



Project No.

Request to Adopt the Bellevue Community Plan: 2002 Update

Staff Reviewer

Wood and McCaig

Staff Recommendation

Approve

REQUEST

Adopt the Bellevue Community Plan: 2002 Update with the following items designated for follow-up.

1. Areas (including Highway 70S) will be reassessed for neighborhood-scaled office potential subject to community input.
2. A Special Policy Design Detail will be developed with property owners and surrounding neighborhoods for the area centered on Kroger and Collins Road.
3. Follow-up discussions will be held regarding traditional neighborhoods and conservation subdivisions as alternative development patterns.

This item was deferred indefinitely at the December 12, 2002, meeting of the Commission and returns to the agenda following an additional community meeting at the request of Councilmembers Charlie Tygard and Bob Bogen.

SUBAREA PLAN

This plan replaces the Subarea 6 Plan: 1996 Update

Detailed Neighborhood Design Plan

A Detailed Neighborhood Design Plan is included for the Highway 100/Old Harding Pike Triangle

Public Participation

Staff met with over 300 residents, property owners, and business owners in this community during a series of workshops and meetings held during March –October 2002. Staff presented the final plan at the last meeting on October 22, 2002.

This item was deferred at the December 12, 2002 MPC meeting. An additional community meeting was held Thursday, January 30, 2003.

Highlights

Many of the current land use policies remain unchanged. Most of the changes have involved Natural Conservation policy areas. The language for Natural Conservation policy has been changed so that it no



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longer provides for development at 2-4 dwelling units/acre under certain conditions. Instead, areas appropriate for 2-4 dwelling units/acre have been identified and specifically mapped as Residential Low-Medium Density policy areas. Also, Natural Conservation areas that are zoned too intensively to implement the policy have been assigned to more appropriate policy categories that fit their zoning and development patterns. Three Neighborhood Centers have been designated: the Bellevue Town center at Old Harding Pike and Bellevue Road, the Highway 100/Old Harding Pike Triangle, and the Loveless Café/Motel area at the intersection of Highway 100 and McCrory Lane.



Project Name

Proposed Moratorium on Commission Consideration of Preliminary Subdivision Plats in Areas Containing Floodplain

Associated Case
Council Bill
Staff Reviewer

None
None
Bernhardt

Staff Recommendation

Approve 90-day moratorium on Commission consideration of preliminary subdivision plats for: 1) property that contains 50% or more of its area within the 100-year floodplain; and 2) any application that does not set aside at least 50% of the designated floodplain to be preserved in its natural, predevelopment state. Staff recommends that this moratorium apply to preliminary plats filed after January 23, 2003.

Background

Legislation is currently pending in the Metro Council that would significantly change the Metro Code provisions with respect to development in the floodplain. Planning Department staff has met both with members of Council and representatives of the development community to attempt to develop legislation that will provide meaningful protection of remaining floodway lands in Davidson County, while still providing adequate development opportunities. A substitute ordinance has been prepared by staff that takes a different approach to protection of floodplain areas than the bill currently pending in the Council.

It is unclear at this time what floodplain protection legislation, if any, the Council will adopt. Subdivisions approved by the Commission prior to the Metro Council's final consideration of may be inconsistent with any new floodplain legislation approved by the Council. Out of respect for the Council's work to address these floodplain issues, staff is proposing that the Commission consider a moratorium on new preliminary subdivision plats. In this way, the Commission can ensure that new subdivisions will comply with all new floodplain restrictions, if any, adopted by the Council.



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Options Available to the Commission

The Commission has several options available to it with respect to a moratorium, including:

1. Impose a moratorium on all preliminary and final subdivision plats, including those currently filed with the Commission. The effect of this option would be to defer consideration of all subdivision plats, including those on the 2/13/03 Commission agenda. This option would also include a moratorium on consideration of any additional phases in subdivisions for which a preliminary plat has been approved as well as a final plat for one or more phases.
2. Impose a moratorium only on preliminary plat applications that have not yet received Commission approval, regardless of when the applications were filed. This option would not delay consideration of any final subdivision plats, but would not differentiate between applications not yet filed and those already “in the system.”
3. Not impose any moratorium at all. This option would require the Commission to continue to apply existing floodplain Zoning Code provisions in the face of knowledge that the Council may change those provisions in the near future.

In addition to several options as to the scope of the moratorium the Commission may choose to apply, the Commission also has numerous options as to the length of the moratorium. A moratorium must have a finite length in order to avoid being declared illegal. The Commission can chose a duration for the moratorium of 60, 90, 120, or any other reasonable number of days.

Finally, the effect of the moratorium can be increased or decreased depending on the percentage of the property that must be within the floodplain before the moratorium will apply.

Recommendation

As explained above, staff believes that a moratorium on approval of new subdivisions is appropriate in deference to the Metro Council’s ongoing consideration of new floodplain development restrictions. Staff also believes, however, that any moratorium should be significantly limited in order to avoid unexpected delays for applicants currently in the



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review process. Accordingly, staff recommends that the Commission adopt a resolution imposing a moratorium as follows:

1. The Commission will not consider any preliminary subdivision plats that were not filed on or before January 23, 2003. The moratorium would apply only to preliminary subdivision plats and not to final plats, previously approved preliminary plats, Planned Unit Developments, or zoning applications.
2. The moratorium would apply to property where either:
 - a. More than 50% of the site is within the designated 100 year floodplain; or
 - b. The proposed preliminary plat does not set aside at least 50% of the floodplain in an area to be preserved and left in its predevelopment natural state;
3. The moratorium would last **no more than 90 days** from the adoption of the moratorium or until the Metro Council adopts a new ordinance affecting floodplain development, whichever is sooner. The Planning Department would continue to receive and review applications for preliminary subdivision plats. No preliminary plat will be placed on the Commission's agenda for the duration of the moratorium, however. When the Commission considers the preliminary plat it will be required to comply with the Zoning Code provisions limiting floodplain development in place at the time it is considered by the Commission, not the provisions in effect when the application is filed with the Commission.



Project Name
Staff Reviewer

Subdivision Regulation Changes
Hammond

Staff Recommendation

Approve

RATIONALE FOR PROPOSED CHANGES

The following changes are recommended to resolve conflicting standards and policies between sections of the Subdivision Regulations, between Subdivision Regulations and Tennessee Statutes, between Subdivision Regulations and standard MPC practice, and between Subdivision Regulations and the Zoning Code.

SUMMARY OF PROPOSED CHANGES

- **PURPOSE:** Add as a “purpose” statement the authorizing language from the Tennessee Code Annotated that allows local governments to regulate the subdivision of land. This language should appear in Metro Subdivision Regulations to clarify the purpose of these regulations.
- **LOT FRONTAGE:** Correct a conflict within the regulations to clarify that lots are, indeed, permitted to front upon private streets in Planned Unit Developments. This is consistent with the intent of the regulations.
- **LOT WIDTH:** Complete a change made by the Planning Commission several years ago to eliminate minimum lot width. Currently there is one section in the Subdivision Regulations that still requires a minimum 50-foot lot width. This section should be removed because it is in error and conflicts with the Planning Commission’s prior decision.
- **COLLECTOR STREET PLAN:** Clarify that, in addition to the Major Street Plan and the General Plan, the Collector Street Plan establishes the present and future “network” of public streets.
- **CONDITIONS FOR USE OF CUL-DE-SACS:** The purpose of this proposed change is to create consistency with the Planning Commission’s practice of requiring interconnected streets. The change describes circumstances where cul-de-sac and loop streets are appropriate, and adds a cautionary statement to guide the layout of connected streets so as to avoid high volumes of through traffic.
- **POSTING OF SIGN REQUIRED AT END OF TEMPORARY CUL-DE-SACS** so homebuyers will be aware of the future street extension when making purchase decisions. This change conforms the regulations to current accepted practice.
- **AMEND DEFINITION OF FLOODPLAIN** to distinguish between its two components – the regulated floodway and the floodway fringe, and make reference to the technical definitions in the Stormwater Management Manual.



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- **AMEND DEFINITION OF “YARD”** to clarify that accessory buildings can be placed in the required rear yard, as permitted by the Zoning Code.
- **UPDATE NUMBER OF SUBDIVISION PLAN COPIES REQUIRED FOR PRELIMINARY REVIEW AND FINAL REVIEW.** This change is needed to have sufficient copies to circulate to reviewing departments, and reflects current practice.
- **UPDATE LENGTH OF PLAN REVIEW CYCLE** to be consistent with the Planning Commission’s approved schedule.
- **CHANGE LANGUAGE TO CLEARLY STATE GREENWAY DEDICATION REQUIREMENTS**, specifically that the regulated floodway, as well as the greenway corridor just outside the floodway must be dedicated. Though this is currently implied, making the requirement explicit will make the standard clearer to both applicants and plan reviewers.
- **POSTING OF SIGNS REQUIRED WHERE PUBLIC ACCESS GREENWAY TRAILS ARE EXPECTED TO BE CONSTRUCTED** so homebuyers will be aware of the future public trail when making purchase decisions. This change conforms the regulations to current accepted practice.
- **CORRECT THE FORM NEEDED TO CERTIFY THAT PRIVATE STREETS HAVE BEEN CONSTRUCTED TO THE STANDARDS REQUIRED BY METROPOLITAN GOVERNMENT.** Construction of streets to applicable engineering standards can only be certified by a registered engineer. The form currently in the regulations incorrectly calls upon the developer and contractor to make this certification.

PROPOSED TEXT CHANGES

In the amendments recommended below, language to be deleted is struck through and language to be added is in boldface type.

Amend CHAPTER 1, GENERAL PROVISIONS by inserting as a purpose statement between “Authority” and “Jurisdiction” the authorizing language from Tennessee Code Annotated Section 13-4-303.

1-2.5 Purpose – These regulations are intended to “provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.” (Section 13-4-303, Tennessee Code Annotated)



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Amend Section 2-4.2 A. Frontage to permit lots with frontage on a private street. Other standards in the regulations imply that lots may front upon private streets as well as public streets (2-10.1 and 2-10.2). In practice, Planned Unit Development subdivisions are approved from time to time with private streets providing lot frontage.

2-4.2 A. Frontage – Each lot shall have frontage on a public **street or, where permitted, on a private** street to enable vehicular access to be provided. Flag lots generally shall not be permitted. In the event the Planning Commission finds that due to unusual topographic conditions, direct lot frontage on a street is precluded, it may ~~recommend a waiver~~ **waive the requirement**.

Amend Section 2-4.7 Lot Resubdivision Comparability by deleting the last paragraph in the section, labeled “D”. This paragraph requires a minimum lot width of 50 feet where property is being resubdivided. The minimum lot width standard was removed from the subdivision regulations several years ago, and this paragraph stands in conflict to that change. In addition, the last phrase of the paragraph restricts the ability to use the cluster lot option in a resubdivision to create a more environmentally sensitive development. The cluster lot and lot comparability regulations protect surrounding residences from inappropriately small lots.

~~2-4.7 Lot Resubdivision Comparability~~

~~D. Regardless of the calculated frontages and areas, no lot may be created with less than fifty (50) feet of frontage (34 feet on a Cul-de-Sac) or less area than the minimum required by the zone district.~~

Amend Section 2-6.2.2 Street Construction and Related Requirements, paragraph D. Arrangement of Streets to reference the Collector Street Plan specifically, to resolve the conflict between the Commission’s street connectivity policy and the language of the regulations, and to more clearly define appropriate conditions for terminated streets (cul-de-sacs).

D. Arrangement of Streets:

1. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on **one or more of the following:** the Major Street Plan, **the Collector Street Plan, and** ~~or~~ the adopted General Plan.
2. All streets shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
3. Minor local streets shall be laid out to conform as much as possible to the topography, to **provide for the efficient dispersal of internal traffic while discouraging** ~~discourage use by~~ **high volumes of** through traffic, **and** to permit efficient drainage and accommodate utility systems, ~~and to require the minimum number of streets necessary to provide convenient and safe access to property.~~



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4. **The use of an interconnected street system shall be encouraged to broadly disperse internal traffic and provide maximum alternatives for access to property for both public and private movement.**
5. **The use of curvilinear streets shall be encouraged where conformance with existing topography will minimize the volume of cut and fill; the use of, cul-de-sac, or looped streets shall be permitted where such use will result in a more desirable layout topographic features or configuration of property boundaries prevent street connections.**

Amend Section 2-6.2.2 Street Construction and Related Requirements, paragraph E. (1) Dead End Street (Temporary) by adding a new sentence to make explicit the requirement that temporary dead end streets be signed to disclose that the street will be extended in the future.

E. Dead-end Streets

1. **Dead-end Streets (Temporary) --** The arrangement of streets shall provide for the continuation of streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and efficient provision of utilities or when such continuation is in accordance with the Major Street Plan or Collector Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnaround shall be provided on all temporary dead-end streets exceeding 300 feet in length, with a notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued. The reconstruction of the temporary turnaround into the normal right-of-way shall be the responsibility of the attaching developer (see 2-6.2.2 D (5)). Temporary turn-arounds shall have a minimum slope of one percent as measured from the center. **Additionally, a sign shall be placed at the terminus of the temporary cul-de-sac that reads as follows: “Temporary Dead-End Street, Street to be extended by the authority of the Metro Government of Nashville and Davidson County”.**

Amend Section 5-2 Words and Terms Defined by clarifying the definition of Floodplain to specify that the floodplain includes the “regulated floodway” and the “floodway fringe”. These terms are used daily in development review and the definition should be changed to reflect actual use and acknowledge the regulatory differences that apply to each floodplain component.

5-2 Words and Terms Defined.

Flood Plain – A land area adjoining a river, stream, watercourse, bay, or lake which is likely to be flooded. The flood plain is composed of **the regulated floodway and the a-floodway fringe, as further defined in Volume 1, Regulations, of the Metropolitan Government Stormwater Management Manual .**



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Amend Section 5-2 Words and Terms Defined by clarifying the definition of Yard to acknowledge that accessory buildings may be placed in the required “rear yard” as permitted by the zoning ordinance.

5-2 Words and Terms Defined.

~~Yard—That area of any lot, as defined by the Zoning Regulations, to be unobstructed by buildings including front, sides, and rear.~~

Yard – The area of any lot where building is restricted by the Zoning Regulations, including front and side yards which shall remain unobstructed by buildings, and rear yard which shall remain unobstructed by the principal building.

Amend Section 3-3.1 B. to update the number of preliminary plat copies required at time of submittal for multiple agency review.

- B. Be accompanied by a minimum of ~~nine~~ **fourteen (14)** copies of the preliminary plat prepared at a convenient scale no smaller than one inch equals one hundred feet.

Amend Section 3-3.1 D. to update the length of the review cycle as approved by the Planning Commission on its updated schedule.

- D. Be presented to the Planning Commission staff at least ~~twenty-eight (28) days~~ **six (6) weeks** prior to a regular meeting of the Planning Commission.

Amend Section 3-4.1 D. to update the number of final plat copies required at time of submittal for multiple agency review.

- D. Be a reproducible record plat the size, material, and inking of which shall be as specified by the Metropolitan Davidson County Register of Deeds and shall be accompanied by a minimum of ~~nine (9)~~ **fourteen (14)** copies of the final subdivision plat as prepared at a scale no smaller than one (1) inch equal one hundred (100) feet....

Amend Section 3-4.1 F. to update the length of the review cycle as approved by the Planning Commission on its updated schedule.

- F. Be presented to the Executive Director at least ~~twenty-eight (28) days~~ **six (6) weeks** prior to the regular meeting of the Commission at which the plat is to be considered.

Amend the “TABLE OF CONTENTS” reference to “OPEN SPACE CONSERVATION EASEMENTS” as follows:

~~2-7.4~~ **2-7.5 OPEN SPACE CONSERVATION EASEMENTS**



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Amend Section 2-7.5, **Open Space Conservation Easements**, second and third paragraphs to clarify that, in subdivisions contiguous to greenways designated in the General Plan, including the Metropolitan Parks and Greenways Master Plan, the conservation easement required along a creek with regulated floodway shall include the “floodway” as well as the specified width of greenway corridor immediately outside the floodway. The change conforms the language to the actual requirements of the Greenways Commission. Insert a new paragraph to make explicit the requirement that the location of future public greenway trails be posted with signs to disclose that a public access trail will be built in the future.

2-7.5 **Open Space Conservation Easements** – Open Space Conservation easements shall be required in subdivisions contiguous to greenways as indicated ~~on the Countywide Greenways Plan or the Countywide Parks in the General Plan,~~ **including the Metropolitan Parks and Greenways Master Plan.** The location and size of the easement shall be recommended by the Metropolitan Greenways Commission. The conservation easement shall **include the stream bed plus a corridor at least** ~~be a minimum of~~ 25 feet wide, **measured from top of bank, outward,** in areas where the primary function of the greenway is as an urban **or neighborhood** transportation connector **and the waterway is not a regulated floodway.**

In areas where the greenway is intended to protect the natural environment of and public access to the major waterways in Davidson County, and serve the multifunctional roles of recreation, transportation, and habitat protection, the **conservation easement shall include the floodway plus a corridor at least** ~~minimum width shall be~~ 75 feet **in width,** measured from the **outer** edge of the floodway. In cases where the maximum cross-slope of the land included in the easement is greater than 15%, the easement width shall be extended to include an area at least 25 feet in width where a cross-slope of 15% or less exists, to enable an ADA accessible trail acceptable to the Greenways Commission Director to be constructed. In cases, such as those where the entire site has steep slopes, and the Planning Commission determines that this proves a hardship to the property owner, a review for alternative routes will be granted.

Signs indicating the presence of a future public greenway trail shall be located every 100 feet along the property at the edge of the conservation easement prior to issuance of the first building permit. Signs shall be posted with the text facing inward on the building lot(s). The developer shall be responsible for the maintenance of all signs until all lots within the subdivision have been sold to the ultimate home purchaser.

Paths, when constructed, shall be built to meet the specifications of the Metropolitan Greenways Commission and the Metropolitan Greenways Design Standards for Nashville and Davidson County....



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Amend Section 4-1.2 Composition of Performance Bond to accurately list the security instruments that are acceptable to Metro Legal Department and reflected on the bond application form provided by the developer when applying for final plat approval prior to installation and dedication of required improvements. The change below allows for the assignment of a “certificate of deposit” but removes those other assignments not acceptable to the Legal Department (i.e., savings accounts, money market funds, development loans, debit securities).

4-1.2 Composition of Performance Bond — For the purpose of these regulations, performance bond shall mean two documents, these being a Performance Agreement and an accompanying security document. The Performance Agreement will stipulate the work to be performed by general categories and the estimated value or cost of each category. The Performance Agreement will also stipulate a completion date for all of the work to be performed.

The security document may be in a form as follows and shall express the value in a total amount equaling the sum of all work categories:

Surety Bond

– issued by an insurance company licensed in the State of Tennessee and shall be non-expiring.

Irrevocable Letter of Credit

– issued by or confirmed by a financial institution located in Davidson County, Tennessee, **or any adjoining county.**

Any such credit shall bear an expiration date which exceeds the expiration date of the Performance Agreement by a period of no less than six months.

Cashier’s or Certified Check

– issued by a financial institution located in Davidson County, Tennessee and shall be non-expiring.

Assignment of Certificate of Deposit

– **shall be issued by a financial institution located within Davidson County, Tennessee, or any adjoining county, shall be non-expiring and have automatic roll-over features.**

~~Assignments, which include but are not limited to:~~

~~Savings Accounts~~

~~Money Market Funds~~

~~Certificates of Deposit~~

~~Development Loans~~

~~Debit Securities~~

Any such assignment shall be from a financial institution located in Davidson County, Tennessee and shall be non-expiring.



Project No.
Associated Case
Council Bill
Staff Reviewer

Text Change 2002Z-019T
None.
BL2002-1021
Regen

Staff Recommendation

Disapprove original bill, but approve proposed substitute bill.

REQUEST

Amend Section 17.28.040 of the Zoning Code by deleting the current provisions related to development of the floodway and floodplain within Davidson County and inserting new restrictions for the protection and preservation of natural floodplain areas.

ANALYSIS

Status of Council Bill

On April 2, 2002, Councilmember Bruce Stanley introduced a council bill, BL2002-1021, to amend the Zoning Code provisions governing development in the floodway and floodplain of Davidson County. This bill would delete the current zoning code provisions regarding floodplain development in their entirety and provide new restrictions. The bill was deferred indefinitely by the Council in May 2002. At its January 7, 2003, meeting, the Council held a public hearing on the bill. Councilmember Stanley has now deferred the bill until the February 18, 2003, Council meeting.

Existing Code

The Zoning Code protects the natural floodplain through floodway and floodplain development standards contained in Section 17.28.040. These standards apply to all new single-family or duplex development on lots less than one acre in size. Therefore, farms, residential estate lots, multi-family, commercial, office, and industrial developments are required only to comply with the Stormwater Management Code, Chapter 15.64 of the Metropolitan Code of Laws. The stormwater code requires balancing on-site the floodplain's cut and fill as well as providing floodway buffers along waterways within the county.

Residential developments subject to the Zoning Code may develop in one of two ways: conventional subdivision or a cluster-lot subdivision.



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Conventional: Within a lot's boundary, floodplain may exist, however, the floodplain area must be deducted from the lot's overall size when determining compliance with the zoning district's minimum lot size.

Cluster-Lot: Lots may be developed within the floodplain, however, up to 50% of the site's natural floodplain area must remain in an undeveloped state.

Neither the Stormwater Management Code nor the Zoning Code allows development within the floodway – that is strictly prohibited.

Bill BL2002-1021

The bill currently pending in the Metro Council deletes the existing floodplain provisions and creates new restrictions for residential and non-residential development. By identifying each and every zoning district where development may occur in the natural floodplain, and expanding the regulations to non-residential development, the bill's intent is to address development of Davidson County's remaining natural floodplain areas.

Staff recommends disapproval of this bill because its use of "proper" and "improper" districts for development prevents further development in a significant portion of the county such as downtown and in industrial areas along the Cumberland River, where the river serves as a transportation highway. In addition, the bill indicates certain non-residential zoning districts are "proper" for development, but no standards for such development, which would perpetuate a major flaw in the current zoning provisions.

Actual Text

The specific changes to the Zoning Code proposed by BL2002-1021 are listed below:

By amending Section 17.28.040 Floodplain/floodway development standards, by **deleting** the provisions in their entirety and **substituting in lieu thereof** the following new provisions:

- A. Floodplain/floodway Sites. Floodplain/floodway development on property encumbered by natural floodplain or floodway on the effective date of this ordinance shall comply with the following, except where required for the installation of streets and utilities:



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1. Proper Zoning Districts. The following zoning districts designated in Chapter 17.08 (Zoning Districts and Land Uses), Section(s) 17.08.010 and 17.08.020 shall be proper for floodplain/floodway development:

Agricultural districts (AG, AR2a),
Single-Family Districts (RS80, RS40, RS30, RS20),
One and Two-Family Districts (R80, R40, R30, R20),
Multi-Family Districts (RM2, RM4, RM6, RM 9),
Institutional District (I),
Mixed-Use Districts (MUN, MUL),
Office Districts (ON, OL),
Commercial Districts (CN, CL),
Shopping Center District (SCN)

2. Improper Zoning Districts. The following zoning districts designated in Chapter 17.08 (Zoning Districts and Land Uses), Section(s) 17.08.010 and 17.08.020 shall be improper for floodplain/floodway development:

Single Family Districts (RS15, RS10, RS7.5, RS5, RS3.75),
One and Two Family Districts (R15, R10, R8, R6),
Multi-Family Districts (RM15, RM20, RM 40, RM60),
Mobile home park district (MHP),
Mixed-Use Districts (MUG, MUI),
Office Districts (OR20, OR40, OG, ORI),
Commercial Districts (CS, CA, CF, CC),
Shopping Center Districts (SCC, SCR),
Industrial Districts (IWD, IR, IG)

3. Cluster Lots. A single and/or two-family subdivision with an average parcel size of less than one acre on property containing natural floodplain and floodway areas is encouraged to employ the cluster lot option of Section 17.12.080. Residential lots under the cluster lot option may cluster lots within the manipulated areas of the natural floodplain. At a minimum, one-half of the natural floodplain area including all of the floodway area shall be designated as common open space and maintained in a natural state, with the clearing of trees and brush exceeding eight inches in diameter prohibited. Any lot containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of public works.
4. Variances and Special Exception Uses. No variances or special exceptions that will permit an improper use on parcels encumbered by a natural floodplain/floodway shall be permitted.

Proposed Substitute Bill

Similar to the original bill, the proposed substitute bill deletes the existing zoning code provisions and creates new restrictions for residential and non-residential



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development. Staff recommends approval of the substitute bill for four reasons:

1. It eliminates the concept of proper and improper zoning districts.
2. It recognizes that continued, unfettered development within the floodplain may jeopardize the long-term, environmental viability of rivers and creeks within Davidson County or Metro's eligibility for federal flood insurance.
3. It recognizes that clustering single-family and two-family residential developments serves to better protect floodplains by creating a system of interconnected open space areas within, and between, developments.
4. It enhances water quality by protecting the natural and built environments.

The proposed substitute bill does the following:

- Protects 50% of the floodplain / floodway in its natural, undeveloped state;
- Applies floodplain/floodway protection to all new residential and non-residential except in six intensive zoning districts (CC, CF, IWD, IR, IG, MUI, and MUG).
- Creates a "no touch zone" within the natural floodplain / floodway where no manipulation of the natural floodplain / floodway can occur (except for greenway trail).
- Provides limited exceptions to the "no touch zone" via a variance approved by the Stormwater Management Committee for greenways, and compliance with flood insurance standards and FEMA to maintain Metro's eligibility for federal flood insurance.

Actual Text

The specific changes to the Zoning Code proposed by BL2002-1021 are listed below:

By amending Section 17.28.040, "Floodplain/Floodway Development Standards", by **deleting** the existing text in its entirety and **inserting** the following:

Development Constraints. Except as noted below, all development proposed on property encumbered by natural floodplain or floodway on the effective date of the ordinance codified shall leave a minimum of fifty percent of the natural floodplain area, including all of the floodway area, undisturbed and unmanipulated, and in its original, natural state as it existed prior to any development or all of the floodway



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area plus fifty feet on each side of the waterway, whichever is greater. Such area shall be adjacent to the floodway or as otherwise approved by the metro planning commission, to better maintain natural conditions designated as common open space and in its natural state, with the clearing of trees and brush prohibited.

- A. Limited encroachments into the preserved floodplain may be authorized as a variance by the Stormwater Management Committee, as set forth in Section 15.64 of the Metropolitan Code of Laws. Such variances shall be approved only if the Committee finds that the encroachment reduces the flood danger and is necessary to improve and enhance the environmental quality of the affected floodplain section. Variances shall not be approved for greater than twenty percent of the floodplain area required to be preserved.
- B. Floodway and floodplain areas may be used for public greenways and parks, as designed and authorized by the Metropolitan Parks and Recreation Department.
- C. All development shall be undertaken consistent with the flood insurance standards and requirements of the Federal Emergency Management Agency, as necessary, to maintain the eligibility of the federal flood insurance program within Davidson County.
- D. Properties zoned CC, CF, MUI, MUG, IR, IG and IWD shall not be limited by this section, but shall otherwise conform to all provisions of Section 15.64, Stormwater Management of the Metropolitan Code of Laws.
- E. Residential Development. Residential development on property encumbered by natural floodplain or floodway on the effective date of the ordinance codified in this section shall comply with the following, except for the installation of streets and utilities where required by the planning commission to alleviate an undue hardship:
 - 1. Single or Two-Family Lots. The following provisions of this section shall not apply to single or two-family lots equal to or greater than one acre in size. For lots of less than one acre, land area designated as natural floodplain or floodway on the effective date of said section may be included within a lot, but if manipulated, shall not be counted towards satisfying the minimum lot size requirements of the base zoning district. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of public works.
 - 2. Cluster Lots. A single and/or two-family subdivision proposed on property containing natural floodplain and floodway areas is encouraged to employ the cluster lot option of Sections 17.12.080 or 17.36.070. Residential lots under the cluster lot option may be clustered within the manipulated areas of the natural floodplain. Any residential lot, or any portion of a residential



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lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of public works.



Project No.
Associated Case
Council Bill

Zone Change 2002Z-022T

None
BL2002-1226 referred back to the Planning Commission by the Metro Council.

Staff Reviewer

Leeman

Staff Recommendation

Approve as amended.

REQUEST

Change the text of the Zoning Code to permit Commercial Amusement (outside) uses in the IR and IWD districts as a Special Exception (SE) to be approved by the Board of Zoning Appeals (BZA). A substitute bill has been introduced, which replaces the original bill.

ANALYSIS

The original bill included language that would have required the outside commercial amusement use to cease if it was determined that a permitted and otherwise legal industrial use of adjoining property posed a danger. The original bill also included language requiring new buildings greater than 1,500 square feet to be designed as an industrial warehouse or other function that can economically be converted to a use permitted by right in the IR or IWD districts, as applicable.

The substitute bill is consistent with the intent of the original bill to allow IR (Industrial Restrictive) and IWD (Industrial Warehouse and Distribution) zoned properties to be used for low-impact uses while still leaving the opportunity for the intended industrial uses in the future by only allowing outside commercial amusement uses a maximum building size of 1,500 square feet. The low-impact uses will allow the preservation of valuable industrial land that can be converted for industrial uses in the future. Commercial Amusement (outside) will serve as a holding use until industrial uses are constructed.

Definition: Commercial Amusement (outside)

Commercial Amusement (outside) is defined as: "...the provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside the building, including but not limited to a golf driving range, archery range or



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miniature golf course. This use does not include a stadium.”

This text change will only permit Commercial Amusement (outside) uses as a SE, which must be reviewed and approved by the BZA. Should adjoining industrial properties pose a health or safety risk, the BZA will have the ability to deny the Commercial Amusement (outside) use. The proposed text also limits any structures to 1,500 square feet of gross floor area.

The specific changes to the Zoning Code are shown below:

Table: 17.08.030

Land Use	AG AR2a	RS80- RS3.5	R80 -R6	RM60- RM2	M H P	I N	M U N	M U L	M U G	M U I	O N	O L	O G	OR20- OR40	O R I	C N	C L	C S	C A	C F	C C	S C N	S C C	S C R	IWD	IR	I G
Commercial amusement (outside)								P	P	P							P	P	P	P	P	P	P		SE	SE	

- A. By amending Section 17.08.030 **District Land Use Tables.** by adding Commercial Amusement (outside) as SE (special exception) in the IR and IWD zoning districts.
- B. By amending Section 17.16.220 **Recreation and entertainment special exceptions.** to insert in alphabetical order and appropriately numbered “Commercial Amusement (outside) as follows:
 1. Buildings. Any new structure constructed on the property shall be no greater in size than one thousand, five hundred square feet.
 2. Setback. Where any building or outdoor storage area, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.
 3. Landscape Buffer. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard A shall be applied along common property lines.
 4. Lighting. All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.



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5. Street Standard. At a minimum, driveway access shall be from a collector street.
6. The board of zoning appeals may stipulate, based on the zoning pattern and nature of the land uses in the immediate area, whether a maximum of sixty or seventy decibels noise level on the A-weighted scale shall be permitted to occur at the site boundary.”



Project No.
Associated Case
Council Bill
Staff Reviewer

Text Change 2003Z-003T
None
BL2003-1336
Regen

Staff Recommendation

Approve

REQUEST

Request from Councilmember John Summers to modify the special exception standards for “Recreation Center”.

ANALYSIS

Existing Code

A Recreation Center use can be a community center, playground, park, swimming pool, tennis courts, or athletic playing field that is available to the public or members of a club. Permitted by special exception in residential zoning districts or districts permitting residential use, these facilities are subject to the Board of Zoning Appeals approval. Section 17.16.220 of the Zoning Code sets forth three development standards that a “Recreation Center” must comply with relative to setback, landscaping, and driveway access.

Proposed Text Change

The proposed council bill, if approved by Metro Council, **modifies** the special exception standards as follows:

1. Establishes a 100-foot setback for developed outdoor recreational areas (includes athletic fields);
2. Requires no setback for parking lots serving the Recreation Center;
3. Increases the required minimum size of the landscape buffer yard from 5 feet to 10 feet; and
4. Permits a Recreation Center use on a local street provided it is located on less than 5 acres and will not have a substantial impact on the surrounding area.

Staff recommends approval of this council bill as it improves the compatibility of recreational facilities intended for active outdoor play and abutting residential homes through increased buffering. These changes also help to reduce the impact of light, glare, noise, and traffic generated by the facilities and spectators on the surrounding neighborhood.



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Actual Text

Mr. Joe Edgens, the Executive Director of Facilities and Operations for Metro Nashville Public Schools, has indicated these changes will not significantly affect the expansion or construction of new public schools in Davidson County.

The specific changes to the Zoning Code are listed below:

Amend Section 17.16.220 "Recreation and Entertainment Special Exceptions" by **modifying** the development standards as follows:

E. Recreation Center.

1. Setback. Where any building, ~~or~~ outdoor storage area, **or developed outdoor recreation area that includes athletic fields,** ~~excluding passenger car parking lots~~ abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line. **The setback requirement shall not apply to passenger car parking lots built for recreation center users.**
2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard ~~A-B~~ shall be applied along common property lines.

- #### F. Street Standard.
- At a minimum, driveway access shall be from a collector street. **A recreation center of less than 5 acres may be accessed from a local street upon a finding by the board that the surrounding area will not be substantially impacted.**



Project No.
Associated Case
Council Bill
Deferral
Staff Reviewer

Zone Change 2002Z-114U-13
None
None
Deferred 11/13/02
Hardison

Staff Recommendation

Approve

APPLICANT REQUEST

Rezone 1.38 acres from Residential (R10) to Commercial Limited (CL) at Murfreesboro Pike (unnumbered).

Existing Zoning
R10 zoning

R10 zoning is intended for residential lots with a minimum area of 10,000 square feet.

Proposed Zoning
CL zoning

CL zoning is intended for retail, consumer service, financial, restaurant, and office uses.

SUBAREA 13 PLAN POLICY

Residential Medium (RM)

RM policy is intended for 4 to 9 dwelling units per acre.

Retail Concentration
Community (RCC)

RCC policy is intended to accommodate concentrations of community scale retail such as restaurants, retail, office, and financial uses.

Policy Conflict

None. These properties are located on the border of the Subarea 14 Plan's RM and RCC policy areas. These properties are adjacent to a section of townhomes to the east and the Edge-o-Lake community to the northeast. There are commercial properties to the west and south of the properties. Although this property is within two policy areas, there is a very limited opportunity for any development on these properties. Any residential development on these properties would have access issues, much the same as the adjacent townhouses. Murfreesboro Pike is a state route that currently in this area has no residential driveways. On state routes TDOT approval is required for driveways. The requested CL district is consistent with the RCC policy and it also is less intense than the applicants originally requested CS district.

RECENT REZONINGS

None



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TRAFFIC

Based on typical uses in CL districts, with on site parking and 10,000 sq. ft. of development per acre is used to calculate traffic generation, such as a restaurant, video rental, and auto parts store this proposed zoning would generate approximately 188 to 1,799 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings

Approve



Project No.	Zone Change 2002Z-122G-03
Associated Case	None
Council Bill	BL 2002-1252
Deferral	Deferred 12/12/02 and 1/23/03
Staff Reviewer	Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST **Rezone 51.41 acres from Residential (RS15) to Agricultural (AR2a) at Ashland City Highway (unnumbered).**

Existing Zoning
RS15 zoning
RS15 zoning is intended for single-family dwellings at 2.47 units per acres.

Proposed Zoning
AR2a zoning
AR2a zoning is intended for agricultural uses and residential uses at 1 unit per 2 acres.

SUBAREA 3 PLAN POLICY
Natural Conservation (NC)
NC policy is intended for mostly undeveloped areas of steeply sloping terrain, floodplains or other environmental features that are constraints to development at urban intensities. The area of these properties are around Whites Creek is classified NC due to both steep slopes and the floodway and floodplain of Whites Creek.

Policy Conflict
None. The Subarea 3 Plan states: “*NC policy is applied to the floodplains of Whites Creek and Ewing Creek because they are substantial floodplains that should be preserved to the greatest extent possible.*” By rezoning this property to AR2a the chance for a large residential development will be removed from this environmentally sensitive area.

RECENT REZONINGS None

TRAFFIC
The proposed zone change would permit a total of 25 units. This number of units would create approximately 165 vehicle trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings Approve



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SCHOOLS

Students Generated

4 Elementary 3 Middle 3 High School

Schools Over/Under Capacity

Students will attend Bordeaux Elementary School, Ewing Park Middle School, and Whites Creek High School. Whites Creek High has not been identified as being overcrowded by the Metro School Board, but Bordeaux Elementary and Ewing Park Middle have been identified as being overcrowded.

Students Generated

By The Existing RS15

21 Elementary 16 Middle 14 High School



Project No.
Council Bill
Deferral
Staff Reviewer

Zone Change 2003Z-014U-14
None
Deferred 1/23/03
Scott

Staff Recommendation

Approve rezoning of property located at 119 Fairway Drive from R10 to OL. Disapprove as contrary to the General Plan of rezoning the property located at 208 and 212 McGavock Pike. The OL district does not implement the Subarea 14 Plan's RLM policy.

APPLICANT REQUEST

Rezone 0.8 acres from Residential (R10) to Office Limited (OL) at 119 Fairway Drive and rezone 1.69 acres from Residential (R20) to Office Limited (OL) at 208 and 212 McGavock Pike.

Existing Zoning
R10 zoning

R10 zoning is intended for single-family and duplexes at 3.7 dwelling units per acre.

R20 zoning

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

Proposed Zoning
OL zoning

OL is intended for moderate intensity office uses.

SUBAREA 14 PLAN POLICY

Residential Low Medium (RLM)

RLM policy is intended for 2 to 4 residential units per acre.

Commercial Arterial Existing (CAE)

CAE policy is intended for limited application to established and committed areas of primarily commercial development in a linear pattern along arterial streets. Predominant uses in CAE are retail, office and some higher density residential.

Policy Conflict

None for the property located at 119 Fairway Drive. The Subarea 14 Plan defines this area as CAE policy. The OL district is consistent with the intent of the CAE policy. The request to rezone 119 Fairway Drive is not in conflict with its CAE policy.

Yes for the properties located along McGavock Pike. These properties are located in the RLM policy area. These properties are one parcel south of the CAE policy area. The subject property is separated from the CAE



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policy area by one parcel, 206 McGavock Pike, which is zoned commercial, but located within the RLM policy. 206 McGavock Pike was originally rezoned in 1976 to Office and Parking (OP) as a transition between the commercial and residential uses. The OP was changed to CL in 1998 with the zoning update. The CAE policy states, "Increases in depth are inappropriate next to areas of residential policy." Staff recommends disapproval since OL would allow office use to encroach into the residential area.

REZONINGS

Yes. MPC recommended approval on 3/16/89 (89Z-039U) rezoning parcel 17 (the property located adjacent to the south property line of 119 Fairway Drive) from R10 to OP. Metro Council approved the bill on 6/19/89. In the 1998 zoning update, the OP district was changed to OR20.

ZONE CHANGE DETAILS

The property located at 119 Fairway Drive is located directly across the street from an access drive into a commercial shopping center. The property located to the north of 119 Fairway Drive is the first residential lot in a distinctly residential neighborhood.

TRAFFIC

Based upon typical uses in OL districts, with on site parking and 10,000 square feet of development per acre used to calculate traffic generation, such as general office, approximately 88 to 186 trips per day would be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Metro Traffic Engineer's Findings

Approve



Project No.
Associated Case
Council Bill
Deferral
Staff Reviewer

Zone Change 2003Z-016U-13
None
BL2003-1326
Deferred 1/23/03
Hardison

Staff Recommendation

Disapprove as contrary to the General Plan. The CS and MUL districts do not implement the intent of the RM policy.

APPLICANT REQUEST

Rezone 33.3 acres from Residential (R20) to Commercial Service (CS) and Mixed Use Limited (MUL) at Smith Springs Road (unnumbered).

Existing Zoning
R20 zoning

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

Proposed Zoning
CS zoning

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

MUL zoning

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

SUBAREA 13 PLAN POLICY
Residential Medium (RM)

RM policy allows four to nine dwelling units per acre.

Policy Conflict

Yes. The Subarea 13 Plan defines this area as RM policy. The CS and MUL zonings will not implement the intent of the RM policy. The Subarea 13 Plan states: *“Nonresidential uses ... should not extend east of Reynolds Road or east of Una Elementary School into this RM policy area.”* Staff recommends disapproval because rezoning this property for commercial uses is contrary to the intent of the Subarea 13 Plan and would set a precedent for nonresidential uses in the RM policy area.

RECENT REZONINGS

None

TRAFFIC

Based on typical uses in CS and MUL districts, this proposed zoning would generate approximately 15,638 to 18,858 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition,



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Traffic Engineer's Findings

1996). Other uses at different densities could generate more or less traffic.

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

Based upon the Public Works Department's request, staff recommends that the applicant be required to submit a Traffic Impact Study pursuant to Section 17.20.140 of the Code.



Project No.
Associated Case
Council Bill
Staff Reviewer

Zone Change 2003Z-021G-14
PUD Proposal 2003P-005G-14
None
Leeman

Staff Recommendation

Approve

APPLICANT REQUEST

Change 13.70 acres from residential single-family (RS15) to residential single-family (RS7.5) at Old Lebanon Dirt Road (unnumbered).

Existing Zoning
RS15 zoning

The RS15 district is intended for single-family residential development with minimum lot sizes of 15,000 square feet and a maximum density of 2.5 dwelling units per acre.

Proposed Zoning
RS7.5 zoning/PUD

The RS7.5 district is intended for single-family residential development with minimum lot sizes of 7,500 square feet and a maximum density of 4.9 dwelling units per acre. The associated PUD will limit the density to 3.6 units per acre (49 lots).

SUBAREA 14 PLAN POLICY

Residential Low Medium (RLM)

RLM policy is intended for residential development at 2 to 4 dwelling units per acre.

Policy Conflict

None. This proposal is consistent with the Subarea 14 Plan's RLM policy calling for residential development at up to 4 dwelling units per acre. Although the RS7.5 district exceeds the density outlined by this policy, the associated PUD limits the density to 3.6 dwelling units per acre.

RECENT REZONINGS

No

TRAFFIC

Old Lebanon Dirt Road is classified as a collector road on the Major Street Plan. Collector Roads are required to have 60 feet of right-of-way and 37 feet of pavement width. Currently, Old Lebanon Dirt Road is a two-lane road with approximately 21 feet of pavement width and 50 feet of right-of-way. The proposed PUD plan includes a 5-foot right-of-way dedication and a 6-foot right-of-way reservation, as required by the Subdivision Regulations.



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Traffic Engineer's Findings

No exceptions taken, provided street intersections are brought into conformance with Section 2-6.2.1 (H) 1 of the Subdivision Regulations, requiring intersecting streets to meet at 90-degree angles unless natural or man-made obstacles prevent a standard alignment. The plan originally proposed 78-degree intersections. The applicant has indicated that the plan will be revised as necessary to meet the requirements of the regulations prior to the Planning Commission meeting to meet this requirement.

SCHOOLS

Students Generated

8 Elementary 5 Middle 4 High

Schools Over/Under Capacity

If the property were developed under the proposed PUD, 17 students could be generated. Students would attend Dodson Elementary School, Dupont-Tyler Middle School, and McGavock High School. The Metro School Board has identified Dodson Elementary and Dupont-Tyler Middle Schools as being overcrowded for the current school year.



Project No.	Planned Unit Development 2003P-005G-14
Project Name	Parkway Village
Council Bill	None
Associated Case	2003Z-021G-14
Staff Reviewer	Leeman

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

<input checked="" type="checkbox"/> Preliminary PUD	<input type="checkbox"/> Revised Preliminary	<input type="checkbox"/> Final PUD
<input type="checkbox"/> Amend PUD	<input type="checkbox"/> Cancel PUD	

This request is for preliminary PUD approval for 49 single-family lots utilizing the PUD cluster-lot provisions of the Zoning Code.

PLAN DETAILS

The proposed PUD plan includes 49 single-family lots ranging in size from 3,974 square feet to 7,904 square feet. Section 17.36.070 of the Zoning Code permits lot sizes to be reduced below the RS7.5 (7,500 square feet) base zoning with the installation of buffer yards along the perimeter of the site where abutting a developed subdivision with larger lot sizes. Since this PUD does not abut any existing subdivisions, no buffer yards are required.

Open Space

The proposed PUD provides 40% open space, where the Zoning Code only requires 15%. The open space is located at the south side of the property that preserves the steeper topographic portions of the site and the existing pond.

Private Alleys

The plan proposes rear alley access for all lots, thus eliminating driveway cuts onto Old Lebanon Dirt Road and the internal public streets. The rear access will also serve to create a more attractive streetscape throughout the development.

Setbacks

Although RS7.5 zoning typically requires a 20-foot front and rear setback, the Zoning Code permits setbacks to vary within the interior of the PUD.

TRAFFIC

Old Lebanon Dirt Road is classified as a collector road on the Major Street Plan. Collector Roads are required to have 60 feet of right-of-way and 37 feet of pavement



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Traffic Engineer's Findings

width. Currently, Old Lebanon Dirt Road is a two-lane road with approximately 21 feet of pavement width and 50 feet of right-of-way. The proposed PUD plan includes a 5-foot right-of-way dedication and a 6-foot right-of-way reservation, as required by the Subdivision Regulations.

No exceptions taken, provided street intersections are brought into conformance with Section 2-6.2.1 (H) 1 of the Subdivision Regulations, requiring intersecting streets to meet at 90-degree angles unless natural or man-made obstacles prevent a standard alignment. The plan originally proposed 78-degree intersections. The applicant has indicated that the plan will be revised as necessary to meet the requirements of the regulations prior to the Planning Commission meeting to meet this requirement.

SCHOOLS

8 Elementary 5 Middle 4 High

Schools Over/Under Capacity

If the property were developed under the proposed PUD, 17 students could be generated. Students would attend Dodson Elementary School, Dupont-Tyler Middle School, and McGavock High School. The Metro School Board has identified Dodson Elementary and Dupont-Tyler Middle Schools as being overcrowded for the current school year.

CONDITIONS

1. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for public improvements.



Project No.
Associated Case
Council Bill
Staff Reviewer

Zone Change 2003Z-022U-03
None
None
Hardison

Staff Recommendation

Approve with conditions

APPLICANT REQUEST

Rezone 8.95 acres from Residential (R10) to Residential Multi-Family (RM9) at Bellefield Avenue (unnumbered).

Existing Zoning
R10 zoning

R10 zoning is intended for single-family homes and duplexes at 3.7 units per acre.

Proposed Zoning
RM9 zoning

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

SUBAREA 3 PLAN POLICY

Retail Concentration
Community (RCC)

RCC policy is intended to accommodate concentrations of community scale retail such as restaurants, retail, office, and financial uses.

Residential Low Medium (RLM)

RLM policy calls for 2 to 4 dwelling units per acre.

Policy Conflict

There is a minor policy conflict, but the proposed zoning will serve as a transitional use. The RCC policy in this area is intended for properties with frontage along the Clarksville Pike corridor. The areas behind the Clarksville Pike corridor are predominantly residential. The proposed RM9 zoning will serve as a transition between the RCC and RLM policy areas. With a density that is higher than RLM density and an intensity that is well below what is called for in the RCC policy area, the RM9 district will serve as a buffer between the commercial and residential policy areas.

RECENT REZONINGS

None

TRAFFIC

Based on typical uses in CS and MUL districts, this proposed zoning would generate approximately 916 to 2,790 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.



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Traffic Engineer's Findings

Recommendations from the Metro Traffic Engineer are outlined in the Conditions portion of this staff report.

The Public Works Department has indicated that the applicant should be required to submit a Traffic Impact Study pursuant to Section 17.20.140 of the Code. The Department has further indicated, however, that if the traffic conditions set out below are included in the ordinance effecting this rezoning, then the requirement for a Traffic Impact Study can be waived.

SCHOOLS

Students Generated

12 Elementary 9 Middle 8 High School

Schools Over/Under Capacity

Students will attend Bordeaux Elementary School, Ewing Park Middle School, and Whites Creek High School. Whites Creek High has not been identified as being overcrowded by the Metro School Board, but Bordeaux Elementary and Ewing Park Middle have been identified as being overcrowded.

CONDITONS

Without the submission of a traffic impact study the Metro Traffic Engineer recommends the following improvements be added to any council bill requested on these properties:

1. The existing right-of-way for Lawrence Avenue must be improved to Metro Public Works local street standards.
2. Lawrence Avenue must be extended to intersect with Clarksville Highway and stubbed for future development on parcel 46.
3. If Bellefield Avenue is to be an access for the development it must be improved to Metro Public Works local street standards and extended into the site.
4. With the improvement of Bellefield Avenue the intersection of Bellefield and Courtney Avenue must be improved to Metro Public Works standards.
5. Courtney Avenue must be improved to local street standards from Bellefield Avenue to Clarksville Highway.



Project No.
Associated Case
Council Bill
Staff Reviewer

Zone Change 2003Z-023U-05
None
None
Hardison

Staff Recommendation

Disapprove

APPLICANT REQUEST

Rezone 0.93 acres from Residential (R6) to Residential Multi-Family (RM9) at 946 Strouse Avenue.

Existing Zoning
R6 zoning

R6 zoning is intended for single-family homes and duplexes at 6.17 units per acre.

Proposed Zoning
RM20 zoning

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

SUBAREA 5 PLAN POLICY
Residential Medium (RM)

RM policy calls for four to nine dwelling units per acre.

Policy Conflict

Yes. Although the RM9 zoning is at the high end of the RM policy’s density range, the Subarea 5 Plan has specific instructions for multi-family zoning in this area. This property is in the area of the Nashville Auto-Diesel College. The Subarea 5 Plan states the following about this area: *“Within [this] area, there is an area that has been zoned for multi-family residential development for decades. Despite that zoning, it is still mostly a single- and two-family residential neighborhood, except for the historic Nashville Auto-Diesel College and a few multi-family structures. It extends from north of McClurkin Avenue to south of Douglas Avenue. Reflecting the preference expressed by the CAC, it is recommended that zoning be applied to this area that limits development to the one- and two-family type residential development that currently characterizes this area.”*

Although the RM9 district is within the density range of the RM policy, based upon the above statements from the Subarea 5 Plan, staff cannot support multi-family zoning on this property.

RECENT REZONINGS

None



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TRAFFIC

The proposed zone change would permit a total of eight units. This number of units would create approximately 52 vehicle trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings

Approve

SCHOOLS

Students Generated

1 Elementary 1 Middle 1 High School

Schools Over/Under Capacity

Students will attend Hattie Cotton Elementary School, Gar-Mar Middle School, and Maplewood High School. Gar-Mar Middle and Maplewood High have not been identified as being overcrowded by the Metro School Board, but Hattie Cotton Elementary has been identified as being overcrowded.



Project No.
Associated Case
Council Bill
Staff Reviewer

Zone Change 2003Z-024G-03
None
BL2003-1332
Hardison

Staff Recommendation

Approve CL, but disapprove CS, which is currently in BL2003-1332.

APPLICANT REQUEST

Rezone 5.68 acres from Commercial Neighborhood (CN) and Agricultural/Residential (AR2a) to Commercial Limited (CL) at Old Hickory Boulevard (unnumbered).

Existing Zoning
CN zoning

CN zoning is intended for very low intensity retail, office, and commercial service uses at a neighborhood-scale.

AR2a zoning

AR2a zoning is intended for agricultural uses and residential uses at 1 unit per 2 acres.

Proposed Zoning
CL zoning

CL is intended for retail, consumer service, financial, restaurant, and office uses.

SUBAREA 3 PLAN POLICY
Interim-Nonurban (IN)

IN policy is designed for areas that are physically suitable for urban development, but are not expected to urbanize in the next twenty years. The predominant type of development in IN areas is low density residential that is rural in character. Agricultural uses and low intensity commercial (convenience or neighborhood scale) or community uses are also common in IN areas.

Policy Conflict

Although this area is IN policy, when rezoning was requested for parcels 147 and 145 in 1998, staff identified this intersection as an unmapped commercial node. The properties at this intersection are all currently zoned for commercial uses. Staff recommends approval of the CL zoning since this property is located at the intersection of two major arterial roads and is moving closer to the neighborhood retail goals of the Subarea 3 plan. Ultimately, the Subarea 3 Plan envisions more neighborhood-oriented commercial uses at this intersection. Rezoning the existing CN portion of the property to CL, plus the



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increased depth area, is an incremental step forward toward achieving the subarea plan's neighborhood retail policy. Further commercial zoning at this intersection should not extend beyond this parcel.

RECENT REZONINGS

Yes. MPC recommended approval 5/28/98 (98Z-084G) rezoning parcel 37 (now parcels 145 and 147) from AR2a and CS to CL. Council approved on 7/24/98 (O98-1245).

TRAFFIC

The proposed zone change would permit a total of 19 units. This number of units would create approximately 123 vehicle trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings

Approve



Project No.
Project Name
Associated Cases
Deferral

Subdivision 2002S-229G-14
Windstar Estates

None
Deferred by the Planning Commission on 1-23-03 because this plat contains more than 50% floodplain and the Planning Commission planned to discuss a floodplain development moratorium, at the 2/13/03 Planning Commission meeting.

Staff Reviewer

Scott

Staff Recommendation

Approve with conditions

APPLICANT REQUEST

Revision to Preliminary Plat

Preliminary & Final Plat

Final Plat

Revise a preliminary plat to subdivide 73.03 acres into 84-lot cluster lot subdivision, at a proposed density of 0.87 dwelling units per acre at Warren Drive and Keeton Avenue.

ZONING

R10 zoning

The R10 district requires a minimum lot size of 10,000 sq. ft.

R15 zoning

The R15 district requires a minimum lot size of 15,000 sq. ft.

REVISION DETAILS

The previous preliminary plat was approved with conditions October 10, 2002. This plat is revised to include an additional 3.19 acres for the borrow pit that will provide the fill dirt to raise the elevation of the lots and roadways. Also, the open space is adjusted to include a strip along the southern boundary of the property from lot 51 through lot 58.

Floodplain

The majority of this property lies within the floodplain of the Cumberland River. The cluster lot option allows the clustering of lots within the manipulated areas of the natural floodplain with the condition that at least, "one-half of the natural floodplain area including all of the floodway area shall be dedicated as common open space and maintained in a natural state, with the clearing of trees and brush exceeding eight inches in diameter prohibited" (17.28.040A2).



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The revised subdivision dedicates one-half of the natural floodplain area as common open space, and labels the open space as “to be maintained in a natural state.”

CONDITIONS

1. A revised preliminary plat must be submitted prior to submission of any final plat, reflecting the following changes and or additions:
 - a. Add note, “except as authorized by approved construction plans, no grading, cutting of trees, or disturbance of natural features shall be performed within the open space conservation easement.” The note shall be referenced by arrow or number to the Open Space Conservation easement location.
2. No grading permit will be issued until final plat approval.
3. Grading plans will be approved by the Stormwater Division based on care taken to minimize environmental disturbance and to prevent increased stormwater runoff onto adjacent properties.
4. The final plat shall demonstrate that at least one-half of the natural floodplain is designated as common open space and maintained in a natural state.
5. Warren Drive and Keeton Avenue along the property’s frontage must be bonded for or upgraded to Public Works standards for a local street containing 50 feet of right-of-way prior to final plat recordation.
6. Public Works must approve the proposed “Divided Roadway Entrance” prior to final plat approval.



Project No.
Project Name
Associated Cases
Staff Reviewer

Subdivision 2002S-339U-10
Glen Echo Resubdivision of Lot 12
None
Mitchell

Staff Recommendation

Disapprove as contrary to the Subarea 10 Plan's RL (Residential Low-Density) land use policy and for failure to pass Lot Comparability tests for minimum lot size and minimum lot width. In addition, staff recommends disapproval of the requested sidewalk variance along Hillmont Drive.

Note: Per the Planning Commission's request, staff is examining this area and working with the community to determine if an increase in density is appropriate in this area. The results of that process are not yet available, but the information will be provided to the Commission at the 2/13/03 meeting. A community meeting is scheduled to address the issue on 2/10/03.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide a 0.89-acre tract into a 3-lot subdivision, at a proposed density of 3.4 dwellings units per acre, as well as a subdivision variance granting relief from requirements for sidewalk, curb, and gutter along existing roadway.

ZONING

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

SUBAREA 10 POLICY
RL (Residential Low-Density)

This subdivision falls within the Subarea 10 Policy's Residential Low-Density (RL) policy. The RL policy was applied to this area because it is developed residentially with densities at or below 2 dwelling units per acre. According to the Subarea 10 Plan, "the intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas...and the plan recommends that the prevailing character and densities of these areas be conserved." The proposed plan provides a density of 3.37 dwelling units per acre. Even if one lot was removed, the density would still exceed 2 dwelling units per acre because the proposed density would be 2.24 dwelling units per acre.



Metro Planning Commission Meeting of 2/13/03

SUBDIVISION DETAILS

The 0.89-acre tract lies along the north margin of Hillmont Drive, and just north of Glen Echo Road. The applicant is proposing three lots, ranging from 43.3 to 51.7 feet in width, and lot sizes ranging from 12,519 sq. ft. to 13,292 sq. ft.

SUBDIVISION VARIANCES (Sec. 2-6.1, Sidewalks)

The subdivision regulations require a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the residential properties. The applicant has requested a sidewalk variance due to the absence of sidewalks along Hillmont Drive and the amount of roadwork that would be required to meet Metro Public Works sidewalk construction standards.

(Sec. 2-4.7, Lot Comparability)

Having run a lot comparability study for the proposed subdivision, staff finds that all three lots fail the minimum lot width requirement. The comparability test, which takes into account the lot frontage on lots within 300 feet of the subject lot, requires that each lot provide not less than 103 feet of lot frontage.

Regarding minimum lot size under the lot comparability test, all three lots fail the test by not providing a minimum lot size of 28,230 sq.ft.

(Sec. 2-4.2[E], Lot Dimensions)

Each proposed lot does not pass the "4:1 Rule", which requires that the lot width, at the front yard line, shall not be less than 25% of the average lot depth. Based on the depths of the proposed lots, the 4:1 Rule calls for minimum lot widths – at the front yard line – to range from 59.6 feet to 63 feet.

TRAFFIC ENGINEER'S FINDINGS

Recommends approval

SIMILAR CASE

A similar case (Glen Echo, Resubdivision of Lot 17) was brought before the Metro Planning Commission in October of 1995 and then again in February of 1996. In both attempts, the application was disapproved by the Planning Commission because of failed lot comparability tests and because the requested subdivision was not consistent with the General Plan.



Project Number	2003S-011U-10
Project Name	Elder Place Subdivision
Associated Cases	None
Staff Reviewer	Mitchell

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide a 5.07-acre tract into an 8-lot cluster lot subdivision, at a proposed density of 1.58 dwellings units per acre.

ZONING

R20 district, requiring a minimum lot size of 20,000 square feet

CLUSTER LOT OPTION

The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of R20 (minimum 20,000 sq. ft. lots) to R10 (minimum 10,000 sq. ft. lots). Although allowed to reduce minimum lot size two base zone districts, the applicant will use the R10 district as the alternative lot size for bulk standard compliance for lots 3, 4, 5, 6, and 7 and the R15 alternative bulk standards for lots 2 and 8. Proposed lots range from 11,277 sq. ft. to 40,283 sq. ft.

Applicant has justified utilizing the cluster lot option because a tributary to Sugartree Creek encumbers the easternmost portion of the property. In addition, the applicant is proposing that 22% of the site will be preserved as natural vegetation or open space. Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase. This subdivision is proposed to be constructed in one phase.

SUBAREA 10 POLICY

This subdivision falls within the Subarea 10 Policy's Residential Low-Medium (RLM) policy that supports and provides opportunities for new residential development within a density range of 2 to 4 units per acre. Total lot yield permitted for this subdivision is nine lots. The applicant proposes eight lots, at a density of 1.58 dwelling units per acre.



Metro Planning Commission Meeting of 2/13/03

SUBDIVISION DETAILS

The 5.07-acre tract is located along the east margin of Estes Road, between Harding Pike and Hillsboro Boulevard. The proposed eight lots are located on either side of a single, curvilinear, spine road that dead-ends into a permanent cul-de-sac west of the Sugartree Creek tributary. The proposal includes one possible detention area located in the northeast corner of the subdivision and adjacent to the tributary. Additionally, the applicant is proposing to extend the head of the cul-de-sac into the open space area to promote utilization of the open space and tributary as recreational space for the residents.

SUBDIVISION VARIANCES

None

TRAFFIC ENGINEER'S FINDINGS

Recommends approval

CONDITIONS

Staff recommends conditional approval of this plat subject to a revised plat being submitted before the Planning Commission meeting:

1. Add the following note: "Wheelchair accessible curb ramps, complying with applicable Metro Public Works standards, shall be constructed at street crossings."
2. Add the following note: "Existing vegetation located to the rear of new lots (perimeter vegetation) will be preserved."



Project No.
Project Name
Associated Cases
Deferral

Subdivision 2003S-28U-08
Harding Bosley Tract

None
Deferred by the Planning Commission on 1-23-03 because this plat contains more than 50% floodplain and the Planning Commission planned to discuss a floodplain development moratorium, at the 2/13/03 Planning Commission meeting.
Fuller

Staff Reviewer

Staff Recommendation

Approve with conditions.

APPLICANT REQUEST

Preliminary Plat

Preliminary & Final Plat

Final Plat

Subdivide 5.38 acres into a 24-lot cluster subdivision.

ZONING

The RS5 district requires a minimum lot size of 5,000 square feet.

CLUSTER LOT OPTION

The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS5 (minimum 5,000 sq. ft. lots) to R3.75 (minimum 3,700 sq. ft. lots). Proposed lots range from 4,442 sq. ft. to 6,317 sq. ft.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant successfully complies with this requirement by proposing a total of 2.81 acres (52%) of open space – which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS

A preliminary plat was not required for this subdivision because the property fronts existing streets and no new streets are being proposed (Subdivision Regulation 3-3.1- E.).

Access to the lots will be through a private access easement/alley between the rows of lots. Two curb cuts on 28th Avenue North will be required for the alley. This will prevent the need for curb cuts for each driveway on 28th Avenue North and Ed Temple Boulevard.



Metro Planning Commission Meeting of 2/13/03

The applicant intends for lots 14-24 to be oriented to front the golf course on the opposite side of Ed Temple Boulevard, essentially the rear of the lots will face 28th Avenue North. There are existing houses on the opposite side of 28th Avenue North the front the street. A situation would be created where the rear of the new houses face the front of the existing houses. Staff feels that this would deteriorate the neighborhood fabric of 28th Avenue North and recommends that houses be required to front 28th Avenue North.

CONDITIONS

Subject to a revised plat prior to recordation showing the following:

1. The existing house and two sheds on the property will be removed or a demolition bond shall be posted prior to the recording of the final plat.
2. A note needs to be added to the plat that the buildings with frontage on 28th Avenue North will front 28th Avenue North and the buildings with frontage on Ed Temple Boulevard will front Ed Temple Boulevard.
3. Performance bonds must be posted to secure the satisfactory construction of water and sewer improvements, stormwater improvements and sidewalks prior to the recording of the final plat. Sewer capacity must also be purchased prior to the recording of the final plat.



Project No.
Project Name
Council Bill
Associated Case
Staff Reviewer

Planned Unit Development 53-84-U-12
Swiss Ridge Apartments
None
None
Leeman

Staff Recommendation

Approve with conditions, including the installation of a sidewalk along Swiss Avenue. Staff would recommend a variance to vary the width of the required 4-foot grass strip where necessary.

APPLICANT REQUEST

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

This request is to revise a portion of the preliminary PUD plan to permit the development of 128 multi-family units in six buildings, replacing the plan approved for 128 units in 16 buildings. The applicant has also requested a variance to the required sidewalk along Swiss Avenue due to the steep topography in the area.

PLAN DETAILS

The proposed plan redesigns the layout of a portion of the residential PUD to minimize the amount of grading in an area with up to 20% slopes. Although the plan does not change the number of units, it does consolidate 128 units into six buildings of two and three stories, replacing the plan that had 128 units in 16 buildings. The consolidation of units reduces the area within the site to be graded.

Sidewalks
(Section 2-6.1 of Subdivision Regulations and Section 17.20.120 Of the Zoning Code)

Section 2-6.1 of the Subdivision Regulations and Section 17.20.120 of the Zoning Code requires a 5-foot wide public sidewalk and a 4-foot wide grass strip along the frontage of the property.

The applicant has requested a variance to the sidewalk regulations since there are no existing sidewalks in the area and since the applicant believes sidewalks would require construction of a 20-foot tall retaining wall at some locations.



Metro Planning Commission Meeting of 2/13/03

VARIANCES

The applicant is requesting a variance for a 1,400-foot long portion of sidewalk along Swiss Avenue. The applicant has indicated that the steep topography along the east side of Swiss Avenue makes it impractical to construct sidewalks. "The cost to grade and build retaining walls on these slopes of this property would be impracticable." Swiss Avenue is between 790 feet in elevation, at the south end of the property, and 730 feet in elevation, at the north end of the property. The applicant believes that the elevation change between Swiss Avenue and where the sidewalk would be constructed would require extensive construction, including retaining walls and guardrails since there is over a 30-foot drop-off at some portion of the site.

Staff Recommendation

Disapprove sidewalk variance. After inspecting the site, there appears to be sufficient room for a standard sidewalk to be constructed along the east side of Swiss Avenue (4-foot grass strip and 5 foot wide sidewalk). Staff recommends disapproval of the sidewalk variance along Swiss Avenue since there is a relatively flat area adjacent to the road. Metro Public Works has also inspected the site and indicated that a standard sidewalk can be constructed at this location without major construction or retaining walls.

TRAFFIC ENGINEER'S FINDINGS/ CONDITIONS

Approve subject to the following conditions:

1. Prior to the recording of a final plat for any phase, a bond shall be posted for a traffic signal at the intersection of Old Hickory Boulevard and Zermatt Avenue, as per an agreement between the Metro Traffic Engineer and the applicant. The traffic signal shall be installed prior to the issuance of any Use and Occupancy permits for any phase. No right turn lane will be required with the installation of the traffic signal.
2. In conjunction with any final plat, construction details showing an improved turning radius at the southwest corner of Old Hickory Boulevard and Zermatt Avenue shall be submitted for review and approval by the Planning Commission and Public Works Department. The turning radius shall be designed in accordance with the Metro Traffic Engineer's requirements.



Metro Planning Commission Meeting of 2/13/03

3. Prior to the issuance of any Use and Occupancy permits for the 41st unit/lot, 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. Plans detailing these improvements shall be submitted to the Planning Commission in conjunction with final PUD plans for the first phase.
4. Prior to the issuance of any Use and Occupancy permits for the 51st unit/lot, Swiss Avenue shall be 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. Plans detailing these improvements shall be submitted to the Planning Commission in conjunction with final PUD plans for the first phase.
5. As per an agreement between the applicant and the Metro Traffic Engineer, a bond shall be established with the plat that includes the 51st unit/lot for a possible traffic signal at the intersection of Nolensville Pike/Swiss Avenue. The bond shall remain in place for three years there after. If the applicant and Public Works agree that the signal is not warranted after that three year time period, the bond may be released and the developer will be relieved of any obligation to install the signal.
6. Prior to the issuance of a Use and Occupancy permit for any phase, 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.
7. Prior to the issuance of any building permits, a final plat must to be recorded including any bonds for necessary for public improvements.
8. The final PUD plan must include a standard sidewalk along the frontage of the property on Swiss Avenue, including construction drawings. The 4-foot grass strip may vary in width where necessary.



Project No.	Mandatory Referral 2003M-018U-11
Project Name	1301 Pillow St. Right-of-Way Encroachment
Council Bill	None
Staff Reviewer	Mitchell
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST	A request for an existing building corner to encroach 1.2 feet and for an existing concrete pad to encroach 1.4 feet into the Alley #187 Right-of-Way. Property located at 1301 Pillow Street, south of the intersection of Pillow Street and Humphreys Street.
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APPLICATION REQUIREMENTS

License to Encroach Agreement	Yes – one was submitted in correct form.
Insurance Certificate	Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 for aggregate coverage, as required by Metro Legal.
Property Owner Sign Application	Yes – John Combs of Cliff’s Cabinets.
Tenant Sign Application	N/A

DEPARTMENT AND AGENCY RECOMMENDATIONS	All reviewing departments or agencies recommend approval.
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Project No.	Mandatory Referral 2003M-019U-05
Project Name	Capital City Mattress Aerial Encroachment
Council Bill	None
Staff Reviewer	Mitchell

Staff Recommendation *Approve with Conditions*

APPLICANT REQUEST A request to install an awning, with ‘Showroom Entrance’ embossed upon it, measuring 6.5 feet in length projecting 3 feet over the public sidewalk at 8 feet above the public sidewalk. Property located at 900 Main Street.

APPLICATION REQUIREMENTS

License to Encroach Agreement	Yes – one was submitted in correct form.
Insurance Certificate	Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 for aggregate coverage, as required by Metro Legal.
Property Owner Sign Application	Yes – Horace Bass of Capital City Mattress
Tenant Sign Application	N/A

DEPARTMENT AND AGENCY RECOMMENDATIONS
Metro Historical Commission

The Metro Historical Commission states that any proposed awning for this area must meet applicable East Bank MDHA Redevelopment District design guidelines.

RECOMMENDATION Staff recommends conditional approval subject to the requested awning being reviewed for compliance with the East Bank MDHA Redevelopment District design guidelines before the issuance of any permits.



Project No.
Project Name

Mandatory Referral 2003M-020U-09
Gateway Boulevard Project
Property Sale and Easement Dedication

Council Bill
Staff Reviewer

BL2003-
Mitchell

Staff Recommendation

Approve

APPLICANT REQUEST

An ordinance approving a corrected deed conveying fee simple interest, subject to certain retained easements, in property totaling 25,982.42 square feet to the Nashville & Eastern Railroad Authority and a permanent easement on another parcel totaling 1,374.84 square feet to the railroad for construction of the Gateway Boulevard Project.

APPLICATION REQUIREMENTS

None

DEPARTMENT AND AGENCY RECOMMENDATIONS

None

RECOMMENDATION

All reviewing departments or agencies recommend approval.