



Project No.

Zoning Text Changes 2004Z-009T & 2004Z-017T

Associated Case

None

Council Bill

BL2004-237

Council District

Countywide

Requested by

Councilmember Feller Brown

Staff Reviewer

Regen

Staff Recommendation

***Disapprove** existing proposed bill(2004Z-009T); **Approve** proposed substitute bill along with housekeeping bill (2004Z-017T).*

Note: A community discussion will occur at the Main Library downtown on Monday, August 30, 2004 on the proposed substitute and housekeeping bills.

APPLICANT REQUEST

Amend Zoning Code to limit residential development in floodplains and floodways. Clarify and cross-reference sections relative to floodplain development standards.

This staff report has been divided into several analysis sections: Existing Law, Proposed Text, Options, and Staff Recommendation.

OPTIONS

There are several options the Planning Commission may wish to consider in evaluating this proposed bill. The options listed below will be discussed in greater detail at the end of this report:

Option A: Recommend approval of the bill “as is”.

Option B: The Commission may want to request the bill sponsor hold some community meetings concerning the bill with developers, affected property owners, affected councilmembers, and neighborhood groups to receive feedback on it.

Option C: The Commission may want to consider a substitute bill submitted to staff that the sponsor intends to file with the Metropolitan Clerk.

Option D: Any combination of options A, B, and/or C.

ANALYSIS



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Existing Law

Currently, residential development is permitted in floodplain areas. Property owners are required to preserve 50% of the natural floodplain, and the remaining 50% is eligible for development. Example: 100 acres of land of which 50 acres is in the floodplain. Presently, the property owner would be required to preserve 25 acres, with the remaining 25 acres eligible for development. Developers may voluntarily select to do a cluster-lot subdivision which allows a transfer of density on the preserved floodplain to other developable portions of the property. The resulting transfer gives a perceived bump in density because the preserved floodplain area is counted as if it can be developed, when in fact it cannot be.

Proposed Text Change

This council bill, as filed, proposes to prohibit residential development on portions of property encumbered by floodway or floodplain in all zoning districts, except in limited situations such as AG, AR2a, R/RS80, and R/RS40. It would also make unavailable the residential cluster-lot option for parts of properties encumbered by floodplain. Bill would affect several thousand properties in Davidson County.

See table below comparing text of existing Zoning Code to council bill to proposed substitute council bill. The housekeeping bill merely provides cross-referencing and clarification to other sections of Zoning Code in light of the substitute bill.



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CURRENT ZONING CODE	BILL FILED	PROPOSED SUBSTITUTE BILL
Preserve 100% of the floodway area.	No change.	No change.
Preserve 50% of the floodplain area.	No change.	No change.
Permit development within the remaining 50% of the floodplain area.	No change.	No change.
Permit limited encroachments into the preserved natural floodplain no greater than 20% of the floodplain area.	No change.	Same as "Existing". In addition, for residential lots---in lieu of the twenty percent maximum, an applicant may request a variance to permit up to five residential (5) lots to encroach, in whole or in part, into the preserved natural floodplain provided each lot is equal to, or larger than (a) 30,000 square feet, or (b) the minimum lot area permitted by the base zoning district, whichever results in the largest lot, however, no lot shall exceed five (5) acres in size.
Residential lot size controlled by base zoning or cluster-lot provisions.	Permit single-family and two-family dwellings only in the AG, AR2a, R/RS80, and R/RS40 districts.	Require all lots within any floodplain area to be equal to, or larger than (a) 30,000 square feet, or (b) the minimum lot area permitted by the base zoning district, whichever results in the largest lot.**
Permit cluster-lot developments within floodplain areas.	Prohibit cluster-lot developments.	Prohibit cluster-lot developments.
No exceptions to floodplain/floodway standards.	No change.	Permit exceptions to standards if a PUD or UDO is submitted to the Planning Commission and approved by the Metro Council. Permit transfer of residential density from floodplain area at rate equal to that described above**.

OPTIONS *Option A*

Adopt "As Is". If the Commission were to recommend approval of the bill "as is", the amendments would not be administratively workable in their present form. In addition, the bill appears to have some unintended consequences.

- It appears to increase density in the AR2a, AG, and R/RS80 districts by requiring a minimum lot size of 1 acre; however, these districts require a 1.8-acre, 2-acre or 5-acre minimum lot size, respectively.
- It appears to decrease density in the R/RS40 district by requiring a 1-acre minimum lot size where only 40,000 square feet is required presently.
- It appears to modify two-family dwellings in the AG and AR2a districts by permitting them by right; currently, they are permitted with conditions (PC).
- It may potentially decrease Metro's future efforts to complete the greenway network. Developers who voluntarily select the cluster-lot option that allows transfer of density off of the floodplain often record either a dedication of land, or an easement on their property, for greenway purposes.
- It does not modify Section 17.36.060 concerning PUDs. Without modifying it, cluster-lot PUDs would be permitted



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for floodplain properties since where a conflict in standards exists between the PUD provisions and other sections of the Zoning Code, the PUD provisions prevail.

Option B

Community Input. After receiving the staff recommendation on June 24, 2004, the sponsor has scheduled a community meeting on Monday, August 30, 2004, to be held at the Main Library downtown at 6:00 p.m. This meeting is open to the public to received feedback on the proposed legislation.

Option C

Substitute Bill. The Commission may want to consider a draft substitute bill which the sponsor provided staff. This substitute bill addresses most issues raised in Option A above. Given the original bill caption limited changes to Section 17.28.040, a second draft bill was submitted by the sponsor to staff to address the housekeeping items related to clarification and cross-referencing in the Zoning Code. See attached bills.

Option D

Combination. The Commission may want to combine one or more of the options above in its recommendation to the Metro Council.

Staff Recommendation

Disapproval. The council bill as filed, Option A, does not adequately address the various Zoning Code sections that pertain to the review and approval of development within the floodway/floodplain. In its present form, the proposed amendments are not administratively workable.

Approve the proposed substitute and housekeeping bills, and request the sponsor refer bills back to the Planning Commission after 2nd Reading, if any significant issues arise from community meeting to be held on Monday, August 30, 2004 at 6:00 p.m. in the Main Library.



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SUBSTITUTE ORDINANCE NO. BL2004-237

An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending Section 17.28.040 by limiting housing development in floodplains and floodways, all of which is more particularly described herein (Proposal No. 2004Z-009T).

WHEREAS, Substitute Ordinance BL2002-2021 was adopted by the Metropolitan Council and became effective on April 5, 2003;

WHEREAS, development within the floodplain may occur provided development does not jeopardize the long-term, environmental viability of rivers and creeks within Davidson County nor the Metropolitan Government of Nashville and Davidson County's eligibility for federal or state-funded flood insurance or other forms of disaster relief.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. By amending Section 17.28.040, subsections A, B, and F, "Floodplain/Floodway Development Standards", by **modifying** text as follows:

- A. Preserved Floodplain. ~~Except as noted below, a~~All development proposed on property that is not developed, as defined herein, encumbered by natural floodplain or floodway, as of ~~April 5, 2003 the effective date of this ordinance,~~ shall leave a minimum of fifty percent of the natural floodplain area, including all of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater, undisturbed and in its original, natural state. The preserved floodplain shall be adjacent to the floodway or, as otherwise approved by the zoning administrator or by the metropolitan planning commission if the property is the subject of a subdivision or rezoning application. The clearing of trees and brush within the undisturbed area shall be prohibited. For purposes of this subsection, a portion of a lot shall be deemed to be developed if a grading or building permit has been issued or, if a portion of the lot has been disturbed by grading or, if a portion of the lot is improved with any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot including, but not limited to, roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay. Evidence that a portion of the property is developed shall include grading or building permits and/or aerial photographs. Absent grading or building permits, a lot shall not be deemed developed under this section if the use of the property was for agricultural activities.
- B. Limited encroachments into the preserved natural floodplain may be authorized as a variance by the Board of Zoning Appeals following a written recommendation from the Stormwater Management Committee, as provided in Chapter 17.40, Article VIII of this title and ~~Stormwater Management Committee, as set forth in~~ Section 15.64 of the Metropolitan Code of Laws. Such variances shall be approved only if the ~~Committee~~ Board



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of Zoning Appeals finds that the encroachment reduces the flood danger or would improve and enhance the environmental quality of the affected floodplain section. Of the fifty percent of the natural floodplain area required to be preserved, Variances shall not be approved for greater than twenty percent of this the floodplain area, except for residential lots, in lieu of the twenty percent maximum, an applicant may request a variance to permit up to five (5) lots to encroach, in whole or in part, provided each lot is equal to, or larger than (a) 30,000 square feet, or (b) the minimum lot area permitted by the base zoning district, whichever results in the largest lot, however, no lot shall exceed five (5) acres required to be preserved. See Table 17.20.040.A for encroachment examples.

Table 17.28.040.A: Encroachment Examples

Total site acreage	100 acres	45 acres	13 acres	3 acres	
Amount of site containing natural floodplain/floodway	50 acres	10 acres	6 acres	3 acres	
Amount of site that must be designated as preserved natural floodplain/floodway area	50% or 25 acres	50% or 5 acres	50% or 3 acres	50% or 1.5 acres	
Amount of site that can be graded, manipulated, and developed	50% or 25 acres	50% or 5 acres	50% or 3 acres	50% or 1.5 acres	
Maximum encroachment permitted by a variance into preserved natural floodplain/floodway area	20% or 5 acres; or 5 lots*	20% or 1 acre; or 5 lots*	20% or .60 acres; or 5 lots*	20% or .30 acres; or 5 lots*	* Residential lots only.

- F. Residential Development. Residential development on property encumbered by natural floodplain or floodway ~~as of April 5, 2003 on the effective date of the ordinance codified in this section~~ shall comply with the following, except for the installation of streets and utilities where required by the planning commission to alleviate an undue hardship:
1. Single or Two-Family Lots. ~~Land area designated as natural floodplain or floodway on the effective date of said section~~ After the fifty percent of the natural floodplain area has been preserved, the remaining fifty percent may be subdivided provided that each residential lot is equal to, or larger than (a) 30,000 square feet, or (b) the minimum lot area permitted by the base zoning district, whichever results in the largest lot. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of public works.
 2. Cluster Lots. The cluster-lot option shall not be used within any proposed manipulated areas of the original natural floodplain.
 3. Alternative Design Plan. Any development (including all phases) that proposes residential lots which deviate from the standards established in this subsection shall submit for metropolitan council approval, a planned unit development district or urban design overlay district application, as provided below in Chapter 17.36 and Article XIII of this title. Approval of any such application shall not increase the number of lots that would otherwise be permitted under subsection F.1 of this section. Prior to planning commission consideration of the development, the Stormwater Management Committee shall provide a written recommendation to the planning commission based on the proposed development complying with all of the following criteria:
 - i) The development does not jeopardize the long-term, environmental viability of rivers and creeks within Davidson County;



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- ii) The development does not jeopardize the Metropolitan Government of Nashville and Davidson County's eligibility for federal or state-funded flood insurance or other forms of disaster relief;
- iii) The development does not inhibit, prevent, constrain, restrict, or impede the design or construction of any greenway or park as shown on the adopted general plan; and,
- iv) The development does not create or materially increase a flooding hazard to persons or other property located within the natural floodplain and/or floodway area.

SECTION 2. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

MEMBER OF THE METROPOLITAN COUNCIL

MEMBER OF THE METROPOLITAN COUNCIL



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ORDINANCE NO. BL_____

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending various sections relative to cross-referencing and clarification of floodplain and floodway development standards, all of which is more particularly described herein (Proposal No. 2004Z-017T).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. By amending Section 17.36.060.A, "Relationship to Other Requirements", for a planned unit development district, by adding to the last sentence of that subsection, the following:

"...In case of conflict between the standards of this article and other chapters of this zoning code, the provisions of this article shall control, except as provided in Section 17.28.040."

SECTION 2. By amending Section 17.36.070.B, "Residential Standards: Common Open Space", for a planned unit development district, by **adding** the following text:

B. Common Open Space. Except for those portions of a master development plan required for the installation of streets and essential utilities, the following areas shall be designated as common open space and protected by a recorded plat in accordance with Sections 17.28.040 and 17.40.120.

SECTION 3. By amending Section 17.36.080, "Non-Residential and Mixed-Use Standards" for a planned unit development district, by **modifying** the section title and **inserting** the following text:



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Multi-family, Non-residential, and mixed-use standards.

C. Floodplain development. Any master development plan proposing to disturb, alter, modify, change, or encroach on any portion of the natural floodplain and/or floodway area shall comply with Section 17.28.040 of this title.

SECTION 4. By amending Article VIII, "Urban Design Overlay District", by **adding** a new section, "17.36.305" as follows:

17.36.305 Floodplain development.

Any design plan proposing to disturb, alter, modify, change, or encroach on any portion of the natural floodplain and/or floodway area shall comply with Section 17.28.040 of this title.

SECTION 5. By amending Section 17.40.120.F.1b, "Changes to a Planned Unit Development District", by **adding** the text that follows:

1b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance, or any floodplain encroachment specified by the enacting ordinance or shown on the council approved plans, shall be authorized by council ordinance;

SECTION 6. By amending Section 17.40.130.E, "Changes to an Urban Design Overlay District", by **adding** the text that follows:

E. Changes to an Urban Design Overlay District. An application to modify an approved urban design overlay district shall be filed with the planning commission. The planning commission shall review all proposed changes according to the procedures of subsection C of this section. A proposed



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change in the geographic boundary of an urban design overlay district on the official zoning map or any floodplain encroachment approved pursuant to Section 17.28.040.B shall be considered by the council according to the procedures of Article III of this chapter (Amendments).

SECTION 7. By amending Section 17.40.530, "Zoning Permit Application", by **modifying** the text that follows:

B. For development within a floodplain overlay district or containing natural floodplain or floodway as provided in Section 17.28.040, prior to approval of a grading and drainage plan by the department of water services~~public works~~;

SECTION 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

MEMBER OF THE METROPOLITAN COUNCIL

MEMBER OF THE METROPOLITAN COUNCIL



Project No.
Project Name

Zoning Text Change 2004Z-018T
Text Amendment to Require Council
Approval to Waive Payment of Fees for
Zoning Applications

Council Bill
Requested By

BL2004-339
Councilmember Ludye Wallace

Staff Reviewer
Staff Recommendation

Kleinfelter
Because this ordinance deals with an issue of Metro Council policy, staff recommends that the Commission take no official position on the bill.

APPLICANT REQUEST

A Council Ordinance amending Title 17 of the Metropolitan Code, by amending Section 17.40.740 by requiring specific council approval for waiving the payment of fees required except on applications by governments, requested by Councilmember Ludye Wallace.

APPLICATION DETAILS

Section 17.40.740 B. provides that fees for processing zoning applications “shall be waived . . . [for] any large area rezonings initiated by the planning commission or metropolitan council to implement the general plan.” The proposed ordinance would delete this subsection and replace it with a section that states: “Except as provided above, no other fees shall be waived unless specifically provided in a resolution adopted by the Council by twenty-one (21) or more affirmative votes.”

In addition to deleting the language that requires a waiver of fees for zoning applications initiated by the Council, the ordinance deletes the same language relative to the Planning Commission. Subsection A. of Section 17.40.740 provides, however, that fees shall be waived for applications initiated by government agencies, including “department of the metropolitan government.” This language, which remains in the Metro Code, would permit the Planning Department to continue to initiate zoning applications without the requirement of paying the applicable fees.

Under the existing ordinance, there often is uncertainty about whether a fee should be charged for zoning applications that are initiated by members of Council. The ordinance refers to an application initiated by the “metropolitan council,” so it is unclear whether



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Staff Recommendation

applications received from individual members of Council should be eligible for waiver of the fees. The current ordinance also refers to “large area rezonings,” which is a subjective term that can be difficult to apply.

Although the current ordinance is somewhat difficult to apply, staff recommends that the Commission neither vote to approve or disapprove this proposed ordinance. Fees that are paid for zoning applications are deposited into the Metro General Fund and are not earmarked for Planning Department functions. Whether the Council is subject to the fees, and/or the mechanism for that body to determine when the fees will or will not be paid, appears to be an issue that should be determined by the Metro Council.



Project No.
Project Name
Associated Cases
Council District
School District
Requested By

Subdivision 2004S-206G-02
Bell Grimes Subdivision

None
3- Hughes
3- Pam Garrett
Nadine Cummings, owner, Dale and Associates, surveyor.

Deferral

This item was deferred at the July 22, 2004, and August 12, 2004, MPC meetings at the request of the applicant.

Staff Reviewer
Staff Recommendation

Leeman
Approve

APPLICANT REQUEST
Preliminary Plat

Subdivide 21 acres into 39 single-family lots along north side of Bell Grimes Lane and the east side of Brick Church Pike.

ZONING
RS20 District

RS20 district, requiring a minimum lot size of 20,000 square feet and intended for single-family dwellings at an overall density of 1.85 dwelling units per acre.

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 RS20 (minimum 20,000 sq. ft. lots) to RS10 size lots (minimum 10,000 sq. ft. lots). The applicant is not allowed to increase the number of lots, however.

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 plan proposes 8.4 acres of open space (40%), which complies with this provision.

SUBDIVISION DETAILS

The project proposes the only access for the subdivision to be on Bell Grimes Lane, with two stub-streets to adjacent properties to the north and south. There is no access proposed to Brick Church Pike since that would require crossing a stream and because there are serious sight distance problems along the portion of Brick Church Pike.

TRAFFIC
PUBLIC WORKS
RECOMMENDATION

No Exception taken.



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1. Note Subdivision Regs. call for 100 foot min. between reverse curves.
2. Subject to construction plans [with final].
3. Due to connectivity and undeveloped adjacent land, submit access study prior to review.

CONDITIONS

1. An access study must be submitted prior to final plat approval.



Project No.
Project Name
Associated Cases
Council District
School District
Requested By

Subdivision 2004S-235U-10
Overton Hills
None
25 - Shulman
8 – Kathleen Egerton Harkey
William Owen, owner and John Kohl and Company, surveyor.
Deferred from the August 12, 2004, agenda.

Deferral

Staff Reviewer
Staff Recommendation

Fuller
Approve with conditions, including a sidewalk variance

APPLICANT REQUEST
Preliminary Plat

Request to create 2 lots from an existing 0.8 acre parcel, located on the south side of Castleman Drive, approximately 200 feet west of Hood Avenue.

ZONING
R15 District

R15 district, requiring a minimum lot size of 15,000 square feet for single -family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS

The lot comparability provisions in the Subdivision Regulations require lots in areas that are predominantly developed to be generally in keeping with the lot frontage and lot area of surrounding lots. Lot comparability may not be required if a smaller lot size is consistent with the General Plan.

Lot comparability analysis of the relevant lots yielded a minimum allowable lot size of 17,714 square feet and a minimum allowable frontage of 94.5 feet. Proposed Lot 8 passes both tests, while Lot 7 fails them both with 16,444 square feet of area and 83.10 feet of frontage. The lots qualify for a waiver from the regulations, however. The lots are located within a one-half mile radius of the Green Hills Regional Activity Center (RAC) policy and they are consistent with the adopted Residential Low Medium (RLM) land use policy of 2-4 dwelling units per acre.

SIDEWALK VARIANCE REQUEST

A sidewalk variance has been requested along Castleman Drive. The existing pavement is approximately 21 feet wide. Drainage is handled through roadside ditches. The addition of a sidewalk,



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curb and gutter would also require 2 additional feet of roadway.

Staff recommends approval of the sidewalk variance. This section of sidewalk, approximately 177 feet in length will require moderate reconstruction of the roadway with curb and gutter for a relatively short section of sidewalk in a mid-block location, which is inconsistent with good planning and design.

PUBLIC WORKS RECOMMENDATION

No exception taken.

CONDITIONS

A revised plat needs to be submitted by 8/26/2004 showing the following:

1. A note that the property is located on FEMA Community Panel #470040 0327 F, Dated 4/20/01.
2. A purpose note.
3. The standard excavation note (78-840).
4. The standard Stormwater Management preliminary plat note.
5. Existing topographic information.
6. Dimension the right-of-way.
7. Note stating that the existing driveway is either to be relocated or used as a shared driveway by both lots.
8. The revised plat need to either relocate the new property line so that the existing porch does not cross over the new property line or encroach into the setback, or a note needs to be added to the plat stating: "The existing porch is to be relocated/moved so as not to touch the new property line or encroach into the side setback line."
9. A note shall be added to the face of the plat stating that only single-family homes will be allowed on each new lot.



Project No.
Project Name

Subdivision 2004S-219U-10
Henry Sperry Subdivision,
Second Resubdivision of Lot 1

Associated Cases
Council District
School District
Requested By

None
25 - Shulman
8 – Harkey
Mike Nixon, owner and John Kohl and Compnay surveyor.

Deferral

This item was deferred at the request of Councilmember Shulman at the August 12, 2004, Commission meeting.

Staff Reviewer
Staff Recommendation

Fuller
Approve with conditions

APPLICANT REQUEST
Preliminary Plat

Request to create 2 lots from an existing 1.11 acre lot, located on the northeast corner of the intersection of Lynnbrook Road and Woodmont Boulevard.

ZONING
R20 District

R20 district, requiring a minimum lot size of 20,000 square feet and allowing single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre, including 25% duplex lots.

SUBAREA 10 PLAN
Residential Low Policy

RL policy is intended to conserve large areas of established low-density (one to two dwelling units per acre) residential. The common development type is single-family homes.

SUBDIVISION DETAILS

A lot comparability test yielded a minimum lot size of 25,591 square feet and a minimum lot frontage of 108 feet. Lot 2 failed the area test, with 20,100 square feet. Staff recommends approval, with a lot comparability waiver, because the proposed lots are consistent with the adopted Residential Low policy that calls for a maximum of 2 dwelling units per acre. The Subdivision Regulations allow the Planning Commission to grant a waiver to the lot comparability standards when the proposed subdivision is consistent with the adopted Land Use Policy for the area. A note must be added to the plat, however, allowing only single family homes on each new lot. If two-family



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structures were built, then the RL policy would be exceeded.

Sidewalks are not required in the R20 zone district for lots of 20,000 square feet or larger.

**TRAFFIC
PUBLIC WORKS
RECOMMENDATION**

No new driveway access allowed on Woodmont Boulevard.

CONDITIONS

1. The garage must be removed or a demolition bond posted prior to the recording of the final plat.
2. A note must be added to the plat that no new driveway access to Woodmont Boulevard will be permitted.
3. A note must be added to the plat stating that only single-family homes will be allowed on each new lot
4. The new parcel number for Lot 2 is 177 and must be added to the plat prior to recordation.
5. The private sewer service line may need to shift outside of the 10' Public Utility and Drainage Easement. The applicant will confirm with Water Services prior to recording.
6. Add the private easement note to the plat as follows: The owners of Lot 2 are responsible for the installations, operation and maintenance of their private sanitary sewer service line which is located in a 10' private sanitary sewer service line easement crossing a portion of Lot 1 as shown on this plat.



Project No.
Project Name

Planned Unit Development 58-85-P-12
Rucker Landing
(formerly known as Brentwood Midlands)

Associated Case
Council Bill
Council District
School Board District
Requested By

None
None
27 - Foster
2 - Blue
Sandhu Consultants, Inc., applicant, for Zachary Rucker, owner.

Deferral

Deferred from the August 12, 2004, agenda.

Staff Reviewer
Staff Recommendation

Mitchell
Approve with conditions

APPLICANT REQUEST
Revise PUD

Request to revise the Council-approved Planned Unit Development to allow for the development of a 102-unit townhouse project in place of 124 apartment units within several multi-story buildings. The 16-acre site is located along the east side of Edmondson Pike, approximately 2,100 feet north of Old Hickory Boulevard.

ZONING & LAND USE POLICY
R10 district

Although this site is currently zoned R10, which calls for single-family and duplex lots on 10,000-square foot lots, the PUD of the zoning code provisions prior to 1998 allowed for a PUD to be adopted on property regardless of the base zone. The base zone is only required to be changed to be made consistent with the proposed development if the PUD plan must be heard as an amendment by the Metro Council. This request may be considered by the Planning Commission as a revision, so neither consideration by the Council of an amendment nor a change of the base zone district will be required

RM (Res. Medium) Land Use Policy

The RM policy calls for 4 to 9 dwelling units per acre. The 1985 plan allowed for a maximum density of 8 units per acre, and the proposed plan (with fewer units) proposes a density of 6.3 units per acre.

PLAN DETAILS



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History:

This residential PUD was originally adopted by the Metro Council in 1985 (Ordinance #85-829) and allowed for the development of 124 multi-family units on the 16-acre tract.

Access

Access to and from the site will be via one point of ingress / egress off Edmondson Pike. Since this development is proposed as a multi-family townhouse development, the access drives throughout the site will be considered private drives. Typically, connectivity to adjacent sites is not possible with private drives – and often is not recommended.

TRAFFIC METRO PUBLIC WORKS' RECOMMENDATION

Technical comments were provided to the applicant by Metro Public Works. All comments were satisfactorily addressed by the applicant. The following conditions are from the reviewed Traffic Impact Study:
Conditions of approval:

1. Align Rucker Street with the Library driveway and show on the plan.
2. Reserve remaining ROW required for 1/2 of a U4 arterial as indicated on the Major Street Plan.

CONDITIONS

1. A consolidation and PUD boundary plat shall be submitted to the Planning Department for review and approval, and must be recorded with the Register of Deeds prior to the issuance of any building permits.
2. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
3. This revision to the preliminary plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.



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4. 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.
5. 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.
6. 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.
7. 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.
8. Align Rucker Street with the Library driveway and show on the plan.
9. Construct a southbound left turn lane on Edmondson Pike at the intersection of Rucker Street with 75 feet of storage length and transition per AASHTO standards.
10. Dedicate ROW as required for the turn lane.
11. Reserve remaining ROW required for 1/2 of a U4 arterial as indicated on the Major Street Plan.
12. The southbound left turn lane shall be coordinated with the northbound turn lane at the library being designed and constructed by Metro.



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13. The southbound left turn lane shall be constructed prior to the issuance of 44 Use and Occupancy Permits.



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

Mandatory Referral 2004M-064G-06
Harpeth Valley Greenway Easement
None
35 – Tygard
Metro Legal Department
Deferred from the August 12, 2004 meeting

Staff Reviewer
Staff Recommendation

Harris
Approve
(Note: A memo from Rick Bernhardt discussing this item is included in the Staff Report packet.)

APPLICANT REQUEST

A request to accept and record an easement agreement to the Metro Government for use in connection with the development of the Harpeth River Greenway at 928 Glenridge Lane, requested by the Metro Legal Department.

APPLICATION REQUIREMENTS

None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, Stormwater, Historical Commission, and Nashville Electric Service. Planning staff also supports the request.

At the last meeting, there was some concern about this greenway easement agreement and the conditions of the Riverside Planned Unit Development (102-86-P). Originally, this area was to be used as open space/borrow area outside of the PUD boundary in 1987. In 1991, there was a revision to the preliminary that labeled this area as a “playfield.”

An amendment to the preliminary PUD was approved in 1992 that proposed a 10’ “river trail,” 20 parking spaces, a “play area,” and a “softball field.” In 1999, the final PUD approval was granted by the Commission for construction of a swimming pool and basketball court in what had previously been identified as “open space” at the corner of Morton Mill Road and Northridge Drive. This approval included a provision allowing for a 15’ undisturbed area at the top of the riverbank for the greenway trail. Neither the softball



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field nor any other recreational facilities are shown on the plans approved in 1992.

This greenway easement apparently has been proposed since 1992. A Planning Commission staff member wrote a letter that year to the Councilmember that a greenway easement could be worked out with Metro Parks Department and it would not affect the PUD approval. The easement agreement currently before the Commission has been negotiated between the Riverside PUD Homeowners Association and the Metro Parks Department.



Project No.
Associated Case
Council Bill
Council District
School District

Zone Change 2004Z-099U-08

None
BL2004-319
21 – Whitmore
1 – Thompson
7 - Kindall

Requested by

Councilmember Edward Whitmore, applicant, for various owners

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 813.66 acres from residential (R6) to residential single-family (RS5) district various parcels located within Council District 21, between the Cumberland River and Charlotte Pike.

Existing Zoning
R6 district

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning
RS5 district

RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

SUBAREA 8 PLAN POLICIES

VARIOUS DETAILED NEIGHBORHOOD DESIGN PLANS:

This proposal includes property located within the boundaries of the following Detailed Neighborhood Design Plans that have been adopted by the Planning Commission:

- South Rhodes Park
- TSU
- Hadley Park
- College Heights-Clifton
- McKissack Park
- Hadley Washington



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The properties included within this proposal fall within one or more of the following land use policies:

- Mixed Use in Neighborhood Center
- Mixed Housing in Neighborhood General
- Parks, Reserves & Other Open Space in Open Space
- Single-Family Attached & Detached in Neighborhood General
- Single-Family Detached in Neighborhood General
- Commercial in Corridor Center
- Major Institutional
- Civic or Public Benefit in Open Space
- Mixed Housing in Neighborhood Urban
- Mixed Use
- Residential Medium (Subarea 7 Plan Policy also)

Policy Conflict

The proposed zoning district (RS5) is consistent with polices in this area. Most of the area is within the Single Family Detached in Neighborhood General policy area.

In Council District 21, there are 2,230 properties classified as single-family residential, which is 47% of the entire district. There are 343 duplexes, 111 triplexes, and 50 quadplexes. There are 771 properties that are classified as vacant residential property.

Two-family dwellings in this area that were properly permitted will be considered “legally nonconforming” and will be allowed to remain. The Zoning Code states that “a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction.”

RECENT REZONINGS

None

TRAFFIC

No Exception Taken.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004Z-103U-10
None
BL2004-322
17- Greer
7 - Kindall
Councilmember Ronnie Greer, applicant for various owners.

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 3.07 acres from residential multi-family (RM20) to residential (R8) district located along Beech, S. Douglas, Elliott, and Glen Avenue.

Existing Zoning
RM20 district

RM20 is intended for single-family, two-family, and multi-family homes at a density of 20 units per acre.

Proposed Zoning
R8 district

R8 requires a minimum 8,000 square foot lot and is intended for single-family and two-family homes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

SUBAREA 10 PLAN POLICY

8TH SOUTH DETAILED NEIGHBORHOOD DESIGN PLAN

Single-Family Attached and Detached in Neighborhood General (SFAD in NG)

This category includes a mixture of single family housing that varies based on the size of the lot and building placement on the lot. Detached houses are single units on a single lot (e.g. typical single family house). Attached houses are single units that are attached to other single family houses (e.g. townhouses).

Policy Conflict

The proposed R8 zoning district is consistent with the policy and the surrounding zoning pattern in the area. The current RM20 zoning district would allow for development that is not consistent with the policy or existing character in this area.



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RECENT REZONINGS

None.

TRAFFIC

No Exception Taken.

Typical Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Density per acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	3.07	20	61	422	35	41

Typical Uses in Proposed Zoning District: R8

Land Use (ITE Code)	Acres	Density per acre	Total lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	3.07	4.63	14	134	11	15

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-288	-24	-26

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004Z-104U-13
None
None
28– Alexander
6 – Awipi
ERC Properties, applicant for Thomas A. Lundborg, et ux.

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 9.7 acres from agricultural/residential (AR2a) to residential multi-family (RM20) district located at 1411 and 1421 Rural Hill Road, approximately 375 feet north of Mt. View Road.

Existing Zoning
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district would allow for approximately 5 dwelling units currently.

Proposed Zoning
RM20 district

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. The RM20 district would allow for approximately 194 dwelling units.

**ANTIOCH-PRIEST LAKE
COMMUNITY 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. The most common types include attached townhomes and walk-up apartments.

Policy Conflict

The proposed RM20 zoning district is consistent with the policy and the surrounding zoning pattern in the area. It is also near the Hickory Hollow Regional Activity Center, in which this multi-family zoning district would act as a transition from commercial uses along Mt. View to lower density residential uses along Rural Hill Road.



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RECENT REZONINGS

Parcel 096 to the north east was rezoned in August 2001 from AR2a to RM20. The Planning Commission recommended disapproval in May 2001 because no Traffic Impact Study had been submitted, as per Metro Public Works requirements.

TRAFFIC

A Traffic Impact Study may be required at development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density per acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	9.70	0.5	5	48	4	6

Typical Uses in Proposed Zoning District: RM20

Land Use (ITE Code)	Acres	Density per Acre	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	9.70	20	194	1128	88	104

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+189	1080	84	98

METRO SCHOOL BOARD REPORT

Projected student generation

13 Elementary 9 Middle 8 High

Schools Over/Under Capacity

Students would attend J.E. Moss Elementary School, Apollo Middle School, or Antioch High School. All three schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004. There is capacity at an elementary school within the cluster and a high school at an adjacent cluster (McGavock, Maplewood, Whites Creek, and Stratford). There are no middle schools with capacity in the Antioch cluster. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability

The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other



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Planned School Capital Improvements

middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of \$117,000 approximately for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

Land was purchased on Pettus Road in FY 03-04 in the Antioch cluster for a new middle school and a new elementary school. The School Board's proposed capital budget for FY 04-05 includes money to construct the middle and elementary schools and to purchase land for a new high school.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004Z-105U-10
None
None
17- Greer
7 - Kindall
Treg Warner, applicant/owner

Staff Reviewer
Staff Recommendation

Harris
Approve with conditions, no access from Gilmore Place.

APPLICANT REQUEST

Rezone 0.16 acres from residential (R8) to commercial service (CS) district at 1110 Gilmore Avenue, approximately 130 feet east of 12th Avenue South.

Existing Zoning
R8 district

R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

Proposed Zoning
CS district

Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

SUBAREA 10 PLAN POLICY

Residential Medium (RM)

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

Policy Conflict

Although the proposed CS district is not entirely consistent with the RM policy in this area, it is consistent with the surrounding zoning pattern in the area. There is commercially zoned property adjacent to and across from this site. Staff recommends that there be no access from Gilmore Avenue to keep commercial traffic out of this residential neighborhood. There should not be any further expansion of commercial uses along Gilmore Avenue.



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RECENT REZONINGS

None.

TRAFFIC

A Traffic Impact Study may be required at development.

Typical Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	.16	4.63	1	10	1	2

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	.16	0.374	2,606	634	18	57

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			624	17	55

Maximum Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	.16	4.63	1	10	1	2

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	.16	0.60	4,182	3087	281	220

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				3077	280	218

CONDITIONS

1. No access from Gilmore Avenue. Vehicular access to be from 12th Avenue only.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004Z-106U-06
None
BL2004-314
35 - Tygard
9 - Norris
William Kantz, applicant for River Meade Development, Inc., owner.

Staff Reviewer
Staff Recommendation

Leeman
Approve

APPLICANT REQUEST

Rezone 5.05 acres from office/residential (OR20) to commercial service (CS) district a portion of property at 6950 Charlotte Pike, west of I-40 at Cabot Drive.

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
CS district

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

BELLEVUE COMMUNITY PLAN POLICY

CMC Policy

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

Policy Conflict

No. The proposed CS district is consistent with the Bellevue Community Plan's CMC policy calling for a wide range of commercial uses in this area. It is also consistent with the adjacent CS zoning on the Wal-Mart site to the east. Although the rear portion of this parcel is within the floodplain of the Cumberland River, the portion proposed for rezoning is mostly out of the floodplain.



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RECENT REZONINGS

Yes. The Commission recommended approval of a rezoning from R40 to MUL on the adjacent property to the west in March of 2003.

TRAFFIC PUBLIC WORKS RECOMMENDATION

A TIS may be required at development. Verify access can be provided out of 100-year flood boundary.

Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	5.05	20	101	648	53	61

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center ()	5.05	0.07	15,398	2013	51	183

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			1365	-2	122

-

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	5.05	20	101	648	53	61

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	5.05	0.60	131,987	8136	185	753

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				7488	132	692



Project No.	Zone Change 2004Z-107U-14
Associated Case	None
Council Bill	None
Council District	15 – Loring
School District	4 – Nevill
Requested by	Charles E. Robinson, applicant/owner.
Staff Reviewer	Harris
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Rezone 0.74 acres from residential (RS10) to office neighborhood (ON) district at 609 McGavock Pike, north of Elm Hill Pike.

Existing Zoning
RS10 district

RS10 requires a minimum of 10,000 square foot lot and is intended for single-family homes at a density of 3.7 dwelling units per acre. The current RS10 district would allow for approximately 3 homes.

Proposed Zoning
ON district

Office Neighborhood is intended for low intensity office uses.

SUBAREA 14 PLAN POLICY

Residential Low Medium (RLM)

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

Policy Conflict

The proposed ON zoning district is not entirely consistent with the policy, however, it is consistent with the surrounding zoning pattern and uses in the area. This property is surrounded by CL zoning to the west and vacant residential to the east. Staff recommends that there be no further expansion to the north of office or commercial uses along McGavock Pike.

RECENT REZONINGS

Parcel 190 was rezoned from RS10 to CL in February 2002. The Planning Commission recommended disapproval in December 2001.



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TRAFFIC

A Traffic Impact Study may be required at development.

Typical Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	0.74	3.7	3	29	3	4

Typical Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.74	0.198	6,382	161	21	86

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				132	18	82

-

Maximum Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.74	3.7	3	29	3	4

Maximum Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank ()	0.74	0.4	12,893	NA	278	542

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					275	538



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**Item #'s
14-21**

Project No.
Associated Case
Council Bill
Council District

Zone Change 2004Z-108U

None

None

6 – Jameson (Trolley Barns on Rolling Mill Hill, Shelby Street Bridge)

15 – Loring (Omohundro Water System)

17 – Greer (Sunnyside at Sevier Park, Fort Negley, City Reservoir, and City Cemetery)

19 – Wallace (Lindsley Hall)

School District

7 – Kindall

5 – Hunt

Requested by

Metro Historical Commission, applicant

Staff Reviewer

Harris

Staff Recommendation

Approve

APPLICANT REQUEST

To apply the Historic Landmark Overlay District to the following:

- **Trolley Barns on Rolling Mill Hill, 33 Peabody St.**
- **Sunnyside at Sevier Park, 3000 Granny White Pike**
- **Shelby Street Bridge, between the Gateway and Woodland St. Bridges**
- **Lindsley Hall at 730 2nd Avenue South**
- **Fort Negley, 800 Ft. Negley Blvd.**
- **City Reservoir, 1401 8th Avenue South**
- **Omohundro Water System 1400 Pumping Station Rd. and 546 Cave Rd.**
- **City Cemetery, 4th Ave., South**

Existing Zoning

R8 district (Sunnyside at Sevier Park and City Reservoir)

R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

CF district (Trolley Barns, Shelby Street, and Lindsley Hall)

Core Frame is intended for a wide range of parking and commercial service support uses for the central business district.



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IR district (Omohundro Water System and City Cemetery)

Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

MUL district (Fort Negley)

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

MUI (Shelby Street Bridge)

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

SUBAREA PLAN POLICIES

Trolley Barns on Rolling Mill Hill—Subarea 9, Mixed Use (MU)

Sunnyside at Sevier Park—Subarea 10, Major Public Open Space (MPOS)

Shelby Street Bridge—Subarea 9

Lindsley Hall—Subarea 9, Mixed Use (MU)

Fort Negley—Subarea 11, Major Public Open Space (MPOS)

City Reservoir—Subarea 10, Major Public Open Space (MPOS)

Omohundro Water System—Subarea 11, Industrial and Distribution (IND)

City Cemetery—Subarea 11, Major Public Open Space (MPOS)

Policy Conflict

No. The Historic Landmark Overlay Districts are consistent with all the policies. Many of these properties were considered during the subarea planning process.

At its August 18, 2004 meeting, the Metro Historic Zoning Commission (MHZC) determined that the Nashville City Cemetery at 1001 4th Avenue South, the Nashville City Reservoir at 1401 8th Avenue South, Lindsley Hall at 730 2nd Avenue South, the Omohundro Water Complex at 546 Cave Road and 1400 Pumping Station Road, the Shelby Street Bridge, Sunnyside in Sevier Park at 3000 Granny White Pike and the Trolley Barns at Rolling Mill Hill at 33 Peabody Street are “historically significant” in accordance with Section 17.36.120 of the Metro Code.



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The MHZC also adopted design guidelines for all seven proposed historic landmark districts. Fort Negley has been requested for indefinite deferral and was not heard by the MHZC.

RECENT REZONINGS

None.

TRAFFIC

This rezoning is not expected to have a significant effect on traffic in these areas.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004Z-109G-12
None
None
31 – Toler
2 – Blue
Mark Traylor, Boyle Nashville LLC, applicant for Michael Ray Boyle, et ux., owners.

Staff Reviewer
Staff Recommendation

Harris
Disapprove SCC. If the required Traffic Impact Study is submitted and all conditions arising from it are met, then staff could recommend MUN or SCN zoning for this location.

APPLICANT REQUEST

Rezone 6.6 acres from agricultural/residential (AR2a) to shopping center community (SCC) district at 7022 Nolensville Pike, south margin of Burkitt Road.

Existing Zoning
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

Proposed Zoning
SCC district

Shopping Center Community is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

SOUTHEAST COMMUNITY PLAN POLICY

Neighborhood Center (NC)

NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single and multi-family residential, public benefit activities, open space, and small scale office and commercial uses.

Policy Conflict

The proposed SCC zoning district is not consistent with the NC policy, which is intended for neighborhood scale commercial uses. The SCC zoning district allows



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for high intense commercial uses and is intended to “cater to a community-scale market of approximately thirty-five thousand to one hundred thousand people” (Zoning Ordinance, Section 17.28.020). A less intense zoning district such as MUN or SCN would be appropriate for this neighborhood center area.

RECENT REZONINGS

None.

TRAFFIC

A Traffic Impact Study is required prior to rezoning. A Traffic Impact Study has not been submitted.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	6.60	0.5	3	29	3	4

Typical Uses in Proposed Zoning District: SCC

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.60	0.102	29,325	3060	75	279

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				3031	72	275

-

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	6.60	0.5	3	29	3	4

Maximum Uses in Proposed Zoning District: SCC

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.60	0.6	172,498	9682	218	898

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				9653	215	894

-



Project No.	Zone Change 2004Z-110U-08
Associated Case	None
Council Bill	None
Council District	19 – Wallace
School District	1 – Thompson
Requested by	Rodney Harris, applicant for TOP Development, owner
Staff Reviewer	Harris
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Rezone 0.59 acres from residential (R6) to mixed-use neighborhood (MUN) district at 1707 6th Avenue North.

Existing Zoning
R6 district

R6 requires a minimum 6,000 square foot lot and is intended for single-family and two-family homes at an overall density of 7.72 units per acre including 25% duplex lots. The R6 district allows approximately 5 homes currently.

Proposed Zoning
MUN district

Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses. The proposed MUN district would allow for approximately 26 homes or approximately 15,000 square feet of commercial development.

SUBAREA 8 PLAN POLICY

SALEMTOWN DETAILED NEIGHBORHOOD DESIGN PLAN

Mixed Use in Neighborhood Center (MxU in NC)

MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a mixed use in neighborhood center area is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. Appropriate uses include single- and multi-family residential, public benefit activities, open space, and small scale office and commercial uses.

Policy Conflict

The proposed MUN zoning district is consistent with the MxU in NC policy called for in the Salemtown



Metro Planning Commission Meeting of 8/26/04

Detailed Neighborhood Design Plan. The MUN district allows for residential, office, and commercial uses at a neighborhood scale which would be consistent with the intent of the policy called for in the Detailed Neighborhood Design Plan.

RECENT REZONINGS

None.

TRAFFIC

A TIS may be required at development.

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	0.59	6.18	4	39	3	5

Typical Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station w/Convenience Market (0)	0.59	.067	1,722	NA	134	166

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					131	161

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.59	6.18	4	39	3	5

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
OFFICE PARK (750)	0.59	0.60	15,420	570	46	125

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				531	43	120



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METRO SCHOOL BOARD REPORT

Projected student generation*

2 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Brookmeade Elementary School, Hill Middle School, or Hillwood High School. Hill has been identified as being over capacity by the Metro School Board. There is capacity at a another middle school within the cluster. There is not capacity at a middle school within the cluster. This information is based upon data from the school board last updated January 16, 2004.

*The numbers for MUN zoning are based upon students that would be generated if the MUN 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.

Planned School Capital Improvements

Location	Project	Projected Date
Brookmeade Elementary School	Renovations	FY07-08
Hillwood High School	Renovations	FY07-08



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004Z-112U-13

None
None
33 – Bradley
6 – Awipi
Anderson-Delk & Associates, Inc., applicant for Joseph Ransom, Richard A. Lewis, Kent Burgess, and Full Gospel Nashville Church, Inc., owners.

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 45.32 acres from agricultural/residential (AR2a) and residential (R15) to residential single-family (RS10) district at Route 2 and 6033 Mt. View Road and 3249 Hamilton Church and Hamilton Church (unnumbered).

Existing Zoning
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district allows for approximately 23 dwelling units currently.

Proposed Zoning
RS10 district

RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. This RS10 district would allow for 168 single-family homes.

**ANTIOCH-PRIEST LAKE
COMMUNITY PLAN POLICY**

Neighborhood General (NG)

NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. NG areas include single family residential and public benefit activities. Residential development other than single family is also appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or, for areas lacking a design plan, a special policy, a Planned Unit Development (PUD) or site plan is to be submitted.



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Policy Conflict

The proposed RS10 zoning district is consistent with the NG policy called for in the Antioch-Priest Lake Community Plan. A site plan was submitted and is consistent with the intent of the Neighborhood General policy. The plan provides a mixture of residential development with small and medium size lots, as well as open space areas and stub streets for connectivity. The smaller lots are oriented towards the neighborhood centers while the larger lots are away from these centers in order to provide “a smooth, seamless transition from one area to the other” (LUPA, p.40).

RECENT REZONINGS

Various parcels totaling 375.72 acres to the south were rezoned from AR2a and R15 to RS10 and RM9 in October 2002. The Planning Commission recommended approval with conditions in July 2002. The Planning Commission also recommended approval for a request on parcel 119 from AR2a to RS7.5 and for a preliminary PUD.

TRAFFIC

A Traffic Impact Study is not required prior to rezoning. A Traffic Impact Study has been scoped for the development phase of this property.

Typical Uses in Existing Zoning District: AR2a and RS15

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	45.32	0.5 and 2.47	90	944	73	96

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	45.32	3.70	168	1676	128	172

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--		+78	732	55	76



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METRO SCHOOL BOARD REPORT

Projected student generation

33 Elementary 23 Middle 19 High

Schools Over/Under Capacity

Students would attend Edison Elementary School, Kennedy Middle School, or Antioch High School. Kennedy and Antioch have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004. There is capacity at a high school at an adjacent cluster (McGavock, Maplewood, Whites Creek, and Stratford). There are no middle schools with capacity in the Antioch cluster. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability

The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of \$299,000 approximately for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

Planned School Capital Improvements

Land was purchased on Pettus Road in FY 03-04 in the Antioch cluster for a new middle school and a new elementary school. The School Board's proposed capital budget for FY 04-05 includes money to construct the middle and elementary schools and to purchase land for a new high school.



Project No.
Associated Case
Council Bill
Council District
School District
Requested by

Zone Change 2004Z-114G-12
None
None
31 – Toler
2 – Blue
Gresham Smith and Partners, applicant for Harold and Jacob Kornman, owners.

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 10 acres from agricultural/residential (AR2a) to commercial limited (CL) district at 10638 Concord Road, south side of Nolensville Pike.

Existing Zoning
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

Proposed Zoning
CL district

Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

SOUTHEAST COMMUNITY PLAN POLICY

Community Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

Natural Conservation Overlay (NCO)

NCO is intended for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. The predominant types of land use anticipated in these areas



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are very low intensity residential, commercial (convenience scale) and community facility developments. Examples of low intensity, non-residential development include convenience retail, athletic fields, and hiking trails.

PRIOR SUBAREA 12 PLAN POLICY

Retail Concentration
Community (RCC)

RCC policy is intended to accommodate concentrations of community scale retail. Community scale retail includes many forms of retail activity, including most types of retail shops, restaurants, entertainment, and consumer services but at a scale smaller than that of a regional mall.

Policy Conflict

The proposed CL zoning district is consistent with the RCC policy called for in the subarea plan. The Southeast Community that was adopted by the Planning Commission in July 2004 changed the policy from RCC to CC in this area. Although the CC policy allows for commercial uses, its intent is for mixed use development proposals. Because this application was submitted prior to the adoption of the Southeast Community plan, however, the RCC policy was applied as the policy for this area.

The NCO policy area is applied to the floodway and floodplain areas on the property. Any development proposals in this area should be consistent with the Floodplain/Floodway Development Standards of the Metro Zoning Ordinance (Section 17.28.040).

RECENT REZONINGS

There is also a rezoning request on this agenda from AR2a to SCC to the south that is on this agenda (2004Z-109G-12).

TRAFFIC

A Traffic Impact Study will be required at development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	10.0	0.5	5	48	4	6

Typical Uses in Proposed Zoning District: CL



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Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.0	0.17	74,052	5586	131	514

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				5538	127	508

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	10.0	0.5	5	48	4	6

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.0	0.60	261,360	12,683	279	1180

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				12,635	275	1174

METRO SCHOOL BOARD REPORT

Projected student generation

33 Elementary 23 Middle 19 High

Schools Over/Under Capacity

Students would attend Edison Elementary School, Kennedy Middle School, or Antioch High School. Kennedy and Antioch have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004. There is capacity at a high school at an adjacent cluster (McGavock, Maplewood, Whites Creek, and Stratford). There are no middle schools with capacity in the Antioch cluster. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability

The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the



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Planned School Capital Improvements

rezoning and the development permitted by the rezoning will generate a capital need liability of \$299,000 approximately for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

Land was purchased on Pettus Road in FY 03-04 in the Antioch cluster for a new middle school and a new elementary school. The School Board's proposed capital budget for FY 04-05 includes money to construct the middle and elementary schools and to purchase land for a new high school.



Project No.
Associated Case
Council Bill
Council District
School Board District
Requested By

Zone Change 2004Z-G-02
2004Z-113G-02 & 88P-056G-02
None
3 - Hughes
3 - Garrett
Gresham Smith & Partners, applicant, for Sallie R. Hicks, owner.

Staff Reviewer
Staff Recommendation

Mitchell
Approve, subject to a Planned Unit Development being submitted and approved by Metro Council prior to final approval by Council of this zoning request.

APPLICANT REQUEST

Rezone 6.82 acres from residential (RS7.5) to retail commercial (SCR). The property is located in the northwest corner of Briley Parkway and Dickerson Pike and is specifically known as the southern tail-end of the Mulberry Downs Planned Unit Development.

Existing Zoning
RS7.5 district

RS7.5 requires a minimum requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre.

Proposed Zoning
SCR district

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

SUBAREA 2 PLAN
Residential Medium (RM)

RM is a Structure Plan category designed to accommodate residential development within a density range of about four to nine dwelling units per acre. Areas designated RM should be convenient to neighborhood or community scale commercial centers and other community services.

Residential Low-Medium (RLM)

RLM is a Structure Plan category designed to accommodate residential development within a density range of about two to four dwelling units per acre.

Policy Conflict

This portion of the larger rezoning, addressed under 2004Z-113G-02, is being added to the site but under separate application since it was associated with the



Metro Planning Commission Meeting of 8/26/04

separate request to cancel a portion of the Mulberry Downs residential Planned Unit Development.

The Subarea 2 Plan does not specifically address the possibility of large commercial development within these specific CMC, RLM or RM policy areas. A portion of the property proposed for rezoning is currently zoned IWD. SCR zoning would be more consistent with all of the existing land use policies for this area than IWD.

Other parts of the property the applicant seeks to zone SCR are both within RM policy and currently zoned RS7.5. While commercial zoning is not consistent with RM policy, staff believes these areas could remain primarily undeveloped and possibly used for stormwater management or open space as part of any commercial development on this property.

Through the review process of this zone change application, staff has worked with the applicant and Councilmember to address community concerns regarding the uncertainty of the commercial development. To this end, staff is recommending that a Planned Unit Development be submitted, reviewed, and approved for this site prior to final reading of the zone change bills at Council. Any such PUD submitted should account for the RLM and RM policy areas that surround this proposed rezoning.

RECENT REZONINGS

No

TRAFFIC

Metro Public Works Recommendation:

A Traffic Impact Study (TIS) is required prior to official rezoning of the property. A more focused TIS will be required at development of the property. For this August 26th MPC meeting, a TIS has not been submitted, but one will be required with the PUD submittal.



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2004Z-115G-02: Dickerson Pike at Briley Parkway

Typical Uses in Existing Zoning District: RS7.5

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	6.82	4.94	34	386	34	41

Typical Uses in Proposed Zoning District: SCR

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.82	0.140	41,591	3840	93	351

Change in Traffic between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				3454	59	310

Maximum Uses in Existing Zoning District: RS7.5

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	6.82	4.94	34	386	34	41

Maximum Uses in Proposed Zoning District: SCR

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.82	1.0	297,079	13,781	301	1285

Change in Traffic between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				13,395	267	1244



Project No.
Associated Case
Council Bill
Council District
School Board District
Requested By

Zone Change 2004Z-113G-02
2004Z-115G-02 & 88P-056G-02
None
3 - Hughes
3 - Garrett
Gresham Smith & Partners, applicant, for multiple owners, all of which provided written authorization for the filing of this application.

Staff Reviewer
Staff Recommendation

Mitchell
Approve, subject to a Planned Unit Development being submitted and approved by Metro Council prior to final approval by Council of this zoning request.

APPLICANT REQUEST

Rezone 81.708 acres from residential (RS7.5) and industrial (IWD) to retail commercial (SCR). The property is located in the northwest corner of Briley Parkway and Dickerson Pike.

Existing Zoning
RS7.5 district

RS7.5 requires a minimum requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre.

IWD district

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

Proposed Zoning
SCR district

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

SUBAREA 2 PLAN
Commercial Mixed Concentration (CMC)

CMC is a structure plan category that accommodates major concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices. Good accessibility to and within CMC areas is of particular importance due to the amount of traffic generated by the uses in these areas.



Metro Planning Commission Meeting of 8/26/04

Residential Medium (RM)

RM is a Structure Plan category designed to accommodate residential development within a density range of about four to nine dwelling units per acre. Areas designated RM should be convenient to neighborhood or community scale commercial centers and other community services.

Residential Low-Medium (RLM)

RLM is a Structure Plan category designed to accommodate residential development within a density range of about two to four dwelling units per acre.

Policy Conflict

The Subarea 2 Plan does not specifically address the possibility of large commercial development within these specific CMC, RLM or RM policy areas. A portion of the property proposed for rezoning is currently zoned IWD. SCR zoning would be more consistent with all of the existing land use policies for this area than IWD.

Other parts of the property the applicant seeks to zone SCR are both within RM policy and currently zoned RS7.5. While commercial zoning is not consistent with RM policy, staff believes these areas could remain primarily undeveloped and possibly used for stormwater management or open space as part of any commercial development on this property.

Through the review process of this zone change application, staff has worked with the applicant and Councilmember to address community concerns regarding the uncertainty of the commercial development. To this end, staff is recommending that a Planned Unit Development be submitted, reviewed, and approved for this site prior to final reading of the zone change bills at Council. Any such PUD submitted should account for the RLM and RM policy areas that surround this proposed rezoning.

RECENT REZONINGS

No

TRAFFIC

Metro Public Works Recommendation:

A Traffic Impact Study (TIS) is required prior to official rezoning of the property. A more focused TIS will be required at development of the property. For this August 26th MPC meeting, a TIS has not been



Metro Planning Commission Meeting of 8/26/04

submitted, but one will be required with the PUD submittal.

2004Z-113U-02: Dickerson Pike at Briley Parkway

Typical Uses in Existing Zoning District: RS7.5 and IWD

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	81.71	4.94	404	3756	203	377

Typical Uses in Proposed Zoning District: SCR

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	81.71	0.140	498,300	19284	411	1809

Change in Traffic between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				15,528	118	1432

Maximum Uses in Existing Zoning District: RS7.5 and IWD

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	81.71	4.94	404	3756	293	377

Maximum Uses in Proposed Zoning District: SCR

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center ()	81.71	1.0	3,559,288	69,231	1335	6615

Change in Traffic between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				65,475	1042	6238



Project No.
Project Name

Planned Unit Development 88P-056G-02
Mulberry Downs (formerly Apple Valley)
PUD

Associated Case
Council Bill
Council District
School District
Requested By

2004Z-113G-02 & 2004Z-115G-02
None
3 - Hughes
3 - Garrett
Gresham Smith & Partners, applicant, for Sallie R. Hicks, owner.

Staff Reviewer
Staff Recommendation

Mitchell
Approve, subject to submittal and approval of a revision to the Mulberry Downs PUD plan to relocate the 12 townhome units prior to final reading at Metro Council.

APPLICANT REQUEST
Cancel Portion of PUD

Request to cancel an undeveloped portion and allow for the relocation of the affected 12 townhome units of a residential Planned Unit Development that was adopted by Metro Council in 1988. The property in question is located approximately 1,150 feet north of Doverside Drive and Briley Parkway and approximately 1,700 feet west of Dickerson Pike. The entire Mulberry Downs PUD site is located at the terminus of Mulberry Downs Circle.

METRO PUBLIC WORKS' RECOMMENDATION

—
No exception taken.

COMMENTS

History

Following Council approval of this PUD in 1988, the plan was revised to make some internal shifts and changes to the approved units. At that time, the name was changed from Apple Valley to Mulberry Downs. The subdivision is in the process of being slowly built-out. The northernmost sections of the PUD are the only areas developed to date.

Zoning

The request to cancel this 6.8-acre portion of the PUD is associated with a companion request to change the existing RS7.5 zoning to Shopping Center (SCR) as part of a larger tract of land that basically encompasses the entire northwest corner of Briley Parkway and Dickerson Pike. Through the review process of this



Metro Planning Commission Meeting of 8/26/04

zone change application, staff has worked with the applicant and Councilmember to address community concerns regarding the uncertainty of the commercial development. To this end, staff is recommending that a Planned Unit Development be submitted, reviewed, and approved for this site prior to final approval by Council of the zone change bills that are associated with this PUD cancellation.

Access

There are no access issues with this PUD plan being cancelled. The 12 townhome units requested to be relocated elsewhere within the PUD will not have access to any commercial development that may occur as part of this cancellation and associated zone changes.



Project No.
Project Name
Associated Cases
Council District
School District
Requested By

Subdivision 2004S-241G-12
Burning Bush Subdivision
None
32 - Coleman
2 - Blue
JCK Development, owner/developer and Anderson-Delk Associates, Inc. surveyor/engineer

Staff Reviewer
Staff Recommendation

Leeman
Approve with conditions, including a variance for sidewalks along Cane Ridge Road and Old Franklin Road. Sidewalks will be provided in a pedestrian easement along these roads.

APPLICANT REQUEST
Preliminary Plat

Subdivide 78.88 acres into 248 single-family lots along the south side of Old Franklin Road and the east side of Cane Ridge Road

ZONING
RS10 District

R10 district, requiring a minimum lot size of 10,000 square feet and intended for single-family dwellings at an overall density of 3.7 dwelling units per acre.

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 RS10 (minimum 10,000 sq. ft. lots) to RS5 size lots (minimum 5,000 sq. ft. lots). The cluster lot option does not allow additional density, however.

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 plan proposes 18.01 acres of open space (22.8%), which complies with this provision.

SUBDIVISION DETAILS

The project proposes three points of access from existing roads and two potential stub streets. Two new roads will connect to Old Franklin Road and one will connect to Cane Ridge Road. There is also a stub-street connection to the Waterford Estates subdivision to the east that was recently approved by the Planning Commission.



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Sidewalk Variance

The plan includes 19 critical lots due to steep topography. These lots will require approval of individual grading plans prior to the issuance of any building permits.

The lots fronting Cane Ridge Road, classified as a U4 roadway on the Major Street Plan, include joint-access driveways, as is required by the Subdivision Regulations.

The proposed plan includes 5-foot wide pedestrian easements along Cane Ridge Road and along Old Franklin Road. Staff recommends approval of the variance to allow sidewalks to be built with alternative design standards to account for the rural nature of the roads, as they exist today. The Planning Commission has approved several of these types of public pedestrian paths along Barnes Road in the past year. Staff does recommend approval of the variance with a condition that the final plats label these easement as: "5 foot wide public pedestrian easement for sidewalks."

TRAFFIC PUBLIC WORKS' RECOMMENDATION

The TIS has been reviewed by Public Works and the following conditions are recommended for approval of this project.

1. The developer shall construct a westbound left turn lane with a 75 foot storage length and an 11 foot travel lane for a turn lane and transition per AASHTO on Old Franklin Road at both eastern and western project access roads.
2. The developer shall construct an improved rural cross section roadway along Cane Ridge Road from the intersection of Old Franklin Road to the southwest property corner. Using the existing pavement and base, the developer shall widen the driving surface to two 12 foot travel lanes and two 4 foot paved shoulders. He shall also install a left turn lane with an 11 foot travel lane and 75 foot storage length at the entrance of Cane Ridge Road. A new surface coat (1 ½" 411-D mix) will be installed over the newly created section (24 feet) plus the turn lane. He shall reserve right-of-way for ½ of a U-4 arterial. The sidewalk along Cane Ridge



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Road is to be a side path located at the future right-of-way line. Design to be approved with the construction plans.

3. The 3 subdivision access roads shall be constructed with 1 entering lane and 2 exit lanes for left turns and right turns with a minimum of 50 feet of storage length. Vegetation shall be removed to provide adequate site distance at the access road intersections.
4. Improvements to Cane Ridge Road are to be bonded with the first phase and completed prior to the occupancy of the 75th unit.
5. Improvements and left turn lanes to Old Franklin Road are to be bonded and constructed with the first phase where connection is made to Old Franklin Road.

CONDITIONS

1. All new roads shall include a 5-foot wide public sidewalk built to Metro Standards.
2. All Public Works conditions listed above must be met.
3. The final plats shall label the pedestrian easements along Cane Ridge Road and Old Franklin Road as: “ five (5) foot wide public pedestrian easement for sidewalks.”



Project No.
Project Name
Associated Cases
Council District
School District
Requested By

Subdivision 2003S-304G-03
Perry Subdivision, Preliminary Plat
None
2 - Isabel
1 - Thompson
Barge Cauthen, engineer for Joseph Perry, owner

Staff Reviewer
Staff Recommendation

Fuller
Approve with conditions.

APPLICANT REQUEST
Preliminary Plat

A request to revise the preliminary plat approval for 7 lots abutting the northwest terminus of Walker Lane, approximately 500 feet north of West Nocturne Drive.

The original preliminary plat was approved by the Planning Commission on April 22, 2004. The preliminary plat included the construction of the remaining unbuilt section of Walker Lane, which would connect the Haynes Heights subdivision to the north with the Nocturne Forest subdivision to the south. When the applicant's engineer began construction plans, they discovered difficulties in the design to connect the two existing sections of Walker Lane. The current request is to cul-de-sac the north end of Walker Lane.

ZONING
RS20 District

Requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

SUBDIVISION DETAILS

Walker Lane

This subdivision proposal is for seven lots ranging in size from 20,647 to 28,546 square feet, located in an area that currently has other RS20, RS15 and residential PUD subdivisions.

After obtaining a field-run topographical survey of the property, the applicant felt that joining the two ends of Walker Lane was too difficult due to topographic constraints. The applicant has stated that the vertical curve necessary to connect the two sections would produce unfavorable driving conditions. The current proposal is to extend and terminate the north end of Walker Lane in a cul-de-sac. Public Works has verified that there would be a severe "dip" in a design to



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connect these two roads, and that the grading required to construct the road would produce unfavorable access to the proposed lots.

Since this request will permanently disconnect Walker Lane, one of the two unconnected sections of Walker Lane will need to be renamed.

PUBLIC WORKS FINDINGS

1. Show ROW radius for turnaround
2. Approvals are subject to PW review and approval of construction plans.
3. If a 50-ft ROW is used (with shoulder and ditch section without sidewalk), then the new road would be built with ST-255 as a residential conventional roadway.
4. One section of Walker Lane will need to be renamed prior to the release of the grading permit.

CONDITIONS

1. Comply with all Public Works conditions.
2. Submit a revised copy of the preliminary plat by September 9, 2004.



Project No.
Project Name
Associated Cases
Council District
School District
Requested By
Deferral

Subdivision 97S-014U-03
Forest Vale Subdivision

None
1 - Gilmore
1 - Thompson

Metropolitan Department of Law

This item was deferred at the July 22, 2004, meeting because the developer submitted revised sewer plans to the Department of Water Services. These plans are currently under review.

Staff Reviewer
Staff Recommendation

Fuller
Indefinite Deferral. The developer is in the process of complying with the conditions of approval for the original plat. If satisfactory progress is not continued, the item will be placed on a future Commission agenda.

APPLICANT REQUEST

The Metropolitan Department of Law recommends the rescission of the original approval of this subdivision because the original plat was recorded without the required sewer line extension being built or properly bonded.

SUBDIVISION DETAILS

Timeline
July 17, 1997

James S. Norman of Metro Water Services issued a letter to the Planning Department indicating approval of the Forest Vale Subdivision with the contingency for a bond for the construction of sanitary sewer in the amount of \$28,400.

January 14, 1999

The Forest Vale final plat was recorded without the required bond for sewer improvements.

February 21, 2003

Scott Potter, Director of Water Services, sent a letter to Terry Cobb, Director of Codes Administration, informing Codes of the problem and requesting that any building permit applications of these properties be denied. This letter was copied to Mr. Howard Fisher, the developer, and identified the steps that needed to be taken to rectify the situation.

The steps Mr. Potter identified to correct the situation were:

- Resubmit sewer construction plans for approval by the State of Tennessee and Metro Water Services.
- Post a bond for \$40,000.



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June 3, 2004

Brooks Fox, Metropolitan Department of Law, issued a letter to Howard Fisher, developer, informing him that if the steps were not taken to comply with the construction or bonding of the sewer line, then the Planning Commission could rescind the approval of the subdivision.

June 8, 2004

The Department of Law issued a letter to Mr. Rick Bernhardt, Planning Director, requesting that the issue be placed on the July 22, 2004, agenda of the Planning Commission to give the developer ample time to show an intent to comply. This letter was copied to both owners of the land, Howard Fisher and Don Whitfield.

**PRIOR STAFF
RECOMMENDATION
7/22/2004**

Staff recommends rescission of the Forest Vale final subdivision plat approval. The developer, Howard Fisher, has had ample time to construct a sewer line since the recording of the plat in 1999, and has shown no intent to comply with the requirements of the subdivision plat approval.

**CURRENT STAFF
RECOMMENDATION
8/26/2004**

Water Services received a copy of the sewer plan from Burns & Associates on August 5, 2004, but has not yet completed their review of those plans. The developer's attorney has communicated a desire to begin construction of the sewer line. Therefore, staff recommends an indefinite deferral to allow this to happen.



Project No.	Subdivision 2003S-133U-03
Project Name	Dylan Downs
Associated Cases	None
Council District	2 - Isabel
School District	1 - Thompson
Requested By	DY Properties, owner, Dale & Associates, surveyor.
Staff Reviewer	Fuller
Staff Recommendation	<i>Approval, including a sidewalk variance.</i>

APPLICANT REQUEST

Final Plat	Subdivide one residential lot into two lots with a sidewalk variance, located on the north side of Yokley Road.
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ZONING

RS7.5 District	RS7.5 zoning requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.
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**PUBLIC WORKS
RECOMMENDATION**

No exceptions taken.

SIDEWALK VARIANCE

The applicant has requested a sidewalk variance because no sidewalks exist currently in the neighborhood, and because a steep slope that exists just outside of the roadway pavement. The applicant believes that a retaining wall would be required and that trees would have to be removed to accommodate the sidewalk construction.

A sidewalk in this location is buildable, but some cut will be required. A retaining wall is most likely necessary, as stated by the applicant. Yokley Road is 20'-6" and does not need widening. Curb and gutter would be required. The sidewalk would be a mid-block sidewalk on a dead-end road.

Staff recommends approval of the sidewalk variance. A section of sidewalk approximately 100 feet in length will require moderate reconstruction of the roadway with curb and gutter and a retaining wall for a relatively short section of sidewalk in a mid-block location, which is inconsistent with good planning and design.



Project No.
Project Name
Associated Case
Council Bill
Council District
School Board District
Requested By

Planned Unit Development 235-84-G-04
Harbor Village, Phase 3
None
None
10 - Ryman
3 - Garrett
Batson & Associates, applicant, for Glen F. Nabors, owner, and Coleman Lake Partners, optionee.

Staff Reviewer
Staff Recommendation

Mitchell
Approve with conditions

APPLICANT REQUEST
Revision to Preliminary & Final

Request to revise the Council-approved Planned Unit Development to allow for the development of 26 single-family lots within Phase 3 of the existing subdivision. This 8.62-acre portion of the site is located at the terminus of Spring Branch Drive, approximately 1/4 mile east of Myatt Drive.

PLAN DETAILS

History:

This residential PUD was originally adopted by the Metro Council in 1984 and allowed for the development of 46 single-family lots and 125 townhomes on 44.9-acre tract.

The PUD was revised in 1997 to bring the single-family units down from 46 to 40 lots. The current proposal keeps the number of Council-approved single-family units below 46 by proposing a total number of 42 lots. To date, 16 lots have been constructed within phase 2 (3.2 acres) of the development.

In 2002, the Metro Council approved an amendment to the PUD to allow for 93 townhome units within phase 4 of the development.

Site Details:

This PUD was originally approved to allow private streets for both the townhome and single-family portions. This plan retains the private street provision, but does successfully meet all current Subdivision Regulation requirements for construction of such streets. Sidewalks were not required as part of the original PUD approval; therefore, sidewalks are not required for this phase revision.



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TRAFFIC PUBLIC WORKS' RECOMMENDATION

Technical comments were provided to the applicant by Metro Public Works. All comments were satisfactorily addressed by the applicant.

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. 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.
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. 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.	Planned Unit Development 310-84-G-03
Project Name	I-24 / Old Hickory Boulevard Comm. PUD
Council Bill	None
Associated Case	None
Council District	3 - Hughes
School District	3 - Garrett
Requested By	George W. Hussey, applicant and owner.
Staff Reviewer	Mitchell
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST
Cancel PUD

Request to cancel a portion of an existing Planned Unit Development, approximately 4.22 acres in size, located along the north side of Old Hickory Boulevard, just west of Interstate 24.

DETAILS OF REQUEST

History

The approved preliminary PUD plan allowed for the construction of a 20,000-square foot custom coach (bus) sales and service facility on both parcels (27 & 30). In 1994, the PUD was revised to construct such facility, but was only constructed on parcel 30, which is currently owned by William and Joel Hemphill. This left the subject site, parcel 27, vacant and undeveloped.

Subarea 3 Plan Policy

The subject site is located within Commercial Mixed Concentration (CMC) calling for major concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices.

Recommendation

Because the current zoning of the property, Commercial Services (CS), is consistent with the CMC land use policy, staff recommends approval of the request to cancel this portion of the existing Planned Unit Development.

Staff Note

The applicant received signed approval by the other property owner within the PUD, Joel Hemphill, to cancel the 4.22-acre portion of the PUD.



Project No.
Project Name
Associated Case
Council Bill
Council District
School Board District
Requested By

Planned Unit Development 2003P-002G-02
Cobblestone Creek, Phase 1-A
None
None
3 - Hughes
3 - Garrett
Bruce Rainey & Associates, applicant, for M.R. Stokes, owner.

Staff Reviewer
Staff Recommendation

Mitchell
Approve with conditions

APPLICANT REQUEST
Final PUD approval

Request for Final PUD approval of Phase 1-A of the Cobblestone Creek PUD to allow for the development of 25 single-family lots on 6.09 acres. The property is located north of Old Hickory Boulevard and west of Brick Church Pike.

PLAN DETAILS

The final PUD plan, which is consistent with the preliminary PUD plan, proposes 25 single-family lots on 6.09 acres. Phase 1 of the PUD began the north-south construction of Cobblestone Creek roadway and approximately 175 feet of Ryan Allen Circle, which will loop through the entire subdivision. The proposed phase 1-A of the PUD extends Ryan Allen Circle further east and begins the north-south development of Daniel Ray Drive, which will run parallel to Cobblestone Creek Drive. Average lot size within the subdivision is 6,469 square feet.

TRAFFIC
PUBLIC WORKS'
RECOMMENDATION

All of Metro Public Works' initial comments were addressed by the applicant. An additional comment and condition has been added by Public Works that addresses roadway improvements associated with the entire PUD plan. Public Works staff stated that the required right and left turn lanes on Old Hickory Boulevard must be constructed at Phase 1. Also, the access road at Old Hickory Boulevard must have two exiting and one entering lane as required on the preliminary PUD plan.



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CONDITIONS

1. A final plat for Phase 1-A must be recorded prior to the issuance of any building permits.
2. Unless grading permits have been issued for a specified phase of development, grading and site clearing must be limited to areas of infrastructure improvement.
3. Required right and left turn lanes on Old Hickory Boulevard must be constructed at Phase 1. Also, the access road at Old Hickory Boulevard must have two exiting and one entering lane as required on the preliminary PUD plan.
4. 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.
5. 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.
6. 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.
7. 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.