



Project No.
Project Name
Associated Cases
Council District
School District
Requested By
Deferral

Subdivision 97S-014U-03
Forest Vale Subdivision
None
1 - Gilmore
1 – Thompson
Metropolitan Department of Law
This item was deferred at the January 27, 2004
Planning Commission meeting at the request of the
applicant.

Staff Reviewer
Staff Recommendation

Fuller
*On advice from the Metropolitan Department of Law,
staff recommends that the prior approval be rescinded.*

APPLICANT REQUEST

The Metropolitan Department of Law recommends the rescission of the original approval of this subdivision since it was recorded in error without a bond in place. The original plat was recorded without the required sewer line extension being built or properly bonded.

SUBDIVISION DETAILS

Timeline
July 17, 1997

James S. Norman of Metro Water Services issued a letter to the Planning Department indicating approval of the Forest Vale Subdivision with the contingency for a bond for the construction of sanitary sewer in the amount of \$28,400.

January 14, 1999

The Forest Vale final plat was recorded without the required bond for sewer improvements.

February 21, 2003

Scott Potter, Director of Water Services, sent a letter to Terry Cobb, Director of Codes Administration, informing Codes of the problem and requesting that any building permit applications of these properties be denied. This letter was copied to Mr. Howard Fisher, the developer, and identified the steps that needed to be taken to rectify the situation.

The steps Mr. Potter identified to correct the situation were:

- Resubmittal of sewer construction plans for approval by the State of Tennessee and Metro Water Services.
- A posting of a bond for \$40,000.



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June 3, 2004

Brooks Fox, Metropolitan Department of Law, issued a letter to Howard Fisher, developer, informing him that if the steps were not taken to comply with the construction and bonding of the sewer line, then the Planning Commission could rescind the approval of the subdivision.

June 8, 2004

The Department of Law issued a letter to Mr. Rick Bernhardt, Planning Director, requesting that the issue be placed on the July 22, 2004, agenda of the Planning Commission to give the developer ample time to show an intent to comply. This letter was copied to both owners of the land, Howard Fisher and Don Whitfield.

July 22, 2004

The request to rescind the plat approval was deferred to August 26, 2004.

August 26, 2004

The request was recommend for indefinite deferral by the staff to allow the developer, Howard Fisher, time to resubmit construction plans for the sewer line.

October 1, 2004

Notice was given to Peter Curry, Esq. by Metro Legal that staff intended to recommend rescinding the plat, unless a construction permit was issued or an appropriate bond was posted by October 12, 2004.

January 25, 2005

The revised sewer plans were received by Metro Water Services on 1/25/05 and are ready for approval, subject to signing by Mike Morris. Metro Water Services did receive a contract for the construction of the sanitary line. However, it appears that the contractor may not have the required Municipal Utility license and classification to construct a public sanitary sewer.

STAFF RECOMMENDATION

Staff recommends rescission of the Forest Vale final subdivision plat approval. The developer of record, Howard Fisher, has had ample time to construct a sewer line since the recording of the plat in 1999, and has shown no intent to comply with the requirements of the subdivision plat approval.



Project No.

Zone Change 2002Z-040U-10

Associated Case

None

Council Bill

BL2005-555

Council District

18 – Hausser

School Board District

8 - Harkey

Staff Reviewer

Covington/Leeman

Staff Recommendation

Disapproval and re-referral by Metro Council to the Planning Commission in order to allow more time for review of the traffic impact study.

APPLICANT REQUEST

Apply Institutional Overlay (IO) district to 106 parcels on 74.95 acres between 18th Avenue South, Belmont Boulevard, Wedgewood and 12th Avenue South, including parcels located along Acklen, Bernard, Compton, Delmar, Ashwood and Caldwell Avenues.

Proposed Zoning

IO district

The purpose of the Institutional Overlay district is to provide a means by which colleges and universities situated wholly or partially within areas of the community designated as residential by the General Plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The institutional overlay district is intended to delineate on the official zoning map the geographic boundaries of an approved college or university master development plan, and to establish by that master development plan the general design concept and permitted land uses (both existing and proposed) associated with the institution.

SUBAREA 10 PLAN POLICY

Residential Medium (RM) Policy

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Residential High (RH) Policy

RH policy is intended for new and existing residential development with densities above twenty dwelling units per acre. Any multi-family housing type is generally



Metro Planning Commission Meeting of 2/24/05

Policy Conflict

appropriate to achieve this density. The most common residential type will generally be mid or high-rise structures.

No. The IO district is intended for areas designated as residential by the General Plan.

PLAN DETAILS

The plan for the 75-acre campus includes approximately 2.4 million square feet of new floor area, new parking areas, as well as the approximate 1.92 million square feet of the existing campus. The plan establishes activities, design standards, setback standards, and height standards by activity zone. It includes a plan of proposed development sites as well as proposed development capacity by zone. It establishes proposed parking as well as open space, buffering, screening, and lighting standards. The plan also establishes a phasing schedule.

Activity Zones

The campus is divided into five Activity Zones. They are: 1) Wedgewood and Magnolia Avenues Grand Entry Zone. The plan states: "The location and design of activities is intended to create a primary entrance for the campus in conjunction with 15th Avenue and Magnolia/Acklen Avenues." 2) Academic Core Zone. The plan states: "Activities and their related design are complementary with the historic mall in creating pedestrian-oriented green spaces connecting the buildings associated within the zone. The ends of the greenspaces are anchored by architectural focal points in creating a sense of a mall." 3) Belmont Boulevard Arts and Entertainment Zone. The plan states: "Activities and their related design are complementary with the existing neighborhood commercial in creating a sense of a "village."" 4) South Campus Mixed Use Zone. The plan states: "Activities and their related design comprise an area of mixed activities that are shaped and accessed by the multiple public streets associated with the zone." 5) Residential Campus Zone. The plan states: "Activities and their related design are intended to provide a planned residential area."

Setback Requirements

Setbacks are proposed to be measured from the property lines. The plan states: "It is the intent of these (activity) zones to address the specific context of the adjoining neighborhoods while providing a unified



Metro Planning Commission Meeting of 2/24/05

Height Requirements

sense of place and appearance for the overall campus.” In some instances, such as the Arts and Entertainment Zone, the intent of building placement is to create a “village” feel. In other instances, such as the South Campus Mixed Use Zone, the intent of building placement along Ashwood is to match the placement of non-university buildings across the street.

Heights at the building setback are established for each activity zone by the number of stories.

Proposed Development Sites

The master plan establishes 16 proposed development sites according to activity zone.

Proposed Development Capacity

The master plan establishes the maximum proposed building area per activity zone. The Proposed Development Capacity Per Activity Zone table establishes existing building area, building area to be demolished, and proposed building area.

Parking

Parking for proposed development will be provided according to a ratio of spaces to user type. Structured parking is the preferred means of providing additional parking; however, parking lots may be used as long as they are screened from public view. Parking lots with 10 or less spaces may be located to the side of structures. Parking lots with greater than 10 spaces are to be located within the interior of the campus and not at its perimeter.

Staff comment:

On-street parking along 15th Avenue shall be monitored as development occurs within the overlay. Because the plan proposes additional on site parking as development occurs, it is anticipated that the current parking concerns along 15th Avenue may be diminished.

Vehicular Access and Circulation

The master plan establishes major and minor vehicular access and circulation to the campus. The major access points are 15th Avenue South (off Wedgewood), Delmar Street, Compton Avenue, and Acklen Avenue (off 15th).

Buffering and Screening

Proposed development will include landscape buffers as designated in the plan or as required by the Zoning Ordinance. Buffering and screening is required where “a university-related use, other than single family residential, is adjacent to the side or rear of a non-



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university residential use” as well as where “university-related parking of more than three spaces is opposite and visible from a non-university use sharing a public or private street.” Screening is also required for mechanical equipment, communication equipment, refuse storage, general storage, and fueling areas.

Lighting

Lighting standards are provided according to type. Descriptions of the type of lighting to be used per zone and use are included.

PLAN PURPOSE

The Zoning Code intends for the application of the Institutional Overlay district to be limited to those land areas encompassed by a college or university master development plan. The plan shall adequately describe the extent of the existing and proposed campus of the institution along with long-range growth objectives and an assignment of institutionally related land uses. The master development plan and accompanying documentation shall be sufficient in detail to provide the public with a good understanding of the developed campus’s impact on the adjoining neighborhood(s).

The master development plan shall distinguish between the following types of generalized campus activities: academic areas, such as classrooms and labs; general administrative offices; support services, such as major parking areas, food services and bookstores; campus-related residential areas, including dormitories, fraternities and sororities; operational areas, such as maintenance buildings, power plants and garages; and athletic areas, including gymnasiums, intramural facilities, stadiums and tracks.

In the approval of a master development plan, the council shall require the inclusion of a phasing plan to insure that campus expansion occurs in a manner that can be supported by adequate public services and minimizes disruption to the surrounding residential community.

RECENT REZONINGS

No.

TRAFFIC

A Traffic Impact Study (TIS) has been submitted for this request.



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Public Works Findings

Public Works is still reviewing the traffic study and is unable to make a recommendation at the time of this staff report as there are still issues to be addressed.

STAFF RECOMMENDATION

In reviewing the Belmont University Institutional Overlay, staff has determined that the proposed plan meets the general requirements, as outlined by the Metro Zoning Code, for applying the IO district. The applicant has held numerous community meetings over the past several years to gather input as to the design and goals of the master plan. The applicant has also been working with staff to make changes to meet the intent of the Code, as well as to meet basic design standards.

Public Works has required an updated traffic impact study in order to provide traffic recommendations for this application. Because the updated report was not received in time, Public Works has not been able to provide recommendations. Accordingly, staff recommends disapproval and re-referral from Metro Council. If Public Works provides traffic recommendations prior to the Commission meeting, staff may recommend conditional approval, including the traffic conditions, as outlined by Public Works.

CONDITIONS (if approved)

Prior to Third Reading by the Metro Council, the following updates must be made to the Master Plan.

1. All pedestrian corridors through the campus will be linked to the perimeter sidewalk system.
2. The maximum height of any building shall not exceed 10 stories.
3. Where buildings are allowed to exceed the prescribed height at the perimeter, the portion of the façade that exceeds the prescribed height shall be set back a minimum of 10 ft. from the prescribed setback.
4. There shall be no parking allowed in front of buildings, excluding on-street parking, in the Arts and Entertainment Zone.



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5. The landscape buffer yard shown on the proposed plan facing properties outside of the overlay along 15th Avenue between Ashwood and Compton Avenues shall be removed. The setback for buildings facing properties outside of the overlay on 15th Avenue and Ashwood Avenue shall be the same as the opposite buildings. New university buildings shall be a maximum of two stories at the setback, and may be higher if set back from the principal façade by 10 feet. The façades of buildings facing properties on 15th Avenue and Ashwood Avenue shall be articulated in such a manner that they are complimentary of the single-family building character they face.
6. Development shall not occur until a minimum of 50% of the block face, or a portion thereof that is associated with a single activity zone, is acquired. The 50% minimum shall be made up of contiguous parcels.
7. Parking structures that face a public street shall be designed so as to look similar to other types of buildings with other types of uses.
8. All landscape buffers shall be a minimum of a C type buffer as prescribed in Section 17.24.240 of the Metro Zoning Code (Landscaping Provisions).
9. The screening standard for all new parking areas shall indicate a minimum 3 ft. height at installation, a minimum 6 ft. planting bed width if landscape screening is to be used, and provide for a year-round screening.
10. Lighting shall be directed to the subject and shall minimize light trespass and pollution onto adjacent residential properties.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-018G-12
None
None
32 – Coleman
4 – Blue
Lay Sayasack, applicant/owner.

Staff Reviewer
Staff Recommendation

Harris
Approve with conditions.

APPLICANT REQUEST

Rezone 4.88 acres from agricultural/residential (AR2a) to residential single-family (RS10) district property at 13877 Old Hickory Boulevard, on the south side of Old Hickory Boulevard at the intersection of Legacy Drive.

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. This zoning would allow for approximately 2 dwelling units.

Proposed Zoning
RS10 district

RS10 requires a minimum 10,000 square foot lots and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. This zoning would allow for approximately 18 dwelling units.

SOUTHEAST 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.

Policy Conflict

No. The proposed RS10 zoning district is consistent with the RLM policy. It is also consistent with the surrounding zoning districts in the area. These parcels are located off of Old Hickory Boulevard, which is a substandard collector road. It is also consistent with surrounding zoning pattern.



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Infrastructure Deficiency Area

This property is located within an infrastructure deficiency area for transportation and schools identified by the Planning Commission in the Southeast Community Plan. The transportation infrastructure deficiency grid that has been developed by staff was used to analyze Barnes Road at this location. The road scored an “8” because the property is located on a “good segment of a good road.”

The Major Street Plan classifies Old Hickory Boulevard as a local road in this location, and the existing pavement and right-of-way widths are appropriate for a local road. The Southeast Community Plan recommends, however, that Old Hickory Boulevard be classified as an existing collector road. When analyzing a road for infrastructure deficiencies, the Major Street Plan is generally used as the guide for determining appropriate pavement and right-of-way width. In this case, while the community plan calls for a collector road, the Major Street Plan classifies the street as a local road. If the community plan classification for Old Hickory Boulevard is used for analyzing whether Barnes Road is deficient, then the road would be deemed a “fair segment of a fair road,” scoring a “4.” When a road scores less than a total of “6” the Commission may recommend disapproval due to the roadway infrastructure inadequacy.

Access to Old Hickory Boulevard may not be appropriate from this property. This property is located within a sharp curve and access possibly should be required through adjacent properties rather than directly to Old Hickory Boulevard.

Staff recommends that the Commission consider the condition of the roadway prior to making their recommendation. An 8 on the transportation deficiency grid, however, generally does not require disapproval of the proposed development. In any event, proper road improvements should be considered at the development stage.

In addition to road infrastructure deficiencies, the Southeast Community Plan notes that “[i]nadequate school facilities in the area are also a problem in the Southeast Community.” Additional analysis of the



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projected student generation from this rezoning and school capacity in this area is provided below. The school board has programmed for new schools in this area, however.

RECENT REZONINGS

Parcels 013 and 015 to the east of this property were rezoned from AR2a to RS10 in July 2004. The Commission recommended approval of this request on May 13, 2004. A portion of parcel 27 to the northeast was rezoned from AR2a to RS10 in May 2004. The Commission also recommended approval of this zone change request on March 25, 2004.

METRO PUBLIC WORKS' RECOMMENDATION TRAFFIC

An access study may be required at development. The dedication and/or reservation of right-of-way shall be designated on the development plan per the major street plan.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	4.88	0.5	2	29	11	4

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	4.88	3.7	18	215	22	23

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			186	11	19



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METRO SCHOOL BOARD REPORT

Projected student generation

3 Elementary 3 Middle 2 High

Schools Over/Under Capacity

Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as being over capacity by the Metro School Board. There is capacity at an elementary and middle school within the cluster and capacity at a high school in an adjacent cluster (Glenclyff). This information is based upon data from the school board last updated August 31, 2004.

CONDITIONS

1. With the submittal of any preliminary or final plat on this property, coordinated access may be required to be provided between various parcels shown on an overall development plan for the area.



Project No.
Council Bill
Council District
School District
Requested by
Deferral
Staff Reviewer
Staff Recommendation

Zone Change 2005Z-019G-03
None
1 - Gilmore
1 - Thompson
Ray Bell, applicants/owner

Pereira
Disapprove IR zoning unless a Planned Unit Development is submitted for the site. Rezoning of this property should be deferred until the land use policy for this area is reconsidered in light of the existing land use pattern.

APPLICANT REQUEST

A request to change 1.71 acres from agricultural/residential (AR2a) to Industrial Restrictive (IR) district property located on the south margin of Ashland City Highway (unnumbered), at the intersection of Amy Lynn Drive and Ashland City Highway

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. Under AR2a zoning, a total of 1 lot is allowed on this site.

Proposed Zoning
IR district

Industrial Restrictive (IR) is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY

Residential Low Medium (RLM)

In the Bordeaux/White's Creek Community Plan update in 2003, a Residential Low Medium (RLM) policy was applied specifically to this parcel. 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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Policy Conflict

RLM policy does not support Industrial Restrictive (IR) zoning and light manufacturing uses. The majority of the properties to the south of the nearby railroad, however, are currently zoned IR. The adjacent parcel to the west is also zoned IR, and has been substantially disturbed by a quarrying use. This current rezoning request is largely consistent with the nearby industrial zoning. In addition, south of Ashland City Highway, the residential land use policy only applies to a few parcels to the east across Amy Lynn Drive, and these parcels are surrounded by land used for industrial purposes. This area's existing pattern of development and current land use policy support residential uses to the north of Ashland City Highway, and largely industrial uses to the south of it.

Staff recommendation

Given the high degree of visibility of this site from Ashland City Highway and the community's strong opposition to an industrial rezoning, staff recommends **disapproval** of this requested IR zoning unless a Planned Unit Development is applied to restrict the land uses allowed on this site. Restrictions should include adequate screening of industrial uses from Ashland City Highway and residential developments to the north, as well as a prohibition of outdoor storage uses on the property.

In the alternative, staff recommends that this request be **deferred indefinitely** to allow the land use policy for this area to be reconsidered in light of the existing land use pattern.

RECENT REZONINGS

A request to change 4.76 acres from AR2a to IR district property at 4511 Amy Lynn Drive was deferred indefinitely by the applicant on June 1, 2004.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

1. An access study may be required at development.
2. The applicant must dedicate and reserve Right-of-way as per the Major Street Plan.



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The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	1.71	0.5	1	15	11	2

Typical Uses in Proposed Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.71	0.170	12,662	397	20	13

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			382	9	11

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	1.71	0.5	1	15	11	2

Maximum Uses in Proposed Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (110)	1.71	0.60	44,692	232	42	44

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
--	--			217	31	42



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-020T
None
BL2005-552
Countywide
n/a
Councilmembers Tommy Bradley, Rip Ryman, and
Buck Dozier

Staff Reviewer
Staff Recommendation

Regen
Approve

APPLICANT REQUEST

Amend Zoning Code to limit the coverage of storefront windows with temporary signs to 25% of the total surface area of the storefront window.

ANALYSIS

Existing Law

The Zoning Code currently has no limitation on the amount of window surface area covered by temporary signs. Currently, temporary signs are exempt from regulation in the Code.

Proposed Text Change

The proposed amendment (see below) would limit the coverage of windows with temporary signs advertising milk, coffee, cigarettes, drinks, etc. to no more than 25% of the total surface area of the storefront window. The amendment has been proposed due to public health and safety concerns. Some store windows have so many temporary signs that they pose a potential safety hazard for customers, employees, and emergency personnel. The size and amount of the temporary signs blocks visibility into the store from outside the store.

Amending Text

Section 17.32.040, Exempt Signs, by adding the following phrase to the end of subsection M:

M. Temporary merchandise displays and signs behind storefront windows which are not affixed permanently to the glass, nor intended for permanent display, and nonilluminated, provided that such temporary signs do not cover more than twenty-five percent (25%) of the total surface area of the storefront window.

Analysis

The Codes Department has indicated this amendment will not be easily enforceable. There are only 18 property standards inspectors for the entire county.



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Staff Recommendation

With this modification, however, when a complaint is received, the inspectors will be able to visit the property, evaluate whether a violation has occurred, and inform the store owner of the situation.

Approve. This amendment, while not easily enforceable, provides a way to minimize storefront temporary signs, when a complaint is received.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-021U-05
None
BL2005-549
6 – Jameson
5 – Hunt
Richard McCoy, architect, for Martin Corner G.P.,
owner.

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 0.80 acres from residential (R6) to residential multi-family (RM15) district properties at 1111, 1115, 1117 Fatherland and Fatherland Street (unnumbered).

Existing Zoning
R6 district

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. This zoning would allow for approximately 6 dwelling units.

Proposed Zoning
RM15 district

RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. This zoning would allow for approximately 12 dwelling units.

SUBAREA 5 PLAN POLICY

Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact single-family detached units, town-homes, and walk-up apartments.

Policy Conflict

The proposed RM15 zoning district is consistent with the surrounding zoning pattern in the area. The RM15 zoning district exceeds the RM policy density range of four to nine units per acre, but is consistent with the density of the OR20 zoning districts in the area that allow for 20 units per acre. Also, in recently updated plans, higher density residential is more appropriate



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near a neighborhood commercial center than single-family residential development.

RECENT REZONINGS

None.

METRO PUBLIC WORKS' RECOMMENDATION TRAFFIC

No Exception Taken.

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.80	6.18	5	66	13	8

Typical Uses in Proposed Zoning District: RM15

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	0.80	15	12	106	10	11

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--		+7	40	-13	3

METRO SCHOOL BOARD REPORT

Projected student generation

2 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Warner Elementary School, Bailey Middle School, or Stratford High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-023U-10
None
BL2005-556
18 – Hausser
8 – Harkey
Metro Historical Commission for various property owners.

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Apply the Neighborhood Conservation Overlay District (NCOD) to 175.86 acres on various properties in the Belmont-Hillsboro area.

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.

RM20 district

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

RM40 district

RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

OR20 district

Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

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.

SUBAREA 10 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.



Metro Planning Commission Meeting of 2/24/05

Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict

The Neighborhood Conservation (NC) Overlay District is consistent with the policy in this area. The Subarea 10 plan recommends "...pursuing the feasibility of a conservation or historic zoning overlay" (p. 50) for this area. The NC district restrictions in the Zoning Code state that, "no structure shall be constructed, relocated, demolished in part or whole, increased in habitable area, or changed in height" (Section 17.36.110, Zoning Ordinance) unless approved by the Metro Historical Commission. The Metro Historic Zoning Commission approved and adopted guidelines for this area at their meeting on February 16, 2005.

RECENT REZONINGS

None.

TRAFFIC

No Exception Taken.

Typical Uses in Existing Zoning District: Various

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	175.86	4.59	808	7108	575	703

Typical Uses in Proposed Zoning District: Various

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	175.86	4.59	808	7108	575	703

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--						



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-026G-04
None
BL2005-548
4 – Craddock
4 – Nevill
Catherine A. and Marion J. Hoormann,
applicant/owners.

Staff Reviewer
Staff Recommendation

Harris
Disapprove

APPLICANT REQUEST

Rezone 0.88 acres from office/residential (OR20) to mixed use limited (MUL) district property located at 1202 South Graycroft Avenue, on the east side of Briarville Road.

Existing Zoning
OR20 district

Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning
MUL district

Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

SUBAREA 4 PLAN POLICY

Office Concentration (OC)

The OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

Policy Conflict

Yes. The proposed MUL district is not consistent with the OC policy intended for predominantly office uses. It would allow for other uses such as retail, restaurant and higher density residential uses that are not consistent with the surrounding development pattern. Along this street are single-family homes that have converted to office uses. Rezoning this property to MUL zoning may set a precedent along Graycroft Avenue. If a bill is filed in the Council to rezone this property to MUL, the Council should also consider applying a PUD overlay to limit the uses allowed on the property.



Metro Planning Commission Meeting of 2/24/05

RECENT REZONINGS

None.

METRO PUBLIC WORKS' RECOMMENDATION TRAFFIC

A Traffic Impact Study may be required at development. The dedication and/or reservation of right-of-way shall be designated on the development plan per the major street plan.

Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.88	0.184	7,053	173	23	87

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station with Conv. Market (945)	0.88	0.060	2,300	-	179	222

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.88		-4,753	N/A	156	135

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	0.88	0.80	30,666	-	659	1289

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station With Conv. Market (945)	0.88	1.0	38,333	-	2978	3695

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
--	0.88				2319	2406



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METRO SCHOOL BOARD REPORT

Projected student generation

9 Elementary 6 Middle 4 High

Schools Over/Under Capacity

Students would attend Chadwell Elementary School, Gra-Mar Middle School, or Maplewood High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-028U-10
None
None
34 - Williams
8 - Harkey
Councilmember Lynn Williams, applicant for various property owners

Staff Reviewer
Staff Recommendation

Fuller
Approve

APPLICANT REQUEST

Rezone 31.42 acres from residential single and two-family (R20) to residential single-family (RS20) district located at various parcels on Skyline Drive, Boviev Lane and Vailwood Drive.

Existing 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.

Proposed Zoning
RS20 district

RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

SUBAREA 10 PLAN

Residential Low (RL)

RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominate development type is single-family homes.

Policy Conflict

No. The RS20 zoning district is consistent with the RL policy of one to two dwelling units per acre. This area is located within area 3C of the current Subarea 10 Plan. "An important goal of [the Subarea 10] plan is that infill development and resubdivisions should be compatible with the density and character of existing development." (Page 49) The Plan states that in some areas of Green Hills, infill developments "have not matched the existing character of established neighborhoods. . . . The intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas." (Page 49)



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The Planning Department generally does not support mass rezoning of areas to eliminate the possibility of two-family homes. While mindful of residents' concerns, it is crucial to keep two-family structures in Nashville/Davidson County's housing mix as a viable housing option for individuals and families desiring this housing form due to location, cost, convenience, and need. The request to rezone this area from R to RS, however, is supported by specific language in the current Subarea 10 Plan.

The Green Hills-Midtown Community (Subarea 10) Plan Update is currently underway and the draft plan envisions this area remaining RL policy.

There are 58 lots included in request.

RECENT REZONINGS

None.

TRAFFIC

No exceptions taken

Typical Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	31.42	1.85	58	630	50	66

Typical Uses in Proposed Zoning District: RS20

Land Use (ITE Code)	Acres	FAR	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	31.42	1.85	58	630	50	66

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				0	0	0

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004NL-001G-10
None
None
25 - Shulman
8 - Harkey
Catherine Snow and Douglas Knight, owners

Staff Reviewer
Staff Recommendation

Fuller
Approve with conditions

APPLICANT REQUEST

Apply the Neighborhood Landmark Overlay District (NLOD) to 0.72 acres of property at 1100 Clifton Lane.

Existing Zoning
R10 zoning

R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning
Neighborhood Landmark Overlay District (NLOD)

The NLOD district is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood in which the feature is located. Creating the NLOD is the first step in a two-step process. If the Metro Council approves the NLOD district, the Planning Commission subsequently must approve a Neighborhood Landmark Development plan. The site plan will address site design, specific uses, building scale, landscaping, massing issues, parking lot access, and lighting.

Under the 17.36.420 of the Zoning Code, a neighborhood landmark is defined as a feature that “has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood.” To be eligible for application of the Neighborhood Landmark Overlay District, a property must meet one or more of the criteria set out in 17.36.420, which are:

1. It is recognized as a significant element in the neighborhood and/or community;



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2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community.
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;
4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;
5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;
6. Retaining the feature will help to reinforce the neighborhood and/or community's traditional and unique character.

CRITERIA FOR CONSIDERATION

The home at 1100 Clifton Lane would also have to meet the 6 criteria for consideration outlined in Section 17.40.160 of the Zoning Code:

1. The feature is a critical component of the neighborhood context and structure.
2. Retention of the feature is necessary to preserve and enhance the character of the neighborhood.
3. The only reason to consider the application of the NLOD is to protect and preserve the identified feature.
4. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the NLOD designation and return the district to the base zoning district prior to the application of the district.



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5. It is in the community's and neighborhood's best interest to allow the consideration of an appropriate NLOD Plan as a means of preserving the designated feature.
6. All other provisions of this section have been followed.

SUBAREA 10 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.

Policy Conflict

Applying the NLOD is consistent with the RLM policy in that it allows an existing building to be preserved to maintain the fabric of the neighborhood. Actual uses for the property are not considered or approved until after the Metro Council establishes the overlay.

RECENT REZONINGS

No

TRAFFIC

No Exception Taken

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.72	3.7	3	42	12	5

Typical Uses in Proposed Zoning District: Neighborhood Landmark*

Land Use (ITE Code)	Acres	FAR	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
N/A	0.72	N/A	N/A			

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

Land Use (ITE Code)	Acres	--	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--						

*Trip analysis can not be conducted until the final site plan is submitted.



Metro Planning Commission Meeting of 2/24/05

STAFF FINDINGS

Community Involvement

The applicant has obtained signatures from 10 of the immediately surrounding homeowners in support of the request.

Extent of Staff Review

No specific plan is required to be prepared until after Metropolitan Council has adopted the overlay district. Staff review has been limited to determining eligibility for the overlay district and ensuring that the criteria for Planning Commission approval have been met.

The structure at 1100 Clifton Lane is a Queen Anne style home that was built in the late 19th century. It was the first house added to the original Noel plantation, and was reportedly constructed by a New Orleans banker as a summer home. There is an original carriage house at the rear of the property that is being proposed by the applicant to allow overnight accommodations for guests, as well as special events such as receptions.

The structure has been threatened by the introduction of duplex infill, on both ends of the block, which is largely rental in nature. This structure sits in the mid-point of the block, halfway between Granny White Pike and Lealand Lane. It is also the center of the surviving single-family fabric of the street.

The application of the NLOD designation would allow the property owner to continue the restoration effort and assure the community that the structure will not be compromised. It will be strengthened as an anchor of the remaining traditional neighborhood fabric.

Because the structure is located in a mid-block section of a residential street, staff does not feel that a typical commercial use of the property is likely, but a bed and breakfast use is a valid option. *Therefore, staff recommends placing a limitation on the uses that can be approved at the final site plan to include only uses associated with bed and breakfast, special events and residential.*



Project No.

Subdivision 2005S-034G-10

Project Name

Richland Woods

Associated Cases

None

Council District

34 – Williams

School Board District

8 - Harkey

Requested By

Jeff Heinze, Littlejohn Engineering and Associates

Staff Reviewer

Morgan

Staff Recommendation

Approve with conditions

APPLICANT REQUEST

Preliminary Plat

A request for approval of a cluster lot development to create 12 lots on 12.66 acres abutting the east side of Granny White Pike, approximately 1,000 feet south of Radnor Glen Drive.

ZONING

R40 District

R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS

The Cluster Lot Option is being used in order to address the topographic constraints of the site. The applicant has elected to reduce the lot sizes to 30,000 square feet (one zone district), with the smallest lot being 30,085 square feet, and the largest being 48,052 square feet. Access to the site is provided by a cul-de-sac of less than 750 in length, with a street grade of less than 12 percent slope. The remainder of parcel 127 consists of 6.04 acres and is part of a large contiguous slope of 25 percent or greater, which is not included in this plat.

The double frontage lots along Granny White will be buffered with a 20 foot Landscape Buffer Yard, as is required under the Cluster Lot provisions of the Zoning Code. The applicant has included an additional 40 foot natural vegetation easement in order to further buffer the development. An additional easement has been provided to the south of the development to allow access to an existing cemetery. To promote future connectivity, a stub street has been provided to the south of the development.



Metro Planning Commission Meeting of 2/24/05

All streets are exempt from the sidewalk requirements for two reasons: 1) The subdivision occurs outside of the Urban Services District where the Sidewalk Priority Index score is less than twenty, 2) the subdivision is infill development with a dead end street less than 750 feet in length.

PUBLIC WORKS RECOMMENDATION

1. Approvals are subject to Public Works' review and approval of construction plans.
2. Show and dimension ROW along Granny White Pike, consistent with the approved major street plan (U2 - 60' ROW). Dedicate 30' minimum ROW from centerline to property boundary.
3. Show name and classification of proposed street off Richland Woods Lane. Show and dimension ROW and edge of pavement.
4. Existing driveway curb cut at Granny White Pike to be abandoned and closed.

CONDITIONS

1. Show and dimension ROW along Granny White Pike, consistent with the approved major street plan (U2 - 60' ROW). Dedicate 30' minimum ROW from centerline to property boundary.
2. Show name and classification of proposed street off Richland Woods Lane. Show and dimension ROW and edge of pavement.
3. Existing driveway curb cut at Granny White Pike to be abandoned and closed.



Project No.
Project Name
Associated Case
Council District
School District
Requested by

Subdivision 2005S-050G-12
Brentwood Knoll Subdivision
None
31 – Toler
2 – Blue
Dean Baxter & Mark Sarmadi, owners, Roger Harrah, surveyor.

Staff Reviewer
Staff Recommendation

Harris
Approve with conditions and a variance for street offset distance.

APPLICANT REQUEST
Preliminary Plat

Subdivide 5.0 acres into 15 lots at the southeast corner of Mt. Pisgah Road and Bryce Road.

ZONING
RS10 District

RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

This property was recently rezoned by the Metro Council from R20 to RS10 (BL2004-474) in January 2005. The Commission recommended conditional approval in October 2004.

SUBDIVISION DETAILS

The plan proposes 15 single-family lots ranging in size from 10,000 square feet to 16,000 square feet. The access is proposed from Bryce Road on a cul-de-sac less than 750 feet in length.

Sidewalks

Sidewalks are required and proposed along the new street (Brentwood Knoll Court). This would not be considered infill development since the development pattern is emerging and not established in this area. Sidewalks are not required along the lots with frontage on Bryce Road because it is outside of the General Services District and has a Sidewalk Priority Index score less than 20.

Coordinated Access

The Commission recommended conditional approval with the zone change that “with the submittal of any preliminary or final plat on this property, coordinated access may be required to be provided between various parcels shown on an overall development plan for the area prior to development.”



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Variance (Section 2-6.2.1 H)

A cul-de-sac is proposed since there is a cemetery adjacent to the north, and existing residential developments are adjacent to the south and west. Staff supports the cul-de-sac because the existing conditions prevent street connectivity to the adjacent property.

The Subdivision Regulations require a minimum offset of 150 feet for T-Type intersections along local roads. The plat proposes an offset of approximately 100 feet between the proposed road and Campa Circle. Staff recommends approval since Campa Circle is a small cul-de-sac with only 5 lots. The proposed plat is preserving the existing home on the property, which limits the placement opportunities for a new road.

METRO PUBLIC WORKS' RECOMMENDATION TRAFFIC:

1. Approvals are subject to Public Works review and approval of construction plans.
2. Show sidewalks in accordance with the Subdivision Regulations of the Metropolitan Planning Commission, Latest Revision, as required by Planning.
3. At circular turnaround, show and dimension ROW to accommodate curb and gutter, 4' grass area/furnishing zone, and 5' sidewalk per Metro ST-210.
4. Show adequate ROW at southeast corner at Brentwood Knoll Court / Bryce Road intersection to facilitate full turnout of sidewalk on Bryce Road.
5. Brentwood Knoll Court ROW radius of return encroaches on adjacent lot.
6. Show Brentwood Knoll Court street section per Metro ST-251.
7. Dedicate ROW along Mt. Pisgah Road (50' ROW - 25' from centerline).



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CONDITIONS

1. Approvals are subject to Public Works review and approval of construction plans.
2. Revised plans are to be submitted prior to or in conjunction with the final plat showing:
 - a. Note #3 shall be corrected to community number to 470040 instead of 470040C;
 - b. The stormwater detention area outside of Lot No. 4.



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

Subdivision 2005S-046G-06
William Hicks Subdivision
None
35 – Tygard
9 - Warden
Bess O. Hicks, owner, Weatherford & Associates, surveyor.

Staff Reviewer
Staff Recommendation

Fuller
Approve with conditions

APPLICANT REQUEST
Final Plat

This request is to create 3 lots on 15.29 acres, with variances for 2 times the base zoning , a flag lot, and a variance for Lot 1 to exceed the 4:1 ratio, located abutting the south margin of Highway 70 South.

ZONING
R15 district

R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

BELLEVUE
COMMUNITY PLAN POLICY
Retail Concentration

Retail Concentration
Community

RCC policy is intended to accommodate concentrations of community scale retail. Community scale retail includes many forms of retail activity, including most types of retail shops, restaurants, entertainment, and consumer services but at a scale smaller than that of a regional mall.

Residential Low Medium

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.

SUBDIVISION DETAILS

This subdivision proposes 3 lots. There is an existing house to remain for the near future on lot 1 (the rear lot). The property owner is proceeding with subdivision as this time for estate planning purposes and does not wish to develop at this time.



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Staff recommends approval of the requested variances for exceeding the base zoning, the flag lot and for the depth to width ratio exceeding 4:1 on Lot 1. Although the property currently is zoned R15, these lots are expected to redevelop in the future for commercial uses on the front of the property and more intensive residential uses to the rear. The subdivision is being set up so that it could easily transition to a more intensive zoning district, or develop at the current R15 district.

PUBLIC WORKS' RECOMMENDATION

Traffic – No Exceptions Taken

Technical Review – Show and dimension right-of-way along US Highway 70 South at property corners, in accordance with the major street plan.

CONDITIONS

The following revisions are required prior to the recording of the final plat:

1. Approval shall be obtained from Harpeth Valley and a bond shall be posted for the proposed public water and sewer extensions.
2. Show a joint access easement through lot 1 for lots 2 and 3 to gain access to Highway 70 South. Add a note to the plat that this will be the only access from the subdivision to Highway 70 South.
3. Comply with Public Works Recommendation listed above.
4. Mark Lot 1 as a critical lot requiring site plan review, for areas of steep slope, prior to the issuance of a building permit.



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

Subdivision 2005S-039U-07
West End Annex, Resubdivision of lot 90
None
24 - Summers
9 - Warden
Volunteer Surveying, applicant for owner, Charlotte Donahey

Staff Reviewer
Staff Recommendation

Pereira
Approve subdivision, but disapprove sidewalk variance

APPLICANT REQUEST

Final Plat

A request for final plat approval to create 2 lots abutting the south margin of Utah Avenue, approximately 300 feet east of 44th Avenue North, with a variance request for construction of sidewalks (0.36 acres).

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.

SUBDIVISION DETAILS

Lot comparability

Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. A lot comparability waiver can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and size) if the new lots would be consistent with the General Plan. The Planning Commission does not have to grant the waiver if they do not feel it is appropriate.

A lot comparability test was conducted that excluded various lots on the block, including duplex lots and lots smaller than required by zoning. Those lots are required by Section 2-4.7 to be excluded from the comparability analysis. The comparability analysis yielded a minimum lot size of **9,393** square feet and minimum allowable lot frontage of **66.98** feet. Neither proposed lot meets the requirements for lot frontage or area. Lot 1 is proposed for 8,021 square feet with 47.62 feet of frontage, and Lot 2 is proposed for 7,882 square feet with 50.0 feet of frontage.



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Waiver to lot comparability

Staff recommends approval of a lot comparability waiver because the size of the lots are consistent with what is called for by the land use policy. The Residential Medium land use policy in this area is intended for residential development at a density of 4 to 9 dwelling units per acre. This subdivision is consistent with the policy because the subdivision proposes 2 single family units on 0.36 acres, for a density of 5.5 units/acre.

Staff also recommends waiver of the comparability requirements because the proposed lots are, in fact, comparable to other lots in the area. The comparability analysis required in the Subdivision Regulations technically requires the exclusion of lots smaller than the zoning, and duplex/multifamily lots within 300 feet of a proposed subdivision. These proposed lots are located in a portion of Sylvan Park that was created by subdivision in 1908, prior to adoption of the zoning requirement regarding minimum lot sizes. Fourteen out of a total of 29 lots that would ordinarily be included in the comparability analysis are smaller than 7,500 square feet, so they were excluded from the above calculation (as indicated above).

The technical analysis in this particular setting does not appear to preserve the intent of the lot comparability requirements. Lot comparability analysis is intended to evaluate lots proposed for subdivision on the basis of whether or not the new lots are compatible with the established character of the block. For comparison purposes, staff also conducted a lot comparability analysis that **included** all duplex lots, and lots less than 7,500 square feet within 300 feet of the subdivision. In this second analysis, the proposed lots **passed** the test both for minimum frontage and square footage.

Sidewalk requirement

As this property falls within the Urban Services District, and this proposed subdivision will create a new development right on lot 2, a sidewalk is required along lot 2's frontage of Utah Avenue. At building permit stage, the applicant must be prepared to construct a sidewalk to Metro standard, or pay a financial contribution to the sidewalk network. The applicant has not demonstrated any physical or unique characteristics associated with the property, or shown any particular hardships beyond a mere inconvenience



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that would result from the requirement to construct a sidewalk. Staff recommendation is to deny the request for a variance from sidewalk construction.

PUBLIC WORKS RECOMMENDATIONS

1. No Exception Taken.
2. Prior to recordation, the alley numbered 1192 must be labeled accordingly.