

## 1. Zone Change 2002Z-007T

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Section 17.04.060 (Definitions of General Terms) of the Zoning Ordinance. This amendment provides definitions of the terms “front façade” and “leading edge” so that there can be a common and consistent understanding of those terms when they are used in the Zoning Ordinance.

The text amendment is as follows:

- ...amend Section 17.04.060 (Definitions of General Terms) by **inserting** text as follows in alphabetical order:

*“Front façade” means the front vertical face of a building that is substantially in one plane, has associated with it a primary entrance, and is composed from the following architectural components: exterior walls; columns or other vertical structural elements; windows; doors; roof edges; permanently roofed recesses; and arcades, balconies, or porches with permanent roofs supported by vertical structural supports.*

*“Leading edge” means that edge of a building’s front façade which projects farthest forward on the front portion of a lot. The leading edge may be measured at the forward-most edge of an arcade or of a porch with permanent roof supported by vertical structural supports, but may not be measured at the front-most edge of a projecting awning or stoop.*

**2. Zone Change 2002Z-008T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Table 17.12.020.A (Single-Family and Two-Family Dwellings) of the Zoning Ordinance. The purpose of this amendment is to establish reasonable bulk requirements for certain zoning districts. Currently the side setback for the RM9, RM15, RM20, and OR20 districts within the urban zoning overlay district is five feet. This amendment reduces the side setback for these districts within the UZO to three feet, which is the same side setback as that used for the similarly urban RS7.5, R6, and RS5 districts.

Currently there are no bulk requirements for single-family and two-family-dwellings for several zoning districts that permit those uses. This proposed amendment establishes bulk requirements for the RM60, ON, I, and all mixed-use districts. These bulk requirements are the same as for the RS3.75, OR40, and ORI districts, which are also intended for areas of moderate to high intensity. Similarly, the amendment also changes the bulk requirements for the RM20 and OR20 districts to be the same as for those districts.

The text amendment is as follows:

- ...amend Table 17.12.020A (Single-Family and Two-Family Dwellings) by **replacing** the table with the following table (*note: changes to the table are shown in strike-through and italics*).

**Table 17.12.020A  
SINGLE-FAMILY AND TWO-FAMILY DWELLINGS**

Zoning District	Minimum lot area (in sq ft)	Maximum building coverage	Minimum rear setback (in ft)	Minimum side setback (in ft)	Maximum height
AG	5 acres	0.20	20	20	3 stories
AR2a	2 acres	0.20	20	20	3 stories
RS80, R80	80,000	0.20	20	20	3 stories
RS40, R40	40,000	0.25	20	15	3 stories
RS30, R30	30,000	0.30	20	15	3 stories
RS20, R20	20,000	0.35	20	10	3 stories
RS15, R15	15,000	0.35	20	10	3 stories
RS10, R10	10,000	0.40	20	5	3 stories
R8	8,000	0.45	20	5	3 stories
RS7.5	7,500	0.45	20	5 (See Note 2)	3 stories
R6	6,000	0.50	20	5 (See Note 2)	3 stories
RS5	5,000	0.50	20	5 (See Note 2)	3 stories
RS3.75 <del>OR40,</del> <del>ORI</del>	3,750	0.60	20	3	3 stories
RM2	20,000	0.35	20	15	3 stories
RM4	10,000	0.40	20	10	3 stories
RM6	6,000	0.50	20	10	3 stories

RM9	5,000	0.50	20	5 <i>See Note 2</i>	3 stories
RM15	5,000	0.50	20	5 <i>See Note 2</i>	3 stories
RM20, OR20	<del>5,000</del> 3,750	<del>0.50</del> 0.60	20	5 <i>See Note 2</i>	3 stories
RM40, RM60, I, ON, OR40, ORI MUN, MUL, MUG, MUI	3,750	0.60	20	3	3 stories

**Note 1:** Street setbacks are listed in Table 17.12.030A and in Section 17.12.035 for the urban zoning overlay district.

**Note 2:** Within the urban zoning overlay district, the minimum side setback shall be 3 feet.

### **3. Zone Change 2002Z-009T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Table 17.08.030 (District Land Use Tables) and Section 17.16.030.D (Residential Uses: Single-Family and Two-Family Dwellings) of the Zoning Ordinance. The amendments are needed in concert with zone change request 2002Z-008T in order to establish more reasonable bulk requirements for single- and two-family dwellings in the MUN and ON districts. The amendment to Table 17.08.030 changes single- and two-family dwellings in the MUN district and single-family dwellings in the ON district from permitted with conditions to permitted uses. The amendment to Section 17.16.030.D deletes the conditions for single-family dwellings in the ON district and single- and two-family dwellings in the MUN district.

The text amendment is as follows:

- amend Table 17.08.030 (District Land Use Tables) by **modifying** the table as follows:
  - MUN district: by changing the “PC” in the rows labeled “Single-family” and “Two-family” to a “P”
  - ON district: by changing the “PC” in the row labeled “Single-family” to a “P”
- ...amend Section 17.16.030.D (Residential Uses: Single-Family and Two-Family Dwellings in the ON or MUN Districts) by **deleting** text as follows and by **relettering** the existing paragraph “E.” to “D”:

~~D. Single Family and Two Family Dwellings in the ON or MUN Districts. In the ON district, single family dwellings and in the MUN district, single family and two family dwellings, shall be permitted provided the proposed lots comply with the bulk standards and landscape buffer yard requirements of the residential zoning district whose minimum lot size is equivalent to those being proposed. As an example, a subdivision in the ON district proposing a five thousand square foot lot size would comply with the RS5 district standards.~~

#### 4. Zone Change 2002Z-010T

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Section 17.12.030.C (Street Setbacks) of the Zoning Ordinance. The purpose of this amendment is to provide a consistent and appropriate location for the front facades of buildings, since the predominant character of development is to have buildings oriented towards the streets where the shorter lot lines are found. The amendment establishes the shorter lot line of a rectangular corner lot as the location of the front façade of the principal structure. The amendment also grants the Zoning Administrator the authority to determine that the longer lot line is the more appropriate location for the front façade.

The text amendment is as follows:

- amend Section 17.12.030.C (Street Setbacks) by **inserting** text as follows:

*6. The front façade of a principal structure on a corner lot that has lot lines of unequal length abutting the streets shall be oriented to the shorter lot line, except where the Zoning Administrator determines that the longer lot line is more appropriate.*

**5. Zone Change 2002Z-011T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Table 17.12.030.A of the Zoning Ordinance (Street Setbacks for Single- and Two-Family Structures). The amendment is a companion to zone change proposal 2002Z-008T, which establishes bulk requirements for several zoning districts that permit single- and two-family dwellings. This proposal adds the I, MUN, MUL, MUG, MUI, ON, and ORI districts to the list of zoning districts in the table. These districts have a minimum street setback of 20 feet from minor local and local streets and 40 feet from all other streets.

The text amendment is as follows:

- ...amend Table 17.12.030A (Street Setbacks for Single-Family and Two-Family Structures) by **replacing** the table with the following table (*note: changes to the table are shown in strike-through and italics*).

**Table 17.12.030A  
STREET SETBACKS FOR SINGLE AND TWO-FAMILY STRUCTURES**

<b>Zoning Districts</b>	<b>Minor-Local and Local Streets</b>	<b>All<sup>(2)</sup> Other Streets</b>
AG, AR2a, RS80, R80, RS40, R40	40 feet	40 feet
RS30, R30, RS20, R20, RS15, R15, RM2	30 feet	40 feet
RS10, R10, R8, RS7.5, R6, RS5 RS3.75, MHP, RM4 through RM60, <i>I, MUN, MUL, MUG, MUI, ON, OR20, and OR40, and ORI</i>	20 feet <sup>(1)</sup>	40 feet

(1) Two-family dwellings with any parking proposed between the street line and the front edge of the residential structure shall provide a minimum street setback of thirty feet.

(2) Lots having vehicular access to these streets shall develop in a manner which avoids back-up movements into the public street.

## 6. **Zone Change 2002Z-012T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Section 17.12.035 (Contextual Street Setbacks Within the Urban Zoning Overlay district) of the Zoning Ordinance. The amendment makes several changes with the intent of improving the streetscape within the Urban Zoning Overlay district. It adds the office, industrial, RM20, RM40, and RM60 districts to the list of districts to which the Neighboring Lots, Major New Investment, Corner Lots, and Petitions for Mandatory Reductions of Street Setbacks provisions apply. These districts, like the other districts listed, are appropriately located in urban settings. The amendment also clarifies that structures used to determine context should also be within one of these same listed zoning districts.

The amendment also permits buildings in the mixed use, office, industrial, RM20, RM40, RM60, and commercial districts to be constructed as close as the edge of the right-of-way. This change helps to create the street wall that gives a better three-dimensional form to the urban streetscape. This change makes Figure 17.12.035.A.4, which illustrated the corner lots provision, obsolete, so it is removed from the section. The amendment also clarifies that the leading edge of the building used to determine context for the maximum setback is what should be used for comparison.

The amendment changes the notes that establish how much of the front façade of a building must extend across the lot frontage, currently set at 75%. For lots that are 60 feet wide or greater this is changed to 25% of the lot width or 25 feet, whichever is greater. For lots that are less than 60 feet wide, the building is to extend the full width of the lot with the exception of an opening for a driveway to access required parking. The purpose of these changes is to provide greater flexibility for varying sizes of lots. The amendment also adds covered patios to the list of items for which projections and recesses are permitted. Finally, the amendment rewords some of the language in the Petitions for Mandatory Reductions of Street Setbacks and Adopted Plan sections to clarify the intent of those provisions.

The text amendment is as follows:

- ...amend Section 17.12.035 (Contextual Street Setbacks Within the Urban Zoning Overlay District) by **modifying** the text as follows and by deleting Figure 17.12.035.A.4:

### A. **Street Setbacks.**

*Regardless of the minimum street setback requirements described in Tables 17.12.030.A or 17.12.030.B,*

1. **Neighboring lots.** In a mixed use, *office, industrial, RM20, RM40, RM60* or commercial zone district, the front facade of a principal building may be constructed ~~as close to the street as the facade of any principal building on an immediately abutting lot~~ *as close as the edge of the right-of-way* and shall not be constructed further from the street than the *leading edge of the* front facade of the principal building on an *abutting mixed use, office, industrial, RM40, RM60, or commercial zoned* lot that is furthest from the street.

2. **Block character.** *In an R, RS, RM2, RM4, RM6, RM9, or RM15 district, if two-thirds (2/3) or more of the principal buildings along a block face do not meet the minimum street setback requirements in Tables 17.12.030.A or 17.12.030.B, then new principal buildings constructed along such block face shall be constructed no closer to the street than the *leading edge of the* front facade of the principal building on the block face that is closest to the street and no further from the street than the *leading edge of the* front facade of the principal building on the block face that is furthest from the street. In an R or RS district, reference to a principal building shall mean a principal building originally constructed for single-family or duplex residential use and occupancy.*

*In a mixed use, office, industrial, RM20, RM40, RM60 or commercial zone district, if two-thirds (2/3) or more of the principal buildings along a block face do not meet the minimum street setback requirements in Tables 17.12.030.A or 17.12.030.B, then new principal buildings constructed along such block face may be constructed as close as the edge of the right-of-way and shall be constructed no further from the street than the leading edge of the front facade of the principal building on the block face that is furthest from the street.*

3. **Major new investment.** *In a mixed use, office, industrial, RM20, RM40, RM60 or commercial zone district, the owner of one or more contiguous lots that collectively include at least one corner lot and at least fifty percent (50%) or more of the street frontage along either block face shall not be subject to the minimum street setback requirements in Table 17.12.030.B for the block face (s) with 50% or more of the street frontage. If the owner opts to develop the property such that the facades of the principal buildings are built within ten feet of the edges of the rights-of-way, the owner shall be eligible for a parking reduction pursuant to Section 17.20.040.*
4. **Corner lots.** *If any corner lot in a mixed use, office, industrial, RM20, RM40, RM60 or commercial district contains a building that is located closer to either street frontage than the minimum street setback required in the zoning district, any buildings on other *mixed use, office, industrial, RM20, RM40, RM60, or commercial zoned* corner lots facing the same intersection may be located ~~equally close to either street frontage~~ *as close as the edges of both rights-of-way. In this situation, No building facade shall be set back further from the fronting street than the leading edge of the corresponding facade of the any existing building on the other corner lots. If there are existing principal buildings on more than one corner, then the facade of the new building shall be no further from the fronting street than the leading edge of the closest corresponding facade on the other existing buildings (See Figure 17.12.035.A.4).**

Note: For the purposes of section A above, ~~the front facade of any new building or addition to the front of an existing building shall extend across at least 75% of the lot frontage, except in R or RS districts,~~ *for lots that are 60 feet wide or greater, the front facade of the building shall extend across 25% of the lot frontage or be 25 feet in width, whichever is greater. For*



*lots that are less than 60 feet wide, the building shall extend across the full width of the lot unless a driveway is required to access required parking. If a driveway is required to access required parking, an opening of up to 24 feet wide shall be permitted. Parking shall be permitted only at the sides and rears of buildings, and at the front of the building to the extent shown in Figure 17.12.035. A primary entrance to the building shall be located at the front setback line. The front facade may have projections and recesses to accommodate columns, entrances, covered patios, and similar features.*

**B. Petitions for Mandatory Reductions of Street Setbacks.**

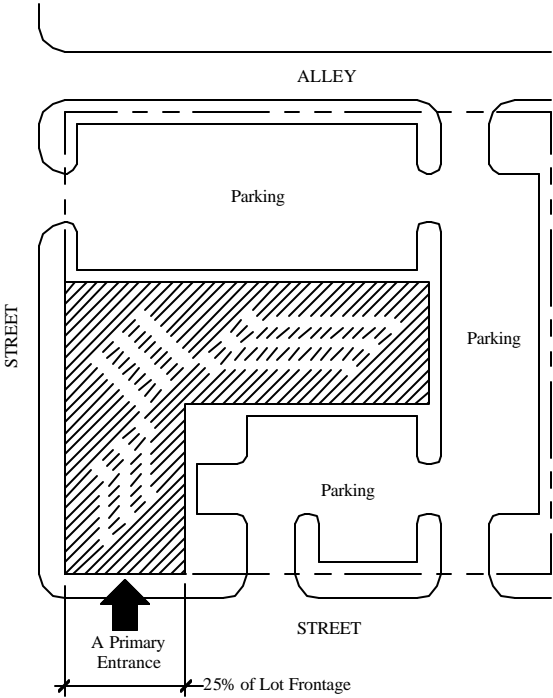
1. **Block Face.** The owners of two thirds (2/3) or more of the property *that is zoned mixed use, office, industrial, RM20, RM40, RM60 or commercial* along an entire block face may petition the metropolitan planning commission and metropolitan council to adopt an ordinance requiring that each front facade of a principal building along that block face be set back no further from the street than:
  - i. *The leading edge of the front facade of the principal building on an immediately abutting mixed use, office, industrial, RM20, RM40, RM60, or commercial zoned lot or parcel; or*
  - ~~ii. *If there are two immediately abutting parcels facing the same street, then no further from the street than that primary facade on an immediately abutting parcel that is further from the street. The petition, and any proposed amendments to the petition, shall be reviewed in accordance with Section 17.40.060.*~~
  - ii. *The leading edge of the front façade of a principal building on an immediately abutting mixed use, office, industrial, RM20, RM40, RM60, or commercial zoned lot that is furthest from the street, when there are two immediately abutting lots facing the same street.*

Note: For the purposes of section B.1. above, ~~the front facade of any new building or addition to the front of an existing building shall extend across at least 75% of the lot frontage, except in R or RS districts.,~~ *for lots that are 60 feet wide or greater, the front façade of the building shall extend across 25% of the lot frontage or be 25 feet in width, whichever is greater. For lots that are less than 60 feet wide, the building shall extend across the full width of the lot unless a driveway is required to access required parking. If a driveway is required to access required parking, an opening of up to 24 feet wide shall be permitted. Parking shall be permitted only at the sides and rears of buildings, and at the front of the building to the extent shown in Figure 17.12.035. A primary entrance to the building shall be located at the front setback line. The front facade may have projections and recesses to accommodate columns, entrances, covered patios, and similar features.*

2. **Adopted plan.** The metropolitan planning department may petition the metropolitan council to adopt an ordinance *and any future amendments to it, in accordance with Section 17.40.060,* requiring a specific setback or build-to

distance in all or part of an area where an adopted plan recommends creating a specific front setback or build-to distance, regardless of the existing pattern of front setbacks. The term “adopted plan” shall include redevelopment plans adopted by metropolitan council wherein urban design guidelines are administered by the metropolitan development and housing agency.

**Figure 17.12.035**



## 7. **Zone Change 2002Z-013T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Chapter 17.12 (District Bulk Provisions) of the Zoning Ordinance. The purpose of this amendment is to help ensure that accessory buildings are in scale with the development pattern they are located within. This amendment establishes bulk standards for accessory buildings. Currently, only the height of accessory buildings is regulated. The amendment establishes rear setbacks for all accessory buildings and a size limitation for accessory buildings on lots with single- and two-family dwellings on lots that are less than forty thousand square feet.

The text amendment is as follows:

- ...amend Chapter 17.12 (District Bulk Provisions), by replacing Section 17.12.040.E.1 with new Section 17.12.040.E.1.a and b as follows, by **inserting** a new Section 17.12.050 as follows and by renumbering the remaining sections:

### *1. Accessory buildings*

- a. Accessory buildings, when located to the rear of a principal structure on a lot where the rear lot line abuts an alley, shall provide a minimum rear setback of three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet;*
- b. Accessory buildings (including above-ground swimming pools extending more than twelve inches above ground level) of six hundred square feet or less, when located to the rear of a principal structure, shall provide a minimum side setback equal to one-half of that required for the district (but not less than three feet) and a minimum rear setback of at least three feet, except when garage doors open directly to an alley, in which case the minimum rear setback shall be ten feet;*

### **17.12.050 Accessory Building Floor Area Controls.** *Special floor area controls for lots with Single-Family and Two-Family Dwellings.*

- 1. On all lots with a size of less than forty thousand square feet, the aggregate building coverage of all accessory structures located to the rear of the principal dwelling and complying with the district setbacks shall be limited to 600 square feet or 50 percent of the building coverage of the principal dwelling, whichever is greater, but in no case shall exceed 2500 square feet.*
- 2. These floor area controls shall not apply to accessory structures proposed on lots where agricultural activities and domestic animals/wildlife are permitted.*

**8. Zone Change 2002Z-014T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Table 17.20.030 (Parking Requirements) of the Zoning Ordinance. The purpose of the amendment is to both clarify one of the Urban Zoning Overlay (UZO) district provisions and to encourage the development of small convenience retail businesses within the UZO. The amendment clarifies that the first 2,000 square feet of General Retail floor area is exempt from providing parking and extends the first 2,000 square foot exemption to Convenience Retail.

The text amendment is as follows:

- ...amend Table 17.20.030 (Parking Requirements) by **inserting** text into the row labeled "Retail" as follows:

Retail	1 space per 200 square feet <b>UZO district:</b> General Retail: <del>First 2,000 square feet: exempt;</del> 1 space per 200 square feet for 2,000 to 50,000 square feet <del>&amp;and</del> 1 space per 250 square feet for 50,000 to 100,000 square feet <del>&amp;and</del> 1 space per 300 square feet for 100,000 to 400,000 square feet <del>&amp;and</del> 1 space per 350 square feet for greater than 400,000 square feet Convenience Retail: <del>First 2,000 square feet: exempt;</del> 1 space per 250 square feet <i>thereafter</i> ; Shopping Center Retail: 1 space per 250 square feet for less than 400,000 square feet & 1 space per 225 square feet for 400,000-600,000 <del>square feet</del> <i>square feet</i> <del>&amp;and</del> 1 space per 200 square feet for greater than 600,000 square feet; Outdoor (except vehicle sales, limited): 1 space per 1,000 square feet of lot area
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## 9. **Zone Change 2002Z-015T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Section 17.20.040 (Adjustments to Required Parking) of the Zoning Ordinance. The purpose of the amendment is to enable on-street parking on narrow streets within the Urban Zoning Overlay district (UZO) while ensuring the safety of motorists and pedestrians. The amendment permits on-street parking on one side of streets that are less than 26 feet wide within the UZO, unless otherwise posted.

The text amendment is as follows:

- ...amend Section 17.20.040 (Adjustments to Required Parking) by **inserting** a new section “F. On-street parking on narrow streets”

***F. On-street parking on narrow streets within the Urban Zoning Overlay district:** Unless otherwise posted and pursuant to other limitations set forth in Section 17.20.040, on-street parking may be used to meet minimum parking requirements for properties on only one side of non-arterial streets within the Urban Zoning Overlay district that are less than 26 feet wide (curb to curb). For streets that are oriented northerly to southerly, properties abutting the easterly side qualify. For streets that are oriented easterly to westerly, properties abutting the northerly side qualify.*

## **10. Zone Change 2002Z-016T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Section 17.20.060.D (Parking Area Design Standards: Residential Parking) of the Zoning Ordinance. The purpose of this amendment is to remove an Urban Zoning Overlay (UZO) district provision that has proven to be unworkable. The amendment deletes a provision that prohibits residential parking in required street setback areas unless it is located on a driveway. The code does not define residential driveways, rendering this provision meaningless.

The text amendment is as follows:

- ...amend Section 17.20.060.D (Parking Area Design Standards: Residential Parking) by **deleting** text as follows:

- D. **Residential Parking.** Required parking spaces for a single-family or two-family dwelling unit shall be a minimum of eight feet wide and twenty feet long. Required parking spaces may be placed end to end. Garage doors opening toward a public street shall be a minimum of twenty feet from the property line. ~~Within the urban zoning overlay district, no off-street parking area or loading area shall be located within any required street setback area, unless it is located on a driveway in accordance with Section 17.20.060.G.~~

## **11. Zone Change Proposal 2002Z-017T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Section 17.20.080.C (Off-site Parking: Common Ownership) of the Zoning Ordinance. The purpose of the amendment is to provide a renewal option for leased off-site parking and to ensure that off-site parking leased for a particular use coincides with the term of the tenant lease. The amendment adds language referring to a guaranteed renewal option. It also adds language regarding the recording of the lease and providing copies of all lease and lease renewal agreements to the Zoning Administrator.

The text amendment is as follows:

- ...amend Section 17.20.080.C (Off-site Parking: Common Ownership) by **modifying** the text as follows:

C. Common Ownership. Any off-site parking area shall be under the same ownership as the principal use to which it is accessory, or otherwise secured by a lease of no less than, three years *with a guaranteed renewal option or the lease is equal to* the term of any lease for the principal use, whichever is greater, and all necessary legal instruments shall be executed and recorded with the Register of Deeds *against all parcels involved. Copies of all recorded lease agreements shall be provided to the Zoning Administrator prior to the issuance of zoning permits. All renewal agreements pertaining to off-site parking contained within the lease shall be provided to the Zoning Administrator prior to the end of a lease term. This is* to ensure that the required number of spaces shall remain available throughout the life of the principal use.

## **12. Zone Change 2002Z-018T**

Staff recommends *approval*. The complete text amendment is attached.

This proposal amends Section 17.24.190 (Landscape Buffer Yard Requirements: Exemptions) of the Zoning Ordinance. The purpose of the amendment is to provide more reasonable landscape buffer yard requirements. The amendment adds boundary lines along utility lines of 50 feet wide or greater to the list of countywide exemptions and boundary lines along public streets to the list of exemptions within the Urban Zoning Overlay district.

The text amendment is as follows:

- ...amend Section 17.24.190 (Landscape Buffer Yard Requirements: Exemptions) by **modifying** the text as follows:

No landscape buffer yard shall be required in the following situations:

A. When a zoning boundary falls along a public street containing four or more travel lanes, or along an elevated railroad bed, *utility line easement of 50 feet wide or greater*, navigable river, or controlled access highway.

B. *When a zoning boundary falls along a public street within the Urban Zoning Overlay district.*

BC. When the property is zoned CC (commercial core). (Ord. 98-1268 § 1 (part), 1998)



**13. Zone Change 2002Z-018U-05**

Staff recommends *approval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 0.5 acres from RS7.5 (residential) to OL (office) district property at 4115 Gallatin Pike, at the west terminus of Greenland Avenue. The existing RS7.5 district is intended for single-family homes at 4.94 dwelling units per acre. The proposed OL district is intended for moderate intensity office uses.

Staff recommends approval of the OL zoning for the portion of the property that fronts Gallatin Road. This property is within the Subarea 5 Plan's Commercial Arterial Existing (CAE) policy. The CAE policy is applied to areas with existing areas of strip commercial development. The Residential Low Medium (RLM) policy applies to the rear of this property and is intended for residential uses at 2 to 4 dwelling units per acre. By rezoning the front portion of the property to OL district, the rear will remain RS7.5 allowing single-family residential along Matthews Avenue, consistent with the RLM policy.

*Traffic*

The Traffic Engineer indicates that Gallatin Pike can sufficiently accommodate commercial traffic generated by OL zoning.

**14. Zone Change 2002Z-019U-08**

Staff recommends *approval*.

**15. PUD 82-77-U-08 McQuiddy Retail Center**

Staff recommends *conditional approval*.

**33. Mandatory Referral 2002M-028U-08**

Staff recommends *approval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

***Zone Change***

This request is to change approximately .75 acres within the Urban Zoning Overlay district at the corner of 40<sup>th</sup> Avenue and Indiana Avenue from R6 district to MUL district. The existing R6 district is intended to provide for higher intensity one-family and two-family developments at a density of 6 dwelling units per acre. The proposed MUL district is intended to implement the moderate mixed-use policies of the general plan. The applicant is requesting this zone change because the approval of the original PUD was not contingent upon changing the zoning of the property. Planned unit developments that were approved prior to the new Zoning Ordinance (1998) were not required to change the existing zoning of the property upon which the PUD was applied.

Staff recommends approval of the zone change because it is in accordance with the new Subarea 8 Plan. This property lies within a Neighborhood Center (NC) policy area that is situated along 40<sup>th</sup> Avenue North, between Clifton Avenue and Indiana Avenue. The Neighborhood Center policy area is intended to act as a local center of activity. The plan indicates that uses within these areas should meet daily convenience needs and/or provide a place to gather and socialize.

***Original PUD Plan***

The original PUD (82-77-P-08) was approved by Metro Council in 1977 to construct a general retail building containing 6,350 square feet. It was approved for one building with five separate retail units containing 1,270 square feet. Since the current request increases the square footage of the building more than 10%, to 11,000 square feet, an amendment to the existing PUD is required, and Council must approve the amendment along with the associated change in zoning.

***Proposed PUD Plan***

This request is to amend the undeveloped Planned Unit Development District (82-77-P-08), located abutting the northwest corner of Indiana Avenue and 40th Avenue North, to permit the development of an 11,000 square foot retail shopping center. Staff recommends conditional approval of this PUD amendment.

### Building

The amended PUD plan still has one building consisting of five separate retail units, but one of the units acts as an anchor retail convenience store with 6,000 square feet, while the other units contain only 1,250 square feet each. The Subarea 8 Plan permits retail commercial uses within the Neighborhood Center policy area as long as the development is at a neighborhood scale. Staff feels that the proposed building is at a neighborhood scale and will work toward meeting the daily convenience needs of the community.

### Building Setback and Parking

The building was placed in the center of the property on the original PUD plan, with parking in the front, on the side, and in the rear of the building. The proposed plan moves the building closer to the street with a proposed clock tower as a focal point at the corner of Indiana and 40<sup>th</sup> Avenue. Parking has been removed from the front of the building, and placed in the rear and on the side of the building.

Staff approves moving the building closer to the street. Section 17.12.035 of the Zoning Ordinance permits contextual street setbacks within the Urban Zoning Overlay district. This section allows the building in this case to be constructed up to the right-of-way line as a major new investment in the area. The Ordinance states that in a mixed use or commercial zone district within the UZO, the owner of one or more contiguous lots that collectively include at least one corner lot, and at least 50% of the street frontage along either block face, shall not be subject to the minimum setback requirements.

The Subarea 8 Plan specifically states that building setbacks in the Neighborhood Center policy area should be shallow or non-existent. The plan goes on to explain that the closer the buildings are to the street in these areas, the more eyes there are for neighborhood watch. Placing buildings close to the street also helps create a more comfortable pedestrian environment.

### Traffic

The location of the access points into the site from 40<sup>th</sup> Avenue North and Indiana Avenue have remained the same, but the vehicular circulation within the site has slightly changed since the original PUD was approved. Both entrances to the property originally accommodated two-way traffic. This was possible because the building was placed in the center of the site, and vehicles were able to circle the structure, stopping to park in either the front or rear of the building. The proposed plan, however, provides a one-way entrance from Indiana Avenue and a one-way exit to 40<sup>th</sup> Avenue. The Metro Traffic Engineer requested that the applicant look at redesigning the parking layout in order to accommodate two-way traffic. The applicant tried to redesign the on-site parking, but was not able to provide for two-way traffic on the site due to the increased floor area of the building and landscape bufferyard requirements. Staff feels that the one-way entrance and exit is adequate. Much of the traffic will be pedestrian traffic due to the proximity of higher density residential development, and the applicant is providing signage designating the entrance and exit as one-way.

### Landscaping

The proposed plan adheres to the landscaping requirements within the Zoning Ordinance by providing the standard “A” landscape bufferyard between the proposed MUL property from the existing OR20 property to the west. A standard “C” landscape bufferyard is provided on the plan to buffer the property from the existing R6 properties to the north. The plan also provides at least 8% interior lot landscaping as required by Section 17.24.160 of the Zoning Ordinance.

### ***Mandatory Referral***

The applicant has requested to abandon two unimproved alleys located on the property. The request is to close a portion of Alley #1204, an unimproved alley from 40<sup>th</sup> Avenue North to the southwest corner of parcel 200 and the northwest corner of parcel 204 on tax map 91-12, and to close a portion of Alley #1189 from Indiana Avenue to its intersection with Alley #1204. This portion of Alley #1189 was previously closed, but it was not removed from the Official Street and Alley Map. The Metro Legal Department has indicated staff cannot administratively amend the Official Street and Alley Map. That power is reserved for the Metro Council, including housekeeping errors as in this case. All easements are to be abandoned. Staff field-checked these closures, and these alleys are not used. Staff recommends conditional approval provided all agencies and departments recommend approval of the mandatory referral.

## 16. Zone Change 2002Z-021G-03

Staff recommends *disapproval*.

- **Subarea Plan amendment required?** No. A Subarea Plan amendment would normally be required for a request to allow residential zoning with a density of 3 units per acre within a residential policy area that is intended for 1-2 units per acre and a natural conservation policy area. Staff feels this particular request does not warrant an amendment.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 16.8 acres from RS40 (residential) to RS15 (residential) district property at 3763 Westport Drive, 3815 Stevens Lane, and Stevens Lane (unnumbered), abutting the northern terminus of Homeland Drive. The existing RS40 district is intended for single-family dwellings at 1 unit per acre. The proposed RS15 district is intended for single-family dwellings at up to 2.47 units per acre.

### *Subarea 3 Plan Policy*

Staff recommends disapproval of the proposed RS15 zoning due to its permitted density. The majority of these properties are located in the Subarea 3 Plan's Residential Low (RL) policy area and a small portion of the properties is in the Natural Conservation (NC) policy area. The RL policy calls for 1 to 2 units per acre, and the NC policy calls for low-density residential (similar to RL policy) and very low intensity commercial developments. The RS15 district would allow more dwelling units than recommended by either the NC policy or the RL policy.

### *Topography*

The NC policy is applied to a portion of this property due to the steep topography on the property. This property is along a transition line where to the east, flatter topography lends itself to larger lot development to the subject property which has very steep topography. Changing the zoning on this property to RS15 would require more roads and allow more homes, which in turn would require significant grading. The grading needed to develop this property with RS15 zoning would degrade this environmentally sensitive area.

### *Traffic*

The Metro Traffic Engineer has indicated Stevens Lane and Westport Drive can sufficiently accommodate the traffic that would be generated by RS15 zoning on this property.

### *Schools*

A single-family development at RS15 density will generate approximately 9 students (4 elementary, 3 middle, and 2 high school). Students will attend Alex Green Elementary School, Ewing Park Middle School, and Whites Creek High School. The Metro School Board has provided information that indicates Alex Green Elementary and Ewing Park Middle Schools were over capacity in 2001. The School Board is currently reviewing school capacity figures, and final numbers for the current year are not yet available for these schools.

17. **Zone Change 2002Z-022U-05**

Staff recommends *approval*.

18. **PUD 2002P-001U-05 Edgefield Housing**

Staff recommends *conditional approval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

***Zone Change***

This request is to change 1 acre from CL district to RM40 district property located at Woodland Street (unnumbered), abutting the east margin of South 8th Street, within the East Bank Redevelopment, Urban Zoning Overlay and Historic Edgefield districts. The existing CL district is intended to provide for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, and administrative offices. The proposed RM40 district is designed for high intensity multifamily developments at a density of up to 40 dwelling units per acre.

Staff recommends approval of the RM40 zoning because it is consistent with the Subarea 5 Plan. This property lies within the Commercial Arterial Existing (CAE) policy that extends from I65 to Briley Parkway. The CAE policy is intended for retail, office, and higher density residential uses. This property is within an area where the CAE policy is applied on both sides of Main Street and Woodland Street, except for East Park. This portion of the policy area along Main and Woodland Streets and Gallatin Road, south of the CSX railroad crossing, is all already zoned for, and developed with, a wide range of commercial businesses mixed with mostly institutional uses. Staff supports this change to RM40 to achieve the CAE policy objectives.

***PUD Plan***

This request is for preliminary approval of a Planned Unit Development district to permit 33 multi-family units. The proposed building has three stories, and is approximately 42 feet tall. The Zoning Ordinance requires 1.5 parking spaces per a 2 bedroom unit, and 1 parking space for every 1 bedroom unit. There are 17 proposed 2 bedroom units and 16 proposed 1 bedroom units. The Zoning Ordinance requires 42 parking spaces, and the plan has 48 spaces. There are existing sidewalks on Woodland and South 8th Street. The plan complies with all zoning requirements except street setback requirements along South 8th Street.

**Review by Other Agencies**

The plan has been reviewed by the Metropolitan Historic Zoning Commission because it lies within the Historic Preservation Overlay district (Historic Edgefield). The plan has also been reviewed by Historic Edgefield, Inc. and Rediscover East!. Attached is a letter from Historic Edgefield indicating their support for the project. The Historic Zoning Commission has not yet approved the development. The development request was deferred at their meeting on February 20th in order to form a subcommittee to work with the architect and developer. An additional meeting was held by the Historic Zoning Commission on March 4th with the developer, the

architect, and an Edgefield neighborhood representative. The Commission asked for changes to the existing proposal, and they expect the drawings no later than midday on Monday, March 11th. At the request of the architect, the Historic Zoning Commission has called a special meeting on Tuesday, March 12th to review the revised proposal. Staff should have a recommendation from the Historic Zoning Commission prior to the Planning Commission meeting. The Historic Zoning Commission reviews projects within historic districts according to design guidelines based on Secretary of the Interior standards. They insure that projects within these districts are consistent with this national set of standards. The Commission reviews everything visible from the public right-of-way and determines whether or not infill developments are compatible with structures within the historic district.

### Building Setback

The building has been brought close to the street with parking at the rear of the building. The Zoning Ordinance permits a reduction of street setbacks for properties within the Urban Zoning Overlay district. Section 17.12.035 allows new principal buildings to be constructed no closer to the street than the front façade of the principal building on the block face that is closest to the street and no further from the street than the front façade of the principal building on the block face that is the furthest from the street. The front façade of the existing building closest to Woodland Street, on the block between South 8th Street and South 9th Street, is located 24 feet from the right-of-way. The Historic Zoning Commission has determined that to preserve the historic context along Woodland Street, the proposed building within the development must be set back 28 feet from the existing right-of-way. The plan shows the building 28 feet from the right-of-way of Woodland Street.

The portion of the building facing South 8th Street is set back 5 feet from the existing right-of-way. This does not adhere to the existing contextual street setback along South 8th Street between Woodland Street and Russell Street. Only one building is located along this portion of South 8th Street, and it is located approximately 13 feet from the right-of-way. There is a text amendment to the Zoning Ordinance (2002Z-12T) that would allow buildings within the UZO to be constructed up to the right-of-way. One of two things must happen for the building to be shown within 5 feet of the South 8th Street right-of-way:

1. The text amendment must be approved by Metro Council, or
2. The Board of Zoning Appeals (BZA) must approve a variance for the required setback.

In the event that Metro Council action is delayed on the text amendment, staff recommends that the Planning Commission indicate to the BZA their support of the variance. Should the BZA not approve the variance, the PUD shall be revised to comply with the setback standards in place at the time the final PUD plan is submitted. This may result in a decrease in units, and may require further Council action.

### Vehicular Access

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. The applicant has agreed to widen the existing alley from 16 feet to 20 feet to accommodate safer two-way traffic. The plan shows the right-of-way dedication that will be necessary to make these improvements. According to

the applicant and the community, several options for access were considered, but the one that the neighborhood strongly supports is entering off Woodland and exiting onto the alley, directing alley traffic onto South 8th Street.

### Schools

A 33 unit multi-family development at RM40 density may generate approximately 7 K-12 students (3 elementary, 2 middle, and 2 high school). Students in this area would attend Warner Elementary, Bailey Middle, and Stratford High. The Metro School Board has provided information that indicates these schools were not over capacity in November 2001. The School Board is currently reviewing school capacity figures and final numbers for the current year are not available for these schools.

### Conditions of Approval

Staff recommends conditional approval of the preliminary PUD provided that the applicant satisfy the following:

1. The Metropolitan Historic Zoning Commission must recommend approval of the development prior to the Planning Commission meeting.
2. The applicant shall submit a revised preliminary PUD plan within two weeks of Planning Commission approval that addresses on-site lighting. Some concerns have been expressed regarding the lighting of the parking lot to the rear of the building. The applicant has indicated that the light fixtures to be used are designed to project directly downward for a minimum of neighborhood light pollution. This shall be noted on the revised plan.
3. The applicant shall submit a revised preliminary PUD plan within two weeks of Planning Commission approval that indicates the location of the residences' mailboxes. The applicant has indicated that the mailboxes were to be placed outside of the controlled access gate at the entrance from Woodland Street. Staff feels that this may cause traffic to back up on to Woodland if people stop in their vehicles to get their mail. The applicant has agreed to submit a revised plan showing the mailboxes in a place that will not disrupt traffic flow.
4. The applicant shall submit a revised preliminary PUD plan within two weeks of Planning Commission approval that indicates the days and times of trash pick-up. A dumpster is shown on the plan along the alley, at the rear of the parking lot. Staff would like to insure that the dumpster is not emptied at late hours, thus disturbing the existing residences.
5. The applicant shall submit a revised preliminary PUD plan within two weeks of Planning Commission approval that shows the location of any pedestrian amenities along Woodland and South 8th Street. The applicant has agreed to submit a section drawing showing how the building relates to the street. Staff would like to insure that a comfortable pedestrian environment is achieved through this development. If pedestrian amenities (benches, lighting, landscaping, etc) are planned and/or necessary, they shall be shown on the revised plan.
6. Approval is contingent upon Metro Council approving the text amendment allowing buildings within the Urban Zoning Overlay district (UZO) to be constructed up to the right-of-way, or the Board of Zoning Appeals (BZA) approving a variance for the required setback. Should the BZA not approve the variance, the PUD shall be revised to comply with the setback standards in place at the time the final PUD plan is submitted.



**19. Zone Change 2002Z-024G-14**

Staff recommends *approval*.

**20. PUD 210-73-G-14 Drury Inn Commercial PUD**

Staff recommends *conditional approval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

*Zone Change*

This request is to rezone 1.44 acres from CL (commercial-limited) to CS (commercial-services) district property at Sells Drive (unnumbered), approximately 300 feet east of Old Hickory Boulevard. The existing CL district is intended for a limited number of commercial uses, including retail, office, restaurant, and bank uses. The proposed CS district is intended for a wide range of commercial uses including, retail, office, restaurant, vehicle sales, light manufacturing, mini-storage, and bank uses.

Staff recommends approval of the proposed zoning since it is consistent with the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy. That policy calls for a mixture of commercial development providing both consumer goods and services and employment in areas with good regional accessibility. This property is located near the I-40 interchange at Old Hickory Boulevard with extremely good regional access.

*PUD*

There is also a request to amend a portion of the existing commercial PUD district to permit a 10,000 square foot boat sales facility, replacing an undeveloped 40,950 square foot, 80-unit, 6-story hotel. This PUD also includes the Deloitte and Touche property to the east (map 86, parcel 120). "Boat Sales" is treated the same as vehicle sales in the Zoning Ordinance. This use was not originally approved in the PUD and is not permitted by the existing CL base zoning. Therefore, the PUD is being amended to allow this use, and the proposed zoning is CS district. Staff recommends conditional approval since it is consistent with the CMC policy in the area, and with a condition that no billboards will be permitted within the PUD.

*Traffic*

The Metro Traffic Engineer has indicated that Sells Drive and Old Hickory Boulevard can accommodate the traffic generated by the CS zoning or the boat sales facility.

**21. Zone Change Proposal No. 2002Z-026U-10**

Staff recommends *disapproval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 0.17 acres from ORI (office and residential intensive) to CF (core frame) district property at 700 18<sup>th</sup> Avenue South, south of Division Street. The existing ORI district is intended for office, and residential multi-family uses with limited retail opportunities. The proposed CF district is intended for parking and commercial service support uses.

*Subarea Plan Policy*

Staff recommends disapproval of the CF zoning since it is not in keeping with the existing ORI zoning pattern. The property is located within the Subarea 10 Plan's Office Concentration (OC) policy area, which calls for large concentrations of office development. This area has a large pattern of CF zoning that occurs north of Division Street, and on the properties to the south with frontage on Division Street. The area is also on the border of the Subarea 10 Plan's OC policy and Mixed Use (MU) policy. The properties that front Division Street are predominantly within the MU policy, but there are a few properties that are located within the OC policy that are also zoned CF. The existing boundary for the CF district in this area is well defined and rezoning this property will encroach into the ORI district.

Along Division Street there is mixture of MU policy and OC policy all of which is zoned CF in order to maintain the taller buildings and the variety of uses. In this area, Division Street marks the transition from large-scale commercial buildings, to single-family homes and smaller-scale office buildings. The CF zoning that occurs in the OC policy area that runs along Division Street maintains the gateway effect from the more intense business district between Church Street to the north and Division Street to the south. Development south of Division Street is predominately large homes that have been converted into office uses. This property currently is being used as a low-rise office building. Within the CF district a much taller building could be constructed than what is allowed in the ORI district.

*Traffic*

The Metro Traffic Engineer has indicated 18<sup>th</sup> Avenue South can sufficiently accommodate the traffic that would be generated by CF zoning on this property.

**22. PUD 60-86-P-14 Northlake Village Exxon**

**23. PUD 13-87-P-14 Chandler Square**

Staff recommends *conditional approval*.

This request is to amend two separate Commercial PUD districts to shift a property line and the PUD boundary approximately 20 feet to the south. Shifting the PUD boundary for the two adjacent PUD districts requires a PUD amendment and Metro Council approval since it increases the land area in one PUD by approximately 3,200 square feet and decreases the land area of the other PUD by the same. The purpose of this request is to allow this land area in the Chandler Square PUD (map 86, parcel 219) for additional parking spaces for a new Eckerd drug store. This amendment removes a small, unused, open space area at the rear of the existing Exxon station in the Northlake Village PUD on map 86, parcel 208. This proposal does not change the previously approved building layout, driveway locations, or landscaping plan for either PUD. The Planning Commission granted final PUD approval to allow a 14,459 square foot drug store on parcel 219 at its January 10, 2002, meeting. With this request, eight parking spaces at the rear of the building will be removed, while ten new parking spaces will be added. The proposed plan still provides the required number of parking spaces (72 spaces) for the drug store. Staff recommends conditional approval of amending both PUD districts.

#### **24. PUD 2001P-009G-13 Maxwell Place**

Staff recommends *conditional approval* with a variance to Section 2-6.2.1E of the Subdivision Regulations for the horizontal curve in the road.

This item was deferred indefinitely at the August 30, 2001, Planning Commission meeting to allow the applicant more time to discuss the proposal with the neighbors. This request is for preliminary approval of a Planned Unit Development district located on the south side of Maxwell Road, east of LaVergne-Couchville Pike to permit 62 single-family lots. The developer also plans to designate six of the 62 lots for affordable housing. The PUD is proposed on 15.3 acres at a density of 4.05 dwelling units per acre. The existing RS10 zoning permits a maximum density of 3.7 single-family dwelling units per acre. Under the RS10 zoning, 57 single-family lots would be permitted. However, using the 10% affordable housing density bonus that is permitted in PUD districts (Section 17.36.090B), 62 single-family lots are permitted. Staff recommends conditional approval provided Public Works approves the plans prior to the Planning Commission meeting.

Although the overall proposed density is 4.05 dwelling units per acre, which is slightly higher than the Subarea 13 Plan's Residential Low Medium (RLM) policy of 2 to 4 dwelling units per acre, it is consistent with the goal of providing a diversity of housing types. This plan includes a mixture of market rate housing and affordable housing in proximity to one another. The plan provides two public roads from Maxwell Road, with one stub street to the east to provide a connection for future development. It also provides private alleys internally to create a streetscape with homes fronting the public streets and garages in the rear. The southern portion of the PUD will remain undeveloped in common open space due to two sinkholes. Public Works will require approval by the State of Tennessee Department of Environment prior to final PUD approval since these sinkholes will be used for stormwater runoff. Lots 206-213 have been designated as Critical Lots requiring special design consideration. Furthermore, a special note has been placed on the plan requiring a geotechnical investigation of each sinkhole, to determine which one has the best geological features to receive the stormwater, prior to final PUD approval.

#### *Traffic*

The Metro Traffic Engineer has indicated that the developer will be required to widen Maxwell Road along the frontage of this property to collector street standards. No other off-site road improvements will be required since the roads in this area can currently accommodate the traffic to be generated by this development.

#### *Variance—Horizontal Curve Radius*

Section 2-6.2.1E of the Subdivision Regulations requires a minimum horizontal curve radius of 300 feet for minor local through-streets with a 30 m.p.h. speed limit, while this plan proposes a horizontal curve of approximately 80 feet. Staff recommends approval of this variance since the majority of the lots on this curve are proposed with alley-loaded garages in the rear. With a limited number of driveway cuts along this curve, the safety concerns that may otherwise exist due to limited sight distance are decreased.

#### *Schools*

A single-family development with 62 lots could generate approximately 13 students (6 Elementary, 4 middle, and 3 high school). The Metro School Board has provided information that indicates Mt. View Elementary and Kennedy Middle School were over capacity in November 2001. Antioch High School was not over capacity in November 2001. The RS10 zoning district has been in place since 1998. The School Board is currently reviewing school capacity figures, and final numbers for the current year are not available for these schools.

**25. Subdivision 2002S-044G-14 Chandler Square**

Staff recommends *conditional approval* subject to Council's approval of the mandatory referral to abandon and relocate the sewer line and easement along Dry Fork Creek, a revised plat showing sidewalks along Old Hickory Boulevard as required by Public Works, and a bond for the relocation of the sewer line and the construction of sidewalks.

**34. Mandatory Referral 2002M-029G-14**

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

***Subdivision***

This request is for final plat approval to record one parcel as one lot on approximately 2.5 acres abutting the east margin of Andrew Jackson Parkway and the north margin of Old Hickory Boulevard. The property is located in the Hermitage area, and is classified within the R8 Commercial Planned Unit Development District. This portion of the PUD received final approval from the Planning Commission on January 10, 2002, to construct a 14,459 square foot Eckerd Drug store, replacing an undeveloped 8,600 square foot restaurant and an 8,500 square foot retail tire store. The Commission granted a variance with final PUD approval for sidewalks along a 60-foot-long portion of Andrew Jackson Parkway where an existing bridge crosses Dry Fork Creek. The PUD approval was conditioned upon the applicant submitting a revised plan showing the proposed sidewalk on Andrew Jackson Parkway within the public right-of-way.

***Sidewalks***

The revised plan was submitted, and this final plat also shows a proposed sidewalk within the public right-of-way on Andrew Jackson Parkway as well as on Old Hickory Boulevard. These sidewalks, however, are shown in relation to the future curb line. Public Works typically requires sidewalks to be constructed in relation to the future curb line, but in this case, Public Works has indicated that due to an existing drainage swale along Old Hickory Boulevard, they may require the sidewalks to be constructed along the existing pavement. The right-of-way line is 30 feet from the existing pavement on Old Hickory Boulevard. If the sidewalks are constructed in relation to the right-of-way, they will be placed on the opposite side of the swale, more than 20 feet away from the street. Public Works has indicated that they must make sure that the sidewalk is placed where it would be if they were constructing the sidewalk along the entire stretch of road, not just in front of this particular property. Public Works has not been able to visit the site and evaluate the situation. Staff understands that they will be visiting the site prior to the Commission meeting. Staff will know at that time whether or not the applicant will need to submit a revised plat showing the sidewalks along Old Hickory Boulevard in relation to the existing pavement.

***Mandatory Referral***

This request is to abandon an existing 18" and 24" sewer line and the 30-foot associated easement, and relocate the line as a 21", 24", and 30" line within a 30-foot easement (01-SL-183). This request will move the line closer to the Dry Fork Creek to the rear of the property, allowing more buildable area. Staff recommends conditional approval provided all reviewing departments and agencies recommend approval.

**26. Subdivision 2002S-048G-03 Parker Subdivision**

Staff recommends *conditional approval* subject to a variance for maximum lot size and a revised plat prior to recordation.

This request is for final plat approval to subdivide one parcel into two lots on approximately 5.68 acres, abutting the south margin of Clarksville Pike. The property is located within the RS40 and RS20 districts, and sidewalks are not required in these two zoning districts.

*Variance - Maximum Lot Size*

Section 2-4.2.D of the Subdivision Regulations require that subdivided lots have a maximum lot size no more than three times the base-zoning district. Within the RS40 district a lot should not be greater than 120,000 square feet. Lot 1 of this subdivision is 206,922 square feet, which is 86,922 square feet larger than the maximum allowable square footage for the RS40 district. Staff supports the variance for the maximum lot size since this subdivision lowers the overall square footage of lot 1 closer to the maximum lot size allowed within the RS40 district. With RS40 zoning the applicant could subdivide the property into approximately four lots.

Staff recommends conditional approval subject to a variance for maximum lot size and a revised final plat prior to recordation that shows:

1. Removal of the private easement lines from the Public Utility and Drainage Easement.
2. Updates the easement note on the plat to read "Approx. location existing sewer service. Private service line easement five feet each side of line. Once outside Public Utility and Drainage Easement"

**27. Subdivision 2002S-060G-03 Ole Orchard, Phase 3**

Staff recommends *disapproval*.

This request is for final plat approval to subdivide one parcel into two lots on approximately 0.67 acres, abutting the north margin of Lloyd Road. The Subarea 3 Plan's Residential Medium (RM) policy is applied to this area. The property is located within the R15 district in the Whites Creek area. The Metro Board of Zoning Appeals (BZA) approved on March 20, 2001 a variance request case #01-007 to permit both lots to be less than the 15,000 square foot lot size required by the R15 district. Sidewalks are required along Lloyd Road and the applicant has not shown them on the plan or applied for a variance or in-lieu fee.

*Lot Comparability*

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 0.35 acres, and the minimum allowable frontage is 86 feet. Both lots fail comparability for frontage and for acreage with lot 1 having 82.8 feet and lot 2 having 81.1 feet of frontage and both lots having 0.35 acres. Lot 1 contains 86% and lot 2 contains 84% of the required 90% of frontage, and both lots contain only 72% of the required 75% of acreage.

Staff recommends disapproval of this final plat since it fails to meet lot comparability and sidewalks are not shown along Lloyd Road. The applicant has requested a variance for lot comparability, since the BZA approved a variance for lot size, and a portion of the property was sold to the Metro School Board for the construction of Alex Green Elementary. Staff does not support the proposed lot area variance. These lots are below the minimum allowable acreage and frontage for lots in this area. The lots also are inconsistent in size with other phases of the Ole Orchard subdivision previously approved by the Planning Commission for the same property owner along Lloyd Road.

**28. Subdivision 2002S-066U-12 Brentwood Gardens**

Staff recommends *conditional approval* subject to a bond for a sewer line extension to lot 2, and demolition of the structure on lot 1, a revised final plat before recordation, and a new preliminary plat prior to the issuance of any building permits for lot 1.

This request is for final plat approval to subdivide six lots on 8.02 acres into two lots, abutting the south margin of Old Hickory Boulevard. This property is within the Subarea 12 Plan's Residential Medium (RM) policy, which calls for 4 to 9 residential units per acre. These lots are being consolidated for financing purposes. At this time the applicant does not know when the property will be developed, and wants to defer bonding of public infrastructure to a future date. Therefore, the applicant will be required to bond for all necessary public infrastructure improvements, prior to the issuance of building permits (excluding one single-family home) on Lot 1.

This final plat will consolidate the existing six lots into two lots in order to leave an existing home on Lot 2. Sidewalks will not be provided with this plat for Lot 2, but will be required with any new development on Lot 2. Currently the home on lot two is connected to Metro water and a new sewer line will be extended from lot 1 to lot 2. The existing septic fields and well on Lot 2 shall be removed. A bond will also be required for the demolition of the structure on lot 1, before this final plat can be recorded.

Staff recommends conditional approval subject to bonds for extension of the public sewer line for lot 2 and demolition of the structure on Lot 1, a new preliminary plat prior to the issuance of any building permits for lot 1, and a revised final plat prior to recordation that shows:

1. Prior to recordation, a revised final plat shall be submitted with a new Note #1 that reads as follows: This plat is being recorded to consolidate six lots into two lots. Building permits, except for one single-family residence on Lot 1, shall not issue until performance agreements for necessary public infrastructure are entered with the Metro Planning Commission.
2. Prior to recordation, a revised final plat shall be submitted with a new Note #2 that reads as follows: With the recording of this plat, the construction of sidewalks for Lot 2 shall be required prior to the issuance of a building permit for new development on Lot 2.
3. Prior to recordation, a revised final plat shall be submitted with a new Note #3 that reads as follows: Lot 2 shall be served by public water and sewer. The existing septic fields and well serving Lot 2 shall be removed.
4. Prior to recordation, a revised final plat shall be submitted showing an 8" sewer line within a 20 foot easement providing service from lot 1 to lot 2, including any required manhole.
5. Prior to recordation, a revised final plat shall be submitted identifying and labeling the existing septic fields for lot 2 that cross over proposed lot 1 as "*existing septic fields to be removed*".
6. Prior to recordation, a revised final plat shall be submitted identifying and labeling the existing well for lot 2 as follows "*existing well to be removed*".
7. Prior to recordation, a revised final plat shall be submitted identifying the parcel number for lot 1.
8. Prior to recordation, a bond shall be required for the extension of sewer service to Lot 2 and demolition of the existing home on Lot 1.



**29. PUD 182-83-G-03 Hickory Ridge (formerly Breckenridge)**

Staff recommends *conditional approval* with a variance to Section 2-6.2.1 of the Subdivision Regulations for maximum street grade.

This request is to revise the preliminary plan for the residential PUD plan located north of Old Hickory Boulevard and west of I-65 in the Madison area. The proposed plan includes 40 assisted-living units, 90 independent-living units, 15 townhomes, and 196 duplex units (314 total units where every 3 assisted living units counts as 1 dwelling unit), replacing 670 apartment units and 104 townhomes (874 total units). Phase 1 is currently developed with 190 apartment units. Staff recommends conditional approval with a variance to Section 2-6.2.1 of the Subdivision Regulations for maximum street grade, and provided Public Works and Water Services approve the plan prior to the Planning Commission meeting.

This proposal is consistent with the existing RM9 base zoning and the Subarea 3 Plan's Residential Medium (RM) policy allowing multi-family dwellings at up to 9 dwelling units per acre. The revised plan proposes 3 dwelling units per acre for Phases 2-6. While the plan changes the layout of the units, the unit types, and the proposed internal street network, it maintains a future collector street connection between the existing portion of Nesbitt Lane at Old Hickory Boulevard and the existing portion of Nesbitt Lane on the east side of I-65. The collector road currently stubs-out into this property and has always been intended to connect to Nesbitt Lane on the east side of I-65. Although this plan provides the opportunity for a bridge connection over I-65, the bridge is not required to be constructed in association with this PUD. Metro would be responsible for constructing this bridge in the future.

*Variance*

Section 2-6.2.1 of the Subdivision Regulations allows a maximum street grade of 8% on collector roads with up to 9 dwelling units per acre. The proposed collector road in Phase 6 has a grade of 10%. Staff supports this variance since the original PUD plan included a future collector street that was intended to provide a connection to Nesbitt Lane on the east side of the interstate. Staff wanted to maintain a collector street connection through this PUD, which would be difficult to construct without a variance. Staff also supports this variance since the 8% grade would require significant grading and disturbance to an environmentally sensitive area with steep slopes. Since this portion of the collector road has several turns in the road to slow traffic down, and very low density, the safety concerns from the steep road are diminished.

*Traffic*

The Metro Traffic Engineer has analyzed the Traffic Impact Study (TIS) that was submitted for this project and is requiring the following condition:

- Prior to the issuance of any Use and Occupancy permits for Phase 2, the developer/owner shall install a traffic signal at the intersection of Old Hickory Boulevard and Nesbitt Lane/Port Drive.

### **30. PUD 88-85-P-06 West Park**

Staff recommends *conditional approval*.

This request is to revise the preliminary plan for the undeveloped residential PUD district located south of Charlotte Pike and east of the Old Hickory Boulevard/I-40 interchange in Bellevue. The proposed plan includes 240 townhomes, the same number of units approved by Metro Council in 1985. This plan also proposes the addition of an amenity area (pool and restrooms) that was not included on the original plan. This plan maintains the same number of units and the basic development concept, however, it does change the configuration of units, driveways, and open spaces areas within the PUD. Staff recommends conditional approval provided a revised plan is submitted showing sidewalks along the frontage of Charlotte Pike, and Public Works and Harpeth Valley approve the plan prior to the Planning Commission meeting.

#### *Sidewalks*

Since this is a multi-family development fronting an arterial road, Section 2-6.1 of the Subdivision Regulations and Section 17.20.120 of the Zoning Ordinance requires sidewalks along the frontage. The applicant has indicated that a revised plan will be submitted prior to the Planning Commission meeting showing sidewalks along the frontage.

#### *Traffic*

The Metro Traffic Engineer has analyzed the Traffic Impact Study (TIS) that was submitted for this project and is requiring the following conditions:

- Prior to the issuance of any Use and Occupancy permits for Phase 1, the developer/owner shall construct a westbound left-turn lane into the project entrance on Charlotte Pike, including 100 feet of storage capacity with a taper to AASHTO standards.
- Prior to the issuance of any Use and Occupancy permits for Phase 1, the area along the south side of Charlotte Pike shall be cleared of obstructions, including fences, signs, and trees in accordance with the final PUD's Landscaping Plan.

**31. PUD 77-87-P-03 Nocturne Forest, Phase 3**

Staff recommends *conditional approval*.

This request is to revise the preliminary plan for a portion of the residential PUD district, located within an RS15 district, along the east side of Old Buena Vista Road and the western terminus of Nocturne Forest Drive. This plan proposes 7 single-family lots in Phase 3, replacing 33 unbuilt, multi-family units approved with a private access driveway onto Old Buena Vista Road. The proposed plan eliminates all access to Old Buena Vista Pike since the type of housing is changing to single-family lots. The Planning Commission disapproved a PUD amendment on March 15, 2001, eliminating the public street connection from Nocturne Forest Drive to Old Buena Vista Road. The Metro Council subsequently approved the plan creating a permanent dead-end street. The proposed plan is consistent with the Council approved plan. Staff recommends conditional approval.

The proposed lots range in size from approximately 13,000 square feet to 22,500 square feet, which is consistent with the cluster lot provisions of the Zoning Ordinance.

Phase 3 includes 22% open space. The proposed plan increases the length of the cul-de-sac from approximately 300 feet to 650 feet in length with a small landscaped island in front of lot number 39. The PUD will be conditioned that the Nocturne Forest Homeowner's Association will maintain this landscape island. The homeowner's association has submitted a letter agreeing to this condition.

*Sidewalks*

Since the preliminary plan was amended last year, Phase 3 is required to meet all of the current requirements for sidewalks, including both sides of Nocturne Forest Drive and along the frontage of Old Buena Vista Pike. This plan shows all required sidewalks.

**32. Mandatory Referral 2002M-024U-06**  
Staff recommends *approval*.

This request is to acquire a 20' x 138' permanent easement and a 20' x 40' temporary easement at 1715 Forrest Avenue for a sewer line extension. Staff recommends approval of these easement acquisitions needed by Metro Water Services as part of the Capital Improvement Budget (96SG0005; Project No. 01-SG-156).

**35. Mandatory Referral 2002M-030U-09**  
Staff recommends *conditional approval*.

This request is to encroach 4'8" at 408 Broadway with a sign for a new downtown restaurant/bar, Bailey's Pub & Grille. The sign measures 4'8" in width by 14'0" in length at a height of 16'6" above the public sidewalk. The Planning Commission approved a smaller sign for Bailey's on January 4, 2001 (2001M-001U-09) and the Metro Council on February 12, 2001 (RS2001-509). After receiving that approval, Bailey's decided it wanted a slightly larger sign. Increasing the size of the sign requires another mandatory referral approval since the encroachment over the public sidewalks has been increased by almost two feet. Staff recommends approval provided all other departments and reviewing agencies recommend approval.