



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

August 25, 2005

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

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

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Director
Margaret Holleman, Legal Counsel
David Kleinfelter, Planning Manager II
Trish Brooks, Admin. Svcs. Officer 3
Bob Leeman, Planner III
Kathryn Fuller, Planner III
Adriane Harris, Planner II
Luis Pereira, Planner I
Jason Swaggart, Planner I
Jennifer Carlat, Communications
Ms. Jennifer Regen, Dev. Relations Mgr.

I. CALL TO ORDER

The meeting was called to order at 4:03 p.m.

II. ADOPTION OF AGENDA

Mr. Kleinfelter requested that Item #10 2005Z-119U-10 precede Item #9 2005Z-118U-10 on the agenda. He explained that staff has prepared a detailed analysis of the two family structure ordinance, which has been prepared to be presented with Item #10 2005Z-119U-10, and affects both proposals.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to adopt the Agenda as amended. **(9-0)**

III. APPROVAL OF AUGUST 11, 2005, MINUTES

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the minutes of August 11, 2005 as presented. **(9-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Gotto stated he would reserve his comments until after Item #3 2005S-222G-14 was presented to the Commission.

Councilmember Shulman spoke in favor of Item #9 2005Z-118U-10. He stated the zone change request originated from the majority of residents that live on Graybar who wish to down zone this area. He mentioned there was some opposition.

Councilmember Shulman also spoke in favor of Item #10 2005Z-119U-10. He explained that 90% of the residents were in favor of approving this zone change request, but that there was also some opposition.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- 4. 98S-351U-07 Jocelyn Hills - A request for final plat approval to create eight lots on the northwest side of Clearbrook Drive and the northeast side of Baskin Drive (20.44 acres), classified within the RS40 District – deferred indefinitely at the request of the applicant
- 6. 2005Z-099U-10 Request to change from R20 to RM9 district property located at 2201 Hobbs Road, 4207 and 4211 Stammer Place, 2200 Castleman Drive – deferred to September 8, 2005 at the request of the applicant
- 7. 2005P-019U-10 Stammer Parke - Request for preliminary approval of a Residential Planned Unit Development district located at 2201 Hobbs Road, 4207 and 4211 Stammer Place, and 2200 Castleman Drive – deferred to September 8, 2005 at the request of the applicant

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

**VI. PUBLIC HEARING: CONSENT AGENDA
PREVIOUSLY DEFERRED ITEMS**

- 5. 2005S-221G-13 Leslie Cappama Sub - Resubdivision Lot 1 & 2 -Request for final plat approval to create four lots on the northeast corner of Hamilton Church Road and Hobson Pike - Approve including a variance for lot size

FINAL PLATS

- 13. 2005S-233G-13 Lakewalk, Section 2 - Request for final plat approval to create a 36 cluster lot subdivision located on the east side of Hobson Pike, approximately 1,200 feet south of Hamilton Church Road - Approve w/conditions
- 14. 2005S-234G-13 Lakewalk, Section 3 - Request for final plat approval to create a 25 lot cluster subdivision located on the east side of Hobson Pike, approximately 1,200 feet south of Hamilton Church Road (7.98 acres), classified within the RS10 District, requested by Jack Williams Construction Company, Inc., owner/developer, MEC, Inc., surveyor. - Approve w/conditions
- 15. 2005S-236U-08 McGavock's Addition, Resubdivision of part of - Request for final plat approval to subdivide two lots into three lots located on the east side of 3rd Avenue North - Approve w/conditions

PLANNED UNIT DEVELOPMENTS

- 16. 89-87-P-03 Chateau Valley, Phase IV - A request for final approval for Phase Four of the Residential Planned Unit Development located abutting the east margin of Stokers Lane at the current terminus of Bordeaux Place - Approve w/ conditions
- 17. Set October 13, 2005 public hearing for Subdivision Regulation amendment to remove drive standards from critical lot guidelines.
- 18. Correction to the July 28, 2005 Commission meeting minutes. – Approve

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

VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

ZONING MAP AMENDMENTS

- 1. **2005Z-059G-12**
Map 174, Parcel 13, 126, 127, and part of 220
Subarea 12 (2004)
District 32 - Sam Coleman

A request change from AR2a to RS15 district property located at Pettus Road (unnumbered), Preston Road (unnumbered), Preston Road (unnumbered), and 5814 Pettus Road (26.34 acres), requested by Charlie B. Paul of C. Paul & Sons, Development Co., Inc., applicant for Glenda and Joseph Wiggins, Gene Tucker et ux, and Neal Hufford, owners.

Staff Recommendation - *Disapprove as premature due to existing infrastructure deficiencies as identified in the Southeast Community Plan.*

APPLICANT REQUEST - Rezone 26.34 acres from agricultural/residential (AR2a) to residential single-family (RS15) district at Preston Road (unnumbered), 5814 Pettus Road, and Pettus Road (unnumbered).

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. This zoning district would permit approximately 13 homes total on this site.

Proposed Zoning

RS15 district - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. The proposed zoning district would permit approximately 65 homes total on this site.

SOUTHEAST COMMUNITY PLAN

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.

Natural Conservation - NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Policy Conflict - The proposed RS15 district is consistent with the Southeast Community Plan's RLM policy intended for residential development at a density of two to four dwelling units per acre. There is a portion of property included in the NCO policy due to floodplain.

Infrastructure Deficiency Area - This property is located within an infrastructure deficiency area identified by the Planning Commission in the Southeast Community plan for transportation and schools. Planning Staff has established a "grid" that is used to determine whether a development proposal within the deficiency area should be approved. The grid considers both the condition of the existing roads in the area of the proposal and whether the proposal will add any connections required by the Community Plan that would relieve pressure from the existing road network.

The transportation infrastructure deficiency grid was applied and Pettus and Preston at this location scored a "4" on a scale from 1 to 8. The property is located on a "fair segment of a fair road" (Pettus) and would not provide any required street connections, as identified in the Community Plan.

A 4 on the transportation deficiency grid requires staff to recommend disapproval of the proposed development. It is generally recommended that a project receiving a score less than 6 points on the grid checklist should be disapproved due to roadway infrastructure inadequacy. If the existing deficient roads were brought to Metro standards, then it is likely that the score would be brought up to a 6 and this project could be recommended for approval.

There is an associated Planned Unit Development (PUD) that has been submitted and the traffic mitigations below have been proposed. These conditions do not address the existing infrastructure deficiency in the area, however.

1. Approvals are subject to Public Works' review and approval of construction plans.
2. Document adequate sight distance at project access. Site distance mitigation will be required prior to approval of construction plans.
3. On Preston Road, 320 feet minimum transition for left turn lane is required. Left turn lane encroaches on intersection.
4. On Preston Road, plans should indicate a minimum of 36 feet of pavement width to beginning of transition.
5. East bound entering lane on Preston Place requires smoother transition than shown on preliminary plat.
6. On Preston Place, show 180 feet minimum transition for left turn lane, as shown on plat.

7. In residential subdivisions, a 25' minimum radius of return at the intersecting streets right of way can be used.

These are listed with the staff report for the associated PUD as recommended conditions of approval if the PUD is approved by the Commission.

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. Because the school board has programmed for new schools in this area, staff does not recommend disapproval of the requested rezoning based on school deficiencies.

Staff Analysis (*Since 8/11/05 meeting*) - The Commission has recommended approval of zone change requests where some deficiencies in infrastructure existed in other areas of Metro. In those cases, the applicant may be called upon to address the deficiency through improving the roadway along their property, or other limited measures. This “infrastructure deficiency area” was adopted by the Commission in the Southeast Community plan specifically to address perceived serious deficiencies in the transportation network in this area. The checklist was created by staff as a mechanism to evaluate the existing road condition and to call attention to development proposals with infrastructure that does not meet the current Metro standards. Staff recommends disapproval since this area was specifically identified by the Commission as having inadequate existing infrastructure. Accordingly, this proposal is premature at this time.

RECENT REZONINGS Parcels to the south were rezoned from AR2a to RS10 in January 2005, by Metro Council. The Planning Commission recommended approval in October 2004.

PUBLIC WORKS’ RECOMMENDATION - No exception taken. Additional right-of-way dedication and/or reservation may be required along existing street(s) at development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	26.37	0.5	13	160	19	18

Typical Uses in Proposed Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	26.37	2.47	65	700	49	73

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
--			52	540	30	55

METRO SCHOOL BOARD REPORT

Projected student generation **11** Elementary **9** Middle **8** 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 overcrowded by the Metro School Board. There is capacity at another elementary and middle school within the cluster and capacity at another high school in an adjacent cluster (Glencliff). This information is based upon data from the school board last updated August 2, 2005.

[Note: Items #1 and #2 were discussed by The Metropolitan Planning Commission together. See Item #2 for actions and resolutions.]

- 2. **2005P-018G-12**
Preston Estates PUD
Map 174, Parcels 13, 126, 127, part of 220

A request for preliminary approval for a Planned Unit Development district located at 5814 Pettus Road, Pettus Road (unnumbered), and Preston Road (unnumbered), (26.34 acres), classified AR2a and proposed for RS15, to permit 39 residential lots, requested by Ingram Civil Engineering, engineer, Charlie Paul, applicant for Glenda and Joseph Wiggins, Gene Tucker et ux, and Neal Hufford, owners

Staff Recommendation - *Disapprove as premature due to existing infrastructure deficiencies as identified in the Southeast Community Plan.*

APPLICANT REQUEST

Preliminary PUD - Request for preliminary PUD approval to permit 39 single-family lots within a residential Planned Unit Development district on 26.34 acres, at 5814 Pettus Road, Pettus Road (unnumbered), and Preston Road (unnumbered).

ZONING & LAND USE POLICY

Existing Zoning - AR2a This request for preliminary PUD approval is associated with a zone change request to change from AR2a to RS15.

SOUTHEAST COMMUNITY PLAN POLICY

Residential Low Medium Land Use - The proposed RS15 zoning district is consistent with the RLM policy intended for residential development at a density of two to four dwelling units per acre.

PLAN DETAILS

Site Design - The plan proposes 39 single-family lots with lot sizes ranging from 15,000 square feet to 33,938 square feet.

Access - Access to the subdivision is proposed off of Preston Road with two lots fronting on Pettus Road and one fronting on Preston Road. As per the Subdivision Regulations, the lots on Pettus shall have shared driveways since it is a collector street. A stub street is not proposed to the south since that is the location for a new school in the Antioch Cluster. Stub streets are provided to the north and east, but the stub street to the north is not appropriate at the proposed location due to steep topography. A stub street would be more appropriate across from one of the other proposed streets to the south.

The applicant has indicated that the contour lines shown on the plan are inaccurate and revised plans will be submitted, prior to the Commission meeting, that show the updated contour lines. According to the applicant, contour information was not obtained outside the project's property lines, so the applicant's computer attempted to interpolate where the contours outside the project were located. Also according to the applicant, the contours on Metro's maps show about a 3-4% slope in that area, consistent with the slope on the applicant's property. The applicant contends that the 16% contours shown on the current plans are incorrect, and that the proposed stub street is appropriate where it is located on those plans. If revised plans are submitted with an appropriate slope for future connectivity, then staff will recommend that the stub street be approved in the currently proposed location.

Open Space-Bike/Walking Paths Open space is proposed at the intersection of Preston Road and the new road (Preston Place). This is not a cluster lot option subdivision, however.

A bike/walking path is proposed to the south that would connect to the future extension of the Mill Creek greenway plan. The plan proposes a Dedicated Conservation Greenway Public Access Trail Easement Area that should be labeled as 25' easement area.

Cul-de-Sacs - All the proposed cul-de-sacs are over the length of 150' and would require a landscape median within the 100' pavement area, as per Planning and Metro Fire requirements.

Stormwater-There is currently a 40-acre drainage area on the eastern boundary of the property that could possibly affect five to six of the proposed lots. The Stormwater Appeals Board recommended conditional approval of a variance on August 4, 2005, to allow development of these lots. A flood study for Turkey Creek will be required prior to Construction Drawing approval.

PUBLIC WORKS' RECOMMENDATION

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

2. Document adequate sight distance at project access. Site distance mitigation will be required prior to approval of construction plans.
3. On Preston Road, 320 feet minimum transition for left turn lane is required. Left turn lane encroaches on intersection.
4. On Preston Road, plans should indicate a minimum of 36 feet of pavement width to beginning of transition.
5. East bound entering lane on Preston Place requires smoother transition than shown on preliminary plat.
6. On Preston Place, show 180 feet minimum transition for left turn lane, as shown on plat.
7. In residential subdivisions, a 25' minimum radius of return at the intersecting streets right of way can be used.

CONDITIONS (If approved)

1. All Public Works recommendations listed above shall be required.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
3. Prior to third reading at Metro Council, revised plans are to be submitted that show:
 - a. The acreage of the Dedicated Conservation Greenway Public Access Trail Easement Area.
 - b. A shared access driveway for the proposed lots 1 and 2 on Pettus Road.
 - c. A landscaped median for all cul-de-sacs over 150' in length.
 - d. A 10' right-of-way dedication is required along property boundary on Pettus Road and an additional 7' right-of-way reservation.
 - e. Stub street to the north should be moved to the west to line up with one of the proposed cul-de-sacs.

Ms. Harris presented and stated that staff is recommending disapproval of Zone Change 2005Z-059G-12 and Planned Unit Development 2005P-018G-12 as they are premature due to existing infrastructure deficiencies as identified in the Southeast Community Plan.

Mr. Bubba Ingram, 5560 Franklin Pike Circle, spoke in favor of the proposal.

Ms. Cummings arrived at 4:20 p.m.

Mr. Steve Abernathy, 5929 Pettus Road, spoke in support of the proposal.

Ms. Mary Jane Hurt, 5570 Cane Ridge Road, spoke in support of the proposal.

Mr. John Sturdivant, 5955 Pettus Road, mentioned access issues associated with the proposal.

Mr. Ponder spoke favorably of the proposed development. However, he acknowledged that the infrastructure of the area would not support it.

Mr. Tyler requested additional information on the number of new subdivisions approved for Pettus Road.

Mr. Clifton offered that due to various reasons, some parts of Nashville can not be developed. He mentioned the development was good, but unfortunately, the infrastructure was not in place to support it.

Mr. McLean expressed issues with the lack of infrastructure located in this area and suggested finding alternative options that were available to the applicant.

Ms. Nielson mentioned that the school infrastructure is also lacking for this area. She offered that this area is currently not ready for this type of development.

Mr. Small acknowledged the lack of infrastructure for this area and suggested the Commission follow the principles they have developed in determining approvals for subdivisions.

Ms. Jones spoke on how areas can be construed as low priority which will prohibit infrastructure improvements.

Mr. Loring spoke in support of the development and stated that the number of homes included in the development should not noticeably increase the traffic in this particular area.

Mr. Clifton moved and Mr. Small seconded the motion, to disapprove Zone Change 2005Z-059G-12 and Planned Unit Development 2005P-018G-12. **(9-1) No Vote – Loring**

A brief discussion ensued on the proposed development in relation to the area being depicted as a no growth area.

Resolution No. RS2005-296

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-059G-12 is **DISAPPROVED. (9-1)**

Although the proposed RS15 district is consistent with the Southeast Community Plan’s Residential Low Medium land use policy, intended for residential development at a density of two to four dwelling units per acre, it is not consistent with the Natural Conservation policy on a portion of the property due to floodplain. The property is also located within an infrastructure deficiency area identified by the Planning Commission in the Southeast Community plan for transportation and schools. The condition of the existing roads (Pettus and Preston Roads) in the area of the proposal were considered and analyzed. With the current substandard condition of the roadway infrastructure in the area, the proposed RS15 district is recommended for disapproval.”

Resolution No. RS2005-297

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-018G-12 is **DISAPPROVED. (9-1)**

Although the proposed PUD overlay is consistent with the Southeast Community Plan’s Residential Low Medium land use policy, intended for residential development at a density of two to four dwelling units per acre, it is not consistent with the Natural Conservation policy on a portion of the property due to floodplain. The property is also located within an infrastructure deficiency area identified by the Planning Commission in the Southeast Community plan for transportation and schools. The condition of the existing roads (Pettus and Preston Roads) in the area of the proposal were considered and analyzed. With the current substandard condition of the roadway infrastructure in the area, the proposed PUD overlay is recommended for disapproval.”

PRELIMINARY SUBDIVISION PLATS

3. **2005S-222G-14**
The Meadows at Seven Points, Ph 5
Map 098, Parcel 166
Subarea 14 (2004)
District 12 - Jim Gotto

A request for preliminary plat approval to create a 45 lot cluster lot subdivision located on the west side of Earhart Road, approximately 150 feet north of Hessey Road (24 acres), classified within the RS15 District, requested by Paul R. Odom, owner, Weatherford & Associates, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Preliminary Plat

Request to create 45 cluster-lots on 24 acres along the west side of Earhart Road, approximately 150 feet north of Hessey Road.

ZONING

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

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots). The proposed lots range in size from 10,987 square feet to 20,693 square feet, which means that the applicant is only reducing the lot sizes down one zoning district (RS10--10,000 sq. ft.).

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 6.3 acres (26%) of open space – which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS

Access/Street Connectivity - Access is proposed from Seven Points Circle, which is in Section 2B of The Meadows of Seven Points final plat. Access is also proposed from Earhart Road, which is designated as a collector in the Community Plan. The applicant has indicated that a stub street to the north can be provided. Revised plans must be submitted to show this future connection.

There are three lots proposed along Earhart Road. Staff recommends that either a joint access easement run behind the lots or that shared access be provided with only two driveways along the proposed collector street.

Sidewalks - Sidewalks are proposed along all the new streets within the subdivision.

Connectivity Commission meeting, Update since August 11, 2005- Since the last Commission meeting, a concept plan was submitted with nine single-family lots proposed along Earhart Road and with no access to Earhart Road. The original plan submitted is consistent with the adopted Community Plan and provides for better connectivity within the community than the newly submitted plan. With existing road improvements in the area, such as the current John Hagar Road widening project, staff would suggest that the connection through this project would not carry much cut-through traffic, but may aid in traffic distribution and calming.

STORMWATER'S RECOMMENDATION -Approve.

PUBLIC WORKS RECOMMENDATION -Approvals are subject to Public Works' review and approval of construction plans.

CONDITIONS

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
2. Approvals are subject to Public Works' review and approval of construction plans.
3. Revised plans are to be submitted providing only two driveways along Earhart Road.

Ms. Harris presented and stated that staff is recommending approval with conditions on the original plan.

Councilmember Gotto spoke in favor of the alternate plan that was submitted by the developer. He mentioned that the residents of the area were also in favor of the alternate plan. He stated that this plan would lower the possibilities of neighborhood cut-throughs as well as provide a stub street for future connectivity.

Mr. Paul Weatherford, 1301 Central Court, spoke in support of the proposed development.

Mr. Small mentioned he would support the connectivity to Earhardt Road included in the original proposal.

Ms. Jones spoke in favor of the original plan submitted by the applicant. She stated that the plan includes a nice subdivision while providing connectivity.

Mr. Loring mentioned he was in favor of the alternate plan as submitted by the developer.

Ms. Nielson requested additional information regarding the connectivity included in the proposal.

Mr. McLean also requested additional information on the connectivity of this development in relation to the Seven Points Subdivision.

Mr. Clifton spoke in favor of the original plan due to the fact it will assist with traffic distribution in the immediate neighborhood area as well as provide connectivity.

Ms. Cummings spoke in favor of the original plan.

Mr. Ponder requested clarification on staff's recommendation and whether a traffic study was conducted for this development. He spoke in favor of the original plan.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to approve with conditions the original plan submitted for preliminary plat 2005S-222G-14. **(10-0)**

Resolution No. RS2005-298

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-222G-14 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
2. Approvals are subject to Public Works' review and approval of construction plans.
3. Revised plans are to be submitted providing only two driveways along Earhart Road.”

FINAL PLATS

4. **98S-351U-07**
Jocelyn Hills, Sec.1
Map 129-02, Parcel 045
Map129-06, Parcel 050, 051, 057 &
Map129-06, Parcel part of 010 & 011
Subarea 7 (2000)
District 23 - Chris Whitson

A request for final plat approval to create eight lots on the northwest side of Clearbrook Drive and the northeast side of Baskin Drive (20.44 acres), classified within the RS40 District, requested by Allen Cargile, owner/developer, Turner Engineering Company, surveyor.

The Metropolitan Planning Commission DEFERRED Final Plat 98S-351U-07 indefinitely at the request of the applicant. (9-0)

5. **2005S-221G-13**
Leslie Cappama Subdivision - Resubdivision Lot 1 & 2
Map 164, Parcel 052, 255, 292
Subarea 13 (2003)
District 33 - Tommy Bradley

A request for final plat approval to create four lots on the northeast corner of Hamilton Church Road and Hobson Pike (12.99 acres), classified within the RS10 and MUL Districts, requested by Chun Ok Song, owner, Dale & Associates, surveyor.

Staff Recommendation -Approve, including a variance for excessive lot size.

APPLICANT REQUEST

Final Plat -Request for final plat approval to create four lots on 12.99 acres, including a variance to allow lots that are more than three times the minimum lot requirement for the zone district requirement.

Zoning

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

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.

SUBDIVISION DETAILS -The request will take three existing lots and create four. As proposed the lots will have the following area(s):

- Lot 1: 78,359 Sq. Ft., (1.8 acres);
- Lot 2: 54,458 Sq. Ft., (1.3 acres);
- Lot 3: 258,840 Sq. Ft., (5.9 acres);
- Lot 4: 174,245 Sq. Ft., (4 acres).

Variance 2-4.2(D) -Section 2-4.2(D) stipulates that proposed lot areas shall not exceed three times the minimum lot size required by the Zoning Ordinance for the zone district requirement. Exceptions can be made when land proposed for division contains floodplain or terrain otherwise unsuitable for development or when private sewage disposal systems are to be utilized.

Lots 3 and 4 are within the RS10 district, which stipulates a minimum lot area of 10,000 Sq. Ft. According to Section 2-4.2(D) the maximum lot size for any new lot in this district shall be no more than 30,000 Sq. Ft. Lots 3 and 4 both exceed the maximum.

Because the existing lots are also greater than three times what is required under the RS10 district, and the proposed lots are smaller, staff recommends that the variance be approved.

TRAFFIC PUBLIC WORKS' RECOMMENDATION -No Exceptions Taken

Approved, including a variance for lot size (9-0), *Consent Agenda*

Resolution No. RS2005-299

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-221G-13 is APPROVED SUBJECT TO APPROVAL BY METRO WATER SERVICES, AND APPROVE VARIANCE FOR LOT SIZE (9-0).”

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

- 6. **2005Z-099U-10**
Map 131-02, Parcels 039-042
Subarea 10 (1994)
District 34 - Lynn Williams

A request to change from R20 to RM9 district property located at 2201 Hobbs Road, 4207 and 4211 Stammer Place, 2200 Castleman Drive (2.34 acres), requested by Gresham, Smith & Partners, engineer, for Ruth Campbell, Ray O'Steen, William Gaw and Mary Buckner (Buckner Family Charitable Foundation), owners.

The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-099U-10 to September 8, 2005 at the request of the applicant. (9-0)

- 7. **2005P-019U-10**
Stammer Parke

Map 131-02, Parcel 39, 40, 41, 42
Subarea 10 (1994)
District 34 - Lynn Williams

A request for preliminary approval of a Residential Planned Unit Development district located at 2201 Hobbs Road, 4207 and 4211 Stammer Place, and 2200 Castleman Drive, on the south side of Hobbs Road, west side of Stammer Place, and north side of Castleman Drive, classified R20 and proposed for RM9 (2.34 acres), to permit the development of 20 town homes, requested by Gresham, Smith and Partners, applicant for Buckner Family Charitable Foundation, William Gaw, etux, H.B. Osteen, etux, and Ruth Engel Yulman, owners.

The Metropolitan Planning Commission DEFERRED Preliminary Plat 2005P-019U-10 to September 8, 2005 at the request of the applicant. (9-0)

8. 2005Z-117G-14
Map 108, Parcel 334
Subarea 14 (2004)
District 13 - Carl Burch

A request to change from ON to OL district property located at 3300 Elm Hill Pike, at the northern terminus of Trails End Lane (1.61 acres), requested by Gregg H. Eatherly, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Request to change 1.61 acres from Office Neighborhood (ON) to Office Limited (OL) district property located at 3300 Elm Hill Pike, at the northern end of Trails End Lane.

Existing Zoning

ON district: Office Neighborhood is intended for low intensity office uses.

Proposed Zoning

OL district: Office Limited is intended for moderate intensity office uses.

DONELSON/HERMITAGE COMMUNITY PLAN POLICY

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

Policy Conflict -Yes. The proposed OL district allows office uses, which are not consistent with the residential intent of the RM policy.

History -The property in question was rezoned to ON zoning in 2003. The owner had originally requested MUL in order to allow a daycare use of upwards of 75 children. Staff recommended disapproval of the requested MUL zoning and the Commission also recommended disapproval to the Council because the requested MUL zoning was inconsistent with the RM policy. The district councilperson amended the bill at Council to ON, which was also considered to be disapproved by the Commission because ON also was not consistent with the residential RM policy. Parcel 334 was subsequently subdivided off of parcel 053. Parcel 053 remained zoned RS10 and is not part of this zoning request.

Following Council approval of ON zoning for the property, the applicant learned that a daycare for more than 75 children is not permitted in the ON zoning district. The applicant has requested OL zoning to permit use of the property for a daycare facility for more than 75 children, and the Zoning Code will allow such a use in the OL district if they comply with the conditions of 17.16.035, section C of the Zoning Ordinance, which govern the site's circulation, lot area, and outdoor play areas associated with the use.

RECENT REZONINGS Yes, this property was rezoned to ON in 2003.

TRAFFIC PUBLIC WORKS' RECOMMENDATION -No Exception Taken.

Typical Uses in Existing Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total s.f.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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General Office (710)	1.61	0.056	3,927	110	14	84
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Typical Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total s.f.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.61	0.056	3,927	110	14	84

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

Maximum Uses in Existing Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total S.F.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office	1.61	0.4	28,052	498	69	111

Maximum Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total S.F.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office	1.61	0.75	52,599	813	113	138

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
--				315	44	27

Mr. Pereira presented and stated that staff is recommending disapproval.

Ms. Lynn Eatherly, 1324 Quail Run Road, spoke in favor of the zone change request.

Mr. Carter Neathery, 3205 Cedar Ridge Road, spoke in opposition of the zone change request.

Mr. Ponder spoke in support of staff recommendation.

Mr. Clifton spoke briefly of the pending legislation in Council that deals directly with daycares. He mentioned that this zone change request was not appropriate for this area.

Mr. Loring stated he was in favor of approving this request due to its compatibility with the other commercial developments located in the area.

Mr. Ponder moved and Ms. Nielson seconded the motion to disapprove zone change 2005Z-117G-14. **(9-1) No Vote - Loring**

Resolution No. RS2005-300

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-118U-10 is **DISAPPROVED. (9-1)**

The proposed office limited (OL) district allows office uses, which are not consistent with the residential intent of the Residential Medium land use policy of the Donelson/Hermitage Community Plan.”

- 9. **2005Z-118U-10**
 Maps 117-11, 117-12, Various parcels
 Subarea 10 (1994)
 District 25 - Jim Shulman

A request to change from R40 to RS40 properties along both sides of Graybar Lane between Benham Avenue and Granny White Pike (60.88 acres), requested by Councilmember Jim Shulman for various owners.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Request to rezone 60.88 acres including various properties located along both sides of Graybar Lane between Benham Avenue and Granny White Pike from residential single-family and duplex (R40) to residential single-family (RS40).

Existing 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.

Proposed Zoning

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

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

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

Policy Conflict No. The development density allowed by the proposed RS40 zoning (0.93 homes per acre) is consistent with that allowed by the RL policy for the area. As RS40 zoning only allows single-family homes, the allowable density of development will decrease from 1.16 homes to 0.93 homes per acre.

Two-Family Structure Ordinance In recent years, Metro Council members have heard from constituents concerned about the impact of two-family structures on their neighborhoods. Residents raised concerns about inappropriate scale of new two-family structures, increased traffic and excessive on-street parking caused by concentrations of two-family structures. Furthermore, residents were concerned that the over-concentration of two-family structures and lack of upkeep of the structures might negatively impact a neighborhoods' character and property values.

The Metro Council has responded to these concerns by undertaking mass rezonings of portions of certain council districts from "R" zoning (which allows for single- and two-family structures) to "RS" zoning (which only allows single-family structures).

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

To address resident and Council concerns, while working to maintain a diverse housing option, staff has worked with the Planning Commission on a new Two – Family Structure Ordinance. The ordinance will work by limiting the concentration of two-family structures, and by applying design standards including development plan review for larger two-family structures. A draft of the ordinance was approved by the Planning Commission on July 14, 2005.

While the new Two – Family Structure Ordinance is not in effect, it is important that the draft be used to analyze this request for demonstrative, as well as, educational purposes.

The total number of lots within this request is 46 lots, including six lots currently developed as duplexes. Under the current "R" zoning district, **all** 46 lots could be developed as duplex lots since these lots were created before 1984 (the 25% rule is for subdivisions created after 1984). With the proposed "RS" district, no more lots could be developed as duplex lots, and the existing six duplex lots would be grandfathered. Under the draft Two – Family Structure Ordinance, **six** additional two-family lots could be developed as duplex lots, which is approximately 13 percent of the lots.

The different scenarios are as follows:

- If the neighborhood's zoning stayed as R, then all **46** lots could become two-family structures,
- If the neighborhood was down-zoned, then *no additional* two-family structures would be permitted, limiting the number to **six**, or
- If there was no down-zoning, but the neighborhood was subject to the Two-Family Structure ordinance, then **six new** two-family structures would be allowed. Furthermore, the two-family structures would be dispersed

instead of clustered (the number allowed per block face is tied to the number of lots per block face with a cap of four and no more than two lots with two-family structures are allowed side-by-side). Finally, if the proposed two-family structure met a size trigger, it would be required to undergo development plan review to ensure that it fit the neighborhood's character.

RECENT REZONINGS -None

TRAFFIC/PUBLIC WORKS' RECOMMENDATION -No Exceptions Taken

METRO SCHOOL BOARD REPORT

Projected student generation -This rezoning is in a predominantly developed area. No new students are expected to be generated with this rezoning.

Mr. Pereira presented and stated that staff is recommending approval.

Ms. Kathi Padgett, 1419 Graybar Lane, spoke in support of the zone change.

Mr. Robert Andrews, 1801 Graybar Lane, spoke in support of the zone change.

Ms. EmmyLou Harris, 1709 Graybar Lane, spoke in the support of the zone change.

Mr. Joe Baker, 1608 Graybar Lane, spoke in support of the zone change request.

Ms. Karen Neal, 1416 Graybar Lane, spoke in support of the zone change request.

Mr. Mark Parten, 1705 Graybar Lane, spoke in support of the zone change request.

Ms. Lenore Vanderkooi, 1412 Graybar Lane, spoke in support of the zone change request.

Mr. Tibbits Nelson spoke in opposition to the zone change request.

Ms. Nielson moved and Mr. Ponder seconded the motion, to approve staff recommendation on Zone Change 2005Z-118U-10. **(7-1) No Vote - Jones**

Mr. Bernhardt offered information on the two family structure ordinance.

Resolution No. RS2005-301

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-118U-10 is **APPROVED. (8-1)**

The development density allowed by the proposed RS40 zoning (0.93 homes per acre) is consistent with that allowed by the Green Hills/Midtown Community Plan's Residential Low land use policy for the area calling for one to two dwelling units per acre.”

- 10. 2005Z-119U-10**
Maps 131-02, 131-06, and 131-07, Various Parcels
Subarea 10 (1994)
District 25 - Jim Shulman

A request to change approximately 54.16 acres from R15 to RS15 properties along both sides of Kirtland Avenue, Farrar Avenue, Hood Avenue, and Castleman Drive between Hillsboro Pike and Lone Oak Road, as well as, 1.42 acres from R20 to RS20 properties along both sides of Castleman Drive between Hillsboro Pike and Lone Oak Road, requested by Councilmember Jim Shulman for various owners.

Staff Recommendation *Approve for all lots designated with RLM policy, but disapprove for lots the lots along the northwest side of Kirtland Road, which are designated with RMH policy.*

APPLICANT REQUEST - A request to change approximately 54.16 acres from residential single-family and duplex (R15) to residential single-family (RS15) properties along both sides of Kirtland Avenue, Farrar Avenue, Hood Avenue,

and Castleman Drive between Hillsboro Pike and Lone Oak Road, as well as, 1.42 acres from R20 to RS20 properties along both sides of Castleman Drive between Hillsboro Pike and Lone Oak Road.

Existing 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.

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

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

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

SUBAREA 10 PLAN Policy

Residential-Low 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 town homes and other forms of attached housing may be appropriate.

Residential-Medium High RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached town homes and walk-up apartments.

Policy Conflict Partial conflict. Part of the property requested for rezoning is located in an area designated as RMH policy in the Green Hills Community Plan. The RMH policy encompasses the lots on the northwestern side of Kirtland Road. Because it is a low density zoning district (3.09 dwelling units per acre), the existing R15 zoning district is not consistent with RMH policy, which calls for nine to twenty dwelling units per acre. The requested RS15 would further decrease the number of dwelling units within this area of RMH policy. The requested zone change is consistent, however, with properties designated with RLM policy, which calls for two to four dwelling units per acre.

Other Issues - Staff has received request from property owner(s) to remove their property from the request. The zoning application was filed by the district Councilmember, however, so as the applicant, only the Councilmember can remove properties from this zoning request.

Two-Family Structure Ordinance In recent years Metro Council members have heard from constituents concerned about the impact of two-family structures on their neighborhoods. Residents raised concerns about inappropriate scale of new two-family structures, increased traffic and excessive on-street parking caused by concentrations of two-family structures. Furthermore, residents were concerned that the over-concentration of two-family structures and lack of upkeep of the structures might negatively impact the neighborhood's character and property values.

As demonstrated by this application, the Metro Council has responded to these concerns by undertaking mass rezonings of portions of certain council districts from "R" zoning (which allows for single- and two-family structures) to "RS" zoning (which only allows single-family structures).

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

To address resident and Council concerns, while working to maintain a diverse housing option, staff has worked with the Planning Commission on a new Two – Family Structure Ordinance. The ordinance limits the concentration of two-family structures, and by applies design standards including development plan review for larger two-family structures. The ordinance was approved by the Planning Commission on July 14, 2005.

While the new Two – Family Structure Ordinance is not in effect, staff wanted to take this opportunity to apply the proposed ordinance to this downzoning request, to assist the Planning Commission, Councilmembers and the community in understanding the impact of the proposed ordinance. .

There are a total of 94 lots within this request, including seven two-family structure lots. Under the current "R" district,

all lots could be developed as duplex lots (the 25 percent rule applies only to subdivisions created after 1984). With the proposed “RS” district, no more lots could be developed as two-family structure lots, and the existing seven two-family structure lots would be “grandfathered” so that they could continue to have two-family structure in the future.

Under the Two – Family Structure Ordinance, 13 additional lots could be developed as two-family structure lots, which is approximately 21 percent of the lots.

The different scenarios are as follows:

- If the neighborhood’s zoning stayed as R, then all 94 lots could become two-family structures,
- If the neighborhood was down zoned, then *no additional* two-family structures would be permitted, limiting the number to seven, or
- If there was no downzoning, but the neighborhood was subject to the Two-Family Structure ordinance, then 13 new two-family structures would be allowed (21 total counting the 7 existing). Furthermore, the two-family structures would be dispersed instead of clustered (the number allowed per block face is tied to the number of lots per block face with a cap of four and no more than two lots with two-family structures are allowed side-by-side). Finally, if the proposed two-family structure met a size trigger, it would be required to undergo development plan review to ensure that it fit the neighborhood’s character.

RECENT REZONINGS - None

TRAFFIC - No Exceptions Taken

METRO SCHOOL BOARD REPORT

Projected student generation -This rezoning is in a predominantly developed area. No new students are expected to be generated with this rezoning.

Mr. Kleinfelter presented and stated that staff is recommending approval for all lots designed with RLM policy, but disapprove the lots along the northwest side of Kirtland Road, which are designated with RMH policy.

Ms. Carlat presented information on the two family structure ordinance to the Commission.

Ms. Leslie DiNella, 2004 Castleman Drive, spoke in support of the zone change request.

Ms. Patricia Fisher, 1928 Castleman Drive, spoke in support of the zone change request.

Mr. Robert Anderson, 2017 Castleman Drive, spoke in opposition to the proposed zone change request.

Ms. MaryAnn Johnson, 4206 Farrar Avenue, spoke in opposition to the proposed zone change request.

Mr. Gill Traughber, 4201 Kirtland Road, spoke in opposition the proposed zone change request.

Ms. Michele Codd, 2020 Castleman Drive, spoke in support of the proposed zone change request.

Mr. Adam Epstein, 3704 Hobbs Road, spoke in opposition to the proposed zone change request.

Mr. John Booker, a resident of Overhill Drive, spoke in support of the proposed zone change request.

Mr. Brad Codd, 2020 Castleman Drive, spoke in support of the proposed zone change.

Mr. Danny Esquibel, 4211 Kirtland Drive, spoke in opposition to the proposed zone change request.

Mr. Pat Bergason, 1930 Castleman Drive, spoke in support of the proposed zone change.

Ms. Babara Kimmons, 4202 Hood, spoke in support of the proposed zone change.

Mr. Chris Hopkins, 2041 Castleman Drive, spoke in opposition the proposed zone change request.

Ms. Nielson spoke in favor Councilmember Shulman’s recommendation to approve this zone change.

Mr. McLean requested clarification on staff's recommendation in relation to the properties located on Kirtland Avenue.

Mr. McLean moved to approve zone change 2005Z-119U-10 to include staff's recommendation to disapprove the properties along the northwest side of Kirtland, and to add the condition that if property owners want to opt out of the proposal, that they should be allowed to do so, otherwise the recommendation would be to disapprove.

Ms. Nielson clarified Mr. McLean's motion and then seconded it.

Mr. Clifton expressed issues with the requests for mass rezonings to RS. He spoke of the ordinance that is currently going through Council which would assist in eliminating these requests.

Mr. Ponder requested additional information on the lots that are located on Kirtland in relation to the proposed zone change request and the existing zoning.

Mr. Small commented on the number of approvals the Commission has granted to the various neighborhoods who have requested to down zone from R to RS. He expressed issues with those property owners who have not been allowed to "opt out" in relation to those who have been granted permission to opt out if they so desired. He questioned Legal Counsel on whether the proposed motion would impact any previous recommendations made by the Commission whereby certain property owners were not allowed to opt out of such rezonings.

Ms. Holleman stated it should not have an impact on the properties that have been rezoned in the past. However, she did offer that when there are large rezonings in an area where some properties have opted out, leaves the area more open to a legal challenge due to spot zoning.

Mr. Small then stated the Commission should be consistent in their recommendations and stated he would be against the motion currently on the floor.

Ms. Jones expressed issues with the mass rezonings. She spoke of the issues that property owners endure when they are included in a mass rezoning and who have different intentions for their property.

Mr. Loring spoke favorably of Councilmember Shulman's request to rezone.

Mr. Lawson restated the motion to the Commission.

Ms. Nielson rescinded her "second" on this motion.

The motion made by Mr. McLean failed.

Mr. Kleinfelter offered additional history on previous cases involving mass rezonings.

Mr. Ponder moved and Mr. Small seconded the motion to approve staff's recommendation on Zone Change 2005Z-119U-10. **(6-4) No Votes -- Loring, Jones, Stewart, McLean**

Resolution No. RS2005-302

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-119U-10 is APPROVED with the deletion of properties withing the RMH Land Use Policy area; DISAPPROVAL if these properties are not removed from the zoning bill (6-4).

Part of the property requested for rezoning to RS15 and RS20 is located in an area designated as Residential Medium High policy in the Green Hills/Midtown Community Plan (lots on the northwestern side of Kirtland Road). Because it is a low density zoning district (3.09 dwelling units per acre), the existing R15 zoning district is not consistent with this higher density residential policy, which calls for nine to twenty dwelling units per acre. The requested zone change to RS15 and RS20 is consistent, however, with properties designated with Residential Low Medium policy, which calls for two to four dwelling units per acre."

The Commission recessed at 5:45 p.m.

Ms. Cumming left the meeting at 5:45 p..m.

Mr. Small left the meeting at 5:45 p.m.

The Commission resumed at 6:00 p.m.

11. 2005Z-122T

An ordinance amending Title 2 and Title 17 of the Metropolitan Code of Laws by amending Sections 2.104.040, 17.24.020, 17.24.030, 17.24.050, 17.24.080, 17.24.100, 17.24.150, 17.24.160, 17.24.210, 17.24.220, 17.24.230, 17.24.240 and 17.24.250 relating to tree topping, landscaping, buffering, and tree replacement.

Mr. Lawson announced that this item was removed from the Consent agenda due to the fact there were requests to speak in favor of the amendment. He also announced that several of the Commissioners have requested that this item be deferred for two meetings. Mr. Lawson stated that Councilmember Loring has agreed to defer this amendment after its second reading at the Council level to allow time for a Planning Commission recommendation.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to defer Zone Change 2005Z-122T until September 22, 2005. **(8-0)**

Resolution No. RS2005-303

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-122T is **DEFERRED TO THE SEPTEMBER 8, 2005 COMMISSION MEETING. (9-0)**”

IX. FINAL PLATS

- 12. 2005S-232G-04**
Keels Subdivision, 1st Revision
Map 043-01, Parcel 112
Subarea 4 (1998)
District 9 - Jim Forkum

A request for final plat approval to create two lots located on the north side of Sarver Avenue, approximately 280 feet east of Pierce Road (0.87 acres), classified within the RS7.5 District, requested by Robert and Angela Keels, owners, Anthony T. Bollinger, surveyor.

Staff Recommendation - *Approve with conditions, disapprove sidewalk variance.*

APPLICANT REQUEST - Final Plat

A request to create two lots on 0.87 acres located on the north side of Sarver Avenue, approximately 280 feet east of Pierce Road.

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 - As proposed the request will create 2 new lots along the north side of Sarver Avenue with the following area(s), and street frontage(s):

- Lot 1: 14, 375 Sq. Ft., (0.33 Acres), and 56.60 Ft. of frontage;
- Lot 2: 23,566 Sq. Ft., (0.541 Acres), and 91.50 Ft. of frontage;

Lot Comparability - Section 2-4.7 of the Subdivision Regulations state 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 test was conducted and both lots pass for lot area and frontage

Sidewalk Variance -A sidewalk variance has been requested. Sidewalks are required since it is located within an area where the Sidewalk Priority Index is greater than 20. The Metro Public Works department conducted a sidewalk constructability analysis and determined that sidewalks are able to be constructed at this location.

Staff recommends disapproval of a sidewalk variance since no unique hardship will be created with the construction of the sidewalks. A financial contribution can be made into the Metro Sidewalk Fund in lieu of the construction of sidewalks at this location.

STORMWATER’S RECOMMENDATION

1. With regard to the FEMA note, please insert the phrase “Community-Panel Number” before the number 470040-0139.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

CONDITIONS

1. Prior to recordation, performance bonds are to be posted for the garage to be removed on lot 1.
2. Prior to recordation, the lot width for Lot 1 should be adjusted to provide 63.4 feet. The applicant has indicated that he will provide that frontage to meet the 25% lot width requirement of the Subdivision regulations.

Ms. Harris presented and stated that staff is recommending approval with conditions and disapproval of the sidewalk variance.

Mr. McLean moved and Ms. Jones seconded the motion, which passed unanimously, to approve staff’s recommendation to approve Final Plat 2005S-232G-04 to include the disapproval of the sidewalk variance. **(8-0)**

Resolution No. RS2005-304

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-232G-04 is **APPROVED WITH CONDITIONS (8-0), DISAPPROVED SIDEWALK VARIANCE.**

Conditions of Approval:

1. Prior to recordation, performance bonds are to be posted for the garage to be removed on lot 1.
2. Prior to recordation, the lot width for Lot 1 should be adjusted to provide 63.4 feet. The applicant has indicated that he will provide that frontage to meet the 25% lot width requirement of the Subdivision regulations.”

- 13. 2005S-233G-13**
Lakewalk, Section 2
Map 164, Parcel part of 204
Subarea 13 (2003)
District 32 Sam Coleman

A request for final plat approval to create a 36 cluster lot subdivision located on the east side of Hobson Pike, approximately 1,200 feet south of Hamilton Church Road (7.05 acres), classified within the RS10 District, requested by Jack Williams Construction Company, Inc., owner/developer, MEC, Inc., surveyor.

Staff Recommendation -Approve with conditions

APPLICANT REQUEST

Final Plat -A request for final plat approval to create 36 cluster lots on 7.05 acres, located along two new streets east of Hobson Pike.

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.

CLUSTER LOT OPTION -The cluster lot option was created in order to provide for flexibility in design, the creation of common open space, and the preservation of natural features or unique or significant vegetation. The cluster lot option allows lots to be reduced up to two base zone districts, while providing at least 15% open space per phase.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum

of 15% open space per phase.

SUBDIVISION DETAILS -As proposed the request will created 36 cluster lots on approximately 7.05 acres of land with an overall density of 5.1 dwelling units per acre. The cluster lot option allows lots to be reduced from the base zone classification RS10 (minimum 10,000 Sq. Ft.) to RS5 (minimum 5,000 Sq. Ft.). The lots range in size from 5,005 square feet to 7,993 square feet. The preliminary plat for this development was given conditional approval on September 25, 2003, and this plan is consistent with the conditionally approved preliminary plat.

Open Space -One of the main goals of the cluster lot option is to preserve environmentally sensitive land. This overall development is preserving approximately 8.5 acres (31%) as open space.

Access -Access will be from Hobson Pike via the extension of Maritime Port Road.

Stub Street(s) - A stub street, for the connection to future subdivision development is located at the northern end of Maritime Port Road.

Fire Marshal Requirements -The Fire Marshal's Office is requiring construction of temporary turn-arounds meeting fire code design minimums for temporary dead end streets that are more than 150 feet in length. Turn-arounds must be at least 100 feet in diameter, and meet public work design standards to accommodate safety equipment. The Fire Marshal's Office is requiring a temporary turn-around at the end of Maritime Port.

Staff Recommendation - Planning staff recommends approval of this final plat with the condition that the applicant must meet Fire Marshal requirements, including the 100 foot diameter turn-arounds.

TRAFFIC PUBLIC WORKS' RECOMMENDATION -Install left turn lanes on Hamilton Church/Mt. View within six months.

CONDITIONS

1. Provide temporary turn-around as approved by Public Works at the northern end of Maritime Port, as required by the Fire Marshal's office.
2. Add note indicating that area outside normal right-of-way will revert to abutting property owner whenever street is continued.
3. Install left turn lanes on Hamilton Church/Mt. View within six months.
4. Correct instrument reference number.
5. Landscape plans must be submitted so that bonds can be determined. The plat will not be recorded until all bonds have been determined, paid, and finalized by Metro Legal.

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

Resolution No. RS2005-305

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-233G-13 is **APPROVED WITH CONDITIONS (9-0), including a change to Condition #3 to: Comply with previous conditions for off-site roadway improvements. Upon issuance of 115 permits for Lakewalk and Hamilton Chase, install left turn lanes on Hamilton Church/Mt. View within six months.**

Conditions of Approval:

1. Provide temporary turn-around as approved by Public Works at the northern end of Maritime Port, as required by the Fire Marshal's office.
2. Add note indicating that area outside normal right-of-way will revert to abutting property owner whenever street is continued.
- ~~3. Install left turn lanes on Hamilton Church/Mt. View within six months.~~
Comply with previous conditions for off-site roadway improvements. Upon issuance of 115 permits for Lakewalk and Hamilton Chase, install left turn lanes on Hamilton Church/Mt. View within six months.
4. Correct instrument reference number.

5. Landscape plans must be submitted so that bonds can be determined. The plat will not be recorded until all bonds have been determined, paid, and finalized by Metro Legal.”

14. 2005S-234G-13

Lakewalk, Section 3
Map 164, Parcel part of 204
Subarea 13 (2003)
District 32 Sam Coleman

A request for final plat approval to create a 25 lot cluster subdivision located on the east side of Hobson Pike, approximately 1,200 feet south of Hamilton Church Road (7.98 acres), classified within the RS10 District, requested by Jack Williams Construction Company, Inc., owner/developer, MEC, Inc., surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 25 cluster lots on 7.98 acres, east of Hobson Pike.

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.

CLUSTER LOT OPTION - The cluster lot option was created in order to provide for flexibility in design, the creation of common open space, and the preservation of natural features or unique or significant vegetation. The cluster lot option allows lots to be reduced up to two base zone districts, while providing at least 15% open space per phase.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase.

SUBDIVISION DETAILS - As proposed the request will create 25 cluster lots on approximately 7.98 acres of land with an over all density of 3.1 dwelling units per acre. The cluster lot option allows lots to be reduced from the base zone classification RS10 (minimum 10,000 Sq. Ft.) to RS5 (minimum 5,000 Sq. Ft.). The lots range in size from 5,250 square feet to 10,687 square feet. The preliminary plat for this development was given conditional approval on September 25, 2003, and this plan is consistent with the conditionally approved preliminary plat.

Open Space - Approximately 3.01 acres (131,115 Sq. Ft.) of open space is provided in this section, which exceeds 15% of the total land area.

Access - Access will be provided by the extension of Priest Shore Bay (Section 2), and from the extension of Lakewalk Drive.

Stub Street(s) - A stub street, for the connection to future subdivision development is located at the northern end of Priest Shore Bay.

Fire Marshal Requirements - The Fire Marshal's Office is requiring construction of temporary turn-arounds meeting fire code design minimums for temporary dead end streets that are more than 150 feet in length. Turn-arounds must be at least 100 feet in diameter, and meet public work design standards to accommodate safety equipment. The Fire Marshal's Office is requiring a temporary turn-around at the end of Priest Shore Bay.

Staff Recommendation - Planning staff recommends approval of this final plat with the condition that the applicant must meet Fire Marshal requirements, including the 100 foot diameter turn-arounds.

TRAFFIC PUBLIC WORKS' RECOMMENDATION - Install left turn lanes on Hamilton Church/Mt. View within six months.

CONDITIONS

1. Provide temporary turnaround as approved by Public Works at the northern end of Priest Shore Bay, as required by the Fire Marshal's office.
2. Add note indicating that area outside normal right-of-way will revert to abutting property owner whenever

street is continued.

3. Install left turn lanes on Hamilton Church/Mt. View within six months.
4. Correct instrument reference number.
5. Landscape plans must be submitted so that bonds can be determined. The plat will not be recorded until all bonds have been determined, paid, and finalized by Metro Legal.

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

Resolution No. RS2005-306

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-234G-13 is **APPROVED WITH CONDITIONS (9-0), including a change to Condition #3 to: Comply with previous conditions for off-site roadway improvements. Upon issuance of 115 permits for Lakewalk and Hamilton Chase, install left turn lanes on Hamilton Church/Mt. View within six months.**

Conditions of Approval:

1. Provide temporary turnaround as approved by Public Works at the northern end of Priest Shore Bay, as required by the Fire Marshal’s office.
2. Add note indicating that area outside normal right-of-way will revert to abutting property owner whenever street is continued.
3. ~~Install left turn lanes on Hamilton Church/Mt. View within six months.~~
Comply with previous conditions for off-site roadway improvements. Upon issuance of 115 permits for Lakewalk and Hamilton Chase, install left turn lanes on Hamilton Church/Mt. View within six months.
4. Correct instrument reference number.
5. Landscape plans must be submitted so that bonds can be determined. The plat will not be recorded until all bonds have been determined, paid, and finalized by Metro Legal.”

- 15. 2005S-236U-08**
McGavock's Addition, Resubdivision of part of
Lots 9 & 10
Map 082-09, Parcels 215, 216
Subarea 8 (2002)
District 19 - Ludy N. Wallace

A request for final plat approval to subdivide two lots into three lots located on the east side of 3rd Avenue North, approximately 100 north of Monroe Street (0.32 acres), classified within the IR and MUN Urban Zoning Overlay Districts, requested by Lawrence Brothers, LLC, owner/developer, Barge, Waggoner, Sumner & Cannon, surveyor.

Staff Recommendation - *Approve with a condition*

APPLICANT REQUEST - Final Plat

This request is to create three lots on 0.32 acres along the east side of 3rd Avenue North.

ZONING

MUN district - Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

IR district - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

PLAN DETAILS - This subdivision proposes the resubdivision of two existing lots into three lots. There is an existing building on the proposed lot 3, which is zoned IR. The proposed lot 2 is split zoned MUN and IR. Finally, the proposed lot 1 is zoned MUN.

- Lot 1: 4,030 Sq. Ft., (0.09 Acres), and 30 Ft. of frontage;
- Lot 2: 4,030 Sq. Ft., (0.09 Acres), and 29.8 Ft. of frontage

- Lot 3: 6,179 Sq. Ft., (0.14 Acres), and 46 Ft. of frontage

There is no minimum square footage requirement for lots in either MUN or IR zoning.

Rezoning under review - The portion of existing parcel 216 (part of the proposed lot 2) is currently under review for a rezoning to the MUN district (2005Z-121U-08). The zone change request will be on the September 8, 2005, agenda. The rezoning is not necessary for approval of this subdivision request, and there is no minimum square footage requirement for lots in either MUN or IR zoning.

Sidewalk requirement - This property does fall within the Urban Services District. There is an existing sidewalk along the frontage of this entire property on 3rd Avenue North.

Lot comparability - Section 2-4.7 of the Subdivision Regulations states lot comparability analysis is not required in the case of nonresidential subdivisions.

TRAFFIC/PUBLIC WORKS' RECOMMENDATIONS - No Exception Taken

STORMWATER DEPARTMENT RECOMMENDATION - Approved Except as Noted

CONDITIONS:

1. Prior to the recordation of this plat, the applicant must re-submit the plat with the correct plat book and page number.

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

Resolution No. RS2005-307

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-236U-08 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. Prior to the recordation of this plat, the applicant must re-submit the plat with the correct plat book and page number.”

X. PLANNED UNIT DEVELOPMENTS (revisions)

16. **89-87-P-03**
Chateau Valley, Phase IV
Map 70-3, Parcel 1
Subarea 3 (2003)
District 2 - Jamie Isabel

A request for final approval for Phase Four of the Residential Planned Unit Development located abutting the east margin of Stokers Lane at the current terminus of Bordeaux Place, classified RS15, (6.51), to permit the development of 24 single family lots, requested Ragan-Smith and Associates for Chateau Associates, owners.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Final PUD

Request for final approval for Phase Four of the Residential Planned Unit Development to permit the development of 24 single family lots on 6.51 acres. The property is located abutting the east margin of Stokers Lane at the current terminus of Bordeaux Place.

PLAN DETAILS - This PUD was originally approved by Metro Council in 1988. This phase proposes 24 single family lots on one cul-de-sac. The original plan was approved with sidewalks along one side of the proposed streets. The sidewalk will be located on the north side of Bordeaux Place.

PUBLIC WORKS' RECOMMENDATION - Construction plans have been approved.

STORMWATER RECOMMENDATION - Grading plans have been approved.

FIRE MARSHAL - Dead end roadways over 150 feet in length require a 100-foot diameter turnaround or a T-type that is approved by the Fire Marshal's Office.

No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.

Fire Hydrants should flow at least 1,000 gallons per minute at 40 psi.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior approval of any final plat. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.

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

Resolution No. RS2005-308

“BE IT RESOLVED by The Metropolitan Planning Commission that 89-87-P-03 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Dead end roadways over 150 feet in length require a 100-foot diameter turnaround or a T-type that is approved by the Fire Marshal's Office.
2. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.
3. Fire Hydrants should flow at least 1,000 gallons per minute at 40 psi.
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior approval of any final plat. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.

7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
9. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.”

XI. OTHER BUSINESS

17. Set October 13, 2005 public hearing for Subdivision Regulation amendment to remove driveway standards from critical lot guidelines.
18. Correction to the July 28, 2005 Commission meeting minutes. Item #17, 2005S-208U-05, Brownsville Subdivision, contained an error and should be corrected to read as follows:

Resolution No. RS2005-273

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-208U-05 is **APPROVED DISAPPROVED (9-0)**”

Resolution No. RS2005-309

“BE IT RESOLVED by The Metropolitan Planning Commission that Item #18, Correction to the July 28, 2005 Commission meeting minutes was **APPROVED. (9-0)**”

19. Executive Director Reports
20. Legislative Update


XIV. ADJOURNMENT

The meeting was adjourned at 6:25 P.M.

Chairman

Secretary

Equal Employment Opportunity Employer



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