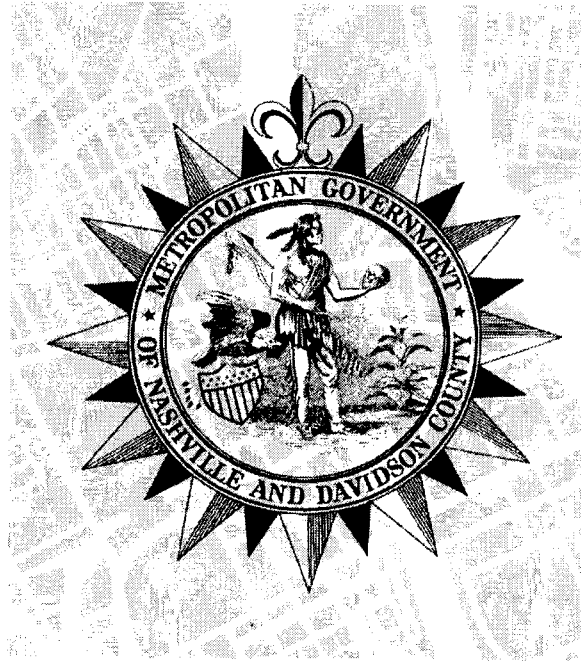


# Metropolitan Planning Commission



Staff Reports

**April 23, 2009**

*Mission Statement: The Planning Commission guides growth and development as Nashville and Davidson County evolve into a more socially, economically and environmentally sustainable community, with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.*

## **PREVIOUSLY DEFERRED ITEMS**

**NO SKETCH**



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

**Zone Change 2009Z-002TX-001**  
**Mobile Vendors: Special Exception**  
BL2009-410  
Countywide  
N/A  
Councilmember Pam Murray  
*Deferred from the April 14, 2009, Planning Commission meeting*

**Staff Reviewer**  
**Staff Recommendation**

Regen  
*Approve with amendment*

**APPLICANT REQUEST**

**A council bill to amend the Metro Zoning Code, Chapter 17.16, to allow mobile vendors unable to comply with the indoor-only provisions to apply for a Special Exception (SE) permit for outdoor vending.**

**Deferral**

**This item was deferred by the Planning Commission in order to allow a Metro Codes staff member and a Metro Legal staff member who represents the BZA to attend the meeting to provide additional information.**

**ANALYSIS**

Existing Law

The Zoning Code allows mobile vendors as a use "permitted with conditions" (PC) in the CL, CS, CA and CF zoning districts. Mobile vendors may sell goods, wares or merchandise within a permanently, enclosed structure with no outdoor vending or display areas (tables, crates, cartons, racks or other devices). No outside vending or display area are allowed except for vendors selling food, beverages, living plants, or agricultural products, or if the street vendor is licensed.

Proposed Text

The bill applies countywide and allows mobile vendors to locate on any collector street provided such activity occurs between 7:00 a.m. and 6:00 p.m.; there are no outdoor loudspeakers or public address systems; and a minimum 50 foot setback is maintained from any residential zoning district or public right-of-way. No mobile vendor can locate along a local residential street or an arterial street.

Analysis

This proposed bill requires anyone wanting to do an "outdoor" mobile vendor use to apply for a special exception (SE). By making "outdoor" events a SE use, a public hearing is required by the Board of Zoning Appeals (BZA). The community will receive notice of the upcoming hearing by mail if they live within 600 feet of the proposed vendor location. In addition, one or more



## Metro Planning Commission Meeting of 4/23/2009

public hearing signs will be posted on the property, depending on the location's street frontage, announcing the date and time of the public hearing to the community. Further, the Planning Commission is required to provide the BZA a recommendation as to the proposed use's consistency with the General Plan.

A SE is a discretionary review process by the BZA. By requiring a SE, community concerns can be addressed, and conditions can be adopted by the BZA, to ensure the proposed use enhances the neighborhood. Further, a SE enables the Codes Department to effectively enforce the mobile vendor standards by knowing who clearly has approval to vend outdoors, where they can vend, what hours they can vend, and under what other conditions, as may be adopted by the BZA. The SE approval also enables the BZA to revisit an applicant's compliance with adopted conditions, and if appropriate, revoke the vendor's SE status for non-compliance. The proposed text amend include the following standards:

1. **Setback.** All mobile vending activity shall be setback a minimum of fifty feet from the public right-of-way. Further, all such mobile vending activity must be setback at least fifty feet from any residential zoning district.
2. **Street Standard.** Mobile vending activity shall not be permitted along any local residential street or arterial street, but shall only take place when frontage is on a collector street.
3. **Outdoor Loudspeakers.** There shall be no outdoor loudspeakers or public address systems.
4. **Hours of Operation.** The hours of operation for any mobile vending activity shall be limited to 7:00 a.m. to 6:00 p.m.

At the last meeting, the Commission requested staff contact the Zoning Administrator, the Metro Legal staff attorney for the Codes Department, and the BZA Chair and ask them to attend the next Planning Commission meeting. All three have been contacted, and the Zoning Administrator is confirmed. We are awaiting to hear responses from Doug Sloan of Metro Legal and the BZA Chair, David Ewing.



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### **STAFF RECOMMENDATION**

Staff recommends approval of this bill with one minor amendment. Staff recommends clarifying that a mobile vendor must be located on a collector street "designated on the adopted Major Street Plan". There are many streets within Davidson County that have the width of a collector street, but functionally, operate as a local street.

**NO SKETCH**





**Project No.**

**Zone Change 2009Z-004TX-001**

**Name**

**Historic Bed & Breakfast Homestay**

**Council Bill**

BL2009-432

**Council District**

Countywide

**School District**

N/A

**Requested by**

Councilmember Mike Jameson

**Deferral**

*Deferred from the April 14, 2009, Planning Commission meeting at the request of the applicant*

**Staff Reviewer**

Regen

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**A request to amend Chapters 17.16, 17.36 and 17.40 of the Zoning Code to delete "Historic Bed and Breakfast Homestay" as an historic overlay district and add it as a Special Exception (SE) use and a use permitted by right (P) in certain zoning districts.**

---

**ANALYSIS**

Existing Law

The Zoning Code allows a historic bed and breakfast homestay (historic B&B) within a historic overlay district known as "Historic Bed and Breakfast Homestay". The overlay district must be approved by the Metro Council with a recommendation from the Metro Planning Commission and Metro Historic Commission. To qualify for the historic overlay district, the structure must be evaluated for its role in local, state, or national history, mastery of craftsmanship, or its listing or eligibility for listing on the National Register of Historic Places.

Proposed Text

This bill proposes to allow historic B&B as a special exception (SE) use. The Board of Zoning Appeals (BZA) would review and approve the use after receiving approval of the use's location via a resolution by the Metro Council and a recommendation from the Metro Planning Commission and Metro Historic Commission. In addition, the bill would allow historic B&B as a use by right (P) in certain zoning districts.

Analysis

Ordinance No. BL2005-701 was adopted by the Metro Council on August 19, 2005, making historic B&B a historic overlay district, and deleting it as a SE or P in certain zoning districts. Under the prior SE provisions, the Zoning Administrator notified the Metro Council of a pending historic B&B application, and the Metro Council had 60 days from said notification to approve the specific location by Council resolution. If the Metro Council failed to act within 60 days of the Zoning Administrator's



## Metro Planning Commission Meeting of 4/23/2009

notification, the Board of Zoning Appeals could proceed with its consideration of the application.

The proposed bill essentially repeals Ordinance No. BL2005-701 and reinstates historic B&B as a SE and a P use as follows:

- Special exception (SE) in the AG, AR2a, all RS, all R, all RM, ON, OL, and OG districts subject to Metro Council pre-approval of the proposed location prior to BZA review and approval.
- Permitted (P) in the MUN, MUL, MUG, MUI, OR20, OR40, ORI, CN, CL, CS, CA, CF, CC, SCN, SCC, and SCR districts.

With the proposed changes, a property owner requesting a historic B&B could obtain approval in as little as a few days, if permitted by right, to at most six to eight weeks, if a SE were required. Currently, an owner must wait three to four months to complete the rezoning process.

Besides reducing the time involved in getting approval, this bill eliminates the more restrictive qualifying criteria that a structure currently is required to meet: (a) its role in local, state, or national history, (b) mastery of craftsmanship, or (c) its listing or eligibility for listing on the National Register of Historic Places. Instead, structures would need to be determined by the Metro Historic Zoning Commission as "historically significant structure", as defined in Section 17.040.060 of the Zoning Code. This change reflects how structures were previously evaluated for historic B&Bs, prior to the enactment of Ordinance No. BL2005-701.

### Meeting with Bill Sponsor

On April 14, 2009, staff met with the bill sponsor, a proposed historic B&B operator, and staff member of the Metro Historic Zoning Commission. Several items were discussed regarding enforcement and transferability of a historic B&B permit to a new owner/operator. The sponsor requested staff draft several conditions to address these items, and is currently reviewing those proposed amendments. Staff will present to the Commission those amendments at the meeting.

### Metro Historic Zoning Commission

The staff of the Metro Historic Zoning Commission has reviewed the proposed bill and recommends approval to the Planning Commission.



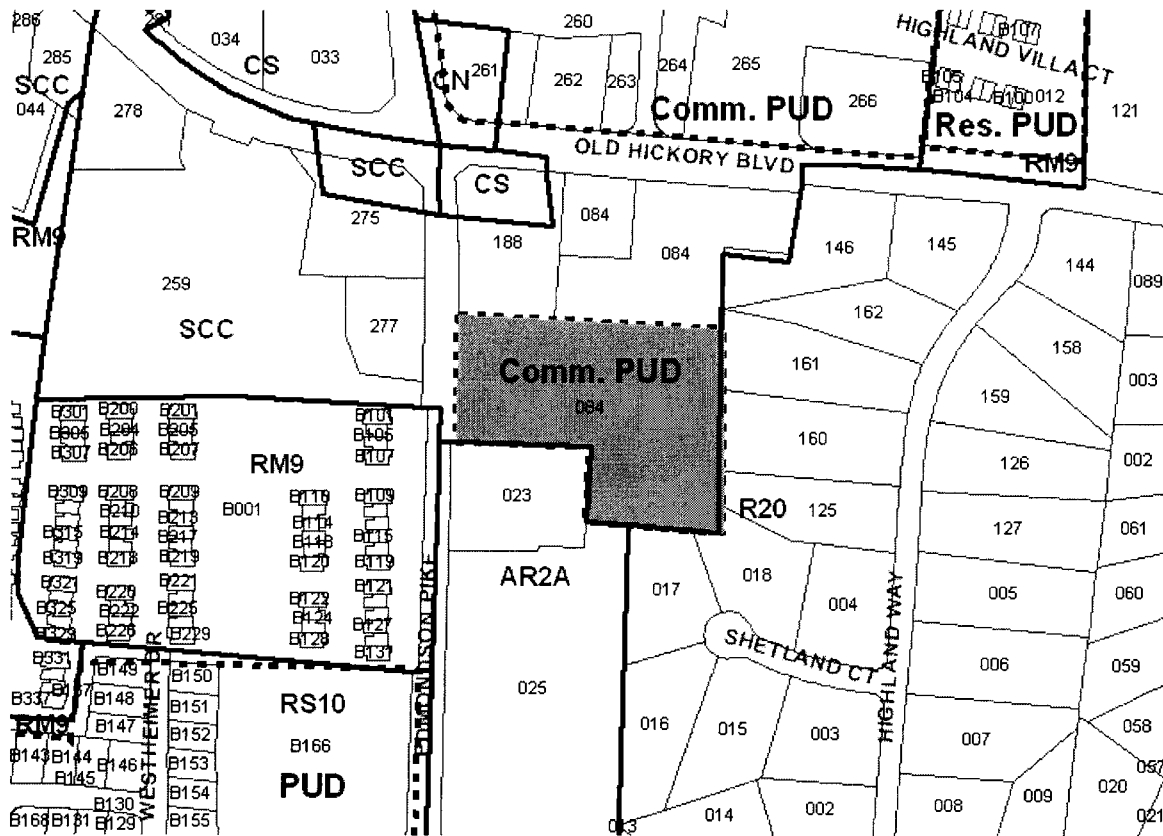
## Metro Planning Commission Meeting of 4/23/2009

### **STAFF RECOMMENDATION**

Staff recommends approval of this bill as it reduces the time it will take to approve a historic B&B from three to four months to approximately six to eight weeks. It also broadens the definition of a historic structure, enabling more opportunities for unique travel stays by visitors and family members in Nashville. It also gives the Board of Zoning Appeals the ability to place unique conditions on the approval of a B&B Special Exception to address specific neighborhood concerns.

**SEE NEXT PAGE**

# **REHEARING**



**88-69P-001**  
 Williams Home Place PUD (Verizon Tower Revision)  
 Map: 161-00 Parcel: 084  
 Southeast Community Plan  
 Council District 31 – Parker Toler



**Project No.  
Project Name**

**Planned Unit Development 88-69P-001  
Williams Home Place PUD (Verizon Tower  
Revision)**

**Council District  
School Board District  
Requested By**

31 - Toler  
2 - Brannon  
Verizon Wireless Tennessee Partnership, applicant for  
WM LLC, owner

**Rehearing**

*The Planning Commission voted to rehear this request at  
the March 14, 2009, meeting*

**Staff Reviewer  
Staff Recommendation**

Swaggart  
*Approve with conditions*

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**APPLICANT REQUEST  
Revise Preliminary Plan and  
PUD Final Site Plan**

**A request to revise the preliminary plan and for  
final approval for the Williams Home Place Planned  
Unit Development Overlay located at 5714 Edmondson  
Pike, approximately 380 feet south of Old Hickory  
Boulevard (4.36 acres), zoned Shopping Center  
Community (SCC), to permit a 180 foot monopole  
wireless communication tower.**

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**Rehearing**

The Planning Commission originally heard this request on March 12, 2009. The Planning Commission found that the proposed wireless communication tower represented a significant change requiring Council approval. The Commission voted to disapprove the request as a "revision", but to approve the request as an "amendment" to the PUD.

Since the Planning Commission's decision Metro Legal has informed staff that, while the Planning Commission does have the authority under Federal Law to deny request for cell towers, such denial must be supported by substantial and material evidence contained within the written administrative record. According to a memo received from Metro Legal, state or local governments can *not* (1) unreasonably discriminate among providers of functionally equivalent services; and (2) shall not prohibit or have the effect of prohibiting the provision of personal wireless services. The memo has been included at the end of the staff report.

For a state or local government to legally deny a cell tower it would be required to support the denial with substantial and material evidence that the proposed tower is not needed and that the carriers service would not be negatively impacted without the new tower. Additionally, in response to concerns raised at the public hearing, the

(SEE PLAN FOR LOCATION)

TY LINE

EDMONDSON PIKE

LARRY & DONNA LÖTHER  
INSTRUMENT NO. 200112220125897  
(188)  
ZONE: CS

CARTER JACKSON LLC  
INSTRUMENT NO. 200210020119531  
(84.01)  
ZONE: SCC

WADE B. MANGRUM AND  
JOY L. GREGORY  
INSTRUMENT NO. 200112220125897  
(161)  
ZONE: R20

ANTHONY L. LOCKLAYER ET UX  
DEED BOOK 6142, PAGE 473  
(160)  
ZONE: R20

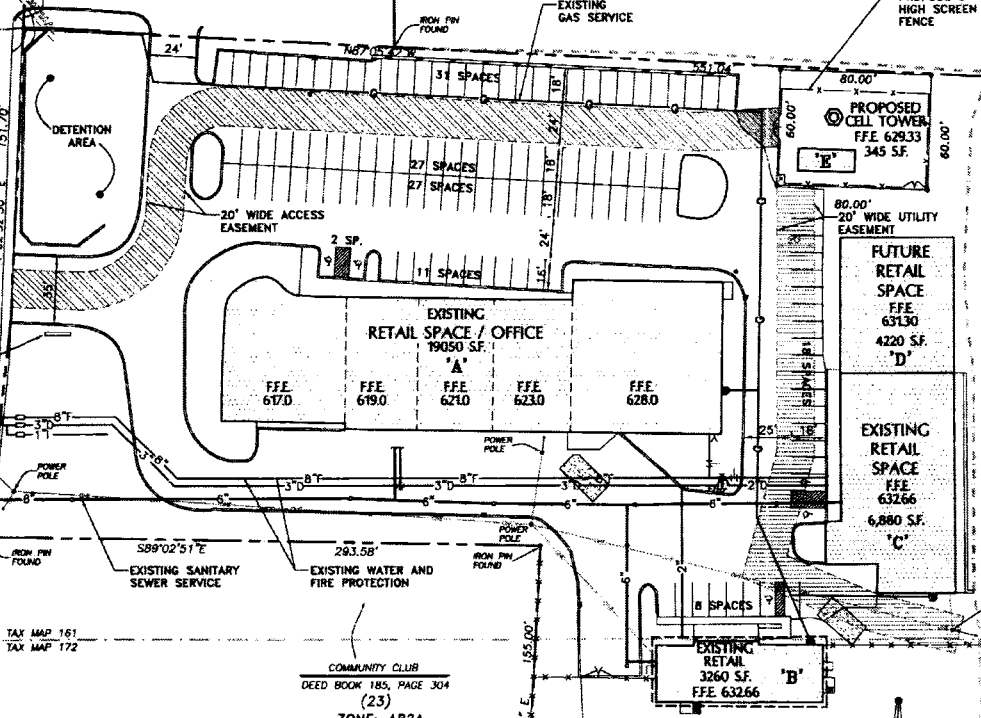
WILLIAM A. JOHNSON ET UX  
DEED BOOK 5448, PAGE 891  
(125)  
ZONE: R20

WOODSON CHAPEL CHURCH  
OF CHRIST TRS  
DEED BOOK 4619, PAGE 405  
(25.01)  
ZONE: AR2A

PAUL M. GOODWIN ET UX  
DEED BOOK 7040, PAGE 201  
(17)  
ZONE: R20

PHIL C. MORRIS AND  
VICKIE H. MORRIS  
DEED BOOK '9812, PAGE 136  
(18)  
ZONE: R20

COMMUNITY CLUB  
DEED BOOK 185, PAGE 304  
(23)  
ZONE: AR2A



NO  
RENT SIGN

TAX MAP 161  
TAX MAP 172

TAX MAP 161  
TAX MAP 172





## Metro Planning Commission Meeting of 4/23/2009

applicant has presented two different styles of tower for the site (see Figures 1 and 2), which they believe to be less intrusive than the original proposal. Staff is recommending approval of Option 1.

Based on the memo from Metro Legal and the applicant's desire to use a different style tower than what was originally proposed, Commissioner Stewart Clifton requested that this request be reheard. Based on this new information, the Planning Commission voted to rehear the request on April 14, 2009.

### PLAN DETAILS

#### PUD History

The Williams Home Place PUD was originally approved in 1989, for 45,000 square feet of retail and office space. The plan was last revised in 2000 for 35,410 square feet of retail, office and restaurant uses. Approximately 29,190 sq. ft. of the development has been constructed.

#### Site Plan

The proposed tower and facilities are located at the rear corner (north east) of the site. The top height of the tower is 180 feet. The plan meets all zoning requirements, including setbacks, buffer yard requirements and specific requirements for cell towers (see below).

#### Zoning Ordinance requirements

Section 17.16.080.C of the Metro Zoning Ordinance, below, details the requirements for a cell tower.

#### C. Telephone Service.

1. Telephone Service. An applicant for a new microwave or cellular tower shall demonstrate that existing towers, buildings or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed new tower. Factors to be considered in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include, but are not necessarily limited to, structural capacity, radio interference and geographic service area requirements.
2. Lot Size. In residential zone districts, the minimum lot size shall comply with the zone district bulk provisions.
3. Setback. Telephone services, including accessory buildings and vehicle parking areas shall comply with the setback provisions of the applicable zone district. In nonresidential zone districts, no tower



## Metro Planning Commission Meeting of 4/23/2009

shall locate within twenty feet of a residential zone district or district permitting residential use.

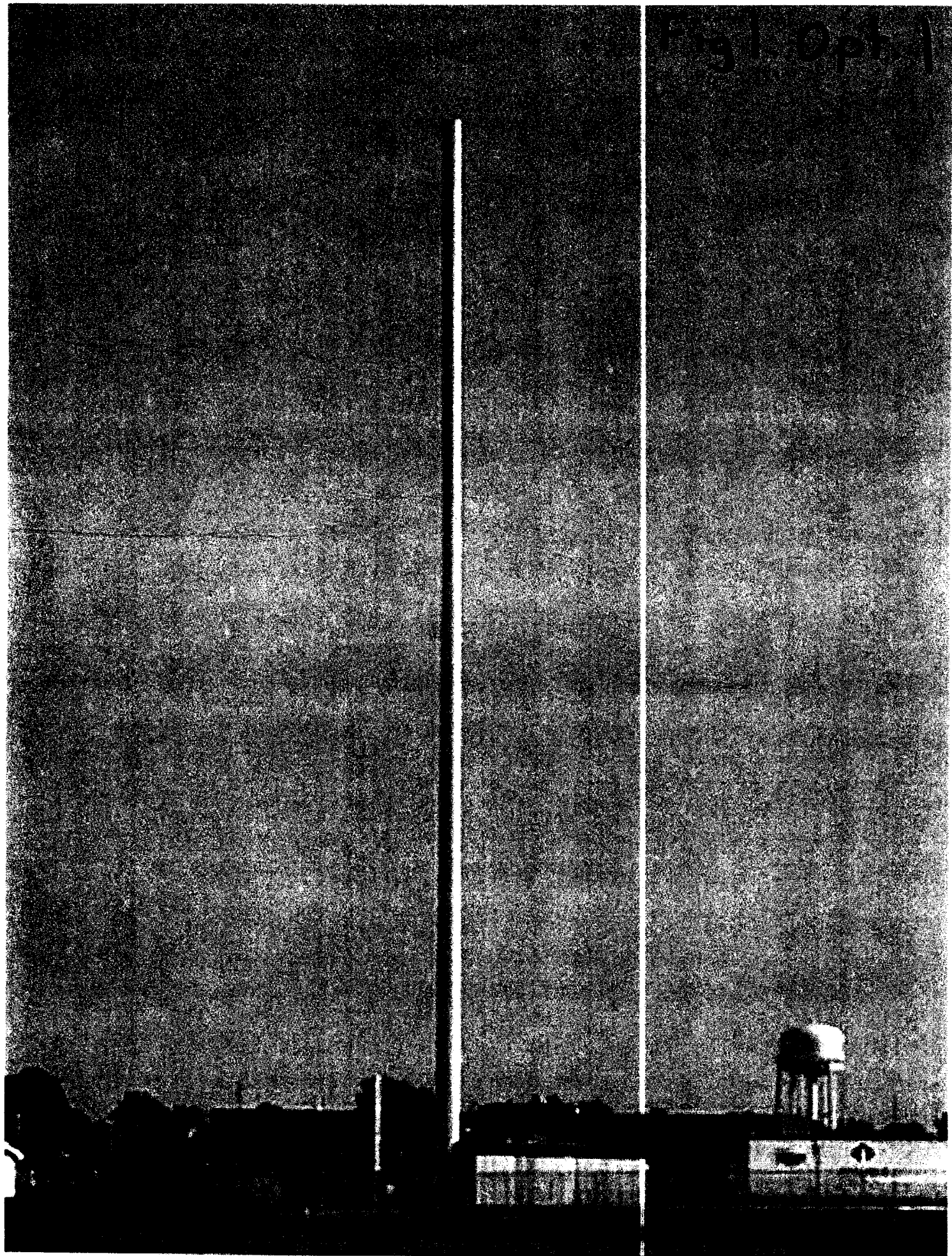
4. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of Landscape Buffer Yard Standard A shall be applied.
5. Height. The maximum height of telephone facilities shall be determined by the height control provisions of Chapter 17.12, except in the MUN, ON, CN and SCN zone districts a height control plane slope of 1.5:1 shall apply. Where a proposed tower cannot comply with the maximum height provisions, the applicant shall be required to submit for a special exception permit per Section 17.16.180(B)(1).
6. Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the zoning administrator or, if applicable, the executive director of the planning department shall notify the district councilmember that an application for a new tower has been submitted. Such notification shall only be required when a tower is proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within one thousand feet of the zoning boundary line of a residential district or a district permitting residential uses. Within thirty days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. If a meeting is held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

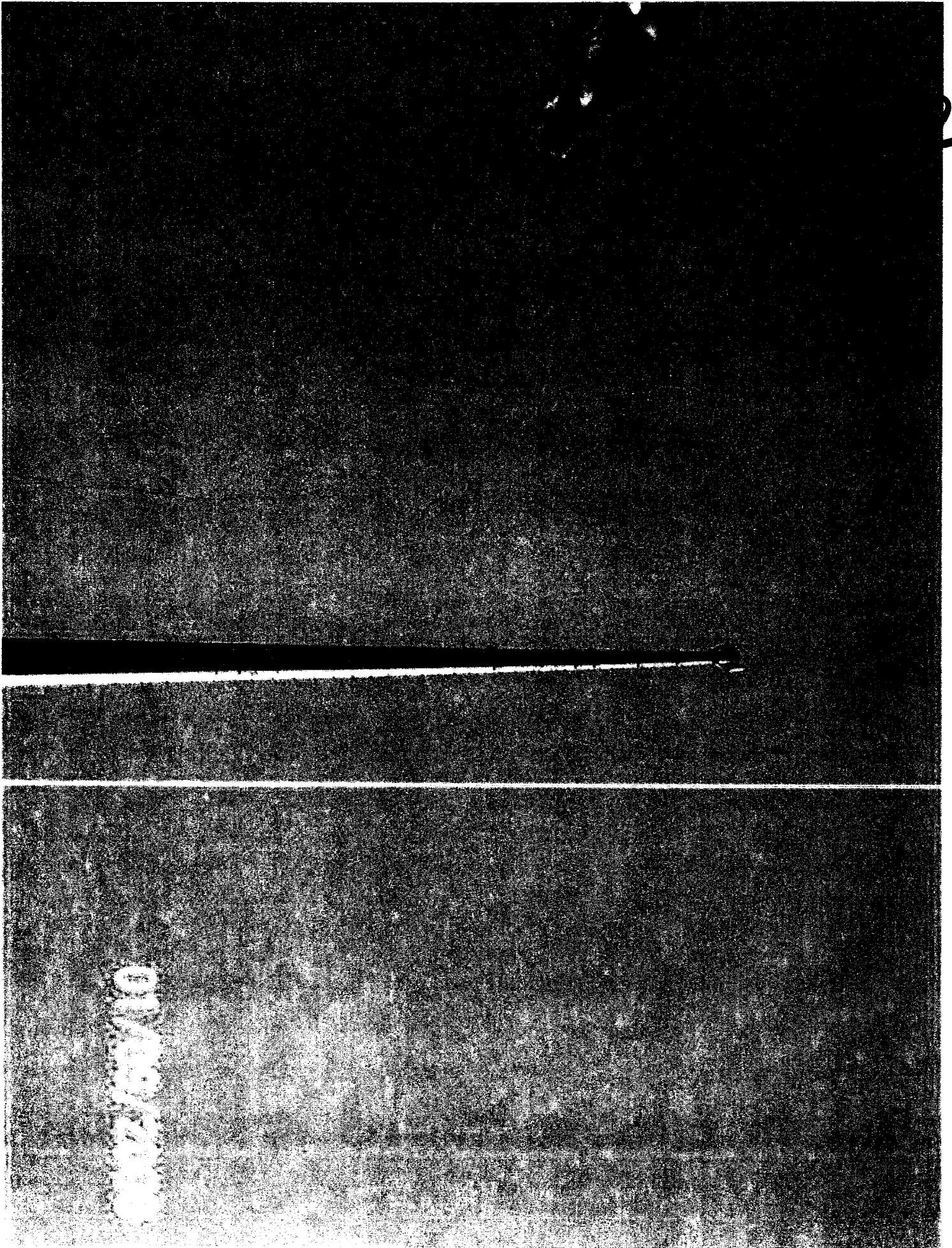
The request complies with all of the criteria above. First, the applicant has submitted the required report demonstrating the need for the cellular tower. Second, the plan complies with minimum lot size and setback. Third, the tower is within the height control plane and the plan includes standard A buffer yards. Finally, the Councilmember was notified by the Planning Department.

**PUBLIC WORKS  
RECOMMENDATION**

No Exception Taken

Fig 1 Opt 1







## Metro Planning Commission Meeting of 4/23/2009

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### STORMWATER RECOMMENDATION

Approved

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### STAFF RECOMMENDATION

Because this request meets the requirements of the Metro Zoning Ordinance, staff recommends approval or Option 1 with conditions.

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### CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. 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.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.



## Metro Planning Commission Meeting of 4/23/2009

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



### MEMORANDUM

Department of Law  
Sue Cain, Director  
862-6341

**TO:** RICK BERNHARDT, EXECUTIVE DIRECTOR, PLANNING DEPARTMENT

**FROM:** TED MORRISSEY, ASSISTANT METROPOLITAN ATTORNEY

**SUBJECT:** CELL TOWER REGULATION

**DATE:** APRIL 10, 2009

You asked whether the Planning Commission has the authority to deny a request to build a cell tower.

Yes, the Commission has the authority to deny a request, but any such denial must be supported by substantial and material evidence contained within the written administrative record.

Federal law governs the Commission's review of cell towers. 47 U.S.C.A. § 332(c)(7) regarding limitations on local regulation of cell towers states:

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of



## Metro Planning Commission Meeting of 4/23/2009

personal wireless service facilities by any State or local government or instrumentality thereof--

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by *substantial evidence contained in a written record*.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

( 47 U.S.C.A. § 332(c)(7). Emphasis added.)

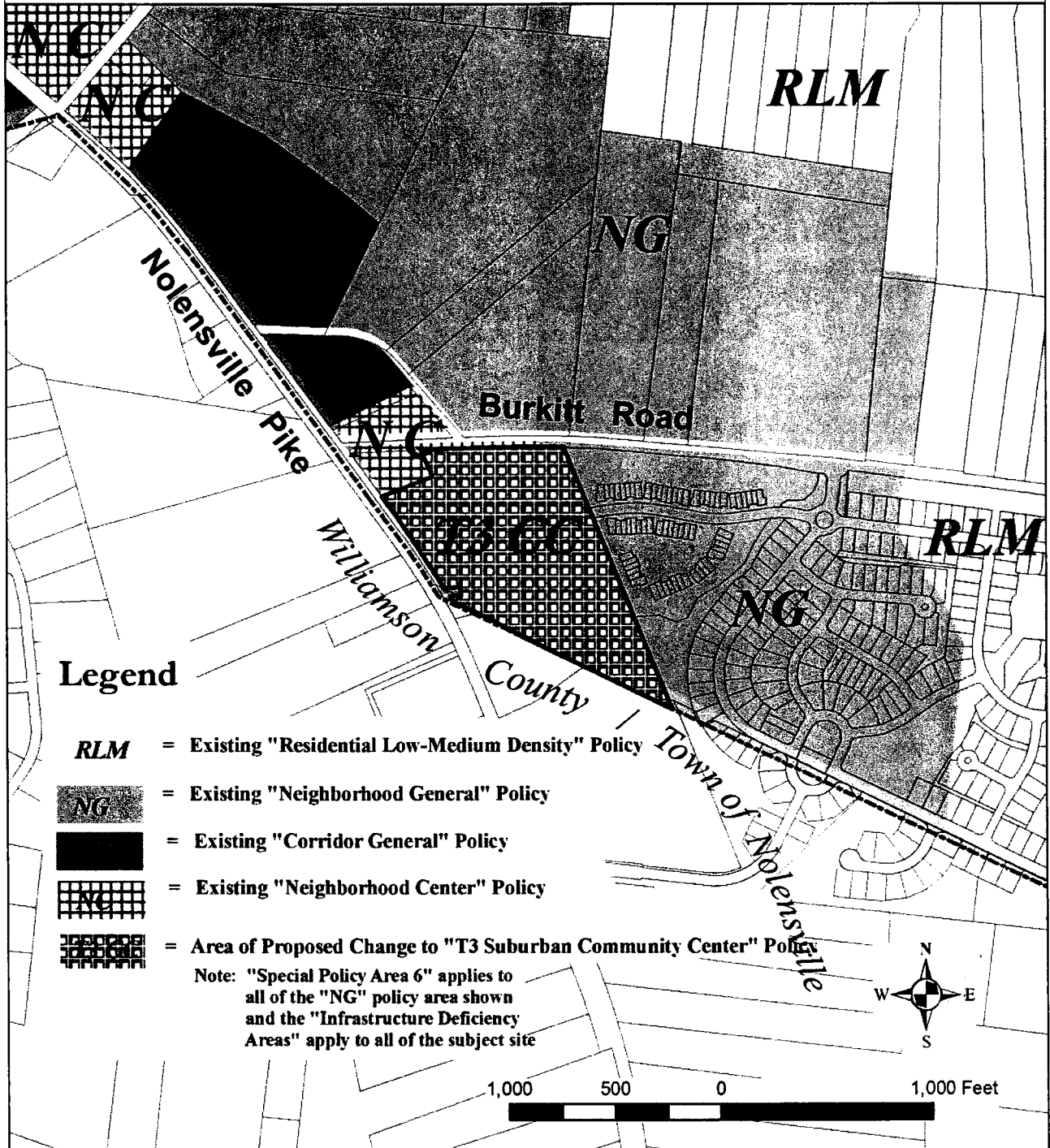
Thus, the federal law makes it clear that any decision by a "local government or instrumentality thereof" to deny a request to place, construct, or modify personal wireless service facilities (*i.e.*, cell tower) shall be in writing and supported by *substantial evidence contained in a written record*.

**SEE NEXT PAGE**



# **COMMUNITY PLAN**

# Requested Community Plan Amendment Nolensville Pike / Burkitt Road Area Case # 2009CP-012-002





**Project No.  
Request**

**2009CP-012-002**

**Amend the Southeast Community Plan: 2004  
Update**

**Associated Case  
Council District  
School Districts  
Requested by**

2009SP-006-001  
31 – Toler  
2 – Brannon  
Regency Realty Group

**Staff Reviewer  
Staff Recommendation**

Eadler  
Approve

**APPLICANT REQUEST**

**A request to amend the Southeast Community Plan: 2004 Update by changing Neighborhood Center (NC) and Neighborhood General (NG) policies to T3 Suburban Neighborhood Center (T3 CC) policy for property located at the southeast quadrant of the intersection of Nolensville Pike and Burkitt Road.**

**EXISTING POLICY**

***Neighborhood Center (NC)***

“NC” policy is intended to create small, pedestrian-friendly areas that serve as local centers of activity with uses that meet daily convenience needs and/or provide a place to gather and socialize. “NC” areas may contain single or multiple uses, including mixed-use and residential development. Development mix and pattern are articulated in—and guided by—a design plan.

***Neighborhood General (NG)***

“NG” policy is intended to create or preserve primarily residential areas with civic and public benefit uses that are common in residential areas. “NG” areas ideally have a variety of housing to meet a spectrum of housing needs. The development pattern is carefully articulated in a design plan and not placed randomly.

***Special Policy Area 6***

Special Policy #6 applies to the “NG” policy areas along the Nolensville Pike corridor in the vicinity of Pettus Road and Burkitt Road, which includes the eastern and southern edges of the subject site. Special Policy #6 states that overall residential densities in those “NG” neighborhoods should not exceed an average of 9 dwelling units per acre. [Note: Special Policy 6 would no longer apply to the subject site if the requested amendment is approved.]

***Infrastructure Deficiency Area (IDA)***

The area for which the requested amendment is made is located within the IDA area identified in the community plan as deficient in schools and transportation and is subject to the requirements applicable to those IDA areas. The requested



## Metro Planning Commission Meeting of 4/23/2009

amendment to the Southeast Community Plan does not relieve the applicant of the requirements of the IDA.

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### **PROPOSED POLICY**

#### ***T3 Suburban Community Center (T3 CC)***

“T3 CC” policy is intended to enhance suburban community centers by encouraging their development as intense, mixed use areas compatible with suburban neighborhoods as characterized by service area, development pattern, building form, land use and associated public areas. Where not present, infrastructure and transportation networks are provided to improve pedestrian, bicycle and vehicular connectivity.

T3 Suburban Community Centers are pedestrian-friendly areas that are generally located at prominent intersections. These centers contain commercial, mixed-use, civic and public benefit uses and may include transitional residential uses. They serve communities within a 10-20-minute drive (about 3-5 miles). Buildings are generally 1-3 stories and regularly placed; landscaping is formal; setbacks are shallow with limited to no on-site parking between buildings and streets. First-floor individual tenant floorspace is up to 70,000 sq. ft. (ie. larger tenants are in multiple stories rather than spread out over the site.) Development contemplated in conjunction with this request includes a building footprint of almost 135,000 square feet.

---

### **COMMUNITY PARTICIPATION**

Staff conducted a community meeting about the request on April 6, 2009 at Oliver Middle School, the nearest public facility to the subject site. Following staff’s presentation, the applicants gave a presentation on the specifics of the development being proposed for the site. A flyer announcing both the community meeting and the public hearing were sent to Davidson County property owners within ¼ of a mile of the subject site; as well as to government officials in the Town of Nolensville and Williamson County. Notification of the community meeting and public hearing were also published in three newspapers and were posted on the Planning Department’s website.

Based on sign-in sheets, 30 people attended the community meeting including residents who live in the area surrounding the subject site, the applicant, Councilman Parker Toler, and representatives of the Town of Nolensville. No vocal opposition to the proposal was expressed at that meeting. One written comment was submitted questioning the timing and speculative nature of the proposal. Three comment sheets were received in support of the proposed plan amendment.



## Metro Planning Commission Meeting of 4/23/2009

### **BACKGROUND**

The subject site (+/-17.98 acres) is on the southern edge of Metropolitan Nashville/Davidson County on the east side of Nolensville Pike between Burkitt Road and the countyline. The development contemplated in conjunction with this plan amendment request extends into Nolensville/ Williamson County, where commercial development including a large home improvement center has already been approved by the Town of Nolensville.

### **ANALYSIS**

#### ***Physical Site Conditions***

The site does not contain significant sensitive natural environmental features, such as steep topography or areas subject to flooding. It does contain a “blue-line” stream that is subject to stream buffer regulations.

#### ***Land Use and Land Use Policy***

The subject site is vacant. Surrounding land uses include 1) new townhouse residential development abutting the east side of the subject site; 2) older homes intermingled with vacant parcels across Burkitt Road and Nolensville Pike, and 3) vacant land to the south where commercial development has been approved in Nolensville. The surrounding residences, most notably those to the east, would be the properties most directly impacted by the requested amendment.

The request could precipitate or heighten speculative pressure for similar land use policy changes involving, in particular, the remaining “Neighborhood Center” policy at the corner of Nolensville Pike and Burkitt Road, and the “Neighborhood General” policy on the north side of Burkitt Road opposite the subject site. The “Neighborhood General” policy opposite the subject site is already exposed to the “Neighborhood Center” policy currently applicable to the subject site.

#### ***Access.***

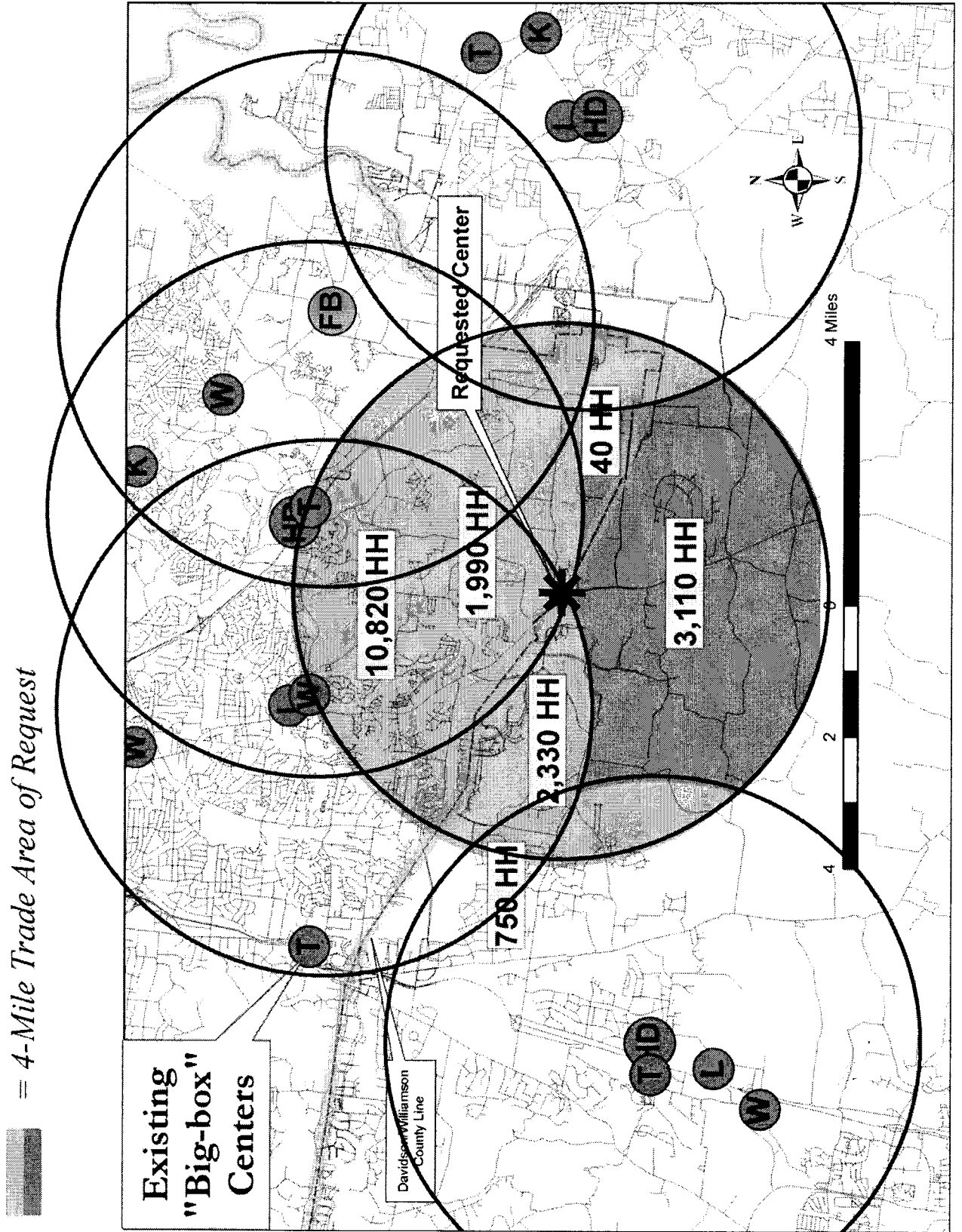
The site has frontage on, and access to two arterial streets—Nolensville Pike and Burkitt Road, which meets a basic requirement for “T3 CC” policy locations. These roads are both two-lane currently.

There are no projects funded or programmed near-term for widening either of these roads. They are both programmed for widening in the “Long Range Transportation Plan (LRTP) by 2016 and 2025, respectively.

According to a traffic impact study conducted for the SP zoning request associated with this case, traffic generated

Case # 2009CP-012-002 (Existing "Big Boxes": T=Target, W=Walmart, L=Lowes, K=Kmart, HD=Home Depot; FB=Future Big Box)

FIGURE 1  
OVERLAPPING TRADE AREAS





## Metro Planning Commission Meeting of 4/23/2009

### *Development Pattern*

by the development contemplated can be satisfactorily accommodated with the provision of certain improvements to Nolensville Pike and Burkitt Road.

The subject site is located in an area that has been, and is expected to continue experiencing steady growth. That growth has attracted a new community-scale grocery store and other retail in the "Community Center" policy area at Nolensville Pike and Concord Road, and approval of a large home improvement center in the Town of Nolensville portion of the proposed development.

T3 CC policy envisions service to an area within a 10-20 minute drive (about 3-5 miles). For analysis of this request, a 4-mile trade area was examined. (See Figure 1.) Currently, there are an estimated 19,040 households within a 4-mile radius of the subject site. Of those, an estimated 61 percent (11,570) are closer to existing "big-box" centers to the north in Metro, to the west in the Cool Springs area and to the east in the LaVergne area. Those households would not be closer to the proposed development. The remaining 39 percent (7,440 households) would be closer to the subject site than they are to the existing centers. That includes 4,320 households that are now within the service areas of the existing centers, and 3,150 households, mostly in Williamson County, that are more than 4 miles from any "big-box" retail center.

### *Growth Potential*

Based on the current land use policies in Metro Nashville within the probable trade area of the subject site, the potential exists for an estimated additional 10,870 dwelling units. In Williamson County, the potential exists for an estimated additional 8,050 dwelling units based on a conservatively low density of one home per acre. Although it cannot be said with certainty when that growth might occur, it is clear that the potential is significant.

### *Alternative Locations*

Existing "prominent intersections" within the Southeast Community that may be possible alternatives to the subject request are all closer to existing "big-box" centers and would result in more overlap of service areas. Also, most of the alternative locations involve intersections of major and collector streets, which are not as preferable as intersections of two major streets for community centers.



## Metro Planning Commission Meeting of 4/23/2009

### **SUMMARY OF FINDINGS AND CONCLUSION**

#### ***Favorable Factors***

Basic locational requirements and other favorable factors include the following:

- the site does not contain significant natural environmental constraints;
- the site is at a prominent intersection and it would provide greater convenience to a significant number of households;
- there are no apparent superior alternative locations for the requested policy within the Southeast Community;
- growth potential within the likely trade area is substantial;
- adequate infrastructure exists or development will be contingent on its provision; and
- with the provision of adequate landscape buffering, the requested policy is unlikely to have any greater impact on abutting land uses than the current "NC" policy would have.

#### ***Unfavorable Factors***

Unfavorable factors include:

- the request could precipitate or heighten speculative pressure for additional land use policy changes in the vicinity of Nolensville Pike and Burkitt Road, and
- the scale and placement of "big-box" buildings (versus smaller neighborhood-scale buildings) would hamper, and may preclude, provision of the vehicular connectivity currently envisioned between the subject site and the neighborhood to the east.

#### ***Conclusion***

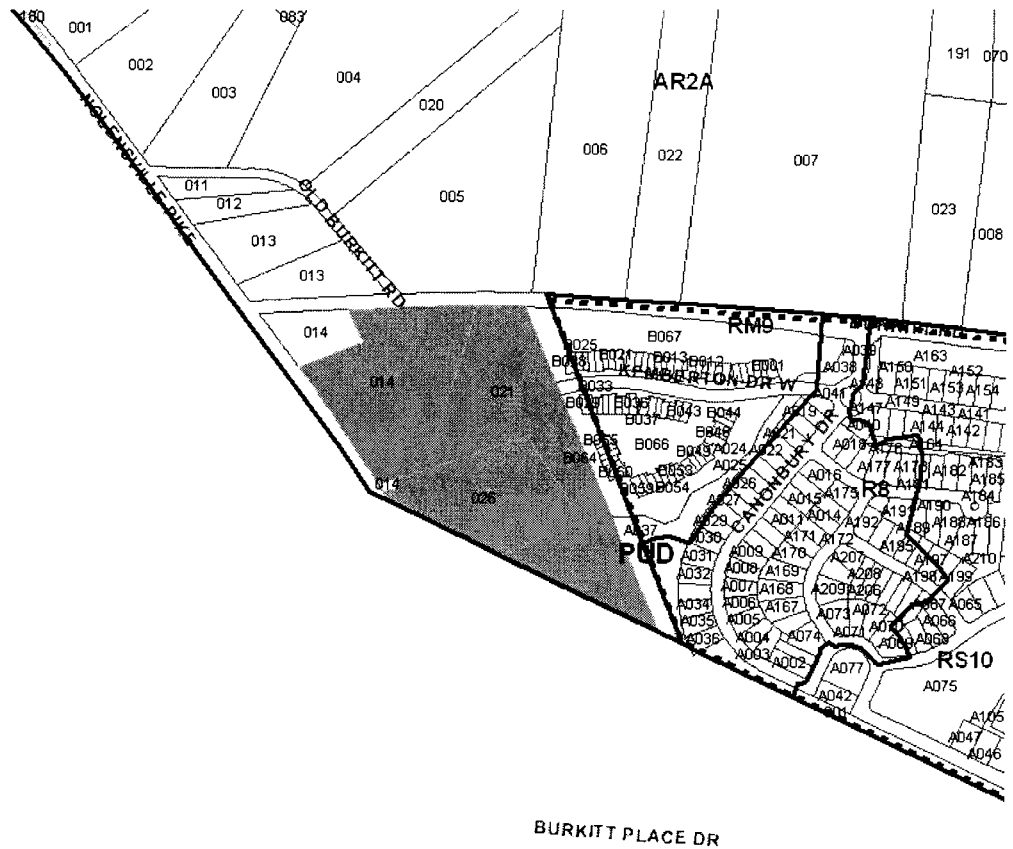
The request meets basic locational requirements and has clear potential benefits. Like this request, any future plan amendment requests it might precipitate can be evaluated on their merits. An inability to achieve a preferable level of vehicular connectivity, by itself, is not a sufficient reason to deny this request. Nevertheless, vehicular connectivity should be discussed and at least bicycle and pedestrian connectivity should be provided.

### **STAFF RECOMMENDATION**

Approve with a special policy provision that supports first-floor individual tenant space up to a maximum of 135,000 square feet within this T3 CC policy area provided: 1) long walls are articulated with multiple entrances, and development otherwise reflects the intent and design characteristics of T3 CC policy; and 2) at a minimum, bicycle and pedestrian connectivity are required in conjunction with any zone change.



# **ZONING MAP AMENDMENTS**



**2009SP-006-001**  
 The Shoppes at Burkitt Place  
 Map: 186-00 Parcels:014.01, 021, 026  
 Southeast Community Plan  
 Council District 31 – Parker Toler



**Project No.**  
**Project Name**  
**Associated Case**  
**Council Districts**  
**School Districts**  
**Requested by**

**Zone Change 2009SP-006-001**  
**The Shoppes At Burkitt Place SP**  
2009CP-012-002  
31 - Toler  
2 - Brannon  
Regency/PGM-Burkitt, LLC, applicant, for James and William McFarlin et al, Ruth Marie McFarlin, and Newco-Burkitt, LLC, owners

**Staff Reviewer**  
**Staff Recommendation**

Bernards  
*Approve with conditions, subject to approval of the accompanying Community Plan Amendment with the special policy provisions.*

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**APPLICANT REQUEST**  
**Preliminary SP**

**A request to change from Agricultural/Residential (AR2a) to Specific Plan Commercial (SP-C) zoning for properties located at 7022 Nolensville Pike, Nolensville Pike (unnumbered), and Burkitt Road (unnumbered), at the southeast corner of Nolensville Pike and Burkitt Road (17.98 acres), to permit retail, office, and commercial uses.**

**Existing Zoning**  
AR2a District

Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation land use policy of the general plan.

**Proposed Zoning**  
SP-C District

Specific Plan-Commercial 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 retail, office, and commercial uses.

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**SOUTHEAST**  
**COMMUNITY PLAN**

**Existing Policy**  
Neighborhood Center (NC)

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





## Metro Planning Commission Meeting of 4/23/2009

### Neighborhood General (NG)

Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. 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.

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.

### Special Policy Area 6

Special Policy #6 applies to the "NG" policy areas along the Nolensville Pike corridor in the vicinity of Pettus Road and Burkitt Road, which includes the eastern and southern edges of the subject site. Special Policy #6 states that overall residential densities in those "NG" neighborhoods should not exceed an average of 9 dwelling units per acre. Special Policy 6 would no longer apply to this property if the requested amendment is approved.

### Proposed Policy

#### T3 Suburban Community Center (T3 CC)

T3 CC policy is intended to enhance suburban community centers by encouraging their development as intense, mixed-use areas compatible with suburban neighborhoods as characterized by service area, development pattern, building form, land use and associated public areas. Where not present, infrastructure and transportation networks are provided to improve pedestrian, bicycle and vehicular connectivity

T3 Community Centers are pedestrian-friendly areas that are generally located at prominent intersections. These centers contain commercial, mixed-use, civic and public benefit uses and may include transitional residential uses. They serve communities within a 10-20-minute drive (about 3-5 miles). Buildings are generally 1-3 stories and regularly placed; landscaping is formal; setbacks are shallow with limited to no on-site parking between buildings and streets. First-floor individual tenant floorspace is up to 70,000 sq. ft. (larger tenants are in multiple stories rather than spread out over the site.) Development contemplated in conjunction with this SP request includes a building footprint of almost 135,000 square feet.



## Metro Planning Commission Meeting of 4/23/2009

### Consistent with Policy?

Yes, if the accompanying Community Plan Amendment is approved with the special policy provisions. The request meets the basic locational requirements and has clear potential benefits to the community it will serve.

The plan amendment accompanying this SP includes a special policy provision that permits first-floor individual tenant space up to a maximum of 135,000 square feet within this T3 CC policy area provided:

- 1) Long walls are articulated with multiple entrances, and development otherwise reflects the intent and design characteristics of T3 CC policy.
- 2) At a minimum, bicycle and pedestrian connectivity are required in conjunction with any zone change.

### PLAN DETAILS

The proposed retail, office, and commercial development straddles the Davidson County and Williamson County line. A portion of this project is within the Town of Nolensville. Any approvals apply to the Davidson County portion of the project only. A copy of the plan was provided to the Town of Nolensville for their review. Nolensville has approved a complementary development on the adjacent property.

The proposed plan calls for an anchor store and several smaller retail uses, both adjacent to the anchor and on the out-parcels. Details provided on the plan include out-parcels located in the Town of Nolensville. A corrected copy of the plan will need to separate the details of the Davidson County portion of the project from the Nolensville portion.

### Building Orientation and Size

As the T3 CC policy limits a first-floor individual tenant floor space to 70,000 sq. ft., the proposed policy amendment included a special provision to increase this to 135,000 square feet, provided that long walls are articulated with multiple entrances to create an active street front, and development otherwise reflects the intent and design characteristics of T3 CC policy. In order to be consistent with this provision, the applicant will need to provide details of the façade for this building with the corrected copy of the plan.

In addition, the T3 CC policy requires the buildings on the out-parcels to be oriented towards Nolensville Pike. A corrected copy of the plan will include this requirement.



## Metro Planning Commission Meeting of 4/23/2009

### Access

Vehicular access will be from Burkitt Road and Nolensville Pike. A cross-access easement is needed to the adjacent property at the corner of Burkitt Road and Nolensville Pike. There is a note on the plan that the easement will be provided, but the layout of the development does not appear to allow the access. The access needs to be included on the corrected copy of the plan.

### Pedestrian and Bicycle Connectivity

The applicant has indicated that there will be bicycle and pedestrian connections, but these have not shown on the plan. These details will need to be included on the corrected copy of the plan, including a connection to the residential development to the east, in order for the SP to be consistent with the provisions of the proposed policy. In addition, the T3 CC policy calls for pedestrian connectivity within the center to allow pedestrians to park and walk from one business to another business. Sidewalks are proposed on the plan along Nolensville Pike and Burkitt Road. Details of the internal pedestrian circulation need to be added to the corrected copy of the plan consistent with the T3 CC policy.

### Landscape Buffers

A 15-foot wide B2 landscape buffer is proposed along Burkitt Road and a 40 foot wide D landscape buffer is proposed along the rear of the property. The 40 foot buffer will be similar to the buffer approved on the property within the Town of Nolensville. Details of the proposed plant species were not provided and will be required with the final site plan.

### Parking

Parking will be provided in surface lots and will be shared by the various businesses. As noted above, details regarding the internal pedestrian paths within the development, including the parking areas, are required. Details of the landscaping and screening of the parking lot will be provided with the final site plan and must be compliant with the T3 CC policy.

### Signs

In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs will include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs will include building signs and freestanding ground signs.



## Metro Planning Commission Meeting of 4/23/2009

Building signs are attached directly to, or supported by brackets attached directly to a principal building. One building sign per business will be permitted but the building adjacent to Burkitt Road may have a sign on both frontages. Signs can be up to 5% of the façade square footage for the first floor, (the first floor is a maximum height of 14 feet for purposes of determining signage) or 50 square feet, which ever is smaller.

Freestanding ground signs are supported by structures or supports that are anchored in the ground and that are independent of any building or other structure and are a maximum six feet in height. There is a limit of two ground signs for this project, one per frontage and each a maximum of 28 square feet in size.

Signs are to be externally lit with steady, stationary, down-directed, and completely shielded light sources or may be internally illuminated or back-lit with a diffused or shielded light source. Sign backgrounds must be opaque, only letters and logos may be illuminated. Freestanding ground signs may be lit from a ground lighting source.

All signs must be constructed using high-quality durable materials such as metal, stone, brick, and hardwood, and shall complement materials and features of buildings on the same property. The design and alignment of signs on multiple use buildings shall compliment each other such that visual unity effect is achieved. Any phase of development that will include multiple stories and/or tenants shall submit an overall sign program with the final site plan.

### Cemetery

The Morton Cemetery is currently located on this property. The applicant is working with State officials to relocate this cemetery to an off-site existing cemetery.

### Infrastructure Deficiency Area

The Planning Commission has adopted an "Infrastructure Deficiency Area" (IDA) as part of the Southeast Community Plan. The IDA identifies an area where the Commission has determined that infrastructure is insufficient to accommodate expected new development in the area.

The site for the Shoppes at Burkitt Place SP has been determined to be in the IDA. The applicant will be





## Metro Planning Commission Meeting of 4/23/2009

### Town of Nolensville

required to provide 3,075 linear feet of roadway improvements within the IDA.

As noted above, this property is adjacent to the Town of Nolensville. Copies of the plan were forwarded to their Town Planner.

Their Town Planner stated that the proposal is compatible with the Town of Nolensville's land use policy plan and zoning ordinances that plan for larger scale commercial development in this area. The adjacent development to the south has been approved by the Town of Nolensville for Phase One of the project.

Their Town Planner recommended that the plan include a clearly defined continuous driving lane connection from the proposed development at Burkitt Road to the development to the south. Staff will require that this continuous lane be provided and shown on the corrected copy of the plan.

Their Town Planner requested that all buildings for the Davidson County portion of the development be designed to meet the Town's stringent architectural design standards in order to be fully compatible with new buildings on the Nolensville side of the development. These standards require a minimum of 75% masonry products on building walls, excluding windows and doors but the applicant has included a requirement of only 50%. Staff agrees that it is important for the two halves of the development to complement each other and has informed the applicant that the standards need to be incorporated into the plan. These will need to be shown on the corrected copy of the plan.

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### **STORMWATER RECOMMENDATION**

Preliminary SP approved

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### **WATER SERVICES RECOMMENDATION**

Preliminary SP approved

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### **FIRE MARSHAL RECOMMENDATION**

Conditional Approval

- Additional information will be required before a building permit can be issued, adequate information not provided to allow unconditional approval of this project at this time.
- All new construction shall be protected by a fire hydrant(s) that comply with the 2006 edition of NFPA



## Metro Planning Commission Meeting of 4/23/2009

1 table H. To see table H go to  
(<http://www.nashfire.org/prev/tableH51.htm>)

- The turning radius of a fire department access road shall be 25' inside and 50' outside.
- 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.
- More than 50 ft (15 m) above grade and containing intermediate stories or balconies, Class I standpipe system shall be installed.
- Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
- Fire Hydrants shall be in-service before any combustible material is brought on site.
- A fire hydrant shall be provided within 100' of the fire department connection.

### NES RECOMMENDATION

1. This project appears to have been the property of the McFarlin farm which NES served the farm house.
2. NES recommends that this development be served with underground high voltage from primary risers adjacent to Burkitt Road. Installing electrical underground primary eliminates overhead pole line conflicts behind the proposed anchor store with the pavement, retaining wall with landscape buffer between the Village of Burkitt Place.
3. The developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. NES plans to serve the entire project and can meet with developer/engineer upon request to determine electrical service equipment. Need site plans not included for the Williamson County portion of the project.
4. Site drawings should show any existing utilities easements on property and the utility poles on the property and/or r-o-w. Most poles along the east side of Nolensville Road will belong to Middle Tennessee Electric Co-op (MTEMC). Their customers are on the opposite of Nolensville Road to this site. The developer should contact MTEMC deal with this utility on any pole/line relocations required due to site and road work.



## Metro Planning Commission Meeting of 4/23/2009

5. Requires a 20-foot public utility easement required adjacent to public r-o-w and 20 foot PUE centered on any proposed NES conduit system.
6. NES will need any drawings that will cover any road improvements to Metro r-o-w that Public Works will require to identify pole relocations from Burkitt Road south to the pole terminating the NES system.
7. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ [www.nespower.com](http://www.nespower.com)).

### **PUBLIC WORKS RECOMMENDATION**

- Williamson County home improvement site to make a contribution to the signal modification at Burkitt Road / Nolensville Pike.
- 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.
- Along Burkitt Road, label and dedicate right of way 30 feet from centerline to property boundary. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
- Along Nolensville Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
- Locate signage outside of future right of way reservation areas.
- Remove proposed right in / right out only access (Outparcel #1).
- Construct sidewalks with a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways. Identify bike lanes / paved shoulders. Sidewalks are to be located within the public right of way. Dedicate right of way, as applicable.
- Burkitt Road is to be constructed with twelve (12') feet wide travel lanes and four (4') feet shoulders.
- Provide adequate sight distance at all access drives onto Burkitt Road and Nolensville Road.
- No additional access drives will be permitted to Burkitt Road or Nolensville Road from this SP including any associated outparcels.



## Metro Planning Commission Meeting of 4/23/2009

- Provide adequate parking for entire project per Metro Code.
- Within Davidson County, widen Nolensville Road from the intersection of Burkitt Road to the main access (middle drive) to provide a 3 lane cross section with 1 northbound and 1 southbound travel lane and a continuous two-way left turn lane.
- Coordinate with Metro Nashville Public Works, the Tennessee Department of Transportation, and the City of Nolensville to widen Nolensville Road to provide a continuous 3 lane cross section between Burkitt Road in Davidson County and Burkitt Place Drive in Williamson County.
- Extend the existing 3 lane cross section on Burkitt Road from the intersection of Nolensville Road to 100 ft east of Old Burkitt Road and provide transitions per AASHTO/MUTCD standards. The center lane shall be striped as a continuous two-way left turn lane from Old Burkitt Road to the existing dedicated left turn lane at the Nolensville Road intersection.
- Construct a northbound right turn lane on Nolensville Road at the intersection of Burkitt Road, with 125 ft of storage and transitions per AASHTO standards.
- At the intersection of Nolensville Road and Burkitt Road, modify the existing traffic signal to provide right turn overlap phases for the existing westbound and proposed northbound right turn lanes and to accommodate any required road widening.
- Construct the northern access drive onto Nolensville Road as a full access with 1 entering and 2 exiting lanes.
- Construct a northbound right turn lane on Nolensville Road at the northern access drive with 100 ft of storage and transitions per AASHTO standards.
- Construct the main access drive (middle drive) onto Nolensville Road as a full access with 2 entering and 2 exiting lanes (with 200 ft of storage).
- Construct a northbound right turn lane on Nolensville Road at the main access drive (middle drive) with 125 ft of storage and transitions per AASHTO standards.
- Construct project access drive on Burkitt Road as a full access with 1 entering and 2 exiting lanes.
- Minor modification may be required to the Burkitt Road access drive to correspond with a possible future realignment of Old Burkitt Road.



# Metro Planning Commission Meeting of 4/23/2009

## Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	17.98	.5	8	77	6	9

## Maximum Uses in Proposed Zoning District: SP-C

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (820)	17.98	.35	274,123	13,080	280	1251

## Traffic changes between: AR2a and proposed SP-C

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	17.98	N/A	N/A	+13,003	+274	+1242

### STAFF RECOMMENDATION

If the associated Community Plan amendment is approved with the special policy provisions, staff recommends approval with conditions.

### CONDITIONS

1. The uses for this SP are limited to retail, office and commercial uses as described on the plan.
2. The applicant shall submit a corrected copy of the plan to include the following:
  - The site data details of the Davidson County portion of the project separated from the Town of Nolensville portion.
  - The details of façade for this building showing the entrances and building articulation consistent with the special policy provisions.
  - A requirement that buildings on out-parcels be oriented towards Nolensville Pike consistent with the T3 CC policy.
  - An access easement to the adjacent property at Burkitt and Nolensville.
  - Details of the pedestrian and bicycle connections as consistent with the special policy provisions.
  - Details of the internal pedestrian circulation system consistent with the T3 CC policy.
  - A continuous lane from Burkitt Road to the approved Nolensville portion of the development.
  - Design details that incorporate the Town of Nolensville Design Standards.



## Metro Planning Commission Meeting of 4/23/2009

3. Details of the plant species for the landscape buffers and details of the landscaping and screening for the parking areas, that shall be compliant with the requirements of the T3 CC policy, shall be provided with the final site plan.
4. Prior to recording of the first final plat, the IDA requirements, including 3,075 linear feet of improvements, with the location of the improvements to be determined by Public Works, must be completed or bonded.
5. Building mounted signs shall be a maximum of 5% of the first floor façade area or 50 square feet, whichever is smaller and shall be limited to one sign per business. The building adjacent to Burkitt Road may have a sign on both frontages. Up to two ground signs, including one per frontage, at a maximum of 28 square feet in size and six feet in height, shall be permitted for the development.
6. The requirements of the Public Works Department shall be met with each final site plan.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the SCR zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee



## Metro Planning Commission Meeting of 4/23/2009

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

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

**NO SKETCH**





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

**Zone Change 2009Z-005TX-001**  
**Mobile Vendors: Exempt Non-Profits**  
BL2009-416  
Countywide  
Councilmembers Phil Claiborne and  
Karen Bennett

**Staff Reviewer**  
**Staff Recommendation**

Regen  
*Approve*

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**APPLICANT REQUEST**

**A council bill to amend Section 17.04.060 of the Metro Zoning Code to exempt non-profit organization activities and events from the mobile vendor definition.**

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**ANALYSIS**

Existing Law

The Zoning Code allows mobile vendors as a use "permitted with conditions" (PC) in the CL, CS, CA and CF zoning districts. Mobile vendors may sell goods, wares or merchandise within a permanently, enclosed structure with no outdoor vending or display areas (tables, crates, cartons, racks or other devices). No outside vending or display area are allowed except for vendors selling food, beverages, living plants, or agricultural products, or if the street vendor is licensed.

Proposed Bill (BL2009-325)

The bill exempts Cleveland Street from the mobile vendor provisions. Bill sponsor is Councilmember Pam Murray. This bill was disapproved by the Planning Commission on April 14, 2009.

Proposed Bill (BL2009-410)

The bill allows mobile vendors to be outdoors provided they meet certain conditions as a special exception (SE) use. Bill sponsor is Councilmember Pam Murray.

Proposed Bill (BL2009-416)

The bill exempts a non-profit organization's fundraising activities and events from being classified as "mobile vendor". **The staff report below analyzes this proposed bill.**

Proposed Text

The bill exempts from the definition of "mobile vendor" those non-profit organizations that are not subject to federal income tax. Such organizations could sell goods, wares, or merchandise indoors or outdoors provided they held no more than two (2) fundraising events per calendar year with each event lasting no more than five (5) days.

Analysis

This bill exempts occasional fundraising activity by tax-exempt non-profit organizations from being classified as



## Metro Planning Commission Meeting of 4/23/2009

“mobile vendor”. As proposed in the bill, the exempt status would allow organizations to hold two (2) events per a calendar year with each event lasting no more than five (5) days. If an organization held three or more fundraising activities within a calendar year, the exempt status would not apply. If an organization held any event for more than five (5) days, the exempt status would not apply.

### **STAFF RECOMMENDATION**

Staff recommends approval of this bill. Given the restricted number of events per calendar year, and limited duration of such events, staff does not anticipate the proposed exemption will create issues for the community.

**SEE NEXT PAGE**



**2009Z-020PR-001**

Map: 127-00 Parcels: part of 002, 249, 269

Bellevue Community Plan

Council District 35 – Bo Mitchell



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

**Zone Change 2009Z-020PR-001**  
BL2009-427  
35 – Mitchell  
9 – Coverstone  
Councilmember Bo Mitchell, applicant, Edward Underwood et ux, Sydney Rogers, and Sydney Bennett, owners

**Staff Reviewer**  
**Staff Recommendation**

Bernards  
*Approve*

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**APPLICANT REQUEST**

**A request to rezone from One and Two-Family Residential (R80) to Agricultural/Residential (AR2a) zoning for a portion of properties located at 7554 and 7578 Buffalo Road and Buffalo Road (unnumbered), approximately 2,800 feet north of Highway 70 (8.27 acres).**

**Existing Zoning**  
R80 District

R80 requires a minimum 80,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of .58 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**  
AR2a District

Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

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**BELLEVUE COMMUNITY PLAN**

Residential Low Medium (RLM)

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

Natural Conservation (NCO)

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



## Metro Planning Commission Meeting of 4/23/2009

### Consistent with Policy?

The request to rezone the property from R80 to AR2a is consistent with the NCO policy but not with the RLM policy. These properties are in an area that is not yet served by sewer and are unlikely to develop at a density envisioned by the RLM policy in the near future. The AR2a zoning district will not preclude these properties from being rezoned and subdivided at a higher density once services are available.

### ANALYSIS

This request would rezone portions of three properties from R80 to AR2a. Currently, these properties have split zoning with the front 400 feet zoned R80 and the remainder zoned AR2a. According to the Zoning Administrator, the frontage of the properties along the western side of Buffalo Road were rezoned to R80 in order to prevent mobile homes from being placed in this location. The applicant has indicated that the rezoning has been requested in order to permit an organic farming operation. Farming is not a permitted use in the R80 zoning district

### PUBLIC WORKS RECOMMENDATION

No exception taken.

#### Typical Uses in Existing Zoning District: R80

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	8.27	0.58	4	39	3	5

#### Typical Uses in Proposed Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	8.27	0.5	4	39	3	5

#### Traffic changes between typical: R80 and proposed AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	8.27	0.08	0	0	0	0

#### Maximum Uses in Existing Zoning District: R80

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	8.27	0.58	4	39	3	5



## Metro Planning Commission Meeting of 4/23/2009

### Maximum Uses in Proposed Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	8.27	0.5	4	39	3	5

### Traffic changes between maximum: R80 and proposed AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	8.27	0.08	0	0	0	0

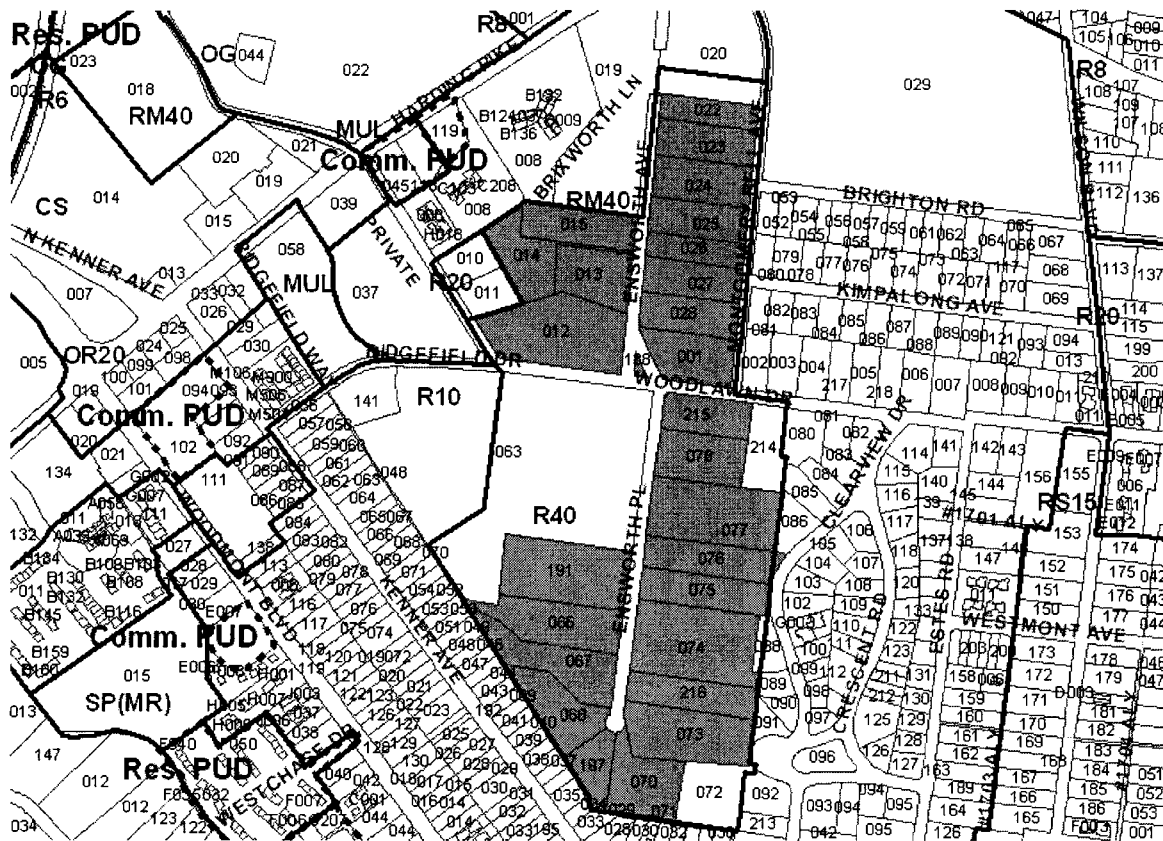
### METRO SCHOOL BOARD REPORT

#### Projected Student Generation

As this request to rezone from R80 to AR2a represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

### STAFF RECOMMENDATION

Staff recommends approval of the zone change request. While the AR2a zoning district is not entirely consistent with RLM land use policy, the requested zoning would not preclude future rezoning and subdivision of the property at a density envisioned by the policy once services are available to this area.



**2009Z-021PR-001**  
 Ensworth Place and Ensworth Avenue  
 Map: 103-16    Parcels: Various  
 Map: 116-04    Parcels: Various  
 Green Hills/Midtown Community Plan  
 Council District 24 – Jason Holleman





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

**Zone Change 2009Z-021PR-001**  
BL2009-430  
24 – Holleman  
8 – Fox  
Councilmember Jason Holleman, applicant for various property owners

**Staff Reviewer**  
**Staff Recommendation**

Bernards  
*Approve*

---

**APPLICANT REQUEST**

**A request to rezone various properties from One and Two-Family Residential (R40) to Single-Family Residential (RS40) zoning along Ensworth Place and Ensworth Avenue (48.34 acres).**

**Existing Zoning**  
R40 District

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

**Proposed Zoning**  
RS40 District

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

---

**GREEN HILLS/MIDTOWN  
COMMUNITY PLAN**

Residential Low (RL)

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

**Consistent with Policy?**

Yes. The request to rezone the properties from R40 to RS40 is consistent with the RL policy. This 48 acre area is an established, low density residential development with predominantly single-family residences.

---

**ANALYSIS**

This request would rezone 27 properties from R40 to RS40. All but one of these properties is at least 40,000 square feet in size, ranging from 0.94 acres to 3.43 acres. The one property less than 40,000 square feet is currently, under the R40 zoning, a substandard parcel with approximately 2,600 square feet. This property resulted from the re-alignment of Ensworth Place and Ensworth Avenue on the north side of Woodlawn Drive.



## Metro Planning Commission Meeting of 4/23/2009

The properties on Ensworth Avenue are within the Woodlawn West Neighborhood Conservation Overlay District. The Historic Commission reviewed this rezoning request and had no objections.

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### **PUBLIC WORKS RECOMMENDATION**

No exception taken.

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### **METRO SCHOOL BOARD REPORT**

#### **Projected Student Generation**

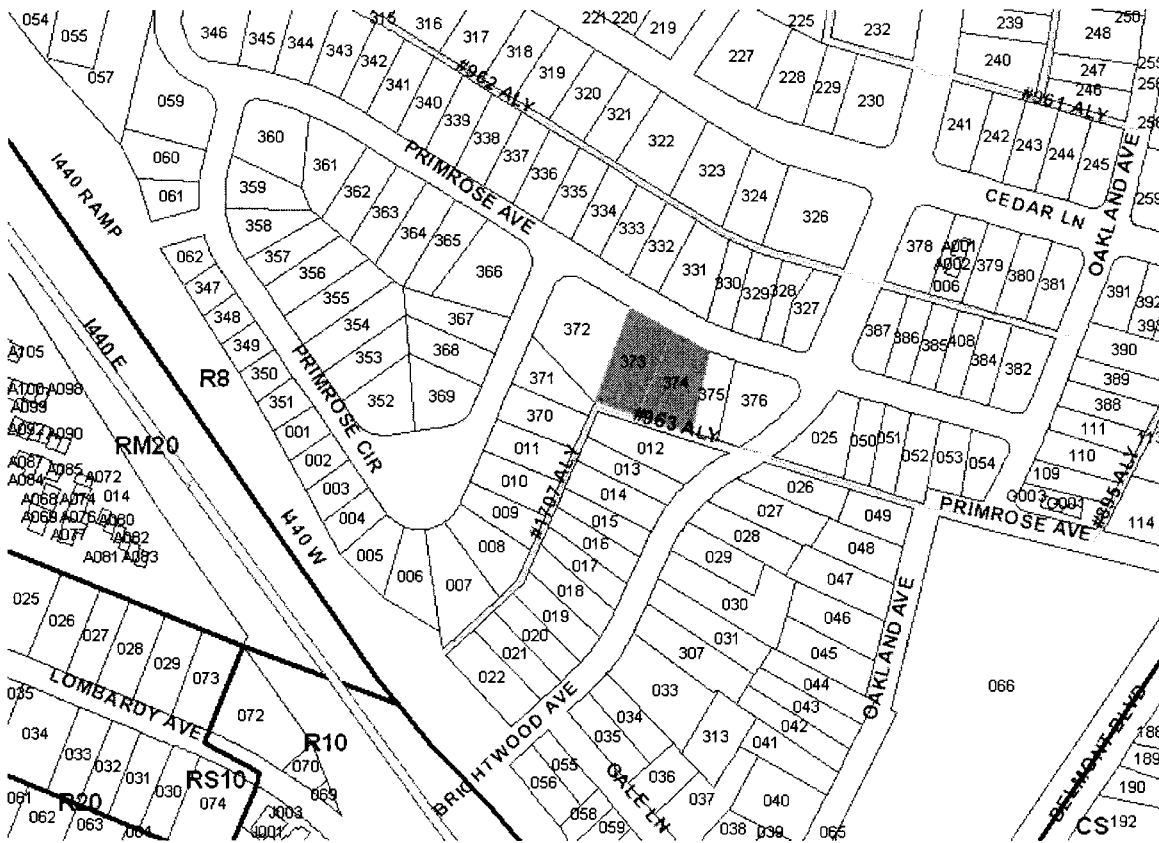
As this request to rezone from R40 to RS40 represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

---

### **STAFF RECOMMENDATION**

Staff recommends approval of the zone change request. The RS40 zoning district is consistent with the RL land use policy.

# **FINAL PLAT SUBDIVISIONS**



**2009S-026-001**

Belmont Terrace, Resub. Lots 21 & 22

Map: 117-04 Parcels: 373, 374

Green Hills/Midtown Community Plan

Council District 18 – Megan Barry



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

**Subdivision 2009S-026-001**  
**Belmont Terrace, Resubdivision Lot 21 & 22**  
18 – Vacant (Megan Barry)  
8 - Fox  
Paul McRedmond and Dana L. Smith, owner, Joe M. Cummings, surveyor

**Staff Reviewer**  
**Staff Recommendation**

Swaggart  
*Approve with condition*

**APPLICANT REQUEST**  
**Final Plat**

**A request for final plat approval to create three lots on property located at 1809 and 1811 Primrose Avenue, approximately 175 feet east of Primrose Circle (0.70 acres) zoned One and Two-Family Residential (R8).**

**ZONING**  
R8 District

R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25% duplex lots.

**SUBDIVISION DETAILS**

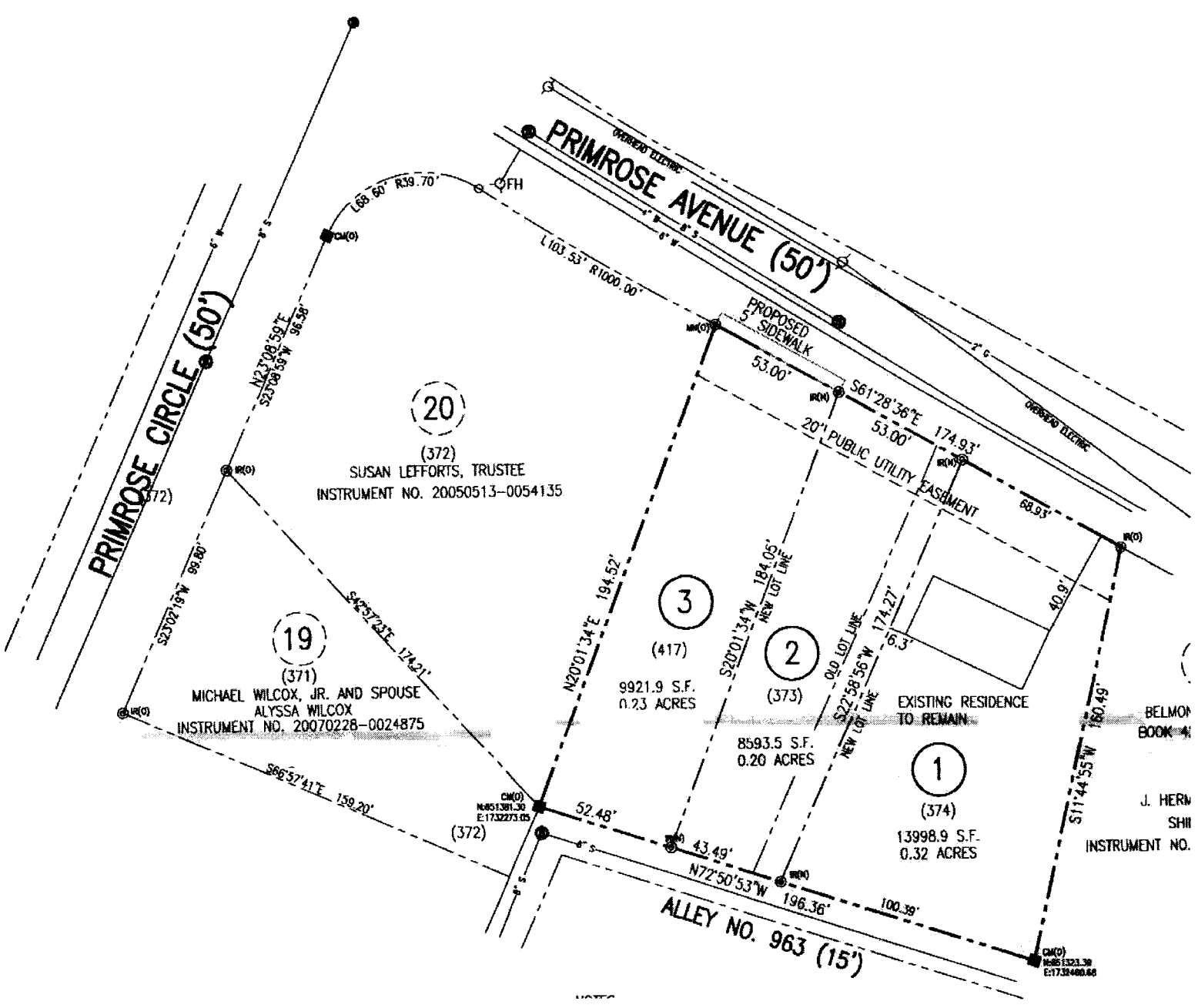
The final plat will create three new lots from two existing lots located at 1809 and 1811 Primrose Avenue. Since the two existing lots were legally created by plat prior to August 1, 1984, and because there will be no more than three lots, all three lots are allowed to have a duplex.

**Lot Comparability**

The lots meet the minimum lot size requirement for the R8 zoning district, but Section 3-5 of the Subdivision Regulations state that new lots in areas previously subdivided and predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. Staff performed a lot comparability analysis that yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Primrose	7,187	53

The proposed new lots will have the following areas and street frontages:



PRIMROSE AVENUE (50')

PRIMROSE AVENUE (50')

ALLEY NO. 963 (15')

20

(372)  
SUSAN LEFFORTS, TRUSTEE  
INSTRUMENT NO. 20050513-0054135

19

(371)  
MICHAEL WILCOX, JR. AND SPOUSE  
ALYSSA WILCOX  
INSTRUMENT NO. 20070228-0024875

3

(417)  
9921.9 S.F.  
0.23 ACRES

2

(373)  
8593.5 S.F.  
0.20 ACRES

1

(374)  
EXISTING RESIDENCE  
TO REMAIN  
13998.9 S.F.  
0.32 ACRES

BELMONT BOOK

J. HERN  
SHII  
INSTRUMENT NO.

N23°08'59"E  
44.69'±  
S22°02'58"W  
96.53'

S22°02'58"W  
96.80'  
S42°52'23"E  
174.21'

L103.53' R1000.00'

N20°01'34"E  
194.52'

S20°01'34"W  
184.05'  
NEW LOT LINE

S22°58'56"W  
174.27'  
NEW LOT LINE

S11°44'55"W  
180.49'

53.00'  
561°28'36"E  
174.93'  
53.00'  
20" PUBLIC UTILITY EASEMENT  
68.93'

L68.60' R39.70'

52.48'

N72°50'53"W  
196.36'

100.39'

N85°32'33.30"  
E:1732480.88

S66°52'41"E  
159.20'

N48°51'26.25"  
98.80'

43.49'

68.93'

40.91'

6.3'

174.27'

196.36'

100.39'

N85°32'33.30"  
E:1732480.88

N85°32'33.30"  
E:1732480.88



## Metro Planning Commission Meeting of 4/23/09

- Lot 1: 13,404 sq. ft. with 68 linear feet of frontage;
- Lot 2: 9,188 sq. ft. with 53 linear feet of frontage; and
- Lot 2: 9,921 sq. ft. with 53 liner feet of frontage.

All three lots pass the comparability requirement for lot area and lot frontage, and do not require that the Planning Commission grant an exception from the requirement.

---

### **PUBLIC WORKS RECOMMENDATION**

No building permit is to be issued on Lot #3 until the proposed sidewalk is either constructed per the Department of Public Works' specifications, bonded, or a financial contribution payment is made in lieu of construction of sidewalks.

---

### **STORMWATER RECOMMENDATION**

Approved.

---

### **STAFF RECOMMENDATION**

Staff recommends approval with a condition of the final plat to create three lots. The three proposed lots meet zoning and subdivision requirements.

---

### **CONDITIONS**

1. No building permit is to be issued on Lot #3 until the proposed sidewalk is either constructed per the Department of Public Works' specifications, bonded, or a financial contribution payment is made in lieu of construction of sidewalks.



**2009S-029-001**

Cottage Cove, Resub.

Map: 118-01 Parcel: 385

Green Hills/Midtown Community Plan

Council District 17 – Sandra Moore





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

**Subdivision 2009S-029-001**  
**Cottage Cove Subdivision**  
17 - Moore  
7 - Kindall  
Kelvin Pennington, owner, Jason Smith, surveyor

**Staff Reviewer**  
**Staff Recommendation**

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

---

**APPLICANT REQUEST**  
**Final Plat**

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

**ZONING**  
R8 District

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

---

**PLAN DETAILS**

This final plat subdivides one existing lot into two lots. Each lot complies with the minimum lot size requirements for R8 zoning. Lot 1 is 9,713 square feet in size and Lot 2 is 10,025 square feet in size.

**History**

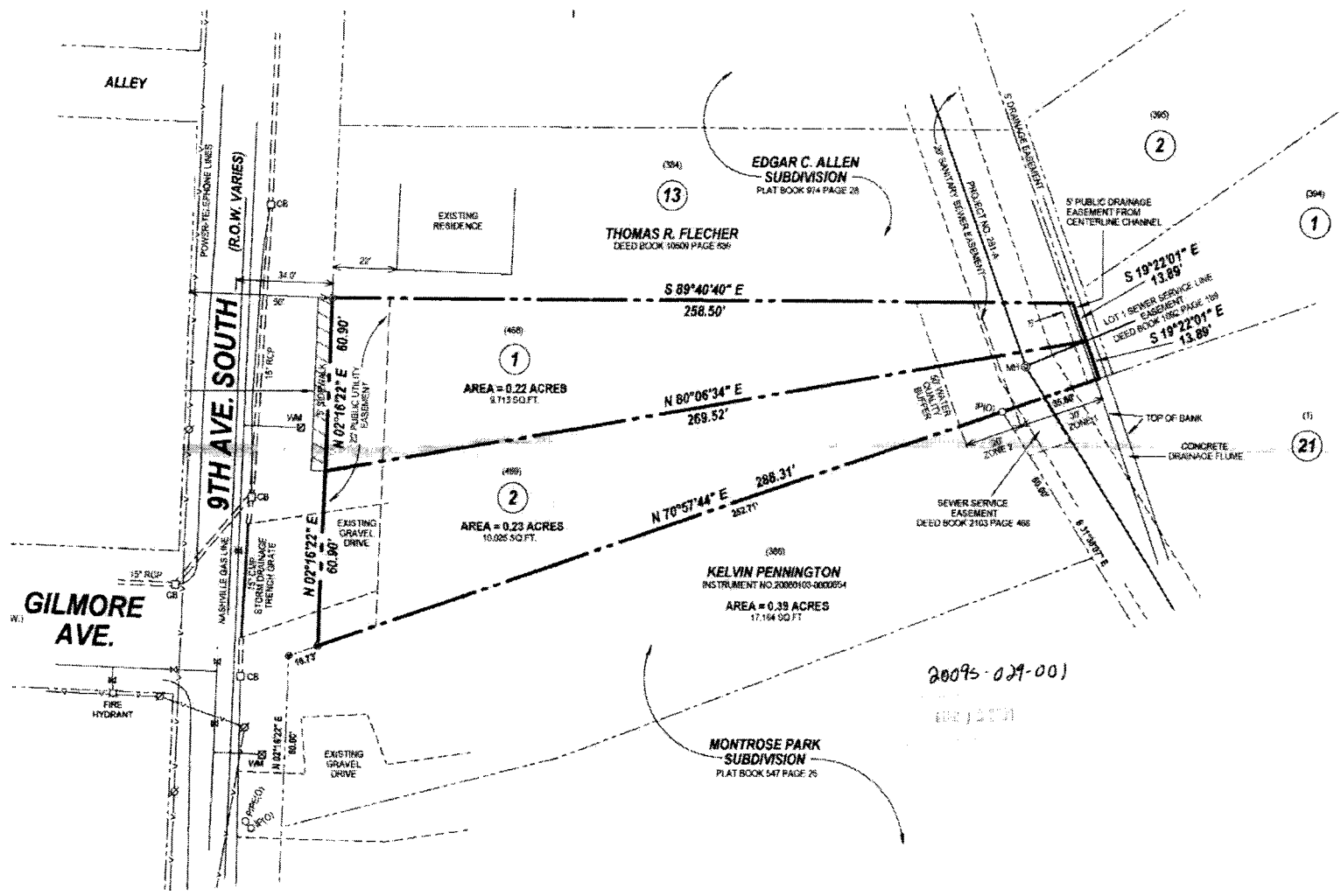
The same request was approved by the Planning Commission, including the variance, on April 10, 2008, but because the applicant chose not to record the plat, the approval expired after six months.

**Variance**

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

**Lot Comparability**

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



ALLEY

POWER-TELEPHONE LINES  
(R.O.W. VARIES)  
9TH AVE. SOUTH

GILMORE AVE.

EDGAR C. ALLEN  
SUBDIVISION  
PLAT BOOK 914 PAGE 28

THOMAS R. FLECHER  
DEED BOOK 1060X PAGE 126

KELVIN PENNINGTON  
INSTRUMENT NO. 20080100-0000004  
AREA = 0.39 ACRES  
17,154 SQ. FT.

MONTROSE PARK  
SUBDIVISION  
PLAT BOOK 547 PAGE 26

EXISTING RESIDENCE

AREA = 0.22 ACRES  
2113 SQ. FT.

AREA = 0.23 ACRES  
10,025 SQ. FT.

S' PUBLIC DRAINAGE  
EASEMENT FROM  
CENTERLINE CHANNEL

S 19°22'01" E  
13.89'  
LOT 1 SEWER SERVICE LINE  
EASEMENT  
DEED BOOK 1062 PAGE 169  
S 19°22'01" E  
13.89'

SEWER SERVICE  
EASEMENT  
DEED BOOK 2103 PAGE 466

CONCRETE  
DRAINAGE FLUME

20075-027-001

DATE: 12/2/07



## Metro Planning Commission Meeting of 4/23/09

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.)
9 <sup>th</sup> Avenue	7,543	52

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

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

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

---

### **PUBLIC WORKS RECOMMENDATION**

No building permit is to be issued on Lot #1 until the proposed sidewalk is either constructed per the Department of Public Works' specifications, bonded, or a financial contribution payment is made in lieu of construction of sidewalks.

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### **WATER SERVICES RECOMMENDATION**

Prior to recording, label existing 6 and 12-inch water mains on the plat.

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### **STAFF RECOMMENDATION**

Staff recommends approval with a condition that prior to the recording of the plat, the existing water mains be labeled on the plat. In addition, staff recommends that the variance for the lot depth to width ratio be granted.

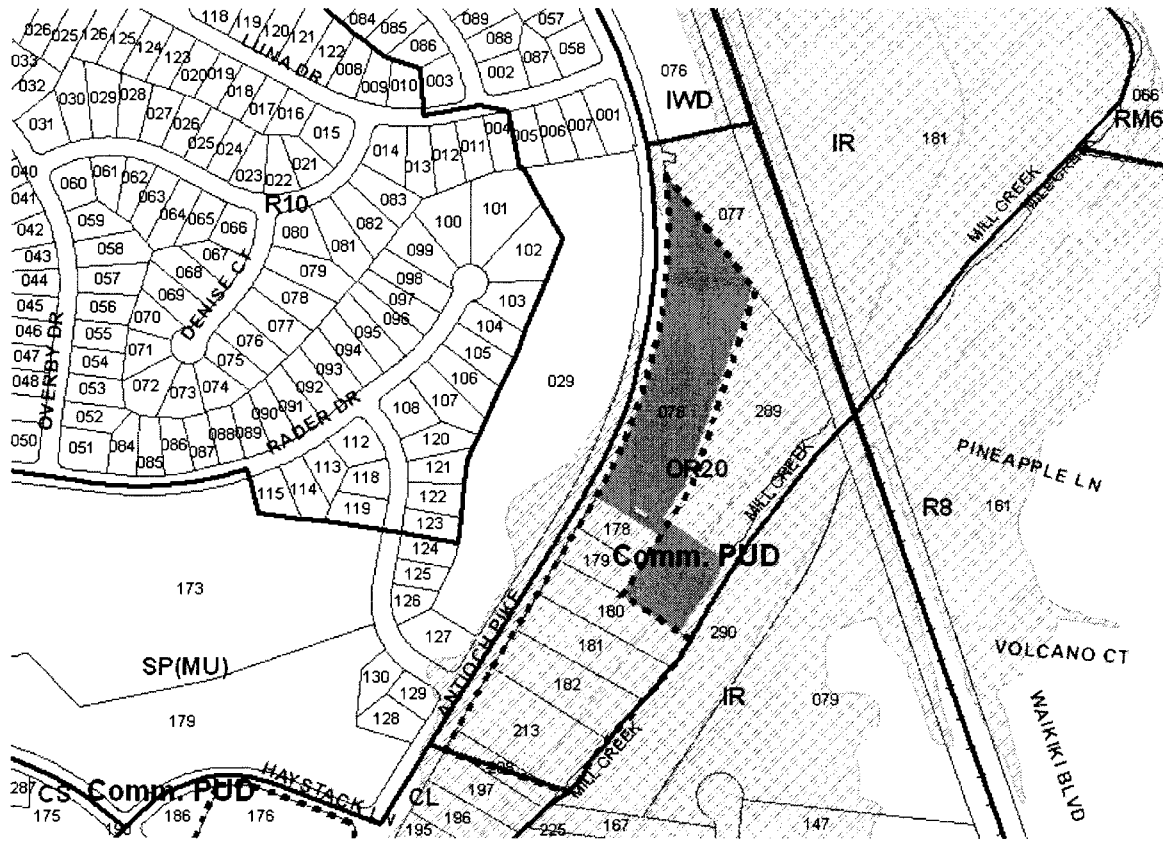
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### **CONDITION**

1. The requirements of the Metro Water Services Department shall be met prior to the recordation of the final plat.
2. No building permit is to be issued on Lot #1 until the proposed sidewalk is either constructed per the Department of Public Works' specifications, bonded, or a financial contribution payment is made in lieu of construction of sidewalks.

**SEE NEXT PAGE**

**REVISIONS  
and FINAL SITE PLANS**



**68-79P-001**  
 Safety Kleen (Dairy Office Revision)  
 Map: 148-00 Parcel: 078.01  
 Antioch/Priest Lake Community Plan  
 Council District 28 – Duane A. Dominy



<b>Project No.</b>	<b>Planned Unit Development 68-79P-001</b>
<b>Project Name</b>	<b>Safety Kleen (Dairy Office Revision)</b>
<b>Council District</b>	28 - Dominy
<b>School Board District</b>	6 - Johnson
<b>Requested By</b>	Walter Davidson and Associates, applicant for Greg Irby, owner
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve with conditions</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 Safety Kleen Planned Unit Development overlay located at 1636 Antioch Pike, approximately 1,420 feet north of Haywood Lane (5.13 acres), zoned Office/Residential (OR20), to permit the addition of a 672 square foot modular office for a dairy distribution company.**

**Zoning District**  
 OR20 District

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

**PLAN DETAILS**

This is a request to revise the preliminary plan and for final site plan approval for a portion of a commercial Planned Unit Development (PUD). The PUD was originally approved in 1979, for various commercial uses and has been revised numerous times since the original approval. This portion of the PUD was approved for office and a day care center. The proposed change is to allow an office for a dairy distribution company.

Site Plan

The site plan calls for a 672 square foot modular building. The building will be located near the southern lot line next to parcel 178. The plan also calls for additional plantings within the green space between the parking area and Antioch Pike. No other changes are proposed.

**PUBLIC WORKS**  
**RECOMMENDATION**

No Exceptions Taken

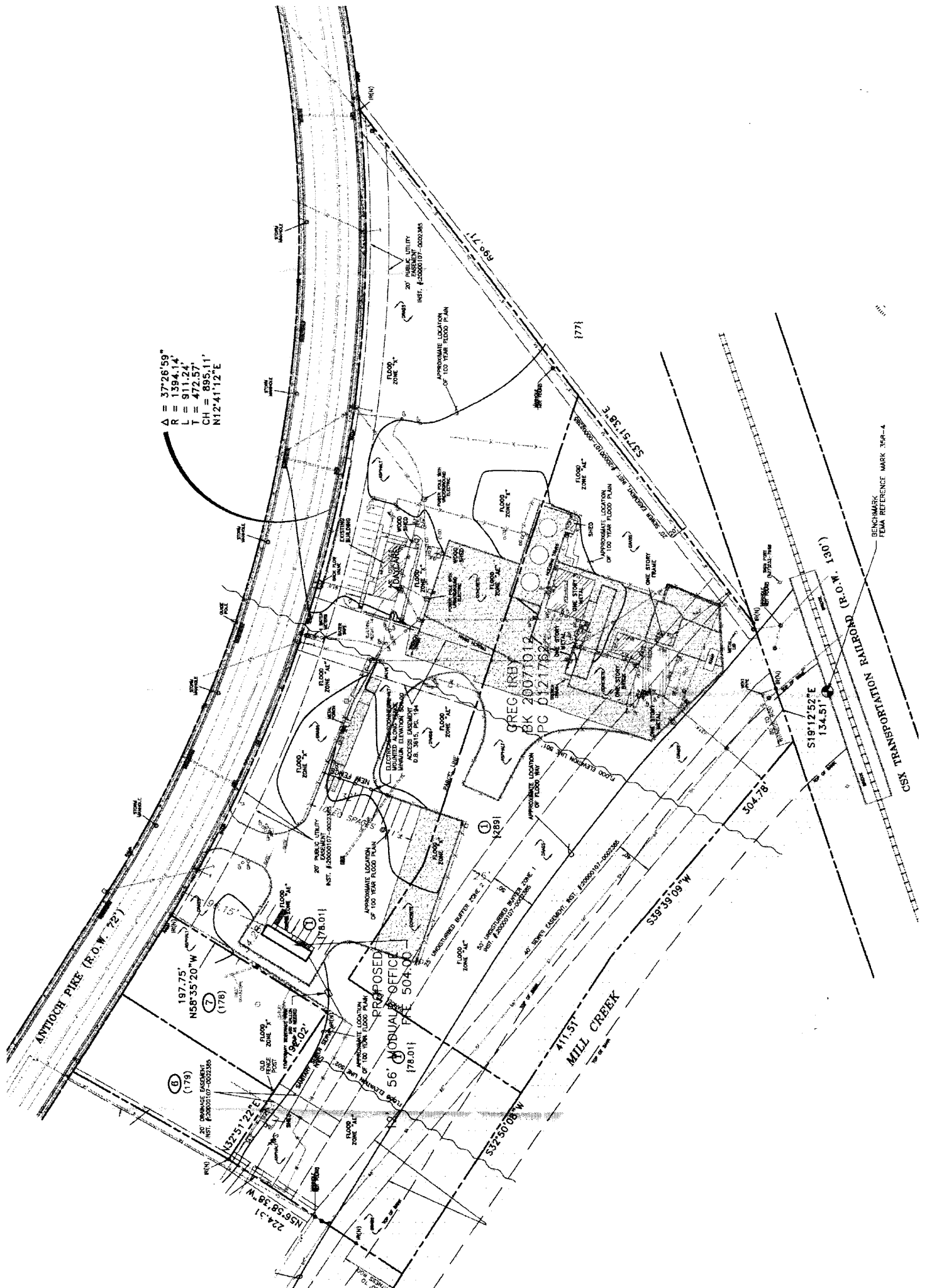
**STORMWATER**  
**RECOMMENDATION**

Approved

**STAFF RECOMMENDATION**

Staff recommends that the request be approved with conditions. The revision is minor in nature and the proposed use is consistent with other uses in the PUD.

$\Delta = 37^{\circ}26'59''$   
 $R = 1394.14$   
 $L = 911.24$   
 $T = 472.57$   
 $CH = 895.11'$   
 $N12^{\circ}41'12''E$



BENCHMARK  
FEMA REFERENCE MARK 159-4





## Metro Planning Commission Meeting of 04/23/09

### CONDITIONS

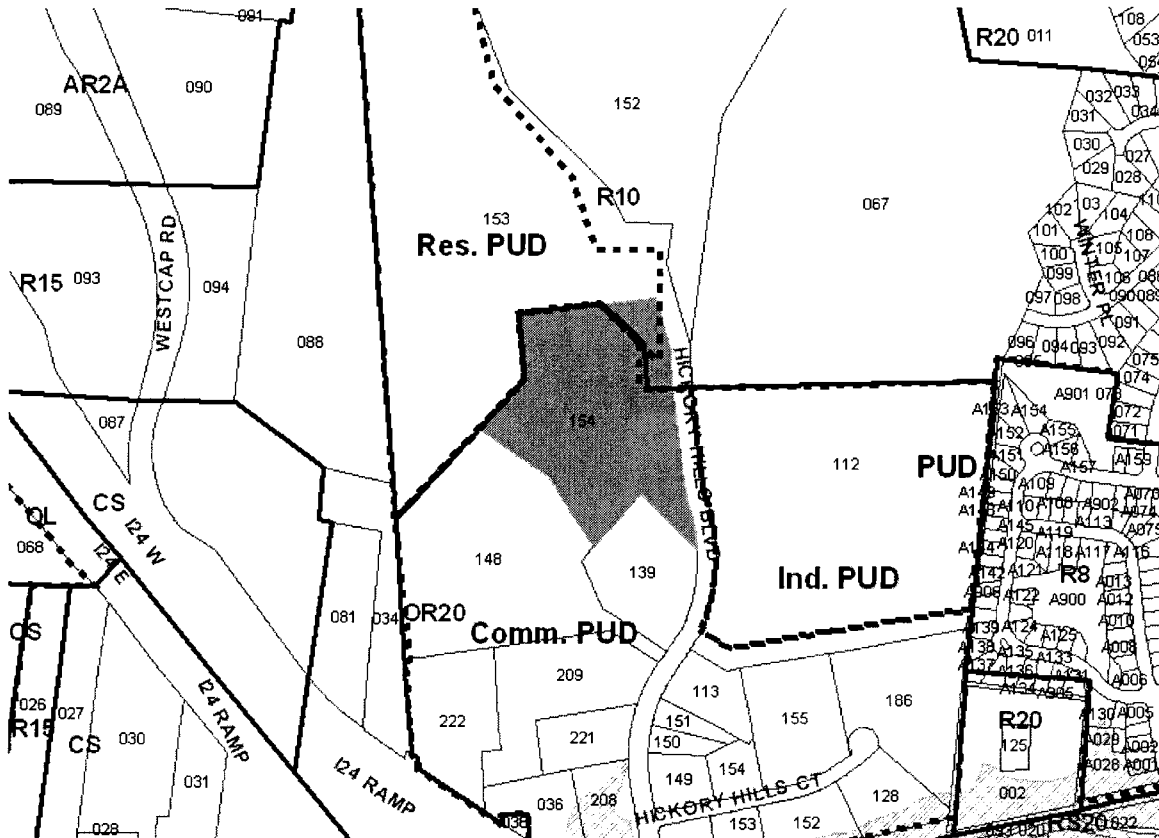
1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. 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.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and



## Metro Planning Commission Meeting of 04/23/09

require resubmission of the plan to the Planning Commission.

**SEE NEXT PAGE**



**98-73P-001**  
 Hickory Hills PUD (Verizon Wireless Parking Expansion)  
 Map: 031-00 Parcel: 154  
 Parkwood/Union Hill Community Plan  
 Council District 3 – Walter Hunt



**Project No.**  
**Project Name**

**Planned Unit Development 98-73P-001**  
**Hickory Hills PUD (Verizon Wireless Parking Expansion)**

**Council District**  
**School Board District**  
**Requested By**

3 - Hunt  
3 - North  
PBS and J applicant for Verizon Tennessee Partnership, owner

**Staff Reviewer**  
**Staff Recommendation**

Swaggart  
*Approve with conditions*

**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 Hickory Hills Planned Unit Development Overlay located at 575 Hickory Hills Boulevard, approximately 1,500 feet north of Old Hickory Boulevard (12.39 acres), zoned Office/Residential (OR20), to permit a 10,100 square foot parking lot for utility trucks and trailers.

**Zoning District**  
OR20 District

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

**PLAN DETAILS**

This is a request to revise the preliminary plan and for final site plan approval for a portion of the Hickory Hills Planned Unit Development (PUD). The PUD was originally approved in 1973, for various commercial, office and residential uses. This portion of the PUD is approved for 51,404 square feet of office and equipment space. The proposed revision it to permit a new parking area for the storage of utility trucks and trailers. No new structures are proposed.

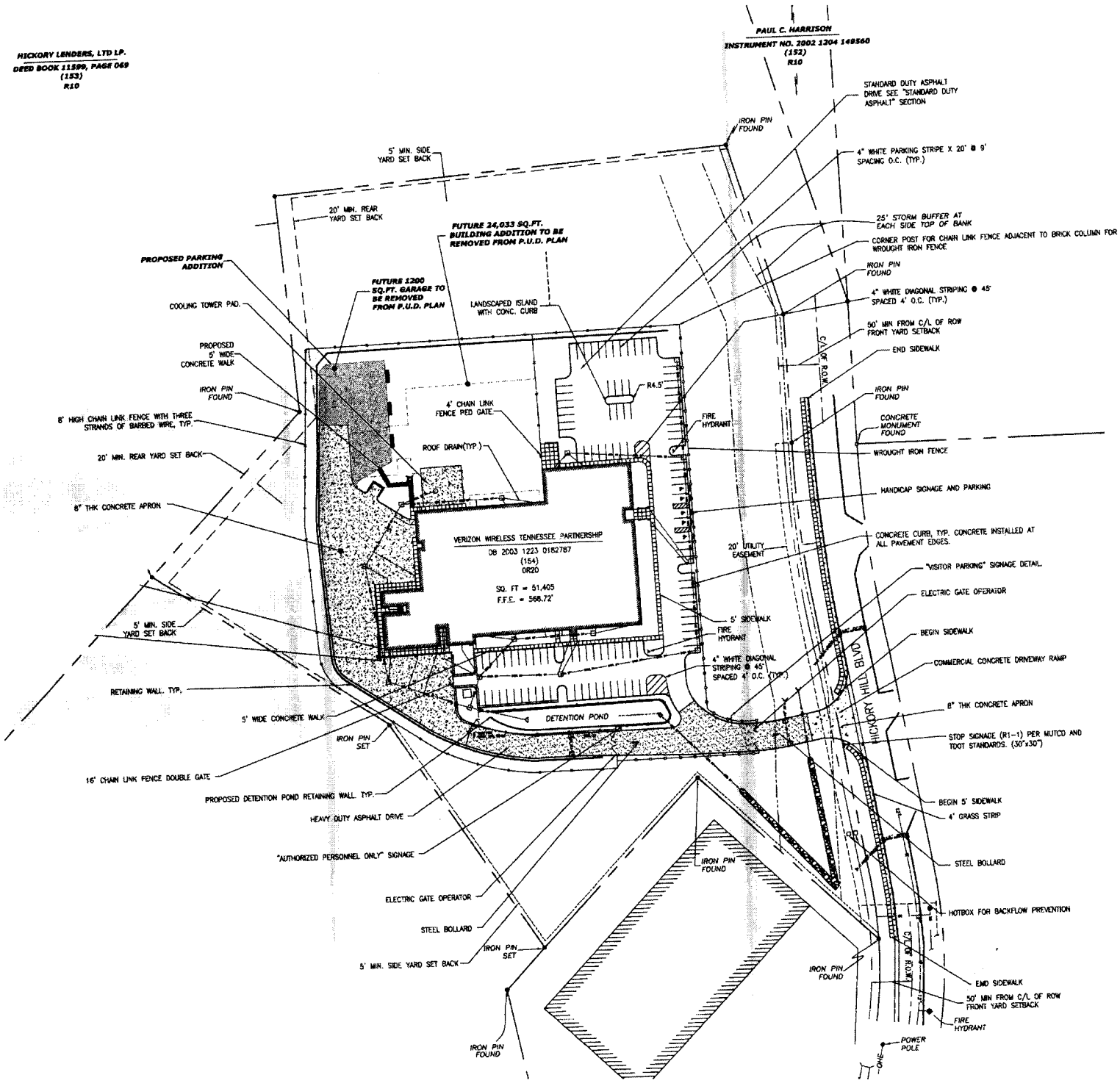
Site Plan

The proposed plan calls for a new paved area covering 10,100 square feet. The additional parking area will be located at the back of the lot at the northwest corner and accessed from Hickory Hills Boulevard through the existing drive on the lot.

**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.

PAUL C. HARRISON  
 INSTRUMENT NO. 2002 1304 148560  
 (182)  
 R10





## Metro Planning Commission Meeting of 04/23/09

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### STORMWATER RECOMMENDATION

Approved with conditions:

1. Provide Dedication of Easement, Long Term Maintenance Plan, and Grading Permit fee.

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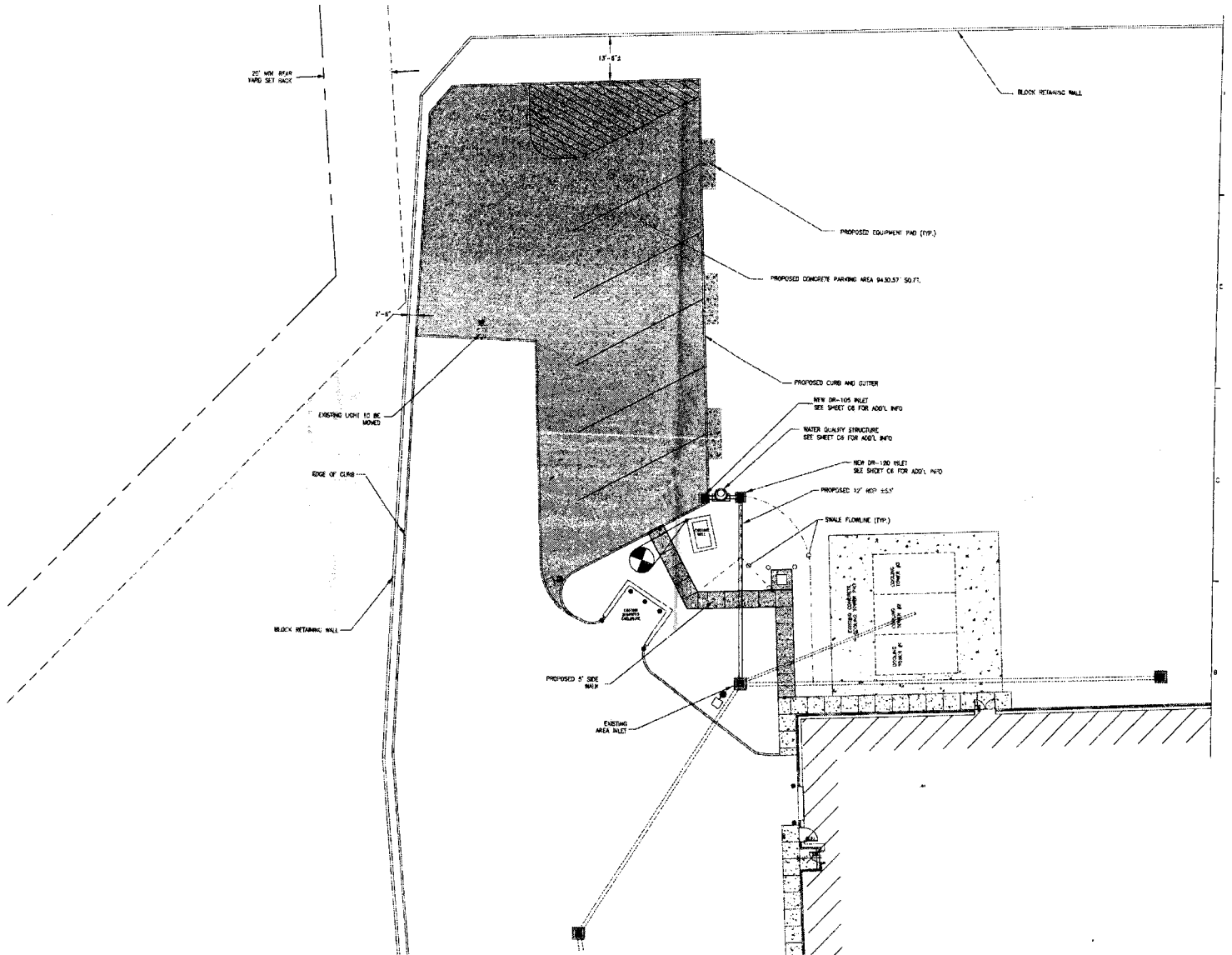
### STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The proposed parking area is consistent with other uses in the PUD and meets all zoning requirements.

---

### CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. 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.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.







## Metro Planning Commission Meeting of 04/23/09

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