



Project No.

**Request to amend the Subarea 7 Plan:
1999 Update**

**Associated Case
Council Bill
Staff Reviewer**

None
None
Wood

Staff Recommendation

Approve

REQUEST

Amend the Subarea 7 Plan: 1999 Update.

Background

Staff has received a request to amend the Subarea 7 Plan: 1999 Update. The amendment is associated with Zone Change 2003Z-118U-07, which is also on this agenda. The amendment request covers 6.18 acres of residentially developed land located at the corner of Page Road and Forrest Park Drive, adjacent to Percy Warner Park and near Cheekwood. The amendment request is to go from Residential Low Density (RL) policy, which supports densities of 0-2 dwelling units per acre, to Residential Medium Density (RM) policy, which supports densities of 4-9 dwelling units per acre. The area in question involves 6.18 acres and is currently occupied by a 29-unit apartment complex, two duplexes, and two single-family homes. One of the parcels (parcel 5) is vacant. The applicant proposes to replace the existing housing on the site with 34 single-family homes.

Staff believes that the amendment is warranted. Medium density and low density residential development have coexisted compatibly in this location for many years. The applicant is proposing to replace housing that does not conform to the current land use policy with virtually the same number of units. The proposed development would bring new investment to the area that is of the same housing type as most of the other housing in the neighborhood. There are design policies written into the plan amendment that will further help to ensure compatibility between the low and medium density residential development in the neighborhood.

A community meeting was held on October 14 to gauge community support for the plan amendment and proposed development. It was attended by



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approximately 40 people, most of whom were in support of the proposal. There were a few concerns expressed, mainly about stormwater runoff and some of the design aspects of the development, such as setbacks, building orientation, and trees. Those concerns have been addressed in the policy language of the amendment.

The plan amendment is attached for reference.



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AMENDMENT NO. 1 TO THE *SUBAREA 7 PLAN: 1999 UPDATE*

The *Subarea 7 Plan: 1999 Update* is amended as follows:

a) by changing the graphic on page 23 to reflect the changed boundaries of Area 3B and the addition of Area 5F, as showed on the attached Figure 1.

b) by inserting the following italicized language into the first sentence of the first paragraph on page 24 of Section 3.42 so that the sentence reads as follows:

“Area 3B is a triangular shaped area bounded on the east by the City of Belle Meade, on the south by Percy Warner Park *and property lines*, and on the west mostly by the CSX railroad.”

c) by changing the first sentence of the third paragraph of the second column on page 29 to read as follows:

“RM policy applies to 6 areas within Subarea 7 (Areas 5A-5F).”

d) by inserting the following language after the description of Area 5E that ends on page 35:

“**Area 5F** is located adjacent to Percy Warner Park near Cheekwood. This small area is surrounded by Residential Low Density Area 3B and Percy Warner Park, and the intent for the area is for development to be at the low end of the density range for RM policy in order to help ensure compatibility with its surroundings. This area has contained medium density development for many years and the application of RM policy here is a continuation of that pattern.

In order to ensure the compatibility of development in this area with the surrounding neighborhood, the following design policies apply:

- Buildings should be oriented to face the existing streets fronting the development (Page Road, Forrest Park Drive, and Maybelle Lane);
- The setbacks along Maybelle Lane and Page Road should be compatible with the setbacks along other streets in the neighborhood;
- Existing trees on the site should be preserved to the greatest extent possible;
- The existing character of the streetscape along Forrest Park Drive should be preserved.

General Boundaries: Area 5F is bounded to the east by Page Road, to the south by Forrest Park Drive, to the west by Maybelle Lane, and to the north by property lines south of Clydelan Court.”

e) by inserting the graphic shown on the attached Figure 2 adjacent to the inserted text regarding Area 5F on page 35.

f) by changing Map 2-1, Land Use Policy Plan, as shown on the attached Figure 3 so as to correctly illustrate Amendment 1.



Project No.
Associated Case
Council Bill
Council District
Requested By

Staff Reviewer
Staff Recommendation

Zone Change 2003Z-109G-04

None
 None
 10 – Ryman
 William G. Cole, Jr., owner

Harris
Approve. This was deferred from the September 11, 2003, meeting.

APPLICANT REQUEST

Rezone 2.01 acres from industrial warehousing/distribution (IWD) and residential single-family (RS7.5) to residential multi-family (RM6) district property at Edgemeade Boulevard (unnumbered).

Existing Zoning
 IWD district

Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

RS7.5 district

RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. This would total 10 lots on this site.

Proposed Zoning
 RM6 district

RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre. This would total 12 units on this site.

SUBAREA 4 PLAN POLICY
 Residential Medium
 (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict

The proposed RM6 district is consistent with the RM policy outlined in the subarea plan and surrounding density. This property would serve as a transition between the commercial services (CS) zoning district along Gallatin Pike and the residential single-family (RS7.5) zoning district along Edgemeade Boulevard. The proposed zoning district is also consistent with the



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existing multi-family units on the adjacent property to the east.

The site is constrained by TVA lines and floodplain. Any proposed units will have to be clustered to the south part of the site.

RECENT REZONINGS

Yes. This property was rezoned from R8 to RS7.5 with the county-wide zoning update in 1998.

TRAFFIC

Based on the trip generation numbers for residential multi-family (RM6), this proposal will generate approximately 80 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendation

"No Exception Taken."

SCHOOLS

1 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Amqui Elementary, Brick Church Middle School and Hunters Lane High School. Amqui and Brick Church have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.



Project No.
Associated Case
Council Bill
Council District
Deferral
Requested By

Zone Change 2003Z-124U-11
None
None
16 – McClendon
Deferred from October 23, 2003, Commission meeting
Andrew John Shelton, owner

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 0.20 acres from residential (R6) to mixed use neighborhood (MUN) district property at 2200 Fox Avenue, at the southwest corner of Fox Avenue and Glenrose Avenue.

Existing Zoning
R6 district

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre, including 25% duplex lots.

Proposed Zoning
MUN district

Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

SUBAREA 11 PLAN POLICY
Mixed Use (MU)

MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Policy Conflict

The proposed MUN district is consistent with the Subarea 11 Plan’s MU policy for this area. An adjacent property is commercial services (CS) and property located to the east of this property is commercial. This mixed use zoning district will blend with the character along Glenrose Avenue.

RECENT REZONINGS

No

TRAFFIC

Based on the trip generation numbers for mixed use neighborhood (MUN), this proposal will generate



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approximately 35 to 296 daily trips ranging from residential, office, and retail uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendations

Current zoning

R6, Peak Adj. Traffic (Code 210, Single Family Home)
AM trips = 1 PM trips = 1

Proposed zoning

MUN, Peak Adj. Traffic (Code 833, Fast Food without Drive Thru Window)
AM trips = 229 PM trips = 137

This zone change covers a very small acreage.

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.”

SCHOOLS

1 Elementary 1 Middle <1 High

Schools Over/Under Capacity

Students would attend Whitsitt Elementary, Cameron Middle School and Glencliff High School. None of these schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 5, 2003.

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



Project No.

Preliminary Subdivision 2002S-229G-14

Project Name

Final Subdivision 2002S-340G-14

**Windstar Estates, Preliminary and
Section 1 Final**

Associated Cases

None

Council District

14 – Brown

Deferral

Deferred by the Planning Commission at the October 23, 2003, meeting to allow verification of information.

Requested By

Charlie Rhoten, owner/developer, Burns and Associates, Inc., surveyor

Staff Reviewer

Scott

Staff Recommendation

Defer

DEFERRAL DETAILS

The Planning Commission deferred this subdivision at the October 23, 2003, meeting in order to allow time to verify information on the plat. Planning staff contacted the Stormwater Division of the Water Services Department to request verification of the elevations and the acreage listed on the plans for Windstar Estates, as directed by the Planning Commission. A request to Metro Public Works was also made at the time of this staff report in an effort to address the Planning Commission's concerns within the limited time frame. Staff is still working to verify the requested information.

The applicant has requested a deferral to the December 11, 2003, Planning Commission meeting in order to further address staff concerns regarding the data provided by the applicant.



Project No.
Project Name
Council Bill
Council District
Deferral

Mandatory Referral 2003M-093U-12
Close Portion of Trousdale Drive

None
31 – Toler
Deferred from the October 23, 2003, Planning Commission meeting at request of the applicant.
Lyman H. Hines, owner

Requested By

Staff Reviewer
Staff Recommendation

Scott
Disapprove

APPLICANT REQUEST

A request to close the unimproved northern portion of Trousdale Drive, located on the north margin of Hill Road, requested by Lyman H. Hines, property owner.

APPLICATION REQUIREMENTS

Application properly completed and signed?

Yes

Abutting property owners' sign application?

Yes

DEPARTMENT AND AGENCY COMMENTS

Planning

This section of Trousdale Drive is designated as a collector road on the Major Street Plan. The unimproved right-of-way for Trousdale Drive runs from Hill Road to Broadwell Drive. This section includes steep topography, up to 19%, and crosses a stream. However, this is an area that needs more street connections. A completed collector system would reduce cut-through traffic. This right-of-way should be retained so Metro or a developer will be able to complete this right-of-way in the future. The Planning Department supports retaining this right-of-way for future development.

Public Works

Public Works has previously stated this connection is needed in connection with a development proposal for parcel 48, which abuts the north boundary of Trousdale right-of-way.

In addition, Trousdale Drive is a designated collector roadway and should be completed. The lack of a completed collector system forces motorists to use local residential roadways.



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CONDITIONS

If the Commission recommends approval of this road closure and renaming, then the following condition from the Nashville Electric Service should be included:

1. NES must retain 20' easement behind right-of-way.



| | |
|-----------------------------|--|
| Project No. | Mandatory Referral 2003M-114U-10 |
| Project Name | Awning Encroachment at 1517, 1519, and 1521 Dallas Avenue (Map 117-04 Parcel 179) |
| Council Bill | None |
| Council District | 18 – Hausser |
| Deferral | Deferred from October 23, 2003, Commission meeting |
| Requested By | Max Pollack, Wayside Construction Company |
| Staff Reviewer | Scott |
| Staff Recommendation | <i>Approve with conditions</i> |

APPLICANT REQUEST

A request for an awning encroachment located at 1517, 1519, and 1521 Dallas Avenue (Map 117-04, Parcel 179), at the southeast corner of Dallas Avenue and Belmont Boulevard, requested by the Max Pollack, Wayside Construction Company.

APPLICATION REQUIREMENTS

| | |
|--|---|
| License to Encroach Agreement | Yes, one was submitted |
| Insurance Certificate | Yes, one was submitted providing general liability of \$1,000,000 for each occurrence and \$1,000,000 for aggregate coverage. |
| Property Owner Sign Application | Yes |
| Tenant Sign Application | No |

DEPARTMENT AND AGENCY COMMENTS

| | |
|-----------------------|--|
| Planning | Prior to receiving Planning Commission approval, the License Agreement must be revised so that the owners are the only entity indemnifying Metro Government. Staff recommends approval of this item. |
| Public Works | This item is recommended for approval by Metro Public Works. |
| Water Services | This department has no objection to the awning encroachment at the SE corner of Dallas Avenue, however, should we need to make repairs to the 8” sewer main or 6” water main under the SE corner of the building the awning will be removed at the owners expense. |



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CONDITIONS

1. A corrected License Agreement must be submitted to the Planning Department prior to receiving Planning Commission approval.



Project No.
Council Bill
Requested By
Staff Reviewer
Staff Recommendation

Zone Change 2003Z-014T
None
Councilmember Amanda McClendon
Kleinfelter
Approve

REQUEST

Change the text of the Zoning Ordinance to remove fast-food restaurants as a permitted use in the MUN zoning district and to require take-out restaurants in the MUN district to be located within a permanent, enclosed structure.

ANALYSIS

Existing Code

The Zoning Code establishes three different types of restaurant uses: full-service, take-out and fast-food. Each of these three uses are allowed in the MUN district as Permitted with Conditions (PC). The sole condition listed in 17.16.070 J. of the Code is that any restaurant in the MUN must be less than 5,000 square feet in gross floor area.

The three restaurant land uses are defined as follows:

"Restaurant, fast-food" means any building, room, space or portion thereof where food is sold for consumption on-site or off-site within a short period of time, orders are made at either a walk-up or counter, payment for food is made prior to consumption, and the packaging of food is done in disposable containers.

"Restaurant, full-service" means any building, room, space or portion thereof where food is sold for consumption on-site, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed, or where seating turns over at a rate of thirty minutes or more. A restaurant shall not be considered a restaurant, fast-food or restaurant, take-out solely on the basis of incidental or occasional take-out sales.

"Restaurant, take-out" means any building, room, space or portion thereof where a limited variety of food or beverages are sold principally for off-site consumption, but which may include incidental seating for on-site consumption containing no more than twenty seats. Typical uses include bakeries, candy, nut, and



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confectionery stores, coffee houses, ice cream and frozen dessert stores, small delicatessens and similar establishments.

Proposed Text Amendment

The proposed text amendment, if adopted by Metro Council, would delete “Restaurant, fast-food” as a PC use in the MUN district. The amendment would further add a condition for the “Restaurant, take-out” use in the MUN district to require such uses to be located within a permanent, enclosed structure.

Recommendation

Staff recommends approval of the proposed amendment. The MUN district is intended for low-intensity residential, retail and office uses within a pedestrian-oriented streetscape. Fast-food restaurants typically include a drive-through window and cater to high volumes of vehicular traffic, which is not consistent with the pattern of development intended in the MUN district.

The second part of the amendment addresses take-out restaurants. The intent of the amendment is to prevent the use of trailers and other temporary facilities for the sale of “take-out” food in the MUN district. Such temporary facilities are not consistent with the neighborhood setting that is intended for applications of the MUN district.

Actual Text

The specific changes to the Zoning Code are listed below:

Section 1. By amending Section 17.08.030 (District Land Use Tables) to remove Restaurant, fast-food, as a permitted use in the MUN zoning district.

Section 2. By deleting Section 17.16.070 J. and replacing it with the following:

“J. Restaurant, fast-food/Restaurant, full-service/Restaurant, take-out.

- 1. Each establishment shall be limited to five thousand square feet of gross floor area, maximum.*
- 2. In the MUN district, a Restaurant, take-out, must be located within a permanent, enclosed structure.”*



Project No.
Project No.
Associated Case
Council Bill
Council District
Requested By

Zone Change 2003Z-109G-04
Zone Change 2003Z-111G-14
Planned Unit Development 8-86-P-14
None
12 – Gotto
Thomas H. Pierce, applicant, for Charles Smith, owner

Staff Reviewer
Staff Recommendation

Harris
Disapprove. CS is more intense than what the Subarea 14 Plan calls for in this area.

APPLICANT REQUEST

Rezone 8.13 acres from residential single-family (RS15) to commercial service (CS) at 4060 Andrew Jackson Parkway.

Existing Zoning
RS15 district/Res. PUD

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. The existing PUD is approved for a 39 unit townhome development. This plan was approved in 1986.

Proposed Zoning
CS district

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

SUBAREA 14 PLAN POLICY
Commercial Arterial Existing (CAE)

CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses are retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop these areas to a nodal pattern.

Policy Conflict

Yes. The proposed zoning district (CS) is not consistent with the policy for this area. Expansion of the policy is appropriate only to maintain the viability of existing businesses. The proposed zoning increases the intensity of commercial uses and does not stabilize the current



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condition or prevent additional expansion along Andrew Jackson Parkway.

RECENT REZONINGS

Yes. Property across from the site was rezoned in 1998 with the overall zoning update for the county from Commercial PUD to Commercial Limited base zoning and Commercial PUD overlay.

TRAFFIC

Based on the trip generation numbers for commercial services (CS), this proposal will generate approximately 827 to 8,642 daily trips ranging from warehouse and specialty retail center uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

The original application for rezoning was accompanied by a PUD cancellation request. Public Works was requiring a Traffic Impact Study with that request. When the applicant decided to change their request to a PUD amendment, however, Public Works indicated that, no TIS would be required.

Public Works' Recommendations

A TIS was not submitted, however, an amendment to the PUD was submitted. The amendment is on this agenda to change the use from 39 residential units to a self-storage facility. Therefore, no TIS is required since an amendment to PUD has been submitted guaranteeing a use that has less trips than the existing use could generate.



Project No.
Associated Case
Council Bill
Council District
Requested By

Planned Unit Development 8-86-P-14
Zone Change 2003Z-111G-14
None
12 – Gotto
Dale and Associates for Tommy Pierce, optionee

Staff Reviewer
Staff Recommendation

Harris
Disapprove

APPLICANT REQUEST
PUD Amendment

Request to amend the preliminary Planned Unit Development approved in 1986, for a 39-unit townhome development to allow for a 95,625 square foot mini-storage facility. The property is located on the west side of Andrew Jackson Parkway, south of Old Lebanon Dirt Road.

PLAN DETAILS

The proposed plan shows the existing house on the property to be used as the office for the mini-storage facility. The applicant is also proposing approximately nine buildings ranging from one to two stories for storage and warehousing. A Class “C” buffer yard is shown along the railroad and west portion of the property. A proposed 60’ stream buffer is also shown at the edge of the property along Dry Fork Creek at Andrew Jackson Parkway and Old Lebanon Dirt Road.

Staff Recommendation

Staff recommends disapproval. This use would require a zone change that is not consistent with the policy in that it intensifies commercial uses in that area (See Zone Change No.2003Z-111G-14). A revised plan must be submitted prior to the Planning Commission meeting, labeling the proposed uses as “Self-service storage”.

Public Works’ Recommendation

The following conditions are necessary for our (Public Works) approval of this project.

1. Phase II driveway shall be for exit only and a maximum 20 ft wide.
2. Phase I driveway shall be a maximum of 25 ft wide.
3. Developer shall install left turn lane with 75 ft of storage with transition per AASHTO standards on Andrew



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Jackson Parkway at the phase I driveway by restriping existing center turn lane.



Project No.
Associated Cases

Zone Change 2003Z-118U-07

1. 2003P-010U-07
2. Subarea 7 Plan Amendment

Council Bill
Council District
Requested By

None
34 – Williams
Littlejohn Engineering for Irene White, Gregory Perrone (Trustee), and Toni Ginsberg, owners

Staff Reviewer
Staff Recommendation

Mitchell
Approve, subject to approval of the Subarea 7 Plan Amendment request.

APPLICANT REQUEST

A request to change 6.18 acres from R20 to R8 district properties at 417 and 425 Page Road, Forrest Park Drive (unnumbered), 1208 Forrest Park Drive, and 308 Maybelle Lane.

Existing Zoning
R20 district

R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

Proposed Zoning
R8 district

R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

SUBAREA 7 PLAN

Existing Policy
Residential Low (RL)

RL policy is intended to conserve large areas of established, low-density residential, with densities up to 2 dwelling units per acre. The predominant development type in RL areas is single-family homes. Since RL areas are largely developed, the housing mix is already established and should not be disrupted.

Conflict with Existing Policy?

Yes. If the requested acreage was successfully rezoned to R8, the density would far exceed the allowable density under an RL land use policy. However, the applicant has requested a Subarea Plan Amendment for this area to change the land use policy from RL to RM.

Requested Policy



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Residential Medium (RM)

RM policy is designed to accommodate residential development within a density range of about 4 to 9 dwelling units per acre. A variety of housing types are appropriate in RM areas. The most common types include compact single-family detached units, townhomes and walk-up apartments. Good accessibility is essential for development at the upper end of the density range.

The Commission is expected to consider the Subarea 7 Plan Amendment prior to this rezoning request. Staff attended a community meeting, held by Councilmember Lynn Williams, to discuss the possible land use policy change from RL to RM. The community was generally in agreement with the change, based primarily on the fact that the requested density would follow the existing density of the current apartment units on this site. The applicant is proposing to raze the existing apartment structures and their associated garages, as well as two duplexes, to build a 34-lot, Charleston-style, single-family development.

Conflict with Requested Policy?

No. If the Planning Commission approves the requested plan amendment, the requested zoning would not be in conflict with the new land use policy of RM, which allows for a residential density of 4 to 9 dwelling units per acre.

RECENT REZONINGS

No

TRAFFIC

Based on the trip generation numbers for R8, this proposal will generate approximately 325 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). This is based on the associated PUD plan, which proposes 34 single-family lots as part of the requested rezoning. Different densities could generate more or less traffic.

Public Works' Recommendations

Current zoning

R20, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 11 PM trips = 15

Proposed zoning

R8, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 26 PM trips = 35

“The number of trips increased by this zone change is insignificant. No exception taken.”



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SCHOOLS

Schools Over / Under Capacity

3 Elementary 2 Middle 2 High

Students would attend Julia Green Elementary, Moore Middle, and Hillsboro High School. Julia Green, Moore Middle, and Hillsboro High School have been identified as being overcrowded by the Metro School Board; however, only Julia Green and Moore Middle are on the current restricted list. This information is based upon data from the school board last updated May 5, 2003.



Project No.
Project Name
Associated Cases

Planned Unit Development 2003P-010U-07
Jardin de Belle PUD

1. 2003Z-118U-07
 2. Subarea 7 Plan Amendment
- None

Council Bill
Council District
Requested By

34 – Williams
Littlejohn Engineering for Irene White, Gregory Perrone (Trustee), and Toni Ginsberg, owners

Staff Reviewer
Staff Recommendation

Mitchell
Approve with conditions, subject to approval of the Subarea 7 Plan Amendment request.

APPLICANT REQUEST
Preliminary PUD

Request to adopt a preliminary PUD plan to allow for the development of a 34-lot, single-family, Charleston-style subdivision on 6.18 acres. Property is located along the north side of Forrest Park Drive, east of Maybelle Lane, and west of Page Road.

PLAN DETAILS
Site Plan

The preliminary master plan proposes 34 single-family lots where a 29-unit apartment complex, 2 duplexes, and 2 single-family homes currently exist, on the northwest corner of Page Road and Forrest Park Drive. The development proposes a mix of Charleston-style Single Houses, Double Houses, and Georgian center-entrance homes that are more centrally balanced. The Single and Double Houses traditionally have a much thinner lot width than typical suburban residential development. Every lot is proposed to have either rear access or side access leading to a rear-located garage / carriage house. The plan proposes a single one-way street for ingress and egress off Forrest Park Drive. Only 8 lots front Forrest Park Drive, while the remaining lots front the one-way internal street.

Staff requested that the applicant reverse the orientation of the homes that back up to Page Road and Maybelle Lane so that the houses would front those streets. The applicant has responded to this request by attempting to address staff comments, as well as comments by surrounding neighbors made during the subarea plan amendment community meeting. Residents expressed concern over the proposed heights of the Charleston-style homes, in relation to the character of the surrounding estate-size lots and suburban homes in addition to concerns over stormwater management.



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The applicant has retained the orientation of the homes toward the internal one-way street – which keeps the highest portions (3-story) of the homes internal to the project. The carriage houses / detached garages do not exceed two stories, and will be located next to Page Road and Maybelle Lane. Additionally, the Charleston-style home replicates the front façade to the sides and rear of the house to enhance architectural styling.

Stormwater management facilities are proposed in the northeast corner of the site and are proposed to be handled by a dry detention facility that will be heavily landscaped, with a berm, along Page Road.

SUBAREA 7 PLAN & ZONING

Subarea 7 Plan Amendment Request

The applicant has requested a Subarea 7 Plan Amendment to allow for the development of 34 lots on 6.18 acres. The proposed density exceeds the current land use policy of RL (Residential Low), which allows for a density of up to two dwelling units per acre. The requested amendment changes the land use policy from RL to RM (Residential Medium), which allows a density of four to nine units per acre. The Subarea plan amendment is on the Commission's agenda as a separate item.

A community meeting was held on October 14, 2003, to gauge community support for the plan amendment and proposed development. It was attended by approximately 40 people, most of who were in support of the proposal. Concerns were expressed; however, about stormwater runoff and some design aspects of the development, such as setbacks, building orientation, and trees.

Staff Recommendation

When this PUD proposal was initially filed it was clearly contrary to the existing land use policy that applied to the property. The Subarea 7 Plan amendment that has been recommended for approval by staff would permit the 34-lot single-family development if certain design issues are addressed by the plan and ultimately approved by Metro Council.

METRO PUBLIC WORKS' FINDINGS

No exception taken.



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CONDITIONS

If this requested PUD overlay is approved by the Planning Commission and / or the Metro Council, the following conditions must be complied with:

1. The project shall be developed in accordance with the Preliminary PUD Plan, which includes pages C0 through C5 and L1, as prepared by Littlejohn Engineering Associates, Inc., entitled Jardin de Belle. Last revision date September 2, 2003.
2. The project shall be developed in accordance with the 'Conceptual Streetscape Elevation – Page Road & Maybelle Lane', as prepared by Littlejohn Engineering Associates, Inc., and dated November 7, 2003.
3. The project shall be developed in accordance with the 'Conceptual Streetscape Plan – Page Road & Maybelle Lane', as prepared by Littlejohn Engineering Associates, Inc., and dated November 7, 2003.
4. A certified Tree Survey shall be completed and submitted with a request for final PUD approval.
5. The Preliminary PUD Plan shall be reviewed by an ISA (International Society of Arboriculture) Certified Arborist prior to submitting a request for final PUD approval to determine the likelihood that all trees proposed for preservation will survive grading and construction activities. A report, prepared by the certified arborist, shall be submitted with the request for final PUD approval.
6. Any conditions to protect trees during grading and construction recommended by the certified arborist shall be reviewed by Planning Department staff and the applicant and may be placed within the conditions of the final PUD approval.
7. Should any tree that is tagged, fenced, and appropriately protected for preservation die within one year of the issuance of the grading permit, a tree of the same species, shall be planted in its place. The size of the replanting, whether measured using DBH (diameter at breast height) or caliper, shall be determined by the certified arborist to ensure survivability, healthy growth,



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yet also act to replace the canopy of the existing shade trees.

8. All construction activity, whether temporary or semi-permanent, shall enter and exit the site via Forrest Park Drive.

9. If final PUD approval is not requested for the entire PUD, a Timetable for Development and Phasing Plan shall be submitted with the first request for final PUD approval. The Timetable for Development shall propose build-out timetable for each phase and the approximate month and year that each request for final PUD approval would be submitted to the Planning Commission. Should this Timetable for Development ever need to be amended, it shall only be amended as part of a request for final PUD approval before the Planning Commission.

10. The developer shall construct all proposed streetscape improvements, inclusive of the five-foot sidewalk and any other voluntary decorative improvements, prior to the issuance of the first Use & Occupancy Permit for the 34-lot development.

11. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.

12. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.



Project No.
Associated Case
Council Bill
Staff Reviewer

Zone Change 2003Z-126G-06
None
None
Harris

Staff Recommendation

Approve with conditions.

NOTE: The applicant has requested deferral of this item to the December 11, 2003, Commission agenda.

APPLICANT REQUEST

Rezone 3.22 acres from residential single-family (RS40) to office limited (OL) district property at Highway 100 (unnumbered), approximately 150 feet south of Old Harding Pike.

Existing Zoning
RS40 district

RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

Proposed Zoning
OL district

Office Limited is intended for moderate intensity office uses.

BELLEVUE COMMUNITY PLAN POLICY
Natural Conservation Overlay

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. In areas where development is appropriate some very low intensity commercial, community facility developments, and residential densities consistent with RLM policy may be appropriate.

Office Transition

OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Policy Conflict

No. The proposed zoning is consistent with the policy for the area. An amendment to the Bellevue Community Plan was adopted by the Planning Commission on August 14, 2003, to allow more limited commercial and office



Metro Planning Commission Meeting of 11/13/03

development on the east side of Highway 100 and Old Harding Pike Triangle area.

RECENT REZONINGS

Yes. Property to the north was approved by the Planning Commission on October 23, 2003, for a zone change from RS40 to CL (2003Z-112G-06) and an amendment to the PUD to replace an undeveloped bank with a fuel pumping station (97P-019G-06).

TRAFFIC

Based on the trip generation numbers for office limited (OL), this proposal will generate approximately 349 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendations

Request zone change from RS40 to OL

Current zoning

RS40, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 3 PM trips = 3

Proposed zoning

OL, Peak Hour Adj. Street Traffic (Code 710)
AM trips = 164 PM trips = 197

The number of trips increases significantly with this zone change. To ensure the maintenance of an acceptable Level of Service and to retain safe and efficient traffic flow, a TIS should be required to determine any problem areas that may occur due to this change and steps that will be taken to correct those problems.

“A Traffic Impact Study (TIS) will be required to determine the additional traffic generated by the development and the required mitigations.”

A TIS was requested for a proposed Zone change for this property. The Engineer did not schedule a scoping meeting prior to conducting this study and several items were not addressed in this TIS with sufficient analysis.

We are unable to approve the zone change without further analysis.

1. No site plan has been presented, however, trips were generated based on a 4,000 sq. ft. bank with drive through lanes, 12,000 sq. ft. retail center, and 60,000 sq. ft. office park. The TIS shall show calculations per ITE land use code and defined parameters.



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Provide documentation of rate or equation used.

2. The TIS considered future traffic as existing plus projected site traffic. The TIS calculated 553 trips in the P.M. peak hour for this development. However, this corridor is experiencing development and increased traffic. Background traffic volumes shall be included in the projected peak hour trips. The TIS shall also include trips from any approved although undeveloped projects in the vicinity.

Provide revised trip generation.

3. The TIS assumed 3 site driveways will be allowed; 2 on Hwy 100 and 1 on Moss Rd which intersects with Chaffin Dr which intersects with Hwy 100. We do not support an access to the Office park through the adjacent residential neighborhood along Chaffin Dr. unless the land use policy allows such connection.

4. Hwy 100 is classified as a scenic 4 lane arterial From McCrory Ln to Collins Rd. According to the Zoning ordinance, driveways are required to be 185 ft from street intersections. It is also desirable to locate driveways to align with driveways on the opposite side of the road. It is also desirable to limit the number of driveways along arterials in the interest of improved traffic flow and public safety.

Provide analysis of driveways. Include analysis if only one access on Hwy 100 is constructed. If necessary include warrant analysis.

5. The TIS assumed that a left turn lane will be installed on Hwy 100 to serve access to a new hardware store. This store has been conditioned to have no access to Hwy 100 and to access the Kroger Drive.

This project shall install a left turn lane on Hwy 100 along the frontage of this site with transitions designed per AASHTO standards. One half of the ROW as well as the necessary pavement for a 4 lane arterial shall be provided by the developer.

Document the necessary pavement and ROW and feasibility of transitioning the left turn lane prior to the redesigned Collins Rd intersection area.



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6. Sight distance analysis was inadequate.
Discuss any horizontal and vertical profiles and any other possible sight obstructions. Document any mitigation that may be necessary.
7. The TIS proposed a joint access drive with the adjacent property to the west. This property is currently being considered for rezoning to RM4. We would consider cross access with this property, if no access to HWY 100 and Chaffin Dr. from this property.

If this Zone change is approved without additional analysis of the afore mentioned items, we recommend the following conditions.

1. Install one access drive into this project from Hwy 100. The access drive shall be aligned with one of the drives on opposite side of HWY 100. The access drive shall include a 12 ft. entering lane, a 12 ft. left and thru lane and a 12 ft. right turn lane.
2. Install a 12 ft. wide left turn lane on HWY 100 along property frontage with transitions per AASHTO standards. Tie turn lane into existing left turn lane at the Collins Rd. intersection.
3. Allow cross access to adjacent property to the west.
4. Dedicate Row as required by the APR for HWY100 and build 1/2 of required pavement for this arterial.

CONDITIONS

1. All access must be from Highway 100. No access from Moss Road.
2. Compliance with the Public Works conditions listed above.



Project No.
Associated Case
Council Bill
Staff Reviewer

Zone Change 2003Z-127G-06
None
None
Harris

Staff Recommendation

Approve with conditions.

NOTE: The applicant has requested deferral of this item to the December 11, 2003, Commission agenda.

APPLICANT REQUEST

Rezone one parcel from RS40 to CL (5.0 acres) and OL (3.42 acres) at Highway 100 (unnumbered), located on the east margin of Highway 100, approximately 150 feet south from Old Harding Pike (8.42 total acres).

Existing Zoning
RS40 district

RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

Proposed Zoning
CL district

Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

OL district

Office Limited is intended for moderate intensity office uses.

BELLEVUE COMMUNITY PLAN POLICY

Community Center

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods.

Office Transition

OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.



Metro Planning Commission Meeting of 11/13/03

Policy Conflict

No. The proposed zoning is consistent with the policy for the area. An amendment to the Bellevue Community Plan was adopted by the Planning Commission on August 14, 2003, to allow more limited commercial and office development on the east side of Highway 100 and Old Harding Pike triangle area.

RECENT REZONINGS

Yes. The adjacent property was rezoned from RS40 to CL in July 2003. The property to the north was approved by the Planning Commission on October 23, 2003, for a zone change from RS40 to CL (2003Z-112G-06) with an amendment to the Commercial PUD for a fuel pumping station to replace an undeveloped bank (97P-019G-06).

TRAFFIC

Based on the trip generation numbers for 5.0 acres of commercial limited (CL), this proposal will generate approximately 5,315 daily trips for a specialty retail center. Based on the trip generation numbers for 3.42 acres of office limited (OL), this proposal will generate approximately 1,230 daily trips for a general office building (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendations

Request zone change from RS40 to CL and OL.

Current zoning

RS40, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 6 PM trips = 8

Proposed zoning

50% planned to be CL, 50% planned to be OL
CL, Peak Hour Adj. Street Traffic (Code 832)
AM trips = 1020 PM trips = 1195

OL, Peak Hour Traffic (Code 710)
AM trips = 85 PM trips = 110

Total trips
AM trips = 1105 PM trips = 1305

The number of trips increases significantly with this zone change. To ensure the maintenance of an acceptable Level of Service and to retain safe and efficient traffic flow, a TIS should be required to determine any problem areas that may occur due to this change and steps that will be taken to correct those problems.



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“A Traffic Impact Study (TIS) will be required to determine the additional traffic generate by the development traffic and the required mitigations.”

A TIS was requested for a proposed zone change for this property. The engineer did not schedule a scoping meeting prior to conducting this study and several items were not addressed in this TIS with sufficient analysis. We [Public Works] are unable to approve the zone change without further analysis.

1. No site plan has been presented, however, trips were generated based on a 4,000 sq. ft. bank with drive through lanes, 12,000 sq. ft. retail center, and 60,000 sq. ft. office park. The TIS shall show calculations per ITE land use code and defined parameters.

Provide documentation of rate or equation used.

2. The TIS considered future traffic as existing plus projected site traffic. The TIS calculated 553 trips in the P.M. peak hour for this development. However, this corridor is experiencing development and increased traffic. Background traffic volumes shall be included in the projected peak hour trips. The TIS shall also include trips from any approved although undeveloped projects in the vicinity.

Provide revised trip generation.

3. The TIS assumed 3 site driveways will be allowed; 2 on Hwy 100 and 1 on Moss Rd which intersects with Chaffin Dr which intersects with Hwy 100. We [Public Works] do not support an access to the Office park through the adjacent residential neighborhood along Chaffin Dr. unless the land use policy allows such connection.
4. Hwy 100 is classified as a Scenic 4 lane arterial From McCrory Ln to Collins Rd.
According to the Zoning Ordinance, driveways are required to be 185 ft from street intersections. It is also desirable to locate driveways to align with driveways on the opposite side of the road. It is also desirable to limit the number of driveways along arterials in the interest of improved traffic flow and public safety.



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Provide analysis of driveways. Include analysis if only one access on Hwy 100 is constructed. If necessary include warrant analysis.

5. The TIS assumed that a left turn lane will be installed on Hwy 100 to serve access to a new hardware store. This store has been conditioned to have no access to Hwy 100 and to access the Kroger Drive.

This project shall install a left turn lane on Hwy 100 along the frontage of this site with transitions designed per AASHTO standards. One half of the ROW as well as the necessary pavement for a 4 lane arterial shall be provided by the developer.

Document the necessary pavement and ROW and feasibility of transitioning the left turn lane prior to the redesigned Collins Rd intersection area.

6. Sight distance analysis was inadequate. Discuss any horizontal and vertical profiles and any other possible sight obstructions. Document any mitigation that may be necessary.
7. The TIS proposed a joint access drive with the adjacent property to the west. This property is currently being considered for rezoning to RM4. We would consider cross access with this property, if no access to HWY 100 and Chaffin Dr. from this property.

If this Zone change is approved without additional analysis of the aforementioned items, we [Public Works] recommend the following conditions:

1. Install one access drive into this project from Hwy 100. The access drive shall be aligned with one of the drives on opposite side of HWY 100. The access drive shall include a 12 ft entering lane, a 12 ft left and thru lane and a 12ft right turn lane.
2. Install a 12 ft wide left turn lane on HWY 100 along property frontage with transitions per AASHTO standards. Tie turn lane into existing left turn lane at the Collins Rd. intersection.
3. Allow cross access to adjacent property to the west.



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4. Dedicate ROW as required by the APR for HWY100 and build 1/2 of required pavement for this arterial.

CONDITIONS

1. All access must be from Highway 100. No access will be permitted from Moss Road.
2. Compliance with the Public Works conditions listed above.



Associated Case
Council Bill
Council District
Requested By

Project No. Zone Change 2003Z-129U-05
Planned Unit Development 2003P-017U-05
None
6 – Jameson
Tony Darsinos, owner

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 0.29 acres from residential (R6) to residential multi-family (RM15) district property at 1312 Eastland Avenue, southwest corner of Eastland Avenue and 14th Avenue.

Existing Zoning
R6 district

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. This zoning would allow 2 single family homes or 4 duplex units on this site.

Proposed Zoning
RM15 district

RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. This would total 4 dwelling units on this site.

SUBAREA 5 PLAN POLICY
Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict

Yes. The proposed RM15 district allows for 4 dwelling units on this parcel, or approximately 14 units per acre. Currently, the applicant could subdivide the existing lot into two parcels and build two duplexes. Although this zone change exceeds the RM policy, it does not exceed the density that could be achieved by subdividing the property. The lot is over 12,000 square feet in area and the existing zoning is R6. Subdividing the lot into two lots would fail comparability, but such a subdivision would meet the new requirements that allow the Commission to waive comparability under Subreg 2-4.7. The property is located



Metro Planning Commission Meeting of 11/13/03

within one-quarter mile of Gallatin Road which is a commercial policy area (2-4.7 A.2).

The applicant originally submitted a zone change and has since submitted a Planned Unit Development (2003P-017U-05) consistent with the existing residential development in the Lockeland Springs area. The building is consistent with the contextual setbacks along the blockface of Eastland and 14th Street. The associated PUD consists of four condominiums with a single-family structure appearance. In exchange for the PUD, there are design and development standards that would control development to be consistent with the character and design of the existing neighborhood.

RECENT REZONINGS

None

TRAFFIC

Based on the trip generation numbers for residential multi-family (RM15), this proposal will generate approximately 26 daily trips for apartment uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

Request zone change from R6 to RM15

Current Zoning

R6, Peak Adj. Street Traffic (Code 210)
AM trips = 2 PM trips = 5

Proposed Zoning

RM15, Peak Adj. Street Traffic (Code 221)
AM trips = 7 PM trips = 9
There is no significant increase in dwelling units or trips. Further, the acreage is small. Therefore, there are no exceptions taken.

Public Works' Recommendation

“No exception taken.”

SCHOOLS

1 Elementary <1 Middle <1 High

Schools Over/Under Capacity Students would attend Ross Elementary, Bailey Middle School and Stratford High School. Ross has been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.



Project No.
Project Name
Associated Case
Council Bill
Council District
Requested By

Planned Unit Development 2003P-017U-05
Manor House Residential PUD
Zone Change 2003Z-129U-05
None
6 – Jameson
Tony Darsinos, owner

Staff Reviewer
Staff Recommendation

Harris
Approve with condition but, disapprove variance request to allow parking within the buffer area.

APPLICANT REQUEST
Preliminary PUD

Request to adopt a preliminary Planned Unit Development to allow for the development of a 4-unit manor house on 0.29 acres. The property is located at 1312 Eastland Avenue abutting the southwest corner of Eastland and 14th Street.

PLAN DETAILS

The proposed plan shows a four unit manor house with a total building area of 6,000 square feet. The applicant is proposing multi-family condominium units with a maximum of two stories consistent with a single-family structure in this neighborhood. A covered front porch is also proposed to front Eastland Avenue. The applicant is proposing six required parking spaces according to the Urban Zoning Overlay requirements and two additional spaces. An existing sidewalk is on the periphery of the property with concrete walks proposed throughout the property.

Buffer Yard Variance

Because this is a PUD, the Planning Commission makes recommendations to the Board of Zoning Appeals on requests for variances from the Zoning Code. The applicant is requesting a variance for the buffer yard requirement since there is a 6’ privacy fence proposed. Staff recommends that the Commission recommend disapproval of the variance because there is no determinable hardship. A sidewalk is also proposed within the buffer yard area. The plan shows two additional parking spaces in the buffer yard. Parking spaces are not allowed within the buffer yard. Staff recommends disapproval of the variance request to allow parking within the buffer area.



Metro Planning Commission Meeting of 11/13/03

Metro Historic Zoning Commission

This property is located within Lockeland Springs/East End Neighborhood Conservation Overlay District, which will require Metro Historic Zoning Commission (MHZC) review. The MHZC staff has recommended that elevations be shown on the plan and other standards needed for their review such as where the frontage is and if there is a covered porch. Staff requires that revised plans be submitted to reflect these standards.

Public Works Recommendations

1. Show ROW on Eastland and 14th St. (#17)
2. Is the existing gravel alleyway public or private? (#26, 27) If it's a public alley, it must be improved to meet the ST-263 Metro alley specification. No ROW is indicated, so it is not possible to determine whether it is public or private on the preliminary PUD.
3. The preliminary PUD is missing survey control points (#16) and is undimensioned.
4. Show all buildings, structures, roads, and driveways on-site and within 100 feet of the site. (#17)
5. The proposed parking areas are undimensioned. (#17) The width of the driveway on Eastland is undimensioned. Is this existing or proposed? There is an adjacent private driveway shown approximately five feet to the west of this driveway.

CONDITIONS

1. Prior to final PUD approval, revised preliminary plans must be submitted addressing Metro Public Works' traffic conditions above.
2. Prior to final PUD approval, Metro Historical Commission shall make a recommendation to the Planning Commission on the plan's consistency with the Neighborhood Conservation Overlay guidelines.
3. Prior to final PUD approval, revised plans shall be submitted consistent with the Board of Zoning Appeals action on the proposed variance for the buffer yard.



Project No.
Associated Case
Council Bill
Council District
Requested By

Zone Change 2003Z-130U-08
None
None
19 – Wallace
Antonio C. Turner, owner

Staff Reviewer
Staff Recommendation

Harris
Disapprove as contrary to the General Plan

APPLICANT REQUEST

Rezone 0.10 acres from residential single-family (RS5) to commercial limited (CL) district property at 1400 14th Avenue North, abutting the west margin of 14th Avenue North and the I-40 West Ramp.

Existing Zoning
RS5

RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

Proposed Zoning
CL district

Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices. Billboards are also permitted in the CL district.

**SUBAREA 8—NORTH
NASHVILLE
COMMUNITY PLAN**

Elizabeth Park Detailed Neighborhood Design Plan

Single Family Detached
in Neighborhood General

Single Family Detached includes a mixture of single family housing that varies based on the size of the lot and building placement on the lot. Detached houses are single units on a single lot (e.g. typical single family house).

NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. NG areas include single-family residential and public benefit activities. Residential development other than single family is also appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or, for areas lacking a design plan, a special policy.



Metro Planning Commission Meeting of 11/13/03

Policy Conflict

Yes. The proposed zoning district is not consistent with the policy for this area. Commercial uses are not intended for this area.

The applicant's intent for the rezoning is for billboard placement. Staff does not typically recognize the intent for the rezoning. The Codes Department has notified the applicant however, that a billboard will not be permitted on this site based on setbacks from the residential property adjacent to this property and standard setbacks from street right of ways. Variances would be required from the Board of Zoning Appeals.

RECENT REZONINGS

None.

TRAFFIC

Based on the trip generation numbers for commercial limited (CL), this proposal will generate approximately 28 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendations

Current zoning

Request zone change from RS5 to CL
Lot is of insufficient size for a RS5 single family lot.

Proposed zoning

CL, Peak Adj. Street Traffic (Code 710)
AM trips = 4 PM trips = 4

The increase in the number of trips is insignificant from these two zone districts on this parcel of land. Access will be limited to 14th Avenue.

"No Exception Taken"



Project No.
Associated Case
Council Bill
Council District
Requested By

Zone Change 2003Z-132G-06
None
None
35 – Tygard
Joseph G. Petrosky, P.E., applicant, for P.M. and Ruby Chaffin, owners

Staff Reviewer
Staff Recommendation

Harris
Approve with conditions

APPLICANT REQUEST

Rezone 1.94 acres from residential single-family (RS40) to residential multi-family (RM4) district property at Highway 100 (unnumbered) on the northeast corner of Highway 100 and Chaffin Drive.

Existing Zoning
RS40 district

RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

Proposed Zoning
RM4 district

RM4 is intended for single-family, duplex, and multi-family dwellings at a density of 4 dwelling units per acre.

BELLEVUE COMMUNITY PLAN POLICY

Residential Low
Medium (RLM)

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

Policy Conflict

The proposed RM4 district is consistent with the allowable density for the RLM policy in this area. This zoning would serve as a transition zoning between commercial and office uses to the north along Highway 100.

RECENT REZONINGS

Yes. Property to the north was rezoned from RS40 district to CL district by the Planning Commission On October 23, 2003. The Commercial Planned Unit Development was also amended to permit the addition of a fuel pumping station to replace an undeveloped bank. Property south of the Commercial PUD was rezoned from RS40 to CL in July 2003.



Metro Planning Commission Meeting of 11/13/03

TRAFFIC

Based on the trip generation numbers for residential medium (RM4), this proposal will generate approximately 45.5 to 51.5 daily trips ranging from residential condominium/townhouse and apartment uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendations

Request zone change from RS40 to RM4

Current zoning

RS40, Peak Hour Adj. Street Traffic (Code 210, Single-family home)

AM trips = 2

PM trips = 2

Proposed zoning

RM4, Peak Hour Adj. Street Traffic (Code 220, Apartments)

AM trips = 4

PM trips = 5

The increase in the number of trips is insignificant from these two residential zones on this parcel of land. Access will be limited to Chaffin Drive.

“No Exception Taken.”

CONDITIONS

1. Access to be limited to Chaffin Drive or through a joint access agreement with the adjacent property to the north on Highway 100. There shall be no additional access from Highway 100.



Project No.
Associated Case
Council Bill
Council District
Requested By

Zone Change 2003Z-133U-12
2003P-014U-12
None
31 – Toler
Anderson-Delk and Associates, for Harry J. Adams, Jr., et ux; John Moore, et ux; and John H. Dunn Family Trust, owners

Staff Reviewer
Staff Recommendation

Mitchell
Approve

APPLICANT REQUEST

Rezone 20.07 acres from residential (R40) to residential multi-family (RM4) district property along the south margin of Old Hickory Boulevard (unnumbered) and 205 Dunn Lane.

Existing Zoning
R40 district

R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

Proposed Zoning
RM4 district

RM4 is intended for single-family, duplex and multi-family dwellings at a density of 4 dwelling units per acre.

SUBAREA 12 PLAN POLICY
Residential Low-Medium

RLM is a policy category designed to accommodate residential development within a density range of about 2 to 4 dwelling units per acre. Development at the upper end of the density range is recommended at locations along and in the vicinity of arterial and collector streets, provided primary access to the collector or arterial is not through a lower density area.

Policy Conflict

No. The proposed zoning is consistent with the policy for the area. There is an associated planned unit development (PUD) that is also being requested for this site. The PUD proposes a 68-unit townhouse (condominium) project that is consistent with the character of residential development along this portion of Old Hickory Boulevard.

RECENT REZONINGS

No



Metro Planning Commission Meeting of 11/13/03

TRAFFIC

Based on the trip generation numbers for RM4, this proposal will generate approximately 470 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Different densities could generate more or less traffic.

Public Works' Recommendations

Request zone change from R40 to RM4

Current zoning

R40, Peak Hour Adj. Street Traffic (Code 210)

AM trips = 18 PM trips = 24

Proposed zoning

RM4, Peak Hour Adj. Street Traffic (Code 210)

AM trips = 41 PM trips = 50

“The site plan was submitted in conjunction with the zone change. There are a total of 68 units. The trips from the zone change show an insignificant increase. No TIS will be required.”

SCHOOLS

6 Elementary 4 Middle 4 High

Schools Over / Under Capacity

Students would attend Granbery Elementary, Oliver Middle, and Overton High School. Granbery and Overton have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 5, 2003.



Project No.
Project Name
Associated Case
Council Bill
Council District
Requested By

Planned Unit Development 2003P-014U-12
Mayfair
2003Z-133U-12
None
31 – Toler
Anderson-Delk and Associates, for Harry J. Adams, Jr., et ux; John Moore, et ux; and John H. Dunn Family Trust, owners

Staff Reviewer
Staff Recommendation

Mitchell
Approve with conditions

APPLICANT REQUEST
Preliminary PUD

Request to adopt a new preliminary PUD plan on a 20-acre site, located along the south side of Old Hickory Boulevard about one-half mile west of Edmondson Pike, to allow for the development of a 68-unit townhouse development.

PLAN DETAILS
Site Plan

The preliminary master plan proposes 68 units to be constructed in 34 structures with each containing two townhouse units. The units will be accessed by an internal private drive network with five-foot sidewalks are proposed along one side throughout the entire development. There is an existing stream that runs from the northeast corner of the property, through the property, and exits at the south property line into Cloverland Park subdivision. Stormwater quality areas are proposed alongside this stream, but outside of any floodway or buffer area. The majority of the direct frontage along Old Hickory Boulevard will be preserved and dedicated as common open space due to the stream and the associated floodway and floodplain.

Since this development is also associated with a rezoning request to rezone the property to RM4 (multi-family zoning), there is no minimum 15% common open space requirement. This site is encumbered by floodway and floodplain, however. As required by the Code, the applicant has placed a note on the preliminary plan stating that streams, areas classified as floodway, and two-thirds of areas classified as floodplain and landscape buffer will be designated as common open space.



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Vehicular / Pedestrian Access

Access to the site is provided only from Old Hickory Boulevard via an existing curb cut and substandard driveway that will be reconstructed as a private drive for the entire project. Adjacent to the southeast corner of the site is the dead-end section of Clovermeade Drive. Pursuant to the recently updated Subdivision Regulations, "The use of an interconnected street system shall be encouraged to broadly disperse internal traffic and provide maximum alternatives for access to property for both public and private movement."

A public street that provides a north-south connection between Old Hickory Boulevard and Cloverland Drive would be warranted in this location. The applicant has not included a public street in its proposal. If the PUD is approved without a public street, then at least a pedestrian connection should be required from Clovermeade Drive, through the project, to Old Hickory Boulevard. The Applicant should provide a paved path from Clovermeade Drive to the planned sidewalks along the private drive within the PUD. In addition, a public pedestrian easement should be provided through the entire project from Clovermeade Drive to Old Hickory Boulevard.

In addition to the pedestrian path request, staff recommends that the applicant reconstruct the dead-end portion of Clovermeade Drive to provide for a permanent cul-de-sac. This is being requested because this development would permanently dead-end Clovermeade Drive.

METRO PUBLIC WORKS' FINDINGS

Metro Public Works provided comments on the preliminary plan. All comments were successfully addressed by the applicant. The applicant met with MPW staff on October 15, 2003, to discuss the comments.

CONDITIONS

1. A final plat needs to be recorded prior to the issuance of any building permits.
2. This preliminary plan approval is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.



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3. A minimum 5-foot wide pedestrian pathway shall be constructed from the proposed internal sidewalk system of the development to the dead-end of Clovermeade Drive.
4. A public pedestrian easement shall be provided on the internal sidewalk system and on the pedestrian path that connects to Clovermeade Drive.
5. The unfinished dead-end of Clovermeade Drive shall be reconstructed to provide a permanent cul-de-sac since no future connections or extensions would be available.



Project No.
Associated Case
Council Bill
Council District
Requested By

Zone Change 2003Z-135U-13
None
None
28 – Alexander
Joe McConnell, MEC, Inc., for Gold Star Development, Inc., owner

Staff Reviewer
Staff Recommendation

Harris
The applicant has requested deferral to the December 11, 2003, Planning Commission meeting to allow time for an amendment to the Subarea 13 Plan.

APPLICANT REQUEST

Rezone 40.18 acres from agricultural and residential (AR2a) to residential multi-family (RM6) district property at Franklin Limestone (unnumbered).

Existing Zoning
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim non-urban land use policies of the general plan. AR2a would allow a maximum of 20 lots on this property.

Proposed Zoning
RM6 district

RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre. RM6 would allow a maximum of 241 units on this property.

**ANTIOCH-PRIEST LAKE
COMMUNITY PLAN POLICY**
Industrial (IN)

IN is intended for one of several types of special districts. IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

Residential Low
Medium (RLM)

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



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Natural Conservation (NCO)

NCO is intended for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development. Due to their environmentally sensitive character, NCO areas are generally unsuitable for conventional suburban or urban development. The predominant types of land use anticipated in these areas are very low intensity residential, commercial (convenience scale) and community facility developments. The more environmentally sensitive or remote a site is, the lower the acceptable density. In general, densities should not exceed one dwelling unit per two acres.

Policy Conflict

The proposed zoning district (RM6) is inconsistent with all three policies designated for the property. A portion of the property is consumed by floodway and floodplain. This portion is within the NCO policy area and is intended for low intensity development, generally one dwelling unit per two acres. The other portion is within two policy areas, IN and RLM. The IN policy is intended for industrial uses, while the RLM policy is intended for residential development within a density range of two to four dwelling units per acre.

RECENT REZONINGS

Yes. The adjacent property to the east was rezoned from R8 to RS7.5 in May 2001.

TRAFFIC

Based on the trip generation numbers for residential multi-family (RM6), this proposal will generate approximately 1598 daily trips for apartment uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

Request zone change from AR2a to RM6

Current Zoning

AR2a, Peak Adj. Street Traffic (Code 210, single family home)

AM trips = 15 PM trips = 21

Proposed Zoning

RM6, Peak Adj. Street Traffic (Code 210, single family home)

AM trips = 181 PM trips = 244

Or if multi-family (Code 22, apartments)

AM trips = 123 PM trips = 149



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Public Works' Recommendation

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.”

SCHOOLS

Schools Over/Under Capacity

17 Elementary 12 Middle 10 High

Students would attend Una Elementary, Apollo Middle School and Antioch High School. All three schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.



Project No.
Associated Case
Council Bill
Council District
Requested By

Zone Change 2003Z-136U-05
None
None
5 – Murray
Gresham-Smith and Partners, for Frederick Stalnecker, Robert O’Malley, Donald Sumner, Ester Dunn, Russanne Buchi-Fotre, Jeffrey Hale, Michael Williamson, Phil Disser, and Wayne Hackney, owners

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone 4.67 acres from commercial services (CS) and residential (R6) to commercial limited (CL) district part of property at 1043, 1041, 1045 W. Greenwood Ave., and property at 1213, 1215, 1217 Bailey St., 1208, 1214, 1216, and 1220 Gallatin Ave.

Existing Zoning
CS district

Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

R6 district

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning
CL district

Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

SUBAREA 5 PLAN POLICY

Commercial Arterial Existing (CAE)

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



Metro Planning Commission Meeting of 11/13/03

Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict

The proposed zoning district (CL) is consistent with the CAE policy along Gallatin Road. This zone change request downzones the existing CS zoning district to CL, which is consistent with the CAE policy in that it does not allow for the intensification of commercial uses. The proposed rezoning does encroach into the RM policy at the rear of the site, but the associated PUD limits all access to Gallatin Pike, and prohibits access through the residential area. Hattie Cotton Elementary School is located behind the property along Bailey Street, which further limits the intrusion into the residential neighborhood. The associated PUD also provides a buffer at the rear of property between the school, residential homes, and the proposed commercial development. The RM policy corresponds to the area along Bailey and W. Greenwood. The northern portion of the residential lots located along W. Greenwood Avenue is requested for rezoning. Because there is an associated PUD with the zone change request, intrusion into the residential neighborhood and school site behind the property are addressed with design and development standards.

RECENT REZONINGS

None.

TRAFFIC

Based on the trip generation numbers for commercial limited (CL), this proposal will generate approximately 5,239 to 13,610 daily trips ranging from shopping center to supermarket uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

CS to CL—A reduction in the number of uses when changing from CS to CL. Remaining uses are the same, therefore, no change would be made in the peak number of trips.

Current Zoning

R6, Peak Adj. Street Traffic (Code 210, single family home)

AM trips = 10PM trips = 13



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Proposed Zoning

CL, Peak Adj. Street Traffic (Code 850, Supermarket)
AM trips = 139 PM trips = 493

(A Traffic Impact Study was submitted. Public Works' Comments and recommendations are included with the associated McKennie Neighborhood Market PUD (2003P-019U-05))



Project No.
Associated Case
Council Bill
Council District
Requested By

Planned Unit Development 2003P-019U-05
Zone Change 2003Z-136U-05
None
5 – Murray
Gresham-Smith and Partners, for Frederick Stalneck, Robert O’Malley, Donald Sumner, Ester Dunn, Russanne Buchi-Fotre, Jeffrey Hale, Michael Williamson, Phil Dissler, and Wayne Hackney, owners

Staff Reviewer
Staff Recommendation

Harris
Approve PUD with conditions. Disapprove request for variance to UZO requirements for setbacks.

APPLICANT REQUEST
Preliminary PUD

Request to adopt a preliminary Planned Unit Development to permit the development of a 42,842 square foot retail/office/restaurant development located abutting the west margin of Gallatin Road, 190 feet south of Douglas Avenue.

PLAN DETAILS

The proposed plan shows a 39,910 square foot building to be used as retail or a neighborhood market. The applicant is proposing to keep the existing fire hall located at the northern corner of the property. The proposed use is for retail/restaurant/office uses within the former fire hall. A proposed bus stop is shown at Gallatin Road. There are two entrances into the project. One entrance is across Gallatin Road from McKennie Avenue with a traffic signal, and another entrance is at the south end of the property off of Gallatin Road.

The applicant proposes to exceed the C-3 bufferyard standards along the back of the property parallel to Bailey Street facing Hattie Cotton Elementary School. The C-3 bufferyard requires a 20’ landscaping buffer, but the applicant has shown between 25’ to 50’ of buffer to address concerns with the back of the proposed store facing an elementary school and intrusion into this residential neighborhood. A B-3 bufferyard is also shown on the north side of the site next to the residentially zoned property off of the alley, which requires a 10’ buffer. An A-2 bufferyard is shown along the alley behind office uses, which requires a 5’ buffer.

Urban Zoning Overlay (UZO)

The building is proposed to sit toward the back of the property with most of the parking in the front and side of



Metro Planning Commission Meeting of 11/13/03

the building. The UZO requirements would orient the building toward the front with parking on the side or back. According to Section 17.12.035, "in a mixed use, office, industrial, RM20, RM40, RM60 or commercial zone district, the front façade of a principal building may be constructed 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 façade of the principal building on an abutting mixed use, office, industrial, RM40, RM60, or commercial zoned lot that is furthest from the street." Staff recommends disapproval of the variance which must be approved by the Board of Zoning Appeals prior to final PUD approval. The Planning Commission is required to make a recommendation to the BZA regarding any variance request within a PUD district.

Sidewalks

Sidewalks are provided along Gallatin Road, however, sidewalks should also be provided along Bailey Street.

Public Works' Recommendation

"The additional trips for the vacant firehouse are expected to be insignificant. We [Public Works] will accept the TIS generated trips.

The ITE land use code 850, supermarket, was approved for use. We approved a 10% transit reduction. We also approved pass-by trip reduction. The engineer used a 36% pass by reduction from the Trip generation handbook chart for Supermarkets. The chart is consistent with the land use code, however only 9 studies are plotted. The median reduction should be 28% not 36% as used by the engineer. Therefore, the engineer reduced the Gallatin Rd trips by an additional 8%. Since the LOS is A or B for all studied intersections, there is adequate capacity to serve these additional trips and the engineer will not be asked to recalculate the capacity analysis in this instance.

The following items shall be added to the site plan and provided for Public Works review.

These items shall be CONDITIONS for approval if the site plan is not revised and resubmitted:

1. On the submitted site plan the ramp at the intersection is shown as a 36 ft concrete ramp. The developer shall install 35 ft. asphalt driveway approach because it is a signalized intersection. The developer shall install the following : A 13 ft wide entering lane, A 11 ft thru



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and left lane with adequate storage length (as identified by HCS analysis), A 11 ft right turn only lane with adequate storage length (as identified by HCS analysis).

Provide HCS analysis in a TIS supplement.

2. The developer shall modify the signal using video detection equipment for the private property approach. Developer shall design and provide Signal Plans for Public Works approval.
3. Pedestrian signals and associated facilities shall be installed at the McKennie/ Gallatin Rd intersection on all approaches.
4. Install an 11 ft wide left turn lane on the eastbound approach of Gallatin Rd. at the site access drive opposite McKennie Ave. Determine storage length from HCS analysis.
Provide HCS analysis in TIS supplement.
5. The ramp access drive allowed near the western property line, shall be 24 ft wide with one 12 ft entering lane and one 12 ft exiting lane.
6. Install (and dimension on plans), adequate queuing space per codes for the drive thru pharmacy.
7. Install (and dimension on plans) standard parking spaces and drive aisles per zoning regulations. No traffic aisles shall be allowed to connect with the access drives at the throat area. This area shall have continuous curbing along the driveway from the ROW to the Parking islands.
8. Install back-up space for parking located at firehouse building.
9. Demonstrate that delivery trucks can maneuver the radii of site driveways.
10. Developer shall show pavement markings and signing plan on site plan.
11. Children attending Hattie Cotton School use the alley along the northeast property line of this project to reach a sidewalk installed by Public Works along the



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back of the Bellsouth building at the corner of Douglas and Gallatin Pk. This pedestrian path along the alley shall be protected or incorporated into the design of the site if possible.”

CONDITIONS

1. Revised plans to be submitted prior to final PUD approval including conditions from Public Works as shown above.
2. Prior to final PUD approval by the Planning Commission, either the Board of Zoning Appeals shall approve the variance for building setbacks within the UZO, or revised plans must be submitted to the Planning Commission that comply with the UZO setback requirements. If the BZA grants a variance to the UZO setback requirements, the applicant must work with Planning Department staff to establish design standards to create a hard-edge along Gallatin Road.
3. Prior to approval by the Metro Planning Commission, a revised preliminary plan must be submitted showing sidewalks along Bailey Street.



Project No.
Associated Case
Council Bill
Council District
Requested By

Zone Change 2003Z-137U-06
None
None
15 – Loring
Roy Dale, Dale & Associates, for Donelson Church of Christ, owner

Staff Reviewer
Staff Recommendation

Harris
Approve

APPLICANT REQUEST

Rezone a portion of property at 3005 Fernbrook Lane (26.8 acres) from residential single-family and duplex (R15) to residential multi-family (RM2) district, abutting the south margin of Fernbrook Lane.

Existing Zoning
R15 district

R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. This would total 66 lots or 83 total units with 25% duplex lots.

Proposed Zoning
RM2 district

RM2 is intended for single-family, duplex, and multi-family dwellings at a density of 2 dwelling units per acre. This would total 54 dwelling units for this development.

SUBAREA 14 PLAN POLICY

Residential Low
Medium (RLM)

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

Natural Conservation (NCO)

NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. In areas where development is appropriate some very low intensity commercial, community facility developments, and residential densities consistent with RLM policy may be appropriate.

Policy Conflict

The proposed zoning is consistent with the policy calling for a variety of housing types within the RLM policy area. A large portion of the property requested for rezoning is within the NCO policy, which calls for low intensity residential densities. The RM2 zoning district reduces the



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density from three dwelling units per acre to two dwelling units per acre.

RM2 zoning allows for greater clustering of the buildings on the property in order to allow for preservation of a larger portion of the property in a natural state.

A public road will be required for the remaining residence on the portion not being rezoned.

RECENT REZONINGS

None.

TRAFFIC

Based on the trip generation numbers for residential multi-family (RM2), this proposal will generate approximately 314 daily trips for residential condominium/townhouse uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendations

Request zone change from R15 to RM2

Current zoning

R15, Peak Hour Adj. Street Traffic
AM trips = 63 PM trips = 84

Proposed zoning

RM2, Peak Hour Adj. Street Traffic
AM trips = 36 PM tips = 45

This zone change allows fewer dwelling units per acre. The number of trips decrease.

“No Exception Taken.”

SCHOOLS

17 Elementary 12 Middle 10 High

Schools Over/Under Capacity Students would attend Pennington Elementary, Two Rivers Middle School and McGavock High School. Pennington and Two Rivers have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.



Project No.
Associated Case
Council Bill
Council District
Requested By

Zone Change 2003Z-138U-12
None
None
27 – Foster
Philip, Kenneth, and Ronald Pratt, owners

Staff Reviewer
Staff Recommendation

Harris
Disapprove

APPLICANT REQUEST

Rezone 3.34 acres from commercial limited (CL) to commercial service (CS) district property at 4601 Nolensville Pike, at the southwest corner of Nolensville Pike and Cotton Lane.

Existing Zoning
CL district

Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

Proposed Zoning
CS district

Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

SUBAREA 12 PLAN POLICY

Commercial Arterial Existing

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

Policy Conflict

Yes. The proposed CS district is not consistent with the policy for this area. Expansion of the policy and intensification of zoning is appropriate only to maintain the viability of existing businesses. The proposed zoning increases the intensity of commercial uses and does not stabilize the current condition or prevent additional expansion along Nolensville Pike. The intent of the CAE policy is “to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop these areas to a nodal pattern.” Along the south



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side of Nolensville Pike, there are various commercial uses that are in the Commercial Limited (CL) zoning district and/or located within a commercial planned unit development.

RECENT REZONINGS

None.

TRAFFIC

Based on the trip generation numbers for commercial services (CS), this proposal will generate approximately 961 to 5271 daily trips ranging from general office uses, shopping center, and a 24-hour convenience market. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendations

There are very few differences between the CL and CS zones. The only additional uses that may be introduced are related to automotive sales and service and manufacturing uses. The highest generating use in this zone will be retail or restaurant uses, both of which are allowed in either zone. But since this is a new development, a Traffic Impact Study may be required due to the large number of trips that can be generated by either zone classification.

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposal level of development and required mitigations.”



Project No.
Associated Case
Council Bill
Council District
Requested By

Zone Change 2003Z-139U-12
94P-009U-12
None
31 – Toler
Craig Cole, GBT Realty Corporation for Brentwood Properties Limited Partnership, owner

Staff Reviewer
Staff Recommendation

Mitchell
Disapprove

APPLICANT REQUEST

Rezone approximately 12.02 acres from office-residential (OR40) to commercial (CL) district property located at 5548 Franklin Pike Circle (4.02 acres) and part of property at 5588 Franklin Pike Circle (approx. 8.0 acres), located abutting the north margin of Old Hickory Boulevard.

Existing Zoning
OR40 district

Office / Residential is intended for office and/or multi-family residential units at up to 40 dwelling units per acre.

Proposed Zoning
CL district

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

SUBAREA 12 PLAN POLICY
Office Concentration

The OC policy is intended for existing and future large concentrations of office development. The predominant uses in OC policy are offices. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least RMH density are also an appropriate secondary use.

Policy Conflict

Yes. The proposed zoning is inconsistent with the policy for the area. This site is located within an existing PUD overlay, which was created by Metro Council in 1994. The last subarea update in 1996 acknowledged the office PUD – and other surrounding office PUDs – and applied the Office Concentration policy to this general area. Commercial, retail, and restaurant uses that are complimentary to and supportive of office uses are needed in this area. The amount of proposed retail square footage far exceeds a “supportive” use for the surrounding office uses. The proposed square footage (172,517 square feet)



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will draw from a much larger area than simply supporting the existing office uses in the area.

RECENT REZONINGS

No

TRAFFIC

Based on the submitted Traffic Impact Study (TIS) this proposal could generate 12,012 daily trips.

Public Works' Recommendations

Proposed PUD

CL/Proposed PUD, Peak Hour Adj. Street Traffic
AM trips = 667 PM trips = 686

See PUD proposal 94P-009U-12 for conditions that were provided by Metro Public Works following their review of the submitted Traffic Impact Study (TIS).



Project No.
Project Name

Planned Unit Development 94P-009U-12
Brentwood Properties Commercial PUD
The Shoppes of Brentwood Hills

Associated Cases

1. 2003Z-139U-12
2. 85-85-P-12

Council Bill
Council District
Requested By

None
31 – Toler
Craig Cole, GBT Realty Corporation for Brentwood Properties Limited Partnership, owner

Staff Reviewer
Staff Recommendation

Mitchell
Disapprove

APPLICANT REQUEST
Amend PUD

Request to amend the preliminary PUD plan to allow for the development of 172,517 square feet of retail anchor, retail strip shops, restaurant, and office to replace the currently approved 450,000-square foot multi-story office building and 15,000-square foot restaurant. Property is located along the north margin of Old Hickory Boulevard and along the east margin of Franklin Pike Circle, east of Interstate 65.

PLAN DETAILS
Site Plan

The preliminary master plan proposes a 124,717-square foot anchor retail store that is located to the rear (north) of the property. Extending to the west and south of the anchor store, in an L-shape, is 42,400 square feet of strip retail, including 8,000 square feet of office space. Additionally, there is one out-parcel along Old Hickory Boulevard that is proposed for 5,400 square feet of restaurant.

Associated Rezoning

This development is also associated with a rezoning request to rezone approximately 12 acres of the 14.42-acre site from OR40 to CL. The requested rezoning is inconsistent with the current Subarea 12 Plan’s Office Concentration (OC) land use policy for this area. Staff is recommending disapproval of that rezoning request.

Site Access

Access to the site is provided from Old Hickory Boulevard and Franklin Pike Circle via one ingress / egress and one ingress only point, and also from Brentwood Commons Way. A request to extend Brentwood Commons Way is also before the Commission as part of a request to revise the Brentwood Commons Commercial PUD (85-85-P-12).



Metro Planning Commission Meeting of 11/13/03

METRO PUBLIC WORKS' FINDINGS

Metro Public Works provided comments and conditions based on the submitted Traffic Impact Study (TIS). They are as follows:

1. Restripe the southbound approach of Franklin Pike Circle at its intersection with Old Hickory Blvd. The restriping of this approach shall include 12 ft wide lanes for left, through and right turning movements.
2. Modify the traffic signal at Old Hickory Blvd. and Franklin Pike Circle to provide a southbound right turn overlap phase and a southbound left turn phase that operates concurrently with the northbound left turn signal phase.
3. Provide pedestrian crosswalks, signals and pushbuttons for the north, south and east legs of the Old Hickory Blvd. and Franklin Pike Circle intersection per Metro's ADA standards. Crosswalks are to be painted with thermoplastic paint.
4. Extend the existing eastbound left turn lane on Old Hickory Blvd. at Franklin Pike Circle. This left turn lane shall include 300ft of storage. The transition for this turn lane shall be designed per AASHTO standards.
5. Construct a sidewalk along the frontage of the proposed project site on Franklin Pike Circle.
6. Provide an internal pedestrian connection between the project site and the existing Holiday Inn and MTA bus stop adjacent to this PUD. A vehicular connection at this location shall be allowed with appropriate amendment of the adjacent PUD plan.
7. Provide a northbound 12 ft wide right turn lane on Franklin Pike Circle at the main project driveway. This turn lane shall include a minimum of 100ft. of storage. A smooth driving path through the curve shall be provided. This right turn lane shall be designed per AASHTO standards. The turn lane may need to be extended to Old Hickory Blvd to accommodate a smooth driving pattern.



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8. Provide a right in/right out only 24 ft wide site access driveway off Old Hickory Blvd. without a raised concrete island. No median cut shall be allowed on Old Hickory Blvd. at this location. Construct a 12 ft wide westbound right turn lane on Old Hickory Blvd. with 100ft of storage at this intersection. The transition for this turn lane shall be designed per AASHTO standards.
9. Extend the existing eastbound left turn lane on Old Hickory Blvd. at the Brentwood Commons Drive. This left turn lane shall include 250' of storage with transition designed per AASHTO standards.
10. Modify the traffic signal at the intersection of Old Hickory Blvd. and Brentwood Commons Drive to include a southbound right turn overlap phase.
11. No traffic signal shall be installed at the access drive and Brentwood Commons unless justified by warrant analysis.
12. Provide adequate parking per Metro zoning ordinance.
13. Design southbound left turn lane on Old Franklin Pike Circle at Old Hickory Blvd. to allow a smooth driving pattern for southbound through movement traffic.
14. Provide 100ft throat at access drives in order to minimize conflict between internal site traffic and vehicles entering and exiting site.
15. Install a southbound left turn lane with 75' of storage with transition per AASHTO standards on Franklin Pike Circle at project entrance.

CONDITIONS

If this requested amendment is approved by the Planning Commission and / or the Metro Council, the Metro Public Works conditions (above) must be met.



| | |
|-----------------------------|--|
| Project No. | Subdivision 2002S-300G-14 |
| Project Name | Towering Oaks Subdivision |
| Associated Cases | None |
| Council District | 12 – Gotto |
| Requested By | Harvest Christian Fellowship, owner/developer, Batson and Associates, Inc., surveyor |
| Staff Reviewer | Fuller |
| Staff Recommendation | <i>Approve with conditions</i> |

APPLICANT REQUEST
Preliminary Plat

Subdivide 30.06 acres into a 74-lot Cluster Lot subdivision, at a proposed density of 2.46 dwelling units per acre.

This item was originally approved December 12, 2002, as a 22 acre, 54-lot cluster subdivision. This submission adds approximately 8 acres and 20 lots to the north end of the property.

ZONING
RS15 District

RS15 district, requiring a minimum lot size of 15,000 square feet and permits a maximum of 74 single-family lots on this property.

CLUSTER LOT OPTION

The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots). Proposed lots range from 7,576 sq. ft. to 17,774 sq. ft.

Applicant has justified utilizing the cluster lot option because a blueline stream, feeding into the Percy Priest Lake, crosses a significant section of the property towards the rear. In addition, the applicant is proposing that 22% of the site will be preserved as natural vegetation or open space. Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase.

Landscape Buffer Yards

The cluster lot option allows perimeter lots abutting a conventional subdivision to be reduced in size the equivalent of one zoning district with the installation of a standard “B” landscape buffer yard, or lots may be reduced in size the equivalent of two zoning districts with the installation of a standard “C” landscape buffer yard. All landscape buffer yards must be located within common



Metro Planning Commission Meeting of 11/13/03

open space. In this proposal "C" landscape buffer yards are being utilized.

SUBAREA 14 POLICY

This subdivision falls within the Subarea 14 Policy's Residential Low Medium (RLM) policy, which supports a density range of about 2 to 4 dwelling units per acre. The applicant is proposing a unit density of 2.46 units per acre.

PLAN DETAILS

The plan provides for one point of access to the subdivision off Stewart's Ferry Pike, but four additional points of access to the subdivision are provided to the north, east, and west through stub-streets to future development. This application provides an example of a grid-type layout with multiple points of connectivity.

In addition, sidewalks are proposed along both sides of all new roadways, in accordance with current Public Works standards.

PUBLIC WORKS

Approve with the following conditions:

- Use a single combination handicap ramp for 30-ft. radius curb lines. Eliminate the striped crosswalks in residential subdivisions.
- Add and label a 3-ft. pedestrian access easement on the outside of all sidewalks
- Approvals are subject to Public Works review and approval of construction plans.
- Towering Oaks needs one left and one right exit lane, each 11-ft. wide with 75-ft. of storage and an appropriate AASHTO taper.

CONDITIONS

Staff recommends conditional approval of this plat subject to the submission of a revised plat complying with all Public Works conditions and the reduction of lots from 80 to 74 to meet the RS15 zoning requirements.



Project No.

Subdivision 2003S-128G-12

Project Name

Simpson Creek

Associated Cases

None

Council District

32 – Coleman

Requested By

Floyd K. Wilkinson, Lori D. Atchley, and Judy Morgan, owners/developers, Bruce Rainey & Associates, surveyor

Staff Reviewer

Reed

Staff Recommendation

Approve with conditions

APPLICANT REQUEST

Preliminary plat

Subdivide 5 acres into a cluster lot subdivision with 18 single-family lots on the west margin of Blue Hole Road, approximately 250 feet south of West Oak Highland Drive.

ZONING

RS10 district

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

SUBDIVISION DETAILS

This subdivision consists of 18 lots centered around a cul-de-sac off of Blue Hole Road. The applicant is using the cluster lot option which allows for the reduction of minimum lot sizes two base zoning districts from the base zone designation of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 6,165 square feet to 10,868 square feet.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space-- in this case 32,672 square feet. The applicant complies with this requirement by proposing a total of 32,672 sq. ft. (15%) of open space, which equals the minimum open space acreage required.

The subdivision provides sidewalks on interior streets and along Blue Hole Road. Included as part of the open space is a 440 square foot cemetery. Prior to Planning Commission approval, a revised preliminary plat must be submitted providing a 10-foot buffer around the cemetery, as required by State Law.

Due to the topography, five lots along the western edge of the subdivision are depicted as “critical lots” with any



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plans subject to further review prior to the issuance of any building permits.

TRAFFIC ENGINEER'S FINDINGS

No exception taken.

CONDITIONS

1. Prior to Planning Commission approval of the preliminary plat, a revised preliminary plat must be submitted showing a 10-foot buffer of common open space around the cemetery, as required by Tennessee State law.

2. Prior to final plat approval, the State Archeologist must verify the location of the cemetery as shown on the final plat. If the location is different than the preliminary plat, the lots must be adjusted to provide a 10-foot buffer from the edge of the cemetery to any proposed lot and street right-of-way.



Project No.
Project Name

Subdivision 2003S-136G-12
Sugar Valley, Second Addition,
First Revision

Associated Case
Council District
Requested By

None
31 – Toler
Sugar Valley G.P., owner/developer, Anderson-Delk & Associates, Inc., surveyor

Staff Reviewer
Staff Recommendation

Leeman
Approve with conditions

APPLICANT REQUEST
Revise Preliminary Plat

A request to revise the preliminary plat and subdivide 42.99 acres into 152 single-family lots in four phases, at the terminus of Sunnywood Drive, north of Culbertson Road.

Existing Zoning
RS10 district

RS10 district requires a minimum lot size of 10,000 square feet and a maximum density of 3.7 dwelling units per acre. The zoning on this property allows a maximum of 159 single-family lots.

Zoning History

This property was rezoned to RS10 in April of 2003 (Council Bill BL2003-1325). The Planning Commission recommended approval.

Subdivision History

A preliminary subdivision plat was approved by the Planning Commission on June 12, 2003, for 134 single-family lots.

Cluster Lot Option

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

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

SUBDIVISION DETAILS

Street Connectivity

As was a condition of the zone change for the property, no access is provided to Culbertson Road. The proposed plat



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provides connections to the three existing stub streets within the Sugar Valley PUD to the north, as was planned with that PUD. This plan also provides three stub-streets to the east for future development, and one to the north.

Since the original preliminary plat was approved in June 2003, the applicant has completed a final certified boundary survey. This survey more accurately depicts the location of the Columbia Gas Line easement running through the property, which has allowed the addition of 18 lots.

Floodplain

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

Public Works Recommendation

The Public Works Department has indicated that the conditions that were made part of the zone change bill for this property will apply:

Zone Change Conditions

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



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CONDITIONS

1. Prior to the recording of a final plat, bonds must be posted to secure the satisfactory construction of public improvements, including conditions outlined in Council Bill BL2003-1325.
2. As per note #9 on the previously approved preliminary plat, 50% of the Mill Creek floodplain must remain undisturbed and in a natural state.



**Project No.
Project Name**

**Subdivision 2003S-275G-14
Maryland Commons, Resubdivision of Lot A
and Maryland Farms, 2nd Resubdivision of
Lot 2**

**Associated Cases
Council District
Requested By**

None
34 – Williams
Maryland Commons, LLC, and Andrews Property
Holding, owners, Ragan-Smith Associates, Inc., surveyor

**Staff Reviewer
Staff Recommendation**

Fuller
*Approve with conditions, including the approval of the
construction plans by Public Works prior to the Planning
Commission meeting.*

**APPLICANT REQUEST
Preliminary Plat**

Request to subdivide two lots into two lots with a new
public road, Creekside Crossing, extending from
Brentwood to Davidson County.

ZONING

OR20 district is intended for office and/or multi-family
residential units at up to 20 dwelling units per acre.

PLAN DETAILS

This request is to construct a new street between two
existing lots. The new street, Creekside Crossing, is
located on Old Hickory Boulevard directly across from
Woodward Hills Place, between Brentwood Boulevard and
Westpark Drive. This request was approved by the
Planning Commission as a concept on January 10, 2002,
with the following conditions:

- “The plat and plans submitted shall detail the
following, including but not limited to:
- a) The location, length, and width of each left-
turn lane on Old Hickory Boulevard;
 - b) The location and number of existing
Bradford Pear trees proposed for removal
within the Old Hickory Boulevard median (if
any);
 - c) All proposed striping on Old Hickory
Boulevard, Creekside Crossing, and
Maryland Way necessary for Creekside
Crossing’s signalization and the proposed
left-turn lanes;
 - d) The proposed Creekside Crossing
intersection design (lanes, turning
movements) at Old Hickory Boulevard and
Cadillac Drive;



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- e) Information concerning the type of signal to be installed;
- f) Any special signalization changes necessary along Old Hickory Boulevard, including Westpark Drive and Brentwood Boulevard;
- g) The submittal of a revised, approved, and recorded plat by the City of Brentwood for the existing Tower Center development showing a relocated access drive aligning with Creekside Crossing, a secondary access point on that same property westward along Cadillac Drive (west of the current drive), and abandonment of the current access point into the Tower Center development. (The Tower Center development refers to Site 73 on the Maryland Farms Office Park, Development Status Plan dated 12/8/00 and prepared by Ragan-Smith Associates).”

The City of Brentwood will require sidewalks on one side of Creekside Crossing. The construction plans show the sidewalk located on the western side of the right-of-way, extending from Cadillac Drive northerly to Old Hickory Boulevard. Generally, in Brentwood, since the sidewalk is a future improvement it is not shown on plats.

The applicant has addressed the conditions listed above as follows:

- Location, length, and width of each left turn lane on Old Hickory Blvd. (proposed);
Westbound approach: 11-foot width, 250-foot storage, 175-foot taper;
Southbound approach: 11-foot width, 75-foot storage, 150-foot taper;
- All proposed striping, signalization and intersection design standards on Old Hickory Boulevard and Creekside Crossing comply with Public Works requirements;
- Existing signals at Westpark Drive and Brentwood Boulevard remain unchanged;
- A site plan was submitted showing the removal of the required parking lot entrance to the south, while the original condition of approval was for its relocation. This plan meets the intent of the original condition.



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PUBLIC WORKS FINDINGS

Approval subject to final construction plans review and approval and bonding of the portions in Davidson County prior to recording of the plat.

The developer/contractor must submit plans to the Public Works Utility Section and obtain lane closure and excavation permits prior to doing any work in the existing right-of-way.

CONDITIONS

Staff recommends conditional approval of this plat subject to the submission of a revised plat including the following:

1. Add subdivision number 2003S-275G-10
2. A note stating that the Stormwater Quality Provisions will be subject to Williamson County regulations.
3. Add the note, "Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with Stormwater Management Ordinance No.78-840 and approved by the Metropolitan Department of Water Services.
4. Show sidewalk on the western portion of Creekside Crossing within Davidson County.



| | |
|-----------------------------|--|
| Project No. | Subdivision 2003S-249G-14 |
| Project Name | Brandywine Farms |
| Associated Cases | None |
| Council District | 11 – Brown |
| Requested By | Herman Brown and Susan Owen, et al., owners, Dale & Associates, surveyor |
| Staff Reviewer | Reed |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

A request for final plat approval to remove the reserve status on one lot abutting the terminus of Cherry Branch Lane, approximately 675 feet west of Willowbough Lane (1.09 acres).

ZONING

RS30 District

RS30 district requires a minimum 30,000 square foot lot and is intended for single-family dwellings at a density of 1.23 dwelling units per acre. The proposed buildable lot is approximately 47,319 square feet.

SUBDIVISION DETAILS

This lot was classified as a reserve lot because of lack of access to sewerage. That lack of access has been resolved through accessing the public sewer in the adjoining subdivision, Brandywine Harbor, through public utility and drainage easements, to Harbor Cove Drive. Metro Water Services recommends approval.

**PUBLIC WORKS
COMMENTS**

No exception taken.



Project No.
Project Name

Subdivision 2003S-278U-10
Glenn Monroe Property,
Resubdivision of Reserve Parcel

Associated Cases
Council District
Requested By

None
18 – Hausser
Galen Lenhart, owner, Campbell, McRae and Associates, Inc., surveyor

Staff Reviewer
Staff Recommendation

Scott
Approve with conditions.

APPLICANT REQUEST

Final Plat

Create lot from an existing reserve parcel at 32nd Avenue South near Overlook Drive (0.4 acres), classified within the R8 District.

ZONING

R8 District

R8 district, requiring a minimum lot size of 8,000 square feet and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS

This request is consistent with the existing zoning of the property. The original plat, recorded June 17, 1971, states, “Reserved – not to be used as a building site until approved by the Metropolitan Planning Commission.” There is no other reason listed on the plat explaining why this parcel was reserved.

The Stormwater Management Committee has granted an appeal to allow the grading permit to be obtained after recordation of this plat and not to require Stormwater detention for this lot.

TRAFFIC ENGINEER’S FINDINGS

No exception taken.

CONDITIONS

Staff recommends conditional approval of this preliminary plat, subject to the following conditions:

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Water Services approval is required prior to plat recordation.



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Item # 32

Project Name
Associated Case
Council Bill
Council District
Requested By

Project No. Planned Unit
Development 135-78-G-14
Sullivan Commercial Center PUD
None
None
12 – Gotto
Dale & Associates, applicant, for Jim Stevens Realty and Auction, owner

Staff Reviewer
Staff Recommendation

Mitchell
Approve with conditions.

APPLICANT REQUEST
Revise Preliminary & Final

Request to revise the preliminary PUD plan and for final PUD approval for the Sullivan Commercial Center PUD to allow for the development of a 1,992-square foot oil change facility. The property is located between Andrew Jackson Parkway (Chandler Road) and Andrew Jackson Way, approximately 550 feet north of Old Hickory Boulevard.

PLAN DETAILS
History

This PUD was originally approved by the Metro Council in 1978 as a commercial PUD. Since there is no plan on file for this Commercial PUD, the uses allowed under the Commercial PUD provisions in COMZO are used as the allowable uses along with the current base zoning. This PUD has a base zoning of CL (Commercial Limited), which allows for the development of an oil change facility under the automotive service definition, and was allowed in a Commercial PUD at the time of the adoption of this PUD.

Proposed Plan

The submitted plan proposes a quick-change oil facility that is to be located in the northwest corner of the property along Andrew Jackson Parkway (Chandler Road). Access to the site will be via a previously-platted private access easement that travels across the property to Andrew Jackson Way. There is no direct access to Andrew Jackson Parkway (Chandler Road).

METRO PUBLIC WORK'S
COMMENTS

Public Works provided two comments on the sidewalk that is to be reconstructed along Andrew Jackson Parkway. Both of those comments have been addressed per Public Works' requests.



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CONDITIONS

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



Project No.
Project Name

Planned Unit Development 36-76-G-14
Belle Acres Residential PUD
(Section 2, Phase 3)

Associated Case
Council Bill
Council District
Requested By

None
None
14 – White
Dale & Associates, applicant, for David Taylor, owner

Staff Reviewer
Staff Recommendation

Mitchell
Approve with conditions

APPLICANT REQUEST
Final PUD

Request for final PUD approval to allow for the development of 34 townhomes on a 7.5-acre portion of a 34.2-acre multi-family PUD. The property is located along the east side of Lebanon Pike and south of Mill Creek – just across the creek from the proposed marina facility.

PLAN DETAILS
History

Section 2 of the preliminary PUD plan was revised in June 2001 to allow a total of 135 townhomes to be constructed in three phases. The 2001 revision also established the 75-foot conservation easement for the future Mill Creek Greenway Trail and proposed an emergency access gate on the south side of the site at Lynmeade Drive.

The most recent change to the PUD plan was a revision to Section 2 of the preliminary plan, approved by the Planning Commission on June 26, 2003. The June 2003 revision allowed for the addition of 74 townhouse units, which brought the total number of units for phase 2 up to 209. The original Council approved PUD plan allowed for 303 units for phase 2.

Proposed Plan

The submitted plan proposes 34 townhouse units located along a single spine road accessed from section 2, phase 2, with a landscaped cul-de-sac at the end of the private drive. This phase of section 2 is the beginning of the Mill Creek Greenway Trail, which will extend from the western property line, adjacent to this proposal, to the bridge at Lebanon Pike. The greenway trail will also connect to the proposed marina on the north side by way of a new pedestrian bridge proposed by the marina development. This plan, as submitted, is consistent with the most recently revised preliminary plan.



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METRO PUBLIC WORK'S COMMENTS

No exception taken

CONDITIONS

1. The final plat for section 2 of the Belle Acres development shall be platted delineating and noting the 75-foot Dedicated Conservation / Greenway Public Access Trail Easement Area.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.



Project No.
Project Name
Associated Cases

Planned Unit Development 85-85-P-12
Brentwood Commons Commercial PUD

- 1. 94P-009U-12
- 2. 2003Z-139U-12

Council Bill
Council District
Requested By

None
31 – Toler
Craig Cole, GBT Realty Corporation for Brentwood Properties Limited Partnership, owner

Staff Reviewer
Staff Recommendation

Mitchell
Approve with conditions

APPLICANT REQUEST
Revise Preliminary PUD

Request to revise the preliminary PUD plan to allow for the extension of Brentwood Commons Way, a permanent cul-de-sac that extends north off Old Hickory Boulevard, west of the American General facility, so as to provide an additional point of connectivity between the Brentwood Properties PUD, Brentwood Commons PUD, and Old Hickory Boulevard. This proposal also includes the installation of a new traffic signal at the end of this cul-de-sac where the adjacent PUD is proposed to connect.

PLAN DETAILS

The proposed revision extends Brentwood Commons Way to the north and west to allow for an additional point of ingress and egress to the adjacent PUD. Staff recommends approval of the requested revision since it furthers the intent of the recent Subdivision Regulations update, which emphasizes connectivity. This connection would assist in easing traffic impacts on Franklin Pike Circle, regardless of what ultimately is constructed on the Brentwood Properties PUD (94P-009U-12). The Brentwood Properties PUD is on this same agenda for a PUD amendment to allow for the development of 172,000 square feet of retail, restaurant, and office.

**METRO PUBLIC WORKS’
FINDINGS**

“We have been unable to identify any previous conditions that would disallow the road connection with the adjacent Brentwood Hills PUD. We will approve a connection between these two sites. We will not approve the traffic signal without warrant analysis documentation justifying the signal installation.”



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CONDITIONS

1. A new traffic signal shall not be installed at this new intersection unless and until a traffic signal analysis has been completed and approved by Metro Public Works.



Project No.
Project Name
Associated Case
Council Bill
Council District
Requested By

Planned Unit Development 102-86-P-06
Riverside Residential PUD
None
None
35 – Tygard
Walter Davidson and Associates, applicant, for Rochford Construction Company, owner

Staff Reviewer
Staff Recommendation

Mitchell
Approve with conditions

APPLICANT REQUEST
Amend Preliminary

Request to amend the preliminary master plan for the Riverside Residential PUD to allow for the addition of 10 residential lots, bringing the total number of lots from 254 to 264. The property is located south of New Morton Mill Road and west of Old Harding Pike.

ZONING
RS20

RS20 district requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

PLAN DETAILS

The proposed plan includes the addition of 10 single-family lots to the last portion of developable land, which will be Phase 7. The most recently amended plan was adopted by Metro Council on August 4, 1992. That amended plan added 11 acres to the PUD plan. On that plan, seven lots and a very small cul-de-sac were proposed where the current expansion is proposed. The Frank H. Carter tract, which has always been in the PUD as one lot, will now be used to extend the dead-end street and provide for the addition of three lots.

The site design of the proposed plan does not propose significant changes from the currently approved plan. The proposed plan simply extends the previously approved shorter cul-de-sac. Stormwater management will be handled via a storm-pipe system that will drain to the existing lake.

With the addition of 10 lots, the applicant is proposing to incorporate an existing lot, directly across the street from this new street and adjacent to the existing playground, back into common open space.



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FINDINGS

No exception taken, subject to construction plan approval at the final PUD stage.

CONDITIONS

1. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.



| | |
|-----------------------------|--|
| Project No. | Planned Unit Development 88P-068U-13 |
| Project Name | Nashboro Square Commercial PUD – Lot E |
| Associated Case | None |
| Council Bill | None |
| Council District | 29 – Wilhoite |
| Requested By | Palmer Engineering, applicant, for Robert Trent, owner |
| Staff Reviewer | Mitchell |
| Staff Recommendation | <i>Approve with conditions</i> |

APPLICANT REQUEST
Revise Preliminary & Final PUD

Request to revise the preliminary plan and for final PUD approval for Lot E of the Nashboro Square Commercial PUD to allow for the development of a 7,000-square foot AutoZone retail store. The property is located at the northeast corner of Murfreesboro Pike and Brooksboro Place.

PLAN DETAILS

History

The applicant is proposing to construct a 7,000-square foot retail facility where a 5,000-square foot restaurant or bank could have been constructed, per the approved master plan. Although the base zoning is R10, the proposed retail use is consistent with the approved master plan, which had retail on other parts of the plan. Therefore, an amendment of the PUD before Metro Council is not required at this time.

Proposed Plan

The site design, including building layout and driveway locations, of the proposed plan is essentially identical to the currently approved plan. The proposed plan accounts for the required parking and shifts the north ingress/egress point to the west to align with the existing retail facility across the private access drive. The subject site originally had the north ingress/egress point aligned with the Lot A access drive, but that site has yet to be developed.

METRO PUBLIC WORK'S FINDINGS

Metro Public Works staff requested that the north ingress/egress point be shifted back to the previously approved location.

As of November 7, 2003, the applicant has revised the plan to relocate the north point of ingress/egress to the currently approved location as requested by Public Works. Accordingly, Public Works has accepted the revised traffic layout for the project.



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CONDITIONS

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



Project No.
Project Name

Planned Unit Development 94P-025G-06
Highway 70S Joint Venture
(Residential Portion)

Associated Case
Council Bill
Council District
Requested By

None
None
22 – Crafton
Mulderrig Realty, applicant, for Sandra Singletary, Claudia C. Patterson and Alisa Steverson, Ralph and Evelyn Ferrell, Thomas Hewitt, Jr., and Michael Carvalho, owners

Staff Reviewer
Staff Recommendation

Mitchell
Approve if all four properties are rezoned to the original R8 zoning concurrent with adoption of the PUD cancellation; otherwise, disapprove.

NOTE: The applicant has requested indefinite deferral of this item.

APPLICANT REQUEST
Cancel PUD

Cancel the residential portion of the Highway 70S Joint Venture / Bellevue Commercial PUD that was approved by the Metro Council in 1994, for general office, medical office, and multi-family housing, located along the south margin of Highway 70S, approximately 500 feet east of Sawyer Brown Road.

DETAILS OF REQUEST
PUD History

The most recent major revision to the preliminary PUD plan split the PUD into a commercial portion and a residential portion. The commercial center portion, located in the southeast corner of Sawyer Brown Road and Highway 70S, was approved for 20,000 square feet of general office and medical office with joint access and limited access to Sawyer Brown Road and Highway 70S. The residential portion was approved for 104 multi-family units with two points of access to Highway 70S. Most recently, the commercial portion of the PUD (Bellevue Commercial Center) was revised to allow for the development of a bank on parcel 252. This revision did not affect the previously approved medical office or the residential multi-family section.

Zoning History

The residential PUD area was originally zoned R8 (single-family & duplex) prior to the adoption of the PUD overlay. It had been R8 since 1974. Following the adoption of the



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PUD, the four properties were rezoned to RM8 (single-family, duplex, and multi-family) to bring the base zoning to a more conforming zone district with the approved multi-family units. In 1998, with the county-wide rezonings, the RM8 zone district was abolished and the four properties were again rezoned to the current base zoning of RM20, which allows up to twenty residential units per acre.

Zoning/Subarea History

In January 1995, the Metro Council approved a zone change from R8 to RM8 and approved the existing PUD on this property. The RM8 district allowed multi-family development with approximately 20 dwelling units per acre. The 1996, Subarea 6 Plan included Residential Medium High (RMH) policy on this property in recognition of the existing RM8 zoning and PUD. The RM8 zoning was changed to RM20 with the overall zoning update in 1998. The PUD was intended to act as a permanent transitional area between the more intensive commercial uses west of Sawyer Brown Road and the existing residential east of Sawyer Brown Road.

Staff Recommendation

Since the RMH policy was applied in recognition of the existing zoning and PUD and because the existing zoning was only approved in association with the PUD, staff only recommends approval of this PUD cancellation request if the applicant(s) make a request to rezone their four properties to the original R8 zoning district. This zoning would not only return the property to its original classification prior to 1994. The 2003, plan kept the RMH (Residential Medium-High) policy, which supports a density of 9 to 20 dwelling units per acre.



| | |
|-----------------------------|--|
| Project No. | Planned Unit Development 98P-007U-12 |
| Project Name | Seven Springs PUD, Lot 2 |
| Associated Case | None |
| Council Bill | None |
| Council District | 31 – Toler |
| Requested By | Ragan-Smith and Associates, applicant, for Seven Springs Associates, owner |
| Staff Reviewer | Mitchell |
| Staff Recommendation | <i>Approve with conditions</i> |

APPLICANT REQUEST

Final PUD

Permit the development of a 19,250-square foot office building on Lot 2. Lot 2 is a 1.45-acre portion of the 42.2-acre section, of the Seven Springs Planned Unit Development, located along the north margin of Old Hickory Boulevard and across from the north terminus of Cloverland Drive.

PUD / PLAN DETAILS

History

On March 24, 1999, the Metro Council approved the preliminary PUD plan proposing an office subdivision consisting of 1,029,000 square feet of office, assisted living, and independent living facilities.

On October 26, 2000, the first phase received final PUD approval by the Planning Commission. This final approval allowed for the development of the existing 5-story office building on parcel 243.

Proposed Plan

The Lot 2 (Realtracs) plan proposes a 19,250-square foot building that is centrally located on lot 2 of the PUD, at the northeast corner of the intersection of Old Hickory Boulevard and Seven Springs Way / Cloverland Drive. Access to the site will be provided via two points of ingress / egress that are located on the north end of the site off of an internal private drive. The proposed plan is consistent with the Council approved preliminary PUD plan.

METRO PUBLIC WORK'S COMMENTS

A condition of approval of the October 26, 2000, revision to preliminary and final approval was that the developer submit a letter of commitment to the Department of Public Works indicating a commitment to provide \$70,000 for certain roadway improvements to Cloverland Drive. The



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developer successfully complied with this requirement by establishing a \$70,000 bond with the Planning Department and Metro Public Works. This transaction was confirmed by the official acceptance of the funds per ordinance no. BL2001-589.

Public Works further noted that their recommendation of approval was subject to meeting all previous conditions from prior phases.

CONDITIONS

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



Project No.
Project Name

Planned Unit Development 2003P-015U-05
“Res-E” Residential PUD

Sam Levy Homes

Associated Case
Council Bill
Council District
Requested By

None
None
5 – Murray
Metropolitan Housing and Development Authority (MDHA), owner

Staff Reviewer
Staff Recommendation

Mitchell
Approve

APPLICANT REQUEST

Cancel PUD

Cancel a portion of the “Res-E” Residential PUD that was approved with 480 multi-family units, located east of Spring Court, and south of Marina Street.

DETAILS OF REQUEST

History

The current PUD contains 480 public housing units. There were a number of “Res-E” Residential PUDs adopted by the Metro Council in 1974 to recognize existing public housing developments and the existing Res. E zoning that was put in place prior to COMZO to recognize public housing developments. There was never a master plan adopted with these public housing PUDs. With the Zoning Map updates over the years, the base zoning has been updated for most of the Res-E PUDs

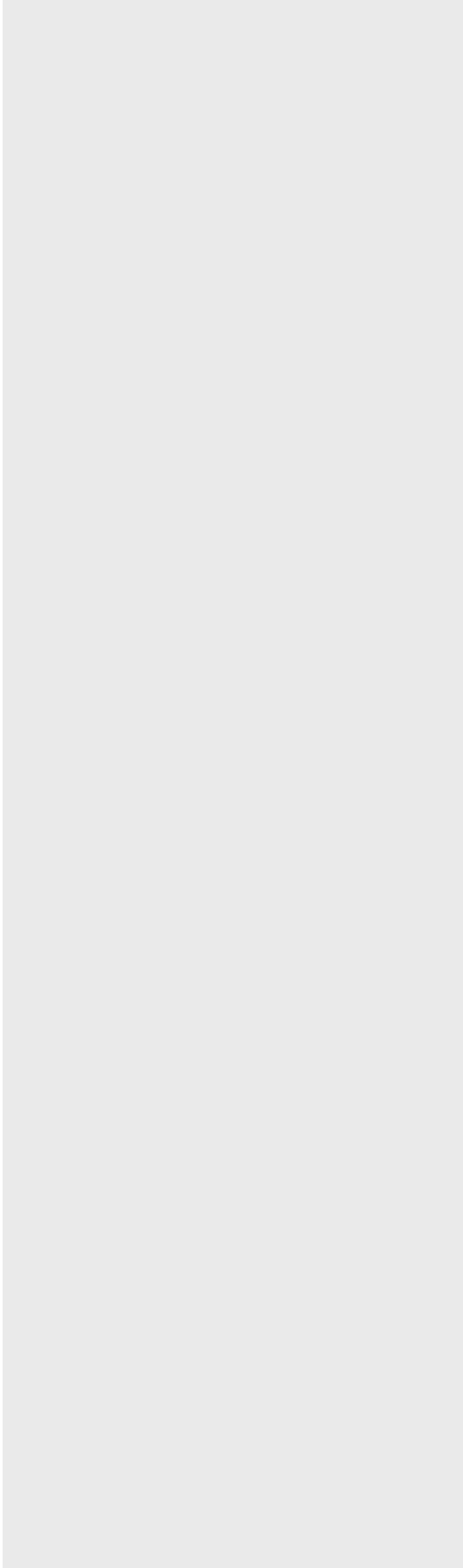
Proposed Plan

The applicant, Metropolitan Development & Housing Agency (MDHA), is requesting to cancel the portion of the PUD owned by MDHA because they plan to rehabilitate and redevelop the Sam Levy Homes site with updated housing units. The PUD creation appears to have been done to recognize the “Res-E” Zoning already in place. Cancellation of this PUD, therefore, will not have a negative effect on the surrounding community, and will enable MDHA to more efficiently redevelop this site.

If ultimately approved by Metro Council, two large portions of this PUD will remain in place on both sides of this site. On the west side, adjacent to the interstate and south of Hancock Street, is a large section of the “Res-E” PUD that is currently owned by a private company, along with individually owned properties. On the east side, the PUD crosses Ellington Parkway and wraps completely around the Fred Douglas Park. This eastern portion of the PUD primarily contains individually owned properties.



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Project No.
Project Name

Planned Unit Development 2003P-016U-08
Home Plate Sports Bar PUD
(Beer License Distance Exemption PUD)

Associated Case
Council Bill
Council District
Requested By

None
None
19 – Wallace
Dodson, Parker, Dinkins and Behm, P.C., applicant, for Penny Graham, owner

Staff Reviewer
Staff Recommendation

Mitchell
Approve

APPLICANT REQUEST
Preliminary & Final PUD

Request for preliminary and final PUD approval to allow for a distance exemption from the beer licensure requirements for a proposed restaurant that is to be located at 1928 9th Avenue North. The property is located at the southeast corner of 9th Avenue North and Clay Street.

Reason for Request

Per Metro Ordinance BL2003-1353, restaurants that have already obtained a license from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption will be exempted from the minimum distance requirements for the issuance of beer permits if a commercial PUD is established over the subject property.

EXISTING ZONING
CS district

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

Although a restaurant / bar is a permitted use by right within the CS district, the intent of this PUD is to provide the Metro Council the ability to decide whether they, as the Council body, believe that an applicant will be exempt from the distance requirements from certain uses as required in order to obtain a license to sell beer on premise.

PLAN DETAILS

The plan proposes the renovation of an existing 2,915-square foot building that will fronts both Clay Street as well as 9th Avenue North. All parking is proposed to the



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rear and side of the building with access off of 9th Avenue North.

METRO PUBLIC WORKS' FINDINGS

No Exceptions Taken

RECOMMENDATION

Staff recommends approval of the request to establish a commercial PUD over the property which is currently zoned CS district. This property is located within Subarea 8 and is designated as Mixed Use in Neighborhood Center under the Detailed Land Use Plan. The Neighborhood Center land use policy supports a mix of uses ranging from residential to light commercial and calls for preserving the existing urban character by providing for a mix of residentially-supportive uses. As stated in the Jones / Buena Vista Detailed Neighborhood Design Plan, "Clay Street and 9th Avenue North, with its location along two civic/open space connectors, should develop as a Neighborhood Center as development pressures warrant. Several opportunities for small mixed-use buildings exist at this intersection."

CONDITIONS

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.



Project No.
Project Name

Planned Unit Development 2003P-018U-05
Beyond The Edge PUD
(Beer License Distance Exemption PUD)

Associated Case
Council Bill
Council District
Requested By

None
None
6 – Jameson
Matthre Charette, Beyond the Edge, for Charles and Suzanne Noble, owners

Staff Reviewer
Staff Recommendation

Mitchell
Approve

APPLICANT REQUEST
Preliminary & Final PUD

Request for preliminary and final PUD approval to allow for a distance exemption from the beer licensure requirements for a restaurant located at 112 South 11th Street. The property is located mid-block along the west margin of South 11th Street.

Reason for Request

Per Metro Ordinance BL2003-1353, restaurants that have already obtained a license from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption will be exempted from the minimum distance requirements for the issuance of beer permits if a commercial PUD is established over the subject property.

EXISTING ZONING
CS district

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

Although a restaurant / bar is a permitted use by right within the CS district, the intent of this PUD is to provide the Metro Council the ability to decide whether they, as the Council body, believe that an applicant will be exempt from the distance requirements from certain uses as required in order to obtain a license to sell beer on premise.

PLAN DETAILS

The plan shows the utilization of an existing 1,800-square foot building that fronts South 11th Street. All parking is located to the north (side) of the building on two adjacent parcels.



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METRO PUBLIC WORKS' FINDINGS

No Exceptions Taken

RECOMMENDATION

Staff recommends approval of the request to establish a commercial PUD over the property, which is currently zoned CS district. This property is located within Subarea 5 and is designated as Mixed Use land use policy. The mixed-use land use policy supports a mix of uses ranging from residential to light commercial and calls for preserving the existing urban character by providing for a mix of residentially supportive uses.

CONDITIONS

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.



Project No.
Project Name

Mandatory Referral 2003M-116U-14
Name Alley #2090 and Part of Alley #2089 to
“Spring Valley Lane”

Council Bill
Council District
Requested By

None
15 – Loring
Metro Public Works

Staff Reviewer
Staff Recommendation

Scott
Approve

APPLICANT REQUEST

A request to name alley # 2090 and part of alley # 2089, between Spring Valley Road and Alley # 2090 to "Spring Valley Lane," requested by Public Works on behalf of Councilmember J. B. Loring.

DEPARTMENT AND AGENCY COMMENTS

The applicant has requested that these alleys be officially named “Spring Valley Lane.” This will allow homes located along these alleys to place mailboxes in front of their homes instead of on Spring Valley Road.

Staff recommends approval of the requested naming.

Public Works also recommends approval of this change.

Notices were sent to all property owners that directly abut the affected portion of roadway.



| | |
|-----------------------------|---|
| Project No. | Mandatory Referral 2003M-117U-08 |
| Project Name | Awning Encroachment at 1200 5th Avenue North |
| Council Bill | None |
| Council District | 19 – Wallace |
| Requested By | Empire Sign Systems for Germantown Café |
| Staff Reviewer | Scott |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

A request for awning encroachment located at 1200 5th Avenue North, at the northeast corner of 5th Avenue North and Madison Avenue, requested by Empire Sign Systems for Germantown Café.

APPLICATION REQUIREMENTS

| | |
|--|---|
| License to Encroach Agreement | Yes, one was submitted |
| Insurance Certificate | Yes, one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 for aggregate coverage. |
| Property Owner Sign Application | No |
| Tenant Sign Application | Yes |

DEPARTMENT AND AGENCY COMMENTS

| | |
|---------------------|--|
| Planning | This request is for the installation of six canvas awnings on aluminum frames with silk screened logos. The awnings will project 30 inches from the building and have a total length of 60.5 feet. |
| Public Works | This item is recommended for approval by Metro Public Works. |



Project No. Mandatory Referral 2003M-118U-09
Project Name Lease Agreement
Council Bill None
Council District 5 – Murray
Requested By Metro Department of Finance

Staff Reviewer Reed
Staff Recommendation *Approve*

APPLICANT REQUEST

This is a request by the Department of Public Property Administration to enter into a lease agreement and leasehold improvements agreement with W.S. Investment Holdings, L.P., and Square Investment Holdings, L.P. for 40,097 square feet of office space for the use of the Office of the District Attorney General, the Office of Economic Development, and the Sports Authority located in the Washington Square Building, 222 2nd Avenue North.

DEPARTMENT AND AGENCY COMMENTS

No responding departments or agencies take exception.

RECOMMENDATION

The following departments or agencies have reviewed this request and recommended approval: Historical Commission, Emergency Communications Center, and NES.

Click [HERE](#) to view image.



| | |
|-----------------------------|--|
| Project No. | Mandatory Referral 2003M-121U-00 |
| Project Name | Adoption of 2003 Official Street & Alley Maps |
| Council Bill | None |
| Council District | All |
| Requested By | Metro Public Works |
| Staff Reviewer | Scott |
| Staff Recommendation | <i>Approve</i> |

APPLICANT REQUEST

An ordinance to adopt the Metropolitan Government of Nashville and Davidson County Official Street and Alley Map, requested by the Director of Metro Public Works.

The attached list represents all roads that have been accepted for maintenance by the Department of Public Works over approximately the past year. The Metro Code requires that all roads be accepted by the Metro Council for dedication and added to the official streets and alley map. Right-of-ways accepted by subdivision plat are not included in this list until they have been accepted for maintenance by Public Works.

APPLICATION REQUIREMENTS

None

DEPARTMENT AND AGENCY COMMENTS

All reviewing departments and agencies recommend approval.

**STREETS ACCEPTED BY PUBLIC WORKS AND
ADDED TO THE OFFICIAL MAP FROM OCT
2002 THRU SEPT 2003 SINCE PASSAGE OF
COUNCIL BILL #2002-1248**

| <i>COUNCIL DISTRICT</i> | <i>STREET</i> | <i>MAP NO</i> | <i>DATE ACCEPTED BY PUBLIC WORKS</i> | <i>SUBDIVISION</i> |
|--------------------------------|----------------------|----------------------|---|---------------------------|
| 12 | BROODSIDE WOODS BV | 75-12 | 3/13/200 | BROOKSIDE WOODS |
| 12 | CASEY PL | 75-12 | 3/13/200 | BROOKSIDE WOODS |
| 12 | GREER STATION DR | 75-12 | 9/30/200 | GREEN MEADOWS @ CEDAR |
| 12 | PENN MEADE WY | 52-13 | 9/12/200 | RIVER GLEN |
| 13 | FRONTIER LN | 172-10 | 7/11/200 | CHRISTIANSTED VALLEY |
| 13 | CHRISTIANSTED LN | 172-10 | 7/11/200 | CHRISTIANSTED VALLEY |
| 13 | OSPREY CT | 172-10 | 7/11/200 | CHRISTIANSTED VALLEY |
| 13 | PALOMAR CT | 172-10 | 7/11/200 | CHRISTIANSTED VALLEY |
| 14 | WHITE PINE DR | 108-4 | 1/31/200 | WHITE PINE ESTATES |



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COUNCIL

| <i>DISTRICT</i> | <i>STREET</i> | <i>MAP NO</i> | DATE ACCEPTED BY | <i>SUBDIVISION</i> |
|------------------------|----------------------|----------------------|-------------------------|---------------------------|
| | | | PUBLIC WORKS | |
| 14 | JAMES KAY LN | 86 | | CIB #72PW216 |
| 14 | WHITE PINE CT | 108-4 | 1/31/200 | WHITE PINE ESTATES |
| 15 | J B ESTILLE DR | 96-1 | | COUNCIL BILL #2003-1427 |
| 15 | HARRELL CT | 85-1 | 1/31/200 | HEARTLAND |
| 15 | OWSLEY CT | 85-1 | 1/31/200 | HEARTLAND |
| 15 | STEELE CT | 85-1 | 1/31/200 | HEARTLAND |
| 19 | LIFEWAY PZ | 93-5-4 | 11/7/200 | LEFEWAY CHRISTIAN |
| 21 | ROBINSON RD | 44-14 | 3/13/200 | HOPKINS/ROBINSON |
| 21 | MARTINGALE RD | 44-14 | 3/13/200 | HOPKINS/ROBINSON |
| 26 | RECOVERY RD | 147-4 | 10/3/200 | WALLACE ROAD SUBD |
| 27 | HARBOR LIGHTS DR | 136-5 | 1/31/200 | BAYVIEW ESTATES |
| 27 | WAVERUNNER CT W | 136-13 | 7/14/200 | WATERSVIEW SUBD |
| 27 | WATERSVIEW DR | 136-13 | 7/14/200 | WATERSVIEW SUBD |
| 27 | WAVERUNNER CT E | 136-13 | 7/14/200 | WATERSVIEW SUBD |
| 27 | WAVERUNNER DR | 136-13 | 7/14/200 | WATERSVIEW SUBD |
| 27 | TINNEY PL | 136-5 | 1/31/200 | BAYVIEW ESTATES |
| 27 | TINNEY PL | 136-5 | 1/31/200 | BAYVIEW ESTATES |
| 30 | MARY ANTON CT | 148-10 | 10/8/200 | ANTON PLACE |
| 30 | ANTON DR | 148-10 | 10/8/200 | ANTON PLACE |
| 30 | ANTON CT | 148-10 | 10/8/200 | ANTON PLACE |
| 31 | RIDGEFALLS WY | 173 | 3/19/200 | OAK HIGHLANDS |
| 31 | AARON DR | 173 | 3/19/200 | OAK HIGHLANDS |
| 31 | BAYRIDGE CT | 173 | 3/19/200 | OAK HIGHLANDS |
| 31 | COPPER RIDGE TL | 173 | 3/19/200 | OAK HIGHLANDS |
| 31 | CANOE RIDGE PT | 173 | 3/19/200 | OAK HIGHLANDS |
| 35 | BELLAFONTE CT | 155-16 | 3/19/200 | TRACESIDE |
| 35 | HOLLY TRACE WY | 155-16 | 3/19/200 | TRACESIDE |
| 35 | TIMBER GAP DR | 155-16 | 3/19/200 | TRACESIDE |
| 35 | TRACE RIDGE LN | 155-16 | 3/19/200 | TRACESIDE |
| 35 | HOLLY TRACE CT | 155-16 | 3/19/200 | TRACESIDE |
| 35 | DEER ESTATES DR | 155-16 | 3/19/200 | TRACESIDE |
| 35 | CORNERSTONE CT | 155-16 | 3/19/200 | TRACESIDE |
| 35 | MEADOW RIDGE CR | 155-16 | 3/19/200 | TRACESIDE |
| 35 | SETTLERS WY | 126-15 | 7/29/200 | BOONE TRACE AT BILTMORE |
| 35 | EXPLORER TL | 126-15 | 7/29/200 | BOONE TRACE AT BILTMORE |
| 35 | CANYON CT | 126-15 | 7/29/200 | BOONE TRACE AT BILTMORE |
| 35 | BUTTERCUP DR | 155-16 | 3/19/200 | TRACESIDE |



Item: Request for Rehearing of Items
2003S-144G-13 and 2003S-063G-013
Council District: 32 – Coleman
Staff Reviewer: Kleinfelter
Staff Recommendation: Disapprove

REQUEST
That the Commission rehear subdivision requests 2003S-114G-13 and 2003S-063G-13. These items were considered by the Commission on September 25, 2003. The request does not indicate that the applicant wishes for the Commission to reconsider its decision to approve these items, but only that a rehearing be granted.

Background
At the September 25, 2003, Commission meeting, Mr. Albert Bender requested that the items in question be removed from the Consent Agenda. When the items later came up on the agenda, Mr. Bender was no longer present. Accordingly, the Commission placed the items back on the Consent Agenda and approved them without discussion.

Discussion
Mr. Bender’s letter requesting rehearing has been delivered to the Commission along with this staff report. In his request, Mr. Bender raises several issues, each of which is discussed below.

Issue #1. Notices given to wrong council members: Mr. Bender contends that a rehearing should be granted because notice of the hearing for the two items was given to the incorrect District Councilmembers.

Response to Issue #1. Staff acknowledges that the public notices for these items were sent to the incorrect Councilmembers. Commission Rule VII H. 4. requires that notice be provided to, among others, the district Councilmember. The proposed subdivisions are located in Council District 32. Mr. Sam Coleman was elected to represent District 32 on September 11, 2003.

Councilmember Coleman received actual notice of the hearing when he was contacted by phone and advised by staff of the hearing. Mr. Coleman met in person with staff on the day before to the September 25 meeting and was given copies of the staff reports. Finally, Mr. Coleman was present at the September 25 Commission meeting as



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the items were announced and spoke with the developer at the meeting.

Issue #2. Councilmember Wilhoite's request for deferral. Mr. Bender notes that Councilmember Wilhoite requested that the applications be deferred since she had been notified and had received calls from citizens. He also states that he and another citizen "thought that the bills were continued."

Response to Issue #2. The applicant declined to agree to the request to defer because the applications had been in the review process for quite some time pending a recommendation from Public Works. Hamilton Chase, 2003S-063G-13, was submitted on February 6, 2003 and Lakewalk, 2003S-144G-13, was submitted on May 13, 2003. At no time did the Commission vote to defer the items. With respect to subdivisions, the Commission's Rules require either that the applicant agree to deferral or the Planning Commission must find the plat incomplete. Neither element was present in this case.

Issue #3. Adjournment of the meeting. Mr. Bender states that, a citizen "heard it announced that the meeting was adjourned at 4:50 p.m. and left the building."

Response to Issue #3. According to the minutes of the September 25, 2003, Commission meeting, the meeting was adjourned at 6:38 p.m., not 4:50 p.m.

Issue #4. Lack of changed conditions or new information. Rule VIII B. of the Commission's rules states that a request to rehear an item "must state what conditions have changed or what new information is available that may serve as cause for rehearing." Mr. Bender admits that there are no changed conditions or new information to support his request for rehearing. He states, however, that because of "profuse confusion," the requirements of Rule VIII B. should not apply.

Response to Issue #4. There is no evidence that anyone other than Mr. Bender was confused about the Commission's proceedings on September 25, 2003. When the Consent Agenda was announced, Mr. Bender requested that the items be removed from it and his request was honored. When the items came up in the normal course of the agenda as the 11th and 12th items, staff informed the



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Commission that the citizen who had requested the items to be removed from the Consent Agenda (Mr. Bender) was no longer present at the meeting. Vice-Chairman Small asked if there was anyone in the audience concerned with the items. Councilmember Coleman announced that he had spoken with staff and the developer and had no objections. The items were placed back on the consent agenda and unanimously approved.

Conclusion

State law requires only that notice of the Commission's public hearing be provided to the owner of property that is to be subdivided. The Commission's rules, however, do require notice of a public hearing for a subdivision to owners of property that abuts or is opposite the proposed subdivision, area "representative groups," and the district Councilmember. Notices were sent to all people required by the rules, except that because of errors in the Planning Department's database immediately following the September 11 Metro Council elections, the notice was sent to the incorrect Councilmembers. Councilmember Coleman, who does represent the area, was notified by staff of the hearing and even met with staff in the Department offices the day before the public hearing to discuss the cases. As stated above, Councilmember Coleman was present at the Commission meeting and voiced no objection to the Commission approving the two subdivisions.

There does not appear to be any change in conditions or new evidence as required by the Commission's rules. Further, Rule VIII B. allows "an aggrieved party" to request a rehearing. Mr. Bender does not state that he was harmed in any way by the Commission's decision, or even that the decision was improper. Because Mr. Bender has not suffered a distinct injury from the Commission's decision, he is not authorized by the Commission's rules to request a rehearing.

Staff recommends that the Commission deny the request to rehear these items.

