



Request

Associated Cases

Council Bill

Council Districts

School District

Requested by

Staff Reviewer

Staff Recommendation

Request to Amend the Antioch-Priest Lake Community Plan: 2003 Update

2006TP-03-13

None

32-Coleman and 33-Briley

6-Awipi

Stevens Group and Metropolitan Planning Department

Wood

Approve

APPLICANT REQUEST

A request to amend the Antioch-Priest Lake Community Plan: 2003 Update to go from Corridor Edge, Neighborhood Center, and Community Center policies to Corridor Edge, Neighborhood General, Neighborhood Center, and Community Center policies with a Special Policy overlay for approximately 322 acres for property located along Hobson Pike and Hamilton Church Road, requested by the Stevens Group and the Metropolitan Planning Department.

PUBLIC PARTICIPATION

Staff held a community meeting on April 20, 2006 which was attended by approximately 10 people. Most of the people present at the meeting expressed agreement with the amendment and interest in future detailed neighborhood design planning for the area.

Land Use Policies

For all of the below policy categories, an Urban Design, Planned Unit Development overlay district, or site plan should accompany proposals or they should be in the form of a Specific Plan District, to assure appropriate design and that the type of development conforms with the intent of the policy.

Corridor Edge (CE)

CE policy is intended to respect and preserve a scenic, residential and quasi-rural corridor. Typical uses within CE areas are agricultural, large-lot residential, churches and schools, and open spaces or greenways. CE expressly forbids commercial development to avoid commercial “stripping” of the corridor or other disruptions in the scenic character.

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.



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Corridor General (CG)

Corridor General is the Structure Plan classification for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. Corridor General areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached, or two-family houses; but multi-family development might work best on such busy corridors. Apartments, with the exception of smaller buildings with few units, are typically out of scale with lower density residential development, requiring larger lots. Multi-family housing should be located where better access and parking can be accommodated. Larger public benefit uses, such as large churches and schools, are more appropriately located at edges of the neighborhood along these corridors to ensure access and space requirements are achieved. All CG areas are intended to be integral elements of planning neighborhoods.

Neighborhood Center (NC)

NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses.

Community Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

ANALYSIS

Staff recommends approval of the proposed amendment as follows, along with the initiation of a Detailed Neighborhood Design Plan process for the area as a follow-up activity. The proposed land use policy arrangement and Special Policy Area/future Detailed



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Neighborhood Design Plan area are shown on the accompanying graphics.

During the community plan update process that took place during 2002 and 2003, a decision was made to place Corridor Edge policy along Hobson Pike, a planned Scenic Arterial, in hopes of preserving some vestiges of the fast-growing area's rural character along the corridor. This was done despite the fact that around that same time, Council rezoned property at the intersection of Hamilton Church Road from agricultural to CS Commercial Services at the northwest corner. The Planning Commission had recommended against this rezoning. The property at the northeast corner was rezoned from CN to MUL in 2002. It was hoped at the time that the two Neighborhood Centers called for in the community plan that are located to the east and west of the intersection would begin to be utilized instead. This has not happened. Instead the zoning at the intersection is being utilized and there is interest in adding more mixed use and commercial zoning, particularly for retail development. The applicant who has initiated this plan amendment is interested in developing a small shopping center in the southwest quadrant of the intersection.

This utilization of the existing commercial and mixed use zoning and pressure to add more casts doubt on the ability of the current policy arrangement to be sustained. Staff has examined area conditions and determined that it is advisable to recognize the inevitable role of the intersection of Hobson Pike and Hamilton Church Road as a fairly large concentration of retail and other services for adjacent neighborhoods in the community plan. Changing the policy to Community Center at this intersection necessitates removal of the two Neighborhood Centers planned on Hamilton Church Road just east and west of Hobson Pike, since there will not be adequate market support for them in such close proximity to a Community Center. In addition, the planned Community Center farther north on Hobson Pike at Smith Springs Parkway is recommended to be scaled back to a Neighborhood Center that applies only to the approved Commercial Planned Unit Development on the north side.

Staff also believe that given the persistent level of development activity in the immediate area and the



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increase in activity along Hobson Pike that would occur through changing the policy at the Hobson/Hamilton Church intersection to Community Center, the Corridor Edge policy in place along Hobson Pike should be reconsidered. This low density policy will be surrounded on all sides by higher intensity urbanizing development. A pattern of higher intensity zoning than that called for by Corridor Edge policy has already begun to emerge along Hobson Pike as subdivisions develop with access to the corridor. Staff doubt that the low density policy can survive the pressure of market forces along this busy arterial and recommend that it be replaced with a mix of Neighborhood General and Corridor General policies.

Hobson Pike remains an important scenic corridor, even though it may not retain a rural character and the arterial may not remain under an S4 Scenic 4-lane arterial classification (see 2006TP-03-13 on this agenda). The corridor is largely undeveloped, has few environmental constraints to limit the flexibility of development, and has substantial tree cover that if adequately preserved will continue to be a significant amenity for the area. It therefore has a high degree of potential to be developed in a coordinated and attractive manner if appropriate design guidance is applied. Staff believe that this corridor merits a Detailed Neighborhood Design Plan or Urban Design Overlay as a follow-up activity to this plan amendment. During the interim, the following Special Policy is recommended to guide development in this area.

Special Policy Area 1

This Special Policy applies to the Hobson Pike corridor between Murfreesboro Pike and Ole Nottingham Drive. The purpose of this Special Policy is to provide guidance, particularly with reference to design, that will aid in developing this corridor into a distinctive, attractive, livable environment that takes advantage of existing natural features and successfully accommodates vehicular, pedestrian, and bicycle circulation. It is also the intent of this Special Policy to manage access along the corridor to preserve its transportation function while accommodating a diverse range of uses along it. This Special Policy is intended to be replaced by a future Detailed Neighborhood Design Plan or Urban Design



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Overlay for the area that will incorporate and further specify the guidance provided below.

1. For all portions of Special Policy Area 1, the only applications for rezonings that should be supported, unless there are exceptional circumstances, are those that:

- Meet the general intent of the applicable policy category;
- Achieve a high standard of urban design;
- Are for a Specific Plan district or are accompanied by an Urban Design Overlay or Planned Unit Development application; and
- Have been presented to the local public for input at one or more community meetings prior to the Planning Commission public hearing on the application.

The following design objectives apply within Special Policy Area 1:

- Connect residential, shopping, employment, and recreation uses within the area with a clear pattern of blocks, streets, service lanes, and drive aisles and design all streets to directly correspond with the type and intensity of development proposed along them.
- Consolidate access points to Hobson Pike to the maximum extent feasible as the area develops and avoid the construction of residential culs-de-sac along Hobson Pike.
- Dedicate or reserve property with frontage along Hobson Pike to accommodate bike lanes as envisioned by *The Strategic Plan for Sidewalks and Bikeways* and construct bike lanes along Hobson Pike to standards established by *The Strategic Plan for Sidewalks and Bikeways* if upgrades to that street are required for development.
- Construct parking lots behind or beside buildings as appropriate, and screen them from public view.
- Provide cross access between parking areas to minimize street curb cuts and adjacent driveways.
- Protect existing trees, especially those that are native to the area such as Cedar trees, to the greatest extent



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possible, and plant quality trees to replace trees that must be removed for development.

- Plant street trees as appropriate, especially along Hobson Pike and along the edges of parking areas, to provide summer shade for the pedestrians and residents, diminish traffic noise, screen unwanted views, reduce glare, absorb heat, filter air pollution and dust, and create a sense of place - tree lined streets provide orientation and contribute to the area's character.
- Provide a transition from uses in Community and Neighborhood Centers to planned detached single-family housing. Attached housing or small cottages should provide a transition from retail and higher-intensity residential uses to detached housing. Decrease the intensity of uses on properties as they become farther from arterials and centers of activity.
- Avoid orienting buildings so that they turn their backs to Hobson Pike.
- Create a unique sense of place at Neighborhood and Community Centers by constructing buildings of the appropriate scale, with proper orientation and architectural detailing. Construct buildings of high quality building materials that require little maintenance in order to demonstrate sustained quality and a sense of permanence.
- Building heights should not exceed three stories.



Request

Associated Cases
Council Bill
Council Districts
School District
Requested by
Staff Reviewer
Staff Recommendation

Request to Amend the Major Street Plan

2006CP-08-13
None
32-Coleman and 33-Briley
6-Awipi
Metropolitan Planning Department
Wood
Approve

APPLICANT REQUEST

A request to amend the Major Street Plan to change the designation of Hobson Pike between Murfreesboro Pike and Ole Nottingham Drive from S4 Scenic 4-lane Arterial to U4 Urban 4-lane Arterial, requested by the Metropolitan Planning Department.

PUBLIC PARTICIPATION

Staff held a community meeting on April 20, 2006 which was attended by approximately 10 people. Most of the people present at the meeting expressed agreement with the amendment and interest in future detailed neighborhood design planning for the area.

ANALYSIS

The Major Street Plan is proposed to be amended by redesignating the section of Hobson Pike between Murfreesboro Pike and Ole Nottingham Drive from an S4 Scenic 4-lane Arterial to a U4 Urban 4-lane Arterial. This change is recommended to better coordinate the planned cross-section for this section of Hobson Pike with the planned land use policies called for in the related community plan amendment on this same agenda, which are Corridor General, Neighborhood General, Community Center, and Neighborhood Center. These policies are intended to produce moderate to high-intensity environments that are better suited to a narrower Urban than a Scenic Arterial cross section*, which is more appropriate in lower density environments. Additionally, Hobson Pike will intersect a U6 Arterial, Murfreesboro Pike, at another Community Center location already called for in the Antioch-Priest Lake Community Plan.

*Standard S4 cross section is 100' total including a landscaping easement while the standard U4 cross section is 84'



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

2006SP-016U-08
The Courts of Germantown
None
19 – Wallace
1 – Thompson III
Dale and Associates, applicant for William Hunter, et ux., C and D Safety Company, LLC, owners.

Deferral Request

This item was deferred from the April 11, 2006, meeting to allow the applicants to meet with the community.

Staff Reviewer
Staff Recommendation

Swaggart
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 worked 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 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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	<p>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.</p>
Access	<p>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.</p>
Parking	<p>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.</p>
Setbacks	<p>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).</p>
Sidewalks	<p>Five foot wide brick sidewalks are shown adjacent to 4th Avenue North and Monroe Street.</p>
Floor Area Ratio (FAR)	<p>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</p>



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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 receive preliminary approval by the MDHA Design Review Committee.
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 Department prior to final site 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.



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
This case was deferred at the April 11, 2006, Commission meeting, at the request of the applicant.

Deferral

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

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.

Sidewalk variance

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.

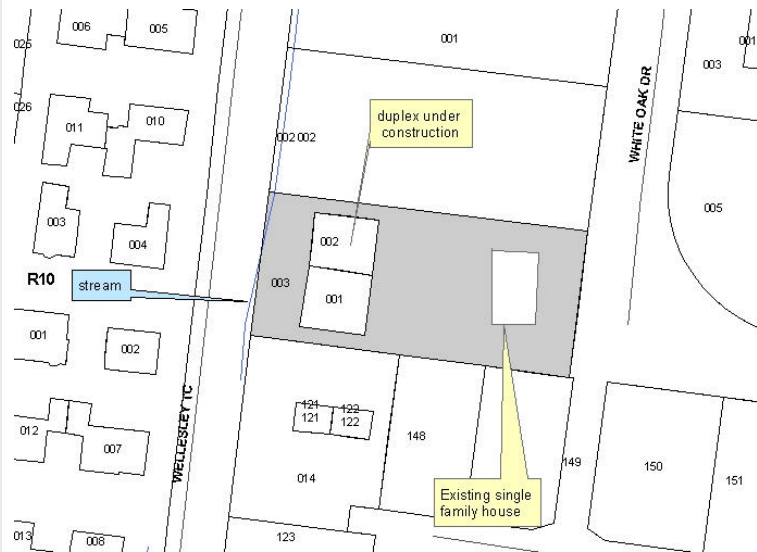
In the variance request, the applicant cites a “creek at the entrance of Wellesley Trace”, and a “falloff” of



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topography as a hardship that would make the sidewalk unable to be built “at any price.” Metro maps *do* show 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

street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
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.

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.

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

Exception to lot comparability

Agreement with the Metro Codes Department



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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.
Associated Cases
Council Bill
Council District
School Board District
Requested By

Zone Change 2003Z-080U-12
2006P-004U-12
BL2003-84
32 - Coleman
2 – George Blue, Jr.
Garry Batson, applicant, Janie Broadhead, owner

History

The Planning Commission recommended approval of RM9 and disapproval of RM20 on this property on June 26, 2003. The Councilman for this area required that a PUD accompany the rezoning, which was recently submitted and approved by the Commission on March 9, 2006. The Commission’s approval for the zoning, BL2003-84 has since expired so it is now being referred back to the Commission for a new recommendation.

Staff Reviewer
Staff Recommendation

Swaggart
Approve

APPLICANT REQUEST

Rezone 4.45 acres from agricultural/residential (AR2a) to multi-family residential (RM9) district property located at 91 Tusculum Road, at Benzing Road.

Existing Zoning
AR2a district

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

Proposed Zoning
RM9 district

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

SOUTHEAST COMMUNITY PLAN POLICY
Residential Medium-High (RMH)

RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate, including attached townhomes and walk-up apartments.

Special Policy Area 3

This special policy applies to the properties within the Whittmore Branch drainage area. A comprehensive stormwater management study should be conducted, and pending a comprehensive solution to the flooding problems in this area, any rezoning should be contingent on stormwater management solutions



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proposed and undertaken by the applicants that improve the drainage situation over both the current situation and what would be accomplished simply by meeting current regulatory requirements. Any site specific recommendation of the comprehensive stormwater management study shall be incorporated in the proposed neighborhood plan. In addition, the average density of each of the planned neighborhoods should not exceed nine housing units per acre.

Policy Conflict

No, the proposed RM9 district and associated PUD plan are consistent with the low end of the RM policy area calling for nine to twenty dwelling units per acre. The final PUD will be required to show how stormwater plans will address the special policy.

RECENT REZONINGS

No.

PUBLIC WORKS RECOMMENDATION

No exceptions taken. See PUD, 2006P-004U-12 for conditions.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.45	0.5	2	20	2	3

Typical Uses in Proposed Zoning District: RM20/PUD

Land Use (ITE Code)	Acres	Density Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	4.45	--	40	295	25	29

*number of lots proposed in PUD

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	4.45	--	+38	275	23	26



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METRO SCHOOL BOARD REPORT

Projected student generation

4 Elementary 3 Middle 2 High

Schools Over/Under Capacity

Students would attend Cole Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as over capacity by the Metro School Board, but Glencliff is an adjacent cluster with capacity. New elementary and middle schools are under construction on a property located along Pettus Road, and there is a land acquisition underway for a new high school near I-24 and Old Hickory Boulevard. This information is based upon data from the school board last updated February 2006.



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

Zone Change 2005SP-170U-05
Walden Specific Plan
BL2006-1042
6 - Jameson
3 - Garrett
March Egerton, applicant/owner

Staff Reviewer
Staff Recommendation

Pereira
Approve with conditions

APPLICANT REQUEST

Rezone 7.26 acres from residential single family and duplex zoning (R6) to Specific Plan (SP) zoning properties located at 1818 and 1900 Eastland Avenue and Eastland Avenue (unnumbered), between 18th and 20th Streets, to permit the development of 99 residential units (including 17 townhome units), 18,600 square feet of retail uses, 18,500 square feet of restaurant uses, 20,500 square feet of office uses, 6,800 square feet of personal care service uses, 3,000 square feet of custom assembly uses, 3,000 square feet of furniture store, and 3 single family lots.

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
SP district (preliminary)

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 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.



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- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

EAST NASHVILLE COMMUNITY PLAN POLICY

Neighborhood Center (NC)

NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Neighborhood General (NG)

NG policy 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

The SP district proposes a mixture of uses and vertically-oriented building typologies that are consistent with the intent of the Neighborhood Center policy area that applies to a majority of parcel 379, all of parcel 378, and a small portion of 413. Uses include 17 new townhomes, seven mixed use buildings with retail/restaurant/office uses on the first floor, and mainly residential space on floors 2 and 3 (with some very minor opportunity for offices), and 3 single family lots. There are also small opportunities for a furniture



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Building Heights

store, and custom assembly uses (including activities such as jewelry-making and leather goods assembly). The SP district is not completely consistent with the Neighborhood General Policy area on the majority of parcel 413, given the nonresidential uses, but these uses can be appropriate based upon their close proximity to the NC policy. In addition, the majority of the NG policy area is where parking and townhome uses are proposed in the SP, which is consistent with NG policy. The SP design is also pedestrian-friendly, a major goal of both NC and NG policies, as discussed in detail below.

Though the East Nashville Community Plan does not specifically address the height of buildings within a Neighborhood Center policy area, it does point to the context of the street and surrounding neighborhood in determining the range of appropriate building heights within a development. The proposed building heights in this SP plan include 2 and 3 story buildings, the latter of which are all located along Eastland, to create a more intense, mixed use, and pedestrian-scale environment that will be consistent with and complement the restaurant and residential buildings on the north side of Eastland Avenue at this location.

PRELIMINARY PLAN DETAILS

Overview

While the site is currently zoned R6, the applicants propose the SP to allow the renovation of an existing one-story nursing home building (and an addition of one story), the new construction of five vertically-integrated mixed use buildings, two 4-unit townhome buildings, 3 single family lots, and the extension of North 18th Street to be constructed to connect with Eastland Avenue. An additional 9-unit townhome building and another mixed use building is to be constructed at the corner of the [new portion of] North 18th Street and Eastland Avenue. As the site is a fairly intense mixed use development, the only open space as provided within its boundaries is the stream/ditch area that crosses the property from the north to the south on its western side. Water quality devices have been proposed within this open area.

Mixed land uses

The proposed SP includes six mixed use buildings with retail/restaurant/office (R/R/O) uses on the first floor, and in four of these six buildings, residential uses on



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Residential land uses

the second floor. The other two buildings have either retail/residential and office uses on the second floor. The three mixed use buildings to the west of the new private access driveway into the development will be built to three stories, with residential uses on this third floor. The largest of the R/R/O uses is **office** (17,500 square feet of general office, and 3,200 square feet of medical office uses). **Restaurant** uses rank second (11,400 square feet of take-out and 7,000 square feet of full service restaurant uses), and **retail** uses rank third (10,000 square feet of convenience retail and 5,600 square feet of general retail uses). Other minor nonresidential uses that are proposed within the six mixed use buildings include the following:

- 6,800 square feet of personal care services
- 3,000 square feet of furniture store uses
- 3,000 square feet of custom assembly uses

As discussed above, the plan includes 99 residential units, consisting of 57 one bedroom and studio units to be located on floors two and three of the mixed use buildings. Forty-two two bedroom units are proposed as well, mainly in the townhome buildings to be located along the new portion of North 18th Street (9 units), and on the southern portion of the SP (two buildings, with 4 units each). Each townhome has a garage accommodating two vehicles.

The townhome buildings on the south side of the development (a part of phase 5) have undergone several design iterations during the review process. The applicant failed to comply with the staff's early comment to orient the townhomes to McEwen Avenue; in addition, the applicant has not been able to demonstrate a defensible building layout or orientation to the internal part of the project – as surface parking is shown to surround the buildings on all sides. Given the unresolved design issues, staff recommends that the following design issues be adequately resolved prior to final SP site plan for phase 2 of this SP. These changes can be administratively approved by Planning staff:

- Alley access to the 3 single family lots, to be extended from the existing (unbuilt) alley #768 east of alley #751. The applicant has shown a 15' rear access easement on these lots, which connects to a



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Vehicular Access

Building Elevations/Illustrations

parking lot area for the townhomes. This layout may be required to change with the re-design.

- The two townhome buildings in this area must be redesigned to have an appropriate front façade along McEwen Avenue, or have a building layout/façade that faces the internal part of the SP and respects the urban nature of this development. The latter option might include a 90 degree turn and extension of the main private drive to the western side (with parallel parking along both or one side), to terminate with the surface parking area.
- In addition to the sidewalk to be constructed from McEwen Avenue to the internal part of this development, more generous landscaping shall be provided on the south side and north sides of this pedestrian way.
- Prior to final SP site plan for phase 2, a connection to McEwen Avenue will be required as a part of the re-design of the townhome building area, on the south side of this development. This connection must occur with the construction of phase 5 of this SP.

In phase 1, the site is proposed to be accessed off of a new private driveway that will begin at Eastland Avenue, extending across from Chapel Avenue to the North. This private driveway will have parallel parking along both sides, and will function as the main entry point into the project. As mentioned above, a condition on phase 5 is for the applicant to add a connection to McEwen Avenue to the south, to provide the neighborhood to the south access to the project. Staff recommends that these access points be required with or prior to approval of the final site plan for phase 5.

Given the magnitude of this project, Public Works has included a condition that the right-of-way reserved along Eastland Avenue be to U4 standard. Given that this street's classification may change in the near future, Planning has required that Eastland's right-of-way be to *either* the U4 dimension, or to another cross section approved by MPW.

The plan includes rendered building illustrations for phase 1 for both building 1 (the existing building to be renovated), as well as building 2; there are also



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Landscaping Plan

illustrations for phase 2, buildings 3 and 5. Staff has reviewed the illustrations and recommends approval of them. Staff will review and approve building illustrations for the latter phases at the final SP site plan stage.

A concept plan for the proposed landscaping to be installed has not been included with this preliminary SP. Prior to approval of this preliminary SP on third reading at Council, a concept plan must be submitted by the applicant and approved by the Planning Department. A final, more detailed landscaping plan is a requirement at the final SP site plan stage(s) (including Tree Preservation details).

Pedestrian access

The intent of this project to act as a pedestrian-friendly neighborhood center and provide a relatively high intensity mixture of land uses. The applicant has shown sidewalks along the frontage of this property of Eastland Avenue, as well as along both east and west sides of the new private street within the project, and along the east side of North 18th Street (to be actually constructed/bonded in conjunction with phase 2). There are also internal sidewalks that surround buildings 2, 3, 4, 5, and 6, all of which are proposed for retail/restaurant/office uses on the first floor, and of which at least 2, 3, and 5 will have more than one front façade so that residents, shoppers, diners, and office workers may walk freely among uses. This property is located across the street from existing restaurant uses, and the pedestrian scale of this project is consistent with those buildings. Staff recommends that prior to approval of phase 1 of this final SP, the plan be revised to provide a crosswalk from the east to the west side of the new private drive within this SP, as well as improve the crosswalk (if necessary) from the north side of Eastland to the south side (to facilitate easy pedestrian access to this development).

Planning staff still has some reservations about the functionality of the overall pedestrian regime, especially within the area slated to be re-designed, on the southern side of this project. Prior to final SP site plan approval of phase 2, a finalized parking plan that optimizes pedestrian movement within the project must be submitted and approved by the Planning Department.



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Parking

A total of 292 parking spaces have been proposed with this development:

- 20 on-street spaces on the south side of Eastland Avenue
- 11 on-street spaces along the east side of N. 18th Street (to be constructed/bonded with phase 2)
- 34 garage spaces (for the 17 townhome units)
- 225 surface spaces, to be shared by the retail/restaurant/office and residential uses.

The proposed number of spaces meets the normal parking requirements of the Metro Zoning Ordinance, given the proposed intensity of land uses and location within the Urban Zoning Overlay. The applicant has also cited the 25 percent parking reduction that would normally apply to this project under any other zone district, given the development's proximity to public transportation, its pedestrian-friendly design, and inclusion of on-street parking. These considerations have led the applicant to argue that he has overparked by a total of 87 spaces.

Stream disturbance

The Stormwater Division of Metro Water Services has identified a 40-acre drain that crosses the western side of this property from Eastland Avenue on the north to McEwen Avenue on the south. The preliminary SP shows disturbance of the required stream buffer area in phases 1, 3, 4, 5, and 6. Phase 1 buffer disturbance includes water quality proposed within both sides of the bank of the stream/conveyance. Phases 3-6 show the buffer disturbed by grading and proposed surface parking lots.

While the applicant has contested the finding that this waterway and associated ditch is actually a stream/40-acre drain, Planning Staff had concerns about the disturbance of the buffer area, and worked with Stormwater to find a way for the applicant to resolve these questions and address the findings prior to proceeding beyond preliminary SP stage. Stormwater has agreed to approval of this preliminary SP plan if the following condition is made a part of the Commission's approval:



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Other phasing issues

Prior to *application* for final SP site plan approval of *any* phase, no grading shall be allowed, and the applicant must submit a letter from TDEC on the classification of the stream **and** be approved for a variance from the Stormwater Management Committee for the buffer disturbance. The outcome of the Stormwater Management Committee hearing **may require significant changes to the SP as it is currently proposed** - including the removal of grading/water quality/surface parking from within the buffer area.

The applicant has disagreed with the Planning Department on staff's requirement that the proposed mixed use building # 2 must be included in phase 1, along with existing building to be renovated. Planning staff has insisted on this from an early stage of the review process, with the goal of ensuring that this development creates a solid, vertically integrated street edge along Eastland Avenue from early on in its development. The plans do show building #2 as a part of phase 1, and this is a condition of approval. Prior to approval of any other phase's final SP site plan, building # 2 must be completed.

Planning staff also recommends that the road extension/improvement of North 18th Street be constructed, or bonded, prior to the approval of phase 2, or completed prior to issuance of any use or occupancy permit for phase 2.

RECENT REZONINGS

None.

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. Prior to the preparation of construction plans, document adequate sight distance at project access locations. Indicate the amount of sight distance at



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the project entrances and if adequate site distance per AASHTO for the posted speed limit is provided.

3. Provide plans for solid waste collection and disposal. Must be approved by the Public Works Solid Waste Division.
4. Identify mail service plan / kiosk location.
5. Show and dimension right of way along Eastland Avenue. Label and dedicate right of way 30 feet from centerline. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
6. Dimension / label existing and proposed pavement along Eastland Avenue, N. 18th Street, McEwen Avenue, Alley No. 751. Label and dimension existing right of way. Dimension right of way from roadway centerline.
7. Construct N. 18th Street per Standard Drawing ST-252. Construct alley #751 per Standard Drawing ST-263.
8. Label existing bicycle lanes on Eastland Avenue.
9. Narrowing of Eastland Avenue with the use of "bulb-outs" will not be permitted. Proposed on-street parking to maintain existing street width and to be 8' wide. No parking within 30' of pedestrian crossings. If on-street parking is used to meet the required minimum parking, show one handicap space per block face.
10. Show striping plan for Eastland Avenue and N. 18th Street.
11. Per the recommendations of the TIS, provide one entering and two exiting lanes from the site onto Eastland Avenue.
12. Per the findings of the TIS, left turn lanes on Eastland Avenue at the site access/Chapel Avenue are warranted. Construct an eastbound and westbound left turn lane on Eastland Avenue at



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Chapel Avenue/site access with 75 feet of storage and transitions per AASHTO/MUTCD standards.

13. Modify bike lanes and signage on Eastland Avenue to accommodate the left turn lane construction.

STORMWATER RECOMMENDATION

There is a 40-acre drain buffer disturbance. Prior to application for final SP site plan approval of any phase, no grading shall be allowed, and the applicant must submit a letter from TDEC on the classification of the stream and be approved for a variance from the Stormwater Management Committee for the buffer disturbance. The outcome of the Stormwater Management Committee hearing may require significant changes to the SP as it is currently proposed - including the removal of grading/water quality/surface parking from within the buffer area.

METRO SCHOOL BOARD REPORT

Projected student generation

18 Elementary 17 Middle 13 High

Schools Over/Under Capacity

Students would attend Ross Elementary School, Bailey 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.

CONDITIONS

1. Prior to third reading at Council, the applicant must provide a separate, concept landscaping plan to the Planning Department, to be approved by Planning staff. Phases must be identified on this plan.
2. Prior to the application for any phase of a final SP site plan, the SP plan shall include the appropriate stream buffer, and be labeled and dimensioned explicitly on the plans.
3. Prior to application for final SP site plan approval for any phase, no grading shall be allowed, and the applicant must submit a letter from TDEC on the classification of the onsite stream and be approved for a variance from the Stormwater Management



Metro Planning Commission Meeting of 04/27/06

Committee for the proposed buffer disturbance. The outcome of the the Stormwater Management Committee hearing may require significant changes to the SP as it is currently proposed - including the removal of grading/water quality/surface parking from within the buffer area.

4. The right-of-way to be reserved along Eastland Avenue must be to either the U4 dimension, or to another cross section approved by Metro Public Works.
5. Building #2 is required as a part of phase 1 of this SP. Prior to approval of any other phase's final SP site plan, building # 2 must be completed.
6. Prior to approval of the final SP site plan for phase 1, the plan be revised to provide a crosswalk from the east to the west side of the new private drive within this SP, as well as a crosswalk from the north side of Eastland to the south side (to facilitate easy pedestrian access to this development).
7. Prior to approval of the final SP site plan for phase 2, the following issues must be adequately addressed/resolved in a complete re-design of phase 5 of the SP, to be administratively approved by Planning staff:
 - Rear alley access to the 3 single family lots, to be extended from the existing (unbuilt) alley #768 east of alley #751. The applicant has shown a 15' rear access easement on these lots, which connects to a parking lot area for the townhomes, but this layout may change with the re-design.
 - The two townhome buildings in phase 5 must be redesigned to have an appropriate front façade along McEwen Avenue, or have a building layout/façade that faces the internal part of the SP and respects the urban nature of this development. The latter option might include a 90 degree turn and extension of the main private drive to the western side (with parallel parking along both or one side), to terminate with the parking area.



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- In addition to the sidewalk to be constructed from McEwen Avenue to the internal part of this development, more generous landscaping shall be provided on the south side and north sides of this pedestrian way.
 - Prior to final development SP for phase 2, a connection to McEwen Avenue will be required as a part of the re-design of the townhome building area, on the south side of this development. This connection must occur with the construction of phase 5 of this SP.
8. Prior to final SP site plan approval for phase 2, a finalized parking plan that optimizes pedestrian movement must be submitted and approved by the Planning Department.
 9. The extension of North 18th Street must be bonded prior to the approval of phase 2, or completed prior to issuance of any use or occupancy permit for phase 2.
 10. 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.
 11. 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.
 12. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the **MUN** zoning district, which must be shown on the plan.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-049T
BL2006-999
Countywide
n/a
Councilmember Lynn Williams

Staff Reviewer
Staff Recommendation

Regen
Approve

APPLICANT REQUEST

Amend Zoning Code to require the Board of Zoning Appeals (BZA) to provide a copy of the planning commission staff report on a special exception item, if requested by the applicant, at least 48 hours in advance of the BZA public hearing on that item.

ANALYSIS

Existing Law

The Zoning Code currently requires under Section 17.40.300 the planning department to review all special exception requests on an upcoming BZA docket, and to provide a report to the BZA on the “nature of existing and future land uses in the general vicinity of the proposed special exception use.” Staff currently provides the BZA staff that report at least one week in advance of the upcoming meeting.

Proposed Text Change

The proposed text amendment would modify only Section 17.40.300 by requiring the BZA staff to provide a copy of that planning department report, when requested by an applicant, at least 48 hours in advance of the BZA public hearing on that item.

Proposed Text Amendment

17.40.300 Planning commission report. Special exception uses that would otherwise require final site plan approval by the planning commission pursuant to Section 17.40.170B may be considered and approved by the board upon consideration of a recommendation from the planning commission. All other special exception use applications shall be transmitted from the board of zoning appeals to the planning department for review and a report. Upon receipt of a complete application from the board, the planning department shall review the application and report to the board following a twenty-eight-day review period. In its review, the planning department shall advise on the nature of existing and future land uses in the general



Metro Planning Commission Meeting of 04/27/06

Analysis

vicinity of the proposed special exception use. Upon request by the applicant, the board shall furnish a copy of the planning commission report or analysis regarding the proposed special exception to the applicant not less than forty-eight hours prior to the public hearing required by section 17.40.310.

The planning department staff report should be made available to the applicant, and anyone else requesting a copy of it, at least 48 hours in advance of the BZA public hearing. When feasible, it should also be posted on the Codes Department webpage for the BZA, adjacent to the corresponding BZA meeting date – similar to how the Planning Commission staff report is posted prior to the commission's meeting.

Staff Recommendation

Approve. Prior to a BZA meeting, applicants for a special exception, and the public in general, should have made available to them the planning commission report either in hard-copy or digital via the Internet, at least 48 hours in advance of the BZA's consideration of a docket item.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-053U-03
None
1 – Gilmore
1 - Thompson
Dale & Associates, applicant, for DY Properties II LLC, owner.

Staff Reviewer
Staff Recommendation

Pereira
Approve with the condition that at the subdivision stage, a public road shall be included in the subdivision that stubs to the middle portion of adjacent parcel 148, to allow for future connectivity and eventual tie in to Clarksville Pike.

APPLICANT REQUEST

Request to change 2.68 acres from residential single-family (RS40) to residential single-family (RS10) zoning, on property located at Clarksville Pike (unnumbered), at the end of Sunnywood Drive and Vista Valley Court.

Existing Zoning
RS40 district

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

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.

**BORDEAUX/WHITES CREEK
COMMUNITY PLAN POLICY**

Residential Low Medium (RLM)

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

Policy Conflict

No. The residential density as permitted within the proposed RS10 zoning district (3.7 homes/acre) is consistent with the range called for by the Residential Low Medium policy (2-4 homes/acre). It is also consistent with the existing RS10 zoning of the subdivisions to the east of this property.



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Required Street Connection

The Bordeaux/Whites Creek Community Plan envisions this property as having a street connection across it to the western rear of the parcel. This future public road would be extended to replace a currently unimproved frontage road on the western side of properties on its south, ultimately to be connected to Clarksville Pike to the southwest of this property. Public Works has looked at the feasibility of such a connection, and has found that given the proximity of this potential connection to the Briley Parkway interchange at Clarksville Pike, no access from this parcel will be allowed to Clarksville Pike via the narrow frontage road.

The underlying intent of this planned road is to provide better traffic circulation to the residential area to the east of this property, including more direct access to Clarksville Pike. Staff has reviewed the topography and finds that at the subdivision stage, a stub street could be included that stubs to the middle portion of adjacent parcel 148, to substitute for the Community Plan's envisioned road connection to the western rear of the property. By stubbing to the south rather than to the western side of this property, the adjacent properties on the south would be opened up for residential development to eventually tie in to this property (as envisioned by the RLM land use policy). This would also allow for an alternative road route towards Clarksville Pike that would connect to it further south, avoiding the proximity to the Briley Parkway ramp, and still fulfilling the goal of connecting to Clarksville Pike. The topography supports such an alternative road connection, and staff has deemed this variation to the street plan as minor.

Staff Recommendation

Staff recommends **approval** of the rezoning to RS10, with the condition that that at the subdivision stage, a public road shall be included in the subdivision that stubs to the middle portion of adjacent parcel 148, to allow for future connectivity and eventual tie in to Clarksville Pike.

RECENT REZONINGS

None.



Metro Planning Commission Meeting of 04/27/06

PUBLIC WORKS RECOMMENDATION

No exception taken.

Typical Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	2.68	0.93	2	20	2	3

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	2.68	3.7	10	126	17	14

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
--			+8	106	15	11

METRO SCHOOL BOARD REPORT

Projected student generation

0 Elementary 0 Middle 0 High

Schools Over/Under Capacity

Students would attend Cumberland Elementary School, Joelton Middle School, or Whites Creek 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.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-055U-10
None
25 – Shulman
8 – Harkey
Councilmember Shulman, applicant, for various property owners

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

A request to change approximately 28.07 acres from single-family and duplex (R10) to single-family (RS10) zoning various properties located on Burton Avenue, Observatory Court, and Observatory Drive, west of Belmont Boulevard.

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 area’s 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.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-056U-10
None
25 – Shulman
8 - Harkey
Councilmember Jim Shulman, applicant for various property owners.

Staff Reviewer
Staff Recommendation

Pereira
Approve

APPLICANT REQUEST

Request to change 24.17 acres from residential single-family and duplex zoning (R10) to residential single-family (RS10) zoning, on various located on 23rd Avenue South, Oxford Road, Springdale Drive, and Wortham Avenue, between Golf Club Lane and Sharondale 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.

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

Residential Low Medium (RLM)

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

Policy Conflict

No. The residential density as permitted within the proposed RS10 zoning district (3.7 homes/acre) is consistent with the range called for by the Residential Low Medium policy (2-4 homes/acre). There are 59 properties in this request.

RECENT REZONINGS

None.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken.



Metro Planning Commission Meeting of 04/27/06

METRO SCHOOL BOARD REPORT

Projected student generation

As this request to change to single family district represents a downzoning, the number of expected students to be generated is minimal.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-057U-05
None
8 – Hart
5 - Hunt
Roy Dale, applicant, for James M. Ballentine, owner.

Staff Reviewer
Staff Recommendation

Pereira
Disapprove

APPLICANT REQUEST

Request to change 0.59 acres from residential single-family (RS10) to residential multi-family (RM20) and to change 4.0 acres from residential single family (RS10) to commercial services (CS) zoning property located at 115 Hart Lane, approximately 705 feet east of Dickerson Pike.

Existing 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.

Proposed Zoning
RM20 district

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. Eleven units would be allowed on the portion of this property requested for RM20, if rezoned.

CS district

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

EAST NASHVILLE COMMUNITY PLAN POLICY

Neighborhood General (NG)

NG policy 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

Yes. Neighborhood General land use policy does not support intensive commercial zoning, especially those districts that permit a wide array of commercial uses,



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such as CS. In addition, the adjacent parcels along Dickerson Pike have a Community Center policy, where commercial uses *are* supported under a set of design guidelines. A rezoning to commercial on the majority of this property (4.0 acres) would represent an encroachment of nonresidential uses into an area planned for only residential uses under the newly adopted East Nashville Community Plan. It should be noted that this area is also scheduled for a future Detailed Neighborhood Design Plan.

This application also includes a request to rezone the front portion of the property (0.59 acres) to RM20. Given that Neighborhood General emphasizes the importance of design in the arrangement and mixing of housing types, a straight rezoning to RM20 would not ensure that these aspects of the NG policy would be met at this location.

Staff Recommendation

Staff recommends **disapproval** of the rezoning.

RECENT REZONINGS

None.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken.

Typical Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	4.59	3.7	17	204	22	22

Typical Uses in Proposed Zoning District: RM20

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	0.59	20	12	106	10	11

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (820)	4.0	0.292	50,878	4,378	105	401

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	4.59	--		4,280	93	390



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Maximum Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	4.59	3.7	17	204	22	22

Maximum Uses in Proposed Zoning District: RM20

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	0.59	20	12	106	10	11

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	4.0	0.6	104,544	6,991	161	645

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
--				6,893	149	634

METRO SCHOOL BOARD REPORT

Projected student generation

1 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Chadwell Elementary School, Gra-Mar Middle School, or Maplewood 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.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-059U-10
None
25 – Shulman
8 – Harkey
Councilmember Shulman, applicant, for various property owners

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

A request to change approximately 18.29 acres from single-family and duplex (R10) to single-family (RS10) zoning various properties located on Wimbeldon Road, Hilldale Drive, Scarsdale Road, Ruland Place, Grayswood Avenue, and Foxhall Road, south of Woodmont Boulevard.

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-060U-10
Associated Case	None
Council Bill	None
Council District	25 – Shulman
School District	8 – Harkey
Requested by	Councilman Shulman, applicant for various property owners
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

A request to change approximately 10.3 acres from single-family and duplex (R20) to single-family (RS20) zoning various properties located on Milesdale Drive and Milesdale Court, west of Leland Lane.

Existing Zoning
R20 District

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

Proposed Zoning
RS20 District

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

GREENHILLS/MIDTOWN COMMUNITY PLAN

Residential Low (RL)

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

Policy Conflict

No, the proposed RS20 single-family residential district is consistent with the areas Residential Low 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.
Project Name
Associated Cases
Council District
School District
Requested By

2006SP-061G-12
Shane Point
None
31 – Toler
2 – Blue
Anderson, Delk, Epps and Associates, applicant for Holt Valley LLC, owner.

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions

APPLICANT REQUEST

A request to change from RS10 to SP zoning on property located at Nolensville Pike (unnumbered) to permit 25 townhomes, approximately 1,035 feet north of Hills Chapel Road (3.37 acres).

Existing Zoning
RS10

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.

Proposed Zoning
SP district

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

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



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SOUTHEAST COMMUNITY PLAN

Structure Plan Category Corridor General (CG)

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

Policy Conflict

No the proposed SP site plan is consistent with the intent of the Corridor General policy.

PLAN DETAILS

Site Plan

The plan is for 25 town homes on approximately 2.94 acres with an overall density of approximately 8.5 units per acre, and a gross floor area of 36,800 square feet.

Access

Access will be provided by a single entrance onto Nolensville Pike. Subdivision regulations require the distance from centerline to centerline between offset T-Type intersections to be at least 300 feet on collector streets. Based on the approved preliminary plan for the Brookview Forest subdivision, which has an access point onto Nolensville, south of this site, the distance requirement cannot be met. Construction plans have been submitted to Public Works for Brookview Forest Phase 5, however, that show the drive further south. While a final plat has not been submitted for the phase of Brookview Forest that will access Nolensville Pike, construction plans indicate the intent to relocate the drive further to the south. Based on construction plans for Brookview Forest Phase 5, the proposed SP plan would result in a separation distance of approximately 425 feet. Prior to the final site plan being approved for this project, the final plat for Brookview Forest Phase 5



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Parking

must be recorded, and if the separation distance is less than 400 feet, this SP will be required to go back to Council to be amended.

Seventy one parking spaces are proposed, which is consistent with current parking standards in the Metro Zoning Code.

Recommendation

Because the proposed SP plan is consistent with the area's Corridor General policy, staff recommends approval with conditions. Prior to the final site plan being approved, the final plat for Brookview Forest Phase 5 must be recorded, and if the separation distance is less than 400 feet, this SP will be required to go back to Council to be amended.

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.

STORMWATER RECOMMENDATION

No Exceptions Taken

FIRE MARSHAL

Parking shall not be located in turnaround.

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

10. Prior to the final site plan being approved, the final plat for Brookview Forest Phase 5 must be recorded, and if the separation distance between drives is less than 400 feet, this SP will be required to go back to Council to be amended.
11. The final site plan must identify mailbox locations.



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12. The final site plan must identify plans for solid waste collection.
13. Only the uses listed as allowable within the RM9 zoning district, or those specifically identified on the preliminary SP shall be permitted in this SP. The maximum number of dwelling units shall be 25.
14. 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 RM9 district shall apply.
15. 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.
16. 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.
17. All signage must be approved by the Planning Commission prior to final Specific Plan approval.
18. 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.
19. 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.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-062T
BL2006-1048
Countywide
n/a
Councilmembers John Summers and Lynn Williams

Staff Reviewer
Staff Recommendation

Regen
Approve with conditions

APPLICANT REQUEST

Amend Zoning Code to require a minimum of 45 days public notification by mail rather than 21 days, prior to a Board of Zoning Appeals public hearing on a special exception or variance request.

ANALYSIS

Existing Law

The Zoning Code currently requires under Section 17.40.720 a minimum public notification period by mail of 21 days prior to a public hearing held by the Board of Zoning Appeals on any special exception, variance, or zoning administrator appeal.

Sections 17.40.310 and 17.40.360 of the Zoning Code both require a public hearing be held on a special exception and variance application within 60 days of the application being deemed complete. The Codes Department only accepts complete applications at the time of submittal.

Proposed Text Change

The proposed text amendment would modify only Section 17.40.720 by increasing the public notification period by mail from a minimum of 21 days to a minimum of 45 days for special exception and variance requests. The proposed changes are underlined below.

Proposed Text Amendment

Section 17.40.720 No public hearing, except public hearings conducted by the board of zoning appeals on requests for special exceptions and variances, shall be conducted unless, at least twenty-one days prior to the public hearing, the owner(s) of the subject property and all other property owners within the distances prescribed by this article have been given notice by mail of the time, date and place of the public hearing. No public hearing conducted by the board of zoning appeals on a request for a special exception or variance



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shall be conducted unless, at least forty-five days prior to the public hearing, the owner(s) of the subject property and all other property owners within the distances prescribed by this article have been given notice by mail of the time, date and place of the public hearing. Properties owned by the applicant shall not be included in the distance measurement for public notice. For a public hearing conducted by the board of zoning appeals, the appellant shall be notified by certified mail. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified. For amendments to the official zoning map, or requests for a special exception or variance, written notices shall be sent to property owners located within the following distances from the subject property."

Analysis

Doubles Notification Period

In 1998 with the Zoning Code rewrite, the Metro Council doubled the public notification by mail period from 10 days to 21 days. The proposed amendment doubles the current public notification period by mail from 21 days to 45 days for special exception and variance requests. These requests are made by businesses, homeowners, religious institutions, schools, day care centers, and Metro agencies for setback variances and to construct new facilities, building additions, garages, carports, sunrooms, parking, and landscaping. Today, these requests are considered by the Board of Zoning Appeals (BZA) within 45 days of application to the Codes Department. The proposed amendment would lengthen by nearly a month the time before BZA consideration of a special exception or variance. According to the Codes Department, it would increase the time from application to BZA consideration from 1.5 months to approximately 3 months.

Conflict with Other Sections

The bill proposes to modify only Section 17.40.720 of the Zoning Code. It does not address Sections 17.40.310 and 17.40.360 which both require a public hearing be held on a special exception and variance application within 60 days of the application being deemed complete. The Codes Department only accepts complete applications at the time of submittal.



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Previous Bill

Last year, the sponsor had another bill amending this same section of the Zoning Code, Council Bill BL2005-834 (2005Z-155T). That bill would have increased the public notification period to at least 60 days, thereby increasing the time from application submittal to BZA consideration from 45 days to 75 days. Staff had recommended disapproval of the bill, and the planning commission concurred. The sponsor amended the bill on 3rd reading from 60 days to 45 days, however, the bill failed on 3rd reading. As with the earlier proposed 60 day notification period, the proposed 45 days does conflict with other sections of the Metro Zoning Code.

Zoning Administrator Appeals

While this bill intends to increase notification of BZA items, it does not uniformly address all items considered by the BZA. Zoning Administrator appeals would continue to require a minimum of 21 days notification. These appeals relate to someone finding they were wrongly denied a construction permit due to an error by the Zoning Administrator in interpreting the Zoning Code.

Signs & Newspaper Ads

With its intended goal of increasing the public notification period, this bill does not modify the display period of public hearing signs or public notification via newspaper ad. These both remain unchanged – with a minimum of 21 days notification. Therefore, only those property owners within 300 feet of the applicant's property will receive any benefit from a 45-day notification period. Those driving by the property regularly or who live outside the 300 foot notification buffer will only have the benefit of a 21-day notification.

Internet

Since the Planning Commission last reviewed the previous bill in November 2005, the Codes Department has begun posting each BZA application submitted for an upcoming docket on its website (nashville.gov/codes/bza/dockets). This gives everyone ample notification of an upcoming item on a 24/7 basis, even those who drive by a site and see a BZA public hearing sign, but are outside of the 300 foot notification buffer.

BZA Rules & Processes

The BZA rules require an applicant for a special exception to mail a notice to all property owners within the prescribed 300 foot notification buffer, using a



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Other Middle TN Cities

mailing list provided by the Codes Department. The notice must be mailed 14 days prior to the BZA public hearing and include a reasonable representation of the special exception request, a reasonable date, time and place for people to meet with the applicant prior to the BZA public hearing, and a contact name and number.

Other cities and counties provide 7 to 15 days notification by mail, prior to a public hearing on a special exception or variance application (Cities of Brentwood, Franklin, Hendersonville, Goodlettsville, Mt. Juliet, Lebanon, Columbia; Williamson County, Sumner County, and Robertson County).

Public Participation

Currently, the public is made aware of special exception or variance requests to be considered by the BZA in several ways: 1) mailed notice by the applicant, 2) mailed notice by the Codes Department, 3) sign on property, 4) agenda posted on BZA website, 5) applications posted on BZA website, and 6) newspaper ad. The Codes Department has made a significant effort to improve public notification within the past six months by integrating multiple advertising methods to inform the public (signs, mail, Internet, newspaper, community meeting). When the BZA receives considerable public input on a proposed special exception or variance request, the BZA will defer items so the applicant and community can work through issues and areas of concern.

Staff Recommendation

Approve with conditions. Staff concurs with the Codes Department that the conflicts with the existing Zoning Code sections must be addressed by any amendment proposing to increase the notification period. As this bill does not currently provide for such, staff recommends conditional approval of this amendment subject to the conflicts with Sections 17.40.310 and 17.40.360 being addressed. Staff noted in its report to the Commission on 11/15/2005 with the previous council bill (BL2005-834), these conflicts. The Codes Department recommends disapproval of the current bill because it still does not, at this time, address these conflicts.

For ease in staff review of BZA applications, planning staff also recommends this bill address appeals to the Zoning Administrator, as was noted in the 11/15/2005



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staff report. As filed presently, this bill would require a 45-day notification period for special exceptions and variances, but would leave alone the 21-day notification period for appeals to the Zoning Administrator. While this bill intends to increase notification of BZA items, it does not uniformly address all items considered by the BZA.



Project No.
Project Name

Zoning Text Change 2006Z-063T
Text Amendment to Address Minimum
Building Envelope Width on Critical Lots

Council Bill
Requested By

BL2006-1045
Council members Loring and McClendon

Staff Reviewer
Staff Recommendation

Carlat
Approve with Staff-Recommended Changes

APPLICANT REQUEST

A Council bill to amend Section 17.28.030 of Title 17 of the Metropolitan Zoning Code, “Hillside development standards”:

- 1. Delete Section 17.28.030.A.1.a. in its entirety and substitute a new section that maintains the existing provisions, but allows that the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006.**
- 2. Delete Section 17.28.030.A.1.b. in its entirety and substitute a new section that maintains the existing provisions, but allows that the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006.**

BACKGROUND

Early in 2006, Metro Planners began applying an existing provision in the Metro Code hillside development standards that require a minimum building envelope width. The provision requires that, on critical lots where the natural slopes rise away from the fronting street or are generally parallel to the fronting street, the building envelope be a minimum width of 75 feet at the building line.

Prior to this point, this regulation was inadvertently overlooked by applicants’ engineers and Planning staff and preliminary plats were approved with critical lots with building envelopes that were less than seventy-five feet in width. When Metro Planners noted the building envelope width requirement and attempted to apply it at the final plat approval stage, applicants expressed frustration at being subject to the provision after receiving preliminary approval of their subdivision with smaller building envelope widths.



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EXISTING CODE AND PROPOSED CHANGES

The hillside development standards are part of the Zoning Code's Environmental Performance Standards. The hillside development standards require that:

“The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slope. Approval of a final site plan for a ‘critical lot’ established by the subdivision regulations shall be based upon a demonstration that the proposal takes into consideration factors such as, but not limited to, soil conditions, degree of slope and feasibility of construction.”

The bill before the Commission would amend two portions of the hillside development standards (referred to here as 1.a and 1.b).

The first section, 1.a., requires that “critical lots” be designated on the final plat of subdivision approved by the Commission. Critical lots are defined as “a single or two-family lot of less than one acre in size with natural slopes equal to or greater than twenty-five percent...”

The bill would amend this provision by adding a sentence to “grandfather” in the building envelope widths approved on these lots if the preliminary plat was approved prior to March 1, 2006.

As amended, the provision would read:

“a. The building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, the resulting lot shall be designated as a ‘critical lot’ on the final plat of subdivision approved by the metropolitan planning commission and the department of public works;” (italics reflect language proposed by the bill).

The second provision proposed to be amended by the ordinance is 1.b., which addresses lots where the natural slope generally rises *away* from the fronting street. As currently written, this provision requires that the building envelope be on land with less than 20 percent natural slope and that the building envelope



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have a minimum width of seventy-five feet at the building line.

As amended, the provision would read:

“b. For natural slopes that generally rise away from the fronting street, *the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided...*” (*italics reflect language proposed by the bill*).

ANALYSIS

Metro Planning staff is in agreement with the bill sponsors that applying the minimum building envelope width requirements at final plat stage raises equity issues when alternate building envelope widths had been approved at the preliminary plat stage.

Metro Planning staff believes this bill is an equitable solution to the issue. However, staff proposes two changes to the ordinance, which Commissioners could include as conditions.

First, the bill adds a sentence to subsection 1.a. to verify that the building envelope widths approved on preliminary plats prior to March 1, 2006 will be honored. This is duplicative of the change to subsection 1.b., and the added sentence is out of context in subsection 1.a., which currently does not speak to building envelope widths, but merely establishes which lots will be labeled “critical lots” and held to critical lot standards. To avoid giving the impression that only lots approved after March 1, 2006 will be labeled critical lots and held to critical lot standards, Metro Planning staff recommends that the deletion and substitution of 1.a. be removed from the ordinance.

Second, there are two sections of the hillside development standards that apply a minimum building envelope width of seventy-five feet. The bill before Commission proposes to amend one of those sections, but not the other. Metro Planning believes the same equity issues exist in both cases and recommends that section 17.28.030A.1.c. be amended to compliment 1.b.



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Section 17.28.030A.1.c. addresses critical lots where the natural slopes are generally parallel with the fronting street. This section also requires a seventy-five foot minimum building envelope width that was not applied prior to March 1, 2006, so the minimum building envelope widths approved in preliminary plats approved prior to March 1 would be honored.

Metro Planning staff recommends, as a condition of approval, that 1.c. be amended. It could be worded as such:

“c. For natural slopes that are generally parallel with fronting street, *the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided...*”

STAFF RECOMMENDATION

Staff recommends approval of 2006Z-063T with the following changes:

1. That the amendment to Section 17.28.030.A.1.a be deleted because the amendments are duplicative and give the impression that lots on slopes of greater than twenty percent may not be labeled “critical lots”, and
2. That Section 17.28.030A.1.c. be amended to read “c. For natural slopes that are generally parallel with fronting street, *the building envelope width shall be as approved on all preliminary plats approved prior to March 1, 2006. After March 1, 2006, a building envelope on less than twenty percent natural slope and a minimum width of seventy-five feet at the building line shall be provided...*”

With these changes, the ordinance will address an inequity inadvertently created by not applying the minimum building envelope width on critical lots prior to March 1, 2006, while continuing to enforce the hillside development standards in the future.



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

Subdivision 2006S-109G-06
Natchez Pointe Subdivision
35 – Tygard
9 - Warden
Natchez Point LLC, owner, Barge, Waggoner, Sumner & Cannon, surveyor.

Staff Reviewer
Staff Recommendation

Harris
Disapprove. If lots 13, 16-20, 22-27, 36-40 are removed from the plan, staff recommends approval with conditions.

APPLICANT REQUEST
Preliminary Plat

Request to subdivide 59.48 acres into 56 single-family lots within a cluster lot subdivision located on the south side of McCrory Lane.

ZONING
RS20 district

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

RS80 district

RS80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre.

The property was rezoned to RS20 and RS80 in October 2005. The Commission recommended approval of this proposal in July 2005.

SUBDIVISION DETAILS

There are 56 cluster lots proposed for single-family only ranging in size from 10,000 square feet to 80,000 square feet. Lots in the 10,000 square foot range are within the RS20 zoning district and lots in the 30,000 to 80,000 square foot range are within the RS80 zoning. There are two lots that are 80,000 sq. ft. or greater proposed off of an existing drive and 10' joint access easement between lots 10 and 11.

There are no stub streets proposed due to the steep topography surrounding the property. Forty acres are proposed for open space.

Scenic Arterial Landscape Easement

A 75' scenic arterial landscape easement is proposed along a section of McCrory Creek since it is a "S2" street classification. This easement is also required along the lots 40-45. This will need to be provided prior to final plat approval.



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Double Frontage Lots

There are ten double frontage lots proposed along McCrory Lane, which requires a landscape buffer yard. A standard “D” landscape buffer yard is required along these lots since the lots are two zoning districts below the base zoning district (RS20 to RS10). This will need to be denoted on the plan prior to final plat approval.

Variance for Lot Frontage

Lots 22-27 are proposed with no public street frontage, which requires a variance from the Subdivision Regulations. There is a stream that runs parallel with the proposed Natchez Pointe Drive which would give these lots public street frontage.

Section 2-4.2A of the Subdivision Regulations state that that “Each lot shall have frontage on a public street or, where permitted, on a private street to enable vehicular access to be provided.”

Staff recommends disapproval of this variance since all of these lots are proposed as critical lots due to slopes over 20 percent. Two of the lots (26 and 27) do not meet the cluster lot option since RS80 is the predominant zoning on the lots. All of these lots are zoned both RS20 and RS80, however, these two lots do not meet the cluster lot option because the proposed lot size is reduced by more than 2 base zone districts. Since they are RS80, these lots are only allowed to be reduced to 30,000 sq. ft. lots and they are proposed at 11,777 sq. ft. and 15,698 sq. ft.

Critical/Cluster Lots

Eighteen critical lots are proposed due to steep topography. These lots are within the RS80 zoning district and Natural Conservation policy. All of these lots have 20% or greater slopes.

Two of these lots are 80,000 square feet or greater and are using an existing driveway for access, creating less disturbance of the steep slopes. A retaining wall is proposed along the frontage of these lots.

The Commission recently adopted an interpretation of the cluster lot policy that requires heightened review of cluster lot subdivisions.

The application does not comply with the special protections contained in the Hillside Development



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Standards. “The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with 20% or greater natural slopes.” Metro Code, § 17.28.030 A. When the Commission is exercising its discretion to allow a cluster lot subdivision, the Commission can also require that a proposed development comply with this section of the Code by staying completely out of any area with contiguous slopes of greater than 20%. The application should be revised to comply with the Hillside Development Standards **by setting aside all areas with 20% or greater slopes as common open space to remain undisturbed.**

Staff recommends that sixteen lots not be approved since they disturb natural slopes of 20% or greater. This excludes lots 13 and 14 since they are proposed for 80,000 sq. ft. or greater lots.

STORMWATER RECOMMENDATION

Approved.

PUBLIC WORKS RECOMMENDATION

Exception Taken.

1. Indicate the amount of sight distance at the project entrance and if adequate site distance per AASHTO for posted speed limit on McCrory Lane is provided.
2. All roads to be one foot minimum above the 100 year floodplain.
3. Intersecting streets to be flattened at the intersection - minor local maximum 5% for min 35 feet.
4. Retaining or split face walls to be located outside of the right of way and maintained by the HOA.
5. Retaining walls shall be a minimum distance from the right of way equal to the height of the wall -- maximum height 20 feet.
6. For a presplit wall from 0-40 feet in height; locate presplit walls a minimum 20' behind right of way. Show an 18' maximum vertical cut then construct an overburden bench. The overburden bench shall be a minimum of 10 feet in width, or as specified in a geotechnical report. During construction provide a geotechnical certification as cuts are made, and prior to stone placement, regarding the appropriate



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catchment width behind the right of way, given the particular site conditions. Presplit faces shall be formed or scaled of loose rocks and overhangs in accordance with approved standards. There may be some thickness above solid rock that is a weathered rock zone. The top of the rock cut shall be below this weathered zone.

7. Indicate edge protection on top of walls.
8. Natchez Court -- building street for two lots?
9. McCrory Lane to be widened to provide two 12 foot lanes and four foot shoulders throughout the length of the property limits.

Traffic Comment:

1. Construct one entering and two exiting lanes with a minimum of 50' of storage to McCrory Lane.
2. Construct a left turn lane on McCrory Lane with 75 feet of storage and transition per AASHTO/MUTCD standards.

At this particular location, the 57 lots warrant the need for an access study. In lieu of requiring the developer to perform a study, we've requested the construction of a left turn lane. Unless the development is reduced to 40 lots or so, an access study will need to be completed to evaluate the need for improvements.

CONDITIONS (If approved)

1. All Public Works and Stormwater comments/conditions shall be addressed prior to final plat approval.
2. Prior to final plat approval, show required landscaping buffer for double frontage lots along McCrory Creek.
3. Prior to final plat approval, provide a scenic arterial easement behind lots 40-45.
4. Prior to final plat approval, lots 13, 16-20, 22-27, and 36-40 are to be removed from the plan due to slopes greater than 20%.



Project No.	Subdivision 2006S-136U-13
Project Name	Mill Run Commons
Associated Cases	None
Council District	28 - Alexander
School Board District	6 - Awipi
Requested By	MEC Inc. engineer, for Gold Star Development, owner.
Staff Reviewer	Leeman
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST	
Preliminary Plat	Subdivide 38.25 acres into eight single-family lots, three multi-family lots, and one greenway/conservation easement lot along the south side of Franklin-Limestone Road.

ZONING	
RM6 District	<u>RM6</u> is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre. The Planning Commission recommended approval of the RM6 district in January 2004 and the Council subsequently approved the RM6 district.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN	
Residential Medium	RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.
Natural Conservation	NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

SUBDIVISION DETAILS	The proposed plan for 8 single-family lots includes a connection to three existing stub-streets. The first street connection to Artelia Drive proposes to dead-end this street in a cul-de-sac with two new lots accessing the
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Multi-Family Development

turn-around at the end of the cul-de-sac. The second street connection to Xavier Drive proposes to extend this road from the existing Oakwood Terrace Subdivision to the south to Franklin-Limestone Road. The third street connection proposes to extend Long Branch Drive (within the Quiet Creek Subdivision) through this subdivision to the new extension of Xavier Drive. All land in the boundary of the subdivision that is located within the Natural Conservation Policy is being dedicated as a Greenway Conservation Easement.

Single-Family Lots

Lots 9 (10.9 acres) and 10 (9.28 acres) are zoned RM6, which would allow a total of 121 multi-family units.

The eight single-family lots meet the minimum lot size requirements for RM6 (6,000 sq. ft.) for single-family development.

Sidewalks

Sidewalks are proposed on both sides of all of the new streets within this subdivision. Because this is within multi-family zoning, where sidewalks are determined by the Zoning Code requirements, the sidewalks along Franklin-Limestone Road will be determined at the building permit stage for each lot.

PUBLIC WORKS RECOMMENDATION

1. Show professional seal.
2. Any approval is subject to Public Works review and approval of construction plans. Final design and improvements may vary based on field conditions.
3. Adequate site distance is required to AASHTO standards. Submit sight distance documentation prior to construction plan preparation.
4. Additional off-site improvements may be required with multi-family development.
5. Construct a westbound left turn lane on Franklin-Limestone Road at the site access with 100 feet of storage and transitions per AASHTO/MUTCD standards.
6. Construct the site access road at Franklin Limestone Road with one entering and two exiting lanes (LT and RT) each with 100 feet of storage and transitions per AASHTO/MUTCD standards.
7. Construct an eastbound right turn lane on Franklin Limestone road at the site access with 125 feet of



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storage and transition per AASHTO/MUTCD standards.

STORMWATER RECOMMENDATION

Approve

CONDITIONS

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. All conditions, as recommended by Public Works, must be completed, satisfied, or bonded prior to final plat recordation, or as determined prior to final plat approval.
3. Any approval is subject to Public Works review and approval of construction plans. Final design and improvements may vary based on field conditions.
4. Adequate site distance is required to AASHTO standards. Submit sight distance documentation prior to construction plan preparation.
5. Additional off-site improvements may be required with multi-family development.
6. Construct a westbound left turn lane on Franklin-Limestone Road at the site access with 100 feet of storage and transitions per AASHTO/MUTCD standards.
7. Construct the site access road at Franklin Limestone Road with one entering and two exiting lanes (LT and RT) each with 100 feet of storage and transitions per AASHTO/MUTCD standards.
8. Construct an eastbound right turn lane on Franklin Limestone road at the site access with 125 feet of storage and transition per AASHTO/MUTCD standards.
9. Sidewalks along Franklin-Limestone Road to be determined by the Zoning Code requirements at the building permit stage for multi-family zoning.



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10. A note shall be added to the final plat for Lot No. 12 (Proposed Greenway Dedication/Conservation Easement) that says this lot shall be maintained by the property owner or the property owners of the subdivision and that the Metro Nashville Government will not be responsible for maintaining the property. Or, at the final plat stage, Lot 12 shall be combined with Lot No. 9 so that this area will be maintained by the multi-family development on this site.



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

Subdivision 2006S-148G-14
Hermitage Creek Subdivision
12 – Gotto
4 - Nevill
Hermitage Creek Homes LLC, owner, Civil Site Design Group, surveyor

Staff Reviewer
Staff Recommendation

Harris
Disapprove

APPLICANT REQUEST
Preliminary Plat

Request to subdivide 5.63 acres into 11 single-family lots within a cluster lots subdivision located at Tulip Grove Road (unnumbered), approximately 2,520 feet north of Rockwood Drive.

ZONING
RS15 district

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

SUBDIVISION DETAILS

There are 11 cluster lots proposed for single-family only ranging in size from 7,500 square feet to 10,000 square feet. Access is proposed from Tulip Grove Road with a stub street proposed to the east.

Critical lots/Floodplain

There are seven lots proposed as critical lots due to floodplain. Two of the seven are predominantly in the existing floodplain area. These two lots should be removed and/or a plan is to be provided that shows the undisturbed floodplain area.

Blue Line Stream and Spring

The proposed plat preserves an existing blue-line stream located along the eastern edge of the property. A twenty-five foot wide buffer is shown from the blue-line stream. The plat also preserves an existing spring located between lots 3 and 4. The blue-line stream and spring are both located within common open space.

Spite Strip

There is a small piece of land between the proposed street and adjacent property that is not a part of the proposed ROW. The proposed street must be relocated to include this small “spite strip” to allow future development to connect to this road.

Open Space/Cluster Lot Option

There is 18% open space proposed within this subdivision. There is open space provided, which is consumed by a blue line stream and floodplain. The



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Planning Commission adopted an interpretation of the cluster lot option policy in 2005 that provided a list of criteria for subdivisions using this option. This subdivision does not meet the following:

1. Meet not only the specific regulations of the Planning Commission and any other laws, ordinances, or regulations, but also comply with the goals, objectives, and policies of the General Plan, which includes the adopted community plans, the Land Use Policy Application, and other elements of the Plan.

The Donelson Hermitage Community Plan lists as a development goal to “preserve open tracts of land” by maintaining “areas of undeveloped land to protect the environment, retain community character, and provide additional recreation opportunities, notably all floodplains, rural property and potential parkland.”

2. Adequately protect lands identified by the applicant or determined by the Commission to be unsuitable for development.

Two lots would directly affect the natural floodplain and are not suitable for development. Staff recommends that the Commission include a condition that requires these two lots to be removed from the plan. The Zoning Ordinance allows for 50% disturbance of floodplain, however, the cluster lot option allows for the applicant to go beyond the requirement to protect natural floodplain areas. Staff recommends that a plan be submitted showing the amount of undisturbed floodplain proposed, if approved.

3. Create adequate open space in light of the project’s relationship to the surrounding community.

The Commission has stated that common open space should be for the “use and enjoyment” of future homeowners. Most of the open is space behind the lots with an opening between lots 3 and 4, which is floodplain. Staff recommends that a trail or pedestrian path be provided that connects from the sidewalk to the open space along the floodway and/or floodplain.

Sidewalks are proposed on each side of the proposed streets.

Sidewalks



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Landscape Buffer Yards

A landscape buffer yard is proposed along the northern boundary (30'-20') and along the eastern boundary (30').

History

A preliminary plat was approved with conditions for this subdivision on November 14, 2002. The preliminary plat approval expired November 14, 2005, therefore, the current subdivision regulations apply.

STORMWATER RECOMMENDATION

Returned for Corrections.

1. Add the subdivision number to the plat, 2006S-148G-14.
2. Show a water quality concept for lots 4-11. The pipe atop lots 5-6, and between 9-10 cannot discharge water without prior water quality treatment.
3. Amend plat note #6 to include the name and publication of the local flood study. Specifically, cite the "Tulip Grove Development 100 Year Flood Analysis Hydraulic Study" conducted September 17, 2002. Futhermore, cite the authors of the study.

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. Minimum elevation of public streets shall be a minimum one (1) foot above the 100-yr flood elevation.
3. Build street to property line, or create permanent turnaround per Metro ST-331.

CONDITIONS (If approved)

1. All Public Works and Stormwater comments/conditions shall be addressed prior to final plat approval.



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2. With final plat application, a plan is to be submitted that shows the amount and areas of undisturbed floodplain.
3. Prior to final plat approval, the proposed spite strip on the southern boundary of the property must be included within the proposed right-of-way and is to be removed.
4. Prior to final plat approval, a pedestrian path or trail must be provided between lots 3 and 4 that connects from the sidewalk to the open space along the floodway and/or floodplain.



Project No.

Subdivision 2006S-133U-12

Project Name

Carden Subdivision, Section 2

Associated Cases

None

Council District

27 - Foster

School Board District

2- Blue

Requested By

John Kohl & Company, surveyor for William and Gail Cate, owner.

Staff Reviewer

Leeman

Staff Recommendation

Approve with conditions, including the required Stormwater note corrections and a variance for lot frontage for Lot 3.

APPLICANT REQUEST

Final Plat

Subdivide 3.65 acres into three lots along the west side of Edmondson Pike, approximately 1,050 feet south of Brent Glen Point.

ZONING

OL District

Office Limited is intended for moderate intensity office uses.

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.

R15 district

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

The Planning Commission recommended approval of the OL district in September of 2005, while the Council subsequently approved the OL district in November 2005.

SOUTHEAST COMMUNITY PLAN

Special Policy Area 8

This special policy area along Edmondson Pike, north of the branch library, may be developed in accordance with the standard Residential Medium Density policy or with ON or OL zoning. Because of traffic conditions along Edmondson Pike and environmental and dimensional conditions of the policy area, and the Subarea Plan requires all properties within this area to



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have coordinated parking and building locations that enhance the environmental qualities of the site.

This property was rezoned in late 2005. With that rezoning, the Planning Commission considered a site plan for this property that allowed cross-access to the adjacent properties to the north, and included a joint-access easement for the remaining residential property to the rear of this site. The proposed subdivision is consistent with that plan.

SUBDIVISION DETAILS

This plat proposes two lots fronting Edmondson Pike, which are zoned OL (Office Limited), and one lot to the rear within the R10 and R15 residential zoning district. The site is divided by Seven Mile Creek, including areas of floodway and floodplain.

The Zoning Code and Stormwater Management Regulations require portions of this floodplain area to be protected in a natural state. The proposed plat includes the required 50 foot floodway buffer on both sides of Seven Mile Creek. The applicant has also provided a map showing that 50% of the development site is protected in a natural state, as required by the Zoning Code.

Greenway Easement

The Southeast Community Plan calls for a greenway along Seven Mile Creek. The applicant has shown a reservation for a Greenway/Conservation public access trail easement area on the plat.

Variance

Section 2-4.2A of the Subdivision Regulations requires each lot to have road frontage on a public street. Lot No. 3 on the proposed plat does not have street frontage, which requires a variance to this section of the Subdivision Regulations. Staff recommends approval of this variance due to the topographic conditions of the site, where Seven Mile Creek divides the front portion of the site from the back portion of the site. Due to the split zoning on the site and the topographic constraints limiting the ability of Lot 3 to have direct access, staff recommends approval of the lot frontage variance. The plat includes a joint-access easement through the office site to the existing home at the rear of the site.



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PUBLIC WORKS RECOMMENDATION

No Exception Taken

STORMWATER RECOMMENDATION

Returned for Corrections

1. Properly show and label a public drainage easement for seven mile creek. The drainage easement must be centered over the creek. See Markup. Refer to Table 6.1 from Volume 1 of the Stormwater Management Manual for required drainage easement widths.
2. Correct plat note #15. According to the Metro Flood Study, conducted February 2001, the worst case 100 Year flood elevation is 557.0' As such, change 555.7 to 557.0, and correct the minimum FFE from 559.7 to 561.0.

CONDITIONS

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Prior to recordation, revised plat shall include a 10' private water line service easement for service to Lot 3.



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

Subdivision 2006S-139A-10
Harpeth View Estates
None
34 – Williams
8 – Harkey
Green Investors, LLC

Staff Reviewer
Staff Recommendation

Swaggart
Approve

APPLICANT REQUEST

Final Plat

A request to amend the recorded street setback along Wayland Drive from 100 ft to 85 ft, and along Wayland Court from 75 ft to 60 ft. for the property located at 4529 Wayland Drive.

Zoning

R40 district

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

SUBDIVISION DETAILS

The request is to amend the recorded setbacks from 100 ft to 85 ft along Wayland Drive, and from 75 ft to 60 ft along Wayland Court.

The existing setback is not a requirement of the Metro Code or Subdivision Regulations, but essentially reflects a private agreement among the homeowners in the subdivision that is shown on the recorded plat. For that reason, staff has required the applicant to provide notice of the Public Hearing for this request to all property owners within the subdivision.

STORMWATER RECOMMENDATION

No Exceptions Taken

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken



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

Planned Unit Development 102-86-P-06
Riverside
None
35 - Tygard
9 - Warden
Walter Davidson and Associated, applicant, for
Rochford Construction Company, owner.

Staff Reviewer
Staff Recommendation

Fuller
Disapprove unless the eight lots proposed for the end of the cul-de-sac are reduced to 4 lots to be more compatible with the original development concept of a large lot with a single home in this location.

APPLICANT REQUEST
Amend PUD

A request to amend the approved preliminary plan for a residential Planned Unit Development, located on the south side of Northridge Drive, and west of Old Harding Pike, (14.29 acres) to allow for an additional 8 lots to Phase 7, increasing the total number of approved single family lots from 254 to 262 single family lots.

PLAN DETAILS
PUD History

The proposed plan includes the addition of eight single-family lots to the last portion of developable land in the PUD. The most recently amended plan was adopted by Metro Council on August 4, 1992. The 1992 amended plan included 7 lots on a very small cul-de-sac where the front of the proposed application is located. The Frank H. Carter Tract, which is the subject of this request, and which has always been in the PUD as one lot, will now be used to extend the dead end street and provide for the additional lots.

A similar application to the current proposal was submitted in late 2003, and was ultimately deferred indefinitely by the applicant due to concerns from the existing Riverside residents.

Site Plan Details

The plan proposes one new cul-de-sac and reconfigures some 7 existing lots and adds eight new lots. One of the lots is located on the adjacent cul-de-sac, South Glenleigh Court. Three of the lots are designated as critical lots due to topography, however there are no areas of the site that are 25% or greater slope. The plan



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includes .77 acres of open space (15.5%). The plan proposes to preserve an existing stone wall behind lots 247-251.

Staff requested more information from the applicant to address strong concerns that neighbors had with topography and drainage issues when this plan was submitted in 2003. Below is the applicant's response:

"In response to your concerns about the steep slope along the rear of lots 124 through 129 in Phase 3:

- 1. This slope was cut in 1988 as part of a borrow pit for construction of Phase 1 and has shown no signs of instability in this period.*
- 2. The revised plan shows that our plan will lower the top of the hill thereby relieving some stress on the soils in the slope.*
- 3. The grading plan shows we are proposing a drainage swale to control the surface water and divert it away from the slope and increase stability of the slope.*
- 4. The plan also proposes a curtain drain along the top of the slope to reduce the groundwater in the slope thereby eliminating another source of instability in the slope."*

STAFF RECOMMENDATION

Neighboring homeowners to the Frank Carter property bought into the Riverside PUD when the approved plan showed one house on a very large lot. The proposed amendment is, in that regard, a significant deviation from the original concept. On the other hand, the proposal is in character with the existing development pattern of the PUD. In light of these competing facts, staff recommends that the large lot concept be maintained in this area and that 4 lots be permitted at the terminus of the cul-de-sac, but not the 8 requested by the applicant.

PUBLIC WORKS RECOMMENDATION

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

STORMWATER



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RECOMMENDATION

Preliminary PUD approved. Construction drawings must be approved prior to the final PUD approval.

FIRE MARSHAL RECOMMENDATION

Fire hydrants should flow a minimum of 500 GPM's at 30-35 psi residual flow at the most remote hydrant. Depending upon side setbacks, construction type and the square footage of the building, water demands may be greater.

CONDITIONS (IF APPROVED)

1. Reduce the 8 lots at the end of the proposed cul-de-sac to 4 lots.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper 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.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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



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include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

6. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.



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

Planned Unit Development 2004P-035G-12
Burkitt Place, Phase 2
None
31 - Toler
2 – Blue
Civil Site Design Group, applicant for Burkitt Place Development, LLC, owner.

Staff Reviewer
Staff Recommendation

Fuller
Defer unless Stormwater approval is received prior to the Planning Commission meeting.

APPLICANT REQUEST
Final PUD

A request to revise the approved preliminary plan and for final approval for a phase of the residential Planned Unit Development district located on the south side of Burkitt Road, approximately 1,000 feet east of Nolensville Pike, classified RM9, R8 and RS10, (75.05 acres), to permit 191 single-family lots, and 64 townhomes.

PLAN DETAILS

Site Plan Details

The plan completes the final phase of the Burkitt Place development with 191 single-family lots and 64 townhomes. The development consists of 3 sections. The first, in the northwest corner contains the 64 townhomes. The second and third areas contain the 191 single-family lots. There are an additional 65 single-family homes located in Williamson County.

The development provides 3 future street connections to the south and the east. Landscape buffers shall be provided along Burkitt Road where lots and units back up to the road. Existing vegetation may be used towards satisfying the planting requirements as long as it is protected according to the Urban Forester’s requirements during the construction process. The plan also provides alternative pedestrian paths through the open space.



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PUBLIC WORKS RECOMMENDATION

1. The thresholds are expressed as the number of building permits for residential units in this development.
2. The developer shall construct a westbound left turn lane with 125 foot of storage and transition per AASHTO standards on Burkitt Road at the project access. Threshold: (162 homes)
3. The developer shall construct a southbound left turn lane with 200 feet of storage and transition per ASSHTO standards on Nolensville Road at Burkitt Road. Threshold: (145 homes)
4. The developer shall construct both project access roads at Phase 1. The access road in Davidson County off of Burkitt shall have 1 entering lane and 2 exiting lanes with separate left and right turn lanes with 100 feet of storage and transitions per ASSHTO standards.
5. Provide adequate sight distance at Burkitt / project access intersection.
6. The one-way Roundabout shall be designed with splitter islands and smooth radius to accommodate adequate truck turning movements.
7. The developer shall construct a right turn with 75 feet of storage and transition per AASHTO standards on Burkitt at project access. Threshold: (162 homes) This work should be completed at the same time that the left turn lane on Burkitt Road (item 1) is constructed.
8. Dedicate / Reserve $\frac{1}{2}$ ROW for U4 (84' / 2) cross-section along Burkitt Road plus ROW for right turn lane. Burkitt is identified as having 2 - 10 ft. travel lanes. The developer shall reconstruct Burkitt Road from the project access road to Nolensville Road with 12 ft. wide travel lanes and 4 feet shoulders. This is in addition to turn lanes on Burkitt Road at project access road. (Due to topographic constraints on the north side of the road along the project boundaries, the developer intends to perform this widening all on the south side of the road from the project access road to the western boundary of the property. Then from the western boundary of the property to Nolensville Road, the widening will be provided symmetrically on each side of the road. Appropriate horizontal transitions will be provided.)



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Threshold: (162 homes) This work should be completed at the same time that the left turn lane on Burkitt Road (item 1) is constructed.

9. Provide vehicular cross access to adjacent property along Nolensville Road.
10. The developer shall conduct traffic counts at Burkitt Road. and Nolensville Road. and submit warrant analysis to Metro Traffic Engineer for signal approval at 50%, 75% and 100% issuance of building permits in Davidson and Williamson County. Submit signal plan for approval when warranted and install signal when approved.

STORMWATER RECOMMENDATION

Plans not approved. Technical comments returned to applicant on April 12, 2006. Waiting for applicant to resubmit revised plans.

FIRE MARSHAL RECOMMENDATION

1. Fire hydrants should flow a minimum of 500 GPM's at 30-35 psi residual flow at the most remote hydrant. Depending upon side set backs, construction type and the square footage of the building water demands may be greater.
2. All dead end roads over 150 ft. in length requires a 100 ft. diameter turnaround, or other turning arrangements approved by the Fire Marshal's Office. This includes temporary turnarounds.

CONDITIONS (if approved)

1. Comply with Public Works conditions of approval (1-10) as listed above.
2. Landscaping plans must be approved by the Urban Forester prior to the issuance of a grading permit. Any existing landscaping used to satisfy the buffer requirements must be protected throughout the construction process.
3. The alternative pedestrian trails through open space shall be bonded with the final plat.
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater



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Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.

5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.