

1. **Zone Change Proposal 2001Z-013T** (Council Bill BL2001-915)

Staff recommends *disapproval*.

This council bill is to change the text of the Zoning Ordinance for Section 17.24.030 (E) by exempting the tree density requirements from loading areas or tractor-trailer staging, loading and parking areas. The Metro Urban Forester has indicated that this request came about due to several warehouse/distribution facilities having been unable to meet the current tree density standards. They were also unwilling to pay into the Metro Tree Fund.

The Zoning Ordinance currently allows for an exemption to the interior landscaping requirements in loading and staging areas, but it does not allow for an exemption to the overall tree density requirements. The ordinance requires that at least 8% of the gross parking area shall be landscaped and that interior planting areas are located within or adjacent to the parking area as tree islands, at the end of parking bays, or inside measuring 7' wide or greater. All multi-family, commercial, and industrial sites are subject to a tree density requirement of at least 14 units per acre, where units are defined by the quantity, type and size of trees planted.

This proposed text change would exempt loading and staging area from the overall tree density requirements, as well as the interior-planting requirement. Staff recommends disapproval since it is important for these commercial and industrial developments to comply with the standards for landscaping and buffering. Landscaping serves to reduce the impact on adjacent properties and public thoroughfares through screening and buffering, and increases the amount of non-impervious services, which reduces the amount of stormwater runoff. The ordinance currently is flexible by providing an exception to the interior planting requirements and an in-lieu payment to Metro's Tree Fund for non-compliance with the tree density provision of planting trees.

Proposed Text is shown in bold and old text is shown with a strikethrough.

17.24.030 Exceptions

E. **Neither** ~~the interior planting requirements of Section 17.24.160~~ **nor the tree density requirements of Section 17.24.100** shall ~~not~~ apply to service loading areas or to tractor trailer staging, loading and parking areas.

2. **Zone Change Proposal 2000Z-090U-12** (Council Bill BL2001-907)

Staff recommends *conditional approval* subject to necessary road improvements.

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

This request was originally scheduled for the August 31, 2000, Commission meeting, but the applicant requested to defer indefinitely. The applicant was then placed on the November 8, 2001, Commission and due to a lack of quorum the meeting was cancelled. The request is now a council bill to change 3.75 acres from R40 (residential) to RM4 (residential) district at 5606 Cloverland Drive and 659 and 675 Old Hickory Boulevard, at the intersection of Cloverland Drive and Old Hickory Boulevard. The existing R40 district is intended for residential single-family and duplexes at 1 dwelling unit per acre. The proposed RM4 district is intended for single-family, duplex, and multi-family dwellings at 4 units per acre. With RM4 zoning, up to 15 dwelling units could be constructed versus 4 dwelling units under the current R40 zoning.

Staff recommends approval of the RM4 zoning since it is consistent with the Subarea 12 Plan's Residential Medium (RM) policy, which calls for 4 to 9 dwelling units per acre. While RM policy permits up to a maximum of 9 units per acre, the Subarea 12 Plan indicates that no more than 6 units per acre should be permitted in this policy area. At the October 11, 2001 Commission meeting the Commission approved a zone change for the properties on the opposite side of Cloverland Drive. That zone change was from R40 to RM4 district (2001Z-103U-12).

Traffic

The Metro Traffic Engineer has indicated that a 12 foot dedication of right-of-way along Cloverland Drive is required. The developer of the Seven Springs Commercial PUD will complete the widening of Cloverland Drive, as provided in that PUD's conditions of approval prior to the issuance of the first Use and Occupancy permit for that development.

Schools

A multi-family development at RM4 density will generate approximately 3 students (1 elementary, 1 middle, and 1 high school). Students would attend Granberry Elementary School, McMurry Middle School, and Overton High School. The School Board is currently reviewing school capacity figures and final numbers are not yet available for these schools.

3. **Zone Change Proposal No. 2001Z-104U-13** (Council Bill BL2001-910)

Staff recommends *disapproval as contrary to the General Plan*.

- **Subarea Plan amendment required?** Yes, and none was submitted.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** Yes, and one was submitted.

This item was deferred at the October 25, 2001, meeting to allow more time for the applicant to meet with neighbors. This council bill is to change 3.98 acres from R8 and R10 to MUL district properties at 2500, 2510, 2514, 2518, and 2522 Murfreesboro Pike, 2517 Edge-O-Lake Drive, and Edge-O-Lake Drive (unnumbered). The existing R8 and R10 districts are intended for single-family and duplex residential at 4.6 and 3.7 dwelling units per acre, respectively. The proposed Mixed Use Limited (MUL) district is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses. MUL zoning allows a floor area ratio (FAR) of 1.0. The applicant has indicated this rezoning is to develop a retail and residential project.

The existing Subarea 13 Plan's policies for this area are Residential Medium (RM) calling for residential development at between 4 and 9 dwelling units per acre, and Residential Low Medium (RLM) calling for up to 4 dwelling units per acre. The text of the subarea plan, which was approved by the Commission in 1996, states the following: "*Medium density residential is appropriate on the few remaining undeveloped or underutilized sites.*" These residential policies do not support commercial uses on this side of Murfreesboro Pike. The applicant has indicated a desire to rezone without a subarea plan amendment. Instead, the applicant believes the Retail Concentration Community (RCC) policy that lies on the west side of Murfreesboro Pike should be interpreted as extending across Murfreesboro Pike to include these properties. There may be merit in applying a Mixed-Use (MU) policy in this area, however, a larger area needs to be evaluated and a conceptual plan developed through a subarea plan amendment for the area north of Edge-O-Lake Drive, south to parcel 86 (see sketch). There are several large parcels that front on Murfreesboro Pike and extend back into the Willowbranch Drive area. Any development on these parcels would need to be done in a sensitive manner.

Staff recommends disapproval of this request as contrary to the General Plan. The RCC policy does not support the applicant's proposed mixture of commercial and residential uses. RCC policy does not call for residential uses. It is a policy applied to large commercial centers. In July 1998, the Commission disapproved a request for commercial zoning on parcel 69, at the corner of Murfreesboro Pike and Edge-O-Lake Drive finding this area is to remain residential (98Z-133U).

The Subarea 13 Plan says that the Retail Concentration Community (RCC) policy on the west side of Murfreesboro Pike should not cross the street:

"...The adjoining Retail Concentration Community policy area (9A) should not extend east of the frontage on Murfreesboro Pike into this residential area." (p.55)

"...Expansion of this area beyond its current boundaries is not recommended, because of the adjacent residential policy areas. ..." (p. 61)

Traffic

The applicant has indicated that a new driveway/road would be extended from Edge-O-Lake Drive at the rear of the property proposed for rezoning. There would also be a second driveway on Murfreesboro Pike. The Traffic Engineer has indicated that the existing signal at Edge-O-Lake Drive could accommodate traffic generated by MUL zoning.

4. Zone Change Proposal No. 2001Z-109U-14 (Council Bill BL 2001-902)

Staff recommends *disapproval as contrary to the General Plan*.

- Subarea Plan amendment required? Yes and none was submitted.
- Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? No.

This request was originally scheduled for the November 8, 2001 Planning Commission meeting but due to a lack of quorum the meeting was cancelled. This council bill is to change 3 acres from RS10 (residential) to CL (commercial) district property at 608 McGavock Pike, approximately 800 feet north of Elm Hill Pike. The existing RS10 district is intended for single-family homes at 3.7 dwelling units per acre. The proposed CL district is intended for retail, consumer service, banks, restaurants, hotel/motel and office uses. The applicant wants to develop a small shopping center.

This property is located within the Subarea 14 Plan's Residential Low Medium (RLM) policy. That policy calls for 2 to 4 dwelling units per acre. The current RS10 zoning is consistent with the Subarea 14 Plan. Rezoning this property to CL zoning would serve to intensify commercial zoning in an established residential neighborhood and would serve as a precedent for other commercial rezonings in this area. The Planning Commission previously recommended disapproval of two other zone changes for this property (96Z-120U and 97Z-098U). Both requests were to change from RS10 to OP district (i.e. OR20 district) and the Planning Commission disapproved both in November 27, 1996 and October 16, 1997 with the following explanation:

"This expansion of commercial zoning extends to far into this residential neighborhood. There is steep topography, which separates the CS zoning boundary from the residential areas on both sides of McGavock Pike. Single-family homes exist on the northern boundary of this property. There are a mixture of vacant residential parcels, single-family homes, a church and a daycare center across the street along Lakeland Drive."

Staff recommends disapproval as contrary to the General Plan since the CL zoning is a commercial use and the plan clearly views this area as a residential neighborhood. Also, there is a viable commercial area at the intersection of McGavock Pike and Elm Hill Pike that could be used for more commercial activities.

Traffic

The Metro Traffic Engineer has indicated that McGavock Pike is substandard along the property's frontage and needs to be brought up to collector road standards. The improvements required upgrading this portion of McGavock Pike, including the construction of a center-turn lane for the length of the property with proper striping and markings.

5. Zone Change Proposal 2001Z-110U-05

Staff recommends *disapproval as contrary to the General Plan*.

- **Subarea Plan amendment required?** A subarea plan amendment would normally be required for a request to allow commercial zoning within a residential policy area. Staff feels this particular request does not warrant an amendment because this change in zoning would represent a significant intrusion into an established residential community.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to December 6th. The request is to change .46 acres from RS5 (residential) to CS (commercial) district at 1902 Meridian Street, approximately 250 feet south of Trinity Lane. The existing RS5 district is intended for higher intensity single-family development at 7.41 dwelling units per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The applicant wants to rezone the property to operate a small business. Staff feels that there are more appropriate properties in the area from which to operate a small business, including underutilized and vacant properties along Dickerson Pike.

Staff recommends disapproval of the proposed CS zoning as contrary to the General Plan. This zone change is not consistent with the Subarea 5 Plan's Residential Medium Density (RM) policy. That policy calls for between 4 to 9 dwelling units per acre. The Subarea 5 Plan clearly states as a general rule in all residential policy areas that the encroachment of arterial commercial uses into residential areas should be discouraged. The plan further expresses the need to conserve the established neighborhoods.

Traffic

The Metro Traffic Engineer has indicated that Meridian Street could handle commercial traffic generated by CS zoning at this location.

6. Zone Change Proposal No. 2001Z-112G-06

7. Planned Unit Development Proposal No. 2000P-005G-06 Walgreens-Bellevue

Staff recommends *disapproval*.

- **Subarea Plan amendment required?** No, property falls within an unmapped commercial policy.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** Yes, and one was submitted.

This request is to change from RS40 (single-family residential) and CN (commercial neighborhood) districts to CL (commercial limited) district property at Highway 100 (unnumbered). There is also a request for a PUD to permit a 13,650 square foot Walgreen's retail store, 19,300 square feet of retail/restaurant uses, and to dedicate a 0.83 acre portion of the site to Metro Government for a possible fire station, park, or public use area. The existing RS40 district is intended for single-family homes at up to 1 unit per acre and the existing CN district is intended for a limited range of retail and service uses for nearby residential areas. The proposed CL district is intended for retail, service, and restaurant and office uses. The CN district allows a maximum Floor Area Ratio (FAR) of 0.25, while the proposed CL district allows a 0.60 FAR.

Zone Change

Staff recommends disapproval since the proposed PUD plan does not comply with the Metro Traffic Engineer's requirement to eliminate the proposed driveway to the new Old Harding Pike on the Walgreen's site, and since the PUD plan does not orient the Walgreen's building toward this street (see below). The Traffic Engineer is also requiring that a traffic signal be installed by the developer at the new Old Harding Pike/Harpeth Valley School intersection for safety reasons. Although the CL district is appropriate around the Highway 100/Old Harding Pike intersection given the area's significant population growth and the existing commercial zoning, staff recommends disapproval since the applicant has indicated that design changes will not be possible.

When the Subarea 6 Plan is comprehensively updated, the commercial policy around this node should be changed from unmapped neighborhood commercial policy to Retail Community Concentration (RCC). That policy is intended for large commercial areas exceeding 100,000 square feet in size. The current policy is Residential Medium Density (RLM) calling for 2 to 4 dwelling units per acre within which this unmapped commercial node exists. The stream on the eastern margin of this property and the Harpeth Heights Baptist Church to the south provide boundaries between this commercial node and the surrounding residential area. Commercial and office zoning should not be extended further east along Highway 100.

PUD Plan

The proposed PUD includes a stand-alone Walgreen's on the west side of the relocated Old Harding Pike and retail and restaurant uses on the east side of this road. Staff recommends disapproval since the applicant has not agreed to reorienting the Walgreen's building toward the new Old Harding Road and Highway 100 intersection, and the driveway cut on the Walgreen's site to the new Old Harding Road has not been eliminated. Currently, the proposed Walgreen's building faces west, leaving the drive-thru and the back of the building facing the intersection. Reorienting the Walgreen's building to the intersection would frame this intersection by having all buildings fronting it.

Scenic Landscape Easement

The plan requires a variance to Section 2-7.4 of the Subdivision Regulations. This section requires a 57-foot setback from the 75-foot Scenic Landscape Easement along Highway 100. Highway 100 is designated on the Major Street Plan and by the State of Tennessee as a Scenic Arterial. With the Tennessee Department of Transportation's (TDOT) plan to widen Highway 100 in the future, and with the gradual change in this area to a community-scale commercial, a variance to allow a portion of the buildings and parking within the easement is not unreasonable. This plan would also require the installation of evergreen shrubs that will be a minimum of 6-feet tall at maturity along Highway 100. A 10-foot wide landscaped strip, as per Section 17.24.070 (Scenic Landscape Easement) of the Zoning Ordinance also needs to be shown on the plan

Traffic

The applicant submitted a traffic impact study which the Metro Traffic Engineer reviewed. That study called for implementing the first phase of TDOT's long-range plan for the reconfiguration of the Old Harding Pike/Highway 100 intersection. Old Harding Pike's realignment was first proposed in 1997 with the Trace Creek Center Commercial PUD south of Highway 100 (Kroger). This Walgreen's PUD proposes to re-route Old Harding Pike through parcel 113 on tax map 155 to the signalized intersection across from Kroger. Access to the Harpeth Valley Elementary School will be maintained through the existing two-lane section of Old Harding Pike between the new extension and Collins Road. Although this PUD does not propose completing all of the state road improvements for this intersection, it does represent the first step toward their completion. The Traffic Engineer has indicated there is no set deadline or timeframe for the remainder of the improvements to be made. These include the relocation and widening of Highway 100 to five lanes from the county line to Old Hickory Boulevard, and the reconfiguration of the Old Harding Pike/Highway 100 intersection at Collins Road.

8. Zone Change Proposal No. 2001Z-113G-14 (Council Bill BL2001-905)

Staff recommends *conditional approval* subject to traffic improvements.

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

This request was originally scheduled for the November 8, 2001, Planning Commission meeting, this meeting was cancelled due to a lack of quorum. This council bill is to change 118 acres from AR2a (agricultural) to RS15 (residential) district at 3200 Earhart Road, where Earhart Road intersects John Hager Road. The existing AR2a district is intended for agricultural and residential uses at one dwelling unit for every two acres. The proposed RS15 is intended for single-family residential dwellings at 2.47 units per acre. The applicant is requesting this zone change to accommodate the construction of a new single-family subdivision.

Located along the eastern portion of Earhart Road are four parcels (81, 130, 169, and 188). One of the parcels is currently zoned RS15 (parcel 81) and the other three are zoned AR2a. The three properties zoned AR2a are not a part of this rezoning, but with the growing zoning pattern in the area, it is likely these properties will at some point be rezoned as well to RS15 district.

School Property Reservation

The applicant has agreed to reserve a portion the proposed property for the construction of a new elementary and middle school campus. The two schools will be located along John Hager Road between the road and the TVA transmission line. The applicant has agreed to set aside that area (“reserve”) it for the schools for purchase by Metro Board of Education. The applicant will build one entrance road between the two schools off of John Hager Road into their residential development. The size of property being reserved is being negotiated at this time and will be addressed more thoroughly when the applicant either applies for preliminary plat approval or PUD approval.

Staff recommends conditional approval of the proposed RS15 zoning subject to several traffic improvements (see the ‘*Traffic*’ section). This zone change is consistent with the Subarea 14 Plan’s Residential Low Medium (RLM) policy, which calls for 2 to 4 dwelling units per acre.

Traffic

The Traffic Engineer has indicated that the recommendations from the traffic impact study are adequate for this project. No other improvements are necessary.

1. The construction of an eastbound left-turn lane with 75 feet of storage on John Hager Road at the property’s future access point to John Hager Road.
2. Removal of vegetation at the property's southern access point to Earhart Road to provide the recommended 400 feet of undisturbed sight distance.

Schools

A single-family development at RS15 density will generate approximately 59 students (26 elementary, 18 middle, and 15 high school). Students would attend Dotson Elementary School, Donelson Middle School, and McGavock High School. The School Board is currently reviewing school capacity figures and final numbers are not yet available for these schools.

9. Zone Change Proposal 2001Z-114U-08 (Council Bill BL2001-897)

Staff recommends *approval*.

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

This request was originally scheduled for the November 8, 2001, Planning Commission meeting, this meeting was cancelled due to a lack of quorum. This council bill is to change 14 acres from IWD (industrial) to MUG (mixed use) district property at 2298 Metrocenter Boulevard, at the intersection of Metrocenter Boulevard and Athens Way. The existing IWD district is intended for a wide range of warehousing, wholesaling, and bulk distribution uses. The proposed MUG district is intended for a mixture of retail, office and residential uses. The Watkins Institute College of Art and Design is requesting this rezoning to reuse the existing vacant facilities.

The property is located in the Fountain Square section of Metrocenter. Fountain Square was originally designed and planned as a retail center equipped with restaurants, offices, movie theaters and retail stores. Currently most of the retail businesses no longer exist and the building the applicant is proposing to rezone is the vacant movie theater. Prior to 1998, the property was zoned CG (commercial general), which allowed these uses. With the countywide rezoning in 1998 the property was rezoned to the current IWD.

In August 1999, the Metro Council approved rezoning property on Great Circle Road from IWD to MUG district (case # 99Z-070U). The Planning Commission also approved this rezoning along with a Subarea 8 Plan Amendment for Mixed Use (MU) policy. The MU policy boundaries were set from Great Circle Road on the north, Interstate 265 on the east, Metrocenter Boulevard on the south, and 10th Avenue North and Delta Avenue on the west. The proposed property is within the Subarea 8 Plan's MU policy, which calls for a mixture of compatible residential and non-residential uses. Staff recommends approval of the proposed MUG zoning since it is consistent with the subarea plan.

Subarea 8 Plan Update

The Subarea 8 Plan is currently being updated. The updated plan intends to classify the Fountain Square area with the Corridor Center (CC) policy. The CC policy is intended to apply to established areas that function, and are envisioned to continue functioning, as mixed centers of activity for the neighborhoods they serve. CC is also intended for emerging and undeveloped areas that are planned to be future centers serving multiple neighborhoods. The MUG zoning is also consistent with updated Subarea 8 Plan's CC policy area.

Traffic

The Metro Traffic Engineer indicates that Metrocenter Boulevard and Athens Way can sufficiently accommodate residential, office, and/or commercial traffic generated by MUG zoning.

10. Zone Change Proposal 2001Z-115G-14 (Council Bill BL2001-896)

Staff recommends *approval*.

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

This request was originally scheduled for the November 8, 2001, Planning Commission meeting, this meeting was cancelled due to a lack of quorum. This council bill is to change 8 acres from R10 (residential) to MUL (mixed use) district a portion of property at Robinson Road (unnumbered), located at the southwest corner of Robinson Road and Martingale Drive. The existing R10 district is intended for residential single-family and duplexes at 3.7 dwelling units per acre. The proposed MUL district is intended for a mixture of residential, retail, restaurant, and office uses. The applicant has indicated this rezoning is to develop a retail project.

Staff recommends approval of the proposed MUL since it is consistent with the Subarea 14 Plan's RCC policy. That policy calls for large shopping centers that serve a wide market area. The applicant proposes to construct an Eckerd Drug Store on the property with the potential for several small retail stores to attach to the main structure in the future. The Planning Commission approved the rezoning of parcel 143 (98Z-110G) from R10 to MUN district property on May 14, 1998 and the Metro Council passed the bill (O98-1231) on July 21, 1998.

11. Zone Change Proposal No. 2001Z-116U-10 (Council Bill BL2001-914)

Staff recommends *disapproval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No, traffic generated by any future use will be analyzed with the actual neighborhood landmark development plan. That plan will be submitted with a specific plan of development once Council approves the overlay district.

This council bill is to apply the Neighborhood Landmark Overlay District (NLOD) to 2.41 acres on property at 1200, 1201, 1207 Villa Place, and Villa Place (unnumbered), including the White Way Cleaners buildings built in 1931. The White Way Cleaners is an existing non-conforming light-manufacturing use that is grandfathered since it pre-dates the current RS5 zoning on the property. The RS5 district is intended for single-family homes at up to 7.4 dwelling units per acre. The NLOD district is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood in which the features are located. The applicant wants to adaptively reuse the White Way Cleaners buildings, including the building on the east side of Villa Place (parcel 233) for neighborhood-scale office and retail uses. The applicant has also indicated that there may be some residential uses included in the development as well. The applicant has prepared a preliminary plan of development for the overlay district in order to inform the community what they would like to do if the overlay district is applied. There is no requirement that a plan be prepared until after Metropolitan Council has adopted the overlay district. The eligibility of a property for application of the Neighborhood Landmark Overlay District is based upon meeting the definition of a neighborhood landmark and meeting all of the criteria for consideration listed below. These define the limit of staff's review. There is also a request on this agenda to rezone parcels 227, 228, 229 and 230 on 16th Avenue from OR20 (office and residential) to ORI (office and residential intensive) (2001Z-117U-10) since this property would not qualify for the NLOD status.

Criteria for consideration:

- The feature is a critical component of the neighborhood context and structure;
- Retention of the feature is necessary to preserve and enhance the character of the neighborhood;
- The only reason to consider the application of the Neighborhood Landmark district is to protect and preserve the identified feature;
- There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the Neighborhood Landmark overlay designation and return the district to the base zoning district prior to the application of the district;
- It is in the community's and neighborhood's best interest to allow the consideration of an appropriate Neighborhood Landmark Development Plan as a means of preserving the designated feature.

The neighborhood residents must be participants in determining some of the criteria and, in staff's view, their support is also critical since the neighborhood is an important benefactor of the overlay district. With this in mind, staff explained the overlay district and fielded questions at two well-attended community meetings organized by Councilmember Hausser for that purpose and to enable the applicant and the property owner to present their proposal. In addition, a survey was mailed between the two meetings in order to determine community concerns and attitudes.

It is clear to staff from the concerns expressed at the meetings and the survey results that the neighborhood is not ready to conclude that the overlay district will provide enhancements or protection from adverse effects if redevelopment of the Whiteway site occurs. After decades of defending the area against illegal businesses and pressures for non-residential zoning east of the alley between 16th Avenue and Villa Place, many neighborhood residents remain skeptical that this overlay district will not invite more of the same encroachments. Forging ahead with the overlay zoning at this time is likely to alienate the residents from embracing the overlay as a positive step toward preserving and enhancing the quality and character of the neighborhood. For these reasons staff recommends disapproval of the request for the Neighborhood Landmark Overlay District.

12. **Zone Change Proposal No. 2001Z-117U-10** (Council Bill BL2001-913)

Staff recommends *approval*.

- **Subarea Plan Amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No, see traffic note below.

This request is to change 0.86 acres from OR20 (office and residential) to ORI (office and residential intensive) district properties located at 1202, 1204, 1208 16th Avenue South, and 16th Avenue South (unnumbered). The existing OR20 district is intended for office and/or residential multi-family uses up to 20 dwelling units per acre, and the ORI district is intended for office and/or residential multi-family uses with limited retail opportunities. The ORI district is more intense in that it allows a 3.0 floor-area-ratio (FAR), while the OR20 allows a 0.80 FAR. There is also an associated request to apply the Neighborhood Landmark District to the adjacent White Way Cleaners properties (2001Z-116U-10). The applicant has indicated an intent to construct an office building at this location on 16th Avenue that will tie into the White Way Cleaners project.

Staff recommends approval since these properties fall within the Subarea 10 Plan's Office Concentration (OC) policy along 16th Avenue calling for intensification of office uses in the Music Row area. The portion of the Subarea 10 plan's text referring to this area is shown below:

"It is anticipated that office use in this area will continue to intensify throughout the planning period." (page 58)

Traffic

The Metro Traffic Engineer has indicated that 16th Avenue can currently accommodate traffic generated by the ORI zoning.

13. Zone Change Proposal 2001Z-118G-06 (Council Bill BL2001-899)

Staff recommends *approval*.

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

This request was originally scheduled for the November 8, 2001, Planning Commission meeting, this meeting was cancelled due to a lack of quorum. This council bill is to change 12.5 acres from R15 (residential) to RM4 (residential) district properties at 230, 232 Hicks Road and Hicks Road (unnumbered), approximately 450 feet south of Old Harding Pike. The existing R15 district is intended for single-family homes and duplexes at 2.47 dwelling units per acre. The proposed RM4 district is intended for single-family, duplex, and multi-family dwelling at 4 units per acre. The applicant is requesting this rezoning to construct townhomes on the properties. With the RM4 zoning the applicant could construct up to 50 dwellings.

Staff recommends approval of the proposed RM4 zoning. This zone change is consistent with the Subarea 6 Plan's Natural Conservation (NC) policy. The NC policy allows for clustering of development due to steep slopes and poor soil. This property has both conditions. The applicant will need to submit a plat to consolidate these properties before development can commence. Due to poor soil conditions, the applicant will need to submit a geotechnical soils report identifying soils and suitability for development with the plat. The plat will also need to identify the areas where development will occur.

Traffic

The Metro Traffic Engineer has indicated that Hicks Road can currently accommodate the traffic generated by the proposed RM4 zoning.

Schools

A multi-family development at RM4 density will generate approximately 7 students (3 elementary, 2 middle, and 2 high school). Students would attend Westmeade Elementary School, Bellevue Middle School, and Hillwood High School. The School Board is currently reviewing school capacity figures and final numbers are not yet available for these schools.

14. **Zone Change Proposal 2001Z-120U-14** (Council Bill BL2001903)

Staff recommends *approval*.

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

This request is to change 0.49 acres from CS (Commercial) to RS10 (Residential) district at 235 Cliffdale Road, approximately 450 feet north of Old Lebanon Pike. The existing CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The proposed RS10 district is intended for single-family residential dwellings at 3.7 units per acre. Currently the applicant has a single-family home located on the property that is being used as an office. The applicant is requesting this zoning change in order to use the existing structure as a residence. With RS10 zoning, up to two single-family homes could be constructed on the property.

Staff recommends approval of the RS10 zoning since it is consistent with the Subarea 14 Plan's Residential Low Medium (RLM) policy, which calls for 2 to 4 dwelling units per acre. This property is located at the point where a residential policy area and a commercial policy area intersect. Rezoning this property to RS10 district conforms to the RLM policy area and lowers the intensity of property that borders a residential policy area.

Traffic

The Metro Traffic Engineer has indicated Cliffdale Road can sufficiently accommodate the traffic that would be generated by this zone change.

Schools

Due to size of this property it is estimated that this rezoning will generate no new students.

15. **Zone Change Proposal 2001Z-121U-07**

Staff recommends *disapproval as contrary to the General Plan*.

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

This request is to change 0.34 acres from RM40 (residential) and R6 (residential) to CS (Commercial) district at 5012 Delaware Avenue, at the intersection of Delaware Avenue and 51st Avenue North. The existing RM40 district is intended for multi-family dwellings at 40 units per acre. The existing R6 district is intended for single-family homes and duplexes at up to 6.17 units per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The applicant is seeking this zone change to make the entire parcel the same zoning. This property is split into four lots, two of which are currently zoned CS and the other two lots have residential zoning.

Staff recommends disapproval of the proposed CS zoning as contrary to the General Plan. A commercial zoning pattern exists in this area from 52nd Avenue North back to the applicant's currently zoned CS portion of property, along Delaware Avenue. The Subarea 7 Plan's Residential Medium (RM) policy is applied from the edge of the applicant's CS zoned property. The Subarea 7 Plan recognized the existing commercial properties along 51st Avenue North and designated that area as a Commercial Arterial Existing (CAE) policy. The Subarea 7 Plan also limits the commercial area to the property fronting 51st Avenue North from Charlotte Avenue north to Centennial Boulevard. Expansion of the commercial policy into the residential policy area is strongly discouraged. The applicant currently has a business located on the portion of the CS zoned property. The portion of the property that is residentially zoned has two single-family homes and is adjacent to a single-family home. Rezoning this property to CS would create a non-conforming use for the existing residences.

Traffic

The Metro Traffic Engineer has indicated that Delaware Avenue and 51st Avenue North can accommodate the traffic that would be generated by changing this property to CS zoning.

16. **Zone Change Proposal 2001Z-122U-05** (Council Bill BL2001-904)

Staff recommends *approval*.

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

This council bill is to change 5 acres from CS and RS7.5 (residential) to OR20 (office and residential) district a portion of property at 2816 Dickerson Pike, approximately 3,800 feet south of Ewing Drive. The existing RS7.5 district is intended for single-family homes at 4.9 dwelling units per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The proposed OR20 district is intended for office and/or residential multi-family uses at 20 dwelling units per acre. The applicant is requesting this zone change to accommodate the development of the Tennessee Department of Probation and Parole Office Building.

Subarea 5 Plan

A small portion of the property is located within the Subarea 5 Plan's Commercial Arterial Existing (CAE) policy and the remainder of property is within the Residential Medium (RM) policy. The RM policy calls for 4 to 9 dwelling units per acre and the CAE policy recognizes an area's existing commercial uses. The current RS7.5 zoning is consistent with the RM policy and the existing CS zoning is consistent with the CAE policy.

OT - Transitional Office Policy

The General Plan explains OT (transitional office) policy as follows:

"OT is a policy category for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas."

This property is located on the border between IND (industrial) policy to the south, RM policy to the north, and CAE policy to the east, with this condition the OR20 zoning district, that is consistent with the OT policy, would create a buffer between the existing IND, RM, and CAE policy areas. In the past few years the Planning Department has tried not to apply the OT policy, since it can allow for the encroachment of commercial uses into residential areas. But in this case staff believes applying the OT policy is appropriate due to the unique location of the property. This policy is applied only in very limited areas as a last resort method of achieving land use compatibility. Locations are not predetermined on subarea land use policy maps.

Staff recommends approval the proposed OR20 zoning district. Although the OR20 zoning is suitable for this property, it would not be appropriate to extend either the OR20 zoning or the OT policy further north into the RM policy area.

Traffic

The Metro Traffic Engineer has indicated that Dickerson Pike can accommodate the traffic that would be generated by this zone change.

17. **Zone Change Proposal 2001Z-123U-10** (Council Bill BL2001-906)
Staff recommends *approval*.

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

This council bill is to change 1.08 acres from R20 (residential) to RS20 (Residential) at 4001 Estes Road, located approximately 775 feet south of Abbott Martin Road. The existing R20 district is intended for residential single-family and duplexes at 1.85 dwelling units per acre. The proposed RS20 is intended for single-family residential dwellings at 1.85 units per acre. The applicant is requesting this zone change to accommodate subdividing the property for the addition of one single-family home.

Flag-Shaped Lot

This property is currently a flag-shaped lot. The Subdivision Regulations suggest such lot configuration should be avoided when possible. Allowing this zone change will maintain the flag-shaped lot, but it will limit the type of construction on the property to just one additional single-family home.

Wich Preliminary Plat

The applicant submitted a preliminary plat to the Planning Commission (2001S-306U-10) at the October 25, 2001 MPC meeting. At that meeting, the Commission received public input from neighbors concerned that two duplexes could be constructed. The Planning Commission suggested the applicant find a method to assure that only two single-family homes would be constructed on the property, and deferred the plat indefinitely. With the assistance of planning staff, the applicant submitted this zone change, which if approved, would allow only one single-family home on each lot.

Neighborhood Zoning

Councilmember Williams is holding a community meeting on Wednesday December 5, 2001, to discuss this rezoning. She will also be presenting an option for surrounding neighbors to consider whether they would like to rezone their property to RS20 district as well. Staff will update the Commission at its meeting on the outcome of this community meeting.

Staff recommends approval of the proposed RS20 zoning. This zone change is consistent with the Subarea 10 Plan's Residential Low (RL) policy, which calls for no more than 2 dwelling units per acre.

Traffic

The Metro Traffic Engineer has indicated that Estes Road can accommodate the traffic that would be generated by RS20 zoning.

Schools

Due to size of the property it is estimated that no new students will be generated.

18. **Zone Change Proposal 2001Z-124G-13**

Staff recommends *approval*.

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

This request is to change 3.95 acres from AR2a (agricultural) to R10 (residential) district property at 4220 LaVergne-Couchville Pike, approximately 250 feet south of Pin Hook Road in Antioch. The existing AR2a district is intended for agricultural and residential uses at one dwelling unit for every two acres. The proposed R10 district is intended for single-family and duplex dwellings at 3.7 units per acre. The applicant wants to sell a portion of the property for residential development.

Staff recommends approval of the proposed R10 zoning since it is consistent with Subarea Plan. This section of Antioch is largely AR2a zoning with an emerging RS10 zoning pattern. There are two residential PUD's (Lakewood Village (97P-008G) and Peppertree Forest (88P-047G)) in the immediate area that are zoned RS10. The Planning Commission approved a zone change from AR2a to R10 for the adjacent parcel 34 (96Z-113G) in November 1996. The Commission cited that R10 zoning was consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy, which calls for 2 to 4 dwelling units per acre.

Traffic

The Metro Traffic Engineer indicates that LaVergne-Couchville Pike can sufficiently accommodate the traffic that would be generated by a R10 residential development on approximately 4 acres.

Schools

A single-family development with 15 single-family lots could generate approximately 3 students (1 elementary, 1 middle, and 1 high school). Students would attend Mt. View Elementary School, Kennedy Middle School, and Antioch High School. The School Board is currently reviewing school capacity figures and final numbers are not yet available for these schools.

19. **Zone Change Proposal 2001Z-125G-13**

Staff recommends *disapproval as contrary to the General Plan*.

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

This request is to change 5.3 acres from RM15 (residential) to CS (commercial) district property at Murfreesboro Pike (unnumbered), at the intersection of Murfreesboro Pike and Summercrest Boulevard. The existing RM15 district is intended for residential multi-family at 15 dwelling units per acre. The proposed CS district is intended for retail, restaurant, consumer service, financial, self-storage, office uses, light manufacturing, and small warehousing uses. The applicant has indicated this rezoning is to develop a neighborhood convenience commercial center, including an automobile service and repair center.

In September 1999, this property was proposed from RM15 to CL zoning (99Z-118G-13). At the time of that request, this property was part of parcel 37, which has been resubdivided into single-family homes. At the time of that zone change request the Commission voted to indefinitely defer the request. Planning staff recommended disapproval of the request as contrary to the general plan. Staff also noted at that time that the applicant had previously requested CS zoning in January 1999, but withdrew the request since staff did not support extending commercial zoning south of Pin Hook Road. Pin Hook Road serves as a boundary between the residential policy area and the neighborhood commercial policy area.

Staff recommends disapproval as contrary to the General Plan since the CS zoning is a commercial use and the property is located in the Subarea 13 Plan's Residential Medium High (RMH) policy area, which calls for 9 to 20 dwelling units per acre. Also this area has a viable commercial area at the Mt. View Road /Murfreesboro Pike commercial node. The southern boundary of this node is Pin Hook Road. Within this established commercial node there remains over 30 acres of vacant property that is currently zoned within the CS district. This vacant property represents almost 30% of land available in the commercial node. The intent of the Subarea 13 Plan when providing the commercial node was to contain and fully exhaust the area designated within the node before allowing the growth of more commercial property.

Traffic

The Traffic Engineer indicates that Murfreesboro Pike can sufficiently accommodate commercial traffic generated by CS zoning.

20. Zone Change Proposal 2001Z-126U-14

21. **PUD Proposal No. 17-83-U-14 Music Valley Drive Commercial PUD**

22. **Zone Change Proposal 2001Z-128U-14**

23. **PUD Proposal No. 74-73-G-14 Music Valley PUD**

Staff recommends *disapproval*.

- Subarea Plan amendment required? No, but this area should be closely considered during the next subarea plan update.
- Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods? No.

Since the next four items are similar and since they are in the same area, the staff reports have been combined. The first request (2001Z-126U-14 and 17-83-U-14) is to change 9.5 acres from CA (Commercial Attraction) to CS (Commercial Services) district at 2434, 2440, 2444, 2450, and 2454 Music Valley Drive, approximately 250 feet south of Music City Circle. There is also a request to cancel the partially developed Commercial PUD district that includes a miniature golf course, restaurant, a private access driveway, and an undeveloped 32,700 square foot retail center.

The second request (2001Z-128U-14 and 74-73-U-14) is to change 1.27 acres from CA (Commercial Attraction) to CS (Commercial Services) district at 2425 Music Valley Drive, north of McGavock Pike. There is also a request to cancel a portion of the partially developed Commercial PUD district that includes a convenience market and an unbuilt retail building. The existing CA district is intended for a wide range of amusement, recreational, and retail support uses typically associated with the tourist industry, while the CS district is intended for a wider range of commercial service related uses including low intensity manufacturing and storage uses.

Staff recommends disapproval of the CS district since the existing CA district more closely implements the Subarea 14 Plan’s Commercial Mixed Concentration (CMC) policy calling for “...major commercial entertainment, sports and recreation activities, cultural activities, and production facilities for television and motion pictures.” The Subarea 14 Plan, which was adopted on March 7, 1996, also states: “Appropriate secondary uses include only those that are directly supportive of the uses stated above.” (page 79)

The CS district allows many uses that are not permitted in the CA district. The following table outlines some of the differences between the two districts:

Land Use	CA (Existing)	CS (Proposed)
Billboard	N	P
Automobile Repair	N	P
Nonresidential Drug Treatment Facility	N	P
Medical or Scientific Lab	N	P
Major Appliance Repair	N	P
Home Improvement Sales	N	P
Wrecker Service	N	PC
Heavy Equipment Sales	N	PC
Self-service Storage (Mini-Storage)	N	PC
Manufacturing, Light	N	PC
Construction Demolition Landfill	N	PC
Distributive Business Wholesale	N	PC

N=Not Permitted P=Permitted PC= Permitted with Conditions

Staff recommends disapproval since the additional uses that would be allowed under the CS district will not serve to implement or enhance the existing CMC policy for this area. The existing CA district is the appropriate zoning district for this area, which is intended to include secondary uses that will support Opry Mills and the Opryland Hotel---major tourist attractions in this area. The CS zoning would allow uses that could pose a substantial risk to changing the area's overall character---permanently.

Since this area has experienced a large amount of change in the last couple of years with the closing of the Opryland Theme Park and the opening of the Opry Mills Mall, it will be important during the next Subarea 14 Plan update to consider whether this property should move toward more of an office concentration or mixed-use policy, given the recent PUD revision for office uses in the Music City Outlet Center PUD.

24. Urban Design Overlay Proposal 2001UD-001G-12 Lenox Village, Phase 1

Staff recommends *conditional approval*

This request is for final plan approval for 77 townhouses and 43 single-family lots on 18.55 acres. The property abuts the east margin of Nolensville Pike, opposite Bradford Hills Drive classified within the RM9, MUL, and Urban Design Overlay Districts. This plan is associated with Item 52, final plat approval for Section 1 to create 33 lots on approximately 6 acres.

The final construction plans for Phase 1 are entirely for residential development of townhomes and detached houses. These plans comply with the Lenox Village UDO Guidelines adopted with the overlay district.

Staff recommends conditional approval subject to:

1. Revision of construction plans to show 15 feet curb radii on the following intersections:
 - Nolensville Pike with Lenox Village Drive
 - Lenox Village Drive with unnamed “D” street
 - Porter House Drive with unnamed “D” street
 - Unnamed “B” street with unnamed “D” street
2. Revision of construction plans to show missing sidewalk connections across the following intersections:
 - Lenox Village Drive with unnamed “D” street
 - Porter House Drive with Heaton Way
 - Porter House Drive with unnamed “D” street
 - Unnamed “B” street with unnamed “D” street
3. Revision of construction plans to add a sidewalk ramp across the planting strip on Lenox Village Drive between lots 13 and 14.
4. Revision of the construction plans to add pedestrian way that enables access into Ponds A and B with final placement to be adjusted in the field.
5. Addition of a note to the construction plans to require submittal of as-built drawings reflecting any adjustments made in the field to finalize treatment of boulder placements, grades, landscape materials and pedestrian access ways.
6. Revised construction plans that satisfy items 1 through 5 must be submitted to the Planning Department prior to submittal for approval of any plans for construction on platted lots.

25. Urban Design Overlay Proposal 2001UD-002U-10 The Tin Roof/Demonbreun Street

Staff recommends *conditional approval* of the final construction plans.

This is a request for final plan approval of exterior modifications for an existing building on Demonbreun Street, within the Music Row Urban Design Overlay District. The work consists of primarily replacing existing storefront windows with a new storefront, the maintenance of the existing exterior, the installation of new exterior finish materials including brick and stucco, increasing the perceived height of the building with an additional parapet above the existing one, the addition of new awnings above the windows and entrances, and the addition of new signage.

The purpose of this review is to determine whether or not the proposed modifications increase the degree of nonconformity with the urban design overlay district standards. Staff concludes that the proposed modifications will not materially increase the degree of nonconformity. However, staff concludes that the proposed signage should be revised to comply with the signage standards of the urban design overlay district. Staff recommends the following conditions of approval:

- The proposed signage on the Demonbreun Street façade exceeds the maximum allowable surface display area as described by the urban design overlay district standards. Staff recommends approval of this plan subject to the appellant submitting revised construction plans and signage fabrication plans, which illustrate with dimensions and notes that the proposed signage complies with the urban design overlay district standards.
- An area, described as a “graphic billboard” on the construction plans, is indicated on the side elevation and exceeds the maximum allowable surface display area as described by the urban design overlay district standards. The appellant has indicated that the area is not signage or an advertisement, but a location for interchangeable art. Staff recommends approval on the condition that the appellant submit revised construction plans, which replaces the term “graphic billboard” with “interchangeable art” and submits a letter of intent, from the owner to the Planning Department and Codes Department, that the area will not be used for signage or advertisement of any kind.

Staff recommends approval of the final construction plans with the following conditions:

1. The appellant shall submit revised construction plans and sign fabrication plans, which illustrate with dimensions and notes that the proposed signage complies with the urban design overlay district standards.
2. The appellant shall submit revised construction plans, which replaces the term “graphic billboard” on the side elevation with “interchangeable art” and submits a letter of intent, from the owner to the Planning Department and Codes Department, that the area indicated as interchangeable art will not be used for signage or advertisement of any kind.

26. Subdivision Proposal 2001S-308U-14 Stroud Property

Staff recommends *conditional approval* subject to variances for lot comparability and maximum lot size as well as bonding for road improvements with the final plat to widen Barton Lane and bring it up to the minor local standard.

This request was scheduled for the November 8, 2001 meeting, but due to the lack of a quorum it was rescheduled to December 6th. This request is for preliminary plat approval to create four lots on 3 acres abutting the north margin of Barton Lane, approximately 40 feet east of Pennington Bend Road. The property is located within the RS15 and R15 districts.

Variance - Sidewalks

The applicant has requested a sidewalk variance along Barton Lane because it is a substandard road, and there are currently no sidewalks in the area. While staff understands that constructing sidewalks along Barton Lane will be costly, staff is not recommending approval of the variance because the sidewalk will allow residents to gain access to a future greenway trail to be developed along the Cumberland River. Preliminary approval was granted by the Planning Commission on August 30, 2001, for the Abbington Park subdivision (parcel 10). That preliminary plat for nearly 400 lots proposes a significant dedication of open space that leads to a future public access greenway trail. Staff feels that a variance should not be granted, and sidewalks should be required along Barton Lane to provide access to the future trail for these residents.

Variance - Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 111,568 square feet, and the minimum allowable frontage is 128 feet. All of the proposed lots fail lot comparability for lot area, and only proposed lot 1 passes for lot frontage with 166 feet of frontage. Proposed lot 1 is the largest of the four lots, and it fails comparability for lot area by more than 60,000 square feet. The applicant is seeking a variance because this parcel is surrounded by large undeveloped tracts that are also located within RS15 and R15 districts. The applicant believes that these undeveloped tracts surrounding the property will be developed in the future, and lots will be created that are more in line with the RS15 and R15 zoning districts. As previously mentioned, the Commission approved a preliminary plat for Abbington Park to create lots that will be much smaller than those proposed within this subdivision. Staff believes that other larger parcels in the area will be subdivided in the future, and is recommending approval of this lot comparability variance.

Variance - Maximum Lot Size

While all four lots within the proposed subdivision do not meet the minimum lot requirements of lot comparability, lot 1 actually exceeds the maximum lot size allowed for a subdivision within this zone district. The Subdivision Regulations require that a lot not exceed three times the minimum lot size required for the zone district. In this case, the subdivision is located within the RS15 and R15 zone districts. Here the minimum lot size is 15,000 square feet, therefore, a proposed lot cannot exceed 45,000 square feet according to this regulation, but lot 1 contains 49,763 square feet. The applicant has requested a variance to the maximum lot size regulation. The applicant claims that due to an existing home, lot 1 cannot be configured in order to satisfy the requirements for maximum lot size. Staff agrees with the applicant and supports the variance for maximum lot size.

Traffic

The Traffic Engineer has indicated that Barton Lane is a substandard local road, and has indicated that Barton Lane should be widened and brought up to the minor local standard (46 feet of right-of-way; 23 feet of pavement). The Traffic Engineer does not believe that an additional four lots warrants the upgrade from a traffic standpoint, but rather Metro could be liable for an accident occurring on the substandard road due to any increase in traffic. Because the public right-of-way extends beyond this property, a cul-de-sac will **not** be made a requirement.

Staff recommends conditional approval of this preliminary plat subject to variances for lot comparability and maximum lot size as well as bonding for road improvements with the final plat to widen Barton Lane and bring it up to the minor local standard.

27. Subdivision Proposal 2001S-309U-12 Carlyle Village

Staff will make a recommendation at the meeting because the applicant is submitting a revised plat the week of the Commission meeting.

This request was originally scheduled for the October 25, 2001, Commission meeting, but due to the lack of a quorum it was rescheduled to December 6th. The October 25th deferral was also necessary because the subdivision was scheduled to go before the Metro Stormwater Management Committee on that date. A variance was granted by the committee (2001-65) to allow the construction of a portion of Michele Drive within the 50-foot buffer area along the floodway of Whittemore Branch.

This request is for preliminary plat approval to create 49 lots on 14 acres abutting the northwest margin of Benzing Road and the northeast termini of Michele Drive and Yoest Circle. The subdivision is a cluster lot development within the R10 district at a proposed density of 3.5 dwelling units per acre. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. A significant portion of this property is encumbered by the floodplain of Whittemore Branch, a tributary of Mill Creek. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the R10 district may create lots equivalent in size to the R6 district. The minimum lot size for a subdivision within the R6 district is 6,000 square feet. The proposed lots range in size from 5,000 square feet to just over 8,000 square feet. The applicant will submit a revised plat the week of the Commission meeting, and all lots will contain at least 6,000 square feet in order to be brought into compliance with the regulations of the cluster lot option. A typical subdivision on 14 acres and classified within the R10 district would allow 52 lots. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing 49 (number subject to change) lots on smaller lot sizes.

The Zoning Ordinance only allows perimeter lots to be reduced in size the equivalent of two zoning districts with the installation of a standard "C" landscape bufferyard. A 20-foot bufferyard is required to satisfy these requirements. At the rear of lots 9-12, the required 20-foot bufferyard is not shown, and a revised plat is needed showing that bufferyard.

A plat was recorded in 1986 (1986-141U) in which parcel 198 was established as a "reserve parcel." Reserve parcels are usually set aside in order to allow access to property to be developed in the future. Staff would like to see the reserve parcel added to the plat. Staff feels that an additional street connection to Ocala Drive through the reserve parcel would improve connectivity and help alleviate increased traffic on Michele Drive and Yoest Circle. Public Works has indicated, however, that the existing blue-line stream across the reserve parcel will require the installation of a bridge rather than a culvert in order to cross the stream. Public Works claims that a culvert would increase flooding and erosion in an already flood-prone area. Crossing of the stream with a bridge will require state and federal approval. While staff feels that the connection to Ocala Drive is essential, staff is unsure whether the creation of these 49 lots warrants the steps that must be taken to construct the bridge over the blue-line stream. If the Commission feels that a bridge is not warranted, parcel 198 should be added to the plat, or a permanent cul-de-sac or alternative design should be considered because the reserve parcel will never be utilized otherwise.

Staff recommends conditional approval subject to a revised preliminary showing a 20-foot landscape bufferyard behind lots 9-12.

28. Subdivision Proposal 2001S-325U-12 Mill Creek Village

Staff recommends *conditional approval* subject to a bond for the extension of public utilities, road and sidewalk improvements, and demolition of existing structures.

This request is for preliminary and final plat approval to subdivide a 24-acre parcel into four lots abutting the northwest corner of Bell Road and Blue Hole Road. The property is located within the CL and RM9 districts. Lots 1, 2, and 3, within the CL district are being platted as “buildable” lots. Lot 1, within the RM9 district, lacks the necessary easements required to be buildable, and an additional plat to establish the necessary easements will be required in order to make Lot 1 a buildable lot.

Design - Streets

These properties will be gaining access from Bell Road at two points and from Blue Hole Road at two points. No access drive is being shown for Lot 1 because an additional plat will be required to establish access to the lot. A continuous right-hand turn lane will be constructed in the west-bound lane of Bell Road from the Blue Hole Road intersection to the second commercial access drive. This drive is located along the proposed lot line separating Lot 2 from Lot 3. The Traffic Engineer has indicated that Lot 1 will be required to extend this turn lane to its access drive with a future plat. A significant portion of right-of-way has been dedicated along Blue Hole Road on this plat. This will enable the applicant to widen the street to a three-lane section that includes a left-hand turn lane, a thru-lane, and a right-hand turn lane. This three-lane section will cover the entire length of the property. Sidewalks will be constructed along Blue Hole Road with the road improvements, and sidewalks along Bell Road shall be improved with the installation of the turn lane.

Staff recommends *conditional approval* subject to a bond for the extension of public utilities, demolition of existing structures, and the following road and sidewalk improvements:

1. Install a continuous right-hand turn lane in the west-bound lane of Bell Road from the Blue Hole Road intersection to the second commercial access drive.
2. Widen Blue Hole Road the length of the property to a three-lane section that includes a left-hand turn lane, a thru-lane, and a right-hand turn lane.
3. Construct and upgrade sidewalks along Blue Hole Road and Bell Road.

29. Subdivision Proposal 2001S-335U-14 Cloverwood Subdivision

Staff recommends *conditional approval* subject to a variance for sidewalks as well as a revised preliminary plat.

This request is for preliminary plat approval to create 19 lots on approximately 17 acres, abutting the southwest corner of Stewarts Ferry Pike and the south margin of McCrory Creek Road.

This subdivision is a cluster lot development within the RS10 district at a proposed density of 1.18 dwelling units per acre. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS10 district may create lots equivalent in size to the RS5 district. The proposed lots range in size from just over 8,000 square feet to 14,000 square feet. A typical subdivision on 17 acres and classified within the RS10 district would allow 63 dwelling units. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing only 19 lots.

Lakeland Drive, Hickory Bend Drive, and Cloverwood Drive have all been recorded as stub-streets into this property. There is no connection to Lakeland Drive in the proposal because this connection would encroach upon the floodway buffer of McCrory Creek. Hickory Bend Drive and Cloverwood Drive both terminate with cul-de-sacs because the applicant was unable to connect the roads due to the existing floodway buffer.

Variance – Sidewalks

A variance to Section 2-6.1 of the Subdivision Regulations is being requested by the applicant, and staff supports it in part. This section requires sidewalks to be constructed on both sides of the street within subdivisions.

- 1) Cloverwood Drive: Staff recommends approval of a variance for sidewalks along Cloverwood Drive. The adjacent Hickory Bend Subdivision was approved in 1962 without sidewalks. Staff feels that a variance for sidewalks on Cloverwood Drive is reasonable because it is simply a cul-de-sac, and the sidewalks would lead to the Hickory Bend Subdivision with no sidewalks. The applicant is providing a 10' paved ADA compliant greenway trail with 2' shoulders on both sides extending from the terminus of Lakeland Drive to Stewart's Ferry Pike in lieu of the sidewalks along Cloverwood and McCrory Creek Road. This trail will provide the opportunity for all of the Hickory Bend residents to access the future Stones River Greenway Trail.
- 2) Hickory Bend Drive: Staff recommends disapproval of a variance for sidewalks along Hickory Bend Drive. Hickory Bend Drive does lead into Hickory Bend subdivision which has no sidewalks, but staff feels that the road is long enough to warrant the need for sidewalks to insure safe, comfortable pedestrian circulation.

- 3) Stewart's Ferry Pike: Staff recommends disapproval of a variance for sidewalks along Stewart's Ferry Pike. The applicant claims that McCrory Creek prevents the installation of a sidewalk along Stewart's Ferry Pike. Staff believes, however, that a sidewalk can be constructed on the portion of Stewart's Ferry Pike not encumbered by McCrory Creek. A sidewalk is necessary to provide the opportunity to cross Stewart's Ferry at a point at which the future greenway may resume on the other side. Staff is recommending disapproval of the variance because it is possible to construct the walk from the end of the proposed greenway trail away from McCrory Creek to Parcel 013.
- 4) McCrory Creek Road: Staff recommends approval of a variance for sidewalks along McCrory Creek Road. The applicant claims that the topography between McCrory Creek Road and McCrory Creek is too steep to construct sidewalks. Staff agrees, and recommends approval of the variance for sidewalks along McCrory Creek Road due to steep topography. McCrory Creek Road is a future collector, however, and a 5-foot right-of-way dedication is necessary to bring the road up to collector standards.

Greenway

As mentioned, the applicant is providing a 10' paved ADA compliant greenway trail with 2' shoulders on both sides to Metro Greenways Standards extending from the terminus of Lakeland Drive to Stewart's Ferry Pike in lieu of the sidewalks along McCrory Creek Road and Cloverwood Drive. The trail is located within a dedicated conservation/greenway trail easement area. This trail will provide the opportunity for all of the Hickory Bend residents as well as other area residents to access the future Stones River Greenway Trail. Currently this plat makes no provision to provide access to the trail for residents within this proposed subdivision. A revised preliminary plat shall be submitted showing 20-foot easement and a 5-foot paved trail from the proposed greenway trail to the cul-de-sacs on Hickory Bend Drive and Cloverwood Drive.

Staff recommends conditional approval of the preliminary plat subject to a variance for sidewalks and a revised preliminary plat showing:

1. A 5-foot right-of-way dedication along the property's entire frontage on McCrory Creek Road.
2. A 20-foot greenway/conservation open space easement with a 5-foot paved trail to the proposed greenway trail from the cul-de-sacs on Hickory Bend Drive and Cloverwood Drive.
3. A 5-foot sidewalk with a 4-foot grass strip along the portion of Stewart's Ferry Pike not encumbered by McCrory Creek, in accordance with Public Works standards.
4. A revised water quality concept. Public Works has indicated that the proposed pond is not sufficient for the amount of proposed development.

30. Subdivision Proposal 2001S-336U-10 Heath Subdivision

Staff recommends *conditional approval* subject to a variance for the creation of a flag-shaped lot, a variance for lot depth to width ratio, and approval by the Metro Stormwater Management Committee to cross the blue-line stream and buffer.

The Planning Commission approved a final plat for this subdivision on April 29, 1999. The plat was recorded on January 28, 2000, after a bond for the construction of Odell Court was satisfied.

This request is for a new preliminary plat to reconfigure three lots on 2 acres and eliminate a dedicated, but unbuilt street "Odell Court" abutting the north margin of Harding Place, approximately 373 feet west of Wellington Park Court. The property is classified within the R20 district. This site is encumbered by a blue-line stream that bisects the property. There is a previously approved box culvert that allows vehicles to cross the stream via a 20-foot-wide joint access easement. This easement provides a shared driveway to the three lots. No sidewalks are required for this subdivision because sidewalks are not required for subdivisions zoned R20 and above, or where proposed lots equal or exceed 20,000 square feet in size. The proposed subdivision satisfies all requirements of lot comparability.

Variance – Flag Lot

The Subdivision Regulations state that flag lots generally shall not be permitted, however, the Planning Commission may waive this requirement if direct lot frontage on a street is precluded by unusual topographic conditions. The applicant has submitted a variance request for the creation of a flag-shaped lot (Lot 2) with frontage on Harding Place. The applicant claims that the blue-line stream bisecting the property creates an unusual hardship. According to the applicant, the construction of the cul-de-sac shown on the previously approved plat results in an encroachment into the water quality buffer along the stream and requires additional fill in an area already prone to flooding. While the elimination of the cul-de-sac creates an exaggerated version of the previously approved flag-shaped lot, disturbance of the stream system will be minimized by granting this variance. Staff supports the variance due to the constraints created by the blue-line stream.

Variance – Lot's Depth to Width Ratio

The Subdivision Regulations require that a lot's width shall not be less than 25% of the average depth. Both Lots 1 and 2 have lot widths that are less than 25% of the average lot depth. The applicant has submitted a variance request for lot depth to width ratio. The applicant claims that the position of the blue-line stream and buffer requires that the building envelopes for Lots 1 and 2 must be located north of the stream and buffer area. This requirement necessitates the creation of extraordinarily deep lots. Denial of the variance would require the extension of a public street further into the property. This street extension would further impact the water quality buffer. Staff supports the variance due to the constraints created by the blue-line stream.

Stormwater Approval

Public Works has indicated that crossing the blue-line stream and buffer with the proposed driveway will require an appeal before the Metro Stormwater Management Committee. Although the crossing was previously approved in 1999, stormwater regulations have changed since that time, and this plat must conform to today's regulations. Staff recommends conditional approval subject to approval of encroachment into stream and buffer area by the Stormwater Management Committee prior to submittal of the final plat.

Staff recommends conditional approval subject to a variance for the creation of a flag-shaped lot, a variance for lot depth to width ratio, and approval by the Metro Stormwater Management Committee to cross the blue-line stream and buffer.

31. Subdivision Proposal 2001S-351U-10 Woodmont Hall

Staff recommends *disapproval*.

This request is for preliminary plat approval to create three lots on 1.18 acres abutting the north margin of Woodmont Boulevard, approximately 371 feet west of Estes Road. The property is classified within the R10 district. The subdivision proposes a new public street, Woodmont Hall, to be constructed from Woodmont Boulevard onto the property in order to give proposed lots 2 and 3 public road frontage.

Two versions of this road extension have been submitted by the applicant. One version includes a cul-de-sac, and the other does not. The applicant prefers the version without the cul-de-sac, and claims that a lot of good lot area and building envelope area is sacrificed to build a turnaround that few people will use. The Metro Traffic Engineer disagrees. The Traffic Engineer has indicated that a turn-around should be provided for greater convenience to traffic and more effective police and fire protection. Also, typically the end of a street does not constitute road frontage. Proposed Lot 3 has road frontage solely on the end of the road rather than from the side. This is different from a cul-de-sac in that the driveway for Lot 3 may be mistaken for the road because it must extend directly from it. Staff is recommending disapproval of the version without the cul-de-sac because the Traffic Engineer is requiring a turnaround, and the end of a dead-end street does not constitute road frontage.

Variance - Lot Comparability

Both versions of this subdivision fail lot comparability. The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for this subdivision is 12,025 square feet, and the minimum allowable lot frontage is 73 feet. The version without the cul-de-sac fails lot comparability for both area and frontage. Proposed Lot 2 contains only 10,760 square feet, and proposed Lot 3 has only 46 feet of road frontage (the right-of-way width). The version with the cul-de-sac only fails lot comparability for lot area. Lot 3 contains only 11,590 square feet. Lot 1 has been set back 65 feet from Woodmont Boulevard because this is the average setback of the surrounding lots. The Subdivision Regulations state that corner lots adjacent to a proposed and existing street “*shall include a line establishing a building setback equal to the average setback of surrounding lots along the existing street.*” The applicant believes that this is the only applicable requirement of lot comparability for this subdivision. The applicant claims that lot comparability was not intended for subdivisions proposing new streets. Staff disagrees. Subdivisions that are large enough in terms of acreage or number of lots to evoke their own character should be exempt from lot comparability. Simply because a new street is constructed should not preclude applying lot comparability to an infill subdivision where an established residential character exists.

Staff is recommending disapproval of both proposed plat versions because they fail lot comparability. Staff feels that constructing a road off Woodmont Boulevard at this point in order to create three lots will affect the existing character along this residential street. Approving this subdivision would also likely set a precedent for other larger lots in the area to follow. The end result would be increased curb cuts, greater traffic volumes on an already overcrowded street (Woodmont Boulevard), and short streets that will never have the opportunity to be extended.

Staff recommends disapproval of the proposed subdivision because it fails lot comparability.

32. Subdivision Proposal No. 99S-097U Villages of Brentwood, Phase 11

Staff recommends *disapproval*.

This request is for a series of sidewalk variances within the Villages of Brentwood development (Phase 11). Roy Dale of Dale & Associates has submitted this sidewalk variance request on behalf of his client, Grandview Land Company, the developer of this residential subdivision. A final plat for this residential development was approved by the Planning Commission on March 18, 1999, and a bond totaling \$235,000 was posted for extension of new public roads and utilities (including sidewalks) on June 10, 1999. Of that amount, \$225,000 represents Public Works' portion of the bond for roads and sidewalks.

After constructing the sidewalks and making various other improvements to the development, the developer requested Metro Public Works to inspect and accept the sidewalks this summer. Public Works inspected the sidewalks and indicated to the developer they could not be accepted since they were not constructed in conformance with the approved plans or with the standards in place at the time of construction. In a letter to staff, Mr. Dale states Public Works indicated to the developer that these sidewalks could not be accepted since they were not compliant with today's ADA standards (see attached letter). Public Works has informed staff that while it's true these sidewalks are not compliant with today's ADA standards that was not Public Works' reason for non-acceptance of these sidewalks. Public Works is not retroactively applying today's sidewalks standards to this developer. Public Works requires developers to conform to standards in effect at the time of actual construction.

With the sidewalks already constructed, driveways already built, and homeowners already living in the homes, the developer has requested that Metro accept the sidewalks "as is" or allow the developer to remove all the sidewalks and not replace them. Public Works has indicated this is unacceptable because only the Planning Commission can waive the requirement for sidewalks in subdivisions. Public Works has also informed the developer and staff that most of the driveway ramps are unacceptable because they do not conform to Public Works standards and allow stormwater runoff from the street to be directed into the driveways, garages, and private property.

33. Subdivision Proposal No. 2000S-114G-06 Summit Oaks, Phase 1

Staff recommends *approval* subject to bonds for roadways, sidewalks, and public utility extensions.

This request is for final plat approval to create 26 lots abutting the west margin of Old Hickory Boulevard, approximately 2,900 feet north of Belle Forest Circle (21.05 acres), classified within the RS20 Residential Planned Unit Development District.

This project was granted conditional final PUD approval on April 13, 2000. All the PUD conditions for this subdivision have been addressed by this plat. All the lots in this development are classified as critical lots. Individual grading plans will have to be submitted, reviewed and approved prior to the issuance of building permits for these lots due to their steep slopes.

Staff recommends approval subject to a bond for roadways, sidewalks, and public utility extensions.

34. Subdivision Proposal 2001S-116G-04 Mardalee Subdivision

Staff recommends *approval* of a sidewalk variance in part.

This request is for a sidewalk variance along Nix Drive, Scalf Drive, and North DuPont Avenue. The Planning Commission approved the preliminary plat containing 11 lots with sidewalks on June 7, 2001 and a final plat on June 27, 2001. A bond was posted to construct the sidewalks in the amount of \$23,800.

Staff recommends approval of this sidewalk variance for DuPont Avenue only. While the streets abutting this property are a two-lane section with an open ditch, they are flat with sufficient right-of-way for sidewalks. There is no physical hardship to prevent the sidewalks on Nix and Scalf Drives. Although there are no sidewalks within the surrounding neighborhood, there is a public park (Madison Park) and active retirement center within a short walking distance of this site, across DuPont Avenue.

35. Subdivision Proposal 2001S-143G-13 Park Place, Phase 2

Staff recommends *approval*.

This request is to revise an approved preliminary plat to subdivide 17.5 acres into 35 lots within the RM6 and RM20 Districts. The property is located on Murfreesboro Pike near LaVergne-Couchville Pike. The original preliminary plat was approved on July 8, 1999 subject to approvals from Water and Sewer and Public Works (1999S-243G). The first phase of this subdivision received final plat approval on January 29, 2000. The second phase was postponed due to an existing cell tower, as described below. Staff recommends approval of this revised preliminary plat.

Cell Tower

In April 2001, a final plat application was filed for phases 2 and 3 (the balance of the approved lots based on the preliminary plat). During the review of that application, it was discovered that a cell tower had been built on the rear portion of the property (where lot 34 is shown). In addition, the cell tower was shown adjacent to lot 34 as a "lease area". Three issues arose: 1) proximity of cell tower to adjoining residential lots within this subdivision; 2) the creation of a separate non-residential parcel within this subdivision; and 3) a 25' ingress/egress easement that traversed a number of residential lots.

After this information was shared with the applicant, the application was deferred indefinitely until the Board of Zoning Appeals (BZA) acted on a setback variance. On September 20, 2001, the BZA approved Appeal Case No. 01-086 granting a special exception to reduce the tower's setback from the abutting street and side lot lines to 45 feet. The entire lease area for the tower will be platted as lot 34 and access to this area will be derived from the new internal street network. This non-residential lot contains 25,455 square feet which exceeds the minimum lot size of 22,000 square feet for a non-residential lot in the RM6 district. There was a slight shift in the alignment of Banff Park Court, a street in front of the cell tower, to achieve the required setback. This is strictly a minor revision and has no impact to the overall design concept of the project.

36. Subdivision Proposal 2001S-185U-05 Luton Meridian Subdivision

Staff recommends *conditional approval* subject to variances for sidewalks and lot depth to width ratio as well as approval by the Metro Stormwater Management Committee to not require water quality or stormwater detention on this property.

The preliminary plat for this subdivision was approved by the Planning Commission on June 27, 2001. The approval included a variance for lot comparability. This plat closely matches the approved preliminary. This request is for final plat approval to create 16 single-family lots located on 3.43 acres between Meridian Street and Luton Street approximately 190 feet north of Gatewood Avenue within the RS5 District. The proposed density of 4.66 dwelling units per acre is less than the 7.41 dwelling units per acre permitted by the RS5 zoning.

Variance – Sidewalks

A variance to Section 2-6.1 of the Subdivision Regulations is being requested by the applicant. This section requires sidewalks to be constructed on both sides of the street within subdivisions. The applicant has submitted a variance for sidewalks along Luton Street and Meridian Street. The applicant claims that both streets are conventional “ditch-section” roadways with steep, rocky terrain. Staff recommends approval of the sidewalk variance. Public Works will be constructing a sidewalk on the east side of Meridian Street as part of its sidewalk improvement program.

Variance – Lot Depth to Width Ratio

The Subdivision Regulations require that lot width shall not be less than 25% of the average lot depth. The applicant has submitted an application for a variance for lot depth to width ratio. The applicant claims that by infilling between two existing streets, the depth has already been set, and there is no need to make the lots any wider to accommodate the housing type to be constructed on the lots. Staff concurs, and recommends approval of the variance.

Public Works requested that the applicant provide a water quality concept for the preliminary, but the applicant requested that water quality be achieved off-site. The final plat does not address water quality. At the meeting of the Metro Stormwater Management Committee held on October 25, 2001, Appeal No. 2001-63 was deferred. This variance was to permit this subdivision’s construction without the provision of water quality best management practices or stormwater detention. Public Works cannot approve the subdivision unless the Stormwater Committee approves the variance request. The applicant’s request will be considered by the Stormwater Committee on December 6th.

Staff recommends *conditional approval* subject to variances for sidewalks and lot depth to width ratio as well as approval by the Metro Stormwater Management Committee to not require water quality or stormwater detention on this property.

37. Subdivision Proposal 2001S-297U-13 Pebble Trail Addition

Staff recommends *conditional approval* subject to a bond for the extension of roads and public utilities.

This request was originally scheduled for the November 8, 2001 Planning Commission meeting but due to a lack of quorum the meeting was cancelled. This request is for final plat approval to create five lots abutting the southeast terminus of Countryside Drive, approximately 140 feet southeast of Rader Ridge Road. The property is located in Antioch and is classified within the R15 district. The five proposed lots all have frontage on Countryside Drive.

The Planning Commission approved a preliminary plat on October 11, 2001, to create these five lots. A sidewalk variance was also approved since there are no sidewalks in the adjoining neighborhood. This final plat conforms to the approved preliminary plat. Staff recommends conditional approval of this final plat subject to a bond for the extension of roads and public utilities.

38. Subdivision Proposal 2001S-311U-05 Maplewood Heights 2nd Subdivision, Resubdivision of Lot 235

Staff recommends *conditional approval* subject to a demolition bond and variances for sidewalks, lot depth to width ratio, and lot comparability.

This request is for final plat approval to subdivide .69 acres into two lots on Hutson Avenue, between Hart Lane and Virginia Avenue. The property is zoned RS15 district. The original 1923 plat was approved with all 47 lots having 100 feet of street frontage except three lots. The lots as they are currently deeded, have been unchanged since 1959. The recorded deed describes the property as being lots 234 and 235 of Maplewood Heights. The end of the deed states “*included in the above description but specifically excluded from this conveyance is the following tract*” which then describes the southern half of lot 234. This alteration to the lot pattern was done by deed without any review or approval by the local planning authority. Due to the fact that this was done so long ago, each of these parcels would now qualify for building permits.

Sidewalk Variance

The applicant has requested a sidewalk variance along Hutson Avenue since it is a ditch-section and there are no sidewalks in the neighborhood. While the closest sidewalk is along Hart Lane, 1,300 feet to the south, this existing subdivision has none. Staff supports this variance request because of the ditch-section and no other sidewalks in the neighborhood.

Lot Comparability Variance

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots.

The having approximately 70 feet of frontage. They both fail, however, for lot comparability since they contain .34 acres and are required to have .37 acres (69% as opposed to 75%). Staff supports this proposed lot area variance since these figures if taken purely as a mathematical comparison seem to indicate these lots would be out of character, however, the overall pattern of the area would support this proposed lot ratio more closely.

Lot Width to Depth Variance

The Subdivision Regulations provide that a lot’s width should not exceed its depth by more than four times. Both lots have approximately 50 feet of frontage and a depth of approximately 300 feet, exceeding the 200 foot maximum set forth in the regulations. Staff supports a variance for lot depth to width since all of the lots along Hutson Avenue are of the same depth, as originally platted in 1923.

Demolition Bond

A demolition bond is required to remove an existing building that straddles lots 1 and 2.

Staff recommends conditional approval subject to a demolition bond and variances for lot comparability, lot depth to width ratio and sidewalks.

39. Subdivision Proposal 2001S-314G-04 Harvey T. Conner Property

Staff recommends *conditional approval* subject to a flag-lot variance.

This request is for final plat approval to subdivide a 11.43 acres into one lot and one parcel. The lot contains 2.26 acres while the parent parcel will remain with 9.17 acres. The property is located within the RS80 district along Neelys Bend Road.

Flag-Shaped Lot Variance

The applicant is proposing lot 1 as a flag-shaped lot since there is an existing home on the parent parcel. The parent parcel is not a part of this plat since State law does not require the platting of a remainder area of a parcel that exceeds 5 acres in size. Staff supports this variance since the property is in a rural area where large lots and flag-lots dot the landscape. The proposed lot will not be out of character with surrounding properties.

Staff recommends conditional approval of this final plat subject to a flag-lot variance.

40. Subdivision Proposal 2001S-315G-03 William H. Thompson, Jr. Property

Staff recommends *approval* subject to a variance for sidewalks along Old Hickory Boulevard and a revised plat prior to recordation showing an 8 foot right-of-way reservation on Old Hickory Boulevard.

This request is for final plat approval for a 0.70 acre lot fronting on the northern margin of Old Hickory Boulevard, approximately 1,300 feet west of Whites Creek Pike, classified within the R15 zoning district. The plat converts a deeded parcel with a home on it into a platted lot.

Right-of-Way Dedication

Old Hickory Boulevard is classified as a S2 (Scenic Arterial) with a total functional right-of-way at 150 feet on the Major Street Plan. The current road's construction is a two-lane asphalt section with an open ditch. The present width of dedicated right-of-way is 60 feet. An additional 8 feet of right-of-way needs to be reserved and shown on a revised plat prior to recordation.

Sidewalks

The applicant has requested a sidewalk variance along Old Hickory Boulevard since it is a ditch-section, and no sidewalks exist within several miles of the property. Staff supports this sidewalk variance.

Staff recommends approval subject to a variance for sidewalks along Old Hickory Boulevard and a revised plat prior to recordation. The revised plat needs to show an 8 foot right-of-way reservation along Old Hickory Boulevard.

41. Subdivision Proposal 2001S-319U-03 R. Anderson Subdivision

Staff recommends *conditional approval* subject to a sidewalk variance and the rezoning of parcel 52 from RS5 to CS prior to recordation.

This request was originally scheduled for the November 8, 2001 Planning Commission meeting but due to a lack of quorum the meeting was cancelled. This request is for preliminary and final plat approval to combine 0.69 acres of three existing parcels into one lot abutting the west margin of Brick Church Pike, approximately 170 feet south of Fern Avenue. Parcel 52 is zoned RS5 district and the other two properties, parcels 32 and 33 are zoned CS district.

Sidewalk Variance

The applicant has requested a sidewalk variance due to the future upgrade of Brick Church Pike. If the applicant were to construct the sidewalks at this time, when Brick Church Pike is upgraded those sidewalks would have to be removed and replaced. Staff supports the applicant's sidewalk variance request based on the future upgrade of Brick Church Pike.

Zone Change

The applicant has submitted an application to rezone parcel 52. At this time his application has been deferred indefinitely in order to consolidate the properties and not create a landlocked property between a CS district and a RS5 district. Prior to the recordation of this final plat the applicant's rezoning application will need to be approved by the Planning Commission and Metro Council. Parcels 32 and 33 (along with parcel 31, not included in subdivision) were rezoned from RS5 to CS (Council Bill: O99-1635, Zone Change Proposal 99Z-021U) by the Council with the Planning Commission's recommendation on May 24, 1999.

Staff recommends conditional approval subject to a sidewalk variance, the rezoning of parcel 52 from RS5 to CS district.

42. Subdivision Proposal 2001S-320U-05 Egerton Subdivision

Staff recommends *approval* subject to a variance for lot depth to width ratio.

This request is for final plat approval to subdivide .76 acres into two lots on Forrest Avenue, east of North 18th Street within the R6 district. The original plat was recorded in 1890 and contained portions of two lots. The lots in this subdivision were all originally platted as 100 foot wide lots. Over time these lots have been altered by deeds and plats. There are existing sidewalks along Forrest Avenue.

Lot Comparability

A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. Both lots pass lot comparability. The minimum allowable lot area for lots within the subdivision is .15 acres, and the minimum allowable frontage is 47.4 feet. Lot 1 contains .39 acres and has 51.4 feet of frontage while lot 2 contains .37 acres and 48.6 feet of frontage.

Lot Width to Depth Variance

A lot's width is not suppose to exceed its depth by more than four times. Both lots have approximately 50 feet of frontage and a depth of approximately 333 feet, exceeding the 200 foot maximum set forth in the regulations. Staff supports a variance from this standard since there are six other lots along Forrest Avenue (parcels 258, 259, 260, 261, 365, 268, and 269) with a similar depth, as originally platted in 1890.

Staff recommends approval of this final plat subject to a variance for lot width to depth ratio.

43. Subdivision Proposal 2001Z-322U-13 Cambridge Forest Townhomes

Staff recommends *approval*.

This request is for final plat approval of an 82-townhouse horizontal property regime on 18.43 acres. This development is located at the intersection of Bridgecrest Drive and Rural Hill Road in the R15 Residential PUD of Cambridge Forest. The applicant has provided the necessary landscape buffer along Rural Hill Road and Bridgecrest Drive. Cambridge Forest Townhomes PUD (28-79-G) received final approval on September 30, 2000. That final PUD served as the preliminary plat for this development.

Staff recommends approval of this final plat. A tributary of Mill Creek runs through the middle of this property. The applicant has provided the necessary 50-foot buffer from the edge of the tributary floodway. This subdivision is not required to provide the 25-foot conservation easement/ public greenway trail since it lies along a tributary of Mill Creek not the main creek itself.

44. Subdivision Proposal 2001S-324G-14 Blossom Trace, Resubdivision of Lots 9-11

Staff recommends *approval*.

This request is for final plat approval to reconfigure three lots. The properties are located at the intersection of Weeping Cherry Lane and Lilac Drive. These three lots are a part of the Blossom Trace cluster lot subdivision. Sidewalks have been provided along Weeping Cherry Lane and Lilac Drive as a part of the original subdivision. These properties are located within a RS15 zoning district, but under the cluster lot option, the lot may be reduced in size to that permitted in the RS7.5 district.

Staff recommends approval of this final plat since it removes a non-radial lot line. Section 2-4.2 of the Subdivision Regulations states the following:

"In general, side lot lines shall be right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan"

The 3 lots proposed for resubdivision currently contain a non-radial lot line along the northern property line of lot 11. This resubdivision will correct the existing non-radial lot line.

45. Subdivision Proposal 2001S-326G-06 Lexington Point, Section 3

46. Subdivision Proposal 2001S-327G-06 Lexington Point, Section 4

Staff recommends *conditional approval* subject to a bond for the extension of roads, sidewalks, and public utilities.

These two requests are for final plat approval for Phase 3 (23 single-family lots) and Phase 4 (63 single-family lots) on 38.8 acres abutting the north terminus of Lexington Point Drive. This property is classified within the RS15 district.

The Planning Commission approved a preliminary plat that encompassed these phases on September 2, 1999 (99S-300G). The preliminary was approved under the Newsom Station Road Improvement fund with a requirement that the developer pay Metro \$724 per lot to help fund future improvements to a portion of Newsom Station Road. These final plats are consistent with the approved preliminary plat. Staff recommends conditional approval subject to a bond for the extension of road, sidewalks, and public utilities for both plats.

47. Subdivision Proposal 2001S-334U-14 Larchwood, Sect. 7, Resub. Lots 406 & 407

Staff recommends *conditional approval* subject to a sidewalk variance along Fitzpatrick Road.

This request is for final plat approval to consolidate two lots into one lot abutting the northeast margin of Fitzpatrick Road, approximately 940 feet southeast of Blackwood Drive. The lots are also located within the RS10 district.

Sidewalk Variance

The applicant has requested a sidewalk variance along Fitzpatrick Road due to there being no sidewalks in the area. The Larchwood Subdivision was developed with no sidewalks. The nearest sidewalks are located along Elm Hill Pike. Staff supports this sidewalk variance request.

Lot Comparability

A lot comparability study was prepared to determine whether or not the proposed consolidated lot is comparable to the surrounding lots. The minimum allowable lot area for lots within this area is 9,801 square feet, and the minimum allowable frontage is 70 feet. This lot meets and exceeds both the lot area and lot frontage requirements with a lot area of 27,787 square feet and frontage of 136 feet.

Maximum Lot Size

Staff then made sure the new lot did not exceed the base zoning by more than three times, as defined in the Subdivision Regulations 2-4.2.D. The base zoning for this area is the RS10 district that calls for 10,000 square foot lots, which means that lots in this area cannot exceed 30,000 square feet. This consolidated lot at 27,787 square feet does not exceed the three times base zoning rule.

Staff recommends conditional approval subject to a sidewalk variance on Fitzpatrick Road.

48. Subdivision Proposal 2001S-339U-14 Thweatt-Rawling Subdivision

Staff recommends *conditional approval* subject to a bond for the construction of sidewalks and a revised plat citing a recording number for the proposed water quality device prior to recordation.

This request is for final plat approval to subdivide one parcel into two lots on 1.7 acres abutting the north margin of Stewarts Ferry Pike, approximately 410 feet west of Lauer Drive. This property is classified within the CL Planned Unit Development District. The Stewartwood Annex Commercial PUD was approved by the Planning Commission on October 11, 2001.

The plat matches the approved PUD. The PUD was approved to permit a 3,300 square foot fast-food restaurant with a drive-thru facility, and for final approval for a 1-story, 10,500 square foot office building. The plat proposes to create two lots, one of which is landlocked, where one parcel exists today, to allow each lot to be sold individually. Landlocked parcels are permitted in PUDs since they share joint access. An internal driveway connection to the adjacent property to the west on tax map 96, parcel 57 is shown. The property to the west is an approved Commercial PUD. Both properties will gain their primary access through a joint access driveway on Stewart's Ferry Pike. Sidewalks are shown along Stewart's Ferry Pike.

Staff recommends conditional approval subject to a bond for the construction of sidewalks and a revised plat citing a recording number for the proposed water quality device prior to recordation.

49. Subdivision Proposal 2001S-342G-06 Harpeth Crest, Phase 2

Staff recommends *conditional approval* subject to a bond for the extension of roads, sidewalks, greenway trail, and public utilities as well the conditions listed below.

The Planning Commission approved a preliminary plat for this subdivision to create 41 single-family lots on September 13, 2001 (2001S-267G-06). The final plat for Phase 1 of this development to create 5 lots was approved by the Planning Commission on November 26, 2001. This request is for final plat approval to create 36 lots on 33 acres abutting the north terminus of River Bend Road and the north terminus of Morton Mill Road. This is a cluster lot subdivision within the RS20 district. The final plat matches the approved preliminary, and is the second and final phase of the development.

The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS20 district may create lots equivalent in size to the RS10 district. The proposed lots range in size from just over 10,000 square feet to nearly 21,000 square feet. A typical subdivision on 33 acres and classified within the RS20 district would allow 61 dwelling units. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing only 33 lots.

Design - Streets

A mandatory referral request to abandon and relocate the public portion of Morton Mill Road on this property was approved by the Commission on October 25, 2001 (2001M-097-06). The recording of this final plat should not be effected by BL2001-893 because Public Works has assured staff that the Official Street and Alley Map is incorrect, and this abandonment is merely a housekeeping measure.

The final plat proposes to continue Morton Mill Road and shows a temporary cul-de-sac to be extended in the future over the CSX railroad tracks at the property's northern boundary. A stub-street, Harpeth Crest Drive, is proposed from the Morton Mill Road extension to an adjacent property to the west. River Bend Road is extended from River Bend Estates, and terminates in a permanent cul-de-sac on the property.

Design – Sidewalks

The Commission approved a variance with the preliminary plat's approval to exclude sidewalks along Morton Mill Road from the property's boundary at lot 26 to the southeast corner of lot 25. The Commission approved the variance because the applicant agreed to construct an 8-foot-wide concrete greenway trail along the east side of Morton Mill Road. The applicant agreed to construct this trail to a point at which the topography will allow a transition down to the floodway. The applicant agreed to grade the transition down to the floodway, and Metro Parks will construct the trail within the transition. The Commission also approved a variance for sidewalks along River Bend Lane with final plat approval of Phase 1 on November 26, 2001. The applicant requested the variance in order to create an off-site connection to the existing Bellevue Greenway in lieu of constructing the sidewalk. Sidewalks are being shown in all other required areas on the plat.

Design – Greenway

A significant portion of this site is encumbered by the floodway and floodplain of the Harpeth River. Much of the land is part of Metro's Greenways Master Plan. Because the

property is part of the Greenways Master Plan, it is anticipated to be included in a future Greenway Overlay District (as defined by the Zoning Ordinance). This property along with the previously approved phase actually abuts Phase One of the Bellevue Greenway that was completed in 1995. Staff has worked with the applicant and Metro Greenways to create a connection to the existing greenway. The preliminary alignment of a Greenway Public Access Trail is shown on the plat. This trail, along with Phases 1 and 2 of the Bellevue Greenway, will create a bicycle/pedestrian connection to Old Harding Pike.

The applicant will construct both the on and off-site trail sections, but the applicant is designing only the on-site trail. The Parks Department is designing the off-site trail. The bond for the construction of the greenway trail was postponed with Phase 1 in order to allow the applicant and the Parks Department to collaborate to ensure the two trail sections compliment one another. The bond for the trail construction will need to be satisfied prior to this plat's recordation.

Staff recommends conditional approval of the final plat subject to the following conditions:

1. Bond for the extension of roads, sidewalks, greenway trail, and public utilities. The Parks Department is in the process of finalizing plans for the missing off-site greenway section. When these plans are complete, Public Works will review the off-site greenway plans and the applicant's on-site greenway plans for Phase 1 and Phase 2 to insure that the grading plans allow for adequate drainage. Bonding for the Phase 1 greenway section was postponed by the Commission on November 26, 2001. Following approval by Public Works, a bond will be established for the entire greenway.
2. Signs indicating the presence of the public greenway trail must be located every 100' along the rear property lines of lots 1 and 2. Signs shall be posted prior to the first building permit with the text facing inward on the lot. The developer shall be responsible for the maintenance of all signs until the lots within the subdivision have been sold to the ultimate home purchaser.
3. The final plat shall show a crosswalk to be provided by the applicant that links the start of sidewalks on the west side of Morton Mill Road at the southeast corner of lot 25 to the proposed greenway trail on the east side of Morton Mill Road. This crosswalk shall include striping, signage, and ramps built to ADA standards. Construction drawings shall be submitted to Public Works that include the crosswalk.
4. The transition of the greenway trail from Morton Mill Road into the floodway buffer shall be graded by the developer prior to lot grading completion. The grading for the trail shall be done according to Greenway Design Standards.
5. A sign shall be installed and maintained by the developer at the temporary cul-de-sac on Morton Mill Road. The sign shall read, "Temporary Cul-de-sac, To Be Extended In The Future."

50. Subdivision Proposal 2001S-344U-08 Plainsman Group Subdivision

Staff recommends *conditional approval* subject to a bond for the extension of sidewalks, a revised final plat, and submission of an exception of easement letter for the 8" sewer line that runs beneath the existing building.

This request is for final plat approval to consolidate 3.05 acres containing seven lots, one parcel, part of a closed alley and railroad property into two lots abutting the east margin of 27th Avenue North and the west margin of 26th Avenue North. This property is classified within the CF and IR districts. The McCormick Ashland City and Nashville Railroad and the terminus of the CSX Railroad Line border this property.

This property is located in the Subarea 10 Plan's Mixed Use (MU) policy area, which calls for a mixture of compatible residential and non-residential uses. Consolidating these lots will create a second lot on which new a commercial structure can be built. Currently there is a vacant industrial building on proposed lot 1.

Exception of Public Drainage and Utility Easements

This final plat has created several public utility and drainage easements that the existing building encroaches upon. Metro Public Works has acknowledged these encroachments and considers them a non-issue, since the only portion of the building encroaching into their easements is the building loading docks. There is one easement that is an issue, and it is located beneath the building and contains an 8-inch sanitary sewer line. Metro Water and Sewer Services has placed the following condition of approval on this plat that the applicant obtain an exception to an easement from Metro Water and Sewer.

Sidewalks

Currently there are sidewalks located along the property's frontage on 26th Avenue North and one block south along Charlotte Avenue. The revised final plat shall show sidewalks along the property's 27th Avenue North frontage. Sidewalks along 27th Avenue North shall match the sidewalks along 26th Avenue North and Charlotte Avenue. The MU policy in this area lends itself to an area with a need for comfortable pedestrian circulation. Constructing sidewalks along 27th Avenue North will allow the opportunity for MU growth in this area.

Staff recommends conditional approval subject to bonds for extension of sidewalks, the submission of an exception of easement letter to Metro Water and Sewer Services, and submission of a revised final plat showing the following:

1. Sidewalks along the property's 27th Avenue North frontage.
2. Metro Public Works approval of sidewalk plans along 27th Avenue North.

51. Subdivision Proposal No. 2001S-347G-04 A. E. Williams Subdivision

Staff will present its recommendation at the meeting..

This request is for preliminary and final plat approval to subdivide a parcel containing 3.68 acres into two lots. The property has frontage on both Swinging Bridge Road and Warren Road near Old Hickory. Lot 1 is located on Swinging Bridge Road and has an existing home on the property that is to remain. Lot 2 is a larger lot located on Warren Drive with no existing development.

Variance - Sidewalks

The applicant has requested a sidewalk variance along both Swinging Bridge Road and Warren Road. Staff is still evaluating these two requests.

Variance - Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study will be presented to the Commission at the meeting.

Variance - Maximum Lot Size

The Subdivision Regulations require that a lot not exceed three times the minimum lot size required for the zone district. In this case, the subdivision is located within the R10 and R15 zone districts. Lot 1 contains 21,344 square feet and is located entirely within the R10 district. That district requires a minimum lot size of 10,000 square feet. Lot 1 does not exceed by three times that minimum lot size. Lot 2 contains 132,858 square feet and is within both the R10 and R15 zoning districts. These two districts require 10,000 square foot and 15,000 square foot lots, respectively. Lot 2 clearly exceeds the maximum lot size required by zoning. Staff recommends approval of Lot 2 maximum lot size variance given its location adjacent to other large lots also zoned R10 and R15. This plat does not prevent the current owner or any future owner from resubdividing Lot 2 into smaller lots that comply with zoning.

Since additional analysis is needed regarding the sidewalk and lot comparability variances, staff will present its recommendation on this plat at the Planning Commission meeting.

52. Subdivision Proposal 2001S-348G-12 Lenox Village, Section 1

Staff recommends *conditional approval*

This request is for final plat approval for Section 1 to create 33 lots on approximately 6 acres. The property abuts the east margin of Nolensville Pike, opposite Bradford Hills Drive classified within the RM9, MUL, and Urban Design Overlay Districts. This plat is associated with Item 24, final plan approval for 77 townhouses and 43 single-family lots on 18.55 acres.

Staff recommends conditional approval subject to:

1. Revision of the plat to show a sidewalk ramp across the planting strip on Lenox Village Drive between lots 13 and 14 and the changes made to the final construction plans along Lenox Village Drive.
2. Addition of a note to the plat limiting the number of secondary dwellings to 25% of the lots.
3. Incorporation of any revisions to the final plat required by the Department of Public Works to comply with its standards.
4. Posting of a bond for all public improvements for Section 1 including turn lane, crosswalks and pedestrian signals at the intersection of Nolensville Pike and Lenox Village Drive prior to recording the final plat.

53. Subdivision Proposal 2001Z-352G-12 Church Street East, Lot 1

Staff recommends *conditional approval* subject to a revised plat prior recordation.

This request is for final plat approval to consolidate 2.26 acres of two lots and one parcel into one lot abutting the north margin of Church Street East, opposite Overlook Boulevard. This property is located on the Davidson County/Williamson County line in the CS and OG zoning district within the Brentwood Station Storage PUD. The Brentwood Station Storage PUD (2001P-006U) received final approval on November 2, 2001. That final PUD served as the preliminary plat.

As a condition of the final PUD approval the applicant had to receive approval from the City of Brentwood. The approval from the City of Brentwood was conditioned upon the applicant providing a bond for road improvements to the portion of the Church Street East within the City of Brentwood. Brentwood's Planning Director, Joe Lassus, has indicated he did not object to Metro approving this final plat. The applicant will have to go to Brentwood and get a bond for road improvements before a permit can be received to make any improvements on Church St. East on Brentwood's side of the street.

Staff recommends conditional approval subject to submission of a revised final plat that shows:

1. A drainage easement around the water quality device and pond located in the southwest corner of the property that labels the easement as a 'Public Utility and Drainage Easement'. Also cite the agreement recording number.
2. Sidewalks along Church Street East, these sidewalks will need to meet Public Works approval.
3. The note: 'Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with Storm Water Management Ordinance No. 78-840 and approved by the Metropolitan Department of Public Works.
4. A note identifying this plat to serve as the PUD Boundary Plat.
5. The zoning boundary line between the CS and OG zoning districts.
6. A note that states the Section of the Zoning Ordinance that covers Unified Plats of Subdivision (17.40.170.C). Also include a note that specifically states that section 17.40.170.C.6 was used in calculating the floor area ratio (FAR)
7. The Site Data Table from drawing C2.1 of the approved final PUD plan.

54. PUD Proposal No. 157-77-G-12 Windlands Retirement Center

Staff recommends *approval*.

This request is for a variance to Section 17.32.080 (Sign Regulations) for the Residential PUD district located abutting the north margin of Sam Boney Drive, east of Nolensville Pike to permit additional wording to be added to an existing wall sign on a building. The sign on the building contains 192 square feet of signage with 4-foot tall letters reading “WINDLANDS.” The Zoning Regulations allow a maximum sign area of 32 square feet for each street a property fronts. This request is to add 120 additional square feet of sign area by adding the word “RETIREMENT” next to WINDLANDS on the side of the building. “RETIREMENT” is proposed with non-illuminated, 2-foot letters, while the existing sign is illuminated. The applicant has indicated that the purpose of adding the word “RETIREMENT” to the sign is to reduce the amount of walk-in inquires. Since these are not traditional apartment units, this will help reduce the amount of foot-traffic. The PUD was originally approved as an “elderly housing” complex.

The permit records from the Codes Department indicate that a permit was issued in the early 1980’s for the existing sign. The permit did not specify sign size nor was a variance approved to allow the existing 192 square foot sign. Staff recommends approval of this variance since this building is located approximately 820 feet from Nolensville Pike and faces a commercial corridor. Given the property’s distance from Nolensville, a larger than normal sign is necessary to identify this location. This will have minimal impact on the adjacent residential area.

This request to increase the total sign area to 312 square feet will not compromise the PUD’s integrity or the facility’s operations. Since this existing sign has been in place for nearly 20 years with little impact to the surrounding area, staff recommends approval of this PUD revision and variance. The Planning Commission’s action will be forwarded to the Board of Zoning Appeals as a recommendation.

55. PUD Proposal No. 28-79-G-13 Cambridge Forest, Phase 4

Staff recommends *conditional approval*.

This request is for final approval for a phase of the Residential PUD district located along the north side of Bridgecrest Drive, west of Rural Hill Road, to develop 53 single-family lots on 15 acres. The Planning Commission approved a revised preliminary PUD plan on July 19, 2001, for Phases 4, 5, 6, 7, and 10 permitting 144 single-family lots. The final plan for Phase 4 is consistent with that preliminary plan. The Phase 4 plan includes 9 lots that have been designated as critical lots due to steep topography. These lots will require an individual grading plan to be submitted to the Planning Department for review and approval by Public Works, prior to the issuance of any building permits. Staff recommends conditional approval provided Public Works approves the grading and drainage plans and Water Services approve the plans prior to the Planning Commission meeting.

56. PUD Proposal No. 122-82-U-12 Grassmere Business Park

Staff recommends *conditional approval*.

This request is to revise the preliminary plan for an undeveloped phase of the Commercial PUD district located at the corner of Elysian Fields Road and Trousdale Drive to permit three office buildings in two phases, replacing one office building. The plan proposes a one-story 11,300 square foot building, a two-story 11,700 square foot building, and a two-story 31,000 square foot building for a total of 54,000 square feet, replacing a three-story building with 75,000 square feet. The proposed plan orients the proposed buildings toward Trousdale Drive and maintains the same access points with one on Trousdale Drive and one through an existing driveway on Grassmere Park Drive. This plan reduces a portion of the landscaped area on the south side of the site from 90 feet to 70 feet, while only a 20 foot “C” buffer yard is required. Staff recommends conditional approval provided Public Works approves the drainage plans prior to the Planning Commission meeting.

57. PUD Proposal 75-83-U-12 Elysian Fields Shopping Center (Kroger Gas Station)

Staff recommends *conditional approval*.

This item was deferred at the October 25, 2001, meeting to allow more time for the applicant to meet with the neighborhood to discuss the proposal. The applicant has indicated that all issues have been resolved.

This request is to revise a portion of the preliminary PUD plan and for final approval for a portion of the Commercial (General) PUD district located at the existing Kroger store on the west side of Nolensville Pike. The request is to permit the development of a gas station with five (5) pump islands, a 96 square foot kiosk, and a 131 square foot restroom facility, replacing overflow parking for the Kroger store on this parcel. The plan includes five (5) pump islands with no direct access to Nolensville Pike. All access will be through an existing private driveway on the Kroger site. Staff recommends conditional approval provided Water Services and Public Works approves this plan, prior to the meeting. This plan reduces the number of parking spaces in this shopping center by 70 spaces. The PUD has a surplus of parking.

The site's SCC base zoning allows automobile convenience (i.e. gas station) uses as a PC use (Permitted with Conditions). This plan complies with the Zoning Ordinance requirements. It includes a minimum street frontage of 100 feet, gasoline pumps that are at least 20 feet from the nearest property line and 20 feet from Nolensville Pike, no outdoor loudspeakers, and a screened trash dumpster.

The Zoning Administrator has indicated this site does not need to meet all of the same requirements as the Kroger gas station in Bordeaux. That gas station was approved by the Commission earlier this year. Unlike the Bordeaux facility, this gas station will provide restrooms on-site. This site will be developed similarly to the Kroger site approved in Nashboro Village in September 2001.

58. PUD Proposal No. 77-83-U-12 National Car Wash-Nolensville Road and Swiss Avenue

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary plan and for final approval for a portion to permit a 4,021 square foot, 8-bay self-service car wash, replacing a 15,050 square foot undeveloped office building. The proposed car wash is consistent with the approved plan that provided two driveway access points-- one on Nolensville Pike and one on Swiss Avenue. This revision is also consistent with the existing Subarea 12 Plan's Retail Concentration Super Community (RCS) policy calling for a wide range of retail and consumer service uses, and the existing SCR zoning that allows car washes as a PC (permitted with conditions) use. Staff recommends conditional approval provided Public Works and Water Services approve the plans prior to the Planning Commission meeting.

This plan meets all of the required conditions under Section 17.16.070 of the Zoning Ordinance for car washes, including:

- A 50-foot setback from the adjacent residential zone district;
- Car-wash bays do not face any residentially zoned property;
- The Zoning Administrator has agreed to allow the existing 18 foot tall hill between this property and the property to the west to serve as the required wall; the applicant has also agreed to provide a D-1 (50') landscape buffer, where only a 20 foot wide buffer is required on the west side of the site;
- Required parking (2 spaces for each stall or 16 spaces);
- The PUD will be conditioned that there shall be no outdoor loudspeakers or public address system;
- The PUD will be conditioned that no vehicle may be stored or parked on the premises for the purpose of offering it for sale.

59. PUD Proposal No. 53-84-U-12 Hickory Heights

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary plan for the Residential PUD district located abutting the south margin of Zermatt Avenue and the west margin of Swiss Avenue to permit 100 single-family lots and 184 apartment units in 23 buildings, where 1,114 apartment units were approved on the preliminary PUD plan in 1985. This plan includes 43 single-family lots in Phase 1, 57 single-family lots in Phase 2, 56 apartment units in Phase 3, and 128 apartment units in Phase 4. This area falls within the Subarea 12 Plan's Residential Medium High (RMH) policy calling for 9 to 20 dwelling units per acre. This portion of the PUD plan will have an overall density of 6.3 dwelling units per acre, while the original plan proposed a density of approximately 7.1 dwelling units per acre. The RM15 base zoning on this property would allow 674 multi-family units, while this plan 284 total units/lots. Staff recommends conditional approval provided Public Works and Water Services approve the plan, and a revised plan is submitted removing or relocating lot 40 prior to the Planning Commission meeting.

Traffic

A traffic impact study (TIS) has been submitted and has been reviewed by the Metro Traffic Engineer. The TIS and the Metro Traffic Engineer are requiring several off-site road improvements, including:

- Prior to the issuance of any Use and Occupancy permits, a separate eastbound right-turn lane shall be constructed on Old Hickory Boulevard at Zermatt Avenue. This turn lane shall include at least 100 feet of storage with a 300-325 foot transition.
- Prior to the issuance of any Use and Occupancy permits, a dedicated westbound left turn lane shall be striped on Old Hickory Boulevard at Zermatt Avenue within the existing continuous two-way center turn lane on Old Hickory Boulevard. This turn lane shall include at least 100 feet of storage with a 300-325 foot transition.
- Prior to the issuance of a Use and Occupancy permit for the 51st single-family lot/unit, a separate right-turn lane shall be constructed on Nolensville Pike at Swiss Avenue, including 75 feet of storage with a transition to AASHTO standards. Construction plans shall be submitted in conjunction with the final PUD plans for the first phase of development.
- Prior to the issuance of any Use and Occupancy permits for the first phase, Zermatt Avenue shall be widened and striped to include one southbound entering lane and two northbound exiting lanes. The northbound lanes shall include a minimum of 150 feet of storage with a transition to AASHTO standards. Construction plans shall be submitted in conjunction with the final PUD plans for the first phase of development.
- Prior to the issuance of any Use and Occupancy permits for the first phase, Swiss Avenue shall be widened and striped to include one westbound entering lane and two eastbound exiting lanes. The eastbound exiting lanes shall be striped as separate left and right turn lanes with a minimum of 100 feet of storage with a transition to AASHTO standards.

- As per the Metro Traffic Engineer, a bond shall be established with the first final plat by the developer for a possible traffic signal at the intersection of Old Hickory Boulevard/Zermatt Avenue, and the intersection of Nolensville Pike/Swiss Avenue. Traffic count surveys shall be performed by the owners/developers of the properties and submitted to the Metro Traffic Engineer at 75 percent build-out of the proposed PUD plan (213 units/lots). If the traffic signal(s) are warranted at this time, the developer shall install the signal(s), and if they are not warranted, the bond will be released.

60. PUD Proposal No. 300-84-U-04 Coventry Woods

Staff recommends *conditional approval*.

This request is to revise the preliminary plan for a portion of the Residential PUD district located abutting the east side of Forest Park Road at Coventry Woods Drive to permit 40 multi-family units, replacing 56 multi-family units. The entire plan was originally approved for 90 units, while only 20 units have been built in Phase 1. The PUD falls within the Subarea 4 Plan's Residential Medium High (RMH) policy calling for 9 to 20 dwelling units per acre. The proposed density of 10 dwelling units per acre for the 40 multi-family units on 3.89 acres is consistent with the RMH policy. Staff recommends conditional approval provided Public Works approves the plans prior to the Planning Commission meeting, and provided sewer capacity is purchased prior to the meeting.

This revision provides internal driveways that stub-out into the front portion of the plan. The front portion of the plan will remain single-family and is not included in this PUD revision. Access is proposed from the existing private drive named Coventry Woods Drive. The proposed plan eliminates 16 units and eliminates the previously planned clubhouse and pool.

Since this PUD was approved in 1984, there have been several attempts to cancel the PUD in 1985, 1997, and again in 2000. Each attempt to cancel the PUD failed since many of the owners were not in agreement. Since this PUD was originally approved under common ownership (options) that has subsequently become fragmented, it has been difficult for one portion of the PUD to proceed without the others. However, the proposed plan now only revises the portion of the plan located on tax map 52-1, parcels 148-149. This allows the property owners in the front portion of the PUD to be able to continue living in their single-family homes. Although parcels 141 through 147 are also included in this PUD district, they are not included in this PUD revision. Staff has sent a "Courtesy Notice" to all of the owners in the PUD and the adjacent properties to notify them of this request.

61. PUD Proposal No. 95-85-P-04 Lanier Park

Staff recommends *conditional approval*.

This request is to revise the preliminary PUD plan of an undeveloped Residential PUD district located along the south side of Old Hickory Boulevard, west of Lanier Drive in the Madison area. The plan reduces the number of proposed units/lots by 4. The proposed plan would permit 45 single-family lots and 27 condominium units, replacing 46 single-family lots and 30 condominium units. The Planning Commission approved the current preliminary plan on June 27, 2001.

This PUD plan remains consistent with the previously approved plan that relocated the access driveway on Old Hickory Boulevard from the east side of the property to the PUD's center. The driveway falls outside of the PUD district, but is part of parcel 56 and is owned by the PUD owner. This revision was necessary to address a small stream that was identified during site preparation work. One lot had to be removed and three condominium units had to be removed to meet the Stormwater Management Regulations. This plan includes a mixture of residential housing types with condominiums located near the entrance on Old Hickory Boulevard and single-family lots located on the remainder of the site. This plan provides a stub-out street connection to the rear of parcel 51 on the PUD's western side. Staff recommends conditional approval provided Public Works and Water Services approve the plan prior to the Planning Commission meeting.

Landscape Buffers

Although the single-family lots are similar in size to the surrounding lots (5,000 square feet to 10,000 square feet), the RM15 base zoning requires landscape buffer yards to separate the different zoning districts. This plan includes a "C" landscape buffer yard along the PUD's eastern and southern side, and a "B" buffer yard on the PUD's western side. The buffer yards will be located within the private lots. Typically, landscape buffer yards are required to be placed within common open space, but since this is not a cluster lot development, it satisfies the Zoning Ordinance requirements. There will be a condition placed on this PUD that private fences will be prohibited within 10 feet of the rear property lines where a landscape buffer yard exists within a lot, and that the Homeowner's Association will be responsible for maintenance of these buffer yards.

62. PUD Proposal No. 59-86-P-02 Skyline Village Apartments

Staff recommends *conditional approval*.

This request is to revise the preliminary plan and for final approval for the Residential PUD district located along the north side of Creekwood Drive to permit 80 apartment units in 10 buildings, and a 3,600 square foot day care center for a maximum of 50 children, replacing 105 apartment units and a day care center for 160 children. The day care center provides a play area, as required by state law. As per the Zoning Administrator, the day care center will not require Board of Zoning Appeals (BZA) approval as a Special Exception since the day care center was originally approved under the previous Zoning Ordinance. That ordinance only required Planning Commission and Metro Council approval. The current ordinance only requires PUD revisions to meet the current zoning requirements for landscaping and parking which this plan does meet. The proposed plan meets the current landscaping and parking requirements. Staff recommends conditional approval provided Public Works and Water Services approve the plans prior to the Planning Commission meeting.

63. PUD Proposal No. 95P-002G-14 Heritage Meadows, Phase 4A
Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary plan and for final approval for a phase of the Residential PUD district. The preliminary plan revision is for 37 lots on 4.35 acres in Phase 4, replacing 49 single-family lots. The final approval is for 16 single-family lots in Phase 4A. The original preliminary PUD plan was approved in 1995 for a total of 146 single-family lots. This is the last phase of this development to be completed. This proposal reduces the number of lots in this phase due to the Stoner Creek floodway buffer on the southern portion of the site. The Stormwater Management Regulations have changed since the preliminary PUD was approved 1986, therefore, requiring this phase of the development to change. The plan is consistent with the original plan in that it does not provide connections to Bradley Place or an unnamed street off of Mercer Drive to the east. The original plan did not provide these connections and to do so now would require a PUD amendment and Council action. Staff recommends conditional approval provided Public Works and Water Services approve the plans prior to the Planning Commission meeting.

64. PUD Proposal No. 98P-002G-13 Villages of Long Hunter, Phase 2

Staff recommends *conditional approval*.

This request is for final approval for Phase 2 of the Residential PUD to develop 106 single-family lots where 106 lots were approved. The final plan closely matches the preliminary plan that was approved with a total of 251 single-family lots. The Traffic Engineer required two left-turn lanes out of the site within this PUD in Phase One. Staff recommends conditional approval of the PUD provided Public Works approves the drainage and grading plans, and Water Services approve the plans prior to the Planning Commission meeting.

The preliminary PUD plan was approved in 1998 for a total of 251 single-family lots. At that time sidewalks were only required on one side of the street and were not required on cul-de-sacs of less than 350 feet in length. Since this is not a revision to the preliminary, staff has been working with the applicant to provide a workable sidewalk network for the remainder of this PUD plan. The applicant has agreed, and the plan provides sidewalks on both sides of all of the local streets for Phase 2, while it continues to provide no sidewalks on several of the short cul-de-sacs. This would not require a variance since it is how the original preliminary PUD plan was approved prior to the new sidewalk regulations.

65. Mandatory Referral Proposal 2001M-104U-07

Staff recommends *approval*.

This request was originally scheduled for the November 8, 2001 Planning Commission meeting but due to a lack of quorum the meeting was cancelled. The request is to officially name an unnamed access road "White Bridge Place" for E-911 system efficiency. The access road parallels the eastbound I-40 on-ramp at White Bridge Road. The road serves the Waffle House restaurant and the Comfort Inn. Originally, a different name was proposed by Public Works. After receiving staff's letter informing these property owners of the proposed name change, the Comfort Inn called and e-mailed staff requesting the name change to "White Bridge Place". Public Works conferred with the Vice-President of Operations for the Waffle House. He agreed to the revised name change proposed by the Comfort Inn.

Staff recommends approval of the proposed name change since abutting property owners agree to the name change.

66. Mandatory Referral Proposal 2001M-115U-07

Staff recommends *conditional approval*.

This request was originally scheduled for the November 8, 2001 Planning Commission meeting but due to a lack of quorum the meeting was cancelled. The request is to close Alley #1190, an unimproved alley from Park Drive to the western edge of parcel 101 on tax map 104-05. The applicant, Mr. Charles Smith, is requesting this closure to construct a garage on his property. All easements are to be retained. Staff field-checked this closure and the alley is not used. It is overgrown and an abutting property owner has constructed two fences within the right-of-way as an obstruction to prevent anyone from using the alley.

Staff recommends conditional approval provided all agencies and departments recommend approval.

67. Mandatory Referral Proposal No. 2001M-119G-14 (Council Bill BL2001-873)

Staff recommends *approval*.

This council bill is to accept easements totaling 32.5 acres on two properties owned by the State of Tennessee along the Stones River for a greenway trail. Metro Government will construct, operate, and maintain the greenway trail. Staff recommends approval of these greenway easements since they support the long-term goals of the Subarea 14 Plan for a Stones River greenway trail.

68. Mandatory Referral Proposal No. 2001M-120G-14 (Council Bill BL2001-874)

Staff recommends *approval*.

This council bill is to accept easements totaling 41.10 acres on 16 properties owned by various property owners for the Mill Creek greenway trail. Metro Government will construct, operate, and maintain the greenway trail. Staff recommends approval of these greenway easements since they support the long-term goal of the Subarea 12, 13 and 14 Plans for a Mill Creek greenway trail.

<i>Mill Creek Easements</i>				
	Property Owner	Map	Parcel	Acreage
1	Countryside Village Associates / Nashville Ltd Partnership	148	161	2.226
2	Cummings Court LLC	148	Parcels 167, 225 & 226	2.1
3	Danley Corporation	134	149 & 257	7.38
4	Peter Curry, Trustee for D. G. Patterson Jr.	148	37	1.756
5	Angie W. Sullivan	148	45	1.228
6	Milburn L. Martin, Trustee	148	135	1.868
7	SUSA Nashville, L.P.	148	48	2.278
8	James H. Rifkin	148	49	4.283
9	Harwell Limited Family Partnership	148	156	.311
10	William H. Cammack, et al	148	66	11.399
11	Lee Masonry Products, Inc.	134	178	1.37
12	First Industrial, L. P.	148	79	4.47
13	Antioch Center Commercial Condominiums	148-11-A	n/a	.431
			Total Acres	41.10

69. Mandatory Referral Proposal No. 2001M-121U-10

Staff recommends *approval*.

This request is rename a portion of Belmont Boulevard lying between Lone Oak Road and Jamesborough Place to “Jamesborough Place”. This section of Belmont Boulevard is not connected or near the main Belmont Boulevard. This street renaming has been requested by Metro Public Works for E-911 system efficiency and effectiveness. Staff recommends approval of this proposed renaming to increase public safety and response to emergency calls. All reviewing agencies and departments were notified of this proposed renaming. Staff mailed letters out to all property owners abutting Belmont Boulevard and Jamesborough Place informing them of this proposed street renaming. Staff will update the Commission on any e-mails, phone calls, or letter received in opposition to this renaming as well as any agency responses in opposition.

70. Mandatory Referral Proposal No. 2001M-122G-12

Staff recommends *approval*.

This request is acquire an easement on tax map 33, parcel 108 for the extension of an 18” sewer line along Mill Creek, on the east side of Nolensville Pike, north of Kidd Road. This project is part of the Mill Creek trunk sewer line extension to the Nolensville community (98-SG-13). Staff recommends approval of this sewer line extension since it is part of the capital improvements budget (01SG0008).

71. Mandatory Referral Proposal No. 2001M-123G-14

Staff recommends *approval*.

This request is to extend a 2” sewer line on Pennington Bend Road and Lock Two Road near the intersection of both roads. The Department of Metro Water and Sewerage Services has made this request as part of its implementation of the Capital Improvements Budget (01-SG-112; CIB# 96SG0005). Staff recommends approval of this sewer line extension that will begin at tax map 62, parcel 8 and curve around the Pennington Bend Road/Lock Two Road intersection, going north and terminating at tax map 62-2-A, parcel 23 CO.

72. Mandatory Referral Proposal No. 2001M-127U-09 (Council Bill BL2001-921)

(see also 2001CB-002)

Staff recommends *approval*.

This council bill approves an agreement between Metro Government and Constellation Energy Source, Inc. for the design, construction, operation, and maintenance of a new gas-fired energy generation facility in downtown Nashville. The agreement also terminates the existing agreement between Metro Government and the Nashville Thermal Transfer Corporation upon completion of this new facility's operation. The agreement also states that Metro Government will become a customer of the new energy facility. There is also an associated amendment to the Capital Improvements Budget (CIB) on this same agenda, 2001CB-002. That amendment proposes the issuance of \$66.7 million in revenue bonds to fund the construction and acquire land for the energy facility.

There are two sites under consideration for the new facility along Gateway Boulevard (Franklin Street; see sketch). Site 2 is the preferred site due to its size and location. Staff recommends the Planning Commission approve both sites for the future energy facility, as they both can accommodate the proposed facility and comply with the zoning and redevelopment district plans. By approving both sites, the Public Works Department, the Mayor's Office, and the Metro Council can then narrow down their selection to one of the two sites.

Site 1

This site is located *north* of the proposed Gateway Boulevard. It consists of portions of three (3) parcels totaling approximately 1.08 acres. A portion of the properties fronting Franklin Street will become part of the future Gateway Boulevard right-of-way (that land area is not included in the site's size). The site is zoned CF (core frame) which allows for a power plant, a permitted use by right in this district. It is also within the Urban Zoning Overlay and Rutledge Hill Redevelopment districts. This site would possibly require a mandatory referral to transfer one of parcels owned by MDHA to Metro Government; Metro Government owns the other two parcels.

Site 2

This site is located *south* of the proposed Gateway Boulevard. It consists of five (5) parcels and Crockett Street totaling approximately 3.64 acres. A small portion of the properties fronting Franklin Street will become part of the future Gateway Boulevard right-of-way (that land area is not included in the site's size). The site is also zoned CF (core frame) and within both the Urban Zoning Overlay and Rutledge Hill Redevelopment districts. The agreement provides that Constellation Energy would have to buy Site 2 and convey it immediately to Metro Government. The conveyance would require Metro Council's approval of a mandatory referral to accept the property. Currently, several different entities own these parcels: Ragland Corporation (parcels 23 and 24), the Bolden Family Limited Partnership (parcel 40), Metro Government (Crockett Street), and the Guardian Life Insurance Company of America (parcels 22 and 27). The site would also require Metro Council's approval of a mandatory referral for the closure of Crockett Street, a public right-of-way that is a dead-end street.

73. **Mandatory Referral Proposal No. 2001M-128G-03** (Resolution No. RS2001-857)
Staff recommends *approval*.

This council resolution transfers approximately 809 acres in Bell's Bend from Metro Public Works to Metro Parks & Recreation. This property had been set aside for a future landfill. Metro Public Works has determined this site is no longer needed and so it is now proposed as a new public park.

Staff recommends approval of this property transfer. The size of this park would be less than Edwin and Percy Warner parks (combined), but more than the new Beeman Park. It would serve a portion of the county that has few parks. The Subarea 3 Plan calls for more public parks since there is a deficit within the planning area. There are four public parks (Trinity Hills, Rucker Avenue, Hartman, and Whites Creek) within the planning area that extends from I-65 and I-24 to the east, to Little Marrowbone Road to the north, to the county line to the west, and the Cumberland River to the south. The development of this land as a public park will also enable a significant portion of the Cumberland River greenway trail to be constructed in the future.

74. Mandatory Referral Proposal No. 2001M-129U-10

Staff recommends *conditional approval*.

This request is to close Alley #421 between Music Circle East to its terminus at tax map 93-13, parcels 169 and 171. Easements are to be retained. Broadcast Music Inc. (BMI) is requesting this alley closure in conjunction with a final plat to combine seven properties into one lot. This alley serves no other businesses than BMI which has indicated it is no longer needed. Staff recommends conditional approval subject to the all reviewing agencies and departments recommending approval.

75. Subdivision Regulation Amendments (Sidewalks)

Staff recommends *approval*.

This item was deferred at the October 25, 2001, meeting to allow more time to discuss this request. Some minor housekeeping changes have been made since then to try to clarify the text further. These changes are highlighted. This request is a text amendment to change Section 2-6.1 (Sidewalks) of the Subdivision Regulations to clarify where sidewalks are required, to add flexibility as to where sidewalks can be located, to provide relief and to allow for an in-lieu fee of sidewalk construction in areas where sidewalks are not practical or feasible at the time the final plat is approved. This request was initiated by Planning Department staff due to a large number of variance requests over the past several months. As the Commission will recall, the sidewalk regulations were last amended in December of 2000, when a text amendment was approved by the Planning Commission to require sidewalks on both sides of all new streets. Planning staff has been working closely with the Metropolitan Legal Department, Public Works, as well as developers and engineers, to establish the proposed amendment.

Staff recommends approval of this amendment since it does not change the basic requirements for sidewalks, and since it will allow an option for relief when sidewalks either cannot or should not be built at a specific location.

2-6 Streets and Pedestrian Ways

2-6.1 Sidewalks

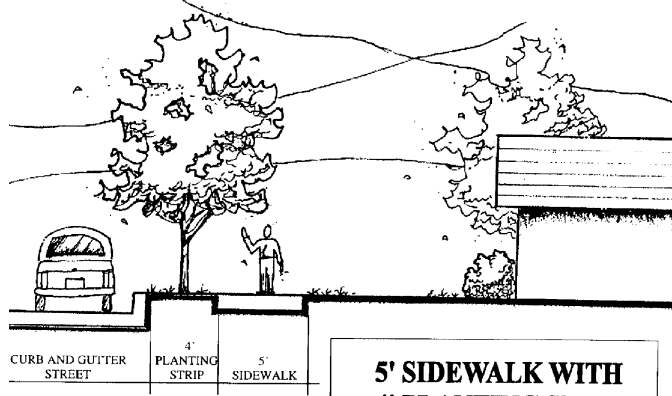
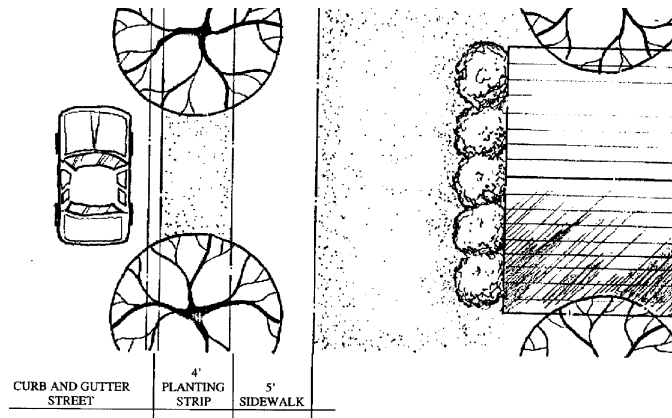
A. General

All sidewalks and pedestrian ways constructed upon public rights-of-way or pedestrian easements shall be in accordance with the adopted construction standards of the Metropolitan Department of Public Works.

B. Standards

1. Dimensions

The minimum width of public sidewalks shall be five (5) feet. Where concrete curbs are required or constructed, grass or landscaped areas or strips with a minimum width of four (4) feet shall separate all sidewalks from the adjacent street (Figure 2-6.1 B.1), except within ten (10) feet of a street intersection.



**5' SIDEWALK WITH
4' PLANTING STRIP
DETAIL**

Figure 2-6.1 B.1: Dimensions

2. **Encroachments/Obstructions** (Figure 2-6.1 B.2)

- a. Encroachments including, but not limited to utility poles, fire hydrants, parking meters, mailboxes, sign standards, and street furniture shall not be located within the concrete portion of the sidewalk area, except as provided in 2b, below.
- b. Drainage grates, tree grates, utility grates, and manholes shall be permitted within a sidewalk provided four (4) feet of unobstructed clearance is provided on one side, unless determined to be compliant by Metro Public Works.

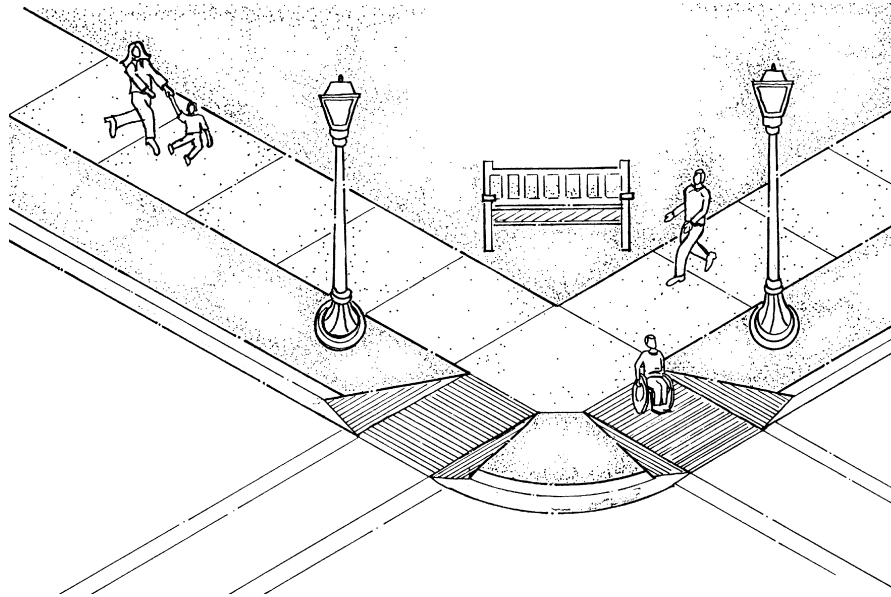


Figure 2-6.1 B.2: Encroachments/Obstructions

3. **Materials** -- When there is an existing sidewalk built of alternative materials (e.g. brick, exposed aggregate) either along the property's frontage or adjoining it, sidewalks may be constructed with like materials, if the materials are determined to be compliant by Metro Public Works.
4. **Location** -- Sidewalks complying with applicable Metro Public Works requirements shall be located on both sides of any new street, and within the public right-of-way, regardless of whether new or existing lot(s) have frontage on said street.
 - a. When a plat has frontage on an existing street(s), sidewalks shall be required in relation to the future curb line along the property's frontage on the existing street(s).
 - b. When the right-of-way is inconsistent with the future curbline, a pedestrian easement may be allowed, subject to approval by Metropolitan Department of Public Works.
 - c. When specimen quality trees or other natural features exist, that are desired to be preserved or protected, in the path of a sidewalk, the sidewalk may be located so as to preserve those features. Under such conditions the sidewalk may be located within a pedestrian easement outside of the dedicated public right-of-way. Exceptions to allow a non-contiguous pedestrian easement may be considered by the Planning Commission, after obtaining a recommendation from the Metropolitan Department of Public Works.

5. **Wheelchair-Accessible Curb Ramp** -- Wheelchair accessible curb ramps complying with applicable **Metro Public Works standards** shall be constructed at street crossings. If an existing street curb has not been constructed with a sidewalk ramp, the sidewalk and curb shall be reconstructed to meet applicable Metro Public Works requirements.
6. **Lot Size** -- Sidewalks shall be required on all non-residential development plats, and all residential lots that are zoned for less than 20,000 square feet minimum lot size, or are proposed to be less than 20,000 square feet by the cluster lot provisions.
7. **Existing Character** -- For infill developments, sidewalks and associated grass **or landscape areas or strips** shall be comparable in character and width to sidewalks along the existing street, or in the area.
8. **Existing Sidewalks** -- When a substandard sidewalk already exists along a property's frontage on a public street, and is non-compliant with Metro Public Works standards, it shall be brought into compliance with applicable requirements.

C. Sidewalk Relief

If the property falls within one of the areas listed below (1-8), where the construction of a sidewalk is not feasible or practical at the time the final plat is approved, the applicant may request relief from the requirement to construct a sidewalk. In such cases, relief may be granted and a variance shall not be required. Sidewalk relief may be granted along existing streets by the Executive Director of the Metropolitan Planning Department for two-lot subdivisions, and by the Metropolitan Planning Commission for subdivisions of more than two lots. A request for relief shall be reviewed in consultation with the Director of the Metropolitan Department of Public Works, who may find that the installation of the sidewalk is not in the best interest of Nashville and Davidson County at that time. Should such relief be granted, a fee in-lieu of sidewalk construction shall be paid by the applicant in accordance with the fee schedule established by the Metropolitan Department of Public Works, except in C.7. below. The fee in-lieu of construction shall be used to accommodate pedestrian needs within the established benefit zone, as provided in Section 2-6.1 D.1.b). The following conditions shall be considered for sidewalk relief **but shall not alone establish a right to relief**:

1. **Drainage Ditches** -- When drainage ditches are present along an existing street that preclude the reasonable installation of a sidewalk within either the existing or future right-of-way or a pedestrian easement;
2. **Developed With Sidewalks on One Side** -- When the surrounding area within a .25 mile radius is predominantly developed with sidewalks on the opposing side of the street, and no sidewalks exist on the applicant's side of the street within .25 miles;
3. **Developed Without Sidewalks** -- When the surrounding area within a .25 mile radius is predominantly developed without sidewalks and the installation of the sidewalks would be piece-meal and not from intersection to intersection;
4. **Historic Character** -- When the Metropolitan Historic Commission determines that a sidewalk would inappropriately alter the historic character of a property or neighborhood;

5. **Scenic Highway** -- When a sidewalk would inappropriately alter the character of a designated scenic highway;
6. **Capital Improvement Budget** -- When the adopted current capital improvements budget includes a project that has approved funding for any improvements, widening, or changes to the roadway or within the right-of-way the property fronts, or TDOT has committed approved funds, and construction of sidewalks are anticipated in the next six (6) years **at the same location**;
7. **Alternative Pedestrian Trail** -- When an alternative pedestrian trail or greenway trail meeting **Metro Public Works** standards is proposed to be constructed by the developer and the trail substantially serves the same purpose as the sidewalk section for which relief is sought;
8. **Slope** -- When the sidewalk and landscaped strip cross-section areas are located on land with a cross-slope greater than 9%, and the applicant has demonstrated to the **Public Works Department** that construction of sidewalks on both sides of the street would create a hazardous condition or is impracticable.

D. Payment In-Lieu of Sidewalks

When the Planning Commission or the Executive Director of the Metropolitan Planning Department grants relief to this section of the Subdivision Regulations, the applicant shall pay **a fee in lieu of sidewalk construction, except for the provision in C.7., above.**

1. **Amount** -- The amount of any in-lieu fee shall be calculated and paid in accordance with the fee schedule established by the Metropolitan Department of Public Works.
 - a. **Payment** -- The fees shall be paid to the Metropolitan Government and administered by the Metropolitan Department of Public Works.
 - b. **Expenditure of Collected Funds** -- Within six (6) years of collection of a fee in-lieu of sidewalk construction for a proposed subdivision, such fee shall be spent for the design, construction and/or upgrade of sidewalks and similar pedestrian walks/trails within the pedestrian benefit zone in which the proposed subdivision is located. Funds shall not be spent for anything other than the design and construction of sidewalks and related pedestrian walks/trails, and necessary roadway and drainage improvements to accommodate the sidewalks.
2. **Fee Deadline** -- All in-lieu fees shall be paid prior to the recording of a final plat for the applicable phase of any subdivision.
3. **Bonds** -- Payment of a fee in-lieu of sidewalk construction, where authorized, shall negate the bond requirement for that sidewalk, unless otherwise stated.

E. Variances

Granting of Variances -- The Planning Commission may grant a variance to Section 2-6.1 based upon the evidence presented to it in each specific case, as required in Section 1-10 of these regulations. **Nothing in this section, Section 2-6.1, shall preclude an applicant from seeking a variance under Section 1-10 of these regulations.**

F. Pedestrian Easements

To facilitate pedestrian access from streets to schools, parks, greenways, playgrounds, or other nearby facilities, the Planning Commission or the Executive Director of the Metropolitan Planning Department may require perpetual unobstructed easements or dedications of land measuring at least ten (10) feet in width on a subdivision plat. Easements shall be indicated on the plat as a “public pedestrian access easement.”

5-2 Words and Terms Defined

Infill Development refers to areas previously subdivided or predominantly developed, where a plat may combine lots, tracts, and/or parcels, may alter an existing public right-of-way, and/or may alter existing lot or parcel lines.

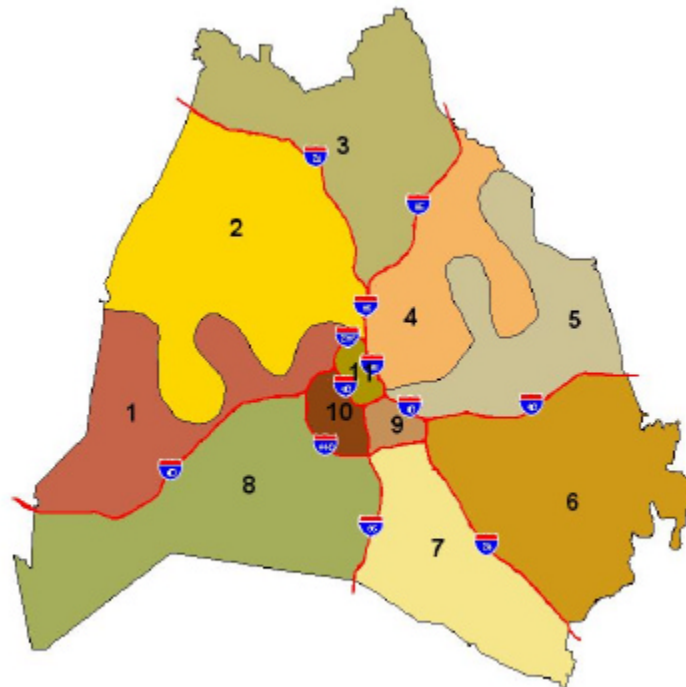
Pedestrian Benefit Zone refers to each of eleven (11) zones established by these regulations in which fees in-lieu of sidewalk construction may be collected, and where such fees shall be spent for the safety and convenience of pedestrians utilizing the sidewalk or pedestrian network within that zone. Each zone represents, to the extent practicable, an area where pedestrian circulation can take place without traversing major barriers to movement such as interstate freeways and major federal highways that are, by definition, unsafe or unsuitable for pedestrian crossing. Pedestrian Benefit Zones are described as follows (see Map below):

- Zone 1. Bounded by I-40 and I-265 on the southeast; Cumberland River on north/northwest; county line on west. (*West, edge*)
- Zone 2. Bounded by Cumberland River and I-265 on the south; I-24 on the east and north; county line on the west. (*Northwest, edge*)
- Zone 3. Bounded by I-24 on the west; I-65 on the southeast and east; county line on the north. (*North, edge*)
- Zone 4. Bounded by I-65 on the northwest; I-24 on the west; Cumberland River on the south and east; county line on the northeast. (*Northeast, edge*)
- Zone 5. Bounded by Cumberland River on the north/northwest; I-40 on the south/southwest; county line on the east. (*East, edge*)
- Zone 6. Bounded by I-40 on the north; I-24 on the west and southwest; county line on the east. (*Southeast, edge*)

- Zone 7. Bounded by I-24 on the east/northeast; I-65 on the west; I-440 on the north; and county line on the south. (*South, edge*)
- Zone 8. Bounded by I-65 on the east; I-440 on the north/northeast; I-40 on the northwest; county line on the south. (*Southwest, edge*)
- Zone 9. Bounded by I-440 on the south; I-24 on the northeast and east; I-40 on the north/northwest; and I-65 on the west. (*South, inner*)
- Zone 10. Bounded by I-65 on the east/northeast; I-440 on the south and southwest; I-40 on the north and northeast. (*Southwest, inner*)
- Zone 11. Bounded by the downtown loop (*Downtown*)

Specimen quality trees—Trees that are generally considered to be prototypical of that particular species, accurately representing the typical line, form, texture and color. Generally, larger than 12 inches in caliper.

Pedestrian Benefit Zones:



OLD TEXT

2-6 Streets and Pedestrian Ways

2-6.1 Pedestrian Ways

~~A. Sidewalks — Sidewalks shall be required on both sides of the street in all subdivisions except those proposed within residential zones with minimum required lot sizes 20,000 square feet or greater. — In cluster lot developments, sidewalks shall be required on both sides of the street when the minimum lot size is less than 20,000 square feet. — When sidewalks are to be constructed in a subdivision adjoining a developed area with sidewalks, the sidewalks shall be joined.~~

~~The Planning Commission may grant a variance to Section 2-6.1 to require a sidewalk on only one side of the street, subject to design review by Metropolitan Planning Commission staff, in cases where the sidewalk and landscaped strip cross section area is located on land with a cross-slope greater than 9%, and the applicant has demonstrated to the Planning Commission that construction of sidewalks on both sides of the street would create a hazardous condition or is impracticable.~~

~~— Sidewalks, where required, shall be included within the dedicated non-trafficway portion of the right-of-way of all roads. — Where concrete curbs are required or constructed, strips of grassed or landscaped areas at least four (4) feet wide shall separate all sidewalks from adjacent curbs, except that within ten (10) feet of street intersections no grass strip will be required. — Construction detail shall conform to the Metropolitan Department of Public Works Subdivision Construction Specifications.~~

~~Where sidewalks are required to be constructed along existing substandard streets or along existing or planned streets designated as collector routes on the Collector Plan, the sidewalks shall be located in relation to the future curb line. — The design cross section as set forth in the Metropolitan Department of Public Works Subdivision Construction Specifications shall be used as a location guide.~~

~~— In all residential and commercial districts, including the low density residential zones, sidewalks shall be required along streets proposed for public dedication which are within a one and one-half mile radius of any school, and within a one-half mile radius of any community facility activity or commercial activity, which includes, but is not limited to, libraries, parks, and commercial, mixed-use, or office zones.~~

~~All sidewalks shall be a minimum of five (5) feet wide.~~

~~NOTE~~

~~Width shall be exclusive of encroachments such as utility poles, fire hydrants, parking meters, sign standards, street furniture, etc. — The grass strip or four-foot clearance area behind the curb is intended for those purposes.~~

~~B. Pedestrian Access Easements — To facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby facilities, the Planning Commission may require perpetual unobstructed easements or dedications at least ten (10) feet in width parallel to side lot lines. — Easements shall be indicated on the plat as "pedestrian access easement."~~

76. Subdivision Regulation Amendments (Administrative Review)

Staff recommends *approval*.

This item was deferred at the October 25, 2001, Planning Commission meeting. This request is to amend Section 3-3.2 of the Subdivision Regulations (Administrative Review).

Background

The MPC Rules and Procedures establish a *minimum* interval between the filing of an application for zoning change or subdivision plat approval and its appearance on the Planning Commission's public hearing agenda. Working from those rules, planning staff generates a schedule that includes submittal deadlines and likely Planning Commission action dates. Currently staff follows the *minimum* allowable "28 day" schedule.

Staff Recommendation

Staff recommends and seeks Planning Commission endorsement to require applications to be submitted to the department one week earlier than is now the case thereby extending the interval between submittal deadline and MPC meeting from four weeks to five weeks for projects in compliance with Metro standards. This change will allow the staff to do the following:

- Identify incomplete applications at an earlier stage in the staff review process, thus allowing applicants additional time to correct application deficiencies. (*Determination of "completeness" will be made by comparing the submittal to a published checklist of minimum regulatory requirements, such as property owner signature, water and sewer availability letter, traffic impact study if required, and the like.*)
- Perform two multi-agency application reviews prior to agenda preparation. Currently only one review occurs before the agenda is prepared; the second review takes place after the agenda and public notices have been prepared and distributed.
- Arrive at a reasonable level of certainty that an item will be on a particular MPC agenda prior to sending public hearing notices to nearby property owners and neighborhood associations. This change will minimize the occasions when citizens must take time away from their jobs and other responsibilities to attend Planning Commission meetings for agenda items requiring deferral.
- Prepare a reliable MPC agenda with fewer items deferred at the last minute. Currently, in order to accommodate applicants with application deficiencies, staff is working up to the day of the MPC meeting to get clearance from other Metro departments that their requirements have been adequately addressed.
- Increase staff efficiency by eliminating preparation of staff reports for projects requiring deferral for non-compliance.
- Conserve resources by eliminating the extra cost of mailing public hearing notices for items that fail to receive last minute agency clearances and therefore require indefinite deferral. For indefinitely deferred items, the staff must re-mail notices and new or revised signs must be posted when a new hearing is scheduled.

To implement this change, staff recommends revising the published schedule of submittal deadlines and related Planning Commission hearing dates, and proposes the following change to the text of the Subdivision Regulations: Delete the first two paragraphs of Section 3-3.2, Administrative Review, as shown below:

Existing Subdivision Regulations Text

~~**3-3.2 Administrative Review** – The Executive Director shall initiate an administrative review of the plat, and any exhibits submitted in conformance with these regulations. This review shall be performed by the MPC Staff and other officials of the City and representatives of the State, or Boards or Commissions as appropriate. The review shall be conducted in accordance with the adopted 28 day review schedule. The findings of the review process shall be presented to the Planning Commission.~~

~~During the first eleven days of the review cycle the plat will be reviewed by the MPC Staff and other appropriate agencies after which the MPC Staff will notify the applicant of any plat changes required to meet regulatory requirements and the corrected plat drawings shall be returned to the MPC Staff reviewer within five working days. The corrected plat drawings will be circulated to the appropriate reviewing agencies by staff and will be the plat submittal presented for consideration by the Planning Commission.~~

NOTE

During the review process, additional information, such as street profiles, flood plain cut and/or fill data, etc., may be required in order for the review findings to be presented in a more complete manner. Such additional information will become part of the record file of the plat application.

Proposed Subdivision Regulations Text

3-3.2 Staff Review – The Executive Director shall initiate a review of the plat, and any exhibits submitted in conformance with these regulations. This review shall be performed by the MPC Staff and other officials of the Metropolitan Government and representatives of the State, or Boards or Commissions as appropriate. The review shall be conducted in accordance with the published review schedule. The findings of the review process shall be presented to the Planning Commission.

The published review schedule shall designate a deadline for agency comments on plat completeness and compliance to be provided to the applicant, and a deadline for applicant revisions to be resubmitted to the Planning Department. The revised plat drawings will be circulated to the appropriate reviewing agencies by staff. Once a plat is in compliance with all applicable regulations it shall be presented for consideration by the Planning Commission.

Decision on Final Plats
Section 3-4.3 of Subdivision Regulations

Background

This proposed change would authorize the Executive Director to approve a final plat that is substantially the same as an approved (and unexpired) preliminary plat. Some years ago, the Subdivision Regulations were interpreted to delegate such authority to the Executive Director, however, in recent years that authority has not been exercised. Consequently the MPC routinely acts on final plats that are substantially the same as preliminary plats previously approved by Commissioners. To obtain maximum clarity in the regulations, the Law Department has recommended that delegation of MPC authority to its staff is best set out in the Subdivision Regulations, rather than authorized as a matter of interpretation.

Staff Recommendation

Staff recommends the Planning Commission authorize the Executive Director to approve minor revisions to subdivisions. Staff also seeks authorization to extend administrative final plat approval to PUD revisions. The benefits of the proposed changes are to eliminate duplicate subdivision approvals from MPC agendas, reduce unproductive time spent by staff preparing reports on duplicate subdivision approvals, and reduce the need for applicants to meet MPC agenda deadlines in order to have routine final plats approved. It should be noted that staff will continue to require a full review cycle to coordinate with other departments to assure that all technical requirements of subdivision and other development regulations have been met.

A Planned Unit Development (PUD) follows a more complex route than does a subdivision. A PUD begins with a zoning change application, which is reviewed by staff, recommended by the Planning Commission, and approved by the Metropolitan Council to establish a PUD overlay zoning district. The **Master Development Plan** associated with the Council-approved PUD is a conceptual plan of development that includes the general orientation and size of principal structures and associated parking areas; landscape and buffer areas required; location, size and general treatment of environmentally sensitive areas; general traffic routes to and from the development with major access points identified; range and scope of proposed land uses, densities, floor area ratios or impervious surface ratios; land devoted to each type of general land use and phase of development; identification of new streets and proposed improvements to existing streets.

Once a PUD overlay district and associated master development plan have been approved by the Council, the developer submits a **Final Site Plan** for Planning Commission approval. A final site plan is approved by the MPC if the plan is consistent with the Council-approved plan and all of its conditions, and if the final site plan also meets the technical requirements of the Subdivision Regulations for preliminary plat approval, if applicable. In other words, when land in a PUD is subdivided, the Final PUD approval = the preliminary subdivision plat approval. After this stage in the approval process, a PUD subdivision travels the path of a regular preliminary subdivision plat, and is eligible for final subdivision plat approval so long as it conforms to the approved PUD plan and meets all technical requirements of the Subdivision Regulations.

It follows, then, that if the Executive Director is authorized to approve final plats that are substantially the same as approved preliminary plats, the Executive Director's authority would

also extend to approve final plats for PUD subdivisions that are substantially the same as approved PUD final site plans.

Existing Subdivision Regulations Text

~~3-4.3 Decision on Final Plat~~ — Following an administrative review (see 3-3.2), the Planning Commission shall, within thirty (30) days after submission (see 3-1.2) of the final plat, approve, conditionally approve, or disapprove the final subdivision plat by resolution, which shall set forth in detail any conditions of approval or reasons for disapproval. The applicant will be provided a copy of the resolution.

The failure of the Planning Commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed shall be issued, upon demand, by the Chairman and Secretary of the Planning Commission. Caution should be exercised in that such default approval will not exempt the subdivision from compliance with the Zoning Regulations.

Proposed Subdivision Regulations Text

3-4.3.1 Decision on Final Plat – Upon completion of a review (see 3-3.2) that finds the plat in conformance with the applicable regulations of the Metropolitan Government, the State, and any reviewing Boards and Commissions, the applicable approval procedure below shall be followed.

- A. If the final plat shows only minor revisions to the approved preliminary plat and meets all regulatory requirements, the Executive Director is authorized to approve the final plat on behalf of the Metropolitan Planning Commission. Minor revisions are insignificant shifts in street and open space locations, minor changes to lot size, minor changes to unit size and distribution of intensity not inconsistent with a final PUD approval and its associated preliminary plat, if applicable; minor shifts in lot lines; and other changes which do not alter the general layout and intensity of the approved preliminary plat. At the request of the applicant, any final plat shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Executive Director. The Executive Director may, at his or her discretion, direct any final plat to the Planning Commission according to the procedures of B, below.**
- B. If the final plat includes major revisions to the approved preliminary plat, a revised preliminary plat along with the final plat shall be submitted by the applicant in accordance with the published review schedule. Once in compliance with all regulatory standards, it shall be placed on the agenda of the Metropolitan Planning Commission for approval, conditional approval, or disapproval by resolution, which shall set forth in detail any conditions of approval or reasons for disapproval. The applicant will be provided a copy of the resolution. For purposes of this section, major revisions include, but are not limited to, an increase in the number of lots and/or square footage, change(s) to**

the pattern of street connections or major access points; changes to the pattern of lots or the massing of buildings; changes to open space provisions; reductions in public dedications; reductions in improvements, including sidewalks, for the benefit of the public; variance(s) to the Subdivision Regulations not previously granted by the Planning Commission at the time of preliminary plat approval; or any other feature(s) of the subdivision that assumed significance at the time of preliminary plat approval.

Failure of the Planning Commission to act upon a plat within thirty (30) days after the official submission date (Section 3-1.2) shall be deemed approval of the plat, and in such event a certificate of approval entitling the subdivider to proceed shall be issued, upon demand, by the Chairman and Secretary of the Planning Commission. Caution should be exercised in that such default approval will not exempt the subdivision from compliance with the Zoning Regulations.

77. Capital Improvements Budget and Program Amendment Request 2001CB-002

Staff recommends *approval*.

Summary

This amendment is needed to cover Metro's costs, through Constellation Energy Source, Inc. (CES), the new operator, of constructing a new gas-fired district energy plant to replace the Thermal facility, plus associated land acquisition, and other costs.

Analysis

The proposed amendment will add a new project to the General Services Department to fund these costs through Proposed Revenue Bonds. Using revenue bonds does not compete with the general obligation debt planned for any of the other projects currently proposed for that source.

Proposed Urban Services District – New Project. The following new project in the Urban Services District is added to the Capital Improvements Budget for FY 2001-2002 as follows:

New Project – 01GS014

District Energy System

Construction of new district energy generating and distribution facilities and acquisition of associated real property.

\$ 66,700,000 Proposed Revenue Bonds FY 2001-2002

82. Urban Design Overlay Approval Procedures (Other Business)

In order to encourage the use of the UDO in creating smart growth developments with high quality design features, the procedures for their approval should be as efficient as possible. For this reason, once the Planning Commission has given approval to overall final site development plans, **staff requests authority from the Commission to administratively approve construction plans on platted lots.** The nature of the review in these cases is for compliance with the detailed design guidelines of the UDO. This is distinguished from the type of review that establishes design or planning policy as it applies to a development site. In cases where the applicant disputes the staff's administrative review of construction plans on platted lots, the decision would be referred to the Commission for review.

This proposed procedure will replace very limited administrative authority previously granted by the Commission in which minor modifications of an existing building in a UDO can be approved by staff.