

**1. Phillips-Jackson Redevelopment Plan** (Council Resolution RS2001-783)

Staff recommends *approval*.

This Council resolution amends the Phillips-Jackson Redevelopment Plan which covers Subarea 8 (Germantown, Hope Gardens, Jefferson Street, and former stockyard area). MDHA has proposed this amendment to add the Row 8.9 project, a proposed townhouse development on Jackson Street in Hope Gardens between 8<sup>th</sup> Avenue North and 9<sup>th</sup> Avenue North, across from the Farmers Market. This is the same property the Planning Commission approved consolidation plat for in July 2001 (2001S-184U-09). That plat consolidated several properties to assemble them for a future redevelopment opportunity.

Staff recommends approval of this amendment. It replaces the 'Preface' statement within the redevelopment plan with a more detailed Preface that references ordinances and identifies this area as being a "blighted". The amendment also replaces the redevelopment plan's land use map (R. P. Map No. 2). The new map shows the Row 8.9 project site with a "general residential" land use. Previously, the property had been designated for commercial land use. The Metro Council will hold a public hearing on this amendment on Tuesday, November 20, 2001 at 7:00 p.m. in the Council Chambers (RS2001-783).

## **2. Subarea 6 Plan Amendment—Coley Davis Road**

Staff recommends the Commission set a public hearing date for December 6, 2001.

The applicant has requested the Planning Commission amend the Subarea 6 Plan for 250+ acres in Bellevue. The property is landlocked and is bordered by I-40 and the Harpeth River, and is bisected by the CSX Railroad. Currently, the property is vacant except for large metal barn which is used for the commercial sod farm operation. The plan amendment is requested to allow for an Urban Design Overlay (UDO) district and mixture of commercial, office, and residential uses within traditional neighborhood development (TND). The current policy for the area is Natural Conservation (NC) which does not support the proposed TND project.

### *Current Policy*

The NC policy is intended to protect environmentally sensitive areas such as steep slopes and floodplain. Both of these occur on this property due to large portions of the site containing steep topography and Harpeth River floodplain. It has been practice to allow development on the edge of the NC areas where pockets of land physically suitable for urban development that can be readily served by infrastructure. Much of the recent residential development in Bellevue has occurred in NC policy areas.

The original Subarea 6 Plan had this property within a regional-scale retail policy as part of the Bellevue Regional Activity Center (RAC). That policy was applied to the Bellevue Mall and surrounding large commercial centers where Staples, Circuit City, Home Depot, and Toys R' Us are located. In the 1996 update, the RAC policy was removed in part because Bellevue's growth was slower than originally expected and several low density residential developments were approved--inconsistent with the RAC policy.

### *Proposed Policy*

The applicant's proposed subarea plan amendment would enable a mixture of uses not currently supported by the existing NC policy. The plan amendment would allow development that uses traditional neighborhood design principles as a touchstone. By applying a UDO, a TND development can occur that is more compact, provides greater integration of uses and services, and ensures a development's design respects environmentally sensitive areas. When the NC policy was applied to this area, Metro regulations lacked their current sophistication for protecting environmentally sensitive areas. Since 1996, changes to the Subdivision Regulations, Zoning Ordinance, and Storm Water Management Ordinance have served to better protect and buffer slopes, drainage ways, streams, and river. The applicant's proposed UDO would afford even greater protection through the use of design guidelines for this property and its environmentally sensitive areas.

Given a portion of the property has been zoned CS (commercial) since 1974 and its visible location along I-40, there is merit to considering a plan amendment. Under the current CS zoning, without any design criteria, a large commercial center could be developed on this property with access from Coley Davis Road via a bridge over the Harpeth River. Staff supports evaluating a plan amendment that supports a mixture of uses (mixed-use and residential policies) and protects the scenic river and slopes. The amendment should include this property and those along Coley Davis Road between I-40 and Coley Davis Road/Memphis-Bristol Highway intersection. Therefore, staff recommends a public hearing on a Subarea 6 Plan amendment be scheduled for Thursday, December 6, 2001 at 1:00 p.m. Staff will work with Bellevue neighborhood groups and Councilmembers Lineweaver and Bogen on this proposed plan amendment.

3. **Zone Change Proposal No. 2001Z-077G-06** (See Subarea 6 Plan Amendment above)  
Staff recommends *deferral* until the Subarea 6 Plan amendment public hearing on December 6, 2001.

- **Subarea Plan Amendment required?** Yes, and one was submitted.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** Yes, see note below.

This request is to rezone 264 acres from AR2a (agricultural) and CS (commercial) to RM15 (multi-family), RM9 (multi-family), RS15 (single-family), and MUL (mixed-use) district properties at 8161 Coley Davis Road, Newsom Station Road (unnumbered), and McCrory Lane (unnumbered). There is a Subarea 6 Plan Amendment for this same area along Coley Davis Road. The existing AR2a district is intended for agricultural and residential densities at one dwelling unit for every two acres, the CS district is intended for a wide range of commercial uses, including restaurant, retail, bank, office, self storage, light manufacturing, and small warehouse uses. The proposed RM9 and RM15 districts are intended for multi-family residential at up to 9 and up to 15 dwelling units per acre respectively, while RS15 is intended for single-family residential dwellings at a density of 2.47 dwelling units per acre. The proposed MUL is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

The applicant has designed a conceptual plan that includes 50,000 square feet of retail and office uses, 540 multi-family condos, townhomes, and loft apartments, 525 single-family lots, and two community buildings. The applicant has also indicated a desire to dedicate land within this project for a neighborhood school. Should the subarea plan amendment process favor a change in policy for this area, to accomplish a traditional neighborhood design, an Urban Design Overlay (UDO) district is recommended. This was the approach taken with the Lenox Village development on Nolensville Pike earlier this year. The UDO will enable creative design solutions to be developed that recognize the site's topography and location. The UDO is implemented through a series of detailed guidelines that establish building location, bulk, and design. These guidelines become the design document by which future development will be reviewed and approved.

#### *Traffic*

The applicant has indicated that the proposed project would require Coley Davis Road to be extended as a two-lane roadway to the west with a bridge over the Harpeth River. At the time of this report, the Metro Traffic Engineer is still reviewing the traffic impact study (TIS) to determine if other improvements will be required.

#### *Schools*

A multi-family and single-family development with 525 single-family units and 540 multi-family units could generate approximately 106 students (62 elementary, 24 middle, and 20 high school). There is currently excess capacity at Gower Elementary School with a current enrollment of 461 students and a capacity of 800 students. Hill Middle School and Hillwood High School currently have sufficient capacity to accommodate additional development in this area.

**4. Zone Change Proposal 2001Z-005T2 Community Education (Council Bill BL2001-857)**

Staff recommends *approval*.

Below is a description of the text change, a comparison of existing and proposed standards, answers to questions staff has received about the proposal, and finally a copy of the existing zoning text followed by the proposed zoning text.

**Purpose**

The purpose of this zoning text amendment is to explicitly require conditions to be met that allow schools (public or private) to be sited as important features in or near our neighborhoods while at the same time protecting neighborhoods from undesirable impacts of those schools. The need for the amendment was identified when the Metro Board of Education encountered difficulties placing new school sites in urban neighborhoods. The existing site size requirements are artificially large, and mean that schools must often be placed apart from neighborhoods, on sites that are larger than the school and the neighborhood actually need. In addition to the cost of acquiring unneeded land, excessively large school sites are difficult and costly to maintain within available resources. Poorly maintained school campuses can become unsightly elements in the neighborhoods.

**Principles**

This text change proposes to eliminate an absolute minimum site size and instead to establish setback, screening, and buffer yard standards that vary depending upon how the school building(s) relate to residential properties and to the public street. For example, if a school is designed so that the size and height of a building face is of domestic (residential) scale, then that building face will not require a landscape buffer next to a residential property. However, if the building face is large and out of scale with typical dwelling unit scale, then a landscape buffer will be required. Access requirements remain almost the same, with the exception that the proposal would allow access for a small high school from a collector streets while maintaining the existing access standards for large high schools. In addition, a standard governing outdoor lighting is proposed in order to further improve the compatibility of each school with its adjoining neighborhood.

**Comparison of Existing and Proposed Zoning Requirements**

<b>Minimum Access By Street Type</b>		
<b>School Size</b>	<b>Existing Code</b>	<b>Proposed Code</b>
<b>High School</b> <ul style="list-style-type: none"><li>▪ With more than 800 students</li><li>▪ With 800 students or less</li></ul>	On arterial street or at intersection of two collector (or larger) streets  On arterial street or at intersection of two collector streets (or larger)	On arterial street or at intersection of two collector (or larger) streets  On collector (or larger) street
<b>Middle School</b>	On collector (or larger) street	On collector (or larger) street
<b>Elementary School</b>	On any street	On local (or larger) street

## Minimum Campus Size

School Size	Existing Code	Proposed Code
<b>High School</b>	15 acres + 1 acre/100 students	Minimum lot area of the zoning district
<b>Middle</b>	10 acres + 1 acre/100 students	Minimum lot area of the zoning district
<b>Elementary School</b>	5 acres + 1 acre/100 students	Minimum lot area of the zoning district

## Additional Setbacks for Schools

(base zoning district establishes minimum standard)

School Size	Existing Code	Proposed Code
<b>High School</b> Structures and outdoor activity grounds abutting residential zone	100 feet	Setback varies according to feature of school site and abutting community condition (see chart in proposed text).
<b>Middle School</b> Structures and outdoor activity grounds abutting residential zone	50 feet	Setback varies according to feature of school site and abutting community condition (see chart in proposed text).
<b>Elementary School</b> Structures and outdoor activity grounds abutting residential zone	50 feet	Setback varies according to feature of school site and abutting community condition (see chart in proposed text).

<b>Landscape Buffer Yard / Screening</b>		
<b>School Size</b>	<b>Existing Code</b>	<b>Proposed Code</b>
<b>High School</b> property perimeter  outdoor recreation area within 100 feet of residential district or use	Landscape buffer yard B (ranges from 10' to 20' in width)  None	No general perimeter buffer required  Landscape buffer yard B (ranges from 10' to 20' in width)
<b>Middle School</b> property perimeter  outdoor recreation area within 100 feet of residential district or use	Landscape buffer yard B (ranges from 10' to 20' in width)  None	No general perimeter buffer required  Landscape buffer yard B (ranges from 10' to 20' in width)
<b>Elementary School</b> property perimeter  outdoor recreation area within 50 feet of residential district or use	Landscape buffer yard B (ranges from 10' to 20' in width)  None	No general perimeter buffer required  Landscape buffer yard A (ranges from 5' to 15' in width)
<b>School building(s)</b>	None	Nearest wall face to residential zone must be of residential-scale or must plant Landscape buffer yard A.
<b>Chain link or similar fencing material in building yard abutting a street</b>	None	Screen plantings required on street side of fence; standards for shrubs are specified.

<b>Outdoor Lighting</b>		
<b>School Size</b>	<b>Existing Code</b>	<b>Proposed Code</b>
<b>High School</b> <b>Middle School</b> <b>Elementary School</b> Buildings, parking and athletic field lights	None	All outdoor lighting must be shielded or directed to prevent light from shining onto abutting residential lots

### **Frequently Asked Questions**

#### **1. What are the standards for the “A” landscape buffer and the “B” landscape buffer yards?**

The Zoning Ordinance specifies the following requirements.

- The “A” buffer varies from 5’ to 15’ in width.
  - The 5’ buffer requires that every 100 linear feet of buffer be planted with 2.4 canopy trees, .8 understory trees, and 8 shrubs, in combination with a 6’ opaque fence.

- The 10' buffer requires that every 100 linear feet of buffer be planted with 1.8 canopy trees, .6 understory trees, and 6 shrubs.
- The 15' buffer requires that every 100 linear feet of buffer be planted with 1.2 canopy trees, .4 understory trees, and 4 shrubs.
- The ‘B’ buffer varies from 10' to 20' in width.
  - The 10' buffer requires that every 100 linear feet of buffer be planted with 4.5 canopy trees, 1.8 understory trees, and 18 shrubs.
  - An alternative 10' buffer limited to the Urban Zoning Overlay district can show fewer planted if used in combination with an opaque fence. In this instance, for every 100 linear feet of buffer a minimum of 3 canopy trees, 1 understory tree, and 10 shrubs must be planted in combination with a 6' wall or opaque fence.
  - The 15' buffer requires that every 100 linear feet of buffer be planted with 4 canopy trees, 1.6 understory trees, and 16 shrubs.
  - The 20' buffer requires that every 100 linear feet of buffer be planted with 3.5 canopy trees, 1.4 understory trees, and 14 shrubs.

**2. How might the proposed change affect separation requirements between schools and certain other uses such as liquor stores?**

Not at all. Separation requirements, where they exist, are tied to the standards for the potentially undesirable use, not the standards for schools. In the Zoning Ordinance, there are no separation requirements for liquor sales in relation to other uses. There is, however, a separation requirement that will not allow an adult entertainment overlay district to be established with 500 feet of a school. (No adult entertainment businesses may be established outside of an adult entertainment overlay zoning district.)

**3. What changes are being proposed for the facility's size to the size of the site?**

None. The existing school regulations use basic measures of lot utilization such as maximum floor area ratio (FAR) and maximum impervious area ratio (ISR) are controlled by the standards of the zoning district in which the school is proposed.

**4. What changes are being proposed to the allowable height of school structures?**

None. The permitted height is controlled by the basic standards of the zoning district in which the school is proposed.

**5. Why aren't sidewalks being required?**

Sidewalks are required. As with any development, sidewalks are required along the project's street frontages. This requirement does not single out schools, but is a general requirement of Zoning Ordinance, Section 17.20.120.

**6. Why are there no restrictions on adjacent land use?**

No restrictions exist now under the current regulations nor are any proposed with this change.

**7. What setback restrictions have been established for school fencing, parking, and buildings?**

None. Setback restrictions are established in the Zoning Ordinance for buildings and uses in each zoning district. These standards also apply to schools and are determined by the zoning district in which the school is located.

**8. Why are screening shrubs too small when planted and the type of plant not covered?**

Requirements for landscape materials are specified in Zoning Ordinance, Chapter 17.24. Except for screening requirements developed specifically for chain-link fences adjacent to public streets, screening materials associated with schools are no different from screening materials associated with other permitted uses. For example, the basic parking lot screening and landscaping requirements of the Zoning Ordinance apply equally to schools, churches, shopping centers, etc.

**9. Why are distances from street intersections not defined?**

Zoning Ordinance Sections 17.20.160 through 17.20.190 address where driveways may be located to nearby intersections. These sections also address the “sight triangle” – the area at an intersection that must be clear of sight obstructions to allow drivers a clear view of on-coming traffic.

**10. Subarea and neighborhood plans are prepared with citizen involvement and adopted by the Planning Commission. How are future school site needs treated in those planning documents?**

Subarea plans and neighborhood plans attempt to identify future school needs in a general way, based on the Capital Budget and Metro Schools’ projections. However, these plans do not identify actual future school sites. That is the responsibility of Metro Schools and a function of land availability and cost.

**Existing Zoning Ordinance Text**

*Delete the text below that is struck through.*

**17.16.40 Educational Uses**

(Refer to zoning district land use table)

~~A. Community Education.~~

~~**1. Campus Size. Minimum campus size shall be based on the total enrollment capacity of the following**~~

~~**school types:**~~

School Type . . . . .	Minimum Campus Size*
Elementary (K-8) . . . . .	5 acres + 1 acre/100 students
Middle (5-9) . . . . .	10 acres + 1 acre/100 students
High (7-12) . . . . .	15 acres + 1 acre/100 students

~~\* Public park space which abuts the school site may be calculated to meet the minimum campus size, provided the metropolitan board of parks and recreation approves the site for shared use.~~

~~2. Setback. Where elementary and middle school structures and outdoor activity grounds abut a residential zone district or district permitting residential use, there shall be a minimum setback of fifty feet. Where high school structures and outdoor activity grounds abut a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet.~~

~~3. Landscape Buffer Yard. Screening in the form of landscape buffer yard Standard B shall be applied along common property lines.~~



4. ~~Street Standard. At a minimum, educational facilities shall have driveway access on streets that function at the minimum street standards below:~~
- a. ~~Elementary: any street; on minor local streets, driveway access shall be permitted only if the minor local street intersects an arterial or collector street within the same block;~~
  - b. ~~Middle: collector street;~~
  - c. ~~High: arterial street; or the intersection of two collector streets.~~
5. ~~Reduced Lot Size. The board of zoning appeals may permit school facilities on smaller lot sizes than set forth above provided extracurricular activities are not offered by the school. Indoor/outdoor interscholastic and intramural competitive sports and outdoor physical education facilities are prohibited. Playgrounds and nature study grounds shall be permitted. The reduced lot size shall not be less than the following enrollment capacities.~~
- |                     |       |                               |
|---------------------|-------|-------------------------------|
| Enrollment Capacity | ..... | Minimum Lot Size              |
| 1 to 75             | ..... | 2 acres                       |
| 75 or more          | ..... | 3 acres + 1 acre/100 students |
- a. ~~Landscape Buffer Yard. Screening in the form of landscape buffer yard Standard A shall be applied along common property lines.~~
  - b. ~~Street Standard. Reduced lot size educational facilities may have driveway access on any street, except on a minor local street driveway access shall be permitted only if the institution is located on a corner lot.~~
6. ~~Community education facilities having a valid use and occupancy permit on the effective date of the ordinance codified in this code, and which cannot satisfy the locational or design standards of this section, may petition the board of zoning appeals as a special exception use under the provisions of Article III of this chapter.~~

**Proposed Zoning Ordinance Text**

*Substitute the text below in-lieu of existing text shown ~~struck-through~~ above.*

**A. Community Education.**

1. **Site location.** It is desirable, but not required, that schools be located within walking distance (one-quarter mile) of other community facilities such as, but not limited to, community centers, parks, greenways, transit stops, and libraries. Along with the required site plan, a vicinity map shall be provided that indicates the school site, surrounding street network, and location of community facilities within one-half mile of the subject site.
2. **Street access.** At a minimum, educational facilities shall access streets that function at the minimum street standards below:
  - a. **Elementary school (K-8)**      **Local street**
  - b. **Middle school (5-9)**      **Collector street**
  - c. **High school 800 student capacity or less**      **Collector street**
  - c. **High school greater than 800 student capacity**      **Major or minor arterial or the intersection of two collector streets**
3. **Outdoor lighting.** Lighting associated with active outdoor recreation, including athletic fields and courts, shall be shielded or directed to prevent artificial light from shining directly into the windows of any residential structure or directly onto abutting lots zoned or used for residential purposes.

**4. Landscaping, buffering and screening.**

- a. In addition to the standards for landscape maintenance (17.24.080), tree protection and replacement (17.24.090f), and parking lot landscaping (17.24.130f), the screening requirements for exterior service areas of commercial buildings (17.24.060E) shall apply.
- b. Buffer and screening standards vary depending upon the relationship between an education campus' edge condition and the type of property that abuts it. To recognize conditions where uses and buildings create compatible relationships of scale and appearance with neighboring features, buffers are required only as set out in the table below.

		ABUTTING CONDITION	
		Residentially zoned property	Public street
<b>C A M P U S  F E A T U R E</b>	Closest building wall > 20' in height, within 50' of property line, and parallel to or forming an angle 45° or less with property line	"A" Buffer	
	Closest building wall > 800 square feet in area, whose wall plane is within 50' of property line, and parallel to or forming an angle 45° or less with property line	"A" Buffer	
	Active outdoor recreation area of elementary school within 50' of property line	"A" Buffer	
	Active outdoor recreation area, court or playing field of middle or high school within 100' of property line	"B" Buffer	
	Parking lot contains > 30 spaces within 50' of property line	"A" Buffer in addition to/combined with the side lot line screening requirements of 17.24.130f	
	Chain link or similar fencing material in an established yard		Fence planted on exterior side with evergreen shrubs minimum 2 ½ feet in height at installation, expected height at maturity at least 6 feet, planted no more than 6 feet on center

- 5. Site plan required. Prior to the issuance of a building permit for construction of a new community education facility, a site plan shall be prepared and submitted identifying and describing the overall development plan and use of individual lots which comprise the site as a whole. The site plan shall be presented in accordance with Section 17.40.170 of this title and the requirement of paragraph A.1. of this section.

5. **Zone Change Proposal 2001Z-011T Contextual Street Setbacks within the UZO**  
(Council Bill BL2001-858)

Staff recommends *approval* with a housekeeping amendment.

This council bill amends a table in the Zoning Ordinance concerning building setbacks along public streets. Currently, there is language in the ordinance under the Urban Zoning Overlay (UZO) district provisions as follows:

*“In no event shall the provisions described below permit a principal building to be constructed within an area designated for street improvements on a major street plan adopted subsequent to the effective date of this section.”*

This text amendment moves this language from the UZO section of the ordinance to Table 17.12.030B with a new note labeled Note 2 making it effective county-wide, not just within the UZO. This will insure that principal buildings are not placed within an area designated on the Major Street Plan for future improvements (i.e. road widening, sidewalks, intersection improvements, etc.).

The amendment also renumbers the existing Note 2 to “Note 3” in Table 17.12.030B (Street Setbacks), and requires no street setbacks in the Mixed Use Intensive (MUI) district anywhere in the county. Currently, there are no street setbacks for MUI zoned properties in the downtown area. This amendment will expand that to the entire county. The MUI district is a high intensity mixed use district that is more prevalent in the downtown area, but is also found along West End Avenue. Allowing no front setback will enable development to be more urban with parking in the rear. It will also support more pedestrian traffic in these areas by bringing buildings closer to the street and creating more of a pedestrian scale, sense of safety, and more “eyes on the street.”

Staff recommends approval with two amendments to Table 17.12.030B: 1) delete reference to “see note 2” under SCN, SCC, SCR, CN and 2) delete MUI district from table listing. The current council bill language is shown below.

**Existing & Proposed Zoning Ordinance Text**

Delete the text below that is ~~struck through~~

Add the text below that is underlined

**Section 17.12.035 Contextual Street Setbacks Within the Urban Zoning Overlay District**

This section allows or requires reductions of street setbacks in certain circumstances within the urban zoning overlay district. In the case of conflict between any two or more provisions below, the provision that permits the building to be built closer to the street shall govern. ~~In no event shall the provisions described below permit a principal building to be constructed within an area designated for street improvements on a major street plan adopted subsequent to the effective date of this section.~~ In all cases, buildings used to determine context may include structures that existed on the effective date of the ordinance that established the urban zoning overlay district and did not comply with the minimum setback requirements.

**Table 17.12.030B  
STREET SETBACKS FOR MULTI-FAMILY AND NON-RESIDENTIAL  
DISTRICTS; AND NON-RESIDENTIAL USES IN AG, AR2a, R AND RS DISTRICTS**

Zoning Districts	Nonarterial Streets	Arterial Streets			
		U2, S2 OW2 OW6	U4, S4	U6, S6	U8, S8
AG, AR2a, all R and RS, RM2 through RM15	70 feet	70 feet	82 feet	94 feet	106 feet
RM20, RM40	60 feet	60 feet	72 feet	84 feet	96 feet
ON, OL, OG, OR20, OR40	50 feet	50 feet	62 feet	74 feet	86 feet
RM60, MUN, MUL, MUG, MUI, ORI	40 feet	40 feet	52 feet	64 feet	76 feet
SCN, SCC, SCR, CN	50 feet <i>see note 2</i>	50 feet <i>see note 2</i>	62 feet <i>see note 2</i>	74 feet <i>see note 2</i>	86 feet <i>see note 2</i>
CS, CL, CA	45 feet	45 feet	57 feet	69 feet	81 feet
IR, IG, IWD	35 feet	35 feet	47 feet	59 feet	71 feet

Note 1: Properties abutting a street designated as a scenic arterial by the major street plan shall comply with the provisions of Section 17.24.070.

**Note 2: In no event shall any street setback provisions permit a principal building to be constructed within an area designated for street improvements on a major street plan adopted subsequent to the effective date of this note.**

~~Note 3: No street setbacks shall be required in the CC and CF, and MUI districts, or in the MUI district for properties located within the downtown area as bounded by the I-24/I-40/I-65 interstate loop.~~

Note 3 **4:** U=Urban Arterial, S=Scenic Arterial, OW=One Way Arterial (e.g., U2=two-lane urban arterial and S4=four-lane scenic arterial).

6. **Zone Change Proposal 2001Z-012T Urban Design Overlay** (Council Bill BL2001-856)  
Staff recommends *approval*.

This council bill amends the text of the Zoning Ordinance for the Urban Design Overlay (UDO) district. The main purpose of this amendment is to delete language from the zoning code that requires a subarea plan amendment to allow a UDO. Over the past couple years, there have been applications for several UDO's (Hillsboro Village, Lenox Village, and Music Row). There have also been several inquiries for other ones, including the property on Coley Davis Road on this agenda (2001Z-077G-06). With each request, the zoning code has required a subarea plan amendment.

Staff recommends approval since the current zoning process calls for conformance with the General Plan. Removing language from the Zoning Ordinance that requires a subarea plan amendment will not change the need for conformancy; it will only remove language that in practice appears redundant. A UDO request will still require the base zoning district's consistency with the General Plan. If the base zoning is not consistent with the intended uses in the UDO, a zone change will be required, and likely a subarea plan amendment. Furthermore, this does not change *anything* at the Council level. The Metro Council will still act to approve or disapprove all base zoning changes and UDO's whether they are consistent or inconsistent with the General Plan.

**Existing & Proposed Zoning Ordinance Text**

Delete the text below that is ~~struck through~~  
Add the text below that is **underlined**

**Article VIII. Urban Design Overlay District**

17.36.270 Purpose and intent.

The purpose of the urban design overlay district is to allow for the application and implementation of special design standards ~~within areas specifically designated by an adopted subarea plan~~ with the intent of achieving a **sense of place by fostering a** scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the urban setting, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of this title. Application of this special overlay district shall be limited to areas ~~specifically identified by a subarea plan as~~ requiring specialized design standards either to maintain and reinforce an established form or character of development, or to achieve a specific design objective for new development. **Any application for an urban design overlay district shall include design goals and objectives that embody this purpose and intent.** (Ord. 96-555 § 9.8(A), 1997)

17.36.290 Design guidelines.

An ordinance creating an urban design overlay district shall include a design plan and associated design criteria of sufficient detail to demonstrate how the design goals and objectives ~~for the subject area as established by the adopted subarea plan~~ will be accomplished. (Ord. 96-555 § 9.8(C), 1997)

#### 17.36.310 Development incentives.

To promote the inclusion of properties within an urban design overlay district for the purpose of achieving specified design objectives, the enacting ordinance may establish development incentives. ~~The form and scope of such incentives shall be commensurate with the goals and objectives of the adopted subarea plan.~~ (Ord. 96-555 § 9.8(E), 1997)

#### 17.40.130 Urban design overlay district.

~~A. Subarea Plan Basis. Application of the urban design overlay district shall be limited to those geographic areas specifically designated by an adopted subarea plan as warranting specialized regulation of design in order to achieve a stated community objective.~~ **B.A.** Application for an Urban Design Overlay District. The applicable goals and objectives of a proposed urban design overlay district shall be established. ~~by an adopted subarea plan.~~ An urban design overlay district application shall **also** include a detailed design plan and all associated design criteria required to implement that plan. The form and content of an urban design overlay district application shall be established by the planning commission. Applications shall be filed with the planning commission. ~~C.~~ **B.** Planning Commission Recommendation. The planning commission shall review a proposed urban design overlay district application for conformance with the stated design goals and objectives established by the applicable subarea plan. The planning commission shall act to recommend approval, approval with conditions or disapproval of the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metro clerk, the zoning administrator and all other appropriate governmental departments.

1. Approval. Approval of a proposed urban design overlay shall be based on findings that the stated design goals and objectives of the adopted subarea plan have been satisfied.

2. Conditional Approval. The planning commission may recommend approval of an urban design overlay district application subject to any conditions deemed necessary to fulfill the goals and objectives of the subarea plan. All conditions shall be transmitted in writing to the applicant. The application will not be considered approved until the applicant concurs with all conditions in writing and provides all prescribed amendments to the application.

Renumber remaining subsections D- F, accordingly.

7. Zone Change Proposal 2001Z-071U-12
8. PUD Proposal 122-83-U-12 The Woodlands

Staff recommends *conditional 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 rezone and amend a portion of the existing Residential PUD for 59 acres from R15 (residential) to RM4 (multi-family residential) district properties at Pineview Lane (unnumbered). The existing R15 district is intended for single-family homes and duplexes at up to 2.5 units per acre. The proposed RM4 district is intended for multi-family at up to 4 units per acre. Surrounding uses include single-family homes and vacant land. The PUD amendment is to permit 150 townhomes in lieu of 152 single-family homes.

#### *Zone Change Proposal*

Staff recommends conditional approval since the RM4 district is consistent with the Subarea 12 Plan's Residential Medium (RM) policy calling for 4 to 9 units per acre. There are three hills on the western, southern, and eastern perimeter of this property. These hills provide a zoning boundary between the proposed multi-family zoning and the surrounding single-family developments. The RM4 district is consistent with the 4 dwelling units per acre density of the single-family portion of the Woodlands Residential PUD.

#### *PUD Proposal*

Staff recommends conditional approval of the 150 townhomes. An amendment is required due to the change in use from single-family lots to multi-family units, as provided in Section 17.40.120F of the Zoning Ordinance. The Planning Commission has previously approved two similar requests for multi-family uses on January 25, 1996, and May 27, 1999. The Metro Council deferred indefinitely the council bills related to these requests and they were never acted upon. This latest amendment is consistent with the overall PUD that contains a mixture of single-family homes and multi-family units. The plan preserves 45 acres of land as open space, a portion of which will contain two new Metro water tanks.

Staff's conditional approval is based upon Public Works approving drainage plans and Water Services approving water line easements and tank locations prior to the Commission meeting. A geotechnical study shall also be required with any final PUD plan due to unstable soils in this area. Based on that study, the location and number of units may be relocated or reduced. The final PUD plan shall also show the water tanks, a use permitted with conditions by the Zoning Ordinance in a residential district. The tanks shall be shown with a minimum setback of 50 feet from the property line and the proposed townhomes as well as a "D" landscape buffer yard, as required in Section 17.16.100B of the ordinance.

### *Traffic*

The Traffic Engineer is requiring a new traffic signal at the PUD entrance on Old Hickory Boulevard. The applicant has agreed to purchase and install the signal. The signal must be installed prior to the issuance of any Use and Occupancy permits.

### *Schools*

A multi-family development with 150 townhomes will generate approximately 22 students (10 elementary, 6 middle, and 6 high school). There is no excess capacity at Granbery Elementary School with a current enrollment of 879 students and a capacity of 680 students, while McMurray Middle School and Overton High School currently have sufficient capacity to accommodate additional development in this area. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.



9. **Zone Change Proposal No. 2001Z-104U-13**

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?** Yes.

This request is to change 4.2 acres from R8 and R10 to MUL district properties at 2500, 2510, 2514, 2518, and 2522 Murfreesboro Pike, 2517 Edge-O-Lake Drive, and Edge-O-Lake Drive (unnumbered). The existing R8 and R10 districts are intended for single-family and duplex residential at 4.6 and 3.7 dwelling units per acre, respectively. The proposed Mixed Use Limited (MUL) district is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses. MUL zoning allows a floor area ratio (FAR) of 1.0. The applicant has indicated this rezoning is to develop a retail and residential project.

The existing Subarea 13 Plan's policies for this area are Residential Medium (RM) calling for residential development at between 4 and 9 dwelling units per acre, and Residential Low Medium (RLM) calling for up to 4 dwelling units per acre. The text of the subarea plan, which was approved by the Commission in 1996, states the following: "*Medium density residential is appropriate on the few remaining undeveloped or underutilized sites.*" These residential policies do not support commercial uses on this side of Murfreesboro Pike. The applicant has indicated a desire to rezone without a subarea plan amendment. Instead, the applicant believes the Retail Concentration Community (RCC) policy that lies on the west side of Murfreesboro Pike should be interpreted as extending across Murfreesboro to include these properties. There may be merit in applying a Mixed-Use (MU) policy in this area, however, a larger area needs to be evaluated and a conceptual plan developed for the area north of Edge-O-Lake Drive, south to parcel 86 (see sketch). There are several large parcels that front on Murfreesboro Pike and extend back into the Willowbranch Drive area. Any development on these parcels would need to be done in a sensitive manner.

Staff recommends disapproval of this request as contrary to the General Plan. The RCC policy does not support the applicant's proposed mixture of commercial and residential uses. RCC policy does not call for residential uses. It is a policy applied to large commercial centers. In July 1998, the Commission disapproved a request for commercial zoning on parcel 69, at the corner of Murfreesboro Pike and Edge-O-Lake Drive finding this area is to remain residential (98Z-133U).

The Subarea 13 Plan says that the Retail Concentration Community (RCC) policy on the west side of Murfreesboro Pike should not cross the street:

*"...The adjoining Retail Concentration Community policy area (9A) should not extend east of the frontage on Murfreesboro Pike into this residential area."* (p.55)

*"...Expansion of this area beyond its current boundaries is not recommended, because of the adjacent residential policy areas. ..."* (p. 61)

*Traffic*

The applicant has indicated that a new driveway/road would be extended from Edge-O-Lake Drive at the rear of the property proposed for rezoning. There would also be a second driveway on Murfreesboro Pike. The Traffic Engineer has indicated that the existing signal at Edge-O-Lake Drive could accommodate the traffic generated by MUL zoning.

**10. Zone Change Proposal No. 2001Z-105G-06**

**11. PUD Proposal No. 151-82-G-06 Harpeth Springs PUD**

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?** Yes.

This request is to change 7.68 acres from CL (commercial) to RM15 (multi-family residential) district properties at 7978 and 7960 Coley Davis Road (parcels 87 and 88), along the south side of Coley Davis Road. There is also a request to cancel the undeveloped commercial portion of the Residential and Commercial PUD containing 8.95 acres (parcels 86, 87, and 88). This portion of the PUD was approved for a 175-room motel, a 10,000 square foot restaurant, and two office buildings totaling 55,000 square feet. The existing PUD calls for an intense mixture of commercial uses, while the CL base zoning is intended for retail, consumer service, banks, restaurants and office uses at a moderate intensity. The proposed RM15 district is intended for multi-family dwellings at up to 15 dwelling units per acre. The applicant has indicated he would like to keep the CL zoning on parcel 86, while canceling the PUD from all three parcels. The RM15 district would allow 115 multi-family units on this property.

*Background*

The Metro Council originally approved this PUD in 1982 for office, restaurant, and motel uses. The CL base zoning was applied in 1998 with the countywide zoning map update to recognize the existing commercial PUD. Prior to 1998, the property had no base zoning; it simply had a Commercial PUD.

The Subarea 6 Plan, which was approved by the Commission in 1996, designates this area as Natural Conservation (NC) policy due to a portion of this site falling within the Harpeth River floodplain. NC policy does allow for moderate intensity development at up to 4 dwelling units per acre in small areas that may be suitable for cluster lot developments. This area is also proposed by staff to be evaluated as part of the Subarea 6 Plan amendment for the Coley Davis Road area.

Although this proposal does move closer to the intent of the current subarea plan, staff recommends disapproval as contrary to the General Plan since the RM15 district is still more intense than intended for this area. Staff would support an RM4 or RM6 district on this property, which would allow 31 or 46 dwelling units, respectively. In addition, keeping the PUD will ensure the development's design is sensitive to the scenic Harpeth River.

*Traffic*

The Metro Traffic Engineer is requiring a left-turn lane from Coley Davis Road into the project. The applicant has agreed to this requirement in lieu of a traffic impact study.

*Schools*

A multi-family development at the RM15 density could generate approximately 17 students (8 elementary, 5 middle, and 4 high school). There is currently excess capacity at Gower Elementary School with a current enrollment of 461 students and a capacity of 800 students. Hill Middle School and Hillwood High School currently have sufficient capacity to accommodate additional development in this area.

## 12. Zone Change Proposal 2001Z-106U-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 1.3 acres from IR (industrial) and R6 (residential) to OL (office) district properties at 511, 512, 514, 516, and 518 27<sup>th</sup> Avenue North, approximately 650 feet south of Clifton Avenue. The existing IR district is intended for a wide range of light manufacturing uses at moderate intensities. The R6 district is intended for residential single-family and duplexes at 6.2 dwelling units per acre. The proposed OL district is intended for moderate intensity office uses. Currently parcel 306 is zoned IR and has a structure on the property. Parcels 240 thru 243 are currently zoned R6 and are being used as parking for the existing structure on parcel 306. The applicant wants to renovate an existing warehouse an office building for a construction management firm.

With the existing IR zoning, this property could be used for more intense industrial uses, which is inconsistent with the Subarea 8 Plan's Residential Medium (RM) policy. That policy calls for 4 to 9 dwelling units per acre. There is currently IR zoning along the CSX Railroad from 28<sup>th</sup> Avenue North to Merry Street. This IR corridor has several vacant buildings and vacant lots. , staff viewed this rezoning as a way to revitalize this corridor and use an existing structure with out intensifying the current industrial presences.

Staff recommends approval of the proposed OL zoning. Due to the number of vacant lots and buildings in this neighborhood, there is a need to revitalize current properties and structures. Rezoning this property to OL will not intensify the current industrial uses, moves this area closer to the subarea plan's intent, and serves as a better transition to the surrounding neighborhood.

### *Traffic*

The Metro Traffic Engineer has indicated 27<sup>th</sup> Avenue North can accommodate traffic generated by OL zoning.

**13. Zone Change Proposal 2001Z-108U-11 (Council Bill BL2001-859)**

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 council bill is to rezone .24 acres from OR20 (office and residential) to MUN (mixed-use neighborhood) vacant properties located at 101 and 103 Charles E. Davis Boulevard. The existing OR20 district is intended for office and/or residential multi-family uses at up to 20 dwelling units per acre. The MUN district is intended for a low intensity mixture of residential, retail, and office uses. The applicant wants to construct a building with retail and restaurant uses.

The Subarea 11 Plan, which was last updated in 1999, designates this area known as the Napier Neighborhood, as Residential Medium (RM) policy. That policy calls for medium density residential uses between 4 and 9 dwelling units per acre. The Subarea 11 Plan discourages the expansion of commercial uses. In 1987, the Planning Commission disapproved a request to change this property from R6 to OP, but it was subsequently approved by the Metro Council. The OP district was converted to OR20 in 1998 with the overall update of the Zoning Ordinance.

*“The expansion of commercial uses into residential areas along Fairfield Avenue and north of Lafayette Street is strongly discouraged...there are more appropriate locations for commercialization within the Enterprise Community.”* (Subarea 11 Plan, page 61).

Staff recommends disapproval as contrary to the General Plan since MUN zoning allows for commercial uses, which are strongly discouraged in this area south of Green Street and north of Lafayette Street. There are existing underutilized commercial parcels on Green Street and Old Hermitage Avenue to the north, and along Lafayette Street to the south that could be used for commercial activities.

*Traffic*

The Metro Traffic Engineer has indicated that Charles E. Davis Boulevard can currently accommodate traffic generated by MUN zoning.

#### **14. Subdivision Proposal 2001S-294G-14 Hermitage Highlands (a cluster lot subdivision)**

Staff recommends *conditional approval* subject to a variance for sidewalks along a portion of Lakeside Place and Central Pike.

This request was originally scheduled for the October 11, 2001, Commission meeting, but the applicant requested to defer indefinitely. More time was needed to check field-conditions for the feasibility of a stub-street into the adjacent property and for recalculation of the property's overall size. The request is for preliminary plat approval for 18 lots on 4.8 acres within a cluster lot subdivision abutting the southwest corner of Lakeside Place and Central Pike. The property is located in the Hermitage area and classified within the RS10 District. A cluster lot subdivision is being requested by the applicant due to the topographic constraints of the property.

The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts. Therefore, this subdivision within the RS10 district may create lots equivalent in size to the RS5 district. The proposed lots range in size from just over 5,000 square feet to over 12,000 square feet. A typical subdivision on 4.8 acres and classified within the RS10 district would allow 18 lots. This request is for 18 lots, and 1.4 acres are being reserved as open space for the development.

##### *Stub-Street*

Staff visited the site to determine whether a stub-street to parcel 140 would be feasible. The field visit proved that a stub-street to parcel 140 would not be feasible because a creek running through the middle of parcel 140 would make this connection unattainable.

##### *Sidewalk Variances*

The applicant has requested a sidewalk variance along Lakeside Place and Central Pike. Staff supports the variance in part. The applicant claims that an existing retaining wall will prevent the installation of sidewalks along Lakeside Place. The retaining wall is only located along a portion of Lakeside Place, but it would obstruct any pedestrian movement to the west of the proposed project entrance. Staff recommends approval of a sidewalk variance on the west side of the proposed entrance due to the existing retaining wall and the obstruction that it would cause.

The applicant further claims that existing severe slopes on the east side of the proposed entrance will prevent the installation of sidewalks. Staff feels that the construction of a 5-foot sidewalk with a 4-foot grass strip is possible along Lakeside Place up to the existing intersection with Central Pike. Several trees that could be used to satisfy bufferyard requirements may be lost in the construction, but the existing slopes will permit a sidewalk to be built up to Public Works' standards. A new library and police station have been constructed across Central Pike, and this sidewalk will make it easier for residents of the proposed subdivision to walk to the library and police station.

Public Works is requesting that an additional 12 feet of right-of-way be reserved along Central Pike because this portion of the road will be upgraded in the near future. Staff recommends approval of a variance for sidewalks along Central Pike because it is likely that any sidewalks constructed will be removed with a future road widening.

Staff recommends conditional approval subject to a variance for sidewalks along a portion of Lakeside Place and along Central Pike.

**15. Subdivision Proposal 2001S-299U-14 Timber Valley** (formerly Timber Ridge)

Staff recommends *disapproval*.

This item was deferred from the October 11<sup>th</sup> meeting at the request of the applicant. This request is to extend either the preliminary plat approval one year to create 45 lots or approve a new preliminary plat to create 45 lots with variances for property abutting the south terminus of Timber Valley Drive, opposite Pleasant View Drive. Based on the property's RS7.5 zoning, 62 lots could be built where 45 lots are proposed on 12.59 acres.

*Background*

The Planning Commission approved on November 25, 1998 a preliminary plat for 45 single-family lots (cluster-lot subdivision 98S-388U). That plat expired last year on November 25, 2000. Preliminary plats are good for two years as provided in Section 3-3.4 of the Subdivision Regulations. A preliminary plat can be extended one year by the Planning Commission, if requested by the applicant *prior* to the plat's expiration and if progress has been made on the subdivision. Progress is defined by the regulations as infrastructure in place for a minimum of 10% of the lots. The Planning Commission sends all applicants after its meeting an "action letter". This letter describes the Commission's action and the applicant's next steps. The letter for Mr. Smith's project dated December 3, 1998 specifically stated the preliminary plat's expiration date as November 25, 2000 (see attachment #1).

*Current Situation*

The applicant, Mr. Gill Smith, contends he was unaware of the plat's expiration, and did not learn of it until he received a letter from Metro Legal dated September 10, 2001 (see attachment #2). Metro Legal's letter was written after planning staff researched the property's platting history upon receiving a phone call from Councilmember Derryberry. A neighbor had called asking him what subdivision was being constructed on this adjoining property. Planning staff informed Codes, Public Works, Water Services, and Metro Legal of the preliminary plat's expiration, and then the applicant's grading and blasting permits were revoked. Metro Water Services also stopped the applicant from further constructing water and sewer lines.

After a meeting with the applicant and his surveyor, Joe McConnell of MEC, Inc., a letter was submitted by Mr. McConnell requesting the plat be extended (see attachment #3) as originally approved. This plat does not comply with today's Subdivision Regulations for sidewalks and local street right-of-way dedication. Approval of a current plat is a precondition for the Commission's consideration of this plat extension. The applicant does not have an approved plat, it having expired on November 25, 2000 with no extension having been granted. An essential prerequisite for a plat extension has not been met. Therefore, the Commission may not consider it or grant it.

In Mr. McConnell's letter, he states that if the Commission cannot grant a plat extension for the Commission to approve the original preliminary plat with variances. While his letter does not specify the variances being requested, he does provide general justification for approval of the original plat. A review of the plat indicates variances would be needed for sidewalks as well as right-of-way. When the original plat was approved, it complied with the Subdivision Regulations. The regulations

were updated in December 2000 requiring 4 foot planting strips, 5 foot sidewalks, and sidewalks on both sides of the street. To accommodate the sidewalks, the minimum right-of-way for local streets is 46 feet. The original plat shows only a right-of-way dedication of 40 feet for local streets within the subdivision.

The applicant does not want to construct sidewalks on both sides of the street. The applicant is willing to construct them with the required 4 foot planting strip and 5 foot path, but not within a 46 foot right-of-way. Instead, the applicant proposes keeping the 40 foot right-of-way and constructing a portion of the sidewalks within a 3 foot pedestrian easement. Sidewalks may be constructed within pedestrian easements, however, that is typically permitted only where there is limited right-of-way due to the existing built environment. On a large site such as this one, there is room to accommodate the sidewalks within a 46 foot right-of-way.

Staff recommends disapproval of the applicant's request for a plat extension and/or re-approval of the original plat with variances. Since extensive work has not been done on this site, the applicant should submit a new preliminary plat that complies with today's Subdivision Regulations for staff review and Commission consideration.

## 16. Subdivision Proposal 2001S-306U-10 Wich Subdivision

Staff recommends *disapproval*.

This request is for preliminary plat approval to subdivide a 1-acre lot into two lots. The property abuts the west margin of Estes Road. Due to the size of the proposed lots, sidewalks are not required. The Subdivision Regulations requires sidewalks where lots are less than 20,000 square feet sidewalks. The R20 base zoning requires a minimum lot size of 20,000 square feet.

### *Existing Conditions*

This property is currently a flag-shaped lot with one dwelling. The lot has access to Estes Road by way of a 30-foot driveway that runs between two adjacent properties.

### *Lot Comparability*

The applicant has requested a variance for 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. Lots 1 and 2 both satisfied the requirement for lot area. Both lots failed lot frontage. The minimum allowable lot frontage was 97 feet; each lot has only 15 feet of frontage. Given the proposed lots are being created from a lot that has only 30 feet of frontage, these lots cannot meet the requirements. Staff does not support the variance for lot comparability based on the vast difference between the minimum allowable frontage and what is proposed on this preliminary plat.

### *Flag Lot Variance*

The applicant has requested a flat lot variance based on the following:

1. Splitting the lot will increase the owner's property value.
2. With the R20 zoning separate ownership and control are preferred.
3. No desire to create the permitted condominium development.

The Subdivision Regulations in Section 2-4.2-A state as follows: "Each lot shall have frontage on a public street to enable vehicular access to be provided. *Flag lots generally shall not be permitted.* In the event the Planning Commission finds that due to unusual topographic conditions, direct lot frontage on a street is precluded, it may recommend a waiver."

Staff recommends disapproval of this preliminary plat based on the proposed lots failing the lot comparability and creating a precedent with the flag lot variance. This plat creates more non-conformity with the Subdivision Regulations and neighborhood character than exists today.



**17. Subdivision Proposal 2001S-045U-05 Shepardwood, Sec. 1, Resub. Reserve Parcel B**

Staff recommends *conditional approval* subject to a sidewalk variance along Oakwood Avenue, Public Works' approval of the private sewer lines within Oakwood Avenue, and bonds and bonds for extension of roads and public utilities.

This request is for final plat approval to convert a reserve parcel into two lots. The total land area is 0.56 acres. Lots 1 and 2 are proposed at 8,903 square feet and 15,391 square feet, respectively. Both lots comply with the requirements of lot comparability.

*Existing Conditions*

Oakwood Avenue is presently constructed approximately 60 feet past the proposed interior lot line between lots 1 and 2. All streets in this subdivision were platted in the mid-1980's and are built on an open ditch cross-section design. The right-of-way platted for the proposed stub-out street adjacent to lot 1 has never been constructed. The property shown on the plat of record as future development, which would have used this stub-street is a Metro park. The property to the north of this reserve parcel is the new Jerry Baxter Elementary School. Given the property's location, there is no need for the applicant to construct the stub-street into the Metro park (parcel 47).

*Existing Utilities*

Metro Water and Sewer Services currently has an 8" water line in Oakwood Avenue to serve these proposed lots. Sewer service is being proposed by the installation of two long private sewer service lines to an existing manhole approximately 180 feet south of the property in Oakwood Avenue. Metro Water Services has issued an active availability approving the two long private sewer lines for this property. Prior to the Commission meeting, the applicant must obtain Public Works' approval to locate these private service lines within the public right-of-way of Oakwood Avenue.

*Sidewalk Variance*

The applicant has requested a sidewalk variance for Oakwood Avenue. There are no sidewalks in this subdivision or on any adjacent streets south to Trinity Lane. Staff supports a sidewalk variance along Oakwood Avenue.

Staff recommends conditional approval to a sidewalk variance along Oakwood Avenue, Public Works' approval of the private sewer lines within Oakwood Avenue, and bonds for the extension of roads and public utilities.

**18. Subdivision Proposal 2001S-275U-08 Germantown-Fifth Avenue, Resub. Lots 1 and 16**

Staff recommends *conditional approval* subject to Council approval of mandatory referral 2001M-106U-08 prior to recordation, a revised plat prior to recordation which shows rights-of-way to be abandoned, and a stamped copy from N.E.S. approving the subdivision prior to the Commission meeting.

This request is for property located in Germantown within the MUN district. It was originally scheduled for the September 27, 2001 meeting, but was deferred indefinitely by the applicant in order to file a mandatory referral to abandon easements and right-of-way (see also 2001M-106U-08). The Planning Commission approved a final plat to create sixteen lots on October 15, 1997 (97S-104U). The approved plat shows two right-of-way and two 5' foot public utility easements. This final plat is to abandon the two 5-foot utility easements along Madison Street and Monroe Street and to modify the right-of-way returns on lots 1 and 16 abutting the northeast corner of 5th Avenue North and Madison Street, the southeast corner of 5th Avenue North and Monroe Street, the northwest corner of Madison Street and Alley #202, and the southwest corner of Monroe Street and Alley #202.

Staff recommends conditional approval of this final plat subject to several conditions. These conditions are that Council approve the mandatory referral prior to plat recordation, submittal of a revised plat prior to recordation showing the rights-of-way and utility easements to be abandoned, and a stamped copy from N.E.S. approving this plat prior to the Commission meeting. NES power lines hang within the public utility easement.

**19. 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, a revised plat prior to recordation which shows a 5' perimeter landscape strip around the church's additional parking area, and a revised plat prior to the Commission meeting which shows a water quality and quantity pond with a recording number.

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 shall be required on a revised plat, prior to recordation.

*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, a revised plat prior to recordation which shows a 5' perimeter landscape strip around the church's additional parking area, and a revised plat prior to the Commission meeting which shows a water quality and quantity pond including a recording number.

**20. Subdivision Proposal 2001S-078U-07 Duluth-Vernon Subdivision**

Staff recommends *conditional approval* subject to a sidewalk variance along Duluth Avenue and Vernon Avenue.

This request is for final plat approval to consolidate ten lots into three lots. The property is located abutting the east margin of Vernon Avenue and the west margin of Duluth Avenue. This property is classified within the IR (industrial) district. This plat reconfigures lot lines to allow the separate ownership of three existing warehouse-type buildings on the property.

*Service Utilities*

The existing water and sewer lines will serve all three buildings. Metro Water Services has approved separate service connections.

*Sidewalk Variance*

The applicant has requested a sidewalk variance along Duluth and Vernon Avenues. The current cross-section of the abutting streets is an open ditch design. Also, the closest sidewalks in relation to this site are approximately 2,300 feet to the northeast across Richland Creek. Staff supports this sidewalk variance.

Staff recommends conditional approval subject to a sidewalk variance along Duluth and Vernon Avenues.

**21. Subdivision Proposal 2001S-287U-11 Mercury Court, Resubdivision of Lot 1**

Staff recommends *conditional approval* subject to a flag lot variance and no delay in plat recordation due to the mandatory referral.

A similar final plat for this property was disapproved by the Planning Commission on September 27, 2001 (6-1). The Commission disapproved the plat because it was precedent setting by creating a lot with no public road frontage. The Subdivision Regulations require that each lot within a proposed subdivision have frontage on a public street to enable vehicular access to be provided, unless the property is within a PUD.

A new plat has been submitted that creates a “flag lot” rather than a lot with no public road frontage. This request is for final plat approval to subdivide one lot on approximately 4 acres into two lots abutting the south margin of Murfreesboro Pike and the west margin of Parris Avenue. The property is within the ORI District, while all surrounding properties are within CS district property. This final plat request is being filed as a unified plat of subdivision that would enable the Zoning Administrator and/or the Planning Commission to authorize design flexibility concerning several issues. A unified plat of subdivision allows proposed lot 2 to redistribute parking, floor area ratio, and impervious surface ratio to proposed lot1.

This property is a former hotel site that has been redeveloped into an affordable housing complex. This plat would allow on lot 2 a 20-unit affordable housing structure under the Tennessee Housing Development Authority Program (THDA). Urban Housing Solutions owns the entire property. THDA is requiring a non-profit entity of Urban Housing Solutions to own proposed lot 2 in order to receive funding for the affordable housing project to be erected on that lot. A flag-shaped lot is being created by the proposed subdivision. The Subdivision Regulations state that flag lots generally shall not be permitted, but the Planning Commission may find that a variance is necessary for this regulation (Section 2-4.2A).

*Flag Lot*

The applicant has submitted a variance application for the flag-shaped lot based on economic hardship since lot 2 must have a separate owner in order to receive federal funding. The applicant claims that there is no other location on this property to place an additional unit. There are currently buildings along the property’s perimeter on Parris Avenue and Murfreesboro Pike where roadway frontage exists. The Murfreesboro Pike frontage is also narrow with 40% of its frontage already taken up by buildings. The applicant also argues that this site is unique based upon the existing shape of the parcel and the location of the existing buildings. This small portion of available frontage combined with the fact that there is only one possible location for the additional units to be located within the development creates a unique situation, according to the applicant. Staff agrees that this is a unique situation and supports the variance request.

*Alley Closures*

There are two alleys that cross the site that still appear on the Official Street and Alley Map. A mandatory referral has been requested to remove these alleys from the map (see 2001M-105U-11). These alleys were closed by a court decree in 1952. They remain on the map, however, and Council action will be necessary to remove them. Based on the fact that this is merely a housekeeping measure, the recording of this plat need not be delayed by the approval of the mandatory referral by Council.

Staff recommends approval of this plat subject to a flag lot variance and no delay in plat recordation due to the mandatory referral.

**22. Subdivision Proposal 2001S-298U-13 Ransom Park Commercial, Section 1**

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

This request is for final plat approval to create one lot abutting the northwest corner of Ransom Place and Murfreesboro Pike (2.5 acres), classified within the SCC District. The Planning Commission approved the preliminary plat for this subdivision on August 2, 2001.

The preliminary plat inadvertently omitted an important element required by the Metro Traffic Engineer. The Traffic Engineer required a 60-foot right-hand, southbound turn lane with a 125-foot taper from Murfreesboro Pike onto Ransom Place.

The applicant has agreed to show the turn lane on the final plat, but no construction plans have been approved by Public Works. Staff recommends conditional approval subject to submittal of a revised plat and bonds for the extension of roads, public utilities, and sidewalks. The revised plat shall include construction plans showing the left-turn lane and a sidewalk within the public right-of-way not as a pedestrian easement along Murfreesboro Pike, prior to plat recordation.

**23. Subdivision Proposal 2001S-303U-14 Nashville Supportive Housing**

Staff recommends *conditional approval* subject to a bond for sidewalks and a revised plat prior to recordation which shows the ingress/egress from McCampbell Avenue, cites a recording number for the detention pond, and shows the drainage easements extending to the property line as required by Public Works.

This request is for final plat approval to create a one-lot subdivision on approximately 2.5 acres abutting the northwest corner of McCampbell Avenue and Colonial Circle, opposite Surrey Road in the Donelson area. The property is classified within the OR20 and R10 Residential Planned Unit Development District. The Planning Commission approved a revision to the final PUD plan for Donelson Health Care on July 19, 2001 (151-79-U) to permit an 18,979 square foot, 17-unit assisted living facility. This plat closely matches the approved PUD plan, but several conditions need to be met prior to recordation.

On the current plat, there is no ingress/egress being shown for the property. The approved PUD plan shows access to the property along McCampbell Avenue across from Surrey Road, and a revised plat must be submitted prior to recordation showing this access. The current plat also shows a detention pond in the corner of the property abutting Colonial Circle and McCampbell Avenue. Drainage easements to the pond are being shown, but they are not extending across the entire property. Public Works is requiring that a revised plat be submitted prior to recordation which shows a recording number for the detention pond and drainage easements that extend in order to service the entire site.

Staff recommends conditional approval subject to a bond for sidewalks and a revised plat prior to recordation which shows the ingress/egress from McCampbell Avenue, cites a recording number for the detention pond, and shows the drainage easements extending to the property line as required by Public Works.

**24. Subdivision Proposal 2001S-307G-12 Stanford Village, Section 3**

Staff recommends *conditional approval* subject to bonds for roads, public utilities, and sidewalks.

This request is for final plat approval to create 41 lots on approximately 15 acres abutting the south terminus of Blake Drive in the southern part of the county. The property is classified within the RS10 District. This final plat closely matches the preliminary plat that was approved by the Planning Commission on February 4, 1999 (99S-038G).

Section 3 of the Stanford Village cluster lot development is the final phase of this larger development. Under the original preliminary plat, lots 90 and 91 were to be developed. This plat deletes them due to plat conflicts with the Mill Creek floodplain. The area that was designated for lots 90 and 91 is now a part of the open space/drainage easement.

*Mill Creek*

Mill Creek flows through this property and has been identified as a greenway corridor in the Countywide Greenways Plan. When the preliminary plat was approved, Mill Creek was identified and an undefined landscape buffer was shown on the development side of the creek. With this final plat, the applicant has provided a 50 foot buffer from the edge of the floodway and 25 feet past that buffer for a conservation easement / public greenway trail as defined in the Storm Water Regulations and the Subdivision Regulations. Mill Creek runs along the western side of the proposed extension of Blake Drive. By providing the buffer and conservation easement the applicant has satisfied the regulations. Prior to plat recordation, a revised plat shall be submitted showing a public access trail for the Mill Creek greenway. The trail shall be labeled a “public access greenway trail” to be constructed in future by Metro Government. In addition, signs shall be required for lots which border the greenway notifying future property owners of the future trail.

*Sidewalks*

Even though sidewalks are shown on one side of Blake Drive, none are shown on any other cul-de-sac's. This plat conforms with the approved preliminary plat. That plat did not show sidewalks on both sides of the street. In addition, the applicant was “vested” before the new sidewalk standards took effect in December 2000. A final plat for an earlier phase was recorded prior to the Subdivision Regulations amendment.



**25. Subdivision Proposal 2001S-310U-13 Ransom Park, Section 2**

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

This request is for final plat approval to create 8 lots within the RS10 District on approximately 2 acres abutting the southwest terminus of South Grafton Court, southwest of Olive Circle. The site is located within a larger cluster lot subdivision in the Antioch area that abuts the east margin of Franklin Limestone Road. The Planning Commission approved the preliminary plat for 162 lots on 44 acres on June 8, 2000 (2000S-155U-13). This plat matches the approved preliminary.

The current Subdivision Regulations require sidewalks on both sides of the street within subdivisions, and this plat is only showing sidewalks on one side of the street. The regulations in place at the time of approval for the preliminary only required sidewalks on one side of the street. Sidewalks could be required on both sides of the street as per today's standards, but the developer has a vested interest in the form of an approved final plat to create 34 lots. The Planning Commission approved a final plat to create 34 lots on approximately nine acres on September 14, 2000 (2000S-295U-13). The approved final plat abuts this request for eight lots, and it was approved with sidewalks only on one side of the street. For this reason, staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities.

**26. PUD Proposal 75-83-U-12 Elysian Plaza Kroger (Gas Station)**

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary PUD plan and for final approval for a portion of the Commercial (General) PUD district located at the existing Kroger store on the west side of Nolensville Pike. The request is to permit the development of a gas station with five (5) pump islands, a 96 square foot kiosk, and a 131 square foot restroom facility, replacing overflow parking for the Kroger store on this parcel. The plan includes five (5) pump islands with no direct access to Nolensville Pike. All access will be through an existing private driveway on the Kroger site. Staff recommends conditional approval provided Water Services and Public Works approves this plan, prior to the meeting. This plan reduces the number of parking spaces in this shopping center by 70 spaces. The PUD has a surplus of parking.

The site's SCC base zoning allows automobile convenience (i.e. gas station) uses as a PC use (Permitted with Conditions). This plan complies with the Zoning Ordinance requirements. It includes a minimum street frontage of 100 feet, gasoline pumps that are at least 20 feet from the nearest property line and 20 feet from Nolensville Pike, no outdoor loudspeakers, and a screened trash dumpster.

The Zoning Administrator has indicated this site does not need to meet all of the same requirements as the Kroger gas station in Bordeaux. That gas station was approved by the Commission earlier this year. Unlike the Bordeaux facility, this gas station will provide restrooms on-site. This site will be developed similarly to the Kroger site approved in Nashboro Village in September 2001.

**27. PUD Proposal 117-83-U-14 Music City Outlet Center**

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary PUD plan for the Commercial (General) PUD district to permit the existing 283,691 square feet of retail space to be changed to office space. The plan proposes no change to the floor plans, no additional square footage, and no changes to the driveway or access points. Although this plan was approved prior to 1998, the 1998 Zoning Ordinance update requires all revised PUD plans to meet the current landscaping and parking standards. The Zoning Ordinance requires the proposed office uses to have one parking space for every 300 square feet of space. While 945 parking spaces are required to meet the requirements, the existing parking area includes a total of 1,341 parking spaces. Staff recommends conditional approval provided a Traffic Impact Study is submitted in conjunction with the submittal of any final PUD plans, and provided Water Services approves the plans prior to the Planning Commission meeting.

The applicant has indicated that the existing mall is underutilized since Opry Mills opened across the street, and this revision will serve to adaptively reuse the existing structures. The applicant intends to update the façade of the building and upgrade the landscaping in the parking lot to modernize the site for the proposed office development.

*Zoning*

The Zoning Ordinance allows the Planning Commission to consider revisions to PUDs when the proposed use is either consistent with what was approved on the original Council approved plan, or when it is consistent with the base zoning district. The base zoning on this property is Commercial Attraction (CA) which is intended for a wide range of commercial activities, including, retail, recreational, and office. This proposal is also consistent with the Subarea 14 Plan's Commercial Mixed Concentration (CMC) policy calling for a mixture of retail, office, shopping uses.

*Traffic*

The Metro Traffic Engineer has indicated that with the change from retail to office, the applicant will be required to submit a Traffic Impact Study (TIS) to determine how the change in traffic counts and patterns could impact the roads in this area. The applicant has agreed to comply with any on or off-site improvements that may be required under an approved TIS by the Metro Traffic Engineer.

**28. PUD Proposal 2000P-003G-06 Riverwalk Amenity Area**

Staff recommends *conditional approval* subject to a revised plat showing a sidewalk along Valleypark Drive.

This request is to revise a portion of the preliminary PUD's amenity area and for final approval. The preliminary plan was approved by the Commission in June 2000. That plan included a clubhouse and pool, while the proposed plan eliminates the clubhouse and provides two smaller cabanas, increases the pool's size, and adds two play areas. Staff recommends conditional approval provided a revised plan is submitted prior to the Planning Commission meeting showing a sidewalk along the amenity area's frontage on Valleypark Drive.

**29. Mandatory Referral Proposal 2000M-131U-10**

Staff recommends *conditional approval*.

This request is to construct a pedestrian bridge over 21<sup>st</sup> Avenue South by Vanderbilt University. Vanderbilt University originally submitted this application last October, and it was deferred indefinitely until more detail about the bridge's size, location, materials, and design were known. Over the past year, Vanderbilt has worked with Public Works, NES, and the Planning Department to design a bridge that meets everyone's needs. For Vanderbilt, the bridge is critical to providing an unobstructed pedestrian link between the university's main campus and Peabody College. It also provides barrier-free access for students and visitors that is ADA compliant.

The bridge is proposed to span (i.e. encroach upon) 21<sup>st</sup> Avenue South near Edgehill Avenue. The proposed bridge is designed with two brick columns with the Vanderbilt University "V" emblem on each column and a bridge span with the "V" emblem and words "Vanderbilt University". The bridge's design materials include brick, steel, lighting, and a metal mesh to prevent objects from being thrown on pedestrians and cars below. The bridge's proposed pedestrian path is 8 feet wide and the bridge's height above 21<sup>st</sup> Avenue South is 17 feet (as measured from the street to the bottom of the bridge). Bridge piers will be located outside of the public right-of-way.

Staff recommends conditional approval subject to other agencies and departments recommending approval.

**30. Mandatory Referral Proposal 2001M-097G-06**

Staff recommends *approval*.

This request is to close and abandon a portion of Morton Mill Road from the centerline of River Bend Lane up to the point that it is no longer shown as a public road on the Official Street and Alley Map. The applicant wishes to abandon this portion of Morton Mill Road in order to rededicate and extend the road across the proposed Harpeth Crest subdivision. The Planning Commission approved a preliminary plat for Harpeth Crest on September 13, 2001 (2001S-267G-06) and a final plat for 5 lots within Harpeth Crest on October 11, 2001 (2001S-268G-06). The preliminary plat's approval was conditioned subject to Metro Council approving this mandatory referral prior to any final plat recordation. Since that time, however, staff has learned that this abandonment is merely a housekeeping correction. This correction should have been made long ago, and staff now feels that recordation of the approved final plat should not be delayed by this mandatory referral.

The Official Street and Alley Map shows Morton Mill as a public road well into the proposed subdivision. It becomes a private drive according to the map approximately 2,000 feet north of River Bend Lane's centerline. The sketch submitted by the applicant shows the public portion of Morton Mill Road ending 1 mile from Old Harding Pike which is approximately 900 feet into the property. This is in accordance with the survey records provided by Public Works that date back to 1919. The problem is that the same records include a written description that states that the public portion ends where the property for the proposed subdivision begins. Public Works maintains that the written description within their records takes precedence over the measured distance because Old Harding Pike has been re-aligned since the survey records were recorded. Public Works has assured staff that the Official Street and Alley Map is incorrect and should be updated, therefore, this abandonment is merely a housekeeping measure.

An abutting property owner, Ms. Marion Lopez, expressed concern about the closing of this portion of Morton Mill Road at the commission meeting on September 13<sup>th</sup>. She currently has access to her property through an ingress/egress easement from River Bend Way that is established with the deed to her property. The Metro Legal Department has informed staff that Ms. Lopez has no claim to the portion of Morton Mill Road being abandoned, and her signature is not required on the application for the mandatory referral. Metro Legal maintains that this portion of Morton Mill Road has never been a public road and that the mandatory referral is required only to receive Council action to remove the road from the Official Street and Alley Map. Staff recommends approval of this request in order to remove this housekeeping error from the official map.

**31. Mandatory Referral Proposal 2001M-105U-11**

Staff recommends *approval*.

This request is to close a portion of Alleys #2076 and #2080 between Nance Lane and Parris Avenue. Easements are to be abandoned. It is a housekeeping amendment to the Official Street and Alley Map. Both of these alleys were closed in 1952, but have never been removed from the map. The applicant is requesting these closures as part of the Mercury Court subdivision (2001S-287U-11).

Today, these alleys do not physically exist since they were built upon in the 1950's with the construction of the former motel and parking lot. On April 14, 1952, the Chancery Court of Davidson County determined these unimproved alleys were to be closed. They were never opened or accepted by Davidson County. After the court's decree, the former motel was constructed. Therefore, this mandatory referral merely amends the map to reflect the court's decision made nearly 60 years ago. The Metro Legal Department has indicated staff cannot administratively amend the Official Street and Alley Map. That power is reserved for the Metro Council, including housekeeping errors as in this case.

Staff recommends approval of these alley closures as all reviewing agencies and departments are recommending approval.

**32. Mandatory Referral Proposal 2001M-106U-08** (Council Bill BL2001-865)

Staff recommends *conditional approval*.

This council bill is to abandon and reclaim dedicated right-of-way at the corners of 5th Avenue North and Madison Street, 5th Avenue North and Monroe Street, Alley #202 and Monroe Street, and Alley #202 and Madison Street as well as to abandon 5-foot public utility easements along Monroe Street and Madison Street. The Planning Commission approved a final plat to resubdivide six lots into sixteen lots on October 15, 1997 (97S-104U). The approved plat shows two right-of-way dedications of 135 square feet for turning radii along 5<sup>th</sup> Avenue North and two right-of-way dedications of 48 square feet for turning radii along the alley to the rear of the property. Two five-foot public utility easements are also shown on parcel 293 along Monroe Street and on parcel 485 along Madison Street. Public Works has approved the right-of-way abandonment. NES is still reviewing the public utility easement abandonment.

Staff recommends conditional approval of this request subject to NES' approval. The applicant is requesting this abandonment to reclaim the property in order to construct mixed-use buildings closer to the street corners. The property is within Germantown and Subarea 8 Plan's Mixed Use policy. According to the subarea plan, living, working, and shopping needs should be integrated within Germantown at a pedestrian-scale to create an attractive, exciting environment for both residents and businesses. Allowing the proposed buildings closer to the street would reinforce the goals of the Subarea 8 Plan by creating a comfortable pedestrian environment. Furthermore, this area is historically and architecturally unique, and corner radii should be preserved in such a way that buildings can be constructed closer to the street corners in order to maintain the area's uniqueness.



**33. Mandatory Referral Proposal 2001M-107U-08**

Staff recommends *approval*.

This request is to abandon an existing 8" sanitary sewer line and easement that runs from Alley #500 along the rear of parcels 143-145 and the south side of parcel 240 to Mary Street on tax map 081-12. Mt. Bethel Baptist Church is seeking to abandon the line and associated easement to construct a 25,000 square foot multi-purpose building. The church is currently located on parcel 241 just across the alley from the proposed abandonment.

A plat has been submitted by the applicant (2001S-271U-08) to consolidate parcels 244-248 into one lot and parcels 143-145 and 239-240 into another lot for the multi-purpose building. The proposed building, however, is planned on top of the existing 8" sanitary sewer line. Metro Water Services has indicated that the line is approximately 100-years-old, and it is not currently servicing anything in the area. The plat has been deferred indefinitely in order for the mandatory referral process to begin.

Staff recommends approval of this sewer easement abandonment. All reviewing agencies and departments are recommending approval.

**34. Mandatory Referral Proposal 2001M-108U-14**

Staff recommends *approval*.

This request is to abandon an 8" sewer line located within a 20 foot easement for a length of 52.7 feet at Margaret Allen Elementary School. The sewer line runs parallel to Spence Lane. The line needs to be abandoned for the school's planned expansion. In addition, a new sewer manhole will be constructed.

Staff recommends approval of this easement abandonment as all reviewing agencies and departments are recommending approval.

**35. Subdivision Text Change 2001S-001T**

Staff recommends *approval*.

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, the Neighborhood Alliance, 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**

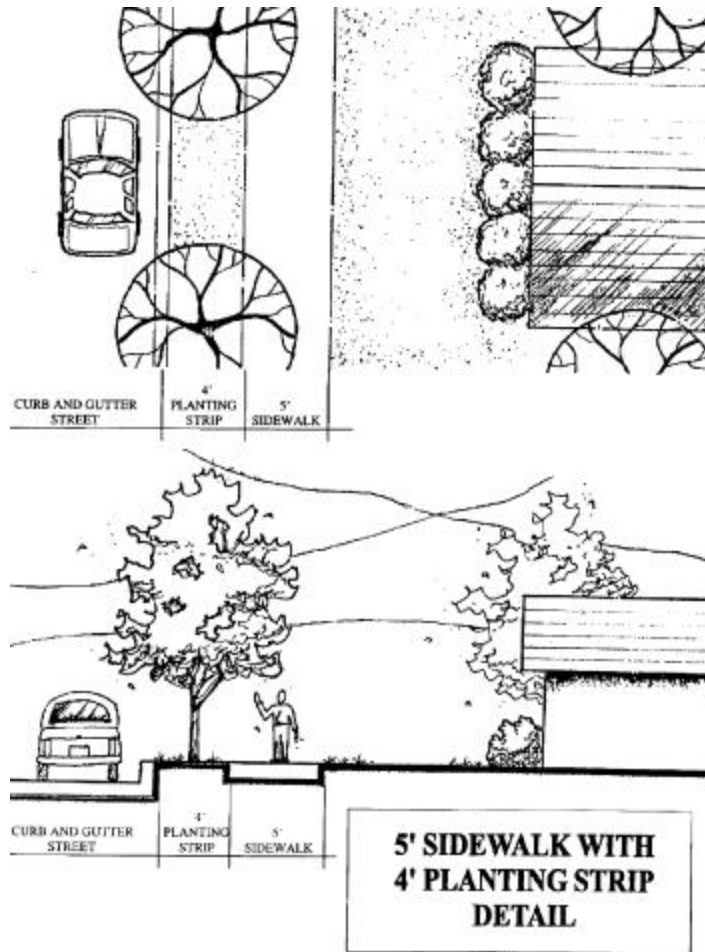
**A. General**

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**

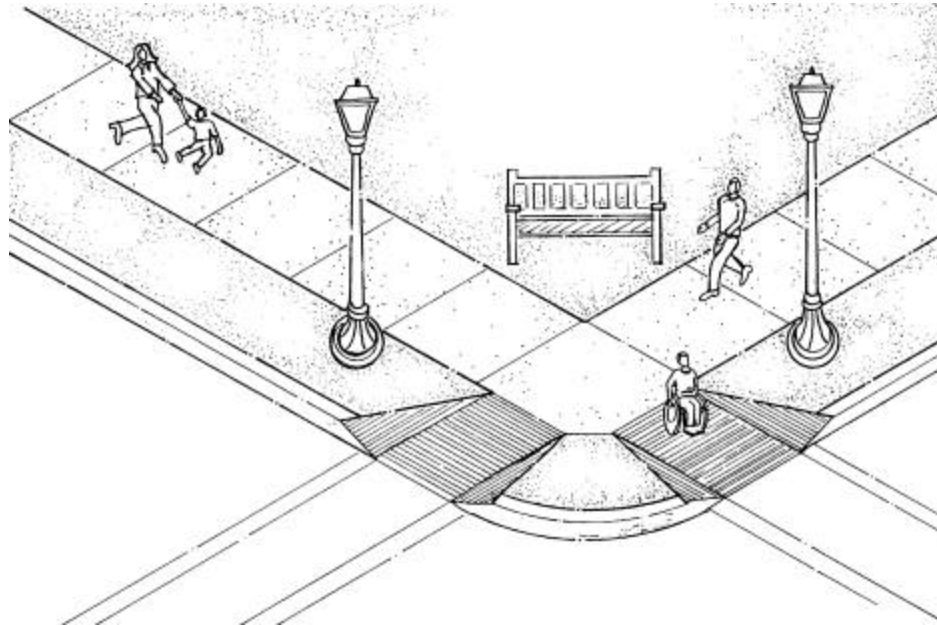
**1. Dimensions**

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 such as 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 curbline, a sidewalk easement may be allowed.
  - c. When natural features that are desired to be preserved or protected exist in the path of a sidewalk, the sidewalk may meander around the 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/landscape 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 the Metropolitan Government 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 C7 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:

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 an in-lieu fee for sidewalk construction.

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.

## **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.

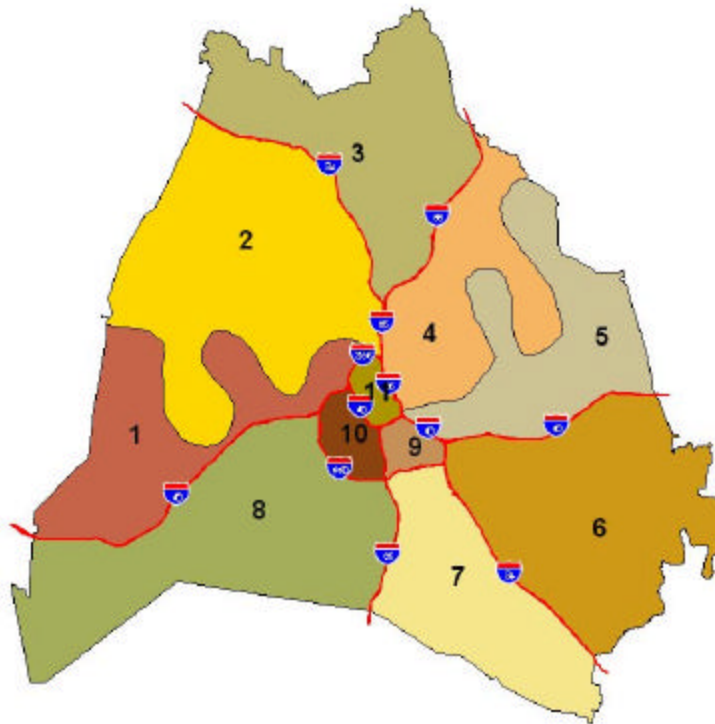
Pedestrian Benefit Zones are described as follows (see Map below):

- 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*)

**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."~~

## ADMINISTRATIVE REVIEW

### Section 3-3.2 of Subdivision Regulations

#### *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.

36. **2002 Meeting Schedule**

Staff recommends adoption of the attached meeting schedule for the year 2002.

By the first of November of each year, the Metropolitan Planning Commission must establish a schedule of meetings for the following year. The Rules and Procedures prescribe that the Planning Commission hold a least one meeting each month. It has been the practice of the Commission to meet every other Thursday, causing its meetings to sometimes fall on the second and fourth Thursdays, and at other times to fall on the first, third, and fifth Thursdays of the month. **The staff recommends the Planning Commission establish its meeting schedule such that meetings fall on the second and fourth Thursdays of each month, beginning in January 2002. Based on the Commission's previous input, only one meeting has been scheduled in November and December due to the holidays.** We recommend the second and fourth Thursdays in order to alternate weekly meetings with the adopted schedule of the Metro Council. This proposed change will not noticeably increase the work load at meetings because of the modest reduction from 26 to 23 meetings each year. The staff to the Board of Zoning Appeals has indicated they can adapt their meeting schedule to alternate with the Planning Commission's schedule if this change is made.



# **MPC Schedule**

## **2002 Schedule: Filing Deadlines & Meeting Dates**

### **Filing Time & Location:**

4:30 p.m. filing closes, Metropolitan Planning Commission  
Lindsley Hall, 730 Second Avenue South, Nashville, TN 37201  
615.862.7190 [www.nashville.org/mpc](http://www.nashville.org/mpc)

### **Meeting Time & Location:**

1:00 p.m. in the Howard Office Building Auditorium  
700 Second Avenue South, Nashville, TN

<b>MPC <u>Filing Deadline</u></b>	<b>MPC <u>Meeting Date</u></b>
December 6, 2001	January 10, 2002
December 13, 2001	January 24, 2002
January 3	February 14
January 17	February 28
February 7	March 14
February 21	March 28
March 7	April 11
March 21	April 25
April 4	May 9
April 18	May 23
May 2	June 13
May 16	June 27
June 6	July 11
June 20	July 25
July 3*	August 8
July 18	August 22
August 1	September 12
August 15	September 26
September 5	October 10
September 19	October 24
October 3	November 14
October 17	December 12
November 20	January 2, 2003 *

\* Due to July 4th & Christmas holidays