



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Lindsley Hall
730 Second Avenue South
Nashville, Tennessee 37201

**Minutes
Of the
Metropolitan Planning Commission**

February 23, 2006

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Tonya Jones
Victor Tyler
Jim McLean
Councilman J.B. Loring
Phil Ponder, representing Mayor Bill Purcell

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Assistant Director
Brooks Fox, Legal Counsel
David Kleinfelter, Planning Mgr. II
Bob Leeman, Planner III
Kathryn Fuller, Planner III
Trish Brooks, Admin. Svcs. Officer 3
Luis Pereira, Planner I
Jason Swaggart, Planner I
Adriane Harris, Planner II
Jennifer Carlat, Communications Officer
Joni Priest, Planner I

Commission Members Absent:

Judy Cummings
Ann Nielson

I. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond announced that the agenda contained corrections as well as an addendum. Item #3, 2006S-060G-12, Turner Farms should read "Request for preliminary plat approval to create 150 lots", instead of 151 lots; and Item #14, 2006S-052U-12, Wal-Mart Nashville South should read "Map 161, Parcels 101, 102, 103, 106, 106, 107, 112 and 189". She further explained that the addendum to the agenda was Item #18. It should read as follows: "A New Employee Contract for Hilary Grace Kahnle and Dennis Corrieri".

Mr. Small moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt the agenda as presented. (7-0)

Mr. Clifton arrived at 4:10 p.m.

III. RECOGNITION OF COUNCILMEMBERS

Councilwoman Gilmore announced she would reserve her comments until after the Bordeaux-Whites Creek Community Plan Amendment was presented to the Commission.

Councilman Jameson spoke in favor of Item #VII – The Amendment to the Subarea 9 (Downtown) Master Plan. He spoke specifically of the Encore project and its importance to residential living in the downtown area.

Councilman Shulman spoke in favor of Item #13, 2006Z-027U-10. He explained that the down zoning of this neighborhood was initiated by the residents that lived in this area. He also spoke in favor of Item #16, 2006S-080U-10.

Councilman Dread spoke in favor of staff's recommendation to approve RM4 zoning for Item #12, 2006Z-023G-06. He also commented on Item #11, 2006SP-019G-03, Bells Landing. He spoke favorably of the project, but stated the infrastructure of the area could not support it and that it would be a huge impact to the area.

Councilman Tygard explained that Councilwoman McClendon asked him to explain that she could not be in attendance to speak on Item #7, 2006Z-029T. He then spoke on Item #5, Planned Unit Development, 61-84-G-06. He explained that the current tenants of the Bellevue Valley Plaza have concerns regarding this project in relation to parking. He suggested deferring the proposal or sending it to Council as an amendment so that the ingress/egress issues could be addressed.

Councilwoman Williams stated that her items were on the Consent Agenda for approval. She commended the residents of Stammer Place for working through the development process which resulted unified and planned growth for their district. Councilwoman Williams then spoke in opposition to Item #6, 2005Z-056cT. She explained that other cities that have placed this bill into effect have higher regulations mandating locations of these signs.

IV. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

Ms. Hammond announced there were no items to be deferred or withdrawn.

V. PUBLIC HEARING: CONSENT AGENDA

- VII. AMENDMENT TO THE SUBAREA 9 (DOWNTOWN) MASTERPLAN: 1997UPDATE TO ADDRESS STREET HIERARCHY, BUILDING HEIGHTS AT THE STREET, AND OVERALL BUILDING HEIGHTS IN THE AREA KNOWN AS SOBRO.** - Approve

PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

1. 2005SP-099U-10 Request to rezone from R20 to SP district property to permit 8 duplex structures (a total of 16 units) located at 2201 Hobbs Road, 4207 and 4211 Stammer Place, 2200 Castleman Drive - Approve w/conditions
2. 2006S-055G-06 Travis Place - Request for preliminary plat approval to create 135 lots located on the east side of McCrory Lane and the west side of Beautiful Valley Drive (43.70 acres), zoned RS10, requested by William and Robert Travis, owners, Civil Site Design Group, surveyor. - Approve w/ conditions
3. 2006S-060G-12 Turner Farms – Request for preliminary plat approval to create 150 lots located on the south side of Burkitt Road Approved with conditions, because new lots will avoid large contiguous areas of 20 percent or greater slope.

ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

7. 2006Z-029T A request to amend the Metro Zoning Code pertaining to automobile repair, service, and sales uses by modifying the definition of these uses and making them prohibited in certain zoning districts and permitted within the Specific Plan (SP) district - Approve w/ proposed amendment
8. 2006Z-039T A request to amend the Metro Zoning Code to add the use "Donation center, drop-off" as a use permitted with conditions in the MUL, MUG, MUI, CL, CS, CA, CF, CC, SCC, SCR, IWD, IR AND IG districts, and by adding certain conditions and parking requirements for such use - Approve w/ proposed amendment
13. 2006Z-027U-10 A request to change from R10 to RS10 zoning on various properties located north of Shackelford Road on Green Hills Drive, Bonner Avenue and Eden Avenue - Approve

FINAL PLATS

14. 2006S-052U-12 Wal-Mart Nashville South - Request for final plat approval to create 5 lots located on the east side of Nolensville Pike - Approve w/ conditions

- | | | | |
|-----|---------------|---|---|
| 15. | 2006S-075U-10 | McKanna Subdivision - Request for final plat approval to create 4 lots located at 1400 Tyne Boulevard | - Approve w/ conditions including approval of a sidewalk variance |
| 16. | 2006S-080U-10 | Stokes Tract, Resub. Lot 11, Blk 1 - Request for final plat approval to create 2 lots located at the southeast corner of Compton Road | - Approve w/ conditions |
| 17. | 2006S-081U-14 | Dahlia Gardens, Resub. Lot 45 - A request for final plat approval to create two lots located on the south side of Dahlia Circle | - Approve w/ conditions |

OTHER BUSINESS

- | | | |
|-----|--|-----------|
| 18. | A New Employee Contract for Hilary Grace Kahnle and Dennis Corrieri. | - Approve |
|-----|--|-----------|

Mr. Small moved and Ms. Jones seconded the motion, which passed unanimously to approve the Consent Agenda as presented. **(8-0)**

VI. AMENDMENT TO THE BORDEAUX-WHITES CREEK COMMUNITY PLAN: 2003 UPDATE TO ADD A SPECIAL POLICY PERTAINING TO BELLS BEND (Deferred from February 9, 2006, Planning Commission Meeting)

Staff Recommendation - *Approve*

APPLICANT REQUEST - Add a Special Policy for Bells Bend that would clarify the intent of the community plan regarding conservation subdivisions or similar rural residential development alternatives.

PUBLIC PARTICIPATION - Staff held a community meeting on January 30, 2006, which was attended by approximately 60 people. Most of the people present at the meeting expressed opposition to a Special Policy that would allow an increase in density to the degree proposed by this amendment. They expressed concerns about the potential increase in the Bend's population, increase in traffic on Old Hickory Boulevard, its sole access road, and the potential loss of character that currently exists in Bells Bend. Their expectations for growth absent the proposed Special Policy are low, and most do not believe Bells Bend will develop predominantly with two acre lots as is permitted by its current zoning.

Existing Land Use Policies

Rural (R) - Rural is a category designed for areas that are generally physically suitable for urban or suburban development but for which the community has chosen that they remain predominantly rural in character. The predominant type of development in Rural areas is low density residential that is rural in character. Agricultural uses and low intensity community facility uses are also found in Rural areas.

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.

ANALYSIS - Staff recommends approval of the proposed amendment as follows.

The Problem - During the community plan update process, the policy for much of Bells Bend was changed from Interim Non-Urban, a now obsolete policy category calling for rural development with the expectation that at some future point the area would urbanize, to Rural, a policy also calling for rural development. The updated policy was also accompanied by text on the Structure Plan map that noted that "Conservation Subdivisions are recommended policy in Bells Bend." In addition, the text of the community plan includes the following language in the Design Principles section (p. 21):

"Conservation Subdivisions maximize the use of developable land in order to preserve as much of the property as possible in a natural state.... Developable areas in Bells Bend are especially suited for this development pattern."

The text of the Land Use Policy Application document regarding Rural areas, which is incorporated by reference into the Bordeaux-Whites Creek Community Plan, states that densities in these areas are generally to be limited to one dwelling unit per two acres, except that "slightly higher gross densities may be warranted when the development is clustered and a substantial portion of the site is preserved as open space." Neither "slightly" nor "substantial" is defined.

The community plan policies are intended to provide guidance in the use and development of implementation tools. Rural policy countywide contains an incentive for clustering of development with substantial open space preservation, and it seems clear that the specific intent for Bells Bend in particular was to encourage open space preservation as the area develops. Beyond this, little guidance is found regarding the appropriate balance between open space preservation and population density.

Perspective on Place-There are a number of factors worth considering in finding the appropriate balance. One is the role of place in the equation. Bells Bend is a relatively isolated and inaccessible place because of its nature as a bend in the Cumberland River with one access point (Old Hickory Boulevard) and no bridge. It also contains substantial amounts of environmentally constrained land, along with a wide array of wildlife and historic features. It is thus appropriate to consider it a place of limited development opportunities within Nashville, as it is planned to be and as staff concurs it should remain. It is a site deserving of special care and effort to maintain its rural character.

Despite its relative isolation, Bells Bend is located within the central city of a large, growing metropolitan region that consists of several counties. It is one of Nashville's remaining rural areas, but these areas are "rural" within the context that they are actually captured within a city rather than on the outskirts of the metropolitan area. Expectations that these "rural" areas, many of which (including parts of the Bells Landing site) are literally within sight of skyscrapers, will have the same character as their exurban counterparts need to be tempered by the reality of their location. Development is likely to occur and the dependence of the local economy on agriculture is likely to be lower than in rural areas that are not captured within a central city.

Perspective On Density - A way to consider potentially appropriate residential densities for clustered rural development in Bells Bend is to examine the range of densities in Nashville-Davidson County. Land use policies permit a range of 0-60 units per acre, with the preponderance of the county's developed residential areas being in the 3-5 unit per acre range. The largest lot zoning found in Nashville is AR2a, which has a two-acre minimum lot size. While the AG 5-acre minimum lot size district is available, it is not currently mapped anywhere in the county. The General Plan sets two housing units per acre as the minimum practical density needed to support the services necessary in an urban environment. A density above ½ unit per acre (AR2a) but below what is needed to support an urban environment merits consideration given this range.

An example of the differences in character related to density in similarly designed proposed developments is provided by comparing Carothers Crossing to Bells Landing. The former was approved in summer 2005 in the rapidly urbanizing, highly accessible Southeast Community and the latter is the development application that has prompted this plan amendment request. The Carothers Crossing development features 2,300 units on 512 acres, a density of 4.49 units per acre. 55% of the open space is to be preserved. The policies for Carothers Crossing are Neighborhood General and Neighborhood Center. Bells Landing will also conserve at least 55% of the open space on its site, but the density is considerably lower at just below 1.5 units/acre. Both developments will be served by sewers. This is normal for an urbanized area such as the Southeast Community but unusual for a rural area such as Bells Bend.

Perspective on Growth and Pattern - The availability of sewers to serve portions of Bells Bend needs to be taken into account as a factor that will affect its future. Over the long term, Bells Bend will face increasing pressures for sewered development at AR2a or greater densities, as history has shown in other places where public sewer is available. Staff is concerned about the possibility of Bells Bend developing in a predominantly suburban manner similar to Neelys Bend, which also has one main access road and no bridge. Were the Bend to be limited to the AR2a standards for all acreage outside the park and treatment plant, a total of approximately 2315 to 3440 dwelling units could be realized. Even more significant regarding the appearance of the Bend, when no zoning change is involved there are few regulations preventing extensive clear cutting or grading, including major reshaping of hillsides.

Consequently, staff has also considered the character and pattern of development that should be encouraged as a means of retaining the rural character of the Bend. The simple gathering together of new housing units may contribute little by way of complementing the existing community.

A pattern that recognizes the time-honored characteristics of rural villages or hamlets offers a greater potential to both appear as a natural part of a rural environment and to function as a community supportive of the rural character. Such a pattern, with a variety of housing and, typically, the evolution of a small area providing daily service, shopping and small home businesses, can be developed without significantly altering the perception of the Bend as rural. If there are no major constraints regarding access and culturally significant sites, an overall residential density of between 1 and 1.5 units per acre (gross) could be supported if important development and environmental objectives are met.

Staff has identified only two areas within the body of the Bend (illustrated on the attached proposed policy map) where this village or hamlet pattern both could occur and should be encouraged. One area exceeds 850 acres and includes the proposed Bells Landing site. Approximately 75% of this area is developable with 25% environmentally constrained (slopes

over 20%, floodplain, or floodway). The other area is to the north and is about 1280 acres. An estimated two-thirds of this area is environmentally constrained.

Constraints, Other Considerations - If the two areas described above were developed at gross densities of 1.5 or more units per acre, the resulting dwelling units could threaten the rural character and culture on remaining portions of the Bend. Staff has considered the known and unknown constraints, particularly the single access road, the environmentally sensitive areas, and the potential archaeological sites. These considerations suggest that gross densities should generally be less than 1.5 units per acre.

Recommendation - Bells Bend is appropriately considered a special place with a rural character that is worth preserving. Rural character includes features such as large wooded areas, undisturbed slopes, and open meadows, along with agricultural activities and a variety of wildlife. These features are lost when an area is subdivided into a predominant pattern of 2-5 acre lots or into a mixture of such a pattern with a more suburban one in areas where sewer is readily accessible.

Staff recommends the preservation of rural character in Bells Bend through appropriate conservation development practices in its most developable areas. Preservation of natural form and rural character is sufficiently important to allow sensitively designed, environmentally supportive development, with a gross density up to 1.5 dwelling units per acre.

Special Policy Area 3

This special policy applies to Bells Bend, where a development pattern that features compact groupings of buildings set amidst substantial open space areas is preferred over a predominantly conventional 2 acre lot pattern that is likely to result from the current AR2a zoning covering most of the Bend. This development pattern is preferred because of its ability to provide a residential development option, with limited supportive development, that preserves the Bend's rural character through the careful arrangement of buildings and the preservation of large amounts of open space. The intent of this special policy is to provide clear objectives to be met and general design guidance for such development alternatives in Bells Bend. Development not following these patterns is encouraged to recognize the existing practice on the Bend, which is closer to the AG zoning of one unit per five acres.

Objectives:

1. *Preservation in an undisturbed or minimally disturbed state of all environmentally sensitive lands, including floodplains, slopes over 20%, stream corridors, and important wildlife corridors or habitats*
2. *Preservation of at least 50% of any development tract, with preserved land providing a buffer around the development or protecting viewsheds from major public corridors and vantage points*
3. *Protection from development of some agriculturally valuable land*
4. *Development that achieves a compact, environmentally protective, sustainable pattern consistent with traditional rural development practices often described as rural villages, hamlets or conservation subdivisions.*

Development Guidance:

Future development should be consistent with one of the following, both of which require dedication of 50% or more of the land for permanent protection:

1. *Conservation subdivision standards. Such development provides an inherent benefit of minimizing costs and impacts of more extensive infrastructure and does not require any zoning action.*
2. *Compact arrangement of development in small groupings, with a range of building types and uses set among large areas of protected land, according to design principles associated with rural villages or hamlets. This development pattern is appropriate to a maximum of 1.5 residential units per acre (gross area) plus limited supporting uses, according to characteristics of the site and responsiveness of the development plan to the goals of this special policy. This pattern requires approval of an Urban Design Overlay (UDO) or zoning change to a Specific Plan District (SP).*

Mr. Lawson explained that this item was deferred from their February 9, 2006 meeting, and that the Public Hearing was closed. He further explained that the Commission would begin its deliberations on the plan amendment.

Mr. Ponder spoke favorably of the project, although, he did express a concern regarding its location. He stated that the amendment is technically correct, but stated the location causes a dilemma.

Mr. Tyler requested clarification of the terms "rural" and "conservation".

Mr. Bernhardt offered that the debate is on whether the policy defines these two terms.

Mr. Clifton spoke of urban and rural areas of the County and how the plan amendment would affect this area if approved. He stated the project is good, but its location is wrong. He stated the approval of the amendment would triple density in this particular location and this particular area symbolizes the term rural in Davidson County.

Mr. Lawson questioned Mr. Clifton on what his thoughts were on the term “rural”

Mr. Clifton explained his definition of rural and also stated that this particular area has characteristics that could be protected and valued as rural.

Mr. McLean expressed concerns regarding infrastructure of the area. He questioned staff on when updates to the existing roads would be completed.

Mr. Bernhardt explained that the Bells Bend project contains conditions that would require updates to Old Hickory Boulevard in relation to this proposal.

Mr. Small stated he would not comment on this proposal due to his absence at the February 9, 2006 meeting.

Ms. Jones spoke of past developments that were developed in other rural areas of the County. She then spoke on how the plan amendment would assist in preserving the area. She also mentioned the possibilities that could happen without a plan amendment for the area.

Mr. Loring expressed issues with the ingress/egress of the Bells Bend project.

Mr. Lawson acknowledged the beauty of the development. He briefly spoke of the Commission’s role and how it plays a part in the development of Nashville. He stated that a plan that contains conservation is better than no plan that would allow unwanted development.

Mr. Ponder briefly spoke of the Commission’s charge in relation to the plan amendment.

Mr. Bernhardt asked to further explain the difference between rural and conservation to Commissioner Tyler. He also explained the staff’s view of this amendment and offered that there may be a need for the Commission to obtain and begin utilizing conservation tools.

Mr. Tyler spoke of the existing zoning for this area and its potential possibilities if the amendment were not passed.

A brief discussion ensued among Commissioners regarding this amendment.

Mr. Loring spoke on conservation of land and whether the citizens should be allowed additional time to explore this possibility.

Mr. Clifton made additional comments regarding land trusts and the state of Tennessee in relation to the growth in Nashville.

Mr. Loring moved, and Mr. Ponder seconded the motion, to disapprove the Bordeaux-Whites Creek Community Plan: 2003 Update. **(4-3-1) No Votes – Lawson, Jones, McLean. Abstained – Small**

Resolution No. RS2006-060

“BE IT RESOLVED by The Metropolitan Planning Commission that the Amendment to the Bordeaux-Whites Creek Community Plan: 2003 Update to Add a Special Policy Pertaining to Bells Bend is **DISAPPROVED. (4-3)**”

VII. AMENDMENT TO THE SUBAREA 9 (DOWNTOWN) MASTERPLAN: 1997 UPDATE TO ADDRESS STREET HIERARCHY, BUILDING HEIGHTS AT THE STREET, AND OVERALL BUILDING HEIGHTS IN THE AREA KNOWN AS SOBRO.

Staff Recommendation - Approve

APPLICANT REQUEST - Amend the Downtown Community Plan – Subarea 9 Masterplan: 1997 Update, by adding language regarding street hierarchy, parking structure street frontage, maximum and minimum heights at the street, and

maximum overall height in the portion of Subarea 9 south of the Shelby Street pedestrian bridge alignment, north of development that would front Gateway Boulevard, and between 1st and 8th Avenues, South.

PUBLIC PARTICIPATION - None

Existing Land Use Policies

Central Business District Policy - The Core Frame Zoning (CF) district is intended to implement the General Plan's Central Business District land use policies for support services. The CF district is designed primarily for a diverse variety of business service functions along with retail trade and consumer service establishments and large parking structures that require locations in proximity to the central business district.

ANALYSIS - The Design Studio was asked to undertake a study that would establish a consistent policy on the appropriate form of development in the area south of Broadway, otherwise known as "SoBro". Specifically, the study was limited to blocks south of the Shelby Street pedestrian bridge alignment, north of development that would front Gateway Boulevard, and between 1st and 8th Avenues South. The study drew from existing plans and policies, zoning entitlements, and physical conditions as well as proposed development and examples from other cities. Three development scenarios were produced for small, mid-size, and large blocks and became the basis for the study results.

There have been several formal and informal studies of this area, each with its own recommendations. The Subarea 9 Center City plan identifies this area as "an expansion area for both entertainment and tourism of the District and office development of the CBD" indicating that "mid-rise structures" will provide "critical density." The Gateway Boulevard Urban Design Overlay permits buildings to a height of 100 ft. at the street with unlimited height at a set back of 30 ft. The recently unveiled Plan of Nashville recognizes the downtown views from rising topography south of Broadway and calls for "limits to the scale (of buildings) to preserve these views from the rising land to the south and west." It is important to note that the Plan of Nashville also identifies 5th Avenue North and Demonbreun as important streets linking civic destinations and where these streets cross occurs within the heart of the study area. Despite some inconsistencies, these studies seem to have the same desired end result.

The results of the Design Studio's study and the recommendations made by other formal and informal studies are the basis for this minor amendment to the Downtown Community Plan. In order to clarify the intention of the Plan regarding the nature of development in this area, the new text establishes guidelines for street hierarchy, parking structure street frontage, maximum and minimum heights at the street, and maximum overall height for the portion of Subarea 9 south of the Shelby Street pedestrian bridge alignment, north of development that would front Gateway Boulevard, and between 1st and 8th Avenues South.

The proposed amendment consists of changes to the *Downtown Community Plan*,

...by adding the paragraphs under "Policy Statements and Implementation: Land Use Policy: Central Business District (CBD): Area 6A" (page 55) as follows:

"While fronting all streets with uses instead of parking is encouraged, a hierarchy of streets shall establish which streets are the most important to activate with uses, the A streets, and which streets may accommodate structured parking adjacent to the street, the B streets. Other streets may be added to the hierarchy dependent upon function and character. The A streets include Demonbreun Street, 2nd Avenue South, 5th Avenue South, and 8th Avenue South. These streets must be fronted with buildings and not garages. The B streets include Molloy Street, Clark Street, and 1st, 3rd, 4th, 6th, and 7th Avenues South. The Shelby Street pedestrian bridge and Almond Street are identified as C streets, since they have different functions. Garages are permitted to front both B and C streets.

Recent changes in the MUI (mixed-use intensive) zoning district permit a building height at the street of seven stories to a maximum of 105 feet with additional height permitted within a sky-exposure plane of 1 foot horizontal to 1 ½ feet vertical. While no property in the area is currently zoned MUI, it is an appropriate zoning district for the area and its permitted intensity (floor area ratio) matches that of the CF (core frame) zoning district that has been applied to properties in the area. The seven-story height at the street creates a defined base from which towers can rise above. There shall be a seven-story maximum height at the street, and a height minimum of three stories at the street in this area. A defined base is important to the scale and character of the building where it is most visible - at street level. On all A and B streets, as designated above, there shall be a minimum step-back of 20 feet in the building façade. Step-backs on C streets are not required.

Towers above a defined base are appropriate given the fact that much of this area is topographically low in comparison to the area north of Broadway and the area south of Gateway Boulevard. The overall building height limit is 220 feet. The height measurement shall be taken from the highest point, at grade, along the front property line to the rooftop of the

useable space of the building. The height measurement does not include architectural features, mechanical systems, or one-story spaces, for example, a mezzanine, accessible only from individual units or offices.

Historic structures within this portion of Subarea 9 shall be governed by the design guidelines of the appropriate historic designation. In the event that an historic structure is removed entirely, the development of that property shall be guided by the above recommendations as limited by historic district requirements. Properties within this portion of Subarea 9 and fronting Gateway Boulevard shall be developed according to the Gateway Boulevard Design Guidelines.”

Approved, (8-0) *Consent Agenda*

Resolution No. RS2006-061

“BE IT RESOLVED by The Metropolitan Planning Commission that the Amendment to the Subarea 9 (Downtown) Masterplan: 1997 Update to Address Street Hierarchy, Building Heights at Street, and Overall Building Heights in the Area Known as Sobro is **APPROVED. (8-0)**”

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

1. 2005SP-099U-10

Map 131-02, Parcel 039, 040, 041, 042
Subarea 10 (2005)
District 34 - Lynn Williams

A request to rezone from R20 to SP district property to permit 8 duplex structures (a total of 16 units) located at 2201 Hobbs Road, 4207 and 4211 Stammer Place, 2200 Castleman Drive (2.34 acres), requested by Gresham, Smith & Partners, engineer, for Ruth Engel Yulman, William Gaw and Mary Buckner (Buckner Family Charitable Foundation), H.B. O'Steen, etux , owners.

Staff Recommendation – Approve with conditions

Staff Recommendation - Approve with conditions. If the Council does not amend the RM9 bill to SP, then staff's recommendation of approval and the Planning Commission's recommendation would apply equally to the amended PUD bill for 16 units.

APPLICANT REQUEST - Request to rezone from R20 to SP district property (2.34 acres) to permit 8 duplex structures (a total of 16 units) located at 2201 Hobbs Road, 4207 and 4211 Stammer Place, 2200 Castleman Drive.

Project History - This application was presented to the Planning Commission on September 22, 2005, as the Stammer Parke PUD and was approved for 20 townhomes. The application was met with community opposition at Council and was referred back to the Planning Commission. The application has been revised to address the community concerns and returned as a Specific Plan application for a total of 16 units.

Existing Zoning

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

Proposed Zoning

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, 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 to the extent other standards or requirements are specifically stated in the plan or included as a condition by the Commission or Council. Urban design elements can be determined for the specific development and can be 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.

Green Hills-Midtown (Subarea 10) Community PLAN Policy

Existing Plan Policy

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

Policy Conflict - No. The requested zone change is consistent with the plan policy of Residential Medium that was adopted July 28, 2005.

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 0 Middle 0 High

Schools Over/Under Capacity - Students would attend Julia Green Elementary School, Moore Middle School, or Hillsboro High School. Julia Green and Moore Middle School have been identified as being over capacity by the Metro School Board. There is capacity at an elementary school and a middle school within the cluster. This information is based upon data from the school board last updated December 13, 2005.

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. Solid waste collection and disposal must be approved by the Public Works Solid Waste Division.

Typical Uses in Existing Zoning District: R20

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

Typical Uses in Proposed Zoning District: RM9/PUD

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

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				114	2	11

PLAN DETAILS

Site Design - The proposed development fronts on three streets. The primary streets are Hobbs Road and Castleman Drive. The duplex units are designed to look like a large single family home from the front. Elevations have been submitted that are consistent with the "big house" concept. All but one of the structures fronts Stammer Place. The parking garages are located behind and away from view along the primary frontages. The units are accessed by a shared driveway with one curb cut on Castleman Drive and one curb cut on Stammer Place. The driveway curb cut of Stammer Place has been located opposite the Belmont Village assisted living driveway court. Landscape buffering is provided along the property line bordering R20 zoned property and along the Hobbs Road frontage.

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

CONDITIONS

- Comply with Public Works conditions listed above.

Approved with conditions, (8-0) *Consent Agenda*

Resolution No. RS2006-062

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-099U-10 is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions. Solid waste collection and disposal must be approved by the Public Works Solid Waste Division.

The proposed SP site plan is consistent with the Green Hills – Midtown Community Plan’s residential medium policy that is for residential development within a density range of 4 to 9 dwelling units per acre.”

PRELIMINARY SUBDIVISION PLATS

2. **2006S-055G-06**
Travis Place
Map 126, Part of Parcel 60 and 142
Subarea 6 (2003)
District 35 - Charlie Tygard

A request for preliminary plat approval to create 135 lots located on the east side of McCrory Lane and the west side of Beautiful Valley Drive (43.70 acres), zoned RS10, requested by William and Robert Travis, owners, Civil Site Design Group, surveyor.

Staff Recommendation – Approve with conditions

APPLICANT REQUEST - Preliminary Plat

Subdivide 43.70 acres into a 135 single-family lots in a cluster lot subdivision, along the east side of McCrory Lane, north of Newsom Station Road.

Revised Plat - Since the February 9, 2006, Planning Commission meeting, the applicant has revised the plat by reducing the number of lots from 140 to 135 single-family lots. The reduction in lots was based on a new “detailed aerial survey of the property and new field run survey information.”

Staff now recommends Approval with Conditions since the new survey information is more detailed than the Metro Topography maps that were used previously. The new information provided by the applicant, along with the redesign satisfies Planning Staff’s previous concerns regarding lots within areas of 20 percent slope. All lots containing any significant areas of slopes of 20 percent or more were removed from the plat.

Final Plat - As per Chapter 3-4.1E of the Subdivision Regulations, staff has agreed that additional lots up to 5% of the total number of lots on this plat (7 lots) may be permitted to be added at the final plat stage if the applicant can show that the lots will not impact areas over 20% slope. A more detailed site survey may indicate that lots will not impact these areas.

ZONING

RS10 Zoning - RS10 district, requiring a minimum lot size of 10,000 square feet. The subdivision proposes a density of 3.2 dwellings units per acre. A maximum of 162 lots are permitted under the RS10 district on this parcel, while 135 are proposed. Although the Planning Commission recommended disapproval of RS10, the property was rezoned in September 2005, by the Metro Council.

BELLEVUE COMMUNITY PLAN - This subdivision falls within Bellevue Community Plan’s Residential Low-Medium (RLM) policy that calls for residential development within a density range of two to four dwelling units per acre. The proposed subdivision meets the intent of the subarea policy.

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 RS10 (minimum 10,000 square foot lots) to RS5 (minimum 5,000 square foot lots) with the protection of environmentally sensitive features, or when appropriate open space is provided. The proposed lots range from 5,500 square feet to 20,200 square feet with most lots being in the 8,000 to 9,000 square foot range.

Hillsides - The Commission adopted a policy regarding interpretation of cluster lot requirements of the Metro Zoning Ordinance. This policy references section 17.28.030 A of the Metro Code (the Hillside Development Standards), which states that “the development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with 20% or greater natural slopes.”

When the Commission is exercising its discretion to allow a cluster lot subdivision, the Commission can also require that a proposed development comply with this section of the Code by staying completely out of any area with contiguous slopes of greater than 20%. The plat has been revised to comply with the Hillside Development Standards by setting aside areas with 20% or greater slopes as common open space to remain undisturbed. This plan includes 22% “scenic” Open Space, plus the detention pond areas.

SUBDIVISION DETAILS - The 43.70 acre tract, lies along the east side of McCrory Lane, north of Newsom Station Road. The plan provides 22% total Open Space, while only 15% is required.

The development proposes access from McCrory Lane and proposes to connect to one of the two stub-streets in the Boone Trace development to the east.

Stub-Streets - The plan includes one new stub-street to the east. Staff requested to the applicant to redesign the project to provide an additional stub-street to the east to provide for more internal connectivity. The applicant has indicated that due to the steep topography in the area, this connection will be very difficult to make.

The applicant has also indicated that the second connection to the existing stub-street in Boone Trace is not environmentally responsible due to steep topography. Staff now agrees that these areas are too steep to provide a workable street connection.

Stream - The Metro Stormwater Division of Water Services identified a Blue Line stream running through the site that would require additional buffering parallel to McCrory Lane. The applicant has revised the plan to provide the appropriate buffer. A variance from the Stormwater Management Committee will be necessary since the entrance road crosses this stream.

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.

1. Document proof of adequate sight distance at the local road "A" and McCrory Lane.
2. There is an existing stub street to the southeast property boundary located off Beautiful Valley Drive. Provide connectivity, if required.
3. Developer shall construct 1 entering lane and 2 exit lanes with a minimum of 150 ft storage and transition per AASHTO standards. Adequate sight distance shall be documented at development.
4. Developer shall construct a southbound left turn lane with a minimum of 150 ft of storage with transition per AASHTO standards on McCrory Rd at project access.
5. Developer shall allow cross access along the undeveloped portions of the main access road in order to access the adjacent properties and allow for future drive or road connection. Location of access points shall be determined at future development of adjacent properties.

STORMWATER RECOMMENDATION - There is a 40 acre drain cutting through the far left portion of the property. They have put in the required buffer, however, they labeled it, "Floodway Buffer," which is incorrect. The label should be changed to simply, "Buffer" Furthermore, the 'top of bank' must be labeled as well as the drain centerline. They are currently showing the buffer as 25' from centerline. This is incorrect. The buffer is either 30' from C.L. or 25' from top of bank. This distinction must be clearly shown on the plat.

1. Show FEMA Floodway
2. Show subdivision number
3. Show 50' Floodway buffer
4. Show and label top of bank + 25' buffer on each side of stream bank for the two over-40 acre drains located on the property.
5. (FYI) An appeal will be required prior to final plan approval for the road crossing and stream buffer disturbance.

CONDITIONS

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Final Plat shall include all required Landscape buffer yards in Common Open Space, not in the rear of the lots. This may require a reduction of lots to be accomplished.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. All Traffic Conditions listed above must be completed or bonded to the appropriate phase of final plat approval.
5. All Metro Stormwater Conditions listed above must be completed or satisfied prior to any final plat approval.
6. As per Chapter 3-4.1E of the Subdivision Regulations, staff has agreed that additional lots up to 5% of the total number of lots on this plat (7 lots) may be permitted to be added at the final plat stage if the applicant can show that the lots will not impact areas over 20% slope. A more detailed site survey may indicate that lots will not impact these areas.

Approved with conditions, **(8-0) Consent Agenda**

Resolution No. RS2006-063

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-055G-06 is **APPROVED WITH CONDITIONS. (8-0)**

Condition of Approval:

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.

6. Document proof of adequate sight distance at the local road "A" and McCrory Lane.
7. There is an existing stub street to the southeast property boundary located off Beautiful Valley Drive. Provide connectivity, if required.
8. Developer shall construct 1 entering lane and 2 exit lanes with a minimum of 150 ft storage and transition per AASHTO standards. Adequate sight distance shall be documented at development.
9. Developer shall construct a southbound left turn lane with a minimum of 150 ft of storage with transition per AASHTO standards on McCrory Rd at project access.
10. Developer shall allow cross access along the undeveloped portions of the main access road in order to access the adjacent properties and allow for future drive or road connection. Location of access points shall be determined at future development of adjacent properties.

STORMWATER RECOMMENDATION -There is a 40 acre drain cutting through the far left portion of the property. The have put in the required buffer, however, they labeled it, "Floodway Buffer," which is incorrect. The label should be changed to simply, "Buffer" Furthermore, the 'top of bank' must be labeled as well as the drain centerline. They are currently showing the buffer as 25' from centerline. This is incorrect. The buffer is either 30' from C.L. or 25' from top of bank. This distinction must be clearly shown on the plat.

6. Show FEMA Floodway
7. Show subdivision number
8. Show 50' Floodway buffer
9. Show and label top of bank + 25' buffer on each side of stream bank for the two over-40 acre drains located on the property.
10. (FYI) An appeal will be required prior to final plan approval for the road crossing and stream buffer disturbance.

CONDITIONS

7. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.

8. Final Plat shall include all required Landscape buffer yards in Common Open Space, not in the rear of the lots. This may require a reduction of lots to be accomplished.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. 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.
10. All Traffic Conditions listed above must be completed or bonded to the appropriate phase of final plat approval.
11. All Metro Stormwater Conditions listed above must be completed or satisfied prior to any final plat approval.
12. As per Chapter 3-4.1E of the Subdivision Regulations, staff has agreed that additional lots up to 5% of the total number of lots on this plat (7 lots) may be permitted to be added at the final plat stage if the applicant can show that the lots will not impact areas over 20% slope. A more detailed site survey may indicate that lots will not impact these areas."

3. 2006S-060G-12

Turner Farms
Map 187-00, Parcels 009, 154, 155, 178
Subarea 12 (2004)
District 31 - Parker Toler

A request for preliminary plat approval to create 151 lots located on the south side of Burkitt Road, approximately 565 feet west of Gloryland Lane (46.8 acres), zoned RS10, requested by Karen G. King, owner, C.Michael Moran, surveyor.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Preliminary Plat

Request for preliminary plat approval to create 151 lots on 46.8 acres, located on the south side of Burkitt Road, to the east of Nolensville Road.

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

PLAN DETAILS

Cluster Lot Option - The proposed plan utilizes the cluster lot option available in the Metro Zoning Code in order to preserve open space area. The plan proposes to utilize the bulk standards (setbacks, lot coverage, etc.) of the RS10 district, with lots ranging from 5,058 to 15,110 square feet in size.

Open Space and Drainage Area - The applicant is proposing 22 percent of the subdivision, or approximately 10.3 acres, to be used as open space, which exceeds the minimum requirement of 15 percent. Staff has also evaluated this open space on the basis of the policy for cluster lot subdivision requirements as recently approved by the Commission. This proposal complies with these criteria, indicating that 16.8 percent of the open space is for the "use and enjoyment" of the residents. Prior to final plat approval, the applicant shall provide a pedestrian easement around the natural pond that is to be preserved, as well as parallel to the stream that flows on the southeastern side of this plat.

Access and lot layout - This subdivision proposes lots to be accessed off of new public roads, and it connects to one existing approved public road – in the Burkitt Place Planned Unit Development on the western side. There are three stub streets on the eastern side of the plat, one of which is a private alley, and two of which are public roads. The applicant will need to revise the plat to indicate that the two southernmost stub streets on the eastern side have temporary turnaround designs, as shown on a previous submittal. There are also three cul-de-sacs proposed on the eastern side of this plat, and one 20-foot wide private alley that runs from the north to the south, to serve as vehicular access drive for lots that front on the main public road (lots 5-6, 13-16, 23-26, etc.).

Lots 91 through 121, on the western side of the main public road, also have principal vehicular access from a private 20-foot wide alley to the rear. Lots 1 through 4 will front on Burkitt Road, with sole access from an alley to the rear (this same alley may also serve lots 7 and 8). Prior to final plat approval, the plat must label all private alleys, and indicate the lots that will derive principal access from them. Finally, this plat proposes several loop blocks with a relatively high degree of

internal connectivity, and one more stub street on the northwestern side of this plat, into parcel 030. The western stub street right-of-way must be extended to the property line.

Sensitive lands - The Commission recently adopted a policy relative to requirements for cluster lot subdivisions. The policy is based, in part, on section 17.28.030 A of the Metro Code (the Hillside Development Standards), which states that “the development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with 20% or greater natural slopes.” When the Commission is exercising its discretion to allow a cluster lot subdivision, the Commission can also require that a proposed development comply with this section of the Code by staying completely out of any area with contiguous slopes of greater than 20%.

While the current proposed plat includes only minimal contiguous areas with slopes greater than 20%, it does include lots with slopes greater than 20%. The plat must be revised to remove any lots from areas with slopes greater than 20%. In addition, any revision to the plat to address lot sizes should not be permitted to result in the disturbance of any areas with 20% or greater slopes.

The above analysis is supported by the Hillside Development Standards of the Metro Code. The Commission would be within its authority to recommend disapproval of this application based on the failure of the application to meet these standards.

Given the Commission’s recently adopted cluster lot policy, proposed lots on this preliminary plat that include slopes of 20% or greater must be eliminated and converted to open space areas.

Critical lots - The initial plat submittal identified twelve critical lots. The latest plat resubmittal (dated February 13, 2006) identified lots 84, 122, 136, 137, and 138, as critical lots, which have slopes greater than 20 percent. The applicant has indicated with a note on this preliminary plat that roadways adjacent to these lots will be altered in such a way so as to create lots upon which only minor grading will need to be performed. The applicant’s intent is that when the final plat is submitted, these lots will no longer be deemed critical. (Minor grading indicated as being limited to +/-2 feet of cut/fill, and retaining walls being no higher than 3 feet in height).

Prior to final plat approval, any/all remaining critical lots, as explicitly authorized by the Metro Planning Commission, must be labeled with a star, and as per the Hillside Development Standards of the Metro Zoning Ordinance (section 17.28.030), and those critical lots with natural slopes that generally rise away from, or are parallel to, the fronting street must provide a building envelope on less than twenty percent natural slope and a minimum lot width of eighty-five feet* at the building line. (*Eighty-five feet is calculated as the seventy-five foot requirement of sec. 17.28.030, and the two five foot side setbacks).

Turn-around requirements (Subdivision Regulations and Fire Marshal’s Office) - There are three permanent cul-de-sacs on the eastern side of this plat. While the use of cul-de-sacs is discouraged by the Subdivision Regulations, the applicant has pointed to the rural land use policy on the eastern side of this plat as a justification for not extending these roads to stub at the property line. All four cul-de-sacs proposed on this plat comply with Metro ST-331 dimensions. The western cul-de-sac is justified due to steeper topography.

Stub streets - As the two public stub roads on the eastern side of the plat exceed 300 feet in length, both require temporary turnarounds, as per section 2-6.2.2E of the Subdivision Regulations. The plat does not show the two southernmost stub streets with temporary turnarounds

Prior to final plat approval, the plat must be revised to add temporary turnaround designs to the two southernmost stub streets on the eastern side of this plat (ST-331).

As indicated above, there is also a stub street on the western side of the plat. The western stub street (at the terminus of lots 132 and 133) must be constructed to the property line (parcel 30).

Landscape bufferyards - The applicant has provided various open space areas around the perimeter of this subdivision. This, in combination with the fact that this subdivision abuts RS10 zoning on the southwest and AR2a zoning on the north, means that the Zoning Code requires no further landscape bufferyards.

Sidewalk Requirement/Variance - New subdivisions require sidewalks on both sides of the proposed public streets. Sidewalks have been shown on both sides of all public streets, except that in an open space area that consists of an existing natural pond and trees to be preserved, a pedestrian trail is substituted for sidewalks. Staff recommends approval of a sidewalk variance for one side of the street for approximately 1,200 feet along the north eastern and western perimeter of facing the natural pond area. In return the alternative pedestrian trail shall be required as a substitute for the sidewalk. The

trail must be constructed by the developer to Metro Greenway standards and be maintained by the homeowners' association along with the open space.

Worthy of Conservation (WOC) - Parcel 009 has been designated on Metro maps as having "Worthy of Conservation" status, due to the historic presence of a home and cemetery located at 6943 Burkitt Road. Parcels 009 and 179 were created by a recent subdivision by deed, and the farmstead and cemetery that are now deemed Worthy of Conservation are located on what became parcel 179. Parcel 179 was not included in the recent zone change and is also not a part of this subdivision. However, this proposed subdivision may have impacts on this home given the proximity to it. A memo from Historical Commission staff dated December 7, 2004, recommended that new development [around this farmstead on parcel 179] be screened with some combination of tree lines and fencing, to preserve the visual sense of a rural farmstead.

Planning staff recommends that prior to final plat stage, the plat be revised to demonstrate adequate screening between this subdivision and the rural farmstead.



Fig. 1. House located on parcel 179 (image courtesy of the Davidson County Property Assessor Office).

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. Document adequate sight distance at project access. Indicate the amount of site distance at the project entrance, and if adequate site distance is provide per AASHTO for posted speed limit on Burkitt Road.
3. Label and dedicate right of way 30 feet from pavement centerline, [when applicable the following] and amount necessary to accommodate required turn lane(s). 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).
4. Identify road names.
5. Show ST-252 section from north/south local street intersections to parcel 10 connectivity streets.
6. Show temporary turnaround on eastern stub streets. Temporary turnarounds to accommodate SU-30 turning movements.
7. Show right of way to parcel 30 connectivity street. Construct roadway to property line.

Conditions for Turner Farm rezoning to RS10 on Burkitt Road (2004Z-164G-12):

8. Per the TIS, locate project access road on Burkitt approximately 210 ft east of the west property line and provide adequate sight distance.
9. Per the TIS, construct a westbound left turn lane with 75 ft of storage and transition per AASHTO standards on Burkitt at project access road.
10. Per the TIS, construct an eastbound right turn lane with 75 ft of storage and a 90 ft transition on Burkitt at project access road.
11. Construct Burkitt road with 12 ft wide turn lanes and travel lanes along the property frontage on Burkitt Rd.
12. Dedicate ROW for turn lanes and reserve 1/2 ROW required for U-4 major street plan classification on Burkitt Rd.

13. Per the TIS, construct 4 ft wide shoulders along property frontage on Burkitt Rd.
14. Per the TIS, construct Project access road with 1 entering lane and 2 exiting lanes with 100 ft storage and transition per AASHTO standards.
15. Construct access road to provide adequate sight distance of signal heads to allow signalization when the proposed collector road is constructed opposite the access road.
16. Provide a stub street connection to adjacent properties east and west of development.
17. Provide an access easement from a development street to adjacent Historic home property on Burkitt Road (parcel 179).
18. Construct development streets to provide adequate SU-30 truck turning movements without impacting any on - street parking.
19. Conduct traffic counts at the Burkitt Rd and Nolensville Rd intersection at 50 % and 100% completion of development and submit traffic signal warrant analysis to Metro Traffic Engineer for approval of signal by Metro Traffic and Parking Commission. Developer shall submit signal plan for metro approval and install signal when approved.
20. Align main subdivision road with future Burkitt place RD.

STORMWATER RECOMMENDATION

Approved Except as Noted, 02/15/05

1. Show the Pond Limits for the Water Quality pond between lots 53-54 and 59-60.
2. Delete the text of plat note 15 and replace with the following: "A variance is required to use the pond for In-Line detention. A variance must be obtained from the Stormwater Management Committee prior to approval of the construction documents."

PLANNING STAFF RECOMMENDATION -Because the plat has not been revised to comply with the Planning Commission's cluster lot policy requiring that lots not be located on slopes of 20% or greater, staff recommends disapproval of this plat.

CONDITIONS (if approved)

1. The applicant must comply with Stormwater comments above.
2. Prior to plat approval, all proposed lots on this preliminary plat that include slopes of 20 percent or greater must be eliminated and converted to open space areas.
3. The applicant must comply with Fire Marshal's Office turn-around requirements, as indicated above.
4. Prior to plat approval, proposed private access easements/alleys should be labeled as "private alleys", and dimensioned accordingly.
5. Prior to final plat approval, the plat must be revised to add temporary turn-around designs to the two southernmost stub streets on the eastern side of the plat.
6. Prior to final plat approval, the plat must have labels and dimensions on all shared private driveways, as well as indicate via a plat note all lots to be served principally by a rear private alley.
7. Prior to final plat approval, any lots that remain as critical must be labeled with a star, and as per the Hillside Development Standards of the Metro Zoning Ordinance (section 17.28.030). Those critical lots with natural slopes that generally rise away from, or are parallel to, the fronting street must provide a building envelope on less than twenty percent natural slope and a minimum lot width of eighty-five feet* at the building line. For any critical lots, a critical lot plan must also be provided with the final plat submittal.
8. Prior to final plat approval, the plat must be revised to demonstrate adequate screening between this subdivision and the rural farmstead located on parcel 179.

9. Prior to final plat approval, the applicant shall provide a pedestrian easement around the natural pond that is to be preserved, and parallel to the stream on the southeastern side of this plat.
10. The applicant must obtain approval of Public Works conditions above.
11. Prior to final plat approval, the applicant must obtain approval of a variance from the Stormwater Management Committee and TDEC for the blueline pond that is proposed to be used as a detention area.

Approved with conditions, because new lots will avoid large contiguous areas of 20 percent or greater slope, **(8-0)Consent Agenda**

Resolution No. RS2006-064

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-060G-12 is **APPROVED WITH CONDITIONS (8-0), because new lots will avoid large contiguous areas of 20 percent or greater slope.**

Conditions of Approval:

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. Document adequate sight distance at project access. Indicate the amount of site distance at the project entrance, and if adequate site distance is provide per AASHTO for posted speed limit on Burkitt Road.
3. Label and dedicate right of way 30 feet from pavement centerline, [when applicable the following] and amount necessary to accommodate required turn lane(s). 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).
4. Identify road names.
5. Show ST-252 section from north/south local street intersections to parcel 10 connectivity streets.
6. Show temporary turnaround on eastern stub streets. Temporary turnarounds to accommodate SU-30 turning movements.
7. Show right of way to parcel 30 connectivity street. Construct roadway to property line.

Conditions for Turner Farm rezoning to RS10 on Burkitt Road (2004Z-164G-12):

8. Per the TIS, locate project access road on Burkitt approximately 210 ft east of the west property line and provide adequate sight distance.
9. Per the TIS, construct a westbound left turn lane with 75 ft of storage and transition per AASHTO standards on Burkitt at project access road.
10. Per the TIS, construct an eastbound right turn lane with 75 ft of storage and a 90 ft transition on Burkitt at project access road.
11. Construct Burkitt road with 12 ft wide turn lanes and travel lanes along the property frontage on Burkitt Rd.
12. Dedicate ROW for turn lanes and reserve 1/2 ROW required for U-4 major street plan classification on Burkitt Rd.
13. Per the TIS, construct 4 ft wide shoulders along property frontage on Burkitt Rd.
14. Per the TIS, construct Project access road with 1 entering lane and 2 exiting lanes with 100 ft storage and transition per AASHTO standards.
15. Construct access road to provide adequate sight distance of signal heads to allow signalization when the proposed collector road is constructed opposite the access road.
16. Provide a stub street connection to adjacent properties east and west of development.

17. Provide an access easement from a development street to adjacent Historic home property on Burkitt Road (parcel 179).
18. Construct development streets to provide adequate SU-30 truck turning movements without impacting any on-street parking.
19. Conduct traffic counts at the Burkitt Rd and Nolensville Rd intersection at 50 % and 100% completion of development and submit traffic signal warrant analysis to Metro Traffic Engineer for approval of signal by Metro Traffic and Parking Commission. Developer shall submit signal plan for metro approval and install signal when approved.
20. Align main subdivision road with future Burkitt place RD.

STORMWATER RECOMMENDATION

Approved Except as Noted, 02/15/05

1. Show the Pond Limits for the Water Quality pond between lots 53-54 and 59-60.
2. Delete the text of plat note 15 and replace with the following: "A variance is required to use the pond for In-Line detention. A variance must be obtained from the Stormwater Management Committee prior to approval of the construction documents."

CONDITIONS

1. Prior to plat approval, all proposed lots on this preliminary plat that include slopes of 20 percent or greater must be eliminated and converted to open space areas.
2. The applicant must comply with Fire Marshal's Office turn-around requirements, as indicated above.
3. Prior to plat approval, proposed private access easements/alleys should be labeled as "private alleys", and dimensioned accordingly.
4. Prior to final plat approval, the plat must be revised to add temporary turn-around designs to the two southernmost stub streets on the eastern side of the plat.
5. Prior to final plat approval, the plat must have labels and dimensions on all shared private driveways, as well as indicate via a plat note all lots to be served principally by a rear private alley.
6. Prior to final plat approval, any lots that remain as critical must be labeled with a star, and as per the Hillside Development Standards of the Metro Zoning Ordinance (section 17.28.030). Those critical lots with natural slopes that generally rise away from, or are parallel to, the fronting street must provide a building envelope on less than twenty percent natural slope and a minimum lot width of eighty-five feet* at the building line. For any critical lots, a critical lot plan must also be provided with the final plat submittal.
7. Prior to final plat approval, the plat must be revised to demonstrate adequate screening between this subdivision and the rural farmstead located on parcel 179.
8. Prior to final plat approval, the applicant shall provide a pedestrian easement around the natural pond that is to be preserved, and parallel to the stream on the southeastern side of this plat.
9. Prior to final plat approval, the applicant must obtain approval of a variance from the Stormwater Management Committee and TDEC for the blueline pond that is proposed to be used as a detention area."

FINAL PLATS

4. **2006S-068U-03**
Fairview Subdivision, Portion Of Tract 8
Map 069-08 Parcel Part Of 001
Subarea 3 (2003)
District 1 - Brenda Gilmore

A request for final plat approval to create 5 lots located on the south side of West Hamilton Road, approximately 200 feet west of Clarksville Pike (1.85 acres), zoned RS15, requested by Vincent T. Scalf, owner, Hart Freeland & Roberts,

surveyor.

Staff Recommendation – Approve with conditions

Ms. Harris presented and stated that staff recommends approval, 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.

Mr. Jim Lukins, Lukins Engineering, spoke in favor of the proposal.

Councilwoman Gilmore stated there was a neighborhood meeting in which the developer met with community members. She further explained that the developer agreed to seven additional conditions to be included in the proposal. She mentioned that he was not at this meeting and was unsure as to how to proceed since the agreement was verbal. She then recited the additional conditions in which he had agreed to include in the proposal. In closing she suggested deferring the proposal until the agreement could be signed by Mr. Scaf.

Mr. Lawson acknowledged her concerns and stated that the Commission would take some of them under advisement while they deliberate this proposal.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to defer Final Plat 2006S-068U-03 until March 9, 2006.

Mr. Fox alerted the Commission that this proposal could be deemed approved if it is deferred beyond the applicant's consent, (30 days), it could be approved as submitted. He further stated that the applicant agreed to one deferral and could be in favor of approving for one meeting.

Mr. Bernhardt offered that the staff report agrees with some of the conditions as outlined by Councilwoman Gilmore.

Mr. Ponder expressed concerns with the issue of the floodplain that is included in portions of the proposal.

Mr. Fox then explained that if the applicant did not agree with the deferral today, then the 30 days would begin with today's date.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to defer Final Plat 2006S-068U-03 until March 9, 2006. **(8-0)**

Resolution No. RS2006-065

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-068U-03 is DEFERRED TO THE MARCH 9, 2006 PLANNING COMMISSION MEETING. (8-0)”

PLANNED UNIT DEVELOPMENTS

5. **61-84-G-06**
Bellevue Valley Plaza
Map 142, Parcel 268
Subarea 6 (2003)
District 35 - Charlie Tygard

A request to revise the approved preliminary site plan and for final approval of a Planned Unit Development for property located south of Harding (unnumbered), east of Old Hickory Boulevard, classified SCC (6.88 acres), to permit the development of an additional 4,000 square feet to an existing 63,005 square foot building, requested by Barge, Waggoner, Sumner and Cannon, applicant for Bellevue Properties L.P., owner.

Staff Recommendation – 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 of lot two.

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

Parking - Parking should be provided on site unless there is a shared parking agreement. 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 616 spaces are being provided, so overall the development meets current parking requirements.

Lot No.	Use	Sq. Ft.	Req. Parking	Shown Parking
1	Kroger and Fuel	60,705	207	217
2	Shops Addition	67,005	314	273
3	Shops	8,243	27	37
4	Office/Shops	11,693	39	62
5	Bank	3,692	18	27
Totals		151,338	605	616

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).
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.

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 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.

Mr. Swaggart presented and stated that staff is recommending approval with conditions.

Mr. Bill Lockwood, Barge Waggoner, Sumner & Cannon spoke in favor of the proposal.

Mr. Rob Cox, Barge Waggoner, Sumner & Cannon spoke in favor of the proposal.

Mr. Vic Linweaver, 6108 Tulip Tree Lane, spoke in opposition to the proposal.

Mr. Doug Crow, 7061 Hwy 70 South, spoke in opposition to the proposal. He submitted petitions of opposition to the Commission for the record.

Mr. Bill Wade, 6125 Deer Brook Drive, spoke in opposition to the proposal and submitted petitions of opposition to the Commission for the record.

Mr. Gary Bush, 7081 Hwy 70 South, spoke in opposition to the proposal.

Mr. Loring acknowledged Councilman Tygard's concerns. He stated the plan is not conducive for this particular area.

Mr. Clifton stated the proposal would be changing the general development plan for this area. He stated he was not sure if he were to approve it.

Mr. Ponder acknowledged the concerns mentioned by the tenants of this area.

Mr. Loring moved and Ms. Jones seconded the motion, which passed unanimously to disapprove Planned Unit Development 61-84-G-06. **(8-0)**

Resolution No. RS2006-066

"BE IT RESOLVED by The Metropolitan Planning Commission that 61-84-G-04 is **DISAPPROVED. (8-0)**

IX. PUBLIC HEARING: ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

6. 2005Z-056cT

A council bill to amend Section 17.32.050 of the Zoning Code to permit signs with graphics or electronic displays along a four-lane or controlled access highway with a posted speed limit of 40 m.p.h. or less and that is maintained by the State of Tennessee and located within the urban services district, sponsored by Councilmember-at-Large Buck Dozier and Councilmember Ludye Wallace.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Amend Zoning Code to permit signs with video and/or rapidly changing graphics or text when oriented to a four-lane or controlled access highway maintained by the State of Tennessee with a posted speed limit of 40 m.p.h. or less and within the urban services district (USD).

ANALYSIS

Status of Council Bill - After the Planning Commission acted to disapprove a prior version of this bill (BL2005-648) on December 8, 2005, the Metro Council approved it on 2nd reading January 7, 2006, but disapproved it on 3rd reading January 17, 2006. Councilmember-at-large Buck Dozier and Councilmember Ludye Wallace then refiled the same bill, as amended, that was defeated on January 17th as BL2006-974. This bill was adopted by the Metro Council on 1st Reading on February 7, 2006, with 2nd Reading to follow on March 7, 2006.

Existing Law - Except in the Commercial Amusement (CA) zoning district, the Zoning Code prohibits signs with copy or graphics that change more frequently than every two seconds. An ordinance adopted by Council in May 2004 exempted the CA district from this restriction to allow video and other rapidly changing copy for use by the amusement, recreation, lodging, retail, and tourism uses affiliated with the CA district. Prior to that time, signs with copy or graphics that change more frequently than every two seconds were prohibited throughout Davidson County. This prohibition included displays with full-motion video.

Proposed Text Change - The proposed amendment would create a new exception to this general prohibition against signs with copy or graphics that change more frequently than every two seconds. It would permit video and/or rapidly changing text and graphics on permitted signs within the urban services district (USD), provided they are oriented to a four-lane or controlled access highway maintained by the State of Tennessee and with a posted speed limit of 40 m.p.h. or less. The underlined text represents what has changed in this proposed bill since the Planning Commission last reviewed it on December 8, 2005.

The ordinance, as currently on file, would amend the Zoning Code as follows:

Section 17.32.050G. Signs with any copy, graphics, or display that change by electronic means, when the copy, graphics, or display does not remain fixed, motionless and non-flashing for a period of two seconds or more, provided that this provision shall not be applicable to any sign oriented to a four-lane or controlled access highway located within the CA district. maintained by the State of Tennessee, and located within the urban services district (USD), with a speed limit of forty miles per hour (40 m.p.h.) or less

Sign Locations - Working with Public Works, the Tennessee Department of Transportation, and the Metropolitan Planning Organization, staff identified approximately 69 miles of state maintained highways that meet the bill’s stated criteria – (a) USD, (b) state maintained highway of 4-lanes or controlled-access, and (c) posted speed limit of 40 m.p.h. or less. Below is a table identifying the affected roadways and a corresponding map. Of the 40 council districts within the county, 25 of them would be affected by this bill, they are: Districts 1, 2, 3, 5, 6, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, and 34.

POTENTIAL SIGN LOCATIONS ON STATE HWYS.

State Hwy. #	Roadway Name	# of Miles
# 1	8th Ave. S	0.3
# 1	BRd.w ay	0.7
# 1	Highway 70 S	0.4
# 1	Murfreesboro Pk.	3.2
# 1	West End Ave.	4.7
# 100	Highway 100	0.4
# 106	21st Ave. S	2.3
# 106	Hillsboro Pk.	2.6
# 11	2nd Ave. S	1
# 11	4th Ave. S	1.2
# 11	Dickerson Pk.	4.7
# 11	Nolensville Pk.	7.1
# 12	8th Ave. N	1.3
# 12	Ashland City Hwy.	2.1
# 12	Clarksville Pk.	1.1
# 12	Metro Center Boulevard	1.5
# 155	Thompson Ln.	2.6
# 155	White Bridge Rd.	2.1
# 24	8th Ave. S	0.3
# 24	Broadway	0.7
# 24	Charlotte Pk.	3.9
# 24	George L. Davis Blvd.	0.3
# 24	Hermitage Ave.	0.5
# 24	Lebanon Pk.	2.3
# 254	Old Hickory Boulevard	1.8
# 255	Donelson Pk.	3.9
# 255	Harding Place	4.4
# 6	Franklin Rd.	2.6
# 6	James Robertson Pkw y.	1.6
# 65	Trinity Ln.	2.6
# 65	Whites Creek Pk.	4.4
#1	1st Ave. S	0.3
TOTAL		68.9

State Hwy. #	# of Miles
# 1	9.6
#100	0.4
#106	4.9
#11	14
#12	6
#155	4.7
# 24	8
# 254	1.8
# 255	8.3
# 6	4.2
# 65	7
TOTAL	68.9

Redevelopment Districts - Some of the roadways these signs would be permitted on traverse through adopted redevelopment districts. While those districts do not appear to outright prohibit graphical or video signs, MDHA's redevelopment district sign guidelines indicate signs generally should not flash or appear in motion. The guidelines do make an exception for signs with scrolling letters or animated images where the sign is associated with large venues such as arenas, stadiums, convention centers, and entertainment uses.

Community Character - Communities are shaped by many factors, both natural and man-made. Signs are an integral factor in shaping and preserving a community's character. People take pride in the places they live and identify with their neighborhood and community. As a result, a community's distinctive appearance plays an important role in shaping a community's quality of life. A community's character can be irrevocably altered and potentially diminished when out-of-character signs are allowed.

When you drive into a community with design restrictions on signs, you immediately notice the effect on the community's character. Locally, while the municipal boundary between Davidson County and Williamson County is invisible, the border is clearly recognizable as you drive into Brentwood, in part, because of Brentwood's regulation of signage. As a driver, you notice signs are smaller, shorter and are less obtrusive. The resulting change in character is obvious. It is generally thought to be more visually calm and detracts less from the built environment. If this bill were passed, the video and graphical signs would be permitted on Franklin Pike and Hillsboro Road.

The unique character of a community is easily altered by haphazard design. Over the past 15 years in Nashville, considerable effort and resources have been expended to improve the community's character by limiting the location of billboards, decreasing the height and size of signs, and removing visual clutter from the streets. In addition, development guidelines have been adopted for Nashville's neighborhoods and business districts to protect the unique and diverse community character and quality of life one finds in Midtown, Downtown, Hermitage, Donelson, Bellevue, Joelton, Green Hills, etc. As an integral element of a community, signs should help to define, but not alter, the distinctive character of a community.

TDOT Standards - While TDOT does not regulate on-premises signs such as those contemplated by this bill, it does regulate off-premise signs, or billboards, oriented to an interstate or federally-aided state highway. In conversations with TDOT, staff has learned that TDOT is in the process of revising its billboard standards to permit graphical/video signs. TDOT's new regulations will not be available for public input until a year from now. TDOT has indicated, however, that streaming video signs, such as those permitted by this bill, would not be allowed because they are attention-getting and distracting for a driver.

TDOT staff have indicated that the state proposed billboard standards will allow changeable text and graphics provided that the message stays static for a minimum of 6 seconds, there is no animation when the message changes – the screen must go blank or to a colored background screen - and then the message change must be completed in at least 2 seconds. Staff also learned that TDOT is currently working with Gaylord Entertainment on their on-premise video sign for the Grand Ole Opry. Apparently, the sign has displayed some off-premises advertising, and hence, would be classified as a "billboard" subject to TDOT standards because it is oriented to Briley Parkway, a state highway. The current, and proposed future, TDOT standards prohibit such a sign.

Other Cities - Staff is still researching how other cities regulate video and graphical signs. Staff will present its findings at the commission meeting.

Staff Recommendation - Disapprove. This text amendment provides signs that are excessively attention-getting because of their method of message display. By permitting these signs, an increase in the visual clutter along Nashville's major thoroughfares would occur which would dramatically alter community character across Davidson County, resulting in additional distractions along heavily traveled roadways.

Ms. Regen presented and stated that staff is recommending disapproval.

Mr. Jay Slobey, 869 Stirrup Drive, spoke in opposition to the text amendment.

Mr. Ponder suggested that there be individual applications for each of these sign applications. He stated there are areas in Nashville that this amendment would allow these types of signs that would be inappropriate.

Mr. Lawson stated the signs would make a cultural statement that the City of Nashville may not be ready to make.

Mr. Loring spoke in favor of the text amendment. He stated that the amendment is only a technological advancement for the current signage in Nashville. He spoke of other signage proposals that originally were considered safety hazards but have turned out to be beneficial and welcomed by the Community. He spoke in favor of approving this amendment.

Mr. Small moved and Ms. Jones seconded the motion to disapprove Zone Change 2005Z-056cT. **(7-1) No Vote – Loring**

Resolution No. RS2006-067

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-056cT is **DISAPPROVED. (7-1)**”

7. 2006Z-029T

Council Number: BL2006-972

A request to amend the Metro Zoning Code pertaining to automobile repair, service, and sales uses by modifying the definition of these uses and making them prohibited in certain zoning districts and permitted within the Specific Plan (SP) district, requested by Councilmember Amanda McClendon.

Staff Recommendation – Approve with proposed amendments

APPLICANT REQUEST -Amend Zoning Code pertaining to automobile and vehicular uses by making them allowed in specific plan (SP) and industrial districts, and by modifying the definitions and parking requirements for these uses.

ANALYSIS

Existing Law The current Zoning Code permits various auto uses such as auto repair, auto service, vehicular sales and service, heavy equipment sales and service, salvage yard, and wrecker service in commercial and/or industrial zoning districts. The code provides minimal standards, if any, for some of these uses. They are currently permitted in mixed-use, commercial, shopping center, and industrial zoning districts.

Proposed Text Change The bill principally refines current definitions for auto-related uses, proposes new definitions, and modifies where auto-related uses can locate in Davidson County. The bill grandfathers in all legally permitted auto-related businesses upon its effective date. Those uses that are legal today would simply become legal, non-conforming uses and be subject to the non-conforming provisions of the Zoning Code (Sections 17.40.640 – 17.40.690). Therefore, this bill would apply only to new businesses or existing ones which desire to expand their current operations.

Analysis Over time, many auto-related businesses have evolved to include multiple auto uses at one location. While business owners may consider such uses as auto repair or auto service as incidental to their core business, the added uses have the unintended affect of impacting surrounding businesses and neighborhoods. Lacking adequate parking for vehicles being sold, leased, rented, repaired, or salvaged, vehicles are parked on-street for extended periods of time and test driven in residential neighborhoods after repairs are made. Further, to protect their business inventory, owners have erected fences and security systems that aesthetically impact Nashville’s major thoroughfares.

The proposed changes to the Zoning Code would not change provisions that currently permit auto-related uses in the industrial zoning districts by right. The bill proposes no change from the existing permit review process. In order to operate a gas station, transmission shop, brake shop, or oil lube, or wants to sale, rent, or lease cars, motorcycles, RVs, trucks, tractor-trailers, or boats, the owner would apply for a permit with the Codes Department.

Outside of the industrial zoning districts, however, the bill proposes to require Metro Council approval via a rezoning to specific plan (SP) district, prior to issuance of any building or use and occupancy permits for any auto-related use. By requiring Council approval, the potential impact of these uses on surrounding businesses and neighborhoods can be more specifically addressed. Creating a one-size fits all set of standards would not properly account for the unique characteristics of a business or its location.

Below are two tables, one summarizes the proposed changes to the definitions and land uses, while the second identifies where these land uses would be permitted by zoning district. The full text of the bill can be reviewed at www.nashville.gov/mc/ordinances/bl2006_972.

PROPOSED CHANGES: DEFINITIONS & LAND USES

Definition	New	Modify	Uses Allowed Today	Uses Allowed In <i>Future</i>
Automobile	X			10 passengers or less with gross weight of less than 10,000 pounds, excludes motorcycles
Automobile convenience		X	gas station, convenience market, automatic car wash	<u>no change</u>
Automobile repair		X	body, fender, painting, collision repair	expanded definition to identify types of repair activities permitted; prohibits storage of abandoned vehicles
Automobile sales, new	X			sale, rental, or lease of new and used autos with on-site facilities for repair and service; no scrap operations
Automobile sales, used	X			sale of operable vehicles with on-site facilities for automobile service; no auto repair or scrap operations
Automobile service		X	brakes, lube, tires, alignment, batteries	expanded definition to identify types of service activities permitted; prohibits storage of abandoned vehicles
Automobile service, oil change		X	oil change only	deleted use and incorporated it into "automobile service"
Heavy equipment sales and service		X	construction equipment rental, boats, buses, farm equipment	<u>no change</u> , except added tractor-trailers and semi-trailers
Scrap operation		X	storage, processing, and/or sale of waste materials	expanded definition to include automotive dismantlers and recyclers, or businesses engaged in the recovery of auto and truck parts for salvage or scrap content
Vehicular rental/leasing	X			renting or leasing of cars, motorcycles, RVs, boats and trucks and vans; includes rental car agencies
Vehicular sales, limited		X	sale of cars, trucks, RVs, and recreational vehicles	<u>no change</u> ; except deleted auto sales and created new definition and land use
Wrecker service		X	towing and storage of damaged vehicles	<u>no change</u>

AUTO-RELATED USES

Note: Bill only affects the location of *italicized* land uses and districts with highlighted text.

Land Use	Zoning District														
	MUL	MUG	MUI	CL	CS	CA	CF	CC	SCN	SCC	SCR	SP	IWD	IR	IG
Automobile convenience	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC				
<i>Automobile rental/leasing</i>												PC	P	P	P
<i>Automobile repair</i>												PC	P	P	P
<i>Automobile sales, new</i>				P	P	P					P	PC	P	P	P
<i>Automobile sales, used</i>												PC	P	P	P
<i>Automobile service</i>		P	P	P	P	P	P	P		P	P	PC	P	P	P
<i>Car wash</i>	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	P	P	P
<i>Heavy equipment, sales and service</i>												PC	P	P	P
Scrap operation															P
Vehicular rental, sales and service, limited												PC	P	P	P
Wrecker service												PC	P	P	P

Proposed Amendments-Staff suggests several changes to the land use table to permit various uses in zoning districts where the bill currently prohibits them, and to change two definitions.

Definitions

Vehicular “Automobile rental/leasing” means the rental or leasing of automobiles, motorcycles, recreational vehicles, boats, recreational equipment, and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease (e.g. rental car agencies and taxi-cab dispatch areas). No "Automobile Repair" or "Scrap Operation" activities may occur on-site and no abandoned vehicles shall be stored on the premises.

Vehicular Rental, Sales and Service, Limited. "Limited vehicular rental, sales and service" means the retail or wholesale sale of motorcycles, trucks and vans, recreational vehicles, boats, or similar motorized recreational equipment, along with incidental service or maintenance such as, but not limited to boat dealers, motorcycle dealers, and recreational vehicle dealers. (See also "Automobile sales, new", "Automobile sales, used", "Automobile repair", "Vehicular Automobile rental/leasing", and "Heavy equipment, sales and service.")

Land Use Table

“Automobile repair” would be permitted (P) in the CF zoning district for convenience to downtown and midtown residents, workers, business travelers, and tourists.

“Automobile sales, new” would be permitted (P) in the CF district to permit new dealerships in the midtown and downtown area.

“Vehicular Automobile rental/leasing” would be permitted in the MUG, MUI, CA, CF, CC, and SCR zoning districts for the convenience of residents, workers, business travelers, and tourists.

“Vehicular rental, sales and service, limited” would be permitted in the CA district, a major regional shopping and entertainment attraction for residents and tourists.

AUTO-RELATED USES															
Land Use	Zoning District														
	MUL	MUG	MUI	CL	CS	CA	CF	CC	SCN	SCC	SCR	SP	IWD	IR	IG
Automobile repair							P					PC	P	P	P
Automobile sales, new				P	P	P	P				P	PC	P	P	P
Automobile rental/leasing		P	P			P	P	P			P	PC	P	P	P
Vehicular rental, sales and service, limited						P						PC	P	P	P

Staff Recommendation - Approve the proposed bill with staff’s suggested amendments. The proposed bill ensures new and additional auto-related uses are possible, but utilizes the SP district to ensure that the new development compliments existing land uses and the surrounding neighborhoods. The staff amendments provide additional opportunities for auto uses in zoning districts and locations where they can conveniently serve customers.

Approved with proposed amendment, **(8-0) Consent Agenda**

Resolution No. RS2006-068

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-029T is **APPROVED WITH PROPOSED AMENDMENT (8-0).**”

8. 2006Z-039T

Council Number: BL2006-973

A request to amend the Metro Zoning Code to add the use “Donation center, drop-off” as a use permitted with conditions in the MUL, MUG, MUI, CL, CS, CA, CF, CC, SCC, SCR, IWD, IR AND IG districts, and by adding certain conditions and parking requirements for such use, requested by Councilmember David Briley.

Staff Recommendation – Approve with proposed amendments

APPLICANT REQUEST - Amend Zoning Code to create new land use called "Donation center, drop-off" and to permit it with conditions in the MUL, MUG, MUI, CL, CS, CA, CF, CC, SCC, SCR, IWD, IR AND IG zoning districts with certain conditions.

ANALYSIS

Status of Council Bill - This council bill is scheduled for the March 7, 2006, public hearing.

Existing Law - The current Zoning Code does not provide for a use where donated clothing and household items by the public are collected, but not resold on the premises.

Proposed Text Change-This bill was developed by Goodwill Industries in consultation with planning and codes staff. The bill addresses Goodwill Industries long-term need for permanent, convenient storefront locations for donations, some with drive-up window service. These storefront locations would overtime replace Goodwill's current parking lot trailers.

The bill creates a new land use "donation center, drop-off" and provides certain conditions such a use must comply with to locate in the mixed-use, commercial, shopping center, and industrial zoning districts. The conditions require frequent pick-up of donated materials, but no less than once a week and nightly pick-up of any illegally donated items. The conditions prohibit the acceptance of hazardous materials, retail sales from the premises and on-site sorting or distribution of collected items.

The principal changes to the Zoning Code are noted below, while the entire bill can be viewed on-line at www.nashville.gov/mc/ordinances/bl2006_973.htm

Section 17.04.060, Definition of General Terms: "Donation center, drop-off" means any lot, building, structure or premises used solely for the collection of clothing furniture, housewares, small electrical appliances, household textiles, toys, and other small household items. The center shall not pay for materials collected or sell any collected materials on the premises. Collected materials shall be stored in an enclosed location on-site until picked up and taken to a central sorting and distribution center. Types of drop-off donation centers range from storefront centers, which may include a drive-thru facility, to other enclosed facilities."

Section 17.08.030, District Land Use Tables, by adding under "Commercial uses" the use "Donation center, drop-off" as "PC" (permitted with conditions) in the MUL, MUG, MUI, CL, CS, CA, CF, CC, SCC, SCR, IWD, IR, and IG districts.

Section 17.16.070, Land Use Development Standards, by adding "Donation Center, Drop-Off" under "Commercial Uses":

H. Donation center, Drop-off.

1. Hours of operation. The donation center shall generally operate during the hours of nine a.m. to six p.m., seven days a week. Notwithstanding the foregoing provision to the contrary, the hours of operation may be adjusted to assure a high-level of donor service and to maintain the premises in a clean and orderly manner.
2. No retail sales shall be conducted at the center.
3. No sorting or distribution of collected materials may occur on-site.
4. No hazardous materials, autos or auto parts, bathroom or kitchen fixtures, guns, large appliances, mattresses and box springs, carpeting, construction materials, or office equipment shall be accepted for donation.
5. All collected materials shall be picked up from the center at least once a week.
6. Illegally dumped items shall be picked up nightly, seven days a week, or as required to maintain a neat and orderly appearance.

Table 17.20.030, Parking Requirements by adding the land use "Donation center, drop-off" under "Commercial Uses" with a parking requirement of 1 space per 200 square feet.

Analysis -Staff recommends approval of the proposed text amendment as it serves to make the donating of clothing and small household items easier for the public with convenient storefront locations and drive-up window service. All the proposed conditions promote maintaining a clean and orderly appearance to the donation center. Staff does recommend, however, revising the proposed bill just slightly by requiring signs be posted facing outward to the public to ensure donation hours and acceptable items for donation are made known to decrease the likelihood of illegal dumping. In addition, staff recommends the collection of donated items be frequent, but not less than once a week. Some donation centers may require pick-ups several times a week.

Staff Recommendation - Approve the proposed bill with the following two small amendments to ensure these donation centers operate effectively and maintain a neat and orderly appearance:

Section 17.16.070, Land Use Development Standards, by modifying standard #5 and adding a standard #8.

H. Donation center, Drop-off.

5. All collected materials shall be picked up from the center frequently, but no less than at least once a week.

8. Signs: Boldly placed signs identifying days of the week and hours of operation, and list of items acceptable and not acceptable for donation.

Approved with proposed amendment, **(8-0) Consent Agenda**

Resolution No. RS2006-069

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-039T is **APPROVED WITH PROPOSED AMENDMENT. (8-0)**”

9. 2005Z-169U-14

Map 096-09, Parcel 96, 97
Map 096-13, Parcel 20
Subarea 14 (2004)
District 15 - J. B. Loring

A request to change from R10 to CL (3.47 acres) and RM9 (6.0 acres) District property located at 420 and 424 Donelson Pike and Donelson Pike (unnumbered), approximately 150 feet south of Lakeland Drive (9.47 acres), requested by Kevin Gangaware of Civil Site Design Group for 130 Group, Ria Grasman, Betty Borth, and Susan Plant, owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Request to change 9.47 total acres from residential single-family (R10) to commercial limited (CL) (3.47 acres to CL) and residential multi-family (RM9) (6.0 acres to RM9), property located at 420 and 424 Donelson Pike and Donelson Pike (unnumbered), approximately 150 feet south of Lakeland Drive.

Existing Zoning

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning

CL district (3.47 acres) - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

RM9 district (6 acres) - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

DONELSON- HERMITAGE COMMUNITY (Subarea 14) PLAN POLICY

Existing Plan Policy

Corridor General (CG) - CG is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Policy Conflict - Yes. The Commercial Limited district does not implement the predominantly residential character of the Corridor General Policy. Even though this property was zoned commercial in the past, this is not a predominantly commercial area. Development to the north and south is still largely residential in character with single-family and churches. A multi-family district for the entire property would best implement the Corridor General Policy.

METRO SCHOOL BOARD REPORT

Projected student generation 5 Elementary 3 Middle 2 High

Schools Over/Under Capacity - Students would attend McGavock Elementary School, Two Rivers Middle School, or McGavock High School. McGavock Elementary and McGavock High School have been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster. There is high school capacity in the adjacent Glenciff and Stratford clusters. This information is based upon data from the school board last updated August 2, 2005.

RECENT REZONINGS - This request was previously disapproved by the Planning Commission on November 11, 2005, for the same reasons that staff is currently recommending disapproval.

In 2001, the Planning Commission recommended disapproval of CL zoning. The property was subsequently rezoned to CL for a park-and-ride facility (2001Z-042U-14). The park-and-ride facility was never developed and the property was rezoned back to R10 on December 3, 2002 (2002Z-078U-14).

PUBLIC WORKS RECOMMENDATION - See PUD comments.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	9.47	3.7	35	396	34	42

Typical Uses in Proposed Zoning District: CL/PUD

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Quality restaurant(931)	1.94	N/A	8,000	720	7	60

*As per Associated PUD

Typical Uses in Proposed Zoning District: CL/PUD

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Bank (912)	1.95	N/A	5,500*	4560	69	252

*As per Associated PUD

Typical Uses in Proposed Zoning District: RM9/PUD

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	5.57	9	84*	556	48	52

*As per Associated PUD

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
--	9.47			5440	90	322

[Note: Items #9 and #10 were discussed by The Metropolitan Planning Commission together. See Item #10 for actions and resolutions.]

- 10. 2005P-033U-14**
Whitland Land I (submitted as Lakeland)
Map 096-13, Parcel 020
Map 096-09, Parcel 096, 097
Subarea 14 (2004)
District 15 - J. B. Loring

A request for preliminary approval of a Planned Unit Development located at 420 and 424 Donelson Pike and Donelson Pike (unnumbered), classified R10 and proposed for CL and RM9, (9.47 acres), to permit 8,000 sq. ft. restaurant, 5,500 sq. ft. bank, and 54 multi-family units, requested by Civil Site Design Group, applicant for 130 Group, Ria & Borth Grasman, and Betty & Plant, owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST -Preliminary PUD

A request for preliminary approval of a Planned Unit Development district, to permit 8,000 sq. ft. restaurant, 5,500 sq. ft. bank, and 54 multi-family units, located at 420 and 424 Donelson Pike and Donelson Pike (unnumbered).

PLAN DETAILS

Site Design -This application was disapproved by the Planning Commission on November 11, 2005. The plan has changed slightly but not to the extent that staff can recommend approval.

The plan proposes commercial development on the portion of the site fronting Donelson Pike and 54 attached units on the rear of the site. The entire development is accessed from one driveway off Donelson Pike and does not connect to the surrounding neighborhood even though three stub streets are available.

The applicant declined the Public Works requirement to align this driveway with the church across Donelson Pike, a shift of approximately 45 feet to the north that could be accommodated.

During the previous review, the proposed commercial development was accessed from Donelson Pike and the multi-family was accessed from Lakeland Avenue. Also Staff requested that the applicant connect the commercial and the multi-family, and to provide at least one more connection to the neighborhood. The proposed plan has the commercial and multi-family connected, but there are no connections to the neighborhood.

Connections between the existing neighborhood and the proposed development would help to create a neighborhood center and would allow the existing neighborhood easy (and walkable) access to the bank and the proposed restaurant without having to travel on Donelson Pike.

Staff requested that the applicant provide open space in the center of the multi-family portion and the open space was provided.

Staff recommendation -Staff recommends disapproval of this plan because it does not meet the primarily residential character of the Corridor General Policy, nor does it integrate with the existing neighborhood character and pattern of development.

STORMWATER RECOMMENDATION -Preliminary PUD – Return for Corrections. The 40-acre drain buffer needs to be left in a natural state or a variance will be required to disturb the buffer

PUBLIC WORKS RECOMMENDATION - Following are review comments for the submitted Whitland Land I (submitted as Lakeland) preliminary PUD (2005P-033U-14), received February 6, 2006. Public Works' comments are as follows:

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.
2. Plans for solid waste collection and disposal must be approved by the Public Works Solid Waste Division.
3. The proposed access is in close proximity (150 ft) to the signalized intersection at Lakeland Drive and Donelson Pike. A secondary road access to Lakeland Drive is preferred. If a secondary access to Lakeland Drive is provided, all streets must be public. A private street is not to connect to two public streets.
4. McKeige Drive stub street exceeds 150'. Construct turnaround at end of McKeige Drive.
5. Developer shall construct right turn lane on Donelson Pike at public road access with transition per AASHTO standards.
6. Developer shall construct a 3 lane cross section for access road with center turn lane from Bank western driveway to Donelson Pike. Provide 100' minimum storage. Relocate eastern driveways for Lots 1 & 2 outside left turn storage.

FIRE MARSHAL

1. Fire Hydrants should flow at least 1250 GPM's at 40 psi.
2. No part of any building shall be more than 500 feet from a fire hydrant via and approved hard surface road. *Metro Ordinance 095-1541 Sec: 1568.020 B.*
3. One-way traffic shall be 14 feet wide minimum.

CONDITIONS (if approved)

1. A type "C" landscape buffer yard must be provided between the CL and RM9 zoning districts within the Planned Unit Development.

2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper and electronic copy of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to approval of any final plat or the issuance of any building permits.
6. This preliminary plan approval of the proposed master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey determines there is less site acreage.

Ms. Fuller presented and stated that staff is recommending disapproval of Zone Change 2005Z-169U-14 as well as disapproval of the preliminary Planned Unit Development 2005P-033U-14.

A resident of Lakeland Drive spoke in opposition to the proposal.

Ms. Connie Caler, 1704 Sharp Avenue, spoke in opposition to the proposal.

Mr. Loring spoke in favor of the proposal. He briefly described the history of this parcel which was located in his district. He stated that the residents of the community have met and are in favor of this proposal. He further explained that the developer agreed to work with the community regarding connectivity concerns.

Mr. Clifton moved and Mr. McLean seconded the motion to disapprove Zone Change 2005Z-169U-14 as well as disapprove preliminary Planned Unit Development 2005P-033U-14. **(7-1) No Vote – Loring**

Resolution No. RS2006-070

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-169U-14 is **DISAPPROVED. (7-1)**

While the proposed RM9 district is consistent with the Donelson – Hermitage Community Plan’s corridor general policy, the proposed CL district is not consistent with the area policy. Corridor General is primarily for residential development at the edge of neighborhoods that extend along segments of major streets and are predominately residential in character, and CL is a commercial zoning district.”

Resolution No. RS2006-071

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-033U-14 is **DISAPPROVED. (7-1)**

The proposed PUD plan and associated CL zoning district are not consistent with the residential character of the areas Corridor General policy for the Donelson – Hermitage Community Plan.”

11. **2006SP-019G-03**
 Bells Landing
 Map 089-00, Parcel 032, 033, 034
 Map 090-00, Parcel 001, 002, 010, 011
 Subarea 3 (2003)
 District 1 - Brenda Gilmore

A request to change from AR2a to SP zoning property located at 3920, 3924, 3992, 3998, 4194, and 4206 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 2,500 feet north of the Cumberland River (836.18 acres), to permit a maximum of 1,200 dwelling units of which a maximum of 300 units will be attached single-family units; 30,000 square feet of commercial and office uses, and multiple civic uses requested by Hawkins Partners Inc., for Eller & Olson Stone Co. Inc., Bell's Bend Farm Inc., Bells Landing LLC, Susan and Stephen Cowden, Joseph D. Kitchell et ux, C. Keith Vaughn III, and Sam Pickle, owners.

Staff Recommendation – Approve with conditions if the associated policy amendment to add a special policy regarding conservation subdivision or similar rural residential development alternatives is approved, but disapprove if the policy is not changed. If the policy is not changed, the Planning Commission could approve this application if it determines that the existing policy is sufficient to support the application.

Mr. Bernhardt explained that the motion to disapprove the Plan Amendment that accompanies this zone change request was disapprove. He further stated that the applicant has agreed to defer this proposal indefinitely.

Mr. Ponder moved, and Mr. McLean seconded the motion, which passed unanimously to defer Zone Change 2006SP-019G-03 indefinitely. **(8-0)**

Resolution No. RS2006-072

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-019G-03 is **DEFERRED INDEFINITELY. (8-0)**”

12. 2006Z-023G-06

Map 128, Parcel 038
Subarea 6 (2003)
District 22 - Eric Crafton

A request to change from R20 to RM15 (36.25 acres) district property located at Hicks Road (unnumbered), approximately 300 feet north of Stirrup Drive, requested by Chris Fort for Fort Family, owner.

Staff Recommendation – Disapprove RM15, but Approve RM4

APPLICANT REQUEST - A request to change 36.25 acres from single-family and duplex zoning district (R20) to single-family, duplex, and multi-family zoning district (RM15), property located at Hicks Road (unnumbered), approximately 300 feet north of Stirrup Drive.

Existing Zoning

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

Proposed Zoning

RM15 District - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre.

BELLEVUE COMMUNITY PLAN

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

Policy Conflict -Yes, the proposed RM15 allows for a higher density than what is supported by the areas RLM policy. A more appropriate zoning district would be RM4, which allows a maximum density of 4 dwelling units per acre and is consistent with the areas RLM policy.

Recommendation - Staff recommends disapproval of RM15, but approval of RM4.

TRAFFIC PUBLIC WORKS RECOMMENDATION - TIS will be required at development.

Typical Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour

Single-Family Detached (210)	36.25	1.85	67	720	56	75
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Typical Uses in Proposed Zoning District: RM15

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Townhome/Condo (230)	36.25	15	544	2,707	200	241

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
--	36.25			1,987	144	166

METRO SCHOOL BOARD REPORT

Projected student generation* 31 Elementary 20 Middle 21 High

Schools Over/Under Capacity - Students would attend Brookmeade Elementary School, Hill Middle School, and Hillwood High School. All schools within the cluster have capacity for more students. Based on "MNPS Facilities With No Capacity", updated December 13, 2005.

Mr. Swaggart presented and stated that staff is recommending to disapprove RM15, but to approve RM4.

Mr. Jay Mills, 857 Stirrup Drive, spoke in opposition to the proposal.

Ms. Linda Slobee, 869 Stirrup Drive, spoke in opposition to the proposal.

A resident of 6161 Meadow Lane Drive spoke in opposition to the proposal.

Mr. Jay Slobee, 869 Sparrow Drive, spoke in opposition to the proposal.

Mr. Mike Hedges spoke in favor of the proposal as recommended by the staff.

Mr. Mike Fritz spoke in opposition to the proposal.

Mr. Loy Hardcastle spoke in favor of the proposal.

Mr. McLean spoke of the current and proposed zoning for this parcel as it relates to the number of units it would allow.

Mr. Bernhardt explained that RM4 would give a higher number in density as opposed to the R20.

Mr. Clifton referred to the traffic count study that was prepared for R20 and RM15 and requested how the numbers would change if the RM4 were approved.

Mr. Ponder requested clarification on the number of units included in the staff report and how they were generated.

Mr. Bernhardt explained staff's recommendation to the Commission and how it relates to the R20, RM15 and RM4 zoning.

Mr. Ponder spoke favorably of the alternate RM4 zoning as suggested by staff.

Mr. Small spoke of cluster lots and how it would relate to this proposal. He suggested that a planned unit development or any development plan be included with the proposal.

Mr. Jones commented on the topographical nature of the parcel and stated the development would be limited due to this issue.

McLean moved and Mr. Ponder seconded the motion, to disapprove the RM14, but to approve the RM4 on Zone Change 2006Z-023G-06. **(8-0)**

Mr. Clifton requested further clarification on the staff recommendation.

Resolution No. RS2006-073

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-023G-06 is **DISAPPROVED RM15, APPROVED RM4. (8-0)**

The proposed RM15 district is not consistent with the Bellevue Community Plan’s residential low medium policy that is for residential development with a density of 2 to 4 dwelling units per acre. However, RM4 is consistent with the RLM policy for the area.”

- 13. **2006Z-027U-10**
Map 117-150, Parcel Various
Map 131-030, Parcel Various
Subarea 10 (2005)
District 25 - Jim Shulman

A request to change from R10 to RS10 zoning on various properties located north of Shackleford Road on Green Hills Drive, Bonner Avenue and Eden Avenue, (16.96 acres), requested by Councilmember Jim Shulman for various property owners.

Staff Recommendation – Approve

APPLICANT REQUEST - Request to change 16.69 acres from residential single-family and duplex zoning district (R10) to residential single-family zoning district (RS10), properties north of Shackleford Road, on Green Hills Drive, Bonner Avenue, Belmont Boulevard, and Eden Avenue.

Existing Zoning

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

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

Policy Conflict - No, The proposed RS10 single-family residential district is consistent with the areas Residential Low Medium policy.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken.

METRO SCHOOL BOARD REPORT - The number of students generated by this rezoning is negligible since this is an existing, platted area.

Approved, (8-0) *Consent Agenda*

Resolution No. RS2006-074

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-027U-10 is **APPROVED. (8-0)**

The proposed RS10 district is consistent with the Green Hills/Midtown Community Plan’s residential low medium policy intended for residential development with a density of 2 to 4 dwelling units per acre.”

X. FINAL PLATS

- 14. **2006S-052U-12**
Wal-Mart Nashville South
Map 161, Parcels 101, 102, 103, 105, 106, 107,112

Map 162, Parcels 078, 079, 080, 081, 082
Subarea 12 (2004)
District 31 - Parker Toler

A request for final plat approval to create 5 lots located on the east side of Nolensville Pike, approximately 550 feet south of Old Hickory Boulevard (43.22 acres), zoned CL, requested by Wal-Mart Stores Inc., owner, Gresham, Smith & Partners, surveyor.

Staff Recommendation – Approve with conditions

APPLICANT REQUEST - A request for final plat approval to create five lots located on the east side of Nolensville Pike, approximately 550 feet south of Old Hickory Boulevard (43.22 acres).

ZONING

CL district - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

PLAN DETAILS - This final plat creates five commercial lots: one large lot for the Wal-Mart Super center and four smaller lots for currently undesignated uses. The Whittemore Branch runs through the site, and the applicant has received a stormwater appeal to disturb the stream and its buffers for multiple driveway crossings.

Many traffic conditions were included in the Council Bill that rezoned this property, and are reflected in Public Works' recommendation below. These items must be addressed or bonded prior to the recordation of the **final plat**.

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.

The following traffic conditions to be completed or bonded prior to final plat recordation:

1. Reserve 1/2 of U6 ROW (108/2) and also ROW for 12 ft wide NB right turn lane along Property frontage from Swiss Ave south to southern property line.
2. Provide cross access easement to northern property. Access feasibility to OHB between the portion of site with OHB frontage and the Supercenter portion will be determined at site plan development.
3. Provide cross access easement to southern adjacent property to allow access between properties. Site plan shall be designed to allow such a cross access.
4. Developer shall modify the center turn lane to a dedicated South bound left turn lane with 100 ft storage on Nolensville at Swiss Ave intersection.
5. Developer shall install a signal or modify any signal, which may have been installed at Swiss Ave/ Nolensville Rd. This signal shall provide video detection for the Supercenter driveway and loop detection or video detection for other approaches. Signal shall be interconnected and coordinated with OHB/Nolensville signal. The developer shall submit signal plans and warrant analysis to Metro Traffic Engineer for approval. Pedestrian signals and associated ADA facilities shall be included in design. The developer will have a qualified engineer prepare signal timing that will fit this signal into the Nolensville signal system. Metro will provide Synchro data files of the existing system to be utilized by the Engineer in preparation of the timing plans.
6. The Driveway at this location opposite Swiss Ave shall include 1 right turn lane and 1 right/thru lane both with 225 ft storage length and 1 left turn lane with 175 ft of storage.
7. Install pavement markings for a left turn lane and thru/right turn lane on Swiss Ave.
8. Install a Northbound right turn lane with 150 ft of storage and transition per AASHTO standards on Nolensville Rd. at Swiss Ave/Driveway access.
9. Developer shall install a southbound left turn lane on Nolensville with 300 ft of storage and transition per AASHTO standards.
10. Driveway shall include 2 exit lanes with 125 ft of storage and 1 entering lane.
11. Access to fuel center shall be located a minimum of 125 ft from intersection.

STORMWATER RECOMMENDATION- Approve

CONDITIONS

1. Prior to recording of the final plat, the developer shall post a bond for infrastructure and off-site traffic improvements.
2. Comply with all of Public Works conditions of approval as listed above.

Approved with conditions, **(8-0) Consent Agenda**

Resolution No. RS2006-075

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-052U-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Reserve 1/2 of U6 ROW (108/2) and also ROW for 12 ft wide NB right turn lane along Property frontage from Swiss Ave south to southern property line.
2. Provide cross access easement to northern property. Access feasibility to OHB between the portion of site with OHB frontage and the Supercenter portion will be determined at site plan development.
3. Provide cross access easement to southern adjacent property to allow access between properties. Site plan shall be designed to allow such a cross access.
4. Developer shall modify the center turn lane to a dedicated South bound left turn lane with 100 ft storage on Nolensville at Swiss Ave intersection.
5. Developer shall install a signal or modify any signal, which may have been installed at Swiss Ave/ Nolensville Rd. This signal shall provide video detection for the Supercenter driveway and loop detection or video detection for other approaches. Signal shall be interconnected and coordinated with OHB/Nolensville signal. The developer shall submit signal plans and warrant analysis to Metro Traffic Engineer for approval. Pedestrian signals and associated ADA facilities shall be included in design. The developer will have a qualified engineer prepare signal timing that will fit this signal into the Nolensville signal system. Metro will provide Synchro data files of the existing system to be utilized by the Engineer in preparation of the timing plans.
6. The Driveway at this location opposite Swiss Ave shall include 1 right turn lane and 1 right/thru lane both with 225 ft storage length and 1 left turn lane with 175 ft of storage.
7. Install pavement markings for a left turn lane and thru/right turn lane on Swiss Ave.
8. Install a Northbound right turn lane with 150 ft of storage and transition per AASHTO standards on Nolensville Rd. at Swiss Ave/Driveway access.
9. Developer shall install a southbound left turn lane on Nolensville with 300 ft of storage and transition per AASHTO standards.
10. Driveway shall include 2 exit lanes with 125 ft of storage and 1 entering lane.
11. Access to fuel center shall be located a minimum of 125 ft from intersection.
12. Prior to recording of the final plat, the developer shall post a bond for infrastructure and off-site traffic improvements.”

15. **2006S-075U-10**
 McKanna Subdivision
 Map 145-02, Parcel Part Of 020
 Subarea 10 (2005)
 District 34 - Lynn Williams

A request for final plat approval to create 4 lots located at 1400 Tyne Boulevard and the end of Georgetown Court (5.22 acres), zoned R40, requested by James A. McKanna et ux, owners, Duclos Survey & Design, Inc., surveyor.

Staff Recommendation – Approve with conditions

APPLICANT REQUEST - Final Plat

Request to subdivide 5.22 acres into 4 lots and for a sidewalk variance at 1200 Tyne Boulevard at the end of Georgetown

Court.

ZONING

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

SUBDIVISION DETAILS - A preliminary plat request was approved by the Commission on December 8, 2005 for four lots. The four lots proposed with the final are consistent with the preliminary plat.

Sidewalk variance - Sidewalks were not shown on the preliminary as required. Section 2-6.1 of the Subdivision Regulations state that sidewalks are required in the Urban Services District on existing streets or a financial contribution can be made in lieu of constructing the sidewalks if there are no other sidewalks in the area *unless there is a unique hardship found*. A variance can be granted by the Commission, if a hardship will result or is created by unique conditions of the property.

An applicant must present evidence that:

- Granting the variance will not be detrimental to public safety, health, or welfare; **and**
- Conditions upon which the variance request is based are unique to the property; **and**
- The physical surroundings, shape, or topographical conditions of the property results in a hardship to the owner, as distinguished from a mere inconvenience; **and**
- The variance is consistent with the adopted General Plan, Major Street Plan, and Zoning Code.

The applicant has requested a variance citing that the topography of the site would create drainage issues and would require a retaining wall to keep the hillside from washing over sidewalks.

Staff Recommendation - Staff recommends approval of a sidewalk variance since it would create a unique hardship due to topography. It would require at least a 10' retaining wall, which would not be appropriate for these four lots, about 1 acre each in size.

STORMWATER RECOMMENDATION - Approved except as Noted.

1. Add the subdivision number, 2006S-075U-10, to the plat.
2. The preliminary note, i.e., note 11, is required for preliminary plats. Final plats do not require the note. Correct as appropriate.
3. The 20' PUDE cannot be dedicated outside of the platted area. Thus, the portion of the PUDE extending into The James E. Nell property must be removed.

PUBLIC WORKS RECOMMENDATION - Sidewalk to be constructed at roadway centerline grade. Grading (cut) will be required. It is anticipated that a retaining wall will be required behind sidewalk (approx. 10' in height).

CONDITIONS

Prior to recordation, the following conditions must be met:

1. The portion of the parcel not proposed in this subdivision (to the west) is to be consolidated into an adjacent parcel, possibly lot 18. This must be shown on this plat.
2. All performance bonds are to be posted.
3. Note 1 is to state that this plat is to create 4 single-family lots and open space.
4. All Stormwater issues are to be resolved.

Approved with conditions including approval of a sidewalk variance, (8-0) *Consent Agenda*

Resolution No. RS2006-076

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-075U-10 is **APPROVED WITH CONDITIONS (8-0), AND APPROVED SIDEWALK VARIANCE.**

Conditions of Approval:

1. The portion of the parcel not proposed in this subdivision (to the west) is to be consolidated into an adjacent parcel, possibly lot 18. This must be shown on this plat.
2. All performance bonds are to be posted.

3. Note 1 is to state that this plat is to create 4 single-family lots and open space.
4. All Stormwater issues are to be resolved.”

16. 2006S-080U-10
 Stokes Tract, Resub. Lot 11, Blk 1
 Map 117-02, Parcel 002
 Subarea 10 (2005)
 District 25 - Jim Shulman

A request for final plat approval to create 2 lots located at the southeast corner of Compton Road and Sharondale Drive (0.50 acres), zoned R10, requested by Michael Nixon, owner, Wamble & Associates, surveyor.

Staff Recommendation – Approve with conditions

APPLICANT REQUEST - Final Plat

Request to create two lots from one parcel on 0.50 acres, located at the southeast corner of Compton Road and Sharondale Drive (classified within the R10 District).

ZONING

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

PLAN DETAILS - This subdivision proposes the creation of two single family lots from one parcel. Lot 1 is proposed to have frontage on Sharondale Drive, and Lot 2 will have frontage on Compton Road and Sharondale Drive. The existing lot to be subdivided currently has an existing single family structure on it that will be demolished. Currently, there are two driveway access points onto Sharondale Drive.

Sidewalk requirement - This property falls within the Urban Services District, and as the subdivision would create a new development right (it would allow the replacement of one single family lot with two single family lots), a sidewalk is required to be constructed along the frontage of Sharondale Drive of the new lot (lot 1). Alternatively, given the lack of sidewalks in the immediate vicinity, the applicant may instead choose to add the financial contribution note to the plat: "Applicant required to make a financial contribution to the sidewalk fund prior to the issuance of building permits."

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 has discretion whether or not to grant a lot comparability exception.

Lots in developed areas are generally required to pass comparability analysis for all the roads on which the new lots will have frontage. Two lot comparability analyses were performed, given that the proposed Lot 2 fronts on two streets, and the proposed Lot 1 on one. The two lot comparability analyses yielded the following information:

Lot Comparability Analysis	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
street:		
Compton Road	14,129.8	78.8
Sharondale Drive	10,585.0	59.9

As proposed, the two new lots have the following areas and street frontages:

- Lot 1: 10,393 Sq. Ft., (0.24 Acres), and 108.8 ft. of frontage on Sharondale Drive.
- Lot 2: 10,393 Sq. Ft., (0.24 Acres), and 108.81 ft. of frontage on Sharondale Drive, and 95 ft. of frontage on Compton Road.

Lot 1 fails for minimum lot area, but passes minimum lot frontage for Sharondale Drive. Lot 2 did not pass either of the minimum lot areas, but passed both minimum lot frontage requirements (Compton Road and Sharondale Drive).

There are four criteria by which a subdivision can qualify for an exception to lot comparability. One of these criteria is that the proposed subdivision presents a residential density that is consistent with the land use policy for the area. In this case, a discussion of the plat's compliance with a right-of-way requirement is necessary because its resolution affects whether this plat qualifies for this lot comparability exception.

Variance to Right-of-way requirement - The lot areas described in the comparability analysis above do not include land area that has been offered for dedication to the right-of-way for Sharondale Drive. As per Section 2-7.1B of the Subdivision Regulations, "when applicable, the layout of a street(s) within a subdivision shall conform to the routing depicted upon the Major Street or Collector Plan." The Major Street Plan designates Sharondale Drive as a collector street, which normally requires a 60' right-of-way. Currently, Sharondale Drive has 50' of right-of-way. With this plat, Public Works initially required a 5' dedication on Sharondale Drive, as per the Major Street Plan.

The applicant has agreed to remove problematic driveway near the Compton Road/Sharondale Drive intersection and replace it with a shared access driveway for both lots to one of these roads. Based in part on the applicant's willingness to relocate the existing driveway, Planning staff recommends a variance from the dedication requirement, and recommends that the applicant be required to reserve 5-feet of right of way along Sharondale in lieu of dedication. Public Works has agreed to the right-of-way reservation.

Lot comparability exception - With the proposed lot sizes, this plat qualifies for a lot comparability exception, but only under two specific conditions. The proposed lots must meet the 2-4 units per acre density that is called for by the Residential Low Medium (RLM) land use policy. If duplexes are allowed on the lots, then the density would exceed the density allowed under the RLM policy. Therefore, a comparability exception can be approved by the Commission, if and only if a condition is included that both lots are limited only to single-family dwellings. In addition, the right-of-way that is contributed to Sharondale Drive must be designated as a reservation, rather than a dedication because a dedication would remove the land from the area included in the proposed lots.

Restriction of the lots to single-family residential uses only and including the property that is proposed to be reserved for right of way in the lots results in a proposed density that is approximately 4 homes/acre, which falls at the upper limit of the RLM policy range. The applicant has agreed to the single-family only restriction, as well as the 5' right-of-way contribution to be designated as a reservation.

STAFF RECOMMENDATIONS

Access and house façade - Planning staff agrees with Public Works recommendation to relocate the driveway on lot 2 away from the radius of the Compton Road/Sharondale Drive intersection. The applicant has agreed to this. Staff recommends that a shared access driveway be required as the sole access for the two lots. Staff further recommends that the house on lot 2 have an appropriate façade that addresses both Compton Road and Sharondale Drive. Prior to recordation, the plat shall be revised to add these notes to the plat.

Variance to right-of-way requirement - As discussed above, Planning staff recommends a variance to the right-of-way dedication, given the right-of-way reservation that the applicant has offered in its place.

Dedication vs. Reservation as it relates to the Lot Comparability

Exception - Given the proposed improvement to the site's existing access, Planning staff recommends the lot comparability exception under the two conditions given above:

- 1) Both lots are limited only to single-family dwellings.
- 2) The right-of-way that is contributed to Sharondale Drive be designated as a reservation, in lieu of a dedication.

The Commission should note that if the right-of-way contribution is designated as a *dedication* on this plat, the subdivision would no longer meet the lot comparability exception based on consistency with land use policy. This is because right-of-way reservations are counted in the lot's area, while dedications are not. If the Commission chooses to require a right-of-way dedication, staff recommends disapproval of this subdivision.

PUBLIC WORKS RECOMMENDATION

Exception Taken:

1. Show professional seal.

2. Show and dimension right of of way along Sharondale Drive. Label and dedicate 5' of right of way (30 feet from centerline), consistent with the approved major street/collector plan. Alternatively, a right of way reservation would be acceptable.
3. Relocate the driveway on lot 2 away from the radius of Compton Road/Sharondale Drive intersection.

STORMWATER RECOMMENDATION

Approved Except as Noted:

1. Add the subdivision number, 2006S-080U-10, to the plat.

CONDITIONS

1. Prior to final plat recordation, the plat must be revised to add a sidewalk along the frontage of Sharondale Drive for the new lot (lot 1), or add the sidewalk financial contribution note to the plat in a large, bold type.
2. Prior to final plat recordation, the plat must be revised to add a note to the plat indicating that the house on lot 2 must have an appropriate façade that addresses both Compton Road and Sharondale Drive.
3. Prior to final plat recordation, the applicant must add a note to the plat, in a large, bold type, that reads that both lots will share one vehicular access to either Compton Road or Sharondale Drive via a shared access driveway.
4. Prior to final plat recordation, the plat must be revised to designate the right-of-way contribution as a reservation, and revise the lot areas accordingly.

Approved with conditions, **(8-0) Consent Agenda**

Resolution No. RS2006-077

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-080U-10 is **APPROVED WITH CONDITIONS (8-0), including an amended condition showing that EACH lot is permitted to have only one vehicular access driveway; lot 2 onto Compton Road, and lot 1 onto Sharondale Drive.**

Conditions of Approval:

1. Show professional seal.
2. Show and dimension right of of way along Sharondale Drive. Label and dedicate 5' of right of way (30 feet from centerline), consistent with the approved major street/collector plan. Alternatively, a right of way reservation would be acceptable.
3. Relocate the driveway on lot 2 away from the radius of Compton Road/Sharondale Drive intersection.
5. Prior to final plat recordation, the plat must be revised to add a sidewalk along the frontage of Sharondale Drive for the new lot (lot 1), or add the sidewalk financial contribution note to the plat in a large, bold type.
6. Prior to final plat recordation, the plat must be revised to add a note to the plat indicating that the house on lot 2 must have an appropriate façade that addresses both Compton Road and Sharondale Drive.
7. Prior to final plat recordation, the applicant must add a note to the plat, in a large, bold type, that reads ~~that both lots will share one vehicular access to either Compton Road or Sharondale Drive via a shared access driveway~~ that each lot is permitted to have only one vehicular access driveway; lot 2 onto Compton Road, and lot 1 onto Sharondale Drive **Amended at June 22, 2006 MPC meeting – See Resolution #RS2006-224**
8. Prior to final plat recordation, the plat must be revised to designate the right-of-way contribution as a reservation, and revise the lot areas accordingly.”

17. **2006S-081U-14**
 Dahlia Gardens, Resub. Lot 45
 Map 095-05, Parcel 013, 112
 Subarea 14 (2004)
 District 15 - J. B. Loring

A request for final plat approval to create two lots located on the south side of Dahlia Circle, approximately 270 feet east of River Hills Drive (1.02 acres), zoned RS10, requested by Keith T. and Natosha B. Cole, owners, Mark Devendorf, surveyor.

Staff Recommendation – Approve with conditions

APPLICANT REQUEST - Final Plat

Request to subdivide 1.02 acres into 2 lots located on the south side of Dahlia Circle, approximately 270 feet east of River Hills Drive.

ZONING

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

SUBDIVISION DETAILS

As proposed the request will create 2 new lots along the south side of Dahlia Circle with the following area(s), and street frontage(s):

- Lot 1: 16,014 Sq. Ft., (0.367Acres), and 75.40 Ft. of frontage;
- Lot 2: 28,562 Sq. Ft., (0.655Acres), and 75.40 Ft. of frontage;

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.

The lot comparability analysis yielded a minimum lot area of 16,008 sq. ft., and a minimum lot frontage of 76 linear feet. Both lots pass for lot area, but not lot frontage by 0.60 feet.

Staff Recommendation - Staff recommends approval of a lot comparability exception. The area land use policy is Residential Low-Medium. The Land Use Policy Application (LUPA) recommends a density of two to four dwelling units per acre for this RLM policy. The request is consistent with the RLM policy.

Because the proposed lots are not significantly out of character with other lots in the area, and it meets RLM policy, staff recommends that an exception be granted to lot comparability.

Irregular Lot Line Variance - Section 2-4.2 (Lot Dimensions) of the Subdivision Regulations states that “side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.” Although lot 1 proposes a right angle at the street, it is not continued to the rear property line.

Staff Recommendation -Staff recommends approval of this variance, since this configuration provides the lot area needed to comply with the lot comparability requirement for area. If the east side lot line of lot 1 were straightened to the rear property line, it would not meet the 16,008 lot area requirement.

STORMWATER RECOMMENDATION

1. Add the subdivision number, 2006S-081U-14, to the plat.
2. Surveyor sign and date.
3. Either change the 20' P.U.E. into a 20' P.U.D.E., or provide a public drainage easement for the roadside ditch.

PUBLIC WORKS RECOMMENDATION - No exception taken.

Approved with conditions, **(8-0) Consent Agenda**

Resolution No. RS2006-078

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-081U-14 is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Add the subdivision number, 2006S-081U-14, to the plat.
2. Surveyor sign and date.
3. Either change the 20' P.U.E. into a 20' P.U.D.E., or provide a public drainage easement for the roadside ditch.”

Addendum

- 18. A New Employee Contract for Hilary Grace Kahnle and Dennis Corrieri.

Approved, (8-0) *Consent Agenda*

XI. OTHER BUSINESS

- 18. A New Employee Contract for Hilary Grace Kahnle.

Approved, (8-0) *Consent Agenda*

- 19. Executive Director Reports

- 20. Legislative Update

XII. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Chairman

Secretary

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