP-025U-03**

The Park at Ewing Creek  
Map: 059-00 Parcels: 063, 195  
Bordeaux/Whites Creek Community Plan  
Council District 2 – Frank Harrison  
Staff Reviewer: Brenda Bernards

A request to rezone from RS7.5, R8, and CS to 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, requested by Dale & Associates, applicant, for Ewing Creek, LLC, owner.

**Staff Recommendation: 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.

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

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

**Parking** 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.

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.

**Phasing** 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 combustibile 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.
- 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
- 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](http://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 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**

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.
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.
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.

Ms. Bernards presented and stated that staff is recommending disapproval.

Mr. Roy Dale, Dale & Associates, spoke in favor of the proposed development.

Mr. Ken Jakes, 5920 Clarksville Pike, spoke in opposition to the proposed development.

Mr. Kevin Estes, Dale & Associates, spoke in favor of the proposed development.

A resident of the community, who did not identify himself, spoke in favor the proposed development.

Mr. Gotto requested additional information on the proposed development, in particular, the elements that were not submitted as part of the specific plan application.

Mr. Bernhardt offered additional information on the application as it was reviewed by staff.

Mr. Gotto acknowledged and spoke on the issue of the land use policy implemented for this area in relation to the Community Character Manual. He then acknowledged the support of the both the Councilmember and the community with regard to this development.

Mr. Gee questioned whether the applicant met all of the requirements for a specific plan.

Ms. Bernards offered additional information on the application as submitted.

Mr. Gee explained that he would not want to support a plan that was incomplete.

Ms. Cummings thanked the community for providing their input on the proposed plan. She too acknowledged that the application lacked the necessary details for approval.

Ms. Bernards offered that if the application were approved, that the applicant would have 120 days to

address any of the application's deficiencies.

Mr. Clifton acknowledged that the community and the Councilmember were in support of the proposed development for this area.

Mr. Gee questioned whether the application could be approved after the requested information was submitted and reviewed by staff.

Mr. Bernhardt addressed this question.

Mr. Ponder questioned whether the proposal could be deferred one meeting to allow additional work on the application.

Ms. Bernards explained that the public hearing on this application was scheduled for November 6, 2008, and that the Planning Commission would not meet again until November 13, 2008.

Ms. Jones offered her views on costs associated with large developments and suggested that the Commission conditionally approve the application until all the necessary details were submitted to substantiate its approval.

Ms. LeQuire requested additional information on the staff's recommendation in relation to the submitted application.

Ms. Bernards briefly explained the two groups of conditions placed on the development.

Mr. Ponder questioned whether the details would include building placement contained in the development.

Ms. Bernards explained the building placement requirements to the Commission.

Mr. Gotto questioned whether the recommendation of disapproval would change if all of the conditions were met by the applicant.

Ms. Bernards stated that the recommendation of disapproval would not change due to the development's inconsistency with the subarea plan for this area.

Mr. Clifton moved, and Mr. Gotto seconded the motion, which passed unanimously, to disapprove Specific Plan 2008SP-025U-03, The Park at Ewing Creek as submitted, with the condition to approve, if staff conditions were addressed by the applicant. **(8-0)**

**Resolution No. RS2008-218**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2008SP-025U-03 is **DISAPPROVED; APPROVED IF STAFF CONDITIONS ARE ADDRESSED. (8-0)**

**While the proposed SP –MI district is not entirely consistent with the Bordeaux/Whites Creek Community Plan's policies, the proposed uses are compatible with the existing industrial uses on the east side of Whites Creek Pike, and the SP provides for substantial open space to separate the proposed industrial uses from the existing residential area west of Whites Creek Pike.”**