



**Project No.
Project Name**

**Subdivision 99S-097U-12
Villages of Brentwood, Phase 11**

Deferrals

Deferrals were made from December 6, 2001 to May 9, 2002, June 13, 2002 and June 27, 2002 for further evaluation of developer's request for sidewalk variance and for extension of performance bond.

Approval

Approval given on June 27, 2002 for a variance to remove all sidewalks from the subject phase and extend the performance bond.

Re-hearing

Request for **re-hearing** failed August 22, 2002 because no motion was made.

Staff Recommendation

Disapprove the request for bond release and reduction and approve the request for bond extension and reduction.

APPLICANT REQUEST

This request consists of two parts: 1) a request for release of bond; or 2) a request for extension and reduction of bond.

PROJECT DETAILS

Background -- Roy Dale of Dale & Associates submitted a request on behalf of his client, Grandview Land Company, Inc., the developer of the subdivision, to remove the existing sidewalks. This request requiring a sidewalk variance was first brought before the Planning Commission on December 6, 2001, at which time it was deferred three times to June 27, 2002 to obtain further information.

On June 27, 2002, a variance was granted so that the developer could remove the sidewalks in the phase with the understanding that the area where the sidewalks were would be replaced with sod. The performance bond in the amount of \$231,500 was extended to December 17, 2002 and the securing Irrevocable Letter of Credit to June 27, 2003.

A request to re-hear the case was presented by one of the homeowners and was brought up at the August 22, 2002 meeting. The required motions were not made and the request failed.



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Progress -- At the time the variance was granted, the non-conforming sidewalks were in place and the roads were not final paved. Neither stormwater features nor water/sewer facilities were accepted.

Presently the sidewalks have been removed and replaced with sod, the roads have been final paved and both stormwater and water/sewer facilities have been accepted. The breakdown of the bond amounts is as follows:

METRO PUBLIC WORKS:

| Amount | Type | Comment |
|-----------|----------------------|--|
| \$ 20,000 | Paving | Asphalt Surface |
| \$ 20,000 | Administrative Costs | Legal, engineering, inspection and right-of-way fees |
| \$165,000 | Sidewalks | 1,200 linear feet of sidewalk Repair 200 linear feet of curb Replace 3 curb ramps Install 2 curb ramps Replace 20 driveway ramps |
| \$205,000 | TOTAL | |

METRO WATER SERVICES:

| Amount | Type | Comment |
|-----------|---------------------|---------------------------------------|
| \$ 20,000 | Stormwater Drainage | Complete 1 detention pond |
| \$ 6,500 | Casting Adjustments | Adjusting castings to final pavement. |
| \$ 26,500 | TOTAL | |

\$231,500 GRAND TOTAL

STAFF RECOMMENDATION

Staff recommends disapproval of both the bond release and reduction because the roads have not been accepted by Metro Public Works for continued maintenance. Staff further recommends approval of an extension of the bond to October 24, 2003, with the requirement that the Irrevocable Letter of Credit be extended to April 24, 2004.



Project No.
Associated Case
Council Bill
Staff Reviewer

Zone Change 2003Z-045U-05
None
None
Leeman

Staff Recommendation

Disapprove. The MUL district does not implement the intent of the RM policy.

APPLICANT REQUEST

Rezone 1.54 acres from Residential (R6) to Mixed Use Limited (MUL) at 1500 Porter Road.

Existing Zoning
R6 zoning

R6 zoning is intended for single-family homes and duplexes on 6,000 sq. ft. lots.

Proposed Zoning
MUL zoning

MUL zoning is intended for moderate intensity mixture of residential, retail, and office uses.

SUBAREA 5 PLAN POLICY
Residential Medium (RM)

RM policy is intended for residential development at a density of four to nine dwelling units per acre. A variety of housing types are appropriate, however, the most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict

Yes. The MUL district is inconsistent with the intent of the RM policy, which calls for four to nine units per acre. Although the MUL district allows for residential uses, those uses are typically more in line with the RMH and RH policy areas. This area currently has several small pockets of commercial uses, which service the surrounding neighborhoods. The Subarea 5 Plan does not call for an increase of commercial uses for this area.

Directly across from this site is a property zoned CN with a convenience market and gas pumps. Further to the east on Cahal Avenue are properties zoned CL and CN with small strip shopping and similar businesses. The requested property is at the bottom of a hill on which an apartment complex sits. With proximity of other commercially zoned properties, further commercial development on this property would be inappropriate.

RECENT REZONINGS

None



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TRAFFIC

Based on typical uses in MUL district approximately 27 to 872 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings

No exception taken

SCHOOLS

Students Generated*

10 Elementary 8 Middle 5 High

Schools Over/Under Capacity

Students will attend Inglewood Elementary School, Dalewood Middle School, and Stratford High School. Inglewood Elementary, Dalewood Middle, and Stratford High Schools have not been identified as being overcrowded by the Metro School Board.

*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.



Project No.
Associated Case
Council Bill
Staff Reviewer

Zone Change 2003Z-048U-13
None
BL2003-1381 (Passed First Reading on April 1, 2003)
Fuller

Staff Recommendation

Approve with conditions. If the bill continues through Council, it is recommended that it be amended to include the conditions listed below.

APPLICANT REQUEST

Rezone 40.27 acres from Residential (R20) to (RM9) and Industrial Warehousing/Distribution (IWD), at 1792 Reynolds Road and Smith Springs Road (unnumbered), abutting the northern margin of Smith Springs Road and the eastern margin of Reynolds Road.

Existing Zoning
R20 zoning

R20 zoning is intended for single-family homes and duplexes at 1.85 units per acre.

Proposed Zoning
RM9 zoning

RM9 zoning is intended for multi-family units at 9 units per acre.

IWD

IWD, Industrial Warehousing/Distribution, is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

SUBAREA 13 PLAN POLICY
Residential Medium (RM)

RM policy allows four to nine dwelling units per acre.

Policy Conflict

Partial. The policy shown on the Land Use Policy Map is RM. RM permits 4 to 9 dwelling units per acre and supports the requested RM9 zoning.

There is additional text in the Subarea 13 plan that endorses some IWD policy in this area, *“Those properties that are oriented away from Smith Springs Road and drain to the north are considered to be within the adjoining industrial policy area 14E.”* However, the orientation away from Smith Springs Road applies to traffic in addition to land use, *“Industrial traffic from the adjacent Industrial Policy area (14E) should not have access to Bell Road and Murfreesboro Pike through this residential area.”*



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It appears that the topography breaks approximately 850 feet from Smith Springs Road and the land drains to the north. To comply with the above text, the request would need to be redrawn to include the additional area (approximately 7 acres) up to the break.

A condition also should be added to the bill that limits access to the IWD property from Reynolds Road only.

RECENT REZONINGS

An application for MUL and CS (Council Bill 2003-1326) was before the Planning Commission on February 13, 2003 (Disapproved 8-0). The bill failed at Council on March 4, 2003.

TRAFFIC

Based on typical uses in RM9, this proposed zoning would generate approximately 332 to 376 trips per day. Typical uses in the IWD would generate 2,142 to 8,258 trips per weekday (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings

The Public Works Department has indicated they can do no further review of this item without additional information. No Traffic impact study has been submitted.

SCHOOLS

Students Generated

4 Elementary 3 Middle 2 High

Schools Over/Under Capacity

If the property were developed under the proposed zoning, 9 students would be generated. Students would attend Una Elementary, Apollo Middle School and Antioch High School. All schools have been identified as overcrowded by the Metro School Board.

CONDITIONS

1. A condition needs to be added to the bill that a detailed traffic impact study needs to be approved by the Metro Traffic Engineer in conjunction with and subdivision or development application.
2. A condition needs to be added to the bill that limits access to the IWD property from Reynolds Road only in order to avoid the residential area of Smith Springs Road.
3. Approximately 7 additional acres (for a total of approximately 13 acres) needs to be added to the



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area to be rezoned to RM9, rather than IWD, in order to comply with the Subarea 13 plan



Project No.
Associated Case
Council Bill
Staff Reviewer

Zone Change 2003Z-053U-04
None
BL2003-1392
Leeman

Staff Recommendation

Approve

APPLICANT REQUEST

Rezone 0.41 acres from Office/Multi-Family Residential (OR20) to Commercial Services (CS) at Old Hickory Boulevard (unnumbered) and Rio Vista Drive.

Existing Zoning
OR20 zoning

OR20 zoning is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning
CS zoning

CS zoning is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses

SUBAREA 4 PLAN POLICY
Office Concentration (OC)

The OC policy is intended for existing and future large concentrations of office development. The predominant use in OC policy is offices. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least RMH density are also an appropriate secondary use.

Policy Conflict

Although the proposed CS district is more intense than what is normally called for in the OC policy area, this particular piece of property borders an area of existing CS zoning within the Subarea 4 Plan's Commercial Arterial Existing (CAE) policy. The CS zoning allows some commercial uses that are more intense than what is necessary to cater to the predominant uses in the OC policy. This property is adjacent to pockets of CS zoning at the intersections of the local roads and State Highway 45. However, rezoning this property to CS is within the character of the existing zoning pattern.

RECENT REZONINGS

Yes. A request to change from OR20 to CS district properties at 905, 909, and 911 Old Hickory Boulevard (Case No. 2001Z-058G-04), east of Myatt Drive, was disapproved by the Planning Commission on September



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27, 2001, while the Metro Council approved the rezoning request.

TRAFFIC

Based on typical uses in CS district approximately 154 to 357 vehicle trips per day. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic

Traffic Engineer's Findings

No exception taken



Project No.
Project Name
Associated Cases
Staff Reviewer

Subdivision 2001S-215G-14
Cumberland Landing
None
Leeman

Staff Recommendation

Approve with conditions.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

This request is for preliminary plat approval for 124 lots on 101.37 acres at Hurst Drive (unnumbered), including 31 duplex lots.

ZONING

R15 zoning

R15 district allows single-family and duplex residential requiring minimum lot size of 15,000 square feet. A maximum of 25% of the lots are permitted to be duplex lots. R15 allows a maximum density of 2.47 dwelling units per acre, while this plat proposes an overall density of 1.53 dwelling units per acre with 124 lots, including 31 duplex lots (155 total units).

SUBDIVISION VARIANCES

No variances requested.

SUBDIVISION DETAILS

Stub Streets

The proposed subdivision is along the Cumberland River, adjacent to the City of Lakewood. The applicant proposes to connect the subdivided property to three existing stub streets, one at Riverway Drive through the Waterford Subdivision, and two through the Fairway View Subdivision at Hurst Drive.

Floodplain/Floodway

The proposed subdivision falls completely within the floodplain of the Cumberland River. On March 18, 2003, the Metro Council adopted changes to the Zoning Code requiring 50% of the natural floodplain to remain undisturbed with any new development (Council Bill BL2002-1021). This plat leaves 49.78 acres out of 92.07 acres in a natural state, or 54% of the floodplain.

Planning staff has serious concerns about the long-term sustainability of this development and the potential environmental impact development of this site may have on neighboring properties, since it is completely encumbered by floodplain. However, based on



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Greenway/Conservation
Easement

comments by the reviewing departments the preliminary plan meets Metro regulations on their face and staff recommends approval.

The applicant has agreed to provide the required "Conservation/Greenway Public Access Trail Easement Area" for the floodway and the stream buffer, as is required by Section 2-7.5 of the Subdivision Regulations.

Stormwater Management

The Stormwater Management Committee has approved the proposed stream crossings on this plat since they cross the blue-line stream at 90-degree angles.

The plan also proposes to address stormwater management issues by creating a lake to address the water quality and runoff requirements of Metro Water Services. The plat will be conditioned that the lake be maintained by the Homeowner's Association.

Critical Lots

All 124 lots are designated as critical lots due to floodplain.

TRAFFIC

Public Works Recommendation

1. All street classifications of all roadway segments should be labeled;
2. Per the TIS, please show two 12-foot lanes for northbound traffic on Hurst Drive at Old Hickory Boulevard. These shall consist of a right turn lane and a left turn lane. The left turn lane shall provide a minimum of 450 feet of storage and be designed to AASHTO standards.
3. The developer shall install all necessary pavement markings and traffic signs to delineate these lanes.
4. The developer will need to construct that part of the roadway to the same standards as the roadway within the development connecting to the Unnamed 515.



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CONDITIONS

1. No clearing, grubbing, grading, or other Metro permits will be issued until final plat approval.
2. All grading and engineering plans relating to site development will be approved by the Stormwater Management Division based on care taken to minimize environmental disturbance and to prevent increased stormwater runoff onto adjacent properties.
3. All street classifications of all roadway segments must be labeled;
4. Per the TIS, the final plat shall include construction plans for two 12-foot lanes for northbound traffic on Hurst Drive at Old Hickory Boulevard. These shall consist of a right turn lane and a left turn lane. The left turn lane shall provide a minimum of 450 feet of storage and be designed to AASHTO standards;
5. The developer shall install all necessary pavement markings and traffic signs to delineate these lanes;
6. A revised plan shall be submitted by April 24, 2003, eliminating one duplex lot so that there is a total of 31 duplex lots, not 32.
7. All floodway, 50' floodway buffer, and 60' stream buffer is to be a conservation/greenway easement. Conservation area is to remain in an undisturbed natural state, excluding the installation of a trail by the Greenways Commission. Easement may be relocated upon approval of a flood study by FEMA.
8. Any final plat shall include a note labeling all of the floodway plus a 50' floodway buffer and all of the 60' wide stream buffers shown on this plan: "Conservation/Greenway public access trail easement area".
9. The developer will need to construct that part of the roadway to the same standards as the roadway within the development connecting to the Unnamed 515.
10. All areas designated to be undisturbed must be fenced off prior to the issuance of any grading permits.



Project No.
Project Name
Associated Cases
Staff Reviewer

Subdivision 2003S-077U-10
Glen Echo, Resubdivision of Lot 12
None
Mitchell

Staff Recommendation

Approve, including two variances for lot comparability, but disapprove request for a sidewalk variance.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide a 0.89-acre tract into a 2-lot subdivision, at a proposed density of 2.2 dwellings units per acre. The applicant is seeking lot comparability variances for minimum lot size, minimum lot width, and a variance from the requirement to construct sidewalks along Hillmont Drive.

ZONING

R10 district, requiring a minimum lot size of 10,000 square feet

SUBAREA 10 POLICY
RL (Residential Low-Density)

This subdivision falls within the Subarea 10 Policy’s Residential Low-Density (RL) policy. The RL policy was applied to this area because it is developed residentially with densities at or below 2 dwelling units per acre. According to the Subarea 10 Plan, “the intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas...and the plan recommends that the prevailing character and densities of these areas be conserved.”

February 10, 2003
Glen Echo / Hillmont
Community Meeting

On February 10, 2003, planning staff met with Councilman Shulman and invited citizens at the Green Hills Library Branch to discuss the intensification of this area of Green Hills. The citizens expressed that single-family homes were preferred over duplexes, that the intensification of their neighborhood was acceptable under an RLM land use policy, and that the applicant’s (previous) request – to subdivide Lot 12 into three lots – be disapproved because of the considerable size



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Proposed Plan

difference between the proposed lots and existing lots on Hillmont Drive. Based upon the citizen comments, staff has recommended to the Commission that an extension of the RLM policy be considered south of the zoning line between Graybar Lane and Hillmont Drive and inclusive of all lots along Glen Echo Road and Benham Avenue.

The current subdivision application proposes a two-lot subdivision with a density of 2.2 dwelling units per acre. Although this density still exceeds the Subarea 10 Plan's RL policy of 0-2 units per acre, the proposal is consistent with the community's stated support for allowing limited infill development in this area. At the February 10, 2003, community meeting, the neighborhood recommended that the applicant return to the Planning Commission with a 2-lot subdivision in lieu of the 3-lot subdivision.

SUBDIVISION DETAILS

The 0.89-acre tract lies along the north margin of Hillmont Drive, and just north of Glen Echo Road. The applicant is proposing two lots, each 72.52 feet in width and lot sizes of 19,036 and 19,776 square feet.

SUBDIVISION VARIANCES (Sec. 2-6.1, Sidewalks)

The applicant has requested a sidewalk variance based upon the absence of sidewalks along Hillmont Drive, the amount of drainage construction that would be required to meet Metro Public Works sidewalk construction standards, and the possibility of having to relocate or remove a utility pole and existing trees.

The subdivision regulations require a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the residential properties less than 20,000 square feet in size to be located within the public right-of-way. If the applicant believes that the installation of sidewalks creates an undue hardship, a variance may be requested from the Planning Commission. Staff has reviewed the variance request and determined that:

- The granting of this variance will not be detrimental to the public safety, health, or welfare in the neighborhood in which the property is located. Staff recommends that the Metro Stormwater Division address whether the



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Sidewalk Constructability Report

installation of required pipe and gutter is injurious to other property or improvements.

- The conditions upon which the request for this variance is based are not unique to the subject property and are applicable to other surrounding properties.
- The physical surroundings, shape of the lot frontage, and topography of the grassy swale fronting the subject property do not create an undue hardship.

The Metro Public Works' Sidewalk Constructability Report states that currently there is a grassy swale, one utility pole at or near the northeast corner of the parcel, and that the street currently has no sidewalk, nor curb and gutter system. Construction of a standard Metro sidewalk along this lot would require the installation of a curb and gutter and possible relocation of one utility pole.

Staff Recommendation

Staff recommends disapproval of the sidewalk variance based on the criteria explained above. The sidewalk should stop short of the one utility pole at the far northeast corner of the site. Relocation of the one utility pole is not practical because it is located in the far northeast corner of the site – essentially on the property line. If the sidewalk is extended to the north in the future, then the relocation of one or more utility poles must be completed in conjunction with the construction of that sidewalk.

(Sec. 2-4.7, Lot Comparability)

The proposed two lots fail the lot comparability requirements for minimum lot width requirement. The comparability test, which takes into account the lot frontage on lots within 300 feet of the subject lot, requires that each lot provide not less than 103 feet of lot frontage. Both lots also fail lot comparability for minimum lot size by not providing a minimum lot size of 28,230 square feet.

Staff Recommendation

Staff recommends approval of both lot comparability variances because residential development in this small area of Green Hills is in the process of intensifying. The area residents have expressed support for a 2-lot subdivision and for changing the land use policy in this area from very low-density residential to medium-density residential.



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TRAFFIC ENGINEER'S FINDINGS

Recommends approval



Project No. 2003S-88U-7
Project Name Park Street Subdivision
Associated Cases None
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat

Preliminary & Final Plat Final Plat

Subdivide 3.85 acres into a 10-lot cluster subdivision, located abutting the northeast corner James Avenue and Park Street.

ZONING

R8 Zoning

R8 district requires a minimum lot size of 8,000 square feet.

CLUSTER LOT OPTION

The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts. In this case the applicant proposes a reduction of one base zone district from R8 (minimum 8,000 sq. ft. lots) to R6 (minimum 6,000 sq. ft. lots). A "B" buffer yard is required between lots 1 through 5 and the existing properties to the west. The proposed lots range in size from 6,000 square feet to nearly 8,163 square feet.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 2.16 acres (56.2%) of open space – which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS

Approximately 2.54 acres of the site are encumbered with floodplain and floodway. A total of 1.51 acres (59%) of the floodplain and floodway will be undisturbed.

Turnarounds 2-6.2.1 G

Exceptions to turnaround requirements may be made for short streets, up to 300 feet long where emergency and service vehicles area able to back out with relative ease. The length of the proposed Carley Lane is approximately 200 feet. Additionally, a turnaround



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would encroach into the dedicated conservation/greenway public access trail easement area.

Public Works Recommendation

It is recommended that the minimum elevation of the proposed street be at least one foot above the 100-year floodplain elevation, which is 409.00 feet.

CONDITIONS

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
2. The minimum elevation of the proposed street, Carley Lane must be a minimum of one foot above the 100-year floodplain elevation, which is 409 feet.
3. A corrected preliminary plat needs to be submitted by May 8, 2003, that shows the greenway labeled as a **dedicated** conservation/greenway public access trail easement area.
4. All areas designated to be undisturbed must be fenced off prior to the issuance of any grading permits.



Project No. 2003S-89U-5
Project Name McFerrin Place Subdivision
Associated Cases None
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat

Preliminary & Final Plat Final Plat

Subdivide 2.09 acres into 9 lots, located abutting the west margin of McFerrin Avenue, approximately 168 feet south of Seymour Avenue.

ZONING

RS5 Zoning

RS5 district requires a minimum lot size of 5,000 square feet. The proposed lots range in size from 5,000 sq. ft. to 5,753 sq. ft.

SUBDIVISION DETAILS

The area located north of the proposed McFerrin Court will also be dedicated as right-of-way so the existing properties that abut this proposal will have access to McFerrin Court and any public utilities located within.

McFerrin Court is approximately 630-feet and falls within the permitted length for a street with a turnaround (2-6.2.1. G).

Public Works Recommendation

No exceptions taken.

CONDITIONS

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.



Project No.
Project Name
Associated Cases
Deferral

Subdivision 98S-129U-10
Baldwin Arbor, First Revision

None
This item was deferred at the March 27, 2003, Planning Commission meeting in order to allow the Metro Urban Forester to attend the meeting.

Staff Reviewer

Leeman

Staff Recommendation

Disapprove. There is no property hardship that is not self-created that would warrant a sidewalk variance or that would prevent the sidewalk from being installed.

On April 2, 2003, the applicant, Planning Department staff, Public Works staff, and the Urban Forester met on-site. The Urban Forester indicated that he would like to see the trees preserved, however, he also indicated that the remaining trees on the east side of Baldwin Arbor Road have already been impacted by the construction of the road and homes and will likely not survive over the long term.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

This request is for a variance to the sidewalk provisions (Section 2-6.1) of the Subdivision Regulations to eliminate an unbuilt, 600-foot long sidewalk along the east side of Baldwin Arbor Road.

The Planning Commission approved the preliminary and final plats in 1998, including a 4-foot wide sidewalk and a 2-foot wide grass strip between the sidewalk and the curb—meeting the requirements of the Subdivision Regulations at that time.

ZONING

RS10 zoning RS10 district allows single-family residential requiring minimum lot size of 10,000 square feet.

SUBDIVISION VARIANCES

Sidewalks (Section 2-6.1)

The applicant has requested a variance to the sidewalk regulations to avoid having to remove several mature trees, or to cause grading that would kill the trees.

Staff recommends a variance to eliminate the required 2-foot grass strip, allowing the sidewalk to be moved



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Metro Public Works Findings

Existing Conditions

farther from the existing trees. This will require relocation of the existing irrigation facilities.

The sidewalk variance request is to exempt the sidewalk along the east side of Baldwin Arbor Road. Construction of this street including curb, gutter and drainage is complete. There is a gentle slope away from the roadway.

Sidewalk Construction

Pursuant to Chapter 13.20 of the Metro Code, the Department of Public Works regulates all work done in the right of way. Current construction standards are applicable. A detailed site survey and drainage study may reveal other items than those listed herein.

This street was built on a 40-foot wide right of way. Therefore it may not be possible to include the current standard four-foot grass strip without additional easement or right of way. A minimum two-foot grass strip would be required.

Five existing driveway ramps will require removal and reconstruction to be ADA compliant if sidewalks are added to this street. Four gas lights will require relocation, and possibly five trees will have to be removed.

Staff Recommendation

Staff recommends disapproval of the variance request for the following reasons:

- There is not an extraordinary hardship that is not self-created. The existing mailboxes, gas lights, monument sign, irrigation valves, driveways, and landscaping were installed after the final plat was approved showing a sidewalk.
- Grading for the street, lots and general site preparation has taken place around the trees that may have already damaged the root system.
- The road has already been constructed within the drip-line of the trees, possibly impacting the trees even without the sidewalk. It is standard practice to avoid development within the drip-line of a tree if intending to preserve the tree.
- This sidewalk, approved in 1998, will connect to an existing sidewalk on Hobbs Road, a major pedestrian link to the Green Hills commercial area.



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If this request is approved, the revised plat shall include the following prior to recordation:

1. Signatures of all property owners within the subdivision.
2. Note number 14 must be changed to reference Instrument # 20000128-0009264.



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and 15
Council Bill
Associated Case
Staff Reviewer

Planned Unit Development 84-87-U-13
The Crossings at Hickory Hollow, Phases 14

None
None
Leeman

Staff Recommendation

Approve with conditions

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD Amend PUD Cancel PUD

A request to revise a 26.61 acre portion of the preliminary plan for Phases 14 and 15 of the Commercial PUD located along the south side of Crossings Boulevard at Old Franklin Road.

This proposal includes a 59,420 square foot office/retail uses in Phase 14, and 103,766 square feet of office, retail, and commercial floor area, and telecommunications equipment space in Phases 15A and 15B. The revision includes a total of 163,186 square feet, replacing 278,480 square feet of commercial uses on the approved plan.

Existing Zoning

R10/Commercial PUD

The property has a base zoning of R10 with a Commercial PUD overlay. The preliminary PUD was approved in 1987 for a total of approximately 1.7 million square feet of "commercial" uses. Other uses in the PUD include the retail uses, car dealership, office uses, and unspecified commercial uses.

PLAN DETAILS

This proposal decreases the square footage on this portion of the PUD by 115, 294 square feet, while it redesigns the access to the site on Crossing Boulevard and Old Franklin Road. The plan moves the proposed driveway on Crossing Boulevard 100 feet to the west and proposes a new driveway to Phase 15A on Old Franklin Road. This driveway is conditioned to be a right-in and right-out only driveway.

Traffic Engineer's Recommendation

Approval with conditions, including the following conditions to be completed by the developer:



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1. The driveway onto Old Franklin Rd. will be a right turn in and a right turn out only.
2. A median, which is a minimum width of 4 feet, will be constructed on Old Franklin Road from the intersection with The Crossings Boulevard south to 150 feet past the driveway.
3. Any additional roadway or traffic control improvements (such as road widening, right of way dedication, pavement markings and signage) necessary to accommodate this median installation will be the responsibility of the developer.

CONDITIONS

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. The driveway onto Old Franklin Road will be a right turn in and a right turn out only.
5. A median, with a minimum width of 4 feet, will be constructed on Old Franklin Road from the intersection with Crossings Boulevard south to 150 feet past the driveway.
6. Any additional roadway or traffic control improvements (such as road widening, Right of Way dedication, pavement markings and signage) necessary to accommodate this median installation will be the responsibility of the developer.



Project No.
Project Name

Mandatory Referral 2002M-056U-08
Close Portion of 41st Ave. North and
Alley #1204

Council Bill
Staff Reviewer
Recent Action

None
Mitchell
Planning Commission acted to Defer Indefinitely on
June 13, 2002.

Staff Recommendation

Approve

APPLICANT REQUEST

Close a portion of 41st Avenue North between Clifton Avenue and Indiana Avenue, and close a 50-foot portion of Alley #1204, east of the 41st Avenue North right-of-way.

(Easements are to be retained)

APPLICATION REQUIREMENTS

Signatures of All Abutting &
Affected Property Owners

Yes – and they match tax assessor information.

DEPARTMENT AND AGENCY
COMMENTS

When this request was presented to the Planning Commission at the June 13, 2002 meeting, the Metro Public Works Department, the Metro Finance Department, and Metro Schools recommended disapproval of this request. These two public rights-of-way were needed as part of the new I. T. Creswell elementary school campus that was proposed for this area. A council bill (BL2002-1076) was filed to acquire the properties adjacent to these public rights-of-way for the new school; however, the bill was deferred indefinitely on June 18, 2002.

Since the proposal to construct the elementary school has failed, and based on the fact that the street and alley remain unbuilt, staff does not believe that this request creates any connectivity or traffic circulation problems.



| | |
|-----------------------------|---|
| Project No. | Mandatory Referral 2003M-040U-03 |
| Project Name | Price Street Closure |
| Council Bill | None |
| Staff Reviewer | Mitchell |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

A request to close Price Street from W. Trinity Lane to Freesilver Road, as requested by Parker Toler, for Sabbath Day Church and Wade Phelps, abutting property owners.

(Easements are to be retained)

APPLICATION REQUIREMENTS

Application properly completed and signed? *Yes*

Abutting property owners' sign application? *Yes*

DEPARTMENT AND AGENCY COMMENTS

All reviewing departments or agencies recommend approval.



Project No.
Project Name
Council Bill
Staff Reviewer

Mandatory Referral 2003M-043G-10
Close Portion of Otter Creek Road
None
Mitchell

Staff Recommendation

Approve, subject to the retention of all utility easements.

APPLICANT REQUEST

An Ordinance to amend the Official Street & Alley Acceptance & Maintenance Map for the Metro Government of Nashville and Davidson County by abandoning a portion of Otter Creek Road from Granny White Pike east to the Oak Hill city limit. The Metro Department of Public Works has concluded that this portion of Otter Creek Road is unsafe for vehicular traffic, and the ecology of the area adjacent to the roadway prohibits the type of repairs necessary for the road to be improved to meet safety standards for public use by vehicular traffic. The State of Tennessee, abutting property owner, is supportive of the requested abandonment.

APPLICATION REQUIREMENTS

Application properly completed and signed?

Not applicable since request was from Department of Public Works. It is stated within the bill that the State of Tennessee supports the request to close the portion of Otter Creek Road.

DEPARTMENT AND AGENCY COMMENTS

Although the proposed ordinance does not state that all utility easements will be retained, Metro Water Services is calling for the retention of all utility easements.



Project No.
Project Name

Mandatory Referral 2003M-044G-14
Stones River Greenway
Easement Acceptance

Council Bill
Staff Reviewer

None
Mitchell

Staff Recommendation

Approve, subject to possibly revising the ordinance to state that the unbuilt right-of-way must be closed and abandoned before the conveyance to the designated recipient.

APPLICANT REQUEST

An Ordinance authorizing the Director of Public Property to accept and record easements in favor of the Metro Government, for the use in connection with development of the Stones River Greenway System, and to execute to Mr./Mrs. Gayron C. Lytle a quitclaim deed for the Metro Government's interest in an existing but unbuilt right-of-way. The Lytle's are donors of easements required for the construction of the greenway system, as requested by the Metro Department of Law.

APPLICATION REQUIREMENTS

None

DEPARTMENT AND AGENCY COMMENTS

Staff does not believe that right-of-way can be quitclaimed to a private property owner. Therefore, staff recommends that the bill be revised to state that the unbuilt right-of-way will be closed and abandoned prior to conveying the interests of the unbuilt road to the recipient.



Project No.
Project Name

Mandatory Referral 2003M-045U-14
Acceptance of Easements by
Nashville & Eastern Railroad for
Stones River Greenway System

Council Bill
Staff Reviewer

None
Mitchell

Staff Recommendation

Approve

APPLICANT REQUEST

An Ordinance accepting an easement from Nashville & Eastern Railroad on a parcel of property for use in the Stones River Greenway System for constructing, operating, and maintaining portions of the greenway system, as requested by the Metro Department of Law.

APPLICATION REQUIREMENTS

None

DEPARTMENT AND AGENCY COMMENTS

All reviewing departments or agencies comments are still forthcoming.