

1. Zone Change Proposal No. 2002Z-005T Flag Regulations (Council Bill BL2002-969)
Staff recommends *approval*.

This council bill is to amend Section 17.32.040H (Exempt Signs) of the Zoning Ordinance to allow official government, fraternal, religious, or civic flags to be displayed in a fashion other than being mounted individually on permanent poles attached to the ground or building. This request came about due to an auto-dealership on Nolensville Pike being cited for non-compliance with the Zoning Ordinance for flying several American flags on cars on the car lot. Staff recommends approval.

The following shows the amended text with a ~~striketrough~~ for the text that is proposed to be deleted.

H. Official government, fraternal, religious or civic flags; ~~when mounted individually on permanent poles attached to the ground or building;~~

2. Zone Change Proposal No. 2002Z-009U-10

Staff recommends *disapproval*.

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

This request is to change 0.4 acres from R10 (residential) to OR20 (office and residential) district property at 2411 Crestmoor Road, abutting the northern terminus of Bedford Avenue in the Green Hills area. The existing R10 district is intended for single-family and duplex dwellings at up to 3.7 units per acre. The proposed OR20 district is intended for office, parking, and multi-family dwellings at a density of 20 units per acre.

Staff recommends disapproval of the proposed OR20 zoning. This property is located in the Subarea 10 Plan's Residential Low (RL) Policy area and borders a Regional Activity Center (RAC) policy area. There has been interest over the past several years to extend the RAC policy to include all properties along Bedford Avenue. The abutting neighborhood, however, has not supported any additional commercial encroachment. The property is also on the border of an area zoned R10 and an area zoned OR20. All properties along the northern portion of Crestmoor Road are zoned OR20, except for proposed property and two other properties to the west. Staff suggests that during the next subarea plan update for Subarea 10, this area receive special attention.

If this rezoning is approved, the OR20 district will further encroach office uses into the residential area. Expansion of the OR20 district should extend no further than parcel 94 along Crestmoor Road until this area can be addressed through a Subarea 10 plan update. The Commission approved a large zone change on January 22, 1998 (98Z-016U) from R10 to OR20 for the properties on the west side of Bedford Avenue and from R10 to MUL of the properties along the east side of Bedford Avenue just south of the requested property. That rezoning was deferred indefinitely in Council due to a large public sentiment against the rezoning.

Traffic

The Metro Traffic Engineer has indicated Crestmoor Road can sufficiently accommodate the traffic that would be generated by OR20 zoning on this property.

3. Zone Change Proposal No. 2002Z-010U-13

Staff recommends *approval*.

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

This request is to change 15 acres from AR2a (agricultural) to RM9 (multi-family) district property at 625 Bell Road, at the intersection of Bell Road and Hickory Highlands Drive. The existing AR2a is intended for agricultural, requiring 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 two acres. The proposed RM9 is intended for medium density multi-family development at up to 9 dwelling units per acre, as well as assisted-care living facilities. There is an existing church on the front portion of this property, while the applicant is requesting this rezoning to allow for an assisted-care living facility on the back portion of the site. It is unlikely the entire property will be developed for multi-family with the existing church on the property. The 5.26 acre portion of the site to be used for the assisted-care living facility would allow for 141 rooming units, where every three rooming units counts as one dwelling unit in the Zoning Ordinance.

Staff recommends approval of this proposal since it is consistent with the RMH policy and consistent with the Subarea 13 Plan's Residential Medium High (RMH) policy for this area, which calls for 9 to 20 dwelling units per acre. The remaining 9.74 acres will be used for a church; religious institutions are permitted in the RM9 district. The RM9 district is also consistent with the surrounding uses and residential densities. The existing Cambridge Forest PUD on parcels 296 and 300 is currently developed with apartment units, including 470 units (13.4 units per acre) on parcel 300 and 860 units (12 units per acre) on parcel 296.

Traffic

The Metro Traffic Engineer has indicated that Bell Road can sufficiently accommodate the traffic that would be generated by an assisted-living use, or other uses allowed by the proposed RM9 district.

Schools

Although the applicant has indicated they are seeking this zone change for an assisted-living facility, a 5.26 acre multi-family development (rear portion of the site) at RM9 density could generate approximately 8 students (3 elementary, 3 middle, and 2 high school). If the church were to be redeveloped with multi-family, the entire 15 acres could generate approximately 23 students (9 elementary, 9 middle, and 5 high school). Students in this area would attend J.E. Moss Elementary, Apollo Middle, and Antioch High Schools. The Metro School Board has provided information that indicates Apollo Middle School was over capacity in 2001. The School Board is currently reviewing school capacity figures and final numbers for the current year are not yet available for these schools.

4. Zone Change Proposal No. 2002Z-011G-04

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

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

This request is to change 3.57 acres from RS20 (residential) to RM4 (multi-family residential) district properties at Old Hickory Boulevard (unnumbered), abutting the southern terminus of Heritage Drive. The existing RS20 district is intended for single-family homes at up to 2 units per acre. The proposed RM4 district is intended for multi-family dwellings at a density of 4 units per acre. The applicant is requesting this zone change to accommodate the development of an assisted-care living facility. This property is adjacent to the Caldwell Place residential PUD (88P-025).

Subarea Plan Policy

Staff recommends disapproval of the RM4 zoning as contrary to the Subarea 4 Plan's Residential Low (RL) policy area, which calls for 1 to 2 residential units per acre. The RL policy was applied to this area due to its low-density single-family development pattern. The RM4 zoning allows a density that is two times greater than the RL policy allows. RM4 zoning also allows multi-family units, which are not consistent with the single-family construction typically seen in RL policy areas. The Planning Commission disapproved a zone change request (2000Z-134G-04) from RS20 to RS10 district on this property in March 2001 as contrary to the General Plan. The change from RS20 to RS10 would have been in keeping with the single-family pattern in the area, but the density would have been more than the RL policy allows. RS10 zoning allows the same density as the RM4 zoning.

Traffic

The Metro Traffic Engineer has indicated Old Hickory Boulevard can sufficiently accommodate the traffic that would be generated by RM4 zoning on this property.

Schools

A multi-family development at RM4 density will generate approximately 3 students (1 elementary, 1 middle, and 1 high school). Students will attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School. As of November 2001, the school board has not identified these schools as being over capacity.

5. Zone Change Proposal No. 2002Z-012U-11

Staff recommends *disapproval*.

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

This request is to change .82 acres from R6 to RM9 district property at 1900 Thurman Street. The existing R6 district is intended for single-family and two family dwellings with a density of 6.1 dwelling units per acre. The proposed RM9 district is intended for multi-family development with a maximum density of 9 dwelling units per acre. The applicant has indicated this request is to add townhomes to the back portion of the site, or rooms to the existing house for rental. The applicant has also indicated an interest in elderly housing in the form of assisted-living units, a permitted use in the RM9 district.

Staff recommends disapproval of the RM9 zoning since it is inconsistent with the Subarea 11 Plan's Residential Medium (RM) policy that calls for residential densities at the low end of the 4 to 9 unit per acre range. "The present density is in the low end of the RM policy range and should be monitored so as to remain that way." (p. 60, Subarea 11 Plan). When the Subarea 11 Plan was last updated in 1999, the RM policy was applied to this area "...as a match to the existing developed condition with the intent of preserving the character and integrity of a viable residential area." (p. 60). The existing housing stock is primarily single-family in this area with the exception of the Vine Hill Homes PUD south of Benton Avenue, which has a mixture of single-family and multi-family units.

Traffic

The Metro Traffic Engineer has indicated that Thurman Street and Benton Avenue can sufficiently accommodate the traffic that would be generated by the proposed RM9 zoning district.

Schools

The applicant has indicated they are seeking this zone change for elderly housing. At RM9 density, the property's small size of .82 acres would not generate a significant amount of new students. Using the standard calculation for student generation, no new students are anticipated from this rezoning. Students in this area would attend Fall-Hamilton Elementary, Cameron Middle, and Glencliff High schools. The Metro School Board has provided information that indicates Cameron Middle School and Glencliff High School were over capacity in 2001. The School Board is currently reviewing school capacity figures and final numbers for the current year are not yet available for these schools.

6. Subdivision Proposal 2001S-306U-10 Wich Subdivision

Staff recommends *conditional approval* subject to a variance for flag-shaped lots and lot comparability.

This request was indefinitely deferred at the October 25, 2001 Planning Commission meeting to allow the applicant to rezone the property from R20 to RS20, allowing only one single-family dwelling on each proposed lot, as per the recommendation of the Commission. This request is for preliminary plat approval to subdivide a one-acre lot into two lots. The property abuts the west margin of Estes Road. Due to the size of the proposed lots, sidewalks will not be required. The Subdivision Regulations require that lots within a base zoning that requires less than 20,000 square feet sidewalks must be constructed. This subdivision is proposed within the RS20 district, which requires a minimum lot size of 20,000 square feet. This property is currently a flag-shaped lot with one dwelling. The lot has access to Estes Road by way of a 30-foot driveway that runs between the two adjacent properties creating the flag-shape. The property was zoned R20 when this plat was originally proposed, but in order to assure that the number of dwellings on the property was limited to two, the applicant requested a zone change (2001Z-123U-10) from R20 to RS20 district. The Planning Commission and the Metro Council have approved this zone change.

Variance - Lot Comparability

A variance for lot comparability is requested for lots 1 and 2. The Subdivision Regulations in Section 2-4.7 requires that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. Proposed lots 1 and 2 both satisfy the requirement for lot area. Both lots fail for lot frontage. The minimum allowable lot frontage is 97 feet, and lots 1 and 2 have only 15 feet of frontage. Being that the proposed lots are being created from a lot that only had 30 feet of frontage these lots cannot meet the requirements. Staff supports the variance for lot comparability based on the subdivision of these lots being the last possible division of this property, and no other similar lots existing in the neighborhood.

Variance - Flag-Shaped Lot

The applicant is requesting a variance for lots 1 and 2 being flag-shaped. Section 2-4.2-A of the Subdivision Regulations states that flag-shaped lots generally shall not be permitted. The request for the variance is made due to the existing lot being flag-shaped. Staff supports a variance for these flag-shaped lots due the current shape of the lot. This subdivision will not change what exists. There are other parcels in the area that are large enough to subdivide and would potentially create flag-shaped lots, the difference between those potential subdivisions and this proposed subdivision is the fact this lot is currently flag-shaped. Staff would not support creating additional flag-shaped lots in this area.

Staff recommends conditional approval of this preliminary subject to variances for flag-shaped lots and lot comparability.

7. Subdivision Proposal 2002S-004U-03 Forges Subdivision

Staff recommends *conditional approval* subject to a variance for lot comparability, a bond for sidewalks along Youngs Lane, and construction of sidewalks along Buena Vista.

This request was deferred at the January 10, 2002 Planning Commission meeting in order to recalculate the lot comparability as per the recommendation of the Commission. This request is for final plat approval to subdivide 0.76 acres of two parcels into three lots abutting the northwest corner of Youngs Lane and Buena Vista Pike, at the intersection of Tucker Road and Youngs Lane. This property is classified within the R8 district in the Bordeaux area. The applicant has agreed to place sidewalks along Youngs Lane.

Variance - Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 0.28 acres, and the minimum allowable frontage is 69 feet. Although all lots pass comparability for lot frontage, all lots fail comparability for lot area. Each lot contains 0.278 acres, 0.23 acres and 0.25 acres, respectively. The surrounding area presently is zoned R8 which calls for 8,000 square foot lots. All proposed lots are well above the minimum of the zoning district. The comparability study for this property was done using only four lots as other surrounding lots were eliminated because they were either zoned commercial, used as the Metro Police Training Facility, contained a church, or are too small or too large to consider in the study. Staff supports the proposed lot comparability variance due to the limited number of acceptable lots for study, the proposed lots exceeding the R8 zoning, and the number of large undeveloped properties in the area that can be resubdivided in the future. These factors skewed the lot comparability results.

Variance - Sidewalks

The applicant has requested a variance for sidewalks along Buena Vista Pike due to a large ditch section along the road. Section 1-10.1.C of the Subdivision Regulations says the Planning Commission may grant a variance because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out. Staff does not support the variance request along Buena Vista due to the amount of right-of-way dedication and reservation given by the applicant. Buena Vista is a future collector road, which requires the applicant to dedicate enough property to provide the road a 60-foot right-of-way. With the 10 feet of dedication provided by the applicant the sidewalks would not be in the area of the ditch.

Staff recommends conditional approval subject to a variance for lot comparability, a bond for sidewalks along Youngs Lane, and construction of sidewalks along Buena Vista.

8. Subdivision Proposal No. 2002S-034U-07 Westland Square

Staff recommends *conditional approval* with variances for lot width, sidewalks, and right-of-way width for a portion of the road into the site.

This request is for preliminary plat approval on 3 acres to subdivide one parcel into 10 single-family lots and 3 duplex lots for a total density of 5.35 units per acre. The R6 district allows a maximum density of 6.1 dwelling units per acre. This property abuts the west margin of DeMoss Road and the western terminus of Maudina Avenue in Subarea 7. The property falls within an R6 zoning district that is designated for single-family and two family dwellings with a maximum of 25% of the lots to be used for duplexes. This plan proposes 23% of the lots for duplexes. Staff recommends conditional approval with variances for lot width, sidewalks, and right-of-way width.

Variance-Sidewalk

The applicant is requesting a sidewalk variance to Section 2-6.1 of the Subdivision Regulations since the shape, size, and location of the property prohibits the installation of a sidewalk on the northern side of the road. Staff recommends approval of the sidewalk variance since the proposed road will not have access to the existing multi-family development to the north and since no lots are proposed on this side of the street. Should the multi-family site to the north ever be redeveloped or replatted, sidewalks would be required at that time. The applicant is also requesting a variance to allow for a 4-foot wide sidewalk and a two-foot wide grass strip for the 166-foot long portion of the road into the development. Staff supports this variance given the limited width of the property at this location (see below).

Variance-Right-of-Way Width

The applicant is requesting a variance to Section 2-6.2.1D, Table 2 of the Subdivision Regulations, which requires 46 feet of public right-of-way and 23 feet of pavement width for a minor-local road. This proposal has 40-feet of right-of-way for the 166-foot long portion of the roadway into the development. The remaining 620 feet of public roadway with this development has the required 46-feet of right-of-way. Staff recommends approval of the variance for right-of-way width since the property is not wide enough, however, the road's pavement width will meet the standard requirement.

Variance-Lot Depth to Width Ratio

Section 2-4.2E of the Subdivision Regulations requires that a lot's width at the street shall not be less than 25% of the average lot depth (4:1 Rule). Lots 4-7 are proposed with 40 feet of frontage and a depth of 202 feet—exceeding the 4:1 rule. Staff recommends approval of this variance since the shape of the existing parcel does not allow for a redesign that would create proportional lots.

9. Subdivision Proposal 2002S-032G-01 Audrey Sue Subdivision

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

This request is for final plat approval to subdivide one 8.5-acre parcel into two lots abutting the northeast margin of Whites Creek Pike, opposite Baxter Road. This property is within the AR2a district in the northern part of the county. The Subarea 1 Plan's Interim Nonurban (IN) policy is applied to this area. The IN policy applies to areas that are physically suitable for more intensive uses, but are intended to be maintained in a rural character for the next 20 to 25 years. This property does not require sidewalks due to the AR2a zoning.

Variance - Flag-Shaped Lot

Section 2-4.2-A of the Subdivision Regulations states that flag lots generally shall not be permitted. The applicant is requesting a variance for the proposed flag-shaped lot due to the parcel's width and that only half the property has road frontage. The applicant has laid the lots out so that lot 2 has a majority of the street frontage and lot 1 has only 30 feet of road frontage. Lot 1 is accessed through a driveway. The driveway for lot 1 also has the water service line running through it. Staff supports the applicant's request for a flag-shaped lot variance due to this property's location in the Subarea 1 Plan's IN policy area, where urban development will not occur for at least the next 20 to 25 years. This flag-shaped lot also will not hinder further development on this property, and its configuration is similar to parcels 59, 131, and 132 located just north of this property.

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

10. Subdivision Proposal 2002S-036U-14 Sunset View, Section 6, Resubdivision of Lot 461 and Parcel 94

Staff recommends *conditional approval* subject to a variance for sidewalks along McGavock Pike.

This request is for final plat approval to subdivide one lot and a reserve parcel into two lots on approximately 1.5 acres within the Sunset View subdivision. The property is located within the RS15 district. Several sections of the Sunset View subdivision were recorded in the 1950's and 1960's. This particular property was recorded in 1959, and contains a reserve parcel that was established with the plat. The reason for the reserve status is unknown due to the age of the original subdivision. Older subdivision plats typically do not indicate the reason for designating property as a "reserve parcel." The two parcels have the same owner. This request is to adjust the existing lot line and record parcel 94 as a buildable lot.

Lot Comparability

The Subdivision Regulations require that subdivided lots be comparable in size

(frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 17,704 square feet, and the minimum allowable frontage is 107 feet. Both lots satisfy lot comparability for lot frontage with well over 120 feet of frontage. Both lots also satisfy the minimum allowable area requirement. Lot 1 contains 37,943 square feet, and lot 2 contains 24,928 square feet.

Variance – Sidewalks

A variance to Section 2-6.1 of the Subdivision Regulations has been requested by the applicant for sidewalks along McGavock Pike and Fairbrook Drive. This regulation states that when lots have frontage on existing streets, sidewalks shall be required in relation to the future curb line along the property's frontage on the existing streets.

1. McGavock Pike: Staff recommends approval of a variance for sidewalks along McGavock Pike. The applicant claims that McGavock will be widened to 4 lanes in the future, and sidewalks should be constructed at that time. While this portion of McGavock Pike is identified on the major street plan as a future U4, with 84 feet of right-of-way, it is not planned for upgrade in the Capital Improvements Budget for 2001-02 to 2006-07. This particular portion of McGavock Pike which extends from Lebanon Pike to Briley Parkway is scheduled to be upgraded to 3 lanes in 2015.

Staff feels that a variance should not be granted based on the fact that McGavock is to be upgraded in the future, but it should be granted due to the way that this portion of the road was constructed in the past. This portion of McGavock was constructed at a higher elevation than the property in question. This area was filled in order to build the roadway, and this created a steep bank that precludes the installation of sidewalks. There is currently not enough room along the existing pavement of McGavock Pike to construct a sidewalk, and sidewalks could not be constructed along the future curb line of the road because the land is too steep.

2. Fairbrook Drive: Staff recommends disapproval of a variance for sidewalks along Fairbrook Drive. The applicant claims that constructing sidewalks along Fairbrook Drive would be of no benefit to pedestrians because there are no other sidewalks in the area. Staff agrees that there are no sidewalks in the area, but staff feels that no extraordinary hardships or practical difficulties will result from requiring sidewalks as specified in the Subdivision Regulations. Section 2-6.1.C of the Subdivision Regulations provides the option to request relief if a proposed subdivision is not within a .25 mile radius of the nearest sidewalk. If relief is granted, a fee in-lieu of sidewalk construction must be paid by the applicant in accordance with the fee schedule established by Public Works. The applicant has indicated, however, that relief is not being sought in this case. Staff recommends disapproval of the variance for sidewalks along Fairbrook Drive because staff feels that evidence has not been presented that meets the requirements in Section 1-10 of the Subdivision Regulations for obtaining a variance.

Staff recommends conditional approval subject to a variance for sidewalks along McGavock Pike.

11. Subdivision Proposal 2002S-037U-07 West Meade Swimming Club

Staff recommends *conditional approval* subject to a variance for a non-radial lot line.

This request is for final plat approval to record a 1.7-acre reserve parcel as one lot abutting the southwest margin of Davidson Road, approximately 210 feet northwest of Davidson Drive. This property is classified within the RS40 district in the West Meade area. Sidewalks will not be required for this property due to the RS40 zoning.

Reserve Lot Status

The Crestmeade Subdivision was designed with two reserve parcels, each parcel equaling about 1.7 acres. This reserve parcel was given reserve status in November 26, 1956, with Planning Commission approval. The reason for reserve status is unknown due to the age of the original subdivision. Reserve parcel B was placed in section 3 of subdivision, and was recorded as a buildable lot in December 2001 with the Commission's approval.

Lot Comparability

A lot comparability analysis was performed on this proposed subdivision, and no variances are required. The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. The minimum allowable lot area for this subdivision is 33,977 square feet while the minimum lot frontage is 149 feet. This lot meets these minimum requirements as well as those of the RS40 district. The lot contains 73,355 square feet and 357 feet of frontage.

Variance - Non-Radial Lot Line

The Subdivision Regulations require that side lot lines be at right angles to street lines or radial to curving street lines. This is geometrically a triangle and therefore one of the side lot lines is not at a right angle to Davidson Road. The applicant has requested a variance for the non-radial lot line. Staff supports this variance request since this lot was created in 1956 and the applicant is not changing the configuration of the lot.

Staff recommends conditional approval subject to a variance for a non-radial lot line.

12. PUD Proposal No. 94-71-G-06 Bellevue Mall (Sign Variance)

Staff recommends *disapproval* of the variances along I-40 and *conditional approval* of the variances along Highway 70 South.

This request is for several variances to Section 17.32.130 (on-premises signs) to allow one 80-foot tall, 500 square foot sign, with a 5-foot side setback, oriented toward Interstate 40, and to allow the existing 98 square foot monument sign to remain at the entrance to the Bellevue Mall on Highway 70 S. Both signs are for additional sign area to advertise the Bellevue Mall and its major tenants. The Planning Commission recommends to the BZA approval or disapproval of Zoning Ordinance variance requests within PUDs. Staff recommends disapproval of the variances for the sign along I-40 and conditional approval of the variance request for the 98 square foot sign along Highway 70 South.

Interstate 40 Sign

The proposed sign for the Bellevue Mall and tenants is proposed on parcel 152 of tax map 128, which is not owned by the mall owner. However, the mall has an agreement to lease the property from the owners, Charles and Esther Frost. The Planning Commission approved this site for the Designer Floors store on March 29, 2001. This building was approved on a small parcel (1.82 acres) at the rear of the mall.

For this parcel owned by the Frosts, the Zoning Ordinance allows a maximum sign height of 50 feet, a maximum sign area of 480 square feet, and requires a 25-foot side yard setback. Staff recommends disapproval of the variances for height, square footage, and setback. There is not enough room on this site to construct this sign in conformance with the regulations and the sign is inconsistent with the preliminary PUD plan approved by the Commission last year. To conform to the regulations, the sign would need to be located where the existing building has been constructed. The location of the existing building was a self-created hardship. Staff also recommends disapproval since this variance does not comply with the minimum requirements for a variance outlined in the Zoning Ordinance, including the following:

Physical Characteristics of the Property. *There are no exceptional or extraordinary physical characteristics of the property that would result in undue hardship to the property owner. The property where the sign is proposed was approved for the Designer Floors store and is owned by Charles and Esther Frost. Prohibiting a sign for the Bellevue Mall and several of its tenants will result in no undue hardship upon the said property owner.*

Unique Characteristics. *The applicant has provided no information as to any unique characteristics of the subject property that are not prevalent to other properties in the general area, as well.*

Highway 70 South

The maximum allowable sign area for this portion of the Bellevue Mall along Highway 70 South is 576 square feet. The variance request is to allow a total of 667 square feet with the existing 98 square foot monument sign. Maintaining this sign will also exceed the total number of signs allowed, which is three. A 435 square foot sign was legally constructed as a replacement to an existing 337 square foot sign between parcels 301 and 356, and was predicated upon the removal of the 98 square foot sign. Prior to the building permit, the applicant was required to remove the letters from the existing 98 square foot monument sign. After the permit was issued, the letters were placed back on the sign. Staff recommends approval of the variance for the existing 98 square foot sign since it provides an unobtrusive, and well-designed entrance sign to the mall, and has existed at this location for many years.

13. PUD Proposal No. 21-76-U-07 Post Square (O'Charley's Restaurant)

Staff recommends *conditional approval*.

This request is to revise the preliminary PUD plan and for final approval for a portion of the Commercial PUD district located at the corner of White Bridge Pike and Post Road, to permit a 1,007 square foot addition to the existing O'Charley's Restaurant and 13 additional parking spaces. The existing restaurant contains 6,808 square feet and 69 parking spaces within the O'Charley's lot. The applicant is proposing to seal-coat the parking lot and restripe portions of it to allow 13 additional parking spaces on this lot and the adjacent lot (4 new spaces will be added behind the buildings and 9 new spaces will be added at the front of the buildings). These spaces will be added by reconfiguring existing parking spaces and landscaped islands, and adding additional compact spaces at the rear of the building. While the existing O'Charley's was parked at the standard requirement contained in the previous Zoning Ordinance (1 space for every 150 square feet), this revised plan meets the new requirements (1 space for every 100 square feet) for the addition and adds new spaces, as well. Two new trees will be planted in the reconfigured landscape islands, while no existing landscaping will be removed. Since this is within a PUD an existing cross-access agreement is in place between the tenants within the adjacent shopping center. Staff recommends conditional approval since the plan provides 13 additional parking spaces, additional trees, and improves the overall parking plan for the shopping center.

14. PUD Proposal No. 122-83-U-12 The Woodlands (Water Tanks)

Staff recommends *conditional approval* with a variance for the landscape buffer yard, maximum lot size, and lot depth to width ratio.

This request is to revise the preliminary plan and for final approval for a portion of the Residential PUD district to allow the development of three, 3-million gallon water tanks at the south end of the PUD district. This application was made for Metro Water Services. The plan revises the preliminary PUD plan that was approved for 150 townhomes and a water tank easement by the Planning Commission on October 25, 2001. This revision eliminates 12 of the townhomes. Although the amended plan approved by the Planning Commission in October has not yet been approved by Metro Council, the proposed water tanks are permitted with conditions by the underlying R15 base zoning and by the proposed RM4 district. The applicant is also requesting a variance to the required 30 foot wide landscape buffer yard that is required between the tanks and the adjacent residential property. The Planning Commission will make a recommendation to the Board of Zoning Appeals on the variance request. Staff recommends conditional approval of the revision to preliminary and final PUD plan with a variance to the landscape buffer yard.

Variance-Landscape Buffer Yard

Water tanks are a permitted with conditions (PC) in all zoning districts. The following conditions apply:

1. Setback. Where such facilities abut a residential zone district or district permitting residential use, a minimum setback of fifty feet shall be provided. *The proposed plan meets this requirement.*
2. Landscape Buffer Yard. Landscape buffer yard standard D shall be applied within the above setback. *The applicant is requesting a variance to this requirement since the tanks are located on a different grade than the adjacent residentially zoned property, thus negating the effect of the required D landscape buffer yard.*

Staff recommends approval of the variance since the base of the proposed water tanks are located approximately 75-100 feet higher than the adjacent residential property. The landscape buffer yard would have a minimal effect on screening the 65-foot tall water tanks. Furthermore, the applicant has indicated that it will be difficult to maintain any new landscaping since there is a good deal of rock on the hillside.

Variance- Lot Size

The proposed lot size is 6.93 acres, which requires a variance to Section 2-4.2 (3 x Rule) of the Subdivision Regulations for exceeding the maximum lot size in the R15 district. The R15 district would only allow a maximum lot size of approximately 1 acre. Staff recommends approval of this variance since this is the only site in this area that provides the necessary land area, elevation, and location to provide a needed service to the area.

Variance- Lot Depth-to-Width Ratio

Section 2-4.2E of the Subdivision Regulations requires that a lot's width at the street shall not be less than 25% of the average lot depth (4:1 Rule). This lot is proposed with 50 feet of lot frontage on Swiss Avenue and depth of approximately 2,300 feet—exceeding the 4:1 rule. Staff recommends approval of this variance since the reason for this variance will be to provide access to Swiss Avenue, the only existing where access is physically possible today.

15. PUD Proposal No. 14-85-P-13 Gold's Gym/Retail Center

Staff recommends *conditional approval*.

This request is to revise the preliminary plan and for final approval for a portion of the Commercial (General) PUD district to permit a 51,000 square foot retail shopping center, including a 31,950 square foot Gold's Gym and 19,050 square feet of retail uses, where a 48,840 square foot gym and retail center were approved. Although this plan increases the square footage by 4%, it does not require an amendment since it is less than 10% of what was last approved by the Metro Council. The increase in square footage is the result of a redesign of the Gold's Gym, and the addition of a mezzanine level for the gym. The plan also redesigns the retail portion of the building to add a drive-thru lane at the end of the retail building. Staff recommends conditional approval provided Public Works and Water and Sewer approve the plan prior to the Planning Commission meeting.

This PUD falls within the existing SCC district, a shopping center zoning district, that is intended for moderately intense retail, office, and consumer service uses, including personal care service for a Gold's Gym. The Planning Commission approved a zone change and PUD amendment on July 19, 2001, to allow for the gym and retail center (case # 2001Z-065U-13). The SCC zoning is consistent with the Subarea 13 Plan's Retail Concentration Community (RCC) policy. That policy calls for large shopping centers that serve a wide market area.

Traffic

This commercial PUD has access from Edge-O-Lake Drive, an improved collector road with a center turning lane. The Edge-O-Lake Drive/Murfreesboro Pike intersection is signalized and has designated lanes for left-turns, right-turns, and thru traffic. The applicant completed an intersection signal analysis to determine whether the existing signal should be modified to include a left-turn arrow. That analysis indicated the arrow was not needed at this time. The Metro Traffic Engineer has requested the project be conditioned to provide an updated signal analysis after the gym opens, and to require a modified signal when traffic counts warrant.

16. Mandatory Referral Proposal No. 2001M-109U-11

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

A request to lease Lamar Advertising six existing billboard structures at the Tennessee State Fairgrounds. The fairgrounds are located on Nolensville Pike between Wingrove Street and Bransford Avenue, at the terminus of Wedgewood Avenue. The property is zoned IWD and is within the Urban Zoning Overlay District. Billboards are a permitted use in the IWD district.

Lamar currently uses these six billboards for off-site advertising as well as promotion of events at the fairgrounds, including the Tennessee State Fair. The six billboards are located at the entrance to the fairgrounds at Nolensville Pike, 250, 200 and 350 Craighead Street, and at the corner of Craighead and Bransford Avenues. Lamar will pay Metro Government \$104.16 per structure, per month for a total of \$7,499.52 annually for all six structures. The lease term is 5 years beginning July 1, 2001 and terminating on June 30, 2006. The lease requires Lamar to maintain \$1 million dollars in public liability insurance. Staff recommends conditional approval of this lease subject to all reviewing agencies and departments recommending approval.

17. Mandatory Referral Proposal No. 2001M-110G-01

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

A request to lease the Whites Creek library property in Joelton to the First Baptist Church of Joelton, requested by Metro Legal for Metro Library. The property is located at the intersection of Whites Creek Pike and Old Clarksville Pike and is zoned AR2a district. The church wants to use the library property for parking and ingress/egress onto Whites Creek Pike. There is no library on the property today; therefore, no conflict between the library's hours and the church's use of the property would occur. The First Baptist Church of Joelton is located to the north of this property on parcel 95. The church will not pay any rent to Metro for use of the parking lot or driveway access, although it will pay for utilities, maintenance, and repairs to the lot. The lease term is 5 years beginning December 1, 2001 and terminating on November 30, 2006. The lease requires the church to maintain \$1 million dollars in public liability insurance. Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval.

18. Mandatory Referral Proposal No. 2002M-003G-04 (Council Resolution RS2002-943)
Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval.

A council resolution to acquire 31.95 acres of land for the new Ruby Major elementary school and a future middle school in the Hermitage area. The property is located at John Hager Road (unnumbered) and zoned RS15 district (residential single-family at a density of 2.47 dwelling units per acre). This is not the same property that had been considered for purchase by Metro Nashville Public Schools as part of the large rezoning recently considered by the Planning Commission on John Hager Road.

Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval. Ruby Major was a teacher who taught at Donelson High School and was very active in Nashville's public schools. Funds have been designated in the Board of Education's current capital improvements budget to construct the elementary school, but not the middle school. The Board of Education is planning ahead for growth in this area of the county by buying enough land to accommodate both an elementary school and a middle school. The Board of Education approved the property's acquisition on January 8, 2002. The property owners, Mary Gladys George et al, are willing sellers. Metro has agreed to pay \$640,000 for the property, and the owners will pay any real-estate commissions involved in the acquisition. Ruby Major elementary school would relieve overcrowding at Hickman Elementary and Dodson Chapel. The future middle school would relieve overcrowding at Donelson Middle and DuPont Tire.

The Metro Council will hold a public hearing on this property acquisition on Tuesday, February 19, 2002 at 5:00 p.m. in the Council Chambers. Public hearing notices were sent to all persons within 300 feet of the property for both the Planning Commission and Council public hearings. In addition, signs advertising the public hearings were also placed on the property and a display ad was placed in the *City Paper*. Staff will provide the Commission with any comments received in opposition to this acquisition at the meeting.

19. Mandatory Referral Proposal No. 2002M-017U-08

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval, and the signature of Ms. Ethel Evan is obtained.

A request to close an unbuilt portion of Michigan Avenue between 42nd Avenue North and 43rd Avenue North by Councilmember Whitmore. Both 42nd Avenue North and 43rd Avenue North terminate at Michigan Avenue. All easements are to be retained. This portion of Michigan Avenue is disconnected from another section of Michigan Avenue to the east that intersects with 40th Avenue North. These two disconnected sections of Michigan Avenue will never be connected since a large NES substation is located on parcels 302 and 303. The signature of Ms. Ethel Evans, the owner of parcel 244 is needed. Her property abuts this unbuilt portion of Michigan Avenue at 43rd Avenue North. Councilmember Whitmore will obtain her signature before the Commission meeting. Staff recommends conditional approval subject to all reviewing agencies and departments recommending approval and the signature of Ms. Ethel Evans.

20. Mandatory Referral Proposal No. 2002M-0118U-12

Staff recommends *conditional approval* subject to all reviewing agencies and departments recommending approval and the encroachment taking effect upon the construction of the new public road and its acceptance by Public Works.

A request to encroach with a pole sign for Southern Hills Medical Center into the public right-of-way of a yet-to-be-dedicated public street. HCA wants this sign encroachment for its hospital. The sign encroachment was agreed to by Public Works as part of a road closure negotiation between HCA and Public Works. Last year, HCA requested approval from the Planning Commission and Public Works to close Old Wallace Road (2001M-079U-12; BL2001-847) and Old Welch Road (2001M-078U-12; BL2001-848). The Metro Council approved the closure of both roads in November 2001. As part of the road closure negotiations, HCA agreed to construct at its expense a new public road that would connect Harding Place to Wallace Road. To honor that agreement, HCA submitted a plat to consolidate properties and dedicate right-of-way for this new road (2001S-343U-12). That plat has not yet been approved by the Planning Commission due to some drainage easements that Public Works has requested be shown on the plat. Staff anticipates the Commission considering the plat next month.

In the meantime, HCA is requesting approval of this encroachment into the public right-of-way for a pole sign. Presently, the sign is on HCA's property. However, once the plat described above is approved, the land on which the sign is proposed will be dedicated as public right-of-way for the new road. Therefore, HCA is requesting the Planning Commission approve the sign encroachment within a future public right-of-way. Staff is comfortable with this approach since we have the plat in-house and will recommend conditional approval of it to the Planning Commission next month. Staff would suggest this encroachment take effect once the new public road is constructed and accepted by Metro Government. To approve an encroachment in advance of the road being dedicated would be premature since Metro Government does not own the land today. The Metro Council will have to approve this encroachment as a council bill which requires three readings.