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**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**

*6/26/2008*

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*4:00 PM*

*Metro Southeast at Genesco Park  
1417 Murfreesboro Road*

**PLANNING COMMISSION:**

James McLean, Chairman  
Phil Ponder, Vice Chairman  
Judy Cummings  
Derrick Dalton  
Tonya Jones  
Hunter Gee  
Victor Tyler  
Councilmember Jim Gotto  
Andrée LeQuire, representing Mayor Karl Dean

**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  
Hilary Kahnle, Planning Mgr. II  
Jennifer Regen, Planner III  
Jonathon Honeycutt, Public Works  
Steve Mishu, Metro Water

**Commission Members Absent:**

Stewart Clifton

**I. CALL TO ORDER**

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

**II. ADOPTION OF AGENDA**

Ms. Hammond announced that Item #19, a contract between the Metropolitan Planning Commission of Nashville-Davidson County, on behalf of the MPO, and The TMA Group, on behalf of the Clean Air Partnership of Middle Tennessee for public outreach had been added to the agenda.

Mr. Ponder moved and Mr. Tyler seconded the motion, which passed unanimously, to adopt the agenda as amended. (8-0)

**III. APPROVAL OF JUNE 12, 2008 MINUTES**

Ms. LeQuire noted an amendment that should be made to the minutes of June 12, 2008. She explained that under Item #2, 2008SP-002U-13, Starwood Commons SP, on page 15, her comments regarding the progress of the project should read as follows:

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*Ms. LeQuire acknowledged the progress this project has undertaken since its original submittal. She then commented on the importance of including the ~~commercial~~ residential component.....*

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the June 12, 2008 minutes as amended. **(8-0)**

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Todd spoke in favor of Item #10, 49-87-P-10, St. Paul Southern Methodist Church (PUD Cancellation). He explained there have been several community meetings regarding this proposal and that the majority of the residents were in favor of its approval. He did, however, mention there was one neighborhood association still negotiating their issues and concerns with the developer. He asked that the Commission approve the request as submitted, and if it were necessary, he would defer the proposal at its third reading at Council to allow additional time for continued negotiations.

Ms. Cummings arrived at 4:05 p.m.

Councilmember Stanley requested that Item #6, 2008Z-058U-14 be deferred one meeting to allow additional time to hold a community meeting with the developer in an effort to work out any misconceptions the residents had associated with the proposed zone change.

Mr. Bernhardt offered a brief explanation on the requested deferral by Councilmember Stanley and how the deferral may affect the council bill currently filed and scheduled to be heard at the July 1 public hearing.

Mr. Kleinfelter offered additional information regarding the requested deferral.

Councilmember Jernigan stated he would address the Commission after his items were presented to the Commission for discussion.

Councilmember Dominy spoke in favor of Item #7, 2008Z-060U-13, which was on the Consent Agenda for approval.

Councilmember Murray stated she would address the Commission after her item was presented to the Commission for discussion.

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

- 4. 2008Z-050U-13      A request to rezone from R10 to RM20 district, property located at Old Franklin Road (unnumbered) in the Crossings Planned Unit Development and proposed for a PUD cancellation, approximately 680 feet north of Crossings Boulevard (5.38 acres) – deferred to July 24, 2008, at the request of the applicant
  
- 6. 2008Z-058U-14      A request to rezone from RS10 to R10 district property located at 119 Lebanon Pike, approximately 615 feet east of Donelson Pike (2.29 acres) – deferred to July 24, 2008 at the request of Councilmember Stanley, and agreed to by the applicant.
  
- 17. 2005P-008G-06      A request to revise the preliminary plan and for final approval for a portion of the Harpeth Village Planned Unit Development located at 8002 Highway 100, approximately 300 feet west of Temple Road, to permit an automobile convenience center, zoned CL – deferred to July 24, 2008 at the request of the applicant.

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Mr. McLean acknowledged Councilmember Stanley’s request to defer Item #6, 2008Z-058U-14 and questioned whether the applicant was in the audience and if he agreed with the requested deferral.

The applicant offered a brief explanation on the requested zone change and then stated he would agree to the deferral as requested by Councilmember Stanley.

Ms. Cummings moved and Mr. Ponder seconded the motion, which passed unanimously, to close the public hearing and approve the Deferred and Withdrawn items as presented. **(9-0)**

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.”

**VI. PUBLIC HEARING: CONSENT AGENDA**  
**ZONING MAP AMENDMENTS**

7. 2008Z-060U-13 A request to rezone from R8 to CS district property located at 2119 Antioch Pike. -Approve

**CONCEPT PLANS**

11. 2008S-112G-06 A request for concept plan approval to create 7 lots on property located at 8291 Collins Road, zoned RS10. -Approve w/conditions

**FINAL PLANS**

15. 2008S-117U-10 A request for final plat approval to create 2 lots on property located at 3714 Benham Avenue, zoned R10.

**-Approve subdivision including an exception to lot comparability for area and frontage**

16. 2005P-008G-06 A request for a variance to Section 17.12.070 of the Zoning Code for property within the Harpeth Village Commercial Planned Unit Development district located at 8000 Highway 100, zoned Commercial Limited (CL), (1.01 acres), to allow for a variance from the scenic buffer requirements. -Approve w/conditions

**REVISIONS AND FINAL DEVELOPMENT PLANS**

18. 59-86-P-02 A request to revise the preliminary plan for a portion of the Skyline Village Apartments Planned Unit Development located at Creekwood Terrace (unnumbered), approximately 750 feet north of Ewing Drive, zoned RS7.5, to permit 24 multi-family units where a 3,600 day-care facility was previously approved. -Approve w/conditions

**OTHER BUSINESS**

19. Contract between the Metropolitan Planning Commission of Nashville-Davidson County, on behalf of the MPO, and The TMA Group, on behalf of the Clean Air Partnership of Middle Tennessee for public outreach - Approve
20. Employee contract renewal for Scott Adams. -Approve

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

*The recording for the beginning of this meeting is located at the end of the 5/08/08 minutes file.*

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**VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS**

- 1. 2008Z-053G-14**  
Map: 064-09 Parcel: 132  
Subarea 14  
Council District 11 – Darren Jernigan

A request to rezone from R8 to R6 district property located at 4225 Woods Street, at the northwest corner of Woods Street and 5th Street (0.55 acres), requested by Matt Manson, applicant, Curtis and Debbie Seals, owners.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST** - A request to change from One and Two-Family Residential (R8) to One and Two-Family Residential (R6) zoning for property located at 4225 Woods Street, at the northwest corner of Woods Street and 5th Street (0.55 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**DONNELSON/HERMITAGE COMMUNITY PLAN**

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

**Consistent with Policy?** No. The overall density of 7.72 dwelling units per acre associated with R6 zoning is not consistent with 2 to 4 dwelling units per acre supported by RLM policy.

**Site Details** The existing parcel contains three 7,500 square foot lots. Because the current zoning is R8, these lots are below the 8,000 minimum lot size required by the zoning.

Section 17.40.670 of the Zoning Code allows a single-family home to be constructed on a legally created lot that contains less than the minimum lot area required by the zoning district, if the lot contains at least of 3,750 square feet. Duplexes are only permitted under the Code on lots that meet the minimum requirements of the zoning district.

Under the existing R8 zoning district, three single family residences could be developed on this property as permitted by 17.40.670. The parcel also could be subdivided into two lots and two duplex units could be developed. A lot comparability analysis was undertaken and two lots would pass for both frontage and lot area.

If the rezoning request is approved, 3 duplex units would be permitted. This would result in a total density of 10.91 dwelling units an acre which exceeds policy. The applicant has indicated that he intends to develop two duplex units and leave an existing single family residence on the third lot. The development of two duplexes, including a single-family residence would result in total density of 9.09 dwelling units an acre which also exceeds the existing land use policy.

**Typical Uses in Existing Zoning District: R8**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family (210)	0.55	4.63	2	20	2	3

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

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family (310)	0.55	6.18	3	29	3	4

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.55		+1	+9	+1	+1

**METRO SCHOOL BOARD RePORT**

Projected student generation     0 Elementary     0 Middle     0 High

**Schools Over/Under Capacity** Students would attend Andrew Jackson Elementary School, Dupont - Hadley Middle School, and McGavock High School. McGavock High School has been identified as being full by the Metro School Board. There is capacity within an adjacent cluster for high school students. This information is based upon data from the school board last updated June 2008.

**STAFF RECOMMENDATION** Staff recommends that the request be disapproved and the property be developed under the existing zoning. The requested density is inconsistent with RLM policy of two to four dwelling units per acre.

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

Councilmember Jernigan briefly explained the opposition expressed by the residents affected by this proposal and stated he was not in support of the project.

Mr. Matt Manson, applicant, spoke in favor of the proposed zone change.

Ms. Angela Carr, 4206 Old Hickory Blvd, spoke in opposition to the proposed zone change.

Mr. Kevin Oppenwall, 4204 Old Hickory Blvd., spoke in opposition to the proposed zone change.

Ms. Cummings moved and Mr. Gotto seconded the motion, which passed unanimously, to disapprove Zone Change 2008Z-053G-14. **(9-0)**

**Resolution No. RS2008-135**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-053G-14 is **DISAPPROVED. (9-0)**

**The proposed R6 would allow for a density that is not consistent with the Donelson/Hermitage/Old Hickory Community Plan’s Residential Low Medium policy which is intended for residential developments with a density between 2 and 4 units per acre.”**

2.     **2008UD-001U-05**  
        Dickerson Pike Sign UDO  
        Map: 071-03, 071-07, 071-11, 071-14, 071-15  
        Parcels: Various  
        Subarea    5  
        Council District    5 – Pam Murray

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A request to apply an Urban Design Overlay district to various properties located along Dickerson Pike between 1st Street and Trinity Lane (153.85 acres), zoned CS and CL, to regulate all signs for properties along Dickerson Pike, requested by Councilmember Pam Murray.

**Staff Recommendation: Approve**

### **APPLICANT REQUEST - Preliminary UDO**

A request to apply an Urban Design Overlay district to various properties located along Dickerson Pike between 1st Street and Trinity Lane (153.85 acres), zoned Commercial Service (CS) and Commercial Limited (CL), to regulate all signs for properties along Dickerson Pike.

*Note: In the past few weeks, the Councilmember-sponsor has held several meetings with Dickerson Pike property owners with assistance from Planning staff. The property owners have requested several amendments that are to be prepared by Council staff. If the Councilmember has agreed to introduce the amendments and they are available prior to the June 26, 2008, Commission meeting, then staff will provide them to the Commission along with a recommendation.*

**BACKGROUND** Councilmember Pam Murray has been working with business and property owners along those portions of Dickerson Pike located within her district to attempt to develop strategies and plans that to revitalize that street. As part of that effort, Councilmember Murray asked the Planning Department to develop an overlay that would provide higher standards for signage along Dickerson Pike. The Dickerson Pike Sign UDO is intended to provide those standards.

The purpose of the UDO is to enhance the Dickerson Pike streetscape by, among other things, discouraging clutter from inappropriate signs. The UDO standards encourage signage that is appropriate in scale and design for pedestrians, motorists, cyclists and for the building(s) it identifies. The UDO allows for creative approaches to signage to ensure that signage is designed for the purpose of identifying a destination in a unique and functional manner.

The UDO includes every parcel of land that abuts both sides of Dickerson Pike from Interstate 24 to Trinity Lane, and every parcel on the west side of Dickerson Pike from Trinity Lane to Rock Street.

The property south of Douglas Avenue within the proposed UDO is also located within the MDHA Skyline Redevelopment District, which was approved on third reading by the Metro Council on April 15, 2008.

**EAST NASHVILLE COMMUNITY PLAN** The proposed Dickerson Pike UDO is located within a wide variety of land use policy areas of the East Nashville Community Plan, including Neighborhood Urban, Neighborhood General, and Community Center. The land uses supported in those areas include mixed housing, mixed use, offices, and commercial retail. A portion of the proposed UDO is located within Special Policy #1, which is intended to guide land use decisions until more detailed planning efforts can be completed. Among other things, Special Policy #1 states that the only requests for rezoning that should be approved are those that achieve a high standard of urban design.

**Existing Zoning-** All property affected by this Ordinance is currently zoned CS or CL.

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

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

**PLAN DETAILS** The UDO includes standards to address several issues, including prohibited signs, sign lighting, design and materials, and signs for multi-tenant buildings. A copy of the UDO will be delivered to the Commissioners with this staff report, and it has been posted to the Planning Department website at [www.nashville.gov/mpc](http://www.nashville.gov/mpc).

Non-conforming signs must be brought into conformity with these standards if a permit is required to alter, reconstruct, replace or relocate the sign. If a sign is damaged, then the property owner can repair the sign without complying with these standards.

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The UDO does not replace, but supplements the standard sign provisions of Chapter 17.32 of the Metro Code. If there is a conflict between the UDO standards and the sign provisions of the Zoning Code, then requested sign permit must comply with the UDO provisions.

**STAFF RECOMMENDATION** Staff recommends approval of the Dickerson Pike Sign UDO.

Mr. Kleinfelter presented and stated that staff is recommending approval. He stated that Councilmember Murray had submitted amendments to the Urban Design Overlay for the record, and further explained that staff has not had the opportunity to review the amendments as submitted.

Councilmember Murray spoke in favor of the proposed Overlay. She stated that she has worked with the merchants along Dickerson Pike, and with the proposed amendments, that she and those affected by the overlay were in favor of its approval.

Mr. Marsellis Brooks, President, North Edgehill Organized Neighbors, spoke in favor the proposed UDO with the amendments as submitted by Councilmember Murray.

Mr. Jay West, 618 Church Street, spoke in favor of the proposed UDO, including the amendments.

Ms. LeQuire thanked the Councilmember for her work on the overlay as well as the additional amendments. She then expressed a concern with the issue that the overlay does not cover a portion of Dickerson Pike from Trinity Lane to Rock Street and questioned whether this could be studied further in an effort to provide consistency for this area.

Councilmember Murray explained that the portion of Dickerson Pike between Trinity Lane and Rock Street was not in her district and that she has been communicating with the Councilmember in which this portion of the road exists.

Ms. Jones acknowledged that the arterial falls within two districts and questioned how the Commission could take the initiative to suggest this portion be included in the overlay.

Mr. Kleinfelter offered a brief explanation of the filed bill and alternative methods the Commission could pursue in order to include all of Dickerson Pike in the proposed overlay.

Ms. LeQuire then suggested that the portion of Dickerson Pike that would not be covered by the overlay, be removed from the bill, until such time, the overlay could be consistently enacted for this entire area.

Councilmember Murray explained her conversations with Councilmember Bennett regarding the portion of Dickerson Road located in her district. She then asked that the Commission continue moving forward with her request as submitted and that she would assist Councilmember Bennett whenever she was ready to extend the UDO into her district.

Mr. Bernhardt offered explanation of the various projects that Councilmember Bennett was currently overseeing and offered too that she may not have the time to address the Dickerson Road issue.

Ms. Jones thanked Councilmember Murray for all of her work on the overlay. She then requested additional clarification on Item #5, "Temporary political, legal notice and auction signs shall be permitted" that was submitted with her amendments.

Mr. Gotto too expressed his concern with the amendment, and suggested that staff carefully review its intent as written in the overlay as well as the sign ordinance.

Mr. Bernhardt acknowledged the concerns of the Commission regarding the submitted amendments for the UDO and stated that staff will continue to work with the applicant to clarify the intentions of the amendment.

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Mr. Ponder acknowledged that the original deferral of this proposal proved to be beneficial to all affected by the overlay. He too expressed concerns with the type of signs that could be permitted with Item #5, which was included with the amendments.

Ms. Cummings requested additional clarification on whether signs could be painted on rooftops.

Mr. Kleinfelter explained the regulations regarding rooftop signage to the Commission.

Ms. Cummings expressed concerns with the type of rooftop signage that would be permitted under the UDO and the fact that it could possibly set a precedent for other areas in the City.

Mr. Gee spoke in favor of the proposed UDO as submitted and stated that the portion of the street that was not included in the overlay should be addressed at a later time. He then requested clarification on whether the Special Policy mentioned in the overlay would implement urban design aspects for this area.

Mr. Kleinfelter explained the Special Policy as included in the East Nashville Plan to the Commission.

Mr. Gotto moved and Ms. LeQuire seconded the motion, which passed unanimously to approve 2008UD-001U-05 with the recommendation that staff continue to work with the applicant on the language contained in the overlay. **(9-0)**

### Resolution No. RS2008-136

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008UD-001U-05 is **APPROVED WITH AMENDMENT. (9-0)**

**The proposed UDO is not inconsistent with the East Nashville Community Plans policies.”**

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

- 3. 2008SP-016U-08**  
Ardelia Park  
Map: 081-08      Parcels: 475, 476  
Subarea 8  
Council District 19 - Erica Gilmore

A request to change from R6 to SP-R zoning for properties located at 1623 and 1625 7th Avenue North, at the southwest corner of 7th Avenue North and Garfield Street (0.38 acres), to permit the development of 5 single-family detached units, requested by the Richard C. Hazzard, owner.

**Staff Recommendation: Disapprove**

### **APPLICANT REQUEST - Preliminary SP**

A request to change approximately 0.38 acres located at 1623 and 1625 7<sup>th</sup> Avenue North, at the southwest corner of 7<sup>th</sup> Avenue North and Garfield Street from One and Two-Family Residential (R6) to Specific Plan – Residential (SP-R) permitting the development of 5 single-family detached units.

### **Existing Zoning**

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

### **Proposed Zoning**

SP-R District - Specific Plan-Residential is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type.



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### NORTH NASHVILLE COMMUNITY PLAN

#### *Structure Plan Policy*

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

#### *Detailed Policy for Salem Town Detailed Neighborhood Design Plan*

**Mixed Housing (MH)** MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

**Consistent with Policy?** No. As proposed, the plan is not consistent with the area's land use policies. The policies call for mixed-housing and are intended to promote a dense mixture of housing types along Garfield Street. While the policies are intended to promote a variety of housing types, single-family detached housing can also be appropriate if the layout and design foster an urban streetscape and are not out of character with the surrounding area. The proposed layout and design are not consistent with the urban context of the area.

**PLAN DETAILS** The two properties proposed for development are located at the southwest corner of Garfield Street and 7<sup>th</sup> Avenue, North. The properties currently consist of a single-family structure and a two-family structure. The properties are on a small rise and are slightly above street level. A small convenience market is located diagonally across the street. Property directly across Garfield is currently vacant and the property directly across 7<sup>th</sup> Avenue, North is occupied by a duplex. St. Paul's Evangelical Church is to the west and is listed as worthy of conservation.

**Site Plan**The proposed site plan calls for 5 single-family detached units with a density of approximately 13 units per acre. Units have shallow front setbacks and are oriented towards Garfield Street and 7<sup>th</sup> Avenue, North. Three units front on Garfield Street and one unit fronts on 7<sup>th</sup> Avenue, North. The remaining unit is situated at the corner and is oriented towards both streets.

Access is proposed from the alley and no other vehicular access is proposed. Each unit would have a two car garage and additional parking spaces directly behind each garage. The plan also identifies 11 additional parallel parking spaces along the southern property line for a total of 31 on-site parking spaces. On-street parking is also permitted along Garfield and 7<sup>th</sup> Avenue, North.

**Analysis** The proposed plan is not consistent with the area's land use policies. The policies call for mixed-housing and are intended to promote a dense mixture of housing types along Garfield Street. Even though the policies are intended to promote a variety of housing types, single-family detached housing can also be appropriate if the layout and design foster an urban streetscape and are not out of character with the surrounding area.

While the proposed use can meet the intent of the policies the layout and design of the plan do not. The site plan includes units that are identical in appearance and a corner unit that is angled towards the intersection rather than addressing Garfield and 7<sup>th</sup> Avenue. The identical houses are not consistent with the diversity of housing in this area. In addition, the corner unit should wrap the corner to address both Garfield Street and 7<sup>th</sup> Avenue North in a way that creates a strong edge along both streets.

Rather than design homes that specifically address the context of this property, the applicant has simply duplicated the same house plan for each unit. The inappropriate housing product has forced the applicant to turn the corner unit at a 45-degree angle because turning the house to front on both streets would block access to the rear garage. The applicant should submit a revised plan that includes homes that are designed for this property, including a corner unit that addresses each street with an appropriate street frontage.

The project also should include varying architectural features to foster a streetscape with strong pedestrian interest, which is a very important characteristic of an urban street. As proposed each unit appears to be exactly the same

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and offers no variation in its articulation to either street. Variation in design need not require a different residential type or a mixture of residential types, but it will require more thought be given to each unit.

The plan lacks specific details regarding exterior building materials. Proposed building materials should be clearly indicated on the plan and should not include vinyl siding or exposed cinder block. The ground floor should be elevated and not be a slab on grade. The first floor should be elevated at a minimum 18” from finished grade. Elevation of the first floor of housing is essential to reflect the urban context of this location.

The policy for this area identifies Garfield Street as a Civic/Open Space Connector, and calls for specific streetscape improvements such as wide sidewalks, street trees and pedestrian amenities. The cross section for streets in this category calls for a 68 foot Right-of-Way (ROW). The applicant’s plan does not identify or dimension the existing ROW, but it appears that the existing width of Garfield Street is approximately 57 feet. To provide adequate room for the cross section required by the Community Plan for this location, additional ROW along Garfield Street is likely required. The applicant must show the existing dimensions of Garfield Street so the extent of any additional ROW that is required can be determined.

The applicant has indicated to staff that the community does not want multi-family or any higher density than what is currently proposed on the site. Nevertheless, a different product type that is designed for the specific site could be developed to meet the intent of the policy and adequately address community concerns. Staff has offered to assist the applicant with addressing the issues raised in this report, but at the writing of this report no changes have been proposed by the applicant.

**STORMWATER RECOMMENDATION** *Disapprove* until the plan adequately address the following comments:

1. Provide the FEMA Note / Information to plans.
2. Provide a Vicinity Map to plans.
3. Add Preliminary Note to plans: “This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.”
4. Add Access Note to plans: “Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.”
5. Add C/D Note to plans: “Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).”
6. Provide a Water Quality Concept.
7. Provide Room for Detention. The applicant should take note that this is in the Combined Sewer Overlay (CSO) and that there doesn't appear to be any adequate infrastructure to connect onto.

**PUBLIC WORKS RECOMMENDATION** *Disapprove* until the following concerns have adequately been addressed:

1. 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. Final design and improvements may vary based on field conditions.
2. Submit a dimensioned site plan.
3. Provide standard site boundary and topo data.

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

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210 )	0.38	6.18	2	20	2	3

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**Maximum Uses in Existing Zoning District: SP-R**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210 )	0.38	n/a	5	48	4	6

**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
--			+3	+28	+2	+3

**METRO SCHOOL BOARD REPORT**

**Projected student generation     0 Elementary     0 Middle     0 High**

**Schools Over/Under Capacity** Students would attend Brookmeade Elementary School, Hill Middle School and Hillwood High School. None of the schools are listed as full. This information is based upon data from the school board last updated June 2008.

**STAFF RECOMMENDATION** Staff recommends that the proposed SP be disapproved. The proposed SP is not consistent with the area’s land use polices, and has not been approved by Metro Public Works or Metro Stormwater.

**CONDITIONS**

1. Provide a product that is designed for the site. Corner unit should wrap the corner providing a strong edge along both Garfield Street and 7<sup>th</sup> Avenue North.
2. First floor shall not be slab on grade and shall be raised a minimum of 18” from the finished grade.
3. Identify exterior building materials. No vinyl siding or exposed cinder block shall be allowed.
4. Any front second floor porch balcony shall be designed in a way that opens it up and is contextually appropriate with other balconies in the neighborhood while also providing more visibility for the resident.
5. Provide adequate site data table. Table shall include information such as proposed FAR, ISR, density, parking, open space and all other relevant information.
6. Identify existing ROW and provide additional ROW along Garfield Street as needed to meet the cross section called out in the Detailed Neighborhood Design Plan.
7. Provide 6’ wide sidewalk and 6’ wide planting strip.
8. Remove all notes pertaining to 2006SP-119U-08.
9. All parking, utilities, meter boxes, back flow preventers, heating and cooling units and other mechanical systems shall be screened to a minimum height of 3 feet, or located away from public view.
10. Planting materials shall be approved by Metro Urban Forester at final development plan approval.
11. 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 MUN zoning district as of the date of the applicable request or application.

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12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
13. Minor adjustments to the preliminary SP 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 floor area, 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.
14. 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.

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

Mr. Dalton left at 5:05 p.m.

Mr. Richard Hazzard, 3506 Rocky Hill Terrace, spoke in favor of the proposed zone change.

Mr. Mike Byrd 1605 5<sup>th</sup> Avenue North, spoke in opposition to the proposal and requested its deferral.

Mr. Ponder spoke in support of staff recommendation.

Ms. Jones suggested possibly deferring the proposal to allow additional time for a more appropriate project that would be compatible to the area.

Mr. Swaggart explained there was a Council bill filed and scheduled to be heard at next week's public hearing at Council.

Ms. LeQuire acknowledged the intent of the applicant and their request to enhance the area with their proposal. She then offered that the applicant continue working with Metro Departments, as well as NES to insure that the final proposal will meet all of the necessary requirements and be more compatible with the neighborhood. Ms. LeQuire then requested additional clarification regarding the amount of right-of-way as mentioned in the staff report.

Mr. Swaggart explained this concept to the Commission.

Mr. Gotto questioned the process the applicant would have to follow if the Commission were to disapprove the requested zoning.

Mr. Bernhardt offered additional information on the bill that was filed and scheduled to be heard by Council next week. He then suggested that the Commission could disapprove as submitted, however, request that the Councilmember re-refer the bill back to the Commission, which would allow additional time for the applicant to refine the design of the proposal.

Mr. Gee expressed issues with the fact that the application was incomplete and being presented to the Commission.

Mr. Swaggart explained that the ordinance was filed prior to the application being submitted for review.

Mr. Gee requested clarification on the density allowed by the general plan for this area.

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Mr. Swaggart explained this concept to the Commission.

Mr. Bernhardt offered additional explanation on the density of the proposal in relation to the policy and design standards intended for this area.

Mr. Gee stated he was not opposed to smaller setbacks as being requested. He then requested additional information on the corner unit as being proposed by the applicant and whether there was a historic overlay for the area.

Mr. Swaggart explained there were historic structures located in the area and that Metro Historic had issues with the orientation of the corner lot as proposed by the applicant.

Mr. Gee stated that he did not agree with the issues expressed by Metro Historic in relation to this proposal, and briefly explained his reasons to the Commission. He then stated he agreed with the suggested recommendation of a re-referral back to the Planning Commission, however, wanted to make sure that the record reflected that he did not agree with all of the staff recommendations on this proposal.

Mr. Tyler requested clarification on which details were not submitted with the application as mentioned by staff.

Mr. Swaggart explained the details to the Commission.

Mr. Bernhardt offered additional information on the request as proposed by the applicant in relation to the density of the project and its compatibility to this area. He then mentioned previous projects proposed in the area that resulted in stormwater issues after the rezoning was granted.

Ms. Cummings acknowledged the good intentions of the applicant but stated there were too many issues that still needed resolution prior to moving forward on the development.

Ms. LeQuire requested clarification on whether staff was recommending that this proposal only contain single-family homes.

Mr. Kleinfelter briefly explained the policy and the intended uses for this area.

Ms. Cummings moved, and Mr. Ponder seconded the motion, which passed unanimously, to disapprove as submitted 2008SP-016U-08, with the condition that it be re-referred to the Planning Commission, if the design changes. **(8-0)**

### **Resolution No. RS2008-137**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-016U-08 is **DISAPPROVED AS SUBMITTED, re-refer to the Planning Commission if the design changes. (8-0)****

**The proposed SP district is not consistent with the North Nashville Community Plan’s Mixed Housing in Neighborhood General policies, which is intended to promote a variety of housing types including single-family and multi-family.”**

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- 4. 2008Z-050U-13**  
Map: 163-00 Parcel: 385  
Subarea 13  
Council District 32 – Sam Coleman

A request to rezone from R10 to RM20 district, property located at Old Franklin Road (unnumbered) in the Crossings Planned Unit Development and proposed for a PUD cancellation, approximately 680 feet north of Crossings Boulevard (5.38 acres), requested by Littlejohn Engineering Associates, applicant, for Crews Crossing LLC, owner.

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### Staff Recommendation: Approve

### The Metropolitan Planning Commission DEFERRED Zone Change 2008-050U-13 to July 24, 2008, at the request of the applicant. (9-0)

#### 5. 2008Z-057U-10

Map: 104-02 Parcel: 136  
Subarea 10  
Council District 21 - Edith Taylor Langster

A request to apply a Historic Bed & Breakfast Overlay District to property located at 3137 Long Boulevard, approximately 180 feet north of Mason Avenue (0.26 acres), zoned RM40 and located within the 31st and Long Boulevard Urban Design Overlay District, requested by Ben and Lisa Anderson, owners.

#### Staff Recommendation: Approve with conditions

**APPLICANT REQUEST** A request to apply a Historic Bed & Breakfast Overlay District to property located at 3137 Long Boulevard, approximately 180 feet north of Mason Avenue (0.26 acres), zoned Multi-Family Residential (RM40) and located within the 31st and Long Boulevard Urban Design Overlay District.

#### Existing Zoning

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

Urban Design Overlay - An UDO is a zoning tool that requires specific design standards for development in a designated area. UDOs overlay the current base zoning and allow for development standards above and beyond those in the base zoning.

#### Proposed Overlay District

**Historic Bed and Breakfast Homestay** A historic Bed and Breakfast Homestay is defined in Section 17.36.120 of the Metro Zoning Ordinance as “a building or structure containing three or fewer furnished guest rooms for pay within a private, owner-occupied historically significant structure. Meals may be provided to overnight guests, and the maximum stay for any guest shall be fourteen consecutive days.” It must meet one or more of the following criteria:

- a. The historic bed and breakfast homestay is associated with an event that has made a significant contribution to local, state or national history;
- b. It is associated with the lives of persons significant in local, state or national history;
- c. It embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value; or
- d. It is listed or is eligible for listing in the National Register of Historic Places.

It must also satisfy all of the following conditions:

- a. Exterior work proposed to be done will be subject to design review guidelines adopted by the metropolitan historic zoning commission for determining the architectural compatibility and historical significance of such work. The design review guidelines for neighborhood conservation districts shall apply to historic bed and breakfast homestays. The metropolitan historic zoning commission's approval of work shall be granted in writing as a condition for issuance of a zoning permit.
- b. Owner-occupied. The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the historic home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the historic home.
- c. No more than one off-street parking space shall be provided for each guest room. The commission shall advise on the appropriate location and potential adverse impacts caused by the off-street parking of vehicles, and may

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- recommend fencing, screening and landscaping to buffer and protect surrounding residential properties.
- d. No signs shall be permitted for advertising. An accessory residential sign, not to exceed the dimensions of one square foot of area, displaying the name and/or address of the owner may be permitted.
  - e. The bulk regulations of the district for a residence shall apply. Overnight guest rooms may be located within historically significant accessory structures.
  - f. The owner shall maintain and make available to the zoning administrator a guest register for each calendar year.
  - g. Meal service shall be restricted to overnight guests only; no cooking facilities shall be permitted in any guest room.
  - h. The metropolitan fire marshal shall approve the structure for safety.

**Metro Historic Zoning Commission Recommendation** At its meeting on September 20, 2006, the Metro Historic Zoning Commission determined 3137 Long Boulevard to be a "historically significant structure" in accordance with Section 17.04.060 of the Metro Code.

**PLAN DETAILS** The applicant has submitted a final site plan and a letter indicating intended compliance with the conditions above and the 31<sup>st</sup> & Long UDO. The site plan shows the existing home and site conditions, with parking behind the home. Staff is requiring additional detail to the final site plan, including screening, parking, and utilities, as conditions of approval that will ensure compliance with the Historic Bed & Breakfast Homestay Ordinance and 31<sup>st</sup> & Long UDO.

### **GREEN HILLS/MIDTOWN COMMUNITY PLAN**

#### ***Structure Policy***

Mixed Housing (MH) MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

#### ***West End Park Detailed Neighborhood Design 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 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?** Yes. The Historic Bed and Breakfast Homestay Overlay District does not conflict with MH in NG policy in this area.

### **31<sup>st</sup> and Long**

**Urban Design Overlay** The adaptive reuse of the existing structure as an Historic Bed and Breakfast Homestay is compatible with the UDO.

The UDO requires screening of surface parking lots where facing public right-of-way to minimize the visual impact of parked vehicles. "Any parking lot adjoining a public street shall be screened to a height of three feet by walls, berms, landscaping, or a combination of these. If landscaping is used, the planting bed shall be a minimum of six feet wide." As this property has double-frontage on Long Boulevard and Bellwood, parking access should remain on Bellwood and parking location should remain between the structure and Bellwood.

**Recommendation from 31<sup>st</sup> and Long Design Review Committee** The 31st Avenue & Long Boulevard Design Review Committee has reviewed the plan and found it to be consistent with the UDO.

**STAFF RECOMMENDATION** Because the request is consistent with the requirements of the Zoning Ordinance and the 31<sup>st</sup> and Long UDO, staff recommends approval with conditions.

### **CONDITIONS**

1. Add a note stating that the house is to remain and any exterior work must be approved by the Metro Historic Zoning Commission and the Metro Planning Commission.
2. Submit a landscape plan with evergreen plants that screen the parking from adjacent properties along the

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- rear property line.
3. Add a note stating the maximum number of guest rooms.
  4. Trash cans must be accommodated on site and appropriately screened.
  5. Add the parking spaces used by the residents to the plan. Label the owner/operator parking and resident parking on the plan.
  6. Show utility plan and lighting fixtures for outdoor area.

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

Ms. Nancy Hanna, 3135 Long Blvd., spoke in opposition to the proposed overlay district.

Mr. Ben Anderson, owner, spoke in favor of the proposed overlay district.

Mr. Ponder expressed concern with the issue of communication between the homeowners affected by this proposal.

Ms. LeQuire requested additional clarification on the stormwater issues mentioned by the constituents.

Mr. Steve Mishu, Metro Stormwater, briefly explained that combined sewers were located in this area. He then mentioned he could not speak on the issue mentioned between the private homeowners.

Mr. Bernhardt offered that various departments are currently studying the stormwater issue for this area.

Ms. Cummings requested clarification on the condition relating to the location of the trash bins for this proposal.

Ms. Logan explained this condition to the Commission.

Mr. Gee requested clarification on the parking that is included in the proposal.

Ms. Logan explained this concept to the Commission.

Mr. Gotto moved and Ms. Jones seconded the motion, which passed unanimously, to approve with conditions Zone Change 2008Z-057U-10. **(8-0)**

### **Resolution No. RS2008-138**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2008Z-057U-10 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Add a note stating that the house is to remain and any exterior work must be approved by the Metro Historic Zoning Commission and the Metro Planning Commission.
2. Submit a landscape plan with evergreen plants that screen the parking from adjacent properties along the rear property line.
3. Add a note stating the maximum number of guest rooms.
4. Trash cans must be accommodated on site and appropriately screened.
5. Add the parking spaces used by the residents to the plan. Label the owner/operator parking and resident parking on the plan.
6. Show utility plan and lighting fixtures for outdoor area.



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**The proposed Historic Bed and Breakfast Overlay District is not inconsistent with the Greenhills/Midtown Community Plans Mixed Housing in Neighborhood General policies.”**

**6. 2008Z-058U-14**

Map: 096-05 Parcel: 095  
Subarea 14  
Council District 14 – Bruce Stanley

A request to rezone from RS10 to R10 district property located at 119 Lebanon Pike, approximately 615 feet east of Donelson Pike (2.29 acres), requested by Charlie Simms, applicant, for Rondol and Mary Oakley, owners.

**Staff Recommendation: Approve**

**The Metropolitan Planning Commission DEFERRED Zone Change 2008Z-058U-14 to July 24, 2008, at the request of Councilmember Stanley and agreed to by the applicant (9-0)**

**7. 2008Z-060U-13**

Map: 148-00 Parcel: 046  
Subarea 13  
Council District 28 – Duane Dominy

A request to rezone from R8 to CS district property located at 2119 Antioch Pike, approximately 963 feet south of Haywood Lane (0.60 acres), requested by Colliers Turley Martin Tucker, applicant, for Nashville Real Estate Ltd., owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - A request to rezone from One and Two-Family Residential (R8) to Commercial Service (CS) district property located at 2119 Antioch Pike, approximately 963 feet south of Haywood Lane (0.60 acres).

**Existing Zoning**

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

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

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

**Commercial Mixed Concentration (CMC)** - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

**Consistent with Policy?** Yes. The Commercial Service (CS) district is consistent with Commercial Mixed Concentration (CMC) policy because it permits retail, office, and other commercial intense uses promoted in CMC policy. The current, one and two family residential (R8) zoning is inconsistent with the policy. This property, along with several others on Antioch Pike, was rezoned to CS by the Metro Council in 1986. However, a mapping company hired by Metro inadvertently mapped it as R8. That error was carried over into the official zoning maps adopted by Council in 1998. When the error was discovered in 1999, the Planning Department informed all of the property owners, including this one, they could rezone to CS with no charge. A couple of those owners chose to do so. The owner of this property choose not to do so at the time. Now, this owner has requested to rezone to CS. This request essentially corrects the mapping error which incorrectly designated an R8 zoning classification at this location.

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**PUBLIC WORKS RECOMMENDATION** Traffic study may be required at time of development.

**Typical and Maximum Uses in Existing Zoning District: R8**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210 )	0.60	4.63	3	29	3	4

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814 )	0.60	0.17	4,443	228	11	33

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (814 )	0.60	0.60	15,681	709	20	60

**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
--				680	17	56

**STAFF RECOMMENDATION** Staff recommends approval of the request to rezone 0.60 acres from One and Two-Family Residential (R8) to Commercial Service (CS). The request corrects the mapping error which designated an R8 zoning classification on this site. The CS zoning district is consistent with the Commercial Mixed Concentration policy because it permits commercial uses encouraged by the policy and compatible with the surrounding uses.

Approved, (9-0) *Consent Agenda*

**Resolution No. RS2008-139**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-060U-13 is **APPROVED. (9-0)**

**The proposed CS district is consistent with the Antioch – Priest Lake Community Plan’s Commercial Mixed Concentration policy which is intended for medium high to high density residential and all types of retail trade, highway – oriented commercial services, offices and research activities.”**

**8. 2008Z-061T**

A council bill to amend Section 17.08.030 of the Metro Zoning Code to modify "automobile service" from a use permitted by right ("P") to specific plan ("SP") except in IWD, IR and IG where they would remain permitted by right, sponsored by Councilmember Anna Page.

**Staff Recommendation: Disapprove**

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**APPLICANT REQUEST** -A council bill to amend Section 17.08.030 of the Metro Zoning Code to modify "automobile service" from a use permitted by right ("P") to specific plan ("SP") except in IWD, IR and IG districts.

### APPLICATION DETAILS

*Existing Zoning Code* Section 17.08.030 of the Zoning Code allows "Automobile Service" as a use permitted by right in mixed-use, commercial, shopping center, and industrial zoning districts and permitted with conditions (PC) in a specific plan district. Automobile service uses provide services and parts such as oil changes, tires, wheel alignment and balancing, brakes, shock absorbers, and mufflers. Automobile service does not allow auto repair, auto body and collision repair, or auto transmission work, nor does this use include selling gasoline or diesel fuels. Gas stations and convenience markets are classified as "Automobile Convenience" in the Zoning Code.

*Proposed Change* The ordinance proposed to change "automobile service" from a use permitted by right ("P"), to one that will require specific plan ("SP") zoning, except in the IWD, IR, and IG zoning districts.

*Background* In March 2006, the Metro Council adopted BL2006-693, which amended the Zoning Code to permit a variety of auto-related uses only within a specific plan (SP) district. That council bill also modified the definition of automobile service, but the ordinance did not restrict the "automobile service" use to SP zoning only as it did with, for example, automobile repair, vehicular rental and leasing, automobile sales (used), and car wash.

*Analysis* Forty years ago, the neighborhood corner service station changed your oil, installed new tires, fixed a flat, resurfaced your brakes, and got your car running again. That business model changed during the 1970's with the introduction of the self-service, do-it-yourself gas stations. The word "service" became obsolete and the vernacular became "gas station". According to a newspaper article published on-line on May 29, 2008 in *The Oklahoman*, "22 percent of the gasoline station market share went to self-service in 1975. By 1992, 86 percent had gone to self-service and five years later 'self-service was the mainstay.'" The demise of the service station gave birth to the various automobile service businesses we have today offering same-day or next-day service. These businesses located in the same places the former service stations had occupied – near neighborhoods, offices, and shopping centers.

The proposed text amendment would require SP zoning for any new automobile service use proposed in a commercial area. Those automobile service uses existing now with a valid use permit from the Department of Codes would become legally, non-conforming uses. By requiring SP zoning, the Metro Council could prohibit new automobile service uses from locating in what have been historically convenient locations. Potentially, the bill's net effect could be to restrict the availability and access of this use for residents, businesses and their employees, interstate travelers, and tourists.

Restricting availability and access to Automobile Service uses, and encouraging these businesses to locate in industrial areas, could result in greater cost (i.e. towing charges, driving distance, time-off from work) and inconvenience, particularly for persons with limited incomes. Further, only a portion of the county's industrial areas are served by public transit, and of those served, bus routes typically are along the periphery of the industrial park/area. Lastly, industrial areas are not conveniently located near neighborhoods.

**STAFF RECOMMENDATION** Staff recommends disapproval of the proposed ordinance. Automobile service uses are a neighborhood convenience for Davidson County residents. They fulfill a necessary service for residents similar to neighborhood pharmacies, grocery stores, bakeries, beauty salons, veterinarians, seamstresses, dry cleaners, gas stations, etc. Staff further recommends that the Metro Council may wish to consider changing "Automobile Service" to a use that is "permitted with conditions" (PC). Such a use could include specific site design and other requirements that would be required to be met before a new Automobile Service business could open. The standards could include items such as building placement, landscaping, screening, street frontage, access, signage, and limitations on things such as noise, outside storage, test driving vehicles, and hours of operation.

Ms. Regen presented and stated that staff is recommending disapproval and is recommending that Council may wish to consider changing "Automobile Service" to a use that is "permitted with conditions".

Mr. McLean suggested the Commission possibly defer this request to allow additional time to add any necessary conditions.

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Ms. Regen stated that the bill was scheduled to be heard at the Metro Public Hearing next week which would not allow the Commission to defer the request.

Mr. Gotto briefly explained that the bill would need to be re-written in order to capture the uses as being requested by Councilmember Page.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to disapprove Zone Change 2008Z-061T, with the condition to approve if the Councilmember would permit the use with conditions (PC). **(8-0)**

### Resolution No. RS2008-140

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-061T is **DISAPPROVED, APPROVE WITH STAFF’S RECOMMENDED AMENDMENT. (8-0)**”

#### **9. 2008Z-062T**

A council bill to add Section 17.40.075 of the Metro Zoning Code to require the Metro Department of Law to review all ordinances amending the official zoning map or the Metro Zoning Code for their form and legality prior to their filing with the Metro Clerk, sponsored by Councilmember Rip Ryman.

**Staff Recommendation: Approve with amendment**

**APPLICANT REQUEST** A council bill to add Section 17.40.075 of the Metro Zoning Code to require Metro Department of Law to review all ordinances amending the official zoning map or the Metro Zoning Code for their form and legality prior to their filing with the Metro Clerk.

#### **APPLICATION DETAILS**

**Summary** BL2008-245 proposes to require any ordinance that would change the zoning for a parcel of property or amend the text of the Zoning Code to be submitted to the Department of Law. The Department of Law would be required to approve the ordinance “as to form and legality” before it could be filed with the Metro Clerk. As explained below, staff recommends approval of the ordinance if it is amended to apply only to amendments to the text of the Zoning Code.

**Background** Section 18.02 of the Metro Charter requires that all changes of zoning must be made only by ordinance. The Charter does not set out any additional restrictions for zoning bills, except that 1) a zoning ordinance may not be passed by the Council on 2<sup>nd</sup> reading unless a recommendation from the Planning Commission has been received or 30 days have passed since the ordinance was referred to the Commission; and 2) any zoning bill that is disapproved by the Commission must receive a 2/3 majority approval from the Council and a 3/4 majority to override a veto from the Mayor. The Metro Code contains several provisions that govern zoning applications to the Planning Commission and the Commission’s recommendations to the Council, but there are no requirements for filing a zoning bill that differ from the requirements for any other ordinance.

The Rules of Procedure of the Metro Council include several rules regarding zoning ordinances, including the following:

- 1) Prior to filing with the Metro Clerk, the item must either show the recommendation from the Planning Commission or contain proof that it has been submitted to the Commission;
- 2) Evidence must be shown that all fees required by the Metro Code have been paid with respect to the item;
- 3) No vote on 2<sup>nd</sup> reading or public hearing may be held until the recommendation of the Planning Commission has been received;
- 4) The property taxes for a parcel must be current before the Council can adopt a zoning ordinance on 2<sup>nd</sup> reading; and

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- 5) A Planned Unit Development must have received a recommendation from the Planning Commission before it can be introduced at the Metro Council.

The Council rules do contain provisions that require review of certain legislation prior to action by the Council, but those rules do not apply to zoning ordinances. Rule 15 requires a statement from the Director of Finance as to the availability of funds before an ordinance that appropriates or spends money can be placed on a Council agenda. Similarly, under Rule 17, an ordinance paying a claim against Metro Government cannot be placed on a Council agenda until the Director of Law has filed a statement recommending payment of the claim. There are no provisions in the Charter, Metro Code, or Council rules that currently require any ordinances to be reviewed by the Director of Law or the Legal Department for form and legality prior to being filed or considered by the Council.

**Analysis** Zoning ordinances fall into two distinct categories: ordinances that will change the zoning for a parcel of property by amending the official zoning maps (“zoning map amendments”), and ordinances that amend the Zoning Code by changing a portion of the text of that Code (“text amendments”). The process for review by the Planning Commission and Council for zoning map amendments requires many steps, including public hearing signs and notices, because they affect the legal use of a parcel or parcels of property. Text amendments, on the other hand, are more global in nature, and are reviewed by the Planning Commission and Council similar to other ordinances that have general application to all of Metropolitan Nashville.

Under the Council rules, all ordinances must be delivered to the Council office by noon on the Friday that is 11 days prior to the Tuesday Council meeting where the bill will be introduced. As a courtesy to the Council, Planning Department staff prepares most ordinances that request a zoning map amendment. These ordinances normally are not prepared until after the Planning Commission has made a recommendation on the requested zoning so that any conditions of the Commission’s approval can be included in the draft ordinance.

Staff is concerned about requiring another level of agency review prior to filing of ordinances to amend the zoning map. The current review process for a zoning map amendment application is six weeks from the filing deadline to the Planning Commission meeting. Zoning ordinances must be filed by six specific dates during the year in order to be placed on one of the Council’s six public hearing agendas each year. Depending on the length of time that is required by the Department of Law to review the zoning ordinances, there is a substantial possibility that the delay of filing a zoning ordinance could result in a delay of up to two months for adoption of the ordinance. Because the review is required for all zoning ordinances, the delay could have a negative effect on changes in zoning that may be needed for future development and may be unanimously favored by the community, the Planning Commission, and the District Councilmember.

Staff recommends that the proposed ordinance be amended to remove zoning map amendments from the pre-filing review process. A zoning map amendment is prepared either by the Planning Department or the Council staff office and reflects simply a request from a property owner or a Councilmember to change the zoning designation for a parcel or parcels of property. The language included in the ordinance normally is formulaic. Staff cannot identify any significant benefit to review of these ordinances prior to their being filed, but as described above, there is a substantial potential that the new process would unduly delay development proposals.

Amendments to the text of the Zoning Code have a broad effect and are not normally tied to a specific development proposal. Accordingly, review by the Department of Law of these items should not normally cause unnecessary delay of development. There is opportunity during the Metro Council review and approval process for legal issues with a proposed zoning ordinance to be addressed, but there may be some merit in discovering any such issues prior to the filing of the ordinance. Because there is little possibility of delay of development proposals associated with review of zoning text amendments, staff recommends approval of that portion of the proposed ordinance.

**STAFF RECOMMENDATION** Staff recommends approval of the proposed ordinance if it is amended so that it will apply only to amendments to the text of the Zoning Code.

Mr. Kleinfelter presented and stated that staff is recommending approval with an amendment.

Mr. Gotto stated he was in favor of staff’s recommendation and offered a brief explanation of his support.

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Ms. Jones spoke in favor of staff's recommendation.

Ms. LeQuire questioned whether the caption should read "prior to first reading" as opposed to "prior to their filing".

Mr. Kleinfelter addressed the suggested change and offered a brief explanation of the staff's analysis of the requested amendment.

Ms. Jones expressed concern with Council bills being filed prior to applications being heard by the Commission.

Mr. Kleinfelter briefly explained the legislative process of council bills in association with the procedures followed the Planning Department.

Mr. Gotto then offered an additional explanation regarding the procedures that Councilmembers follow in order to meet the various deadlines associated with filing bills.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to approve Text Amendment 2008Z-062T, with the amendment as recommended by staff. **(8-0)**

### **Resolution No. RS2008-141**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2008Z-062T is **APPROVED WITH AMENDMENT TO DELETE REVIEW OF ZONING MAP CHANGES. (8-0)**

- 10. 49-87-P-10**  
St. Paul Southern Methodist Church (PUD Cancellation)  
Map: 131-05 Parcel: Part of 057  
Subarea 10  
Council District 34 – Carter Todd

A request to cancel a portion of the St. Paul Southern Methodist Church Planned Unit Residential Development district located at 5031 Hillsboro Pike, approximately 700 feet south of Castleman Drive, zoned RM15, (1.65 acres), approved for a 100-bed nursing home, requested by Wamble & Associates PLLC, applicant, for St. Paul Southern Methodist Church of Nashville, owner.

**Staff Recommendation: Approve**

#### **APPLICANT REQUEST - Cancel PUD**

A request to cancel a portion of the St. Paul Southern Methodist Church Planned Unit Residential Development district located at 5031 Hillsboro Pike, approximately 700 feet south of Castleman Drive, zoned Multi -Family Residential (RM15), (1.65 acres), approved for a 100-bed nursing home.

#### **Existing Zoning**

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

Residential PUD - A residential PUD overlay comprised of 6.99 acres was applied to this site in 1989. The PUD was approved for a retirement community consisting of two phases; 130 units in Phase I and a 100 bed nursing home facility in Phase II.

#### **GREEN HILLS MIDTOWN COMMUNITY PLAN**

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

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**Consistent with policy?** Yes. The request to cancel a 100 bed nursing home facility in Phase II of the PUD would revert to the base zoning district which is RM15. The uses permitted within the RM15 zoning district would be consistent with the Residential Medium High (RMH) policy at this location. RMH policy encourages residential development within the range of 9 to 20 units per acre. The uses permitted in RM15 include single-family, two-family and multifamily housing. These uses would be compatible with the existing retirement community in the PUD and the uses in the surrounding area. Immediately north and south of the site is attached single-family housing, and the adjacent parcel to the east contains a church and a school. The medium high residential uses also serve as a transition between the neighboring low and low-medium density residential policies to the north and west of this site.

**METRO WATER SERVICES RECOMMENDATION** A study will not be required to cancel this PUD.

### **METRO SCHOOL BOARD REPORT**

**Projected student generation**     1 Elementary     0 Middle     0 High

**Schools Over/Under Capacity** Students would attend Julia Green Elementary School, Moore Middle School, and Hillsboro High School. The projected student generation yields one additional student at the elementary school level. According to the Metro School Board, the elementary school has capacity to accommodate the projected student generation. No middle school or high school students would be generated as a result of the base zoning district applied to this site.

**STAFF RECOMMENDATION** Staff recommends approval of the PUD cancellation.

Mr. Kleinfelter announced that Councilmember Todd met with constituents regarding this development and they have agreed that this proposal could be placed back on the consent agenda for approval.

Mr. Gotto moved and Ms. Cummings seconded the motion, which passed unanimously, to place Item #10, 49-87-P-10, St. Paul Southern Methodist Church back on the Consent Agenda for approval. **(8-0)**

### Resolution No. RS2008-142

“BE IT RESOLVED by The Metropolitan Planning Commission that 49-87-P-10 is **APPROVED. (8-0)**

**The RM15 base zoning for the portion of the PUD proposed to be canceled is consistent with the Green Hills/Midtown Residential Medium High policy which is intended for residential development with a density of between 9 and 20 dwelling units per acre.”**

## **IX. PUBLIC HEARING: CONCEPT PLANS**

### **11. 2008S-112G-06**

Collins Valley Subdivision  
Map: 155-00     Parcel: 267  
Subarea 6  
Council District 35 – Bo Mitchell

A request for concept plan approval to create 7 lots on property located at 8291 Collins Road, approximately 750 feet west of Highway 100 (2.5 acres), zoned RS10, requested by Jahanger and Rahim Rahimi, owners, Jesse Walker Engineering, surveyor.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST** - A request for concept plan approval to create 7 lots Concept Plan on property located at 8291 Collins Road, approximately 750 feet west of Highway 100 (2.5 acres), zoned Single-Family Residential (RS10).

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### **ZONING**

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

**PLAN DETAILS** The concept plan proposes seven lots and includes open space to accommodate a water quality pond. The lots range in size from 10,040 sq. ft to 13,166 sq. ft.

The lots will be accessed from a new road off Collins Road. The new road is stubbed to the edge of the property to allow for future access to the largely undeveloped, 8.8 acre property to the south. Sidewalks are included on the new street. Due to the proximity of this property to the Harpeth Valley Elementary School, the applicant has agreed to show sidewalks along Collins 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.
- Collins Road to be improved along the property frontage to the Department of Public Works' standards and specifications.

**STORMWATER RECOMMENDATION** - Approved

**FIRE MARSHAL RECOMMENDATION** - Reviewed.

- Fire Hydrants shall be in-service before any combustible material is brought on site.
- All fire department access roads shall be 20 feet minimum width.
- 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
- 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.
- One & two family final plat plans must show results from fire hydrant(s) flow test, performed within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants, for buildings up to 3600sq. ft. to be approved for fire hydrant flow requirements.
- 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>)
- 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.

### **NES RECOMMENDATION**

- Developer to provide construction drawings and a digital .dwg file @ state plane coordinates (TN83F) that contains the civil site information (approved by Metro Planning w/ any changes from other departments)
- Developer drawing should show any and all existing utilities easements on property.
- 20-foot easement required adjacent to all public rights of way and 20' PUE centered on all NES conduits. (Developer may consider recording all open space as a PUE).
- NES can meet with developer/engineer upon request to determine electrical service options
- NES needs any drawings that will cover any road improvements that Metro PW might require
- NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
- NES needs load information and future plans or options to buy other property (over all plans).
- Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval
- Any 3 phase load in any of the phases?
- Does developer have options on property next to this parcel?

**STAFF RECOMMENDATION** - Staff recommends approval with conditions.



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**CONDITIONS**

1. Fire Marshal requirements shall be met prior to final plat approval.
2. Public Works requirements shall be bonded or completed prior to final plat recordation.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.

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

**Resolution No. RS2008-143**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-112G-06 is **APPROVED WITH CONDITIONS. (9-0)**”

**Conditions of Approval:**

1. Fire Marshal requirements shall be met prior to final plat approval.
2. Public Works requirements shall be bonded or completed prior to final plat recordation.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.”

**X. PUBLIC HEARING: FINAL PLANS**

**12. 2007S-312U-13**

Shoppes of Dover Glen

Map: 149-00

Parcels: Part of 078, Part of 079, Part of 080, Part of 081, Part of 082, Part of 083

Map: 149-03

Parcels: 140, 141

Subarea 13

Council District 29 – Vivian Wilhoite

A request for final plat approval to create 10 lots located at 2520, 2530, 2532, 2534, 2538 and 2540 Murfreesboro Pike near the intersection of Dover Glen Drive and Murfreesboro Pike (9.97 acres), zoned Commercial Service (CS) and Mixed Use Limited (MUL).

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to create 10 lots located at 2520, 2530, 2532, 2534, 2538 and 2540 Murfreesboro Pike near the intersection of Dover Glen Drive and Murfreesboro Pike (9.97 acres), zoned Commercial Service (CS) and Mixed Use Limited (MUL).

**ZONING**

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

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

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**PLAN DETAILS** The final plat subdivides 9.97 acres into 10 lots. The site is currently undeveloped, but zoned for mixed-use and commercial type land uses. A cemetery on the site has been relocated to another portion of the property which resulted in the reconfiguration of lots along Murfreesboro Pike. The lots range in size from approximately 11,600 square feet to 67,000 square feet.

**Access** The property fronts Murfreesboro Pike and is accessible by 24-foot and 25-foot access easements that extend across the front and back of lots 1 through 4, connecting to a 36 foot access easement to the north and Lake Villa Drive to the South. Sidewalks are proposed along Lake Villa Drive to provide pedestrian connections to the residential area that immediately abuts this site. Sidewalks are also required along the frontage of the site on Murfreesboro Pike.

**Preliminary Plat** The preliminary plat was approved in January 2006. The plat consisted of 14 lots with access limited to one 25 foot cross-access easement and the extension of Lake Villa Drive connecting to Murfreesboro Pike.

**PUBLIC WORKS RECOMMENDATION** Roadway and sidewalk infrastructure improvements are to be bonded with the recording of the final plat.

**STORMWATER RECOMMENDATION** Approved

**FIRE MARSHAL RECOMMENDATION** No construction, no comments at this time.

**STAFF RECOMMENDATION** Staff recommends approval of the 10 lot subdivision with a condition that access to Murfreesboro Pike be limited to one designated cross-access easement area and that any driveway connections within the designated easement area be approved by the Public Works Department.

Section 3-4.4 of the current Metro Subdivision Regulations (Section 2-4.3B of the previous Subdivision Regulations) states that when property is divided along an existing street, the Planning Commission may require that lots shall not, if avoidable, derive access from arterial or collector streets. Where driveway access from arterial or collector streets may be necessary, the Planning Commission may require that lots be served by combined driveways (usually one driveway entrance shared by two lots), or by a private access drive serving more than two lots (if necessary shared maintenance arrangements shall be incorporated into the subdivision deeds) in order to limit driveway entrances and potential traffic hazards.

Given the intense commercial development along Murfreesboro Pike, particularly between Nashboro Boulevard and Dover Glen Drive, controlled access along this stretch of arterial is important to ensure the safe and continuous flow of traffic. In September 2007, the applicant requested an additional curb cut exclusively for lot 4. The Planning Commission voted unanimously to not allow the additional access, and to limit access to the easements designated on the plat. The applicant has not provided any evidence that development conditions nor traffic conditions have changed since that request was made to warrant any additional curb cuts onto Murfreesboro Pike at this time. Limiting access to Murfreesboro Pike is in accordance with the Metro Subdivision Regulations, and consistent with the intent of the access easements previously approved on the preliminary plat.

### **CONDITION**

1. Prior to final plat recordation, a note shall be added to the plat stating: "No additional driveways onto Murfreesboro Pike outside of the designated cross-access easement area and any driveway connections within the designated easement area must be approved by Metro Public Works."

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

Mr. Gary Batson, 5150 Reminton Drive, requested an extension for the preliminary plat and expressed issues with the staff recommendation.

Mr. Ponder questioned whether the applicant was requesting deferral on the proposal.

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Mr. Bernhardt offered that the applicant was requesting an extension of the preliminary plat and that staff did not receive the application for the requested extension.

Mr. Kleinfelter offered additional information regarding the requested plat extension.

Mr. Gotto questioned whether the Commission could grant the plat extension.

Mr. Robert Rutherford, 214 2<sup>nd</sup> Avenue North, stated that he submitted a letter to the Director's office, earlier in the week, requesting a preliminary plat extension.

Mr. Bob Murphy, 2012 19<sup>th</sup> Avenue South, spoke in favor of the additional access point to be included on Murfreesboro Pike and expressed issues with the staff recommendation regarding traffic conditions.

Mr. Robert Rutherford, 214 2<sup>nd</sup> Avenue North, spoke in favor of the requested plat extension, and expressed issues with the traffic conditions.

Mr. Bernhardt offered additional information on the number of access points included in the proposal.

Ms. LeQuire questioned whether there were details on the development in reference to the generation of 10,000 trips mentioned in the traffic impact study.

Ms. Nedra Jones stated she did not have a specific plan for the requested development.

Mr. McLean requested additional information regarding the traffic impact study submitted by RPM Transportation.

Mr. Murphy offered additional information on the traffic impact study completed for this development.

Ms. Jones requested additional clarification on how the traffic would flow in and out of the proposed development, with the number of curb cuts being requested.

Ms. Nedra Jones explained this concept to the Commission.

Mr. Bernhardt offered additional information regarding the access points included in the proposal.

Mr. Ponder requested clarification on the issue of additional access points and the affect they would have on the entire proposal.

Mr. Ponder requested clarification as to when the current plat would expire.

Mr. Bernhardt stated that it would expire on July 10, 2008.

Mr. Gotto requested clarification on the applicant's request in reference to the traffic and parking issue.

Mr. Bernhardt explained this concept to the Commission.

Mr. Robert Rutherford, Attorney, offered additional explanation to their request regarding the traffic and parking issues associated with the proposal.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the request to extend the preliminary plat six months, subject to the filing of the appropriate letter, and suspend the conditions that is preventing this final plat from being considered by the Traffic and Parking Committee. The suspension of this condition does not mean that it will not be reimposed by the Planning Commission. **(8-0)**

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**Resolution No. RS2008-144**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-312U-13 is **APPROVED A REQUEST to extend the preliminary plat 6 months, subject to the filing of the appropriate letter, and authorization of the applicants request to be allowed to submit an application for additional access onto Murfreesboro Pike for consideration by the Department of Public Works and the Traffic and Parking Committee for the purpose of providing a recommendation on such additional access to the Planning Commission. This consideration does not mean that the access condition placed on the preliminary plat previously will be removed by the Planning Commission. (8-0)**”

- 13. 2008S-090U-05**  
J. J. Pryor's Subdivision  
Map: 083-02 Parcel: 246  
Subarea 5  
Council District 6 – Mike Jameson

A request for final plat approval to create 3 lots on property located at 1703 Greenwood Avenue, at the northeast corner of Greenwood Avenue and Chapel Avenue (1.49 acres), zoned R6 and located within the Eastwood Neighborhood Conversation Overlay, requested by Alain Christopher Keenan, owner, Duclos Survey & Design Inc., surveyor.

**Staff Recommendation: Approve with conditions**

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

Ms. Margaret Darby, 1423 Greenwood Avenue, spoke in opposition to the proposed development.

Mr. Christopher Keenan, owner, spoke in favor of the proposed development.

Mr. Gee acknowledged the issue mentioned by the constituent regarding the lot sizes included in the proposal. He suggested alternative lot sizes in an effort to make the proposal more consistent with the neighborhood.

Mr. McLean questioned the lot sizes of each of the parcels included in the proposal.

Ms. Nedra Jones provided the lot sizes to the Commission as well as information on the comparability of the lots.

A discussion ensued regarding the request being made by the applicant and the alternative solutions in which the Commission could make a recommendation for this proposal.

Mr. Ponder too offered additional suggestions on the proposed development.

Mr. McLean suggested the Commission defer this request one meeting in order to allow additional time for the applicant to continue working with staff on the requested proposal.

Mr. Ponder questioned whether the applicant requested a zone change on this parcel.

Ms. Nedra Jones stated that the applicant did not request a zone change.

The applicant stated it was his intention to build single family homes only on the parcel.

Ms. LeQuire moved and Mr. Gotto seconded the motion, which passed unanimously, to defer Final Plat 2008S-090U-05 to July 24, 2008, to allow additional time for the developer to meet with staff to further study the alignment of the lots included in the proposal, and with the condition that the final plat require single-family homes only. **(8-0)**

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### Resolution No. RS2008-145

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-090U-05 is **DEFERRED TO THE JULY 24, 2008, PLANNING COMMISSION MEETING. (8-0)**”

**14. 2008S-115G-14**

Canoga Park  
Map: 043-04 Parcel: 056  
Subarea 14  
Council District 11 – Darren Jernigan

A request for final plat approval to create 2 lots on property located at 509 Keeton Avenue, approximately 700 feet west of Hickman Street (1.0 acres), zoned R10, requested by Garret Swayne, owner, Dale & Associates, surveyor.

**Staff Recommendation: Disapprove**

Mr. Kleinfelter announced that the attorney for this applicant informed staff that the applicant is requesting to withdraw this application.

Ms. LeQuire moved and Mr. Ponder seconded the motion, which passed unanimously, to withdraw Item #14, 2008S-115G-14, Canoga Park. **(8-0)**

### Resolution No. RS2008-146

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-115G-14 is **WITHDRAWN. (8-0)**”

**15. 2008S-117U-10**

Glen Echo, Resub Lot 9  
Map: 117-15 Parcel: 008  
Subarea 10  
Council District 25 – Sean McGuire

A request for final plat approval to create 2 lots on property located at 3714 Benham Avenue, approximately 250 feet north of Glen Echo Road (0.85 acres), zoned R10, requested by Haury & Smith Contractors Inc., owner, Gresham Smith & Partners, surveyor.

**Staff Recommendation: Approve subdivision including an exception to lot comparability for area and frontage**

#### **APPLICANT REQUEST - Final Plat**

A request for final plat approval to create 2 lots on 0.85 acres for property located at 3714 Benham Avenue, approximately 250 feet north of Glen Echo Road.

#### **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** The property is located at 3714 Benham Avenue between Graybar Lane and Glen Echo Road. This section of Benham Avenue consist of single-family and two-family homes on the east side of the road, and the Green Hills Branch Library is located on the west side.

**Plat Details** The plan calls for the creation of two new duplex lots on a 0.85 acre existing lot for a density of approximately 4.9 units per acre. Access for both lots is to be from a single shared drive provided along the mutual

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property line. New sidewalks are proposed along Benham Avenue for both lots.

The original plat that was recorded in 1948 was recorded with 120' front yard setbacks. As proposed the front yard setback would be reduced to meet current the zoning standards.

**History** An SP district for 6 single-family units was approved by the Planning Commission in December of 2006. The approval was based on the development's consistency with the area's policies. The development was deferred indefinitely by Council on May 20, 2008 (BL2008-146).

**Lot Comparability** Section 3-5 of the Subdivision Regulations stipulates that new lots in areas previously subdivided and 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:

<b>Lot Comparability Analysis</b>		
Street:	Requirements:	
	<b>Minimum lot size (sq. ft.):</b>	<b>Minimum lot frontage (linear ft.):</b>
Benham	19,166	90.27

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

- Lot 1: 18,744 sq. ft., (.43 acres), with 87.48 linear ft. of frontage on Benham Avenue.
- Lot 2: 19,020 sq. ft., (.44 acres), with 87.52 linear ft. of frontage on Benham Avenue.

As proposed, neither lot meets the minimum requirements for area or frontage. Though the proposed lots do not meet the minimum lot size and frontage standard from the lot comparability analysis, the Planning Commission may grant an exception to the requirement.

**Lot Comparability Exception** A lot comparability exception may 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 meet **two** of the qualifying criteria of the exception to lot comparability:

- If the proposed subdivision is within one-half mile radius of any area designated as a "Regional Activity Center" land use policy category. The property is less than 500 feet from a Regional Activity Center policy area.
- Where the proposed lot sizes are consistent with the adopted land use policy that applies to the property. The property is in the Green Hills/Midtown policy area, and the structure policy is RM (Residential Medium) which is intended to accommodate residential development within a density range of four to nine dwelling units per acre. The property is also in a special policy (Special Policy 11) area that is intended to promote higher density development that is sustainable and walkable. As proposed the request will increase the density from what is currently allowed and with the construction of sidewalks on both lots (and a shared drive to limit access) the request meets the intent of the policy.

**STORMWATER RECOMMENDATION** Approved

**PUBLIC WORKS RECOMMENDATION** No Exception Taken

**STAFF RECOMMENDATION** Staff recommends that the subdivision be approved as proposed. An exception to the Lot Comparability requirement is justified because the property is less than 500 feet from a Regional Activity Center and the request is consistent with the area's land use policies. Allowing for a smaller front yard setback is

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also consistent with the area’s land use policy and the current zoning setbacks.

Approved Subdivision including an exception to lot comparability for area and frontage, (9-0) *Consent Agenda*  
**Resolution No. RS2008-147**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-117U-10 is **APPROVED, including an exception to lot comparability for area and frontage. (9-0)**”

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**XI. PUBLIC HEARING: REVISIONS AND FINAL DEVELOPMENT PLANS**

- 16. 2005P-008G-06**  
Harpeth Village Regions Bank Variance  
Map: 156-09-A Parcel: 130  
Subarea 6  
Council District 35 – Bo Mitchell

A request for a variance to Section 17.12.070 of the Zoning Code for property within the Harpeth Village Commercial Planned Unit Development district located at 8000 Highway 100, at the northwest corner of Highway 100 and Temple Road, zoned CL, (1.01 acres), to allow for a variance from the scenic buffer requirements, requested by Littlejohn Engineering Associates, Inc., applicant, for Regions Bank, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST** - A request for a variance to Section 17.12.070 of the Zoning Code for property within the Harpeth Village Commercial Planned Unit Development district located at 8000 Highway 100, at the northwest corner of Highway 100 and Temple Road, zoned Commercial Limited (CL), (1.01 acres), to allow for a variance from the scenic buffer requirements.

**ZONING**

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

**PLAN DETAILS** The Regions Bank final site plan was approved administratively on February 20, 2008. This approval included a landscape plan that met the scenic buffer requirements along Highway 100.

After the final site plan was approved, the applicant was told by Harpeth Valley Utility District (HVUD) that they could not plant trees along Highway 100 due to a HVUD easement that overlaps with the scenic landscape easement. There is now an application before the Board of Zoning Appeals for a variance to the scenic landscape easement. Since this variance request is within a Planned Unit Development, the Planning Commission must make a recommendation to the Board of Zoning Appeals regarding the request.

Scenic landscape easements Section 17.24.070 of the Metro Zoning Ordinance states:

Property abutting a street designated a scenic arterial by the major street plan shall comply with the following requirements:

A. The area of a lot located within ten feet of the right-of-way of a designated scenic arterial shall be designated as a "scenic landscape easement" and shall be planted with a Standard A landscape buffer yard. Existing vegetation may be used, in part or in whole to meet this requirement.

B. No grading, cutting of trees or brush exceeding one inch in diameter, or disturbance of prominent natural features shall be performed within a scenic landscape easement except for minimal disturbance necessary to permit streets, driveways or utility corridors. Only those improvements allowed in a landscape buffer yard shall be permitted within the scenic arterial easement.

**Analysis** Since the applicant is unable to completely satisfy both HVUD and the Metro Zoning Ordinance, staff has worked with the applicant to produce a landscape plan that includes plants permitted by Harpeth Valley Utility

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District, and positions them in a manner which screens the building from the public right-of-way. The applicant has proposed a single row of evergreen shrubs that will reach a mature height of just over six feet. Staff has determined that this will meet the intent of the scenic landscape easement.

Staff has spoken with a representative of Harpeth Valley Utility District, who stated that this plan could work. The applicant will need to continue working with HVUD on the details of the plan. The applicant will need to meet the tree density requirements of the Metro Zoning Ordinance on the rest of the site.

**STAFF RECOMMENDATION** Staff recommends that the Planning Commission recommend approval of the variance to the BZA with the condition that the single row of evergreen shrubs with a mature height of six feet is planted. The tree density requirements of the Metro Zoning Ordinance must also be met on the site.

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

**Resolution No. RS2008-148**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-008G-06 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Planting of a single row of evergreen shrubs with a mature height of six feet. The tree density requirements of the Metro Zoning Ordinance must also be met on the site.”

- 17. 2005P-008G-06**  
Harpeth Village (Publix Fueling Station)  
Map: 156-09-A Parcel: 012  
Subarea 6  
Council District 35 – Bo Mitchell

A request to revise the preliminary plan and for final approval for a portion of the Harpeth Village Planned Unit Development located at 8002 Highway 100, approximately 300 feet west of Temple Road, (1.12 acres), to permit an automobile convenience center, zoned CL, requested by Core States Engineering, applicant, for Kimco Barclay Harpeth Partners L.P, owner.

**Staff Recommendation: Disapprove**

**The Metropolitan Planning Commission DEFERRED Planned Unit Development 2005P-008G-06 to July 24, 2008, at the request of the applicant. (9-0)**

- 18. 59-86-P-02**  
Skyline Village Apartments  
Map: 060-03 Parcel: 142  
Subarea 2  
Council District 3 – Walter Hunt

A request to revise the preliminary plan for a portion of the Skyline Village Apartments Planned Unit Development located at Creekwood Terrace (unnumbered), approximately 750 feet north of Ewing Drive (1.02 acres), zoned RS7.5, to permit 24 multi-family units where a 3,600 day-care facility was previously approved, requested by John Coleman Hayes P.C., applicant, for Hayes Development LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary**

A request to revise the preliminary plan for a portion of the Skyline Village Apartments Planned Unit Development located at Creekwood Terrace (unnumbered), approximately 750 feet north of Ewing Drive (1.02 acres), zoned Single-Family Residential (RS7.5), to permit 24 multi-family units where a 3,600 square foot day-care facility was



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previously approved.

**PLAN DETAILS** - The plan proposes two multi-family buildings within Phase II of the PUD. Each building is planned to consist of 12 units for a total of 24 multi-family units. The addition of 24 units to the overall development brings the total unit count to 104, with an overall density of 10.47 units per acre.

**Access/Parking** Phase II of the PUD will have direct access to Creekwood Drive by a private driveway that will intersect Creekwood Drive to the south. A secondary access is provided off of an existing internal driveway that also intersects Creekwood Drive. Phase II requires a minimum of 36 parking spaces. The site plan illustrates a total of 39 parking spaces, which exceeds the minimum requirements of the Metro Zoning Ordinance.

**Sidewalks** Sidewalks are planned within the development to provide pedestrian connections to the existing sidewalk network internal to the PUD and along Creekwood Drive.

**Landscaping** The plan includes a landscaping plan that illustrates planting areas around the perimeter of the site and interior to the parking lot. Two trees are provided in the parking area which complies with the minimum interior planting requirements of the Metro Zoning Ordinance.

**Preliminary Plan** The preliminary PUD plan was approved to permit 128 multi-family units and a child daycare facility. Section 17.40.120 G.2.f of the Metro Zoning Ordinance states that the Planning Commission may approve minor modifications to a previously approved PUD plan if the proposed number of units does not exceed the total number of units originally authorized by the enacting ordinance. Currently, there are 80 units in Phase I of the PUD. Phase II proposes 24 units increasing the total number of units to 104.

### **PUBLIC WORKS RECOMMENDATION**

1. 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.
2. With the submittal of construction plans, document adequate sight distance at project access locations.
3. Recycling collection / solid waste disposal plan to be approved by the Department of Public Works Solid Waste Division.

**STORMWATER RECOMMENDATION** Preliminary PUD approved.

**METRO WATER SERVICES RECOMMENDATION** A public water main extension will be required for this project.

**FIRE MARSHAL RECOMMENDATION** Approved. Fire hydrant flow data shall be provided before issuance of any building permit.

**STAFF RECOMMENDATION** Staff recommends approval of the revision to the preliminary PUD plan.

### **CONDITIONS**

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
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.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after

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the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

### Resolution No. RS2008-149

“BE IT RESOLVED by The Metropolitan Planning Commission that 59-86-P-02 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
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.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.”

## **XII. OTHER BUSINESS**

Mr. McLean reminded the Commissioners of the Informal Work Session scheduled for Bells Bend.

Mr. Gotto requested clarification on the agenda scheduled for the Work Session.

Mr. Bernhardt explained the agenda to the Commission.

Mr. McLean suggested a Public Hearing procedure for the July 24, 2008 meeting regarding Case #2008CP-07G-03, Scottsboro/Bells Bend Detailed Design Plan, an amendment to the Bordeaux/Whites Creek Community Plan: 2003 Update.

The Commission discussed the proposed procedures.

Mr. Gotto moved and Ms. Cummings seconded the motion, which passed unanimously, to approve the suggested public hearing procedure for the July 24, 2008 meeting regarding Case #2008CP-07G-03, Scottsboro/Bells Bend Detailed Design Plan. **(8-0)**

Mr. McLean explained that he asked that Mr. Gee, Ms. Cummings and Ms. LeQuire study the Planning Commission mission statement.

19. Contract between the Metropolitan Planning Commission of Nashville-Davidson County, on behalf of the MPO, and The TMA Group, on behalf of the Clean Air Partnership of Middle Tennessee for public outreach.

Approved, (9-0) *Consent Agenda*

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- 20. Employee contract renewal for Scott Adams.

Approved, (9-0) *Consent Agenda*


- 21. Executive Director Reports
- 22. Legislative Update

**XIII. ADJOURNMENT**

The meeting adjourned at 6:40 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, 2<sup>nd</sup> Floor, Nashville, TN 37210, (615)862-7150. **Title VI inquiries should be forwarded to:** Shirley Sims-Saldana or Denise Hopgood, Title VI Coordinator, Human Relations, 800 2<sup>nd</sup> Avenue, South, 4<sup>th</sup> floor, Nashville, TN 37210, (615)880-3370. **Contact Department of Human Resources for all employment related inquiries** at (615)862-6640.