

1. **2002Z-044U-09 Amendment No. 6 to the Capitol Mall Redevelopment Plan**  
Staff recommends *approval*. The complete Amendment, including the ordinance and exhibits, is attached.

The Capitol Mall Redevelopment Plan, first approved by Council in 1982 and amended in 1987, 1991, 1993, 1997 and 1998, has been a major catalyst for redevelopment in the core of downtown. Projects in the redevelopment area include the Convention Center, Ryman Auditorium, BellSouth Tower, Gaylord Entertainment Center, the Cumberland Apartments, Commerce Center, and the new Main Public Library.

Amendment No. 6 expands the boundaries of the Redevelopment District to include properties north of Church Street between 1<sup>st</sup> and 8<sup>th</sup> Avenues North, as well as certain parcels south of Church Street between 2<sup>nd</sup> and 5<sup>th</sup> Avenues North, and is designed to accomplish three major objectives:

- To provide economic incentives for development within the expansion area, hopefully generating upper floor renovations for residential use, among other development activity;
- To increase the tax increment financing provision by \$15 million to accommodate future development in the area; and
- To extend the duration of the Redevelopment Plan provisions until 2030, allowing ample time for maturity of bonds and/or bank loans issued to finance TIF backed improvements.

In addition, the amendment includes the following housekeeping provisions:

- Language updating the signage section of the plan, prohibiting the use of billboards and other general advertising within the Redevelopment District;
- Language setting forth the process in place for appealing a decision of MDHA's Design Review Committee; and
- Reorganization of the section detailing land use and design on tracts of land within the Redevelopment District.

2. **Zone Change Proposal No. 2002Z-016U-13**

Staff recommends *conditional approval* subject to traffic improvements.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** Yes, please see *Traffic* note.

This request is to change 28.16 acres from AR2a (agricultural/residential) to RS7.5 (residential) district property at Moss Road (unnumbered), approximately 600 feet east of Ottenville Avenue. The existing AR2a district 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 two acres. The proposed RS7.5 district is intended for single-family homes at 4.94 units per acre. With the RS7.5 district approximately 139 single-family homes could be constructed on this property.

*Subarea 13 Plan Policy*

Staff recommends conditional approval of the proposed RS7.5 zoning subject to traffic improvements. This property is within the Subarea 13 Plan's Residential Low Medium (RLM) policy, which calls for 2 to 4 dwelling units per acre. With a density of 4.94 dwelling units per acre, the RS7.5 district is denser than called for by the RLM policy. The existing zoning pattern in this area includes RS7.5, R8, and RM4 districts. All of those districts are slightly more intense zoning districts than called for by the RLM policy. The Planning Commission has previously approved 13 zone changes for RS7.5 or similar districts in this area. Five of the 13 approved zone changes are on sites that are larger than the site the applicant is proposing. Staff suggests that during the next Subarea 13 Plan update, this area receive special attention.

*Traffic*

The Metro Traffic Engineer has indicated that the applicant will be required provide the following road improvements before the 31<sup>st</sup> unit is constructed on the property:

1. Widen Moss Road, between Una-Antioch Pike and Winton Drive (proposed project access), to local road standards with a 50 foot right-of-way.
2. Provide a separate northbound left and right turn lanes at the intersection of Moss Road and Una Antioch Pike.
3. Align Moss Road to intersect Una-Antioch Pike at approximately 90 degrees.

*Schools*

A single-family development at RS7.5 density will generate approximately 29 students (13 elementary, 9 middle, and 7 high school). Students will attend J.E. Moss Elementary School, Apollo Middle School, and Antioch High School. Apollo Middle School has been identified as being overcrowded by the Metro School Board.

3. **Zone Change 2002Z-020U-14**

Staff recommends *disapproval*.

- **Subarea Plan amendment required?** No. A Subarea Plan amendment would normally be required to allow commercial zoning in an industrial policy area, however, staff feels this particular request does not warrant an amendment because this change in zoning would represent a significant intrusion into the industrial policy area.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 11.53 acres from IWD (industrial warehousing/ distribution) and OR20 (office and residential) to CS (commercial services) district properties located at Royal Parkway (unnumbered). The existing IWD district is intended for a wide range of warehousing, wholesaling, and bulk distribution uses; the OR20 district is intended for office and multi-family residential uses at up to 20 dwelling units per acre. The proposed CS district is intended for a wide range of commercial uses including retail, office, restaurant, light manufacturing, mini-storage warehouse and banks. Staff recommends disapproval since the CS district is not consistent with the IND policy.

The proposed CS district is not consistent with the Subarea 14 Plan's Industrial and Distribution (IND) policy calling for storage, business centers, wholesale centers, and manufacturing uses. Although the IND policy does allow some commercial support uses like sales, service, and office facilities, it is not intended for intense commercial uses as the primary use within the area. This area was designated with the IND policy when the Subarea 14 Plan was last updated in 1995. The policy was applied due to its proximity to a north-south airport runway on the south side of I-40. Since this area lies directly under the flight path of a runway at the airport, and is impacted heavily by the runway, industrial policy was applied. "Industrial activities appear to be the most appropriate use of this area" (Subarea 14 Plan, page 81).

Prior to the 1998 zoning update, these parcels were zoned OP (office and parking) and CG (Commercial General). The CG district allowed for a wide range of commercial uses and a floor area ratio of 2.0, while CS allows a .60 FAR. Since CG allowed for manufacturing and industrial type uses, and OP allowed for office and parking uses, the councilmember had a choice between the IWD district and the most equivalent new zoning districts most similar to the CG and OP districts. IWD was chosen since it was more consistent with the IND policy and OR20 was similar to the OP district.

*Traffic*

The Metro Traffic Engineer has indicated a traffic impact study (TIS) will not be required at the zoning stage, but may be required prior to the issuance of any building permits. He has indicated that Royal Parkway can accommodate most uses allowed within the CS district, but will wait to see what scale is proposed before making a final determination about the TIS.

4. **Zone Change Proposal 2002Z-032U-11**

Staff recommends *approval*.

- **Subarea Plan amendment required?** No. A Subarea Plan amendment would normally be required to allow commercial zoning in a Natural Conservation policy area, however, staff feels this particular request does not warrant an amendment since there is an existing commercial building and because this policy is unlikely to change given its proximity to Mill Creek.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 6.08 acres from CL (commercial limited) to CS (commercial services) district properties at 1000 East Thompson Lane and East Thompson Lane (unnumbered), south of Currey Lane. The existing CL district is intended for retail, service, restaurant, and office uses. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Staff recommends approval of CS zoning since it is consistent with the Subarea 11 Plan's Natural Conservation (NC) policy, which calls for some convenience commercial uses and low intensity residential. The NC policy was applied due to the Mill Creek floodplain. Currently properties within the NC policy area have structures on them that are commercial uses. The subarea policy recognizes this area of commercial development in the NC policy area and states the following: "*... this area is more easily accessible and visible from the local road system. Consequently, parts of area 1B have become illegal dumpsites, which were recently cleaned up by area residents. NC areas are, in some instances, suitable for commercial uses. There are such uses located along Thompson Lane.*" The properties referred to in the subarea plan are the three properties that front on East Thompson Lane that are located in the NC policy. Since this property is near Mill Creek, the applicant will be required to comply with Stormwater Management requirements to protect Mill Creek when development occurs on the site.

*Traffic*

The Metro Traffic Engineer has indicated that East Thompson Lane can sufficiently accommodate the traffic generated by CS zoning.

5. **Zone Change Proposal 2002Z-033G-02**

Staff recommends *disapproval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 6.26 acres from R40 (residential) to RM4 (multi-family residential) district properties at 1900, 1906, 1910, 1914 Tinnin Road, at the intersection of Tinnin Road and Springfield Highway. The existing R40 district is intended for single-family and duplex dwellings at 1 unit per acre. The proposed RM4 district is intended for duplex and multi-family dwellings at 4 units per acre. With the existing R40 zoning the applicant could potentially develop 6 dwelling units. With the proposed RM4 zoning approximately 25 units could be constructed.

Staff recommends disapproval of the proposed RM4 zoning. These properties are within the Subarea 2 Plan 's Residential Low Medium (RLM) policy. The RLM policy calls for 2 to 4 dwelling units per acre. The density proposed with the RM4 district is consistent with the subarea policy, but multi-family development is not in character with the surrounding area. Large lot, single-family development dominates this area.

The applicant has indicated that his intent is to develop a condominium community. A variety of housing types may be desirable, but transitioning the housing types is the issue with this rezoning. Rezoning these properties to RM4 district will break the single-family zoning pattern. Prior approved rezonings in this area have been for single-family development. The Planning Commission has approved three past rezonings for RS20 district in this area and the zoning pattern lends itself to RS20 or RS40 districts. The Planning Commission also approved a subdivision plat (2001S-030G-02) for this property with single-family zoning on June 7, 2001.

*Traffic*

The Metro Traffic Engineer has indicated that Tinnin Road can sufficiently accommodate the traffic that would be generated by RM4 zoning on these properties. The Traffic Engineer also indicated that no development on these properties would be allowed access to Springfield Highway.

*Schools*

A multi-family development at RM4 density will generate approximately 5 students (2 elementary, 2 middle, and 1 high school). Students will attend Goodlettsville Elementary School, Goodlettsville Middle School, and Hunters Lane High School. Goodlettsville Elementary has been identified as being overcrowded by the Metro School Board.

6. **Zone Change Proposal 2002Z-034U-09**

Staff recommends *approval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 0.2 acres from CS (commercial) to RS3.75 (residential) district property at 10th Avenue North and Locklayer Street. The existing CS district is intended for a wide range of commercial uses including retail, office, restaurant, vehicle sales, light manufacturing, mini-storage, and bank uses. The proposed RS3.75 district is intended for higher intensity single-family development and implements the residential medium densities of the general plan.

Staff recommends approval of the proposed zoning since it is consistent with the Hope Gardens Neighborhood Plan's (which was adopted as part of the Subarea 9 Plan) Residential Medium (RM) policy. The property's current CS zoning is inconsistent with the plan's policy. The plan states that 10<sup>th</sup> Avenue North is a residential street, and that this area should ultimately be developed for residential use similar to what is found in the rest of the neighborhood.

*Traffic*

The Traffic Engineer indicates that 10<sup>th</sup> Avenue and Locklayer Street can adequately accommodate residential traffic generated by RS3.75 zoning.

*Schools*

A single-family development at RS3.75 density on 0.2 acre will generate no students. Students in this area attend Eakin Elementary, West End Middle School, and Hillsboro High School. West End Middle and Hillsboro High Schools have been identified as being overcrowded by the Metro School Board.

7. **PUD 114-66-G-07 Howard Johnson Motor Lodge**

Staff recommends *conditional approval*.

This request is to cancel a 6.04 acre portion of an existing Commercial PUD district located along the north side of Charlotte Pike, south of I-40. This PUD district was originally approved in 1967 for a 32-unit, two-story motel and restaurant on parcel 50, and automobile service center on parcel 51. Since then, the automobile service center has changed to an automobile repair use, which was permitted in the commercial PUD approved prior to the 1998 Zoning Ordinance update. Under today's regulations, an automobile repair use is not permitted within a CL district. The applicant is only requesting to cancel the portion of the PUD containing the restaurant and motel uses. The existing CL (commercial limited) base zoning permits a wide range of commercial uses, including retail, restaurant, bank, office, and billboards. The existing restaurant and motel uses are consistent with the CL zoning, while the automobile repair use must remain in the PUD to avoid becoming a non-conforming use. Although it would be ideal for the entire PUD to be cancelled, staff does not want to create a non-conforming use situation by canceling the entire PUD. The PUD can continue to function with only one parcel in the PUD. Staff recommends conditional approval to cancel a portion of the PUD district.

8. **PUD 91P-006U-12 Thompson Station Commercial PUD**

Staff recommends *conditional approval*.

This request is to cancel a .50 acre portion of an existing Commercial PUD district located along the south side of Bass Avenue and the west side of Nolensville Pike. This PUD district was originally approved in 1991 for retail and office uses, including the Lowe's store, Food Lion, and the Social Security Administration building. The three parcels proposed for cancellation from the PUD were not proposed for any development. The existing PUD was approved with all of the uses sharing a joint-access driveway to Nolensville Pike. While no access was proposed on Bass Avenue, a substandard road, parcels 108, 109, 110 were not proposed for any uses. Staff recommends conditional approval of this PUD cancellation since removing these three properties from the PUD will have no effect on the remainder of the PUD.



9. **Subdivision Proposal 2002S-082G-12 Sundown Green (formerly Greenway)**  
Staff recommends *disapproval*.

This request was originally scheduled for the March 28, 2002, Planning Commission meeting, but was deferred by the applicant to allow more time to receive information from the Tennessee Department of Environment and Conservation and from LAW Engineering and Environmental Services, Inc.

The applicant is requesting approval of a preliminary plat for 156 lots on 43 acres abutting the south margin of Culbertson Road, approximately 1,675 feet south of Old Hickory Boulevard. The property is located in the Antioch area. This subdivision is a cluster-lot development within the RS10 district at a proposed density of 3.6 dwelling units per acre.

*Cluster Lot Subdivision*

The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. This particular property contains steep slopes, and is within the Mill Creek floodplain. Lots within a cluster-lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS10 district may create lots equivalent in size to the RS5 district. The proposed lots range in size from 5,700 square feet to nearly 18,000 square feet. A typical subdivision on 43 acres and classified within the RS10 district would allow 160 dwelling units. In this case, the applicant is proposing 156 lots.

*State Approval*

Public Works originally required a 25-foot buffer from the top of the bank of an existing blue-line stream and a constructed farm pond on the site. The applicant, however, plans to drain the farm pond and divert the stream. The State of Tennessee must approve the downgrading of a blue-line stream and draining of the pond since the stream discharges into Mill Creek, which contains the endangered Nashville crayfish.

A letter from the Tennessee Department of Environment and Conservation has been submitted to Public Works authorizing the downgrading and alteration of the blue-line stream and draining of the farm pond. The letter goes on to state that extreme care must be utilized during this project to prevent any adverse impacts to Mill Creek. LAW Engineering and Environmental Services performed a survey for the federally endangered Nashville crayfish on the stream and farm pond. A letter has been submitted to Public Works indicating that the survey resulted in no collection of the Nashville crayfish.

*Traffic Impact Study*

A traffic impact study was submitted by the applicant and reviewed by the Traffic Engineer. While the study indicates initially that all of the project traffic can be accommodated on Culbertson Road, it recommends several roadway improvements to mitigate traffic generated by the Sundown Green subdivision. These roadway improvements are to be made on adjacent properties. While these adjacent properties are part of large residential PUD developments known as Autumn Oaks and Indian Creek Estates, these PUDs are being built in phases. None of the approved and recorded phases of these PUD developments provide the improvements called for by the traffic impact

study. The traffic impact study's recommended improvements are included in future phases of these PUDs --- phases for which no final plats have been submitted, approved, or recorded by the Planning Commission. In addition, the study assumes access to Culbertson Road, a rural and scenic roadway that meanders along Mill Creek, connecting Old Hickory Boulevard and Nolensville Pike. In 1998, when the same owner of this property requested to rezone it from AR2a to RS10 district, the Planning Commission stated no access should be provided to Culbertson Road because of its substandard condition.

### *Disapproval*

Staff recommends disapproval of the proposed subdivision for the following three reasons:

1. The Planning Commission approved rezoning this property in 1998 subject to no access from this property to Culbertson Road.
2. The traffic impact study recommends certain improvements as development of this property occurs. However, the timing of these recommended improvements is unknown which the study acknowledges. Without access to Culbertson Road, this development is wholly dependent on adjacent residential developments completing their street network – a network that has received no final plat approval by the Planning Commission. In one instance, the recommended roadway improvement is on property not owned by this applicant and where the zoning is still AR2a district.
3. Although a significant portion of the proposed development is within the Mill Creek floodplain, and the cluster lot option is being employed, the applicant is unwilling to dedicate the Mill Creek floodway on the property as a public open space/conservation easement for the future Mill Creek greenway. A basic tenet of Metro's Stormwater Management Regulations, the Subdivision Regulations, and the Zoning Ordinance is the protection and preservation of floodway areas.

10. **Subdivision Proposal 2002S-102G-06 Arbors at Bellevue (formerly Buttrey Place)**  
Staff recommends *conditional approval* subject to a revised preliminary plat that will be received prior to the planning commission meeting.

This request is for preliminary plat approval to create 26 lots on 13.88 acres abutting the east margin of Sawyer Brown Road, approximately 120 feet south of Williamsport Court. The subdivision is a cluster-lot development within the R20 district at a proposed density of 1.8 dwelling units per acre.

#### *Cluster Lot Option*

The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. Portions of this property contain slopes 20% or greater. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the R20 district may create lots equivalent in size to the R10 district. The minimum lot size for a subdivision within the R10 district is 10,000 square feet. The proposed lots for this subdivision range in size from just over 10,000 square feet to just under 15,000 square feet, with one lot on the perimeter totaling almost 20,000 square feet. The lots proposed in this subdivision are larger than the neighboring lots on Williamsport Court (zoned R20 with a PUD overlay) that have an average size of 8,563 square feet. A typical subdivision located on 13.88 acres and classified within the R20 district would allow 30 lots. This subdivision proposes 26 lots. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing less than the maximum number of lots allowed for the property. Approximately 4.9 acres are being preserved as open space within the development.

Three of the lots located within this subdivision have been identified as critical lots. As critical lots, the developer shall be required to submit more detailed plans for these lots prior to issuance of grading or building permits. Planning, Public Works and Water Services staffs will further review critical lot plans to ensure optimal drainage is maintained and steeper slopes are properly stabilized.

#### *Storm Water Management*

Because this is a preliminary plat, no detention and water quality concepts have been finalized although their location has been shown conceptually on this plat. The final plat is the time when the designs of these systems are finalized. For this reason, it is recommended that site work, such as grading and infrastructure installation, not be permitted to commence prior to the recordation of the final plat.

#### *Traffic*

The Metro Traffic Engineer has required that the applicant construct an approximate 120-foot deceleration/right turn lane on Sawyer Brown Road at the project entrance. The applicant will also clear vegetation along the right-of-way of Sawyer Brown Road to increase sight visibility at the project entrance. The applicant has also

shown the dedication that will be required with the final plat to bring Sawyer Brown to the collector road standard.

### *Schools*

A single-family development with 26 lots will generate 2 elementary, 2 middle and 1 high school students. Students in this area will attend Gower Elementary, H.G. Hill Middle and Hillwood High Schools. None of these schools have been identified as being overcrowded by the Metro School Board.

Staff recommends *conditional approval* subject to a revised preliminary that will be received prior to the planning commission. The revised preliminary plat shall show:

1. A note that reads: "The purpose of the plat is to create a 26-lot cluster subdivision."
2. A note that reads: "The development of this project shall comply with the requirements of the adopted Tree Ordinance 094-1104 (Metro Code Chapter 17.24, Article II, Tree Protection and Replacement; and Chapter 17.40 Article X, Tree Protection and Replacement Procedures."
3. The Standard "C" Type Buffer Yard shall be continuous around the perimeter of the subdivision. This is especially important in the Open Space to the north of Road "A" to screen the rear of the houses on the adjacent Williamsport Court from the view of drivers traveling on Road "A."
4. A note that reads in large, bold font: "No grading, blasting, or building permits shall be issued for any portion of this property prior to the recording of a final plat."
5. A note that reads: "The final plat for this subdivision shall not be approved administratively, but shall be presented to the Metro Planning Commission for final approval. "

11. **PUD 116-74-G-12 Oak Highlands, Phase 4**

Staff recommends *conditional approval* with a variance to Section 2-6.2.2E.2 of the Subdivision Regulations for exceeding the maximum length of a dead-end street.

This request is to revise a portion of the preliminary plan and for final approval for a phase of the Residential PUD district located along the west side of Blue Hole Road, east of Old Hickory Boulevard. The plan for Phase 4, the last phase of the PUD, redesigns the street layout and lot configurations to allow 79 single-family lots on 18.53 acres, where 75 single-family lots were previously approved. Although this revision increases the number of lots in this phase, the overall plan does not exceed the total number of lots originally approved by the Metro Council. The preliminary plan was originally approved for 397 single-family lots, while the plan now includes 307 single-family lots. Staff recommends conditional approval with a variance for dead-end street length, provided Public Works and Water Services approve the plans prior to the Planning Commission meeting.

*Variance—Length of Dead-End Street*

This plan revises the proposed street layout within the PUD to provide two stub-streets to the west, and to convert Aaron Drive into a dead-end street. The original PUD plan provided no stub-streets to the west, while it provided an internal connection between Aaron Drive and one of the proposed roads in Phase 4. Section 2-6.2.2E.2 of the Subdivision Regulations limits the length of a permanent dead-end street to 750 feet, while this revision creates a dead end street of approximately 1,500 feet. Staff recommends approval of the variance due to the steep topographic conditions (30% slope) where the potential street connection would be made.

12. **PUD 74-79-G-13 Nashboro Village**  
Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary PUD plan for Nashboro Village. The property is located at the intersection of Flintlock Court and Nashboro Boulevard, east of Murfreesboro Pike. The applicant is requesting to revise Phases 11 and 13 within the PUD by increasing the number of units in Phase 11 from 143 to 155 units, an increase of 12 units. This increase in units would be off-set in Phase 13 where the applicant is proposing to reduce the number of units from 95 to 48 units, a decrease of 47 units. In addition, the applicant is proposing to convert the units from apartments to townhouse condominiums in Phase 13. Both of these phases are wooded today, particularly Phase 11 which is surrounded by the Nashboro Village golf course (holes 12, 14, 15, and 17) and abuts Lake Nashboro. Multi-family development has always been shown for these phases on the original PUD plan approved in 1979 by the Metro Council. Staff recommends conditional approval provided Public Works, Stormwater Management, and Water Services recommend approval prior to the Planning Commission meeting.

13. **PUD 117-83-U-14 Two Rivers Corporate Center (formerly Music City Outlet Center)**

Staff recommends *conditional approval*.

This request is for final approval for the Commercial (General) PUD district to convert the existing 283,691 square feet of retail space to office space. The plan is consistent with the preliminary plan approved by the Planning Commission on October 25, 2001, which proposed no change to the floor plans, no additional square footage, and no changes to the driveway or access points other than an additional turn lane out of the site onto McGavock Pike. Although this plan was approved prior to 1998, the 1998 Zoning Ordinance update requires all revised PUD plans to meet the current landscaping and parking standards. This plan meets those requirements, including one (1) parking space for every 300 square feet of office space. While 945 parking spaces are required to meet the requirement, the existing and proposed parking areas include a total of 1,353 parking spaces. The final plan includes an additional 280 parking spaces in a parking expansion area. Staff recommends conditional approval provided Public Works and Water Services approve the plans prior to the Planning Commission meeting.

*Traffic*

The preliminary plan was conditioned upon the applicant submitting a traffic impact analysis in conjunction with the final PUD plan. The applicant has been working with the Metro Traffic Engineer who has agreed that no additional traffic improvements will be required with this PUD revision. The existing access driveways and McGavock Pike can accommodate the traffic generated by the change from retail to office.

14. **PUD 88-85-P-06 West Park**

Staff recommends *indefinite deferral* at the developer's request.

This item was deferred at the March 28, 2002, Planning Commission meeting at the request of the Cedar Crest homeowner's association who asked to have more time to meet with Councilmember Bogen. The developer, Vastland Realty Group, LLC has now requested indefinite deferral due to unresolved water and sewer issues that require further study.

The request is to revise the preliminary plan for the undeveloped residential PUD district located south of Charlotte Pike and east of the Old Hickory Boulevard/I-40 interchange in Bellevue. The proposed plan includes 240 townhomes, the same number of units approved by Metro Council in 1985. This plan also proposes the addition of an amenity area (pool and restrooms) that was not included on the original plan. This plan maintains the same number of units and the basic development concept, however, it does change the configuration of units, driveways, and open spaces areas within the PUD. Staff recommends conditional approval provided a revised plan is submitted showing sidewalks along the frontage of Charlotte Pike, and Public Works and Harpeth Valley approve the plan prior to the Planning Commission meeting.

*Sidewalks*

Since this is a multi-family development fronting an arterial road, Section 2-6.1 of the Subdivision Regulations and Section 17.20.120 of the Zoning Ordinance require sidewalks along the frontage. The applicant has indicated that a revised plan will be submitted prior to the Planning Commission meeting showing sidewalks along the frontage.

*Traffic*

The Metro Traffic Engineer has analyzed the Traffic Impact Study (TIS) that was submitted for this project and is requiring the following conditions:

- Prior to the issuance of any Use and Occupancy permits for the 30<sup>th</sup> unit of this development, the developer/owner shall construct a westbound left-turn lane into the project entrance on Charlotte Pike, including 100 feet of storage capacity with a taper to AASHTO standards.
- Prior to the issuance of any Use and Occupancy permits for Phase 1, the area along the south side of Charlotte Pike shall be cleared of obstructions, including fences, signs, and trees in accordance with the final PUD's Landscaping Plan.



15. **Mandatory Referral 2002M-031U-09**  
Staff recommends *approval*.

This request is to convey a fee simple interest in property for \$1.00 to the Nashville & Eastern Railroad Authority with easements retained by Metro Government as well as a permanent easement for construction of Gateway Boulevard. The two parcels of land involved total 221 square feet and 128 square feet, respectively. They both lie adjacent to the future Gateway Boulevard. Staff recommends approval as all reviewing agencies and departments recommend approval.

16. **Mandatory Referral 2002M-032U-09**

Staff recommends *conditional approval* subject to receipt of a license agreement before the meeting and all reviewing agencies and departments recommending approval.

A request to encroach over the public sidewalk at the corner of Deaderick Street and 7th Avenue North for the Tennessee Performing Arts Center (TPAC) with a sign marquee and on the public sidewalk along Deaderick Street with an elevator tower. The sign marquee is curved in shape and encroaches 14' over the sidewalk at a height of 12' above the sidewalk for a length of 63'6" on Deaderick Street and continues around the corner of the building at the same height above and over the sidewalk. The elevator tower contains two elevators and encroaches up to 16' on the sidewalk for a distance of 21 feet along Deaderick Street with a total tower height of 75' as measured from the sidewalk. These encroachments are requested by Thom Meek of Earl Swensson & Associates for the State of Tennessee. The marquee sign will be suspended over the sidewalk via supports anchored to the building's façade. The elevator tower will actually be located within the current public sidewalk area. The tower will reduce the public sidewalk's width to approximately 18 feet from 30 feet for a distance of 21 feet along Deaderick Street. The sign marquee does not affect the sidewalks along Deaderick or 6<sup>th</sup> Avenue North since it is suspended above the sidewalk. The State of Tennessee has provided a certificate of self-insurance. The applicant still needs to provide a license agreement before the Planning Commission meeting. Staff recommends conditional approval subject to receipt of the license agreement and all reviewing agencies and departments recommending approval.

17. **Mandatory Referral 2002M-033U-07**

Staff recommends *approval*.

This request is acquire 11 easements for water and sewer relocations that must occur for TDOT to widen I-40 and construct the Briley Parkway flyover at the I-40 / White Bridge Road interchange. Metro Water Services is requesting these easements as part of Project No. 99-SG-169 and 99-WG-158, Capital Improvement No. 96SG0005. Staff recommends approval since all reviewing agencies and departments recommend approval.

18. **Mandatory Referral 2002M-034G-06** (Council Bill BL2002-990)  
Staff recommends *approval*.

This council bill is to amend a lease agreement between Metro Government and the State of Tennessee for property on Griffith Road where an 800 MHz emergency communications tower is located. Both Metro Government and the Tennessee Emergency Management Agency use the tower. The Planning Commission approved the original lease in 1998 (98M-127G; O98-1435) for a 25-year term with an option to renew for two additional 25-year terms. Metro pays no rent for the property. This lease amendment clarifies the land area leased by Metro as .21 acres with a 30-foot wide easement leading from Griffith Road to the tower's location. It also requires that Metro fulfill its obligation under the lease to remove the old communications tower on the property that was to have occurred once the new tower was constructed. That did not occur as planned. This amendment requires Metro to remove the old tower by June 30, 2002. In addition, Metro is obligated to remove all existing buildings from the premises within one year, seal the state's existing fallout shelter on the property, and remove the state's communication trailer. Maintenance responsibility for the new tower is Metro's. Staff recommends approval provided all reviewing agencies and departments recommend approval.

19. **Mandatory Referral 2002M-035G-14** (Council Bill BL2002-991)  
Staff recommends *approval*.

This council bill is for a lease agreement between Metro Government and Opry Mills for the Pearl Sims learning and development center. The center will occupy 3,356 square feet at Opry Mills and provide career counseling services and job training. The lease term is 10 years beginning May 1, 2000 and ending April 30, 2010, with an annual rental payment of \$1.00. The lease includes one 10-year renewal option. After the third year of the lease, either party can terminate the agreement with 30-days written notice. Opry Mills also has the right to relocate the center within the shopping mall, if necessary. Metro is not responsible for paying any utilities other than telephone service or any share of taxes or grounds maintenance. Metro must maintain self-funded insurance for any and all claims arising from the use and occupancy of the center, but will not be liable for any claims whose fault is not attributable to Metro. Staff recommends approval of this lease agreement as all reviewing agencies and departments recommend approval.