

**8. 2011SP-029-001 (formerly 2011Z-020PR-001)**  
**6028 & 6030 NEIGHBORLY AVENUE; 317, 319 & 321 BALMY AVENUE**  
 Map 103-01, Parcel(s) 053-056, 154  
 Council District 20 (Buddy Baker)  
 Staff Reviewer: Jason Swaggart

A request to rezone from the CS to IWD district properties located at 6028 and 6030 Neighborly Avenue and at 317, 319 and 321 Balmy Avenue, at the northwest corner of Neighborly Avenue and Balmy Avenue (0.99 acres), requested by Anderson, Delk, Epps and Associates, Inc., applicant, Jerome Rosenblum, Robert Dougher, and John Ginther, owners.

**Staff Recommendation: APPROVE and direct staff to initiate a policy amendment to support the new zoning district.**

**APPLICANT REQUEST - Rezone from commercial to industrial**

**Zone Change** A request to rezone from the Commercial Services (CS) to Industrial Warehousing District (IWD) district properties located at 6028 and 6030 Neighborly Avenue and at 317, 319 and 321 Balmy Avenue, at the northwest corner of Neighborly Avenue and Balmy Avenue (0.99 acres).

**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**

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

**CRITICAL PLANNING GOALS N/A**

**WEST NASHVILLE COMMUNITY PLAN**

**Land Use Policy**

T4 Urban Mixed Use Neighborhood (T4 MU) T4 MU policy is intended to preserve, enhance, and create urban, mixed use neighborhoods characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, and that are envisioned to remain or develop in a mixed use pattern. T4 MU areas are areas intended to be mixed use in nature with the presence of commercial and even light industrial uses, but also a significant amount of moderate to high density residential development.

**Consistent with Policy?** No. The proposed zoning is not consistent with the existing policy. While the proposed zoning is not consistent with the land use policy *it is consistent with the surrounding development pattern* which consists primarily of automobile repair, body shops and small warehouses. It is unlikely that this pattern will change in the foreseeable future. The subject property currently contains an automobile repair shop, and, as it is unlikely that the area will change in the near future. Staff recommends that the policy be amended to a policy that reflects the nature of the area. **Staff recommends that the Commission direct staff to initiate a policy amendment which would support the proposed zoning.**

**PUBLIC WORKS RECOMMENDATION**

1. An access study may be required at development.
2. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

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
Specialty Retail (814)	0.99	0.128 F	5,519 SF	274	12	35

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.99	0.237 F	10,220 SF	37	4	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-237	-8	-31

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
Specialty Retail (814)	0.99	0.6 F	25,874 SF	1145	28	84

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.99	0.8 F	34,499 SF	123	11	12

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-1022	-17	-72

**STAFF RECOMMENDATION** Staff recommends that the request be approved and that the Commission direct staff to initiate an amendment to the West Nashville Community Plan to change the current policy to a policy that is consistent with the area’s development pattern and would support the proposed industrial zoning district.

Mr. Swaggart presented the staff recommendation of approval with a request for the Commission to initiate a policy amendment to support the new zoning district.

Mr. Tom White, legal representation of applicant, request to modify their application to a less intense version of the original application by changing the request from IWD zoning to SP zoning with all uses of CS zoning and automobile sales, used and automobile repair.

Mr. Doug Simpson, 1618 Hill Circle, stated he has concerns about this change in zoning. He inquired about whether new zoning would affect future development and prevent all uses of IWD zoning.

Mr. Swaggart clarified Mr. Simpson's concerns about the effect this change would have on development and that it would not allow all uses of IWD zoning. SP would permit the uses that are being done now on the property, and would only include all uses of CS zoning and automobile sales, used, and automobile repair.

**Mr. Gee moved and Mr. Clifton seconded the motion to close the public hearing. (7-0)**

Mr. Adkins made a motion to approve a change to SP zoning from IWD.

Mr. Bernhardt clarified the motion would be to disapprove the IWD, and approve an SP with all uses of CS zoning and also including automobile sales, used and automobile repair.

Mr. Adkins moved and Mr. Gee seconded the approval of an SP permitting auto sales and repair, and all other uses of the CS district and direct staff to work with the applicant to insure that the necessary conditions are

included in the SP plan.

Councilmember Claiborne inquired about auto SP zoning.

Mr. Bernhardt clarified the uses involved in SP-auto use with the normal automobile SP conditions that staff recommends for these type of rezonings.

Mr. Gee inquired about the existing use and the propensity for future use. Mr. Bernhardt discussed with the Commission conforming and nonconforming uses.

Mr. Clifton left the meeting at 6:34pm.

Ms. LeQuire asked about citations for nonconforming use. Mr. Swaggart stated not all properties have the correct use.

Mr. Gee asked if the Commission approves IWD zoning, can it be changed at Council?

Mr. Bernhardt confirmed Metro Council could change the zoning.

Mr. Bernhardt stated the SP zoning was intended specifically to allow these types of auto uses.

Mr. Sloan clarified IWD and SP zoning.

Mr. McLean stated the applicant had two minutes of rebuttal.

Mr. White stated the community is not comfortable with IWD zoning as it is more expansive, and will work with staff to make sure zoning is acceptable before moving forward.

Councilmember Claiborne stated he is in favor of an SP zoning district.

Ms. LeQuire inquired about the housekeeping amendment.

Mr. Bernhardt stated it would not be needed for an SP that limits the uses such as is being proposed.

Ms. LeQuire stated she is not opposed to an SP, but is considering if they should look at the area in a more broad sense.

Mr. Bernhardt clarified the reasoning behind SP-auto zoning.

Ms. LeQuire inquired about which zoning would include lawnmower repair.

Mr. Swaggart stated that is likely considered small engine repair, which would be considered industrial, but that it could be included in the SP.

Mr. Gee discussed SP intentions and recommended taking a vote on Mr. Adkins' motion to approve.

Ms. Cummings seconded the motion to approve the staff recommendation of approval as a Specific Plan permitting auto sales and repair, and all other uses of the CS district and direct staff to work with the applicant to insure that the necessary conditions are included in the SP plan. (6-0)

#### **Resolution No. RS2011-233**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-020PR-001 is DISAPPROVED IWD, APPROVED as a Specific Plan permitting auto sales and repair and all other uses of the CS district and direct staff to work with the applicant to insure that the necessary conditions are included in the SP plan. (6-0)**

**An SP zone change will permit the intended land uses without changing the character of the surrounding area and will not require an amendment to the current T4 Urban Mixed Use Neighborhood land use policy.”**

