

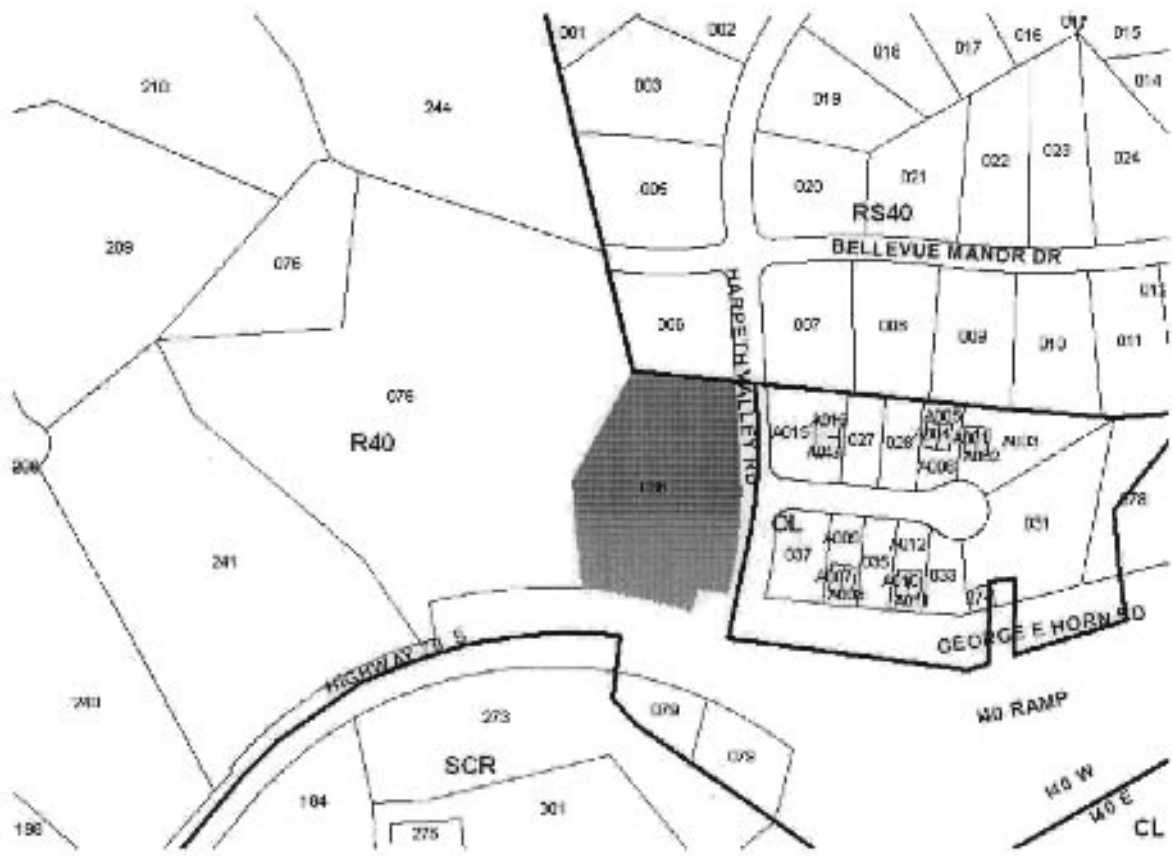
Metropolitan Planning Commission



Staff Reports

June 10, 2010

PREVIOUSLY DEFERRED ITEMS



18-85P-001
 7734 Highway 70 S
 Map: 127-00 Parcel: 086
 Bellevue Community Plan
 Council District 22 – Eric W. Crafton



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

Planned Unit Development 18-85P-001
2010Z-010PR-001
BL2010-672
22 - Crafton
9 - Simmons
Eric Crafton, applicant, Patsy Potter, owner
*Deferred from the May 13, 2010 and June 10, 2010,
Planning Commission meeting at the request of the
applicant.*

Staff Reviewer
Staff Recommendation

Bernards
Defer or disapprove

APPLICANT REQUEST

Cancel the 7734 Highway 70 South Planned Unit Development.

Zone Change

A request to cancel the 7734 Highway 70 South Commercial Planned Unit Development district located at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road, zoned One and Two-Family Residential (R40) and proposed for Commercial Limited (CL), (3.37 acres), approved for a commercial nursery facility.

Deferral

The applicant had requested a further deferral to June 10, 2010, in order to obtain additional community input on this request. This community, including this property, was severely impacted by the recent storm event and has not had an opportunity to review the applicant's revised proposal.

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. Without the PUD overlay, the R40 zoning on this site would permit up to three residential lots.

Commercial PUD

A Commercial PUD overlay was applied to this property in 1985 to permit a garden and nursery center.

Floodplain Overlay District (FO)

The FO represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater



Metro Planning Commission Meeting of 06/10/2010

flows through existing and natural flood conveyance systems to minimize damage to property and human life.

CRITICAL PLANNING GOALS

N/A

BELLEVUE COMMUNITY PLAN

Office Transition (OT)

OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Natural Conservation (NCO)

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

Consistent with Policy?

While the bulk of the property is within the OT policy and the garden and nursery center permitted in this Commercial PUD is not consistent with this policy, this property is also in the Floodplain Overlay District. The garden and nursery center is a more appropriate use for the overlay district than the three two-family residential units permitted under the R40 zoning district.

The applicant has been meeting with the community on this request. No revisions to the original application have been submitted to the Planning Department for review. During the recent storm events, this property was severely impacted. Staff is recommending that this request be deferred for further discussion. If the applicant does not wish to defer, then staff recommends disapproval.

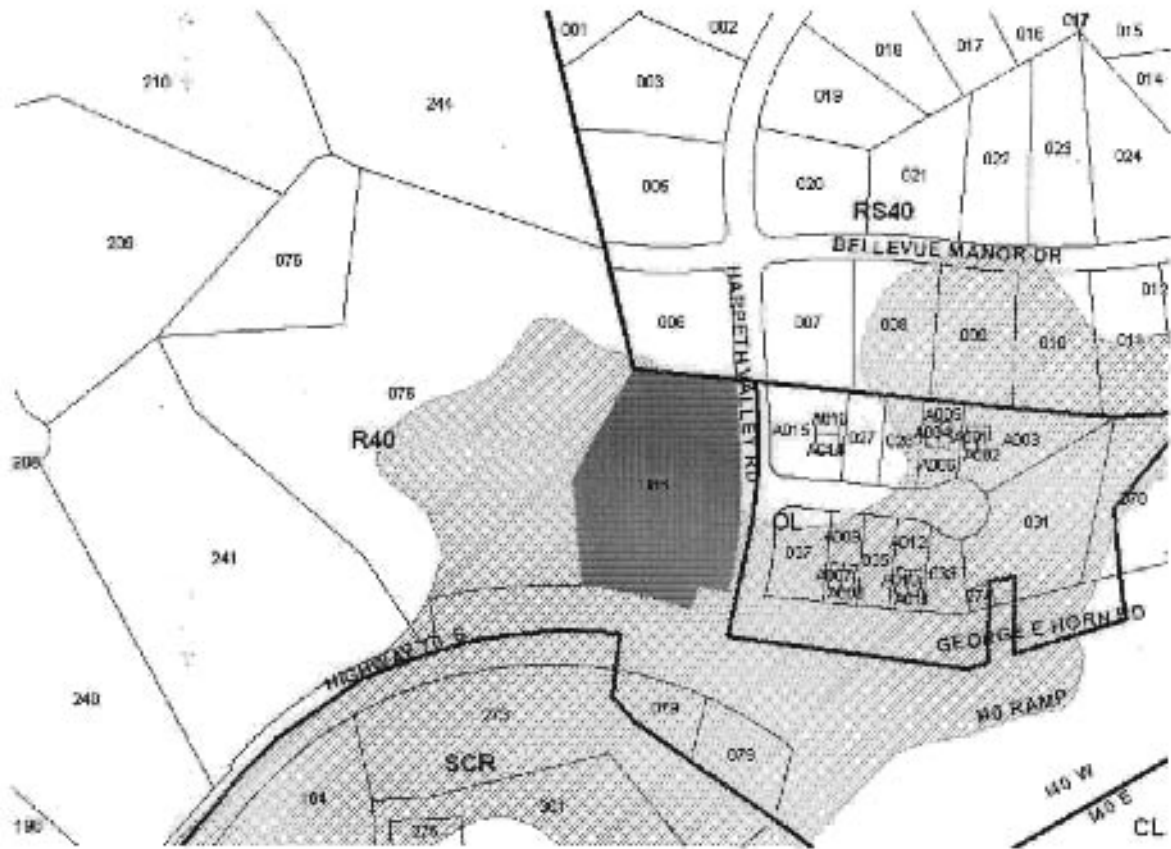
PUBLIC WORKS RECOMMENDATION

A TIS may be required at re-development.

STAFF RECOMMENDATION

Staff recommends that this request and the associated rezoning be deferred while staff continue the evaluation of impacts of development in the Floodplain Overlay Districts. If this request is not deferred, then staff recommends disapproval.

SEE NEXT PAGE



2010Z-010PR-001
 Map: 127-00 Parcel: 086
 Bellevue Community Plan
 Council District 22 – Eric W. Crafton



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

Zone Change 2010Z-010PR-001
18-85P-001
BL2010-673
22 - Crafton
9 - Simmons
Ted Potter, applicant, Patsy Potter, owner
Deferred from the May 13, 2010 and June 10, 2010, Planning Commission meeting at the request of the applicant.

Staff Reviewer
Staff Recommendation

Bernards
Defer or disapprove

APPLICANT REQUEST

Rezone from R40 to CL.

Zone Change

A request to rezone from One and Two-Family Residential (R40) to Commercial Limited (CL) zoning for property located within the 7734 Highway 70 South Planned Unit Development Overlay at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road (3.37 acres).

Deferral

The applicant had requested a further deferral to June 10, 2010, in order to obtain additional community input on this request. This community, including this property, was severely impacted by the recent storm event and has not had an opportunity to review the applicant's revised proposal.

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. *Without the PUD overlay, the R40 zoning on this site would permit up to three residential lots.*

Floodplain Overlay District (FO)

The FO represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. **The proposed zoning request will not remove this property from the FO.**



Metro Planning Commission Meeting of 06/10/2010

Proposed Zoning
CL District

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

CRITICAL PLANNING GOALS

N/A

BELLEVUE COMMUNITY PLAN

Office Transition (OT)

OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Natural Conservation (NCO)

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

Consistent with Policy?

No. The proposed commercial zoning conflicts with the land use policies on the project site, which promote low-intensity office uses as a transition between residential and commercial uses and the NCO policy that calls for low-intensity residential development. While the majority of the site is within the FO the NCO policy covers only a small portion of the property along the western boundary.

Analysis

There is a Commercial PUD on this property that was adopted in 1985, to permit a landscape business. Across Highway 70 South there is a gas station and a martial arts studio in the R40 district and a restaurant in the Shopping Center Regional (SCR) district. The gas station and studio are legally non-conforming uses. A retail use was in place prior to the studio. In December 1988, the Board of Zoning Appeals approved the studio as a use that would not increase the degree of non-compliance.

The properties across Harpeth Valley Road were rezoned to Office Limited (OL) district in 1999 which is a zoning district that would meet the OT policy. During the recent storm events, the property at 7734 Highway 70S and the neighboring low density office park was severely impacted. Staff is recommending that this request be



Metro Planning Commission Meeting of 06/10/2010

deferred for further discussion. If the applicant does not wish to defer, then staff recommends disapproval.

A TIS may be required at development.

PUBLIC WORKS RECOMMENDATION

Typical Uses in Existing Zoning District: R40 PUD

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Greenhouse/Nursery (817)	3.37	-	2,868 SF	104	4	11

*Floor area controlled by PUD

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	3.37	0.165	24,221 SF	1074	27	80

Traffic changes between typical: R40 PUD and proposed CL.

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+970	+23	+69

Maximum Uses in Existing Zoning District: R40 PUD

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Greenhouse/Nursery (817)	3.37	-	2,868 SF*	104	4	11

*Floor area controlled by PUD

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	3.37	0.6	88,078 SF	6254	143	585

Traffic changes between maximum: R40 PUD and proposed CL.

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	16150	+139	+574



Metro Planning Commission Meeting of 06/10/2010

STAFF RECOMMENDATION

Staff recommends that this request and the associated PUD cancellation be deferred while staff continue the evaluation of impacts of development in the Floodplain Overlay Districts. If this request is not deferred, then staff recommends disapproval.

SEE NEXT PAGE



88-042P-001

Parnley Commercial (Cancellation)

Map: 049-00 Parcel: Part of 185

Bordeaux/Whites Creek Community Plan

2010Z-011PR-001

Map: 049-00 Parcel: 185

Bordeaux/Whites Creek Community Plan

Council District 3 – Walter Hunt



Project No.

Planned Unit Development 88-042P-001

Project Name

Zone Change 2010Z-011PR-001

Council District

Parmley Commercial PUD

School District

3 – Hunt

Requested by

3 – North

Tennessee Contractors, applicant, for Pinnacle National Bank, owner

Deferral

Deferred from the May 13, 2010, Planning Commission meeting.

Staff Reviewer

Swaggart

Staff Recommendation

Approve

APPLICANT REQUEST

Cancel Commercial PUD Overlay and rezone to RS10.

Cancel PUD

A request to cancel the Parmley Commercial Planned Unit Development District Overlay located on a portion of property at 3705 Whites Creek Pike, approximately 2,450 feet north of Green Lane, approved for an 80,000 square foot office and retail development, zoned Shopping Center Neighborhood (SCN) (12.07 acres), and proposed for Single-Family Residential (RS10) zoning.

Zone Change

A request to rezone from Shopping Center Neighborhood (SCN), Single-Family Residential (RS15 and RS20) to Single-Family Residential (RS10) zoning for property located at 3705 Whites Creek Pike, including the Parmley Commercial PUD, approximately 2,450 feet north of Green Lane (38.39 acres).

Existing Zoning

SCN District

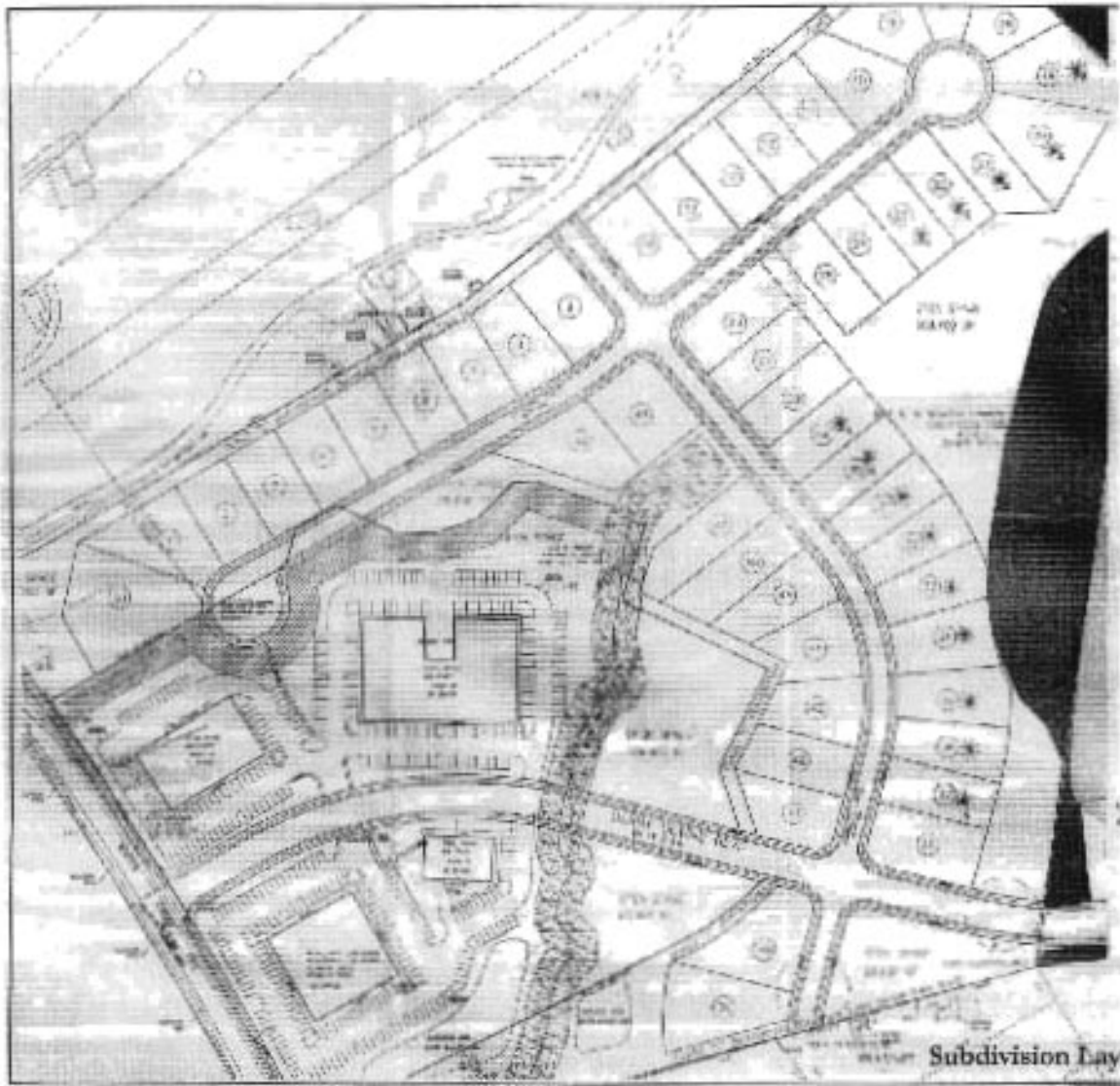
Shopping Center Neighborhood is intended for a limited range of retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

RS15 District

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

RS20 District

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



Approved Plan



Metro Planning Commission Meeting of 06/10/2010

Proposed Zoning
RS10 District

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

CRITICAL PLANNING GOALS

N/A

**BORDEAUX/WHITES CREEK
COMMUNITY PLAN**

Residential Low Medium (RLM)

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

Consistent with Policy?

Yes. The proposed RS10 district is consistent with the land use policy. More importantly the request will cancel a Commercial PUD which is not consistent with the policy bringing the zoning in compliance with the long range plan.

REQUEST DETAILS

The request is to cancel the Parmley Commercial PUD Overlay and rezone the PUD property and the surrounding property to RS10. The Parmley Commercial PUD is located on approximately 12 acres of an approximately 38 acre property. There are a number of zoning districts on this property, including the PUD, which is zoned SCN, and the surrounding area, which is zoned RS15 and RS20. The property is located on the east side of Whites Creek Pike approximately 3,500 feet north of Briley Parkway and is currently vacant and consists of open field and forest.

The PUD was originally adopted by Metro Council in 1988, for residential and commercial uses. It encompassed a larger land area including all of parcel 185 and other property spanning to Knight Drive. In 1991 the residential portion of the PUD was cancelled leaving only the commercial portion.

The commercial PUD was revised in 2005, to permit 80,000 square feet of office and retail. It was also associated with Parmley Cove - a residential subdivision approved on the remaining portion of the property. While the residential subdivision was not within the PUD, its primary access to Whites Creek was through the PUD.



Metro Planning Commission Meeting of 06/10/2010

Analysis

The Bordeaux/Whites Creek Community Plan calls for this area to be residential. As the existing Commercial PUD is not consistent with the policy, canceling it and rezoning the entire property to RS10 will bring the property into compliance with the plan.. The preliminary approval for Parnley Cove has expired and a new subdivision will require the approval of the Planning Commission.

PUBLIC WORKS RECOMMENDATION

Traffic study may be required with any development.

Typical Uses in Existing Zoning District: SCN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (820)	11.8	-	80,000*	5875	136	548

*Floor area based on approved PUD Overlay

Typical Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	25.06	2.31 D	54 L	590	48	62

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.4	2.47 D	4 L	39	3	5

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	38.26	3.7 D	141 L	1427	109	147

Traffic changes between Typical: Existing and Proposed Zoning

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-5077	-78	-468

Maximum Uses in Existing Zoning District: SCN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (820)	11.8	-	80,000*	5875	136	548

*Floor area based on approved PUD Overlay



Metro Planning Commission Meeting of 06/10/2010

Maximum Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	25.06	2.31 D	54 L	590	48	62

Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.4	2.47 D	4 L	39	3	5

Maximum Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	38.26	3.7 D	141 L	1427	109	147

Traffic changes between Maximum: Existing and Proposed Zoning

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-5077	-78	-468

STORMWATER RECOMMENDATION

Approved

METRO SCHOOL BOARD REPORT

Projected student generation

25 Elementary 23 Middle 24 High

Schools Over/Under Capacity

Students would attend Alex Green Elementary School, Brick Church Middle School, and Whites Creek High School. All school has been identified as having capacity for additional students.

STAFF RECOMMENDATION

Staff recommends approval. The proposed RS10 zoning district is consistent with the areas residential land use policy.



2010M-003AB-001

Portion of 43rd Ave, N. & Alley #1203 Abandonment

Map: 091-12 Parcels: 055, 056, 096, 097, 098, 099, 100, 101, 102

West Nashville Community Plan

Council District 20 - Buddy Baker



**Project No.
Project Name**

**Mandatory Referral 2010M-003AB-001
Abandon a Portion of 43rd Ave. N. and Alley #1203**

**Council Bill
Council District
School District
Requested by**

BL2010-682
20 - Baker
1 - Gentry
Councilmember Buddy Baker, applicant, for James R. Hunter and RCG Group LLC, owners
Deferred from the April 22, 2010, Planning Commission meeting at the request of the applicant.

Deferral

**Staff Reviewer
Staff Recommendation**

Leeman
Disapprove or defer if Councilmember agrees to defer the council bill.

APPLICANT REQUEST

Abandon portions of 43rd Avenue N and Alley #1203

Alley and Street Abandonment

A request to abandon a portion of 43rd Avenue North, from Georgia Avenue northward to its terminus, and a portion of Alley #1203 east of 44th Avenue North to its terminus (easements to be retained).

History

This item was heard at the April 22, 2010, Planning Commission meeting and was deferred by the Commission at the request of Councilmember Baker in order for this item to be considered on the same agenda as a request to rezone the adjacent parcels from residential to industrial. Since that meeting, the rezoning application has been deferred indefinitely in order to allow more time for the applicant to meet with the community.

The Council Bill for this Mandatory Referral (BL2010-682) passed second reading at Council on June 1, 2010, and is scheduled to be considered by Council on Third Reading on June 15, 2010.

CRITICAL PLANNING GOALS

N/A

REASON FOR CLOSURE

The application states the reason for the closure is "to eliminate dumping of trash, tree limbs and tires." The applicant has also indicated that this will allow the adjacent property owner to consolidate the adjacent parcels and rezone the parcels from residential to industrial.

Alley/ Road Length

Alley #1203 is approximately 310 feet in length with six vacant residential lots fronting Georgia Avenue.



Metro Planning Commission Meeting of 06/10/2010

The portion of 43rd Avenue North proposed to be closed is approximately 300 feet in length extending from Georgia Avenue to its northern terminus.

DEPARTMENT AND AGENCY COMMENTS

Planning

While there are currently no homes built on the six residential lots served by Alley #1203, alleys are an important structural element to the transportation network in this area of West Nashville. These facilities, as well as streets, bikeways, sidewalks and pedestrian ways directly affect mobility to and from the community and within it. Providing an opportunity for any future homes to have alley access will also serve to enhance the pedestrian realm along Georgia Avenue in the future by creating an urban streetscape with front porches and windows facing the street. Since these six residential properties back up to an existing industrially zoned area, garages in the rear, and accessed via the alley, provide additional buffering. It is premature to close the alley as long as the six residential lots still exist and those properties are zoned residential.

West Nashville Community Plan

The West Nashville Community Plan policy for this area is T4 Urban Neighborhood Maintenance, which would call for the maintenance of the existing character in this area, including supporting alleys for residential development. The plan states that alleys are the preferred form of access in urban neighborhoods.

Public Works

Public Works is recommending approval.

NES

NES is recommending approval with a condition to retain easement rights.

Emergency Communications Center (ECC)

The ECC is recommending approval.

Water Services

Water Services is recommending approval with a condition that all easement rights are retained for water and sewer lines in the right-of-way.

STAFF RECOMMENDATION

Staff recommends disapproval of the request to abandon Alley 1203 and a portion of 43rd Avenue North which serves as access to the alley, or deferral if the Councilmember agrees to defer the Mandatory Referral application at council.

**COMMUNITY PLAN
AMENDMENT**



2010CP-003-001

Bordeaux-Whites Creek

Map: 039-00 Part of parcels: 073, 277, 320

Map: 048-00 Part of parcels: 038, 159

Bordeaux/Whites Creek Community Plan

Council District 3 - Walter Hunt



Project No.
Project Name

2010CP-003-001
Amend the *Bordeaux-Whites Creek Community Plan: 2003 Update*

Associated Case
Council District
School Board District
Requested by

2010SP-002-001
3 – Hunt
3 – North
Wamble & Associates, applicant for 5000, 5010 and 5012 Clarksville Pike, for Winston Temple, owner;
Metro Planning Department, applicant for 4998 and 5026 Clarksville Pike, George R. and Mildred Burton, Trustees and Sarah E. Todd, owners

Staff Reviewer
Staff Recommendation

Eadler
Approve

APPLICANTS REQUEST

Amend the Land Use Policy for portions of five properties.

Amend the Community Plan

A request to amend the *Bordeaux-Whites Creek Community Plan: 2003 Update* by changing the land use policy from Natural Conservation (NCO) and Rural (R) to T3 Suburban Neighborhood Evolving (T3 NE) for approximately 16.92 of 43.55 acres located on a portion of properties at 4998, 5000, 5010, 5012 and 5026 Clarksville Pike.

PLANNING GOALS
Critical Planning Goals

When applied in appropriate locations, the proposed T3 NE policy is intended to meet critical city-wide planning goals, such as providing a range of housing options, promoting infill development, and supporting transportation choices.

This proposed plan amendment, together with the associated SP rezoning, would support the planning goal of providing a range of housing options. However, the amendment is not an infill situation and transit is not available or currently planned. The only type of multi-modal transportation the amendment would promote based on current plans is park-and-ride service.

Bordeaux-Whites Creek Community Plan Goal:

The proposal would promote two particular goals of the Community Plan: 1) **Goal #5: Provide New Residential Growth**—encourage new residential growth to support desired services; and 2) **Goal #6: Improve Housing Choices**—provide locations for condominiums.



Metro Planning Commission Meeting of 06/10/2010

townhouses and apartments to allow for greater diversity in the housing stock in the community. Attract young professionals, empty-nesters or retired persons.

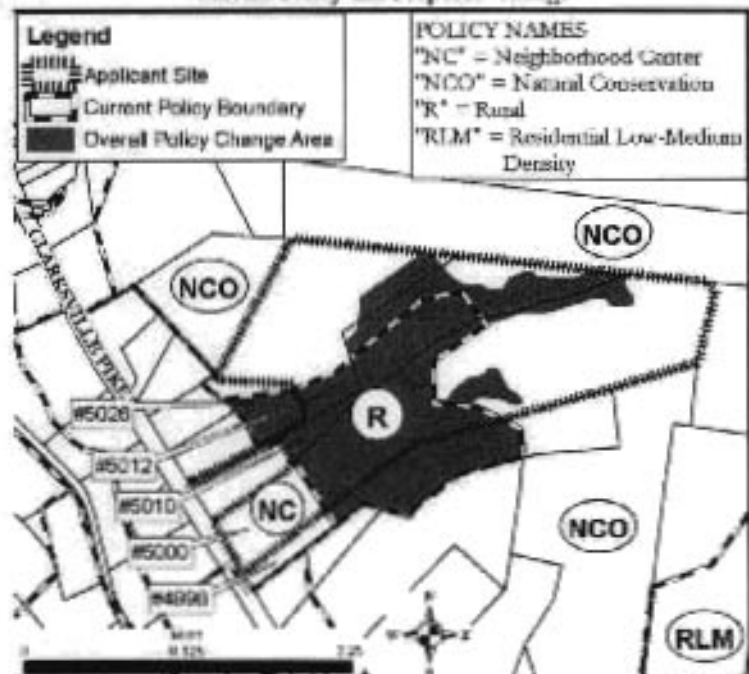
BORDEAUX-WHITES CREEK COMMUNITY PLAN

Existing Policies

"Natural Conservation (NCO)"

"NCO" is a policy category designed for areas that are generally unsuitable for urban or suburban development due to physical constraints such as steeply sloping land or flooding potential. The intent is to conserve these areas by minimizing disturbance of them. Development is intended to be very low intensity. Appropriate uses in "NCO" policy areas include very low intensity residential (one dwelling unit per two acres or more) and residentially-oriented civic and public benefit activities. Of the ±43 acres in the five subject properties, about 27 acres are in "NCO" policy. Of that, about 4.5 acres that are not steeply sloping are proposed to be changed to T3 NE policy (see Figure 1). The NCO policy will be retained for the remaining 22.5 acres.

FIGURE 1
Current Policy and Proposed Change



"Rural (R)"

"R" policy areas generally do not have urban or suburban services available and such services have not been planned for these areas. "Rural" policy is applied when there is ample opportunity provided elsewhere within the community to accommodate the urban and suburban



Metro Planning Commission Meeting of 06/10/2010

"Neighborhood Center (NC)"

Proposed Policy

"T3 Suburban Neighborhood Evolving (T3 NE)"

development expected for the foreseeable future, and where the community has concurred that an area should remain rural within the planning horizon. The predominant type of development in "Rural" policy areas is low density residential that is rural in character. Agricultural uses and low intensity community facilities are types of uses also found in "Rural" policy areas. To preserve rural character and avoid the creation of expensive sprawl, residential densities should be one dwelling unit per two acres or lower. Slightly higher gross densities may be warranted when the development is clustered and a substantial portion of the site is preserved as open space. All of the Rural policy on the subject properties—about 12.4 acres—is proposed to be changed to T3 NE policy—which is less than 1 percent of the Rural policy in the community.

"NC" is the policy category 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.

Generally appropriate activities in NC areas include single- and multi-family residential, public benefit activities and small scale office and commercial uses. Also conditionally appropriate as secondary uses subject to strict regulation, are small-scale non-nuisance type crafts and other "cottage" industrial uses. Small open spaces (parks, greens, squares, plazas) are appropriate and to the extent possible, should be integrated into the overall open space system. Activities other than those already described, are not appropriate in NC areas and those that already exist are nonconforming. About 3.5 acres of the subject properties are in NC policy, none of which is proposed to be changed.

T3 NE policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than conventional post-1950 suburban neighborhoods and/or smaller lot sizes, with a broader



Metro Planning Commission Meeting of 06/10/2010

range of housing types that provide housing choice. This development pattern acknowledges the scarcity of easily developable land (without sensitive environmental features), changing market preferences, and the cost of developing housing - challenges that were not faced when the original suburban neighborhoods were built. As noted above, the T3 NE policy is requested for about 17 of the +43 acres in the five parcels involved in this proposal. The proposed T3 NE policy involves less than 1 percent of the community's current Rural policy and a tiny fraction of its Natural Conservation policy.

BACKGROUND

The site of this proposed plan amendment has not been the subject of any previous development proposals. The "Cove at Whites Creek" development proposal associated with this plan amendment request has been under discussion with area property owners and staff for over a year.

COMMUNITY PARTICIPATION

A community meeting was held on May 24, 2010. Notification was mailed to property owners in and within one-quarter mile of the proposed amendment area and known groups and organizations in the area. It was also posted on the Planning Department website. Information related to the proposal was posted on the website and handed out at the community meeting. About 15 persons attended the community meeting. Most, but not all, attendees expressed support for the amendment, including the owner of one of the properties included by staff and the owners of one parcel adjacent to the plan amendment area. Following the community meeting, one comment form was received that expressed concern about traffic and the proposed policy being too great of a change. That respondent owns the second property included by staff and is also the owner of an abutting property. Notification of the Planning Commission Public Hearing was included in the mail out of the notices for the community meeting.

ANALYSIS

Physical Development Constraints

The T3 NE policy is proposed for the portions of the affected properties that are not steeply sloping and in general are considered to be "developable." Also, the amendment area does not contain any regulated flood plain or streams that are subject to storm water management requirements, such as stream buffers.

Existing Land Use

Land uses on the five subject properties include conventional single family homes, a mobile home park,



Metro Planning Commission Meeting of 06/10/2010

Residential Growth

Past Change and Growth Forecast

one duplex and one vacant parcel. Surrounding land uses include single family residences and some commercial uses along Clarksville Pike to the west and south, and vacant tracts to the north and east. Hills to the north, east and south of the plan amendment area visually insulate it from the adjoining properties.

Based on the most recent estimate and forecast of residential development prepared by the Metropolitan Planning Organization (MPO), on average, the traffic analysis zone (TAZ) that contains the proposed amendment grew from 111 household in 2000 to 124 in 2008. And, 238 households are forecasted for this TAZ by 2035.

Current NCO and R policy for the proposed plan amendment area (~17 acres) would support up to 10 housing units. By comparison, overall, the proposed T3 NE policy would allow consideration of an additional 58 to 330 housing units. About 90 percent of that added development potential would be on the three parcels included in the original amendment request, excluding the area added by staff.

In the overall community, currently there are an estimated 1,200 acres of vacant land in policy categories similar to the proposed amendment. Most of that existing opportunity is concentrated in the southern and southeastern edges of the community. While, overall, the need is not compelling, the proposed amendment would amount to an increase of only 1-2 percent in such opportunities, and it would provide them where they currently are unavailable.

Access and Transportation

Access

The subject site has access to the larger community via Clarksville Pike, which is currently a 2-lane arterial. On the adopted *Major Street Plan*, it is planned to be a 4-lane scenic arterial. There are no active plans at this time to undertake that planned widening. Based on 2009 traffic counts, average daily traffic volume was 6,207 vehicles at the nearest count station about one and a half miles south of the subject site. Lloyd Road, which intersects Clarksville Pike about one-half of a mile south of the subject site, is an existing 2-lane street with a center left turn lane. It is designated as a "collector street" on the adopted *Collector Street Plan*. In 2009, its average daily traffic was 1,307 vehicles. Both these traffic volumes are



Metro Planning Commission Meeting of 06/10/2010

well within the existing capacities of Clarksville Pike and Lloyd Road.

The overall impact of the proposed plan amendment on traffic could range from an estimated 300 to 2,200 additional vehicle trips to and from the subject site. The impact on Clarksville Pike and Lloyd Road would depend on the amount of development approved for the amendment area and the directional distribution of the traffic that development generates.

Transit

Currently, there is no transit service near the subject site and none is planned for the foreseeable future. The closest transit is bus service in the vicinity of Clarksville Pike and Kings Lane about 3 miles south of the subject site. It includes a park-and-ride lot off of Kings Lane about one-third of a mile west of Clarksville Pike.

Water, Sewer and Storm Water

The plan amendment area is near an existing water line along Clarksville Pike and a sanitary sewer line along Dry Fork Creek, which parallels Clarksville Pike in the vicinity of the plan amendment area. Any development in the plan amendment area would be subject to storm water regulations, which basically require no increase in runoff from pre-development conditions.

Public Schools and Parks

Public Schools

The subject site is currently served by Whites Creek High School; Brick Church Middle School and Alex Green Elementary School. In the fall of 2009, these schools all had excess capacity, as follows:

- Whites Creek HS – 366 students
- Brick Church MS – 280 students
- Alex Green ES – 78 students

The plan amendment would generate the potential for the following net additional school students, depending on the amount of development that occurs:

- Whites Creek HS – 10 to 41 additional students
- Brick Church MS – 10 to 49 additional students
- Alex Green ES – 10 to 86 additional students

Public Parks and Recreation

The only existing park serving area the plan amendment area is the large urban Beaman Park located about 3 miles to the west. The service standard for a Neighborhood Park is one-quarter to one-half mile radius. The plan amendment area is about one mile from the nearest site planned to be a future neighborhood park—a joint school-



Metro Planning Commission Meeting of 06/10/2010

park at Alex Green school. The adopted parks plan recognizes a ± 100 acre deficiency in community park acreage throughout the Bordeaux-Whites Creek Community. At this time, there are no specific neighborhood or community parks planned or programmed that the plan amendment would be directly served by in accordance with park service standards.

The overall net additional park acreage needs the amendment would generate for all types of parks would range from 2.5 and 14.4 acres, again depending on the amount of development in the plan amendment area.

The community plan recommends a greenway along Dry Fork Creek, which, at its nearest point, is less than 500 feet from the entrance to the plan amendment area from Clarksville Pike. There are no current plans to implement such a greenway at this time.

CONCLUSION

1. The proposed amendment, and development it would support, would not significantly change the overall character of the community. If approved, it would establish a precedent for other areas of Rural policy with similar circumstances.
2. The amendment would contribute somewhat to community and city-wide goals, favoring those aimed at providing housing diversity, choice and more compact and efficient development forms; but not the goals aimed at promoting infill and the use of transit.
3. Physical site conditions are not an issue. With proper design, the proposed plan amendment area is suitable for suburban and urban development.
4. Development in accordance with the proposed amendment is not likely to adversely impact surrounding land uses.
5. Access to key infrastructure is not an issue, subject to the availability of capacity. The main roads that serve the amendment area currently are not congested.
6. Capacity of schools serving the plan amendment area is not an issue. Development at the upper end of the range for T3 NE policy could result in all of the capacity at Alex Green elementary school being absorbed by students generated by development in the plan amendment area.



Metro Planning Commission Meeting of 06/10/2010

7. The plan amendment area does not have adequate park service and the amendment could result in a slight increase in the deficit/need.

STAFF RECOMMENDATION

Staff recommends approval.

**SPECIFIC PLANS
AND ZONING TEXT AMENDMENTS**



2010SP-002-001

The Cove At Whites Creek

Map: 039-00 Parcels: 277, 320

Map: 048-00 Parcels: 159

Bordeaux/Whites Creek Community Plan

Council District 3 – Walter Hunt



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

Zone Change 2010SP-002-001

The Cove at Whites Creek

2010CP-003-001

3 – Hunt

3 – North

Wamble and Associates, applicant for Winston Temple, owner

Staff Reviewer
Staff Recommendation

Swaggart

Approve with conditions, subject to the approval of the associated policy amendment

APPLICANT REQUEST

Rezone to permit a mixed-use development permitting residential, commercial/retail and office.

Preliminary SP

A request to change from Agricultural/Residential (AR2a) and Commercial Limited (CL) to Specific Plan – Mixed Use (SP-MU) zoning properties located at 5000, 5010 and 5012 Clarksville Pike, approximately 2,350 feet north of Lloyd Road (32.15 acres), to permit up to 215 residential units, 7,500 sq. ft. of commercial use, and 7,500 sq. ft. of office use.

Existing Zoning
AR2a District

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

CL District

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

Proposed Zoning
SP-MU District

Specific Plan-Mixed Use 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 residential uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features
- Creates Open Space
- Provides a Range of Housing Choices
- Creates walkable neighborhoods

A majority of the site contains steep hillsides. To ensure that these sensitive areas are protected, the SP requires that a majority of the steep hillsides be preserved in open space directing development to those areas more suitable for development. The SP also protects the small stream on the site. While a majority of the open space is to be left in its

Map 10, Sheet 10
1000' x 1000' 1/4
Scale 1:1000, Page 10

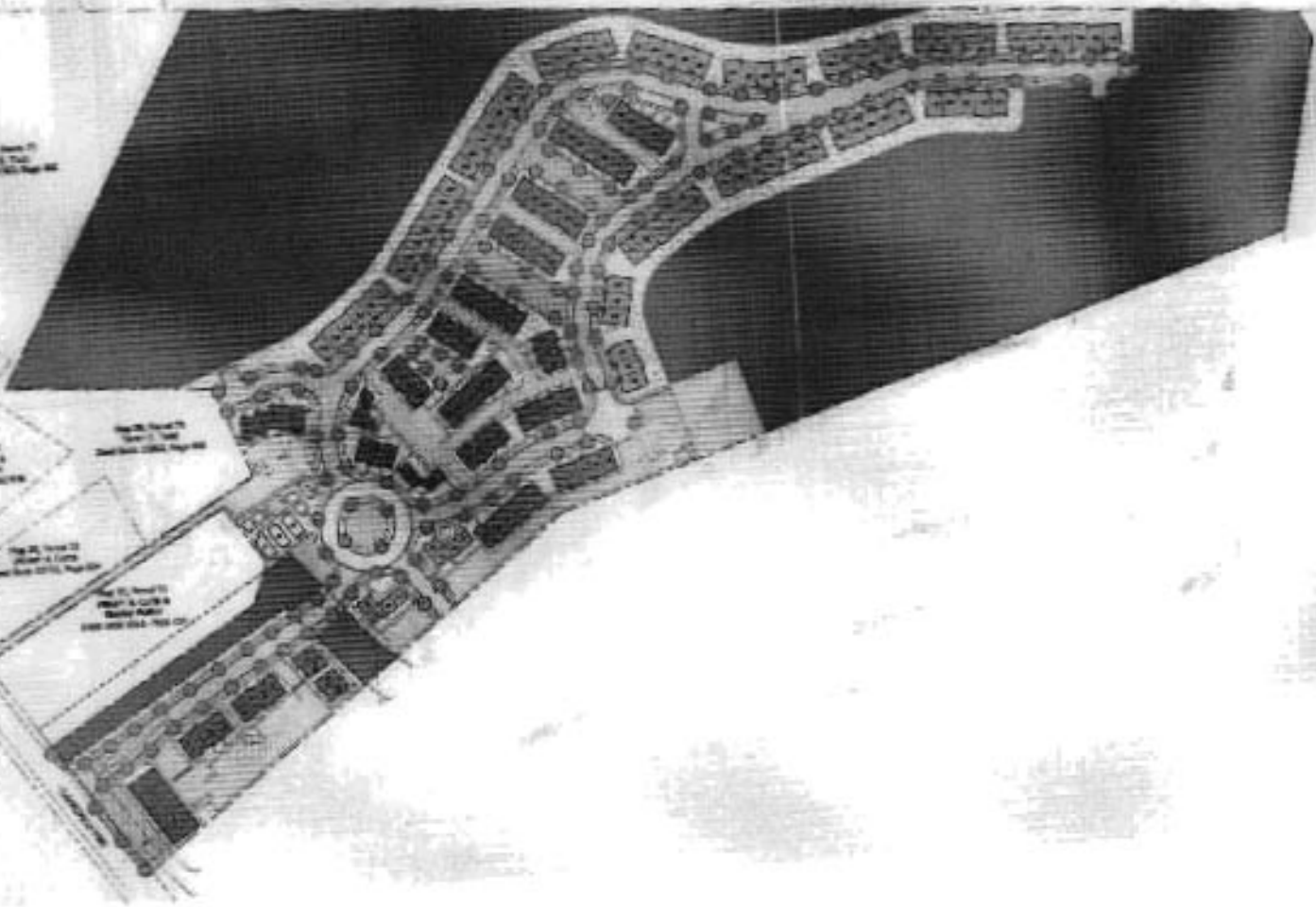
Map 11, Sheet 11
1000' x 1000' 1/4
Scale 1:1000, Page 11

Map 12, Sheet 12
1000' x 1000' 1/4
Scale 1:1000, Page 12

Map 13, Sheet 13
1000' x 1000' 1/4
Scale 1:1000, Page 13

Map 14, Sheet 14
1000' x 1000' 1/4
Scale 1:1000, Page 14

Map 15, Sheet 15
1000' x 1000' 1/4
Scale 1:1000, Page 15





Metro Planning Commission Meeting of 06/10/2010

natural state, the plan also provides ample "active" open space such as an activity field and community green space. These "active" areas will provide opportunities for outdoor recreation.

The proposed SP provides a variety of housing options which include townhomes, flats and manor houses. It also provides opportunities for limited office and commercial uses including live/work. The layout provides well connected streets. All streets are lined with sidewalks which will allow for safe pedestrian circulation within the site. The proposed layout along with the SP guidelines including open space requirements, and architectural requirements will provide for a compact walkable community which will create a strong sense of place for future residents.

BORDAUX/WHITES CREEK COMMUNITY PLAN POLICIES

Existing Policies

Rural (R)

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

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.

Neighborhood Center (NC)

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



Metro Planning Commission Meeting of 06/10/2010

Proposed Policies

Natural Conservation (NCO)

appropriate design and that the type of development conforms to the intent of the policy.

See definition above.

Neighborhood Center (NC)

See definition above.

Suburban Neighborhood Evolving
(T3 NE)

T3 NE policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

Consistent with Policy?

Yes. The proposed Specific Plan district is consistent with the Suburban Neighborhood Evolving, Natural Conservation and Neighborhood Center policies. The plan provides an integrated mixture of uses including a variety of housing types, small scale office and commercial uses and usable open space consistent with the land use policies. The additional rooftops will provide density needed to support the Neighborhood Center Policy along Clarksville Pike. The SP will require development that has adequate pedestrian, bicycle and vehicular connectivity. More importantly the SP will permit development on the site while recognizing the sites significant environmental constraints.

It is important to note that the proposed SP is *not* consistent with the existing Rural policy. If the associated policy amendment (2010CP-003-001) is not approved, then this SP should also not be approved.

PLAN DETAILS

Current Conditions

The proposal consists of three contiguous properties that are located on the east side of Clarksville Pike. The properties do contain some development, but a majority of the land contains steep densely wooded hillsides. A small



Metro Planning Commission Meeting of 06/10/2010

Site Plan

trailer park is located along Clarksville Pike, and there are also other small structures scattered across other parts of the land.

The plan calls for 215 residential units, which is approximately seven units per acre. It will also permit a maximum of 7,500 square feet of commercial use, and 7,500 square feet of office uses along Clarksville Pike.

The plan consists of seven districts, which are based on the type of housing - Live/Work, Rowhouse, Courtyard Townhouse, Brownstone, Stacked Flats, Cottage, Manor House. Each district contains specific parking and bulk standards. A brief description of each district follows:

Live/Work District

A district for residential and limited commercial services located at the entrance of the development with frontage along Clarksville Pike.

Rowhouse District

A single-family dwelling attached on one or two sides that fronts a street with a rear entry garage and parking area at the back or near the unit.

Courtyard Townhouse District

A single-family dwelling attached on one or two sides that fronts a landscaped courtyard with rear entry garage and parking area at the back or near the unit.

Brownstone District

A single-family dwelling attached on one or two sides that front a street with front entry garages and parking area near the unit.

Stacked Flat District

A multi-family dwelling with a ground level flat and with a town house unit above that fronts a street or green with surface parking near the rear of the unit or on-street parking.

Cottage District

A single-family detached dwelling that fronts a street or green with surface parking or on-street parking.

Manor House District

A large dwelling configured with multiple units that front a street or green with surface parking or on-street parking.

Access/Parking

Access will be from Clarksville Pike. The plan also provides for future connectivity to the adjacent agriculturally zoned property to the south, and the commercially zoned property to the west. An emergency access is shown where a small private drive currently exists. Proposed streets will be designed to meet Metro



Metro Planning Commission Meeting of 06/10/2010

Public Works' standards, but the SP would permit the streets to be either public or private. Public Works has agreed the streets may be private or public, but a decision will have to be made with the first final site plan.

Sidewalks will be provided along all streets, and along Clarksville Pike. Internal sidewalks provide good connectivity throughout the site which will allow safe pedestrian circulation within the site.

The concept plan identifies a total of 473 parking spaces; however, overall parking totals will be determined with the final site plan. Specific parking standards are as follow:

- Commercial: 1 space per 400 sq. ft.;
- Office: 1 Space per 300 sq. ft.;
- Residential: 1 space for one bedroom; 2 spaces for two or more bedrooms.

Architectural

Architectural details/standards have been provided and are part of the SP. Standards address numerous elements such as orientation of buildings and exterior materials. The standards are intended to ensure that the chosen architectural styles will be cohesive while providing variety which will help create a more unique and interesting environment.

Environmental Constraints and Open Space

A little over half the site contains hillsides with 25 percent and greater slopes. Development activity will be primarily located within the flatter areas more suitable for development. It will permit very limited disturbance of areas with 25 percent and greater slopes, but a majority of the steep hillsides will be undisturbed and placed in open space.

While more open space will likely be included in the final site plan, the SP requires that a minimum of 40 percent of the site be left in open space. The plan will permit some disturbance of 25 percent slopes; however, the SP limits the type and amount of disturbance. The SP does not permit slab on grade foundations in areas with steep slopes, but instead permits foundations that are built into the hillside. The SP also requires that 90 percent of all 25 percent and greater slopes be preserved.

STORMWATER RECOMMENDATION

Approved except as noted:
1. Show exiting topography.



Metro Planning Commission Meeting of 06/10/2010

PUBLIC WORKS RECOMMENDATION

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Parking in this development relies too heavily on garages. Therefore the streets within this development shall be designed as ST-252 Local Streets to accommodate the anticipated on-street parking demand and traffic volumes.
3. Label decorative paving as Stamped Asphalt.
4. Cart pickup is not appropriate for development of this density, dumpster pickup is required.
5. Show location of dumpster pads and mail kiosks with adequate parking.
6. Coordination with Public Works for solid waste disposal is required as a part of the construction plans approval. Recycling collection facilities are encouraged.
7. A traffic impact study is required for this proposed development prior to issuing any comments.

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	29.75	0.5 D	14 L	134	11	15

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market W/Gas (945)	2.4	0.063 F	6,000 SF	NA	476	582

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Attached (210)	32.15	-	215 U	2103	161	214

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	32.15	-	7,500 SF	182	24	24



Metro Planning Commission Meeting of 06/10/2010

Maximum Uses in Proposed Zoning District: SP-MI

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	32.15	-	7,500 SF	359	14	40

Traffic changes between maximum: AR2a and CL and proposed SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	NA	-288	-319

METRO SCHOOL BOARD REPORT

Projected student generation

56 Elementary 32 Middle 27 High

Schools Over/Under Capacity

Students would attend Alex Green Elementary School, Brick Church Middle School, and Whites Creek High School. All school has been identified as having capacity for additional students.

School Site Dedication

Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students.

This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Whites Creek High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions, subject to the approval of the associated policy amendment. The proposed SP is consistent with the policies proposed with the associated policy amendment.



Metro Planning Commission Meeting of 06/10/2010

If the associated policy amendment is not approved, then staff recommends disapproval.

CONDITIONS

1. Permitted uses include residential and commercial uses permitted under the Commercial Limited (C1.) zoning district. No other uses shall be permitted without Council approval.
2. All streets shall be identified as public or private with the first final site plan.
3. A traffic study shall be required with the first final site plan.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.
5. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Whites Creek High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the



Metro Planning Commission Meeting of 06/10/2010

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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.

7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

SEE NEXT PAGE

NO SKETCH



Project No.
Council Bill
Council District
Requested by

Zoning Text Change 2010Z-012TX-001
BL2010-694
Countywide
Councilmember Eric Crafton

Staff Reviewer
Staff Recommendation

Bernards
Disapprove

REQUEST

Refund application fees if zone change not enacted.

Text Amendment

A council bill to amend the Metro Zoning Code, Section 17.40.740 (Application Fees) to require the Metro Planning Commission to refund all application fees for a zone change, if the Metro Council does not enact an ordinance within one year of the date on which the application was filed, regardless of whether the zone change application is in its original form or as amended.

CRITICAL PLANNING GOALS

N/A

PROPOSED TEXT AMENDMENT

Existing Law

Section 17.40.760 allows the Planning Commission to develop a fee schedule, for Council consideration, to partially or totally defray costs associated with the processing and review of the certain types of applications including zone change requests. There is no provision within the Zoning Code for the refunding of application fees.

Proposed Bill

The proposed bill would require that all fees charged by the Planning Commission be refunded if a requested zone change is not enacted within one year.

Proposed Text

Add the following new paragraph to the end of the Section 17.40.740:

"All fees charged by the planning commission for the rezoning of property shall be refunded to the applicant if the applicant's proposed zone change is not enacted by the metropolitan council, whether in its original form or as amended, within one year from the date the application is filed with the planning commission."



Metro Planning Commission Meeting of 06/10/2010

ANALYSIS

In accordance with Section 17.40.760 of the Zoning Code, the Planning Commission developed a schedule of fees, which was approved by the Council, for applications for rezoning property. The schedule was developed based on the cost to process and review the requested change.

There are three main objections to this proposed text amendment:

- the financial impact
- the limits placed on the time allotted to fully address community issues raised by a rezoning request
- the potential increase in speculative rezoning requests with limited likelihood of approval

Financial Impact

The bulk of the cost is associated with time between the filing of the application and second reading at Council. The current fees were established so that the burden of covering the cost of a rezoning is borne by the applicant rather than the tax payers, generally. Rezoning property is considered an additional service that exceeds the standard set of services provided across the board to all taxpayers. By refunding fees after the majority of the review and processing has been completed, the cost is placed on the all tax payers.

Further, the Director of Finance, who certifies the availability of funds for proposals such as this, did not sign this legislation for the following reason:

"The ordinance as proposed would have a negative fiscal impact on the government by reducing the revenue generated by the Metropolitan Planning Commission. In addition to staff time spent on the application, the government also expends funds for the advertising of the proposal. These factors would result in a budgetary imbalance for the department and would require Metro Council approval of a supplement to the department's budget."

Time Limitation

In addition to the financial impact, this text amendment will place a limit on the time a rezoning request may remain in the process before the fee must be returned. A request may generate community concerns that raise issues that cannot be resolved in the timeframe allotted. The amendment does not address a deferral request by the



Metro Planning Commission Meeting of 06/10/2010

Potential Increase in Speculative Rezoning Requests

applicant that might delay the Council decision beyond the year.

While the application fee may not be the only cost associated with a rezoning request, knowing that the fee would be returned if disapproved or deferred, more speculative applications may be made. This would compound the financial impact as the same cost to the taxpayers would remain no matter how extreme a request might be, as any disapproval would be an automatic refunding of the fees.

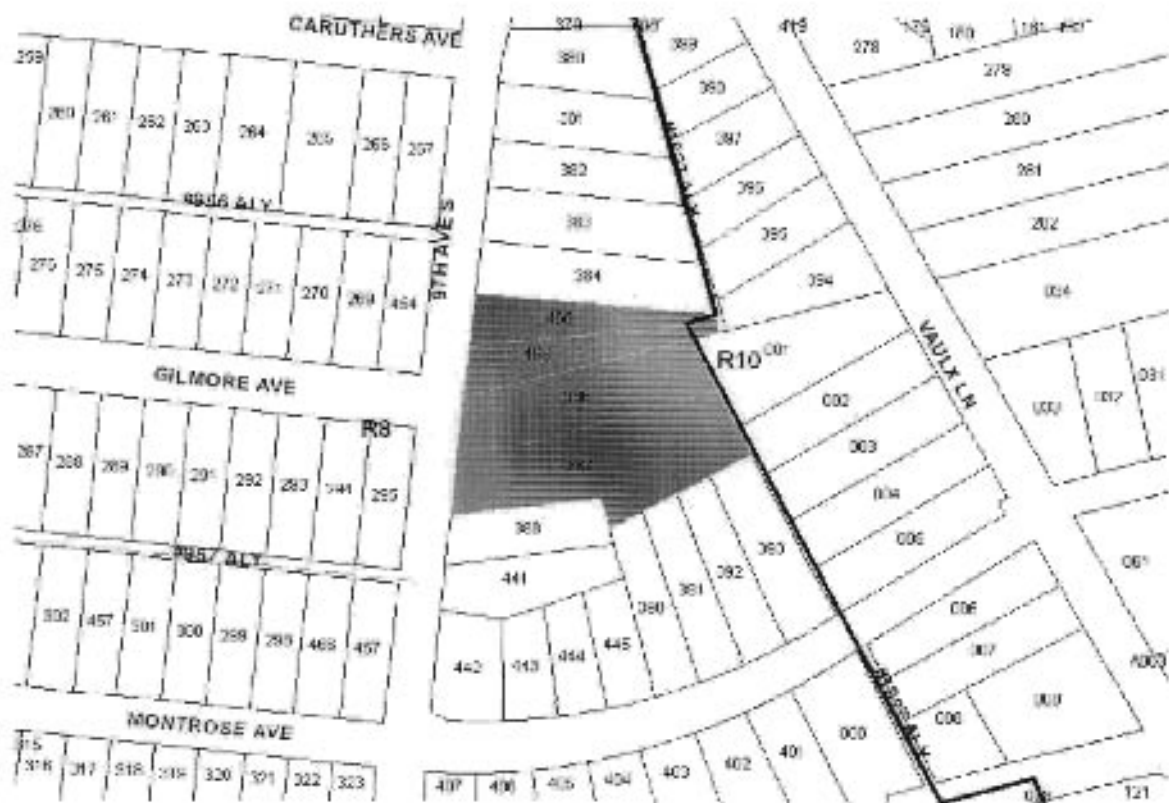
There is some ambiguity in the proposed amendment. It specifies only that the fees must be refunded after one year has elapsed from the date of the application but does not specify what action is required by the applicant. It is not clear if the request must be withdrawn after the year has expired or if it may be continued even though the fees are refunded. There is no allowance for a deferral at the request of the applicant that may delay enactment beyond the year.

STAFF RECOMMENDATION

While staff usually recommends that the Planning Commission take no official position on matters of fees related to applications, the potential impacts of this text amendment warrant a recommendation of the Planning Commission. The proposed amendment will place the cost of a rezoning on the taxpayers generally, will limit the time available to resolve issues raised by the request and will likely lead to more speculative rezoning requests.

SEE NEXT PAGE

FINAL PLAT SUBDIVISIONS



2010S-044-001

Cottage Cove, 1st Revision

Map: 118-01 Parcels: 386, 387, 468, 469

Green Hills/Midtown Community Plan

Council District 17 – Sandra Moore



Project No.
Project Name
Council District
School District
Requested by

Subdivision 2010S-041-001
Cottage Cove, 1st Revision
17 - Moore
7 - Kindall
Kelvin Pennington, owner, Jason Smith, surveyor

Staff Reviewer
Staff Recommendation

Swaggart
Approve with conditions, including an exception from lot comparability and a variance from Section 3-4.2(f) of the Metro Subdivision Regulations for lot width

APPLICANT REQUEST

Final plat to create four residential lots

Final Plat

A request for final plat approval to create four lots and a variance from the Subdivision Regulations for lot width on properties located at 2412 A, 2412 B, 2414 and 2500 9th Avenue South, opposite Gilmore Avenue (1.41 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.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The plat modifies the property lines between four existing properties. The proposed lots comply with the minimum lot size requirements for the R8 zoning district.

Lot Comparability

While all the lots meet the minimum lot requirements found in the Metro Zoning Code, Section 3-5.1 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

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

Lot Comparability Analysis		
Street	Requirements	
	Minimum lot size (sq. ft.)	Minimum lot frontage (linear ft.)
9 th Avenue	6,970	51



Metro Planning Commission Meeting of 06/10/2010

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

- Lot 1: 13,780 sq. ft. with 50 ft. of frontage
- Lot 2: 13,285 sq. ft. with 50 ft. of frontage
- Lot 3: 16,242 sq. ft. with 66 ft. of frontage
- Lot 4: 19,590 sq. ft. with 79 ft. of frontage

All four lots are larger than 6,970 square feet and pass for area, but the frontage for Lots 1 and 2 is less than 51 feet and do not meet the minimum requirement of the comparability analysis.

Lot Comparability Exception

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

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

The properties are located within a one quarter mile of an area designated as a "Mixed Use", "Office", "Commercial", or "Retail" land use policy category. The properties are located within one quarter mile of a "Retail Concentration Community" policy which runs along Franklin Road.

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.

Analysis

While Lots 1 and 2 do not meet the minimum frontage requirement of the comparability analysis, they are only deficient by one foot and qualify for an exception. Because of the existing lot configuration, it would be difficult if not impossible to create lots consistent with the existing lot pattern along 9th Avenue without a variance from Section 3-4.2 (f). It is also important to note that currently all four properties can be developed as they currently exist without Planning Commission approval. The applicant wishes to reconfigure so that the lot lines



Metro Planning Commission Meeting of 06/10/2010

will be more perpendicular to 9th Avenue. While the existing lot configuration would allow for the property to develop, the proposed configuration is a more suitable arrangement.

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.

STAFF RECOMMENDATION

Staff recommends approval with conditions, including approval of an exception from lot comparability and a variance for the lot depth to width ratio.

CONDITIONS

1. Prior to final plat recordation, the plat shall be revised to include the application number. New number is 2010S-041-001.
2. A sidewalk is required along the frontage of Lot 1. Prior to the recordation of the plat, the applicant shall fulfill one of the following conditions:
 - a. Submit a bond application and post a bond for the sidewalk with the Planning Department;
 - b. Submit payment in-lieu of construction to the Department of Public Works;
 - c. Construct sidewalk and have it accepted by Public Works; or
 - d. Add the following note to the plat: "No building permit is to be issued until the proposed sidewalk is constructed per the Department of Public Works' specifications."