



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-020T
BL2002-1112; July 2, 2002 Council public hearing
None.
Deferral. Staff has concerns about several issues related to the bill, including the definition of “recycling facility” and the lack of street standards for the proposed new use.

APPLICANT REQUEST

This council bill proposes to amend Sections 17.04.060 (Definitions of General Terms) and 17.16.110 of the Zoning Regulations to define and designate zoning districts for “Recycling facilities.”

ANALYSIS

The primary intent of the legislation, as described by the sponsor, Councilmember David Briley, is to provide for one or more zoning district(s) within which a person or entity may operate a facility that separates construction waste in order to recycle appropriate materials, and within which a facility that handles common recyclable materials – such as aluminum and cardboard – may operate. Such operations currently are allowed under the Zoning Regulations only as “Waste Transfer” (17.16.210 C), which requires a minimum lot size of 10 acres, pre-approval of the site by the Metro Council, and approval of a special exception permit by the Board of Zoning Appeals.

Staff has met with Councilmember Briley, Council staff, and interested parties. Council staff is preparing an amended bill that will address planning staff’s concerns as well as change other provisions in the bill. Councilmember Briley, has asked the Metro Planning Commission to defer consideration of this bill since he will be requesting it to be deferred indefinitely at the July 2, 2002 Council public hearing for the bill amendment to be prepared. After the amendment is completed, the bill will be re-referred to the Planning Commission for its consideration and recommendation. The bill is anticipated to be reconsidered by the Metro Council at the September 3, 2002 Council public hearing.



Project No.
Council Bill
Associated Cases
Deferral

Zone Change 2001Z-077G-06

BL2002-1102. July 2, 2002 Council Public Hearing
None.

Deferred at the May 23, 2002 Planning Commission meeting to allow staff more time to analyze the site's constraints, including steep topography, floodway, and floodplain.

Staff Recommendation

Disapprove the rezoning as contrary to the General Plan because it is in conflict with the Bellevue Community Plan's Natural Conservation (NC) land use policy, and recommend the council bill be amended to include the following conditions:

After the effective date of this ordinance,

1. *No building permits for habitable structures on the property shall be issued until intersection improvements required by the Metropolitan Department of Public Works are completed and/or reflected on a final and recorded subdivision plat.*
2. *No more than 264 building permits for habitable structures on the property shall be issued until the following infrastructure improvements are completed and/or reflected on a final and recorded subdivision plat:*
 - (a) *If sole access is provided from McCrory Lane, McCrory Lane shall conform to the Department of Public Works' (DPW) pavement standard for a 4 lane scenic arterial from the subdivision entrance northwest to the I-40 interchange and shall conform to the DPW pavement standard for a 2 lane scenic arterial from the subdivision entrance southeast to the intersection with Poplar Creek Road;*
 - (b) *If sole access is provided from either Coley Davis Road or Newsom Station Road, the road providing sole access shall conform to the Department of Public Works' pavement standard for the current street classification standard of the respective road.*
 - (c) *If multiple access points are provided to the existing street system, a traffic impact study shall be performed by the developer and reviewed by the Department of Public Works and the Metropolitan Planning Commission to ascertain the appropriate standards, to which each existing street providing access must conform, to provide adequate capacity and distribution for the traffic generated by the project.*
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.*



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APPLICANT REQUEST

Existing Zoning

AR2a

AR2a (agricultural) and CS (commercial services) to RS10 (residential single-family) district

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). Current zoning would permit 99 single-family lots.

CS

CS permits commercial uses including retail, consumer service, banks, office, and restaurants.

Proposed Zoning

RS10 zoning

RS10 permits 3.7 single-family residential dwellings per acre. Proposed zoning would allow 979 lots.

BELLEVUE COMMUNITY PLAN (SUBAREA 6)

Natural Conservation (NC)

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

1. Some areas of NC policy are suitable for more intensive development, at up to 4 dwelling units per acre (Residential Low/Medium policy). These are lands that abut more intensively developed area(s), where slopes are less than 20%, there is little or no floodplain, and urban services and facilities, including streets are available.
2. Other areas of NC policy should be limited to very low density residential development that is rural in character. These are lands isolated from urban/suburban areas, where there are steep slopes, floodplains, and a lack of urban services and facilities, including roads. The more environmentally sensitive and remote a site is, the lower the acceptable density.

Policy Conflict

Yes. The proposed rezoning conflicts with four policy directives for this area developed and endorsed by most participants in the Bellevue community planning process.

1. During the 2002 Subarea 6 Plan Amendment process, neighbors concluded that it was appropriate to maintain the current Natural Conservation (NC) land use policy. The



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rezoning site falls in the middle of an NC policy area as opposed to falling along its boundary; it is environmentally constrained, rural in character, lacks adequate transportation facilities, and, barring a connection to Coley Davis Road, is isolated from areas of urban-suburban development. The site's characteristics prescribe very low density residential development according to the application guidelines of the Natural Conservation policy

2. Participants generally opposed the extension of Coley Davis Road over the Harpeth River, thereby maintaining this rezoning site in a remote and isolated condition.
3. Participants supported preserving the existing rural character of this area by protecting ridgelines, scenic roads, and environmentally sensitive areas (steep slopes, floodway/floodplains).
4. Subarea Plan Update participants strongly stated that new development in the Bellevue community should not be approved until substandard roads serving new development were improved to accommodate a development's traffic impact.

TRANSPORTATION SYSTEM

Subarea Plan Update participants indicated vigorously that new development in the Bellevue community should not be approved until existing substandard roads were improved to accommodate the development's traffic impact. This rezoning site has one currently available access point – to substandard McCrory Lane – plus two potential access points – one to Coley Davis Road by way of a new bridge across the Harpeth River, and a second by way of a new connector to Newsom Station Road. Along most of its length, McCrory Lane is designated on the Major Street Plan as a 2-lane Scenic Arterial (S2) calling for a maximum of two lanes. The S2 calls for 28-feet of pavement with 48-feet of right-of-way and 51-foot landscape easements on both sides of the road. As it approaches I-40, McCrory Lane is designated a 4-lane Scenic Arterial (S4). While a connection to Coley Davis Road would link the site to the urban/suburban area of Bellevue Center, citizens drafting the Bellevue Community Plan update have recommended against this connection.

This zone change will create an entitlement of 979 single-family homes, generating approximately 8,459 vehicle trips per day (VTD) based on a weekday average of 8.64 vehicle trips per single-family detached home (calculated from ITE sixth edition).

A traffic impact study (TIS) was prepared by the applicant assuming construction of 800 dwelling units and a connection to McCrory Lane, only. It identified intersection and I-40 interchange improvements needed to support the peak hour traffic generated by the development. The TIS indicated that widening of the ramps to and from Interstate 40 at McCrory Lane is needed, and that signalization at these junctions may also be needed. While the TIS assessed intersection performance it omitted analysis and recommendations for the lengths of road between intersections. As McCrory Lane fails to meet the pavement width standards for a 2-lane scenic arterial, a preliminary analysis of the carrying capacity of existing McCrory Lane was performed by the Metropolitan Planning Organization (MPO) technical staff. The findings of this preliminary analysis are evaluated based on driver delay caused by the inability of faster drivers to find opportunities to pass slower drivers. It is summarized as follows, and assumes a road built to the Metropolitan Public Works



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Department's standard for a 2-lane scenic arterial (although McCrory Lane currently fails to meet this standard).

- If McCrory Lane is perceived by the driving public to function as a scenic arterial (such as the Natchez Trace Parkway), drivers are motivated to proceed slowly, enjoy the scenery, and are more tolerant of delays caused by slower moving vehicles ahead. Functioning as a scenic arterial under current traffic volumes, such a road performs at a Level of Service (LOS) of C at a.m. and p.m. peak hours. With the addition of trips from the proposed rezoning site at build-out, McCrory Lane is projected to function at LOS D at both a.m. and p.m. peak hours.
- If, however, McCrory Lane is perceived by the driving public to meet a primary mobility need, such as accommodating home to work trips, drivers are motivated to proceed more quickly to their destination and are more aware of and frustrated by delays caused by slower moving vehicles ahead. Functioning as a mobility corridor, McCrory Lane is projected to function at LOS F in a.m. and p.m. peak hours with the addition of trips from the proposed rezoning site at build-out.

Traffic Engineer's Findings

1. Developer should submit a letter to TDOT requesting the improvements to interstate ramps be evaluated, as outlined in the TIS. TDOT will review their TIS and perform any additional analysis they deem necessary. Agreement will be reached between developer and TDOT as to what improvements will be required. Cost of improvements will be the responsibility of the developer.
2. New public roadway that provides access to project should have separate left and right turn lanes at McCrory Lane with at least 100 feet of storage.
3. New northbound right turn lane constructed on McCrory Lane at project roadway with at least 100 feet storage.
4. New southbound left turn lane constructed on McCrory Lane at project roadway with at least 200 feet storage.
5. Traffic signal at the intersection of project roadway and McCrory Lane. The TIS predicts operation of this intersection at LOS D upon build-out.

SCHOOLS

Students Generated

126 Gower Elementary 75 Hill Middle
80 Hillwood High School



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Schools Over/Under Capacity

The Metro School Board has not identified any of these schools as being over capacity at this time. However proportional to the development's student generation potential, a school site in compliance with the standards of Section 17.16.040 for elementary schools with capacity of 500 students should be offered for dedication to the Metro Board of Education as a condition of zoning approval.

RECOMMENDED DEVELOPMENT SCENARIOS (rural cluster or conservation subdivision)

These scenarios describe several options under which the subject property could be developed in compliance with the Bellevue Community Plan's NC policy and road access constraints.

- Using an RS40 or R40 zoning classification, a cluster development could accommodate 245 homes clustered on ½ acre lots, occupying approximately 113 acres of easily developable land and maintaining the environmentally constrained slopes and floodplain in their natural conditions.
- Under a “conservation subdivision” proposal being developed by planning staff, a base zoning of similar low density could accommodate approximately 264 homes clustered more economically, on smaller lots, and preserve not only the environmentally constrained slopes and floodplain, but important viewsheds as well. A conservation subdivision is a zoning/subdivision vehicle for permitting hamlets or villages with a rural flavor, compactly designed to reduce infrastructure costs and at the same time maximize preserved land, minimize environmental damage from development, and maintain rural views in perpetuity. The conservation subdivision concept was introduced during the Bellevue Community Plan process, and drew wide interest from neighbors and developers, alike.
- If a developer sought to proceed immediately with a conservation subdivision concept, a Planned Unit Development overlay district or an Urban Design Overlay district, designating low gross density and compact design, could be placed over an appropriate underlying zoning district and accomplish the principle objectives of conservation subdivision, today.

The policy direction from the Bellevue Community Plan integrates the NC land use policy's application with the community's preference to maintain McCrory Lane as a scenic arterial, at 2 lanes along most of its length. Any of the scenarios described above would meet the plan's objectives.



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FUTURE SUBDIVISION

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

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

Included among those provisions are the following requirements:

- “The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).
- “For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).
- In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A)(2) (emphasis added).
- “For lots of less than one acre, land area designated as natural floodplain or floodway . . . shall not be used to satisfy minimum lot size requirements of the district if manipulated.” 17.28.040(A)(1) (emphasis added).
- Use of the cluster lot option is also encouraged on property containing natural floodplain and floodway areas. “At a minimum, one-half of the natural floodplain area including all of the floodway area shall be designated as common open space and maintained in a natural state” 17.28.040(A)(2) (emphasis added).



Project No.
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Associated Cases
Staff Recommendation

Zone Change 2002Z-058U-11

N/A

None.

Disapprove. CS zoning is appropriate for the Subarea 11 Plan's commercial (CAE) policy, but the intent of the Subarea 11 Plan was not to encroach into the residential areas to the east of the CAE policy area. In addition, if a council bill is filed for this zone change, bill should include a condition requiring Vivelle Avenue to be upgraded to local non-residential street standards with 37 feet of pavement from the eastern boundary of the property to Nolensville Pike.

APPLICANT REQUEST

Residential (R6) to Commercial Services (CS)

Existing Zoning
R6 zoning

Single-family and duplex residential at 6.17 dwelling units per acre.

Proposed Zoning
CS zoning

Retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

SUBAREA 11 PLAN

Policy
Commercial Arterial Existing (CAE)

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

Policy Conflict

Yes. Although the subarea policy map shows these two properties as being within CAE policy, the existing commercial pattern fronts Nolensville Pike. Generally, the commercial pattern along an arterial street is constrained to properties that front on the arterial street. In this case there is a property that fronts on a side street that is zoned CS (98Z-091U). The CS property (parcel 254) is slightly west of these properties. That property was rezoned from R6 to CS district in 1998 with approval from planning staff and the Planning Commission. At the time of that rezoning, staff stated : *"Extending CS to the eastern edge of this property (parcel 254) is appropriate to provide similar commercial depth as the property across the street (parcel 257 on Vivelle Avenue)."* By rezoning parcel 254 in 1998 the planning staff and the Commission



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effectively drew the line for commercial zoning not to extend further into the residential area to the east of Nolensville Pike.

RECENT REZONINGS

Yes. MPC approved on 5/28/98 (98Z-091U) rezoning parcel 254 from R6 to CS. Council approved on 7/24/98 (O98-1253).

TRAFFIC

Based on typical uses in CS zoning such as automobile sales, auto care center, retail, and fast-food restaurant, approximately 13 to 1,837 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 for a local non-residential street.

Traffic Engineer's Recommendation

Disapprove. This property does not have access to Nolensville Pike and Vivelle Avenue is a residential local street with 24 feet of pavement. Commercial development requires a minimum standard pavement width of 37 feet for a local non-residential street.



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-059G-14

N/A

None

Disapprove as contrary to the General Plan. CS zoning does not implement the Subarea 14 Plan's residential (RMH) policy. Plan calls for area's residential character to remain. In addition, if a council bill is filed for this zone change, the bill should include a condition requiring that Old Hickory Boulevard be upgraded to the Department of Public Works' (DPW) 4-lane scenic arterial standard and Bell Road be upgraded to DPW's 2-lane scenic arterial road standard with 150 foot right-of-way for both roads, for consistency with the Metro Traffic Engineer's findings.

APPLICANT REQUEST

Residential (R10) to Commercial Services (CS)

Existing Zoning
R10 zoning

Single-family and duplex residential at 3.7 dwelling units per acre.

Proposed Zoning
CS zoning

Retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

SUBAREA 14 PLAN

Policy
Residential Medium High (RMH)

RMH permits 9 to 20 units per acre.

Policy Conflict

Yes. CS zoning does not implement residential policy. Property is surrounded by residential uses to the east and west, Percy Priest Lake to the south. Ample office and commercial opportunities exist in an undeveloped and underutilized commercial planned unit developments around the I-40/Old Hickory Boulevard interchange.

RECENT REZONINGS

No.

TRAFFIC

Based on typical uses in CS zoning such as office, retail, sit-down restaurant, or fast-food restaurant, approximately 160 to 2,480 trips per day could be generated by these uses (Institute of Transportation



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Traffic Engineer's Recommendation

Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Approve with conditions.

Both Old Hickory Boulevard and Bell Road along this parcel currently are two lane roads with an 87 foot right-of-way and a pavement width of 25 feet. Old Hickory Boulevard is intended to be a scenic arterial with four lanes and an 150 foot right-of-way with 96 feet of pavement. Bell Road is intended to be a scenic arterial with two lanes and an 150 foot right-of-way with 28 feet of pavement. Along Old Hickory Boulevard and Bell Road the applicant should dedicate 31.5 feet of right-of-way.



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-060U-03

BL2002-1101. July 2, 2002 Council Public Hearing
None.

Approve with conditions subject to traffic improvements. In addition, a council bill has been filed for this zone change, and a bill amendment is recommended to ensure that parcels 57, 60, and 65 do not develop until Winstead Avenue is constructed to a minor local road with 46 feet of right-of-way to allow access to parcels 60 and 65, and Woodridge Drive is extended to Winstead Avenue in order to provide road frontage for parcel 57, for consistency with the Metro Traffic Engineer's findings.

APPLICANT REQUEST

Existing Zoning
RS7.5 zoning

Residential Single-Family (RS7.5) to Residential Multi-Family (RM4).

Single-family residential at 4.94 dwelling units per acre.

Proposed Zoning
RM4 zoning

Single-family, duplex, and multi-family residential at 4 dwelling units per acre.

SUBAREA 3 PLAN

Policy
Residential Low Medium (RLM)

Parcel 57 is within the RLM policy, which permits 2 to 4 dwelling units per acre.

Commercial Arterial Existing (CAE)

Parcels 60, 64, 65, 71, 72 are within the CAE policy, which recognizes existing areas of "strip commercial" along arterial streets.

Policy Conflict

No. Since RS7.5 zoning allows almost five (5) units per acre and the RLM policy calls for no more than four (4) units per acre, the RM4 zoning will make the properties located within the RLM policy area consistent with desired density of the Subarea 3 Plan. For the CAE policy area, the Subarea 3 Plan clearly states: *"The ultimate objective is to redirect existing retail and future large-scale commercial uses to occur around the Whites Creek Pike and West Trinity Lane interchange, and redevelop this area with multi-family residential, office, community facility and small scale*



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service commercial uses." The RM4 zoning implements the intent of the Subarea 3 Plan's CAE and RLM policies.

RECENT REZONINGS

None.

TRAFFIC

Based on typical uses in the RM4 zoning such as single-family, duplex, or low-rise apartments approximately 97 to 196 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

Conditional approval subject to traffic improvements.

Currently, West Trinity Lane is constructed to its ultimate width with sidewalks on both sides of the street.

Winstead Avenue currently is an unimproved road, which renders parcels 60 and 65 landlocked. In order for these lots to be developed Winstead Avenue will have to be upgraded to a minor local street with 46 feet of right-of-way.

Woodridge Drive is the proposed access for parcel 57. This street however, dead-ends at the property line for parcel 57. Before any development occurs on parcel 57, Woodridge Drive should be constructed to a minor local street with 46 feet of right-of-way.

SCHOOLS

Students Generated

3 Elementary 2 Middle 2 High School

Schools Over/Under Capacity

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



Project No.
Project Name
Deferral

Planned Unit Development 88-85-P-06
West Park

Item was deferred at the March 28, 2002 meeting to allow applicant more time to meet with the surrounding property owners. Plan has been revised since then to reduce the number of units from 240 to 147 units.

Staff Recommendation

Approve with conditions.

APPLICANT REQUEST

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

Existing Zoning
R15/Res. PUD

Request to revise the preliminary PUD plan to allow 147 townhomes, and the addition of an amenity area (pool and restrooms) that was not proposed on the original PUD plan.

Preliminary PUD was approved in 1985 for 240 townhomes. Plan is grandfathered to permit townhomes within the R15 district, a single-family and duplex district.

SUBAREA 6 PLAN

Policy
Natural Conservation (NC)

NC policy was applied to this area in 1996, after the PUD plan was approved by the Metro Council, because the site has steep topography.

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
Associated Cases
Staff Recommendation

Subdivision 2002S-126G-04

Roy T. Weatherholt

None.

Approve with conditions subject to variances for lot depth to width ratio (4:1 rule), 3 times rule, lot comparability, and flag-shaped lot and a revised final plat prior to recordation.

APPLICANT REQUEST

Preliminary Plat

Preliminary & Final Plat

Final Plat

Subdivide 1.91 acres into two (2) lots with sidewalk variance along property's frontage on Snow Avenue.

ZONING

RS7.5 district requiring minimum lot size of 7,500 sq. ft.

SUBDIVISION VARIANCES

Lot Dimensions
(Section 2-4.2)

Frontage (A)

Flag lots are generally not permitted.

Lot Area (D)
(3 times rule)

Proposed lot sizes are not to exceed 3 times the minimum lot size required by zoning (3 x 7,500 = 22,500 sq. ft.). Lot 2 is approximately 9 times the minimum lot size of 7,500 sq. ft., or 68,402 sq. ft.

Lot Width (E)
(4:1 rule)

Lot width should not be less than 25% of the average lot depth. The average depth is 560.75 feet. The width of lot 2 should be 140 feet, and it is only 75.77 feet.

Lot Comparability
(Section 2-4.7.)

Lot frontage and lot area are not consistent with the majority of lots in the comparability study. The minimum lot frontage allowed by the comparability study is 89 feet. The applicant has provided frontages of 75.77 feet on both proposed lots. The minimum lot size allowed by comparability is 16,477.14 sq. ft. The applicant has provided lots sizes of 14,853 sq. ft. and 68,405 sq. ft.

Recommendation

Approve variances for lot dimensions and lot comparability. This plat brings the property closer to



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Sidewalks (Section 2-6.1)

compliance with zoning than currently exists. Additionally, the plat allows the future potential to run a street into lot 2 from Snow Avenue and subdivide that lot into several lots bringing the property into further compliance with zoning.

Applicant has requested a sidewalk variance along Snow Avenue for lot 2 because there is a drainage ditch and large trees that run along the front of the property, and the lack of sidewalks in the area. A sidewalk is not required on lot 1 because it has an existing house. Applicant would prefer to leave the area where the sidewalk would be required in its natural state.

Sidewalk Construction Report from Public Works

This property lies along the east side of Snow Avenue. The road at this location has 21 feet of pavement and a 1.5-foot shoulder. There is a steep drainage ditch with tall hedgerow along this property.

Sidewalk Construction

A detailed site survey and drainage study may reveal other items than those listed herein.

The proposed 5 foot wide sidewalk would be 75 feet in length. Snow Avenue will require curb and gutter to be installed along with a 4 foot grass strip between the back of curb and front of walk. One concrete driveway ramp will be required. Drainage improvements (piping the open ditch) will be necessary along with probable removal of the existing hedgerow.

Recommendation

From the Public Works report, it appears that a sidewalk can be constructed along Snow Avenue and that there is no condition of the property that creates a physical hardship.

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS

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

1. The Subdivision Number 2002S-126G-04 needs to be added to the plat.
2. A purpose note needs to be added to the plat.



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3. Add the note, “ Individual water and sanitary sewer lines are required for each lot.
4. The standard excavation note needs to be added, “Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with Stormwater Management Ordinance No. 78-840 and approved by the Metropolitan Department of Public Works.
5. Show drainage easements for existing pipes, culverts or ditches along Snow Avenue.
6. Add the following note, “Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in the Metro right of way is 15” CMP.)”



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-148G-02
William A. Hall Lots
None
Approve with conditions subject to a revised plat prior to recordation.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Create three (3) lots from three (3) existing parcels by shifting property lines, and allowing one parcel to gain direct access to Dickerson Road, via a flag-shaped configuration.

ZONING

CS district that does not require minimum lot sizes.

VARIANCES TO SUBDIVISION REGULATIONS

Lot Dimension
(Section 2-4.2)

Flag lots generally shall not be permitted in a proposed subdivision. Applicant requesting a variance for a flag shaped lot due to the reconfiguration of parcel 178 to allow direct frontage along Dickerson Pike, a pre-existing parcel that has always been landlocked.

Recommendation

Approve. Since the subdivision request is the creation of a three (3) lot subdivision from three (3) existing parcels using the shifting lot lines provision in the ordinance, the creation of the flag lot suits the preservation of the pre-existing parcel shapes.

TRAFFIC ENGINEER'S 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. Removal of a duplicate public utility easement note.
2. New lot numbers in addition to existing parcel numbers.



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.

The applicant's data shows 12.0 acres (38.2%) of open space and technically they are correct because this will be held as "open space" by the homeowner's association. However, approximately 4.56 acres are encumbered by a TVA easement and will partially be reserved for the future Southeast Collector. Therefore, the plat really has approximately 7.44 acres (24.3%) acres of open space, which complies with the Zoning Regulations' minimum of 15% of the site to be open space. Plat needs to be corrected to reflect the actual unencumbered open space of approximately 7.44 acres and delete the 120 acres.

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."



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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 needs to be located on the plat and delineated to ensure that it will 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, a 25 foot buffer yard perpendicular from each side of the stream bank is required by Metro's Stormwater Management Ordinance. 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 will conduct a field inspection to determine if this is accurate or if there is more water on site that is under its jurisdiction. If TDEC determines that more of the site is under TDEC jurisdiction, the applicant may lose some lots and need to redesign this site.

In addition to the above issue, Water Services (Storm Water Management) is concerned about re-routing water through lots 19 and 20. Water cannot be routed away from a blue line stream and will need to be rerouted along Cane Springs Road and back into the 40-acre buffer.

Spring House

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. 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



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stream, staff recommends that no grading, blasting or building construction permits be issued until after TDEC conducts its investigation and a final plat is recorded.

SUBDIVISION VARIANCES

None.

TRAFFIC ENGINEER'S FINDINGS

Metro Council 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 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 needs to improve the sight lines along Cane Ridge Road in the northbound and southbound directions. This will involve lowering the profile of the hill located at the Cane Ridge Road/Preston Road intersection while maintaining good sight lines for vehicles exiting from Preston Road.

CONDITIONS

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

1. The Subdivision Number 2002S-154G-12 needs to be added to the plat.
2. The total number of lots needs to be corrected to reflect 68. Lots need to be renumbered to account for the loss of lots 24 and 25.
3. The developer needs to improve the sight lines along Cane Ridge Road in the northbound and southbound directions. This will involve lowering the hill profile at the intersection of Preston Road while maintaining



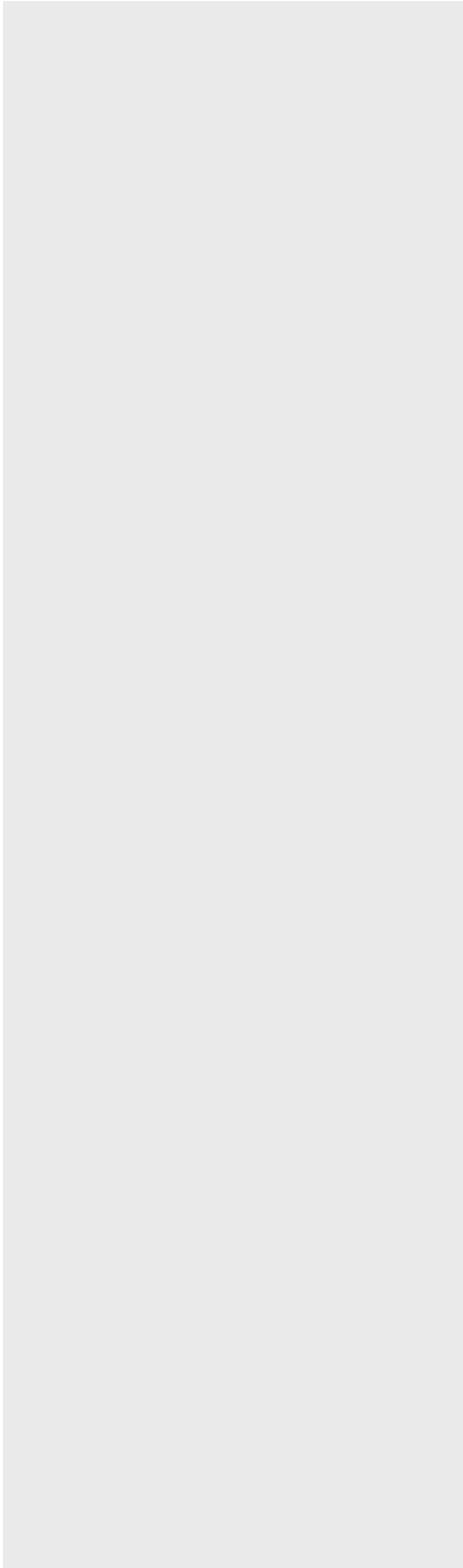
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good sight lines for vehicles exiting from Preston Road.

4. A reservation of 84 feet of right of way needs to be shown in the vicinity of the TVA easement for the future extension of the Southeast Collector.
5. Further graphically clarify that the land between Cane Springs Road and the south property line is being dedicated as right-of-way.
6. The open space calculation needs to be corrected to approximately 7.44 acres and all open space within the plat needs to be labeled as common open space.
7. The following note needs to be replaced, “Mature trees to be preserved to the greatest extent possible due to grading which is required by lots.” The majority of these trees are located outside of the lots and this area should not require any grading, therefore, this area should not be impacted and the mature trees need to remain. Instead, a note needs to be added that, “Mature trees in the common open space are to be fenced during the grading stage to ensure that they remain undisturbed.”
8. Note #2 needs to be corrected to refer to Metro Water Services and not Public Works.
9. The buffer area along the creek needs to be labeled as a “40 acre buffer yard”.
10. A standard “C” type landscape buffer yard needs to be clearly delineated as running the entire western boundary and the entire eastern boundary of the perimeter of the subdivision.
11. Water cannot be routed away from a blue-line stream. Where water is being re-routed between lots 19 and 20, the water needs to be routed to Cane Springs Road and into the buffer.
12. The temporary dead-ends at the end of Cane Springs Road and Springhouse Way need to be labeled that “Temporary Dead-End Streets will be extended in the future”.
13. Remove the note, “During the construction of Cane Ridge Farms, an agreement was reached with the traffic engineer...”
14. Due to the issues involved with this site and the lack of information that is available at the preliminary plat stage, a note needs to be added as Note #9 in large, 14 bold font: “No grading, blasting, or building permits shall be issued for any portion of this property prior to the recording of a final plat.” The same shall be placed across the actual plat’s lot layout.



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15. With the final plat, bonds will be needed for the extension of streets and sidewalks, public utilities and landscape buffer yards



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-162U-13
Town Park Estates, Resubdivision of Lot 69
None
Approve with conditions subject to a sidewalk variance along the south margin of Southwind Drive and a revised plat prior to recordation.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Resubdivide lot 69, in the Town Park Estates subdivision, into two (2) lots.

ZONING

Existing Zoning

R10 district requiring minimum lot size of 10,000 sq. ft. Proposed lots meet zoning requirement by providing a 25,222 sq. ft. lot and a 12,926 sq. ft. lot.

Overlay Zone

Property located south of the Nashville International Airport within the Airport Impact Overlay Zone.

SUBDIVISION VARIANCES

Sidewalks
(Section 2-6.1)

Sidewalk required along the south margin of Southwind Drive fronting newly created lot 2. Public Works has indicated that Southwind Drive will require additional pavement width of 1.5 feet for approximately 65 feet along the subject property. This will increase the distance from the centerline to the edge of pavement from 10 feet to 11.5 feet. Additionally, curb and gutter along with a 4 foot grass strip and a concrete driveway ramp and handicap ramp will be required.

Recommendation

Approve. A section of sidewalk 65 feet in length will require a major reconstruction of the roadway by the required widening and construction of the curb and gutter system for a relatively short section of sidewalk is inconsistent with good planning and design principles.

TRAFFIC ENGINEER'S FINDINGS

Approve.



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CONDITIONS

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

1. Add the required 20 foot public utility easement to both lots along Southwind Drive.
2. Add new parcel number (103) to the newly created lot two (2).



Project No.
Project Name
Deferral

Subdivision 99S-097U-12
Villages of Brentwood, Phase 11
Deferred May 9, 2002 to re-evaluate developer's request for sidewalk variance.

Staff Recommendation
APPLICANT REQUEST

Disapprove the request for sidewalk variance.
Variance to remove all existing sidewalks within the Villages of Brentwood development (Phase 11).

PROJECT DETAILS

Background

Roy Dale of Dale & Associates submitted a sidewalk variance request on behalf of his client, Grandview Land Company, Inc., the developer of this residential subdivision. The sidewalk variance was initially considered by the Planning Commission on December 6, 2001, and was deferred until May 9, 2002, at which time it was deferred for further information. The developer has a performance agreement with Metro Government for the public infrastructure (including sidewalks) to be constructed to Metro standards. On June 13, 2002, the Planning Commission extended the irrevocable letter of credit (bond) for this performance agreement in the amount of \$235,000.

PROJECT DETAILS

Sidewalk Variance

As constructed, the sidewalks and driveway ramps create two problems: 1) the slopes of many of the driveways do not conform to standards to allow the sidewalk path of travel to cross though the ramp with a maximum cross slope of 2% towards the street; and 2) the slopes of some driveway ramps allow stormwater runoff to divert from the gutter down the driveways toward the homes. If the driveway ramps and sidewalks were constructed to Public Works standards, water from the public right-of-way would drain away from the homes not toward them, as water now does based on how these improvements were constructed.

STAFF RECOMMENDATION

Disapprove sidewalk variance since had the sidewalks been constructed per the approved construction plans, the sidewalks and driveway ramps would comply with Metro standards. By constructing the driveway ramps first, and then constructing the sidewalks and streets to match the ramps, the developer created the current



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situation. This self-created hardship will require reconstructing sidewalks, driveway ramps, and modifying the grade of some lots to correct the problems. To do this, the developer will have to work with individual homeowners to gain access to their private property. If Metro is to assume public maintenance of these roads, then the sidewalks must be constructed to Metro standards as shown on the approved construction plans. Approval of a sidewalk variance in this development would be precedent setting. There are several other developers in a similar situation with sidewalks and driveway ramps that do not comply with Metro standards. The following table is a breakdown of the costs estimated by Public Works and Water Services to complete the work.

METRO PUBLIC WORKS:

Amount	Type	Comment
\$ 20,000	Paving	Asphalt Surface
\$ 20,000	Administrative Costs	Legal, engineering, inspection and right-of-way fees
\$165,000	Sidewalks	1,200 linear feet of sidewalk Repair 200 linear feet of curb Replace 3 curb ramps Install 2 curb ramps Replace 20 driveway ramps
\$205,000	TOTAL	

METRO WATER SERVICES:

Amount	Type	Comment
\$ 20,000	Stormwater Drainage	Complete 1 detention pond
\$ 10,000	Casting Adjustments	Adjusting castings to final pavement.
\$ 30,000	TOTAL	

\$235,000 GRAND TOTAL



Project No.
Project Name
Associated Cases

Subdivision 2002S-084G-04
W.C. Hall Land

Yes. This case was previously considered and approved subject to sidewalk construction by the Planning Commission April 25, 2002.

Staff Recommendation

Approve with conditions subject to sidewalk variance on Swinging Bridge Road.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

A sidewalk variance along property's frontage on Swinging Bridge Road.

ZONING

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

VARIANCES TO SUBDIVISION REGULATIONS

Sidewalks
(Section 2.6.1)

Sidewalk required for frontage of lot 2 on Swinging Bridge Road. Public Works has indicated that in order to construct sidewalks along Swinging Bridge Road, the property owner will be required to widen Swinging Bridge Road 2.5 feet along the entire length of lot 2, approximately 123 feet. Widening the road would require the raising of utility meters, manholes, and relocation of several utility poles.

Recommendation

Approve.
Widening the road for the short distance along Lot #2's frontage on Swinging Bridge Road is inconsistent with good planning and design principles.

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS

1. The Planning Commission must approve a sidewalk variance along lot 2's frontage on Swinging Bridge Road.



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

Planned Unit Development 91-71-G-14
Hermitage Plaza (Wal-Mart)
None
2002M-053G-14
Yes. Preliminary PUD plan was disapproved by the Planning Commission on January 10, 2002, and subsequently approved by the Metro Council in April 2002.

Staff Recommendation

Approve with conditions.

APPLICANT REQUEST

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

Permit a 207,498 square foot Wal-Mart Supercenter retail store on 22.2 acres.

Existing Zoning
SCR/Commercial PUD
CS/Commercial PUD

Preliminary PUD plan is approved for a 207,498 square foot retail store.

PLAN DETAILS/SIGNAGE

Proposal is consistent with the preliminary PUD plan approved by the Metro Council on April 16, 2002.

Given this site's proximity to the Hermitage, the Planning Commission conditioned any final PUD plan to include sign details to be reviewed by the Metro Historic Commission with a recommendation to the Planning Commission regarding the possible impact to this national historic site. The proposed sign for the Wal-Mart is 7 feet tall by 14 feet wide. The Metro Historic Commission has approved this sign plan.

TRAFFIC

Developer will make several off-site traffic improvements as part of this proposal, as provided in the TIS, required by the Traffic Engineer, and Metro Council. These improvements will be bonded with the final plat and include the following:

1. New right-turn lane on Andrew Jackson Parkway onto Lebanon Pike.



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2. New traffic signal at the intersection of Jackson Meadow Drive and Andrew Jackson Parkway.
3. New traffic signal at the main driveway entrance to the site on Andrew Jackson Parkway.
4. New traffic signal at the intersection of Donelson Trace and Andrew Jackson Parkway.
5. New traffic signal at the intersection of Windsor Chase Way and Andrew Jackson Parkway.
6. Modifications to the existing traffic signal at the intersection of Andrew Jackson Parkway and Lebanon Pike.
7. Extension of the existing center-turn lane on Andrew Jackson Parkway to provide a 150-foot northbound left-turn lane at the Wal-Mart driveway, a 75-foot southbound left-turn lane at the Wal-Mart driveway and a 50-foot northbound left-turn lane onto Jackson Meadows Drive.

CONDITIONS

Additional conditions of this approval include the following:

1. Prior to the issuance of any building permits, a Mandatory Referral for easement abandonment must be approved by the Metro Council and a final plat must be recorded including any necessary bonds for landscaping, sidewalks, turn-lanes, traffic signals, and any other public improvements.



Project No.
Project Name
Associated Cases
History

Planned Unit Development 47-86-P-02
Brick Church Business Center

None.
This item was disapproved by the Planning Commission on April 12, 2001. Pinnacle Media LLC filed a lawsuit against the Metropolitan Planning Commission of the Metropolitan Government of Nashville and Davidson County. The judge remanded this case back to the Planning Commission “to make particularized findings of fact and conclusions of law and file the same with the court within 30 days.”

Staff Recommendation

Approval of findings of fact listed below.

APPLICANT REQUEST

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

Request to revise a portion of the preliminary PUD plan and for final approval to allow the addition of a 50-foot tall, 672 square-foot, double-sided, monopole, type II billboard.

FINDINGS OF FACT

1. This is a request for approval of the installation of a billboard in a previously-existing Planned Unit Development (“PUD”) known as the Brick Church Business Center PUD, 47-86-P-02.
2. The billboard, as proposed, is to be a 50 foot tall, 672 square foot, double-sided, monopole, Type II Billboard.
3. This request is for the revision of (also known as a “minor modification”), not the amendment of, the preliminary PUD plan and for final approval for a portion of the Brick Church Business Center PUD.
4. The Metropolitan Council originally approved the Brick Church Business Center PUD, 47-86-P-02 in 1987.
5. The master plan for Brick Church Business Center PUD, 47-86-P-02, does not call for billboards.
6. The addition of a 50-foot-tall, 672 square foot, double-sided, monopole, Type II Billboard to the Brick Church Business Center PUD would alter the basic development concept of the PUD



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and would thus be more than a simple revision (or minor modification); it would be an amendment to the PUD.

7. The proposed billboard is a 672 square foot, 50-foot tall, double-side Type II Billboard (as outlined in Section 17.32.150 of the Metropolitan Zoning Ordinance of Nashville and Davidson County-Title 17). The billboard is proposed approximately 50 feet from the northern property line of along Brick Church Lane, approximately 180 feet from the I-24 right-of-way. The billboard is proposed to be oriented toward Interstate 24.
8. The Subarea 2 Plan states: “IND (Industrial and Distribution) policy applies here in recognition of an existing zoning commitment for an industrial park that was under development at the time this plan was adopted. The IND area is not intended to extend beyond the boundaries of the industrial zoning. Because of its proximity to existing and emerging residential areas, intensive industrial uses are not appropriate.” See Section 3.42, “Land Use Policy Plan”, subsection C. For Policy Area 9B, Industrial Park off Brick Church Pike and Brick Church Lane.
9. The addition of a 50-foot-tall, 672 square foot, double-sided, monopole, Type II Billboard to the Brick Church Business Center PUD would, in essence, extend the IND area beyond the boundaries of the base zoning for the PUD by extending the visual effects of such a large billboard upward and outward beyond what was intended as IND area.
10. The addition of a billboard in this location visually extends the effects of non-residential zoning into the existing and emerging residential areas described in the policy statement for area 9B, by the fact of the billboard’s visual intrusion.
11. This billboard will create unnecessary visual clutter and will impact the rural quality still existing to the east.
12. Although not oriented toward Brick Church Lane, adding a 50-foot tall billboard will also be visually intrusive to motorists along Brick



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Church Lane who live in the nearby residential neighborhood on the west side of I-24.



Project No.
Project Name
Staff Recommendation

Planned Unit Development 28-87-P-06
Boone Trace, Section 8
Approve with conditions.

APPLICANT REQUEST

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

Request to revise the preliminary PUD plan and for final approval for a phase to allow 42 single-family lots.

Existing Zoning
RS20/Residential PUD

Preliminary PUD was approved in 1987 for a total of 43 single-family lots in Section 8, and 330 total lots in all eight phases. This is the last phase of the Boone Trace PUD.

SUBAREA 6 PLAN
Policy
Natural Conservation (NC)

NC policy was applied to this area in 1996, after the PUD plan was approved by the Metro Council in 1987, due to the site's steep topography and floodplain.

DESIGN/CONDITIONS

Plan is consistent with the PUD layout approved in 1987. Since this is the last phase of the PUD, the applicant has agreed to make landscaping improvements parcel number 1 to 39 on tax map 126-15A that were approved on the plan for Phase 1 only along the street frontage of the newly relocated Newsom Station Road. These improvements were required but never completed in Phase 1 of the PUD in the late 1980's. Applicant will post a bond to insure the completion of these improvements with the first final plat for Phase 8.

Plan includes one critical lot (lot 38) due to its proximity to a sinkhole. Plan will be conditioned that lot 38 be removed, or relocated so the sinkhole is outside of the lot. Should the applicant choose to only move the lot, the following note must be added to the final plat: *"Lots designated * are adjacent to sinkholes and/or floodplain area. These lots will require geotechnical inspection before footings are poured and each home must have a minimum lowest floor elevation including any unfinished basement of 4 feet above the 100-year flood elevation."*



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TRAFFIC

Plan provides two stub streets to the west, consistent with the original preliminary PUD plan.

Traffic Engineer's Findings

Approve.



Project No.
Project Name

Planned Unit Development 2001P-010G-06
RiverBridge Community PUD
(formerly Autumn Springs PUD)

Council Bill
Associated Case
Staff Recommendation

None
None
Approve with conditions.

APPLICANT REQUEST

Revision to preliminary and final PUD approval of phases 1A, 1B, and 2B of the RiverBridge residential PUD to permit 97 single-family lots and 198 multi-family units on 43.56 acres.

ZONING

RM4 district permitting single-family, duplex, and multi-family at a density of four (4) dwelling units per acre.

SUBAREA 6 PLAN

Policy

Natural Conservation (NC). The preliminary approval of this PUD, which occurred on February 9, 2002, planned for the development of single-family and multi-family housing that are clustered on the upland portions of the development site. This clustering preserves portions of the Harpeth River floodplain that encroaches into the property. In addition, to further implement Metro's Master Greenway Plan, the developer has agreed to construct a greenway trail along the Harpeth River greenway area.

TRAFFIC ENGINEER'S FINDINGS

Approve.

RECENT REVISIONS/ APPROVALS

Yes. The preliminary PUD plan was approved on February 9, 2002 (BL2001-901) to permit the development of 181 single-family lots and 200 townhouses on 85 acres.

CONDITIONS

1. Prior to the issuance of any building permits, a final plat needs to be recorded subject to bonds for the extension of roads, utilities, sidewalks, and landscape buffer yards.



Project No.
Project Name
Council Bill

Planned Unit Development 2002P-001U-05
City View Lofts

BL2002-1036. Approved May 9, 2002 Council Public Hearing

Associated Cases
Staff Recommendation

2002Z-022U-05 (Council Bill #BL2002-1035).
Approve with conditions.

APPLICANT REQUEST

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

Existing Zoning
RM40 zoning

Permit a 30-unit multi-family development on approximately 1 acre.

RM40 zoning is intended for high intensity multifamily developments at a density of up to 40 dwelling units per acre.

PLAN DETAILS

The proposed building has three stories, and is approximately 42 feet tall. There are 20 proposed 2-bedroom units and 10 proposed 1-bedroom units. Council Ordinance #BL2002-1014, which was passed June 4, 2002, amended the contextual street setback requirements within the UZO, thus allowing the building to be constructed within 5 feet of the South 8th Street right-of-way as shown on the plan.

The PUD plan provides a one-way entrance through an existing curb cut from Woodland Street and a one-way exit onto the alley to the rear of the property. Traffic from Woodland Street passes under and through the building before entering the parking area. The plan shows a right-of-way dedication of 4 feet, to widen the existing alley from 16 to 20 feet from the one-way exit to South 8th Street in order to accommodate two-way traffic.

There are existing sidewalks on Woodland and South 8th Street. The plan complies with all zoning requirements.



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SUBAREA 5 PLAN

Policy

Commercial Arterial Existing (CAE) policy. The CAE policy is intended for retail, office, and higher density residential uses.

Policy Conflict

None.

RECENT REZONINGS

Rezoned from CL to RM40 (BL2002-1035 or 2002Z-022U-05).

CONDITIONS

1. Prior to the issuance of a building permit, a final plat needs to be recorded in order to identify the PUD boundary and to dedicate the additional 4 feet of right-of-way along the alley, from the one-way exit to South 8th Street.



Project No.
Council Bill
Associated Case

Mandatory Referral 2002M-053G-14

None.
Planned Unit Development 91-71-G-14 (Hermitage Plaza Wal-Mart)

Staff Recommendation

Approve.

APPLICANT REQUEST

Abandon and relocate various public utility and drainage easements as well as water and sewer line easements for the development of a Wal-Mart Supercenter in Hermitage.

APPLICATION REQUIREMENTS

Final Plat

Yes. The applicant has submitted a conceptual final plat showing easement abandonment and relocation.

DEPARTMENT AND AGENCY RECOMMENDATIONS

All reviewing departments and agencies recommend approval.



Project No.
Project Name
Council Bill
Public Works Project
Capital Improvements Budget
Staff Recommendation

Mandatory Referral 2002M-060U-14
Lebanon Pike Sidewalk Project
None
No. 01-R-08
CIB #99UW006
Approve with conditions.

APPLICATION REQUEST

Request to acquire portions of various properties located along Lebanon Pike for right-of-way purposes to accommodate the Lebanon Pike Sidewalk Project. (Project No. 01-R-08). Construction funds are available through use of the 2001 USD Multi-Purpose Improvement Bonds (CIB #99UW006).

Approximately 0.5 acres to be acquired for right-of-way and approximately 0.25 acres to be acquired for temporary construction easements.

APPLICATION REQUIREMENTS

None.

DEPARTMENT AND AGENCY COMMENTS

Metro Parks

Metro Parks Department requests consideration be given to the development of proposed sidewalk for a shared sidewalk / bike trail. The department anticipates public demand to have a shared sidewalk for bicycling to the YMCA trailhead of the Stones River Greenway. Greenway is proposed to be completed by October 2002. Metro Parks recommends a wide sidewalk signed as a shared public sidewalk.

DEPARTMENT AND AGENCY RECOMMENDATION

Staff recommends conditional approval subject to approvals by all reviewing agencies and departments. Staff has informed Public Works of the Metro Parks Department desire to have a wider sidewalk, and Public Works is reviewing the feasibility of a shared sidewalk for pedestrian / bicycle usage.



**Project No.
Project Name**

**Mandatory Referral 2002M-062G-14
Kohl's Department Store Greenway
Easement Grant**

Associated Cases

**Subdivision Proposal #2002S-099U-14
Jackson Downs, Phase 4**

**Council Bill
Staff Recommendation**

BL2002-1118
Approve with conditions.

APPLICATION REQUEST

Council bill authorizing the acceptance, execution, and recordation of an agreement between Metro Government and Kohl's Department Stores, Inc. for an easement for use in the Stones River Greenway System.

Approximately 0.48 acres to be granted for easement to allow Metro to construct a trailhead for pedestrian or bicycle travel, nature trail, and/or natural area. Area to be granted is adjacent to an existing portion of the Stones River conservation greenway easement, south of Lebanon Pike, and east of the Kohl's Department Store parking lot.

APPLICATION REQUIREMENTS

None.

**DEPARTMENT AND AGENCY
RECOMMENDATION**

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



Project No.
Project Name
Council Bill
Staff Recommendation

Mandatory Referral 2002M-064G-12
Closure of portion of Old Preston Road
None
Approve with conditions.

APPLICANT REQUEST

Close a portion of an unbuilt road known as Old Preston Road, north of Pettus Road and west of Blue Hole Road. All easements are to be retained.

This road appears on the official street and alley maps as a “private road”; however, it is questioned as to whether that designation is correct. Prior to using this road (right-of-way) for development or other personal use, it was recommended to the applicant that the formal process of closing the road be carried out. The closing of this road is necessary for the previously approved Deer Valley subdivision (formerly Magnolia Hill subdivision, formerly Oak Highlands subdivision).

APPLICATION REQUIREMENTS

Signatures of All Abutting & Affected Property Owners

Yes – and they match tax assessor information.

DEPARTMENT AND AGENCY RECOMMENDATIONS

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



**Project No.
Project Name**

**Mandatory Referral 2002M-065U-08
I.T. Creswell Elementary School
Property Acquisition**

**Council Bill
Appropriated Funds
Staff Recommendation**

BL2002-1076
RS2000-219
Approve with conditions.

APPLICATION REQUEST

Council bill to acquire seven (7) acres of land, of various properties zoned R6, IR, and OR20, for a new school, I.T. Creswell Elementary School.

The Metro School Board identified this property to accommodate the future elementary school by approving the property acquisitions on August 14, 2001.

Approximately 7.5 million have been appropriated for the new elementary school by Council Resolution RS2000-219. A public hearing was to be held on July 15, 2002 by the Metro Council. On June 18, 2002, the Metro Council deferred indefinitely consideration of this bill. Therefore, the public hearing was cancelled. Planning staff sent notices to all property owners previously informed of the date/time/ place of the public hearing, of the public hearing's cancellation due to the bill being deferred indefinitely. In addition, all public hearing signs have been removed from the properties contemplated for acquisition or condemnation.

APPLICATION REQUIREMENTS

None.

**DEPARTMENT AND AGENCY
RECOMMENDATIONS**

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

A public hearing was scheduled for the July 15, 2002 Council meeting; however, on June 18, 2002 the Council deferred this item indefinitely.



Project No.
Project Name
Council Bill
Staff Recommendation

Mandatory Referral 2002M-066U-10
Aerial Encroachment – Taste of Tokyo
None
Approve with conditions.

APPLICANT REQUEST

Construct awning over public sidewalk on 21st Avenue South for Taste of Tokyo, an existing restaurant in Hillsboro Village. Awning would encroach 4.5 feet over sidewalk at a height of 8 feet above sidewalk for a length of 16 feet along 21st Avenue South.

APPLICATION REQUIREMENTS

License to Encroach Agreement

Yes – one was submitted in correct form.

Insurance Certificate

Yes – one was submitted showing general liability in excess of \$1,000,000.

Property Owner Sign Application

SunTrust Bank is the owner of subject property. Although it has been Metro policy in the past, it is not required for the property owner to indemnify Metro against any loss. In this case, the bank did not choose to be a party to the license agreement or issue liability insurance. The tenant has signed the agreement and is providing coverage in excess of the Public Works’ required amounts.

Tenant Sign Application

Yes

DEPARTMENT AND AGENCY RECOMMENDATIONS

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



Project No.
Staff Recommendation

Public Hearing: Subarea 8 Amendments
Approve with amendments

APPLICANT REQUEST
Text Amendments

Approve changes to Chapter 3 and Appendix C for the Subarea 8 Plan.

Detailed Neighborhood Design Plans (DNDP)

Adopt DNDP for East Germantown/Germantown/Salemtown/Metro-2nd & Hume with amendments

Adopt DNDP for Cumberland Gardens/Elizabeth Park/Jones-Buena Vista/Osage-North Fisk

SUBAREA PLAN

MPC adopted the Subarea 8 Plan Update on January 24, 2002. The plan called for the completion of DNDPs for the planning neighborhoods within Subarea 8 that would expand upon the Structure Plan. The changes to Chapter 3 and Appendix C arose from the planning processes for the two DNDPs.

CHANGES TO CHAPTER 3 AND APPENDIX C

The proposed changes are detailed in the accompanying document entitled: *Amendment #1 to the Plan for Subarea 8: the North Nashville Community: 2002 Update*. The changes to the “Structure Plan” are needed for consistency between it and the DNDPs discussed below. The proposed text and table changes are related to the establishment of a new land use category for detailed land use plans called “Mixed Live/Work” that is proposed in the DNDP for some of the Germantown area neighborhoods.

DNDP FOR EAST GERMANTOWN/GERMANTOWN/SALEMTOWN/METRO-2ND & HUME
Public Participation

Staff met with approximately 40 residents and property owners in these four neighborhoods during two workshops held on April 23 and 25 and one follow up meeting on May 9. Staff presented the final plan at the follow up meeting.



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Description

East Germantown

The DNDP outlines the uniqueness of each planning neighborhood.

The Structure Plan identified East Germantown as Neighborhood Urban. The expanded study shown in the DNDP shows the potential for higher intensity and redevelopment in East Germantown that encourages redevelopment to mixed use. Most of East Germantown falls strictly under Mixed Use category.

Germantown

The Structure Plan identified most of Germantown as Neighborhood Urban. The expanded study shown in the DNDP shows the potential for a lower intensity in Germantown than in East Germantown that protects the existing building form and scale. During the process, staff created the Mixed Live/Work land use category specifically to address Germantown. The Mixed Live/Work category allows for true mixed-use development by requiring residential to accompany the non-residential uses on each lot. Most of inner section of Germantown falls under this land use.

Salemtown

The Structure Plan identified most of Salemtown as Neighborhood General. The DNDP identified two additional neighborhood center areas as identified in the attached memo. The DNDP shows most of the neighborhood as single family detached, but offers opportunities for more compact residential building types concentrated along the busier east west routes of Garfield Street and Hume Street.

Metro/2nd & Hume

The Structure Plan identified most of the Metro/2nd & Hume neighborhood as Impact. The DNDP allows for a continuation of the current uses. In addition, it proposes additional landscaping and open space along the buffer between Salemtown and this neighborhood.

Amendment 1: Building Height along Jefferson Street

Change building height requirements from 4 to 6 stories to 3 to 6 stories with stories above the fourth story set back further than the first four stories.

Jefferson Street creates the southern boundary for Germantown and East Germantown. The plan presented for today's public hearing shows that building heights along Jefferson Street should range from a minimum of four stories to a maximum of 6 floors. After further research, staff recommends that the planning



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Amendment 2: Mixed Use on Jefferson Street and 8th Avenue N.

commission amend the draft plan to call for a minimum of 3 stories and a maximum of 6 stories with all stories over the fourth story required to be set back further than the first four stories.

Change Commercial land use category from Commercial to Mixed Use where it occurs on Jefferson Street and 8th Avenue North.

The DNDP up for review calls for mixed use development along most of 8th Avenue North and Jefferson Street. During a recent Board of Zoning Appeals (BZA) discussion regarding the property located on the northeast corner of the intersection of 4th Avenue North and Jefferson, staff realized that the land use plan called for commercial from that location east to 1st Avenue North, but mixed use along the rest of the street. The DNDP also called for a small area of commercial just north of Madison Street and just south of Monroe Street on 8th Avenue North. The sentiment of those participating during the planning process was for this area to allow for mixed use. This became more evident during the BZA public hearing. The maps presented in the draft up for review today reflect an iteration of the plan. Staff believes that the plan should show all of Jefferson Street and all of 8th Avenue North as mixed use.

DNDP FOR CUMBERLAND GARDENS/JONES-BUENA VISTA/OSAGE-NORTH FISK Public Participation

Staff met with approximately 40 residents and property owners in these four neighborhoods during two workshops held on February 9 and 23 and one follow up meeting on April 6. Staff presented the final plan at the follow up meeting.

Description

The DNDP outlines the uniqueness of each planning neighborhood.

Cumberland Gardens

The Structure Plan identified most of the Cumberland Gardens neighborhood as Neighborhood General. The DNDP addresses the preservation of existing single-family neighborhoods and encourages additional infill in appropriate locations. Single-family attached and detached housing is recommended along the system of



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Elizabeth Park

Civic/Open Space Connector streets. The Clarksville Highway corridor should develop as a more useful, mixed-use community destination.

The Structure Plan identified most of the Elizabeth Park neighborhood as Neighborhood General. The DNDP addresses the historical importance of the neighborhood and encourages compatible infill. Single-family attached and detached homes are appropriate on many streets, including Civic/Open Space Connector streets, consistent with rebuilding an complete urban neighborhood. Policy will now encourage most multi-family development along D.B. Todd Boulevard, while Buchanan Street mirrors the “main street” image sought in Cumberland Gardens.

Jones/Buena Vista

The Structure Plan identified most of the Jones/Buena Vista neighborhood as Neighborhood General. The DNDP highlights areas for historic preservation and appropriate single-family residential infill. A more diverse mixture of uses is appropriate in the small Neighborhood Centers. Single-family attached and detached housing is recommended along the system of Civic/Open Space Connector streets. The plan also calls for a mixed-use “main street” development pattern along Buchanan Street.

Osage/North Fisk

The Structure Plan identified most of the Osage/North Fisk neighborhood as Neighborhood General. The DNDP encourages the preservation of existing single-family neighborhoods and identifies appropriate infill locations. Policy will now encourage single-family attached and detached housing along the system of Civic/Open Space Connector streets, while most multi-family development will be along D.B. Todd Boulevard. The plan also encourages the retention and expansion of the neighborhood’s open space areas.