



**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**

*October 14, 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  
Stewart Clifton  
Judy Cummings  
Derrick Dalton  
Hunter Gee  
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  
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  
Jennifer Carlat, Planning Mgr. II  
Steve Mishu, Metro Water

**Commission Members Absent:**

Tonya Jones  
Victor Tyler

*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 4:03 p.m.

**II. ADOPTION OF AGENDA**

Mr. Kleinfelter announced there were two items added to the agenda which was Item #7, Final Update on Approved Questions for the Study of the Economic Impacts and Traffic Impacts of Implementing the Alternative Development Area Policy in Bells Bend and Item #8, Video of low impact development - excerpt from PBS NewsHour. He also explained that there was a revision made to Item #9, 2009 Planning Commission Filing Deadlines & Meeting Schedule.

Mr. McLean explained that Item #8, the Video of low impact development – excerpt from PBS NewsHour would be moved and heard at the end of the meeting.

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

### **III. APPROVAL OF SEPTEMBER 25, 2008, MINUTES**

Ms. LeQuire moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the September 25, 2008 minutes as presented. (6-0)

### **IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Claiborne stated his item was on the Consent Agenda for approval with conditions.

### **V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

There were no items 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**

#### **SPECIFIC PLANS**

1. 2008SP-027U-14 A request to rezone from R10 to SP-IND zoning for a portion of property located at Elm Hill Pike (unnumbered), approximately 2,400 feet west of Massman Drive, to permit an access drive to Elm Hill Pike. -Approve w/conditions

#### **ZONING MAP AMENDMENTS**

2. 2008Z-072U-03 A request to rezone from R8 to IWD zoning a portion of property at 2432 Brick Church Pike. -Approve
3. 2008Z-075U-03 A request to rezone from CN to R8 zoning property located at 2616 Buena Vista Pike. -Approve

#### **FINAL PLATS**

4. 2008S-152U-13 A request for final plat approval to create one lot on property located at 2396 Antioch Pike. -Approve
5. 2008S-155G-04 A request for final plat approval to modify property lines between two lots located at 202 Donna Drive and 317 Linda Lane, at the northwest corner of Donna Drive and Linda Lane.  
**- Approve with a variance to the radial lot line requirement of Section 3-4.2(a) of the Metro Subdivision Regulations and an exception to lot comparability.**

#### **OTHER BUSINESS**

10. 2009 Planning Commission Filing Deadlines & Meeting Schedule -Approve

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

### **VII. PUBLIC HEARING: SPECIFIC PLANS**

1. **2008SP-027U-14**  
Ameriplex at Elm Hill  
Map: 106-00 Parcel: Part of 172  
Donelson/Hermitage/Old Hickory Community Plan  
Council District 15 – Phil Claiborne  
Staff Reviewer: Brian Sexton

A request to rezone from R10 to SP-IND zoning for a portion of property located at Elm Hill Pike (unnumbered), approximately 2,400 feet west of Massman Drive (3.9 acres), to permit an access drive to Elm Hill Pike, requested by Atkisson-Harber Architects, applicant, for Summit Holladay Partners LLC, owner.

**Staff Recommendation: Approve with conditions**

#### **APPLICANT REQUEST - Preliminary SP and Final Site Plan**

A request to rezone from One and Two Family Residential (R10) to Specific Plan-Industrial (SP-IND) zoning for a portion of property located at Elm Hill Pike (unnumbered), approximately 2,400 feet west of Massman Drive (3.9 acres), to permit an access drive to Elm Hill Pike.

#### **Existing Zoning**

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

#### **Proposed Zoning**

SP-IND District - Specific Plan-Industrial 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 provides for a private driveway and landscape buffer in order to access an industrial property.

#### **DONELSON/HERMITAGE COMMUNITY PLAN**

Industrial (IN) - IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

**Consistent with Policy?** Yes. The proposed plan is consistent with the IN policy of the Donelson / Hermitage community plan.. The SP will permit a driveway to provide access to an industrial use and a landscape buffer to separate the industrial activity from the adjacent residential development.

#### **PLAN DETAILS**

*Current Conditions* - The parcel owned by the applicant includes two zoning districts. R10 zoning is located on the northwest portion of the property with the bulk of the property, 32.2 acres, zoned IR. In order to access the rear of the property, a driveway would need to run across the portion of the property currently zoned R10. The Metro Zoning Code does not allow access to an industrial district through a residential district. Rezoning to SP will allow access and also ensure that only a driveway and substantial landscaping to buffer the adjacent residential uses will be permitted on this portion of the property.

*Site Plan* The site plan proposes a 1,470 foot driveway and a 30 foot landscape buffer. The proposed drive will run north of Elm Hill Pike adjacent to a landscape buffer along the eastern property line of the site. The driveway will turn west approximately 297 feet south of Marwood Lane. No access is shown on to Marwood Lane from the proposed driveway and none will be permitted. The plan includes security lighting along the driveway and a security gate at the entrance along Elm Hill Pike.

*Landscape Buffer* A 30 foot landscape buffer along the eastern property line of the site is proposed. The existing vegetation is approximately 80 feet in width. Staff is requiring that the applicant provide a minimum 50 foot landscape buffer along the eastern property line of the site in order to provide adequate separation between the existing residential and industrial uses. The landscape plan includes trees to be planted 50 feet center to center along one side of the access road and a provision to allow additional planting to meet the landscaping requirements of the Metro Code. A tree protection fence is to be in place during construction of the driveway to protect the existing vegetation that is to be part of the landscape buffer.

**STORMWATER RECOMMENDATION** Approved

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

Provide documentation of adequate sight distance at project access to Elm Hill Pike.

**Maximum Uses in Existing Zoning District: R10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210 )	3.9	4.63*	18	173	14	19

\* includes 25% duplex lots

**Maximum Uses in Proposed Zoning District: SP-IND**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Light Industrial (110 )	3.9	0.6	101,930	711	94	100

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			--	+538	+80	+81

**STAFF RECOMMENDATION** Staff recommends that the request be approved with conditions as the request is consistent with the IN policy of the Donelson / Hermitage community plan.

**CONDITIONS**

1. There shall be no access to Marwood Lane.
2. The corrected copy of the SP final site plan shall incorporate the required landscape buffer abutting the adjacent residential with a minimum of 50 feet in width.
3. The corrected copy of the SP final site plan shall include a note stating that a tree protection fence shall be in place during the construction of the driveway to protect the existing vegetation that is to be part of the landscape buffer.
4. The permitted uses for this SP shall include a private driveway and a minimum 50 foot landscape buffer.
5. 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 IR zoning district as of the date of the applicable request or application.
6. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
7. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

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

**Resolution No. RS2008-209**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2008SP-027U-14 is **APPROVED WITH CONDITIONS. (6-0)**

**Conditions of Approval:**

1. There shall be no access to Marwood Lane.
2. The corrected copy of the SP final site plan shall incorporate the required landscape buffer abutting the adjacent residential with a minimum of 50 feet in width.
3. The corrected copy of the SP final site plan shall include a note stating that a tree protection fence shall be in place during the construction of the driveway to protect the existing vegetation that is to be part of the landscape buffer.
4. The permitted uses for this SP shall include a private driveway and a minimum 50 foot landscape buffer.
5. 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 IR zoning district as of the date of the applicable request or application.
6. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
7. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

**The proposed SP –IND district is consistent with the Donelson/Hermitage Community Plan’s Industrial policy, which is intended to include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.”**

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

**2. 2008Z-072U-03**

Map: 071-02 Parcel: Part of 004  
Bordeaux/Whites Creek Community Plan  
Council District 2 – Frank Harrison  
Staff Reviewer: Brian Sexton

A request to rezone from R8 to IWD zoning a portion of property at 2432 Brick Church Pike, approximately 1,870 feet north of West Trinity Lane (4.0 acres), requested by Calligan Family Limited Partnership, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - A request to rezone from One and Two-Family Residential (R8) to Industrial Warehouse / Distribution (IWD) zoning a portion of property at 2432 Brick Church Pike, approximately 1,870 feet north of West Trinity Lane (4.0 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**

IWD District - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

**BORDEAUX /WHITES CREEK COMMUNITY PLAN**

**Industrial (IN)** IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

**Consistent with Policy?** Yes. The proposed IWD zoning is consistent with the IN policy of the Bordeaux / Whites Creek community plan. The IN policy calls for a variety of uses such as non-hazardous manufacturing, distribution centers and mixed business parks.

**PUBLIC WORKS RECOMMENDATION** A TIS may be required at development.

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210 )	4.0	5.79*	23	221	18	24

\* Includes 25% duplex lots

**Maximum Uses in Proposed Zoning District: IWD**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150 )	4.0	0.8	139,392	864	106	85

**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
--			--	+643	+88	+61

**STAFF RECOMMENDATION** Staff recommends approval as the IWD zoning district is consistent with the IN land use policy and the existing uses on the property to the south. The property to the north is vacant.

Approved, (6-0) *Consent Agenda*

**Resolution No. RS2008-210**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-072U-03 is **APPROVED. (6-0)**

**The proposed IWD district is consistent with the Bordeaux/Whites Creek Community Plan’s Industrial policy, which is intended to include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.”**

- 3. **2008Z-075U-03**  
 Map: 070-06 Parcel: 011  
 Bordeaux/Whites Creek Community Plan  
 Council District 2 – Frank Harrison  
 Staff Reviewer: Nedra Jones

A request to rezone from CN to R8 zoning property located at 2616 Buena Vista Pike, approximately 900 feet north of W. Trinity Lane (0.52 acres), requested by William H. McClanahan, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - A request to rezone from Commercial Neighborhood (CN) to One and Two Family Residential (R8) zoning property located at 2616 Buena Vista Pike, approximately 900 feet north of W. Trinity Lane (0.52 acres).

**Existing Zoning**

CN District -Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

**Proposed 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.

**BORDEAUX-WHITES CREEK COMMUNITY PLAN**

**Neighborhood Center (NC)** NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. 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 request to rezone 0.52 acres from CN to R8 zoning is consistent with Neighborhood Center land use policy. The NC policy supports intense areas of multiple functions which includes residential uses. The R8 zoning district permits single and two-family dwellings on minimum lot sizes of 8,000 square feet. Currently, a single-family structure is located on the site. The house has been vacant and unoccupied for a period of more than 30 months, and is no longer permitted to be used as a legal non-conforming residential use within the CN district. In order to maintain the use as a single-family residence, the applicant is requesting to apply the R8 district to the site. The NC policy also requires the zone change request be accompanied by a site plan. The applicant has provided a site plan that illustrates the boundary of the site and the existing use.

**PUBLIC WORKS RECOMMENDATION** - No exception taken.

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Small Service Shop(814 )	0.52	0.101	2,288	136	9	27

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached(210 )	0.52	5.79	2	20	2	3

**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
--				-116	-7	-24

**STAFF RECOMMENDATION** The request to rezone 0.59 acres from Commercial Neighborhood (CN) to One and Two Family Residential (R8) is consistent with Neighborhood Center policy and staff recommends approval.

Approved, (6-0) *Consent Agenda*

**Resolution No. RS2008-211**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-075U-03 is **APPROVED. (6-0)**

**The proposed R8 district is consistent with the Bordeaux/Whites Creek Community Plan’s Neighborhood Center which supports a variety of uses such as commercial and residential including single-family residences.”**

**IX. PUBLIC HEARING: FINAL PLATS**

**4. 2008S-152U-13**

Herrada Subdivision  
Map: 148-16 Parcel: 102  
Antioch/Priest Lake Community Plan  
Council District 28 – Duane A. Dominy  
Staff Reviewer: Brenda Bernards

A request for final plat approval to create one lot on property located at 2396 Antioch Pike, approximately 530 feet west of Blue Hole Road (0.39 acres), zoned CS, requested by Marlen Perez and Jose Herrada, owners, Crenshaw Surveying, surveyor.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to create one lot on property located at 2396 Antioch Pike, approximately 530 feet west of Blue Hole Road (0.39 acres), zoned Commercial Service (CS).

**ZONING**

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

**SUBDIVISION DETAILS** The proposed subdivision creates one lot. The subdivision does not have frontage on a public or private street. Section 3-4.2.b provides that commercially zoned lots may be excepted from the frontage requirement where a joint access driveway provides better access management. This property is zoned CS.

**Access** Access to the property is provided from two points. There is a 14 foot ingress/egress easement on the east side and an 18 foot alley on the west side. While the alley is shown on Metro’s mapping data, it has not been accepted for maintenance by Public Works. Staff investigated ownership records of the alley back to 1892, and found that the alley is owned by the adjacent property owners.

**PUBLIC WORKS RECOMMENDATION** No exception taken.

**STORMWATER RECOMMENDATION** Approved

**WATER SERVICES RECOMMENDATION** Approved

**FIRE MARSHAL RECOMMENDATION** Approved

**STAFF RECOMMENDATION** The Herrada Subdivision meets the requirements of the Subdivision Regulations and staff recommends the request be approved.

Approved, (6-0) *Consent Agenda*

**Resolution No. RS2008-212**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-152U-13 is **APPROVED. (6-0)**”



5. **2008S-155G-04**  
 Blair Heights, Resub. Lots 6 & 7  
 Map: 042-16 Parcels: 112, 113  
 Madison Community Plan  
 Council District 4 – Michael Craddock  
 Staff Reviewer: Nedra Jones

A request for final plat approval to modify property lines between two lots located at 202 Donna Drive and 317 Linda Lane, at the northwest corner of Donna Drive and Linda Lane (1.82 acres), zoned RS20, requested by Wade Christian, owner, John J. O'Connor, surveyor.

**Staff Recommendation: Approve with a variance to the radial lot line requirement of Section 3-4.2(a) of the Metro Subdivision Regulations and an exception to lot comparability.**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to modify property lines between two lots located at 202 Donna Drive and 317 Linda Lane, at the southwest corner of Donna Drive and Linda Lane (1.82 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.

**PLAN DETAILS** - The final plat modifies the property line between two lots. Lot 6 consists of 1.16 acres and contains a single-family structure and a detached accessory use. The Metro Codes Department performed an inspection of the accessory use to confirm that it does not function as a principal use on the site, but complies with the definition of an accessory use according to the Metro Zoning Ordinance. Lot 7 consists of 0.67 acres and contains a single-family structure and detached garage. The house on Lot 6 is oriented toward Linda Lane but has shared access with Lot 7 through an easement that intersects Donna Drive.

**Lot Comparability** Section 3-5 of the Subdivision Regulations states 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.):
Linda Ln	28,545	137
Donna Dr (corner)	29,262	125
Donna Dr	29,439	122

The proposed new lots will have the following areas and street frontages:

- Lot 6: 50,322 sq. ft. with approximately 236 linear ft. of frontage on Linda Lane, and 125 linear ft. of frontage on Donna Drive
- Lot 7: 29,394 sq. ft. with approximately 137 linear ft. of frontage. Lot 7 fails for area by 45 square feet.

**Lot Comparability Exception** A lot comparability exception can be granted if the lots do not meet the minimum requirements of the lot comparability analysis (i.e., the lot 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 of the exception to lot comparability:

- The proposed lots are consistent with the adopted land use policy that applies to the property.

The lots are located in the Residential Low land use policy. RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development.

**Variance to Radial Lot line** The applicant is requesting a variance to the lot line requirements of Section 3-4.2 (a) of the Subdivision Regulations. The regulations require the residential side lot lines be at right angles to street lines unless a variation from this rule will give a better street or lot plan. The new lot line, which intersects Donna Drive, does not form a right angle with the street. However, it does correct the original lot line, which was platted showing a portion of the existing house on Lot 6 and its accessory use on Lot 7. The new lot line provides a better lot layout for each lot and more clearly delineates the lot boundaries.

**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).

**PUBLIC WORKS RECOMMENDATION** No exception taken.

**STORMWATER RECOMMENDATION** Approved.

**STAFF RECOMMENDATION** Staff recommends approval of the final plat and granting a variance to lot line requirements of Section 3-4.2 (a) of the Metro Subdivision Regulations and an exception to lot comparability.

Approved with a variance to the radial lot line requirement of Section 3-4.2(a) of the Metro Subdivision Regulations and an exception to lot comparability, **(6-0) Consent Agenda**

**Resolution No. RS2008-213**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-155G-04 is **APPROVED with a variance to the radial lot line requirement of Section 3-4.2(a) of the Metro Subdivision Regulations and an exception to lot comparability. (6-0)**”

6. **2008S-156U-07**  
Brookside Courts, Resub. Lot 86a & Hillwood Terrace, Lots 1 & 2  
Map: 103-10 Parcels: 090, 094, 095  
West Nashville Community Plan  
Council District 24 – Jason Holleman  
Staff Reviewer: Brenda Bernards

A request for final plat approval to remove the reserve status from one lot and grant an access easement lots for properties located at 823 and 827 Neartop Drive, approximately 850 feet south of Vine Ridge Drive (3.56 acres), zoned RS10 and RS40, requested by Carrie B. Crawford et vir. and Archie B. Crawford et ux. owners, Thornton & Associates Inc., surveyor.  
**Staff Recommendation: Disapprove**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to remove the reserve status from one lot and grant an access easement for property located at 823 and 827 Neartop Drive, approximately 850 feet south of Vine Ridge Drive (3.56 acres), zoned Single-Family Residential (RS10 and RS40).

**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.

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

**SUBDIVISION DETAILS** - The purpose of this request is to remove the reserve parcel status on a parcel in order to create a buildable lot. This lot, shown as Lot 3 on the plat would not have street frontage. The request also includes an access easement through Lot 1 to serve Lot 3. In order to satisfy the requirements of the Fire Marshal, a 100 foot diameter turnaround is proposed at the end of the easement as the easement exceeds 150 feet in length.

**Reserve Parcel** -Section 2-9.1.b of the Subdivision Regulations requires that the removal of the reserve status on a parcel be approved by the Planning Commission except when the parcel is in reserve pending an action by a public utility to provide service availability as noted on the face of the approved subdivision plat that created the reserve parcel. There is no explanation provided on the original plat as to why this parcel has been designated as reserved.

**Variance from Street Frontage** As noted above, the proposed new lot would not have street frontage. The applicant has requested a variance from the street frontage 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).

**ANALYSIS** Before the Commission can grant a variance, the applicant must demonstrate a hardship based upon conditions unique to this property. According to Metro property records, these three lots were purchased by the current owners between January 1959, and July 1966. The applicant is now no longer able to maintain Lot 3 and is having difficulty selling this lot without street frontage.

The original plat does not indicate why Lot 3 was designated as a reserve parcel rather than incorporated into adjacent lots at the time of the initial subdivision. As all other lots in this area have street frontage, development on this parcel would not be in character with the pattern of development in the area.

**PUBLIC WORKS RECOMMENDATION** No exception taken.

**STORMWATER RECOMMENDATION** Approved

**WATER SERVICES RECOMMENDATION** Approved

**FIRE MARSHAL RECOMMENDATION** Conditional Approval

- Access to each property shall be from a public access way or property controlled by the property owner w/out

crossing other property owner's property lines to reach the property unless an easement is in place.

- Any easement that is part of a Fire Lane must be deeded as a perpetual on going self renewing document w/ no termination.
- 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.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads
- 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.
- 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.
- 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 and shall have an unobstructed vertical clearance of 13.6 ft.
- 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

**STAFF RECOMMENDATION** Staff recommends disapproval of the request to remove the reserve parcel status from Lot 3 and the request for a variance to street frontage for this lot because development on a lot without street frontage would not be in character with the pattern of development in the area.

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

Mr. Ron Crawford, 925 Greenvalley Drive, spoke in favor of the proposed development.

Ms. Paula Lovett, 5502 Meadowcrest Lane, spoke in opposition to the proposed development.

Mr. Rick Roat, 4503 Price Circle Road, spoke in opposition to the proposed development.

Mr. Clifton arrived at 4:14 p.m.

Ms. Cummings arrived at 4:14 p.m.

Mr. Lewis Wallace, 821 Neartop Drive, spoke in opposition to the proposed development. He submitted information to the Commission for the record. He also asked for a show of hands from members of the audience who were in opposition to the proposed development.

Mr. Paul Tidwell, 844 Neartop Drive, spoke in opposition to the proposed development.

Mr. Henry McKinney, 843 Neartop Drive, spoke in opposition to the proposed development.

Mr. Irwing Stern, 831 Neartop Drive, spoke in opposition to the proposed development.

Mr. Robert Thomison, 4501 Price Circle Road, spoke in opposition to the proposed development.

Ms. Jane Weaver, 4503 Price Circle Road, spoke in opposition to the proposed development.

Mr. Josh Kelly, 809 Neartop Drive, spoke in opposition to the proposed development.

Mr. Gotto offered that Councilmember Holleman was in agreement with the staff recommendation to disapprove, and that he would support that recommendation.

Mr. Gee spoke on the difficulties associated with the reserved parcel and the request for its redevelopment. He acknowledged the concerns mentioned by the constituents as well as the rights of the property owner.

Ms. Cummings also acknowledged the concerns mentioned by the residents as well as the rights of the property owner. She suggested that the owner continue to work with the planning staff in an effort to find a developable solution for the parcel.

Mr. Clifton explained that the request could not be approved due to its lack of required street frontage. He spoke in support of staff's recommendation to disapprove.

Mr. Ponder stated he would support the staff's recommendation to disapprove. He then suggested alternative solutions and questioned whether they would be accepted by staff.

Ms. Bernards offered additional information on alternative solutions that would allow development on the parcel.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to disapprove Final Plat 2008S-156U-07, as recommended by staff. **(8-0)**

**Resolution No. RS2008-214**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-156U-07 is **DISAPPROVED. (8-0)**"

It was mentioned that the planning staff will begin working on the West Nashville Community Plan Update whereby additional solutions for this parcel can be studied by the staff and the community.

**X. OTHER BUSINESS**

7. Final Update on Approved Questions for the Study of the Economic Impacts and Traffic Impacts of Implementing the Alternative Development Area Policy in Bells Bend.

Ms. Carlat explained that the Commission had received a final list of questions that will be used for the scope of study for both the fiscal impact study and the transportation/traffic impact study and she briefly went over the changes that were made to the initial set of questions.

Mr. Clifton acknowledged that the scope of study would provide additional detail on two specific areas and that it was not meant to limit any additional questions the Commission may have on the project outside of the two areas.

Mr. Gee requested clarification on how the scope will be advertised and how the final version will be defined and written.

Ms. Hammond explained these concepts to the Commission.

Mr. Gee then offered additional edits to be included in the final version of the scope of study.

Ms. LeQuire offered for the viewing audience that the funds that will be used for this study will be those of the developer. She too offered additional edits for the document.

8. Community Plans Request to Amend Commission Rules Regarding Public Notification

Ms. Carlat briefly explained the staff's request to amend the Commission's Rules and Procedures in regards to the public notification process for a plan adoption or amendment – Section VIII.A.2, in particular, the utilization of electronic e-mail.

Ms. LeQuire clarified that proper notification would still reach those constituents that did not provide an e-mail address.

Ms. Carlat then addressed the issue raised by the Commission regarding the use of personal e-mail addresses. She stated that sign up sheets requesting e-mail addresses would explain that their use would only be used for meeting notifications.

Mr. Dalton expressed concern with using computerized notification methods and the chance that one's computer may not be working properly and may not receive notices.

Mr. Clifton spoke in favor of using e-mail as a way to communicate meetings, however, stressed the importance of allowing constituents to opt out and to make sure that the use of their e-mail addresses is properly communicated.

Mr. Gee questioned the method that would be used to notify those who were not able to attend an initial meeting.

Ms. Carlat explained this concept to the Commission.

Mr. Gotto stated he would support the use of electronic e-mails as long as the sign-in sheets at community meetings explicitly ask each constituent how they want to receive notification of meetings. He then stated that if constituents do not indicate how they want to be notified, then they should automatically receive their notices by US Mail.

Ms. LeQuire moved and Mr. Gotto seconded the motion, which passed unanimously, to amend the Commission's Rules and Procedures in regards to the public notification process for a plan adoption or amendment – Section VIII.A.2, with the condition that all sign in sheets at plan adoption or plan amendment meetings offer the choice of either US Mail or Electronic E-Mail for notification of future meetings and if a choice is not made, then notification would automatically default to the US Mail notification. **(8-0)**

**Resolution No. RS2008-215**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Community Plans Request to Amend Commission Rules Regarding Public Notification is **APPROVED WITH CONDITION that attendees be given the option to "opt in" for email notification. (8-0)**”

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**9.** 2009 Planning Commission Filing Deadlines & Meeting Schedule

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

**Resolution No. RS2008-216**

“BE IT RESOLVED by The Metropolitan Planning Commission that the 2009 Planning Commission Filing Deadline & Meeting Schedule is **APPROVED. (6-0)**”

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**10.** Executive Director Reports

**11.** Legislative Update

**12.** Video of low impact development - excerpt from PBS NewsHour

The Commission viewed a report on stormwater that was produced by PBS NewsHour.

Mr. McLean stated that he would send a copy of the report to both Scott Potter and Steve Mishu of Water Services and ask that they also review the report.

The Commission discussed the video and how some of the concepts that were addressed in the video actually related to Metro and the fact that Metro is currently implementing some of the ideas that were presented.

As a result of the discussion, the Commission requested that a member of Water Services view the video and provide a report either at the October 23 or November 13 meeting on how Nashville fares in comparison to other cities on the issue of stormwater.

Mr. McLean suggested that the Commission hold an informal work session to discuss Revenues and Fees in relation to the 2008-09 Budget.

**XI. ADJOURNMENT**

The meeting was adjourned at 5:15 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



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