



Project No.
Associated Case

Zone Change 2002Z-011G-04
Planned Unit Development 2002P-004G-04 Madison
Residential care Facility

Council Bill
Deferral

N/A
Deferred at the February 14, 2002 Planning
Commission meeting to allow the applicant, the
councilmember, and the community to meet.

Staff Recommendation

Approve.

APPLICANT REQUEST

**Rezone 3.6 acres from Residential (RS20) to
Residential Multi-Family (RM4)**

Existing Zoning
RS20 zoning

RS20 is intended for single-family residential at 1.85
units per acre.

Proposed Zoning
RM4 zoning

RM4 is intended for multi-family residential at 4 units
per acre.

SUBAREA 4 PLAN

Policy
Residential Low (RL)

RL policy permits 1 to 2 units per acre.

Policy Conflict

No. Although the RL policy calls for 1 to 2 units per
acre, this area along Old Hickory Boulevard has an
emerging pattern of residential growth with a higher
density than called for with the RL policy. Adjacent to
this property is the Hickory Chase PUD and to the north
is the Heritage House Apartments.

RECENT REZONINGS

Yes. The Planning Commission disapproved a request
to rezone (2000Z-134G-04) the same property to
residential (RS10) in March 2001.

TRAFFIC

Based on typical residential care use in RM4 zoning
approximately 2 to 6 trips per day could be generated
by this use (Institute of Transportation Engineers, 6th
Edition, 1996). Other uses at different densities could
generate more or less traffic.

Traffic Engineer's
Findings

Approve.



Project No.
Project Name
Council Bill
Associated Cases
Staff Recommendation

Planned Unit Development 2002P-004G-04
Madison Residential Care Facility
None
2002Z-011G-04
Approve with conditions.

APPLICANT REQUEST

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

Existing Zoning
RS20

Preliminary PUD request for a 42 bedroom residential care facility with future development of 16 bedrooms on 3.59 acres at a density of an additional 16 bedrooms per acre, which is equivalent to 4 units per acre as per Section 17.04.060 of the Metro Zoning Regulations.

RS20 is intended for single-family residential at 1.85 units per acre.
The applicant has submitted a request to change the zoning from residential (RS20) to residential multi-family (RM4), which would allow the development of a residential care facility.

PLAN DETAILS

The proposed plan is for a 42 bedroom residential care facility with a future development of another 16 bedrooms. The development is to be accessed by a main driveway. The applicant is providing the required 14 parking spaces with an additional 6 spaces for the future development.

In addition to the required landscaping and drainage details, the applicant is also proposing a mulch surfaced walking trail along the perimeter of the site with a shared access point to the adjacent Hickory Chase PUD.

TRAFFIC

Old Hickory Boulevard at this location is a five-lane section with sidewalks on both sides of the road. This portion of Old Hickory Boulevard is planned as a scenic arterial road with six (6) lanes.
Based on typical a residential care use in RM4 zoning, approximately 2 to 6 trips per day could be generated by this use (Institute of Transportation Engineers, 6th



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Traffic Engineer's Findings

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

Approve.



Project No.
Associated Case
Council Bill
Deferral

Zone Change 2002Z-063G-14
Planned Unit Development 155-74-G-14
N/A

This item was deferred at the July 11, 2002 Planning Commission meeting to allow Metro Legal to research whether conditions can be placed on PUD's limiting the uses allowed in a PUD. The issue is still being researched by Metro Legal at the time of this report. Staff will inform the commission of the findings at the meeting.

Staff Recommendation

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

APPLICANT REQUEST

Rezone 11.11 acres from CL (Commercial Limited) to CS (Commercial Services)

Existing Zoning
CL zoning

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.

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 containing a total of 149,150 square feet of warehouse/office uses.

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 (6th 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 into the development 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
Deferral

Planned Unit Development 155-74-G-14
Larchwood Commercial

None
2002Z-063G-14

This item was deferred at the July 11, 2002 Planning Commission meeting to allow Metro Legal to research whether conditions can be placed on PUD's limiting the uses allowed in a PUD. The issue is still being researched at the time of this report. Staff will inform the commission of the findings at the meeting.

Recent Amendments

Yes. The Planning Commission disapproved preliminary PUD plan on November 29, 1999, for a proposed industrial and warehousing facility.

Staff Recommendation

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

APPLICANT REQUEST

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

Existing Zoning

CL/Commercial 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.

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.

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.



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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 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.

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 (6th 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-068U-11

N/A

N/A

Disapproval as contrary to the General Plan. The OR20 district is inconsistent with the Subarea 11 Plan's Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre. If a council bill is requested, the bill should include a condition that Collier Avenue be upgraded to local non-residential street standards with 37 feet of pavement from Simmons Avenue to Nolensville Pike.

APPLICANT REQUEST

Existing Zoning
R10 zoning

Rezone 0.36 acres from Residential (R10) to Office and Residential (OR20)

R10 allows single-family and duplex lots with a minimum lot size of 10,000 square feet at a density of 3.7 dwelling units per acre.

Proposed Zoning
OR20 zoning

OR20 is intended for office, parking and multi-family residential at up to 20 dwelling units per acre.

SUBAREA 11 PLAN

Policy
Residential Medium (RM)

RM policy is intended for residential development at 4 to 9 dwelling units per acre. The plan states residential development should fall within the low end of the 4 to 9 dwelling units per acre.

Policy Conflict

Yes. The Subarea 11 Plan's RM policy does not call for commercial development or multi-family residential development along Collier Avenue: *"It is strongly recommended that no further expansion of non-residential uses occur back into the neighborhood along the streets with access to Nolensville Pike. The objective is the preservation and protection of the existing housing stock and the continued provision of a viable residential environment."* (Subarea 11 Plan, page 59).

RECENT REZONINGS

The existing OR20 district directly west of the proposed site was rezoned to OR20 in 1999 as an extension of the CAE policy along Nolensville and in recognition of the existing parking lot use on this property for the Action Nissan car dealership across the street. In 1963, the



Metro Planning Commission Meeting of 7/25/02

Board of Zoning Appeals (BZA) approved a parking lot as a conditional use on parcel 282 and a portion of 283. The BZA required a buffer between the parking lots and the residential properties to the east, and that the parking lots be paved, but these conditions have never been met. Parcel 284 had been illegally used as a parking lot for years until rezoned in 1999, since it was never part of the BZA approval.

TRAFFIC

If rezoned, Collier Avenue from Simmons Avenue to Nolensville Pike should be upgraded to local non-residential street standards with 37 feet of pavement from the eastern boundary of the property to Nolensville Pike.

Traffic Study Submitted

No.

Traffic Engineer's Findings

The Metro Traffic Engineer has not provided a recommendation at the time of staff report mailout.

SCHOOLS

Students Generated

1 Glencliff Elementary 0 Wright Middle
0 Glencliff High School

Schools Over/Under Capacity

The Metro School Board has identified Glencliff High School as being over capacity, while Wright Middle School and Glencliff Elementary School have not been identified as being over capacity.



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-069U-11
None.
None.
Approve. CS zoning implements Subarea 11 Plan's commercial arterial existing (CAE) policy.

APPLICANT REQUEST

Existing Zoning
IWD zoning

Rezone 0.36 acres from Industrial Warehousing/ Distribution (IWD) to Commercial Services (CS).

IWD is intended for a wide range of warehousing, wholesaling, and bulk distribution.

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.

SUBAREA 11 PLAN
Policy
Commercial Arterial Existing (CAE)

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

Policy Conflict

None. The Subarea 11 Plan defines this area south of Lafayette Street, between Wharf Avenue and Lewis Street CAE policy. The policy states: "CAE policy is applied in recognition of existing commercial uses and to encourage new microenterprise and small business startups."

RECENT REZONINGS

None.

TRAFFIC

Based on typical uses in CS zoning, with on site parking allowing 10,000 sq. ft. of development per acre, such as automobile sales, apparel store, and fast-food restaurant, approximately 76 to 1,786 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Metro Traffic Engineer's Findings

Approve.



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-070G-13

None.

None.

Disapproval as contrary to General Plan. CS zoning does not implement Subarea 13 Plan's Residential Low Medium (RLM) policy calling for residential development at 2 to 4 dwelling units per acre. If a council bill is filed it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation:

1. *Hobson Pike must be widened from Hamilton Church Road to the northern property line of parcel 259 to the Scenic Arterial (S4) standards as outlined on the Major Street Plan.*
2. *Hamilton Church Road must be widened to U4 and U2 street standards as outlined on the Major Street Plan, from Murfreesboro Road to Mt. View Road.*

APPLICANT REQUEST

Existing Zoning
AR2a zoning

Proposed Zoning
CS zoning

Rezone 29.97 acres from Agricultural (AR2a) to Commercial Service (CS)

AR2a permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas (single-family, two-family and mobile homes).

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.

SUBAREA 13 PLAN
Policy

Residential Low Medium (RLM), permitting 2 to 4 dwelling units per acre

Policy Conflict

Yes. The Subarea 13 Plan states: *"It is a developing, low medium density residential area, with potential for future residential development."*

RECENT REZONINGS

No.



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TRAFFIC

Traffic Study Submitted

Metro Traffic Engineer's Findings

Yes.

This development is expected to generate a tremendous amount of traffic. The study predicts 11,129 daily trips will be generated by this commercial development. In order for the existing road network to accommodate this volume of traffic the study suggests two improvements in addition to the internal road network to be constructed for the development. These two improvements are:

- (1) Hobson Pike widened to a four-lane cross section.
 - (2) Hamilton Church Road widened to a four-lane cross section from Murfreesboro Road to Mt. View Road.
- Without these improvements, the roadways are expected to operate at level-of-service E. Therefore, the Traffic Engineer cannot recommend approval for this rezoning until these improvements are committed to/scheduled for completion.



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-071G-12

None.
None.

Approve with conditions. If a council bill is filed it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation:

1. *Hobson Pike's pavement width must be widened from Murfreesboro Road to Hamilton Church Road to Scenic Arterial (S4) standards as outlined on the Major Street Plan*
2. *Hamilton Church Road's pavement width must be widened to collector, U2, and U4 standards as outlined on the Major Street Plan, from Murfreesboro Road to Mt. View Road.*
3. *No final plat for development on the site shall be approved until a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development's student generation potential.*

APPLICANT REQUEST

Rezone 375 acres from Agricultural (AR2a) and Residential (R15) to Residential Multi-Family (RM9) and Residential Single-Family (RS10)

Existing Zoning
AR2a zoning

AR2a permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas (single-family, two-family and mobile homes). Existing zoning would permit 92 dwelling units.

R15 zoning

Single-family and duplex residential at 2.67 dwelling units per acre. Existing zoning would permit 397 dwelling units.

Proposed Zoning
RM9 zoning

Single-family, duplex, and multi-family residential at 9 dwelling units per acre. Proposed zoning would allow 628 dwelling units.

RS10 zoning

Single-family residential at 3.7 dwelling units per acre. Proposed zoning would allow 1021 single-family lots.



Metro Planning Commission Meeting of 7/25/02

SUBAREA 13 PLAN

Policy

Properties proposed for RM9 zoning are located in the Residential Medium (RM) policy, which permits 4 to 9 dwelling units per acre.

Policy Conflict

Properties proposed for RS10 zoning are located in the Residential Low Medium (RLM) policy, which permits 2 to 4 dwelling units per acre.

No. The Subarea 13 Plan states: *“It is a developing, low medium density residential area, with potential for future residential development.”* However the need for adequate infrastructure is indicated, *“Careful consideration should be given to the adequacy of infrastructure needed to accommodate large amounts of development in the area. Transportations system improvements, such as widening Hobson Pike, may be necessary before major amounts of residential development can be approved in this area.”*

RECENT REZONINGS

No.

TRAFFIC

Traffic Study Submitted

Yes.

Metro Traffic Engineer’s Findings

This development is expected to generate a tremendous amount of traffic. The study predicts 16,553 daily trips will be generated by this development. In order for the existing road network to accommodate this volume of traffic the study suggests two improvements in addition to the internal road network to be constructed for the development. These two improvements are:
(1) Hobson Pike widened to a four-lane cross section.
(2) Hamilton Church Road widened to a four-lane cross section from Murfreesboro Road to Mt. View Road.
Without these improvements, the roadways are expected to operate at level-of-service E. Therefore, the Traffic Engineer cannot recommend approval for this rezoning until these improvements are committed to/scheduled for completion.

SCHOOLS

Students Generated

242 Elementary 173 Middle 140 High School

Schools Over/Under Capacity

Students will attend Mt. View Elementary School, Kennedy Middle School, and Antioch High School. None of these schools have been identified as being overcrowded by the Metro School Board.



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No final plat for development on the site shall be approved until a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students shall be offered for dedication to the Metro Board of Education, the offer of such school site being proportional to the development's student generation potential.



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-072G-12

N/A

None.

Approve with conditions. RS10 is consistent with the RLM policy calling for 2 to 4 dwelling units per acre. If a council bill is filed it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation:

1. *No access allowed onto Culbertson Road until Culbertson Road is improved from Nolensville Pike to Old Hickory Boulevard to the adopted Metro standards for a collector road or its equivalent.*
2. *Prior to reconstruction of Culbertson Road from Nolensville Pike to Old Hickory Boulevard, any development on the property must gain sole access through the stub streets within the adjacent residential PUD's.*

APPLICANT REQUEST

Rezone 15.76 acres from Agricultural (AR2a) to Residential (RS10)

Existing Zoning
AR2a zoning

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

Proposed Zoning
RS10 zoning

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

SUBAREA 12 PLAN

Policy
Residential Low Medium (RLM)

RLM permits 2 to 4 units per acre.

Policy Conflict

None. RS10 zoning is consistent with RLM policy and the emerging zoning pattern in the area. However, currently, the road infrastructure does not meet Metro standards and therefore is inadequate to handle the traffic that would be created by development under the RS10 zoning.

RECENT REZONINGS

Yes. MPC recommended approval with roadway and access conditions on 3/19/98 (98Z-048G) rezoning adjacent parcel 36 from AR2a to RS10. Council approved the rezoning without the conditions on 5/26/98 (O98-1175).



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ROAD NETWORK CONDITIONS

Rezoning to RS10 would permit up to 58 single-family dwellings on the site. 58 single-family residences would generate approximately 558 trips per day (Institute of Transportation Engineers, 6th Edition, 1996).

Currently, Culbertson Road is substandard in its construction with portions 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 thus eliminating the need for Culbertson Road access.

Staff further recommends that should either the Metropolitan Planning Commission or Council recommend that this property be rezoned under the current roadway conditions such rezoning be conditioned as follows:

1. No access allowed onto Culbertson Road until Culbertson Road is improved from Nolensville Pike to Old Hickory Boulevard to the adopted Metro standards for a collector road or its equivalent.
2. Prior to reconstruction of Culbertson Road from Nolensville Pike to Old Hickory Boulevard, any development on the property must gain sole access through the stub streets within the adjacent residential PUD's.

Traffic Engineer's Findings

Approve. Adjacent to this property is the site of the proposed preliminary plat Sundown Green (2002S-082G-12). The Planning Commission disapproved Sundown Green on 4/25/02. The Metro Traffic Engineer conditioned the plat that the road improvements on Culbertson Road were not required until 25% of the development had been completed. The Traffic Engineer has indicated that the property proposed in this zone change will yield less than 25% of the total of Sundown Green. Therefore, no road improvements will be required for this particular property.



Metro Planning Commission Meeting of 7/25/02

SCHOOLS

Students Generated

11 Elementary 8 Middle 7 High School

Schools Over/Under Capacity

Students will attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. Maxwell Elementary and Antioch High have not been identified as being overcrowded by the Metro School Board, but Antioch Middle School has been identified as being overcrowded.

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).
- “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).



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- “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 Recommendation

Zone Change 2002Z-073U-10

N/A

N/A

Approval. The property at 746 Benton Avenue meets the criteria outlined in the Zoning Code for establishing a Neighborhood Landmark Overlay district. Specifically, this home is a critical component of the neighborhood context and structure along Benton Avenue.

APPLICANT REQUEST

Apply the Neighborhood Landmark Overlay district to the property.

Existing Zoning

R6 zoning

R6 allows single-family and duplex lots with a minimum lot size of 6,000 square feet at a density of 6.17 dwelling units per acre.

Historic Zoning Overlay

746 Benton Avenue not only falls within the Woodland and Waverly Historic Zoning district, requiring Historic Commission review and approval of any exterior changes to the structure, but is also listed on the National Register of Historic Places.

Proposed Zoning

Neighborhood Landmark Overlay district (NLOD)

The 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. After Council has approved the NLOD district, the Planning Commission must approve a Neighborhood Landmark Development plan. This site plan will address site design, specific uses, building scale, landscaping, massing issues, parking lot access, and lighting.

The eligibility of a property for application of the Neighborhood Landmark Overlay District is based upon meeting the definition of a neighborhood landmark and meeting one or more of the criteria below.

1. It is recognized as a significant element in the neighborhood and/or community;



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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.

CRITERIA FOR CONSIDERATION

The home at 746 Benton Avenue also meets the 6 criteria for consideration outlined in 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 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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TRAFFIC

Road improvements and a traffic analysis will be done at the final plan stage if the Metro Council approves the NLOD. The analysis will take into consideration the proposed uses at the time of the final plan.

Traffic Study

No. One was not required.



Project No.
Council Bill
Associated Cases

Zone Change 2002Z-074U-12
N/A
Subdivision 2001S-343U-12 Wallace Road
Mandatory Referral 2002M-018U-12 Southern Hills
Medical Sign Encroachment

Staff Recommendation

Approve. OL zoning implements the Subarea 12 Plan's Office Concentration (OC) policy.

APPLICANT REQUEST

Rezone 3.8 acres from Residential (RM20 and R6) to Office Limited (OL)

Existing Zoning
RM20 zoning

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

R6 zoning

R6 zoning is intended for single-family homes and duplexes at 6.2 units per acre.

Proposed Zoning
OL zoning

OL zoning is intended for moderately intense office uses.

SUBAREA 12 PLAN

Policy
Office Concentration (OC)

OC policy is intended for large concentrations of office uses.

Policy Conflict

None. OL district is consistent with the intent of the Subarea 12 Plan's OC policy. This property is situated between an apartment complex and a strip mall area east and west, and the Southern Hills Medical Facility and other OL zoned property north and south.

RECENT REZONINGS

None.

TRAFFIC

Based on typical uses in OL zoning, with on site parking 10,000 sq. ft. of development per acre is used to calculate traffic generation, such as medical-dental office, Office Park, and General Office approximately 418 to 1,373 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Recommendation

Approve.



Project No.
Associated Case
Council Bill
Staff Recommendation
(As Revised)

Zone Change 2002Z-075G-12

None
N/A

Approve with conditions. If a council bill is filed, it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation: 1)Widening the pavement of Cane Ridge Road to Major Street Plan standards (currently U4) from the northern portion of parcel 168 on Tax Map 174 to the Cane Ridge Road/Preston Road intersection, 2)upgrading the Cane Ridge Road/Preston Road intersection to a 90-degree intersection, 3)widening Preston Road to Metro standards for a local road (23 feet of pavement) from that intersection to the southern border of parcel 001 on Tax Map 174, and 4)the new development shall tie into the stub street (Hickory Park Drive) to the north.

APPLICANT REQUEST

Rezone 145 acres from Agricultural (AR2a) to Single-family and Multi-family Residential (RS10 and RM15)

Existing Zoning
AR2a zoning

AR2a zoning is intended for agricultural uses and residential uses with a minimum lot size of two (2) acres.

Proposed Zoning
RS10 zoning

RS10 zoning is intended for single-family residential development with a minimum lot size of 10,000 square feet.

RM15 zoning

RM15 zoning is intended for moderately high intensity multi-family structures at a density of fifteen (15) units per acre.

SUBAREA 12 PLAN

Policy
Residential Low Medium (RLM)

RLM is intended for residential areas with densities between two (2) and four (4) units per acre.

Residential Medium High (RMH)

RMH is intended for residential areas with densities between nine (9) and twenty (20) units per acre.

Policy Conflict

No. The RS10 district allows 3.7 units per acre, while the RLM policy calls for two (2) to four (4) units per acre. The RS10 district is consistent with the Subarea



Metro Planning Commission Meeting of 7/25/02

TRAFFIC

12 Plan's RLM policy. The RM15 district allows fifteen (15) units per acre, while the RMH policy is intended for densities between nine (9) and twenty (20) units per acre. The RM15 district is consistent with the Subarea 12 Plan's RMH policy.

The proposed zone change would permit a total of 695 units, 210 multi-family and 485 single-family. This number of units would create approximately 6,025 vehicle trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic. In 2001, Cane Ridge Road handled an average of 1,142 vehicle trips per day. Staff feels that due to the increase in traffic that would be generated by this zone change, several traffic-related requirements should be included in any Council bill filed to effect this zone change as conditions to be completed prior to any final subdivision plat recordation. Those conditions are:

1. Upgrade Cane Ridge Road to Major Street Plan standards (currently U4) from the northern portion of parcel 168 on Tax Map 174 to the Cane Ridge Road/Preston Road intersection.
2. The current intersection of Cane Ridge Road and Preston Road shall be upgraded to allow Preston Road to meet Cane Ridge Road at ninety degrees.
3. Upgrade Preston Road to Metro standards for a local road (23 feet of pavement) from its intersection with Cane Ridge Road to the southern border of parcel 001 on Tax Map 174.
4. The new development shall tie into the stub street (Hickory Park Drive) to the north. This street ties directly into a signalized intersection at Bell Road. There is also an existing fire station along Hickory Park Drive.

Traffic Engineer's Findings

The Metro Traffic Engineer has indicated that no Traffic Impact Study has been submitted by the applicant, and has provided no recommendation to staff.

SCHOOLS Students Generated

109 Elementary 77 Middle 63 High Schools

Schools Over/Under Capacity

If the property were developed under the proposed zoning, 249 students would be generated. Students



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would attend Maxwell Elementary, Antioch Middle, and Antioch High School. Maxwell Elementary and Antioch High have not been identified as being overcrowded by the Metro School Board, but Antioch Middle School has been identified as being overcrowded.

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 a significant portion of the property contains property encompassed by floodplain, and a portion of the property contains steep slopes [slopes 20% or greater], 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).
- “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).



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- “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 Recommendation

Zone Change 2002Z-076U-12
N/A
None.
Disapprove. CL zoning will not implement the Subarea 12 Plan's Residential Medium (RM) policy, and would exceed the commercial development square footage standards for the unmapped commercial node.

APPLICANT REQUEST

Existing Zoning
AR2a zoning

Rezone 6.34 acres from Agricultural (AR2a) to Commercial Limited (CL)

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

Proposed Zoning
CL zoning

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

SUBAREA 12 PLAN Policy

Residential Medium (RM)

RM policy permits 4 to 9 units per acre.

Policy Conflict

Yes. CL district is not consistent with the intent of the Subarea 12 Plan's RM policy. In 1998 the Planning Commission approved a zone change from AR2a to CL for parcel 178 just to the west of the proposed property. At the time of that rezoning, staff pointed out an unmapped commercial node at the intersection of Bell Road and Old Hickory Boulevard. Unmapped commercial nodes reflect the standards of the Retail Neighborhood (RN) policy area. The RN policy area allows for 30,000 to 100,000 sq. ft. of commercial development. Currently at this commercial node there is potential for more 300,000 sq. ft. of commercial development, which exceeds the maximum of 100,000 sq. ft. In order to support the expansion of commercial zoning in this area the policy would have to be Retail Concentration Community (RCC) policy, which supports 100,000 to 500,000 sq. ft. of development.

RECENT REZONINGS

Yes. MPC approved on 7/23/98 (98Z-128U) rezoning parcel 178 from AR2a to CL. Council approved on 10/22/98 (O98-1334).

TRAFFIC

Based on typical uses in CL zoning, with on site parking, 10,000 sq. ft. of development per acre is used



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Traffic Engineer's Findings

to calculate traffic generation, such as discount store, hardware store, and restaurant approximately 3,374 to 8,264 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

The Metro Traffic Engineer has indicated no objections to this project if traffic improvements called for in Zone Change 2002Z-077G-12 are completed.



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-077U-12
N/A
None.
Disapprove. SCR zoning does not implement the Subarea 12 Plan's residential (RM or RLM) policy, and would exceed the commercial development square footage standards for the unmapped commercial node.

APPLICANT REQUEST

Existing Zoning
AR2a zoning

Rezone 33 acres from Agricultural (AR2a) to Shopping Center Regional (SCR)

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

Proposed Zoning
SCR zoning

SCR zoning is intended for high intensity retail, consumer service, and office uses for a regional market area.

SUBAREA 12 PLAN

Policy
Residential Low Medium (RLM)
Residential Medium (RM)

RLM policy permits 2 to 4 units per acre.
RM policy permits 4 to 9 units per acre.

Policy Conflict

Yes. SCR district is not consistent with the intent of the Subarea 12 Plan's RLM or RM policy. In 1998 the Planning Commission approved a zone change from AR2a to CL for parcel 178 just to the west of the proposed property. At the time of that rezoning staff pointed out an unmapped commercial node at the intersection of Bell Road and Old Hickory Boulevard. Unmapped commercial nodes reflect the standards of the Retail Neighborhood (RN) policy area. The RN policy area allows for 30,000 to 100,000 sq. ft. of commercial development. Currently at this commercial node there is potential for more 300,000 sq. ft. of commercial development, which exceeds the maximum of 100,000 sq. ft. In order to support the expansion of commercial zoning in this area the policy would have to be Retail Concentration Community (RCC) policy, which supports 100,000 to 500,000 sq. ft. of development.



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RECENT REZONINGS

Yes. MPC approved on 7/23/98 (98Z-128U) rezoning parcel 178 from AR2a to CL. Council approved on 10/22/98 (O98-1334).

TRAFFIC

Based on typical uses in SCR zoning, with on site parking, 10,000 sq. ft. of development per acre is used to calculate traffic generation, such as a superstore, shopping center, and supermarket approximately 14,164 to 36,798 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Recommendation

Approve with conditions as follows:

1. Construct roadway improvements on Old Hickory Blvd. and Bell Rd. to include roadway widening and construction of additional lanes.
 2. Conduct a traffic impact study for this proposal as soon as the Metro Public Schools academic year begins.
 3. Implement any additional recommendations by the study and/or the Metro Traffic Engineer.
-



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-078U-14
N/A
None
Approve.

APPLICANT REQUEST

Rezone 9.46 acres from Commercial Limited (CL) to Residential (R10)

Existing Zoning
CL zoning

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

Proposed Zoning
R10 zoning

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

SUBAREA 12 PLAN

Policy
Commercial Mixed
Concentration (CMC)

CMC policy is intended for major concentrations of retail, offices, and medium density residential.

Policy Conflict

None. R10 district is at the low end of medium density residential. These properties have come before the Planning Commission on several other occasions requesting CL zoning. Planning staff and the Planning Commission have consistently recommended disapproval of the CL zoning. Metro Council approved the change to CL in 2001. This change will return the properties to R10 zoning which is appropriate for this area and is consistent existing pattern in this area.

RECENT REZONINGS

Yes. MPC disapproved on 4/26/01 (2001Z-042-14U) rezoning these parcels from R10 to CL. Council approved on 8/4/01 (BL2001-737).

TRAFFIC

Based on typical uses in R10 zoning such as single-family residences and duplexes approximately 70 to 140 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Recommendation

Approve.



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SCHOOLS

Students Generated

6 Elementary 4 Middle 3 High School

Schools Over/Under Capacity

Students will attend McGavock Elementary School, Two Rivers Middle School, and McGavock High School. Two Rivers Middle and McGavock High have not been identified as being overcrowded by the Metro School Board, but McGavock Elementary School has been identified as being overcrowded.



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2000Z-087U-11

N/A
PUD Proposal No. 116-83-U-11
Approve with conditions. The CL zoning and proposed PUD amendment is consistent with the Subarea 11 Plan’s CMC policy calling for a wide range of commercial uses. The council bill should include the required traffic improvements along Thompson Lane, including a new traffic signal at the site entrance, right-turn lanes into the site at both entrances, and a new left-turn lane into the main project entrance. The council bill shall not be approved on third reading until the right-of-way along Thompson Lane is acquired from Metro for this project.

APPLICANT REQUEST

Existing Zoning
R10 zoning/Commercial PUD

Rezone 12.54 acres from Residential (R10) to Commercial Limited (CL)

R10 allows single-family and duplex lots with a minimum lot size of 10,000 square feet, while the existing commercial PUD is approved for 334,500 square feet of office, hotel, and convenience market uses.

Proposed Zoning
CL zoning

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

SUBAREA 11 PLAN

Policy
Commercial Mixed Concentration (CMC)

CMC policy is intended for a wide range of commercial uses with a mixture of commercial and residential uses. CMC policy was applied to this property in recognition of the negative impacts exerted by Briley Parkway and the interstate, and to encourage appropriate commercial or higher density residential development.

Policy Conflict

No. The Subarea 11 Plan calls for commercial development at this location, while there is already an existing commercial PUD approved at this location. The Subarea plan encourages a limited number of central access points to and from Thompson Lane, while is also says: “Commercial uses in this isolated area should be compatible with the residential areas



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across Thompson Lane and incorporate enhanced landscaping and design measures to maintain an attractive overall image” (Subarea 11 Plan, page 68).

RECENT REZONINGS

This zone change request has been reactivated since it was deferred indefinitely in 2000. The applicant is only requesting the zone change should the Planning Commission find that their PUD application is a PUD amendment and not a PUD revision. The PUD revision would not require a zone change.

TRAFFIC

Based on typical uses, a shopping center of this size could generate approximately 5,021 trips per day (Institute of Transportation Engineer’s, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Study Submitted

Yes. The traffic impact study recommends a new traffic signal at the main driveway on Thompson Lane, as well as two right-turn lanes into the project’s two entrances on Thompson Lane. The plan also proposes a left-turn lane into the main project entrance on Thompson Lane.

Traffic Engineer’s Findings

The Metro Traffic Engineer has reviewed the proposed plan and recommends disapproval of three driveways to and from Thompson Lane, but approval of two driveway cuts with the secondary driveway not having a median cut on Thompson Lane.



Project No.
Project Name
Council Bill
Associated Cases
Staff Recommendation

**Planned Unit Development 116-83-U-11
Willowbrook Marketplace PUD**

N/A
Zone Change 2000Z-087U-11
Disapproval as a revision to preliminary PUD plan.

Approval with conditions as an amendment, with conditions for the required traffic improvements along Thompson Lane, including a new traffic signal at the site entrance, right-turn lanes into the site at both entrances, and a new left-turn lane into the main project entrance. The council bill should not be approved on third reading until the right-of-way along Thompson Lane is acquired from Metro for this project.

Conditions will also include an enhanced landscape buffer along the frontage of Thompson Lane to include a minimum "B" landscape buffer yard, the relocation/removal of the gas pump islands to the corner of Briley Parkway and Thompson Lane, and a condition limiting the hours of operation to 10 pm.

APPLICANT REQUEST

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

Permit 117,324 square feet of retail and restaurant uses including a 13,650 square foot drug store, a 66,000 square foot grocery store, 30,654 square feet of retail, and a 7,020 square foot restaurant on 12.54 acres.

Although the applicant is requesting a revision to the preliminary PUD plan, staff believes the proposed changes to the plan constitute a change to the basic development concept of the PUD, requiring a PUD amendment and Metro Council action. The previously approved preliminary PUD plan permitted two (2) office buildings, one parking structure, one hotel, and a gas/convenience station.

Section 17.40.120 of the Zoning Code gives the Planning Commission the authority to decide whether a change to a plan is a revision or an amendment. It says: "In the judgment of the commission, the change does



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not alter the basic development concept of the PUD.” Staff believes the change in use, design, and square footage does change in the concept of the plan.

The Zoning Code also states: "If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive." Since the base zoning is R10 and the PUD was not approved for restaurant or retail uses, staff believes that the proposed changes constitute an amendment.

PLAN DETAILS

Design/Landscaping

Staff recommends approval with the following conditions that will address the Subarea 11 Plan’s policy for commercial development to be compatible with the adjacent neighborhood on the north side of Thompson Lane.

- The applicant proposes gas pumps directly across Thompson Lane from single-family residential homes, while the approved preliminary PUD plan has them closer to the intersection of Briley Parkway and Thompson Lane. The fuel pumps are not a use that is compatible with the residential uses across the street and should be removed from the plan or moved to a location with less impact on the neighboring homes.
- Plan does not incorporate “enhanced landscaping and design measures to maintain an attractive overall image.” Proposed plan provides 136.5 tree density units, while the Zoning Code requires 136.3 units. To address the enhanced landscaping recommendations of the Subarea 11 Plan, approval of the amendment should include a condition that the applicant includes a minimum “B” landscape buffer yard along the frontage of Thompson Lane.
- To address concerns of the surrounding neighbors, a condition should be placed on the PUD limiting the hours of operation of all establishments to 10 pm.



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ROW Acquisition/Road Closure

Plan will require a mandatory referral for the closure of Willowbrook Drive and for the acquisition of property along Thompson Lane that is currently within the boundaries of the proposed PUD plan, but is public right-of-way. The council bill should not be approved on 3rd reading until the right-of-way along Thompson Lane is acquired from Metro for this project.

Stormwater Appeals Board

Since a portion of the plan along Thompson Lane proposes parking spaces on land area that is currently owned by Metro, and used as a drainage ditch, Metro Water Services is requiring the Stormwater Appeals Board to approve the preliminary PUD plan prior to making a recommendation. This is currently scheduled for the meeting of July 17, 2002, and staff will update the Planning Commission as to the outcome.

TRAFFIC

Based on typical uses, a shopping center of this size could generate approximately 5,021 trips per day (Institute of Transportation Engineer's, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Study Submitted

Yes. The traffic impact study recommends a new traffic signal at the main driveway on Thompson Lane, as well as two right-turn lanes into the project's two entrances on Thompson Lane. The plan also proposes a left-turn lane into the main project entrance on Thompson Lane.

Traffic Engineer's Findings

The Metro Traffic Engineer has reviewed the proposed plan and recommends disapproval of three driveways to and from Thompson Lane, but approval of two driveway cuts with the secondary driveway not having a median cut on Thompson Lane.



Project No.
Project Name
Staff Recommendation

Subdivision 96S-382G
Chase Creek Subdivision (2nd Revision)
Approve the request to revise the preliminary and final plat to remove sidewalks throughout the subdivision.

APPLICANT REQUEST

A request to revise the preliminary and final plat to remove sidewalks throughout the subdivision, where sidewalks are not required by the RS30 and R40 districts, requested by Patrick Malone, developer.

PROJECT DETAILS

Background

The preliminary and final subdivision did not originally show sidewalks on the plat, but they were shown on the construction plans. On October 20, 1997, the first revision to the subdivision plat showed sidewalks on one side of each of these roads: Chase View Road, West Chase Court, Chase View Court and East Chase Court. At the time these changes were made, the developer was not aware that he was exempt from constructing sidewalks because the subdivision lies within the RS30 and R40 zoning districts.

An adjoining subdivision, Templegate, was faced with a similar situation. Templegate was also in the RS30 zoning district and sidewalks were shown on the construction plans, but the plat did not show the sidewalks. The Legal Department advised staff that no action was needed by the Planning Commission and authorized Public Works to release the bond without the sidewalks being constructed. Two years ago, staff verbally advised the developer of Chase Creek that he was not required to construct sidewalks. This decision was based upon the earlier decision by Legal and the Subdivision Regulations did not requiring sidewalks in these zoning districts. Since the plat for Chase Creek had been revised to show the sidewalks, something that did not happen in the Templegate case, it was considered appropriate to bring the matter before the Planning Commission.

When the Chase Creek developer began meeting with Public Works staff concerning the construction of these sidewalks, he found that more stringent sidewalk standards made construction costs exceed the amount originally estimated. The original estimate for the



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roads and sidewalks in Chase Creek was \$635,000. The reduced Public Works estimate in the amount of \$135,000 covers the amount needed for final paving and does not reflect the cost of sidewalks. Out of the 39 lots located within Davidson County, 14 are considered critical lots. Five of these lots are along the sidewalk path. Because of the topography, retrofitting could be problematic.

STAFF RECOMMENDATION

Staff recommends approval of the request for revision to preliminary and final plats because sidewalks are not required under present zoning in the RS30 and R40 districts.



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2001S-251G-04
Warren Place
Subdivision 2001S-347G-04 A.E. Williams
Approve.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 3.16 acres into eight (8) lots using the cluster lot option, at a proposed density of 2.53 units per acre.

ZONING

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

CLUSTER LOT

Applicant proposes to reduce lots two (2) base zoning districts, from R15 (minimum 15,000 sq. ft. lot) to R8 (minimum 8,000 sq. ft. lot). The proposed lots range in size from 10,002 sq. ft. to 13,902 sq. ft.

The applicant's data shows 0.46 acres (15%) of open space, which complies with the Zoning Regulations' minimum of 15% of the site to be open space.

SUBDIVISION VARIANCES

None.

TRAFFIC ENGINEER'S FINDINGS

Approve.



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-154G-12
Cane Ridge Estates
2001Z-075G-12; Council Bill No. BL2001-805
Approve with conditions subject to a revised preliminary plat prior to the planning commission meeting and bonds for the extension of streets, sidewalks, public utilities and landscape buffer yards.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 30.63 acres into 68 lots using the cluster lot option, at a proposed density of 2.19 units per acre.

ZONING

RS15 district requiring minimum lot size of 15,000 sq. ft.

CLUSTER LOT

Applicant proposes to reduce lots two (2) base zoning districts, from RS15 (minimum 15,000 sq. ft. lot) to RS 7.5 (minimum 7,500 sq. ft. lot). The proposed lots range in size from 7,520 sq. ft. to 11,840 sq. ft.

SUBDIVISION DETAILS

The strip of land that abuts the south side of Cane Springs Road and runs approximately 580 feet starting at the project entrance on Cane Ridge Road and extending east is being dedicated by the plat as right-of-way. This dedication will make possible future access or utility connections for property to the south. It is not a “spite strip.”

Sycamore Tree

A very large, mature sycamore tree, with a caliper of over 30 inches exists in the vicinity of the rear of lot 2. This tree has been located on the plat but needs to be delineated that it is to be protected and retained through the grading and building process.

Blue Line Stream

A blue line stream begins in the vicinity of lot 22. A blue line stream is a stream that has been determined by the Tennessee Department of Environment and Conservation (TDEC) to have water in it all year. These streams are depicted on the United States Geological Survey Quadrangle (USGS Quad) maps with a blue line, hence the name, “blue line.” The state has jurisdiction over blue line streams. When 40 acres or more of land are draining into a stream, Metro’s Stormwater Management Ordinance requires a 25-foot



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Spring House

buffer yard perpendicular from each side of the stream bank. Concerns were raised by Water Services (Stormwater Management) in reviewing this plat as to where the point began that 40 acres of land were draining to the stream. The applicant provided a “40-acre buffer yard” around the stream based on the blue line shown on USGS Quad maps. TDEC has conducted a preliminary field inspection to determine if this is accurate or if there is more water on site that is under its jurisdiction. TDEC has indicated there is evidence that more of the stream may be considered a blue line and that there are two springs. If TDEC concludes that these features are under their jurisdiction the applicant may lose some lots and need to redesign this site.

A natural spring is located in the vicinity of the Cane Springs Road/Springhouse Way intersection, adjacent to lot 27. This plat notes this spring is to be used as an amenity and preserved. However, no details have been presented at this time, other than a note that temporary fencing will protect the spring during construction and that the crossing of the spring bed will be approved by the State of Tennessee before construction begins. There is great concern about this spring as it feeds a well and a pond on the adjacent neighbor’s property (Mark W. and Carol A. Dugger).

Until more details have been presented about the spring’s preservation and the treatment of the blue-line stream, **staff recommends that no grading, blasting or building construction permits be issued until after TDEC conducts its final investigation and the Planning Commission approves a final plat.**

SUBDIVISION VARIANCES

None.

TRAFFIC ENGINEER’S FINDINGS

The Planning Commission conditioned this property’s rezoning, to provide a left-turn lane on Cane Ridge Road between Blairfield Drive and the project entrance (Cane Springs Road). This improvement is near completion.

Cane Ridge Road is narrow and winding. It is not feasible for the developer to improve Cane Ridge Road between Bell Road and the property. Although the



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construction of 68 homes will impact Cane Ridge Road, there are large amounts of vacant land yet to be developed in the vicinity (Planning and Public Works staffs are continuing to review a method of proportional responsibility for road improvements). One intersection has been identified that will be greatly impacted by this subdivision, Preston Road and Cane Ridge Road. With the increased traffic from this development, there is concern for the safety of motorists at this intersection. As a condition of this approval, the developer will provide additional pavement width on Cane Ridge Road south of Preston Road. This is to be the continuation of the southbound, right side edge of pavement from north of Preston Road to south of Preston Road and then a smooth transition back to the existing alignment. This will alleviate to some degree the change in alignment that occurs just past the Preston Road intersection as motorists head southbound that is hidden by a hill profile. In addition, the developer will smooth the transition on Cane Ridge Road through the intersection by attempting to shave the top of the hill and create a less severe drop in the roadway. A plan will need to be submitted to and approved by the Traffic Engineer prior to the approval of any final plats.

CONDITIONS

The following conditions need to be satisfied prior to the planning commission meeting:

1. Further graphically clarify that the land between Cane Springs Road and the south property line is being **dedicated** as right-of-way.
2. A standard "C" type landscape buffer yard must be clearly delineated as running the entire western boundary of the perimeter of the subdivision.
3. Due to the issues involved with this site and the lack of information that is available at the preliminary plat stage, a note must be added across the plat's lot layout in large, bold font: "No grading, blasting, or building permits shall be issued for any portion of this property prior to the approval of the final plat."
4. The developer must submit a plan to the Metro Traffic Engineer for the improvement of the Cane Ridge Road in the vicinity of Preston Road prior to the approval of any final plats.



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5. With the final plat, bonds must be submitted and approved for the extension of streets and sidewalks, public utilities and landscape buffer yards.



Project No.
Project Name
Associated Cases

Subdivision 2002S-158U-10
Glen Echo, Resubdivision of Lot 27

Yes, this case was previously considered and approved subject to sidewalk construction by the Planning Commission on June 13, 2002.

Staff Recommendation

Approve the sidewalk variance on Glen Echo Road.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

A sidewalk variance along property's frontage on Glen Echo Road.

ZONING

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

VARIANCE TO SUBDIVISION REGULATIONS

Sidewalks
(Section 2-6.1)

Sidewalk required along the frontage on Glen Echo Road.

Since the June 13, 2002 meeting of the Planning Commission, the applicant has performed in-depth topographical survey to prepare for the installation of the required sidewalk. They have performed a study indicating that neighboring properties would be impacted by water run-off due to the installation of this sidewalk, curb and gutter.

In order to construct the sidewalk to Public Works standards, an underground storm drainage pipe would be required along the frontage of the property. This pipe would collect water from the roadside ditch to the west and convey the water along the frontage, and finally discharge it onto the neighboring property to the east. The properties downstream to the east do not have culverts under the driveways. This lack of a culvert would essentially act as a dam causing the discharged water to flood the downstream yards.

Recommendation

Approve. The requirement of the sidewalk, curb and gutter would cause injury to neighboring property. Councilman Shulman has requested that Glen Echo be targeted for sidewalk improvements in connection with the Mayor's Capitol Improvement Program and has indicated that preliminary studies place the sidewalk on the opposite side of Glen Echo Road. It would be



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inefficient to require a small portion of sidewalk on this side of the street when initial efforts are being made to place a new sidewalk on the entire length of the other side.



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-206G-03
Prestwick Place
None.
Approved with conditions subject to a revised plat being submitted prior to the Planning Commission meeting.

APPLICANT REQUEST

 X Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 13.31 acres into 49 lots using the cluster lot option, at a proposed density of 3.68 units per acre.

ZONING

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

SUBDIVISION VARIANCES

None

TRAFFIC ENGINEERS
Findings

Approve.

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. Add the note "The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 – Regulations."



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-194U-13
Clare Norris Lots
None.
Approve with conditions subject to a variance for flag-shaped lot and a revised final plat prior to recordation.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 2.302 acres into two (2) lots.

ZONING

R40 district requiring minimum lot size of 40,000 sq. ft.

SUBDIVISION DETAILS

A lot comparability study was not applicable for this application because this property is surrounded by property zoned AR2a.

SUBDIVISION VARIANCES

Frontage (Section 2-4.2A)

Flag lots are generally not permitted.

Recommendation

Approve. The development pattern in the area already consists of irregular shaped parcels. The front of the lot has already been developed with a house, detached garage and a barn. The property drops from an elevation of 615 feet at the street frontage to 540 feet at the rear property line. This translates to a slope of approximately 15 percent.

Dividing this lot into 2 lots of equal width would involve removing an existing structure and would severely limit the type of house that could be constructed (i.e. a long, narrow house). It would also require a variance for the depth to width ratio. The proposed scenario creates a better building envelope in which to place a house than would be created by dividing the parcel into two equal halves.

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS

The following notes need to be added prior to final plat recordation:
1. The owner of lot 1 is responsible for the operation and maintenance of the existing private sanitary sewer service line located in a 10-foot private



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sanitary sewer service line easement crossing a portion of lot 2 as indicated on this plat.

2. The water meter box for lot 2 must be placed at the right of way within the boundary of lot 2 out of the traffic pattern.
3. Franklin Limestone Road needs to be spelled correctly.



Project No.
Project Name
Council Bill
Associated Cases
Staff Recommendation

Planned Unit Development 91-71-G-14
Hermitage Plaza (Blockbuster Video)
N/A
N/A
Approve with conditions, subject to a final plat and subject to sewer capacity being purchased prior to the Planning Commission meeting.

APPLICANT REQUEST

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

Existing Zoning
SCR/Commercial PUD

Request to revise a portion of the preliminary plan and for final approval for a portion to allow a 6,500 square foot retail/restaurant store with a 5,000 square foot Blockbuster Video store and a 1,500 square foot Papa John's take-out pizza store, where the preliminary plan was approved for a 6,500 square foot retail store only.

Preliminary PUD plan was amended by the Metro Council in April 2002 to include a 6,500 square foot retail store. The plan moved the existing Blockbuster Video store to the east to allow for the new Super Wal-Mart store within the same PUD.

SUBAREA 14 PLAN

Plan is also consistent with the Subarea 14 Plan's Retail Concentration Super Community (RCS) policy calling for a wide variety of commercial uses, including retail, restaurant, entertainment, and consumer services.

PLAN DETAILS

The proposed plan is consistent with the layout and design of the plan approved by the Metro Council in April 2002. The addition of the restaurant use is permitted under the SCR base zoning, and PUD, since this plan has previously been approved for restaurant uses.

Signage

The preliminary PUD plan included a condition to address the visual impact between this property and the Hermitage, a national historic site. The Historic Commission staff has determined that the revisions to the PUD will not be visible from the public areas on the Hermitage grounds and therefore would have no negative impact.



Project No.
Project Name
Council Bill
Associated Cases
Staff Recommendation

Planned Unit Development 14-82-U-11
Red Roof Inn (Sign Variance)

N/A
N/A

Disapprove variance since the Zoning Code already gives more flexibility for sign height along interstates, and since there is no property hardship that justifies the additional 10 feet in height.

APPLICANT REQUEST

Preliminary PUD Revised Prelim. Revised Preliminary & Final PUD (Variance)
 Final PUD Amend PUD Cancel PUD

Request for a variance to Section 17.32.130 (D) of the Zoning Code (sign regulations) to permit a 60-foot tall, 190.5 square foot sign, replacing a 50-foot tall, 216 square foot sign. The new sign requires a variance for height since the maximum allowable height is 50 feet tall.

Since this is a variance within a PUD, the Planning Commission will make a recommendation to the Board of Zoning Appeals (BZA) on the sign variance. The BZA will make the final determination on the variance.

Existing Zoning
Commercial Limited (CL)

In a CL district next to an interstate, a maximum sign of 50-feet in height is permitted. If this property were not next to the interstate, the maximum allowable height would be 40-feet tall.

VARIANCE REQUEST

The applicant has indicated that a new sign is proposed as an upgrade to the 50-foot tall sign that exists at approximately the same location. The new sign is part of a nationwide renovation of Red Roof Inn locations and image.

Staff recommends disapproval of the variance since there are no property hardships (topography, grade, grade, etc.) making this site different than other sites along the interstate.



Project No.
Project Name
Council Bill
Associated Cases
Staff Recommendation

Planned Unit Development 88-85-P-06
West Park, Phase 1 and 2
N/A
N/A
Approve with conditions, subject to a final plat that includes bonds for off-site road improvements and any necessary public improvements.

APPLICANT REQUEST

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

Existing Zoning
R15/Res. PUD

Request for final PUD plan approval to allow 44 townhomes in Phase 1 and 52 townhomes in Phase 2, where 147 townhomes were approved in three phases on the preliminary plan.

Preliminary PUD was approved in 1985 for 240 townhomes, and revised by the Planning Commission on June 27, 2002 to reduce the number of units to 147 townhomes. Plan is grandfathered to permit townhomes within the R15 district, a single-family and duplex district.

PLAN DETAILS

This plan is for final approval for 96 townhomes in two phases, where 147 overall units are approved in three phases. This plan is consistent with the preliminary plan.

TRAFFIC/CONDITIONS

Traffic Engineer's Findings

Approve with conditions.
1. Prior to the issuance of any Use and Occupancy permits for the 30th unit, the developer/owner needs to construct a westbound left-turn lane into the project entrance on Charlotte Pike.
2. Prior to the issuance of any Use and Occupancy permits for Phase 1, the area along the south side of Charlotte Pike needs to be cleared of obstructions, including fences, signs, and trees in accordance with the final PUD's Landscaping Plan.
3. Bonds need to be posted for sidewalks, turn-lane, and landscaping with the final plat.



Project No.
Project Name

Mandatory Referral 2002M-069U-09
Hermitage Hotel Canopy
Aerial and Ground Encroachment

Council Bill
Staff Recommendation

No
Approval

APPLICANT REQUEST

Aerial and ground encroachment to construct a canopy over and downspouts into the public right-of-way of 6th Avenue. Canopy will measure 16 feet in length and project 14 feet over the sidewalk, with a clearance height of 9 feet above the sidewalk. Downspouts will extend from the canopy, down the face of the building, and into and under the sidewalk.

APPLICATION REQUIREMENTS

License to Encroach Agreement

Yes – one was submitted in correct form.

Insurance Certificate

Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 aggregate coverage, as required by Metro Legal.

Property Owner Sign Application

Contractor, R.C. Mathews Contractor, LLC made application for Historic Hotels of Nashville, owner.

Tenant Sign Application

Owner and tenant one in the same.

DEPARTMENT AND AGENCY RECOMMENDATIONS

All reviewing departments and agencies recommend approval.



Project No.
Project Name
Water & Sewerage Services Project
Staff Recommendation

Mandatory Referral 2002M-071U-13
Clearwater Drive Easement Acquisition
No. 02-SW-14
Conditional Approval

APPLICATION REQUEST

Request to acquire 10-foot stormwater easement (public utility and drainage easement) on various properties along Clearwater Drive for Water Services Project No. 02-SW-14 for construction of a stormwater drainage system.

APPLICATION REQUIREMENTS

None.

DEPARTMENT AND AGENCY COMMENTS

None.

RECOMMENDATION

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



Project No.
Project Name
Water & Sewerage Services Project
Staff Recommendation

Mandatory Referral 2002M-072U-03
LaGrange Drive Easement Acquisition
No. 02-SW-10
Conditional Approval

APPLICATION REQUEST

Request to acquire 10-foot stormwater easement (public utility and drainage easement) on various properties along LaGrange Drive for Water Services Project No. 02-SW-10 for construction of a stormwater drainage system.

APPLICATION REQUIREMENTS

None.

DEPARTMENT AND AGENCY COMMENTS

None.

RECOMMENDATION

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



Project No.
Project Name

Mandatory Referral 2002M-073U-09
401 12th Avenue South Canopy
Aerial Encroachment

Council Bill
Staff Recommendation

No
Approval

APPLICANT REQUEST

Aerial encroachment to construct a canopy over the public right-of-way of Pine Street. Property located on the southwest corner of 12th Avenue South and Pine Street. Canopy will measure 12 feet in length and project 5 feet over the sidewalk, with a clearance height of 11 feet above the sidewalk.

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 \$1,000,000 for aggregate coverage, as required by Metro Legal.

Property Owner Sign Application

Yes.

Tenant Sign Application

N/A. Tenant, if any, not known at time of application.

DEPARTMENT AND AGENCY RECOMMENDATIONS

All reviewing departments and agencies recommend approval.



Project No.
Project Name
Water & Sewerage Services Project
Staff Recommendation

Mandatory Referral 2002M-074U-05
CVS Pharmacy Easement Abandonment
No. 02-SGW-92
Conditional Approval

APPLICATION REQUEST

Request for public utility and drainage easement abandonment within former Alley 1022 for Water Services Project No. 02-SGW-92 located on the CVS Pharmacy site at 2516 Gallatin Pike.

Easements were retained when a portion of alley 1022 was abandoned (closed) by Council Bill BL65-720.

APPLICATION REQUIREMENTS

None.

DEPARTMENT AND AGENCY COMMENTS

None.

RECOMMENDATION

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



Project No.
Project Name

Mandatory Referral 2002M-075U-12
Ellington Agricultural Center / William Whitfield Park Lease Agreement

Council Bill
Staff Recommendation

BL2002-1131
Conditional Approval

APPLICATION REQUEST

Ordinance authorizing Metro Board of Parks and Recreation to enter into lease agreement with State of Tennessee.

Lease agreement will reinstate an old lease for the current William D. Whitfield Park and allow for the addition of a 4-acre portion of the Ellington Agricultural Center into the park.

Lease Agreement Submitted

Yes.

APPLICATION REQUIREMENTS

None.

DEPARTMENT AND AGENCY COMMENTS

None.

RECOMMENDATION

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



Project No.
Project Name

Mandatory Referral 2002M-076U-05
Dickerson Road Sidewalk Improvements
Right-of-Way Acquisition

Water & Sewerage Services Project
Staff Recommendation

No. 02-M-01
Conditional Approval

APPLICATION REQUEST

Request to acquire portions of various properties along Dickerson Road, from East Trinity Lane to Alhambra Circle, by negotiation or condemnation, for the Dickerson Road Sidewalk Improvements Project.

APPLICATION REQUIREMENTS

None.

DEPARTMENT AND AGENCY COMMENTS

None.

RECOMMENDATION

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



Project No.
Project Name

Mandatory Referral 2002M-077U-05
Dickerson Road Sidewalk Improvements
Right-of-Way Acquisition

Water & Sewerage Services Project
Staff Recommendation

No. 01-M-13
Conditional Approval

APPLICATION REQUEST

Request to acquire portions of various properties along Dickerson Road, from Douglas Avenue to East Trinity Lane, by negotiation or condemnation, for the Dickerson Road Sidewalk Improvements Project.

APPLICATION REQUIREMENTS

None.

DEPARTMENT AND AGENCY COMMENTS

None.

RECOMMENDATION

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



Project No.
Project Name

Mandatory Referral 2002M-078U-05
Jones Avenue Sidewalk Improvements
Right-of-Way Acquisition

Water & Sewerage Services Project
Staff Recommendation

No. 01-R-05
Conditional Approval

APPLICATION REQUEST

Request to acquire portions of various properties along Jones Avenue, from Douglas Avenue to Ward Street, by negotiation or condemnation, for the Jones Avenue Sidewalk Improvement Project.

APPLICATION REQUIREMENTS

None.

DEPARTMENT AND AGENCY COMMENTS

None.

RECOMMENDATION

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



**Project No.
Project Name**

**Mandatory Referral 2002M-079U-08
Agreement between Metro and MDHA for
Low-Rent Scattered-Site Housing Program**

**Council Bill
Staff Recommendation**

BL2002-1115
Conditional Approval

APPLICATION REQUEST

Ordinance authorizing the development of 19 duplex housing units as continued implementation of a cooperation agreement between Metro Government and the Metropolitan Development and Housing Agency (MDHA) to develop up to 200 housing units, in accordance with Resolution R-92-288, adopted by Metro Council on June 16, 1992.

The proposed housing units to be located primarily in the Preston Taylor Hope VI Redevelopment Project area.

SUBAREA 8 PLAN

The Subarea 8 Plan explicitly supports the revitalization and redevelopment of residential and business areas and the provision of lower income housing as provided by MDHA.

All proposed sites are consistent with the adopted Subarea 8 Community Structure Plan calling for Neighborhood General (NG) policy and are properly zoned for duplex housing. The NG policy is classified for areas predominantly residential in character and supports a mix of residential housing types.

Proposed sites located on Michigan Avenue and 40th Avenue North are located within close proximity to the W.H. Boyd Park.

**DEPARTMENT AND AGENCY
COMMENTS**

None.

RECOMMENDATION

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