



**Project No.**

**Minor Plan Amendment to the Donelson - Hermitage – Old Hickory Community Plan**

**Associated Case**

Zone Change 2005Z-092G-14

**Council Bill**

None

**Council District**

12 – Gotto

**School District**

4 – Nevill

**Requested by**

Planning Department Staff.

**Staff Reviewer**

McCaig

**Staff Recommendation**

*Approve.*

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**APPLICANT REQUEST**

**Amend the adopted Structure Plan to include a Special Policy Note to allow consideration of NC or OT land use policy under certain conditions for this property at Tulip Grove Road.**

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**DONELSON/HERMITAGE COMMUNITY PLAN POLICY**

**Existing Land Use 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.

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 to the intent of the policy.



## Metro Planning Commission Meeting of 08/11/05

### Proposed Alternate Land Use Policy

Neighborhood Center (NC)

NC is intended for small, intense areas that may contain multiple functions and area intended to act as local centers of activity. The key types of uses intended within these areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Office Transition (OT)

OT is intended to be used in exceptional cases to serve as a transition between lower and higher intensity uses. Generally, transitional offices are used between residential and commercial areas.

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### ANALYSIS

This Special Policy Note is associated with Case 2005Z-092G-14 which is a request to change the zoning from R10 to MUN (Mixed Use Neighborhood) for the property located at Tulip Grove Road, approximately 150 feet south of the southeast intersection of Tulip Grove Road and Lebanon Pike (1.16 acres).

The special policy note allows for an alternate land use policy for this property that was agreed upon with the community during the plan update process. It was inadvertently left out of the adopted updated community plan. Since this property is behind a commercial center building and across from a Walgreen's store, the site is acceptable for small-scale office and neighborhood-scale mixed use. This property is bound by a stream in the front and steep topography to the rear of the property. The physical constraints of the property restrict some of the development potential of the property and prevent higher intensity retail development.

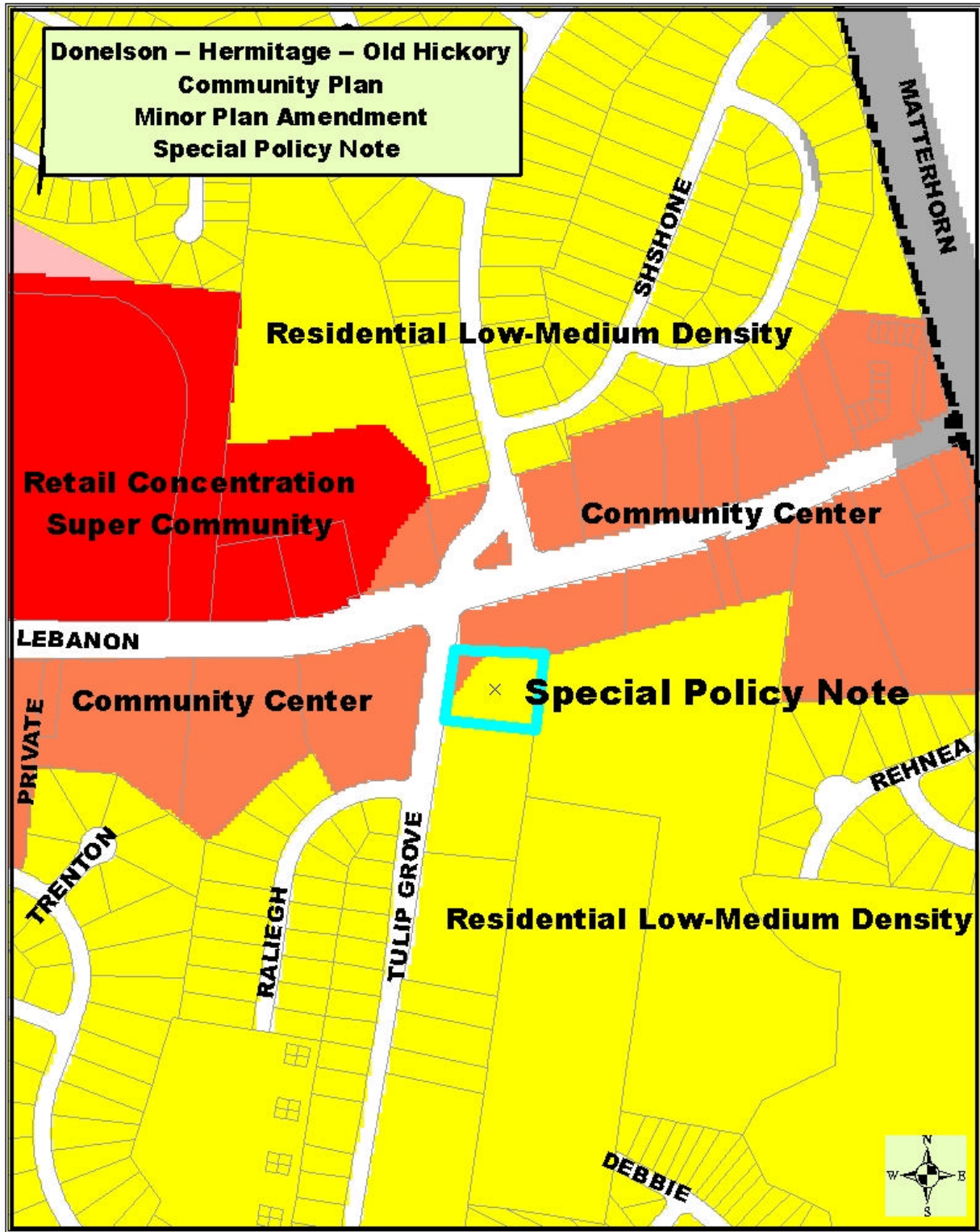
Staff proposes the following policy language be added:

***Special Policy # 16. The alternate Structure Plan policy for the portion of this parcel in RLM (Residential Low Medium density) policy is either NC (Neighborhood Center) or OT (Office Transition) to allow for small-scale office or neighborhood-scale mixed use. However, this non-residential use is restricted to this parcel and is not intended to spread further south down Tulip Grove Road.***

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# Metro Planning Commission Meeting of 08/11/05





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

**Zone Change 2005Z-059G-12**  
2005P-018G-12  
None  
32– Coleman  
2 – Blue  
Charlie B. Paul of Paul & Sons Development Co., Inc., applicant

**Deferral**

Deferred at the July 28, 2005, Commission meeting at the request of the applicant.

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Disapprove as premature due to existing infrastructure deficiencies as identified in the Southeast Community Plan.*

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**APPLICANT REQUEST**

**Rezone 26.34 acres from agricultural/residential (AR2a) to residential single-family (RS15) district at Preston Road (unnumbered), 5814 Pettus Road, and Pettus Road (unnumbered).**

**Existing Zoning**  
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. This zoning district would permit approximately 13 homes total on this site.

**Proposed Zoning**  
RS15 district

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. The proposed zoning district would permit approximately 65 homes total on this site.

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**SOUTHEAST COMMUNITY PLAN**

Residential Low Medium

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

Natural Conservation

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential



## Metro Planning Commission Meeting of 08/11/05

### Policy Conflict

### *Infrastructure Deficiency Area*

development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

The proposed RS15 district is consistent with the Southeast Community Plan's RLM policy intended for residential development at a density of two to four dwelling units per acre. There is a portion of property included in the NCO policy due to floodplain.

This property is located within an infrastructure deficiency area identified by the Planning Commission in the Southeast Community plan for transportation and schools. Planning Staff has established a "grid" that is used to determine whether a development proposal within the deficiency area should be approved. The grid considers both the condition of the existing roads in the area of the proposal and whether the proposal will add any connections required by the Community Plan that would relieve pressure from the existing road network.

The transportation infrastructure deficiency grid was applied and Pettus and Preston at this location scored a "4" on a scale from 1 to 8. The property is located on a "fair segment of a fair road" (Pettus) and would not provide any required street connections, as identified in the Community Plan.

A 4 on the transportation deficiency grid requires staff to recommend disapproval of the proposed development. It is generally recommended that a project receiving a score less than 6 points on the grid checklist should be disapproved due to roadway infrastructure inadequacy. If the existing deficient roads were brought to Metro standards, then it is likely that the score would be brought up to a 6 and this project could be recommended for approval.

There is an associated Planned Unit Development (PUD) that has been submitted and the traffic mitigations below have been proposed. These conditions do not address the existing infrastructure deficiency in the area, however.

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



## Metro Planning Commission Meeting of 08/11/05

2. Document adequate sight distance at project access. Site distance mitigation will be required prior to approval of construction plans.
3. On Preston Road, 320 feet minimum transition for left turn lane is required. Left turn lane encroaches on intersection.
4. On Preston Road, plans should indicate a minimum of 36 feet of pavement width to beginning of transition.
5. East bound entering lane on Preston Place requires smoother transition than shown on preliminary plat.
6. On Preston Place, show 180 feet minimum transition for left turn lane, as shown on plat.
7. In residential subdivisions, a 25' minimum radius of return at the intersecting streets right of way can be used.

These are listed with the staff report for the associated PUD as recommended conditions of approval if the PUD is approved by the Commission.

In addition to road infrastructure deficiencies, the Southeast Community Plan notes that “[i]nadequate school facilities in the area are also a problem in the Southeast Community.” Additional analysis of the projected student generation from this rezoning and school capacity in this area is provided below. Because the school board has programmed for new schools in this area, staff does not recommend disapproval of the requested rezoning based on school deficiencies.

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### RECENT REZONINGS

Parcels to the south were rezoned from AR2a to RS10 in January 2005, by Metro Council. The Planning Commission recommended approval in October 2004.

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### PUBLIC WORKS’ RECOMMENDATION

No exception taken. Additional right-of-way dedication and/or reservation may be required along existing street(s) at development.



## Metro Planning Commission Meeting of 08/11/05

### 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)	26.37	0.5	13	160	19	18

### Typical Uses in Proposed Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	26.37	2.47	65	700	49	73

### 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
--			52	540	30	55

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## METRO SCHOOL BOARD REPORT

### Projected student generation

**11 Elementary 9 Middle 8 High**

### Schools Over/Under Capacity

Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as being overcrowded by the Metro School Board. There is capacity at another elementary and middle school within the cluster and capacity at another high school in an adjacent cluster (Glenclyff). This information is based upon data from the school board last updated February 3, 2005.



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

**Planned Unit Development 2005P-018G-12**  
**Preston Estates PUD**  
None  
32 - Coleman  
2 - Blue  
2005Z-059G-12  
Ingram Civil Engineering, engineer, Charlie Paul, applicant for Glenda and Joseph Wiggins, Gene Tucker et ux, and Neal Hufford, owners.

**Deferral**

Deferred at the July 28, 2005, Commission meeting at the request of the applicant.

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Disapprove as premature due to existing infrastructure deficiencies as identified in the Southeast Community Plan.*

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**APPLICANT REQUEST**  
**Preliminary PUD**

**Request to permit 39 single-family lots within a Planned Unit Development district on 26.34 acres, at 5814 Pettus Road, Pettus Road (unnumbered), and Preston Road (unnumbered).**

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**ZONING & LAND USE POLICY**  
*Existing Zoning—AR2a*

This request for preliminary PUD approval is associated with a zone change request to change from AR2a to RS15.

*Southeast Community Plan*  
*Residential Low Medium Land Use Policy*

The proposed RS15 zoning district is consistent with the RLM policy intended for residential development at a density of two to four dwelling units per acre.

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**PLAN DETAILS**

*Site Design*

The plan proposes 39 single-family lots with lot sizes ranging from 15,000 square feet to 33,938 square feet.

*Access*

Access to the subdivision is proposed off of Preston Road with two lots fronting on Pettus Road and one fronting on Preston Road. As per the Subdivision Regulations, the lots on Pettus shall have shared driveways since it is a collector street. A stub street is not proposed to the south since that is the location for a new school in the Antioch Cluster. Stub streets are





## Metro Planning Commission Meeting of 08/11/05

### *Open Space-Bike/Walking Paths*

provided to the north and east, however, the stub street to the north is not appropriate at that location due to steep topography. A stub street would be more appropriate across from one of the proposed streets to the south.

Open space is proposed at the intersection of Preston Road and the new road (Preston Place). This is not a cluster lot option subdivision, however.

A bike/walking path is proposed to the south that would connect to the future extension of the Mill Creek greenway plan. The plan proposes a Dedicated Conservation Greenway Public Access Trail Easement Area that should be labeled as 25' easement area.

### *Cul-de-Sacs*

All the proposed cul-de-sacs are over the length of 150' and would require a landscape median within the 100' pavement area, as per Planning and Metro Fire requirements.

### *Stormwater*

There is currently a 40-acre drainage area on the eastern boundary of the property that could possibly affect five to six of the proposed lots. The Stormwater Appeals Board recommended conditional approval of a variance on August 4, 2005, to allow development of these lots.

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### **PUBLIC WORKS RECOMMENDATION**

1. Approvals are subject to Public Works' review and approval of construction plans.
2. Document adequate sight distance at project access. Site distance mitigation will be required prior to approval of construction plans.
3. On Preston Road, 320 feet minimum transition for left turn lane is required. Left turn lane encroaches on intersection.
4. On Preston Road, plans should indicate a minimum of 36 feet of pavement width to beginning of transition.
5. East bound entering lane on Preston Place requires smoother transition than shown on preliminary plat.



## Metro Planning Commission Meeting of 08/11/05

6. On Preston Place, show 180 feet minimum transition for left turn lane, as shown on plat.
7. In residential subdivisions, a 25' minimum radius of return at the intersecting streets right of way can be used.

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### CONDITIONS (If approved)

1. All Public Works recommendations listed above shall be required.
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.
3. Prior to third reading at Metro Council, revised plans are to be submitted that show:
  - a. The acreage of the Dedicated Conservation Greenway Public Access Trail Easement Area.
  - b. A shared access driveway for the proposed lots 1 and 2 on Pettus Road.
  - c. A landscaped median for all cul-de-sacs over 150' in length.
  - d. A 10' right-of-way dedication is required along property boundary on Pettus Road and an additional 7' right-of-way reservation.
  - e. Stub street to the north should be moved to the west to line up with one of the proposed cul-de-sacs.



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

**Zone Change 2005Z-092G-14**  
None  
None  
12 – Gotto  
4 – Nevill  
The Oaks of Lakeview, LLC, owner.  
Deferred at the July 14, 2005, Commission meeting.

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Approve subject to approval of amendment to the Donelson-Hermitage-Old Hickory Community Plan.*

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**APPLICANT REQUEST**

**Rezone 1.16 acres from residential (R10) to mixed use neighborhood (MUN) district property at Tulip Grove Road (unnumbered), south of Lebanon Pike.**

**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**  
MUN district

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

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**DONELSON/HERMITAGE COMMUNITY PLAN POLICY**

Community Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sit at the intersection of two major thoroughfares or extend 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 dwelling units per acre. The predominant development



## Metro Planning Commission Meeting of 08/11/05

### Policy Conflict

type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

A proposed amendment to the community plan for this area is also on the August 11, 2005, Commission agenda. The proposed MUN district is consistent with the proposed policy, including a special policy in this area calling for office and mixed use zoning districts for this property. The policy also states that there should be no further expansion of these uses along Tulip Grove Road, away from the intersection.

This item was on the July 14, 2004, with a staff recommendation of disapproval. It has since been determined, however, that the special policy was inadvertently left out of the community plan allowing for small scale office and mixed use zoning districts on this property. This policy had been agreed to by the community during the update process for the community plan in this area. This property is bounded by a stream in the front and steep topography to the rear of the property. The physical constraints of the property may restrict some of the development potential of the property and prevent higher intensity retail development.

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### 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.

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# Metro Planning Commission Meeting of 08/11/05

## TRAFFIC

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/MUN

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

### 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/MUN

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 Name**

**Jocelyn Hills, Section 1**

**Project No.**

**98S-351U-07**

**Council District**

23 – Whitson

**School District**

9 - Warden

**Requested by**

Allen Cargile, owner/developer and Turner Engineering Company, Surveryor.

**Deferral**

Deferred at the July 14, 2005, Commission meeting.

**Staff Reviewer**

Fuller

**Staff Recommendation**

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

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**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.**

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**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



## Metro Planning Commission Meeting of 08/11/05

### Final Plat Approval

reapproval shall be subject to current Zoning 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.

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### 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 08/11/05

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.”*

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### 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 preliminary and final plat approval have expired.





**Project No.**  
**Project Name**  
**Council Bill**  
**Council District**  
**School District**  
**Associated Case**

**Planned Unit Development 2004P-029U-11**  
**Nolensville Center PUD**

BL2005-748  
16 – McClendon  
7 - Kindall  
Zone Change 2004Z-030U-11 was approved with conditions in February 2004.  
Shaun Shirzad Etemadi, owner  
Deferred at the July 14, 2005, Commission meeting to resolve Stormwater issues.

**Requested By**  
**Deferral**

Harris  
*Disapprove due to lack of approval from Metro Stormwater.*

**Staff Reviewer**  
**Staff Recommendation**

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**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.**

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**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. The council bills for both the zone change for parcel 044 and the request for preliminary PUD were deferred indefinitely by the Council member on August 2, 2005.

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**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.). The applicant originally proposed parking in the rear parcel, but has now revised the plan to show no proposed building or parking in the rear parcel.

*Billboard*

Section 17.30.150A of the Zoning Ordinance 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.”



## Metro Planning Commission Meeting of 08/11/05

### *Access*

The applicant is proposing to keep the existing billboard with the boundary of the PUD. The intent of the PUD provisions in the Code is to provide the community, Commission and Council with a method of ensuring that property is developed in a “well-planned and coordinated manner.” Staff recommends, therefore, that the existing billboard be removed from the master development plan unless and until it is expressly permitted by the Metro Council.

Access is proposed from Nolensville Pike and Hester Avenue. The applicant proposes pedestrian 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. The applicant has indicated, however, that pedestrian access is needed for garbage disposal. Staff recommends that the 3-foot pedestrian access may be allowed for this purpose, with the condition that no parking be allowed along Hester Avenue, unless specifically approved by the Traffic & Parking Commission. Public Works shall be requested to investigate with the community whether no parking signs can be posted on one or both sides of Hester.

### *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. The applicant submitted revised plans to Metro Stormwater, but disapproval is still recommended (see below):

#### **Metro Stormwater recommendation:**

“Even though they removed the proposed parking lot on the back lot (Map-119-01, Parcel 44), we still cannot approve the preliminary PUD for the proposed 1,350 sq. ft. building. The front parcel (Map 118-04 Parcel 81) was built without an approved grading plan and grading permit. To build the 1,350 sq.ft. building, they are required to bring the entire site in full compliance with Metro Stormwater regulations which includes permanent onsite stormwater quality treatment and stormwater quantity controls.”

### *Sidewalks*

Sidewalks are required along Hester Avenue and Nolensville Pike and are now shown on the plan.



## Metro Planning Commission Meeting of 08/11/05

### *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.

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### STAFF RECOMMENDATION

**Staff recommends disapproval of the PUD since Metro Stormwater has not recommended approval of the plan.** The plan fails to address water quality concerns from Metro Stormwater and keeps the existing billboard as a part of the plan. If approved, a revised preliminary plan would need to be submitted to address all of the above issues prior to the third reading at Metro Council.

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### 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.”



**Zone Change**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**2005Z-056bT**  
None  
BL2005-648  
Countywide  
n/a  
Councilmember-at-Large Buck Dozier

**Staff Reviewer**  
**Staff Recommendation**

Regen  
*Disapprove*

**APPLICANT REQUEST**

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

**ANALYSIS**

**Existing Law**

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

**Proposed Text Change**

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

The ordinance would amend the Code as follows:

Section 17.32.050

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



## Metro Planning Commission Meeting of 08/11/05

### Analysis

Currently, changeable text and graphics on sign faces in most locations within Davidson County must remain static for at least two seconds. Sign copy that changes more rapidly, such as that seen in a video display, is currently permitted only in the CA district. An ordinance adopted by Council in May 2004 exempted the CA district from this restriction to allow video and other rapidly changing copy for use by the amusement, recreation, lodging, retail, and tourism uses affiliated with the CA district. By expanding this type of sign countywide, signs that display rapidly changing text or graphics would be permitted on any four-lane or controlled-access highway.

### Clarification

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

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

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

BL2005-633

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



## Metro Planning Commission Meeting of 08/11/05

### Staff Recommendation

Disapprove. This text amendment provides signs that are attention-getting because of their method of message display. By permitting these signs to locate countywide, additional distractions will be erected along heavily traveled roadways which may present a public safety issue and increase the visual clutter along Nashville's major thoroughfares.



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

**Zoning Text Change 2005Z-093T**  
None  
BL2005-726  
Countywide  
Councilmembers Jim Gotto and Feller Brown

**Staff Reviewer**  
**Staff Recommendation**

Carlat  
*Disapprove the addition of “rural bed and breakfast homestays,” “day care homes” and “day care centers” to the list of land uses in 17.40.280 that must receive Metropolitan Council resolution before proceeding to the BZA.*

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**REQUEST**

**Amend Zoning Code section 17.40.280 to require that rural bed and breakfast homestays, day care centers and day care homes be approved by a resolution adopted by the Metropolitan Council prior to the public hearing by the Board of Zoning Appeals.**

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**ANALYSIS**

**Existing Law – Rural Bed and Breakfast Homestays**

The Metro Zoning Code defines “Rural bed and breakfast homestay” to contain “six or fewer furnished rooms for pay within a private, owner-occupied structure which is on a single lot that exceeds five acres, and is located in an agriculturally zoned district, and authorized by the board of zoning appeals, according to Section 17.16.160.”

The criteria that must be met by the proposed rural bed and breakfast homestay to be approved by BZA include:

- Agriculturally zoned lot of five or more acres,
- Must be owner-occupied,
- No more than one off-street parking space to be provided for each quest room with the BZA determining location and buffering/screening,
- No signs permitted for advertising; one accessory residential sign permitted,
- Bulk regulations for the zoning district of the homestay shall apply,
- The owner will keep and make available a guest register for the zoning administrator,
- Regulations on meal service, and
- Required fire marshal approval of the structure for safety.



## Metro Planning Commission Meeting of 08/11/05

### Existing Law - Day Care Facilities

The Metro Zoning Code defines “day care” as the provision of care for individuals, who are not related to the primary caregiver, for less than twenty-four hours per day.

The Code delineates three types of day care facilities – “accessory to a single-family dwelling,” “day care homes” and “day care centers.” Within day care centers, there are four “classes” based on number of individuals served.

### Where Day Care Is Allowed

The type of facility and the number of individuals served dictates where the facility may be located.

Type	No. of Individuals Served	Regulated by Zoning Code	Zoning Districts Where Facility Is Allowed as “Special Exception” (SE)
Accessory to a SF dwelling	4 or fewer	No	N/A
Day Care Home (DCH)	5 to 12	Yes	Allowed as SE in all Agricultural, RS, R, RM and Mobile Home Park districts
Day Care Center (DCC)	Class I – 13 to 25 Class II – 26 – 50 Class III – 51 – 75	Yes - All classes	Classes I through III - Allowed as SE in all Ag., RS, R, RM and Mobile Home Park districts
Day Care Center (DCC)	Class IV – 76 or more	Yes – All classes	Class IV – Not allowed in Ag., RS or R districts; Allowed as SE in RM and Mobile Home Park districts.

### Process by Which Special Exception Is Sought for Day Care Facilities

The current process for seeking a “Special Exception” (SE) for permission to operate a day care facility is as follows:

- Applicant seeking SE files application with Metro Codes. Application must have scaled site plan for day care home or day care center.
- Metro Codes staff:
  - begins the multi-Department review process,
  - schedules a hearing date, and
  - conducts notification (legal ad, letter to applicant, notice to neighbors within 300 ft of any point of the property with proposed day care facility, notice to district Councilmember, and signs)
- BZA hearing with action by BZA – approve, approve with conditions, disapprove or defer.





## Metro Planning Commission Meeting of 08/11/05

### *What Standards Day Care Must Meet*

The BZA is limited in what criteria it may consider when determining the advisability of a proposed day care home or day care center. The criteria vary by type of day care facility (home or center) and by classes within day care centers. The primary criteria include:

- Minimum lot size,
- Street standard (how large a street must be present for each kind of day care facility),
- Landscape/buffer yards (there are not standards for Day Care Homes, only for Day Care Centers), and
- Parking spaces.

*See chart at end of report for further detail on day care home and center standards.*

### *Spacing Regulations*

Additionally, all day care homes and day care centers are subject to spacing regulations. For day care homes and centers, no two day care facilities are allowed on the same or opposing block face. If the block face is greater than 1,000 ft, no two are allowed within 1,000 ft. of each other.

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### **Proposed Text Amendment**

The proposed text amendment would add rural bed and breakfast homestays, day care homes and day care centers to the list of land uses that must receive Metropolitan Council review by resolution before receiving public hearing at the BZA.

Council review would require passing a resolution approving the rural bed and breakfast, day care home or day care center at which time the applicant could proceed to the BZA for their Special Exception hearing. If the Council takes no action within 60 days of a resolution being filed, then the applicant could proceed to the BZA. If the Council disapproves the resolution, then the applicant for the rural bed and breakfast, day care home or day care center cannot proceed to the BZA and cannot open a homestay or day care facility.

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### **Analysis**

*Rural Bed and Breakfast Homestays* - In 2000, Metro Council passed a law requiring that "historic bed and breakfast homestays" receive Metropolitan Council resolution before proceeding to the BZA. When the proposed text amendment came before Metro Planning Commission, the Planning Department staff recommended disapproval and Commission voted to disapprove the text amendment.



## Metro Planning Commission Meeting of 08/11/05

Planning Department staff noted in 2000 and still recommends that due to the community-wide impact of certain uses, there are some Special Exception uses that *should* receive Council resolution before proceeding to BZA. Among the uses that currently must receive Council resolution are sanitary landfills, asphalt plants, waster transfer facilities, airport runways, hazardous operations, and wastewater treatment facilities. These uses involve either large land areas, have unique operating characteristics, or tend to dominate the area more intensely than do other land uses permitted in the same zoning district.

Staff argued in 2000, however, that historic bed and breakfast homestays should not be placed in this category because *“the operating characteristics of historic bed and breakfast homestays do not warrant an additional development review process.”* Staff added, *“historic bed and breakfast operation is located within an existing owner-occupied, single-family structure within a residential neighborhood. Therefore, it is not similar in its intensity or potential residential impact to those special exception uses currently required to be first approved by Council.”* This same argument applies today for rural bed and breakfast homestays.

Furthermore, staff is concerned about transforming the decision-making process by moving the decision on rural bed and breakfasts from the BZA to the legislative body. The BZA determines the appropriateness of a requested use based on pre-determined standards established by the Metro Council. Moving these decisions to the legislative body creates the potential for inconsistent application of unspecified standards.

*Day Care Homes and Day Care Centers* - The argument against moving the decision on special exceptions from the BZA to the Council is especially crucial in the case of day care homes and day care centers because day care homes and centers are crucial and currently under-supplied community services.

The text amendment would transform the decision-making process on a needed community service. It would move the decision from a quasi-judicial body that determines the appropriateness of the facility based



## Metro Planning Commission Meeting of 08/11/05

on clearly-stated standards (the BZA) to the legislative body, making the decision a legislative decision with the potential for inconsistent application of unstated standards.

Metro Planning staff is concerned about both the change to the process and the resulting impact on the number and type of day care options for Nashville/Davidson County.

Day care is unarguably a needed community service. In 1999, only 23 percent of all families with children younger than six had one parent working and one parent who stayed at home to provide child care. Home-based day care and day care provided in residential neighborhoods has been determined by the Tennessee Department of Human Services (DHS) to be in such demand that DHS makes special effort to encourage this type of care, which DHS refers to as “Family Homes” and “Group Homes:”

"Although the Department is facing an ongoing shortage of child care funds we have identified as an area of critical need the facilitation of Family Homes and Group Homes. Homes are able to provide parents with critically important options for child care that can often be more difficult or impossible to find in center-based care - including flexibility relating to affordable infant care, unusual work shifts, and special needs care. The Department anticipates that these needs will continue to grow."

- Anne Turner, Director of Licensing DHS

Providing adequate day care opportunities is both an issue for families, but it is also an issue crucial to the economic development of Nashville/Davidson County – both workers and employers need to know there is an adequate supply of day care options.

When a service rises to the level of a “community good,” the provision of this good is best served by establishing reasonable and appropriate standards and placing the review of proposals in the purview of a quasi-judicial body like the BZA to ensure that the adopted standards are met and each applicant receives fair and equitable treatment.



## Metro Planning Commission Meeting of 08/11/05

Clearly, in neighborhoods, the residential neighbors have the right to expect that the day care facility will be a good neighbor. It is the role of the Metro Council to ensure appropriate standards are in place for the BZA to use when reviewing day care facility proposals. Staff recommends that these standards be revisited to ensure that the day care facility not only provides the best care for the children it serves, but is also a good neighbor.

Allowing a legislative veto of day care facilities, however, is not in the best interest of the community, the families seeking day care, or day care providers.

For families needing day care, a diminished supply in neighborhoods rules out day care choices – home-based day care and day care in neighborhoods – preferred by many parents.

For day care providers, additional barriers to providing day care, or expanding their current operations, can close their business or force day care “underground” where it is not regulated by Zoning Code or the Department of Human Services.

For the community as a whole, Nashville/Davidson County will appear less attractive to employers if it is believed to have an inadequate supply of day care openings for working parents.

Finally, from a land use planning perspective, a reduced supply of home-based day care means diminished flexibility in land use. Day care demand will fluctuate over time in any given neighborhood. This makes the use of homes as day care centers ideal, because the home can be used for day care and later transition into use as a home again, after the demand for day care declines. Meanwhile a reduced supply of neighborhood-based day care can potentially lead to increased traffic and congestion as families must drive further to take their children to day care.

Day care is a community good. The evaluation of the location of individual day care facilities should be correctly protected from inconsistent political decision-making. The BZA is the appropriate, quasi-judicial body to address the merits of the proposal.



## Metro Planning Commission Meeting of 08/11/05

The Planning Department is currently researching zoning regulations for day care facilities and can provide the Metro Council with appropriate standards which the BZA could use to balance the need for future day care facilities with appropriate neighborhood protection. The creation of these standards would, of course, involve input from Councilmembers, BZA members, day care providers, neighborhood leaders and the Department of Human Services.

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### RECOMMENDATION

Disapprove the addition of “rural bed and breakfast homestays,” “day care homes” and “day care centers” to the list of land uses in 17.40.280 that must receive Metropolitan Council resolution before proceeding to the BZA.



## Metro Planning Commission Meeting of 08/11/05

Type	Minimum Lot Size	Street Standard	Buffer Yard Regulations	Parking Regulations	Signage Regulations	Noise Regulations
<b>Day Care Home (DCH)</b> 5 to 12 children	Lot size determined by zoning district (Metro Zoning Code Section 17.12.020)	Access on any street	Fenced play area	<u>Outside Urban Zoning Overlay (UZO)</u> 1 space + ___ spaces required depending on the principle use, <u>+ 2 spaces for patrons</u> 5 spaces for single-family home or 7 spaces for two-family home  <u>Inside UZO</u> 1 space + ___ spaces required depending on the principle use, <u>+ 1 spaces for patrons</u> 4 spaces for single-family home or 6 spaces for two-family home	No signs allowed in residentially zoned districts.	General business/commercial noise regulations apply (11.12.070E).
<b>Day Care Center Class I</b> 13 to 25 children	.5 ac	Access on any street <u>except</u> minor local; Can be at intersection of minor local and collector/arterial	Where play area abuts a residential district, or a district permitting residential, then a landscape buffer yard "Standard A" required. (Metro Zoning Code 17.24)	1 space for each 5 individuals served, up to 50 individuals	Same as Day Care Home	Same as Day Care Home
<b>Day Care Center Class II</b> 26 to 50 children	1 ac	At a minimum – access on a collector	Where play area abuts a residential district, or a district permitting residential, then a landscape buffer yard "Standard B" required.	1 space for each 5 individuals served, up to 50 individuals	Same as Day Care Home	Same as Day Care Home
<b>Day Care Center Class III</b> 51 to 75 children	1.5 ac	Same as Class II	Where play area abuts a residential district, or a district permitting residential, then a landscape buffer yard "Standard C" required.	10 spaces plus 1 space per 10 individuals served	Same as Day Care Home	Same as Day Care Home

**Day Care Center Class IV** (76 or more children) are not allowed within Agricultural or Residential districts.

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

**Zone Change 2005Z-105T**  
 None  
 Ordinance BL2005-712  
 Countywide  
 n/a  
 Councilmember Michael Jameson

**Staff Reviewer**  
**Staff Recommendation**

Covington/Regen  
*Approve with conditions, Disapprove if proposed footnote #4 and buffer yard exemptions are as submitted.*

**APPLICANT REQUEST**

**Amend Zoning Code to permit an increased impervious surface ratio (ISR), an increased building height at the setback line for properties in mixed-use zoning districts and/or redevelopment districts, and to remove the need for a landscape buffer yard at the rear of properties abutting an alley.**

**ANALYSIS**

**Existing Law**

Table 17.12.020 C of the Zoning Code sets the minimum impervious surface ratios and building heights at the setback line for all office, commercial, shopping center, and industrial zoning districts. This table is often referred to as the “bulk standards table” as it regulates how tall and how big a building can be on a site. The “impervious surface ratio” sets the percentage of the property that may be covered with pavement or rooftops.

**Proposed Text Change**

The proposed text amendment would not alter how the table displays the information. It would merely revise the name of one column, modify the measurement increment used for building height from “feet” to “stories” for certain zoning districts, modify the impervious surface ratio (ISR) for certain zoning districts, and remove the requirement for a buffer yard where a zoning district boundary falls along an alley. In addition, it proposes that in redevelopment districts, the designated design review authority be permitted to establish the maximum height of a building at the street setback. Such design review would typically be done by M.D.H.A., but, the Metro Planning Commission, or the Metro Historic Zoning Commission may also conduct such design review.

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*Table 17.12.020C*

### MIXED USE AND NON-RESIDENTIAL DISTRICTS:

- a. Change the title of the seventh column in the table to read "Max. height at setback line (in ft or stories)";
- b. Change the allowable maximum height at the setback line in the MUN and MUL districts to read "3 stories";
- c. Change the allowable maximum height at the setback line in the MUG and MUI districts to read "5 stories";
- d. Change the maximum ISR standard for the MUN district to .80;
- e. Add the following footnote to the table: "Note 4: For properties located within an adopted Redevelopment District an alternative standard for the maximum allowable building height at a setback line may be established by the designated design review authority."

*Buffer Yards*

Amend Section 17.24.190, subsection B. to insert the words "... or alley" to the sentence.

### **Analysis**

*Bulk Standards*

The bulk standards table has been modified since the 1998 Zoning Code rewrite several times. As more infill development has occurred, problems with the current code have become evident. Most problematic has been the impervious surface ratio (ISR) and maximum building height at the setback line. In many instances, the Zoning Code permits a certain floor area ratio (FAR); however, it cannot be achieved reasonably due to the ISR and building height provisions. To ensure infill development continues, and the Zoning Code encourages such development in the future, **staff recommends approval of the proposed changes but also recommends that amendments to the proposed ordinance also should be considered.**

One of the perceived drawbacks to establishing height by number of stories is the potential unintended consequence of a building with the appropriate number of stories, yet a height that gives the perception of a building much taller. To address this concern, staff suggests that the ordinance be amended to establish for the affected districts a maximum number of stories to a maximum overall height.

In addition, the staff recommends that the ordinance be amended to further encourage infill development and in a manner that is commensurate with permitted intensity by allowing for increased height and ISR. The



## Metro Planning Commission Meeting of 8/11/05

permitted FAR for MUG and MUI is 3.00 and 5.00 respectively. Due to the increased intensity permitted in MUI, staff recommends that the maximum height at the setback line be increased in this district. The permitted ISR for MUL is 0.80. Staff recommends that this factor be increased.

The alternative would be as follows:

- a. Change the title of the seventh column in the table to read "Max. height at setback line (in ft and/or stories)";
- b. Change the allowable maximum height at the setback line in the MUN and MUL districts to read "3 stories to a maximum of 45 ft.";
- c. Change the allowable maximum height at the setback line in the MUG districts to read "5 stories to a maximum of 75 ft.";
- d. Change the allowable maximum height at the setback line in the MUI districts to read "7 stories to a maximum of 105 ft.";

### *Redevelopment Districts*

The proposed ordinance includes a footnote #4 that would allow the "designated design review authority" to permit taller buildings at the building setback line in a redevelopment district is procedurally problematic. Essentially, this note is intended to override Section 17.40.180.B of the Zoning Code establishing the Board of Zoning Appeals (BZA) as the appropriate body to adjudicate variances to the Zoning Code.

Increasing the height of a building at the setback line above what the base zoning district permits is a variance. Permitting a body such as the M.D.H.A. Design Review Committee to make such decisions would eliminate the public deliberation process. While the BZA is required to hold a public hearing on all variance requests, M.D.H.A's Design Review Committee is not; the latter being an administrative working committee, the other a quasi-judicial body.

Currently, all variance requests are advertised in a newspaper of general circulation, a sign(s) is posted on the property every 300 feet of frontage along a public street, and notices are mailed to the district councilmember, neighborhood associations, and property owners within 300 feet of the subject property. If adopted, no such notice would be required as this

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footnote would not classify such an increase as a variance to the maximum building height.

Staff recognizes the need for flexibility in Redevelopment Districts to propose appropriate standards to meet the intent of the district. A more appropriate method of allowing this flexibility would be to establish standards or alternative standards within a proposed Redevelopment District plan or as an amendment to an existing plan that is adopted by the Metro Council. **Staff recommends changing the proposed footnote as follows:**

- e. Add the following footnote to the table: "Note 4: For properties located within an adopted Redevelopment District an alternative standard for the maximum allowable building height at a setback line may be established as part of an adopted Redevelopment District plan."

### *Buffer Yards*

The proposed change to eliminate buffer yards at the rear of properties abutting an alley may be appropriate in certain situations. Eliminating these buffer yards throughout the entire UZO in all situations, however, may not be appropriate. While alleys range in size from 10 to 20 feet, they do not provide a visual break between a commercial building on a major street and a residential home. Being at-grade, alleys cannot reduce the appearance or bulk of a commercial property.

Landscape buffer yards can soften the hard surfaces and angles of a building and parking lot, which are often associated with commercial development. As well, light and glare from a commercial property is reduced with canopy trees, understory trees, and shrubs located in a buffer yard. Particularly in urban settings where buildings are grouped tightly and parking is placed at the rear of the structure, landscape buffer yards provide visual relief for adjacent owners.

On the other hand, the elimination of buffer yards across alleys has positive consequences. For example, trees used in buffer yards that are counted toward meeting tree density requirements may be relocated to the sides and front of the property, providing a more visible canopy. Also, the elimination of buffer yards across alleys may increase the visibility of the alley itself. *Note:* The elimination of

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buffer yards across an alley does not reduce tree density requirement nor eliminate perimeter buffering requirements for parking lots.

In order to eliminate buffer yards across alleys where appropriate, **staff recommends changing the proposed standard as follows:**

Amend Section 17.24.190, by adding subsection D. as follows "When a zoning boundary falls along an alley in the urban zoning overlay district and uses on both sides of the alley are residential. In all other situations, a minimum B-5 buffer may be substituted for the required buffer."

The B-5 buffer yard standard would allow a 5-foot landscaped buffer with an opaque fence where the land use on both sides of the alley is not residential. If the land use on both sides of the alley is residential, then no buffer yard would be required.

*Note:* If the provision remains in the bill as is, the bill should be amended to clarify where "or alley" is to be inserted within the sentence. Presently, it only states the words are to be added to the sentence, but it doesn't state where in the sentence the words are to appear.

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### Staff Recommendation

1. Approve if amended to remove or change proposed footnote #4 and change the buffer requirements across alleys, both of which are described above.
2. Recommend the additional changes, proposed above, to the ISR and maximum building height at the setback line in the mixed-use districts to sustain and increase Nashville's infill development opportunities.

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

**Zone Change 2005Z-114G-14**  
 None  
 11 - Brown  
 4 - Nevill  
 R. Leslie and Ginny C. Charnock, owners.

**Staff Reviewer**  
**Staff Recommendation**

Pereira  
*Disapprove*

**APPLICANT REQUEST**

**Request to change 0.36 acres from commercial limited (CL) to commercial services (CS) district property located at 4648 Old Hickory Boulevard, approximately 1,500 feet north of Lebanon Pike.**

**Existing 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.

**Proposed Zoning**  
 CS district:

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

**DONELSON/HERMITAGE  
 COMMUNITY 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.

**Policy Conflict**

Yes. The proposed CS district allows a variety of commercial uses that are not consistent with the intent of the Community Center policy. These include liquor

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### *Current use*

sales, automobile repair, automobile service (oil change), parking, vehicular sales, and a bar/nightclub uses.

This parcel currently has a boat dealership business on the site, and the owner seeks this zone change to allow an addition onto the existing building. Boat sales qualify as a "vehicular sales" use according to the Metro Zoning Ordinance, which is a use not allowed within CL zoning. Metro Codes advised the applicant that a zone change to CS would remove the conflict with the Metro Zoning Ordinance, and to enable the applicant to apply for a permit for the existing building and the proposed building expansion. **Staff recommends disapproval of this rezoning request because it conflict's with the land use policy in the adopted community plan.**

### *History*

The owner bought the property in 1999, when the zoning had already been changed from CS to CL with the 1998 Zoning Ordinance update. The owner was apparently sold the property with the understanding that the zoning was still CS. According to Metro Codes staff, the only permit issued in recent history on this property is a "boat accessory sales" use, which is considered a retail use and is permitted in the CL zoning district. The prior pool sales use on the property was also considered retail and also allowed in the CL district.

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### **RECENT REZONINGS**

None.

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### TRAFFIC PUBLIC WORKS' RECOMMENDATION

No Exception Taken.

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.36	0.172	2,697	82	11	82

**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)	0.36	0.198	3,105	92	12	83

**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
--			+408	10	1	1

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	0.36	0.2*	3,136	2315	211	165

\*Adjusted as per use

**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)	0.36	0.*2	3,136	2315	211	165

\*Adjusted as per use

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

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

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

**Neighborhood Landmark 2004NL-028G-10**  
 None  
 None  
 25 - Shulman  
 8 - Harkey  
 Catherine Snow and Douglas Knight, owners

**Staff Reviewer**  
**Staff Recommendation**

Fuller  
*Approve with conditions*

**APPLICANT REQUEST**

**Request for development plan approval for a Neighborhood Landmark Overlay, located at 1100 Clifton Lane, approximately 700 feet east of Granny White Pike.**

**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.

Neighborhood Landmark  
 Overlay District (NLOD)

The NLOD district is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood in which the feature is located. The Metro Council approved the Overlay District in May 2005. After the overlay is adopted, the Planning Commission subsequently must approve a Neighborhood Landmark Development plan. The site plan addresses site design, specific uses, building scale, landscaping, massing issues, parking lot access, and lighting.

**PLAN DETAILS**

The structure at 1100 Clifton Lane is a Queen Anne style home that was built in the late 19<sup>th</sup> century. It was the first house added to the original Noel plantation, and was reportedly constructed by a New Orleans banker as a summer home.

Proposed Use

There is an original carriage house at the rear of the property that is being proposed by the applicant to allow overnight accommodations for guests, as well as special events such as receptions. This use would be classified as a Bed and Breakfast use under the Zoning Ordinance.

Mass and Scale

There are no proposed changes to building footprints. The porch and turret on the main house will be restored.

## Metro Planning Commission Meeting of 8/11/05

Parking

A chimney and storage structure will be added to the carriage house. Privacy fencing will be added along the side and rear property lines. Victorian style-fencing will be added adjacent to the street.

Parking is available for 4 to 5 cars at the rear of the property. Parking for special events requiring more space will be via valet off-site.

Lighting

The carriage house lighting at the front, side and a corner floodlight light the entrance. The adjacent gazebo is also lighted. A small lighted sign will be added by the driveway, setback from the street.

Landscaping

The property features many old trees that will remain.

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### CONDITIONS

1. The Planning Commission must approve any future change in use or change in site plan.
2. Signage shall be externally lit.



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

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

**Staff Reviewer**  
**Staff Recommendation**

Fuller  
*Approve with conditions, including that one of the lots be limited to single-family dwellings only.*

**APPLICANT REQUEST**  
**Final Plat**

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

**ZONING**  
 R10 district

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre, including 25% duplex. However, since this lot was created before 1984, duplexes are permitted on both lots under the Code if subdivided.

**SUBDIVISION DETAILS**

Lot Comparability

Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

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

Road Frontage - Section 2-4.2.A

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

## Metro Planning Commission Meeting of 8/11/05

### Surrounding Development

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

Abutting the property to the rear is the developing Oxford Hills cluster-lot subdivision approved with a density of 3.95 dwelling units per acre, including 2 duplexes.

The area is largely developed with 1/4 to 1/3 acre lots with the exception of Arden Place, a condominium development with 260 units on 22.9 acres (roughly 11 dwelling units per acre).

### Green Hills – Midtown Community Plan Policy

The recently adopted policy for this area is Residential Low Medium (RLM). It is in a special policy area under the following provisions:

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

### Sidewalks

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

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### STAFF RECOMMENDATION

Staff recommends that the Commission approve an exception to lot comparability for this application with the condition that the development is for 3 units only (one duplex lot, one single-family lot). The density for three units is within the adopted RLM policy, at 3.03 dwelling units per acre. The proposed plat includes 2 duplex lots which would exceed the maximum RLM policy of 4 dwelling units per acre (4.44 dwelling units per acre).

## Metro Planning Commission Meeting of 8/11/05

There is enough diversity in the development pattern of the area to justify approving a lot without frontage. This development must gain access, however, from the existing Jamestown Green development driveway to create a cohesive design to blend with the existing development pattern and reduce the number of driveway access points on Belmont Park Terrace.

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### **PUBLIC WORKS RECOMMENDATION**

No Exception Taken.

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### **STORMWATER RECOMMENDATION**

The following items need to be revised:

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

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### **CONDITIONS**

1. Access to the property must be consolidated with the private drive for Jamestown Green Court so that only one drive enters Belmont Park Terrace.
2. The setback for lot 1 must be 85 feet to maintain the existing setback pattern of the street.
3. The number of dwelling units must be capped at 3 to meet the RLM policy of 2-4 dwelling units per acre.

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

**Subdivision 2005S-222G-14**  
**The Meadows at Seven Points, Phase 5**  
 12 – Gotto  
 4 - Nevill  
 Paul R. Odom, owner, Weatherford & Assoc., surveyor.  
 Harris  
*Disapprove, unless revised plans are submitted prior to the meeting showing revised common open space areas and the stub street to the north.*

**APPLICANT REQUEST**  
**Preliminary Plat**

**Request to create 45 cluster-lots on 24 acres along the west side of Earhart Road, approximately 150 feet north of Hessey Road.**

**ZONING**  
 RS15 District

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

**CLUSTER LOT OPTION**

The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots). The proposed lots range in size from 10,987 square feet to 20,693 square feet, which means that the applicant is only reducing the lot sizes down one zoning district (RS10--10,000 sq. ft.).

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 6.3 acres (26%) of open space – which exceeds the minimum open space acreage required.

**SUBDIVISION DETAILS**

*Access/Street Connectivity*

Access is proposed from Seven Points Circle, which is in Section 2B of The Meadows of Seven Points final plat. Access is also proposed from Earhart Road, which is designated as a collector in the Community Plan. The applicant has indicated that a stub street to the north can be provided. Revised plans must be submitted to show this future connection.

## Metro Planning Commission Meeting of 8/11/05

### *Sidewalks*

There are three lots proposed along Earhart Road. Staff recommends that either a joint access easement run behind the lots or that shared access be provided with only two driveways along the proposed collector street.

Sidewalks are proposed along all the new streets within the subdivision.

### *Open Space*

Although the open space provided meets the requirements for the percentage of the total development, it does not provide an amenity area which can serve the entire development. There is one open space area with amenities including a gazebo and trail, but it is behind lots and not easily accessible. Most of the open space is not easily accessible or can not be seen from the street. **Staff recommends that the Commission not approve this application unless the open space areas are revised to provide for more active and useable open space.**

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### **STORMWATER'S RECOMMENDATION**

Approve.

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### **PUBLIC WORKS RECOMMENDATION**

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

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### **CONDITIONS (if approved)**

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
2. Approvals are subject to Public Works' review and approval of construction plans.
3. Revised plans are to be submitted by August 25<sup>th</sup> that shows the following:
  - a. More useable open space.
  - b. Proposed stub street to the north.
  - c. Landscape buffer yards labeled.

**Project No.  
Project Name**

**Subdivision 2005S-199U-13  
Hobbs Subdivision, Second Revision of  
Resubdivision of Lots 1-4**

**Associated Cases  
Council District  
School Board District  
Requested By**

None  
13 – Burch  
6 - Awipi  
Littlejohn Engineering Associates, Inc., applicant for  
owner, Aspen Tennessee, LLC

**Staff Reviewer  
Staff Recommendation**

Pereira  
*Approve with conditions*

**APPLICANT REQUEST  
Preliminary Plat**

**Request for Preliminary Plat approval to  
consolidate six parcels into five lots along the  
southwest side of Briley Parkway and north side of  
Dabbs Avenue (12.88 acres).**

**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

**SUBDIVISION DETAILS  
*Plan Details***

This subdivision proposes the consolidation of six  
existing parcels and the resubdivision of this property  
into five lots, lot 1 (5.94 acres), lot 2 (2.0 acres), lot 3  
(1.89 acres), lot 4 (2.43 acres), and lot 5 (0.62 acres).  
Lots 1, 4 and 5 have frontage on Dabbs Avenue but will  
not have access on this street, while Lots 2 and 3 will  
have principal access off of a proposed 25 foot access  
easement. There is a proposed private drive for ingress  
from Karen Drive across lot 5, and a proposed private  
drive for egress across what is currently designated as  
TDOT right-of-way, connecting to Dabbs Avenue.

*Coordinating access with TDOT*

With the reconstruction of the Briley Parkway  
interchange, TDOT removed a prior access point to  
these properties. This prompted a series of discussions  
between the applicant and TDOT for establishing new  
access points. TDOT required that there be no exit onto  
Karen Drive, which resulted in the proposed egress  
drive onto Dabbs Avenue.

In addition to discussing the main ingress and egress  
points for these properties, the applicant and TDOT

## Metro Planning Commission Meeting of 8/11/05

### *Sidewalk requirement*

have also tentatively agreed upon a 30'-50' joint access easement that is proposed to run parallel to Briley Parkway and connect to the ingress/egress drives. This preliminary plat shows this easement, but the details of it must be finalized prior to final platting of this property.

This property is in the Urban Services District. As this is a preliminary plat, a sidewalk note has been added that indicates that sidewalk requirements are to be determined at the building permit stage.

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### **TRAFFIC/PUBLIC WORKS' RECOMMENDATIONS**

#### **Public Works:**

1. No Exception Taken – A TIS may be required at development.

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### **STORMWATER DEPARTMENT RECOMMENDATIONS**

Approved 7/29/05.

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### **CONDITIONS OF APPROVAL:**

1. Prior to final plat approval of this property, the applicant (property owner) and TDOT must agree on the exact surveyed property boundary that runs parallel to Briley Parkway.
2. Prior to final plat approval of this property, the applicant (property owner) and TDOT must come to an agreement on the precise specifications of the main ingress and egress points for these properties, including the resolution of the egress drive across existing TDOT right-of-way. The applicant and TDOT must also finalize the details of the 30'-50' joint access easement proposed to run parallel to Briley Parkway and connect to the ingress/egress drives.

**Project No.  
Project Name**

**Subdivision 2005S-220U-12  
Lake Providence Missionary Baptist  
Church, Resubdivision of Lot 2**

**Council District  
School Board District  
Requested By**

30- Kerstetter  
2 - Blue  
Meridian Constuction Co., LLC, owner/developer, John  
Franklin, surveyor

**Staff Reviewer  
Staff Recommendation**

Harris  
*Approve with conditions, but disapprove sidewalk  
variance. The applicant has indicated that a financial  
contribution will be made in lieu of construction of the  
sidewalks.*

**APPLICANT REQUEST  
Final Plat**

**Request for final plat approval to create five single-  
family lots on 0.78 acres on the south side of Alice  
Avenue at the east end of Higgins Street.**

**ZONING  
R6 District**

R6 requires a minimum 6,000 square foot lot and is  
intended for single-family dwellings and duplexes at an  
overall density of 7.72 dwelling units per acre including  
25% duplex lots. The plat does not designate any lots  
for duplexes.

**SUBDIVISION DETAILS**

*Access/Street Connectivity*

Four lots are proposed off of Alice Avenue with one lot  
off of Higgins Street. The entrance into Alice Avenue is  
substandard and may require some upgrading.

*Sidewalk Variance*

Sidewalks are required and proposed along Alice  
Avenue, however, the applicant has requested a  
sidewalk variance for lot 5 along Higgins Street.

Staff recommends disapproval of the sidewalk variance  
request. The applicant has the option of constructing the  
sidewalk or making a financial contribution in lieu of  
constructing the sidewalk, which is appropriate for this  
area. The applicant has indicated that a financial  
contribution will be made into the Metro Sidewalk Fund  
in lieu of construction of the sidewalks since the linear  
footage of frontage along Higgins is only 15 feet.

**STORMWATER'S  
RECOMMENDATION**

Approve



## Metro Planning Commission Meeting of 8/11/05

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### **PUBLIC WORKS' RECOMMENDATION**

The developer is required to repair the grade problems at Alice Avenue and Nolensville Road where cars are dragging entering and exiting Alice Avenue.

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### **CONDITIONS**

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
2. Approvals are subject to Public Works' review and approval of construction plans, including repair to the grade problems at Alice Avenue and Nolensville Road.
3. Prior to recordation, the contour lines are to be removed from the final plat.

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

**Subdivision 2005S-221G-13**  
**Leslie Cappama Sub – Resub Lot 1 & 2**  
 None  
 33 – Bradley  
 06 – Awipi  
 Chun Ok Song, owner, and Dale and Associates, surveyor.

**Staff Reviewer**  
**Staff Recommendation**

Swaggart  
*Approve, including a variance for lot size.*

**APPLICANT REQUEST**

**Final Plat**

**Request for final plat approval to create four lots on 12.99 acres, including a variance to allow lots that are more than three times the minimum lot requirement for the zone district requirement.**

**Zoning**  
 MUL district

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

RS10 district

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

**SUBDIVISION DETAILS**

The request will take three existing lots and create four. As proposed the lots will have the following area(s):

- Lot 1: 78,359 Sq. Ft., (1.8 acres);
- Lot 2: 54,458 Sq. Ft., (1.3 acres);
- Lot 3: 258,840 Sq. Ft., (5.9 acres);
- Lot 4: 174,245 Sq. Ft., (4 acres).

Variance  
 2-4.2(D)

Section 2-4.2(D) stipulates that proposed lot areas shall not exceed three times the minimum lot size required by the Zoning Ordinance for the zone district requirement. Exceptions can be made when land proposed for division contains floodplain or terrain otherwise unsuitable for development or when private sewage disposal systems are to be utilized.

Lots 3 and 4 are within the RS10 district, which stipulates a minimum lot area of 10,000 Sq. Ft. According to Section 2-4.2(D) the maximum lot size for any new lot in this district shall be no more than 30,000 Sq. Ft. Lots 3 and 4 both exceed the maximum.

## Metro Planning Commission Meeting of 8/11/05

Because the existing lots are also greater than three times what is required under the RS10 district, and the proposed lots are smaller, staff recommends that the variance be approved.

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**TRAFFIC  
PUBLIC WORKS'  
RECOMMENDATION**

No Exceptions Taken



**Project No. Subdivision**

**2005S-226G-13**

**Project Name**

**Center for Business and Technology**

**Council District**

32 – Coleman

**School Board District**

6 - Awipi

**Requested By**

Center for Business and Technology, Inc., owner,  
Littlejohn Engineering Associates, surveyor/engineer.

**Staff Reviewer**

Harris

**Staff Recommendation**

*Approve with conditions*

**APPLICANT REQUEST**

**Final Plat**

**Request to create 3 lots on 8.59 acres on the west side of Heil Quaker Boulevard, approximately 450 feet south of Corporate Place.**

**ZONING**

IR District

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

**SUBDIVISION DETAILS**

*Access/Street Connectivity*

Access is proposed from Heil Quaker Boulevard with a joint access easement proposed for all three lots.

*Sidewalks*

Sidewalks are to be determined with the issuance of any building permits and are not required to be shown on this plat.

**STORMWATER'S RECOMMENDATION**

Approve.

**PUBLIC WORKS' RECOMMENDATION**

Align access easement with opposite drive.

**CONDITIONS**

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.



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2. Approvals are subject to Public Works' review and approval of construction plans.
3. Prior to recordation, performance bonds for public infrastructure are to be posted.



**Project No.**

**Subdivision 2005S-260G-06**

**Project Name**

**Critical Lot 2005C-127**

**Council District**

**Woods of West Meade Critical Lot # 18**

**School Board District**

23 - Whitson

**Requested By**

9 - Norris

Jonathan R. & Ashley Bennett, owners, and Southern Land Surveying, Inc., engineer/owner.

**Staff Reviewer**

Thompson

**Staff Recommendation**

*Disapprove.*

**APPLICANT REQUEST**

**Critical Lot Plan**

**A request for approval of a driveway slope greater than 10% on a critical lot, located on the east side of Saussy Court, approximately 1,000 feet west of Rodney Drive.**

**ZONING**

R40 District with PUD overlay

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. The Woods of West Meade (formerly Saussy Place) Planned Unit Development was given final approval in 2001 to permit 24 single-family lots.

**SUBDIVISION DETAILS**

*Critical Lot Plan*

This property is identified as a critical lot on the final plat for Woods of West Meade, 2002S-169G-06, approved by the Metro Planning Commission on October 27, 2003.

*Metro Subdivision Regulations*

Per the Metro Subdivision Regulations, Appendix C, a critical lot plan must 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 must also include the specified and illustrated methods of stabilization of slopes greater than 33% and methods of managing storm water runoff.

*Driveway Slope*

Per Appendix C of the Metro Subdivision Regulations, driveway slopes on critical lots should be designed with a 10% grade or less. The applicant is proposing a driveway slope with a 20% grade, and an approximate average grade of 16%. The Metro Public Works Department has indicated that a 10% driveway slope is needed as a transition between the street grade, allowing a vehicle to travel without bottoming out, and



## Metro Planning Commission Meeting of 8/11/05

to avoid safety issues getting from the street to the home.

The Woods of West Meade contains a total of 24 lots, all of which are critical. Four of the 24 lots had critical lot plans submitted and approved by the Metro Planning Department in 2004 and 2005. Lots 1, 14, 19, and 24 were reviewed by Metro Planning staff and contained driveway slopes between 5%-15%. These plans were approved prior to the Executive Director's decision to submit plans with slopes greater than 12% to the Metro Planning Commission for review and approval.

This case is being presented to the Commission because the driveway slope is twice the suggested 10% of the Metro Subdivision Regulations, and the existing grades will be steepened by further grading to accommodate a basement level, two-car garage.

### *Engineering Report*

The applicant provided copies of a letter from the engineer explaining how the driveway slope and turn-around space are believed to be adequate for the homeowner and any emergency vehicles. The letter has been reviewed by staff.

### **Planning Staff Recommendation**

Staff recommends disapproval of this critical lot plan. The proposed 20% driveway slope is twice the preferred 10% slope. The applicant is steepening the grade of the lot by attempting to access a basement level garage with a driveway. Staff has requested that the engineer work with the grade to reduce its severity, and the revised plan retains the 20% grade.

The critical lot standards in appendix C of the Subdivision Regulations state: "It is emphasized that a typical house design may not be suitable for a critical lot. Critical lots usually require a specific design for a lot." It does not appear that the plan submitted includes a house that has been specifically designed for this lot, as is required by the critical lot standards.

With 20 more critical lots remaining to be built in The Woods of West Meade, a precedent could be established by approving lots with twice the recommended 10% slope.



**Project No.**  
**Project Name**

**Planned Unit Development 122-82-U-12**  
**Grassmere Business Park, Section 1 (Talcott Office Building)**

**Council District**  
**School District**  
Requested By

26 - Adkins  
7 - Kindall  
Civil Site Design Design Group, applicant, for Talcott III Grassmere, Limited Partnership, owner.

**Staff Reviewer**  
**Staff Recommendation**

Fuller  
*Approve with conditions*

**APPLICANT REQUEST**  
**Final PUD**

**Request for final approval for a phase of the Commercial Planned Unit Development district to permit the development of a 30,329 square foot office building on 2.52 acres, located on the east side of Trousdale Drive, abutting Elysian Fields Road.**

**PLAN DETAILS**

The plan proposes an office building located abutting Trousdale Drive with parking located behind. The site is accessed by internal driveways shared with the adjacent Greater Nashville Association of Realtors Building. An existing 70-foot wide landscape buffer along Elysian Fields Road will be maintained, as was previously required, to screen the office building from the residential properties on the opposite side of the road.

**PUBLIC WORKS' RECOMMENDATION**

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

Show and dimension right of way along Elysian Fields Road at property corners. Label and dedicate right of way 30 feet from pavement centerline, consistent with the approved major street / collector plan.

**STORMWATER RECOMMENDATION**

The following items must be addressed before the grading plans can be approved:

1. The EPSC note needs to be signed.
2. Provide 2 copies of the Notice of Coverage (NOC) from TDEC.
3. Provide erosion and sedimentation control measures around the existing and proposed inlets/catch basins





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to prevent sediment from entering them during construction.

4. The Hydraflow storm calculations need to be revised; a. Line A3 - A2 has 0.00 intensity and 0.00 incremental flow; runoff for that segment plus the runoff from the upstream segment;c. The flows on the Summary Report don't match the flows on the Line A Report.
5. Include routing for the 100 yr. Event. If water quality/detention structures aren't sufficient to handle these flows, indicate how and where the runoff will be bypassed.
6. The hydrograph report contains more hydrographs than sub-basins. The peak discharges from the hydrographs don't match the discharges listed in the summary table. Areas in models don't match description in detention summary write-up. Clarification required.
7. Provide an As-Built note on the plans as follows: q. As-builts are required for underground detention and water quality structures prior to issuance of the U&O Permit. Certification must include, at a minimum, the following information: Manufacturer and model number of the unit; sales receipt; attached shop drawings of installed unit; date of field inspection by Engineer (before backfilling structure); engineer stamp and date.
8. Provide a signed Stormwater Detention Agreement.
9. Provide location of easement on plans for the water quality and detention structures along with a dedication of easement for the detention and water quality device.
10. Provide calculations and drainage map/area verifying the capacity of the next 2 downstream structures. The results of the calculations were provided. The calculations supporting these results are needed.
11. Provide 3 sets of final design plans



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### FIRE MARSHAL

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

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### CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
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. 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 been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these



## Metro Planning Commission Meeting of 8/11/05

plans will require reapproval by the Planning Commission.

7. Approvals are subject to Public Works' review and approval of construction plans.
8. Show and dimension right of way along Elysian Fields Road at property corners. Label and dedicate right of way 30 feet from pavement centerline, consistent with the approved major street / collector plan.



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

**Planned Unit Development 62-87-P-06**  
**Summit Oaks, Phase 4**  
None  
22 – Crafton  
09 – Warden  
Barge Waggoner, Sumner and Cannon, for Greater Middle Tennessee Development Partnership, owner

**Staff Reviewer**  
**Staff Recommendation**

Swaggart  
*Approve with conditions*

**APPLICANT REQUEST**  
**Revise Preliminary and Final PUD**

**Request to revise a portion of the preliminary plan and for final approval for a phase of a Residential Planned Unit Development, to permit the development of 27 single-family lots.**

**PLAN DETAILS**

This is Phase Four of a multi-phased residential Planned Unit Development for 27 single-family lots. The current proposal is consistent with the preliminary with the exception that the right-of-way is 46 feet instead of 42 feet as was approved with the previous revision to the preliminary. This change was required to meet current roadway standards.

The site is in an area with slopes of 20 percent or greater, and all lots are denoted as critical lots. Critical lots are lots where typical house designs may not be suitable, and house plans should be specifically designed for each individual lot.

**TRAFFIC**  
**PUBLIC WORKS**  
**RECOMMENDATION**

No Exceptions Taken

**STORMWATER**  
**RECOMMENDATION**

Approve with the following conditions:

1. Add FEMA panel numbers to plans.
2. Add As-Built Note for water quality device.
3. Identify buffer for the 40-acre drain, and show that no work is being performed within the buffer (25 Ft. from top of bank on both sides).



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4. Change HDPE pipe to either CMP or RCP.
5. The wall / flume need to be in an easement or open space / drainage easement.

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### CONDITIONS

1. Add FEMA panel numbers to plans.
2. Add As-Built Note for water quality device.
3. Identify buffer for the 40-acre drain, and show that no work is being performed within the buffer (25 Ft. from top of bank on both sides).
4. Change HDPE pipe to either CMP or RCP.
5. The wall / flume need to be in an easement or open space / drainage easement.
6. 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.
7. 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.
8. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.



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9. 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 been submitted to and approved by staff of the Metropolitan Planning Commission.
10. 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.
11. 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.**  
**Project Name**  
**Council District**  
**School District**  
**Requested By**

**Planned Unit Development 88P-038G-13**  
**Long Hunter Chase, Phase 3, Section 3**  
11 - Brown  
4 - Nevill  
John Coleman Hayes Development Company, owners.

**Staff Reviewer**  
**Staff Recommendation**

Fuller  
*Disapprove*

**APPLICANT REQUEST**  
Revise Final PUD

**Request to revise a portion of the final plan for the Residential Planned Unit Development district to delete condition #1 of the previous final PUD approval of June 10, 2004 stating: "The remaining unfinished portion (approx. 1,000 linear feet) of Smith Springs Parkway shall be completed and open to vehicular traffic prior to the recording of any final plat for this PUD subdivision, or the appropriate performance bond shall be posted with the Metro Planning Department for a bonding period not to exceed 6 months."**

**APPLICATION STATUS**

This application should be considered an amendment to the PUD because it significantly alters the original concept of the preliminary plan.

**PREVIOUS APPROVAL**

Completion of Smith Springs Pkwy

Although not within the boundary of the Phase 3, Section 3 Final PUD approval, the applicant was informed that they had a responsibility to ensure that the preliminary (master) PUD plan be constructed and completed as approved.

The current preliminary plan calls for the connection of Smith Springs Parkway from the eastern terminus of Mt. View Road to Hobson Pike. The completed Smith Springs Parkway would serve the proposed lots within this phase. This connection is especially important because the parkway is intended to act as a collector for traffic from Mt. View to Hobson Pike and to reduce traffic on local roads. Since this 1,000-foot section has yet to be completed, traffic is accessing Hobson Pike via the local neighborhood roads within the Long Hunter Chase subdivision.



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### Previous Approval

June 10, 2004, the Planning Commission required that the Smith Springs Parkway connection be made, or at a minimum bonded for a short time, prior to the recordation of this (Phase 3, Section 3) or any other future plats associated with this PUD master plan.

### Resolution No. 2004 –191

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 88P-038G-13 is **APPROVED WITH CONDITIONS. (9-0)**

#### **Conditions of Approval:**

1. The remaining unfinished portion (approx. 1,000 linear feet) of Smith Springs Parkway shall be completed and open to vehicular traffic prior to the recording of any final plat for this PUD subdivision, or the appropriate performance bond shall be posted with the Metro Planning Department for a bonding period not to exceed 6 months.
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 fire flow water supply during construction must be met before 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.”

### **APPEAL PROCEDURES**

Section VI. K. of the Rules and Procedures of the Metropolitan Planning Commission contains the process for appealing, or rehearing, a decision within **60** days after a commission action. The applicant did not appeal the action within the specified time period and is doing so now.

**K. REHEARING.** Any aggrieved party or a Commission member may, within 60 days after a commission action, request a rehearing. The request, filed in writing by an aggrieved party or announced by a sitting Commission member at a regular meeting, must be filed or announced at least 14 days prior to the meeting at which the request will be heard. The request must state what conditions have changed or what new information is available that may serve as cause for rehearing.





## Metro Planning Commission Meeting of 8/11/05

### STAFF RECOMMENDATION

**Disapprove.** This section of Smith Springs Road is needed and was a condition of the preliminary approval of the Long Hunter Chase Planned Unit Development. Phase 3, Section 3 is the last phase of Long Hunter of Chase left to be completed. The construction of Smith Springs Parkway was always a condition of the PUD, and should be completed prior to the approval of any additional development within the PUD, as the Planning Commission previously required.