



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

**Zone Change 2005SP-179U-03**  
None  
02 – Isabel, Sr.  
01 - Thompson  
Lukens Engineering Consultants, applicant for various property owners  
Deferred from the 1/12/2006 meeting at the request of the applicant.

**Deferral**

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

Swaggart  
*Approve with conditions*

**APPLICANT REQUEST**

**Rezone approximately 27.5 acres from residential single-family and duplex (R8) to preliminary Specific Plan (SP) district, to permit development of a 248 unit townhome complex, and clubhouse.**

**Existing Zoning**  
R8 district

R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**  
SP district

Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.



## Metro Planning Commission Meeting of 01/26/06

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### **BORDAUX/WHITES CREEK COMMUNITY PLAN**

Neighborhood General (NG)

NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. 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.

Natural Conservation (NCO)

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.

#### **Policy Conflict**

As proposed the site plan is consistent with the Neighborhood General and Natural Conservation policies.

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### **PRELIMINARY PLAN DETAILS**

Density

The site plan consists of 236 stacked flats and stacked and unstacked townhomes separated into four separate pods fronting various community green areas. While most units will front along community greens, units along West Trinity Lane will front West Trinity Lane, units along the new public street will front said street, and units along the Cumberland River will front the river.

Uses

While the site plan is only showing 236 units, the request is for a total of 248 total units. Note four on the proposed plan also indicates that the proposed unit mix may be adjusted to accommodate market conditions. Any change in the final development plan from this preliminary site plan, including increasing the density from 236 may require approval by the Planning Commission of a new preliminary SP plan if the change is deemed significant by planning staff. The total number of units requested (248) has been used to determine school student generation.

The plan calls for townhomes, live/work units and single and two family lots; however, the plan does not specify where, if any, individual live/work units are



## Metro Planning Commission Meeting of 01/26/06

### Access

proposed, nor does it identify any single or two family lots. A pool and clubhouse with exercise and recreational facilities, sales office and rental units is identified on the site plan. The plan also calls for tennis courts but are not shown on the site plan.

Any major changes in the final plan from this preliminary, including the addition of single and two family lots may require approval by the Planning Commission of a new preliminary SP plan.

### Future Connections

As proposed the development is accessed by one public road from West Trinity Lane, and one private drive off of West Trinity Lane. As proposed, the one public road turns into a private drive. This street should be public and identified as public on the plan. Units are all accessed by private drives from the new public street and off of West Trinity Lane. A twenty-four foot wide private drive access easements is shown, which would allow for the northern most private drives to connect if and when adjacent parcels are incorporated into this development.

Future connections to the east and west are shown. Signs will be posted at the end of both stub streets indicating that the roads could be extended. There is a note on the site plan indicating that a gate will be located at the western terminus providing a connection to the adjacent property. This note must be removed from the site plan, as private gates are not allowed within public right of way.

### Pedestrian Connectivity

Sidewalks are shown along both sides of the new public street, and throughout the development. Sidewalks must provide for efficient pedestrian movement throughout the proposed development. Prior to final development plan approval the sidewalk layout must be approved by planning staff.

### Greenway

The subarea plan calls for a greenway along the Cumberland River and a greenway easement is shown on the plan. Applicants should work with Greenways regarding this proposal prior to approval of the final development plan.

### Building Elevations

No building elevations have been provided, and will be required at final development plan.



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Landscaping Plan

No landscaping plan has been submitted. A landscaping plan must be submitted and approved at the final development stage. The plan must include all existing trees to be preserved, new landscaping and buffer yards. Proposed fence materials must also be included.

Phasing

As proposed, the development will be constructed in three separate phases.

Recommendation

Planning staff recommends that the request be approved with conditions.

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### **FIRE MARSHAL**

The Fire Marshals' office must approve the final development plan.

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### **RECENT REZONINGS**

None.

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### **STORMWATER RECOMMENDATION**

1. Add 78-840 note.
2. Undisturbed buffer line is off 10 feet and should be corrected.
3. Add buffer note.
4. Add preliminary note.

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### **PUBLIC WORKS RECOMMENDATION**

(Comments based on previous plan)

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions. Off-site mitigation may be required.
2. Provide plans for solid waste collection and disposal. Must be approved by the Public Works Solid Waste Division.
3. Fire Department must approve private access as turnaround.
4. Show sidewalk along W. Trinity Lane.
5. Required parking spaces for all uses shall be designed to permit entry and exit without moving any other vehicle.
6. Parking appears inadequate. The final development plan must meet parking standards.



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7. Show and dimension right of way along West Trinity Lane. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
8. Show continuous entry/exit radius from junction of inner entry/exit curve and circulatory roadway, if applicable.
9. All roadway geometry shall support navigation by SU30 design vehicles.
10. Remove fence across public ROW.
11. Construct public roadway to eastern property line.
12. As per note #9, please show additional planned parcels.
13. Developer shall construct 1 access drive with 1 entering lane and 2 exiting lanes with a minimum of 100 ft storage and a minimum distance of 100 feet to 1st interior intersection.
14. Developer shall provide adequate sight distance at intersection. At development, documentation of sight distance shall be submitted.
15. Site plan for this property development shall include cross access easement to adjacent parcels along West Trinity. If the joint access drive is private, a joint access easement along the drive shall be provided to West Trinity intersection for future widening. If this access road is public, additional ROW shall be dedicated for an additional entering lane if it is determined to be necessary when the adjacent parcels are developed
16. Developer shall dedicate additional ROW along West Trinity frontage to allow for a future right turn lane on West Trinity at development of adjacent parcels.
17. The site plan shall identify specific roadway design standards consistent with Metro PW specifications.
18. If the proposed roundabout is included in site plan, the design shall include a single travel lane in accordance with AASHTO standards. Construction plans for development shall identify all required pavement markings and signing in accordance with MUTCD standards.



## Metro Planning Commission Meeting of 01/26/06

### Typical Uses in Existing Zoning District: R6

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)	0.25	6.18	2	20	2	3

### Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	0.25	n/a	6	36	3	4

### 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
--			+4	16	1	1

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### METRO SCHOOL BOARD REPORT

**Projected student generation\***

**39 Elementary   29 Middle   22 High**

**Schools Over/Under Capacity**

Students would attend Bordaux Elementary School, Ewing Park Middle School, or Whites Creek High School. There is capacity within these schools. This information is based upon data from the school board last updated August 2, 2005.

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### CONDITIONS

1. The dimensions and type, including building material for the proposed fence along West Trinity Lane must be approved by planning staff prior approval of the final development plan. No fence may exceed 4 ft. in height.
2. The central main street must be public, and identified on the preliminary site plan.
3. Remove note from preliminary site plan indicating that a gate will be located at the western terminus of the stub street. A private gate can not be located on public right of way.



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4. Identify and label the 24' private access easements on the preliminary site plan.
5. Building elevations must be approved by planning staff prior to approval of the final development plan.
6. Landscaping plans must be approved by planning staff prior to approval of the final development plan.
7. Sidewalk layout must be approved by planning staff prior to approval of the final development plan.
8. The final development plan must specify uses for all structures.
9. A recommendation from Greenways regarding future connections with this development must be received prior to approval of the final development plan.
10. Any changes on the final development plan from this preliminary site plan may require a new preliminary plan if the changes are deemed significant by planning staff.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district, which must be shown on the plan.
12. Add SP number: 2005Z-179U-03.
13. All Public Works' conditions listed above must be addressed, and approved by Public Works prior to approval of the final development plan.
14. All off-site traffic conditions, as recommended by Public Works, must be bonded or completed prior to the recordation of any final plat.
15. The private entrance onto West Trinity Lane must be approved by Public Works prior to final development plan.



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16. All Stormwater conditions and comments as indicated above must be adequately addressed prior to, or with the approval of the final development plan.





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

**Subdivision 2006S-046U & 2006S-047U-03**  
**Drake's Run Section 1 and 2**

None  
1 – Gilmore  
1 – Thompson III  
Barge Waggoner, Sumner and Cannon, applicant for various property owners  
Deferred from the 1/13/2006 meeting at the request of the applicant.

**Deferral**

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

Swaggart  
*Disapprove*

**APPLICANT REQUEST**

**Final Plat**

**Request for final plat approval for a variance to remove sidewalks from the approved final plats.**

**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.

**SUBDIVISION DETAILS**

The applicant requests to amend the approved final plat by removing the sidewalks from the subdivision plat. This subdivision is fully developed and occupied, but sidewalks were never constructed as was required by the plat.

**Staff Analysis**

The preliminary plat and final plat were approved with sidewalks along one side of the road as was required by the Subdivision Regulations in effect at the time. The applicant argues that the subdivision is developed and occupied, and requiring the sidewalks to be constructed at this point could cause major inconveniences for the homeowners. Staff recommends, however, that the sidewalks be required as previously approved by the Commission on both the preliminary and final plats.

Any inconvenience to the current homeowners is the result of the decision by the developer of this subdivision and/or the builders of the individual homes not to construct the required sidewalks at the time the subdivision was being developed. Approval of a request to remove the required sidewalks at this time could set a damaging precedent of allowing developers to avoid the sidewalk requirements of the subdivision regulations simply by delaying the installation of the



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### Variance

sidewalks until after the homes in the subdivision have been sold and occupied.

Because sidewalks were required when this subdivision was platted, removing the sidewalks from the plat would require the Commission to grant a variance to the Subdivision Regulations. The Commission may grant a variance if topographical restraints or other restraints would create extraordinary hardships. Applicants have not demonstrated any existing topographical condition that would create a hardship.

### Staff Recommendation

Because no hardship has been demonstrated, and an undesirable precedent would be created, staff recommends that the Commission disapprove the request to remove the required sidewalks from the plats.

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### **PUBLIC WORKS RECOMMENDATION**

No Exceptions Taken



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

**Planned Unit Development 61-84-G-06**  
**Bellevue Valley Plaza Commercial PUD**  
35 – Tygard  
9 – Warden  
Barge, Waggoner, Sumner and Cannon, applicant for Bellevue Properties, owner

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

Swaggart  
*Approve with conditions*

**APPLICANT REQUEST**  
**Revise Preliminary & Final PUD**

**Request to revise the approved preliminary plan and for final approval of a Planned Unit Development for property located south of Old Harding Pike, east of Old Hickory Boulevard to permit the development of a 4,000 square foot building to be located within the existing parking lot.**

**PLAN DETAILS**  
Site Plan

The request is for the development of a 4,000 square foot building. The proposed building will be constructed within the existing parking lot.

Access

The development will be accessed through the existing development access points on Highway 70.

Parking

Typically parking should be provided on site unless there is a shared parking agreement. This proposed development requires 314 parking spaces. There is a shared parking agreement between adjacent developments within the PUD. A total of 605 parking spaces are required within the overall PUD and 615 spaces are being provided.

**PUBLIC WORKS**  
**RECOMMENDATION**

No Exceptions Taken

**STORMWATER**  
**RECOMMENDATION**

All Stormwater conditions above must be met before the grading permit can be issued:  
1. Silt fences need to be placed parallel to contours. Fences that are placed on slope will promote gully formation.  
2. Add inlet protection for the inlet west of the parking lot at downstream end of swale (EI=634.01).



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3. In referencing Metro Storm Water Management Vol. 4 details TCP-03 should refer to Stabilized Construction Entrance instead of “Stabilized Control Extension”. (sht. C1.00).
4. Place a general note that final stabilization of site will be achieved before removal of erosion control features.
5. Hydraflow areas for pipes #3 and #4 do not match the areas shown on the Downstream Structure Drainage Map. Map areas appear to be incorrect.
6. Include an As-Built note on plan set for the Downstream Defender.
7. Include information for the existing 8’x12’ CBC (the second downstream structure).
8. Need to include signed detention maintenance agreement.
9. Need to record drainage and access easement for storm water quality structure. Indicate the easement on the plans.

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### CONDITIONS

1. All Stormwater conditions above must be met before the grading permit can be issued.
2. 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.
3. 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 to the issuance of any building permits.
5. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications



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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.

6. 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.
7. 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 68-86-U-13**  
**Hickory Woods West, phase 1, final PUD**  
32 – Coleman  
6 – Awipi  
Wamble and Associates, applicant, for Harold and Hermena Holigan, owners

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

Pereira  
*Approve with conditions, including that the applicant adequately address Stormwater technical review comments.*

**APPLICANT REQUEST**  
**Revision to preliminary & Final PUD**

**Request to revise a portion of the approved preliminary plan and for final approval phase one of a commercial Planned Unit Development district located on the east side of Murfreesboro Pike, and the north side of Laverge-Couchville Road, zoned CS district (1.48 acres), to allow a convenience store on a portion of the PUD that was approved for general retail**

**PLAN DETAILS**  
History

This preliminary PUD plan was approved by the Planning Commission in August of 1986, for 40,100 square feet of general retail uses, 29,000 square feet of office uses, and 3,250 square feet of drive-in food service uses.

This revision to the approved preliminary plan proposes a 4,100 square foot convenience store on the corner of Murfreesboro Road and Lavergne-Couchville Road, to replace a 3,100 square foot general retail building. The revision also introduces a new phasing plan, with this application being the first phase. The second phase comprises the remainder of the PUD. The use proposed with this revision is consistent with original preliminary plan as approved by the Metro Council, but it also shifts the ingress/egress driveway cuts along Lavergne-Couchville Pike.

Sidewalks

The plans show a sidewalk to be constructed on the east side of Murfreesboro Road and north side of Lavergne-Couchville Road at this location, which Planning staff highly recommends, based on this approved PUD's



## Metro Planning Commission Meeting of 01/26/06

### Access

mixture of commercial and residential uses, and proximity to other residential areas.

The revision also proposes minor changes in the vehicular access points along Lavergne-Couchville Pike. The applicant has worked with Public Works on lining up the southernmost access point with the approved Hickory Woods East PUD development on the south side of Lavergne-Couchville Pike. The northernmost access point will be either permanently or temporarily a private drive, with the option of converting this drive into a public roadway during a future phase of this Planned Unit Development. Given that this drive is internal to the PUD, the normal street setbacks of the Zoning Ordinance do not necessarily apply, as per Section 17.36.060G of the ordinance.

### STORMWATER RECOMMENDATION

Sufficient for **technical review** on December 14, 2005. The following comments must be addressed by the applicant, which have been deemed by Stormwater to be **minor**:

1. Time of Concentration for existing condition is not reasonable. Use longer time.
2. Provide calculations and cross-section for ditches.
3. Use inlet control to check the capacity of the structures or check the hydraulic line for pipe system.
4. Pond easement and agreement document including recording fee.
5. Notice of Coverage from TDEC.
6. Check next two downstream structures.

### PUBLIC WORKS RECOMMENDATION

Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.

- A **new** Traffic Impact Study will be required upon the development of this existing PUD property if the below improvements are not provided for the convenience market (phase 1 development) or upon the next revision to the Hickory Woods PUD.

#### Comments:

1. **If** the developer:



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- Constructs a 3 lane cross section on Lavergne-Couchville Pike from Murfreesboro Road to the PUD property termination, with adequate transition,
  - Constructs a right turn lane on Murfreesboro Road to private driveway,
  - Modifies and upgrades the existing signal, **Then** a driveway into the convenience market is allowed. Work with opposing property owner (Hickory Woods East PUD) to realign driveway along Lavergne-Couchville Pike.
2. One additional driveway shall be allowed along Murfreesboro Road aligned with opposing plant drive approximately at the center of PUD. Identify opposing driveway locations.
  3. Submit signal plans and reconstruct signal upon approval.

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### FIRE MARSHAL RECOMMENDATION

Approved.

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### CONDITIONS

1. All Stormwater technical review comments must be adequately addressed by the applicant.
2. Prior to final plat approval, the applicant must work with the Public Works and Planning Departments to satisfy the Public Works comments as indicated above.
3. Prior to final plat approval, lot 1 must be labeled as parcel 210 and lot 2 labeled as parcel 211 (of map 175).
4. Prior to final plat approval or 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.
5. 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





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Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

6. 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.
7. 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 for filing and recordation with the Davidson County Register of Deeds.
8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.
9. 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**  
**Associated Cases**  
**Council Bill**  
**Council District**  
**Requested by**

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

**Zone Change 2005Z-106T**  
**Affordable Housing Density Bonus**  
 None  
 None  
 Metro-wide  
 Planning Staff

Lawrence  
*Approve*

**ANALYSIS**

This amendment makes one minor revision to Section 17.12.070.B.1. This section allows for a density bonus if the increased residential density is used to provide for a certain number of affordable housing units. It also stipulates that those units remain as affordable for a period of 20 years. This amendment will reduce that time period to 7 years. It also clears up some language in the enforcement section for using this bonus.

Section 17.12.070.B.1 of the Metro Zoning Code specifies that, under certain conditions, space designed and constructed for residential occupancy will not be counted in determining the floor area ratio for the project. Because the floor area ratio is used to place limits on building size relative to their lot size, this section effectively encourages residential development by allowing for larger buildings in the MUI zoning district generally, and in the ORI, CF, and CC districts specifically in the urban zoning overlay. The next section qualifies the incentive by requiring that a certain amount of the residential units provided to increase the density must be provided as affordable units. The qualifying section also requires that the affordable units are restricted to that use for twenty years. What is affordable and how this is to be enforced is described elsewhere in the code.

Existing Law for Time Period  
 Units Must Remain Affordable

17.12.070 B. Residential Bonus in Mixed Use,  
 ORI, CF and CC Districts.

1. For property located either (a) in the MUI District, or (b) within the urban zoning overlay district in any mixed-use, ORI, CF or CC district, in any building where at least twenty-five percent of the floor area (exclusive of parking) is designed and constructed for residential occupancy, the floor area designed and constructed for residential



## Metro Planning Commission Meeting of 01/26/06

use shall not be counted in determining the floor area ratio of the building. This uncounted floor area benefit shall not be combined with any other bonus allowed under this section or Section 17.36.090.

2. In any development that uses the uncounted floor area benefit in subsection (B)(1) of this section to construct ten or more residential units, the following number of residential units shall be restricted for use as affordable housing for a period of at least twenty years:

affordable housing units = 25% x (total residential units - 10)

This provision shall be enforced pursuant to the affordable housing provisions in Section 17.36.090(b) (3).

Proposed Text Change

The sections above were new sections added to the Code when it was rewritten and adopted in 1998. Since that time no one has taken advantage of the density bonus. There is general agreement that restricting the affordable units as such for twenty years is inconsistent with federal funding requirements and too long. Furthermore, Metro has recently implemented other residential incentive programs that have much shorter time periods. The payment in lieu of taxes program for example, provides a tax based incentive for only seven years. The purpose of the amendment then is to modify the code so that it is more consistent with other more recent housing incentive programs. The amendment also removes an inconsistency in the enforcement section 17.36.090 B3 by making the length of the ownership and lease of the affordable units to both also be seven years. It currently says the leased units were perpetually affordable and didn't specify any time on the ownership units.

Existing Law on Enforcement of Time Period

Section 17.36.090.B.3 Enforcement.

Any lot intended for the construction of a bonus dwelling shall be suitably noted on a recorded plat of subdivision. Prior to receipt of a zoning permit from the zoning administrator, the property owner shall record restrictive covenants with the register of deeds



## Metro Planning Commission Meeting of 01/26/06

### Proposed Text Change

identifying those dwelling units to be sold or perpetually leased according to the definition of affordable housing. At any time thereafter, the property owner of leasable units shall provide suitable documentation verifying compliance with the leasing rate requirements of this article upon receipt of written notice by the zoning administrator. For single-family, two-family or multifamily units constructed for sale, the zoning administrator shall withhold issuance of a certificate of compliance pending receipt of a property transfer deed verifying compliance with the maximum sales price standards of this article. (Ord. 96-555 § 9.2(G), 1997)

The amendment would amend Section 17.36.090.B.3 by **deleting** the second sentence, and **inserting** in its place the following: “Prior to receipt of a zoning permit from the zoning administrator, the property owner shall record restrictive covenants with the register of deeds identifying those affordable residential units to be sold or leased for a period of at least seven years.”

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### STAFF RECOMMENDATION

Staff has worked closely with the Metropolitan Housing and Development Agency as well as the Mayor’s office while preparing this amendment. While the amendment on its face appears very minor, we believe that reducing the time requirement will encourage developers to make effective use of this density bonus incentive. When used, this incentive not only encourages residential development in areas where Metro is trying to attract more development, it also helps create new units that are affordable. It is also noteworthy that this incentive requires no additional action by Metro especially financial. In an example of project with about 300 units that needs 150,000 square foot bonus, roughly 10%, or 30 of the newly created units would be affordable.

Staff recommends for approval.



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**School District**  
**Requested by**

**Zone Change 2006Z-004U-03**  
None  
2 - Isabel  
1 - Thompson  
Lamont Jordan, applicant/owner

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

Pereira  
*Approve*

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**APPLICANT REQUEST**

**Request to change 0.17 acres from commercial neighborhood (CN) to residential single-family (RS5) zoning, on property located at 1801 Baptist World Center Drive, northeast corner of Baptist World Center Drive and Meade Avenue.**

**Existing Zoning**  
CN district

Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

**Proposed Zoning**  
RS5 district

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

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**BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY**

Residential Medium (RM)

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

**Policy Conflict**

Single family residential uses that are permitted within the proposed RS5 zoning district are consistent with the Residential Medium policy, which applies to the majority of the properties on the northeast side of Baptist World Center Drive. The density of the proposed RS5 zoning (7.42 homes/acre) is in line with that of RM policy (4-9 homes/acre). Along with the rest of the block between Roger Avenue on the north and Meade Avenue on the south, this property is zoned CN and currently undeveloped. This rezoning will



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allow this property to develop residentially, as per the intent of the community plan.

## RECENT REZONINGS

None.

## PUBLIC WORKS RECOMMENDATION

No exception taken.

### Typical Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	0.17	0.10	741	33	Na	2

### Typical Uses in Proposed Zoning District: RS5

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.17	7.42	1	10	1	2

### 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
--	0.17			-23	Na	0

### Maximum Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.25	1,851	62	8	3

### Maximum Uses in Proposed Zoning District: RS5

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	0.17	7.42	1	10	1	2

### 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
--	0.17			-52	-7	-1



## Metro Planning Commission Meeting of 01/26/06

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### METRO SCHOOL BOARD REPORT

#### Projected student generation

1 Elementary 1 Middle 1 High

#### Schools Over/Under Capacity

Students would attend Alex Green Elementary School, Ewing Park Middle School, or Whites Creek High School. All three schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated August 2, 2005.



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

**Zone Text Change 2006Z-015T**  
None  
None  
Metro-wide  
Planning Staff, sponsored by Councilmember Diane Neighbors

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

Bernards  
*Approve*

**REQUEST**

**Adopt Zoning Code sections 17.12.100 and 17.12.110 to allow for reduced minimum lot sizes in zoning districts that permit multi-family dwelling units to allow fee-simple homeownership opportunities.**

Amend 17.04.060.B  
Definitions of General Terms

Add “single-family cottage development” to the list of general terms to define this type of development of four to ten single-family units oriented to a common open space.

Adopt Note 1 to Table 17.12.020.A

Add a note to the district bulk table for single-family and two-family dwellings to provide for minimum three-foot rear and side setbacks for single-family cottage units.

Adopt Note 5 to Table 17.12.030.B

Add a note to the district bulk table for multi-family and non-residential uses to provide for a minimum three-foot street setback from the right-of-way line for attached housing developed under proposed new Section 17.12.110.

Adopt Table 17.12.020.B.1

Add a new table to the district bulk tables providing alternative lot size and rear and side setback requirements for attached housing.

Adopt 17.12.100

Adopt new section 17.12.100 Single-Family Cottage Developments to add text providing the bulk standards for single-family cottage developments in zoning districts that permit multi-family housing. Proposed bulk standards include waived minimum lot size, common open space requirements, building orientation, building coverage, height, and parking requirements.





## Metro Planning Commission Meeting of 01/26/06

Adopt 17.12.110

Adopt new section 17.12.110 Alternative Minimum Lot Size and Setbacks for Attached Housing to add text providing bulk standards for attached housing in zoning districts that permit multi-family housing. Proposed bulk standards include reduced minimum lot size, setback standards, and parking requirements.

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### ANALYSIS

Existing Law

Cottage developments and attached housing (townhouses) are allowed per the zoning code currently. However, to be owner-occupied, the homes must be sold as a condominium or through a horizontal property regime requiring a master deed.

These homes cannot be sold “fee-simple,” because the minimum lot size required in the bulk standards is not small enough to facilitate selling a lot with single-family cottage unit or an attached housing unit (also referred to as townhouses).

Proposed Text Change

The proposed changes to the Zoning Code would allow a waiver in the minimum lot size for single-family cottage developments and reductions in lot sizes for townhouses. By allowing smaller lots in zoning districts that permit multi-family dwelling units, these cottage and townhouse units can be purchased through fee-simple ownership. For cross reference purposes, notes have been proposed for two district bulk tables to provide for alternative setbacks for the cottage units and attached housing units. A definition of single-family cottage development is also proposed.

Single-Family Cottage Development

Single-family cottage developments are small-lot developments oriented onto a common open space. Developments of between four to ten single-family units are proposed for all zoning districts that currently permit multi-family housing. The cottages would be developed at a density consistent with base zone district; the use of the cottage developments provides no “density bonus.”

In order to allow for a fee-simple purchase of the cottages, the minimum lot size would be waived and replaced with standards. These standards include:

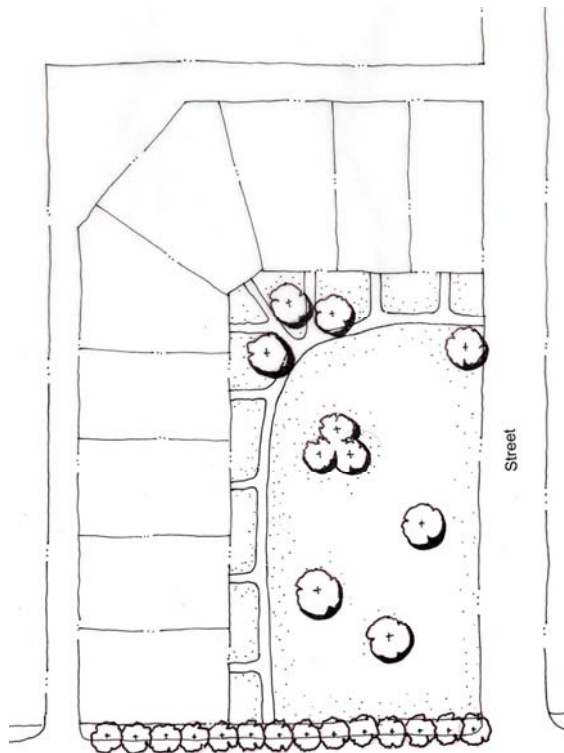
- The amount of common open space be at least 250 square feet per cottage



## Metro Planning Commission Meeting of 01/26/06

- The open space shall be bordered by cottages on at least 2 sides.
- Cottage units be oriented to the open space and cottage units abutting a street cannot have the rear of the unit facing the street.
- Only one cottage unit per lot be permitted.
- The maximum building coverage shall be 1,000 square feet, excluding covered porches.
- The maximum height of a cottage shall be two stories.
- Front, rear and side setbacks shall be a minimum of three feet.

The illustration below shows one configuration for a single-family cottage development. In this case, the individual lots front two sides of the common open space and parking is accessed from the rear of each lot. It is also the case that the cottages could surround the common open space on three sides.



The cottage development requires two parking spaces per cottage. These must be located on the overall cottage development site – either on each individual lot, in small parking clusters, or a combination of the two.



## Metro Planning Commission Meeting of 01/26/06

### Attached Housing (Townhouses)

Parking is not permitted in the established front yard setback or the required common open space. Parking must not be visible from the public street and must be screened from neighboring residential developments.

The care and maintenance of the required open space will be addressed through a homeowners' association or similar device.

Attached housing, also referred to as townhouses, would be developed at a density and floor area ratio consistent with the base zone district; the use of the townhouse option provides no "density bonus." In order to allow for a fee-simple ownership of the unit and the land, the proposed minimum lot sizes and setback requirements would be as shown in Table 17.12.020.B.1.

Table 17.12.020.B.1 Minimum Lot Size and Setbacks for Attached Housing

Zoning District	Minimum lot area (in sq. ft.)	Minimum rear setback (in ft.)	Minimum side setback (in ft.)	Maximum height
RM2, RM4, RM6, RM9	2,800	5	0 common wall 5 end unit	3 stories
RM 15	1,800	5	0 common wall 5 end unit	3 stories
RM20, OR20 MUN, MUL, MUG, MUI, OR40, ORI, RM40, RM60	1,500	5	0 common wall 5 end unit	3 stories

The minimum street setbacks would be three feet from the right-of-way line, but could not vary more than 20 percent from the standards set in Zoning Code Section 17.12.030.C (3). This section addresses setbacks in residential zoning districts where the development pattern is already established to avoid too much variance from the established pattern.

Parking requirements for attached housing would be the same as for multi-family housing and would be accessed from a rear or side alley or private drive. Parking must not be visible from the public street and must be screened from neighboring residential developments.

### STAFF RECOMMENDATION

Approve. This text amendment does not take away existing home ownership options of condominium or Horizontal Property regime ownership. Instead, this



## Metro Planning Commission Meeting of 01/26/06

text amendment allows fee-simple homeownership in zoning districts permitting multi-family housing. The standards for lot sizes, setbacks, height, and parking included in the text amendments will provide for development that offers new home ownership options while respecting and contributing to the neighborhood.



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

**Zone Change 2006Z-016U-08**  
Preliminary PUD 2006P-002U-08  
None  
19 – Wallace  
1 – Thompson III  
Dale and Associates, applicant for William Hunter, etux, C and D Safety Company, LLC, owners

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

Swaggart  
*Approve*

**APPLICANT REQUEST**

**A request to change from IR to MUN zoning property located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4<sup>th</sup> Avenue North (unnumbered) and 407 Monroe Street, (1.67 acres).**

**Existing Zoning**  
IR District

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

**Proposed Zoning**  
MUN District

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

**NORTH NASHVILLE COMMUNITY PLAN**

Neighborhood Urban (NU)

NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. 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.

**German Town Detailed Neighborhood Development Plan**  
Mixed Use (MU)

MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses.



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Mixed Live/Work (MLW)

Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

MLW is intended for primarily residential uses, while providing opportunities for small commercial establishments, mostly home-run professional or retail services.

## Policy Conflict

No, the requested MUN zoning district and the associated PUD plan are consistent with the policies for this area.

## PUBLIC WORKS RECOMMENDATION

### Typical Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (110)	1.67	0.39	28,371	110	27	28

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhomes (230)	1.67	--	27	211	19	21

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.67	--	1,991	123	Na	27

### Maximum Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (110)	1.67	0.60	43,647	225	41	43



## Metro Planning Commission Meeting of 01/26/06

### Maximum Uses in Proposed Zoning District: MUN/PUD

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230 )	1.67	--	27	211	19	21

### Maximum Uses in Proposed Zoning District: MUN/PUD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814 )	1.67	--	1,991	123	Na	27

### METRO SCHOOL BOARD REPORT

#### Projected student generation

1 Elementary    1 Middle    0 High

#### Schools Over/Under Capacity

Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. All three have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated August 2, 2005.



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

**Planned Unit Development 2006P-002U-08**  
**The Courts of Germantown**  
Rezoning 2006Z-016U-08  
19 – Wallace  
1 – Thompson III  
Dale and Associates, applicant for William Hunter, etux, C and D Safety Company, LLC, owners

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

Swaggart  
*Approve with conditions*

**APPLICANT REQUEST**

Preliminary PUD

**Request for preliminary approval of a Planned Unit Development district located at 1211, 1215, 1217, 1219 and 1229 4<sup>th</sup> Avenue North , 4<sup>th</sup> Avenue North (unnumbered), and 407 Monroe Street, Classified IR and proposed for MUN (1.67 acres), to permit 27 multi-family units, and 1,991 square feet of retail use.**

**PLAN DETAILS**

Site Plan

The plan consists of 27 multi-family units and 1,991 square feet of retail use. A three story urban row building design is being used. The buildings front Monroe Street and 4<sup>th</sup> Avenue North and provide secured private parking in the rear. The design incorporates shallow setbacks from the street comprised of small green spaces between the buildings and the sidewalks. The 1,991 square feet of commercial space will be located on the first floor, at the corner of 4<sup>th</sup> Avenue North and Monroe Street.

Access

The units can be accessed by foot from 4<sup>th</sup> Avenue North and Monroe Street, while automobile access is provided at the rear from an alley.

Parking

Secured private parking for residents is provided behind the buildings, and accessed from the alley. Street parking will accommodate the commercial use.

Sidewalks

Five foot high brick sidewalks are shown adjacent to 4<sup>th</sup> Avenue North and Monroe Street.

Buffer Yard(s)

A buffer yard is required between the proposed MUN zoning district and the adjacent IR zoning district to the south. A 10 foot B-3 Buffer Yard is shown on the plan.





## Metro Planning Commission Meeting of 01/26/06

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### **PUBLIC WORKS RECOMMENDATION**

1. Any approvals are subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Provide adequate sight distance at driveways off alley.
3. Provide adequate turning movement at driveways.

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### **STORMWATER RECOMMENDATION**

No Exceptions Taken.

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### **CONDITIONS**

1. 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.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
3. 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 to the issuance of any building permits.
5. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a



## Metro Planning Commission Meeting of 01/26/06

final site development plan if a boundary survey confirms there is less site acreage.



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

**Zoning Text Change 2006Z-026T**  
None  
None  
Countywide  
Council member Jason Hart

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

Carlat  
*Disapprove and request re-referral with clarified definition of “mobile vendors.”*

---

**REQUEST**

**Amend Zoning Code section 17.04.060 “Definitions of general terms” to add a definition for “Mobile vendor.”**

**Amend Zoning Code section 17.12.040 “District Bulk Regulations – Other setbacks” to add a new section stipulating setback and spacing requirements for mobile vendors.**

**Amend Zoning Code section 17.20 “Parking, Loading and Access” by adding section 17.20.135, establishing parking requirements, and amending table 17.20.030 “Parking requirements established” to include parking requirements for mobile vendors.**

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**BACKGROUND**

Metro Council members’ recently proposed an ordinance regulating mobile food vendors. That ordinance was not heard by the Metro Planning Commission. Rather, it was heard by the Codes Committee and Health, Hospitals and Social Services Committee at Metro Council. This is a **separate** ordinance that applies setback and parking requirements for mobile vendors.

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**EXISTING LAW & PRACTICE**

Currently, Metro Zoning Code does not include a separate definition of “mobile vendors,” nor does it provide any specific guidance on their placement or parking.



## Metro Planning Commission Meeting of 01/26/06

### PROPOSED TEXT

#### “Mobile Vendors” Definition

The ordinance adds to Zoning Code the following definition of “mobile vendors”:

*“Mobile vendor means a person who peddles, vends, sells, displays or offers for sale goods, wares or merchandise.”*

#### Setback Requirements

The ordinance proposes the following setback requirements for “mobile vendors”:

1. Displays and activities shall be at least twenty (20) feet from the right-of-way
2. Displays and activities shall not be located within a required landscape area or bufferyard.
3. No mobile vendor may be located within one hundred (100) feet of an intersection of two arterial streets or the intersection of an arterial and a collector street.
4. Mobile vendors shall not located within one thousand five hundred (1,500) feet of another mobile vendor.

#### Parking Requirements

The ordinance proposes the following parking requirements for “mobile vendors”:

1. Mobile vendors shall provide a minimum of six (6) parking spaces adjacent to the vending area for the exclusive use of the mobile vendor.
2. These mobile vendor spaces shall not occupy minimum required parking spaces for any other use on the site.

### ANALYSIS

Metro Planning staff cannot adequately review this ordinance at this time, given the flawed definition of “mobile vendors” proposed by the ordinance.

The definition proposed in the ordinance is problematic because it does not address the *mobility* of the vendors. The definition, as written, would apply to a corner market, a store at a mall or a child selling cookies door-to-door.



## Metro Planning Commission Meeting of 01/26/06

Until the definition has been revised, Metro Planning staff cannot assess the intent or impact of the setback, spacing or parking provisions of the ordinance, because they would apply to *all* vendors, not just those that are mobile. For example, spacing requirements of 1,500 feet between “mobile vendors” would apply to all retail establishments.

---

### RECOMMENDATION

Disapprove and re-refer with revised definition of “mobile vendors.”



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

**Subdivision 2006S-029G-03**  
**Capps Road Subdivision**  
None  
2 – Isabel, Sr.  
1 – Thompson  
Dale and Associates, applicant for Shane Teeters,  
owner

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

Swaggart  
*Approve with conditions*

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

**Request for preliminary plat approval to create 8 lots on approximately 4.46 acres of land located at the east end of Capps Drive.**

**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**

The proposed subdivision consists of 8 lots ranging in size from 10,250 square feet to 24,198 square feet. The lots will be accessed by the extension of Capps Drive. The proposed lots are consistent in size with the existing lots on Capps Drive.

Sidewalks

Sidewalks are required and are shown on the preliminary plat.

Buffer Yards

The property is adjacent an IWD district so a “C” class buffer yard is required. The site plan indicates a 20 foot wide “C” class buffer (C-3).

Connections

Typically staff would recommend that a stub street be provided to adjacent properties, but because the adjacent properties are in an industrial district, a connection would not be appropriate.

**STORMWATER RECOMMENDATION**

Approved

**PUBLIC WORKS RECOMMENDATION**

Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.



## Metro Planning Commission Meeting of 01/26/06

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### CONDITIONS

1. At time of final plat, bonds for infrastructure improvements will 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. If existing vegetation is going to be used to count toward the landscape buffer requirements, plans need to be approved by the Urban Forester, and tree protection fencing installed prior to the issuance of the grading permit.



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

**Subdivision 2006S-069U-03**  
**Ewing Drive Property**  
2 – Isabel, Sr.  
1 – Thompson III  
William G. Wallis, Sr., applicant, Wamble and Associates, surveyor

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

Swaggart  
*Approve*

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

**Request for preliminary approval for a cluster lot subdivision plat to create 46 lots on 10.31 acres. The project is located on the south side of Ewing Drive, at the south end of Gwynnwood Drive.**

**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.

**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 RS7.5 (minimum 7,500 sq. ft. lots) to RS3.75 (minimum 3,750 sq. ft. lots). The proposed lots range in size from 4,000 sq. ft. to 10,172 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 1.59 acres (15%) of open. Two park areas (.77 acres) are also included as part of the proposed open space.

**SUBDIVISION DETAILS**

Site Plan

As proposed, the plan calls for 46 lots on approximately 10.31 acres with an overall density of 4.46 units per acre. The plan calls for a modified grid street layout, with a majority of the lots being accessed by public streets while lots 1-8 that front Ewing Drive, will be accessed by a rear private access drive.

Access/Street Connectivity

Access for the subdivision will be off of Ewing Drive. Two stub streets are proposed to the east and west, and one stub street is proposed to the south.





## Metro Planning Commission Meeting of 01/26/06

Sidewalks

Sidewalks will be located along both sides of all public streets.

Stormwater Detention

In order to maximize land area, underground detention for stormwater runoff is proposed. The underground structure will be located under one of the park areas.

Environmental Sensitive Areas

A stream that crosses a portion of the property is being preserved and left within open space. A stream buffer is also provided.

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### **STORMWATER RECOMMENDATION**

Approve

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### **PUBLIC WORKS RECOMMENDATION**

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Plans for solid waste collection and disposal must be approved by Public Works Solid Waste Department.
3. Identify road names.
4. Construct roadway to property line.
5. At lots 10, 11 and 22 roadway intersection, remove PI/tangent lanes from centerline of intersection.
6. At lots 44-46 circular turnaround, show pavement section per St-251.
7. Construct a minimum 75 foot left turn lane on Ewing at access road with transition per ASSHTO standards.
8. Construct 2 exit lanes and 1 entering lane for access road. Identify Gwynwood Drive pavement width.
9. All utilities are to be underground. Appropriate utility provider must approve design and construction. Developer is to coordinate the location of all underground utilities. Street lighting is required.
10. Lots shall not have driveway access to Ewing.

---

### **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



## Metro Planning Commission Meeting of 01/26/06

Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.

2. All Public Works' conditions listed above must be addressed prior to final plat approval.
3. At time of final plat bonds for infrastructure improvements will be required.



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

**Subdivision 2006S-072U-03**  
**Enchanted Hills, Addition 1 Subdivision**  
1 – Gilmore  
1 - Thompson  
Lisa Beard Baldwin, owner, Barge, Cauthen & Associates, engineer/surveyor.

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

Harris  
*Approve with conditions*

**APPLICANT REQUEST**  
**Revision to Preliminary Plat**

**Request to create 6 lots on 5.91 acres located on the west side of Sumatra Road.**

**ZONING**  
RS15

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.

**SUBDIVISION DETAILS**

This is a request to revise the preliminary subdivision plat from 10 lots to 6 lots connecting to an existing stub street, Sumatra Road, in the adjacent Enchanted Hills Subdivision. The Commission approved the preliminary request for 10 lots at the October 13, 2005 meeting, which included approximately 16 more acres and another connection with the existing Lila Lane to the northwest.

The current plan removes the acreage with slopes greater than 25% and leaves the property as a remainder parcel and proposes a stub street. The stub street is proposed to connect to Lila Lane if extended in the future through the adjacent property to the north.

**STORMWATER RECOMMENDATION**

Approved Except as Noted.

- 1. Revise subdivision number.

**PUBLIC WORKS RECOMMENDATION**

Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.

**CONDITIONS**

- 1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be



## Metro Planning Commission Meeting of 01/26/06

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.

2. Prior to final plat approval, revise subdivision number to 2006S-072U-03 on preliminary plan.



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

**Subdivision 2006S-066G-14**  
**Golf Club Place, Phase 2**  
None  
11 – Brown  
4 – Nevill  
Jerry Lemons, owner, Hart Freeland, and Roberts  
Surveyor

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

Swaggart  
*Approve with conditions*

**APPLICANT REQUEST**

**Final Plat**

**Request for final plat approval to create two lots located on the south end of Hurst Drive, approximately 2,800 feet west of Old Hickory Boulevard (4.22 acres), zoned R15.**

**Zoning**

R15 district

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

**SUBDIVISION DETAILS**

This plat proposes two new lots to be created out of one parcel at the southern end of Hurst Drive. The lots will have approximately the following area and frontage:

1. 131,440 sq. ft. (3.017 ac), 83 ft.
2. 48,652 sq. ft. (1.117 ac), 69 ft.

Greenway

A 25 foot dedicated Conservation Greenway access Trail Easement Area is shown on the plat on lot 1 adjacent the 50-foot floodway buffer.

Variance

Section 2-4.2(D)

Section 2-4.2(D) stipulates that no new lot shall exceed three times the minimum lots size required by the Zoning Regulations for the zone district within which the proposed subdivision is located, but that exceptions can be made when land proposed for division contains flood plain or terrain otherwise unsuitable for development.

While the zoning district would allow for higher density on this parcel, the request is for only two lots. One hundred percent of both lots is within the 100 year flood plain, and the southwestern rear section of lot 1 is in the floodway. Since the request is for only two lots



## Metro Planning Commission Meeting of 01/26/06

### Recommendation

and will preserve a majority of the flood plain on both lots, an exception is warranted.

Staff recommends that the two lot subdivision and variance from Section 2-4.2(D) be approved with the condition that 50 percent of the flood plain to be left undisturbed and left in its original, natural state be delineated on the plat.

---

### STORMWATER RECOMMENDATION

Approved

---

### PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

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### CONDITIONS

1. Delineate 50% area on both lots that is to be left undisturbed and in its natural state.



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

**Subdivision 2006S-068U-03**  
**Fairview Subdivision**  
1 – Gilmore  
1 - Thompson  
Vincent T. Scalf, owner, Hart Freeland & Roberts,  
surveyor

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

Harris  
*Approve with conditions, including a condition that 4 lots be approved instead of 5 lots to meet the lot frontage requirement of a minimum of 96.75 feet.*

**APPLICANT REQUEST**

**Final Plat**

**Subdivide 1.85 acres to create 5 lots located on the south side of West Hamilton Road.**

**ZONING**

RS15

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.

**PLAN DETAILS**

This subdivision proposes the creation of five lots from a portion of a parcel. As proposed, the five new lots have the following areas and street frontages:

- Lot 1: 15,734 Sq. Ft., (0.36 Acres), and 80.67 ft. of frontage
- Lot 2: 15,733 Sq. Ft., (0.36 Acres), and 80.67 ft. of frontage
- Lot 3: 15,732 Sq. Ft., (0.36 Acres), and 80.66 ft. of frontage
- Lot 4: 15,734 Sq. Ft., (0.36 Acres), and 80.67 ft. of frontage
- Lot 5: 15,734 Sq. Ft., (0.36 Acres), and 80.76 ft. of frontage

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 exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission does not have to grant the exception if they do not feel it is appropriate.



## Metro Planning Commission Meeting of 01/26/06

### Staff Recommendation

The lot comparability analysis yielded a minimum lot area of 14,832 sq. ft., and a minimum lot frontage of 96.75 linear feet. All five lots pass for area, but fail for lot frontage.

Staff recommends disapproval of a lot comparability waiver. The Bordeaux-Whites Creek Community plan calls for Mixed Housing in Neighborhood General policy intended for a mixture of housing types and careful arrangement. Lots 1-4 meets the policy, however, lot 5 does not since it is within Natural Conservation policy intended for very low density development. The lots are also within a one-quarter mile radius of a "Mixed Use" policy. Staff recommends that the Commission not grant an exception for comparability, however, because:

1. The lots fail for lot frontage by 16 feet.
2. Lot 5 does not meet land use policy requirement.

If a lot were removed from the proposal, then it would meet the lot frontage requirement of 96.75 feet.

---

### STORMWATER RECOMMENDATION

Approved except as noted.

1. The minimum FFE's labeled on the plat are incorrect. The minimum FFE is 421.1', rather than the cited 621.1'. Appropriate correction required.

---

### PUBLIC WORKS RECOMMENDATION

If sidewalks are required, submit construction plans for Public Works review and approval. Final design and improvements may vary based on field conditions.

---

### CONDITIONS

1. Prior to recordation, revised plans are to be submitted proposing four lots instead of five lots to meet the lot frontage requirement of a minimum 96.75 feet.
2. Prior to recordation, revise lot area tabulation chart on plat to state the acreages as 0.36, or the correct lot acreage if revised.





**Project No.  
Project Name**

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

**Planned Unit Development 189-73-G-14  
Central Centre PUD**

14 – White  
4 – Nevill  
PBJ Engineering Design and Development, LLC,  
applicant for Merry Land Holdings, LLC, owner

**Staff Reviewer**

Staff Recommendation

Swaggart

*Approve with conditions*

---

**APPLICANT REQUEST**

Final PUD

**Request for final approval for a Planned Unit Development located on the south side of Central Pike, west of I-40, classified MUL (2.56 acres), to permit the development of 31,920 sq. ft. of office and retail space.**

---

**PLAN DETAILS**

Site Plan

The plan proposes a two-story commercial building with 19,320 square feet on the first floor, and 12,600 square feet on the second floor. Retail use is proposed on the first floor and office on the second floor. The building is situated as close to Central Pike as is possible due to reservation of right-of-way for future widening of the road.

Access

Two driveways are proposed on each side of the building with parking located off these drives and to the rear of the building. There is a secondary gated emergency-access shown to connect with Cherry Creek Apartments, located to the southeast, which is also part of this PUD.

Buffer Yards

Landscape buffer yards are required against the Hermitage Baptist Church and the adjacent residentially zoned residential properties. A C-3 buffer yard is identified along the western property line. A C-2 and C-3 buffer yard are identified on the southern property line, and a C-3 buffer yard is identified along the eastern property line.

---

**PUBLIC WORKS  
RECOMMENDATION**

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.



## Metro Planning Commission Meeting of 01/26/06

2. Show and dimension right of way along Central Pike. Label and show reserve strip for future right of way (42 feet from centerline to property boundary), consistent with the approved major street plan (U4 - 84' ROW).
3. Are sidewalks required along Central Pike? If required, construct to Public Works standards and specifications.
4. Construct minimum 11' lanes.
5. Comply with previous conditions; Install center turn lane on Central Pike.

---

### STORMWATER RECOMMENDATION

Approve

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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.



## Metro Planning Commission Meeting of 01/26/06

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 269-84-G-14**  
**Tulip Grove Center**  
12 – Gotto  
4 – Nevill  
Waste Water Engineers, applicant for Aldi, Inc., owner

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

Swaggart  
*Approve with conditions*

**APPLICANT REQUEST**  
**Revise Preliminary & Final PUD**

**Request to revise a portion of the approved preliminary plan and final approval of a Planned Unit Development located at 4751 Lebanon Pike, classified R10 (3.09 acres) to permit the development of a 1,720 square foot addition to an existing 13,140 square foot grocery store.**

**PLAN DETAILS**

Site Plan

The request is for the development of a 1,720 square foot addition onto the existing Aldi grocery store. The addition will be located along eastern wall of the existing building.

History

The original PUD plan was approved for a total of 83,157 square feet of commercial uses. Only 32,265 square feet is currently developed within the PUD.

Parking

While several existing parking spaces will be lost with the construction of the additional square footage, the store will still be in compliance with parking requirements. A total of 74 parking spaces are required, and 100 are being provided.

**PUBLIC WORKS RECOMMENDATION**

No Exceptions Taken

**STORMWATER RECOMMENDATION**

No Exceptions Taken

**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



## Metro Planning Commission Meeting of 01/26/06

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 plans will require reapproval by the Planning Commission.



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

**Planned Unit Development 2004P-015U-13**  
**Matlock, Phase 1 final PUD (formerly Old Franklin Road PUD)**

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

None  
32 - Coleman  
6 - Awipi  
Wamble and Associates, applicant for J2K Builders LLC, owners

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

Pereira  
*Defer unless Stormwater approval is received prior to the Planning Commission Meeting.*

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

**Request for final approval a phase of a Planned Unit Development located along the east side of Old Franklin Road and south of Mt. View Road, classified RM15, (4 acres), to permit the development of 31 townhomes units.**

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**PLAN DETAILS**  
Site Design

Phase 1 of this PUD includes 31 attached two-bedroom townhomes of the 111 townhomes that were approved in the Council-approved plan. In this phase, 24 of the units front on Isabelle Lane, with surface parking lots to the rear, while seven units front on open space. Sidewalks are provided on both sides Isabelle Lane.

Access

The only access point for the PUD is via Isabelle Lane to Old Franklin Road on the west, which is a part of this first phase of the final PUD.

Open Space

This phase has 1.82 acres of open space, constituting 45 percent of this phase. The entire PUD has 4.64 acres of open space (constituting 46% of the total acreage).

Landscaping plan

The detailed landscape design plan that is included in this final PUD is consistent with the landscaping as proposed in the Council-approved PUD plan.

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**PUBLIC WORKS**  
**RECOMMENDATION**

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.



## Metro Planning Commission Meeting of 01/26/06

2. Developer shall construct a 3 lane road cross section on Old Franklin Road along property frontage and extend to Mt View Road. The developer shall install a dedicated Southbound left turn lane on Old Franklin Road with 75 feet of storage at the project access road. Design shall coordinate with Provincetown PUD widening plans for Old Franklin Road turn lanes at the Mt. View / Old Franklin Road intersection.
3. Dedicate 1/2 of required right-of-way (ROW) for a collector classification and additional ROW for 3 lane cross section for Old Franklin Road if necessary.
4. Developer shall construct project access road with 1 entering lane and 2 exit lanes with 50 feet of storage length.
5. Remove vegetation to provide adequate sight distance at access road.
6. Developer shall Conduct traffic counts and submit signal warrant analysis for the Mt. View Road / Old Franklin Road intersection to the Metro traffic engineer for signal approval. Upon approval, developer shall submit signal plans and install signal per approval.
7. Project roads shall provide a minimum width of 10 feet of asphalt for travel lanes.

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### STORMWATER RECOMMENDATION

A **Technical Review** was performed and the following items were noted:

1. Need NOC, ARAP, and signature on EPSC designation.
2. Need Stormwater Detention Agreement and recording fee.
3. Provide vertical datum for benchmark.
4. Required width on construction entrance is 20' minimum.
5. Provide construction schedule.
6. Provide larger delineation for the storm structures.
7. Provide hydraulic grade line for storm water calculations.



## Metro Planning Commission Meeting of 01/26/06

8. Need pipe 21 – 22 designed with rational method (not SCS).
9. Provide pre 100 year calculations for the detention pond.
10. Need a slope stability study stating that the pond slope is stable.
11. For the water quality calculations, the unit basin storage volume, V, appears closer to 0.69 (not 0.66).
12. For the water quality calculations, the “elevation when the pond is full” (H), should be from the bottom of the pond elevation to the first orifice elevation (not to the water quality volume elevation).
13. Provide appeal letter from the SWMC for the road crossing / erosion control buffer disturbance.
14. Buffer width for the stream is not adequate, 60’ minimum is required.
15. Not enough area appears to be treated for water quality (see southern portion of Phase III). This item could be addressed during Phase III.

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### CONDITIONS

1. Prior to final plat approval, all Stormwater technical review comments must be adequately addressed by the applicant.
2. Prior to final plat approval, all Public Works conditions as listed above must be adequately addressed by the applicant.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. 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.





## Metro Planning Commission Meeting of 01/26/06

5. 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/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
6. 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.
7. 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.



<b>Project No.</b>	<b>Planned Unit Development 2005P-016G-13</b>
<b>Project Name</b>	<b>Marhaden Pointe (Meroney Property)</b>
<b>Associated Case</b>	None
<b>Council Bill</b>	None
<b>Council District</b>	32 - Coleman
<b>School District</b>	6 - Awipi
<b>Requested by</b>	Wamble & Associates, applicant, for Kenneth Meroney, owner.
<b>Staff Reviewer</b>	Fuller
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

**APPLICANT REQUEST**  
Final PUD

**Request for final approval for a Planned Unit Development to develop 46 single-family lots, located at 3681 Hamilton Church Road, east of Hobson Pike.**

**PLAN DETAILS**  
Site Design

This subdivision completes Pin Oak Drive, which connects Hamilton Church Road to Pin Hook Road on the south.

Sinkholes

A sinkhole is located in the open space of the Hamilton Chase Subdivision, immediately adjacent to the south. Lots 29 and 30 back up to this sinkhole and have been marked critical to indicate that a geotechnical investigation is required prior to the issuance of a building permit.

A low area exists on lots 5 and 6 but it can not be determined if a sinkhole exists in this area until the grading work begins. A note has been added to the plans that note if a sinkhole is discovered lots 5 and 6 could be lost.

**PUBLIC WORKS RECOMMENDATION**

Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.

Provide proof of adequate sight distance at the project entrance.

Coordinate widening and left turn lane striping of Hamilton Church with De Lago Townhome



## Metro Planning Commission Meeting of 01/26/06

development. Construct 2 way left turn lane between both developments with adequate transition per AASHTO.

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### STORMWATER RECOMMENDATION

Approve except as noted. Project needs to provide letter from TDEC approving sinkhole treatment prior to issuance of grading permit.

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### CONDITIONS

1. Lots 5 and 6 may be lost if during construction it is determined that a sinkhole exists within the lot area.
2. Comply with Public Works' conditions listed above.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
3. 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. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance,



## Metro Planning Commission Meeting of 01/26/06

both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.



**Project Name**  
**Council District**  
**School District**  
**Requested By**

**Expanded Subdivision Regulations**  
Metro-wide  
Metro-wide  
**Planning Department**

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

Bernards  
*Adopt the expanded Subdivision Regulations.*

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**PROPOSAL**

**Adopt the expanded Subdivision Regulations to become effective on April 27, 2006 and repeal, April 27, 2006, the Subdivision Regulations adopted March 21, 1991, as amended.**

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**ANALYSIS**

**Authority**

Both the Metro Charter and Tennessee state law authorize the Commission to adopt subdivision regulations. These regulations are intended to "provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity."

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**PROPOSED SUBDIVISION REGULATIONS**

This rewrite of the Subdivision Regulations has been undertaken:

- To create an expanded set of subdivision regulations that reflects the diversity of the development throughout Davidson County;
- To better reflect actual practice in implementing the regulations; and
- To ensure consistency in references and correct reference and typographical errors.

For the most part, applicants can continue to develop subdivisions as before but they can also opt to take advantage of the opportunity for increased flexibility that provides for innovations in the design of subdivisions. Proposals for substantive changes and additions are highlighted later in this report.

Staff has discussed the proposed expanded Subdivision Regulations with the Commission at two separate work



## Metro Planning Commission Meeting of 01/26/06

session. The December 30, 2005 draft of the expanded Subdivision Regulations was distributed to the Commission January 4, 2006. A copy of the proposed expanded Subdivision Regulations is enclosed with this staff report to the Commission and can be viewed by public at:

[http://www.nashville.gov/mpc/expanded\\_subdiv\\_regs.htm](http://www.nashville.gov/mpc/expanded_subdiv_regs.htm)

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### GENERAL COMMENTS

The first major step in the development process is to divide a parcel of land into lots and streets. How land is divided defines the pattern of a community, which in turn shapes its character.

Dividing land also defines traffic circulation patterns and access, dedicates rights-of way, and reserves tracts of land to protect environmental resources (floodplains, steep slopes, wetlands, forested areas). Subdivision regulations guide development of land consistent with the established ordinances and policies of the Metro Nashville Government. Subdivision regulations provide the community with an opportunity to ensure that new neighborhoods and developments are properly designed and that new subdivisions are integrated into the community.

### Proposed Changes

The expanded Subdivision Regulations include amendments to the existing regulations and additional regulations.

#### Chapter 1. General Provisions

This Chapter provides the authority to regulate subdivisions and has been revised to reflect the updating of the regulations. Additions to this Chapter include a how to use these regulations section, a requirement to make a declaration of development preference, and an automatic updating of cross references and numbering when amendments are made.

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#### Chapter 2. Procedures for Plat Approval

This Chapter, formerly Chapter 3, describes the application and review process for subdividing land. Substantial amendments are proposed.

Subdivisions are formally classified into three types of subdivisions.

- Major Subdivision: a subdivision of two or more lots that includes major infrastructure improvements.
- Minor Subdivision: a subdivision of more than two lots that does not include major infrastructure improvements.
- Partition: a subdivision into no more than two lots that does not include major infrastructure improvements.



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A three tier approval process for major subdivisions has been developed. The first tier is the submission of a concept plan, similar to a preliminary plat, that requires approval by the Planning Commission. The second tier is the submission of a development plan, similar to the construction plans now submitted with final plat stage. The Executive Director may approve a development plan administratively if there are no major changes from the concept plan. The third tier is the submission of a final subdivision plat to be recorded. The final subdivision plat will include only information required to be on a final plat and can be approved administratively by the Executive Director if there are no major changes from the development plan.

A coordinated review of subdivision applications by all departments throughout the approval process has been formalized. An option for coordination of subdivision approval and zoning map amendments has been provided.

### Chapter 3. General Requirements for Improvements, Reservations, and Design

This chapter, formerly Chapter 2, describes the development and design standards for subdivisions. While subdivision development may occur largely as permitted now, both minor and substantive changes are proposed.

Critical lots: many of the sites remaining in Davidson County are more difficult to develop; proposed revisions to the regulations allow critical lots on these sites to be reviewed in the context of the subdivision rather than just as individual lots.

Flag lots: criteria added to guide when this lot pattern may be appropriate

Double frontage lots: a preferred development pattern added for lots fronting on arterials and collectors

Lot comparability: the section has been amended to clarify that “abutting” does not include lots to the back as was intended in the amendments made several years ago.

Blocks: maximum block length reduced to 1,200 feet

Streets:

- Improvements section modified to reflect actual practice.
- Tables removed and references to the respective departments’ standards added.
- Added preferred alternatives to cul-de-sacs and landscape requirement for turnarounds of 50 foot or greater radius.
- Private streets permitted in UDOs, SP Districts and Rural Areas; provision for infill development on non-standard streets added.
- Construction Inspection section modified to reflect actual practice.

Signs: added requirements for temporary dead-end street and greenway signs.

Public Water Facilities: added requirement to meet fire flow capacity.

Underground Utilities: added reference

Special Planning Districts: added reference to SP Districts in sections applicable to PUDs and UDOs

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## Metro Planning Commission Meeting of 01/26/06

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### Chapter 4. Conservation Subdivisions

This new chapter enables a development that groups housing on the more buildable portion of a tract, while preserving at least 50 percent of the tract including natural drainage systems, open space, and environmentally and culturally sensitive areas.

The proposed Conservation Subdivisions:

- Provide for the preservation of open space as a watershed protection measure.
- Permit flexibility of design in order to promote environmentally sensitive and efficient use of the land
- Preserve in perpetuity unique or sensitive natural resources, scenic views, and historic, cultural, and archaeological sites.
- Reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- Minimize land disturbance and removal of vegetation during construction resulting in reduced erosion and sedimentation.
- Promote interconnected greenways and wildlife and other natural corridors through the community.

The proposed requirements for Conservation Subdivisions include:

- A required pre-application conference and a four-step process to lay out the subdivision.
- Applicable to Natural Conservation, Rural and Interim Non-Urban policy areas.
- Applicable to AR2, R80, RS80, R40, RS40 zoning districts.
- Addresses roads designated as scenic arterials.
- Permits only single family development.
- Requires a transition in lot size from abutting properties before reduced lot sizes are permitted.
- Zoning text amendments will be necessary to fully implement Conservation Subdivisions.

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### Chapter 5. Walkable Subdivisions

This new chapter provides standards to support more walkable subdivisions through improved connections, reduced block lengths, the discouragement of cul-de-sacs, and the provision of context sensitive street design.

The proposed Walkable Subdivisions:

- Allow for lots to front onto an open space.
- Discourage double frontage lots.
- Provide for subdivision standards to increase opportunities for home ownership
- Encourage open spaces.
- Emphasize street and pedestrian connectivity in residential, commercial, and mixed-use developments.
- Support hamlet-style development and infill development.
- Encourage open spaces.

Zoning Code amendments will be necessary to implement portions of this chapter to allow.

- Small-lot subdivisions facing onto a green space referred to as Cottage subdivisions.
  - Attached housing in fee simple ownership.
  - Both are only applicable in zoning districts allowing multi-family residential uses.
-





## Metro Planning Commission Meeting of 01/26/06

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### Chapter 6. Assurance for Completion and Maintenance of Improvements

This chapter, formally Chapter 4, describes the process for an applicant to guarantee the completion and maintenance of required improvements following final plat of subdivision approval. The proposed changes update the chapter to reflect actual practices. More detail has been provided on the process for releasing, reducing, or extending performance bonds.

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### Chapter 7. Definitions

This chapter, formerly Chapter 5, defines the words and terms used in the regulations. New definitions are proposed, a number of definitions have been modified to correspond with other Metro code definitions, and definitions that were no longer relevant to the regulations are proposed to be deleted.

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### Chapter 8. Adoption of Regulations and Amendments

This chapter, formally Chapter 6, provides details of the adoption of the regulations and is the place to record future amendments to the regulations. The format for this chapter remains unchanged.

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### Appendices

#### Appendix A. Plat Certificates

This appendix, formerly Appendix B, contains all of the required plat certificates. Certificates that were in the regulations have been moved to this appendix and certain certificates that are no longer used have been proposed to be deleted.

#### Appendix B: Critical Lots – Plans and Procedures

This appendix, formerly Appendix C, contains the lot plan requirements for critical lots and has been updated to reflect current practices.

#### Appendix C: Outline for Construction Process

This new appendix provides an outline for the construction process of required infrastructure.

The Submittal Checklists (formerly Appendix A) and the Fee Schedule have been removed to become stand-alone documents.

### Zoning Text Amendments 2006Z-014T and 2006Z-015T

Two zoning text amendments are proposed to fully implement the expanded Subdivision Regulations. The first would permit lot reductions in Conservation Subdivisions in order to achieve the 50 percent conservation lands requirement. The second would permit lot reductions in Walkable Subdivisions to increase home ownership opportunities in multi-family zoning districts.

### Outreach Program

The development of the expanded Subdivision Regulations was guided by a Steering Committee made up of Metropolitan Planning Commission and Legal staff and advised by an Advisory Committee made up of representatives of Public Works, Water Services, Stormwater



## Metro Planning Commission Meeting of 01/26/06

Management, Parks and Greenways, Codes, Legal, Fire Marshal and Health. Planning staff met with the Advisory Committee as a whole and with individual representatives throughout 2005.

Two neighborhood meetings were held. The first at the onset of the development of the expanded Subdivision Regulations and the second prior to the October 25, 2005 draft being placed on the website for general comment.

Two meetings were held with the development community. The first at the onset of the development of the expanded Subdivision Regulations and the second shortly after the October 25, 2005 draft was placed on the website for general comment. In addition, staff met with specific groups individually when requested. A number of questions were raised at the second meeting. A copy of the questions with the staff responses is enclosed with this staff report to the Commission and can be viewed by the public at:

[http://www.nashville.gov/mpc/expanded\\_subdivision\\_regulations/questions\\_from\\_november%2015.pdf](http://www.nashville.gov/mpc/expanded_subdivision_regulations/questions_from_november%2015.pdf)

Approximately 380 neighborhood groups and 180 development interest groups were notified by email that the draft expanded Subdivision Regulations were available for review and comment. The same groups were notified by email of the January 26, 2006 Public Hearing date for consideration of the expanded Subdivision Regulations.

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