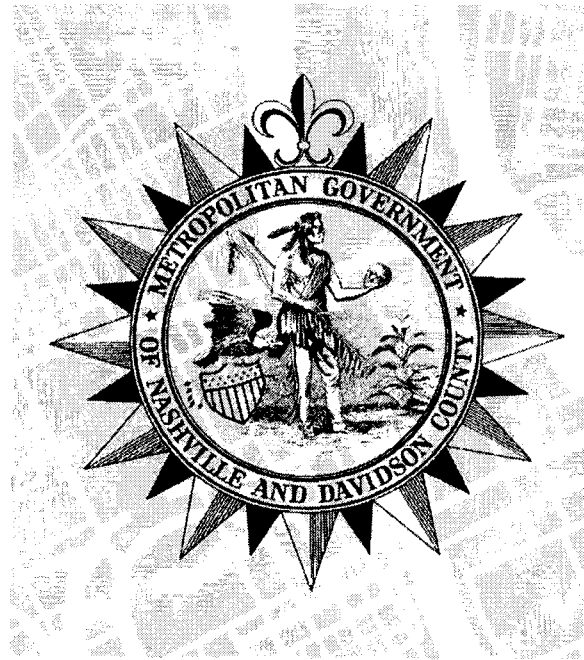


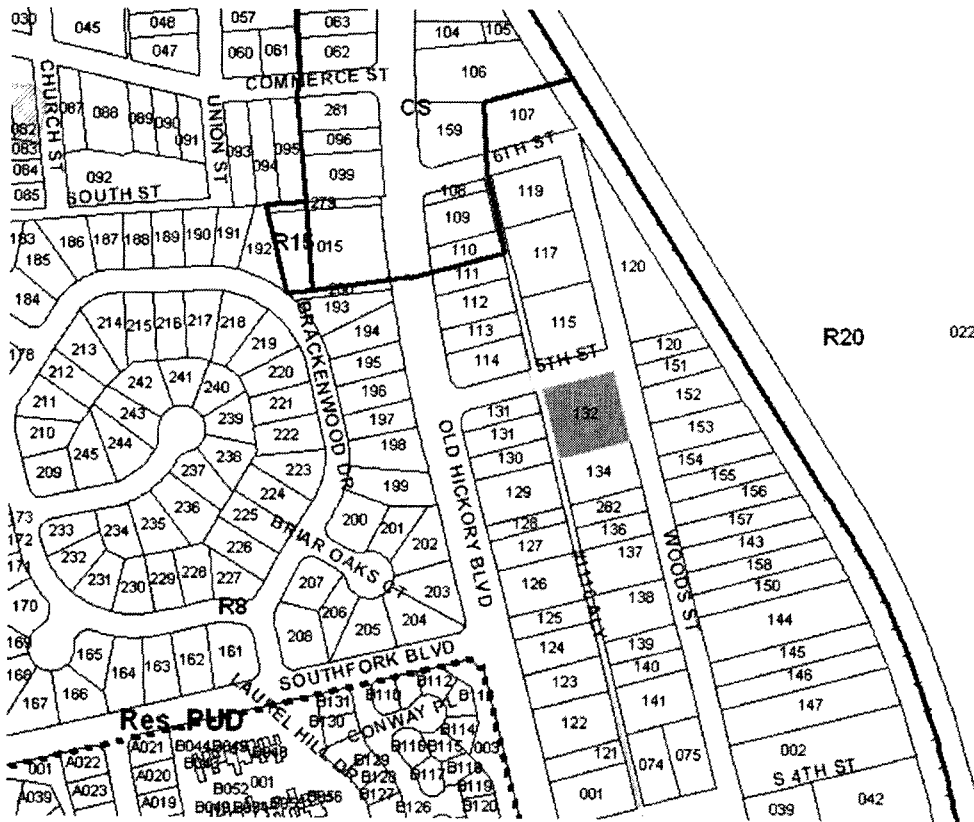
Metropolitan Planning Commission



Staff Reports

June 26, 2008

PREVIOUSLY DEFERRED ITEMS



2008Z-053G-14

Map: 064-09 Parcel: 132

Subarea 14

Council District 11 – Darren Jernigan



Project No.
Council District
School District
Requested by
Deferral

Zone Change 2008Z-053G-14

11 - Jernigan

4 - Glover

Matt Manson, applicant, Curtis and Debbie Seals, owners
Deferred from the May 22, 2008, Planning Commission meeting at the request of the applicant.

Staff Reviewer
Staff Recommendation

Sexton

Disapprove

APPLICANT REQUEST

A request to change from One and Two-Family Residential (R8) to One and Two-Family Residential (R6) zoning for property located at 4225 Woods Street, at the northwest corner of Woods Street and 5th Street (0.55 acres).

Existing 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.

Proposed Zoning
R6 District

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

**DONNELSON/HERMITAGE
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 overall density of 7.72 dwelling units per acre associated with R6 zoning is not consistent with 2 to 4 dwelling units per acre supported by RLM policy.

Site Details

The existing parcel contains three 7,500 square foot lots. Because the current zoning is R8, these lots are below the 8,000 minimum lot size required by the zoning.

Section 17.40.670 of the Zoning Code allows a single-family home to be constructed on a legally created lot that contains less than the minimum lot area required by the zoning district, if the lot contains at least of 3,750 square



Metro Planning Commission Meeting of 6/26/08

feet. Duplexes are only permitted under the Code on lots that meet the minimum requirements of the zoning district.

Under the existing R8 zoning district, three single family residences could be developed on this property as permitted by 17.40.670. The parcel also could be subdivided into two lots and two duplex units could be developed. A lot comparability analysis was undertaken and two lots would pass for both frontage and lot area.

If the rezoning request is approved, 3 duplex units would be permitted. This would result in a total density of 10.91 dwelling units an acre which exceeds policy. The applicant has indicated that he intends to develop two duplex units and leave an existing single family residence on the third lot. The development of two duplexes, including a single-family residence would result in total density of 9.09 dwelling units an acre which also exceeds the existing land use policy.

PUBLIC WORKS RECOMMENDATION

Typical Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family (210)	0.55	4.63	2	20	2	3

Typical Uses in Proposed Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family (310)	0.55	6.18	3	29	3	4

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.55		+1	+9	+1	+1

METRO SCHOOL BOARD REPORT

Projected student generation

0 Elementary

0 Middle

0 High

Schools Over/Under Capacity

Students would attend Andrew Jackson Elementary School, Dupont - Hadley Middle School, and McGavock High School. McGavock High School has been identified as being full by the Metro School Board. There is capacity within an adjacent cluster for high school students. This



Metro Planning Commission Meeting of 6/26/08

information is based upon data from the school board last updated June 2008.

STAFF RECOMENDATION

Staff recommends that the request be disapproved and the property be developed under the existing zoning. The requested density is inconsistent with RLM policy of two to four dwelling units per acre.



2008UD-001U-05

Dickerson Pike Sign UDO

Map: 071-03, 071-07, 071-11, 071-14, 071-15

Parcels: various

Subarea 5

Council District 5 – Pam Murray



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

Urban Design Overlay 2008UD-001U-05
Dickerson Pike Sign UDO
BL2008-185
5 – Murray
5 - Porter
Councilmember Pam Murray
Deferred from the June 12, 2008, Planning Commission meeting. The Public Hearing remains open.

Staff Reviewer
Staff Recommendation

Kleinfelter
Approve

APPLICANT REQUEST
Preliminary UDO

A request to apply an Urban Design Overlay district to various properties located along Dickerson Pike between 1st Street and Trinity Lane (153.85 acres), zoned Commercial Service (CS) and Commercial Limited (CL), to regulate all signs for properties along Dickerson Pike.

Note: In the past few weeks, the Councilmember-sponsor has held several meetings with Dickerson Pike property owners with assistance from Planning staff. The property owners have requested several amendments that are to be prepared by Council staff. If the Councilmember has agreed to introduce the amendments and they are available prior to the June 26, 2008, Commission meeting, then staff will provide them to the Commission along with a recommendation.

BACKGROUND

Councilmember Pam Murray has been working with business and property owners along those portions of Dickerson Pike located within her district to attempt to develop strategies and plans that to revitalize that street. As part of that effort, Councilmember Murray asked the Planning Department to develop an overlay that would provide higher standards for signage along Dickerson Pike. The Dickerson Pike Sign UDO is intended to provide those standards.

The purpose of the UDO is to enhance the Dickerson Pike streetscape by, among other things, discouraging clutter from inappropriate signs. The UDO standards encourage signage that is appropriate in scale and design for pedestrians, motorists, cyclists and for the building(s) it identifies. The UDO allows for creative approaches to signage to ensure that signage is designed for the purpose of identifying a destination in a unique and functional manner.



Metro Planning Commission Meeting of 6/26/08

The UDO includes every parcel of land that abuts both sides of Dickerson Pike from Interstate 24 to Trinity Lane, and every parcel on the west side of Dickerson Pike from Trinity Lane to Rock Street.

The property south of Douglas Avenue within the proposed UDO is also located within the MDHA Skyline Redevelopment District, which was approved on third reading by the Metro Council on April 15, 2008.

EAST NASHVILLE COMMUNITY PLAN

The proposed Dickerson Pike UDO is located within a wide variety of land use policy areas of the East Nashville Community Plan, including Neighborhood Urban, Neighborhood General, and Community Center. The land uses supported in those areas include mixed housing, mixed use, offices, and commercial retail. A portion of the proposed UDO is located within Special Policy #1, which is intended to guide land use decisions until more detailed planning efforts can be completed. Among other things, Special Policy #1 states that the only requests for rezoning that should be approved are those that achieve a high standard of urban design.

Existing Zoning

All property affected by this Ordinance is currently zoned CS or CL.

CS District

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

CL District

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

PLAN DETAILS

The UDO includes standards to address several issues, including prohibited signs, sign lighting, design and materials, and signs for multi-tenant buildings. A copy of the UDO will be delivered to the Commissioners with this staff report, and it has been posted to the Planning Department website at www.nashville.gov/mpc.

Non-conforming signs must be brought into conformity with these standards if a permit is required to alter, reconstruct, replace or relocate the sign. If a sign is damaged, then the property owner can repair the sign without complying with these standards.



Metro Planning Commission Meeting of 6/26/08

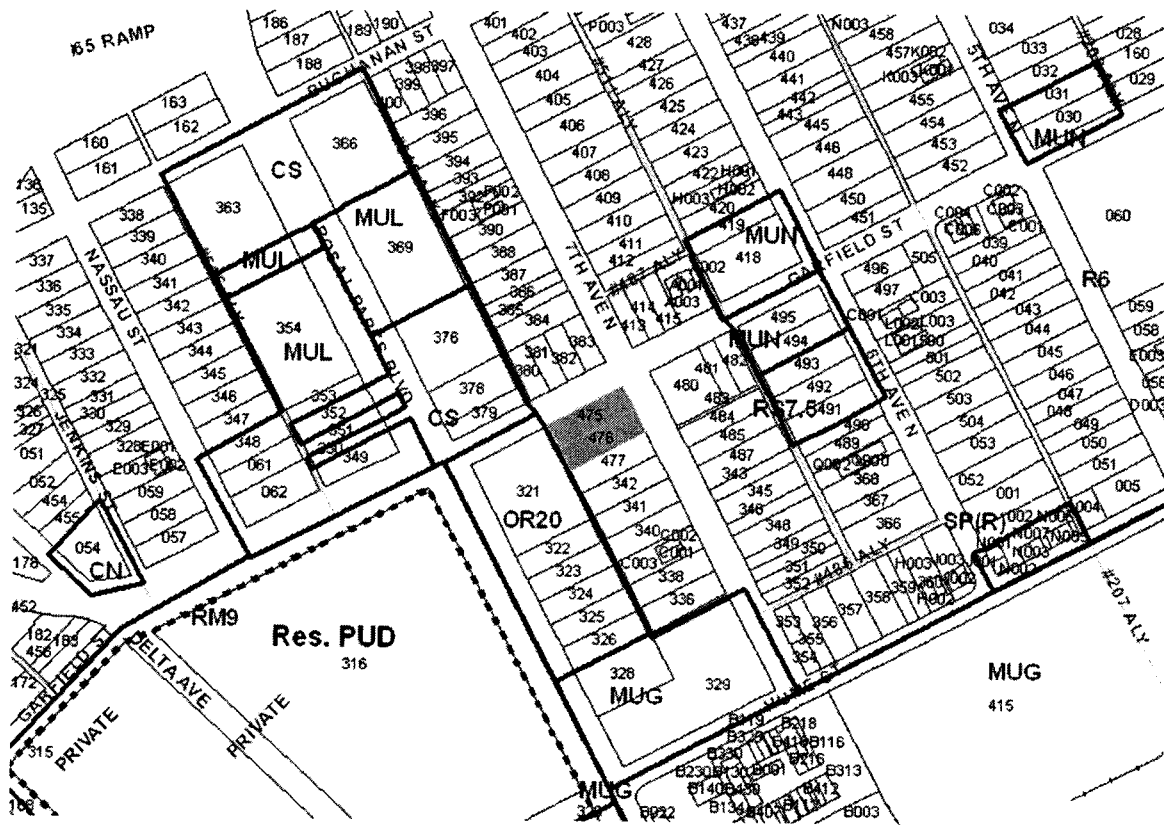
The UDO does not replace, but supplements the standard sign provisions of Chapter 17.32 of the Metro Code. If there is a conflict between the UDO standards and the sign provisions of the Zoning Code, then requested sign permit must comply with the UDO provisions.

STAFF RECOMMENDATION

Staff recommends approval of the Dickerson Pike Sign UDO.

SEE NEXT PAGE

ZONING MAP AMENDMENTS



2008SP-016U-08

Ardelia Park

Map: 081-08 Parcels: 475, 476

Subarea 8

Council District 19 - Erica Gilmore



Project No.	Zone Change 2008SP-016U-08
Project Name	Ardelia Park
Council Bill	BL2008-236
Council District	19 - Gilmore
School Board District	1 - Thompson III
Requested By	Richard C. Hazzard, owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST
Preliminary SP

A request to change approximately 0.38 acres located at 1623 and 1625 7th Avenue North, at the southwest corner of 7th Avenue North and Garfield Street from One and Two-Family Residential (R6) to Specific Plan – Residential (SP-R) permitting the development of 5 single-family detached units.

Existing Zoning
R6 District

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 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.

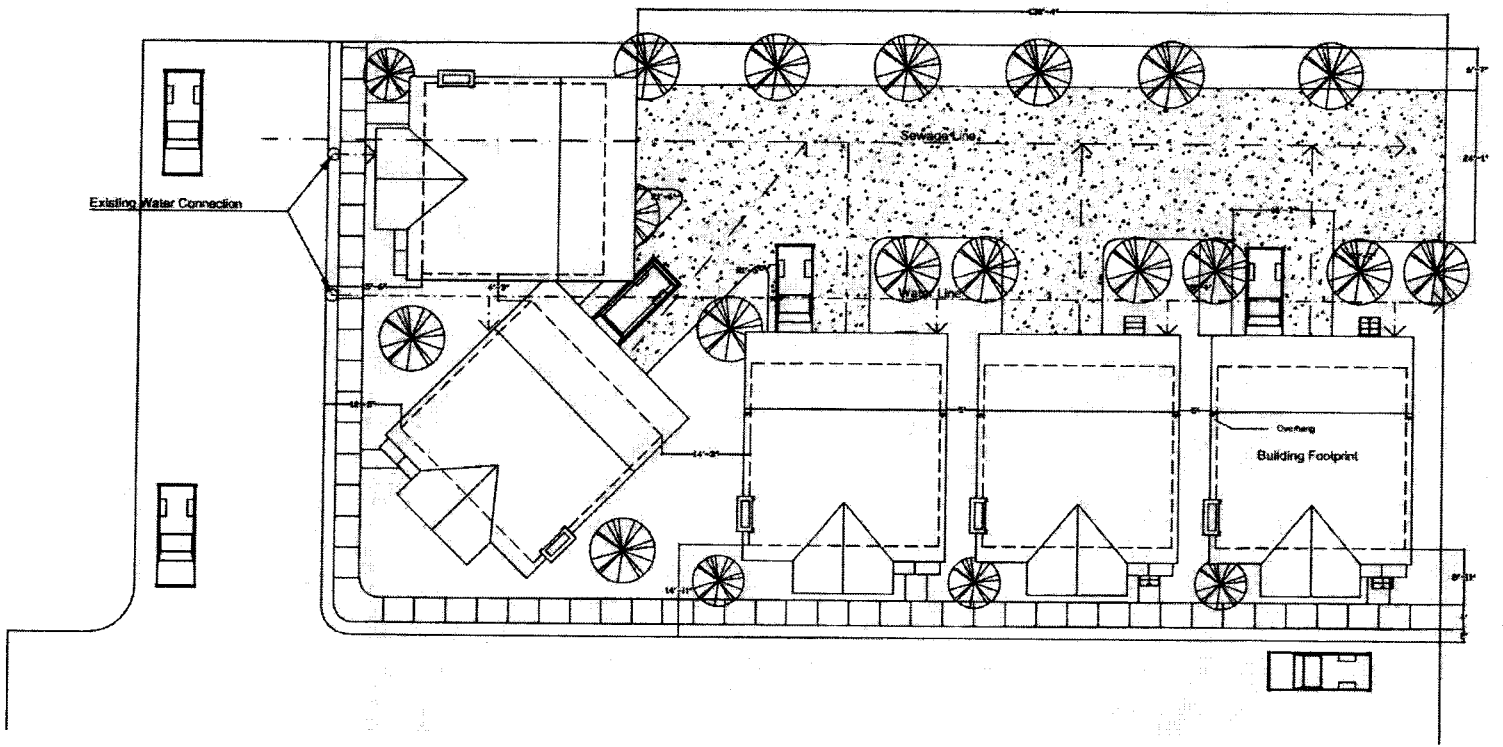
NORTH NASHVILLE
COMMUNITY PLAN

Structure Plan Policy
Neighborhood General (NG)

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

Detailed Policy for Salem Town
Detailed Neighborhood Design Plan
Mixed Housing (MH)

MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.





Metro Planning Commission Meeting of 6/26/08

Consistent with Policy?

No. As proposed, the plan is not consistent with the area's land use policies. The policies call for mixed-housing and are intended to promote a dense mixture of housing types along Garfield Street. While the policies are intended to promote a variety of housing types, single-family detached housing can also be appropriate if the layout and design foster an urban streetscape and are not out of character with the surrounding area. The proposed layout and design are not consistent with the urban context of the area.

PLAN DETAILS

The two properties proposed for development are located at the southwest corner of Garfield Street and 7th Avenue, North. The properties currently consist of a single-family structure and a two-family structure. The properties are on a small rise and are slightly above street level. A small convenience market is located diagonally across the street. Property directly across Garfield is currently vacant and the property directly across 7th Avenue, North is occupied by a duplex. St. Paul's Evangelical Church is to the west and is listed as worthy of conservation.

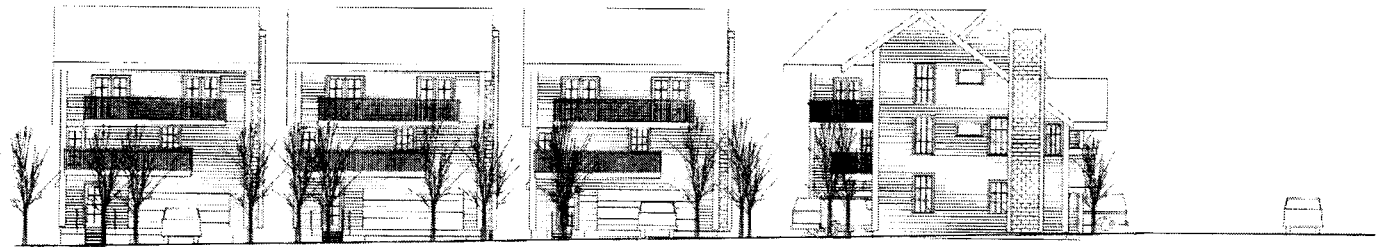
Site Plan

The proposed site plan calls for 5 single-family detached units with a density of approximately 13 units per acre. Units have shallow front setbacks and are oriented towards Garfield Street and 7th Avenue, North. Three units front on Garfield Street and one unit fronts on 7th Avenue, North. The remaining unit is situated at the corner and is oriented towards both streets.

Access is proposed from the alley and no other vehicular access is proposed. Each unit would have a two car garage and additional parking spaces directly behind each garage. The plan also identifies 11 additional parallel parking spaces along the southern property line for a total of 31 on-site parking spaces. On-street parking is also permitted along Garfield and 7th Avenue, North.

Analysis

The proposed plan is not consistent with the area's land use policies. The policies call for mixed-housing and are intended to promote a dense mixture of housing types along Garfield Street. Even though the policies are intended to promote a variety of housing types, single-family detached housing can also be appropriate if the layout and design foster an urban streetscape and are not out of character with the surrounding area.



1 North
1/16" = 1'-0"



2 South
1/16" = 1'-0"



Metro Planning Commission Meeting of 6/26/08

While the proposed use can meet the intent of the policies the layout and design of the plan do not. The site plan includes units that are identical in appearance and a corner unit that is angled towards the intersection rather than addressing Garfield and 7th Avenue. The identical houses are not consistent with the diversity of housing in this area. In addition, the corner unit should wrap the corner to address both Garfield Street and 7th Avenue North in a way that creates a strong edge along both streets.

Rather than design homes that specifically address the context of this property, the applicant has simply duplicated the same house plan for each unit. The inappropriate housing product has forced the applicant to turn the corner unit at a 45-degree angle because turning the house to front on both streets would block access to the rear garage. The applicant should submit a revised plan that includes homes that are designed for this property, including a corner unit that addresses each street with an appropriate street frontage.

The project also should include varying architectural features to foster a streetscape with strong pedestrian interest, which is a very important characteristic of an urban street. As proposed each unit appears to be exactly the same and offers no variation in its articulation to either street. Variation in design need not require a different residential type or a mixture of residential types, but it will require more thought be given to each unit.

The plan lacks specific details regarding exterior building materials. Proposed building materials should be clearly indicated on the plan and should not include vinyl siding or exposed cinder block. The ground floor should be elevated and not be a slab on grade. The first floor should be elevated at a minimum 18" from finished grade. Elevation of the first floor of housing is essential to reflect the urban context of this location.

The policy for this area identifies Garfield Street as a Civic/Open Space Connector, and calls for specific streetscape improvements such as wide sidewalks, street trees and pedestrian amenities. The cross section for streets in this category calls for a 68 foot Right-of-Way (ROW). The applicant's plan does not identify or dimension the existing ROW, but it appears that the existing width of Garfield Street is approximately 57 feet. To provide adequate room for the cross section required by the



Metro Planning Commission Meeting of 6/26/08

Community Plan for this location, additional ROW along Garfield Street is likely required. The applicant must show the existing dimensions of Garfield Street so the extent of any additional ROW that is required can be determined.

The applicant has indicated to staff that the community does not want multi-family or any higher density than what is currently proposed on the site. Nevertheless, a different product type that is designed for the specific site could be developed to meet the intent of the policy and adequately address community concerns. Staff has offered to assist the applicant with addressing the issues raised in this report, but at the writing of this report no changes have been proposed by the applicant.

STORMWATER RECOMMENDATION

Disapprove until the plan adequately address the following comments:

1. Provide the FEMA Note / Information to plans.
2. Provide a Vicinity Map to plans.
3. Add Preliminary Note to plans: "This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application."
4. 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."
5. 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)."
6. Provide a Water Quality Concept.
7. Provide Room for Detention. The applicant should take note that this is in the Combined Sewer Overlay (CSO) and that there doesn't appear to be any adequate infrastructure to connect onto.

PUBLIC WORKS RECOMMENDATION

Disapprove until the following concerns have adequately been addressed:

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



Metro Planning Commission Meeting of 6/26/08

2. Submit a dimensioned site plan.
3. Provide standard site boundary and topo data.

Typical and Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.38	6.18	2	20	2	3

Maximum Uses in Existing Zoning District: SP-R

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.38	n/a	5	48	4	6

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
--			+3	+28	+2	+3

METRO SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity

Students would attend Brookmeade Elementary School, Hill Middle School and Hillwood High School. None of the schools are listed as full. This information is based upon data from the school board last updated June 2008.

STAFF RECOMMENDATION

Staff recommends that the proposed SP be disapproved. The proposed SP is not consistent with the area's land use polices, and has not been approved by Metro Public Works or Metro Stormwater.

CONDITIONS (if approved)

1. Provide a product that is designed for the site. Corner unit should wrap the corner providing a strong edge along both Garfield Street and 7th Avenue North.
2. First floor shall not be slab on grade and shall be raised a minimum of 18" from the finished grade.
3. Identify exterior building materials. No vinyl siding or exposed cinder block shall be allowed.
4. Any front second floor porch balcony shall be designed in a way that opens it up and is contextually appropriate with other balconies in the



Metro Planning Commission Meeting of 6/26/08

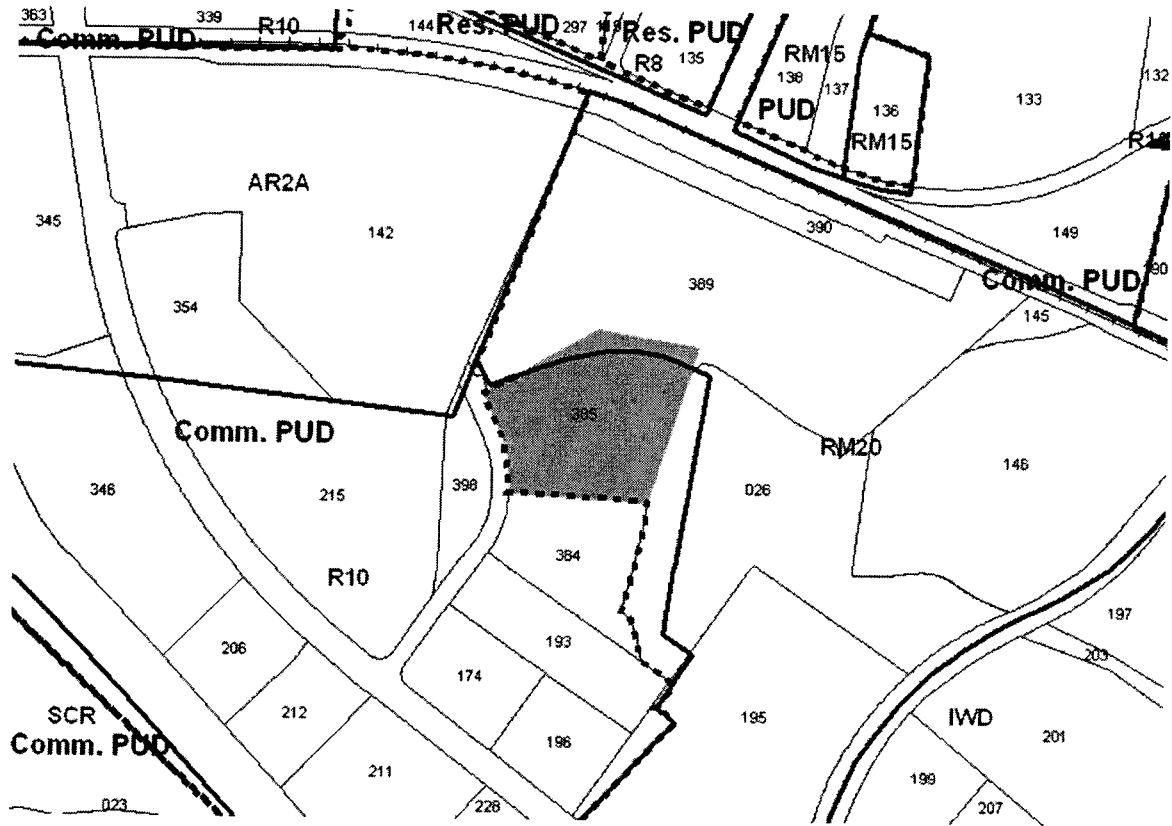
neighborhood while also providing more visibility for the resident.

5. Provide adequate site data table. Table shall include information such as proposed FAR, ISR, density, parking, open space and all other relevant information.
6. Identify existing ROW and provide additional ROW along Garfield Street as needed to meet the cross section called out in the Detailed Neighborhood Design Plan.
7. Provide 6' wide sidewalk and 6' wide planting strip.
8. Remove all notes pertaining to 2006SP-119U-08.
9. All parking, utilities, meter boxes, back flow preventers, heating and cooling units and other mechanical systems shall be screened to a minimum height of 3 feet, or located away from public view.
10. Planting materials shall be approved by Metro Urban Forester at final development plan approval.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.
12. 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.



Metro Planning Commission Meeting of 6/26/08

13. Minor adjustments 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 adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments 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.
14. 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.



2008Z-050U-13

Map: 163-00 Parcel: 385

Subarea 13

Council District 32 – Sam Coleman



Project No.
Council District
School District
Requested by

Zone Change 2008Z-050U-13
32 - Coleman
6 - Johnson
Littlejohn Engineering Associates, applicant, for Crews Crossing LLC, owner

Staff Reviewer
Staff Recommendation

Logan
Approve

APPLICANT REQUEST

A request to rezone from One and Two-Family Residential (R10) to Multi-Family Residential (RM20) district a portion of property located at Old Franklin Road (unnumbered) in the Crossings Planned Unit Development and proposed for a PUD cancellation, approximately 680 feet north of Crossings Boulevard (5.38 acres).

Existing Zoning
R10 District

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

Proposed Zoning
RM20 District

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

**ANTIOCH/PRIEST LAKE
COMMUNITY PLAN POLICY**

Regional Activity Center (RAC)

RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

On March 13, 2008, the Planning Commission approved the cancellation of the Crossings PUD on this portion of property, along with an amendment to the overall plan. That request eliminated the street frontage for this property due to a stream crossing. The applicant has indicated that the intent is to combine this property with three parcels to the east, which total 55.18 acres, to allow for frontage along Old Franklin Road. This adjacent property is already zoned RM20. This request will alleviate the potential for split zoning on this property and would allow



Metro Planning Commission Meeting of 6/26/08

the two properties to be developed in a coordinated manner.

PUBLIC WORKS RECOMMENDATION

A Traffic Impact Study may be required at development.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family detached (210)	5.38	3.7	20	192	15	21

Typical Uses in Proposed Zoning District: RM20

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	5.38	20	108	686	55	65

Change in Traffic Between Typical and 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
--		--	+88	+494	+40	+44

METRO SCHOOL BOARD REPORT

Projected student generation

10 Elementary 5 Middle 5 High

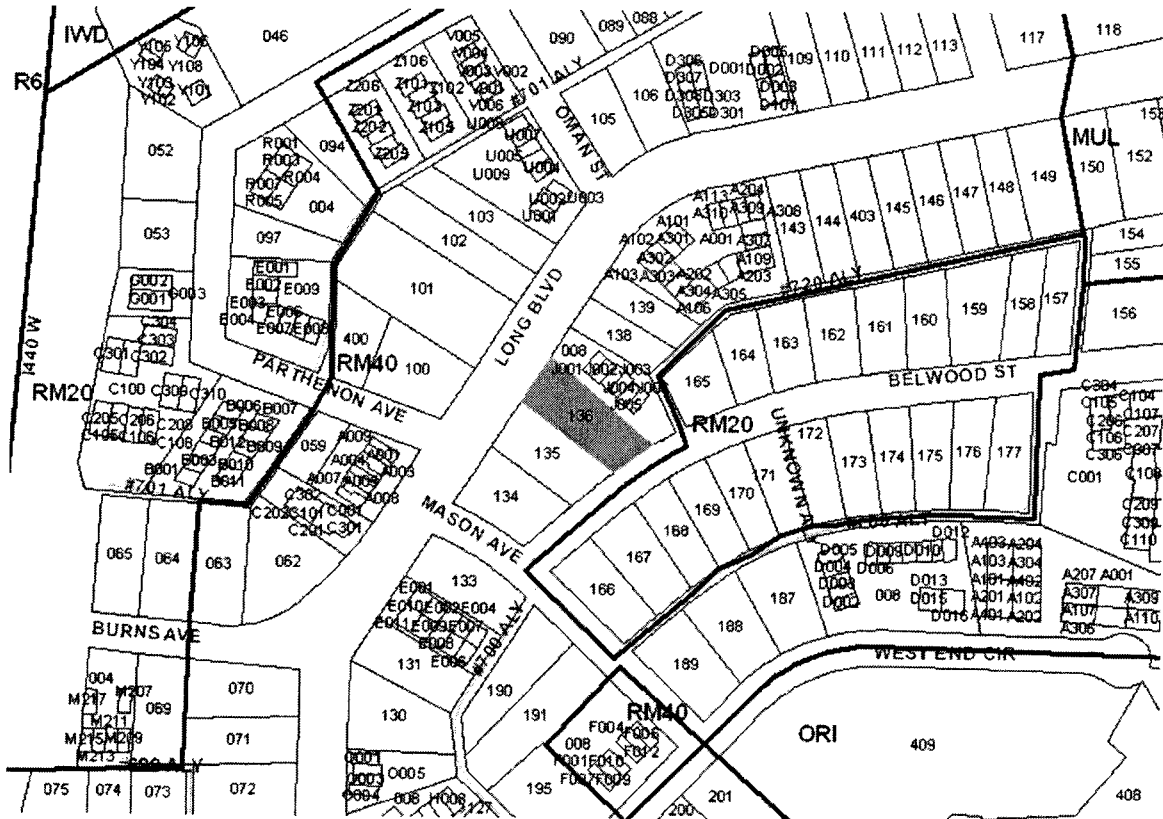
Schools Over/Under Capacity

Students would attend AZ Kelly Elementary School, Antioch Middle School, or Antioch High School. Antioch Middle School and Antioch High School have been identified as being over capacity by the Metro School Board. There is capacity within the cluster for middle school students, but no capacity in an adjacent cluster for high school students. The fiscal liability for the high school students is \$100,000. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION

Staff recommends approval.

SEE NEXT PAGE



2008Z-057U-10

Map: 104-02 Parcel: 136

Subarea 10

Council District 21 - Edith Taylor Langster



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2008Z-057U-10
BL2008-241
21 – Langster
8 – Fox
Ben and Lisa Anderson, owners

Staff Reviewer
Staff Recommendation

Logan
Approve with conditions

APPLICANT REQUEST

A request to apply a Historic Bed & Breakfast Overlay District to property located at 3137 Long Boulevard, approximately 180 feet north of Mason Avenue (0.26 acres), zoned Multi-Family Residential (RM40) and located within the 31st and Long Boulevard Urban Design Overlay District.

Existing Zoning
RM40 District

RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

Urban Design Overlay

An UDO is a zoning tool that requires specific design standards for development in a designated area. UDOs overlay the current base zoning and allow for development standards above and beyond those in the base zoning.

Proposed Overlay District
Historic Bed and Breakfast
Homestay

A historic Bed and Breakfast Homestay is defined in Section 17.36.120 of the Metro Zoning Ordinance as “a building or structure containing three or fewer furnished guest rooms for pay within a private, owner-occupied historically significant structure. Meals may be provided to overnight guests, and the maximum stay for any guest shall be fourteen consecutive days.” It must meet one or more of the following criteria:

- a. The historic bed and breakfast homestay is associated with an event that has made a significant contribution to local, state or national history;
- b. It is associated with the lives of persons significant in local, state or national history;
- c. It embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value;
or
- d. It is listed or is eligible for listing in the National Register of Historic Places.



Metro Planning Commission Meeting of 6/26/08

It must also satisfy all of the following conditions:

- a. Exterior work proposed to be done will be subject to design review guidelines adopted by the metropolitan historic zoning commission for determining the architectural compatibility and historical significance of such work. The design review guidelines for neighborhood conservation districts shall apply to historic bed and breakfast homestays. The metropolitan historic zoning commission's approval of work shall be granted in writing as a condition for issuance of a zoning permit.
- b. Owner-occupied. The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the historic home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the historic home.
- c. No more than one off-street parking space shall be provided for each guest room. The commission shall advise on the appropriate location and potential adverse impacts caused by the off-street parking of vehicles, and may recommend fencing, screening and landscaping to buffer and protect surrounding residential properties.
- d. No signs shall be permitted for advertising. An accessory residential sign, not to exceed the dimensions of one square foot of area, displaying the name and/or address of the owner may be permitted.
- e. The bulk regulations of the district for a residence shall apply. Overnight guest rooms may be located within historically significant accessory structures.
- f. The owner shall maintain and make available to the zoning administrator a guest register for each calendar year.
- g. Meal service shall be restricted to overnight guests only; no cooking facilities shall be permitted in any guest room.
- h. The metropolitan fire marshal shall approve the structure for safety.



Metro Planning Commission Meeting of 6/26/08

Metro Historic Zoning Commission Recommendation

At its meeting on September 20, 2006, the Metro Historic Zoning Commission determined 3137 Long Boulevard to be a "historically significant structure" in accordance with Section 17.04.060 of the Metro Code.

PLAN DETAILS

The applicant has submitted a final site plan and a letter indicating intended compliance with the conditions above and the 31st & Long UDO. The site plan shows the existing home and site conditions, with parking behind the home. Staff is requiring additional detail to the final site plan, including screening, parking, and utilities, as conditions of approval that will ensure compliance with the Historic Bed & Breakfast Homestay Ordinance and 31st & Long UDO.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Structure Policy

Mixed Housing (MH)

MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

West End Park Detailed Neighborhood Design Plan

Neighborhood General (NG)

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

Consistent with Policy?

Yes. The Historic Bed and Breakfast Homestay Overlay District does not conflict with MH in NG policy in this area.

31st and Long Urban Design Overlay

The adaptive reuse of the existing structure as an Historic Bed and Breakfast Homestay is compatible with the UDO.

The UDO requires screening of surface parking lots where facing public right-of-way to minimize the visual impact of parked vehicles. "Any parking lot adjoining a public street shall be screened to a height of three feet by walls,



Metro Planning Commission Meeting of 6/26/08

berms, landscaping, or a combination of these. If landscaping is used, the planting bed shall be a minimum of six feet wide." As this property has double-frontage on Long Boulevard and Bellwood, parking access should remain on Bellwood and parking location should remain between the structure and Bellwood.

Recommendation from 31st and Long Design Review Committee

The 31st Avenue & Long Boulevard Design Review Committee has reviewed the plan and found it to be consistent with the UDO.

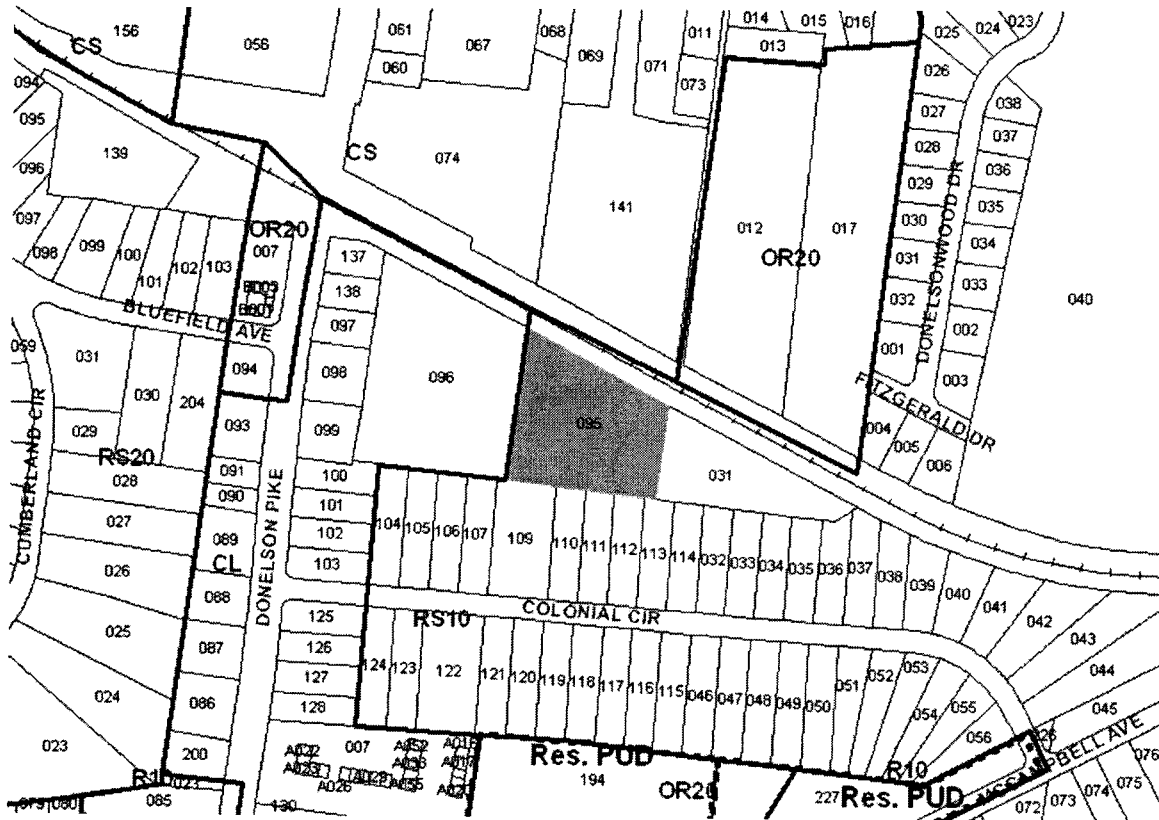
STAFF RECOMMENDATION

Because the request is consistent with the requirements of the Zoning Ordinance and the 31st and Long UDO, staff recommends approval with conditions.

CONDITIONS

1. Add a note stating that the house is to remain and any exterior work must be approved by the Metro Historic Zoning Commission and the Metro Planning Commission.
2. Submit a landscape plan with evergreen plants that screen the parking from adjacent properties along the rear property line.
3. Add a note stating the maximum number of guest rooms.
4. Trash cans must be accommodated on site and appropriately screened.
5. Add the parking spaces used by the residents to the plan. Label the owner/operator parking and resident parking on the plan.
6. Show utility plan and lighting fixtures for outdoor area.

SEE NEXT PAGE



2008Z-058U-14

Map: 096-05 Parcel: 095

Subarea 14

Council District 14 – Bruce Stanley



Project No.	Zone Change 2008Z-058U-14
Council Bill	BL2008-238
Council District	14 - Stanley
School District	4 - Glover
Requested by	Charlie Simms, applicant, for Rondol and Mary Oakley, owners
Staff Reviewer	Jones
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

A request to rezone from Single-Family Residential (RS10) to One and Two Family Residential (R10) district property located at 119 Lebanon Pike, approximately 615 feet east of Donelson Pike (2.29 acres.

Existing Zoning
RS10 District

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

Proposed Zoning
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.

**DONELSON-HERMITAGE
COMMUNITY PLAN**

Residential Low Medium (RLM)

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

Consistent with Policy?

Yes. The request to allow one and two-family residential uses is consistent with Residential Low Medium (RLM) policy. The uses permitted under the R10 zoning district are compatible with the surrounding uses in the area. The area is predominantly residential in character with some commercially zoned properties immediately north and west of this site. The property is also adjacent to a rail line and a planned greenway. The proximity of the rail line and greenway will impact development densities for this site. If the property was unconstrained, the site could be developed with a total



Metro Planning Commission Meeting of 6/26/2008

of nine lots, two of which could be developed as duplex lots, for a total of 11 units on the entire site. However, the setback requirements for a railroad buffer and a greenway easement dedication would limit the development potential for this site. Currently, there is one single-family home on the property with no public street frontage. The site is accessible by an existing driveway located within the railroad right of way that extends to Donelson Pike. According to the applicant there is no easement that allows use of right of way to access the property. If the property is subdivided into multiple lots, a road must be built to Public Works' street standards and additional right-of-way may be required to be platted. The future subdivision of this property would not likely be supported without public street frontage.

PUBLIC WORKS RECOMMENDATION

Traffic study may be required at time of development.

Typical Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	2.29	3.7	8	77	6	9

Typical Uses in Proposed Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	2.29	3.7	8	77	6	9

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

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

METRO SCHOOL BOARD REPORT

Projected student generation

1 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Hickman Elementary School, Donelson Middle School, or McGavock High School. Donelson Middle School and McGavock High School have been identified as being over capacity by the Metro School Board. There is capacity within the cluster for middle school students, capacity within an

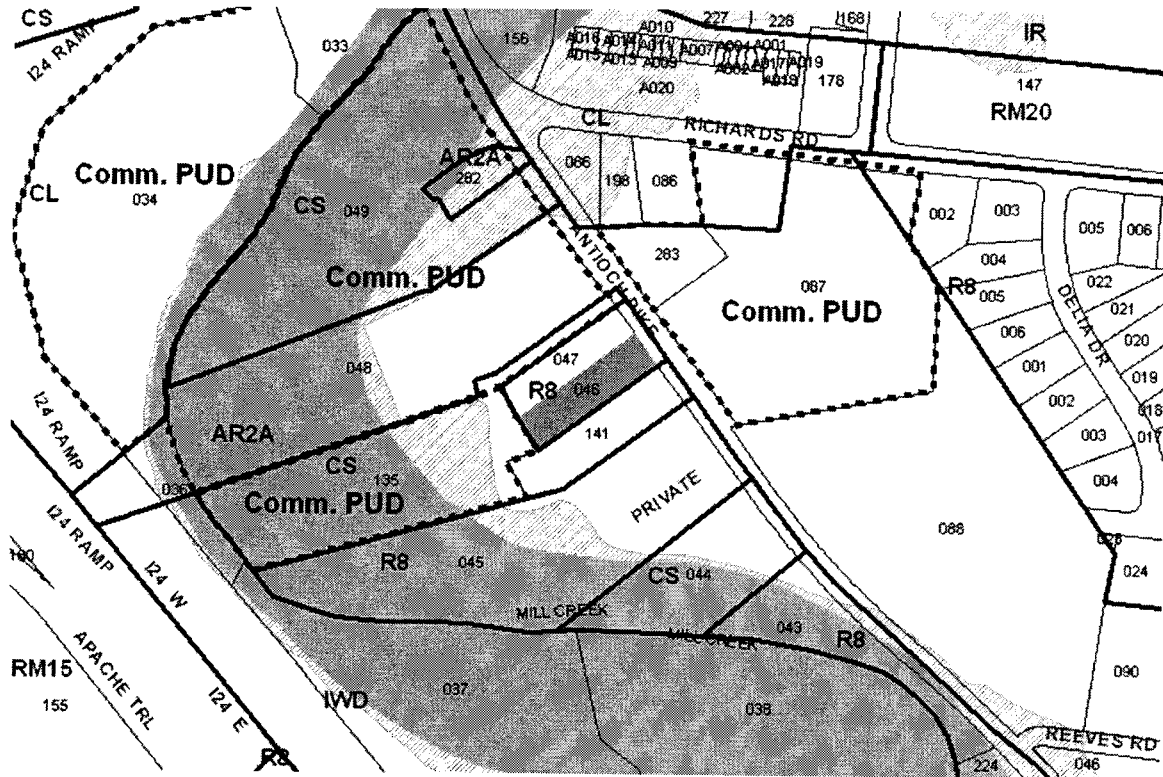


Metro Planning Commission Meeting of 6/26/2008

adjacent cluster for high school students. This information is based upon data from the school board last updated May 2008.

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone 2.29 acres from RS10 to R10. The One and Two-Family Residential (R10) zoning district would permit single family dwellings and duplexes with minimum lot size requirements of 10,000 square feet. The permitted uses under R10 zoning supports the intent of the Residential Low Medium land use policy, which encourages single family dwellings and other forms of attached housing such as townhomes.



2008Z-060U-13

Map: 148-00 Parcel: 046

Subarea 13

Council District 28 – Duane Dominy



Project No.
Council Bill
Council District
School District
Requested by

Zone Change 2008Z-060U-13
BL2008-242
28 - Dominy
6 - Johnson
Colliers Turley Martin Tucker, applicant, for Nashville
Real Estate Ltd., owner

Staff Reviewer
Staff Recommendation

Jones
Approve

APPLICANT REQUEST

A request to rezone from One and Two-Family Residential (R8) to Commercial Service (CS) district property located at 2119 Antioch Pike, approximately 963 feet south of Haywood Lane (0.60 acres).

Existing 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 5.79 dwelling units per acre including 25% duplex lots.

Proposed Zoning
CS District

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

**ANTIOCH-PRIEST LAKE
COMMUNITY PLAN**

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.

Consistent with Policy?

Yes. The Commercial Service (CS) district is consistent with Commercial Mixed Concentration (CMC) policy because it permits retail, office, and other commercial intense uses promoted in CMC policy. The current, one and two family residential (R8) zoning is inconsistent with the policy. This property, along with several others on Antioch Pike, was rezoned to CS by the Metro Council in 1986. However, a mapping company hired by Metro inadvertently mapped it as R8. That error was carried over into the official zoning maps adopted by Council in 1998. When the error was



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discovered in 1999, the Planning Department informed all of the property owners, including this one, they could rezone to CS with no charge. A couple of those owners chose to do so. The owner of this property choose not to do so at the time. Now, this owner has requested to rezone to CS. This request essentially corrects the mapping error which incorrectly designated an R8 zoning classification at this location.

PUBLIC WORKS RECOMMENDATION

Traffic study may be required at time of development.

Typical and Maximum Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.60	4.63	3	29	3	4

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.60	0.17	4,443	228	11	33

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (814)	0.60	0.60	15,681	709	20	60

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
--				680	17	56

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone 0.60 acres from One and Two-Family Residential (R8) to Commercial Service (CS). The request corrects the mapping error which designated an R8 zoning classification on this site. The CS zoning district is consistent with the Commercial Mixed Concentration policy because it permits commercial uses encouraged by the policy and compatible with the surrounding uses.

SEE NEXT PAGE

NO SKETCH



Project No.
Project Name

Zoning Text Change 2008Z-061T
Text Amendment to Require SP Zoning for
“Automobile Service”

Council Bill
Requested By

BL2008-244
Councilmember Anna Page

Staff Reviewer
Staff Recommendation

Regen
Disapprove

APPLICANT REQUEST

A council bill to amend Section 17.08.030 of the Metro Zoning Code to modify "automobile service" from a use permitted by right ("P") to specific plan ("SP") except in IWD, IR and IG districts.

APPLICATION DETAILS

Existing Zoning Code

Section 17.08.030 of the Zoning Code allows “Automobile Service” as a use permitted by right in mixed-use, commercial, shopping center, and industrial zoning districts and permitted with conditions (PC) in a specific plan district. Automobile service uses provide services and parts such as oil changes, tires, wheel alignment and balancing, brakes, shock absorbers, and mufflers. Automobile service does not allow auto repair, auto body and collision repair, or auto transmission work, nor does this use include selling gasoline or diesel fuels. Gas stations and convenience markets are classified as “Automobile Convenience” in the Zoning Code.

Proposed Change

The ordinance proposed to change “automobile service” from a use permitted by right (“P”), to one that will require specific plan (“SP”) zoning, except in the IWD, IR, and IG zoning districts.

Background

In March 2006, the Metro Council adopted BL2006-693, which amended the Zoning Code to permit a variety of auto-related uses only within a specific plan (SP) district. That council bill also modified the definition of automobile service, but the ordinance did not restrict the “automobile service” use to SP zoning only as it did with, for example, automobile repair, vehicular rental and leasing, automobile sales (used), and car wash.

Analysis

Forty years ago, the neighborhood corner service station changed your oil, installed new tires, fixed a flat, resurfaced your brakes, and got your car running again. That business model changed during the 1970’s with



Metro Planning Commission Meeting of 6/26/2008

the introduction of the self-service, do-it-yourself gas stations. The word “service” became obsolete and the vernacular became “gas station”. According to a newspaper article published on-line on May 29, 2008 in *The Oklahoman*, “22 percent of the gasoline station market share went to self-service in 1975. By 1992, 86 percent had gone to self-service and five years later ‘self-service was the mainstay.’” The demise of the service station gave birth to the various automobile service businesses we have today offering same-day or next-day service. These businesses located in the same places the former service stations had occupied – near neighborhoods, offices, and shopping centers.

The proposed text amendment would require SP zoning for any new automobile service use proposed in a commercial area. Those automobile service uses existing now with a valid use permit from the Department of Codes would become legally, non-conforming uses. By requiring SP zoning, the Metro Council could prohibit new automobile service uses from locating in what have been historically convenient locations. Potentially, the bill’s net effect could be to restrict the availability and access of this use for residents, businesses and their employees, interstate travelers, and tourists.

Restricting availability and access to Automobile Service uses, and encouraging these businesses to locate in industrial areas, could result in greater cost (i.e. towing charges, driving distance, time-off from work) and inconvenience, particularly for persons with limited incomes. Further, only a portion of the county’s industrial areas are served by public transit, and of those served, bus routes typically are along the periphery of the industrial park/area. Lastly, industrial areas are not conveniently located near neighborhoods.

STAFF RECOMMENDATION

Staff recommends disapproval of the proposed ordinance. Automobile service uses are a neighborhood convenience for Davidson County residents. They fulfill a necessary service for residents similar to neighborhood pharmacies, grocery stores, bakeries, beauty salons, veterinarians, seamstresses, dry cleaners, gas stations, etc. Staff further recommends that the Metro Council may wish to consider changing “Automobile Service” to a use that is “permitted with



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conditions” (PC). Such a use could include specific site design and other requirements that would be required to be met before a new Automobile Service business could open. The standards could include items such as building placement, landscaping, screening, street frontage, access, signage, and limitations on things such as noise, outside storage, test driving vehicles, and hours of operation.

NO SKETCH



Project No.
Project Name
Council Bill Requested By
Staff Reviewer
Staff Recommendation

Zoning Text Change 2008Z-062T
Text Amendment to require review by the Metro Department of Law of all zoning ordinances prior to filing with the Metro Clerk
BL2008-245
Councilmember Rip Ryman
Kleinfelter
Approve with amendment

APPLICANT REQUEST

A council bill to add Section 17.40.075 of the Metro Zoning Code to require Metro Department of Law to review all ordinances amending the official zoning map or the Metro Zoning Code for their form and legality prior to their filing with the Metro Clerk.

APPLICATION DETAILS

Summary

BL2008-245 proposes to require any ordinance that would change the zoning for a parcel of property or amend the text of the Zoning Code to be submitted to the Department of Law. The Department of Law would be required to approve the ordinance “as to form and legality” before it could be filed with the Metro Clerk. As explained below, staff recommends approval of the ordinance if it is amended to apply only to amendments to the text of the Zoning Code.

Background

Section 18.02 of the Metro Charter requires that all changes of zoning must be made only by ordinance. The Charter does not set out any additional restrictions for zoning bills, except that 1) a zoning ordinance may not be passed by the Council on 2nd reading unless a recommendation from the Planning Commission has been received or 30 days have passed since the ordinance was referred to the Commission; and 2) any zoning bill that is disapproved by the Commission must receive a 2/3 majority approval from the Council and a 3/4 majority to override a veto from the Mayor. The Metro Code contains several provisions that govern zoning applications to the Planning Commission and the Commission’s recommendations to the Council, but there are no requirements for filing a zoning bill that differ from the requirements for any other ordinance.



Metro Planning Commission Meeting of 6/26/2008

The Rules of Procedure of the Metro Council include several rules regarding zoning ordinances, including the following:

- 1) Prior to filing with the Metro Clerk, the item must either show the recommendation from the Planning Commission or contain proof that it has been submitted to the Commission;
- 2) Evidence must be shown that all fees required by the Metro Code have been paid with respect to the item;
- 3) No vote on 2nd reading or public hearing may be held until the recommendation of the Planning Commission has been received;
- 4) The property taxes for a parcel must be current before the Council can adopt a zoning ordinance on 2nd reading; and
- 5) A Planned Unit Development must have received a recommendation from the Planning Commission before it can be introduced at the Metro Council.

The Council rules do contain provisions that require review of certain legislation prior to action by the Council, but those rules do not apply to zoning ordinances. Rule 15 requires a statement from the Director of Finance as to the availability of funds before an ordinance that appropriates or spends money can be placed on a Council agenda. Similarly, under Rule 17, an ordinance paying a claim against Metro Government cannot be placed on a Council agenda until the Director of Law has filed a statement recommending payment of the claim. There are no provisions in the Charter, Metro Code, or Council rules that currently require any ordinances to be reviewed by the Director of Law or the Legal Department for form and legality prior to being filed or considered by the Council.

Analysis

Zoning ordinances fall into two distinct categories: ordinances that will change the zoning for a parcel of property by amending the official zoning maps (“zoning map amendments”), and ordinances that



Metro Planning Commission Meeting of 6/26/2008

amend the Zoning Code by changing a portion of the text of that Code (“text amendments”). The process for review by the Planning Commission and Council for zoning map amendments requires many steps, including public hearing signs and notices, because they affect the legal use of a parcel or parcels of property. Text amendments, on the other hand, are more global in nature, and are reviewed by the Planning Commission and Council similar to other ordinances that have general application to all of Metropolitan Nashville.

Under the Council rules, all ordinances must be delivered to the Council office by noon on the Friday that is 11 days prior to the Tuesday Council meeting where the bill will be introduced. As a courtesy to the Council, Planning Department staff prepares most ordinances that request a zoning map amendment. These ordinances normally are not prepared until after the Planning Commission has made a recommendation on the requested zoning so that any conditions of the Commission’s approval can be included in the draft ordinance.

Staff is concerned about requiring another level of agency review prior to filing of ordinances to amend the zoning map. The current review process for a zoning map amendment application is six weeks from the filing deadline to the Planning Commission meeting. Zoning ordinances must be filed by six specific dates during the year in order to be placed on one of the Council’s six public hearing agendas each year. Depending on the length of time that is required by the Department of Law to review the zoning ordinances, there is a substantial possibility that the delay of filing a zoning ordinance could result in a delay of up to two months for adoption of the ordinance. Because the review is required for all zoning ordinances, the delay could have a negative effect on changes in zoning that may be needed for future development and may be unanimously favored by the community, the Planning Commission, and the District Councilmember.

Staff recommends that the proposed ordinance be amended to remove zoning map amendments from the pre-filing review process. A zoning map amendment is prepared either by the Planning Department or the



Metro Planning Commission Meeting of 6/26/2008

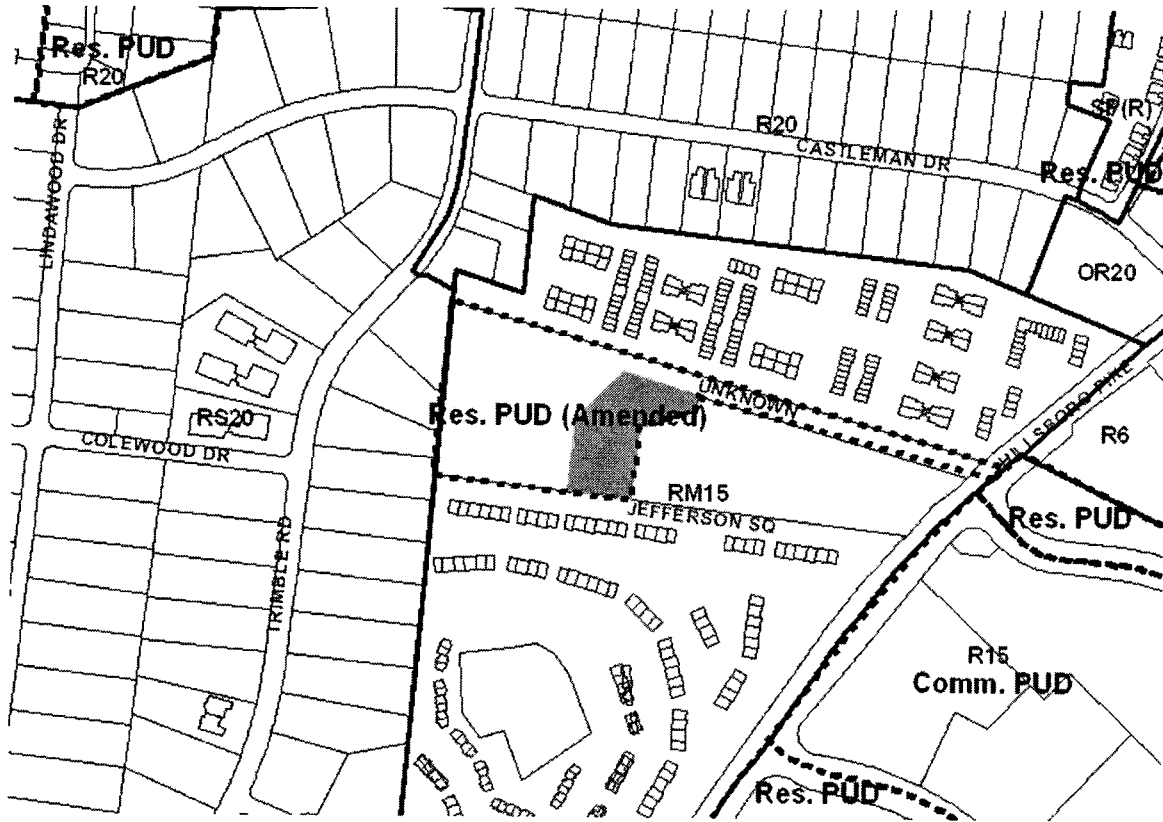
Council staff office and reflects simply a request from a property owner or a Councilmember to change the zoning designation for a parcel or parcels of property. The language included in the ordinance normally is formulaic. Staff cannot identify any significant benefit to review of these ordinances prior to their being filed, but as described above, there is a substantial potential that the new process would unduly delay development proposals.

Amendments to the text of the Zoning Code have a broad effect and are not normally tied to a specific development proposal. Accordingly, review by the Department of Law of these items should not normally cause unnecessary delay of development. There is opportunity during the Metro Council review and approval process for legal issues with a proposed zoning ordinance to be addressed, but there may be some merit in discovering any such issues prior to the filing of the ordinance. Because there is little possibility of delay of development proposals associated with review of zoning text amendments, staff recommends approval of that portion of the proposed ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the proposed ordinance if it is amended so that it will apply only to amendments to the text of the Zoning Code.

SEE NEXT PAGE



49-87-P-10

St. Paul Southern Methodist Church (PUD Cancellation)

Map: 131-05 Parcel: Part of 057

Subarea 10

Council District 34 – Carter Todd



Project No.
Project Name

Planned Unit Development 49-87-P-10
St. Paul Methodist Church PUD

Council Bill
Council District
School District
Requested by

Cancellation
BL2008-239
34 - Todd
8 - Fox
Wamble & Associates PLLC, applicant, for St. Paul
Southern Methodist Church of Nashville, owner

Staff Reviewer
Staff Recommendation

Jones
Approve

APPLICANT REQUEST
Cancel PUD

A request to cancel a portion of the St. Paul Southern Methodist Church Planned Unit Residential Development district located at 5031 Hillsboro Pike, approximately 700 feet south of Castleman Drive, zoned Multi -Family Residential (RM15), (1.65 acres), approved for a 100-bed nursing home.

Existing Zoning
RM15 District

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

Residential PUD

A residential PUD overlay comprised of 6.99 acres was applied to this site in 1989. The PUD was approved for a retirement community consisting of two phases; 130 units in Phase I and a 100 bed nursing home facility in Phase II.

GREEN HILLS MIDTOWN
COMMUNITY PLAN

Residential Medium High (RMH)

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

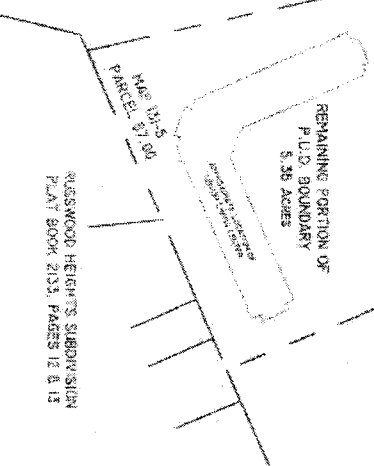
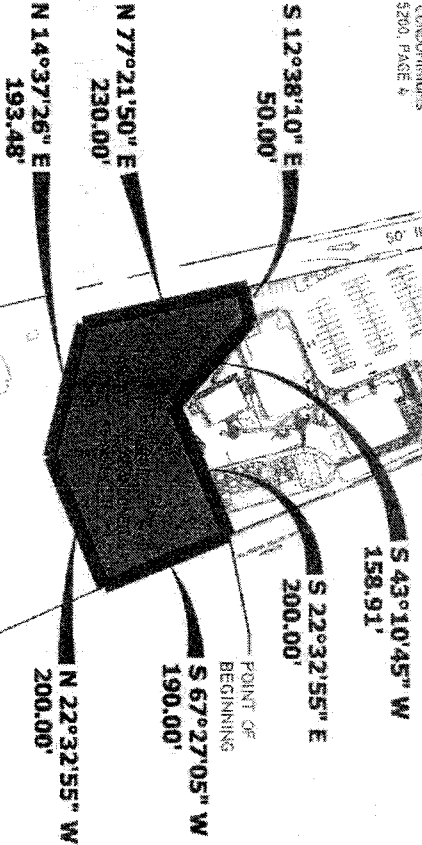
Consistent with policy?

Yes. The request to cancel a 100 bed nursing home facility in Phase II of the PUD would revert to the base zoning district which is RM15. The uses permitted within the RM15 zoning district would be consistent with the Residential Medium High (RMH) policy at this location. RMH policy encourages residential

HILLSBORO PIKE

DECREASE TOWN CONDOMINIUMS
PLAT BOOK 5260, PAGE 4

JEFFERSON SQUARE CONDOMINIUMS
PLAT BOOK 4875, PAGE 12



QUEENWOOD HEIGHTS SUBDIVISION
PLAT BOOK 2133, PAGES 12 & 13



SKETCH EXHIBIT FOR LEGAL
DESCRIPTION OF SAINT PAUL
SOUTHERN METHODIST CHURCH
PARTIAL P. U. D. ABANDONMENT



Metro Planning Commission Meeting of 6/26/2008

development within the range of 9 to 20 units per acre. The uses permitted in RM15 include single-family, two-family and multifamily housing. These uses would be compatible with the existing retirement community in the PUD and the uses in the surrounding area. Immediately north and south of the site is attached single-family housing, and the adjacent parcel to the east contains a church and a school. The medium high residential uses also serve as a transition between the neighboring low and low-medium density residential policies to the north and west of this site.

METRO WATER SERVICES RECOMMENDATION

A study will not be required to cancel this PUD.

METRO SCHOOL BOARD REPORT

Projected student generation

1 Elementary 0 Middle 0 High

Schools Over/Under Capacity

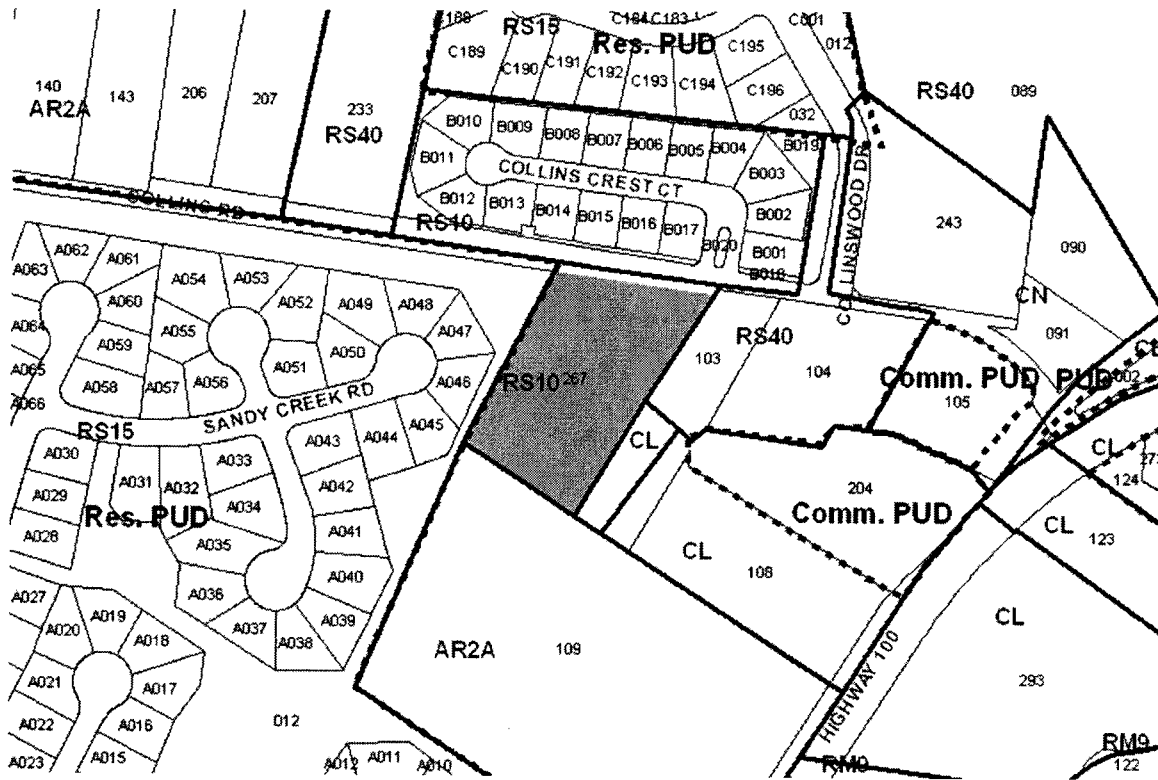
Students would attend Julia Green Elementary School, Moore Middle School, and Hillsboro High School. The projected student generation yields one additional student at the elementary school level. According to the Metro School Board, the elementary school has capacity to accommodate the projected student generation. No middle school or high school students would be generated as a result of the base zoning district applied to this site.

STAFF RECOMMENDATION

Staff recommends approval of the PUD cancellation.

SEE NEXT PAGE

CONCEPT PLANS



2008S-112G-06
 Collins Valley Subdivision
 Map: 155-00 Parcel: 267
 Subarea 6
 Council District 35 – Bo Mitchell



Metro Planning Commission Meeting of 6/26/2008

Item # 11

Project No.
Project Name
Council District
School District
Requested By

Subdivision 2008S-112G-06
Collins Valley
35 - Mitchell
9 - Warden
Jahanger and Rahim Rahimi, owners, Jesse Walker
Engineering, surveyor

Staff Reviewer
Staff Recommendation

Bernards
Approve with conditions

APPLICANT REQUEST
Concept Plan

A request for concept plan approval to create 7 lots on property located at 8291 Collins Road, approximately 750 feet west of Highway 100 (2.5 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.

PLAN DETAILS

The concept plan proposes seven lots and includes open space to accommodate a water quality pond. The lots range in size from 10,040 sq. ft to 13,166 sq. ft.

The lots will be accessed from a new road off Collins Road. The new road is stubbed to the edge of the property to allow for future access to the largely undeveloped, 8.8 acre property to the south. Sidewalks are included on the new street. Due to the proximity of this property to the Harpeth Valley Elementary School, the applicant has agreed to show sidewalks along Collins Road.

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.
- Collins Road to be improved along the property frontage to the Department of Public Works' standards and specifications.

STORMWATER
RECOMMENDATION

Approved

MAP 155-12 "B"
COLLINS CREST SUBDIVISION
20060105-0001456
ZONING: R57.5

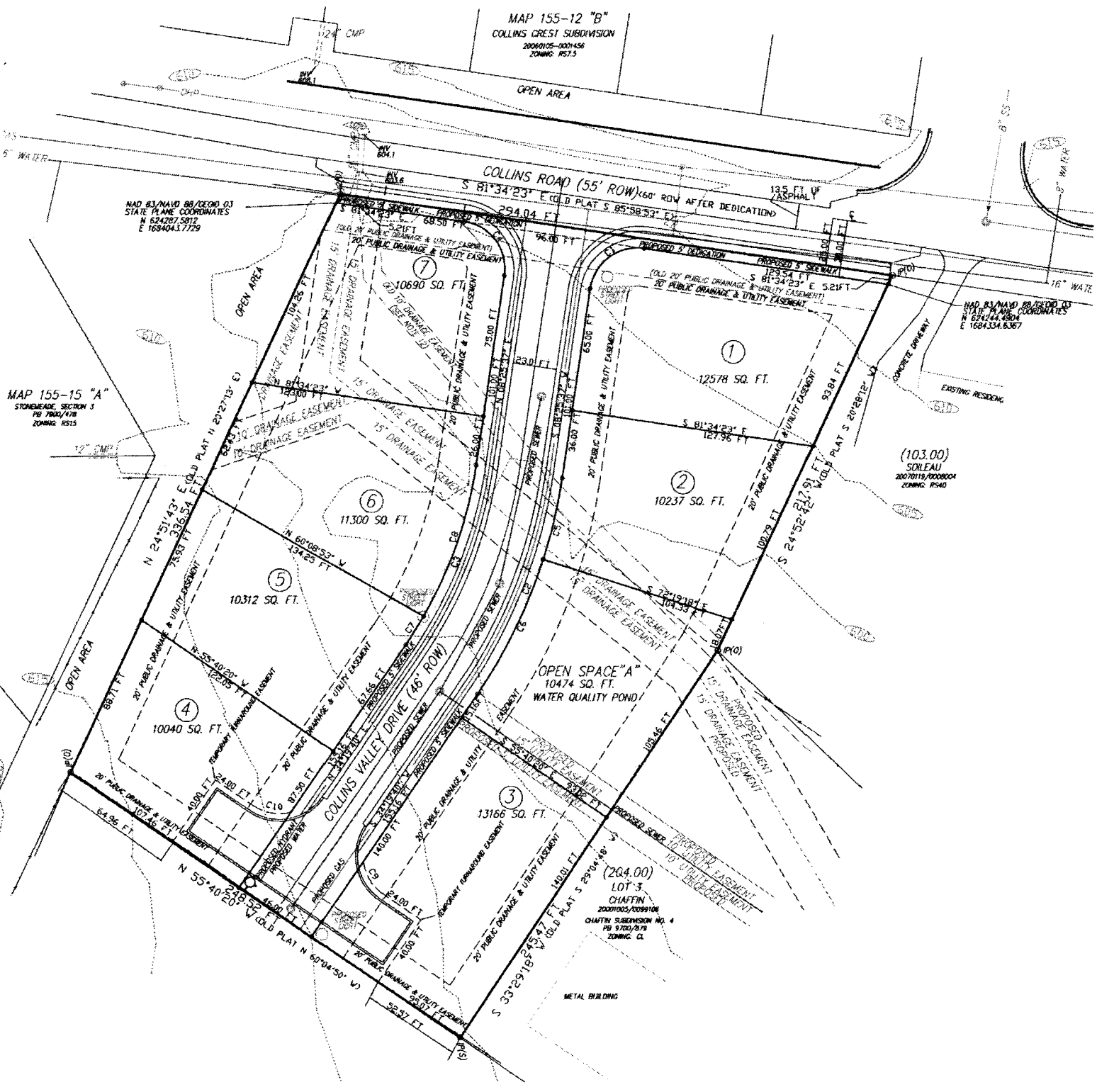
NAD 83/NAVD 88/CEOID 03
STATE PLANE COORDINATES
N 624287.5812
E 1684043.7729

MAP 155-15 "A"
STONEMADE SECTION 3
78 7820/4128
ZONING: R515

NAD 83/NAVD 88/CEOID 03
STATE PLANE COORDINATES
N 624244.4804
E 1684334.6367

(103.00)
SOLEAU
20070119/00008004
ZONING: R540

(204.00)
LOT 3
CHAFFIN
20001005/0059106
PB 9700/878
ZONING: C1





Metro Planning Commission Meeting of 6/26/2008

FIRE MARSHAL RECOMMENDATION

Reviewed.

- Fire Hydrants shall be in-service before any combustible material is brought on site.
- All fire department access roads shall be 20 feet minimum width.
- 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
- 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.
- One & two family final plat plans must show results from fire hydrant(s) flow test, performed within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants, for buildings up to 3600sq. ft. to be approved for fire hydrant flow requirements.
- 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 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.

NES RECOMMENDATION

- Developer to provide construction drawings and a digital .dwg file @ state plane coordinates (TN83F) that contains the civil site information (approved by Metro Planning w/ any changes from other departments)
- Developer drawing should show any and all existing utilities easements on property.
- 20-foot easement required adjacent to all public rights of way **and 20' PUE centered on all NES conduits. (Developer may consider recording all open space as a PUE).**
- NES can meet with developer/engineer upon request to determine electrical service options



Metro Planning Commission Meeting of 6/26/2008

- NES needs any drawings that will cover any road improvements that Metro PW might require
- 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
- NES needs load information and future plans or options to buy other property (over all plans).
- Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval
- Any 3 phase load in any of the phases?
- Does developer have options on property next to this parcel?

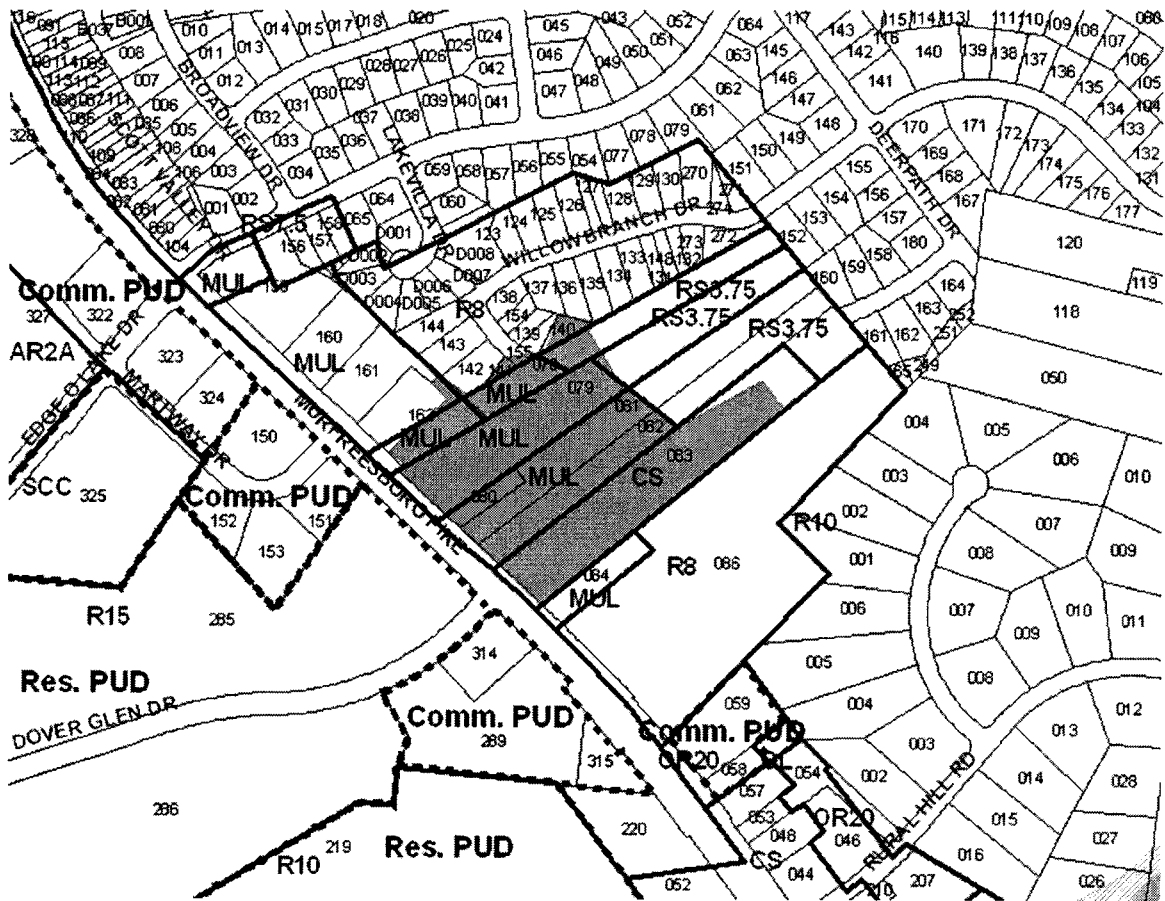
STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Fire Marshal requirements shall be met prior to final plat approval.
2. Public Works requirements shall be bonded or completed prior to final plat recordation.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.

FINAL PLAT SUBDIVISIONS



2007S-312U-13

Shoppes of Dover Glen

Map: 149-00

Parcels: Part of 078, Part of 079, Part of 080, Part of 081, Part of 082, Part of 083

Map: 149-03

Parcels: 140, 141

Subarea 13

Council District 29 – Vivian Wilhoite



Project No. Subdivision 2007S-312U-13
Project Name Shoppes of Dover Glen
Council District 29 - Whilhoite
School District 6 - Johnson
Requested by Murfreesboro Edge-O-Lake LLC and O'Reilly Automotive Inc., owners

Staff Reviewer Jones
Staff Recommendation Approve with condition

APPLICANT REQUEST
Final Plat

A request for final plat approval to create 10 lots located at 2520, 2530, 2532, 2534, 2538 and 2540 Murfreesboro Pike near the intersection of Dover Glen Drive and Murfreesboro Pike (9.97 acres), zoned Commercial Service (CS) and Mixed Use Limited (MUL).

ZONING
CS District

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

MUL District

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

PLAN DETAILS

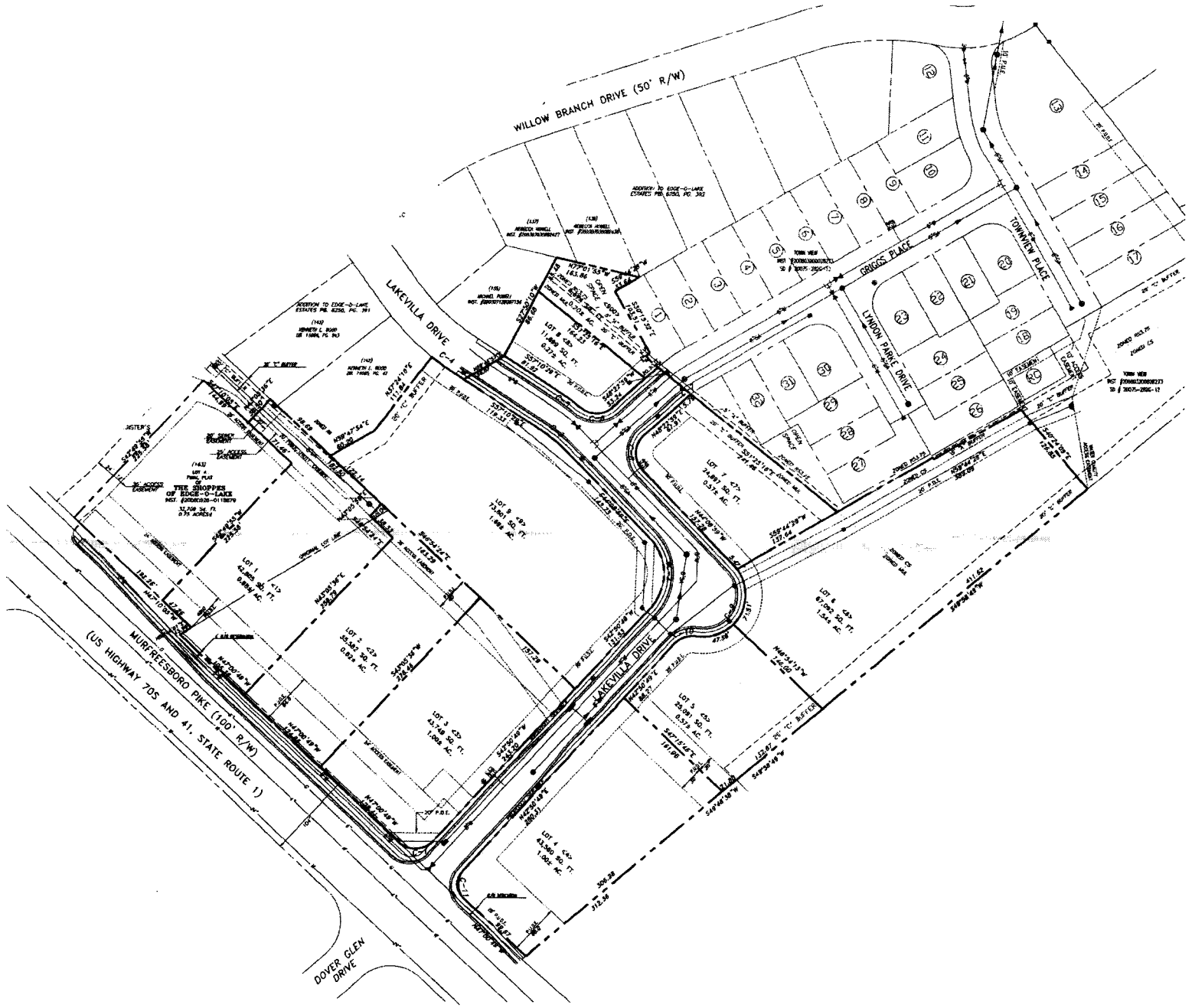
The final plat subdivides 9.97 acres into 10 lots. The site is currently undeveloped, but zoned for mixed-use and commercial type land uses. A cemetery on the site has been relocated to another portion of the property which resulted in the reconfiguration of lots along Murfreesboro Pike. The lots range in size from approximately 11,600 square feet to 67,000 square feet.

Access

The property fronts Murfreesboro Pike and is accessible by 24-foot and 25-foot access easements that extend across the front and back of lots 1 through 4, connecting to a 36 foot access easement to the north and Lake Villa Drive to the South. Sidewalks are proposed along Lake Villa Drive to provide pedestrian connections to the residential area that immediately abuts this site. Sidewalks are also required along the frontage of the site on Murfreesboro Pike.

Preliminary Plat

The preliminary plat was approved in January 2006. The plat consisted of 14 lots with access limited to one 25 foot cross-access easement and the extension of Lake Villa Drive connecting to Murfreesboro Pike.





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PUBLIC WORKS

RECOMMENDATION

Roadway and sidewalk infrastructure improvements are to be bonded with the recording of the final plat.

STORMWATER

RECOMMENDATION

Approved

FIRE MARSHAL

RECOMMENDATION

No construction, no comments at this time.

STAFF RECOMMENDATION

Staff recommends approval of the 10 lot subdivision with a condition that access to Murfreesboro Pike be limited to one designated cross-access easement area and that any driveway connections within the designated easement area be approved by the Public Works Department.

Section 3-4.4 of the current Metro Subdivision Regulations (Section 2-4.3B of the previous Subdivision Regulations) 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 (usually one driveway entrance shared by two lots), or by a private access drive serving more than two lots (if necessary shared maintenance arrangements shall be incorporated into the subdivision deeds) in order to limit driveway entrances and potential traffic hazards.

Given the intense commercial development along Murfreesboro Pike, particularly between Nashboro Boulevard and Dover Glen Drive, controlled access along this stretch of arterial is important to ensure the safe and continuous flow of traffic. In September 2007, the applicant requested an additional curb cut exclusively for lot 4. The Planning Commission voted unanimously to not allow the additional access, and to limit access to the easements designated on the plat. The applicant has not provided any evidence that development conditions nor traffic conditions have



Metro Planning Commission Meeting of 6/26/2008

changed since that request was made to warrant any additional curb cuts onto Murfreesboro Pike at this time. Limiting access to Murfreesboro Pike is in accordance with the Metro Subdivision Regulations, and consistent with the intent of the access easements previously approved on the preliminary plat.

CONDITION

1. Prior to final plat recordation, a note shall be added to the plat stating: "No additional driveways onto Murfreesboro Pike outside of the designated cross-access easement area and any driveway connections within the designated easement area must be approved by Metro Public Works."

SEE NEXT PAGE



2008S-090U-05
 J. J. Pryor's Subdivision
 Map: 083-02 Parcels: 246
 Subarea 5
 Council District 6 – Mike Jameson



Project No.
Project Name
Council District
School District
Requested by

Subdivision 2008S-090U-05
J. J. Pryor Subdivision
6 - Jameson
5 - Porter
Alain Christopher Keenan, owner, Duclos
Survey & Design Inc., surveyor

Staff Reviewer
Staff Recommendation

Jones
Approve with conditions

APPLICANT REQUEST
Final Plat

A request for final plat approval to create 3 lots on property located at 1703 Greenwood Avenue, at the northeast corner of Greenwood Avenue and Chapel Avenue (1.49 acres), zoned One and Two-Family Residential (R6).

ZONING
R6 District

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

Neighborhood Conservation
Overlay District (NC)

Neighborhood Conservation (NC) districts are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity

CHAPEL AVE. (40' R.O.W.)

PARCEL ID#08302024700
NANCY & SAMUEL A
STRATTON
DB-00010125 0000223, R.O.D.C.

PARCEL ID#08302024800
BUFORD N. TAYLOR
QC-20010116 0004522, R.O.D.C.

PARCEL ID#QC-20010116 0004522
JESSICA L. BRODERICK
DB-20060110 0003614, R.O.D.C.

PARCEL ID#08302025000
MITCHELL, DAVID G.
DB-20050809 0108850, R.O.D.C.

PARCEL ID#08302025100
BRIDGET PILKINTON
DB-20071130 0139227, R.O.D.C.

PARCEL ID#08302025200
FRANK W. HURD ETUX ELIZABETH E.
DB-00004778 0000182, R.O.D.C.

S82°48'06"E 293.31' (MEAS.)

S82°48'06"E 293.31'

185.83'

20' P.U.D.E.

2
10755 sq. ft.
0.25 Acre ±
(352)

N81°34'48"W

154.57'

3
9567 sq. ft.
0.22 Acre ±
(353)

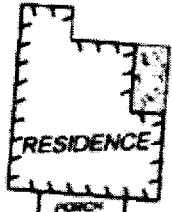
N81°34'48"W

118.77'

N19°08'24"W 305.69' (MEAS.)
N16°35'56"W 305.69' (PLAT)
N18°35'56"W 305.69' (MEAS.)

65.00'
70.00'
S08°25'12"W 135.00'

101.93'



RESIDENCE

PORCH

274.92'
S07°11'03"W 274.92' (MEAS.)
S07°11'22"W 274.88' (PLAT)

1
(246)
40487 sq. ft.
0.93 Acre ±

20' P.U.D.E.

154.47'

GREENWOOD AVE. (40' R.O.W.)



Metro Planning Commission Meeting of 6/26/2008

whose components may lack individual distinction; or

4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

PLAN DETAILS

The final plat subdivides one parcel to create three residential lots. Each lot complies with the minimum lot size requirements for R6 zoning. An existing single-family dwelling is located on Lot 1 and is planned to remain. With the R6 zoning, a duplex would be permitted on Lot 2 and Lot 3.

Historic Property

The East Nashville Community Plan identifies this site as a historic resource. The Colonel Pryor House is located on proposed lot 1 and is designated as Worthy of Conservation by the Metro Historic Zoning Commission.

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:

Lot Comparability Analysis		
Street	Requirements	
	Minimum lot size (sq. ft.)	Minimum lot frontage (linear ft.)
Greenwood Avenue	12,087	52
Chapel Avenue	6,615	63

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

- Lot 1: 40,487 sq. ft. with 154.47 ft. of frontage



Metro Planning Commission Meeting of 6/26/2008

- Lot 2: 10,755 sq. ft. with 68.56 ft. of frontage
- Lot 3: 9,567 sq. ft. with 78.62 ft. of frontage

Each lot meets the minimum requirements for lot area and lot frontage.

HISTORIC COMMISSION RECOMMENDATION

Recommend approval of the plan to divide this parcel into three lots as shown on the revised plat - with one lot to retain the historic house and the remaining two lots to be residential.

PUBLIC WORKS RECOMMENDATION

No Exception Taken

STORMWATER RECOMMENDATION

Approved

FIRE MARSHAL'S RECOMMENDATION

1. 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.
2. One and two family final plat plans must show results from fire hydrant(s) flow test, performed within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants, for buildings up to 3600sq. ft. to be approved for fire hydrant flow requirements.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the final plat to create three lots.

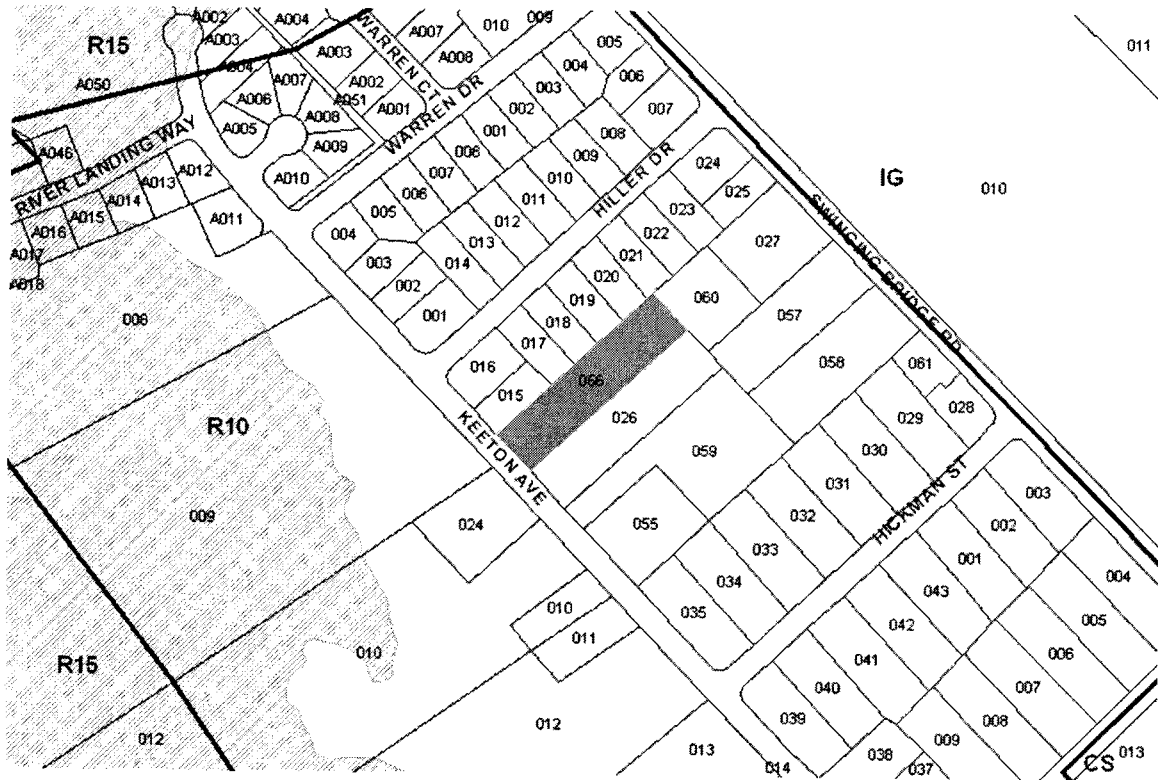
CONDITIONS

1. 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.



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2. One and two family final plat plans must show results from fire hydrant(s) flow test, performed within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants, for buildings up to 3600sq. ft. to be approved for fire hydrant flow requirements.
3. Fire hydrant flow data shall be provided on the plat prior to recordation.
4. One lot to retain the historic house and the remaining two lots to be residential



2008S-115G-14
 Canoga Park
 Map: 043-04 Parcel: 056
 Subarea 14
 Council District 11 – Darren Jernigan



Project No.
Project Name
Council District
School District
Requested by

Subdivision 2008S-115G-14
Canoga Park
11 - Jernigan
4 - Glover
Garret Swayne, owner, Dale & Associates,
surveyor

Staff Reviewer
Staff Recommendation

Logan
Disapprove

APPLICANT REQUEST

A request for final plat approval to create 2 lots on property located at 509 Keeton Avenue, approximately 700 feet west of Hickman Street (1.0 acres), 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.

PLAN DETAILS

This subdivision proposes to create two lots out of one existing lot. The existing lot currently contains three separate houses. Proposed Lot 1 would include a single-family home. Proposed Lot 2 would include two detached dwelling units. The detached dwelling units would be permitted by Council bill BL2008-115, which passed third reading at Metro Council on April 1, 2008. Prior to this Council bill, the R10 zoning district would only permit two *attached* dwelling units.

These *three detached* structures were illegally constructed by a former owner of this property. The property was held by the same family from 1966 until it was sold to the current owner in August 2007. Initially, one single-family home existed on the property. Various permits were issued over the years for the construction of two accessory structures with garages and second stories of storage space. These permits clearly state that the two structures are not to be used as residential or commercial space. The previous owner then illegally converted the structures to dwelling units.



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Lot Comparability

Section 3-5 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:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
Keeton Avenue	27,225	98.0

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

- Lot 1: 17,737 Sq. Ft., (.41 Acres), with 86.19 ft. of frontage
- Lot 2: 25,836 Sq. Ft., (.59 Acres), with 14 ft. of frontage

Lot Comparability Exception

A lot comparability exception can be granted if the lot does not meet the minimum requirements of the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots could meet **one** of the qualifying criteria of the exception to lot comparability:

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Residential Low Medium Density land use policy. 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,



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Variance from flag lot standards

although some townhomes and other forms of attached housing may be appropriate.

Staff does not recommend granting the exception because these lots are inconsistent with the character of the area.

Section 3-4.2.c of the Subdivision Regulations states:

Residential flag lots shall not be permitted except the Planning Commission may waive the requirement if it finds that, due to unusual conditions, limited area for lot frontage on a street is available, or if all of the following conditions are met:

1. The proposed lots fit into the character of the area and are consistent with the general plan.
2. All minimum standards of the Zoning Code shall be met.
3. Up to three lots are proposed.
4. The residential unit on the lot with frontage comparable to other lots in the area shall face the street.
5. The flag lot private drive and/or access easement shall connect to a street.
6. The flag lot private drive and/or access easement shall be at least ten feet wide for its entire length.
7. The flag lot shared access easement shall be part of one non-frontage lot and under the same ownership as that lot.

This subdivision application does not meet conditions 1 and 4 above. Condition 1 requires that the proposed lots fit into the character of the area. There are no residential flag lots in the area. There is one flag lot that contains a plant nursery, which is a non-conforming commercial use. That existing flag lot is also inconsistent with the overall character of the area. Condition 4 requires that the unit on the lot "with *frontage comparable to other lots in the area* shall face the street." In this case, the unit faces the street, but the lot does not meet the prerequisite of



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being comparable, as detailed in the Lot Comparability section above.

The proposed plat also does not meet the requirements of the Metro Fire Marshal. The Fire Marshal requires an access road of 20 feet that is able to support a fire truck. The plat shows a 14' access to the structures on the back of the property. Therefore, the Fire Marshal has not approved the request.

The owner has submitted a variance request indicating that this is the only way to legalize the structures that exist on the property. These conditions were created by the owner of this property at the time the structures were constructed when they were illegally converted into residences. Under Tennessee law, self-made conditions do not constitute a hardship. It would be contrary to the intent of the Subdivision Regulations to allow a property owner to base a variance request of previous illegal activity.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STORMWATER RECOMMENDATION

Approved

FIRE MARSHAL RECOMMENDATION

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

Developer needs to provide more information to the Fire Marshal's Office.

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



Metro Planning Commission Meeting of 6/26/2008

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

All fire department access roads shall be 20 feet minimum width.

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

Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

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>)

One & two family final plat plans must show results from fire hydrant(s) flow test, performed within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants, for buildings up to 3600sq. ft. to be approved for fire hydrant flow requirements.

STAFF RECOMMENDATION

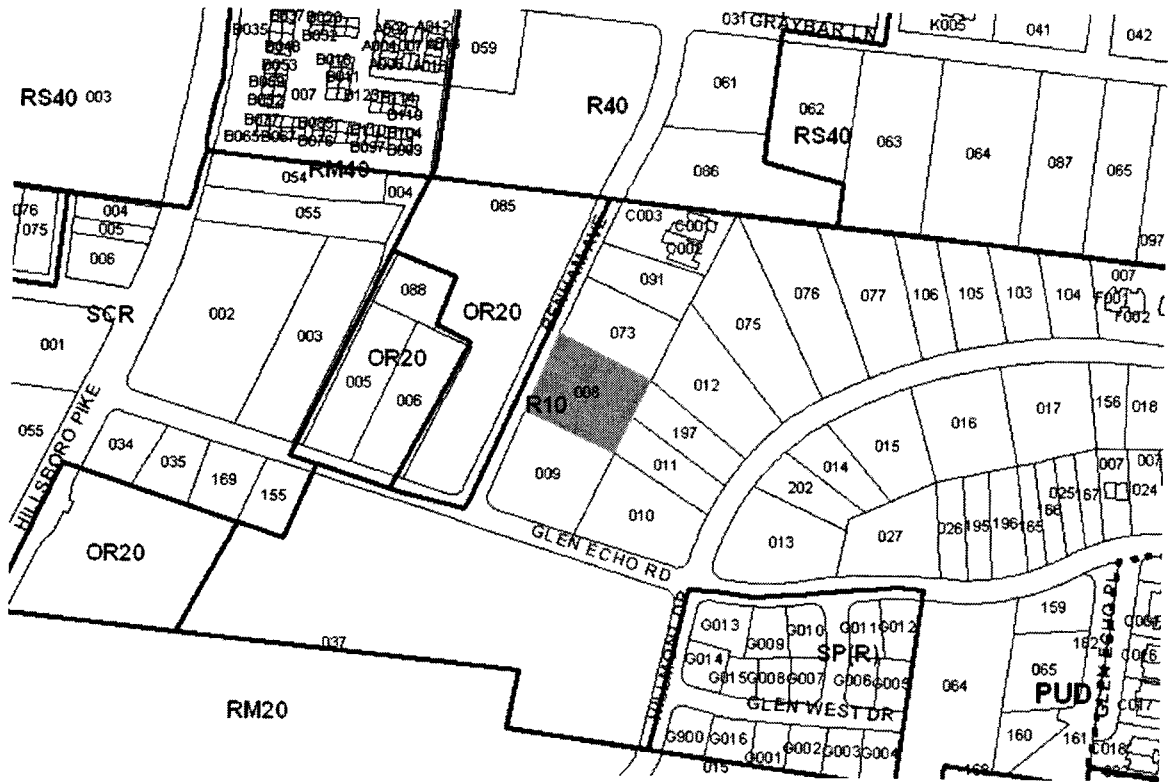
Because this request requires both an exception to and a variance from the Subdivision Regulations and has not received Fire Marshal approval, staff recommends disapproval.

CONDITIONS (if approved)

Prior to recording the final plat, the following revisions need to be made:

1. Adjust north arrow
2. Comply with all Fire Marshal requirements.

SEE NEXT PAGE



2008S-117U-10
 Glen Echo, Resub Lot 9
 Map: 117-15 Parcel: 008
 Subarea 10
 Council District 25 – Sean McGuire



Project No. Subdivision 2008S-117U-10
Project Name Glen Echo, Resub, Lot 9
Council District 25 – McGuire
School Board District 8 - Fox
Requested By Gresham Smith and Partners, applicant for Haury and Smith Contractors Inc., owners

Staff Reviewer Swaggart
Staff Recommendation *Approve subdivision including an exception to lot comparability for area and frontage*

APPLICANT REQUEST
Final Plat A request for final plat approval to create 2 lots on 0.85 acres for property located at 3714 Benham Avenue, approximately 250 feet north of Glen Echo Road.

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 property is located at 3714 Benham Avenue between Graybar Lane and Glen Echo Road. This section of Benham Avenue consist of single-family and two-family homes on the east side of the road, and the Green Hills Branch Library is located on the west side.

Plat Details
The plan calls for the creation of two new duplex lots on a 0.85 acre existing lot for a density of approximately 4.9 units per acre. Access for both lots is to be from a single shared drive provided along the mutual property line. New sidewalks are proposed along Benham Avenue for both lots.

The original plat that was recorded in 1948 was recorded with 120' front yard setbacks. As proposed the front yard setback would be reduced to meet current the zoning standards.

History
An SP district for 6 single-family units was approved by the Planning Commission in December of 2006. The approval was based on the development's consistency with the area's policies. The development was deferred indefinitely by Council on May 20, 2008 (BL2008-146).

Lot Comparability
Section 3-5 of the Subdivision Regulations stipulates that new lots in areas previously subdivided and

NORTHING-647353.8623
EASTING-1729588.5229

EXISTING CONCRETE MONUMENT

BENHAM AVENUE (50' R.O.W.)

N25°39'42"E
87.52'

S64°20'18"E
218.88'

Laurie A. Scott
INSTRUMENT#20001229-0127341
METRO PARCEL ID 11711007300

LOT 8 OF THE PLAN OF
GLEN ECHO SUBDIVISION
DEED BOOK 1424, PAGE 52

PROPOSED LOT 9R1
AREA= 0.44 ACRES+/-
19,020 SQ.FT+/-

SET NEW 5/8" REBAR
W/ GRESHAM SMITH CAP

TOTAL AREA= 0.87 ACRES+/-
37,764 SQ.FT.+/-

10' UTILITY EASEMENT
DEED BOOK 1424, PAGE 52

IRON ROD EXISTI
BWSC CAP

N25°39'42"E
87.48'

S64°20'18"E
215.75'

PROPOSED LOT 9R
AREA= 0.43 ACRES+/-
18,744 SQ.FT.+/-

PROPOSED LOT LINE

87.58'
S27°42'14"W

NEW 5/8" REBAR
GRESHAM SMITH CAP

10'

10' UTILITY EASEMENT

*EXISTING HOUSE AND
DRIVE TO BE REMOVED

IRON ROD EA
BWSC CAP

N64°19'23"W
212.65'

87.59'
S27°41'36"W

ROBERT THOMAS BUISSON, JR
INSTRUMENT#20051101-0131787
METRO PARCEL ID 11715001100

LOT-1 OF RESUB. OF LOT 12
GLEN ECHO SUBDIVISION
INSTR# 20040802-0092218

IRON ROD EXISTING
BWSC CAP

10'



Metro Planning Commission Meeting of 6/26/08

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:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Benham	19,166	90.27

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

- Lot 1: 18,744 sq. ft., (.43 acres), with 87.48 linear ft. of frontage on Benham Avenue.
- Lot 2: 19,020 sq. ft., (.44 acres), with 87.52 linear ft. of frontage on Benham Avenue.

As proposed, neither lot meets the minimum requirements for area or frontage. Though the proposed lots do not meet the minimum lot size and frontage standard from the lot comparability analysis, the Planning Commission may grant an exception to the requirement.

Lot Comparability Exception

A lot comparability exception may be granted if the lot does not meet the minimum requirements of the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots meet **two** of the qualifying criteria of the exception to lot comparability:

- If the proposed subdivision is within one-half mile radius of any area designated as a "Regional Activity Center" land use policy category. The property is less than 500 feet from a Regional Activity Center policy area.
- Where the proposed lot sizes are consistent with the adopted land use policy that applies to the



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property. The property is in the Green Hills/Midtown policy area, and the structure policy is RM (Residential Medium) which is intended to accommodate residential development within a density range of four to nine dwelling units per acre. The property is also in a special policy (Special Policy 11) area that is intended to promote higher density development that is sustainable and walkable. As proposed the request will increase the density from what is currently allowed and with the construction of sidewalks on both lots (and a shared drive to limit access) the request meets the intent of the policy.

**STORMWATER
RECOMMENDATION**

Approved

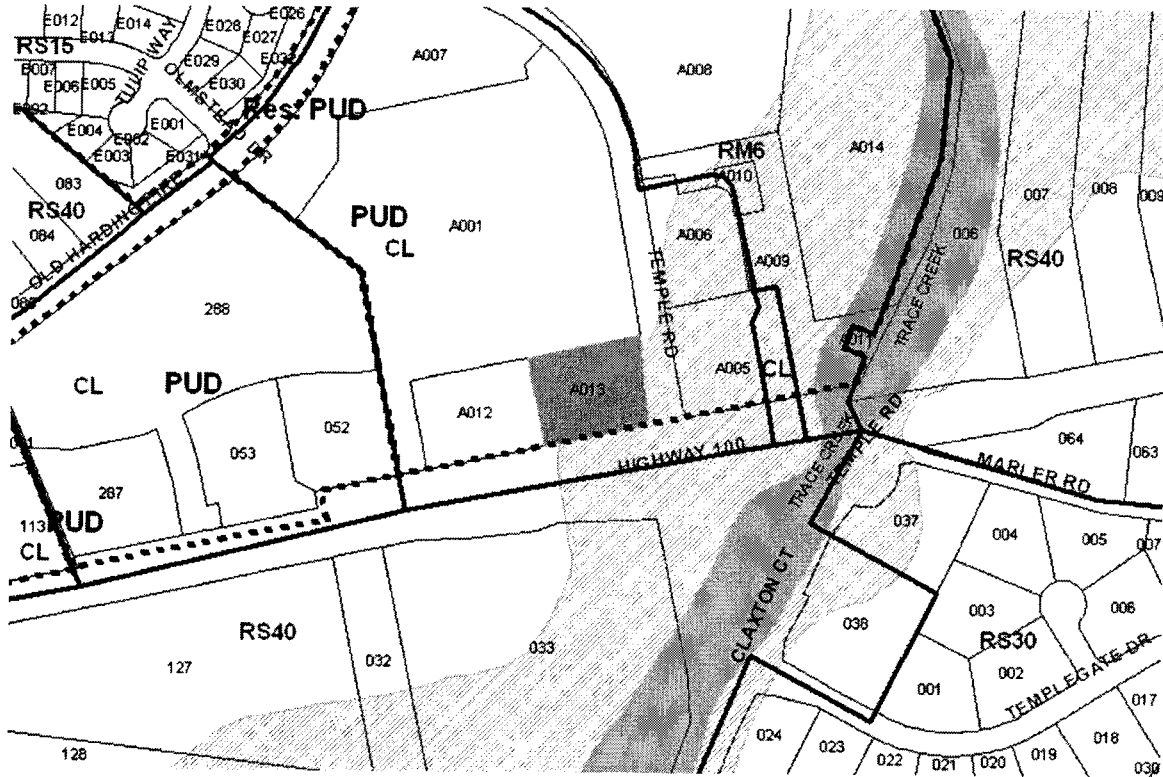
**PUBLIC WORKS
RECOMMENDATION**

No Exception Taken

STAFF RECOMMENDATION

Staff recommends that the subdivision be approved as proposed. An exception to the Lot Comparability requirement is justified because the property is less than 500 feet from a Regional Activity Center and the request is consistent with the area's land use policies. Allowing for a smaller front yard setback is also consistent with the area's land use policy and the current zoning setbacks.

**REVISIONS
and FINAL SITE PLANS**



2005P-008G-06

Harpeth Village Regions Bank Variance

Map: 156-09-A Parcel: 130

Subarea 6

Council District 35 – Bo Mitchell



Project No. **Planned Unit Development 2005P-008G-06**
Project Name **Harpeth Village Regions Bank Variance**
Council District 35 – Mitchell
School District 9 - Warden
Requested by Littlejohn Engineering Associates, Inc., applicant, for Regions Bank, owner

Staff Reviewer Logan
Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

A request for a variance to Section 17.12.070 of the Zoning Code for property within the Harpeth Village Commercial Planned Unit Development district located at 8000 Highway 100, at the northwest corner of Highway 100 and Temple Road, zoned Commercial Limited (CL), (1.01 acres), to allow for a variance from the scenic buffer requirements.

ZONING
 CL District

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

PLAN DETAILS

The Regions Bank final site plan was approved administratively on February 20, 2008. This approval included a landscape plan that met the scenic buffer requirements along Highway 100.

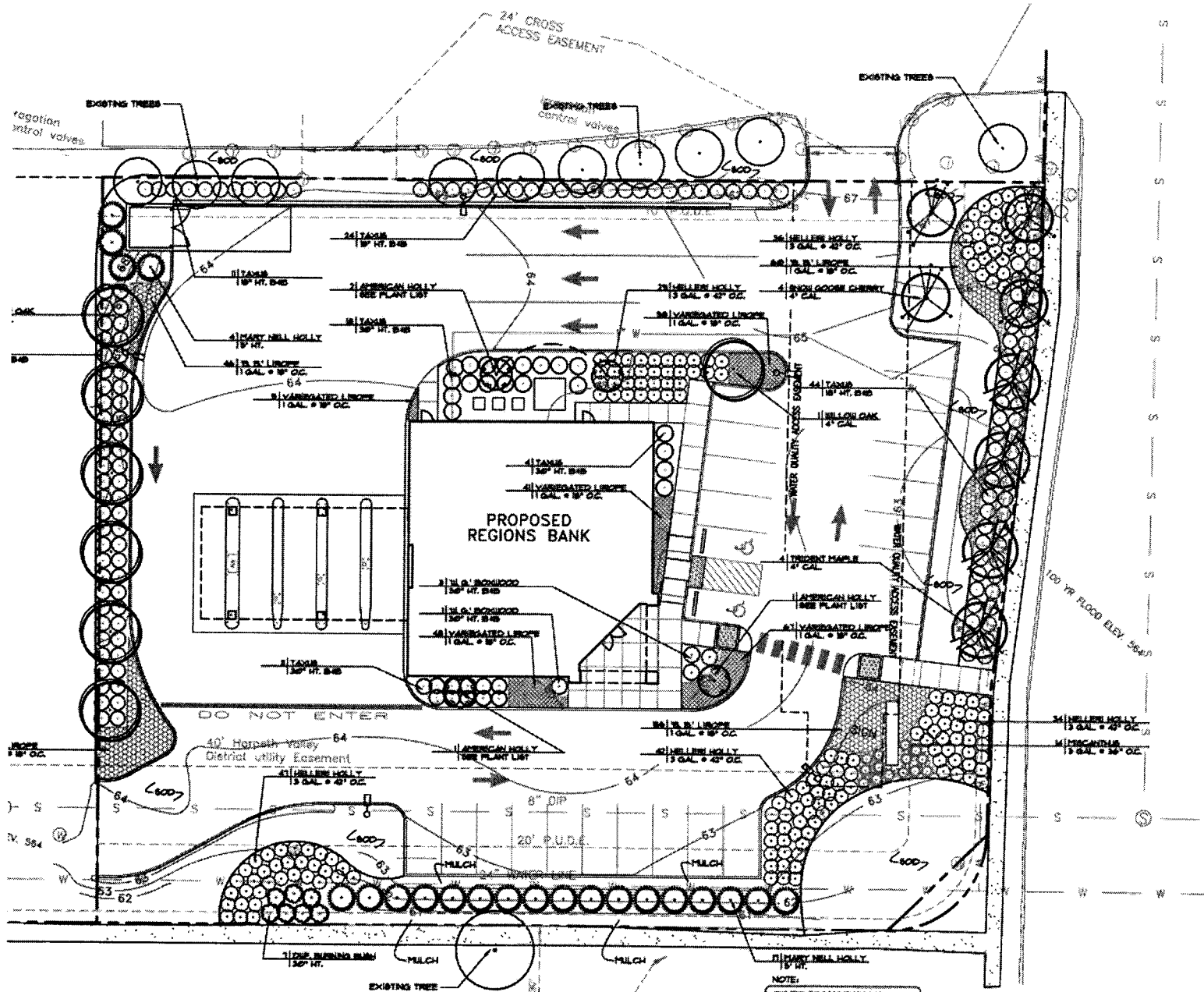
After the final site plan was approved, the applicant was told by Harpeth Valley Utility District (HVUD) that they could not plant trees along Highway 100 due to a HVUD easement that overlaps with the scenic landscape easement. There is now an application before the Board of Zoning Appeals for a variance to the scenic landscape easement. Since this variance request is within a Planned Unit Development, the Planning Commission must make a recommendation to the Board of Zoning Appeals regarding the request.

Scenic landscape easements

Section 17.24.070 of the Metro Zoning Ordinance states:

Property abutting a street designated a scenic arterial by the major street plan shall comply with the following requirements:

A. The area of a lot located within ten feet of the right-of-way of a designated scenic arterial shall be



S
S
S
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W
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W



Metro Planning Commission Meeting of 6/26/08

designated as a "scenic landscape easement" and shall be planted with a Standard A landscape buffer yard. Existing vegetation may be used, in part or in whole to meet this requirement.

B. No grading, cutting of trees or brush exceeding one inch in diameter, or disturbance of prominent natural features shall be performed within a scenic landscape easement except for minimal disturbance necessary to permit streets, driveways or utility corridors. Only those improvements allowed in a landscape buffer yard shall be permitted within the scenic arterial easement.

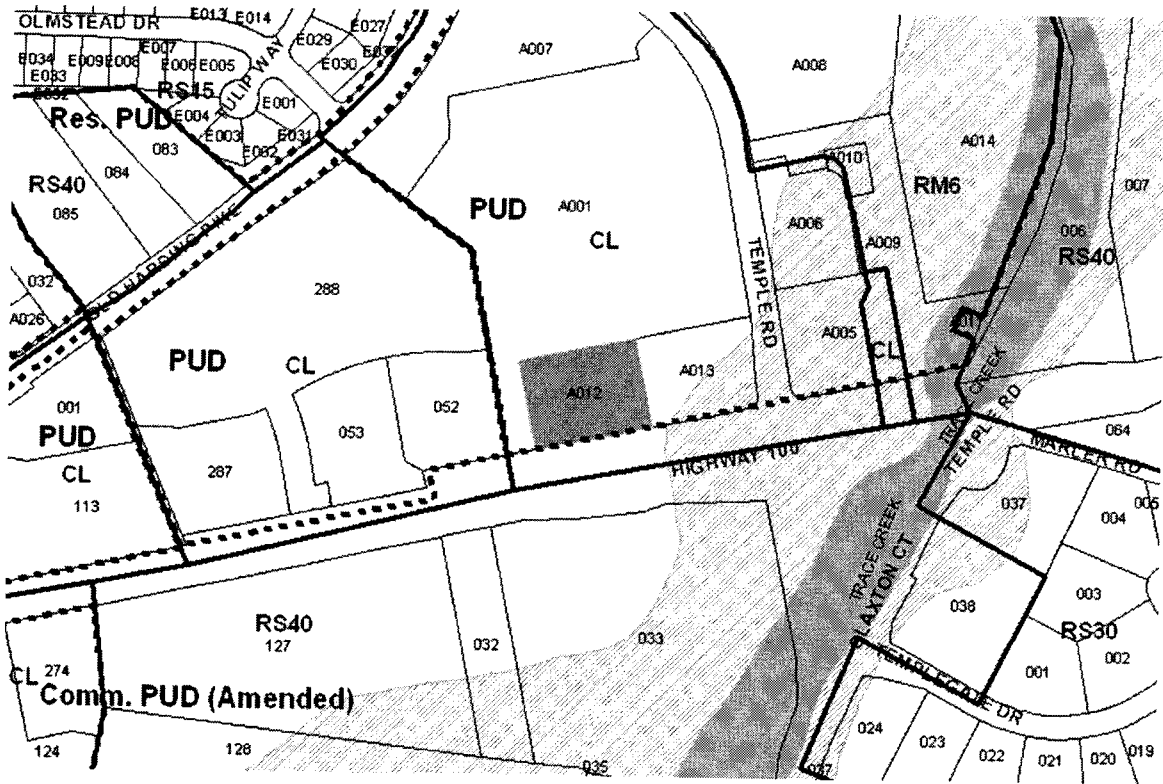
Analysis

Since the applicant is unable to completely satisfy both HVUD and the Metro Zoning Ordinance, staff has worked with the applicant to produce a landscape plan that includes plants permitted by Harpeth Valley Utility District, and positions them in a manner which screens the building from the public right-of-way. The applicant has proposed a single row of evergreen shrubs that will reach a mature height of just over six feet. Staff has determined that this will meet the intent of the scenic landscape easement.

Staff has spoken with a representative of Harpeth Valley Utility District, who stated that this plan could work. The applicant will need to continue working with HVUD on the details of the plan. The applicant will need to meet the tree density requirements of the Metro Zoning Ordinance on the rest of the site.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the variance to the BZA with the condition that the single row of evergreen shrubs with a mature height of six feet is planted. The tree density requirements of the Metro Zoning Ordinance must also be met on the site.



2005P-008G-06
 Harpeth Village (Publix Fueling Station)
 Map: 156-09-A Parcel: 012
 Subarea 6
 Council District 35 – Bo Mitchell



Project No.	Planned Unit Development 2005P-008G-06
Project Name	Harpeth Village
Council District	35 - Mitchell
School Board District	9 - Warden
Requested By	Core Sates Engineering, applicant for Kimco Barclay Harpeth Partners L.P., owner
Staff Reviewer	Swaggart
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

Revise Preliminary and PUD Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Harpeth Village Planned Unit Development located at 8002 Highway 100, approximately 300 feet west of Temple Road, (1.12 acres), to permit an automobile convenience center.

Zoning District
CL District

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

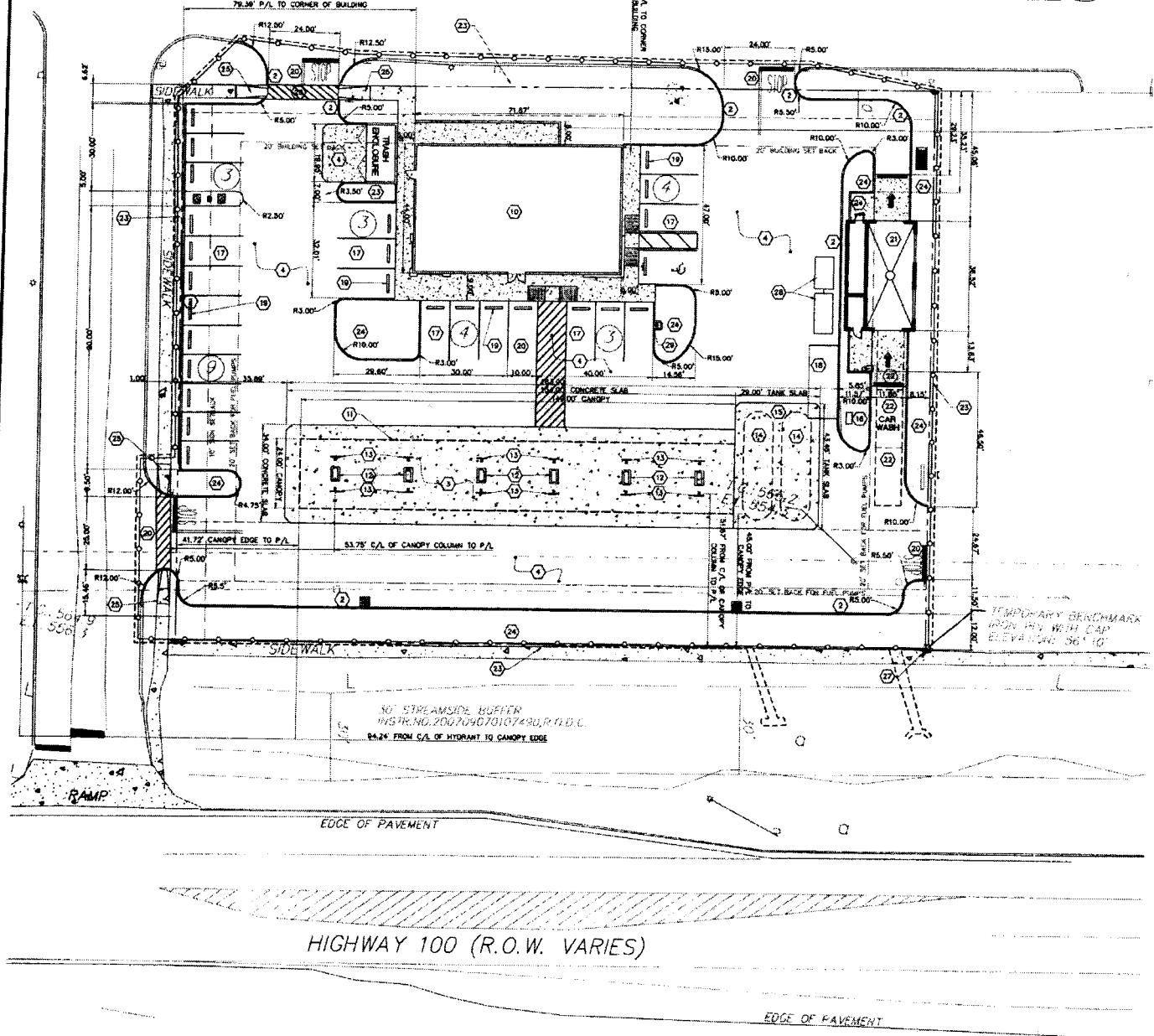
PLAN DETAILS

This is a request to revise the last approved preliminary plan and for final site plan approval for an undeveloped out parcel (Out Parcel 2) in the Harpeth Village Planned Unit Development. The PUD is located along the north side of Highway 100 just east of the intersection of Old Harding Pike and Highway 100. Major components of the PUD have been constructed including the extension of Temple Road and the Publix grocery store.

History

The Planning Commission originally recommended that the Metro Council approve the PUD in March of 2005. A condition of the recommendation was that the applicants continue to work with Planning Staff to make the plan more consistent with the area's Community Center Policy. Specifically for this site and the other sites adjacent Highway 100, the plan was amended in 2006 and revised in 2007 and included numerous changes that made the development more consistent with the Community Center Policy. That last approved plan (August 8, 2007) called for an 8,700 square foot building for retail or restaurant uses on this site. To better meet the intent of the Community Center policy, the building was moved closer to Highway 100

STOP



79.50' P.A. TO CORNER OF BUILDING

20.00' P.A. TO CORNER OF BUILDING

SIDWALK

20' BUILDING SET BACK

20' BUILDING SET BACK

CONCRETE SLAB
OVER CANOPY

20.00' TANK SLAB

5.00' SET BACK FOR STEEL PANELS

20' SET BACK FOR FUEL PIPING

41.72' CANOPY EDGE TO P.A.

53.75' C.A. OF CANOPY COLUMN TO P.A.

SIDWALK

TEMPORARY BENCHMARK
WOOD PIV WITH CAP
ELEVATION: 56.10'

50' STREAMSIDE BUFFER
MGS PR. NO. 200704070107490, R.F.D.C.
84.24' FROM C.A. OF HYDRANT TO CANOPY EDGE

RAMP

EDGE OF PAVEMENT

HIGHWAY 100 (R.O.W. VARIES)

EDGE OF PAVEMENT



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and most of the parking was moved to the side and rear of the building.

Site Plan

The new proposed plan calls for a fuel center to include a 3,150 sq. ft. convenience market, automatic drive-thru car wash and covered fuel area with six fuel pumps. The convenience market is sited along the northern internal property line, with its back facing the internal drive and Publix. The car wash is sited along the eastern property line, and the fuel pumps and canopy are sited closer to Highway 100, in front of the convenience market.

Access to the fuel center is shown at four separate locations. Three access points are from the development's internal drives and one is shown from the adjacent out parcel to the east.

The plan identifies the 17' wide scenic landscape easement which is required along Highway 100. The landscaping plan shows what appears to be a 15' wide B-2 Standard Buffer Yard adjacent Highway 100 within the scenic landscape easement.

Analysis

While the application is for a revision to the preliminary and final PUD, the proposed changes are not consistent with the last plan approved by Council and should be considered an amendment requiring Council approval. Section 17.40.120 of the Metro Zoning Code requires Council approval for all changes to a final site plan when the Planning Commission finds that the change alters the basic development concept of the last Council approved plan. The last Council approved plan addressed the original condition of approval that the plan be more consistent with the Community Center Policy. The present proposal moves the plan further from the policy's design standards by introducing a canopy and fuel pumps along Highway 100, and is not consistent with the pedestrian friendly environment envisioned by the Community Center policy.

Highway 100 is designated as a scenic arterial and requires buffering to help protect the visual corridor along the highway. The scenic designation for this corridor in this area has long been compromised. Nevertheless, additional landscaping materials in



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addition to what is normally required for a scenic landscape easement could be utilized to lessen the impact of the proposed fuel center on the Highway 100 scenic corridor.

During the review of this project, Planning staff proposed a compromise with the applicant to allow the fuel pumps if the applicant would provide additional landscaping along the highway. This proposal was agreed to by the applicant; but it was later learned that additional landscaping cannot be provided in this location because it would conflict with a Harpeth Valley Utility District (HVUD) utility easement. HVUD has a utility and drainage easement adjacent to Highway 100 and that utility has stated they will not allow the new plantings that had been agreed upon by staff and the applicant to buffer the proposed fuel center. The applicant has indicated that it may seek a variance from the scenic landscape requirements. If a variance is approved by the Board of Zoning Appeals, then no landscape buffering would be required along Highway 100. Because the proposed layout of the site would place the fuel pumps closest to Highway 100, staff does not recommend approval of any variance to the required scenic landscape buffer yard requirement.

For the most part it has proven difficult for developers in Nashville to propose a site plan for a fuel center that meets the intent of land use policies that promote pedestrian-friendly development. Most of the difficulty seems to stem from an insistence on the part of fuel center designers to provide only a conventional design for all fuel centers. The applicants for this property have been unwilling to consider an alternative layout that may better meet the community plan policy for this area of providing pedestrian friendly development.

For the plan to be more consistent with the area's Community Center policy the canopy and fuel pumps should be relocated so that they do not dominate the landscape along Highway 100. The convenience market could be moved closer to Highway 100 or moved to the northwest corner of the lot.

Since the plan is not consistent with the last plan approved by Council, it requires approval from Council. Staff attempted to develop a compromise that



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would have provided additional landscaping in lieu of designing the project to meet the Community Center land use policy. This attempt to allow the development to move forward with the proposed layout failed due to the conflict between the location of the required scenic landscape easement and Harpeth Valley Utility District's utility easement along Highway 100. Because the applicant is unwilling to revise the plan, staff can not recommend approval of the requested PUD revision.

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.

STORMWATER RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends that the request be disapproved, that this request be considered an amendment to the PUD and that any approval must be granted by Metro council.

CONDITIONS (if approved)

1. All signs must be consistent with the PUD sign requirements. Sign details including location and design must be included in the plan prior to permit sign off.
2. Remove the cross access to the adjacent property to the east. A previously approved final for that property did not include the cross access.
3. 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.
4. 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

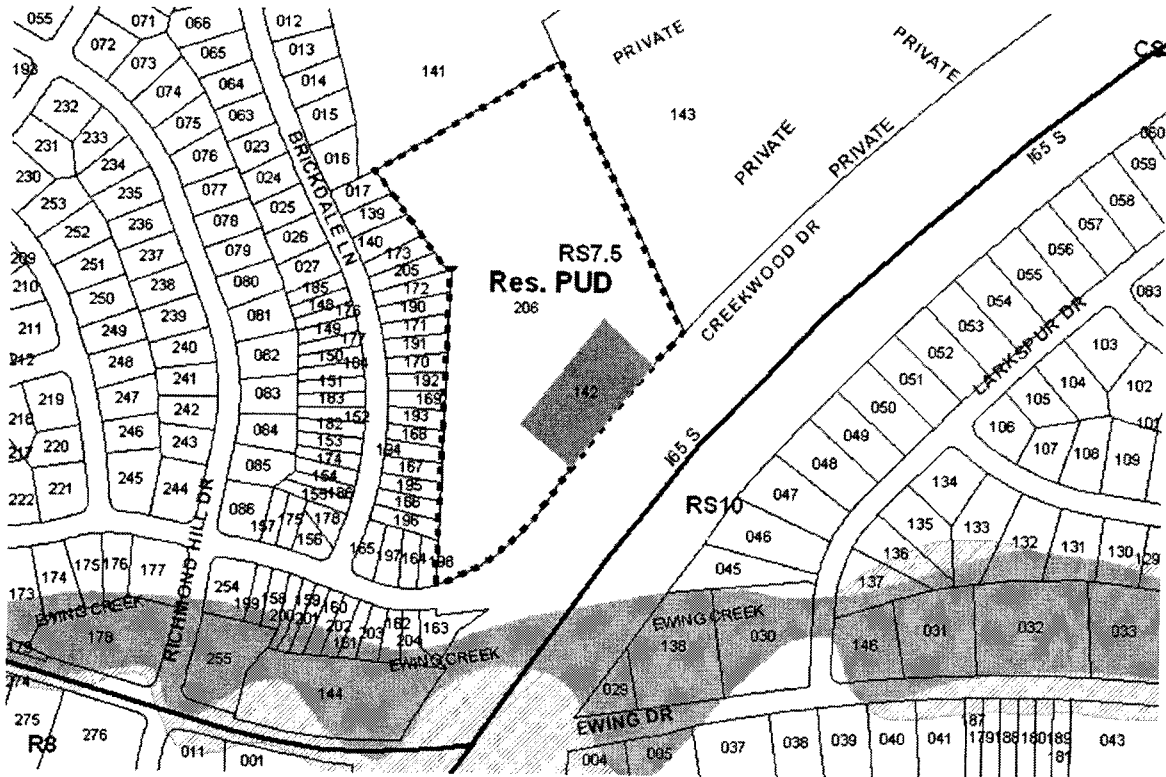


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actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

5. 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



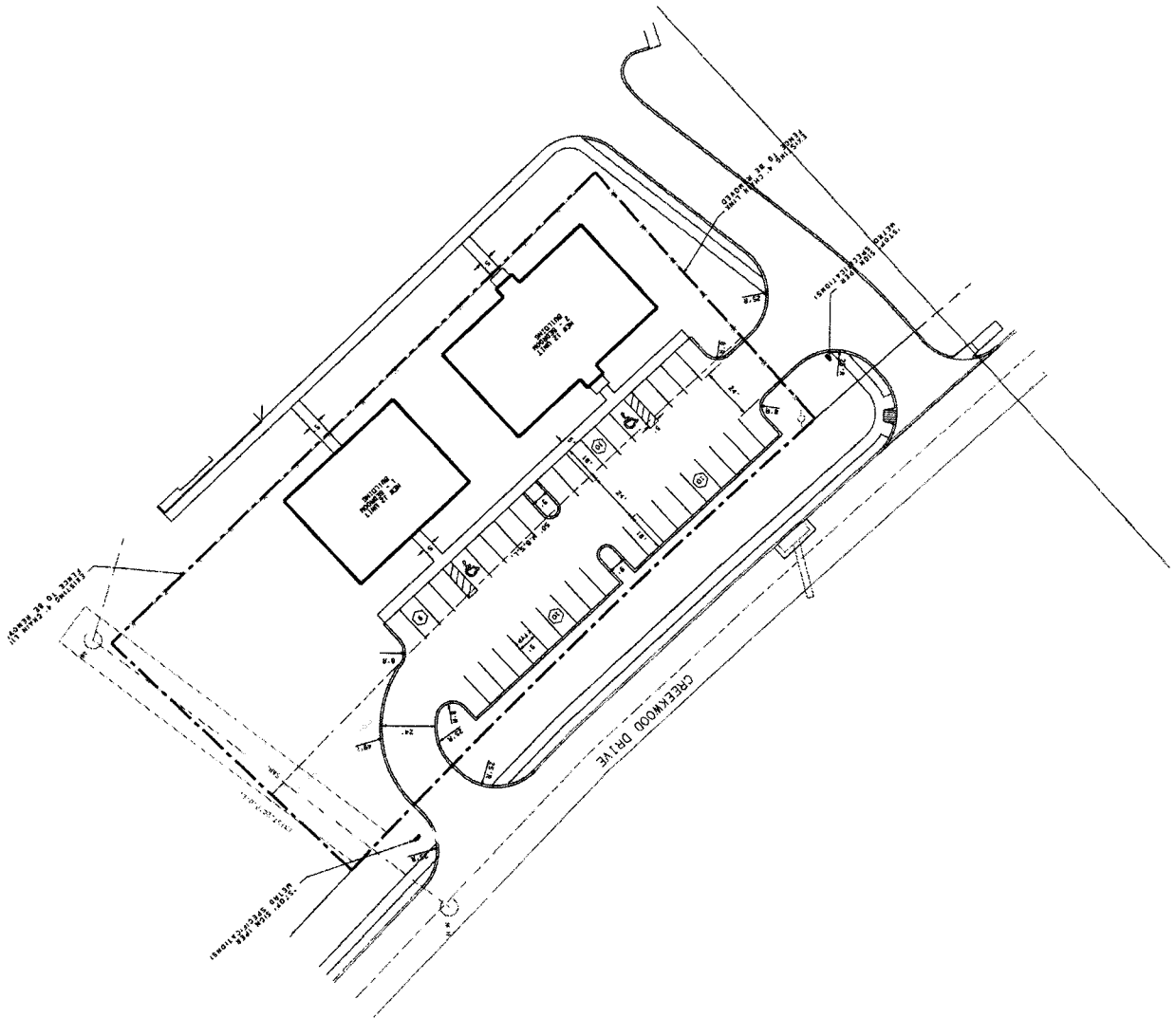
59-86-P-02
 Skyline Village Apartments
 Map: 060-03 Parcel: 142
 Subarea 2
 Council District 3 – Walter Hunt



Project No.	Planned Unit Development 59-86-P-02
Project Name	Skyline Village Apartments PUD
Council District	3 – Hunt
School District	1 – Thompson
Requested By	John Coleman Hayes P.C., applicant, for Hayes Development LLC, owner
Staff Reviewer	Jones
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST	A request to revise the preliminary plan for a portion of the Skyline Village Apartments Planned Unit Development located at Creekwood Terrace (unnumbered), approximately 750 feet north of Ewing Drive (1.02 acres), zoned Single-Family Residential (RS7.5), to permit 24 multi-family units where a 3,600 square foot day-care facility was previously approved.
Revise Preliminary	

PLAN DETAILS	The plan proposes two multi-family buildings within Phase II of the PUD. Each building is planned to consist of 12 units for a total of 24 multi-family units. The addition of 24 units to the overall development brings the total unit count to 104, with an overall density of 10.47 units per acre.
Access/Parking	Phase II of the PUD will have direct access to Creekwood Drive by a private driveway that will intersect Creekwood Drive to the south. A secondary access is provided off of an existing internal driveway that also intersects Creekwood Drive. Phase II requires a minimum of 36 parking spaces. The site plan illustrates a total of 39 parking spaces, which exceeds the minimum requirements of the Metro Zoning Ordinance.
Sidewalks	Sidewalks are planned within the development to provide pedestrian connections to the existing sidewalk network internal to the PUD and along Creekwood Drive.
Landscaping	The plan includes a landscaping plan that illustrates planting areas around the perimeter of the site and interior to the parking lot. Two trees are provided in the parking area which complies with the minimum interior planting requirements of the Metro Zoning Ordinance.





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Preliminary Plan

The preliminary PUD plan was approved to permit 128 multi-family units and a child daycare facility. Section 17.40.120 G.2.f of the Metro Zoning Ordinance states that the Planning Commission may approve minor modifications to a previously approved PUD plan if the proposed number of units does not exceed the total number of units originally authorized by the enacting ordinance. Currently, there are 80 units in Phase I of the PUD. Phase II proposes 24 units increasing the total number of units to 104.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. With the submittal of construction plans, document adequate sight distance at project access locations.
3. Recycling collection / solid waste disposal plan to be approved by the Department of Public Works Solid Waste Division.

STORMWATER RECOMMENDATION

Preliminary PUD approved.

METRO WATER SERVICES RECOMMENDATION

A public water main extension will be required for this project.

FIRE MARSHAL RECOMMENDATION

Approved. Fire hydrant flow data shall be provided before issuance of any building permit.

STAFF RECOMMENDATION

Staff recommends approval of the revision to the preliminary PUD plan.



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CONDITIONS

1. 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.
2. 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.
3. 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.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.