



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**  
**Staff Recommendation**

**Text Change 2003Z-001T**  
None  
BL2003-1304  
Regen  
*Approve*

**REQUEST**

**Request from Councilmember Brenda Gilmore to modify the “Radio/TV/Satellite Tower” and the “Telephone Services” (cell tower) performance standards relative to notification and a community meeting as follows:**

- 1. Provide notification to the district councilmember of any new tower application;**
- 2. Require the applicant to attend any community meeting scheduled by the district councilmember within 30 days after the application’s submittal.**

In addition, there are a few minor housekeeping items included in this proposed amendment for “Telephone Service” and “Radio/TV/Satellite Tower” to provide consistency in the zoning code for all tower applications.

**ANALYSIS**  
**Existing Code**

While new “Radio/TV/Satellite Towers” are a special exception (SE) in most zoning districts, a cell tower (Telephone Service) is permitted with conditions (PC) in all districts due to the limitations placed by the United States Congress through the 1996 Telecommunications Act. Few cell towers, however, are constructed without the Board of Zoning Appeals (BZA) approval. Those that are approved as a “PC” use do not require any notification to abutting property owners or the district councilmember, prior to their approval or erection. Given their tall height, few cell towers can comply with the code’s setback standards. Therefore, when a cell tower cannot meet the height requirements, in lieu of a zoning variance, the Zoning Code requires the applicant apply for a special exception.

When a tower is a special exception requiring BZA approval, neighborhood groups and residents within 300 feet of the proposed site are to be notified of the



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### Proposed Text Change

tower proposal, as required by Section 17.40.720 of the Zoning Code. It is at this point that the district councilmember typically is informed of the pending application. With limited time between receipt of the mailed notice and the BZA hearing, little opportunity exists for the councilmember and community to meet with the applicant to discuss the tower application outside of the formal BZA hearing process.

The proposed text amendment, if adopted by Metro Council, would require the Zoning Administrator or the planning director to notify the district councilmember of a tower application, prior to issuance of a zoning permit and immediately after a the application has been submitted. The Zoning Administrator handles towers that are a SE or PC, except in a planned unit development district (PUD). The Metro Planning Commission reviews and approves towers within a PUD.

This notification requirement applies only to towers proposed within a residential district or a district permitting residential uses (except MUI, ORI, CF, CC and SCR). These five districts were excluded from this notification requirement because they are intense districts where one expects to find tall buildings or structures and intensive uses. However, if a tower were proposed within one of these five districts and it was within 1,000 feet of a zoning boundary line of a residential district or a district permitting residential use, notification would be required.

Within 30 days from the date of the application's submittal, the district councilmember may hold a community meeting that the applicant must attend. At that meeting, the applicant is required to provide information on the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

Staff recommends approval of this text amendment. The notification requirement serves a community purpose by informing those who will live with the tower in their backyard or viewshed. The intent of this provision is to afford those councilmembers who desire, an opportunity to hold a community meeting before a zoning permit is approved for a tower or a BZA public



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hearing has occurred. It is not to delay or stymie applicants. The community meeting will make the applicant more accessible and available to answer any questions of neighborhood leaders, residents, and property owners. Such opportunities do not exist at the more formal governmental public hearings held by the BZA or the Metro Planning Commission.

### Actual Text

The specific changes to the Zoning Code are listed below:

Amend Section 17.16.080.B, "Communication Uses: Radio/TV/Satellite Tower" by **modifying** the following:

1. The applicant shall demonstrate that existing towers, buildings, or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed tower. Factors to be considered ~~by the board of zoning appeals~~ in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include structural capacity, radio interference and geographic service area requirements.
2. Height. The maximum height of radio/TV/satellite towers shall be determined by the height control provisions of Chapter 17.12. Guy wire anchors, if used, shall be ~~setback~~ set back a minimum of five feet from all property lines. Where a proposed tower cannot comply with the maximum height provisions, the applicant shall be required to submit for a special exception permit per Section 17.16.180(A). The board of zoning appeals shall determine the maximum height of a radio/TV/satellite tower facility based on all engineering concerns having been addressed to the board's satisfaction, and that the proposed facility shall not be detrimental to surrounding properties.

Amend Section 17.16.080.B, "Communication Uses: Radio/TV/Satellite Tower" by **adding** the following:

3. Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the Zoning Administrator or, if applicable, the planning director shall notify the district councilmember of said application for any new tower proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within 1,000 feet of the zoning boundary line of a residential district or a district permitting residential uses. Within 30 days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. Should a meeting be held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

Amend Section 17.16.080.C, "Communication Uses: Telephone Service" by **adding** the following new paragraph as paragraph "1" and renumbering paragraphs "1", "2", "3", and "4" to read "2", "3", "4", and "5":



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1. Telephone Service. An applicant for a new microwave or cellular tower shall demonstrate that existing towers, buildings or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed new tower. Factors to be considered in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include structural capacity, radio interference and geographic service area requirements.

Amend Section 17.16.080.C, “Communication Uses: Telephone Service” by **adding** the following new paragraph:

6. Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the Zoning Administrator or, if applicable, the planning director shall notify the district councilmember of said application for any new tower proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within 1,000 feet of the zoning boundary line of a residential district or a district permitting residential uses. Within 30 days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. Should a meeting be held, the applicant shall attend and provide information about the tower’s safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

Amend Section 17.16.180.A, “Communication Special Exceptions: Radio/TV/Satellite Tower” by **adding** the following:

5. Notification. Prior to conducting a Special Exception hearing before the board of zoning appeals, and immediately after receiving an application for a new tower, the Zoning Administrator or, if applicable, the planning director shall notify the district councilmember of said application for any new tower proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within 1,000 feet of the zoning boundary line of a residential district or a district permitting residential uses. Within 30 days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. Should a meeting be held, the applicant shall attend and provide information about the tower’s safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

Amend Section 17.16.180.B, “Communication Special Exceptions: Telephone Service” by **adding** the following:

2. Notification. Prior to conducting a Special Exception hearing before the board of zoning appeals, and immediately after receiving an application for a new tower, the Zoning Administrator or, if applicable, the planning director shall notify the district councilmember of



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said application for any new tower proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within 1,000 feet of the zoning boundary line of a residential district or a district permitting residential uses. Within 30 days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. Should a meeting be held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Text Change 2003Z-003T**  
None  
None  
Regen

**Staff Recommendation**

*Disapprove*

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**REQUEST**

**Request from Councilmember John Summers to modify the definition of “Recreation Center” in the Zoning Code to prohibit public or private K-12 schools from constructing athletic and recreational facilities property that is not contiguous to the main school campus.**

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**ANALYSIS**  
**Existing Code**

Permits K-12 schools to construct recreation and athletic facilities on non-contiguous property provided a “Recreation Center” use is approved by the Board of Zoning Appeals (BZA) as a special exception. Both public and private schools have applied for, and received approval from the BZA, to construct facilities across the street from their main campus.

**Proposed Text Change**

Amend Section 17.04.060 “Definitions of General Terms” by **modifying** the definition of Recreation Center as follows:

“Recreation center” means recreational facilities such as community centers, playgrounds, parks, swimming pools and playing fields that are available to the membership of a club or the general public. It does not include recreation or athletic facilities associated with community education uses, whether open to the public, restricted to school enrollees, or restricted to club members.

"Community Education" is defined in the Zoning Code as "instructions on an elementary, middle and high school level, approved under the regulations of the state."

The proposed text amendment, if adopted by Metro Council, would not allow Metro Schools or any private school to construct recreational facilities across the street from the main campus or on property that was not contiguous to or abutting the main campus. If



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recreation and athletic facilities associated with community education uses are excluded from the definition of "Recreation Center", no avenue would be available to permit these sorts of facilities as "principal uses" on a property.

Mr. Joe Edgens, the Executive Director of Facilities and Operations for Metro Nashville Public Schools, has indicated this amendment could impede the planning and construction of new school facilities in the future. There are several existing public schools where the athletic facilities are constructed across the street from the main campus: Maplewood High School, Bellevue Middle School, Antioch High School, West Meade Elementary, and Pearl-Cohn High School.

Staff recommends disapproval of this text amendment. The amendment is intended to protect neighborhoods from ever expanding schools. "Recreation Center" uses currently require approval by the Board of Zoning Appeals as a special exception. Under the Zoning Code, all special exceptions, including recreation centers, must comply with several provisions, including but not limited to:

1. The use must be "so designed, located and proposed to be operated that the public health, safety and welfare will be protected. The board shall determine from its review that . . . approval of the permit will not adversely affect other property in the area to the extent that it will impair the reasonable long-term use of those properties." (17.16.150 C)
2. "The operational and physical characteristics of the special exception shall not adversely impact abutting properties, including those located across street frontages." (17.16.150 D)
3. "The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area." (17.16.150 G)

These special exception requirements provide appropriate protections for residential areas from the negative effects of proposed recreation centers. The BZA is not provided, however, with an analysis of the



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special exception requirements prior to its consideration of a request for a recreation center special exception. Staff suggests that an analysis of the special exception requirements should be provided to the BZA prior to its consideration of any request for a recreation center use permit.

Neighborhood groups and residents within 300 feet of the proposed site are required under the Zoning Code to be notified of any special exception proposal. Through that public hearing process, the district councilmember, neighborhood leaders, residents, and property owners also can convey their concerns to the BZA for its consideration and deliberation.





**Project No.**  
**Council Bill**  
**Associated Cases**

**Zone Change 2002Z-110G-14**

None  
PUD Proposal No. 2003P-003G-14  
(Tulip Grove Townhomes)

**Staff Reviewer**

Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**Rezone 17.41 acres from residential (R10) to multi-family residential (RM6) at 735 Tulip Grove Road.**

**Existing Zoning**  
R10

R10 zoning is intended for single-family homes and duplexes at 3.7 units per acre. Current zoning would permit 64 residential lots.

**Proposed Zoning**  
RM6

RM6 zoning is intended for multi-family uses allowing up to six units per acre. Proposed zoning would allow 104 units.

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**SUBAREA 14 PLAN**  
Natural Conservation (NC)

Specific criteria are set out in the *Land Use Policy Application* document for applying the NC policy and its range of densities to individual sites, based on their unique conditions.

“Some areas of NC policy are suitable for more intensive development, at up to four dwelling units per acre (Residential Low Medium policy). These are lands that abut more intensively developed area(s), where slopes are less than 20%, there is little or no floodplain, and urban services and facilities, including streets are available. Other areas of NC policy should be limited to very low-density residential development that is rural in character. These are lands isolated from urban/suburban areas, where there are steep slopes, floodplains, and a lack of urban services and facilities, including roads. The more environmentally sensitive and remote a site is, the lower the acceptable density.”

The NC policy area within this site, which is approximately 9.7 acres of the total 17.41 acres, applies to the floodplain along Stoner Creek east of Andrew Jackson Parkway. Development of any part of this NC area that is approved for alteration and removal from



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Residential Low Medium (RLM)

the floodplain should be guided by the adjoining RLM policy.

This RLM policy, which makes up approximately 7.7 acres of the total 17.41 acres, is directly adjacent to the NC portion of the property that runs along Stoner Creek. The Subarea 14 Plan states that development within this area should be guided by the standard policies. RLM is a policy category designed to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type in RLM areas is single-family residential, although some townhomes and other forms of attached housing may be appropriate. Lastly, development at the upper end of the density range is recommended at locations along and in the vicinity of arterial and collector streets.

### Policy Conflict

No. The applicant is proposing a Residential Planned Unit Development in conjunction with this requested zone change. The PUD plan proposes townhomes that are primarily clustered on the upland portion of the site – the portion located within the RLM policy area. This plan successfully complies with the Zoning Code requirement for Planned Unit Developments that two-thirds of the natural floodplain and all of the natural floodway remain in a predevelopment state.

Most importantly, regarding a potential density conflict with the two policies, the PUD plan proposes only 80 townhome units at a density of 4.25 units per acre. Staff recommends approval of this proposal because any requested increase in the density, in the future, would require approval by the Metro Council. In addition, the plan does a better job of developing on the upland portion of the property than single-family or duplex lot subdivision, which would be allowed to develop up to 50% of the floodplain.

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### TRAFFIC IMPACTS

Traffic Engineer's Findings

Approve

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### SCHOOLS

Students Generated

9 Elementary    6 Middle    4 High School

Schools Over/Under Capacity

The Metro School Board has identified Dupont-Tyler Middle School as being over capacity at this time. They are currently using ten portable classrooms.



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**Associated Case**  
**Staff Reviewer**

**Planned Unit Development 2003P-003G-14**  
**Tulip Grove Townhomes Residential PUD**  
None  
2002Z-110G-14  
Mitchell

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

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

Request to adopt a preliminary master Residential Planned Unit Development to allow for the development of 80 attached townhomes on a 17.41-acre site. The property is located at 735 Tulip Grove Road in Hermitage.

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**P.U.D. PERFORMANCE STANDARDS & PROVISIONS**

*Section 17.36.050(A)*

If encompassing environmentally sensitive areas, as defined by Chapter 17.28 of the Zoning Ordinance, approval of a PUD Master Development Plan shall be based upon a finding that the proposed development plan will result in greater protection and preservation of those areas than otherwise would result from development at the minimum protection standards of a conventional subdivision.

The proposed plan does a better job than a conventional subdivision of preserving the environmentally sensitive areas of floodway and floodplain. The residential PUD standards require that all floodway and a minimum of two-thirds of floodplain be recorded as common open space and remain in a predevelopment state in perpetuity. If the site were developed as single-family or duplex lots, the developer would have the ability to manipulate at least 50% of the floodplain area.

**PLAN DETAILS**

The applicant's plan proposes an 80-unit townhome development where the majority of the development is located on the upland portion of the site. Ingress and egress to the site will be provided via direct access off Tulip Grove Road. Approximately 3.5 acres of the floodway and floodplain area is to be dedicated as



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Greenway in order to further implement the Stones River Greenway Corridor.

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### TRAFFIC ENGINEER'S FINDINGS

Recommend approval

The applicant is proposing a new sidewalk along Tulip Grove Road in accordance with current Metro Public Works design standards. In addition, and in conjunction with the new public sidewalk, the applicant will widen Tulip Grove Road along the property frontage to meet the current roadway designation of U4 (Urban Arterial).

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### CONDITIONS

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. Pursuant to comments by Metro Water Services Department, final determination of floodway and floodplain lines must be made prior to approval of any final PUD plans. Upon final determination of floodway and floodplain lines, all of the designated floodway and a minimum of two-thirds of the designated floodplain must be maintained in a predevelopment state.
3. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of preliminary approval of this proposal to the Planning Commission.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration.



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**Council Bill**  
**Deferral**  
**Staff Reviewer**

**Zone Change 2002Z-122G-03**  
None  
None  
Deferred 12/12/02  
Hardison

**Staff Recommendation**

*Approve*

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**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.

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**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.

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**RECENT REZONINGS**

None

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**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, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer’s Findings**

Approve

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## Metro Planning Commission Meeting of 1/23/03

### 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 Existing RS15**

**21 Elementary    16 Middle    14 High School**



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**Staff Reviewer**

**Zone Change 2003Z-002G-01**  
None  
None  
Hardison

**Staff Recommendation**

*Approve if TIS recommendations are received from Metro Traffic Engineer prior to 1/23/03 MPC meeting. Staff will recommend indefinite deferral if TIS recommendations have not been received from Metro Traffic Engineer prior to the MPC meeting.*

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**APPLICANT REQUEST**

**Rezone 41.5 acres from Residential (RS40) to Mixed Use Limited (MUL) at 7305 Whites Creek Pike.**

**Existing Zoning**  
RS40 zoning

RS40 zoning is intended for single-family dwellings at 0.93 units per acre.

**Proposed Zoning**  
MUL zoning

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

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**SUBAREA 1 PLAN POLICY**

Retail Concentration Community (RCC)

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

**Policy Conflict**

None. The Subarea 1 Plan defines this area as RCC policy. The MUL zoning will allow for a mixture of retail and office uses that are appropriate for the interchange at Whites Creek Pike and Interstate 24. This area is specifically discussed in the Subarea 1 Plan: *“Despite the inherent limitations, it is suitable to meet the expected demand for community scale retail. This area is centrally located, and virtually all of the Subarea and parts of Subarea 3 and Cheatham and Robertson counties lie within a five-mile radius, which is a typical trade area for community retail concentrations.”*

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**RECENT REZONINGS**

None

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**TRAFFIC**

Based on typical uses in MUL districts, this proposed zoning would generate approximately 4,860 to 54,168 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other



## Metro Planning Commission Meeting of 1/23/03

### Traffic Engineer's Findings

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. If the traffic impact study is not received, this zoning request should be deferred or disapproved.





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**Staff Reviewer**

**Zone Change 2003Z-005U-14**  
None  
None  
Hardison

**Staff Recommendation**

*Disapprove. The CS zoning does not implement the Subarea 14 Plan's OC policy.*

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**APPLICANT REQUEST**

**Rezone 0.85 acres from Commercial Neighborhood (CN) to Commercial Services (CS) at 2700 Couchville Pike.**

**Existing Zoning**  
CN zoning

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

**Proposed Zoning**  
CS zoning

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

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**SUBAREA 14 PLAN POLICY**  
Office Concentration (OC)

OC policy is intended for large concentrations of office development.

**Policy Conflict**

Yes. The Subarea 14 Plan defines this area as OC policy. The CS zoning will not implement the intent of the OC policy. Within this area of OC policy, the Subarea 14 Plan calls for some small retail uses that cater to office workers. The existing CN policy allows for the ancillary retail uses that will carry out the intent of the Subarea 14 Plan. By rezoning this property to CS, uses that do not directly cater to the office uses would be allowed. Uses allowed under the CS zoning that are not allowed under the CN zoning are auto sales and repair, light manufacturing and self-storage.

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**RECENT REZONINGS**

None

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**TRAFFIC**

Based on typical uses in CS districts, this proposed zoning would generate approximately 173 to 527 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer's Findings**

Approve



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-006U-08**  
None  
None  
Hardison

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**Rezone 3.44 acres from Industrial Restrictive (IR) to Mixed Use Limited (MUL) at 810 17<sup>th</sup> Avenue North and 17<sup>th</sup> Avenue North (unnumbered).**

**Existing Zoning**  
IR zoning

IR zoning is intended for a wide range of light manufacturing uses.

**Proposed Zoning**  
MUL zoning

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

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**SUBAREA 8 PLAN POLICY**  
Neighborhood Urban (NU)

NU policy calls for a mixture of residential and neighborhood scale commercial development.

**Policy Conflict**

Yes. The Subarea 8 Plan defines this area as NU policy, but the area is not part of an adopted Detailed Neighborhood Design Plan (DNNDP). The Subarea 8 Plan calls for areas designated NU, but lacking a DNNDP, to be zoned one of the following zoning districts: RS5, RS3.75, R6, RM9-RM20, or MUN at any location; or RM40 or MUL only if the site fronts on an arterial street with for or more lanes. Seventeenth Avenue North is not an arterial street, but it does have direct access to an arterial street (Charlotte Avenue). With the location of this property being within close proximity to Charlotte Pike, staff believes MUL zoning is appropriate.

**Standard Policy 2: RE: Nonconforming Development**

The Subarea 8 Plan has made a provision for zone change request that do not conform to the Subarea Plan, but are more consistent with the plan than the existing zoning on the property. The plan states the following: “*Proposals should be considered on their merits that involve sites in which: (1) the currently applicable land regulations allow development that is not in conformance with the “structure plan” and (2) the proposed change would apply regulations that would move toward conformance with respect to both the*



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*types and intensity of development intended in that structure plan area based on the provisions in **Table 12. Expansion of nonconforming development and regulatory changes that increase the degree of nonconformity on existing sites with nonconforming uses are inappropriate.***” The proposed MUL zoning is nonconforming to the structure plan, but it is closer to the intent of the plan than the existing IR zoning.

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### RECENT REZONINGS

None

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### TRAFFIC

Based on typical uses in MUL districts, this proposed zoning would generate approximately 173 to 527 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

### Traffic Engineer’s Findings

Approve



**Project No.**  
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**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-007G-12**

None  
None  
Hardison

**Staff Recommendation**

*Approve with conditions. If a council bill is filed, it should include the following conditions to be completed or bonded prior to the recording of any final subdivision plat.*

1. *The property shall not be accessed via Culbertson Road by any vehicles, including both vehicles used at any stage during the development process and subsequent vehicular access to homes on the developed property, unless Culbertson Road is improved to the adopted Metro standards for a collector road from Old Hickory Boulevard to Nolensville Pike.*
2. *The southbound left turn lane on Nolensville Pike at Sugar Valley Drive is to be extended. This left turn lane should include 200 feet of storage. The left turn lane and transitions should be designed to AASHTO standards. Extension of this left turn lane will not be needed until after 60 dwelling units are completed in the southern addition to Sugar Valley.*
3. *Widen Nolensville Pike to a three-lane cross-section that would include a continuous center left turn lane from Holt Road to the proposed apartment access. The left turn lane and transitions should be designed to AASHTO standards. This improvement will not be needed until the apartments are constructed.*
4. *The westbound approach on the proposed project access to the apartments should include a lane for right turning movements and a separate lane for left turning movements.*

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**APPLICANT REQUEST**

**Rezone 94.6 acres from Agricultural/Residential (AR2a) to Residential Single-Family (RS10), Residential Multi-Family (RM4), and Residential Multi-Family (RM6) at Culbertson Road (unnumbered).**

**Existing Zoning**  
AR2a zoning

AR2a zoning permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas.



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### Proposed Zoning

RS10 zoning

RS10 zoning is intended for single-family dwellings at 3.7 units per acre.

RM4 zoning

RM4 zoning is intended for single-family and multi-family dwellings at 4 units per acre.

RM6 zoning

RM6 zoning is intended for single-family and multi-family dwellings at 6 units per acre.

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### SUBAREA 12 PLAN POLICY

Residential Low Medium (RLM)

RLM policy is intended for two to four dwelling units per acre.

### Policy Conflict

None. The Subarea 12 Plan defines this area as RLM policy. The RS10 and the RM4 districts are consistent with the intent of the RLM policy. The RM6 district exceeds the intent of the RLM policy, but with a significant portion of the property being within the floodway and floodplain of Mill Creek, the proposed density is at the intended density of the RLM policy. Further, the overall density of the requested rezoning is consistent with the RLM policy.

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### RECENT REZONINGS

Yes. MPC recommended approval with roadway and access conditions on 7/25/02 (2002Z-072G-12) rezoning parcel 37 from AR2a to RS10. Council approved the rezoning with the conditions on 12/9/02 (BL2002-1203)

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### ROAD NETWORK CONDITIONS

Rezoning to RS10, RM4, and RM6 would permit up to 403 dwelling units on the site (142 single-family and 261 multi-family). 142 single-family residences and 261 multi-family residences would generate approximately 3,089 trips per day (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Currently, Culbertson Road is substandard, not meeting current Metro standards, with a portion located in the flood plain and subject to regular closing due to flooding. In addition there currently exists no other access to the property from adjacent developments.

Staff recommends no development occur on this property until either Culbertson Road is brought into conformance with adopted Metro roadway standards or alternative access is available through the adjacent



## Metro Planning Commission Meeting of 1/23/03

### Traffic Engineer's Findings

Sugar Valley PUD, thus eliminating the need for access to Culbertson Road.

The Public Works Department has indicated the recommendations contained in the submitted Traffic Impact Study will be sufficient for this development; those recommendations are conditions 2 thru 4.

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### SCHOOLS

#### Students Generated

<b>RS10</b>	<b><u>27</u> Elementary</b>	<b><u>20</u> Middle</b>	<b><u>16</u> High School</b>
<b>RM4</b>	<b><u>10</u> Elementary</b>	<b><u>8</u> Middle</b>	<b><u>6</u> High School</b>
<b>RM6</b>	<b><u>8</u> Elementary</b>	<b><u>5</u> Middle</b>	<b><u>4</u> High School</b>
<b>Total</b>	<b><u>45</u> Elementary</b>	<b><u>33</u> Middle</b>	<b><u>26</u> High School</b>

### Schools Over/Under Capacity

Students will attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. Maxwell Elementary, Antioch Middle, and Antioch High have been identified as being overcrowded by the Metro School Board.

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### FUTURE SUBDIVISION

The Planning Department recommendation for this rezoning addresses only the questions of compliance with adopted land use policy and adequacy of infrastructure, given entitlements associated with the requested zoning district. Any future subdivision requested for this property must meet all of the specific requirements of the Metropolitan Zoning Code and the additional requirements of the Subdivision Regulations. Given that significant portions of the property contain steep slopes [slopes 20% or greater] and/or areas encompassed by the official floodplain maps, the following subdivision standards may materially affect the development yield and the form of development on the site.

- Zoning Ordinance Section 17.28.030 – Hillside development standards
- Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards
- Subdivision Regulation 2-3 – Suitability of the land
- Subdivision Regulation 2-7.5 – Open Space Conservation Easements
- Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

- “The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).



## Metro Planning Commission Meeting of 1/23/03

- “For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).
- In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent... Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A)(2) (emphasis added).
- “For lots of less than one acre, land area designated as natural floodplain or floodway... shall not be used to satisfy minimum lot size requirements of the district if manipulated.” 17.28.040(A)(1) (emphasis added).
- Use of the cluster lot option is also encouraged on property containing natural floodplain and floodway areas. “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...” 17.28.040(A)(2) (emphasis added).



**Project No.**  
**Council Bill**  
**Associated Cases**  
**Staff Reviewer**

**Zone Change 2003Z-010U-07**  
None  
None  
Scott

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

Rezone 0.19 acres from Office/Residential (OR20) to Residential (RS7.5) at 5206 Park Avenue.

**Existing Zoning**  
OR20 zoning

OR20 zoning is intended for a mixture of office and multifamily residential use 20 units per acre.

**Proposed Zoning**  
RS7.5

RS7.5 zoning is intended for single-family houses at 4.9 units per acre.

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**SUBAREA 7 PLAN POLICY**  
Residential Medium (RM)

RM policy is intended for residential development at 4 to 9 dwelling units per acre. The intent of the policy is to conserve the existing residential character of the neighborhood.

**Policy Conflict**

No. The RS7.5 district allows residential development at 4.9 units per acre, which is consistent with the intent of the RM policy area.

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**RECENT REZONINGS**

None

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**TRAFFIC**

This property faces Park Avenue and has alley access in the rear.

**Metro Traffic Engineer's Findings**

Approve

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**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-011U-03**  
None  
None  
Hardison

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**Rezone 6.29 acres from Residential Single-Family (RS10) to Commercial Services (CS) at 3837 Clarksville Pike and 3848 and 3854 Abernathy Road.**

**Existing Zoning**  
RS15 zoning

RS15 zoning is intended for single-family homes at 2.47 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.

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**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.

**Policy Conflict**

None. The Subarea 3 Plan defines this area as RCC policy. The CS zoning will implement the intent of the RCC policy. The applicant is requesting this change in order to increase the size of parcel 36. The portions of parcels 34 and 100 will be consolidated into parcels 35 and 36.

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**RECENT REZONINGS**

None

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**TRAFFIC**

Based on typical uses in CS districts, this proposed zoning would generate approximately 173 to 527 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer's Findings**

Approve



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-012G-04**  
None  
None  
Hardison

**Staff Recommendation**

*Disapprove as contrary to the General Plan. The RM40 district does not implement the intent of the RLM policy.*

---

**APPLICANT REQUEST**

**Rezone 0.27 acres from Residential Single-Family (RS10) to Residential Multi-Family (RM40) at 421 Due West Avenue.**

**Existing Zoning**  
RS10 zoning

RS10 zoning is intended for single-family homes at 3.7 units per acre.

**Proposed Zoning**  
RM40 zoning

RM40 zoning is intended for multi-family dwellings at 40 units per acre.

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**SUBAREA 4 PLAN POLICY**

Residential Low Medium (RLM)

RLM policy allows two to four dwelling units per acre.

**Policy Conflict**

Yes. The Subarea 4 Plan defines this area as RLM policy. The RM40 zoning would far exceed the densities intended under the RLM policy. This zone change would allow 11 units on this property. The Subarea 4 Plan states: *“Adjacent to this policy area are two locations where RMH policy is applied to existing multi-family developments. Higher density zoning associated with RMH policy should not extend into areas with a low-medium density development character.”*

Because the subject property is located in an area with low-medium density and within the RLM policy, staff recommends disapproval of the rezoning request.

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**RECENT REZONINGS**

None

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**TRAFFIC**

Based on typical uses in RM40 districts, this proposed zoning would generate approximately 72 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.



## Metro Planning Commission Meeting of 1/23/03

**Traffic Engineer's Findings**

Approve

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**SCHOOLS**

**Students Generated**

**1 Elementary    1 Middle    1 High School**

**Schools Over/Under Capacity**

Students will attend Stratton Elementary School, Neely's Bend Middle School, and Hunters Lane High School. Neely's Bend Middle, and Hunters Lane High have not been identified as being overcrowded by the Metro School Board. Stratton Elementary has been identified as being overcrowded by the Metro School Board.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-013U-14**  
None  
None  
Hardison

**Staff Recommendation**

*Approve*

**APPLICANT REQUEST**

**Rezone 5.0 acres from Residential (R10) to Residential Multi-Family (RM9) at 3021 Lebanon Pike.**

**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 zoning is intended for multi-family dwellings at 9 units per acre.

**SUBAREA 14 PLAN POLICY**  
Residential Medium (RM)

RM policy allows four to nine dwelling units per acre.

**Policy Conflict**

None. The Subarea 14 Plan defines this area as RM policy. The RM9 zoning will implement the intent of the RM policy. This property is located on the Clover Bottom Developmental Center campus. This rezoning will allow the construction of apartment-type housing units on the campus.

**RECENT REZONINGS**

None

**TRAFFIC**

Based on typical uses in RM9 districts, this proposed zoning would generate approximately 297 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Traffic Engineer's Findings**

Approve

**SCHOOLS**

**Students Generated**  
**Schools Over/Under Capacity**

5 **Elementary**    3 **Middle**    2 **High School**  
Students will attend Hickman Elementary School, Donelson Middle School, and McGavock High School. Hickman Elementary School, Donelson Middle School, and McGavock High School have not been identified as being overcrowded by the Metro School Board.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-015G-06**  
None  
None  
Hardison

**Staff Recommendation**

*Disapprove*

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**APPLICANT REQUEST**

**Rezone 31.5 acres from Agricultural Residential (AR2a) to Residential Single-Family (RS15) at 8840 Highway 70.**

**Existing Zoning**  
AR2a zoning

AR2a zoning permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas.

**Proposed Zoning**  
RS15 zoning

RS15 zoning is intended for single-family homes at 2.47 units per acre.

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**SUBAREA 6 PLAN POLICY**  
Natural Conservation (NC)

This property is located in an NC policy area in the current Subarea 6 Plan.

Specific criteria are set out in the *Land Use Policy Application* document for applying the NC policy and its range of densities to individual sites, based on their unique conditions.

1. Areas of NC policy should be limited to very low-density residential development that is rural in character. These are lands isolated from urban/suburban areas, where there are steep slopes, floodplains, and a lack of urban services and facilities, including roads. The more environmentally sensitive and remote a site is, the lower the acceptable density.
2. Some areas of NC policy are suitable for more intensive development, at up to four dwelling units per acre (Residential Low/Medium policy). These are lands that abut more intensively developed area(s), where slopes are less than 20%, there is little or no floodplain, and urban services and facilities, including streets are available.
3. Specific residential densities in NC areas should be determined by physical site characteristics and the availability of services, particularly sewers.



## Metro Planning Commission Meeting of 1/23/03

### Policy Conflict

4. Steeply sloping areas interspersed with narrow ridges and slightly wider valleys along streams are suitable only for very low intensity development. Valleys and accessible ridge areas may be suitable for residential development of up to four units per acre, but only if access can be accomplished without major grading and removal of native vegetation.
5. Greenway plans affect this area and should be taken into account as part of the review of any development proposals involving sites in this area.

Yes. The proposed rezoning conflicts with the following policy directives for this area:

1. Pursuant to items 1 and 2 above, the subject site is encumbered by floodway and floodplain. Approximately 28% of the property is encumbered by floodplain.
2. Currently there is limited road access to the subject site. With access limited to one location, staff does not recommend approval of the rezone request to RS15 because of the potential for high trip generation onto a single roadway.
3. The rezoning site falls in the middle of an NC policy area as opposed to falling along its boundary; it is environmentally constrained, rural in character, lacks sufficient transportation access. The site's characteristics prescribe very low-density residential development according to the application guidelines of the Natural Conservation policy.

### Bellevue Community Planning Process

Although any future revisions to the Subarea 6 Policy have not been applied to this rezoning request, staff believes it is important to note that the Bellevue community has expressed a number of concerns regarding development within the Natural Conservation (NC) policy area. During the 2002 Subarea 6 Plan Amendment process, neighbors concluded that it was appropriate to maintain the current NC land use policy. Staff recommendations, however, are based upon the currently adopted Subarea 6 Plan.

Participants supported preserving the existing rural character of this area by protecting ridgelines, scenic roads, and environmentally sensitive areas (steep slopes, floodway/floodplains).



## Metro Planning Commission Meeting of 1/23/03

### RECENT REZONINGS

None

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### TRAFFIC

With RS15 zoning the applicant would be allowed to construct 78 single-family dwellings. The proposed 78 units would generate approximately 746 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

### Traffic Engineer's Findings

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.

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### SCHOOLS

#### Students Generated

**10 Elementary   8 Middle   6 High School**

#### Schools Over/Under Capacity

Students will attend Gower Elementary School, H.G. Hill Middle School, and Hillwood High School. Gower Elementary School, H.G. Hill Middle School, and Hillwood High School have not been identified as being overcrowded by the Metro School Board.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-016U-13**  
None  
None  
Hardison

**Staff Recommendation**

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

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**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.

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**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.

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**RECENT REZONINGS**

None

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**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, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.





## Metro Planning Commission Meeting of 1/23/03

### Traffic Engineer's Findings

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-017U-07**  
PUD Proposal 2003P-004U-07 (Patina)  
None  
Hardison

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**Rezone 2.63 acres from Residential (R6) to Residential Single-Family (RS3.75) at 224, 226, and 228 Orlando Avenue.**

**Existing Zoning**  
R6 zoning

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

**Proposed Zoning**  
RS3.75 zoning

RS3.75 zoning is intended for single-family homes at 9.8 dwelling units per acre.

---

**SUBAREA 13 PLAN POLICY**

Commercial Mixed  
Concentration (CMC)

CMC policy is intended for medium-high to high density residential, all types of retail trade, offices.

**Policy Conflict**

None. The Subarea 7 Plan defines this area as CMC policy. Although, medium-high and high density residential uses usually are apartments and other multi-family uses, the RS3.75 zoning also fits within the density range. This CMC policy is adjacent to an RM policy area, which has a density range of 4 to 9 units per acre. The RS3.75 zoning is at the high end of the RM policy and the low end of the RMH policy. The Subarea 7 Plan states *“The ... Orlando Avenue area ... which has vacant and underutilized land and already contains medium-high density residential and commercial development. Property consolidation and redevelopment in these areas will reduce pressures for commercial expansion into residential policy areas.”*

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**RECENT REZONINGS**

None

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**TRAFFIC**

With RS3.75 zoning the applicant would be allowed to construct 26 single-family dwellings, but the applicant is also proposing a PUD that would limit the development to 15 lots. The proposed 15 units would generate approximately 144 trips per day (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other



## Metro Planning Commission Meeting of 1/23/03

### Traffic Engineer's Findings

uses at different densities could generate more or less traffic.

Approve

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### SCHOOLS

#### Students Generated

2 Elementary    2 Middle    1 High School

#### Schools Over/Under Capacity

Students will attend Charlotte Park Elementary School, J.T. Moore Middle School, and Hillwood High School. Charlotte Park Elementary, and Hillwood High have not been identified as being overcrowded by the Metro School Board. J.T. Moore Middle School has been identified as being overcrowded by the Metro School Board.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Cases**  
**Staff Reviewer**

**Planned Unit Development 2003P-004U-07**  
**Patina**  
None  
2003Z-017U-07  
Hardison

**Staff Recommendation**

*Approve with conditions.*

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**APPLICANT REQUEST**

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

**Existing Zoning**  
R6

Preliminary PUD request for a 15-lot subdivision on 2.63 acres at a density of 5.7 units per acre.

R6 is intended for single-family and duplex residential dwellings at 6.17 units per acre. The applicant has a request to change the zoning from residential (R6) to residential single-family (RS3.75).

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**PLAN DETAILS**

**Richland Creek Floodway and Floodplain**

The applicant is providing the required 50-foot floodway buffer from the edge of the floodway. In addition to the 50-foot buffer from the floodway, the applicant is also providing an additional Greenway Buffer, which generally will be 25 feet in width. The Greenway buffer will be narrower than 25 feet where it would otherwise come onto the roadway. By providing the greenway buffer, the applicant is losing one lot to the buffer. The Parks department has indicated the provided greenway buffer is adequate.

**Existing Roadways and Sidewalks**

The applicant is providing sidewalks along the existing Orlando Avenue. The applicant will not however, be widen the pavement on Orlando Avenue. Currently Orlando Avenue has a pavement width of 20 feet, staff is recommending that the applicant place the sidewalks at the ultimate width of the right-of-way (ROW). The current ROW is 30 feet and the required ROW is 46 feet. The applicant will be required to dedicate 8 feet along the frontage of Orlando Avenue.

**New Roadways and Sidewalks**

The new roads within this subdivision will be constructed to Public Works standards for a minor local



## Metro Planning Commission Meeting of 1/23/03

### Lot Access

road. The roads within this subdivision will be private and maintained by the homeowners association. Within the subdivision, the applicant is including standard 5-foot sidewalks, a 4-foot planting strip, and a 30-inch curb and gutter. The streets as shown have curve radii of less than the standard 110 feet; Public Works has agreed to be more flexible with the curve radii standard on this private street. The applicant is providing a stub street to the adjacent property to the south for similar future development.

None of the proposed lots will have access from Orlando Avenue. Access will come from within the development, 1-10 will have five shared access driveways, and lots 11-15 will have one shared access drive.

### Lot Design and Layout

The lots are designed with a 10-foot front setback, 5-foot side setback, and 18-foot rear setback. Lots will range in size from 3,750 to 7,000 square feet.

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### TRAFFIC

With RS3.75 zoning the applicant would be allowed to construct 26 single-family dwellings, but the applicant is proposing this PUD that limits the development to 15 lots. The proposed 15 units would generate approximately 144 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> 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

2 Elementary    2 Middle    1 High School

#### Schools Over/Under Capacity

Students will attend Charlotte Park Elementary School, J.T. Moore Middle School, and Hillwood High School. Charlotte Park Elementary, and Hillwood High have not been identified as being overcrowded by the Metro School Board. J.T. Moore Middle School has been identified as being overcrowded by the Metro School Board.

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### CONDITIONS

1. Prior to the issuance of any permits, the Stormwater Management section of Metropolitan Water Services and the Traffic Engineering



## Metro Planning Commission Meeting of 1/23/03

Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for sidewalks and public improvements.
6. The Homeowner's Association must maintain all the roads and sidewalks.
7. Preliminary PUD plan will show a 50-foot floodway buffer and an additional 25 feet for a greenway easement where possible. In areas where the 25 foot buffer intersects a lot or the roadway the 25 foot buffer will be adjusted under 25 feet until the lot or roadway no longer intersect the buffer.
8. Preliminary PUD plan will show the existing lot 6 will not be shown as a lot on the final approved preliminary PUD plan.
9. Preliminary PUD plan will show the stub street will end at the property line.
10. Preliminary PUD plan will show the private alley a shared access driveway for lots 11 through 15.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Staff Reviewer**

**Zone Change 2003Z-018U-08**  
None  
None  
Hardison

**Staff Recommendation**

*Disapprove. Applying the MUL district to all parcels within this proposal is inconsistent with the Subarea 8 Plan, although it would be consistent for the parcels facing Jefferson Street. For the parcels that are south of Meharry Boulevard staff recommends disapproval of any nonresidential zoning district.*

**APPLICANT REQUEST**

**Rezone 2.16 acres from Residential Multi-Family (RM8) and Commercial Services (CS) to Mixed Use Limited (MUL) at 1311, 1313, 1404, 1406, 1408, 1408-1 Meharry Boulevard, 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039, and 1041 14<sup>th</sup> Avenue North, and 1401 and 1405 Jefferson Street.**

**Existing Zoning**  
CS zoning

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

RM20 zoning

RM20 zoning is intended for multi-family dwellings at 20 units per acre.

**Proposed Zoning**  
MUL zoning

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

**SUBAREA 8 PLAN POLICY**

Neighborhood General (NG)

NG policy is intended for mixed residential uses, civic activities, and low-rise public benefit uses.

Corridor Center (CC)

CC policy is intended for commercial areas at the edge of a neighborhood, which extended along a major thoroughfare.

**Policy Conflict**

CC Policy

None. For the property along Jefferson Street the MUL zoning is appropriate. This area is within the CC policy area, and the MUL zoning allows the commercial opportunities intended in the CC policy area.

NG Policy

Yes. The Subarea 8 Plan's states the following for NG policy areas without a Detailed Neighborhood Design Plan (DNDDP): "proposals for single-family residential developments, civic activities and low-rise public



## Metro Planning Commission Meeting of 1/23/03

benefit uses may be considered on their merits. All proposals for residential development other than that cited above should meet all of the following criteria to be considered on their merits.

1. The proposal is at a location at which the type of development being sought is supported by a “Special Policy” listed below in this section.
2. The proposal is a combination of any conventional residential zoning district that yields no more than 20 units/acre and a Planned Unit Development overlay district, to assure appropriate design and that the type of development conforms with the intent for NG areas and the location in question.
3. No other “Special Policy” applies to the site that expressly makes an exception to this policy or does not support the proposal.”

The recently adopted Subarea 8 Plan does not support the applicant’s request for MUL zoning on the parcels that do not have frontage on Jefferson Street.

Special Policy 2 for this area states the following:

“In the Neighborhood General area along the north side of Meharry Boulevard between 12<sup>th</sup> and 17<sup>th</sup> Avenues North, development may include transitional land uses that support and enhance commercial development along Jefferson Street. Appropriate transitional uses (uses not otherwise intended in NG) include parking for development along Jefferson Street, and low- (1-3 story) to mid-rise (4-6 story) offices. In addition, mid-rise residential development is appropriate.

Commercial retail and service activities are expressly not intended in this transition area. Transitional uses should be designed so as to minimize their impact on the adjoining residential development along the south side of Meharry Boulevard... **Conventional zoning districts intended to accommodate transitional uses include OR40 or less intensive office districts and RM40 or lower intensity residential districts... Mixed use and commercial zoning districts are not appropriate.**” *OR40 zoning for all parcels north of Meharry Boulevard would be consistent with the Subarea 8 Plan, however, that is not part of this request.*

### Special Policy 2

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### RECENT REZONINGS

None





## Metro Planning Commission Meeting of 1/23/03

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### TRAFFIC

Based on typical uses in MUL districts, this proposed zoning would generate approximately 108 to 527 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

### Traffic Engineer's Findings

Approve



**Project No.**  
**Council Bill**  
**Associated Cases**  
**Staff Reviewer**

**Zone Change 2003Z-025U-10**  
None  
None  
Leeman

**Staff Recommendation**

*Disapprove. This proposal does not meet all of the criteria outlined in the Zoning Code for establishing the Neighborhood Landmark Overlay district.*

**APPLICANT REQUEST**

Apply the Neighborhood Landmark Overlay District (NLOD) to 1.04 acres of property at 3420 Belmont Boulevard. A request to rezone this property from R10 to OL was disapproved by the Planning Commission at its November 14, 2002 meeting.

**Existing Zoning**  
R10 zoning

The applicant wishes to adaptively reuse the existing 8,055 square foot building for offices and/or medical offices.

**Proposed Zoning**  
Neighborhood Landmark Overlay District (NLOD)

R10 zoning is intended for single-family and two-family residential with minimum lot sizes of 10,000 square feet with a maximum density of 3.7 dwelling units per acre.

NLOD district is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood in which the feature is located. Creating the NLOD is the first step in a two-step process. If the Metro Council approves the NLOD district, the Planning Commission must then approve a Neighborhood Landmark Development plan. The site plan will address site design, specific uses, building scale, landscaping, massing issues, parking lot access, and lighting.

Under the 17.36.420 of the Zoning Code, a neighborhood landmark is defined as a feature that “has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood.” To be eligible for application of the Neighborhood Landmark Overlay District, a property



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must meet one or more of the criteria set out in 17.36.420, which are:

1. It is recognized as a significant element in the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community.
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;
4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;
5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;
6. Retaining the feature will help to reinforce the neighborhood and/or community's traditional and unique character.

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### CRITERIA FOR CONSIDERATION

The home at 3420 Belmont Boulevard would also have to meet the 6 criteria for consideration outlined in Section 17.40.160 of the Zoning Code:

1. The feature is a critical component of the neighborhood context and structure.
2. Retention of the feature is necessary to preserve and enhance the character of the neighborhood.
3. The only reason to consider the application of the NLOD is to protect and preserve the identified feature.
4. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the NLOD designation and return the district to the base zoning district prior to the application of the district.
5. It is in the community's and neighborhood's best interest to allow the consideration of an



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appropriate NLOD Plan as a means of preserving the designated feature.

6. All other provisions of this section have been followed.

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### SUBAREA 10 PLAN POLICY

Residential Low (RL)

#### Policy Conflict

Applying the NLOD is consistent with the RL policy in that it allows an existing building to be preserved to maintain the fabric of the neighborhood. Actual uses for the property are not considered or approved until after the Metro Council establishes the overlay.

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### RECENT REZONINGS

Yes. There was a request to rezone this property from R10 to OL district (2002Z-111U-10). The Planning Commission disapproved this request as contrary to the General Plan on November 14, 2002, and the Metro Council deferred this item indefinitely on January 7, 2003. The Planning Commission found the OL district to be inconsistent with the Subarea 10 Plan's RL policy calling for low-density residential development. "RL policy was applied to these areas because, with the exception of some non-conforming development, it is developed residentially with densities at or below two dwelling units per acre" (page 49, Subarea 10).

---

### TRAFFIC

Woodmont Boulevard is classified as a U2 (Urban two-lane arterial) on the Major Street Plan. Currently, Woodmont Boulevard has two lanes with east and westbound left-turn lanes at the Belmont Boulevard intersection. There is also a westbound right-turn lane on Woodmont. Based on typical office uses and the existing 8,055 square foot structure, approximately 89 trips per day would be generated if used as an office (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

#### Traffic Study Submitted

No. A traffic study may be required with submittal of the final master development plan to the Planning Department for review and approval.

#### Metro Traffic Engineer's Findings

N/A

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## Metro Planning Commission Meeting of 1/23/03

### **STAFF FINDINGS**

#### Background

The building on this lot was used as a day care center from 1991 to 2002, as approved by the Board of Zoning Appeals (BZA).

#### Recommendation

Staff believes this application fails to meet the requirements of 17.40.160, outlined above. Accordingly, staff recommends that the Commission recommend disapproval of the application for the Neighborhood Landmark Overlay District.

#### **Community Involvement**

The neighborhood residents must be participants in determining some of the criteria for application of the NLOD and, in staff's view, their support is also critical since the neighborhood is an important benefactor of the overlay district. Staff attended a community meeting where the different options for this property were discussed. The application for the NLOD had not been filed at the time of the meeting, however.

#### **Extent of Staff Review**

There is no requirement that a specific plan be prepared until after Metropolitan Council has adopted the overlay district. Staff review has been limited to determining eligibility for the overlay district and ensuring that the criteria for Planning Commission approval have been met.



**Project No.**  
**Project Name**  
**Associated Cases**  
**Deferral**

**Subdivision 2002S-229G-14**  
**Windstar Estates**

None  
This case was deferred by the Planning Commission on 11-14-02 in order to allow the applicant time to revise the preliminary plat.  
Scott

**Staff Reviewer**

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

Revision to Preliminary Plat       Preliminary & Final Plat       Final Plat

Revise a preliminary plat to subdivide 49.41 acres into 84-lot cluster lot subdivision, at a proposed density of 1.73 dwelling units per acre at Warren Drive and Keeton Avenue.

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**ZONING**  
R10 and R15

The R10 district requires a minimum lot size of 10,000 square feet. The R15 district requires a minimum lot size of 15,000 square feet.

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**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).

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."



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### CONDITIONS

1. A revised preliminary plat must be submitted prior to submission of any final plat, reflecting the following changes and or additions:
  - a) A proposed phasing plan of the subdivision.
  - b) Add note, "The development of this project shall comply with the requirements of the Adopted Tree Ordinance 094-1104 (Metro Code Chapter 17.24, Article II, Tree Protection and Replacement; and Chapter 17.40 Article X, Tree Protection and Replacement Procedures."
  - c) 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.
  - d) Add note, "Critical lots must comply with all critical lot standards of appendix C of the Subdivision Regulations."
  - e) All critical lots must be marked with an asterisk.
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.*

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**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.

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**ZONING**

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

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**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.

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**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.

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**SUBDIVISION VARIANCES**





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### **(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.

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### **TRAFFIC ENGINEER'S FINDINGS**

Recommends approval

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### **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 contrary to 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 1/23/03

### 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.

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### SUBDIVISION VARIANCES

None

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### TRAFFIC ENGINEER'S FINDINGS

Recommends approval

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### 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. A standard C landscape buffer yard must be provided within and to the rear of lots 6 & 7.



**Project No.**  
**Project Name**  
**Associated Cases**  
**Staff Reviewer**

**Subdivision 2003S-020G-14**  
**Binkley Row**  
None  
Hardison

**Staff Recommendation**

*Approve with conditions.*

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**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide 6.04 acres into three lots with a variance for sidewalk requirements.

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**ZONING**

IWD zoning

IWD zoning is intended for a moderate range of light manufacturing uses.

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**VARIANCES TO SUBDIVISION REGULATIONS**

**Sidewalks**

A sidewalk is required on the frontage of lot 1 on Central Pike. A sidewalk is not required on lots 2 and 3 since these properties currently have structures on them and improving these lots is very unlikely. The applicant has requested a variance due to absences of sidewalks in this area and the amount of roadwork that would be required by Public Works standards to construct sidewalks in this location.

Sidewalk Construction Report  
From Public Works

At this location the applicant would not be required to widen the road but several utility poles and an elevated manhole would have to be relocated.

Recommendation

Approve. Staff recommends approval of the sidewalk variance for lot 1 along Central Pike. Lot 1 is situated in the middle of the block, where Central Pike would have to be widened. Widening the road and building sidewalks only at this mid-block location on Central Pike would create an awkward and impractical situation that will not further the goal of an interconnected sidewalk network.

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**TRAFFIC ENGINEERS FINDINGS** Approve

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**CONDITIONS**

Staff recommends conditional approval subject to a stamped approved copy of the subdivision plat from Metro Stormwater division of Water Services.



**Project No.**  
**Project Name**  
**Associated Cases**  
**Staff Reviewer**

**Subdivision 2003S-28U-08**  
**Harding Bosley Tract**  
None  
Fuller

**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 28<sup>th</sup> Avenue North will be required for the alley. This will prevent the need for curb cuts for each driveway on 28<sup>th</sup> Avenue North and Ed Temple Boulevard.

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 28<sup>th</sup> Avenue North. There are existing houses on the



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opposite side of 28<sup>th</sup> 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 28<sup>th</sup> Avenue North and recommends that houses be required to front 28<sup>th</sup> Avenue North.

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### 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 28<sup>th</sup> Avenue North will front 28<sup>th</sup> 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**  
**Associated Cases**  
**Staff Reviewer**

**Subdivision 2000S-26G-14**  
**Cole's Retreat**  
None  
Fuller

**Staff Recommendation**

*Approve with conditions.*

**APPLICANT REQUEST**

Preliminary Plat

Preliminary & Final Plat

Final Plat

This is a plat of a recently recorded 5-lot subdivision. This request is back before the planning commission to remove the requirement for sidewalks from the plat.

**SUBDIVISION DETAILS**

This subdivision extends the existing street of Wonderland Pass. Wonderland Pass was built with sidewalks on the north side of the street only. In, 2001 when the preliminary plat was approved staff wanted the street to be extended as a stub out through the remainder of the property. Staff with the applicant and verified with Public Works that this street extension would be difficult given the property's topography. These lots are proposed on one side of a hill. It was determined that the likelihood of any stub-out street extending further to the east is remote. However, staff Recommended approval of that plat provided the applicant revised the plat to show the required sidewalk (5 feet) and landscape strip (4 feet) along the Wonderland Pass extension, including the proposed cul-de-sac. In November of last year, staff approved and recorded a final plat showing these required improvements.

**SIDEWALK VARIANCES**

The applicant has submitted a new plat removing the sidewalk completely from the final plat. The applicant has asked for the variance on the basis that if sidewalks were required the steepness of terrain in the area would cause extensive grading, loss of natural trees and vegetation, and would result in steep driveways.

**STAFF RECOMMENDATION**

The existing section of Wonderland Pass has sidewalks on one side of the street. Staff recommends that the sidewalk be required on one half of the cul-de-sac to match the existing street. The recommended variance



## Metro Planning Commission Meeting of 1/23/03

would grant relief from the sidewalk requirement for lots 4, 5 and half of lot 3.

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### CONDITION

Subject to a revised plat prior to recordation showing the sidewalk and grass strip on lots 1, 2 and half of lot 3.





**Project No.**  
**Project Name**  
**Associated Cases**  
**Staff Reviewer**

**Subdivision 2003S-001G-04**  
**Montague Falls, Resubdivision of Lots 3 and 4**  
None  
Scott

**Staff Recommendation**

*Approve with conditions*

**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Revise two lots by shifting the lot line between them.

**ZONING**

R10 zoning

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

**PLAN DETAILS**

The purpose of this resubdivision is to adjust a lot line so that a sidewalk and HVAC pad will be located on the same lot as the house and not encroach upon on the adjacent lot.

This property lies within the floodplain of the Cumberland River and is contiguous to a greenway as indicated on the Countywide Greenways Plan.

**SUBDIVISION VARIANCES**

**(Sec. 2-7.5, Conservation Easements)**

Yes. The applicant wants a variance to the entire Open Space Conservation Easement.

Staff recommends the following compromise. The subdivision regulations require a greenway easement with a minimum width of 75 feet, measured from the edge of the floodway. Currently, a house is located within the required easement area on lot four and a pool and greenhouse are located within the required easement area on lot three. With these existing uses, adding a greenway easement at this time is not possible. The following note, however, has been included on the plat: "A dedicated greenway public access trail easement area, with a minimum width of 75 feet, measured from the edge of the floodway will be applied as follows: On Lot 4 the easement shall be applied if the existing house is removed. On Lot 3 the easement shall be applied if the existing pool and greenhouse on lot 3 are removed. Except as authorized by approved construction plans, no grading, cutting of trees, or



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disturbance of natural features shall be performed within this easement.”

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### TRAFFIC ENGINEER'S FINDINGS

Approve

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### CONDITIONS

1. Subject to a revised plat prior to recordation.
2. Add the following note, “A dedicated greenway public access trail easement area, with a minimum width of 75 feet, measured from the edge of the floodway will be applied as follows: On Lot 4 the easement shall be applied if the existing house is removed. On Lot 3 the easement shall be applied if the existing pool and greenhouse on lot 3 are removed. Except as authorized by approved construction plans, no grading, cutting of trees, or disturbance of natural features shall be performed within this easement.”
3. The names of adjacent property owners and corresponding plat book and page numbers must be included.
4. NES approval is needed.
5. Revise the plat to show the councilmanic district as 8, not 4.
6. Stormwater approval must be obtained before recordation.
7. Signatures from both property owners are required.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Cases**  
**Deferred**

**Planned Unit Development 8-74-U-11**  
**Jolly Ox Restaurant**  
None  
None  
Deferred to the 1/23/03 MPC meeting to change the request and notify the adjacent property owner  
Hardison

**Staff Reviewer**

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

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

**Existing Zoning**  
MUL zoning

The applicant has requested the cancellation of the existing PUD.

MUL is intended for a medium intensity mixed-use of residential, office and commercial uses.

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**CANCELLATION DETAILS**

When this application was originally submitted it was to cancel a portion (parcel 146) of the PUD would, which would render the adjacent property unusable. The adjacent parcel was the site of the Steak and Ale and Jolly Ox restaurants but has been reported to staff to be no longer in use due to fire damage. Without parcel 146, the existing restaurant use on parcel 144 does not have adequate parking. In 1974 when this PUD was approved, the restaurant had to provide 55 parking spaces, which was achieved by providing parking on parcel 146.

Staff recommended disapproval of the original request to cancel a portion of PUD. Staff is recommending approval of canceling the entire PUD, as this would not render parcel 144 unbuildable.

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**TRAFFIC**

Based on typical uses in MUL zoning such as office, multi-family, retail or restaurant, approximately 111 to 1,279 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic

**Traffic Engineer's Findings**

Approve



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Case**  
**Staff Reviewer**

**Planned Unit Development 122-74-G-14**  
**The Lakes Condominiums, Phase II**  
None  
None  
Scott

**Staff Recommendation**

*Approve with conditions*

**APPLICANT REQUEST**

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

**Existing Zoning**  
RM15/Residential PUD

This request is to revise a portion of the preliminary plan to permit 146 single-family condominiums, replacing 224 multi-family apartments.

The property is currently zoned RM15 with a Residential PUD overlay. The RM15 zone district allows a density of 15 units per acre. This revision will reduce the density of the PUD to 8.16 units per acre. The underlying RM15 base zoning permits the proposed use.

**PLAN DETAILS**

The last revision of this portion of the PUD, approved 9/27/84, allowed 224 multi-family units. It also included a pool, clubhouse and tennis courts, which are no longer included on the plan. The existing phase 1 includes a separate amenity area.

**Traffic Engineer's Findings**

Approval

**CONDITIONS**

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.



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3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Case**  
**Staff Reviewer**

**Planned Unit Development 62-87-P-06**  
**Summit Oaks, Phase 4**  
None  
None  
Scott

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

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

**Existing Zoning**  
R15 zoning

This request is to amend the existing residential PUD to permit the addition of 4.49 acres, the creation of seven new single-family lots and redesign four previously approved lots.

RS20 zoning

The R15 district is intended for single and two-family residential development, requiring minimum lot sizes of 15,000 square feet.

OL zoning

The RS20 district is intended for single-family residential development, requiring minimum lot sizes of 20,000 square feet.

The OL district is intended for moderate intensity office development.

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**Traffic Engineer's Findings**

Approve

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**PLAN DETAILS**

The land being added to the PUD includes 2.28 acres zoned R15 and 2.21 acres zoned OL. Section 17.36.060 C allows the location of uses allowed by base zoning within a PUD to vary from the conventional zoning boundaries. Seven new lots are allowed in the R15 zoning district to be added to the PUD. These seven lots are spread over the R15, OL and RS20 zone boundaries within the PUD.

The applicant proposes clustering the new lots in order to preserve the hillside. Section 17.36.070 allows a minimum lot size smaller than what is allowed by the cluster lot provisions, contained in 17.12.080 C., in return for extraordinary protection of environmentally sensitive areas in a natural state. The proposed lot sizes



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range from 6,708 square feet to 10,804 square feet. Of the additional 4.49 acres being added to this PUD, 4.28 acres will be preserved as open space. On the amended portion of the PUD, 4.28 acres of the 5.9 acres are preserved as open space. This exceeds the required 15% by providing 72% open space in this amended area.

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### SCHOOLS

**Students Generated**

**1 Elementary    1 Middle    1 High School**

**Schools Over/Under Capacity**

Students will attend Brookmeade Elementary School, Hill Middle School, and Hillwood High School. None of these schools have been identified as overcrowded by the Metro School Board.

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### CONDITIONS

1. Prior to the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Departments of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.
2. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.



**Project No.** 2000P-003G-06  
**Project Name** Riverwalk  
**Associated Cases** None  
**Staff Reviewer** Leeman

**Staff Recommendation** *Approve with conditions*

**APPLICANT REQUEST**

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

This is a request to amend a portion of the preliminary plan to allow the addition of 7 single-family lots in Phase 2C and Phase 3 changing the total of these two phases from 63 to 70 lots. The proposed increase in lots will increase the overall density of all phases to 1.75 dwelling units per acre from 1.73 dwelling units per acre.

**ZONING**  
RS15 district/PUD

The RS15 district requires a minimum lot size of 15,000 square feet and a maximum density of 2.5 dwelling units per acre. The Planning Commission and Metro Council approved the existing PUD in June 2000. The overall PUD currently is approved for 491 single-family lots and 61 townhomes (552 total) on 319 acres with an overall density of 1.73 dwelling units per acre.

**PUD CLUSTER LOT OPTION**

Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (7,500 square feet) with the installation of landscape buffer yards along the perimeter lots less than 15,000 square feet.

The plan proposes lots that range in size from 9,000 to 19,000 square feet.

Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase.

**PLAN DETAILS**

The proposed plan redesigns Phases 2C and 3, including the addition of 7 single-family lots. The lots in these phases have been shifted to allow more lots, while the overall design has not changed significantly.





## Metro Planning Commission Meeting of 1/23/03

Subarea 6 Plan

These properties fall within the Draft Subarea 6 Plan's Residential Low Medium (RLM) policy calling for up to 4 dwelling units per acre. The property falls within the current Subarea 6 Plan's NC policy. Since the proposed changes do not increase the area of disturbance, this proposal is consistent with the existing Subarea 6 Plan, as well.

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### VARIANCES

No variances requested.

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### SCHOOLS

**Students Generated by the 7 Additional Lots**

1 Elementary      1 Middle School      1 High School

**Schools Over/Under Capacity**

Seven additional single-family lots could generate approximately 3 students. Students will attend Gower Elementary School, H.G. Hill Middle School and Hillwood High School. The Metro School Board has not identified any of these schools as being over capacity.

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### TRAFFIC

Metro Public Works Findings

No exceptions taken.

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### CONDITIONS

1. A final plat was recorded with the first phase, including all necessary bonds for road improvements, and including the following off-site road improvements and land dedication:
  - A. An eastbound left-turn lane from Newsom Station Road into the project site with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
  - B. A right-turn lane from McCrory Lane onto Newsom Station Road with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
  - C. A right-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.
  - D. A left-turn lane from Newsom Station Road onto McCrory Lane with 100 feet of storage and a transition to be determined by the Metro Traffic Engineer with a 12 foot wide travel lane.





## Metro Planning Commission Meeting of 1/23/03

plans for the entire greenway trail, in conformance with the Metro Parks Department and Public Works specifications.

5. Prior to the issuance of any building permits for any portion of Phase 2, a final plat shall be recorded including all necessary bonds for public improvements and the greenway trail. This plat shall also include a conservation easement for the greenway trail, including all of the floodway adjacent to the proposed trail on the site. The plat shall include a 100-foot wide extension of the easement under the TVA lines to the associated trailhead parking lot, as agreed upon by the Metro Parks Department.
6. Prior to the issuance of a building permit for the 450<sup>th</sup> unit or lot, the greenway trail shall be completed by the developer and accepted by the Metro Parks Department. The trailhead parking lot, with 16 parking spaces, shall be bonded with the final plat for Phase 4 and completed prior to the issuance of any building permits for Phase 4.
7. Prior to the issuance of any building permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Case**  
**Staff Reviewer**

**Mandatory Referral 2003M-008G-04**  
**Close Portion of Old Amqui Road**  
None  
None  
Mitchell

**Staff Recommendation**

*Approve, subject to receiving approval by all reviewing agencies.*

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**APPLICANT REQUEST**

A request to close a portion of Old Amqui Road from the west property line of Map 43-05, Parcel 006 to its terminus at the CSX railroad tracks, as requested by Ron Nollner, for Dowdy Layne, Eula Dickson, Mamie Wilson, Molly Pierce, Autry Lee, Richard Pierce, and Ruby Kelly, abutting property owners.

**(Easements to be retained)**

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**APPLICATION REQUIREMENTS**

*Application properly completed and signed?*

*Yes*

*Abutting property owners sign application?*

*Yes*

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**DEPARTMENT AND AGENCY COMMENTS**

None

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**RECOMMENDATION**

Approval, subject to receipt of approval from all reviewing departments and agencies.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Case**  
**Staff Reviewer**

**Mandatory Referral 2003M-009G-04**  
**Close Portion of East Campbell Road**  
None  
None  
Mitchell

**Staff Recommendation**

*Approve closure of portion of East Campbell Road ROW from southwest tip of Map 43-01, Parcel 311 east to the CSX railroad tracks, and subject to receiving approval by all reviewing agencies.*

**APPLICANT REQUEST**

A request to close a portion of East Campbell Road from 105 East Campbell Road (Map 43-01, Parcel 007) east to the CSX railroad tracks, as requested by Ron Nollner, abutting property owner.

**(Easements to be retained)**

**APPLICATION REQUIREMENTS**

*Application properly completed and signed?*

Yes

*Abutting property owners sign application?*

Yes

**DEPARTMENT AND AGENCY COMMENTS**

Planning Department and Public Works Department staff recommend only closing the portion of East Campbell Road from the southwestern tip of Map 43-01, Parcel 311 to the CSX tracks.

**RECOMMENDATION**

Approval, subject to receipt of approval from all reviewing departments and agencies.



**Project No.**  
**Project Name**

**Mandatory Referral 2003M-013U-14**  
**Briley Parkway Widening/Realignment**  
**Water & Sewer Easement Acquisitions**

**Council Bill**  
**Associated Case**  
**Project No.**

None  
None  
01-SG-92, 01-WG-89 Phase IV, 01-SG-91, 01-WG-88  
Phase V

**Capital Improvement No.**  
**Staff Reviewer**

96SG0005 / 96WG0005  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

A request to acquire easements on Map 95-10, Parcel 112; Map 84-15, Parcel 53; and Map 95-14, Parcel 109 for the Briley Parkway Widening & Realignment Proposed Water & Sewer Interchange Improvements for Project Nos. 01-SG-92, 01-WG-89 Phase IV, 01-SG-91, and 01-WG-88 Phase V, and for Capital Improvement No. 96SG0005 / 96WG0005, as requested by the Department of Water & Sewerage Services.

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**APPLICATION REQUIREMENTS**

None

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**DEPARTMENT AND AGENCY COMMENTS**

None

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**RECOMMENDATION**

All reviewing departments and agencies recommend approval.



**Project No.**  
**Project Name**

**Mandatory Referral 2003M-014G-04**  
**Rename Portion of “Spring Branch Drive”  
to “Harbor Village Drive”**

**Council Bill**  
**Associated Case**  
**Staff Reviewer**

None  
None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

A request by the Assistant Director of Metro Public Works to rename a portion of "Spring Branch Drive" to "Harbor Village Drive" at Map 34-7-A from Twin Hills Drive to its terminus at the Harbor Village development for improved E911 emergency efficiency and response and to reduce confusion.

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**APPLICATION REQUIREMENTS**

None

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**DEPARTMENT AND AGENCY  
COMMENTS**

None

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**RECOMMENDATION**

All reviewing departments and agencies recommend approval.



**Project No.**  
**Project Name**

**Mandatory Referral 2003M-015U-08**  
**Property Lease for Court Facilities**  
**(Additional Parking)**

**Council Bill**  
**Associated Case**  
**Staff Reviewer**

BL2003-1309  
None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

An Ordinance approving a lease agreement between Five Star Investments, L.P. and the Metropolitan Government of Nashville & Davidson County for certain real property located at 540 Mainstream Drive, for use as a temporary parking lot for the courts and related services at Metro Center, in an amount not to exceed \$179,250 for a term beginning on April 1, 2003, and ending on March 31, 2006.

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**APPLICATION REQUIREMENTS**

None

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**DEPARTMENT AND AGENCY COMMENTS**

None

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**RECOMMENDATION**

All reviewing departments and agencies recommend approval.





**Project No.**  
**Project Name**

**Mandatory Referral 2003M-016U-08**  
**Property Lease for Court Facilities**  
**(Records Storage)**

**Council Bill**  
**Associated Case**  
**Staff Reviewer**

BL2003-1310  
None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

An Ordinance approving a lease agreement between Realmark Property Investors Limited Partnership V and the Metropolitan Government of Nashville & Davidson County for certain real property located at 230 Cumberland Bend Drive, for use as a temporary records operation for the courts and related services at Metro Center, in an amount not to exceed \$114,396 for a term beginning on April 1, 2003, and ending on March 31, 2006.

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**APPLICATION REQUIREMENTS**

None

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**DEPARTMENT AND AGENCY COMMENTS**

None

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**RECOMMENDATION**

All reviewing departments and agencies recommend approval.



**Project No.**  
**Project Name**

**Mandatory Referral 2003M-017U-11**  
**Close Willow Brook Drive & Portion of**  
**Thompson Lane Right-of-Way**

**Council Bill**  
**Associated Case**  
**Staff Reviewer**

None  
None  
Mitchell

**Staff Recommendation**

*Approve, subject to receiving approval by all reviewing agencies.*

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**APPLICANT REQUEST**

A request to close Willow Brook Drive from Thompson Lane southward to its terminus and to close a 940-foot portion of Thompson Lane Right-of-Way off of the eastbound lane between Map 119-11, Parcel 163 and Map 119-11, Parcel 172, as part of the Willowbrook Market Place PUD where a shopping center and grocery is scheduled to be constructed, as requested by Jay West of Bone, McAllester, Norton PLLC for JDN Development Company, Inc., contracted purchaser of all abutting properties.

**(Easements are to be retained)**

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**APPLICATION REQUIREMENTS**

*Application properly completed and signed?*

Yes

*Abutting property owners sign application?*

Yes

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**DEPARTMENT AND AGENCY COMMENTS**

None

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**RECOMMENDATION**

Approval, subject to receipt of approval from all reviewing departments and agencies.