



**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**

*April 14, 2009*

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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  
Tonya Jones  
Hunter Gee  
Victor Tyler  
Councilmember Jim Gotto  
Andrée LeQuire, representing Mayor Karl Dean

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Asst. Executive Director  
Ted Morrissey, Legal Counsel  
Bob Leeman, Acting Planning Mgr. II  
Trish Brooks, Admin. Svcs Officer 3  
Craig Owensby, Public Information Officer  
Brenda Bernards, Planner III  
Brian Sexton, Planner I  
Jason Swaggart, Planner II  
Tiffinie Adams, Planner I  
Jennifer Carlat, Planning Mgr. II  
Bob Eadler, Planner II  
Steve Mishu, Metro Water  
Jonathon Honeycutt, Public Works

**Commission Members Absent:**

Derrick Dalton

*Mission Statement: The Planning Commission guides growth and development as Nashville and Davidson County 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**

Ms. Hammond announced that Item #11, Request to demand payment from Developers Surety and Indemnity Company for a performance bond in the amount of \$172,000.00 for Brentwood Knoll, due to the breach of the performance agreement by the developer on April 1, 2009, was added to the agenda.

Mr. Ponder moved and Dr. Cummings seconded the motion, which passed unanimously, to adopt the revised agenda as presented. **(6-0)**

### **III. APPROVAL OF MARCH 26, 2009, MINUTES**

Dr. Cummings moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the March 26, 2009, minutes as presented. (6-0)

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

Councilmember Craddock stated he would address the Commission after his item was presented for discussion.

Councilmember Jernigan stated he would address the Commission after his item was presented for discussion.

### **V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

2. 2009Z-015PR-001 A request to amend a previously approved Council Bill (BL2005-543) to modify a condition restricting access to Moss Road for property located at 5109 Moss Road – deferred to May 28, 2009, at the request of the applicant
5. 2009Z-004TX-001 A request to amend Chapters 17.16, 17.36 and 17.40 of the Zoning Code to delete Historic Bed and Breakfast Homestay (HB) as an historic overlay district and add it as a Special Exception (SE) use – deferred to April 23, 2009, at the request of the applicant.
6. 2009Z-006PR-001 A request to rezone from RS40 and AR2a to CN zoning properties located at 8983 Highway 100 and Highway 100 (unnumbered), approximately 400 feet west of Old Harding Pike (9.3 acres), requested by Dan Hall and Gregory Maples, owners – deferred indefinitely, due to lack of noticing by applicant.
7. 2009Z-017PR-001 A request to rezone from RS15 to CS zoning property located at Ashland City Highway (unnumbered), approximately 1,620 feet east of Eatons Creek Road – deferred to May 14, 2009, at the request of the applicant.
9. 66-84-G-06 A request to revise the preliminary plan and for final approval for a portion of the Williamsburg Village Planned Unit Development Overlay located at Old Hickory Boulevard (unnumbered), at end of Tolbert Road, to permit the development of 128 townhome units and a 6,878 square foot poolhouse – deferred to May 28, 2009, at the request of the applicant.
11. Request to demand payment from Developers Surety and Indemnity Company for a performance bond in the amount of \$172,000.00 for Brentwood Knoll, due to the breach of the performance agreement by the developer on April 1, 2009.— Withdrawn at the request of the applicant.

Mr. Ponder moved and Mr. Tyler seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items as presented. (6-0)

Mr. Gotto arrived at the meeting at 4:04 p.m.

Mr. Bernhardt requested that Item #11 be removed from the agenda. He gave a brief explanation on the various issues surrounding the performance bond, and then explained that due to a resolution between both the Councilmember and the developer, that the item could be removed from the agenda.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to remove Item #11, from the Deferred and Withdrawn items agenda.

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

## **VI. PUBLIC HEARING: CONSENT AGENDA**

1. 2008Z-088T A council bill (BL2008-325) to amend the Metro Zoning Code, Section 17.04.060 to modify the definition of "mobile vendor" to exempt vending activity along Cleveland Street between Dickerson Pike and McFerrin Avenue. - Disapprove
10. Consideration of the request to rehear the request to revise the preliminary plan and for final approval for the Williams Home Place PUD to permit a 180 foot monopole wireless communication tower. (Case No. 88-69P-001)—Approve request to rehear on April 23, 2009, based on new evidence provided.

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

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

1. **2008Z-088T**  
Staff Reviewer: Jennifer Regen

A council bill (BL2008-325) to amend the Metro Zoning Code, Section 17.04.060 to modify the definition of "mobile vendor" to exempt vending activity along Cleveland Street between Dickerson Pike and McFerrin Avenue, sponsored by Councilmember Pam Murray.

### **Staff Recommendation: Disapprove**

**APPLICANT REQUEST** - A council bill to amend the Metro Zoning Code, Section 17.04.060 to modify the definition of "mobile vendor" to exempt vending activity along Cleveland Street between Dickerson Pike and McFerrin Avenue.

**Deferral** This item was deferred by Councilmember Murray on February 12<sup>th</sup> and 26<sup>th</sup>, 2009 so this bill and council bill BL2009-410 (Zoning Text Amendment 2009Z-002TX-001) could be considered together.

### **ANALYSIS**

**Existing Law** The Zoning Code allows mobile vendors as a use "permitted with conditions" (PC) in the CL, CS, CA and CF zoning districts. Mobile vendors may sell goods, wares or merchandise within a permanently, enclosed structure with no outdoor vending or display areas (tables, crates, cartons, racks or other devices). No outside vending or display areas are allowed except for vendors selling food, beverages, living plants, or agricultural products, or for licensed street vendors.

**Proposed Text** The bill modifies the definition of mobile vendor by adding the following underlined language:

"Notwithstanding the foregoing, vendors selling only food and/or beverages, vendors selling living plants and agricultural products, vendors selling goods, wares or merchandise along Cleveland Street, and street vendors licensed pursuant to Section 13.080.040 of the Metropolitan Code of Laws shall not be considered 'mobile vendors'".

**Analysis** Cleveland Street is a collector street running slightly more than one mile in length between Dickerson Pike and McFerrin Avenue. The entire street is within the bill sponsor's Council District (District 5). Currently, there are six properties zoned commercial along Cleveland Street (CN, CL, and CS). Of these six properties, one is located in the historic Greenwood Neighborhood Conservation Overlay District and the other is in the historic Maxwell Neighborhood Conservation Overlay District; both Districts were adopted by the Metro Council in May 2008.

In addition to historic overlays, Cleveland Street runs through three different Detailed Neighborhood Design Plans (DNDPs) in the Subarea 5 Plan: Cleveland Park West, Cleveland Park East, and Greenwood. All three plans were adopted by the Planning Commission in 2005 after community involvement in their preparation. Each plan recognizes the existing built environment, community desire for reinvestment, and creation of neighborhood-scaled centers of activity.

By exempting Cleveland Street from the mobile vendor requirements, persons would be allowed to sell or display wares indoors or outdoors from permanent structures, temporary structures such as tents, vans, or cars, or from crates, cartons, racks, tables, etc. According to the Zoning Administrator, these vendors would be permitted by right (P) as a "retail" use on

any of the six commercially zoned properties along Cleveland Street. Allowing these temporary vendors would serve to undermine efforts to bring new retail, office, and commercial investment. Temporary vendors do not support the long-term visions embraced by the community, and adopted in the DNDPs.

**STAFF RECOMMENDATION** Staff recommends disapproval of this bill. The bill does not support the adopted DNDPs for Cleveland Park West, Cleveland Park East, Greenwood, or the Greenwood and Maxwell Neighborhood Conservation Overlay Districts. Further, carving out exemptions for a particular street, neighborhood, or commercial area dilutes the mobile vendor ordinance’s enforceability and effectiveness.

Disapproved, (7-0) *Consent Agenda*

**Resolution No. RS2009-40**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-088T is **DISAPPROVED. (7-0)**”

- 2. **2009Z-015PR-001**  
Map: 155-00 Parcel: 122  
Bellevue Community Plan  
Council District 35 – Bo Mitchell  
Staff Reviewer: Jason Swaggart

A request to amend a previously approved Council Bill (BL2005-543) to modify a condition restricting access to Moss Road for property located at 5109 Moss Road, approximately 775 feet south of Collins Road (6.03 acres), zoned RM9, requested by Councilmember Bo Mitchell, applicant, Betty French and Mary and James Johnson, owners.

**Staff Recommendation: Disapprove. If the Bill is amended to address staff concerns, then staff recommends approval with conditions.**

**The Metropolitan Planning Commission DEFERRED Zone Change 2009Z-015PR-001 to May 28, 2009, at the request of the applicant. (6-0)**

**VIII. PUBLIC HEARING: COMMUNITY PLANS**

- 3. **2009CP-04-001**  
Madison Community Plan Update  
Council District 4 – Michael Craddock  
Council District 9 – Jim Forkum  
Council District 10 – Rip Ryman  
Staff Reviewer: Tifinie Adams and Bob Eadler

A request to adopt the updated plan for the Madison Community, which includes RiverGate, Madison, and Neely's Bend and parts of City of Goodlettsville.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - A request to adopt the updated plan for the Madison Community, which includes RiverGate, Madison, and Neely’s Bend and parts of the City of Goodlettsville.

**MADISON COMMUNITY PLAN COMMUNITY PARTICIPATION**

Staff conducted 11 meetings in the Madison Community beginning July 31, 2008, and ending February 19, 2009. The meetings included an educational meeting for the new Community Character Manual Policy, and workshops to develop the vision, concept plan, and community character policy plans. Open space and transportation systems were also discussed during these workshops. Three open houses were held in the Goodlettsville, RiverGate, and Madison/Neely’s Bend areas, where residents met with planning staff informally to discuss the plan as it related to their neighborhood or property. Meetings in January and February were conducted to present and gather comments on the first draft of the Madison Community Plan.

Staff met with the RiverGate – Madison Area Chamber of Commerce as well as the Montague Neighborhood Association during this planning process. Finally, staff met with several large property stakeholders including RiverGate Mall, Nossi College of Art, and the Embassy Center (formerly Memorial Hospital).

Notification of community meetings as well as the April 14, 2009, Planning Commission public hearing were published in newspapers and posted on the Planning Department's website. Notices were sent to over 16,000 addresses in the Madison Community. Email and hard mail notification was sent periodically to 222 stakeholders who regularly participated in the process.

## HIGHLIGHTS

### *Madison Community Plan: 2009 Update*

**Planning Fundamentals in the Madison Community Plan** In planning for the future of the Madison Community, sustainability and regionalism are two fundamental planning concepts that are essential in creating a community that meets the needs of today and the future. An overview of how these concepts were incorporated into the Madison Community plan is below.

**Sustainable Development** The Madison Community Plan emphasizes sustainable development through the application of Community Character Policies. In doing so the Madison Community Plan reflects the spirit of *Concept 2010's* commitment to sustainable development as defined by its four core elements;

1. Balancing the economic, environmental and social/cultural needs of the community;
2. Creating development that is good for today and the future;
3. Engaging all stakeholders; and
4. Thinking regionally in planning for growth.

**Planning for Regional Growth** The Madison Community Plan addresses regionalism in its application of Community Character Policies that encourage diversity in development, development that respects community character, preserves open space and environmentally sensitive features, and fosters transportation choice.

**Housing** In a region with a growing population, providing housing options within the region helps distribute population equally; residents may find rural, suburban, and urban housing in Madison that is in close proximity to employment within the Madison Community and in Downtown Nashville. The Community Character Policies applied in the plan encourage this diversity and respect the community character by identifying distinct neighborhood areas, and by providing detailed guidance for appropriate infill development.

**Transportation** Interstate 65, Gallatin Pike, Briley Parkway, and Dickerson Pike provide access to other parts of the region and to new development in outlying counties. Regional transportation planning efforts encourage alternative methods of transit to manage the movement of goods and services in the region. The Madison Community Plan complements these efforts by encouraging land uses along its corridors and in adjacent neighborhoods that would support transit services, such as bus rapid transit or light rail. The Mixed Use Corridor Policies applied in the plan encourage a mixture of uses along the corridor with higher intensity occurring at major nodes, and encouraging more dense and varied housing along the corridor and in nearby evolving neighborhoods.

**Open Space and Environmentally Sensitive Features** Planning for regional growth also includes thinking comprehensively about open space and environmentally sensitive features and land. The Madison Community Plan uses Conservation Policy on sensitive lands that are part of a larger regional pattern of hillsides, rivers and creeks. The preservation and the remediation of these areas and the creation and preservation of parks in Madison contribute to a regional open space network.

**Community Character Policy and Special Policies** The Madison Community Plan Update is the first plan to use the Community Character Manual (CCM) and its Community Character Policies. The Community Character Policies emphasize the character of development, encourage sustainable development and design, and make the link between transportation and land use.

The CCM is the dictionary of community character policies; the CCM provides a broad definition of the general characteristics and intent of the policies. The update of the Madison Community Plan applies Community Character Policies to all land in the Madison Community and gives more detailed guidance on unique conditions in the study area.



While maintenance policies promote preservation, and evolving policies promote enhancement, both policies encourage some level of housing choice and better connectivity to other community elements.

**Center Community Character Policies** Centers in the Madison Community exist in the T2 Rural, T3 Suburban, T4 Urban, and T5 Center Transect categories. There are 907 acres of the Madison Community (5 percent of the total community) where Centers Community Character Policies has been applied. Development in Neighborhood, Community, Regional, and Super Regional Centers range from a one-story building height (such as in a T2 Rural Neighborhood Center in Neely's Bend), to development that may reach 20 stories in height (such as in a T5 Super Regional Center in Rivergate). The character of each type of center varies by its Transect category.

Where T2 Rural Neighborhood Center has been applied in northern Neely's Bend, the buildings are one story, and currently have services that serve residents within walking or five minute driving distance.

The T3 Suburban Neighborhood and Community Centers in Madison include the small neighborhood center at Graycroft Avenue and Due West Avenue, and the community centers near the Gallatin Pike / Briley Parkway interchange and the Vietnam Veterans Parkway / Two Mile Pike interchange in Goodlettsville.

T4 Neighborhood and Community Centers in Madison include the neighborhood center at Downtown Madison and the community center at Madison Square on Gallatin Pike.

Larger centers fall into the T5 Center category, and encompass much of the Rivergate area. These areas are identified as T5 Regional and Super Regional Centers and include the RiverGate Mall, and the commercial areas surrounding it. The City of Goodlettsville also has a regional center located on Dickerson Pike.

The community character policies applied to centers encourage the enhancement of commercial centers into mixed use centers. Rather than expanding commercial centers, infill and redevelopment of older commercial areas in Madison is ideal. Many of the centers in the Madison Community require significant enhancement in order to create lively, mixed use areas of activity envisioned by the policy.

**Corridor Community Character** Mixed use and residential corridors in the Madison Policies community connect rural, suburban, and urban communities to one another. In doing so their character changes depending on the Transect Category in which they are located. The Community Character Policies reflect this changing character, with different site and building design principles depending on whether the corridor is in a suburban setting or an urban setting.

Mixed use corridors are the most prevalent corridor type in the Madison Community. A mixed use corridor contains a mixture of land uses ranging from residential to commercial. The uses may be vertically mixed in a stand alone building or designed as a mixture of uses on a single site. Residential corridors in Madison are those corridors that have primarily residential and civic/public benefit land uses along them.

T3 Suburban and T4 Urban Residential and Mixed Use Corridor Community Character Policies were applied to portions of Old Hickory Boulevard, Gallatin Pike, State Route 45, and Dickerson Pike. Anderson Road, Larkin Springs Road, and Myatt Drive are smaller less prominent corridors where these corridor policies were applied as well. These policies cover 1,205 acres (7 percent) of land in the Madison Community.

The corridors in the Madison community serve a local and regional transportation function; prominent corridors in Madison such as Gallatin Pike, Dickerson Pike and State Route 45, also serve surrounding counties and cities. In doing so, the corridors must function to accommodate the movement of goods and services throughout the region, while also providing destinations *within* the Madison Community. Therefore these prominent corridors must provide adequate modes of transportation. The Corridor Community Character Policies encourage development that would support multiple transit options. Housing options and mixed use development are development types allowed in these policy areas that would support transit. Additional development along these corridors would encourage their use as a destination in the Madison Community, rather than just a route to other communities.

**Districts** The Madison community includes major employment centers and areas of homogenous development in the application of District Community Character Policies. In the Madison Community, office, major institutional (medical and educational), and industrial districts cover 1,086 acres (6 percent) of the community.

Office Districts in the Madison Community exist in Goodlettsville along Conference Drive, and in the southern portion of the community near Briarville Road and Graycroft Avenue. Industrial Districts exist along Myatt Drive and in Goodlettsville near Long Hollow Pike. Institutional districts that cater to medical land and educational uses include the Tennessee Christian Medical Center on Larkin Springs Drive and future educational uses anticipated on Briarville Road.

District Community Character Policies encourage consistent design and form within the district. Districts that cater to major institutional land uses are encouraged to have appropriate transitions to the neighborhood surrounding them. More intrusive land uses found in industrial districts should be well buffered and separated from less intense areas.

**Transportation Element** The Madison Community Transportation Plan's strategy is to create a complete transportation network by providing recommendations for major and minor streets, transit, bikeways, sidewalks, and multi-use paths and greenways.

- The plan makes recommendations on roadway projects found in the LRTP (Long Range Transportation Plan) and in the Major/Collector Street Plan (MCSP). Recommendations include removing from these plans the widening of prominent corridors such as Gallatin Pike, because of the cost and negative impacts on potential and existing development. Other recommendations include the upgrade or downgrade of local streets based on envisioned or existing land uses.
- The plan recommends the removal of the Hadley Bend Connector and Bridge from the LRTP. The proposed alignment and bridge would have connected Briley Parkway to Lebanon Road. Based on cost, negative development impacts (the connection would adversely impact rural portions of the Madison community) and community input, a bike and pedestrian bridge has been included with the proposed vehicular connection eliminated.
- The plan makes recommendations for local street connections. These are highlighted in the Special Policies and details are found in the Transportation section of the plan.
- The plan recommends enhancing bus transit by consolidating stops, creating complete bus stops (transit stop amenities, more clearly defining stops), and by recommending new routes.
- Sidewalks are recommended along prominent corridors, near centers, and in urban residential areas. This includes Gallatin Pike, Old Hickory Boulevard, State Route 45, and neighborhoods south of Anderson Lane and north of State Route 45.
- An equestrian trail is recommended along the Cumberland River in southern Neely's Bend to connect with greenway trails in E.N. Peeler Park.
- Greenways are recommended along Mansker, Gibson, and Dry Creeks.

**Open Space Element** The Madison Community Plan makes recommendations for the preservation of existing open space and the creation of new open space.

- Open space in the Madison Community primarily includes regional, community, and Metro Nashville school parks. There are very few neighborhood and mini parks. The plan recognizes a need for neighborhood and mini parks in three areas: the vicinity of Northern Goodlettsville near Dickerson Pike; in the vicinity of the Sheppard Hills neighborhood; and in the vicinity of the Montague Neighborhood.
- Open space is also included in greenways. Mansker, Gibson, and Dry Creeks, are all recommended to have greenways along them.

**STAFF RECOMMENDATION** Staff recommends approval the *Madison Community Plan: 2009 Update* as proposed.

Ms. Adams presented and stated that staff is recommending approval.



Councilmember Craddock spoke in favor of 2009CP-04-001, Madison Community Plan Update and requested its approval.

Mr. Clifton arrived at 4:10 p.m.

Ms. Cumming moved and Mr. Gotto seconded the motion, which passed unanimously, to approve 2009CP-04-001, Madison Community Plan Update. **(8-0)**

**Resolution No. RS2009-41**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009CP-04-001, Madison Community Plan Update, is APPROVED WITH AMENDMENTS. (8-0)”**

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

**4. 2009Z-002TX-001**

Staff Reviewer: Jennifer Regen

A council bill to amend of the Metro Zoning Code, Chapter 17.16, to allow mobile vendors unable to comply with the indoor-only provision to apply for a Special Exception (SE) permit for outdoor vending, requested by Councilmember Pam Murray.

**Staff Recommendation: Approve with amendment**

Ms. Regen presented and stated that staff is recommending approval with an amendment.

Mr. Gotto requested additional information pertaining to the various conditions that applicants would need to meet in order to request special exceptions from the Board of Zoning Appeals to become mobile vendors.

Ms. Regen explained the definition of a mobile vendor to the Commission.

There was a brief discussion on the term “mobile vendor”, and who would fall under the definition if the amendment were approved by the Commission.

Mr. Bernhardt briefly explained the origin of this text amendment in relation to the issues associated with Councilmember Murray and her desire to incorporate mobile vendors on Cleveland Street. He further explained that it was recommended to staff that a process be developed, so that those wishing to sell their products who were not legally licensed to do so; could follow in order to obtain their license and sell their goods. He explained the proposed process to the Commission.

Mr. Gotto then requested clarification on the difference between a “licensed street vendor” and “a vendor going through the special exception process”.

Ms. Regen explained this concept to the Commission.

Mr. Gotto then requested additional clarification on the standards that the BZA would follow to determine whether a special exception should be granted, or not.

Ms. Regen explained the standards that would be applied to applicants and she also explained the requirements for a special exception as defined in the Metro Zoning Code.

Mr. Gotto then requested that Mr. Morrissey offer his legal opinion on the proposed process.

Mr. Morrissey offered his interpretation on granting special exceptions.

Mr. Gotto suggested that the Commission consider deferring this request to allow additional review time. He also suggested

that a member of the Board of Zoning Appeals attend the meeting in which this item would be re-discussed by the Commission, to further understand the Special Exception process currently followed by the BZA.

Mr. Clifton agreed with the suggested deferral. He then spoke of the special exception process that is used by the BZA and mentioned that the process is in place to monitor health and safety issues and that their decisions are not made solely on the negative responses of neighboring property owners affected by special exceptions.

Mr. Bernhardt stated he would invite a BZA member to the Commission's next meeting if this item were deferred.

Ms. Jones expressed her concerns with regard to those looking to use this proposed process and its difficulty, costliness as well as the time it would take to obtain the exception.

Mr. Bernhardt explained that "mobile vendors" has been and continues to be discussed and study by Council. He further explained that there are vendors currently working in Nashville that would welcome the opportunity to follow the proposed process in order to sell their goods.

Ms. Cummings offered additional information and descriptions on the vendors that are currently selling products on Cleveland Street.

There was then discussion on the possibilities of rezoning a centralized location somewhere in the City where the various types of vendors could set up their stands to sell their goods.

Mr. Gotto then expressed his concerns with centralizing the vendors in one area and it setting a precedent.

Mr. Ponder then requested clarification on the definition of a yard sale.

Mr. Bernhardt offered that if a centralized location were developed for the purpose of mobile vendors, it would have to be located in a commercial zoned area of the city and not in the residential areas.

Ms. LeQuire then requested additional clarification on whether the current "mobile vendor" process could be used and altered slightly to accommodate the newest request to legally sell goods.

Ms. Regen further explained the Metro Code that referenced mobile street vendors to the Commission.

Ms. LeQuire then expressed concern with the criteria and standards that the applicants would have to meet in order to be considered for the special exceptions.

Mr. Bernhardt offered additional information on the proposed text amendment and how it varied with the existing bill that addressed mobile vendors.

A discussion ensued on the original intent of the proposed text amendment and how it would affect those considered mobile vendors.

Mr. Bernhardt then offered that staff was asked to create a process for mobile vendors to follow if they wanted to apply for a special exception through the BZA. He briefly explained this process to the Commission and then stated that Council may decide not to expand the special exception process for mobile vendors.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously to close the public hearing, and defer Text Amendment 2009Z-002TX-001 to April 23, 2009 to allow time for additional review. **(8-0)**

**Resolution No. RS2009-42**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-002TX-001 is DEFERRED TO THE APRIL 23, 2009, PLANNING COMMISSION MEETING. Public hearing closed. (8-0)"**

5. **2009Z-004TX-001**  
Historic Bed and Breakfast Homestay  
Staff Reviewer: Jennifer Regen

A request to amend Chapters 17.16, 17.36 and 17.40 of the Zoning Code to delete Historic Bed and Breakfast Homestay (HB) as an historic overlay district and add it as a Special Exception (SE) use, requested by Councilmember Mike Jameson.

**Staff Recommendation: Approve**

**The Metropolitan Planning Commission DEFERRED Zone Change 2009Z-004TX-001 to April 23, 2009, at the request of the applicant. (6-0)**

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6. **2009Z-006PR-001**  
Map: 168-00 Parcels: 082  
Bellevue Community Plan  
Council District 35 – Bo Mitchell  
Staff Reviewer: Brian Sexton

A request to rezone from RS40 and AR2a to CN zoning properties located at 8983 Highway 100 and Highway 100 (unnumbered), approximately 400 feet west of Old Harding Pike (9.3 acres), requested by Dan Hall and Gregory Maples, owners.

**Staff Recommendation: Disapprove**

**The Metropolitan Planning Commission DEFERRED Zone Change 2009Z-006PR-001 indefinitely, due to lack of noticing by the applicant. (6-0)**

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7. **2009Z-017PR-001**  
Map: 069-00 Parcel: 120  
Bordeaux/Whites Creek Community Plan  
Council District 1 – Lonnell R. Matthews, Jr.  
Staff Reviewer: Brian Sexton

A request to rezone from RS15 to CS zoning property located at Ashland City Highway (unnumbered), approximately 1,620 feet east of Eatons Creek Road (7.14 acres), requested by A. Brandon Starks, applicant, for Jackson Street Missionary Baptist Church, owner.

**Staff Recommendation: Disapprove**

**The Metropolitan Planning Commission DEFERRED Zone Change 2009Z-017PR-001 to May 14, 2009, at the request of the applicant. (6-0)**

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8. **2009Z-019PR-001**  
Map: 065-13 Parcel: 039  
Donelson/Hermitage/Old Hickory Community Plan  
Council District 11 – Darren Jernigan  
Staff Reviewer: Brian Sexton

A request to rezone from R10 to CL zoning property located at 4801 Big Horn Drive, at the southeast corner of Big Horn Drive and Shshone Drive (0.38 acres), requested by Harold Lanier et ux, owners.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST** - A request to rezone from One and Two-Family Residential (R10) to Commercial Limited (CL) zoning property located at 4801 Big Horn Drive, at the southeast corner of Big Horn Drive and Shshone Drive (0.38 acres).

**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**

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

**DONELSON / HERMITAGE COMMUNITY PLAN**

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

**Consistent with Policy?** No. The proposed CL zoning district is not consistent with the RLM policy of the Donelson / Hermitage community plan. The RLM policy is intended to accommodate residential development. The proposed CL zoning would permit a range of commercial uses such as a restaurant, new automobile sales, and a bar or nightclub.

**PUBLIC WORKS RECOMMENDATION** A traffic impact Study may be required at development.

**Typical 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)	0.38	4.63	1	10	1	2

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.38	0.198	3,277 sq. ft.	96	13	13

**Traffic changes between typical: R10 and proposed CS**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	0.38	N/A	N/A	+86	+12	+11

**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()	0.38	4.63	1	10	1	2

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (710)	0.38	0.6	9,931 sq. ft.	226	30	30

**Traffic changes between maximum: R10 and proposed CS**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	0.38	N/A	N/A	+216	+29	+28

**STAFF RECOMMENDATION** Staff recommends disapproval of the request to rezone 0.38 acres from R10 to CL. The proposed CL zoning district is not consistent with the RLM policy of the Donelson / Hermitage community plan.

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

Councilmember Jernigan submitted a few photos to the Commission for review, however, did not leave the photos for the record. He spoke in favor of approving the requested zone change due to the fact that the rezoning would assist in improving this area of his district. He briefly explained that the parcel and unit would be purchased by a real estate office and that he, and his community, are in favor of approving the zone change request.

Ms. LeQuire questioned whether the Councilmember considered rezoning the parcel to MUN and gave a brief explanation on MUN zoning and its uses.

Councilmember Jernigan agreed with the MUN zoning.

Mr. Gotto questioned whether MUN zoning was compatible with the community plan for this area.

Mr. Bernhardt explained that the Commission could recommend a different zoning for the parcel that would allow the requested use as well as restrict those uses not welcomed by the neighborhood.

It was then determined that ON or OL would best fit the parcel in question and the uses intended for it.

Mr. Kip Austin, 4805 Shshone Drive, spoke in opposition to the requested rezoning.

Mr. Harold Lanier, 115 Dogwood, spoke in favor of the requested rezoning.

Mr. Ponder acknowledged the difficult nature of the requested zoning. He acknowledged the issues currently being experienced by the neighborhood and the need to assist in its improvements.

Ms. Jones questioned whether the Metro owned parcel located adjacent to the property in question, could be considered a buffer for this request, or if an additional buffer would be included in this requested rezoning.

Mr. Bernhardt explained that if the CL zoning were approved, the applicants would be required to add a C buffer yard to the parcel. He explained the various buffer yards and its location if it were approved.

Ms. LeQuire expressed concerns with landlords and tenants settling issues by rezoning parcels and stated she was currently inclined to agree with the staff's recommendation.

Mr. Gee arrived at 5:10 p.m.

Mr. Clifton requested clarification on the land uses surrounding this parcel. He then expressed concern with using land use zoning to resolve non-land use issues. He also expressed concern with changing land uses on the pretense of a potential buyer of the property. He spoke also of setting a precedent if the request were approved.

Ms. Jones also expressed concerns with settling landlord and tenant issues with rezonings.

Dr. Cummings too agreed with her colleagues regarding landlord and tenant issues and rezoning. She stated she was in agreement with staff's recommendation to disapprove.

Mr. Hunter explained that due to his recent arrival, he would be abstaining from this item.

Mr. Gotto suggested that the Commission remove itself from the issues surrounding the landlord and the tenants. He spoke in favor of approving the requested land use or the suggested land use of ON or CL made by the Commission.

Ms. LeQuire mentioned her concerns of approving a commercial parcel located in a residential neighborhood.

Mr. Gotto moved to disapprove the requested application as submitted by the applicant, but approve ON zoning, unless the house is larger than 2,500 square feet, and if so, then the recommendation would be OL zoning. The recommendation would also include a requirement of a C-5 buffer for either the ON or OL zoning.

Mr. Ponder seconded the motion.

Mr. Clifton expressed issues with approving the motion currently on the floor.

The motion failed.

Ms. Cumming moved, and Mr. Ponder seconded the motion, to disapprove Zone Change 2009Z-019PR-001 as submitted by the applicant. **(6-2-1) No Votes – Jones, Gotto, Abstain - Gee**

**Resolution No. RS2009-43**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-019PR-001 is **DISAPPROVED. (6-2-1)**

**The proposed CL zoning district is not consistent with the Donelson/Hermitage Community Plan’s Residential Low Medium policy, which is intended for residential development.”**

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

**9. 66-84-G-06**

Lexington (formerly Williamsburg Village)  
Map: 128-04-0-A Parcel: 007  
Bellevue Community Plan  
Council District 23 – Emily Evans  
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Williamsburg Village Planned Unit Development Overlay located at Old Hickory Boulevard (unnumbered), at end of Tolbert Road (62.93 acres), zoned RM4, to permit the development of 128 townhome units and a 6,878 square foot poolhouse, requested by Planning Design & Research Engineers, Inc., applicant, for Nandi Hills Associates, owner.

**Staff Recommendation: Defer until a Traffic Impact Study or other acceptable traffic analysis has been submitted to Public Works for review.**

**The Metropolitan Planning Commission DEFERRED Planned Unit Development 66-84-G-06 to May 28, 2009, at the request of the applicant. (6-0)**

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**XI. OTHER BUSINESS**

**10.** Consideration of the request to rehear the request to revise the preliminary plan and for final approval for the Williams Home Place PUD to permit a 180 foot monopole wireless communication tower. (Case No. 88-69P-001)

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

**11.** Request to demand payment from Developers Surety and Indemnity Company for a performance bond in the amount of \$172,000.00 for Brentwood Knoll, due to the breach of the performance agreement by the developer on April 1, 2009.

**The Metropolitan Planning Commission WITHDREW this item at the request of the applicant. (6-0)**

12. Executive Director Reports

13. Legislative Update

**XII. ADJOURNMENT**

The meeting adjourned at 5:30 p.m.


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Chairman

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Secretary

A DVD of the Metro Planning Commission meeting, including a video of all discussions, can be obtained at <http://www.nashville.gov/metro3/Tape.htm> from the Metro Information Technology Services Department.

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