



## Metro Planning Commission Meeting of 8/14/03

Other  
Business a.

### Project No.

### Request to amend the Bellevue Community Plan: 2003 Update, the Major Street Plan, and the Collector Street Plan

Associated Case  
Council Bill  
Staff Reviewer

None  
None  
Wood

### Staff Recommendation

*Approve*

### REQUEST

### Amend the Bellevue Community Plan: 2003 Update.

### Background

The Planning Commission adopted the Bellevue Community Plan: 2003 Update on February 13, 2003. At that time, the Commission directed staff to attend to a number of follow-up items as well as other follow-up items identified by staff and Bellevue community representatives. These items were:

- Land use policy in the Old Harding Pike/Highway 100 Triangle Area
- The potential need for additional small office opportunity, particularly along Highway 70S east of Old Hickory Boulevard and Old Hickory Boulevard north of Highway 70S
- Major and Collector Street Plan Update
- Possible opportunities for traditional neighborhood development and conservation subdivisions

### Planning Process

Staff developed a work program for accomplishing the follow-up items and began meeting with Bellevue citizens in June. Six meetings were held to discuss the follow-up items, with one meeting for each topic plus a kick-off and a wrap-up meeting. Attendance at the meetings was good, with from twenty to forty people at each meeting.

With reference to the land use policy in the Old Harding Pike/Highway 100 Triangle area, the vast majority of participants decided they were in favor of limited commercial expansion on the southwest side of the commercial node, with a treeline forming the boundary between the commercial area and an office transition area between it and the residential neighborhood to the west. Staff also believes there is justification for some additional commercial opportunity at this location to serve Bellevue's primary



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growth area. Staff and participants also decided to eliminate the Detailed Neighborhood Design Plan for the area, since it will be of more limited utility with the change and because participants also decided they were opposed to some of its provisions, particularly attached housing.

With reference to the possible need for additional opportunities for small office parks in Bellevue, participants and staff decided there was already ample opportunity provided throughout Bellevue for small office park development. Further, several participants were concerned about the precedents that might be set by opening up portions of the Highway 70S and Old Hickory Boulevard corridors to office development.

With reference to the Major and Collector Street Plans, participants largely accepted the draft prepared by staff, but had one additional suggestion, which was to extend Temple Road (a collector) from Highway 100 to Old Harding Pike in order to provide more convenient access to the heart of Bellevue from Williamson County. Staff agreed with this suggestion and added it to the street plan. An additional recommendation was made by a Bellevue citizen who called in response to the public hearing notice. The citizen recommended that instead of Poplar Creek Road being reclassified from a collector to a rural two-lane arterial, South Harpeth Road should instead be so reclassified. Both these roads provide access to Cheatham County. After further analysis, staff decided that South Harpeth Road should be classified as a rural two-lane arterial and Poplar Creek Road should be classified as a collector. The reasons for this have to do with the spacing of north-south arterials in the area, the degree to which each of the roads serves property access, and the directness of the connection to Cheatham County.

With reference to traditional neighborhood development and conservation subdivision opportunities, participants decided that they did not wish to pursue these opportunities at this time. They prefer to wait until the implementing regulations have been developed. Moreover, they did not wish to predetermine locations for these types of development but rather preferred that they be decided on a case-by-case basis.



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### Amendments

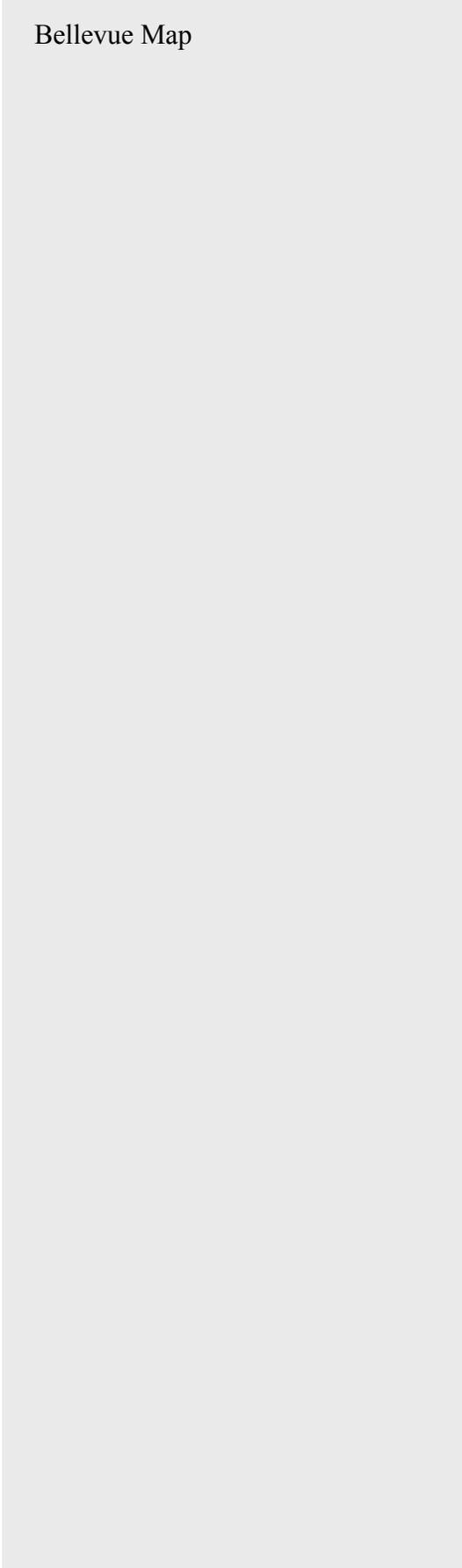
The proposed amendments are provided on the following pages. Briefly, the plan amendments:

- Make a land use policy change on the west side of the Highway 100/Old Harding Pike Triangle area to allow more limited commercial and office development. The location in question is on the south side of Highway 100 between the Kroger Center and the Pasquo Park subdivision.
- Reclassify South Harpeth Road from a Collector to a Rural 2-lane Arterial road in the Major Street Plan.
- Identify several new collector streets and street segments in the Bellevue area to be built as development occurs.



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Bellevue Map





**Project No.**  
**Associated Case**  
**Council Bill**

**Zone Change 2003Z-063U-11**  
None  
BL2003-1435 was referred back to the Planning Commission as amended to MUL.

**Staff Reviewer**

Leeman

**Staff Recommendation**

*Approve*

**APPLICANT REQUEST**

**Rezone 0.15 acres from office and residential (OR20) to mixed use limited (MUL) at 1204 3<sup>rd</sup> Avenue South, near the intersection of Chestnut Street and 3<sup>rd</sup> Avenue South.**

**Existing Zoning**  
OR20 district

Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre

**Proposed Zoning**  
MUL district

Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

**SUBAREA 11 PLAN POLICY**

Mixed-Use (MU) policy

MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

**Policy Conflict**

No. This property fall within the Subarea 11 Plan's Mixed Use (MU) policy calling for the use of existing residential structures as offices and various professional services that do not require substantial structural alterations. These policy objectives are particularly viable in this area since these properties are across from Dudley Park.

The Trimble Action Group (TAG), a local neighborhood group, has been working for several years with the Planning Department to preserve the area's historic structures and residential land uses.



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### RECENT REZONINGS

Yes. The Planning Commission recommended disapproval as contrary to the General Plan on May 22, 2003, of a request for CS zoning, finding the heavier commercial uses permitted within the CS district are not consistent with the MU policy. Extending CS zoning would encroach further into the residential areas to the south and consume more of the historic fabric of the area.

On October 12, 2000, the Planning Commission disapproved a rezoning request at 1009 and 1013 2<sup>nd</sup> Avenue South from R6 to MUL (2000Z-030U-11) which is north of this site. The Commission found that a Neighborhood Conservation Overlay (NCOD) district would be necessary, in conjunction with the MUL zoning, to implement the Subarea Plan. Since there was not an associated NCOD with the rezoning request, the Commission recommended disapproval to the Metro Council.

The current request to rezone to MUL is different from the previous request in that it is a request to change from OR20 to MUL in an area previously zoned for office uses, where the previous case (2000Z-030U-11) permitted further commercial encroachment into a residential area.

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### TRAFFIC

Based on typical uses in MUL, this proposed zoning could generate approximately 13 trips if developed as office and 168 trips per day if developed as retail. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

### Traffic Engineer's Findings

No exception taken.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-083G-8**  
None  
BL2003-1436  
Scott

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**Rezone 2.0 acres from industrial warehousing/distribution (IWD) to mixed use limited (MUL) district property, at 220 French Landing Drive.**

**Existing Zoning**  
IWD district

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

**Proposed Zoning**  
MUL district

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

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**ZONE CHANGE DETAILS**

The Planning Commission disapproved a request to rezone from IWD to MUG on June 26, 2003, and recommended the request be re-referred to the Planning Commission by the Metro Council. The ordinance was re-referred to the Commission on August 5, 2003, for consideration of a zone change to MUL district.

Staff's original recommendation was disapproval of a zone change to MUG but approval of a zone change to MUL district.

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**SUBAREA 8 PLAN POLICY**  
(NU) Neighborhood Urban

NU is intended to apply to existing areas with a diverse mix of residential and nonresidential uses that are envisioned to remain as such, and for emerging and future areas where a similar mix of development is planned. NU areas include single- and multi-family residential and civic and public benefit activities.

**Policy Conflict**

The NU policy allows the MUL district with an associated PUD and arterial street frontage. This parcel is already developed and this request would allow additional uses with an expansion to the existing building.



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Standard Policy 2, RE: Nonconforming Development, Chapter Three, Subarea Eight Plan Policy allows for the consideration of proposals in which “(1) the currently applicable land use regulations allow development that is not in conformance with the ‘structure plan’ and (2) the proposed change would apply regulations that would move toward conformance with respect to both the types and intensity of development intended in that ‘structure plan area’ based on the provisions in Table 12.” (Table 12 outlines the appropriate uses in this area).

This proposal is to change from a non-conforming zoning district in terms of policy to a zoning district that is closer to the type and intensity of development listed in the subarea plan.

Concern has been expressed to staff by landowners and tenants in the area that a “methadone clinic” would be permitted under the proposed rezoning. Such a clinic is defined as a “non-residential drug treatment facility,” which is permitted under the current IWD zoning, but would not be permitted under the proposed MUL zoning.

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### RECENT REZONINGS

Yes. On May 5, 1999, the Planning Commission recommended approval of a zone change (99Z-070U) request for parcel 10, Great Circle Road. On August 11, 1999, the Metro Council approved a rezoning of this property located to the north from IWD to MUG. This request was consistent with the subarea plan at that time.

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### TRAFFIC

Based on typical uses in MUL district approximately 22 to 576 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996) Other uses at different densities could generate more or less traffic.

### Traffic Engineer’s Findings

Approve

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### SCHOOLS

**Students Generated  
For MUL district  
Schools Over/Under Capacity**

**9 Elementary    6 Middle    5 High**

Students will attend Andrew Jackson Elementary School, Dupont-Hadley Middle School, and McGavock



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High School. Dupont-Hadley Middle School has 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. This information is based upon 2002-03 data from the school board.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-098U-05**  
None  
None  
Bond

**Staff Recommendation**

*Disapprove as contrary to the General Plan.*

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**APPLICANT REQUEST**

**Rezone 1.01 acres from multi-family residential (RM20) to office limited (OL) district at the intersection of Shelby Avenue and S. 5<sup>th</sup> Street.**

**Existing Zoning**

RM20 district

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

**Proposed Zoning**

OL district

Office Limited is intended for moderate intensity office uses.

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**SUBAREA 5 PLAN POLICY**

Residential Medium-High District (RMH)

RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate, but the most common types include attached townhomes and walk-up apartments.

**Policy Conflict**

Yes. OL is not consistent with the Subarea 5 plan's RMH policy. The Subarea 5 plan states that "The intent within this area is to conserve the existing housing, except for any units that may be removed through the reduction of densities, which is recommended, as feasible, for the public housing complexes." (Area 6c, p.86). This site is surrounded by multi-family and the Subarea Plan calls for continuation of these types of uses.

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**RECENT REZONINGS**

Yes, this property was rezoned from RM8 to RM20 in 1998 with the overall zoning update for the county. RM20 was the equivalent district.

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**TRAFFIC**

Based on trip generation numbers for OL districts, this proposal will generate 484 trips (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other



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### Traffic Engineer's Findings

uses at different densities could generate more or less traffic.

This property fronts S.5<sup>th</sup> Street and Shelby Avenue, but due to a grade difference, the only existing access point would be from S.4<sup>th</sup> Street through an alley.

A TIS was initially recommended by Public Works, however, this recommendation was reconsidered. Therefore, Public Works' recommendation is:

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.”



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-102U-10**  
None  
None  
Bond

**Staff Recommendation**

*Disapprove as Contrary to the General Plan.*

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**APPLICANT REQUEST**

**Rezone 0.29 acres from residential multi-family (RM40) to office residential (OR20) district property at 1502 18<sup>th</sup> Avenue South, approximately 100 feet north of Capers Avenue.**

**Existing Zoning**  
RM40 district

RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

**Proposed Zoning**  
OR20 district

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

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**SUBAREA 10 PLAN POLICY**

Residential Medium High (RMH)

RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate, but the most common types include attached townhomes and walk-up apartments.

Subarea 10 Plan, Area 6D

Area 6D in the Subarea 10 Plan is located west of Music Row, between Horton and Wedgewood Avenues. This area of residential development along both sides and west of 18<sup>th</sup> Avenue South should be conserved because of its historical character and significant contribution to the variety and quality of living accommodations in the immediate area of Hillsboro Village, Vanderbilt and Music Row.

**Policy Conflict**

Yes. The current zoning is consistent with the RMH policy. The proposed zoning district (OR20) is not consistent with the RMH policy in that it allows office uses. It is also inconsistent with the Area 6D guidelines and the existing zoning pattern on 18<sup>th</sup> Ave. South.

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**RECENT REZONINGS**

Yes, this property was rezoned from RM6 to RM40 in 1998 with the overall zoning update for the county.



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### TRAFFIC

#### Traffic Engineer's Findings

Based on the trip generation numbers for office-residential (OR20), this proposal will generate between 39 trips for residential uses and 111 trips for office uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

Trip generations will possibly be comparable, but cannot be determined without final development plan. Therefore, Public Works recommendation is: "With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations."

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### SCHOOLS

#### Schools Over/Under Capacity

0 Elementary    0 Middle    0 High

Students would attend Eakin Elementary, West End Middle School and Hillsboro High School. West End has been identified as being overcrowded by the Metro School Board. This information is based upon 2003-04 data from the school board.



**Project No.** 2003S-173G-03  
**Project Name** Fontanel  
**Associated Cases** None.  
**Staff Reviewer** Fuller

**Staff Recommendation** *Approve with conditions.*

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**APPLICANT REQUEST**

**Preliminary Plat** Subdivide 37.81 acres into a 14-lot subdivision with 31.86 acres of common open space.

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**ZONING**

R15 District R15 district allows single-family and duplex lots and requires a minimum lot size of 15,000 square feet.

RS20 RS20 district allows single-family lots and requires a minimum lot size of 20,000 square feet.

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**SUBDIVISION DETAILS**

**Existing Structures** There are two homes existing on the site that will remain - one each on proposed lots 8 and 14. An estate home exists at the rear of the remaining tract that will later be developed as Phase II and will use the existing drive between lots 3 and 4 for access. A barn located in the open space will be removed.

**Floodplain** Approximately 36 acres of the subdivision are encumbered with floodplain. Approximately 12.3 acres of the floodplain (66%) have been marked as undisturbed. The borrow area to fill the proposed lots is located on the east side of the creek.

**Greenway** A conservation easement has been shown on all of the land encumbered by floodway and the first 75 feet beyond the floodway on both sides of Whites Creek. A greenway easement has been shown in the last 25 feet along the outside edges of the conservation easement. The applicant has proposed this and has offered to construct the trail through this easement in exchange for not including the remaining land in the greenway easement.



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### Sidewalk Relief

The Metro Parks Staff has indicated that 100-feet from the top of the stream bank is necessary to construct an adequate greenway. Therefore, 100-feet on each side of the stream bed is required for the greenway.

Additionally, a 10-foot pedestrian easement in compliance with Section 2.6-1 G of the Subdivision Regulations is required from Whites Creek Pike to the greenway.

The applicant has requested sidewalk relief based on Section 2-6.1 C. of the Subdivision Regulations “in lieu fee” provisions. That section states that relief may be available if the property falls under one of seven provisions and where the construction of a sidewalk is not feasible or practical at the time of plat approval. The provision that the applicant has based their request on states that relief may be granted, “When the surrounding area within a .25 mile radius is predominantly without sidewalks and the installation of the sidewalks would be non-contiguous and not from intersection to intersection.” Staff recommends disapproval of the request for relief because the Planning Department has been advised by Metro Legal that this section of the Subdivision Regulations cannot currently be applied because an implementation mechanism is not in place.

### Sidewalk/Bike Lane Constructability

The sidewalk would continue approximately 1,050 ft. along the eastern margin of Whites Creek Pike. With the construction of sidewalks along Whites Creek Pike, a 12-foot wide right-of-way dedication is required. It should also be noted that Whites Creek Pike is included in the Vision Map of the Strategic Plan for Sidewalks and Bikeways. At this time there is not an adopted cross-section that would require the dedication of 4 additional feet of land for the bike lane.

Public Works requires a curb, gutter, grass strip, and driveway ramps to accommodate an ST-210 sidewalk. Multiple utility poles would need to be relocated and trees possibly removed.

### Staff Recommendation

Disapprove relief for the sidewalk. Alex Green Elementary School is within 500 feet of the southern edge of this property on the opposite side of Whites Creek Pike. There is a neighborhood commercial node



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### Public Works Recommendation

to the north. There is another subdivision (Cherry Grove, Map 49 Parcel 42) in review across Whites Creek Pike with 44 lots proposed for Phase I. The proposed subdivision has a smaller frontage, 327 feet, but has incorporated sidewalks into their plan. In addition, the bikeway compatibility index in the Strategic Plan for Sidewalks and Bikeways rates this section of Whites Creek Pike as very high.

Public Works has agreed to the joint use driveways to serve the proposed lots.

If no relief is granted for the sidewalk construction on Whites Creek Pike, Public Works will review construction plans for design and construction within the arterial designated U4 right-of-way for compliance with Public Works Standards. Prior to any work within the existing right-of-way, plans must be submitted to the Public Works Utilities Permitting Section for review and approval to obtain any required excavation and lane closure permits.

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### CONDITIONS

1. All areas in the floodplain or floodway designated undisturbed must be fenced off prior to the issuance of any grading permits.
2. The plat shall be revised to show a greenway easement dedication of 100 feet from the top of the creek bank on both sides of Whites Creek. The plat shall also show a 10-foot pedestrian access easement from Whites Creek Pike to the greenway easement.
3. A revised plat must be submitted including right-of-way dedication along Whites Creek Pike to U4 standards, if the sidewalk is required.
4. A revised plat must be submitted providing information on the amount of land encumbered by floodway, as well as revised calculations.



**Project No.**  
**Project Name**  
**Associated Cases**  
**Staff Reviewer**

**Subdivision 2003S-201G-06**  
**Westbrook Pointe Subdivision**  
None  
Fuller

**Staff Recommendation**

*Approve with conditions.*

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**APPLICANT REQUEST**

**Preliminary Plat**

Subdivide 31.6 acres into a 78 lot cluster subdivision, located on Highway 70, abutting Newsom Creek

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**ZONING**

**RS15 District**

RS15 district allows single-family lots and requires a minimum lot size of 15,000 square feet.

Cluster Lot Option

The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 square foot lots) to RS7.5 (minimum 7,500 square foot lots). The proposed lots range from 7,525 square feet to 15,667 square feet.

The applicant is utilizing the cluster lot option because the site is partially constrained by Newsom Creek, a blue-line stream, and floodplain. The cluster lot option is also intended to preserve significant vegetation within the open space areas for each phase.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase. The applicant meets this requirement and has shown no phases.

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**SUBDIVISION DETAILS**

The stream bed of Newsom Creek has been located in an Open Space Conservation Easement as was required as a condition of the Zoning Bill. There are 9.18 acres of the site encumbered by floodplain. The proposed plat proposes preserving 91% of the floodplain.

Two stub streets have been located on the north side of the property to allow for future development connections.



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### TRAFFIC ENGINEER'S FINDINGS

There are six "double-frontage" lots with the rear of the lots facing Highway 70. A Type "D" landscape buffer yard is required to screen the rear of the homes from the view of Highway 70.

1) Installation of northbound 12' left turn and 12' right turn lanes on McCrory lane with 100' storage length and transition per AASHTO standards. Comparison of existing conditions with only including the site traffic resulted in the same LOS E for the PM peak hour for existing and existing plus site traffic; however, vehicle queue increased 3 vehicles and time delay increased 10 seconds. Since the site traffic (when considered without other background traffic growth) does have impact, we are conditioning the installation of separate turn lanes.

2) At site access driveway and Hwy 70, install 11' left turn and 11' right turn lane exit lanes with 50' storage and AASHTO standard transition and 11' entering lane.

3) Install 12' eastbound left turn lane on HWY 70 at site access.

4) No road connection between the site and Old Charlotte will be allowed utilizing the existing ROW of Old Charlotte; lot layout was redesigned from previous submitted plan (at zoning stage) showing an access point at this location and addressed in previous zone change TIS. Current TIS does not distribute traffic at this location. If site plan changes then further analysis may be required.

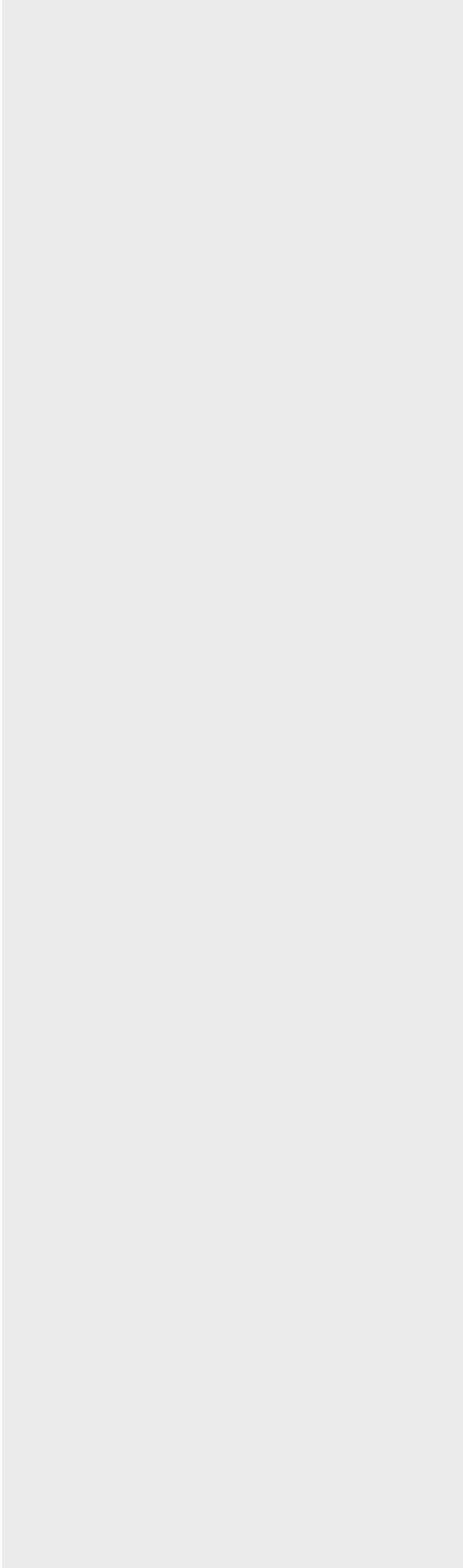
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### CONDITIONS

1. Installation of northbound 12' left turn and 12' right turn lanes on McCrory lane with 100' storage length and transition per AASHTO standards.
2. At site access driveway and Hwy 70, install 11' left turn and 11' right turn lane exit lanes with 50' storage and AASHTO standard transition and 11' entering lane.
3. Install 12' eastbound left turn lane on HWY 70 at site access.



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4. A revised plat including the floodplain acreage and the amount of the floodplain to be disturbed.



**Project No.**  
**Project Name**  
**Associated Cases**  
**Staff Reviewer**

**Subdivision 2003S-204U-10**  
**Woodmont Close Subdivision**  
None  
Fuller

**Staff Recommendation**

*Approve with conditions.*

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**APPLICANT REQUEST**

**Preliminary Plat**

Subdivide 2 lots on 1.23 acres into a 3-lot subdivision, located on the west margin on Woodmont Boulevard, approximately 1,400 feet south of Harding Road. All lots are proposed for duplexes.

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**ZONING**  
**R10 District**

R10 district allows duplex and single-family lots and requires a minimum lot size of 10,000 square feet.

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**SUBDIVISION DETAILS**

**Lot Frontage 2-4.2 A.**

Flag lots are generally not permitted by the Subdivision Regulations. In this case, the flag lots have been proposed to allow for a private drive to serve the three lots instead of a public street. Topographic conditions would require more disturbance of the site to introduce a public street than is required to construct the joint drive. The subject property is bounded on three sides by multi-family and cluster in-fill developments, with no options to continue a public street in the future.

In this particular case, there is a value to Metro not to create a new public street from a maintenance perspective. The private drive will also have less of a visual impact on the surrounding properties than a standard local street with a full cul-de-sac at the terminus. The Homeowner's Association will be required to maintain the private driveway.

**TRAFFIC ENGINEER'S FINDINGS**

No exception taken.

**STORMWATER DIVISION**

A homeowner's association must be created to maintain any stormwater detention/water quality feature that may be required.

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**CONDITIONS**

A final plat must be submitted for recording that shows the following:



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1. A note indicating that the garage doors of the proposed units shall be oriented so that they are not directly viewed from Woodmont Boulevard.
2. A label on duplex lots.
3. The subdivision number.



**Project No.**  
**Project Name**  
**Associated Cases**  
**Staff Reviewer**

**Subdivision 2003S-184U-07**  
**Grayken Subdivision**  
None  
Fuller

**Staff Recommendation**

*Approve with conditions.*

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**APPLICANT REQUEST**

**Preliminary and Final Plat**

Subdivide 8.07 acres into a two lot subdivision, located at the terminus of Wayside Court.

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**ZONING**  
**RS40 District**

RS40 district allows single-family lots and requires a minimum lot size of 40,000 square feet.

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**SUBDIVISION DETAILS**

**Lot Size 2-4.2 D.**

The Subdivision Regulations require that proposed lot area not exceed three times the minimum lot size stipulated in the Zoning Regulations (40,000 sq. ft.). Exceptions may be made when the land proposed for division contains terrain otherwise unsuitable for development- in this case steep slopes. The proposed lots are located at the end of a cul-de-sac where additional lots would not be feasible. Additionally, the other lots on the street range from 1.2 acres to 2.68 acres. The proposed lots (5.1 and 2.9 acres) are larger than those on the street, but will be closer in size to the neighboring lots than the original 8 acre lot.

**TRAFFIC ENGINEER'S FINDINGS**

No exception taken.

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**CONDITIONS**

A final plat shall be submitted for recording that shows the following:

1. A note that reads as follows: A public utility easement of twenty feet (20') adjacent to all street right-of-ways shall hereby be made a part of this recording. On corner lots where front yard building setbacks are less than twenty feet (20'), the easement depth shall be reduced accordingly.



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2. A 20- foot Public Utility and Drainage Easement adjacent to the Wayside Court R.O.W. drawn across the front of the two lots.
3. A note that states that individual water and sanitary sewer service lines is required for each parcel.



**Project No.**  
**Project Name**  
**Council bill**  
**Associated Cases**  
**Staff Reviewer**

**Planned Unit Development 192-69-G-12**  
**Hickory Plaza Kroger Store**  
None.  
None.  
Fuller

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**Revised Preliminary & Final PUD**

Request to revise the preliminary PUD plan and for final approval to permit a fuel pumping station at the existing Kroger store.

**Existing Zoning**  
SCR

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

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**PLAN DETAILS**

This request is to delete a condition requiring the relocation of the access to the existing Pizza Hut outparcel. The gas station will be part of the existing Kroger store and was approved by the Planning Commission on July 11, 2002, as a revision to the preliminary PUD plan. The plan includes four (4) pump islands, with no direct access to Old Hickory Boulevard, and a 100-square-foot kiosk. All access will be through existing private driveways on the Kroger site.

The plan approved in 2002 included the relocation of the Pizza Hut access as a condition. Staff was concerned about there being a conflict with the existing Pizza Hut access and the travel path of cars entering and exiting the fuel pumps. A condition was placed on the PUD approval for the proposed access to be relocated in the northeast corner of the Pizza Hut site to alleviate the conflict. Since then however, the owners of the Pizza Hut have not agreed to the relocation of their driveway.

Since the Traffic and Parking division of Public Works has approved the plan for the fuel pumps with the Pizza Hut driveway remaining at the existing location, staff recommends approval with the deletion of the condition requiring that driveway to be moved to the northeast corner of the site.



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The plan complies with Zoning Ordinance requirements, including a minimum street frontage of 100 feet, gasoline pumps that are at least 20 feet from the nearest property line and 20 feet from Old Hickory Boulevard.

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### TRAFFIC/CONDITIONS

#### Traffic Engineer's Findings

"Traffic and Parking has approved the plan."

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### RECENT REVISIONS/ APPROVALS

A revision to the preliminary and final PUD plan was last revised on July 11, 2002, to permit the fuel pump islands with conditions.

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### CONDITIONS

The Metropolitan Codes Department is also requiring several conditions to since the gas station at a retail facility is a relatively new concept in Nashville. This approval will be conditioned as follows, subject to a corrected plan to be received prior to the Planning Commission meeting:

1. Required restroom facilities for the retail store and gas station shall be located (or relocated) inside the main entrance of the retail store prior to the issuance of any building permit for the gas station.
2. The travel distance from the restroom facilities to the gas station kiosk shall not exceed 500 feet. "Travel distance" shall be measured along a pedestrian path of travel from the most remote point inside the kiosk to the doors of the restroom facility.
3. The kiosk shall not exceed 100 square feet.
4. The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store.
5. The gas station shall be on the same or contiguous parcel of land as the main retail store.
6. The employee operating the gas station shall be an employee of the retail store.
7. Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store.



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8. No customers shall be permitted in the kiosk.
9. The gas station and retail store shall remain under common ownership, management, or control. The gas station may not be operated independently of the retail store.
10. A fire hydrant is required to be within 500 feet of all portions of the fuel station.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Case**  
**Staff Reviewer**

**Planned Unit Development 84-85-P-06**  
**Biltmore PUD**  
None  
None  
Scott

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**Revised Preliminary & Final PUD**

Revise a portion of the preliminary and final PUD approval for a portion of the undeveloped Commercial PUD located abutting the north margin of I-40 east of McCrory Lane. This plan is to permit the realignment and construction of a portion of Newsom Station Road.

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**PLAN DETAILS**

The proposed plan is intended to coordinate development and required improvements between the Biltmore PUD and Riverwalk PUD.

This realignment of Newsom Station Road eliminates a 90 degree curve in the current plan. This proposal will divide the property so that a commercial parcel will be located south of Newsom Station Road.

The Riverwalk PUD, located east of the Biltmore PUD, includes conditions for off-site improvements at the intersection at Newsom Station Road and McCrory Lane. These conditions include a traffic signal and dedicated right and left turn lanes on both Newsom Station Road and McCrory Lane. The Riverwalk PUD approval required these improvements to be completed at the 120<sup>th</sup> building permit of the build out.

In order for the conditions of the Riverwalk PUD to be met, the road improvements would have to be constructed in the near future at the current location of the Newsom Station Road and McCrory Lane intersection. The Biltmore PUD requires this intersection to be relocated to the north. Under this scenario the improvements would have to be made a second time. Approval of the proposed plan will allow these improvements to happen once and in the ultimate location of the intersection. Public Works has granted a time extension to June 2004, for the completion of the road improvements as long as they are properly bonded.



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The proposed plan for realignment is consistent with the approved preliminary.

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### TRAFFIC ENGINEER'S FINDINGS

Submit a preliminary traffic signal design to insure that the sidewalks, traffic islands, signal poles locations and etc. can be coordinated on the final construction plans.

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### CONDITIONS

1. A bond is required for the realigned portion of Newsom Station Road and the improvements to McCrory Lane. The following improvements, a right turn lane from McCrory Lane onto Newsom Station Road, a right turn lane from Newsom Station Road onto McCrory Lane, and a left turn lane from Newsom Station Road onto McCrory Lane, are already bonded with the Riverwalk PUD. Bonding these improvements with the Biltmore PUD will allow a reduction in the Riverwalk PUD bond. The Riverwalk PUD will bond for the traffic signal when traffic counts warrant it.
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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. Prior to final plat approval, a sidewalk must be included along the north side of Newsom Station Road on the final plat.
5. A preliminary signal plan must be submitted for review prior to final plat recordation.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Case**  
**Staff Reviewer**

**Planned Unit Development 102-86-P-06**  
**Riverside Manor Residential PUD**  
None  
None  
Mitchell

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**Final PUD**

Request for final approval for Phase 6 of the Residential PUD to permit 10 single-family lots located along a cul-de-sac drive named Glenleigh Court, south of Northridge Drive.

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**PLAN DETAILS**

This plan matches the preliminary plan, as revised, which was approved on December 17, 1991. The plan proposes sidewalks along both sides of Glenleigh Court, which will tie-in directly with sidewalks located along Northridge Drive. It should be noted that a gap in the lots located along the cul-de-sac allows for ingress and egress for an existing home that is centrally located within the PUD, around which the original PUD was designed.

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**TRAFFIC ENGINEER'S FINDINGS**

Approve

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**CONDITIONS**

1. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services shall forward confirmation of final 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.



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3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before 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 (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Case**  
**Staff Reviewer**

**Planned Unit Development 88P-068G-13**  
**Nashboro Square Commercial Center PUD**  
None  
None  
Scott

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**  
**Final PUD**

A request for final PUD approval for a portion of the Commercial PUD overlay to permit the development of a 3,200 square foot restaurant at the corner of Murfreesboro Pike and Brooksboro Place.

**Existing Zoning**  
R10/Commercial PUD

This is a grandfathered PUD approved by the Metro Council in 1988, and revised on December 12, 2002, by the Planning Commission.

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**PLAN DETAILS**

The approved preliminary plan, dated January 7, 2003, allows a maximum of 3,500 square feet of restaurant development or a maximum of 7,000 square feet of retail development for this lot. The proposed plan is consistent with the approved preliminary plan in terms of building layout, square footage, and access.

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**CONDITIONS**

1. 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.
2. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
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.



## Metro Planning Commission Meeting of 8/14/03

4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes
5. Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
6. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for public improvements.
7. Include a sidewalk to connect the public sidewalk along Brooksboro Place with the handicap striped path located between the handicap parking spaces.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Case**  
**Staff Reviewer**

**Planned Unit Development 2003P-004U-07**  
**Patina PUD**  
None  
None  
Bond

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**Revised Preliminary & Final PUD**

A request to revise the preliminary PUD and for final approval of the PUD located at 224, 226, and 228 Orlando Avenue.

**Existing Zoning**

RS3.75 district/Residential PUD

The preliminary PUD was approved by Council in January 2003 and includes 15 single-family units. RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre.

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**PLAN DETAILS**

Richland Creek Floodway and Floodplain

The applicant is requesting a revision to the preliminary plan and final approval to permit the development of 14 single-family lots, replacing the approved 15 single-family lots.

The applicant is providing the required 50-foot floodway buffer from the edge of the floodway. In addition to the 50-foot buffer from the floodway, the applicant is also providing an additional 25-foot greenway easement to the edge of the new road. The greenway buffer will be narrower than 25 feet where it would otherwise come onto the roadway as approved on the preliminary PUD plan. The "Dedicated Conservation/Greenway Public Access Trail Easement Area" through the development shall be labeled as such on the final plat.

Existing Roadways and Sidewalks

The applicant is providing sidewalks along the existing Orlando Avenue through a pedestrian easement as was approved on the preliminary PUD plan. The applicant will not widen the pavement on Orlando Avenue. Currently, Orlando Avenue has a pavement width of 20 feet.

New Roadways and Sidewalks

New roads within this subdivision will be constructed to Public Works standards for a minor local road. The



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roads within this subdivision will be private and maintained by the homeowners association. Patina Circle should also be labeled as a private street. The applicant is providing a stub street to the adjacent property to the south for similar future development. These sidewalks end at the culvert on the west side of Patina Circle. Sidewalks also extend on both sides of Patina Circle and end on the west side at lot 5 and the east side extends to the property line of lot 12.

### Public Works Recommendations

1. Sidewalk, as shown, is located on private property along Orlando Avenue frontage. Orlando Avenue needs 9 feet of ROW dedicated on each side to bring total ROW from 32 feet to desired 50 feet. Dedicating 9 feet of ROW on Patina side of ROW should place proposed sidewalk inside of ROW.
2. Sidewalk should extend to the edge of property, if public sidewalks are required to be included by Metro Planning.
3. During the review of the preliminary Patina PUD, additional ROW was requested, along with possible road widening of Orlando Ave. At that time, sidewalk was not shown on Orlando Avenue.
4. If the private street is to receive a name, then it must meet Public Works specifications. While street geometry make it unfeasible to build a Metro street, engineer should call out a pavement course similar to ST-251, and designate the proposed street as private. Delete the South and West parts of the street.
5. The detail dimensions do not comply with ST-263 alley specifications. Either use correct dimensions, or delete reference to ST-263 for this private alley.
6. Include stop sign, two street name signs, and a dead-end sign.
7. The Public Works recommendations included construction along Orlando Ave. to be per Public Works standards including curb and gutter, grass furnishing strip and a 5 feet public sidewalk within



## Metro Planning Commission Meeting of 8/14/03

constructed per Public Works current standards (no construction plans have been submitted for review) even though they are proposed to be private streets and alleys.

8. Prior to any work within the existing right-of-way, plans must be submitted to the Public Works Utilities Permitting Section for review and approval to obtain any required excavation and lane closure permits.

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### CONDITIONS

1. 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.
2. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
3. The Homeowner's Association must maintain all private roads and sidewalks.
4. Final plat must show a 50-foot floodway buffer and an additional 25 feet for a greenway easement. In areas where the 25 foot buffer intersects a lot or the roadway the 25 foot buffer will be adjusted to under 25 feet until the lot or roadway no longer intersect the buffer.
5. Staff is recommending conditional approval with a sidewalk variance for a portion of the sidewalk along Orlando Avenue due to a culvert near Richland Creek. Staff is also recommending conditional approval with a variance for the sidewalk along that portion of Patina Circle adjacent to Richland Creek due to nearby greenway access.
6. The proposed private street (Patina Circle) shall be designed and constructed as per the Council-approved preliminary PUD.



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7. Prior to any work within the existing right-of-way, plans must be submitted to the Public Works Utilities Permitting Section for review and approval to obtain any required excavation and lane closure permits.



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

**Mandatory Referral 2003M-087U-10**  
**Acceptance by Metro of the Music Row**  
**Roundabout Sculpture**

**Council Bill**  
**Staff Reviewer**

BL2003-1531  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

An Ordinance authorizing the installation within the public right-of-way of a certain sculpture and accepting the donation of that sculpture upon completion of the installation, as requested by the Metro Department of Finance, Real Property Services.

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**DEPARTMENT AND AGENCY COMMENTS**

The Metropolitan Development & Housing Agency (MDHA) is proposing to permanently install a sculpture work of art in the center of the Music Row Roundabout right-of-way. Following complete installation, MDHA will donate the sculpture to Metro Government – which this bill authorizes that acceptance.

The design was previously approved by an ad hoc Art Design Review Committee and affirmed by the Metro Arts Commission.

Planning Department staff recommends that the Planning Commission approve the ordinance.



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

**Mandatory Referral 2003M-088U-11**  
**License Agreement between**  
**Metro Government and N&E Railroad**

**Council Bill**  
**Staff Reviewer**

None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

An Ordinance authorizing the Mayor to enter into a license agreement with Nashville & Eastern Railroad Corporation to allow Metro Public Works to install an electric line across the railroad right-of-way and under the railroad tracks at Milepost .04, located on Map 94-09, and requested by the Metro Department of Law for the Department of Public Works.

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**DEPARTMENT AND AGENCY COMMENTS**

Planning Department staff supports the proposed ordinance and recommends approval to the Metro Planning Commission. This request was not distributed to other Metro agencies for review because it does not affect Metro property or easement interests.



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

**Mandatory Referral 2003M-089G-14**  
**License Agreement for Wal-Mart**  
**Recycling Bins**

**Council Bill**  
**Staff Reviewer**

None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

An Ordinance to allow Metro Public Works to place 14 recycling bins at Wal-Mart #710, located at 4101 Lebanon Pike, abutting the southeast corner of Lebanon Pike and Old Hickory Boulevard, as requested by the Metro Department of law for Public Works.

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**DEPARTMENT AND AGENCY COMMENTS**

Planning Department staff supports the proposed ordinance and recommends approval to the Metro Planning Commission. This request was not distributed to other Metro agencies for review because it does not affect Metro property or easement interests.



**Project No.**  
**Project Name**  
**Council Bill**  
**Staff Reviewer**

**Mandatory Referral 2003M-095U-09**  
**B.B. King's Blues Club Sign Encroachment**  
None  
Mitchell

**Staff Recommendation**

*Approve with Conditions*

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**APPLICANT REQUEST**

A request to install a sign, measuring 7.75 feet tall by 4 feet wide, to project over the public sidewalk approximately 5 feet and a minimum of 10.5 feet above the sidewalk for the B.B. King's Blues Club, owned by the Beale Street Blues Company, to be located at 152 2nd Avenue North, and as requested by August Enterprises, Inc., representative and sign company.

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**APPLICATION REQUIREMENTS**

**License to Encroach Agreement**

Yes – one was submitted.

**Insurance Certificate**

Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 for aggregate coverage, as required by Metro Legal.

**Property Owner Sign Application**

Yes

**Tenant Sign Application**

No

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**DEPARTMENT AND AGENCY COMMENTS**

This item is recommended for approval by Metro Public Works. Planning staff supports the requested encroachment.

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**CONDITIONS**

The sign company is acting on behalf of the restaurant for this application. In doing so, the sign company inadvertently submitted their own insurance certificate to go along with the license agreement. Since the restaurant owner has agreed to be the party indemnifying Metro Government instead of the property owner, the restaurant must submit a new license agreement which matches the coverage amounts originally provided by the sign company. This new certificate must be submitted prior to receiving approval of the Resolution by Metro Council.



## Metro Planning Commission Meeting of 8/14/03

