



**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**

*January 14, 2010*

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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  
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, Planning Mgr. II  
Jennifer Regen, Development Relations Manager  
Craig Owensby, Public Information Officer  
Brenda Bernards, Planner III  
Anita McCaig, Planner III  
Jason Swaggart, Planner II  
Carrie Logan, Planner II  
Greg Johnson, Planner II  
Brian Sexton, Planner I  
Marie Cheek, Planning Tech II

*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 4:03 pm.

**II. ADOPTION OF AGENDA**

Mr. Ponder moved and Mr. Tyler seconded the motion, which passed unanimously, to adopt the revised agenda as presented. (7-0)

**III. APPROVAL OF DECEMBER 10, 2009, MINUTES**

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the revised December 10, 2009, minutes as presented. (7-0)

**IV. RECOGNITION OF COUNCILMEMBERS**

No councilmembers were in attendance.

**V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

1. 2009S-108-001 A request for final plat approval to create five lots on properties located at 1703 Greenwood Avenue and at 1203 and 1205 Chapel Avenue, and located within the Eastwood Neighborhood Conservation Overlay. -Defer to January 28, 2010, meeting.
2. 2009CP-006-001 A request to amend the *Bellevue Community Plan: 2003 Update* changing the land use policy from Residential Low Medium (RLM) to Conservation (CO) the southeast corner of Rivervalley Drive and Newsome Station Road. -Defer to February 11, 2010, meeting.
3. 2007z-184g-06 A request to rezone from RM2 to RS40 property located at 6000 Rivervalley Drive, located within a Planned Unit Development Overlay. -Defer to February 11, 2010, meeting.
4. 2000p-003g-06 A request to cancel a portion of the Riverwalk Planned Unit Development district located at 6000 Rivervalley Drive, approved for 61 multi-family dwelling units. -Defer to February 11, 2010, meeting.
9. 2009SP-035-001 A request to rezone from R10 to SP-MU zoning and for final site plan approval for property located at 3089 Elm Hill Pike, to permit a building contractor supply, general office and single-family dwelling unit. -Withdrawn

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 Jones seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items.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

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

### **PUBLIC HEARING: SPs, ZONING MAP AMENDMENTS, TEXT AMENDMENTS, MANDATORY REFERRALS, AND PUDs**

6. 2009SP-015-001 A request to rezone from OR20 and IWD to SP-MI zoning for properties located at 401, 403, 405, and 407 Veritas Street and a portion of property located at 410 Allied Drive, to permit a one-story, office and warehouse addition to an existing warehouse facility. -Approve w/conditions
7. 2009M-005AB-001 A request to abandon an unnumbered alley and a portion of Alley No. 1916, including all utility easements, from its beginning to a point 160 feet west, located between Allied Drive and Veritas Street.  
  
**-Approve**
8. 2009SP-034-001 A request to rezone from RS7.5 to SP-MU zoning and for final site plan approval for property located at 1022 Virginia Avenue, to permit a general office use within a single-family dwelling unit. -Approve w/conditions

### **PUBLIC HEARING: CONCEPT PLANS**

11. 2007S-313G-12 A request to permit the extension of an expired concept plan for one year from December 13, 2009, for the Old Hickory Crossing Subdivision for 117 single-family clustered residential lots located at the southeast corner of Old Hickory Boulevard and Legacy Drive. -Approve

### **PUBLIC HEARING: FINAL PLATS**

12. 2009S-027-001 A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road.  
  
**-Approve a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to March 22, 2010.**
13. 2009S-117-001 A request for final plat approval to create two lots on property located at the northeast corner of Gale Lane and Vaulx Lane.  
  
**-Approve with a condition and an exception to the lot comparability requirements of Section 3.5 of the Subdivision Regulations**
14. 2009S-118-001 A request for final plat approval to create three lots on property located at 705 Murfreesboro Pike. -Approve w/conditions

15. 2009S-120-001 A request for final plat approval to create two lots on property located at 17 Westlawn Court.  
**-Approve with conditions and an exception to the lot comparability requirements of Section 3.5 of the Subdivision Regulations**

**OTHER BUSINESS**

16. 2005SP-110U-13 A request to review an approved Specific Plan-Commercial Zoning District development plan, to determine its completeness pursuant to Section 17.40.120.I of the Metro Zoning Code, for property located at 2643 Smith Springs Road, approved December 20, 2005 (BL2005-762) for a personal care services use. -Approve finding that the SP is complete.
17. Request by Bond Safeguard Insurance Company, which was excluded from providing surety bonds for one year for lack of payment pursuant to Section 6-1.2.d of the Metro Subdivision Regulations at the November 12, 2009, Planning Commission meeting, to be permitted to provide surety bonds.  
**- Approve**
18. Planning Department Policy for Developers with Open Bankruptcy Cases -Approve
19. Planning Department Policy for Calling Securities -Approve
20. Planning Department Policy on Assignment of Certificate of Deposit -Approve
21. Approval of the final plat for Phase 11 of the Creekside Trails (Jordan Ridge at Eaton’s Creek) Planned Unit Development. -Approve

Councilmember Gotto inquired about whether Bond Safeguard Insurance Company had made the required payments concerning Item #17. Carrie Logan and Rick Bernhardt replied that Bond Safeguard has worked with the developer to complete the required infrastructure so that the bond could be released.

Mr. Gee arrived at 4:07 pm.

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Mr. Ponder moved and Mr. Tyler seconded the motion, which passed unanimously, to approve items on the consent agenda. **(8-0)**

Dr. Cummings arrived at 4:13 p.m.

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**VII. PREVIOUSLY DEFERRED ITEMS**

1. **2009S-108-001**  
 J. J. Pryor's Subdivision, Resub. Lot 1 & Part Of Lot 2, 1st Rev  
 Map: 083-02 Parcels: 246, 352, 353  
 East Nashville Community Plan  
 Council District 6 – Mike Jameson  
 Staff Reviewer: Greg Johnson

A request for final plat approval to create five lots on properties located at 1703 Greenwood Avenue and at 1203 and 1205 Chapel Avenue, at the northeast corner of Greenwood Avenue and Chapel Avenue (1.43 acres), zoned R6 and located within the Eastwood Neighborhood Conservation Overlay, requested by Alain Christopher Keenan, owner, Kirk Duclos, surveyor.  
**Staff Recommendation: Defer to January 28, 2010, Planning Commission meeting.**

**The Metropolitan Planning Commission DEFERRED 2009S-108-001 to the January 28, 2010 Planning Commission meeting, at the request of the applicant. (8-0)**

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## **VIII. PUBLIC HEARING: COMMUNITY PLANS**

2. **2009CP-006-001**  
Bellevue Community Plan: 2003 Update  
Map: 126-16-0-B Parcel: 062  
Bellevue Community Plan  
Council District 35 – Bo Mitchell  
Staff Reviewer: Anita McCaig

A request to amend the *Bellevue Community Plan: 2003 Update* changing the land use policy from Residential Low Medium (RLM) to Conservation (CO) on approximately 58.62 acres at the southeast corner of Rivervalley Drive and Newsome Station Road, requested by the Metro Planning Department for Councilmember Bo Mitchell, property owner is Bank of America, N.A. (See also Proposal Nos. 2000P-003G-06 and 2007Z-184G-06).

**Staff Recommendation: Approve**

**The Metropolitan Planning Commission DEFERRED 2009CP-006-001 to the February 11, 2010 Planning Commission meeting, at the request of the applicant. (8-0)**

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## **IX. PUBLIC HEARING: SPs, ZONING MAP AMENDMENTS, TEXT AMENDMENTS, MANDATORY REFERRALS, AND PUDs**

3. **2007Z-184G-06**  
Map: 126-16-0-B Parcel: 062  
Bellevue Community Plan  
Council District 35 – Bo Mitchell  
Staff Reviewer: Jason Swaggart

A request to rezone from RM2 to RS40 property located at 6000 Rivervalley Drive, at the southeast corner of Rivervalley Drive and Newsom Station Road and located within a Planned Unit Development Overlay (58.48 acres), requested by Councilmember Bo Mitchell, applicant, Bank of America N.A., owner. (See also Proposal Nos. 2000P-003G-06 and 2009CP-006-001).

**Staff Recommendation: Disapprove**

**The Metropolitan Planning Commission DEFERRED 2009Z-184G-06 to the February 11, 2010 Planning Commission meeting, at the request of the applicant. (8-0)**

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4. **2000P-003G-06**  
Riverwalk (PUD Cancellation)  
Map: 126-16-0-B Parcel: 062  
Bellevue Community Plan  
Council District 35 – Bo Mitchell  
Staff Reviewer: Jason Swaggart

A request to cancel a portion of the Riverwalk Planned Unit Development district located at 6000 Rivervalley Drive, at the southeast corner of Rivervalley Drive and Newsom Station Road, zoned RM2, (58.48 acres), approved for 61 multi-family dwelling units, requested by Councilmember Bo Mitchell, applicant, Bank of America N.A., owner. (See also Proposal Nos. 2007Z-184G-06 and 2009CP-006-001).

**Staff Recommendation: Disapprove**

**The Metropolitan Planning Commission DEFERRED 2000P-003G-06 to the February 11, 2010 Planning Commission meeting, at the request of the applicant. (8-0)**

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5. **2007SP-057-001**  
Parkside (Amend #1)  
Map: 172-00 Parcel: 032  
Southeast Community Plan  
Council District 31 – Parker Toler  
Staff Reviewer: Greg Johnson

A request to amend the Parkside Specific Plan District located at 5940 Mt. Pisgah Road, approximately 830 feet east of Edmondson Pike, (10.2 acres), zoned SP-R, to permit 31 single-family dwelling units where 30 were previously approved, requested by Anderson, Delk, Epps & Associates Inc., applicant, for Regent Parkside LLC, owner.

**Staff Recommendation: Approve with conditions, including a revision to Public Works recommendation No. 4 that the IDA improvements for this development shall be determined prior to the issuance of construction permits.**

#### **APPLICANT REQUEST - SP Amendment - Permit 31 single-family lots**

A request to amend the Parkside Specific Plan District located at 5940 Mt. Pisgah Road, approximately 830 feet east of Edmondson Pike, (10.2 acres), zoned Specific Plan-Residential (SP-R), to permit 31 single-family dwelling units where 30 were previously approved.

#### **Existing Zoning**

SP-R District - Specific Plan-Residential is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type. *The amended Specific Plan proposes one additional residential lot from the current zoning and also proposes changes in the layout of the proposed lots.*

#### **CRITICAL PLANNING GOALS N/A**

#### **SOUTHEAST COMMUNITY PLAN POLICY**

**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?** Yes. The requested rezoning is for a single-family dwelling unit development at a density of 3.24 units per acre.

#### **PLAN DETAILS**

**Previous approval** The existing SP zoning was approved by the Planning Commission in April 2007, and by Metro Council in August 2007. It included 30 single-family lots with a minimum lot size of 4,400 square feet. All lots provided vehicular access through a private alley system along the rear of each lot.

**Current proposal** The proposed site plan departs from the previously-approved design in several aspects:

- Proposed lot sizes are larger than previously approved.
- The plan calls for 31 single-family lots with a minimum lot size of 5,000 square feet.
- Vehicular access will be from a driveway connection to the public street along the lot frontage, not through a rear alley as previously approved.
- The amount of open space within the site plan has been reduced, but remains in a central and relatively flat location within the project site.
- A revised street system will provide two public street connections to Mt. Pisgah Road, where one was previously approved.

A public street stub to the undeveloped property to the west will remain, allowing for a future connection. The proposed building materials also remain the same and will consist of brick, stone and Hardie siding with aluminum trim and gutters and asphalt shingles. Lots 1, 10, 11, and 31 will have the side of the houses facing onto Mt. Pisgah Road. The applicant has proposed that each of these lots will have a house with wraparound porches with one side to Mt Pisgah Road. The applicant will need to provide drawings of the architectural features that are proposed.

As part of the Southeast Community Plan, the Planning Commission has adopted an “Infrastructure Deficiency Area” (IDA). The IDA identifies an area where the Commission has determined that infrastructure is insufficient to accommodate expected new development in the area. The site for the Parkside SP has been determined to be in the IDA. The applicant will be required to provide 132.6 linear feet of roadway improvements within the IDA including adding a left turn lane at Mt. Pisgah and Edmonson Pike.

**Analysis Leeman**The approved plan from 2007 included an alley-loaded lot pattern that promoted a continuous streetscape along the front of each lot. An unbroken street frontage fosters a stronger pedestrian environment and visual continuity among buildings than a street frontage that is interrupted consistently with driveway entrances on each lot. The applicant proposes several requirements to mitigate any loss of streetscape continuity including a limit on the number of lots with street-facing garages, a provision for shared driveways in certain locations, and building frontage requirements for lots adjacent to open space or Mt. Pisgah Road. In addition to these, several conditions of approval including garage and driveway standards have been added to improve streetscape continuity.

**STORMWATER RECOMMENDATION**

1. Discharge stormwater into an acceptable conveyance.
2. Any offsite runoff entering property shall be collected and transported within PUDE's.

**PUBLIC WORKS RECOMMENDATION**

1. Driveway connections shall be per Metro PW Standard Driveway Ramp ST-322.
2. Proposed canopy street trees shall be a species with a tap root system to prevent future damage to the sidewalk system.
3. Construct one half of street section PW ST-252 along Mt. Pisgah Road property frontage.
4. IDA Improvements to include adding a left turn lane at Mt. Pisgah and Edmonson Pk.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	10.2	-	30 L	288	23	31

Maximum Uses in proposed **Amendment**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	10.2	-	31 L	297	24	32

Traffic changes between maximum: **SP-R** and proposed **Amendment**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+9	+1	+1

**NES RECOMMENDATION**

1. NES needs updated drawings paper and digital to compare with original job from 10/31/07.
2. NES has all paperwork and drawings signed and can be released to construction if there are no changes to original job.
3. **20-foot public utility easement required adjacent to public r-o-w.** Make drainage and common open space areas should be a public utility easement.
4. Any addition easements required that are not part of this parcel must be obtained by the developer or the engineer for the developer.

5. NES can meet with developer/engineer upon request to determine electrical service options
6. NES needs any drawings that will cover any road improvements to Metro r-o-w that Public Works will require.
7. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ [www.nespower.com](http://www.nespower.com)).
8. NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
9. All street lighting shall meet Metro/NES requirements and conduit must be installed by developer – NES needs locations of bases for conduit stub-outs to those general areas.

**METRO SCHOOL BOARD REPORT**

**Projected student generation     3 Elementary     2 Middle     2 High**

**Schools Over/Under Capacity** Students would attend Granbery Elementary School, Oliver Middle School, or Overton High School. Granbery Elementary School and Oliver Middle School have been identified as being over capacity by the Metro School Board. There is no capacity for elementary school students within the cluster. There is capacity for middle students within the cluster.

The fiscal liability for three elementary students is \$60,000. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated September 2009.

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The proposed residential project is consistent with land use policy in terms of proposed uses and design.

**CONDITIONS**

1. Note 26 on the SP plan shall be changed to require that a maximum of 15 of the garages shall be front facing.
2. Where a garage door opening faces a street, the combined garage door opening shall not exceed 20 feet in width. Door panels shall be modest in scale and architecturally integrated with each dwelling unit.
3. The driveway width for each lot shall be 15 feet at the front property line. A driveway may widen beyond the front setback for each dwelling or within 20 feet of the garage face. In no case shall a driveway have a width of greater than 22 feet between the front property line and the front setback of the dwelling.
4. Building frontages shall clearly identify the primary pedestrian entrance toward the street, which shall be separate from vehicular entrances. Pedestrian entryways shall be 100 percent visible, oriented to and accessible from street/pedestrian plaza/parks.
5. For each lot where a garage door opening faces a street, the front setback of the garage face shall be at least 10 feet deeper than the front setback of dwelling space.
6. Canopy street trees shall be installed with a tap root system to prevent future damage to the sidewalk system.
7. Prior to recording of the final plat, the IDA requirements must be completed or bonded.
8. Prior to final site plan approval, building elevations for the single-family dwelling units proposed for lots 1, 10, 11 and 31, including specific architectural features (such as a door, side or front porch, and or dormers) that address Mt. Pisgah Road shall be approved by Planning Staff.
9. This SP is limited to single-family residential.
10. 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 RS5 zoning district for the Residential District at the effective date of this ordinance, which must be shown on the plan.

11. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
12. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
14. 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 an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
15. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Johnson presented the staff recommendation of approval with conditions.

Mr. Gotto inquired prior to the opening of the public hearing about a letter from Councilmember Toler which included conditions to be added.

Mr. Johnson explained the original conditions and current conditions have been combined with staff proposals.

Mr. Bernhardt stated changes will be incorporated into the Council Bill.

Ann Manning, Christianstead resident, 6603 Christianstead Lane, noted neighborhood meetings in the past with the developer and discussed differences between the previous and present proposals.

David McGowan, of 6 Angel Trace, representing Regent Homes, developer of Parkside, stated a the majority of community meeting attendees were in favor of proposal, clarified square footage of units, price ranges, and spoke in favor of approval.

Mr. Clifton arrived at 4:23 p.m.

Mr. Dalton questioned the Public Works recommendation on a turning lane and signal, and also discussed amendments to be added to the site proposal.

Mr. Bernhardt stated amendments may be introduced at Metro Council's 3<sup>rd</sup> reading.

Mr. Ponder noted the list of changes as significant, and inquired about open space and the larger lot size.

Dr. Cummings inquired about the landscape buffer.

Councilmember Gotto discussed an amendment from Councilmember Toler.

Councilmember Gotto moved and Mr. Dalton seconded the motion, which passed unanimously, to approve with conditions



**Resolution No. RS2010-1**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-057-001 is **APPROVED WITH CONDITIONS, including a revision to Public Works recommendation No. 4 that the IDA improvements for this development shall be determined prior to the issuance of construction permits. (10-0)**

**Conditions of Approval:**

1. Note 26 on the SP plan shall be changed to require that a maximum of 15 of the garages shall be front facing.
2. Where a garage door opening faces a street, the combined garage door opening shall not exceed 20 feet in width. Door panels shall be modest in scale and architecturally integrated with each dwelling unit.
3. The driveway width for each lot shall be 15 feet at the front property line. A driveway may widen beyond the front setback for each dwelling or within 20 feet of the garage face. In no case shall a driveway have a width of greater than 22 feet between the front property line and the front setback of the dwelling.
4. Building frontages shall clearly identify the primary pedestrian entrance toward the street, which shall be separate from vehicular entrances. Pedestrian entryways shall be 100 percent visible, oriented to and accessible from street/pedestrian plaza/parks.
5. For each lot where a garage door opening faces a street, the front setback of the garage face shall be at least 10 feet deeper than the front setback of dwelling space.
6. Canopy street trees shall be installed with a tap root system to prevent future damage to the sidewalk system.
7. Prior to recording of the final plat, the IDA requirements must be completed or bonded.
8. Prior to final site plan approval, building elevations for the single-family dwelling units proposed for lots 1, 10, 11 and 31, including specific architectural features (such as a door, side or front porch, and or dormers) that address Mt. Pisgah Road shall be approved by Planning Staff.
9. This SP is limited to single-family residential.
10. 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 RS5 zoning district for the Residential District at the effective date of this ordinance, which must be shown on the plan.
11. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
12. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

14. 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 an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
15. 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.

**The proposed amendment to the residential SP district is consistent with the Southeast Community Plan's Residential Low Medium policy, which is intended for residential development with a density range of two to four units per acre."**

**6. 2009SP-015-001**

Churches of Christ Disaster Relief  
 Map: 133-06 Parcels:029, 030, 031, 271  
 Map: 133-06 Parcels:PART OF 261  
 South Nashville Community Plan  
 Council District 16 – Anna Page  
 Staff Reviewer: Brenda Bernards

A request to rezone from OR20 and IWD to SP-MI zoning for properties located at 401, 403, 405, and 407 Veritas Street and a portion of property located at 410 Allied Drive, approximately 160 feet west of Nolensville Pike (1.06 acres), to permit a one-story, office and warehouse addition to an existing warehouse facility located at 410 Allied Drive, requested by Dale & Associates, applicant, for Churches of Christ Disaster Relief Efforts, Inc., owner (See also Proposal No. 2009M-005AB-001).

**Staff Recommendation: Approve with conditions**

Approve with conditions, **Consent Agenda (8-0)**

*[Note: Items #6 and #7 were discussed by The Planning Commission together. See Item #7 for staff report, actions, and resolutions.]*

**7. 2009M-005AB-001**

Alley No. 1916 and Unnumbered Alley Closure  
 Map: 133-06 Parcels: 029, 030, 031, 261, 271  
 South Nashville Community Plan  
 Council District 16 – Anna Page  
 Staff Reviewer: Brenda Bernards

A request to abandon an unnumbered alley and a portion of Alley No. 1916, including all utility easements, from its beginning to a point 160 feet west, located between Allied Drive and Veritas Street, requested by Churches of Christ Disaster Relief Effort Inc., owner. (See also Proposal No. 2009SP-015-001)

**Staff Recommendation: Approve if the accompanying SP is approved with conditions**

**APPLICANT REQUEST Preliminary SP - Rezone to allow for office and warehouse and to abandon an alley.**

A request to rezone from Office/Residential (OR20) and Industrial Warehousing/Distribution (IWD) to Specific Plan – Mixed Industrial (SP-MI) zoning for properties located at 401, 403, 405, and 407 Veritas Street and a portion of property located at 410 Allied Drive, approximately 160 feet west of Nolensville Pike (1.06 acres), to permit a one-story, office and warehouse addition to an existing warehouse facility located at 410 Allied Drive.

**Alley Abandonment** - A request to abandon an unnumbered alley and a portion of Alley No. 1916, including all utility easements, from its beginning to a point 160 feet west, located between Allied Drive and Veritas Street.

**Existing Zoning**

OR20 District - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

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

**Proposed Zoning**

SP-MI 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. This Specific Plan includes a mix of warehousing, distribution and general office uses.

**CRITICAL PLANNING GOALS N/A**

**SOUTH NASHVILLE COMMUNITY PLAN**

**Existing Policy**

**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. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

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

*South Radnor DNDP*

**Transition or Buffer (TB)** TB is intended to provide a transition from intense commercial activity to a more residential character. Uses should be residential in scale, character, and function, but may have a limited commercial or mixed-use component.

**Consistent with Policy?** Yes. The office portion of the SP falls within the Office Transitional Buffer of the Radnor South Detailed Neighborhood Design Plan (DNDP). The objectives of this buffer include working with staff to determine appropriate character of new development to ensure a successful transition between the residential to the north and industrial to the south. Items to be considered include height, massing access, parking, signage, lighting and landscaping and buffering. The portion of the property within the IN policy will remain as a warehouse use.

Staff has worked with the applicant to develop elevations for the new office building and warehouse extension that provide an appropriate transition.

**PLAN DETAILS** The proposed SP plan includes a general office building fronting onto Veritas Street with an expansion to an existing warehouse south of the office building. The proposed SP includes the office and warehouse extension and the remainder of the Churches of Christ Disaster Relief property will continue to be in the IWD zoning district. The applicant has also submitted a request to consolidate all of the properties into one lot.

The setback on Veritas Street will reflect the setbacks of the existing houses to the west. A wrought iron fence with brick or stone pillars is proposed along Veritas Street. The plan proposes that the pillars be 5 feet in height and the wrought iron sections be 4 feet in height. To provide a better transition between the residential and office uses, staff recommends that this be reduced by a foot resulting in 4 foot pillars and 3 foot wrought iron sections. In addition, the plan includes a note that there will be a 7 foot swing gate at the pedestrian entrance but did not include an illustration. Prior to final site plan approval, the applicant will need to provide details of the gateway for staff review and approval including adjustments to the width to fit the new scale of the fence.

The applicant has provided elevations for the new building. Materials for these buildings include a brick façade for the

portions facing Veritas street, a dark bronze metal roof and metal panels on the sides of the warehouse. The applicant has worked with staff in developing the elevations as required by the policy.

**Development Phasing** The plan did not include a phasing schedule and staff is recommending that the project be developed in one phase. To ensure that the office component is constructed at the same time as the warehouse component, the Use and Occupancy permit for the office portion will need to be issued prior to or in conjunction with the Use and Occupancy permit for the warehouse portion.

**Parking** Visitor parking for the office building will be accommodated with six spaces along Veritas Street. All employee parking will be accommodated on the existing lot accessed from Allied Drive. There are 52 parking spaces required for the entire Churches of Christ Disaster Relief complex and 79 spaces are provided. All on-site parking will be accessed from Allied Drive with only pedestrian access from Veritas Street.

**Sidewalks** Sidewalks are shown along Veritas Street. In order to preserve two existing trees, the applicant has shown the sidewalk splitting at either end of the property. The applicant will need to work with the Public Works Department at the construction plan phase to design sidewalks that do not split so that the sidewalk can be more easily extended with future development on the adjacent properties.

**Landscaping** A B-3 landscape buffer is proposed along the western edge of the SP which is further separated from the adjacent OR20 zoned properties by a proposed 20 foot alley. A B-1 landscape buffer is proposed along the eastern edge of the SP; the adjacent zoning is CS. There is also landscaping proposed along the Veritas Street frontage.

**Signage and Lighting** The plan did not include signage or lighting details. The signage of the SP will be limited to one sign, either a monument style or building mounted sign. A monument sign will be limited in size to a maximum of 3 feet tall by 4 feet wide. The base shall be constructed of brick or stone. A building mounted sign shall be no larger than 28 square feet.

In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs will include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.

The sign shall be externally lit with steady, stationary, down directed, light sources. A monument style sign may be lit from a ground lighting source. Any additional lighting of the Veritas Street frontage shall be limited to standard residential lighting.

**Alley Abandonment** The SP plan includes the abandonment of an improved, unnumbered alley to the east of the properties and the portion of the unimproved Alley No. 1916 to the south. A newly dedicated alley on the west side of the property will connect to the remaining portion of Alley No. 1916. As noted above, the SP and IWD properties are to be consolidated into a single lot. The final plat will include a dedication of the proposed new alley location.

**STORMWATER RECOMMENDATION** Preliminary SP approved.

**FIRE MARSHAL RECOMMENDATION**

- Additional information will be required before a building permit can be issued.
- All new construction shall be protected by a fire hydrant(s) that comply with the 2006 edition of NFPA 1 table H. To see table H go to (<http://www.nashfire.org/prev/tableH51.htm>)
- All applicable fire codes shall be adhered to.

**PUBLIC WORKS RECOMMENDATION** During construction plan phase, eliminate the fork in the sidewalk on Veritas Street to enable future extension of that sidewalk on adjacent properties.

Maximum Uses in Existing Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.853	0.8 F	29,725 SF	525	72	113

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.207	0.8 F	7,196 SF	26	3	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710 )	-	-	4,200 SF	117	15	15

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150 )	-	-	27,500 SF	98	9	9

Traffic changes between maximum: **OR20 & IWD** and proposed **SP-MI**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-336	-51	-92

**STAFF RECOMMENDATION** The SP is consistent with the South Radnor DNDP and the IN policies of the South Nashville Community Plan. Staff recommends approval with conditions of the SP. If the SP is approved with conditions, then staff also recommends that the request for the alley abandonment be approved.

**CONDITIONS**

1. Prior to the issuance of building permits, the properties included in the SP shall be consolidated into one lot and the final plat shall include a dedication for an alley along the western property edge. The alley and required sidewalks shall be constructed or bonded prior to final plat recordation.
2. The stone pillars of the proposed fence shall be no taller than 4 feet and the wrought iron sections shall be not taller than 3 feet.
3. Prior to final site plan approval, details of the fence gateway shall be reviewed and approved by staff.
4. The Use and Occupancy permit for the office portion shall be issued prior to or in conjunction with the Use and Occupancy permit for the warehouse portion.
5. The Mandatory Referral shall be approved by Council prior to the recordation of the final plat.
6. Signs shall be limited to one monument style sign no larger than 3 feet tall by 4 feet wide or one building mounted sign no larger than 28 square feet.
7. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs shall include

roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.

8. The sign shall be externally lit with steady, stationary, down directed, light sources A monument style sign may be lit from a ground lighting source. Any additional lighting of the Veritas Street frontage shall be limited to standard residential lighting.
9. During the construction plan phase, the applicant shall work with Public Works to eliminate the fork in the sidewalk on Veritas Street to enable future extension of that sidewalk to adjacent properties.
10. The uses for this SP are limited to warehouse, distribution and general office, with all vehicular warehouses to be from Allied Drive.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the IWD zoning district as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
13. Minor 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 an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve, **Consent Agenda (8-0)**

**Resolution No. RS2010-2**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-015-001 is **APPROVED WITH CONDITIONS (8-0)**

**Conditions of Approval:**

1. Prior to the issuance of building permits, the properties included in the SP shall be consolidated into one lot and the final plat shall include a dedication for an alley along the western property edge. The alley and required sidewalks shall be constructed or bonded prior to final plat recordation.
2. The stone pillars of the proposed fence shall be no taller than 4 feet and the wrought iron sections shall be not taller than 3 feet.
3. Prior to final site plan approval, details of the fence gateway shall be reviewed and approved by staff.
4. The Use and Occupancy permit for the office portion shall be issued prior to or in conjunction with the Use and Occupancy permit for the warehouse portion.
5. The Mandatory Referral shall be approved by Council prior to the recordation of the final plat.

6. Signs shall be limited to one monument style sign no larger than 3 feet tall by 4 feet wide or one building mounted sign no larger than 28 square feet.
7. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs shall include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.
8. The sign shall be externally lit with steady, stationary, down directed, light sources A monument style sign may be lit from a ground lighting source. Any additional lighting of the Veritas Street frontage shall be limited to standard residential lighting.
9. During the construction plan phase, the applicant shall work with Public Works to eliminate the fork in the sidewalk on Veritas Street to enable future extension of that sidewalk to adjacent properties.
10. The uses for this SP are limited to warehouse, distribution and general office, with all vehicular warehouses to be from Allied Drive.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the IWD zoning district as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
13. Minor 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 an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**The proposed SP-MI is consistent with the South Nashville Community Plan's Industrial and Neighborhood General policies, and its Transition or Buffer Detailed Design Plan policy."**

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**Resolution No. RS2010-3**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009M-005AB-001 is **APPROVED. (8-0)**"

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8. **2009SP-034-001**  
Claims Unlimited  
Map: 061-11 Parcel: 156  
East Nashville Community Plan  
Council District 8 – Karen Bennett  
Staff Reviewer: Brian Sexton

A request to rezone from RS7.5 to SP-MU zoning and for final site plan approval for property located at 1022 Virginia Avenue, approximately 180 feet west of Gallatin Pike (0.13 acres), to permit a general office use within a single-family dwelling unit, requested by William J. Evans, applicant, for Russell B. Johns, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Permit a single family residence and general office uses.**

**Preliminary and Final** - A request to rezone from Single-Family Residential (RS7.5) to Specific Plan – Mixed Use (SP-MU) zoning and for final site plan approval for property located at 1022 Virginia Avenue, approximately 180 feet west of Gallatin Pike (0.13 acres), to permit a general office use within a single-family dwelling unit.

**Existing 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.

**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. *This Specific Plan includes single family residential and general office uses.*

**CRITICAL PLANNING GOALS N/A**

**EAST NASHVILLE COMMUNITY PLAN**

**Corridor Center (CC)** CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit 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.

*Detailed Land Use Plan*

**Office (O)** Office is intended to include a variety of office uses. These offices will vary in intensity depending on the Structure Plan category.

**Consistent with Policy?** Yes. The request to rezone the property from RS7.5 to SP-MU is consistent with the O in CC policy. Appropriate uses within this policy area include single family residential and office uses.

**PLAN DETAILS** The property is approximately 0.14 acres in size. It is located west of Gallatin Pike along Virginia Avenue. The property is developed and consists of an existing one story single family residence and detached garage. This SP would permit a general office use, but it does not propose any additional built square footage beyond the existing residence and detached garage. A portion of the single family residence is currently being used as general office. The property owner has been cited by the Codes Department for the general office portion of the property being out of compliance with the existing RS7.5 zoning.

The proposed SP plan, which would allow the general office use to remain on this property, recognizes the existing land use and limits the expansion of the uses and the square footage of the buildings on the property. No outdoor sales or display of goods would be permitted on the property at any time. This SP allows only single family residential and general office. Any additions or exterior alterations will require approval by the Planning Commission, and may require Council approval.

**Building** The existing residence is oriented towards Virginia Avenue and is set back approximately 31 feet from the public right of way. An existing one-story detached garage is located in the rear of the residence. The applicant originally built the garage without a building permit over an existing sanitary sewer line. A permit was recently issued for the construction of the garage and Metro Water Services has granted conditional approval of the encroachment. The conditional approval includes that the applicant will be held responsible for any damages to the garage that may occur upon the inspection and maintenance of the sanitary sewer line.



**Access/Parking** Access to the site is from Virginia Avenue across the northwest portion of an adjacent property. At this time there is no access easement in place. The applicant will need to provide staff with a copy of an access easement from parcel 157 prior to the issuance of any Use and Occupancy permits. Sidewalks are already in place and the parking area in the front of the residence is paved. The plan proposes a total of four on-site parking spaces which meets the parking requirement of the Zoning Code.

**Screening/Landscaping** The plan proposes two brick knee walls with a maximum height of three feet. The first is located along Virginia Avenue and the second is located along the eastern property line to provide additional screening for the parking area. A variety of shrubs and evergreen trees are proposed along the northwestern portion of the property line. An existing eight foot opaque fence is located on the east and west sides in the rear of the residence to provide additional screening of the garage area.

**Signs** Sign details were not included in this SP. Sign elevations for any general office use will be required prior to any new use and occupancy permits. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Signage shall be limited to a maximum of one 3 foot tall by 4 foot wide monument style sign. The base shall be constructed of brick or stone. The sign shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

**PUBLIC WORKS RECOMMENDATION**

- All Public Works' design standards shall be met prior to permit issuance. Applicant shall monitor existing vegetation to ensure that adequate sight distance is maintained from the existing driveway onto Virginia Avenue.

Maximum Uses in Existing Zoning District: **RS7.5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.13	4.94 D	1 L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.13	4.94 D	1 L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.13	-	992 SF	39	5	5

Traffic changes between maximum: **RS7.5** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+39	+5	+5

**WATER SERVICES RECOMMENDATION** The requirements of the Metro Water and Sewer Services Department must be met prior to Use and Occupancy permits.

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the zone change request. The request is consistent with the O in CC policy of the community plan. Appropriate uses within O in CC policy areas include single family residential and office.

**CONDITIONS**

1. Any additions or exterior alterations to the property shall require approval by the Planning Commission, and may require Council approval. There shall be no outdoor sales or display of goods on the property at any time.
2. A copy of the access easement from map 61-11 parcel 157 shall be provided to staff prior to the issuance of any Use and Occupancy permits.
3. Sign elevations for general office uses shall be reviewed and approved by staff prior to any use and occupancy permits. Pole mounted signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Signage shall be limited to a maximum of one 3 foot tall by 4 foot wide monument style sign. The base shall be constructed of brick or stone. The sign shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
4. All Public Works' design standards shall be met prior to permit issuance. Applicant shall monitor existing vegetation to ensure that adequate sight distance is maintained from the existing driveway onto Virginia Avenue.
5. The requirements of the Metro Water and Sewer Services Department shall be met prior to the issuance of any Use and Occupancy permits.
6. This SP is limited to single family residential and general office uses.
7. 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 residential uses on the property shall be subject to the standards, regulations and requirements of the RS7.5 zoning district and the general office uses on the property shall be subject to the standards, regulations and requirements of the ON zoning district as of the date of the applicable request or application.
8. 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.
9. 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.

Approve with conditions, **Consent Agenda. (8-0)**

**Resolution No. RS2010-4**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-034-001 is **APPROVED WITH CONDITIONS. (8-0)**”

**Conditions of Approval:**

1. Any additions or exterior alterations to the property shall require approval by the Planning Commission, and may require Council approval. There shall be no outdoor sales or display of goods on the property at any time.

2. A copy of the access easement from map 61-11 parcel 157 shall be provided to staff prior to the issuance of any Use and Occupancy permits.
3. Sign elevations for general office uses shall be reviewed and approved by staff prior to any use and occupancy permits. Pole mounted signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Signage shall be limited to a maximum of one 3 foot tall by 4 foot wide monument style sign. The base shall be constructed of brick or stone. The sign shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
4. All Public Works' design standards shall be met prior to permit issuance. Applicant shall monitor existing vegetation to ensure that adequate sight distance is maintained from the existing driveway onto Virginia Avenue.
5. The requirements of the Metro Water and Sewer Services Department shall be met prior to the issuance of any Use and Occupancy permits.
6. This SP is limited to single family residential and general office uses.
7. 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 residential uses on the property shall be subject to the standards, regulations and requirements of the RS7.5 zoning district and the general office uses on the property shall be subject to the standards, regulations and requirements of the ON zoning district as of the date of the applicable request or application.
8. 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.
9. 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-MU district is consistent with the East Nashville Community Plan's Corridor Center policy, and its office Detailed Design Plan policy."**

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9. **2009SP-035-001**  
Guaranteed Gutter & Siding  
Map: 108-00 Parcel: 134  
Donelson/Hermitage/Old Hickory Community Plan  
Council District 13 – Carl Burch  
Staff Reviewer: Greg Johnson

A request to rezone from R10 to SP-MU zoning and for final site plan approval for property located at 3089 Elm Hill Pike, approximately 2,000 feet east of I-40 (1.18 acres), to permit a building contractor supply, general office and single-family dwelling unit, requested by Walter Davison & Associates, applicant, for David Rodriguez and Amanda Jean LaQuiere, owners.

**This item was WITHDRAWN by the applicant.**

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Councilmember Gotto left the meeting at 4:30 p.m.

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**10. 2009Z-032TX-001**

Home Occupation - Cosmetologist/Barbershop  
Staff Reviewer: Jennifer Regen

A request to amend Section 17.16.250 of the Metro Zoning Code to permit cosmetologists and barbers as home occupations in residential zoning districts, requested by Councilmember Bruce Stanley.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST -Allow cosmetologists and barbers as home occupation uses.**

A request to amend Section 17.16.250 of the Metro Zoning Code to permit cosmetologists and barbers as home occupations in residential zoning districts.

**CRITICAL PLANNING GOALS N/A**

**REQUEST** This request is to allow a cosmetologist or barber as a home occupation. The business would be allowed to have one chair in which to cut or style hair with no more than two customers on the premises at any one time.

**Analysis** The current home occupation standards in the Zoning Code prohibit customers coming to the property from having a sign advertising the business. This proposed amendment would allow customers for a cosmetologist or barber, but no other home occupation (e.g. lawyer, accountant, bookkeeper). While the text amendment does not specifically permit signs, Chapter 62-4-126 of the Tennessee Code requires a sign identifying the barber or cosmetology shop. The law states the sign must be clearly visible from the street, yet provides no minimum or maximum sign dimensions.

**STAFF RECOMMENDATION** Staff recommends disapproval of this proposed text amendment. The amendment would significantly change the existing home occupation standards. No other home occupation use would be allowed to have customers come to the home or to place a sign advertising the business. The amendment would essentially modify the Zoning Code to create a live-work situation for barbers and cosmetologists countywide.

Ms. Regen presented to the Commission and recommended disapproval.

Dr. Cummings moved to approve staff recommendation of disapproval and Mr. Dalton seconded the motion.

Mr. Clifton asked to speak before a vote, describing sympathy for the businesses this legislation will affect.

Mr. Bernhardt stated planning staff are working to update the home occupation ordinance.

Mr. Ponder stated there are shops similar to the described text amendment all over the county.

Dr. Cummings moved and Mr. Dalton seconded the motion to disapprove 2009Z-032TX-001. **(9-0)**

**Resolution No. RS2010-5**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2009Z-032TX-001 is **DISAPPROVED. (9-0)”**

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Ms. Jones inquired about The Commission’s power and exception possibilities when contrasting state laws.

Mr. Morrissey stated The Commission does not have the authority to amend state law.

Mr. Clifton stated state law can be modified for local control in some circumstances.

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

### **11. 2007S-313G-12**

Old Hickory Crossing (Concept Plan Extension)  
Map: 182-00 Parcels:013.04, 015  
Southeast Community Plan  
Council District 32 – Sam Coleman  
Staff Reviewer: Jason Swaggart

A request to permit the extension of an expired concept plan for one year from December 13, 2009, for the Old Hickory Crossing Subdivision for 117 single-family clustered residential lots located at Old Hickory Boulevard (unnumbered), at the southeast corner of Old Hickory Boulevard and Legacy Drive, zoned RS10 (34.08 acres), requested by Randall Smith and Corey and Lloyd Craig, owners.

**Staff Recommendation: Approve**

#### **APPLICANT REQUEST - Permit the extension of concept plan approval.**

**Extend Concept Plan Approval** - A request to permit the extension of an expired concept plan for one year from December 13, 2009, for the Old Hickory Crossing Subdivision for 117 single-family clustered residential lots located at Old Hickory Boulevard (unnumbered), at the southeast corner of Old Hickory Boulevard and Legacy Drive, zoned Single-Family Residential (RS10) (34.08 acres).

#### **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.

**SUBDIVISION DETAILS** This is a request to extend concept plan approval for Old Hickory Crossing subdivision. The property is located in Southeast Davidson County, and the plan includes 117 single-family cluster lots. The original preliminary plat for Old Hickory Crossing was approved by the Planning Commission on September 22, 2005, under the previous Subdivision Regulations. The preliminary expired on September 22, 2007, and the Planning Commission approved a new concept plan for the subdivision on December 13, 2007.

The concept plan approval expired on December 13, 2009. The Subdivision Regulations permits a one year extension of a concept plan approval, when the request is made prior to expiration, and when the Planning Commission deems such extension appropriate based upon progress made in developing the subdivision. While this request is being heard after the expiration, the request was made prior to the expiration and therefore, meets the timing requirement.

Information has been provided by the applicant to demonstrate that progress that has been made in the development of the subdivision. The information states that a total of \$177,484 has been spent on engineering fees, construction management fees and interest carry. Erosion control measures have been installed and maintained, and off-site improvements are being discussed with Public Works.

**Staff Analysis** The current subdivision plan meets all subdivision and zoning requirements. While actual construction has not taken place, the property owner is making progress to complete the subdivision. Since progress has been made and the plan is consistent with current requirements then staff recommends extending the concept plan approval for one year.

**STAFF RECOMMENDATION** Staff recommends that the concept plan approval be extended for one year from December 13, 2009. If approved, the concept plan approval will be valid until December 13, 2010.

Approve, **Consent Agenda. (8-0)**

#### **Resolution No. RS2010-6**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-313G-12 is **APPROVED. (8-0)**”

## **XI. PUBLIC HEARING: FINAL PLATS**

### **12. 2009S-027-001**

Poplar Hill Subdivision (Final Plat Extension)  
Map: 154-00 Parcel: 282  
Bellevue Community Plan  
Council District 35 – Bo Mitchell  
Staff Reviewer: Brenda Bernards

A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned AR2a (7.1 acres), requested by Wyatt and Wendy Rampy, owners.

**Staff Recommendation: Approve a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to March 22, 2010.**

#### **APPLICANT REQUEST -Permit the extension of a final plat approval.**

Variance for Final Plat Extension A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned Agricultural/Residential (AR2a) (7.1 acres).

#### **Zoning**

**AR2a District - Agricultural/Residential** requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

**SUBDIVISION DETAILS** The purpose of the extension request is to permit the applicant to meet the Planning Commission's conditions of approval for this seven acre lot.

The lot is within a Natural Conservation Policy and is accessed from a private road within an access easement. The Subdivision Regulations allow up to 10 lots, five acres or greater, within the Natural Conservation or Rural land use polices, to be accessed from a private street (Section 3-9.3.c.1). As this will be the 13<sup>th</sup> improved property to take access from this private street, the Planning Commission granted a variance to Section 3-9.3.c.1 of the Subdivision Regulations on June 25, 2009.

The applicant agreed to construct a private street in the access easement to Metro standards (20 feet of pavement with two four-foot shoulders). The street will extend from Poplar Creek Road to the point where it meets the access driveway for the property. Construction plans have been approved by Public Works. The road, which will be on the applicant's property and a parcel of land currently owned by Metro, needs to be constructed or bonded prior to the recording of the plat.

The applicant is in the process of obtaining a bond but, because they do not own all of the property, cannot complete the process. Metro has declared its parcel surplus and is in the process of preparing to sell the property and does not want to be a party to the bond. The property will not be available to purchase for approximately six weeks. It is the applicant's intention to bid for the property. As the plat expiration date was December 22, 2009, the applicant requested a 90 day extension in order to complete the bond process. The request was received prior to the expiration date and January 14, 2010 meeting was the next scheduled Planning Commission meeting date. As the Subdivision Regulations do not include a process for final plat approval extensions, a variance to the 180 day approval period is needed.

**Variance Requirements** Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. 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.
- b. 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.

- c. 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.
- d. 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** The intent of the regulation for which the variance is sought is to set a timeframe for approved plats to be recorded. The plat was approved by the Planning Commission on June 25, 2009 with an expiration date of December 22, 2009. Prior to the expiration date, the applicant requested a 90 day extension of the approval in order to be able to meet the conditions 1 and 3 of approval of this plat.

- 1. *The private road shall be brought up to Metro Public Works standards from Poplar Creek Road to the point where it intersects with the access drive serving this lot.*
- 3. *The road shall be constructed or bonded prior to the recording of the plat. Upon completion of the road, the road shall be inspected by Public Works or the applicant shall obtain a letter from a registered engineer certifying that the road has been constructed to Public Works standards.*

The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area, but would actually improve the area as the portion of the road being brought up to Public Works standards will serve all lots taking access from this private street.
- b. There are no other subdivisions in the immediate area that are experiencing the same situation, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The variance is not to a design standard of the regulations, but to a processing standard. Because the request is not a variance to a design standard then c. of Section 1-11.1 is not applicable.
- d. The subdivision as previously approved is consistent with the area’s long range policy, and current zoning requirements.

**STAFF RECOMMENDATION** Staff recommends approval of the variance to Section 2-5.5, and that the final plat approval be extended for 90 days, from December 22, 2009, to March 22, 2010.

Approve with a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to March 22, 2010, **Consent Agenda. (8-0)**

**Resolution No. RS2010-7**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009s-027-001 is **APPROVED a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to March 22, 2010. (8-0)**”

- 13. **2009S-117-001**  
 Battlefield Estates, Resub. Lot 22b, Sec. 1  
 Map: 118-06 Parcel: 047  
 Green Hills/Midtown Community Plan  
 Council District 17 – Sandra Moore  
 Staff Reviewer: Greg Johnson

A request for final plat approval to create two lots on property located at 834 Gale Lane, at the northeast corner of Gale Lane and Vaulx Lane (0.48 acres), zoned R10, requested by Core Development Services LLC, owner, Delle Land Surveying, surveyor.

**Staff Recommendation: Approve with a condition and an exception to the lot comparability requirements of Section 3.5 of the Subdivision Regulations**

**APPLICANT REQUEST Final Plat -Final Plat to create two lots.**

A request for final plat approval to create two lots on property located at 834 Gale Lane, at the northeast corner of Gale Lane and Vaulx Lane (0.48 acres), zoned One and Two-Family Residential (R10).

**PLAN DETAILS - Final Plat**

The applicant is requesting final plat approval for a two lot subdivision at the northeast corner of the intersection of Gale Lane and Vaulx Lane.

The site is vacant. The creation of a two lot subdivision on this property would allow for the construction of a two-family residential building on each lot. The possible addition of these units will allow the density of surrounding area to remain consistent with RLM policy.

This subdivision takes advantage of existing infrastructure and adds to the walkability of this neighborhood. In accordance with the Subdivision Regulations, the required sidewalk with curb and gutter is required and is proposed to be constructed along the Gale Lane frontage of the corner lot. A joint access easement proposed along Vaulx Lane will provide vehicular access to both lots.

**Lot Comparability** Section 3-5.1 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

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

Lot Comparability Analysis		
Street	Requirements	
	Minimum lot size (square feet)	Minimum lot frontage (linear feet)
Gale Lane (corner lot)	14,328	69.59
Vaulx Lane (corner lot)	14,328	71.87
Vaulx Lane (interior lot)	9,848	71.87

The proposed lots have the following areas and street frontages (Numbers shown in bold fail lot comparability standards):

- Lot 22A: 10,000 square feet with 73.24 feet of frontage
- Lot 22B: 12,439 square feet with 83.35 feet of frontage along Vaulx Lane and 144 feet of frontage along Gale Lane

Both lots meet lot comparability standards for lot frontage. However, Lot 22B fails lot comparability standards for lot area.

**Lot Comparability Exception** A lot comparability exception can be granted if the lot does not meet the minimum requirements of the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots could meet one of the qualifying criteria of the exception to lot comparability:

- The proposed subdivision is within a one-quarter mile radius of any area designated as a "Mixed Use", "Office", "Commercial", or "Retail" land use policy categories. The proposed subdivision is located adjacent to land with Retail Concentration Community (RCC) policy.

**PUBLIC WORKS RECOMMENDATION**

1. Sidewalks if required are to be constructed with curb and gutter, and are to be bonded or built prior to the recording of a final plat.



2. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.

**WATER SERVICES RECOMMENDATION** Approved

**STORMWATER RECOMMENDATION** Approved

**FIRE MARSHAL RECOMMENDATION** No comment at this time

**STAFF RECOMMENDATION** Staff recommends approval with a condition concerning bonding of sidewalk. With approval of a lot comparability exception, the proposal complies with the Subdivision Regulations.

**CONDITION**

- 1. All sidewalks shall be constructed per the Department of Public Works’ specifications or bonded prior to the recording of the final plat.

Approve with a condition and an exception to the lot comparability requirements of Section 3.5 of the Subdivision Regulations, **Consent Agenda. (8-0)**

**Resolution No. RS2010-8**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-117-001 is **APPROVED WITH A CONDITION AND AN EXCEPTION TO THE LOT COMPARABILITY REQUIREMENTS OF SECTION 3.5 OF THE SUBDIVISION REGULATIONS. (8-0)**

**Conditions of Approval:**

- 1. All sidewalks shall be constructed per the Department of Public Works’ specifications or bonded prior to the recording of the final plat.”

**14. 2009S-118-001**  
Best One Nashville Realty Subdivision  
Map: 106-06 Parcel: 058  
South Nashville Community Plan  
Council District 16 – Anna Page  
Staff Reviewer: Greg Johnson

A request for final plat approval to create three lots on property located at 705 Murfreesboro Pike, approximately 150 feet west of Arlington Avenue (22.67 acres), zoned IR, requested by Best One Nashville Realty Partnership, owner, Ragan-Smith-Associates Inc., surveyor.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST Final Plat - Final Plat to create three lots.**

A request for final plat approval to create three lots on property located at 705 Murfreesboro Pike, approximately 150 feet west of Arlington Avenue (22.67 acres), zoned Industrial Restrictive (IR).

**PLAN DETAILS Final Plat** -The applicant is requesting final plat approval for a three lot subdivision on Murfreesboro Pike. All three proposed lots comply with applicable requirements of the Subdivision Regulations and the Zoning Code for new lots. The area within the plat boundary is developed. The applicant does not propose additional development at this time. A parking analysis submitted by the applicant illustrates the ability for each lot to provide its own required parking. As this property is industrially zoned, requirements for sidewalk and landscaping improvements will be addressed when building permit applications are made.

**PUBLIC WORKS RECOMMENDATION**

- 1. Sidewalks if required are to be constructed with curb and gutter, and are to be bonded or built prior to the recording of a final plat.
- 2. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.

**WATER SERVICES RECOMMENDATION**

- 1. Add the following note: Individual water and/or sanitary sewer service lines are required for each parcel.
- 2. Approval is contingent on construction of Metro Project # 09-SL-53. Bond amount is set at \$55,000 for sewer.
- 3. These comments apply to Metro Water Services' public water and sewer utility issues only.
- 4. It is the responsibility of the applicant to contact the Fire Marshal's Office regarding adequate fire protection.

**STORMWATER RECOMMENDATION**

- 1. Outline the water quality device unit in its as-built location, not just the manhole covers.
- 2. The existing pond drainage easement is okay and correct per the recorded easement. But, the as-built pond and the as-built water quality device do not fall completely within those limits. You must extend the drainage easement to include them as you did for the pipes exiting the pond.

**FIRE MARSHAL RECOMMENDATION** No comment at this time

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The subdivision complies with the Subdivision Regulations.

**CONDITIONS**

- 1. Prior to recordation of the final plat, the following note shall be added: Individual water and/or sanitary sewer service lines are required for each parcel.
- 2. Prior to the recordation of final plat, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Water Services Department for all sewer and water improvements.
- 3. Prior to the recordation of final plat, the water quality device unit shall be outlined in its as-built location, not just the manhole covers.
- 4. Prior to the recordation of final plat, the drainage easement shall be extended to include the as-built pond and the as-built water quality device.
- 5. Prior to the recordation of final plat, any required infrastructure improvements shall be constructed or bonded.
- 6. Prior to the recordation of final plat, a mandatory referral for the closure of Hill Avenue must be approved by Metro Council.

Approve with conditions, **Consent Agenda. (8-0)**

**Resolution No. RS2010-9**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-118-001 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

- 1. Prior to recordation of the final plat, the following note shall be added: Individual water and/or sanitary sewer service lines are required for each parcel.
- 2. Prior to the recordation of final plat, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Water Services Department for all sewer and water improvements.
- 3. Prior to the recordation of final plat, the water quality device unit shall be outlined in its as-built location, not just the manhole covers.
- 4. Prior to the recordation of final plat, the drainage easement shall be extended to include the as-built pond and the as-built water quality device.
- 5. Prior to the recordation of final plat, any required infrastructure improvements shall be constructed or bonded.

6. Prior to the recordation of final plat, a mandatory referral for the closure of Hill Avenue must be approved by Metro Council.”

15. **2009S-120-001**  
Terry's Two Lot Subdivision  
Map: 103-08 Parcel: 144  
West Nashville Community Plan  
Council District 24 – Jason Holleman  
Staff Reviewer: Brenda Bernards

A request for final plat approval to create two lots on property located at 17 Westlawn Court, approximately 250 feet south of Westlawn Drive (0.36 acres), zoned RS7.5, requested by Robert and Patrick Terry, owners, Mark Donlon, surveyor.

**Staff Recommendation: Approve with conditions and an exception to the lot comparability requirements of Section 3.5 of the Subdivision Regulations**

**APPLICANT REQUEST Final Plat -Create two lots.**

A request for final plat approval to create two lots on property located at 17 Westlawn Court, approximately 250 feet south of Westlawn Drive (0.36 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.

**PLAN DETAILS** The applicant is requesting final plat approval for a two lot subdivision in Sylvan Park. Westlawn Court is a short street, less than 500 feet in length, that terminates at a CSX rail line. There is existing house that will need to be removed prior to the recording of the plat.

The Historical Commission staff visited the site and determined that the existing house is not worthy of conservation or historically significant.

A sidewalk is required on one of the lots. The applicant has the option to build or bond the sidewalk or make a payment in lieu of building the sidewalk.

**Lot Comparability** Both lots meet the minimum lot size requirements for the RS7.5 zoning district, but 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. As the surrounding area is predominantly developed, a lot comparability analysis was performed. Both lots failed for lot frontage and area.

Lot Comparability Analysis – Westlawn Court		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
	8,494	55.24

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

- Lot 1: 7,739.84 sq. ft., with 51.35 linear ft. of frontage.
- Lot 2: 7,739.67 sq. ft., with 51.35 linear ft. of 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 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 within a quarter mile of an area designated as an T-4 Urban Neighborhood Center which are characterized as mixed-use.

**PUBLIC WORKS RECOMMENDATION** No exception taken.

**STORMWATER RECOMMENDATION** Approved

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the final plat, and that an exception to the lot comparability requirements of the Subdivision Regulations be granted.

**CONDITIONS**

1. Prior to the recordation of the final plat, the existing residence shall be removed from the property.
2. A sidewalk shall be added to the plat for one of the two lots.
3. A note shall be added to the plat that no building permits shall be issued on either lot until the proposed sidewalk is either constructed to the Department of Public Works' specifications, bonded, or a financial contribution payment is made in lieu of construction of sidewalks.

Approve with conditions and an exception to the lot comparability requirements of Section 3.5 of the Subdivision Regulations, **Consent Agenda. (8-0)**

**Resolution No. RS2010-10**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-120-001 is **APPROVED WITH CONDITIONS AND AN EXCEPTION TO THE LOT COMPARABILITY REQUIREMENTS OF SECTION 3.5 OF THE SUBDIVISION REGULATIONS. (8-0)**

**Conditions of Approval:**

1. Prior to the recordation of the final plat, the existing residence shall be removed from the property.
2. A sidewalk shall be added to the plat for one of the two lots.
3. A note shall be added to the plat that no building permits shall be issued on either lot until the proposed sidewalk is either constructed to the Department of Public Works' specifications, bonded, or a financial contribution payment is made in lieu of construction of sidewalks.”

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**XII. OTHER BUSINESS**

**16. 2005SP-110U-13**

Smith Springs Beauty Salon (4-Year Review)  
Map: 136-00 Parcel: 046  
Antioch/Priest Lake Community Plan  
Council District 29 – Vivian Wilhoite  
Staff Reviewer: Brenda Bernards

The review of an approved Specific Plan-Commercial Zoning District development plan, to determine its completeness pursuant to Section 17.40.120.I of the Metro Zoning Code, for property located at 2643 Smith Springs Road, approved December 20, 2005 (BL2005-762) for a personal care services use.

**Staff Recommendation: Approve finding that the SP is complete.**

**FOUR YEAR REVIEW OF SPECIFIC PLAN DISTRICTS.**

In accordance with Section 17.40.106.I of the Zoning Code the Planning Commission shall review Specific Plan (SP) districts every four years to determine level of activity of that SP.

The Planning Commission shall review each development plan within a SP district four years from the date on which it was approved by the Metropolitan Council, and every four years hence until the development plan has been deemed by the Planning Commission to be complete according to the approved development concept. If the review determines that the project is complete then no further review shall be undertaken. If the review determines that the project is actively under development, then no further action will be taken until four years after the completion of the review to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is inactive then the Planning Commission shall review the development plan within the SP district to determine its continued appropriateness.

1. **Review Initiation.** Review will be initiated at the four year anniversary of the Council approval of the SP. For SP's that have been amended by Council, the review cycle shall begin at the four year anniversary of the amended SP. The review will begin after that date and be completed in 90 calendar days. Failure of the Planning Commission to provide the metropolitan council with a recommendation within ninety days from the initiation of the review shall be considered a recommendation to retain the existing development plan without alteration.
2. **Determination of Activity.** Staff shall visit the site within ten business days of the four year anniversary and make a preliminary determination of completion, activity or inactivity.
  - a. The SP is Complete or Active. Staff will prepare a memo to the Planning Commission, Councilmember, and property owner of record with determination of completion or activity. The Memo shall be placed on the next available agenda under Other Business for action by the Planning Commission. After the action, there shall be 14 calendar days to appeal the concurrence of completion or activity. Appeals may be filed by the property owner of record, the Councilmember or a member of the community. Any appeal shall be heard at the next available Planning Commission meeting. If, following a hearing, the Planning Commission sustains a finding that the SP is complete or active, completed SP's shall be removed from the four year review cycle. Active SP's shall be reviewed again four years from the Planning Commission action date. If there is no appeal, completed SP's shall be removed from the four year review cycle and active SP's shall be reviewed again four years from the Planning Commission action date. If the SP is found to be inactive during the appeal, the process for inactive SP's, described below, shall be followed.
  - b. The SP appears to be inactive. A letter shall be sent to property owner of record by certified mail and a copy of the letter will be mailed or e-mailed to the district Councilmember(s) notifying of initial findings of "Inactivity." Staff shall request a written report from the owner, due two weeks after the date the letter was sent, describing development activities to date and any steps taken that would demonstrate that the SP is actively under development. If the documentation provided by the owner describes an aggregate of actions that indicates activity, and the staff, using the guidelines approved by the Planning Commission, determine that the SP is active, the SP review shall follow the review process for "Active" SP's. For all SP's found to be inactive, staff shall prepare a report for the Planning Commission with recommendations for Council Action including:
    - An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
    - Whether any amendments to the approved SP district are necessary, or
    - To what other type of district the property should be rezoned.

The report shall be forwarded to Councilmember and owner of record. The matter shall be scheduled as a public hearing at MPC. If the SP is still determined to be Inactive, a report of Planning Commission recommendations will be forwarded to Council; if found completed or actively under development, completed SP's shall be removed from the four year review cycle and active SP's shall be reviewed four years from the Planning Commission action date. If staff makes an initial finding of inactivity, the zoning code requires that no new permits be issued during the course of the review. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

3. **Report to the Council.** If the Planning Commission finds that the SP is inactive, staff shall prepare a written report of the Commission's determination to Council with a recommendation on the following:
  - a. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
  - b. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

If the Planning Commission fails to provide a recommendation to the Council within calendar ninety days from the initiation

of the review, it shall be considered a recommendation to retain the existing development plan without alteration.

4. **Final Planning Action.** Once the Council has taken final action, the owner of record shall be informed of the actions by letter. The agencies shall also be informed of that action for permitting purposes.

Memo



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201

To: Planning Commission Members  
Councilmember Wilhoite  
Jerry W. Ward

From: Brenda Bernards, AICP  
Senior Planner

Date: January 8, 2010

Re: 2005SP-110U-13, Smith Springs Beauty Salon SP

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Section 17.40.106.I of the Zoning Code requires that the Planning Commission review Specific Plan (SP) districts every four years to determine level of activity of that SP:

“The planning commission shall review each development plan within a SP district four years from the date on which it was approved by the metropolitan council, and every four years hence until the development plan has been deemed by the planning commission to be complete according to the approved development concept.

The planning commission shall review each development plan within a SP district to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review shall be undertaken. If the review determines that the project is inactive then the planning commission shall review the development plan within the SP district, per subsection 2 below, to determine its continued appropriateness.”

The Smith Spring Beauty Salon SP, Case No. 2005SP-110U-13, was adopted by the Metro Council December 12, 2005. This SP allows development that complies with the standards and requirements of the Mixed-Use Neighborhood (MUN) district, and permits all uses of the MUN district, with the exception of “retail” and “bar or nightclub.” A permitted use in the SP is “personal care service” which is how the Zoning Administrator classifies salons.

The review of this Specific Plan was initiated on December 17, 2009. A site visit to the property was made by staff. **The preliminary assessment is that there is a salon business operating on this property and that the SP has been completed.**

This matter will be placed on the January 14, 2010 Planning Commission agenda under Other Business for action by the Planning Commission. For your information, attached is an outline of the process for the four review of Specific Plan Districts.

Please contact me at [brenda.bernards@nashville.gov](mailto:brenda.bernards@nashville.gov) or 615-862-7189 if you have any questions on this matter.

Approve finding that the SP is complete, **Consent Agenda. (8-0)**

**Resolution No. RS2010-11**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-110U-13 is **APPROVED FINDINGS THAT THE SP IS COMPLETE. (8-0)**”

17. Request by Bond Safeguard Insurance Company, which was excluded from providing surety bonds for one year for lack of payment pursuant to Section 6-1.2.d of the Metro Subdivision Regulations at the November 12, 2009, Planning Commission meeting, to be permitted to provide surety bonds.

Approve, **Consent Agenda (8-0)**

18. Planning Department Policy for Developers with Open Bankruptcy Cases

Approve, **Consent Agenda (8-0)**

19. Planning Department Policy for Calling Securities

Approve, **Consent Agenda (8-0)**

20. Planning Department Policy on Assignment of Certificate of Deposit

Approve, **Consent Agenda (8-0)**

21. Approval of the final plat for Phase 11 of the Creekside Trails (Jordan Ridge at Eaton’s Creek) Planned Unit Development.

Approve, **Consent Agenda (8-0)**

22. Historical Commission Report

23. Board of Parks and Recreation Report

24. Executive Director Reports


25. Legislative Update

**XIII. ADJOURNMENT**

Meeting adjourned at 4:43 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

 The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of, its programs, services, and activities, or in its hiring or employment practices. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at 862-7150 or e-mail her at [josie.bass@nashville.gov](mailto:josie.bass@nashville.gov). For Title VI inquiries contact Shirley Sims-Saldana or Denise Hopgood of Human Relations at 880-3370. For all employment-related inquiries call 862-6640.