

# Metropolitan Planning Commission



Staff Reports

September 14, 2010

*Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to 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.** 2010Z-016TX-001  
**Project Name** Amateur Radio Antenna  
**Council Bill** BL2010-746  
**Council District** Countywide  
**School District** Countywide  
**Requested by** Councilmember Anna Page  
**Deferral** *Deferred from the August 26, 2010, Planning Commission Meeting*

**Staff Reviewer** Regen  
**Staff Recommendation** *Defer to the September 23, 2010, Planning Commission meeting pending Metro Legal's review and recommendation*

**APPLICANT REQUEST** **Require a FCC license to construct an amateur radio antenna / tower and remove at owner's expense any inactive radio antenna towers.**

**Text Amendment** **A council bill to amend Section 17.16.290 of the Metro Zoning Code, to require an active, valid FCC license for operation of an amateur radio antenna.**

**PURPOSE** The bill requires an amateur radio operator to have a current, valid license from the FCC. Proof of the license must be submitted to the Zoning Administrator, prior to construction of any antenna. In the event a license expires without being renewed, the antenna and any associated tower must be removed at the property owner's expense.

**ANALYSIS**  
Existing Law The existing Zoning Code permits amateur radio antennas in the agricultural and residential zoning district as "accessory" (A) uses. Section 17.16.290 sets forth several standards for tower height, tower location, tower setback, and tower mounting.

Proposed Bill The bill adds a standard requiring amateur radio operators to have a currently valid FCC license. Proof of the license must be submitted to the Zoning Administrator, prior to construction of any antenna. In the event a license expires without being renewed, the antenna and any associated tower must be removed at the property owner's expense.

**What is amateur radio?** The FCC website defines amateur radio as being a voluntary, non-commercial radio service involving amateur radio operators communicating locally and worldwide using store-bought or homemade radios, computers, satellites, and even the internet. Known as



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Is a FCC license required?

"hams", amateur radio operators have served as emergency communicators during the initial stages of emergencies and disasters. They played a critical role during Hurricane Katrina.

The FCC requires operators to be licensed and pass an examination to operate on radio frequencies known as "amateur bands". There are three license types: Technician, general, and extra. Technician is the most common license obtained. A passing score on the test for all three license types is 74%. Anyone can obtain a license who has a FCC registration #, except a representative of a foreign government. To obtain a FCC registration #, an applicant must provide a valid social security number. Licenses are to operate a radio with a call name. One call name is licensed to one radio operator. The FCC does not license or inquire about the radio tower or its location from which the operator will transmit. Licenses are good for 10 years. As of 8/14/2010, Tennessee had 16,030 licensed operators per the national association of Amateur Radio operators known as "ARRL" which reports FCC licenses by state on its website.

Is a TN license required?

The State of TN does not require a state-issued amateur license. State law does plainly indicate a local government (city or county) cannot pre-empt FCC (Section 6-54-130).

Metro Legal Review

Metro Legal is currently reviewing this bill and staff's analysis. Specifically, Legal is researching whether the bill, as filed, results in a pre-emption of state and federal law by prohibiting someone who has a FCC amateur radio license from using another person's radio antenna or tower to transmit, if the antenna/tower owner does not have a FCC amateur radio license. The FCC does not regulate radio antennas or towers, only the actual person's voice being transmitted over the airwaves. Hence, no amateur radio license is required to erect a radio antenna or tower. If adopted, this bill requires that any person with a radio antenna/tower must have a FCC amateur radio license.

### STAFF RECOMMENDATION

Staff recommends deferral of this bill to the September 23, 2010, Planning Commission meeting in order to allow Metro Legal to determine whether or not the bill pre-empts state and/or federal law.

**SEE NEXT PAGE**



**2007S-209G-12**

**Brentwood Knoll**

Map: 172-15-0-C Parcels:001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012

Map: 172-15-0-C Parcels:013, 014, 015, 900, 901

Southeast Community Plan

Council District 31 - Parker Toler





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

**Subdivision 2007S-209G-12**  
**Brentwood Knoll**

31- Toler

2- Brannon

Metro Planning Department on behalf of Councilmember Parker Toler; Community South Bank, owners

*Deferred from March 25, 2010, April 22, 2010, May 13, 2010, May 27, 2010, and June 24, 2010, Planning Commission meetings at the request of the applicant.*

**Deferral**

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

Logan

*Approve*

**APPLICANT REQUEST**

**Rescind final plat approval.**

**Rescind Final Plat**

**A request to rescind final plat approval for Brentwood Knoll, containing 15 lots and open space located along Brentwood Knoll Court and Bryce Road (5.09 acres), zoned Single-Family Residential (RS10) and Agricultural/Residential (AR2a).**

**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.

AR2a District

Agricultural/Residential requires a minimum lot size of 2 acres and is 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.

**CRITICAL PLANNING GOALS**

N/A

**PLAN DETAILS**

The preliminary plat for Brentwood Knoll was approved on February 24, 2005. The final plat for Brentwood Knoll was recorded on May 22, 2008, and created 15 lots. On April 20, 2010, a successor trustee's deed was recorded that transferred the property from the original owner to Community South Bank. Prior to first placing this request on the Planning Commission agenda, notices were sent via certified mail to the previous owner of the property and Community South Bank.

**Bond Information**

Generally, in order to record a final plat, the construction plans for the required infrastructure must be approved by



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Public Works, Stormwater and Water Services (hereinafter "the reviewing departments"). If the developer chooses not to install the required infrastructure prior to recording the final plat, the reviewing departments will determine a bond amount based on the approved construction plans. The developer will then post a bond prior to recording the final plat.

The bond is comprised of two parts:

- 1) the performance agreement, which is the contract signed by the developer stating that they will complete the infrastructure, and
- 2) the security in the form of a letter of credit, cashier's check or surety bond.

The bond insures that the Metro Government will be able to complete the infrastructure in the event that the developer is unwilling or unable.

In this case, a bond was posted prior to recording the final plat. The surety company securing this bond is Developers Surety and Indemnity Company. This surety company is currently excluded from providing surety bonds to the Planning Commission until November 13, 2010, because they have not paid on this bond and two other bonds.

On October 9, 2009, the Planning Department made a demand on the surety bond for this development. On November 3, 2009, the case was sent to the Department of Law. To date, the surety company has not completed the infrastructure nor paid the amount of the bond (\$118,000). Since the bond is required to secure the satisfactory construction, installation, and dedication of the required improvements of the final plat, the bond will be released if the plat is rescinded.

Metro Stormwater has requested that the easements for the detention pond be retained, even if the plat is rescinded. However, the Department of Law has stated that the easements are unnecessary due to the existing maintenance agreement that requires the developer to maintain the storm water infrastructure. The maintenance agreement runs with the land and is filed at the Register of Deeds to insure that future owners of the property continue to maintain the existing infrastructure. Should the owner of the property fail to maintain the existing infrastructure, Metro could pursue legal action to enforce the provisions of the existing agreement.

Stormwater Easements



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**PUBLIC WORKS  
RECOMMENDATION**

No Exception Taken

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**STORMWATER  
RECOMMENDATION**

If the plat can be rescinded and easements be retained, then Stormwater would like the easement for the detention pond retained. If the easements can't be retained by rescinding the plat, then Stormwater is ok with the rescission of the plat without easements.

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**STAFF RECOMMENDATION**

Staff recommends approval of rescinding the plat since the infrastructure is incomplete and the surety company has not paid the amount of the bond.



**2010M-006PR-001**  
 Walter Stokes School Surplus Property Request  
 Map: 117-16 Parcel: 001  
 Green Hills/Midtown Community Plan  
 Council District 25 - Seam McGuire



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

**Mandatory Referral 2010M-006PR-001**  
**Surplus Property for Walter Stokes School**  
BL2010-733  
25 - McGuire  
8 - Hayes  
Department of Finance- Public Property Administration  
*Deferred from the August 26, 2010, Planning Commission Meeting*

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

Leeman  
*A recommendation will be provided at the meeting as the School Board and Parks Department are continuing discussions*

**APPLICANT REQUEST**

**Surplus a 5.2 acre parcel of property.**

**An Ordinance requesting to declare as "surplus" a 5.2 acre parcel of real property located at 3701 Belmont Boulevard and known as "Walter Stokes School," located north of Glen Echo Road along the west side of Belmont Boulevard.**

R10 District

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

**CRITICAL PLANNING GOALS**

N/A

**METRO CHARTER**

Under Article 11, Chapter 5 of the Metro Charter, the Planning Commission is required to make a recommendation to the Metro Council relating to Mandatory Referrals. The Charter reads as follows:

Section 11.505 Mandatory Referrals to Planning Commission

"Whenever the commission shall have adopted the master or general plan of the metropolitan government area or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the area under the jurisdiction of the metropolitan government until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; provided, that in case of disapproval, the commission shall communicate its reasons to the council and said council by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such



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overruling, said council shall have the power to proceed. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting body, board or official."

### Declaration of Surplus Property

The Metropolitan Board of Education has determined that the property is no longer needed for school purposes. The Metropolitan Nashville Board of Education has transferred the subject property to the Director of Public Property and the Metropolitan Government has declared the property surplus. The Director of Public Property is authorized to dispose of the property subject to the approval of the Metropolitan Council and the Mayor.

### STAFF RECOMMENDATION

A recommendation will be provided at the meeting as the School Board and Parks Department are continuing discussions.

**ZONING MAP AMENDMENTS  
AND SPECIFIC PLANS**



**2005SP-170U-05**

Walden

Map: 083-06 Parcels:378, 379, 413

Map: 083-06-0-C Parcels:001 -011, 900

East Nashville Community Plan

Council District 6 – Mike Jameson





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

**SP District Review 2005SP-170U-05**  
**Walden SP**  
6 - Jameson  
5 - Porter  
Metro Planning Department

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

Bernards  
*Find the SP District Active*

**APPLICANT REQUEST**

**Four year SP review to determine activity.**

**SP Review**

**The periodic review of an approved Specific Plan (MU) district known as "Walden" to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for properties located at 1818, 1898 and 1900 Eastland Avenue (7.26 acres), approved for 99 residential units (including 17 townhome units), 18,600 square feet of retail uses, 18,500 square feet of restaurant uses, 20,500 square feet of office uses, 6,800 square feet of personal care service uses, 3,000 square feet of custom assembly uses, 3,000 square feet of furniture store uses, and three single-family lots, approved August 1, 2006 via Council Bill BL2006-1042.**

**Zoning Code Requirement**

Section 17.40.106.I of the Zoning Code requires that a SP District be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

**CRITICAL PLANNING GOALS**

N/A

**DETAILS OF THE SP DISTRICT**

The SP was approved for a mix of uses.

Staff visited the site on August 2, 2010. The site is under development with residential and commercial uses constructed along Eastland Avenue.



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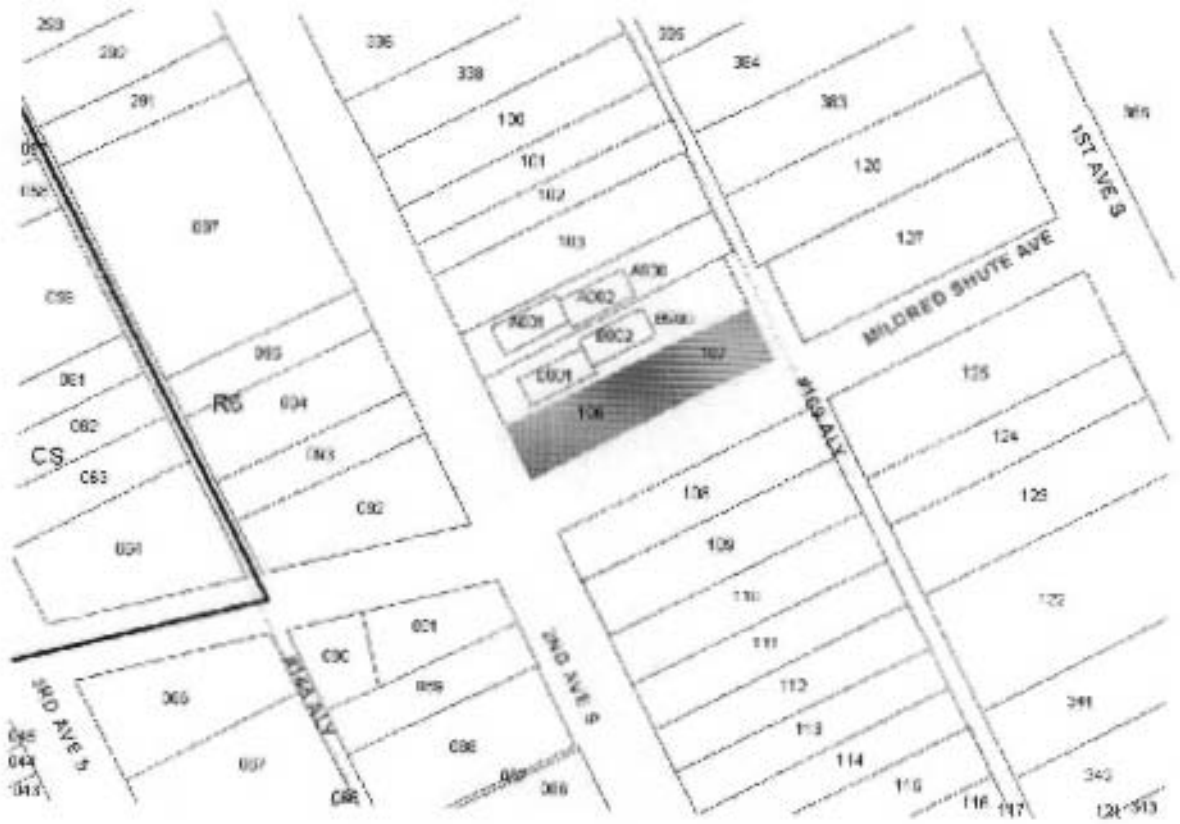
The staff assessment of this SP is that it is active. Staff recommends that this SP be found active and that it be placed back on the four-year review list.

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### STAFF RECOMMENDATION

Staff recommends that the Walden SP be found to be active

**SEE NEXT PAGE**



**2010SP-015-001**  
 Southview on 2nd  
 Map: 105-03 Parcels: 106, 107  
 South Nashville Community Plan  
 Council District 17 – Sandra Moore



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

**Zone Change 2010SP-015-001**  
**Southview on Second SP**  
17 - Moore  
7 - Kindall  
FMBC Investments, LLC, owner

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

Bernards  
*Approve the preliminary SP with conditions. If the sewer and water capacity is purchased prior to the September 14, 2010, MPC meeting, approve the preliminary and final SP with conditions.*

**APPLICANT REQUEST**

**Rezone from R6 to SP-R.**

**Preliminary and Final SP**

**A request to rezone from One and Two Family Residential (R6) to Specific Plan-Residential (SP-R) zoning and for final site plan approval for properties located at 1078 2nd Avenue South and at 112 Mildred Shute Avenue, at the northeast corner of 2nd Avenue South and Mildred Shute Avenue (0.13 acres), to permit the development of three residential dwelling units**

**Existing Zoning**  
R6 District

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots. *Under R6, this site would permit two single family residential units or one duplex .*

**Proposed Zoning**  
SP-R District

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

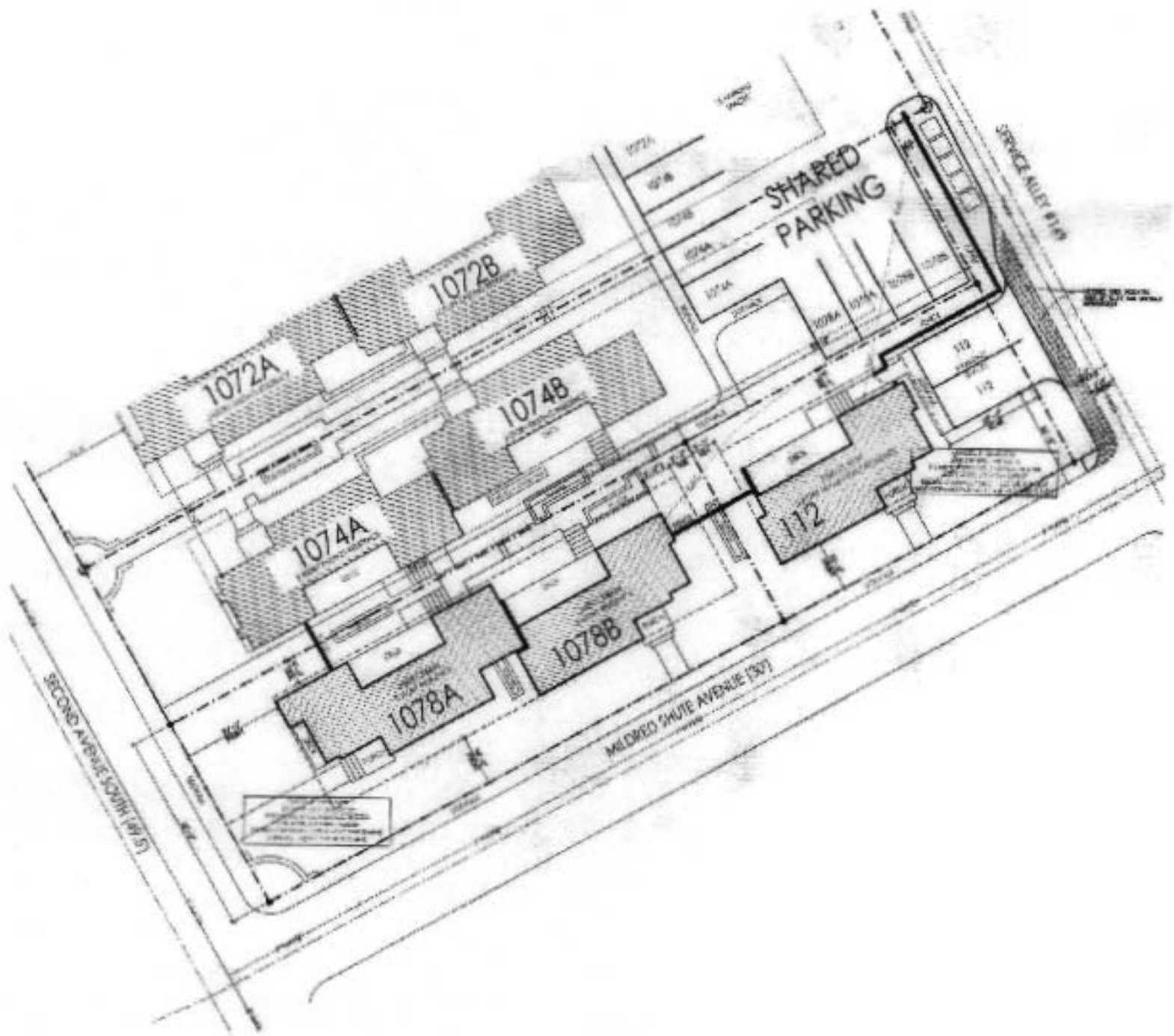
**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Creates Walkable Neighborhoods

This project is part of a larger development with adjacent properties on 2<sup>nd</sup> Avenue South. The project wraps the corner of Mildred Shute Avenue and 2<sup>nd</sup> Avenue South. The units are located to create a strong street wall and utilize shared parking accessed by an alley.

**SOUTH NASHVILLE  
COMMUNITY PLAN**  
Neighborhood General (NG)

NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development





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### Consistent with Policy?

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.

Yes, the proposed development is part of a larger project which faces both 2<sup>nd</sup> Avenue South and Mildred Shute Avenue. The development introduces a new housing concept that is compatible in size and setbacks with the single family and duplex residences in the area.

### PLAN DETAILS

The Southview on Second SP proposes one duplex and one single-family residence for a total of three units. The front unit is oriented towards 2<sup>nd</sup> Avenue South and the rear units are oriented towards Mildred Shute Avenue. Each unit has a direct connection to the sidewalk. Parking is accessed from a rear alley that runs parallel to 2<sup>nd</sup> Avenue South. Two parking spaces are included in the SP and additional parking is provided in a lot shared with the properties to the north. This SP is part of a larger development. There are four units under construction on the properties to the north.

There are a number of minor details that need to be added to the corrected copy of the plan including:

- Council District
- Adjacent Property details
- Phasing Schedule
- Fall Back Zoning District
- Fire Marshal Note

The applicant has requested preliminary and final site plan approval for this SP. In order to obtain final site plan approval, the capacity fees for water and sewer service need to be paid. To date, the applicant has not paid these fees. If the fees are not paid by the meeting date, the Water Services Department will not recommend approval of the final site plan.

### STORMWATER RECOMMENDATIONS

Approved

### WATER SERVICES RECOMMENDATION

Until sewer and water capacity is purchased, Water Services recommends preliminary approval but disapproval for final site plan. If the capacity is purchased prior to the September 14, 2010 MPC meeting, then Water Services recommends preliminary and final approval.



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### FIRE MARSHAL RECOMMENDATION

Fire-flow shall meet the requirements of the International Fire Code - 2006 edition - B105.1.

### PUBLIC WORKS RECOMMENDATION

No exception taken

Maximum Uses in Existing Zoning District: R6

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)	0.13	7.71 D	2 U	20	2	3

Maximum Uses in Proposed Zoning District: SP

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)	0.13	-	3 U	29	3	4

Traffic changes between maximum: R6 and proposed SP

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1 U	9	1	1

### METRO SCHOOL BOARD REPORT

Projected Student Generation

This request to rezone will add one additional unit to be permitted on this property. No additional students will be generated with this development.

### STAFF RECOMMENDATION

Staff recommends approval with conditions of the preliminary SP only, as the requested rezoning is consistent with the Neighborhood General land use policy. Staff recommends disapproval of the final SP until water and sewer capacity fees have been paid.

### CONDITIONS

- The corrected copy of the SP plan shall include the following details:
  - Council District
  - Adjacent Property details
  - Phasing Schedule
  - The following notes added:





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-For any standards not specifically stated on the plan, the development standards of the R6 Zoning District shall apply.

-Fire-flow shall meet the requirements of the International Fire Code - 2006 edition - B105.1

2. This SP is limited to up to 3 residential units.
3. 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 single family portion of the property shall be subject to the standards, regulations and requirements of the R6 zoning district as of the date of the applicable request or application.
4. A corrected copy of the SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department 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 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.
5. 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.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water



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supply for fire protection must be met prior to the issuance of any building permits.



**SEE NEXT PAGE**



**2010SP-016-001**  
 Greenbriar Village  
 Map: 117-14 Parcel: 162  
 Green Hills/Midtown Community Plan  
 Council District 25 - Sean McGuire



<b>Project No.</b>	<b>Zone Change 2010SP-016-001</b>
<b>Project Name</b>	<b>Greenbriar Village</b>
<b>Council District</b>	25 – McGuire
<b>School District</b>	8 – Hayes
<b>Requested by</b>	Ragan-Smith-Associates, Inc. applicant for Hillsboro Plaza Partners II, owners
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Defer to the September 23, 2010, Planning Commission meeting or Disapprove</i>

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**APPLICANT REQUEST**

**Rezone to permit an 8,142 square foot commercial building.**

**Preliminary SP**

**A request to rezone from Shopping Center Regional (SCR) to Specific Plan – Commercial (SP-C) zoning property located at 3902 Hillsboro Pike, approximately 225 feet north of Richard Jones Road and located within the Green Hills Urban Design Overlay District (0.43 acres), to permit the development of a one-story, 8,142 square foot building containing retail and restaurant uses.**

**Existing Zoning**  
SCR District

Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

**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 commercial uses.

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**CRITICAL PLANNING GOALS**

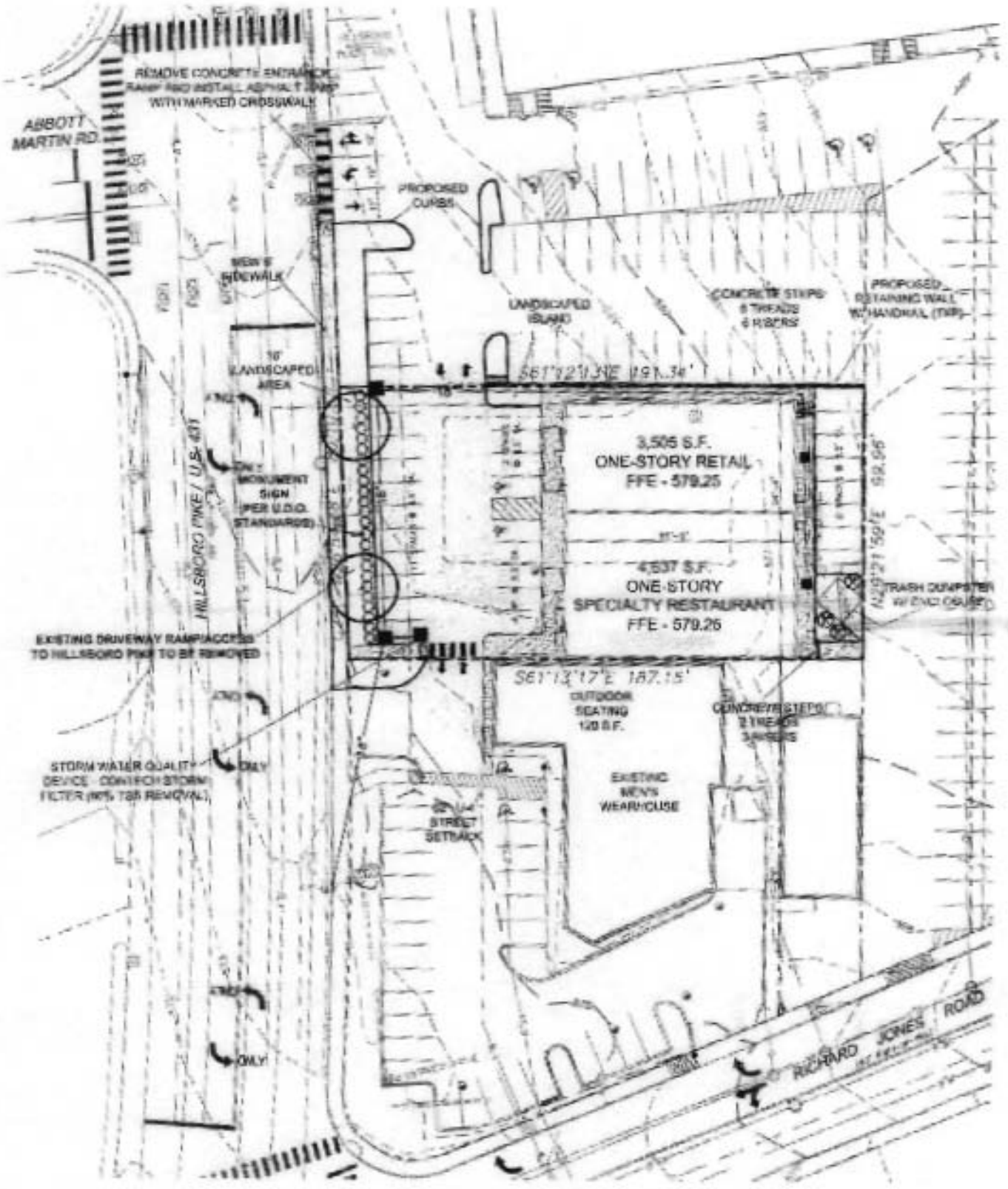
N/A

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**GREENHILLS/MIDTOWN  
COMMUNITY PLAN**

**Regional Activity Center (RAC)**

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



ABBOTT MARTIN RD.

REMOVE CONCRETE ENTRANCE RAMP AND INSTALL ASPHALT DRIVE WITH MARKED CROSSWALK

NEW 8' SIDEWALK

10' LANDSCAPED AREA

MONUMENT SIGN (PER U.D.O. STANDARDS)

EXISTING DRIVEWAY RAMP ACCESS TO HILLSBORO PIKE TO BE REMOVED

STORM WATER QUALITY DEVICE CONFLICT STORM FILTER (NO. 705 REMOVAL)

ONLY

ONLY

PROPOSED CURBS

LANDSCAPED ISLAND

CONCRETE STEPS 8 TREADS 4 RISERS

PROPOSED RETAINING WALL W/ HANDRAIL (TYP)

3,505 S.F. ONE-STORY RETAIL  
FFE - 579.25

4,537 S.F. ONE-STORY SPECIALTY RESTAURANT  
FFE - 579.25

TRASH DUMPSTER W/ ENCL. CURB

OUTDOOR SEATING 120 S.F.

CONCRETE STEPS 8 TREADS 4 RISERS

EXISTING MEN'S WEARHOUSE

STREET SETBACK

RICHARD JONES ROAD

S61°22'13"E 191.34'

S61°13'17"E 187.15'

N210°21'50"E 92.06'



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### Consistent with Policy?

The request is consistent with auto-oriented development found in more suburban areas with Regional Activity Center policy. It is, however, not consistent with the more pedestrian oriented development envisioned for the Green Hills area, and codified in the voluntary Green Hills Urban Design Overlay.

### REQUEST DETAILS

This is a request to rezone approximately 0.43 acres from SCR to SP-C. The property is located in Green Hills on the east side of Hillsboro Pike between Abbott Martin Road and Richard Jones Road. The property is currently developed and is occupied by a 9,625 square foot, two-story office building. While the office building sits on its own lot, its driveway is connected to the surrounding shopping center.

### Site Plan

The plan calls for the existing office building to be torn down and replaced with an 8,142 square foot single-story commercial building. The proposed commercial building consists of 3,505 square feet of retail space and 4,757 square feet of restaurant space. A portion of the restaurant area, 120 square feet, is an outdoor sitting area.

### Access

As proposed, the existing single drive to Hillsboro Pike on the parcel will be removed, and access will be from the surrounding commercial development. If one does not already exist then the proposed access arrangement will require an access agreement to permit this parcel to be accessed through the adjacent properties.

### Parking

The proposed uses require sixty-six parking spaces under the Zoning Code. The plan only provides twenty-eight spaces. Zoning requirements for parking are as follows:

Retail (1 per 200 SF):  $3,505/200 = 18$  Spaces  
Restaurant (1 per 100 SF):  $4,757 \text{ SF} = 48$  Spaces  
**Total Required: 66 Spaces**

### Staff Analysis

The proposed plan is significantly under parked. *Since it is so under parked and the applicant has not demonstrated any suitable parking alternatives, staff recommends that the request be disapproved.*

It is important to note that this SP has only been submitted to bypass current zoning requirements. SP zoning is not intended as a means to circumvent zoning requirements, but is intended to promote a more sustainable development pattern. The variance request (2010-076) has been



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submitted to the Board of Zoning Appeals (BZA) and is scheduled to be heard on September 16, 2010. The applicant has indicated that they would withdraw this request for SP zoning if the BZA approves their variance requests. The request is for a variance from the parking requirements and from the perimeter screening requirement of the Zoning Code. Of most significance for this application is parking. Without adequate parking the project could compound existing traffic and parking problems within the immediate area.

The Zoning Code permits properties to share parking when uses within development have different peak parking demands and operating hours. The applicant has been notified of this alternative. The subject property will be accessed by the adjacent commercial properties which include a significant amount of parking and shared parking may be a possibility.

This property is within the voluntary Green Hills Urban Design Overlay. The overlay permits projects that meet UDO requirements to utilize the parking standards of the Urban Zoning Overlay (UZO). The UZO standards require less parking than what would be required outside the UZO and were designed for urban areas where there is more pedestrian traffic, and where parking is not only located on-site but off-site – on streets, shared surface and structured parking areas. In these areas a project may not need large amounts of on-site parking because there is more pedestrian traffic and shared parking is located in the area. The intent of permitting projects to utilize the UZO standards is to provide incentives that will promote new development that is more urban and creates a more pedestrian friendly environment.

While this project could qualify for a parking reduction under the Green Hills Urban Design Overlay, its layout and design do not meet the regulatory standards of the overlay. The proposed layout and design is typical of development found in suburban auto-dependent areas and does not foster the urban character envisioned with the overlay. Since the project is typical of the suburban model rather than the UDO's urban model the project should be fully parked on-site.

In conclusion, the project will not provide adequate parking for the type of development that is proposed, and the





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applicant has not demonstrated that there would be enough parking.

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### STORMWATER RECOMMENDATION

Preliminary SP approved.

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### 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. Add note to cover sheet "All work in the public right-of-way requires a permit from the Department of Public Works".
3. Provide the number of parking spaces and layout per Metro Code.
4. At signalized access to Hillsboro Road, remove existing concrete ramp and install asphalt ramp with marked crosswalk. Install pavement markings to delineate traffic and to provide 1 entering and 2 exiting lanes.

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### STAFF RECOMMENDATION

Since the Board of Zoning Appeals will be hearing a variance request which could affect this application, then staff recommends that the request be deferred to the September 23, 2010, Planning Commission meeting which is the first meeting after the BZA hearing. *If the request is not deferred then staff recommends that it be disapproved as the proposed SP will not provide adequate parking for the uses.*

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### CONDITIONS (If Approved)

1. Uses in this SP district are limited to community retail and restaurant uses.
2. To ensure the site has access, prior to final site plan approval, the applicant shall demonstrate that there is a legal means to access the property through the adjacent properties.
3. Free standing signs are not permitted. All other signs shall meet the Green Hills Urban Design Overlay standards.
4. For any development standards, regulations and requirements not specifically shown on the SP plan



## Metro Planning Commission Meeting of 09/14/2010

- 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.
5. 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.
  6. Add note to cover sheet "All work in the public right-of-way requires a permit from the Department of Public Works".
  7. Provide the number of parking spaces and layout per Metro Code.
  5. At signalized access to Hillsboro Road, remove existing concrete ramp and install asphalt ramp with marked crosswalk. Install pavement markings to delineate traffic and to provide 1 entering and 2 exiting lanes.
  6. 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. 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



## Metro Planning Commission Meeting of 09/14/2010

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.

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.



**118-85P-001**  
 McKay Used Books  
 Map: 114-00 Parcels: 162, 163, 164  
 Bellevue Community Plan  
 Council District 35 – Bo Mitchell



<b>Project No.</b>	<b>118-85P-001</b>
<b>Project Name</b>	<b>McKay Used Books PUD</b>
<b>Council District</b>	35 - Mitchell
<b>School District</b>	9 - Simmons
<b>Requested by</b>	Ragan-Smith-Associates, Inc., applicant, for Beverly Brooks, owner
<b>Staff Reviewer</b>	Johnson
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

**APPLICANT REQUEST**

Amend PUD to increase allowable square footage.

**Amend PUD**

A request to amend the Commercial Planned Unit Development located at Old Hickory Boulevard (unnumbered), at the northeast corner of Old Hickory Boulevard and I-40, zoned Commercial Limited (CL) (5.93 acres), to permit 39,612 square feet of retail and restaurant uses where a 124-room motel and 8,140 square feet of commercial uses were previously approved.

**Existing Zoning**  
CL District

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

**CRITICAL PLANNING GOALS**

N/A

**BELLEVUE COMMUNITY PLAN****Commercial Mixed  
Concentration (CMC)**

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

**Consistent with Policy?**

Yes. The commercial uses proposed within this PUD are consistent with policy.

**PUD AMENDMENT**  
Plan Details

This PUD was originally approved by Council in 1986. The proposal amends the PUD to allow for 39,612 square feet of retail and restaurant uses where 32,740 square feet of convenience sales and service, food service and hotel/motel uses was previously approved. All of the proposed commercial uses are permitted by the existing CL base zoning. This proposal exceeds the floor area last





## Metro Planning Commission Meeting of 09/14/2010

approved by Council by more than 10 percent. As a result, this request requires Council approval.

The overall layout of the proposed PUD is similar to the approved layout from 1986. A single driveway to Old Hickory Boulevard will provide access for the multiple uses proposed. The layout of the site plan mimics the current PUD layout in the placement of two separate uses along the Old Hickory Boulevard frontage on either side of the stream buffer and a third use within the rear portion of the site. A hotel is currently approved for the rear of the site and the amendment proposes a bookstore in its place.

### Signage

If constructed to the extent allowed by the Zoning Code, on-premises ground signage could prove visually detrimental to the Old Hickory Boulevard streetscape and incompatible to surrounding residential areas due to the allowed height and size of each sign.

In order to maintain a level of quality in the pedestrian environment and to allow for an appropriate level of signage adjacent to both the interstate and to residential neighborhoods, staff proposes a condition related to sign height. Ground signs along the Old Hickory Boulevard frontage will be limited to a maximum height of 12 feet. The height limit will help to ensure that signs maintain an acceptable scale to pedestrians along Old Hickory Boulevard and within the project site, while providing sufficient signage for tenants within the PUD.

### NES RECOMMENDATION

1. NES has existing overhead facilities that serve the properties. One overhead line exists along the south property line of Lot 2 into Lot 3. The second overhead line exists on the south property line of Lot 3. If these are to remain to serve the new facilities, they will have to be maintained at proper clearances per the NESC. NES can meet with developer/engineer upon request to determine electrical service options.
2. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning w/ any changes from other departments)
3. Developer drawing should show any and all existing utilities casements on property.



## Metro Planning Commission Meeting of 09/14/2010

4. 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
5. NES needs load information and future plans or options to buy other property (over all plans).

### **PUBLIC WORKS RECOMMENDATION**

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.

Construct access drive with 1 entering lane and 2 exiting lanes between the first internal driveway and Old Hickory Blvd with transition per AASHTO/MUTCD standards. Provide adequate sight distance 565 ft to the north and 500 ft to the south.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions of the zone change request. The proposed PUD amendment is consistent with CMC policy and is consistent with the layout of the previously approved PUD.

### **CONDITIONS**

1. All sign permit application shall be reviewed by Planning staff. Signage shall follow Zoning Code requirements except as follows:

#### On-premises ground signs

- Each ground sign permitted along the Old Hickory Boulevard frontage shall have a maximum height of 12 feet.
  - If permitted by the base zoning district, any sign oriented to a controlled access highway shall be placed within 50 feet of the south property line of the PUD adjacent to Interstate 40 and shall have a minimum setback of 150 feet from Old Hickory Boulevard.
2. Construct access drive with 1 entering lane and 2 exiting lanes between the first internal driveway and Old Hickory Blvd with transition per AASHTO/MUTCD standards.
  3. Provide adequate sight distance 565 ft to the north and 500 ft to the south.





## Metro Planning Commission Meeting of 09/14/2010

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. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.



2010P-002-001  
 Tom's Elite Carryout  
 Map: 083-05 Parcel: 228  
 East Nashville Community Plan  
 Council District 6 - Mike Jameson



<b>Project No.</b>	<b>Planned Unit Development 2010P-002-001</b>
<b>Project Name</b>	<b>Toms Elite Carryout PUD</b>
<b>Council District</b>	6 - Jameson
<b>School Board District</b>	5 - Porter
<b>Requested By</b>	Tom's Elite Carryout, applicant, for Floyd Robinson owner
<b>Staff Reviewer</b>	Sexton
<b>Staff Recommendation</b>	<i>Approve with a condition</i>

**APPLICANT REQUEST**

**Exemption from minimum distance requirements of the beer regulations.**

**Preliminary PUD and Final Site Plan**

A request for preliminary and final site plan approval for a proposed Planned Unit Development Overlay located at 501 Gallatin Avenue, within the Gallatin Pike Specific Plan District, at the northeast corner of Gallatin Avenue and Calvin Avenue, (0.29 acres) to permit an existing 1,800 square foot restaurant an exemption from beer regulations requiring a 100 foot minimum distance from a residential use.

**Existing Zoning SP District**

Specific Plan 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. *The Gallatin Pike SP permits a mix of uses.*

**CRITICAL PLANNING GOALS**

N/A

**PLAN DETAILS**

Section 7.08.090.E of the Metro Code allows some restaurants with a valid on-premises liquor license from the state Alcoholic Beverage Commission to be exempt from the minimum distance requirements included in the beer permit provisions of the Metro Code. In order to qualify for the exemption, the restaurant must be on property that is subject to a Commercial Planned Unit Development (PUD).

The proposed PUD plan is to allow an existing 1,800 square foot restaurant at the corner of Gallatin Avenue and Calvin Avenue to serve low alcohol content beer. The existing restaurant is located less than 100 feet from residential uses along Calvin Avenue. By placing the commercial PUD on the property, the restaurant can be exempted from this requirement. All requirements of the Gallatin SP District will remain on this property.



## Metro Planning Commission Meeting of 09/14/2010

At this time, there is not a valid on-premises liquor license from the state Alcoholic Beverage Commission associated with the restaurant. Before the applicant can qualify for an exemption, this license must be obtained.

The property contains 15 on-site parking spaces which meets the requirements of the Zoning Code, and is accessed from Calvin Avenue.

An existing dumpster area on east side of the building is inadequately screened. As a condition of approval of this PUD, staff recommends that the dumpster area be screened with an opaque or wooden fence.

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### STAFF RECOMMENDATION

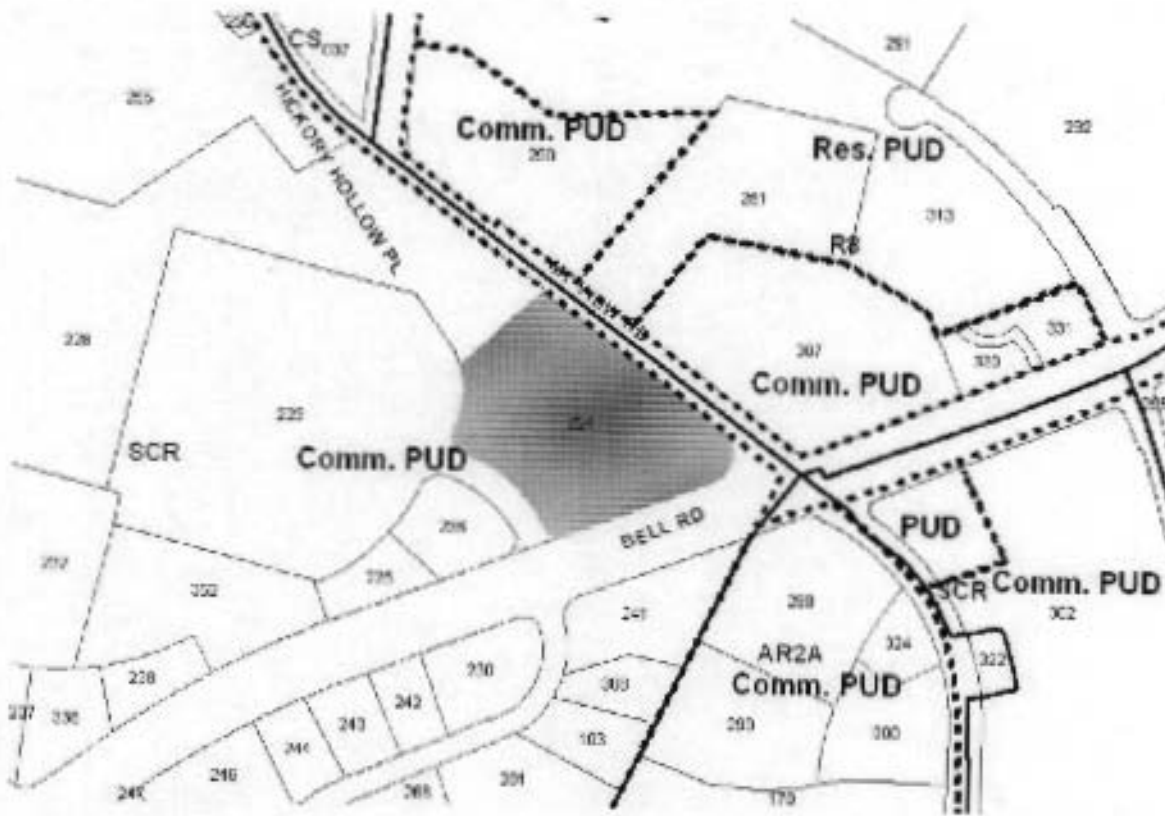
Staff recommends approval with a condition since the proposed PUD plan meets the requirements of the PUD provisions of the Zoning Code. The applicant will not be able to apply for the exemption until an on-premises liquor license has been granted by the State for this restaurant.

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### CONDITION

1. Dumpster area shall be screened with opaque or wooden fencing.

# **REVISED SITE PLAN**



**1-74P-002**  
 Hickory Hollow Mall  
 Map: 163-00 Parcel: 224  
 Antioch/Priest Lake Community Plan  
 Council District 32 - Sam Coleman



**Project No.**

Project Name

Council District

School Board District

Requested By

**Planned Unit Development 1-74P-002**

**Hickory Hollow Mall (Zaxby's)**

32 - Coleman

6 - Mayes

Dale and Associates, applicants for Courtyard at Hickory Hollow, Ltd., PTSB, owner

Staff Reviewer

Staff Recommendation

Swaggart

*Approve with conditions*

**APPLICANT REQUEST**

**Revise preliminary plan to permit a restaurant.**

Revise Preliminary Plan

A request to revise the preliminary plan for a portion of the Hickory Hollow Mall Commercial Planned Unit Development located at 853 Bell Road, at the corner of Bell Road and Mt. View Road, zoned Shopping Center Regional (SCR) (6.04 acres), to permit the construction of a 3,209 square foot fast food restaurant.

Existing Zoning

SCR District

Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

**CRITICAL PLANNING GOALS**

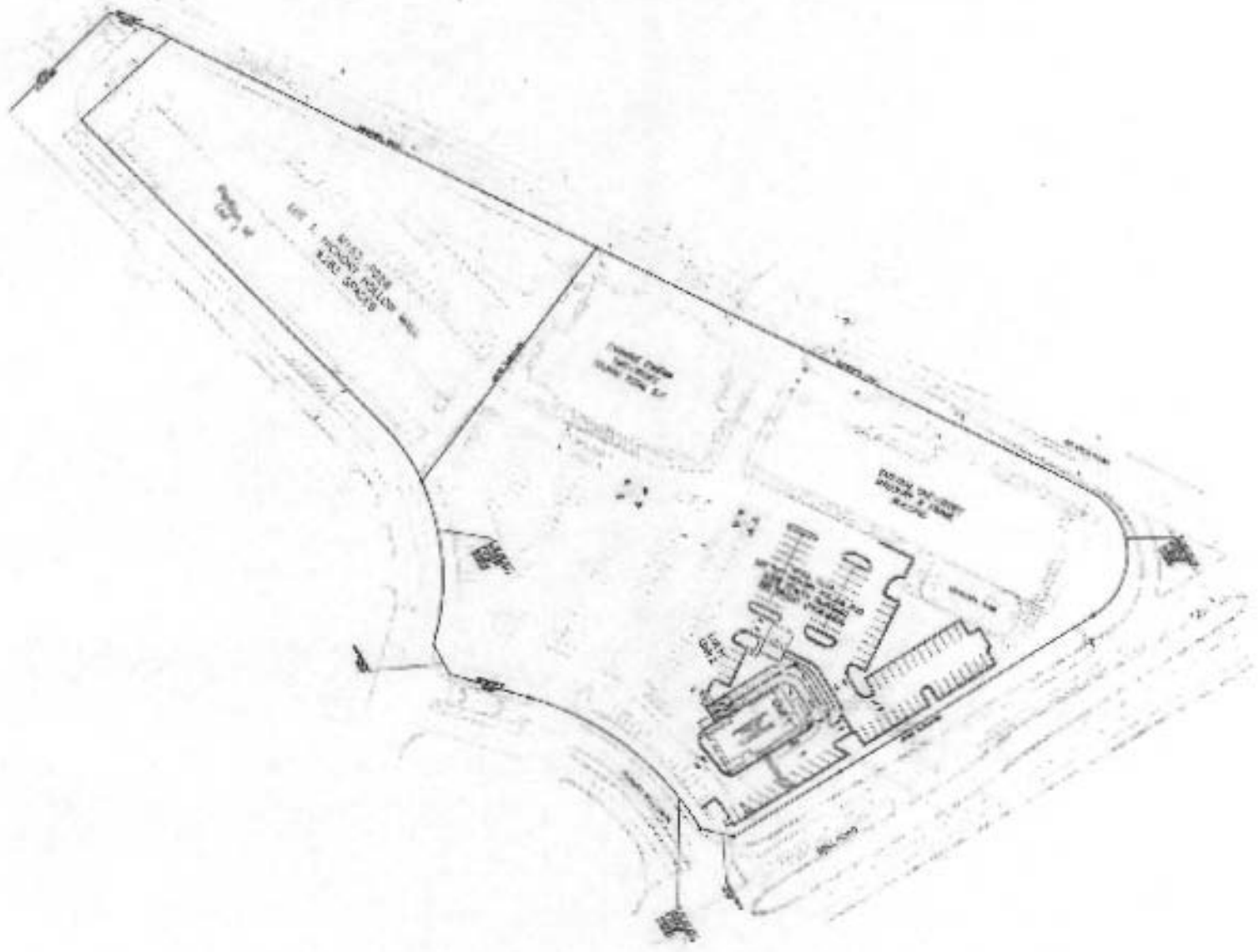
N/A

**REQUEST DETAILS**

The Hickory Hollow Mall PUD is located immediately north of Interstate 24 along Bell Road in southeast Nashville. It includes the Hickory Hollow Mall and much of the surrounding commercial area along Bell Road and Hickory Hollow Lane.

This proposed revision to the preliminary PUD plan is for an outparcel located at the southwest corner of Bell Road and Mt. View Road. The parcel is developed and currently includes three individual buildings with approximately 89,321 square feet of floor area. The largest of the three buildings is the Carmike Cinema.

The plan calls for the removal of one of the three existing buildings and the construction of a new building which will house Zaxby's Restaurant. The building to be removed is 7,538 square feet in size and is located along Bell Road. While it is located along Bell Road, the building backs onto Bell Road. The new restaurant will be located within the existing parking lot near the intersection of the entrance road into Hickory Hollow Mall (Hickory Hollow Place) and Bell Road.







## Metro Planning Commission Meeting of 09/14/2010

The proposed restaurant is 3,209 square feet in size, and seats 70 persons. Access to this parcel will continue to be from Hickory Hollow Place. No new access points are proposed.

The proposed restaurant will not be on a separate parcel, but is part of a larger parcel which also contains the cinema and another retail building. With the proposed restaurant the overall floor area on the parcel will be 81,848 square feet.

The parking area has been rearranged to accommodate the proposed restaurant. While the parcel does not contain the required amount of parking spaces, there is additional parking located on adjacent parcels which are within the same PUD. The applicant plans to conduct a parking survey and, prior to final site plan approval will submit a shared parking agreement in compliance with Zoning Code requirements.

### Staff Analysis

The proposed plan is consistent with the concept of the Council approved PUD plan. Restaurant is a use that is permitted in the Council approved PUD and since the proposal will decrease the floor area from what currently exist, the request can be approved by the Planning Commission as a revision. While the parcel does not contain enough parking spaces to meet the minimum number of spaces required by zoning, surrounding parcels contain adequate parking, and the Zoning Code permits shared parking for properties within Planned Unit Developments. Prior to final site plan approval a parking study will need to be completed and a shared parking agreement will need to be submitted for review.

### 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. Provide a shared parking analysis prior to Final PUD submittal.
3. If sidewalks are required design per the Strategic Plan for Sidewalks along arterials and provide a pedestrian connection to Lot H.



## Metro Planning Commission Meeting of 09/14/2010

### STORMWATER RECOMMENDATION

Preliminary PUD approved with conditions:

1. If water quality offset can't be managed, then an 80% TSS removal unit will be installed within the Zaxby development.

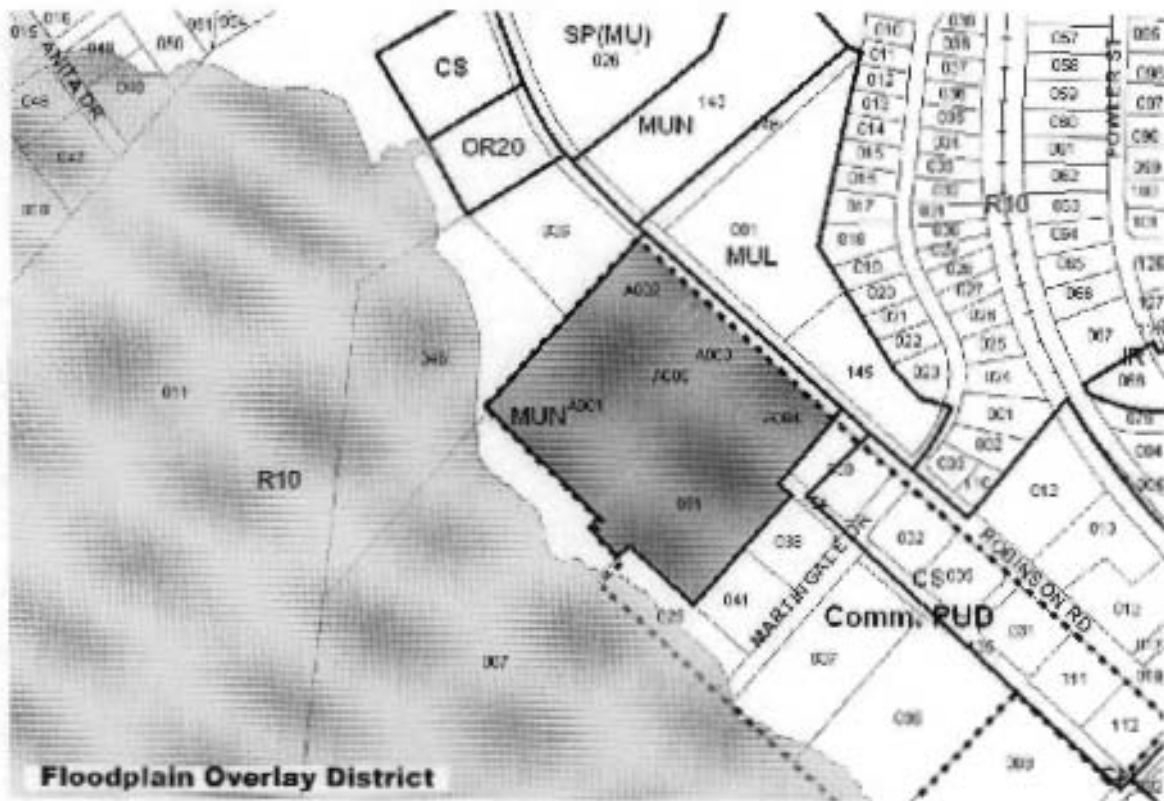
### STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The proposal meets all zoning requirements and is consistent with the overall concept of the original PUD plan approved by Council.

### CONDITIONS

1. To ensure adequate parking for the parcel a shared parking plan, as required by Section 17.20.100 of the Zoning Code shall be approved by the Department of Public Works. Final site plan for this project shall not be approved until Public Works has approved the shared parking arrangement.
2. There shall be no pole signs allowed with this restaurant, and all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

**SEE NEXT PAGE**



**103-79P-002**

Old Hickory Skilled Nursing Facility

Map: 044-14-0-A Parcels:001, 002, 003, 004, 005

Map: 053-00 Parcel: 051

Donelson/Hermitage/Old Hickory Community Plan

Council District 11 – Darren Jernigan



**Project No.** 103-79P-002  
**Project Name** Old Hickory Skilled Nursing Facility PUD  
**Council District** 11 - Jernigan  
**School District** 4 - Shepherd  
**Requested by** Littlejohn Engincer Associates, Inc, applicant, for Nashville Medical investors, LLC, owner

**Staff Reviewer** Sexton  
**Staff Recommendation** *Approve with conditions*

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**APPLICANT REQUEST**

**Permit a nursing home and accessory structure.**

**Revise Preliminary PUD and Final Site Plan**

A request to revise the preliminary plan and for final approval for a portion of the Old Hickory Skilled Nursing Facility Planned Unit Development Overlay located on properties at 1220, 1230, 1246, and 1250 Robinson Road and at Robinson Road (unnumbered), approximately 250 feet north of Martingale Drive, (13.49 acres), zoned Mixed Use Neighborhood (MUN), to permit to permit a 77,000 square foot nursing home containing 124 beds and a 1,255 square foot accessory structure.

**Existing Zoning**  
MUN District

Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

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**CRITICAL PLANNING GOALS**

N/A

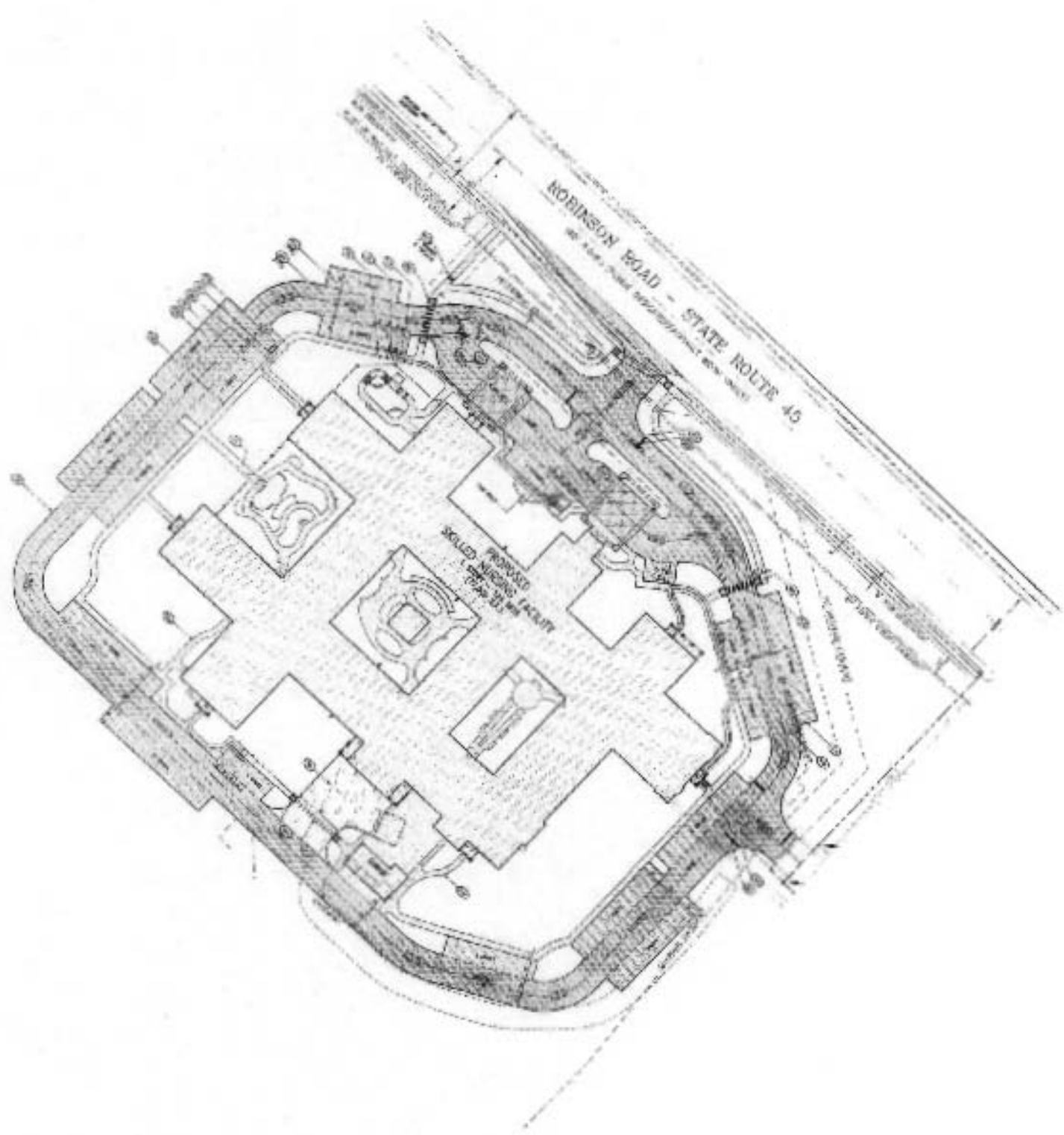
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**PLAN DETAILS**

The Old Hickory Skilled Nursing Facility PUD is located south of State Route 45 along Robinson Road. It was originally approved in 1979 and was amended in 2009. The amendment also included a rezoning to MUN. The amended PUD was approved for a 96,830 square foot nursing home containing 159 beds and an 899 square foot accessory structure.

**Final PUD**

This PUD revision would reduce the overall building footprint of the previously approved development. The revised site plan proposes a one-story, 77,000 square foot nursing home and 1,255 square foot accessory structure on six lots. The six lots will need to be consolidated into one lot before this project can be constructed. The nursing home will accommodate 124 beds. The accessory structure is located on the rear of the nursing home and will act as a storage shelter for tools and equipment. The revised site plan also proposes three court yards that are integrated within the middle of the building layout. A fourth court



ROBINSON ROAD - STATE ROUTE 45

PROPOSED SCHOOL FACILITY

North Arrow



## Metro Planning Commission Meeting of 09/14/2010

### Access/Parking

yard that was previously approved has been removed from the plan. A six foot tall monument sign is located in the front of the building.

Access to the site is provided by one driveway from Robinson Road and an existing internal driveway to the east within the PUD. There is an existing, platted cross access easement from the east to the west that ends at an existing fence which is not shown on the site plan. Staff is recommending that the cross access easement be retained. As the lots will need to be consolidated, this access easement will need to be included on the new plat.

The parking standards of the Zoning Code require that 42 parking spaces be provided. The revised plan proposes a total of 166 on-site parking spaces. Approximately 100 of the parking spaces are located next to the building giving pedestrians access to the sidewalks that surround the entire building. The remaining parking areas are separated by a private drive

### PUBLIC WORKS RECOMMENDATION

1. The developers 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. Add note to cover sheet "All work in the public right-of-way requires a permit from the Department of Public Works.
3. Dedicate necessary right-of-way for turn lane on Old Hickory Boulevard
4. Relocate parking spaces that back into the driveway intersection with the adjacent property
5. Provide pedestrian facilities along access drive to adjacent PUD lots
6. Landscaping shall not adversely impact sight distance of parked cars along site circulation driveway curves
7. Install stop bar and stop sign on driveway at Robinson Road.

### STORMWATER RECOMMENDATION

1. Provide Grading Permit fee (\$1425), Detention Agreement, and recording fees.
2. Provide NOC.
3. For the erosion controls, add outlet protection to all headwalls and use an inlet protection per our TCP's.



## Metro Planning Commission Meeting of 09/14/2010

4. Add the following note to plans: "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP - 10 and CP - 13, respectively. "Contractor to coordinate exact location with NPDES department during preconstruction meeting."
5. Change note 4 on Sheet C2.0 (Site Grading) to state that final stabilization shall be achieved no later than 14 days of final grading. Also, add note that all 3:1 slopes or greater shall be stabilized with matting. Specify type and add detail to plans.
6. Provide all civil details (our inlet protection, outlet protection, junction box, etc.).
7. For the storm structures, show how the roof drains tie into H1. For the storm structures, limit 15" pipes to runs of 50' or less.
8. Provide Tc calculations for the offsite basin. Also, use Tc = 5 minutes for all the small basins.
9. Provide a delineation showing all the green and paved areas.
10. For the pond outlet structure, add a note to the plans that state that the stone and fabric are temporary measures and will be removed once basin is stabilized. Which detail will be the permanent structure (detail 6 or 7)? One detail shows an invert of 433 and another at 432?
11. Site contains many outfalls (flow-splitter). Consider revising without the splitter (unit may contain an internal bypass).
12. Show that the water quality pond safely routes the 100-year event.

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### STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The proposed layout is consistent with the approved plan.

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### CONDITIONS

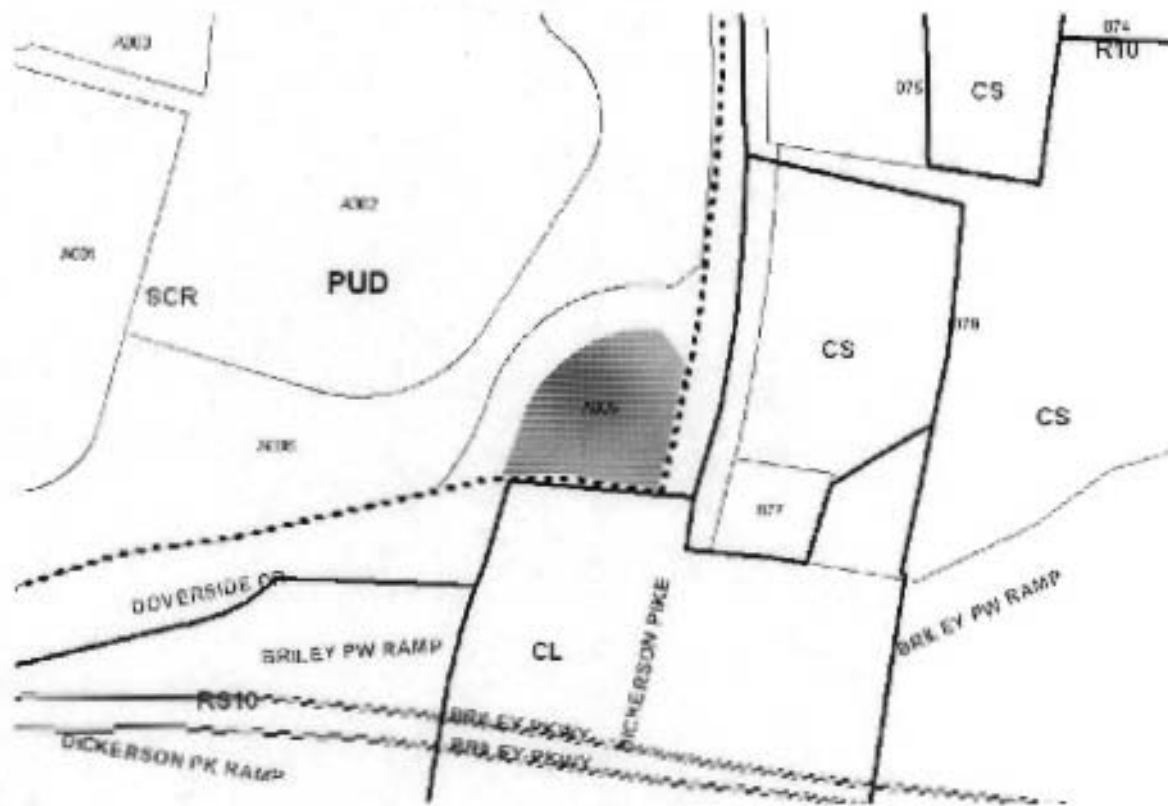
1. Prior to the issuance of any grading or building permits, a final plat shall be submitted to consolidate the lots. The final plat shall include the existing cross access easement.
2. Prior to the issuance of any building permits, all requirements of Metro Public Works shall be met.
3. Prior to the issuance of any building permits, all requirements of Metro Stormwater shall be met.





## Metro Planning Commission Meeting of 09/14/2010

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.



**2005P-010-002**

Nashville Commons At Skyline

Map: 050-12-0-A Parcel: 005

Parkwood/Union Hill Community Plan

Council District 3 – Walter Hunt



<b>Project No.</b>	<b>Planned Unit Development 2005P-010-002</b>
<b>Project Name</b>	<b>Nashville Commons at Skyline (Murphy Oil)</b>
<b>Council District</b>	3 - Hunt
<b>School Board District</b>	3 - North
<b>Requested By</b>	Greenberg Farrow, applicant, for Nashville Commons, L.P., owner

<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Defer until Stormwater issues have been adequately addressed. If Stormwater recommends approval prior to the meeting then the request can be approved with conditions.</i>

**APPLICANT REQUEST**

**Revise preliminary plan and final site plan approval for a fuel center and market.**

**Revise Preliminary PUD and Final Site Plan**

**A request to revise the preliminary plan and for final approval for a portion of the Nashville Commons at Skyline Planned Unit Development Overlay located at 3434 Doverside Drive, at the southwest corner of Doverside Drive and Dickerson Pike (2.01 acres), zoned Shopping Center Regional (SCR), to permit a 2,756 square automobile convenience facility and a 2,500 square foot retail store.**

**Existing Zoning**  
Shopping Center Regional (SCR)

Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

**CRITICAL PLANNING GOALS**

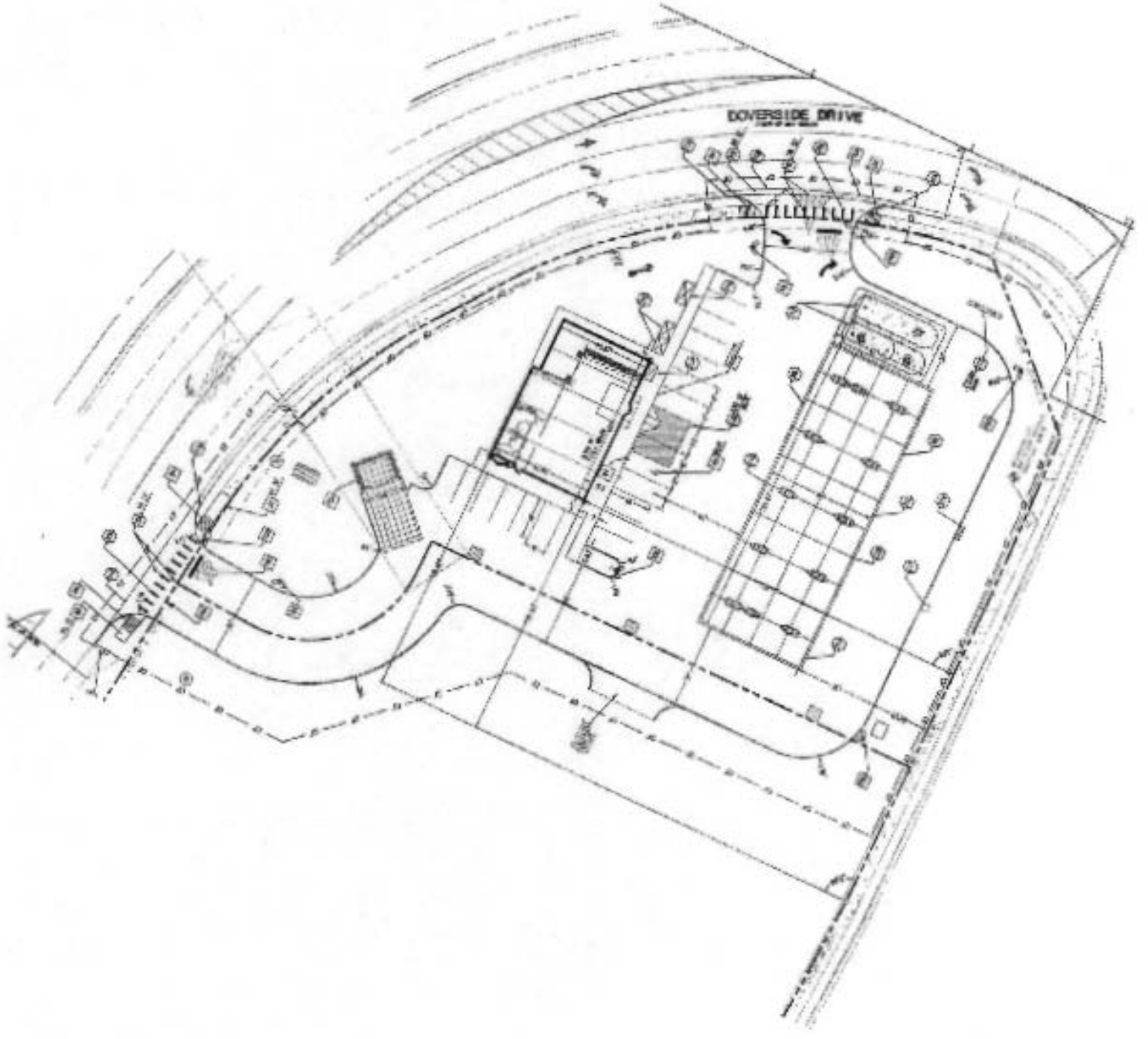
N/A

**REQUEST DETAILS**

This is a request to revise the last approved preliminary plan and for final site plan approval for a portion of the Nashville Commons at Skyline Planned Unit Development. The subject property is currently vacant, and is located on an out parcel at the southwest corner of Dickerson Pike and Doverside Drive.

Revision to Preliminary

The plan proposes revisions to the last approved preliminary plan. The parcel was last approved for 14,000 square feet of retail space. The proposed plan calls for a 2,756 square foot fuel station and market (automobile convenience) and a 2,500 square foot retail building. While automobile convenience is not the use last approved for this parcel, it is permitted by the SCR base zoning and is not out of character with the commercial nature of this





## Metro Planning Commission Meeting of 09/14/2010

### Site Plan

PUD. Since, the proposal does not increase the floor area from what was approved by Council, the use is permitted by the base zoning district and is compatible with other uses in the PUD, then the request can be approved as a revision, and does not require approval by Metro Council.

The proposed plan calls for a 2,757 square foot fuel station and market with twelve pumps and a 2,500 square foot retail shop. The two uses will be on separate parcels but will both be accessed by one shared drive from Doverside Drive. Since access will be shared then an access easement will be required. The final plan approval is for the fuel station only. The retail shop will require a separate final approval from the Planning Commission.

### 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. Add note to cover sheet "All work in the public right-of-way requires a permit from the Department of Public Works".
3. Show metro driveway ramp ST-324 to be installed and other metro standard details as applicable.
4. Provide 2 exit lanes with 50 ft of storage at full access drive.
5. Remove the proposed right-in/right-out drive as currently shown on the plan. A second drive may be considered if it can be designed appropriately and adequate sight distance can be provided.

### STORMWATER RECOMMENDATION

Not Approved

### STAFF RECOMMENDATION

Staff recommends that the request be deferred until Stormwater issues have been adequately addressed. If Stormwater issues are adequately addressed prior to the meeting then staff recommends that the request be approved with conditions. The proposal meets all zoning requirements and is consistent with the overall concept of the original PUD plan approved by Council.



## Metro Planning Commission Meeting of 09/14/2010

### CONDITIONS (if approved)

1. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed six feet in height. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
2. Prior to the issuance of any building permits for the fuel station and market a final plat shall be recorded consistent with this PUD plan, and shall include a shared access easement.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. 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.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later



## **Metro Planning Commission Meeting of 09/14/2010**

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.



**2005P-023-001**

**BELLE ARBOR, PH 2**

Map: 041-00 Parcel: part of 147

Map: 050-00 Parcel: part of 031

Parkwood/Union Hill Community Plan

Council District 3 - Walter Hunt





<b>Project No.</b>	<b>Planned Unit Development 2005P-023-001</b>
<b>Project Name</b>	<b>Bell Arbor, Phase Two</b>
<b>Council District</b>	3 - Hunt
<b>School Board District</b>	3 - North
<b>Requested By</b>	Dale and Associates, applicants for The Victory Church of Nashville, owner
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

**APPLICANT REQUEST**

**Revise preliminary plan and final site plan for Phase Two.**

**Revise Preliminary PUD and Final Site Plan**

**A request to revised the preliminary plan and final approval for a portion of the Belle Arbor Planned Unit Development Overlay located on a portion of properties at 3549 Brick Church Pike and at Westchester Drive (unnumbered), at the end of Belle Arbor Drive (16.0 acres), zoned Multi-Family Residential (RM6), One and Two-Family Residential (R10) and partially located within the Floodplain Overlay District, to permit 44 single-family lots.**

**Existing Zoning**  
RM6 District

RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre.

R10 District

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

FO District

Floodplain Overlay District 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.

**CRITICAL PLANNING GOALS**

N/A

**REQUEST DETAILS**

General

This is a request to revise the last approved preliminary plan and for final site plan approval for Phase Two. The properties are within a residential Planned Unit Development. Construction has begun on Phase One,





## Metro Planning Commission Meeting of 09/14/2010

### History

which was approved by the Planning Commission in May of 2008. The remainder of the area within the PUD is undeveloped and consists of mostly open pasture and some wooded areas. The property is also bisected by two streams.

The original plan was named Victory Village and has been renamed to Belle Arbor. The Planning Commission recommended that the Council approve the preliminary plan at its September 8, 2005, meeting, and the plan was subsequently approved by Metro Council in January 2006. The original plan included 135 single-family lots, 28 two-family lots (56 units), 155 multi-family units, an assisted-living facility with 75 beds, and a community center. In November 2007 the Planning Commission approved a revision to the preliminary that included 135 single-family lots, 164 townhomes and cottages, and 36 duplex lots (72 units) with an overall density of 4.3 units per acre, eliminating the assisted-living facility, and the community center. The last revision, approved in 2008, proposed minor changes to the lot and open space layout, but did not increase the density or alter the basic concept of the last Council approved plan.

### Revision to Preliminary

The plan proposes revisions to the last approved preliminary plan. Minor changes include modifications to the overall lot and open space layout. No additional lots are proposed; however the housing mix is different (see below table). The revision also adds additional amenities to the plan such as paved walking paths.

Approved	Proposed
135 Single-Family	181 Single-Family
72 Duplex Units	62 Duplex Units
164 Town Homes	103 Town Homes
371 Total	25 Cottage Units
	371 Total

### Final Site Plan

The final site plan for Phase Two is for 44 single-family lots on approximately 16 acres. Phase Two will be accessed from Brick Church Pike, through Phase One, from Brick Drive which serves the adjacent subdivision to the west. All lots are front loaded and will be accessed off of new public streets.

### Floodplain Overlay

A portion of this phase is encumbered with flood plain from an unnamed tributary of North Fork Ewing Creek and is designated within a Flood Plain Overlay District. Several lots are within flood plain; however, the applicant



## Metro Planning Commission Meeting of 09/14/2010

### Staff Analysis

has petitioned to have the floodplain redrawn and the revised line will move the lots further out of the floodplain. The proposed redrawing will require approval from F.E.M.A. and must be constructed prior to approval of the change. Stormwater has indicated that they have no concerns with the proposed change.

While the plan is slightly different than the preliminary that was last approved by the Planning Commission, the changes are consistent with the last approved preliminary plan's concept. The proposed changes provide more amenities which enhance the overall project. Staff has no concerns with the proposed revision as Phase Two meets all zoning requirements.

### 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. The bridge on Belle Arbor Drive connecting Phase 2 to Phase 3 of this development shall be bonded with the recording of the final plat for phase 2, and shall be constructed prior to the recording of any additional plats for any phase of the Belle Arbor development.
3. Comply with all previous traffic conditions.

### STORMWATER RECOMMENDATION

Approved with conditions:

1. Grading permit fee \$1550;
2. Use NGVD-29 for floodplain development benchmark;
3. Provide overall water quality map;
4. Provide bioretention surface area calc.;
5. Flow velocity should not be less than 2.5 fps inside pipe;
6. \$67 recording fee to Register of Deeds.

### STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The proposal meets all zoning requirements and is consistent with the overall concept of the original PUD plan approved by Council.

### CONDITIONS

1. The bridge on Belle Arbor Drive connecting Phase Two to Phase Three of this development shall be bonded with the recording of the final plat for Phase



## Metro Planning Commission Meeting of 09/14/2010

- Two, and shall be constructed prior to the recording of any additional plats for any phase of the Belle Arbor development. This condition shall be noted on sheet EX.1.1, and shall be noted on corresponding subdivision plats.
2. The southernmost bridge on Westchester Drive shall be bonded with the recording of the final plat for Phase Three, and shall be constructed prior to the recordation of any additional phases on the east side of the stream. This condition shall be noted on sheet EX.1.1, and shall be noted on corresponding subdivision plats.
3. While the PUD permits duplex lots, locations shall be approved by the Planning Commission and shall be located at appropriate locations such as corners and shall not be concentrated within one area. If appropriate locations are not provided then the Planning Commission may limit the total number of duplex lots below what is shown in the site data table.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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



## Metro Planning Commission Meeting of 09/14/2010

inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

9. 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.

**SEE NEXT PAGE**



**2006IN-002-004**

Belmont University

Map: 104-1 Parcels: 309, Part of 308, Part of 352

Map: 105-09 Parcels: 009, 057, 058, Part of 059

Green Hills/Midtown Community Plan

Council District 18 - Kristine LaLonde





**Project No.**

**Belmont University IO**

**Project Name**

**2006IN-002-003**

**Council District**

18 - Lalonde

**School District**

8 - Hayes

**Requested by**

Littlejohn Engineering Associates Inc., applicant, for Belmont University, owner

**Staff Reviewer**

Bernards

**Staff Recommendation**

*Approve with conditions and recommend to the Council that the Belmont University IO remain in place*

**APPLICANT REQUEST**

**Final Plan approval for the College of Law Building**

**Final Plan Approval**

A request for final approval for a portion of the Belmont University Institutional Overlay district located at 1501, 1503, and 1505 Acklen Avenue and on a portion of properties at 1515 Wedgewood Avenue and 15th Avenue South (unnumbered), (5.1 acres), zoned RM20, to permit a 75,000 square foot College of Law.

**CRITICAL PLANNING GOALS**

N/A

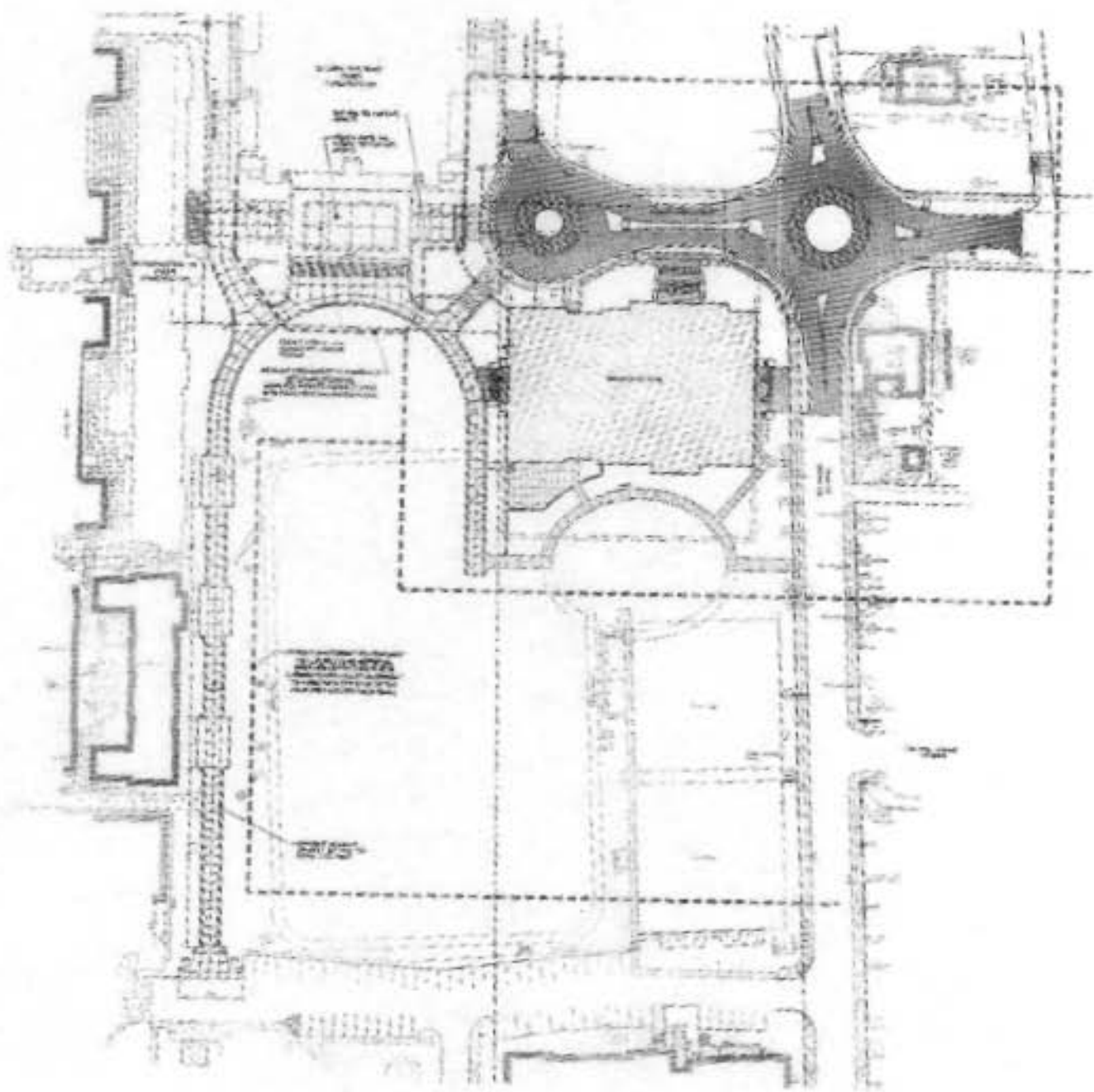
**PLAN DETAILS**

Belmont University has requested final site plan approval for a building to house the College of Law and associated campus alterations to support the new building. These alterations include roadway improvements, a plaza in front of the Pharmacy building and additional parking facilities. The roadway improvements include the removal of one house within the residential buffer on 15<sup>th</sup> Avenue, north of Acklen Drive, and the loss of a portion of the on-street parking along this section of 15<sup>th</sup> Avenue.

The proposed building and plaza is within the Academic Core Zone. This zone has been envisioned as a mall with pedestrian oriented green spaces connecting the buildings within the zone. The current site of the tennis courts were envisioned as future building sites oriented towards 15<sup>th</sup> Avenue. The proposed College of Law will occupy one of these building sites and the plaza is a portion of the pedestrian mall.

Traffic Signal at 15<sup>th</sup> Avenue and Wedgewood Avenue

The initial approval of the IO did not require a traffic signal at 15<sup>th</sup> and Wedgewood Avenues. With the construction of the College of Law, a traffic signal is warranted at this intersection. While a final site plan can be approved administratively if it is consistent with the





## Metro Planning Commission Meeting of 09/14/2010

approved preliminary plan, condition No. 20 of Council Bill 2005-555, the ordinance establishing the Belmont IO, states:

“20. Approval of the IO overlay does not require the installation of a traffic signal at 15th Ave. South, and Wedgewood Avenue by Belmont University. If Belmont University proposes or otherwise agrees to provide for the installation of a traffic signal at that location, the Planning Commission must review the approved development plan and provide a recommendation to Council as to the impact on the neighborhood and whether the IO should be continued.”

As a traffic signal is proposed with this final site plan approval, the Planning Commission must review this plan and make a recommendation to the Council.

### Parking Study

A parking study accompanied the application. A new 504-space parking structure will be located beneath the College of Law and will be accessed from Acklen Campus Drive to 15<sup>th</sup> Avenue. Currently there are 88 surface parking spaces on this site. These spaces will be eliminated with the new building. The total number of parking spaces on the campus with the opening of the new parking structure will be 3,750. A second parking study was completed to assess the parking needs of the residential properties on 15<sup>th</sup> Avenue north of Acklen Avenue. This study is discussed in more detail below.

### Traffic Impact Study

17.36.350.B of the Zoning Code, requires an updated Traffic Impact Study (TIS) every five years for IO Districts. The original ordinance adopted the Belmont IO District on August 19, 2005. An update to the TIS accompanied the submission of the final site plan for the College of Law. The TIS included three scenarios of potential student enrollment and already identified development growth since 2005. Scenario 1 includes the construction and occupancy of the College of Law and Scenarios 2 and 3 include the development of specific areas within the IO associated with enrollment growth. The analyses showed that the projected volume of traffic associated with the proposed scenarios can be accommodated with specific roadway and traffic control improvements. Public Works has identified a number of improvements that must be made in order to accommodate the College of Law.



## Metro Planning Commission Meeting of 09/14/2010

### Residential Buffer Zone

The proposed road design to accommodate the College of Law include two round-about style intersections. A residential structure within the Residential Buffer Zone will be impacted in order to accommodate the round-about for the Acklen Avenue and 15<sup>th</sup> Avenue intersection. At a minimum, the front porch of the structure will need to be removed and the side setback will be reduced to zero feet to three feet along Acklen Avenue. The applicant has proposed the removal of this house. The area of the property not included in the round-about is proposed to be landscaped.

There is a limited description in the adopting ordinance of what the Residential Buffer Zone consists of – only that it must be in place. This section needs to be strengthened to clarify that the residential buffer means residential units – either the units currently in place or if any need to be replaced, the replacement will be of a similar style as the existing structures. While the loss of the house at 1812 15<sup>th</sup> Avenue affects the buffer, staff is recommending approval of its removal as it is on the corner and the integrity of the buffer will continue with five remaining units. If the house is to remain, details of the front of the house will need to be provided to show how a renovated porch can be accommodated and details of how the impact of the reduced setback can be mitigated through landscaping or other means. The IO District allows for setbacks to be reduced.

### Parking on 15<sup>th</sup> Avenue

In order to support the traffic signal at Wedgewood and 15<sup>th</sup> Avenues, turn lanes will need to be added and a number of the on-street parking spaces on 15<sup>th</sup> Avenue will need to be removed. Initially, the applicant indicated four on-street parking spaces would remain on the eastern side of 15<sup>th</sup> Avenue. There are three properties on the block not owned by Belmont University. As the University acquires the property, the intention is to widen 15<sup>th</sup> Avenue to accommodate the necessary lanes and add back four parking spaces on the eastern side. In order to ensure this parking is reserved for residents and not used by students or visitors to the university, a Residential Parking Permit program has been approved by the Metro Traffic and Parking Commission.

In a letter to the Executive Director of the Planning Department, Belmont Hillsboro Neighborhood, Inc. expressed concern with the loss of the on street parking and its impact on the Residential Buffer Zone. Belmont



## Metro Planning Commission Meeting of 09/14/2010

responded to the letter by preparing a parking study for this block and proposing an alternative interim parking plan.

The parking study analyzed the bedroom count of each unit within the residences facing 15<sup>th</sup> Avenue. Based on the Zoning Code, 40 parking spaces would be required. On-site parking capacity for these properties is 39 spaces. The majority of these would be accessed from the existing rear alley.

In order to fully utilize this potential, Belmont will need to make the rear alley parking as convenient and accessible as possible. This will require the development and implementation of a plan identifying any improvements, a program of on going maintenance within the alley and the regularization of the parking on each property, including clearly identifying the spaces.

An alternative interim parking plan for 15<sup>th</sup> Avenue has been developed and submitted to Public Works for review. In this proposal, the parking would be removed from the western side of 15<sup>th</sup> Avenue, there would be two lanes of travel and the majority of the parking on the east side would remain. As the remaining properties are acquired, Belmont would provide additional ROW and widen the street to allow for the turn lanes.

### Belmont Advisory Committee

An advisory committee made up of community and Belmont representation was established with the Council conditions of the IO. A meeting of this Committee was held on August 30, 2010, to discuss the impacts of the College of Law on the Residential Buffer Zone. Also in attendance were property owners on 15<sup>th</sup> Avenue, a representative of Belmont Hillsboro Neighborhood, Inc., Councilmember LaLonde, Belmont's traffic engineer, and a member of the Planning staff. The discussion focused on the loss of parking on 15<sup>th</sup> Avenue and the need for the round-about and the resulting loss of the house at 1812 15<sup>th</sup> Avenue.

While the property owners on 15<sup>th</sup> Avenue could support the newly proposed interim parking plan, the Belmont Hillsboro Neighborhood, Inc. continued to voice concern as parking on both sides of the street is viewed as a traffic calming tool.



## Metro Planning Commission Meeting of 09/14/2010

### Recommendation to the Council

The project's traffic engineer stated that a round-about is a safer traffic option than the current four-way stop. In addition, it will act as a traffic calming measure as cars must slow down to enter the circle. There was no clear consensus on the need to retain the house in order not to compromise the integrity of the Residential Buffer Zone.

As noted above, the Commission must review the approved development plan and provide a recommendation to Council as to the impact of the traffic signal at Wedgewood and 15<sup>th</sup> Avenues on the neighborhood and whether the IO should be continued. Staff recommends that the IO be continued since the proposed traffic signal is warranted by development that was contemplated in the original IO document approved by Council. The proposed TIS includes mitigation measures to adequately address traffic impacts of the continued development within the IO as was called for in the original Council approved plan.

### NES RECOMMENDATION

- 1) Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 2) 20-foot public utility easement required adjacent to public r-o-w.
- 3) Any additional easements required on off-site work that are not part of this plan must be obtained by the developer or the engineer for the developer.
- 4) NES can meet with developer/engineer upon request to determine a location for the riser pole for electrical service into Belmont University. Existing and proposed conduit system and riser pole not shown on Site Utilities Plan - Sheet C6.0. NES must approve of the proposed riser location.
- 5) All street lighting shall meet Metro/NES requirements for the public r-o-w. The conduit, footings, poles and fixtures must be installed by developer – NES needs locations of street light bases for conduit stub-outs to those general areas.

### WATER SERVICES RECOMMENDATION

Approve with conditions. Capacity has been purchased for this site. All applicable tap fees and any remaining capacity fees must be paid at the time of the application for the sewer/water connection permits.



## Metro Planning Commission Meeting of 09/14/2010

### STORMWATER RECOMMENDATIONS

1. See Item No. 7 from the 1<sup>st</sup> Technical Review. Silt Fence and Inlet Protection is listed in the Legend on Plan Sheet C2.0 and C2.1. Installation of Silt Fence is an item in the Project Schedule. Correct as the silt fences are not applicable to this project. Inlet Protection is not shown on the sheets.
2. No spread footage was provided in the Hydraulic Calculations spreadsheet. Maximum spread is 8 feet.
3. The copy of the Tennessee General Construction Stormwater Permit NOC letter was not included in the last revisions as stated.
4. Register of Deeds fees for the Long Term Maintenance Plan and a completed Inspection and Maintenance Agreement will be \$82, payable to Davidson County Register of Deeds.

The Grading Permit Fee of \$890, payable to Metro Water Services, and three sets of plans will be due prior to Technical Review completion.

### PUBLIC WORKS RECOMMENDATION

As Public Works staff continue to evaluate the TIS, supplementary requirements may be added.

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. Add note to cover sheet "All streets to remain open to local traffic during construction."
3. Show construction detail for core in roundabout. Truck apron to be stamped concrete 8" thick or stamped asphalt.
4. Curbing on roundabout center and splitter islands to be TDOT mountable curb and gutter RP-MC-2 Type B.
5. Extend length on splitter island tails, however do not obstruct adjacent driveways.
6. Show splitter island details. Provide continuous concrete 8" thick, and add detectable warnings 24" minimum on pedestrian entry and exit points.
7. Provide a smooth flair on the entry and exit points of the southern leg into the roundabout (remove abrupt curbing), and on the entry lane of the east leg.
8. Dimension the inscribed circle radius on the roundabout.
9. Smooth and chamfer angled curbing in roundabout.



## Metro Planning Commission Meeting of 09/14/2010

10. Provide a two foot minimum grass strip between sidewalk and curbing on roundabout.
11. Show and reference pavement detail PW ST-253 for all new pavement in the public right-of-way of 15<sup>th</sup>, Acklen, and Wedgewood Ave.
12. Show and reference PW standard drawings, ST-200, 210, 320, 324, and 330.
13. On the northern leg of the roundabout, narrow the center striping on the exit lane to provide two feet of lane width buffer where on-street parking begins.
14. On alley entrance from Wedgewood Ave show and label TDOT mountable curb and gutter RP-MC-2 Type B.
15. Delete driveway ramp in the NW corner radius of 14<sup>th</sup> Ave S. and Wedgewood Ave.
16. Call out and label all new pavement on Wedgewood Ave as ST-253 pavement detail.
17. Add Public Works Standard notes to cover sheet:
  - a. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
  - b. Proof-rolling of ALL street sub-grades is required in the presence of the Public Works Inspector. This request is to be made 24 hours in advance.
  - c. Stop signs to be 30 inch by 30 inch.
  - d. Street signs to have six inch white letters on a nine inch green aluminum blade.5. All signs to have 3M reflective coating.

In accordance with the recommendations of the traffic impact study for the proposed Belmont Law School, the following conditions shall apply:

### At Wedgewood Avenue and 15th Avenue:

- A traffic signal should be installed by the developer at the intersection Wedgewood Avenue and 15th Avenue South. Protected/permissive left turn signal phasing should be provided for the eastbound and westbound approaches. Split phase operation will likely be required for the northbound and southbound approaches of 15th Avenue. Coordinated signal operation (including communication connectivity) should be provided with the adjacent signalized intersections on Wedgewood Avenue. At a minimum, crosswalks and pedestrian signals should be provided across the north, south, and east legs of the intersection.





## Metro Planning Commission Meeting of 09/14/2010

- Wedgewood Avenue shall be modified to include left turn lanes on the eastbound and westbound approaches to 15th Avenue. The eastbound left turn lane should be designed to include a minimum of 75 feet of storage. The westbound left turn lane should be designed to include a minimum of 200 feet of storage. Approach and departure tapers shall be designed per AASHTO standards.
- The northbound approach of 15th Avenue at Wedgewood Avenue should be modified to include a dedicated left turn lane and a shared left turn/through/right turn lane with approximately 100 feet of storage and 50 feet of taper. Some on-street parking for existing residences shall be maintained along the east side of 15th Avenue between Wedgewood Avenue and Acklen Avenue.

### At 15th Avenue and Acklen Avenue/Acklen Campus Drive:

- A roundabout should be installed as the traffic control improvement at the intersection of 15th Avenue and Acklen Avenue. It is recommended that the turnaround and access points be designed utilizing modern roundabout geometric techniques; specifically, increased entry and exiting radius returns, entry deflection to the roundabout, splitter islands, and truck apron.

### At Wedgewood Avenue and Inman Alley:

- Due to the proposed traffic signal at the intersection of Wedgewood Avenue and 15th Avenue, eastbound queues on Wedgewood Avenue will routinely block the Inman Alley access to westbound left turns from Wedgewood Avenue. Therefore, in order to provide safe and efficient traffic operations at the intersection of Wedgewood Avenue and the Inman Alley, the Inman Alley should be modified to allow right turn entering movements only. As shown in Figure 5, this can be accomplished by increasing the curb return on the southwest corner and channelization improvements to the existing access. Widening of the alley would not be necessary to provide this improvement.



## Metro Planning Commission Meeting of 09/14/2010

At Acklen Campus Drive and Inman Alley/Belmont Law Access:

- A roundabout should be installed as the traffic control improvement at the intersection of Inman Alley and Acklen Campus Drive. It is recommended that the turnaround and access points be designed utilizing modern roundabout geometric techniques; specifically, increased entry and exiting radius returns, entry deflection to the roundabout, splitter islands, and truck apron.

In addition, the following comments/questions related to the proposed plan should be addressed:

- Any development scenarios beyond the Law School will require subsequent focused traffic studies to evaluate the expected traffic conditions and recommendations of the comprehensive 5-year traffic study update.
- Conduct a parking utilization study in the Fall of 2010 to determine existing parking utilization rates once the Inman garage expansion is open and re-evaluate the parking study assumptions as necessary.
- If a neighborhood parking permit program is implemented, a reevaluation of campus parking may be required.
- Clarification is needed to determine whether the interim parking to be utilized by the Law School (during building construction) is currently being utilized by other students.
- Additional analysis and discussion will be required to address concerns related to recommended future improvements along Wedgwood Avenue at the Inman alley and at 15th Avenue as has been discussed with the developer's traffic engineer.
- Consider the need for a dedicated RT lane on Wedgwood at the existing Inman alley serving the Inman parking garage and provide an evaluation

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### FIRE MARSHAL RECOMMENDATION

Approved

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### BELMONT UNIVERSITY NEIGHBORHOOD ADVISORY GROUP RECOMMENDATION

The neighborhood representatives on the Advisory Group will be providing comments prior to the Planning Commission meeting. Staff will prepare a summary of the comments received for the Commissioners.



## Metro Planning Commission Meeting of 09/14/2010

### STAFF RECOMMENDATION

Staff recommends approval with conditions of the final site plan for the College of Law. Staff also recommends that the Planning Commission recommend to the Council that the Belmont IO remain in place.

### CONDITIONS

1. The language of the Residential Buffer Zone shall be defined to clarify that residential uses make up the buffer and that the remaining structures shall be maintained to serve as the residential buffer and if there is any need for a structure to be replaced, the replacement shall be of a similar style as the existing structures.
2. Staff recommends the house at 1812 15<sup>th</sup> Avenue be removed and the remaining portion of property be used as open space that shall be designed to complement the landscaping of the round-about and continue the landscaping associated with the round-about along 15<sup>th</sup> Avenue and Acklen Drive. If the house is to remain, details of the front of the house shall be provided to show how a renovated porch can be accommodated and details of how the impact of the reduced setback can be mitigated through landscaping or other means.
3. Belmont shall design and redevelop the rear alley parking for properties on the east side of 15<sup>th</sup> Avenue between Acklen Drive and Wedgewood Avenue to be as convenient and accessible as possible prior to the removal of the on-street parking. Belmont shall develop a plan identifying any improvements, a schedule for installing any improvements, a program of ongoing maintenance within the alley and the regularization of the parking on each property owned by the university, including clearly identifying the spaces. This plan shall be submitted to Planning Staff for review and approval.
4. The requirements of the Stormwater Division shall be met.
5. The requirements of the Public Works Department shall be met as specified in the Public Works recommendation for approval above, and including any recommendations from Public Works received prior to the meeting.

**SEE NEXT PAGE**

**FINAL PLAT**



2010S-060-001  
 Brown Property Final Plat  
 Map: 021-00 Parcels: 249, 313  
 Joelton Community Plan  
 Council District 1 - Lonell R. Matthews, Jr.



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

**Subdivision 2010S-060-001**  
**Brown Property Final Plat**  
1 - Matthews  
3- North  
James R. Brown, owner, Delle Land Surveying, surveyor

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

Bernards  
*Approve with conditions and waive the requirements of Section 3-4.2.c of the Subdivision Regulations to permit a flag lot*

**APPLICANT REQUEST**

**Create two lots.**

**Final Plat**

**A request for final plat approval to create two lots on properties located at 6191 Eatons Creek Road and at Eatons Creek Road (unnumbered), approximately 325 feet south of Rawlings Road (5.79 acres), zoned Single-Family Residential (RS40).**

**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.

**CRITICAL PLANNING GOALS**

N/A

**PLAN DETAILS**

The applicant is requesting final plat approval for a two lot subdivision accessed from Eatons Creek Road. In order to accommodate an existing house and the required septic systems, the applicant is requesting that Lot 2 be accessed via a drive, creating a flag lot.

There are a number of missing details to be added and modifications to be made to the plat before it can be recorded. Additions include:

- Add Case No. 2010S-060-001 to the plat.
- Add parcel number 249 to Lot 1 and parcel number 313 to Lot 2.
- Add an access easement for Lot 1 over the Lot 2 where the existing drive is located.

Modifications include:

- Revise the purpose note to read: The purpose of this recording is to create two lots.
- Replace the tree note (note 13) with the updated tree note: "The development of this project shall comply with the requirements of the adopted tree ordinance

Surveyed by J.W. Rawlings  
2/11/1910  
at 11:00 A.M. under Order of the Board of Survey

Howard M. Skipworth  
OR 4004 PG 76  
Map 21, Parcel 317

Howard M. Skipworth  
OR 4004 PG 76  
Map 21, Parcel 318

Howard M. Skipworth  
OR 4004 PG 76  
Map 21, Parcel 319

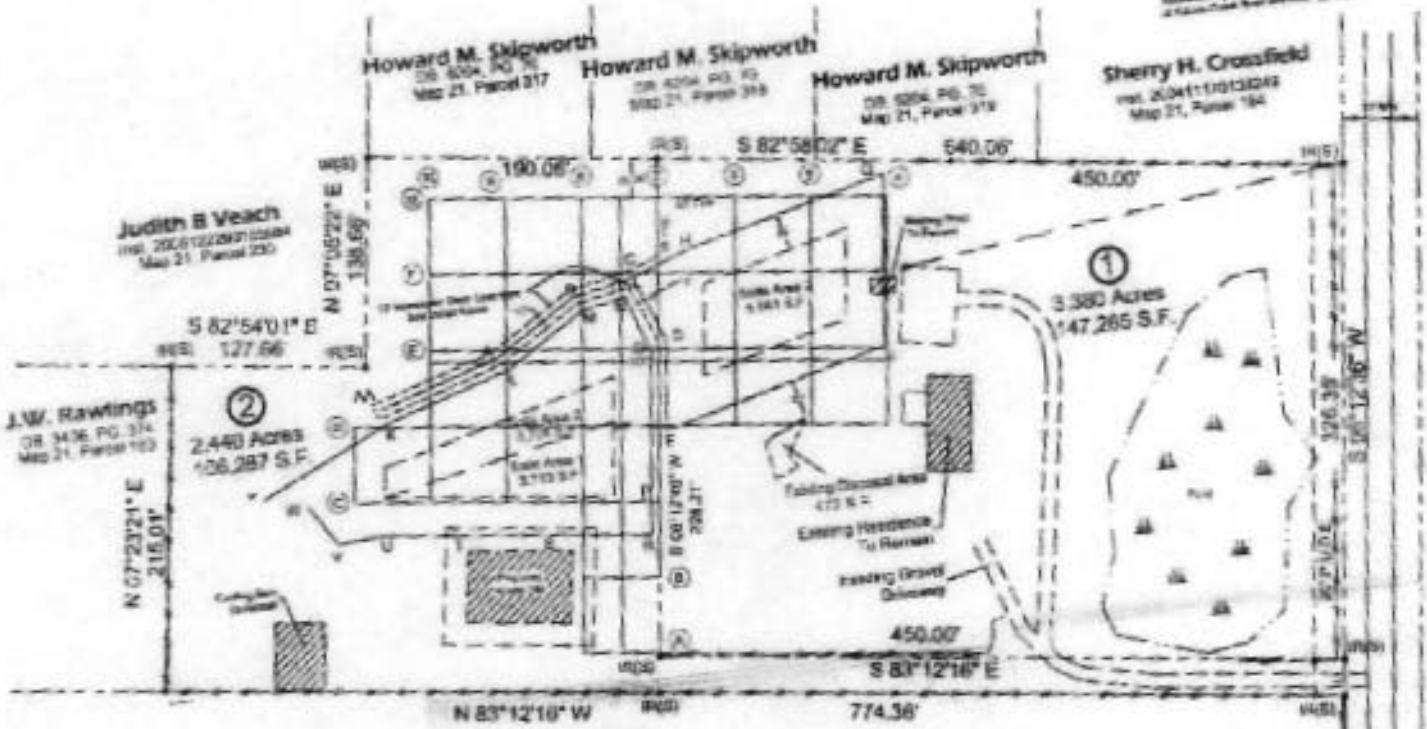
Sherry H. Crossfield  
Pat. 2,044,110/13/242  
Map 21, Parcel 194

Judith B Veach  
Pat. 2,061,122/207/2284  
Map 21, Parcel 220

J.W. Rawlings  
OR 3436 PG 374  
Map 21, Parcel 113

②  
2.448 Acres  
106,287 S.F.

①  
3.380 Acres  
147,265 S.F.



Ellis Jakes  
OR 4852 PG 28  
Map 21, Parcel 195

Eatons Creek Road ( 50' R/W )





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2008-328 (Metro code Chapter 17.24, Article II, Tree Protection and Replacement; and Chapter 17.40, Article X, Tree Protection and Replacement Procedures)."

While flag lots are generally not permitted by the Subdivision Regulations, the Planning Commission may waive these if certain conditions are met.

### Flag Lots

#### Section 3-4.2.c Flag Lots

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

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

The Brown Property plat meets all of the conditions for permitting a waiver. This area is rural in character with many irregular lots and frontages, including flag lots, fronting on Eatons Creek Road and Clarksville Pike south of Rawlings Road. The two lots will meet all requirements of the Zoning Code. The access connects to street, is greater than 10 feet in width and will be owned by the non-frontage parcel. Staff recommends that the Planning Commission waive the requirements of Section 3-4.2.c to permit a flag lot.

### PUBLIC WORKS RECOMMENDATION

No exception taken.

### STORMWATER RECOMMENDATION

1. Add access note to plans.
2. Show Public Utility and Drainage Easements on plans (not by note alone).



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### WATER SERVICES RECOMMENDATION

Show existing water main  
Amend note 5 to read: All lots are to be served by public water and sanitary sewerage. Individual service lines and sewerage service are required for each parcel

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### STAFF RECOMMENDATION

Staff recommends approval with conditions and a waiver to the requirements of Section 3-4.2.c of the Subdivision Regulations to permit a flag lot.

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### CONDITIONS

1. Add the details and make the modifications to the plat as noted above.
2. Add the note required by the Stormwater Division and show the Public Utility and Drainage Easements on plans.
3. Show the existing water main and amend the note 5 as required by Water Services.

# **URBAN DESIGN OVERLAY**



**2001UD-001-001**  
LENOX VILLAGES, PH 8, Lot 648  
Map: 173-090-A Parcel: 765  
Lenox Village Urban Design Overlay  
Council District 31- Parker Toler



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

**Lenox Village UDO 2001UD-001-001**  
**Lenox Village UDO Modification Request –**  
**Phase Eight, Lot 648**

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

31 – Parker Toler  
2 - Brannon  
John Burns, Regent Homes, LLC

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

Scott Morton  
*Approve*

**APPLICANT REQUEST**

**Permit a reduced rear setback**

**UDO Modification**

**A request for a modification of the Lennox Village UDO standards to permit an encroachment into the required five foot rear setback at 3102 Fyffe Lane, at the intersection of Dothan Lane and Fyffe Lane in order to construct a 20 foot by 20 foot detached garage at the rear of the townhome.**

**ZONING**  
**RM9 District**

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

**CRITICAL PLANNING GOALS**

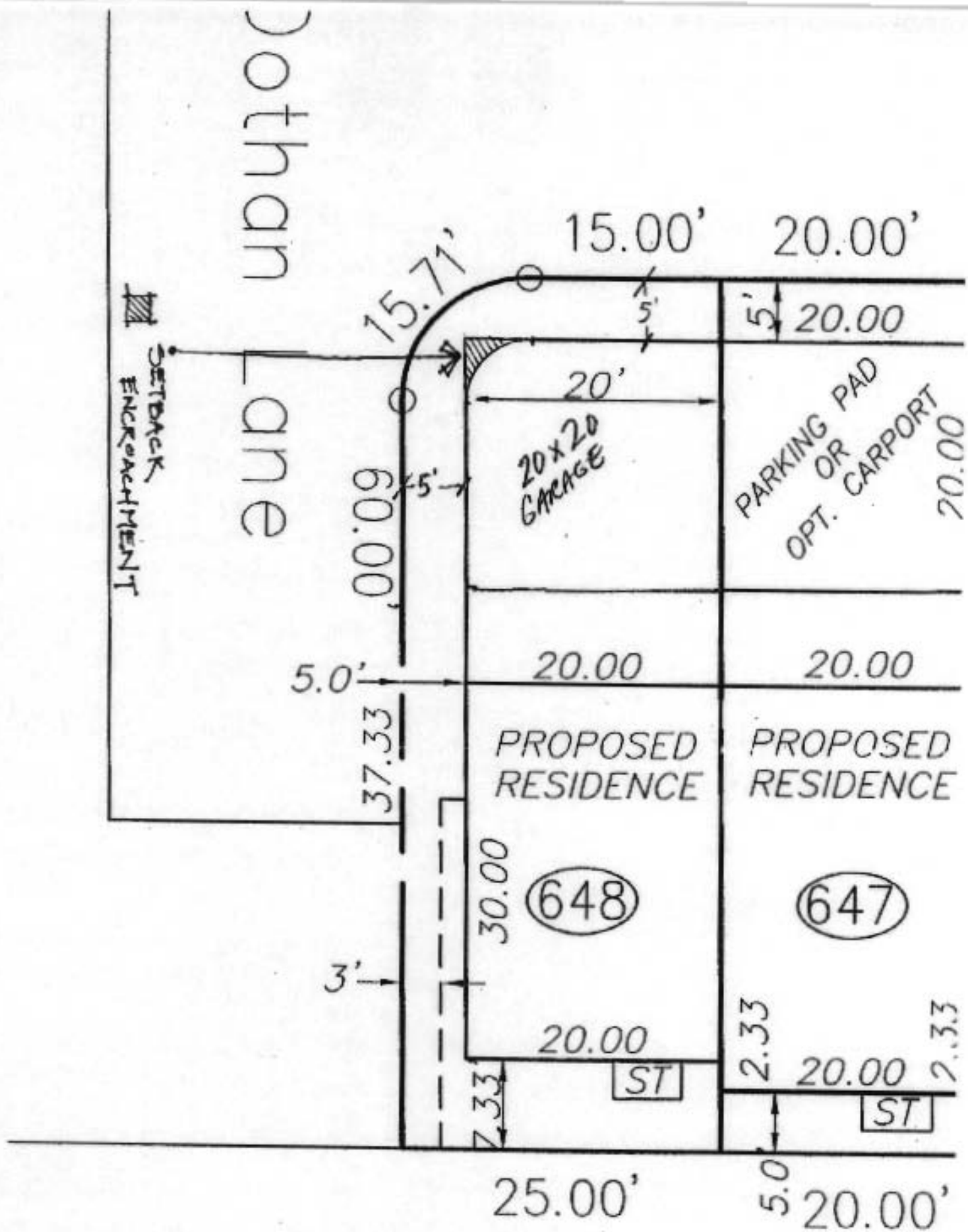
N/A

**APPLICATION DETAILS**

The encroachment area is located at the corner of two intersecting alleys (while they are named "Lane", each is an alley behind rows of townhomes). The current property line is rounded at this corner to accommodate the alley turning radii.

This alley intersection is unique in that one alley is ending at the other alley; Fyffe Lane ends at Dothan Lane. Meanwhile, Dothan Lane only extends to the southwest terminating just beyond the intersection of Fyffe Lane. To the Northeast, Dothan Lane terminates into Avery Park Drive (see graphic). There are two alley/lane connections to Avery Park Drive providing ingress/egress for emergency and utility vehicles. Unless one of the alley connections is blocked, there is little need to use Dothan Lane as a turnaround for utility/emergency vehicles.

The required setback from the alley is a minimum of five feet and the garage placement complies with this requirement for the majority of the garage's interface with the alleys, with the exception of the small corner



THIS PLOT PLAN SHOULD NOT BE REPRESENTED TO BE A LAND SURVEY. IT WAS DONE AT THE REQUEST OF AND FOR THE USE OF THE MORTGAGE LENDER ONLY. IT SHOULD NOT BE



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encroachment where the two alleys intersect and the radius exists will be approximately 2.5 feet.

Due to the fact that the required setback is met along all other portions of the alleys, except for at the intersection, which is likely to have very limited turning movements, planning staff believes the intent of the setback requirement is being met and the small encroachment at the corner is an acceptable modification.

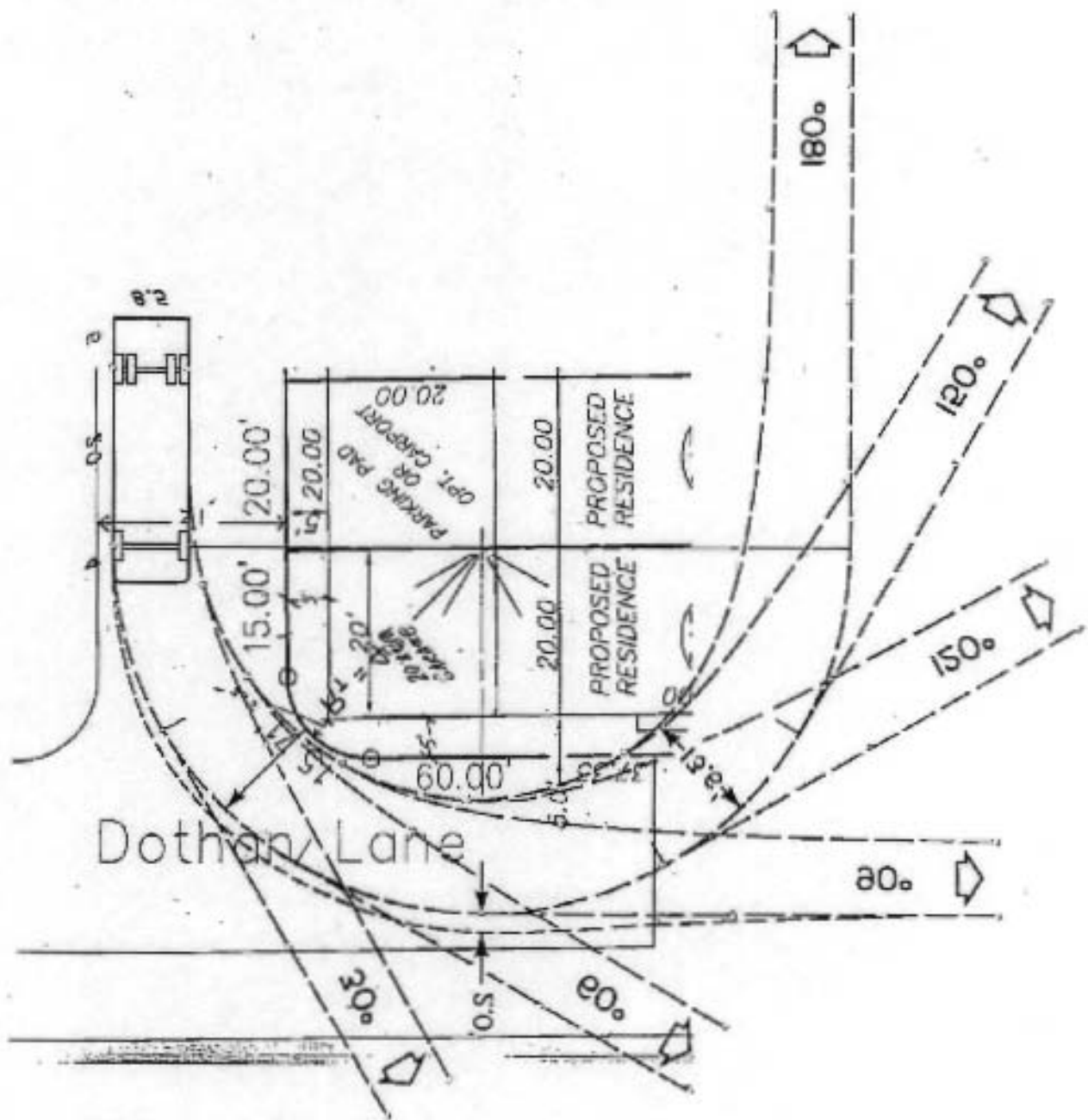
### PUBLIC WORKS RECOMMENDATION

This setback amendment if approved will place the garage within 2.5 feet of the alley right-of-way at the corner, and three feet or less from the pavement. This portion of the alley serves as the turnaround for the weekly waste collection trucks and/or fire trucks that are typically SU-30 design vehicles. Turning templates indicate trucks will come very close to the garage with mirror overhangs potentially coming into contact with the garage unless a near perfect turn is made, creating a liability for both the homeowner and the driver (see graphic).

Therefore Public Works recommends disapproval of this setback amendment request.

### STAFF RECOMMENDATION

Due to the location of the encroachment at the intersection of two alleys and the limited turning movements at this location, the impact of the encroachment will be minor. Staff recommends approval of the modification as the proposed garage placement meets the intent of the required setbacks in the UDO policy. The recommendation of approval for this modification to the required rear setback standard is specific to this property based on its context. Future applications for setback reductions will be subject to the standards of the Lenox Village UDO. Any modifications will be subject to review based on the context of the requested modification.





**SEE NEXT PAGE**



**2002UD-001-003**  
 Green Hills UDO  
 Map: 117-14 Parcel: 055  
 Green Hills/Midtown Community Plan  
 Council District 25 – Sean McGuire



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

**Green Hills UDO 2002UD-001-003**  
**Green Hills UDO Modification Request –**  
**Modify Signage Requirements**

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

25 - McGuire  
8 - Hayes  
Nordstrom, Inc., Barge, Waggoner, Sumner and Cannon,  
Inc.

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

Ratz  
*Approve*

**APPLICANT REQUEST**

**Permit increased signage display area.**

**UDO Modification**

**A request for a modification of the existing Green Hills Urban Design Overlay (UDO) district sign standards to allow a future tenant, "Nordstrom", to be located at 2126 Abbott Martin Road, zoned Shopping Center Regional (SCR), to vary from requirements of the UDO in order to increase the permitted signage display area along Abbott Martin Road.**

**ZONING**  
SCR District

Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

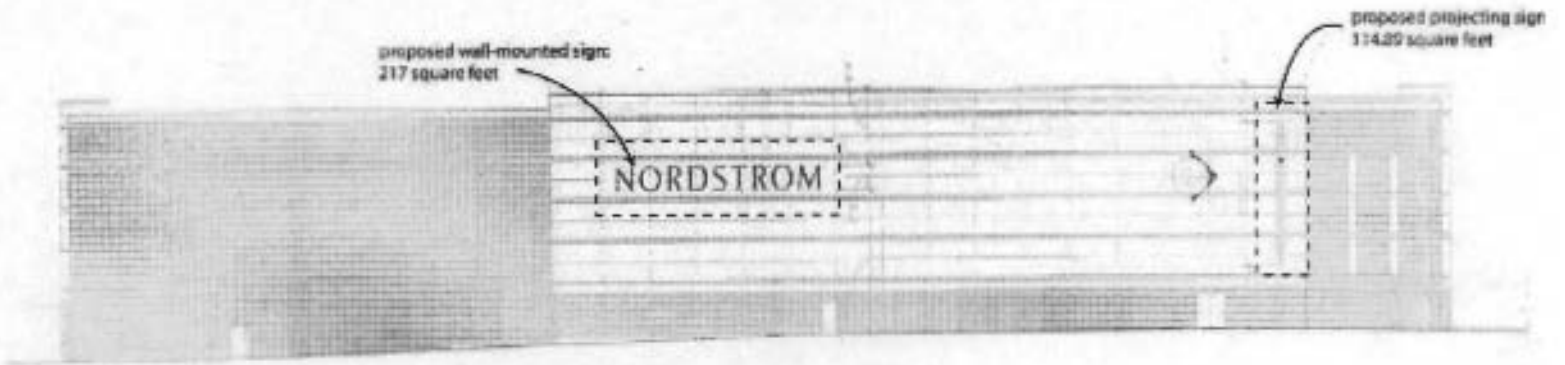
**CRITICAL PLANNING GOALS**

N/A

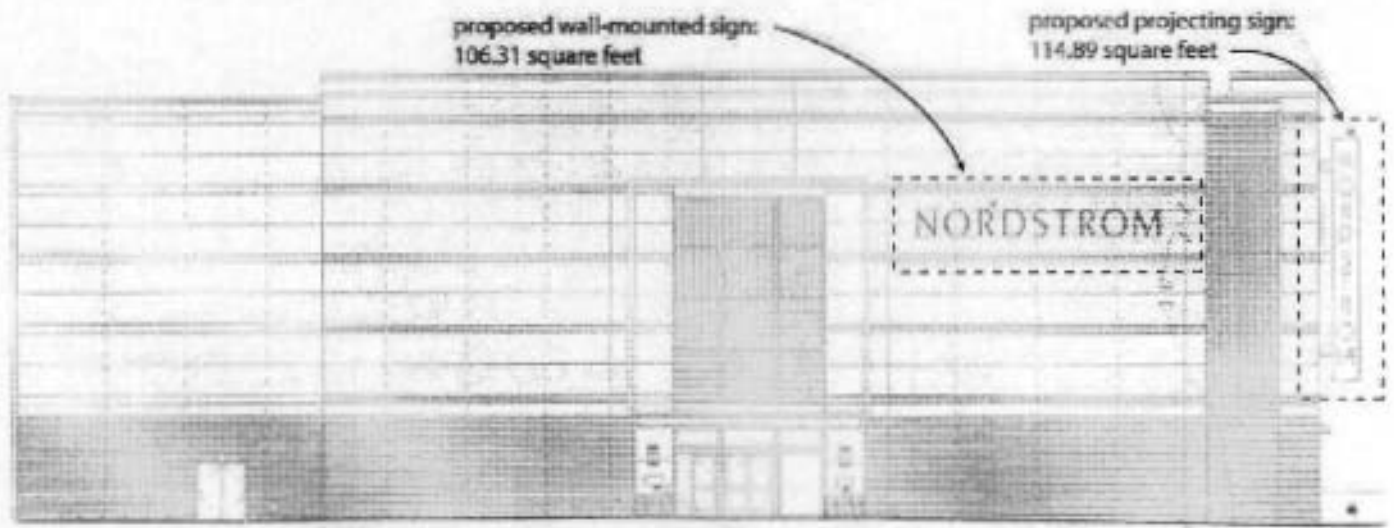
**SUMMARY**

Nordstrom, Inc. requests a modification to the standards of the Green Hills Urban Design Overlay (Green Hills UDO) to allow for the construction of three building signs at 2126 Abbott Martin Road. Two signs are proposed for the southern building façade facing Abbott Martin Road, one wall-mounted and one projecting sign located above the first story. The third sign is a wall-mounted sign proposed for the western façade facing a parking area. Nordstrom's overall sign plan calls for a total of five signs and four bronze plaques, only the three mentioned above require a modification for proper permitting.

The applicant requests relief from the square footage limits on sign display area, while still complying with the area limits based on percentage of the building's ground floor façade area.



Southern facade: facing Abbott Martin



western facade: facing parking

bronze plaques



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Signs needing a modification	UDO Standard		Nordstrom Proposal
	Max. size of a sign by percentage (5%)	Max. size of a sign by square footage	
Wall-mounted sign (south elevation)	238 sf	100 sf	217 sf.
Projecting sign (south elevation)		20 sf	114.89 sf.
Wall mounted sign (west elevation)	238 sf	100 sf	106.31 sf.

### UDO DETAILS

The Green Hills UDO was adopted in 2003 as a voluntary urban design overlay with development incentives promoting mixed-use development. In 2006, Metro Council specifically made the signage portion of the Green Hills UDO mandatory for all new signage and any changes to existing signage requiring a permit.

The signage standards are intended to implement the intent of the Green Hills UDO document that focuses on reducing “the scale of signs to a pedestrian standard” and “ensuring that signs will be placed and illuminated in a manner that is appropriate to a pedestrian environment.” The Green Hills UDO document is the result of a community process that focused on creating an “urban village concept” for Green Hills.

### Green Hills UDO Table of Sign Standards

Permanent On-Premise Sign Types	Minimum Setback side and street	Maximum Height	Minimum Display Area of Individual Signs
Ground Sign - Monument	None Required	2.5' for any part of a sign within 15ft of a driveway; 6 ft. otherwise	28 square feet
Building Sign - Projecting second story and above	N/A	1 foot below cornice or eave line	20 sq. ft
Building Sign - Projecting	N/A	14 ft.	10 sq. ft.
Awning Sign-Front	N/A	14 ft.	52 sq. ft. or 5% of the building façade wall facing the public street, which ever is less
Awning Sign-Side Treated the same as Building Sign-Projecting	N/A	14 ft.	10 sq. ft.



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Building Sign - Wall Mounted Flush	N/A	1 foot below cornice or eave line	100 sq. ft. or 5% of the building façade wall facing the public street, whichever is less
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### APPLICATION DETAILS

Within the Green Hills UDO, the maximum aggregate sign area per building – the square footage that can be divided into multiple signs – is 15 percent of the area of the ground floor building façade facing the public street. The UDO standards for individual signs specify that wall-mounted signs are limited to 5 percent of the ground floor building façade or 100 square feet, which ever is less. Projecting signs on the second story and above are limited to 20 square feet.

### Analysis

The ground floor of Nordstrom's southern façade is 4760 square feet (16' high by 297.5' in length). Fifteen percent of that is 714 square feet. So, per the UDO, Nordstrom will have 714 square feet to divide among multiple signs. Five percent is 238 square feet. So, per the UDO, no one sign could be larger than 238 square feet if there were not an overall maximum for wall-mounted signs of 100 square feet.

The applicant is requesting buildings signs (two wall-mounted and one projecting) that exceed the square footage maximums for display area (100 square feet and 20 square feet), but do meet the 5 percent standard applied to wall-mounted signs (238 square feet). The area of each of the three proposed signs is less than 5 percent of the ground floor façade area.

The display area proposed for the signs are as follows:

#### **Southern Façade**

Wall-mounted sign: 217 square feet

Projecting sign: 114.89 square feet

#### **Western Façade**

Wall-mounted sign: 106.31 square feet.

The total area of all building signs and plaques, including those that do not need modifications, is 491.02 square feet, less than the 714 square feet permitted (15 percent).

The overall size of the Abbott Martin façade is 15,470 square feet (52' high by 297.5' in length). Calculated using the overall façade, a 100 square foot sign, the maximum allowed for a wall-mounted sign, is only .65 percent of the



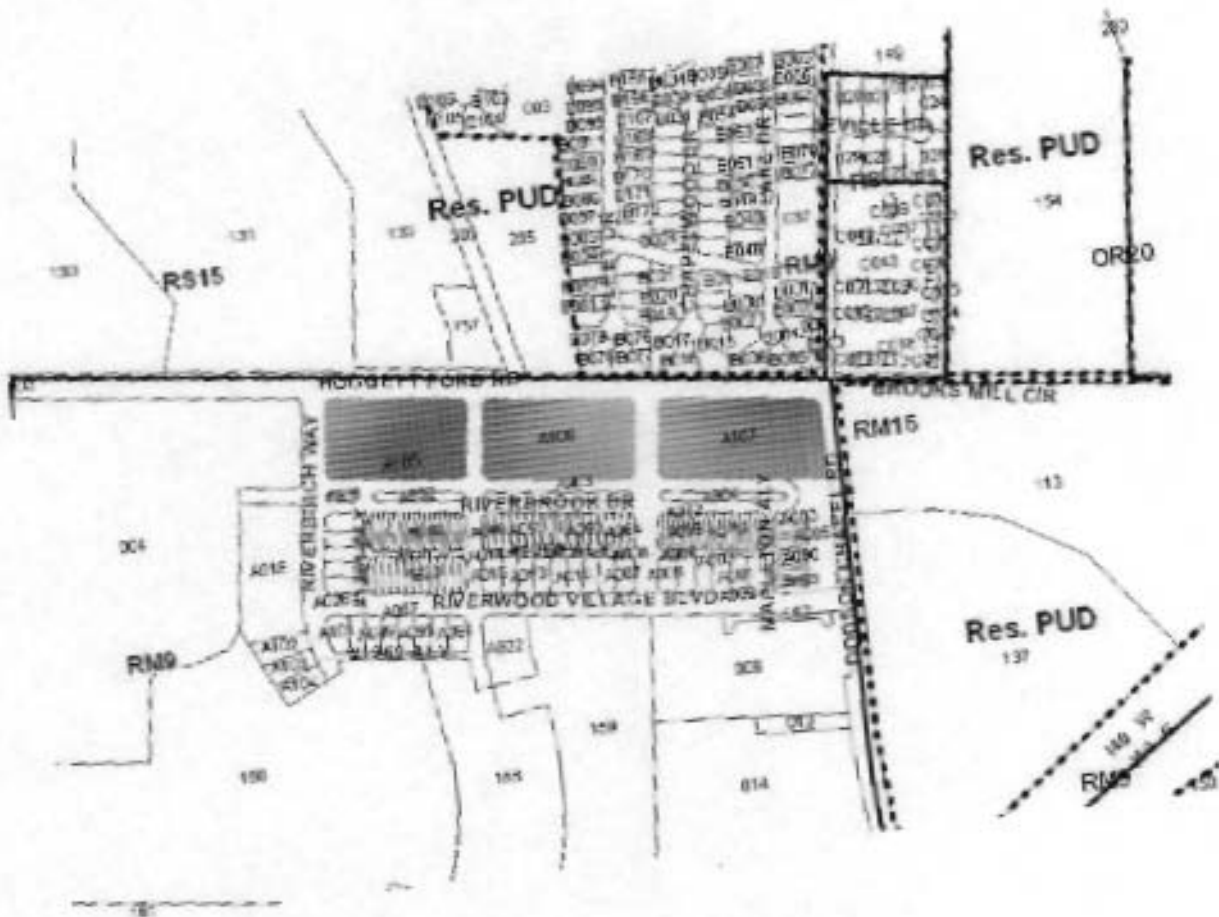
## Metro Planning Commission Meeting of 09/14/2010

façade. When placed on these large facades, signs limited to 100 square feet or 20 square feet in the case of the projecting sign, can appear out of proportion. Additionally, due to the lack of façade articulation, glazing, entrances and detail along the Nordstrom facades, the proposed signs will add needed interest along the street.

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### STAFF RECOMMENDATION

Staff recommends approval of the modification as the proposed signs meet the percentage standard for wall-mounted signs within the Green Hills UDO.



**2004UD-002-003**  
 Villages of Riverwood, Ph 3, Sec 1  
 Map: 097-02-0-A Parcels: 105, 106, 107  
 Donelson/Hermitage/Old Hickory Community Plan  
 Council District 14 – James Bruce Stanley





**Project No.** 2004UD-002-003  
**Project Name** Villages of Riverwood, Section 1, Phase 3  
**Council District** 14 - Stanley  
**School District** 4 - Shepherd  
**Requested by** Ragan-Smith-Associates Inc., applicant, for Beazer Homes, owner

**Staff Reviewer** Johnson  
**Staff Recommendation** *Approve with conditions*

**APPLICANT REQUEST**

**Approve revised preliminary plan and final UDO site plan.**

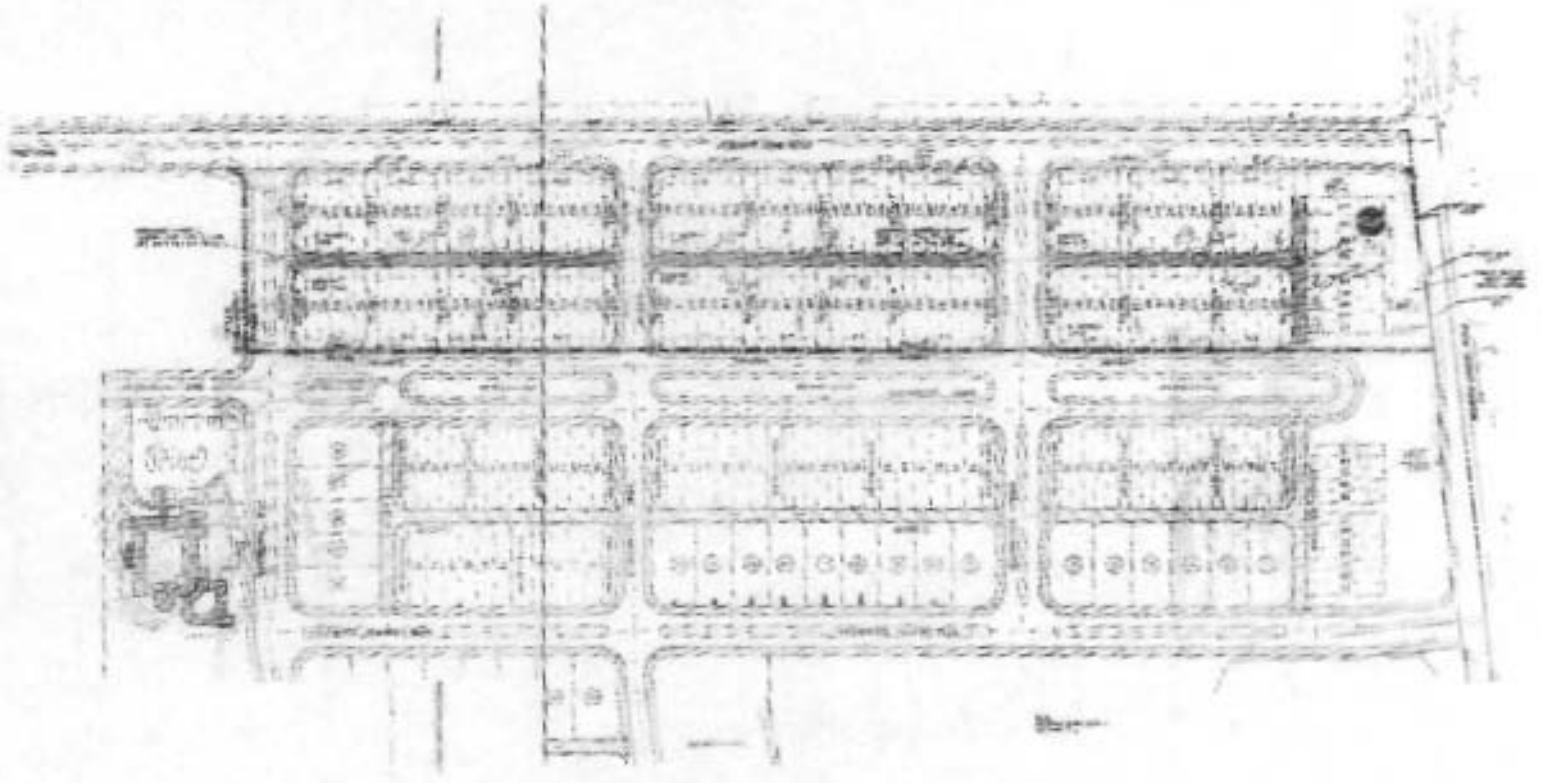
**Revise Preliminary UDO and Final Site Plan**

A request to revise the preliminary plan and for final site plan approval for a portion of the Villages of Riverwood Urban Design Overlay located at 1500 and 1501 Stonewater Drive and at Hoggett Ford Road (unnumbered), at the southwest corner of Dodson Chapel Road and Hoggett Ford Road (8.73 acres), to permit 135 dwelling units and to change the minimum lot width required for townhome units from 20 feet to 16 feet and to change the minimum lot size required for townhome units from 2,000 square feet to 1,600 square feet, zoned Multi-Family Residential (RM9).

**PROJECT HISTORY**

In 2004, the preliminary Villages of Riverwood Urban Design Overlay (UDO) site plan was approved by Metro Council. The plan included 1,978 total dwelling units and 65,000 square feet of mixed-use development, including the possibility of office and retail, and a future assisted-living facility.

The residential portion of the plan is comprised of single-family detached units, townhouse units, and apartment building types. The southernmost portion of the site, adjacent to the Stones River, will include a 776-unit assisted living facility in a later phase. Final site plan approval has been granted for single-family and multi-family phases for this UDO as well as for a pool and amenity center.





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The following table illustrates final site plan approval within the Villages of Riverwood to date:

Development Monitoring Chart

	Preliminary Approved	Final Approval to Date
Assisted Living	776	0
Apartments	500	418
Single Family Attached and Detached	702	200
Total with Final Approval	1978	618
Proposed Single Family Section 1, Phase 3		135
Total approved and proposed	1978	753

### PLAN DETAILS

This proposed final site plan is located along the northern edge of the UDO boundary. Access to this area will be taken from Hoggett Ford Road, along the north side of the phase. There are 135 townhouse lots proposed in this phase. This is consistent with the preliminary master plan, which allows attached residential building types throughout this phase. The preliminary plan limits the overall number of single-family dwellings within the UDO boundary to 702 and the total number of townhouse units to 291. Final site plan approvals to date are within these maximum limits. Approval of the proposed lots will bring the total number of approved single-family lots to 335 and the total number of approved attached dwellings to 239.

### Lot widths

With final UDO approval, the applicant requests a modification to the preliminary UDO standards for townhouse lot widths. The Villages of Riverwood UDO currently requires a minimum lot width of 20 feet for each townhouse lot. The applicant proposes a minimum width of 16 feet and has worked with Metro Public Works on an appropriate parking layout for this smaller lot width. Although the 20 foot lot width was approved originally, the narrower lot width is consistent with the intent of the UDO.

### PUBLIC WORKS RECOMMENDATION

1. The developer's final construction drawings shall comply with the design regulations established by the



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Department of Public Works. Final design may vary based on field conditions.

2. Comply with previous traffic conditions for UDO development.

### NES RECOMMENDATION

1. Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. This shall cover the entire project area.
2. 15-foot public utility easement required adjacent to public r-o-w.
3. Transformer knuckle easement required - must be 25 feet wide by 20 foot deep centered on property line.
4. NES can meet with developer/engineer upon request to determine electrical service options.
5. NES needs any drawings that will cover any road improvements to Metro r-o-w that Public Works will require.
6. 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)).
7. NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
8. Developer shall provide street lighting locations. This is general services area and should meet Metro's minimum light requirements.
9. If porches are allowed to be constructed beyond the minimum setback limits and into the public utility easements; then the easement will be considered reduced by that much of the easement. Such encroachments may increase the cost of electrical infrastructure to allow for reduced or limited access to equipment. *NES reserves the right to enter and to erect, maintain, repair, rebuild, operate and patrol electric power overhead and underground conductors and communications circuits with all necessary equipment reasonably incident thereto including the right to clear said easement and keep the same clear of brush, timber, inflammable structures, buildings, permanent structures, and fire hazards; all over, under, upon, and across the easement as granted on any plats.*



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**FIRE MARSHAL  
RECOMMENDATION**

Fire-flow shall meet the requirements of the International Fire Code - 2006 edition - B105.1.

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**STORMWATER  
RECOMMENDATION**

Can be approved with conditions:

1. Inlets # 22 and 5 shall be double inlets.
  2. Provide grading permit fee of \$1185.
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**STAFF RECOMMENDATION**

Staff recommends approval. The proposed final site plan and the modified minimum lot width for townhouses are consistent with the preliminary UDO approval.

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**CONDITIONS**

1. All conditions of the original council bill (BL2004-325) shall be met.
2. All Public Works, NES, Fire Marshal, and Stormwater conditions shall be complied with.