

1. Zone Change Proposal No. 2002Z-001T Deletes UZO from Zoning Ordinance

(Council Bill BL2002-946); see also 2002Z-002T

Staff recommends *disapproval*.

A council bill amending Section 17.36 of the Zoning Ordinance to delete **all** references to the Urban Zoning Overlay district and **all** of its provisions from the Zoning Ordinance, requested by Councilman Ludy Wallace.

Staff recommends disapproval of this council bill. The Urban Zoning Overlay (UZO) district has proven to be an invaluable tool for many businesses and homeowners. There have been few cases where these new zoning provisions have not served the interests of affected property owners, however, the provisions have been welcomed overall. As with any comprehensive zoning tool, there are inevitably instances the regulations did not foresee. Since these regulations were adopted in November 2000, staff has worked with applicants and the Codes Department to resolve ambiguities. Currently, staff is working on several text amendments to the UZO that will provide property owners, homeowners, and tenants greater clarity and flexibility. These amendments will address the front setback of residential and non-residential buildings, parking requirement inconsistencies for retail uses, the size of accessory structures on residential lots, the building setback from alleys in non-residential districts, landscape buffers between a residential and a commercial or industrial zoning district, contextual setbacks, and on-street parking. Staff anticipates presenting these amendments to the Planning Commission in February 2002.

2. Zone Change Proposal No. 2002Z-002T Deletes UZO from Council District
(Council Bill BL2002-946); see also 2002Z-001T
Staff recommends *disapproval*.

A council bill amending Section 17.36.440 of the Zoning Ordinance to delete **all** of Council District 19 from the provisions of the Urban Zoning Overlay district, requested by Councilman Ludy Wallace.

Staff recommends disapproval of this council bill. Council district 19 represents the urban core of Nashville. Excluding it from the provisions of the Urban Zoning Overlay (UZO) would fragment the knitted pattern of urban development that has historically existed within the UZO. It would create disparate standards for similarly situated property owners and developers. There is no reasonable basis for excluding this district.

3. Zone Change Proposal No. 2002Z-003T Amends Lenox Village UDO Guidelines

Staff recommends *approval*.

This request is to amend the text of the Lenox Village Urban Design Overlay (UDO) district approved by the Metropolitan Council (BL2001-671) in June 2001. These changes are considered housekeeping in nature and correct errors in one of the tables to make it consistent with the intent of other text in the guidelines. Staff recommends approval.

These housekeeping errors change the Bulk Tables in the Appendix as follows:

- a. Appendix Page 2 of 5, Table A-1, Minimum Side Yard Setback for Building Type IV is changed from “5 ft.” to “End Units: 5 ft.*”.
- b. Appendix Page 2 of 5, Table A-1, Minimum Side Yard Setback for Building Type V is changed from “5 ft.” to “3 ft.”.
- c. Appendix Page 2 of 5, Table A-1, add the following note to the table: “*See Table A-2 on Page 3 of 5 for maximum number of units per building”.

4. Zone Change Proposal No. 2001Z-112G-06
5. PUD Proposal No. 2000P-005G-06 Walgreens-Bellevue

Staff recommends *conditional approval*.

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

This item was deferred at the request of the applicant at the December 6, 2001, Planning Commission meeting to allow more time to address concerns with the proposal. The request is to change from RS40 (single-family residential) and CN (commercial neighborhood) districts to CL (commercial limited) district property at Highway 100 (unnumbered) in Bellevue's Pasquo neighborhood. There is also a request for a PUD to permit a 13,650 square foot Walgreen's retail store, 13,550 square feet of retail/restaurant uses, and to dedicate a 0.78 acre portion of the site to Metro Government for a possible fire station, park, or public use area. The existing RS40 district is intended for single-family homes at up to 1 unit per acre and the existing CN district is intended for a limited range of retail and service uses for nearby residential areas. The proposed CL district is intended for retail, service, and restaurant and office uses. The CN district allows a maximum Floor Area Ratio (FAR) of 0.25, while the proposed CL district allows a 0.60 FAR.

Zone Change

The proposed CL district is consistent with the unmapped commercial node and is appropriate around the Highway 100/Old Harding Pike intersection given the area's significant growth and existing commercial zoning. Staff recommends conditional approval of the zone change provided the required traffic improvements are completed by the developer (see *Traffic* below).

When the Subarea 6 Plan is comprehensively updated, the commercial policy around this node should be changed from unmapped neighborhood commercial policy to Retail Community Concentration (RCC). That policy is intended for commercial areas exceeding 100,000 square feet in size, as is the case with the Kroger shopping center. The current policy is Residential Low Medium Density (RLM) calling for 2 to 4 dwelling units per acre within which this unmapped commercial node exists. The stream on the eastern margin of this property and the Harpeth Heights Baptist Church to the south provide boundaries between this commercial node and the surrounding residential area. Commercial and office zoning should not be extended further east along Highway 100 than parcel 113.

PUD Plan

The proposed PUD includes a stand-alone Walgreen's on the east side of the relocated Old Harding Pike and retail and restaurant uses on the west side of this new road. The applicant has redesigned the plan since the December 6th meeting so the Walgreen's building faces the Old Harding Pike/Highway 100 intersection. The Walgreen's was relocated to the other side of the new Old Harding Pike intersection to achieve its proper orientation. Staff now recommends conditional approval since the applicant has addressed all traffic issues and the Walgreen's building orientation.

Scenic Landscape Easement

Highway 100 is designated on the Major Street Plan and by the State of Tennessee as a Scenic Arterial. As a Scenic Arterial, special easements and setbacks are required to preserve the arterial's scenic quality. The proposed PUD plan is consistent with Section 2-7.4 of the Subdivision Regulations, which requires a 57-foot building setback from the 75-foot Scenic Landscape Easement along Highway 100. Furthermore, the PUD plan will be conditioned to require additional landscaping, including, the installation of evergreen shrubs that will be a minimum of 6-feet tall at maturity along Highway 100. A 10-foot wide landscaped strip will also be required, as per Section 17.24.070 (Scenic Landscape Easement) of the Zoning Ordinance.

Traffic

The applicant has submitted a traffic impact study that the Metro Traffic Engineer has reviewed. That study calls for implementing the first phase of TDOT's long-range plan for the reconfiguration of the Old Harding Pike/Highway 100 intersection. Old Harding Pike's realignment was first proposed in 1997 with the Trace Creek Center Commercial PUD south of Highway 100 (Kroger). This Walgreen's PUD proposes to re-route Old Harding Pike through parcel 113 on tax map 155 to the signalized intersection across from Kroger. Access to the Harpeth Valley Elementary School will be maintained through the existing two-lane section of Old Harding Pike between the new extension and Collins Road. A condition of this PUD approval will be that a mandatory referral is approved by the Metro Council, renaming the existing portion of Old Harding Pike between Collins Road and the new realigned road.

Since the December 6th meeting, the applicant has revised their proposal to include the reconfiguration of the Old Harding Pike/Highway 100 intersection at Collins Road. The reconfiguration terminates Old Harding Pike at Collins Road and re-routes Collins Road through the existing traffic signal at Highway 100. The developer has agreed to make the improvements at this intersection which will significantly improve a dangerous intersection. The Traffic Engineer has indicated that these improvements should significantly decrease the number of accidents at this intersection.

Although this PUD does not propose completing all of the state road improvements for this intersection, it does represent a significant first step toward their completion. The Traffic Engineer has indicated there is no set deadline or timeframe for the remainder of the improvements to be made. These include the relocation and widening of Highway 100 to five lanes from the county line to Old Hickory Boulevard.

Dedication of Land to Metro Government

With the PUD plan, the applicant is dedicating a .78 acre parcel, directly north of the Walgreen's site, to Metro Government for its use. This land will be dedicated with any final plat for this property. A mandatory referral will be required for Metro Government to accept the property, prior to the final plat's recordation.

6. Zone Change Proposal No. 2002Z-005G-06

7. PUD Proposal No. 2000P-002G-06 Bellevue Town Center

Staff recommends *disapproval*.

- **Subarea Plan amendment required?** No, property falls within an unmapped commercial policy.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No, see traffic note below.

Zone Change

This request is to change 5.76 acres from CL (commercial-limited) to MUL (mixed use limited) properties at 7380, 7386 Old Harding Pike, and Bellevue Road (unnumbered). The existing CL district is intended for retail, consumer service, bank, restaurant, and office uses, while the MUL is intended for a mixture of residential, commercial, and office uses. The CL district has a maximum Floor Area Ratio (FAR) of .60 and the MUL district has a maximum FAR of 1.0. Staff recommends disapproval since several design issues have not yet been resolved (see *Traffic* below).

PUD Plan

There is also a request to amend the existing preliminary PUD plan on this same property. The PUD plan proposes three zones (see attached plan) including the following: Zone I: 14,100 square feet for office, retail, and/or second story residential with a maximum of 5,000 square feet for any one commercial use, Zone II: a 38,000 square foot building, and a Zone III: 9,750 square foot building designated for commercial, office, medical, residential, and/or recreational uses. The plan includes a total of 61,850 square feet, replacing 23,175 square feet of undeveloped restaurant and convenience market uses. Council approved the original PUD plan in May 2000. The additional square footage results in a total increase of more than 10% of that last approved by the Metro Council, requiring a PUD amendment and further Council action. This means that the Planning Commission will make a recommendation to Council on this item. The applicant has also indicated that they are willing to dedicate to Metro the land area needed to realign Bellevue Road, and the leftover portion of their property, located on the south side of the relocated Bellevue Road for use as a future park/rail station (approximately .08 acres) .

Although the proposed MUL district is consistent with the unmapped Retail Neighborhood (RN) commercial policy node, which the Planning Commission adopted at its meeting on March 16, 2000, the proposed PUD plan does not accomplish the goal of creating a neighborhood scale mixed-use development. This policy was applied when the Commission originally approved the PUD plan for 23,175 square feet with two restaurants and a convenience market. The proposed plan is more intense than the original plan and has more square feet than a proposed revision that was disapproved by the Commission in August 2001. That plan proposed the same retail box store (Zone II) in a shopping center with a total square footage of 49,950 square feet. At that meeting, the Commission determined that the loss of the restaurants, a strongly desired use in Bellevue, and the increase in square footage were not what was intended when this plan was approved originally.

Although staff has been working with the applicant on a design that would create a vibrant mixed-use node, the applicant has not been able to accomplish the design objectives staff has

suggested. These objectives include bringing the 30,000 square foot retail box to the street, so as to create a street presence along Bellevue Road, and relocating Bellevue Road to align with the other side of Bellevue Road. Staff is recommending disapproval because the intensity of the proposed development, as well as the proposed design are inconsistent with the Commission's intent to create a neighborhood scale development where pedestrians and cars can co-exist, and due to the traffic concerns stated below.

Traffic

This plan proposes the dedication of land for the future realignment of Bellevue Road to correct an existing offset between two sections of Bellevue Road on the east and west side of Old Harding Pike. The applicant has indicated that they are not willing to fund the road improvements to Bellevue Road, including the realignment, off-site sidewalks, on-street parking, and/or park improvements since they are dedicating the right-of-way for the road's realignment. Furthermore, it is not in the CIB. Staff is recommending disapproval of this proposal since the road improvements will play a large part in the success of this project. The intent of the design is to create a neighborhood town center where pedestrians and vehicles can co-exist. Without all of the road improvements, greater traffic congestion will occur, and without all of the sidewalks along Bellevue Road, the long-term feasibility of the project is in question. The Public Works Department has indicated that it is desirable that this realignment occur, however, Metro does not have the funds to reconstruct the road at this time.

The Metro Traffic Engineer is requiring the developer to construct a center-turn lane along the frontage of the property on Old Harding Pike. The applicant has committed to making this improvement.

Special Design Standards

The proposed plan also establishes unique criteria regarding building size, frontage, signage, façade treatment, and setbacks that are proposed to be conditioned as part of the plan. Should any changes be proposed in the future that do not comply with these conditions, Metro Council action would be required. As part of the design of this plan the applicant has indicated that a shared parking plan may be necessary if the square footages and uses are redistributed at the final PUD stage. Should this occur, the shared parking standards of Section 17.20.100 of the Zoning Ordinance may apply.

8. Zone Change Proposal No. 2002Z-007G-13

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

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

This request is to change 1.13 acres from AR2a (Agricultural) to CS (Commercial) district property at 4034 LaVergne Couchville Pike, approximately 1,000 feet south of Hamilton Church Road. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The applicant is requesting this zone change to accommodate the development of a boat storage facility. This property is situated between vacant agriculturally zoned property and an undeveloped Commercial PUD (176-73-G) that was approved in 1973 for a motel, nightclub and a swimming pool.

Site Conditions

This site currently has no connection to the public sewer system and the property did not meet the approval of the Metro Health Department for a septic field. Staff met with Metro Codes Administration to determine the applicant's plumbing needs for a boat storage facility. The Plumbing Code requires a restroom be provided for all commercial properties regardless of the use. The applicant has two means of solving the plumbing requirement. The first would be to request a variance for the restroom from the Plumbing Board. The second option for the applicant is to extend an existing sewer line that is over 3,000 feet away to the property.

Subarea Plan Policy

Staff recommends disapproval of the CS zoning as contrary to the General Plan. This property is in the Subarea 13 Plan's Residential Low Medium (RLM) policy area, which calls for 2 to 4 residential dwellings per acre. Commercial zoning does not implement residential policy. Changing to CS zoning on this property will allow the applicant to develop the proposed boat storage facility, but the CS district also allows other uses such as light manufacturing, self-storage, warehouse distribution, restaurants, automobile convenience, and automobile repair.

Traffic

The Metro Traffic Engineer has indicated LaVergne Couchville Pike can sufficiently accommodate the traffic that would be generated by CS zoning.

9. Subdivision Proposal 2000S-078G-12 Barnes Cove

10. Subdivision Proposal 2002S-022G-12 Addition to Barnes Cove

Staff recommends *conditional approval* subject to the traffic-related improvements associated with the Barnes Cove preliminary plat approval, Stormwater Management Committee's approval to cross the blue-line stream, final plats done in sections that will provide the opportunity to change the alignment of the road crossing the blue-line stream if necessary, and a bond for removal of existing structures on the property prior, to final plat recordation.

A preliminary plat was approved by the Planning Commission on April 13, 2000, to create 325 lots abutting the south margin of Barnes Road, approximately 3,000 feet southeast of Nolensville Pike on 120 acres, within the RS10 District. The cluster-lot subdivision met the requirements of the Zoning Ordinance concerning lot size and open space.

Barnes Cove

The "Barnes Cove" plat is a request to revise a portion of the approved preliminary plat. The previously approved plat shows lots 230 – 235 around a cul-de-sac along the eastern boundary of the property. The revision redesigns the 6 lots on 1.2 acres to add a stub-street connection to the property to the east. The stub-street will provide an additional connection to 105 lots that are proposed with "The Addition to Barnes Cove". Sidewalks are provided on both sides of this stub-street. The stub-street to the adjacent property will increase the overall connectivity of the area. Several subdivisions have been approved within the past five years between Barnes Road and Nolensville Pike (see sketches). It is vital that there are linkages among the subdivisions because few opportunities exist to connect the subdivisions directly to Barnes Road and Nolensville Pike. Staff recommends approval of the revision because it will create an essential connection to the proposed 105-lot Addition to Barnes Cove subdivision.

Addition to Barnes Cove

The "Addition to Barnes Cove" request is for preliminary plat approval to create 105 lots on approximately 45 acres abutting the south margin of Barnes Road, east of Nolensville Pike. This subdivision is a cluster-lot development within the RS10 district at a proposed density of 2.35 dwelling units per acre.

The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain. Lots within a cluster-lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS10 district may create lots equivalent in size to the RS5 district. The proposed lots range in size from 6,500 square feet to nearly 14,000 square feet. A typical subdivision on 45 acres and classified within the RS10 district would allow 165 dwelling units. In this case, the applicant has chosen to preserve the natural features through the cluster-lot option and is proposing only 105 lots.

Street Network

This proposed subdivision has six stub-streets to adjacent properties, and two of them are associated with a collector road which has 60 feet of right-of-way. A local collector with fifty feet of right-of-way is also being proposed with this subdivision that will connect to Barnes Road in the future. This will provide a third access to Barnes Road from these subdivisions.

The Barnes Cove subdivision currently has a single point of access from Barnes Road, however, this property may also be accessed from the Addition to Sugar Valley, a preliminary plat that received Planning Commission approval June 7, 2001 (2001S-166G-12). The Metro Traffic Engineer has indicated that the improvements that were required for the original Barnes Cove preliminary plat will accommodate the traffic for this addition. No additional roadway improvements will be necessary. However, the improvements listed below shall be completed prior to the recording of any final plat for the "Addition to Barnes Cove."

Traffic Improvements

The original preliminary plat for Barnes Cove was approved subject to some traffic-related improvements recommended by the traffic impact study and the Metro Traffic Engineer.

These improvements include:

1. A westbound left-turn lane into the subdivision on Barnes Road;
2. Clearing of trees and brush within the right-of-way for better sight distance at the project entrance on Barnes Road; and
3. The proposed project access on to Barnes Road should be designed to provide two exiting lanes and one entering lane.

Blue-Line Stream

Public Works has indicated that there is a blue-line stream across the property on the "Addition to Barnes Cove." The proposed plat shows a road crossing the stream, and the applicant will have to receive approval from the Metro Stormwater Appeal Committee to cross this stream. Public Works has indicated that the crossing will likely be approved. In case changes are necessary to the layout of the plat, however, no final plat for the area affected by the stream shall be approved prior to the Stormwater Committee's decision (lots south of lots 103 and 41 or north of and including lots 92 and 81 up to lots 103 and 41 as shown on the approved preliminary plat).

Removal of Existing Structures

An existing home is currently located on parcel 133. A demolition bond for its removal shall be required prior to any final plat recordation.

Staff recommends conditional approval subject to the completion of the traffic-related improvements associated with the Barnes Cove preliminary plat approval, the approval of Metro Stormwater Appeal Committee for the blue-line stream's crossing prior to final plat approval for the area south of lots 103 and 41 or north of and including lots 92 and 81 up to lots 103 and 41, final plats shall be submitted in sections to avoid platting the area affected by the stream prior to Stormwater Committee approval, and a demolition bond for removal of the existing home on the property, prior to any final plat recordation.

13. Subdivision Proposal No. 2000S-395U-10 Cedar Lane Subdivision

Staff recommends *conditional approval* of this preliminary and final plat subject to Public Works approving this plat prior to the Planning Commission meeting, as well as a revised plat and a bond for sidewalk construction along 12th Avenue South and sidewalk reconstruction along Cedar Lane, prior to plat recordation.

This request is to revise an approved preliminary plat and final plat for three lots abutting the northwest corner of Cedar Lane and 12th Avenue South. The Planning Commission approved a similar plat on November 26, 2001 that provided access solely from Alley #961, at the rear of the three proposed lots. The November 26th plat was never recorded and had been a revision to a preliminary plat approved by the Commission on January 4, 2001. The January 4th plat had shown access from both Cedar Lane and Alley #961 for these same three lots.

The main difference between these three plats is the latest plat shows a sidewalk along 12th Avenue South. Access on this latest plat is provided from a private drive that connects to both Cedar Lane and Alley #961. The sidewalk along 12th Avenue South will meander around some mature trees that the applicant wants to preserve. A small portion of this sidewalk will be located within a 9-foot public pedestrian easement; there is not spite strip between the dedicated public right-of-way and this easement. The applicant will also be reconstructing a portion of the sidewalk along Cedar Lane where the driveway will be constructed as well as where it is in poor condition (broken, fractured, and heaved).

Staff recommends conditional approval of this preliminary and final plat subject to Public Works approving this plat prior to the Planning Commission meeting, as well as a revised plat and a bond for sidewalk construction along 12th Avenue South and sidewalk reconstruction along Cedar Lane, prior to plat recordation.

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

Staff recommends *conditional approval* subject to a variance for sidewalks and a revised preliminary plat showing 20-foot public pedestrian easements from the cul-de-sacs into the greenway easement area.

This request was deferred indefinitely by the applicant at the December 6, 2001, Planning Commission meeting in order for Councilmember Stanley to hold a community meeting for area residents. A community meeting was held on December 17th, and the developer discussed traffic and drainage issues with the councilman and concerned neighbors. Staff has informed the councilman that the applicant has requested that the subdivision proposal be placed on today's agenda. This request is for preliminary plat approval to create 19 lots on approximately 17 acres, abutting the southwest corner of Stewarts Ferry Pike and the south margin of McCrory Creek Road.

This subdivision is a cluster-lot development within the RS10 district at a proposed density of 1.18 dwelling units per acre. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS10 district may create lots equivalent in size to the RS5 district. The proposed lots range in size from just over 10,000 square feet to 14,000 square feet. A typical subdivision on 17 acres and classified within the RS10 district would allow 63 dwelling units. In this case, the applicant has chosen to preserve the property's natural features through the cluster-lot option and is proposing only 19 lots.

The Zoning Ordinance requires lots containing natural floodplain to be designated as "critical lots." All 19 of the proposed lots contain natural floodplain, and have been designated as critical lots on the plat by a star symbol.

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

Variance – Sidewalks

A variance to Section 2-6.1 of the Subdivision Regulations is being requested by the applicant for sidewalks along Cloverwood Drive and McCrory Creek Road. This section requires sidewalks to be constructed on both sides of the street within subdivisions.

- 1) Cloverwood Drive: Staff recommends approval of a variance for sidewalks along Cloverwood Drive. The adjacent Hickory Bend subdivision was approved in 1962 without sidewalks. Staff feels that a variance for sidewalks on Cloverwood Drive is reasonable because it is a small cul-de-sac, and the sidewalks would lead to the Hickory Bend subdivision which has no sidewalks.
- 2) McCrory Creek Road: Staff recommends approval of a variance for sidewalks along McCrory Creek Road. The applicant claims that the topography between McCrory Creek Road and McCrory Creek is too steep to construct sidewalks. Staff agrees, and recommends approval of the variance

for sidewalks along McCrory Creek Road due to steep topography. McCrory Creek Road is a future collector, however, and a 5-foot right-of-way dedication is necessary to bring the road up to collector standards in the future.

- 3) Stewart's Ferry Pike: Staff recommends approval of a variance for sidewalks along Stewart's Ferry Pike in part. Staff believes that a sidewalk can be constructed on the portion of Stewart's Ferry Pike not encumbered by McCrory Creek. A sidewalk is shown on the plat along the property's frontage on Stewart's Ferry Pike, but a bridge across McCrory Creek prevents a sidewalk from being constructed along the entire frontage. Staff recommends approval of a variance for sidewalks on the bridge because there is not sufficient room to construct the sidewalk.

Greenway

A large portion of this site is being dedicated as a conservation/greenway public access trail easement area. The land to be dedicated extends from McCrory Creek to the edge of the floodway buffer behind the proposed lots. The Metro Greenways Commission will be able to construct a trail within the easement area in the future. This trail will provide the opportunity for all of the Hickory Bend residents as well as other area residents to access the future Stones River Greenway Trail. Currently this plat makes no provision to provide access to the trail for residents within this proposed subdivision. A revised preliminary plat shall be submitted showing 20-foot public pedestrian easements from the cul-de-sacs on Hickory Bend Drive and Cloverwood Drive into the dedicated conservation/greenway public access trail easement area. Signs must also be posted at the rear of the lots backing up to the dedicated greenway easement area which indicate that the area is intended for a future public access greenway trail. Signs indicating the presence of the public greenway trail must be located every 100' along the rear property lines of lots 8, 9, 16, 17, and 18. Signs shall be posted prior to the first building permit with the text facing inward on the lot. The developer shall be responsible for the posting and maintenance of all signs until the lots within the subdivision have been sold to the ultimate home purchaser.

Staff recommends conditional approval of the preliminary plat subject to a variance for sidewalks and a revised preliminary plat showing 20-foot public pedestrian easements from the cul-de-sacs into the greenway easement area.

12. Subdivision Proposal 2002S-023G-12 Highland Creek, Resubdivision of Lots 124-128

Staff recommends *conditional approval* subject to a revised plat showing a 4-foot sidewalk and pedestrian access easement if necessary along the frontage of all proposed lots within this revision.

The Planning Commission approved the Holt Valley preliminary plat to create 164 lots on April 30, 1998. The name changed to “Highland Creek” when the first final plat application was submitted. Final plats for three sections of the subdivision have been approved by the Planning Commission. Section 3 of the subdivision abuts the portion of the plat to be revised, and received final plat approval from the Planning Commission on March 29, 2001. The final plat for Section 3 was later recorded December 11, 2001.

This request is to revise part of the approved preliminary plat in order to add three additional lots on 3 acres located at the terminus of Sherbrooke Lane. Sherbrooke Lane is extended with this proposal in order to accommodate the additional three lots. The property is located north of Holt Road and west of Nolensville Pike within the Highland Creek RS10 cluster-lot subdivision. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS10 district may create lots equivalent in size to the RS5 district.

The three new lots proposed with this revision are all in the range of 10,000 square feet each. A typical subdivision on 64 acres and classified within the RS10 district would allow 237 dwelling units. The original preliminary plat approval was granted to create 164 lots. Staff feels that an increase from 164 lots to 167 lots is not a significant increase and does not affect the intent of the approved preliminary subdivision.

Staff feels this revision should comply with today’s sidewalk regulations since these three lots are being added to the Highland Creek development and were never part of the original preliminary plat. Sidewalks are shown along one side of Sherbrooke Lane, and today’s regulations require sidewalks on both sides of the street. A revised preliminary plat shall be submitted showing a sidewalk extending from its terminus at lot 127 to the southern property line of lot 167 and lot 129. A public pedestrian access easement may also be necessary to accommodate the sidewalk due to limited right-of-way. Today’s regulations require that a local residential road contain 46 feet of right-of-way, but Sherbrooke Lane was approved with only 40 feet of right-of-way prior to this regulation. This section of the preliminary was also approved with a 4-foot sidewalk. Staff feels that Sherbrooke Lane should remain with 40 feet of right-of-way and a 4-foot sidewalk in order to correspond with the approved right-of-way and sidewalks that they will be tying into.

Staff recommends conditional approval subject to a revised plat showing a 4-foot sidewalk and pedestrian access easement if necessary along the frontage of all proposed lots within this revision.

14. Subdivision Proposal No. 2001S-318U-03 AAA Storage

Staff recommends *conditional approval* of this plat subject to a flag-shaped lot variance and a bond for sidewalks along Brick Church Pike, prior to plat recordation.

This request is for final plat approval to subdivide 5.91 acres containing two parcels into two lots abutting the west margin of Brick Church Pike, north of Avondale Circle. A joint access easement is shown on the plat for lots 1 and 2 from Brick Church Pike. This easement decreases from two to one, the number of curb cut along this major arterial.

When the property was rezoned in November 2000 (2000Z-105U-03; BL2000-465), a portion was retained as residential due to a ridgeline traversing the property. The Subarea 3 Plan uses this ridgeline as the boundary between the industrial and commercial policies along Brick Church Pike, and the residential policy along Monticello Drive. Thus, the property has split zoning: 75% is zoned IWD district and 25% is zoned R8 district.

Sidewalk

The applicant has shown on the plat a sidewalk along the property's frontage on Brick Church Pike. A bond shall be required for the sidewalk's construction, prior to plat recordation.

Variance – Flag-Shaped Lot

The applicant is requesting a variance to Section 2-4.2A of the Subdivision Regulations to configure lot 1 as a flag-shaped lot. Staff recommends approval of this variance since the majority of this property has industrial zoning and note #8 on the plat specifically prohibits any residential development in the R8 portion of the property from having access to Brick Church Pike. If the R8 portion of the property were to develop in the future, its access would have to come from Monticello Drive or Avondale Circle, two local residential streets.

Staff recommends conditional approval of this plat subject to a flag-shaped lot variance and a bond for sidewalks along Brick Church Pike, prior to plat recordation.

15. PUD Proposal No. 38-79-G-04 Rivergate Mall—Signal One

Staff recommends *conditional approval*.

This request is to revise the preliminary plan and for final approval for a portion of the Commercial (General) PUD district located abutting the north side of Gallatin Pike and the west side of Conference Drive. The proposal adds a 180-foot tall cell tower that will allow for four antennas and four future carriers. The proposed tower is located behind the retail shops south of the existing Target store. The base zoning on this portion of the Commercial PUD is R6 district. The Zoning Ordinance did not require the underlying base zoning to be changed to a commercial district in 1979 when this PUD plan was originally approved, as it would today. Cell towers are classified as Permitted with Conditions (PC) in an R6 district, meaning that several specific conditions must be met in order to locate a cell tower within this PUD. Staff recommends conditional approval of this cell tower.

Under the PC use provisions of the Zoning Ordinance (Section 17.16.080 C), the following conditions are required:

1. Lot Size: In residential zone districts, the minimum lot size shall comply with the zone district bulk provisions. **Since the tower is proposed within a commercial PUD, the Zoning Administrator has indicated that an equivalent commercial zoning district should be used for the bulk standards, such as the CS district. The CS district requires no minimum lot size, therefore, the proposed cell tower complies with the zoning standard.**
2. Setback: Telephone services, including accessory buildings and vehicle parking areas shall comply with the setback provisions of the applicable zone district. **The proposed plan is consistent with the setback provisions for the CS district, including a 124-foot setback from Conference Drive.**
3. Landscape Buffer Yard: Along all residential zone districts and districts permitting residential use, screening in the form of a Landscape Buffer Yard Standard A shall be applied. **Per the Codes Department, no landscape buffer yards are required since this property abuts a commercial PUD that does not allow for residential uses.**
4. Height: The maximum height of telephone facilities shall be determined by the height control provisions of Chapter 17.12....**The proposed tower height of 180 feet is consistent with Zoning Ordinance requirements for the maximum allowable height for a tower at this location.**

16. PUD Proposal No. 88P-055G-13 Weatherstone

Staff recommends *conditional approval* provided Public Works and Water Services approve the plans, prior to the Planning Commission meeting.

This request is to revise the preliminary plan and for final approval of the Residential PUD district located along the north side of Pin Hook Road, east of Hobson Pike. The plan is to develop 68 single-family lots on 18 acres, replacing 73 unbuilt, single-family lots. The proposed plan maintains the same general lot configuration and street layout. Staff recommends conditional approval provided a revised plan is submitted showing sidewalks on both sides of the two main streets proposed within the PUD, not including the cul-de-sacs, and along the frontage of Pin Hook Road. In addition, Public Works and Water Services must approve the plans prior to the Planning Commission meeting. The revised plans shall also include a temporary turn-around at the terminus of the northern stub-street, including the following note: “Temporary Turn-Around: Road Will Be Extended In The Future.”

Sidewalks

The preliminary PUD plan was approved in 1988 when sidewalks were not required. The Subdivision Regulations were changed in 1991, requiring sidewalks on one side of all new streets, and amended again in December 2000, requiring sidewalks on both sides of all new streets and along the frontage of any existing road where the property fronts. Since there are no major topographic constraints that would prohibit sidewalks from being constructed on both sides of the streets, the applicant has agreed to construct sidewalks on both sides of the main streets, excluding the cul-de-sacs, and along the frontage on Pin Hook Road. Prior to the 2000, amendments, sidewalks were not required on cul-de-sacs shorter than 350 feet in length, therefore, the applicant has opted not to construct sidewalks on the cul-de-sacs.

Traffic

A Traffic Impact Study (TIS) was submitted by the applicant analyzing the impact of this development, as well as a future subdivision of 190 homes, proposed directly north of this site. A condition of this project will be that construction plans are submitted in conjunction with the submittal of any final plat for any portion of this PUD for an eastbound left-turn lane into the project entrance on Pin Hook Road. As per the Metro Traffic Engineer, the turn lane shall include 75 feet of storage with a 175-foot transition. However, when the property to the north is platted, a longer left-turn lane may be required. This left-turn lane shall be constructed prior to the issuance of any Use and Occupancy permits.

17. Mandatory Referral Proposal No. 2001M-103U-09

Staff recommends *conditional approval* subject no existing trees within the public right-of-way being removed for the applicant's proposed improvements, except as approved by the Urban Forester.

A request for various encroachments, both ground and aerial, for the AmSouth Bank Plaza renovations. These encroachments consist of decorative elements such as signs, awnings, banners, awning supports, light pavers, planters, and special concrete pavers within the public right-of-way around the AmSouth building (4th Avenue North, 3rd Avenue South, Deaderick Street, and Union Street. The Trammell Crow Company is requesting these encroachments for the owner of the AmSouth building, 2000 PBL Venture, Ltd.

All agencies and departments have reviewed the proposed encroachment and recommend approval of them. Public Works has reviewed the proposed encroachments for compliance with ADA standards as well as maintenance and liability. Public Works has approved the proposed improvements. Planning staff does not believe any trees should be removed by AmSouth for these improvements. Few trees exist downtown, and those surrounding this building ought to be maintained as part of the public realm. Staff recommends conditional approval subject to no existing trees being removed within the public right-of-way for the applicant's proposed improvements, except as approved by the Urban Forester.

The applicant's proposed encroachments are as follows:

Deaderick Street: Install eight (8) blade-style decorative elements to be used for future signage. There is an open arc style sign that is 79'7" in length and projects over the public sidewalk 11 feet. The sign is anchored by 27 foot steel anchors bolted to existing columns. The sign rises above the sidewalk 24'3".

Deaderick Street, 3rd Avenue South/Union Street corner, 4th Avenue South/Union Street corner: The applicant is proposing to replace standard concrete pavement with 24 square inch ornamental concrete pavers interspersed with smaller light pavers powered by fiber optic cable. There are also concrete planter boxes that will be located within or encroach slightly on the public right-of-way (sidewalk).

Union Street: There are three (3) sets of stair rails that will slightly encroach over the public right-of-way approximately 6" to 8".

18. Mandatory Referral Proposal No. 2002M-015U-07 (Council Bill BL2002-933)

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

A council bill to accept the donation of 3.33 acres from the CSX Railroad for a 25-foot greenway easement along Richland Creek. This land shall be used to construct the Richland Creek greenway from the Old White Bridge Road - from the old bridge over the railroad tracks to near and around McCabe Golf Course and Lion's Head Condominiums. If at any time, Metro ceases to use the easement as a greenway, the easement shall terminate and revert back to the railroad. Staff recommends conditional approval of this easement subject to all reviewing agencies and departments recommending approval.