



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Lindsley Hall  
730 Second Avenue South  
Nashville, Tennessee 37201

**Minutes  
Of The  
Metropolitan Planning Commission**

*February 24, 2005*

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*4:00 PM*

*Howard School Auditorium, 700 Second Ave., South*

**PLANNING COMMISSION:**

James Lawson, Chairman  
Doug Small, Vice Chairman  
Judy Cummings  
Tonya Jones  
Ann Nielson  
Victor Tyler  
James McLean  
Councilmember J.B. Loring  
Phil Ponder, representing Mayor Bill Purcell

**Staff Present:**

Ann Hammond, Asst. Director  
Margaret Holleman, Legal Counsel  
Trish Brooks, Administrative Assistant  
Kathryn Fuller, Planner III  
Adriane Harris, Planner II  
Bob Leeman, Planner III  
Luis Pereira, Planner I  
Nekya Young, Planning Tech I  
Keith Covington, Planning Manager II  
Mr. Brooks Fox, Legal Counsel  
Mr. Jason Swaggart, Planner I  
Mr. Randy Morgan, Planner I

**Commission Members Absent:**

Stewart Clifton

**I. CALL TO ORDER**

The meeting was called to 4:05 pm

**II. ADOPTION OF AGENDA**

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve the agenda as presented. (9-0)

**III. APPROVAL OF FEBRUARY 10, 2005 MINUTES**

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve the February 10, 2005 minutes. (9-0)

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Bradley spoke in favor of Item #5 – 2005Z-020T.

Councilmember Toler spoke in favor of Item #3 - 2004Z-018G-12 and Item #12 – 2005S-050G-12, Brentwood Knoll.

Councilmember Williams spoke in favor of Item #9 – 2005Z-028U-10. She also spoke regarding Item #11 – 2005S-034U-10, Richland Woods which was listed on the Consent Agenda for approval. She requested that the item be removed from the Consent Agenda due to the many concerns she has received by area residents who will be affected by this development.

Councilmember Jameson spoke in favor of Item #6 – 2005Z-021U-05.

Councilmember Hausser stated that she would reserve her comments until after the public hearings for Item #2 – 2002Z-040U-10 and Item #7 – 2005Z-023U-10.

Councilmember Shulman spoke in favor of Item #10 – 2005NL-001G-10.

**V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

1. 97S-014U-03 A recommendation from the Metropolitan Department of Law to rescind the original approval of the preliminary and final approval for seven lots abutting the northeast corner of Briley Parkway and Buena Vista Pike – deferred to March 24, 2005 at the request of the applicant.
4. 2005Z-019G-03 Request to change from AR2a to IR district property located at Ashland City Highway (unnumbered) – deferred to April 14, 2005 at the request of the applicant

Ms. Nielson moved and Mr. Small seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items as presented. (9-0)

**VI. PUBLIC HEARING: CONSENT AGENDA**

**ZONING MAP AMENDMENTS**

3. 2005Z-018G-12 Request to change from AR2a to RS10 district property located at 13877 Old Hickory Boulevard - Approve
5. 2005Z-020T An ordinance amending the Zoning Code, Section 17.32.040 "Exempt Signs," to prohibit temporary signs affixed to storefront windows from covering more than twenty-five percent of the total storefront window area - Approve
6. 2005Z-021U-05 Request to change from R6 to RM15 district properties located at 1111, 1115, 1117 Fatherland and Fatherland (unnumbered) - Approve
9. 2005Z-028U-10 Request to change from R20 to RS20 district properties located at various parcels on Skyline Drive, Boview Lane and Vailwood Drive - Approve
10. 2005NL-001G-10 Request to apply a Neighborhood Landmark Overlay to an R10 district property located at 1100 Clifton Lane - Approve w/conditions

**PRELIMINARY SUBDIVISION PLATS**

12. 2005S-50G-12 Brentwood Knoll - A request for preliminary plat approval for 15 lots abutting the southeast corner of Mt. Pisgah Road and Bryce Road - Approve w/conditions including a variance for street offset distance

**FINAL PLATS**

13. 2005S-046G-06 Williams Hicks Subdivision - A request for final plat approval to create 3 lots abutting the south margin of - Approve w/conditions for 2 times the base zoning, a flag lot,

Highway 70 South, (15.29 acres), classified within the R15 District and variance for the 4:1 ratio

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to approve the Consent Agenda as presented. (9-0)

Mr. Lawson motioned, and Mr. McLean seconded the motion, which passed unanimously, to suspend the normal rules of the Commission in regards to public hearings and the procedures in which items are heard by the Commission. (9-0)

## **VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS** **FINAL PLATS**

1. **97S-014U-03**  
Forest Vale Subd.  
Map 059-01, Parcels 28-34  
Subarea 3 2003  
District 1 (Gilmore)

A recommendation from the Metropolitan Department of Law to rescind the original approval of the preliminary and final approval for seven lots abutting the northeast corner of Briley Parkway and Buena Vista Pike, opposite Beal's Lane (3.52 acres), classified within the R15 District, requested by Howard Fisher, owner/developer, H & H Land Surveying, Inc., surveyor. The original plat was approved without the required sewer line extension being built or properly bonded.

**The Metropolitan Planning Commission deferred a recommendation to rescind the original approval of 97S-014U-03 to March 24, 2005 at the request of the applicant. (9-0)**

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## **VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS**

2. **2002Z-040U-10**  
Map 104-12, Various Parcels  
Map104-16, Various Parcels  
Map 105-09, Various Parcels  
Subarea 10 (1994)  
District 18 (Hausser)

A request to apply an Institutional Overlay (IO) district on various properties along Belmont Boulevard, Acklen Avenue, Compton Avenue, Delmar Avenue, Bernard Avenue, Wedgewood Avenue, and Ashwood Avenue (74.95 acres), requested by Alfred Raby of RM Plan Group, Inc., applicant, for Belmont College and Belmont Heights Baptist Church, and Councilmember Ginger Hausser.

Mr. Covington presented and stated that staff is recommending disapproval and re-referral by Metro Council to the Planning Commission in order to allow more time for review of the traffic impact study. He stated that if the Commission were to approve the Institutional Overlay, there are a number of conditions that need to be included in the approval and Mr. Covington listed these conditions.

Ms. Betty Malone, 2006 15<sup>th</sup> Avenue South, spoke in support of deferring the institutional overlay to allow additional time for more information.

Rev. Julius Young 1805 15<sup>th</sup> Avenue South, spoke in support of deferring the institutional overlay.

Ms. Gladys Easley, 1906 15<sup>th</sup> Avenue South, spoke in support of deferring the institutional overlay.

Mr. Ross Pepper, 2000 19<sup>th</sup> Avenue South, spoke in opposition to the institutional overlay.

Ms. Bertha Walker, 1803 15<sup>th</sup> Avenue South, spoke in opposition to the institutional overlay.

Mr. Ronald Miller, 1802 15<sup>th</sup> Avenue South, distributed information to the Commission and spoke in opposition to the institutional overlay.

Mr. David Lewis, 1806 15<sup>th</sup> Avenue South, spoke in opposition to the institutional overlay.

Mr. John Green, 1914 18<sup>th</sup> Avenue South, expressed issues regarding traffic, but spoke of support of the institutional overlay.

Mr. Joseph Johnston, 2815 Belmont Blvd., spoke in opposition to the institutional overlay.

Mr. Keith Durbin, 1704 Sweetbriar Avenue, spoke in support of deferring the institutional overlay.

A resident of the Hillsboro-Belmont area, spoke in opposition to the institutional overlay.

Mr. Jason Rogers, 1900 Belmont Blvd., spoke in support of the institutional overlay.

Ms. Dyan Damron, RPM Transportation, spoke in support of the institutional overlay.

Mr. Bob Murphy, RPM Transportation, spoke in support of the institutional overlay.

Ms. Susan Cone, a Belmont student, spoke in support of the institutional overlay.

Mr. Alfred Raby, 1900 Belmont Blvd., spoke in support of the institutional overlay.

Ms. Suzanna Lonce, 1517 Ferguson Avenue, spoke in opposition to the institutional overlay.

Mr. Jimmy Church, 1803 15<sup>th</sup> Avenue South, spoke in opposition to the institutional overlay.

Ms. Birda Mishaw, 2006 15<sup>th</sup> Avenue South, spoke in opposition to the institutional overlay.

Councilmember Hausser addressed the Commission regarding the overlay. She spoke of several issues associated with the overlay and the affects it would have on the area residents. She mentioned several subdivision regulations in relation to this overlay. Councilmember Hausser stated that she would support staff's recommendation to disapprove with a re-referral by Council, or she would support a deferral that would result this proposal to be heard at the May Public Hearing.

Mr. Ponder stated he would be in support of deferring this proposal to allow additional time to work on the many issues associated with the project.

Mr. Tyler spoke of the residential integration of this proposal. He too agreed that the proposal should be deferred to address the issues concerning traffic.

Ms. Cummings expressed concerns on several issues associated with the proposal such as permit parking, building height, traffic and existing zonings. She spoke in favor of deferral to allow additional time for the communicational meetings to be held between the residents, developer and the University.

Mr. McLean acknowledged the issues associated with traffic impacts and additionally mentioned the necessity of maintaining the integrity of the existing neighborhoods in this area.

Mr. Small commended the residents for their participation in this project. He too spoke of several issues regarding the development. Issues such as the impact that construction would have on the residential areas and how it will be addressed, details of building designs that will be located at the southern end of the project as well as those buildings that will be facing 15<sup>th</sup> Avenue, a more accurate number on the increased student population in relation to the

overlay, and its traffic impacts. Mr. Small mentioned that timing should not be a factor due to the size of this development.

Ms. Jones expressed her concerns with a residential road being slated for a main entrance. She too commended the residents for participating in this process and is hopeful for long term solutions to many of the issues associated with the proposal.

Mr. Loring acknowledged the need of expansion by the university and he too recognized the issues facing many of the residents. He spoke in support of deferring the overlay.

Mr. Lawson spoke in opposition to disapproving the overlay and requesting Council to re-refer back to the Commission.

Mr. Ponder moved and Mr. McLean seconded the motion, which passed unanimously to defer 2002Z-040U-10 until April 28, 2005 in order to provide additional time for all parties to continue to work on the many issues associated with the overlay. (9-0)

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**Resolution No. RS2005-076**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2002Z-040U-10 is DEFERRED to the April 28, 2005 COMMISSION meeting.”**

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The Commission recessed at 5:30 p.m.

The Commission resumed at 5:45 p.m.

Ms. Cummings left the meeting at 5:30 p.m.

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- 3.**                               **2005Z-018G-12**  
Map 182, Parcel 044  
Subarea 12 (2004)  
District 31 (Toler)

A request to change from AR2a to RS10 district property located at 13877 Old Hickory Boulevard , located along the southern margin of Old Hickory Boulevard at the intersection of Legacy Drive (4.88 acres), requested by Lay Sayasack, owner.

**Staff Recommendation** - *Approve with conditions.*

**APPLICANT REQUEST** - Rezone 4.88 acres from agricultural/residential (AR2a) to residential single-family (RS10) district property at 13877 Old Hickory Boulevard, on the south side of Old Hickory Boulevard at the intersection of Legacy Drive.

**Existing Zoning**

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

**Proposed Zoning**

RS10 district - RS10 requires a minimum 10,000 square foot lots and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. This zoning would allow for approximately 18 dwelling units.

## **SOUTHEAST COMMUNITY PLAN POLICY**

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

**Policy Conflict** - No. The proposed RS10 zoning district is consistent with the RLM policy. It is also consistent with the surrounding zoning districts in the area. These parcels are located off of Old Hickory Boulevard, which is a substandard collector road. It is also consistent with surrounding zoning pattern.

**Infrastructure Deficiency Area** - This property is located within an infrastructure deficiency area for transportation and schools identified by the Planning Commission in the Southeast Community Plan. The transportation infrastructure deficiency grid that has been developed by staff was used to analyze Barnes Road at this location. The road scored an "8" because the property is located on a "good segment of a good road."

The Major Street Plan classifies Old Hickory Boulevard as a local road in this location, and the existing pavement and right-of-way widths are appropriate for a local road. The Southeast Community Plan recommends, however, that Old Hickory Boulevard be classified as an existing collector road. When analyzing a road for infrastructure deficiencies, the Major Street Plan is generally used as the guide for determining appropriate pavement and right-of-way width. In this case, while the community plan calls for a collector road, the Major Street Plan classifies the street as a local road. If the community plan classification for Old Hickory Boulevard is used for analyzing whether Barnes Road is deficient, then the road would be deemed a "fair segment of a fair road," scoring a "4." When a road scores less than a total of "6" the Commission may recommend disapproval due to the roadway infrastructure inadequacy.

Access to Old Hickory Boulevard may not be appropriate from this property. This property is located within a sharp curve and access possibly should be required through adjacent properties rather than directly to Old Hickory Boulevard.

Staff recommends that the Commission consider the condition of the roadway prior to making their recommendation. An 8 on the transportation deficiency grid, however, generally does not require disapproval of the proposed development. In any event, proper road improvements should be considered at the development stage.

In addition to road infrastructure deficiencies, the Southeast Community Plan notes that "[i]nadequate school facilities in the area are also a problem in the Southeast Community." Additional analysis of the projected student generation from this rezoning and school capacity in this area is provided below. The school board has programmed for new schools in this area, however.

**RECENT REZONINGS** -Parcels 013 and 015 to the east of this property were rezoned from AR2a to RS10 in July 2004. The Commission recommended approval of this request on May 13, 2004. A portion of parcel 27 to the northeast was rezoned from AR2a to RS10 in May 2004. The Commission also recommended approval of this zone change request on March 25, 2004.

## **METRO PUBLIC WORKS' RECOMMENDATION**

**TRAFFIC** - An access study may be required at development. The dedication and/or reservation of right-of-way shall be designated on the development plan per the major street plan.

The Department of Public Works has not identified any existing roadway network circumstances that would require any conditions to be placed on this rezoning or made any recommendations that the Metro Planning Commission and Metro Council disapprove the rezoning.

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

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	4.88	0.5	2	29	11	4

**Typical Uses in Proposed Zoning District: RS10**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	4.88	3.7	18	215	22	23

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			186	11	19

**METRO SCHOOL BOARD REPORT**

Projected student generation      3 Elementary    3 Middle      2 High

**Schools Over/Under Capacity** -Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as being over capacity by the Metro School Board. There is capacity at an elementary and middle school within the cluster and capacity at a high school in an adjacent cluster (Glencliff). This information is based upon data from the school board last updated August 31, 2004.

**CONDITIONS**

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

Approved (9-0), *Consent Agenda*

**Resolution No. RS2005-077**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-018G-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

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

**The proposed RS10 district is consistent with the Southeast Community Plan’s Residential Low Medium (RLM) policy intended to accommodate single family residential development within a density range of two to four dwelling units per acre. With the submittal of any preliminary or final plat on this property, coordinated access may be required to be provided between various parcels shown on an overall development plan.”**

4. **2005Z-019G-03**  
Map 068, Parcel 030  
Subarea 3 (1998)  
District 1 (Gilmore)

A request to change from AR2a to IR district property located at Ashland City Highway (unnumbered), located on the southern margin of Ashland City Highway at the intersection of Amy Lynn Drive (1.71 acres), requested by Ray Bell, owner.

**The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-019G-03 to April 14, 2005 at the request of the applicant. (9-0)**

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5. **2005Z-020T**  
Council Number: BL2005-552

An ordinance amending the Zoning Code, Section 17.32.040 "Exempt Signs," to prohibit temporary signs affixed to storefront windows from covering more than twenty-five percent of the total storefront window area, sponsored by Councilmembers Tommy Bradley, Rip Ryman, and Buck Dozier.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Amend Zoning Code to limit the coverage of storefront windows with temporary signs to 25% of the total surface area of the storefront window.

**ANALYSIS**

**Existing Law** - The Zoning Code currently has no limitation on the amount of window surface area covered by temporary signs. Currently, temporary signs are exempt from regulation in the Code.

**Proposed Text Change** - The proposed amendment (see below) would limit the coverage of windows with temporary signs advertising milk, coffee, cigarettes, drinks, etc. to no more than 25% of the total surface area of the storefront window. The amendment has been proposed due to public health and safety concerns. Some store windows have so many temporary signs that they pose a potential safety hazard for customers, employees, and emergency personnel. The size and amount of the temporary signs blocks visibility into the store from outside the store.

*Amending Text* - Section 17.32.040, Exempt Signs, by adding the following phrase to the end of subsection M:

M. Temporary merchandise displays and signs behind storefront windows which are not affixed permanently to the glass, nor intended for permanent display, and nonilluminated, provided that such temporary signs do not cover more than twenty-five percent (25%) of the total surface area of the storefront window.

**Analysis** - The Codes Department has indicated this amendment will not be easily enforceable. There are only 18 property standards inspectors for the entire county. With this modification, however, when a complaint is received, the inspectors will be able to visit the property, evaluate whether a violation has occurred, and inform the store owner of the situation.

**Staff Recommendation** - Approve. This amendment, while not easily enforceable, provides a way to minimize storefront temporary signs, when a complaint is received.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2005-078**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-020T is **APPROVED. (9-0)**”

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6. **2005Z-021U-05**  
 Map 083-13, Parcels 40, 41, 42, 43  
 Subarea 5 (1994)  
 District 6 (Jameson)

A request to change from R6 to RM15 district properties located at 1111, 1115, 1117 Fatherland and Fatherland (unnumbered), located on the north margin of Fatherland Street, approximately 275 feet east of South 11th Street (0.80 acres), requested by Richard McCoy, architect, for Martin Corner G.P., owner.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 0.80 acres from residential (R6) to residential multi-family (RM15) district properties at 1111, 1115, 1117 Fatherland and Fatherland Street (unnumbered).

**Existing Zoning**

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. This zoning would allow for approximately 6 dwelling units.

**Proposed Zoning**

RM15 district - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. This zoning would allow for approximately 12 dwelling units.

**SUBAREA 5 PLAN POLICY**

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

**Policy Conflict** - The proposed RM15 zoning district is consistent with the surrounding zoning pattern in the area. The RM15 zoning district exceeds the RM policy density range of four to nine units per acre, but is consistent with the density of the OR20 zoning districts in the area that allow for 20 units per acre. Also, in recently updated plans, higher density residential is more appropriate near a neighborhood commercial center than single-family residential development.

**RECENT REZONINGS** - None.

**METRO PUBLIC WORKS' RECOMMENDATION**

**TRAFFIC** - No Exception Taken.

**Typical Uses in Existing Zoning District: R6**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.80	6.18	5	66	13	8

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

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Res. Condo/townhome (230)	0.80	15	12	106	10	11
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**Change in Traffic Between Typical Uses in Existing and Proposed Zoning District**

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--		+7	40	-13	3

**METRO SCHOOL BOARD REPORT**

Projected student generation      2 Elementary    1 Middle      1 High

**Schools Over/Under Capacity** - Students would attend Warner Elementary School, Bailey Middle School, or Stratford High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2005-079**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-021U-05 is **APPROVED. (9-0)**

**While the proposed RM15 district exceeds the density called for by the Residential Medium (RM) policy of Subarea 5 (4-9 units/acre), it is consistent with the surrounding zoning in the area, which includes OR20 districts (20 units/acre). In addition, it is consistent with recently updated plans, which call for higher density residential in the proximity of a Neighborhood Commercial center.”**

7.     **2005Z-023U-10**  
    Maps Various    Parcels Various  
    Subarea 10 (1994)  
    District 18 (Hausser)

A request to apply the Neighborhood Conservation Overlay district to various properties located between Ferguson Avenue and Magnolia Boulevard in the Belmont-Hillsboro area, (175.86 acres), requested by Metro Historical Commission for various property owners.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - Apply the Neighborhood Conservation Overlay District (NCOD) to 175.86 acres on various properties in the Belmont-Hillsboro area.

**Existing Zoning**

R8 district - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

RM20 district - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

RM40 district - RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

OR20 district - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

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

**SUBAREA 10 PLAN POLICY**

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

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

**Policy Conflict** - The Neighborhood Conservation (NC) Overlay District is consistent with the policy in this area. The Subarea 10 plan recommends "...pursuing the feasibility of a conservation or historic zoning overlay" (p. 50) for this area. The NC district restrictions in the Zoning Code state that, "no structure shall be constructed, relocated, demolished in part or whole, increased in habitable area, or changed in height" (Section 17.36.110, Zoning Ordinance) unless approved by the Metro Historical Commission. The Metro Historic Zoning Commission approved and adopted guidelines for this area at their meeting on February 16, 2005.

**RECENT REZONINGS** - None.

**TRAFFIC** - No Exception Taken.

**Typical Uses in Existing Zoning District: Various**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	175.86	4.59	808	7108	575	703

**Typical Uses in Proposed Zoning District: Various**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	175.86	4.59	808	7108	575	703

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Ms. Harris presented and stated that staff is recommending approval.

Mr. Gene DeSelle, 2007 Linden Avenue, spoke in support of the proposal.

Mr. Keith Durbin, 1704 Sweetbriar Avenue, spoke in support of the conservation overlay.

Ms. Larissa Lentile, 1504 Ferguson Avenue, spoke in support of the proposal.

Mr. Ed Brown, 1703 Primrose Avenue, spoke in opposition to the proposal.

Mr. David Yates, 1811 Beechwood Avenue, spoke in opposition to the proposal.

Mr. Chuck Gannaway, 1502 Beechwood Avenue, spoke in favor of the proposal.

Mr. Phil Walker, 2408 Belmont Blvd., spoke in favor of the proposal.

Mr. Joseph Johnston, 2815 Belmont Blvd., spoke in opposition to the proposal.

Mr. Ben Burns, 2709 Tines Blvd., spoke in opposition to the proposal and requested deferral.

Ms. Suzanna Lonce, 1517 Ferguson Avenue, spoke in opposition to the overlay.

Mr. Steven Hurd, 1913 Sweetbriar Avenue, spoke in opposition to the overlay.

Mr. Ross Pepper, 2000 19<sup>th</sup> Avenue South, spoke in support of the overlay.

Ms. Melinda Newpher, 2007 19<sup>th</sup> Avenue South, spoke in support of the proposal.

Mr. Gary Byrum, 1704 Sweetbriar Avenue, spoke in support of the conservation overlay.

Ms. Diana Thompson, 2504 Belmont Blvd., spoke in support of the conservation overlay.

Ms. Diane Brown, 1703 Primrose, requested deferral of the overlay to allow additional review time.

Mr. Brian Sealy, 1916 Blair, spoke in support of proposal.

Ms. Lisa Mistrom, 1511 Paris Avenue, spoke in support of the conservation overlay.

Ms. Tracy Patterson, 2305 Belmont Blvd., spoke in support of the conservation overlay.

Mr. Wayne Morris, 1603 Linden Avenue, spoke in support of the conservation overlay.

Councilmember Hausser spoke in support of the conservation overlay. She stated that due to the educational processes and the democratic processes involving the Belmont-Hillsboro Neighborhoods, she is comfortable with moving forward on this proposal. Councilmember Hausser also stated that there will be a 30 day review process of the guidelines associated with the overlay. She pledged that she would not move forward with this legislation on third hearing by Council until this 30 day review process has been completed.

Mr. McLean spoke in support of historic overlays. He mentioned several areas where the overlay was put in place and have been quite successful. He acknowledged several issues mentioned by constituents regarding property rights. He explained that current zoning would be unaffected by the overlay which would assist in preserving the neighborhood as it currently exists. He stated he was in favor of approving the proposal.

Mr. Lawson requested that staff clarify the issue of replacement of buildings and its association with conservation overlays.

Ms. Hammond explained that if less than 50 percent of a building, included in the overlay, was destroyed, it can be reconstructed to its original structure, and if more than 50 percent of the building was destroyed, then it must be reconstructed under the current zoning regulations.

Mr. Tyler questioned the size of this historic overlay and whether it was comparable with other overlays that the Commission has reviewed in the past. He also questioned how the overlay lineation was determined.

Ms. Harris stated that the overlay was approximately 180 acres and was comparable with other overlays reviewed by the Commission. She also stated that the neighborhood, along with the Historic Commission, determined the size of the overlay.

Mr. Ponder questioned whether the Commission could place an effective date on the overlay to allow additional time for the 30 day review process of the guidelines, as well as allow time for an additional educational period for the area residents, and to make any changes before the overlay goes into effect.

Mr. Lawson explained that a Council Bill has been filed and is scheduled for the March Public Hearing.

Councilmember Hausser stated that she will not move the legislation on this proposal until the 30 day comment period on the overlay guidelines has been completed. She also commented on the issue of area residents wanting to make changes before the overlay is put in place. She stated that the Codes department will not issue any permits due to the pending legislation for this area. Councilmember Hausser stated that she has encouraged those residents who are considering changes to meet directly with the Historic Commission with their intentions.

Mr. Small questioned Councilmember Hausser on the number of favorable responses she had received regarding the overlay, as well as the number of properties involved.

Councilmember Hausser stated that of the 67 percent of responses received, 85 percent of the responses were favorable. She also stated that there were 803 properties involved in the overlay.

Ms. Jones spoke favorably on conservation overlays and their positive results on various neighborhoods. She did however, express concern on the issue of placing a moratorium on residential permits for the area.

Mr. Loring spoke in support of the conservation overlay and the area's historic value.

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the Zone Change 2005Z-023U-10. **(8-0)**

**Resolution No. RS2005-080**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-023U-10 is **APPROVED. (8-0)**

**The proposed Neighborhood Conservation (NC) Overlay district is consistent with the Subarea 10 Plan’s Residential Low Medium and Residential Medium policies, intended for residential development at 2-4 units per acre, and 4-9 units per acre, respectively. The Subarea 10 plan recommends conservation or historic zoning overlay districts for the area.”**

8. **2005Z-026G-04**  
Map 051-06, Parcel 032  
Subarea 4 (1998)  
District 4 (Craddock)

A request to change from OR20 to MUL district property located at 1202 South Graycroft Avenue, located on the east margin of Briarville Road and the west margin of South Graycroft Avenue (0.88 acres), requested by Catherine A. and Marion J. Hoormann.

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST -** Rezone 0.88 acres from office/residential (OR20) to mixed use limited (MUL) district property located at 1202 South Graycroft Avenue, on the east side of Briarville Road.

**Existing Zoning**

OR20 district - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

**Proposed Zoning**

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

**SUBAREA 4 PLAN POLICY**

Office Concentration (OC) - The OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

**Policy Conflict -** Yes. The proposed MUL district is not consistent with the OC policy intended for predominantly office uses. It would allow for other uses such as retail, restaurant and higher density residential uses that are not consistent with the surrounding development pattern. Along this street are single-family homes that have converted to office uses. Rezoning this property to MUL zoning may set a precedent along Graycroft Avenue. If a bill is filed in the Council to rezone this property to MUL, the Council should also consider applying a PUD overlay to limit the uses allowed on the property.

**RECENT REZONINGS -** None.

**METRO PUBLIC WORKS’ RECOMMENDATION**

**TRAFFIC-A** Traffic Impact Study may be required at development. The dedication and/or reservation of right-of-way shall be designated on the development plan per the major street plan.

**Typical Uses in Existing Zoning District: OR20**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.88	0.184	7,053	173	23	87

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station with Conv. Market (945)	0.88	0.060	2,300	-	179	222

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.88		-4,753	N/A	156	135

**Maximum Uses in Existing Zoning District: OR20**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	0.88	0.80	30,666	-	659	1289

**Maximum Uses in Proposed Zoning District: MUL**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station With Conv. Market (945)	0.88	1.0	38,333	-	2978	3695

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.88				2319	2406

**METRO SCHOOL BOARD REPORT**

Projected student generation      9 Elementary    6 Middle      4 High

**Schools Over/Under Capacity** - Students would attend Chadwell Elementary School, Gra-Mar Middle School, or Maplewood High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.

Ms. Harris presented and stated that staff is recommending disapproval.

Mr. McLean moved and Mr. Small seconded the motion, which passed unanimously, to disapprove Zone Change 2005Z-026G-04. **(8-0)**

**Resolution No. RS2005-081**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-026G-04 is **DISAPPROVED**. **(8-0)**”

**The proposed Mixed Use Limited (MUL) district is not consistent with the Subarea 4 Plan’s Office Concentration (OC) policy, intended for existing and future office development, commercial uses that support it, and high density residential development. MUL would allow retail and residential uses not consistent with this OC policy or the surrounding development pattern. If a bill is filed to rezone this property to MUL, a PUD overlay should be considered to limit the allowable uses on this property.”**

9. **2005Z-028U-10**  
Map 117-13, Parcels 001-029, 031-060  
Map 131-01, Parcel 001-004  
Subarea 10 (1994)  
District 34 (Williams)

A request to change from R20 to RS20 district properties located at various parcels on Skyline Drive, Boview Lane and Vailwood Drive (31.42 acres), requested by Lynn Williams, Councilmember, for various owners.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 31.42 acres from residential single and two-family (R20) to residential single-family (RS20) district located at various parcels on Skyline Drive, Boview Lane and Vailwood Drive.

**Existing Zoning**

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

**Proposed Zoning**

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

**SUBAREA 10 PLAN**

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

**Policy Conflict** - No. The RS20 zoning district is consistent with the RL policy of one to two dwelling units per acre. This area is located within area 3C of the current Subarea 10 Plan. “An important goal of [the Subarea 10] plan is that infill development and subdivisions should be compatible with the density and character of existing development.” (Page 49) The Plan states that in some areas of Green Hills, infill developments “have not matched the existing character of established neighborhoods. . . . The intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas.” (Page 49)

The Planning Department generally does not support mass rezoning of areas to eliminate the possibility of two-family homes. While mindful of residents’ concerns, it is crucial to keep two-family structures in Nashville/Davidson County’s housing mix as a viable housing option for individuals and families desiring this housing form due to location, cost, convenience, and need. The request to rezone this area from R to RS, however, is supported by specific language in the current Subarea 10 Plan.



The Green Hills-Midtown Community (Subarea 10) Plan Update is currently underway and the draft plan envisions this area remaining RL policy.

There are 58 lots included in request.

**RECENT REZONINGS** - None.

**TRAFFIC** - No exceptions taken

**Typical Uses in Existing Zoning District: R20**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	31.42	1.85	58	630	50	66

**Typical Uses in Proposed Zoning District: RS20**

Land Use (ITE Code)	Acres	FAR	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	31.42	1.85	58	630	50	66

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

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

**METRO SCHOOL BOARD REPORT**

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

Approved with conditions (9-0), *Consent Agenda*

**Resolution No. RS2005-082**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-028U-10 is **APPROVED. (9-0)**

**The proposed RS20 district is consistent with the Subarea 10 Plan’s Residential Low (RL) policy, intended for the conservation of existing low density single family development (1-2 units per acre). While the Planning Department does not usually approve mass rezoning of areas to eliminate the possibility of two-family homes, in this case it is consistent with the goals of area 3C of the subarea plan, which include that infill development and resubdivisions be compatible with the density and character of existing surrounding areas.”**

10. **2005NL-001G-10**  
 Map118-09, Parcel 015  
 Subarea 10 (1994)  
 District 25 (Shulman)

A request to apply a Neighborhood Landmark Overlay to an R10 district property located at 1100 Clifton Lane, approximately 700 feet east of Granny White Pike (0.72 acres), requested by Catherine Snow and Douglas Knight, owners.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST** - Apply the Neighborhood Landmark Overlay District (NLOD) to 0.72 acres of property at 1100 Clifton Lane.

**Existing Zoning**

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

**Proposed Zoning**

Neighborhood Landmark Overlay District (NLOD) - The NLOD district is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood in which the feature is located. Creating the NLOD is the first step in a two-step process. If the Metro Council approves the NLOD district, the Planning Commission subsequently must approve a Neighborhood Landmark

Development plan. The site plan will address site design, specific uses, building scale, landscaping, massing issues, parking lot access, and lighting.

Under the 17.36.420 of the Zoning Code, a neighborhood landmark is defined as a feature that “has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood.” To be eligible for application of the Neighborhood Landmark Overlay District, a property must meet one or more of the criteria set out in 17.36.420, which are:

1. It is recognized as a significant element in the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community.
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;
4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;
5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;
6. Retaining the feature will help to reinforce the neighborhood and/or community’s traditional and unique character.

**CRITERIA FOR CONSIDERATION** - The home at 1100 Clifton Lane would also have to meet the 6 criteria for consideration outlined in Section 17.40.160 of the Zoning Code:

1. The feature is a critical component of the neighborhood context and structure.
2. Retention of the feature is necessary to preserve and enhance the character of the neighborhood.
3. The only reason to consider the application of the NLOD is to protect and preserve the identified feature.
4. There is acknowledgement on the part of the property owner that absent the retention of the feature, the

base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the NLOD designation and return the district to the base zoning district prior to the application of the district.

5. It is in the community’s and neighborhood’s best interest to allow the consideration of an appropriate NLOD Plan as a means of preserving the designated feature.
6. All other provisions of this section have been followed.

**SUBAREA 10 PLAN POLICY**

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

**Policy Conflict** - Applying the NLOD is consistent with the RLM policy in that it allows an existing building to be preserved to maintain the fabric of the neighborhood. Actual uses for the property are not considered or approved until after the Metro Council establishes the overlay.

**RECENT REZONINGS** - No

**TRAFFIC**- No Exception Taken

**Typical Uses in Existing Zoning District: R10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached ( 210 )	0.72	3.7	3	42	12	5

**Typical Uses in Proposed Zoning District: Neighborhood Landmark\***

Land Use (ITE Code)	Acres	FAR	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
N/A	0.72	N/A	N/A			

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

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

\*Trip analysis can not be conducted until the final site plan is submitted.

**STAFF FINDINGS**

**Community Involvement** The applicant has obtained signatures from 10 of the immediately surrounding homeowners in support of the request.

**Extent of Staff Review** - No specific plan is required to be prepared until after Metropolitan Council has adopted the overlay district. Staff review has been limited to determining eligibility for the overlay district and ensuring that the criteria for Planning Commission approval have been met.

The structure at 1100 Clifton Lane is a Queen Anne style home that was built in the late 19<sup>th</sup> century. It was the first house added to the original Noel plantation, and was reportedly constructed by a New Orleans banker as a summer home. There is an original carriage house at the rear of the property that is being proposed by the applicant to allow overnight accommodations for guests, as well as special events such as receptions.

The structure has been threatened by the introduction of duplex infill, on both ends of the block, which is largely rental in nature. This structure sits in the mid-point of the block, halfway between Granny White Pike and Lealand Lane. It is also the center of the surviving single-family fabric of the street.

The application of the NLOD designation would allow the property owner to continue the restoration effort and assure the community that the structure will not be compromised. It will be strengthened as an anchor of the remaining traditional neighborhood fabric.

Because the structure is located in a mid-block section of a residential street, staff does not feel that a typical commercial use of the property is likely, but a bed and breakfast type use is a valid option. *Therefore, staff recommends placing a limitation on the uses that can be approved at the final site plan to include only uses associated with bed and breakfast, special events and residential.*

Approved (9-0), *Consent Agenda*

**Resolution No. RS2005-083**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005NL-001G-10 is **APPROVED. (9-0)**

**The proposed Neighborhood Landmark Overlay district (NLOD) is intended to preserve and protect landmark features of historical, cultural, architectural, civic, neighborhood, or archeological value within an area, whose loss would irreplaceably damage the neighborhood’s quality and character. The NLOD district is consistent with the Subarea 10 Plan’s Residential Low Medium Policy for the area, in that it allows an existing building to be preserved to maintain the fabric of the neighborhood.”**

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**IX. PRELIMINARY SUBDIVISION PLATS**

11. **2005S-034U-10**  
Richland Woods  
Map 159, Parcels 054, 126, 127  
Subarea 10 1994  
District 34 (Williams)

A request for preliminary plat approval to create 12 lots abutting the east margin of Granny White Pike, approximately 1,000 feet south of Radnor Glen Drive (12.66 acres), classified within the R40 District, requested by John C. Farren, owner, Clifton & Kingille, surveyor.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST**

**Preliminary Plat** -A request for approval of a cluster lot development to create 12 lots on 12.66 acres abutting the east side of Granny White Pike, approximately 1,000 feet south of Radnor Glen Drive.

**ZONING**

R40 District - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

**SUBDIVISION DETAILS**

The Cluster Lot Option is being used in order to address the topographic constraints of the site. The applicant has elected to reduce the lot sizes to 30,000 square feet (one zone district), with the smallest lot being 30,085 square feet, and the largest being 48,052 square feet. Access to the site is provided by a cul-de-sac of less than 750 in length, with a street grade of less than 12 percent slope. The remainder of parcel 127 consists of 6.04 acres and is

part of a large contiguous slope of 25 percent or greater, which is not included in this plat.

The double frontage lots along Granny White will be buffered with a 20 foot Landscape Buffer Yard, as is required under the Cluster Lot provisions of the Zoning Code. The applicant has included an additional 40 foot natural vegetation easement in order to further buffer the development. An additional easement has been provided to the south of the development to allow access to an existing cemetery. To promote future connectivity, a stub street has been provided to the south of the development.

All streets are exempt from the sidewalk requirements for two reasons: 1) The subdivision occurs outside of the Urban Services District where the Sidewalk Priority Index score is less than twenty, 2) the subdivision is infill development with a dead end street less than 750 feet in length.

#### **PUBLIC WORKS RECOMMENDATION**

1. Approvals are subject to Public Works' review and approval of construction plans.
2. Show and dimension ROW along Granny White Pike, consistent with the approved major street plan (U2 - 60' ROW). Dedicate 30' minimum ROW from centerline to property boundary.
3. Show name and classification of proposed street off Richland Woods Lane. Show and dimension ROW and edge of pavement.
4. Existing driveway curb cut at Granny White Pike to be abandoned and closed.

#### **CONDITIONS**

1. Show and dimension ROW along Granny White Pike, consistent with the approved major street plan (U2 - 60' ROW). Dedicate 30' minimum ROW from centerline to property boundary.
2. Show name and classification of proposed street off Richland Woods Lane. Show and dimension ROW and edge of pavement.
3. Existing driveway curb cut at Granny White Pike to be abandoned and closed.

Mr. Morgan presented and stated that is recommending approval with conditions.

Mr. Chris Farren, 1221 McGrace Lane, spoke in support of the proposal.

Mr. Larry Garrett, 5466 Granny White Pike, spoke in opposition to the proposal.

Mr. Eddie Arnold, 5570 Granny White Pike, spoke in support of the proposal.

Mr. Jeff Heines, Little Johns Engineering, spoke in support of the proposal.

Mr. Tommy Drake, 5468 Granny White Pike, spoke in opposition to the proposal.

Mr. Bill Frasch, 5032 High Valley Drive, distributed pictures to the Commission and expressed concerns regarding the development.

Mr. Charles Evers, Mayor of Forest Hills, spoke in opposition to the proposal.

Ms. Patty Zornick, 412 Oakley Hill, spoke in opposition to the proposal.

Mr. Charles Kimball, 1249 East Hickory Springs Court, spoke in opposition to the proposal.

Ms. Kay Reynolds, 6640 Elsmeer Road, spoke in support of the proposal.

Ms. Linda Owens, 5424 Overton Road, spoke in support of the proposal.

Mr. Small requested clarification on the six acre easement north of the property and its involvement in this subdivision request.

Mr. Morgan stated that the six acre tract was not part of the subdivision.

Mr. Small stated that this proposal is appropriate for the area. He acknowledged the drainage issue mentioned by the residents. He suggested that the Commission approve the preliminary plans with the condition that the final subdivision proposal be brought back before the Commission for final approval. This will allow the Commission to review the drainage issues mentioned in the proposal.

There was a brief discussion regarding the City of Forest Hills and their participation in the proposed development.

Mr. Small requested additional information on the six acre tract that was not included in the subdivision.

Mr. Loring suggested that the Commission defer the proposal to allow additional time for the developer and property owners to continue their discussions and inquiries.

Mr. Lawson stated that with Mr. Small's motion to approve preliminary, with the condition that the Commission review the final application before approving, would act as the same as a deferment.

Mr. McLean requested further clarification on the proposed lot sizes. He also suggested that the soil type be reviewed and added as a condition to the motion.

Mr. Ponder requested further clarification on the Planning Department's notification procedures.

Mr. Small moved, and Mr. Ponder seconded the motion, which passed unanimously, to approve Subdivision 2005S-034G-10 with the condition that the final subdivision proposal be presented before the Commission for final approval which would eliminate administrative approval, and that no grading permits be issued before final approval, and that the developer work with Public Works as well as Stormwater Management, to address the issues regarding drainage and soil types. (8-0)

#### **Resolution No. RS2005-084**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-034U-10 is APPROVED WITH CONDITIONS, including that the applicant coordinate with Metro Stormwater and Public Works Departments, that the final plat be approved by the Planning Commission, that no grading be permitted prior to final plat approval, and that final plat must be approved by the Planning Commission, not administratively by staff. (8-0)**

#### **Conditions of Approval:**

1. Approvals are subject to Public Works' review and approval of construction plans.

2. Show and dimension ROW along Granny White Pike, consistent with the approved major street plan (U2 - 60' ROW). Dedicate 30' minimum ROW from centerline to property boundary.
3. Show name and classification of proposed street off Richland Woods Lane. Show and dimension ROW and edge of pavement.
4. Existing driveway curb cut at Granny White Pike to be abandoned and closed.
5. Show and dimension ROW along Granny White Pike, consistent with the approved major street plan (U2 - 60' ROW). Dedicate 30' minimum ROW from centerline to property boundary.
6. Show name and classification of proposed street off Richland Woods Lane. Show and dimension ROW and edge of pavement.
7. Existing driveway curb cut at Granny White Pike to be abandoned and closed.”

**12. 2005S-050G-12**  
 Brentwood Knoll  
 Map172, Parcel 172  
 Subarea 12 (2004)  
 District 31 (Toler)

A request for preliminary plat approval for 15 lots abutting the southeast corner of Mt. Pisgah Road and Bryce Road (5.0 acres), classified within the RS10 District, requested by Dean Baxter & Mark Sarmadi, owners, Roger Harrah, surveyor.

**Staff Recommendation** - *Approve with conditions and a variance for street offset distance.*

**APPLICANT REQUEST -Preliminary Plat**

Subdivide 5.0 acres into 15 lots at the southeast corner of Mt. Pisgah Road and Bryce Road.

**ZONING**

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

This property was recently rezoned by the Metro Council from R20 to RS10 (BL2004-474) in January 2005. The Commission recommended conditional approval in October 2004.

**SUBDIVISION DETAILS** - The plan proposes 15 single-family lots ranging in size from 10,000 square feet to 16,000 square feet. The access is proposed from Bryce Road on a cul-de-sac less than 750 feet in length.

**Sidewalks** - Sidewalks are required and proposed along the new street (Brentwood Knoll Court). This would not be considered infill development since the development pattern is emerging and not established in this area. Sidewalks are not required along the lots with frontage on Bryce Road because it is outside of the General Services District and has a Sidewalk Priority Index score less than 20.

**Coordinated Access** - The Commission recommended conditional approval with the zone change that “with the submittal of any preliminary or final plat on this property, coordinated access may be required to be provided between various parcels shown on an overall development plan for the area prior to development.”

A cul-de-sac is proposed since there is a cemetery adjacent to the north, and existing residential developments are adjacent to the south and west. Staff supports the cul-de-sac because the existing conditions prevent street connectivity to the adjacent property.

Variance (Section 2-6.2.1 H) - The Subdivision Regulations require a minimum offset of 150 feet for T-Type intersections along local roads. The plat proposes an offset of approximately 100 feet between the proposed road and Campa Circle. Staff recommends approval since Campa Circle is a small cul-de-sac with only 5 lots. The proposed plat is preserving the existing home on the property, which limits the placement opportunities for a new road.

**METRO PUBLIC WORKS' RECOMMENDATION**

**TRAFFIC:**

1. Approvals are subject to Public Works review and approval of construction plans.
2. Show sidewalks in accordance with the Subdivision Regulations of the Metropolitan Planning Commission, Latest Revision, as required by Planning.
3. At circular turnaround, show and dimension ROW to accommodate curb and gutter, 4' grass area/furnishing zone, and 5' sidewalk per Metro ST-210.
4. Show adequate ROW at southeast corner at Brentwood Knoll Court / Bryce Road intersection to facilitate full turnout of sidewalk on Bryce Road.
5. Brentwood Knoll Court ROW radius of return encroaches on adjacent lot.
6. Show Brentwood Knoll Court street section per Metro ST-251.
7. Dedicate ROW along Mt. Pisgah Road (50' ROW - 25' from centerline).

**CONDITIONS**

1. Approvals are subject to Public Works review and approval of construction plans.
2. Revised plans are to be submitted prior to or in conjunction with the final plat showing:
  - a. Note #3 shall be corrected to community number to 470040 instead of 470040C;
  - b. The stormwater detention area outside of Lot No. 4.

Approved with conditions including a variance for street offset distance (9-0), *Consent Agenda*

**Resolution No. RS2005-085**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-050G-12 is **APPROVED WITH CONDITIONS, including a variance for street offset distance. (9-0)**

**Conditions of Approval:**

1. Approvals are subject to Public Works review and approval of construction plans.
2. Show sidewalks in accordance with the Subdivision Regulations of the Metropolitan Planning Commission, Latest Revision, as required by Planning.
3. At circular turnaround, show and dimension ROW to accommodate curb and gutter, 4' grass area/furnishing zone, and 5' sidewalk per Metro ST-210.
4. Show adequate ROW at southeast corner at Brentwood Knoll Court / Bryce Road intersection to facilitate full turnout of sidewalk on Bryce Road.
5. Brentwood Knoll Court ROW radius of return encroaches on adjacent lot.
6. Show Brentwood Knoll Court street section per Metro ST-251.
7. Dedicate ROW along Mt. Pisgah Road (50' ROW - 25' from centerline).



8. Approvals are subject to Public Works review and approval of construction plans.
9. Revised plans are to be submitted prior to or in conjunction with the final plat showing:
  - Note #3 shall be corrected to community number to 470040 instead of 470040C;
  - The stormwater detention area outside of Lot No. 4.”

## X. **FINAL PLATS**

13. **2005S-046G-06**  
 Williams Hicks Subdivision  
 Map142, Parcels 106, 107  
 Subarea 6 (2003)  
 District 35 (Tygard)

A request for final plat approval to create 3 lots abutting the south margin of Highway 70 South, approximately 850 feet east of Old Hickory Boulevard, (15.29 acres), classified within the R15 District, requested by Bess O. Hicks, owner, Weatherford & Associates, surveyor.

**Staff Recommendation** - *Approve with conditions*

### **APPLICANT REQUEST**

**Final Plat** - This request is to create 3 lots on 15.29 acres, with variances for 2 times the base zoning , a flag lot, and a variance for Lot 1 to exceed the 4:1 ratio, located abutting the south margin of Highway 70 South.

### **ZONING**

R15 district - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

### **BELLEVUE COMMUNITY PLAN POLICY - Retail Concentration**

Retail Concentration Community - RCC policy is intended to accommodate concentrations of community scale retail. Community scale retail includes many forms of retail activity, including most types of retail shops, restaurants, entertainment, and consumer services but at a scale smaller than that of a regional mall.

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

**SUBDIVISION DETAILS** -This subdivision proposes 3 lots. There is an existing house to remain for the near future on lot 1 (the rear lot). The property owner is proceeding with subdivision as this time for estate planning purposes and does not wish to develop at this time.

Staff recommends approval of the requested variances for exceeding the base zoning, the flag lot and for the depth to width ratio exceeding 4:1 on Lot 1. Although the property currently is zoned R15, these lots are expected to redevelop in the future for commercial uses on the front of the property and more intensive residential uses to the rear. The subdivision is being set up so that it could easily transition to a more intensive zoning district, or develop at the current R15 district.

### **PUBLIC WORKS' RECOMMENDATION**

**Traffic** – No Exceptions Taken

Technical Review – Show and dimension right-of-way along US Highway 70 South at property corners, in accordance with the major street plan.

### **CONDITIONS**

The following revisions are required prior to the recording of the final plat:

1. Approval shall be obtained from Harpeth Valley and a bond shall be posted for the proposed public water and sewer extensions.
2. Show a joint access easement through lot 1 for lots 2 and 3 to gain access to Highway 70 South. Add a note to the plat that this will be the only access from the subdivision to Highway 70 South.
3. Comply with Public Works Recommendation listed above.
4. Mark Lot 1 as a critical lot requiring site plan review, for areas of steep slope, prior to the issuance of a building permit.

Approved with conditions for 2 times the base zoning, a flag lot, and variance for the 4:1 ratio (9-0), **Consent Agenda**

**Resolution No. RS2005-086**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-046G-06 is **APPROVED WITH CONDITIONS, for 2 times the base zoning, a flag lot, and variance for the 4:1 ratio. (9-0)**

**Conditions of Approval:**

1. Approval shall be obtained from Harpeth Valley and a bond shall be posted for the proposed public water and sewer extensions.
2. Show a joint access easement through lot 1 for lots 2 and 3 to gain access to Highway 70 South. Add a note to the plat that this will be the only access from the subdivision to Highway 70 South.
3. Comply with Public Works Recommendation listed above.
4. Mark Lot 1 as a critical lot requiring site plan review, for areas of steep slope, prior to the issuance of a building permit.”

- 14. 2005S-039U-07**  
 West End Annex, Resubdivision Of Lot 90  
 Map103-04, Parcel 185  
 Subarea 7 (2000)  
 District 24 (Summers)

A request for final plat approval to create 2 lots abutting the south margin of Utah Avenue, approximately 300 feet east of 44th Avenue North, (0.36 acres), classified within the RS7.5 district, requested by Charlotte A. Donahey, owner, Volunteer Surveying, surveyor.

**Staff Recommendation** - *Approve subdivision, but disapprove sidewalk variance*

**APPLICANT REQUEST**

**Final Plat** - A request for final plat approval to create 2 lots abutting the south margin of Utah Avenue, approximately 300 feet east of 44th Avenue North, with a variance request for construction of sidewalks (0.36 acres).

**ZONING**

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

**SUBDIVISION DETAILS**

*Lot comparability* - Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. A lot

comparability waiver can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and size) if the new lots would be consistent with the General Plan. The Planning Commission does not have to grant the waiver if they do not feel it is appropriate.

A lot comparability test was conducted that excluded various lots on the block, including duplex lots and lots smaller than required by zoning. Those lots are required by Section 2-4.7 to be excluded from the comparability analysis. The comparability analysis yielded a minimum lot size of **9,393** square feet and minimum allowable lot frontage of **66.98** feet. Neither proposed lot meets the requirements for lot frontage or area. Lot 1 is proposed for 8,021 square feet with 47.62 feet of frontage, and Lot 2 is proposed for 7,882 square feet with 50.0 feet of frontage.

*Waiver to lot comparability* - Staff recommends approval of a lot comparability waiver because the size of the lots are consistent with what is called for by the land use policy. The Residential Medium land use policy in this area is intended for residential development at a density of 4 to 9 dwelling units per acre. This subdivision is consistent with the policy because the subdivision proposes 2 single family units on 0.36 acres, for a density of 5.5 units/acre.

Staff also recommends waiver of the comparability requirements because the proposed lots are, in fact, comparable to other lots in the area. The comparability analysis required in the Subdivision Regulations technically requires the exclusion of lots smaller than the zoning, and duplex/multifamily lots within 300 feet of a proposed subdivision. These proposed lots are located in a portion of Sylvan Park that was created by subdivision in 1908, prior to adoption of the zoning requirement regarding minimum lot sizes. Fourteen out of a total of 29 lots that would ordinarily be included in the comparability analysis are smaller than 7,500 square feet, so they were excluded from the above calculation (as indicated above).

The technical analysis in this particular setting does not appear to preserve the intent of the lot comparability requirements. Lot comparability analysis is intended to evaluate lots proposed for subdivision on the basis of whether or not the new lots are compatible with the established character of the block. For comparison purposes, staff also conducted a lot comparability analysis that **included** all duplex lots, and lots less than 7,500 square feet within 300 feet of the subdivision. In this second analysis, the proposed lots **passed** the test both for minimum frontage and square footage.

*Sidewalk requirement* - As this property falls within the Urban Services District, and this proposed subdivision will create a new development right on lot 2, a sidewalk is required along lot 2's frontage of Utah Avenue. At building permit stage, the applicant must be prepared to construct a sidewalk to Metro standard, or pay a financial contribution to the sidewalk network. The applicant has not demonstrated any physical or unique characteristics associated with the property, or shown any particular hardships beyond a mere inconvenience that would result from the requirement to construct a sidewalk. Staff recommendation is to deny the request for a variance from sidewalk construction.

## **PUBLIC WORKS RECOMMENDATIONS**

1. No Exception Taken.
2. Prior to recordation, the alley numbered 1192 must be labeled accordingly.

Mr. Pereira presented and stated that staff is recommending approval with disapproval of the sidewalk variance.

Ms. Charlotte Ayers, 3401 Utah, spoke in support of the proposal. She presented a letter of support to the Commissioners.

Mr. Paul Luehrsen, 4019 Nebraska Avenue, spoke in support of the proposal. He presented pictures to the Commission

Mr. Jason Holleman, 4509 Nebraska, spoke in opposition to the proposal.

Mr. Small spoke in opposition to the proposal. He spoke of frontages and lot comparability, as well as the view of the Councilmember for this district.

Mr. Loring also spoke in opposition to approving the proposal.

Mr. McLean moved and Ms. Jones seconded the motion to approve staff recommendation which is to approve the subdivision, but disapprove the sidewalk variance on Final Plat 2005S-039U-07. **(6-2) No Votes – Small, Loring**

**Resolution No. RS2005-087**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-039U-07 APPROVED the subdivision, but DISAPPROVED the sidewalk variance. (6-2)”**

**XI. OTHER BUSINESS**

15. Executive Director Reports

16. Legislative Update

**XII. ADJOURNMENT**

The meeting was adjourned at 7:40 p.m.



\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary