



Project No. 2006SP-016U-08
Project Name The Courts of Germantown
Associated Cases None
Council District 19 – Wallace
School District 1 – Thompson III
Requested By Dale and Associates, applicant for William Hunter, et ux., C and D Safety Company, LLC, owners.
Deferral Request *This item was deferred from the March 23, 2006, meeting to allow MDHA to provide comments on the plan since it falls within a Redevelopment District.*

Staff Reviewer Swaggart
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

A request to change from Industrial Restrictive (IR) to Specific Plan (SP) zoning property located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4th Avenue North (unnumbered) and 407 Monroe Street, (1.67 acres), to permit the development of 35 townhomes and 1,661 square feet of retail and restaurant space, and a 920 square foot club.

History The requests for these properties were originally filed for the January 26, 2006, MPC agenda to rezone from IR to MUN and to apply a Planned Unit Development overlay. The applicant requested that those two applications be deferred while they work with their client in reevaluating the proposal, and are now requesting approval of a Specific Plan district.

Proposed Zoning
 SP district

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

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



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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.

NORTH NASHVILLE COMMUNITY PLAN

Structure Plan Category Neighborhood Urban (NU)

NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

German Town Detailed Land Use Category Mixed Use (MU)

MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Mixed Live/Work (MLW)

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

Policy Conflict

No. The requested SP zoning district and the associated development plan are consistent with the policies for this area.

PLAN DETAILS

Site Plan

The plan consists of 35 multi-family units (20.9 dwelling units per acre), 1,661 square feet of retail/restaurant space, and 920 square foot club house. A three story urban row building design is being used. A majority of the units (26 units) and the commercial



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space will front Monroe Street and 4th Avenue North, while the remaining nine units and clubhouse will be located behind the fronting buildings. The design incorporates shallow setbacks from the street with small green spaces between the buildings and the sidewalks. The 1,661 square feet of commercial space will be located on the first floor, at the corner of 4th Avenue North and Monroe Street.

Access

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

Parking

Secured private parking for residents is provided behind the buildings, and accessed from the alley. Street parking will accommodate the proposed commercial uses. The design may encourage residents to attempt to park a second automobile behind the garage, which would impede vehicular movement. Additional room should be furnished behind each garage that would allow for stacked parking that would not impede vehicular movement.

Setbacks

As proposed the setback along Monroe will be 25 feet (from the centerline of Monroe), and the setback along 4th will be 35 feet (from centerline of 4th). Building setbacks from the edge of the sidewalk along Monroe and 4th are staggered at 10 and 15 foot intervals. The setback along the rear alley is not specified and must be specified on the final development plan. Setbacks along the alley should be five feet or greater than 20 feet to address parking concerns. A five foot setback would not allow for automobiles to park behind the garage, and a 20 foot or greater setback would allow for automobiles to be parked behind the garage without impeding alley traffic. The setbacks along Monroe Street and 4th Avenue may need to be adjusted to provide adequate room to address parking concerns (addressed above).

Sidewalks

Five foot wide brick sidewalks are shown adjacent to 4th Avenue North and Monroe Street.

Floor Area Ratio (FAR)

As proposed the SP plan calls for a floor area ratio of approximately .79, or 56,643 sq. ft. of floor area on approximately 1.646 acres (71,699.8 sq. ft.). Maximum floor areas for MUN and MUL zoning districts that



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may also be appropriate districts for this area are .60 (43,019.8 sq. ft. of floor area) and 1.00 (71,699.8 sq.ft.) respectively.

PUBLIC WORKS RECOMMENDATION

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. Provide parking summary table.
3. Construct pavement for Alley from Monroe Street to Madison Street per Public Works standards and specifications with full width overlay. Reconstruct Alley ramps at Monroe Street and Madison Street, as required.
4. Demonstrate turning movements for access to garage / drive aisle from alley.
5. Install 12x12 dumpster pad for screened dumpster.

STORMWATER RECOMMENDATION

No Exceptions Taken.

FIRE MARSHAL

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

METRO SCHOOL BOARD REPORT

Projected student generation*

1 Elementary 0 Middle 0 High

Schools Over/Under Capacity

Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. All three have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated January 2006.

CONDITIONS

1. Only the uses listed as allowable within the MUN zoning district, or those specifically identified on the preliminary SP shall be permitted in this SP. The maximum number of dwelling units shall be 35.
2. Parking design and layout, including the number of parking spaces per unit must be addressed and



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approved by the Planning Commission prior to approval of the final development plan.

3. Setbacks may need to be adjusted to address parking concerns. Final setbacks must be approved by Planning Staff prior to approval of the final development plan. All setbacks must be identified on the final development plan.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the MUN district shall apply.
5. Prior to third reading at Council the plan must be referred back to MDHA for preliminary approval.
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
7. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
8. All signage must be approved by the Planning Commission prior to final Specific Plan approval.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. Prior to the filing of any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.



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| Project No. | Subdivision 2006S-096U-05 |
| Project Name | Solon Court Subdivision |
| Council District | 7 – Cole |
| School Board District | 5 - Hunt |
| Requested By | Curtis Stewart, owner, Dale & Associates, surveyor. |
| Deferral | <i>Deferred from the March 9 and March 23, 2006, meetings to allow more time for the applicant to meet with the community.</i> |
| Staff Reviewer | Harris |
| Staff Recommendation | <i>Approve with conditions</i> |

APPLICANT REQUEST

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| Preliminary Plat | Request to subdivide 3.99 acres into 12 single-family lots located on the south side of Solon Drive, approximately 370 feet west of Rosebank Avenue. |
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| ZONING | |
| R10 district | <u>R10</u> 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. |

SUBDIVISION DETAILS

There are 12 single-family lots proposed off of Solon Drive, extending off of an existing stub street. The minimum lot size for the lots is 10,000 square feet. A stub street is proposed to parcel 023 to the west for future connectivity to Rosebank Avenue.

The temporary turnaround is proposed within the building envelopes of lots 8 and 9. The design needs to be reworked prior to final plat approval and recordation to keep the turnaround outside of the building envelopes.

This request was deferred at the last meeting in order for the applicant to hold a community meeting and work with staff regarding the stub street to the east.

STORMWATER RECOMMENDATION

Approved except as noted.

1. Add the subdivision number to the plat.
2. Correct the FEMA map number. Specifically, change 04037C228G to, "47037C0228F." Further, indicate that panel 0228 is a non-printed panel.



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PUBLIC WORKS RECOMMENDATION

Exception Taken.

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 sight distance, and if adequate site distance per AASHTO for the posted speed limit on Solon Drive is provided
3. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Service District.

CONDITIONS

1. Prior to final plat approval and recordation, the temporary turnaround is to be located outside of the building envelopes of the adjacent lots.
2. All Public Works and Stormwater comments/conditions shall be addressed prior to final plat approval.



Project No. **Planned Unit Development 89P-003G-006**
Project Name **Still Springs Ridge, Phase II (Center for Jewish Awareness)**

Associated Case None
Council District 22 - Crafton
School District 9 - Warden
Requested by Barge, Waggoner, Sumner and Cannon, applicant for Greater Middle Tennessee Development, owner.
Deferral *Deferred from the March 9 and 23, 2006, Commission meetings.*

Staff Reviewer Fuller
Staff Recommendation *Disapprove as a revision. Approve as an amendment requiring Metro Council action.*

APPLICANT REQUEST

Revision to Preliminary **A request to revise the approved preliminary plan for a Residential Planned Unit Development, located on the northeast side of Hicks Road (unnumbered), (81.90 acres), to allow for a 12,000 square foot Center for Jewish Awareness to replace a previously approved 10,000 square foot private recreation facility.**

PLAN DETAILS

PUD History In 1995, the Still Springs Ridge PUD was amended to absorb the Hicks Road PUD. At that time a plan was approved for 100 single-family lots and a 10,000 square foot private recreation facility. The uses listed on the approved plans are: community assembly, community facility, lodge, pool and parking.

Site Plan Details The applicant supplied a list of components for the proposed Center for Jewish Awareness, including: social hall/sanctuary, library, kitchen, youth center and classrooms, Mikvah, offices and two hospitality suites. A Mikvah is a natural body of water or a gathering of water that has a designated connection to natural water. The pool is designed specifically for immersion, according to the rules and customs of Jewish law.

The building is located close to Hicks Road at the front of the site. This area of Hicks Road does have some severe topography, but this site is located in a flatter stream valley.



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STAFF RECOMMENDATION

Staff recommends approval of this application as an amendment. A PUD master plan can be revised by the Planning Commission, but certain changes must be approved by the Metro Council as an amendment. Under section 17.40.120(G)(2a) of the Code, the Commission may approve a revision to the PUD without referring it to the Council for approval if “in the judgment of the Commission, the change does not alter the basic development concept of the PUD.”

The original intent of the private recreation facility was for recreational uses for the lots in the PUD, not a religious institution and cultural center use. The proposed use is a compatible use in the PUD, but it does alter the original intent of the PUD and should receive approval from the Metro Council. If the Planning Commission were to approve this requested change as a revision, the Board of Zoning Appeals would be required to consider the ‘religious institution’ use as a Special Exception. If the Council approves this as an amendment, no BZA action would be required.

PUBLIC WORKS RECOMMENDATION

Show and dimension right-of-way along Hicks Road. Label and dedicate right-of-way 30 feet from pavement centerline to the property boundary, consistent with the approved major street plan.

STORMWATER RECOMMENDATION

Approve

CONDITIONS

1. Approve as an amendment to the Planned Unit Development, requiring Council approval.
2. Comply with the Public Works recommendations stated above.
3. 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.
4. This approval does not include any signs. Business accessory or development signs in commercial or



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industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
6. Prior to the filing of any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.



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| Project No. | Planned Unit Development 151-82-G-06 |
| Project Name | Harpeth Springs Office Park |
| Associated Case | None |
| Council District | 22 - Crafton |
| School District | 9 - Warden |
| Requested by | Psalms 65, Unit I, LLC, owner/applicant |
| Deferral | <i>Deferred from the March 23, 2006, Commission meeting.</i> |
| Staff Reviewer | Fuller |
| Staff Recommendation | <i>Defer until Stormwater as-built drawings are approved.</i> |

APPLICANT REQUEST
Preliminary & Final PUD

A request to revise a 1.90 acre portion of the preliminary and for final approval for a Commercial Planned Unit Development district to permit a 3,000 square foot daycare center and a 4,500 square foot dance studio, replacing 7,500 square feet of office uses, located at 7978 Coley Davis Road, at Somerset Drive.

PLAN DETAILS

PUD History

In 2003, the PUD was revised to permit the development of a 24,000 square foot office complex. The plan approved four separate office buildings. Today, two of the buildings have been constructed and are occupied without use and occupancy permits approved. The remaining two buildings are planned to be constructed later this year.

Site Plan Details

The site plan remains the same as was approved in 2003. The only change is to permit a day care center and dance studio, which are permitted uses in the Commercial Limited District.

Staff Recommendation

Approve the change of use. The additional proposed uses of a day care and a dance studio are compatible uses in an office park located adjacent to a residential area. As discussed below, however, the applicant has not submitted plans that can be approved by Public Works and Stormwater, so staff recommends deferral of the request at this time.



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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.

Sidewalk is proposed outside of right-of-way. Either dedicate right-of-way for sidewalk or record a public pedestrian access easement for sidewalk construction.

Show 20-ft queuing space between right-of-way and first parking space.

Document internal traffic circulation compliant with Metro Code 17.16.035(1).

STORMWATER RECOMMENDATION

The buildings are being occupied without a Use and Occupancy Permit Approval from Stormwater. The project engineer has submitted as-built plans for the detention pond however; the submittal has not been approvable. At this time, no Stormwater "as built" plans have been approved. Stormwater recommends disapproval until pond as-builts are approved.

CONDITIONS (if approved)

1. Comply with Public Works and Stormwater conditions listed above.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. 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. If this final approval includes conditions which require correction/revision of the plans,



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authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



Project No. **Planned Unit Development 2005P-003G-12**
Project Name **Delvin Downs PUD**
Council Bill None
Council District 31 - Toler
School District 2 - Blue
Associated Case None
Requested By Lose and Associates, for Delvin Downs Ventures, LLC, owners.
Deferral *Deferred from the March 23, 2006, Commission meeting.*
Staff Reviewer Harris
Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Final PUD **Request for final PUD approval to permit 145 single-family lots within a residential Planned Unit Development district on 50.26 acres, at 1015 Barnes Road and Barnes Road (unnumbered), west of Stanford Village 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

Site Design The plan proposes 145 single-family lots ranging in size from 5,000 square feet to 11,000 square feet, which is 24 lots less than the preliminary plan was approved for by the Commission in January 2005. The final PUD plan is consistent with the preliminary.

At the January 27, 2005, meeting, the Commission asked that additional information be submitted with the final PUD approval from Stormwater regarding drainage. A letter was submitted by Metro Stormwater during the preliminary stage that stated additional information could not be provided until final construction plans were submitted. Final construction plans have been submitted, therefore, Metro Stormwater must provide an approval recommendation for final PUD approval.

Access Access is proposed from Barnes Road and Stanford Village Road with three stub streets. There are 14



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critical lots proposed. The plan should be revised to make sure that the plan conforms to Chapter 17.28.030 of the Zoning Ordinance.

PUBLIC WORKS RECOMMENDATION

1. Construct proposed future ROW connection between lots 132 and 133.

Comply with previous conditions:

1. Developer shall install a separate westbound right turn lane on Barnes Road at Nolensville with 150 ft. of storage for both left/through lane and right turn lane.
2. Developer shall modify signal to include a right turn overlap phase for westbound right turns.
3. Developer shall construct Barnes roadway design to align with Celebration Way. At OHB/Barnes Rd.
4. Developer shall provide and document adequate sight distance at Old Hickory Blvd (OHB) and Barnes Rd intersection with the project construction plans.

At Barnes/site access

5. Developer shall construct site access road with 1 entering lane and 2 exiting lanes for separate left and right turns each with 100 ft. of storage.
6. Developer shall construct westbound left turn lane on Barnes Rd. at site access road with 75 feet of storage and transition per AASHTO standards. Provide and document adequate sight distance at this intersection with the project construction plans.
7. Dedicate and/or reserve ROW necessary for left turn lane and 1/2 collector rd. along Barnes Road frontage.

STORMWATER RECOMMENDATION

1. Provide letter from TDEC (Groundwater Division) concerning the closed contours. See Lots 110, 94, and CL of Local Street "A".
2. For the stormwater detention, make sure that 100 year elevations are not located within any lots. Check elevation of Pond 2 (559.86) with respect to lot 121.
3. For the level spreader, provide a large detail showing elevations (just like the pond details). 100-



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year elevation for the level spreader is 609.11. Show that this elevation is not located within any lots.

CONDITIONS (If approved)

1. Prior to final plat approval, all critical lots are to be consistent with Chapter 17.28.030 of the Zoning Code, including building envelope widths of 75 feet at the building lines where required by the Code.
2. Prior to final plat approval, label all required landscape buffers.
3. All Public Works and Stormwater recommendations listed above shall be required.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.
5. 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.
6. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
7. 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



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any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.



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| Project No. | Zone Change 2006Z-025T |
| Associated Case | None |
| Council Bill | BL2006-1047 |
| Requested by | Planning and Codes Departments |
| Sponsored by | Amanda McClendon |
| Staff Reviewer | Regen |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

Amend Zoning Code to permit buildings proposed to be taller and/or closer to the street or property line than the code permits, to seek a special exception from the Board of Zoning Appeals in lieu of a variance.

ANALYSIS

Existing Law

The current Zoning Code requires any building proposed to be taller and/or closer to the street or property line than the code permits to seek a variance from the Board of Zoning Appeals (BZA). The findings for granting a variance are set forth in Section 17.40.370. The Zoning Administrator has indicated these findings are increasingly difficult for the BZA to make on new developments within Nashville’s downtown and midtown areas.

Proposed Text Change

The proposed amendment would permit an applicant proposing a building or accessory structure located in the urban zoning overlay district (UZO) to seek a special exception from the BZA, when the building height or setback standards of the Zoning Code cannot be met, and the proposed plan is designed to achieve design standards that achieve the adopted plan and policy objectives for an urban area. The bill would not apply to single-family or two-family homes. The special exception would be an alternative to seeking a variance. A similar process was created for cell towers (Section 17.16.080.C) in 2003 with council bill BL2003-1304, and has been effectively used for the past three years. As with a cell tower, the burden is upon the applicant to provide evidence to the BZA that the proposed building will not adversely impact surrounding land uses. Both the special exception and variance processes require a public hearing before the BZA.



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The amendment proposes to change a few sections of the Zoning Code. The underlined text represents suggested changes by the Codes Department after the bill was filed.

- Tables 17.12.020.B “Multi-Family, Mobile Homes and Nonresidential Uses” and 17.12.020.C “Mixed-Use and Non-Residential Districts” by adding a “Note 6” as follows:

Note 6: Within the urban zoning overlay district, any proposed development that ~~is unable~~ does not meet the setback standards within this table may apply for a special exception as provided for in Sections 17.12.035.A and 17.12.035.D.

- Table 17.12.030.B “Street Setbacks for Multi-Family and Non-Residential Districts; and Non-Residential Uses in AG, AR2a, R and RS Districts” by adding a “Note 6” as follows:

Note 6: Within the urban zoning overlay district, any proposed development that ~~is unable~~ does not meet the setback standards within this table may apply for a special exception as provided in Sections 17.12.035.A and 17.12.035.D.

- Section 17.12.035.A “Street Setbacks Within the Urban Zoning Overlay District” by amending it as follows:
 - A. This section establishes street setbacks within the mixed use, office, industrial, RM20, RM40, RM60 or commercial zone districts for any property located within the urban zoning overlay district regardless of the minimum street setback requirements described in Tables 17.12.030.A and 17.12.030.B whenever one or more of the conditions listed below applies (1 – 4). However, in all districts, a principal or accessory structure may be located closer to the street or property line than as permitted by this section or by Tables 17.12.020.B, 17.12.020.C, and 17.12.030.B based on the review and approval of a Special Exception by the Board of Zoning Appeals as provided in 17.12.035.D below.



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- Section 17.12.035 “Street Setbacks Within the Urban Zoning Overlay District” by adding a new section “D” as follows:
 - D. Special Setback Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay District**
 1. In all districts, a principal or accessory structure may be located closer to the street or property line than as permitted by this section or by Tables 17.12.020.B, 17.12.020.C, and 17.12.030.B based on the review and approval of a Special Exception by the Board of Zoning Appeals.
 2. An applicant shall provide evidence to the board as provided in Section 17.12.060.F.3 that the proposed building setbacks shall not create an adverse impact on adjacent properties nor detract from a strong pedestrian-friendly environment.
 3. The board shall consider a recommendation from the Historic Zoning Commission and Planning Commission as provided in Section 17.12.060.F.4.
- Section 17.12.060 “Building Height Controls of the Zoning Code” by adding a new section “F” as follows:
 - F. Special Height Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay District**
 1. In all districts, a principal or accessory structure may exceed the maximum height at the setback line and/or penetrate the height control plane as shown in Tables 17.12.020.B and 17.12.020.C, based on the review and approval of a Special Exception by the Board of Zoning Appeals.
 2. The top elevation of an accessory structure shall not exceed the top elevation of any principal building or structure located within the development.
 3. An applicant shall provide evidence to the board that the proposed building height shall not create an adverse impact on air, light, shadow, or wind velocity patterns due to the configuration of the building relative to the maximum permitted height standards (including height control plane) and its juxtaposition to, and with, existing structures in the vicinity, or approved, but not yet built structures. In addition, the



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- applicant shall demonstrate that the proposed building height contributes to, and does not detract from, a strong pedestrian-friendly streetscape.
4. The board shall consider a recommendation from the Historic Zoning Commission, if the property is located within an historic overlay district, and a recommendation from the planning commission as provided in Section 17.40.300. The planning commission shall recommend on the proposed development's consistency with the goals, objectives and standards of any redevelopment district as well as the general plan, including any community, neighborhood or other design plan.

STAFF RECOMMENDATION

Approve the proposed text amendment. With these small, but necessary changes, applicants will be able to present relevant information to the BZA concerning their project that the variance process precludes. Permitting taller buildings or ones located closer to the street than the Zoning Code normally would permit is appropriate to create a mix of land uses and architectural styles in the city's urban core. Such exceptions should be considered by the BZA where applicants can adequately demonstrate that their proposed buildings and/or structures exceeding the standard building height or setbacks are consistent with adopted plans and policies, and will not adversely impact surrounding properties.



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| Project No. | Zone Change 2006Z-040U-05 |
| Council Bill | None |
| Council District | 6 – Jameson |
| School District | 5 - Hunt |
| Requested by | Chris Flowers, applicant, for CMF Development, LLC, owner. |
| Staff Reviewer | Pereira |
| Staff Recommendation | <i>Approve with the associated site plan</i> |

APPLICANT REQUEST

Request to change 0.61 acres from residential single family and duplex (R6) to residential multi-family (RM15) zoning, on property located at 811, 813, and 815 Sylvan Street between South 8th and South 9th Streets, south of Shelby Street.

Existing Zoning
R6 district

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning
RM15 district

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

EAST NASHVILLE COMMUNITY PLAN POLICY

Neighborhood General (NG)

NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Policy Conflict

No. The residential development as permitted within the proposed RM15 zoning district is consistent with the NG policy’s intent of creating a diversity of housing types. A site plan has been submitted with the RM15 rezoning, which shows a total of nine cottage-style units that front around a common open space (and four fronting onto Sylvan Street), with 14 parking spaces located to the rear off the alley, and pedestrian access around the site. Staff has evaluated the site plan, and



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recommends that development of this site consistent with the proposed plan and requested RM15 zoning will implement the intent of The Neighborhood General policy. The applicant has stated his intention to sell the units, and the land beneath them, via the cottage subdivision option.

The RM15 zoning will also provide a transition between the higher residential density of the RM20 zoning on the south side of Sylvan Street, and the established pattern of residential single family/duplex zoning along Shelby Street to the north.

RECENT REZONINGS

None.

**PUBLIC WORKS
RECOMMENDATION**

No Exception Taken.

Typical Uses in Existing Zoning District: R6

| Land Use (ITE Code) | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single-Family Detached (210) | 0.61 | 6.18 | 4 | 39 | 3 | 5 |

Typical Uses in Proposed Zoning District: RM15

| Land Use (ITE Code) | Acres | FAR | Total Number of Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------------------|-------|-----|-----------------------|-----------------------|--------------|--------------|
| Residential Condo/townhome (230) | 0.61 | 15 | 9 | 83 | 8 | 9 |

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 |
|---------------------|-------|----|----|-----------------------|--------------|--------------|
| -- | | | +5 | 44 | 5 | 4 |

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

7 Elementary **4** Middle **3** High

Schools Over/Under Capacity

Students would attend Kirkpatrick Elementary School, Dalewood Middle School, or Stratford High School. All schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated February 2006.



| | |
|-----------------------------|--|
| Project No. | Zone Change 2006Z-046U-05 |
| Council Bill | None |
| Council District | 5 - Murray |
| School District | 5 - Hunt |
| Requested by | Chris Dawson of Red River Investments, applicant for Charles and Jo Evans, owners. |
| Staff Reviewer | Fuller |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

A request to change 0.48 acres from residential single-family (RS5) to mixed use limited (MUL) zoning property at 103 and 105 West Trinity Lane, approximately 120 feet west of Dickerson Pike.

Existing Zoning
RS5 district

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

Proposed Zoning
MUL district

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

EAST NASHVILLE COMMUNITY (SUBAREA 5) PLAN POLICY

Neighborhood Urban

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

Policy Conflict

No. The mixed use limited district implements the Neighborhood Urban policy by allowing for mixed use development that includes both residential and commercial opportunities.

METRO SCHOOL BOARD REPORT

Projected student generation

5 Elementary 2 Middle 1 High

Schools Over/Under Capacity

Students would attend Tom Joy Elementary School, Jere Baxter Middle School, or Maplewood High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is



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based upon data from the school board last updated
December 13, 2005.

RECENT REZONINGS None.

PUBLIC WORKS No exceptions taken
RECOMMENDATION

Typical Uses in Existing Zoning District: RS5

| Land Use (ITE Code) | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single-family detached (210) | 0.48 | 7.42 | 4 | 54 | 13 | 6 |

Typical Uses in Proposed Zoning District: MUL

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------------|-------|-------|------------------|-----------------------|--------------|--------------|
| Specialty Retail Center () | 0.48 | 0.221 | 4,621 | 236 | NA | 33 |

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

| Land Use (ITE Code) | Acres | -- | | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | 0.48 | | | 182 | NA | 27 |

Maximum Uses in Existing Zoning District: RS5

| Land Use (ITE Code) | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single Family Detached (210) | 0.48 | 7.42 | 4 | 54 | 13 | 6 |

Maximum Uses in Proposed Zoning District: MUL

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------|-------|-----|------------------|-----------------------|--------------|--------------|
| Shopping Center (820) | 0.48 | 0.6 | 12,545 | 539 | 13 | 48 |

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

| Land Use (ITE Code) | Acres | -- | | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
| -- | 0.48 | | | 485 | 0 | 42 |



| | |
|-----------------------------|---|
| Project No. | Zone Change 2006Z-047U-10 |
| Council Bill | None |
| Council District | 25 – Shulman |
| School District | 8 – Harkey |
| Requested by | Councilmember Shulman, applicant, for various property owners |
| Staff Reviewer | Swaggart |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

A request to change approximately 16.21 acres from single-family and duplex (R10) to single-family (RS10) zoning various properties located between Lealand Lane and General Bate Drive on Draughon Avenue, Graybar Lane and General Bate 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
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.

**GREENHILLS/MIDTOWN
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

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.



| | |
|-----------------------------|---|
| Project No. | Zone Change 2006Z-048U-05 |
| Council Bill | None |
| Council District | 7 – Cole |
| School District | 5 - Hunt |
| Requested by | Colbert & Winstead PC, applicant, for Ernest W. Colbert and Colemill Enterprises Inc., owner. |
| Staff Reviewer | Pereira |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

Request to change 105.32 acres from agricultural/residential (AR2a) and residential single-family and duplex (R10) to Agricultural (AG) zoning, on five properties located at Airpark Drive (unnumbered) at the Cornelia Fort Airport in East Nashville.

Existing Zoning
AR2a district

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

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
AG district

Agricultural requires a minimum lot size of 5 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 5 acres. The AG district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

EAST NASHVILLE COMMUNITY PLAN POLICY

Impact (I)

I policy areas are intended for areas with existing areas that are dominated by one or more activities that have, or can have, a significant adverse impact on the surrounding area. Appropriate uses include hazardous industrial operations, airports, correctional facilities, and other large institutions that are a safety risk, as well



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as large amusement and entertainment complexes. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Open Space (OS)

Open Space is a general classification encompassing a variety of public, private not-for-profit, and membership-based open space and recreational activities. There are two subcategories of Open Space. The designation OS indicates that the area in question has already been secured for Open Space use. The designation POS indicates that the area in question is intended to be in open space use, but has not yet been secured for that use.

Types of uses intended within OS and POS areas range from active and passive recreational areas, reserves, land trusts and other open spaces to civic uses and public benefit activities deemed by the community to be "open space." OS and POS areas can range from large sites encompassing thousands of acres to small sites that are a fraction of an acre. Large OS and POS areas are elements of the community's structural framework, while smaller OS and POS areas are integral elements of planning neighborhoods. Generally, large OS and POS areas are intended to be low intensity and limited to accessory buildings commonly associated with the principal activity. Smaller "open space" areas, especially those with such uses as schools and recreation centers, may be fairly intensely developed.

Policy Conflict

No. The residential development as permitted within the proposed AG district is the lowest density residential zoning in the county. The site has been given the "Impact" land use policy due to the presence of the Cornelia Fort Airport on parcel 001.01. The applicants have requested the AG zone district for tax purposes, and staff recommends approval because the district will successfully implement the goals of the Impact policy, as the site will remain as it is and continue to serve as a buffer to the adjacent residential area to the west. No site plan has been submitted, as the rezoning represents of reduction in the intensity of permitted development.

RECENT REZONINGS

None.



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PUBLIC WORKS RECOMMENDATION

No Exceptions Taken.

Typical Uses in Existing Zoning District: AR2a

| Land Use (ITE Code) | Acres | Density | Total Number of lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single-Family Detached (210) | 44.78 | 0.5 | 22 | 259 | 25 | 28 |

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) | 60.54 | 3.7 | 224 | 2,184 | 167 | 222 |

Typical Uses in Proposed Zoning District: AG

| Land Use (ITE Code) | Acres | Density | Total Number of lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------|--------|---------|----------------------|-----------------------|--------------|--------------|
| Single-Family detached | 105.32 | 0.2 | 21 | 248 | 25 | 27 |

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 |
|---------------------|--------|----|-----|-----------------------|--------------|--------------|
| | 105.32 | | 225 | -2,195 | -167 | -223 |

METRO SCHOOL BOARD REPORT

Projected student generation

2 Elementary 2 Middle 3 High

Schools Over/Under Capacity

Students would attend Rosebank Elementary School, Litton Middle School, or Stratford High School. All schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated February 2006.



| | |
|-----------------------------|---|
| Project No. | Zone Change 2006Z-051U-08 |
| Council Bill | None |
| Council District | 21 – Whitmore |
| School District | 7 - Kindall |
| Requested by | CRJ 8th Avenue Property LLC, applicant/owner. |
| Staff Reviewer | Pereira |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

Request to change 0.63 acres from office/residential (OR20) to office/residential (OR40) zoning, on property located at 2100 and 2104 Clifton Avenue, along the northwest corner of Clifton Avenue and 21st Avenue North.

Existing Zoning
OR20 district

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning
OR40 district

Office/Residential (OR40) is intended for office and/or multi-family residential units at up to 40 dwelling units per acre.

**NORTH NASHVILLE
COMMUNITY PLAN POLICY**

Structure Plan Category
Neighborhood Urban (NU)

NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

*Watkins Park Detailed Neighborhood
Design Plan Land Use Category*
Mixed Use (MxU)

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



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

Policy Conflict

No. The office/residential development as permitted within the proposed OR40 zoning district is consistent with the MxU in NU policy's intent of allowing mixed, fairly dense, vertically integrated uses. A total of 25 apartment units would be allowed on the property with OR40 zoning, while 12 are allowed currently under OR20 zoning. The applicant has requested the OR40 zoning because the intent is to add a loft to the existing two-story building on the site (which is currently about 22 ft. high), bringing the total height to roughly 34 feet high. OR40 allows a maximum building height at setback line of 45 feet (whereas OR20 allows a maximum height of 30 feet), and is comparable to OR20 in terms of allowable uses.

RECENT REZONINGS

None.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken.

Typical Uses in Existing Zoning District: OR20

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|-------|-------------------|-----------------------|--------------|--------------|
| General Office (710) | 0.63 | 0.271 | 7,436 | 181 | 24 | 88 |

Typical Uses in Proposed Zoning District: OR40

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|-------|-------------------|-----------------------|--------------|--------------|
| General Office (710) | 0.63 | 0.184 | 5,049 | 134 | 18 | 85 |

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

| Land Use (ITE Code) | Acres | -- | | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|--------|-----------------------|--------------|--------------|
| | 0.63 | | -2,387 | -47 | -6 | -3 |



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Maximum Uses in Existing Zoning District: OR20

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|------|-------------------|-----------------------|--------------|--------------|
| General Office (710) | 0.63 | 0.80 | 21,954 | 416 | 56 | 104 |

Maximum Uses in Proposed Zoning District: OR40

| Land Use (ITE Code) | Acres | FAR | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|-----|-------------------|-----------------------|--------------|--------------|
| General Office (710) | 0.63 | 3.0 | 27,000 | 770 | 108 | 115 |

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

| Land Use (ITE Code) | Acres | -- | | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|--------|-----------------------|--------------|--------------|
| -- | | | +5,046 | 354 | 52 | 11 |

METRO SCHOOL BOARD REPORT

Projected student generation

6 Elementary 3 Middle 3 High

Schools Over/Under Capacity

Students would attend Park Avenue Elementary School, Bass Middle School, or Pearl Cohn High School. Park Avenue Elementary has been identified as not having capacity. The fiscal liability for the projected number of elementary students to be generated is \$72,000 (6 X \$12,000 per student).

This information is based upon data from the school board last updated February 2006.



**Project No.
Project Name**

**Zoning Text Change 2006Z-065T
Text Amendment to Allow Building and
Demolition Permits within Historic Zoning
Overlays to be Renewable and Transferable**

**Council Bill
Requested By**

BL2006-980
Councilmembers Dread and Gotto

**Staff Reviewer
Staff Recommendation**

Carlat
Disapprove

APPLICANT REQUEST

**A Council bill to amend the following Sections of
Title 16, Buildings and Construction:**

- 1. Delete Section 16.28.220 (Building Permits. Transferability.) in its entirety and substitute a new section, "Transferability," to allow permits for properties within historic zoning overlay districts to be transferred to another property owner or contractor.**
- 2. Amend Section 16.28.240 (Interpretation – Expiration – Extensions.) to allow building and demolition permits for buildings or structures within historic zoning overlay districts to be renewable.**
- 3. Delete Section 16.28.250, (Supervision required when.) in its entirety and substitute a new section, "Change in contractor-Reissuance of permit-Fees." to state that if renewal of the permit is sought, no new permit is required and that a pro-rata fee will be charged for the permit based on the construction completed.**

**Metro Planning Commission
Jurisdiction**

Although it is unusual for the Metro Planning Commission to provide recommendations on changes to Metropolitan Code of Law outside the chapter on Zoning, this ordinance has been referred to Commission at the recommendation of the Metro Legal Department due to its ramifications on land use.

Transferability of Permits

The bill deletes Section 16.28.220 of Metro Code, (Nontransferability.) in its entirety and substitutes a new section titled "Transferability." The new section maintains the provisions of the old section, prohibiting the transferability of permits between contractors, jobs, sites or locations. However, the new section allows permits issued in historic zoning overlays (Historic Zoning Overlays and Neighborhood Conservation



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Overlays) adopted by Metro Council after passage of BL2006-980 to be transferred from one property owner or contractor to another.

NOTE: The bill was amended at Council on March 21 to clarify that the permits are *not* transferable from one property to another and to clarify that the transferability of permits will only apply in historic zoning overlays adopted by Metro Council *after* the adoption of BL2006-980.

Building Permits – Extensions

The bill amends Section 16.28.240.B (Interpretation – Expiration – Extensions.) to provide separate standards for building permits for properties within historic zoning overlay districts.

The bill would allow property owners within historic zoning overlays to apply for building permits within 90 days of the adoption of the overlay.

Property owners are then allowed to renew the permit, without a renewal application, every six months, with a total of up to six renewals – each of which is a six-month extension. The right to renew the building permit, without a fee, is allowed regardless of whether any construction has occurred per the permit.

Combining the ninety-day window to apply for the building permit and the opportunity for six, six-month renewals, properties within historic zoning overlays adopted after the passage of BL2006-980 could undergo significant construction for up to three years and nine months on the same building, initial permit.

Demolition Permits – Expiration and Extensions

The bill also amends Section 16.28.240C of Metro Code, (Interpretation – Expiration – Extensions), which addresses issuance of demolition permits. It allows property owners within historic zoning overlays to apply for demolition permits within 90 days of the adoption of the overlay.

The demolition permit is then valid for six months and can be renewed up to six times with six-month extensions. The right to renew the demolition permit, without a fee, is allowed regardless of whether work authorized by the permit has begun.



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Combining the ninety-day window to apply for the demolition permit, the validity of the permit for six months, and the ability to renew the permit for up to six, six-month renewals, properties within these historic zoning overlays could be demolished for up to three years and nine months after the adoption of the historic overlay on the initial demolition permit.

Change in contractor

The proposed new section, “Change in contractor – Reissuance of permit – Fees.” states that if a change in contractor occurs for a permit for a property in a historic zoning overlay districts, then no new building or demolition permit is required, but the new contractor must pay a pro rata fee based on construction completed.

NOTE: There appears to be an error in the bill as it was referred to Metro Planning Commission. The bill proposes to delete section 16.28.250 in its entirety and substitute a new section “Change in contractor – Reissuance of permit – Fees.” However, those issues are currently addressed in section **16.28.260**, which has the same title. Staff assumes that the sponsors intended to delete section 16.28.260 in its entirety, and not delete 16.28.250 (titled, “Supervision required when.”)

Staff recommends that, regardless of the action taken by Metro Planning Commission, the Commission should include a condition that the bill be amended to delete and substitute for section 16.28.260, not 16.28.250.

EXISTING LAW

Building Permits

Currently, a building permit is valid for six months. The director of Metro Codes has the option to grant ninety-day extensions if the work authorized by the permit is “sufficiently under way and is being diligently pursued.”

Building permits are not renewable or transferable to a new property owner or contractor. If the contractor on a building project changes, the new contractor must apply for a new building permit and pay pro rata permit fees based on the unfinished construction.



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Demolition Permits

Currently, a demolition permit is valid for 30 days or 60 days if work has commenced at the end of 30 days. The director of Metro Codes may grant extensions.

Demolition permits are not renewable or transferable to a new property owner or contractor. If the contractor on the project changes, the new contractor must apply for new demolition permit and pay pro rata permit fees.

Fees Charged at Change of Contractor

Currently, if the contractor on a project changes, the new contractor must apply for a new permit for the unfinished construction and must pay a pro rata fee based on the work completed. The fee assessed cannot be less than the minimum permit fee. The fee assessments and minimum fee will not change under the proposed bill.

ANALYSIS

BL2006-980 imposes significantly different standards for building and demolition permits in Historic Zoning Overlays and Neighborhood Conservation Overlays adopted by Metro Council after the passage of BL2006-980.

Impact on Historic Overlay Districts

After conversation with one sponsor of the bill, staff understands that the bill was proposed to address the concern that historic overlay districts can cause homeowners to have to change their plans of when and how they will renovate their homes.

The sponsors of the bill introduced the ordinance with the understanding that it would allow property owners in newly-adopted historic overlay districts a window of opportunity to apply for a demolition or building permit that would *not be subject to the approval of Metro Historic Commission or the guidelines of the historic overlay district.*

Metro Council's legal counsel has issued a memo stating that under Tennessee Code Annotated §13-7-407, no building or demolition permit may be issued for property within a historic overlay district unless the historic zoning commission issues a certificate of appropriateness, which would undermine the intended goal of the bill.

Metro Planning staff is awaiting comment from Metro Legal on the issue of whether this bill would allow



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property owners to apply for permits that are not subject to approval of Metro Historic Commission.

Staff acknowledges that when Council applies a historic zoning overlay, it sets additional standards that may not always be convenient for a homeowner to meet in any particular case. The purpose of historic overlay zoning districts, however, is to establish guidelines for demolition and building on all structures within the overlay so as to preserve the historic or neighborhood character of the district.

The success of historic overlay zoning districts, as with all overlay districts, is that *all* of the property owners are subject to the same rules. This facilitates consistency of development that ostensibly improves the overall appearance and value of the neighborhood, as has been the case in several neighborhoods in East Nashville, one of the earliest adopters of historic zoning overlays. Metro Planning staff's analysis of property values in East Nashville demonstrates that, from 1999 to 2005, housing property values for Davidson County rose by 17.3 percent. Meanwhile housing property values in the East Nashville community, which has many historic overlays, rose by 27.7 percent.

The success of historic zoning overlay districts would be undermined if property owners had up to ninety days to apply for a demolition or building permits that were not subject to the regulations of the newly-adopted historic zoning overlay district. Allowing property owners to apply for permits that would not be subject to the historic zoning overlay district would introduce inconsistency into the application of the guidelines of the overlay.

Equity Concerns

The creation of a second set of standards for permits based on the location of the property within a historic zoning overlay district raises equity concerns.

The bill, as presented to Metro Planning Commission, creates disparate standards for building permits for properties in newly-created historic zoning overlay districts. The disparate standards include:

- the ability to transfer permits to a different property owner or contractor,



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- the ability to extend the length of the permit's validity, and
- the ability to change contractors without applying for new building permit.

All of these standards are also provided to demolition permits obtained within ninety days of the adoption of a historic zoning overlay district by Metro Council. Additionally, the initial demolition permit would be valid for six months versus the usual thirty days.

One equity issue that arises is that the ability to automatically renew building and demolition permits. This is a significant departure from current practice. Currently, the director of Metro Codes may allow extensions, but extensions are to be based upon the permit holder's demonstration that work is underway or expenditures have been made to prepare for the work.

While Commissioners may be concerned with the equity of different standards for building and demolition permits depending on whether or not they are located in a historic zoning overlay district, the counsel to Metro Council argued that the different standards would not rise to the level of an equal protection violation. Metro Planning staff will present the opinion of Metro Legal Department at the Commission meeting on April 11.

STAFF RECOMMENDATION

Staff recommends disapproval of BL2006-980. At this time, it appears that the bill would not have its intended effect of allowing property owners a window of opportunity to apply for permits outside of the guidelines of the historic overlay. This had been the primary concern of Metro Planning Department.

The bill still creates a separate set of standards for the issuance and use of building and demolition permits, however, based solely on the location of the property within the historic overlay district, which raises equity concerns with Metro Planning and Metro Codes staff.

Staff also recommends that, regardless of the action taken by Metro Planning Commission, the Commission include a condition that the bill be amended to delete and substitute for section 16.28.260, not 16.28.250.



Project No. Subdivision 2006S-115U-03
(formerly 2004S-070G-03)
Project Name The Trails of Fontanel
Council District 3 - Hughes
School District 3 - Garrett
Requested By Fontanel Properties, LLC, owner/developer and
Advantage Land, surveyor.
Staff Reviewer Fuller
Staff Recommendation *Approve with conditions, including variances for street
design standards and lots in excess of three times the
minimum lot size required by the RS20 zoning.*

APPLICANT REQUEST

Preliminary Plat Request to extend the previous preliminary plat approval for 10 lots of 5/13/2004 for one year, located on the east margin of Whites Creek Pike, approximately 1100 feet north of Lloyd Road, (98.23 acres).

ZONING
RS20 District RS20 district allows single-family lots and requires a minimum lot size of 20,000 square feet.

SUBDIVISION DETAILS

Existing Structures An estate home exists at the rear of the tract and will remain as part of this development.

Floodplain A minimal amount of floodplain is located within one of the lots in this phase; however, the access road for these lots crosses the Whites Creek floodway and floodplain. This access road is already in existence.

Existing Access Road There is an existing access road originally designed to serve the estate at the rear of the property. The access road, including underground utilities and drainage, was designed to fit into the original grade of the valley floor with little or no cut and fill to the sides of the valley. This road is approximately 12 feet wide with shoulders of two feet wide on each side.



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Variances

Lot Sizes (2-4.2 D)

The Subdivision Regulations require that the proposed lot area not exceed three times the minimum lot size required by the RS20 zoning. Exceptions may be made when land proposed for division contains floodplain or land otherwise unsuitable for development. In this case, the land is classified Natural Conservation because it has both topographic constraints and streams crossing the property. The developer's intent is to nestle the new homes with minimal land disturbance. The lot sizes range from 5 to 9 acres, with the estate remaining on a 34-acre lot. Staff recommends approval of this request, as the development proposal is more appropriate for the nature of the land than 20,000 square foot lots would be.

Street Standards (2-6.2.1 K (4) (d))

This request is to reduce the required private roadway section from a pavement width of 20 feet with shoulders of eight feet to a pavement width of 12 feet with shoulders of two feet to allow the existing access drive to function unaltered as the roadway for the proposed lots.

The applicant has noted that there is sufficient flat area to increase the existing road; however, the Stormwater Management Committee has required it to remain in its existing size. Mature trees and vegetation would be lost and the sides of the valley walls would have to be cut into causing scarification and erosion problems if the road were brought up to standards.

The plan deals with the narrow cross section by providing vehicle turn-outs at each driveway to allow for vehicle passing and adequate site distance. Additionally, the development access on Whites Creek Pike will be gated and minimal traffic will be using the drive.

Staff recommends approval of the variance because not granting the variance would create destruction of the environment and loss of the rural fabric that this development is trying to preserve.

PUBLIC WORKS RECOMMENDATION

No exception taken.



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1. It should be noted that the private access to Whites Creek Pike is subject to flood.
2. Adequate site distance is required if existing street cross section is to remain.

STORMWATER RECOMMENDATION

On March 18, 2004, the Stormwater Appeal Board approved a variance request to allow the subdivision without the requirement for additional permanent onsite stormwater quality measures, to allow the disturbance of the blueline stream buffer for driveway crossings and pull-outs, and to allow the detention pond and stream buffers to fall within lots as easements rather than dedicated open space.

1. Obtain approval from TDEC for all blueline stream crossings prior to issuance of a Grading Permit from Metro Water Services.
2. Provide a permanent gravel or paved access drive (10' wide minimum) to the detention pond for inspection and maintenance. Provide rights of ingress and egress to Metro Water Services.
3. Note all stream buffers on the subdivision plat as Undisturbed Stream Buffer.
4. The Undisturbed Stream Buffer areas shall be clearly defined, and Subdivision Plat referenced in the Restrictive Covenants. Provide copy of recorded Restrictive Covenants to Metro Water Services, Stormwater Division prior to obtaining plan approval.
5. Size all driveway culverts and provide calculations to Metro Water Services, Stormwater Division for approval prior to plat approval. Include driveway culvert sizes on the plat.
6. Only one driveway with pull-over per lot is allowed if a stream crossing is required to access said lot. Keep disturbance of the stream buffer to the minimum necessary to construct the driveway crossing and pull-over.



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CONDITIONS

1. All areas in the floodplain or floodway designated undisturbed must be fenced off prior to the issuance of any grading permits.
2. The elevation of the existing bridge and the elevation of the floodplain shall be clearly marked on the preliminary plat and future final plats.
3. All conditions of the Stormwater Appeal Board will be complied with in conjunction with approvals of the preliminary plat and final plat.
4. A joint access and maintenance agreement for the private road will be recorded in conjunction with the final plat.



| | |
|------------------------------|---|
| Project No. | Subdivision 2006S-122U-13 |
| Project Name | Reeves Ridge Subdivision |
| Council District | 28 – Alexander |
| School Board District | 6 - Awipi |
| Requested By | T.K. Jones, Jr., and Wendall Williams, owners, Dale & Associates, surveyor. |
| Staff Reviewer | Harris |
| Staff Recommendation | <i>Approve with conditions</i> |

APPLICANT REQUEST

| | |
|-------------------------|--|
| Preliminary Plat | Request to subdivide 5.5 acres into 17 cluster single-family lots located on Payne Road, approximately 630 feet south of Reeves Road. |
|-------------------------|--|

ZONING

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

SUBDIVISION DETAILS

There are 17 cluster lots proposed for single-family lots ranging in size from 6,120 square feet to 24,600 square feet. These lots are proposed off of an existing stub street ending with a permanent cul-de-sac. A street connection is not proposed to Payne Road due to steep topography.

A 20-foot landscape buffer yard is proposed along the northern and eastern boundary of the property due to the clustering of lots. There is 26.2% of open space proposed.

Sidewalks are proposed on each side of the proposed street.

STORMWATER RECOMMENDATION

Approved except as noted.

1. Add the subdivision number to the plat, i.e. 2006S-122U-13.
2. Label the pond, as "Water Quality/Detention Pond."



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PUBLIC WORKS RECOMMENDATION

Exception Taken.

1. Any approval is subject to Public Works approval of construction plans. Final design and improvements may vary based on field conditions.
2. Document adequate site distance at project access. Indicate the amount of sight distance at the project entrance, and if adequate site distance per AASHTO for the posted speed limit on Reeves Road is provided, prior to preparation of construction plans.

CONDITIONS

1. All Public Works and Stormwater comments/conditions shall be addressed prior to final plat approval.
2. The base zoning note on page C0.0 should be changed to R8 rather than RS20.
3. The critical lot note can be removed since there are no proposed critical lots.



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

Subdivision 2006S-105U-10
Sharondale Heights, Resubdivision of lot 1
 25 - Shulman
 8 - Harkey
 Golf Club Partners, owner, E. Roberts Alley & Associates, surveyor

Staff Reviewer
Staff Recommendation

Pereira
Disapprove the subdivision and the requested sidewalk variance.

APPLICANT REQUEST

Final Plat

Request to create two lots from one lot on 0.52 acres, located between White Oak Drive and Wellesley Trace, with a sidewalk variance along Wellesley Trace, approximately 352 feet north of Golf Club Lane (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

Sidewalk variance

This subdivision proposes the creation of two lots from Lot 1 of the Sharondale Heights subdivision where Lot 1 faces Wellesley Trace, and Lot 2 faces White Oak Drive. There is an existing duplex on the proposed lot 1, and a single-family house on the proposed lot 2.

This property falls within the Urban Services District, and development rights for one new dwelling unit will be created with this subdivision. A sidewalk is required to be constructed along the frontage of lot 1 on Wellesley Trace (the proposed lot 2 has an existing single family home on it, proposed to remain). Because there is no existing sidewalk on streets in the immediate vicinity, an alternative to the required sidewalk would be a contribution to the sidewalk fund, accepted in lieu of actually constructing the required sidewalk. The applicant has not shown the required sidewalk along Wellesley Trace on the plat, and has instead requested a variance from constructing this sidewalk.

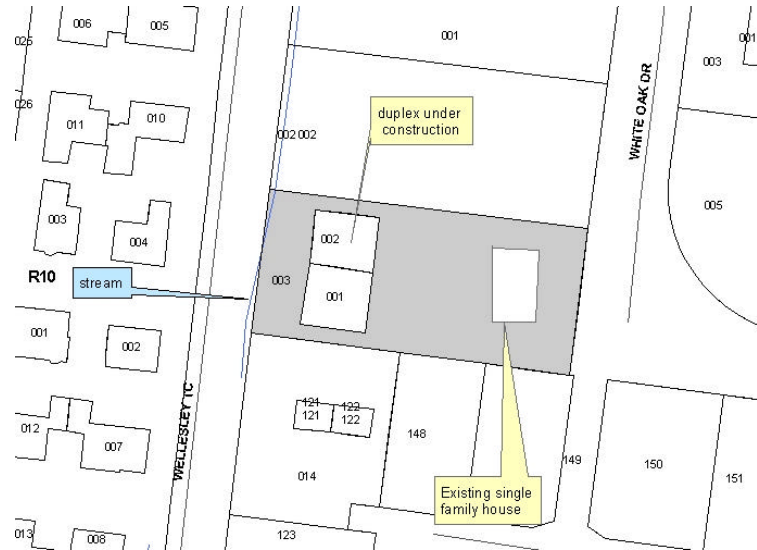
In the variance request, the applicant cites a “creek at the entrance of Wellesley Trace”, and a “falloff” of topography as a hardship that would make the sidewalk unable to be built “at any price.” Metro maps *do* show



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the presence of a stream parallel to the frontage of proposed lot 1, near Wellesley Trace, and in a sidewalk constructability report Public Works has stated that sidewalk construction at the southwest property corner

“may impact the ditch/stream to approximately thirty feet north of the southwest property corner. Stream realignment/culvert may be required.”



If the Commission approves the requested subdivision, staff *does* recommend approval of the sidewalk variance along Wellesley Trace, given the presence of a stream along the frontage of proposed Lot 1 as well as the existence of two water meters located 30 feet north of the southwest property corner.

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.

Two lot comparability analyses were performed, given that the proposed Lot 1 fronts on Wellesley Trace and the proposed Lot 2 fronts on White Oak Drive. The lot comparability analysis yielded the following information:



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Lot Comparability Analysis

Requirements:

| | Minimum lot size (sq.ft): | Minimum lot frontage (linear ft.): |
|-----------------|---------------------------|------------------------------------|
| street: | | |
| White Oak Drive | 17,587.0 | 88.0 |
| Wellesley Trace | 15,020.0 | 99.0 |

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

- Lot 1: 12,287 Sq. Ft., (0.28 Acres), and 99.3 ft. of frontage on Wellesley Trace.
- Lot 2: 10,425 Sq. Ft., (0.24 Acres), and 102 ft. of frontage on White Oak Drive.

Both **Lots 1** and **2** fail for minimum lot areas but pass the minimum lot frontages.

Exception to lot comparability

A lot comparability exception can be granted if a proposed 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 when the required criteria are met.

Both lots fail the minimum lot size by approximately 5,000 square feet. The proposed lots also do not meet any of the qualifying criteria of the exception to lot comparability.

Agreement with the Metro Codes Department

The Commission should note that in a letter addressed to the Codes Department, dated July 11, 2005, the applicant asserted his understanding that the Codes Department would not issue a Final Use and Occupancy permit for the duplex at 2855 and 2857 Wellesley Trace (proposed lot 1) until the house at 2821 White Oak Drive (proposed lot 2) had been removed *or* the lot had been subdivided into two lots. The Planning Department staff normally requires any existing buildings to be shown on plats, with a corresponding note that indicates either that the building will remain or be demolished. The plat does not contain a note that



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indicates that the house at 2821 White Oak Drive (proposed lot 2) will be demolished, as the applicant has opted to subdivide instead. If not subdivided, staff recommends the demolition of the existing house at 2821 White Oak Drive, in accordance with the applicant's agreement with the Codes Department.

If approved, prior to final recordation, the plat must be revised to modify the purpose note to read "The purpose of this plat is to subdivide lot 1 of Sharondale Heights into Lot 1 (for a duplex or single family use), and lot 2 (for a single family house only).

STAFF RECOMMENDATION

Staff recommends disapproval of this subdivision, based on the failure of the proposed lots to meet lot comparability. If disapproved, staff also recommends the demolition of the existing house at 2821 White Oak Drive, as per the applicant's agreement with the Codes Department. If this house were to remain there would be three units on one lot, which would be a violation of the zoning.

If the subdivision is approved, staff recommends that the approval be accompanied by the conditions as outlined below, along with the approval of a sidewalk variance along Wellesley Trace.

PUBLIC WORKS RECOMMENDATION

1. No Exceptions Taken.
2. Show and dimension right of way along Wellesley Trace and White Oak Drive.

STORMWATER RECOMMENDATION

Returned for Corrections on 2/16/06.

If approved, the following conditions must be addressed prior to recording:

1. Add the subdivision number, i.e., 2006S-105U-10, to the plat.
2. Correct the FEMA plat note. Specifically, delete the word, 'Floor' and replace with, "Flood." The alphanumeric string, '47037C' is not the community number for Davidson County. Consequently, delete the phrase, 'Program Community' and replace with, "Rate Map."
3. The plat cited in plat note #11 is ostensibly non-existent. Cite the correct Plat Book, and Page numbers.
4. Add the standard Access Note.



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5. Add the standard Culvert/Driveway Note.
6. Add the standard Buffer Note.
7. Change the P.U.E. label to a P.U. & D.E. label
8. Show and label a drainage easement for the stream present on the western portion of the platted property. Size the public drainage easement in accordance with Table 6-1 of Volume 1 of the Stormwater Management Manual.
9. Show and label a buffer for the stream, as shown on the approved grading plans. The buffer is 25' from top of bank or 30' from channel centerline, whichever affords the greatest buffer width. See markup.
10. Cite the appeal numbers, i.e., 2005-025, and 2005-041.

CONDITIONS (If approved)

1. If approved, then prior to final plat recordation, the plat must be revised to label the existing buildings on the plat, indicating whether they are to remain or be demolished.
2. If approved, then prior to final plat recordation, the plat must be revised to modify the purpose note to read "The purpose of this plat is to subdivide lot 1 of Sharondale Heights into Lot 1 (for a duplex or single family use), and lot 2 (for single family purposes only).
3. If approved, then prior to final plat recordation, the master deed on the property must be rescinded to remove the horizontal property regime.
4. If approved, then prior to final plat recordation, all Stormwater conditions above must be complied with on the plat.



Project No.
Project Name
Council District
School District
Requested By

Subdivision 2006S-114G-06
Hows Subdivision
35 - Tygard
9 - Warden
Hart Freeland & Roberts, surveyor for Action
Construction of Tennessee, owner.

Staff Reviewer
Staff Recommendation

Fuller
*Approve with conditions, including a variance for lot
depth to width ratio.*

APPLICANT REQUEST

Final Plat

**A request for final plat approval to create four lots
on 5.62 acres located at Charlotte Pike
(unnumbered), approximately 390 feet east of Quail
Creek Road.**

ZONING
R40 District

R40 district 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

Variances
Lot Width (2-4.2 E)

The Subdivision Regulations require that the proposed
lot width at the front yard line shall not be less than
25% of the average lot depth. The four lots in this
subdivision are 4-6 feet longer than a strict
interpretation of the regulation allows. The applicant
contends that because the back third of the property is a
steep slope and is not able to be development it should
not count against them. The applicant also has stated
that they do not wish to lose a lot because the width of
three lots would not match the adjoining properties that
are developed in the same character. The applicant has
stated that since the proposed lots are similar in
character to the existing lots, there will be no negative
effects from approving this subdivision.

Details
Access

Charlotte Pike is a classified as an arterial roadway and
the Section 2-4.3 of the Subdivision Regulations
requires that new lots fronting on arterial streets be



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served by combined driveways. The plat currently shows a driveway curb cut for each lot and will need to be revised before the plat can be recorded.

Staff Recommendation

Lot comparability was not conducted because there is not an established development pattern in this location. The land use policy is Residential Low Medium (2-4 dwelling units per acre) along the front of the property where the homes are to be located and Natural Conservation along the rear of the property where the property will not be developed. The policy is being implemented appropriately through this subdivision. Staff recommends approval of the subdivision and the requested lot width variance.

PUBLIC WORKS RECOMMENDATION

No exception taken.

STORMWATER RECOMMENDATION

Approve except as noted. Prior to the recording of the final plat the following comments must be addressed:

1. Add the subdivision numbers 2006S-114G-06
2. The surveyor needs to sign and date the plat.
3. Correct the FEMA note (plat note #5). The publication date of the FEMA map is April 20, 2001.

CONDITIONS

1. The following items shall be addressed prior to the recording of the final plat:

- Add the subdivision numbers 2006S-114G-06
- The surveyor needs to sign and date the plat.
- Correct the FEMA note (plat note #5). The publication date of the FEMA map is April 20, 2001.
- Add the new parcel numbers to the plat
 - Lot 1 – Parcel 302
 - Lot 2 – Parcel 303
 - Lot 3 – Parcel 304
 - Lot 4 – Parcel 305
- Lots 1 and 2 shall have a shared driveway and lots 3 and 4 shall have a shared driveway. This change shall be reflected on the plat.



| | |
|-----------------------------|---|
| Project No. | Subdivision 2006S-118U-10 |
| Project Name | Glen Echo, Resub of Lot 18 |
| Associated Cases | None |
| Council District | 25 – Shulman |
| School District | 8 – Harkey |
| Requested By | Murry Wall, applicant for George T. Moore et ux, property owners |
| Staff Reviewer | Swaggart |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

| | |
|-------------------------------|--|
| Final Plat | A request for final plat approval to create two lots located at 1740 Hillmont Drive, approximately 850 feet north of Glen Echo Drive (.82 acres) zoned R10. |
| Zoning R10 district | <u>R10</u> 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. |

SUBDIVISION DETAILS

As proposed two new lots will be created out of one parcel. The lots will have approximately the following area and frontage:

1. 18,604 sq. ft. (.43 acres), 100 ft.
2. 16,784 sq. ft. (.39 acres), 100 ft.

| | |
|-------------------|--|
| 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 by the Commission 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 is not required to grant the exception if they do not feel it is appropriate. |
|-------------------|--|

The lot comparability analysis yielded a minimum lot area of 29,157 sq. ft., and a minimum lot frontage of 79.38 linear feet. **Both lots pass for frontage but neither passes for area.**

| | |
|--------------------------------|--|
| Exception to lot comparability | A lot comparability exception can be granted if a proposed lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would |
|--------------------------------|--|



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be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception when the required criteria are met.

STAFF RECOMMENDATION

While the proposed lots do not pass comparability analysis, staff recommends approval of an exception to the comparability requirements because the subdivision is located within a half mile radius of the Green Hills Regional Activity Center (located to the west). The location within one half mile of a Regional Activity Center is a factor the Commission may consider to determine whether proposed lots would be consistent with the General Plan.

In addition, a precedent has been set by the approval of two previous subdivisions with similarly sized lots on Hillmont Drive. Subdivision 2004S-161U-10 was approved in July 2004 and 2005S-205U-10 was approved in July 2005. Both plats approved subdividing a single lot into two lots although the new lots did not pass comparability. An exception to comparability was approved for both cases and the plat was limited to single family homes on each of the newly created lots. As with the previous applications, both lots will be limited to single family dwellings, which applicants have agreed.

STORMWATER RECOMMENDATION

No Exceptions Taken

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

CONDITION

Both lots are limited to single-family residences only.



| | |
|------------------------------|--|
| Project No. | Subdivision 2006S-120U-07 |
| Project Name | Roger's Subdivision |
| Council District | 24 - Summers |
| School Board District | 9 - Warden |
| Requested By | Justin W. Rogers and Renee B. Leymon, owners, John Kohl & Co., surveyor. |
| Staff Reviewer | Pereira |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

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|-------------------|--|
| Final Plat | Request to create two lots from one lot on 0.33 acres, located at 3727 Nevada Avenue, southeast corner of Nevada Avenue and 38th Avenue North (classified within the RS5 district). |
|-------------------|--|

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|---------------|---|
| ZONING | |
| RS5 district | <u>RS5</u> requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. |

SUBDIVISION DETAILS

This subdivision proposes the creation of two lots from one lot within the Charlotte Park 2nd addition subdivision, lot 1 on the corner of 38th Avenue North and Nevada Avenue, and lot 2 facing Nevada Avenue. There is an existing residence on the proposed lot 1, which is to remain, and lot 2 is proposed for single family purposes.

| | |
|-------------------|--|
| Sidewalk variance | This property falls within the Urban Services District, and development rights for one new dwelling unit will be created with this subdivision. Normally a sidewalk would be required to be constructed along the frontage of either lot 1 on Nevada Avenue and 38 th Avenue North, or along the frontage of lot 2 on Nevada Avenue. Because there is existing sidewalk on both streets, no new sidewalk is required. |
|-------------------|--|

| | |
|-------------------|---|
| 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. Two lot comparability analyses were performed because the proposed lot 1 has frontage on Nevada Avenue and 38 th Avenue N., while proposed lot 2 fronts on Nevada Avenue. The lot comparability analysis yielded the following information: |
|-------------------|---|



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Lot Comparability Analysis

| street: | Requirements: | |
|----------------|---------------------------|------------------------------------|
| | Minimum lot size (sq.ft): | Minimum lot frontage (linear ft.): |
| Nevada Avenue | 8,902.0 | 61.7 |
| 38th Avenue N. | 5,740.0 | 95.1 |

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

- Lot 1: 7, 795 Sq. Ft., (0.18 Acres), with 56.63 ft. of frontage on Nevada Avenue, and 150.4 ft. of frontage on 38th Avenue North.
- Lot 2: 6,443 Sq. Ft., (0.15 Acres), and 50 ft. of frontage on Nevada Avenue.

Both **Lots 1** and **2** fail for minimum lot area and minimum lot frontage requirements for Nevada Avenue, while lot 1 passes minimum lot area and minimum lot frontage requirements for 38th Avenue North.

Exception to lot comparability

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.

Though both lots fail the lot comparability for Nevada Avenue (the street upon which both lots will have a front façade), the proposed lots do meet **two** of the qualifying criteria of the exception to lot comparability. The proposed density of this plat is two single family homes on 0.33 acres, or 2 units/0.33 ~ 6 units per acre, which clearly falls in the middle of the range of residential density of 4-9 homes/acre as called for in the Residential Medium land use policy. Second, the proposed subdivision is less than a quarter mile of a land use policy that is Mixed Use, Office, or Commercial. The property is 979 feet from an area that is designated with Commercial land use policy.



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STAFF RECOMMENDATION

Staff recommends approval of this subdivision, based on two of the qualifying criteria for the lot comparability exception.

PUBLIC WORKS RECOMMENDATION

1. No Exceptions Taken.
-

STORMWATER RECOMMENDATION

Approved Except as Noted:

1. Add the subdivision number, i.e., 2006S-120U-07, to the plat.
 2. Correct the FEMA plat note. Specifically, the FEMA note cites an incorrect panel number. Change "0213" to "0214."
 3. Add the surveyor stamp, and sign, and date.
-

CONDITIONS

1. Prior to any final plat recordation, the plat must be revised to add the following parcel numbers:
 - Lot 1 = parcel 482
 - Lot 2 = parcel 483



| | |
|-----------------------------|---|
| Project No. | Subdivision 2006S-127U-10 |
| Project Name | Henry Compton Lands |
| Associated Cases | None |
| Council District | 34 – Williams |
| School District | 08 – Harkey |
| Requested By | Cambell McRae and Associates, applicant for Robert S. Baldwin, owner. |
| Staff Reviewer | Swaggart |
| Staff Recommendation | <i>Disapprove</i> |

APPLICANT REQUEST

| | |
|-------------------|--|
| Final Plat | A request for final plat approval to create three lots located at 3700 Estes Road, including a variance from sidewalk requirements (1.56 acres) zoned R20. |
| Zoning | |
| R20 district | <u>R20</u> 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. |

SUBDIVISION DETAILS

As proposed three new lots will be created out of one parcel. The lots will have approximately the following area and frontage:

1. 22,199 sq. ft. (.51 acres), 113 ft.
2. 22,013 sq. ft. (.51 acres), 103 ft.
3. 21,883 sq. ft. (.50 acres), 102 ft.

| | |
|--------------------------|--|
| 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 by the Commission 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 is not required to grant the exception if they do not feel it is appropriate. |
|--------------------------|--|

The lot comparability analysis yielded a minimum lot area of 15,355 sq. ft., and a minimum lot frontage of 97.46 linear feet. Both lots pass for area and frontage.

| | |
|------------------|---|
| Sidewalks | The request is within the Urban Services District and a sidewalk is required along the property frontage on |
|------------------|---|



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Estes. The subdivision regulations require that the sidewalk be constructed, or that the applicants pay into the sidewalk improvement fund, or apply for a variance.

Sidewalk Variance

The applicants have requested a variance from Section 2-6.1 of the Subdivision Regulations that requires sidewalks. For a variance to be granted a particular physical surrounding, shape or topographical condition must exist that is unique to the property in question, and that would create a hardship, if the strict letter of the sidewalk requirement was enforced.

The property is approximately three to four feet below Estes, and would require a significant amount of fill if a sidewalk was to be constructed at the same elevation as Estes. Because of the amount of flood plain on the property, any fill along Estes is not encouraged by planning staff. Staff recommends that a variance to the sidewalk requirement be approved.

Environmental Issues

A majority of the property is covered by floodway and flood plain. According to Metro GIS, the elevation of each lot is approximately 490 feet. The minimum building elevation is 497.3 feet, and will require fill for an elevated slab, or other design to bring the first floor to the required elevation.

One of the applicant's arguments for a sidewalk variance is the negative impact that any fill associated with the construction of the sidewalk could have on the flood plain. Staff agrees with this argument but also notes that any fill associated with the construction of additional homes will have the same negative impact.

Setbacks

Established setbacks along the east side of Estes are deep. As proposed, any new residence on lot one would be well in front of the established setbacks and would be out of character with the existing street. Staff recommends that setbacks along Estes should be consistent with existing setbacks along the east side of that road.

Frontage/Access

The subdivision regulations ordinarily require new lots to have frontage along a public street (Section 2-4.2.A). Private streets are allowed only in Planned Unit Developments or in areas with Natural Conservation Policy (Section 2-6.2.1.K). This request is not within a



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PUD or within a Natural Conservation Policy area so a variance from the required frontage along a public street is required. Even if a variance were approved by the Commission, because access is proposed along an existing private drive, the applicants must furnish documentation demonstrating that they can legally access the private drive.

The applicants were informed that a variance was needed, but no variance application has been submitted. Documentation demonstrating the ability to legally access the private drive also has not been submitted.

STAFF RECOMMENDATION

Staff recommends that the request for three lots be disapproved due to environmental, setback, frontage, and access issues.

STORMWATER RECOMMENDATION

1. Add the standard Metro Stormwater Access Note.
2. The drainage easement for the ditch traversing lot 1, and a small portion of lot 2 should be extended. Specifically, the drainage easement should originate from the 20' PUDE on Lot 1 and terminate at the Sugartree creek drainage easement portion on lot 2.

PUBLIC WORKS RECOMMENDATION

1. Dedicate ROW along Estes Road a minimum of 25 feet from roadway centerline.
2. Construction plans for sidewalk (if required) along Estes must be approved by Public Works.
3. No access will be allowed onto Estes.

CONDITIONS (If approved)

Comply with Stormwater and Public Works conditions listed above.



| | |
|-----------------------------|--|
| Project No. | Planned Unit Development 64-85-P-05 |
| Project Name | Greenfield Plaza Kroger |
| Associated Case | None |
| Council Bill | None |
| Council District | 8 – Hart |
| School District | 5 – Hunt |
| Requested By | Kroger Company, applicant for Walter Johnson, and Kroger Company, owners |
| Staff Reviewer | Swaggart |
| Staff Recommendation | <i>Approve with conditions</i> |

APPLICANT REQUEST

| | |
|-----------|--|
| Amend PUD | A request to amend a commercial Planned Unit Development located at 3400 and 3410 Gallatin Pike classified CL (5.37 acres) to permit additional property (.37 acres) to be included within the PUD boundary (total 5.74 acres), and to permit a new fuel center with 5 pumps and service kiosk. |
|-----------|--|

PLAN DETAILS

| | |
|--------|--|
| | As proposed the plan calls for the addition of a fuel center to be located at the northeast corner of Gallatin Pike and Shelton Avenue. A majority of the proposed fuel center will be on property that is not currently within the existing PUD overlay, and will be added if this request is approved. |
| | As proposed the fuel center will have five pumps and a small kiosk. |
| Access | No new access points along Gallatin Pike or Shelton Avenue are proposed and the proposed fuel center will be accessed from within the existing Kroger parking lot. |

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STORMWATER RECOMMENDATION

1. Add 78-840 note: (Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance no. 78-840 and approved by The Metropolitan Department of Water Services.)



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2. Add Preliminary note: (This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)

CONDITIONS

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. 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.
5. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit



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applications will not be forwarded to the Department of Codes Administration until four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.



| | |
|-----------------------------|---|
| Project No. | Planned Unit Development 2006P-005U-05 |
| Project Name | Chapel Bistro PUD |
| Associated Case | None |
| Council Bill | None |
| Council District | 6 – Jameson |
| School District | 5 – Hunt |
| Requested By | Creative Restaurant Group, LLC, applicant for Chapel Street Properties, owner |
| | |
| Staff Reviewer | Swaggart |
| Staff Recommendation | <i>Approve with conditions</i> |

APPLICANT REQUEST

Preliminary PUD

A request for preliminary approval for a commercial Planned Unit Development, located at 701 Chapel Avenue, zoned CN (.14 acres) to permit an existing restaurant an exemption from the minimum distance requirements included in the beer provisions of the Metro Code.

Reason for Request

Per Metro Ordinance BL2003-1353, restaurants/bars that have obtained a license from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption will be exempt from the minimum distance requirements for the issuance of beer permits if a commercial PUD is established over the subject property.

Existing Zoning

CN District

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

PLAN DETAILS

The plans shows the existing restaurant with outdoor patio located on the northwest corner of Eastland Avenue and Chapel Avenue.

**PUBLIC WORKS
RECOMMENDATION**

No Exceptions Taken

**STORMWATER
RECOMMENDATION**

No Exceptions Taken



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CONDITIONS

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. 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.
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 copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.



Project No. Subdivision 2003S-303G-13
Project Name Tillman Subdivision
Council District 33 – Briley
School District 6 – Awipi
Requested By MEC, Inc., applicant, for Global Development, Inc.,
owner

Staff Reviewer Swaggart

APPLICANT REQUEST

Applicants are requesting a variance from Section 3-3.5 (below), which stipulates the effective period for preliminary plat approval. According to Section 3-3.5 the preliminary plat is effective for two years, but may be extended by the Planning Commission prior to its expiration, if and when the Commission finds that significant progress has been made in developing the subdivision.

The preliminary plat for this subdivision was **approved on 12/11/03** and **expired on 12/11/05**. The applicants did not request that the preliminary plat be extended prior to its expiration. The applicants have submitted a letter indicating progress that has been made in developing the subdivision, which is attached at the end of this report.

There is no provision in the Metro Subdivision Regulations that permits an applicant to extend or “revive” a preliminary plat after it has expired, so the applicant is requesting that the Commission waive the requirements of Section 3-3.5.

**APPLICABLE SUBDIVISION
REGULATION**

3-3.5 Effective Period of Preliminary Approval –

“The approval of a preliminary plat shall be effective for a period of two (2) years. Prior to the expiration of the preliminary approval, such plat approval may be extended for one (1) additional year upon request and if the Planning Commission deems such appropriate based upon progress made in developing the subdivision. For the purpose of this section, progress shall mean installation of sufficient streets, water mains, and sewer mains and associated facilities to serve a minimum of ten percent (10%) of the lots proposed within the subdivision.



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Any subdivision having received preliminary approval, a section or phase of which has received final approval and has been recorded within the period of preliminary approval affectivity, will not be subject to preliminary expiration (see 3-6). Should preliminary approval expire for any reason, any submittal for Planning Commission reapproval shall be subject to current Zoning Regulations and Subdivision Regulations in force at that time.”



Project No. Subdivision 2003S-036G-14
Project Name Tulip Grove Pointe
Council District 12 – Gotto
School District 4 – Nevill
Requested By MEC, Inc., applicant, for Universal Builders, owner
Staff Reviewer Swaggart

APPLICANT REQUEST

Applicants are requesting a variance from Section 3-3.5 (below), which stipulates the effective period for preliminary plat approval. According to Section 3-3.5 the preliminary plat is effective for two years, but may be extended by the Planning Commission prior to its expiration, if and when the Commission finds that significant progress has been made in developing the subdivision.

The preliminary plat for this subdivision was **approved on 5/22/03** and **expired on 5/22/05**. The applicants did not request that the preliminary plat be extended prior to its expiration. The applicants have submitted a letter indicating progress that has been made in developing the subdivision, which is attached at the end of this report.

There is no provision in the Metro Subdivision Regulations that permits an applicant to extend or “revive” a preliminary plat after it has expired, so the applicant is requesting that the Commission waive the requirements of Section 3-3.5.

**APPLICABLE SUBDIVISION
REGULATION**

3-3.5 Effective Period of Preliminary Approval –

“The approval of a preliminary plat shall be effective for a period of two (2) years. Prior to the expiration of the preliminary approval, such plat approval may be extended for one (1) additional year upon request and if the Planning Commission deems such appropriate based upon progress made in developing the subdivision. For the purpose of this section, progress shall mean installation of sufficient streets, water mains, and sewer mains and associated facilities to serve a minimum of ten percent (10%) of the lots proposed within the subdivision.



Metro Planning Commission Meeting of 4/11/06

Any subdivision having received preliminary approval, a section or phase of which has received final approval and has been recorded within the period of preliminary approval affectivity, will not be subject to preliminary expiration (see 3-6). Should preliminary approval expire for any reason, any submittal for Planning Commission reapproval shall be subject to current Zoning Regulations and Subdivision Regulations in force at that time.”