



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

**Minutes
Of the
Metropolitan Planning Commission**

February 8, 2007

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Ann Nielson
Victor Tyler
Councilmember J.B. Loring

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Ted Morrissey, Legal Counsel
David Kleinfelter, Planning Mgr. II
Kathryn Withers, Planner III
Trish Brooks, Admin. Svcs. Officer 3
Carrie Logan, Planner I
Dennis Corrieri, Planning Tech I
Craig Owensby, Communications Officer
Brenda Bernards, Planner III

Commission Members Absent:

Tonya Jones
James Mclean
Eileen Beehan, representing Mayor Bill Purcell

I. CALL TO ORDER

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

Ms. Hammond announced the following: "As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission's decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel."

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to adopt the agenda as presented. (6-0)

III. APPROVAL OF JANUARY 25, 2007, MINUTES

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve the January 25, 2007 minutes as presented. (6-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Shulman spoke regarding Item #7, 2007S-024U-10, Cook Subdivision. He stated that the neighbors surrounding this parcel had met and wanted detached, single family homes. He also spoke in favor of staff's recommendation to disapprove Item #10, 2007S-021A-10, Battlefield Estates. He stated that the neighbors are also in agreement to disapprove this proposal.

Councilmember Summers stated he would address the Commission after Item #1, 2006S-316U-07, rehearing of Boyce Subdivision, was presented to the Commission.

Councilmember Gilmore spoke regarding Item #4, 2006SP-187G-01, Eatons Creek. She spoke in favor of approving the RM4 zoning as requested by the applicant and gave brief explanations for this request. She mentioned that she would have the Legal staff at Council rewrite the bill to read RM4 zoning for this parcel. Councilmember Gilmore also spoke in favor of approving the CL zoning for Item #5, 2007Z-025G-01.

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

- | | | | |
|-------------|---------------|--|---|
| 2. | 2006S-371U-07 | Jocelyn Hills, Section 1 - Request for final plat approval to create eight lots on various properties located at 200 Baskin Drive, Baskin Drive (unnumbered) and Clearbrook Drive (unnumbered) | - deferred indefinitely at the request of the applicant |
| 6. | 2007S-023G-02 | Village By The Creek, Section 10 - Request for concept plan approval to create 56 lots on property located at 3449 Brick Church Pike | - deferred indefinitely at the request of the applicant |
| XII. | 2006M-188U-08 | Request for the abandonment of a portion of Booker Street right-of-way and utility easement, located along the northwest property line between 27th Avenue North and Alley #933 | - deferred indefinitely at the request of the applicant |

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items. **(6-0)**

VI. PUBLIC HEARING: CONSENT AGENDA ZONING MAP AMENDMENTS

- | | | | |
|----|----------------|--|-------------------------|
| 3. | 2006SP-007U-10 | Glen Echo (Amendment #1) - Request to amend the SP district for property located at 1749 Glen Echo Road, to add .97 acres for 4 additional single-family homes and a stormwater detention facility for a total of 16 single-family homes on 4.04 acres | - Approve/ w conditions |
|----|----------------|--|-------------------------|

FINAL PLATS

- | | | | |
|-----|---------------|---|-----------|
| 8. | 2007S-005G-04 | Mark D. Morris Subdivision - Request for final plat approval to create 2 lots on property located at 314 Nix Drive | - Approve |
| 9. | 2007S-020A-10 | Cherokee Park Subdivision Amendment - Request to amend the side setback from 20 feet to 10 feet at 200 Lauderdale Road, and located within the Cherokee Park Neighborhood Conservation Overlay, | -Approve |
| 11. | 2007S-022U-05 | Maplewood Home Tract, Resub. Lot 72 - Request for final plat approval to create 3 lots on properties located at 3800 and 3802 Burrus Street | -Approve |

REVISIONS AND FINAL SITE PLANS

- | | | | |
|-----|-------------|---|-------------------------|
| 12. | 199-73-G-13 | Peterbilt - Request to revise the preliminary plan and for final approval for a portion of a Planned Unit Development located at 115 Haywood Lane, to permit the construction of a 2,110 square foot addition | - Approve/ w conditions |
|-----|-------------|---|-------------------------|

13. 155-74-G-14 Larchwood Commercial (Comfort Suites) - Request to revise the preliminary plan for a portion of a commercial Planned Unit Development located at 3431 Percy Priest Drive, for a 45,136 square foot hotel/motel use previously approved for 39,360 square feet - Approve/ w conditions

OTHER BUSINESS

14. A new employee contract for Nedra Jones - Approve

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve the Consent Agenda a presented. (6-0)

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

Ms. Cummings arrived at 4:25 p.m.

1. **2006S-316U-07**
Boyce Subdivision
Map 103-03, Parcel 200
Subarea 7 (2000)
Council District 24 - John Summers

A request for final plat approval to create 2 lots on property located at 146 51st Avenue North, approximately 200 feet south of Wyoming Avenue (0.23 acres), zoned RS7.5, requested by May B. Smith Boyce et vir, owners, H & H Land Surveying, surveyor.

STAFF RECOMMENDATION: Disapprove

NOTE: This case is before the Commission on a request for rehearing by Commissioner Clifton. On October 26, 2006, the Commission approved the final plat by a vote of 8-1. The original staff report is below.

APPLICANT REQUEST -Final Plat

A request for final plat approval to create 2 lots on property located at 146 51st Avenue North (0.23 acres), approximately 200 feet south of Wyoming Avenue.

ZONING

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

PROPERTY HISTORY -This request involves two tracts of land created in 1959. The current owner has held the property since 1965. The two tracts of land have been used as one lot, with one house and a detached garage. The land is held in one parcel, instead of two as the deed specifies. The Mapping Division staff pulled the old microfilm from when the parcel was first entered on the mainframe system and found it was added as one parcel. Staff also looked at the oldest mapping log from 1965 and found that the land shows up as one parcel. Staff has no way of knowing why the land was mapped as one parcel, only that it was and has been used as one "lot" since it was created.

Nonconforming Lot Area Zoning Ordinance Chapter 17.40.670 - Within the R, RS, RM, AR2a and AG districts, a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by Tables 17.12.020A, 17.12.020B or 17.12.020C, provided the lot contains a minimum area of three thousand seven hundred fifty square feet and existed prior to the effective date of the ordinance codified in this title.

The Zoning Administrator has indicated that because these two tracts of land existed prior to the adoption of zoning in Nashville, the two tracts of land have development rights and can be reconfigured without a variance from the

Board of Zoning Appeals. Staff has found that both the Zoning Ordinance and the Subdivision Regulations are silent on the subject of reconfiguring non-conforming lots.

Lot Comparability - Section 3-5 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.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
	6,643	48.0

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

- Lot 1: 5,577 Sq. Ft., (0.128 Acres), with 50.86 ft. of frontage.
- Lot 2: 5,506 Sq. Ft., (0.126 Acres), with 50.86 ft. of frontage.

Both of the proposed lots are comparable in frontage but are **not** comparable in area.

Lot Comparability Exception - A lot comparability exception can be granted if the lot does not meet the minimum requirements of 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.

One or more of the criteria listed below may be used by the Commission to determine whether the proposed smaller lot size is consistent with the General Plan:

- If the proposed subdivision is within a one-half mile radius of any area designated as a "Regional Activity Center" land use policy category.
- If the proposed subdivision is within a one-quarter mile radius of any area designated as a "Mixed Use", "Office", "Commercial", or "Retail" land use policy categories.
- If the proposed subdivision is within an area planned for a town center or neighborhood center.
- Where the proposed lot sizes are consistent with the adopted land use policy that applies to the property.

Recommendation Staff recommends disapproval of this subdivision request for several reasons. First, although there are two tracts of land described in the deed, the land has always been used as one lot. Second, the proposed lots are not comparable to the minimum lot size specified in the Lot Comparability Analysis, nor do they meet any of the criteria to qualify for an exception to the standards.

PUBLIC WORKS RECOMMENDATION -Show professional seal.

STORMWATER RECOMMENDATION - Approved.

FIRE MARSHAL RECOMMENDATION - No comments.

CONDITION - Comply with Public Works comments listed above prior to the recording of the final plat.

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

Mr. Shawn Henry, 315 Deadrick Street, spoke in favor of the subdivision.

Ms. Lisa Ferris, 4205 Idaho Avenue, spoke in favor of the subdivision.

Mr. Jim Dade, 5106 Idaho Avenue, submitted a petition to the Commission for the record. He spoke in opposition to the proposal.

Ms. Patty Williams, Welshwood Drive, spoke in favor of the subdivision.

Ms. May Boyce, 5011 Wyoming Avenue, spoke in favor of the proposal.

Mr. William Boyce, 116 Highland Villa Drive, spoke in favor of the proposal.

Mr. Bernard Pickney, 4604 Dakota Avenue, spoke in opposition to the proposal.

Mr. Robert Francescon, 4807 Nebraska Avenue, spoke in favor of the proposal.

Mr. Mark Lambert, 4207 Wyoming Avenue, spoke in favor of the proposal.

Councilmember Summers submitted information to the Commission for the record. He spoke in favor of the Commission rescinding its approval of this proposal. He stated that the residents surrounding this property were in favor of its rescinding the approval. He gave several reasons in which the subdivision should not be granted and requested its that the Commission rescind its previous approval.

Mr. Clifton briefly explained his reasons for this rehearing which involved the Commission recommending approval on this proposal which was against the base zoning for this area.

Mr. Tyler spoke of circumstances involved with this parcel and stated he was in favor of approving the request.

Mr. Ponder requested clarification regarding the request in relation to the staff's recommendation.

Mr. Bernhardt clarified this to the Commission.

Mr. Loring spoke in favor of approving the proposal.

Mr. Loring moved and Mr. Ponder seconded the motion, to reaffirm the Commission's previous recommendation to approve Final Plat 2006S-316U-07. **(5-2) No Votes – Nielson, Clifton**

Resolution No. RS2007-042

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-316U-07 is **APPROVED. (5-2)**”

- 2. 2006S-371U-07**
Jocelyn Hills, Section 1
Map 129-06, Parcels 010, 011, 050, 051, 057
Map 129-02, Parcel 045
Subarea 7 (2000)
Council District 23 - Emily Evans

A request for final plat approval to create eight lots on various properties located at 200 Baskin Drive, Baskin Drive (unnumbered) and Clearbrook Drive (unnumbered), between the southern end of Baskin Drive and the northern end of Clearbrook Drive (20.42 acres), zoned RS40, requested by W. Allen Cargile, owner, Campbell McRae & Associates, surveyor.

STAFF RECOMMENDATION: Defer unless signatures are obtained from all affected parties prior to the Planning Commission Meeting. If signatures are obtained, then the recommendation is to approve with conditions as a concept plan. If the signatures are not obtained and the applicant does not wish to defer, then staff recommends disapproval.

The Metropolitan Planning Commission DEFERRED Final Plat 2006S-371U-07 indefinitely, at the request of the applicant. (6-0)

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

- 3. 2006SP-007U-10**
Glen Echo (Amendment #1)
Map 117-15, Parcel 060
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to amend the SP district for property located at 1749 Glen Echo Road, southeast corner of Glen Echo Road and Hillmont Drive (.97 acres), to add .97 acres for 4 additional single-family homes and a stormwater detention facility for a total of 16 single-family homes on 4.04 acres, requested by Bob Haley, applicant/owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - A request to amend the Specific Plan (SP) district for property located at 1749 Glen Echo Road, southeast corner of Glen Echo Road and Hillmont Drive (.97 acres), to add .97 acres for 4 additional single-family homes and a stormwater detention facility for a total of 16 single-family homes on 4.04 acres.

Plan Details - The proposed plan adds 4 lots to the Glen Echo SP, approved for 12 lots by the Planning Commission on August 10, 2006. The proposed plan includes 4 single-family lots with a minimum front setback of 30 feet on Glen Echo Road. The one internal street includes setbacks of five to ten feet and connects the previous stub street to Hillmont Drive. The plan also includes sidewalks on both sides of all new streets, and along the frontages of Glen Echo Road and Hillmont Drive, as called for in the Community Plan. The stormwater detention for this development will be relocated from the first Glen Echo SP to the southeast corner of Glen West Drive and Hillmont Drive.

Building Elevations -The plan also includes a proposed architectural rendering (elevation) for the building facing Glen Echo Road (Lot 13). The elevation is the same as elevations previously approved with the first Glen Echo SP. Staff recommends the Commission approve this elevation, with the condition that the applicant submit elevations for each lot that are consistent with the first Glen Echo SP with the final SP site plan application.

STORMWATER RECOMMENDATION - Approved.

PUBLIC WORKS RECOMMENDATION-The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

CONDITIONS

1. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or

included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district at the effective date of this ordinance, which must be shown on the plan.

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.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
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.
6. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
8. Revise the Landscape Plan to reflect public access easements as shown on the Site Development Plan.
9. Line up public access easement with existing public access easement and create a uniform width of 20' (10' from centerline).
10. Clearly identify the boundary of the entire SP, including the previously approved 12 lots.
11. Remove all notations referencing "Type" from building footprints on Conceptual Layout.
12. The final SP site plan shall include elevations for each lot that are consistent with the first Glen Echo SP.

Approved with conditions (6-0), *Consent Agenda*

Resolution No. RS2007-043

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-007U-10 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards,

regulations and requirements of the RS10 zoning district at the effective date of this ordinance, which must be shown on the plan.

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.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
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.
6. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
8. Revise the Landscape Plan to reflect public access easements as shown on the Site Development Plan.
9. Line up public access easement with existing public access easement and create a uniform width of 20' (10' from centerline).
10. Clearly identify the boundary of the entire SP, including the previously approved 12 lots.
11. Remove all notations referencing "Type" from building footprints on Conceptual Layout.
12. The final SP site plan shall include elevations for each lot that are consistent with the first Glen Echo SP."

The proposed amendment to the SP district to add an additional .97 acres and 4 additional single-family is consistent with the intent of the originally approved SP district."

4. **2006SP-187G-01**
Eatons Creek
Map 022-01, Parcel 003
Map 021-04, Part of Parcel 010
Subarea 1 (2003)
Council District 1 - Brenda Gilmore

A request to change from RS40 to SP zoning property located at Eatons Creek Road (unnumbered) and a portion of property located at Binkley Road (unnumbered), approximately 1,700 feet north of Old Clarksville Pike (3.53 acres), to permit the development of 14 attached residential units, requested by Joe N. Smith, owner.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - Zone Change

A request to change from Single-Family Residential (RS40) to Specific Plan (SP) zoning, property located at Eatons Creek Road (unnumbered) and a portion of property located at Binkley Road (unnumbered), approximately 1,700 feet north of Old Clarksville Pike (3.53 acres), to permit the development of 14 attached residential units.

Existing Zoning

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

Proposed Zoning

SP District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

JOELTON COMMUNITY PLAN POLICY

Structure Policy

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

Special Policy Area #1-Maximum recommended density within this “RLM” policy area is 2 du/ac. Approximately 2.5 acres is located within the Special Policy.

Consistent with Policy? - No. The residential density envisioned for this area is for no more than 2 dwelling units per acre. This request exceeds the maximum density allowed in the community plan by allowing 4 dwelling units per acre overall, with a density of 2.91 in the RLM area and 4.4 in the Special Policy area.

This Special Policy was adopted by the Planning Commission as part of the community plan after extended discussions with community participants in the planning process about Joelton's future development pattern. The vast majority of the Joelton Community is in a very low density classification, either Rural or Natural Conservation. This policy is intended to keep much of the land planned for future development at a relatively low density to serve as an appropriate transition from the rural majority of the community to its small center around the I-24 interchange. In addition, the character of Eatons Creek Road is predominately single-family homes on large lots. Attached housing is out of character in this rural setting.

PLAN DETAILS

Site Plan - The plan calls for thirteen attached one-story condominiums and one single-family dwelling, arranged on a private drive. The private drive has a cul-de-sac and four driveways that serve individual units. This arrangement presents two major problems for future development. First, the use of a private drive makes it unrealistic that other development will be able to connect. Second, even if the right-of way is built to Public Works standards, the streets stub before the property line, making it impossible to connect in the future.

Access - There is one access point from Eatons Creek Road. The access is located beside an existing right-of-way. This right-of-way should either be used or abandoned.

Parking - The plan calls for a total of 28 parking spaces including the one space provided in each garage. The total number of proposed parking spaces complies with the minimum number of spaces required for the proposed uses.

Staff Recommendation - Staff recommends disapproval for three reasons. First, the density of the proposed development is more than twice what is envisioned by the Special Policy. Additionally, multi-family development is inconsistent with the character of Eatons Creek Road, which is single-family homes on large lots. Finally, the development has unsuitable access because it does not utilize the existing right-of-way and does not provide for connections in the future.

PUBLIC WORKS RECOMMENDATION - The developer's construction drawings shall comply with the design regulations and established by the Department of Public Works. Final design may vary based on field conditions.

- Along the southern property boundary, it appears that there is a section of un-built right of way for future roadway construction. Plan proposed site access parallel and adjacent to un-built right of way. If connectivity is required, construct roadway to provide access to site. Offset access at least one hundred and fifty (150) feet from un-built section of right of way.
- Show and dimension right of way along Eatons Creek Road.
- With the submittal of construction plans, document adequate sight distance at project access locations per AASHTO standards.
- Identify plans for solid waste collection and disposal.
- Provide a minimum of 20' separation between garage and back of sidewalk.

STORMWATER RECOMMENDATION

1. Add Access Note: (Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)
2. Add C/D Note: (Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)
3. Add the following note to the cover sheet: All Construction Plans submitted after February 1, 2007 will be required to meet the revised 2006 Stormwater Management Regulations. Of those submitted plans, they must be deemed sufficient by March 1, 2007 and have passed technical review by May 1, 2007. All Construction Plans that don't meet this criteria will be subjected to the 2006 Stormwater Management Regulations.
4. GIS indicates a ditch traversing the property. The ditch (or if piped) will be required to be in a PUDE. No building can encroach into the PUDE.

NASHVILLE ELECTRIC SERVICE RECOMMENDATION

- 1) Need 30' PUE along Eaton's Creek Rd
- 2) Developer to provide high voltage layout for Underground conduit system and proposed transformer locations for NES review and approval
- 3) 20-foot easement centered on UG electrical facilities
- 4) NES can meet with developer/engineer upon request to determine electrical service options
- 5) Need street lighting locations to be provide to NES (if required)
- 6) Will required digital drawing to NES before any meets with developer/engineer

URBAN FORESTER RECOMMENDATION - This project should show:

- 1- A completed TDU (Tree Density) worksheet
- 2 - The surrounding zone districts and any associated landscape buffers

CONDITIONS (if approved)

1. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM4 zoning district at the effective date of this ordinance, which must be shown on the plan.
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.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
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.
6. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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. None of the schools has been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated August 2006.

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

Mr. Roy Dale, submitted information to the Commission for the record. He spoke in favor of the proposal.

Mr. Phillip Hostettler, 3863 Cantarutti Road, expressed issues regarding this proposal and spoke in support of RM4 zoning as requested.

Mr. Kenneth Jakes, 5920 Clarksville Highway, expressed issues regarding this proposal and spoke in opposition to the SP zoning.

Mr. Dwayne Hanson, 7177 Douglas Road, spoke in support of the disapproval.

Ms. Mauna Crabtree, 3636 Baxter Road, spoke in support of the staff recommendation of disapproval.

Ms. Dorothy Cook, 6365 Eatons Creek Road, spoke in support of disapproval.

Mr. Joe Smith, owner, spoke in favor of the proposal.

Mr. Tim Roberts, 5449 Lickton Pike, spoke in support of disapproval.

Mr. Tyler requested additional information on the staff's recommendation in relation to the denied SP zoning.

Ms. Logan stated that staff is recommending disapproval of both SP and RM4 zoning for this parcel. She further explained the justifications for the disapproval.

Mr. Bernhardt explained that SP requirements require that the plan be consistent with the community plan and the requested zoning by the applicant is not consistent with the community plan.

Ms. Cummings spoke in favor of approving the staff recommendation. She also mentioned that there was a lack of connectivity included in the plan.

Mr. Clifton requested clarification on information that was mentioned during the public hearing regarding vacant land in this area.

Mr. Bernhardt gave a brief explanation on vacant land in this area..

Mr. Clifton spoke in favor of staff's recommendation.

Ms. Nielson spoke of the increased uses of SP zoning and the intentions of those using this type of zoning.

Mr. Loring stated he was in support of approving the RM4 zoning as suggested by Councilmember Gilmore.

Ms. Nielson moved and Ms. Cummings seconded the motion, to disapprove Zone Change 2006SP-187G-01 which includes disapproval of both RM4 as well as SP zoning. **(6-1) No Vote - Loring**

Resolution No. RS2007-044

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-187G-01 is **DISAPPROVED SP AND RM4. (6-1)**

The proposed SP district is not consistent with the Joelton Community Plan's Residential Low Medium policy which is intended to accommodate residential developments with a density between 2 and 4 dwelling units per acre, and the area's special policy which recommends a maximum density of 2 dwelling units per acre.”

5. **2007Z-025G-01**
Map 022-00, Parcel 029
Subarea 1 (2003)
Council District 1 - Brenda Gilmore

A request to change from RS40 to CL zoning property located at 7194 Whites Creek Pike, approximately 875 feet north of Union Hill Road (1.25 acres), requested by Charles Harvison, owner.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - A request to change approximately 1.25 acres located at 7194 Whites Creek Pike from Single-Family Residential (RS40) to Commercial Limited (CL).

Existing Zoning

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

Proposed Zoning

CL District -Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

JOELTON COMMUNITY PLAN POLICY

Community Center (CC) -CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. 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.

Consistent With Policy?- No. While the requested CL would allow for uses that are consistent with the Community Center policy, the policy also requires a site plan such as a Specific Plan or Planned Unit Development. A site plan ensures that any new development will adequately implement the intent of the Community Center policy. Without an enforceable site plan for this property, any use allowed in the CL district would be allowed and would be regulated by only the bulk standards for the CL district.

Staff Recommendation - Since the area’s Community Center policy requires a site plan to accompany any zone change, staff recommends that the requested CL district be disapproved.

RECENT REZONINGS -None

PUBLIC WORKS RECOMMENDATION -A Traffic Impact Study may be required prior to issuance of any building permits.

Typical Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	1.25	0.93	1	10	1	2

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping(814)	1.25	0.057	3,103.6	171	10	29

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
--				161	9	27

Maximum Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Single-family detached(210)	1.25	.93 du/a	1	10	1	2
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Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail (814)	1.25	.6	32,670	1,436	33	100

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
--				1,426	32	98

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

Mr. Joe Smith a resident of Joelton expressed issues regarding the processes of the Commission.

Mr. Phillip Hostettler, 3863 Cantarutti Road, spoke in favor of the proposal.

Mr. Clay Blair, 4949 Laws Road, spoke in favor of the proposal.

Mr. Dwayne Hanson, 7177 Douglas Road spoke in favor of the proposal.

Mr. Kenneth Jakes, 5920 Clarksville Highway, spoke in favor of the proposal.

Mr. Charlie Harvison, 7177 Bidwell Road, spoke in favor of the proposal.

Ms. Mauna Crabtree, 3636 Baxter Road, expressed issues regarding the proposal.

Ms. Norma Harvison, 7177 Bidwell Road, spoke in favor of the proposal.

Mr. Steve McClure, 214 Apple View Court, spoke in favor of the proposal.

Mr. Loring spoke in favor of the CL zoning. He stated it was compatible to the area.

Mr. Loring moved and Mr. Ponder seconded the motion to approve the CL zoning for this proposal.

Mr. Ponder stated that the request was reasonable due to the proximity of the project in relation to the interstate. He also mentioned it would be compatible to surrounding parcels.

Ms. Nielson acknowledged that the proposal lacked the site plan that would support the policy for this area. She suggested a deferral until a site plan could be submitted.

Mr. Bernhardt briefly explained that the project should contain some cross access easements to assist with the commercial development along Whites Creek.

Mr. Lawson suggested that the motion include that the request could be approved with consideration given to creating cross access easements.

Mr. Clifton spoke of the need for various tools such as site plans, planned unit developments, SP zoning, etc. that are necessary and should be utilized in order to create a compatible, commercial development for this area.

Ms. Cummings stated that the cross access easements should be included in the site plan and that a site plan be submitted as is required by the community center policy for this area.

Mr. Loring questioned staff on the benefit of including the cross access easements in the motion.

Mr. Bernhardt explained the intentions of the cross access easements in relation to traffic on Whites Creek Road.

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the CL zoning for Zone Change 2007Z-025G-01, with the recommendation that Council consider that the site plan include cross access easements and if not, the recommendation from the Commission would be a disapproval. (7-0)

Resolution No. RS2007-045

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-025G-01 is **APPROVED WITH CONDITIONS, specifically that the Metro Council consider a site plan that includes cross access easements necessary to avoid congestion on Whites Creek Pike. If a site plan including cross access easements is not considered, then the recommendation is to disapprove. (7-0)**

The CL district includes uses called for in the Joelton Community Plan’s Community Center policy, which is intended to create a town center.”

IX. CONCEPT PLANS

- 6. 2007S-023G-02**
Village By The Creek, Section 10
Map 050-00, Parcel 026
Subarea 2 (2006)
Council District 3 - Walter Hunt

A request for concept plan approval to create 56 lots on property located at 3449 Brick Church Pike, on a future extension of Village Trail (15.6 acres), zoned R10, requested by Earheart Realty & Construction Company Inc., owner, MEC Inc., surveyor.

STAFF RECOMMENDATION: Approve with conditions

The Metropolitan Planning Commission DEFERRED Concept Plan 2007S-023G-07 indefinitely, at the request of the applicant. (6-0)

The commission recessed at 5:40 P.M.

The Commission resumed at 5:50 p.m.

- 7. 2007S-024U-10**
Cook Subdivision
Map 131-03, Parcel 153,154
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request for concept plan approval to create 4 lots on properties located at 1701 and 1703 Shackelford Road, at the northwest corner of Shackelford Road and Belmont Park Terrace (1.11 acres), zoned R10, requested by Adex Corporation and Camellia Petty, owners, John Kohl & Company surveyor.

STAFF RECOMMENDATION: Disapprove as submitted, but approve 3 lots (2 single-family lots and one duplex lot)

APPLICANT REQUEST -Final Plat

A request for final plat approval to create 4 lots from 2 existing lots on property located at 1701 and 1703

Shackleford Road, at the northwest corner of Shackelford Road and Belmont Park Terrace (1.11 acres), zoned One and Two-Family Residential (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 - This request involves 2 currently existing lots. The subject properties were originally 2 lots and parts of 2 other lots that were previously combined into the existing 2 lots.

- The 4 proposed lots would front Shackleford Road. The house on Lot 1, located at the corner of Shackleford Road and Belmont Park Terrace, is to remain. The other existing house will be demolished. Sidewalk construction is required on the 3 new lots.
- The applicant has proposed that all of the lots will be single-family only, though duplexes are allowed in the R10 zoning district

Lot comparability -Section 3-5 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.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
Shackleford	10,882	69.0

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

- Lot 1: 16,065 Sq. Ft., (0.37 Acres), with 64.28 ft. of frontage.
- Lot 2: 10,408 Sq. Ft., (0.24 Acres), with 53.61 ft. of frontage.
- Lot 3: 10,406 Sq. Ft., (0.24 Acres), with 53.62 ft. of frontage.
- Lot 4: 10,406 Sq. Ft., (0.24 Acres), with 53.62 ft. of frontage.

Only one of the four lots meets the requirement for area, and none of the four lots meet the requirements for frontage.

Lot Comparability Exception -A lot comparability exception pursuant to Section 3-5.2 of the Subdivision Regulations can be granted if the lot does not meet lot comparability requirements. To qualify for an exception, the new lots must be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

One or more of the criteria listed below may be used by the Commission to determine whether the proposed smaller lot size is consistent with the General Plan:

- If the proposed subdivision is within a one-half mile radius of any area designated as a "Regional Activity Center" land use policy category.
- If the proposed subdivision is within a one-quarter mile radius of any area designated as a "Mixed Use", "Office", "Commercial", or "Retail" land use policy categories.
- If the proposed subdivision is within an area planned for a town center or neighborhood center.
- Where the proposed lot sizes are consistent with the adopted land use policy that applies to the property.

Staff Recommendation -The proposed subdivision could qualify for two of the criteria for exception – the subdivision is located within one-half mile radius of the Green Hills Regional Activity Center, and the lot sizes and

density are consistent with the Residential Low Medium land use policy of 2-4 dwelling units per acre. Staff recommends disapproval, however, because the difference in the frontage of the lots is so significant that they would not be consistent with the existing development pattern.

Staff can recommend approval of an alternative development on this property that would also allow construction of 4 housing units. Platting the property as 3 lots would meet the comparability requirements of the regulations, and staff recommends approval of a duplex on the corner lot. This would maintain the consistent lot sizes in the area and a corner lot is an appropriate location for a duplex because the structure can front both streets.

PUBLIC WORKS RECOMMENDATION - Show professional seal.

The developers' construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

STORMWATER RECOMMENDATION -Approved.

FIRE MARSHAL RECOMMENDATION- Approved

- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.
Metro Ordinance 095-1541 Sec: 1568.020 B
- Provide adequate water flow for fire fighting.

Ms. Withers presented and stated that staff is recommending disapproval, however would recommend approval of three lots, two single-family and one duplex lot. She also added that the applicant had proposed an additional compromise regarding the subdivision and that staff was not in support of that request.

Mr. Shawn Henry, 315 Deadrick Street, spoke in support of the proposal as submitted by the applicant.

Mr. Michael McKee, 1716 Shackelford Road, spoke in favor of the proposal as submitted by the applicant.

A resident of 1705 Shackelford spoke in favor of staff recommendation.

Ms. Camellia Petty, owner, spoke in favor of the proposal as submitted by the applicant.

Mr. Paul Cook, owner, spoke in favor of the proposal as submitted by the applicant.

Mr. Tyler spoke in favor of staff's recommendation of three lots with the added condition that lot one remain single family also.

Ms. Cummings stated she was in favor of both the staff's recommendation as well as the compromise reached by the applicant.

Mr. Clifton stated he was in favor of approving the compromise.

Mr. Ponder stated he was also in favor of the compromise.

Mr. Loring moved and Mr. Ponder seconded the motion, to approve the compromise as submitted by the applicant for Concept Plan 2007S-024U-10, which includes four single family lots with one lot facing Belmont Park Terrace.

(6-1) No Vote - Tyler

Resolution No. RS2007-046

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-024U-10 is APPROVED FOR FOUR SINGLE FAMILY LOTS WITH ONE LOT FACING BELMONT PARK TERRACE. (6-0)”

X. FINAL PLATS

- 8. 2007S-005G-04**
Mark D. Morris Subdivision
Map 043-06, Parcel 104
Subarea 4 (1998)
Council District 9 - Jim Forkum

A request for final plat approval to create 2 lots on property located at 314 Nix Drive, approximately 160 feet south of Anderson Lane (0.50 acres), zoned RS7.5, requested by C&K Surveyors, applicant, for Mark D. Morris et ux, owners.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - A request for final plat approval to create 2 lots on property located at 314 Nix Drive, approximately 160 feet south of Anderson Lane (0.50 acres), zoned Single-Family Residential (RS7.5).

ZONING

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

PLAN DETAILS - This request proposes to subdivide the existing lot into two lots.

Lot comparability - Section 3-5 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.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
Nix Drive	11,304	73.0

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

- Lot 1: 11,810 Sq. Ft. with 69.29 ft. of frontage
- Lot 3: 11,817 Sq. Ft. with 69.29 ft. of frontage

Lot Comparability Exception - A lot comparability exception can be granted if the lot does not meet the minimum requirements of 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.

The proposed lots could meet **one** of the qualifying criteria of the exception to lot comparability:

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Residential Medium Density land use policy. RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Staff Recommendation - Staff recommends the granting of an exception to lot comparability since the proposed

subdivision is consistent with the land use policy. Increased density in this location, in addition to meeting the Residential Medium policy, is convenient to the Madison commercial district and will take advantage of Metro transit available on Anderson Lane.

PUBLIC WORKS RECOMMENDATION -No Exceptions Taken.

STORMWATER RECOMMENDATION - Approved.

CONDITIONS - Prior to recording the final plat, the following revisions need to be made:

1. Show sidewalk on Lot 2.
2. Add subdivision number: 2007S-005G-01.

Approved with conditions (6-0), *Consent Agenda*

Resolution No. RS2007-047

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-005G-04 is **APPROVED WITH CONDITIONS. (6-0)**”

Conditions of Approval:

Prior to recording the final plat, the following revisions must be made to the plat:

3. Show sidewalk on Lot 2.
4. Add subdivision number: 2007S-005G-01.

9. 2007S-020A-10

Cherokee Park Subdivision Amendment
Map 103-12, Parcel 141
Subarea 10 (2005)
Council District 24 - John Summers

A request to amend the side setback from 20 feet to 10 feet at 200 Lauderdale Road, at the northeast corner of Lauderdale Road and Valley Road, zoned R8 and located within the Cherokee Park Neighborhood Conservation Overlay, requested by W&M Properties, owner.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - A request to amend the side setback from 20 feet to 10 feet at 200 Lauderdale Road, at the northeast corner of Lauderdale Road and Valley Road, zoned One and Two-Family Residential (R8) and located within the Cherokee Park Neighborhood Conservation Overlay.

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.

PLAN DETAILS - The applicant has requested to amend the side setback on Valley Road from 20 feet to 10 feet.

There is a 20-foot setback shown on the plat for the Valley Road frontage of this property. Pursuant to Section 17.12.030 of the Metro Code, when the rear setback of a corner lot is oriented towards the rear setback of a neighboring lot, the required street setback along the street common to those two lots may be reduced by fifty percent. While that provision allows reduction of the setbacks required by the Metro Code, this property also includes a 20-foot setback on the current plat.

Staff Recommendation - Staff recommends approval of the setback amendment. The applicant has letters from neighbors and the Metro Historical Commission in support of the reduced setback. The existing right of way for Valley Road is 60 feet. The Valley Road property boundary for this lot is approximately 14 feet from the edge of the current pavement for Valley Road. Even with only a 10-foot setback, any structure on this lot will still be at approximately 24 feet from the edge of Valley Road. In addition, the requested 10-foot setback is consistent the

other existing homes on Valley Road.

STORMWATER RECOMMENDATION - Approved.

Approved (6-0), *Consent Agenda*

Resolution No. RS2007-048

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-020A-10 is **APPROVED. (6-0)**”

- 10. 2007S-021A-10**
Battlefield Estates: Sec. 2, Lot 1
Map 118-10, Parcel 011
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to amend the front setback from 100 feet to 45 feet at 838 Sutton Hill Road, approximately 170 feet west of McNalry Lane, zoned R10, requested by Schallen, Inc., owner.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - A request to amend the front setback from 100 feet to 45 feet at 838 Sutton Hill Road, approximately 170 feet west of McNalry Lane, zoned One and Two-Family Residential (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.

PLAN DETAILS - The applicant has requested to amend the platted front setback from 100 feet to 45 feet. This property is part of a 4-lot subdivision approved by the Planning Commission in 1982 that included a platted setback of approximately 100 feet for each of the lots. The applicant is requesting the reduction of the setback in order to allow for the construction of a duplex on the lot.

The applicant has started construction of a duplex on the neighboring parcel to the west with approximately a 45 foot setback. That parcel, however, was not a part of the 1982 subdivision plat. In fact, that parcel was created by deed on January 15, 1964, and does not have a platted setback. Because the neighboring parcel was created prior to September 1964, it is not required to be platted. The only setback provision that applies to the neighboring parcel, therefore, are those contained in the Metro Code.

Staff Recommendation - Staff recommends disapproval of the request to reduce the platted setback on this lot. The proposed setback would be inconsistent with the setback of the remaining lots in the 1982 subdivision and also would be inconsistent with the character of Sutton Hill Road. In addition, the adjacent property owner does not support the amendment.

STORMWATER RECOMMENDATION - Approved.

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

Mr. Jesse Osborn, 841 Sutton Hill Road, spoke in opposition to the proposal.

Ms. Kathy Pierce, 908 Sutton Hill Road, spoke in opposition to the proposal. She submitted information to the Commission for the record.

Ms. Wynona Lurrey, 807 Park Terrace, spoke in opposition to the proposal.

A resident of 803 Park Terrace spoke in opposition to the proposal.

Mr. Ron Sanford, 836 Sutton Hill Road spoke in opposition to the proposal.

Mr. Gus Winter spoke in opposition to the proposal. He submitted information to the Commission for the record.

Mr. Brian Mitchell, 906 Sutton Hill Road, spoke in opposition to the proposal.

Mr. Randy Foco, 902 Sutton Hill Road, spoke in opposition to the proposal.

Mr. Brandon Allen, owner, spoke in favor of the proposal.

Mr. Loring spoke in favor of disapproving the request.

Mr. Clifton requested further clarification regarding setbacks included in the proposal.

Mr. Kleinfelter explained this concept to the Commission.

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously to disapprove Final Plat 2007S-021A-10. (7-0)

Resolution No. RS2007-049

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-021A-10 is **DISAPPROVED. (6-1)**”

- 11. 2007S-022U-05**
Maplewood Home Tract, Resub. Lot 72
Map 061-14, Parcels 133, 134
Subarea 5 (1994)
Council District 8 - Jason Hart

A request for final plat approval to create 3 lots on properties located at 3800 and 3802 Burrus Street, at the northeast corner of Gillock Street and Burrus Street (0.66 acres), zoned RS7.5, requested by Mark Devendorf, applicant, for Jonathan and Ava Mire and Margaret and Scott Thomas, owners.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - A request for final plat approval to create 3 lots on properties located at 3800 and 3802 Burrus Street, at the northeast corner of Gillock Street and Burrus Street (0.66 acres), zoned Single-Family Residential (RS7.5).

ZONING

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

PLAN DETAILS - The applicant has requested to resubdivide two lots into three lots.

Lot comparability -Section 3-5 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.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Gillock Street	8,494	74.0
Burrus Street	10,911.8	N/A*

* Frontages on Burrus Street are not changing.

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

- Lot 1: 10,125.02 Sq. Ft., (.232 Acres), with 69.12 ft. of frontage
- Lot 2: 9,385.66 Sq. Ft., (.215 Acres), with 72.71 ft. of frontage
- Lot 3: 8,721.03 Sq. Ft., (.200 Acres), with 77.31 ft. of frontage

On Burrus Street, Lots 1 and 2 both fail lot comparability for area. Staff did not analyze lot comparability for frontage because the frontages of these lots are not changing. On Gillock Street, Lots 2 and 3 both pass for area and Lot 3 passes for frontage. Staff did not apply the lot comparability requirement to the frontage of Lot 2 on Burrus Street because it is not changing.

Lot Comparability Exception -A lot comparability exception can be granted if the lot does not meet the minimum requirements of 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.

The proposed lots could meet two of the qualifying criteria of the exception to lot comparability:

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Neighborhood General land use policy. NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located.
- The proposed subdivision is within a one-quarter mile radius of any area designated as a “Mixed Use,” “Office,” “Commercial,” or “Retail” land use policy categories. The proposed lots are less than one-quarter mile from a Community Center policy category area. CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

Staff Recommendation-Staff recommends approval because the proposed subdivision is consistent with the land use policy and close to the Gallatin Pike commercial corridor. In addition, the proposed subdivision, along with the neighboring lot, which was subdivided in 2006, creates a streetscape on Gillock Street and is consistent with the existing character of development along Gillock Street.

PUBLIC WORKS RECOMMENDATION -No Exceptions Taken.

STORMWATER RECOMMENDATION - Approved.

CONDITIONS - Prior to recording the final plat, the following revisions need to be made:

1. Label water mains as noted.

Approved (6-0), *Consent Agenda*

Resolution No. RS2007-050

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-022U-05 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Label water mains as noted.”

XI. REVISIONS AND FINAL DEVELOPMENT PLANS

12. 199-73-G-13

Peterbilt
Map 148-00, Parcel 034
Subarea 13 (2003)
Council District 28 - Jason Alexander

A request to revise the preliminary plan and for final approval for a portion of a Planned Unit Development located at 115 Haywood Lane, classified CL, (7.91 acres), to permit the construction of a 2,110 square foot addition , requested by Honeycutt Engineering, applicant, for Geneva Nashville RE, LLC, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Revision to Preliminary & A request to revise the preliminary plan and for Final PUD final approval for a portion of a Planned Unit Development located at 115 Haywood Lane, classified Commercial Limited (CL), (7.91 acres), to permit the construction of a 2,110 square foot addition

PLAN DETAILS-The preliminary PUD plan that was approved in 1983 identifies typical building envelopes but does not give any specific detail to the maximum floor area permitted within the PUD. In 1984, a revision to the preliminary PUD and final site plan were approved by the Planning Commission for 40,665 sq. ft. of floor area. A second revision and final site plan to the PUD were approved by the Planning Commission in 1995. The revision in 1995 made minor revisions to the layout and reduced the total floor area within the PUD. While this plan will exceed the floor area that was last approved, it does not exceed the floor area of the preliminary PUD plan that was approved in 1984, and is also consistent with the concept of the 1984 plan.

There is currently one building on the site that is 37,760 sq. ft. in size. This plan proposes to demolish the existing washbay building and replace it with a building that is 610 sq. ft. larger. Additionally, a 1500 sq. ft. building will be constructed to the north of the existing building. The total built area will be 39,870 sq. ft. No additional parking is needed.

PUBLIC WORKS RECOMMENDATION -All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

STORMWATER RECOMMENDATION-Due to the small scope of the proposal, no Stormwater permit required for this work.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
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. The required turnaround may be up to 100 feet diameter.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.
8. Revise purpose note: To revise an existing PUD to show changes to the layout of the buildings, totaling 42,394.7 sq. ft.

Approved with conditions (6-0), *Consent Agenda*

Resolution No. RS2007-051

“BE IT RESOLVED by The Metropolitan Planning Commission that 199-73-G-13 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
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. The required turnaround may be up to 100 feet diameter.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revise 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.
8. Revise purpose note: To revise an existing PUD to show changes to the layout of the buildings, totaling 42,394.7 sq. ft.”

13. 155-74-G-14

Larchwood Commercial (Comfort Suites)
Map 097-13, Parcel 040
Subarea 14 (2004)
Council District 14 - Harold White

A request to revise the preliminary plan and for final approval for a portion of a commercial Planned Unit Development located at 3431 Percy Priest Drive, classified CL district (1.2 acres) for a 45,136 square foot hotel/motel use previously approved for 39,360 square feet, requested by PBJ Engineering Design, LLC, applicant for Atul Gordhan and Shanabhai Patel, owners.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Revision to Preliminary & Final PUD

A request to revise the preliminary plan, and for final approval for a portion of a commercial Planned Unit Development district located at 3431 Percy Priest Drive, classified Commercial Limited (CL) (1.2 acres), to permit the development of a 45,136 sq. ft. hotel.

PLAN DETAILS - The plan calls for a 45,136 square foot hotel to include 67 rooms, with associated parking. Access will be provided from a private drive to Percy Priest Drive. The total number of parking spaces required is 71 and 75 are being provided.

Preliminary Plan - The original preliminary PUD plan was approved in 1974 for 400,990 square feet of various commercial and retail uses, and for 6,300 square feet of unknown uses for this property. This PUD has been amended and revised numerous times since its original approval. A revision to the preliminary PUD and final site plan was recently approved for this property by the Planning Commission on November 14, 2006. The approval was for a 39,360 square foot hotel with 75 rooms. At that time planning staff recommended approval because the use is allowed in the CL district and is compatible with other uses in the PUD.

Staff Recommendation - Since the request is compatible with other uses in the PUD, is allowed with the base zone district, and does not increase the development's floor area over what was originally approved in 1974, staff recommends that the request be approved.

PUBLIC WORKS RECOMMENDATION- Approve with the following condition:

- All Public Works' design standards shall be met prior to any final approvals and permits issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

STORMWATER RECOMMENDATION - Approved.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.

3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
6. 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.

Approved with conditions (6-0), *Consent Agenda*

Resolution No. RS2007-052

“BE IT RESOLVED by The Metropolitan Planning Commission that 155-74-G-14 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
6. 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.”

XII. MANDATORY REFERRALS

2006M-188U-08

Map 92-6, Parcel 559

Subarea 8 (2002)

Council District 21- Whitmore

A request for the abandonment of a portion of Booker Street right-of-way and utility easement, located along the northwest property line between 27th Avenue North and Alley #933, requested by Choice Investments, LLC.

STAFF RECOMMENDATION: Disapprove

The Metropolitan Planning Commission DEFERRED Mandatory Referreal 2006M-188U-08 indefinitely, at the request of the applicant. (6-0)

XIII. OTHER BUSINESS

- 14. A new employee contract for Nedra Jones.

Approved (6-0), *Consent Agenda*

- 15. Executive Director Reports

- 16. Legislative Update

XIII. ADJOURNMENT

The meeting was adjourned at 6:10 p.m.

Chairman

Secretary



The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of its programs, services, activities or in its hiring or employment practices. **ADA inquiries should be forwarded to:** Josie L. Bass, Planning Department ADA Compliance Coordinator, 800 Second Avenue South, 2nd. Floor, Nashville, TN 37201, (615)862-7150. **Title VI inquiries should be forwarded to:** Michelle Lane, Metro Title VI Coordinator, 222 Third Avenue North, Suite 200, Nashville, TN 37201, (615)862-6170. **Contact Department of Human Resources for all employment related inquiries at (615)862-6640.**