



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

**Zone Change 2002Z-061U-08**  
None.  
None.  
*Approve.*

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**APPLICANT REQUEST**

**Existing Zoning**  
IR zoning

**Industrial Restrictive (IR) to Mixed Use Neighborhood (MUN).**

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

**Proposed Zoning**  
MUN zoning

MUN is intended for a low intensity mixture of residential, retail, and office uses.

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**SUBAREA 8 PLAN**

**Policy**

Neighborhood Urban (NU)

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

Parks Reserves and Other Open Space (OS)

OS policy reserves designated areas for green space or parks and recreation activities.

**Policy Conflict**

None. The Subarea 8 Plan defines the area south of Van Buren Street NU policy. The Detail Neighborhood Design Plan for Germantown, which was adopted on June 27, defines this area as mixed use. The MUN district fits the expectations of the NU mixed use policy by providing the opportunity to construct a mixture of residential and residential-scale commercial development. The Detailed Neighborhood Design Plan for the properties along Van Buren Street is OS policy with Mixed Live/Work as the alternative land use category. The request for MUN is appropriate, as it is the closest zoning district available for implementing Mixed Live/Work.

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**RECENT REZONINGS**

No.

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**TRAFFIC**

Based on typical uses in MUN zoning such as convenience market, offices, and condominiums approximately 8 to 344 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 Traffic Engineer's Findings**

*Approve.*



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

**Zone Change 2002Z-062G-14**  
N/A  
None.  
*Approve. CL zoning implements Subarea 14 Plan's commercial arterial existing (CAE) policy.*

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**APPLICANT REQUEST**

**Existing Zoning**  
OR20 zoning

**Office/Residential (OR20) to Commercial (CL)**

OR20 zoning is intended for office and residential multi-family uses up to 20 dwelling units per acre.

**Proposed Zoning**  
CL zoning

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

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**SUBAREA 14 PLAN**

**Policy**  
Commercial Arterial Existing

CAE policy recognizes existing areas of "strip commercial" along arterial streets.

**Policy Conflict**

None. Rezoning this portion of parcel 49 will make the entire parcel CL zoned property. This property is located within the CAE policy designated along Lebanon Pike. The property is surrounded by office and commercial zoning including a commercial PUD approved for a large retail use, grocery store, and drug store.

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**RECENT REZONINGS**

None.

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**TRAFFIC**

Based on typical uses in CL zoning such as convenience market, offices, and fast food restaurant approximately 12 to 1,146 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 Recommendation**

Approve.

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

**Zone Change 2002Z-063G-14**  
Planned Unit Development 155-74-G-14  
N/A  
*Approve with conditions, including road improvements to Blackwood Drive and Percy Priest Drive to bring both streets to collector street standards from Bell Road to the western property line of parcel 34, and to make turn lane improvements as required by the Metro Traffic Engineer.*

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**APPLICANT REQUEST**

**Existing Zoning**  
CL zoning

**CL (Commercial Limited) to CS (Commercial Services)**

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

**Proposed Zoning**  
CS zoning

CS is intended for a wide range of commercial service related uses, including low-intensity manufacturing, self-service storage, light-manufacturing, auto-repair, vehicular sales, distributive business wholesale, retail, office, and restaurants.

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**SUBAREA 14 PLAN**

**Policy**  
Commercial Mixed Concentration (CMC)

CMC policy calls for a wide range of mixed commercial development, including offices, retail, and consumer service uses.

Policy Conflict

No. The CS district is consistent with the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy calling for a wide range of commercial services, including offices, research activities, and commercial activities providing both consumer goods and services and employment.

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**RECENT REZONINGS**

Yes. The Planning Commission disapproved a request to amend the PUD and rezone (99Z-159U-14) the same property to industrial warehousing/distribution (IWD) on November 24, 1999, finding that industrial was not consistent with the General Plan. The proposed PUD amendment included three office/warehouse buildings



## Metro Planning Commission Meeting of 7/11/02

containing a total of 111,000 square feet of warehouse uses and 38,150 square feet of uses.

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### TRAFFIC

Blackwood Drive and Percy Priest Drive need to be upgraded to collector street standards, with 37 feet of pavement, from Bell Road to the western property line of parcel 34 on tax map 97-13. Based on the ITE Trip Generation Manual (6<sup>th</sup> Edition), the proposed uses could generate the following number of trips per day on average:

61,900 square feet of office uses = 205 trips  
25,300 square feet of restaurant = 661 trips  
5,500 square feet of vehicular sales = 116 trips

### Traffic Engineer's Findings

The Metro Traffic Engineer has indicated that Percy Priest Drive needs to be re-striped to make a left-turn lane onto the new public road from Percy Priest Drive. Blackwood Drive needs to be improved to provide a new continuous left-turn lane for all access points in the amended portion of the plan.



**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Cases**  
**Recent Revisions/Approvals**

**Planned Unit Development 155-74-G-14**  
**Larchwood Commercial**  
None  
2002Z-063G-14  
Yes. Preliminary PUD plan was disapproved by the Planning Commission on November 29, 1999, for a proposed industrial and warehousing facility.

**Staff Recommendation**

*Approve with conditions, including road improvements to Blackwood Drive and Percy Priest Drive to bring both streets to collector street standards from Bell Road to the western property line of parcel 34, and to make turn lane improvements as required by the Metro Traffic Engineer.*

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**APPLICANT REQUEST**

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

Permit 92,700 square feet of retail, restaurant, vehicular sales, office, research service, and distributive business wholesale uses in 13 buildings on 11 acres, replacing 87,200 square feet of retail and restaurant uses.

**Existing Zoning**  
CL/Commercial PUD

Preliminary PUD plan is approved for 87,200 square feet of retail and restaurant uses on this portion of the PUD. The overall PUD is currently proposed for 471,948 square feet, including retail, restaurants, gas station, office, car wash, hotel, and a building materials use.

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**PLAN DETAILS**

The proposed plan amends a portion of the existing PUD to change from a retail center containing a 38,000 square foot building materials store, a 43,100 square foot building with specialty shops retail, and restaurants to an office, distributive wholesale, retail/restaurant, and distributive business wholesale center.

Distributive business wholesale is defined as “the sale or distribution of goods from the premises that may consist of the flexible use of the floor area for warehouse, assembly, showroom and office space within tenant areas, with the showroom and office area



## Metro Planning Commission Meeting of 7/11/02

not exceeding fifty percent of the total floor area permitted on the parcel.”

Distributive business wholesale is permitted with conditions (PC), including no outdoor storage, no service doors for loading docks facing residentially zoned property, landscape buffer yard D along property lines next to residential property, and no buildings larger than 25,000 square feet.

Although there is a request to change the base zoning to CS, the PUD plan includes a note stating that any request to change the plan to include hospital, automobile repair, carpet cleaning, laundry plants, self-service storage, wrecker service, fuel storage, helistop, power plant, drive-in movie, stadium arena, or convention center will require a PUD amendment, requiring Metro Council approval. These uses are allowed under the CS base zoning.

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### TRAFFIC

Blackwood Drive and Percy Priest Drive need to be upgraded to collector street standards, with 37 feet of pavement, from Bell Road to the western property line of parcel 34 on tax map 97-13. Based on the ITE Trip Generation Manual (6<sup>th</sup> Edition), the proposed uses could generate the following number of trips per day on average:

61,900 square feet of office uses	= 205 trips
25,300 square feet of restaurant	= 661 trips
5,500 square feet of vehicular sales	= 116 trips

### Traffic Engineer's Findings

The Metro Traffic Engineer has indicated that Percy Priest Drive needs to be re-striped to make a left-turn lane onto the new public road from Percy Priest Drive. Blackwood Drive needs to be improved to provide a new continuous left-turn lane for all access points in the amended portion of the plan.



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

**Zone Change 2002Z-065U-13**  
N/A  
None.  
*Approve. MUL zoning implements the Subarea 13 Plan's commercial Retail Activity Center (RAC) policy.*

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**APPLICANT REQUEST**

**Existing Zoning**  
AR2a zoning

**Agricultural (AR2a) to Mixed Use Limited (MUL)**

AR2a zoning is intended for agricultural uses and residential uses requiring 2 acres per lot.

**Proposed Zoning**  
MUL zoning

MUL zoning is intended for a moderately intense mixture of retail, residential, and office uses.

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**SUBAREA 13 PLAN**

**Policy**  
Regional Activity Center (RAC)

RAC policy is intended to concentrate mixed use areas around regional shopping malls.

**Policy Conflict**

None. The intent of the RAC policy is to surround large shopping areas with mixed use structures thereby creating an area with retail, office uses and residential within walking distance of each other. MUL zoning allows for live/work units which is the intent of the RAC policy area.

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**RECENT REZONINGS**

None.

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**TRAFFIC**

Based on typical uses in MUL zoning such as convenience market, offices, and condominiums approximately 14 to 602 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 Recommendation**

Approve.

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

**Zone Change 2002Z-066G-13**  
**Hickory Woods East**

None  
Planned Unit Development #72-86-P-13,  
Hickory Woods East

**Staff Recommendation**

*Approve with conditions, specified in Metro Public Works' departmental traffic comments, and since this property currently lies within an existing commercial PUD, since it surrounds and abuts CS and CL zoning on the east side of Murfreesboro Pike, and since this PUD provides good and direct access to arterial and collector roadways.*

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**APPLICANT REQUEST**

**Residential (R10) to Commercial Limited (CL)**

**Existing Zoning**  
R10 zoning / Commercial PUD

Single-family or duplex residential, requiring minimum lot sizes of 10,000 square feet.

**Proposed Zoning**  
CL zoning

Retail trade, consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices, but specifically prohibiting automotive sales and repair as well as more intensive commercial uses.

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**SUBAREA PLAN**

**Policy**

Residential Medium High (RMH)  
9 to 20 dwelling units per acre

Although this property falls within a residential policy, this commercial PUD was established in 1986, prior to the adoption of the current Subarea 13 Plan. Changing the zoning to CL district will actually bring the existing commercial PUD into compliance with current zoning regulations which requires the base zoning to be consistent with what is proposed in the PUD.

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**RECENT REZONINGS**

No

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**TRAFFIC**

Based on typical uses in the CL zoning, such as office, retail, sit-down or fast food restaurants, approximately 160 to 2,480 trips per day could be generated by these uses (Institute of Transportation Engineers, 6<sup>th</sup> Edition,





## Metro Planning Commission Meeting of 7/11/02

### Traffic Study Submitted

### Metro Traffic Engineer's Findings

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

Yes

Metro Public Works Department submitted comments on a Traffic Impact Study on July 3, 2002 and provided the following comments:

1. At the LaVergne – Couchville Pike site access; a new left turn lane needs to be constructed with 75 feet of storage.
2. Widen LaVergne – Couchville Pike to a 3-lane section from Murfreesboro Pike to the site access. This will allow LaVergne – Couchville Pike to be striped with separate left and right turn lanes at the existing signal on Murfreesboro Pike.
3. At the Murfreesboro Pike north site access, the site access should be constructed with separate left and right turn lanes exiting on to Murfreesboro Pike, and an existing shared center turn lane on Murfreesboro Pike should be re-striped at the site access to a left turn lane.
4. At Murfreesboro Pike and Hickory Woods Drive, the existing pavement on Hickory Woods Drive should be striped to include separate left and right turn lanes at Murfreesboro Pike.
5. At the Hickory Woods Drive site access, site access should be constructed with separate left and right turn lanes exiting onto Hickory Woods Drive.
6. At the Murfreesboro Pike southern site access, staff recommends removing the median on Murfreesboro Pike at this driveway and extending the center turn lane from the northern site access, making this a full movement access point. If median is removed, the site access should be constructed with separate left and right turn lanes exiting onto Murfreesboro Pike.
7. Because this site is projected to increase left turn lanes from Hickory Woods Drive by 43% in the AM peak and 67% in the PM peak, the Level of Service (LOS) at this intersection is expected to be LOS 'D' and LOS 'F', respectively. Due to the unacceptable LOS and



## Metro Planning Commission Meeting of 7/11/02

the anticipated safety concerns we have with high numbers of left turns at busy intersections, we are recommending a traffic signal be installed by this developer at the intersection of Murfreesboro Pike and Hickory Woods Drive.

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

**Planned Unit Development 72-86-P-13**  
**Hickory Woods East Commercial PUD**  
None  
2002Z-066G-13  
*Conditional Approval*

**APPLICANT REQUEST**

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

Amend preliminary PUD plan to 1) incorporate 2.29 acres of surrounding property into the PUD, and 2) to revise the development plan to permit 97,718 sq. ft. of general retail and a fuel center.

**ZONING**

R10, CL, and CS districts. The applicant is seeking a rezoning of the R10 portion of the development site (parcel 166) to CL district. (2002Z-066G-13)

**SUBAREA 13 PLAN**  
**Policy**

Subarea 13 RMH (Residential Medium High) Policy. Although this property falls within a residential policy, this development site was approved for a commercial PUD in 1986, which allowed for the development of 108,600 sq. ft. of strip retail. The applicant is also seeking a rezoning of parcel 166 of the PUD to CL district to bring this commercial PUD into conformity with current code requirements.

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

A Traffic Impact Study was provided for this proposal.

Metro Public Works Department submitted comments on the Traffic Impact Study on July 3, 2002 and provided the following comments:

1. At the LaVergne – Couchville Pike site access; a new left turn lane needs to be constructed with 75 feet of storage.
2. Widen LaVergne – Couchville Pike to a 3-lane section from Murfreesboro Pike to the site access. This will allow LaVergne – Couchville Pike to be striped with separate left and right turn lanes at the existing signal on Murfreesboro Pike.



## Metro Planning Commission Meeting of 7/11/02

3. At the Murfreesboro Pike north site access, the site access should be constructed with separate left and right turn lanes exiting on to Murfreesboro Pike, and an existing shared center turn lane on Murfreesboro Pike should be re-stripped at the site access to a left turn lane.
4. At Murfreesboro Pike and Hickory Woods Drive, the existing pavement on Hickory Woods Drive should be striped to include separate left and right turn lanes at Murfreesboro Pike.
5. At the Hickory Woods Drive site access, site access should be constructed with separate left and right turn lanes exiting onto Hickory Woods Drive.
6. At the Murfreesboro Pike southern site access, staff recommends removing the median on Murfreesboro Pike at this driveway and extending the center turn lane from the northern site access, making this a full movement access point. If median is removed, the site access should be constructed with separate left and right turn lanes exiting onto Murfreesboro Pike.
7. Because this site is projected to increase left turn lanes from Hickory Woods Drive by 43% in the AM peak and 67% in the PM peak, the Level of Service (LOS) at this intersection is expected to be LOS 'D' and LOS 'F', respectively. Due to the unacceptable LOS and the anticipated safety concerns we have with high numbers of left turns at busy intersections, we are recommending a traffic signal be installed by this developer at the intersection of Murfreesboro Pike and Hickory Woods Drive

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### RECENT REVISIONS/ APPROVALS

Yes. The preliminary PUD plan was approved on September 16, 1986 (BL86-1393) to permit the development of 108,600 sq. ft. of strip general retail.

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### CONDITIONS

1. Prior to the issuance of any building permits, a final plat needs to be recorded subject to bonds for the extension of roads, utilities, sidewalks, and landscape buffer yards.
2. Traffic improvements recommended by the Metro Public Works Department need to be incorporated into final approval of the PUD.



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

**Subdivision 2002S-078G-04**  
**Mrs. Bobbie Henley Property**

None.  
*Approve with conditions subject to variances for flag lot, lot depth to width ratio (4:1 rule) and lot comparability, as well as a revised final plat prior to recordation.*

**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide 2.7 acres into two (2) lots.

**ZONING**

RS40 district requiring minimum lot size of 40,000 sq. ft.

**SUBDIVISION VARIANCES**

**Lot Dimensions**  
(Section 2-4.2)

**Frontage (A)**

Flag lots are generally not permitted.

**Lot Width (E)**  
(4:1 rule)

Lot width at the front yard line should not be less than 25% of the average lot depth.

The average depth of Lot 1 is 565 feet, while the width at the front yard line is 121 feet. The width at the front yard line should be 141 feet.

The average depth of Lot 2 is 400 feet, while the width at the front yard line is 32 feet. The width at the front yard line should be 100 feet.

**Lot Comparability**  
(Section 2-4.7.)

Lot frontages for the two proposed lots are not consistent with the average of lots in the comparability study. The minimum lot frontage allowed by the comparability study is 199 feet. The applicant has provided 121 feet of frontage for Lot 1 and 32 feet of frontage for Lot 2.

Lot areas for the two proposed lots are consistent with the average of lots in the comparability study. The minimum lot size allowed by comparability is 40,874



## Metro Planning Commission Meeting of 7/11/02

### Recommendation

sq. ft. The applicant has provided lots sizes of 44,564 sq. ft. and 71,970 sq. ft.

Approve variances for lot dimensions and lot comparability. This plat brings the property closer to compliance with zoning than currently exists. The lot currently is nonconforming because it contains two residences on the same piece of property. The approval of this subdivision will make the property conform to the Zoning Regulations.

### Sidewalks (Section 2-6.1)

Sidewalks are not required on residential lots that are zoned for 20,000 square feet minimum lot size and greater.

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### TRAFFIC ENGINEER'S FINDINGS

Approve.

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### CONDITIONS

The following conditions need to be satisfied prior to final plat recordation:

1. An active sewer availability letter needs to be produced in order to provide options to the applicant for obtaining sewer service for the lot being created by this subdivision.
2. The plat should be revised to show the method of sewer service and to show any easements associated with the proposed sewer main to serve the new lot.
3. If it is determined that a private sewer line is necessary to serve the new lot, Public Works must approve the location of the private line within the public right-of-way prior to recordation.
4. If it is determined that a grinder pump is necessary to serve the new lot, a note, as required by Water Services, shall be added to the plat regarding maintenance of the pump.



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

**Subdivision 2002S-137U-03**  
**O’Neill Property, Resubdivision**

None  
*Approve since this plat will correct a non-conforming use situation subject to variances for flag lot, lot depth to width ratio (4:1 rule), 3 times lot size rule, lot comparability for frontage, and for non-radial lot lines, and a revised plat prior to recordation.*

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**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide an existing 1.58-acre lot into two (2) lots.

Originally a duplex residence existed on this parcel with an accessory structure located directly behind the principle dwelling units. In 1967, the property owner received a variance from the Board of Zoning Appeals to allow the construction of additional dwelling units above the existing accessory structure. A condition of the BZA approval was that at such time that the current residents vacated the new dwelling units, the structure was to revert to a lawful accessory structure. This reversion never occurred and two (2) duplexes have remained on the same parcel since 1967. Therefore, the applicant’s request to subdivide the existing parcel into two (2) lots, if approved, will bring the existing residences into compliance with current zoning requirements.

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**ZONING**

**Existing Zoning**      R10 district requiring minimum lot size of 10,000 sq. ft.

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**SUBDIVISION VARIANCES**

**Lot Dimensions**  
(Section 2-4.2)

**Frontage (A)**      Flag lots are generally not permitted.

**Non-Radial Lot Lines**      Side lot lines must be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Since the existing residences are stacked on the property, in order to create two (2) lots with one (1) residence per lot, the



## Metro Planning Commission Meeting of 7/11/02

### **Lot Area (D)** (3 times lot size rule)

surveyor utilized non-radial lot lines to separate the structures, as well as provide street frontage for each lot.

Proposed lot sizes are not to exceed 3 times the minimum lot size required by zoning (3 x 10,000 = 30,000 sq. ft.). Both proposed lots exceed the minimum square footage of the R10 base zoning by 3 times at 35,948 sq. ft. and 32,382 sq. ft., respectively. The existing parcel is a flag shaped parcel where the largest majority of land is located in the southern portion of the property. Although there is the potential to further subdivide this parcel into buildable lots, the property owner wants to bring the existing residences into compliance with current zoning regulations. In order to do so, subdividing the property into two (2) lots helps make this happen but creates two (2) lots that exceed the 3 times rule.

### **Lot Width (E)** (4:1 rule)

Lot width should not be less than 25% of the average lot depth. The average depth of both lots is 385 feet. 25% of the lot depth requires a minimum lot width of 96.25 feet. Because of the requirement to use non-radial lot lines to assist in bringing the property into compliance with current code requirements, portions of both lots fall below the minimum width requirement of 96.25 feet. The width of lot 1 drops as low as 23 feet at one point and widens to 75 feet at the street frontage. The width of lot 2 drops as low as 10 feet along the east property line and then widens to only 15 feet at the street frontage.

### **Lot Comparability** (Section 2-4.7)

Lot frontage for lot 2 is not consistent with the majority of lots considered in the lot comparability study. The minimum lot frontage allowed by the comparability study is 69 feet of street frontage. The applicant is providing a frontage of 15 feet for lot 2 due to the non-radial lot lines created in

### **Recommendation**

Approve variances for lot depth to width ratio (4:1 rule), 3 times lot size rule, lot comparability for frontage, and for non-radial lot lines. Staff recommends approval of the requested variances since the existing non-conforming flag shaped lot will be brought into conformance with the zoning regulations with this plat.





## Metro Planning Commission Meeting of 7/11/02

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

Approve



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

**Subdivision 2002S-184G-04**  
**Chadwell Tract, Lot 1**  
None.  
*Approve with conditions subject to a revised preliminary plat prior to the Planning Commission meeting.*

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**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Subdivide 1.14 acres into four (4) lots.

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**ZONING**

RS10 district requiring minimum lot size of 10,000 square feet.

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**TRAFFIC ENGINEER'S FINDINGS**

Approve.

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**CONDITIONS**

Staff recommends conditional approval of this plat subject to a revised plat being submitted prior to the Planning Commission meeting, showing the following.

1. Show 3 foot right-of-way dedication along properties frontage on Neely's Chase Drive.
2. Extend sidewalks along Neely's Chase Drive all the way to the open area for the Neely's Chase PUD.



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

**Subdivision 2002S-189U-03**  
**Davis Subdivision**

None.  
Approved with conditions subject to variances for lot comparability, and a revised plat being submitted prior to the Planning Commission meeting.

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**APPLICANT REQUEST**

  X   Preliminary Plat             Preliminary & Final Plat             Final Plat

Subdivide 1.46 acres into four (4) lots.

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**ZONING**

RS15 district requiring minimum lot size of 15,000 square feet.

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**VARIANCES TO SUBDIVISION REGULATIONS**

**Lot Comparability**  
(Section 2-4.7)

Lot frontage and lot area are inconsistent with lots within 300 feet of property. Lot frontage ranges from 166' - 220'. Proposed lots 1 and 2 provide 62.5' and lots 3 and 4 provide 100' each. Lot area ranges from 48,352 to 102,802 square feet and all 4 proposed lots provide more than minimum of 20,000 square feet each.

Recommendation

Staff recommends approval of the lot comparability variance for all 4 lots for frontage and square footage. Since this area is dominated by large tracts of undeveloped land and some large historic lots, the minimum requirement of the RS15 zoning is not comparable to any properties within 300' of the proposed subdivision. If the applicant were to subdivide the lots to meet the requirements of lot comparability, than a variance for the lots being greater than three (3) times the base zoning would be required. This subdivision as proposed is closer to the intent of the RS15 zoning district.

**Sidewalks**

A sidewalk is required on Whites Creek Pike. A large portion of the properties frontages are located within the 100 year flood plain. However, Public Works has indicated a sidewalk can be constructed with some reworking of street's drainage pattern.

Sidewalk Construction Report from Public Works



## Metro Planning Commission Meeting of 7/11/02

### Sidewalk Construction

This property lies along the east margin of Whites Creek Pike. At this location the road has 24 feet of pavement, a 3 foot shoulder, and an open ditch. The ditch ranges from shallow to steep.

Pursuant to Chapter 13.20 of the Metro Code, the Department of Public Works regulates all work done in the right of way. However, this stretch of Whites Creek Pike is State Route 65. Therefore, any alteration of the roadway, including curbs, sidewalks, and driveway connections will require additional coordination and approval by the Tennessee Department of Transportation. The applicant will be responsible for securing State approvals.

### Recommendation

Staff recommends that the Planning Commission approve the preliminary plat with the condition that before a final plat is recorded the applicant provide a report from TDOT with a determination of whether sidewalks are allowed. If TDOT finds that sidewalks are not allowed along this portion of Whites Creek Pike then a sidewalk variance is recommended with the approval of the final plat.

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### TRAFFIC ENGINEERS Findings

Approve.

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### CONDITIONS

Staff recommends conditional approval of this plat subject to a variance for lot comparability, and a revised plat being submitted prior to the Planning Commission meeting, showing the following:

1. A sidewalk along Whites Creek Pike, if TDOT recommends the construction of the sidewalks.
2. Correct side lot line for lot 2 to reflect a radial lot line to Whites Creek Pike.



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

**Subdivision 2002S-178G-07**  
**Richland Realty Company Westlawn,**  
**Resubdivision of part of Lot 332**

**Associated Cases**  
**Staff Recommendation**

None  
*Approve with conditions subject to a variance for lot depth to width ratio (4:1 rule) and a revised plat prior to recordation.*

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**APPLICANT REQUEST**

Preliminary Plat       Preliminary & Final Plat       Final Plat

Resubdivide part (.82 acres) of original lot 332, in the West Lawn subdivision, into two (2) lots.

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**ZONING**

**Existing Zoning**

RS7.5 district requiring minimum lot size of 7,500 sq. ft. Proposed lots meet zoning requirement by providing a 17,966 sq. ft. lot and a 17,842 sq. ft. lot.

**Overlay Zone**

Property located within the Urban Zoning Overlay zone.

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**SUBDIVISION VARIANCES**

**Lot Dimensions**  
(Section 2-4.2)  
Lot Width (E)  
(4:1 rule)

Lot width should not be less than 25% of the average lot depth. The average depth of both lots is 357.95 feet. 25% of the lot depth requires a minimum lot width of 89.5 feet, and the proposed lots are only 54 feet wide.

*Recommendation*

Approve variance for lot width rule. The West Lawn subdivision was platted in 1912. The original lot 332, in addition to the majority of the subdivided lots, provided for an average lot depth of 475 feet. Resubdividing a part of lot 332 along platted lot lines does not create incomparable lots.

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**TRAFFIC ENGINEER'S FINDINGS**

Approve

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**CONDITIONS**

Prior to plat recordation, the following corrections need to be made to this resubdivision plat:



## Metro Planning Commission Meeting of 7/11/02

1. Add the required 5-foot sidewalk along the frontage of the newly created lot in accordance with Metro Public Works sidewalk design standards.
2. Add new parcel number (294) to the newly created lot two (2).



**Project No.**  
**Project Name**  
**Council bill**  
**Associated Cases**

**Planned Unit Development 192-69-G-12**  
**Hickory Plaza Kroger Store**  
**None.**  
**None.**

**Staff Recommendation**

*Approve with conditions subject to a corrected plan to be received prior to the Planning Commission meeting.*

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**APPLICANT REQUEST**

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

**Existing Zoning**  
SCR

Request to revise the preliminary PUD plan and for final approval to permit a fuel pumping station addition for the existing Kroger store.

Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

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**PLAN DETAILS**

The proposed gas station will be part of the existing Kroger store. The plan includes four (4) pump islands, with no direct access to Old Hickory Boulevard, and a 100-square-foot kiosk. All access will be through existing private driveways on the Kroger site.

This plan includes the relocation of the Pizza Hut access. A conflict existed between the Pizza Hut access and the path of traffic entering and exiting the fuel pumps. The proposed access is located in the northeast corner of the Pizza Hut site to alleviate the conflict.

The plan complies with Zoning Ordinance requirements, including a minimum street frontage of 100 feet, gasoline pumps that are at least 20 feet from the nearest property line and 20 feet from Old Hickory Boulevard.

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**TRAFFIC/CONDITIONS**  
**Traffic Engineer's**  
**Findings**

Approve.

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## Metro Planning Commission Meeting of 7/11/02

### RECENT REVISIONS/ APPROVALS

A revision to the preliminary and final PUD plan was last revised on May 23, 2002 to permit the expansion of the existing Kroger store into the adjacent retail space previously occupied by CVS pharmacy, construct façade improvements and add a pharmacy drive-thru window.

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### CONDITIONS

The Metropolitan Codes Department is also requiring several conditions to meet Metro Plumbing Codes since the gas station at a retail facility is a relatively new concept in Nashville. This approval will be conditioned as follows subject to a corrected plan to be received prior to the Planning Commission meeting:

1. Required restroom facilities for the retail store and gas station shall be located (or relocated) inside the main entrance of the retail store prior to the issuance of any building permit for the gas station.
2. The travel distance from the restroom facilities to the gas station kiosk shall not exceed 500 feet. "Travel distance" shall be measured along a pedestrian path of travel from the most remote point inside the kiosk to the doors of the restroom facility.
3. The kiosk shall not exceed 100 square feet.
4. The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store.
5. The gas station shall be on the same or contiguous parcel of land as the main retail store.
6. The employee operating the gas station shall be an employee of the retail store.
7. Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store.
8. No customers shall be permitted in the kiosk.
9. The gas station and retail store shall remain under common ownership, management, or control. The gas station may not be operated independently of the retail store.
10. A fire hydrant is required to be within 500 feet of all portions of the fuel station.
11. The existing access on the west side of the Pizza Hut site needs to be removed and the new access on the north side of the site needs to be open and functioning prior to the opening of the fuel station. The plans need to be corrected to show this change.





**Project No.**  
**Project Name**  
**Council Bill**  
**Associated Cases**  
**Recent Revisions/Approvals**

**Planned Unit Development 13-87-P-14**  
**Chandler Square (Eckerd Drugs)**  
None  
None  
Yes. Amended Preliminary PUD plan was approved by the Planning Commission on March 14, 2002, and subsequently approved by the Metro Council.

**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

Permit a 14,280 square foot retail drug store and the relocation of parking spaces from the rear of the property to the front of the property.

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**PLAN DETAILS**

Proposal is consistent with the preliminary PUD plan approved by the Metro Council earlier this year. This plan relocated the eastern property line by approximately 20 feet to allow more parking spaces to be added near the front door of the building. Several parking spaces near Andrew Jackson Parkway were deleted from the plan. The plan provides 71 parking spaces, meeting the Zoning Ordinance requirements.



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

**Planned Unit Development 87P-077U-03**  
**Nocturne Forest Residential PUD, Phase 3**  
None  
None  
*Conditional Approval*

**APPLICANT REQUEST**

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

Permit the development of seven (7) single-family lots on the 4.6-acre phase 3 site. This final PUD plan complies with the approved preliminary phase 3 plan.

**ZONING**

RS15 district permitting single-family dwellings, requiring a minimum of 15,000 square foot lots.

The applicant has utilized the PUD provision allowing reduced lot sizes in order to accommodate additional common open space. Lot sizes range from 12,642 sq. ft. to 26,820 sq. ft.

**TRAFFIC ENGINEER'S FINDINGS**

Approve

**RECENT REVISIONS/ APPROVALS**

Yes. The preliminary PUD plan was amended and approved by Metro Council on May 22, 2001 (BL2001-656) permitting the elimination of the connection of Nocturne Forest Drive through to Old Buena Vista Drive. In March 2002, the preliminary plan was revised to permit the development of the seven (7) single-family lots replacing 33, unbuilt, multi-family units. The revised plan created the single-family lots in conjunction with the approved permanent dead-end street.

**CONDITIONS**

Prior to the issuance of any building permits, a final plat needs to be recorded that revises the approved phase 2 plat, in addition to the final plat for phase 3, for a drainage easement and reconfiguration of lot 39, and



## Metro Planning Commission Meeting of 7/11/02

subject to bonds for the extension of roads, utilities, sidewalks, and landscape buffer yards.



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

**Mandatory Referral 2002M-063U-08**  
**North Nashville Police Precinct**  
**Easement Acquisition & Disposal**

**Council Resolution**  
**Staff Recommendation**

RS2002-1075  
*Conditional Approval*

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**APPLICATION REQUEST**

Council Resolution authorizing acquisition of a 15-foot sewer easement across a portion of private property for construction of North Nashville Police Precinct, and the granting of a non-exclusive easement by Metro Government to the latter grantor for a dumpster area.

Easement to be acquired will be 15 feet by 174 feet in length and located on an existing Burger King site (map 81-02, parcel 205) on Clarksville Highway at 26<sup>th</sup> Avenue North. Easement to be granted located at the rear of the restaurant site.

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**APPLICATION REQUIREMENTS**

None.

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**DEPARTMENT AND AGENCY COMMENTS**

None.

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**RECOMMENDATION**

Staff recommends conditional approval subject to approvals by all reviewing agencies and departments.



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

**Mandatory Referral 2002M-067U-10**  
**HCA / Centennial Medical Center**  
**Aerial Encroachment**

**Council Bill**  
**Staff Recommendation**

No  
*Approval*

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**APPLICANT REQUEST**

Aerial Encroachment to construct elevated pedestrian crossing and canopy over public right-of-way of 23<sup>rd</sup> Avenue North. Pedestrian crossing will span the entire 75-foot right-of-way with an overall length of 115 feet from building to building, and a clearance height of 14.1 feet above the sidewalk and street. Canopy will be cantilevered from the pedestrian crossing and will encroach 17 feet into the right-of-way with a clearance height of 14.1 feet above the sidewalk.

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**APPLICATION REQUIREMENTS**

**License to Encroach Agreement**

Yes – one was submitted in correct form.

**Insurance Certificate**

Yes – one was submitted providing general liability of \$1,000,000 for each occurrence, and \$3,000,000 aggregate coverage, as required by Metro Legal.

**Property Owner Sign Application**

Yes

**Tenant Sign Application**

Yes (owner and tenant are one in the same).

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**DEPARTMENT AND AGENCY RECOMMENDATIONS**

All reviewing departments and agencies recommend approval.



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

**Mandatory Referral 2002M-068U-10**  
**HCA / Centennial Medical Center**  
**Easement & Sewer Line Abandonment**

**Water & Sewerage Services Project**  
**Staff Recommendation**

No. 02-SG-91  
*Conditional Approval*

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**APPLICATION REQUEST**

Request for easement and sewer line abandonment within former Alley 909, Alley 927, and 24<sup>th</sup> Avenue North for Water Services Project No. 02-SG-02 for upgrades to the Centennial Medical Center.

Easements and sewer lines were retained when the alleys and portions of 24<sup>th</sup> Avenue North and Leslie Avenue were abandoned (closed) by Council BL2002-979 on April 3, 2002.

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**APPLICATION REQUIREMENTS**

None.

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**DEPARTMENT AND AGENCY COMMENTS**

None.

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**RECOMMENDATION**

Staff recommends conditional approval subject to approvals by all reviewing agencies and departments.