

- 1. Zone Change Proposal No. 2002Z-023U-13**
- 2. PUD Proposal 54-79-U-13 Checkprinters PUD**

Staff recommends *disapproval* of the zone change and PUD cancellation.

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

This request is to change 17 acres from OR20 (office and residential) to IWD (industrial/ warehousing, and distribution) district properties located at 3284 and 3290 Franklin Limestone Road, 1506, 1510, 1516, 1526, and 1530 Antioch Pike, and to cancel the existing Commercial PUD located on two of these parcels (parcels 75 and 76). The Commercial PUD includes an existing 130,766 square foot light-manufacturing building (Checkprinters), and two undeveloped buildings approved for 57,300 square feet of warehousing and distribution uses. The existing OR20 district is intended for office and/or residential multi-family uses at up to 20 dwelling units per acre. The proposed IWD district is intended for a wide range of industrial, warehousing and distribution uses, including wholesaling, light manufacturing, auto repair, liquor sales, vehicular sales, and wrecker service, while none of these uses are permitted in the OR20 district.

Although the proposed IWD district is consistent with the Subarea 13 Plan's IND (Industrial and Distribution) policy calling for industrial and distribution uses such as storage, business centers, wholesale centers and manufacturing, the request to cancel the existing PUD could seriously jeopardize the existing Cherokee Hills residential neighborhood to the west. Currently, the PUD protects this neighborhood from overly intense industrial uses that, although may be permitted by IWD zoning, would not be compatible with the adjacent residential neighborhood. For example, parcel 220 on map 148, located directly north of the Checkprinters PUD, is not included within a PUD, and has a waste transfer station operating on the site. Although this use is permitted as a special exception in the IWD district, it is not a use that is compatible with the residential neighborhood. Staff has met with the applicant and has indicated that the IWD district could be supported if the existing PUD plan were to be expanded to include all of the parcels south of Franklin Limestone Road. The applicant indicated that this would not be compatible with their long-term development goals.

The text of the Subarea 13 Plan indicates the industrial area should not be expanded beyond the current boundary across Antioch Pike, while it also stresses that landscaping and buffering should be provided to screen the residential area from the industrial uses. The Metro Council originally approved the existing PUD district in 1979 for office, warehouse, data processing, and printing uses. This plan included a 40-foot wide landscape buffer strip along the frontage of Antioch Pike which was intended to serve as a buffer. Under a straight IWD base zoning, the current Zoning Ordinance would not require any landscape buffer yard since Antioch Pike has at least four travel lanes. Staff recommends disapproval of both the zone change request and the PUD cancellation since rezoning this property without a PUD could impact the surrounding residential neighborhood significantly. With a PUD and IWD zoning on these properties it will ensure the long-term compatibility of uses as they relate to the neighborhood across the street, while with straight zoning, that protection does not exist.

Traffic

The Metro Traffic Engineer has indicated that Antioch Pike and Franklin Limestone Road can currently accommodate the traffic that would be generated by IWD zoning.

3. Zone Change Proposal 2002Z-029U-10

Staff recommends *approval*.

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

This request to change 10 acres from R10 (residential) to RS10 (residential) district at 1811 through 1822, 1825, 1900 through 1909, 1911, 1913, 2003, and 3414 Lombardy Avenue, abutting the north and south margins of Lombardy Avenue, east of Hillsboro Pike. The existing R10 district is intended for single-family homes and duplexes at up to 3.7 units per acre. The proposed RS10 district is intended for single-family dwellings at 3.7 units per acre. The property owners included within this request initiated this rezoning want to maintain the single-family character of their neighborhood.

Staff recommends approval of the RS10 zoning since this zone change will keep the existing housing pattern on this street. This property is within the Subarea 10 Plan's Residential Low Medium (RLM) policy, calling for 2 to 4 dwelling units per acre. The RS10 zoning will maintain the RLM density of the neighborhood and it is consistent with existing single-family pattern in this area. These properties are within Subarea 1-K of the I-440 Overlay Impact Area 1, which calls for maintaining the existing residential development and not developing any of this area with nonresidential zoning. The RS10 district is consistent with the intent of the I-440 Overlay Impact Area 1.

Traffic

The Metro Traffic Engineer has indicated that this zone change will not create a significant change in traffic volumes.

Schools

The change from R10 to RS10 district will not increase the amount of students generated by this rezoning. This street is completely developed, and since the RS10 district restricts dwelling units to single-family residences, no more development can occur than what exists.

4. Zone Change Proposal 2002Z-039G-13

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 1.65 acres from AR2a (agricultural/residential) to RS10 (residential) district vacant property at Maxwell Road (unnumbered), at the intersection of Maxwell Road and LaVergne-Couchville Pike. The existing AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres. The proposed RS10 district is intended for single-family dwelling units at 3.7 units per acre. With RS10 zoning the applicant would be able to construct 6 single-family homes on 6 lots.

Staff recommends approval of this proposal since it is consistent with the Subarea 13 Plan's Residential Low Medium (RLM) policy for this area calling for 2 to 4 dwelling units per acre. The RS10 district is also consistent with the surrounding zoning pattern. This area is developing with RS10 and R10 zoning. The Subarea 13 Plan states: "*Any additional residential development should be compatible with existing development, which is found primarily north of Maxwell Road and east of LaVergne-Couchville Pike.*"

Traffic

The Metro Traffic Engineer has indicated that Maxwell Road can accommodate the traffic that would be generated by RS10 zoning.

Schools

A single-family development at RS10 density will generate approximately 1 student (1 elementary, no middle, and no high school). Students will attend Mt. View Elementary School, Kennedy Middle School, and Antioch High School. None of these schools have been identified as being overcrowded by the Metro School Board.

5. Zone Change Proposal No. 2002Z-041G-02

Staff recommends *disapproval as contrary to the General Plan*.

- **Subarea Plan amendment required?** Yes. A Subarea Plan amendment would normally be required to allow commercial zoning in a Residential Medium policy area. However, staff feels this particular request does not warrant an amendment since the Subarea 2 Plan clearly states that expansion of commercial and office zoning would be inappropriate and this policy is unlikely to change.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 0.53 acres from R20 (residential) to CS (commercial) district property at 904 Weeping Willow Way, approximately 200 feet north of Dickerson Pike. The existing R20 district is intended for single-family and duplexes at up to 1.85 units per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Subarea 2 Plan Policy

Staff recommends disapproval as contrary to the General Plan of the proposed CS zoning. This property is within the Subarea 2 Plan's Residential Medium (RM) policy, calling for 4 to 9 units per acre. The CS zoning is inconsistent with the intent of RM policy. The Subarea 2 Plan states, "*There is spotty and often marginal commercial and office use. Although it is recognized that this policy may be difficult to implement along the frontage of Dickerson Pike, it is the intent of the plan that opportunity be provided for residential development as an alternative. Any expansion of the commercial and office zoning would be inappropriate.*"

Previous Request

In 1997 the same applicant requested CS zoning for the property on the eastern margin of Weeping Willow Way (97Z-019U, parcel 72). This request was disapproved by the Planning Commission due to the Subarea 2 Plan's RM policy and the commercial opportunities that exist about 1.5 miles to south at the intersection of Dickerson Pike and Old Hickory Boulevard. The same applicant received approval of the Willow Village Subdivision, an 18-lot residential subdivision, from the Planning Commission in 1998 (97S-382G). This property proposed for CS zoning is located within that subdivision.

Traffic

The Metro Traffic Engineer has indicated that Weeping Willow Way cannot support the traffic that would be generated by CS zoning. Weeping Willow is a minor-local road that was not designed for commercial traffic. Although Dickerson Pike could accommodate the traffic, the proposed parcel does not have frontage on Dickerson Pike.

6. Zone Change Proposal 2002Z-042G-06

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 0.32 acres from R40 (residential) to CS (commercial) district property at 7102 Charlotte Pike, near the intersection of Charlotte Pike and River Road. The existing R40 district is intended for single-family homes and duplexes at 1 unit per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. This rezoning is for the remaining part of a parcel that is currently zoned CS. The Planning Commission approved a request on March 28, 2002, to rezone parcel 12, which is just across River Road from the proposed property (2002Z-031G-06).

Staff recommends approval of the proposed CS zoning. This rezoning is consistent with Subarea 6 Plan's Commercial Mixed Concentration (CMC) policy, which is intended for a variety of intensively developed non-residential uses. The Wal-Mart Supercenter and several other commercial uses are currently located at the intersection of River Road and Charlotte Pike.

Traffic

The Metro Traffic Engineer has indicated that Charlotte Pike can accommodate the traffic that would be generated by CS zoning.

7. **Zone Change Proposal 2002Z-043U-08**

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 0.7 acres from R6 (residential) to OR20 (office/residential) district properties at 2024 and 2026 Clifton Avenue, and 601 21st Avenue North, approximately 400 feet north of Charlotte Avenue. The existing R6 district is intended for single-family homes and duplexes at 6.17 units per acre. The proposed OR20 district is intended for office, parking, and multi-family dwellings at a density of 20 units per acre.

Currently, the Local Spiritual Assembly of the Baha'is of Nashville uses the structure on the property as a church. The church is moving to a new location and the existing building which was constructed in 1985 lends itself to be developed as an office building more so than a residence. The buildings exterior is scored masonry blocks with window placement at 1 foot off the roofline much the same as a typical office building. An existing parking lot surrounds the building and multiple access points also serve this property.

Staff recommends approval of the proposed OR20 zoning since there is a growing office zoning pattern on the northern margin of Charlotte Avenue. This property is within the Subarea 8 Plan's Neighborhood Urban (NU) policy area, which calls for a mixture of residential and neighborhood-scale commercial development. The property is situated between residential and commercial zoned property. The Subarea 8 Plan calls for areas designated NU, but lacking a Detailed Neighborhood Design Plan, to be zoned one of the following conventional zoning districts: RS5, RS3.5, R6, RM9 - RM20, or MUN at any location; or RM40 or MUL only if the site fronts on an arterial street with four or more lanes. Since the OR20 district allows the same residential density as the RM20 district and the same uses as the MUN district, the OR20 zoning district is consistent with the NU policy.

Traffic

The Metro Traffic Engineer has indicated that 21st Avenue North can accommodate the traffic that would be generated by OR20 zoning.

8. PUD Proposal 46-83-U-14 Metro Airport Center (ITT Business and Computer Training)

Staff recommends *disapproval as a revision and conditional approval as a PUD amendment*.

The applicant has requested to revise the preliminary plan of the Metro Airport Center PUD to permit the development of a 32,000 square foot business school in place of a 90,000 square foot, three-story, office building. Staff believes the changes proposed with this application constitute a PUD amendment requiring Metro Council action. The property is located along the south margin of Elm Hill Pike, east of Donelson Pike. As part of this proposal, the applicant proposes to use a 0.72 acre piece of land (part of parcel 65) adjacent to the northwest corner of the PUD. This parcel is outside of the current PUD boundary. Staff supports the addition of land into the PUD; however, the Zoning Ordinance requires any addition of land to be an amendment, not a revision. Section 17.40.120(G)(2) of the Zoning Ordinance states that the Planning Commission may consider and approve minor modifications to a previously approved PUD so long as the boundary of the PUD is not expanded. Allowing part of parcel 65 to function as an integral part of the PUD as a revision, with a driveway access and parking spaces, without actually being included within the master plan, would be precedent setting.

The applicant is able to meet district bulk regulations such as floor area ratio (FAR), impervious surface ratio (ISR), and is able to meet minimum parking requirements within the PUD boundary. Staff supports a PUD amendment since using the added parcel allows the driveway on Elm Hill Pike to be aligned with Patriot Way across the street, and allows for a more coordinated parking plan for the business school. This change supports a staff request to align any access point with Patriot Way.

The Planning Commission approved a revision to the preliminary site development plan in October 1998 to permit the development of a 90,000 square foot, 3-story, office building on Lot 1 in addition to the development of two (2) hotels on abutting parcels. Previously, the preliminary plan for Lot 1 allowed the development of a 123,473 square foot hotel and office complex. The current plan proposes to develop a 32,000 square foot business school utilizing the same layout as the 90,000 square foot approved plan. Previous approvals of other phases within this Commercial PUD have resulted in reductions of square footage – as is now being proposed by the applicant. The Traffic Engineer approved a revised Traffic Impact Study (TIS) at time of the 1998 preliminary revision and did not feel that this revision required a revised study. Staff recommends conditional approval of the amendment provided Metro Water Services approves the drainage and stormwater quality plans prior to the Planning Commission meeting.

9. Subdivision Proposal 2002S-132U-13, Wright Subdivision

Staff recommends *conditional approval* subject to a revised preliminary plat prior to the Planning Commission meeting.

This request is for preliminary plat approval for seven lots abutting the northeast margin of Una Antioch Pike, approximately 545 feet northwest of Streamfield Pass, totaling 3 acres within the RS10 District. A preliminary plat was previously approved for this property on March 16, 2000 and expired prior to the submittal of a final plat. The current proposal is very similar to the previous approval. The seven lots all have frontage on Una Antioch Pike, and sidewalks have been shown. The lots will have shared access drives to reduce the number of access points on Una Antioch Pike. The lots on the plat comply with lot comparability and the 10,000 square foot minimum lot size required by the Zoning Ordinance.

Staff recommends *conditional approval* subject to a revised preliminary plat being received prior to the Planning Commission meeting that shows the following:

1. The subdivision number shall be completed to read, "2002S-132U-13."
2. A note that reads: "The development of this project shall comply with the requirements of the adopted Tree Ordinance 094-1104 (Metro Code Chapter 17.24, Article II, Tree Protection and Replacement; and Chapter 17.40 Article X, Tree Protection and Replacement Procedures."
3. Contour lines shall be shown. The first submittal of this proposal contained contour lines, but when the corrections came back, contour lines had been deleted.
4. Removal of the second sentence of Note #9. Seven lots are included in this approval and any variation will require a new request to revise the preliminary plat.

10. Subdivision Proposal 2002S-133U-11 Crescent Plaza Shopping Center

Staff recommends *indefinite deferral* until such time as the applicant provides the results of a required study on the size, location, and condition of existing private sewer lines that are located within the proposed subdivision.

This request is for preliminary and final plat approval to subdivide, into five (5) lots, a developed, or “built-out”, shopping center, originally developed on a single 12.61-acre parcel. The applicant is also requesting this plat be considered a “unified plat of subdivision” per Section 17.40.170C of the Zoning Ordinance. Metro Water Services has indicated testing of the existing private sewer lines is needed, and based upon that field work, additional improvements may be needed. In light of this field work, staff recommends the plat be deferred indefinitely until this field work is completed and the results submitted to Metro Water Services for review and approval.

11. Subdivision Proposal No. 99S-097U-12 Villages of Brentwood, Phase 11

Staff recommends *disapproval* of the sidewalk variance and *approval* of the six-month extension to complete the remaining work.

This request consists of two parts: 1) a variance for sidewalks within the Villages of Brentwood development (Phase 11); and 2) extension of a performance bond for this development phase.

Background

Roy Dale of Dale & Associates has submitted a sidewalk variance request on behalf of his client, Grandview Land Company, Inc., the developer of this residential subdivision. The sidewalk variance was last brought before the Planning Commission on December 6, 2001, 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. The irrevocable letter of credit (bond) for this performance agreement is in the amount of \$235,000 and expires on 7/15/02. The developer has requested an extension on the bond since there are outstanding issues related to sidewalks and driveway ramps.

After receiving input from staff, the developer, and Mr. Dale at the December 6th meeting, the Planning Commission requested that staff, the developer, and builder work together to see if some solution could be reached that all parties could agree to regarding the substandard sidewalks and driveway ramps. Since the commission meeting, Public Works has met in the field with representatives of both the developer and builder to identify corrections needed in order for Metro Government to accept public maintenance of the streets and sidewalks.

Sidewalk Variance

The Planning Commission approved a final plat for this residential development on March 18, 1999, and a bond totaling \$235,000 was posted for extension of new public roads and utilities (including sidewalks) on June 10, 1999. Of that amount, \$225,000 represents Public Works' portion of the bond for roads and sidewalks. After constructing the sidewalks and making various other improvements to the development, the developer requested Metro Public Works to inspect and accept the sidewalks in the summer of 2001. Public Works inspected the sidewalks and indicated to the developer they could not be accepted since they were not constructed in conformance with the approved plans or with the standards in place at the time of construction.

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.

In a letter to staff, Mr. Dale states Public Works indicated to the developer that these sidewalks could not be accepted since they were not compliant with today's ADA standards (see attached letter). Public Works has informed staff that it's true these sidewalks are not compliant with today's ADA standards, but that was not Public Works' reason for non-acceptance of these sidewalks. Public Works is not retroactively applying today's sidewalks standards to this developer. Public Works requires developers to conform to the standards in effect at the time of actual construction.

Performance Bond

Regardless of the outcome of the sidewalk variance, the performance bond needs to be extended for a period of six-months because the Irrevocable Letter of Credit securing this bond will expire 7/23/2002. The developer has not obtained releases on any of the three areas covered by the bond. Those areas are stormwater drainage, roads and sidewalks and water/sewer lines. It is important that the developer finish the subdivision within a six-month period for two reasons; the housing buildout has exceeded 75% and is now 100% and the streets have not received final paving which means impediments such as sewer manhole castings are sticking up above the binder course.

Staff Recommendation

Staff recommends disapproval of the 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 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. Staff recommends approval of the bond extension to enable the developer to correct the substandard sidewalks and driveway ramps.

12. 2002S-106G-03 National Materials L. P. Property

Staff recommends *conditional approval* subject to a variance for lot frontage, a variance for a private drive easement, Metro Health Department approval prior to the Commission meeting for the septic fields, and subject to the submittal of a joint maintenance agreement for the private drive easement serving Lot 2 prior to plat recordation.

This plat was deferred from the April 25, 2002 Planning Commission meeting so the applicant could locate for the Metro Health Department's inspection and approval several old septic fields on the property. Since there is no sewer service in the area, and none planned, the status and capacity of these fields is critical to this site's operation as a manufacturing facility.

This request is for final plat approval to subdivide 32.4 acres containing one lot into two lots abutting the southern terminus of Amy Lynn Drive, south of Ashland City Highway. The plat creates two lots, one lot for each of the existing, large manufacturing/warehouse buildings. The applicant is also requesting a lot frontage variance from Section 2-4.2 of the Subdivision Regulations. The property is zoned IR district and has two existing large industrial buildings on it. It falls within the Subarea 3 Plan's industrial (IND) policy calling for various industrial uses such as manufacturing, warehousing, and distribution. The property is served by Metro water, but not sewer. Sewer service is more than a quarter mile away, and no sewer extensions are anticipated to this area in the future. There is a large septic field at the rear of the property along the Cumberland River. The applicant is platting this property since the 1977 recorded plat contained within the "Owner's Certificate" on the plat, a requirement that any resubdivision of the property that would result in less land area than established by the recorded plat would require Planning Commission approval.

Property's Location

This particular piece of property is unique to similar situated properties within Davidson County. Its uniqueness is derived not only from its geographic location, but the uses surrounding it. The property lies along the Cumberland River between a barge operation to the west and a large construction/demolition landfill to the east. The barge operation has massive outdoor stockpiles of gravel and wood chips. The landfill is very large and has numerous garbage trucks entering/exiting it all day long.

Amy Lynn Drive terminates at the edge of this property and provides public street access to the barge operation and the applicant's property. A private drive extends from Amy Lynn Drive, across the frontage of the applicant's property to the landfill operation's secondary access point. This private drive is not, however, on the applicant's property. It has been used by the applicant for years, but exists on an adjoining property owner's land. The applicant has an easement to use this private drive known as "Production Way" in the deed for ingress/egress purposes (book 5677, page 732). The deed indicates the width of Production Way is 60 feet.

Variance – Lot Frontage and Private Drive Easement

The applicant has requested a variance for lot frontage because lot 2 has no public road access. The recorded plat shows this property to have 50 feet of public road frontage on Amy Lynn Drive. By subdividing this property, one lot (Lot 1) will continue to have

50 feet of public road frontage, however, the second lot (Lot 2) will not. Lot 2's access is proposed from the private drive easement.

Section 2-6.2.1.K of the Subdivision Regulations permits properties to be subdivided with access from a private easement when they are located within a Planned Unit Development or within a Natural Conservation (NC) policy area. This property does not meet these two preconditions. It does share striking similarity though with a NC policy area, as set forth in Section 5-2 of the Subdivision Regulations. Besides the regulations defining such an area as being designated in the subarea plan as natural conservation policy, the regulations say such properties are located in an area where lots to be created are five (5) acres or greater, there is steep topography precluding lots on less than five acres, and public sewer service is not anticipated. While this property falls within an industrial policy in recognition of the landfill, manufacturing, and barge operations that predate the Subarea 3 Plan, the surrounding area to the north and west is all NC policy. While this site is flat because of its proximity to the river, Amy Lynn Drive slopes considerably due to topography from Ashland City Highway until you reach its terminus where this property and the barge operation are located. Further, the existing private drive easement complies with Section 2-6.2.1.K(4) of the Subdivision Regulations for properties within a NC area, except for having a pavement width of less than 37 feet (the easement's width is 60 feet wide).

Staff recommends *conditional approval* of this final plat subject to a variance for lot frontage, a variance for a private drive easement, Metro Health Department approval prior to the Commission meeting for the septic fields, and subject to the submittal of a joint maintenance agreement for the private drive easement serving Lot 2 prior to plat recordation. This property is uniquely situated along the Cumberland River and was developed more than 20 years ago, preceding the Subdivision Regulations and Subarea 3 Plan. These variances are justified based on these findings in accordance with Section 1-10.1 General of the Subdivision Regulations.

- The granting of these variances will not be detrimental to the public safety, health or welfare or injurious to any adjoining property. This property is located where the public would not typically travel to/from unless they had a specific need to visit this property. Other than its connection to Amy Lynn Drive, the private drive connects to no other public street nor can it in the future.
- The granting of these variances is due to the property's uniqueness and is not widely applicable to other property in the area.

- The granting of these variances is due to the property's particular surroundings and topography which make upgrading the private drive to public street standards a hardship on this property owner not a mere inconvenience.
- The granting of these variances would not constitute a variance from the General Plan, Major Street Plan, or Zoning Ordinance.

Health Department Approval

The applicant is working with the Metro Health Department to identify additional septic fields at the rear of both lots. Staff recommends conditional approval of this plat subject to that approval being obtained prior to the Planning Commission meeting.

Greenway

The applicant has provided a 75 foot greenway easement for a distance of 1,210 feet along the property's entire length along the Cumberland River. The easement is consistent with the adopted Metro Greenways master plan. The greenway does narrow from 75 feet to 30 feet for a length of 480 feet, however, to jog around the existing septic fields at the rear of the property.

13. PUD Proposal 74-79-G-13 Nashboro Village, Tract 21

Staff recommends *conditional approval*.

The applicant is requesting final approval of tract 21 of the Nashboro Village Residential PUD. The plan, as submitted, provides for 121 attached townhouse units on a 12.9 acre site located along the south margin of Smith Springs Road, north of Nashboro Boulevard. This plan proposes eight (8) unit types, providing a mix of two (2), three (3), and four (4) bedroom units. The proposed density for Tract 21 is approximately 9 units per acre, while density for the entire PUD is currently proposed at 6.70 units per acre. These density calculations are consistent with the Subarea 13 Plan's Residential Medium (RM) policy calling for 4 to 9 dwelling units per acre. The underlying zoning for this PUD overlay is RM6, which supports the proposed use of multi-family housing. Staff recommends conditional approval of the final PUD subject to final approval by Metro Public Works and Water Services prior to the Planning Commission meeting.

In October 2001, the Planning Commission conditionally approved a preliminary revision to the PUD, which added 19 multi-family units, bringing the total number of proposed units to 121, as well as provided for a driveway connection to the Nashboro Village Fairway Pointe PUD. This phase of the PUD had previously been approved for 78 multi-family units with one (1) access driveway. A condition of approval for the preliminary plan, which was a condition carried over from another phase within the PUD, required the construction of a northbound left-turn lane on Bell Road at Nashboro Boulevard. Public Works indicated that they would be completing the road improvements to Bell Road; therefore, the developer agreed to payment of an in-lieu fee. Council has already approved acceptance of the in-lieu payment from the developer.

14. Mandatory Referral 2002M-041U-05

Staff recommends *conditional approval*.

This request is to abandon an 8-inch sewer line and associated 20-foot easement at 1009, 1011, 1013, and 1015 Douglas Avenue for the Nashville Auto Diesel College. This request is required based on a proposal to consolidate these parcels into one (1) large tract, which is a part of a larger lot consolidation plat submitted by Nashville Auto Diesel College (2002S-088U). Metro Water Services has indicated that this 8-inch sewer line does not need to be relocated. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

15. Mandatory Referral 2002M-044U-13

Staff recommends *conditional approval*.

This request is to replace an existing Hermitage “A” Apartments sign located within the Brooksboro Terrace median with a new monument sign, measuring 6 feet tall by 16 feet in length, for the “Brighton Valley Apartments”. The median of Brooksboro Terrace is within the dedicated public right-of-way of this street, thereby creating the requirement for a mandatory referral. The reason for the sign change is due to a name change of the apartment complex. Typically, Metro does not allow signs to be located within public rights-of-way. However, this application for an encroachment does not change the existing conditions since a sign already exists in the median. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

16. Mandatory Referral 2002M-047U-11

Staff recommends *conditional approval*.

This request is to close an unimproved alley (#1837) between Longview Avenue and Interstate 440, west of Winford Avenue. All easements are to be abandoned. This unbuilt alley is located just south of Interstate 440 between 2251 Winford Avenue and 802 Longview Avenue. Upon approval of the request, associated lands will be conveyed to the abutting property owners in equally divided amounts. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

17. Mandatory Referral 2002M-048U-11

Staff recommends *conditional approval*.

This request is to close an unimproved alley (#1838) between Longview Avenue and Interstate 440, east of Winford Avenue. All easements are to be abandoned. This unbuilt alley is located just south of Interstate 440 between 2254 Winford Avenue and 2251 Cruzen Street. Upon approval of the request, associated lands will be conveyed to the abutting property owners in equally divided amounts. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

18. Mandatory Referral 2002M-049G-04

Staff recommends *conditional approval*.

This request is to abandon and relocate a 14-inch sewer force main for Metro Water Services Project No. 98-SL-132, on tax map 19-13, parcel 103. The site is located due west of Interstate 65 and south of East Cedar Street, and currently contains a 'Jack-In-The-Box' restaurant. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

19. Mandatory Referral 2002M-050G-02

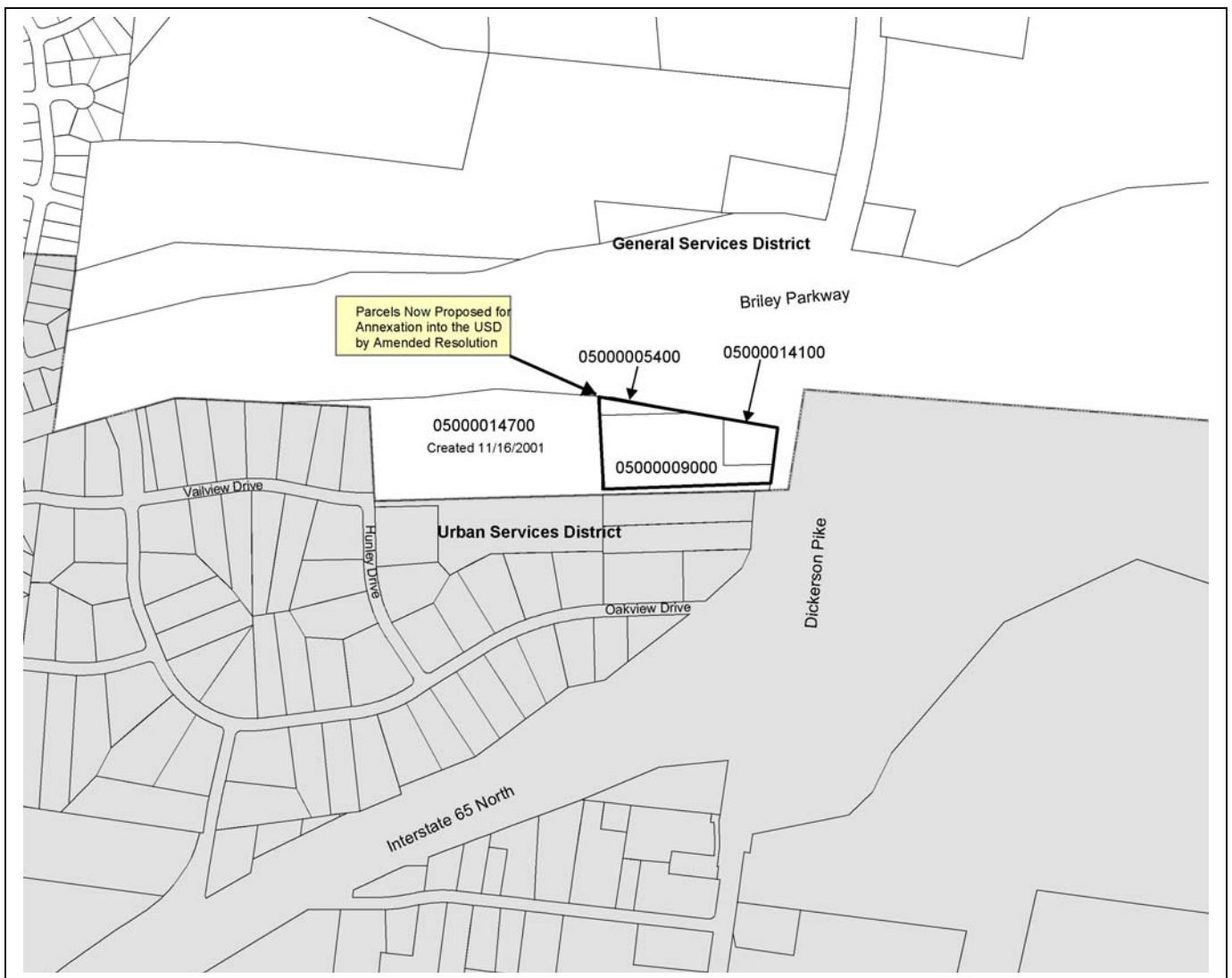
Staff recommends *conditional approval*.

This request is to acquire permanent easements on 130 properties in the Grizzard Manor Subdivision for Metro Water & Sewerage Department's Project No. 01-SG-86A (Grizzard Manor Grinder Pump installation project). The required easements will project five feet (5') off of each side of the sewer line for a total easement width of 10 feet for the installation of the grinder pumps. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.

20. Mandatory Referral 2002M-051G-02 (Council Resolution RS2002-1006)
Staff recommends *approval*.

This council resolution proposes to annex three properties in the Metropolitan Urban Services District (tax map 50, parcels 54, 90 and 141). Staff has polled Metro Departments and determined that these parcels already receive an Urban Services District (USD) level of service from the police, fire, and water services departments. The Department of Public Works has determined that garbage collection and street lighting can be provided to these parcels at a cost of \$331.29 per year.

Figure 1



21. Mandatory Referral 2002M-052U-09

Staff recommends *conditional approval*.

This council bill is a request to transfer 130 4th Avenue South from Metro Government to the Metropolitan Development and Housing Agency (MDHA) for the new Nashville Symphony Hall. MDHA will transfer the property to a governmental, quasi-governmental, or non-profit, agency to follow through with the development of the music hall. The property is currently used as a fire station and repair shop. Metro Government has deemed this site as surplus property following a lack of any private interest to redevelop the site for residential purposes. The property transfer to MDHA for redevelopment supports implementation of, and is consistent with the goals and objectives of, the Rutledge Hill Redevelopment Plan.

A reverter clause added to the bill requires that the property revert back to the Metro Government if the music hall is not developed within four (4) years of the property transfer by MDHA to another governmental, quasi-governmental, or non-profit agency. In addition, the bill conditions the agreement to require the use of the music hall for a period of 40 years. If the music hall ceases to exist within the 40-year period, the then current transferee of the property shall compensate the Metro Government for the fair market value of the land only. Should that transferee lose ownership of the property through a foreclosure sale, Metro would receive no compensation for the land. Staff recommends conditional approval subject to approval by all reviewing departments and agencies.