

## 1. Zone Change Proposal 2000Z-090U-12

Staff recommends *conditional approval* subject to necessary road improvements.

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

This request was originally scheduled for the August 31, 2000, Commission meeting, but the applicant requested to defer indefinitely. The request is to change 3.75 acres from R40 (residential) to RM4 (residential) district at 5606 Cloverland Drive and 659 and 675 Old Hickory Boulevard, at the intersection of Cloverland Drive and Old Hickory Boulevard. The existing R40 district is intended for residential single-family and duplexes at 1 dwelling unit per acre. The proposed RM4 district is intended for single-family, duplex, and multi-family dwellings at 4 units per acre. With RM4 zoning, up to 15 dwelling units could be constructed versus 4 dwelling units under the current R40 zoning.

Staff recommends approval of the RM4 zoning since it is consistent with the Subarea 12 Plan's Residential Medium (RM) policy, which calls for 4 to 9 dwelling units per acre. While RM policy permits up to a maximum of 9 units per acre, the Subarea 12 Plan indicates that no more than 6 units per acre should be permitted in this policy area. At the October 11, 2001 Commission meeting the Commission approved a zone change for the properties on the opposite side of Cloverland Drive. That zone change was from R40 to RM4 district (2001Z-103U-12).

### *Traffic*

The Metro Traffic Engineer has indicated that a 12 foot dedication of right-of-way along Cloverland Drive is required. The developer of the Seven Springs Commercial PUD will complete the improvement along Cloverland Drive, as provided in that PUD's conditions of approval.

### *Schools*

A multi-family development at RM4 density will generate approximately 3 students (1 elementary, 1 middle, and 1 high school). There is no excess capacity at Granberry Elementary School with a current enrollment of 879 students and a capacity of 680 students, while McMurry Middle School and Overton High School currently have sufficient capacity to accommodate additional development in this area, necessary improvements should be programmed into the Capital Improvements Budget.

## 2. Zone Change Proposal No. 2001Z-107U-03

Staff recommends *disapproval*.

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

This request is to change 4 acres from R8 (residential) to RM2 (residential) district at 820 Youngs Lane, approximately 450 feet west of McKinley Street. The existing R8 district is intended for single-family homes and duplexes at up to 4.6 units per acre. The proposed RM2 district is intended for single-family, duplex, and multi-family dwellings at 2 units per acre. The applicant is seeking this zone change to bring their existing use into compliance. With the existing R8 zoning the applicant could potentially develop 18 dwelling units (after the property is subdivided). With the proposed RM2 zoning and no road frontage, 8 dwelling units could be developed on the property (without subdividing the property).

Metro Codes indicates that for the past 20 years property, the property has been granted a conditional land use variance with a renewal required every two years. With the adoption of the revised Zoning Regulations in 1998, the Board of Zoning Appeals is no longer able to grant conditional land use variances. Unable to get a land use variance since their prior variance expired in 2000, the applicant is requesting to rezone the property. Currently, there are two single-family homes and a double-wide trailer on the property. The applicant is seeking this zone change because the present zoning will allow only one residence on the property without subdividing. This property would likely not gain a favorable recommendation from staff due to it having no road frontage. The property is accessed by way of an easement through adjoining properties (parcels 225 and 226). With RM2 zoning the applicant would be able to maintain what currently exists on the property. Staff has confirmed with Metro Codes that without road frontage, a building permit would not be granted under R8 or RM2 district for any additional dwellings.

Staff recommends disapproval since the applicant does not have sufficient access presently to develop under the current zoning or the proposed RM2 district. In addition, the Subarea 3 Plan's Residential Medium High (RMH) policy calls for 9 to 20 dwelling units per acre. The RM2 zoning district is well below what the policy calls for in the Subarea 3 Plan.

### *Traffic*

The Metro Traffic Engineer has indicated that Youngs Lane can accommodate the traffic generated by this zone change.

### *Schools*

A multi-family development at the RM2 density could generate approximately 1 student (1 elementary, no middle or high school students). There is no excess capacity at Alex Green Elementary School with a current enrollment of 322 students and a capacity of 300 students. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

### 3. Zone Change Proposal No. 2001Z-109U-14

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

- **Subarea Plan amendment required?** Yes and none was submitted.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change 3 acres from RS10 (residential) to CL (commercial) district property at 608 McGavock Pike, approximately 800 feet north of Elm Hill Pike. The existing RS10 district is intended for single-family homes at 3.7 dwelling units per acre. The proposed CL district is intended for retail, consumer service, banks, restaurants, hotel/motel and office uses. The applicant wants to develop a small shopping center.

This property is located within the Subarea 14 Plan's Residential Low Medium (RLM) policy. That policy calls for 2 to 4 dwelling units per acre. The current RS10 zoning is consistent with the Subarea 14 Plan. Rezoning this property to CL zoning would serve to intensify commercial zoning in an established residential neighborhood and would serve as a precedent for other commercial rezonings in this area. The Planning Commission previously recommended disapproval of two other zone changes for this property (96Z-120U and 97Z-098U). Both requests were to change from RS10 to OP district and both were disapproved by the Planning Commission in November 27, 1996 and October 16, 1997 with the following explanation:

*"This expansion of commercial zoning extends to far into this residential neighborhood. There is steep topography, which separates the CS zoning boundary from the residential areas on both sides of McGavock Pike. Single-family homes exist on the northern boundary of this property. There are a mixture of vacant residential parcels, single-family homes, a church and a daycare center across the street along Lakeland Drive."*

Staff recommends disapproval as contrary to the General Plan since the CL zoning is a commercial use and the plan clearly views this area as a residential neighborhood. Also there is a viable commercial area at the intersection of McGavock Pike and Elm Hill Pike that could be used for more commercial activities.

#### *Traffic*

The Metro Traffic Engineer has indicated that McGavock Pike is substandard along the property's frontage and needs to be brought up to collector road standards. The improvements required to upgrade this portion of McGavock Pike, including the construction of a center turn lane for the length of the property with proper striping and markings.

#### 4. Zone Change Proposal 2001Z-110U-05

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

- **Subarea Plan amendment required?** A subarea plan amendment would normally be required for a request to allow a commercial zoning within a residential policy area, but staff feels that this particular request does not warrant an amendment because this change in zoning would represent a significant intrusion into an established residential community.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No.

This request is to change .46 acres from RS5 (residential) to CS (commercial) district at 1902 Meridian Street approximately 250 feet south of Trinity Lane. The existing RS5 district is intended for higher intensity single-family development at 7.41 dwelling units per acre. The proposed CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Staff recommends disapproval of the proposed CS zoning as contrary to the General Plan. This zone change is not consistent with the Subarea 5 Plan's Residential Medium Density (RM) policy. That policy calls for between 4 to 9 dwelling units per acre. The Subarea 5 Plan clearly states as a general rule in all residential policy areas that the encroachment of arterial commercial uses into residential areas should be discouraged. The plan further expresses the need to conserve the established neighborhoods and nodes of neighborhood commercial development within this area.

##### *Traffic*

The Metro Traffic Engineer has indicated that Meridian Street could handle commercial traffic generated by CS zoning at this location.

## 5. Zone Change Proposal No. 2001Z-113G-14

Staff recommends *conditional approval* subject to traffic improvements.

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

This request is to change 118 acres from AR2a (agricultural) to RS15 (residential) district at 3200 Earhart Road, the intersection of Earhart Road and John Hager Road. The existing AR2a district is intended for agricultural and residential uses at one dwelling unit for every two acres. The proposed RS15 is intended for single-family residential dwellings at 2.47 units per acre. The applicant is requesting this zone change to accommodate the construction of a new single-family subdivision.

Located along the eastern portion of Earhart Road are four parcels (81, 130, 169, and 188). One of the parcels is currently zoned RS15 (parcel 81) and the other three are zoned AR2a. The three properties zoned AR2a are not a part of this rezoning, but with the growing zoning pattern in the area, it is likely these properties will at some point be rezoned as well to RS15 district.

Staff recommends conditional approval of the proposed RS15 zoning subject to several traffic improvements (see the 'Traffic' section). This zone change is consistent with the Subarea 14 Plan's Residential Low Medium (RLM) policy, which calls for 2 to 4 dwelling units per acre.

### *Traffic*

The Traffic Engineer has indicated that the recommendations below from the traffic impact study are adequate for this project. No other improvements are necessary.

1. The construction of an eastbound left-turn lane with 75 feet of storage on John Hager Road at the property's future access point to John Hager Road.
2. Removal of vegetation at the property's southern access point to Earhart Road to provide the recommended 400 feet of undisturbed sight distance.

### *Schools*

A single-family development at RS15 density will generate approximately 43 students (19 elementary, 13 middle, and 11 high school). While McGavock High School may not be impacted by the development of this property under the proposed zoning, Dotson Elementary and Donelson Middle Schools will be impacted. Dotson Elementary has a capacity of 700 students with 794 currently enrolled and Donelson Middle School has a capacity of 750 students with a current enrollment of 782 students, thus exceeding the capacity slightly in both cases. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

## **6. Zone Change Proposal 2001Z-114U-08**

Staff recommends *approval*.

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

This request is to change 14 acres from IWD (industrial) to MUG (mixed use) district property at 2298 MetroCenter Boulevard, at the intersection of MetroCenter Boulevard and Athens Way. The existing IWD district is intended for a wide range of warehousing, wholesaling, and bulk distribution uses. The proposed MUG district is intended for a mixture of retail, office and residential uses. The Watkins Institute College of Art and Design is requesting this rezoning to reuse the existing vacant facilities.

The property is located in the Fountain Square section of Metro Center. Fountain Square was originally designed and planned as a retail center equipped with restaurants, offices, movie theaters and retail stores. Currently most of the retail businesses no longer exist and the building the applicant is proposing to rezone is the vacant movie theater. Prior to 1998, the property was zoned CG (commercial general), which allowed these uses. With the countywide rezoning in 1998 the property was rezoned to the current IWD.

In August 1999, the Metro Council approved rezoning property on Great Circle Road from IWD to MUG district. The Planning Commission also approved this rezoning along with a Subarea 8 Plan Amendment for Mixed Use (MU) policy. The MU policy boundaries were set from Great Circle Road on the north, Interstate 265 on the east, Metro Center Boulevard on the south, and 10<sup>th</sup> Avenue North and Delta Avenue on the west. The proposed property is within the Subarea 8 Plan's MU policy, which calls for a mixture of compatible residential and non-residential uses. Staff recommends approval of the proposed MUG zoning since it is consistent with subarea plan.

### *Subarea 8 Plan Update*

The Subarea 8 Plan is currently being updated. The updated plan intends to classify the Fountain Square area with the Corridor Center (CC) policy. The CC policy is intended to apply to established areas that function, and are envisioned to continue functioning, as mixed centers of activity for the neighborhoods they serve. CC is also intended for emerging and undeveloped areas that are planned to be future centers serving multiple neighborhoods. The MUG zoning is also consistent with updated Subarea 8 Plan's CC policy area.

### *Traffic*

The Metro Traffic Engineer indicates that MetroCenter Boulevard and Athens Way can sufficiently accommodate residential, office, and/or commercial traffic generated by MUG zoning.

## **7. Zone Change Proposal 2001Z-115G-14**

Staff recommends *approval*.

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

This request is to change 8 acres from R10 (residential) to MUL (mixed use) district property at Robinson Road (unnumbered), located at the southwest corner of Robinson Road and Martingale Drive. The existing R10 district is intended for residential single-family and duplexes at 3.7 dwelling units per acre. The proposed MUL district is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses. The applicant has indicated this rezoning is to develop a retail project.

Staff recommends approval of the proposed MUL since it is consistent with the Subarea 14 Plan's RCC policy. That policy calls for large shopping centers that serve a wide market area. The applicant proposes to construct an Eckerd Drug Store on the property with the potential for several small retail stores to attach to the main structure in the future. In many areas where the RCC policy has been applied there is the need for several small strip mall type developments. This property is a continuation of the retail expansion in the RCC area. The Planning Commission approved the rezoning of parcel 143 (98Z-110G) from R10 to MUN district property on May 14, 1998 and the Metro Council passed the bill (O98-1231) on July 21, 1998.

## 8. Zone Change Proposal No. 2001Z-116U-10

Staff recommends *approval*.

- **Subarea Plan amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No, the proposed overlay district preserves the existing building. Traffic generated by any future use will be analyzed with the actual neighborhood landmark development plan. That plan will be submitted once the overlay district is approved by Council.

This request is to apply the Neighborhood Landmark Overlay District (NLOD) to 2.41 acres on property at 1200, 1201, 1207 Villa Place, and Villa Place (unnumbered), including the White Way Cleaners buildings built in 1931. The existing RS5 district is intended for single-family homes at up to 7.4 dwelling units per acre. The NLOD district is intended to allow for the preservation and adaptive reuse of significant neighborhood features. The applicant wants to adaptively reuse the White Way Cleaners buildings, including the building on the east side of Villa Place (parcel 233) for neighborhood-scale offices and retail uses. The applicant has also indicated that there may be some residential uses included in the development as well. There is also a request on this agenda to rezone parcels 227, 228, 229 and 230 on 16<sup>th</sup> Avenue from OR20 (office and residential) to ORI (office and residential intensive) (2001Z-117U-10) since this property would not qualify for the NLOD status. The White Way Cleaners is an existing non-conforming light-manufacturing use that is grandfathered since it pre-dates the current zoning on the property.

The NLOD was created to allow for the adaptive reuse of neighborhood features such as these buildings, not necessarily for historic structures only. The NLOD was chosen since it provides the community more assurance as to what uses and scale the buildings will be developed. A typical rezoning for office and retail may also allow many undesirable uses. Creating the Neighborhood Landmark District is the first step in a two-step process. After the NLOD district has been approved by Council, a Neighborhood Landmark Development plan must be approved by the Planning Commission. A public hearing will be held on the development plan as well. The development plan will address site design, specific uses, building, scale, landscaping, massing issues, parking, and lighting. At the NLOD stage, the application is reviewed against the following criteria outlined in the Zoning Ordinance:

- The feature is a critical component of the neighborhood context and structure;
- Retention of the feature is necessary to preserve and enhance the character of the neighborhood;
- The only reason to consider the application of the Neighborhood Landmark district is to protect and preserve the identified feature;
- There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the Neighborhood Landmark overlay designation and return the district to the base zoning district prior to the application of the district;



- It is in the community's and neighborhood's best interest to allow the consideration of an appropriate Neighborhood Landmark Development Plan as a means of preserving the designated feature.

Staff recommends approval of applying the NLOD to this property. The White Way Cleaners building is an integral part of this neighborhood's structure and character, thus, anchoring this neighborhood. These properties fall within the Subarea 10 Plan's Residential Medium (RM) policy calling for 4 to 9 dwelling units per acre, however, it is adjacent to the Office Concentration (OC) policy along 16<sup>th</sup> Avenue to the west calling for intensification of office uses in the Music Row area. The Historic Commission has indicated that the White Way Cleaners buildings are considered eligible for the National Register of Historic Places, the benchmark to determine eligibility for local historic landmark designation. While the applicant has indicated that there will be modifications to several of the historic structures, the Historic Commission will have to review and make a recommendation on any proposed changes with the development plan. At the final plan stage, Planning Department staff will work closely with the neighbors living nearby to insure that any proposed plan is compatible with the neighborhood.

#### *Traffic*

The Metro Traffic Engineer has indicated that a traffic impact study may be required with the development plan when the uses and square footages are specifically identified.

**9. Zone Change Proposal No. 2001Z-117U-10**

Staff recommends *approval*.

- **Subarea Plan Amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No, see traffic note below.

This request is to change 0.86 acres from OR20 (office and residential) to ORI (office and residential intensive) district properties located at 1202, 1204, 1208 16<sup>th</sup> Avenue South, and 16<sup>th</sup> Avenue South (unnumbered). The existing OR20 district is intended for office and/or residential multi-family uses up to 20 dwelling units per acre, and the ORI district is intended for office and/or residential multi-family uses with limited retail opportunities. The ORI district is more intense in that it allows a 3.0 floor-area-ratio (FAR), while the OR20 allows a 0.80 FAR. There is also an associated request to apply the Neighborhood Landmark District to the adjacent White Way Cleaners properties (2001Z-116U-10). The applicant has indicated an intent to construct an office building at this location on 16<sup>th</sup> Avenue that will tie into the White Way Cleaners project.

Staff recommends approval since these properties fall within the Subarea 10 Plan's Office Concentration (OC) policy along 16<sup>th</sup> Avenue calling for intensification of office uses in the Music Row area. The portion of the Subarea 10 plan's text referring to this area is shown below:

*"It is anticipated that office use in this area will continue to intensify throughout the planning period."* (page 58)

*Traffic*

The Metro Traffic Engineer has indicated that a traffic impact study may be required with the Neighborhood Landmark Development Plan on the adjoining property.

## 10. Zone Change Proposal 2001Z-118G-06

Staff recommends *approval*.

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

This request is to change 12.5 acres from R15 (residential) to RM4 (residential) district properties at 230, 232 Hicks Road and Hicks Road (unnumbered), approximately 450 feet south of Old Harding Pike. The existing R15 district is intended for single-family homes and duplexes at 2.47 dwelling units per acre. The proposed RM4 district is intended for multi-family dwelling at 4 units per acre. The applicant is requesting this rezoning to construct townhomes on the properties. With the RM4 zoning the applicant could construct up to 50 dwellings.

Staff recommends approval of the proposed RM4 zoning. This zone change is consistent with the Subarea 6 Plan's Natural Conservation (NC) policy. The NC policy allows for clustering of development due to steep slopes and poor soil. This property has both conditions. The applicant will need to submit a plat to consolidate these properties before development can commence. Due to poor soil conditions, the applicant will need to submit a geotechnical soils report identifying soils and suitability for development with the plat. The plat will also need to identify the areas where development could occur.

### *Traffic*

The Metro Traffic Engineer has indicated that Hicks Road can currently accommodate the traffic generated by the proposed RM4 zoning.

### *Schools*

A multi-family development at RM4 density will generate approximately 7 students (3 elementary, 2 middle, and 2 high school). Westmeade Elementary School, Bellevue Middle School, and Hillwood High School currently have sufficient capacity to accommodate additional development in this area.

**11. Zone Change Proposal No. 2001Z-119G-06**

**12. PUD Proposal No. 2001P-010G-06 Autumn Springs Development**

*Staff will make a recommendation at the meeting.*

- **Subarea Plan amendment required?** No, but the Commission authorized staff to consider this area as part of the Subarea 6 Plan update on October 25, 2001.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** No, see traffic note below.

This request is to change 90 acres from AR2a (agricultural) to RS10 (single-family residential) and RM4 (multi-family residential) districts, and for preliminary approval of a Planned Unit Development (PUD) district on the same properties located at 8100 Coley Davis Road and Coley Davis Road (unnumbered). The existing AR2a district is intended for single-family, duplex and mobile homes at one lot per two acres of land. This zoning would currently allow 45 lots. The proposed PUD district is proposed with 200 townhomes and 181 single-family lots at a density of 4.25 dwelling units per acre.

*Zone Change*

These properties fall within the Subarea 6 Plan's Natural Conservation (NC) policy area due to a portion of the property falling within the Harpeth River floodplain and floodway. NC policy generally allows for moderate intensity development at up to 4 dwelling units per acre. Although the proposed plan has a density of 4.25 units per acre, the PUD plan also utilizes Section 17.36.090 (Development Bonuses) which allows a 25% density bonus with the dedication of a conservation easement for the greenway trail along the Harpeth River. Staff supports the density bonus since the applicant will not only dedicate -- but has committed to constructing the trail as well.

*PUD Plan*

These properties are located on the south side of Coley Davis Road and abut both sides of the CSX railroad tracks intersecting the property. The applicant has been working with Planning Department staff to revise the proposed plan to provide more street connectivity within the proposed development, more usable open space, and the relocation of the proposed multi-family units to be more compatible with the surrounding development. The proposed plan includes a bridge over the railroad tracks and a greenway trail along the Harpeth River. The applicant has agreed to construct the greenway trail along the river, in lieu of constructing a sidewalk along the frontage of the site on Coley Davis Road. At the time of this report, staff is awaiting a revised PUD plan to determine if all of the issues have been resolved. Staff will make a recommendation to the Planning Commission at the meeting.

*Traffic*

The Metro Traffic Engineer has indicated that Coley Davis Road should be improved at the project's two entrances to include two connected left-turn lanes

into the site. He is also requiring the main access point to have two turn lanes out of the site. The Traffic Engineer is requiring a 12-foot right-of-way dedication along the frontage of the property. Staff has analyzed the topography, floodplain, and existing road network to determine if a stub-street for a possible bridge over the Harpeth is necessary. After working with Public Works, it was determined that the best available location would be at the western end of Coley Davis Road, not this property.

#### *Schools*

A multi-family and single-family development with 181 single-family lots and 200 multi-family units could generate approximately 65 students (29 elementary, 20 middle, and 16 high school). There is currently excess capacity at Gower Elementary School with a current enrollment of 461 students and a capacity of 800 students. H.G. Hill Middle School and Hillwood High School currently have sufficient capacity to accommodate additional development in this area.

### **13. Subdivision Proposal 2001S-308U-14 Stroud Property**

Staff recommends *conditional approval* subject to variances for lot comparability and maximum lot size.

This request was originally scheduled for the October 25, 2001, Commission meeting, but the applicant requested to defer indefinitely. The applicant requested the deferral in order to work out a water quality concept for the plat with Public Works. Public Works has agreed to the preliminary placement of a water quality pond, and the applicant has submitted a revised plat to show the pond as requested by Public Works.

This request is for preliminary plat approval to create four lots on 3 acres abutting the north margin of Barton Lane, approximately 40 feet east of Pennington Bend Road. The property is located within the RS15 and R15 districts.

#### *Sidewalks*

The applicant has requested a sidewalk variance for sidewalks along Barton Lane. The applicant is seeking a variance because Barton Lane is a substandard road, and there are currently no sidewalks in the area. While staff understands that constructing sidewalks along Barton Lane will be costly, staff is not recommending approval of the variance because the sidewalk will allow residents to gain access to a future greenway trail to be developed along the Cumberland River. Preliminary approval was granted by the Planning Commission on August 30, 2001, for the Abbington Park subdivision (parcel 10). The preliminary plat for nearly 400 lots proposes a significant dedication of open space that leads to a future public access greenway trail. If sidewalks are not required for this subdivision, the residents within the subdivision will not be able to access the open space and greenway trail. Staff feels that a variance should not be granted, and sidewalks should be required along Barton Lane to provide access to the future trail for these residents.

#### *Lot Comparability Variance*

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 111,568 square feet, and the minimum allowable frontage is 128 feet. All of the proposed lots fail lot comparability for lot area, and only proposed lot 1 passes for lot frontage with 166 feet of frontage. Proposed lot 1 is the largest of the four lots, and it fails comparability for lot area by more than 60,000 square feet. The applicant is seeking a variance because this parcel is surrounded by large undeveloped tracts that are also located within RS15 and R15 districts. The applicant believes that these undeveloped tracts surrounding the property will be developed in the future, and lots will be created that are more in line with the RS15 and R15 zoning districts. As previously

mentioned, the Commission approved a preliminary plat for Abbington Park to create lots that will be much smaller than those proposed with this subdivision. Staff believes that other larger parcels in the area will be subdivided in the future, and is recommending approval of the variance for lot comparability.

#### *Maximum Lot Size*

While all four lots within the proposed subdivision do not meet the minimum lot requirements of lot comparability, lot 1 actually exceeds the maximum lot size allowed for a subdivision within this zone district. The Subdivision Regulations require that a lot not exceed three times the minimum lot size required for the zone district. In this case, the subdivision is located within the RS15 and R15 zone districts. The minimum lot size within this district is 15,000 square feet. A proposed lot could not exceed 45,000 square feet according to this regulation, but lot 1 contains 49,763 square feet. The applicant has requested a variance to the maximum lot size regulation. The applicant claims that due to the shape of the parcel being subdivided and the location of the existing house to remain, lots of 15,000 square feet would exceed the 4 to 1 depth to width ratio set forth in the Subdivision Regulations. The lot line between proposed lots 1 and 2 could be shifted into lot 1 in order to satisfy the maximum lot size regulation, but this would violate the minimum side setback of 20 feet for the existing house. Staff supports the variance for maximum lot size based on the size and shape of the existing parcel as well as to satisfy the side setback regulation.

#### *Traffic*

The Traffic Engineer has indicated that Barton Lane is a substandard local road. Due to its narrow width and location near Pennington Bend, the Traffic Engineer is not requiring the road to be upgraded for these four additional lots, and a couple other properties. Improving the road, the Traffic Engineer indicates would encourage people to drive down it. Presently, the road looks like a private driveway and deters people from driving on it.

Staff recommends conditional approval of this preliminary plat subject to variances for lot comparability and maximum lot size.

#### **14. Subdivision Proposal 2001S-309U-12 Carlyle Village**

Staff recommends *conditional approval* subject to the final plat showing a 20-foot landscape bufferyard behind lots 9-12 and showing Josephine Lane as a stub-street where the property abuts parcel 198.

This request was originally scheduled for the October 25, 2001, Commission meeting, but the applicant requested to defer indefinitely. The deferral was requested because the subdivision was also scheduled to go before the Metro Stormwater Management Committee on October 25<sup>th</sup>. A variance was granted by the committee (2001-65) to allow the construction of a portion of Michele Drive within the 50-foot buffer area along the floodway of Whittemore Branch.

This request is for preliminary plat approval to create 49 lots on 14 acres abutting the northwest margin of Benzing Road and the northeast termini of Michele Drive and Yoest Circle. The subdivision is a cluster lot development within the R10 district at a proposed density of 3.5 dwelling units per acre. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. A significant portion of this property is encumbered by the floodplain of Whittemore Branch, a tributary of Mill Creek. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the R10 district may create lots equivalent in size to the R5 district. The proposed lots range in size from 5,000 square feet to just over 8,000 square feet. A typical subdivision on 14 acres and classified within the R10 district would allow 52 lots. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing 49 lots on smaller lot sizes.

The Zoning Ordinance only allows perimeter lots to be reduced in size the equivalent of two zoning districts with the installation of a standard "C" landscape bufferyard. A 20-foot bufferyard would be required to satisfy these requirements. At the rear of lots 9-12, a 20-foot bufferyard is not being shown. The plat also shows proposed Josephine Lane extending across parcel 198 to the north of the property. Parcel 198 is not included in this subdivision, and the road should not be shown on that particular parcel. Josephine Lane should be shown as a stub-street ending at the property line.

Staff recommends conditional approval subject to the final plat showing a 20-foot landscape bufferyard behind lots 9-12 and showing Josephine Lane as a stub-street where the property abuts parcel 198.



## 15. Subdivision Proposal 2000S-395U-10 Cedar Lane Subdivision

Staff recommends *conditional approval* subject to a revised plat prior to recordation.

This request is to revise an approved preliminary plat and for final plat approval for three lots abutting the northwest corner of Cedar Lane and 12<sup>th</sup> Avenue South. The Planning Commission approved a preliminary plat for these three lots on January 4, 2001. That plat showed the same lot arrangement with access from the rear.

### *Cedar Lane Access*

To protect the existing trees at the back of the lot, as shown on a tree survey prepared by the applicant, the applicant is proposing to modify the rear access. This revised plat removes any access from Cedar Lane. All access will be from alleys #961 or #428 at the northwest corner of the property. All the residential properties in this neighborhood have rear lot access. The lots will share a common access easement (i.e. private drive) that no longer connects to Cedar Lane. The Metro Traffic Engineer has approved this modification.

### *Sidewalks*

An existing sidewalk exists along Cedar Lane. As originally approved, the applicant would have constructed a private drive over that sidewalk. Now that sidewalk will not be altered. In addition, the applicant is proposing a sidewalk along 12<sup>th</sup> Avenue South (Granny White Pike) where none was shown on the original plat. This is a significant improvement since this property is a half-block away from the 12<sup>th</sup> Avenue South commercial area (e.g. Becker's Bakery) that MDHA has invested in heavily to revitalize.

### *Utility Easements*

This plat shows sewer easements that were not shown on the original plat. These easements affect where a future home can locate on lot 3. That lot has an existing 15" sewer line running diagonally across it. The applicant is not proposing to relocate the line. There is also a proposed 8" sewer line running across the front of lots 2 and a portion of lot 1.

Staff recommends conditional approval of the revised preliminary and final plats subject to a revised plat prior to recordation showing the sidewalk along 12<sup>th</sup> Avenue South, protection of the trees along the rear property line abutting parcel 97, and showing all access from the alleys via a cross-access easement shared by all three lots that terminates and does not connect to Cedar Lane.

**16. Subdivision Proposal 2001S-116G-04 Mardalee Subdivision**

Staff recommends *disapproval* of a sidewalk variance.

This request is for a sidewalk variance along Nix Drive, Scalf Drive, and North DuPont Avenue. The Planning Commission approved the preliminary plat containing 11 lots with sidewalks on June 7, 2001 and a final plat on June 27, 2001. A bond was posted to construct the sidewalks in the amount of \$23,800.

Staff recommends disapproval of this sidewalk variance. While the streets abutting this property are a two-lane section with an open ditch, they are flat with sufficient right-of-way for sidewalks. There is no physical hardship to prevent the sidewalks around this project. Although there are no sidewalks within the surrounding neighborhood, there is a public park (Madison Park) and active retirement center within short walking distance of this site.

**17. Subdivision Proposal 2001S-135U-08 J. M. Head Middle School**

Staff recommends *conditional approval* subject to a revised plat prior to recordation and Metro Council approval of Alley # 629's closure.

This request is for final plat approval to consolidate two lots and seven parcels into one lot. The Metro Board of Education is expanding the middle school and needs to construct a gym and athletic fields on this property. The plat was originally scheduled for the Planning Commission's May 10, 2001 meeting, but was deferred indefinitely prior to the mail-out to address JoJohnston Avenue and Alley #629's closure (see 2001M-118U-08). JoJohnston Avenue is proposed for closure to create a contiguous school campus without any intersecting street for school safety.

Staff recommends conditional approval of this plat subject to a revised plat prior to recordation addressing staff comments. In addition, the plat cannot be recorded until Metro Council approves the closure of JoJohnston Avenue and Alley #629.

## 18. Subdivision Proposal 2001S-143G-13 Park Place, Phase 2

Staff recommends *conditional approval* subject to an approved grading plan, and a revised preliminary plat prior to the Planning Commission meeting.

This request is to revise an approved preliminary plat to subdivide 17.5 acres into 35 lots within the RM6 and RM20 Districts. The property is located on Murfreesboro Pike near LaVergne-Couchville Pike. The original preliminary plat was approved on July 8, 1999 subject to approvals from Water and Sewer and Public Works (1999S-243G). The first phase of this subdivision received final plat approval on January 29, 2000. The second phase was postponed due to an existing cell tower, as described below.

### *Sidewalk*

The applicant is providing sidewalks on both sides of the streets in contrast to the approved plat, except along lots 33-35. A revised plat needs to be submitted showing a continuous sidewalk along Banff Park Court adjacent to lots 33-35.

### *Stub Street*

The applicant needs to label the stub-street adjacent to lots 26 and 35 as temporary dead-end street and the “street will be continued in the future”. Also, the revised plat needs to identify the name of this street.

### *Cell Tower*

In April 2001, a final plat application was filed for phases 2 and 3 (the balance of the approved lots based on the preliminary plat). During the review of that application, it was discovered that a cell tower had been built on the rear portion of the property (where lot 34 is shown). In addition, the cell tower was shown adjacent to lot 34 as a “lease area”. Three issues arose: 1) proximity of cell tower to adjoining residential lots within this subdivision; 2) the creation of a separate non-residential parcel within this subdivision; and 3) a 25’ ingress/egress easement that traversed a number of residential lots.

After this information was shared with the applicant, the application was deferred indefinitely until the Board of Zoning Appeals (BZA) acted on a setback variance. On September 20, 2001, the BZA approved Appeal Case No. 01-086 granting a special exception to reduce the tower’s setback from the abutting street and side lot lines to 45 feet. The entire lease area for the tower will be platted as lot 34 and access to this area will be derived from the new internal street network. This non-residential lot contains 25,455 square feet which exceeds the minimum lot size of 22,000 square feet for a non-residential lot in the RM6 district. There was a slight shift in the alignment of Banff Park Court, a street in front of the cell tower, to achieve the required setback. This is strictly a minor revision and has no impact to the overall design concept of the project.

A revised plat needs to be submitted to show the following concerning the cell tower:

- A note needs to be added identifying the recorded easements providing temporary access to the cell tower.

- The temporary 25 foot and 50 foot access easements to the cell tower.
- A call-out label needs to be provided adjacent to the temporary access easements indicating they will be abandoned when Parks Retreat Drive is constructed.

Staff recommends conditional approval subject to a revised grading plan and plat prior to the Planning Commission meeting. The revised plat needs to address the stub street, sidewalks along parcels 33-35, and cell tower.

**19. Subdivision Proposal 2001S-264U-13 Hamilton Glen**

Staff recommends *conditional approval* subject to bonds for extensions of roads, sidewalks and public utilities, a variance for sidewalks along Hamilton Church Road, and a revised plat prior to recordation.

This request was deferred indefinitely from the Planning Commission meeting on September 13, 2001. The applicant needed more time to work with Planning and Public Works staff. This request is for final plat approval to create 19 lots abutting the south margin of Hamilton Church Road, approximately 370 feet east of Owendale Drive. The lots are also located within a PUD. The proposed configuration of the lots is consistent with the revised PUD plan approved by the Planning Commission on August 22, 2001 (2000P-009U-13). The applicant significantly revised the initial PUD concept to remove lots from beneath the TVA easement, which traverses the property and a large sinkhole. These topographic features will be located in an open space area at the rear of the property. Two stub-out streets are also provided to the east and west.

*Sidewalk Variance*

The applicant is willing to construct sidewalks along Hamilton Church Road. To construct these sidewalks it will require a significant effort to improve the roadway due to drainage. Therefore, Public Works has advised that the sidewalks and the property's frontage along Hamilton Church Road not be improved at this time due to safety concerns. Staff supports a variance to the sidewalk requirement along Hamilton Church Road.

Staff recommends conditional approval subject to a revised plat prior to plat recordation, and subject to a variance for sidewalks on Hamilton Church Road. The revised plat needs to show label the sinkhole cross-section as "Sinkhole Cross-Section 'A'".

**20. Subdivision Proposal 2001S-268G-06 Harpeth Crest Subdivision of Lots 26-30**

Staff recommends *conditional approval* subject to a bond for the extension of roads and public utilities, a variance for sidewalks along River Bend Lane, and deferral of a bond for the greenway trail construction until Phase 2.

The Planning Commission approved a final plat to create these five lots on October 11, 2001. At that meeting, staff had supported a sidewalk variance along River Bend Lane in exchange for the construction of a missing section of the Bellevue Greenway trail. The applicant was unsure at that time, however, whether or not this exchange would be beneficial to the Harpeth Crest Subdivision and economically feasible for the development. The applicant has now determined that the construction of the 93-foot missing section of greenway would benefit the entire community and would not be cost-prohibitive.

*Sidewalk Variance*

The proposed sidewalk along River Bend Lane will not connect to anything now or in the future. This sidewalk would be on the edge of the River Bend Estates neighborhood where no sidewalks exist. As a result, staff believes creating a connection to the existing Bellevue Greenway is more significant than creating a sidewalk that has no destination.

Staff recommends approval of this sidewalk variance. The existing Bellevue Greenway trail ends 93 feet south of the applicant's property along Morton Mill Road. The applicant has agreed to constructing this missing portion of the greenway trail in lieu of not constructing the sidewalk on River Bend Lane. This connection to Phases 1 and 2 of the Bellevue Greenway, will create a bicycle/pedestrian link all the way to Old Harding Pike. That link will benefit the entire Bellevue community.

*Postponing Bonding of Greenway Trail*

More time is needed to coordinate between the applicant and the Parks Department on the greenway's construction. While the applicant will construct both the on and off-site trail sections, the applicant is designing only the on-site trail. The Parks Department is designing the off-site trail. Staff supports postponing the bonding of the greenway trail until Phase 2 since all parties want to ensure the two trail sections compliment one another. The delay in bonding the trail is about a month or two since the applicant has already submitted a final plat for Phase 2. That plat will be on an upcoming Commission agenda.

Staff recommends conditional approval subject to a bond for the extension of roads and public utilities, a variance for sidewalks along River Bend Lane, and deferral of a bond for the greenway trail construction until Phase 2.

**21. Subdivision Proposal 2001S-276U-10 Fairfax Place, Resub. Lots 9- 11 and Part of Lot 13**

Staff recommends *conditional approval* subject to a variance for the maximum lot size requirement.

This request was originally scheduled for the September 27, 2001 Commission meeting, but was deferred indefinitely by the applicant to work out issues with neighbors concerning the church's parking lot expansion. The applicant has had several meetings with the neighbors and Councilmember Hausser. Both the applicant and councilmember have told staff they feel all issues have been resolved.

The request is for final plat approval to subdivide three lots and part of one lot into two lots on 1.6 acres abutting the northwest corner of Blair Boulevard and Natchez Trace within the R8 District. The church has limited parking on existing lots 9, 10, and 11. This plat would allow the current parking to be expanded from existing lot 9 onto existing lot 13. A 5' perimeter landscape strip surrounding the additional parking area is required by Section 17.24.150B of the Zoning Ordinance, and the landscape strip is being shown on this plat.

*Lot Comparability*

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 10,580 square feet, and the minimum allowable frontage is 72 feet. While proposed lot 2 may look small in comparison to proposed lot 1, it passed the test of comparability with 13,110 square feet of area and 75 feet of frontage.

While lot 2 of the proposed subdivision may satisfy the minimum lot requirements of lot comparability, lot 1 actually exceeds the maximum lot size allowed for a subdivision within this zone district. The Subdivision Regulations require that a lot not exceed three times the minimum lot size required for the zone district. In this case, the subdivision is located within the R8 zone district. The minimum lot size within this district is 8,000 square feet. A proposed lot could not exceed 24,000 square feet according to this regulation, but lot 1 contains 56,450 square feet.

Staff supports the variance for maximum lot size since the church is a pre-existing, non-residential use. Also, churches and schools typically are not able to satisfy residential lot size requirements. The Subdivision Regulations do not differentiate between lots created in a residential zoning district for residential and non-residential use. Staff recommends conditional approval subject to a variance for the maximum lot size requirement.



**22. Subdivision Proposal 2001S-297U-13 Pebble Trail Addition**

Staff recommends *conditional approval* subject to a bond for the extension of roads and public utilities.

This request is for final plat approval to create five lots abutting the southeast terminus of Countryside Drive, approximately 140 feet southeast of Rader Ridge Road. The property is located in Antioch and is classified within the R15 district. The five proposed lots all have frontage on Countryside Drive.

The Planning Commission approved a preliminary plat on October 11, 2001, to create these five lots. A sidewalk variance was also approved since there are no sidewalks in the adjoining neighborhood. This final plat conforms to the approved preliminary plat. Staff recommends conditional approval of this final plat subject to a bond for the extension of roads and public utilities.

**23. Subdivision Proposal 2001S-311U-05 Maplewood Heights 2<sup>nd</sup> Subdivision, Resubdivision of Lot 235**

Staff recommends *conditional approval* subject to a demolition bond and variances for sidewalks, lot depth to width ratio, and lot comparability.

This request is for final plat approval to subdivide .69 acres into two lots on Hutson Avenue, between Hart Lane and Virginia Avenue. The property is zoned RS15 district. The original 1923 plat was approved with all 47 lots having 100 feet of street frontage except three lots. The lots as they are currently deeded, have been unchanged since 1959. The recorded deed describes the property as being lots 234 and 235 of Maplewood Heights. The end of the deed states “*included in the above description but specifically excluded from this conveyance is the following tract*” which then describes the southern half of lot 234. This alteration to the lot pattern was done by deed without any review or approval by the local planning authority. Due to the fact that this was done so long ago, each of these parcels would now qualify for building permits.

*Sidewalk Variance*

The applicant has requested a sidewalk variance along Hutson Avenue since it is a ditch-section and there are no sidewalks in the neighborhood. While the closest sidewalk is along Hart Lane, 1,300 feet to the south, this existing subdivision has none. Staff supports this variance request because of the ditch-section and no other sidewalks in the neighborhood.

*Lot Comparability Variance*

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots.

The minimum allowable lot area for lots within the subdivision is .37 acres, and the minimum allowable frontage is 50 feet. Both lots pass lot frontage, each having approximately 70 feet of frontage. They both fail, however, for lot comparability since they contain .34 acres and are required to have .37 acres (69% as opposed to 75%). Staff supports this proposed lot area variance since these figures if taken purely as a mathematical comparison seem to indicate these lots would be out of character, however, the overall pattern of the area would support this proposed lot ratio more closely.

*Lot Width to Depth Variance*

The Subdivision Regulations provide that a lot’s width should not exceed its depth by more than four times. Both lots have approximately 50 feet of frontage and a depth of approximately 300 feet, exceeding the 200 foot maximum set forth in the regulations. Staff supports a variance for lot depth to width since all of the lots along Hutson Avenue are of the same depth, as originally platted in 1923.

*Demolition Bond*

A demolition bond is required to remove an existing building that straddles lots 1 and 2.

Staff recommends conditional approval subject to a demolition bond and variances for lot comparability, lot depth to width ratio and sidewalks.

**24. Subdivision Proposal 2001S-314G-04 Harvey T. Conner Property**

Staff recommends *conditional approval* subject to a flag-lot variance.

This request is for final plat approval to subdivide a 11.43 acres into one lot and one parcel. The lot contains 2.26 acres while the parent parcel will remain with 9.17 acres. The property is located within the RS80 district along Neelys Bend Road.

*Flag-Shaped Lot Variance*

The applicant is proposing lot 1 as a flag-shaped lot since there is an existing home on the parent parcel. The parent parcel is not a part of this plat since State law does not require the platting of a remainder area of a parcel that exceeds 5 acres in size. Staff supports this variance since the property is in a rural area where large lots and flag-lots dot the landscape. The proposed lot will not be out of character with surrounding properties.

Staff recommends conditional approval of this final plat subject to a flag-lot variance.

**25. Subdivision Proposal 2001S-315G-03 William H. Thompson, Jr. Property**

Staff recommends *approval* subject to a variance for sidewalks along Old Hickory Boulevard and a revised plat prior to recordation showing an 8 foot right-of-way reservation on Old Hickory Boulevard.

This request is for final plat approval for a 0.70 acre lot fronting on the northern margin of Old Hickory Boulevard, approximately 1,300 feet west of Whites Creek Pike, classified within the R15 zoning district. The plat converts a deeded parcel with a home on it into a platted lot.

*Right-of-Way Dedication*

Old Hickory Boulevard is classified as a S2 (Scenic Arterial) with a total functional right-of-way at 150 feet on the Major Street Plan. The current road's construction is a two-lane asphalt section with an open ditch. The present width of dedicated right-of-way is 60 feet. An additional 8 feet of right-of-way needs to be reserved and shown on a revised plat prior to recordation.

*Sidewalks*

The applicant has requested a sidewalk variance along Old Hickory Boulevard since it is a ditch-section, and no sidewalks exist within several miles of the property. Staff supports this sidewalk variance.

Staff recommends approval subject to a variance for sidewalks along Old Hickory Boulevard and a revised plat prior to recordation. The revised plat needs to show an 8 foot right-of-way reservation along Old Hickory Boulevard.

**26. Subdivision Proposal 2001S-317G-01 Howerton's Two Lot Subdivision, Resubdivision of Lot 2**

Staff recommends *conditional approval* subject to variances for a flag-shaped lot, lot width to depth, and lot comparability and a revised plat prior to recordation addressing all of Public Works' comments.

This request is for final plat approval to subdivide 6.9 acres containing one platted lot into two lots. Lot 1 will contain 5.64 acres and lot 2 contains 1.25 acres. Lot 2 contains an existing home. The property is located at the end of Lama Terra Drive within the RS40 district.

*Background*

In 1990, the same property owners received approval to subdivide what is now parcel 242 and this property into two lots (90S-255G). These lots were approved by the Metro Health Department for private septic systems and water is furnished by an existing 8-inch water line in Lama Terra Drive. The applicant is now requesting to resubdivide what was shown as lot 2 on that plat into two additional lots.

*Sidewalks*

Sidewalks are not provided on this plat. The Subdivision Regulations only require sidewalks when lots are 20,000 square feet or less in size. Since this property is zoned R40 district, and the two lots are greater than 40,000 square feet, sidewalks are not required.

*Maximum Lot Size*

The Subdivision Regulations require that a lot less than 2 acres in size not exceed three times the minimum lot size required for the zone district. Since lot 1 contains 5.64 acres and lot 2 is less than 2 acres, this standard does not apply.

*Lot Comparability Variance*

The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. The minimum allowable lot area for lots within the subdivision is 1.26 acres, and the minimum allowable frontage is 141 feet. Lot 1 contains 5.64 acres square feet and has 29.4 feet of frontage while lot 2 contains 1.25 acres square feet and 85.75 feet of frontage. Both lots fail for lot frontage while lot 1 passes for lot area, but lot 2 fails by one-tenth of an acre. This lot has steep topography and is located at the end of a cul-de-sac street. The ability to resubdivide this property is severely limited due to its location at the end of this dead-end street and its steep topography. Therefore, staff supports the proposed variance for lot comparability.

*Flag-Shaped Lot and Lot Width to Depth Variances*

Staff supports all of the applicants proposed variances due to steep topography, existing shape of the parcel, and the property's location at a dead-end street.

Flag-shape: The Subdivision Regulations discourage the creation of flag-shaped lots. The applicant is proposing lot 1 as a flag-shaped lot due to an existing home on lot 2 and also due to topography.

Lot Width to Depth: The Subdivision Regulations provide that a lot's width should not exceed its depth by more than four times. Lot 1 has only 29 feet of street frontage, but its depth is 780 feet. Even if lot 1 and 2 were combined into one lot with 115 feet of roadway frontage, the lot depth to width ratio would be exceeded.

Staff recommends conditional approval of the plat subject to a revised plat prior to recordation addressing all of Public Works' comments and variances for a flag-shaped lot, lot width to depth, and lot comparability.

**27. Subdivision Proposal 2001S-319U-03 R. Anderson Subdivision**

Staff recommends *conditional approval* subject to a sidewalk variance, a revised plat, and the rezoning of parcel 52 from RS5 to CS prior to recordation.

This request is for preliminary and final plat approval to combine .69 acres of three existing parcels into one lot abutting the west margin of Brick Church Pike, approximately 170 feet south of Fern Avenue. Parcel 52 is located within a RS5 district and the other parcels 32 and 33 are located within the CS zoning district.

*Sidewalks*

The applicant has requested a sidewalk variance due to the future upgrade of Brick Church Pike. If the applicant were to construct the sidewalks at this time, when Brick Church Pike is upgraded those sidewalks would have to be removed and replaced. Staff supports the applicant's sidewalk variance request based on the future upgrade of Brick Church Pike.

*Zone Change*

The applicant has submitted an application to rezone parcel 52, at this time that application has been deferred indefinitely in order to consolidate the properties and not create a landlocked property between a CS district and a RS5 district. Prior to the recordation of this final plat the applicant's rezoning application will need to pass the Commission and the Council. Parcels 32 and 33 (along with parcel 31, not included in subdivision) were rezoned from RS5 to CS (Council Bill: O99-1635, Zone Change Proposal 99Z-021U) by the Council with the Planning Commission's recommendation on May 24, 1999. If parcel 52 is not rezoned a landscape buffer yard will be required between parcels 33 and 52 due to the CS zoning district abutting a RS5 zoning district. Table 17.24.230 of the Zoning Regulations requires a class 'C' landscape buffer between the CS and RS5 zoning districts.

Staff recommends conditional approval subject to a sidewalk variance, the rezoning of parcel 52 from RS5 to CS, and submission of a revised final plat showing the following:

1. A 5-foot right-of-way dedication along Brick Church Pike (Brick Church Pike is a future commercial collector road with a 72 foot right-of-way).
2. A 6-foot right-of-way reservation along Brick Church Pike.
3. Updated F.E.M.A. information
4. A landscape buffer along the rear portions of parcels 32 and 33 that abut the adjacent RS5 district. A landscape buffer along the north, south, and west property lines of parcel 52, as required by the Zoning Regulations
5. Changing the name on the plat to "R. Anderson Subdivision".

**28. Subdivision Proposal 2001S-320U-05 Egerton Subdivision**

Staff recommends *approval* subject to a variance for lot depth to width ratio.

This request is for final plat approval to subdivide .76 acres into two lots on Forrest Avenue, east of North 18<sup>th</sup> Street within the R6 district. The original plat was recorded in 1890 and contained portions of two lots. The lots in this subdivision were all originally platted as 100 foot wide lots. Over time these lots have been altered by deeds and plats. There are existing sidewalks along Forrest Avenue.

*Lot Comparability*

A comparability study was prepared to determine whether or not the proposed lots within the subdivision are comparable to the surrounding lots. Both lots pass lot comparability. The minimum allowable lot area for lots within the subdivision is .15 acres, and the minimum allowable frontage is 47.4 feet. Lot 1 contains .39 acres and has 51.4 feet of frontage while lot 2 contains .37 acres and 48.6 feet of frontage.

*Lot Width to Depth Variance*

A lot's width is not suppose to exceed its depth by more than four times. Both lots have approximately 50 feet of frontage and a depth of approximately 333 feet, exceeding the 200 foot maximum set forth in the regulations. Staff supports a variance from this standard since there are six other lots along Forrest Avenue (parcels 258, 259, 260, 261, 365, 268, and 269) with a similar depth, as originally platted in 1890.

Staff recommends approval of this final plat subject to a variance for lot width to depth ratio.



**29. Subdivision Proposal 2001S-322U-13 Cambridge Forest Townhomes**

Staff recommends *conditional approval* subject to a revised plat prior recordation.

This request is for final plat approval of an 82-townhouse horizontal property regime on 18.43 acres. This development is located at the intersection of Bridgecrest Drive and Rural Hill Road in the R15 Residential PUD of Cambridge Forest. The applicant has provided the necessary landscape buffer along Rural Hill Road and Bridgecrest Drive. Cambridge Forest Townhomes PUD (28-79-G) received final approval on September 30, 2000. That final PUD served as the preliminary plat for this development.

A tributary of Mill Creek runs through the middle of the property, the applicant has provided the necessary 50-foot buffer from the edge of the floodway. This subdivision is not required to provide the 25-foot conservation easement/ public greenway trail since it lies along a tributary of Mill Creek not the main creek itself.

Staff recommends conditional approval subject to submission of a revised final plat prior to recordation that shows:

1. All easements labeled as 'Public Utility Easement' relabeled as 'Public Utility and Drainage Easement'.
2. The floodway line labeled as such along the Mill Creek tributary.
3. All detention ponds on the plat and that they are properly labeled.
4. Identification of the Stormwater Detention Agreement Instrument number on the plat.

**30. Subdivision Proposal 2001S-324G-14 Blossom Trace, Resubdivision of Lots 9-11**

Staff recommends *approval*.

This request is for final plat approval to reconfigure three lots. The properties are located at the intersection of Weeping Cherry Lane and Lilac Drive. These three lots are a part of the Blossom Trace cluster lot subdivision. Sidewalks have been provided along Weeping Cherry Lane and Lilac Drive as a part of the original subdivision. These properties are located within a RS15 zoning district but under the cluster lot option, the lots may be reduced in size to that permitted in the RS7.5 district.

Section 2-4.2 of the Subdivision Regulations states the following:

*"In general, side lot lines shall be right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan"*

The three lots proposed for resubdivision currently contain a non-radial lot line along the northern property line of lot 11. This resubdivision will correct the existing non-radial lot line.

Currently exist each meets or exceeds the minimum zoning requirements for square footage. Staff recommends approval of this final plat based on the removal of the non-radial lot line.

**31. Subdivision Proposal 2001S-326G-06 Lexington Point, Section 3**

**32. Subdivision Proposal 2001S-327G-06 Lexington Point, Section 4**

Staff recommends *conditional approval* subject to a bond for the extension of roads, sidewalks, and public utilities.

These two requests are for final plat approval for Phase 3 (23 single-family lots) and Phase 4 (63 single-family lots) on 38.8 acres abutting the north terminus of Lexington Point Drive. This property is classified within the RS15 district.

The Planning Commission approved a preliminary plat that encompassed these phases on September 2, 1999 (99S-300G). These final plats are consistent with the approved preliminary plat. Staff recommends conditional approval subject to a bond for the extension of road, sidewalks, and public utilities for both plats.

### **33. Subdivision Proposal 2001S-340G-12 Mill Creek Village**

Staff recommends *conditional approval* subject to a bond for the extension of public utilities and a revised plat prior to recordation.

This request is for final plat approval to subdivide a 24-acre parcel into two lots abutting the northwest corner of Bell Road and Blue Hole Road. The property is located within the CL and RM9 districts. The property is being subdivided along the zoning district boundary in order to sell lot 1 for a multi-family development. This subdivision is merely to separate the parcel into two lots – one commercial and one residential. Plats will be required for each lot in the future in order to create buildable lots.

Staff recommends conditional approval subject to a bond for the extension of public utilities and a revised plat prior to recordation showing required landscape bufferyards. The plat is showing a 20-foot landscape bufferyard on lot 1 where it abuts lot 2. A standard “C” class bufferyard will also be required on lot 2 where it abuts lot 1. A standard “A” bufferyard must also be shown on lot 1 where it abuts adjacent RM15 property. A revised plat must be submitted prior to recordation that clearly labels the appropriate bufferyards and widths as required by the Zoning Ordinance. The revised plat will also need to clearly label the proposed right-of-way to the centerline of Blue Hole Road. The plat dedicates a portion of right-of-way along Blue Hole Road. The proposed right-of-way shall be clearly labeled to show exactly how much right-of-way is to be dedicated. A note will be required to indicate that this is not a buildable site as well. As indicated, plats will be necessary in the future to create buildable lots on this property. A revised plat is required to include a note on each lot that reads, “This is not a buildable lot.”

Staff recommends conditional approval subject to a bond for the extension of public utilities and a revised plat prior to recordation showing appropriate bufferyards, the proposed right-of-way of Blue Hole Road, and a note stating that these are not buildable lots.

**34. PUD Proposal No. 157-77-G-12 Windlands Retirement Center**

Staff recommends *approval*.

This request is for a variance to Section 17.32.080 (Sign Regulations) for the Residential PUD district located abutting the north margin of Sam Boney Drive, east of Nolensville Pike to permit additional wording to be added to an existing wall sign on a building. The sign on the building contains 192 square feet of signage with 4-foot tall letters reading “WINDLANDS.” The Zoning Regulations allow a maximum sign area of 32 square feet for each street a property fronts. This request is to add 120 additional square feet of sign area by adding the word “RETIREMENT” next to WINDLANDS on the side of the building. “RETIREMENT” is proposed with non-illuminated, 2-foot letters, while the existing sign is illuminated. The applicant has indicated that the purpose of adding the word “RETIREMENT” to the sign is to reduce the amount of walk-in inquires. Since these are not traditional apartment units, this will help reduce the amount of foot-traffic. The PUD was originally approved as an “elderly housing” complex.

The permit records from the Codes Department indicate that a permit was issued in the early 1980’s for the existing sign. The permit did not specify sign size nor was a variance approved to allow the existing 192 square foot sign. Staff recommends approval of this variance since this building is located approximately 820 feet from Nolensville Pike and faces a commercial corridor. Given the property’s distance from Nolensville, a larger than normal sign is necessary to identify this location. This will have minimal impact on the adjacent residential area.

This request to increase the total sign area to 312 square feet will not compromise the PUD’s integrity or the facility’s operations. Since this existing sign has been in place for nearly 20 years with little impact to the surrounding area, staff recommends approval of this PUD revision and variance. The Planning Commission’s action will be forwarded to the Board of Zoning Appeals as a recommendation.

**35. PUD Proposal No. 122-82-U-12 Grassmere Business Park**

Staff recommends *conditional approval*.

This request is to revise the preliminary plan for an undeveloped phase of the Commercial PUD district located at the corner of Elysian Fields Road and Trousdale Drive to permit three office buildings in two phases, replacing one office building. The plan proposes a one-story 11,300 square foot building, a two-story 11,700 square foot building, and a two-story 31,000 square foot building for a total of 54,000 square feet, replacing a three-story building with 75,000 square feet. The proposed plan orients the proposed buildings toward Trousdale Drive and maintains the same access points with one on Trousdale Drive and one through an existing driveway on Grassmere Park Drive. This plan reduces a portion of the landscaped area on the south side of the site from 90 feet to 70 feet, while only a 20 foot "C" buffer yard is required. Staff recommends conditional approval provided Public Works approves the drainage plans prior to the Planning Commission meeting.

**36. PUD Proposal No. 61-85-P-13 Pinnacle Point Shopping Center**

Staff recommends *disapproval*.

This request is to revise a portion of the preliminary plan and for final approval for a portion of the Commercial (General) PUD district to permit the addition of a 140-foot tall cell tower behind an existing building in the Pinnacle Point Shopping Center. Staff has been working with the applicant to find a location that will not require a height variance and that will not significantly impact the surrounding neighborhood behind the PUD. Although the applicant has changed the tower's location and reduced its height, from 195 feet to 140 feet, it would still be seen from the Ransom Village Way residential neighborhood located behind the shopping center. A 140-foot tower will still be visible from these homes over the row of trees surrounding this shopping center.

Staff recommends disapproval of this revision since the Metropolitan Council approved this PUD in 1985 for commercial buildings with a maximum height of approximately 30 feet or two-stories above grade. This revision would be inconsistent with that plan. Although this proposal is consistent with the SCC base zoning district's bulk standards, Section 17.12.020 states the following: "*Alternative standards may be imposed by any planned unit development, historic, or urban design overlay district as long as the standards are consistent with the purpose and intent of the overlay district.*" Staff recommends disapproval since this proposal is inconsistent with the original intent of the PUD and since it would impact the adjacent residential neighborhood.

**37. Mandatory Referral Proposal 2001M-045U-08**

Staff recommends *conditional approval*.

This request is to close unbuilt Alley #629 located between Lyle Avenue and Jo Johnston Avenue. The Metro Board of Education is requesting this alley's closure for J. M. Head Middle School's future school expansion (see 2001S-135U-08). Easements are to be abandoned. Metro Government owns all the land surrounding this alley.

Staff recommends conditional approval of this alley's closure subject to the school board relocating NES lines within this right-of-way. The school board has coordinated with NES on the relocation of these lines. All reviewing departments and agencies are recommending approval. No landlocked properties will be created by this alley's closure.



**38. Mandatory Referral Proposal 2001M-104U-07**

Staff recommends *approval*.

This request is to officially name an unnamed access road “White Bridge Place” for E-911 system efficiency. The access road parallels the eastbound I-40 on-ramp at White Bridge Road. The road serves the Waffle House restaurant and the Comfort Inn. Originally, a different name was proposed by Public Works. After receiving staff’s letter informing these property owners of the proposed name change, the Comfort Inn called and e-mailed staff requesting the name change to “White Bridge Place”. Public Works conferred with the Vice-President of Operations for the Waffle House. He agreed to the revised name change proposed by the Comfort Inn.

Staff recommends approval of the proposed name change since abutting property owners agree to the name change.

**39. Mandatory Referral Proposal 2001M-111G-14**

Staff recommends *approval*.

This request is accept the donation of 0.50 acres at 4300 Chandler Road from Marguerite W. Smith. Staff recommends approval of this property donation. The property generates \$0.00 in property taxes to Metro; therefore, its removal from the property tax rolls will not constitute any loss in revenue. Metro Public Works will use this right-of-way to increase Chandler Road's right-of-way.

**40. Mandatory Referral Proposal 2001M-112G-06 (Council Bill BL2001-871)**

Staff recommends *approval*.

This council bill is approve the lease and future sale of Metro property at 3010 Ambrose Avenue for the Reuse Center, Inc. The property was originally acquired in 1986 by Metro as part of the Public Works East Center. It was previously used by Parents Anonymous of Tennessee.

The Reuse Center is a non-profit group that recycles useful materials by reselling them at a very low, affordable price. The materials they sale then avoid going to a landfill. Centers like these typically *accept* doors, windows, sinks, toilets, bathtubs, roofing, plumbing, cabinets, pipes and fittings, lumber, bricks, light fixtures, gardening tools, etc. They *do not accept* flammable liquids, chemicals, inoperable appliances, toxic waste, used tries, etc.

Staff recommends approval of this lease and future sale. The property will be leased for \$100/month, and if the lessee options to purchase the home, it would be sold by Metro for \$70,000. The Reuse Center intends to improve the existing property as office space. Those improvements will become Metro's in the event The Reuse Center decides not to purchase this property in the future.

**41. Mandatory Referral Proposal 2001M-113G-00 (Council Bill BL2001-875)**  
Staff recommends *approval*.

This council bill is to lease locations in Metro buildings for ATM machines to be installed by the MPD Employees Credit Union. These machines will be located at the Criminal Justice Center, Hermitage Police Precinct and South Police Precinct. All costs associated with installing, operating, and maintaining these machines will be paid for by the credit union.

Staff recommends approval of this lease agreement as the ATMs will benefit members of the credit union as well as the general public.

**42. Mandatory Referral Proposal 2001M-114U-13 (Council Bill BL2001-872)**

Staff recommends *approval*.

This council bill is to lease the DeBerry Correctional Facility located at 3250 Ezell Pike to the Policeman's Benefits Association. The association will hold its annual haunted house fundraising event at the facility. The Metro Legal Department submitted this request to staff on October 30, 2001, and requested its approval be expedited. Staff recommends approval of this lease agreement since the facility is already in use as a haunted house. The lease term ends September 30, 2002 with an option to renew for four years (1 year each).

**43. Mandatory Referral Proposal 2001M-115U-07**

Staff recommends *conditional approval*.

This request is to close Alley #1190, an unimproved alley from Park Drive to the western edge of parcel 101 on tax map 104-05. The applicant, Mr. Charles Smith, is requesting this closure to construct a garage on his property. All easements are to be retained. Staff field-checked this closure and the alley is not used. It is overgrown and an abutting property owner has constructed two fences within the right-of-way as an obstruction to prevent anyone from using the alley.

Staff recommends conditional approval provided all agencies and departments recommend approval.

**44. Mandatory Referral Proposal 2001M-116U-00**

Staff recommends *approval*.

This request is to adopt the Metro Nashville and Davidson County Official Street and Alley Maps. Every year the Metro Planning Commission and Metro Council must review and approve these maps as required by Section 13.08.010 of the Metro Code of Laws. These maps identify all streets and alleys accepted by Metro for public maintenance between October 1, 2000 to October 23, 2001. This year no alleys are being accepted only streets within new subdivisions. Staff recommends approval of this map adoption.

**45. Mandatory Referral Proposal 2001M-117U-08**

Staff recommends *conditional approval*.

This request is to rename Lyle Avenue between Johnston Avenue and Charlotte Pike to "JoJohnston Avenue" and JoJohnston Avenue between 20th Avenue North and 21st Avenue North to "21st Avenue North" for the J. M. Head Middle School campus expansion (see 2001S-135U-08). The renaming is necessary to reflect the closing of JoJohnston Avenue between 20<sup>th</sup> Avenue North and 21<sup>st</sup> Avenue North (2000M-098U-08).

Staff recommends conditional approval of these street renamings provided all reviewing agencies and departments recommend approval.



**46. Mandatory Referral Proposal 2001M-118U-08**

Staff recommends *approval*.

This request is to close JoJohnston Avenue between 19<sup>th</sup> Avenue North and 20<sup>th</sup> Avenue North (see also 2001S-135U-08). All easements are to be abandoned. The Metro Board of Education is requesting this street closure for the expansion of Head Middle School. The Planning Commission disapproved a similar request on September 28, 2000 (2000M-098U-08). At that time, staff recommended disapproval since more information was needed, plus the 30-day clock for Planning Commission action was to expire on October 6, 2000. The Metro Charter mandates the Commission take action within 30 days once a complete mandatory referral application has been officially submitted for review and consideration. A failure to act within 30 days deems the application approved. To avoid that situation, staff recommended disapproval.

Staff recommends approval of this street closure since in the intervening year, this street's proposed closure, including the re-routing traffic around the school has been analyzed in-depth. Community meetings have been held about the proposed closure and school expansion plans with Councilmember Whitmore, the Directors of Public Works and Planning, Board of Education personnel and the Metro Traffic Engineer. The councilmember and all departments agree that JoJohnston Avenue should be closed. Traffic will be re-routed up 19<sup>th</sup> Avenue North to Warner Avenue and then down 20<sup>th</sup> Avenue North, connecting back to what is now JoJohnston Avenue, but proposed to be renamed to "21<sup>st</sup> Avenue North" (2001M-117U-08) on this same commission agenda.

*Traffic*

A traffic study was prepared for this closure as required by Council bill O87-1679 since more than 1,000 cars per day use these streets. The study indicated that this section of JoJohnston Avenue has an average daily traffic volume of between 3,350 to 4,560 cars per day. When this portion of the roadway is closed, traffic will be diverted to nearby streets. While the study indicates adequate capacity exists on those streets for the diverted traffic, it does note that residents along those streets (Pearl, 20<sup>th</sup> Avenue North, Lyle Avenue and 19<sup>th</sup> Avenue North) will perceive an increase in traffic. At times, people may be unable to get out of their driveways as quickly as they can today, particularly during the morning and afternoon when school begins and ends. All streets will perform at an acceptable level of service (B or C). The majority of these streets perform at a level of service "B" today.

#### **47. Subdivision Regulation Amendments (Sidewalks)**

Staff recommends *approval*.

This item was deferred at the October 25, 2001, meeting to allow more time to discuss this request. Some minor housekeeping changes have been made since then to try to clarify the text further. These changes are highlighted. This request is a text amendment to change Section 2-6.1 (Sidewalks) of the Subdivision Regulations to clarify where sidewalks are required, to add flexibility as to where sidewalks can be located, to provide relief and to allow for an in-lieu fee of sidewalk construction in areas where sidewalks are not practical or feasible at the time the final plat is approved. This request was initiated by Planning Department staff due to a large number of variance requests over the past several months. As the Commission will recall, the sidewalk regulations were last amended in December of 2000, when a text amendment was approved by the Planning Commission to require sidewalks on both sides of all new streets. Planning staff has been working closely with the Metropolitan Legal Department, Public Works, as well as developers and engineers, to establish the proposed amendment.

Staff recommends approval of this amendment since it does not change the basic requirements for sidewalks, and since it will allow an option for relief when sidewalks either cannot or should not be built at a specific location.

### **2-6 Streets and Pedestrian Ways**

#### **2-6.1 Sidewalks**

##### **A. General**

All sidewalks and pedestrian ways constructed upon public rights-of-way or pedestrian easements shall be in accordance with the adopted construction standards of the Metropolitan Department of Public Works.

##### **B. Standards**

###### **1. Dimensions**

The minimum width of public sidewalks shall be five (5) feet. Where concrete curbs are required or constructed, grass or landscaped areas or strips with a minimum width of four (4) feet shall separate all sidewalks from the adjacent street (Figure 2-6.1 B.1), except within ten (10) feet of a street intersection.

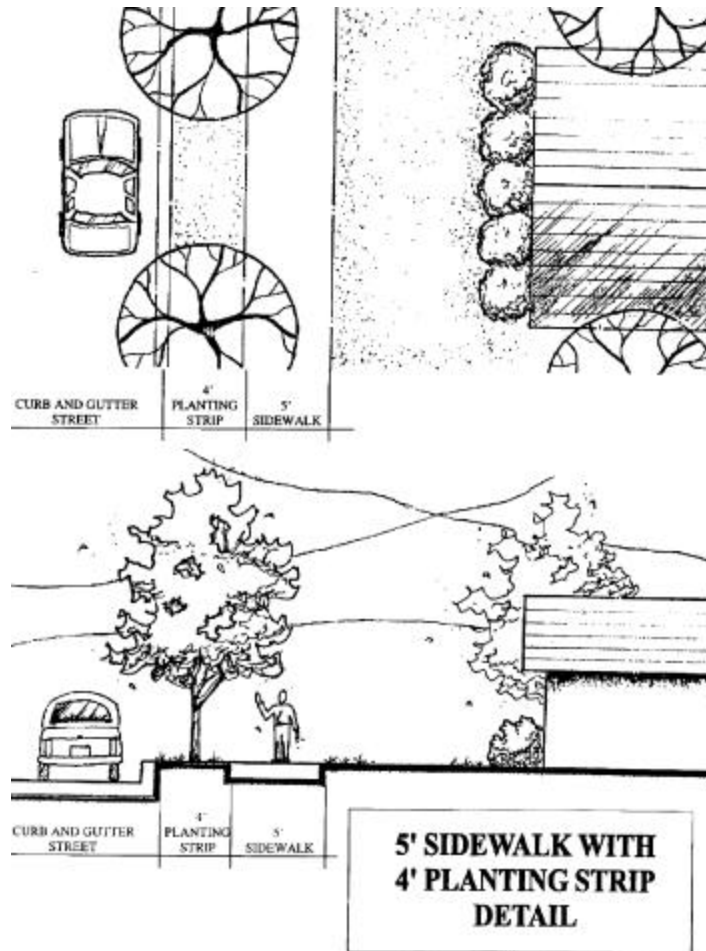
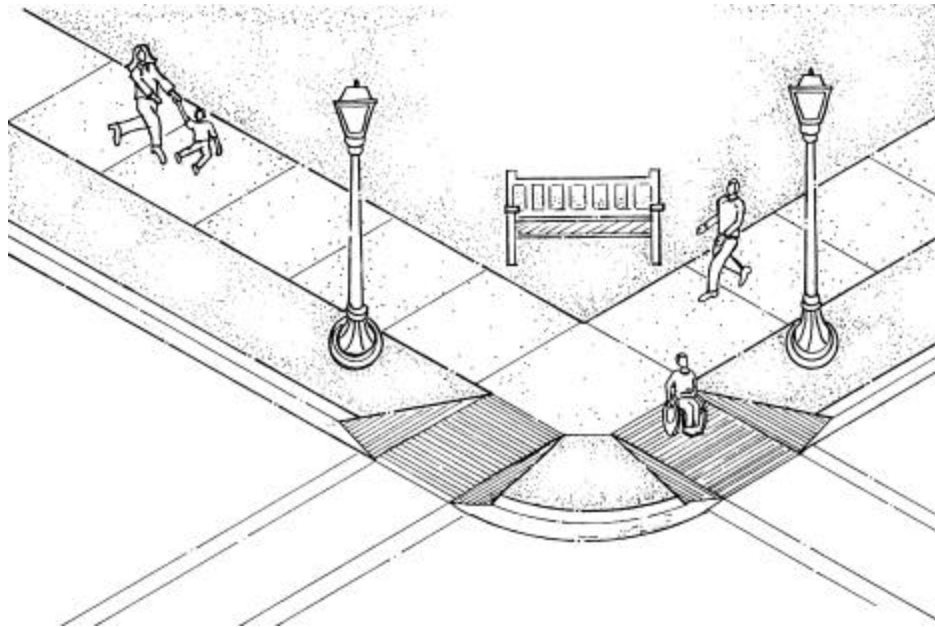


Figure 2-6.1 B.1: Dimensions

2. **Encroachments/Obstructions** (Figure 2-6.1 B.2)

- a. Encroachments including, but not limited to utility poles, fire hydrants, parking meters, mailboxes, sign standards, and street furniture shall not be located within the concrete portion of the sidewalk area, except as provided in 2b, below.
- b. Drainage grates, tree grates, utility grates, and manholes shall be permitted within a sidewalk provided four (4) feet of unobstructed clearance is provided on one side, unless determined to be compliant with Metro Public Works standards.



**Figure 2-6.1 B.2: Encroachments/Obstructions**

3. **Materials** -- When there is an existing sidewalk built of alternative materials (e.g. brick, exposed aggregate) either along the property's frontage or adjoining it, sidewalks may be constructed with like materials, if the materials are determined to be compliant with Metro Public Works standards.
4. **Location** -- Sidewalks complying with applicable Metro Public Works requirements shall be located on both sides of any new street, and within the public right-of-way, regardless of whether new or existing lot(s) have frontage on said street.
  - a. When a plat has frontage on an existing street(s), sidewalks shall be required in relation to the future curb line along the property's frontage on the existing street(s).
  - b. When the right-of-way is inconsistent with the future curblines, a pedestrian easement may be allowed.
  - c. When specimen quality trees or other natural features exist, that are desired to be preserved or protected, in the path of a sidewalk, the sidewalk may be located so as to preserve those features. Under such conditions the sidewalk may be located within a pedestrian easement outside of the dedicated public right-of-way, provided the easement is contiguous to the public right-of-way. Exceptions to allow a non-contiguous pedestrian easement may be considered by the Planning Commission, after obtaining a recommendation from the Metropolitan Department of Public Works.

5. **Wheelchair-Accessible Curb Ramp** -- Wheelchair accessible curb ramps complying with applicable ADA requirements shall be constructed at street crossings. If an existing street curb has not been constructed with a sidewalk ramp, the sidewalk and curb shall be reconstructed to meet applicable Metro Public Works requirements.
6. **Lot Size** -- Sidewalks shall be required on all non-residential development plats, and all residential lots that are zoned for less than 20,000 square feet minimum lot size, or are proposed to be less than 20,000 square feet by the cluster lot provisions.
7. **Existing Character** -- For infill developments, sidewalks and associated grass **or landscape areas or strips** shall be comparable in character and width to sidewalks along the existing street, or in the area.
8. **Existing Sidewalks** -- When a substandard sidewalk already exists along a property's frontage on a public street, and is non-compliant with Metro Public Works standards, it shall be brought into compliance with applicable requirements.

### C. Sidewalk Relief

If the property falls within one of the areas listed below (1-8), where the construction of a sidewalk is not feasible or practical at the time the final plat is approved, the applicant may request relief from the requirement to construct a sidewalk. In such cases, relief may be granted and a variance shall not be required. Sidewalk relief may be granted along existing streets by the Executive Director of the Metropolitan Planning Department for two-lot subdivisions, and by the Metropolitan Planning Commission for subdivisions of more than two lots. A request for relief shall be reviewed in consultation with the Director of the Metropolitan Department of Public Works, who may find that the installation of the sidewalk is not in the best interest of Nashville and Davidson County at that time. Should such relief be granted, a fee in-lieu of sidewalk construction shall be paid by the applicant in accordance with the fee schedule established by the Metropolitan Department of Public Works, except in C.7. below. The fee in-lieu of construction shall be used to accommodate pedestrian needs within the established benefit zone, as provided in Section 2-6.1 D.1.b). The following conditions shall be considered for sidewalk relief **but shall not alone establish a right to relief**:

1. **Drainage Ditches** -- When drainage ditches are present along an existing street that preclude the reasonable installation of a sidewalk within either the existing or future right-of-way or a pedestrian easement;
2. **Developed With Sidewalks on One Side** -- When the surrounding area within a .25 mile radius is predominantly developed with sidewalks on the opposing side of the street, and no sidewalks exist on the applicant's side of the street within .25 miles;
3. **Developed Without Sidewalks** -- When the surrounding area within a .25 mile radius is predominantly developed without sidewalks and the installation of the sidewalks would be piece-meal and not from intersection to intersection;
4. **Historic Character** -- When the Metropolitan Historic Commission determines that a sidewalk would inappropriately alter the historic character of a property or neighborhood;

5. **Scenic Highway** -- When a sidewalk would inappropriately alter the character of a designated scenic highway;
6. **Capital Improvement Budget** -- When the adopted current capital improvements budget includes a project that has approved funding for any improvements, widening, or changes to the roadway or within the right-of-way the property fronts, or TDOT has committed approved funds, and construction of sidewalks are anticipated in the next six (6) years;
7. **Alternative Pedestrian Trail** -- When an alternative pedestrian trail or greenway trail meeting ADA standards is proposed to be constructed by the developer and the trail substantially serves the same purpose as the sidewalk section for which relief is sought;
8. **Slope** -- When the sidewalk and landscaped strip cross-section areas are located on land with a cross-slope greater than 9%, and the applicant has demonstrated to the Planning Commission that construction of sidewalks on both sides of the street would create a hazardous condition or is impracticable.

#### **D. Payment In-Lieu of Sidewalks**

When the Planning Commission or the Executive Director of the Metropolitan Planning Department grants relief to this section of the Subdivision Regulations, the applicant shall pay a fee in lieu of sidewalk construction, except for the provision in C.7., above.

1. **Amount** -- The amount of any in-lieu fee shall be calculated and paid in accordance with the fee schedule established by the Metropolitan Department of Public Works.
  - a. **Payment** -- The fees shall be paid to the Metropolitan Government and administered by the Metropolitan Department of Public Works.
  - b. **Expenditure of Collected Funds** -- Within six (6) years of collection of a fee in-lieu of sidewalk construction for a proposed subdivision, such fee shall be spent for the design, construction and/or upgrade of sidewalks and similar pedestrian walks/trails within the pedestrian benefit zone in which the proposed subdivision is located. Funds shall not be spent for anything other than the design and construction of sidewalks and related pedestrian walks/trails, and necessary roadway and drainage improvements to accommodate the sidewalks.
2. **Fee Deadline** -- All in-lieu fees shall be paid prior to the recording of a final plat for the applicable phase of any subdivision.
3. **Bonds** -- Payment of a fee in-lieu of sidewalk construction, where authorized, shall negate the bond requirement for that sidewalk, unless otherwise stated.

#### **E. Variances**

**Granting of Variances** -- The Planning Commission may grant a variance to Section 2-6.1 based upon the evidence presented to it in each specific case, as required in Section 1-10 of

these regulations. Nothing in this section, Section 2-6.1, shall preclude an applicant from seeking a variance under Section 1-10 of these regulations.

## **F. Pedestrian Easements**

To facilitate pedestrian access from streets to schools, parks, greenways, playgrounds, or other nearby facilities, the Planning Commission or the Executive Director of the Metropolitan Planning Department may require perpetual unobstructed easements or dedications of land measuring at least ten (10) feet in width on a subdivision plat. Easements shall be indicated on the plat as a “public pedestrian access easement.”

## **5-2 Words and Terms Defined**

Infill Development refers to areas previously subdivided or predominantly developed, where a plat may combine lots, tracts, and/or parcels, may alter an existing public right-of-way, and/or may alter existing lot or parcel lines.

Pedestrian Benefit Zone refers to each of eleven (11) zones established by these regulations in which fees in-lieu of sidewalk construction may be collected, and where such fees shall be spent for the safety and convenience of pedestrians utilizing the sidewalk or pedestrian network within that zone. Each zone represents, to the extent practicable, an area where pedestrian circulation can take place without traversing major barriers to movement such as interstate freeways and major federal highways that are, by definition, unsafe or unsuitable for pedestrian crossing. Pedestrian Benefit Zones are described as follows (see Map below):

- Zone 1. Bounded by I-40 and I-265 on the southeast; Cumberland River on north/northwest; county line on west. (*West, edge*)
- Zone 2. Bounded by Cumberland River and I-265 on the south; I-24 on the east and north; county line on the west. (*Northwest, edge*)
- Zone 3. Bounded by I-24 on the west; I-65 on the southeast and east; county line on the north. (*North, edge*)
- Zone 4. Bounded by I-65 on the northwest; I-24 on the west; Cumberland River on the south and east; county line on the northeast. (*Northeast, edge*)
- Zone 5. Bounded by Cumberland River on the north/northwest; I-40 on the south/southwest; county line on the east. (*East, edge*)
- Zone 6. Bounded by I-40 on the north; I-24 on the west and southwest; county line on the east. (*Southeast, edge*)
- Zone 7. Bounded by I-24 on the east/northeast; I-65 on the west; I-440 on the north; and county line on the south. (*South, edge*)
- Zone 8. Bounded by I-65 on the east; I-440 on the north/northeast; I-40 on the northwest; county line on the south. (*Southwest, edge*)

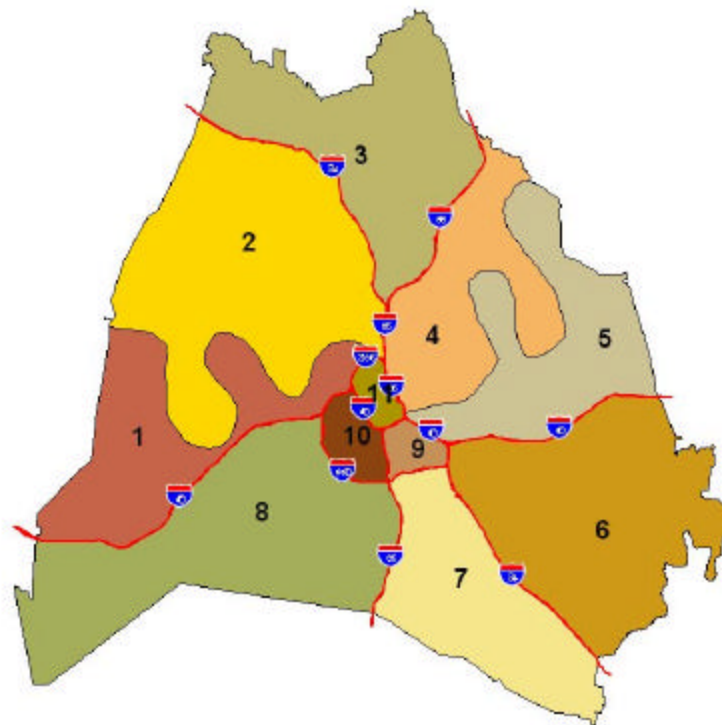
Zone 9. Bounded by I-440 on the south; I-24 on the northeast and east; I-40 on the north/northwest; and I-65 on the west. (*South, inner*)

Zone 10. Bounded by I-65 on the east/northeast; I-440 on the south and southwest; I-40 on the north and northeast. (*Southwest, inner*)

Zone 11. Bounded by the downtown loop (*Downtown*)

Specimen quality trees—Trees that are generally considered to be prototypical of that particular species, accurately representing the typical line, form, texture and color. Generally, larger than 12 inches in caliper.

#### **Pedestrian Benefit Zones:**





## OLD TEXT

### 2-6 Streets and Pedestrian Ways

#### 2-6.1 Pedestrian Ways

- ~~A. Sidewalks — Sidewalks shall be required on both sides of the street in all subdivisions except those proposed within residential zones with minimum required lot sizes 20,000 square feet or greater. In cluster lot developments, sidewalks shall be required on both sides of the street when the minimum lot size is less than 20,000 square feet. When sidewalks are to be constructed in a subdivision adjoining a developed area with sidewalks, the sidewalks shall be joined.~~

~~The Planning Commission may grant a variance to Section 2-6.1 to require a sidewalk on only one side of the street, subject to design review by Metropolitan Planning Commission staff, in cases where the sidewalk and landscaped strip cross section area is located on land with a cross-slope greater than 9%, and the applicant has demonstrated to the Planning Commission that construction of sidewalks on both sides of the street would create a hazardous condition or is impracticable.~~

- ~~— Sidewalks, where required, shall be included within the dedicated non trafficway portion of the right of way of all roads. Where concrete curbs are required or constructed, strips of grassed or landscaped areas at least four (4) feet wide shall separate all sidewalks from adjacent curbs, except that within ten (10) feet of street intersections no grass strip will be required. Construction detail shall conform to the Metropolitan Department of Public Works Subdivision Construction Specifications.~~

~~Where sidewalks are required to be constructed along existing substandard streets or along existing or planned streets designated as collector routes on the Collector Plan, the sidewalks shall be located in relation to the future curb line. The design cross-section as set forth in the Metropolitan Department of Public Works Subdivision Construction Specifications shall be used as a location guide.~~

- ~~— In all residential and commercial districts, including the low density residential zones, sidewalks shall be required along streets proposed for public dedication which are within a one and one-half mile radius of any school, and within a one-half mile radius of any community facility activity or commercial activity, which includes, but is not limited to, libraries, parks, and commercial, mixed-use, or office zones.~~

~~All sidewalks shall be a minimum of five (5) feet wide.~~

#### NOTE

~~Width shall be exclusive of encroachments such as utility poles, fire hydrants, parking meters, sign standards, street furniture, etc. The grass strip or four-foot clearance area behind the curb is intended for those purposes.~~

~~B. Pedestrian Access Easements — To facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby facilities, the Planning Commission may require perpetual unobstructed easements or dedications at least ten (10) feet in width parallel to side lot lines. Easements shall be indicated on the plat as "pedestrian access easement."~~

#### **48. Subdivision Regulation Amendments (Administrative Review)**

Staff recommends *approval*.

This item was deferred at the October 25, 2001, Planning Commission meeting. This request is to amend Section 3-3.2 of the Subdivision Regulations (Administrative Review).

##### *Background*

The MPC Rules and Procedures establish a *minimum* interval between the filing of an application for zoning change or subdivision plat approval and its appearance on the Planning Commission's public hearing agenda. Working from those rules, planning staff generates a schedule that includes submittal deadlines and likely Planning Commission action dates. Currently staff follows the *minimum* allowable "28 day" schedule.

##### *Staff Recommendation*

Staff recommends and seeks Planning Commission endorsement to require applications to be submitted to the department one week earlier than is now the case thereby extending the interval between submittal deadline and MPC meeting from four weeks to five weeks for projects in compliance with Metro standards. This change will allow the staff to do the following:

- Identify incomplete applications at an earlier stage in the staff review process, thus allowing applicants additional time to correct application deficiencies. (*Determination of "completeness" will be made by comparing the submittal to a published checklist of minimum regulatory requirements, such as property owner signature, water and sewer availability letter, traffic impact study if required, and the like.*)
- Perform two multi-agency application reviews prior to agenda preparation. Currently only one review occurs before the agenda is prepared; the second review takes place after the agenda and public notices have been prepared and distributed.
- Arrive at a reasonable level of certainty that an item will be on a particular MPC agenda prior to sending public hearing notices to nearby property owners and neighborhood associations. This change will minimize the occasions when citizens must take time away from their jobs and other responsibilities to attend Planning Commission meetings for agenda items requiring deferral.
- Prepare a reliable MPC agenda with fewer items deferred at the last minute. Currently, in order to accommodate applicants with application deficiencies, staff is working up to the day of the MPC meeting to get clearance from other Metro departments that their requirements have been adequately addressed.
- Increase staff efficiency by eliminating preparation of staff reports for projects requiring deferral for non-compliance.
- Conserve resources by eliminating the extra cost of mailing public hearing notices for items that fail to receive last minute agency clearances and therefore require indefinite deferral. For indefinitely deferred items, the staff must re-mail notices and new or revised signs must be posted when a new hearing is scheduled.

To implement this change, staff recommends revising the published schedule of submittal deadlines and related Planning Commission hearing dates, and proposes the following change to the text of the Subdivision Regulations: Delete the first two paragraphs of Section 3-3.2, Administrative Review, as shown below:

**Existing Subdivision Regulations Text**

~~**3-3.2 Administrative Review** — The Executive Director shall initiate an administrative review of the plat, and any exhibits submitted in conformance with these regulations. This review shall be performed by the MPC Staff and other officials of the City and representatives of the State, or Boards or Commissions as appropriate. The review shall be conducted in accordance with the adopted 28 day review schedule. The findings of the review process shall be presented to the Planning Commission.~~

~~During the first eleven days of the review cycle the plat will be reviewed by the MPC Staff and other appropriate agencies after which the MPC Staff will notify the applicant of any plat changes required to meet regulatory requirements and the corrected plat drawings shall be returned to the MPC Staff reviewer within five working days. The corrected plat drawings will be circulated to the appropriate reviewing agencies by staff and will be the plat submittal presented for consideration by the Planning Commission.~~

**NOTE**

During the review process, additional information, such as street profiles, flood plain cut and/or fill data, etc., may be required in order for the review findings to be presented in a more complete manner. Such additional information will become part of the record file of the plat application.

**Proposed Subdivision Regulations Text**

**3-3.2 Staff Review** – The Executive Director shall initiate a review of the plat, and any exhibits submitted in conformance with these regulations. This review shall be performed by the MPC Staff and other officials of the Metropolitan Government and representatives of the State, or Boards or Commissions as appropriate. The review shall be conducted in accordance with the published review schedule. The findings of the review process shall be presented to the Planning Commission.

The published review schedule shall designate a deadline for agency comments on plat completeness and compliance to be provided to the applicant, and a deadline for applicant revisions to be resubmitted to the Planning Department. The revised plat drawings will be circulated to the appropriate reviewing agencies by staff. Once a plat is in compliance with all applicable regulations it shall be presented for consideration by the Planning Commission.

## **Decision on Final Plats**

### **Section 3-4.3 of Subdivision Regulations**

#### *Background*

This proposed change would authorize the Executive Director to approve a final plat that is substantially the same as an approved (and unexpired) preliminary plat. Some years ago, the Subdivision Regulations were interpreted to delegate such authority to the Executive Director, however, in recent years that authority has not been exercised. Consequently the MPC routinely acts on final plats that are substantially the same as preliminary plats previously approved by Commissioners. To obtain maximum clarity in the regulations, the Law Department has recommended that delegation of MPC authority to its staff is best set out in the Subdivision Regulations, rather than authorized as a matter of interpretation.

#### *Staff Recommendation*

Staff recommends the Planning Commission authorize the Executive Director to approve minor revisions to subdivisions. Staff also seeks authorization to extend administrative final plat approval to PUD revisions. The benefits of the proposed changes are to eliminate duplicate subdivision approvals from MPC agendas, reduce unproductive time spent by staff preparing reports on duplicate subdivision approvals, and reduce the need for applicants to meet MPC agenda deadlines in order to have routine final plats approved. It should be noted that staff will continue to require a full review cycle to coordinate with other departments to assure that all technical requirements of subdivision and other development regulations have been met.

A Planned Unit Development (PUD) follows a more complex route than does a subdivision. A PUD begins with a zoning change application, which is reviewed by staff, recommended by the Planning Commission, and approved by the Metropolitan Council to establish a PUD overlay zoning district. The **Master Development Plan** associated with the Council-approved PUD is a conceptual plan of development that includes the general orientation and size of principal structures and associated parking areas; landscape and buffer areas required; location, size and general treatment of environmentally sensitive areas; general traffic routes to and from the development with major access points identified; range and scope of proposed land uses, densities, floor area ratios or impervious surface ratios; land devoted to each type of general land use and phase of development; identification of new streets and proposed improvements to existing streets.

Once a PUD overlay district and associated master development plan have been approved by the Council, the developer submits a **Final Site Plan** for Planning Commission approval. A final site plan is approved by the MPC if the plan is consistent with the Council-approved plan and all of its conditions, and if the final site plan also meets the technical requirements of the Subdivision Regulations for preliminary plat approval, if applicable. In other words, when land in a PUD is subdivided, the Final PUD approval = the preliminary subdivision plat approval. After this stage in the approval process, a PUD subdivision travels the path of a regular preliminary subdivision plat, and is eligible for final subdivision plat approval so long as it conforms to the approved PUD plan and meets all technical requirements of the Subdivision Regulations.

It follows, then, that if the Executive Director is authorized to approve final plats that are substantially the same as approved preliminary plats, the Executive Director's authority would

also extend to approve final plats for PUD subdivisions that are substantially the same as approved PUD final site plans.

### **Existing Subdivision Regulations Text**

~~3-4.3 **Decision on Final Plat** — Following an administrative review (see 3-3.2), the Planning Commission shall, within thirty (30) days after submission (see 3-1.2) of the final plat, approve, conditionally approve, or disapprove the final subdivision plat by resolution, which shall set forth in detail any conditions of approval or reasons for disapproval. The applicant will be provided a copy of the resolution.~~

~~The failure of the Planning Commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed shall be issued, upon demand, by the Chairman and Secretary of the Planning Commission. Caution should be exercised in that such default approval will not exempt the subdivision from compliance with the Zoning Regulations.~~

### **Proposed Subdivision Regulations Text**

3-4.3.1 Decision on Final Plat – Upon completion of a review (see 3-3.2) that finds the plat in conformance with the applicable regulations of the Metropolitan Government, the State, and any reviewing Boards and Commissions, the applicable approval procedure below shall be followed.

**A. If the final plat shows only minor revisions to the approved preliminary plat and meets all regulatory requirements, the Executive Director is authorized to approve the final plat on behalf of the Metropolitan Planning Commission. Minor revisions are insignificant shifts in street and open space locations, minor changes to lot size, minor changes to unit size and distribution of intensity not inconsistent with a final PUD approval and its associated preliminary plat, if applicable; minor shifts in lot lines; and other changes which do not alter the general layout and intensity of the approved preliminary plat. At the request of the applicant, any final plat shall be forwarded to the Planning Commission for decision, including reversal of the decision of the Executive Director. The Executive Director may, at his or her discretion, direct any final plat to the Planning Commission according to the procedures of B, below.**

**B. If the final plat includes major revisions to the approved preliminary plat, a revised preliminary plat along with the final plat shall be submitted by the applicant in accordance with the published review schedule. Once in compliance with all regulatory standards, it shall be placed on the agenda of the Metropolitan Planning Commission for approval, conditional approval, or disapproval by resolution, which shall set forth in detail any conditions of approval or reasons for disapproval. The applicant will be provided a copy of the resolution. For purposes of this section, major revisions include, but are not limited to, an increase in the number of lots and/or square footage, change(s) to**

**the pattern of street connections or major access points; changes to the pattern of lots or the massing of buildings; changes to open space provisions; reductions in public dedications; reductions in improvements, including sidewalks, for the benefit of the public; variance(s) to the Subdivision Regulations not previously granted by the Planning Commission at the time of preliminary plat approval; or any other feature(s) of the subdivision that assumed significance at the time of preliminary plat approval.**

**Failure of the Planning Commission to act upon a plat within thirty (30) days after the official submission date (Section 3-1.2) shall be deemed approval of the plat, and in such event a certificate of approval entitling the subdivider to proceed shall be issued, upon demand, by the Chairman and Secretary of the Planning Commission. Caution should be exercised in that such default approval will not exempt the subdivision from compliance with the Zoning Regulations.**