

ORDINANCE NO. BL2009-593

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from CS to SP zoning for property located at 630 Murfreesboro Pike, at the northwest corner of Murfreesboro Pike and Transit Avenue (2.65 acres), to permit auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning, all of which is described herein (Proposal No. 2009SP-029-001).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from CS to SP zoning for property located at 630 Murfreesboro Pike, at the northwest corner of Murfreesboro Pike and Transit Avenue (2.65 acres), to permit auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning, as being Property Parcel No. 073 as designated on Map 106-06 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Sheet No. 106 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning

Section 4. Be it further enacted, that following conditions be completed, bonded, or satisfied as specifically required:

1. For any new auto or equipment-related use on a site vacated by a previous auto-related use for more than 30 months or for any new auto or equipment-related uses elsewhere on the SP, the following shall apply:

a. There shall be a physical separation of the automobile or equipment display area or parking area from the sidewalk on Murfreesboro Pike and 25 feet along any public right-of-way intersecting Murfreesboro Pike by a knee wall. The knee wall shall be 24 inches in height, and shall be constructed of either:

- o concrete, stone, split-faced masonry or other similar materials; or
- o masonry pillars with wrought iron or similar materials between pillars.

Where there is a retaining wall separating the sidewalk from the automobile or equipment display area of at least 20", a wrought iron fence or fence with similar character of at least 20" may be substituted for the knee wall.

b. No chain link fence shall be within 25 feet of the Murfreesboro Pike public right-of-way. No razor wire, barbed wire or similar material shall be within 25 feet of any public right-of-way.

c. All interior landscaping requirements of the Zoning Code shall be met, including a minimum of eight percent interior landscaping.

- d. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
- e. Other than garage doors or other entranceways existing as of the effective date of this ordinance, no garage doors or other entryways that provide vehicular access into a building or structure shall face any public right-of-way. In instances where it is physically impossible to meet this requirement, entryways must be oriented in a way that is least visible from any public right-of-way. Landscaping or other methods may be utilized to screen entryways.
- f. All automobile/equipment repair and/or service activities, as defined by Metro Code, shall be provided within the confines of an enclosed structure, or where permitted, within the rear yard behind a structure and not visible from any public right-of-way or residential structure.
- g. Inoperable vehicles or equipment shall be confined within an enclosed structure, or where permitted, within the rear yard behind a structure, and not visible from any public right-of-way or residential structure.

2. For uses permitted in the CS zoning district, the sign regulations for the CS zoning district shall apply. The following sign restrictions apply to signs for new auto or equipment-related uses on the site of the existing used auto sales lot or the body shop estimate center if they are vacant for greater than 30 months or if new auto or equipment-related uses are added elsewhere on the SP.

- a. One wall-mounted sign and one monument sign per business, the monument sign may be two sided with the maximum area allowed shall be per side, informational signs and temporary signs. Signage is limited to a maximum of two monument style signs per street frontage. Monument signs shall be limited to a maximum of five feet in height, or three feet in height for any portion of the sign located within 15 feet of a driveway. All other signs shall be prohibited. Signs shall not be back-lit but may be spotlighted, or externally-lit and no electronic signs shall be permitted.
- b. Based on the frontage of the lot associated with the business, for frontage up to 100 feet in length any one sign may be a maximum of 60 feet but the total signage per business shall not exceed 60 square feet. For frontages greater than 100 feet in length, any one sign may be a maximum of 96 square feet but the total signage per business shall not exceed 96 square feet.

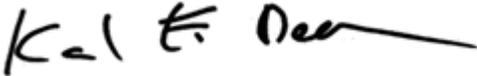
Section 5. Be it further enacted, that a corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Section 6. Be it further enacted, that 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 in the plan that is part of this ordinance.

Section 7. Be it further enacted, that for any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.

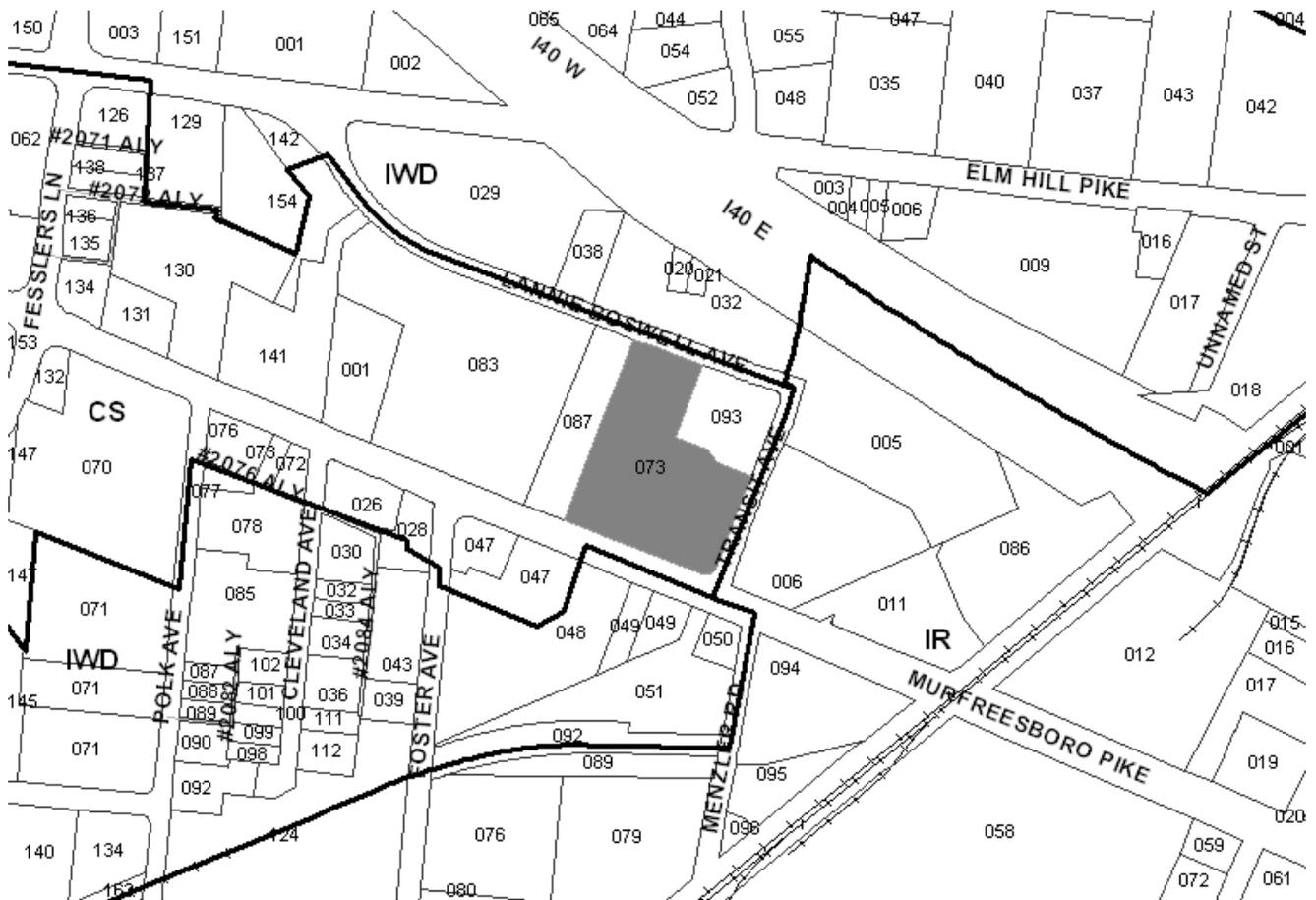
Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Sandra Moore

LEGISLATIVE HISTORY	
Introduced:	December 1, 2009
Passed First Reading:	December 1, 2009
Referred to:	Planning Commission - Approved 6-0 (November 12, 2009) Planning & Zoning Committee
Passed Second Reading:	January 5, 2010
Passed Third Reading:	January 19, 2010
Approved:	January 20, 2010
By:	
Effective:	January 25, 2010

2009SP-029-001
SP: JOSLIN
Map 106-06, Parcel 073
Subarea 11 (South Nashville)
District 17 (Moore)

A request to rezone from CS to SP zoning for property located at 630 Murfreesboro Pike, at the northwest corner of Murfreesboro Pike and Transit Avenue (2.65 acres), to permit auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning, requested by Joslin Sign & Maintenance Company, owner.





Project No.
Project Name
Council District
School District
Requested by

Zone Change 2009SP-029-001
Joslin SP
17 - Moore
7 - Kindall
Joslin Sign & Maintenance Company, owner

Staff Reviewer
Staff Recommendation

Bernards
Approve with conditions

APPLICANT REQUEST

Rezone to allow for a mix of uses.

Preliminary SP

A request to rezone from Commercial Services (CS) to Specific Plan-Auto (SP-A) zoning and for final site plan approval for property located at 630 Murfreesboro Pike, at the northwest corner of Murfreesboro Pike and Transit Avenue (2.65 acres), to permit auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning.

Existing Zoning
CS District

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

Proposed Zoning
SP-A District

Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes auto and equipment-related uses in addition to all uses permitted in the CS zoning District.*

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE
COMMUNITY PLAN

Existing Policy
Community Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban



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Consistent with Policy?

Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Yes. The CC land use policy supports the proposed new auto and equipment-related uses.

PLAN DETAILS

There are no changes to existing buildings or uses proposed at this time. There are currently three businesses operating on the property. The first is a sign manufacturing facility in a 35,000 square foot building. The second is a used car lot operating from a 1,500 square foot building. This is a legally non-conforming use and is not impacted by the recent state legislation concerning Motor Vehicle Business Establishments as the frontage of the property exceeds 250 feet. The third business is a Body Shop Estimate Center, operating from a 3,000 square foot building. This SP was requested because this particular use is not permitted under the CS zoning district. The estimating center is a place where cars are examined to estimate the cost of damage for insurance purposes. There is no specific land use in the Zoning Code for this use and, as some of the cars need to be stored on the site for more than one day, the Zoning Administrator has classified this use as Auto Repair although no repairing is done on the premise at this time.

As this application does not propose to change any uses on the property at this time, the requirements usually recommended for auto and equipment-related uses will apply only when the property is used for any new auto or equipment-related use or if the site of the existing used auto sales lot or the body shop estimate center has been vacant for greater than 30 months. The auto and equipment-related uses include the following as defined in the Metro Zoning Code:

- automobile repair,
- new and used automobile sales,
- automobile services,
- car wash,
- vehicular rental/leasing,
- vehicular sales and services limited, and
- heavy equipment sales and services

The requirements would not apply for any uses not listed above that would be permitted under CS zoning.



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Requirements for New Auto and Equipment-Related Uses

If the site of the existing used auto sales lot or the body shop estimate center is vacant for greater than 30 months and new uses are added in these locations, or if new auto-related or equipment-related uses are added on the property, the following requirements shall be met:

- There shall be a physical separation of the automobile display area or parking area from the sidewalk or Murfreesboro Pike and 25 feet along any public right-of-way intersecting Murfreesboro Pike by a knee wall. The knee wall shall be 24 inches in height, and shall be constructed of either:
 - a. concrete, stone, split-faced masonry or other similar materials; or
 - b. masonry pillars with wrought iron or similar materials between pillars.

Where there is a retaining wall separating the sidewalk from the automobile area of at least 20", a wrought iron fence or fence with similar character of at least 20" shall suffice for the knee wall.

- No chain link fence shall be within 25 feet of the Murfreesboro Pike public right-of-way. No razor wire, barbed wire or similar material shall be within 25 feet of any public right-of-way.
- All interior landscaping requirements of the Zoning Code shall be met, including a minimum of eight percent interior landscaping.
- All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
- Other than garage doors or other entranceways existing as of the effective date of this ordinance, no garage doors or other entryways that provide vehicular access into a building or structure shall face any public right-of-way. In instances where it is physically impossible to meet this requirement, entryways must be oriented in a way that is least visible from any public right-of-way. Landscaping or other methods may be utilized to screen entryways.
- All automobile repair and/or service activities, as defined by Metro Code, shall be provided within the confines of an enclosed structure, or where permitted,



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SIGNAGE

Sign Requirements for New Auto and Equipment-Related Uses

within the rear yard behind a structure and not visible from any public right-of-way or residential structure.

- Inoperable vehicles or equipment shall be confined within an enclosed structure, or where permitted, within the rear yard behind a structure, and not visible from any public right-of-way or residential structure.

The following sign restrictions apply to signs for new auto-related uses and equipment-related uses on the site of the existing used auto sales lot or the body shop estimate center if they are vacant for greater than 30 months or if new auto-related uses are added elsewhere on the SP. For all other uses permitted in the SP, the sign requirements of the CS zoning district shall apply.

Sign shall be limited to one wall-mounted sign and one monument sign per business, the monument sign may be two sided with the maximum area allowed shall be per side, informational signs and temporary signs. A maximum of two monument style signs per frontage are permitted in this SP. All other signs are prohibited. Signs shall not be back-lit but may be spotlighted, or externally-lit and no electronic signs shall be permitted.

Based on the frontage of the lot associated with the business, for frontage up to 100 feet in length any one sign can be a maximum of 60 feet but the total signage per business cannot exceed 60 square feet. For frontages greater than 100 feet in length, any one sign can be a maximum of 96 square feet but the total signage per business cannot not exceed 96 square feet.

Monument signs shall be limited to a maximum of five feet in height, or three feet in height for any portion of the sign located within 15 feet of a driveway. To safely accommodate vehicular movements to and from public streets, all monument signs must be placed at a location that will not obstruct visibility along the adjacent public street or for vehicles entering or exiting the site. Informational signs may also be allowed but can not exceed a total of 25 square feet. Maximum area for any individual informational sign shall be 4 square feet. Locations must be approved by the Planning staff. Temporary signs may be allowed subject to Section 17.32.060 of the Metro Zoning Code.



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PUBLIC WORKS RECOMMENDATION

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office/Low Rise (710)	2.65	0.263 F	30,359 SF	533	73	113

Typical Uses in Proposed Zoning District: **SP-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office/Low Rise (710)	2.65	-	8,000 SF	191	22	25

Traffic changes between typical: **CS** and proposed **SP-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-342	-51	-88

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office/Low Rise (710)	2.65	0.60	33,454 SF	575	79	117

Maximum Uses in Proposed Zoning District: **SP-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office/Low Rise (710)	2.65	-	8,000 SF	191	22	25

Traffic changes between maximum: **CS** and proposed **SP-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-384	-57	-92

STAFF RECOMMENDATION

Staff recommends approval with conditions as the CC land use policy supports the proposed uses.



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CONDITIONS

1. For any new auto-related use on a site vacated by a previous auto-related use for more than 30 months or for any new auto-related uses elsewhere on the SP, the following shall apply:
 - a. There shall be a physical separation of the automobile display area or parking area from the sidewalk or Murfreesboro Pike and 25 feet along any public right-of-way intersecting Murfreesboro Pike by a knee wall. The knee wall shall be 24 inches in height, and shall be constructed of either:
 - o concrete, stone, split-faced masonry or other similar materials; or
 - o masonry pillars with wrought iron or similar materials between pillars.Where there is a retaining wall separating the sidewalk from the automobile display area of at least 20", a wrought iron fence or fence with similar character of at least 20" may be substituted for the knee wall.
 - b. No chain link fence shall be within 25 feet of the Murfreesboro Pike public right-of-way. No razor wire, barbed wire or similar material shall be within 25 feet of any public right-of-way.
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 - f. All automobile repair and/or service activities, as defined by Metro Code, shall be provided within the confines of an enclosed structure, or where permitted, within the rear yard behind a structure



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and not visible from any public right-of-way or residential structure.

- g. Inoperable vehicles or equipment shall be confined within an enclosed structure, or where permitted, within the rear yard behind a structure, and not visible from any public right-of-way or residential structure.
2. For uses permitted in the CS zoning district, the sign regulations for the CS zoning district shall apply. The following sign restrictions apply to signs for new auto uses on the site of the existing used auto sales lot or the body shop estimate center if they are vacant for greater than 30 months or if new auto-related uses are added elsewhere on the SP.
 - a. One wall-mounted sign and one monument sign per business, the monument sign may be two sided with the maximum area allowed shall be per side, informational signs and temporary signs. Signage is limited to a maximum of two monument style signs per street frontage. Monument signs shall be limited to a maximum of five feet in height, or three feet in height for any portion of the sign located within 15 feet of a driveway. All other signs shall be prohibited. Signs shall not be back-lit but may be spotlighted, or externally-lit and no electronic signs shall be permitted.
 - b. Based on the frontage of the lot associated with the business, for frontage up to 100 feet in length any one sign may be a maximum of 60 feet but the total signage per business shall not exceed 60 square feet. For frontages greater than 100 feet in length, any one sign may be a maximum of 96 square feet but the total signage per business shall not exceed 96 square feet.
 3. The uses for this SP are limited to auto sales, vehicular leasing, vehicular sales and services, limited, heavy equipment sales and service, auto repair, a car wash, and all other uses permitted by CS zoning.
 4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS



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zoning district as of the date of the applicable request or application.

5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. 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.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.