



**Project No.**

**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Proposed Amendment to the Bellevue  
Community Plan: 2003 Update**

2004Z-166G-06  
None  
35 – Tygard  
9 –  
Roy Dale of Dale and Associates for various owners

**Staff Reviewer**  
**Staff Recommendation**

**Wood**  
*Hold public hearing, keep hearing open, and defer  
action until the November 11 meeting*

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**APPLICANT REQUEST**

**Change the land use policy from Residential Low-Medium Density (RLM) to Community Center (CC) for approximately 25 acres and Residential Medium Density (RM) for approximately 10 acres for 21 properties between Old Harding Pike and Highway 100.**

**Existing Land Use Policy**  
Residential Low-Medium  
Density (RLM)

RLM is intended for residential development at densities between 2 and 4 dwelling units per acre.

**Proposed Land Use Policies**  
Community Center (CC)

CC is intended for a mixture of retail, office, and residential uses.

Residential Medium Density (RM)

RM is intended for residential development at densities between 4 and 9 dwelling units per acre.

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**ANALYSIS**

Staff recommends that the public hearing on this item be held, but that action on the item be deferred until the November 11 meeting. The purpose of doing this is to enable a third community meeting to be held on November 3 to discuss proposed design and infrastructure conditions to be incorporated into a special policy to cover the proposed Community Center area.

Two community meetings have been held by the Planning Department to discuss the amendment proposal, one on September 22 and one on October 6. Attendance at both meetings appeared to be about 100, although only 64 people signed in at the first meeting



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and 94 signed in at the second. In addition, the developer held several earlier community meetings attended by smaller numbers of people. Sentiment at the two Planning Department sponsored meetings was mixed, with a majority opposing the request at the first meeting, and a somewhat more mixed reaction at the second meeting, at which opinions were expressed both orally and in writing.

Planning staff has serious doubts that the current land use policy of Residential Low-Medium Density is sustainable for this location. Staff expressed these doubts during the Bellevue Plan update process and recommended more intensive development of this area, but community sentiment against this was so strong at the time that RLM was selected as the policy. Staff also believes that there is merit to considering additional commercial opportunity at this node. The site in question is wedged between two arterial streets adjacent to a commercial area and is not configured well for lower density single family subdivision development such as what is found in the area. This commercial node serves a growth area not only in Davidson County but also in Williamson County. Staff believes it is preferable to see additional commercial opportunity provided at an existing planned node such as this rather than provided at new locations along Highway 100 or Old Harding Pike.

In light of staff's professional assessment and the mixed community reaction to the proposed amendment, staff wishes to hold another meeting to explain our position from a planning perspective and review proposed design and infrastructure conditions that have been discussed at previous meetings and as well as additional such recommendations from staff. At a minimum, the special policy should incorporate the following conditions:

- Prior to any commercial expansion, assurance must be received by the Metropolitan Government that the extension of Temple Road from its new intersection with Highway 100 to Old Harding Pike be a part of the first phase of any development. This roadway alignment and any proposed turning lanes and signalization must follow the recommendations of a traffic



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impact analysis and the recommendations of the Traffic Engineer. A mechanism should be established to pro-rate the cost of the required Temple Roadway connector with other phases of development within this special policy area.

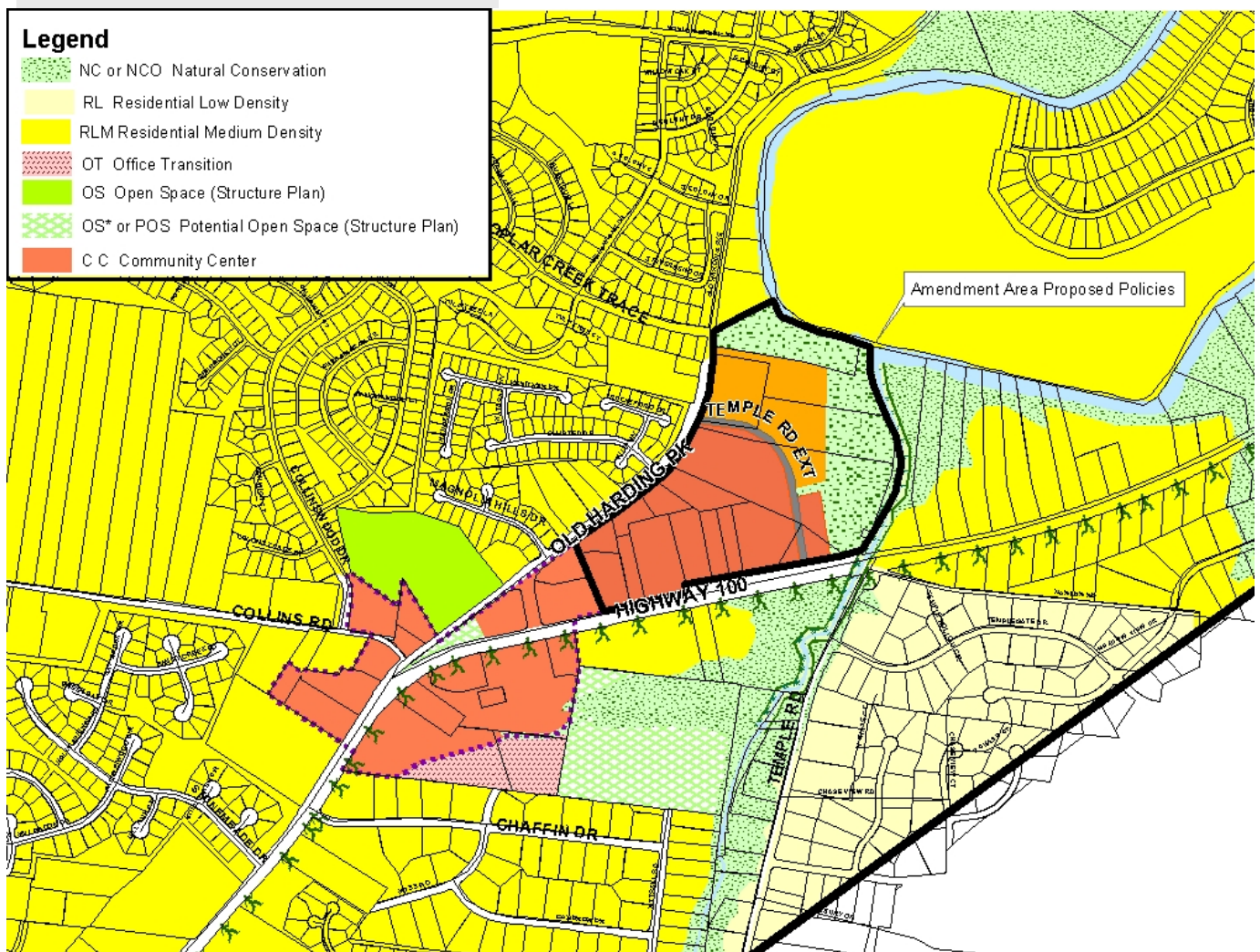
- There shall be no access allowed to or from the commercial development directly to Old Harding Pike. All ingress and egress shall be limited to Temple Road extended, with very limited access from Highway 100. Cross easements shall be incorporated within the developing area in order to assure proper traffic circulation and to limit ramp cuts.
- All proposed building improvements shall be in keeping with the traditional brick facades found in the area. All portions of proposed building improvements that are visible from street fronts or adjacent residential areas shall be predominantly brick.
- There shall be no elevated signage or billboards allowed within the development, other than signage that would occur on buildings. Street signage shall be limited to monuments and shall be limited in height and well landscaped.
- In order to create a sense of community and a village feel, to the greatest extent possible, proposed building improvements will not be strung together in a strip-like manner, rather, building improvements shall be strategically designed in clusters and then connected with sidewalks, greenspace, and courtyards. Common space with seating areas and outdoor benches shall be dispersed to further perpetuate a sense of community.
- In order to provide a visible separation from the adjacent residential areas, an appropriate and adequate transition shall be required along the southerly right-of-way margin of Old Harding Pike. In addition, any rooftop mechanical units must be screened from view. Additionally, any



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parking or building lighting must be oriented away from the existing residential area.

- In order to ensure that development not only has the feel, but truly acts as a neighborhood center, it shall be a requirement that connectivity be established with the existing residential uses to the northerly side of the special policy areas. There shall be a system of interconnecting sidewalks along the perimeter of Temple Road extended, with connections to all proposed building improvements.





**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-120G-12**

None  
None  
32 – Coleman  
2 – Blue  
Anderson-Delk & Associates, Inc., applicant for or SAF Properties, Thelma Clark, and Charles and Martha Dornan, owners.

**Deferral**

Deferred from the September 23, 2004 meeting to allow for follow-up with Public Works related to the road conditions, school site dedication and building program from School Board, and further follow-up on the geotechnical study. A representative from Public Works and the School Board will be in attendance, as well as the applicant’s traffic and geotechnical engineers, as requested by the Commission.

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Approve with conditions*

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**APPLICANT REQUEST**

**Rezone 59.15 acres from agricultural/residential (AR2a) to residential single-family (RS10) district to a portion of property at 5869, 5917, 5937, 5943 Pettus Road and Pettus Road (unnumbered).**

**Existing Zoning**  
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. This AR2a district allows approximately 30 dwelling units currently.

**Proposed Zoning**  
RS10 district

RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The RS10 district would allow for approximately 219 single-family homes.

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**SOUTHEAST COMMUNITY PLAN POLICY**

Residential Low Medium (RLM)

RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes



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### Policy Conflict

and other forms of attached housing may be appropriate.

The proposed zoning district (RS10) is consistent with the Southeast Community Plan's RLM policy, however, it is located within a major infrastructure deficiency area. These areas are areas where the existing road and school conditions are not "...efficient to handle current or expected population needs."

### Transportation deficiencies

Staff is working to develop a checklist, grid, or other tool that can be used to analyze projects proposed for transportation infrastructure deficiency areas. No such tool has been finalized at this time. Staff has reviewed the roads and schools in the area of this requested rezoning, however, to determine whether the proposed rezoning is appropriate at this time.

Pettus Road may be considered a substandard road and would be the major road providing access for this development. There are three required street connections shown on this property in the recently adopted Southeast Community Plan, which will be considered during the platting stage, if this property is rezoned. A street will be required to connect to the subdivision to the west (Hidden Creek Subdivision) providing another access point to Old Hickory Blvd., which may also be considered a substandard road.

Staff has determined that while Pettus Road and Old Hickory Boulevard in this area are substandard roads, the road connections that would be provided by development of this property will benefit the overall roadway network in this area.

Staff recommends that any approval of this rezoning request should include a condition that any future development of the property must include the three required street connections shown in the Southeast Community Plan. In addition, any development of the property must include improvements to bring Pettus Road to the appropriate Metro standards from the northern boundary of Parcel 008 on Pettus Road to the southern boundary of Parcel 141.

### School deficiencies

In addition to road infrastructure deficiencies, the Southeast Community Plan notes that "[i]nadequate



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school facilities in the area are also a problem in the Southeast Community.” Additional analysis of the projected student generation from this rezoning and school capacity in this area is provided below. Because the school board has programmed for new schools in this area, staff does not recommend disapproval of the requested rezoning based on school deficiencies.

## Geotechnical Study

At the June 26, 2003, meeting, the same request was made (with the exception of 18.82 acres in the request today) to rezone 40.33 acres from AR2a to RS10. There was concern by neighbors and the Commission about Swirl Canyon Cave and sinkholes on the property. The Commission voted to recommend disapproval of the request, citing concerns about safety and ecological issues that needed to be addressed. If the cave is on this site, the Southeast Community Plan states that Swirl Canyon Cave should be preserved.

The applicant forwarded a copy of the geotechnical study to Public Works for review. Although there is not a geotechnical engineer on staff, the report was reviewed by Public Works staff. This study was deemed as acceptable since the study was prepared by a reputable firm and was stamped by a professional engineer.

## RECENT REZONINGS

Parcels 141 and 008 (also included in this zone change request) were disapproved for a rezoning by the Planning Commission on June 26, 2003 and was withdrawn from Council.

## TRAFFIC

A Traffic Impact Study (TIS) will be required at development.

### Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	59.15	0.5	30	344	31	37

### Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	59.15	3.7	219	2144	163	218



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## Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				1800	132	181

### METRO SCHOOL BOARD REPORT

#### Projected student generation Schools Over/Under Capacity

42 Elementary 30 Middle 25 High

Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster and a high school at an adjacent cluster (McGavock, Maplewood, Whites Creek, and Stratford). There are no middle schools with capacity in the Antioch cluster. This information is based upon data from the school board last updated January 16, 2004.

#### Fiscal Liability

The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$169,000 for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

### CONDITIONS

1. An future development of the property must include the three required street connections shown in the Southeast Community Plan.

Any development of the property must include improvements to bring Pettus Road to the appropriate Metro standards from the northern boundary of Parcel 008 on Pettus Road to the southern boundary of Parcel 141.





**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-133G-12**  
None  
None  
31 – Toler  
2 – Blue  
Gresham, Smith and Partners, applicant, Edmondson Chapel Missionary Baptist Church, owner.  
Deferred from the October 14, 2004 meeting.

**Deferral**

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Defer until a revised site plan is submitted.*

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**APPLICANT REQUEST**

**Rezone 4.48 acres from agricultural/residential (AR2a) to mixed use limited (MUL) district at 6815 Nolensville Pike, on the south side of Concord Road.**

**Existing Zoning**  
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

**Proposed Zoning**  
MUL district

Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

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**SOUTHEAST COMMUNITY PLAN POLICY**

Community Center (CC)

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area is intended for emerging and undeveloped areas that are planned to be future centers serving multiple neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan is to be submitted to assure design objectives and type of development conforms with the intent of this policy.

**Policy Conflict**

The proposed MUL district may be consistent with the Southeast Community Plan’s CC policy in this area, but a revised site plan is needed to ensure that the design principles of this policy will be followed. The



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submitted site plan is not consistent in that commercial development is proposed with parking along Nolensville Pike. Access is also proposed off of the Southeast Corridor, which may be a limited access highway at this location. A revised site plan is to be submitted that addresses the access and building orientation issues.

## RECENT REZONINGS

Parcel 049 across from this site was rezoned from AR2a to SCC, RM9 and R15 by Council on July 2004. The Planning Commission recommended approval May 2004. The Planning Commission also recommended approval on a portion of parcel 7 from AR2a to CL.

## TRAFFIC

A TIS is required at development.

### Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.48	0.5	1	10	1	2

### Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station With Convenience Market (853)	4.48	0.088	6,133	5187	280	372

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			5177	279	370

### Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached ( )	4.48	0.5	1	10	1	2

### Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station with Convenience Market ( )	4.48	0.2*	13,939	11,787	636	845

\* adjusted to reflect an actual maximum.



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Change in Traffic Between Typical Uses in Existing and Proposed Zoning District \*

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			11,777	635	843

\*acreage adjusted to reflect an actual maximum.

## METRO SCHOOL BOARD REPORT

**Projected student generation\***

**16 Elementary 10 Middle 7 High**

**Schools Over/Under Capacity**

Students would attend Shayne Elementary School, Oliver Middle School, or Overton High School. Shayne has been identified as being over capacity by the Metro School Board. There is capacity at another middle school within this cluster. This information is based upon data from the school board last updated January 16, 2004.

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



**Project No.**  
**Project Name**

**Subdivision 2004S-267U-07**  
**West Meade Village, Section C-1, Resub. of Lot 8**

**Associated Case**  
**Council District**  
**School District**  
**Requested by**  
**Deferral**

None  
23 – Whitson  
9 – Norris  
Joan B. Hager, owner and John Hood, surveyor  
Deferred from the September 23, 2004 meeting

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Approve with conditions, including a lot comparability waiver.*

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**APPLICANT REQUEST**  
**Final Plat**

**Request to subdivide one existing lot into 2 lots on 2.13 acres at the southeast corner of Davidson Road and Bresslyn Road.**

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**ZONING**  
RS40 district

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

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**SUBDIVISION DETAILS**

*Lot Comparability*

Section 2-4.7 of the Subdivision Regulations states that lots in areas that are predominantly developed to be generally in keeping with the lot frontage and lot area of surrounding lots. A lot comparability waiver can be granted if the lot is smaller in lot frontage and area if it is consistent with the land use policy in the area.

A lot comparability test was conducted and the lot area yielded a minimum lot size of 51, 245 sq. ft. and a minimum allowable lot frontage of 167 feet. Both lots failed for lot area since the proposed lot area for lot 1 is 49,720 sq. ft. and for lot 2 is 42,263 sq. ft. The lots passed for lot frontage since the proposed lots have over the 167 feet minimum.

Sidewalks are not required since the zoning is RS40. Sidewalks are not required unless zoned under RS20, or lot sizes are less than 20,000 square feet.

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**STAFF RECOMMENDATION**

Staff recommends approval of the subdivision and a lot comparability waiver. These lots are located within the



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Subarea 7 Plan's Residential Low policy intended for residential development within a density of 1 to 2 dwelling units per acre. The proposed subdivision allows for two dwelling units on two acres, which is consistent with both the policy and zoning. Also, the frontage for the new lot to be created on Bresslyn Road has frontage that is comparable with the frontage of other lots on that street.

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### **PUBLIC WORKS RECOMMENDATION**

No Exception Taken.

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### **CONDITIONS**

1. Metro Water Services approval shall be submitted prior to final plat recordation



**Project Name**  
**Project Number**  
**Associated Cases**  
**Council District**  
**School District**  
**Requested By**

**Magnolia Hills, First Revision, Final Plat**  
**2004S-286G-06 (PUD 90P-008G)**  
None  
35 - Tygard  
9 - Warden  
J & J Development and various homeowners, applicants and Wamble & Associates, engineer.

**Deferral**

Deferred from the October 14, 2004 agenda at the request of the applicant.

**Staff Reviewer**  
**Staff Recommendation**

Fuller  
*Disapprove. Staff recommends that the developer construct the sidewalk within the subdivision or pay a full in-lieu fee.*

**APPLICANT REQUEST**  
**Final Plat**

A request to remove the sidewalk on 26 lots abutting either side of Magnolia Hills Drive at Old Harding Pike.

This PUD was preliminarily approved under the name Gann Brae on August 15, 1990, and sidewalks were shown on both sides of the new street on the approved plan. On June 4, 1993, a Final PUD was approved with sidewalks shown on both sides of the new street. On October 24, 1994, a final subdivision plat was recorded with sidewalks shown on both sides of the new street. Sidewalks were not required along the frontage of Old Harding Pike.

**ZONING**  
**RS20 District\***

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

\*The subject property was developed under the old PUD standards and has a density of 2.95 dwelling units per acre, which would require a zoning classification of RS10. The lot sizes in the subdivision range from 7,899 square feet to 17,272 square feet.

**VARIANCE DETAILS**

The applicant is requesting to be relieved of the requirement to build sidewalks within the subdivision. The applicants' stated reasons are as follows:

1. The homes and driveways are built.
2. The construction of sidewalks will create lawn and driveway disturbances for homeowners.



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3. Many driveways will have to be rebuilt to undesirable slopes that would compromise the accessibility of garages.

Staff has determined that any hardships that exist with respect to this request are self-created and could have been avoided if the sidewalk had been graded in with the road. The request does not meet the hardship criteria for a variance from the regulations. In-lieu fee provisions have been adopted by the Commission and this area qualifies to request use of the fee retroactively. Commission may want to consider allowing the applicant to pay such a fee.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**Requested by**

**Zoning Text Change 2004Z-020T**  
None  
BL2004-408  
Countywide  
Planning Department Staff

**Staff Reviewer**  
**Staff Recommendation**

Carlat  
*Approve with conditions*

**REQUEST**

**Amend Zoning Code to facilitate the appropriate placement and design of two-family structures by regulating minimum lot size, setbacks, eligibility of lots for two-family structures and design of two-family structures.”**

**BACKGROUND**

In recent years, Metro Councilmembers have heard from constituents concerned about the impact of two-family structures on their neighborhoods. Residents raise concerns about increased traffic and increased on-street parking caused by concentrations of two-family structures. Residents also express concerns that the over-concentration of two-family structures and lack of upkeep of the structures might affect the neighborhood’s character and property values.

Some Councilmembers have responded to these concerns by undertaking mass rezonings of portions of their districts from “R” zoning (which allows for single- and two-family structures) to “RS” zoning (which only allows for single-family structures).

While mindful of residents’ concern, the Planning Department maintains that it is crucial to keep two-family structures in Nashville/Davidson County’s housing mix as a viable housing option for individuals and families desiring this housing form due to location, cost, convenience, and need.

**ANALYSIS**  
**Existing Law**

Currently, the Zoning Code is vague on the value and desirability of two-family structures in the R districts. While the Code does not specifically champion two-family structures, neither does it limit the concentration





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### Proposed Text

of two-family structures, nor does it address design issues surrounding two-family structures.

The proposed changes to the Zoning Code affirm the value and desirability of two-family structures while addressing concerns about over-concentration of two-family structures and lack of design control on two-family structures.

Section 17.08.020B 2 (“One and Two-Family (R) Districts”) would be amended by adding the following language (*in italics*):

2. One and Two-Family (R) Districts. The R districts are intended for established residential subdivisions where the pattern of development contains both one-and two-family structures and where maintaining a mixture of housing types is desirable. *These districts may also be applied to establish new residential subdivisions with single- and two-family character in developing areas at densities recommended in the general plan where this mix of structures is desirable. A low to moderate proportion of two-family structures in a non-concentrated development pattern is desirable and intended in these districts.*

Section 17.12.020A (“District Bulk Tables: Single-Family and Two-Family Dwellings”) is amended to require that in zoning districts R15, R10, R8, and R6, the minimum lot size for two-family structures be 120 percent of the minimum lot size for single-family structures. This text change addresses the concentration issue, by limiting the number of parcels eligible for two-family structures. It also serves to reduce the likelihood that a two-family structure will look “crowded” onto a smaller lot.

*The ordinance that has been filed in the Council includes exception to the minimum lot size requirement. The minimum lot size requirement was not to apply to lots legally platted prior to the effective date of the ordinance and recorded in the office of the county register. After discussion with stakeholders, staff has agreed to remove this exception. An amendment has been drafted that will delete this exception.*



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Section 17.12.030A (“Street Setbacks: Street Setbacks for Single and Two-Family Structures”) would be amended require the same street setbacks for two-family structures as for single-family structures.

Section 17.16.030D would is deleted in its entirety and replaced with the following text which addresses concentration of two-family structures by regulating eligibility of lots for two-family structures and addresses the design of two-family structures built by providing basic design standards.

### *Changes to address concentration of two-family structures*

Old Zoning Code	Proposed Text
Makes no distinction between two-family structures on corner or non-corner lots.	Encourages two-family structures on <b>corner lots</b> with design standards that require the two units to face the two different streets, creating to the appearance of two single-family structures.
Maximum concentration of two-family structures only in newly platted subdivisions cannot exceed 25 percent.	<p>On non-corner or “interior” lots,</p> <ol style="list-style-type: none"> <li>1. Maximum concentration of two-family structures in any subdivision cannot exceed three (3) two-family structures per same block face <i>or</i> 20 percent of the total, non-corner lots on the block face <i>whichever figure is less</i>.</li> <li>2. Lots that currently have multi-family housing on them (three dwelling units or more) count as two-family units when calculating the number of current two-family structures to determine the eligibility of remaining lots. <i>This is an amendment the Planning Department has added to the originally filed Zoning Code text change.</i></li> <li>3. Furthermore no non-corner lot shall be eligible for a two-family structure on a block face with four of fewer non-corner lots.</li> <li>4. In no case shall there be more than a maximum of four (4) two-family structures on the complete block face (including corner lots).</li> <li>5. Finally, two-family structures may not be placed on contiguous lots.</li> </ol>



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### Changes to address design of Two-Family Structures

#### Design Standards for Two-Family Structures on Corner Lots –

- If more than one entrance, then entrances shall face different streets,
- If more than one driveway, then driveways shall face different streets, and
- If one or more garages is proposed, and the garages are proposed to face the street, then the garages shall face different streets and shall be recessed from the front façade of the building by 5 ft.

#### Design Standards for Two-Family Structures on Non-Corner Lots –

- If more than one entrance to the structure is proposed, one, and only one entrance, shall face the street. The other entrance shall be concealed from view of the street. *This represents an amendment to the original bill filed with Council, which current state that one entrance **may** face the street.*
- The lot shall have only one curb cut, and
- If more than one garage is proposed, only one shall face the street, and it shall be recessed from the front façade of the building by 5 ft.

Finally, driveway access to the street shall not be permitted for any lot served by an improved alley or rear lane, unless more than 50% of the lots along the same block face have driveway access to the street.

### RECOMMENDATION

Staff recommends approval of the Zoning Code text change with the amendments, noted here, to the original ordinance. A complete copy of the proposed ordinance, and the proposed amendments to the ordinance, are attached following this staff report.



**Project No.  
Project Name**

**Zoning Text Change 2004Z-021T  
Text Amendment to Provide for the Waiver  
of Fees for Zoning Applications Initiated by  
Members of Council**

**Council Bill  
Requested By**

BL2004-409  
Councilmember Jim Shulman

**Staff Reviewer  
Staff Recommendation**

Kleinfelter  
*Because this ordinance deals with an issue of Metro  
Council policy, staff recommends that the Commission  
take no official position on the bill.*

**APPLICANT REQUEST**

**A Council bill to amend Section 17.40.740 to provide  
for the waiver of application fees for certain zoning  
applications initiated by Members of Council.**

**APPLICATION DETAILS**

Section 17.40.740 B. provides that fees for processing zoning applications “shall be waived . . . [for] any large area rezonings initiated by the planning commission or metropolitan council to implement the general plan.” The proposed ordinance would delete this subsection and replace it with a section that states: “Any rezoning of fifty or more parcels initiated by the planning commission to implement the general plan.”

In addition, the proposed ordinance would add a new subsection C, which would require waiver of fees for:

*“Any rezoning request of fifty or more parcels initiated by a member or members of council for the purpose of rezoning the property to an “RS” district, or for the purpose of applying the urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district, as provided in Chapter 17.36.”*

Subsection A of Section 17.40.740 provides that fees shall be waived for applications initiated by government agencies, including “any department of the metropolitan government.” This language, which remains in the Metro Code, would permit the Planning Department to continue to initiate zoning applications without the requirement of paying a fee.

The proposed ordinance would help clear up some ambiguities in the existing Code. The Department of



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### **Staff Recommendation**

Law has advised the Planning Department that, in order to be eligible for a fee waiver, an application must be initiated by the “metropolitan council,” not an individual member of the Council. Also, the current ordinance also refers to “large area rezonings,” which is a subjective term that can be difficult to apply.

Staff recommends that the Commission neither vote to approve nor disapprove this proposed ordinance. Fees that are paid for zoning applications are deposited into the Metro General Fund and are not earmarked for Planning Department functions. Whether the Council is subject to the fees, and/or the mechanism for that body to determine when the fees will or will not be paid, appears to be an issue that should be determined by the Metro Council. The ordinance purports to change the authority of the Planning Commission to waive its own fees when it initiates an application, but the Planning Department would continue to have the authority to initiate applications without a fee.



**Project No.  
Project Name**

**Zoning Text Change 2004Z-022T  
Text Amendment to Prohibit BZA from  
Holding Public Hearing on Variance Cases  
Until Court Proceedings are Concluded**

**Council Bill  
Requested By**

BL2004-410  
Councilmember Ludy Wallace

**Staff Reviewer  
Staff Recommendation**

Kleinfelter  
*Disapprove at the request of Board of Zoning Appeals staff.*

**APPLICANT REQUEST**

**A Council bill to amend Section 17.40.360 to require that all court proceedings associated with violations of the zoning code be resolved before the Board of Zoning Appeals may hold a public hearing upon a variance application for relief from the Code provisions that are the subject matter of the violation.**

**APPLICATION DETAILS**

Section 17.40.360 of the Metro Code states: *“Not more than sixty days after filing, the board of zoning appeals shall hold a public hearing on an application for a variance. Notice of such public hearing shall be given pursuant to Article XV of this chapter. Testimony and evidence material to the review standards or requirements of Sections 17.40.370 or 17.40.380 may be considered by the board in its deliberations.”*

Councilmember Wallace has proposed to amend that section by adding this sentence: *“Notwithstanding the foregoing provisions of this section to the contrary, if the department of codes administration has issued a citation for a violation of this title, no public hearing shall be held by the board of zoning appeals until all court proceedings regarding said citation have been resolved.”*

Under this new language, when a property owner is cited by the Codes Department for a violation, the owner would be unable to present their case to the Board of Zoning Appeals until all court proceedings related to the citation are resolved.

Property owners are cited by the Zoning Administrator when their property is found to be in violation of a provision in the Metro Zoning Code. According to



## Metro Planning Commission Meeting of 10/28/04

BZA staff, some property owners who are cited for violations decide to apply to the BZA for a variance, which allows the BZA to approve the condition that gave rise to the citation. According to BZA staff, the BZA often is able to resolve these issues, which allows the court proceeding to be dismissed.

For example, a property owner who has constructed a deck that extends slightly into a required setback would be cited by the Zoning Administrator and ordered to remove the offending portion of the deck. Most property owners in this situation apply to the BZA for a variance to allow the setback encroachment. Under the proposed ordinance, however, the BZA would not be able to hold a public hearing and vote on the variance until any court proceedings related to the citation were resolved.

### **Staff Recommendation**

The staff of the Board of Zoning Appeals recommends that the Planning Commission recommend disapproval of this ordinance. Because the ordinance concerns solely procedural issues related to the BZA, Planning Staff endorses the BZA staff recommendation and also recommends disapproval.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-123U-12**  
15-85-P-12  
None  
31 - Toler  
2 - Blue  
Gresham Smith & Partners, applicant for James E. Freeman, Marion Watkins, Peter Tolliver, Jr., Deborah Whittaker, Holly and Tom Rader, Dennis Brandon, Howard & Patsy Claude, Theresa J. Comer and Armelda Comer-Cain, Frederick and Lucinda Burbach, and M. R. Bess, owners.

**New Request**

This item was approved by the Planning Commission on September 23, 2004, along with the associated PUD cancellation. The applicant has now requested to change the zone change request from CS to CL in order to address some of the Planning Commission's concerns.

**Staff Reviewer**  
**Staff Recommendation**

Leeman  
*Approve with conditions*

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**APPLICANT REQUEST**

**Rezone a total of 43.98 acres from Shopping Center Regional (SCR), Commercial Neighborhood (CN), and Agricultural/residential (AR2a) to Commercial Limited (CL) district at Old Nolensville Road (unnumbered), 270 Cedarview Drive, 5816 Nolensville Pike #101, 5808 Old Nolensville Pike, Nolensville Pike (unnumbered), and 5830 Nolensville Pike.**

---

**Existing Zoning**

CN district: (0.60 acres)

Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses, which provide for the recurring shopping needs of nearby residential areas.

SCR district: (24.46 acres)

Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

AR2a district: (18.92 acres)

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the





## Metro Planning Commission Meeting of 10/28/04

### **Proposed Zoning**

CL district:

natural conservation or interim nonurban land use policies of the general plan.

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

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### **SOUTHEAST COMMUNITY PLAN POLICY**

Retail Concentration Super Community (RCS) Policy

Super community scale concentrations serve essentially the same function as community scale concentrations but are generally larger in size and provide a wider array of goods and services. Typical RCS uses include retail shops, consumer services, restaurants, and entertainment. In RCS areas that are located at highway interchanges, a limited amount of uses intended to serve travelers is also appropriate. In addition, super community scale retail concentrations usually contain large, single, specialized retail stores, which draw people from a wider market area.

### **Policy Conflict**

No. The proposed CL district is consistent with the Southeast Community Plan's RCS policy calling for a wide range of commercial uses, including consumer services, restaurants, retail, and entertainment.

### **Staff Recommendation**

Staff recommends approval of the CL district since it is consistent with the Subarea Plan policy for this area. At the September 23, 2004, meeting, the Commission was concerned about the potential possible uses within the CS district. The applicant has revised their application to CL, which would limit the uses to moderate commercial uses and would exclude the possibility of uses such as auto-repair, auto-sales, and mini-storage warehouse.

The Commission was also concerned about the street-connectivity issues from the existing residential stub-streets behind this site (Cedar Valley Drive, Cedarview Dr., and Cedar Hill Court). With the adoption of the new Southeast Community Plan policy for this site, the possibility of the residential street connections through commercial area is no longer practical. The large hill in this area, and a stream running through this area, also limits the potential connections between the commercial and residential area since there would be a



## Metro Planning Commission Meeting of 10/28/04

### RECENT REZONINGS

significant grade difference between the commercial site and the residential behind it.

Yes, the Planning Commission approved CS on September 23, 2004, with a condition that a Planned Unit Development be submitted to accompany the zone change prior to third reading at Council.

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### TRAFFIC: PUBLIC WORKS' RECOMMENDATION

#### **AT Swiss Ave/ Nolensville Rd intersection**

1. Reserve 1/2 of U 6 ROW (108/2) and also ROW for 12ft wide NB right turn lane along Property frontage from Swiss Ave south to southern property line.
2. Provide cross access easement to northern property. Access feasibility to OHB between the portion of site with OHB frontage and the Supercenter portion will be determined at site plan development.
3. Provide cross access easement to southern adjacent property to allow access between properties. Site plan shall be designed to allow such a cross access.
4. Developer shall modify the center turn lane to a dedicated Southbound left turn lane with 100 ft storage on Nolensville at Swiss Ave intersection.
5. Developer shall install a signal or modify any signal, which may have been installed at Swiss Ave/ Nolensville Rd. This signal shall provide video detection for the supercenter driveway and loop detection or video detection for other approaches. Signal shall be interconnected and coordinated with OHB/Nolensville signal. The developer shall submit signal plans and warrant analysis to Metro Traffic Engineer for approval. Pedestrian signals and associated ADA facilities shall be included in design. The developer will have a qualified engineer prepare signal timing that will fit this signal into the Nolensville signal system. Metro will provide Synchro data files of the existing system to be utilized by the Engineer in preparation of the timing plans.
6. The Driveway at this location opposite Swiss Ave shall include 1 right turn lane and 1 right/thru lane both with 225 ft storage length and 1 left turn lane with 175 ft of storage.
7. Install pavement markings for a left turn lane and thru/right turn lane on Swiss Ave.
8. Install a Northbound right turn lane with 150 ft of storage and transition per AASHTO standards on Nolensville Rd. at Swiss Ave/Driveway access.

#### **At south driveway /Nolensville Rd intersection**

1. Developer shall install a southbound left turn lane on Nolensville with 300 ft of storage and transition per AASHTO standards.



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3. Driveway shall include 2 exit lanes with 125 ft of storage and 1 entering lane.
4. Access to fuel center shall be located a minimum of 125 ft from intersection.
5. Install northbound Right turn lane on Nolensville with 100 ft of storage and transition per AASHTO standards in order to allow safe operation for truck route. (speed is 45mph)

### Additional site conditions

1. Install parking spaces required by code.
2. Document that adequate turning movements are possible for passenger and truck vehicles at driveways and on site. Use standard Metro driveway ramps for southern driveway.

#### Typical Uses in Existing Zoning District: SCR

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	19.34	0.139	117,100	7526	173	696

#### Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	24.04	0.5	12	115	9	13

#### Typical Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Fast Food Rest. With Drive-Thru (934)	0.6	.079	2,065	1025	110	72

#### Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Free- standing discount store (815)	43.98	0.125	239,471	13416	202	1212

#### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				4,750	-90	431

#### Maximum Uses in Existing Zoning District: SCR



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Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820 )	19.34	1.0	842,450	27,147	868	2556

### Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210 )	24.04	0.5	12	115	9	13

### Maximum Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office park (750 )	0.6	0.25	6,534	478	12	10

### Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	43.98	0.60	1,149,461	33,224	1184	3137

### Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				5484	295	558

## CONDITIONS

1. The traffic conditions listed under the Public Works Recommendation shall be included in the bill. **If the conditions are not made part of the Council Bill, the recommendation is to disapprove.**



**Project No.**  
**Project Name**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School Board District**  
**Requested By**

**Planned Unit Development 15-85-P-12**  
**Bell Trace Plaza Commercial PUD**  
2004Z-123U-12  
None  
31 - Toler  
2 - Blue  
Gresham Smith and Partners, applicant, for Howard Claude and Patsy Claude, M.R. Bess, and Dennis W. Brandon, owners.

**New Request**

This item was approved by the Planning Commission on September 23, 2004, along with the associated zone change (2004Z-123U-12). The applicant has now requested to change the zone change request from CS to CL in order to address some of the Planning Commission's concerns.

**Staff Reviewer**  
**Staff Recommendation**

Leeman  
*Approve*

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**APPLICANT REQUEST**  
**Preliminary PUD**

**Request to cancel a 16 acre portion of a Commercial PUD located along the east side of Nolensville Pike, opposite Swiss Avenue approved for 132,288 square feet of retail, restaurant, and movie theater uses.**

---

**PLAN DETAILS**

*Site Design & Access*

*The original Council-approved plan for the portion of the PUD proposed to be cancelled included a shopping center layout for a movie theater, a grocery store, a drug store, several general retail tenant spaces and a fast-food restaurant outparcel. The plan includes 132,288 square feet of commercial uses on this portion of the PUD.*

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**ZONING & LAND USE POLICY**  
**CN zoning: (0.60 acres)**

Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses, which provide for the recurring shopping needs of nearby residential areas.

**SCR zoning: (15.4 acres)**

Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.



## Metro Planning Commission Meeting of 10/28/04

### Retail Concentration Super Community (RCS) Policy

Super community scale concentrations serve essentially the same function as community scale concentrations but are generally larger in size and provide a wider array of goods and services. Typical RCS uses include retail shops, consumer services, restaurants, and entertainment. In RCS areas that are located at highway interchanges, a limited amount of uses intended to serve travelers is also appropriate. In addition, super community scale retail concentrations usually contain large, single, specialized retail stores, which draw people from a wider market area.

### Policy Conflict

No. The proposed CL district is consistent with the Southeast Community Plan's RCS policy calling for a wide range of commercial uses, including consumer services, restaurants, retail, and entertainment.

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### TRAFFIC PUBLIC WORKS' RECOMMENDATION

A Traffic Impact Study was required, but was not submitted by the applicant in time to be reviewed and included in this staff report.

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### CONDITIONS

1. Prior to 3<sup>rd</sup> Reading by the Metro Council, the Traffic Impact Study must be approved by Metro Public Works. If the conditions are not made part of the Council Bill for Zone Change Proposal No. 2004Z-123U-12, the recommendation is to disapprove.



<b>Project No.</b>	<b>Zone Change 2004Z-134U-12</b>
<b>Associated Case</b>	None
<b>Council Bill</b>	None
<b>Council District</b>	27 - Foster
<b>School District</b>	2 - Blue
<b>Requested by</b>	William S. King, et ux, applicant/owner
<b>Staff Reviewer</b>	Leeman
<b>Staff Recommendation</b>	<i>Approve</i>

**APPLICANT REQUEST**

**Rezone 1.8 acres from residential single-family (R10) to office limited (OL) property at 5427 Edmondson Pike, north of Derby Trace.**

**Existing Zoning**  
R10 district

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**  
OL district

Office Limited is intended for moderate intensity office uses.

**SOUTHEAST COMMUNITY PLAN POLICY**

**SPECIAL POLICY AREA 8**

This special policy area applies to the area to the west of Edmondson Pike, and north of the branch library. It may be developed either in accordance with standard Residential Medium Density policy, or with Office Neighborhood (ON) or Office Limited (OL) zoning. Because of traffic conditions along Edmondson Pike and environmental and dimensional conditions of the policy area, any applicant seeking a rezoning must agree to develop in accordance with a Planned Unit Development, Urban Design Overlay, or site plan that shows a unified plan for all the properties within this area as well as coordinated parking and building locations that enhance the environmental qualities of the site. A plat has been submitted showing the required cross-access easements which satisfy the site plan requirement of the Special Policy Area.



# Metro Planning Commission Meeting of 10/28/04

## Policy Conflict

No. The proposed zoning district (OL) allows moderate intensity office uses, and this is consistent with the Special Policy Area 8 policy.

## RECENT REZONINGS

None.

## TRAFFIC PUBLIC WORKS RECOMMENDATION

A TIS may be required at development.

### Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density per acre	Total Dwelling units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	1.8	3.7	7	67	6	8

### Typical Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (210)	1.8	0.201	15,760	173	24	24

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				106	18	16

### Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density per acre	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	1.8	3.7	7	67	6	8

### Maximum Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk-In Bank ( )	1.8	0.75	58,806	NA	1264	2471

### Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					1258	2463





**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-135U-09**  
None  
None  
19 - Wallace  
7 - Kindall  
Artmas L. Worthy, DDS, and Elmer Freeman, owners/  
applicants

**Staff Reviewer**  
**Staff Recommendation**

Fuller  
*Disapprove*

---

**APPLICANT REQUEST**

**Rezone 0.20 acres from Residential Single-Family (RS3.75) to Residential Multi-family (RM15) property at 1021 9<sup>th</sup> Avenue North, on the south side of Phillips Street.**

**Existing Zoning**  
RS3.75

RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre. The current zoning would allow 2 homes on this property

**Proposed Zoning**  
RM15

RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. The proposed zoning would allow 3 homes on this property.

---

**HOPE GARDENS NEIGHBORHOOD  
PLAN POLICY**

**Residential Medium (RM)**

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

**Policy Conflict**

Yes. The proposed RM15 district allows a higher density than what is called for by the RM policy in the area. The Hope Gardens Neighborhood Plan applied the RM policy in an effort to conserve the existing character of the neighborhood. This property is located on the edge of RM policy area and is abutting MU, or Mixed Use policy on the opposite side of 9<sup>th</sup> Avenue North. The MU area of 9<sup>th</sup> Avenue North has been developed as the Row 8.9 townhouses.



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This area is also part of the MDHA Phillips Jackson Redevelopment District. That plan calls for primarily single family homes on small lots in this area

Directly across Philips Street from the subject property is a half block of RM20 zoning. Across 9<sup>th</sup> Avenue North are properties zoned OR20, RM20 and MUL.

### RECENT REZONINGS

None.

### TRAFFIC PUBLIC WORKS RECOMMENDATION

No Exceptions Taken.

#### Typical Uses in Existing Zoning District: RS3.75

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.20	9.89	2	20	2	3

#### Typical Uses in Proposed Zoning District: RM15

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	0.20	15	3	29	3	4

#### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				9	1	1

### METRO SCHOOL BOARD REPORT

#### Projected student generation

<1 Elementary <1 Middle <1 High

#### Schools Over/Under Capacity

Students would attend Eakin / Cavert Elementary School, West End Middle School, and Hillsboro High School. Eakin / Cavert Elementary School has been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster. This information is based upon data from the school board last updated January 16, 2004.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-136U-03**  
None  
None  
2 - Isabel  
1 - Thompson  
Larry R. Williams, P.C., applicant for owner, Artic LLC

**Staff Reviewer**  
**Staff Recommendation**

Fuller  
*Approve with conditions*

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**APPLICANT REQUEST**

**Rezone a total of 13.59 acres from Commercial Limited (CL) (10.61acres) and Residential Single-Family (RS5) (2.98 acres) to Mixed Use Limited (MUL) property at Artic Ave. (unnumbered), west of I-65 and south of West Trinity Lane.**

**Existing Zoning**  
CL district

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

RS5 district

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

**Proposed Zoning**  
MUL district

Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

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**BORDEAUX – WHITES CREEK COMMUNITY PLAN POLICY**

**Commercial Mixed Concentration (CMC)**

CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

**Policy Conflict**

No. The proposed MUL district is consistent with the CMC policy, which is intended for residential,



## Metro Planning Commission Meeting of 10/28/04

office and commercial uses at a medium-high to high density.

Currently, Scruggs Lane is an unbuilt right-of-way and the only direct access is from West Trinity Lane and Artic Avenue. Metro Public Works will require a Traffic Impact Study at the development stage. The Traffic Impact Study will determine if Scruggs Lane will be required to be constructed for access purposes to this site.

### RECENT REZONINGS

Parcel 072, immediately adjacent to the east, was rezoned to MUL in August 2004, by the Metro Council. The Planning Commission recommended approval in June 2004.

### TRAFFIC PUBLIC WORKS RECOMMENDATION

A TIS will be required at development.

#### Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center 820()	13.59	0.184	108,924	460	113	409

#### Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	13.59	0.184	108,924	460	113	409

#### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			0	0	0

#### Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	13.59	0.60	355,188	15836	366	1332

#### Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour



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Shopping Center (820)	13.59	1.0	591,980	21419	610	2220
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**Change in Traffic Between Typical Uses in Existing and Proposed Zoning District**

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			5583	244	888

### METRO SCHOOL BOARD REPORT

**Projected student generation**

**58 Elementary   21 Middle   37 High**

**Schools Over/Under Capacity**

Students would attend Bordeaux Enhanced Option Elementary School, Ewing Park Middle School, and Whites Creek High School. Ewing Park Middle School has been identified as being over capacity by the Metro School Board. There is capacity at a middle school within the cluster. This information is based upon data from the school board last updated January 16, 2004.

\*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,500 sq.ft. of floor area.

### CONDITIONS

If this site develops as residential it has the potential to impact the public school system. If a subdivision plat or Planned Unit Development is submitted for residential development on this site, student generation shall be recalculated and the applicant may be required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the locational criteria of the Metropolitan Board of Education and shall be within the Whites Creek High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-137G-12**  
None  
None  
31 – Toler  
2 – Blue  
Kenneth L. Chumbly, applicant/owner

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Approve with conditions*

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**APPLICANT REQUEST**

**Rezone 2.06 acres from agricultural/residential (AR2a) to residential single-family (RS10) district at 6125 Mt. Pisgah Rd., north of Bryce Rd.**

**Existing Zoning**  
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district allows for 1 home on this site currently.

**Proposed Zoning**  
RS10 district

RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The RS10 district allows for 8 homes on this site.

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**SOUTHEAST COMMUNITY PLAN POLICY**

Residential Low Medium (RLM)

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

**Policy Conflict**

No. The proposed RS10 district is consistent with the Southeast Community Plan’s RLM policy in this area intended for residential development at a density of two to four dwelling units per acre. It is also consistent with the surrounding zoning pattern, with RS10 districts to the north and west of this property.

This property is within an infrastructure deficiency area regarding the widening of Edmonson Pike. Although



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these properties are not directly off of Edmonson Pike, they will use Edmonson as their primary access. Staff recommends that properties in this area have coordinated access shown with a development plan for the area.

## RECENT REZONINGS

Parcels 065, 180, and 199 were rezoned from AR2a to RS10 by the Metro Council in August 2003. The Planning Commission recommended approval in May 2003.

Parcel 172 was approved with conditions for a zone change request from AR2a to RS10 by the Commission on October 14, 2004.

## TRAFFIC

No exception taken.

### Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	2.06	0.5	1	10	1	2

### Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	2.06	3.7	8	77	6	9

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				67	5	7



## Metro Planning Commission Meeting of 10/28/04

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### METRO SCHOOL BOARD REPORT

#### Projected student generation Schools Over/Under Capacity

#### 1 Elementary 1 Middle 1 High

Students would attend Shayne Elementary School, Oliver Middle School, or Overton High School. Overton has been identified as being over capacity by the Metro School Board. There is capacity at other high schools in the area (Glenclyff, Hillsboro, and McGavock). This information is based upon data from the school board last updated January 16, 2004.

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### CONDITIONS

1. With the submittal of any preliminary or final plat on this property, coordinated access may be required to be provided between various parcels shown on an overall development plan for the area prior to development.





**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-138U-13**  
40-71-G-13  
None  
13 – Burch  
6 – Awipi  
John A. Hobbs, applicant for Hobbs & Sons, Inns of Nashville, and Aspen Tennessee, LLC, owners.

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Approve with conditions*

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**APPLICANT REQUEST**

**Rezone 12 acres from residential single-family (RS10) and commercial limited (CL) to commercial service (CS) district at 727, 729, 733, and 739 Briley Parkway.**

**Existing Zoning**  
RS10 district

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

CL district

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

**Proposed Zoning**  
CS district

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

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**ANTIOCH-PRIEST LAKE  
COMMUNITY PLAN POLICY**

Commercial Mixed  
Concentration (CMC)

CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

**Policy Conflict**

No. The proposed CS district is consistent with the Antioch-Priest Lake Community Plan’s CMC policy intended for various types of retail trade and highway



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oriented commercial services. Access shall not be permitted from Dabbs Avenue, which is mainly a residential street.

## RECENT REZONINGS

None.

## TRAFFIC

A TIS will be required at development.

### Typical Uses in Existing Zoning District: RS10/CL in existing Commercial PUD

Land Use (ITE Code)	Acres	Rooms	Total Rooms	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	12	250		1865	140	148

### Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
OFFICE PARK (750)	12	0.42	219,542	2697	420	372

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			832	280	224

### Typical Uses in Existing Zoning District: RS10/CL in existing Commercial PUD

Land Use (ITE Code)	Acres	Rooms	Total Rooms	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	12	250	250	1865	140	148

### Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	12	0.60	313,632	13468	324	1177

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			11603	184	1029

## CONDITIONS

1. No access to Dabbs Avenue shall be permitted for commercial uses.



<b>Project No.</b>	<b>Planned Unit Development 40-71-G-13</b>
<b>Project Name</b>	<b>Hobbs Heights PUD</b>
<b>Associated Case</b>	2004Z-138U-13
<b>Council Bill</b>	None
<b>Council District</b>	13 – Burch
<b>School District</b>	6 – Awipi
<b>Requested by</b>	John A. Hobbs, applicant for Hobbs & Sons, Inns of Nashville, and Aspen Tennessee, LLC, owners.
<b>Staff Reviewer</b>	Harris
<b>Staff Recommendation</b>	<i>Approve</i>

**APPLICANT REQUEST**  
Cancel PUD

**Request to cancel a 12 acre Commercial Planned Unit Development district that was adopted by Metro Council for hotel and retail uses. Located along the west side of Briley Parkway at Dabbs Avenue.**

**Existing Zoning**  
RS10 district

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

CL district

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

**Proposed Zoning**  
CS district

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

**TRAFFIC**

A TIS will be required at development.

**COMMENTS**

*Zoning*

The CS zoning district is consistent with the land use policy in this area.

*Access*

No access to Dabbs Avenue for commercial uses should be permitted.



<b>Project No.</b>	<b>Zone Change 2004Z-139G-12</b>
<b>Associated Case</b>	None
<b>Council Bill</b>	None
<b>Council District</b>	31 – Toler
<b>School District</b>	2 – Blue
<b>Requested by</b>	John Hays, applicant, Jesse M. Roland, owner
<b>Staff Reviewer</b>	Harris
<b>Staff Recommendation</b>	<i>Approve RM6, disapprove RM9.</i>

**APPLICANT REQUEST**

**Rezone 7.7 acres from agricultural/residential (AR2a) to residential multi-family (RM9) district at 6614 Nolensville Pike, approximately 140 feet south of Autumn Oaks Drive.**

**Existing Zoning**  
AR2a district

Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district allows for approximately 4 homes currently on this site.

**Proposed Zoning**  
RM9 district

RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The RM9 would allow for approximately 69 dwelling units.

**SOUTHEAST  
COMMUNITY PLAN POLICY**

Residential Medium (RM)

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

**Policy Conflict**

The Southeast Community Plan’s RM policy is intended for residential development at a density of four to nine dwelling units per acre. Although RM9 is consistent within that policy, it may not be appropriate at this location. Staff recommends a lower density RM zoning district since this property would provide a transition between the higher intensity policy area and approved development to the southeast (see below) and



# Metro Planning Commission Meeting of 10/28/04

the single-family development (Autumn Oaks Subdivision) adjacent to this property to the north.

## RECENT REZONINGS

Parcel 49 to the southeast was rezoned from AR2a to SCC, RM9, and R15 in July 2004, by Metro Council, with a Planned Unit Development Overlay. The Planning Commission recommended approval of the zone change and approval with conditions of the PUD on May 13, 2004.

## TRAFFIC

No Exception Taken.

### Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	7.7	0.5	4	39	3	5

### Typical Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	7.7	9	69	469	39	45

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				430	36	40

## METRO SCHOOL BOARD REPORT

Projected student generation\*

7 Elementary   4 Middle   3 High

Schools Over/Under Capacity

Students would attend Shayne Elementary School, Oliver Middle School, or Overton High School. Shayne has been identified as being over capacity by the Metro School Board. There is capacity at another middle school within this cluster. This information is based upon data from the school board last updated January 16, 2004.



<b>Project No.</b>	<b>Zone Change 2004Z-140U-10</b>
<b>Associated Case</b>	None
<b>Council Bill</b>	None
<b>Council District</b>	25 – Shulman
<b>School District</b>	8 – Harkey
<b>Requested by</b>	Scott Morgan, applicant/owner, James Halloran, owner
<b>Staff Reviewer</b>	Harris
<b>Staff Recommendation</b>	<i>Disapprove</i>

**APPLICANT REQUEST**

**Rezone 1.76 acres from residential (R20) to residential single and two-family (R10) district at 4115 Lealand Lane.**

**Existing Zoning**  
R20 district

R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots. The R20 district allows approximately 4 homes currently on this property.

**Proposed Zoning**  
R10 district

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. The R10 district would allow for approximately 8 homes on this property.

**SUBAREA 10 PLAN POLICY**

Residential Low (RL)

RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

**Policy Conflict**

Yes. The proposed R10 district is not consistent with the Subarea 10 Plan’s RL policy in this area intended for residential development at a density of one to two dwelling units per acre. Properties to the south also on this agenda are proposed to be rezoned to RS20. The R10 district would not be consistent with the surrounding zoning pattern.

**RECENT REZONINGS**

Properties to the south of this property are also on this agenda for a request from R20 to RS20 (2004Z-141U-10).



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Properties to the west of this property were rezoned from R10 to RS10 by the Metro Council in July 2004. The Planning Commission recommended approval in May 2004.

## TRAFFIC

No Exception Taken.

### Typical Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (0)	1.76	1.85	3	29	3	4

### Typical Uses in Proposed Zoning District: R10

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (0)	1.76	3.7	7	67	6	8

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				38	3	4

## METRO SCHOOL BOARD REPORT

### Projected student generation

1 Elementary   1 Middle   1 High

### Schools Over/Under Capacity

Students would attend Glendale Elementary School, Croft Middle School, or Overton High School. Overton has been identified as being over capacity by the Metro School Board. There is capacity at other high schools in adjacent clusters (Glencliff, Hillsboro, and McGavock). This information is based upon data from the school board last updated January 16, 2004.

### Planned School Capital Improvements

Location	Project	Projected Date
Bordeaux Elementary School	Renovations	FY03-04



**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-141U-10**  
None  
None  
25 – Shulman  
8 – Harkey  
Councilmember Jim Shulman, applicant, for various owners

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Defer to allow Metro Council to consider proposed text amendment to regulate location of two-family homes.*

---

**APPLICANT REQUEST**

**Rezone 60.88 acres from residential (R20) to residential single-family (RS20) district properties located along Tower Pl., Dale Ave., Coral Rd., Gary Oaks Dr., Lealand Ln., and General Bate Dr., Savannah Pl, and Outer Dr.**

**Existing Zoning**  
R20 district

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

**Proposed Zoning**  
RS20 district

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

---

**SUBAREA 10 PLAN POLICY**

Residential Low (RL)

RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominate development type is single-family homes.

**Policy Conflict**

Staff has previously taken the position that the Commission should not approve any further mass rezonings of property from R to RS until a text amendment can be considered to address the location of two-family dwellings. A text amendment has been prepared by staff and filed with the Metro Council. The bill is scheduled for public hearing at the Council on November 4. Staff recommends that the Commission defer this application to allow the Council to consider the proposed text amendment.





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Out of the 118 properties, there are 14 two-family dwellings, 3 vacant lots, and the remaining lots are single-family dwellings.

The 14 two-family dwellings in this area will be considered nonconforming and will be allowed to remain. The Zoning Code states that “a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction.”

---

**RECENT REZONINGS**

None

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**TRAFFIC**

No Exception Taken.

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**METRO SCHOOL BOARD REPORT**

This rezoning is not expected to have a significant effect on student generation projections.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-142U-10**  
None  
BL2004-411  
18 - Hausser  
8 - Harkey  
Jeff Heinze of Littlejohn Engineering Associates,  
applicant for Cherokee Equity Corporation, owner.

**Deferral**  
**Staff Reviewer**  
**Staff Recommendation**

Leeman  
*Approve*

---

**APPLICANT REQUEST**

**Rezone 1.39 acres from Office/Residential (OR20) to Office/Residential Intensive (ORI) property at 3001, 3002, and 3004 Vanderbilt Place, 119 and 121 29<sup>th</sup> Avenue South, and 120 30<sup>th</sup> Avenue South.**

**Existing Zoning**  
OR20 district

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

**Proposed Zoning**  
ORI district

Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities.

---

**SUBAREA 10  
PLAN POLICY**

**Mixed Use (MU)**

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

**Policy Conflict**

No. The proposed zoning district (ORI) is consistent with the MU policy, which is intended for a moderately high intensity mixture of residential, retail, and office uses. It is also consistent with the zoning pattern in the area.

---

**RECENT REZONINGS**

None.

**TRAFFIC PUBLIC WORKS**



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## RECOMMENDATION

A TIS is not required prior to rezoning. A traffic access study has been scoped for development.

### Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.39	0.419	25,369	465	63	108

### Typical Uses in Proposed Zoning District: ORI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.39	0.497	30,092	529	72	113

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			64	9	5

### Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	1.39	0.8	48,439	NA	1041	2036

### Typical Uses in Proposed Zoning District: ORI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	1.39	3.0	181,645		3904	7633

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--				2863	5397

## METRO SCHOOL BOARD REPORT

Projected student generation

8 Elementary    5 Middle    5 High

Schools Over/Under Capacity

Students would attend Eakin / Cavert Elementary School, West End Middle School, and Hillsboro High School. Eakin / Cavert Elementary School has been identified as being over capacity by the Metro School Board. There is capacity at an elementary school



## **Metro Planning Commission Meeting of 10/28/04**

within the cluster. This information is based upon data from the school board last updated January 16, 2004.



**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-143U-10**  
None  
None  
18 - Hausser  
8 - Harkey  
Margaret L. Behm of Dodson, Parker & Behm, P.C.  
applicant for owner/lessee, Natchez West, LLC

**Deferral**  
**Staff Reviewer**  
**Staff Recommendation**

Leeman  
*Approve*

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**APPLICANT REQUEST**

**Rezone 5.92 acres from commercial limited (CL) to mixed use general (MUG) property at 106 28<sup>th</sup> Avenue South, 2707, 2609, 2611, and 2613 West End Avenue, east of Natchez Trace.**

**Existing Zoning**  
CL district

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

**Proposed Zoning**  
MUG district

Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

---

**SUBAREA 10  
PLAN POLICY**

**Mixed Use (MU)**

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

**Policy Conflict**

No. The proposed zoning district (MUG) is consistent with the MU policy, which is intended for a moderately high intensity mixture of residential, retail, and office uses. It is also consistent with the zoning pattern in the area.



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## RECENT REZONINGS

None.

## TRAFFIC PUBLIC WORKS RECOMMENDATION

A TIS will be required at development.

### Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.92	0.47	121,201	1547	221	215

### Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.92	1.851	477,326	4448	655	614

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			2901	434	399

### Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.92	0.6	154,725	1867	266	253

### Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	5.92	3.0	773,625	6445	963	946

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			4578	697	693



## Metro Planning Commission Meeting of 10/28/04

### METRO SCHOOL BOARD REPORT

**Projected student generation**

**32 Elementary   22 Middle   20 High**

**Schools Over/Under Capacity**

Students would attend Eakin / Cavert Elementary School, West End Middle School, and Hillsboro High School. Eakin / Cavert Elementary School has been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster. This information is based upon data from the school board last updated January 16, 2004.

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



**Project No.**  
**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2004Z-144G-06**  
None  
None  
23 - Whitson  
9 - Warden  
CCH Partners, G.P., applicant/owner

**Staff Reviewer**  
**Staff Recommendation**

Fuller  
*Disapprove*

---

**APPLICANT REQUEST**

**Rezone 13.32 acres from residential (R10) to residential multi-family (RM15) property at 7301 Sonya Drive and Sonya Drive (unnumbered), east of Old Hickory Boulevard.**

**Existing Zoning**  
R10 district

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**  
RM15 district

RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre.

---

**BELLEVUE COMMUNITY PLAN POLICY**

Residential Low Medium (RLM)

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

**Policy Conflict**

Yes. The proposed zoning district (RM15) is not consistent with the RLM policy, which is intended for residential development within a density range of two to four dwelling units per acre. RLM policy may support a lower density multifamily residential district such as the RM4 district (4 units per acre).

A higher density multifamily district may be appropriate for this area, but a Planned Unit Development would need to be put in place that





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demonstrates protection of the hillsides present on the property and meets the policies set forth in the Bellevue plan.

## RECENT REZONINGS

The Bellevue Property PUD on the adjacent parcel to the east was approved in 1997, for 412 apartments and 35 single-family lots on 105 acres (4.25 units per acre).

## TRAFFIC PUBLIC WORKS RECOMMENDATION

No exceptions taken.

### Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	13.32	3.7	49	540	44	57

### Typical Uses in Proposed Zoning District: RM15

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condos/townhome (230)	13.32	15	200	1158	90	107

### Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				618	46	50

## METRO SCHOOL BOARD REPORT

Projected student generation

14 Elementary 11 Middle 9 High

Schools Over/Under Capacity

Students would attend Brookmeade Elementary School, Hill Middle School, and Hillwood High School. Hill Middle School has been identified as being over capacity by the Metro School Board, by 11 students. The fiscal liability of accommodating these new students beyond Hill's capacity is \$143,000. This information is based upon data from the school board last updated January 16, 2004.



No.

Project Name

Associated Cases

Council District

School District

Requested By

Subdivision 97S-014U-03

Forest Vale Subdivision

None

1 - Gilmore

1 - Thompson

Metropolitan Department of Law

Staff Reviewer

Fuller

Staff Recommendation

*On advice from the Metropolitan Department of Law, staff recommends that the prior approval be rescinded.*

**APPLICANT REQUEST**

**The Metropolitan Department of Law recommends the rescission of the original approval of this subdivision since it was recorded in error without a bond in place. The original plat was recorded without the required sewer line extension being built or properly bonded.**

**SUBDIVISION DETAILS**

**Timeline**

July 17, 1997

James S. Norman of Metro Water Services issued a letter to the Planning Department indicating approval of the Forest Vale Subdivision with the contingency for a bond for the construction of sanitary sewer in the amount of \$28,400.

January 14, 1999

The Forest Vale final plat was recorded without the required bond for sewer improvements.

February 21, 2003

Scott Potter, Director of Water Services, sent a letter to Terry Cobb, Director of Codes Administration, informing Codes of the problem and requesting that any building permit applications of these properties be denied. This letter was copied to Mr. Howard Fisher, the developer, and identified the steps that needed to be taken to rectify the situation.

The steps Mr. Potter identified to correct the situation were:

- Resubmittal of sewer construction plans for approval by the State of Tennessee and Metro Water Services.
- A posting of a bond for \$40,000.

June 3, 2004

Brooks Fox, Metropolitan Department of Law, issued a letter to Howard Fisher, developer, informing him that if the steps were not taken to comply with the



## Metro Planning Commission Meeting of 10/28/04

June 8, 2004

construction and bonding of the sewer line, then the Planning Commission could rescind the approval of the subdivision.

The Department of Law issued a letter to Mr. Rick Bernhardt, Planning Director, requesting that the issue be placed on the July 22, 2004, agenda of the Planning Commission to give the developer ample time to show an intent to comply. This letter was copied to both owners of the land, Howard Fisher and Don Whitfield.

July 22, 2004

The request to rescind the plat approval was deferred to August 26, 2004.

August 26, 2004

The request was recommend for indefinite deferral by the staff to allow the developer, Howard Fisher, time to resubmit construction plans for the sewer line.

October 1, 2004

Notice was given to Peter Curry, Esq. by Metro Legal that staff intended to recommend rescinding the plat, unless a construction permit was issued or an appropriate bond was posted by October 12, 2004.

### **STAFF RECOMMENDATION**

Staff recommends rescission of the Forest Vale final subdivision plat approval. The developer, Howard Fisher, has had ample time to construct a sewer line since the recording of the plat in 1999, and has shown no intent to comply with the requirements of the subdivision plat approval.



<b>Project No.</b>	<b>Subdivision Proposal No. 2004S-285U-11</b>
<b>Project Name</b>	<b>Cato Bass, Final Plat</b>
<b>Associated Cases</b>	None
<b>Council District</b>	16 - McClendon
<b>School District</b>	8 - Harkey
<b>Requested By</b>	Cato Bass, owner and H&H Land Surveying, surveyor.
<b>Staff Reviewer</b>	Fuller
<b>Staff Recommendation</b>	<i>Disapprove as presented. Approve with conditions, includes combining lots 3 and 4 into one lot.</i>

**APPLICANT REQUEST**  
Final Plat

**A request for final plat approval to create 4 lots on 3.33 acres located on the east side of Glenrose Avenue and the west side of the CSX railroad.**

**ZONING**  
RS10 District

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

**SUBDIVISION DETAILS**

The existing 3.33 acre parcel contains one existing house and one uninhabited building. The request is to create 4 new lots, one containing the existing building (Lot 3), one containing the uninhabited building (Lot 4), and two vacant lots (Lots 1 and 2). Old Glenrose Avenue is constructed in the railroad right-of-way.

Old Glenrose Avenue turns sharply at Lot 3 to cross the rail road tracks. Lot 4 will not have frontage on the existing road and the applicant has not proposed a road extension. Section 2-4.2. A. of the Subdivision Regulations requires all lots to have frontage on a public street to enable vehicular access to be provided. The applicant has proposed a shared driveway situation with lots 3 and 4. The driveway for Lot 3, the existing home, is located in the curve and would not be ideal to allow for more cars to enter and exit Old Glenrose Avenue. Therefore, staff is recommending that Lots 3 and 4 be combined as one.

No sidewalks were proposed on Old Glenrose Avenue, nor was a request for a sidewalk variance received. However, sidewalks are required on Lots 1 and 2 (approximately 111 feet). Old Glenrose Avenue is a local street, located in the Urban Services District,



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without sidewalks in the block face. Therefore, the applicant may either construct the sidewalks or make a financial contribution to the Metropolitan Government in lieu of constructing the sidewalk.

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### **PUBLIC WORKS RECOMMENDATION**

No Exception Taken

The developer has obtained permission from CSX Transportation, the owner of the railroad right-of-way at Old Glenrose Avenue, to connect a driveway to Old Glenrose. Public Works has received a copy of a letter to Mr. Bass dated 10/5/04 from CSX.

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### **CONDITIONS**

1. The applicant must obtain approvals from Metropolitan Water Services and bond for necessary water and sewer main extensions prior to the recording of the final plat.
2. Sidewalks are required to be constructed or the developer may choose to pay an in-lieu fee for the approximately 111 feet of frontage in front of lots 1 and 2.
3. The following revisions need to be made prior to the recording of the final plat:
  - a. Correct note 12 to refer to Water Services instead of Public Works.
  - b. Add the new subdivision number.
  - c. Add the following note, "Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP.)"
  - d. Add parcel numbers to the new lots.



**Project No.**  
**Project Name**  
**Associated Cases**  
**Council District**  
**School Board District**  
**Requested By**

**Subdivision 2004S-299G-04**  
**Stone Subdivision**  
None  
9 – Forkum  
3 - Garrett  
Willie and Beverly Stone, owners, Dale & Associates, surveyors.

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Disapprove subdivision and variance request.*

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**APPLICANT REQUEST**  
**Final Plat**

**This request is to create 2 lots at the southwest corner of North Dupont Avenue and Rio Vista Drive.**

**ZONING**  
RS7.5 District

RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

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**SUBDIVISION DETAILS**

*Lot Comparability*

Section 2-4.7 of the Subdivision Regulations state that lots in areas that are predominantly developed to be generally in keeping with the lot frontage and lot area of surrounding lots.

Originally, a lot comparability test was conducted for the two lot subdivision and the lot area yielded a minimum lot size of 8,200 sq. ft. and a minimum allowable lot frontage of 51.9 feet. Both lots passed for lot area and lot frontage.

*Variance Request (Section 2-4.2D)*

The applicant has a variance for the lot size requirement in the Subdivision regulations Lot 1 is proposed for 19, 655 sq. ft. and lot 2 is proposed for 24, 673 sq. ft. Lot 2 exceeds the maximum lot size allowed for new subdivisions of property within the RS7.5 zoning district. Staff recommends disapproval of the variance request since this property is located in a Residential Medium High policy intended for smaller lots. Although the lot is consistent with the lots to the south along Rio Vista Drive, these two lots will face North Dupont Avenue and is adjacent to an apartment complex to the west.



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### *Sidewalks*

Sidewalks are not required for this subdivision since it is located outside the Urban Services District and the Sidewalk Priority Index (SPI) score is less than 20 in this area.

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### **PUBLIC WORKS RECOMMENDATION**

No Exception Taken.

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### **CONDITION**

1. Metro Water Services approval shall be submitted prior to final plat recordation.



**Project No.**

**Subdivision 2004S-308U-05**

**Project Name**

**514 Maplewood Lane**

**Associated Cases**

None

**Council District**

8 – Hart

**School Board District**

5 - Hunt

**Requested By**

AMC Mortgage Company, Inc., owner and William M. Keel, surveyor

**Staff Reviewer**

Leeman

**Staff Recommendation**

*Disapprove*

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**APPLICANT REQUEST**

**Final Plat**

**This request is for final plat approval to subdivide one parcel with 1.28 acres into three single-family lots, located along the south side of Maplewood Lane, between Maplewood Place and Lemont Drive.**

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**ZONING**

RS15 District

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

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**SUBDIVISION DETAILS**

Lot Comparability Variance

The applicant is requesting to create three single-family lots along the south side of Maplewood Lane, including a variance to the Lot Comparability standards. The lots are proposed to have 18,666, 18,690 and 18,678 square feet with frontages of 66.57 feet respectively.

Section 2-4.7 of the Subdivision Regulations requires lots to be comparable in size and frontage to the surrounding lots within 300 feet. The lot comparability analysis yielded a minimum lot size requirement of **34,703** square feet and a minimum frontage requirement of **124.17** feet. The regulations typically require all adjacent lots to be used in the analysis, except when the lots are smaller than their zoning requirement. In this case, the lots in the adjacent PUD are smaller than the RS15 base zoning, so they were not counted in the analysis.

The applicant has requested a variance to these standards indicating that the property is 1.28 acres with RS15 zoning, located in an older neighborhood where lot sizes far exceed the current zoning. The applicant also states that this subdivision would offer a





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### Subarea Policy

reasonable transition between the RS10 PUD and the larger lots to the north.

A lot comparability waiver is not permitted in this case since none of the criteria to grant the waiver are being met. This property falls within the Subarea 5 Plan's Residential Medium Policy calling for 4 to 9 dwelling units per acre. The proposed 3 lot subdivision has a density below what the policy calls for at 2.3 dwelling units per acre.

Staff has also considered reducing the number of lots from three lots to two lots, but this would still create one lot that does not meet the lot comparability standards.

### 4:1 Variance

The proposed plat also requires a variance to the 4:1 rule in the Subdivision Regulations (Section 2-4.2E), which requires the lot width to be not less than 25% of the average lot depth. Since no hardship has been identified, staff recommends disapproval of this variance request.

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### **PUBLIC WORKS RECOMMENDATION**

No Exception Taken.



<b>Project No.</b>	<b>Subdivision 2004S-310A-11</b>
<b>Project Name</b>	<b>Glenclyff Estates Subdivision</b>
<b>Associated Cases</b>	None
<b>Council District</b>	13 – Burch
<b>School Board District</b>	7 - Kindall
<b>Requested By</b>	Shirley Jones, applicant/owner
<b>Staff Reviewer</b>	Harris
<b>Staff Recommendation</b>	<i>Approve</i>

**APPLICANT REQUEST**

**Final Plat**

**This request is to amend the setback line on one lot abutting the northeast corner of Woodmere Drive and Greymont Drive.**

**ZONING**

RS15 District

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

**SUBDIVISION DETAILS**

The applicant is requesting to amend the western/ front setback from 80’ to 60’. This is a corner lot in which the front and side setback is the same.

This amendment would not alter the existing character of the neighborhood since the adjacent parcel is vacant and the next adjacent parcel faces another block face.

**PUBLIC WORKS RECOMMENDATION**

No Exception Taken.



**Project No.**  
**Project Name**

**Planned Unit Development 103-80-U-12**  
**Barnes Crossing (formerly known as Monte Carlo Square) PUD**

**Associated Case**  
**Council Bill**  
**Council District**  
**School District**  
**Requested By**

None  
None  
31 – Toler  
2 - Blue  
Anderson-Delk & Associates, Inc., applicant, for Ole South Properties, optionee, and allowed by Vernon M. Williams III, owner.

**Staff Reviewer**  
**Staff Recommendation**

Harris  
*Approve with conditions*

**APPLICANT REQUEST**  
**Final PUD**

Request to allow for the development of 278 townhome units. The 43-acre site is located along the north side of Barnes Road, approximately one-third of a mile east of Nolensville Pike.

**PLAN DETAILS**

*History*

This residential PUD was originally adopted by the Metro Council in 1980 (BL80-271) and allowed for the development of 280 multi-family units. A revision to the PUD was approved by the Commission on July 8, 2004, to allow for 278 townhome units.

*Access*

The proposed drive is off of Barnes Road with no connections to adjacent properties since the drives throughout the site are private.

*Sidewalks*

A sidewalk variance was approved by the Commission on July 8, 2004, that allows for a 5-foot wide public pedestrian access easement to be constructed by the developer outside of the public right-of-way.

**METRO PUBLIC WORKS’  
RECOMMENDATION**

1. Turn lane plans need to be revised.
2. Vegetation east and west of access driveway shall be removed for adequate sight distance of 335 feet.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions. The final PUD is consistent with the revised preliminary PUD approved by the Commission on July 8, 2004.



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### CONDITIONS

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1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
  - a. Fire hydrants shall flow at least 1250 GPM's at 40 psi.
  - b. No SDR21 PVC pipe shall be used for any Fire Main.
3. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.



**Project Name**

**Associated Case**

**Council Bill**

**Council District**

**School Board District**

**Requested By**

**Staff Reviewer**

**Staff Recommendation**

**Project No.** **Planned**

**Unit Development 27-87-P-03**

**Creekside Trails Residential PUD, Phase 4 and 5**

None

None

1 – Gilmore

1 – Thompson

The Laine Company, applicant for Eaton’s Creek Investor Fund, LLC owner.

Fuller

*Approve with conditions*

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**APPLICANT REQUEST**  
**Final PUD**

Request for a Final PUD approval for Phase IV to permit 35 single-family lots, and Phase V to permit 36 single-family lots, the property is located along the west side of Eaton’s Creek Road and north of Cato Road.

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**PLAN DETAILS**

The plans propose 71 single-family lots. The plans are consistent with the revised preliminary PUD plan approved on February 17, 2000.

The approval of the revised preliminary PUD plan included substantial traffic conditions by phase. The requirements for Phase IV were to submit plans to widen and add a sidewalk to Cato Road in front of Cumberland Elementary School.

With the PUD approval for Phase V, the developer was conditioned to be required to pay the Metropolitan Government for the cost of the improvements required in Phase IV including the acquisition of any necessary additional right-of-way. However, because the situation at Cumberland Elementary needed immediate action, the Metropolitan Government completed the improvements in 2001. Since the required improvements are already place, the developer has agreed to reimburse Metro for an amount to be agreed upon by Public Works prior to the recording of the final plat for Phase V.



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### METRO PUBLIC WORKS' COMMENTS

Prior to the recording of the final plat for Phase V, the developer will reimburse Metro, for an amount to be determined by the Department of Public Works, for the widening Cato Road in front of Cumberland Elementary School and the construction of a five foot sidewalk in front of Cumberland Elementary School.

The following comments will need to be addressed on the construction plans of Phase V:

Gilmore Crossing Lane and Rambling Brook Road profiles have a slope less than the 1% required for new construction.

The western side of Gilmore Crossing Lane needs a handicap ramp installed across the terminus of Creekview Drive (Lot 118) and from the terminus of Rambling Brook Road (Lot 123). The terminus of Gilmore Crossing Lane at Cato Road needs a pair of handicap ramps.

Submit signing and marking plan.

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### CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Comply with all Public Work's conditions of approval.



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

**Planned Unit Development 88P-068U-13**  
**Nashboro Square Commercial PUD**  
None  
None  
29 – Wilhoite  
Palmer Engineering, applicant, for Pharis Douglas, Lola Douglas, Marry Louise Douglas Tripp, and Robert and Durwood Trent, owners.

**Staff Reviewer**  
**Staff Recommendation**

Leeman  
*Approve with conditions*

**APPLICANT REQUEST**  
**Revise Preliminary & Final PUD**

Request to revise the preliminary plan and for final PUD approval for a portion of the Nashboro Square Commercial PUD to allow for the development of an 8,750 square foot office, a 4,645 square foot restaurant, a 1,650 square foot restaurant and a 4,200 square foot bank, replacing 8,400 square feet of retail uses. The property is located at the northeast corner of Murfreesboro Pike and Brooksboro Place.

**PLAN DETAILS**

History

This PUD was originally approved in 1988, for 242,100 square feet of retail, movie theater, grocery store, department store, and other commercial uses. The PUD remained undeveloped until 2002, when a restaurant and a retail use were approved in two of the outparcels.

Proposed Plan

The driveway locations of the proposed plan are essentially the same as the currently approved plan. The proposed plan creates four outparcels where two currently are approved. The proposed plan accounts for the required parking, while retaining the original site layout for the larger, undeveloped commercial uses to the rear of the site. This change does not result in an increase in the square footage beyond 10% of what was originally approved, therefore, staff recommends approval as a revision to the preliminary PUD plan.

**METRO PUBLIC WORK'S FINDINGS**

Metro Public Works staff requested that a new Traffic Impact Study be completed. The applicant has completed the TIS and Public Works recommends the following conditions:



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The TIS has been reviewed and the following comments and conditions prepared:

1. Construct access driveway with separate right turn lane and thru/left lane with 160 ft of storage lengths.
2. Construct raised median on access drive extended from Murfreesboro Rd to first internal drive intersection.
3. Remove Bank right in only driveway located 50 ft from Murfreesboro.
4. Construct a northbound Right turn lane on Murfreesboro Rd at access driveway with 100 ft of storage and transition per AASHTO standards.
5. Reserve ROW for 1/2 U 6 (108ft/2) plus required ROW for northbound right turn lane.
6. Construct a bus pullout bay on Murfreesboro Rd north of the main access drive prior to the lane transition on Murfreesboro Rd.
7. Original PUD was approved with land use generating approximately 981 pk hr trips. To accommodate the additional pk hr trips resulting from the change in land use for this portion of the PUD, the original pud shall be revised to reduce approximately 7000 sq. ft of retail in the remaining unbuilt portion of the PUD.

### **SITE PLAN COMMENTS**

1. Revise site plan to be consistent with above conditions.
2. If fast food restaurant has drive thru service, construct 12 ft wide by-pass lane as required by zoning regulations.
3. Document adequate Turning movement into fast food driveways for SU30 truck
4. Align fast food eastern drive opposite office driveway aisle.





## Metro Planning Commission Meeting of 10/28/04

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### CONDITIONS

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. Construct access driveway with separate right turn lane and thru/left lane with 160 ft of storage lengths.
6. Construct raised median on access drive extended from Murfreesboro Rd to first internal drive intersection.
7. Remove Bank right in only driveway located 50 ft from Murfreesboro.
8. Construct a northbound Right turn lane on Murfreesboro Rd at access driveway with 100 ft of storage and transition per AASHTO standards.
9. Reserve ROW for 1/2 U 6 (108ft/2) plus required ROW for northbound right turn lane.



## Metro Planning Commission Meeting of 10/28/04

10. Construct a bus pullout bay on Murfreesboro Rd north of the main access drive prior to the lane transition on Murfreesboro Rd.



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

**Planned Unit Development 2004P-019G-14**  
**Hermitage Senior Living PUD**  
None  
12 – Gotto  
4 - Nevill  
None  
Gresham Smith and Partners, for Unity Center for Positive Living, Inc., owner

**Staff Reviewer**  
**Staff Recommendation**

Leeman  
*Approve with conditions*

**APPLICANT REQUEST**  
**Final PUD**

Request for final PUD approval to permit a 47 rooming unit (16 dwelling units) assisted-living facility, and 24 townhomes. The property is located at 4131 Andrew Jackson Parkway, north of Chandler Road.

**PLAN DETAILS**

The plan proposes 47 rooming units or 16 dwelling units (47 rooming units/3 beds) for the assisted-living facility and 24 townhome units. Access is provided from Andrew Jackson Parkway and a future access drive is proposed from the future relocation of Chandler Road. The assisted-living facility is oriented towards Andrew Jackson Parkway while the townhomes are to the rear of the property. The access drive splits into a one-way drive around the assisted-living facility with the townhomes and the parking spaces oriented towards the one-way drive. There is also a pavilion and covered parking spaces proposed.

The plan does meet landscaping buffer yard and parking requirements. The property is adjacent to RS15 zoning on both sides, which would require a “B” type landscape buffer yard. The plan proposes a 10-foot buffer yard, which is consistent with the standard “B” landscape buffer yard requirement. There are also 70 parking spaces proposed, while 69 are required. The assisted-living facility would require 21 spaces while the townhome units would require 1 space per bedroom up to 2 bedrooms and .5 for each additional bedroom. The plan proposes 2 spaces per unit, and all units are to be no more than 2 bedroom units.



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Sidewalks are provided on Andrew Jackson Parkway and within the development.

---

### Zoning

*The Planning Commission recommended and the Metro Council approved the associated zone change and preliminary PUD on September 25, 2004. The unmapped RM policy allowed for the 4.66 dwelling units per acre proposed by the PUD plan since it is along Andrew Jackson Parkway and Chandler Road, which are both arterial streets. It also meets all zoning and subdivision requirements.*

---

### METRO PUBLIC WORKS' COMMENTS

A new site plan and TIS was submitted on 6/25/04. This new site plan reflects the recommendations of the TIS. These recommendations include future changes to the site that will be required when Chandler Road is relocated.

Therefore, Traffic recommended approval of the Zone Change and the PUD.

---

### CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.



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4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.



**Project No.**  
**Project Name**  
**Council Bill**  
**Council District**  
**School District**  
**Associated Case**

**Planned Unit Development 2004P-027G-06**  
**Bellevue KFC PUD**

None  
22 - Crafton  
9 - Warden  
2004Z-013G-06 (The Planning Commission recommended approval of the request to change from OR20 to CL district in January 2004).

**Requested By**

T – Square Engineering, for AJS Associates, and Suntrust Bank, owner.

**Staff Reviewer**  
**Staff Recommendation**

Leeman  
*Approve with conditions*

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**APPLICANT REQUEST**  
**Preliminary PUD**

Request for Preliminary PUD approval to permit a 3,125 square foot fast-food restaurant on 1.10 acres at 7121 Highway 70 S at the intersections of Highway 70 S, Old Harding Pike, and Hicks Road.

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**PLAN DETAILS**

The proposed plan includes two points of ingress/egress: one from Hicks Road and one from Old Harding Pike. The PUD plan provides the required landscape buffer yard between the adjacent bank and the proposed restaurant.

Sidewalks

Sidewalks are proposed along Highway 70 S and along Hicks Road, but not along Old Harding . This site falls within an area with a Sidewalk Priority Index of greater than 20, therefore, sidewalks are required to be built or the applicant must pay an in-lieu fee. Since this is a commercial property, the applicant will make this choice at the building permit stage. A note must be placed on the PUD plan indicating that sidewalks will meet the Zoning Code Requirements.

---

**Recent Rezoning**

The Planning Commission recommended approval of the request to change from OR20 to CL district in January 2004. However, the Council Bill was not filed until recently. The bill is now scheduled for the November Public Hearing at the Metro Council. The Zone Change Bill includes several conditions, including the following:



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1. The construction of a monument style sign constructed of "municipal red brick" being a maximum eight feet in height and nine feet in length;
2. That the exterior of the proposed development be consistent with the rendering on file with the Planning Commission and made a part of this ordinance as though copied herein; and
3. That the proposed development be consistent with the Demolition and Layout Plan and the Landscape Plan filed with the Planning Commission as part of the Preliminary Planned Unit Development on file with the Planning Commission and made a part of this ordinance as though copied herein.

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### **METRO PUBLIC WORKS' COMMENTS**

1. Extend northbound left turn lane on Hicks to property line with transition per AASHTO standards.

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### **CONDITIONS**

1. Sidewalks are to meet Zoning Code requirements. If the applicant chooses to pay the in-lieu fee this will be done at the building permit stage.
2. Extend northbound left turn lane on Hicks to property line with transition per AASHTO standards.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. This approval includes an 8' tall by 9'6" wide monument style sign, as included in the submitted documents.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.



**Project No.**  
**Project Name**

**Mandatory Referral 2004M-107G-12**  
**Underground encroachment at Burkitt Road and Battle Road for communications cable**

**Council Bill**  
**Council District**  
**Requested by**

None  
31 - Toler  
United Telephone Company

Staff Reviewer  
Staff Recommendation

Kleinfelter  
*Approve with conditions*

**APPLICANT REQUEST**

A request for underground encroachment into Metro right of way at Burkitt Road, approximately .7 miles south of Old Hickory Boulevard, and Battle Road, for communications cable, requested by United Telephone Company.

**DEPARTMENT AND AGENCY COMMENTS**

No responding departments or agencies take exception. NES noted that it has an underground distribution line under a portion of Parcel 007. The Metro Water Services Department stated:

“Detailed plans need to be submitted to our office before any construction begins so that we can assist to avoid any damage to the water line and we will not be responsible for any damage to the communication cable due to maintenance or repair of the water line.”

**RECOMMENDATION**

The following departments or agencies have reviewed this request and recommended approval: Metro, Metro Public Works, Water Services, Stormwater, and NES.

Planning staff recommends approval subject to the conditions stated by the Water Services Department.





**Project No.  
Project Name**

**Mandatory Referral 2004M-108U-03  
Rename section of Walker Lane to “Mable  
Boyd Lane”**

**Council Bill  
Council District  
Requested By**

None  
2 – Isabel  
Metro Public Works

**Staff Reviewer  
Staff Recommendation**

Kleinfelter  
*Approve*

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**APPLICANT REQUEST**

**Request to rename a 1,390 foot section of Walker Lane to "Mable Boyd Lane," requested by Metro Public Works.**

There are two separate sections of Walker Lane that each dead end into an existing parcel. That parcel is being subdivided to create seven lots on one of the portions of Walker Lane. The new subdivision was approved with a permanent dead end because of topographical conditions on the property. The Commission included a condition of approval for the new subdivision that one of the two sections of Walker Lane should be renamed. The permanent creation of two separate streets with the same name may cause confusion for emergency services.

All 21 property owners who would be affected by this proposal have been mailed notices. The department has received 13 letters objecting to the proposed name change for this road. As required by the Metro Code, these letters will be forwarded to the Metro Council.

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**DEPARTMENT AND AGENCY COMMENTS**

No responding departments or agencies take exception.

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**RECOMMENDATION**

The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Emergency Communications Center, Water Services, Stormwater, and NES.

**Planning staff recommends that the name of either this section or the other section of Walker Lane should be changed. It is unknown at this time whether the residents of the other portion of Walker Lane would also object to their street being renamed.**



**Project Name**

**Avondale Park Subdivision Fee Waiver Request**

**Applicant**

Civil Site Design Group, for Prestige Homes

**Staff Reviewer**

Kleinfelter

**Staff Recommendation**

*Disapprove*

**APPLICANT REQUEST**

**Fee Waiver**

**Request for a partial fee waiver for an upcoming application that will be filed on October 28, 2004, for a preliminary plat named Avondale Park Subdivision containing 571 lots. The required fee is \$17,330, while the applicant is requesting to pay \$5,910. The applicant is requesting a reduction in the fee since they feel this is an “exorbitant fee” due to the large size of the proposed project on property known as the “Sod Farm”.**

**DETAILS**

On August 1, 2004, new Subdivision Fees went into effect doubling the required fees for Subdivision applications. The fee changes were approved by the Planning Commission on June 10, 2004, following a public hearing. The changes were based on an audit and comprehensive fee study performed by the Maximus company.

Maximus’ study found it to be reasonable among planning departments to collect fees that cover 50-65% of the cost of the service. Prior to August 1, 2004, Metro’s planning fees covered on average about 30% of the cost for the service. The study recommended that most of the Planning Department’s fees should be increased to defray, on average, approximately 60% of the costs.

Staff met with Councilmembers, developers, neighborhood and affordable housing representatives, and the Mayor’s office to present these new fees and give all affected groups time to prepare and plan for the new fees.

Current fees:

Currently, the required fee for a preliminary plat is \$200 plus \$30 per lot.

$(571 \times 30) + 200 = \$17,330$



## Metro Planning Commission Meeting of 10/28/04

Old Fees:

The required fees for a preliminary plat prior to August 1, 2004, was \$100 plus \$15 per lot.

$$(571 \times 15) + 100 = \$8,665$$

### RECOMMENDATION

Staff recommends disapproval of this request. The new fees are rationally based on recovering a significant percentage of Metro's expenses for reviewing this proposal. Approving a reduction in this applicant's fees may set an unfortunate precedent that anyone not satisfied with the fee would request the Commission to reduce their fees.