



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

**Text Change 2003Z-010T**

None  
None  
Regen

**Staff Recommendation**

*Approve*

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**REQUEST**

**Modify the “Floodplain/Floodway Development Standards” contained in Section 17.28.040 to permit encroachments affecting more than 20% of the preserved natural floodplain provided both of the following occur:**

- 1. The property’s base zoning has not been changed after April 5, 2003; and,**
- 2. The applicant submits, and the Metro Council approves, a planned unit development or urban design overlay district application.**

In addition, there are some minor housekeeping items to correct formatting contained in Substitute Ordinance BL2002-1021, and to cross-reference the floodplain/floodway standards elsewhere in the Zoning Code.

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**ANALYSIS**

**Background**

On March 18, 2003, the Metro Council adopted floodplain/floodway standards which became effective on April 5, 2003. Some large property owners were unaware of this legislation and its affect on the future development potential of their property. These owners requested an amendment to the legislation to “grandfather” in their development potential before BL2002-1021 became effective. Members of The Metro Council directed staff to prepare such an amendment.



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### Existing Code

Staff met with members of Council, large property owners, and representatives of the development community in developing this amendment. A copy of the proposed amendment has been forwarded to all interested persons.

The Zoning Code protects the natural floodplain through floodway and floodplain development standards contained in Section 17.28.040 by requiring either (a) or (b), whichever results in the greater amount of floodplain area to be preserved and protected:

- (a) A minimum of 50% of the natural floodplain area and all of the floodway area; or
- (b) All of the floodway area plus 50 feet on each side of the waterway.

As of April 5, 2003, these standards apply to all new residential and non-residential development, except properties zoned CC, CF, MUI, MUG, IR, IG and IWD. Public parks, private parks, greenways, golf courses, and state certified wetlands may be located within the preserved and protected floodplain. Limited encroachments into the preserved floodplain area are also permitted by variance. No variance, though, may be granted for more than 20% of the natural floodplain area to be preserved.

### Proposed Text Amendment

The proposed text amendment, if adopted by Metro Council, would permit an encroachment to exceed 20% of the natural floodplain area to be preserved provided two conditions are met:

1. The property's base zoning has not been changed after April 5, 2003; and,
2. The applicant submits, and the Metro Council approves, a planned unit development or urban design overlay district application.

Through this amendment, property owners would be allowed the same development potential on their property as existed prior to April 5, 2003. To ensure no



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additional development is achieved beyond that contemplated by this amendment, and to comply with existing development standards contained elsewhere in the Zoning Code, the following other changes are proposed:

- No concurrent zone change request may be submitted with the PUD or UDO application, under this section.
- A cluster-lot subdivision within a PUD would have to preserve 66% instead of 50% of the natural floodplain, as currently required by the PUD cluster-lot provisions in Section 17.36.070.
- A PUD or UDO application would not be considered by the planning commission, under this section, until after it had been reviewed by the Stormwater Management Committee. A written recommendation must be received from the committee prior to the commission's consideration of the application. The recommendation must state whether the proposed encroachment complies with four specific criteria.
- Any subsequent change in the base zoning of a property following the adoption of a PUD or UDO, under this section, eliminates the right to encroach on more than 20% of the natural floodplain area to be preserved.
- Cross-references are included to ensure the PUD, UDO, variance, and zoning permit procedures contained in the Zoning Code cross reference the floodplain/floodway standards contained in Section 17.28.040.

### Actual Text

The specific changes to the Zoning Code are listed below:

Section 1. By amending Section 17.28.040.A.1, "Floodplain/Floodway Development Standards", by **modifying** text as follows:

~~A.—1.~~ Preserved floodplain. ~~Except as noted below, a~~All development proposed on property that is not developed, as defined herein, encumbered by natural floodplain or floodway, as of April 5, 2003 ~~the effective date of this ordinance in this section~~, shall leave a minimum of fifty percent of the natural floodplain area, including all of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater, undisturbed and in its original, natural state. The preserved floodplain shall be adjacent to the floodway or, as otherwise approved by the zoning administrator or by the metropolitan planning commission if the property is the subject of a subdivision or rezoning application.



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The clearing of trees and brush within the undisturbed area shall be prohibited. For purposes of this subsection, a portion of a lot shall be deemed to be developed if a grading or building permit has been issued or, if a portion of the lot has been disturbed by grading or, if a portion of the lot is improved with any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot including, but not limited to, roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay. Evidence that a portion of the property is developed shall include grading or building permits and/or aerial photographs. Absent grading or building permits, a lot shall not be deemed developed under this section if the use of the property was for agricultural activities. Except as noted below, no encroachment into the preserved natural floodplain area shall be permitted.

Section 2. By amending Section 17.28.040.B, "Floodplain/Floodway Development Standards", by **modifying** text as follows:

B-A. Encroachments Affecting 20% or Less of the Preserved Natural Floodplain Area. Limited encroachments into the preserved natural floodplain may be authorized as a variance by the Board of Zoning Appeals Stormwater Management Committee following a written recommendation from the Stormwater Management Committee, as provided in Chapter 17.40, Article VIII of this title and Chapter 15.64 of the Metropolitan Code of Laws. Such variances shall be approved only if the ~~Committee~~ Board of Zoning Appeals finds that the encroachment(s) reduces the flood danger or would improve and enhance the environmental quality of the affected floodplain section. Of the fifty percent of the natural floodplain area required to be preserved, variances granted under this section shall not be approved for greater than twenty percent of this floodplain area required to be preserved. See Table 17.28.040 for encroachment examples.

Table 17.28.040.A: Encroachment Examples

Total site acreage	100 acres	45 acres	13 acres	3 acres
Amount of site containing natural floodplain/floodway	50 acres	10 acres	6 acres	3 acres
Amount of site that must be designated as preserved natural floodplain/floodway area	50% or 25 acres	50% or 5 acres	50% or 3 acres	50% or 1.5 acres
Maximum encroachment permitted by a variance into preserved natural floodplain/floodway area	20% or 5 acres	20% or 1 acre	20% or .60 acres	20% or .30 acres

Section 2. By amending Section 17.28.040, "Floodplain/Floodway Development Standards", by **adding** the following new paragraph as paragraph "B" and renumbering paragraphs "C", "D", "E", and "F" to read "D", "E", "F", and "G":

B. Encroachments Affecting More Than 20% of the Preserved Natural Floodplain Area. Development (including all phases) may disturb, alter, modify, change or encroach on more than twenty percent of the natural floodplain and/or floodway area required to be preserved, provided the base zoning district has not changed after April 5, 2003, and the



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applicant submits and the metropolitan council approves, a planned unit development district or urban design overlay district application, as provided below.

1. Overlay District Applied. The applicant shall submit an application for a planned unit development district as set forth in Chapter 17.36 along with a master development plan created pursuant to this section, or an application to apply an urban design overlay district as set forth in Article XIII of this title.

a) A request for a planned unit development district or urban design overlay district may not be accompanied by a concurrent request to change the base zoning.

b) Any planned unit development district that utilizes a cluster lot subdivision for single-family or two-family development shall comply with the provisions of Section 17.36.070 regarding the amount of floodway and floodplain areas required to be preserved and not the amount specified under "Preserved Floodplain" in Section 17.28.040. Notwithstanding the above, all other provisions of Section 17.28.040 shall apply.

c) The planning commission shall consider a planned unit development district or an urban design overlay district request under this section, after it has been reviewed by the Stormwater Management Committee. The Committee shall provide a written recommendation to the planning commission, prior to the commission meeting, based upon the proposed development complying with all of the following criteria:

I) The encroachment does not jeopardize the long-term, environmental viability of rivers and creeks within Davidson County;

II) The encroachment does not jeopardize the Metropolitan Government of Nashville and Davidson County's eligibility for federal or state-funded flood insurance or other forms of disaster relief;

III) The encroachment does not inhibit, prevent, constrain, restrict, or impede the design or construction of any greenway or park as shown on the adopted general plan; and,

IV) The encroachment does not create or materially increase a flooding hazard to persons or other property located within the natural floodplain and/or floodway area.

4. Subsequent Change in Base Zoning. Following adoption of a planned unit development district or urban design overlay district pursuant to this section, any subsequent change in the base zoning district classification shall eliminate the right under this section to disturb, alter, modify, change or encroach on more than twenty percent of the natural floodplain and/or floodway area required to be preserved.

Section 3. By amending Section 17.28.040.E.2, "Residential Development: Cluster Lots", by **adding** the following text:

2. Cluster Lots. A single and/or two-family subdivision proposed on property containing natural floodplain and floodway areas is encouraged to employ the cluster



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lot option of Sections 17.12.080 or 17.36.070. Any cluster lot subdivision proposed pursuant to Section 17.36.070, and which intends to encroach into the natural floodplain area required to be preserved by that section shall also comply with A or B of Section 17.28.040. Residential lots under the cluster lot option may be clustered within the manipulated areas of the natural floodplain. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of public works. Protected floodway and floodplain areas shall not be excluded from the calculation of gross land area for purposes of determining lot yield pursuant to Section 17.12.080.

Section 4. By amending Section 17.36.070.B, "Residential Standards: Common Open Space", for a planned unit development district, by **adding** the following text:

- B. Common Open Space. Except for those portions of a master development plan required for the installation of streets and essential utilities, the following areas shall be designated as common open space and protected by a recorded plat in accordance with Sections 17.28.040 and 17.40.120.

Section 5. By amending Section 17.36.080, "Non-Residential and Mixed-Use Standards" for a planned unit development district, by **modifying** the section title and **inserting** the following text:

- Multi-family, Non-residential, and mixed-use standards.

**C. Floodplain development. Any master development plan proposing to disturb, alter, modify, change, or encroach on any portion of the natural floodplain and/or floodway area shall comply with Section 17.28.040 of this title.**

Section 6. By amending Article VIII, "Urban Design Overlay District", by **adding** a new section, "17.36.305" as follows:

**17.36.305 Floodplain development.**

Any design plan proposing to disturb, alter, modify, change, or encroach on any portion of the natural floodplain and/or floodway area shall comply with Section 17.28.040 of this title. Following adoption of an urban design overlay district, any subsequent change in the base zoning district classification shall eliminate the right under Section 17.28.040.B to disturb, alter, modify, change or encroach on more than twenty percent of the natural floodplain and/or floodway area required to be preserved.

Section 7. By amending Sections 17.40.120.F.1b and 17.40.120.F.4, "Changes to a Planned Unit Development District", by **adding** the text that follows:

- 1b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance, or any floodplain encroachment specified by the enacting ordinance or shown on the council approved plans, shall be authorized by council ordinance;
4. Subsequent Change in Zoning District. Following adoption of a PUD district, no subsequent change in zoning district classification shall occur within that PUD without



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concurrent reapproval of the master development plan by the planning commission and council-, except any subsequent change in the base zoning district classification for a PUD approved pursuant to Section 17.28.040.B shall eliminate the right under that section to disturb, alter, modify, change or encroach on more than twenty percent of the natural floodplain and/or floodway area required to be preserved.

Section 8. By amending Section 17.40.130.E, “Changes to an Urban Design Overlay District”, by **adding** the text that follows:

E. Changes to an Urban Design Overlay District. An application to modify an approved urban design overlay district shall be filed with the planning commission. The planning commission shall review all proposed changes according to the procedures of subsection C of this section. A proposed change in the geographic boundary of an urban design overlay district on the official zoning map or any floodplain encroachment approved pursuant to Section 17.28.040.B shall be considered by the council according to the procedures of Article III of this chapter (Amendments).

Section 9. By amending Section 17.40.340, “Limits to Jurisdiction”, by **adding** the text that follows:

The board shall not grant variances to the land use provisions of Section 17.08.030, the density or floor area ratio (FAR) standards of Tables 17.12.020B and 17.12.020C, nor the required size of residential lots approved by the planning commission under the authority of Section 17.12.070, (Lot averaging), Section 17.12.080, (Cluster lot option) or Section 17.36.070C (PUD), nor any floodplain encroachment approved pursuant to Section 17.28.040.B. Further, the board shall not act on a variance application within a planned unit development (PUD), urban design overlay or institutional overlay district without first considering a recommendation from the planning commission.

Section 10. By amending Section 17.40.530, “Zoning Permit Application”, by **modifying** the text that follows:

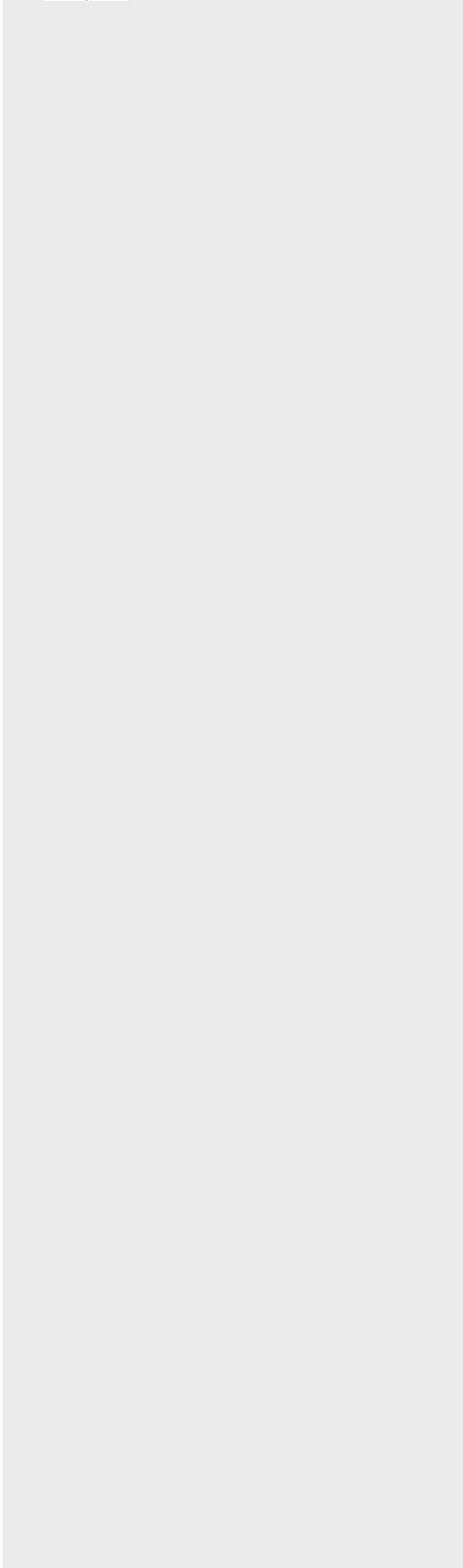
17.40.530 Zoning permit application.

The application requirements for a zoning permit shall be established by the zoning administrator in a form and content appropriate to demonstrate that all structures or use of property will be done in compliance with all applicable provisions of this code. No zoning permit shall be issued:

- A. Prior to approval of a final site plan by the planning commission for properties located within a planned unit development (PUD) overlay district, or any other overlay district requiring approval by the planning commission under Section 17.40.170B;
- B. For development within a *floodplain* overlay district or containing natural floodplain or floodway as provided in Section 17.28.040, prior to approval of a grading and drainage plan by the department of ~~water services~~public works;
- C. For erection of a structure within the airport overlay district prior to approval by the metropolitan Nashville Airport Authority;
- D. For an adult entertainment establishment unless all locational standards established by Chapter 17.36, Article VII are satisfied;
- E. For a special exception use prior to approval by the board of zoning appeals; or
- F. For any manufacturing use or other use, where a compliance certification is required pursuant to Section 17.28.103 of this code.



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

**Zone Change 2003Z-061G-06**  
None  
BL2003-1454  
Kleinfelter  
*Approve with conditions*

**APPLICANT REQUEST**

**Rezone 1.5 acres from residential single-family (RS40) to commercial limited (CL) on the south side of Highway 100, near Old Harding Pike.**

**Existing Zoning**  
RS40 district

RS40 zoning is intended for single-family homes on 40,000 sq. ft. lots.

**Proposed Zoning**  
CL district

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

**BELLEVUE COMMUNITY PLAN: 2003 UPDATE**

Single Family Attached and Detached

The Bellevue Community Plan: 2003 Update provides detailed land use categories to refine the Structure Plan areas within the Plan. Single Family Attached and Detached is described by the Plan as including “a mixture of single family housing that varies based on the size of the lot and building placement on the lot. Detached houses are single units on a single lot (e.g. typical single family house). Attached houses are single units that are attached to other single family houses (e.g. townhouses).”

**Policy Conflict**

Yes, but with an explanation. The proposed CL zoning district is not consistent with the Single Family Attached and Detached land use category that applies to this area in the current Bellevue Community Plan. This area, however, has been the subject of community meetings to discuss updates to the Plan. At these meetings, the public has expressed significant support for extending the Neighborhood Center node immediately to the east on Highway 100 to include more commercial properties. Following the community meetings, staff has received five e-mails regarding expansion of this commercial node – three have been in favor and two in opposition.

Staff will make recommendations to the Commission regarding updates to the Bellevue Community Plan at the Commission’s July 24 meeting. Based upon the community input to date, it is anticipated that the staff



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recommendation to the Commission will be to approve extending commercial policy to include this property.

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### RECENT REZONINGS

Yes. Parcel 113, on the north side of Highway 100, was rezoned to CL with an associated PUD in August of 2002, to allow for a Walgreen's and retail shops.

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### TRAFFIC

Based on typical uses in CL district approximately 430 (office) to 1,600 (specialty retail) to 4,370 (supermarket) vehicle trips per day could be generated. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996) Other uses at different densities could generate more or less traffic.

### Traffic Engineer's Findings

A traffic impact study may be required for future development.

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### CONDITIONS

To help minimize the number of driveway cuts at the Collins Road/Highway 100 intersection the following condition has been included in the council bill.

1. No direct access to Highway 100 will be allowed from parcel 123 on tax map 155. All access from this parcel must be through the existing driveway in the adjacent Planned Unit Development.



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

**Zone Change 2003Z-074U-05**  
BL2003-1443  
None  
Reed

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**Rezone .34 acres from CS to MUL district property at 1105 Woodland Street between N. 11<sup>th</sup> Street and N. 12<sup>th</sup> Street.**

**Existing Zoning**  
CS district

Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto repair, auto sales, self-storage, light manufacturing and small warehouse uses.

**Proposed Zoning**  
MUL district

Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

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**SUBAREA 5 PLAN POLICY**  
Mixed Use (MU)

MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

**POLICY CONFLICT**

None. The proposed zoning conforms to the subarea designation. There are MUL zoned properties on both sides of this block of Woodland St. Along with OR 20 in the vicinity, the proposal helps to establish a mixed use buffer between the predominant CS zoning to the west and the R6 neighborhood to the east.

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**RECENT REZONINGS**

None.

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**TRAFFIC**

Based on typical uses in the MUL district, approximately 98 to 163 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996.) Other uses at different densities could generate more or less traffic.



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### TRAFFIC ENGINEER'S COMMENTS

No exception taken.

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### SCHOOL STUDENTS GENERATED\*

2 Elementary      2 Middle      1 High

### Schools Over/Under Capacity

Students would attend Ross Elementary, Bailey Middle School and Stratford High School. Ross Elementary is currently overcrowded according to the Metro School Board. This information is based upon 2002-03 data from the school board.

\*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.



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

**Zone Change 2003Z-076U-10**  
BL2003-1447  
None  
Reed

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**Existing Zoning**  
OR20 district

**Rezone 0.55 acres from OR20 to ORI district property at 2008 Charlotte Avenue.**

Office/Residential 20 is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

**Proposed Zoning**  
ORI district

Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities.

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**SUBAREA 10 PLAN POLICY**  
Mixed Use (MU)

MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

**POLICY CONFLICT**

None. Area 8A of the Subarea 10 Plan is slated for an intensive, mixed use development pattern along with increased densities to promote compact growth and prevent sprawl into surrounding policy areas. The subarea plan recognizes the expansion and intensification of the health care industry, related residential, and other mixed uses in this district.

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**RECENT REZONINGS**

None.

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**TRAFFIC**

Based on typical uses in the ORI district approximately 470 to 790 vehicle trips per day could be generated. This is based on a maximum F.A.R. of 3.0 and apartment units of 1,000 square feet. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996.) Other uses at different densities could generate more or less traffic.



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### TRAFFIC ENGINEER'S COMMENTS

No exception taken.

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### SCHOOL STUDENTS GENERATED\*

5 Elementary      4 Middle      3 High

### Schools Over/Under Capacity

Students would attend Harpeth Valley Elementary, Bellevue Middle School, and Hillwood High School. Harpeth Valley and Bellevue are listed as overcrowded by the Metro School Board. This information is based upon 2002-03 data from the school board.

\* The numbers for ORI zoning are based upon students that would be generated if the ORI zoning were to develop as multi-family units of 1,000 square feet at an F.A.R. of 3.0.



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

**Zone Change 2003Z-077U-13**  
BL2003-1459  
None  
Reed

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**Rezone 13.3 acres from AR2a to RS10 district property located at 2544, 2558 and 2572 Una Antioch Pike**

**Existing Zoning**  
AR2a district

Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

**Proposed Zoning**  
RS10 district

RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

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**SUBAREA 13 PLAN POLICY**  
Residential Low-Medium (RLM)

RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

**POLICY CONFLICT**

None. Area 4E of the Subarea 13 Plan recognizes existing zoning and development in the area of 2 to 4 units per acre. The proposed zoning would allow development at a maximum of 3.7 units per acre, or a total of 49 units.

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**RECENT REZONINGS**

None.

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**TRAFFIC**

Based on typical uses in the RS10 district, approximately 470 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996.) Other uses at different densities could generate more or less traffic.



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**TRAFFIC ENGINEER'S  
COMMENTS**

No exception taken.

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**SCHOOL STUDENTS  
GENERATED**

10 Elementary    7 Middle    6 High

**Schools Over/Under Capacity**

Students would attend J.E. Moss Elementary, Apollo Middle School and Antioch High School. Apollo and Antioch are listed as overcrowded by the Metro School Board. This information is based upon 2002-03 data from the school board.





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**Council Bill**  
**Associated Cases**  
**Staff Reviewer**

**Zone Change 2003Z-078U-07**  
BL2003-1468  
None  
Reed

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**Rezone 4.31 acres from IR to IG district property at Centennial Boulevard (unnumbered), 300 feet west of Briley Parkway.**

**Existing Zoning**  
IR district

Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

**Proposed Zoning**  
IG district

Industrial General is intended for a wide range of intensive manufacturing uses.

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**SUBAREA 7 PLAN POLICY**  
Industrial and Distribution (IND)

IND policy is intended for existing and future areas of industrial and distribution development. Most types of industrial and distribution uses are found in this policy category including: storage, business centers, wholesale centers, and manufacturing. Certain support uses such as sales, service, and office facilities will also be present in IND areas.

**POLICY CONFLICT**

None. This portion of Area 11A of Subarea 7 is suitable for expanded industrial development due to its surrounding industrial development and separation from any residential uses.

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**PLAN DETAILS**

This triangular parcel is bounded on two sides by railroad tracks. Access is only through parcel 75, adjacent to the northwest. The owner of parcel 75 is the optionee on the subject parcel and wishes to expand the existing business which is zoned IG.

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**RECENT REZONINGS**

None.

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**TRAFFIC**

Based on typical uses in the IR and IG districts, the proposed zoning would result in a reduction of daily vehicle trips from 31 to 29. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996.)



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**TRAFFIC ENGINEER'S  
COMMENTS**

No exception taken.

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**CONDITIONS**

1. Prior to the issuance of any building permits, parcels 3 and 75 must be consolidated.



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**Associated Cases**  
**Staff Reviewer**

**Zone Change 2003Z-079U-03**  
BL2003-1450  
None  
Reed

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**Rezone 0.55 acres from OR20 to CS district properties at White’s Creek Pike (unnumbered), south of Old Hickory Boulevard.**

**Existing Zoning**  
OR20 district

Office/Residential 20 is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

**Proposed Zoning**  
CS district

Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto repair, auto sales, self-storage, light manufacturing and small warehouse uses.

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**SUBAREA 3 PLAN POLICY**  
Commercial Arterial Existing (CAE)

CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses are retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

**POLICY CONFLICT**

None. CAE policy is applied around the White’s Creek Pike/Old Hickory Boulevard intersection. Unlike other CAE areas within the subarea that developed in a linear pattern, this CAE reflects the nodal concept. Area 11E of the Subarea 3 Plan states, “The application of CAE policy will provide opportunities for expansion of existing uses and development of new small scale compatible uses. Additional land for new businesses and adequate parking is considered critical for continued viability of the area.”

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**PLAN DETAILS**

The applicant also owns parcel 45 to the east and has stated an intention to consolidate the two properties. Access will be from White’s Creek Pike. Consolidation will be a condition of approval.

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**RECENT REZONINGS**

None.

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**TRAFFIC**

Existing OR20 zoning would be expected to generate 75-200 vehicle trips per day. The proposed CS zoning would generate approximately 780-1,060 vehicle trips per day. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996.) Other uses at different densities could generate more or less traffic.

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**TRAFFIC ENGINEER'S  
COMMENTS**

No exception taken.

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**CONDITIONS**

1. Applicant must consolidate parcels 101 and 45 prior to the issuance of any building permits.



Project No.  
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Associated Cases  
Staff Reviewer

Zone Change 2003Z-080U-12  
BL2003-1486  
None  
Reed

Staff Recommendation

*Disapprove RM20 ,but approve RM9*

**APPLICANT REQUEST**

**Rezone 4.45 acres from AR2a to RM20 district property located at 91 Tusculum Road, at Benzing Road.**

**Existing Zoning**  
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

**Proposed Zoning**  
RM20 district

RM20 zoning is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

**SUBAREA 12 PLAN POLICY**  
Residential Medium-High (RMH)

RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate the most common types include attached townhomes and walk-up apartments.

Area 5G Policy

“This area includes the Brentridge, Timberlake and Saxony apartments with densities ranging from 9 to 15 units per acre. [I]n addition to the standard RMH policies, the following guideline applies to development in this area: *For the portion of this area with primary access from Tusculum and Benzing Roads, developments should be at the lower-end of the density range.*

**POLICY CONFLICT**

Yes. The property is located at Tusculum and Benzing Road. RM20 zoning would allow 20 units per acre or 89 total units. The subarea plan clearly indicates a desired density limit of 9 units per acre, which would allow a total of 40 units on this property. Appropriate zoning for this parcel would be RM9. Staff recommends that the Commission approve RM9 for this parcel and that the council bill be amended to RM9.



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**RECENT REZONINGS**

None.

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**TRAFFIC**

Based on typical uses in the RM20 district, approximately 590 vehicle trips per day could be generated. RM9 would generate approximately 265 trips. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996.) Other uses at different densities could generate more or less traffic.

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**TRAFFIC ENGINEER'S  
COMMENTS**

No exception taken.

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**SCHOOL STUDENTS  
GENERATED**

6 Elementary      4 Middle      4 High

**Schools Over/Under Capacity**

Students would attend Cole Elementary, Antioch Middle School and Antioch High School. All three schools have been identified as overcrowded by the Metro School Board. This information is based upon 2002-03 data from the school board.



# Metro Planning Commission Meeting of 6/12/03

**Item # 9**

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

**Subdivision 2003S-055U-10**  
**McArthur's Court**  
None  
Reed

**Staff Recommendation**

*Approve with conditions*

**APPLICANT REQUEST**  
**Preliminary Plat**

**Subdivide 7.48 acres, located on the west margin of Granny White Pike, approximately 330 feet south of Harding Place, into 6 lots.**

**ZONING**  
R40 district

R40 zoning requires a minimum lot size of 40,000 square feet. Proposed lot sizes range from 40,216 square feet to 49,920 square feet. The existing residence on the property is to remain.

**SUBDIVISION DETAILS**

This subdivision consists of six lots centered around a cul-de-sac on the west side of Granny White Pike. This is a revised preliminary plat. A preliminary plat approved by the planning commission on 3/13/03 included sidewalks. Section 2-6.1.B.6 of the Subdivision Regulations requires sidewalks on residential lots zoned or proposed for less than 20,000 square feet. Because they are not required by the Regulations, the applicant has chosen not to include sidewalks on this revised preliminary plat.

The Homeowner's Association will be responsible for the maintenance of any landscaping located within the right-of-way.

**TRAFFIC ENGINEER'S FINDINGS**

See below.

**FINDINGS AND CONDITIONS**

1. Prior to the recording of the final plat an agreement will need to be executed with the Public Works Department concerning the maintenance of the landscaping in the right-of-way.
2. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.



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3. Construction plans must show, per AASHTO standards, that emergency service vehicles will be able to safely maneuver the cul-de-sac.





**Project No.** 2003S-136G-12  
**Project Name** Sugar Valley, Second Addition  
**Associated Cases** None  
**Staff Reviewer** Leeman

**Staff Recommendation** *Approve with conditions*

**APPLICANT REQUEST**  
**Preliminary Plat**

**Subdivide 41.99 acres into 134 single-family lots in four phases, at the terminus of Sunnywood Drive, north of Culbertson Road.**

**ZONING**

RS10 district

RS10 district requires a minimum lot size of 10,000 square feet and a maximum density of 3.7 units per acre.

Zoning History

This property was rezoned to RS10 in April of 2003 (Council Bill BL2003-1325).

Cluster Lot Option

The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 5,300 square feet to 12,000 square feet.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant successfully complies with this requirement by proposing a total of 9.79 acres (23.3%) of open space, which exceeds the minimum open space acreage required.

**SUBDIVISION DETAILS**

Street Connectivity

As was a condition of the zone change for this property, no access is provided to Culbertson Road. The proposed plat provides connections to the three existing stub-streets within the Sugar Valley PUD to the north, as was planned with that PUD. This plan also provides three stub-streets to the east for future development, and one to the north.



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Floodplain

Only 1.91% (0.8 acres) of this site lies within the Mill Creek floodplain. The plan proposes 50% of this area to remain undisturbed.

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**Public Works Recommendation**

The Public Works Department recommendations are not yet available and should be provided at the commission meeting.

Zone Change Conditions:

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

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**CONDITIONS**

1. Performance bonds must be posted to secure the satisfactory construction of public improvements prior to the recording of the final plat.
2. As per note #9 on the plat, 50% of the Mill Creek floodplain must remain undisturbed and in a natural state.



**Project No.  
Project Name**

**Planned Unit Development 199-83-U-05  
Ellington View Residential PUD  
(Formerly Cobblestone Corner RPUD)**

**Council Bill  
Associated Case  
Staff Reviewer**

None  
None  
Mitchell

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**Final PUD**

**Request for final PUD approval to allow for the development of 32 apartment units, in a stacked 8-building configuration, and a 5,000-square foot community building on approximately 10 acres. The property is located along the east side of Ellington Parkway, north of Ben Allen Road.**

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**PLAN DETAILS**

The proposed plan preserves the environmentally sensitive hillsides, which exceed 15% slope. The revised plan proposes a 5,000 square-foot community building that is accessible by a seamless network of internal sidewalks and appropriate crosswalks.

A portion of the proposed development encroaches into a Ewing Creek drainage basin that services the existing Cobblestone Corners Apartments, and the Poplar Glen Subdivision. The applicant has received conditional approval from Metro Water Services, however, and is aware that new water quality requirements must be met in addition to existing quantity requirements. Ingress and egress to the site is provided via direct access off Lemont Drive and off Ben Allen Road through the Cobblestone Corners Apartments.

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**TRAFFIC ENGINEER'S FINDINGS**

Approve

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**CONDITIONS**

1. If the existing public utility drainage easement is relocated or resized, the current 1999 plat needs to be re-platted to account for revised public utility and drainage easements.
2. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works



## Metro Planning Commission Meeting of 6/12/03

and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.

3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.



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

**Planned Unit Development 96P-011U-14**  
**River Crest Residential PUD**  
None  
None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**Variance within a PUD**

**Request for a variance to Section 17.12.040, Item 26 (Other Setbacks – Permitted Setback Obstructions) of the Zoning Ordinance to allow for an existing privacy fence, which is taller than 2.5 feet, to remain within the 10-foot setback area.**

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**PROPOSAL DETAILS**

The Metro Zoning Code allows for fences, not exceeding 2.5 feet, to encroach within 10 feet of a street right-of-way. Open fences however, such as a chain link fence or those of a similar nature, are permitted within the 10-foot setback but must not exceed 6 feet in height.

It was determined that the existing fence was non-compliant because the fence was opaque and taller than 2.5 feet. Therefore, the property owner requested a variance to the Metro Zoning Ordinance in lieu of removing or moving the fence.

Planning Commission staff is reviewing this variance request because the property is located within an existing Planned Unit Development. Any action taken by the Metro Planning Commission will be provided as a recommendation to the Board of Zoning Appeals.

**Staff recommends approval of this variance for the following reasons:**

- 1. This request is consistent with the original PUD and does not affect the land use characteristics of the surrounding properties.**
- 2. The existing fence does not create a sight visibility problem for the abutting neighbor since the fence basically follows the pavement line of the existing cul-de-sac.**



**Project No.**

**Planned Unit Development 2002P-003U-03**

**Council Bill  
Associated Case  
Staff Reviewer**

**Project Name Park Preserve, Phase 1 and 3**  
None  
None  
Leeman

**Staff Recommendation**

*Approve with conditions*

**APPLICANT REQUEST**

**Revised Preliminary & Final PUD**

**Revise a portion of the preliminary and final PUD approval for Phase 1 of the PUD district located at the end of Revels Drive and Malta Drive off of Whites Creek Pike. This plan is to permit the development of 325 multi-family units and 29 single-family lots, replacing 327 multi-family units and 25 single-family lots.**

**PLAN DETAILS**

The proposed plan is consistent with the approved overall master development plan calling for a mixture of housing types in Phases 1 and 3. While the Council approved plan had 25 single-family lots, this revision increases that number to 29 lots by rearranging several lots and units. This plan also decreases the number of multi-family units by 2 lots. A condition will be placed on this approval requiring a future phase to be reduced in size by two lots. The overall layout and design are consistent with the approved preliminary.

Variance Request  
(Parking—Section 17.20.030)

This plan proposes several variances to the parking standards of Section 17.20.030 of the Zoning Code.

**Single-Family Lots:** The plan proposes 2.5 on-street parking spaces per lot, while the code requires 2 on-site spaces per lot.

**Multi-Family Lots:** The plan proposes 434 total on-site parking spaces for the multi-family portions of the plan, while 541 spaces are required. However, the plan also provides a total of 558 spaces, including the on-street parking.

Staff recommends approval of the parking variances since this plan is designed to minimize the disturbance to the steep slopes surrounding the area proposed for



## Metro Planning Commission Meeting of 6/12/03

development. Maximizing the number of on-street parking spaces will minimize the amount of disturbance to the steep slopes and increase the amount of surrounding tree buffer from existing trees. The Planning Commission will make a recommendation to the Board of Zoning Appeals on the parking variance since this is a requirement of the Zoning Code.

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### TRAFFIC ENGINEER'S FINDINGS

The Metro Public Works Department has made recommendations on this project, based on a new traffic impact study. Those recommendations are included in the conditions below.

Planning Staff Recommendation

Staff recommends that the conditions outlined by Public Works be completed or bonded prior to final plat recordation.

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### CONDITIONS

1. Prior to the issuance of any building permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services. Sewer capacity must be purchased in accordance with Metro Water Services requirements.
2. With the submittal of any future phase, lots must be deleted since Phases 1 and 3 were increased by a net of two lots, unless the plan is amended by Council to include two more units.

#### **Phase I**

1. Construct a northbound right turn lane on Whites Creek Pike at Malta Drive with 180' of storage and 100' of taper per A Policy on Geometric Design of Highways and Streets published by AASHTO.
2. Provide three lanes on Malta Drive at Whites Creek Pike. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.



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### Phase III

5. Provide three lanes on Revels Drive at Whites Creek Pike. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.
6. Construct a southbound left turn lane on Whites Creek Pike at Revels Drive. This lane shall provide a minimum of 100' of storage and adequate bay and departure tapers per A Policy on Geometric Design of Highways and Streets published by AASHTO.
7. Provide proof of right-of-way for the new section of Revels Drive.

### Phase V

8. Construct a westbound left turn lane on Ewing Drive at Vista Lane. This lane shall provide a minimum of 100' of storage and adequate bay and departure tapers per A Policy on Geometric Design of Highways and Streets published by AASHTO.
9. Provide three lanes on Vista Lane at Ewing Drive. These lanes shall consist of a 12' eastbound lane, an 11' westbound left turn lane and a 12' right-through lane. These lanes shall extend a minimum of 150' plus taper east of the intersection.





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

**Mandatory Referral 2003M-055U-09**  
**Nashville Children's Theater**  
**Lease Agreement**

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

None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**An Ordinance approving a lease agreement between Nashville Children's Theater and Metro Government, acting through Real Property Services, for certain real property located at 724 2nd Avenue, South. This Ordinance approves a lease for no longer than 15 years with one 15-year Option of Renewal, and states that the Director of Public Property Administration shall have authority to approve any and all expansion and/or renovation projects presented by and for the Nashville Children's Theater.**

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**APPLICATION REQUIREMENTS**

None

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**DEPARTMENT AND AGENCY COMMENTS**

The Real Property Administration within the Department of Finance has recommended approval of the requested lease renewal.

Planning Department staff recommends approval of this lease agreement because the existing theater is a suitable use for this location. The Children's Theater provides artistic opportunities for local and regional children, and there is adequate parking for the facility.



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

**Mandatory Referral 2003M-056U-05**  
**Shelby Bottoms Acceptance of**  
**Greenway Easement**

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

None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**An Ordinance authorizing acceptance of a donated easement, approximately 0.58 acres in size, on private property, located at the intersection of Moss Rose Drive and McGinnis Drive and owned by John Colley, for purposes of constructing a greenway bridge and connector trail for the Shelby Bottoms / Cooper Creek Bridge, as requested by the Department of Real Property Services.**

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**APPLICATION REQUIREMENTS**

None

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**DEPARTMENT AND AGENCY COMMENTS**

The Parks & Recreation Department requested that the Department of Real Property Services file the necessary paperwork to accept this donation of land for the Shelby Bottoms Greenway. The Public Property Administration within the Department of Finance has recommend approval of the request.



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

**Mandatory Referral 2003M-057U-09**  
**Nashville & Eastern Railroad**  
**Fiber Optic Cable Agreement**

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

None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**An Ordinance authorizing the Metropolitan Mayor to enter into a fiber optic cable agreement with Nashville & Eastern Railroad Corporation, allowing the Metro Information Technology Services Department to install fiber optic cable in the railroad right-of-way from milepost 0.97 and running east to the Metro Transit Authority (MTA) site, and also authorizing approval of all future Nashville & Eastern Railroad Corporation license agreements by Council Resolution.**

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**APPLICATION REQUIREMENTS**

None

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**DEPARTMENT AND AGENCY COMMENTS**

The Metropolitan Planning Organization (MPO), and Metro Legal recommend approval of the ordinance. The ordinance will allow expenditure of federal grant funds in the amount of \$44,200, which requires a 20% local match of \$11,050, which will be paid by MTA.



<b>Project No.</b>	<b>Mandatory Referral 2003M-058U-09</b>
<b>Project Name</b>	<b>Dixieland Delights Sign Encroachment</b>
<b>Council Bill</b>	None
<b>Staff Reviewer</b>	Mitchell

<b>Staff Recommendation</b>	<i>Approve with conditions</i>
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<b>APPLICANT REQUEST</b>	<b>A request to install a sign at 325 Broadway, measuring 10 feet tall by 8 feet wide, to project over the public sidewalk by 9 feet and a minimum of 10 feet above the sidewalk for the Dixieland Delights Candy &amp; Nut Company, requested by Dixieland Delights for Daniel Albright, owner.</b>
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**APPLICATION REQUIREMENTS**

<b>License to Encroach Agreement</b>	Yes, one was submitted.
<b>Insurance Certificate</b>	Yes, one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 for aggregate coverage, as required by Metro Legal.
<b>Property Owner Sign Application</b>	Yes
<b>Tenant Sign Application</b>	No

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**DEPARTMENT AND AGENCY COMMENTS**

<b>Planning:</b>	Prior to receiving Council approval, the License Agreement must be revised so that the owner, and not the tenant, is the only entity indemnifying Metro Government.
<b>Public Works:</b>	This item is recommended for approval by Metro Public Works.



**Project No.** Mandatory Referral 2003M-059U-09  
**Project Name** 140 N. 1st Street Property Acquisition  
**Council Bill** None  
**Staff Reviewer** Mitchell

**Staff Recommendation** *Approve with conditions*

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**APPLICANT REQUEST** A Resolution authorizing an option to purchase 140 N. 1st Street for the Metro Water Department to construct a Combined Sewer Overflow (CSO) facility to regulate water from the Washington Dee Cee Basin, as requested by the Department of Finance.

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**APPLICATION REQUIREMENTS** None

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**DEPARTMENT AND AGENCY COMMENTS**

Metro Public Property Administration has recommended approval of this Option to Purchase since this property will be used by the Water Services Department to construct a water regulation facility.

**Nashville Electric Service:** NES recommends approval of this item, with the condition that NES shall retain all existing easements, including access to maintain equipment. Further, NES will require any equipment relocations to be done at the expense of the applicant.



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

**Mandatory Referral 2003M-060U-09**  
**Bank of America Building & Plaza**  
**Ground Encroachments**

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

None  
Mitchell

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**A request to encroach into the public sidewalk as follows:**

- 1) Add aggregate planters along Union Street and 5th Avenue North;**
- 2) Add a canopy over the Union Street entrance of the Bank of America Plaza Building, extending 10 feet over the public sidewalk and measuring 15 feet above the sidewalk; and**
- 3) Add alternate paving materials at the Bank of America Plaza entrance on Union Street and Bank of America Plaza Building entrance on Union Street, as requested by Parkway Realty Services for Parkway Properties, L.P., owner.**

---

**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 for aggregate coverage, as required by Metro Legal.

**Property Owner Sign Application**

Yes, signed by authorized agent of owner.

**Tenant Sign Application**

N/A

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**DEPARTMENT AND AGENCY COMMENTS**

**Public Works:**

This item is recommended for approval by Metro Public Works.

**Nashville Electric Service:**

NES recommends approval of this item, with the following condition: Planters may not be placed within



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15-feet of a transformer vault access located on the east sidewalk on 5<sup>th</sup> Ave., South, just south of Deaderick Street. NES will mark the vault access in the field, if requested.



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

**Mandatory Referral 2003M-061U-10**  
**Warner Music Group**  
**Underground Encroachment**

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

None  
Mitchell

**Staff Recommendation**

*Approve*

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**APPLICANT REQUEST**

**A request to trench and/or bore into the public right-of-way of Music Square East to install communications duct between the buildings located at 20 & 21 Music Square East, as requested by Warner Music Group, applicant and owner.**

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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 \$3,000,000 for each occurrence and \$20,000,000 for aggregate coverage. Insurer of the indemnity is AOL Time Warner, parent company of Warner Music Group.

**Property Owner Sign Application**

Yes

**Tenant Sign Application**

N/A

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**DEPARTMENT AND AGENCY COMMENTS**

**Public Works:**

This item is recommended for approval by Metro Public Works.





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

**Mandatory Referral 2003M-062U-05**  
**St. Ann's Episcopal Church**  
**Fence Encroachment**

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

None  
Mitchell

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**A request to install a fence partially within the public right-of-way along S.4th Street and Woodland Street to prevent unauthorized access to the property as required by Metro Government. Requested by St. Ann's Episcopal Church, for Metro Government and St. Ann's Episcopal Church.**

---

**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 \$5,000,000 for aggregate coverage.

**Property Owner Sign Application**

Yes

**Tenant Sign Application**

N/A

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**DEPARTMENT AND AGENCY COMMENTS**

**Public Works:**

This item is recommended for approval by Metro Public Works.

**Nashville Electric Service:**

NES recommends approval of this item, provided that NES must be granted access to maintain facilities on the property.



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

**Mandatory Referral 2003M-063U-09**  
**Molyneux Entertainment**  
**Awning Encroachment**

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

None  
Mitchell

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**A request to install an awning, measuring 3 feet by 7 feet wide with a 3-foot projection over the public sidewalk and 8 feet above the sidewalk over the front door of Molyneux Entertainment Company along 9th Avenue South; and to install another awning, measuring 3 feet by 5'4" wide with a 3-foot projection over the rear alley and 8 feet above the alley, over the rear entrance of the property, as requested by Molyneux Entertainment Company.**

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**APPLICATION REQUIREMENTS**

**License to Encroach Agreement**

Yes- one was submitted.

**Insurance Certificate**

Yes, one was submitted providing general liability of \$1,000,000 for each occurrence and \$1,000,000 for aggregate coverage.

**Property Owner Sign Application**

No

**Tenant Sign Application**

Yes

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**DEPARTMENT AND AGENCY COMMENTS**

**Planning:**

Prior to receiving Council approval, the License Agreement must be revised so that the tenant is the only entity indemnifying Metro Government. As submitted, the indemnity is split between the owner and the tenant. The tenant agreed to be the indemnifying party.

**Public Works:**

This item is recommended for approval by Metro Public Works.

**Nashville Electric Service:**

NES recommends approval of this item, provided that electrical clearances are maintained around the electrical service weatherhead located at the rear door.



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

**Mandatory Referral 2003M-064U-09**  
**Close Alley #314 between**  
**Cowan Street & Oldham Street**

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

None  
Mitchell

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

**A request to close Alley #314 (unimproved) running between Cowan Street and Oldham Street, as requested by Robert Gary Lindsey, for Turner H. & Clara Jo Todd, Dacco Inc., The Thelma R. Frazier Family Partnership, and Virah Corporation, other abutting property owners.**

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**APPLICATION REQUIREMENTS**

*Application properly completed and signed?*

Yes

*Abutting property owners' sign application?*

Yes

---

**DEPARTMENT AND AGENCY COMMENTS**

**Public Works:**

This item is recommended for approval by Metro Public Works.

**Nashville Electric Service:**

NES recommends approval of this item, with the condition that NES shall retain all existing easements, including access to maintain equipment. Further, NES will require any equipment relocations to be done at the expense of the applicant.



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

**Mandatory Referral 2003M-065U-07**  
**Close 50th Avenue North between**  
**Tennessee Avenue & Kentucky Avenue**

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

None  
Mitchell

**Staff Recommendation**

*Approve with conditions*

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**APPLICANT REQUEST**

A request to close a portion of 50th Avenue North between Tennessee Avenue and Kentucky Avenue, approximately 322 feet in length, as requested by Donna Pollock, for the Alice W. Jew Foundation, Marie Elkins, and John A. Davis, other abutting property owners.

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**APPLICATION REQUIREMENTS**

*Application properly completed and signed?*

*Yes*

*Abutting property owners' sign application?*

*Yes*

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**DEPARTMENT AND AGENCY COMMENTS**

**Public Works:**

This item is recommended for approval by Metro Public Works.

**Nashville Electric Service:**

NES recommends approval of this item, with the condition that NES shall retain all existing easements, including access to maintain equipment.