



Project No.

Proposed Amendment to the Bellevue Community Plan: 2003 Update

Associated Cases

None

Council Bill

None

Council Districts

22 (Crafton), 23 Whitson), and 35 (Tygard)

School District

9 – Norris

Requested by

Councilmembers Crafton, Whitson, and Tygard

Staff Reviewer

Wood

Staff Recommendation

Approve

APPLICANT REQUEST

Change the land use policies to add a Special Policy for certain parcels that would permit the development of small offices under certain conditions for approximately 387.11 acres for property located along Tolbert Road, Old Hickory Boulevard, and Highway 70S

Existing Land Use Policies

Residential Low Medium Density (RLM)

RLM policy supports residential development at densities between 2 and 4 housing units per acre. A variety of housing types is appropriate in RLM areas as are secondary uses such as churches and schools.

Residential Medium Density (RM)

RM policy supports residential development at densities between 4 and 9 housing units per acre. A variety of housing types is appropriate in RLM areas as are secondary uses such as churches and schools.

Natural Conservation (NCO)

NCO policy is designed for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development.

Proposed Land Use Policy

Special Policy Language

The special policy language for the properties in question would allow for the development of small offices under certain conditions.

ANALYSIS

Staff has been working with the three District Councilmembers and community representatives for several months on a special policy that would allow small offices to be developed at appropriate sites along the Highway 70S and Old Hickory Boulevard



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(including Tolbert Road) corridors. The Councilmembers have expressed two reasons for pursuing this policy amendment. One is to provide a compatible alternative to additional multifamily development along those corridors. Another is to help diversify Bellevue's economy by adding more daytime workers to the area.

Staff has worked with the community over three community meetings to select appropriate locations for small offices and to develop the Special Policy. Over 100 people participated in the meetings, which were held at the Bellevue Middle School theater. The properties that were selected for the Special Policy were either undeveloped or developed with single family homes and contained some areas of level topography where the offices can be placed.

Staff recommends approval of the following Special Policy for the properties shown on the map that is included with this staff report:

Special Policy 7 applies to certain properties along Tolbert Road, Old Hickory Boulevard, and Highway 70S that are identified on the accompanying map and on a list of properties maintained by the Metropolitan Planning Department. The Special Policy is to allow small offices to be built on these properties under certain conditions. The purposes of this Special Policy are twofold:

To help diversify Bellevue's economy and support its retail sector.

To provide a compatible alternative to additional multifamily development with appropriate design guidance to preserve and enhance the scenic environment that is one of Bellevue's chief assets.

The conditions under which small offices may be built on these properties are:

- *A Planned Unit Development is required*
- *The base zoning district that may be used is Office Neighborhood*



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- *Steep slopes are not to be developed unless the property in question has no areas of level topography, which is true of very few of these parcels*
- *Lighting should be directed away from residences*
- *Signage should be scaled to be compatible with the residential environment that predominates along these corridors. It should be monument signage with ground lighting only*
- *Access to fronting roads shall be strictly limited. New development shall provide cross access easements for interconnectivity among parcels except where cross connections cannot be physically accomplished.*
- *Because of the scenic nature of the Tolbert Road, Highway 70S and Old Hickory Boulevard corridors and the importance of compatibility with residential development in the area, landscaping should exceed the standard requirements of the zoning code in parking areas abutting the streets and areas abutting residential development*
- *For the same reasons as stated in the bullet point above, tree preservation should also significantly exceed the standard requirements of the zoning code, especially along roadways and areas abutting residential development*
- *It is recommended that buildings be constructed of brick and stone*
- *It is recommended that dumpsters be completely screened with brick or stone walls, with wood only to be used for gates and that wherever possible, dumpsters shall not be visible from the street*
- *To the extent feasible, parking areas shall be located to the sides and rears of buildings.*



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

Subdivision 2005S-051G-06
Avondale Park Subdivision
None
35 – Tygard
9 - Warden
Civil Site Design Group, LLC, for Avondale Park Partnership, owner.
Deferred at the May 12, 2005, Commission meeting to allow applicant to resolve second point of access.

Deferral

Staff Reviewer
Staff Recommendation

Leeman
Disapprove

APPLICANT REQUEST
Preliminary Plat

Subdivide approximately 262 acres into 564 single-family lots along the north side of McCrory Lane and the south side of Interstate 40.

(Additional Information added since May 12, 2005, Commission meeting)

At the June 27, 2002, Planning Commission meeting, the Commission recommended disapproval of RS10 zoning, but approval of RS15 zoning for this property. The Commission’s recommendation further stated that “[t]he “council bill should be amended with conditions that roads being accessed are improved to Metropolitan Department of Public Works standards, a traffic impact study is submitted with development if multiple roads are accessed, and an elementary school site is offered for dedication.”

The council bill was not amended to include the conditions stated above.

ZONING
RS15 District

RS15 district, requiring a minimum lot size of 15,000 square feet and intended for single-family dwellings at an overall density of 2.47 dwelling units per acre. The RS15 district would permit a maximum of 647 single-family lots, while 564 are proposed.



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CLUSTER LOT OPTION

The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 size lots (minimum 7,500 sq. ft. lots).

Pursuant to Section 17.12.080 (D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The plan proposes 116 acres of open space (44%), which complies with this provision.

SUBDIVISION DETAILS

Access

The project proposes one main access point via a public road from McCrory Lane, and one secondary emergency access under Interstate 40 to Newsom Station Road. The plan also proposes 222 lots on the north side of the CSX Railroad line that bisects the property. This plan proposes a bridge over the railroad track that will be constructed by the developer.

Staff recommends disapproval of the proposed plan since it does not comply with the adopted Major Street Plan, which calls for a bridge connection over the Harpeth River to Coley Davis Road (Figure 6, page 45). Furthermore, it is not consistent with Priority Four under the Infrastructure Transportation portion of the Bellevue Community Plan, which states: "Pursue connectivity of roads to disperse traffic, decrease congestion" (Page 11). A secondary point of access to this proposed subdivision is needed to reduce traffic congestion on McCrory Lane and to disperse traffic. It is also needed to allow this subdivision to function safely.

Following significant neighborhood discussion during the Subarea Plan Update in 2003, the Planning Commission amended the Long Range Transportation plan calling for the connection of Coley Davis Road over the river at this location. Staff has requested the applicant to revise the plan to provide either a bridge connection or a full-service, secondary access point at another location so all 564 lots have more than one primary point of access. As of the writing of this staff



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School Site Dedication

report, the applicant has not provided this second access point.

The plan also proposes a seven acre school site dedication along the frontage of McCrory Lane at the entrance to this subdivision. The Metro School Board has agreed to the proposed location, but with a requirement for a 10 acre site. Planning staff has received the following requests from the Metro School Board staff:

1. School site increased to 10 acres with drawing showing it.
2. Option to contribute to the School Board the equivalent of the cost of 10 acres, which would be the value (price per acre), paid for the property. Planning staff recommends dedication of a school site but does not recommend the monetary contribution option.

Greenway Easement

The required Greenway/Conservation Easement is provided along the Harpeth River. Metro Greenways is requesting that the proposed trail along the main entrance road be extended to the river and along the Harpeth River on this property.

Variances

Section 2-6.1 (Sidewalks)

The applicant is requesting a variance to the sidewalk provisions of the Subdivision Regulations for the main entrance road into the project. The Regulations require sidewalks along both sides of all new roads, while the plan only proposes one on the west side of the main entrance road. The plan proposes a 6-foot wide meandering trail along the east side of the main entrance road, which leads to the development and possibly to the future greenway along the Harpeth River. Staff supports the proposed variance since adequate pedestrian connectivity is provided.

TRAFFIC PUBLIC WORKS' RECOMMENDATION Traffic Comments

1. Approvals are subject to Public Works approval of construction plans.



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2. Show and dimension right of way along McCrory Lane at property corners. Label and dedicate right of way 30 feet from centerline, [when applicable the following] and amount necessary to accommodate required turn lane(s). Label and show reserve right of way strip 58 feet from centerline to property boundary, consistent with the approved major street plan (S4 - 116' minimum functional ROW).
3. Revise roadway detail: Residential High Density Roadway. Show pavement schedule per Metro ST-253 Residential - Medium Density Collector or High Density Local Street.
4. Show proposed road names and classifications of all proposed streets.
5. Show centerline horizontal curve data for the public streets. Include a minimum of four (4) references.
6. The minimum centerline radius of curved segments shall be in accordance with the AASHTO Manual, current edition.
7. Placement of sidewalks shall be in accordance with the Subdivision Regulations of the Metropolitan Planning Commission, latest revision. Show sidewalk, as required by Planning. Sidewalks to be constructed per Metro ST-210: Sidewalk Construction.
8. Locate asphalt trail outside of right of way.
9. Show and dimension right of way radius at all circular turnarounds. Right of way of all circular turnarounds to accommodate edge of pavement, curb and gutter, 4' grass area / furnishing zone, and 5' sidewalk.
10. Label alley as public or private.
11. Above grade crossings will require Public Works approval of bridge plans. Approvals to include agreement with railroad, and Metro Council approval.



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12. Developer shall construct a collector cross section with median for the main access road. Median shall be redesigned in order to provide appropriate alignment and sight distance if a future traffic signal is installed at the intersection of the access road and McCrory Lane. This cross section shall allow the future installation of northbound left turn lane striping on the access road at the new school access driveway.
13. Dedicate ROW 30 feet from centerline and additional ROW as necessary for required eastbound left turn lane on McCrory lane, (S4) classification.
14. Developer shall construct a 3-lane cross-section with transitions per AASHTO standards, along McCrory lane property frontage and install an eastbound left turn lane with 125 ft of dedicated storage at the intersection with project access road.
15. Developer shall construct 2 exit lanes with 200 feet of storage and transitions per AASHTO design on access road at McCrory lane.
16. Install northbound dedicated left turn lanes with 75ft of storage on Access Rd. at intersections with cross streets.
17. Bridge over railroad shall be designed to provide adequate sight distance and a minimum of two 12 ft wide travel lanes with 6 ft shoulders and sidewalks on each side. Final design to be per the approved construction plans. Bridge design and construction shall be coordinated with the Railroad Company.
18. Traffic circles will be allowed only at street intersections. Road design around landscape islands shall be in accordance with PW standards.
19. It is desirable to provide a secondary access due to the number of lots (564). Developers shall determine the feasibility of an additional access point from McCrory lane along the proposed school site property and intersecting with an internal residential street. If a different secondary access is required by MPC, then additional analysis shall be



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required to study the impacts of the revised traffic distribution and conditions may be modified.

20. Allow cross-access to eastern property in the vicinity of the 1st intersecting road with main access road.
21. Developer shall construct a southbound left turn lane with 150 ft of storage on McCrory at the eastbound interstate ramps by relocating guardrails and widening McCrory Lane.
22. The developer shall construct a northbound left turn with 100 feet of storage on McCrory lane at the I-40 westbound ramp by relocating guardrails and widening McCrory Ln.
23. Developer shall remove vegetation at the Poplar Creek Rd /McCrory lane intersection in order to provide adequate sight distance in coordination with Metro Public Works.
24. Developer shall conduct traffic counts and submit signal warrant analysis after issuance of use and occupancy permits at 50% (282 lots), 75% (423 lots), and 100% (564 lots) of project, or as required by the Metro Traffic Engineer. Upon approval by the Metro Traffic Engineer, Developer shall install a traffic signal at access road and McCrory Lane. Developer shall submit signal plan for approval.
25. Construct standard alley pavement width. The alleys shall satisfy PW standards in order to accommodate refuse trucks. The alley is too close to the road intersection and shall be a minimum of 50 ft from the intersection.
26. Provide adequate access to proposed Greenway and provide area for adequate parking for future Greenway.
27. Clarify continuation of ROW which is being abandoned on sheet C1.02



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CONDITIONS (If Approved)

1. All traffic conditions listed above must be completed or bonded prior to the recording of the first final plat, unless a specific phasing plan is approved by Public Works and the Planning Department.
2. A school site should be offered for dedication that is acceptable to the Metro School Board, prior to or in conjunction with the first final plat.
3. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. If larger turnarounds are necessary to meet Fire Marshal requirements, the total number of lots may be reduced to accommodate these revisions.
5. All alleys must meet Metro Public Works and Fire Marshal standards, and shall provide mid-block access to a public street, in addition to the access points shown.



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

Subdivision 2005S-095G-12
Mt. Pisgah Hills Subdivision

31 – Toler
2 - Blue

Genady Prutianov & Kanneth Chumbley et al, owners,
Walter H. Davidson, surveyor.

Deferral

Deferred at the May 12, 2005, Commission meeting at
the request of the Commission to allow review of
alternate access points.

Staff Reviewer
Staff Recommendation

Harris
Disapprove

APPLICANT REQUEST
Preliminary Plat

This request is to create 5 single-family lots on 2.06 acres at the northern terminus of Bryce Road and on the north side of Mt. Pisgah 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.

SUBDIVISION DETAILS

Five single-family lots are proposed along Mt. Pisgah Road with no future connection to the north and west of the property. The Commission recommended approval of a zone change from AR2a to RS10 in October 2004, with a condition that prior to the approval of a preliminary or final plat, coordinated access may be required to be provided to various properties in the area. This condition was made a part of the council bill and approved in January 2005 by Metro Council.

Coordinated access has not been provided with this plat. Each lot is proposed with separate access and a stub street connection has not been provided to the north and west of the property. The driveways of each lot may cause sight distance problems since it is within the curve of Mt. Pisgah Road. A joint access easement to the rear of the proposed lots is more appropriate to address connectivity and sight distance issues along Mt. Pisgah Road.

The Commission approved a preliminary plat (Brentwood Knoll), which is directly across from this site on February 24, 2005. The same condition regarding coordinated access was a part of the zoning bill, however, coordinated access could not be provided



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May 12, 2005, Commission meeting

since the property is adjacent to a cemetery and already developed properties to the south and east of the proposed subdivision.

At the May 12, 2005, Commission meeting, the Commission recommended that the applicant work with staff to review alternative access points for this subdivision. The applicant has not submitted revised plans. Staff recommends that access be provided with a joint access point between lots 2 and 3 and one running north and south behind lots 3 and 4. Staff also recommends an alternative access point with four proposed lots with a joint access easement for each of the two lots.

Sidewalks

A sidewalk variance has been requested, but is not necessary since the property is located outside of the Urban Services District and is in an area where the Sidewalk Priority Index is less than 20.

PUBLIC WORKS RECOMMENDATION

Approvals are subject to Public Works' approval of construction plans.



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

Subdivision 2005S-125G-10
Richland Woods
None
34 – Williams
8 - Harkey
Jeff Heinze, Littlejohn Engineering and Associates,
J. Mack Cantrell, for Mildred B. Carter, etal, and Mrs.
Henry Carter, owners.
Deferred at the May 12, 2005, Commission meeting
due to lack of approvals from Metro Stormwater, Water
Services, and Public Works.

Deferral

Staff Reviewer
Staff Recommendation

Morgan
*Defer indefinitely until Metro Stormwater Division has
approved final grading plan.*

APPLICANT REQUEST
Final 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



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Water Services/Stormwater

to an existing cemetery. To promote future connectivity, a stub street has been provided to the south of the development.

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.

At the February 24, 2005 meeting, the Planning Commission recommended approval with the condition that the final plat be approved by the Planning Commission, that no grading be permitted prior to final plat approval, and that final plat must be approved by the Planning Commission, not administratively by staff.

The initial grading plan failed to meet Metro requirements and comments were issued to the applicant. Corrections have recently been re-submitted for further review and should be available within the next two weeks.

STAFF RECOMMENDATION

Staff recommends deferral until Metro Stormwater Division has given their final approval of the grading plans.

CONDITIONS (If Approved:)

1. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.



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

Planned Unit Development 2004P-021U-12
President’s Reserve at Brentwood
None
31 – Toler
2 – George Blue
Hawkeye Contractors, LLC
This item was deferred at the request of the applicant at the April 28 and May 12, 2005, Planning Commission meetings.

Staff Reviewer
Staff Recommendation

Swaggart
Approve the revision to the preliminary and final PUD. Staff further recommends that the Commission recommend disapproval to the BZA of the request for a buffer yard variance to allow B-3 buffer yard, but recommend approval of a variance for C-5 buffer yard .

APPLICANT REQUEST
Revise Preliminary and Final PUD

A request to revise the preliminary and for final approval for a portion of a Planned Unit Development district to permit the construction of 12,960 square feet of office space, and 16 residential units, including 80 parking spaces, and a variance from the required buffer yard.

PLAN DETAILS

Applicant proposes to construct 12,960 square feet of office space, which will be distributed among two separate structures, and 16 residential units. Residential units will be distributed among four separate structures. Two of the residential structures will consist of five three bedroom units, while the reaming two residential structures will consist of three single bedroom units each. The plan incorporates 80 parking spaces.

The preliminary PUD was approved for 12,015 square feet of office space and 16 residential units. Because the final plan calls for 12,960 square feet of office space, a revision to the preliminary is required. Also, due to Stormwater issues and Fire Department concerns, the layout of the final varies slightly from the approved preliminary plan, but the change does not conflict with the concept of the approved preliminary plat.

Access

The proposed development is not connected by a through street, but is divided into two individual



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Future Phase

sections. The southwestern section is accessed by Cloverland Road, and the northeastern section is accessed by two points along Old Hickory Boulevard. All streets within the development will be private.

A portion of area along the southeastern corner of the PUD is proposed for future development. It will be accessed by the private drive off of Old Hickory Boulevard. The applicant has agreed to construct a turn around with this phase at the Fire Marshals Request. Development of this area may require approval of an amendment to the PUD if the proposed development exceeds the Council approved preliminary PUD plan by more than 10 percent.

Variance Request
Buffer Yard

The applicant is requesting a variance from a C-3, 20' buffer yard that is required along the northwestern boundary between this PUD and the adjacent R40 zoning district. The applicant proposes to use a B-3, 10' buffer yard.

The applicant's written justification for the request is that buffer requirements for a stream which bisects the property limit development on the site. Furthermore, the applicant states that "the stream is much further west than Metro topo maps originally revealed," which required a different layout than what was on the approved preliminary. Because of the stream's true location, the applicant states that the approved preliminary can not be accomplished because it "won't fit."

Section 17.36.060.G.3 of the Zoning Code stipulates that among other criteria for development standards, PUDs must meet the landscape buffer yard standards of Chapter 17.24.

Section 17.24 establishes buffer yards standards designed to diminish the impact of varying uses and designs between adjacent properties and zoning districts. The PUD is classified with a MUL zoning. The adjacent property to the north is classified as R40. Table 17.24.230 stipulates that a "C" class buffer is required, Staff does not recommend that a variance be granted to this buffer requirement because no hardship has been demonstrated.



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**TRAFFIC
PUBLIC WORKS
RECOMMENDATION**

No Exceptions Taken

**STORMWATER
RECOMMENDATION**

1. Area to pond is not consistent, check numbers and revise as needed.
2. Area near Old Hickory Boulevard needs to be treated.
3. Provide flow summary for existing and proposed conditions.
4. Make sure that the pond is out of buffer areas.
5. Shorten outlet pipe and place the endwall at the edge of the buffer area.
6. Provide pond easement document.

RECOMMENDATION

Planning staff recommends that the request for revision to the preliminary and final PUD be approved, subject to the conditions below, and that the buffer yard variance be recommended to the BZA for disapproval because no true hardship has been demonstrated. While the required stream buffer may limit development, it is not unique to the property, nor does it limit development to a point where a true hardship exists. Although staff does not recommend approval of the current variance request to use a B-3 buffer yard, staff does recommend the use of a C-5 buffer yard, which requires dense landscaping, and masonry wall. Using a C-5 buffer yard on this site will require the applicant to obtain a variance from the Board of Zoning Appeals because the Zoning Code allows a C-5 buffer yard only within the Urban Zoning Overlay. Staff recommends approval of a variance to allow the C-5 buffer yard on this site because it is appropriate in the context of the proposed development and the existing development on the adjacent property.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.



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2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.



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

Zone Change 2004Z-020U-14
2004P-007U-14
BL2004-407
14- White
4 - Nevill
Dale & Associates, applicant, John Harwell, owner.

Re-referral from Council

This bill was introduced at Council in 2004, but was deferred. The Council recently considered this item at public hearing on May 3, 2005, and re-referred the bill to the Commission.

Staff Reviewer
Staff Recommendation

Harris
Disapprove

APPLICANT REQUEST

Rezone 0.53 acres from R10 to CS district properties located north of Old Lebanon Pike, on the east side of Benson Road.

Existing Zoning
R10 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 district would permit approximately 25 homes total on this site.

Proposed Zoning
CS district

Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

The land use policy on this property was updated in March 2004, to include two separate policies—RCC and RLM.

Policy (in March 2004)

Retail Concentration Community (RCC)

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.



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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 (in October 2004)

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

Yes. The proposed CS district is not consistent with the current (updated) land use policy. When this zone change and accompanying planned unit development (PUD) were approved by the Commission on March 25, 2004, the proposal was consistent with the Retail Concentration Community (RCC) land use policy that were in place on a majority of the property at the time. The Donelson-Hermitage-Old Hickory Community Plan was updated in October 2004, which revised the policy for this property to RLM for the entire property. **Although there is an accompanying PUD proposed for a parking lot, the proposed use is not consistent with the current land use policy for the property.**

RECENT REZONINGS

None.

PUBLIC WORKS' RECOMMENDATION (From March 25, 2004)

Current Zoning

R10, Peak Adj. Street Traffic (Code 210, single family detached housing)

AM trips = 2 PM trips = 3

Proposed Zoning

CS, Peak Adj. Street Traffic (Code 832, High Turnover (sit-down) Restaurant)

AM trips = 129 PM trips = 151

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.”



Project No.
Project Name
Associated Case
Council Bill
Council District
School Board District
Requested By

Planned Unit Development 2004P-007U-14
Benson Road Parking
2004Z-020U-14
BL2004-208
14 - White
4 - Nevill
Dale & Associates, applicant, John Harwell, owner.

Re-referral from Council

This bill was introduced at Council in 2004, but was deferred. The Council recently considered this item on public hearing in May 2005, and re-referred this back to the Commission.

Staff Reviewer
Staff Recommendation

Harris
Disapprove

APPLICANT REQUEST
Preliminary PUD

Request to adopt a new Preliminary PUD to allow for a parking lot with 67 spaces on 0.53 acres. The property is located north of Old Lebanon Pike, on the east side of Benson Road.

ZONING & LAND USE POLICY
Existing Zoning—R10

This request for preliminary PUD approval is associated with a zone change request to change from R10 to CS.

Donelson-Hermitage-Old Hickory Community Plan
Residential Low Medium (RLM)

The proposed CS zoning district is not consistent with the RLM policy intended for residential development at a density of two to four dwelling units per acre.

PLAN DETAILS

History

The Commission recommended approval of this request in March 2004, with a condition that the applicant provide a buffer yard that exceeds the 10-foot yard required under the Code and a masonry wall. Staff stated: “The masonry wall and extra buffer yard would protect the adjacent established residential neighborhood from potential negative impacts of the proposed CS zoning district. If the applicant does not provide the masonry wall and a larger buffer yard than the minimum required by the Code, then a PUD in this location would not provide any more protections to the



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surrounding neighborhood than what the base zoning already requires.” This is currently a condition in the Council bill.

A revised preliminary PUD plan has been submitted that shows the masonry wall, but does not provide a landscape buffer yard that exceeds the required 10’ buffer yard. The revised plan shows a 12’ wide area with a landscape buffer yard of 10’ and a 6’ masonry wall.

The proposed plan calls for 67 parking spaces that will be used for the car dealership to the south of this property on parcel 17. The proposed parking lot is private with no public access directly to Benson Road from parcel 18; however, a joint access easement is to be recorded between the two properties. An existing home will be removed and the existing wall is to remain.

Landscaping Buffer Variance Request

The applicant is requesting a variance for the reduction of the minimum landscaping buffer requirement, which is 20’ in width (with a mixture of canopy trees, understory trees, and shrubs) to a 10’ landscape buffer yard with a 6’ wooden fence. According to Section 17.24.060 of the Zoning Ordinance, a 6’ wall or permanent opaque fence would also be required since this is a parking lot adjacent to residentially zoned property to the east.

Section 17.24.240 of the Zoning Ordinance states that if a landscape buffer yard exceeds 20% of the total lot area, then the buffer yard may be reduced by fifty percent. Therefore, a variance may not be needed to allow a 10’ buffer for this property because it appears the required 20’ buffer would exceed 20% of the total lot.

Staff Recommendation

Staff recommends disapproval of the PUD since the proposed zoning (CS) and use are not consistent with the updated RLM policy, which is intended for residential development.



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

Zone Change 2005Z-056bT
None.
BL2005-648
Countywide
n/a
Councilmember-at-Large Buck Dozier
Regen
Disapprove

APPLICANT REQUEST

Amend Zoning Code to permit signs with video and/or rapidly changing graphics or text when oriented to a four-lane or controlled access highway.

ANALYSIS

Existing Law

Except in the Commercial Amusement (CA) zoning district, the Zoning Code prohibits signs with copy or graphics that change more frequently than every two seconds. In May 2004 the Council adopted an ordinance to allow such signs in the CA zoning district. Prior to that time, signs with copy or graphics that change more frequently than every two seconds were prohibited throughout Davidson County. This type of sign includes signs with full-motion video.

Proposed Text Change

The proposed amendment would create a new exception to this general prohibition against signs with copy or graphics that change more frequently than every two seconds. It would permit video and/or rapidly changing text and graphics on permitted signs countywide, provided they are oriented to a four-lane or controlled access highway.

The ordinance would amend the Code as follows:

Section 17.32.050

G. Signs with any copy, graphics, or display that change by electronic means, when the copy, graphics, or display does not remain fixed, motionless and nonflashing for a period of two seconds or more, provided that this provision shall not be applicable to any sign **oriented to a four-lane or controlled access highway** ~~located within the CA district.~~

Analysis

Currently, changeable text and graphics on sign faces in most locations within Davidson County must remain static for at least two seconds. Sign copy that changes more rapidly, such as that seen in a video display, is



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Clarification

currently permitted only in the CA district. An ordinance adopted by Council in May 2004 exempted the CA district from this restriction to allow video and other rapidly changing copy for use by the amusement, recreation, lodging, retail, and tourism uses affiliated with the CA district. By expanding this type of sign countywide, signs that display rapidly changing text or graphics would be permitted on any four-lane or controlled-access highway.

The term “highway” is defined in the Metro Code as “every way [street] publicly maintained . . . [and] open to the use of the public for vehicular travel.” Based on this definition, the proposed amendment would allow signs with video and/or rapidly changing text or graphics on any four-lane road in Metro. Currently, these signs are permitted only in the CA district, which is found only along portions of four roads: Briley Parkway, Pennington Bend Road, Music Valley Drive, and McGavock Pike.

With this proposed text amendment, many more roads will be permitted to have these kinds of signs, including:

West End Avenue, Old Hickory Boulevard, Bell Road, Nolensville Pike, Lebanon Pike, Dickerson Pike, 21st Avenue/ Hillsboro Road, Thompson Lane, Charlotte Pike, Clarksville Pike, Antioch Pike, Mt. View Road, Blue Hole Road, Edmondson Pike, Andrew Jackson Parkway, Tulip Grove Road, Shute Lane, Ashland City Highway, Shelby Avenue, Harding Road, and White Bridge Road.

BL2005-633

Another bill addressing allowable signs, BL2005-633 (2005-056aT), is scheduled to be considered by the Metro Council on third reading on June 7. That bill proposes to permit larger signs along controlled-access highways. If both of these bills were adopted, then larger signs with video and rapidly changing text and graphics would be permitted along Briley Parkway, Ellington Parkway, and all controlled access highways.

Staff Recommendation

Disapprove. This text amendment provides signs that are attention-getting because of their method of message display. By permitting these signs to locate countywide, additional distractions will be erected



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along heavily traveled roadways which may present a public safety issue and increase the visual clutter along Nashville's major thoroughfares.

If a bill is approved to allow more signs with video and/or rapidly changing text and graphics, staff recommends that the signs not be permitted along every four-lane highway in Davidson County. Some consideration of factors such as the posted speed limit should be included.



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

Zone Change 2005Z-074T
None.
BL2005-650
Countywide
n/a
Councilmember Mike Jameson
Regen
Approve

APPLICANT REQUEST

Amend Zoning Code to increase the size of accessory buildings permitted to encroach into a required setback, and to increase the maximum permitted size for accessory buildings on lots with less than 40,000 square feet from 600 square feet to 700 square feet for all zoning districts.

ANALYSIS

Existing Law

The Zoning Code under Section 17.12.040.E.1.b currently permits within any zoning district, an accessory building located to the rear of the principal building to encroach into a required side or rear setback, if the building is 600 square feet or less. For lots containing less than 40,000 square feet, the code under Section 17.12.050 specifically limits the size of accessory buildings (typically, self-standing garages) to the greater of (a) one-half the size of the house’s lot coverage, or (b) 600 square feet, but in no case greater than 2,500 square feet in size.

Proposed Text Change

The proposed amendment would increase the size of the accessory building permitted from 600 square feet to 700 square feet, a 16% increase. The amendment would also increase the maximum size of accessory buildings allowed to encroachment into side and rear setbacks from 600 square feet to 700 square feet.

Analysis

While the proposed amendment would apply to accessory buildings in any zoning district, most often, this provision is used for storage buildings or garages that are “accessory” to a residential home. The current 600 square feet is intended to permit a two-car garage.

Increasing the size of accessory buildings will help to accommodate garages and outbuildings with ancillary areas for tools, storage, and hobbies. Ultimately, the



Metro Planning Commission Meeting of 5/26/05

Staff Recommendation

Zoning Code's bulk standards for the respective zoning district will continue to govern the actual size of such buildings (e.g. height, building coverage, setbacks, ISR).

Approve. This text amendment provides property owners with the opportunity for additional space in an accessory building subject to the bulk standards of the Metro Zoning Code.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-076U-12
None
26 - Adkins
7 - Kindall
Adam Alger, CB Richards Ellis, Inc., applicant for
South Central Bell Telephone Company, owner

Staff Reviewer
Staff Recommendation

Pereira
Disapprove

APPLICANT REQUEST

Request to change 2.31 acres from residential multi-family (RM20) to commercial limited (CL) district property located at 326 Travis Drive, on the north side of Welch Road.

Existing Zoning
RM20 zoning:

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

Proposed Zoning
CL zoning:

Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

**CRIEVE HALL/TUSCULUM
COMMUNITY PLAN POLICY**

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.

Policy Conflict

Yes. The proposed CL zoning is not consistent with the Residential Low Medium policy on this site. An existing condominium development surrounds this parcel to the east and north. Travis Drive is the boundary at which a set of residential policies begin, moving eastward. RS10 and R8 zoning currently exist in these areas. As reflected by the adopted land use policy, commercial and other more intensive uses should not cross Travis Drive.



Metro Planning Commission Meeting of 5/26/05

A BellSouth call center currently occupies the site, which is a nonconforming use under the site's existing residential zoning. The call center has not been in operation for several years.

RECENT REZONINGS

None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	2.31	20	46	1153	28	32

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	2.31	0.249	25,055	2752	68	253

Maximum Uses in Proposed Zoning District: RM20

Land Use (ITE Code)	Acres	Density per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo./townhome (230)	2.31	20	46	1153	28	32

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	2.31	0.6	60,374	44,556	4047	3165

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
--				43403	4019	3133



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-077G-12
None
31- Toler
2 - Blue
Anderson, Delk, Epps & Associates, applicant for
Grover R. Dunn, et. ux, owner

Staff Reviewer
Staff Recommendation

Pereira
Approve, with conceptual site plan
Note: The applicant has requested deferral of this item to the July 28, 2005, Commission meeting.

APPLICANT REQUEST

Request to change 3.33 acres from agricultural and residential (AR2a) to mixed use limited (MUL) district property located at 6220 Nolensville Pike, south of Lenox Village Drive, located at 5505 and 5515 Mount View Road, approximately 450 feet east of Baby Ruth Lane.

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.

Proposed Zoning
MUL district:

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

**SOUTHEAST
COMMUNITY PLAN POLICY
Community Center**

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

Policy Conflict

No. The proposed MUL zoning is consistent with the Community Center policy, due to the mixed use



Metro Planning Commission Meeting of 5/26/05

development it allows. Planning staff also required the applicant to submit a conceptual site plan for this site, including several explicit requirements. One requirement is that the property's access off Nolensville Road be directly lined up with the school site across the road. Another requirement is that there be road stub to the adjacent parcels on both sides, to provide consistency with the nearby built pattern (Lenox Village) and land use policy. Finally, the conceptual site plan must live up to the intent of the Community Center policy.

The applicant submitted a conceptual site plan that meets the requirements outlined by Planning Department staff.

RECENT REZONINGS

None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

A TIS is required prior to rezoning.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	3.33	0.5	2	20	2	4

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station w/ Convenience Market (945)	3.33	0.1*	14,505	Na	1127	1398

*adjusted as per use

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
--					1125	1394



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Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	3.33	0.5	2	20	2	4

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
Specialty Retail Center (814)	3.33	1.0	145,059	6244	Na	349

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
--				6224		345

METRO SCHOOL BOARD REPORT

Projected student generation

6 Elementary 4 Middle 2 High

Schools Over/Under Capacity

Students would attend Shayne Elementary School, Oliver Middle School, or Overton High School. Shayne Elementary has been identified as being overcrowded by the Metro School Board. There is capacity within the cluster for all three schools. This information is based upon data from the school board last updated February 3, 2005.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-078G-09
None
19- Wallace
7 - Kindall
William Hostettler, Craighead Development, Inc.,
applicant for Fakir Khan, Sue A. Andrews, and Carter
N. Andrews, Jr. owner/trustee

Staff Reviewer
Staff Recommendation

Pereira
Approve

APPLICANT REQUEST

Request to change 1.72 acres from Industrial General (IG) to Mixed Use Intensive (MUI) district property located at 714, 722, and 726 4th Avenue North, 315 Harrison Street, Criddle Street (unnumbered), 705 and 709 3rd Avenue North.

Existing Zoning
IG district:

Industrial General is intended for a wide range of intensive manufacturing uses.

Proposed Zoning
MUL district:

Mixed Use Intensive is intended for a high intensity mixture of residential, retail, and office uses.

**SUBAREA 9 (DOWNTOWN)
PLAN POLICY**

Mixed Use

MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

*MU Area 3C in Downtown
Community Plan*

The site falls within MU Area 3C in the Downtown Community Plan, which extends from the Cumberland River to 6th Avenue, bounded by Jefferson Street on the north and the railroad on the south. The Downtown Community Plan recommends against the expansion of industrial uses within area 3C, but encourages a pedestrian-oriented environment, including community, cultural, small scale retail and businesses, and residential development.

Policy Conflict

No. The proposed MUI zoning is consistent with the Mixed Use policy, and given that this area is downtown, a more intensive mixed use development pattern is appropriate.



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The applicant was encouraged to solicit the owners of parcels 344, 091, 080, 008, and 009 so that they might be included in the rezoning, but the property owner of 344 did not want to include his parcel, and the owners of 080 and 091 could not be reached. Parcels 008 and 009 currently are in use by a bail bonds company.

RECENT REZONINGS

Parcel 332, across Harrison Street from this property, was approved by the Planning Commission for rezoning from IG to MUI at the January 18, 2004, Commission meeting, and was approved by the Metro Council on 3rd reading for the same rezoning on March 22, 2004.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

A TIS is required prior to rezoning.

Typical Uses in Existing Zoning District: IG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Heavy Industrial (120)	1.72	0.037	2,772	5	2	2

Typical Uses in Proposed Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.72	2.578	193,152	2209	318	296

Maximum Uses in Existing Zoning District: IG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Heavy Industrial (120)	1.72	0.6	44,953	68	23	31

Maximum Uses in Proposed Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.72	5	374,616	3678	540	499

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
--				2204	316	276



Metro Planning Commission Meeting of 5/26/05

METRO SCHOOL BOARD REPORT

Projected student generation

6 Elementary 5 Middle 4 High

Schools Over/Under Capacity

Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. There is capacity within the cluster for all three schools. This information is based upon data from the school board last updated February 3, 2005.



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

Zone Change 2005Z-079G-06
None
35 - Tygard
9 - Warden
84-85-P-06 (Biltmore PUD Amendment)
Ragan Smith Associates, Inc, applicant for Branstetter Family Partners, L.P. and Cecil D. Branstetter, owner.

Staff Reviewer
Staff Recommendation

Pereira
Approve

APPLICANT REQUEST

Request to change 1,050.99 acres from CS, MUL, R10, R80, and OL to SCR (59.69 acres), RM6 (41.3 acres), RS40 (535.3 acres), RM2 (414.7 acres), district properties located at 8101 McCrory Lane, McCrory Lane (unnumbered), and Newsom Station Road (unnumbered).

Existing Zoning
CS district:

Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

MUL district:

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

R10 district:

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.

R80 district:

R80 requires a minimum 80,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of .58 dwelling units per acre including 25% duplex lots.

OL district:

Office Limited is intended for moderate intensity office uses.

Proposed Zoning
SCR district:

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



Metro Planning Commission Meeting of 5/26/05

RM6 district:

RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre.

RS40 district:

RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

RM2 district:

RM2 is intended for single-family, duplex, and multi-family dwellings at a density of 2 dwelling units per acre.

BELLEVUE COMMUNITY PLAN POLICY

Natural Conservation

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses. *Natural Conservation policy applies to the majority of the existing R80 zoning, approved in the existing Biltmore PUD for detached single family homes and townhome development.*

Commercial Mixed Concentration

CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics. *Commercial Mixed Concentration policy applies to the existing MUL, CS and OL zoning, approved in the existing Biltmore PUD for office, intensive commercial and lighter commercial/mixed use developments.*

Residential Medium

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 Medium policy applies to the existing R10 zoning, approved in the existing Biltmore PUD for town home and apartment development.*



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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. *Residential Low Medium policy applies to a narrow stretch of parcel 26 and 29, which is approved in the existing Biltmore PUD for detached single family homes.*

Policy Conflict

The proposed RS40 and RM2 zoning is not consistent with the Natural Conservation policy that applies to a majority of this site, but the proposed Shopping Center Regional zoning is consistent with the CMC policy that applies to the portion of this site near McCrory Lane. It should be noted that a vast majority of the area proposed for RS40 and RM2 zoning currently have R80, R10, OL, and MUL zoning and are part of the currently approved Biltmore PUD, which allows residential, office, commercial, and mixed use development at a higher intensity than what is called for by the Natural Conservation policy. The proposed zone change is more consistent with the development pattern of the existing approved Biltmore PUD.

The zone change is necessary for a large portion of this site due to the requested associated PUD amendment. Under the Zoning Code any PUD amendment, which requires Council approval, must also be accompanied with a change to the base zoning to meet the current Code requirements. Portions of the new PUD plan are similar to the previously approved PUD plan, but because the PUD is being amended, a zone change is required.

RECENT REZONINGS

None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

A TIS is required prior to development. Also, a TIS has been provided with the associated PUD.



Metro Planning Commission Meeting of 5/26/05

Typical Uses in Existing Zoning District: CS, MUL, R10, R80 and OL (Existing PUD)

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Commercial (820)	1,150.92	--	1,805,800	44,356	889	4230

Typical Uses in Existing Zoning District: CS, MUL, R10, R80 and OL (Existing PUD)

Land Use (ITE Code)	Acres	Density	Total Residential Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential (210)	1,150.92	--	1,451	12,088	1025	1188

Typical Uses in Proposed Zoning District: SCR, RM6, RS40 and RM2 (Proposed PUD)

Land Use (ITE Code)	Acres	Density	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1,150.92	--	441	4065	318	408

Typical Uses in Proposed Zoning District: SCR, RM6, RS40 and RM2 (Proposed PUD)

Land Use (ITE Code)	Acres	Density	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	1,150.92	--	576	2808	209	250

Typical Uses in Proposed Zoning District: SCR, RM6, RS40 and RM2 (Proposed PUD)

Land Use (ITE Code)	Acres	Density	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Apartments (220)	1,150.92	--	380	2459	192	229

Typical Uses in Proposed Zoning District: SCR, RM6, RS40 and RM2 (Proposed PUD)

Land Use (ITE Code)	Acres	Density	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Commercial (retail, restaurant, office) (820)	1,150.92	--	900,000	28,283	584	2671

METRO SCHOOL BOARD REPORT

Projected student generation

105 Elementary 72 Middle 71 High

Schools Over/Under Capacity

Students would attend Harpeth Valley Elementary School, Bellevue Middle School, or Hillwood High School. Harpeth Valley Elementary and Bellevue Middle School have been identified as having capacity within the school cluster by the Metro School Board. Hillwood High School is considered full, but not overcrowded by the Metro School Board. This



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School Site Dedication

information is based upon data from the school board last updated February 3, 2005.

Due to the potential impact of this development on the public school system, Planning Commission policy requires the applicant to offer for dedication a school site in compliance with the standards of Section 17.16.040 for middle schools with a capacity of 800 students.

This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Hillwood High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.



Project No.
Project Name

Planned Unit Development 84-85-P-06
Biltmore PUD Amendment

Council Bill
Council District
School District
Associated Case
Requested By

None
35 – Tygard
9 - Warden
2005Z-079G-06
Ragan Smith Associates, applicant for Branstetter Partners, LP, and Cecil D. Branstetter, Willis Farris, Mary Jetton and Mark Levan, owners.

Staff Reviewer
Staff Recommendation

Pereira
Approve with conditions, including that the applicant may be required to revise the preliminary PUD prior to final PUD approval to minimize stream disturbances, regardless of TDEC/Stormwater Appeals' approvals. To avoid such stream disturbances, the lot layout may need to be changed and lot number and/or lot sizes reduced.

APPLICANT REQUEST
Amend PUD

Request to amend a portion of the existing Commercial and Residential Planned Unit Development on 1151.53 acres located at McCrory Lane (unnumbered), Newsom Station Road (unnumbered), 8101, 8161, 8171 McCrory Lane, to add 180.58 acres to the PUD, and to permit 441 single-family lots, 576 townhomes, 380 apartments, and 900,000 square feet of retail, restaurant, office, and hotel uses, replacing 380 single-family lots, 110 duplex lots, 800 apartments, and 1,851,100 square feet of retail, restaurant, office, and hotel uses.

PLAN DETAILS
Site Design

The amended plan proposes 900,000 square feet of retail, office, hotel, and multifamily uses along McCrory Lane, just southeast of its intersection with Interstate 40 in Bellevue. The original PUD plan was approved for 1,805,800 square feet of commercial uses, so this represents a 905,800 square foot reduction in commercial uses. The proposed plan replaces 800 apartments with 380 apartments and 576 townhomes. The plan increases the number of single family lots from 380 to 441. Finally, the plan eliminates 110 duplex lots that were included in the original PUD plan.



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The townhomes are proposed along one public road with private cul-de-sac extensions just beyond a small office/retail area to the south of McCrory Lane, and additional townhomes are planned further east along a private drive, past the detached single-family area of the PUD. There are also apartments proposed to the east of the office/retail area. A total of 441 single-family lots are planned to the south of the first set of townhomes. This single-family area includes a new addition to the PUD of 180.58 acres, on the south side of the PUD.

Access

The largest retail use to the north of McCrory Lane has three access points (drives), and the hotel, restaurant, retail and multifamily uses to the north of McCrory have two access points (drives). To the south of McCrory Lane, there are a total of four access points, two of which are public right-of-way, one of which is a private drive that accesses a multifamily residential use, and one of which is a private drive that accesses a townhome area. The first public road along McCrory Lane coming from I-40 accesses the retail/office uses within a MUL zone district, and includes a roundabout.

Access to townhomes

After accessing the retail/office use area off of McCrory Lane, this first public road proceeds south to a town home area, and includes several private cul-de-sacs of townhomes. On all townhomes that directly access this *public* road, a consolidated parking area will be provided for each group of homes to limit the number of curb cuts, and comply with the Metro Zoning Ordinance distance requirements between driveways. On townhome units that access private cul-de-sacs, combined driveways are required to limit the number of driveway cuts along these roads.

Access to detached single family homes

The same public road that serves to access the townhomes also loops southeast to access the detached single family area, which has lots around 10,000 square feet in size. All cul-de-sacs off of this portion of the public road will be public right-of-way. This public road later goes north to again access McCrory Lane and lines up with the access to the multifamily/hotel/retail uses to the north.



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Temporary turnaround, midblock traffic calming, and cul-de-sac requirements

There are several streets in the single family area that stub to the PUD property limits. These streets are required to be temporary turnarounds, and the applicant has shown this intent on the plans. The Fire Marshal's Office requires a 100 foot diameter turnaround on all cul-de-sacs greater than 150 feet in length. The Planning Department requires that the cul de sacs be platted to allow a fifty foot-diameter landscaped median.

Several cul-de-sacs are proposed for lengths greater than 750 feet. Section 2-6.2.1 G. of the Subdivision Regulations limit the length of dead-end streets to 750 feet. Because of the existing topography on this property and because a preliminary PUD already has been approved for this property, staff recommends that the Commission approve a variance to allow the dead-end streets that exceed 750 feet in length. At the final PUD stage, midblock traffic calming devices may be required for any cul-de-sac longer than 750 feet, which devices shall be planned and coordinated with the Metro Planning Department and Public Works Departments.

Sidewalks

Sidewalks are required on both sides of new streets in new subdivisions that create lots that are 20,000 square feet or less in size. Sidewalks *have* been shown on both sides of the public Right-of-way that serves the detached single family area, and on one side of the street in the townhome area. Sidewalks shall also be shown in the commercial and mixed use areas, as this is consistent with the PUD provisions of the Zoning Code that call for well-planned commercial development. A sidewalk has been shown accordingly on both sides of the property frontage of McCrory Lane, as well as on both sides of the public right-of-way that accesses the retail/office uses on the south side of McCrory Lane.

Landscape buffers

A class "C" perimeter landscape buffer is required along the southern boundary of the PUD, within the proposed RS40 single family area. There are also Code-required landscape buffers between the single family (RS40) and the Mixed Use (MUL) zoning (class "A" buffer), the multifamily (RM2) and the Mixed Use (MUL) zoning (class "A" buffer), and the SCR and the



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Topography

RM6 zoning (class "D" buffer). The applicant *has* indicated the intent to comply with these requirements.

There are hillside / slope constraints associated with this PUD amendment. The applicant is using the cluster lot option to reduce lot sizes below 40,000 square feet in the single family area so as to avoid as much as possible areas of slope that exceed 25%. In addition, the proposed new roads will generally follow the contours of lesser slopes.

Stream disturbance

As indicated by the Metro Stormwater Department, there are many streams on the 1,151.53 acres affected by this project. It appears from the proposed plans that many of these streams will be disturbed and/or relocated. Staff recommends that the Commission's recommendation for this preliminary PUD include a requirement that the applicant attempt to minimize stream disturbances. To avoid such stream disturbances, the lot layout may need to be changed and lot number and/or lot sizes reduced. The preliminary PUD plans may need to be revised prior to final PUD approval.

The recommendation to minimize stream relocations and/or disturbances is independent of whether they are approved by the Tennessee Department of Environment and Conservation or the Stormwater Appeals Board. Section 17.36.050 A. of the Zoning Code requires that approval of a PUD include a finding that the proposed PUD will protect environmentally sensitive areas. "Areas to be protected shall include undisturbed hillsides of twenty percent or greater slopes, nonmanipulated floodway and floodplain areas, problem soils, **streams, creeks and major drains**, designated wetlands, and areas containing protected Cedar Glade plant species." 17.36.050 A. (emphasis added).



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STORMWATER DEPARTMENT RECOMMENDATION:

Approve Except as Noted:

There are many stream disturbances and relocations on which the developer will have to get TDEC and Metro approval. If any disturbance is not granted by TDEC or Metro, a major revision will have to be made.

PUBLIC WORKS' RECOMMENDATION

In accordance with the TIS:

1. In order to determine specific laneage, queuing, signalized locations, and secondary driveway locations, focused TIS reports shall be submitted for the individual tracts prior to any transfer of land in phase 1 or phase 2.

2. All improvements within I-40 or Highway 100 right of way shall be reviewed and approved by the Tennessee Department of Transportation prior to construction. Loop ramp proposal may require an Interchange Modification Study approved by the Federal Highway Administration. Improvements on Highway 100 should be consistent with the APR prepared for the State by Neel-Schaffer.

PHASE 1 DEVELOPMENT CONDITIONS

Phase 1 development includes the following land uses: 114,000 square feet of office uses, 240,750 square feet of retail uses, 213 hotel rooms, 9250 square feet of restaurant uses, 192 apartments, 288 town homes, and 220 single family.

The total trips allowed for phase 1 are 827 a.m. peak hour and 1473 p.m. peak hour. Trips which exceed the above a.m. peak, or p.m. peak trips will trigger the roadway improvements for phase 2.

The following roadway improvements shall be required.



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McCrorry Lane from the I-40 eastbound ramps to the eastern PUD boundary

1. Developer shall re-align and construct McCrorry Lane from the I-40 eastbound ramps to the eastern PUD boundary as a 4 lane arterial with a minimum of 100 ft of right of way with a 27 ft wide median and transition to existing McCrorry Lane lanes at eastern edge of property. Along the eastern portion of McCrorry lane, a section of required right of way is currently not under the control of the developer. The road widening in this location shall be bonded and the road constructed prior to phase 2 development. The construction of 110 residential town homes in section O shall be delayed until the road is widened in this vicinity.
2. The main roadway within section N shall be identified and constructed as a residential collector with 60 ft right of way and 3 lane cross section.
3. McCrorry lane shall be designed with a minimum 45 mph speed limit and shall be constructed to provide adequate sight distance.
4. Roadways containing a median shall be constructed with median cut spacing at least 600 ft. Left turn lanes shall be constructed at all median cuts. Signal locations and specific turn lane design shall be determined with a Focused TIS. Optimum signal spacing will be established at 1250 ft to 1500 ft.
5. Traffic signals shall be installed by the developer at intersections determined by the focused TIS for specific sites upon approval by the Metro Traffic Engineer and Traffic and Parking Commission.

McCrorry Lane at I-40 Westbound Ramps

1. At McCrorry Lane / I-40 Westbound Ramps intersection, Developer shall conduct traffic counts and submit signal warrant analysis after issuance of use and occupancy permits at 50%, 75%, and 100% completion of phase 1 development, or as required by the Metro Traffic Engineer. Upon signal approval by Metro Traffic engineer, developer shall submit signal plans and install a signal at the westbound ramps and McCrorry Lane.



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2. Developer shall Widen McCrory Lane to a 3 lane cross section and install a northbound left turn lane with a minimum of 100 ft of storage on McCrory Lane at the I-40 westbound ramp by relocating guardrails.

McCrory Lane at I-40 Eastbound Ramps

1. Developer shall conduct traffic counts and submit signal warrant analysis at 25%, 50 %, 75% and 100% completion of phase 1 development, or as required by the Metro Traffic Engineer. Upon signal approval by Metro Traffic engineer and Traffic and Parking Commission, the developer shall submit signal plans and install a signal at the relocated eastbound ramps and McCrory Lane.

2. Developer shall relocate the I-40 east bound ramp to the proposed alignment of the relocated McCrory lane. The ramp intersection shall be located a minimum of 300 ft south of the I-40 overpass on McCrory Lane. The east bound off- Ramp shall be constructed with separate left and right turn lanes. The right turn lane shall be channelized and provide free -flow operation by continuing southbound on realigned McCrory Lane.

3. Developer shall widen McCrory Lane to a 3 lane cross-section under the overhead bridge structure between the existing I-40 ramp intersections by relocating guardrails. Southbound dual left turn lanes shall be constructed on McCrory lane at the Eastbound on-ramps with a minimum of 200 ft of storage before tapering to one left turn lane under the I-40 bridge.

4. The eastbound I-40 on-ramp shall be widened to 2 lanes to accommodate the southbound dual left turn lanes on McCrory Lane.

5. Developer shall construct 1 northbound through lane and a separate northbound right turn lane on McCrory Lane at the intersection with the eastbound on ramp.

6. McCrory Lane widening and I-40 ramp reconstruction shall occur in conjunction with the re-alignment and widening of McCrory lane to a 4 lane arterial.



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7. All modifications to the I-40 ramps and McCrory Lane in this vicinity shall be approved by the Tennessee Department of Transportation.

McCrory Lane and Poplar Creek Road

As recommended in the TIS addendum dated 5/17/05,

1. At 75% and 100% completion of phase 1 development, Developer shall conduct traffic counts at McCrory Lane and Poplar Creek Road intersection, and submit signal warrant analysis for signal approval. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.

2. In coordination with signal installation, Developer shall construct left turn lanes on all approaches if adequate right of way is available. Intersection improvements shall provide adequate sight distance.

State Route 100 (HWY 100) at McCrory Lane

1. At Highway 100 / McCrory Lane intersection, Developer shall conduct traffic counts and submit signal warrant analysis at 50%, 75% and 100% completion of phase 1 development for signal approval, or as required by Metro Traffic Engineer. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.

Currently, the Tennessee Department of Transportation has plans to improve this intersection. However, improvements have not been funded. Improvements at Highway 100 shall be coordinated with and approved by the Tennessee Department of Transportation.

PHASE 2 DEVELOPMENT CONDITIONS:

At project completion, it is estimated that the total a.m. peak hour trips will be 1586; p.m. peak hour trips will be 2568. Roadway improvements for Phase 2 development will require right of way acquisition that is not controlled by the developer. Roadway Improvements to the I-40 interchange will need to be coordinated with and approved by the Tennessee Department of Transportation.



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In accordance with the TIS and submitted TIS addendums, the following improvements as identified on a feasibility plan submitted on 5/13/05 shall be constructed for phase 2 development.

McCrary Lane at I-40 Westbound Ramp / Newsome Station Road

1. In order to accommodate westbound off-ramp traffic traveling south on McCrary Lane, a loop off ramp shall be constructed in the northwest corner of the interchange. This lane shall pass under the western span of the I-40 bridge before merging into 2 southbound lanes on McCrary Lane at the relocated intersection of McCrary Lane and I-40 eastbound ramps.
2. The existing westbound on-ramp shall be relocated to the new Newsome Station Road location. Developer shall modify the existing signal at this location to accommodate a 4th leg.
3. Intersection shall be re-designed to accommodate adequate truck turning movements and provide adequate sight distance.
4. Developer shall install a northbound left turn lane with 200 ft of storage on McCrary Lane at the recently relocated Newsome Station Road, in order to permit storage of vehicles entering I-40 westbound.
5. The existing I-40 westbound off-ramp shall be modified in order to permit right turn only at McCrary Lane. Developer shall construct an additional northbound through lane on McCrary Lane between this ramp and Newsome Station Road.
6. Developer shall construct an additional southbound through lane on McCrary Lane from Newsome Station Road to align with the 4 lane cross section of McCrary lane constructed in Phase 1.

Newsome Station Road

1. Developer shall construct an additional left turn lane to permit 1 through / right lane and dual left turn lanes



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with a minimum of 150 ft of storage on Newsome Station Rd at McCrory Lane..

2. Additional right of way shall be reserved for a commercial collector road along the commercial portion of the PUD. A focused TIS shall be submitted to determine roadway laneage requirements, traffic control, and driveway locations for Newsome Station Road along the frontage of this commercial portion of the Biltmore PUD.

McCrory Lane and Poplar Creek Road

As recommended in the TIS addendum dated 5/17/05,

1. If this intersection has not been signalized, prior to phase 2 development, developer shall conduct traffic counts at McCrory Lane and Poplar Creek Road intersection, and submit signal warrant analysis for signal approval. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.

2. In coordination with signal installation, Developer shall construct left turn lanes on all approaches if adequate right of way is available. Intersection improvements shall provide adequate sight distance.

State Route 100 (HWY 100) at McCrory Lane

Currently, the Tennessee Department of Transportation has plans to improve this intersection. However, improvements have not been funded. As discussed in the TIS this intersection will operate with major delays at completion of the phase 2 development without roadway improvements. Therefore, prior to commencing phase 2 development, Phase 1 signalization improvements shall be installed and the following road widening is required.

1. Developer shall construct a 5 lane cross section on Highway 100 for 500 ft with transitions per AASHTO standards on both Highway 100 approaches.

2. Developer shall construct an additional southbound lane with adequate storage length on McCrory Lane at the intersection with Highway 100. Southbound lanes shall be striped for separate left and right turn lanes.



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Public Works Engineering conditions and comments
for the submitted Biltmore PUD Amendment plans
received May 16, 2005:

1. Approvals are subject to Public Works' review and approval of construction plans. Roadways to be designed in accordance with all applicable Public Works' details and specifications.
2. Streets to have sufficient radii to allow SU-30 vehicle to maneuver w/ cars parked on one side. Some short loop streets appear inadequate for SU-30 design vehicle movements.
3. Show and identify existing contour intervals.
4. It appears that extensive grading will be required to meet maximum allowable grades.
5. No private street shall be constructed which will permit access or connection between two (2) public streets. Eliminate connection of public residential street to private multi-family street located at TVA lines.
6. Provide a minimum of two outlets to McCrory Lane from single family residential.
7. Several dead-end streets exceed 750 feet, with some 1,500 - 1,600 feet.
8. Show Residential Collector ST-253. Section required on all residential streets exceeding 3,600 ADT.
9. Label streets on overall plan by name or letter designation, and proposed street cross section, especially sheet 1A. Additional comments may be forthcoming after proposed street cross sections are identified.
10. Retaining walls must be located outside the right of way at a distance to not impact the roadway if wall failure occurs.



Metro Planning Commission Meeting of 5/26/05

CONDITIONS (if approved):

1. The PUD plans shall show a class "C" perimeter landscape buffer along the southern boundary of the PUD, within the proposed RS40 single family area. The PUD plans shall show the required landscape buffers between the single family (RS40) and the Mixed Use (MUL) zoning (class "A" buffer), or the multifamily (RM2) and the Mixed Use (MUL) zoning (class "A" buffer "A"), and the SCR and the RM6 zoning (class "D" buffer).
2. Single family lots that abut the southern perimeter of the PUD must meet the size requirements of the Metro Zoning Ordinance regarding cluster lots.
3. All critical lots shall be noted on the plans as per the Metro Zoning Ordinance, including the critical lot note. All lots on between 20 and 25% slopes must be designated as critical lots, and lots greater than 25% must be platted as common open space. Though the PUD provisions allow the Planning Commission to authorize the creation of lots ranging up to 25% slope, some lots may be lost if the proposed lot configuration involves substantial grading on slopes of 25% or more.
4. The applicant shall attempt to minimize stream disturbances. The preliminary PUD plans may need to be revised prior to final PUD approval. The proposed lot layout may have to be reworked and lot number and/or lot sizes reduced.
5. Staff recommends that the Commission approve a variance to allow the dead-end streets that exceed 750 feet in length. At the final PUD stage, midblock traffic calming devices may be required for any cul-de-sac longer than 750 feet, which devices shall be planned and coordinated with the Metro Planning Department and Public Works Departments.
6. On the private drives (cul-de-sacs) that serve townhomes, combined driveways shall be used to reduce the amount of curb cuts.



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7. All cul-de-sacs that extend to the PUD district limits shall be labeled as "temporary turnarounds."
8. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter. The number of lots may be *reduced* from the preliminary (amended) PUD plans to comply with this requirement.
9. Fire hydrants should flow at least 1,500 GPMs at 40 psi. Water calculations shall be submitted to the Fire Marshal's Office for approval before the final PUD can be approved.
10. Prior to final PUD approval, the applicant shall offer for dedication the proposed "passive park" as indicated on the plans to the Metro Parks Department. If the park is not accepted by the by the Metro Parks Department, then the preliminary PUD must be revised to remove it
11. Note that to comply with the above Stormwater requirements, it is required for the applicant to put the following notes on the preliminary PUD plans:

"Any intermittent stream or waters of the state, as identified by TDEC, shall have a 25 foot buffer from the top of the bank on each side of the stream bank."

"Buffer disturbance is ONLY permitted by Stormwater Management Committee variance # _____ and ARAP Permit # _____."
12. Prior to final PUD approval, all Public Works' conditions and comments as outlined above must be met.



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13. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
14. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
15. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
16. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.



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

Subdivision 2005S-136U-10
Trimble Terraces
None
34 – Williams
8 – Harkey
John Kohl and Company for William Burns, owner

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove

APPLICANT REQUEST

Final Plat

Request for final approval to subdivide approximately 1.02 acres into two duplex lots at the northeast intersection of Trimble Road and LaVista Drive.

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. Duplexes would be permitted on both lots since this lot was created in 1955.

PLAN DETAILS

Lot Comparability

As proposed the request will create 2 new lots with the following area(s):

- Lot 1: 22,933 Sq. Ft. (0.53 Ac)
- Lot 2: 21,519 Sq. Ft. (0.49 Ac)

The request is for two lots, but because the R20 zoning allows for duplex lots, a total of four units are possible (four units per acre). The policy for the area is Residential Low, which allows up to two dwelling units per acre.

Section 2-4.7 of the Subdivision Regulations requires that new lots in predominantly developed areas be “generally in keeping with the lot frontage and lot size of the existing surrounding lots.” An exception 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 (2-4.7 A.).

Lot comparability analysis for the proposed lots yielded a minimum lot area of 27,987 Sq. Ft. and a minimum required lot frontage of 114 feet. Both lots fail for area, and lot 1 fails for frontage. Because the proposed lots are not consistent with the area’s Residential Low Policy, staff does not recommend that the Commission



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grant an exception to the comparability requirement. No hardship has been demonstrated, so a variance also is not appropriate.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

Identify pedestrian easement along public sidewalk, parallel and adjacent to right-of-way. Minimum easement shall be three feet parallel and adjacent to right-of-way plus the width of sidewalk outside of right-of-way.

STORMWATER CONDITIONS

1. Add Preliminary Note: This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.
2. Add topographic information.

WATER SERVICES CONDITIONS

Sewer and water bonds must be paid.

RECOMMENDATION

Staff recommends that the request be disapproved because neither lot meets comparability, nor is it consistent with the Residential Low policy. If approved it should be approved with all conditions.

Staff also recommends disapproval of this proposed subdivision because the plat is incomplete in several ways. Among other deficiencies, the plat does not include the owner name(s) and address, the required professional seal and signature are not provided, and the applicant failed to provide an letter from Water Services indicating that adequate services are available.

CONDITIONS (if approved)

1. The subdivision number must be included on the plat: 2005S-136U.
2. Identify foot print of the existing structure and identify it as "to remain," or "to be removed".
3. Add parcel number.
4. Show owner(s) name and address
5. Add professional seal, and signature.
6. Provide availability letter from Water Services.



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

Subdivision 2005S-138G-12
Jackson Valley Subdivision
31 – Toler
2 - Blue
GSH Development, LLC, owner/developer, Alley & Associates, surveyor

Staff Reviewer
Staff Recommendation

Harris
Defer until the zone change has been approved by Metro Council.

APPLICANT REQUEST
Preliminary Plat

A request to create 44 single-family lots on 7.7 acres on the east side of Nolensville Road, south of Autumn Oaks Drive.

ZONING
RS5 District (proposed)

RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

The zone change request for this property was before the Metro Council on May 17, 2005, on third reading, and it was deferred for one meeting (June 7, 2005).

The current zoning on this property is AR2a. This subdivision cannot be approved until the proposed zoning to RS5 has been approved by Metro Council.

SUBDIVISION DETAILS

This subdivision proposes 44 single-family lots with sizes ranging from 5,000 to 10,000 square feet. One access drive (Jackson Valley Drive) is proposed from Nolensville Pike with a stub street proposed to the south for future connectivity to the Legg Development PUD that was recently approved.

Turnaround Length Variance

Section 2-6.2.1 of the Subdivision Regulations state that the maximum lengths of streets leading to turnarounds shall be 750 feet. The proposed length of the entire street from Nolensville Pike is 1,295 feet total. The length of the street from the proposed turnaround is 905 feet which exceeds the maximum street length for a turnaround.

Staff recommends approval of the variance. There are steep slopes that prevent a possible connection to the



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north. The applicant is proposing a stub street further south that would provide a future connection.

A midblock traffic calming device is required by Planning Department policy for any cul-de-sac longer than 750 feet, which device shall be planned and coordinated with the Metro Planning Department and Public Works Departments.

A midblock traffic calming device has not been shown on the plan, as required.

A five foot wide sidewalk is proposed on both sides of the new street and stub street.

Ten foot landscape buffer yards (B-3) are proposed around the boundary of the property since the zoning of the property is RS5 adjacent to R20 zoning to the north and AR2a zoning to the south.

Sidewalks

Landscape Buffer Yards

PUBLIC WORKS RECOMMENDATION

1. The centerline of Jackson Valley Drive does not appear to conform to geometric design requirements for a 30 mph design speed. The minimum centerline radius of curved segments shall be in accordance with the Subdivision Regulations of the Metropolitan Planning Commission.
2. Developer shall construct a 3 lane cross section on Nolensville Pike along the property frontage. The center turn lane shall align with the southbound left turn lane which is to be constructed by Autumn Oaks developer.
3. Developer shall construct 2 exit lanes with 50 feet of storage on access road at Nolensville Pike.

CONDITIONS (if approved)

1. All traffic conditions listed above must be completed or bonded prior to final plat approval.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be



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met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must be platted to include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

3. Grading plans must be approved prior to final plat approval.
4. A revised preliminary plan is to be submitted prior to final plat approval showing a traffic calming turn around between the proposed stub street and cul-de-sac.



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

Subdivision 2005S-105G-12
Brentwood Knoll Subdivision
None
31 – Toler
2 – Blue
Dean Baxter & Mark Sarmadi, owners, Roger Harrah, surveyor.

Staff Reviewer
Staff Recommendation

Harris
Approve, but disapprove sidewalk variance.

APPLICANT REQUEST

Final Plat

Final Plat to subdivide 5.0 acres into 15 lots at the southeast corner of Mt. Pisgah Road and Bryce Road.

The applicant is also requesting a sidewalk variance for the sidewalks along the proposed new street (Brentwood Knoll Court).

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 preliminary plat was approved with conditions including an offset T intersection variance from the Commission on February 24, 2005.

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.

Sidewalk Variance

Sidewalks are required along the new street (Brentwood Knoll Court). Sidewalks are not required along the lots with frontage on Bryce Road because the lots are located along an existing road in the General Services District and the area has a Sidewalk Priority Index score less than 20. The Subdivision Regulations do not require sidewalks on infill cul-de-sacs that are less than



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Applicant Request

750 feet in length. This application would not be considered infill development since the development pattern is emerging and not established in this area of Davidson County.

The applicant is requesting that the Commission consider the following for the sidewalk variance on Brentwood Knoll Court:

1. The subdivision should be considered to be an infill development as per the sidewalk regulations in Section 2-6.1 A. 3. of the Subdivision Regulations, which states that "Where all interior lots of an infill development, as defined in section 5-2, are accessed from permanently dead-ended street(s) of no more than 750 feet in length, sidewalks are not required along the dead-end street(s)."

The applicant requests that the Commission allow the extension of the existing sidewalk along Bryce Road to Mt. Pisgah Road in lieu of constructing sidewalks on the cul-de-sac.

2. Could the Commission waive the requirement for sidewalks on the side of the new street with no houses?

The applicant states that the hardship is that this is a small infill development with a 600' cul-de-sac, with lots only on one side of the street for most of its length. Additionally, much of the road way must be cut out to achieve the width necessary for sidewalks. This will require significant additional excavation, reduce the land available for the detention pond, and possibly necessitate a retaining wall.

Public Works Recommendation

Sidewalks are constructible at this site.

Staff Recommendation

Staff recommends disapproval of a sidewalk variance. Infill development is defined as "areas previously subdivided or predominantly developed." The property to the north is zoned AR2a and a request to rezone property to the north to RS10 is currently pending subdivision into 5 lots. This area is not "predominantly



Metro Planning Commission Meeting of 5/26/05

Coordinated Access

developed,” but rather is an area of emerging development. The property to the south is developed, but the majority of the land to the north is not. By providing sidewalks on the new street, the applicant would be providing pedestrian access to Bryce Road, which currently has a sidewalk and leads to the developed area to the south (Holt Woods Subdivision). There is no unique hardship cited as a reason for the sidewalk variance and therefore, no grounds for recommending approval of the variance.

The Commission recommended conditional approval of the zone change from R20 to RS10 with the condition 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.”

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 recommends approval of the cul-de-sac because the existing conditions prevent street connectivity to the adjacent property.



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

Subdivision 2005S-135U-10
Belmont Park Condos Subdivision
None
25 – Shulman
8 - Harkey
Vossland Development, LLC, owner and John Kohl, surveyor.

Staff Reviewer
Staff Recommendation

Fuller
Disapprove

APPLICANT REQUEST

Final Plat

A request to create 2 duplex-lots on 0.90 acres on the east side of Belmont Park Terrace, approximately 200 feet south of Shackelford Road.

ZONING

R10 district

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. Because this lot was created before 1984, both lots are permitted to be duplex if subdivided.

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 test was conducted and both lots pass for lot area. The required lot area was determined to be 15,028 sq. ft., while the required lot frontage is 85 feet. The lots are proposed for 19,636 square feet each. Lot 2 fails comparability for frontage because there is no frontage proposed.

Road Frontage - Section 2-4.2.A

As proposed, lot 2 has no road frontage. The subdivision regulations require each lot to have frontage on a public street. The applicant has requested a variance from to this requirement since lot 2 is proposed to be located behind lot 1 and accessed with a private driveway along the northern side of the property. The applicant has stated that without this variance the property would not be able to be developed. The applicant has not demonstrated a hardship that would require granting the variance.



Metro Planning Commission Meeting of 5/26/05

Surrounding Development

There is not a consistent pattern of development in the area of this request. The abutting property to the south contains 6 condo units on a similar sized property. This development is known as Jamestown Green. In 1984, a plat was approved to create 3 lots with a private access easement since two of the lots did not have road frontage. Duplex units were then built on each lot. The other properties in the area are mostly single-family.

Community Plan Policy

The current Subarea 10 plan recommends that “the prevailing character and densities of these areas be conserved. Any resubdivisions should result in densities close to what exists in the surrounding area” (p.50). The subarea plan also calls for Residential Low policy, which is intended for residential development within a density range of one to two units/homes per acre. The proposed plat would create 4 units per acre, exceeding the policy by 2 to 3 units.

Plan Update

An update is underway for the Green Hills-Midtown Community (Subarea 10) and the plan policy proposed for this area is Residential Low Medium (RLM). It is proposed to be in a special policy area under the following provisions:

1. Development within this area should be limited to one and two-family dwellings.
2. The intensity of future infill should be comparable to that of the recent single family developments.
3. And redevelopment should incorporate design feature that create a quality public realm, especially sidewalks, and cohesive placement and appearance of buildings.

July is the earliest that this update would be before the Planning Commission.

Sidewalks

Sidewalks are required since the property is located within the Urban Services District, and they are shown on the plat.

PUBLIC WORKS RECOMMENDATION

No Exception Taken.



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STORMWATER RECOMMENDATION

The following items need to be revised:

1. For the bearing reference, a locating reference is needed. This may be either a recording number, date or project number.
2. The preliminary note needs to be added, "This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.
3. Add existing contours- at least 5' intervals.

STAFF RECOMMENDATION

The proposed plat is inconsistent with the current land use policy for the area. The proposal also does not qualify for a variance to the lot frontage requirement. It would be possible for staff to recommend approval of the subdivision after the new plan policy is adopted with several conditions:

1. The access drive must be located on the western property line to mirror the Jamestown Green development. The access drive for this development should be consolidated with the private drive for Jamestown Green Court.
2. The setback for lot 1 must be 85 feet to maintain the existing setback pattern of the street.
3. The number of dwelling units must be capped at 3 to meet the RLM policy of 2-4 dwelling units per acre.

Under the current policy, however, staff recommends disapproval of the proposed subdivision.



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

Planned Unit Development 295-84-G-14
Park at Hermitage Apts. (Sign Variance)
None
None
12 - Gotto
4 - Nevill
Rising Creek Signs, applicant for America First
Tennessee REIT, Inc., owner.

Staff Reviewer

Leeman

Staff Recommendation

Approve

APPLICANT REQUEST
PUD Variance

A request for a variance to Section 17.32.080 of the Zoning Ordinance (Sign Ordinance) to permit a six foot tall, 15 square-foot identification sign for the Park at Hermitage Apartments with no setback from Old Hickory Boulevard, where the Zoning Ordinance requires a minimum of a 15 foot setback from the street right-of-way.

PLAN DETAILS

This request is to replace an existing sign along Old Hickory Boulevard at approximately the same location. The sign is proposed to be located at the property line, which is 45 feet back from the existing pavement along Old Hickory Boulevard—a Scenic four lane arterial road (S4). There is a 45 foot right-of-way dedication along Old Hickory Boulevard, as called for by the Major Street Plan. The minimum functional right-of-way for an S4 is 116 feet. There is approximately 100 feet of right-of-way existing. The sign will be located approximately 45 feet from the existing pavement on Old Hickory Boulevard.

Variance Requirements

Since this variance request is within a Planned Unit Development district, the Zoning Ordinance requires the Planning Commission to make a recommendation to the Board of Zoning Appeals (BZA). The BZA will make the final decision regarding the variance request.

History

No signs were identified on the original preliminary PUD plan, or the final PUD plan, approved by the Planning Commission in the 1980's. According to the Codes Department, permits were issued in 1986 for the three existing signs for this PUD. All three existing



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Staff Recommendation

signs are currently located within the public right-of-way.

The applicant proposes to remove the existing signs and to replace them with only one new sign. A bus stop will be added at one the location of one of the current sign locations.

Staff recommends approval of the sign variance for the following reasons:

- Three signs have existed on the property since the 1980's in approximately the same location;
- The property owner received permits for the three existing signs, but they are located within the public right-of-way;
- The proposed sign will not be located within the public right-of-way; and
- The proposed sign would not be visible from the street if it is moved 15 feet from the property line as required by the setback requirements in the Zoning Code.

METRO PUBLIC WORKS' RECOMMENDATION

No Exceptions Taken.



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

Planned Unit Development 2004P-027G-06
Bellevue KFC
BZA Appeal Case #2005-87
22 – Crafton
9 – Warden
Tim Turner, applicant for AJS Associates, owner.

Staff Reviewer
Staff Recommendation

Fuller
Approve

APPLICANT REQUEST
Variance within a PUD

Request for a variance to Section 17.32.070 (Permanent on-premises signs) of the Metro Zoning Code to allow for the construction of a ground sign (8 feet by 9 feet tall) where the leading edge of the sign will be placed 5 feet behind the right-of-way line. The Code requires a minimum setback of 15 feet. The subject site is located along the south side of Highway 70 S, the east side of Hicks Road and the north side of Old Harding Pike.

PROPOSAL DETAILS

PUD Variance

This sign is located within a Planned Unit Development district. The Planning Commission will make a recommendation on the requested variance to the Board of Zoning Appeals (BZA). The BZA will make the final decision on this variance request.

The applicant is proposing one 8-foot long, 9-foot tall, internally illuminated monument sign with brick base on property located within the CL zoning district. The Zoning Code states that the leading edge or face of the sign or any building or other structure to which the sign is attached must be set back from the public right-of-way a minimum of 15 feet.

The final PUD plan approved by the Commission on January 27, 2005, did not show the sign in the proposed location. The applicant has stated they need a variance because of site topography. According to the applicant, the only place the sign will fit and meet the Zoning Code requirements, is blocked visually and would require the sign to be parallel to the street.



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Having reviewed the submitted site plan and application, staff recommends approval of the variance request for the following reason(s):

- The setback is being measured from the reservation of right-of-way, not from the existing right-of-way line;
- The site is uniquely shaped (triangular) for a corner lot, and has limited locations for placement of parking and buildings. The dedication and reservation of right-of-way for three streets has constrained the site further; and
- The only location for the sign that would comply with zoning is blocked visually from the street by topography.

PUBLIC WORKS RECOMMENDATION

A site visit was conducted on May 13, 2005, to evaluate the site distance with the construction of an 8' x 9' monument sign with a 5' requested setback.

The monument sign would be located along U.S. Highway 70S approximately 140 feet east of the U.S. Highway 70S / Hicks Road intersection. The intersection of U.S. Highway 70S and Hicks Road is a controlled signalized intersection. There is no direct access from the KFC site to U.S. Highway 70S.

Sight distance appears unimpaired.