

# Metropolitan Planning Commission



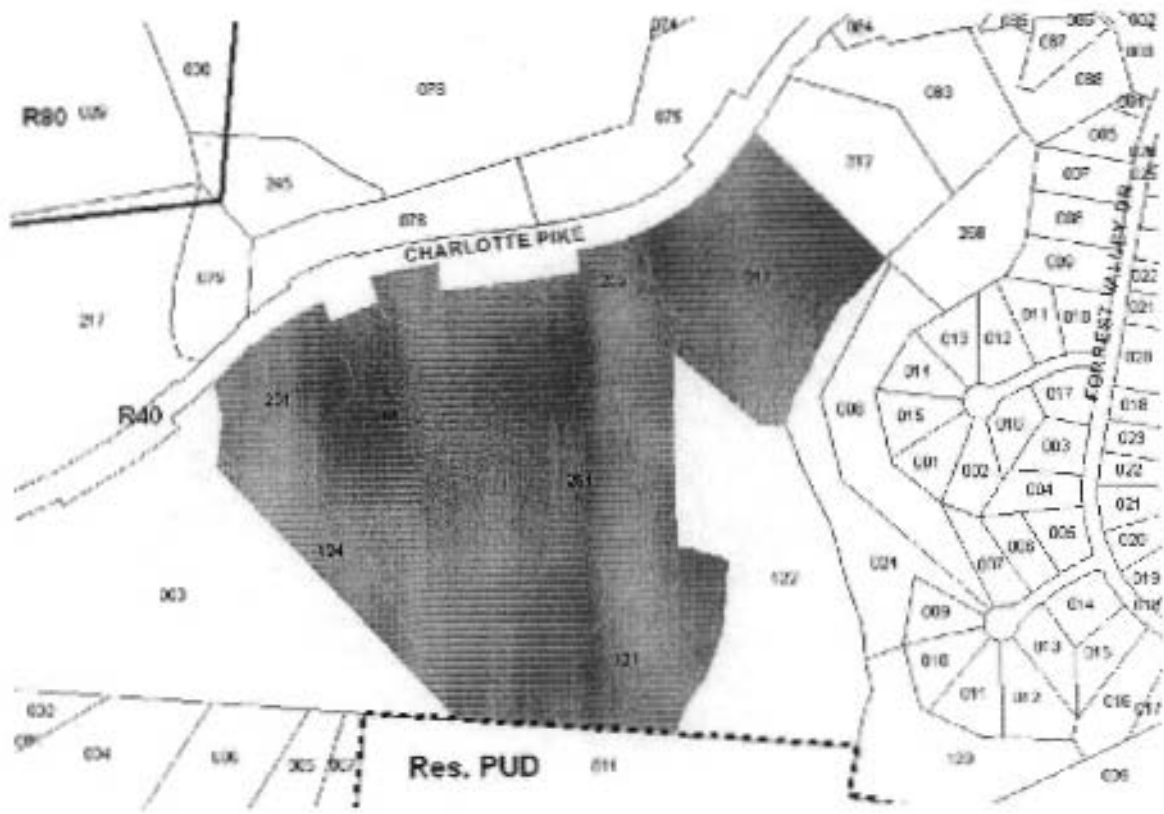
Staff Reports

**November 11, 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**

- **Zone Change**



**2010Z-025PR-001**  
 7739 CHARLOTTE PIKE, CHARLOTTE PIKE (UNNUMBERED) ZONE CHANGE  
 Map 114, Parcel(s) 251  
 Map 114-00-0, Parcel(s) 254-255, 265, 311  
 Map 128-00-0, Parcel(s) 121, 124  
 Bellevue  
 22 - Eric Crafton



**Project No.** **Zone Change 2010Z-025PR-001**  
**Council Bill** BL2010-772  
**Council District** 22 - Craflon  
**School District** 9 - Simmons  
**Requested by** David Lowry, applicant, Charlie B. Mitchell Jr., owner

**Deferral** This case was deferred by the Planning Commission on October 28, 2010.

**Staff Reviewer** Johnson  
**Staff Recommendation** *Approve*

**APPLICANT REQUEST** **Zone change from residential to agricultural.**

**Zone Change** **A request to rezone from One and Two-Family Residential (R40) to Agricultural/Residential (AR2a) zoning various properties located at 7739 Charlotte Pike and at Charlotte Pike (unnumbered), approximately 4,700 feet west of Sawyer Brown Road (65.49 acres).**

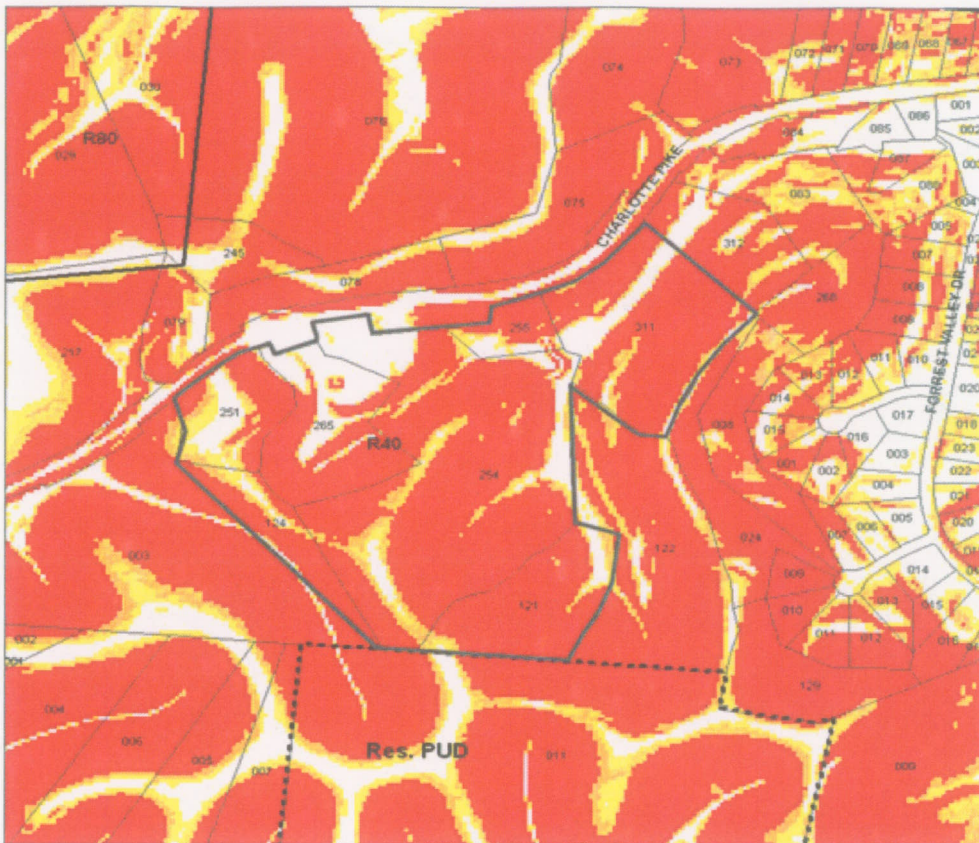
**Existing Zoning** R40 District  
R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots. This zoning district could permit approximately 76 dwelling units. The subject site has had R40 zoning since 1974.

**Proposed Zoning** 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. This zoning district could permit approximately 34 dwelling units.

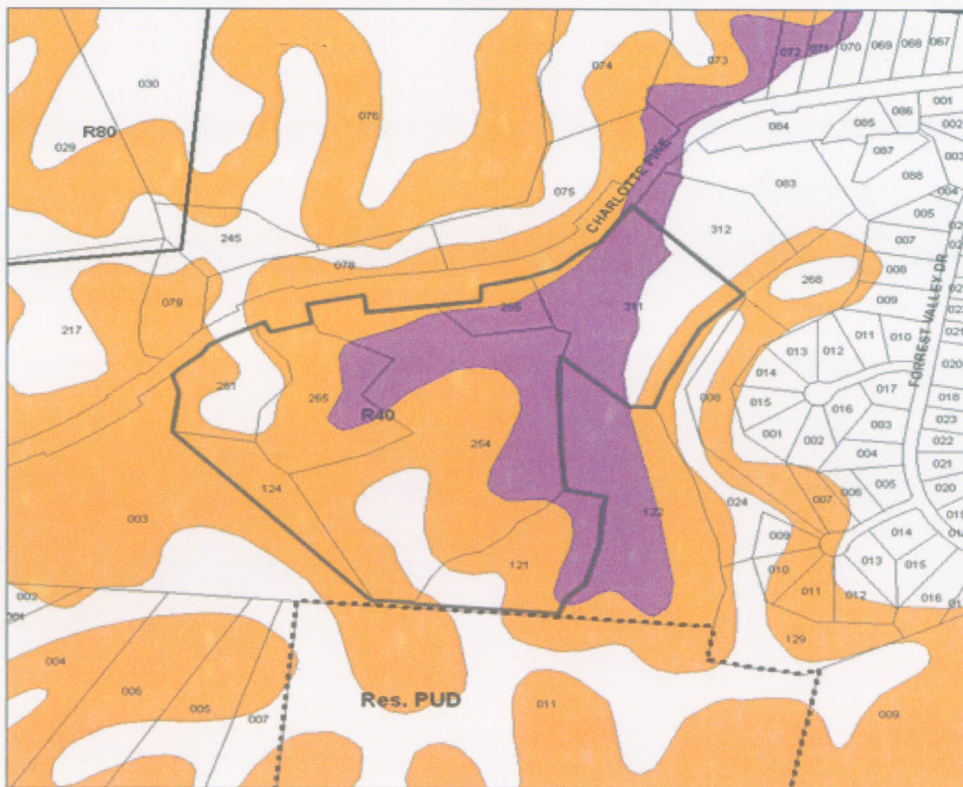
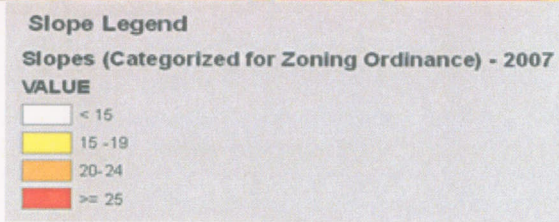
**CRITICAL PLANNING GOALS** N/A

**BELLEVUE  
COMMUNITY PLAN**

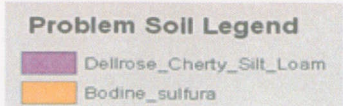
**Natural Conservation (NCO)** NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate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



# Slopes



# Soils





## Metro Planning Commission Meeting of 11/11/2010

### Consistent with Policy?

Yes, the proposed AR2a zoning district would allow for the development of up to 33 residential lots within the 65 acre boundary at a density of 0.5 units per acre. This residential density is the lowest allowed by any standard zoning classification, and is consistent with NCO policy according to the Land Use Policy Application of Nashville.

As shown in a grading permit from 2005, the site was approved for the storage of fill material consisting of soil, rock, concrete, stumps, and asphalt pavement.

Much of the site is identified with steep slopes and problem soils. Any development consistent with the Zoning Code requirements of AR2a zoning, would have to follow additional standards for development on steep slopes and problem soils.

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### PUBLIC WORKS RECOMMENDATION

Traffic Table not prepared. Request is a down zoning and will not generate additional traffic demands.

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### METRO SCHOOL BOARD REPORT

As this is a down zoning, fewer school age children would be generated by this zoning district than the R40 now in place.

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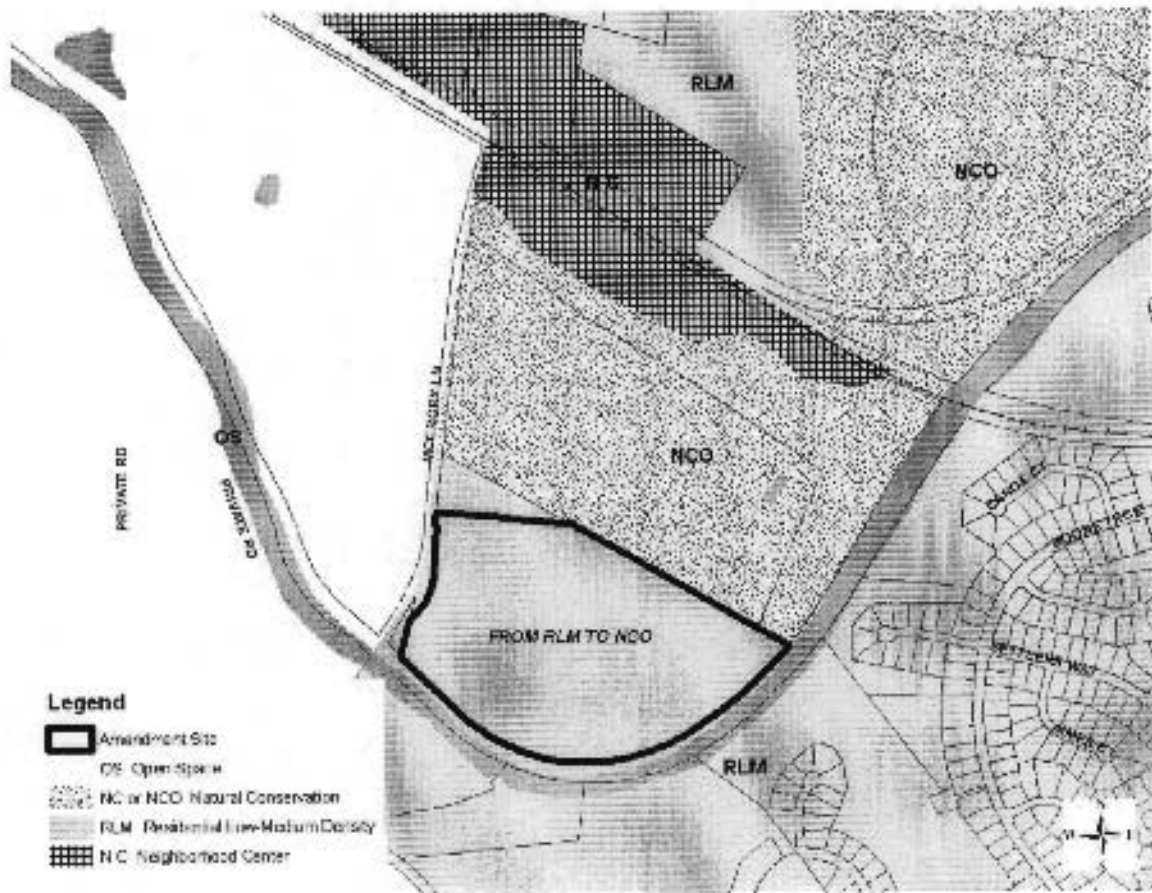
### STAFF RECOMMENDATION

Staff recommends approval of the proposed AR2a zoning district as it is consistent with the NCO policy.

**SEE NEXT PAGE**



**COMMUNITY PLAN  
AMENDMENT**



**2010CP-006-003**  
**CP6: BELLEVUE COMMUNITY PLAN AMENDMENT**  
 Map 126, Parcel(s) 085  
 Bellevue  
 35 - Bo Mitchell



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

**Community Plan 2010CP-006-003**  
**Amend the *Bellevue Community Plan: 2003 Update***

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

22 – Mitchell  
9 – Simmons  
Metro Planning Department

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

Wood  
*Approve*

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**APPLICANT REQUEST**

**Amend land use policy from Residential to Natural Conservation.**

**Amend the Community Plan**

A request to amend the Bellevue Community Plan: 2003 Update to change the Land Use Policy from Residential Low-Medium (RLM) Density to Natural Conservation (NCO) for property located at 7874 McCrory Lane (36.2 acres).

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**CRITICAL PLANNING GOALS**

N/A

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**BELLEVUE COMMUNITY PLAN**

**Current Policy**  
Residential Low Medium (RLM)

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

**Proposed Policy**  
Natural Conservation  
(NCO)

NCO is a category designed for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development.

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**BACKGROUND**

On June 24, 2010, the Planning Commission recommended approval of the proposed zone change from SP to AR2a for this property. The motion adopted by the Planning Commission included a directive that staff prepare a "housekeeping" amendment to the community plan to bring the land use policy for the subject property in conformance with the recommended AR2a zoning.



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### COMMUNITY PARTICIPATION

Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 500 feet of the subject site. Since this is a "housekeeping" plan amendment, a community meeting is not required.

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### ANALYSIS

#### Physical Site Conditions

The majority of the site contains floodplain that poses a constraint to development. With proper design, the remainder of the site that is adjacent to McCrory Lane is suitable for development.

#### Land Use

Surrounding land uses include a former quarry to the north, a state park and veterans' cemetery to the west, and residences to the south and east.

#### Access

The site has access to McCrory Lane.

#### Development Pattern

The development pattern in the area is rural with suburban residential development located within 300 feet to the east across the Harpeth River.

#### Historic Features

There are no recognized historic features associated with this site.

#### Conclusion

This amendment is a minor expansion of the existing NCO policy and will not result in a significant change in the area's overall character.

The portion of the subject site that is suitable for development is adjacent to McCrory Lane and would be the most logical part of the site for building from an access standpoint.

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### STAFF RECOMMENDATION

Staff recommends approval.

## **RECOMMENDATIONS TO THE METRO COUNCIL**

- **Zone Change**



**2010Z-026PR-001**  
 1101 38TH AVENUE NORTH  
 Map 091-04, Parcel(s) 015  
 North Nashville  
 21 - Edith Taylor Langster



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

**Zone Change 2010Z-026-001**  
21 – Langster  
1 – Gentry  
Timothy Patton, owner

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

Johnson  
*Approve*

**APPLICANT REQUEST**

**Zone change from residential to office.**

**Zone Change**

**A request to rezone from One and Two-Family Residential (R6) to Office Neighborhood (ON) zoning property located at 1101 38th Avenue North, approximately 180 feet north of John L. Driver Avenue (0.17 acres).**

**Existing Zoning**  
R6 District

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

**Proposed Zoning**  
ON District

Office Neighborhood is intended for low intensity office uses.

**CRITICAL PLANNING GOALS**

N/A

**NORTH 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 overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Consistent with Policy?**

The proposed office zone is appropriate in this location at the edge of a residential district because it is surrounded on three sides by non-residential zoning, with a vacant lot to the south and a parking lot across 38<sup>th</sup> Avenue North. The size limit of 2,500 square feet per tenant, with a maximum of 2,900 square feet total, for offices in the proposed ON zone allows for a small-scale transition use at the edge of the residential street.

Though it is not technically consistent with NG policy, the current draft of the North Nashville Community Plan



## Metro Planning Commission Meeting of 11/11/2010

Update identifies this residential area adjacent to the Tennessee State University campus as appropriate for a mixed-use neighborhood policy that would allow for small-scale commercial and office development in the form of live/work buildings or single-use buildings that are consistent with the scale of surrounding development. The proposed ON zoning is consistent with this draft policy both because of the uses that would be permitted and the size limit for these uses.

The North Nashville Community Plan Update is scheduled to be considered by the Planning Commission at its January 13, 2010, meeting. If the draft policy for this area is adopted at that time this zone change will be consistent with the policy. If this zone change request is approved and the Update is delayed by more than six months or the mixed use neighborhood policy is not included in the Update, staff recommends that the Planning Commission direct that a housekeeping amendment be made so that the ON zoning district on this parcel is consistent with land use policy.

### PUBLIC WORKS RECOMMENDATION

No exception taken

#### Typical Uses in Existing Zoning District: R6

Land Use (FTE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.17	7.71 D	1 L	10	1	2

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

Land Use (FTE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.165 F	1,221 SF	14	2	2

#### Traffic changes between typical: R6 and proposed ON

Land Use (FTE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-4	+1	0





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### 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)	0.17	7.71 D	11	10	1	2

### Maximum Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.4 F	2,500 SF*	33	5	5

\*Office is permitted with conditions (PC) in ON and limits maximum floor area to 2,500 SF.

### Traffic changes between maximum: R6 and proposed ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+23	+4	+3

### METRO SCHOOL BOARD REPORT

The proposed ON zone would allow for the same number of residential units on the subject property as the existing R6 zone. Because there is no change in residential density, a school board report was not generated.

### STAFF RECOMMENDATION

Staff recommends approval of the proposed ON zoning district because it is surrounded by non-residential zoning and land uses and because it will provide an appropriate transition to adjacent residential development with a maximum size limit for office uses.

If this rezoning request is approved and the North Nashville Community Plan Update is delayed by more than six months or the mixed use neighborhood policy is not included in the Update, staff recommends that the Planning Commission direct that a housekeeping amendment be made so that the ON zoning district is consistent with land use policy.

**SEE NEXT PAGE**

## **PLANNING COMMISSION ACTIONS**

- **PUD**
- **Subdivision**



**1-72P-001**  
**CHARLOTTE CENTER**  
 Map 102-08, Parcel(s) 117, 001  
 West Nashville  
 20 - Buddy Baker



<b>Project No.</b>	<b>Planned Unit Development 1-72P-001</b>
<b>Project Name</b>	<b>Charlotte Center</b>
<b>Council District</b>	20 - Baker
<b>School Board District</b>	1 - Gentry
<b>Requested By</b>	Walter Davidson and Associates, applicant for Ulax Estates, Inc., owner
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve with conditions</i>

**APPLICANT REQUEST**

**Revise preliminary plan to permit a fast-food restaurant.**

**Revise Preliminary Plan**

**A request to revise the preliminary plan for a portion of the Charlotte Center Planned Unit Development Overlay located at 3710 Annex Avenue, at the corner of Charlotte Pike and Annex Avenue, zoned Commercial Service (CS) (13.95 acres), to permit the development of a 4,179 square foot fast-food restaurant where a 15,074 square foot food-service store (Retail) was previously approved.**

**Existing Zoning**  
CS District

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

**CRITICAL PLANNING GOALS**

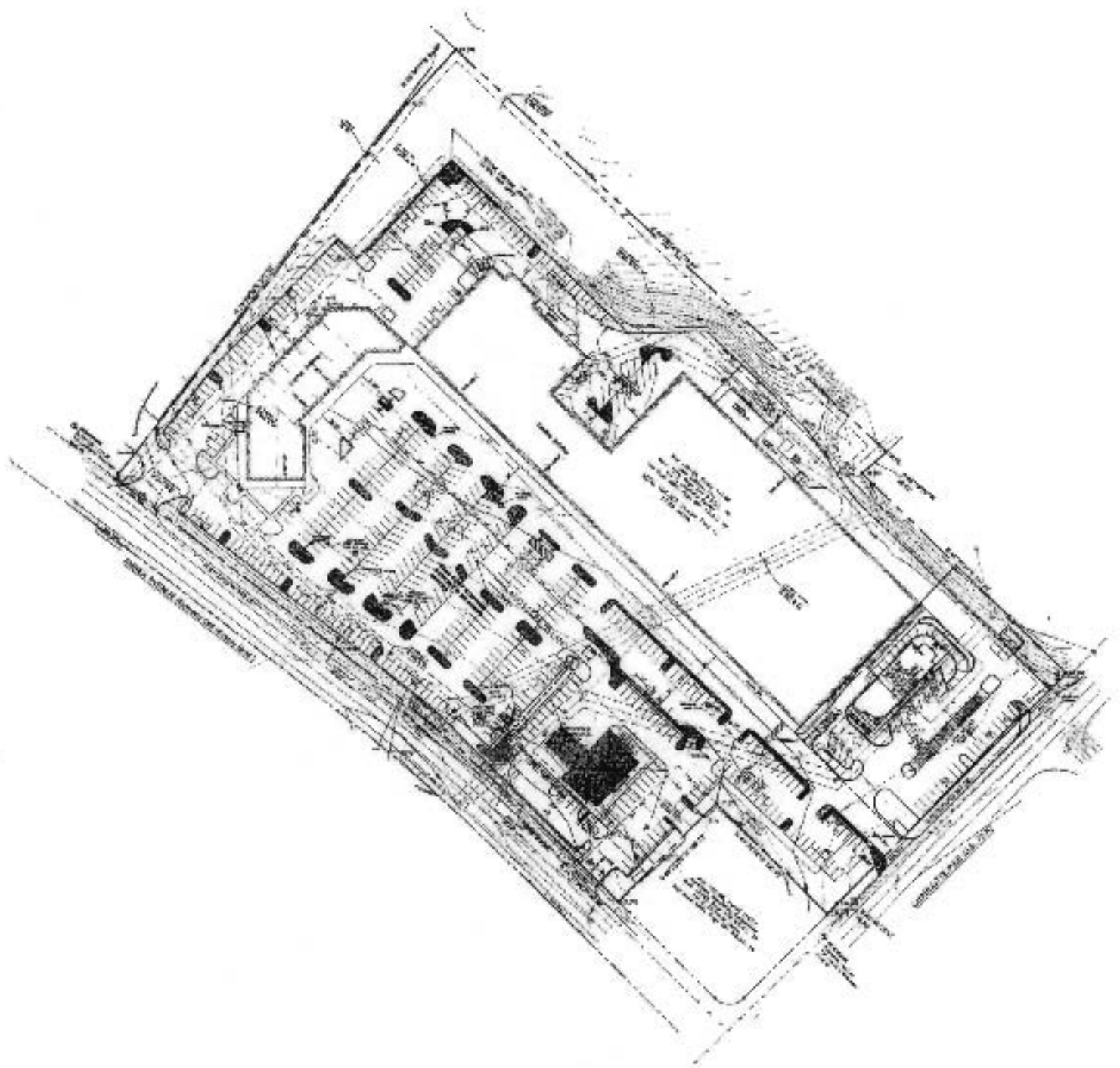
N/A

**REQUEST DETAILS**

This request is to revise a portion of the Charlotte Center Planned Unit Development (PUD) to permit a fast-food restaurant where a food-service store (retail) was previously approved.

The Charlotte Center PUD is located on the north side of Charlotte Pike just south of I-40. The existing shopping center on the site consists of 134,578 square feet of floor area. The PUD was originally approved in 1972. It was amended in 2009 to permit 153,231 square feet of retail, restaurant, commercial amusement (indoor), and financial institution uses.

The proposed fast-food restaurant is 4,179 square feet, and will bring the overall floor area to 142,336 square feet. It will be located near Charlotte Pike in front of the existing strip center. As proposed, access to the development will not change. There are two access points along Charlotte Pike, and two access points along Annex Avenue.





## Metro Planning Commission Meeting of 11/11/2010

### Parking

With the proposed revision to the PUD, a total of 776 parking spaces are required by the Zoning Code and 593 spaces are provided. While the plan does not provide the minimum number of required parking spaces, a shared parking study was submitted with the previously approved PUD amendment and was approved by Metro's Traffic Engineer. The study indicates that the PUD has a weekday parking demand of only 551 spaces and a weekend parking demand of 581 spaces. The study indicates that the parking demand and subsequent utilization of the shopping center is currently very low, due to the relatively low parking demand that is generated by the Bowling Alley. It is also important to note that the parking demand for this proposal has been decreased by 34 spaces from the last approved plan, and provides 43 more parking spaces than the last approved plan. Since the lack of parking demand is primarily due to the bowling alley, then any future change in use to the bowling alley or other uses in the PUD may require a new parking study, and may not be permitted if sufficient parking can not be provided.

### Analysis

The request is within the limits of a revision, and it does not require Council approval. The restaurant use is consistent with approved uses, and the total floor area will not exceed what was last approved by Council. While the proposal does not provide the minimum number of parking spaces required by zoning, a parking study which has been approved by Metro's Traffic Engineer indicates that there is adequate parking. Prior to any final site plan approvals, a shared parking agreement must be approved by Metro's Traffic Engineer.

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### PUBLIC WORKS RECOMMENDATION

A TIS or parking study may be required at development.

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### STORMWATER RECOMMENDATION

Approved

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### STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions.

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### CONDITIONS

1. Prior to any final site plan approvals, a shared parking agreement shall be approved by Metro's Traffic Engineer and legally recorded with the Register of Deeds.

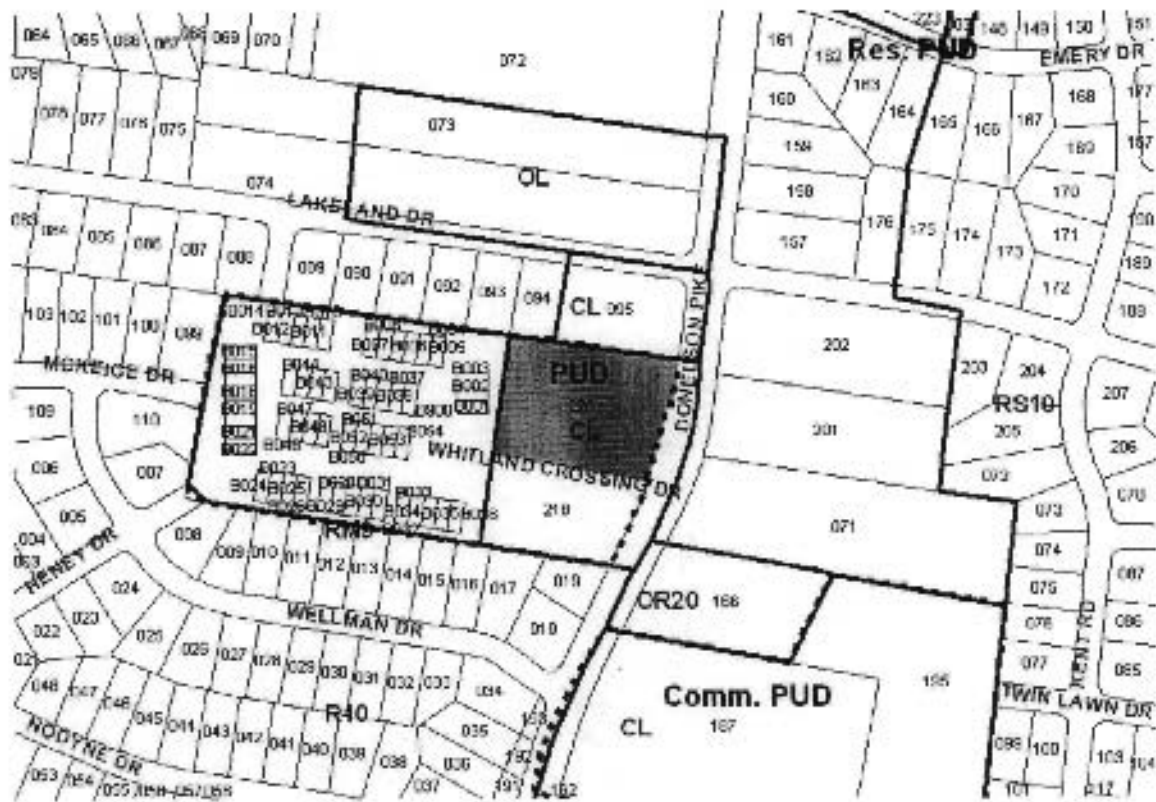


## Metro Planning Commission Meeting of 11/11/2010

2. A revised shared parking study may be required with any change of use within the PUD. Use changes may not be permitted if sufficient parking cannot be provided.
3. Landscaping for proposed outparcels shall meet Metro Zoning requirements. Final site plan shall demonstrate compliance with all current landscaping requirements.
4. This approval does not include any signs. Signs in Planned Unit Developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. 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.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.



**SEE NEXT PAGE**



**2005P-033-002**

**WHITLAND CROSSING (Rev to Preliminary & Final)**

Map 096-09, Parcel(s) 226

Donelson - Hermitage

15 - Phil Claiborne



**Project No.** **Planned Unit Development 2005P-033-002**  
**Project Name** **Whitland Crossing PUD**  
**Council District** 15 - Claiborne  
**School District** 4 - Shepherd  
**Requested by** Oliver Architecture, Inc, applicant, for Donelson, LLC, owner

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

**APPLICANT REQUEST**

**Permit general office.**

**Revise Preliminary PUD and Final Site Plan**

A request to revise the preliminary plan and for final approval for a portion of the Whitland Crossing Planned Unit Development Overlay located on property at 420 Donelson Pike, approximately 210 feet south of Lakeland Drive (1.99 acres), zoned Commercial Limited (CL), to permit two general office buildings totaling 17,220 square feet where one 18,900 square foot office building was previously approved.

**Existing Zoning**  
CL District

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

**CRITICAL PLANNING GOALS**

N/A

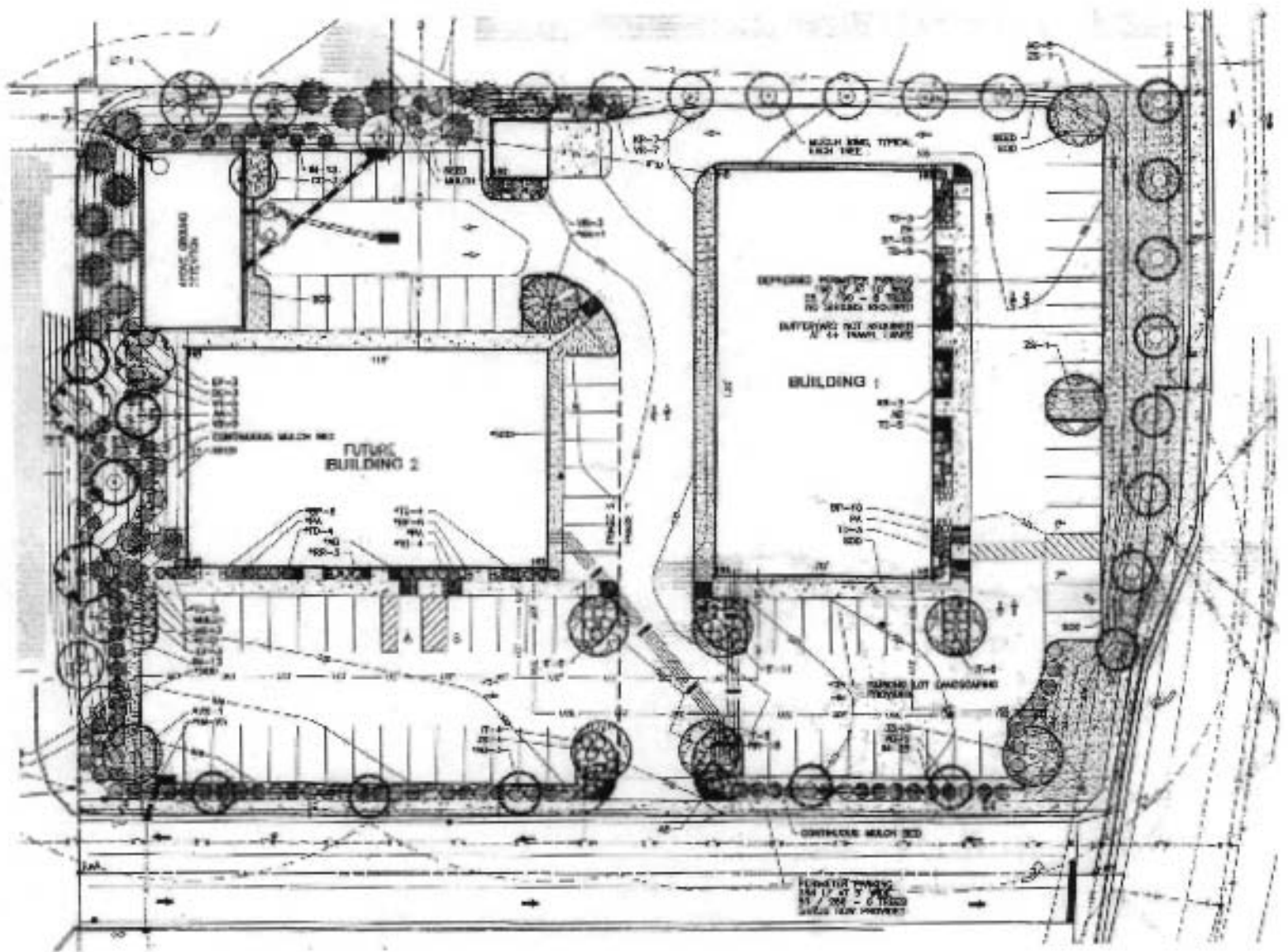
**PLAN DETAILS**

The Whitland Crossing PUD was originally approved by Metro Council in 2006, and was amended by Council in 2009. The amended PUD was approved for an 18,900 square foot office building. The property is currently underdeveloped.

**Final PUD**

The revised site plan proposes two general office buildings in two separate phases. Phase I consists of a one-story, 9,100 square foot office building and Phase II consist of an 8,120 square foot office building for a total of 17,220 square feet. The office building proposed in Phase I will front Donelson Pike while the office building proposed in Phase II will front Whitland Crossing Drive. Details of the proposed landscaping have been provided. A variety of shrubs and evergreen trees are proposed along the perimeter of the property.

Access to the site is provided by one driveway from Whitland Crossing Drive. The revised plan includes 87 on-site parking spaces which meets the Zoning Code requirements.





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### 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.

### STORMWATER RECOMMENDATION

1. Provide a completed Maintenance Agreement. For the Long Term Plan, add the name and number of the person responsible for Maintenance. Also include the detention pond BMP maintenance checklist. Provide easements and the Plan Review / Grading Permit fee's (\$1390) and recording fees.
2. Provide NOC.
3. For the initial erosion control measures, consider using a sediment trap (and diversion ditches) instead of silt fencing. For the erosion control matting, specify type of matting to be used.
4. Provide NFIP Panel number / information to plans.
5. Offsite grading was observed. Provide documentation / permission.
6. For the detention calculations, a 0.99 freeboard was observed. Required freeboard heights are 1' minimum. Consider providing a higher freeboard, for a factor of safety.
7. The outlet structure detail and the calculations do not match. For culvert [A], calculations show invert at 524.00, an N-Value of 0.013 and a slope of 5.71, detail shows invert of 524.45, a CMP pipe (0.023), and a slope of 2.78. For culvert [B], orifice size on calculations show 4" (pond report) but the detail shows a 1.2" orifice. Also, live pool calculations show a 1.2" orifice. For weir [A], crest length shows 12.56'. Detail does not show an outlet structure diameter. The outlet structure detail shows a V-notch weir. This was not observed in the calculations.
8. An increase of flows is shown in proposed basin 2. Show that the existing storm system can carry the 10-year flow (5.98 cfs).
9. For the water quality unit, use  $Q=CIA$  for flow sizing.
10. It appears that excessive areas bypass water quality measures (proposed basin 2).

### STAFF RECOMMENDATION

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



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### CONDITIONS

1. Prior to the issuance of any building or grading permits, confirmation of PUD final site plan approval shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any building or grading permits, confirmation of PUD final site plan approval shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. 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. 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.
5. 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. Deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
6. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.

**SEE NEXT PAGE**



**2009S-027-001**  
**POPLAR HILL SUBDIVISION (FINAL PLAT EXTENSION #4)**  
Map 154, Parcel(s) 282  
Bellevue  
35 - Bo Mitchell





<b>Project No.</b>	<b>Subdivision 2009S-027-001</b>
<b>Project Name</b>	<b>Poplar Hill Subdivision</b>
<b>Council District</b>	35 - Mitchell
<b>School Board District</b>	9 - Simmons
<b>Requested By</b>	Wyatt and Wendy Rampy, owners
<b>Staff Reviewer</b>	Bernards
<b>Staff Recommendation</b>	<i>Approve a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval to March 17, 2011.</i>

**APPLICANT REQUEST**

**Permit the extension of a final plat approval.**

**Variance for Final Plat Extension**

**A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 180 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned Agricultural/Residential (AR2a) (7.1 acres).**

**Zoning**  
AR2a District

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

**CRITICAL PLANNING GOALS**

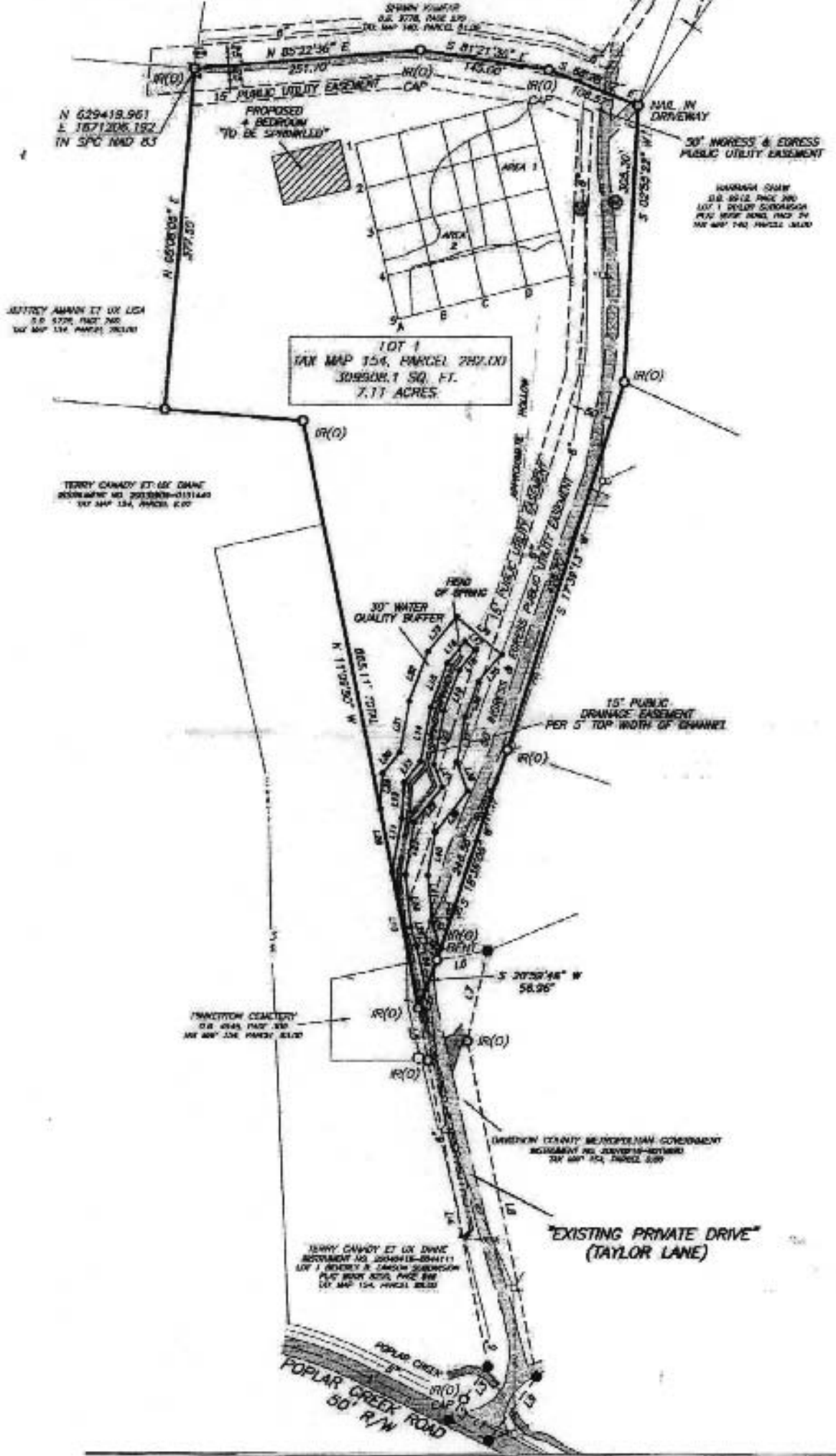
N/A

**SUBDIVISION DETAILS**

The purpose of the extension request is to permit the applicant to meet the Planning Commission's conditions of approval for this seven acre lot.

The lot is within a Natural Conservation Policy and is accessed from a private road within an access easement. The Subdivision Regulations allow up to 10 lots, five acres or greater, within the Natural Conservation or Rural land use polices, to be accessed from a private street (Section 3-9.3.c.1). As this will be the 13<sup>th</sup> improved property to take access from this private street, the Planning Commission granted a variance to Section 3-9.3.c.1 of the Subdivision Regulations on June 25, 2009.

The applicant is required to construct a private street in the access easement to Metro standards (20 feet of pavement with two four-foot shoulders). The street will extend from Poplar Creek Road to the point where it meets the access driveway for the property. Construction plans have been



N 629419.961  
E 1871205.192  
IN SPC NAD 83

JEFFREY AMANN ET UX LISA  
S.D. 8726 PAGE 260  
LOT 1 DE LOY SUBDIVISION  
PLAT BOOK 104, PAGE 24  
TAX MAP 154, PARCEL 2820

TERRY CANADY ET UX DANE  
S.D. 2013009-0111440  
LOT 154, PARCEL 200

LOT 1  
TAX MAP 154, PARCEL 2822(X)  
30908.1 SQ. FT.  
7.11 ACRES.

30' INGRESS & EGRESS  
PUBLIC UTILITY EASEMENT

HARRISON CROWN  
S.D. 8912 PAGE 260  
LOT 1 DE LOY SUBDIVISION  
PLAT BOOK 104, PAGE 24  
TAX MAP 154, PARCEL 2820

FIELD OF SPRING  
30' WATER QUALITY BUFFER

15' PUBLIC DRAINAGE EASEMENT  
PER 5' TOP WIDTH OF DRAINAGE

TRANSITION CEMETERY  
S.D. 4545 PAGE 330  
LOT 107, PARCEL 8130

S 20°20'48" W  
58.96'

TRANSITION CEMETERY METROPOLITAN GOVERNMENT  
S.D. 4545 PAGE 330  
LOT 107, PARCEL 8130

EXISTING PRIVATE DRIVE  
(TAYLOR LANE)

TERRY CANADY ET UX DANE  
S.D. 2013009-0111440  
LOT 1 DE LOY SUBDIVISION  
PLAT BOOK 104, PAGE 24  
TAX MAP 154, PARCEL 2820

POPLAR CREEK ROAD  
50' R/W



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approved by Public Works. The road, which will be on the applicant's property and a parcel of land currently owned by Metro, needs to be constructed or bonded prior to the recording of the plat.

The applicant is in the process of obtaining a performance bond, however, because they do not own all of the property, they cannot complete the process. The property was declared surplus via BI.2010-643 on April 6, 2010. It is the applicant's intention to bid for the property but Metro has not yet put this property on sale. The property has been determined to be an unbuildable lot. While this property was placed on the priority list for sale, certain legal questions on how it should be disposed have prevented it from being offered. In order for the applicant to bid on the property and complete the bonding of the required private street, a 180 day extension is requested. As the Subdivision Regulations do not include a process for final plat approval extensions, a variance to the 180 day approval period is needed.

### Variance Requirements

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).



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### ANALYSIS

The intent of the regulation for which the variance is sought is to set a timeframe for approved plats to be recorded. The plat was approved by the Planning Commission on June 25, 2009, with an expiration date of December 22, 2009. Prior to the expiration date, the applicant requested three 90 day extensions of the approval in order to be able to meet conditions 1 and 3 of approval of this plat. The applicant needs a further 180 day extension in order to accommodate the Metro process for selling surplus property.

1. *The private road shall be brought up to Metro Public Works standards from Poplar Creek Road to the point where it intersects with the access drive serving this lot.*
3. *The road shall be constructed or bonded prior to the recording of the plat. Upon completion of the road, the road shall be inspected by Public Works or the applicant shall obtain a letter from a registered engineer certifying that the road has been constructed to Public Works standards.*

The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a - d above:

- a. The granting of the variance would not be detrimental to the surrounding area, but would actually improve the area as the portion of the road being brought up to Public Works standards will serve all lots taking access from this private street.
- b. There are no other subdivisions in the immediate area that are experiencing the same situation, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The variance is not to a design standard of the regulations, but to a processing standard. Because the request is not a variance to a design standard then c. of Section 1-11.1 is not applicable.



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- d. The subdivision as previously approved is consistent with the area's long range policy, and current zoning requirements.

### **STAFF RECOMMENDATION**

Staff recommends approval of the variance to Section 2-5.5, and that the final plat approval be extended for 180 days to March 17, 2011.