



Metro Planning Commission Meeting of 2/12/04

**Other
Business
Item # VII**

Project No.

Request to amend the Subarea 4

Plan:

1998 Update

Council Bill

BL2003-87

Associated Case

2004Z-003G-04

Council District

10 - Ryman

School Board District

3 – Pam Garrett

Staff Reviewer

Wood

Staff Recommendation

Approve.

REQUEST

Amend the Subarea 4 Plan: 1998 Update.

Background

The area in question is Commercial Mixed Concentration (CMC) Area 12E, which is located approximately 600 feet east of Gallatin Pike in the vicinity of Myatt Drive and Edenwold Road. This amendment request is related to a zone change request, 2004Z-003G-04, that is on this agenda. The Commission had disapproved this request as contrary to the General Plan at its December 11, 2003 meeting, but had also directed staff to revisit the CMC policy in this area to determine whether the policy should be changed back to Industrial and Distribution, which had been the policy for the area prior to a plan amendment in February 2001.

Staff believes that the intent of allowing industrial uses in this area can be met by adding some language to the existing policy text rather than changing the policy back to Industrial and Distribution. The text of the plan already recognizes the existing industrial uses and zoning that are within the area, and grants legitimacy to their presence. Additional text will make it possible to introduce new industrial zoning to the area in addition to commercial zoning that would implement the CMC policy. This would allow for market flexibility that could benefit this struggling area, which contains numerous vacant properties.

This location is suited for both commercial and industrial uses. It has access to two major arterial streets, Gallatin Pike and Myatt Drive, and is near the I-65 interchange. It borders an industrial area to the south and a large commercial area to the north. The area contains both industrial and commercial uses, along with a scattering of office and residential uses. Staff



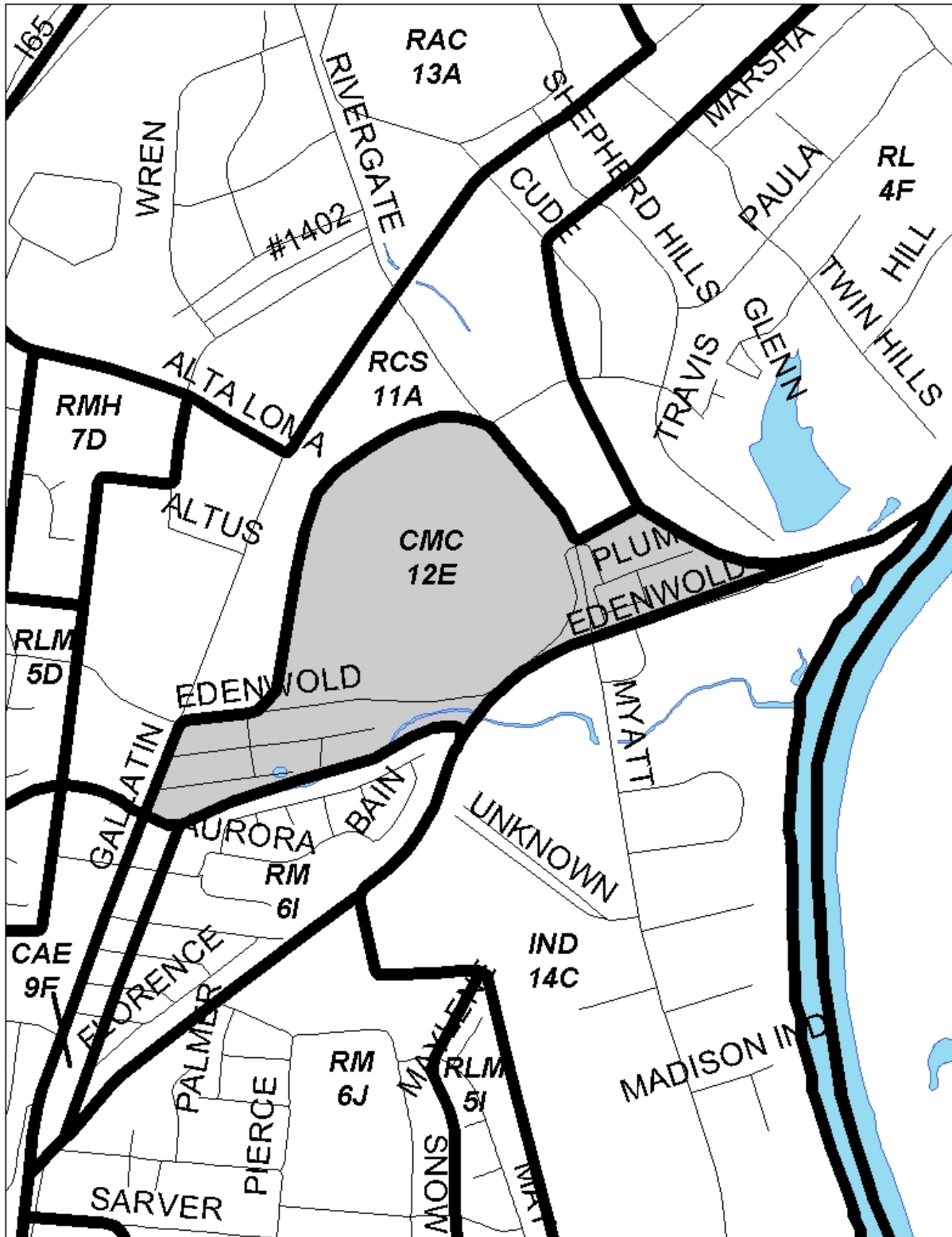
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recommends that the following italicized text be added to the policy text for Area 12E:

“CMC policy is applied to this area to provide additional commercial development opportunity close to the RiverGate Mall and also to provide for other high-intensity land uses, such as offices and medium-high to high density residential development, in close proximity to the RiverGate Regional Activity Center. Area 12E has historically been an industrial area, but the demand for industrial development has weakened in this area. This trend is expected to continue over the long term, although it is understood that some of the existing industrial businesses in the area will continue their operations well into the foreseeable future *and there may also be new industrial businesses in the area.* Therefore, zoning implementation of the CMC policy is expected and intended to occur gradually as market trends continue. *Because of this mixture of industrial and commercial uses and zoning and also because the area is locationally suitable for both mixed commercial and industrial development, industrial zoning is acceptable within this area. To help ensure the compatibility of uses within this area, industrial zoning within the area should be no more intense than IR (Industrial Restrictive). Because of the mix of industrial and commercial uses within this area, residential zoning is not appropriate as it would be in other CMC policy areas.*”



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Project No.
Council Bill
Associated Cases
Council District
School Board District
Requested by
Re-referral

[Zone Change 2004Z-003G-04](#)
BL2003-87
Subarea 4 Plan Amendment
10 - Ryman
3 – Pam Garrett
Walter Knestick for Rivergate Partners, owner
The Metro Council re-referred this item back to the Planning Commission in order for it to be reconsidered with the Subarea 4 Plan amendment.

Staff Reviewer
Staff Recommendation

Leeman
Approve if Plan Amendment is adopted.

APPLICANT REQUEST

Rezone 27.12 acres from commercial services (CS) to industrial restrictive (IR) district part of a parcel at Myatt Drive (unnumbered), located across from Spring Branch Road and south of Gallatin Pike.

Existing Zoning
CS district

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

Proposed Zoning
IR district

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

SUBAREA 4 PLAN

Commercial Mixed Concentration (CMC) with Special Policy (*New Policy in Italics*)

CMC policy is applied to this area to provide additional commercial development opportunity close to the RiverGate Mall and also to provide for other high-intensity land uses, such as offices and medium-high to high density residential development, in close proximity to the RiverGate Regional Activity Center. Area 12E has historically been an industrial area, but the demand for industrial development has weakened in this area. This trend is expected to continue over the long term, although it is understood that some of the existing industrial businesses in the area will continue their operations well into the foreseeable future *and there may also be new industrial businesses in the area.* Therefore, zoning implementation of the CMC policy is expected and intended to occur gradually as market trends continue. *Because of this mixture of industrial and commercial uses and zoning and also because the area is locationally suitable for both mixed commercial and*



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industrial development, industrial zoning is acceptable within this area. To help ensure the compatibility of uses within this area, industrial zoning within the area should be no more intense than IR (Industrial Restrictive). Because of the mix of industrial and commercial uses within this area, residential zoning is not appropriate as it would be in other CMC policy areas.

History

On February 1, 2001, the Planning Commission amended the Subarea 4 Plan for this area from Industrial and Distribution (IND) to Commercial Mixed Concentration (CMC) policy, finding that the CMC policy would provide additional commercial development opportunities close to the RiverGate Mall and also to provide for other high intensity land uses, such as offices and medium-high to high density residential development, in proximity to RiverGate Regional Activity Center (see Subarea 4 plan amendment on this agenda).

Policy Conflict

No. If the Subarea 4 Plan is amended by the Commission, then the IR district will be consistent with the Plan's CMC special policy for the area, which calls for a wide range of commercial and industrial activities.

RECENT REZONINGS

Yes. This property was rezoned in 2001, from IR to CS (2001Z-001G-04), and there was an associated Subarea Plan amendment to change the policy from IND to CMC.

METRO PUBLIC WORKS FINDINGS

Current zoning

CS, Peak adjacent street traffic -- General Office:
AM Trips = 218 **PM Trips =1,056**

CS, Peak adjacent street traffic -- Shopping Center:
AM Trips = 730 **PM Trips =2,650**

Proposed zoning

IR, Peak adjacent street traffic -- Manufacturing:
AM Trips = 166 **PM Trips = 171**

IR, Peak adjacent street traffic -- General Light Industrial:
AM Trips = 838 **PM Trips = 1,016**



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“The trip generations, depending on what is developed, will either decrease or maintain the same level. Usually, however, due to the size of the property there are many uncertainties as to how much it will impact the road, especially in this part of town. With the final development plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations. Therefore, we [Public Works] recommend approval of the zone change.”



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

Zone Change 2003Z-013T
None
BL2003-25
Councilmember Greg Adkins
3 – Pam Garrett

Deferral

This item was deferred at the request of the applicant on October 23, 2003.

Staff Reviewer
Staff Recommendation

Leeman
Disapprove.

APPLICANT REQUEST

This council bill would change Section 17.24.050 (E) of the Zoning Ordinance by exempting the tree density requirements from loading areas or tractor-trailer staging, loading and parking areas from the tree density requirements. 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. The owners of the facilities were also unwilling to pay into the Metro Tree Fund.

The Zoning Ordinance currently include a compromise that allows for an exemption to the interior landscaping requirements in loading and staging areas, but 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. The Zoning Code allows for the clustering of landscaping to meet this requirement.

This proposed text change would exempt loading and staging areas 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



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and buffering, and increases the amount of non-impervious surfaces, which in turn reduces the amount of stormwater runoff. The ordinance's current tree requirements are 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 provisions.

Councilmember Adkins, who is sponsoring the ordinance, has proposed an amendment to the bill to limit its application to all three of the industrial zone districts (IR, IWD and IG). According to Metro's property maps, there are 3,103 acres of property classified as Transportation/Distribution Warehouse in the three industrial zone districts. Transportation/Distribution Warehouse is the land use category that would include most truck staging, loading and parking areas in the county.

The proposed amendment is shown below in **bold** and the current text is shown in *italics*. The existing Code applies the tree density requirements (Section 17.24.100) and perimeter planting requirements (Section 17.24.150), but the proposed text language would only apply the perimeter planting requirements for service loading areas and tractor-trailer staging, loading and parking areas within the IWD, IR and IG districts.

17.24.050 Exceptions

E. *The interior planting requirements of Section 17.24.160 shall not apply to service loading areas or to tractor trailer staging, loading and parking areas.*

F. **The tree density requirements of Section 17.24.100 shall not apply to service loading areas within the IWD, IR, and IG zoning districts, or to tractor trailer staging, loading and parking areas within the IWD, IR, and IG zoning districts. The perimeter planting requirements of Section 17.24.150 shall apply to service loading areas, and to tractor trailer staging, loading and parking areas.**

Recent Text Amendments

The Planning Commission disapproved a nearly identical text change proposal on December 6, 2001. That bill was withdrawn at the Metro Council.



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

Zone Change 2004Z-008G-06

BL2004-165
2004P-002G-06
22 – Crafton
9-Christina Norris
Anderson – Delk & Associates, Inc., applicant, for
Tennessee Contractors Inc., owner
Deferred indefinitely from the January 8, 2003, MPC
meeting.

Deferral Action

Staff Reviewer
Staff Recommendation

Mitchell
Disapprove since the Planning Commission’s directive to revisit the recently-adopted Bellevue Community Plan has not been completed. Although the requested zone change, and the associated new PUD, are consistent with the recently-adopted plan update, the Planning Commission acted to defer the three associated items indefinitely to allow more time for the community to meet with the Councilmember, and to allow the Planning Department time to revisit the updated plan. The Community Plans Division intends to schedule a community meeting in this area to discuss possible changes to the updated plan in early March 2004.

APPLICANT REQUEST

Existing Zoning
R80 district

Rezone approximately 31.3 acres from residential (R80) to residential single-family (RS20) district property adjacent to the south margin of Old Charlotte Pike (unnumbered) and running east of Overall Creek.

Proposed Zoning
RS20 district

R80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 0.58 dwelling units per acre including 25% duplex lots.

RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

BELLEVUE COMMUNITY PLAN POLICY

Residential Low-Medium (RLM)

RLM is a policy category designed to accommodate residential development within a density range of about 2 to 4 dwelling units per acre. Development at the



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Natural Conservation (NCO)

upper end of the density range is recommended at locations along and in the vicinity of arterial and collector streets, provided primary access to the collector or arterial is not through a lower density area.

NCO is intended for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development. NCO policy should be applied to large areas that are generally unsuitable for urbanization due to the presence of extensive amounts of land with unstable soils, 20%+ slopes or other physical features that are severe constraints to urban development. NCO policy should be applied to large areas where only minimal accessibility is expected. Due to their environmentally sensitive character, NCO areas are generally unsuitable for conventional suburban or urban development. The predominant types of land use anticipated in these areas are very low intensity residential, commercial (convenience scale) and community facility developments. Examples of low intensity, non-residential developments include convenience retail, athletic fields, and hiking trails. Agricultural uses are also found in NCO areas. Specific residential densities in NCO areas should be determined by physical site characteristics and the availability of services, particularly sewers. In general, the more environmentally sensitive or remote a site is, the lower the acceptable density. In general, densities should not exceed one dwelling unit per two acres.

Policy Conflict

No, but the commission has directed staff to revisit the policy for this area. The proposed zoning is consistent with the RLM policy for the area and the developer is proposing to keep all development out of the Natural Conservation area. The Natural Conservation area has been applied to a portion of this site because of the steep hillside located in the southeast corner of the site. There is an associated planned unit development (PUD) that is also being requested for this site. The PUD proposes a 49-lot single-family development that is consistent with the character of residential development in the existing Westchase Residential PUD located to the south of this property.



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RECENT REZONINGS

None.

TRAFFIC

Based on the trip generation numbers for RS20, this proposal will generate approximately 555 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Different densities could generate more or less traffic.

Current zoning

R80, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 22 PM trips = 23

Proposed zoning

RS20, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 50 PM trips = 66

“I [Public Works] believe that RPM’s analysis of the access at Charlotte Pike will address any traffic concerns regarding the addition of 49 units to the back of this property. I recommend that our request for a TIS at development for this zone change 2004Z-008G-06 and for a PUD addition be cancelled. The extension of the left-turn lane on Charlotte Pike to 125 feet shall be conditioned for this PUD [and rezone].”

SCHOOLS

6 Elementary 5 Middle 4 High

Schools Over / Under Capacity

Students would attend Gower Elementary, Hill Middle, and Hillwood High School. Hill Middle has been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability

The Metro School Board reports that due to the overcrowded condition of the school impacted by this proposed rezoning, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$65,000.00 for additional school capacity in this cluster.



Project No.

Project Name

Council Bill

Associated Case(s)

Council District

School Board District

Requested By

Deferral

Staff Reviewer

Staff Recommendation

Planned Unit Development 2004P-002G-06

Addition to Westchase PUD

BL2004-166

97P-011G and 2004Z-008G-06

22 – Crafton

9 – Christina Norris

Anderson – Delk & Associates, Inc., applicant, for Tennessee Contractors Inc., owner

Deferred indefinitely from the January 8, 2003, MPC meeting.

Mitchell

Disapprove since the Planning Commission’s directive to revisit the recently-adopted Bellevue Community Plan has not been completed. Although the requested zone change, and the associated new PUD, are consistent with the recently-adopted plan update, the Planning Commission acted to defer the three associated items indefinitely to allow more time for the community to meet with the Councilmember, and to allow the Planning Department time to revisit the updated plan. If approved at the Planning Commission or if the Metro Council files this PUD bill, the following condition needs to be added to the bill: An eastbound turn-lane, with 125 feet of storage, shall be provided along Charlotte Pike, at the entrance to the existing Westchase Residential PUD.

APPLICANT REQUEST

Preliminary PUD

Request to adopt a new Preliminary PUD, to be called Addition to Westchase PUD, to allow for the development of 49 single-family lots on approximately 31.3 acres. The PUD property is located along the south margin of Old Charlotte Pike and runs along the eastern margin of Overall Creek.

PLAN DETAILS

Site Design:

The proposed plan calls for the development of 49 single-family lots to be located at the base of a hill that peaks in the southeast corner of the property. All lots will be located along a single spine road that will be an extension of an existing roadway located within the Westchase Residential PUD. This roadway will continue around the base of the hill and temporarily dead-end at parcel 293 – which is located just south of Old Charlotte Pike and across from Gower Road.



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This PUD plan proposes to interconnect with the existing Westchase Residential PUD. The applicant of both PUDs, Tennessee Contractors, Inc., is also revising the Westchase PUD by relocating 16 single-family lots so that they can tie-in with this new PUD. Per the resubmitted PUD plans, all of the upslope lots will be designated as Critical Lots and will require individual review pursuant to the Metro Subdivision Regulations.

Open Space Provisions:

The applicant is required to provide a minimum of 15% open space – or approximately 4.7 acres in this case. Because of the hillside and slopes associated with it, the applicant is providing approximately 19.3 acres of open space – or approximately 62% of the gross acreage.

Floodplain:

The proposed subdivision is located adjacent to the Overall Creek 100-year floodplain; however, the majority of floodplain, as well as all of the floodway, is located on the west side of the creek since the grade begins to slope to the southeast on the subject site. The applicant has added a note to the PUD plan stating that development will remain out of the entire floodway and at least 2/3 of any floodplain, as required by the Metro Code.

METRO PUBLIC WORKS' COMMENTS

It is recommended that an eastbound turn-lane, with 125-feet of storage, be provided on Charlotte Pike, at the entrance to the existing Westchase Residential PUD.

CONDITIONS

1. An eastbound turn-lane, with 125 feet of storage, shall be provided along Charlotte Pike, at the entrance to the existing Westchase Residential PUD.
2. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.



Project No.	<u>Planned Unit Development 97P-011G-06</u>
Project Name	Westchase Residential PUD
Council Bill	None
Associated Case(s)	2004P-002G-06 and 2004Z-008G-06
Council District	22 – Crafton
School Board District	9 – Christina Norris
Requested By	Anderson – Delk & Associates, Inc., applicant, for Tennessee Contractors Inc., owner
Deferral Action	Deferred indefinitely from the January 8, 2003 MPC meeting.
Staff Reviewer	Mitchell
Staff Recommendation	<i>Disapprove since this PUD revision is directly related to the preceding case, 2004P-002G-06. However, if 2004P-002G-06 is approved by the Metro Council, then staff recommends approval of this requested revision.</i>

APPLICANT REQUEST
Revise Preliminary

Request for Revision to Preliminary for the Westchase Residential PUD to revise the location of 16 lots so as to accommodate an interconnected design with the proposed PUD to the north. The PUD property is located along the north margin of Charlotte Pike, south of Old Charlotte Pike.

PLAN DETAILS

The proposed plan calls for the relocation of 16 single-family lots so as to allow for an interconnected design with a proposed new PUD directly to the north. The relocation of the 16 lots does not affect the original approval of 134 single-family lots. The area to be revised is approximately 6.1 acres. Per the resubmitted PUD plans, all lots except three will be designated as Critical Lots and will require individual review pursuant to the Metro Subdivision Regulations.

METRO PUBLIC WORKS' COMMENTS

No exception taken

CONDITIONS (If approved)

1. If the proposed PUD to the north (2004P-002G-06) is not approved by the Metro Council, this plan shall revert back to the currently-approved plan.



Project No.
Council Bill
Council District
School Board District
Requested By
Associated Cases
Deferral Action

[Zone Change 2003Z-080U-12](#)
BL2003-84
32-Coleman
2 – George Blue, Jr.
Garry Batson, applicant, Janie Broadhead, owner
None
The Planning Commission recommended approval RM9 and disapproval of RM20 on this property on June 26, 2003. Since the Metro Council deferred this item indefinitely during the last council term, a new bill had to be introduced. Since Councilman Coleman was not in office when this item was heard by the Planning Commission in June, he has re-referred this item back for further consideration.

Staff Reviewer
Staff Recommendation

Reed
Approve

APPLICANT REQUEST

Rezone 4.45 acres from AR2a to RM9 district property located at 91 Tusculum Road, at Benzing Road.

Existing Zoning
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

Proposed Zoning
RM9 district

Intended for single-family, duplex, and multi-family dwellings at a maximum density of 9 dwelling units per acre.

SUBAREA 12 PLAN POLICY
Residential Medium-High (RMH)

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

Area 5G Policy

“This area includes the Brentridge, Timberlake and Saxony apartments with densities ranging from 9 to 15 units per acre. [I]n addition to the standard RMH policies, the following guideline applies to development in this area: *For the portion of this area with primary*



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POLICY CONFLICT

access from Tusculum and Benzing Roads, developments should be at the lower-end of the density range.”

No. The property is located at Tusculum and Benzing Road. RM9 zoning would allow 9 units per acre or a maximum of 40 total units. The subarea plan indicates a desired density limit of 9 units per acre.



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RECENT REZONINGS

None.

TRAFFIC

Based on typical uses in the RM9 district, approximately 265 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER'S COMMENTS

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

Public works has further noted that the proposed zoning is relatively small and that no current traffic counts are available for the intersection of Benzing Road and Tusculum Road. Visual observations of the intersection, however, indicate that Old Benzing Road is a low-volume residential street connection with Tusculum Road and that the current level of service appears acceptable.

Public Works representatives have stated they were unable to give specific recommendations without a final site development plan and possibly a Traffic Impact Study. It was indicated to staff, however, that Public Works may require the following with development of this property:

1. Access on [Old] Benzing Road as far from the intersection with Tusculum Road as possible;
2. Dedication of right-of-way to at least 50-feet, if not already existing on either street;
3. Improvements to the alignment of [Old] Benzing Road and Tusculum Road; and
4. Improvements to the cross-section of [Old] Benzing Road along the property's frontage on that road.



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METRO NASHVILLE PUBLIC SCHOOLS REPORT

SCHOOLS (Projected new students) 3 Elementary 2 Middle 2 High

Schools Over/Under Capacity

Students would attend Cole Elementary, Antioch Middle School and Antioch High School. All three have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability

The Metro School Board reports that due to the overcrowded condition of the schools impacted by this proposed rezoning, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$94,000 for additional school capacity in this cluster.

Planned School Capital Improvements:

Location	Project	Projected Date
Cole Elementary	Renovation	FY07-08
Antioch Cluster	Construct a new middle school for 800 students on a new site in Southeast Davidson County	FY03-04



Project No.	<u>Subdivision 2004S-013G-14</u>
Project Name	Summit Woods
Associated Cases	2000S-051G-14, Rock Crest Subdivision
Council District	12 – Gotto
School Board District	4 – Kathy Nevill
Requested By	James Sean Sadler, owner/developer, James + Associates, engineer
Deferral	Deferred from January 8, 2003, Commission meeting
Staff Reviewer	Fuller
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST	
<u>Preliminary Plat</u>	Request to subdivide 10.09 acres into 25 lots.

ZONING	
RS15 District	<u>RS15</u> district, requiring a minimum lot size of 15,000 square feet and permits single-family lots.

SUBDIVISION DETAILS	<p>A subdivision of similar design, called Rock Crest, was approved on this property October 26, 2000. It expired in October 2002.</p> <p>The plat of Cole’s Retreat was approved on May 10, 2001. Cole’s Retreat is located at the end of the Wonderland Pass cul-de-sac to the south and blocked any access to Wonderland Pass. At the time, staff felt that the road in the Rock Crest Subdivision would continue through to allow for the development of Parcel 161 to the south. The current applicant feels that it is more appropriate to provide a stub street to the north of the property, into an area that will allow for connections into subdivisions to the north as development occurs. Additionally, the applicant has noted that a connection to the south would cross a drainage ditch and require a culvert, which would not facilitate the connection of traffic routes.</p>
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CLUSTER LOT OPTION	<p>Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (7,500 square feet) with the installation of landscape buffer yards along the perimeter of the site where the proposed lots are less than 15,000 square feet.</p> <p>The plan proposes lots that range in size from 10,040 to 14,358 square feet.</p>
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Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase. This development proposes 22% (2.28 acres) open space.

PUBLIC WORKS

Approval of this development is conditioned to include the following items:

1. Tulip Gove Road shall be rebuilt by the developer to provide adequate site distance at the site access road and Tulip Grove Road. All road improvements shall be completed before any Use and Occupancy Permits are approved.
2. The developer shall submit roadway construction plans including temporary construction drive entrance and graphs demonstrating adequate site distance for both access points. Demonstration of adequate site distance at the temporary construction drive shall be required prior to the start of development construction.
3. The developer shall submit a traffic detour plan to be approved by the Metro Traffic Engineer. An approved traffic re-routing plan shall be approved prior to any road construction by the developer.

CONDITIONS

1. Comply with the Public Works conditions listed above.
2. If existing vegetation is to be used in required landscape buffer yards, landscape plans must be reviewed and approved by the Urban Forester prior to grading plan approval.



Project No.
Council Bill
Associated Cases
Requested By

Zone Change 2004Z-001T
BL2004-156
None
Councilmember David Briley

Staff Reviewer
Staff Recommendation

Kleinfelter
Approve with conditions.

APPLICANT REQUEST

This council bill proposes to amend Sections 17.04.060 (Definitions of General Terms), 17.08.030 and 17.16.110 of the Zoning Code to designate zoning districts where a Recycling Facility is permitted, and to establish conditions for such a facility when permitted with conditions.

ANALYSIS

Existing Law:

Any facility that separates waste in order to recycle appropriate materials currently is allowed under the Zoning Code only as "Waste Transfer" (17.16.210(C)), which requires a minimum lot size of 10 acres, pre-approval of the site by the Metro Council, and approval of a special exception permit by the Board of Zoning Appeals. The Code provides for a "Recycling collection center," but such facilities are limited to "the temporary assemblage of small recyclable consumer items such as food and beverage containers, fabrics and paper."

Proposed Text Change:

The proposed text change would insert a new definition in the Zoning Code as follows:

"Recycling facility" means a facility where any method, technique, or process utilized to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse of a solid waste may not be used in a manner that would constitute solid waste disposal."

"Putrescible waste" means material which is capable of undergoing the process of decomposition resulting in the formation of malodorous byproducts."



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“Recycling facilities” would be added to the Zoning District Land Use Table of 17.08.030 as “Permitted with Conditions” in the IWD, IR and IG zone districts.

As currently drafted, the ordinance includes the following conditions that would be required to be met before a permit could be issued for a Recycling Facility:

1. Minimum lot size of one acre.
2. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas must be located a minimum of one hundred feet from any residential zoning district boundary or residential structure.
3. Landscape buffer yard. Along all residential zone districts permitting residential use, screening in the form of landscape buffer yard Standard D would be required. In addition, the entire facility must be enclosed by a chain-link type fence at least eight feet in height. The fence must be patrolled each day to remove all windblown debris captured by the fence.
4. Driveway access can be from any local street, provided that street is not bounded by any residential zoning district from the driveway access point to the street's intersection with a collector street or a street designated on the major street plan. A traffic impact study must show that traffic generated to/from the site will only use streets where the existing level of service (LOS) is "D," and it is forecasted to remain at a LOS D or better with the proposed recycling facility traffic.
5. All compacting, sorting, processing or storage must take place within a completely enclosed building. Loading and unloading of materials must take place on a partially enclosed loading dock if the loading dock connects directly to the building in which processing or storage of the materials takes place, or within a completely enclosed building. If a recycling facility uses a loading dock for loading and unloading, the dock may not be used for storage and must be cleaned of all materials at the close of each business day.



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Recommendation:

A similar ordinance was considered by the Commission at its December 12, 2002, meeting. At that time, staff recommended disapproval of the text change because the Vice Mayor had recently appointed a special committee to investigate several solid waste management issues, including recent requests for location of waste transfer stations under the provisions of 17.16.210(C). Staff recommended that the proposed text change be considered along with all other waste management issues by the newly created Council solid waste study committee. Staff has been informed that the special committee has met several times since December 2002, but it does not appear the committee will make an official recommendation on the issue of the location of this type of waste facility.

Staff recommends approval of the proposed text change, with the condition that the ordinance should be amended to address the following issues:

1. Enclosed areas of recycling facilities permitted under this ordinance should be required to have floors made of concrete or some other hard material that permits cleaning. In addition, areas around loading docks or other high-traffic areas should be required to be paved.
2. Hours of operation should be limited to 7:00 a.m. to 6:00 p.m. for any facility located adjacent to a zoning district that permits residential uses.
3. For any facility located adjacent to a zoning district that permits residential uses, all light and glare must be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.
4. When located adjacent to a zoning district that permits residential uses, opaque fencing must be provided in compliance with the terms of §17.24.210 G. of the Landscape Buffer Yard Requirements, except that said fencing must be at least eight feet high. The ordinance should also be amended to provide that the setback requirements for screening walls and fencing contained in §17.12.04 would be superceded by the special fencing requirements for Recycling Facilities.



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5. Although the term “completely enclosed building” is used by other sections of the Zoning Code, it is not defined. This opportunity should be taken to define the term to better enable the Zoning Administrator to enforce the requirement.

6. The proposed ordinance requires buildings, storage structures and loading areas to be at least 150 feet from “any residential zoning district boundary or residential structure.” That section should be amended to require the minimum distance requirement to apply to any zoning district that permits residential uses (which would include mixed use zoning districts). In addition, language should be added so that the minimum distance requirement for a “residential structure” would only apply to such structures that are legally occupied. No minimum distance requirement should be necessary for a vacant residential structure within an industrial zone district.

7. Staff believes the street standards provided in the ordinance may be too restrictive. Consideration should be given to whether the proposed street standards will provide reasonable opportunities for the location of Recycling Facilities.



Project No.
Council Bill
Associated Case
Requested By

Zone Change 2004Z-002T
BL2004-121
None
Councilmembers Greg Adkins, Jim Shulman, Mike Jameson, David Briley, Erik Cole, and Parker Toler.

Staff Reviewer
Staff Recommendation

Leeman
Approve.

APPLICANT REQUEST

This request is to amend Section 17.40.720 of the Metro Zoning Code to require larger areas of public notification for zone change requests at the Council Public Hearings.

The following are the current requirements for public notification by mail. The proposed changes are shown in **bold**.

17.40.720 Notice by mail.

No public hearing shall be conducted unless, at least twenty-one days prior to the public hearing, the owner(s) of the subject property and all other property owners within the distances prescribed by this article have been given notice by mail of the time, date and place of the public hearing. Properties owned by the applicant shall not be included in the distance measurement for public notice. For a public hearing conducted by the board of zoning appeals, the appellant shall be notified by certified mail. In addition to notification of individual property owners, an incorporated condominium association registered with the metropolitan clerk as requesting notification shall also be notified. For amendments to the official zoning map, written notices shall be sent to property owners located within the following distances from the subject property.

From	To	Distance
Agricultural or residential	Industrial	500 1,000
Agricultural or residential	Institutional, mixed-use, office, commercial or shopping center	400 800
----- all other -----		300 600

For all other public hearings required by this title, property owners within three hundred feet of the subject property shall be provided written notice. The provisions of this article shall not apply to the adoption or subsequent amendment of this title, or to amendments to the official zoning map involving floodplain or airport overlay districts. (§ 3(1) of Amdt. 1 with Ord. 96-555 § 10.15(C), 1997)



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STAFF ANALYSIS

Staff conducted an analysis of the January 2004, Council Public Hearing items and determined that the proposed text amendment would result in an increase of at least two-thirds more notices being sent out (4,103 notices vs. 6,862 notices). Staff notes that one case was for a mass-rezoning in Councilmember McClendon's district, which required 2,911 notices but would have required 3,841 notices under the proposed Council Bill. Staff believes that doubling the distance requirements will increase the number of notices in many instances by at least two times.

There is no public notification requirement in the Zoning Code for Planning Commission consideration of zone change applications, but Planning Commission policy requires notification to surrounding property owners 10 days prior to each Planning Commission meeting. Since the Commission uses the same distance requirements as those in the Zoning Code, if this text amendment is approved, the new distances will also apply to public notification of Planning Commission public hearings.

The cost for processing a public hearing notice for Council and Planning Commission public hearings includes staff time, postage expense, and the cost for paper and envelopes. Approximately 165 zoning cases receive a Metro Council public hearing each year. Staff time is required to determine the addresses to which the notices must be sent, print envelopes, prepare and copy the notices, etc. An increase in the distance requirements for public hearing notices will increase these costs significantly.

Although the proposed bill would increase the cost for public notification, it would serve to better inform the public about proposed changes in their area. An independent study of the Planning Department's fees, which is currently underway, may address charging applicants for such notices. Staff suggests that additional changes to the Code may be appropriate in the future to address the impact on Metro Government of the expense of preparing and mailing public hearing notices for private development proposals.

Staff recommends approval.

Recent Text Amendments

None.



Project No.	<u>Subdivision 2003S-301G-03</u>
Project Name	Schott Subdivision
Associated Cases	None
Council District	31 – Toler
School Board District	2 – George Blue, Jr.
Requested By	Kenneth and Linda Schott
Staff Reviewer	Fuller
Staff Recommendation	<i>Disapprove</i>

APPLICANT REQUEST

[Preliminary Plat](#)

Request to subdivide 2 lots on 6.52 acres into 3 lots. There is one existing home on the property that will remain on lot 2. The property is located on Redmond Court, approximately 440 feet east of Redmond Lane.

ZONING

AR2a district

AR2a zoning is intended for agricultural/residential and requires a minimum lot size of 2 acres. It is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

SUBDIVISION DETAILS

This proposal does not contain sufficient property in Davidson County to meet zoning requirements. The rear portion of the property (2.12) acres lies within Williamson County. This means that land outside of the boundaries of Davidson County is being used to meet the 2-acre minimum lot size required by AR2a zoning. If the Planning Commission approves this application, the applicant must obtain written approval from the City of Brentwood prior to the recordation of the subdivision plat. The Metro Zoning Administrator has indicated that the Williamson County property can be used to satisfy the lot size requirement.

Lot Dimensions (Sub. Regs. 2-4.2)

This plat proposes three irregularly shaped lots. The Subdivision Regulations require that side lot lines be at right angles to street lines unless a variation from this rule will result in a better street or lot plan. It appears that the reason for the irregular lot lines is to keep the existing driveway and home on one lot and still have two acres for each of the other two lots. There are not any topographic features that would necessitate the



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irregular shape of the lots. Although these lots are in an agricultural zone district, the proposed lots are not consistent with the original plat for the area. The original plat intended for Redmond Court to have a more uniform lot layout and street character, much like many of the surrounding subdivisions. The one exception is the common boundary between Parcel 18000003000 and 18000003300, which follows a creek bed.

Staff does not feel that the area of the three proposed lots is consistent with the established character of Redmond Court. A strict lot comparability test was not applied because lot comparability is not a technical requirement under the Regulations for lots zoned agricultural. Since Redmond Court is established, staff felt that the area of the existing parcels should weigh heavily in the review of the three lots. Below is chart of the size of the other properties on Redmond Court:

Parcel ID	Acres
18000003300	2.33
18000006700	2.60
18000006300	2.96
18000006100	3.00
18000007100	3.01
18000004000	3.09
18000004300	3.11
18000003600	4.02
18000007000	5.00
18000003000	6.65
18000004400	7.10
18000006000	7.90
Average Area	4.23

As seen by the chart above, the proposed lots would all be approximately 2 acres short of the average.

No exceptions taken.

The applicant submitted a request for an appeal to the Stormwater Management Board to be relieved of grading plan requirements. The appeal granted will allow the grading plans to be postponed until the time of building permit application. The appeal, 2004-12, would need to be referenced on the plat prior to recording. Further, there is no basis for a variance from

PUBLIC WORKS

STORMWATER



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the requirement that side lot lines be at right angles to the street.

STAFF RECOMMENDATION

Staff recommends disapproval of these lots because the size and lot layout are not in keeping with the character of Redmond Court.



Project No.

Project Name

Council Bill

Associated Case(s)

Council District

School Board District

Requested By

[Planned Unit Development 231-77-U-12](#)

Quincy's of Nashville Commercial PUD

None

None

30 – Kerstetter

2 – George Blue, Jr.

ETI Corporation, applicant, for 1st Tennessee Bank, owner

Staff Reviewer

Mitchell

Staff Recommendation

Approve with conditions.

APPLICANT REQUEST

[Revise Preliminary & Final PUD](#)

Request for revision to a Preliminary PUD and for final PUD approval for the Quincy's of Nashville Commercial Planned Unit Development to allow for the development of a 3,812-square foot bank. The PUD property is located in the southeast corner of Nolensville Pike and Goins Road.

PLAN DETAILS

Current Zoning: OR20

The OR20 (Office / Residential) zone district allows for the development of a financial institution by right; therefore, staff supported the applicant's request of only revising the PUD plan from the old Quincy's restaurant use to the financial institution use.

Site Design:

The proposed plan calls for the demolition of the former Quincy's restaurant use and all other accessory structures located on the subject site. The plan then calls for the construction of a 3,812-square foot bank to be centrally-located on the site with one point of ingress / egress on each abutting street and a future cross-access designation for when the site to the south is redeveloped. In response to staff comments over the revised plan moving the building closer to the rear property line, the applicant agreed to provide a significant landscape buffer within the now-proposed 45-foot open space setback.

METRO PUBLIC WORKS' COMMENTS

All comments provided as part of the plan review process were successfully addressed.



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CONDITIONS

1. Prior to the issuance of any building permits, the associated subdivision plat, entitled Quincy's of Nashville No. 3 (Book 5800, Page 13), shall be amended to reflect the new eastern side minimum setback line of 45 feet.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.



Project No.
Project Name

[Mandatory Referral 2004M-009G-06](#)
Donation of Real Property for Metro Parks
Department

Council Bill
Council District
School Board District
Requested By

None
22-Crafton
9 – Christina Norris
Councilmember Tygard on behalf of Metro Parks
Department

Staff Reviewer
Staff Recommendation

Reed
Approve

APPLICANT REQUEST

A request, submitted by the Department of Parks and Recreation, for donation of real property south of Coley Davis Road, on the east margin of the Harpeth River, for use as parkland, donated by the Harpeth Youth Soccer Association, donated to the Metro Department of Parks and Recreation.

This property is 18.21 acres, zoned SCR/Commercial PUD, lies entirely within a floodway or floodplain, and was last appraised at \$364,200. This portion of the plan was approved as Open Space.

DEPARTMENT AND AGENCY COMMENTS

No responding departments or agencies take exception.

RECOMMENDATION

The following departments or agencies have reviewed this request and recommended approval: Emergency Communications Center, Public Works, and Water Services.