

## 1. 2000 Metro Council and School Board Redistricting Plans

### Memorandum



To: Metropolitan Planning Commission  
From: Richard C. Bernhardt, FAICP, Executive Director  
Date: 8/13/2001  
Re: 2000 Metro Council and School Board Redistricting Plans

Staff recommends *approval*.

Attached is a copy of the staff recommended redistricting plans for Metro Council and School Board based on the new population data from the 2000 Census. Since beginning this process in June, the Planning Department has engaged in an open and participatory process on the design of the districts. We have contacted neighborhood groups, held five public meetings and provided information at Metro libraries and on the Metro web site. As a result, we have received hundreds of comments that have formed the foundation of the recommended plans. We have tried to incorporate as many of the comments into the recommended plans as possible.

The 2000 Census figures show that Nashville grew by slightly more than 59,000 people during the last decade. As a result, the new Metro Council Districts are required to have a target population of 16,283. With a maximum 5% variance, all council districts need to contain a population from 15,469 to 17,097. Metropolitan School Board Districts are required to have a target population of 63,321. With a maximum 5% variance, all school board districts need to contain a population from 60,155 to 66,487. The draft plan is founded on ensuring these parameters are met.

Beyond the absolute numbers, we have attempted to achieve several other objectives in the development of the recommended plans. We have focused on the use of designated neighborhood boundaries, neighborhood watch areas and other recognized neighborhood limits in the development of the recommended plans.

We specifically heard from numerous neighborhoods requesting that their neighborhoods be reunited or not split into more than one district. While not always able to achieve our goal, the plan does honor the overwhelming number of requests. The draft plan does accommodate the requests that we received from the Germantown, East Hills, Bellevue Area Citizens for Planned Growth, Woodbine, Glencliff, Hadley Park-Clifton Ave, Sylvan Park, Cherokee Park, Beacon Square Subdivision, Trimble Action Group, Radnor, Napier Area, South Nashville Action People, Richland-West End, Hillsboro-West End, Belmont Hillsboro, ReDiscover East, Nashboro Village, Marrowbone Preservation Society, and White Bridge Road neighborhood groups.

Natural features such as lakes, rivers or creeks and major transportation corridors, have been used whenever possible as district boundaries. The recommended plans recognize the racial

diversity within Davidson County with 8 Metro Council and 3 School Board districts having a majority minority population makeup. The recommended plans minimize the placement of incumbent district council and school board members in the same district. The plan provides continuity while acknowledging changing demographic dispersal.

School Board districts within the recommended plan are based on Council districts. The recommended school board district plan combines proposed Council districts to form recommended School Board districts that have the same emphasis as discussed.

We are at the final step in the process of adoption of the new district plans as required by the Metro Charter. On August 16, 2001, the Metro Planning Commission will hold a public hearing on the recommended plan. Following their adoption of the recommended plan and any amendments, an ordinance with redistricting boundaries will be filed with the Metro Clerk. This must take place no later than August 28, 2001. In September, the Metro Council will act on the ordinance. If approved, the new boundaries will take effect with the 2003 Metro Council and School Board election. If rejected, the Metro Council will present the recommended plan to a countywide referendum within 90-days.

Attached you will find the recommended countywide Metro Council and School Board maps together with a detailed map of council and school board districts and population information on the recommended districts. You can also obtain a copy of the maps and demographic information on-line at <http://www.nashville.org> by following the redistricting link.

We have developed the recommended redistricting plans through as open a process as possible. We encouraged and received input and comments from the Commission, elected officials as well as from the community at large. Amy McAbee-Cummings, Anita McCaig and Jennifer Higgs in particular have worked tirelessly to develop the recommended plans. Plans that I strongly believe balance the issues and interests of the community. The entire community owes a great debt of gratitude to them for their hard work.

Staff will continue to meet with the public and take comments. There is a public meeting scheduled for August 10 for public review and comment. Staff will be prepared to advise the Commission at your public hearing on August 16 on the appropriateness of any potential changes that we become aware of prior to the Commission meeting.

2. **Zone Change Proposal 2001Z-002T Accessory Dwellings in UZO**  
(Council Bill No. BL2001-746)

Staff recommends *approval* with two housekeeping amendments. The complete text amendment is attached.

Currently the zoning ordinance does not provide for independent accessory dwellings in any of the residential or mixed-use districts. The purpose of this amendment is to add an accessory use category that permits an accessory dwelling, subject to conditions, in conjunction with single-family detached homes in certain zoning districts within the urban zoning overlay.

An Accessory Dwelling is defined. It is an independent housekeeping unit that can be attached to the main house or in a separate building in the rear yard of the house. It is clearly smaller than the main house. It need not be provided access through the main house but can have a separate entrance and its own utility meter.

How does an Accessory Dwelling differ from an Accessory Apartment, which is already permitted in some zoning districts? The primary differences are that the Accessory Apartment must be accessible through the main house, it can only be used to house a family member, and it cannot have its own utility meter. Most significantly, it cannot be detached from the main house. An accessory apartment is allowed only in the agricultural districts, the RS districts and the R districts.

Why is this new Accessory Dwelling category needed? An independent accessory dwelling such as a garage apartment, guest house, or small rental cottage is a traditional, proven housing type that offers affordability and small, convenient accommodation in a neighborhood setting. It enriches the mixture of housing opportunities, especially in the affordable range, without aggregating affordable housing into large projects, and can provide extra income to make homeownership for the principal mortgage holder more accessible. It allows for a greater level of independence and privacy than does the Accessory Apartment and is not limited in its tenancy to a family member. Accessory Dwellings are considered an essential housing type in traditional neighborhoods, both those built before the Second World War and those built today as TNDs (Traditional Neighborhood Developments). They exist throughout Nashville's older urban neighborhoods, those covered by the Urban Zoning Overlay District. Anecdotal information indicates that there is a modest, but not overwhelming, demand for this type of accessory housing in the marketplace.

Where would Accessory Dwellings be permitted? Only in the UZO and only on a lot with a single-family detached house. They would be permitted only in the base zoning districts that allow mixed housing types. These are R districts (one and two-family homes), RM districts (single family, duplex and multi-family houses), MU districts (mixed housing types and compatible non-residential uses), and the OR districts (office-residential uses). It is important to note that the recommended text change would not introduce Accessory Dwellings in the RS districts, which are reserved for single-family detached homes and would not extend this use into any district outside of the Urban Zoning Overlay.

What other restrictions would be placed on Accessory Dwellings? If the accessory dwelling is to be detached, either as a stand-alone cottage or a garage apartment, it must be located in the established rear yard – meaning behind the



· By amending Section 17.16.030.A (Uses Permitted with Conditions: Residential Uses) in alphabetical order as follows:

**A. Accessory dwelling. An attached or detached self-sufficient dwelling unit shall be allowed accessory to a single-family residence if the following conditions are met:**

- 1. The lot is within an Urban Zoning Overlay (UZO) district.**
- 2. The principal dwelling on the lot shall be an owner-occupied, single-family detached dwelling, that meets all regulations of the district;**
- 3. A detached accessory dwelling may only be located in the established rear yard.**
- 4. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.**
- 5. The accessory dwelling shall not be served by a separate driveway unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.**
- 6. The accessory dwelling shall be owned by the same person as the principal dwelling.**
- 7. A detached accessory dwelling shall not exceed 650 square feet or 50% of the first floor area of the principal dwelling, whichever is greater. The accessory height shall not exceed the height of the principal dwelling as measured to the eave line.**
- 8. The accessory dwelling may be constructed attached or above a garage, workshop, studio or other accessory structure subject to, and consistent with, the provisions of Section 17.16.250.C (Home Occupation).**
- 9. An instrument shall be recorded with the register's office covenanting that the dwelling unit is being established accessory to a principal single-family residence and may only be used under the conditions listed above.**

3. **Zone Change Proposal 2001Z-004T (Veterinary Clinics)** (Council Bill No. BL2001-744)

Staff recommends *approval* with two housekeeping amendments. The complete text amendment is attached.

**Current Requirements**

The current text of the zoning ordinance provides for veterinary clinics in two distinct circumstances:

1. **Permitted By Right.** Clinics in the **CL** (Commercial Limited), **CS** (Commercial Service), and **CF** (Core Frame) districts are permitted as a matter of right, *with no special restrictions or conditions* beyond those required of any other use permitted by right in these three commercial districts. In these districts indoor and outdoor kennels are permitted without limitation as accessory uses.
2. **Permitted With Conditions.** Clinics are also permitted in all of the districts listed below, but only if they meet all of the prescribed conditions set out in Section 17.16.060 of the zoning ordinance. The conditions in this section are designed to make clinics compatible with surrounding development. The districts that allow clinics with conditions are generally found in proximity to established neighborhoods, hence the rationale for setting out conditions.

**MUN** (Neighborhood Mixed-Use)

**MUL** (Limited Mixed-Use)

**MUG** (General Mixed-Use)

**MUI** (Intensive Mixed-Use)

**ON** (Office Neighborhood)

**OL** (Office Limited)

**OG** (Office General)

**OR20/OR40** (Office-Residential)

**ORI** (Office-Residential Intensive)

**CN** (Commercial Neighborhood)

**SCN** (Shopping Center Neighborhood)

**SCC** (Shopping Center Community)

**SCR** (Shopping Center Regional)

This proposed text amendment applies only to veterinary clinics permitted with conditions. It proposes no changes to clinic buildings permitted by right in CL, CS, or CF.

**Background of and need for this zoning text change.**

Toward the end of last year, a request was made by a council member to amend the rules for clinics that are permitted with conditions. The purpose of the proposed change was to allow up to 5,000 square feet in a veterinary clinic and to explicitly permit well-animal boarding as an accessory use so long as it was **entirely within an enclosed building**.

That text change was approved by Metro Council, however it had been written with a tortuous method of achieving a 5,000 square foot building size. According to the text that was approved, a 5,000 square foot building could only be realized by combining two independent 2,500 square foot buildings, either side by side or one stacked on top of the other. At the same time, it was explicitly stated in the amendment that up to 30% of the gross floor area of each clinic permitted with conditions could be dedicated to well-animal boarding. The effect of this change was to allow 5,000 square feet for the veterinary clinic's use (in two buildings) but require that well-animal boarding be limited

to 30% of the first 2,500 square foot building and 30% of the second 2,500 square foot building. Unfortunately, this dispersion of facilities is inconsistent with the state of the practice, where well-animal boarding facilities are typically maintained in one area of the building while medical/hospital care and monitoring are usually maintained in another area of the building.

**Purpose of this Amendment**

The purpose of this amendment, then, is to follow the intent of the change approved last year but amend the language to allow a single building that has a limited footprint size (2,500 square feet) and a height restriction consistent with other uses in its zoning district. By so doing the scale of the building is still regulated to be compatible with surrounding development, but the 30% floor area available for boarding kennels can be located in one compact area of the facility rather than being dispersed.

One additional substantive change is proposed. That change reduces the parking requirement from 1 space per 200 square feet of gross floor area to 1 space per 300 square feet of gross floor area. The original parking requirement is consistent with high volume retail uses and high volume service businesses such as banks. The reduced parking requirement was recommended by the Office of the Zoning Administrator as more appropriate for the relatively lower volume of automobile trips accessing veterinary offices.

Two examples of building scale that would be permitted by this text change are illustrated below.

**CN (Neighborhood Commercial) District**

Maximum building footprint	2,500 square feet
Maximum height above grade at setback line	20 feet (means no more than two stories above grade)
Maximum floor area above grade	5,000 square feet
Maximum floor area ratio	.25
Minimum number of parking spaces	17
Minimum lot size for 5,000 square foot building	20,000 square feet (about ½ acre)

**SCR (Regional Shopping Center) District**

Maximum building footprint	2,500 square feet
Maximum height above grade at setback line	30 feet (means no more than three stories above grade)
Maximum floor area above grade	7,500 square feet (approximate)
Maximum floor area ratio	1.00
Minimum number of parking spaces	25
Minimum lot size for 7,500 square foot building	15,000 square feet (theoretical: this district is intended for regional shopping centers)

What effect would this amendment have on existing veterinary facilities? In districts where veterinary clinics are permitted with conditions, it would provide existing as well as new facilities with greater flexibility in the arrangement of their interior space. It would allow proportionally larger building size in the more intensive commercial districts, such as the Regional Shopping Center (SCR) district while maintaining a smaller building size in less intensive commercial districts. The text change would also set out a parking requirement that is more rationally related to the operating characteristics of this use. In districts where veterinary clinics are permitted as a matter of right (CL, CS, and CF) only the relaxed parking requirement would apply.

Review process for this text change proposal and recommended housekeeping amendments.

This proposal has been reviewed and found acceptable by the Zoning Administrator and by the Council Staff Director as well as by the Planning Staff. **As a result of these reviews, two housekeeping amendments to the filed bill are recommended. The first amendment removes the restriction in paragraph B that limits the use to no more than two establishments per lot. This restriction was questioned by Planning Commission when the proposal was first presented on June 27, 2001. Upon further review, the Office of the Zoning Administrator and Planning Staff agree that this restriction is inconsistent with regulations for other commercial uses and is unnecessary. The second amendment corrects the numbering of paragraph “h. Security Residence”, by changing the paragraph reference to “4. Security Residence”.**

**Based on all of the above, Planning Staff recommends that this text change be approved with amendments.**

## **Veterinary Clinics**

- By amending Section 17.16.060.B Medical Uses: Veterinarian to modify the building bulk standard for Veterinary Clinics and clarify the conditions for a boarding kennel as an accessory use to a clinic, by adding the underlined language and deleting the language struck through:
- Section 17.16.060 Medical Uses

B. Veterinarian. ~~The building footprint of veterinary Veterinarian offices and facilities shall be limited to two thousand five hundred square feet of gross floor area per establishment in the mixed use, office, commercial, and shopping center districts, with no more than two establishments per lot. No size limitation shall apply in the CF district.~~ The following shall apply:

1. Animal boarding shall occur within completely enclosed structures.
2. Landscape Buffer Yard. Outdoor exercise yards shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district or district permitting residential use, landscape buffer yard Standard B shall apply along common property lines. A six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.
3. Boarding Kennel. Kennels for the boarding of companion animals not undergoing medical treatment are ~~may be~~ permitted as an ancillary use subject to the following conditions.
  - a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding kennel.
  - b. No outdoor kennels or runs are permitted.
  - c. No part of any building or structure in which animals are housed shall be closer than fifty feet from any existing residence located on an adjacent parcel.
  - d. Cages. For a kennel, each animal shall have sufficient space to stand up, lie down and turn



around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

e. Watering of Animals. All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.

f. On-Site Waste Collection. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products from the kennel shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams, or rivers.

g. Building Temperature. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.

h. Security Residence. The building footprint of an accessory security residence, if provided, shall be in addition to the maximum permitted building footprint of the veterinary clinic. All standards of Section 17.16.030.C. shall be met. Section 17.20.030 Parking requirements established.

### **Table 17.20.030 PARKING REQUIREMENTS**

Land Use	Minimum Parking Spaces
Veterinarian	1 space per <del>200</del> <u>300</u> square feet

4. **Zone Change Proposal 2001Z-008T (Landscape, Tree, and Buffering Requirements)**  
(Council Bill No. BL2001-750)

Staff recommends *approval* with two housekeeping amendments.

This proposed package of amendments to the Landscaping, Buffering and Tree Replacement chapter of the zoning ordinance (17.24) was prepared by the Metro Tree Advisory Committee. The basic effect of the proposed changes is to improve the prospects for trees that are to be retained, improve the prospects for required trees and shrubs that are to be planted, and clarify the language of certain existing requirements. **Planning staff recommends that the zoning text change be approved with two amendments.**

Changes recommended by the Tree Advisory Committee are summarized below. Planning Staff recommends approval of the proposed text change with the two *italicized* amendments shown below.

- Requires that site topography, utility locations, and irrigation methods be submitted with the required landscape plan. (***Section 1 of Council Bill***)
- Makes certain non-substantive technical changes including section renumbering to improve the readability of the chapter and section renaming. (***Sections 2, 10, and 15***)
- Clarifies that the specific screening requirements for auto salvage yards (from public streets and from properties zoned or policed for residential use) are in addition to other applicable screening and buffering standards. *Planning Staff recommendation: Clarify which properties must be screened by specifying that “abutting” properties zoned or policed for residential use are to be screened.* (***Section 3***)
- Reduces the distance between landscaping and the closest hose attachment from 200 feet to 100 feet to improve likelihood of proper irrigation when developer has chosen to water plants with hoses instead of underground sprinklers (***Section 4***)
- Deletes an exception to the irrigation requirement. “(P)lants naturally adapted to the climatic conditions of Nashville, which can survive drought in the opinion of the urban forester” will no longer be exempt from the requirement to water new plant materials. All newly planted materials, whether drought tolerant or not, require irrigation in the early years in order to become established. (***Section 5***)
- Specifies that there will be inspection of required trees and shrubs within three years of initial planting to ensure that they are surviving. (***Section 6***)
- Strengthens the materials that are to be used for tree protection fencing to reduce the chance of fence damage or accidental removal during land disturbing activities and construction. Fence damage/removal often results in clearing and grading activities encroaching into tree protection zones. (***Sections 7 and 8***)

- Authorizes the Urban Forester to develop regulations governing excavation or trenching by utilities in a tree protection zone on a construction site. Regulations thus developed would become enforceable upon approval by the Metropolitan Planning Commission.<sup>1</sup> This standard will replace the current standard that protects historic or specimen trees from utility excavation, but fails to protect the tree protection zone as a whole. Please note that the specific regulations and guidelines must be submitted to and approved by the Planning Commission before being enforced by the Urban Forester. (**Section 9**)
- Adds a standard that permits required landscaping to be placed in utility and drainage easements only if the utility company approves and the property owner records a restrictive covenant agreeing to replace the plants if the utility needs to remove them for work in the easement. (**Sections 11 and 14**)
- Clarifies the requirement for use of evergreen shrubs in landscape buffer yards by specifying that at least half of the required shrubs must be locally adapted evergreen species. (**Sections 12 and 13**)
- Reduces the widths of most landscape buffer yards by five (5) feet, and reduces the width of the most intensive buffer yard (“Standard D”) by ten (10) feet.  
*Planning Staff Note: This change slightly reduces buffer widths while requiring the same amount of tree and shrub plantings (per 100 linear feet). This will result in a more densely planted buffer and will reduce the number of buffer options from 19 to 16, thought by the tree advisory committee to be a more manageable number. The reduction of buffer width is appropriate in an urban environment, and staff supports this change. However the text change should be amended to call for the renumbering of landscape buffer yard B-5 to B-4, C-5 to C-4, and D-5 to D-4. It should also be amended to call out corrections to the figures cited in the notes at the bottom of Figures 17.24.240B, .240C, and .240D that refer to those buffer yards that are permitted only in the Urban Zoning Overlay District. (**Sections 16 through 31**)*

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<sup>1</sup> **Citation from Metropolitan Code of Laws**

**2.104.020 Urban forester.**

There shall be an urban forester of the metropolitan government. The urban forester shall be an employee of the department of codes administration, under the supervision of the zoning administrator. The urban forester shall be skilled and trained in the art and sciences of municipal arboriculture and shall possess the education and experience as provided in the job description for the position as adopted by the metropolitan civil service commission. The urban forester shall be responsible for administering the programs and policies set forth in this chapter, and may propose rules and regulations designed to carry out said duties and responsibilities. Such rules and regulations shall become effective after they are approved by the metropolitan planning commission and filed with the office of the metropolitan clerk. (Ord. 93-882 § 3, 1994)

## ORDINANCE NO. BL2001-750

### **An ordinance amending Chapter 17.24 of the Metropolitan Code of Laws relative to landscaping, buffering and tree replacement requirements.**

Section 1. That the Metropolitan Code of Laws Section 17.24.020 shall be and the same is hereby amended by adding the following sentence at the end of said section:

The plan shall also show topography, location of all utilities, and either an underground sprinkler system or hose bib attachments.

Section 2. That the Metropolitan Code of Laws Sections 17.24.030 through 17.24.050 shall be and the same is hereby amended by renumbering each section as follows:

Section 17.24.030 is hereby renumbered Section 17.24.050.

Section 17.24.040 is hereby renumbered Section 17.24.030.

Section 17.24.050 is hereby renumbered Section 17.24.040.

Section 3. That the Metropolitan Code of Laws Section 17.24.060(F) shall be and hereby is amended by deleting the entire subsection and substituting the following language:

In addition to the requirements imposed by Sections 17.24.130 through 17.24.170 and Sections 17.24.180 through 17.24.240 of this Chapter, areas used for the temporary or permanent storage of inoperable or damaged vehicles shall be screened from properties zoned or policed residential and from public streets by means of an opaque fence or wall not less than six feet in height.

Section 4. That the Metropolitan Code of Laws Section 17.24.080(B)(2) shall be and hereby is amended by deleting the words "A hose attachment within two hundred feet of all landscaping;" and substituting the words "An outside hose attachment within one hundred feet of all landscaping;"

Section 5. That the Metropolitan Code of Laws Section 17.24.080 shall be and hereby is amended by deleting subsections 17.24.080(B)(3) and 17.24.080(B)(4) in their entirety.

Section 6. That the Metropolitan Code of Laws Section 17.24.100(H) shall be and hereby is amended by adding the following sentence at the end of said section:

All trees and shrubs required by this code shall be inspected within three years of initial planting.

Section 7. That the Metropolitan Code of Laws Section 17.24.110(D)(1) and 17.24.110(D)(2) shall be and hereby is amended by deleting said sections in their entirety and substituting the following language:

1. Chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart.

Section 8. That the Metropolitan Code of Laws Section 17.24.110(D)(3) shall be and hereby is amended by renumbering said section 17.24.110(D)(2).

Section 9. That the Metropolitan Code of Laws Section 17.24.110(E)(1) shall be and hereby is amended by adding the following language at the end of said section:

The Urban Forester may propose rules and regulations governing and/or limiting excavation or trenching by duly constituted utilities in the tree protection zone. Upon the approval by the metropolitan planning commission of such rules and regulations pursuant to Metropolitan Code of Laws § 2.104.020, excavation and trenching in the tree protection zone shall be permitted only pursuant to such rules and regulations.

Section 10. That the Metropolitan Code of Laws Section 17.24.120 shall be and hereby is amended by deleting the title "Prohibited trees" and substituting the title "Less desirable trees."

Section 11. That the Metropolitan Code of Laws Section 17.24.140 shall be and hereby is amended by adding a new subsection D with the following language:

Required parking area screening and landscaping shall not be permitted in utility or drainage easements unless approved by the affected utility and, if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility in the exercise of its rights within the easement.

Section 12. That the Metropolitan Code of Laws Section 17.24.210(C) shall be and hereby is amended by deleting the word "Evergreen" from the first and third sentences.

Section 13. That the Metropolitan Code of Laws Section 17.24.210(C) shall be and hereby is amended by adding the following language after the first sentence:

At least one-half of the required shrubs shall be locally adapted evergreen species."

Section 14. That the Metropolitan Code of Laws Section 17.24.210(D) shall be and hereby is amended by deleting the entire subsection and substituting the following language:

Utility and Drainage Easements. Required landscape buffer yards shall not be permitted in utility or drainage easements unless approved by the affected utility and, if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility in the exercise of its rights within the easement.

Section 15. That the Metropolitan Code of Laws Figures 17.24.240A through 17.24.240D shall be and hereby are amended by adding the following language at the bottom of each figure:

All examples are per 100 linear feet.

Section 16. That the Metropolitan Code of Laws Figure 17.24.240A shall be and hereby is amended by deleting A-4.

Section 17. That the Metropolitan Code of Laws Figure 17.24.240A shall be and hereby is amended by changing A-1 from "20" to "15'."

Section 18. That the Metropolitan Code of Laws Figure 17.24.240A shall be and hereby is amended by changing A-2 from "15" to "10'."

Section 19. That the Metropolitan Code of Laws Figure 17.24.240A shall be and hereby is amended by changing A-3 from "10" to "5" and by adding "(With Opaque Fence)."

Section 20. That the Metropolitan Code of Laws Figure 17.24.240B shall be and hereby is amended by deleting B-4.

Section 21. That the Metropolitan Code of Laws Figure 17.24.240B shall be and hereby is amended by changing B-1 from "25" to "20'."

Section 22. That the Metropolitan Code of Laws Figure 17.24.240B shall be and hereby is amended by changing B-2 from "20" to "15'."

Section 23. That the Metropolitan Code of Laws Figure 17.24.240B shall be and hereby is amended by changing B-3 from "15" to "10'."

Section 24. That the Metropolitan Code of Laws Figure 17.24.240C shall be and hereby is amended by deleting C-4.

Section 25. That the Metropolitan Code of Laws Figure 17.24.240C shall be and hereby is amended by changing C-1 from "35" to "30'."

Section 26. That the Metropolitan Code of Laws Figure 17.24.240C shall be and hereby is amended by changing C-2 from "30" to "25'."

Section 27. That the Metropolitan Code of Laws Figure 17.24.240C shall be and hereby is amended by changing C-3 from "25'" to "20'."

Section 28. That the Metropolitan Code of Laws Figure 17.24.240D shall be and hereby is amended by deleting D-4.

Section 29. That the Metropolitan Code of Laws Figure 17.24.240D shall be and hereby is amended by changing D-1 from "60'" to "50'."

Section 30. That the Metropolitan Code of Laws Figure 17.24.240D shall be and hereby is amended by changing D-2 from "50'" to "40'."

Section 31. That the Metropolitan Code of Laws Figure 17.24.240D shall be and hereby is amended by changing D-3 from "40'" to "30'."

## 5. Zone Change Proposal 2001Z-009T (Zoning Permit)

Staff recommends *approval*.

This request is to amend Section 17.40.520 of the Zoning Ordinance relating to zoning permits and certificates of compliance. This section currently requires a landowner to make an application at the Codes Department for a zoning permit prior to starting any construction, alteration to a building, or change in use on a property. A zoning permit is the actual written document issued by the Zoning Administrator verifying that proposed changes comply with the zoning regulations. The old Ordinance required the landowner to apply for and receive a permit before changing a property's use. The proposed text amendment will allow any person or entity to make an application for the zoning permit. This text amendment was requested by the Metro Legal Department in response to lawsuits involving properties operating illegally outside of the Adult Entertainment Overlay district. In one case, the owner could not be found and the ordinance did not allow for going after the operator so Metro lost the case. Staff recommends approval, as this amendment will allow an injunction to be issued against both the owner and the operator.

The proposed text changes are shown below with new text in bold and deleted text with a strikethrough:

### **17.40.520 Applicability.**

~~The landowner is required to file~~ An application for a zoning permit **must be filed** with the zoning administrator prior to **any person or entity** commencing any construction or alteration of a structure or initiating a change in use on the property. No building permit shall be issued except upon presentation of a valid zoning permit. (Ord. 96-555 § 10.12(A), 1997)

**6. Zone Change Proposal 2001Z-010T (Enforcement of Zoning Permit)**

Staff recommends *approval*.

This request is to amend Section 17.40.600 of the Zoning Ordinance relating to the enforcement and notification requirements by the Zoning Administrator for violations to the Zoning Ordinance. This section currently allows the Zoning Administrator to notify the owner/operator to immediately correct any violation that is found. The proposed text would allow the Zoning Administrator to issue the notification to the owner or the persons or entities determined to be in violation. It also removes the necessity to give the violator time to correct the violation after notice of the violation. This was necessary because it was determined that it may not currently be possible to fine violators until they are given time to correct the violation. The current language also inhibits an immediate injunction against the establishment. The Zoning Administrator already has authority to enforce Metro ordinances pursuant to Section 17.40.590. This section says “the Zoning Administrator is responsible for the enforcement of all provisions of this title and is authorized to stop work that has commenced without obtaining a required zoning permit or is otherwise not in keeping with an approved final site plan or zoning permit.”

Metro Legal requested this text amendment after several lawsuits involving properties operating illegally outside of the Adult Entertainment Overlay district. Staff recommends approval, as this amendment will give the Zoning Administrator the ability to act immediately to stop the known violation.

The proposed text changes are shown below with new text in bold and deleted text with a strikethrough:

**17.40.600 Notification.**

If the zoning administrator has reason to believe that there is a violation of this title, the owner/~~operator~~ **or the persons or entities determined to be in violation by the zoning administrator** shall be notified. ~~to immediately correct the violation.~~ If necessary, governmental agencies or independent experts may be retained to perform tests to determine the existence and extent of a violation, with all associated costs assessed to the owner/~~operator~~ **or the persons or entities determined to be in violation** if a violation is verified. ~~Failure to correct violations within a reasonable time authorizes the zoning administrator to take all necessary measures to enforce the provisions of this title.~~ (Ord. 96-555 § 10.13(B), 1997)



7. **Zone Change Proposal No. 2001Z-057G-13** (Council Bill No. BL2001-803)

Staff recommends *conditional approval*.

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

This request is to change 4.87 acres from R8 (residential) to RM15 (multi-family residential) district property at 3535 Bell Road, north of Elm Hill Pike. The current R8 district requires minimum lot sizes of 8,000 square feet and is intended for single-family and duplex residential uses at 4.6 dwelling units per acre. The proposed RM15 district is intended for multi-family dwellings at up to 15 dwelling units per acre. With RM15 zoning, 73 units would be permitted on this site.

Staff recommends conditional approval of this request with the condition that the developer of this site be responsible for the construction of a center-turn lane on Bell Road from the approved center-turn lane at Lincoya Bay Drive to the project entrance. Although this property falls within the Subarea 13 Plan's Residential Medium (RM) policy calling for residential dwellings at up to 9 dwelling units per acre, there are several existing and approved multi-family developments along the east side of Bell Road that have already established a pattern of more than 9 dwelling units per acre, as noted in the Subarea Plan. The Lakes PUD on Lincoya Bay Drive (parcels 12 and 223) was approved for 480 multi-family units at 12.20 units per acre, while another residential PUD was approved in 1983 for 248 apartment units at 13 units per acre. The Lakes-West PUD (parcel 8) was given final PUD approval in October 2000 for 44 multi-family units at a density of 10.7 units per acre. These properties are all surrounded by Corp of Engineers property and will not easily expand beyond this small pocket north of Elm Hill Pike near the lake.

*Traffic*

The Metro Traffic Engineer has indicated that Bell Road should be widened from Lincoya Bay Drive to the project entrance, a distance of approximately 730 feet, to provide a center-turn lane for access to this site. This is required due to safety concerns that will be created from more multi-family units at this location. A traffic impact study (TIS) was prepared which indicated that there is sufficient site distance to allow a driveway on Bell Road at this location.

*Schools*

A multi-family development at RM15 density could generate approximately 11 students (5 elementary, 3 middle, and 3 high school). Hickman Elementary is currently over capacity, while McGavock High School has sufficient capacity. As more residential rezonings occur in this area, necessary improvements should be programmed into the Capital Improvements Budget.

**8. Zone Change Proposal No. 2001Z-072G-02 (Council Bill No. BL2001-800)**

Staff recommends *disapproval*.

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

This request is to change 15.65 acres from RS20 (residential) to AR2a (agricultural) district. The existing RS20 district is intended for single-family at 1.85 dwelling units per acre. The proposed AR2a district is intended for single-family homes, duplexes, and mobile homes at 1 unit per 2 acres of land. The applicant is requesting this zone change to accommodate an assisted-care living development. The AR2a district allows assisted-living, whereas, the RS20 district does not. The AR2a district allows for 7.82 dwellings or 24 assisted-living units.

Staff recommends disapproval of the proposed AR2a zoning. This property falls within the Subarea 2 Plan's Residential Low (RL) policy. The RL policy calls for residential development within a density range of up to 2 dwellings per acre. The plan intends for this area to develop in a single-family pattern. The existing RS20 district is consistent with the plan and implements it. The proposed AR2a district would allow for uses not necessarily compatible with existing Kemper Heights subdivision that surrounds this property, including agricultural activities, a camp, a construction/demolition landfill, kennels, stables, and mineral extraction uses.

**9. Zone Change Proposal 2001Z-078U-10**

*Staff recommends deferral of this item since the applicant has requested to defer pending further discussions with staff.*

- **Subarea Plan Amendment required?** No.
- **Traffic impact study required to analyze project impacts on nearby intersections and neighborhoods?** Yes; one was submitted and is currently being reviewed by the Metro Traffic Engineer.

The applicant has requested to defer this item pending further discussion with the staff and approval of the traffic impact study. Since the Planning Commission public hearing notices were mailed prior to the applicant's deferral, this item has been included on the Commission's agenda.

This request is to change .73 acres from ORI (office-residential intensive) to MUI (mixed-use intensive) district property at 1912, 1914, 1916, and 1918 Adelia Street and Chet Atkins Place (unnumbered), at the intersection of Chet Atkins Place and 20th Avenue South. The existing ORI district is intended to provide for high intensity office uses that are mutually compatible with high-density residential uses. The proposed MUI district permits a mixture of high intensity residential, office, and compatible commercial uses. The MUI district is intended for portions of the downtown core and along major traffic arteries extending from the downtown core. The property is located on the boundary of the Subarea 10 Plan's Office Concentration (OC) and Mixed Use (MU) policies. These policies encourage a mixture of intensive office, residential, retail and restaurant uses.

The applicant is requesting the MUI district to construct a mixed-use development. Two residential towers are proposed with associated parking structures: Tower 1: 28 stories for Vanderbilt student housing and Tower 2: 22 stories of market-rate housing with retail uses on the bottom floor. The proposed development would represent a major investment that would provide professional/graduate student housing that the applicant feels is desperately needed. This infill development promises to restore underutilized parcels with new uses that would encourage this area to function as a walkable, mixed-use district.

Staff has met with the applicant on several occasions in order to discuss design issues relating to a pedestrian-scale development at street level, and parking and traffic issues. The applicant is continuing to address staff concerns.

*Traffic*

A traffic impact study is under review by the Metro Traffic Engineer. That study has not yet been approved.

**10. Zone Change Proposal No. 2001Z-086U-07**

Staff recommends *disapproval*.

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

This council bill is to change 0.17 acres from R8 (Residential) to CS (Commercial Service) at 5620 O'Brien Avenue. The current R8 district allows for residential single-family and duplex at 4.63 dwelling units per acre. The proposed CS district is intended to provide opportunities for a diverse range of commercial uses, including auto repair, warehouse, car wash and auto sales.

The applicant is requesting this zone change to accommodate an auto repair shop located in a residential area. The owner was cited with a 30-day abatement of business order on June 20, 2001 by the Department of Codes and Administration. This abatement was enacted by a complaint from a neighbor. The application for this property was submitted to bring the usage into compliance with Metro's Zoning Ordinance.

Staff recommends disapproval of the CS zoning since this property is located within a stable, affordable residential neighborhood. While the Subarea 7 Plan shows this area within a CMC (Commercial Mixed Concentration) district, which is intended for a variety of intensively developed non-residential uses, the neighborhood is predominantly residential except for properties fronting Charlotte Pike. The Subarea 7 Plan did not call for the total removal of this residential area in order to strengthen the commercial area. There are other locations within this vicinity along Charlotte Pike that would be better suited for this auto repair use.

## 11. Zone Change Proposal No. 2001Z-088U-11

Staff recommends *disapproval*.

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

This request is to change 2.35 acres from IR (industrial-restrictive) and IWD (industrial warehousing/distribution) to IG (industrial general) for 11 properties located on Hagan Street and Merritt Avenue. The current IR district allows for a wide range of light-manufacturing uses at moderate intensities; the current IWD district is intended for a wide range of warehousing, wholesaling, and bulk distribution uses, while the IG district is intended for a wide range of intense manufacturing uses, including a scrap operation. The applicant, B&A Truck Sales, has indicated that this request is being made since they have been sited by the Codes Department for operating an illegal truck scrap operation. They have also been informed by the State of Tennessee that they must obtain a Dismantler and Recycler license. The applicant cannot obtain the license from the State without demonstrating compliance with local ordinances.

The Zoning Ordinance defines “scrap operation” as the storage, processing, and/or sale, from the premises, of used or waste material. The applicant has indicated that they have operated from this location for over 20 years and have only recently been cited as not being in compliance with the zoning requirements. However, they have indicated that the portion of the business dealing with dismantling trucks for scrap is a more recent endeavor. Staff has researched the situation and found permits have been issued by the Codes Department for truck sales, truck repair, storage, and wrecker service uses, which are in compliance with the current zoning, but not for a scrap operation use. The Board of Zoning Appeals approved a conditional use permit to allow a scrap operation on an adjacent property (parcel 250) in 1981, but not on this property.

Staff recommends disapproval of the proposed IG district. Although this property falls within the Subarea 11 Plan’s Industrial and Distribution (IND) policy, calling for a wide range of industrial uses, it is adjacent to a Mixed-Use (MU) policy area. The Subarea 11 Plan’s IND policy was applied in recognition of existing industrial development in the area. This industrial policy area shares a border with the residential neighborhood to the east and a mixed-use area to the north and west. The Subarea 11 Plan recommends that the types of uses in the IND area, particularly those east of the railroad tracks, have minimal negative impact on surrounding residential uses. IG zoning would move this area to the most intensive industrial zoning district, while the long-term intent of the subarea plan would be not to intensify the existing industrial areas.

**12. PUD Proposal No. 2000P-002G-06 Bellevue Market Place** (Council Bill No.BL2001-802)

Staff recommends *conditional approval*.

This request is to amend the preliminary PUD plan for an undeveloped PUD located at the northwest corner of Old Harding Pike and Bellevue Road to permit a 49,950 square foot retail building with two tenant spaces (30,000 sq. ft. and 19,950 sq. ft.), replacing an undeveloped 10,100 square foot restaurant, a 5,600 square foot convenience market, and a 7,475 square foot restaurant. Council approved the original PUD plan in May 2000. The increase in square footage from 23,175 square feet to 49,950 square feet results in a 54% increase in square footage. Any increase over 10% of that last approved by the Metro Council requires a PUD amendment and further Council action. This means that the Planning Commission will make a recommendation to Council on this item.

The applicant has indicated that one of the tenant spaces will be for a small grocery store, while the other will be a general retail use. While this plan maintains two driveway access points on Bellevue Road, it increases the number of driveways from one to two on Old Harding Pike. The Metro Traffic Engineer has required, and the applicant has agreed to construct, a center-turn lane along the frontage of the property on Old Harding Pike.

The amended plan also provides a 10-foot buffer around the DeMoss family cemetery, as required by state law and as was shown on the original preliminary PUD plan. Staff recommends conditional approval provided Public Works, and the Traffic Engineer, approves the plan prior to the Planning Commission meeting.

13. **Subdivision Proposal 2000S-264G-14 Andrew Jackson Business Park, Phase 1**  
**Resubdivision of Lots 12-14 and Lot 1**

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

This request for a revised preliminary plat and final plat approval was originally scheduled for the July 5th Commission meeting, but was deferred indefinitely pending a mandatory referral to abandon the right-of-way at the terminus of Jackson Meadows Drive. Ordinance No. BL2001-749 became effective on July 31, 2001, to abandon the excess right-of-way. The plat is for 12 lots on 8.65 acres within the CS district.

The Planning Commission approved the preliminary plat on August 31, 2000. The lots on the preliminary plat range in size from 17,000 to 44,000 square feet. This request differs from the original preliminary in that it seeks approval for 12 lots on 8.65 acres rather than 10 lots on 7.13 acres. The lot sizes are relatively the same, ranging from 16,000 to 50,000 square feet. Both Public Works and Water Services have approved the plat and have recommended bond amounts for the extension of roads and sidewalks. Cumberland Utility has issued the bond amount for the extension of public utilities. Staff recommends conditional approval subject to a bond for the extension of roads, sidewalks, and public utilities.

**14. Subdivision Proposal 2001S-150G-14 Hermitage Commercial Center**

Staff recommends *conditional approval* subject to a bond for demolition of existing buildings, a variance for sidewalks along Hermitage Road, and a standard “C” landscape buffer yard added to the plat prior to recordation.

This request is for final plat approval to subdivide two parcels within the CS district into two lots on 2.79 acres abutting the northeast corner of Lebanon Pike and CSX Railroad. The current use of parcel 15 is retail. The buildings on this parcel are to be demolished, and a demolition bond will be required prior to plat recordation. The current use of parcel 100 is vacant commercial land. An auto parts dealer wishes to occupy Lot 1 of the subdivision, and an auto paint and body shop wishes to occupy Lot 2. There is an existing grassed median along Lebanon Pike that extends from the railroad tracks beyond the proposed lot line. Public Works has approved a right-in/right-out access to Lot 2 since the existing median prohibits northbound traffic from turning into the site. A proposed detention pond along Hermitage Road will require traffic to enter both sites from Lebanon Pike.

A variance to Section 2-6.1 of the Subdivision Regulations requiring sidewalks is required for approval of this subdivision. In this case the staff feels that a variance is acceptable based on the fact that this property is unique and the conditions on which the request for a variance is based are not applicable generally to other property. Sidewalks are currently located along Lebanon Pike adjacent to this property, but there are no sidewalks along Hermitage Road. There is an established residential neighborhood to the north of this site that has no sidewalks and is accessed by Hermitage Road. Due to the detention pond’s location along Hermitage Road and the fact that the neighborhood has no sidewalks, and is unlikely to be redeveloped in the future with sidewalks, a sidewalk at this location is not necessary.

A standard “C” landscape buffer yard must be added to the plat along the property line to the north which abuts the R10 district. The Zoning Ordinance requires a buffer yard between residential and commercial properties in order to minimize any potential adverse effects of noncompatible land uses. Staff recommends conditional approval subject to the addition of a buffer yard to the plat, a demolition bond for existing buildings, and a variance for sidewalks along Hermitage Road prior to recordation.



**15. 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 sidewalks and a standard “A” buffer yard prior to plat recordation.

This 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 and out of the funeral home via Murfreesboro Pike.

Sidewalks are currently being shown for Lot 1 along Murfreesboro Pike, but sidewalks will need to be shown for Lot 2 on a revised plat submitted prior to the Planning Commission meeting. 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.

According to the Zoning Ordinance, a standard “A” landscape buffer yard must be provided along a CS and AR2a zoning district boundary. The buffer yard is required where Lot 1 abuts parcel 118. Staff recommends conditional approval subject to bonds for the construction of sidewalks and the extension of public utilities as well as a revised plat submitted prior to plat recordation showing the landscape buffer yard and sidewalks.

**16. Subdivision Proposal 2001S-235U-05 Underwoods Hart Lane Subdivision**

Staff recommends *conditional approval* subject to a variance for sidewalks along Jones Avenue and a revised plat prior to recordation.

This request is for final plat approval to subdivide .67 acres containing one parcel into two lots abutting the southwest corner of Hart Lane and Jones. Each lot complies with the RS10 district's minimum lot size of 10,000 square feet. Lot 1 contains an existing residence that will remain. An existing deck on the house encroaches into the rear setback, but since it is not an enclosed deck, it is permitted by the Zoning Ordinance. Lot 2 has a private sewer easement that needs to be relocated on the plat prior to recordation. A private sewer easement cannot cross a public sewer easement as now shown on the plat.

The applicant is also requesting a variance to the sidewalk requirement of Section 2-6.1 of the Subdivision Regulations. Although this proposed subdivision is within an established neighborhood, the Subdivision Regulations require sidewalks in infill situations. In this case, however, the staff feels that a partial variance is acceptable. There are no existing sidewalks on Jones Avenue or Capitol View Drive, both of which are local streets. While a sidewalk does exist along that Lane, a sidewalk along Jones Avenue could represent a safety hazard due to the variation in street width necessary to accommodate a sidewalk. When a sidewalk is built along a street section with no sidewalk, the entire section of street is brought up to the current standard for street width and curb and gutter.

Staff recommends conditional approval subject to a variance for sidewalks along Jones Avenue and a revised plat prior to recordation showing the private sewer easement relocation.

**17. Subdivision Proposal 2001S-237U-07 Charlotte Park, Block 34, 2<sup>nd</sup> Extension of Part of Closed Street**

Staff recommends *approval*.

This request is for 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 38<sup>th</sup> Avenue North, opposite Dakota Avenue. This subdivision is located in Sylvan Park within the RS5 district. Sidewalks exist along the property's frontage on 38<sup>th</sup> 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.

**18. PUD Proposal No. 134-84-G-06 Devon Hills**

Staff recommends *conditional approval with a variance for sidewalks and maximum lot size*.

This request is to revise a portion of the preliminary PUD plan to permit the reconfiguration 3 single-family lots and for final approval for these three lots. The Planning Commission previously approved in January 1999, a request to revise the preliminary plan on this site to allow 3 single-family lots with variances to the maximum lot size, replacing 76 homes and townhomes. This plan reconfigures the three lots with Lot #1 (11.19 acres), Lot #2 (13.34 acres), and Lot #3 (7.47 acres) all requiring variances to the Subdivision Regulations for maximum lot size. With a base zoning of RS20, the maximum allowable lot size under the Subdivision Regulations would be 1.37 acres. Staff supports the variance to the maximum lot size since this plan preserves about 93% of the site in a natural state. With slopes of over 30% staff supports the variance to the maximum lot size since it will preserve a large portion of this sensitive area. With this revision, the applicant is also requesting a variance to the sidewalk standards of the Subdivision Regulations, which would now require a sidewalk along the 1,100 feet of frontage on Old Hickory Boulevard. The private driveway that serves the three lots would not require a sidewalk since it is not a public road.

Staff recommends approval of the proposed revision since it only makes minor changes to the lot configurations, and since a sidewalk along Old Hickory Boulevard will require significant blasting and grading. There is currently a steep cliff face fronting Old Hickory Boulevard with very little space between this and the road. This area provides a catch area for water coming off the cliff during wet weather, which prevents water and mud from flowing onto the road. Staff feels that it is important to maintain adequate drainage features in this area since it is located on a curved portion of Old Hickory Boulevard where safety is an issue.

The proposed shared driveway off Old Hickory Boulevard provides only a right-in/right-out access. A median runs down the middle of Old Hickory Boulevard in this area where access can come from only one direction—Highway 70 to the north.

**19. PUD Proposal No. 188-84-G-12 Century City South**

Staff recommends *conditional approval*.

This request was deferred by the applicant from the July 19, 2001 meeting in order to allow time for the Stormwater Management Appeals Committee to consider a variance for the relocation of a small stream on this site. The Committee has approved that variance. This request is to revise a portion of the preliminary plan and for final approval for a phase of the Commercial/Residential Planned Unit Development located abutting the west margin of Old Hickory Boulevard, southwest of Interstate 24, to permit the addition of two new restaurants with 5,600 square feet, and 1,800 square feet, a 3,600 square foot gas/convenience market, and a 43,000 square foot, 93-room hotel. The proposed additions are located on the south portion of the PUD at the entrance on Old Hickory Boulevard. There was previously no development plan for this portion of the PUD, other than the access road into the PUD. Although these additions bring the total square footage of the PUD to 1,102,200 square feet, it does not increase the square footage by more than 10% of what was last approved by the Metro Council. The remainder of the undeveloped PUD will still consist of 1,048,000 square feet of retail, restaurant, hotel, office and 1,974 residential units. Staff recommends conditional approval provided Public Works approves the drainage plans and sewer capacity is purchased prior to the Planning Commission meeting.

**20. PUD Proposal No. 75-87-P-14 River Glen Subdivison**

Staff recommends *conditional approval*.

This request is for final approval for a portion of the Residential PUD district located at the western end of Lock Two Road, to permit the development of two phases including 60 single-family lots and units. Phase 3, Section 1 includes 20 single family lots, while Phase 5 includes 40 single-family units that will be developed as part of a horizontal property regime. This is consistent with the original preliminary PUD plan approved by Council in 1987. The proposed plan maintains the same lot configuration and access locations as were approved on the preliminary PUD plan on July 19, 2001. This plan provides three public street connections to existing stub-out streets built in previous phases. The proposed plan includes internal sidewalks on both sides of the street. A future phase includes a sidewalk along a portion of Lock Two Road that will connect this development to Lock Two Park at the northern end of the road. Since there is a severe grade difference between the development area and Lock Two Road, a pedestrian bridge will be built by the developer in Phase 6 to provide a pedestrian connection to the sidewalk on Lock Two Road. Staff recommends conditional approval provided Public Works approves the grading and drainage plans and Water Services approves the plan prior to the Planning Commission meeting.

*Traffic*

A traffic impact study (TIS) was prepared for the PUD revision approved in July 2001, analyzing the project entrances and the intersection of Lock Two Road and Pennington Bend Road. The TIS concludes that this intersection will operate acceptably without new turn lanes or a traffic signal. However, the TIS recommends that Pennington Bend Road and Lock Two Road be restriped to designate travel lanes, as well as a stop bar on Lock Two Road to accommodate the “skewed” intersection. The PUD will be conditioned to follow the recommendations of the TIS.

**21. Mandatory Referral Proposal 2001M-071U-04-05 (Council Bill BL2001-784)**

Staff recommends *approval*.

This council bill is to sell a portion of a remnant parcel containing .11 acres of land located at Brush Hill Road (unnumbered), adjacent to Briley Parkway to TDOT. The property is zoned RS20 district. The state is purchasing this property for Briley Parkway's future widening. Staff recommends approval since all agencies and departments were notified of this request and recommend approval.

22. **Mandatory Referral Proposal 2001M-072U-04**

Staff recommends *conditional approval*.

This request is to sell a portion of a remnant parcel containing .72 acres of land at Chadwell Drive (unnumbered), adjacent to I-65 to TDOT. The property is zoned RS20 district. The state is purchasing this property for I-65's future widening. Staff recommends approval since all agencies and departments were notified of this request and recommend approval.



23. **Mandatory Referral Proposal 2001M-073U-05** (Council Bill BL2001-783)

Staff recommends *conditional approval*.

This council bill is to sell a remnant parcel containing .16 acres of land at Tanglewood Court (unnumbered), adjacent to Briley Parkway to TDOT. The property is zoned RS20 district. The state is purchasing this property for Briley Parkway's future widening. Staff recommends approval since all agencies and departments were notified of this request and recommend approval.

24. **Mandatory Referral Proposal 2001M-074U-13**

Staff recommends *conditional approval*.

This request is to acquire a 20 foot easement for a sewer line extension and manhole relocation along the frontage of three properties located on Currey Road. The easement will accommodate a 400 foot long 8" sewer line and a 174 foot long 4" sewer line. The easement is needed to complete the Currey Road Bridge and Approach project over Briley Parkway by TDOT and Metro Water Services (Project Nos. 01-SG-87 and 01-WG-81). Staff recommends approval since all agencies and departments were notified of this request and recommend approval.

25. **Mandatory Referral Proposal 2001M-080U-09**

Staff recommends *conditional approval*.

This request is to permit an aerial encroachment for a sign at 412 Broadway (“The Stage”) 14 feet above the public sidewalk. The sign will measure 12 feet in length, 2’2” in width, and 28’2” in total height above the sidewalk. The applicant needs to submit a revised certificate of liability insurance with the “insured” identified as the tenant or property owner and not the sign company. Also, a revised license agreement to encroach over the right-of-way must be submitted signed by the property owner. Staff recommends approval subject to all reviewing agencies and departments recommending approval and submittal of the revised documents.