



**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  
Deferred at the August 11, 2005, Commission meeting.

**Deferral**

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



## Metro Planning Commission Meeting of 8/25/05

### Policy Conflict

#### *Infrastructure Deficiency Area*

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.
2. Document adequate sight distance at project access. Site distance mitigation will be required prior to approval of construction plans.



## Metro Planning Commission Meeting of 8/25/05

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.

*Staff Analysis (Since 8/11/05 meeting)*

The Commission has recommended approval of zone change requests where some deficiencies in infrastructure existed in other areas of Metro. In those cases, the applicant may be called upon to address the deficiency through improving the roadway along their property, or other limited measures. This “infrastructure deficiency area” was adopted by the Commission in the Southeast Community plan specifically to address perceived serious deficiencies in the transportation network in this area. The checklist was created by staff as a mechanism to evaluate the existing road condition and to call attention to development proposals with infrastructure that does not meet the current Metro standards. Staff recommends



## Metro Planning Commission Meeting of 8/25/05

disapproval since this area was specifically identified by the Commission as having inadequate existing infrastructure. Accordingly, this proposal is premature at this time.

### 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.

### PUBLIC WORKS' RECOMMENDATION

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

#### 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

### 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 August 2, 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 August 11, 2005, Commission meeting.

**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 for preliminary PUD approval to permit 39 single-family lots within a residential 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



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new school in the Antioch Cluster. Stub streets are provided to the north and east, but the stub street to the north is not appropriate at the proposed location due to steep topography. A stub street would be more appropriate across from one of the other proposed streets to the south.

The applicant has indicated that the contour lines shown on the plan are inaccurate and revised plans will be submitted prior to the Commission meeting that show the updated contour lines. According to the applicant, contour information was not obtained outside the project's property lines, so the applicant's computer attempted to interpolate where the contours outside the project were located. Also according to the applicant, the contours on Metro's maps show about a 3-4% slope in that area, consistent with the slope on the applicant's property. The applicant contends that the 16% contours shown on the current plans are incorrect, and that the proposed stub street is appropriate where it is located on those plans. If revised plans are submitted with an appropriate slope for future connectivity, then staff will recommend that the stub street be approved in the currently proposed location.

### Open Space-Bike/Walking Paths

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. A flood study for Turkey Creek will be required prior to Construction Drawing approval.



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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.
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.

### **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 approval of any final plat. 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.



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- 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.**  
**Project Name**  
**Council District**  
**School Board District**  
**Requested By**  
**Deferral**

**Subdivision 2005S-222G-14**  
**The Meadows at Seven Points, Phase 5**  
12 – Gotto  
4 - Nevill  
Paul R. Odom, owner, Weatherford & Assoc., surveyor.  
Deferred from the August 11, 2005, meeting to explore street connection issues.

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

Harris  
*Approve with conditions*

**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.



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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.

Connectivity

**Update since August 11, 2005,  
Commission meeting**

Since the last Commission meeting, a concept plan was submitted with nine single-family lots proposed along Earhart Road and with no access to Earhart Road. The original plan submitted is consistent with the adopted Community Plan and provides for better connectivity within the community than the newly submitted plan. With existing road improvements in the area, such as the current John Hagar Road widening project, staff would suggest that the connection through this project would not carry much cut-through traffic, but may aid in traffic distribution and calming.

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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**

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 approval of any final plat. 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 providing only two driveways along Earhart Road.



**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, Surveyor.

**Deferral**

Deferred at the August 11, 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.*

**APPLICANT REQUEST**

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

**ISSUE**

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

**Subdivision Regulations**

Preliminary Plat Approval

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



## Metro Planning Commission Meeting of 8/25/05

### 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



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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**

**Subdivision 2005S-221G-13**  
**Leslie Cappama Subdivision –**  
**Resubdivision of Lots 1 & 2**

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

None  
33 – Bradley  
06 – Awipi  
Chun Ok Song, owner, and Dale and Associates,  
surveyor.

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

Swaggart  
*Approve, including a variance for excessive 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



## Metro Planning Commission Meeting of 8/25/05

for any new lot in this district shall be no more than 30,000 Sq. Ft. Lots 3 and 4 both exceed the maximum.

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.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2005Z-099U-06**  
2005P-019U-10  
None  
34 - Williams  
8 - Harkey  
Gresham, Smith & Partners, engineer, for Ruth Campbell, Ray O'Steen, William Gaw and Mary Buckner (Buckner Family Charitable Foundation), owners.

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

Fuller  
*Approve*

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**APPLICANT REQUEST**

**A request to change 2.34 acres from residential single-family and duplex (R20) to residential multi-family (RM9) district property located at 2201 Hobbs Road, 4207 and 4211 Stammer Place, 2200 Castleman Drive.**

**Existing Zoning**  
R20 zoning

R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**  
RM9 district

RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

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**GREEN HILLS-MIDTOWN  
COMMUNITY (SUBAREA 10)  
PLAN POLICY**

**Existing Plan Policy**  
Residential Medium

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

Policy Conflict

No. The requested zone change is consistent with the plan policy that was adopted July 28, 2005.





# Metro Planning Commission Meeting of 8/25/05

## METRO SCHOOL BOARD REPORT

Projected student generation

1 Elementary   0 Middle   0 High

Schools Over/Under Capacity

Students would attend Julia Green Elementary School, Moore Middle School, or Hillsboro High School. Julia Green been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster. This information is based upon data from the school board last updated August 2, 2005.

## RECENT REZONINGS

None.

## TRAFFIC PUBLIC WORKS' RECOMMENDATION

No exceptions taken.

### Typical Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	2.34	1.85	4	55	13	6

### Typical Uses in Proposed Zoning District: RM9/PUD

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	2.34	9	21	169	15	17

### 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
--				114	2	11



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

**Planned Unit Development 2005P-019U-10**  
**Stammer Parke**  
2005Z-099U-10  
None  
34 - Williams  
8 - Harkey  
Gresham, Smith & Partners, engineer, for Ruth Campbell, Ray O'Steen, William Gaw and Mary Buckner (Buckner Family Charitable Foundation), owners.

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

Fuller  
*Approve, with conditions, including a recommendation of approval to the Board of Zoning Appeals for a setback variance .*

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**APPLICANT REQUEST**

**Preliminary PUD**

**A request for preliminary approval of a Residential Planned Unit Development district located at 2201 Hobbs Road, 4207 and 4211 Stammer Place, and 2200 Castleman Drive, on the south side of Hobbs Road, west side of Stammer Place, and north side of Castleman Drive, to permit the development of 20 townhomes.**

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**PLAN DETAILS**

**Site Design**

The proposed development fronts on three streets. The primary streets are Hobbs Road and Castleman Drive. The townhouse units have been sited at the existing setback along the two primary streets and the units front the streets, with parking garages located behind and away from view along the primary frontages. The secondary street frontage is Stammer Place. A circular entrance drive has been oriented opposite the Belmont Village assisted living driveway court on Stammer Place. The townhomes have been oriented around the circular drive to mirror the courtyard design of the assisted living facility.

**Setback variance**

The applicant is seeking a variance for the setback requirements on Stammer Place and Castleman Drive. The street setback from a property zoned RM9 located on a non-arterial street is 70 feet from the centerline of the street. Both Stammer Place and Castleman Drive



## Metro Planning Commission Meeting of 8/25/05

are non-arterial streets, so the 70-foot setback requirement applies. The setback for a single-family residential building is 30 feet for a local street or 40 feet for a collector street, measured from the edge of the right-of-way (or 45 feet to 55 feet from the center of the right of way).

The different requirements for RM9 (multifamily) and single-family zoning make it very difficult for a project such as the one proposed here to respect the established development pattern on a street or even create a new cohesive development pattern where both single and multifamily units are in close vicinity. In order for the proposed attached living units to sit at the setbacks currently established on Castleman Drive and Stammer Place, the applicant will need to obtain a variance from the Zoning Code setback requirements from the Board of Zoning Appeals (BZA). Staff recommends support of this variance request. The Planning Commission action will serve as a recommendation to the BZA regarding the setback variance request.

### **STORMWATER**

Preliminary PUD approved except as noted. There is a buffer disturbance at the north section of the site. A variance to disturb the buffer must be approved through the Stormwater Management Committee for the layout to be accepted with this design

### **METRO PUBLIC WORKS' RECOMMENDATION**

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

1. Approvals are subject to Public Works' review and approval of construction plans submitted with their final PUD.
2. On Hobbs Road, dedicate right-of-way 30-feet from the centerline.
3. At Stammer Place, provide a minimum 27' pavement width per Metro ST-252. Provide curb, gutter, grass strip and sidewalk along property frontage on Hobbs Road, Stammer Place and Castleman Drive.



## Metro Planning Commission Meeting of 8/25/05

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### CONDITIONS

4. Show Metro ST-324 driveway ramp for access from public streets.

1. Approvals are subject to Public Works' review and approval of construction plans submitted with the final PUD.

2. On Hobbs Road, dedicate right-of-way 30-feet from the centerline.

3. At Stammer Place, provide a minimum 27' pavement width per Metro ST-252. Provide curb, gutter, grass strip and sidewalk along property frontage on Hobbs Road, Stammer Place and Castleman Drive.

4. Show Metro ST-324 driveway ramp for access from public streets.

5. Prior to final PUD plan approval, a variance for the building setback on Stammer Place and Castleman Drive must be obtained from the Board of Zoning Appeals.

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

7. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper and electronic copy of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.

8. 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



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the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to approval of any final plat or the issuance of any building permits.
10. This preliminary plan approval of the proposed master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey determines there is less site acreage.



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

**Zone Change 2005Z-117G-14**  
None  
13 - Burch  
6 - Awipi  
Gregg Eatherly, owner/applicant

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

Pereira  
*Disapprove*

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**APPLICANT REQUEST**

**Request to change 1.61 acres from Office Neighborhood (ON) to Office Limited (OL) district property located at 3300 Elm Hill Pike, at the northern end of Trails End Lane.**

**Existing Zoning**  
ON district:

Office Neighborhood is intended for low intensity office uses.

**Proposed Zoning**  
OL district:

Office Limited is intended for moderate intensity office uses.

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**DONELSON/HERMITAGE COMMUNITY PLAN POLICY**

Residential Medium

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

**Policy Conflict**

Yes. The proposed OL district allows office uses, which are not consistent with the residential intent of the RM policy.

*History*

The property in question was rezoned to ON zoning in 2003. The owner had originally requested MUL in order to allow a daycare use of upwards of 75 children. Staff recommended disapproval of the requested MUL zoning and the Commission also recommended disapproval to the Council because the requested MUL zoning was inconsistent with the RM policy. The district councilperson amended the bill at Council to ON, which was also considered to be disapproved by the Commission because ON also was not consistent with the residential RM policy. Parcel 334 was subsequently subdivided off of parcel 053. Parcel 053



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remained zoned RS10 and is not part of this zoning request.

Following Council approval of ON zoning for the property, the applicant learned that a daycare for more than 75 children is not permitted in the ON zoning district. The applicant has requested OL zoning to permit use of the property for a daycare facility for more than 75 children, and the Zoning Code will allow such a use in the OL district if they comply with the conditions of 17.16.035, section C of the Zoning Ordinance, which govern the site's circulation, lot area, and outdoor play areas associated with the use.

### RECENT REZONINGS

Yes, this property was rezoned to ON in 2003.

### TRAFFIC PUBLIC WORKS' RECOMMENDATION

No Exception Taken.

#### Typical Uses in Existing Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total s.f.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.61	0.056	3,927	110	14	84

#### Typical Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total s.f.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.61	0.056	3,927	110	14	84

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

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

#### Maximum Uses in Existing Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total S.F.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office	1.61	0.4	28,052	498	69	111

#### Maximum Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total S.F.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office	1.61	0.75	52,599	813	113	138

#### 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
--				315	44	27



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

**Zone Change 2005Z-118U-10**  
2005Z-119U-10  
BL2005-742  
25 – Shulman  
08 – Harkey  
Councilman Jim Shulman

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

Pereira  
*Approve*

**APPLICANT REQUEST**

**Request to rezone 60.88 acres including various properties located along both sides of Graybar Lane between Benham Avenue and Granny White Pike from residential single-family and duplex (R40) to residential single-family (RS40).**

**Existing Zoning**  
R40 District

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

**Proposed Zoning**  
RS40 District

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

**GREEN HILLS/MIDTOWN  
COMMUNITY PLAN POLICY**

Residential Low

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

**Policy Conflict**

No. The development density allowed by the proposed RS40 zoning (0.93 homes per acre) is consistent with that allowed by the RL policy for the area. As RS40 zoning only allows single-family homes, the allowable density of development will decrease from 1.16 homes to 0.93 homes per acre.

Two-Family Structure Ordinance

In recent years, Metro Council members have heard from constituents concerned about the impact of two-family structures on their neighborhoods. Residents raised concerns about inappropriate scale of new two-family structures, increased traffic and excessive on-





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street parking caused by concentrations of two-family structures. Furthermore, residents were concerned that the over-concentration of two-family structures and lack of upkeep of the structures might negatively impact a neighborhoods' character and property values.

The Metro Council has responded to these concerns by undertaking mass rezonings of portions of certain council districts from "R" zoning (which allows for single- and two-family structures) to "RS" zoning (which only allows single-family structures).

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

To address resident and Council concerns, while working to maintain a diverse housing option, staff has worked with the Planning Commission on a new Two – Family Structure Ordinance. The ordinance will work by limiting the concentration of two-family structures, and by applying design standards including development plan review for larger two-family structures. A draft of the ordinance was approved by the Planning Commission on July 14, 2005.

While the new Two – Family Structure Ordinance is not in effect, it is important that the draft be used to analyze this request for demonstrative, as well as, educational purposes.

The total number of lots within this request is 46 lots, including six lots currently developed as duplexes. Under the current "R" zoning district, **all** 46 lots could be developed as duplex lots since these lots were created before 1984 (the 25% rule is for subdivisions created after 1984). With the proposed "RS" district, no more lots could be developed as duplex lots, and the existing six duplex lots would be grandfathered. Under the draft Two – Family Structure Ordinance, **six** additional two-family lots could be developed as duplex lots, which is approximately 13 percent of the lots.

The different scenarios are as follows:

- If the neighborhood's zoning stayed as R, then **all 46** lots could become two-family structures,



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- If the neighborhood was down-zoned, then *no additional* two-family structures would be permitted, limiting the number to **six**, or
- If there was no down-zoning, but the neighborhood was subject to the Two-Family Structure ordinance, then **six new** two-family structures would be allowed. Furthermore, the two-family structures would be dispersed instead of clustered (the number allowed per block face is tied to the number of lots per block face with a cap of four and no more than two lots with two-family structures are allowed side-by-side). Finally, if the proposed two-family structure met a size trigger, it would be required to undergo development plan review to ensure that it fit the neighborhood's character.

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### RECENT REZONINGS

None

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### TRAFFIC/PUBLIC WORKS' RECOMMENDATION

No Exceptions Taken

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### METRO SCHOOL BOARD REPORT

#### Projected student generation

This rezoning is in a predominantly developed area. No new students are expected to be generated with this rezoning.



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

**Zone Change 2005Z-119U-10**  
None  
BL2005-749  
25 – Shulman  
08 – Harkey  
Councilman Shulman

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

Swaggart  
*Approve for all lots designated with RLM policy, but disapprove for lots the lots along the northwest side of Kirtland Road, which are designated with RMH policy.*

**APPLICANT REQUEST**

**A request to change approximately 54.16 acres from residential single-family and duplex (R15) to residential single-family (RS15) properties along both sides of Kirtland Avenue, Farrar Avenue, Hood Avenue, and Castleman Drive between Hillsboro Pike and Lone Oak Road, as well as, 1.42 acres from R20 to RS20 properties along both sides of Castleman Drive between Hillsboro Pike and Lone Oak Road.**

**Existing Zoning**  
R15 District

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

R20 District

R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**  
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.

RS20 District

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

**SUBAREA 10 PLAN POLICY**  
Residential-Low Medium

RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development



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Residential-Medium High

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

RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached town homes and walk-up apartments.

**Policy Conflict**

Partial conflict. Part of the property requested for rezoning is located in an area designated as RMH policy in the Green Hills Community Plan. The RMH policy encompasses the lots on the northwestern side of Kirtland Road. Because it is a low density zoning district (3.09 dwelling units per acre), the existing R15 zoning district is not consistent with RMH policy, which calls for nine to twenty dwelling units per acre. The requested RS15 would further decrease the number of dwelling units within this area of RMH policy. The requested zone change is consistent, however, with properties designated with RLM policy, which calls for two to four dwelling units per acre.

Other Issues

Staff has received request from property owner(s) to remove their property from the request. The zoning application was filed by the district Councilmember, however, so as the applicant, only the Councilmember can remove properties from this zoning request.

Two-Family Structure Ordinance

In recent years Metro Council members have heard from constituents concerned about the impact of two-family structures on their neighborhoods. Residents raised concerns about inappropriate scale of new two-family structures, increased traffic and excessive on-street parking caused by concentrations of two-family structures. Furthermore, residents were concerned that the over-concentration of two-family structures and lack of upkeep of the structures might negatively impact the neighborhood's character and property values.

As demonstrated by this application, the Metro Council has responded to these concerns by undertaking mass rezonings of portions of certain council districts from "R" zoning (which allows for single- and two-family



## Metro Planning Commission Meeting of 8/25/05

structures) to “RS” zoning (which only allows single-family structures).

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

To address resident and Council concerns, while working to maintain a diverse housing option, staff has worked with the Planning Commission on a new Two – Family Structure Ordinance. The ordinance limits the concentration of two-family structures, and by applies design standards including development plan review for larger two-family structures. The ordinance was approved by the Planning Commission on July 14, 2005.

While the new Two – Family Structure Ordinance is not in effect, staff wanted to take this opportunity to apply the proposed ordinance to this downzoning request, to assist the Planning Commission, Councilmembers and the community in understanding the impact of the proposed ordinance. .

There are a total of 94 lots within this request, including seven two-family structure lots. Under the current “R” district, all lots could be developed as duplex lots (the 25 percent rule applies only to subdivisions created after 1984). With the proposed “RS” district, no more lots could be developed as two-family structure lots, and the existing seven two-family structure lots would be “grandfathered” so that they could continue to have two-family structure in the future.

Under the Two – Family Structure Ordinance, 13 additional lots could be developed as two-family structure lots, which is approximately 21 percent of the lots.

The different scenarios are as follows:

- If the neighborhood’s zoning stayed as R, then all 94 lots could become two-family structures,



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- If the neighborhood was down zoned, then *no additional* two-family structures would be permitted, limiting the number to seven, or
- If there was no downzoning, but the neighborhood was subject to the Two-Family Structure ordinance, then 13 new two-family structures would be allowed (21 total counting the 7 existing). Furthermore, the two-family structures would be dispersed instead of clustered (the number allowed per block face is tied to the number of lots per block face with a cap of four and no more than two lots with two-family structures are allowed side-by-side). Finally, if the proposed two-family structure met a size trigger, it would be required to undergo development plan review to ensure that it fit the neighborhood's character.

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**RECENT REZONINGS**

None

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**TRAFFIC**

No Exceptions Taken

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**METRO SCHOOL BOARD REPORT****Projected student generation**

This rezoning is in a predominantly developed area. No new students are expected to be generated with this rezoning.



## Metro Planning Commission Meeting of 8/25/05

**Item # 11**

<b>Project No.</b>	<b>Zone Change 2005Z-122T</b>
<b>Associated Case</b>	None.
<b>Council Bill</b>	BL2005-763
<b>Council District</b>	Countywide
<b>School District</b>	N/A
<b>Requested by</b>	Metro Urban Forester
<b>Sponsored by</b>	Councilmembers J. B. Loring and Amanda McClendon
<b>Staff Reviewer</b>	Regen
<b>Staff Recommendation</b>	<i>Approve with proposed staff amendments.</i>

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<b>APPLICANT REQUEST</b>	<b>Amend Zoning Code to modify landscape and buffer yard requirements and standards, and to prohibit the “topping” of trees.</b>
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### ANALYSIS

<b>Existing Law</b>	The current Zoning Code includes landscaping provisions that address the submittal of landscaping plans, the width and location of interior and perimeter site landscaping, tree density factors, parking lot landscaping, and landscape buffer yards along zoning district boundaries.
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<b>Proposed Text Change</b>	The proposed amendment does not delete any of the provisions now covered by the Zoning Code. In a few places, new requirements are created or existing ones modified. From a planning perspective, the most significant change proposed by this bill is the elimination of landscape buffer yards along certain zoning district boundaries to eliminate “double buffering,” particularly where commercial, office, and industrial uses are adjacent to residential uses.
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<b>Analysis</b>	<i>Technical Items</i>	It has been over seven years since the current Zoning Code was adopted. In that time, the Urban Forester and Metro Codes Department have learned what works and does not work with the current landscape provisions. Many of the changes proposed by the bill have been developed by Codes staff based upon their field experience in applying the current ordinance. In reviewing the proposed amendment, planning staff has deferred to the Urban Forester and Codes Department on these technical changes, including topping of trees, the width of landscape strips, diameter of trees at breast height, size of shrubbery upon initial planting, etc.
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## Metro Planning Commission Meeting of 8/25/05

For example, when the Zoning Code was initially adopted, property owners were not required to have an automatic sprinkler system to water the landscape. It was at their option to either use sprinklers or a garden hose. The Urban Forester reports that experience has shown few property owners will pay for an employee to water the landscape with a garden hose. The net effect is that landscaping materials die or have significantly stunted growth due to a lack of water. Under the proposed bill, all required landscaping must be maintained by a fully automatic underground irrigation system, operational at time of use and occupancy.

### *Tractor-Trailers & Warehouse/Distribution*

The bill addresses a long-standing issue related to warehousing and distribution uses which have vast expanses of impervious surfaces. The Zoning Code requires all uses to provide interior parking lot landscaping. For warehousing/ distribution uses where tractor-trailers are entering a site, maneuvering on-site, and then exiting, the interior parking lot landscape provisions can be problematic. Recognizing limitations such as these, the bill proposes to permit such operations to group the required number of individual tree islands within the parking lot into larger tree islands. This measure would eliminate the need for trucking operations to get a variance, as currently is required in order to propose alternative landscape solutions. More importantly, it ensures all land uses continue to provide the requisite landscaping.

### *Landscape Bufferyards*

The most significant change proposed by this bill involves Table 17.24.230, the landscape buffer yard table. As set forth in the Purpose and Intent of the Landscaping, Buffering and Tree Replacement chapter of the Zoning Code, Section 17.24.010, buffering standards were created to implement the general plan, associated subarea plans, and to mitigate the results of differing activities that may occur when different zone districts and/or land uses abut one another.

The proposed bill would eliminate some buffer yards or reduce the required width between various zoning districts. The bill does this principally by removing the need for residential uses to “buffer” against commercial or industrial uses. The presumption being residential properties should not be required to provide a buffer





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against a neighboring Walgreen's, McDonald's, or Kroger. The argument is that only the non-residential use should be required to buffer against the residential use. The bill similarly revises the buffering requirements for commercial and industrial uses by removing the need for a commercial/industrial use to "buffer" against another commercial/industrial use.

### LANDSCAPE BUFFER YARDS

Zoning District	Currently*	Proposed*
RS10 to CS	B (10 feet)	None
RS15 to IWD	C (20 feet)	None
RS10 to CS	A (5 feet)	None
CS to SCR	A (5 feet)	None
MUN to RS10	C (20 feet)	B (10 feet)
SCR to RS10	D (30 feet)	C (20 feet)
OR20 to RS20	C (20 feet)	B (10 feet)

\* Compares B-3, C-3, to D-3 buffers since smallest buffers assume an 8' of wall is installed on property line which is not common.

Planning staff recommends that some buffer yards should not be changed because of the significant impact from certain land uses. For example, the bill proposes a reduced buffer yard – from a “D” standard to a “C” – for CA, CF, SCR, MUG, MUI, ORI, and OG uses that abut R and RS districts. SCR zoning covers large malls and shopping centers while ORI covers hospital campuses, and MUG zoning includes large retail and office developments of the type along West End Avenue. Where those types of large-scale projects abut R and RS districts, they should be required to provide the largest buffer to minimize their impact on abutting residential uses. In addition, the bill proposes a reduction in the required buffer yard for higher intensity multifamily districts and some office and shopping districts. Because those districts also can have a significant impact on neighboring R and RS uses, staff believes the current buffer yard standard should be maintained. Staff would therefore recommend the following changes to the proposed new landscape buffer yard table:



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		ZONING DISTRICT PROVIDING BUFFER YARD						
		AG, AR2a, All R and RS Districts	RM2, RM4	RM6, RM9, RM15, RM20, RM40, RM60, MHP	ON, CN, MUN, SCN, OL, OR20, OR40	CL, CS, MUL, SCC, I	CA, CF, SCR, MUG, MUI, ORI, OG	IWD, IR, IG
ABUTTING ZONING DISTRICT	AG, AR2a, All R and RS Districts	*	A	B C	B C	C	G D	D

The bill also clarifies that for uses permitted with conditions (PC) and special exception (SE) uses, where a buffer yard is required by the respective use in Chapter 17.16, that buffer yard will be used in lieu of the one shown in the table. While helpful, the starred (\*) annotation at the bottom of the proposed new table essentially assumes all PC and SE uses have a required buffer yard. Some do not such as automobile convenience, automobile service, day care centers, bars/nightclubs, car washes, self-service storage, and park and ride lots. To ensure a buffer yard is still required for such uses, staff suggests the following change to the note:

\* Uses that are either Permitted with Conditions (PC) or Special Exception (SE) in Table 17.08.030 must provide the buffer yard required by its respective use, or where no buffer is identified, the buffer yard required by this table.

### Staff Recommendation

Approve with proposed staff amendments. This text amendment provides needed changes to the landscaping provisions of the Zoning Code to ensure the viability, sustainability, and long-term maintenance of grasses, shrubs, and trees planted in landscape areas. While staff recommends approval of the provisions that reduce the size of some required buffer yards, and eliminates the need for others, staff recommends the bill be amended to preserve the buffer yards for certain uses abutting R and RS districts.



## Metro Planning Commission Meeting of 8/25/05

**Item # 12**

**Project No.**

**Project Name**

**Council District**

**School Board District**

**Requested By**

**Subdivision 2005S-232G-04**

**Keels Subdivision, First Revision**

9 – Forkum

3 - Garrett

Robert and Angela Keels, owners, Anthony T. Bollinger, surveyor.

**Staff Reviewer**

Harris

**Staff Recommendation**

*Approve with conditions, disapprove sidewalk variance.*

### APPLICANT REQUEST

**Final Plat**

**A request to create two lots on 0.87 acres located on the north side of Sarver Avenue, approximately 280 feet east of Pierce Road.**

### ZONING

RS7.5 District

RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

### SUBDIVISION DETAILS

As proposed the request will create 2 new lots along the north side of Sarver Avenue with the following area(s), and street frontage(s):

- Lot 1: 14, 375 Sq. Ft., (0.33 Acres), and 56.60 Ft. of frontage;
- Lot 2: 23,566 Sq. Ft., (0.541 Acres), and 91.50 Ft. of frontage;

**Lot Comparability**

Section 2-4.7 of the Subdivision Regulations state 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 and frontage

**Sidewalk Variance**

A sidewalk variance has been requested. Sidewalks are required since it is located within an area where the Sidewalk Priority Index is greater than 20. The Metro Public Works department conducted a sidewalk constructability analysis and determined that sidewalks are able to be constructed at this location.

Staff recommends disapproval of a sidewalk variance since no unique hardship will be created with the construction of the sidewalks. A financial contribution can be made into the Metro Sidewalk Fund in lieu of the construction of sidewalks at this location.



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### **STORMWATER'S RECOMMENDATION**

1. With regard to the FEMA note, please insert the phrase "Community-Panel Number" before the number 470040-0139.

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### **PUBLIC WORKS RECOMMENDATION**

No Exception Taken.

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### **CONDITIONS**

1. Prior to recordation, performance bonds are to be posted for the garage to be removed on lot 1.
2. Prior to recordation, the lot width for Lot 1 should be adjusted to provide 63.4 feet. The applicant has indicated that he will provide that frontage to meet the 25% lot width requirement of the Subdivision regulations.



## Metro Planning Commission Meeting of 8/25/05

**Item # 13**

<b>Project No.</b>	<b>Subdivision 2005S-233G-13</b>
<b>Project Name</b>	<b>Lakewalk, Section 2</b>
<b>Associated Cases</b>	None
<b>Council District</b>	32 – Coleman
<b>School District</b>	06 – Awipi
<b>Requested By</b>	MEC, Inc. for Jack Williams Construction Company, owner
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

### APPLICANT REQUEST

<b>Final Plat</b>	<b>A request for final plat approval to create 36 cluster lots on 7.05 acres, located along two new streets east of Hobson Pike.</b>
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<b>Zoning</b>	<u>RS10</u> 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.
RS10 district	

### CLUSTER LOT OPTION

The cluster lot option was created in order to provide for flexibility in design, the creation of common open space, and the preservation of natural features or unique or significant vegetation. The cluster lot option allows lots to be reduced up to two base zone districts, while providing at least 15% open space per phase.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase.

### SUBDIVISION DETAILS

As proposed the request will created 36 cluster lots on approximately 7.05 acres of land with an overall density of 5.1 dwelling units per acre. The cluster lot option allows lots to be reduced from the base zone classification RS10 (minimum 10,000 Sq. Ft.) to RS5 (minimum 5,000 Sq. Ft.). The lots range in size from 5,005 square feet to 7,993 square feet. The preliminary plat for this development was given conditional approval on September 25, 2003, and this plan is consistent with the conditionally approved preliminary plat.

Open Space	One of the main goals of the cluster lot option is to preserve environmentally sensitive land. This overall
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## Metro Planning Commission Meeting of 8/25/05

Access

development is preserving approximately 8.5 acres (31%) as open space.

Access will be from Hobson Pike via the extension of Maritime Port Road.

Stub Street(s)

A stub street, for the connection to future subdivision development is located at the northern end of Maritime Port Road.

Fire Marshal Requirements

The Fire Marshal's Office is requiring construction of temporary turn-arounds meeting fire code design minimums for temporary dead end streets that are more than 150 feet in length. Turn-arounds must be at least 100 feet in diameter, and meet public work design standards to accommodate safety equipment. The Fire Marshal's Office is requiring a temporary turn-around at the end of Maritime Port.

Staff Recommendation

Planning staff recommends approval of this final plat with the condition that the applicant must meet Fire Marshal requirements, including the 100 foot diameter turn-arounds.

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### **TRAFFIC PUBLIC WORKS' RECOMMENDATION**

Install left turn lanes on Hamilton Church/Mt. View within six months.

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### **CONDITIONS**

1. Provide temporary turn-around as approved by Public Works at the northern end of Maritime Port, as required by the Fire Marshal's office.
2. Add note indicating that area outside normal right-of-way will revert to abutting property owner whenever street is continued.
3. Install left turn lanes on Hamilton Church/Mt. View within six months.
4. Correct instrument reference number.
5. Landscape plans must be submitted so that bonds can be determined. The plat will not be recorded until all bonds have been determined, paid, and finalized by Metro Legal.



# Metro Planning Commission Meeting of 8/25/05

**Item # 14**

<b>Project No.</b>	<b>Subdivision 2005S-234G-13</b>
<b>Project Name</b>	<b>Lakewalk, Section 3</b>
<b>Associated Cases</b>	None
<b>Council District</b>	32 – Coleman
<b>School District</b>	06 – Awipi
<b>Requested By</b>	MEC, Inc. for Jack Williams Construction Company, owner
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

### APPLICANT REQUEST

<b>Final Plat</b>	<b>A request for final plat approval to create 25 cluster lots on 7.98 acres, east of Hobson Pike.</b>
<b>Zoning</b>	
RS10 district	<u>RS10</u> 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.

### CLUSTER LOT OPTION

The cluster lot option was created in order to provide for flexibility in design, the creation of common open space, and the preservation of natural features or unique or significant vegetation. The cluster lot option allows lots to be reduced up to two base zone districts, while providing at least 15% open space per phase.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase.

### SUBDIVISION DETAILS

	As proposed the request will create 25 cluster lots on approximately 7.98 acres of land with an over all density of 3.1 dwelling units per acre. The cluster lot option allows lots to be reduced from the base zone classification RS10 (minimum 10,000 Sq. Ft.) to RS5 (minimum 5,000 Sq. Ft.). The lots range in size from 5,250 square feet to 10,687 square feet. The preliminary plat for this development was given conditional approval on September 25, 2003, and this plan is consistent with the conditionally approved preliminary plat.
<b>Open Space</b>	Approximately 3.01 acres (131,115 Sq. Ft.) of open space is provided in this section, which exceeds 15% of the total land area.



## Metro Planning Commission Meeting of 8/25/05

### Access

Access will be provided by the extension of Priest Shore Bay (Section 2), and from the extension of Lakewalk Drive.

### Stub Street(s)

A stub street, for the connection to future subdivision development is located at the northern end of Priest Shore Bay.

### Fire Marshal Requirements

The Fire Marshal's Office is requiring construction of temporary turn-arounds meeting fire code design minimums for temporary dead end streets that are more than 150 feet in length. Turn-arounds must be at least 100 feet in diameter, and meet public work design standards to accommodate safety equipment. The Fire Marshal's Office is requiring a temporary turn-around at the end of Priest Shore Bay.

### Staff Recommendation

Planning staff recommends approval of this final plat with the condition that the applicant must meet Fire Marshal requirements, including the 100 foot diameter turn-arounds.

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### TRAFFIC PUBLIC WORKS' RECOMMENDATION

Install left turn lanes on Hamilton Church/Mt. View within six months.

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### CONDITIONS

1. Provide temporary turnaround as approved by Public Works at the northern end of Priest Shore Bay, as required by the Fire Marshal's office.
2. Add note indicating that area outside normal right-of-way will revert to abutting property owner whenever street is continued.
3. Install left turn lanes on Hamilton Church/Mt. View within six months.
4. Correct instrument reference number.
5. Landscape plans must be submitted so that bonds can be determined. The plat will not be recorded until all bonds have been determined, paid, and finalized by Metro Legal.





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

**Subdivision 2005S-236U-08**  
**McGavock's Addition, Resubdivision of Part of Lots 9 & 10**

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

2005Z-121U-08, currently under review  
19 – Wallace  
1 – Thompson  
Barge, Waggoner, Sumner & Cannon,  
surveyor/applicant for Lawrence Brothers, LLC,  
owner/developer  
Pereira

**Staff Reviewer**

*Approve with a condition*

**Staff Recommendation**

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**APPLICANT REQUEST**

**Final Plat**

**This request is to create three lots on 0.32 acres along the east side of 3<sup>rd</sup> Avenue North.**

**ZONING**

*MUN district*

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

*IR district*

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

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**PLAN DETAILS**

This subdivision proposes the resubdivision of two existing lots into three lots. There is an existing building on the proposed lot 3, which is zoned IR. The proposed lot 2 is split zoned MUN and IR. Finally, the proposed lot 1 is zoned MUN.

- Lot 1: 4,030 Sq. Ft., (0.09 Acres), and 30 Ft. of frontage;
- Lot 2: 4,030 Sq. Ft., (0.09 Acres), and 29.8 Ft. of frontage
- Lot 3: 6,179 Sq. Ft., (0.14 Acres), and 46 Ft. of frontage

There is no minimum square footage requirement for lots in either MUN or IR zoning.

Rezoning under review

The portion of existing parcel 216 (part of the proposed lot 2) is currently under review for a rezoning to the MUN district (2005Z-121U-08). The zone change request will be on the September 8, 2005, agenda. The rezoning is not necessary for approval of this subdivision request, and there is no minimum square



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

Sidewalk requirement

footage requirement for lots in either MUN or IR zoning.

This property does fall within the Urban Services District. There is an existing sidewalk along the frontage of this entire property on 3<sup>rd</sup> Avenue North.

Lot comparability

Section 2-4.7 of the Subdivision Regulations states lot comparability analysis is not required in the case of nonresidential subdivisions.

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

No Exception Taken

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### **STORMWATER DEPARTMENT RECOMMENDATION**

Approved Except as Noted

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### **CONDITIONS:**

1. Prior to the recordation of this plat, the applicant must re-submit the plat with the correct plat book and page number.



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

**Planned Unit Development 89-87-P-03**  
**Chateau Valley, Phase IV**  
2 - Isabel  
1 - Thompson  
Requested Ragan-Smith and Associates for Chateau Associates, owners

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

Fuller  
*Approve with conditions*

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

**Request for final approval for Phase Four of the Residential Planned Unit Development to permit the development of 24 single family lots on 6.51 acres. The property is located abutting the east margin of Stokers Lane at the current terminus of Bordeaux Place.**

**PLAN DETAILS**

This PUD was originally approved by Metro Council in 1988. This phase proposes 24 single family lots on one cul-de-sac. The original plan was approved with sidewalks along one side of the proposed streets. The sidewalk will be located on the north side of Bordeaux Place.

**PUBLIC WORKS' RECOMMENDATION**

Construction plans have been approved.

**STORMWATER RECOMMENDATION**

Grading plans have been approved.

**FIRE MARSHAL**

Dead end roadways over 150 feet in length require a 100-foot diameter turnaround or a T-type that is approved by the Fire Marshal's Office.

No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.

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

**CONDITIONS**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the



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

Traffic Engineering Section of the Metropolitan Department of Public Works.

2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior approval of any final plat. 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. 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.
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 re-approval by the Planning Commission.