



**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**

9/25/2008

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

Phil Ponder, Vice Chairman
Stewart Clifton
Derrick Dalton
Hunter Gee
Victor Tyler
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Ann Hammond, Asst. Executive Director
David Kleinfelter, Planning Mgr. II
Ted Morrissey, Legal Counsel
Jason Swaggart, Planner II
Bob Leeman, Planner III
Trish Brooks, Admin. Svcs Officer 3
Craig Owensby, Communications Officer
Brenda Bernards, Planner III
Nedra Jones, Planner II
Brian Sexton, Planner I
Greg Johnson, Planner II
Steve Mishu, Metro Water
Jonathon Honeycutt, Public Works
Scott Adams, Planner I
Cynthia Wood, Planner III
Kathryn Withers, Planner III
Hilary Kahnle, Planning Mgr. II
George Gause, Metro Historic
Jennifer Carlat, Planning Mgr. II

Commission Members Absent:

James McLean, Chairman
Tonya Jones
Judy Cummings

Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to evolve into a more socially, economically and environmentally sustainable community with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.

I. CALL TO ORDER

The meeting was called to order at 4:00 p.m.

II. ADOPTION OF AGENDA

There were no changes to the agenda.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to adopt the agenda as presented. **(7-0)**

III. APPROVAL OF SEPTEMBER 11, 2008, MINUTES

Ms. LeQuire moved and Mr. Gotto seconded the motion, which passed unanimously to approve the September 11, 2008, minutes as presented. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

State Representative Brenda Gilmore addressed the Commission regarding Item #5, 2008S-150U-03, Park Preserve. She briefly explained her support for affordable housing however, expressed issues with the volume of houses being proposed for the area. She spoke of the negative affects that the development would have on the community and requested either an indefinite deferral or disapproval.

Councilmember Harrison spoke in opposition to Item #5, 2008S-150U-03, Park Preserve. He briefly explained the position he had received from his constituents regarding the proposal, and stated that he too was not in favor of the development. He spoke of issues such as poor infrastructure, overcrowded schools, property values, and stormwater. He requested that the Commission either defer the project indefinitely or disapprove it in order to provide additional time so that he and his constituents could meet with the owners to review the entire project planned for this area.

Councilmember Hunt spoke in opposition to Item #5, 2008S-150U-03, Park Preserve. He spoke of the number of affordable housing units already located in this area of Nashville and the need to place any additional units throughout other parts of the city. He spoke of the negative impacts this type of housing generally has on communities and requested that the Commission deny the request.

Councilmember Tygard explained his sponsorship of Item #2, 2008CP-013-03, Amendment No. 9, Antioch-Priest Lake Community Plan and Item #3, 2008SP-023U-13, Bakertown. He stated he was present at the meeting to listen to any concerns the constituents had regarding the two proposals and would propose amendments, if necessary. Councilmember Tygard then addressed the Commission regarding Item #5, 2008S-150U-03, Park Preserve.

Councilmember Durbin addressed the Commission regarding Item #1, 2008S-125U-10, Michalena Subdivision. He stated he held a community meeting regarding the proposal and due to its failure to meet lot comparability, as well as other technical requirements of the overlay, that he is recommending that the Commission follow the staff's recommendation and disapprove the request.

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

Mr. Kleinfelter 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

FINAL PLANS

6. 2008S-147G-06 A request for final plat approval to create three lots on property located at 8281 Collins Road. -Approve w/conditions
7. 2008S-151U-10 A request for final plat approval to create two lots on property located at 2113 Sharondale Drive.
- Approve with conditions, including a variance from the sidewalk requirement and the lot width requirement.

OTHER BUSINESS

8. Contract between The TMA Group and the Nashville-Davidson County MPC on behalf of the Nashville Area MPO for Public Outreach activities in support of transportation planning services

9. Contract between the Regional Transportation Authority and the Nashville-Davidson County MPC on behalf of the Nashville Area MPO for regional transit planning services
10. Contract between the Nashville Metropolitan Transit Authority and the Nashville-Davidson County MPC on behalf of the Nashville Area MPO for short-range regional transit planning services
11. Contract between the Greater Nashville Regional Council and the Nashville-Davidson County MPC on behalf of the Nashville Area MPO for Multi-Modal Planning and Public Involvement activities
13. An Employee Contract Renewal for Kathryn Withers

Mr. Gotto moved, and Mr. Clifton seconded the motion, which passed unanimously, to approve the Consent Agenda as presented. **(6-0-1) Dalton - Abstained**

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

1. **2008S-125U-10**
 Michalena Subdivision
 Map: 104-16 Parcel: 272
 Green Hills/Midtown Community Plan
 Council District 18 – Keith Durbin
 Staff Reviewer: Jason Swaggart

A request for final plat approval to create two lots and a variance from the lot comparability requirement of the Subdivision Regulations on property located at 1705 Beechwood Avenue, approximately 300 feet west of Oakland Avenue (0.4 acres), zoned RS7.5 and located within the Belmont-Hillsboro Neighborhood Conservation Overlay, requested by Jeffrey and Michelle Rencher, owners, Advantage Land Surveying, surveyor.

Staff Recommendation: Disapprove

APPLICANT REQUEST -Final Plat

A request for final plat approval to create two lots and a variance from the lot comparability requirements of the Subdivision Regulations on property located at 1705 Beechwood Avenue, approximately 300 feet west of Oakland Avenue (0.4 acres), zoned Single-Family Residential (RS7.5) and located within the Belmont-Hillsboro Neighborhood Conservation Overlay.

ZONING

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

SUBDIVISION DETAILS

History The request was deferred from the August 28, 2008, Planning Commission meeting at the request of the applicant. The Public Hearing was closed and, as part of the deferral, the Planning Commission requested that a Metro Historic Zoning Commission (MHZC) staff member be present at the next hearing to provide additional information regarding the MHZC decision about this property.

Subdivision Details The plan calls for the creation of two lots from an existing lot located at 1705 Beechwood Avenue. Currently, the existing lot contains two individual residential structures with the original structure fronting on Beechwood Avenue and what appears to be a renovated garage to the rear. While two residential structures are not permitted on one lot within a single-family residential district, Metro records indicate that the rear structure is a legal nonconforming use.

In order to meet the requirements for minimum lot size and accommodate the existing structure, the applicant initially submitted a plat with Lot 1 being approximately 40 feet wide and Lot 2 approximately 60 feet wide. The proposed lot line angled toward the west to ensure that Lot 1 was at least 7,500 square feet in area. Lot 1 did not meet lot comparability for frontage and the existing building was less than the 5 feet from the property line, resulting in a sub-standard setback

Metro Historic Zoning Commission Decision This property is within the Belmont-Hillsboro Neighborhood Conservation Overlay. The plat submitted assumed that the existing house fronting onto Beechwood Avenue would remain in place.

The applicant requested that the MHZC permit the existing house fronting onto Beechwood Avenue to be relocated 10 feet to the west. The MHZC is required to approve relocation of the house because that Commission must approve any construction within the adopted Neighborhood Conservation Overlay District. If the MHZC allowed the house to be moved, then both lots would have sufficient frontage to meet lot comparability standards. If the MHZC would not approve the move, a recently adopted ordinance (BL2007-45) gives the MHZC the authority to determine setbacks for properties within historic overlay districts. The MHZC could approve a reduced side setback.

At its meeting on August 20, 2008, the MHZC considered applicant’s requests to move the house and for a reduced side yard setback. The staff of the MHZC analyzed the proposed subdivision and concluded that:

“The proposed subdivided plat would produce two unusually shaped parcels, where frontage at the street and alley on each separate parcel differ by 15 feet. Lots within the district are almost universally rectangular in shape. Additionally, the staff has calculated the average lot width on both the south side of the block and within a radius of 200 feet, omitting 1705 Beechwood in the calculations. On the south side of the block (10 parcels) the average lot width equals 48.6 feet. Within a radius of 200 feet of the parcel (33 parcels) the average lot width equals 60.2 feet.

“After analyzing the lot widths and their affect on the established pattern and rhythm of existing historic buildings on the same and opposite sides of a street, staff feels that the reduction in side setback to allow for a subdivision of the parcel is not compatible with other parcels in the district, and therefore does not meet the applicable design guidelines. Staff recommends disapproval of the application as submitted.”

The MHZC disapproved both the request to move the house on the existing lot and the request for reduced side setback for proposed Lot 2.

Revised Final Plat Based on the decision of the MHZC, the applicant submitted a revised plat to allow for a 5 foot side setback to accommodate the existing structure. In order to meet the requirements for minimum lot size the proposed lot line is off-center on the property, with Lot 1 approximately 37 feet wide and Lot 2 approximately 62 feet wide at Beechwood Avenue. At approximately 90 feet the proposed lot line angles toward the west to ensure that Lot 1 is 7,500 square feet in area.

Lot Comparability Section 3-5 of the Subdivision Regulations requires 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.

A lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Beechwood	6,936.09	46.56

As proposed, the 2 new lots will have the following areas and street frontages:

- Lot 1: 7,525 sq. ft., (0.1728 acres), with approximately 37 linear ft. of frontage on Beechwood Avenue.
- Lot 2: 9,890 sq. ft., (0.2271 acres), with approximately 62 linear ft. of frontage on Beechwood.

Lot 1 fails for frontage by approximately nine feet. While the Subdivision Regulations do allow for exceptions to the minimum area and frontage when certain requirements are met, this plat does not meet any of the requirements for an exception.

Variance from Lot Comparability The applicant has requested a variance from the lot comparability requirement. Variances from the Subdivision Regulations may be granted by the Planning Commission if the Commission finds that extraordinary hardship or practical difficulties may result from strict compliance with the regulations, and that the variance will not have the effect of nullifying the intent and purpose of the regulations. The Planning Commission must make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
4. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

If the structure could be moved further to the west then the new lot line could be drawn in a way that would allow both lots to meet the comparability requirement.

ANALYSIS Planning Staff recommends disapproval of the applicant's request for a variance from the lot comparability requirements and the final plat. While the MHZC's decision to not allow the house facing Beechwood Avenue to be moved arguably creates a unique hardship that may support a variance from the comparability requirements, the resulting narrow lot and irregular lot line are not consistent with the overall lot pattern of the area or along Beechwood Avenue.

STORMWATERRECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION No Exception Taken

STAFF RECOMMENDATION Staff recommends disapproval of this request because Lot 1 does not meet lot comparability requirements.

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

Mr. Clifton addressed the issue of hardship that was mentioned and offered that it could be the result of the interplay of the various regulations adopted for this area.

Mr. Tyler requested that the issue of moving the footprint of the house be addressed.

Mr. George Guase, Historic Zoning Commission staff member, briefly explained the guidelines that were used to determine whether or not the moving of the structure would comply with the Belmont Hillsboro Conservation Overlay.

Mr. Gee acknowledged the explanation given by Mr. Gause, however, asked that he provide additional information on the moving of contributing structures located within a conservation overlay as opposed to moving a contributing structure located outside a conservation overlay and how the standards would apply to each scenario.

Mr. Gause explained this concept to the Commission.

Mr. Gee stated that although he didn't agree with all of the standards used to determine the final ruling on this application, he would support the staff's recommendation.

Mr. Gotto spoke on the issue of the erroneous letter that was written by a Metro Historic Zoning staff member. He expressed concern with the chain of events that resulted from the letter and it was his anticipation that the Historic Zoning Commission could re-review the situation and possibly provide an alternate ruling on the application.

Ms. LeQuire requested additional clarification on the loss of integrity by moving a contributing structure.

Mr. Gause explained this concept to the Commission.

Mr. Gotto moved and Mr. Clifton seconded the motion, which passed unanimously, to disapprove Final Plat 2008S-125U-10 as recommended by staff. **(7-0)**

Resolution No. RS2008-202

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-125U-10 is **DISAPPROVED. (7-0)”**

VIII. PUBLIC HEARING: COMMUNITY PLANS

2. **2008CP-013-09**

Amendment Number 9 Antioch-Priest Lake Community Plan
Antioch/Priest Lake Community Plan
Council District 28 – Duane A. Dominy
Staff Reviewer: Cindy Woods, Kathryn Withers

A request to amend the Antioch-Priest Lake Community Plan: 2003 Update by changing from Residential Low-Medium Density (RLM) and Commercial Mixed Concentration (CMC) Policies to T3 Suburban Potential Open Space (T3 POS), T3 Suburban Neighborhood Evolving (T3 NE) and T3 Suburban Mixed Use Corridor (T3 CM) Community Character Policies for an area along the west side of Antioch Pike between Ezell Road and Haystack Lane.

Staff Recommendation: Approve

APPLICANT REQUEST A request to amend the *Antioch-Priest Lake Community Plan: 2003 Update* by changing from Residential Low-Medium Density (RLM) and Commercial Mixed Concentration (CMC) Policies to T3 Suburban Potential Open Space (T3 POS), T3 Suburban Neighborhood Evolving (T3 NE) and T3 Suburban Mixed Use Corridor (T3 CM) Community Character Policies for an area along the west side of Antioch Pike between Ezell Road and Haystack Lane.

Existing Policies

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.

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.

Proposed Policies

T3 Suburban Potential Open Space(T3 POS) -T3 Open Space policy is intended to preserve and enhance existing open space in suburban areas. T3 Suburban Open Space Policy includes public parks and may also include private land held in conservation by land trusts and private groups or individuals. A variation of T3 Suburban Open Space – *T3 Potential Suburban Open Space* – may also be utilized to create open space by identifying areas that should be used for suburban open space in the future.

T3 Suburban Neighborhood Evolving (T3 NE) - T3 NE policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lots sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

T3 Suburban Mixed Use Corridor (T3 CM) -T3 CM policy is intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of suburban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

COMMUNITY PARTICIPATION Planning staff conducted three meetings in the Bakertown neighborhood on the west side of Antioch Pike in June and July of 2008 regarding the proposed plan amendment and associated Specific Plan (SP) rezoning (see case number 2008SP-023U-13 on this agenda).

Notification of community meetings as well as the September 25, 2008, public hearing were published in newspapers and posted on the Planning Department's website. Flyers announcing the community meetings were sent to property owners throughout the community. Additionally, email or regular mail was periodically sent to an expanding list of participants. An estimated 50-plus individuals participated in the process.

MAJOR ISSUES The portion of the Bakertown neighborhood that is proposed for plan amendment and SP rezoning is primarily single-family detached housing with an area of aging mobile homes and some garden apartments in the southern part of the study area. During the Bakertown planning process, the community stakeholders shared their thoughts about the difficulties of maintaining a single-family owner-occupied residential environment directly opposite an active industrial area along a busy arterial street. They also expressed wishes to have a pedestrian-friendly, “main-street” environment featuring convenient retail opportunities that are lacking in this area, and they were willing to consider additional housing opportunities to support that retail and provide a buffer to the remaining single-family neighborhood to the west of Antioch Pike. They cited as models for their envisioned redevelopment of the eastern edge of their neighborhood (the plan amendment and SP area) such places as Lenox Village and Hill Center.

This led staff to propose a combination of Community Character policies, all tailored to fit the suburban environment. T3 Suburban Mixed Use Corridor Policy is proposed along the frontage of the west side of Antioch Pike to a depth that is adequate to accommodate one- to three-story mixed use development and associated parking that is sometimes shared with adjacent planned mixed housing. Behind the T3 Suburban Mixed Use Corridor area is a transitional area of T3 Suburban Neighborhood Evolving, which not only provides a building form transition between the mixed use area along Antioch Pike, but also provides needed additional residents (“rooftops”) to the anticipated new businesses. An area of T3 Suburban Potential Open Space is proposed for the existing area of mobile homes towards the southern end of the study area, which features steep topography and floodplain. If it cannot be secured as permanent open space, this site is proposed to be redeveloped in accordance with T3 Suburban Mixed Use Corridor policy with a significant open space component.

PLAN AMENDMENT The recommended plan amendment is as follows:

Amendment No. 9 to the Antioch-Priest Lake Community Plan: 2003 Update :

The *Antioch-Priest Lake Community Plan: 2003 Update* is hereby amended by:

1. Adding the following text to the “Structure Plan” section that begins on page 15 after the list of Structure Plan Land Use Policies and deleting the final sentence of that section; and
2. Changing Figure 3, Sheet 4 of 8 to reflect the new Community Character Policies for the Bakertown Amendment Area as shown on Figure 1 of this Attachment A.

Community Character Plan

The Community Character Plan is similar to the Structure Plan in that it is intended to guide the future development of the areas within the Antioch-Priest Lake Community to which it applies. The Community Character Plan is intended to be the eventual successor to the Structure Plan, gradually replacing Structure Plan land use policies with Community Character Policies through plan amendments and regular community plan updates. The Community Character Policies are shown on the same maps as the Structure Plan policies. This amendment to the Antioch-Priest Lake Community Plan is the first application of the Community Character Policies.

The Community Character Plan is based on the Community Character Policies contained in the *Community Character Manual*, which was adopted by the Planning Commission on August 14, 2008. The *Community Character Manual* (CCM) is a functional plan component of Nashville’s *Concept 2010: A General Plan for Nashville and Davidson County*. The CCM has three main functions:

- to explain and institute the Community Character Policies that will be applied in each Community Plan;
- to provide direction for the creation of implementation tools such as zoning; and
- to help shape the form and character of open space, neighborhoods, centers, corridors and districts within communities.

The CCM replaces the *Land Use Policy Application* (LUPA) document, on which the Community Plan Structure Plans were based. As Community Plans are updated, Detailed Design Plans are created, and plan amendments are undertaken, Land Use Policies will be replaced with Community Character Policies. Until the Community Plan or Detailed Design Plan is updated or amended, the existing Land Use Policies will remain in effect.

Complete descriptions of these Community Character Policies may be found in the CCM located at http://www.nashville.gov/mpc/ccm_manual.htm. Any variations to the Community Character Policies found in the CCM that pertain to the numbered areas to which they are applied are noted below.

T3 Suburban Potential Open Space

T3 Suburban Potential Open Space Policy is applied to Area 13.T3.POS.1. The alternate policy for this area is T3 Mixed Use Corridor, 13.T3.CM.1. Even if the site is developed in accordance with T3 Mixed Use Corridor policy, a substantial amount

of usable and focal open space needs to be included within the development, and sensitive treatment of the floodplain and steep slopes that exist on the site is necessary. The maximum density for this area is 20 dwelling units per acre.

T3 Suburban Neighborhood Evolving

T3 Suburban Neighborhood Evolving Policy is applied to Area 13.T3.NE.1. The maximum density for this area is 20 dwelling units per acre.

T3 Suburban Mixed Use Corridor

T3 Suburban Mixed Use Corridor Policy is applied to Area 13.T3.CM.2. The maximum density for this area is 20 dwelling units per acre.

STAFF RECOMMENDATION Staff recommends approval of the proposed plan amendment.

[Note: Items #2 and #3 were heard by The Metropolitan Planning Commission together. See Item #3 for actions and resolutions.]

IX. PUBLIC HEARING: SPECIFIC PLANS

3. 2008SP-023U-13

Bakertown

Maps: 134-15, 148-00, 148-02, 148-03

Parcels: various

Antioch/Priest Lake Community Plan

Council District 28 – Duane A. Dominy

Staff Reviewer: Kathryn Withers

A request to rezone from R8, R10, and CS zoning districts to SP-MU zoning to create a new specific plan known as "Bakertown Specific Plan" for properties along Antioch Court, Antioch Pike, Bakertown Road, Cherokee Court, Cherokee Hills Drive, Cherokee Place, Ezell Road, Gasser Drive, Haystack Lane, Jansing Drive, Luna Drive, Rader Drive, and Spann Court (87.79 acres), to establish development and sign standards, and regulate land uses, requested by the Metro Planning Department, sponsored by Councilmember Charlie Tygard.

Staff Recommendation: Approve with conditions, subject to approval of the associated Community Plan Policy Amendment

APPLICANT REQUEST - Preliminary SP

A request to rezone from One and Two-Family Residential (R8 and R10), and Commercial Service (CS) zoning districts to Specific Plan – Mixed Use (SP-MU) zoning to create a new specific plan known as "Bakertown Specific Plan" for properties along Antioch Court, Antioch Pike, Bakertown Road, Cherokee Court, Cherokee Hills Drive, Cherokee Place, Ezell Road, Gasser Drive, Haystack Lane, Jansing Drive, Luna Drive, Rader Drive, and Spann Court (87.79 acres), to establish development and sign standards, and regulate land uses.

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.

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.

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

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use 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.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Existing Policies

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.

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.

Proposed Policies

T3 Suburban Potential Open Space (T3 POS) - T3 POS policy is intended to preserve and enhance existing open space in suburban areas. T3 Suburban Open Space Policy includes public parks and may also include private land held in conservation by land trusts and private groups or individuals. A variation of T3 Suburban Open Space – *T3 Potential Suburban Open Space* – may also be utilized to create open space by identifying areas that should be used for suburban open space in the future.

T3 Suburban Neighborhood Evolving (T3 NE) -T3 NE policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lots sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

T3 Suburban Mixed Use Corridor (T3 CM) - T3 CM policy is intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of suburban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy? Yes. As discussed in the accompanying staff report for the plan amendment, the proposed community character policies were chosen based on the development models that the community participants identified as desirable for their neighborhood. The proposed SP implements that vision and the proposed policies.

PLAN DETAILS The request for this SP was prompted by the difficulties of maintaining a single-family, owner occupied, residential environment directly opposite an active industrial area along a busy arterial street with pressure to rezone to a commercial district. The resulting SP is the product of a series of three community meetings held in the Bakertown Community in June and July. At those meetings, the community expressed a desire for a pedestrian friendly “main-street” environment featuring convenient retail opportunities that are lacking in this area and a willingness to consider additional housing opportunities to support that retail. The final concept and development scenario was presented to the community on July 31. The draft document has been posted for public review on the Planning Department website and at both the Southeast and Thompson Lane Libraries since August 18.

The site currently consists of single-family homes, duplexes, apartments, mobile homes and vacant parcels. Most of the land is part of various phases of the Cherokee Hills Subdivision, which was developed in the 1960s when Antioch Pike was a two-lane road. At that time, the land opposite Antioch Pike from Cherokee Hills was zoned for office. The late 1990s brought industrial zoning, which seemed a logical conclusion given the close proximity to the Nashville International Airport and Interstate 24, however, no consideration was given to the effect on the single-family homes on the west side of Antioch Pike. Today, the industrial area to the east of Antioch Pike is occupied by a waste transfer facility, a trucking terminal, a check printing facility, and a quarry. Antioch Pike is a 5-lane arterial roadway. The frontage of Antioch Pike is no longer a sustainable location for single-family homes due to the current development and traffic pattern.

Goals The plan is intended to implement development goals arrived at through the community meeting process. The goals of the SP are:

- To develop a mixed center of activity containing predominantly commercial and mixed-use development along Antioch Pike with a character that sets it apart from typical strip development along Antioch Pike.
- To provide safe, convenient vehicular movement into, out of, and within the study area, while maintaining a pedestrian and bicycle-friendly environment.

- To provide meaningful open spaces on the property as visual relief for people working or shopping within the study area as well as for passive recreation for those who live within the area.
- To create a non-commercial transition between commercial development along Antioch Pike and the neighboring single family residential development behind.
- To seamlessly integrate housing into the overall development that is sensitive to existing residential development in the neighborhood.
- To connect residential development, shopping areas, places of work, open spaces, and other points of activity through a system of sidewalks and bike lanes.
- To encourage the use of public transit in the area by making transit convenient, safe, and comfortable.
- To provide parking for those who live, work, and shop in the study area in a manner that does not dominate the street and is sensitive to the pedestrian environment.
- To apply a water quality concept that protects and enhances the existing natural integrity of the site.
- To soften the visual impact of new development and provide a greater level of comfort for pedestrians.
- To assist those who live, work, and shop within the SP area in finding destinations, while preventing visual clutter that threatens traffic safety and is harmful to the appearance of the community.

Structure of the Plan The SP district establishes development and sign standards, and regulates land uses for properties contained within SP boundaries. The development standards include urban design standards (addressing the relation of the building to the street and to open space) and minimal architectural design standards. The SP district is divided into three separate subdistricts that reflect the character of each section. These subdistricts are identified on maps contained in the SP document. Within each subdistrict, the following issues are addressed:

- **Development guidelines** explain the urban design intent of the SP district. Future development is intended to be consistent with the development guidelines, but they are not regulatory in nature.
- **System regulations** address transportation, parking, access, streetscape, signage, and landscaping and buffering. For each category, goals and standards are provided. The goals describe the intent of the SP for each system and the standards provide the framework to achieve the goals. The standards are regulatory for each subdistrict and future development within the SP district must be consistent with them.
- **Building standards** set requirements for height, physical configuration, and urban design that are required for structures within the SP district. Many different building types are permitted within each subdistrict, but there are requirements that new buildings within the SP district must meet. The standards are presented through text, graphic representations, and photographic examples of buildings consistent with the standards. The standards are regulatory for each subdistrict and future buildings within the SP must be consistent with them.
- **Land Uses** establish the permitted and excluded land uses for each subdistrict. The permitted and excluded land uses are regulatory for each subdistrict and future development within the SP district must be consistent with them.

In addition to the specific standards for each subdistrict, the SP includes general sign standards and architectural standards in a separate section.

- **Sign standards** are regulatory and all future development within any portion of the SP must be consistent with them.
- **Architectural standards** set requirements for materials, configurations and techniques, without dictating style.

Sub-districts The SP is divided into three subdistricts that are distinct, yet blend together to create a complete community that includes opportunities for shopping, a wide range of dwelling types, bike and pedestrian friendly streets and sidewalks, and community open space. The plan requires mostly residential uses along the perimeter of the SP against existing neighborhood residential uses, and requires a B landscape buffer to create an appropriate transition from the more intense development along Antioch Pike. Small open spaces (parks, greens, squares, plazas) are integrated into the overall open space system.

- **Subdistrict 1** is the pedestrian friendly “main street” district, and contains the broadest mix of building types and intensity. Building types included are: mixed-use and commercial, live/work, townhouse, townhouse courts, stacked flats (multi-family), and courtyard flat types of housing units. Parking is preferred to be behind or beside buildings, but because of the suburban location, one row of parking is allowed in front of buildings in the Subdistrict. Building heights are 1 to 3 stories. Land uses controls are employed to exclude commercial uses that are more highway oriented in nature and would not be compatible with the neighborhood vision – automotive uses, pawn shops, adult video, bar/nightclub, heavy equipment, warehouses, etc. Additionally, a maximum 5,000 square feet for restaurants has been added to ensure they remain neighborhood scaled.
- **Subdistrict 2** is the more intense residential district intended to create “rooftops” to support the mixed-use and commercial businesses in Subdistrict 1. Building types in this area include stacked flats, courtyard stacked flats, townhouse, townhouse courts, and manor houses. Building heights are 1 to 3 stories.
- **Subdistrict 3** is the least intense residential district, intended to blend back into the single family neighborhood behind the SP. Building types in this area include townhouse, townhouse courts, manor house, cottages, and cottage courts. Building heights are 1 to 3 stories.

When do the provisions of the SP apply? The SP was crafted to ensure that new development within its boundaries is not discouraged by applying new standards to relatively minor development permit applications. The design guidelines, system regulations, building standards, land uses, and signage standards apply to all property located within the SP district, except that modifications to existing single and two family residences shall be exempt from the system regulations.

Otherwise, the system regulations and building standards contained in the SP district apply when:

- The value of any one building permit is twenty-five percent, or the value of multiple building permits during any five year period is fifty percent of the value of all improvements on the lot prior to application for the building permit; or
- The total building square footage of any one expansion is twenty-five percent, or the total building square footage of multiple expansions during any five-year period is fifty percent, of the total building square footage of all improvements on the lot prior to improvement.

The “value of all improvements on the lot prior to application for the building permit” initially will be determined by reference to the official records of the Davidson County Assessor of Property. If the improvements on the lot currently meet Metro Code standards, then the owner may, at their option, submit a commercially acceptable estimate of the replacement cost of the improvements, which may be used as an alternate method to determine their value.

All signage provisions contained in this SP shall apply to all sign-related permits. If a non-conforming sign is damaged, however, the issuance of a permit for repairs to the sign to restore the sign to its pre-damage state shall not require compliance with the standards contained in this SP.

Phasing of Development A Conceptual Phasing Plan has been included in the SP and serves two purposes – first, it requires that development must happen along the frontage of Antioch Pike before taking place within the neighborhood and second, it ensures that infrastructure improvements take place in a logical, coordinated manner. A recurring issue has presented itself many times over the course of creating this SP - *for change to take place within the neighborhood, it will require multiple property owners to work together*. Developers and property owners will have to work together to build streets in a logical order and in logical pieces. Because of the many different property owners within the SP, and the multitude of possibilities for development proposals, it is not possible to know the ultimate build out of this community, but this plan is a guide. As development proposals are brought forward it is anticipated that there will be alternatives proposed to the phasing plan. However, any alternative proposal must consider how a change to the Conceptual Phasing Plan will affect adjoining phases.

Access Management A Conceptual Access Management Plan has been included in the SP document to govern the location of access points on Antioch Pike. Currently, every single-family home on Antioch Pike has its own driveway curb cuts, in some instances two curb cuts. Driveways will need to be consolidated to accommodate more intense development without impacting the safety of Antioch Pike. The Access Management Plan makes recommendations to remove, maintain, convert to shared driveway with an adjoining property, or construct a new driveway in a new location. All Final SP submittals will be reviewed against this plan.

METRO SCHOOL BOARD REPORT

Projected student generation The projected number of students cannot be determined at this time. The number of students will be projected with any final SP site plan that includes residential units.

A school capacity calculation was run using a development scenario of 1200 units. Due to the urban nature of this proposed development, the projected student count was generated using the Urban Infill Factor.

12 Elementary 0 Middle 12 High

Students would attend Uan Elementary School, Margaret Allen Middle School, and McGavock High School. Uan Elementary has been identified as being overcrowded, however, there is capacity available at another elementary school within the cluster. McGavock High School has been identified as being overcrowded, but capacity is available within an adjacent cluster. This information is based upon data from the school board last updated May 2008.

FIRE MARSHAL RECOMMENDATION Approved based on no construction being done with this application. Any construction will require additional information.

PUBLIC WORKS RECOMMENDATION Following are PW comments for the Bakertown Community specific plan (2008SP-023U-13), scheduled for the September 25, 2008 MPC meeting:

A detailed development plan has not been submitted to the Department of Public Works to allow for the opportunity to review, make engineering decisions, and to provide recommendations. Any final SP development plan will be reviewed for technical compliance with the Department of Public Works standards and specifications.

A comprehensive traffic study is recommended for this development plan prior to rezoning. In the absence of a comprehensive study, focused traffic studies will be required as determined by the Metro Traffic Engineer when development occurs. As a minimum, focused studies shall include: (1) an analysis of all development rights within the proposed development phase, as defined in the SP document, and (2) any other phases that may impact the existing and proposed public infrastructure within the proposed development phase.

STORMWATER RECOMMENDATION Construction Documents are required and must be approved prior to any Final Site Plan approvals

STAFF RECOMMENDATION Staff recommends that the Bakertown SP be approved with conditions. The design of this community will help realize the vision of the overall Antioch/Priest Lake Community Plan to achieve a complete community with opportunities to live, work and shop, provide adequate infrastructure for new development, and preserve natural features. This plan creates a community that is compact, walkable, and contains a variety of building types for all stages of life. A comprehensive traffic study is not possible at this time because a detailed development plan will not be available until an applicant comes forward with a proposal. In absence of this, Staff recommends that the Public Works request for focused traffic studies as development occurs be adopted.

CONDITIONS

1. All Public Works' conditions and 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. Focused traffic studies will be required as determined by the Metro Traffic Engineer when development occurs. As a minimum, focused studies shall include: (1) an analysis of all development rights within the proposed development phase, as defined in the SP document, and (2) any other phases that may impact the existing and proposed public infrastructure within the proposed development phase.
3. 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 MUL zoning district for Subdistrict 1, and RM20 for Subdistricts 2 and 3 as of the date of the applicable request or application.
4. Minor modifications 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 modifications shall be consistent

with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through ordinance approved by Metro Council that increase the permitted height of buildings, add uses not otherwise permitted, or eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance.

5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Withers presented and stated that staff is recommending approval of 2008CP-013-09, Amendment Number 9, Antioch-Priest Lake Community Plan, as well as approval with conditions of 2008SP-023U-13, Bakertown Specific Plan.

Mr. Milton Scott, 104 Cherokee Hills Drive spoke in opposition to the proposed development.

Ms. Debra Williams, 112 Antioch Court, spoke in favor of the proposed development.

Mr. Anthony Tackett, 1517 Antioch Pike, spoke in favor of the proposed development.

Ms. Dana Formosa, 1631 Antioch Pike, spoke in favor of the proposed development.

Ms. Mary Conrad, 521 Spann Court, expressed issues with the proposed development.

Mr. Dalton acknowledged the concerns mentioned by the residents and spoke in favor of the proposed amendment. He explained the area included in the amendment needs improvement and that the proposed plan would move the community in a positive direction.

Mr. Clifton requested that staff address the opposition that was mentioned during the public hearing.

Ms. Withers explained the concern mentioned to the Commission.

Mr. Clifton acknowledged the overall intentions of the amendment and its purpose to improve the area.

Mr. Gee spoke in favor of the proposed amendment. He did however, express concerns with the open space percentages, street alignments and phasing elements that were included in the plan and suggested that staff continue to review these components. He briefly explained each of his concerns. He then requested that the motion include the submission of his written comments on the Bakertown SP.

Mr. Gotto acknowledged that Mr. James Weaver submitted a letter to the Commission for the record and requested that the motion also include the review of its contents.

Mr. Kleinfelter offered that staff continues to research "trigger provisions" as mentioned in Mr. Weaver's letter and he further stated that once the provisions are finalized, the Commission could amend the SP's that contain the provision.

Ms. Withers also offered additional information on the concerns of the letter.

Ms. LeQuire spoke on the importance of educating communities on community planning. She then requested additional clarification on the phasing element contained in the plan.

Ms. Withers explained the phasing element contained in the plan.

Mr. Ponder requested that the Commission vote on each item separately.

2008CP-013-09

Ms. LeQuire moved and Mr. Dalton seconded the motion, which passed unanimously, to approve 2008CP-013-09, Amendment Number 9, to the Antioch-Priest Lake Community Plan: 2003 Update. **(7-0)**

2008SP-023U-13

Mr. Clifton moved, and Ms. LeQuire seconded the motion, which passed unanimously, to approve with conditions Zone Change 2008SP-023U-13, Bakertown SP, including the condition that staff consider the comments raised by the Commissioners and provide further review of the trigger provisions prior to third reading at Council. (7-0)

Resolution No. RS2008-203

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008CP-013-09 is **APPROVED. (7-0)**”

Resolution No. RS2008-204

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-023U-13 is **APPROVED WITH CONDITIONS, including a condition that staff consider the comments raised by the Commissioners and provide further review of the trigger provisions prior to third reading at Council. (7-0)**

The proposed amendment to the SP-MU is consistent with all Antioch/Priest Lake Community Plan policies for the area.”

X. PUBLIC HEARING: ZONING MAP AMENDMENTS

4. 2008Z-074T

BZA Fee Waiver
Staff Reviewer: David Kleinfelter

A council bill to amend Section 17.40.770 of the Metro Zoning Code to waive Board of Zoning Appeals (BZA) application fees for councilmembers filing applications on behalf of the community where the application does not benefit an individual property owner or development, requested by Councilmember Darren Jernigan..

Staff Recommendation: Because this ordinance deals with a budgetary matter not related to zoning issues, staff recommends that the Planning Commission take no official position on the bill.

APPLICANT REQUEST -A council bill to amend Section 17.40.770 of the Metro Zoning Code to waive Board of Zoning Appeals (BZA) application fees for Councilmembers filing applications on behalf of the community where the application does not benefit an individual property owner or development.

ANALYSIS

Summary of Request The proposed ordinance would allow a member of the Metro Council to file an application with the Board of Zoning Appeals (BZA) without payment of the usual fees, if the application is not intended to benefit a single property owner or development.

Existing Law Section 17.40.770 of the Metro Code states that the Board of Zoning Appeals “may develop for metro council consideration fee schedules appropriate to partially or totally defray costs associated with the processing and review of” applications that are heard by the BZA. Pursuant to that authority, the BZA has established the following fees:

Variance and Special Exception (with construction) -- 1/10th of one percent of the permit value, plus a sign fee of \$10 per 300 linear feet of street frontage;

Variance and Special Exception (with no construction) – If no construction is proposed, or the value of the construction is below a certain amount, then the fee is \$100 for residential cases (includes permits with values up to \$100,000), and \$200 for non-residential cases (includes permits with values up to \$200,000), plus the sign fee; and

Appeal of the Zoning Administrator’s Ruling -- \$100 plus the sign fee.

Proposed Text Change Bill BL2008-285 states the following:

“Notwithstanding the foregoing provisions of this section to the contrary, members of the metropolitan council filing applications with the board of zoning appeals on behalf of their constituents shall not be required to pay an application fee,

provided the purpose of the application is not for the benefit of an individual property owner or development.”

Related Zoning Code Provisions Section 17.40.740 of the Code currently includes provisions that waive the application fees for zoning applications initiated by a member of Council, if the zoning request would:

1. Rezone property from a greater intensity residential use to a lesser intensity residential use (i.e. an "R" district to an "RS" district);
2. Rezone property from an office, commercial, or industrial district to a residential or residential single-family district; or
3. Apply the urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district.

The Planning Commission declined to make a recommendation to the Council on the ordinances that enacted these fee waivers on the basis that the decision whether or not to charge the application fees for members of Council was a matter of Metro Council policy.

STAFF RECOMMENDATION Staff recommends that the Commission inform the Council that it is neither approving nor disapproving this proposed ordinance. The Metro Council is generally responsible for adopting the budget that establishes the income and expenditures for the Metropolitan Government. Fees that are paid for applications to the BZA are deposited into the Metro General Fund and are not earmarked for a particular purpose. Whether the Council is subject to the fees normally required for BZA applications appears to be an issue that should be determined by the Metro Council.

Mr. Kleinfelter presented and stated that staff is recommending that the Planning Commission take no official position on the bill.

Mr. Gotto moved and Mr. Dalton seconded the motion, which passed unanimously, to take no position on 2008Z-074T, BZA Fee Waiver. (7-0)

Resolution No. RS2008-205

“BE IT RESOLVED by The Metropolitan Planning Commission took no official position on 2008Z-074T because this ordinance deals with a budgetary matter not related to zoning issues. (7-0)”

XI. PUBLIC HEARING: CONCEPT PLANS

5. 2008S-150U-03

Park Preserve, Ph 1 (Concept Plan)
Map: 060-00 Parcels: 005, 006, 060
Bordeaux/Whites Creek Community Plan
Council District 2 – Frank Harrison
Staff Reviewer: Nedra Jones

A request for concept plan approval to create a cluster-lot subdivision containing 34 lots at 508 and 512 Ewing Drive and Ewing Drive (unnumbered), approximately 600 feet west of Ewing Lane (10.31 acres), zoned RS7.5, requested by Nashville Area Habitat for Humanity Inc., owner, Ragan-Smith-Associates Inc., surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create a cluster-lot subdivision containing 34 single-family lots at 508 and 512 Ewing Drive and Ewing Drive (unnumbered), approximately 600 feet west of Ewing Lane (10.31 acres), zoned Single-Family Residential, RS7.5.

ZONING

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. While only 34 lots are proposed, the RS7.5 zoning would permit up to 51 cluster lots on 10.31 acres.

History A preliminary plat was previously approved by the Planning Commission for this property on January 26, 2006, for 46 lots. Since a final plat was not recorded within two years the preliminary plat expired on January 25, 2008.

The Park Preserve PUD, also owned by Habitat for Humanity, is located immediately south of the Park Preserve Subdivision, which proposes a future street connection into the PUD. The PUD was approved by Metro Council in July 2002 for 416 single family lots and 327 multi-family units on 200 acres.

SUBDIVISION DETAILS The concept plan proposes to create 34 single-family lots within a cluster lot development on 10.31 acres. The cluster lot option contained in the Metro Code allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS7.5 (minimum 7,500 sq. ft. lots) to RS3.75 (minimum 3,750 sq. ft. lots) if the plan meets all the requirements of the cluster lot provisions of the Metro Zoning Code. The applicant has reduced the minimum lot sizes by one base zone classification to RS5 (minimum 5,000 sq. ft. lots) and the proposed lots range in size from approximately 5,000 square feet to 7,600 square feet.

Open Space/Landscaping Cluster lot developments are required to provide 15 percent usable open space per phase that uses lot size reduction. The concept plan designates 24 percent or 2.45 acres of the site as open space including both passive and active space with a playfield, and playground equipment. A standard B-3 landscape buffer is planned along the eastern perimeter of the site to screen the development from neighboring property. This area is not counted as usable open space.

Sidewalk A five foot sidewalk is planned within the right of way throughout the development.

Access/Street Connectivity The plan proposes a new public road that will intersect onto Ewing Drive to the north at Gwynnwood Drive and extends south ending in a stub street that will eventually connect to the Park Preserve PUD. This PUD, also owned by Habitat for Humanity, is currently undeveloped with a stub street connection that would tie into Park Preserve, Phase 1 Concept Plan. There is also a stub street shown on this concept plan to provide a future connection to the west.

PUBLIC WORKS RECOMMENDATION

1. 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.
2. Construct Ewing Drive pavement section along property frontage per standard drawing ST-253. Provide tapers per AASHTO / MUTCD standards. Coordinate Ewing Dr improvements with road widening at La Vista by Park Preserve PUD.
3. Construct the site access road at Ewing Drive with one entering and two exiting lanes (LT and TH/RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
4. Lots 1 and 16 shall have no driveway access to Ewing Drive.

STORMWATER RECOMMENDATION Approved. The lot layout is acceptable; however, the water discharging from the pipe between Lots 33 and 34 is not receiving full treatment. This issue must be dealt with at the time of plan submittal to the MWS Stormwater Division.

FIRE MARSHAL RECOMMENDATION

1. Before a plat for 1 or 2 families can be approved plans showing water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations shall be provided.
2. All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
3. Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.

4. 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.
5. Fire Hydrant flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.

STAFF RECOMMENDATION Staff recommends approval with conditions of the concept plan for the Park Preserve, Phase 1.

CONDITIONS

1. All development plans shall comply with the conditions and design regulations established by the Department of Public Works.
2. All development plans submitted for approval must comply with the Fire Marshal's requirements listed above.
3. All development plans shall comply with the Stormwater requirements listed above.
4. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives 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 effective date of the Commission's conditional approval vote.

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

Ms. Chris McCarthy, 1006 8th Avenue South, spoke in favor of the proposed concept plan.

Mr. Earl Trent, 725 Ringgold Drive, spoke in opposition to the proposed concept plan.

Mr. Marcus Jordan, 2969 Claymille Blvd., spoke in opposition to the proposed concept plan.

Mr. Mike Arnold spoke in favor of the proposed concept plan.

Mr. George Welch of Woodland Street spoke in favor of the proposed concept plan.

Ms. Wilma Buchanan, 3480 Knight Drive, spoke in opposition to the proposed concept plan.

Ms. Gail Horton, 1006 8th Avenue South, spoke in favor of the proposed concept plan.

Ms. Ashley Scott of Hawkins Lane spoke in favor of the proposed concept plan.

Mr. Johnnie Reynolds, 1006 8th Avenue South, spoke in favor of the proposed concept plan.

Mr. Carson Sawyer, 6676 Autumnwood Drive, spoke in favor of the proposed concept plan.

Ms. Jan Strong-Johnson 3005 Claymille Blvd., spoke in opposition to the proposed concept plan.

Ms. Antoinette Welch, 3857 Knight Drive, spoke in opposition to the proposed concept plan.

Mr. Michael Pendleton, 3046 Ewingdale Drive, spoke in opposition to the proposed concept plan.

Ms. Mandy Wachler, 1006 8th Avenue South, spoke in favor of the proposed concept plan.

Mr. Don Klein of Trousdale Lane spoke in favor of the proposed concept plan.

A resident of Claymille Blvd. spoke in opposition to the proposed concept plan and submitted information for the record.

Mr. Steven Aaron, 525 Ewing Drive, spoke in opposition to the proposed concept plan.

Mr. Jimmy Hanley, 4600 Indian Summer Drive, spoke in opposition to the proposed concept plan.

Mr. Kevin Rodriguez, 4956 Indian Summer Drive, spoke in opposition to the proposed concept plan.

Ms. D'Artria Ashton, 4620 Setter Court, spoke in opposition to the proposed concept plan.

Mr. Murray Thacker, 710 Moorman's Arm Road, spoke in opposition to the proposed concept plan.

Mr. George Willis, 1395 Bellevista Blvd., spoke in opposition to the proposed concept plan.

Mr. Dwayne Barrett, 424 Cavran, in favor of the proposed concept plan.

Ms. Foy Smith, 1557 Constitution Avenue, spoke in opposition to the proposed concept plan.

A resident of 605 Jasmin Drive spoke in favor of the proposed concept plan.

Mr. Kwame Lillard, 2014 Buena Vista, spoke in opposition to the proposed concept plan.

Mr. Clifton acknowledged and spoke on the concern of low income housing and its placement within this community. He also acknowledged the good intentions of the Habitat for Humanity organization. As he closed, he suggested that the City look for more creative ways to incorporate low income housing throughout all areas of the City. He then reminded the Commission that they were being asked to approve a subdivision that met all of its legal requirements and that they had no authority to disapprove the request.

Mr. Tyler agreed with the comment that the City should further investigate ways of incorporating low income housing throughout the City and briefly spoke of scatter site development. He then spoke to the issue of the density of the entire proposal. He too acknowledged that the Commission would have to approve the proposed subdivision as it met all of the legal requirements.

Mr. Gee thanked the constituents that offered statistics and studies on the issue of low income housing. He then expressed his concern with the placement of any one large development consisting of the same socio-economic level and its affect on the entire community.

Mr. Gotto thanked the constituents for their comments made to the Commission. He then requested clarification on whether the site in question had issues associated with floodplains or excess dumping.

Ms. Nedra Jones explained she was not aware of any floodplain or dumping issues associated with the site.

Mr. Gotto then questioned whether the property was located in a floodplain.

Ms. Nedra Jones stated that the property was not located in a floodplain.

Mr. Gotto then requested additional information on whether the owner of the property had filed any additional applications on any other parcels located in the area.

Ms. Nedra Jones explained that no applications had been recently filed with the department. She did however explain there was a Planned Unit Development located below the parcel that will be reviewed at the November 13th meeting, and that Councilmember Harrison had filed a request to downzone this parcel (the 34 lot cluster development), which will be heard at the October 23rd meeting.

Mr. Gotto acknowledged that the Commission was only to deliberate the 34 unit subdivision, however, expressed concerns that the planned unit development below the parcel was in fact tied to the subdivision currently being discussed. He spoke of issues associated with the size of the entire development planned for the area and its affect on the infrastructure as well as the issue that it would only contain affordable housing units. He then spoke of new urbanism and how its attributes should be considered and possibly implemented in these types of development. Mr. Gotto suggested that the Commission defer the proposal for two meetings to allow additional time for the constituents and Councilmembers to meet with the owners of the property in an effort to resolve some of the issues associated with the development.

Mr. Gotto moved and Mr. Dalton seconded the motion, to defer Concept Plan 2008S-150U-03, Park Preserve, to October 23, 2008, to allow Nashville Area Habitat for Humanity, the community and the Councilmembers, an opportunity to reach a solution to the outstanding issues.

Ms. LeQuire thanked the constituents for their participation in the public hearing as it displays their interest in the development of their community. She spoke in support of the deferral as it would provide additional time for stakeholders to meet and discuss what is planned for the entire area. It would also allow the opportunity to open up discussions for all Metro departments to look at low income housing and its placement throughout the entire City. She suggested too the possibility of providing low income funding for the redevelopment of existing structures as opposed to building new structures. Ms. LeQuire then asked whether staff had any information on the Planned Unit Development located below the parcel that would be discussed at the November or December meeting.

Ms. Hammond explained the Zoning Code regulations that pertain to the review of planned unit developments that were inactive for six or more years, as well as the review that is planned for the November 13th meeting.

Mr. Dalton acknowledged the concerns mentioned by the constituents affected by the proposal. He spoke of the need to find a balance that will enhance the community as well as the entire city. He recognized the good intentions of the Habitat Organization and strongly encouraged that they meet and work with the various communities in which they are proposing development, in an effort to maintain a good working relationship with all.

Mr. Ponder thanked all for their comments and participation regarding this proposal.

Mr. Gotto moved and Mr. Dalton seconded the motion, which passed unanimously, to close the public hearing and defer Concept Plan 2008S-150U-03, Park Preserve, to October 23, 2008, to allow Nashville Area Habitat for Humanity, the community and the Councilmembers, an opportunity to reach a solution to the outstanding issues. (7-0)

Resolution No. RS2008-206

“BE IT RESOLVED by The Metropolitan Planning Commission that the public hearing is closed for 2008S-150U-03 and it is **DEFERRED to the October 23, 2008, Planning Commission Meeting to allow Nashville Area Habitat for Humanity, the Community, and the Councilmembers opportunity to reach a solution to the outstanding issues. (7-0)**”

XII. PUBLIC HEARING: FINAL PLATS

6. **2008S-147G-06**
Ellen's Subdivision
Map: 155-00 Parcel: 104
Bellevue Community Plan
Council District 35 – Bo Mitchell
Staff Reviewer: Brian Sexton

A request for final plat approval to create three lots on property located at 8281 Collins Road, approximately 360 feet north of Highway 100 (1.63 acres), zoned RS20, requested by Ernest and Martha Quinn, owners, Randolph Chapdelaine, surveyor.
Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Final Plat

A request for final plat approval to create three lots on property located at 8281 Collins Road, approximately 360 feet north of Highway 100 (1.63 acres), zoned Single-Family Residential (RS20)

ZONING

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

SUBDIVISION DETAILS The final plat creates three lots on property located at 8281 Collins Road. The existing house and detached garage will remain as will a well house located at the rear of the property. Lot 1 contains 22,442 square feet and Lots 2 and 3 contain 20,000 square feet.

The Fire Marshal has requested that the applicant provide hydrant flow data for this property. To date, this information has not been provided.

FIRE MARSHAL RECOMMENDATION 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.

STORMWATER RECOMMENDATION Approved.

STAFF RECOMMENDATION Staff recommends approval with the condition that the applicant provide fire hydrant flow data to the Fire Marshal.

CONDITION Prior to the recording of the final plat, satisfy the requirements of the Fire Marshal.

Approved with conditions, (6-0-1) *Consent Agenda*

Resolution No. RS2008-207

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-147G-06 is **APPROVED WITH CONDITIONS. (6-0-1)**”

Conditions of Approval:

1. Prior to the recording of the final plat, satisfy the requirements of the Fire Marshal.”

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7. **2008S-151U-10**
2113 Sharondale
Map: 117-03 Parcel: 129
Green Hills/Midtown Community Plan
Council District 25 – Sean McGuire
Staff Reviewer: Jason Swaggart

A request for final plat approval to create two lots including a variance for the sidewalk requirement and the lot width requirement of the Subdivision Regulations for property located at 2113 Sharondale Drive, approximately 370 feet east of White Oak Drive (0.61 acres), zoned SP, requested by FHL, LLC, owner, Wamble & Associates, surveyor.

Staff Recommendation: Approve with conditions, including a variance from the sidewalk requirement and the lot width requirement.

APPLICANT REQUEST -Final Plat

A request for final plat approval to create two lots including a variance from the sidewalk requirement and the lot width requirement of the Subdivision Regulations for property located at 2113 Sharondale Drive, approximately 370 feet east of White Oak Drive (0.61 acres), zoned Specific Plan (SP).

ZONING

Sharondale Drive SP District - Sharondale Drive SP limits the number, size and building coverage of duplex units and limits the size height and building coverage of single-family homes for all properties within the SP District (BL2007-1485).

SUBDIVISION DETAILS The plan calls for the creation of two lots with a density of approximately 3.2 units per acre. The existing lot is located at 2113 Sharondale Drive along the south side of Sharondale Drive just west of Hillsboro Pike. The proposed new lots will have the following areas and street frontages:

- Lot 1: 10,483 sq. ft., (.24 acres), with 50 linear ft. of frontage.
- Lot 2: 15,583 sq. ft., (.36 acres), with 50 linear ft. of frontage.

Lot Comparability Section 3-5 of the Subdivision Regulations requires 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. Staff performed a lot comparability analysis that yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Sharondale	8,712	62.61

Both lots pass for area, however both lots fail for frontage.

Lot Comparability Exception A lot comparability exception can be granted when a proposed 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 **one** of the qualifying criteria for the exception to lot comparability:

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Residential Low Medium Density (RLM) land use policy. 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.

Staff recommends that the exception be granted. The proposed lots are consistent with the overall development pattern in the area and the density is consistent with the areas RLM policy.

Lot Width Variance Section 3-4.2.f of the Subdivision Regulations requires that lot frontage be not less than 25 percent of the average lot depth (the 4 to 1 rule). To meet this requirement the front property line for Lot 1 would need to be at least 49.3 linear feet, and the front property line for Lot 2 would need to be at least 60.5 feet. The proposed front property lines are as follows:

- Lot 1: 50 linear feet
- Lot 2: 50 linear feet.

The applicant has requested a variance from the width requirement for Lot 2. The stated hardship is that the existing lot is irregularly shaped which makes it impossible for the lot to meet the regulation. The rear property line angles sharply away from the front property line creating a lot that gets deeper from west to east. This situation is not unique to this property as several lots east of this property share the same rear property line. While it is not unique to this property it is unique to the few lots located on the south side of Sharondale between White Oak Drive and Trinity Presbyterian Church. Subdivisions on two of these properties have recently been approved and both required a variance to the lot width requirement.

Since the existing lot is irregularly shaped making it impossible to meet the width requirement, and similar variances have recently been approved on neighboring lots staff recommends that a variance to the lot width requirement be approved.

Sidewalk Variance Section 3-8 of the Metro Subdivision Regulations requires the construction of sidewalks on existing streets or a financial contribution to Metro in lieu of construction. A sidewalk along the front property line along Sharondale Drive is required with the subdivision.

The applicant has requested a variance from the sidewalk requirement. The stated hardship is that the drainage ditch that runs along the front property line prohibits the construction of a sidewalk. There is a large drainage ditch that runs along the south side of Sharondale Drive from Hillsboro Pike west draining into other streams and ditches that eventually drain into Richland Creek. While the ditch does carry significant amounts of water it has been determined that it is not a blue line stream.

The ditch does make sidewalk construction difficult and while not impossible, the construction of a sidewalk would require that the ditch be disturbed, and likely piped. Disturbance to the ditch is not appropriate and should not be encouraged. This situation is not unique to this property as the ditch runs along the front of several other lots east of this property. While it is

not unique to this property it is unique to the properties located on the south side of Sharondale Drive between White Oak Drive and Hillsboro Pike. Subdivisions on two of these properties have recently been approved and both required a variance to the sidewalk requirement.

Since sidewalk construction would require disturbance of the ditch and similar variance have been approved on neighboring lots, staff recommends that a variance to the sidewalk requirement be approved.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION No Exception Taken

STAFF RECOMMENDATION Staff recommends that the final plat be approved including an exception to the lot comparability requirement and a variance from the lot width and the sidewalk requirements of the Subdivision Regulations.

Approved with conditions, including a variance from the sidewalk requirement and the lot width requirement, (6-0-1)
Consent Agenda

Resolution No. RS2008-208

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-151U-10 is **APPROVED, including a variance from the sidewalk requirement and the lot width requirement. (6-0-1)**”

XIII. OTHER BUSINESS

8. Contract between The TMA Group and the Nashville-Davidson County MPC on behalf of the Nashville Area MPO for Public Outreach activities in support of transportation planning services

Approved, (6-0-1) *Consent Agenda*

9. Contract between the Regional Transportation Authority and the Nashville-Davidson County MPC on behalf of the Nashville Area MPO for regional transit planning services

Approved, (6-0-1) *Consent Agenda*

10. Contract between the Nashville Metropolitan Transit Authority and the Nashville-Davidson County MPC on behalf of the Nashville Area MPO for short-range regional transit planning services

Approved, (6-0-1) *Consent Agenda*

11. Contract between the Greater Nashville Regional Council and the Nashville-Davidson County MPC on behalf of the Nashville Area MPO for Multi-Modal Planning and Public Involvement activities

Approved, (6-0-1) *Consent Agenda*

12. Commissioners’ Request for Further Study of the Economic Impacts and Traffic Impacts of Implementing the Alternative Development Area Policy in Bells Bend.

Ms. Carlat briefly explained that staff compiled a list of questions as suggested by the Commission that will be used and included in two independent studies regarding the alternative development area of the May Town Center. She asked that the Commission provide their comments on these questions.

Mr. Ponder requested clarification on the origin of the questions.

Ms. Carlat offered explanation of the origination of the questions.

Mr. Ponder suggested that the Commission be given additional time to further study the questions and provide their input by Friday, October 3rd.

It was also suggested to contact those commissioners who were not at the meeting of the deadline for submitting their comments.

Mr. Gee requested clarification on the question that related to Old Hickory Boulevard and the assumption to maintain its rural character.

Ms. Carlat explained this concept to the Commission.

Mr. Gee offered his amendment to the question in an effort to clarify the question to be studied.

Ms. LeQuire also offered additional edits to the question related to Old Hickory Boulevard.

Ms. Carlat acknowledged the amendments.

Ms. LeQuire requested clarification on the questions that related to fiscal impacts.

Mr. Clifton clarified that the studies would include more than just the questions that were listed due to the magnitude of the proposal.

Ms. LeQuire posed a question that would address the May Town Center and any state standards.

Mr. Gee spoke of issues associated with the funding of bridges as well as the funding that is necessary just for the maintenance of existing bridges and thoroughfares and that the Commission should keep this in mind as they try to build and maintain sustainable communities.

13. An Employee Contract Renewal for Kathryn Withers

Approved, (6-0-1) *Consent Agenda*

14. Executive Director Reports

15. Legislative Update

XIV. ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Chairman

Secretary



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