



Request

2006CP-20-08

Request to Amend the North Nashville Community Plan: 2002 Update, MetroCenter – North Rhodes Park DNDP

2006SP-108U-08

Associated Cases

None

Council Bill

2 - Isabel

Council District

School District

1 - Thompson

Requested by

Barge Cauthen and Associates

Deferral

This item was deferred from the August 10, 2006, Planning Commission meeting.

Staff Reviewer

Wood

Staff Recommendation

Approve with Special Policy

APPLICANT REQUEST

A request to amend the North Nashville Community Plan: 2002 Update, MetroCenter – North Rhodes Park DNDP to go from Mixed Use to Commercial Detailed Land Use policy with a Special Policy overlay for approximately 10.37 acres for property located between MetroCenter Boulevard, Dominican Drive, and Interstate 65.

DETAILED LAND USE POLICIES

Mixed Use (MxU)

This category includes 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.

Commercial (Com)

This category includes buildings that are entirely commercial in use with no residential. It is envisioned that mixed commercial buildings (e.g. retail, office) locate shopping uses at street level and office uses on upper levels to encourage an active street life.

ANALYSIS

This amendment is being requested to enable the applicant to develop a use on the property that is supported by the underlying Structure Plan policies (Corridor Center and Neighborhood Urban), but not the Mixed Use Detailed Land Use policy that applies to the site. The use in question is an automobile dealership,



Metro Planning Commission Meeting of 08/24/06

which is a use that can be accommodated in Corridor Center areas subject to appropriate design standards being met. Corridor Center areas (referred to as Community Center areas in subsequent community plans) are places where the consumer needs of a group of several neighborhoods are met. Larger Corridor Center areas such as this that have access not only to a four-lane arterial street but also to an interstate interchange would be expected to contain uses such as auto dealerships that may draw from an even broader market area. This is certainly true for the MetroCenter area, which already contains other large auto dealerships as well as major uses such as the Watkins College of Art and Design, Ted Rhodes Golf Course, and several large employers.

A small portion (3.19 acres, or 30%) of the amendment area is within Neighborhood Urban rather than Corridor Center Structure Plan policy, although it is in Mixed Use Detailed Land Use policy in both cases. This property is in the part of the amendment area where Dominican Drive crosses the interstate. There is no significant difference between the two Structure Plan policy areas in this instance given the location against the interstate and the predominantly commercial and light industrial character of the area.

Although the use in question is generally appropriate within the overall area, staff proposes a Special Policy because of the context relative to the rest of the DNDP area and adjacent neighborhoods. This site is part of the gateway into MetroCenter as one travels from downtown, and is correspondingly part of the gateway into the downtown area from MetroCenter. Its significance as such needs to be recognized, particularly if a use featuring a low-elevation structure that is set well back from the bounding streets is developed rather than multi-story mixed-use buildings that closely frame the streets. Therefore, the following Special Policy is recommended for the area:

Special Policy Area 1

This Special Policy applies to the Commercial policy area between MetroCenter Boulevard, Dominican Drive, and Interstate 65. In order to preserve and enhance this area's role as a gateway both for the



Metro Planning Commission Meeting of 08/24/06

MetroCenter and Downtown areas, the following objectives apply to development within it:

- a) Maintain or enhance the existing landscaping and signage that identify the area as a gateway to MetroCenter;*
- b) Begin to establish features that identify the area as a gateway to Downtown Nashville;*
- c) Protect existing mature trees to the maximum extent possible, particularly around the periphery of the site adjacent to the bounding streets, and treat them as integral to site design;*
- d) Utilize techniques such as solid walls and landscaping to define the perimeter of the site and create a street wall.*
- e) Construct buildings of high-quality, durable materials;*
- f) Construct signage that is appropriately scaled for an environment that welcomes pedestrian, vehicular, and bicycle traffic.*



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

2006SP-108U-08
Metro Center Auto Facility
None
2 – Isabel
1 – Thompson
Barge Cauthen and Associates, applicant for Metrocenter Properties Inc., CB & J Properties LLC, South Central Bell Telephone Co., Felix Wade et ux, and Strickland Enterprises, owners

Deferral

This item was deferred from the August 10, 2006, Planning Commission meeting.

Staff Reviewer
Staff Recommendation

Swaggart
If the associated North Nashville Community Plan is amended, then staff recommends approval with conditions.

APPLICANT REQUEST
Preliminary SP

A request to change approximately 4.96 acres from mixed use limited (MUL) and residential single-family (R6) to specific plan (SP) zoning on various properties bounded by Metrocenter Boulevard, Dominican Drive, and Clay Street, to permit a new automobile sales and service complex with two buildings totaling 32,225 square feet, and an existing telephone utility/communication facility.

Existing Zoning
MUL district

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

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

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**



Metro Planning Commission Meeting of 08/24/06

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.

NORTH NASHVILLE COMMUNITY PLAN

Existing Policies

Structure Policy

Corridor 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. 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.

Detailed Policy

Mixed Use in Corridor Center
MxU in CC

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.

Proposed Policy

Detailed Policy

Commercial in Corridor Center
C in CC

Commercial is intended for commercial uses only, with no residential uses. It is intended for mixed commercial buildings with shops at street level and office uses on the upper levels.



Metro Planning Commission Meeting of 08/24/06

Consistent with Policy?

Yes. The proposed Specific Plan is consistent with the area's Corridor Center policy and the proposed Commercial detailed policy. The proposed SP zoning is not consistent with the existing Mixed Use detailed land use policy, however.

PLAN DETAILS

Site Plan

The site plan calls for two individual buildings totaling 32,225 square feet of area that will be used for automobile display office/sales use and maintenance and repair. The site also contains an existing telephone utility/communication facility, which will remain on the property. The site will be accessed from two locations off Dominican Drive, and from a right only entrance off of Metrocenter.

As proposed, 264 parking spaces will be provided. Parking will be used for customer and employee parking as well as for automobile display.

Landscaping is provided throughout the site with a majority of the landscaping being along Metrocenter Boulevard. Because Metro Center Boulevard is a gateway into Metro Center, staff recommends that the landscaping along Metro Center Boulevard should be intensified.

Street Closure

In 2002, the Metro Council abandoned 5th Avenue North, which ran through this property from Dominican to Clay Street.

PUBLIC WORKS RECOMMENDATION

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.

The developer shall comply with the following conditions or submit an access study:

- (1) Realign the driveway at Dominican Drive directly across from the intersection of French Landing.
- (2) Provide one entering lane and two exiting lanes at the driveway onto Dominican Drive.
- (3) Construct a dedicated left turn lane (in the existing median) on French Landing at Dominican Drive. The



Metro Planning Commission Meeting of 08/24/06

left turn lane shall have 75 ft of storage and an auxiliary taper per AASHTO/MUTCD standards.
(4) Provide connectivity/cross access to the development (Starbucks) west of this site.

Typical Uses in Existing Zoning District: MUL/R6

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station With convenience market (951)	4.96	0.094	20,309	14,989	1,361	1,065

*Adjusted as per use

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Car Dealership ()	4.96		32,225	1,075	67	86

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
--	4.96			-13,914	-1,294	-979

STORMWATER RECOMMENDATION

Approve with the following conditions.

1. Add 78-840 Note: "Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by the Metropolitan Department of Water Services."
2. Add Preliminary Note: "This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application."
3. Add Access Note: "Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site."
4. Add C/D Note: "Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP)."



Metro Planning Commission Meeting of 08/24/06

CONDITIONS (If approved)

1. Any sign shall be monument type and limited to no more than 4 feet in height and no larger than 20 square feet in area.
2. Prior to approval of the final development plan, the project should be given a new title.
3. Landscaping along Metro Center Boulevard, including increased landscaping to identify the area as a gateway to Metro Center, must be approved by planning staff prior to approval of the final development plan.
4. Prior to final SP approval, the plan must identify the size and use of the telephone utility located on the property.
5. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for improvements in the public right of way.
7. Subsequent to enactment of this Specific Plan 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 district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
8. For any development standards, regulations, and requirements not specifically shown on the SP plan and /or included as a condition of Commission approval, the property shall be



Metro Planning Commission Meeting of 08/24/06

subject to the standards, regulations, and requirements of the CS zoning district.

9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. A revised plan showing all required revisions and listing all conditions of approval shall be submitted within 60 days after the PUD has received the final approval of the Metro Council.



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

Zone Change 2006SP-134G-01
Family Foundation
None
1 - Gilmore
3 - Garrett
SSOE Inc., applicant for the Family Foundation Fund, owner.

Deferral

This item was deferred from the August 10, 2006, Planning Commission meeting with a request from the Commission that staff work to address concerns raised by the Councilmember.

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions

APPLICANT REQUEST
Preliminary and Final

A request to change approximately 7 acres from agricultural and Residential (AR2a) and residential single-family (RS40) to specific plan (SP) zoning and approval of the final development plan on property located at 6483 Clarksville Pike for a 6,236 square foot building to be used as a boarding house for children and all other uses allowed in the AR2a district.

NEW ISSUES SINCE AUGUST 10, 2006, COMMISSION MEETING

The Commission requested staff to address issues raised at the August 10, 2006, meeting by the district Councilmember. Specifically, the Councilmember raised concerns about the possible location of a cemetery on the property and the number of potential residents.

Grave Sites

Concerns regarding the possibility of a family grave site located on the property have been expressed by area residents. Metro data does not identify a grave site on the property, and at this time no official documentation has been presented to planning staff confirming the presence of a grave site. Planning staff has received a letter from Nick Fielder (Tennessee Division of Archeology) indicating the best possible location of any grave site, but that he was not able to locate any graves on his inspection. Mr. Fielder recommends that no more work be done on the site until a State approved archaeological consultant has determined that graves are not located on the site, or if they are present, that the location is identified and that the appropriate measures are taken to ensure the protection of the site.



Metro Planning Commission Meeting of 08/24/06

Number of Residents

The applicant has indicated that the typical number of residents will be six, which includes two adults who will permanently reside in the home, and four participants of the program. While the typical number of residents in the home will only be six, the building is large enough to house more residents. To ensure that the use is not too intense for the area, staff recommends that the total number of residents be limited to sixteen, which would include 14 participants, and two adults.

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. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

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

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



Metro Planning Commission Meeting of 08/24/06

JOELTON COMMUNITY PLAN POLICIES

Rural (R)

R policy is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate. Public Benefit uses are also appropriate in rural policy areas.

Natural Conservation (NCO)

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Consistent with Policy?

Yes. The proposed use is "Boarding House". The Metro Zoning Code defines a "boarding house" as a residential facility or a portion of a dwelling unit for the temporary accommodation of persons or families in a rooming unit, whether for compensation or not, who are in need of lodging, personal services, supervision, or rehabilitative services. As proposed, one permanent family will reside on the property and children will be housed temporarily while participating in an enrichment program. The program is voluntary, and the program is not for profit, and would be classified as a Public Benefit use. The Planning Commission's Land adopted Use Policy Application document stipulates that Public Benefit uses are appropriate in areas designated with Rural policy. Due to the low intensity of the proposed use, it should have no negative impact on the adjacent area. The area designated with the Natural Conservation Policy will remain undeveloped and in its natural state.

PLAN DETAILS

The plan calls for a two-story, 6,236 square foot building. According to the applicants the building will consist of two separate modular homes that will be connected as a duplex. The home will house one permanent family who will temporarily care for fatherless children while participating in an enrichment program on the property. To ensure that the proposed



Metro Planning Commission Meeting of 08/24/06

Permitted Uses

use remains limited in intensity, the program should be limited to no more than 16 residents at any time.

Limited uses in this SP district will include room and board for young boys and two adults limited to no more than 16 total residents at any time, and for all other uses allowed in the AR2a district. Permitted uses on the site will also include educational and life experience training, as well as special events. The table below specifies the typical number of residents during the week and weekend, as well as summer days and during special events.

	Typical Weekday	Typical Weekend	Summer	Summer Days Only	Vegetable Stand	Blessing Service*	End of Camp Grill Out**
Adults	2	2	2	12	1	10	15
Children	4	0	4	12	3	10-26	46-65

*Occurs 1-4 times a year depending on the number of birthdays in the program

**Occurs once a year typically the second week of June (All parking will be on site)

Access

The site will be accessed from Clarksville Pike. Access will be provided from an existing driveway that is not located on the property. If an easement does not currently exist then one should be recorded with the Register of Deeds.

Environmental

The property contains slopes greater than 20%; however, as proposed these areas will be left undisturbed. The development will also be on septic. Subsequent Council approval, a final plat shall be recorded locating the septic fields.

Staff Recommendation

Since the request is consistent with the areas Natural Conservation and Rural policy, staff recommends that the request be approved with conditions.

RECENT REZONINGS

None

PUBLIC WORKS RECOMMENDATION

Approve as noted:

1. All Public Works' design standards shall be met prior to permit issuance. Any approval is subject to Public Works' approval of the construction plans.



Metro Planning Commission Meeting of 08/24/06

Final design and improvements may vary based on field conditions.

2. Show and dimension ROW along Clarksville Pike at property corners. Label and show reserve strip for future ROW 54 feet from centerline to property boundary, consistent with the approved major street plan (R2 – 108 ft minimum functional ROW).

STORMWATER RECOMMENDATION

This project does not meet the minimum criteria to require stormwater treatments.

CONDITIONS

1. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff adding the use table above. The table must reflect that the maximum number of residents at any one time shall be limited to 16 or less.
2. Prior to the issuance of any permits, a State approved archeological consultant must survey the property and determine if a grave site is located on the site. If a grave site is present, it shall be identified on the site plan, and appropriate measures shall be taken to ensure its protection.
3. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff adding a note that only one non-illuminated sign shall be permitted.
4. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff adding: "Final Development Plan" to title.
5. Prior to the Planning Commission meeting a revised plan shall be submitted to Planning Staff that identifies and dimensions ROW along Clarksville Pike at property corners. Label and show reserve strip for future ROW 54 feet from centerline to property boundary, consistent with the approved major street plan (R2 – 108 ft minimum functional ROW).



Metro Planning Commission Meeting of 08/24/06

6. Prior to application for a building or grading permit, a final plat shall be recorded locating the septic fields.
7. For any development standards, regulations, and requirements not specifically shown on the SP plan and /or included as a condition of Commission approval, the property shall be subject to the standards, regulations, and requirements of the AR2a zoning district.
8. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division.
9. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Department of Public Works for all improvements within public rights of way.
10. 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.
11. 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.
12. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
13. This final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit



Metro Planning Commission Meeting of 08/24/06

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. The revised plans must be received within 60 days of Metro Council's final approval.



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

Subdivision 2006S-231U-03
Nocturne Village
None
2 – Isabel
1- Thompson
Florine Holt, owner and McKinney Engineering,
engineer and surveyor.
This item was deferred at the August 10, 2006,
Planning Commission meeting.

Deferral

Staff Reviewer
Staff Recommendation

Leeman
Approve with conditions

APPLICANT REQUEST
Concept Plan

A request for Concept Plan approval to subdivide 13.20 acres into 35 single-family lots on property along the north side of West Trinity Lane, south of Walker Lane.

ZONING
RS7.5 district

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

The 11.07 acre portion of the site zoned RS7.5 permits a maximum of 64 lots on this property.

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.

The 2.13 acre portion of the site zoned RS20 permits a maximum of 5 lots on this property.

BORDEAUX-WHITES CREEK
COMMUNITY PLAN

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 zone change proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.



Metro Planning Commission Meeting of 08/24/06

SUBDIVISION DETAILS

The proposed plan includes 35 single-family lots on 13 acres. The property is currently located in an area with several platted rights of way, but where the roads were never built. The plan utilizes one of the old right-of-ways and ties into existing Walker Lane to the north. Staff supports this connection since it will provide for greater connectivity in the area, and since one connection in this area was recently eliminated. The Metro Council approved terminating the connection of Nocturne Forest Drive to Buena Vista Pike on the western end of Nocturne Forest Drive in 2001.

Double Frontage Lots

Five lots along West Trinity Lane have double frontage, which requires a 20 foot landscape buffer yard according to the Zoning Code. Although Chapter 3-4.3 says that double frontage lots should be avoided, staff recommends approval of these double frontage lots on West Trinity Lane due to the severe grade along West Trinity Lane created when West Trinity Lane was straightened and widened. Staff worked with the applicant to design portions of the interior of the subdivision with rear access, but due to limited space were not able to accomplish this along West Trinity Lane.

Variance for street frontage

Lots 23 and 24 are proposed without public street frontage. Chapter 3-4.2b requires each lot to have frontage on a public street. While lots 23 and 24 do not have frontage on a public street, they do have rear access through a 20 foot wide alley. The pavement width of this alley will be 18 feet.

PUBLIC WORKS RECOMMENDATION

Public Works' design standards, including cross-sections, geometry, and off-site improvements, shall be met prior to approval of roadway or site construction plans. Final design and improvements may vary based on field conditions.

Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Service District. Developer shall construct Walker Lane with a standard 3-lane cross section from Trinity Lane to Nocturne Lane with transitions per AASHTO standards.



Metro Planning Commission Meeting of 08/24/06

STORMWATER RECOMMENDATION

1. Add the subdivision number, i.e., 2006S-231U-03, to the plat.
2. Add a bearings reference.
3. Provide a water quality concept for lots 7-15 and 38.
4. There are two FEMA notes present on the plat. Strike the note that cites FEMA panel 0359 F, as said panel is incorrect.
5. The detention/WQ pond must reside in, "Open Space."
6. The plat cannot be approved prior to the abandonment of the Day Street ROW. The lot layout will have to change if the abandonment application is not approved.

WATER SERVICES RECOMMENDATION

Sewer Lines should be aligned such that the pipe is not under the sidewalks. In addition, sewer lines running under and/or through detention ponds should be avoided. A minimum of 20 feet is required for sewer easement width. Widths of existing easements should be shown on the plat. "Open Space" should be listed as public utility and drainage easement.

Easement width to be determined for sewer line. If not listed on the deed, check with Water Services Property Services division.

FIRE MARSHAL RECOMMENDATION

1. Concept plan for Nocturne Village at 869 West Trinity Lane show's a dead end over 150 ft in length with a temporary turnaround. Temporary turn around shall be at least 100 ft in diameter and not last more than one year.
2. All road ways that a lot is fronted on shall be at least 20 ft wide. Lots 23, 24, 25 appear to front an alley which is 15 ft wide.
3. Fire hydrants shall flow at least 500 GPM's at 30-35 psi residual.

CONDITIONS

1. With the submittal of any final plat for lots 33 and 34, a private access easement shall be shown on the plat providing access from Walker Lane to the rear



Metro Planning Commission Meeting of 08/24/06

of lots 33 and 34. There shall be no direct access to these lots from Nocturne Way (the new internal street).

2. The proposed alley shall be constructed to Metro Standards.
3. Prior to final plat recordation, a traffic impact study or access study may be required by Planning or Metro Public Works, detailing the new intersection of Walker Lane and West Trinity Lane. Any recommendations from the Traffic Impact Study and/or Public Works regarding off-site traffic improvements must be bonded or completed prior to final plat recordation.
4. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Services district.
5. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Service District.
6. Fire hydrants shall flow at least 500 GPM's at 30-35 psi residual.
7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If 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 temporary turnaround may be up to 100 feet diameter.
8. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional



Metro Planning Commission Meeting of 08/24/06

approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.



Project No.
Project Name
Council District
School District
Requested By

Subdivision 2006S-262U-10
Holshouser Property
34 – Williams
7 – Kindall
Weatherford and Associates, applicant for John and Sandra Holshouser, owners
This item was deferred at the August 10, 2006, Commission meeting.

Deferral

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove

APPLICANT REQUEST
Final Plat

A request for final plat approval to create 2 lots from one existing lot of approximately 1.69 acres, located at 3907 Estes Road.

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.

SUBDIVISION DETAILS

The request is for a two lot subdivision with one lot (lot 2) being a flag lot. As proposed the lots will have the following area and square footage:

- Lot 1: 37,645 sq. ft. (138 ft.);
- Lot 2 35,913 sq. ft. (20 ft.).

Lot Comparability

Section 3-5 of the Subdivision Regulations stipulates 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. The comparability analysis yielded a minimum lot size of 24,665 sq. ft. and a minimum frontage of 111 linear feet. Both lots meet the area requirement. Lot one meets the frontage requirements; however, lot two, with only 20 feet of frontage, does not meet the minimum frontage requirement.

Exception to lot comparability

The Subdivision Regulations give the Planning Commission the ability to make exceptions for lots that fail comparability (is smaller in lot frontage and/or size), when the proposed lots are consistent with the General Plan. While the request meets the areas Residential Low policy, which stipulates a density between 2 and 4 units per acre, the flag lot configuration may not be appropriate. The area just



Metro Planning Commission Meeting of 08/24/06

south of Abbott Martin along Estes, where this site is located, consists of various odd shaped lots and a flag lot. Staff recommends disapproval since it is not appropriate to create an irregular lot configuration in the area. There are several other lots along Estes that could be subdivided with a flag lot configuration, and if this request were approved it would set a precedent.

The applicant has stated that the proposed configuration should be allowed due to the existing lot having adequate room for two lots under the RS20 district standards, but limited frontage. Staff recommends disapproval of the exception since the limited frontage does not constitute a true hardship that justifies the proposed lot configuration.

Staff Recommendation

Since the area contains numerous lots that could be subdivided as proposed with this request, and the precedence an approval would set, staff recommends that the request be disapproved. The request also is not consistent with the general pattern of development in this area.

STORMWATER RECOMMENDATION

Approve with the following condition:
1. Clearly dimension and label the buffer.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

CONDITIONS (If approved)

1. Prior to final plat recordation, the plat must be revised to clearly dimension and label the buffer as required by Metro Stormwater.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-030U-13
None
28 – Alexander
6 – Johnson
James A. Rust and Mitchell Whitson, et ux., owners.

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove

APPLICANT REQUEST

A request to change approximately 0.23 acres from agricultural, single-family, and two-family (AR2a) to commercial service (CS) on property located at the northeast corner of Una Antioch Pike and Goodwin Drive.

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. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

Proposed Zoning
CS District

Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Neighborhood General (NG)

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

Consistent with Policy?

No. The requested CS is not consistent with the area's NG policy. The requested CS district would allow numerous commercial activities that are not consistent with the residential uses supported by NG policy.



Metro Planning Commission Meeting of 08/24/06

PUBLIC WORKS RECOMMENDATION

Access Study may be required at development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.23	0.5	1	10	1	2

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.23	0.188	1,884	63	8	81

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
--				53	7	79

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	0.23	0.5	1	10	1	2

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (852)	0.23	0.10*	1,001	311	32	35

* adjusted as per use.

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
--				301	31	33



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

2006SP-135U-08
Clifton Avenue Townhomes
None
21 – Whitmore
1 – Thompson
Marcus Buckner, applicant, for Southeast Real Estate Development, owner.

Staff Reviewer
Staff Recommendation

Withers
Defer until the applicant has returned revised plans addressing comments from Planning, Public Works, and Stormwater.

APPLICANT REQUEST
Preliminary SP

A request to change from residential single-family (RS5) to Specific Plan (SP) zoning property located at 711 and 713 40th Avenue North, at the southwest corner of Clifton Avenue and 40th Avenue North (0.54 acres), to permit the development of 10 townhomes.

Existing Zoning
RS5 district

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

Proposed Zoning
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 historic or redevelopment districts. The more stringent regulations or guidelines control.



Metro Planning Commission Meeting of 08/24/06

- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Structure Plan Land Use Policy
Neighborhood Center

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.

*Clifton Southwest Detailed
Neighborhood Design Plan
Land Use Policy*
Mixed Use

MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Consistent with Policy?

Yes. This development plan is generally consistent with the density and type of units specified in the Neighborhood Design Plan. The proposed development plan must be refined, however, before staff can recommend approval. There are remaining issues pertaining to the project frontage on 40th Avenue North, and location of detention and water quality. Additionally, Public Works has not had a chance to review the revised plan that the applicant submitted on the day the staff report was being finalized.

PLAN DETAILS

This project is located across the street from M.D.H.A.'s Preston Taylor Homes development. This proposal utilizes Preston Taylor's architectural theme and materials. The main exterior building material will



Metro Planning Commission Meeting of 08/24/06

be fiber cement siding (commercially known as Hardi-Plank). The proposed condominiums are a mix of two, three and four bedroom units.

Any standards not specifically outlined by the associated plan, shall conform to the requirements of the RM20 zoning district.

Staff requested that this development provide more of a “face” on 40th Avenue North. The applicant has noted that the end unit’s front door faces 40th Avenue North. Staff recommends that this elevation be further developed to provide a clear, strong, articulated front along 40th Avenue North, and that a sidewalk from 40th Avenue to the front door of this unit be provided, and that landscaping be employed to refine this street frontage.

PUBLIC WORKS RECOMMENDATION

(Comments based on earlier version of plan. The applicant did not return a revised plan in time for Public Works to review it and offer comments to be included in this report).

Provide standard site boundary and topo data. What is the topography as it relates to existing streets? What are the street widths, edge of pavements, proposed sidewalks in relation to the right-of-way?

All Public Works' design standards shall be met prior to permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

Identify plans for solid waste collection and disposal.

Plan identifies alleys as unimproved. Improve alley #1189 along property frontage to Metro standards (ST-263).

Show and label 25 feet right of way radius at the Clifton Avenue/40th Avenue North intersection corner returns.

Provide parking table with the required and proposed parking spaces



Metro Planning Commission Meeting of 08/24/06

Prior to the preparation to construction plans, document adequate sight distance at the project access onto 40th Avenue N. Indicate the available and required sight distance at the project entrance for the posted speed limit per AASHTO standards.

STORMWATER

This new layout and design addresses all Stormwater's concerns except for water quality. A water quality concept (unrelated to detention) will be needed to be shown on the plans prior to Stormwater's acceptance.

CONDITIONS (if approved)

1. All Stormwater comments shall be addressed prior to the Planning Commission meeting.
2. This development shall comply with the landscaping requirements of the Metro Zoning Ordinance for the RM20 district. A landscape plan shall be submitted with the final SP plan.
3. A landscape buffer or opaque fence shall be provided along the perimeter of the parking area, unless parcels 199 and 301 are consolidated into this development.
4. The 40th Avenue elevation shall be further developed prior to the final SP application to provide a clear, strong articulated front along 40th Avenue, a sidewalk from 40th Avenue to the front door of this unit shall be provided, and landscaping shall be added to refine this street frontage.
5. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.



Metro Planning Commission Meeting of 08/24/06

7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
9. This final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission. The revised plans must be received within 60 days of Metro Council's final approval



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-138U-10
None
19 – Wallace
8 – Fox
Landis Ventures, applicant for International Institute Foundation, owner.

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove

APPLICANT REQUEST

A request to change approximately 0.74 acres from office and residential (OR20) to office and residential intensive (ORI) on property located at 1226, 1302, and 1304 16th Avenue South at the corner of Horton Avenue.

Existing Zoning
OR20 district

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

Proposed Zoning
ORI district

Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities

GREEN HILLS – MIDTOWN COMMUNITY PLAN

Structure Plan Land Use Policy
Office Concentration

The OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

Edge Hill Detailed Neighborhood Design Plan
Office

The request is also located within the Edge Hill Detailed Neighborhood Design Plan. The detailed plan calls for office in this area.

Consistent with Policy?

While some uses permitted in the ORI district are consistent with OC policy, ORI also allows many uses



Metro Planning Commission Meeting of 08/24/06

that are not consistent with the policy. In addition ORI is too intense for this specific location. The property is adjacent to residential zoned property (RS5) and a residential policy. The allowed uses and bulk standards for the ORI (3.0 FAR) district would allow for a development that could have a negative impact on the surrounding area. Uses that would be inappropriate would be stand alone fast food restaurants, or intense commercial/residential uses, which could be constructed to a maximum of 65 feet in height in the ORI district. A PUD or SP should be required to ensure that any development that is more intense than what is allowed under the current OR20 district not negatively impact the area.

Staff Recommendation

Since the requested ORI district could have a significant negative impact on the surrounding area by allowing inappropriate uses and intensities, staff recommends that the request be disapproved.

PUBLIC WORKS RECOMMENDATION

Access study will be required at development.

Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.74	0.419	13,506	286	38	94

Typical Uses in Proposed Zoning District: ORI

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.74	0.497	16,020	326	44	97

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+2,514	40	6	3

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.74	0.8	25,787	470	64	108



Metro Planning Commission Meeting of 08/24/06

Maximum Uses in Proposed Zoning District: ORI

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.74	3	96,703	1,301	183	188

*Adjusted as per use.

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
--			+70,916	831	119	80

METRO SCHOOL BOARD REPORT

Projected student generation*

Schools Over/Under Capacity

1 Elementary 1 Middle 1 High

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

*Assumes a 1,400 square foot unit in ORI with a maximum FAR of 3.0



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-139U-10
BL2006-1145
34 – Williams
8 - Fox
Councilmember Lynn Williams, applicant for various property owners.

Staff Reviewer
Staff Recommendation

Withers
Approve

APPLICANT REQUEST

A request to change from R20 to RS20 zoning various properties located south of Hobbs Road on Lindawood Drive, Colewood Drive, Castleman Drive, Trimble Court, Trimble Road, Wallace Lane and LaVista Drive (101.39 acres), requested by Councilmember Lynn Williams for various property owners.

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.

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

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.

Consistent with Policy?

Yes. The residential density as permitted within the proposed RS20 zoning district (1.85 homes/acre) is consistent with the range called for by the Residential Low policy (1-2 homes/acre). There are 113 properties in this request.

RECENT REZONINGS

None.



Metro Planning Commission Meeting of 08/24/06

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken.

METRO SCHOOL BOARD REPORT

Projected student generation

As this request to change to single family district represents a down zoning, the number of expected students would be equal to or less than what the current zoning allows.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-140U-10
None
25 – Shulman
8 – Fox
Councilmember Shulman for various property owners

Staff Reviewer
Staff Recommendation

Swaggart
Approve

NOTE:

Public hearing signs for this request were required to be posted by the applicant on August 14, but were not picked up until August 18. Under the Commission’s rules, “[f]ailure to post the required public hearing sign may result in a decision by the Commission to defer or disapprove the application on the basis of inadequate notice to the surrounding community.”

APPLICANT REQUEST

A request to change approximately 10.41 acres from single-family, and two-family (R10) to single-family residential (RS10) on various properties located on 22nd Avenue South.

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**

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.

Consistent with Policy?

Yes. The requested RS10 is consistent with the areas RLM policy of 3 to 4 dwelling units per acre. Since the requested RS10 district is consistent with the areas RLM policy, staff recommends that the request be approved.



Metro Planning Commission Meeting of 08/24/06

There are 36 properties in this request, and the total fee would be \$1,254.00. If each property was to file zoning applications individually the total fee would be \$43,220.00.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

METRO SCHOOL BOARD REPORT

As this request to change to single family district represents a down zoning, the number of expected students would be equal to or less than what the current zoning allows.



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

Zone Change 2006Z-143U-10
None
None
25 – Shulman
8 – Fox
Councilmember Shulman for various property owners

Staff Reviewer
Staff Recommendation

Swaggart
Approve

NOTE:

Public hearing signs for this request were required to be posted by the applicant on August 14, but were not picked up until August 16. Under the Commission’s rules, “[f]ailure to post the required public hearing sign may result in a decision by the Commission to defer or disapprove the application on the basis of inadequate notice to the surrounding community.”

APPLICANT REQUEST

A request to change approximately 31.25 acres from single-family, and two-family (R20) to single-family residential (RS20) on various properties located East of Hilldale Drive, and north of Abbott Martin Road

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.

**GREEN HILLS/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.

Consistent with Policy?

Yes. The requested RS20 is consistent with the area’s RL policy of one to two dwelling units per acre. There are 54 properties in this request.



Metro Planning Commission Meeting of 08/24/06

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

METRO SCHOOL BOARD REPORT

As this request to change to single family district represents a down zoning, the number of expected students would be equal to or less than what the current zoning allows.



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

Zone Change 2006Z-144U-10
None
None
25 – Shulman
8 – Fox
Councilmember Shulman for various property owners

Staff Reviewer
Staff Recommendation

Swaggart
Approve

NOTE:

Public hearing signs for this request were required to be posted by the applicant on August 14, but were not picked up until August 18. Under the Commission’s rules, “[f]ailure to post the required public hearing sign may result in a decision by the Commission to defer or disapprove the application on the basis of inadequate notice to the surrounding community.”

APPLICANT REQUEST

Request to change approximately 5.71 acres from single-family and two-family residential (R40) to single-family residential (RS40) on various properties located on the north side of Battery Lane.

Existing Zoning
R40 district

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

Proposed Zoning
RS40 district

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

GREEN HILLS/MIDTOWN COMMUNITY PLAN

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.



Metro Planning Commission Meeting of 08/24/06

Consistent with Policy?

Yes. The requested RS40 is consistent with the area's RL policy of one to two dwelling units per acre. Since the requested RS40 district is consistent with the areas RL policy, staff recommends that the request be approved. There are four properties in this request.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

METRO SCHOOL BOARD REPORT

As this request to change to single family district represents a down zoning, the number of expected students would be equal to or less than what the current zoning allows.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-146T
BL2006-1171
Countywide
N/A
Councilmembers Rip Ryman, Pam Murray and Mike Jameson

Staff Reviewer
Staff Recommendation

Carlat
Approve

APPLICANT REQUEST

A request to amend the Zoning Code to modify the definition of “family” to include a group of not more than eight unrelated persons being treated for drug and/or alcohol abuse or dependency.

ANALYSIS
Existing Law

Section 17.04.060 of Metro Zoning Code (“Definitions of general terms”) defines the term “family,” which defines *who* can live together in a “single housekeeping unit.” The definition includes:

“2. A group of not more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit in accordance with Tennessee Code Annotated 13-24-102.”

Proposed Text Change

The proposed ordinance would modify the existing definition of “family” to read as follows:

“2. A group of not more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit in accordance with Tennessee Code Annotated 13-24-102. For the purposes of this subsection, ‘mentally handicapped’ and ‘physically handicapped’ includes persons being professionally treated for drug and/or alcohol dependency or abuse.”

The language proposed to be added is underlined. This will update the definition to reflect current legal requirements (based on court cases), which define



Metro Planning Commission Meeting of 08/24/06

Analysis

mentally and physically handicapped to include persons being treated for alcohol and drug dependency in what are commonly referred to as “group homes.”

In the latter half of the 20th century, the U.S. began to deinstitutionalize persons with physical and mental handicaps. As a result, an industry surrounding “group homes” – home settings serving multiple persons with handicaps in residential neighborhoods – developed across the country. Group homes are often located in neighborhoods due to the lower operation costs and the therapeutic benefits of placing persons in a “family” and neighborhood setting. The definition of family above was developed to allow group homes.

The Fair Housing Act of 1968, which was last amended with the Fair Housing Amendments Act (FHAA) of 1988, prohibits housing discrimination against persons with handicaps. It defines a handicap as a "physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or is regarded as having such an impairment." Subsequent court cases established that alcoholism and drug addiction are among the impairments covered under the definition of handicapped.

The FHAA distinguishes three types of housing discrimination. A memo from Metro Legal to the Zoning Administrator on the issue, dated August 12, 1998, succinctly describes the three types of discrimination claims:

“A handicapped person can establish a violation of the FHAA in any one of three ways:

- (1) By demonstrating intentional or purposeful discrimination;
- (2) By making a showing of discriminatory impact or effect; or
- (3) By proving that the defendant refused ‘to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.’”

The memo clarified that the current definition of family, which excludes persons seeking treatment for



Metro Planning Commission Meeting of 08/24/06

alcohol and drug dependency from being considered a “family” and allowed to live in a single dwelling unit, would have a discriminatory effect, because it does not allow for “reasonable accommodation” for this housing in residential neighborhoods. The memo recommended that the definition of “family” be amended to include, as handicapped, persons seeking treatment for alcoholism and drug dependency. The ordinance before Commission would amend the definition to achieve reasonable accommodation to allow this housing in residential neighborhoods.

The Zoning Administrator has determined that pre-existing group homes serving eight or more alcohol and drug dependent persons will be considered to be pre-existing, non-conforming uses. Meanwhile, new group homes will be required to register for a use permit at Metro Codes and indicate that they will serve eight or fewer persons. These homes would then be subject to Fire Code and Building Code provisions for the facility.

STAFF RECOMMENDATION

Approve.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-148T
BL2006-1172
Countywide
N/A
Councilmember Vivian Wilhoite

Staff Reviewer
Staff Recommendation

Carlat
Disapprove

APPLICANT REQUEST

A request to amend the Zoning Code to require that for any Planned Unit Development (PUD) approved prior to 1998, any change in land use or development type, or modification in the number of units beyond what is permitted by the specific underlying zoning district must be heard by Council as an amendment to the PUD.

ANALYSIS

Existing Law

Modifications to PUDs that were approved by Council prior to 1998 are governed by Section 17.40.120.G of Zoning Code. Minor modifications (called “revisions”) may be made by the Metro Planning Commission. Major modifications are considered amendments to the previously-approved PUD and must be approved by Council.

Section 17.40.120.G lists all of the modifications which are considered amendments. As currently written, the modifications that rise to the level of an amendment always use, as the point of comparison, the PUD as originally approved by Council and not the underlying base zoning.

For example, a change in the number of units in a residential PUD is a revision so long as “There is no increase in the total number of residential dwelling units *originally authorized by the enacting ordinance;*” (emphasis added). Likewise, a change in a residential PUD’s development type is a revision so long as “There is no change from a PUD *approved exclusively for single-family units to another residential structure type;*” (emphasis added).

In both of these examples, the baseline for comparison is the adopted PUD. The ordinance before the



Metro Planning Commission Meeting of 08/24/06

Proposed Text Change

Commission shifts the point of comparison to the underlying base zoning.

The proposed ordinance would require that for pre-1998 PUDs, any change in land use or development type, or a modification in the number of units that is beyond what is permitted in the underlying zoning district be considered an amendment and referred to Council.

Analysis

Development Entitlements and Review of Older PUDs

In 1998, Metro Nashville revised and adopted a new Zoning Code. Because PUDs had existed *before* the new Code was adopted, and because PUDs - as an overlay of zoning - carry some development entitlements, the revised Code included specific provisions establishing what changes to pre-1998 PUDs could be made as revisions and which could be made only through a Council-approved amendment. This language attempted to strike a balance between the development opportunities granted with the adoption of the original PUD and the fact that older PUDs can become inappropriate with regard to the market in the area and the built environment that has developed around them since they were approved.

The general intent of the 1998 revision to Zoning Code suggests that pre-1998 PUDs, as adopted by Council, were considered to be “grandfathered” into the newly-adopted Code. Section 17.40.120G. states:

“G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

- 1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.”*



Metro Planning Commission Meeting of 08/24/06

At the time of the 1998 revision to Zoning Code, stakeholders debated including language that would “sunset” older PUDs – causing them to be voided or reviewed periodically at Council to assess their appropriateness given the changing market and built environment from when they were originally approved. A sunset provision was rejected.

The proposed ordinance would require modifications to the land use, development type and number of residential units to be compared to the base zoning. Many of the pre-1998 PUDs were adopted, in part, however, specifically to vary from the base zoning with regard to land use and development type. It was less common for pre-1998 PUDs to vary from the base zoning in terms of number of residential units permitted.

By considering requests to modify land use, development type or number of residential units in comparison to the base zoning, the proposed ordinance would undermine some of the basic development entitlements granted to pre-1998 PUDs when they were originally approved by Council.

Recent ordinances proposed at Council have recommended a “sunset review” for PUDs six or more years old, requiring that they be reviewed to determine how they fit in the current environment. This would be a more effective way to address PUDs believed to be outdated or inappropriate.

Unintended Effect – Discouraging Downward Modifications of PUDs

One effect of the ordinance is that it will likely discourage PUD owners from modifying their original PUD proposals downward (in terms of intensity of land use or number of dwelling units). It is common for PUD owners to modify downward the number of residential units in a PUD. Currently, they can do this through a revision at Metro Planning Commission. If this modification were to require a referral to Council where additional development rights could be removed, the PUD owner is unlikely to propose downward modifications, which runs contrary to the goals of many Council members.

STAFF RECOMMENDATION

Disapprove.



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2006Z-149T
BL2006-1173
Countywide
N/A
Councilmember Eric Crafton

Staff Reviewer
Staff Recommendation

Carlat
Because this ordinance deals with an issue of Metro Council policy, staff recommends that the Commission take no official position on the bill.

APPLICANT REQUEST

A Council bill to amend Zoning Code Section 17.40.740.C.2 to waive zoning application fees for applications initiated by a member or members of Council to rezone property from a mixed-use district to a residential or residential single-family district.

ANALYSIS

Existing Law

In February 2005, Metro Council amended Zoning Code to clarify that when a Council member or members initiates many “downzoning” applications or applies for certain zoning overlays, the fees for such an application shall be waived.

The Zoning Code was amended to list the following types of zoning applications for which the application fees would be waived:

Section 17.40.740 reads:

“Fees shall be waived for the following:...

- C. Any rezoning request initiated by a member or members of council for the purpose of:
 1. Rezoning the property from a greater intensity residential use to a lesser intensity residential use (i.e., an “R” district to an “RS” district);
 2. Rezoning the property from an office, commercial or industrial district (excluding mixed-use districts) to a residential or residential single-family district; or
 3. Applying the urban design overlay district, historic preservation district, neighborhood conservation district or urban zoning overlay district, as provided in Chapter 17.36.”



Metro Planning Commission Meeting of 08/24/06

Proposed Text Change

When the Zoning Code was amended, provision C.2. included an exclusion from the fee waiver for rezonings from mixed-use districts to residential districts.

The bill before Metro Planning Commission would remove this exclusion and allow Council to waive fees on Council-initiated rezoning from mixed-use districts to residential or residential single-family districts. The proposed change could possibly be considered a “housekeeping” amendment because it is unclear why “mixed use” zoning districts were originally excluded from the types of zoning districts where a fee waiver will be granted.

STAFF RECOMMENDATION

Staff recommends that the Commission neither vote to approve nor disapprove the proposed ordinance. Application fees are established by Metro Council. Fees that are paid for zoning applications are deposited into the Metro General Fund and are not earmarked for Planning Department functions. Whether the Council is subject to the fees or the fees are waived is an issue that should be determined by the Metro Council. The Commission did not make a recommendation on the February 2005 change to the fee provisions.



Project No.
Project Name
Council District
School District
Requested By

Subdivision 2006S-116G-06
Westbrook Pointe
35 – Tygard
9 – Warden
Civil Site Design, applicant for AGH Venture, owner.

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions

APPLICANT REQUEST

Concept Plan

A request for Concept plan approval for 78 lots on approximately 32.25 acres to be located at 8840 Highway 70, east of McCrory Lane.

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

History

This plan originally received preliminary plat approval on August 24, 2003, and expired August 24, 2005. Since the original approval has expired, staff is reviewing the plan under current rules and regulations. A condition placed on the zone change of this property by the Metropolitan Council was that all the area within the 100 – Year Flood Plain be placed in a conservation easement.

Plan Details

The plan calls for 78 cluster lots on approximately 32.25 acres with an overall density of approximately 2.4 units per acre. Lots range in size from 7,440 sq. ft. to 15,589 sq. ft.

Cluster Lot Option

This plan is utilizing the cluster lot option to permit smaller lot sizes to maximize density. The exchange for optimizing density is it to preserve sensitive areas on the site. Approximately 12.5 acres (39%) of the site is in open space, which mostly contains flood plain, and is to also be within a conservation easement.

With the cluster lot option lots can be reduced in size from the base district requirement a maximum of two districts. The zoning for this site is RS15 so lots can be reduced to meet the RS7.5 district requirements (7,500 sq. ft.). The plan includes some lots that are smaller than the required minimum that must be removed from the plan. All lots must be at least 7,500 sq. ft.



Metro Planning Commission Meeting of 08/24/06

Environmental

The proposed Stormwater detention area is located within the conservation easement. Area within conservation easements is to remain in a natural state, precluding additional development in the easement. The detention area must be removed from the limits of the conservation easement because it would not be keeping the land in a natural state.

There are slopes greater than 20 percent on the property. All lots that have slopes of 20 percent or greater must be identified as critical lots on the plan.

Access/Connectivity

All lots will be accessed from new streets. Access to the development will be from one location off Highway 70. Two stub streets are being provided to the north for connectivity if and when the adjacent property develops. Because of environmental restraints (flood plain, and steep hills), no stub street is being required to the east.

Staff Concerns

Staff's major concern with this request is the proposed detention area within the conservation easement. The detention area shown on the plan must be removed from within the conservation easement and relocated elsewhere on site. Relocation of the detention area may require a reduction in the total number of lots or a possible redesign. Additionally, several undersized lots are shown on the plan. All lots must be at least 7,500 sq. ft. This may also require a reduction in the total number of lots.

STORMWATER RECOMMENDATION

No Exceptions Taken

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

CONDITIONS

1. A revised plan must be submitted that shows all lots with at least 7,500 square feet. Lots that do not meet the required minimum size must be removed from the plan or increased in size.
2. All lots that have slopes of 20 percent or greater must be identified as critical lots.



Metro Planning Commission Meeting of 08/24/06

3. The detention shall be removed from within in the conservation easement and relocated elsewhere on site. The area within the conservation easement shall be left in its existing state.
4. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote..



Project No.	Subdivision 2006S-270U-13
Project Name	Legends Drive Subdivision
Associated Cases	None
Council District	33 - Briley
School Board District	6 - Johnson
Requested By	M. Travis Dukes and Carlos W. Ritchie, owners, and Dale and Associates, Inc., surveyor.
Staff Reviewer	Leeman
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Concept Plan	A request for Concept Plan approval to subdivide 11.68 acres into 43 lots (39 single-family and 4 duplex lots), located along the north side of Mt. View Road, opposite Mt View Ridge Drive.
---------------------	---

**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. Four duplex lots are shown on the plan.

RS10 district

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

SUBDIVISION DETAILS

The proposed cluster-lot plan includes 39 single-family lots and 4 duplex lots on 11.68 acres ranging in size from 5,900 square feet to 13,000 square feet. The plan proposes 18% open space with approximately 3% usable open space.

Sinkhole

Due to a very large sinkhole, the road into the site (Legends Drive) was located north of Mt. View Ridge Drive. Normally, staff would have requested that the roads be aligned, but this could not be achieved due to the sinkhole.

Legends Drive

Legends Drive will also connect to Mt. View Road where there are currently sight distance problems. Staff recommends a condition as part of this approval, however, to require the engineer submitting plans at the development plan stage to mitigate the sight distance issues. Clearing trees will also help to elevate these concerns.



Metro Planning Commission Meeting of 08/24/06

PUBLIC WORKS RECOMMENDATION

Public Works' design standards, including cross-sections, geometry, and off-site improvements, shall be met prior to approval of roadway or site construction plans. Final design and improvements may vary based on field conditions.

Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Service District. Prior to construction plan preparation, submit documentation of adequate sight distance, per AASHTO standards, at project access locations.

Construct one-half of a residential collector (3 lane cross section) on Mt. View Road along Property frontage.

STORMWATER RECOMMENDATION

Approve as noted

1. The headwall to the right of lot 37 is partially depicted in the buffer. Remove the headwall from the buffer area.

WATER SERVICES RECOMMENDATION

Approved with conditions

1. Individual water and sanitary sewer service lines are required for each parcel. Proposed public sewer should be extended to serve all proposed lots. In addition, a PRV is required on each water service line due to pressure in excess of 100 psi. Public sewer easements should be labeled and width dimensioned.
2. Extend sewer to serve lot 43.
3. Provide 20 foot wide public sewer easement along the frontage of Mt. View Road on lots 37-43.

FIRE MARSHAL RECOMMENDATION

Approved



Metro Planning Commission Meeting of 08/24/06

CONDITIONS

1. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Service District.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required temporary turnaround may be up to 100 feet diameter.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.
4. Prior to development plan preparation, submit documentation to the Planning Department and Public Works Department showing adequate sight distance, per AASHTO standards, at project access locations.
5. Construct one-half of a residential collector (3 lane cross section) on Mt. View Road along Property frontage.
6. Prior to final plat approval, the plan shall be revised to show joint access driveways for Lots 37 through 42 on Mt. View Road because it is a collector road. There shall be one driveway for every two lots.
7. Prior to final plat approval, the duplex lots in the R10 area shall be dispersed so that duplex lots are not adjacent to each other.



Project No.
Project Name

Subdivision 2006S-256U-05
Haynie’s Central Park Plan, Resubdivision of part of Lot 86

Council District
School Board District
Requested By

6 - Jameson
5- Porter
Mark Devendorf, surveyor, for Janet McRae and Michele Davis, owners.

Staff Reviewer
Staff Recommendation

Leeman
Approve with conditions

APPLICANT REQUEST
Concept Plan/Final Plat

A request to subdivide 0.73 acres into 5 single-family lots at 107 South 11th Street and Ozark Street (unnumbered), approximately 415 feet west of South 12th Street.

ZONING
RS5 District

RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.42 dwelling units per acre.

RS5 permits a maximum of six lots on this property, while only five lots are proposed.

SUBDIVISION DETAILS

The proposed plan includes five single-family lots on 0.73 acres. The property slopes approximately 18-19% from the front of the lots to the back with the grade rising from the street. Since the slopes are below 20%, the lots will not be designated as critical lots. Four lots front on Ozark Street, while one lot (Lot 5) will have access to South 11th Street. Lot 5 is an existing house that will remain on this lot.

Sidewalks

Since this property falls within an area with a Sidewalk Priority Index of greater than 20, sidewalks are required. Sidewalks are proposed along the frontage of Ozark Street.

Lot comparability

Section 3-5.1 of the Subdivision Regulations state that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

A lot comparability analyses was conducted. The lot comparability analysis yielded the following information:



Metro Planning Commission Meeting of 08/24/06

	Minimum Lot Frontage	Minimum Lot Size
Ozark Avenue	43.77 feet	5,724 sq. ft.

All lots meet the lot comparability requirements with lots ranging in size from 5,738 square feet to 8,221 square feet, and lot frontages of 56 linear feet.

Access

Since there is an existing alley to the rear of two of the new lots, staff recommends that rear access be provided on lots 3 and 4 to insure a streetscape consistent with the surrounding area.

PUBLIC WORKS RECOMMENDATION

No exception taken.

STORMWATER RECOMMENDATION

Approved

FIRE MARSHAL RECOMMENDATION

Approved

CONDITIONS

1. Prior to final plat recordation, a revised plat must be submitted labeling lots 1 through 4 as Critical Lots.
2. Prior to final plat recordation, a revised plat must be submitted with a new note that reads: "Lots 3 and 4 shall have rear access only to alley #291."



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

Subdivision 2006S-258G-04
Crestview Estates, Lots 5, 6, and 7
9 - Forkum
3 - Garrett
Tommy Walker, surveyor, for Matt Manson, owner.

Staff Reviewer
Staff Recommendation

Leeman
Approve with conditions

APPLICANT REQUEST
Concept Plan & Final Plat

A request to subdivide 1.08 acres into six single-family lots, along the east side of Brooks Avenue, approximately 485 feet north of Roosevelt Avenue.

ZONING
RS7.5 District

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

RS7.5 permits a maximum of six lots on this property.

SUBDIVISION DETAILS

The proposed plan includes six single-family lots on 1.08 acres. The property has a slope of approximately 7% from the front of the lots to the back with the grade rising from the street.

Lot comparability

Section 3-5.1 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

A lot comparability analyses was conducted. The lot comparability analysis yielded the following information:

	Minimum Lot Frontage	Minimum Lot Size
Brooks Avenue	43.47 feet	6,899 sq. ft.

All six lots meet the lot comparability requirements with minimum lot frontages of 50.5 feet and lot sizes of 7,949 square feet.

PUBLIC WORKS
RECOMMENDATION

No exception taken



Metro Planning Commission Meeting of 08/24/06

**STORMWATER
RECOMMENDATION**

Approved

**FIRE MARSHAL
RECOMMENDATION**

Approved



Project No.
Project Name
Council District
School District
Requested By

Subdivision 2006S-273G-02
Blair Manor
10 – Ryman
3 – Garrett
C and K Surveyors, applicant for Joseph A. Dorang, owner

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove

APPLICANT REQUEST

Final Plat

A request for final plat approval to create 1 new lot (.49 acres) on the south side of Agee Road.

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.

SUBDIVISION DETAILS

The request is to create one new lot out of an existing parcel with 21,276 square feet, and approximately 80 feet of frontage. The subject parcel is legally part of a lot along with the adjacent parcel to the east (Lot 24 Blair Manor), and was split off and sold by deed and was not approved by the Planning Commission.

Lot Comparability

A lot comparability analysis was conducted and yielded a minimum lot size of 33,487 square feet, and a minimum frontage of 139 liner feet.

Staff Recommendation

The proposed new lot is much smaller than any of the lots in the area, and is not consistent with the existing development pattern. Staff recommends that this request be disapproved.

STORMWATER RECOMMENDATION

Show and label a public drainage easement where applicable along the front lot line.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

CONDITIONS (If approved)

- 1. Show and label a public drainage easement where applicable along the front lot line.



Project No.
Project Name
Council District
School District
Requested By

Subdivision 2006S-279U-10
Russwood Heights, Lot 17 and 17A
34 – Williams
8 – Fox
Ragan and Smith, applicant for Jon and Jordan Lee Peterson, owners

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove

APPLICANT REQUEST

Final Plat

A request for final plat approval to create 2 new lots (1.49 acres) on the west side of Trimble Road, south of Castleman Drive.

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.

SUBDIVISION DETAILS

The request is to create two new lots out of one existing lot. As proposed the lots will contain the following area and frontage:

- Lot 17: 40,576 sq. ft. (0.93 ac), 115 ft;
- Lot 17A: 24,448 sq. ft. (0.56 ac), no frontage.

Section 3-4.2.b (Street Frontage)

Lot 17A requires a variance from the Section 3-4.2.b of the Metro Subdivision Regulations, which requires lots to have frontage along a public street, or where permitted on a private streets. At this time, no variance request has been submitted.

Staff Concerns

Staff’s main concern with this request is that the proposed subdivision would create an awkward lot layout. The new lot (171A) would be surrounded by existing lots and have no street frontage. The subdivision regulations require all lots to have public street frontage.

It is apparent that the back portion of this property, which is proposed for the new separate lot (17A), was originally part of the adjacent lot to the northeast (Parcel 86, Russwood Heights, Book 2133, Page 12), and was never intended to be a separate lot.



Metro Planning Commission Meeting of 08/24/06

Staff Recommendation

An approval could also set a precedent in the area for creating additional lots that are not consistent with the context of the neighborhood and also require variances from the subdivision regulations.

Since the request would create an awkward lot pattern inconsistent with the pattern of surrounding lots in the area, staff recommends that the request be disapproved.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken



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

Planned Unit Development 88P-020G-04
Woods of Neeley's Bend, Phase 3
9 - Forkum
3 - Garrett
Bruce Rainey and Associates, applicant for M. R. Stokes, owner.

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions

APPLICANT REQUEST
Final PUD

A request for final approval for a portion of the residential Planned Unit Development district located east of Comanche Run, and, west of Pawnee Trail, classified RS15, (10.85 acres), to permit the development of 36 single-family cluster lots.

PLAN DETAILS
Site Plan

The plan calls for 36 new cluster lots on approximately 7.84 acres with an overall density of approximately 5 units per acre. Lots range in size from 5,295 sq. ft. to 12,683 sq. ft. While the current cluster lot option only allows for lots to be reduced two zoning districts (From RS15 to RS7.5), this PUD was approved under the previous Zoning Code that allowed lots to be reduced smaller than two base districts.

Access/Connectivity

Lots will be accessed from new streets. This section of the development will be accessed from Comanche Run. A temporary turnaround is provided to the east.

Preliminary Plan

The proposed plan is consistent with the previously approved preliminary plan.

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

Construction plans approved on 7/20/06.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to



Metro Planning Commission Meeting of 08/24/06

the Planning Commission by the Stormwater Management division of Water Services.

2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
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



Metro Planning Commission Meeting of 08/24/06

Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.



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

Planned Unit Development 97P-036U-05
The Parks at Riverwood
7 - Cole
5 - Porter
Ragan Smith and Associates, applicant for Rusty Hyneman, owner.

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions

APPLICANT REQUEST
Revision and Final PUD

A request to revise the preliminary plan and for final approval of a Planned Unit Development located on the east side of Cooper Lane (59.44 acres), zoned RS10 and RM9 to permit the development of 38 townhomes, 106 single-family lots.

PLAN DETAILS
Site Plan

The plan calls for 144 units/lots on approximately 59 acres with an overall density of approximately 2.4 units per acre. While the overall density is at 2.6 units per acre, this includes the area on the south side of Cooper Lane that will not include any lots, so the approximate density for the area north of Cooper lane is 4.5 units per acre. Three types of products will be offered in the development, and includes 38 town homes, 64 cottage lots, and 42 carriage lots with the carriage lots being the largest in the development (5,250 sq. ft.).

Open Space

Approximately 35 acres of open space is provided with a majority of it being on the south side of Cooper Lane (~24 acres). Eleven acres of open space is also provided throughout the development, and includes small public greens, which will provide outdoor recreational opportunities for area residents.

A condition of the Council Bill that approved this Planned Unit Development is that the approximately 24 acres on the south side of Cooper Lane must be set aside as a park, and that various other conditions be met regarding this area. Numerous stream buffers are located in this area. The applicants have been working with the area Councilmember, Metro Stormwater, and Metro Parks to address these conditions of approval. At this time, the area is to remain in its existing state. The



Metro Planning Commission Meeting of 08/24/06

Access/Connectivity

applicants will continue to work with the Councilmember and Metro Agencies in addressing Council conditions.

The development will be accessed from Cooper Lane and from Demarius Drive. Units will be accessed from new streets and alleys with the exception of four lots that front Demarius Drive, and will be accessed from said drive. Town homes and cottage lots will be rear loaded from alleys, and the carriage lots will be front loaded.

Preliminary Plan

The proposed plan is mostly consistent with the approved preliminary plan. Minor changes include the loss of lots along Cooper Lane. These lots were lost in order to accommodate detention areas for stormwater.

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

Approved

CONDITIONS

1. With the first final plat, the approximate 24 acres located on the south side of Cooper Lane that is within this PUD boundary, shall be recorded as designated open space to be maintained by the Parks of Riverwood Home Owner's Association, or dedicated to Metro Parks.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.



Metro Planning Commission Meeting of 08/24/06

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



Project No.
Project Name
Council District
School District
Requested By

Planned Unit Development 2005P-010G-02
Nashville Commons at Skyline
3- Hunt
3 - Garrett
Gresham Smith and Partners, applicant for Sallie R. Hicks Family LLC, Bandy, Carolene and Alice Cranford, Pegasus Properties, and Jenkins Properties L.P. and Jack Jenkins, owners.

Staff Reviewer
Staff Recommendation

Leeman
Approve with conditions

APPLICANT REQUEST
Revision to Preliminary and Final PUD

A request to revise the preliminary plan and for final approval for a portion of the Planned Unit Development district, located along the north side of Doverside Drive at Dickerson Pike (125.71 acres), classified SCR, to permit 718,079 square feet of retail and restaurant uses, replacing 718,781 square feet of retail and restaurant uses.

PLAN DETAILS

Site Design

The proposed plan revises the preliminary plan for 718,079 square feet of retail and restaurant uses and final approval for the development of 640,679 square feet of retail and restaurant uses within four different commercial strips within the PUD. This plan leaves six separate out-parcels remaining for future development.

Parking

The parking requirement of one parking space for every 200 feet of retail use, and one space for every 100 feet of restaurant use have been fulfilled.

Access

There are two access points on Dickerson Pike. One access point is located at the northeast portion of the PUD, while the other is further south where the proposed relocation of Doverside Drive cuts through the southeastern edge of the PUD. There is also one access drive along Doverside on the southern portion of the PUD.

Sidewalk requirement

Sidewalks are shown along the frontages of Doverside Drive and Dickerson Pike as was required by the



Metro Planning Commission Meeting of 08/24/06

Open Space and Landscaping

Planning Commission and Council with the preliminary PUD approval.

The site plan includes a dedication of 37.18 acres for an open space and conservation easement, to be left permanently undisturbed from development, to the west of the proposed retail/restaurant buildings. As a condition of approval, this easement must be dedicated to an appropriate land trust prior to final plat approval. A class "D" landscape buffer has been provided within this easement, as well as along the northern limits of this PUD.

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.

All plans for construction within the state right of way to be approved by the Tennessee Department of Transportation and the Department of Public Works.

Traffic Conditions from the Preliminary Approval:

Doverside Drive shall be relocated to align with Skyline Medical Center driveway and the road shall be designed for safe operation with adequate sight distance of the signal.

Doverside Drive intersection:

1. The developer shall construct the Doverside approach with 2 separate right turn lanes, a through lane, a separate left turn lane and 2 westbound through lanes with storage lengths as indicated on the PUD plan.
2. The developer shall submit a signal design for approval and install the signal modifications. Signal plan shall include pedestrian signals and ADA facilities.
3. The developer shall construct Dickerson Pk with 2 Northbound separate left turn lanes, 2 through lanes and



Metro Planning Commission Meeting of 08/24/06

a shared right/through lane with storage as indicated on the PUD plan.

4. Developer shall construct a new southbound through/right lane along the Dickerson Pk frontage and it shall extend to the through/right lane at the Briley Pkwy westbound on-ramp.

Access driveway on Dickerson Pike:

1. The developer shall construct the access driveway with separate left and right turn lanes. Additional ROW for the access driveway shall be reserved in order to install a separate through lane if a 4th leg is added to this intersection in the future. The access shall driveway shall include 2 westbound through lanes with storage lengths as indicated on the PUD plan.

2. The developer shall submit a signal design for approval and install the signal. Signal plan shall include pedestrian signals and ADA facilities. All new signals shall be interconnected and coordinated with signals in the vicinity of the project.

3. The developer shall construct Dickerson Pike with 2 Northbound separate left turn lanes, 2 through lanes in each direction and a southbound separate right turn lane with storage as indicated on the PUD plan. Required lane signage shall be installed.

Dickerson Pike and I-65 Northbound ramps:

1. The southbound exclusive left turn lane on Dickerson shall be striped to provide a minimum of 100 ft of storage for northbound traffic entering I-65 southbound in order to provide greater storage for southbound traffic turning left onto I-65 northbound.

2. TDOT approval of all Dickerson Pk modifications is required.

Doverside Drive and pharmacy intersection:

1. The developer shall install a westbound left turn lane with 100 ft of storage on Doverside at the pharmacy access driveway.

Doverside Drive and site access west of Dickerson:

1. The developer shall construct Doverside Drive with eastbound through and through/left lanes. The



Metro Planning Commission Meeting of 08/24/06

westbound approach shall be constructed with a through lane and a separate free-flow right turn lane. The southbound approach shall be constructed with 3 exit lanes and 2 entering lanes. Turn lane storage lengths shall be provided as identified on the PUD plan.

2. The developer shall submit a signal design for approval and install the signal at this intersection. Signal plan shall include pedestrian signals and ADA facilities if sidewalks are constructed. The signals shall be interconnected and coordinated with signals in the vicinity of the project. In accordance with Metro standards video detection shall be installed on the private approach and loop detection with advance detection shall be installed on the main line approaches.

STORMWATER RECOMMENDATION

Stormwater has recommended conditional approval of the plan, as submitted.

WATER SERVICES RECOMMENDATION

“This has conditional approval. Off-site water system improvements still must be submitted. Both on-site and off-site plans must still be approved along with pre-construction meeting, etc”

FIRE MARSHAL RECOMMENDATION

Approve as noted: ..”a new 16 inch public water main will be added to boost the water pressure for this project.”

The new water main will be extended 2,200 feet from Broadmoor Drive to Homestead Road, south of this project on Dickerson Road.

CONDITIONS

1. Prior to final plat approval, the Metro Council must approve the closure and relocation of Doverside Drive.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services. Before any grading permits are issued, a chain-link fence must be installed along the boundary of the undisturbed area so that there will be no disturbance



Metro Planning Commission Meeting of 08/24/06

to the area designated for a conservation easement before, during and after construction.

3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for improvements in the public right of way.
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.
6. Prior to final plat approval, the applicant shall dedicate the proposed open space and conservation easement to an appropriate land trust.



Project No.
Project Name
Council District
School District
Requested By

Planned Unit Development 2005P-017G-06
Shoppes on the Harpeth
35 – Tygard
9 – Warden
Dale & Associates, applicant for Tampa Bay Briarwood Associates, property owner.

Staff Reviewer
Staff Recommendation

Withers
Approve with conditions

APPLICANT REQUEST
Revise Preliminary PUD

A request to revise the preliminary approval for a planned unit development (10.57 Acres), located between Harding Pike and Highway 100 (7751, 8042, 8050, and 8100 Highway 100, and 7821, 7749, and 7751 Old Harding Pike) classified CL, to permit one bank totaling 4,100 square feet, three restaurants totaling 9,400 square feet, and 39,000 square feet of retail.

The original plan approved 3,000 square feet of bank, 9,300 square feet of restaurant space, 12,000 square feet of office space, and 34,500 square feet of retail space.

PLAN DETAILS

The original plan was approved for 3,000 square feet of bank, 9,300 square feet of restaurant space, 12,000 square feet of office space, and 34,500 square feet of retail space (a total of 58,800 square feet. The current plan reduces total amount of square footage by 7,100 square feet and removed the general office space component from the PUD. The commercial has shifted from proposing “big boxes” to multiple spaces for smaller tenants. Additionally, the out parcels have been revised to move the bulk of the parking away from Highway 100. There is a no-disturb stream buffer along the frontage of Highway 100 that will serve to buffer the development.

This PUD proposes no change in proposed access points. Street connections are proposed along Old Harding Pike, and Highway 100. Driveway connections are proposed to the existing Walgreen’s to the west, and the planned Harpeth Village PUD to the east. The Walgreens connection can not be made at this time because the Walgreens developer will not cooperate, even though this connection would be beneficial to them. Cross access was not obtained at the



Metro Planning Commission Meeting of 08/24/06

time the Walgreens was approved because the community plan at that time envisioned the area where this PUD is located as remaining residential. If the Walgreens site redevelops in the future, the connection will be required at the time.

PUBLIC WORKS RECOMMENDATION

All Public Works' design standards shall be met prior to permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

1. The project roadway improvements shall be coordinated with roadway construction for the Temple Road TDOT project and the Harpeth Village PUD development Hwy 100 road improvements shall be approved by TDOT.

2. Developer shall construct a 3 lane cross section including center turn lane on Hwy 100. These improvements shall connect to the existing lanes at the Old Harding Pk intersection and proposed lanes for the TDOT/Temple Rd project and the Harpeth Village PUD.

Developer shall construct a 3 lane cross section on Old Harding Pk from Learning Lane to the proposed Harpeth Village PUD access road. The widening shall align with existing laneage at Learning Lane and the proposed road improvements at the Harpeth Village PUD.

In accordance with the TIS,

3. Developer shall dedicate required ROW for the road improvements and reserve additional ROW in accordance with the major street plan Classification S4 for Hwy 100 and U4 for Old Harding Pk.

4. Developer shall install a westbound left turn lane with a minimum 100 ft of storage on Old Harding Pk at access driveway.

5. Developer shall install an eastbound left turn lane with 100 ft of storage on Hwy 100 at access driveway.

6. Developer shall construct a westbound right turn lane with 100 ft of storage on HWY 100 at access



Metro Planning Commission Meeting of 08/24/06

driveway. The transition length shall be per AASHTO standards.

6. The transition on Hwy 100 at the adjacent Walgreens drive shall be modified to be in accordance with AASHTO standards.

Based on data included in the TIS,

7. The access driveway at Hwy100 shall be aligned opposite the Church driveway. The access driveway shall be constructed with 2 southbound exit lanes with 80ft of storage and 1 northbound entering lane. The first internal driveways shall be a minimum of 50 ft from the reserved HWY 100 ROW. The internal driveways shall be designed to function as right in and right out drives via the use of a median.

8. Cross connection shall be constructed to the adjacent Walgreens and Harpeth Village PUD.

9. Developer shall submit a signal coordination study in order to optimize traffic flow on Old Harding Rd and Hwy 100. This study will be required upon installation of signals at the adjacent Harpeth Village PUD development and completion of 50% of the Shoppes on the Harpeth development.

**STORMWATER
RECOMMENDATION**

Approved.

CONDITIONS

1. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
2. All sidewalks must be at least 6 ft. in width, with a 4 ft planting strip between the sidewalk and the street.
3. All medians within intersections must provide adequate and safe crossing, as well as, be ADA compliant.
4. All signs shall be monument type signs, not to exceed 5 ft. in height. No free standing sign shall be allowed along Old Harding Pike.



Metro Planning Commission Meeting of 08/24/06

5. Connection with the adjacent properties must be maintained.
6. Although water quality devices are not identified on the preliminary, Stormwater review of the final may determine that some type of water quality device is needed requiring minor or even significant changes. Significant changes that meet certain thresholds specified in Section 17.40.120 of the Metro Zoning Code will require Council approval.
7. 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.
8. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper and electronic 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.
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 District
Requested By

Planned Unit Development 2005P-027U-05
Home Depot
4 – Craddock
3 – Garrett
Kroger Real Estate, applicant for Robert N. Moore
Company owner.

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions

APPLICANT REQUEST
Final PUD

A request for final approval for a commercial Planned Unit Development district located along the west side of Gallatin Pike and along the north side of Joyce Lane, (15.72 acres), classified SCR, to permit the development of a 135,347 square foot retail building, and two 3,600 square foot restaurant out parcels.

PLAN DETAILS
Site Plan

The plan calls for a 133,007 square foot Home Depot and two 3,600 square foot out parcel “pads,” both of which will be for restaurant uses. The plan is consistent with the Council approved preliminary plan. Minor changes include the road design along Joyce Lane and at the intersection of Joyce Lane and Gallatin Pike.

Parking

The plan calls for a total of 668 parking spaces, which includes both the Home Depot site and the proposed out parcel(s). According to the dimensions provided, Home Depot is required to have 585 parking spaces, and the two other uses will require 72 parking spaces for a total of 657 required for the overall site. Typically parking should be provided on site. As proposed, the Home Depot site will only have 570 parking spots, which is 15 short of the required 585. To meet parking requirements, a parking easement must be provided across the entire site, or some other parking agreement must be arranged so that parking will be in compliance with Metro Code.

PUBLIC WORKS
RECOMMENDATION

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



Metro Planning Commission Meeting of 08/24/06

plans. Final design and improvements may vary based on field conditions.

STORMWATER RECOMMENDATION

Approved

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.



Metro Planning Commission Meeting of 08/24/06

7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.



**Project No.
Project Name**

**Mandatory Referral 2006M-074U-12
Right of Way Encroachment for Pole Sign at
Linbar Drive for “Smoke 'N' Save”**

**Council Bill
Council District
Requested by**

BL2006-1144
30 – Neighbors
Metro Public Works Department

**Staff Reviewer
Staff Recommendation**

Kleinfelter
Disapprove

APPLICANT REQUEST

Request to encroach on a public right-of-way to install a two-pole sign, located at 4900 Linbar Drive, requested by Civil Resource Consultants for TM Investments, LLC for Smoke 'N' Save.

APPLICATION DETAILS

This request was previously reviewed by the Planning Department and other Metro agencies as an aerial encroachment into public right of way. Metro Council staff noticed that the sign is, in fact, located entirely in the right of way, including the posts for the sign. Accordingly, the request has now been referred to the Planning Commission as a request for a ground encroachment into the Metro right of way.

The applicant in this matter recently purchased the property at 4900 Linbar Drive, which is the location of a gas station and convenience store. This is a request to change an existing sign, not to place a new sign in the right of way. The sign is located in a grass “island” that is entirely within the public right of way. A parking area used by the applicant is also located within the right of way.

According to the Department of Public Works, the right of way where this sign is located was acquired approximately 30 years ago. It is unclear why the right of way was acquired because no roadway was built in this location and the right of way is not maintained by Metro.

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).



Metro Planning Commission Meeting of 08/24/06

PLANNING STAFF RECOMMENDATION

Planning staff recommends disapproval of this request for an encroachment in the public right of way. Although the sign is already existing, this request would legitimize the locating of a private sign to promote a commercial enterprise completely within public right of way. It would also set a precedent of allowing ground mounted commercial business signs within the public right of way.

The appropriate course of action would be for the applicant to request that Metro abandon whatever portion of right of way is not required for public purposes in this area. If the area where the sign is located can be abandoned, then there would be no further need for approval of an encroachment. If that part of the right of way cannot be abandoned by Metro, then the sign should be moved to a location on the private property.