

Metropolitan Planning Commission

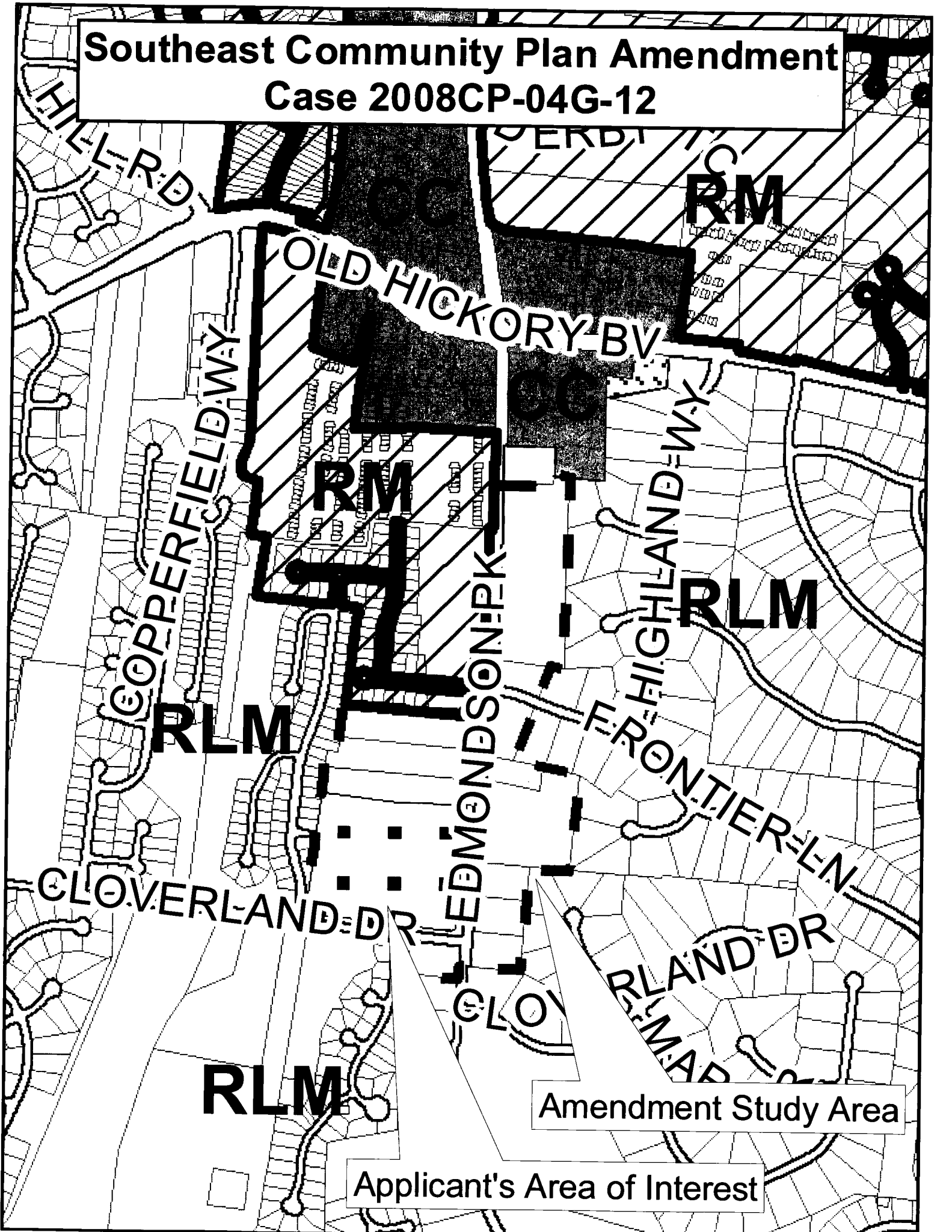


Staff Reports

April 10, 2008

**COMMUNITY PLAN
AMENDMENT**

Southeast Community Plan Amendment Case 2008CP-04G-12



Amendment Study Area

Applicant's Area of Interest



Project No. 2008CP-04G-12
Request Amend the *Southeast Community Plan: 2004 Update*
Associated Cases 2008SP-010U-12
Council District 31 – Toler
School Districts 2 – Brannon
Requested by LandDesign, Inc.
Staff Reviewer T. Adams
Staff Recommendation *Disapprove Plan Amendment Request from RLM to RM.*

APPLICANT REQUEST

Amend the *Southeast Community Plan: 2004 Update* changing the land use policy from Residential Low Medium Density (RLM) to Residential Medium (RM) for 15.1 acres at the corner of Edmondson Pike and Cloverland Drive.

CURRENT POLICY

Residential Low Medium (RLM)

RLM policy is intended to accommodate residential development within a density range of two to four dwellings units per acre. RLM policy is generally applied to existing conventional suburban residential areas developed at densities of two to four dwelling units per acre and to underdeveloped and undeveloped areas suitable for development in that density range. The predominant development type is single-family; however, multi-family within the RLM density range may be appropriate as well.

PROPOSED LAND USE POLICY

Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of about four to nine dwelling units per acre. RM policy is generally applied to areas which are currently developed at about four to nine dwelling units per acre and to undeveloped or underdeveloped areas that are suitable for medium density development. A variety of housing types is appropriate in RM areas and may include compact, single-family detached units, townhomes, and stacked flats.

BACKGROUND

The applicant is proposing to develop the property at over seven dwelling units per acre. The proposed density exceeds the appropriate density under the RLM policy. The applicant is requesting RM policy in order to develop at a higher density.



Metro Planning Commission Meeting of 4/10/08

The development proposal consists of 26 multi-family buildings, each containing four units for a total of 104 dwelling units. The building type proposed is a Manor House. A Manor House is a multi-family building designed to resemble a single-family, detached building. (See case no. 2008SP-010U-12)

COMMUNITY PARTICIPATION

Two community meetings on March 10, 2008, and March 17, 2008, were held to discuss the plan amendment. In total, 24 people attended the first community meeting and 12 people attended the second meeting. The meeting attendees expressed interest in keeping the existing RLM policy out of concern for the traffic that additional density may cause.

ANALYSIS

Existing policy and the study area

While the applicant requested a policy amendment of RLM to RM for one property, the potential impact to adjacent properties warranted study of a larger area.

The study area encompasses properties fronting on Edmondson Pike, near Cloverland Drive and Frontier Lane. The study area was chosen by examining existing land use policy and zoning district boundaries. Adjacent lot orientation, size, relationship to the corridor, and their relationship to the applicant's property were also considered when defining the study area boundary.

The purpose of a larger study area was to examine comprehensively the appropriateness of RM policy on the applicant's property as well as adjacent properties. The reason being, placing RM land use policy, a more intense policy than what currently exists, on a single property may result in a development that is incompatible with the immediate area.

The analysis examined the historical development pattern and density, environmental features, and building scale, massing and placement. These elements together helped to define the character of the area that would guide the land use policy recommendation.



Metro Planning Commission Meeting of 4/10/08

Historical Development Pattern and Density

Within the study area the land uses remain predominantly single-family. Multi-family exists to the north near the commercial center at the intersection of Old Hickory Boulevard and Edmondson Pike. The density in the area remains low with densities ranging from 0.8 dwelling units per acre to 2.7 dwelling units per acre.

Environmental features

Throughout the study area and adjacent neighborhoods are land with environmentally sensitive features. The most prominent are multiple streams that run parallel to Edmondson Pike. There are also some portions of the area that contain steep slopes greater than 20 percent. This also includes portions of the applicant's property.

Building Scale, Massing, and Placement

The scale, massing and building placement in and around the study area vary. Development to the east of the study area consists of, generally, one-story, single-family homes on lots one acre or more in size with deep front setbacks and deep side setbacks. Development to the west of the study area consists of, generally, one to two-story single-family homes on small lots less than one-quarter acre in size with shallow front setbacks and shallow side setbacks.

Edmondson Pike has a distinct character with two-story, single-family homes on lots one-half acre or more, oriented towards Edmondson Pike and having deep front setbacks at 120 feet in depth. The spacing between buildings is generous with side setbacks 80 feet or greater in depth.

Conclusion based on Analysis

From the analysis, several features of this suburban neighborhood that are worthy of maintaining surfaced. The existing RLM land use policy addresses these characteristics.

POLICY CONSIDERATION

1. Maintaining the lower density residential character of the study area is crucial as it provides a distinct separation between the commercial center located at Old Hickory and Edmonson Pike, and the neighborhood areas to the south.



Metro Planning Commission Meeting of 4/10/08

The RLM land use policy has a density range of two to four dwelling units per acre. Keeping the density in the area within this range limits the dwelling units that can be developed and allows for them to be arranged in a way that avoids environmentally sensitive features, while it preserves the suburban character within the study area.

Under RLM, in the two to four dwelling unit per acre density range, building placement may be such that deeper front setbacks and generous side setbacks may be maintained, particularly along Edmondson Pike where this development pattern is most prominent. This creation of *voids* – in this case, the presence of green space in deep front yard setbacks and side yard setbacks, rather than a contiguous building wall commonly found in urban areas - allows for green space to be maintained, which is a prominent feature that defines suburban character.

2. Maintaining low density development will lessen the impact on the environmentally sensitive features that are present on the site.

Keeping within the RLM density range of two to four dwelling units per acre, has allowed development to occur in way that has minimal impact on environmental features. Streams and steep slopes greater than 20 percent have been internalized into open space in several instances in the study area.

3. Providing housing choice in appropriate locations that does not exceed the four dwelling units per acre allowed under the current RLM land use policy is desirable, therefore the proposed form – manor houses – may be suitable, but at RLM density.

The four dwelling units per acre density allowed under RLM has not fully been realized in this area. Historical densities range from 0.8 du/acre to 2.7 du/acre. With the appropriate zoning district, under the current RLM land use policy, multi-family housing may be appropriate. Appropriate locations for multi-family housing within the study area may be along the Edmondson Pike corridor. Thus, housing choice can be achieved under the current RLM policy with the



Metro Planning Commission Meeting of 4/10/08

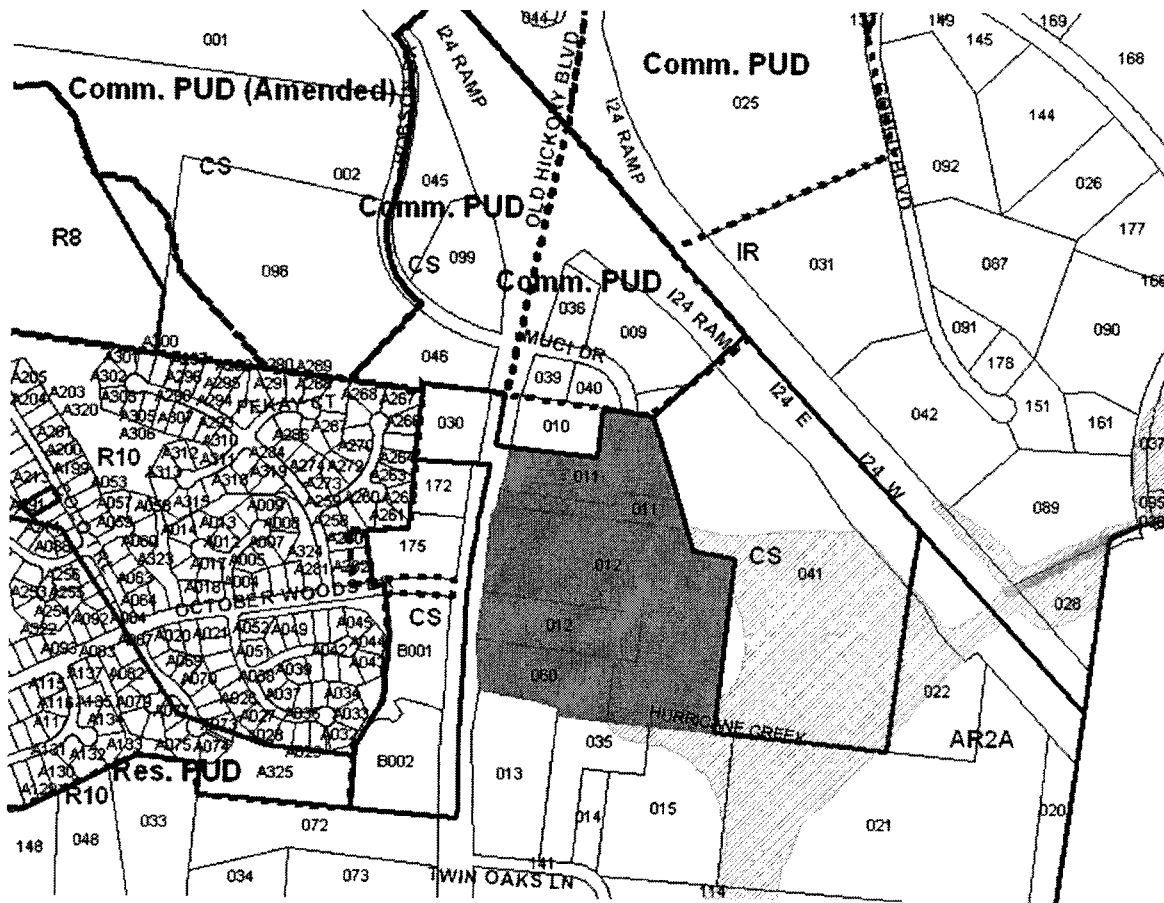
appropriate zoning and provided in the appropriate locations.

STAFF RECOMMENDATION

Staff recommends disapproval of the applicants request for Residential Medium policy.

SEE NEXT PAGE

PREVIOUSLY DEFERRED ITEMS



2008Z-010G-12

Map: 183-00 Parcel(s): 011, 011.01, 012, 012.01, 060

Subarea 12

Council District 31 – Parker Toler



| | |
|-----------------------------|---|
| Project No. | Zone Change 2008Z-010G-12 |
| Associated Case | Planned Unit Development 2008P-003G-12 |
| Council Bill | None |
| Council District | 31 - Toler |
| School District | 2 - Brannon |
| Requested by | Dale and Associates, applicant for Centex Homes, owner |
| Deferral | <i>Deferred from the February 28, 2008, Planning Commission meeting at the request of the applicant</i> |
| Staff Reviewer | Swaggart |
| Staff Recommendation | <i>Disapprove. If approved, the Infrastructure Deficiency Area requirements for this property must be met with any development proposal associated with this zone change.</i> |

APPLICANT REQUEST

A request to rezone approximately 24.01 acres located at 13153, 13159, 13167 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 430 feet south of Muci Drive from Agricultural/Residential (AR2a) to Multi-Family Residential (RM9) district.

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
RM9 District

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

**SOUTH EAST COMMUNITY
PLAN POLICY**

**Commercial Mixed Concentration
(CMC)**

CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.



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Infrastructure Deficiency Area

This request is located in the Infrastructure Deficiency Area (IDA) and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 4,345 linear feet of roadway within the IDA. Roadway to be improved will be determined by Public Works' staff. This is in addition to any other off site roadway improvements required by Public Works.

Consistent with Policy?

No. While the proposed RM9 zoning district is supported by area's policy, the associated PUD plan is not consistent with the overall intent of the area's Commercial Mixed Concentration Policy. While highway oriented uses are acceptable, the policy calls for these areas to become, over time, more pedestrian friendly, with buildings set close to the street and with parking placed to the rear. The proposed PUD plan calls for what appears to be a random unit layout that includes individual driveways for every unit, and no centralized or organized open space.

PUBLIC WORKS RECOMMENDATION

Typical Uses in Existing Zoning District: AR2a

| Land Use (ITE Code) | Acres | Density | Total Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-------------------------------|-------|---------|------------|-----------------------|--------------|--------------|
| Single-Family Detached (210) | 24.01 | 0.5 | 12 | 115 | 9 | 13 |

Typical Uses in Proposed Zoning District: RM9

| Land Use (ITE Code) | Acres | Density | Total Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------------------|-------|---------|-------------|-----------------------|--------------|--------------|
| Residential Condo/Townhome (230) | 24.01 | 9 | 211* | 1211 | 94 | 111 |

* Associated PUD proposes 211 townhomes

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 |
|---------------------|-------|----|------|-----------------------|--------------|--------------|
| -- | 24.01 | | +199 | +1096 | +85 | +98 |

METRO SCHOOL BOARD REPORT

Projected student generation 14 Elementary 9 Middle 9 High

Schools Over/Under Capacity

Students would attend AZ Kelly Elementary School, Antioch Middle School, and Antioch High School. All three schools have been identified as full by the Metro



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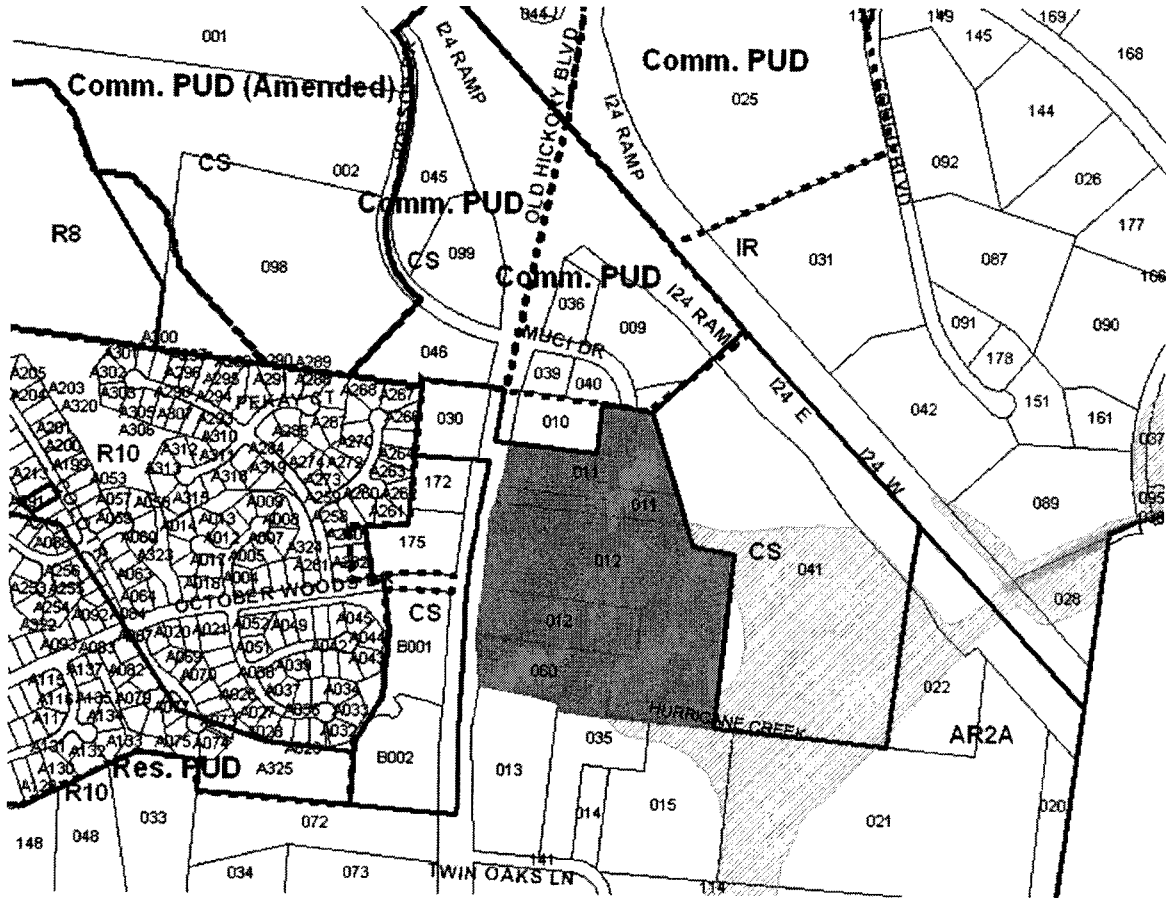
School Board. There is capacity within the cluster for middle school students, but there is no additional capacity for elementary students, and there is no capacity in the adjacent high school cluster. The fiscal liability generated by this request is \$196,000 for elementary students and \$180,000 for high school students. This information is based upon data from the school board last updated April 2007.

STAFF RECOMENDATION

Staff recommends that the request be disapproved. While the density of the proposed zoning is supported by the area's policy, the associated PUD plan does not provide a development that meets the basic design principles or the full intent of the Commercial Mixed Concentration policy. If approved, then the IDA requirements need to be met with any development proposal associated with this zone change.

CONDITIONS (if approved)

1. This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 4,345 linear feet of roadway. Roadway to be improved will be determined by Public Works' staff prior to any approval of any final site plan for this development. Improvements must be completed or bonded prior to approval of any final site plan for this development.



2008P-003G-12

CANE RIDGE VILLAS

Map: 183-00 Parcel(s): 011, 011.01, 012, 012.01, 060

Subarea 12

Council District 31 – Parker Toler



Project No.

Planned Unit Development 2008P-003G-12

Project Name

Cane Ridge Villas

Associated Case

Zone Change 2008Z-010G-12

Council District

31 - Toler

School Board District

2 - Brannon

Requested By

Dale and Associates, applicants for Centex Homes, owner
Deferred from the February 28, 2008, Planning Commission meeting at the request of the applicant

Deferral

Staff Reviewer

Swaggart

Staff Recommendation

Disapprove

APPLICANT REQUEST

Preliminary PUD

A request for preliminary approval for a Planned Unit Development on properties located at 13153, 13159, 13167 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 430 feet south of Muci Drive (24.01 acres), zoned Agricultural/Residential (AR2a) and proposed for Multi-Family Residential (RM9) zoning, to permit 211 multi-family units.

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

RM9 District

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

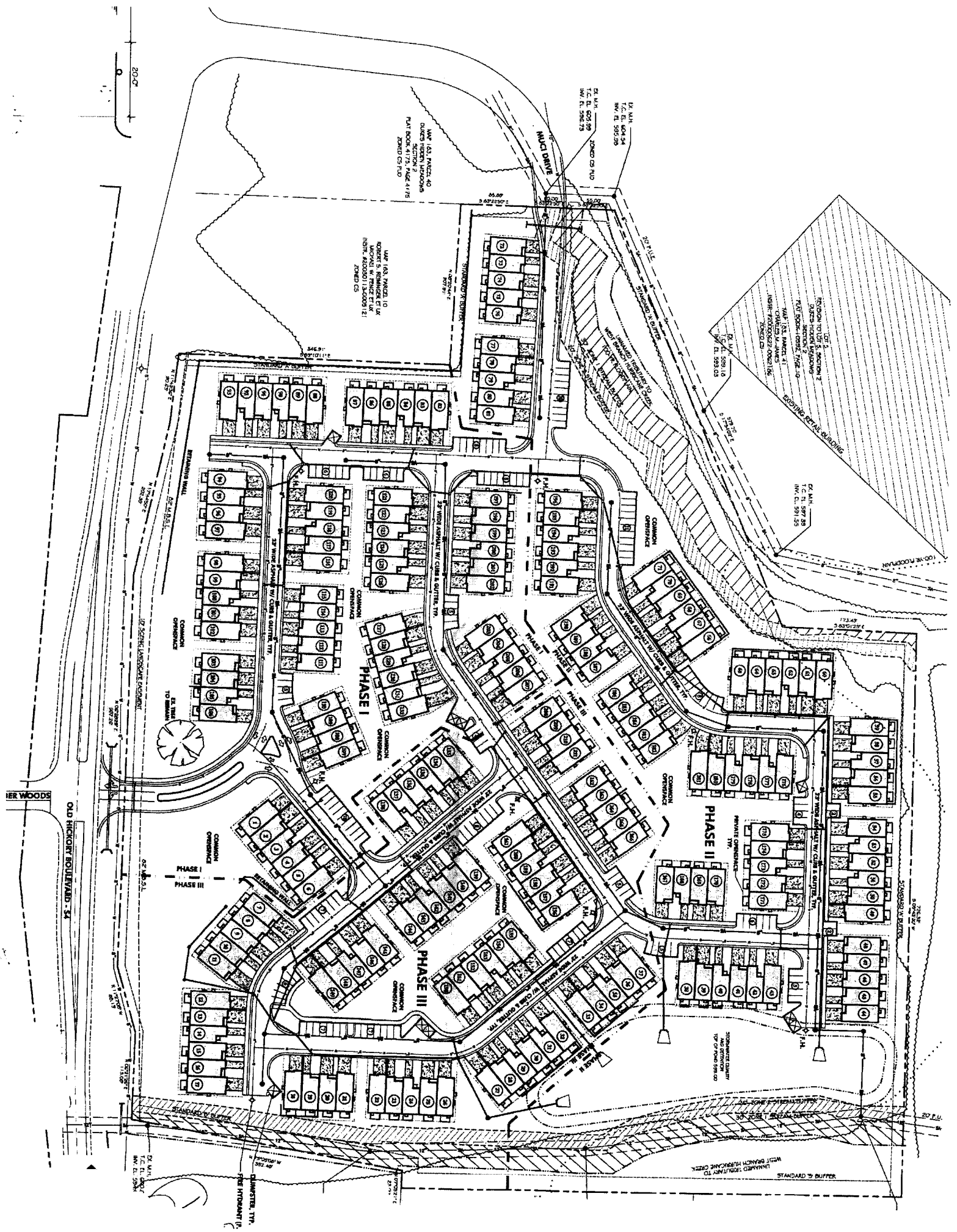
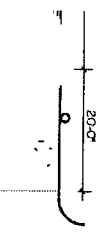
PLAN DETAILS

General

The applicant has requested preliminary approval for a new Planned Unit Development (PUD) for 211 attached townhomes. The proposal is associated with a zone change request from AR2a to RM9, the zoning district necessary to allow for the PUD. The proposal includes five properties. The current land uses are single-family homes, a mobile home, and farm buildings. The land is generally flat and does not contain any significant environmental constraints. There is a stream adjacent to the southern property boundary and a small portion of the area is encumbered with flood plain.

Site Plan

The site plan calls for 211 single-family attached units. The overall density proposed is approximately 9 units per



MAP 143, PARCEL 40
 DANIEL HUBER JACKSON
 PLAN BOOK 4173, PAGE 4173
 ZONED CS PUD

MAP 163, PARCEL 10
 ROBERT S. BIRNBAUM ET AL
 INSTR. RECORD 1134008121
 ZONED CS

LA. M.H. 1
 T.C. 11, 305.54
 INV. 11, 395.59

SECTION 10, SECTION 2
 SUBDIVISION 2
 PLAN BOOK 4092, PAGE 10
 CHARLES W. JAMES
 INSTR. RECORD 100227002106
 ZONED CS

LA. M.H. 1
 T.C. 11, 307.28
 INV. 11, 391.58

LA. M.H. 1
 T.C. 11, 307.28
 INV. 11, 391.58

STANDARD 5' & 6' BUFFER
 FINISHED REPAIR TO
 WEST BRANCH HURRICANE CREEK



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acre. Individual units are distributed in four to six unit rows scattered across the site. The units will all front onto new private streets; no units are proposed to front Old Hickory Boulevard.

The development will be accessed from Old Hickory Boulevard and from the end of Muci Drive. All units will be accessed by individual drives off new private streets. Sidewalks are shown on all new streets, but not on both sides of all streets.

The proposed total floor area is approximately 612,846 square feet (.60 FAR), and the proposed impervious surface is 480,062 square feet (.47 ISR). A total of 10.35 acres (44%) of land is shown in common open space, and is distributed throughout the development. A standard B buffer yard is shown along the southern property line for area's adjacent AR2a zoning district, and a standard A buffer yard is shown along the eastern and northern property line adjacent the CS zoning district.

The Southeast Community Plan calls for a greenway along the stream adjacent the southern property boundary. The plan provides a greenway easement, and pathway along the southern property line, and along a portion of the eastern property line. There is no greenway requirement along the eastern property line so the easement should be removed from the plan, unless it is incorporated into the plan to connect to the southern greenway.

Staff Analysis

The proposed location of residential units appears to be random, and does not foster a pedestrian friendly form. Sidewalks are not located on both sides of all streets and proposed sidewalks are bisected numerous times due to each unit having its own front driveway from the street. The areas identified as common open space are between units, and do not provide sufficient usable open space. Overall the development does not meet the intent of the PUD overlay.

The PUD overlay is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would be permitted under the conventional zoning provisions. PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments.



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The plan is also not consistent with the Commercial Mixed Concentration policy, which intends for the area to develop in a more pedestrian friendly manner.

The proposed extension of Muci Drive, which will provide one of only two access points into the development, is located within non-permissible Zone 1 and Zone 2 stream buffer, and will require a stream buffer disturbance to be approved by the Metro Stormwater Management Committee. Since the development does not meet the full intent of the policy, and does not provide a well planned community, planning will not recommend that the Stormwater Management Committee approve the stream buffer disturbance.

In order to meet the PUD requirements and be consistent with the area's long range plan, numerous changes to the plan are needed. As proposed, the plan provides only one unit type which makes it difficult to incorporate sufficient usable open space. Units need to be redistributed in a way that provides at least one large centralized common area, or different unit types should be used to give more flexibility in the layout of open space. Sidewalks should be provided on both sides of all streets with fewer driveway crossings. This would require a different type of housing product or, at least, a variety of unit types.

Infrastructure Deficiency Area

On July 22, 2004, the Planning Commission adopted an update to the Southeast Community Plan that identified an "Infrastructure Deficiency Area" (IDA) where the Commission determined infrastructure was insufficient to accommodate expected development in the area.

This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 4,345 linear feet of roadway within the IDA. Roadway to be improved will be determined by Public Works' staff. This is in addition to any other roadway improvements required by Public Works.

PUBLIC WORKS RECOMMENDATION

The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.



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STORMWATER RECOMMENDATION

Disapprove or defer until the Stormwater Management Committee has approved a stream buffer disturbance for the extension of Muci Drive.

1. Non-permissible Zone 1 and Zone 2 buffers were observed (roadway). Remove buffer disturbances or provide appeal allowing disturbances.
2. Property will be subject to cut and fill requirements for any floodplain alterations.

STAFF RECOMMENDATION

Staff recommends that the request be disapproved. The proposed plan does not meet the intent of the Planned Unit Development Overlay Code provisions, nor is it consistent with the overall intent of the area's land use policy.

CONDITIONS (if approved)

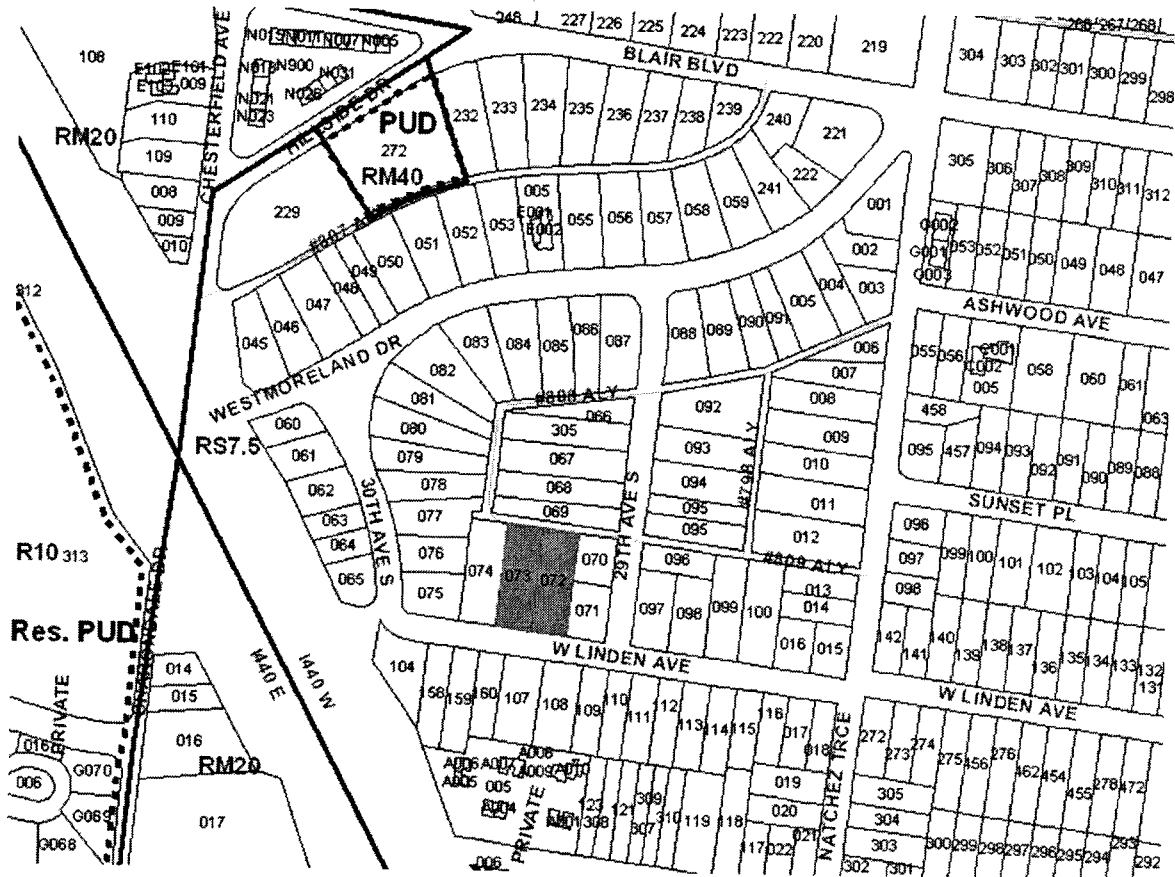
1. This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 4,345 linear feet of roadway. Roadway to be improved will be determined by Public Works' staff prior to any approval of any final site plan for this development. Improvements must be completed or bonded prior to approval of any final site plan for this development.
2. Remove the greenway easement and path shown along the eastern property line, or incorporate it into the overall PUD plan to connect to the southern greenway.
3. The southern greenway easement shall include the streambed located on the property, and an additional 25 feet, and shall be identified as a Dedicated Conservation Greenway Public Access Trail Easement Area.
4. Sidewalks shall be required on both sides of all streets.
5. A sidewalk is required along the property line adjacent Old Hickory Boulevard.
6. A variety of housing products shall be required, and shall be designed in a way to minimize individual curb cuts along streets.



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7. Open space shall be placed in a way that is usable for the enjoyment of future residents, and shall include a centralized common area.
8. Prior to final site plan approval the Stormwater Management Committee must approve the stream buffer disturbance for the extension of Muci Drive. If the buffer disturbance is not approved then the plan will have to be revised. If access into the development is limited to one point, then it must be approved by Metro Public Works and the Fire Marshal.
9. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
10. The requirements of the Metro 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. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
12. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

SEE NEXT PAGE



2008Z-029U-10

Map: 104-14

Parcel(s): 072, 073

Subarea 10

Council District 18 – Keith Durbin



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

Zone Change 2008Z-029U-10
BL2008-199
18 - Durbin
8 - Fox
Dennis and Delia Corrieri, owners
Deferred from the March 27, 2008, Planning Commission meeting at the request of the applicant

Staff Reviewer
Staff Recommendation

Sexton
Approve

APPLICANT REQUEST

A request to change from Single-Family Residential (RS7.5) to One and Two-Family Residential (R8) zoning for property located at 2902 and 2904 W. Linden Avenue, approximately 95 feet west of 29th Avenue, South (0.70 Acres).

Existing 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.

Proposed Zoning
R8 District

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

GREEN HILLS - MIDTOWN COMMUNITY PLAN

Residential Medium (RM)

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

Consistent with Policy?

Yes. The Green Hills - Midtown Community Plan identifies a need for infill and intensification of residential uses. In addition, the R8 zoning district complies with the residential zoning density range of 4 to 9 dwelling units per acre as specified within the Residential Medium Policy.

RECENT REZONINGS

On April 26, 2007, The Planning Commission recommended approval of a mass down zoning of this area from R8 to RS7.5, requested by Councilmember Hausser. This zone



Metro Planning Commission Meeting of 4/10/2008

changed was passed by Metro Council and became effective May 17, 2007.

PUBLIC WORKS RECOMMENDATION

No exception taken.

Maximum Uses in Existing Zoning District: RS7.5

| Land Use (ITE Code) | Acres | Density | Total Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|------------|-----------------------|--------------|--------------|
| Single-Family Detached (210) | 0.70 | 4.94 | 3 | 29 | 3 | 4 |

Maximum Uses in Proposed Zoning District: R8

| Land Use (ITE Code) | Acres | Density | Total Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|------------|-----------------------|--------------|--------------|
| Single-Family Detached (210) | 0.70 | 4.63 | 3 | 29 | 3 | 4 |

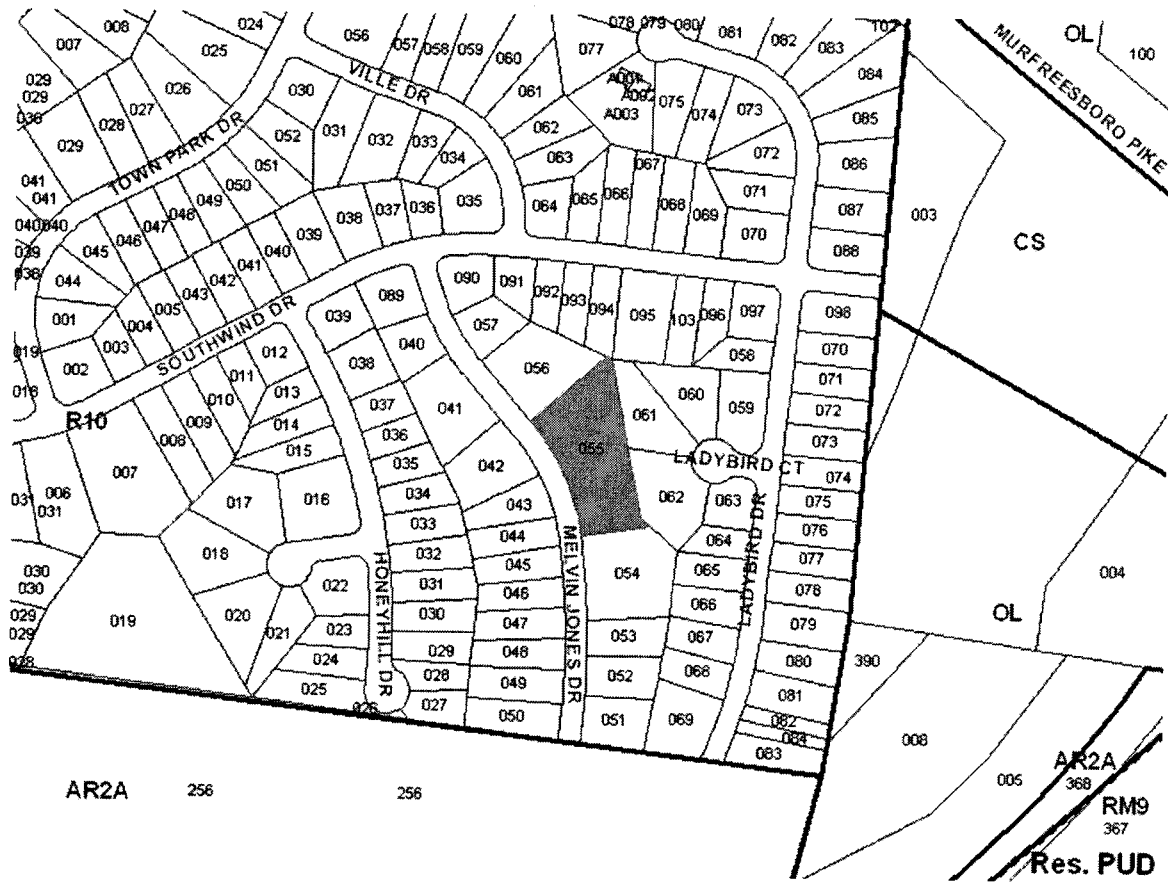
Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

| Land Use (ITE Code) | Acres | Density | Total Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|---------|------------|-----------------------|--------------|--------------|
| -- | | -- | | 0 | 0 | 0 |

STAFF RECOMMENDATION

Staff recommends approval. Both the current RS7.5 and proposed R8 zoning are compatible with the land use policy and development pattern of the area.

SEE NEXT PAGE



2008S-062U-13
 TOWN PARK ESTATES, RESUB. LOT 61
 Map: 135-05 Parcel: 055
 Subarea 13
 Council District 28 – Duane A. Dominy



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

Subdivision 2008S-062U-13
Town Park Estates, Resub. Lot 61
28 – Dominy
6 - Johnson
Civil Site Design Group, applicant, for David Waynick,
owner

Deferral

*Deferred from the March 27, 2008, Planning
Commission meeting at the request of the applicant*

Staff Reviewer
Staff Recommendation

Swaggart
*Defer until a critical lot plan has been submitted and
approved by planning staff, and Metro Stormwater has
given approval. If critical lot plans are submitted prior
to the meeting and Stormwater approves the plan then a
revised recommendation will be provided at the
meeting.*

APPLICANT REQUEST
Final Plat

**A request for final plat approval to create 3 lots on
1.3 acres for property located at 316 Melvin Jones
Drive, approximately 450 feet south of Southwind
Drive, zoned One and Two-Family Residential
(R10).**

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.

SUBDIVISION DETAILS

The plan calls for the creation of three new lots on an
existing lot located at 316 Melvin Jones Drive.

Lot Comparability

Section 3-5 of the Subdivision Regulations stipulates
that new lots in areas previously subdivided and
predominantly developed are to be generally in keeping
with the lot frontage and lot size of the existing
surrounding lots.

A lot comparability analysis was performed and yielded
the following information:

| Lot Comparability Analysis | | |
|----------------------------|--------------------------------|---------------------------------------|
| Street: | Requirements: | |
| | Minimum lot size (sq. ft.): | Minimum lot frontage (linear ft.): |
| Melvin Jones Rd. | 14,810.40 | 76.14 |



Metro Planning Commission Meeting of 4/10/08

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

- Lot 1: 23,345 sq. ft., (.54 acres), with approximately 104 linear ft. of frontage on Melvin Jones Road.
- Lot 2: 18,654 sq. ft., (.43 acres), with approximately 93 linear ft. of frontage on Melvin Jones Road.
- Lot 3: 15,427 sq. ft., (.35 acres), with approximately 95 linear ft. of frontage on Melvin Jones Road.

The three proposed lots meet the minimum requirements for area and frontage, and are consistent with existing lots within the area.

Topography

While the lots size is consistent with lots in the area, the property is encumbered with slopes greater than 20% and must be designated as critical lots. To ensure that the lots will meet the critical lot standards, a critical lot plan should be submitted for review. If lots can not meet the critical lot standards then the lots should not be approved.

Sidewalks

This request is within the Urban Services District and requires that sidewalks be constructed on two lots, or that a financial contribution to the pedestrian network be made in lieu of constructing the sidewalks.

STORMWATER RECOMMENDATION

Defer or disapprove until the following conditions are met:

1. Show and label the stream Tops of Bank
2. With reference to comment #2 above, show and label a Public Drainage Easement for the noted stream.
3. This project will require a Grading Plan for the stream crossing.

PUBLIC WORKS RECOMMENDATION

No Exception Taken

STAFF RECOMMENDATION

Staff recommends that the request be deferred until a critical lot plan has been submitted and approved by planning staff, and Metro Stormwater has given approval.

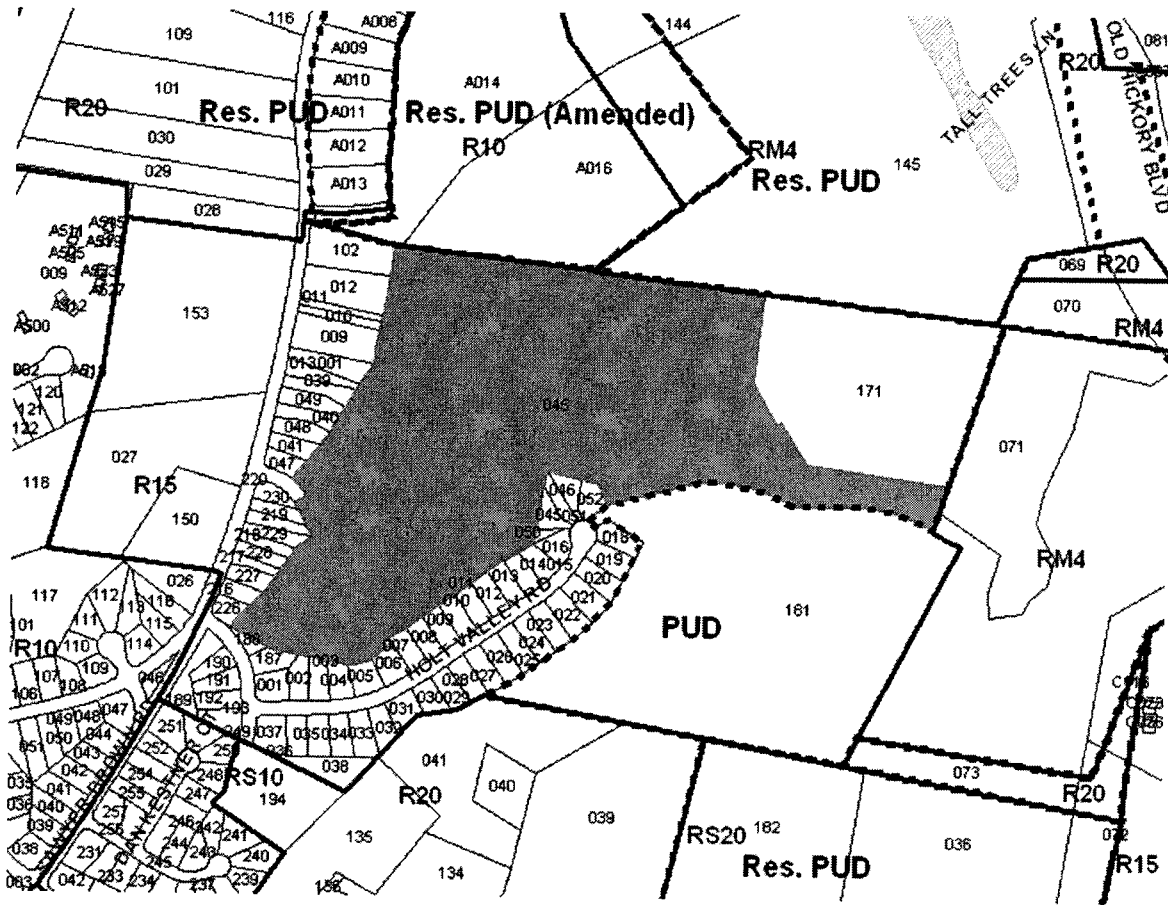


Metro Planning Commission Meeting of 4/10/08

CONDITIONS

1. Sidewalk must be constructed on two lots only, or the owner shall make a contribution to the pedestrian network in lieu of construction as specified in Section 3-8 of the Metro Subdivision Regulations.
2. A critical lot plan must be submitted and approved prior to recording. If lots can not meet the critical lot standards then the lots shall not be permitted.
3. Show and label the stream Tops of Bank.
4. With reference to condition #2 above, show and label a Public Drainage Easement for the noted stream.
5. This project will require a Grading Plan for the stream crossing.
6. Prior to recording a note shall be added to the plat showing that it is within the airport impact overlay, and that any homes should be constructed in a manner to reduce noise from air traffic.

ZONING MAP AMENDMENTS



2008SP-009G-06

BLUFFS ON SAWYER BROWN

Map: 128-00 Parcel(s): 045

Subarea 6

Council District 22 – Eric Crafton



| | |
|-----------------------------|---|
| Project No. | Zone Change 2008SP-009G-06 |
| Project Name | Bluffs on Sawyer Brown |
| Council Bill | BL2008-196 |
| Council District | 22 – Crafton |
| School District | 9 – Warden |
| Requested by | Dale & Associates, applicant, for Hodges & Sons Inc., owner |
| Staff Reviewer | Logan |
| Staff Recommendation | <i>Disapprove</i> |

APPLICANT REQUEST
Preliminary SP

A request to change 39.09 acres from One and Two-Family Residential (R15) to Specific Plan - Residential (SP-R) zoning property located at Sawyer Brown Road (unnumbered), approximately 540 feet north of Meadow Lane Drive, to permit the development of 115 townhome units.

Council Bill

The Council bill has already been filed for this project. The bill states that 130 townhome units are permitted.

Existing Zoning
R15 District

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

Proposed Zoning
SP-R District

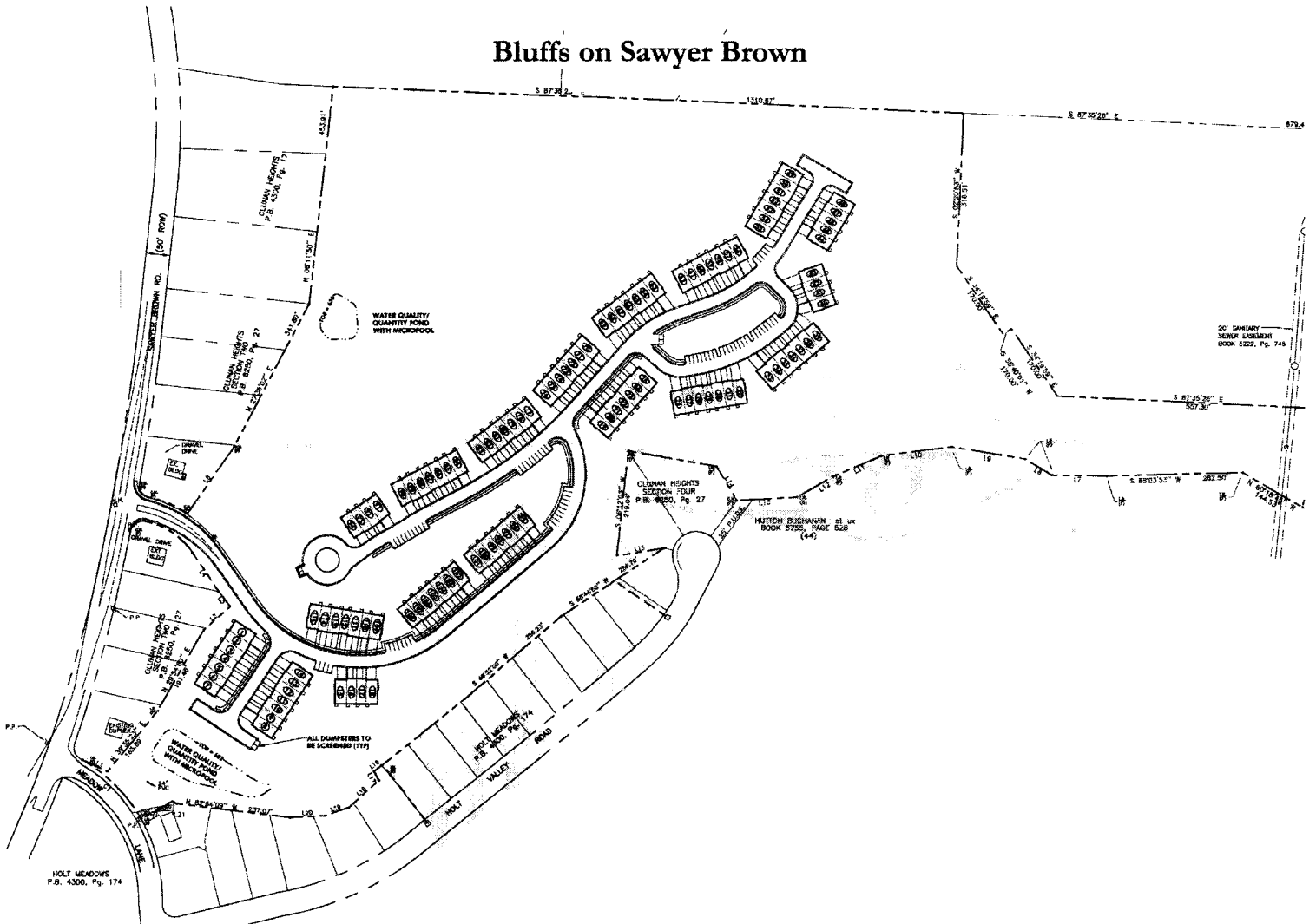
Specific Plan-Residential is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type.

BELLEVUE
COMMUNITY PLAN

Residential Low Medium (RLM)

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

Bluffs on Sawyer Brown



HOLT MEADOWS
P.B. 4300, Pg. 174



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Consistent with Policy?

While RLM policy permits densities at a range of two to four units per acre, the maximum permitted under this policy is not always appropriate. This property is encumbered by a stream, steep slopes, problem soils, and access issues. For this reason, staff recommends that development remain at the low end of the policy, which is two units per acre. This would be a reduction of 36 units, or 79 total units, for the proposed development.

PLAN DETAILS

Site Plan

The plan calls for 115 units arranged in 18 buildings that range from four to seven units each. The buildings line a private street that includes sidewalks on one side. There is a small community open space area proposed in the north portion of the development. Most of the site is within open space.

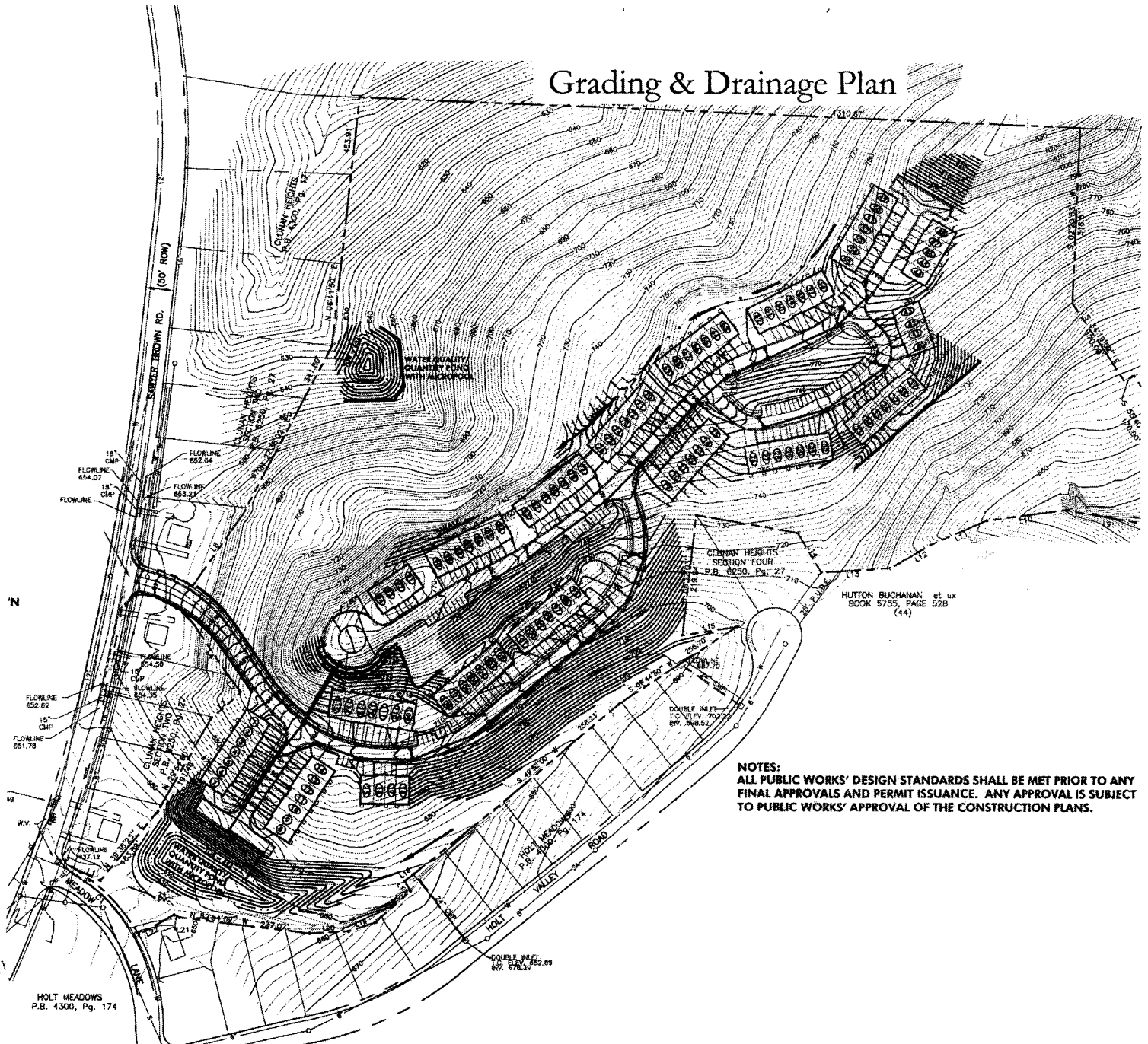
Environmental Concerns

This property contains steep slopes and problem soils. Most of the property has a slope of over 25%. While the development is proposed for the ridgeline, there is grading proposed on some of the steep slopes. Almost all of the grading for the proposed development is within problem soils. This property contains both Bodine-Sulfura, which is prone to movement, and Dellrose Cherty Silt Loam, which is weak, has a lot of fine pores and is quite crumbly. The area of greatest concern is the southern portion of the property. This area borders Holt Meadows, which is an established subdivision. The plan proposes grading that touches one of the lots in the subdivision and is within 30 feet of the other lots. Staff has serious concerns about this aspect of the plan. While geotechnical studies are not normally required until the SP final site plan, Staff requested a geotechnical study with this preliminary because of the amount of problem soil. The applicant has requested that the geotechnical study be a condition of approval for the preliminary SP, to be completed with the SP final site plan.

Access Issues

The applicant was also asked to show adequate sight distance from the proposed access point. This has not been completed, but a note has been added to the plans stating that it will be shown with the SP final site plan. The access point is also in an area with steep slopes and problem soils. It is supported by large retaining walls. The details of the retaining walls were not submitted.

Grading & Drainage Plan



NOTES:
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.

HOLT MEADOWS
P.B. 4300, Pg. 174



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Because of the location and grade of the access point, Staff has determined that this is important in evaluating the appropriate amount of density for this development.

PUBLIC WORKS RECOMMENDATION

Revise and resubmit prior to approval of construction plans.

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.

Solid waste disposal plan is to be approved by the Department of Public Works Solid Waste Division.

Identify location and type of retaining walls, including top and base of wall elevations, base length, thickness of base, batter decrement (if required), etc. Submit geotechnical report as to the wall type and suitability of wall locations. Retaining walls are not to support roadways.

Prior to the submittal of construction plans, provide documentation of adequate sight distance at project access.

Traffic Comment

In accordance with TIS recommendations:

Construct a NB right turn lane on Sawyer Brown Road at the proposed access with 50 feet of storage and transition per AASHTO standards.

Construct a SB left turn lane Sawyer Brown Road at the proposed access with 50 feet of storage and transition per AASHTO standards.

Maximum Uses in Proposed Zoning District: R15

| Land Use (ITE Code) | Acres | Density | Total Dwelling Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------------|-------|---------|-------------------------|--------------------------|-----------------|-----------------|
| Single-Family Detached (210) | 39.09 | 2.47 | 96 | 1002 | 77 | 104 |



Metro Planning Commission Meeting of 4/10/08

Maximum Uses in Existing Zoning District: SP

| Land Use (ITE Code) | Acres | Density | Total Dwelling Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Residential Condo/Townhome (230) | 39.09 | 3.32 | 130 | 803 | 64 | 75 |

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

| Land Use (ITE Code) | Acres | Density | Total Dwelling Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| -- | | | +34 | +199 | +13 | +29 |

STORMWATER RECOMMENDATION

Returned for Corrections

1. Show undisturbed buffers
2. Add Buffer Note to Plans

NASHVILLE ELECTRIC SERVICE RECOMMENDATION

- 1) Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval
- 2) Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning)
- 3) 20-foot easement required adjacent to all public right of way or behind sidewalk to start 20' PUE.
- 4) NES can meet with developer/engineer upon request to determine electrical service options
- 5) NES needs any drawings that will cover any road improvements to Sawyer Brown Rd that Metro PW might require
- 6) Developer should work with Metro PW on street lighting if public streets or give NES light locations if private drives.
- 7) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
- 8) Does developer have any other options on property next to this 1 to be serve ugrd.

FIRE MARSHAL RECOMMENDATION

Conditional

Additional information will be required before a building permit can be issued, adequate information not provided to allow approval of this project in its entirety at this time.



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Fire Hydrants shall be in-service before any combustible material is brought on site.

All fire hydrants shall provide a minimum of 1000 gpm @ 20 psi. If so, all single family residences up to 3600 sq. ft. are pre-approved.

Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.

More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B

All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.

Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.

Fire hydrant shall comply with 2006 edition of NFPA 1 table H

Provide a Master Water Plan which shows water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.

Print fire hydrant flow data on plans.

Flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.

A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from



Metro Planning Commission Meeting of 4/10/08

the outside and that provides access to the interior of the building.

METRO SCHOOL BOARD REPORT

Projected student generation

5 Elementary 4 Middle 4 High

Schools Over/Under Capacity

Students would attend Gower Elementary School, Hill Middle School, or Hillwood High School. None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION

Staff recommends disapproval because the development is too intense given the presence of a stream, steep slopes, problem soils and access issues, and the failure of the applicant to provide competent professional analysis addressing these issues.

CONDITIONS (if approved)

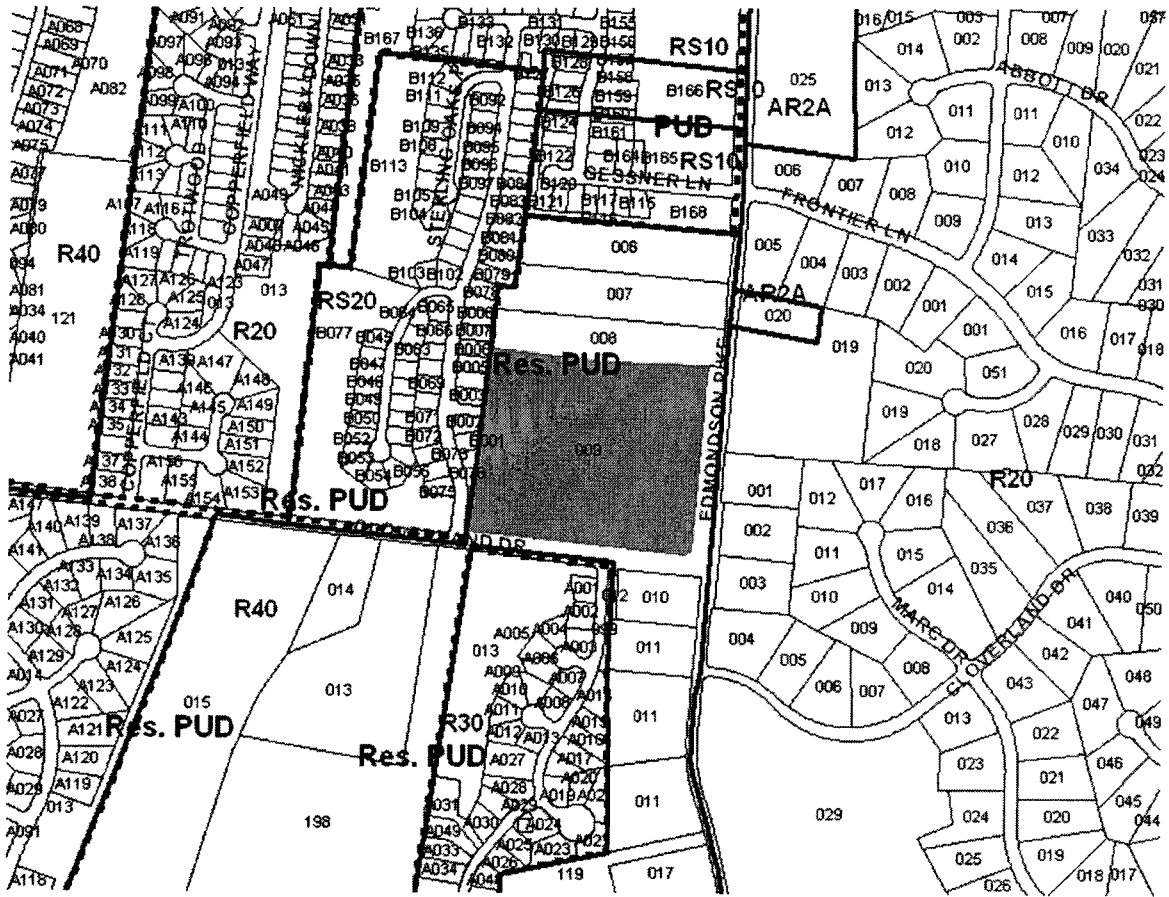
1. Revise plan to reduce the unit count to 79 units.
2. Submit geotechnical study with SP final site plan. Identify location and type of retaining walls, including top and base of wall elevations, base length, thickness of base, batter decrement (if required), etc. Submit geotechnical report as to the wall type and suitability of wall locations. Retaining walls are not to support roadways.
3. Prior to the submittal of construction plans, provide documentation of adequate sight distance at project access.
4. Remove dumpster from open space and place in a less visible area.
5. Comply with all Stormwater requirements.
6. This SP is limited to multi-family residential.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to



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the standards, regulations and requirements of the RM4 zoning district as of the date of the applicable request or application.

8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro 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.



2008SP-010U-12
CLOVERLAND & EDMONSON
 Map: 172-00 Parcel(s): 009
 Subarea 12
 Council District 31 – Parker Toler



| | |
|-----------------------------|---|
| Project No. | Zone Change 2008SP-010U-12 |
| Project Name | Cloverland Village SP |
| Associated Case | 2008CP-04G-12 |
| Council Bill | None |
| Council District | 31 – Toler |
| School District | 2 – Brannon |
| Requested by | LandDesign, Inc., applicant, for Thoroughbred Lane Investment Company, LLC, owner |
| Staff Reviewer | Logan |
| Staff Recommendation | <i>Disapprove</i> |

APPLICANT REQUEST
Preliminary SP

A request to change 15.1 acres from One and Two-Family Residential (R40) to Specific Plan - Residential (SP-R) zoning property located at Edmondson Pike (unnumbered), at the northwest corner of Edmondson Pike and Cloverland Drive, to permit the development of 104 dwelling units

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
SP-R District

Specific Plan-Residential is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type.

**SOUTHEAST
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?

No. The plan proposes 104 units at a density of 7.3 units per acre, which exceeds the density of four units per acre permitted under the Residential Low Medium



Metro Planning Commission Meeting of 4/10/08

policy. Staff also recommends disapproval of the proposed Community Plan amendment (See case no. 2008CP-04G-12).

PLAN DETAILS

Site Plan

The site is encumbered with two streams and steep slopes. The plan calls for 26 buildings, each with four units. This type of development is known as a manor house. While the building contains four units, it is designed to look like a single-family home. Staff has identified three major problems with this plan. First, eight of the buildings front onto Edmondson Pike. While this type of development is recommended along arterial streets, eight buildings in this location are inconsistent with the spacing of the existing homes along Edmondson Pike. Second, the development currently shows manor houses next to single-family homes. Staff has determined that it is more appropriate for the development to respect the single-family subdivision to the west by transitioning in mass, scale and intensity. Finally, the properties to the north are similarly encumbered with a stream and a hillside. This development does not provide vehicular connectivity to the west of the stream, in order to minimize stream crossings to the north.

Staff is not recommending redesign or other modifications of the plan because the proposed density is so far over the density supported by the existing RLM policy. The plan could change drastically if the unit count was revised to meet the current policy.

Sidewalks

Sidewalks are required on both sides of the new streets, and along both Cloverland Drive and Edmondson Pike.

Access

There are two access points: one from Edmonson Pike and one that connects to the existing Sterling Oak Grove.

Infrastructure Deficiency Area

On July 22, 2004, the Planning Commission adopted an update to the Southeast Community Plan that identified an "Infrastructure Deficiency Area" (IDA) where the Commission determined infrastructure was insufficient to accommodate expected development in the area.

The site for the Cloverland Village SP has been determined to be in the IDA. If the requested density of 7.3 units/acre is approved, 576 feet of roadway will be



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required to be improved. If 4 units/acre is approved, 316 feet of roadway will be required to be improved.

PUBLIC WORKS RECOMMENDATION

Revise and Resubmit

The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Dimension existing pavement width along Sterling Oaks Cv. Street A pavement section per ST-251. Include curb & gutter. Divided median pavement section per ST-250. Include curb and gutter.

Show and dimension right of way along Edmondson Pike and Cloverland Drive. Dimension from centerline.

Along Edmondson Pike and Cloverland Drive, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways. Sidewalks to be located within right of way.

For dead end streets greater than 150', construct turnaround, or provide connectivity.

At buildings 1-7 and 12-26, provide a minimum 22' minimum garage setback to accommodate passenger car turning movements. Demonstrate turning movement.

Maximum Uses in Existing Zoning District: R40

| Land Use (ITE Code) | Acres | Density | Total Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|------------|-----------------------|--------------|--------------|
| Single-family detached (210) | 15.1 | 0.93 | 14 | 134 | 11 | 15 |

Maximum Uses in Proposed Zoning District: SP

| Land Use (ITE Code) | Acres | Density | Total Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------------------|-------|---------|-------------|-----------------------|--------------|--------------|
| Residential Condo/Townhome (230) | 15.1 | N/A | 104 | 664 | 54 | 63 |



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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 |
|---------------------|-------|---|-----|-----------------------|--------------|--------------|
| -- | | | +90 | +530 | +43 | +48 |

STORMWATER RECOMMENDATION

Preliminary SP Approved Except as Noted:

- Add Buffer Note to plans:
(The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)
- Add Access Note to plans:
(Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)
- Add C/D Note to plans:
(Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)

NASHVILLE ELECTRIC SERVICE RECOMMENDATION

- 1) Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval
- 2) Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning)
- 3) 20-foot easement required adjacent to all public right of way or behind sidewalk to start 20' PUE.
- 4) NES can meet with developer/engineer upon request to determine electrical service options
- 5) NES needs any drawings that will cover any road improvements to Edmondson Pk or Sterling Oaks Dr that Metro PW might require
- 6) Developer should work with Metro PW on street lighting locations due to Metro's requirements
- 7) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules



Metro Planning Commission Meeting of 4/10/08

FIRE MARSHAL RECOMMENDATION

Reviewed

Provide a Master Water Plan which shows water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.

All roadways with two way traffic shall be 20 feet in width minimum.

No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B

All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.

Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.

Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.

A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

Flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.

Any residential construction over 3600 sq. ft. will require an independent review by the Fire Marshals office and be required to comply with the 2006 edition of NFPA 1 table H.

(<http://www.nashfire.org/prev/tableH51.htm>)

All fire hydrants shall provide a minimum of 1000 gpm @ 20 psi. If so, all single family residences up to 3600 sq. ft. are pre-approved.

Fire hydrant shall comply with 2006 edition of NFPA 1 table H



Metro Planning Commission Meeting of 4/10/08

METRO SCHOOL BOARD REPORT

Projected student generation

4 Elementary 2 Middle 2 High

Schools Over/Under Capacity

Students would attend Granbery Elementary School, Oliver Middle School, or Overton High School. All three schools have been identified as being over capacity by the Metro School Board. Another middle school in the cluster and a high school in a neighboring cluster have capacity. The fiscal liability for the elementary student is \$56,000. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION

Because the request is inconsistent with policy, Staff recommends disapproval.

CONDITIONS (if approved)

1. The site for the Cloverland Village SP has been determined to be in the IDA. If the requested density of 7.3 units/acre is approved, 576 feet of roadway will be required to be improved. If 4 units/acre is approved, 316 feet of roadway will be required to be improved.
2. Provide a vehicular connection to the north on the west side of the stream.
3. This SP is limited to One and Two-Family Residential and Multi-Family Residential uses.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications



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for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro 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.

SEE NEXT PAGE

NO SKETCH



| | |
|-----------------------------|---|
| Project No. | 2008Z-012T |
| Name | New Fee for Minor Text Changes to Overlay and SP Districts |
| Council Resolution | Resolution will be filed. |
| Council District | Countywide |
| Requested by | Metro Planning Department |
| Staff Reviewer | Leeman |
| Staff Recommendation | <i>Approve</i> |

REQUEST

A proposed resolution to establish an alternative, lower fee for applications to request minor changes to an adopted overlay district or specific plan district that must be approved by the Metro Council.

ANALYSIS

Fee Proposal

Based on staff experience over the past year, a need for a lower fee for applications to request minor changes to an adopted overlay district or Specific Plan district that must be approved by the Metro Council. Staff is proposing the establishment a lower fee for these minor amendments.

Section 17.40.740 and 17.40.760 of the Metro Zoning Code provide for the establishment of new fees upon adoption of a Resolution by the Metro Council. In accordance with the Zoning Code, the Planning Department has developed for the Metropolitan Council's consideration an alternative, lower fee for applications to request minor changes to an adopted overlay district or Specific Plan district that must be approved by the Metro Council. These minor changes to an adopted ordinance require Council approval and are necessary to better clarify and specify the development plan, development standards, and conditions of approval, or are housekeeping in nature.

The current fees for amending a Planned Unit Development, Urban Design Overlay or Specific Plan district are as follows:

- Planned Unit Development: \$1,975
- Specific Plan: \$6,195
- Urban Design Overlay: \$8,845



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Staff recommends the new \$470 application fee for these minor changes, which is equal to the current application fee for processing subdivision Development Plans. The time needed to process the minor changes is similar to the time needed to review a Development Plan.

STAFF RECOMMENDATION

Staff recommends approval of establishing a \$470 application fee.

SEE NEXT PAGE

NO SKETCH

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Project No.
Name
Council Bill
Council District
Requested by

Zone Change 2008Z-025T
Tree Density
BL2008-153
Countywide
Councilmember Mike Jameson

Staff Reviewer
Staff Recommendation

Regen
Approve

APPLICANT REQUEST

A council bill to amend the Zoning Code, Section 17.24.100.B (Replacement of Trees) as to the calculation of tree density.

ANALYSIS

Existing Law

Article II of Chapter 17.24 of the Zoning Code addresses tree protection and replacement. To minimize tree removal and encourage preservation of existing trees, the Code requires properties to achieve a “tree density” factor of at least 14 units per gross acre using both existing (protected) and new (replacement) trees. A “unit” represents a numerical value assigned to existing trees based on the tree’s diameter at breast height (approximately 4.5 feet above the ground) and to new trees based on their caliper size (a tree’s diameter measured 1 foot off the ground). Both measurements are made from the uphill side of the tree.

When calculating the tree density factor, the Zoning Code allows deductions from a project’s gross acreage area for property now or proposed in the future to be covered by a lake or pond year round, any fenced athletic field, or any structures located on the property. A “structure” was interpreted in a recent court opinion to include buildings, parking areas, drive aisles, and loading areas.

Proposed Bill

The proposed bill would delete the word “structures” and insert in its place “buildings” and modify the list of deductions from gross acreage to include semi-trailer and tractor-trailer service areas, drive aisles and parking and loading areas. As written, the bill would make it clear that an employee parking and loading area cannot be considered a “structure.”



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Proposed Text

This council bill proposes to amend Section 17.24.100.B (Replacement Trees) as follows:

- B. Each property shall attain a tree density factor of at least fourteen units per acre using protected or replacement trees, or a combination of both. Compliance with this provision shall be calculated using gross acreage of the property minus the portion of the land area currently or proposed to be covered by buildings structures, minus the fenced area of any athletic field, minus the area of a lake or pond which is covered by water year round, minus semi-trailer and tractor-trailer service areas, drive aisles, parking and loading areas, and excluding open areas of golf facilities. Protected and replacement trees shall contribute toward the tree density.

Analysis

The proposed bill would ensure the tree protection and replacement provisions of the Zoning Code apply to any employee parking and loading area, regardless of the principal and accessory uses located on the same property or campus. It would treat all businesses in Davidson County equally and equitably. No one business would singularly be required to provide a greater tree density factor than another business with a similar sized employee and customer parking area.

From a quality of life perspective, providing trees, even dispersed and clustered within a parking lot, reduce the "urban heat island" effect associated with large parking lot expanses. The phrase "urban heat island" refers to the difference between the ambient temperature within an urban area vs. the rural area surrounding it. Collectively, urban heat islands impact our physical space and personal health by increasing demand for air conditioning, producing more gas emissions, and creating the right conditions suitable for the spread of vector-borne diseases.

To quantify the urban heat island effect, NASA in the mid-1990's did an evaluation of a mall parking lot in Huntsville, Alabama. It found a temperature difference of nearly 60 degrees between the uncovered space in the middle of the mall parking lot and in the shade of a



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small tree island in the same parking lot. The cities of Atlanta, Phoenix, and Houston have had similar studies done corroborating NASA's work on the cooling effect of trees and vegetation.

Trees add to a community's character in residential neighborhoods and to the appeal of office, commercial, and industrial properties. The more attractive the area looks, the more desirable it is to live and work there, increasing residential and commercial property values. Trees in existing and new developments serve a vital role in shaping a community's economic health.

STAFF RECOMMENDATION

Staff recommends approval of the bill as it strengthens Nashville's commitment to tree protection and replacement. The bill ensures all properties contribute towards making Nashville a more attractive place to live and work. Trees remove pollutants from the air, reduce surface temperatures through shading, and reduce stormwater run-off by slowing both the movement and volume of water. They serve a critical role in shaping a community's economic and physical health by creating a more desirable place to live and work.

NO SKETCH

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**Project No.
Name**

**Zoning Text Change 2008Z-031T
Zoning Application Property Owner
Signature**

**Council Bill
Council District
Requested by**

BL2008-168
Countywide
Councilmember Eric Crafton

**Staff Reviewer
Staff Recommendation**

Bernards
Disapprove

REQUEST

A council bill to amend Section 17.40.060 (Applications) to require the signature of all property owners on a zone change application, yet permit the waiver of this requirement by Metro Council resolution provided 27 affirmative votes are obtained.

ANALYSIS

Existing Law

Section 17.40.060 of the Zoning Code allows an application to amend the official zoning map to be initiated by the property owner, the Metropolitan Planning Commission, or a Councilmember. The Zoning Code does not specify that all owners must sign the application for Councilmember initiated rezonings.

Proposed Bill

This bill would require the written consent of all property owners of record for a property to be rezoned. It includes the ability to waive this requirement with a resolution of the Council if that resolution receives 27 votes in favor. All signatures or the resolution waiver would be required in order to submit a rezoning application for consideration by the community, the Planning Commission, or the Council.

Proposed Text

Amend subsection A. by adding the following provision at the end of the section:

“Further, no application to amend the official zoning map shall be accepted by the planning commission or the metropolitan clerk unless written consent of all property owners of record for the property to be rezoned is submitted with the application. This provision requiring property owner consent may be waived by resolution of the metropolitan council receiving twenty-seven (27) affirmative votes.”



Analysis

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It is the practice of the Planning Commission to require written consent of all property owners of record for the property to be rezoned when accepting an application that is not initiated by a councilmember or the Planning Commission. Generally, these zone changes involve a limited number of properties and owners. Applications initiated by the Planning Commission and Councilmembers tend to involve a wider area with numerous properties and property owners.

Applications initiated by the Planning Commission generally come from one of four sources:

- Through the community planning process, which may result in a zone change to implement newly adopted policies of a community plan.
- At the request of a Councilmember or group of Councilmembers. Recent examples include the Gallatin Road SP and the Myatt Drive SP.
- At the request of another Department such as the Historical Commission to implement a Neighborhood Conservation overlay district.
- On behalf of property owners to correct an error or to initiate an agreed upon community plan driven zone change.

The most significant impact this bill will have on the Planning Commission is in its ability to implement the policies of the community plans. The Planning Commission will be severely limited in its ability to propose rezonings that implement the community plans. No application could be submitted or considered by the Commission until all signatures were obtained or a resolution to waive the signature requirement was adopted by the Council with a 27-vote supermajority.

As noted above, rezonings initiated by the Planning Commission tend to involve numerous properties and property owners. Gathering the signatures for the number of properties involved in the above types of rezonings will require significant effort and it is unlikely that 100% of the property owner signatures can be obtained. This leaves the Planning Commission in the position of recommending to rezone only a portion of properties involved or, before initiating any rezoning to implement a community plan, receiving from the



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Council, a waiver of this requirement through a resolution receiving 27 affirmative votes.

In addition to the difficulty of gathering signatures, this amendment could have a significant impact on the intake process for rezoning applications from either the Planning Commission or a Councilmember due to the need to verify the signatures. Staff uses Tax Assessor records to determine property ownership. These records can be outdated as there is a time lapse between change of ownership and the updating of data bases. Currently, an applicant will submit a current deed with an application if a property has recently changed hands. Property owners do not always make changes to a deed when life circumstances change, such as a death, and obtaining a death certificate can be difficult. At this time, it is the responsibility of the applicant to get the necessary signatures or certificates when submitting a zone change request.

The volume of applications submitted by the Planning Commission and Councilmembers varies. There may be none for a particular filing deadline or there may be several. Recently, seven requests were received for one filing deadline, including three residential downzonings, two neighborhood conservations overlays, a UDO and an amendment to the Gallatin Pike SP. This represents in excess of 1,700 properties. The Planning Commission does not have the staff capacity to verify the volume of signatures generally involved in Councilmember rezoning initiatives.

A Councilmember seeking to initiate a rezoning action in his or her district would need to obtain a resolution of the Council, with 27 votes supporting the initiative, in order to avoid the burden of collecting and verifying of signatures each time they wanted to submit an application to initiate a rezoning action in their district.

STAFF RECOMMENDATION

Staff recommends disapproval of this bill. The requirement to obtain signatures of all property owners for any rezoning severely limits the Planning Commissions ability to implement the policies of the community plans. In addition, that there is not the staffing capacity available to verify that all necessary signatures have been obtained.

NO SKETCH



Project No.
Project Name

Zoning Text Change 2008Z-032T
Financial Institution, Check Cashing,
Pawnshop, Title Loan, and Cash Advance
uses

Council Bill
Requested By

BL2008-169
Councilmember Erik Cole

Staff Reviewer
Staff Recommendation

Logan
Approve

APPLICANT REQUEST

A council bill to amend Chapters 17.04, 17.08 and 17.16 of the Zoning Code to create new definitions, modify the land use table, and establish conditions for financial institution, check cashing, pawnshop, title loan, and cash advance uses.

APPLICATION DETAILS

In the current Zoning Ordinance, there are no definitions for “financial institution,” “check cashing,” “pawnshops,” “title loan,” and “cash advance” uses. Financial institution is currently listed in the land use table, which determines in which districts certain uses are permitted by right, permitted subject to specific conditions, permitted by special exception, permitted as an accessory use, or permitted only within an overlay district. The Zoning Administrator currently considers check cashing, title loan, and cash advance uses to be financial institutions and considers pawnshops to be a retail use.

This Zoning Code text amendment would add definitions for financial institution, check cashing, title loan, pawnshop, and cash advance. The definition for financial institution is intended to remedy the current situation, where the use is listed in the land use table, but not defined. Each of the other definitions is based on the section of the Tennessee Code that regulates the specific use. The intent of the legislation is to permit or permit with conditions check cashing, title loan and cash advance uses in the same zoning districts in which financial institution is currently permitted or permitted with conditions. In addition, the ordinance is intended to permit or permit with conditions pawnshop in the same zoning districts in which retail is permitted or permitted with conditions. The conditions remain the same as the conditions for financial institution and retail uses.



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STAFF RECOMMENDATION Staff recommends approval of the proposed ordinance.

ORDINANCE NO. BL2008-169

An Ordinance amending Chapters 17.04, 17.08 and 17.16 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to check cashing, title loan, pawnshops, and cash advance establishments, all of which is more specifically described herein (Proposal No. 2008Z-032T).

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.04.060 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by adding the following new definitions:

“Financial institution” means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies.

“Check cashing” means any building, room, space or portion thereof where checks are cashed in exchange for a fee, as regulated by Title 45, Chapter 18, of the Tennessee Code Annotated.

“Title loan” means any building, room, space or portion thereof where a business operates that makes loans in exchange for possession of the certificate of title to property or a security interest in titled property, as regulated by Title 45, Chapter 15, of the Tennessee Code Annotated.

“Pawnshop” means any building, room, space or portion thereof where a pawnbroker regularly conducts business, as regulated by Title 45, Chapter 6, of the Tennessee Code Annotated.

“Cash advance” means any building, room, space or portion thereof where unsecured, short-term cash advances are provided, including those made against future pay checks, as regulated by Title 45, Chapter 17, of the Tennessee Code Annotated.

Section 2. That Section 17.08.030, District Land Use Tables, of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended as follows:

1. By adding “Check cashing”, “Title loan” and “Cash Advance” under Office uses as a permitted use (P) in the MUL, MUG, MUI, OL, OG, OR20, OR40, ORI, CN, CL, CS, CA, CF, CC, SCN, SCC, SCR and IWD districts, and as use permitted with conditions (PC) in the MUN and ON districts.



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2. By adding "Pawnshop" under Commercial Uses as a permitted use (P) in the MUL, MUG, MUI, CL, CS, CA, CF, CC, and SCR districts, and as use permitted with conditions (PC) in the MUN, ORI, CN, SCN, SCC, IWD, IR and IG districts.

Section 3. That Chapter 17.16 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended as follows:

1. By amending Section 17.16.050 by deleting subsection A. in its entirety and substituting in lieu thereof the following new subsection A.

"A. Financial Institution, Cash Advance, Check Cashing and Title Loan. A financial institution, cash advance, check cashing or title loan office shall be limited to two thousand five hundred square feet of gross floor area per establishment."

2. By amending Section 17.16.070 by inserting the following as subsection M., and relettering the remaining subsections accordingly:

"M. Pawnshop.

1. In the MUN, ORI and CN zone districts, each establishment shall be limited to five thousand square feet of gross floor area, maximum.

2. In the IWD, IR and IG zone districts, each establishment shall be limited to two thousand five hundred square feet of gross floor area, maximum."

Section 4. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

NO SKETCH



**Project No.
Name**

**Zone Change 2008Z-034T
Religious Institutions In SCR Zoning
District**

**Council Bill
Council District
Requested by**

BL2008-202
Countywide
Councilmember Sam Coleman

**Staff Reviewer
Staff Recommendation**

Bernards
Approve

APPLICANT REQUEST

A council bill to amend Section 17.08.030 of the Zoning Code to permit by right a "Religious Institution" in the SCR zoning district.

ANALYSIS

Existing Law

Section 17.04.060 of the Zoning Code defines "Religious institution" as "any structure or site used primarily for religious practices." Religious institutions are permitted by right in all agricultural, mixed-use, office, commercial, and industrial zoning districts and are permitted by special exception in all residential zoning districts. They are not permitted in shopping center districts.

The Shopping Center Regional (SCR) zoning district is intended for high intensity retail, office, and consumer service uses for a regional market area and implements the super community and regional activity center policies of the general plan.

Proposed Bill

The proposed bill would permit, by-right, religious institutions in the SCR zoning district.

Analysis

The SCR district is described in Section 17.08.020 of the Zoning Code as a district intended for very large, regional shopping and activity centers such as Bellevue Mall, Green Hills Mall, Rivergate Mall, Hickory Hollow Mall, Nashville West, Hill Center at Green Hills, and the Bellevue West Shopping Center. It also is a zoning district applied to large-scale shopping centers at major intersections such as Nolensville Pike/Old Hickory, I-65/Old Hickory, and Nolensville Pike/Harding Place.

Churches are an appropriate use in this zoning district. A number of churches are as large as, or larger than,



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some major retail tenants within regional shopping centers and have many of the same design elements, including access and parking. Churches provide an option for reusing vacant or underutilized shopping centers.

Within Metro, there are 399 parcels zoned SCR encompassing 1,362 acres of land; 61% of these parcels are located in 36 planned unit developments (PUD). Currently, in order for a church to locate within an existing PUD with SCR as a base zoning district, a zone change and an amendment to the PUD would be required if the PUD was not previously approved for a religious institution use. The request to change the PUD would require Council approval. Amending a PUD may also trigger new Zoning Code requirements. For existing PUDs with SCR base zoning, permitting churches as a use within the SCR district would still require a PUD revision.

The SCR zoning is primarily found in areas identified as Regional Activity Centers (RAC). The various Community Plans with RAC policy call out civic and public benefit uses as appropriate uses within these centers. Many churches generate activity seven days a week with uses that can include child care, retail, classes, social events and even broadcasting for the largest tier of churches. A church can provide vitality in a space that suffers from low levels of activity and can attract other uses.

Currently, churches are permitted by right or by special exception in all zoning districts except SCR, Shopping Center Community (SCC), and Shopping Center Neighborhood (SCN). In considering this text amendment, staff also considered the possibility of permitting churches in the SCC and SCN zoning districts. The observed trend of uses moving into obsolete shopping center space includes vocational schools, business schools and churches. These uses are generally looking for large spaces with economical lease rates. Centers zoned SCC and SCN offer smaller spaces and serve smaller market areas than does SCR. These areas are generally not large enough to accommodate a church use and still provide adequate neighborhood and community services. Staff has

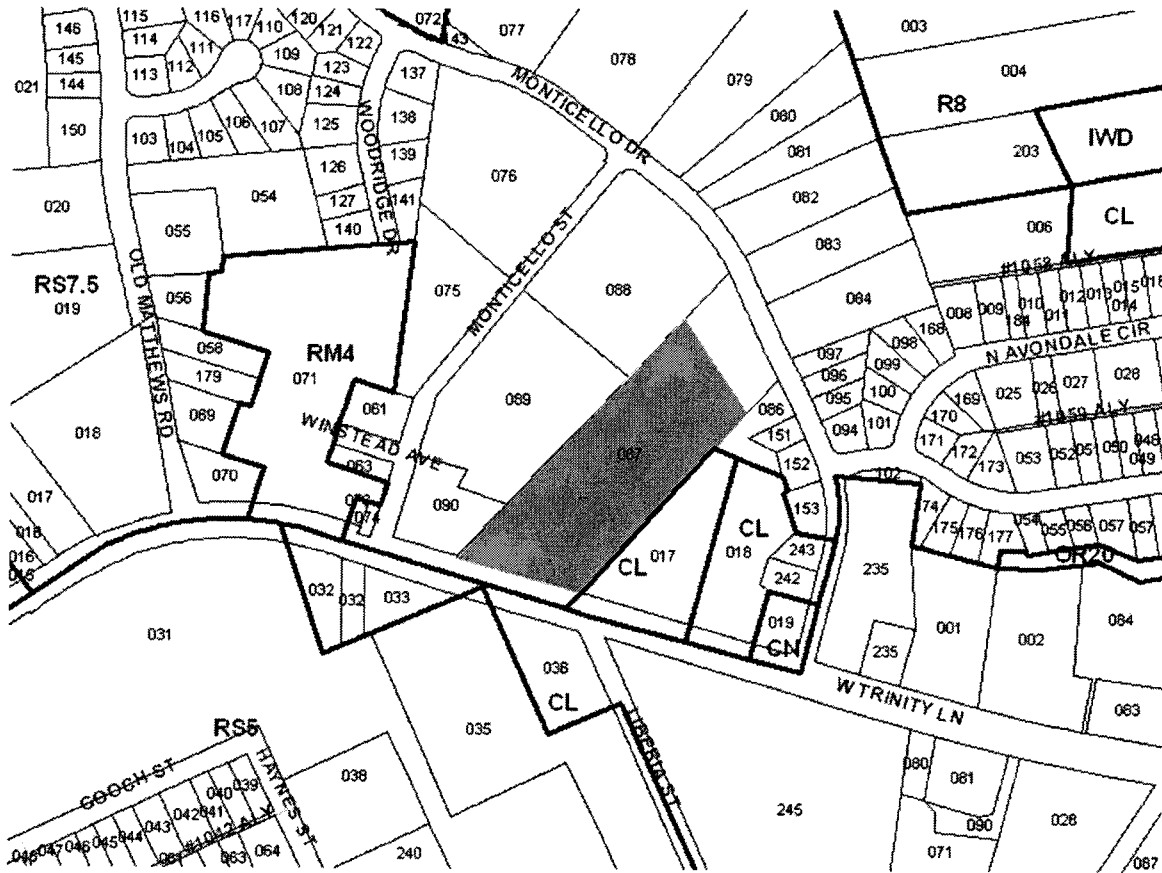


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determined that limiting the expansion of churches as permitted uses to the SCR zoning district is appropriate.

STAFF RECOMMENDATION

Religious institutions are an appropriate use in the SCR zoning district, as a number of churches are as large, or larger, than some major retail tenants within regional shopping centers and have many of the same design elements and requirements, including access and parking. Staff recommends approval of this text amendment that would permit religious institutions in the SCR zoning district.



2008Z-039U-03

Map: 071-01 Parcel(s): Part of 087

Subarea 3

Council District 2 – Frank Harrison



| | |
|-----------------------------|--|
| Project No. | Zone Change 2008Z-039U-03 |
| Council Bill | BL2008-186 |
| Council District | 2 - Harrison |
| School District | 1 - Thompson |
| Requested by | Leslie and Lori Y. Stratton, applicant, for Greater Grace Temple Community Church, owner |
| Staff Reviewer | Jones |
| Staff Recommendation | <i>Disapprove</i> |

APPLICANT REQUEST

A request to rezone 4.10 acres from Single-Family Residential (RS7.5) to Commercial Limited (CL) zoning for a portion of property located at 415 W. Trinity Lane, approximately 560 feet west of Monticello Drive.

Existing 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.

Proposed Zoning
CL District

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

**BORDEAUX/WHITES CREEK
COMMUNITY PLAN**

Residential Medium (RM)

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

Consistent with Policy?

No. The uses allowed in the Commercial Limited district would be incompatible with the Residential Medium policy. Areas designated RM are suitable for residential development, civic and public benefit activities, and small open spaces, such as parks, greens, squares and plazas. The uses surrounding this site on the West, North, and Northeast are predominantly residential or vacant land. Commercial Mixed Concentration (CMC) policy, with zoning that supports commercial development, is concentrated to the east, along both sides of Trinity Lane, extending to the interchange of I-65 and Brick Church Pike. Several



Metro Planning Commission Meeting of 4/10/2008

commercially zoned properties in the area are vacant and others are underutilized, so opportunities already exist to expand and intensify commercial development, without permitting the intrusion of commercial zoning into residential areas to the west.

PUBLIC WORKS RECOMMENDATION

TIS may be required at time of development

Typical and Maximum Uses in Existing Zoning District: RS7.5

| Land Use (ITE Code) | Acres | Density | Total Dwelling Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single-Family Detached (210) | 4.10 | 4.94 | 20 | 192 | 15 | 21 |

Typical Uses in Proposed Zoning District: CL

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---|-------|------|------------------|-----------------------|--------------|--------------|
| Gasoline Service Station/Convenience Market (945) | 2.10 | 0.06 | 5,488 | NA | 426 | 529 |

Typical Uses in Proposed Zoning District: CL

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|------|------------------|-----------------------|--------------|--------------|
| Strip Shopping (814) | 2.0 | 0.10 | 8,712 | 411 | 15 | 43 |

Maximum Uses in Existing Zoning District: CL

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|------|------------------|-----------------------|--------------|--------------|
| Strip Shopping (820) | 4.10 | 0.60 | 107,157 | 7104 | 164 | 656 |

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

| Land Use (ITE Code) | Acres | FAR | Total Floor Area | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|-----|------------------|-----------------------|--------------|--------------|
| -- | | -- | | 6912 | +149 | +635 |

STAFF RECOMMENDATION

Staff recommends disapproval of the request to rezone 4.10 acres from RS7.5 to CL. The uses permitted in the Commercial Limited district are incompatible with the medium density residential uses in the surrounding area, and the development intensities encouraged by RM policy.

SEE NEXT PAGE

NO SKETCH



Project No.

Zone Change 2008Z-048T

Name

Rehabilitation Services

Council Bill

BL2008-203

Council District

Countywide

Requested by

Metropolitan Planning Department on behalf of the
Department of Law

Staff Reviewer

Bernards

Staff Recommendation

Approve

APPLICANT REQUEST

A council bill to amend Chapter 17.08 of the Metro Zoning Code by adding "Rehabilitation Services" as a permitted use in the Agricultural (AG) and Agricultural/Residential (AR2a) districts.

History

Council adopted BL2006-1260 in February 2007, which removed Rehabilitation Services as a permitted use in the AG and AR2a zoning districts. The Metro Planning Commission recommended disapproval of this bill at its December 12, 2006, meeting.

ANALYSIS

Existing Law

Section 17.08 of the Zoning Code defines "Rehabilitation Services" as "the provision of treatment for addictive, mental or physical disabilities on either (a) twenty-four hour a day or outpatient basis." The Zoning Code allows "rehabilitation services" in all of the mixed use districts and most of the office, commercial, and shopping center zoning districts. The use is not permitted under the Code in the agricultural districts.

Proposed Bill

The proposed bill would once again reestablish rehabilitation services as permitted uses in the Agricultural (AG) and Agricultural/Residential (AR2a) districts as they were prior to the adoption of BL2006-1260. Staff continues to support this use in these districts as rural areas can provide safe, secluded settings appropriate for rehabilitation services for people with addictive, mental or physical disabilities. Such settings offer an alternative to the institutional environments more common in the mixed use, office and commercial zoning districts. Cumberland Heights, located on River Road, is a local example of a rehabilitation facility in an agricultural zoning district.



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STAFF RECOMMENDATION

Rural areas can provide safe, secluded settings appropriate for rehabilitation services. Staff recommends approval of this text amendment that would add back "rehabilitation services" as a permitted use in the AG and AR2a districts.

FINAL PLAT SUBDIVISIONS



2008S-010U-10

Woodmont Acres, Rev.Lots 35-38 & Foxhall Close, Lot 36 (Reserve) Resub

Map 117-09-A, Parcel 036

Map 117-09, Parcel 010

Subarea 10

Council District 25 – Sean McGuire



Project No.
Project Name

Subdivision 2008S-010U-10
Woodmont Acres Subdivision & Foxhall
Close Reserve Parcel

Council District
School District
Requested by

25 - McGuire
8 - Fox
Galyon Northcutt, surveyor, for Kevin and Hilary Doherty, owners

Staff Reviewer
Staff Recommendation

Jones
Approve

APPLICANT REQUEST
Final Plat

A request for final plat approval to remove the reserve parcel status on one lot and to consolidate four lots and a reserve parcel into one lot for property located at 3505 Wimbledon Road, approximately 230 feet west of Grayswood Avenue (0.55 acres), zoned Single-Family Residential (RS10)

ZONING
RS10 District

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

SUBDIVISION DETAILS

The final plat combines four lots and one reserve parcel to create one lot. The site consists of 0.55 acres. An existing single-family dwelling will remain on the property. According to the Metro Subdivision Regulations, reserve parcels may be converted into a building site with the recording of a plat. The reserve parcel contains 0.18 acres and was originally platted within Foxhall Close Subdivision. Since the original plat did not specify why the parcel was put in a reserve status, the Subdivision Regulations require that the reserve status be removed by the Planning Commission.

The applicants acquired the reserve parcel in 2000, and intend to combine it with the other four lots to allow for an addition onto the existing dwelling.

Although originally platted as four lots, they have been combined into one parcel since they were all in common ownership. This allows the owner to receive one tax statement.

PUBLIC WORKS
RECOMMENDATION

No Exception Taken



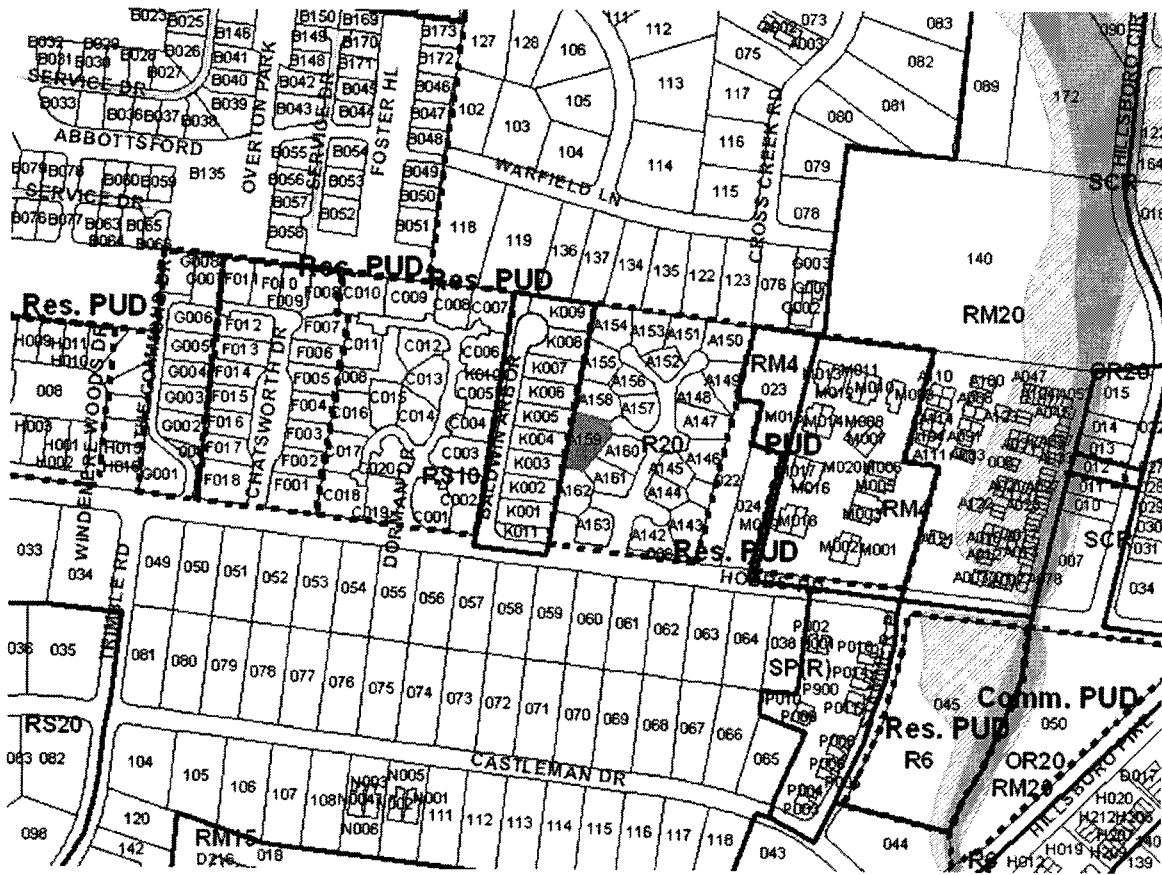
Metro Planning Commission Meeting of 4/10/2008

**STORMWATER
RECOMMENDATION**

Approved

STAFF RECOMMENDATION

Staff recommends approval of the final plat to consolidate four lots and one reserve parcel into one lot.



2008S-070A-10
LEGEND HALL, LOT 4108 SETBACK AMENDMENT
 Map: 131-01-0-A Parcel(s): 159
 Subarea 10
 Council District 34 – Carter Todd



Metro Planning Commission Meeting of 4/10/2008

Item # 16

| | |
|------------------------------|--|
| Project No. | Subdivision 2008S-070A-10 |
| Project Name | Legend Hall, Lot 4108 Setback Amendment |
| Council District | 34 – Todd |
| School Board District | 8 – Fox |
| Requested By | Katherine Hall, owner |
| Staff Reviewer | Sexton |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

A request to amend the rear setback from 30 feet to 20 feet for property located at 4108 Legend Hall Drive (0.21 acres), approximately 340 feet north of Hobbs Road zoned One and Two-Family Residential (R20) and located within the Legend Hall Planned Unit Development.

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 property is located within the Legend Hall Planned Unit Development. The applicant has requested that the platted rear setback be amended from 30 feet to 20 feet in order to allow for the addition of a sunroom.

The Zoning Code requirements for setbacks for single-family and two family dwelling units is 20 feet. This request is consistent with the Zoning Code and is consistent with other rear setbacks in this area.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No Exception Taken

STAFF RECOMMENDATION

Staff recommends approval of rear setback amendment.

SEE NEXT PAGE



2008S-073U-14
 Bainbridge & Satterfield Resub. Lots 13
 Map 084-16, Parcel 024
 Subarea 14
 Council District 15 – Phil Claiborne



Project No.
Project Name
Council District
School District
Requested by

Subdivision 2008S-073U-14
Bainbridge & Scatterfield Resub. Lot 13
15 - Claiborne
4 - Glover
Kroger Limited Partnership I and Theodore F. Bertuca,
owners, Michael Abernathy, surveyor

Staff Reviewer
Staff Recommendation

Sexton
Disapprove

APPLICANT REQUEST
Final Plat

A request for final plat approval to revise a previously recorded plat to add a second access point for properties located at 150 McGavock Pike, approximately 600 feet north of Lebanon Pike (2.13 acres), zoned Commercial Limited (CL).

ZONING
CL District

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

HISTORY

On April 12, 2007, the Metro Planning Commission approved a final plat request to modify the lot lines between two existing commercial lots located at 148 and 150 McGavock Pike, with one of the two lots having no street frontage but an access easement from McGavock Pike.

PLAN DETAILS

McGavock Pike is identified on the Major Street and Collector Plan as a four-lane urban arterial street with automobile speeds of 30 to 40 mph. The applicant proposes to create an additional access point along McGavock Pike. The final plat shows an existing access easement at the north end of the property. This access was designed to be aligned with the driveway access of the commercial lot across the street. The proposed second access point would be located to the south of the existing access. There is no similar access across the street.

Section 3-4.4
Access from Arterial and
Collector Streets

While the Zoning Code would permit up to two driveways along McGavock Pike, Section 3-4.4 of the Subdivision Regulations gives the Planning Commission the authority to limit the number of driveways accessing an arterial street. This section



Metro Planning Commission Meeting of 4/10/2008

states that when property is divided along an existing street, the Planning Commission may require that lots shall not, if avoidable, derive access from arterial or collector streets. Where driveway access from arterial or collector streets may be necessary, the Planning Commission may require that lots be served by combined driveways or by a private access drive serving more than two lots in order to limit driveway entrances and potential traffic hazards. When the Planning Commission approved the subdivision in April 2007, only one access to McGavock Pike was included.

Given the commercial arterial nature of McGavock Pike at this property, particularly between Park Drive to the north and Lebanon Pike, controlled access along this stretch of arterial is important to ensure the safe and continuous flow of traffic. The creation of a second access point would create a potential traffic conflict point along McGavock Pike.

**PUBLIC WORKS
RECOMMENDATION**

No Exceptions Taken

**STORMWATER
RECOMMENDATION**

Approved

STAFF RECOMMENDATION

Staff recommends disapproval of the second access point and that access to McGavock Pike be limited to the current access easements shown on the plat.



2008S-075U-10

COTTAGE COVE

Map: 118-01 Parcel(s): 385

Subarea 10

Council District 17 – Sandra Moore



Project No.
Project Name
Council District
School District
Requested by

Subdivision 2008S-075U-10
Cottage Cove Subdivision
17 - Moore
7 - Kindall
Kelvin Pennington, owner, Jason Smith, surveyor

Staff Reviewer
Staff Recommendation

Jones
Approve, including a variance to Section 3-4.2(f) of the Metro Subdivision Regulations for the lot depth to width ratio.

APPLICANT REQUEST

Final Plat

A request for final plat approval to create 2 lots on property located at 2412 9th Avenue South, approximately 300 feet north of Montrose Avenue (0.43 acres), zoned One and Two Family Residential (R8).

ZONING
R8 District

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

PLAN DETAILS

Variance

This final plat subdivides one existing lot into two lots. Each lot complies with the minimum lot size requirements for R8 zoning. Lot 1 contains 9,713 square feet and Lot 2 consists of 10,025 square feet. An existing single-family dwelling is located on Lot 2 and is planned for demolition.

Section 3-4.2 (f) of the Subdivision Regulations states the lot frontage shall be greater than 25 percent of the average lot depth. The applicant is requesting a variance to this section of the regulations stating the irregular lot configuration of the original lot makes it impossible to comply with this requirement.

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.

Lot comparability analysis was performed and yielded the following information:



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| Lot Comparability Analysis | | |
|----------------------------|----------------------------|-----------------------------------|
| Street | Requirements | |
| | Minimum lot size (sq. ft.) | Minimum lot frontage (linear ft.) |
| 9 th Avenue | 7,543 | 52 |

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

- Lot 1: 9,713 sq. ft. with 60.9 ft. of frontage
- Lot 2: 10,025 sq. ft. with 60.9 ft. of frontage

Each of the proposed lots meets the minimum requirement for lot size and frontage.

**PUBLIC WORKS
RECOMMENDATION**

No exception taken.

**STORMWATER
RECOMMENDATION**

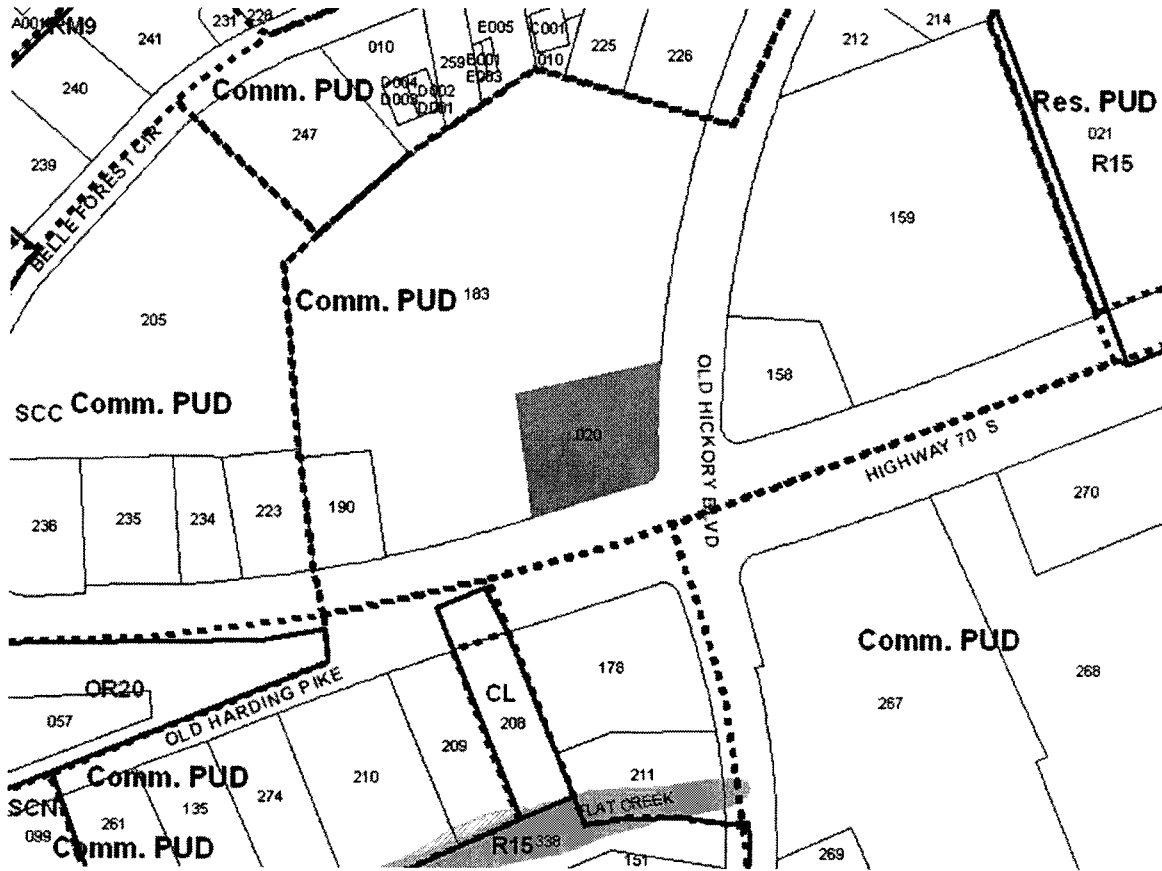
Approved.

STAFF RECOMMENDATION

Staff recommends approval of the final plat to create two lots, including a variance for the lot depth to width ratio.

SEE NEXT PAGE

**REVISIONS
and FINAL SITE PLANS**



96-72-U-06

BELLEVUE PLAZA SHOPPING CENTER: MCDONALD'S

Map: 142-00Parcel(s): 020

Subarea 6

Council District 22 – Eric Crafton



Project No.
Project Name

Planned Unit Development 96-72-U-06
Bellevue Plaza Shopping Center:
McDonald's

Council District
School Board District
Requested By

22 - Crafton
9 - Warden
BA Engineering, applicant, for McDonald's Corporation, owner

Staff Reviewer
Staff Recommendation

Logan
Disapprove

APPLICANT REQUEST
Revise Preliminary &
PUD Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion a Planned Unit Development located at 7100 Highway 70 South, at the northwest corner of Highway 70 South and Old Hickory Boulevard (0.84 acres), zoned Shopping Center Community (SCC), to permit a 4,052 square foot restaurant, replacing a 3,433 square foot restaurant.

PLAN DETAILS

There is currently a 3,433 square foot drive-thru restaurant on this site with the shorter side of the building oriented towards Highway 70S. This plan proposes a new drive-thru restaurant that will shift the footprint of the building so that the shorter side is oriented towards Old Hickory Boulevard. It also increases the square footage of the building from 3,433 square feet to 4,052 square feet.

Urban Forester Recommendation

The Urban Forester has requested that the applicant preserve and incorporate existing trees into the site plan. The applicant has elected not to revise the plans to incorporate the existing trees. There are two large and healthy trees currently on the site. The first is an approximately 30 DBH (diameter at breast height) Cottonwood, which the Urban Forester describes as being in surprisingly good health. The Urban Forester has said that Cottonwoods are not known to deal with root disturbance very well and to see one doing so well is encouraging. The second tree is an approximately 15 DBH weeping mulberry that is also in very good health.

Intent of PUDs

The existing layout of this site incorporates a particularly exceptional tree. Planned Unit Developments provide for flexibility in design. The Zoning Ordinance states that “[i]n return, the PUD



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district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.” Staff has determined that the destruction of the tree would not be consistent with the requirement for “the protection and preservation of environmentally sensitive lands,” or the requirement for “well-planned living, working and shopping environments.” The presence of this tree is an essential element in creating a pleasant, well-planned shopping environment. Absent a showing that the property cannot reasonably be developed without removal of the tree, staff recommends to the Commission that preservation of the tree should be included as a condition of approval for any revision of the PUD.

PUBLIC WORKS RECOMMENDATION

All Public Works' design standards shall be met prior to any final approvals and permit issuance. Final design and improvements may vary based on field conditions.

Submit plan for solid waste disposal and recycling collection.

STORMWATER RECOMMENDATION

1. The construction entrance/exit requirements have been updated in the 2006 Metro Stormwater Regulations, Volume 1, Section 6.10.7. The minimum length is now 100 feet in length.
2. A note shown on several sheets of the plans covers the TDEC General Construction Stormwater Permit NOI submission to TDEC. Add or substitute MWS's Note No. 2 from MSMM Volume 1, Appendix A, page 8.
3. MWS requires a certification letter from Contech Stormwater Solutions, Inc. on the Stormfilter design. Contech is aware of the certification requirement. The letter is to state the information provided to Contech: Total Drainage Area, Percent Impervious, Average runoff coefficient, Water Quality Volume, and Total Detention Volume for 100 year event.
4. Show the detention access manholes for the Underground Detention System on the plans.



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5. The sanitary sewer and water lines are not shown on the final Grading Plan. The sanitary sewer lines shown on Sheet C-5 appear to interfere with the proposed discharge pipe to the storm sewer. Show the existing pipe elevations and the proposed discharge storm elevations. Metro Water Services does not supply water and sanitary sewer to the portion of the county containing the proposed development. The local utility is Harpeth Valley Utility District. Their phone number is 615.352.7076.

6. Five versions of BMP TCP-24 are shown on Detail Sheet SD-5. If different arrangements of the BMP are to be used, show the Inlet Protection version to be used on Sheet C-4A. Note: Straw Bales as a temporary BMP are no longer acceptable.

7. Provide easement widths and locations for Metro access to the stormwater structures in the Long Term Maintenance Plan on the plan drawings. The Long Term Maintenance Plan should contain, at a minimum, the following items:

- a. Description and locations of stormwater system components to be inspected, prepared by the engineer.
- b. Schedule of inspections and the techniques used to inspect and maintain the stormwater system BMPs.
- c. Where and how the trash, sediment and other pollutants removed from the stormwater system will be disposed.
- d. Schematics of BMPs located on the site.
- e. Person(s) and phone number(s) of who will be responsible for inspection and maintenance.
- f. Provisions for permanent access and maintenance easements.
- g. Completed and notarized *Long Term Operations Inspections and Maintenance Agreement*.

8. The stormwater easements will require a completed *Agreement for Dedication of Easement*. A file of the blank document is attached to this document's email. After the Long Term Maintenance Plan and this form are completed, charges to the Davidson County



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Register of Deeds will be assessed prior to final grading plan approval.

STAFF RECOMMENDATION

Staff recommends disapproval.

CONDITIONS (if approved)

1. Revise the plan to incorporate the existing trees.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro 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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan 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 may require reapproval by the Planning Commission and/or Metro Council.



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8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

MANDATORY REFERRALS



2008M-049U-08

Alley #616

Map: 092-11 Parcel(s) 058.00

Subarea 8

Council District 19 – Erica Gilmore



| | |
|-----------------------------|--|
| Project No. | Mandatory Referral 2008M-049U-08 |
| Project Name | Abandon Portion of Alley Number 616 |
| Council Bill | None |
| Council District | 19 - Gilmore |
| School District | 7 - Kindall |
| Requested by | Spruce Street Baptist Church |
| Staff Reviewer | Jones |
| Staff Recommendation | <i>Disapprove</i> |

APPLICANT REQUEST

A request to abandon a portion of Alley Number 616 from Spruce Street to Jo Johnston Avenue between Charlotte Avenue and Pearl Street.

DEPARTMENT AND AGENCY COMMENTS

Planning

Alleys (service lanes) are an important structural element to the transportation network in this area of north Nashville. These facilities as well as streets, bikeways, sidewalks and pedestrian ways directly affect mobility to and from the community and within it. Alley number 616 is vital to the efficient movement of goods and people in the area as it provides alternative access and reduces the need to use Charlotte Avenue. The North Nashville Community Plan envisions Mixed Housing and Mixed Use development which would support "rear-loaded" or "alley-loaded" type activities on the properties that now have access to the alley.

Public Works

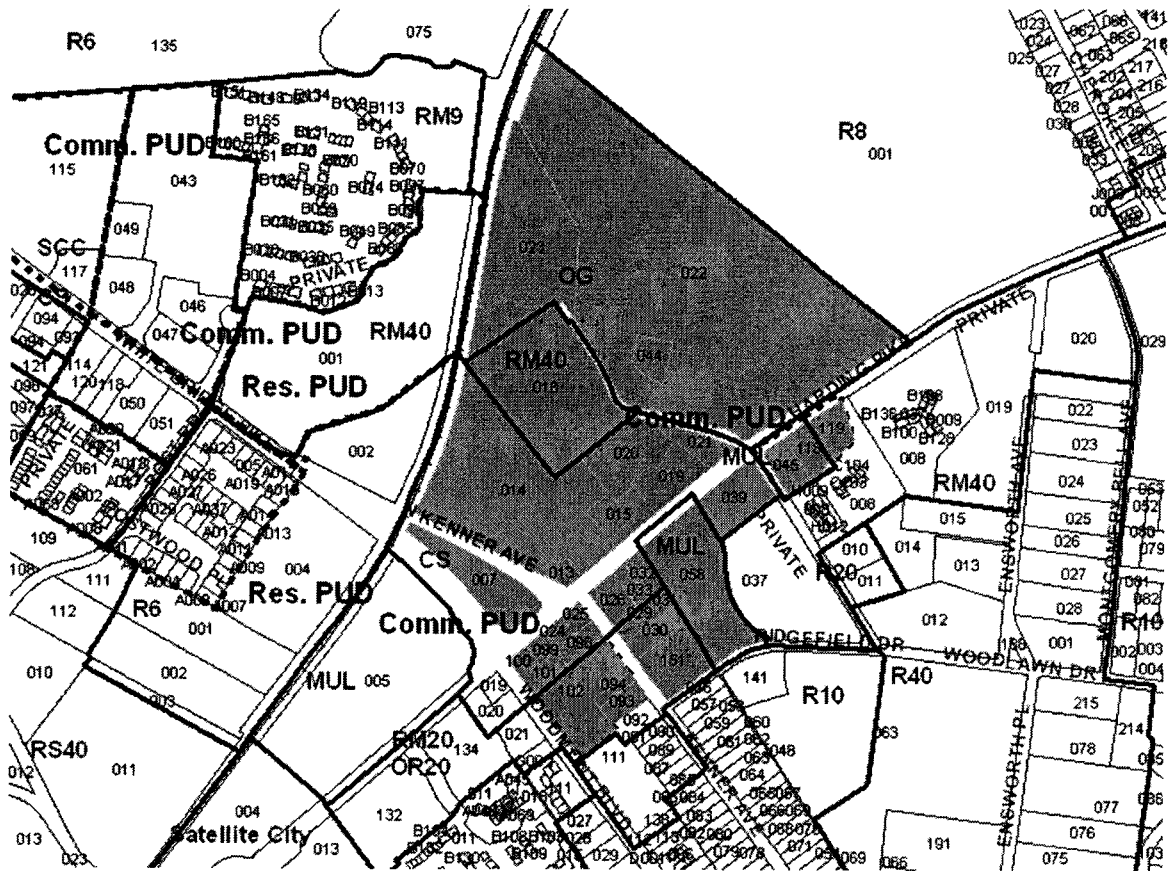
Public Works is recommending disapproval of the alley closure indicating that the alley provides access to the rear of parcels 58 and 59.

STAFF RECOMMENDATION

Staff recommends disapproval of the request to abandon a portion of Alley Number 616.

SEE NEXT PAGE

OTHER BUSINESS



2005UD-001U-10

Harding Town Center

Map: 103-15 Parcel(s): various

Map: 103-16 Parcel(s): various

Map: 116-03 Parcel(s): various



Project No.
Project Name

Urban Design Overlay 2005UD-001U-10
Harding Town Center Urban Design
Overlay Advisory Committee

Council District
School District
Requested by

24 – Holleman
8 - Fox
Councilmember Jason Holleman

Staff Reviewer
Staff Recommendation

Johnson
Approve

APPLICANT REQUEST

A request to add two positions to the Harding Town Center Urban Design Overlay (UDO) Advisory Committee, bringing the total number of members to nine, requested by Councilmember Holleman.

REQUEST DETAILS

The Harding Town Center UDO Advisory Committee was created for three purposes. The first is to monitor the success of the UDO guidelines in carrying out the purpose and intent of the UDO district. Where the Committee finds the guidelines to be ineffective or insufficient, they are to make recommendations for amendment of the guidelines. The second is to monitor the Planning Department's administration of the guidelines and provide feedback where the guidelines are vague or the applicability is not clear. The third is to encourage applicants for construction projects to upgrade their proposals in order to carry out the purpose and intent of the UDO guidelines at a higher level than the regulatory minimum standards.

Currently, there are seven positions on the Committee. The positions are evenly distributed among varied interests within the UDO and the immediately surrounding area. Surrounding neighborhood associations occupy three positions, business/property owners occupy three positions, and St. Thomas Hospital occupies one position. In order to maintain this even distribution of representation, the two new positions will be split between business interests and neighborhood associations.

The addition of two members to the Committee will bring the membership to nine, allowing for an odd number of voting members. Staff considers nine members to be the upper limit for a manageable advisory committee.



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This request to add additional members to the Committee was made in order to incorporate the previously unrepresented Woodlawn Area Neighborhood Association along with an additional business interest within the UDO or immediately surrounding area. The boundaries of this Woodlawn Area Neighborhood Association include a portion of the UDO area, making this association an appropriate addition to the committee. Additional details of the make up of the Committee are attached to this report.

STAFF RECOMMENDATION

Staff recommends approval of the request to add two positions to the Harding Town Center UDO Advisory Committee.



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Harding Town Center UDO Design Review Advisory Committee *Recommended Language (Amendments underlined)*

Recognizing that interpretation of the intent of design guidelines of various Urban Design Overlay districts (UDO) from time to time requires the exercise of judgment in the approval of final construction plans and recognizing that feedback from affected community representatives may provide valuable insight in the exercise of that judgment, the Planning Commission hereby establishes an advisory committee for the Harding Town Center Urban Design Overlay district.

- a. The design review committee shall consist of nine (9) members, who shall be:
 - i. Four (4) Harding Town Center UDO retail, office, and/or commercial property/business representatives
 - ii. A St. Thomas Hospital representative
 - iii. Kenner Avenue Neighborhood Association President or designee
 - iv. Historic Woodlawn West Neighborhood Association President or designee
 - v. A president or their designee from a neighboring condominium development including, but not limited to, Windsor Tower, Royal Oaks, Wellington Arms, or Lions Head Condominium Associations.
 - vi. Woodlawn Area Neighborhood Association representative

At least five (5) of the committee members shall represent property or businesses owners or their associated designee within the Harding Town Center UDO.

- b. The design review committee shall be approved by resolution of the Planning Commission. The Metropolitan Council member(s) who represents the Harding Town Center UDO shall be provided the opportunity to recommend representatives for service on the design review committee and to recommend institutional, business, and specific neighborhood organization or association representatives in the event those organizations do not furnish nominations or a limited number of designees from multiple organizations is required. Upon its approval by the Planning Commission, the committee may elect officers and establish any rules determined necessary by a majority of its members. The Planning Department shall provide staff as necessary to assist the committee in performing its functions.
- c. The committee shall convene by whatever means it deems appropriate within ten (10) working days of being notified by the Planning Department that an application is pending or has been received or the Planning Department shall consider that the committee has no comments or recommendations for consideration. A recommendation of the design review committee shall reflect a majority vote of the members of the committee. In the event that a recommendation of the committee differs from the Planning Department's determination of compliance with the UDO guidelines, the matter shall be referred to the Planning Commission for a final determination.



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Name

Phone/Email

Harding Town Center UDO retail, office, and/or commercial property representative

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Harding Town Center UDO retail, office, and/or commercial property representative

St. Thomas Hospital representative

Kenner Avenue Neighborhood Association President or designee

Historic Woodlawn West Neighborhood Association President or designee

Neighboring Condominium Association President or designee

Woodlawn Area Neighborhood Association representative