

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

Zone Change 2004Z-116G-06
 2005P-017G-06 Shoppes on the Harpeth PUD
 None
 35 – Tygard
 9 – Warden
 R. Chris Magill Architects, Inc., applicant, for William S. O'Neil, A.W. Duke, Harold E. Cunningham, Eva D. and Herman M. Allen, Raymond F. Pyburn, and E.C. Gossett, owners.

Deferral

This proposal was deferred from the May 12, 2005 MPC meeting because the associated PUD plan was not consistent with the area policy, and a complete TIS and Feasibility Study had not been submitted for review by Public Works.

Staff Reviewer
Staff Recommendation

Swaggart
Defer until the associated PUD plan is either consistent with the Community Plan, or is consistent with the Final PUD plan for the adjacent development to the west, Harpeth Village (2005P-008G-06). If applicant does not wish to defer before either of the above conditions are met, then staff recommends disapproval.

APPLICANT REQUEST

A request to change approximately 10.57 acres, located at 7751, 8042, 8050, and 8100 Highway 100, and 7821, 7749, and 7751 Old Harding Pike from RS40 to CL district.

Existing Zoning
 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.

Proposed Zoning
 CL district

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.

BELLEVUECOMMUNITY PLAN POLICY

On December 9, 2004, the MPC approved a change in the land use policy from Residential Low-Medium Density (RLM) to Community Center (CC) for approximately 25 acres and Residential Medium

Metro Planning Commission Meeting of 7/14/05

Community Center Policy

density (RM) policy for approximately 10 acres for 21 properties between Old Harding Pike and Highway 100.

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

CC areas can contain a wide range of uses and development intensities and a random development pattern is inappropriate in these areas. The specific arrangement and interrelationship of activities by type intended within CC areas overall should be carefully articulated in detailed design plans prepared for these areas. General design principles are as follows:

- Building setbacks are commonly shallow, or non-existent.
- Sidewalks are essential and should be wide in order to ease pedestrian traffic.
- Loading areas are usually “alley-loaded” buildings with off street parking located to the rear and side of buildings, and not in front.
- Many CC areas are similar to the concept of a “Main Street”, and benefit from being located along major transit and automobile routes.
- Civic activities are encouraged at prominent, highly visible locations.
- Development along the interface with adjoining Structure Plan areas should be designed to provide a

Metro Planning Commission Meeting of 7/14/05

Policy Conflict

smooth, and seamless transition from one area to the other.

Yes. As proposed, the associated PUD plan is typical of suburban type development, and does not incorporate any of the design standards associated with the CC policy. Although the proposed uses are consistent with uses that can be found within CC policy that will adequately serve the local area, the design utilizes buildings with deep setbacks, large-area front parking, and an inadequate pedestrian network, which is not in keeping with the “Main Street” concept.

An area in keeping with the “Main Street” concept can consist of number of different elements, but typically they are small geographical areas that easily allow for pedestrian movement between a variety of different uses that adequately serve the local community. These areas are often times the focal point of the community providing not only places of residence, daily commodities and services, but public meeting spaces.

TRAFFIC PUBLIC WORKS’ RECOMMENDATION

A Traffic Impact Study is required prior to rezoning and approval of the associated PUD. The revised TIS was submitted to Public Works on July 1, 2005, and has been reviewed. The conditions are listed in the associated PUD staff report.

Typical Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	10.57	0.93	10	125	17	14

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.57	0.165	75,971	5554	133	524

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
--				5529	116	510

Metro Planning Commission Meeting of 7/14/05

Maximum Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	10.57	0.93	10	125	17	14

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.57	0.60	276,257	13096	288	1225

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				12971	271	1211

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

Planned Unit Development 2005P-017G-06
Shoppes on the Harpeth
 2004Z-116G-06
 35 – Tygard
 9 – Warden
 Chris Magill, applicant for William S. O’Neil, A.W. Duke, Harold E. Cunningham, Eva D. and Herman M. Allen, Raymond F. Pyburn, E.C. Gossett, property owners.

Deferral

This proposal was deferred from the May 12, 2005 MPC meeting to give the applicant time to make various changes to the plan, and to coordinate with applicants of an adjacent development (Harpeth Village) to ensure connectivity, and consistency between the two developments .

Staff Reviewer
Staff Recommendation

Swaggart
Defer until Final PUD plans have been submitted for the adjacent development (Harpeth Village), or disapprove because the proposed PUD is not consistent with the area’s Community Center Policy.

APPLICANT REQUEST
Preliminary PUD

A request for preliminary approval of a Planned Unit Development district located at 7751, 8042, 8050, and 8100 Highway 100, and 7821, 7749, and 7751 Old Harding Pike (10.57 Acres), to permit a 3,000 square feet of bank, 9,300 square feet of restaurant space, 12,000 square feet of office space, and 34,500 square feet of retail space.

PLAN DETAILS

This plan has been revised since it was originally submitted for review. The current plan consists of numerous changes. While the number, size, and location of the retail units remain the same, the revised plan proposes one bank instead of two, and two restaurants instead of three. The revised plan also includes an office building. Although the number of uses has decreased, the square footage of the plan has slightly increased to 58,800 square feet.

The proposal is within a Community Center policy area, and although it should adequately serve local consumer needs, its design and layout is not consistent with area policy guidelines. The design utilizes

Metro Planning Commission Meeting of 7/14/05

Access/Connections

buildings with deep setbacks, large-area front parking, and an inadequate pedestrian network, which is not in keeping with the “Main Street” concept.

An area in keeping with the “Main Street” concept can consist of number of different elements, but typically they are small geographical areas that easily allow for pedestrian movement between a variety of different uses that adequately serve the local community. These areas are often times the focal point of the community providing not only places of residence, daily commodities and services, but public meeting spaces.

Four point of access are proposed. Street connections are proposed along Old Harding Pike, and Highway 100. Driveway connections are proposed to the existing Walgreen’s to the west, and the planned Harpeth Village PUD to the east. The access point along Highway 100 has been relocated from its original location to align with another drive on the opposite side of the highway.

METRO STORMWATER

Approved Except as Noted

No water quantity area visible (however, site may not need detention). Wetland shown on arcview (however, existing contours do not indicate wetlands)

TRAFFIC PUBLIC WORKS’ RECOMMENDATION

A Traffic Impact Study is required prior to rezoning and approval of the associated PUD. The revised TIS was submitted to Public Works on July 1, 2005, and the conditions are as follows:

1. The project roadway improvements shall be coordinated with roadway construction for the Temple Rd TDOT project and the Harpeth Village PUD development. Hwy 100 road improvements shall be approved by TDOT.

Developer shall construct a 3 lane cross section including center turn lane on Hwy 100. These improvements shall connect to the existing lanes at the Old Harding Pk intersection and proposed lanes for the

Metro Planning Commission Meeting of 7/14/05

TDOT/Temple Rd project and the Harpeth Village PUD.

Developer shall construct a 3 lane cross section on Old Harding Pk from Learning Lane to the proposed Harpeth Village PUD access road. The widening shall align with existing laneage at Learning Lane and the proposed road improvements at the Harpeth Village PUD.

In accordance with the TIS,

2 . Developer shall dedicate required ROW for the road improvements and reserve additional ROW in accordance with the major street plan Classification S4 for Hwy 100 and U4 for Old Harding Pk.

3. Developer shall install a westbound left turn lane with a minimum 100 ft of storage on Old Harding Pk at access driveway.

4. Developer shall install an eastbound left turn lane with 100 ft of storage on Hwy 100 at access driveway.

5. Developer shall construct a westbound right turn lane with 100 ft of storage on HWY 100 at access driveway. The transition length shall be per AASHTO standards.

6. The transition on Hwy 100 at the adjacent Walgreens drive shall be modified to be in accordance with AASHTO standards.

7. The access driveway at Old Harding Pk. shall be constructed with 2 exit lanes and 1 entering lane. Adequate sight distance shall be provided and documented at development. The first internal drive intersection shall be a minimum of 50 ft from the Old Harding Rd reserved ROW.

Based on data included in the TIS,

8. The access driveway at Hwy100 shall be aligned opposite the Church driveway. The access driveway shall be constructed with 2 southbound exit lanes with 80ft of storage and 1 northbound entering lane. The first internal driveways shall be a minimum of 50ft from the

Metro Planning Commission Meeting of 7/14/05

reserved HWY 100 ROW. The internal driveways shall be designed to function as right in and right out drives via the use of a median.

9. Cross connection shall be constructed to the adjacent Walgreens and Harpeth Village PUD.

10. Developer shall submit a signal coordination study in order to optimize traffic flow on Old Harding Rd and Hwy 100. This study will be required upon installation of signals at the adjacent Harpeth Village PUD development and completion of 50% of the Shoppes on the Harpeth development.

STORMWATER RECOMMENDATION

Stormwater has approved the Preliminary plan, but notes that the proposal does not indicate any visible water quality area, and wetlands could be located on the property.

RECOMMENDATION

Staff originally recommended deferral of the project until the applicant submitted plans that were coordinated with the adjacent Planned Unit Development (Harpeth Village) to the west, to ensure that the two developments were compatible, and connected. It was also noted in the original staff recommendation that although the proposal was not consistent with Community Center Policy, it was consistent in concept, if not detail, with the adjacent Planned Unit Development to the west that was earlier approved against staff recommendation.

At this time no final PUD plan complying with the Planning Commission conditions of preliminary approval has been submitted for the adjacent Harpeth Village PUD. Although, staff does not anticipate changes to the adjacent development that would make the two plans incompatible, it is difficult for staff to insure their compatibility without deferring this project until final plans have been submitted for Harpeth Village.

Since the revised plans do not comply with the Community Center Policy, and final PUD plans have not been submitted for the adjacent PUD, then staff recommends that either the project be deferred until

Metro Planning Commission Meeting of 7/14/05

final PUD plans have been submitted for the adjacent development, or that it be disapproved because it is not in compliance with the Community Center Policy.

CONDITIONS

(If approved)

1. All traffic and Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
2. Because sidewalks are located along one side of the street only, all sidewalks must be at least 6 ft. in width, with a 4 ft planting strip between the sidewalk and the street.
3. All medians within intersections must provide adequate and safe crossing, as well as, be ADA compliant.
4. All signs shall be monument type signs, not to exceed 5 ft. in height. No free standing sign shall be allowed along Old Harding Pike.
5. Connection with the adjacent properties must be maintained.
6. Although water quality devices are not identified on the preliminary, Stormwater review of the final may determine that some type of water quality device is needed requiring minor or even significant changes. Significant changes that meet certain thresholds specified in Section 17.40.120 of the Metro Zoning Code will require Council approval.
7. 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.
8. 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

Metro Planning Commission Meeting of 7/14/05

development plan approval, a paper and electronic 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.

9. 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.
10. The project roadway improvements shall be coordinated with roadway construction for the Temple Rd TDOT project and the Harpeth Village PUD development. Hwy 100 road improvements shall be approved by TDOT.
11. Developer shall construct a 3 lane cross section including center turn lane on Hwy 100. These improvements shall connect to the existing lanes at the Old Harding Pk intersection and proposed lanes for the TDOT Temple Rd project and the Harpeth Village PUD.
12. Developer shall construct a 3 lane cross section on Old Harding Pk from Learning Lane to the proposed Harpeth Village PUD access road. The widening shall align with existing laneage at Learning Lane and the proposed road improvements at the Harpeth Village PUD.
13. Developer shall dedicate required ROW for the road improvements and reserve additional ROW in accordance with the major street plan Classification S4 for Hwy 100 and U4 for Old Harding Pk.
14. Developer shall install a westbound left turn lane with a minimum 100 ft of storage on Old Harding Pk at access driveway.
15. Developer shall install an eastbound left turn lane with 100 ft of storage on Hwy 100 at access driveway.

Metro Planning Commission Meeting of 7/14/05

16. Developer shall construct a westbound right turn lane with 100 ft of storage on HWY 100 at access driveway. The transition length shall be per AASHTO standards.
17. The transition on Hwy 100 at the adjacent Walgreens drive shall be modified to be in accordance with AASHTO standards.
18. The access driveway at Old Harding Pk. shall be constructed with 2 exit lanes and 1 entering lane. Adequate sight distance shall be provided and documented at development. The first internal drive intersection shall be a minimum of 50 ft from the Old Harding Rd reserved ROW.
19. The access driveway at Hwy100 shall be aligned opposite the Church driveway. The access driveway shall be constructed with 2 southbound exit lanes with 80ft of storage and 1 northbound entering lane. The first internal driveways shall be a minimum of 50ft from the reserved HWY 100 ROW. The internal driveways shall be designed to function as right in and right out drives via the use of a median.
20. Cross connection shall be constructed to the adjacent Walgreens and Harpeth Village PUD.
21. Developer shall submit a signal coordination study in order to optimize traffic flow on Old Harding Rd and Hwy 100. This study will be required upon installation of signals at the adjacent Harpeth Village PUD development and completion of 50% of the Shoppes on the Harpeth development.

Project No.	Zone Change 2005Z-033U-03
Associated Case	2005P-0020U-03
Council Bill	None
Council District	2 - Isabel
School District	1 - Thompson
Requested by	Kevin K. Hemphill, owner.
Staff Reviewer	Fuller
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

A request to change 2.02 acres from residential single-family (RS7.5) to residential multi-family (RM9) district property located at East Nocturne Drive (unnumbered), at the southern terminus of Old Matthews Road.

Existing Zoning
RS7.5 district

RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. This district would currently allow approximately 10 homes on this site.

Proposed Zoning
RM9 district

RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. This district would allow for approximately 18 units on the site.

BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY

Residential Medium (RM)

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

Policy Conflict

No. RM policy is intended for residential development at a density of four to nine homes per acre. The proposed RM9 district is consistent with the RM policy. There are existing apartments to the northeast, and single-family homes have been recently constructed to the north along Old Matthews Road. A large tract of undeveloped land directly to the east is also located in the RM policy and is expected to develop with consistent density in the future. The associated PUD is

Metro Planning Commission Meeting of 7/14/05

proposed for 14 townhomes, which is only 2 more than would be allowed by RM6 zoning. The plan also provides for open space abutting the rears of the existing single family homes located on Ilolo Street.

METRO SCHOOL BOARD REPORT

Projected student generation

3 Elementary 2 Middle 2 High

Schools Over/Under Capacity

Students would attend Joelton Elementary School, Joelton Middle School, or Whites Creek High School. Joelton Middle has been identified as being full, but not overcrowded by the Metro School Board. There is capacity at another middle school within the cluster. This information is based upon data from the school board last updated February 3, 2005.

RECENT REZONINGS

This zone change was acted on by the Planning Commission at the March 10, 2005, meeting. The commission approved RM6 because RM9 was not appropriate without a Planned Unit Development.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

No exceptions taken.

Typical Uses in Existing Zoning District: RS7.5

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)	2.02	4.94	10	124	17	14

Typical Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	2.02	9	18	215	22	23

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+8	91	5	9

<p>Project No. Project Name Associated Case Council Bill Council District School District Requested by</p>	<p>Planned Unit Development 2005P-020U-03 Hemphill PUD 2005Z-033U-03 None 2 - Isabel 1 – Thompson Dale and Associates, applicant for Kevin Hemphill, owner.</p>
<p>Staff Reviewer Staff Recommendation</p>	<p>Fuller <i>Approve with conditions</i></p>

APPLICANT REQUEST

<p>Preliminary PUD</p>	<p>A request for preliminary approval of a residential Planned Unit Development to be located at East Nocturne Drive (unnumbered) on the south side of East Nocturne Drive Road, east of Iloilo Street, to permit the development of 14 townhomes, requested by Dale and Associates, applicant for Kevin Hemphill, owner.</p>
-------------------------------	--

PLAN DETAILS

<p>Site Design</p>	<p>The townhouse units are located along the east side of the property, to provide open space behind the existing single family homes facing Iloilo Street. Staff worked with the applicant to reduce the number of units to create more open space for the residents of this development, to increase the buffer to the adjacent single family homes, and to keep development away from the area of steep slope.</p>
---------------------------	---

STORMWATER

Approve Preliminary PUD.

METRO PUBLIC WORKS' RECOMMENDATION

Following are review comments for Hemphill PUD (2005P-011G-07) received June 2, 2005. Public Works' review comments are as follows:

1. Approvals are subject to Public Works' review and approval of construction plans submitted with their final PUD.
2. Show ST-324 driveway ramp for access from a public street.

Metro Planning Commission Meeting of 7/14/05

3. Document adequate sight distance at project access. Recommended minimum intersection sight distance is 300'. Provide field run profile for further evaluation.

CONDITIONS

1. All Public Works Conditions as listed above.
2. 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.
3. 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 and electronic 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.
4. 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.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. 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.

<p>Project No. Associated Case Council Bill Council District School District Requested by</p>	<p>Zone Change 2005Z-061G-12 2005P-022G-12 Preliminary PUD None 31 – Toler 02 – George Blue Rick Blackburn, for Paul B. Campanis, owner</p>
<p>Staff Reviewer Staff Recommendation</p>	<p>Swaggart <i>Approve with conditions</i></p>

APPLICANT REQUEST

A request to change 5.8 acres from agricultural and residential (AR2a) to residential (RS10) located at 6305 Holt Road.

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
 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.

Southeast Community Plan

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.

Natural Conservation (NCO)

NCO is a category 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. Development should be clustered on the less physically constrained area of a site. In addition, clustering should be used to preserve important features such as viewsheds and stands of mature trees.

Metro Planning Commission Meeting of 7/14/05

Policy Conflict

No. The associated PUD plan proposes to develop a 20-lot subdivision with a density of 3.4 lots per acre. This tract could actually support a total of 23 lots under the RS10 zoning, but the applicant is only providing 20 lots so as to minimize impacts on the adjacent floodplain and floodway of Holt Creek. Staff recommends approval of the zone change since the density and development pattern of the proposed PUD are supported by the RLM policy, and since the entire NCO area is being preserved from development.

RECENT REZONINGS

Yes. The adjacent property to the west was recently recommended for approval by the Planning Commission and approved for a similar type development earlier this year.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

See PUD report (2005P-022G-12)

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	5.8	0.5	3	42	10	5

Typical Uses in Proposed Zoning District: RS10/PUD*

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	5.8	3.70	20*	235	24	25

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+17	193	14	20

METRO SCHOOL BOARD REPORT

Projected student generation

2 Elementary 2 Middle 2 High

Schools Over/Under Capacity

Students would attend Shayne Elementary School, Oliver Middle School, and Overton High School. The

Metro Planning Commission Meeting of 7/14/05

elementary and middle schools have been identified as having capacity by the Metro School Board.

Overton has been identified as being full, but not overcrowded. There are high schools that have capacity in adjacent clusters, including Glencliff, and Hillsboro. This information is based upon data from the school board last updated January 16, 2005.

<p>Project No. Project Name Associated Cases Council District School District Requested By</p>	<p>Planned Unit Development 2005P-022G-12 Rosedown II 2005Z-061G-12 31 – Toler 2 – George Blue Anderson, Delk, Epps and Associates for David M^c Gowen, developer, and Paul B. Campanis, owner.</p>
---	---

<p>Staff Reviewer Staff Recommendation</p>	<p>Swaggart <i>Approve with conditions, including a variance to street frontage.</i></p>
---	---

APPLICANT REQUEST
Preliminary PUD

A request to apply a Residential Planned Unit Development district to 5.8 acres located at 6503 Holt Road, to permit the development of 20 single-family lots.

PLAN DETAILS

The plan proposes 20 single-family lots. Six of the lots will be double frontage lots, with their primary frontage being along a new public street, and secondary frontage along Holt Road. Homes will be oriented towards the new public street. The remaining 14 lots are located in the center portion of the tract and front an Open – Space/Village Green area with a rear, private alley that loops behind the 14 lots providing access. Sidewalks are being provided along Holt Road and along both sides of the new public street. In lieu of a sidewalk being provided along the rear-access alleyway, a meandering sidewalk is provided through the center Open Space/Village Green area.

Access/Connections

Access to Holt Road will be provided through the adjacent development to the west (Rosedown). The proposed public street will be stubbed to the eastern property line to provide a connection for future development.

Environmental

Floodplain associated with Holt Creek is located along the southernmost portion of the tract. This area is located within Natural Conservation land use policy and is proposed to be completely preserved from development. Prior to final PUD approval, a flood study will be required to established floodway, floodway buffer, and 100-year floodplain. The results could impact the projects lot count and/or arrangement.

Metro Planning Commission Meeting of 7/14/05

SUBDIVISION DETAILS

Lot Frontage

Sec. 2-4.2a

The Metro Subdivision Regulations require that each [new] lot shall have frontage on a public street or, where permitted, on a private street to enable vehicular access to be provided.

Staff Analysis

Based on the PUD plan that was submitted, adequate vehicular access is provided via the rear-access alley that is proposed to run behind the lots served from the alley and will have frontage onto a large Open Space / Village Green area. Staff recommends approval of this variance from the Subdivision Regulations.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

1. Approvals are subject to review and approval of construction plans.
2. Locate proposed sidewalks within ROW, and identify curb and gutter, 4 foot furnishing/grass area, and 5 foot sidewalk.
3. Identify ½ of collector section of Holt Road with curb and gutter, and sidewalk.
4. All roadway geometry shall support navigation by SU30 (service and fire) design vehicles.
5. Upgrade private alley. Show Pavement Schedule per Metro ST-251, and section with post curbs as agreed to by Public Works.
6. All roadways must be at least one foot above the 100-year flood plain elevation.
7. Additional ROW dedication and/or reservation may be required along existing street(s) at development.

STORMWATER RECOMMENDATION

Approved Except as Noted. Sufficient for preliminary PUD. Prior to final PUD and plan approval a flood study will be required to establish

Metro Planning Commission Meeting of 7/14/05

floodway, floodway buffer, and 100 yr floodplain.
The result could affect the projects lot arrangement.

CONDITIONS

1. The alley connection located between Rosedown, and Rosedown II must be redesigned to form a “T” intersection.
2. Prior to final PUD approval, a flood study will be required to established floodway, floodway buffer, and 100-year floodplain. The results could impact the projects lot count and/or arrangement.
3. 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.
4. 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.
5. 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.
6. 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 (4) copies of the corrected/revised plans have

Metro Planning Commission Meeting of 7/14/05

been submitted to and approved by staff of the Metropolitan Planning Commission.

7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
8. 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.
9. Approvals are subject to review and approval of construction plans.
10. Locate proposed sidewalks within ROW, and identify curb and gutter, 4 foot furnishing/grass area, and 5 foot sidewalk.
11. Identify ½ of collector section of Holt Road with curb and gutter, and sidewalk.
12. All roadway geometry shall support navigation by SU30 (service and fire) design vehicles.
13. Upgrade private alley. Show Pavement Schedule per Metro ST-251, and section with post curbs as agreed to by Public Works. The alley width will be as specified on the plan (20 feet of pavement).
14. All roadways must be at least one foot above the 100-year flood plain elevation.

Project No.	Zone Change 2005Z-092G-14
Associated Case	None
Council Bill	None
Council District	12 – Gotto
School District	4 – Nevill
Requested by	The Oaks of Lakeview, LLC, owner.
Staff Reviewer	Harris
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

Rezone 1.16 acres from residential single-family and duplex (R10) to commercial services (CS) district at Tulip Grove Road (unnumbered).

Existing 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 including 25% duplex lots.

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.

SUBAREA 14 PLAN POLICY

Community Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Residential Low Medium (RLM)

RLM policy is intended to accommodate residential development within a density range of two to four

Metro Planning Commission Meeting of 7/14/05

Policy Conflict?

dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Yes. The proposed CS district is not consistent with the RLM policy that is intended for residential development at a density of two to four dwelling units per acre. There is a stream that runs through the property that separates two policy areas of RLM and CC. All of the CC policy area is within the floodway and floodplain area of the site and may not be developable. This rezoning would set a precedent and would expand the commercial uses along Tulip Grove Road into a residential neighborhood. If this property were to be rezoned there would not be a natural point to stop the commercial zoning from going farther down Tulip Grove Road.

RECENT REZONINGS

Parcel 082 to the east of the property was approved by the Commission on July 22, 2004, for a rezoning from RS10 to RM6 and also for approval of a preliminary PUD for 90 townhomes and 90 single-family lots.

TRAFFIC: PUBLIC WORKS' RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.16	3.7	4	55	13	6

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.16	0.198	10,005	226	30	90

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				171	17	84

Metro Planning Commission Meeting of 7/14/05

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.16	3.7	4	55	13	6

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	1.16	0.15*	7,579	5594	508	398

*adjusted as per use

Change in Traffic Between Maximum Use in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				5539	495	392

Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-098U-07
 None
 24 - Summers
 9 - Warden
 Loc D. Nguyen, owner

Staff Reviewer
Staff Recommendation

Pereira
Disapprove

APPLICANT REQUEST

Request to change 0.57 acres from residential single-family (RS40) to shopping center neighborhood (SCN) district property located at 6465 Charlotte Pike, at the southeast intersection of Charlotte Pike and Russleo Drive.

Existing Zoning
 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.

Proposed Zoning
 SCN district:

Shopping Center Neighborhood is intended for a limited range of retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

SUBAREA 7 PLAN POLICY

Residential Low (RL)

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

RL Area 3A in Subarea 7 Plan

The overall intent of this RL area is to “conserve the prevailing densities and predominantly single family character of this area.”

Policy Conflict

Yes. The proposed SCN district is inconsistent with the RL policy, due to the retail, office, and consumer service uses that this zoning allows. The SCN district would set a bad precedent for this area by introducing commercial zoning along a major arterial roadway in a predominantly residential area.

RECENT REZONINGS

None.

Metro Planning Commission Meeting of 7/14/05

TRAFFIC PUBLIC WORKS' RECOMMENDATION

A TIS may be required at development.

Typical Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Density	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.57	0.93	1	10	1	2

Typical Uses in Proposed Zoning District: SCN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	0.57	0.128	3,178	721	20	65

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				711	19	63

Maximum Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Density	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.57	0.93	1	10	1	2

Maximum Uses in Proposed Zoning District: SCN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	0.57	1.0	24,829	2698	67	245

Change in Traffic Between Maximum Use in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				2688	66	243

Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-100G-12
 None
 32 - Coleman
 2 - Blue
 Dale & Associates, engineer, for RJ Rentals, owner

Staff Reviewer
Staff Recommendation

Pereira
Approve with the condition that the future platting of this residential property include a road connection to the existing Bison Court, an approved street in the Cane Ridge Subdivision that stubs to the eastern boundary of this parcel.

APPLICANT REQUEST

Request to change 10.0 acres from agricultural and residential (AR2a) to residential single-family (RS10) district property located at Pettus Road (unnumbered), approximately 475 feet south of Blairfield Drive.

Existing Zoning
 AR2a district:

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The existing zoning permits 5 single-family lots or 10 duplex lots.

Proposed 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. The proposed zoning would permit 37 single-family lots.

SOUTHEAST COMMUNITY PLAN POLICY

Residential Low Medium (RLM)

RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict?

No. The proposed residential density as allowed by the RS10 district (3.7 single-family homes per acre) is consistent with the upper end of the density range permitted by RL policy (2-4 homes per acre). In addition, the existing Cane Ridge Farm subdivision

Metro Planning Commission Meeting of 7/14/05

Collector road and site access

borders this parcel to the east, which is also zoned RS10.

On the 1996 Major Street Plan there is a collector road that is proposed to the south and extends northwest across the southwestern edge of this parcel to ultimately connect with Pettus Road. The potential dedication of right-of-way for this proposed collector road will be considered at the platting stage. The platting of this property for a residential subdivision must include a connection into the existing Bison Court, an approved street in the Cane Ridge Farms Subdivision that stubs to the eastern boundary of this parcel.

Infrastructure Deficiency Area

This property is located within an infrastructure deficiency area for transportation and schools identified by the Planning Commission in the Southeast Community Plan. The transportation infrastructure deficiency grid was used to analyze Bison Court at this location. The road scored an "8" because the property's access is to be located off of Bison Court, a new road which meets the criteria as a "good segment of a good road" as it will be built to the required standard. Although there is no direct road frontage for this property, it will connect to Bison Court, of the existing Cane Ridge Farms Subdivision.

A property's road frontage is analyzed to determine that it meets all standards for public streets with respect to:

- pavement width;
- right-of-way width;
- horizontal radii of curves;
- and tangents between reverse curves from intersection to intersection.

The Major Street Plan classifies Bison Court as a local road in this location. When analyzing a road for infrastructure deficiencies, the Major Street Plan is generally used as the guide for determining appropriate pavement and right-of-way width. In analyzing this section of Bison Court for deficiencies, the road would be deemed a "good segment of a good road," scoring an "8," because the pavement width will be in compliance with the requirements of the Major Street Plan. When a road scores less than a total of "6," the Commission

Metro Planning Commission Meeting of 7/14/05

may recommend disapproval due to the roadway infrastructure inadequacy.

The score can be raised if a project is adding segments of a required street connection or collector street as shown on the major street plan of community plan. It is too early to determine whether this eventual residential development will add segments to the required collector road, so no points were attributed to the score. Accordingly, the project receives 8 points total, since it provides no required Major Street Plan connection.

In addition to road infrastructure deficiencies, the Southeast Community Plan notes that “inadequate school facilities in the area are also a problem in the Southeast Community.” Additional analysis of the projected student generation from this rezoning and school capacity in this area is provided below. The school board has programmed for new schools in this area.

METRO SCHOOL BOARD REPORT

Projected student generation

6 Elementary 5 Middle 5 High

Schools Over/Under Capacity

Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. Maxwell Elementary and Antioch Middle Schools have been identified as having capacity by the Metro School Board, but Antioch High School has been identified as being over capacity. Glencliff is an adjacent cluster with capacity. This information is based upon data from the school board last updated Feb. 3, 2005.

RECENT REZONINGS

None in the immediate area, but several in the surrounding area.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

No Exception Taken.

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)	10.00	0.5	5	66	13	8

Metro Planning Commission Meeting of 7/14/05

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	10.00	3.7	37	404	36	45

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
--			+32	338	23	37

Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2005Z-101G-06
 None
 35 - Tygard
 9 - Warden
 Civil Site Design Group, engineer, for William and Robert Travis, owners.

Staff Reviewer
Staff Recommendation

Pereira
Disapprove RS10, but Approve RS20

APPLICANT REQUEST

Request to change 43.70 acres from agricultural and residential (AR2a) to residential single-family (RS10) district a portion of properties located at McCrory Lane (unnumbered), on the east side of McCrory Lane, approximately 800 feet north of Newsom Station Road.

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. The existing zoning permits 22 lots.

Proposed 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. The proposed zoning would permit 162 single-family lots.

Staff Recommendation
 RS20 district:

RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. The RS20 district would permit 81 single-family lots.

**BELLEVUE COMMUNITY
 PLAN POLICY**

Residential Low Medium (RLM)

RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict

Although the proposed residential density as allowed by the RS10 district *is* consistent with the upper end of the

Metro Planning Commission Meeting of 7/14/05

Topography

density range permitted by RLM policy, RS10 zoning is *not* consistent with the RS20-zoned residential PUD immediately to the east of these parcels, to which the applicant has indicated an intent to connect.

The site has some moderately steep slopes around the perimeter of the property (10-20%), and some particularly steep slopes in the middle of the property (20-25% and some areas with over 25% slope). A Planned Unit Development overlay was suggested to the applicant to accompany this rezoning to allow greater flexibility in terms of maintaining a similar density of development, with smaller lot sizes, in exchange for greater protection of the site's steep slopes. The applicant opted not to submit a PUD, or modify his zoning request to RS20. If this property is developed, it should be at the RS20 density range, or with a Planned Unit Development to insure sensitive placement of lots and roads in an area of steep topography.

RECENT REZONINGS

None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

No Exception Taken.

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)	43.70	0.5	22	258	25	28

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	43.70	3.7	162	1636	123	164

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
--			140	1378	98	136

Metro Planning Commission Meeting of 7/14/05

METRO SCHOOL BOARD REPORT

Projected student generation

18 Elementary 13 Middle 12 High

Schools Over/Under Capacity

Students would attend Gower Elementary School, Hill Middle School, or Hillwood High School. Hillwood High School has been identified as being full, but not overcrowded; Whites Creek, Hillsboro, and Pearl-Cohn are adjacent clusters with capacity, as identified by the Metro School Board. This information is based upon data from the school board last updated Feb. 3, 2005.

Project No.	Zone Change 2005Z-103G-06
Council Bill	None
Council District	35 - Tygard
School District	9 - Warden
Requested by	John P. and Jane B. Chaffin, owners
Staff Reviewer	Pereira
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Request to change 5.1 acres from agricultural and residential (AR2a) to residential single-family (RS20) district property located at 8779 McCrory Lane, approximately 520 feet north of Indian Hills Drive.

Existing Zoning
AR2a district:

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The existing zoning would permit 3 lots.

Proposed Zoning
RS20 district:

RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. The proposed zoning would permit 9 single-family lots.

BELLEVUE COMMUNITY PLAN POLICY

Residential Low Medium (RLM)

RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict

No. The proposed RS20 district is consistent with the RLM policy for the site, as well as the RS20 zoning along McCrory to the southeast. On the north side of McCrory Lane is the Indian Hills Planned Unit Development, which is also zoned RS20.

Slopes

There are some particularly severe slopes to the *west* of this parcel, many greater than 25 percent. Conversely, on *this* parcel, slopes are, generally, under 10 percent. There is a small area of contours between 10 and 20

Metro Planning Commission Meeting of 7/14/05

percent on the first half of this site, parallel to McCrory Lane.

RECENT REZONINGS

None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

No Exception Taken.

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)	5.10	0.5	3	42	10	5

Typical Uses in Proposed Zoning District: RS20

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	5.10	1.85	9	114	16	13

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				72	6	8

METRO SCHOOL BOARD REPORT

Projected student generation

1 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Harpeth Valley Elementary School, Bellevue Middle School, or Hillwood High School. The elementary and middle schools have been identified as having capacity by the Metro School Board, but Hillwood High School has been identified as being full (but not overcrowded). The adjacent clusters of Whites Creek, Hillsboro, and Pearl-Cohn have capacity. This information is based upon data from the school board last updated Feb. 3, 2005.

Project No.
Project Name
Council District
School Board District
Requested By
Staff Reviewer
Staff Recommendation

Subdivision 2005S-187G-04
Spring Branch Subdivision
 10 – Ryman
 3 - Garrett
 Glenn Nabors, owner; Batson & Associates, surveyor
 Harris
Disapprove until a letter has been submitted from Metro Stormwater, TDEC, or Corps of Engineers to confirm that there is no sink hole under the proposed Spring Branch Drive. If received prior to the meeting, then the recommendation is to approve with conditions.

APPLICANT REQUEST
Preliminary Plat

A request to subdivide 12.11 acres into 24 lots (19 single-family and 5 duplex lots) at the terminus of Spring Branch Drive, approximately 690 feet north of Twin Hills 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 including 25% duplex lots.

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 R20 (minimum 20,000 sq. ft. lots) to R10 (minimum 10,000 sq. ft. lots). The proposed lots range in size from 10,000 sq. ft. to 20,000 sq.ft. This option is being used to preserve the stream that runs through the property.

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 applicant complies with this requirement by proposing a total of 4 acres (32%) of open space – which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS

Access/Street Connectivity

Access is proposed from Twin Hills Drive and extends from the existing Spring Branch Drive with one stub streets proposed to the west for future development.

Sidewalks

Sidewalks are proposed along each side of the median road as required by the ST-250 Public Works standard

Metro Planning Commission Meeting of 7/14/05

Landscape Buffer Yards

street cross-section. Sidewalks are required on both sides of the two-way section of Spring Branch Drive leading up to the median street.

Landscape buffer yards (C-20') are proposed along the boundary of the property.

STORMWATER'S RECOMMENDATION

1. Refer to the FEMA map as FEMA map, not insurance rate map.
2. Add bearings reference. Note only reference boundary and topo data from Metro.
3. Add the new subdivision number to the plat.
4. Show the stream buffer. Metro GIS indicates greater than 40 acre drainage area.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

1. Planning has identified a sink hole at the proposed Spring Branch Drive. Public Works takes exception to public roadways constructed over sink holes, and the placement of fill material into sink holes. Obtain Metro Stormwater, Tennessee Department of Environment and Conservation, and Corps of Engineers approval for stream relocation, as required.
2. Approvals are subject to Public Works' review and approval of construction plans.

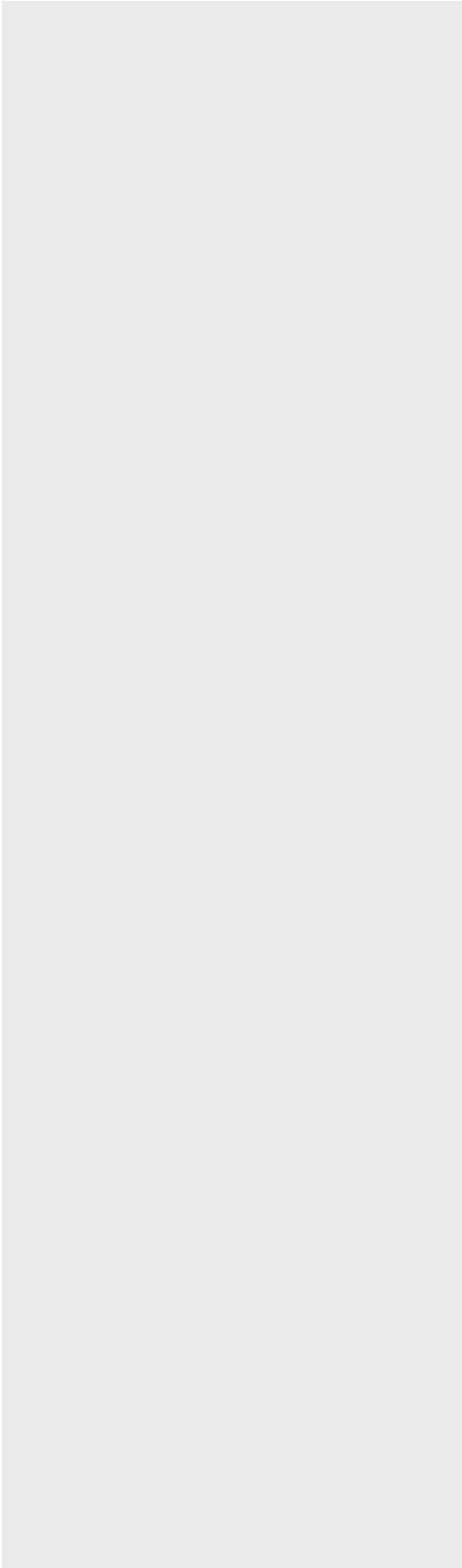
FIRE MARSHAL'S OFFICE RECOMMENDATION

1. Fire hydrants should flow at least 1,000 GPM's @ 40 psi.
2. Fire main shall be at least 8-inch in diameter.

CONDITIONS (If approved)

1. All traffic conditions listed above must be completed, satisfied or bonded prior to final plat approval.

Metro Planning Commission Meeting of 7/14/05

- 
2. 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.
 3. Sidewalks are to be shown on the final plat on both sides of the two-way section of Spring Branch Drive.

Project No.
Project Name

Subdivision 2005S-188G-06
Woodland Forest, Section 4 (Preliminary Plat)

Associated Cases
Council District
School District
Requested By

None
22 – Crafton
9 – Warden
Eagle Crest Partners, owner/developer and Kevin Birdwell of Ragan Smith and Associates.

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove

APPLICANT REQUEST
Preliminary Plat

Request for preliminary plat approval to create nine new lots on 7.34 acres at the eastern terminus of Forest Valley Drive, west of I-40.

Zoning
R15 district

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

SUBDIVISION DETAILS

History

The plan proposes nine new lots that will range in size from 20,710 Sq. Ft. to 43,555 Sq. Ft. The lots will be located along an eastern extension of Forest Valley Drive that will be permanently dead-ended.

The property proposed for subdivision is within a mapped PUD boundary, Woodland Forest (PUD No. 36-86-P). The PUD was approved by Metro Council (Council Bill O86-1297) on August 19, 1986, and included the parcel that is now parcel 151. Subsequently, the Council adopted all of the then-existing maps as the official zoning for Davidson County in 1997, which became effective January 1, 1998.

The PUD was approved for 91 single-family lots, which have been platted or are in the process of being platted. Because the proposed property is within the PUD boundary, it increases the total number of lots over what was approved in the PUD. Therefore, the PUD either needs to be amended or this parcel could be deleted from the PUD.

Metro Planning Commission Meeting of 7/14/05

Zoning Code

Although Section 17.40.040 allows the Planning Commission to make changes to the official zoning map to fix administrative errors that were made while mapping a PUD boundary in GIS, staff does not believe this qualifies as an administrative mapping error. The PUD boundary was mapped correctly based on the information in the Council Bill adopted by the Metro Council.

Sidewalks

Section 2-6.1 stipulates that sidewalks are required on all new streets; however, they are not shown on the plan.

Variance(s)

2-6.2.1.G, (dead-end streets)

Section 2-6.2.1.G stipulates that the maximum length for any dead-end street shall not be over 750 feet. The proposed extension of Forest Valley Drive will be approximately 1,200 feet from the nearest intersection, and will be 4,000 feet from Charlotte Pike. In a letter dated June 21, 2005, the applicant stated that a variance would be requested to allow the extension of Forest Valley Drive; however, no formal request has been submitted at this time.

Staff recommends that a variance to Section 2-6.2.1.G be disapproved because no hardship has been identified.

Staff Recommendation

Staff recommends that the request for preliminary plat be disapproved because the property proposed for subdivision is in a PUD. Furthermore, applicant has not provided any written documentation demonstrating any hardship requiring the dead-ended street to be more than 750 Ft. in length.

METRO STORMWATER

1. Metro GIS shows a stream draining greater than 40 acres either adjacent to or on the property, on the side of the interstate. This drain appears to carry about 150 acres of drainage. Drain buffers begin at 40 acres of drainage. Show and label the stream and the buffer. It is either 25 feet from top of bank or 30 feet from centerline, whichever is greater.
2. The buffer can not be within lot area. It must be within open space.
3. Correct the preliminary note to match the standard wording below on this page. (Change "plat" to "application").

Metro Planning Commission Meeting of 7/14/05

4. Your water quality concept can not be within lot area, but it is currently within lot 12. It must be within open space.

TRAFFIC: PUBLIC WORKS' RECOMMENDATION

Final approval will be based on review and approval of construction plans.

CONDITIONS (If approved)

1. Sidewalks as required by the Subdivision Regulations shall be shown on the final plat.
2. 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.
3. Correct parcel numbers are shown on the final plat.
4. Metro GIS shows a stream draining greater than 40 acres either adjacent to or on the property, on the side of the interstate. This drain appears to carry about 150 acres of drainage. Drain buffers begin at 40 acres of drainage. Show and label the stream and the buffer. It is either 25 feet from top of bank or 30 feet from centerline, whichever is greater.
5. The buffer can not be within lot area. It must be within open space.
6. Correct the preliminary note to match the standard wording below on this page. (Change "plat" to "application").
7. Your water quality concept can not be within lot area, but it is currently within lot 12. It must be within open space.

Project Name
Project No.
Council District
School District
Requested by

Jocelyn Hills, Section 1
98S-351U-07
 23 – Whitson
 9 - Warden
 Allen Cargile, owner/developer and Turner Engineering Company, Surveryor.

Staff Reviewer
Staff Recommendation

Fuller
Require a new application under the current regulations because the previous approval of November 12, 1998, has expired.

APPLICANT REQUEST

A request for final plat approval to create eight lots abutting the northwest side of Clearbrook Drive and the northeast side of Baskin Drive (20.44 acres), classified within the RS40 District.

ISSUE

This final plat for eight lots was approved with conditions by the Planning Commission on November 12, 1998, but was never recorded. The minutes for the meeting list the condition as being a performance bond in the amount of \$110,000 (\$100,000 for water/sewer lines \$10,000 public works/stormwater). The applicant now wants to record the plat.

Subdivision Regulations
 Preliminary Plat Approval

Section 3-3.5, of the Subdivision Regulations in place at the time (adopted March 21, 1991) stated that, “The approval of a preliminary plat shall be effective for a period of two (2) years. Prior to the expiration of the preliminary approval, such plat approval may be extended for one (1) additional year upon request and if the Planning Commission deems such appropriate based upon progress made in developing the subdivision. For the purpose of this section, progress shall mean installation of sufficient streets, water mains, and sewer mains and associated facilities to serve a minimum of ten percent (10%) of the lots proposed within the subdivision. Any subdivision having received preliminary approval, a section or phase of which has received final approval and has been recorded within the period of preliminary approval affectivity, will not be subject to preliminary expiration (see 3-6). Should preliminary approval expire for any reason, any submittal for Planning Commission reapproval shall be subject to current Zoning

Metro Planning Commission Meeting of 7/14/05

Final Plat Approval

Regulations and Subdivision Regulations in force at that time.”

Section 3-4.4 of the Subdivision Regulations in place at the time (adopted March 21, 1991) stated that, “The approval of any final plat given condition approval will expire after 180 days have lapsed if the conditions of approval have not been satisfied.”

Vesting

Section 3-4.5 of the Subdivision Regulations in place at the time state that vesting of development rights do not accrue until the actual signing of the final plat by the Secretary of the Planning Commission and the recording in the Register’s Office of Davidson County.

Water Services

A bond for \$100,000 was required. In a letter dated May 3, 1999, Don Mason of Metro Water wrote a letter to the Planning Department stating that the sewer lines were constructed. In recent discussions, he has communicated that the water lines are currently constructed, as well. However, Water Services has stated that if the applicant intends to record the lots then they will need a new submittal and a request for availability of water and sewer services.

Public Works/Stormwater

A bond for \$10,000 was required. Public Works and Stormwater do not have a record of approving any plans for this project, or for conducting any inspections. The preliminary plat approval required that a detention basin be installed. The lots all have frontage on either Baskin Drive or Clearbrook Drive but will share a private drive for access because of severe topography. However, no bond is required for a private drive as long as there is frontage on a public street.

APPLICANT POSITION

The applicant contends that the infrastructure improvements were substantially completed at the time the plat was approved, so the bonds were waived. They feel that since the bonds were waived, the conditions were met within the allowed time frame (6 months) and it was their understanding they could record the plat at anytime in the future.

The applicant requests that the Planning Commission consider their application “grandfathered” under

Metro Planning Commission Meeting of 7/14/05

Section 1-8 of the Subdivision Regulations:

“The approval granted on any preliminary plat prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which the approval was first granted except subdivisions in which substantial work, as defined in 3-5.5 has been completed as authorized by a preliminary plat approval on or before the effective date of these regulations, shall not be subject to the more restrictive time limitations of approval established in previous Subdivision Regulations.”

STAFF RECOMMENDATION

Section 1-8 of the Subdivision Regulations is inapplicable to this plat because this plat was not approved “prior to the effective date of the regulations”. The effective date of the subdivision regulations was 1991, and this plat was approved in 1997.

Section 3-4.4 of the Subdivision Regulations states that, “The approval of any final plat given condition approval will expire after 180 days have lapsed if the conditions of approval have not been satisfied.” The applicant’s final plat was given approval with the condition that a performance bond of \$110,000 be posted. This bond was never posted, so the condition of approval was not satisfied, therefore the final plat approval has expired.

Additionally, preliminary plat approval expires after two years, unless a) one year extension is granted) or b) a section of this subdivision has final approval and has been recorded. In this situation, no extension was granted and no section has final approval and has been recorded. Therefore, the preliminary plat approval has also expired.

Staff recommends that a new application under the current subdivision regulations be filed because both the preliminary and final plat approval have expired.

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

Subdivision 2005S-183G-04
Rock of Ages Subdivision
 None
 04 – Craddock
 03 – Garrett
 Steven D. Delle, surveyor, for Rock of Ages,
 Evangelical Lutheran Church, owner.

Staff Reviewer
Staff Recommendation

Swaggart
*Approve with conditions, including an exception to the
 Lot Comparability standards*

APPLICANT REQUEST
Final Plat

**Request for final plat approval to split
 approximately 3.24 acres into two separate lots,
 located along the west side of Campbell Road, at
 Woods Lake Drive.**

Zoning
 RS20 district

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

SUBDIVISION DETAILS

Lot Comparability

As proposed the request will create two new lots along
 the west side of East Campbell Road with the following
 area(s), and street frontage(s):

- Lot 1: 114,947 Sq. Ft., and 491 Ft. of frontage,
- Lot 2: 26,216 Sq. Ft., and 179 Ft. of frontage.

Section 2-4.7 of the Subdivision Regulations stipulates
 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. 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.

The lot comparability analysis yielded a minimum lot
 area of 29,874 Sq. Ft. and a minimum allowable lot
 frontage of 150 linear feet. Lot 1 passes for area and
 frontage, and lot 2 passes for frontage, but fails for area.

The policy for the area is Residential Low, and is
 designed for low density development of one to two
 dwelling units per acre.

Metro Planning Commission Meeting of 7/14/05

Staff recommends that an exception be granted, because the request is consistent with the Residential Low Policy, and, although the area for lot 2, fails the Lot Comparability Analysis, the lot is not significantly smaller than lots within the area. Also, the lot is currently developed with a church and a house, and the proposal will separate the two different uses.

**TRAFFIC
PUBLIC WORKS'
RECOMMENDATION**

No Exceptions Taken

CONDITIONS

The following conditions must be addressed prior to plat recordation:

1. Drain to the south is a blue line and also carries >40 acres of drainage area. A buffer that is 25 feet from top of bank or 30 feet from centerline, whichever is greater, is required, and any portion of this buffer that falls on the platted property must be identified.
2. Identify any portion of the drainage easement for the ditch to the south that falls on the platted property.
3. Change the roadside PUE to a PUDE, in order to cover the roadside ditch with a drainage easement.
4. Correct parcel numbers must be identified.



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

Subdivision 2005S-185U-05
Cumberland Meadows
7 - Cole
5 - Hunt
B.I.G. Development, owner/developer, Dale & Associates, surveyor.

Staff Reviewer
Staff Recommendation

Fuller
Approve off-site sidewalk construction of approximately 520 feet on one side of Beth Drive in-lieu of 230 feet of sidewalk on the Eastland Avenue property frontage.

APPLICANT REQUEST
Final Plat

A request for final plat approval with a variance request for a sidewalk required along three lots located on the east side of Eastland Avenue, approximately 435 feet south of Tiffany Drive (0.95 acres).

SIDEWALK VARIANCE

The applicant has requested a sidewalk variance for the frontage of the 3 lots previously recorded lots located on Eastland Avenue. Since the applicant has begun the project they have found the sidewalk difficult to construct, however, there is no unique condition on this property causing a hardship as is required for approval of a sidewalk variance. Instead, the applicant wishes to construct an approximately 520 foot section of sidewalk along one side of the existing section of Beth Drive to the intersection with Dixon Drive. Phase 2 of Cumberland Meadows continues Beth Drive and the applicant's proposal will make a continuous sidewalk for the entire length of Beth Drive.

Applicant Request

The applicant has stated the existing topography along Eastland Avenue is a hardship because there is a four to six foot drop from the edge of the pavement to where the back of the sidewalk would be located. They also note excessive fill material will be required to place the sidewalk and would have to be brought in from elsewhere. They contend that the road was not designed for a sidewalk so slopes that would be created from sidewalk construction are unnatural and drainage from the road would not be easily managed. Two large trees would be removed because of the sidewalk construction.



Metro Planning Commission Meeting of 7/14/05

Sidewalk Constructability

The physical terrain of the subject property is sloping from the western property boundary to the east / northeast. An existing 24-inch diameter tree is located approximately 13.5 feet from edge of pavement at Lot 1. A tree line is located along the approximate northern boundary line of Lot 3, adjacent to Parcel 71. Water meter and box may need to be relocated with sidewalk construction. Fill slope will be required for sidewalk construction. If the existing 2-inch tree remains, approximately 3 feet of fill would be required at tree base. Sidewalk connectivity may be difficult for adjacent parcel to the north (Parcel 71) due to existing ground slope from roadway.

Staff Recommendation

Staff recommends approval of the applicant's request to construct an off-site sidewalk on Beth Drive in-lieu of the required sidewalk on Eastland Avenue. The proposal will place sidewalks along the entire length of Beth Drive.



Project No.

Subdivision 2005S-193G-10

Project Name

Critical Lot 2005C-078

Council District

High Ridge Subdivision, Phase 2

School Board District

34 - Williams

Requested By

8 - Harkey

George Telfer/ Telfer Investments, owner, and Alley & Associates, surveyor.

Staff Reviewer

Thompson

Staff Recommendation

Disapprove driveway slope of 16%. Recommend conditional approval of driveway slope of 12% or less, with submission of stamped plan and/or letter from a licensed geotechnical engineer.

APPLICANT REQUEST

Critical Lot Plan

A request for a variance from Appendix C of the Metro Subdivision Regulations to create a driveway slope greater than 10% on a critical lot, located at the east terminus of Camelot Road, approximately 2,500 feet east of Granny White Pike.

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 1.09 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS

Critical Lot Plan

This property is identified as a critical lot on the final subdivision plat of High Ridge, Phase 2, 2000S-336G-10, approved subject to the posting of a bond on 10/26/00 by the Metro Planning Commission.

Metro Subdivision Regulations

Per the Metro Subdivision Regulations, Appendix C, a critical lot plan shall demonstrate the intent to minimize the lot area subject to grading, the cut/fill required to prepare the lot for construction, and the effectiveness of the plan to preserve the natural features of the lot. A critical lot plan shall also include the specified and illustrated methods of stabilization of slopes greater than 33% and methods of managing storm water runoff.

Retaining Walls

The average slope of the lot is approximately 45%. The critical lot plan submitted shows three retaining walls to maintain stabilization of the building site. Two of the walls are located to the rear of the proposed building site, and one wall is located on the east side of



Metro Planning Commission Meeting of 7/14/05

Driveway Slope

Planning Staff Recommendation

the proposed driveway. Per the critical lot plan, the certification of a geotechnical engineer is advised to evaluate the site and verify the adequacy of the retaining walls shown.

A geotechnical study cannot be conducted until the site is excavated and the soil types documented. Staff recommends that any Planning Commission approval be contingent upon submission of a letter and/or stamped plan, upon excavation of the site, from a geotechnical engineer certifying the adequacy of the retaining walls.

Per Appendix C of the Metro Subdivision Regulations, driveway slopes on critical lots should be designated at a 10% grade or less. The applicant is proposing a driveway slope up to 16.7% grade, with an approximate average grade of 14.7%. A driveway grade of a 10% slope is intended to allow for a transition between the street grade and the driveway grade to allow a vehicle to travel without bottoming out, and to avoid safety issues getting from the street to the home.

The Metro Subdivision Regulations, Appendix C state that prior to application for a building permit on a lot designated as critical, a plan shall be submitted to the Planning Commission staff for approval. Approval from other Metro agencies, such as Storm Water or Public Works is not mentioned in Appendix C.

Staff recommends approval of lots with driveway slope of 10%, and recommends administrative approval of lots with driveway slope up to 12%. Staff recommends that any driveway slopes greater than 12% should be brought before the Planning Commission for consideration.

Staff recommends that a 16% slope be disapproved. The 16% grade exceeds the designated 10% grade by 63%. Staff recommends that a 12% slope would more closely conform to the subdivision regulations while allowing a slightly steeper grade to lessen grading disturbance of the lot.

PUBLIC WORKS' RECOMMENDATION

Informal review by the Public Works Engineering Department suggests the proposed 16% driveway slope appears to be a workable solution for the critical lot.



Metro Planning Commission Meeting of 7/14/05

CONDITIONS (IF APPROVED)

Prior to the issuance of any building permit for this lot, the property owner shall submit to the Metro Planning Department either a letter or stamped plan from a geotechnical engineer, after the site has been excavated, certifying that the proposed retaining walls are adequate for this house plan and site.



Project No.
Project Name

Planned Unit Development 103-79-G-14
Riverfront Shopping Center (Dollar
General) (Old Hickory Centre)

Council District
School District
Associated Case
Requested By

11 - Brown
4 - Nevill
None
Neuhoff Taylor Architects, for Old Hickory Centre,
owner.

Staff Reviewer
Staff Recommendation

Fuller
Approve with conditions

APPLICANT REQUEST
Final PUD

A request for final approval for a 3 acre portion of a Commercial Planned Unit Development district located along the south side of Robinson Road, to develop 24,341 square feet of retail in one building and 9,800 square feet of retail in a second attached building.

PLAN DETAILS

The proposed final PUD plan matches the revised preliminary plan that was approved at the March 10, 2005, Planning Commission meeting. This plan is for a Dollar General Market and retail shops. The proposed buildings are located within the PUD off an internal driveway south of Robinson Road.

PUBLIC WORKS’
RECOMMENDATION

No exceptions taken.

STORMWATER
RECOMMENDATION

Comments will be available prior to the Planning Commission Meeting.

FIRE MARSHAL

Fire Hydrants should flow at least 1,000 gallons per minute at 40 psi.

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



Metro Planning Commission Meeting of 7/14/05

Traffic Engineering Section of the Metropolitan Department of Public Works.

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.



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

Planned Unit Development 154-79-U-07
Lion's Head Village West
None
24 – Summers
9 – Warden
CEI Engineering for Dayton Hudson Corporation,
owner.

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove unless a technical review is completed by Stormwater by July 14, 2005, and that no major revisions are required from the review.

APPLICANT REQUEST
Revise Preliminary and Final

Request to revise a portion of the preliminary plan, and for final approval for a portion of the Commercial Planned Unit Development district located along the north side of White Bridge Road, to permit a 2,438 square foot expansion to the existing 123,403 square foot retail building (Target Store).

PLAN DETAILS

The request is for the addition of 2,438 square feet of floor space to the existing Target retail store. As proposed, the expansion will consist of two separate additions located along the front of the existing building. The plan is part of a major remodeling project that is being done to many Targets throughout the country to spruce up the façade, and to provide additional room for buggy storage.

**TRAFFIC
PUBLIC WORKS
RECOMMENDATION**

No Exceptions Taken

**STORMWATER
RECOMMENDATION**

Requires technical review

**STAFF
RECOMMENDATION**

Before staff reports were mailed, the applicant was asked to defer, however, the applicant wished to stay on the agenda even after being advised by staff that if the technical review had not been completed staff would recommend disapproval. If for some reason technical review is completed on or before July 14, and no



Metro Planning Commission Meeting of 7/14/05

changes are required, then staff can recommend approval of the project. If a technical review is not complete, then staff recommends disapproval.

CONDITIONS

(If approved)

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.
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.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. 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.	Planned Unit Development 2004P-029U-11
Project Name	Nolensville Center PUD
Council Bill	None
Council District	16 – McClendon
School District	7 - Kindall
Associated Case	Zone Change 2004Z-030U-11 was approved with conditions in February 2004.
Requested By	Shaun Shirzad Etemadi, owner
Staff Reviewer	Harris
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST
Preliminary PUD

Request to adopt a Preliminary PUD to permit an expansion of the existing car sale operation within a proposed 1,350 square foot building, located between Nolensville Pike and Hester Avenue.

ZONING & LAND USE POLICY
CS and R6 district

Parcel 044 was approved with conditions by the Commission on February 26, 2004, to change to the CS district, with a condition that no access be permitted from Hester Avenue. This zone change request has not been to Council.

PLAN DETAILS

Site Design

The plan proposes an auto sales operation with a 1,350 square foot building. The existing office building will be removed upon completion of the proposed building. The total area of the property is 0.46 acres (20,192 sq. ft.).

Billboard

The existing billboard should be removed based on Section 17.30.150A, which states that “billboards are prohibited on any property within a planned unit development (PUD) overlay district, regardless of the underlying zoning district, unless expressly permitted as part of an approved development plan by the metropolitan council.”

The applicant is proposing to keep the existing billboard. However, it is recommended that as part of a PUD master development plan for this site that the existing billboard be removed.



Metro Planning Commission Meeting of 7/14/05

Access

Access is proposed from Nolensville Pike and Hester Avenue. The applicant proposes personnel access from Hester Avenue. The Commission recommended that no access be allowed from Hester Avenue with the zone change request (2004Z-030U-11) approved in February 2004.

Hester Avenue is mainly a residential street and commercial traffic should not be introduced into this area. It would also interfere with the required 20' buffer between the CS zoning district and the R6 zoning district to the north. The personnel entrance and special note #6 would need to be removed from the plan based on the Commission's recommendation of the zone change. No vehicular access shall be allowed from Hester Avenue, only pedestrian access shall be allowed.

Water Quality Concept

The water quality concept is also not shown on the plan and the Stormwater Division of Metro Water Services has requested that it be shown. Therefore, an approval has not been received from Metro Stormwater.

Sidewalks

Sidewalks are required along Hester Avenue and Nolensville Pike. Sidewalks have not been shown along Hester Avenue.

Landscape Buffer Yards

Landscape buffer yards are required and proposed along Hester Avenue opposite the R6 zoning. Buffer yards are not required along the eastern and western boundaries since the adjacent property has been recently rezoned to CS in January 2005.

Special Conditions (listed on the plan)

There are eleven special conditions that are listed on the plan. Some of the conditions may need to be revised or deleted from the face of the plan so that they can be enforced in the future.

1. Note #1 should be revised to say: "No parking on Hester Avenue," *unless approved by the Traffic & Parking Commission.*
2. Note #2 should be revised to say: "No storage of wrecked ~~or junk~~ vehicles."
3. Note #6 should be read: "No access to Hester except ~~personnel door~~ *for pedestrian access.*"
4. Note #9 should read: "Minor repairs of cars for sale ~~or that have been sold by owner~~ shall be



Metro Planning Commission Meeting of 7/14/05

permitted on rezoned lot, parcel 44. Repairs such as body work or rebuilding shall not be permitted.”

5. Remove the additional language: “Mobile sales office to be removed after completion of service/office building.”

STAFF RECOMMENDATION

Staff recommends disapproval of the PUD and disapproval of a variance for the existing billboard. The plan fails to address the condition of the zone change prohibiting access from Hester Avenue, water quality, sidewalks, billboard, and special conditions. If approved, a revised preliminary plan would need to be submitted to address all of the above issues.

CONDITIONS (IF APPROVED)

1. Prior to third reading at Metro Council, a revised plan shall be submitted with the following:
 - a. Water quality is to be shown and approved by Metro Stormwater.
 - b. Sidewalks are to be shown along Hester Avenue.
 - c. The following notes are to be revised:
 - i. Note #1 should be revised to say: “No parking on Hester Avenue, unless approved by the Traffic & Parking Commission.”
 - ii. Note #2 should be revised to say: “No storage of wrecked vehicles.”
 - iii. Note #6 should be read: “No access to Hester except for pedestrian access.”
 - iv. Note #9 should read: “Minor repairs of cars for sale shall be permitted on rezoned lot, parcel 44. Repairs such as body work or rebuilding shall not be permitted.”
 - v. Remove the additional language: “Mobile sales office to be removed after completion of service/office building.”
 - vi. A note shall be added that “The existing billboard is to be removed and no additional billboard will be permitted.”



Project No.
Associated Case
Council Bill
Council District
Requested by

Zoning Text Change 2004Z-020T
None
None
Countywide
Sponsored by Councilmembers Mike Jameson, Ed Whitmore and Lynn Williams

Staff Reviewer
Staff Recommendation

Carlat
Approve

REQUEST

Amend Zoning Code sections 17.04.060.B, 17.08.020.B.2, 17.12.020.A, 17.12.030.A, 17.16.030.D, 17.40.340, and 17.40.660.C to develop criteria for the appropriate location and design of two-family structures.

Amend 17.04.060.B
Definitions of general terms

Add “comparable structures” to the list of general terms to define structures to be used to determine the block character for purposes of comparability studies.

Expand the definition of “two-family” structures to include two detached dwelling units separated by at least ten ft. or less than ten ft. if the facing walls on both units meet the Standard Building Code.

Amend 17.08.020.B.2
One and Two-Family (R) Districts

Add text noting the value of two-family structures in Nashville/Davidson County’s housing mix.

Amend 17.12.020.A
District Bulk Tables

Amend to require that in zoning districts R40, R30, R20, R15, R10, R8, and R6, the minimum lot size for two-family structures be 120 percent of the minimum lot size for single-family structures.

Amend 17.12.030.A
Street Setbacks

Amend to require the same street setbacks for two-family structures as for single-family structures. Amend to prohibit development of two-family structures that allows back-up movements from the driveway onto collector and arterial streets.

Delete Section 17.16.030.D
Residential Uses:
Two-Family Dwelling

Delete the current section in its entirety and replace with text regulating:

- 1) the eligibility of lots for two-family structures and
- 2) the design of two-family structures including development plan review for especially large two-family structures. This section explained in greater detail in *Analysis – Proposed Text* below.



Metro Planning Commission Meeting of 7/14/05

Amend 17.40.340

Variances: Limits to jurisdiction

Amend to prohibit the Board of Zoning Appeals from granting variances within a two-family structure development plan.

Amend 17.40.660.C

Nonconforming structures

Amend to require development plan review for any existing two-family structures that are currently nonconforming structures and are proposed to be constructed, altered, reconstructed, renovated or modified in any way where the total gross floor area proposed is greater than 5,000 sq. ft. or 30 percent of the lot area, whichever is less.

BACKGROUND

In recent years, the Metro Council has heard from constituents concerned about the impact of two-family structures on their neighborhoods. Neighbors are concerned that the concentration of two-family structures will increase traffic and on-street parking, and that the over-concentration of two-family structures and lack of upkeep of the structures might negatively impact the neighborhood's character and property values.

Councilmembers have responded to these concerns by undertaking mass rezonings of portions of their districts from "R" zoning (which allows for single- and two-family structures) to "RS" zoning (which only allows for single-family structures).

While mindful of residents' concerns, the Planning Department maintains that it is crucial to keep two-family structures in Davidson County's housing mix as a viable housing option for individuals and families desiring this housing form due to location, cost, convenience, and need.

ANALYSIS

Existing Law

Currently, the Zoning Code is vague on the value and desirability of two-family structures in the R districts. The Code limits two-family structures in new subdivisions of four or more lots to 25 percent of the subdivision. The Code does not currently address the number of two-family structures in existing neighborhoods or the design of two-family structures.

Proposed Text

The proposed changes to the Zoning Code note the value and desirability of two-family structures while addressing concerns about over-concentration of and lack of design control on two-family structures.

Section 17.16.030D (Residential Uses: Two-Family Dwellings) is deleted in its entirety and replaced with the



Metro Planning Commission Meeting of 7/14/05

Changes to address location of two-family structures

text which addresses concentration of two-family structures by regulating eligibility of lots for two-family structures and addresses the design of two-family structures built by providing basic design standards for all two-family structures and requiring development plan review for two-family structures of a certain size.

- 1) Two-Family Eligibility – Lots eligible for two-family structures include parcels, subdivision plats marked as “two-family structure” or “duplex,” lots within overlay districts authorized for two-family structures, and lots that previously had a two-family structure that was destroyed or damaged due to act of nature or demolition.
- 2) Two-Family Location – This section regulates how many two-family structures would be allowed per block. A maximum of four lots, per block face, are allowed to have two-family structures, and existing two-family and multi-family structures count toward the maximum. In no circumstance will there be more than two lots with two-family structures abutting each other. The following table will be made part of the Zoning Code as Table 17.16.030A

No. of Corner Lots	No. of Non-Corner Lots	No. of Non-Corner Lots Eligible for Two-Family Structures	Maximum No. of Lots Eligible for Two-Family Structures
1 - 2	0 – 3	0	2 (only corner lots are eligible)
1 - 2	4 – 7	1	3 (each corner and one non-corner)
1 - 2	8 – 11	2	4 (each corner and two non-corner)
1 - 2	12 or more lots	3	4 (a combination of two corner and two non-corner OR one corner and three non-corner)

Changes to address design of two-family structures

The ordinance applies basic design standards to **all** two-family structures, under the subsection “Building Design.”

Building Design – This section states that proposed two-family structures must be compatible with comparable structures with regard to entrances, garages, driveways, etc.

- a. Entrances – If more than one entrance is proposed: one must face the street, the other must be designed and located to compliment the neighborhood’s character.
- b. Garages – If one or more garages are proposed and they are intended to face the street, they must be recessed from the front façade by 5 ft. or more and must be designed and located to compliment the neighborhood’s character.



Metro Planning Commission Meeting of 7/14/05

Development Plan Review

- c. Parking – No parking areas are allowed between the street and the front of the structure.
- d. Driveway Access – If a lot is served by an improved alley, no driveway access is allowed to the street, unless 50 percent of the lots on the same block face have driveway access to the street.

In addition to the basic urban design standards applied to all two-family structures, proposed two-family structures of a certain size must also undergo development plan review and meet the design standards explained below under “Building Location and Massing” and “Landscape Preservation.”

The development plan review is required of proposed two-family structures where the gross floor area of the two-family structure and accessory structures is 5,000 sq. ft. or 30 percent of the lot size, whichever is less.

Building Location and Massing - The proposed two-family structure and accessory structures shall be of similar height, roof pitch, massing, building placement and building materials as comparable structures.

Landscape Preservation – This section requires developers of proposed two-family structures to preserve the existing landscape by minimizing grade changes and vegetation and soil removal, except as necessary to meet stormwater regulations.

Development Plan Review Process

- 1) Pre-Application Conference – Applicants are encouraged, but not required, to meet with Metro Planning before submitting their development plan.
- 2) Application – Content and fee to be determined by Metro Planning Commission.
- 3) Notice – Upon receiving the development plan, Metro Planning Department will notify the owners of comparable structures and the area councilmember.
- 4) Construction and Occupancy Permits - No site alteration or site development work will begin, nor shall any building, grading or occupancy permit be issued, until the Metro Planning Department has approved the development plan.
- 5) Metro Historic Zoning Commission Action – If the proposed two-family structure is located in an area listed on or eligible for the National Register of Historic



Metro Planning Commission Meeting of 7/14/05

Places, then the proposal will be reviewed by MHZC, which will provide a recommendation to Metro Planning. (NOTE: Proposed two-family structures in historic overlay zoning districts are reviewed by MHZC and are not subject to the development plan review provisions of this ordinance.)

- 6) Metro Planning Action – The Executive Director of Metro Planning will review the development plan for its conformance to the section and title. The Executive Director shall approve, approve with conditions or disapprove.
- 7) Appeal – The applicant proposing the two-family structure or the owners of any comparable structures can appeal the decision within thirty (30) days of the action. The appeal will be heard by the Metro Planning Commission. The appeal can allege that the Executive Director's decision was in error, or that the decision is accurate, but that the neighborhood is positioned for redevelopment and the two-family structure should be allowed to further redevelopment.
- 8) Changes to the Development Plan – Changes can be submitted to the Executive Director of Metro Planning and will be considered in light of how the proposal conforms to the section and title.

Analysis

The proposed amendment represents nearly a year of work with neighborhood and development representatives, Councilmembers and Metro Departments. The amendment seeks to preserve neighborhood character and keep two-family structures among the housing options available for current and new residents in Nashville/Davidson County.

The amendment proposes to guide the location of two-family structures in three ways:

- 1) As is currently the case, a lot must have appropriate (R) zoning.
- 2) The minimum lot size requirement reduces the number of lots eligible for two-family structures. Metro Planning Department estimates that roughly 15 percent of all properties in the county would meet both the R zoning district and the 120 percent minimum lot size requirements. This figure *does not* include properties in AR2A or AG districts, which, it is assumed, are large enough to be subdivided, thus providing additional opportunities for two-family structures.
- 3) Finally, because four two-family structures are allowed per block face, the ordinance will ensure that the city



Metro Planning Commission Meeting of 7/14/05

does not have large concentrations of two-family structures.

The amendment proposes to address concerns about design of two-family structures by instituting

- 1) basic design (how the structure interacts with the street and with other homes) for *all* two-family structures and
- 2) development plan review for larger two-family structures.

Throughout all of the design requirements, the ordinance is written to compare the proposed two-family structure to “comparable structures” that are neighbors to the proposed two-family structure. Rather than instituting one-size-fits-all design guidelines, the ordinance encourages development that is sensitive to, and compliments, the neighborhood.

Recommendation

Approve. This text amendment offers a “third way” between over-concentration of two-family structures that are not designed to compliment the neighborhood and downzoning entire neighborhoods to ban two-family structures. By offering a balanced approach, the text amendment provides Councilmembers an additional option in addressing housing choice and neighborhood preservation in their districts.

ORDINANCE NO. BL2005 – XXX

An ordinance to amend various sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, relative to the placement and design of two-family dwelling units, all of which is more particularly described herein (Proposal No 2004Z-020T).

WHEREAS, it is necessary for the Metropolitan Government of Nashville and Davidson County to provide two-family dwelling units within the county’s housing stock to maintain a healthy mix of housing options for residents of all ages and incomes;

WHEREAS, developing two-family structures in Davidson County can be accomplished through a development review process to preserve opportunities for developers and builders while ensuring such structures contribute to, and do not detract from, a neighborhood’s established or emerging character;

WHEREAS, it is reasonable for the Metropolitan Government of Nashville and Davidson County to require two-family dwellings to be designed and constructed so as to reflect the neighborhood character and residential building-scale in which they are located.

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



Metro Planning Commission Meeting of 7/14/05

SECTION 1. By amending Section 17.04.060.B "Definitions of general terms: General Terms" by **adding** "Comparable structures" to the list of general terms in alphabetical order, and defining it as follows:

Comparable structures means the structures described in (1) and (2) below shall be used to determine the block character for purposes of comparing proposed structures to existing structures for compatibility:

1. On an interior (non-corner) lot, the comparable structures include
 - a. the structures on the two lots on either side of the proposed structure,
 - b. the structures on all lots either partially or wholly located directly across the street from the proposed structure,
 - c. the structures on the lots on either side of the lot(s) either partially or wholly located directly across the street from the proposed structure, and
 - d. the structures on the lot either partially or wholly located directly to the rear of the lot with the proposed structure.
2. On a corner lot, the comparable structures include
 - a. the structures on the lot on either side of the proposed structure on both of the intersecting streets,
 - b. the structures on all lots, partially or wholly located adjacent to the proposed structure across the intersecting streets, and
 - c. the structures on the lots partially or wholly located adjacent the proposed structure on the other corners of the intersection.
 - d. If the corner lot is on a "T" intersection, then the comparable structures include those in (1)(b) through (1)(d) and in (2)(a) through (2)(c) above.

SECTION 2 By amending Section 17.04.060.B. by amending the definition of 'Two-family' by adding the following provision at the end thereof:

" , or two detached dwelling units separated by at least ten feet, provided that the distance can be less than ten feet if the facing walls on both units are rated according to the Standard Building Code as adopted by the Metropolitan Government pursuant to Chapter 16.08 of the Metropolitan Code of Laws."

SECTION 3 By amending Section 17.08.020.B "Zoning districts described: Residential Districts" by **deleting** 17.08.020.B.2 ("One and Two-Family (R) Districts") in its entirety and inserting

2. One and Two-Family (R) Districts. The R districts are intended for established residential subdivisions where the development pattern contains a mixture of one-and two-family structures. These districts may also be applied to new residential subdivisions at densities and locations recommended in the general plan. A dispersed pattern of two-family structures is desirable and intended in these districts.



Metro Planning Commission Meeting of 7/14/05

SECTION 4. By amending Section 17.12.020.A “District Bulk Tables: Single-Family and Two-Family Dwellings” by **modifying** the column heading for “Minimum Lot Area (in sq ft)” to “Single-Family Minimum Lot Area (in sq ft)” and by **adding** a new column entitled “Two-Family Minimum Lot Area (in sq ft)” and the following lot areas:

Zoning District	Two-Family Minimum Lot Area (in sq ft)
AG	5 acres
AR2a	2 acres
RS80, R80	80,000
RS40, R40	48,000
RS30, R30	36,000
RS20, R20	24,000
RS15, R15	18,000
RS10, R10	12,000
R8	9,600
RS7.5	n/a
R6	7,200
RS5	n/a
RS3.75, OR40	3,750 (n/a in RS3.75)
RM2	20,000
RM4	10,000
RM6	6,000
RM9	5,000
RM15	5,000
RM20,OR20	3,750
RM40, RM60, I MUN, MUL, MUG, MUI, ON, OR40, ORI	3,750

SECTION 5. By amending Section 17.12.030.A “Street Setbacks: Street Setbacks for Single and Two-Family Structures” by **deleting** footnote “(1)” and renumbering footnote “(2)” to footnote “(1)” and by **renumbering** the footnote reference in the heading for column 3 (which reads “All Other Streets”) from “(2)” to “(1)”.

SECTION 6. By amending Section 17.12.030.A. “Street Setbacks: Street Setbacks for Single and Two-Family Structures” by **modifying** footnote (1) as follows:

- (1) Lots having vehicular access to collector and arterial streets shall develop in a manner which avoids back-up movements into the public street.

SECTION 7. By amending Chapter 17.16 “Land Use Development Standards,” Article II “Uses Permitted with Conditions (PC),” Section 17.16.030.D “Residential Uses: Two-Family Dwellings” by **deleting** Section D in its entirety and **inserting** in its place the following:

D. Two-Family Dwellings. In the AG, AR2a, R80, R40, R30, R20, R15, R10, R8 and R6 districts, two-family dwellings in a single residential structure shall be permitted on any lot as follows:

1. Two-Family Eligibility. A property shall meet at least one of the following requirements below to be eligible for a two-family dwelling use.



Metro Planning Commission Meeting of 7/14/05

- a. Parcel. The property is not a lot, but complies with Section 17.40.670 of this title and was legally created prior to September 1, 1964; or the property is a parcel of land created between September 1, 1964 and March 1976 and contains three acres of land, or the property was created after March 1976 and contains five acres of land. For purposes of this section, a parcel shall mean a lot as defined in Section 17.04.060.
 - b. Subdivision Plat. The lot was legally created prior to August 1, 1984, or the lot is designated as a "two-family structure" or "duplex" lot on a subdivision plat approved by the Metropolitan Planning Commission between August 15, 1984 and the effective date of this ordinance, or the lot was created after the effective date of this ordinance, and recorded in the office of the county register.
 - c. Overlay District. The lot is part of an overlay district specifically authorizing a two-family structure on the property.
 - d. Replacement (Involuntary). The lot contains, or contained, a legal two-family structure on or after the effective date of this ordinance that was involuntarily caused to be destroyed or damaged beyond 50 percent of its replacement value, and a building permit for its replacement has been, or will be, issued within one year from the date of damage or destruction.
 - e. Replacement (Voluntary). The lot contains a legal two-family structure on or after the effective date of this ordinance that is proposed to be demolished and replaced, and a building permit for its replacement has been, or will be, issued within one year from the date the existing structure was demolished.
2. Two-Family Location. On all eligible properties identified in Sections 17.16.030.D.1, a two-family structure may be constructed or a single-family residence converted to a two-family structure provided the structure complies with the following requirements:
 - a. Corner Lot. The lot lies adjacent to the intersection of two streets.
 - b. Non-Corner Lot. The lot lies along a street where there are four or more lots within the same block face none of which are corner lots. Within that same block face, the number of lots eligible for a two-family structure shall be as follows:



Metro Planning Commission Meeting of 7/14/05

Table 17.16.030 A

No. of Corner Lots	No. of Non-Corner Lots	No. of Non-Corner Lots Eligible for Two-Family Structures	Maximum No. of Lots Eligible for Two-Family Structures
1 - 2	0 – 3	0	2 (only corner lots are eligible)
1 - 2	4 – 7	1	3 (each corner and one non-corner)
1 - 2	8 – 11	2	4 (each corner and two non-corner)
1 - 2	12 or more lots	3	4 (a combination of two corner and two non-corner OR one corner and three non-corner)

- c. Unit Dispersal. Within the same block face, there shall be a maximum of four lots containing any proposed or existing two-family or multi-family dwellings, including corner lots. In no circumstance shall there be more than two lots with two-family structures abutting each other.

- 3. Development Plan. A development plan shall be required, as provided in Section 17.16.030.D.6 below, whenever a two-family structure outside of a historic zoning district is proposed to be constructed, altered, reconstructed, renovated, or modified in any way such that the total gross floor area proposed for a two-family structure plus any accessory structure(s) exceeds 5,000 square feet or 30% of the lot area, whichever is less.

- 4. Notice. Whenever a proposed two-family structure is required to submit a development plan, the owner of all comparable structures and district councilmember shall be notified in writing by the Metro Planning Department within five (5) business days of the application's submittal.

- 5. Construction and Occupancy Permits. Whenever a proposed two-family structure is required to submit a development plan, no site alteration or site development work on a lot including, but not limited to the removal of vegetation, soil excavation, or receipt of any building or grading permit, or occupancy permit shall occur in preparation for, or anticipation of, Planning Department, or, if applicable Metro Historic Zoning Commission, approval of a development plan.

- 6. Two-Family Structure Design. All two-family structures shall be designed as provided in 6a below. In addition, where an applicant is seeking to construct, alter, reconstruct, renovate or modify a two-family structure or is required to submit a development plan, the applicant shall provide all information noted in 6a through 6c below. For two-family structures located within an overlay or redevelopment district, these design standards shall apply to the extent they do not conflict with any of the overlay or redevelopment district requirements approved by the Metro Council.
 - a. Building Design. So as not to detract from the use and enjoyment of proposed and adjacent buildings and structures, the proposed structure's entrances, ramps, walkways, vehicular drives, parking areas, and access points should be designed and



Metro Planning Commission Meeting of 7/14/05

arranged to reflect the current design of these elements in comparable structures. The development should, serve to enhance the system of public facilities and services such as conservation areas, recreation facilities, footpaths or bicycle paths, streets, transportation systems or utility systems.

- i. *Entrance.* If more than one front entrance is proposed for the structure, one must face the street and the second entrance shall be designed and located to compliment and enhance the neighborhood's development character by considering the entrances on comparable structures and/or any adopted community or detailed neighborhood design plans;
 - ii. *Garage.* If one or more garages are proposed for the structure, and the garages are intended to face the street, each unit's garage(s) shall be recessed from the front façade of the principal structure a minimum of 5 feet, and shall be designed and located to compliment and enhance the neighborhood's development character by considering the entrances on comparable structures and/or any adopted community or detailed neighborhood design plans;
 - iii. *Parking.* No parking (required or otherwise) shall be permitted between the street and the front of the two-family structure.
 - iv. *Driveway Access.* Where a two-family structure is proposed and an improved alley or rear lane exists, driveway access from a street shall not be permitted unless more than 50% of the lots along the same block face have driveway access to the street.
- b. Building Location and Massing. Any proposed two-family structure and accessory structures located on the same lot shall be of similar height, roof pitch, massing, building placement and building materials as other comparable structures. In determining building placement, consideration shall be given to setbacks and spacing between existing comparable structures, notwithstanding the provisions of Sections 17.12.020 and 17.12.030.
 - c. Landscape Preservation. Existing landscaping on a lot shall be preserved in its natural state insofar as practical by minimizing any grade changes, vegetation and soil removal, except as needed for stormwater regulation compliance.
 - d. Review Considerations. The following items may be considered in the review and approval of a two-family structure, as unique site conditions for a development plan that does not strictly comply with the provisions of this title and section.
 - i. Mature trees and other vegetation on the property effectively mitigate the appearance of excessive height and mass of the structure and as a result, the proposed development is in keeping with the streetscape and comparable structures,
 - ii. Proposed structure or additions will not have a significant negative impact on the light to, and views from, neighboring homes.



Metro Planning Commission Meeting of 7/14/05

- iii. The property is adjacent to land used and zoned as permanent open space, a Conservation Easement, or a detention pond and the structures are sited in a manner that allows the open area to mitigate the appearance of mass of the buildings from the streetscape and from neighboring properties.
 - iv. The comparable structures used to evaluate the proposed two-family structure are not representative of the neighborhood character, and alternative structures offered for comparison are more reflective of the neighborhood's building mass, design, and landscaping.
7. Development Plan. All two-family structures subject to development plan review, as provided in Section 17.16.030.D.3, shall comply with the following:
- a. Pre-Application Conference. Prior to the submittal of a development plan application for a two-family structure, all applicants are encouraged to meet with a planning department representative for guidance on the eligibility, design and review requirements.
 - b. Application. A development plan application shall be submitted in a form and content established by the planning commission, along with a processing fee. All items must be submitted, at the time of application, for the application to be deemed complete for review. Any omission of a required submittal item shall be identified, and its reason for omission explained in the development plan, including any application submittal waivers granted by the executive director of the planning department.
 - c. Metro Historic Zoning Commission Action. Any proposed two-family structure or any addition to a structure located in an area listed on or considered eligible for listing on the National Register of Historic Places, shall first be referred to and reviewed by the metropolitan historic zoning commission. The commission shall provide a written recommendation to the executive director of the planning department on the effect any alterations proposed to the property would have on its historically significant characteristics. This recommendation shall be made by applying the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings.
 - d. Planning Department Action. The executive director shall review a proposed development plan application for conformance and consistency with this section and title and/or with any adopted community or detailed neighborhood design plans. The director shall act to approve, approve with conditions, or disapprove the application. Within ten working days of an action, the director shall transmit in writing the action to the applicant, the zoning administrator and all other appropriate governmental departments.
 - i. Approval. Approval of the development plan shall be based on findings that the standards and requirements of this section have been satisfied.
 - ii. Conditional Approval. The executive director may recommend approval of a development plan application subject to any conditions deemed necessary to satisfy the standards and requirements of this section. All conditions shall be transmitted in writing to the applicant. The application will not be considered approved until the applicant provides all prescribed amendments to the application.



Metro Planning Commission Meeting of 7/14/05

- iii. Disapproval. If the executive director acts to disapprove an application, the reasons for that disapproval shall be stated in writing and transmitted to the applicant.
- e. Appeal of Planning Department Action. A two-family development plan action by the executive director of the planning department may be appealed by an applicant or the owner or designated agent of a comparable structure to the Metro Planning Commission within thirty (30) days of said action. In the appeal, it may be alleged, that the executive director's determination is in error, or the determination is accurate, however, the neighborhood is positioned for redevelopment and the two-family structure should be allowed to further that redevelopment.

For purposes of defining construction activity and the effect of any permits already issued, the planning commission shall use Section 17.04.030.A.1

- f. Changes to a Development Plan. An application to modify a development plan, in whole or in part, shall be filed with, and considered by, the executive director of the planning department according to the provisions of this section. The executive director shall have the authority to grant approval to any changes, including but not limited to, the geographic boundary of the development plan, the modification of specific performance criteria, design standards, or other requirements as shown, described, illustrated, identified, or noted on the last approved development plan.
- g. Final Site Plan. The development plan shall serve as the final site plan for purposes of Sections 17.40.170.A. and 17.40.170.B of this title.
- h. Development Approvals and Permits. Approval of a two-family development plan does not relieve an applicant of any subdivision plat, building permit, or other Metro department reviews and approvals. However, all such reviews and permits shall only be issued in conformance with the provisions of the approved two-family development plan.

SECTION 8. By amending Section 17.40.340, "Limits to Jurisdiction", by **adding** within the first sentence the following text: "The board shall not grant variances within a two-family structure development plan or...."

SECTION 9. By amending Section 17.40.660.C "Nonconforming Structures" by **adding** to the end of Section C the following:

Whenever a two-family structure located outside of a historic overlay district is proposed to be constructed, altered, reconstructed, renovated, or modified in any way such that the total gross floor area proposed for a two-family structure plus any accessory structure(s) exceeds 5,000 square feet or 30% of the lot area, whichever is less, a development plan shall be submitted and reviewed by the planning department in accordance with Section 17.16.030.D.6, prior to the commencement of any work or issuance of any permits as set forth in Sections 17.16.030.D.4 and 17.16.030.D.6.g.

SECTION 10. BE IT FURTHER ENACTED, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.



Metro Planning Commission Meeting of 7/14/05

Two-Family Structure Draft Ordinance

FACT SHEET

(Last Updated June 22, 2005)

History

In recent years, the Metro Council has heard from constituents concerned about the impact of two-family structures including increased traffic and on-street parking as well as the impact on the neighborhood's character and property values caused by the concentration of two-family structures and the lack of upkeep of the homes.

Some Councilmembers responded to these concerns by undertaking mass down-zonings of portions of their districts from "R" zoning (which allows single- and two-family structures) to "RS" zoning (which allows only single-family structures). Since November 2003, over 2,200 acres of Davidson County have been down-zoned. A request to down-zone an additional 1,630 acres is currently before Metro Council.

Challenge

While acknowledging residents' concerns, the Planning Department maintains that it is crucial to keep two-family structures in Nashville/Davidson County's housing mix as a viable housing option for individuals and families desiring this housing form due to location, cost, convenience, and need.

Proposed Solution

The ordinance seeks to address neighbors' concerns while maintaining a diverse housing mix. It does so by

1. *limiting concentration of two-family structures*, and by
2. *applying design standards* including development plan review for larger two-family structures.

Changes to Zoning Code

New type of two-family structure allowed – *detached two-family structures*

The ordinance would expand the current definition of two-family structures by including two *detached* dwelling units separated by at least ten feet, or less than ten feet if the facing walls on both units meet building code requirements.

Minimum lot size requirements

In zoning districts R40, R30, R20, R15, R10, R8, and R6, the minimum lot size for TFS will be 120 percent of the minimum lot size for single-family structures. Increasing the minimum lot size reduces the number of parcels eligible for TFS and reduces the likelihood that a TFS will look "crowded" onto a smaller lot.

Zoning District	Two-Family Minimum Lot Area (in sq ft)	Single-Family Minimum Lot Area (in sq ft)
AG	5 acres	5 acres
AR2a	2 acres	2 acres
R80	80,000	80,000
R40	48,000	40,000
R30	36,000	30,000
R20	24,000	20,000
R15	18,000	15,000
R10	12,000	10,000
R8	9,600	8,000
R6	7,200	6,000



Metro Planning Commission Meeting of 7/14/05

NOTE: The minimum lot size requirement applies to all lots, regardless of when they were subdivided. However, lot size may still be modified through a Planned Unit Development (PUD) or Urban Design Overlay (UDO), which are two planning processes that require Metro Council approval, involve public comment and can include higher design standards for development.

Street setbacks

Street setbacks for TFS will be the same for TFS as for single-family structures, which will maintain the existing character of the neighborhood. Furthermore, TFS built on collectors and arterials will not develop driveways in a way that encourages back-up movements into the public street.

Land use development standards

Concentration of TFS – These changes reduce the concentration of TFS.

- 1) Two-Family Eligibility – The following lots can have TFS on them: parcels, subdivision plats, lots in overlay districts and lots that previously had TFS destroyed due to act of nature or demolition.
- 2) Two-Family Location – This section describes the maximum number of TFS that will be allowed on a block and where they are allowed to be placed. The current ordinance limits concentration of TFS only in *new* subdivisions, regulating that no more than 25 percent of the subdivision can be TFS.
 - a. The ordinance encourages TFS on corner lots.
 - b. The ordinance limits the concentration of TFS on non-corner lots.
 - c. The ordinance limits the total number of proposed multi-family structures on a block to **four**. Pre-existing two-family and multi-family structures count toward the total of four allowed. Finally, no more than **two** TFS can be built next to one another.

With the limits on the number of TFS on non-corner lots [under (b)] and the overall cap [under(c)], then following is the possible concentration of TFS per block (including corner and non-corner lots)

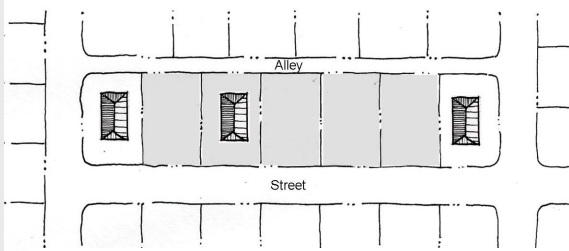
No. of Corner Lots	No. of Non-Corner Lots	No. of Non-Corner Lots Eligible for Two-Family Structures	Maximum No. of Lots Eligible for Two-Family Structures
1 - 2	0 – 3	0	2 (only corner lots are eligible)
1 - 2	4 – 7	1	3 (each corner and one non-corner)
1 - 2	8 – 11	2	4 (each corner and two non-corner)
1 - 2	12 or more lots	3	4 (a combination of two corner and two non-corner OR one corner and three non-corner)



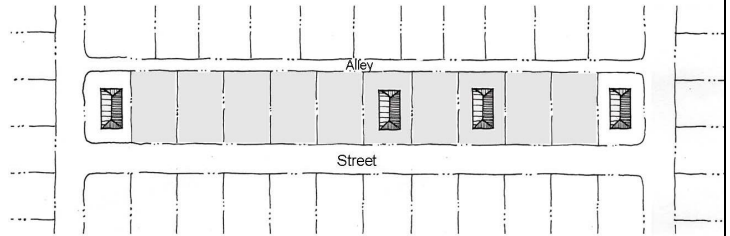
Metro Planning Commission Meeting of 7/14/05

Examples of Possible TFS Locations

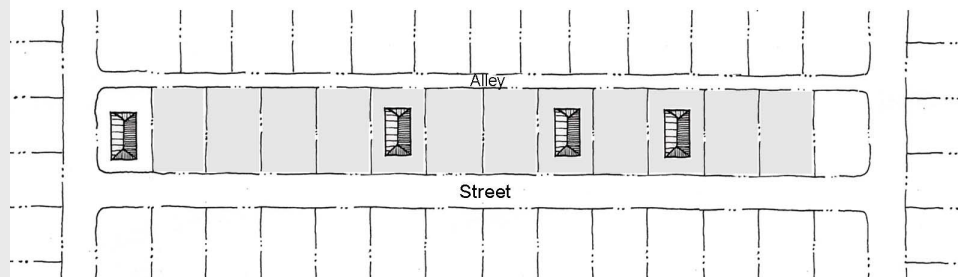
Two-Family Location – 4 to 7 Interior Lots



Two-Family Location – 8 to 11 Interior Lots



Two-Family Location – 12 or More Interior Lots



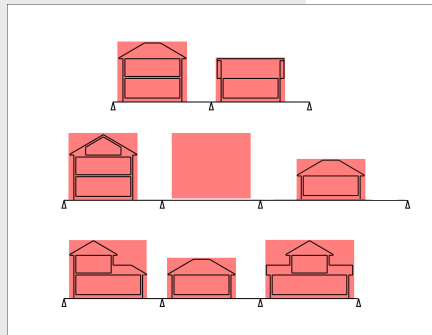
- 3) Development Plan Review – Developers and owners who want to build a TFS or add on to an existing TFS will have to submit a development plan **whenever the total gross floor area for the proposed TFS is greater than 5,000 sq. ft. or 30 percent of the lot area, whichever is less.** Note that the size is the trigger for development plan review. The proposed size triggers development plan review, regardless of whether the TFS is new or an addition. If the proposed TFS is in a historic zoning district, then the developer/owner will submit a development plan to Metro Historic Zoning Commission, not Metro Planning.
- 4) Permits, Grading & Construction – No work on the TFS or the lot can take place until Metro Planning has approved the development plan.
- 5) Design Standards – **The design standards in (a) apply to all TFS. The design standards in (b) through (c) apply to TFS that must submit a development plan review.** These are basic design standards, not architectural design standards.
 - a. Building Design – The proposed TFS must be compatible to “comparable structures” (see definition below) with regard to: entrances, ramps, walkways, vehicular drives, parking areas and access points.
 - i. Entrances – If more than one entrance is proposed:
 - One entrance must face the street,
 - The other entrance must be designed and located to compliment the neighborhood’s character,
 - This will be determined by looking at comparable structures and/or any adopted community or detailed neighborhood design plan.



Metro Planning Commission Meeting of 7/14/05

- ii. Garages – If more than one garage is proposed and garage(s) will face the street:
 - Garages must be recessed from the front façade by 5 feet,
 - Garages must be designed and located to compliment the neighborhood’s character,
 - This will be determined by looking at comparable structures and/or any adopted community or detailed neighborhood design plan.
 - iii. Parking – No parking is allowed between the street and the front of the TFS.
 - iv. Driveway Access – Driveway access is not allowed for any lot with an improved alley, **unless** more than 50 percent of the lots along the same block face have driveway access to the street.
- b. Building Location and Massing (Size) – This applies only to TFS required to submit a Development Plan. Compared to the “comparable structures” and/or the community plan and neighborhood design plan, the proposed TFS must have similar:
- height,
 - roof pitch,
 - massing,
 - building placement (considering setbacks and spacing between structures), and
 - building materials.

Example of comparison of height and massing



Consider the diagram to the left and imagine that the square in the center is the proposed TFS. The structures surrounding it are the “comparable structures” to which it will be compared in terms of height and massing (size). The shaded outline is the “building envelope” for each of the comparable structures. A complimentary building envelope would be required of the proposed TFS.

- c. Landscape Preservation – Requires developers/owners of proposed TFS to preserve the existing landscape by minimizing grade changes, and vegetation and soil removal, except as necessary to meet stormwater regulations.
- d. Considerations – When reviewing proposed TFS, the Planning Department can consider the following situations when the proposed TFS doesn’t completely meet the rules outlined above, but could still be compatible with comparable structures:
 - i. The site has trees and vegetation that mitigate the appearance of excessive height and mass of the proposed TFS,
 - ii. The proposed TFS would not have a significant negative impact on the light to and views from neighboring homes,
 - iii. The lot for the proposed TFS is beside open space which mitigates the appearance of excessive mass of the proposed TFS, and/or
 - iv. The comparable structures used to evaluate the proposed TFS are not representative of the neighborhood character, in which case, alternative structures that are more representative of the neighborhood can be used for comparison.



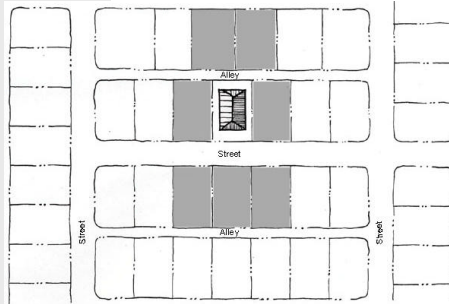
Metro Planning Commission Meeting of 7/14/05

6) Defining Comparable Structures (described in section 1 of the ordinance)

The Two-Family Structure (TFS) ordinance calls for larger TFS to be subject to development plan review. During the plan review, the proposed TFS will be compared to “comparable structures,” which include:

Comparable structures on interior (non-corner) lots:

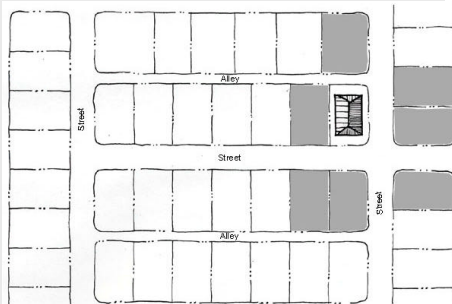
1. structures on the two lots to the right and left of the proposed TFS,
2. structures on the lot(s) directly across the street from the proposed TFS,
3. structures on one lot on either side of the lot(s) directly across the street from proposed TFS,
4. structures on the lot(s) directly to the rear of the proposed TFS.



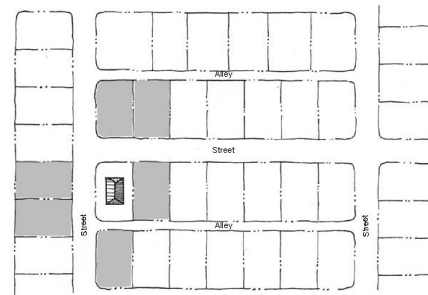
Comparable Structures:
Interior Lots

Comparable structures on corner lots:

1. structures on the lot to the sides of the proposed TFS on both of the intersecting streets,
2. structures on the lots adjacent to the proposed TFS across the streets,
3. structures on the lots adjacent to the proposed TFS on the other corners of the intersection, and if the corner lot is on a “T” intersection, then compare to the structures in 2, 3, and 4 under “interior lots” and 1, 2, and 3, under “corner lots.”



Comparable Structures:
Intersection



Comparable Structures:
“T” Intersections

7) Development Plan – A Development Plan is required of proposed TFS whenever the total gross floor area for the proposed creation or addition is greater than 5,000 sq. ft. or 30 percent of the lot area, whichever is less. The process for development plan review is as follows:

- a. Pre-Application Conference with the Planning Department (optional).
- b. Application – Content and processing fee established by the Planning Department.
- c. Notice – Whenever a development plan is submitted, the owners of all comparable structures and the Councilmember will be notified in writing by the Planning Department of the proposed development.



Metro Planning Commission Meeting of 7/14/05

- d. Metro Historic Zoning Commission (MHZC) Action – If the proposed new TFS or addition to a TFS is on a site listed on the national register of historic places, or eligible for that register, then the proposal will be reviewed by MHZC. MHZC will provide a written recommendation to the Planning Department on the proposed structure and any alterations to the property.
- e. Planning Department Action – The Executive Director of the Planning Department will review the proposed development plan, considering how the proposal conforms to the rules above and/or the community plan and neighborhood design plans in effect. The Executive Director can approve, approve with conditions that must be met before development proceeds, or disapprove the proposal.
- f. Right to Appeal – The applicant proposing the TFS and/or the owners of any of the comparable structures can appeal the Executive Director’s decision on a proposed TFS.
 - The appeal must be submitted within 30 days of action by the Executive Director.
 - The appeal may allege that the Executive Director’s decision was in error, or that the decision is accurate, but the neighborhood is positioned for redevelopment and the TFS should be allowed to further redevelopment.
 - The appeal will be heard by the Metro Planning Commission per the regular rules for appeals.
- g. Changes to the Development Plan – The developer/owner of the proposed TFS can submit an application to the Planning Department’s Executive Director to change the proposed development plan. The changes will be considered in light of how the proposal conforms to the rules above.

The remaining sections of the ordinance ensure that the ordinance conforms to the rest of the zoning code and Metro processes for issuing permits for development/construction.



Project No.
Associated Case
Council Bill
Council District
Requested by

Zoning Text Change 2005Z-073T
None
None
Countywide
Sponsored by Councilmembers Sam Coleman and Mike Jameson

Staff Reviewer
Staff Recommendation

Carlat
Approve

REQUEST

Amend Zoning Code sections 17.08.010, 17.08.020, 17.08.030, 17.40 Article III, 17.40.170.B, 17.40.170C, and 17.40.340. Amend Zoning Code tables 17.12.020.C, 17.12.030.A, and 17.12.030.B. The amendments are necessary to establish a new “Specific Plan” (SP) zoning district to provide additional flexibility in designing innovative projects while assuring greater certainty for the Councilmember and the community as to the final product.

Amend 17.08.010
Zoning districts established

Delete “C. Institutional district: I,” which is no longer in use, and replace it with “C. SP” for Specific Plan district – a new base zoning district.

Amend 17.08.020
Zoning districts described

Add under “C” the description of the SP district.

Amend 17.08.030
Zoning district land use tables

Add “SP” as a zoning district after the mobile home park district, with the following notation: “Land uses shall be as specifically listed in the site specific SP ordinance.”

Amend Table 17.12.020.C
District bulk tables

Delete the “I” (Institutional) district and all information pertaining to it. Add “SP” to the table in its place. For each bulk regulation, a footnote will state “Development standards shall be as specifically listed in the site specific SP ordinance.”

Amend Table 17.12.030.A
Street setbacks for single and two-family structures

Delete the “I” (Institutional) district and add “SP” to the table, noting that “Street setbacks shall be as specifically listed in the site specific SP ordinance.”

Amend Table 17.12.030.B
Street setbacks for multi-family and Non-residential districts

Delete the “I” (Institutional) district and add “SP” to the table, noting that “Street setbacks shall be as specifically listed in the site specific SP ordinance.”

Amend Chapter 17.40, Article III
Amendments to Zoning Code or Official Zoning Map

Add a new section, 17.40.105, which states the purpose and intent of the SP District – to serve as a new base zoning, which will be required to submit a site specific development



Metro Planning Commission Meeting of 7/14/05

Amend 17.40.170.B

Final approval by the Planning
final site plan

Amend 17.40.170.C

Development under a unified plat
of subdivision

Amend 17.40.340

Limits to jurisdiction

plan to address the land uses and alternative design standards that may be needed to address the unique characteristics of the property.

Add a new section, 17.40.106 that describes the development plan process, the required contents of the development and the standards by which it will be evaluated and by which it will be reviewed in the future and may be changed. This section explained in greater detail in *Analysis – Proposed Text* below.

Add SP District development plans to the list of development plans requiring final site plan approval by Metro Planning Commission.

Add SP District to the list of final site plans for which the Metro Planning Commission exercise design flexibility within the unified plat of subdivision.

Add to the section that the Board of Zoning Appeals may not grant variances within a SP district.

BACKGROUND

In recent years, development professionals in Nashville/ Davidson County have called for additional flexibility to create developments that meet market demands, address neighborhood concerns and are suitable to the surroundings.

Meanwhile, Metro Council and its constituents have called for greater certainty that the residential, office, commercial, and industrial developments that are built actually match the plans promised to the community and that they are completed in a timely fashion.

In response, Metro Planning Department has proposed a new zoning district. The Specific Plan (SP) District is a new base zoning district that gives developers additional flexibility up front and gives Councilmembers and their constituents greater certainty as to the resulting project.

ANALYSIS

Existing Law & Practice

Currently, if a zone change is required for a development, the applicant, often working with the district Councilmember and the Metro Planning Department staff, chooses the base zoning district that best fits their development plan.

Each base zoning district has basic development standards attached to it. At best, these are parameters that the development plan must fit within. This one-size-fits-all



Metro Planning Commission Meeting of 7/14/05

approach has proven especially difficult for innovative development projects, urban infill projects, and for sites where creativity is needed to address topography or natural features.

Many Councilmembers have turned to Planned Unit Developments or PUDs for added flexibility. PUDs are an overlay, which can apply additional design standards to the base zoning. Unfortunately, many of the design standards that have been added as “conditions” on PUDs are unenforceable by Metro Government.

Likewise, some Councilmembers have used Urban Design Overlays or UDOs, to achieve a higher level of design standard. Again, though, the UDO does not have the flexibility that the SP District provides, because it still overlays base zoning, which still requires observance of some standards in the base zoning district.

The SP district will allow applicants and Councilmembers to formulate a development plan that suits the site, the neighborhood and the community and to put that plan, with its development standards, into the Zoning Code as law. The SP district also requires that a timeline for development be included in the plan, so the district is not used for speculative rezoning.

Proposed Text

Amendments to Sections 17.08.010 and 17.08.020 establish the SP District as a base zoning option.

Amendments to Section 17.08.030, and Tables 17.12.020.C, 17.12.030.A, and 17.12.030.B state that in the SP district the land uses, setbacks and bulk regulations (including, but not limited to, height, minimum lot area, floor area ration, impervious surface ratio, etc.) will be established in the site specific plan required of the SP district.

Amendments to Chapter 17.40, Article III (Amendments to Zoning Code or Official Zoning Map) outline how the SP district will work.

Purpose and Intent

From the ordinance - “The specific plan (SP) district is an alternative zoning process that may permit any land uses, mixture of land uses, and alternative design standards, as may be required to address the unique characteristics of an individual property through a site specific plan. In return, a SP district requires the site specific plan to be designed such that, at a minimum, the location, integration and arrangement of land uses, building, structures, utilities, access, transit,



Metro Planning Commission Meeting of 7/14/05

Development Plan Process

parking, and streets collectively avoid monotony, promote variety, and yield a context sensitive development.”

1. Required Pre-Application Conference – Held with Planning Department Executive Director or designee
2. Application Submittal – The Planning Commission will determine the content of the application. At a minimum, the application must include:
 - a. A development plan,
 - b. A description of existing conditions on the site,
 - c. An explanation of the purpose and intent of the proposed SP District,
 - d. An explanation of the proposed plan’s consistency with the goals/objectives of the General Plan,
 - e. A design plan for the development,
 - f. A list of allowable uses,
 - g. Illustrations of proposed building types,
 - h. Site specific development standards, and
 - i. A development phasing and construction schedule.

3. Metro Historic Zoning Commission (MHZC) and Metro Development & Housing Agency (MDHA) Action -

MHZC will review the proposal if the SP district is

- a. Within an historic overlay district (historic or conservation zoning overlay),
- b. Listed on, or eligible for, the national register or historic places or
- c. Identified as being worthy of conservation.

MDHA will review the proposal if the SP district is within a redevelopment district.

MHZC & MDHA will provide recommendations to the Planning Commission for any necessary alterations per their guidelines.

Use of SP District does not relieve the applicant of responsibility for the regulations or guidelines in the historic or redevelopment district. The more stringent regulations or guidelines control.

4. Metro Planning Commission (MPC) Action – SP District proposals will be evaluated on consistency with the plan’s stated purpose and intent and on consistency with the goals and objectives of the General



Metro Planning Commission Meeting of 7/14/05

Plan. Note that the land uses and the density of the development will be determined in the specific development plan, but these elements must be consistent with the General Plan.

Metro Planning Commission may approve, approve with conditions or disapprove, as it would with any other zone change.

5. Metro Council Action –
Same procedure as all zone change requests.
6. Final Site Plan Review –
May be handled administratively if the final site plan does not vary significantly from the approved development plan.

Approval based on the final site plan's conformance with approved development plan.
7. Development Approvals and Permits -
Approval of SP district does not relieve the applicant of a subdivision plat, final site plan, building permit or other Metro Department reviews or approvals. The SP district plan must fully comply with stormwater regulations as well as adopted subdivision regulations.
8. Changes to the SP district -
An applicant can submit an application to modify the SP district. The Executive Director of the Planning Department will have authority to grant minor modifications. Major modifications will go to the Metro Planning Commission and the Metro Council for consideration. Major modifications include:
 - Any change in the geographic boundary of the SP district,
 - Modifications to the specific performance criteria (the standards set in the SP district),
 - Changes in the design standards,
 - Changes to the land uses, and
 - Changes to the development types.
9. Review of the SP district –
SP district projects will be reviewed by the Metro Planning Commission every four years after they are approved. MPC will evaluate the project's progress and will provide a written report to Council recommending that the SP District remain, be amended, or that the property be rezoned.



Metro Planning Commission Meeting of 7/14/05

Analysis

Nashville/Davidson County is currently experiencing new trends in development:

- Throughout the County, there are examples of redevelopment of outdated or economically obsolete developments,
- There is a growing interest in “infill” development in pre-existing communities,
- With many of the easy-to-develop sites already taken, the remaining development sites often face topographical or other natural challenges,
- Innovative development products are being offered by area developers and demanded by community members, and
- Stakeholder groups are increasingly calling for development that enhances the neighborhood.

Despite the changing nature of development with the added emphasis on site-specific development standards, the base zoning districts available allow only uniform development.

The SP district will allow land uses, density and intensity, and urban design standards to be specifically tailored to fit the site and its opportunities, and to respect the surrounding neighborhood and community.

The SP district still holds the development plan to the standards set in the General Plan and its goals and principles. However, the added flexibility will be beneficial to the developer, the community and the Councilmember as they work to create a project well-suited to the site. Meanwhile, development interests will find that the SP District gives them the additional flexibility and saves them time because SP is the base zoning, unlike the current PUD tool, which is a separate overlay with a separate approval process.

Recommendation

Approve. The addition of the SP district to the options of base zonings for applicants will provide Nashville/Davidson County with the opportunity to seek and secure innovative development projects that can be tailored to fit the site, the neighborhood and the community.



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

Zone Change 2005Z-107T
None
Substitute Ordinance BL2005-713
Countywide
n/a
Councilmember Vivian Wilhoite
Regen
Approve

APPLICANT REQUEST

Amend Zoning Code to require all delinquent property taxes and liens to be paid on a property prior to submittal of a zone change or zoning overlay application.

ANALYSIS

Existing Law

The Zoning Code currently does not require the payment of property taxes or liens prior to the submittal of any application to Metro Government.

Proposed Text Change

The proposed text amendment would require the payment of all property taxes and liens, prior to the submittal of a zone change, PUD, neighborhood landmark overlay or urban design overlay application to Metro Government.

Analysis *Council Rule #20*

This text amendment essentially makes law Council Rule #20 which states all property taxes have to be paid prior to adoption of a rezoning bill on 2nd reading by the Metro Council. Over the years, planning staff and the Metro Clerk’s office have reviewed properties to be rezoned, using the Land Information System (LIS) database, prior to 2nd reading to ensure all taxes have been paid; LIS identifies property taxes and liens owed and paid. When property taxes and liens are delinquent, the district councilmember and the Council Office have been informed of the amount owed. It has been left to the discretion of the district councilmember as to whether the bill should be deferred on 2nd reading until payment of all property taxes.

Metro Resources & Public Participation

When applicants are not required to pay the delinquent taxes until hours before the Council public hearing is held, and they either forget or don’t have the funds to do so, significant Metro resources have been



Metro Planning Commission Meeting of 7/14/05

Current Practice

expended to review an application not ready for Council consideration (e.g. staff time, public hearing signs, public hearing notices). In addition, those attending a public hearing are inconvenienced when the hearing is canceled, after they have been seated and patiently waited for their item to be heard by the Council.

During the past year, the planning staff has been rejecting zoning applications at the time of submittal, where delinquent property taxes exist. Staff has done this to facilitate more efficient processing of applications. Applicants are required to show a receipt from the Trustee's Office as proof of tax payment. No applicants have ever argued they should not have to pay the delinquent taxes. Some have admitted they don't have the funds to pay the taxes, but do have the funds to pay the minimum rezoning application fee of \$854.

Staff Recommendation

Approve. This text amendment improves the efficiency of application review, ensures applications are ready for Metro Planning Commission and Metro Council consideration, and ensures the public will not be unnecessarily inconvenienced.



Project No.
Project Name
Council Bill
Council District
Requested by

Mandatory Referral 2005M-109U-08
Alley Abandonment of Alley #1609
None
02 – Isabel
Raggedy, Inc., applicant, and Andy Newman, property owner.

Staff Reviewer
Staff Recommendation

Walker
Disapprove

APPLICANT REQUEST

A request to abandon a portion of the right of way and easements on Alley #1609, from 24th Avenue North, northwest to the dead end.

The applicant states that the reason for the request is to provide commercial development of parcels 283, 285, and 286 by closing the dead end alley.

DEPARTMENT AND AGENCY COMMENTS

The Department of Public Works, Emergency Communications, Metro Water Services, and the Nashville Electric Service have all recommended approval of this request.

RECOMMENDATION

Staff recommends **disapproval** of this alley closure for the following reasons:

1. Abandonment of the requested Alley, #1609, would eliminate access to 24th Avenue North for all property owners who enter and exit their property through the alley and would require access from Clarksville Pike.
2. If there is future development in this location, this abandonment would take away an alternate access point from the rear of the property and cause all access to be from Clarksville Pike. Clarksville Pike is classified as an urban arterial at this location, which is intended to have fewer curb cuts for traffic flow and safety.

Also, there is a property owner who originally signed the application, who has requested that her name be removed. The other property owners who signed the application would like to move forward.