



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

April 11, 2006

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, 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
Brooks Fox, Legal Counsel
David Kleinfelter, Planning Mgr. II
Bob Leeman, Planner III
Kathryn Fuller, Planner III
Trish Brooks, Admin. Svcs. Officer 3
Luis Pereira, Planner I
Jason Swaggart, Planner I
Adriane Harris, Planner II
Jennifer Carlat, Communications Officer
Dennis Corrieri, Planning Tech I

Commission Members Absent:

Doug Small, Vice Chairman

I. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond announced the agenda had a correction as well as an addendum. She stated the correction was included in Item #5, 2005P-003G-12, Delvin Downs. The caption should read "Request for final approval for a Planned Unit Development district located at 1015 Barnes Road and Barnes Road (unnumbered), to permit **145** single-family lots, **not 143 single family lots.**"

Ms. Hammond stated that Item #25 - New Employee Contract for R. Brandon Burnette was the addendum to the agenda.

(7-0)

III. APPROVAL OF MARCH 9 AND 23, 2006 MINUTES

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve the meeting minutes of March 9, 2006 and March 23, 2006 as presented. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Gotto announced that he and Councilmember Dread would like to have Item #12, Zoning Text Amendment 2006Z-065T withdrawn from the agenda. He stated that the bill requires additional review before consideration. He stated that the bill would be withdrawn from Council, as well. He also spoke in favor of Item #24, which was a request to extend an expired preliminary plat for Tulip Grove Pointe Subdivision.

Councilmember Dread waived his request to speak until after Item #3, 89P-003G-06 was presented to the Commission.

Councilmember Shulman spoke in favor of Item #9, 2006Z-047U-10. He stated he received a petition from a group of neighbors in favor of this zone change request. He spoke in favor of Item #17, Glen Echo, 2006S-118U-10 which was on the Consent Agenda. He then stated that Item #15, Sharondale Heights, 2006S-150U-10, was on the agenda for discussion. He explained that he had received a request from the applicant that this item be deferred one meeting. However, there were neighbors in the audience that wanted to hear this item and he asked the Commission on how he should proceed on this item.

Mr. Lawson stated that the deferral agenda was the next item on the agenda and that the Commission would take his request into consideration.

Councilmember Jameson spoke on Item #7, 2006Z-040U-05. He announced there would be a neighborhood meeting on April 26, 2006 at 7:00 p.m. to discuss this zone change request. He also announced the Eastwood Neighborhood Board met and approved the request for Item #21, 2006P-005U-05, Chapel Bistro PUD. However, he stated there were some neighbors opposed to this request and they would be speaking after this item was presented to the Commission.

Councilmember Cole stated he would address the Commission after Item #2, 2006S-096U-05 and Item #10, 2006Z-048U-05 were presented for discussion.

Councilmember Murray spoke in favor of Item #8, 2006Z-046U-05. She announced that the bill associated with this request would not be presented to Council until she receives a "SP" design plan that would assure the community that the design expectations for this area are met.

Councilmember Crafton stated he would reserve his comments until after Item #3, 89P-003G-06 was presented to the Commission.

Mr. Clifton arrived at 4:07 p.m.; however, he stepped out of the meeting until 4:12 p.m.

Ms. Cummings arrived at 4:10 p.m.

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

1.	2006SP-016U-08	The Courts of Germantown - Request to change from IR to SP zoning properties located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4th Avenue North (unnumbered) and 407 Monroe Street, to permit the development of 35 townhomes 1,661 square feet of retail and restaurant space, and a 920 square foot club house	- deferred to April 27, 2006 at the request of the applicant.
12.	2006Z-065T	An amendment to the "Buildings and Construction" section of Metro Code to allow building and demolition permits within newly-adopted historic zoning overlays to be renewable and transferable	- Withdrawn at the request of the sponsoring councilmembers, who have said they will also withdraw the bill at Council
15.	2006S-105U-10	Sharondale Heights, Resub. Lot 1 - Request for final plat approval to create 2 lots located between White Oak Drive and Wellesley Trace with a sidewalk variance along Wellesley Trace	- deferred to April 27, 2006 at the request of the applicant.
19.	2006S-127U-10	Henry Compton Lands - A request for final plat approval to create 3 lots at 3700 Estes Road with a sidewalk variance along Estes Road frontage	- deferred indefinitely at the request of the applicant.

(8-0)

VI. PUBLIC HEARING: CONSENT AGENDA

DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

4. 151-82-G-06 Harpeth Springs Office Condos - Request to revise a portion of the preliminary and for final approval for a Commercial Planned Unit Development district located at 7978 Coley Davis Road, at Somerset Drive, classified CL, (1.90 acres), to permit a 3,000 square foot daycare center and a 4,500 square foot dance studio, replacing 7,500 square feet of office uses, requested by Psalms 65, Unit I, LLC, owner/applicant. - Approve w/ conditions
5. 2005P-003G-12 Delvin Downs - Request for final approval for a Planned Unit Development district located at 1015 Barnes Road and Barnes Road (unnumbered), to permit 145 single-family lots - Approve w/ conditions

ZONING MAP AMENDMENTS

6. 2006Z-025T Request to amend Section 17.12.060 relative to the exceedance of the maximum building height by special exception, requested by the Metro Planning Department - Approve
7. 2006Z-040U-05 Request to change from R6 to RM15 district property located at 811, 813, and 815 Sylvan Street between South 8th and South 9th Streets - Approve w/ conditions
8. 2006Z-046U-05 Request to change from RS5 to MUL zoning property at 103 and 105 West Trinity Lane - Approve
9. 2006Z-047U-10 Request to change from R10 to RS10 zoning various properties located between Lealand Lane and General Bate Drive on Draughon Avenue, Graybar Lane, and General Bate Drive - Approve w/ conditions
10. 2006Z-048U-05 Request to change from AR2a and R10 to AG zoning property at Airpark Drive (unnumbered) at the Cornelia Fort Airport in East Nashville - Approve
11. 2006Z-051U-08 Request to change from OR20 to OR40 zoning property at 2100 and 2104 Clifton Avenue - Approve

PRELIMINARY SUBDIVISION PLATS

13. 2006S-115G-03 (formerly known as 2004S-070G-03) Fontanel, The Trails Of - Request to extend the previous preliminary plat approval for 10 lots of 5/13/2004 for one year, located on the east margin of Whites Creek Pike - Approve w/ conditions including variances for street design standard and 3x rule.
14. 2006S-122U-13 Reeves Ridge - Request for preliminary plat approval to create 17 lots at 4830 Payne Road - Approve w/ conditions including a variance to allow lots that are three times the base zoning

FINAL PLATS

16. 2006S-114G-06 Hows Subdivision - Request for final plat approval to create 4 lots located at Charlotte Pike (unnumbered) - Approve w/ conditions
17. 2006S-118U-10 Glen Echo, Resub. Lot 18 - Request for final plat approval to create 2 lots at 1740 Hillmont Drive - Approve w/ conditions
18. 2006S-120U-07 Rogers Subdivision - Request for final plat approval to create 2 lots at 3727 Nevada Avenue - Approve w/ conditions

PLANNED UNIT DEVELOPMENTS (revisions)

20. 64-85-P-05 Greenfield Plaza Kroger - Request to amend a commercial Planned Unit Development located at 3400 and 3410 Gallatin Pike, to permit additional property to be included within the PUD boundary and to permit a new fuel center with 5 pumps and service kiosk - Approve w/ conditions
21. 2006P-005U-05 Chapel Bistro PUD - Request for preliminary approval for a commercial Planned Unit Development, located at 701 Chapel Avenue, to permit an existing restaurant an exemption from the minimum distance requirements included in the beer provisions of the Metro Code - Approve w/ conditions

OTHER BUSINESS

22. Recommended Capital Improvements Budget 2006-2007 to 2011-2012 - Approve
25. New Employee Contract for R. Brandon Burnette - Approve

Ms. Nielson moved, and Mr. Ponder 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. **2006SP-016U-08**
 The Courts of Germantown
 Map 082-09, Parcels 312, 314, 315, 316, 317, 318, 319, 320
 Subarea 8 (2002)
 District 19 - Ludye N. Wallace

A request to change from IR to SP zoning property located at 1211, 1215, 1217, 1219, and 1229 4th Avenue North, 4th Avenue North (unnumbered) and 407 Monroe Street, (1.67 acres), to permit the development of 35 townhomes 1,661 square feet of retail and restaurant space, and a 920 square foot club house requested by Dale and Associates, for William Hunter, etux, C & D Safety Company, LLC, owners.

The Metropolitan Planning Commission DEFERRED Zone Change 2006SP-016U-08 to April 27, 2006, at the request of the applicant. (8-0)

PRELIMINARY SUBDIVISION PLATS

2. **2006S-096U-05**
 Solon Court
 Map 083-04, Parcel 285
 Map 084-01, Parcel 022
 Subarea 5 (1994)
 District 7 - Erik Cole

A request for preliminary plat approval to create 12 lots located on the south side of Solon Drive, approximately 370 feet west of Rosebank Avenue (3.99 acres), zoned R10, requested by Curtis Stewart, owner, Dale & Associates, surveyor.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST -Preliminary Plat

Request to subdivide 3.99 acres into 12 single-family lots located on the south side of Solon Drive, approximately 370 feet west of Rosebank Avenue.

ZONING

R10 district - 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.

SUBDIVISION DETAILS -There are 12 single-family lots proposed off of Solon Drive, extending off of an existing stub street. The minimum lot size for the lots is 10,000 square feet. A stub street is proposed to parcel 023 to the west for future connectivity to Rosebank Avenue.

The temporary turnaround is proposed within the building envelopes of lots 8 and 9. The design needs to be reworked prior to final plat approval and recordation to keep the turnaround outside of the building envelopes.

This request was deferred at the last meeting in order for the applicant to hold a community meeting and work with staff regarding the stub street to the east.

STORMWATER RECOMMENDATION - Approved except as noted.

1. Add the subdivision number to the plat.
2. Correct the FEMA map number. Specifically, change 04037C228G to, "47037C0228F." Further, indicate that panel 0228 is a non-printed panel.

PUBLIC WORKS RECOMMENDATION -Exception Taken.

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Document adequate sight distance at project access. Indicate the amount of sight distance, and if adequate site distance per AASHTO for the posted speed limit on Solon Drive is provided
3. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Street lighting is required in the Urban Service District.

CONDITIONS

1. Prior to final plat approval and recordation, the temporary turnaround is to be located outside of the building envelopes of the adjacent lots.
2. All Public Works and Stormwater comments/conditions shall be addressed prior to final plat approval.

Ms. Harris presented and stated that staff is recommending approval with conditions.

Mr. Roy Dale spoke in favor of the proposal.

Councilmember Cole briefly explained the history on this proposal. He stated that he, the developer and the neighbors have agreed to have the original cul-de-sac plans included in this proposal. He requested that the proposal be amended to include the permanent cul-de-sac plan.

Ms. Vicki Scala, 1200 Rosebank Avenue, spoke in opposition to the proposal.

Mr. Mark Scala, 1200 Rosebank Avenue, spoke in opposition to the proposal.

Mr. Al Embry, 2601 Solon Drive, spoke in opposition to the proposal.

Ms. Nielson spoke in favor of amending the proposal as requested by the Councilmember.

Mr. McLean acknowledged the concerns mentioned by the residents, however, he mentioned he was in favor of amending the proposal to include the cul-de-sac.

Mr. Clifton stated he agreed with the motion.

Mr. Ponder requested additional information regarding the application.

Mr. Loring acknowledged the work displayed on this proposal by the Councilmember.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve with conditions Preliminary Subdivision Plat 2006S-096U-05 to include the permanent cul-de-sac. (9-0)

Resolution No. RS2006-116

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-096U-05 is **APPROVED WITH CONDIITONS (9-0), including a permanent cul-de-sac.**

Conditions of Approval:

1. Prior to final plat approval and recordation, the temporary turnaround is to be located outside of the building envelopes of the adjacent lots.
2. All Public Works and Stormwater comments/conditions shall be addressed prior to final plat approval.”

PLANNED UNIT DEVELOPMENTS

3. **89P-003G-06**
Still Spring Ridge, Phase I
Map 128, Parcel 156
Subarea 6 (2003)
District 22 - Eric Crafton

A request to revise the approved preliminary plan for a residential Planned Unit Development, located on the north east side of Hicks Road (unnumbered), classified RS20 (81.90 acres), to allow for a 12,000 sq. ft. Center for Jewish Awareness to replace a previously approved 10,000 sq.ft. private recreation facility, requested by Barge, Waggoner, Sumner and Cannon, applicant for Greater Middle Tennessee Development, owner.

Staff Recommendation -*Approve as a revision. Approve as an amendment requiring Metro Council action.*

APPLICANT REQUEST -Revision to Preliminary

A request to revise the approved preliminary plan for a Residential Planned Unit Development, located on the northeast side of Hicks Road (unnumbered), (81.90 acres), to allow for a 12,000 square foot Center for Jewish Awareness to replace a previously approved 10,000 square foot private recreation facility.

PLAN DETAILS

PUD History -In 1995, the Still Springs Ridge PUD was amended to absorb the Hicks Road PUD. At that time a plan was approved for 100 single-family lots and a 10,000 square foot private recreation facility. The uses listed on the approved plans are: community assembly, community facility, lodge, pool and parking.

Site Plan Details - The applicant supplied a list of components for the proposed Center for Jewish Awareness, including: social hall/sanctuary, library, kitchen, youth center and classrooms, Mikvah, offices and two hospitality suites. A Mikvah is a natural body of water or a gathering of water that has a designated connection to natural water. The pool is designed specifically for immersion, according to the rules and customs of Jewish law.

The building is located close to Hicks Road at the front of the site. This area of Hicks Road does have some severe topography, but this site is located in a flatter stream valley.

Staff Recommendation -Staff recommends approval of this application as an amendment. A PUD master plan can be revised by the Planning Commission, but certain changes must be approved by the Metro Council as an amendment. Under section 17.40.120(G)(2a) of the Code, the Commission may approve a revision to the PUD without referring it to the Council for approval if “in the judgment of the Commission, the change does not alter the basic development concept of the PUD.”

The original intent of the private recreation facility was for recreational uses for the lots in the PUD, not a religious institution and cultural center use. The proposed use is a compatible use in the PUD, but it does alter the original intent of the PUD and should receive approval from the Metro Council. If the Planning Commission were to approve this requested change as a revision, the Board of Zoning Appeals would be required to consider the ‘religious institution’ use as a Special Exception. If the Council approves this as an amendment, no BZA action would be required.

PUBLIC WORKS - Show and dimension right-of-way along Hicks Road.

RECOMMENDATION - Label and dedicate right-of-way 30 feet from pavement centerline to the property boundary, consistent with the approved major street plan.

STORMWATER RECOMMENDATION -Approve

CONDITIONS

1. Approve as an amendment to the Planned Unit Development, requiring Council approval.
2. Comply with the Public Works recommendations stated above.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
4. 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.
5. 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 the issuance of any building permits. 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.
6. Prior to the filing of any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.

Ms. Fuller presented and stated that staff is recommending approval as an amendment that would require Metro Council Action.

Councilmember Crafton spoke in favor of the proposal and requested that it be approved as a revision. He stated that if it were put through as an amendment, it would require Council action. He stated that the owner was not in favor of processing as an amendment and if it required Council action, the owner would probably not sell the land to the Jewish facility.

Councilmember Dread also spoke in favor of approving this proposal as a revision. He stated that the proposal was for a cultural center for all to utilize which would justify the proposal to proceed as a revision.

Mr. Bill Lockwood, Barge, Waggoner, Sumner & Cannon spoke in favor of approving the proposal as a revision.

Rabbi Tiechtel spoke in favor of approving the proposal as a revision.

Mr. Joe Friedman, President CJA, spoke in favor of the proposal as a revision.

Councilmember Crafton questioned whether the proposal would require BZA action.

Mr. Bernhardt explained that if the use was what originally submitted and is not being changed, it would not require BZA actions.

Mr. Fox commented that other institutions similar to this case have been considered religious institutions, and have been sent to the Board of Zoning Appeals. He stated he would have to discuss this case with the Zoning Administrator.

Mr. Mike Fritz, Cheatam County Resident, spoke in favor of the proposal as a revision.

Mr. Loring spoke in favor of the proposal as a revision.

Ms. Jones requested clarification on whether the proposal would qualify as a special exception.

Mr. Bernhardt explained the issues associated with this proposal being a PUD and the uses allowed under the base zoning.

Mr. Clifton spoke in favor of approving the proposal as a revision.

Ms. Cummings spoke in favor approving the proposal as a revision.

Mr. Tyler questioned the differences between the original plan and the current plan being proposed.

Mr. Loring moved and Mr. McLean seconded the motion, which passed unanimously, to approve the Planned Unit Development 89P-003G-06 as a revision. (9-0)

Resolution No. RS2006-117

“BE IT RESOLVED by The Metropolitan Planning Commission that 89P-003G-06 is **APPROVED AS A REVISION (9-0)**”

4. 151-82-G-06

Harpeth Springs Office Condos
Map 141, Parcel 87
Subarea 6 (2003)
District 22 - Eric Crafton

A request to revise a portion of the preliminary and for final approval for a Commercial Planned Unit Development district located at 7978 Coley Davis Road, at Somerset Drive, classified CL, (1.90 acres), to permit a 3,000 square foot daycare center and a 4,500 square foot dance studio, replacing 7,500 square feet of office uses, requested by Psalms 65, Unit I, LLC, owner/applicant.

Staff Recommendation -*Defer until Stormwater as-built drawings are approved.*

APPLICANT REQUEST -Preliminary & Final PUD

A request to revise a 1.90 acre portion of the preliminary and for final approval for a Commercial Planned Unit Development district to permit a 3,000 square foot daycare center and a 4,500 square foot dance studio, replacing 7,500 square feet of office uses, located at 7978 Coley Davis Road, at Somerset Drive.

PLAN DETAILS

PUD History - In 2003, the PUD was revised to permit the development of a 24,000 square foot office complex. The plan approved four separate office buildings. Today, two of the buildings have been constructed and are occupied without use and occupancy permits approved. The remaining two buildings are planned to be constructed later this year.

Site Plan Details - The site plan remains the same as was approved in 2003. The only change is to permit a day care center and dance studio, which are permitted uses in the Commercial Limited District.

Staff Recommendation -Approve the change of use. The additional proposed uses of a day care and a dance studio are compatible uses in an office park located adjacent to a residential area. As discussed below, however, the applicant has not submitted plans that can be approved by Public Works and Stormwater, so staff recommends deferral of the request at this time.

PUBLIC WORKS RECOMMENDATION - Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.

1. Sidewalk is proposed outside of right-of-way. Either dedicate right-of-way for sidewalk or record a public pedestrian access easement for sidewalk construction.
2. Show 20-ft queuing space between right-of-way and first parking space.
3. Document internal traffic circulation compliant with Metro Code 17.16.035(1).

STORMWATER RECOMMENDATION – The buildings are being occupied without a Use and Occupancy Permit Approval from Stormwater. The project engineer has submitted as-built plans for the detention pond however; the submittal has not been approvable. At this time, no Stormwater “as built” plans have been approved. Stormwater recommends disapproval until pond as-builts are approved.

CONDITIONS (if approved)

1. Comply with Public Works and Stormwater conditions listed above.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. 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.
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 copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.
5. 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 the issuance of any building permits.

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

Resolution No. RS2006-118

“BE IT RESOLVED by The Metropolitan Planning Commission that 151-82-G-06 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

PUBLIC WORKS RECOMMENDATION - Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.

1. Sidewalk is proposed outside of right-of-way. Either dedicate right-of-way for sidewalk or record a public pedestrian access easement for sidewalk construction.
2. Show 20-ft queuing space between right-of-way and first parking space.
3. Document internal traffic circulation compliant with Metro Code 17.16.035(1).

STORMWATER RECOMMENDATION – The buildings are being occupied without a Use and Occupancy Permit Approval from Stormwater. The project engineer has submitted as-built plans for the detention pond however; the submittal has not been approvable. At this time, no Stormwater “as built” plans have been approved. Stormwater recommends disapproval until pond as-builts are approved.

CONDITIONS (if approved)

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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. 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 copies

of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

4. 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 the issuance of any building permits."

5. 2005P-003G-12

Delvin Downs
Map 173, Parcels 107,184,189
Subarea 12 (2004)
District 31 - Parker Toler

A request for final approval for a Planned Unit Development district located at 1015 Barnes Road and Barnes Road (unnumbered), west of Standford Village Drive, classified AR2a and proposed for RS10, (50.26 acres), to permit 145 single-family lots, requested by Lose and Associates, for Delvin Downs Ventures, LLC, owners.

Staff Recommendation -*Approve with conditions.*

APPLICANT REQUEST -Final PUD

Request for final PUD approval to permit 145 single-family lots within a residential Planned Unit Development district on 50.26 acres, at 1015 Barnes Road and Barnes Road (unnumbered), west of Standford Village Drive.

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.

SUBDIVISION DETAILS

Site Design - The plan proposes 145 single-family lots ranging in size from 5,000 square feet to 11,000 square feet, which is 24 lots less than the preliminary plan was approved for by the Commission in January 2005. The final PUD plan is consistent with the preliminary.

At the January 27, 2005, meeting, the Commission asked that additional information be submitted with the final PUD approval from Stormwater regarding drainage. A letter was submitted by Metro Stormwater during the preliminary stage that stated additional information could not be provided until final construction plans were submitted. Final construction plans have been submitted, therefore, Metro Stormwater must provide an approval recommendation for final PUD approval.

Access -Access is proposed from Barnes Road and Stanford Village Road with three stub streets. There are 14 critical lots proposed. The plan should be revised to make sure that the plan conforms to Chapter 17.28.030 of the Zoning Ordinance.

PUBLIC WORKS RECOMMENDATION

1. Construct proposed future ROW connection between lots 132 and 133.

Comply with previous conditions:

1. Developer shall install a separate westbound right turn lane on Barnes Road at Nolensville with 150 ft. of storage for both left/through lane and right turn lane.
2. Developer shall modify signal to include a right turn overlap phase for westbound right turns.
3. Developer shall construct Barnes roadway design to align with Celebration Way. At OHB/Barnes Rd.
4. Developer shall provide and document adequate sight distance at Old Hickory Blvd (OHB) and Barnes Rd intersection with the project construction plans.

At Barnes/site access

5. Developer shall construct site access road with 1 entering lane and 2 exiting lanes for separate left and right turns each with 100 ft. of storage.
6. Developer shall construct westbound left turn lane on Barnes Rd. at site access road with 75 feet of storage and transition per AASHTO standards. Provide and document adequate sight distance at this intersection with the project construction plans.
7. Dedicate and/or reserve ROW necessary for left turn lane and 1/2 collector rd. along Barnes Road frontage.

STORMWATER RECOMMENDATION

1. Provide letter from TDEC (Groundwater Division) concerning the closed contours. See Lots 110, 94, and CL of Local Street "A".
2. For the stormwater detention, make sure that 100 year elevations are not located within any lots. Check elevation of Pond 2 (559.86) with respect to lot 121.
3. For the level spreader, provide a large detail showing elevations (just like the pond details). 100-year elevation for the level spreader is 609.11. Show that this elevation is not located within any lots.

CONDITIONS (If approved)

1. Prior to final plat approval, all critical lots are to be consistent with Chapter 17.28.030 of the Zoning Code, including building envelope widths of 75 feet at the building lines where required by the Code.
2. Prior to final plat approval, label all required landscape buffers.
3. All Public Works and Stormwater recommendations listed above shall be required.
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 for filing and recordation with the Davidson County Register of Deeds.
5. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
6. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
7. 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 the issuance of any building permits. 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.

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

Resolution No. RS2006-119

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-003G-12 is APPROVED WITH CONDITIONS. (9-0)

Conditions of Approval:

PUBLIC WORKS RECOMMENDATION

1. Construct proposed future ROW connection between lots 132 and 133.

Comply with previous conditions:

1. Developer shall install a separate westbound right turn lane on Barnes Road at Nolensville with 150 ft. of storage for both left/through lane and right turn lane.
2. Developer shall modify signal to include a right turn overlap phase for westbound right turns.
3. Developer shall construct Barnes roadway design to align with Celebration Way. At OHB/Barnes Rd.
4. Developer shall provide and document adequate sight distance at Old Hickory Blvd (OHB) and Barnes Rd intersection with the project construction plans.

At Barnes/site access

1. Developer shall construct site access road with 1 entering lane and 2 exiting lanes for separate left and right turns each with 100 ft. of storage.
2. Developer shall construct westbound left turn lane on Barnes Rd. at site access road with 75 feet of storage and transition per AASHTO standards. Provide and document adequate sight distance at this intersection with the project construction plans.

3. Dedicate and/or reserve ROW necessary for left turn lane and 1/2 collector rd. along Barnes Road frontage.

STORMWATER RECOMMENDATION

1. Provide letter from TDEC (Groundwater Division) concerning the closed contours. See Lots 110, 94, and CL of Local Street "A".
2. For the stormwater detention, make sure that 100 year elevations are not located within any lots. Check elevation of Pond 2 (559.86) with respect to lot 121.
3. For the level spreader, provide a large detail showing elevations (just like the pond details). 100-year elevation for the level spreader is 609.11. Show that this elevation is not located within any lots.

CONDITIONS (If approved)

1. Prior to final plat approval, all critical lots are to be consistent with Chapter 17.28.030 of the Zoning Code, including building envelope widths of 75 feet at the building lines where required by the Code.
2. Prior to final plat approval, label all required landscape buffers.
3. 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 for filing and recordation with the Davidson County Register of Deeds.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
5. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
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 to the issuance of any building permits. 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."

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

6. 2006Z-025T

A request to amend Section 17.12.060 relative to the exceedance of the maximum building height by special exception, requested by the Metro Planning Department.

Staff Recommendation -Approve

APPLICANT REQUEST - Amend Zoning Code to permit buildings proposed to be taller and/or closer to the street or property line than the code permits, to seek a special exception from the Board of Zoning Appeals in lieu of a variance.

ANALYSIS

Existing Law -The current Zoning Code requires any building proposed to be taller and/or closer to the street or property line than the code permits to seek a variance from the Board of Zoning Appeals (BZA). The findings for granting a variance are set forth in Section 17.40.370. The Zoning Administrator has indicated these findings are increasingly difficult for the BZA to make on new developments within Nashville's downtown and midtown areas.

Proposed Text Change - The proposed amendment would permit an applicant proposing a building or accessory structure located in the urban zoning overlay district (UZO) to seek a special exception from the BZA, when the building height or setback standards of the Zoning Code cannot be met, and the proposed plan is designed to achieve design standards that

achieve the adopted plan and policy objectives for an urban area. The bill would not apply to single-family or two-family homes. The special exception would be an alternative to seeking a variance. A similar process was created for cell towers (Section 17.16.080.C) in 2003 with council bill BL2003-1304, and has been effectively used for the past three years. As with a cell tower, the burden is upon the applicant to provide evidence to the BZA that the proposed building will not adversely impact surrounding land uses. Both the special exception and variance processes require a public hearing before the BZA.

The amendment proposes to change a few sections of the Zoning Code. The underlined text represents suggested changes by the Codes Department after the bill was filed.

- Tables 17.12.020.B “Multi-Family, Mobile Homes and Nonresidential Uses” and 17.12.020.C “Mixed-Use and Non-Residential Districts” by adding a “Note 6” as follows:

Note 6: Within the urban zoning overlay district, any proposed development that is unable does not meet the setback standards within this table may apply for a special exception as provided for in Sections 17.12.035.A and 17.12.035.D.

- Table 17.12.030.B “Street Setbacks for Multi-Family and Non-Residential Districts; and Non-Residential Uses in AG, AR2a, R and RS Districts” by adding a “Note 6” as follows:

Note 6: Within the urban zoning overlay district, any proposed development that is unable does not meet the setback standards within this table may apply for a special exception as provided in Sections 17.12.035.A and 17.12.035.D.

- Section 17.12.035.A “Street Setbacks Within the Urban Zoning Overlay District” by amending it as follows:
 - A. This section establishes street setbacks within the mixed use, office, industrial, RM20, RM40, RM60 or commercial zone districts for any property located within the urban zoning overlay district regardless of the minimum street setback requirements described in Tables 17.12.030.A and 17.12.030.B whenever one or more of the conditions listed below applies

(1 – 4). However, in all districts, a principal or accessory structure may be located closer to the street or property line than as permitted by this section or by Tables 17.12.020.B, 17.12.020.C, and 17.12.030.B based on the review and approval of a Special Exception by the Board of Zoning Appeals as provided in 17.12.035.D below.

- Section 17.12.035 “Street Setbacks Within the Urban Zoning Overlay District” by adding a new section “D” as follows:

D. Special Setback Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay District

1. In all districts, a principal or accessory structure may be located closer to the street or property line than as permitted by this section or by Tables 17.12.020.B, 17.12.020.C, and 17.12.030.B based on the review and approval of a Special Exception by the Board of Zoning Appeals.
2. An applicant shall provide evidence to the board as provided in Section 17.12.060.F.3 that the proposed building setbacks shall not create an adverse impact on adjacent properties nor detract from a strong pedestrian-friendly environment.
3. The board shall consider a recommendation from the Historic Zoning Commission and Planning Commission as provided in Section 17.12.060.F.4.

- Section 17.12.060 “Building Height Controls of the Zoning Code” by adding a new section “F” as follows:

F. Special Height Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay District

1. In all districts, a principal or accessory structure may exceed the maximum height at the setback line and/or penetrate the height control plane as shown in Tables 17.12.020.B and 17.12.020.C, based on the review and approval of a Special Exception by the Board of Zoning Appeals.
2. The top elevation of an accessory structure shall not exceed the top elevation of any principal building or structure located within the development.
3. An applicant shall provide evidence to the board that the proposed building height shall not create an adverse

impact on air, light, shadow, or wind velocity patterns due to the configuration of the building relative to the maximum permitted height standards (including height control plane) and its juxtaposition to, and with, existing structures in the vicinity, or approved, but not yet built structures. In addition, the applicant shall demonstrate that the proposed building height contributes to, and does not detract from, a strong pedestrian-friendly streetscape.

4. The board shall consider a recommendation from the Historic Zoning Commission, if the property is located within an historic overlay district, and a recommendation from the planning commission as provided in Section 17.40.300. The planning commission shall recommend on the proposed development's consistency with the goals, objectives and standards of any redevelopment district as well as the general plan, including any community, neighborhood or other design plan.

Staff Recommendation -Approve the proposed text amendment. With these small, but necessary changes, applicants will be able to present relevant information to the BZA concerning their project that the variance process precludes. Permitting taller buildings or ones located closer to the street than the Zoning Code normally would permit is appropriate to create a mix of land uses and architectural styles in the city's urban core. Such exceptions should be considered by the BZA where applicants can adequately demonstrate that their proposed buildings and/or structures exceeding the standard building height or setbacks are consistent with adopted plans and policies, and will not adversely impact surrounding properties.

Approved (9-0), *Consent Agenda*

Resolution No. RS2006-120

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-025T is **APPROVED. (9-0)**"

7. **2006Z-040U-05**
Map 093-04, Parcels 057, 058, 059
Subarea 5 (1994)
District 6 - Mike Jameson

A request to change from R6 to RM15 district property located at 811, 813, and 815 Sylvan Street between South 8th and South 9th Streets (.61 acres), requested by Chris Flowers of CMF Development LLC, owner.

Staff Recommendation - *Approve with the associated site plan*

APPLICANT REQUEST - Request to change 0.61 acres from residential single family and duplex (R6) to residential multi-family (RM15) zoning, on property located at 811, 813, and 815 Sylvan Street between South 8th and South 9th Streets, south of Shelby Street.

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.

Proposed Zoning

RM15 district RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre.

EAST NASHVILLE COMMUNITY PLAN POLICY

Neighborhood General (NG) -NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Policy Conflict -No. The residential development as permitted within the proposed RM15 zoning district is consistent with the NG policy's intent of creating a diversity of housing types. A site plan has been submitted with the RM15 rezoning, which shows a total of nine cottage-style units that front around a common open space (and four fronting onto Sylvan Street), with 14 parking spaces located to the rear off the alley, and pedestrian access around the site. Staff has evaluated the site plan, and recommends that development of this site consistent with the proposed plan and requested RM15 zoning will implement the intent of The Neighborhood General policy. The applicant has stated his intention to sell the units, and the land beneath them, via the cottage subdivision option.

The RM15 zoning will also provide a transition between the higher residential density of the RM20 zoning on the south side of Sylvan Street, and the established pattern of residential single family/duplex zoning along Shelby Street to the north.

RECENT REZONINGS -None.

PUBLIC WORKS RECOMMENDATION -No Exception Taken.

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.61	6.18	4	39	3	5

Typical Uses in Proposed Zoning District: RM15

Land Use (ITE Code)	Acres	FAR	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	0.61	15	9	83	8	9

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
--			+5	44	5	4

METRO SCHOOL BOARD REPORT

Projected student generation 7 Elementary 4 Middle 3 High

Schools Over/Under Capacity -Students would attend Kirkpatrick Elementary School, Dalewood Middle School, or Stratford High School. All schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated February 2006.

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

Resolution No. RS2006-121

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-040U-05 is **APPROVED WITH CONDITIONS of the associated site plan. (9-0)**

The proposed RM15 district is consistent with the East Nashville Community Plan’s Neighborhood General Policy, which is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. The site plan that was submitted fulfills this intent.”

- 8. **2006Z-046U-05**
 Map 071-07, Parcels 074, 075
 Subarea 5 (1994)
 District 5 - Pam Murray

A request to change from RS5 to MUL zoning property at 103 and 105 West Trinity Lane, approximately 120 feet west of Dickerson Pike (.48 acres), requested by Chris Dawson of Red River Investments for Charles and Jo Evans, owners.

Staff Recommendation -*Approve*

APPLICANT REQUEST - A request to change 0.48 acres from residential single-family (RS5) to mixed use limited

(MUL) zoning property at 103 and 105 West Trinity Lane, approximately 120 feet west of Dickerson Pike.

Existing Zoning

RS5 district RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 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.

East nashville community (Subarea 5) PLAN Policy

Neighborhood Urban - NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development.

Policy Conflict -No. The mixed use limited district implements the Neighborhood Urban policy by allowing for mixed use development that includes both residential and commercial opportunities.

METRO SCHOOL BOARD REPORT

Projected student generation 5 Elementary 2 Middle 1 High

Schools Over/Under Capacity -Students would attend Tom Joy Elementary School, Jere Baxter 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 December 13, 2005.

RECENT REZONINGS -None.

PUBLIC WORKS RECOMMENDATION - No exceptions taken

Typical Uses in Existing Zoning District: RS5

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.48	7.42	4	54	13	6

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
Specialty Retail Center ()	0.48	0.221	4,621	236	NA	33

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
--	0.48			182	NA	27

Maximum Uses in Existing Zoning District: RS5

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached(210)	0.48	7.42	4	54	13	6

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
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Shopping Center (820)	0.48	0.6	12,545	539	13	48
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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
--	0.48			485	0	42

Approved (9-0), *Consent Agenda*

Resolution No. RS2006-122

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-047U-10 is **APPROVED. (9-0)**

The proposed MUL district is consistent with the East Nashville Community Plan’s Neighborhood Urban policy, which is intended for a variety of housing types, public benefit uses, commercial activities and mixed-use development.”

- 9. **2006Z-047U-10**
 Map 118-09, Various Parcels
 Map 118-130, Various Parcels
 Subarea 10 (2005)
 District 25 - Jim Shulman

A request to change from R10 to RS10 zoning various properties located between Lealand Lane and General Bate Drive on Draughon Avenue, Graybar Lane, and General Bate Drive (16.21 acres), requested by Councilmember Jim Shulman.

Staff Recommendation -Approve

APPLICANT REQUEST - A request to change approximately 16.21 acres from single-family and duplex (R10) to single-family (RS10) zoning various properties located between Lealand Lane and General Bate Drive on Draughon Avenue, Graybar Lane and General Bate Drive.

Existing Zoning

R10 District 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

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.

GREENHILLS/MIDTOWN COMMUNITY PLAN

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 single-family residential district is consistent with the areas Residential Low Medium policy.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

METRO SCHOOL BOARD REPORT -The number of students generated by this rezoning is negligible since this is an existing, platted area.

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

Mr. Kingston Smythe, 3608 Doge Place spoke in opposition to the zone change request.

Mr. James Deppen, 3510 Lealand Lane, spoke in favor of the zone change request.

Mr. Gerald Stubbs, 3510 Lealand Lane, spoke in favor of the zone change request.

Councilmember Shulman spoke in favor of the zone change request. He stated that there was one constituent who was opposed to this zone change and that he would remove her property from the request at the Council level. He reiterated that the request came from the community members of this area and he requested approval.

Mr. Ponder moved and Ms. Nielson seconded the motion, which passed unanimously, to approve zone change 2006Z-047U-10. **(9-0)**

Resolution No. RS2006-123

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-047U-10 is **APPROVED. (9-0)**

The proposed RS10 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low Medium policy, which is for residential development within a density range of two to four dwelling units per acre.”

- 10. 2006Z-048U-05**
Map 073-00, Parcels 015, 031
Map 084-00, Parcels 001, 004, 028
Subarea 5 (1994)
District 7 - Erik Cole

A request to change from AR2a and R10 to AG zoning property at Airpark Drive (unnumbered) at the Cornelia Fort Airport in East Nashville (105.32 acres), requested by Richard L. Colbert of Colbert & Winstead PC, applicant, for Ernest W. Colbert and Colemill Enterprises Inc., owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Request to change 105.32 acres from agricultural/residential (AR2a) and residential single-family and duplex (R10) to Agricultural (AG) zoning, on five properties located at Airpark Drive (unnumbered) at the Cornelia Fort Airport in East Nashville.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and is 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.

R10 district - 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

AG district - Agricultural requires a minimum lot size of 5 acres and is 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 5 acres. The AG district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

EAST NASHVILLE COMMUNITY PLAN POLICY

Impact (I) - I policy areas are intended for areas with existing areas that are dominated by one or more activities that have, or can have, a significant adverse impact on the surrounding area. Appropriate uses include hazardous industrial operations, airports, correctional facilities, and other large institutions that are a safety risk, as well as large amusement and entertainment complexes. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Open Space (OS) - Open Space is a general classification encompassing a variety of public, private not-for-profit, and membership-based open space and recreational activities. There are two subcategories of Open Space. The designation OS indicates that the area in question has already been secured for Open Space use. The designation POS indicates that the area in question is intended to be in open space use, but has not yet been secured for that use.

Types of uses intended within OS and POS areas range from active and passive recreational areas, reserves, land trusts and other open spaces to civic uses and public benefit activities deemed by the community to be "open space." OS and POS

areas can range from large sites encompassing thousands of acres to small sites that are a fraction of an acre. Large OS and POS areas are elements of the community's structural framework, while smaller OS and POS areas are integral elements of planning neighborhoods. Generally, large OS and POS areas are intended to be low intensity and limited to accessory buildings commonly associated with the principal activity. Smaller "open space" areas, especially those with such uses as schools and recreation centers, may be fairly intensely developed.

Policy Conflict -No. The residential development as permitted within the proposed AG district is the lowest density residential zoning in the county. The site has been given the "Impact" land use policy due to the presence of the Cornelia Fort Airport on parcel 001.01. The applicants have requested the AG zone district for tax purposes, and staff recommends approval because the district will successfully implement the goals of the Impact policy, as the site will remain as it is and continue to serve as a buffer to the adjacent residential area to the west. No site plan has been submitted, as the rezoning represents of reduction in the intensity of permitted development.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken.

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)	44.78	0.5	22	259	25	28

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)	60.54	3.7	224	2,184	167	222

Typical Uses in Proposed Zoning District: AG

Land Use (ITE Code)	Acres	Density	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached	105.32	0.2	21	248	25	27

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
	105.32		225	-2,195	-167	-223

METRO SCHOOL BOARD REPORT

Projected student generation 2 Elementary 2 Middle 3 High

Schools Over/Under Capacity -Students would attend Rosebank Elementary School, Litton Middle School, or Stratford High School. All schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated February 2006.

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

Mr. Rick Colbert, 1812 Broadway, spoke in favor of the proposal.

Mr. Thomas Demony, 1001 Shadow Lane, spoke in favor of the proposal.

Councilmember Cole spoke in favor of the proposal. He acknowledged that the project adheres to the community plan and that the constituents were in favor of it.

Mr. McLean moved and Mr. Loring seconded the motion, to approve Zone Change 2006Z-048U-05. (9-0)

Resolution No. RS2006-124

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-048U-05 is **APPROVED. (9-0)**

The proposed AG district is consistent with the East Nashville Community Plan’s Impact and Open Space policies. The AG district has the lowest residential density, and while the applicant’s plan to leave the property undeveloped, any development would be low impact and not have any negative impact on the area.”

The Commission recess at 5:15 p.m.

Ms. Cummings left the meeting at 5:15 p.m.

The Commission resumed at 5:30 p.m.

- 11. 2006Z-051U-08**
Map 092-11, Parcels 026, 027
Subarea 8 (2002)
District 21 - Edward Whitmore

A request to change from OR20 to OR40 zoning property at 2100 and 2104 Clifton Avenue, along the northwest corner of Clifton Avenue and 21st Avenue North (.63 acres), requested by CRJ 8th Avenue Property LLC, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Request to change 0.63 acres from office/residential (OR20) to office/residential (OR40) zoning, on property located at 2100 and 2104 Clifton Avenue, along the northwest corner of Clifton Avenue and 21st Avenue North.

Existing Zoning

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

Proposed Zoning

OR40 district Office/Residential (OR40) is intended for office and/or multi-family residential units at up to 40 dwelling units per acre.

NORTH NASHVILLE COMMUNITY PLAN POLICY

Structure Plan Category Neighborhood Urban (NU) - NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

Watkins Park Detailed Neighborhood Design Plan Land Use Category

Mixed Use (MxU) - MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Policy Conflict - No. The office/residential development as permitted within the proposed OR40 zoning district is consistent with the MxU in NU policy’s intent of allowing mixed, fairly dense, vertically integrated uses. A total of 25 apartment units would be allowed on the property with OR40 zoning, while 12 are allowed currently under OR20 zoning. The applicant has requested the OR40 zoning because the intent is to add a loft to the existing two-story building on the site (which is currently about 22 ft. high), bringing the total height to roughly 34 feet high. OR40 allows a maximum building height at setback line of 45 feet (whereas OR20 allows a maximum height of 30 feet), and is comparable to OR20 in terms of allowable uses.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken.

Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.63	0.271	7,436	181	24	88

Typical Uses in Proposed Zoning District: OR40

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.63	0.184	5,049	134	18	85

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
	0.63		-2,387	-47	-6	-3

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.63	0.80	21,954	416	56	104

Maximum Uses in Proposed Zoning District: OR40

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.63	3.0	27,000	770	108	115

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
--			+5,046	354	52	11

METRO SCHOOL BOARD REPORT

Projected student generation 6 Elementary 3 Middle 3 High

Schools Over/Under Capacity - Students would attend Park Avenue Elementary School, Bass Middle School, or Pearl Cohn High School. Park Avenue Elementary has been identified as not having capacity. The fiscal liability for the projected number of elementary students to be generated is \$72,000 (6 X \$12,000 per student).

This information is based upon data from the school board last updated February 2006.

Approved (9-0), *Consent Agenda*

Resolution No. RS2006-125

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-051U-08 is **APPROVED. (9-0)**”

The proposed OR40 district is consistent with the North Nashville Community Plan’s Neighborhood Urban and Mixed Use policies. The Neighborhood Urban structure policy is intended for a variety of housing types, public benefit uses, commercial activities and mixed-use development, and the Mixed Use detailed policy is to encourage a mixture of uses.”

12. 2006Z-065T

An amendment to the "Buildings and Construction" section of Metro Code to allow building and demolition permits within newly-adopted historic zoning overlays to be renewable and transferable.

The Metropolitan Planning Commission WITHDREW Text Amendment 2006Z-065T at the request of the applicant. (8-0)

IX. PRELIMINARY SUBDIVISION PLATS

13. 2006S-115G-03 (formerly known as 2004S-070G-03)

Fontanel, The Trails Of
Map 049-00, Parcel 140
Subarea 3 (2003)
District 3 - Carolyn Baldwin Tucker

A request to extend the previous preliminary plat approval for 10 lots of 5/13/2004 for one year, located on the east margin of Whites Creek Pike, approximately 1100 feet north of Lloyd Road, (98.23 acres), classified in the RS20 district, requested by Fontanel Properties, LLC., owner/developer and Advantage Land, surveyor.

Staff Recommendation -*Approve with conditions, including variances for street design standards and lots in excess of three times the minimum lot size required by the RS20 zoning.*

APPLICANT REQUEST -Preliminary Plat

Request to extend the previous preliminary plat approval for 10 lots of 5/13/2004 for one year, located on the east margin of Whites Creek Pike, approximately 1100 feet north of Lloyd Road, (98.23 acres).

ZONING

RS20 District RS20 district allows single-family lots and requires a minimum lot size of 20,000 square feet.

SUBDIVISION DETAILS

Existing Structures - An estate home exists at the rear of the tract and will remain as part of this development.

Floodplain -A minimal amount of floodplain is located within one of the lots in this phase; however, the access road for these lots crosses the Whites Creek floodway and floodplain. This access road is already in existence.

Existing Access Road -There is an existing access road originally designed to serve the estate at the rear of the property. The access road, including underground utilities and drainage, was designed to fit into the original grade of the valley floor with little or no cut and fill to the sides of the valley. This road is approximately 12 feet wide with shoulders of two feet wide on each side.

Variances

Lot Sizes (2-4.2 D) -The Subdivision Regulations require that the proposed lot area not exceed three times the minimum lot size required by the RS20 zoning. Exceptions may be made when land proposed for division contains floodplain or land otherwise unsuitable for development. In this case, the land is classified Natural Conservation because it has both topographic constraints and streams crossing the property. The developer’s intent is to nestle the new homes with minimal land disturbance. The lot sizes range from 5 to 9 acres, with the estate remaining on a 34-acre lot. Staff recommends approval of this request, as the development proposal is more appropriate for the nature of the land than 20,000 square foot lots would be.

Street Standards (2-6.2.1 K (4) (d)) - This request is to reduce the required private roadway section from a pavement width of 20 feet with shoulders of eight feet to a pavement width of 12 feet with shoulders of two feet to allow the existing access

drive to function unaltered as the roadway for the proposed lots.

The applicant has noted that there is sufficient flat area to increase the existing road; however, the Stormwater Management Committee has required it to remain in its existing size. Mature trees and vegetation would be lost and the sides of the valley walls would have to be cut into causing scarification and erosion problems if the road were brought up to standards.

The plan deals with the narrow cross section by providing vehicle turn-outs at each driveway to allow for vehicle passing and adequate site distance. Additionally, the development access on Whites Creek Pike will be gated and minimal traffic will be using the drive.

Staff recommends approval of the variance because not granting the variance would create destruction of the environment and loss of the rural fabric that this development is trying to preserve.

PUBLIC WORKS RECOMMENDATION -No exception taken.

1. It should be noted that the private access to Whites Creek Pike is subject to flood.
2. Adequate site distance is required if existing street cross section is to remain.

STORMWATER RECOMMENDATION

On March 18, 2004, the Stormwater Appeal Board approved a variance request to allow the subdivision without the requirement for additional permanent onsite stormwater quality measures, to allow the disturbance of the blue line stream buffer for driveway crossings and pull-outs, and to allow the detention pond and stream buffers to fall within lots as easements rather than dedicated open space.

1. Obtain approval from TDEC for all blue line stream crossings prior to issuance of a Grading Permit from Metro Water Services.
2. Provide a permanent gravel or paved access drive (10' wide minimum) to the detention pond for inspection and maintenance. Provide rights of ingress and egress to Metro Water Services.
3. Note all stream buffers on the subdivision plat as Undisturbed Stream Buffer.
4. The Undisturbed Stream Buffer areas shall be clearly defined, and Subdivision Plat referenced in the Restrictive Covenants. Provide copy of recorded Restrictive Covenants to Metro Water Services, Stormwater Division prior to obtaining plan approval.
5. Size all driveway culverts and provide calculations to Metro Water Services, Stormwater Division for approval prior to plat approval. Include driveway culvert sizes on the plat.
6. Only one driveway with pull-over per lot is allowed if a stream crossing is required to access said lot. Keep disturbance of the stream buffer to the minimum necessary to construct the driveway crossing and pull-over.

CONDITIONS

1. All areas in the floodplain or floodway designated undisturbed must be fenced off prior to the issuance of any grading permits.
2. The elevation of the existing bridge and the elevation of the floodplain shall be clearly marked on the preliminary plat and future final plats.
3. All conditions of the Stormwater Appeal Board will be complied with in conjunction with approvals of the preliminary plat and final plat.
4. A joint access and maintenance agreement for the private road will be recorded in conjunction with the final plat.

Approved with conditions, including variances for street design standard and 3x rule (9-0), *Consent Agenda*

Resolution No. RS2006-126

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-115G-03 (formerly known as 2004S-070G-03) is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

April 11, 2006 Minutes

PUBLIC WORKS RECOMMENDATION -No exception taken.

1. It should be noted that the private access to Whites Creek Pike is subject to flood.
2. Adequate site distance is required if existing street cross section is to remain.

STORMWATER RECOMMENDATION -On March 18, 2004, the Stormwater Appeal Board approved a variance request to allow the subdivision without the requirement for additional permanent onsite stormwater quality measures, to allow the disturbance of the blueline stream buffer for driveway crossings and pull-outs, and to allow the detention pond and stream buffers to fall within lots as easements rather than dedicated open space.

1. Obtain approval from TDEC for all blueline stream crossings prior to issuance of a Grading Permit from Metro Water Services.
2. Provide a permanent gravel or paved access drive (10' wide minimum) to the detention pond for inspection and maintenance. Provide rights of ingress and egress to Metro Water Services.
3. Note all stream buffers on the subdivision plat as Undisturbed Stream Buffer.
4. The Undisturbed Stream Buffer areas shall be clearly defined, and Subdivision Plat referenced in the Restrictive Covenants. Provide copy of recorded Restrictive Covenants to Metro Water Services, Stormwater Division prior to obtaining plan approval.
5. Size all driveway culverts and provide calculations to Metro Water Services, Stormwater Division for approval prior to plat approval. Include driveway culvert sizes on the plat.
6. Only one driveway with pull-over per lot is allowed if a stream crossing is required to access said lot. Keep disturbance of the stream buffer to the minimum necessary to construct the driveway crossing and pull-over.

CONDITIONS

2. All areas in the floodplain or floodway designated undisturbed must be fenced off prior to the issuance of any grading permits.
3. The elevation of the existing bridge and the elevation of the floodplain shall be clearly marked on the preliminary plat and future final plats.
4. All conditions of the Stormwater Appeal Board will be complied with in conjunction with approvals of the preliminary plat and final plat.
5. A joint access and maintenance agreement for the private road will be recorded in conjunction with the final plat.”

-
14. **2006S-122U-13**
Reeves Ridge
Map148-00, Parcel 129
Subarea 13 (2003)
District 28 - Jason Alexander

A request for preliminary plat approval to create 17 lots at 4830 Payne Road, approximately 630 feet south of Reeves Road (5.5 acres), zoned R8, requested by T. K. Jones, Jr. and Wendall Williams, owners, Dale & Assoc., surveyor/engineer.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat -Request to subdivide 5.5 acres into 17 cluster single-family lots located on Payne Road, approximately 630 feet south of Reeves Road.

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.

SUBDIVISION DETAILS -There are 17 cluster lots proposed for single-family lots ranging in size from 6,120 square feet to 24,600 square feet. These lots are proposed off of an existing stub street ending with a permanent cul-de-sac. A street connection is not proposed to Payne Road due to steep topography.

A 20-foot landscape buffer yard is proposed along the northern and eastern boundary of the property due to the clustering of lots. There is 26.2% of open space proposed.

Sidewalks are proposed on each side of the proposed street.

STORMWATER RECOMMENDATION - Approved except as noted.

1. Add the subdivision number to the plat, i.e. 2006S-122U-13.
2. Label the pond, as "Water Quality/Detention Pond."

PUBLIC WORKS RECOMMENDATION -Exception Taken.

1. Any approval is subject to Public Works approval of construction plans. Final design and improvements may vary based on field conditions.
2. Document adequate site distance at project access. Indicate the amount of sight distance at the project entrance, and if adequate site distance per AASHTO for the posted speed limit on Reeves Road is provided, prior to preparation of construction plans.

CONDITIONS

1. All Public Works and Stormwater comments/conditions shall be addressed prior to final plat approval.
2. The base zoning note on page C0.0 should be changed to R8 rather than RS20.
3. The critical lot note can be removed since there are no proposed critical lots.

Approved with conditions, including a variance to allow lots that are three times the base zoning (9-0), *Consent Agenda*.

Resolution No. RS2006-127

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-122U-13 is **APPROVED WITH CONDITIONS (9-0), including a variance to allow lots that are three times the base zoning.**”

Conditions of Approval:

STORMWATER RECOMMENDATION - Approved except as noted.

1. Add the subdivision number to the plat, i.e. 2006S-122U-13.
2. Label the pond, as "Water Quality/Detention Pond."

PUBLIC WORKS RECOMMENDATION -Exception Taken.

1. Any approval is subject to Public Works approval of construction plans. Final design and improvements may vary based on field conditions.
2. Document adequate site distance at project access. Indicate the amount of sight distance at the project entrance, and if adequate site distance per AASHTO for the posted speed limit on Reeves Road is provided, prior to preparation of construction plans.

CONDITIONS

1. All Public Works and Stormwater comments/conditions shall be addressed prior to final plat approval.
2. The base zoning note on page C0.0 should be changed to R8 rather than RS20.
3. The critical lot note can be removed since there are no proposed critical lots.”

X. FINAL PLATS

15. 2006S-105U-10

Sharondale Heights, Resub. Lot 1
Map 117-07, Parcels 001, 002, 003
Subarea 10 (2005)
District 25 - Jim Shulman

A request for final plat approval to create 2 lots located between White Oak Drive and Wellesley Trace with a sidewalk variance along Wellesley Trace (.52 acres), approximately 352 feet north of Golf Club Lane, zoned R10, requested by Golf Club Partners, owner, E. Robert Alley & Associates.

The Metropolitan Planning Commission DEFERRED Final Plat 2006S-105U-10 to April 27, 2006, at the request of the applicant. (8-0)

16. 2006S-114G-06

Hows Subdivision
Map 127-00, Parcel 177
Subarea 6 (2003)
District 35 - Charlie Tygard

A request for final plat approval to create 4 lots located at Charlotte Pike (unnumbered), approximately 390 feet east of Quail Creek Road (5.62 acres), zoned R40, requested by Action Construction of TN Inc., owner, Hart Freeland & Roberts, surveyor.

Staff Recommendation - *Approve with conditions, including a variance for lot depth to width ratio.*

APPLICANT REQUEST - Final Plat

A request for final plat approval to create four lots on 5.62 acres located at Charlotte Pike (unnumbered), approximately 390 feet east of Quail Creek Road.

ZONING

R40 District - R40 district 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

Variances

Lot Width (2-4.2 E) - The Subdivision Regulations require that the proposed lot width at the front yard line shall not be less than 25% of the average lot depth. The four lots in this subdivision are 4-6 feet longer than a strict interpretation of the regulation allows. The applicant contends that because the back third of the property is a steep slope and is not able to be developed it should not count against them. The applicant also has stated that they do not wish to lose a lot because the width of three lots would not match the adjoining properties that are developed in the same character. The applicant has stated that since the proposed lots are similar in character to the existing lots, there will be no negative effects from approving this subdivision.

Details Access - Charlotte Pike is classified as an arterial roadway and the Section 2-4.3 of the Subdivision Regulations requires that new lots fronting on arterial streets be served by combined driveways. The plat currently shows a driveway curb cut for each lot and will need to be revised before the plat can be recorded.

Staff Recommendation - Lot comparability was not conducted because there is not an established development pattern in this location. The land use policy is Residential Low Medium (2-4 dwelling units per acre) along the front of the property where the homes are to be located and Natural Conservation along the rear of the property where the property will not be developed. The policy is being implemented appropriately through this subdivision. Staff recommends approval of the subdivision and the requested lot width variance.

PUBLIC WORKS RECOMMENDATION - No exception taken.

STORMWATER RECOMMENDATION - Approve except as noted. Prior to the recording of the final plat the following comments must be addressed:

1. Add the subdivision numbers 2006S-114G-06
2. The surveyor needs to sign and date the plat.
3. Correct the FEMA note (plat note #5). The publication date of the FEMA map is April 20, 2001.

CONDITIONS

1. The following items shall be addressed prior to the recording of the final plat:

- Add the subdivision numbers 2006S-114G-06
- The surveyor needs to sign and date the plat.
- Correct the FEMA note (plat note #5). The publication date of the FEMA map is April 20, 2001.
- Add the new parcel numbers to the plat
 - Lot 1 – Parcel 302
 - Lot 2 – Parcel 303
 - Lot 3 – Parcel 304
 - Lot 4 – Parcel 305
- Lots 1 and 2 shall have a shared driveway and lots 3 and 4 shall have a shared driveway. This change shall be reflected on the plat.

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

Resolution No. RS2006-128

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-114G-06 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

STORMWATER RECOMMENDATION

Approve except as noted. Prior to the recording of the final plat the following comments must be addressed:

1. Add the subdivision numbers 2006S-114G-06
2. The surveyor needs to sign and date the plat.
3. Correct the FEMA note (plat note #5). The publication date of the FEMA map is April 20, 2001.

CONDITIONS

1. The following items shall be addressed prior to the recording of the final plat:

- Add the subdivision numbers 2006S-114G-06
- The surveyor needs to sign and date the plat.
- Correct the FEMA note (plat note #5). The publication date of the FEMA map is April 20, 2001.
- Add the new parcel numbers to the plat
 - Lot 1 – Parcel 302
 - Lot 2 – Parcel 303
 - Lot 3 – Parcel 304
 - Lot 4 – Parcel 305
- Lots 1 and 2 shall have a shared driveway and lots 3 and 4 shall have a shared driveway. This change shall be reflected on the plat.”

17. **2006S-118U-10**
 Glen Echo, Resub. Lot 18
 Map 117-11, Parcel 079
 Subarea 10 (2005)
 District 25 - Jim Shulman

A request for final plat approval to create 2 lots at 1740 Hillmont Drive, approximately 850 feet north of Glen Echo Drive (.82 acres), zoned R10, requested by George T. Moore et ux, owners, W. Murray Wall, surveyor.

Staff Recommendation - Approve

APPLICANT REQUEST-Final Plat

A request for final plat approval to create two lots located at 1740 Hillmont Drive, approximately 850 feet north of Glen Echo Drive (.82 acres) zoned R10.

Zoning

R10 district - 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.

SUBDIVISION DETAILS -As proposed two new lots will be created out of one parcel. The lots will have approximately the following area and frontage:

- 1. 18,604 sq. ft. (.43 acres), 100 ft.
- 2. 16,784 sq. ft. (.39 acres), 100 ft.

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

The lot comparability analysis yielded a minimum lot area of 29,157 sq. ft., and a minimum lot frontage of 79.38 linear feet. **Both lots pass for frontage but neither passes for area.**

Exception to lot comparability -A lot comparability exception can be granted if a proposed lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception when the required criteria are met.

Staff Recommendation -While the proposed lots do not pass comparability analysis, staff recommends approval of an exception to the comparability requirements because the subdivision is located within a half mile radius of the Green Hills Regional Activity Center (located to the west). The location within one half mile of a Regional Activity Center is a factor the Commission may consider to determine whether proposed lots would be consistent with the General Plan.

In addition, a precedent has been set by the approval of two previous subdivisions with similarly sized lots on Hillmont Drive. Subdivision 2004S-161U-10 was approved in July 2004 and 2005S-205U-10 was approved in July 2005. Both plats approved subdividing a single lot into two lots although the new lots did not pass comparability. An exception to comparability was approved for both cases and the plat was limited to single family homes on each of the newly created lots. As with the previous applications, both lots will be limited to single family dwellings, which applicants have agreed.

STORMWATER RECOMMENDATION -No Exceptions Taken
PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

CONDITION - Both lots are limited to single-family residences only.

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

Resolution No. RS2006-129

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-118U-10 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

- 1. Both lots are limited to single-family residences only.”

-
- 18. **2006S-120U-07**
Rogers Subdivision
Map 092-13, Parcel 257
Subarea 7 (2000)
District 24 - John Summers

A request for final plat approval to create 2 lots at 3727 Nevada Avenue, southeast corner of Nevada Avenue and 38th Avenue North (.34 acres), zoned RS5, requested by Justin W. Rogers and Renee B. Leymon, owners, John Kohl & Co., surveyor.

Staff Recommendation -Approve

APPLICANT REQUEST -Final Plat

Request to create two lots from one lot on 0.33 acres, located at 3727 Nevada Avenue, southeast corner of Nevada Avenue and 38th Avenue North (classified within the RS5 district).

ZONING

RS5 district RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

SUBDIVISION DETAILS -This subdivision proposes the creation of two lots from one lot within the Charlotte Park 2nd addition subdivision, lot 1 on the corner of 38th Avenue North and Nevada Avenue, and lot 2 facing Nevada Avenue. There is an existing residence on the proposed lot 1, which is to remain, and lot 2 is proposed for single family purposes.

Sidewalk variance -This property falls within the Urban Services District, and development rights for one new dwelling unit will be created with this subdivision. Normally a sidewalk would be required to be constructed along the frontage of either lot 1 on Nevada Avenue and 38th Avenue North, or along the frontage of lot 2 on Nevada Avenue. Because there is existing sidewalk on both streets, no new sidewalk is required.

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.

Two lot comparability analyses were performed because the proposed lot 1 has frontage on Nevada Avenue and 38th Avenue N., while proposed lot 2 fronts on Nevada Avenue. The lot comparability analysis yielded the following information:

Lot Comparability Analysis	Requirements:	
	Minimum lot size (sq. ft):	Minimum lot frontage (linear ft.):
street:		
Nevada Avenue	8,902.0	61.7
38th Avenue N.	5,740.0	95.1

As proposed, the two new lots have the following areas and street frontages:

- Lot 1: 7, 795 Sq. Ft., (0.18 Acres), with 56.63 ft. of frontage on Nevada Avenue, and 150.4 ft. of frontage on 38th Avenue North.
- Lot 2: 6,443 Sq. Ft., (0.15 Acres), and 50 ft. of frontage on Nevada Avenue.

Both **Lots 1 and 2** fail for minimum lot area and minimum lot frontage requirements for Nevada Avenue, while lot 1 passes minimum lot area and minimum lot frontage requirements for 38th Avenue North.

Exception to lot comparability -A lot comparability exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

Though both lots fail the lot comparability for Nevada Avenue (the street upon which both lots will have a front façade), the proposed lots do meet **two** of the qualifying criteria of the exception to lot comparability. The proposed density of this plat is two single family homes on 0.33 acres, or 2 units/0.33 ≈ 6 units per acre, which clearly falls in the middle of the range of residential density of 4-9 homes/acre as called for in the Residential Medium land use policy. Second, the

proposed subdivision is less than a quarter mile of a land use policy that is Mixed Use, Office, or Commercial. The property is 979 feet from an area that is designated with Commercial land use policy.

Staff Recommendation - Staff recommends approval of this subdivision, based on two of the qualifying criteria for the lot comparability exception.

PUBLIC WORKS RECOMMENDATION

1. No Exceptions Taken.

STORMWATER RECOMMENDATION - Approved Except as Noted:

1. Add the subdivision number, i.e., 2006S-120U-07, to the plat.
2. Correct the FEMA plat note. Specifically, the FEMA note cites an incorrect panel number. Change “0213” to “0214.”
3. Add the surveyor stamp, and sign, and date.

CONDITIONS

1. Prior to any final plat recordation, the plat must be revised to add the following parcel numbers:
 - Lot 1 = parcel 482
 - Lot 2 = parcel 483

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

Resolution No. RS2006-130

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-120U-07 is APPROVED WITH CONDITIONS. (9-0)

Conditions of Approval:

PUBLIC WORKS RECOMMENDATION

1. No Exceptions Taken.

STORMWATER RECOMMENDATION - Approved Except as Noted:

1. Add the subdivision number, i.e., 2006S-120U-07, to the plat.
2. Correct the FEMA plat note. Specifically, the FEMA note cites an incorrect panel number. Change “0213” to “0214.”
3. Add the surveyor stamp, and sign, and date.

CONDITIONS

Prior to any final plat recordation, the plat must be revised to add the following parcel numbers:

- Lot 1 = parcel 482
- Lot 2 = parcel 483”

19. **2006S-127U-10**
Henry Compton Lands
Map 116-12, Parcel 103
Subarea 10 (2005)
District 34 - Lynn Williams

A request for final plat approval to create 3 lots at 3700 Estes Road with a sidewalk variance along Estes Road frontage, approximately 330 feet north of Elder Place (1.56 acres), zoned R20, requested by Robert S. Baldwin, owner, Campbell McRae & Assoc., surveyor.

The Metropolitan Planning Commission DEFERRED Final Plat 2006S-127U-10 indefinitely at the request of the applicant. (8-0)

XI. PLANNED UNIT DEVELOPMENTS (revisions)

20. 64-85-P-05

Greenfield Plaza Kroger
Map 072-02, Parcels 148, 156
Subarea 5 (1994)
District 8 - Jason Hart

A request to amend a commercial Planned Unit Development located at 3400 and 3410 Gallatin Pike classified CL (.537 acres) to permit additional property (.37 acres) to be included within the PUD boundary (5.74), and to permit a new fuel center with 5 pumps and service kiosk, requested by Kroger Company, applicant for Walter Johnson, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST -Amend PUD

A request to amend a commercial Planned Unit Development located at 3400 and 3410 Gallatin Pike classified CL (5.37 acres) to permit additional property (.37 acres) to be included within the PUD boundary (total 5.74 acres), and to permit a new fuel center with 5 pumps and service kiosk.

PLAN DETAILS -As proposed the plan calls for the addition of a fuel center to be located at the northeast corner of Gallatin Pike and Shelton Avenue. A majority of the proposed fuel center will be on property that is not currently within the existing PUD overlay, and will be added if this request is approved.

As proposed the fuel center will have five pumps and a small kiosk.

Access No new access points along Gallatin Pike or Shelton Avenue are proposed and the proposed fuel center will be accessed from within the existing Kroger parking lot.

PUBLIC WORKS RECOMMENDATION -No Exceptions Taken

STORMWATER RECOMMENDATION

1. Add 78-840 note: (Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance no. 78-840 and approved by The Metropolitan Department of Water Services.)
2. Add Preliminary note: (This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)

CONDITIONS

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
3. 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.
4. 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 the issuance of any building permits. 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.
5. 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 copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2006-131

“BE IT RESOLVED by The Metropolitan Planning Commission that 64-85-P-05 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

STORMWATER RECOMMENDATION

1. Add 78-840 note: (Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance no. 78-840 and approved by The Metropolitan Department of Water Services.)
2. Add Preliminary note: (This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)

CONDITIONS

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
3. 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.
4. 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 the issuance of any building permits. 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.
5. 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 copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

The proposed PUD plan works with the existing PUD, and is in keeping with the area.”

21. **2006P-005U-05**
Chapel Bistro PUD
Map 083-06, Parcel 259
Subarea 5 (1994)
District 6 - Mike Jameson

A request for preliminary approval for a commercial Planned Unit Development, located at 701 Chapel Avenue, zoned CN (.14 acres) to permit an existing restaurant an exemption from the minimum distance requirements included in the beer provisions of the Metro Code, requested by Creative Restaurant Group, LLC, applicant for Chapel Street Properties, owner.

Mr. Swaggart presented and stated that staff is recommending approval with conditions on Planned Unit Development

2006P-005U-05.

Mr. Michael Klamann, 705 Setliff Place, spoke in opposition to the proposal.

Mr. Timothy Cotton, 711 Setliff Place, spoke in opposition to the proposal.

A representative for the Chapel Bistro PUB requested that this proposal be deferred one meeting. He stated his attorney was present.

Mr. Bernhardt suggested that this deferral be a “two meeting” deferral due to the fact that notices will need to be sent out again and that there was not a Council bill pending.

Mr. Ponder moved and Mr. Loring seconded the meeting, which passed unanimously to defer the preliminary approval for the commercial Planned Unit Development 2006P-005U-05 until May 11, 2006. **(8-0)**

Resolution No. RS2006-132

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006P-005U-05 is **DEFERRED to the May 11, 2006 Planning Commission meeting. (8-0)**”

XII. OTHER BUSINESS

22. Recommended Capital Improvements Budget 2006-2007 to 2011-2012

Approved (9-0), *Consent Agenda*

23. Request to extend expired preliminary plat for Tillman Subdivision

APPLICANT REQUEST -Applicants are requesting a variance from Section 3-3.5 (below), which stipulates the effective period for preliminary plat approval. According to Section 3-3.5 the preliminary plat is effective for two years, but may be extended by the Planning Commission prior to its expiration, if and when the Commission finds that significant progress has been made in developing the subdivision.

The preliminary plat for this subdivision was **approved on 12/11/03** and **expired on 12/11/05**. The applicants did not request that the preliminary plat be extended prior to its expiration. The applicants have submitted a letter indicating progress that has been made in developing the subdivision, which is attached at the end of this report.

There is no provision in the Metro Subdivision Regulations that permits an applicant to extend or “revive” a preliminary plat after it has expired, so the applicant is requesting that the Commission waive the requirements of Section 3-3.5.

APPLICABLE SUBDIVISION REGULATION

3-3.5 Effective Period of Preliminary Approval –

“The approval of a preliminary plat shall be effective for a period of two (2) years. Prior to the expiration of the preliminary approval, such plat approval may be extended for one (1) additional year upon request and if the Planning Commission deems such appropriate based upon progress made in developing the subdivision. For the purpose of this section, progress shall mean installation of sufficient streets, water mains, and sewer mains and associated facilities to serve a minimum of ten percent (10%) of the lots proposed within the subdivision.

Any subdivision having received preliminary approval, a section or phase of which has received final approval and has been recorded within the period of preliminary approval affectivity, will not be subject to preliminary expiration (see 3-6). Should preliminary approval expire for any reason, any submittal for Planning Commission reapproval shall be subject to current Zoning Regulations and Subdivision Regulations in force at that time.”

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously to waive the rules and extend the preliminary plat until August 1, 2006. **(8-0)**

[Note: Item #23 and #24 were discussed by The Planning Commission together. See Item #24 for actions and resolutions.]

24. Request to extend expired preliminary plat for Tulip Grove Pointe Subdivision

APPLICANT REQUEST -Applicants are requesting a variance from Section 3-3.5 (below), which stipulates the effective period for preliminary plat approval. According to Section 3-3.5 the preliminary plat is effective for two years, but may be extended by the Planning Commission prior to its expiration, if and when the Commission finds that significant progress has been made in developing the subdivision.

The preliminary plat for this subdivision was **approved on 5/22/03** and **expired on 5/22/05**. The applicants did not request that the preliminary plat be extended prior to its expiration. The applicants have submitted a letter indicating progress that has been made in developing the subdivision, which is attached at the end of this report.

There is no provision in the Metro Subdivision Regulations that permits an applicant to extend or “revive” a preliminary plat after it has expired, so the applicant is requesting that the Commission waive the requirements of Section 3-3.5.

APPLICABLE SUBDIVISION REGULATION

3-3.5 Effective Period of Preliminary Approval –

“The approval of a preliminary plat shall be effective for a period of two (2) years. Prior to the expiration of the preliminary approval, such plat approval may be extended for one (1) additional year upon request and if the Planning Commission deems such appropriate based upon progress made in developing the subdivision. For the purpose of this section, progress shall mean installation of sufficient streets, water mains, and sewer mains and associated facilities to serve a minimum of ten percent (10%) of the lots proposed within the subdivision.

Any subdivision having received preliminary approval, a section or phase of which has received final approval and has been recorded within the period of preliminary approval affectivity, will not be subject to preliminary expiration (see 3-6). Should preliminary approval expire for any reason, any submittal for Planning Commission reapproval shall be subject to current Zoning Regulations and Subdivision Regulations in force at that time.”

Mr. Kleinfelter explained this request to the Commission.

Mr. Loring asked if the Commission could grant the extension as requested.

Mr. Fox explained that typically Boards and Commissions have the authority to set aside procedural rules to grant these types of permissions.

Mr. Tommy Bradley, former Councilmember for this district, spoke in favor of granting the extension on the Tillman Subdivision.

Mr. Tom White, 315 Deadrick Street, spoke in favor of the extensions.

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously to waive the rules and extend the preliminary plat until August 1, 2006. **(8-0)**

Resolution No. RS2006-133

“BE IT RESOLVED by The Metropolitan Planning Commission WAIVES THE RULES AND EXTENDS THE PRELIMINARY PLAT UNTIL AUGUST 1, 2006 for the Tillman Subdivision plat. (8-0)”

Resolution No. RS2006-134

“BE IT RESOLVED by The Metropolitan Planning Commission WAIVES THE RULES AND EXTENDS THE PRELIMINARY PLAT UNTIL AUGUST 1, 2006 for the Tulip Grove Pointe Subdivision. (8-0)”

25. New Employee Contract for R. Brandon Burnette

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

26. Executive Director Reports

27. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 5:50 p.m.

Chairman

Secretary

Equal Employment Opportunity Employer



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