



Project No.
Council Bill
Associated Cases

Zone Change 2001Z-077G-06
BL2002-1102. July 2, 2002 Council Public Hearing
None.

Staff Recommendation

Defer to the June 27, 2002 Planning Commission meeting at the applicant's request.

Deferral

Deferred at the May 23, 2002 Planning Commission meeting to allow staff more time to analyze the request.

APPLICANT REQUEST

AR2a (agricultural) and CS (commercial services) to RS10 (residential single-family) district

Existing Zoning
AR2a and CS

AR2a permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas (single-family, two-family and mobile homes). Current zoning would permit 99 single-family lots.

CS permits commercial uses including retail, consumer service, banks, office, and restaurants.

Proposed Zoning
RS10 zoning

RS10 permits 3.7 single-family residential dwellings per acre. Proposed zoning would allow 979 lots.



Project No.	Zone Change 2002Z-053U-08
Council Bill	BL2002-1104. July 2, 2002 Council Public Hearing
Associated Cases	None.
Staff Recommendation	<i>Approval</i>

APPLICANT REQUEST	Industrial warehouse and distribution (IWD) to Mixed Use General (MUG).
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Existing Zoning IWD	IWD is intended for industrial, warehousing, and distribution uses, including wholesaling, light manufacturing, and auto repair.
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Proposed Zoning MUG	MUG is intended for a moderately high intensity mixture of residential, retail, and office uses.
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SUBAREA 8 PLAN

Policy	Neighborhood Urban (NU) Mixture of residential and neighborhood-scale commercial development.
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Policy Conflict	None. The Subarea 8 Plan defines this area as NU policy. Currently, there is no Detailed Neighborhood Design Plan. The proposed MUG zoning is consistent with the emerging zoning pattern in the area and moves from industrial zoning to mixed use zoning, which is consistent with the subarea plan.
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RECENT REZONINGS	Yes. Map 70-15, Parcel 47 from IWD to MUG district (2001Z-114U-08) was approved at the December 6, 2001 Planning Commission meeting. Metro Council approved the zone change (BL2001-897) on March 19, 2002.
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TRAFFIC	Great Circle Road can accommodate the traffic generated by MUG zoning which ranges from approximately 900 to 9,000 trips per day based on multi-family, office, retail, sit-down restaurant, or fast-food restaurant uses (Institute of Transportation Engineers, 6 th Edition, 1996). Other uses at different densities could generate more or less traffic.
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Traffic Engineer's Findings	Approve.
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Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-054G-04
BL2002-1106. July 2, 2002 Council Public Hearing
None.
Disapprove as contrary to the General Plan. CS zoning does not implement the Subarea 4 Plan's residential (RMH) policy. Plan calls for area's residential character to remain. In addition, a council bill has been filed for this zone change, and a bill amendment is recommended to ensure no access is provided to Old Hickory Boulevard and to require Rio Vista Drive to be upgraded to commercial street standards with 37 feet of pavement from the northern boundary of the access drive to Old Hickory Boulevard, for consistency with the Metro Traffic Engineer's findings.

APPLICANT REQUEST

Single-Family (RS7.5) to Commercial Service (CS)

Existing Zoning
RS7.5 zoning

RS7.5 is intended for single-family homes at 4.94 units per acre. Current zoning would permit 2 lots.

Proposed Zoning
CS zoning

CS is intended for commercial uses such as retail, office, bank, restaurant, as well as light manufacturing, mini-storage, and auto repair.

SUBAREA 4 PLAN

Policy

Residential Medium High (RMH)
9 to 20 dwelling units per acre

Policy Conflict

Yes. Subarea 4 Plan states: *"RMH policy is applied to this area in recognition of the existing development pattern...The area does contain some underutilized land which is suitable for infilling at RMH densities."*
Commercial zoning does not implement residential policy.

RECENT REZONINGS

None.

TRAFFIC

Based on typical uses in CS zoning such as office, retail, sit-down restaurant, or fast-food restaurant, approximately 44 to 1,900 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.



Metro Planning Commission Meeting of 6/13/02

Traffic Engineer's Findings

Disapproval. Access should not be permitted onto Old Hickory Boulevard. Rio Vista Drive is a residential local street with 22 feet of pavement. Commercial development requires 37 feet of pavement.



Project No.
Council Bill
Associated Cases
Staff Recommendation

Zone Change 2002Z-055U-08
BL2002-1110. July 2, 2002 Council Public Hearing
None.
Approval

APPLICANT REQUEST

Commercial Neighborhood (CN) to Mixed-Use Neighborhood (MUN).

Residential, Single-Family and Duplex (R6) to Residential, Multi-Family (RM9)

Existing Zoning
CN zoning

CN is intended for very low intensity retail, office, and commercial service uses at a neighborhood-scale.

R6 Zoning

R6 is intended for single-family and duplexes at up to 6.17 units per acre. Current zoning would permit 11 lots.

Proposed Zoning
MUN zoning

MUN is intended for a lower intensity mixed-use development with bulk standards that are designed to maintain a residential-scale of development.

RM9

RM9 is intended for multi-family dwelling units at 9 units per acre. Proposed zoning would permit 15 units.

SUBAREA 8 PLAN

Policy

Properties proposed for MUN zoning are located in the Subarea 8 Plan's College Heights/Clifton Neighborhood Center (NC) policy area calling for mixed residential uses, civic activities, and low-rise public benefit uses.

Properties proposed for RM9 zoning are located in the Subarea 8 Plan's College Heights/Clifton Neighborhood General (NG) policy area calling for mixed residential uses, civic activities, and low-rise public benefit uses.

Policy Conflict

None.
The MUN district fits the expectations of the NC policy by providing the opportunity to construct a mixture of commercial and residential-scale development.



Metro Planning Commission Meeting of 6/13/02

The RM9 district is appropriate for the NG policy since residential uses in this policy area should not exceed 20 units per acre.

RECENT REZONINGS

None.

TRAFFIC

Based on typical uses in MUN zoning such as office, multi-family, retail, or restaurant approximately 66 to 164 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Based on typical uses in the RM9 zoning such as single-family, duplex, or low-rise apartments approximately 100-144 trips per day could be generated by these uses.

Traffic Engineer's Findings

Approve - Currently Clifton Avenue has 40 feet of pavement which exceeds the required 37 feet of pavement for a residential collector street. Indiana Street and 37th Avenue North are currently under reconstruction and have the required 46 feet of right-of-way for a minor-local street.

SCHOOLS

Students Generated

3 Cockrill Elementary, 2 W.A. Bass Middle, 2 Pearl Cohn High School

Schools Over/Under Capacity

W.A. Bass Middle School has been identified as being overcrowded by the Metro School Board. These student generation figures are only for the properties proposed for RM9 zoning. The MUN district allows retail and office uses as well as residential uses; therefore, there is not a method to determine the density of residences, only the allowed square footage. Therefore, no student generation figures can be derived for the properties proposed for MUN zoning.



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2001S-180U-03
Creekside Subdivision

None.
Approve with conditions subject to a bond for the construction of roads, sidewalks, landscape buffer yards, and the extension of public utilities, as well as referencing the instrument number on the plat for the recorded covenants and restrictions prior to plat recordation.

APPLICANT REQUEST

Preliminary Plat Revised Preliminary & Final Plat Final Plat

Using Cluster Lot Provisions, subdivide approximately seventeen (17) acres along Buena Vista Pike into thirty-seven (37) lots at a density of 2.2 units per acre.

PREVIOUS APPROVAL

The Planning Commission approved a preliminary plat to create forty-five (45) lots on July 19, 2001 (2001S-180U-03). The current request matches the concept of the original preliminary plat, but the number of lots has been reduced to thirty-seven (37).

ZONING

An RS15 Cluster Lot Subdivision requires a minimum lot size of 7,500 square feet. All proposed lots range from 9,000 to 13,000 square feet.

TRAFFIC ENGINEER'S FINDINGS

No driveway access should be permitted from Buena Vista Pike. Twenty-six (26) of the thirty-seven (37) proposed lots will have rear-lot alley access. The new private alley and public street will stub into the property to the north.

GREENWAY

Six (6) acres are dedicated for a future greenway trail along White's Creek. The developer will construct a 5-foot sidewalk from the development into the easement area. The sidewalk will be connected to the greenway trail when the trail is constructed in the future by Metro Government.



Metro Planning Commission Meeting of 6/13/02

LANDSCAPE BUFFERYARDS

20-foot wide landscape bufferyards will be installed along the north and south property lines. Existing trees with a six (6) inch caliper or greater will be retained within the bufferyards.

CONDITIONS

The following need to be satisfied prior to final plat recordation:

1. Bond for the construction of roads, sidewalks, installation of landscape bufferyards, and the extension of public utilities.
2. Reference the instrument number on the plat for the recorded covenants and restrictions.



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-105G-04
Hannah Price Estates
None.
Approve with conditions subject to a bond for sidewalks and a revised plat prior to recordation

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 1.147 acres into three (3) lots with a proposed density of 2.61 units per acre. All lots have frontage on Palmer Avenue and lot 3 has frontage on Pierce Road.

ZONING

RS7.5 district requires minimum lot size of 7,500 sq. ft.

SUBDIVISION VARIANCES

None.

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS

Prior to plat recordation, the following corrections need to be made to this final plat:

1. Note #1 needs to be modified to identify the plat is for three (3) lots.
2. Note #8 needs to be modified to indicate that a 20' public utility and drainage easement does not exist along the entire length of Palmer Avenue since it narrows to 15' where the existing house on Lot #1 is to remain.
3. Owner needs to sign plat.
4. Surveyor needs to sign and date plat.
5. The subdivision number needs to be added to the plat 2002S-105G-04.
6. A bond will be required for the sidewalks along Palmer Avenue and Pierce Road as well as a demolition bond for the wooden building and block wall garage on Lot #2 that are located within the right-of-way of Palmer Avenue.



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-138U-03
Budig Realty
None.
Approve with the condition that a revised plat be submitted prior to the planning commission meeting.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 28.78 acres into 4 lots in the IWD district.

PLAT DETAILS

Lot 2 has already been fully developed.

All lots will have access off the new public street being created (Fernco Drive) and will not have access from Brick Church Pike. Fernco Drive dead-ends due to topographical differences between the alignment of Fernco Drive and Haynie Avenue to the south.

SUBDIVISION VARIANCES

None.

TRAFFIC ENGINEER' S FINDINGS

Approve. Brick Church Pike is adequate for the subdivision proposed.

CONDITIONS

The following plat corrections must be submitted on a revised plat prior to the planning commission meeting:

1. Add the Subdivision Number: 2002S-138U-03 to the plat.
2. Add the following standard note to the plat: Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with storm water management Ordinance No. 78-840 and approved by The Metropolitan Department of Water Services.
3. Remove the future building pads on lots 1, 3 and 4 from the plat.
4. Add the following note: Note to Prospective Owners: You are strongly advised to contact Metro Water Services Engineering (Development Services) to determine the adequacy of public water and sewer facilities for intended development of property.
5. At the end of Fernco Drive, end the proposed water main and sanitary sewer in pavement (avoid curb).



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-149G-04
Stephen L. Sanders Lots
None.
Approve with conditions subject to a revised plat prior to recordation and variances for lot comparability and flag lot.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 1.84 acres into two (2) lots with frontage on Chadwell Drive and keep the apartment/garage on lot 1 which the Zoning Administrator has determined is a non-conforming use.

ZONING

RS20 district requires minimum lot size of 20,000 square feet.

SUBDIVISION VARIANCES

Lot Comparability
(Section 2-4.7)

Lot Area

Lot area is consistent with lots within 300 feet. Lot area ranges from 28,700 to 60,000 sq. ft. and proposed lots provide above the minimum of 31,287 sq. ft. required by comparability.

Lot Frontage

Lot frontage falls within the range of 75 feet to 158 feet within the existing area. Proposed lots provide 101 feet (lot 1) and 99 feet (lot 2) and are within the range, but are slightly smaller than the minimum of 108 feet permitted by the comparability study.

Recommendation

Approve. The lot frontage is slightly less, but not by a noticeable amount than other properties in the area.

Flag Lot
(Section 2-4.2.A)

Flag lots generally shall not be permitted. Applicant has requested a variance to allow lot 2 to be flag-shaped. There are mature fruit trees in the "flag" area located at the rear of the lot that the property owner wants to keep and cannot transplant due to the maturity of the trees. The applicant also wants to maintain a travel way to an abutting family member's property without having to cross lot 1.



Metro Planning Commission Meeting of 6/13/02

Recommendation

Approve. Although the predominant development pattern in the area does not include flag lots, this is not the typical flag lot request. The flag formation is only recognizable on the plat, and will not be evident to a passerby on the street.

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS

Prior to plat recordation, the following corrections need to be made to this final plat:

1. The structure on Lot 2 should be labeled as an existing building. This property was zoned R20 when the building which contains an apartment unit/garage was constructed. It is an existing non-conforming use that can be continued on the new lot.
2. The surveyor needs to sign and date the plat prior to recording.
3. The Subdivision Number 2002S-149G-04 needs to be added.
4. Notes 3 and 7 need to be consolidated to read as follows: "Individual sanitary service lines and water service lines are required for each lot."
5. Note 5 needs to be corrected to refer to Water Services and not Public Works.
6. The following note needs to be added: "The development of this project shall comply with the requirements of the adopted Tree Ordinance 094-1104 (Metro Code Chapter 17.24, Article II, Tree Protection and Replacement Procedures."



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-155G-04
Candlewood Subdivision
None
Conditional Approval

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 9.25 acres into 34 lots using the cluster lot option, with a proposed density of 3.67 units per acre.

ZONING

Existing Zoning

RS10 district requiring minimum lot size of 10,000 square feet.

Cluster Lot Option

Applicant proposes to reduce lots two (2) base zoning districts, from RS10 (minimum 10,000 sq. ft. lot) to RS5 (minimum 5,000 sq. ft. lot). The proposed lots range in size from 5,212 sq. ft. to 10,000 sq. ft., with one lot in the rear of the subdivision proposed at 18,321 square feet. Through the creation of additional common open space, applicant preserves natural features and creates additional passive recreational areas. Approximately 28% (2.6 acres) of the total development area is being preserved as open space within the development. A typical subdivision located on 9.25 acres, and classified within the RS10 district, would allow 40 lots. This subdivision proposes 34 lots.

SUBDIVISION VARIANCES

None.

TRAFFIC ENGINEERING FINDINGS

Approve.

CONDITIONS

The following plat corrections need to be submitted on a revised plat prior to the planning commission meeting:

1. Delete the proposed sidewalk planting strip detail along Neely's Bend Road and add a note to plat indicating sidewalks will be constructed in



Metro Planning Commission Meeting of 6/13/02

conformance with Metro Public Works sidewalk standards.

2. Delete Note #5, and insert in its place the following: “This drawing is for illustration purposes to indicate the basic premise of the development. The final lot layout and details of the plan shall be in accordance with the Metro Stormwater Management Regulations at the time of final plat application.”
3. Add as Note #8 the following: All lots shall be served by individual water and sewer lines.”
4. Add as Note #9 in large, 14 bold font: “No grading, blasting, or building permits shall be issued for any portion of this property prior to the recording of a final plat.” The same shall be placed across the actual plat’s lot layout.



Project No.
Project Name
Associated Cases

Subdivision 2002S-157G-14
Hermitage Commercial Center

2001S-150G-14 (Hermitage Commercial Center plat was approved by MPC on Aug. 16, 2001, with a variance for sidewalks on Hermitage Road. This plat expired after 6 months on February 16, 2002).

Staff Recommendation

Approve with conditions subject to a sidewalk variance on Hermitage Road and a bond for any necessary public improvements.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide two (2) parcels into two (2) lots with a sidewalk variance on Hermitage Road. Access provided to lots from Lebanon Road and Hermitage Road.

SUBDIVISION VARIANCES

Sidewalks
(Section 2.6.1)

Sidewalk required on Hermitage Road. Due to ditch section, Public Works has indicated sidewalk cannot be constructed without major reworking of street's drainage pattern.

TRAFFIC ENGINEER'S FINDINGS

Required 7.5 foot right-of-way dedication is being provided along Hermitage Road. Existing ROW is 45 feet on Hermitage Road.

CONDITIONS

1. Prior to the recording of the final plat, bonds shall be posted for any necessary public improvements.



Project No.
Project Name
Associated Cases
Staff Recommendation

Subdivision 2002S-158U-10
Glen Echo, Resubdivision of Lot 27

None.
Approve with conditions subject to a revised plat prior to recordation, a variance for lot comparability, and a bond for a sidewalk along Glen Echo Road and demolition of existing home.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide .93 acres into three (3) lots with sidewalk variance along property's frontage on Glen Echo Road.

ZONING

R10 district requiring minimum lot size of 10,000 sq. ft.

SUBDIVISION VARIANCES

Lot Comparability
(Section 2-4.7.)

Lot frontage and lot area are not consistent with the majority of lots within 300 feet of property. The minimum lot frontage allowed by the comparability study is 109 feet. The applicant has provided frontages of 54.5 feet (lots 1 and 2) and 80.9 feet. The minimum lot size allowed by comparability is 31,287 sq. ft. The applicant has provided lots sizes of 11,638 sq. ft., 12,249 sq. ft., and 16,433 sq. ft.

Because the lot comparability study results and the minimum zoning requirements differed greatly, a lot comparability study was run for all lots zoned R10 and located west of Belmont Boulevard (generally encompassed by Glen Echo Road on the north, Belmont Boulevard on the east, Warfield Drive on the south and the non-residential development of Hillsboro Road). The results were closer to the sizes that are being requested by the applicant: minimum allowable lot size of 10,977 sq. ft. and minimum allowable frontage of 71 feet.

The applicant has requested a variance from this requirement, indicating that they are in compliance with the Zoning Regulations approved by the Planning Commission and the Metro Council and that the lot currently does not comply with the Subdivision Regulations because it is three times the minimum lot



Metro Planning Commission Meeting of 6/13/02

Sidewalks (Section 2-6.1)

size. Applicant also states that the three lots being proposed are larger than the 10,000 sq. ft. minimum lot size required by the R10 district.

This property is located in proximity to the Green Hills Mall area, a major regional activity node and a proposed Urban Design Overlay District. The resubdivision of properties in this R10 area is appropriate provided the minimum 10,000 sq. ft. lot size is met.

The applicant has requested a sidewalk variance along Glen Echo Road because there is a drainage ditch that runs along the front of the property, the lack of sidewalks in the area, and the cost of performing a drainage study and installing culverts.

Sidewalk Construction Report from Public Works

Existing Conditions

The road at this location of Glen Echo Road has 23 feet of pavement, a 2-foot shoulder, and swale drainage ditch. Two power poles are in the existing right-of-way.

Sidewalk Construction

A detailed site survey and drainage study may reveal other items than those listed herein.

The proposed 5-foot sidewalk is approximately 190 feet in length.

Glen Echo Road will require curb and gutter along with a 4-foot grass strip as shown in Metro Standard Drawing ST-251. Three concrete driveway ramps and one concrete handicap ramp will be required. Drainage improvements may be necessary with the installation of sidewalk.

From the Public Works report, it appears that a sidewalk can be constructed along Glen Echo Road and that there is no condition of the property that creates a physical hardship. Because this is an area that is ripe for resubdivision, approving a sidewalk variance is not recommended as it will set a precedent for similar requests in the future.



Metro Planning Commission Meeting of 6/13/02

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS

The following conditions need to be satisfied prior to final plat recordation:

1. Correct the subdivision number on the plat to 2002S-158U-10.
2. The house shall be demolished since it lies across the property line of the new lots being created or a demolition bond shall be posted for \$8,000.



Project No.
Project Name
Deferral

Subdivision 99S-097U-12
Villages of Brentwood, Section 11

Deferred May 9, 2002 so staff could evaluate applicant's bond reduction request

Staff Recommendation

Disapprove. Current bond amount is correct.

APPLICANT REQUEST

Reduce the performance bond from \$235,000 to \$100,000, as requested by Mr. Tom White, an attorney representing the development, at the May 9, 2002 planning commission meeting.

PROJECT DETAILS

On May 9, 2002, the applicant requested a sidewalk variance to reduce the bond, as well as extend it for the last project phase. The request to reduce this bond was made at the meeting by the applicant. Staff had no prior knowledge of this request. As a result, the Commission deferred consideration of the bond reduction to June 13, 2002. The requests for the other two items were deferred to the June 27, 2002 meeting.

The recommendation to disapprove the reduction of the performance bond from \$235,000 to \$100,000 is based on the outstanding items identified below by Metro Public Works and Metro Water Services that need to be completed by the development.

METRO PUBLIC WORKS:

Amount	Type	Comment
\$ 20,000	Paving	Asphalt Surface
\$ 20,000	Administrative Costs	Legal, engineering, inspection and right-of-way fees
\$165,000	Sidewalks	1,200 linear feet of sidewalk Repair 200 linear feet of curb Replace 3 curb ramps Install 2 curb ramps Replace 20 driveway ramps
\$205,000	TOTAL	

METRO WATER SERVICES:

Amount	Type	Comment
\$ 20,000	Stormwater Drainage	Complete 1 detention pond
\$ 10,000	Casting Adjustments	Adjusting castings to final pavement.
\$ 30,000	TOTAL	

\$235,000 GRAND TOTAL



Project No.
Project Name
Associated Cases

Subdivision 2001S-343U-12
Wallace Road Subdivision
2002M-018U-12, HCA Sign Encroachment on Recovery Road

Staff Recommendation

Approve with conditions subject to a sidewalk variance along the northern margin of the new public street, Recovery Road, and a bond for road and sidewalk improvements.

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Redefine three (3) parcels, dedicate Recovery Road to Metro Government, and place lots 1 and 2 in a unified plat of subdivision.

ZONING

- Parcel 1 - OL district intended for moderate intensity office uses.
- Parcel 17 - RM20 district intended for 20 multi-family dwelling units per acre.
- Parcel 97 - R6 district requiring a minimum lot size of 6,000 square feet.

SUBDIVISION VARIANCES

Sidewalks
(Section 2-6.1.F)

Sidewalk required on both sides of Recovery Road. Metro Public Works has indicated that sidewalks on the northern margin of Recovery Road should not be constructed due to public safety issues. The road construction plans have been approved by Public Works with sidewalks located only on one side of the street, and the road is currently under construction. Public Works recommends approval of the sidewalk variance.

TRAFFIC ENGINEER'S FINDINGS

Approve.

CONDITIONS

1. The Planning Commission must approve a sidewalk variance along the northern margin of Recovery Road.



Project No.
Project Name
Council Bill
Associated Cases
Staff Recommendation

Planned Unit Development 163-73-G-06
Bellevue Place PUD (Jonathan's Grille)
None
None.
Conditional Approval.

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD Amend PUD Cancel PUD

Permit a 5,890 sq. ft. restaurant on .97 acres, replacing an undeveloped 4,800 sq. ft. restaurant.

Existing Zoning
SCR

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

PLAN DETAILS

Square footage on this portion of the site increased by 1,090 square feet. Increase does not exceed 10% of the overall square footage of the PUD last approved by the Metro Council. Restaurant building has been slightly relocated and reoriented. Restaurant will have no direct access to Highway 70 S which is consistent with the previous preliminary plan.

SUBAREA 6 PLAN

Policy

Retail Activity Center (RAC). Concentrated mixed-use areas anchored by a regional mall, intended for retail, office, and residential uses.

Policy Conflict

None.

**RECENT REVISIONS/
APPROVALS**

Yes. The preliminary PUD plan was last revised on June 7, 2001, to permit a 93,800 sq. ft. retail/restaurant center, including a 4,800 sq. ft. restaurant on this outparcel. The final plat for this parcel was recorded on September 21, 2001.



Metro Planning Commission Meeting of 6/13/02

CONDITIONS

1. Prior to the issuance of any building permits, a final plat needs to be re-recorded, including the relocation and abandonment of existing sewer easements, and including any bonds necessary for any unbuilt public improvements, including sidewalks.
2. Prior to the recording of any final plat for lot 360 or 361, the applicant needs to submit a letter from the Harpeth Valley Utility District stating final approval of the relocation of the existing sewer easement on these parcels. The new plat needs to remove note #15 on the plat recorded on September 21, 2001, stating that no building permits will be issued for lots 2 and 3 until existing 8" sewer line is relocated to the south and accepted by Metro Water and Sewerage Department.
3. Prior to the recording of the final plat, bonds needs to be posted for any necessary public improvements and required landscaping.



Project No.
Project Name
Associated Cases
Staff Recommendation

Planned Unit Development Proposal 102-86P
Riverside, Phase 3
Subdivision 99S-227U
Approve with condition.

APPLICANT REQUEST

Variance to reduce the front setback on lot 162 located at 7909 Harpeth View Drive from 20 feet to 18 feet. The house on lot 162 was constructed with the garage a foot and a half over the front setback line. Variance requests within a PUD must first receive a recommendation from the planning commission before being considered by the Board of Zoning Appeals (BZA). This case is scheduled for the BZA's July 3, 2002 agenda.

VARIANCE DETAILS

The applicant has received permission from Public Works, Water Services, NES and Nashville Gas to reduce the public utility easement along the street at the front of the lot to 18 feet.

In conjunction with this request, the applicant must also appear before the BZA with a request for a variance from Section 17.20.060 D to permit the garage door to be closer than 20 feet from the property line since it is also too close to the front property line.

CONDITIONS

1. Prior to the plat recordation, the BZA needs to have approved the front setback variance.



Project No.	Planned Unit Development 2000P-003G-06
Project Name	Riverwalk Community PUD
Council Bill	None
Associated Case	2002M-057G-06
Staff Recommendation	<i>Approve with condition.</i>

APPLICANT REQUEST

Request for final PUD approval of a portion of phase 1 of the Riverwalk residential PUD to permit the construction of a bridge over the CSX railroad tracks. Construction of the bridge will extend construction of Rivervalley Drive northward, and will permit the continued development of phases 2, 3, and 4 of this residential PUD.

TRAFFIC ENGINEER'S FINDINGS

Approve with condition that all parties have executed agreement prior to the Planning Commission meeting.

CONDITIONS

1. Prior to the Planning Commission meeting, the amended agreement between Metro Government; CPS Land, LLC; and CSX Transportation needs to be executed.



Project No.
Project Name

Mandatory Referral 2002M-018U-12
HCA Southern Hills Medical Center Sign Encroachment on Recovery Road

Council Bill
Associated Cases
Staff Recommendation

None.
2002S-343U-12, Wallace Road Subdivision
Approve with condition that encroachment shall not take effect until Recovery Road is accepted by Public Works as a new public street.

APPLICANT REQUEST

Encroach with a pole sign for HCA’s Southern Hills Medical Center. Sign measures 30 feet tall, 18 feet wide, and 10 feet in length for a total sign area of 180 square feet. Sign would be located in the public right-of-way of a yet-to-be-dedicated or accepted public street, Recovery Road. Road to be dedicated with final plat 2002S-343U-12, Wallace Road Subdivision.

APPLICATION REQUIREMENTS

License to Encroach Agreement

Yes – one was submitted in correct form.

Insurance Certificate

Yes – one was submitted showing general liability in excess of \$300,000 as required by Metro Legal.

Property Owner Sign Application

Yes

ZONING REGULATIONS

Property is zoned OL district for office uses. Proposed sign does not comply with the Zoning Regulations sign standards.

Section 17.32.090, Community Facility

Sign does not qualify as a “community facility” sign since it is not located on the hospital property.

Section 17.32.100, Informational Signs

Sign does not qualify as an “informational sign” for a large site because its size exceeds maximum sign area of 32 square feet and sign height of 10 feet; it is a pole sign not a monument or ground sign; and it is not located on the hospital property.

Section 17.32.150, Billboards

Regulations do not permit “off-premise” or billboard signs in the OL district.

Section 17.32.040.B, Exempt Signs

Sign qualifies as a traffic control or directional sign. A hospital is a regional, community use. Ease of access



Metro Planning Commission Meeting of 6/13/02

to the hospital is critical in life-threatening situations. Sign would serve to promote the public health, safety, and welfare by directing emergency vehicles and individuals to use Recovery Road off of Harding Pike in lieu of the congested Nolensville Pike/Harding Pike entrance. A large, bold sign is important for driver visibility in all kinds of weather.

DEPARTMENT AND AGENCY RECOMMENDATIONS

All reviewing departments and agencies recommend approval subject to the Metro Planning Commission finding the sign to qualify as a “directional sign” under Section 17.32.040.B of the Zoning Regulations.

CONDITIONS

- 1) This encroachment shall not take effect until the Wallace Road Subdivision final plat is recorded (2002S-343U-12), the Metro Council approves this mandatory referral, and the new public street, Recovery Road, is accepted by the Department of Public Works.



Project No.
Project Name
Council Bill
Staff Recommendation

Mandatory Referral 2002M-054G-06
Closure of Old U.S. Highway 70 South
None
Approve

APPLICANT REQUEST

Close a portion of Old U.S. Highway 70 South, south of U.S. Highway 70 between Brookmont Terrace and Windsor Terrace Drive. (Easements are to be retained).

APPLICATION REQUIREMENTS

Signatures of All Abutting & Affected Property Owners

Yes – and they match tax assessor information.

DEPARTMENT AND AGENCY RECOMMENDATIONS

All reviewing departments and agencies recommend approval.



Project No.
Project Name

Mandatory Referral 2002M-056U-08
Close Portion of 41st Ave. North and Alley #1204

Council Bill
Staff Recommendation

None.
Disapprove since the unimproved street and alley are needed for the new I. T. Creswell elementary school.

APPLICANT REQUEST

Close a portion of 41st Avenue North between Clifton Avenue and Indiana Avenue, and close a 50-foot portion of Alley #1204, east of the 41st Avenue North right-of-way. (Easements are to be retained).

APPLICATION REQUIREMENTS

Signatures of All Abutting & Affected Property Owners

Yes – and they match tax assessor information.

DEPARTMENT AND AGENCY RECOMMENDATIONS

Metro Public Works Department, the Metro Finance Department, and Metro Schools have recommended disapproval of this request. These two public rights-of-way are needed as part of the new I. T. Creswell elementary school campus that is proposed for this area (see sketch). A council bill has been filed to acquire the properties adjacent to these public rights-of-way for the new school (BL2002-1076). The Metro School Board approved the new school's location on August 14, 2001. The Planning Commission will consider Council Bill BL2002-1076 at its June 27, 2002 meeting.



Project No.	Mandatory Referral 2002M-057G-06
Project Name	Riverwalk CSX Bridge Agreement
Council Bill	None
Associated Case	2000P-003G-06 Riverwalk Community PUD
Staff Recommendation	<i>Conditional Approval</i>

APPLICANT REQUEST

Amend an agreement between Metro Government; CPS Land, LLC; and CSX Transportation, Inc. for the construction of a bridge over the CSX railroad tracks at Rivervalley Drive, north of Newsom Station Road. This request is in concert with an application for final PUD approval for a portion of the Riverwalk PUD development to construct the bridge over CSX property; in addition to setting guidelines and requirements regarding cost estimating, maintenance, and rights and privileges of all parties involved. This agreement also sets the requirements for dedication of the required permanent easement from CSX Transportation to Metro Government.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY RECOMMENDATIONS

All reviewing departments and agencies recommend approval subject to the agreement being duly executed by Metro Government; CPS Land, LLC; and CSX Transportation prior to the Planning Commission meeting.

CONDITIONS

1. Prior to the Planning Commission meeting, the amended agreement between Metro Government; CPS Land, LLC; and CSX Transportation needs to be executed.



Project Name

Subarea 13 Plan Amendment

Staff Recommendation

Consider on June 22, 2002 whether or not a public hearing should be held on July 11, 2002 on an amendment to the Subarea 13 Plan for new residential, mixed-use, and commercial development in southern Davidson County.

PLAN AMENDMENT DETAILS

Request

This request to amend the Subarea 13 Plan is two-fold: 1) to evaluate the feasibility of commercial development in an area currently planned for residential development; and, 2) to evaluate the feasibility of an incentive-based Urban Design Overlay (UDO) district similar to Green Hills' which is not mandatory.

Location

The amendment area can be generally described as Mt. View Road, Murfreesboro Pike, Hobson Pike, Hamilton Church Road, and Pin Hook Road (see sketch).

Reason for Request

Staff is initiating this request because of an approximately 400-acre rezoning that will be submitted to the planning department on June 20, 2002 for July 25, 2002 Planning Commission meeting. Several large property owners desire to rezone their properties to RS10 and CS district in the area described above. In addition, the property owners and staff are interested in exploring the feasibility of an incentive-based UDO provided the UDO is *not* mandatory. These property owners want to retain the right to develop under the RS10 and CS districts without being compelled to develop in conformance with the UDO guidelines.

Community Input

Given the scope of the rezoning and plan amendment request, staff plans to hold at least one community meeting prior to the June 27, 2002 Commission meeting to receive input on this rapidly developing area of Davidson County. Should the Commission approve staff evaluating an amendment to the Subarea 13 Plan at that meeting, staff will have additional meetings with the community, as needed, to present a plan amendment for the Commission's consideration on July 11, 2002.