



**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**

3/27/2008

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Derrick Dalton
Tonya Jones
Victor Tyler
Councilmember Jim Gotto

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
David Kleinfelter, Planning Mgr. II
Ted Morrissey, Legal Counsel
Jason Swaggart, Planner I
Bob Leeman, Planner III
Trish Brooks, Admin. Svcs Officer 3
Carrie Logan, Planner I
Craig Owensby, Communications Officer
Brenda Bernards, Planner III
Nedra Jones, Planner II
Brian Sexton, Planner I
Jonathan Honeycutt, Public Works
Steve Mishu, Metro Water

Commissioners Absent:

James McLean, Chairman
Andrée LeQuire, representing Mayor Karl Dean
Ann Nielson

I. CALL TO ORDER

The meeting was called to order at 4:06 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond announced that Item #13, Request to adopt a Planning Commission policy for administrative approval of Motor Vehicle Business Establishment applications has been added to the agenda.

Mr. Clifton moved and Mr. Dalton seconded the motion, which passed unanimously, to adopt the agenda as amended. **(6-0)**

III. APPROVAL OF MARCH 13, 2008 MINUTES

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the March 13, 2008 minutes as presented. (6-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Tygard spoke regarding Item #2, LED Signs. He briefly explained the history of the bill and its original intent to the Commission. He spoke of a workshop that he held for the community, as well as individuals from the sign industry, to discuss the proposed bill. He suggested that a task force be organized in order to further discuss this issue so that these types of requests could be processed without having to prove hardships to the Board of Zoning Appeals. He suggested the Commission defer this bill so it can be further critiqued to better accommodate various institutions throughout the city, in particular, those institutions located in residential areas.

Ms. Cummings arrived at 4:15 p.m.

Councilmember Toler addressed the Commission, however did not speak on a specific case.

Councilmember Clairborne was at the meeting, however, he did not address the Commission.

Councilmember McGuire was at the meeting, however, he did not address the Commission.

Councilmember Dominy explained he was in favor of deferring Item #10, 2008S-062U-13.

Councilmember Berry was in attendance, however, she did not address the Commission.

Ms. Hammond announced, "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."

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

1. 2008Z-017G-06 A request to change from AR2a and R80 to CS zoning property located at Old Charlotte Pike (unnumbered), at the northwest corner of Old Charlotte Pike and Highway 70 South – deferred indefinitely at the request of the applicant

6. 2008Z-029U-10 A request to rezone from RS7.5 to R8 district properties located at 2902 and 2904 W. Linden Avenue, approximately 95 feet west of 29th Avenue South – deferred to April 10, 2008 at the request of the applicant

10. 2008S-062U-13 Town Park Estates - A request for final plat approval to create 3 lots on property located at 316 Melvin Jones Drive, approximately 450 feet south of Southwind Drive (1.3 acres), zoned R10 – deferred to April 10, 2008 at the request of the applicant

12. Motor Vehicle Business Establishment application for 2632 Nolensville Pike, Marco Juarez, owner. (Zone Change Proposal No. 2008Z-033U-11)

- Recommended for deferral by staff so it can be analyzed under the proposed new policy for administrative approval of Motor Vehicle Business Establishment applications

Mr. Gotto moved and Mr. Tyler seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items as presented. (7-0)

VI. PUBLIC HEARING: CONSENT AGENDA

FINAL PLATS

8. 2007S-195U-07 A request for final plat approval to create one lot and dedicate 1,532 square feet of right-of-way along 33rd Avenue North, approximately 145 feet south of Nevada Avenue. -Approve w/conditions
9. 9008S-060A-07 Horton Heights – A request to remove the platted front setbacks on property located at 6509 Charlotte Pike (0.75 acres), at the northeast corner of Charlotte Pike and Hillwood Boulevard, zoned CS - Approve
11. 2008S-064U-09 A request for concept plan approval to create 34 lots and common space at Academy Place (unnumbered) and bounded by Middleton Place, Nance Avenue, and Rolling Mill Hill Road, zoned CF and within the Rutledge Hill Redevelopment district. -Approve

OTHER BUSINESS

14. Correction to the February 28, 2008 minutes -Approve

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the Consent Agenda as presented. (7-0)

VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS ON PUBLIC HEARING ZONING MAP AMENDMENTS

1. **2008Z-017G-06**
Map: 126-00 Parcel(s): 027
Subarea 6
Council District 35

A request to change from AR2a and R80 to CS zoning property located at Old Charlotte Pike (unnumbered), at the northwest corner of Old Charlotte Pike and Highway 70 South (4.5 acres), requested by Oliver Cromwell Carmichael, owner.

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Zone Change 2008Z-017G-06 indefinitely at the request of the applicant. (7-0)

2. **2008Z-023T**
LED Signs

A request to amend Section 17.32.050, G and H, to allow digital and LED (i.e. electronic) signs in certain areas of Davidson County, requested by Councilmember-at-Large Charlie Tygard.

Staff Recommendation: Disapprove

APPLICANT REQUEST - A request to amend the Metro Zoning Code, Section 17.32.050.G and H to allow digital and LED (i.e. electronic) signs in certain areas of Davidson County.

History At the March 13, 2008, meeting the Planning Commission approved a motion to reconsider this item with a Public Hearing at the March 27, 2008, meeting.

ANALYSIS

Existing Law - Section 17.32.050.G and H of the Zoning Code regulate signs with graphics, messages, and motion. The two sections contain provisions that appear contradictory and are difficult for the Codes Department to enforce. Currently, scrolling, flashing, and changeable copy signs are generally prohibited in all zoning districts except CS and CL, with one exception. Time/date/ temperature signs are permitted in all non-residential zoning districts provided they remain fixed, static, motionless, and non-flashing for a period of two seconds or more.

Proposed Bill The proposed bill would provide that electronic signs are permitted in all zoning districts, including residentially zoned properties located along a collector or arterial street, as shown on the adopted Major Street Plan. Since the Planning Commission last reviewed this bill on February 28, 2008, the Metro Council adopted an amendment to it on March 4, 2008. The amendment restricts electronic signs in residential districts to religious institutions, community education facilities, cultural centers, and recreation centers.

As written, the bill adds provisions to subsection G to require the display of an electronic sign to remain static for eight seconds and requires a transition between displays of less than two seconds. The bill would also add a prohibition for digital billboards that are less than 2,000 feet apart from one another. Because of the conflicting language in subsections G and H of the current Code, it is unclear whether digital billboards currently are permitted. Under this ordinance, they would be permitted so long as they comply with the amended provisions of subsection G.

Current subsection H is deleted from the Code and replaced with a new section H that would: 1) clarify that video and other animated signs are prohibited in all districts except for the CA zoning district; and 2) permit LED message boards on collector and arterial streets in all residential zone districts.

The term “electronic sign” embraces a couple different technologies seen in Metro that have been recently installed, including digital signs and LED signs. Digital signs have color and animation with a TV picture quality such as the one on West End Avenue at 30th Avenue, North, or the Nova Copy sign along I-40 in downtown Nashville. Unlike digital signs, LED signs are not multi-color. LED signs have red or amber-colored lights and lettering on message boards such as those at a drugstore or businesses which display date, time, and temperature.

Proposed Text This council bill proposes to amend Section 17.32.050.G and H. of the Zoning Code (Prohibited Signs) as follows:

G. Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, when where the copy, graphics, or digital display does not remain fixed, static, motionless, and nonflashing for a period of two (2) seconds or more eight (8) seconds, provided that this provision shall not be applicable to any sign located within the CA district with a change time of less than two (2) seconds. Digital display billboards less than two thousand (2,000) feet apart, and digital billboards that are not in compliance with the provisions of section 17.32.150, are also prohibited.

H. billboards in permitted districts, or signs located in ON, OL, OG, OR20, OR40, ORI, MUN, MUL, MUG, SCN, SCC, CN and CL districts with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for time/temperature/date signs. This provision shall also apply to all signs located within one hundred feet of property classified within a residential district.

H.1. Video, continuous scrolling messages, and animation signs, except in the commercial attraction (CA) district.

H.2. LED message boards in residential zoning districts. Notwithstanding the foregoing, LED message boards shall be allowed for community education facilities, cultural centers, recreation centers, and religious institutions located on collector or arterial streets in residential zoning districts

Analysis In the past few years, there have been three council bills to permit electronic signs; two failed to receive Council support and one was adopted (see table below). All three bills were recommended for disapproval by the Metro Planning Commission. While this latest bill does create more restrictive display periods for electronic signs, it still does not provide adequate protection for residential areas in which these signs may be located.

SIGN BILLS				
Bill #	Sponsor	Council Action	MPC Action	Description
BL2005-648	Dozier	Failed 3rd reading 1/17/06	Disapproved 12/8/05	Permit signs with graphics or electronic displays oriented to a four-lane or controlled access highway maintained by the State of Tennessee and located within the urban services district (USD), with a speed limit of forty miles per hour (40 m.p.h.) or less.

BL2006-974	Dozier, Wallace	Withdrawn 7/18/06	Disapproved 2/23/06	Permit signs with graphics or electronic displays oriented to a four-lane or controlled access highway maintained by the State of Tennessee and located within the urban services district (USD), with a speed limit of forty miles per hour (40 m.p.h.) or less.
BL2007-1366	Brown	Approved	Disapproved 2/22/07	To allow signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color within the CL zoning district. Notwithstanding the foregoing provisions, signs with lights or illuminations that display non-scrolling and non-flashing electronic text shall be permitted within the CL district, provided the text remains static for at least three seconds and the sign is not located within four hundred feet of any residential property with frontage on the same street.

As written, the current bill would allow electronic signs on collector and arterial streets in residential zoning districts. Such electronic signs would be permitted up to eight (8) feet tall, up to 192 square feet of total sign area, up to three (3) electronic signs depending on a property's street frontage, and with no restriction on the amount of sign area devoted to the changeable copy. Further, the bill provides no standards for illumination, hours of operation, distance from a residential use, and variation in colors and hues.

The Zoning Administrator has indicated that the Codes Department considers electronic signs and billboards to be illegal under the current Metro Code sign provisions because, in application, most such signs violate the provisions of subsection H in the current law, which prohibits signs with "lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color." This bill proposes to permit digital signs and digital billboards like those recently erected along I-65 near 100 Oaks Mall, I-24 westbound in Hermitage, and elsewhere in Metro. According to the Zoning Administrator, all of these digital signs and billboards are on private property, except Metro's convention center sign which is on public property. Those signs erected with a valid Metro permit were approved with the explicit statement that such signs were not to be digital. The proposed bill would clarify that digital billboards are allowed so long as the display message remains static or fixed for 8 seconds or more, the transition time between messages is two seconds or less, and digital billboards are spaced a minimum of 2,000 feet apart.

STAFF RECOMMENDATION Staff recommends disapproval of the bill as drafted because electronic signs would be permitted without adequately safeguarding Nashville's neighborhoods. When the Zoning Code's sign provisions were adopted by the Metro Council in the early 1990's, electronic signs did not exist. That said, the Planning Department does not believe the Zoning Code was intended to be interpreted to permit such signs now or in the future. The provisions of Section 17.32.050.G and H are broad enough to encompass this latest sign technology, and they expressly prohibit it.

This is a complex and difficult issue. A draft alternate ordinance is appended to this staff report, below. The draft alternate ordinance also is not recommended for approval by staff, but is presented for the Planning Commission's consideration. The draft alternate ordinance would amend the Zoning Code to allow electronic signs in residential districts subject to a special exception use, electronic signs by right in various commercial districts, and electronic billboards by right in certain districts.

If the commission recommends the draft alternate ordinance for approval, staff suggests that the recommendation should include a recommendation that two separate council bills be drafted to enable Metro Council to consider the signs in their appropriate zoning context.

- 1) electronic signs in residential areas; and
- 2) electronic signs for commercial areas and billboards.

The Planning Commission may also want to look at the proximity of billboards to residential uses. Lastly, staff recommends that if the Metro Council amends the Zoning Code to permit these signs, the current council bill, or any new bill introduced, should include a provision expressly stating that **none** of these existing electronic and digital signs and billboards, including existing signs and billboards which may be converted to electronic in the future are grandfathered in, and that they must all

comply with the applicable provisions of the adopted council bill within thirty (30) days after the bill's passage.

Draft Alternate Ordinance

1. Modify Section 17.04.060 "Definitions of General Terms" by **inserting** the following new definition in alphabetical order:

"Community Facility" means a community education, cultural center, recreation center, or religious institution.

2. Modify Section 17.04.060 "Definitions of General Terms" by **inserting** the following new definitions in alphabetical order under the word "Sign" and after the phrase "These terms regarding signs are referenced", renumbering the existing terms accordingly.

"Electronic Changeable Copy Sign" means a sign that displays electronic, non-pictorial text information in which each character, graphic, or symbol ("display") can be changed without altering the face or surface of the sign using an electronic means such as light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology. All copy shall be displayed in one color with no hues, and remain fixed or static for at least eight (8) seconds before changing. All copy changes must be accomplished instantaneously without any special effects. At no time shall any sign display area have varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, shimmering, scrolling, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement.

"Electronic Graphic Display Sign" means the same as "Electronic Changeable Copy Sign" except static images, graphics and/or pictures may be displayed in one or more colors and hues.

"Electronic Video Display Sign" means a sign that changes copy or background using varying light illumination, intensity, or a progression of pictorial or graphic frames in either a continuous or animated presentation to display motion, action, special effects, or pictorial imagery in one or more colors and hues.

"Manual Changeable Copy Sign" means a sign whose copy is or can be changed manually or mechanically in the field by the use of detachable letters, numbers, or symbols.

"Sign Copy" means any words, letters, numbers, figures, characters, symbols, logos, emblem, flag, background, or insignia that are used on a sign display surface area.

3. Modify Section 17.32.090.A by renaming it and amending the language, **inserting** a new subsection B, and renumbering existing subsection B as C (Signs: On-Premise Signs for Non-Residential Uses in Agricultural and Residential Districts) as follows:

A. **Signs.** All on-premise signs located in a residential district shall conform to the sign provisions applicable to the ON district, except as provided below in Section 17.32.090.B for a community facility use desiring an electronic changeable copy sign. Ground signs shall be monument signs with a maximum height of eight (8) feet at grade-level measured at the location where the sign will be erected. The minimum street setback shall be fifteen feet; the sign shall not encroach into required side setbacks of the district; and only one such ground sign shall be permitted per street frontage.

B. **Electronic Changeable Copy Signs.** Following approval of a special exception by the Board of Zoning Appeals community facilities located in residential districts shall be permitted only one ground monument electronic changeable copy sign for the entire facility, regardless of the number and location of principle or accessory uses, parcels, lots, street frontages, abutting or adjacent properties that comprise the overall facility. The sign shall not exceed eight (8) feet in height at grade-level measured at the location where the sign will be erected on the property, 48 square feet in total allowable sign area with the changeable copy not exceeding a maximum of twenty-five percent (25%) of that allowable sign area. Wall-mounted electronic changeable copy signs are not permitted. Prior to approval of a special exception, the Board of Zoning Appeals shall ensure the following criteria are met.

- i. An applicant has provided sufficient evidence to the board that the proposed changeable copy sign (electronic), meets the following criteria
 - a. Located on an arterial street as designated on the adopted Major Street Plan and having a minimum of four (4) existing travel lanes at the location of the proposed sign.
 - b. Located in an area that is predominately non-residential in character.
 - c. Located no closer than 500 feet from any existing residential use.

- ii. The board shall also consider the following in determining the appropriateness of granting a special exception.
 - a. A recommendation from the Historic Zoning Commission, if the property is located within an historic overlay district.
 - b. A recommendation from Metropolitan Development and Housing Agency, if the property is located within a redevelopment district.
 - c. A recommendation from the planning commission as provided in Section 17.40.300. The planning commission shall recommend on the proposed sign's consistency with the goals, objectives, and standards of the general plan, including any community, neighborhood, or other design plan.
 - d. The proposed sign's size, height, location, configuration, materials, structure, illumination, and hours of operation, including proximity to another electronic changeable copy sign(s).
 - e. Whether the sign will detract from the existing neighborhood character, including the street and pedestrian environment.
- iii. Once a special exception is granted the sign shall meet the following conditions:
 - a. Be illuminated no earlier than 6:00 a.m. on any day and no later than 9:00 p.m. on any day.
 - b. Once fully illuminated, the sign shall not produce any direct, indirect, or reflected light or glare impacts on adjoining properties, pedestrians, bicyclists, or motorists.
- iv. The board may place conditions on a proposed sign needed to ensure the sign does not detract from the existing or planned neighborhood character, including the street and pedestrian environment.

4. Modify Section 17.32.050.G (Prohibited Signs) by **deleting** the existing text and **inserting** the following in its place:

G. Electronic video display signs in all zoning districts except the CA district.

5. Modify Section 17.32.050.H (Prohibited Signs) by **deleting** the existing text and **inserting** the following in its place:

H. Electronic signs, either changeable copy or graphic display, are prohibited except as follows:

- 1) Billboards may be electronic, either changeable copy or graphic display signs, provided there is a minimum separation distance of 2,000 feet between the proposed billboard and another electronic billboard (either changeable copy or graphic display signs) subject to districts identified in Section 17.32.150 and the provisions of this title.
- 2) Signs located on properties in the office, mixed-use, commercial, shopping center, and industrial zoning districts may be electronic, either changeable copy or graphic display, subject to the sign regulations contained in Chapter 17.32 of this title.
- 3) Community facility uses located in residential zoning districts as provided in Section 17.32.090.

Ms. Regen presented and stated that staff is recommending disapproval of the text amendment as submitted.

Mr. Clifton requested clarification on the recommendation of disapproval being made by the staff.

Ms. Regen stated that staff is recommending disapproval on the entire bill due to the fact it contains information for both billboards and residential signs and these components should be separate.

Mr. Clifton questioned whether staff had specific views on the portion of the bill that referenced billboard signage.

Mr. Bernhardt offered that another bill specifically addressing billboards has been drafted by Council. He stated that once staff has had a chance to review this bill, they would make a recommendation to the Commission.

Mr. Gotto requested clarification on which institutions would be affected by the bill as proposed.

Ms. Regen explained the various types of institutions that would be allowed electronic signs with the proposed bill.

Mr. Gotto questioned the staff's view on whether the current bill could be amended or was it necessary to re-draft the bill completely.

Ms. Regen explained that the proposed bill does not clearly define the various types of signs allowed and that it would need to be re-drafted in order to address this issue, as well as others.

Mr. Clifton requested clarification on the definitions of collector and arterial streets.

Ms. Regen explained these definitions to the Commission. She also showed two videos prepared by staff, of the various signs that are currently located throughout the city.

Mr. Barry Smith, 224 Stewarts Ferry Pike, spoke in favor of the proposed text amendment.

Mr. Mike Byrd, 1605 5th Avenue North, spoke in opposition of the proposed text amendment.

Mr. Austin Cunningham, 206 McCaw Street, spoke in opposition of the proposed text amendment.

Mr. Todd Adams, 2314 18th Avenue South, spoke in opposition of the proposed text amendment.

Ms. Jennifer Pennington, 3700 Woodlawn Drive, spoke in opposition of the proposed text amendment.

Ms. Jane Alvis, 305 Fairfax Avenue, spoke in favor of the proposed text amendment.

Ms. Bell Newton, 3950 Woodlawn Drive, spoke in opposition of the proposed text amendment.

Ms. Adrienne Marianelli, 417 Davidson Road, spoke in opposition of the proposed text amendment.

Mr. Keith Newcomb, 604 Georgetown Drive, spoke in opposition of the proposed text amendment.

Mr. Ron Dennis 505 Saxton Court, spoke in opposition of the proposed text amendment.

Ms. Bobbie Forrest, 101 Thistle Lane, spoke in opposition of the proposed text amendment.

Mr. Glenn Turner, 6521 Rolling Fork Drive, spoke in opposition of the proposed text amendment.

Ms. Susan Floyd, Donelson Hermitage Neighborhood Association, spoke in opposition of the proposed text amendment.

Ms. Cynthia Moss, 3535 Albee Drive, spoke in opposition of the proposed text amendment.

Mr. Dalton requested clarification on the definition of a collector street.

Mr. Bernhardt explained that a collector street is a primary street that allows local streets to move onto arterial streets. He briefly explained the Major Street Plan, adopted by Council, which clearly defines collector streets and arterial streets for this area.

Mr. Clifton briefly explained the reasons for the Commission's decision to rehear this bill. He then spoke of the complexity of the bill and its unintended consequences that would affect residential areas. He addressed the issue of the bill containing the two components, billboards and residential signs, which would prohibit the Commission from taking action on the amendment as submitted. Mr. Clifton questioned the status of the bill, due to the Commission's original recommendation to approve that was sent to Council.

Mr. Bernhardt explained that the bill is currently deemed approved; however, if the Commission were inclined to change their recommendation, the bill then would reflect the new recommendation.

Ms. Cummings acknowledged the complexity of the bill and the affect it would have on residential areas. She stated she was not in favor of approving the bill as submitted and that she supports the idea of continued discussions regarding its contents.

Mr. Tyler spoke of issues associated with placing LED signs in residential neighborhoods. He stated he was not in favor of approving the bill as submitted.

Mr. Gotto stated he was not in favor of approving the bill as submitted. He spoke of the current law as being too complex for proper enforcement. He acknowledged the technological changes occurring with signage and the need to address the changes appropriately. He suggested the amended bill be utilized as the beginning point as it contains good recommendations from staff.

Mr. Clifton moved and Mr. Dalton seconded the motion, which passed unanimously to disapprove Text Amendment 2008Z-023T, and request that any changes or modifications be re-referred to the Planning Commission for recommendation. (7-0)

Resolution No. RS2008-51

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-023T is **DISAPPROVED, request any changes to the bill be re-referred to the Planning Commission for recommendation. (7-0)”**

The Commission recessed at 5:30 p.m.

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

The Commission resumed at 5:55 p.m.

FINAL PLANS

- 3. 2008S-023U-07**
WEST MEADE FARMS, RESUB. Lot 816, SEC. 9
Map: 115-13 Parcel(s): 011
Subarea 7
Council District 23

A request for final plat approval to create 2 lots on property located at 439 Grayson Drive, approximately 520 feet west of Grayson Court (4.04 acres), zoned RS40, requested by Helen Marie Scott, owner, Campbell, McRae & Associates Inc., surveyor.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 2 lots on property located at 439 Grayson Drive, approximately 520 feet west of Grayson Court (4.04 acres), zoned Single-Family Residential (RS40).

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.

PLAN DETAILS This subdivision proposes to create two single-family lots at the end of a permanent dead end street from an existing lot with steep slopes and problem soils.

History This request was originally on the Planning Commission agenda for January 24, 2008. At that time, staff recommended disapproval, but included conditions that needed to be met in the event that the subdivision was approved. The applicant requested deferral in order to provide staff with the information required by the conditions. Those conditions were:

1. Prior to recording the final plat, submit a grading plan identifying and preserving trees 8 inches in diameter, in compliance with the special policies, in order to maintain slope stability and prevent unnecessary erosion.
2. Prior to recording the final plat, submit a critical lot plan that complies with the development guidelines in the special policies.
3. Prior to recording the final plat, submit a geotechnical report that complies with the problem soil requirements of Section 17.28.050 of the Zoning Ordinance.

The applicant has submitted the information required by conditions two and three above.

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 is not required for the frontage of the property because it is at the end of a permanent dead end street with more than 35 feet of street frontage.

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.):
Grayson Drive	84,289	N/A

As proposed, the two new lots have the following areas:

- Lot 1: 107,608 Sq. Ft., (2.47Acres)
- Lot 2: 68,717 Sq. Ft., (1.58Acres)

Lot Comparability Exception A lot comparability exception can be granted for lots that do not meet the minimum requirements of the lot comparability analysis (is smaller in lot 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.

Staff recommends disapproval of granting an exception to lot comparability for this proposal. While the proposed lots may be consistent with density guidelines for the Natural Conservation and Residential Low policies, as discussed below, they do not meet special policies for this area recently adopted by the Planning Commission. Therefore, the request is not consistent with the adopted land use policies for this property.

The lots are located in the Natural Conservation land use policy, with approximately 800 square feet of the property located in the Residential Low Density land use policy. NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses. RL policy is intended to conserve large areas of established, low-density (one to two dwelling units per acre) residential development.

Special Policies While the proposed lots are consistent with the recommended density of the NCO and RL policies, they are not consistent with the Special Policies that were adopted as an amendment to the Bellevue and West Nashville Community Plans by the Metro Planning Commission on July 26, 2007. The goals of these special policies are to “preserve major ridgelines and view sheds for the protection of natural wildlife corridors, vegetation, and scenic views” and to “minimize the physical and aesthetic impacts of excessive grading of hillsides and slopes by promoting the residential design that blends with the surrounding natural environment.” The lot which is requested to be subdivided contains part of the major ridgeline and part of View Shed Area 2. It also contains steep slopes, which is defined as an area containing a slope of 20 percent or greater and sensitive soils. The applicant was asked to provide information to demonstrate that the two proposed lots could comply with the special policies.

The western portion of the site is within the major ridgeline and View Shed Area 2. The area in the middle of the lot, adjacent to the existing driveway and proposed shared access point, is Bodine-Sulfura (BsE), a problem soil identified by the special policy and the Metro Zoning Ordinance, and contains a slope of over 40%. The applicant has submitted a proposed critical lot plan that shows the proposed building site for Lot 1 on top of the ridgeline and proposed driveway, which is not contained on Lot 1. The applicant has not submitted a grading plan identifying and preserving trees eight inches in diameter, as requested, to show that the proposed building site is buffered by mature tree stands, as required by the development guidelines in the recent plan amendment.

Variance for Irregular Lot Line Section 3-4.2.a of the Subdivision Regulations requires lot lines running at right angles from the street. The lot line between the two proposed lots is irregular. The applicant indicated that this was necessary in order to preserve the existing structure. The plan that has been submitted shows the proposed new structure above the existing structure on a slope of approximately 40% that contains problem soils. Staff has serious concerns about placing a new home in this location.

Suitability of the Land Section 3-3.1 of the Subdivision Regulations states that land which the Planning Commission finds to be unsuitable for subdivision or development “shall not be subdivided or developed unless adequate methods to solve the problems created by the unsuitable land conditions are formulated by the developer and approved by the Planning Commission.” Steep slopes and problem soils are two of the features that may deem land unsuitable.

Additional Information The applicant deferred the request at the January 24, 2008, Planning Commission meeting in order to provide additional information requested in the staff report, listed above. The applicant has submitted a geotechnical report and a critical lot plan, but not a grading plan identifying and preserving trees eight inches in diameter, in compliance with the special policies.

Geotechnical Report The applicant submitted a geotechnical report for the referenced project. The report states that construction on this site is possible, but it has to meet four requirements listed in the report in addition to some possible complications that are unknown at this time. It is also recommended that they be required to supply a certification letter stating that the site has been constructed in compliance, also stamped by a registered engineer, prior to the issuance of a Use and Occupancy permit.

Critical Lot Plan The applicant submitted a critical lot plan stamped by a registered engineer. This plan shows the proposed building site along the ridgeline. The site is accessed by an extension of the existing driveway at a slope of 20.5%. The driveway also requires a pre-split weathered rock wall, which exists under the soil at four to ten feet above the driveway, and a retaining wall of seven feet. The specifications for the weathered rock wall are not called out in the geotechnical report, as stated on the plans. Additionally, the geotechnical report assumes a driveway at a slope of 12% to 14%. There are concerns about the discrepancy in the slope of the driveway between the two submittals, in addition to a pre-split wall situated within weathered rock. Weathered rock is not as sound as solid rock and has a tendency for pieces to flake off, or slough.

The Fire Marshal has concerns about access to the building site in the event of a fire. If a fire truck is able to navigate up the driveway of 20.5% slope, the turnaround next to the house is not large enough to accommodate a fire truck.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

STORMWATER RECOMMENDATION Approved

FIRE MARSHAL RECOMMENDATION-Denied

- Actual or projected flow data shall be provided on plat showing compliance with 2006 edition of NFPA 1 table H.
- The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft.
- Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
- All fire hydrants shall provide a minimum of 1000 gpm @ 20 psi. If so, all single family residences up to 3600 sq. ft. are pre-approved.
- The final plat shall show location for all fire hydrants before plat approval.
- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

- Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
- Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
- Due to new information about this project it will be rejected.

STAFF RECOMMENDATION This request does not meet the lot comparability requirements of the Subdivision Regulations. This lot contains steep slopes, problem soils, and a portion of the major ridgeline and View Shed Area 2, which are identified by the special policies, Subdivision Regulations, and Metro Zoning Ordinance as conditions that are hostile to development. The applicant has not submitted sufficient information to justify an exception to the lot comparability requirements of the Subdivision Regulations. Therefore, staff recommends disapproval of an exception to lot comparability and disapproval of the final plat application.

CONDITIONS - Submit a revised plat with the following corrections:
Add parcel numbers.

Correct square footage calculations for lots.

Show ingress/egress easement for Lot 2 on the southern portion of Lot 1. Show ingress/egress easement for Lot 1 for the portion of the driveway on Lot 2.

Add subdivision number.

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

Mr. Bill Lockwood, 211 Commerce Street, spoke in favor of the proposed development.

Mr. Robert Stickney, P.O. Box 681237, spoke in favor of the proposed development.

Mr. James Johnson, 6708 Rodney Court, spoke in opposition of the proposed development.

Ms. Vicki Bryant, 6704 Rodney Court, spoke in opposition of the proposed development.

Ms. Jenice Johnson, 6708 Rodney Court, spoke in opposition of the proposed development.

Ms. Jane Bibring, 6574 Brownlee Drive, spoke in opposition of the proposed development.

Ms. Alys Venable, 6608 Rolling Fork Drive, spoke in opposition of the proposed development. She submitted information to the Commission for the record.

Mr. Glenn Turner, 6521 Rolling Fork Drive, spoke in opposition of the proposed development.

Mr. Gene Scott, owner, spoke in favor of the proposed development.

Ms. Helen Scott, owner, spoke in favor of the proposed development.

Mr. George McIntosh spoke in favor of the proposed development.

Mr. Ron Dennis, 505 Saxon Court, spoke in opposition of the proposed development.

Mr. Clifton requested clarification on the staff's recommendation.

Ms. Logan explained the issues associated with the proposal which lead to staff's recommendation to disapprove.

Mr. Bernhardt offered that Councilmember Evans created a special policy for this area and that the proposed development does not comply with this policy.

Mr. Tyler questioned the actual slopes contained in the proposal.

Ms. Logan stated explained the slopes and their percentages to the Commission.

Mr. Clifton moved and Ms. Jones seconded the motion, which passed unanimously, to disapprove Final Plat 2008S-023U-07. **(6-0)**

Resolution No. RS2008-52

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-023U-07 is **DISAPPROVED. (6-0)**"

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

- 4. 2008Z-027U-08**
Map: 092-07 Parcel(s): 417
Subarea 8
Council District 19

A request to rezone from RS3.75 to MUN district property located at 1923 Britt Place, approximately 430 feet west of 19th Avenue North (0.17 acres), requested by Latanza E. Sales and Jerell Harris, owners.

Staff Recommendation: Disapprove

APPLICANT REQUEST - A request to change from Single-Family Residential (RS3.75) to Mixed Used Neighborhood (MUN) zoning for property located at 1923 Britt Place, approximately 430 feet west of 19th Avenue North (0.17 Acres).

Existing Zoning

RS3.75 District RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre.

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

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.

Fisk-Meharry Detailed Neighborhood Design Plan, Single Family Attached and Detached (SFAD) SFAD is intended for a mixture of single family housing that varies based on the size of the lot and the placement of the building on the lot. Detached houses are single units on a single lot (e.g. single family house), while attached houses are single units that are attached to other single family houses (e.g. townhomes).

Consistent with Policy? No. While the proposed MUN zoning district would allow for uses that would be consistent with the policy, it would also allow for uses that are not consistent such as a bar or nightclub. To ensure that any proposed change use is consistent with the policy, an enforceable site plan such as an Urban Design Overlay (UDO) or, Planned Unit Development Overlay (PUD) must accompany zone change request, or a Specific Plan zoning district (SP) is required within this location. There was not an UDO or PUD submitted with the proposed zone change request.

The applicant has informed staff that they plan to pursue a permit for a day care center within the existing residence. It would be difficult to accommodate the required parking of one space for each five individuals and the required C-type landscape buffer yard on this 0.17 acre property.

Institutional Special Exceptions 17.16.170 Metro Zoning Code Institutional uses such as a day care center may be approved for residentially zoned property through a Special Exception permit approved by the Board of Zoning appeals if certain criteria are met. For day care center with 13 to 25 individuals, the criteria include:

- A minimum of one half acre lot size;
- No driveway access to a minor local street; and
- A minimum A-type landscape buffer yard.

This site does not meet the minimum lot size for a Special Exception to permit a day care center.

Typical and Maximum Uses in Existing Zoning District: RS3.75

Land Use (ITE Code)	Acres	Density	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	0.17	9.89	1	10	1	2

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.60	4,443	122	16	16

Typical Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	0.17	0.169	1,251	90	9	25

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
--				+112	+15	+14

STAFF RECOMMENDATION Staff recommends disapproval of the zone change request. While the proposed MUN zoning district would allow for uses that would be consistent with the area’s policy, it would also allow for uses that are not consistent. In addition the NG policy requires that zone change requests be accompanied by an UDO or PUD and neither were submitted for this site.

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

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Zone Change 2008Z-027U-08. **(6-0)**

Resolution No. RS2008-53

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-027U-08 is **DISAPPROVED. (6-0)**

The proposed MUN zoning districts is not consistent with the North Nashville Community Plan’s Neighborhood General structure policy, and its Single-Family Attached and Detached Detailed Neighborhood policy, which is for a variety of single-family housing that varies based on the size of the lot and the placement of the Land Use Policies.”

5. 2008Z-028T

A request to amend the Metro Zoning Code to create a new use called "Animal Boarding Facility" and to allow it with conditions in the IWD and IR zoning districts, requested by Councilmember-at-Large Ronnie Steine.

Staff Recommendation: Approve

APPLICANT REQUEST A request to amend the Metro Zoning Code to create a new use called “Animal Boarding Facility”, and to allow it with conditions in the Industrial Warehousing/ Distribution (IWD) and Industrial Restrictive (IR) zoning districts.

APPLICATION DETAILS Section 17.04.060 of the Metro Zoning Code does not contain any definition for “Animal Boarding Facility,” nor is it listed as a use in Section 17.08.030, the Zoning District Land Use Table. This request will amend the Metro Zoning Code to provide a definition for “Animal Boarding Facility” and stipulate the zoning districts in which the use will be permitted with conditions.

Proposed Definition “Animal boarding facility” means any buildings or land used, designated or arranged for the temporary boarding, care and grooming of domesticated dogs and cats for profit. This use does not include an animal hospital.”

Proposed Conditions Animal Boarding Facilities are proposed to be *permitted with conditions* within the Industrial Warehousing/ Distribution (IWD), and the Industrial Restrictive (IR) districts. Conditions are as follows:

1. **Setback.** No part of any building or structure in which animals are housed shall be closer than two hundred feet, and no kennel run shall be located within one hundred feet, from any existing residence.
2. **Building Temperature.** Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.
3. **Cages.** Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
4. **Runs.** Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
5. **Watering of Animals.** All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
6. **On-Site Waste Collection.** All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.”

Analysis While animal boarding facilities exist within Nashville Davidson County, this is not a listed use in the Metro Zoning Code. By listing the use and stipulating which zoning district the use is permitted with conditions, Metro can more effectively control the use and can ensure that it is conducted in a safe and humane way, and that the use will not have a negative impact on neighboring properties.

STAFF RECOMMENDATION Staff recommends approval of the proposed ordinance.

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

Ms. Cummings requested clarification on the definition of “domesticated animals” as mentioned in this amendment.

It was offered that domesticated animals referred to both dogs and cats.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to approve Text Amendment 2008Z-028T. (6-0)

Resolution No. RS2008-54

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-028T is **APPROVED. (6-0)**”

6. **2008Z-029U-10**
Map: 104-14 Parcel(s): 072, 073
Subarea 10
Council District 18

A request to rezone from RS7.5 to R8 district properties located at 2902 and 2904 W. Linden Avenue, approximately 95 feet west of 29th Avenue South (0.70 acres), requested by Dennis and Delia Corrieri, owners.

Staff Recommendation: Approve

The Metropolitan Planning Commission DEFERRED Zone Change 2008Z-029U-10 to April 10, 2008, at the request of the applicant. (7-0)

**IX. PUBLIC HEARING:
CONCEPT PLANS**

7. **2008S-061U-12**
BRENTWOOD BRANCH ESTATES
Map: 160-08-0 Parcel: 010A
Map: 160-08 Parcels: 046, 048
Map: 160 Parcel: 123
Subarea 12
Council District 26

A request for concept plan approval to create a cluster-lot subdivision of 8 lots and to remove the reserve parcel status of property at 531 Broadwell Drive, Hill Road (unnumbered), and Trousdale Drive (unnumbered), at the terminus of Trousdale Drive south of Broadwell Drive, zoned RS20 (4.93 acres), requested by Michael and Sharon Yates and Dixon Northcutt, owners, Dale & Associates, surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create a cluster-lot subdivision of 8 single-family lots and to remove the reserve parcel status of property at 531 Broadwell Drive, for properties located at Hill Road (unnumbered), and Trousdale Drive (unnumbered), at the terminus of Trousdale Drive south of Broadwell Drive, zoned Single-Family Residential (RS20) (4.93 acres).

ZONING

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

SUBDIVISION DETAILS The concept plan proposes to create 8 single-family, cluster lots, and to remove the reserve status from a parcel within the development. The cluster lot option allows the applicant to reduce minimum lot sizes two base zone

districts from the base zone classification of RS20 (minimum 20,000 sq. ft. lots) to RS10 (minimum 10,000 sq. ft. lots) if the plan meets all the requirements of the cluster lot provisions of the Metro Zoning Code. The proposed lots range in size from 10,008 square feet to 25,992 square feet.

Open Space Cluster lot developments are required to provide 15 percent common open space per phase. The concept plan designates 7 percent (.34 acres) of the site as active open space in the form of a walking trail and 37 percent (1.85 acres) as passive open space for a total of 44 percent open space.

Critical Lots The Metro Subdivision Regulations require that a lot be designated as critical when it is created on natural slope of 20 percent or greater, or when it contains natural floodplain. The concept plan depicts the 100-year floodplain affecting lots 3 through 6. Each lot has been labeled as critical on the plan and will require a critical lot plan at the time of development.

Floodway/Floodplain Section 17.28.040 of the Metro Zoning Code specifies that development on property encumbered by natural floodplain or floodway shall leave a minimum of 50 percent of the natural floodplain area, including all floodway area, undisturbed and in its natural state. Approximately 2.72 acres is located within the floodplain. The plan states that 41 percent of the floodplain will be disturbed, leaving roughly 59 percent of the floodplain undisturbed.

Sidewalk A five foot sidewalk is planned along the western right-of-way and extends around the cul-de-sac terminating at lot 8.

Access/Street Connectivity Access to the site will be available by a public road that intersects Trousdale Drive and Broadwell Drive. The concept plan proposes 46 feet of right-of-way terminating in a cul-de-sac. The applicant has also applied to abandon the current 60 feet of right-of-way that extends south off of Broadwell Drive and realign the roadway to facilitate a cluster lot design.

History In 2003, a request was made to close an unimproved portion of Trousdale Drive from Broadwell Drive to Hill Road. The Planning Department staff recommended disapproval of the closure because the extension was vital to the long range transportation plan for this area. However, the request was deferred indefinitely and never voted on by the Planning Commission or the Council. Consequently, community opposition to the planned extension of Trousdale Drive led to its removal from the Southeast Community Plan, but the extension remains depicted on the Adopted Major Street and Collector Plan since that plan has not yet been updated.

In addition to the applicant's request associated with this plat to abandon and relocate the portion of right-of-way for Trousdale Drive that runs south off of Broadwell Drive, the council representative has also requested abandonment of the remaining unimproved right of way that would have connected Trousdale to Hill Road. If this abandonment request ultimately is approved by the Metro Council, then there it would not be possible to make a direct connection from Trousdale Drive to Hill Road.

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.

STORMWATER RECOMMENDATION - Approved

FIRE MARSHAL RECOMMENDATION

1. All fire hydrants shall provide a minimum of 1000 gpm @ 20 psi. If so, all single family residences up to 3600 sq. ft. are pre-approved.
2. Actual or projected flow data shall be provided on plat showing compliance with 2006 edition of NFPA 1 table H.
3. Any residential construction over 3600 sq. ft. will require an independent review by the Fire Marshals office and be required to comply with the 2006 edition of NFPA 1 table H. (<http://www.nashfire.org/prev/tableH51.htm>)
4. All roadways with-two way traffic shall comply with public works minimum requirements.

STAFF RECOMMENDATION Staff recommends approval with conditions of the concept plan and the request to remove the reserve status from the adjacent parcel. The recommendation to approve the concept plan is not an endorsement of the elimination of an extension of Trousdale Drive to connect with Hill Road. Staff would support retaining the connection as it is important to the efficient movement of traffic in the area, but also recognizes the land use principles established in the

community plan. Since the extension is no longer a part of the community's transportation structure plan, staff's recommendation is guided accordingly.

CONDITIONS

1. Prior to final plat approval, the abandonment of right-of-way on the unimproved portion of Trousdale Drive from Broadwell Drive to Brentwood Branch must be approved by Council.
2. The requirements of the Metro 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.

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

Mr. Tom Steward, 120 Maxwell Crossing, spoke in opposition to the proposed development.

Mr. Leslie Wittner, 116 Maxwell Crossing, spoke in opposition to the proposed development.

Mr. Charlie Dean, Dale & Associates, spoke in favor of the proposed development.

Mr. Michael Yates, P.O. Box 3429, spoke in favor of the proposed development.

Mr. Tyler requested further clarification regarding the issue surrounding the extension of Trousdale Road to Hill Road.

Ms. Nedra Jones explained this concept to the Commission.

Mr. Bernhardt offered additional information regarding Trousdale Road and its connection to Hill Road.

Ms. Cummings agreed with the conditions that were recommended by staff.

Ms. Jones moved and Ms. Cummings seconded the motion, which passed unanimously, to approve Concept Plan 2008S-061U-12. (6-0)

Resolution No. RS2008-55

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-061U-12 is **APPROVED WITH CONDITIONS.** (6-0)

Conditions of Approval:

1. Prior to final plat approval, the abandonment of right-of-way on the unimproved portion of Trousdale Drive from Broadwell Drive to Brentwood Branch must be approved by Council.
2. The requirements of the Metro 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.”

**X. PUBLIC HEARING:
FINAL PLANS**

8. **2007S-195U-07**
HORTENSE PLACE, RESUB. LOT 94 (formerly NEVADA HEIGHTS, RESUB.
Lot 94)
Map: 092-13 Parcel(s): 401, 416.01
Subarea 7
Council District 24

A request for final plat approval to create one lot and dedicate 1,532 square feet of right-of-way along 33rd Avenue North, approximately 145 feet south of Nevada Avenue (0.52 acres), zoned RS5, requested by DreamInc, owner, Wamble & Associates, surveyor.

Staff Recommendation: Approve with condition

APPLICANT REQUEST - Final Plat

A request for final plat approval to create one lot and dedicate 1,532 square feet of right-of-way along 33rd Avenue North, approximately 145 feet south of Nevada Avenue (0.52 acres), zoned Single-Family Residential (RS5).

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.

PLAN DETAILS This subdivision proposes to dedicate 1,532 square feet of right-of-way and create one lot from an existing parcel. Lot 94 is being amended to provide additional right-of-way along 33rd Avenue, North. The amended Lot 94 will contain 10,044 square feet of area, and the new Lot 95 will contain 12,748 square feet.

While a final plat of subdivision can be approved administratively, 33rd Avenue, North is a substandard street at this location and will need to be improved to meet Public Works standards. Due to the need to bring the street up to current standards, this subdivision is classified as a major subdivision and requires Planning Commission approval.

This portion of 33rd Avenue, North is a dead-end street. As the dead-end street will be more than 150 feet, the applicant has provided an “eye-brow” turn-around to satisfy the requirements of Public Works and the Fire Marshal.

Critical Lots Proposed lots containing natural or manmade features affecting the feasibility of construction must be designated as critical during the review process. Each lot contains 20 percent or greater slope and has been identified as critical lots on the plan. In addition, Section 17.28.030 of the Metro Zoning Code states that for single and two-family lots of less than one acre, any natural slopes equal to or greater than 25 percent must be platted outside of the building envelope. At the time of development, a critical lot plan will be required for each lot to ensure any areas of severe slope are preserved to the greatest extent possible in a natural state.

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:

Street Name	Minimum lot size (sq. ft.)	Minimum lot frontage (linear ft.)
33 rd Avenue	6,969	N/A

As proposed, each lot would have the following area and street frontage:

- Lot 94: 10,044 sq. ft., (0.23 acres), with 80 ft. of frontage
- Lot 95: 12,748 sq. ft., (0.29 acres), with 60 ft. of frontage

Lot comparability for frontage does not apply since the right of way terminates at a permanent dead end and each lot has 35 feet or more of frontage.

Sidewalks Sidewalks are not required with the recording of this plat. Although the property is located within the urban services district, the construction of sidewalks is not required because the property is located within an infill setting on a permanent dead-end street.

PUBLIC WORKS RECOMMENDATION Roadway improvements to be bonded with the recording of the final plat.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with condition of the final plat.

CONDITIONS

1. Add new parcel number 490 to Lot 95.

Approved with conditions, (7-0) *Consent Agenda*

Resolution No. RS2008-56

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-195U-07 is **APPROVED WITH CONDITIONS. (7-0)**”

Conditions of Approval:

1. Add new parcel number 490 to Lot 95.”

9. **2008S-060A-07**
HORTON HEIGHTS, RESUB. LOT 1 SETBACK AMENDMENT
Map: 102-08 Parcel(s): 058
Subarea 7
Council District 24

A request to remove the platted front setbacks on property located at 6509 Charlotte Pike (0.75 acres), at the northeast corner of Charlotte Pike and Hillwood Boulevard, zoned CS, requested by Aquaterra Engineering on behalf of Mapco Express Inc., lessee, and Linde Bracey Wilson, Trustee et al, owners.

Staff Recommendation: Approve

APPLICANT REQUEST - Setback Amendment

A request to remove the platted front setbacks on property located at 6509 Charlotte Pike (0.75 acres), at the northeast corner of Charlotte Pike and Hillwood Boulevard, zoned Commercial Service (CS).

ZONING

CS District -Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

SUBDIVISION DETAILS

Plan Details The applicant has requested that the platted setbacks be removed from this commercial property and that the setbacks be determined by the Zoning Code. This lot and the commercial lot across Hillwood Boulevard were platted in 1952, without recorded setbacks. A revised plat in 1975, added a 60-foot setback along Charlotte Pike and a 15 foot setback along Hillwood Boulevard on this property. By removing the platted setbacks and applying the Zoning Code setbacks of 57 feet from the centerline of Charlotte Pike and 45 feet from the centerline of Hillwood Boulevard, the two commercial properties will have the same setbacks.

The removal of the platted setbacks does not relieve this property from complying with all aspects of the Zoning Code including requirements for providing screening of parking areas adjacent to public streets and for providing a landscape buffer yard to screen the commercial use from the adjacent residentially zoned property to the north. A C-type landscape buffer yard will be required along the property line. The residential property will be separated by a twenty foot unimproved alley and a minimum 20 foot buffer yard from any new buildings on this property.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION No Exception Taken

STAFF RECOMMENDATION Staff recommends approval of removing the platted setbacks for this property.

Mr. Bernhardt announced that this item could be placed back on the Consent Agenda and approved, as there was no one in the audience to speak against the proposal.

Mr. Tyler moved and Mr. Gotto seconded the motion, which passed unanimously, to place Item #9, 2008S-060A-07, Horton Heights, on the Consent Agenda and approve. **(6-0)**

Resolution No. RS2008-57

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-060A-07 is **APPROVED. (6-0)**”

- 10. 2008S-062U-13**
TOWN PARK ESTATES, RESUB. LOT 61
Map: 135-05 Parcel: 055
Subarea 13
Council District 28

A request for final plat approval to create 3 lots on property located at 316 Melvin Jones Drive, approximately 450 feet south of Southwind Drive (1.3 acres), zoned R10, requested by David Waynick, owner, Civil Site Design Group, surveyor.

Staff Recommendation: Approve with conditions

The Metropolitan Planning Commission DEFERRED Final Plat 2008S-062U-13 to April 10, 2008, at the request of the applicant. (7-0)

- 11. 2008S-064U-09**
ROLLING MILL HILL, LOT 5
Map: 093-11 Parcel(s): 251
Subarea 9
Council District 6

A request for concept plan approval to create 34 lots and common space at Academy Place (unnumbered) and bounded by Middleton Place, Nance Avenue, and Rolling Mill Hill Road (1.09 acres), zoned CF and within the Rutledge Hill Redevelopment district, requested by M.D.H.A., owner, Littlejohn Engineering Associates, surveyor.

Staff Recommendation: Approve

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 34 lots and common space at Academy Place (unnumbered) and bounded by Middleton Place, Nance Avenue, and Rolling Mill Hill Road (1.09 acres), zoned Core Frame (CF) and within the Rutledge Hill Redevelopment district.

ZONING

CF District - Core Frame is intended for a wide range of parking and commercial service support uses for the central business District.

PLAN DETAILS This proposal is within the Rolling Mill Hill development in Downtown Nashville. This subdivision proposes to create 34 lots around a common open space area and a circular driveway. This project consists of attached single-family units. From the street, this portion of the development will look like townhomes, but each unit will be its own lot. The four buildings, ranging from four to twelve lots, are pulled up to the street with rear access.

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.

Identify plans for solid waste disposal and recycling collection. Identify collection types and dumpster pad location. Identify vehicle access locations. Solid waste disposal and recycling collection to be coordinated with the Department of Public Works Solid Waste Division.

All roadways and solid waste collection locations to accommodate SU-30 turning movements. Provide documentation / turning movement illustration for an SU-30 design vehicle.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval.

Approved, (7-0) *Consent Agenda*

Resolution No. RS2008-58

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-064U-09 is **APPROVED. (7-0)**”

XI. OTHER BUSINESS

12. Motor Vehicle Business Establishment application for 2632 Nolensville Pike, Marco Juarez, owner. (Zone Change Proposal No. 2008Z-033U-11)

The Metropolitan Planning Commission DEFERRED Zone Change 2008Z-033U-11 to April 10, 2008, at the request of the Planning Staff. (7-0)

13. Request to adopt a Planning Commission policy for administrative approval of Motor Vehicle Business Establishment applications.

Mr. Bernhardt briefly explained the suggested policy for staff to administratively approve Motor Vehicle Business Establishment (MVBE) applications.

Mr. Clifton questioned whether the Commission could make their recommendation on this suggested policy at the next meeting.

Mr. Kleinfelter offered that the policy is mainly a suggestion and is not a requirement. It outlines criteria that could be used to determine approval of MVBE applications. He stated the Commission could make their decision at the next meeting.

Mr. Gotto questioned whether the information provided to the Commission was sent to Councilmember Page; as it was her request to seek the Commission’s recommendation on an application she received in her district.

Mr. Kleinfelter indicated that the information was shared with Councilmember Page, however, staff had not made contact with her regarding the policy.

Mr. Gotto moved and Mr. Clifton seconded the motion to defer their decision to adopt Planning Commission Policy on MVBE’s to April 10, 2008. **(6-0)**

Resolution No. RS2008-59

“BE IT RESOLVED by The Metropolitan Planning Commission that the Request to Adopt a Planning Commission Policy for Administrative Approval of Motor Vehicle Business Establishment Applications is **DEFERRED to the APRIL 10, 2008, meeting. (6-0)**”

14. Correction to the February 28, 2008 minutes

Approved, (7-0) *Consent Agenda*

Resolution No. RS2008-60

“BE IT RESOLVED by The Metropolitan Planning Commission that the Correction to the February 28, 2008 Minutes is **APPROVED. (6-0)**”

- 15. Executive Directors Report
- 16. Legislative Update

XII. ADJOURNMENT

The meeting adjourned at 7:00 p.m.

Chairman

Secretary



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