

1. Zone Change Proposal No. 2001Z-092U-12

Staff recommends *conditional approval*.

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

This request is to change 11 acres from R40 (residential) to RM9 (multi-family residential) district property at Edmondson Pike (unnumbered), approximately 500 feet south of Old Hickory Boulevard. The existing R40 district is intended for single-family homes and duplexes at 1 dwelling unit per acre. The proposed RM9 district is intended for single-family, duplex and, multi-family dwellings at 9 units per acre. With RM9 zoning, up to 96 dwelling units could be constructed on this property. Under the current R40 zoning, 12 homes could be developed.

Staff recommends conditional approval of the proposed RM9 zoning subject to road and pedestrian way improvements. This zone change is consistent with the Subarea 12 Plan's Residential Medium (RM) policy, which calls for 4 to 9 dwelling units per acre. It is also consistent with the RM9 zoning to the west on parcels 43, 44 and 135. The Planning Commission and Council approved that rezoning in 1998.

Traffic

The Traffic Engineer initially required a traffic impact study (TIS) for this rezoning. The increased density was a concern along Edmondson Pike; the road is a substandard arterial. After meeting with the applicant, the Traffic Engineer agreed to several improvements along Edmondson Pike -- improvements a TIS would have identified. Therefore, a TIS was not required. Since then, the applicant has agreed to some, but not all of the improvements below. The applicant is still considering various improvement options. The improvements below are what the staff finds are necessary to integrate and transition this property from the abutting single-family, the Kroger shopping center, and the property to the west which has significantly restricted access from Old Hickory Boulevard. The improvements along Edmondson Pike are as follows:

1. Widen Edmondson Pike to its ultimate width along the property's frontage from the Kroger Shopping Center south to parcel 166.
2. Construct a left-turn lane into the development on Edmondson Pike. Turn lane needs to measure 75 feet of storage with a taper.
2. Construct a sidewalk along Edmondson Pike as part of the widening project in #1 above
3. Construct a street from Edmondson Pike running westward that connects with Westheimer Drive, a stub street into this property (parcel 121), and to

parcel 44 further west. This street will provide access to parcels 43, 44 since access from Old Hickory Boulevard is not feasible in future due to slopes, sight distance, and driveway separation.

4. Provide pedestrian connections from parcel 121 to the Kroger Shopping Center to promote walkability.

Schools

A multi-family development at RM9 density will generate approximately 14 students (6 Elementary, 4 Middle/Junior High, and 4 High School). While Overton High School and McMurry Junior High School may not be impacted by the development of this property under the proposed zoning. Granberry Elementary School and Glendale Middle School will be impacted.

Granberry's capacity is 680 students and Glendale's capacity is 365 students, currently each school is more than 25% over capacity. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

2. **Zone Change Proposal 2001Z-093U-11**

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

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

This request is to change 1.11 acres from CS (commercial) to IR (industrial) district at 429-B Houston Street approximately 500 feet northwest of Chestnut Street. The existing CS district is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The proposed IR district is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures. Staff sent a public hearing notice to S.N.A.P., the neighborhood association concerning this rezoning.

Staff recommends disapproval of the proposed IR zoning as contrary to the General Plan. This zone change is not consistent with the Subarea 11 Plan's Mixed Use (MU) policy calling for a mixture of residential, retail, and office uses. The MU policy was applied to convert this largely residential area to a mixed-use area over time. While there are older unoccupied and vacant industrial style buildings in the area, the subarea plan intends for these buildings to be converted into loft apartments, small businesses and retail uses. Currently, there is a 24,000 square foot warehouse on the property. With IR zoning, this property could be used for more intense manufacturing than what is defined by the MU policy and allowed by the present CS zoning. Further intensifying the zoning would move this area to moderately intense industrial uses. The long-term intent of the subarea plan would be not to intensify the existing industrial uses.

3. **Zone Change Proposal 2001Z-094U-07**

Staff recommends *approval*.

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

This request is to change 0.26 acres from CS (commercial) to MUL (mix use limited) district at 4501 Murphy Road at the intersection of Murphy Road and 46th Avenue North. The current CS district is intended for a wide range of commercial service related uses including low intensity manufacturing and storage facilities. The proposed MUL district is intended for a moderate intensity of residential, retail, and office uses. Staff sent a public hearing notice to the Sylvan Park homeowners association.

This property borders a neighborhood shopping area along Murphy Road that includes a pub, market, coffee house and several other small businesses. The applicant is requesting this zone change to construct a multi-storied structure (two stories above grade). This structure would include retail space, office space, and three to four dwelling units. This rezoning conforms to the Subarea 7 Plan's Residential Medium Density (RM) policy, which calls for 4 to 9 dwelling units per acre. Although the proposed MUL zoning supports non-residential uses, the subarea plan acknowledges within the RM policy the Murphy Road neighborhood commercial node. The plan specifically states:

“The somewhat unique node of neighborhood commercial development centered on the intersection of 46th Avenue North and Murphy Road: emphasis should be given to maintaining and enhancing the viability of the established node and on achieving a non-intrusive, stable and harmonious relationship with the surrounding neighborhood.” (Subarea 7 Plan, page 32)

Staff recommends approval of the proposed MUL zoning. Rezoning this property will support the make up and growth of this neighborhood as a vital residential area.

4. Zone Change Proposal 2001Z-095U-10

Staff recommends *approval*.

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

This request is to change 0.80 acres from R10 (residential) to RM20 (multi-family residential) district at 2007 Lombardy Avenue near the intersection of Lombardy Avenue and Hillsboro Place. The existing R10 district is intended for single-family and duplex homes at 1 dwelling unit per 10,000 square foot lot. The proposed RM20 is intended for multi-family dwellings at 20 units per acre. With the proposed RM20 zoning 16 multi-family dwellings could be constructed on this property. Staff sent public hearing notices to the Hillsboro-West End and Woodmont East neighborhood associations.

Staff recommends approval of the RM20 zoning. This property is uniquely situated as it is surrounded by multi-family developments on three sides – north, west, and south. No other property is similarly situated along Lombardy Avenue or Stokes Lane. This proposal is consistent with the Subarea 10 Plan's Residential Medium High (RMH) policy. The RMH policy calls for 9 to 20 dwelling units per acre and that policy applies to properties along Hillsboro Pike to a depth of 440 feet. The RM20 zoning should extend no further than this property along Lombardy Avenue. Zoning south and east of this property should remain consistent with the R20 and R10 base zoning districts.

Traffic

The Metro Traffic Engineer indicated that the traffic signal located at Hillsboro Pike's intersection with Sharondale Drive and Lombardy Avenue is adequate to handle the maximum traffic that this rezoning could possibly add to Hillsboro Pike.

Schools

A multi-family development at RM20 density will generate approximately 3 students (1 Elementary, 1 Middle, and 1 High School). While John T. Moore and Hillsboro High School may not be impacted by the development of this property under the proposed zoning, Julia Green Elementary and Walter Stokes Middle Schools will be impacted. Currently Julia Green Elementary is 1% over capacity and Walter Stokes Middle School is 10% over capacity. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

5. Subdivision Proposal 2001S-267G-06 Harpeth Crest (formerly Max Vinson Property)

Staff recommends *conditional approval* of the preliminary plat subject to a variance for sidewalks.

The original preliminary plan for this property to create 40 lots was approved by the Planning Commission on June 8, 2000. Revisions to the plan were subsequently approved by the Commission on September 28, 2000, and November 9, 2000. This request is for a newly-revised preliminary plat for 41 lots on 41 acres. The property is located in Bellevue and abuts the northern terminus of Morton Mill Road and River Bend Road. The applicant is re-submitting this plat in order to create an access easement to lots 26-30. Over half of the proposed lots are critical lots since they are located in the Harpeth River's floodplain or have steep topography. Lots 26-30 cannot be accessed from Morton Mill Road due to steep topography. Therefore, an ingress/egress easement is being proposed from River Bend Lane in order to access these five lots. Each lot, however, will have frontage on Morton Mill Road, a public street. The applicant has also worked closely with the staff to provide a Greenway Public Access Trail Easement that was not included on any of the previously approved preliminary plans. This easement is essential to the continuation of the Bellevue Greenway.

This subdivision is a cluster lot development within the RS20 district at a proposed density of 1 dwelling unit per acre. The Zoning Ordinance allows residential developments to cluster lots within subdivisions in areas characterized by 20% or greater slopes or within the manipulated areas of the natural floodplain under the cluster lot option. Lots within a cluster lot development may be reduced in area the equivalent of two smaller base zone districts, which means that this subdivision within the RS20 district may create lots equivalent in size to the RS10 district. The proposed lots range in size from just over 10,000 square feet to nearly 30,000 square feet. A typical subdivision on 41 acres and classified within the RS20 district would allow 75.85 dwelling units. In this case, the applicant has chosen to preserve the natural features of the property by employing the cluster lot option and is proposing only 41 lots.

Design – Streets

This proposal continues Morton Mill Road and shows a temporary cul-de-sac to be extended in the future over the CSX railroad tracks at the property's northern boundary. A previously approved preliminary plat shows Morton Mill Road terminating at River Bend Lane. The staff feels that the continuation of Morton Mill Road as shown on the current proposal is essential for the development of this property. Morton Mill Road currently acts as a collector that provides access to four subdivisions: River Bend Estates, Morton Mill Estates, Southampton, and

Riverside. As this area develops, it will be necessary to continue Morton Mill Road in order to reduce traffic volumes on substandard roads in the area. A mandatory referral request to abandon the public portion of Morton Mill Road on this property has been submitted by the applicant. This portion of the road will be relocated and dedicated by this plat. The plat shall be conditioned upon the mandatory referral's approval by Metro Council.

Design - Greenway

A significant portion of this site is encumbered by the floodway and floodplain of the Harpeth River. Much of the land is part of Metro's Greenways Master Plan. Because the property is part of the Greenways Master Plan, it is anticipated to be included in a future Greenway Overlay District (as defined by the Zoning Ordinance). This property actually abuts Phase One of the Bellevue Greenway that was completed in 1995. Staff has worked with the applicant and Metro Greenways to create a connection to the existing greenway. The preliminary alignment of a Greenway Public Access Trail is shown on the plat. This trail, along with Phases 1 and 2 of the Bellevue Greenway, will create a bicycle/pedestrian connection to Old Harding Pike.

Typically, a trail is located along the edge of the floodway. In this case, however, the applicant has agreed to construct an 8-foot-wide concrete trail along Morton Mill Road. This area is not along the floodway, but it will enable a connection to be made to the existing Bellevue trail, an elevated boardwalk trail on Morton Mill Road. The applicant has agreed to construct this trail along Morton Mill Road to a point at which the topography will allow a transition down to the floodway. At the point of transition, Metro will construct the proposed trail.

A variance to Section 2-6.1 of the Subdivision Regulations is being requested by the applicant. This section requires sidewalks to be constructed on both sides of the street within subdivisions. The steep topography on the site would require extensive grading in order to build a sidewalk on Morton Mill Road opposite the proposed greenway trail. The staff believes that since the applicant is providing an 8' concrete trail on one side of Morton Mill Road, it is reasonable to not require a sidewalk on the opposite side of the street. The staff recommends approval of the variance to exclude sidewalks along Morton Mill Road from the property's boundary at lot 26 to the southeast corner of lot 25. Otherwise, sidewalks shall be provided on both sides of all streets within the subdivision.

Staff recommends conditional approval of the preliminary plat subject to a variance for sidewalks and with the following conditions:

1. The final plat shall label the area containing the proposed trail along Morton Mill Road as well as the Floodway and Floodway Buffer as a “Dedicated Conservation/Greenway Public Access Trail Easement Area.” This area shall not include the developer’s detention area to the west of the floodway buffer, and shall be clearly denoted on the final plat.
2. Signs indicating the presence of the public greenway trail must be located every 100’ along the rear property lines of lots 1-12. Signs shall be posted prior to the first building permit with the text facing inward on the lot. The developer shall be responsible for the maintenance of all signs until the lots within the subdivision have been sold to the ultimate home purchaser.
3. The proposed trail along Morton Mill Road shall be shown on the final plat to extend to the property line along existing Morton Mill Road.
4. The final plat shall show a crosswalk to be provided by the applicant that links the start of sidewalks on the west side of Morton Mill Road at the southeast corner of lot 25 to the east side of Morton Mill Road. This crosswalk shall include striping, signage, and ramps built to ADA standards.
5. The transition of the greenway trail from Morton Mill Road into the floodway buffer shall be graded by the developer prior to lot grading completion. The grading for the trail shall be done according to Greenway Design Standards.
6. The final plat shall provide cross-section details of all roadways and greenway trails.
7. Streets that are to be extended in the future shall be shown on the final plat as temporary cul-de-sacs and labeled as “Temporary Cul-de-sac Road to be Extended in the Future.” Signs shall be installed and maintained by the developer noting the same.

6. Subdivision Proposal 2001S-237U-07 Charlotte Park, Block 34, 2nd Extension of Part of Closed Street

Staff recommends *approval*.

This request was deferred from the August 16, 2001 Planning Commission meeting so the applicant could purchase sewer capacity. This request is for preliminary and final plat approval to subdivide one lot containing .50 acres and part of a closed street (Dakota Avenue) into three lots abutting the southeast margin of 38th Avenue North, opposite Dakota Avenue. This subdivision is located in Sylvan Park within the RS5 district. Sidewalks exist along the property's frontage on 38th Avenue North.

A lot comparability analysis was performed on this proposed subdivision, and no variances are required. The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. The minimum allowable lot area for this subdivision is 5,612 square feet while the minimum lot frontage is 46 feet. All three lots meet or exceed these minimum requirements.

Staff recommends approval of this final plat to create three lots. In 1968, a portion of Dakota Avenue was closed (Ordinance #68-533). That portion of roadway was never built and will become part of Lot 3. Easements retained by that closure shall continue to remain in effect by this plat.

7. Subdivision Proposal 2001S-125U-14 Jack D. Brown & James E. Nichols

Staff recommends *disapproval*.

This request is for a variance to the sidewalk requirements for a property located with frontage on both Lebanon Pike and Spence Lane. The applicant received final plat approval for four lots from the Planning Commission on April 26, 2001. The property is zoned IWD district on Spence Lane and CS district on Lebanon Pike. While the plat did not show sidewalks on it, a variance from the sidewalk requirement was not requested. Legally, if something is not shown on a final plat as required by Metro standards and regulations, and the Commission did not officially grant a variance, then the applicant must conform with Metro requirements.

After receiving final plat approval, the applicant submitted in June 2001 a request to the Public Works Department not to require construction of these sidewalks. The sidewalks measure in length approximately 190 feet on Lebanon Pike and 760 feet on Spence Lane. The applicant submitted this request since the property is eligible to apply for the sidewalk in-lieu fee program administered by the Public Works Department. The Zoning Ordinance permits payment of a fee in-lieu of sidewalk construction where such sidewalk construction is currently programmed by Metro within an adopted capital improvements budget, and where the property fronts an arterial or collector street. Both Lebanon Pike and Spence Lane are arterials. Public Works reviewed this request and determined on June 14, 2001 that sidewalks were feasible. No relief was granted.

The applicant is now requesting the Planning Commission to approve a variance for these sidewalks. Staff recommends disapproval of this variance since the Public Works Department has determined these sidewalks can be constructed. The intent of Metro's sidewalk plan is to construct sidewalks throughout Davidson County. Mayor Purcell proposed, and the Metro Council adopted a capital improvements budget allocating funding for sidewalk construction. Granting a sidewalk variance at this location would not serve Metro's long-term interest of creating a connected community via a pedestrian, bicycle, and greenway system.

8. Subdivision Proposal 2001S-225U-13 Hamilton Hills Funeral Home

Staff recommends *conditional approval* subject to bonds for the construction of sidewalks and the extension of public utilities and a revised plat showing an additional 3 feet of right-of-way along Murfreesboro Pike and an easement for a water quality device.

The applicant deferred this request from the August 16, 2001 meeting to purchase sewer capacity. Capacity has now been purchased. The request is for final plat approval to record one parcel into two lots on 5.5 acres abutting the east margin of Murfreesboro Pike, south of Hamilton Church Road, within the CS district. This proposed subdivision is located on vacant commercial land adjacent to Hamilton United Methodist Church. The applicant wishes to subdivide this land in order to construct a funeral home on Lot 1.

A site plan has been approved by the Codes Department that shows an access from the proposed funeral home onto the property of the neighboring church. This would allow an additional access across the church's property to the funeral home from Hamilton Church Road rather than a sole access from Murfreesboro Pike. This access would help limit turns in an out of the funeral home via Murfreesboro Pike.

Sidewalks were originally shown for Lot 1 along Murfreesboro Pike, but not Lot 2. Sidewalks have now been added for Lot 2 on a revised plat. There are currently no sidewalks in this area, however, much of this area along Murfreesboro Pike is zoned CS and will be developed in the future. As development occurs in this area, each subdivision that provides sidewalks will be a critical link in a chain of pedestrian movement along Murfreesboro Pike.

A revised plat has been submitted by the applicant to show an additional 7 feet of right-of-way along Murfreesboro Pike. Based upon more current calculations by Public Works, an additional 3 feet should be added to the final plat prior to recordation in order to achieve the 54 feet from the centerline of the road required for a future six-lane arterial. Staff recommends conditional approval subject to bonds for the construction of sidewalks and the extension of public utilities. A revised plat submitted prior to recordation must show the additional 3 feet of right-of-way as well as an easement for a water quality device required by Public Works.

9. Subdivision Proposal 2001S-239U-14 Belle Acres, Phase 1

Staff recommends *conditional approval* subject to a bond for the extension of public utilities, a bond for the construction of two turn lanes on Lebanon Road, and a revised plat prior to plat recordation.

This request is for final plat approval to record greenway and floodway buffer easements for Phase 1 of the Belle Acres PUD. The property contains 11 acres and abuts the northwest margin of Lebanon Pike, approximately 495 feet southwest of Donelson Hills Drive. The property is classified within the RS10 Residential Planned Unit Development District. The plan to develop 55 townhomes in the first phase was approved by the Planning Commission as a revised preliminary PUD plan on April 12, 2001.

Although a large portion of this site is encumbered by the Mill Creek floodplain, the plan proposes all of the units outside of the floodplain, and includes a conservation easement along Mill Creek. A 50-foot floodway buffer has been provided for the entire length of the property, and an additional 25-foot wide conservation easement for a portion of the site outside of Mill Creek's floodway. The PUD plan was approved without the additional 25-foot easement on a portion of the site, because the plan would have been significantly changed in order to accommodate the easement. The applicant dedicated the entire floodway and floodway buffer as a compromise. Metro Greenways has indicated that this will sufficiently accommodate the future Mill Creek greenway trail by allowing enough area for the trail to transition from the higher grades to the creek where it will go under the bridge at Lebanon Pike.

This plat is showing public utility easements for water and sanitary sewer lines. A bond for these improvements must be satisfied through Water and Sewer before this plat is recorded. A left-turn lane and right-turn lane, as set forth with the final PUD, must also be bonded through Public Works prior to plat recordation. Staff recommends conditional approval subject to these bonds being satisfied. A revised plat must also be submitted prior to recordation that shows a drainage easement to the proposed detention pond.

10. Subdivision Proposal 2001S-264U-13 Hamilton Glen

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

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

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

Staff recommends conditional approval subject to a revised plat prior to plat recordation, and subject to a variance for sidewalks on Hamilton Church Road. The revised plat needs to show lots 108, 109, 110 and 111 as critical lots. In addition, labels need to be added identifying the southeastern pond and the sinkhole easements.

In addition, the applicant needs to properly label and provide the following:

- Easements and updated FEMA information need to be shown and provided;
- All building envelopes shall be shown on the final plat;
- A note detailing no development in the area of the sinkhole;
- A note detailing the engineering considerations that are necessary to address the sinkholes;
- Note 14 needs to agree with the grading plan.

11. Subdivision 2001S-226G-14 Blossom Trace, Resub. Of Lots 35, 36 & 37

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

This request is for final plat approval to consolidate three lots into two lots at the terminus of Weeping Cherry Lane. The property is zoned RS15 district. The new lots will have frontage of 125 feet and 61.4 feet and a depth of 138.4 feet. One lot will have more square footage than the other lot; they are not being evenly resubdivided. There are no comparability issues with these lots. Also, both lots are shown as critical lots due to steep topography.

Staff recommends conditional approval subject to a revised plat being submitted prior to recordation. This plat conforms to the Subdivision Regulations and Zoning Ordinance. The revised plat needs to show a corrected note #12 and sidewalks.

12. Subdivision 2001S-269U-07 Crest Meade, Sec. 3, Resub. Reserve Parcel A

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

This request is for final plat approval to subdivide one parcel and a reserve parcel into two lots on Davidson Drive, opposite Windrowe Drive. The property is zoned RS40 district. There is an existing home on lot 1 that will remain. The reserve parcel was created in 1956 when Section 3 of the Crest Meade subdivision was approved. The adjoining parcel was a deeded piece of property and never platted. Had it been platted, the reserve parcel would have been incorporated into any adjoining future subdivision. The proposed new two lots both incorporate a portion of this reserve parcel.

The applicant has not requested a variance for sidewalks and none are required. The Subdivision Regulations require sidewalks for properties where the zoning requires a minimum lot size of 20,000 square feet or less. Since the property is zoned RS40 district requiring a minimum lot size of 40,000 square feet, the sidewalk requirement does not apply.

A lot comparability analysis was performed on this proposed subdivision, and no variances are required. The Subdivision Regulations require that subdivided lots be comparable in size (frontage and area) to lots within 300 feet of the proposed subdivision boundary. The 300-foot distance includes all abutting lots as well as lots located on the same and opposite sides of the street. The regulations require that proposed lots have 90% of the average street frontage and contain 75% of the square footage of existing lots considered in the comparability analysis. The minimum allowable lot area for this subdivision is 29,621 square feet while the minimum lot frontage is 110.8 feet. All lots meet or exceed these minimum requirements as well as those of the RS40 district. Lot 1 contains 40,033 square feet and 142.5 feet of frontage. Lot 2 contains 40,033 square feet and 215.5 feet of frontage.

Staff recommends conditional approval subject to the submittal of a revised plat prior to recordation. The revised plat needs to show the following changes:

- drainage easements along the side lot lines of each proposed lot;
- a 5 foot dedication of right-of-way along Davidson Drive. This street is a collector road with less than the required 60 feet of right-of-way;
- a note indicating individual water and sewer lines are required for each lot.

13. Subdivision Proposal 2001S-272G-12 Oak Highlands, Phase 3

Staff recommends *conditional approval* subject to bonds for extension of roads, sidewalks, and public utilities, and a revised plat prior to plat recordation.

This request is for final plat approval to create 53 lots abutting the southwest margin of Blue Hole Road, classified within the R15 PUD District. The proposed configuration of the lots is consistent with the final PUD plan approved by the Planning Commission on April 26, 2001 (116-74-G-12). A stream is located on the southwest and southeast portion of the property.

Staff recommends conditional approval subject to a revised plat prior to plat recordation. The revised plat needs to show a 25-foot buffer on either side of the stream as it crosses the property, and a note indicating the buffer area will be left in a natural state. In addition, the applicant needs to identify graphically the 100-year floodplain. Lastly, the sidewalks along Oak Highlands Drive, Prudence Court, and Ridgefalls Way do not match the approved PUD sidewalk layout. The submitted sidewalk layout does not provide a connection to the existing sidewalk in Phase Two of the PUD. The sidewalks need to be modified to match the approved PUD plan.

14. PUD Proposal No. 18-84-U-10 Burton Hills, Phase IV

Staff recommends *conditional approval* of the PUD and *conditional approval* of the final plat subject to a bond for sidewalks.

This request is to revise a portion of the preliminary plan and for final approval for a portion of the Commercial PUD district located on the east side of Hillsboro Pike, north of Burton Hills Boulevard to permit a 137,906 square foot, 6-story office building and a 3-level parking structure, replacing a previously approved 130,000 square foot, 6-story office building and 3-level parking structure. There is also a request for final plat approval to relocate an existing sewer line easement. A Mandatory Referral has been submitted to abandon the easement. This plan slightly redesigns the building footprint and makes changes to the proposed driveway into the site from Burton Hills Boulevard, but it does not change the basic layout or concept of what was previously approved. Staff recommends conditional approval of the final PUD plan provided Public Works and Water Services approve the plans, and a revised plan is submitted showing a sidewalk along Hillsboro Pike prior to the meeting. Staff recommends conditional approval of the final plat subject to a bond for sidewalks and subject to the mandatory referral approval by the Metro Council for the sewer line abandonment.

A sidewalk is needed along Hillsboro Pike since it is a major arterial road. Section 17.20.120 of the Zoning Ordinance requires sidewalks along the frontage of properties located on a collector or arterial road.

Traffic

The Metro Traffic Engineer has indicated that Hillsboro Pike and Burton Hills Boulevard can currently handle the traffic that will be generated by a 137,906 square foot office building. There is an existing traffic signal at the intersection of Hillsboro Pike and Burton Hills Boulevard that has not yet been activated (it is currently flashing). The Traffic Engineer has indicated that this signal should not be activated until actual traffic counts warrant. The owner(s) will be required to perform a traffic count analysis when the office building is 50% occupied.

15. PUD Proposal No. 96P-023G-04 Bristol Park at Riverchase

Staff recommends *conditional approval*.

This item was deferred at the January 18, 2001 Planning Commission meeting since the applicant had not yet purchased sewer capacity. Sewer capacity has now been purchased.

The request is for final approval of a phase of the Residential PUD district located south of Gallatin Pike and west of Cumberland Hills Drive, to develop 60 multi-family units and a playground/amenity center. This final plan is consistent with the preliminary PUD plan approved by the Planning Commission on August 31, 2000 and by the Metro Council on November 21, 2000. The plan includes the creation of three lots, where two lots were previously approved, including one lot for each phase and a separate lot for the common open space. The plan retains 48 acres of permanent open space surrounding the development on the north, south, and east. With this addition, the PUD will contain a total of 25 apartment buildings and a clubhouse. Staff recommends conditional approval provided Public Works approves the drainage plans, prior to the meeting.

16. PUD Proposal No. 97P-004G-13 Nashboro Village (Kroger Gas Station)

Staff recommends *conditional approval*.

This request is to revise a portion of the preliminary PUD plan and for final approval for a portion of the Commercial (General) PUD district located at the existing Kroger store on the east side of Murfreesboro Pike, north of Nashboro Boulevard. This request to permit the development of a gas station with four (4) pump islands, a 96 square foot kiosk, and a 131 square foot restroom facility, replacing an undeveloped 14,000 square foot retail/bank/restaurant building previously approved on this outparcel. Staff recommends conditional approval provided Water Services and Public Works approve this plan, prior to the meeting.

This revision will require the addition of a sidewalk along Murfreesboro Pike since it is a major arterial road. Section 17.20.120 of the Zoning Ordinance requires sidewalks along the frontage of properties that have frontage on a collector or arterial road. Kroger, located behind the gas station, will own the proposed gas station. The plan includes four (4) pump islands with no direct access to Murfreesboro Pike. All access will be through existing private driveways on the Kroger site.

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

The Zoning Administrator has indicated this site does not need to meet all of the same requirements as the Kroger gas station in Bordeaux. Unlike the Bordeaux facility, this gas station will provide restrooms on-site.

17. **Mandatory Referral 2001M-051U-09**

Staff recommends *disapproval*.

This request is to close several alleys between 7th Avenue South and 8th Avenue South, south of Drexel Street. The Planning Commission approved this request on June 7, 2001. When it acted, staff did not realize Public Works was not in favor of these closures. Staff received written comments from Public Works on Monday, June 11, 2001 indicating disapproval. Due to the Planning Commission not having the benefit of Public Works' input, staff has placed this item back on the Commission's agenda for its reconsideration. Public Works recommended disapproval citing the need for these alleys to provide alternative access and trash pick-up.

Originally, the applicant requested that all of the alleys (#86, #87, and #142) be closed between 8th Avenue South, Drexel Street, and 7th Avenue South. The applicant requested those closures because of persons congregating in the alleys from the nearby Rescue Mission. At times, the alleys can have several groups of people standing in them. This effort to close the alleys has been coordinated by businesses abutting the alleys to provide a safe working environment for their employees coming to/from work and during lunch breaks.

In response to comments from Public Works, the applicant who is an abutting property owner to these alleys, has modified the original request. The applicant is now requesting only to close portions of Alleys #87 and #142. Alley #86 would still be closed in total. By closing a portion of these two alleys, the applicant would maintain access for trash pick-up to parcel 201 and alternative emergency access. Public Works has indicated these modifications do not address the fundamental need for all of these alleys to remain public for trash pick-up, utility routing, off-street parking, and alternative access.

In light of Public Works' concerns, and after field-checking these alleys again, staff recommends disapproval of these alley closures. While there is a genuine concern for these business owners, closing these alleys does not resolve the problem--- people from the Rescue Mission congregating. The problem experienced by these property owners will merely be shifted to other property owners in the vicinity. The loss of these public alleys for safety, access, and services will be permanent.

18. Mandatory Referral 2001M-075U-07

Staff recommends *approval*.

This request is to close a portion of 63rd Avenue North from Briley Parkway to its terminus. An abutting property owner, Alcoa Fujikura Ltd./Dixewire has requested the closure to control access near its plant and to prevent dumping. All easements are to be retained. Metro Government also owns an adjacent property, parcel 190, and has signed on the application agreeing to this closure. Staff recommends approval as all reviewing agencies and departments have recommended approval.

19. Mandatory Referral Proposal No. 2001M-076G-12

Staff recommends *approval*.

This council bill is to acquire 28.21 acres of land zoned AR2a district on Nolensville Pike for a new school, W. H. Oliver Middle School. The Metro School Board has identified this property to accommodate both the middle school and a future elementary school. The property is zoned AR2a district and is advertised for sale. Schools are permitted by special exception in this district subject to the Board of Zoning Appeals approval. The Metro School Board approved the property's acquisition on July 10, 2001. The future elementary school will relieve overcrowding at Granbery Elementary. No funding has been identified or appropriated for the new elementary school in Metro's capital improvements budget. A public hearing will be held on the acquisition.

Staff recommends approval subject to all reviewing agencies and departments recommending approval. A public hearing will be held by the Metro Council on this acquisition on October 1, 2001 at 5:30 p.m. in the Council Chambers by the Metro Council's Planning & Zoning Committee.

20. Mandatory Referral Proposal No. 2001M-084G-14

(Council Bill No. BL2001-816)

Staff recommends *approval*.

This council bill is to accept and record easements on seven properties along the Stones River for a Metro greenway trail. Two of the seven properties are owned by Metro Government. The five remaining properties are owned either by the federal government, corporations, or a family. Each property owner has agreed to dedicate to Metro the easements. A description of each easement is provided below.

Easements Described

1. U.S. Army Corps of Engineers: 6.89 acres at bottom of Percy Priest Dam below floodgates
2. Fogelman Properties: 2.42 acres behind the Stewarts Ferry Apartments. Closest point of easement to an apartment building is 58.5 feet.
3. Metro Government (Water & Sewer): 5.751 acres near treatment plant
4. Mr. & Mrs. Gayron C. Lytle: 40 feet wide easement extending from Ravenwood Country Club along the Cumberland River, then along the Stones River. Easement is through farmland.
5. Metro Government (Water & Sewer): 2.51 acres near treatment plant.
6. Cumberland Trace Partnership: 1.8 acres extending from McGavock Pike along Stones River behind multi-family housing. Closest point of easement to a dwelling is 70 feet.
7. Opryland Attractions: 11.26 acres along Cumberland River.

Staff recommends approval subject to all reviewing agencies and departments recommending approval. Each easement clearly depicts a public greenway trail giving future property owners due notice of the trail's location and easement's intent. Each property owner must execute with Metro Government a detailed "Agreement for Grant of Easement for Conservation Greenway". This agreement sets forth Metro's rights and covenants to these property owners such as, but not limited to, public access hours, leashed pets, no discrimination of persons using trail, no horseback riding, no alcoholic beverages, no dumping, no littering, no firearms, etc.

21. Mandatory Referral Proposal No. 2001M-085G-12

(Council Bill No. BL2001-817)

Staff recommends *approval*.

This council bill is to accept and record easements on one property along Mill Creek for a Metro greenway trail. The property contains 8.69 acres and is being dedicated to Metro by the Mill Run, LLC and Nashville Mill Run Homeowner's Association. The Mill Run subdivision was approved in 1999 for 141 single-family lots. The plat included a greenway dedication. The easement measures approximately 150 feet in width along the creek. The same Conservation Greenway agreement will be signed by these property owners and Metro Government, as described above in 2001M-084G-14. Unlike the exhibits in the agreement for 2001M-084G-14, the exhibits attached to this agreement do not depict a public greenway trail within the dedicated easement. Staff recommends approval subject to all reviewing agencies and departments recommending approval. However, staff strongly suggests the exhibits to this agreement be revised to include an actual public greenway trail running through the easements to serve as notice to future property owners of the trail's location and easement's intent.

22. Mandatory Referral Proposal No. 2001M-086G-14
(Council Bill No. BL2001-818)

Staff recommends *approval*.

This council bill is to accept and record easements on one property along Stones River for a Metro greenway trail. The property is being dedicated by the Ravenwood Country Club. The club is reserving the right to access the easement area to maintain a river pump via River Road. The same Conservation Greenway agreement has been signed by the club as will be done by the property owners for 2001M-084G-14 and 2001M-085G-12.

Staff recommends approval subject to all reviewing agencies and departments recommending approval. However, staff strongly suggests the exhibits to this agreement be revised to include an actual public greenway trail running through the easements to serve as notice to a future property owner of the trail's location and easement's intent.

23. Mandatory Referral 2001M-100U-09 (Council Bill BL2001-815)

Staff recommends *approval*.

This council bill is to accept land in fee simple from First Baptist Church downtown. Land is needed for improvements by Metro Government at the intersection of Demonbreun Street and Seventh Avenue South. Staff recommends approval subject to all reviewing agencies and departments recommending approval.