



**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 28, 2010*

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**4:00 PM**

***Metro Southeast at Genesco Park  
1417 Murfreesboro Road***

*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.*

**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  
Doug Sloan, Legal Counsel  
Bob Leeman, Planning Mgr. II  
Jennifer Carlat, Planning Mgr. II  
Jennifer Regen, Development Relations Manager  
Craig Owensby, Public Information Officer  
Brenda Bernards, Planner III  
Kathryn Withers, Planner III  
Cynthia Wood, 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

**I. CALL TO ORDER**

The meeting was called to order at 4:01 pm.

**II. ADOPTION OF AGENDA**

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to adopt the revised agenda adding Item Number 11, as presented. (7-0)

**III. APPROVAL OF JANUARY 14, 2010, MINUTES**

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to adopt the January 14, 2010, meeting minutes as presented. (7-0)

**IV. RECOGNITION OF COUNCILMEMBERS**

Mr. Clifton arrived at 4:03 pm.

Councilmember Dominy spoke in support of the Rural Hill-Moss Road Detailed Design Plan.

**V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

- |    |                 |  |   |
|----|-----------------|--|---|
| 5. | 2009Z-003TX-001 | A request to amend the Zoning Code by adding section 17.32.170 (Enforcement of Electronic Display Signs) to require electronic LED signs found not to be in compliance with the sign regulations by the Zoning Administrator to be rendered dark, motionless, and bear no message for a minimum of seven (7) calendar days.  | - Deferred Indefinitely at the request of the applicant |
| 6. | 2010Z-001TX-001 | A request to amend various sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County to create a new zoning overlay district for electronic display signs that provides a process to consider allowing electronic display signs that meet specific design standards in residential areas.  | - Deferred Indefinitely at the request of the applicant |
| 7. | 2010Z-002TX     | A request to amend various sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to create a new zoning overlay district for electronic display signs that provides a process to consider allowing electronic display signs that meet specific design standards, but prohibits electronic display signs in residential districts. | - Deferred Indefinitely at the request of the applicant |
| 8. | 2010Z-005TX     | A resolution to amend the previously adopted fee structure (RS2009-769) for “minor” Specific Plan applications to remove references to alternative sign standards and to establish a new fee structure for electronic sign district applications.  | - Deferred Indefinitely at the request of the applicant |

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the Deferred or Withdrawn items as presented. **(7-0)**

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

**VI. PUBLIC HEARING: CONSENT AGENDA**

**PREVIOUSLY DEFERRED ITEMS**

- |    |               |   |                        |
|----|---------------|---|------------------------|
| 2. | 2009S-108-001 | A request for final plat approval to create four single-family lots on properties located at 1703 Greenwood Avenue and at 1203 and 1205 Chapel Avenue, located within the Eastwood Neighborhood Conservation Overlay. | -Approved w/conditions |
|----|---------------|---|------------------------|

**PUBLIC HEARING: ZONING MAP AMENDMENTS and TEXT AMENDMENTS**

- |    |                 |  |           |
|----|-----------------|--|-----------|
| 4. | 2010Z-001PR-001 | A request to rezone from MUG to MUI zoning for a portion of property located at 2415 Vanderbilt Place known as the General Library at Vanderbilt University. | -Approved |
|----|-----------------|--|-----------|

**PUBLIC HEARING: FINAL PLATS**

- |     |               |   |           |
|-----|---------------|---|-----------|
| 9.  | 2009S-119-001 | A request to remove Section 3-7.3 (Completion of Improvements) of the Subdivision Regulations, to require the completion of all roadway improvements in accordance with Metro Public Works standards. | -Approved |
| 10. | 2010S-001-001 | A request for final plat approval to create three lots on property located at 1118 Litton Avenue.   | -Approved |

**OTHER BUSINESS**

- 11. A resolution accepting a \$3,000 grant from TRANSTRIA, LLC, to the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Planning Department, to provide funding for planning purposes and specifically to review Metro Nashville/Davidson County's experience with the Robert Wood Johnson Foundations' "Active Living by Design" grant, which ended in 2008. The funding is to be used for continuing training and education for Planning Commissioners and staff in sustainable development and design. -Approved
- 12. Revised schedule for Community Character Manual amendments. -Approved
- 13. Correction to the August 27, 2009, meeting minutes. -Approved

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the Consent Agenda as presented. (7-0)

**VII. PREVIOUSLY DEFERRED ITEMS**

- 1. **2009P-005-001**  
Taco Mamacita (PUD)  
Map:105-01 Parcel: part of 233  
Green Hills/Midtown Community Plan  
Council District 19 – Erica Gilmore  
Staff Reviewer: Brian Sexton

A request for preliminary and final site plan approval for a proposed Planned Unit Development located on a portion of property at 1200 Villa Place, at the southeast corner of Villa Place and Edgehill Avenue, zoned RS5 (1.07 acres), to permit the sale of beer for on-premises consumption in an existing 4,443 square foot restaurant thereby exempting the establishment from the beer regulations 100 foot minimum distance from a residential use, requested by Villa Properties Joint Venture LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Exemption from minimum distance requirements of the beer regulations.**

A request for preliminary and final site plan approval for a proposed Planned Unit Development located on a portion of property at 1200 Villa Place, at the southeast corner of Villa Place and Edgehill Avenue, zoned Single-Family Residential (RS5), (1.07 acres), to permit an existing 4,443 square foot restaurant an exemption from beer regulations requiring a 100 foot minimum distance from a residential use.

**History of the Property**

On February 6, 2003, the Metropolitan Board of Zoning Appeals granted a change of use to a grandfathered non-conforming industrial use to permit the renovation of an existing building and construction of a 66,300 square foot building for retail, residential and office uses. While the property is zoned RS5, the BZA approval establishes and regulates all uses on the property which permits retail and restaurant uses. The approval includes conditions that all retail and restaurant establishments shall be closed by midnight each night, no more than 13% of the building shall be used for restaurant use and all sales of off-premise liquor sales shall be prohibited.

**Update for January 28, 2010 Planning Commission meeting**

At its December 10, 2009, meeting, the Planning Commission voted to defer this item until the January 28, 2010, meeting due to community concerns regarding Board of Zoning Appeals case 2002-232, Villa Way, LLC. Staff was requested to review the BZA case file to determine if there were any conditions that would prohibit the sale of low-content alcohol within a restaurant, or if there was anything else in the BZA approval that would prevent a PUD from being applied to this property. The archived document contained over 500 pages of compiled meeting notes as well as the approved order from the BZA that regulates and establishes all uses on the property which included retail and restaurant.

According to the Zoning Administrator, there is nothing within the 500 page archived document that prohibits the sale of low

alcohol content beer within a restaurant. The Zoning Administrator also declared that the approved BZA order regulates and establishes all uses on the property, not the 500 page archived document and the approval of this PUD would not impact or change the BZA order governing the uses on this property.

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

### **Zoning District**

RS5 District - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

### **PLAN DETAILS**

In July 2003, the Metro Council passed an ordinance that allows some restaurants with a valid on-premises liquor license from the state Alcoholic Beverage Commission to be exempt from the minimum distance requirements included in the beer permit provisions of the Metro Code. In order to qualify for the exemption, the restaurant must be on property that is subject to a Commercial Planned Unit Development (PUD).

The proposed PUD plan is to allow an existing 4,443 square foot restaurant at the corner of Edgehill Avenue and Villa Place to serve low alcohol content beer. The existing restaurant is located less than 100 feet from residential uses along Edgehill Avenue. By placing the commercial PUD on the property, the restaurant can be exempted from this requirement.

The property contains 132 off-site parking spaces along Villa Place and Edgehill Avenue which meets the requirements of the zoning code for parking.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions since the proposed PUD plan meets the requirements of the PUD provisions of the Zone Code. In addition, approval of this PUD does not impact or change the BZA order governing uses on this property.

### **CONDITIONS**

1. This approval does not include any signs. Signs are regulated by Codes through the Board of Zoning Appeals.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. 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.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
6. A corrected copy of the PUD 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 the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Mr. Bernhardt stated Councilmember Gilmore requested deferral on this item and also signed the bill requiring recommendation by The Planning Commission before being heard by Metro Council. He also noted the applicant disagreed with deferral. He stated that if the case was deferred at the Planning Commission, then the Metro Council rules would need to be waived in order for the bill to be heard by Council and continue to the March Council Public Hearing.

Councilmember Gotto asked Chairman McLean to clarify continuation of a previous public hearing, or the opening of a new one.

Mr. Sexton stated the item was deferred from the previous meeting to allow time to retrieve archived Board of Zoning Appeals information.

Mr. Clifton and Mr. Gotto discussed referring to the minutes from the prior meeting to discern whether the public hearing was closed or left open.

Mrs. Hammond clarified the Planning Commission did not take an affirmative action to continue the public hearing, and there is nothing in the minutes stating it was closed.

Mr. Clifton and Mr. Gotto discussed considering the item open for public hearing, and Mr. Gotto asked to refer to the meeting minutes.

Mr. Sexton made a correction to an earlier statement, claiming that the Planning Department sent out a second set of notifications to the public for a public hearing.

Chairman McLean stated the item would be open for public hearing.

Mr. Gee made a motion to continue the public hearing.

Mr. Gotto explained the need for legal clarification in the event of a lawsuit.

Mr. Bernhardt stated there was a motion on the floor that the intent of the Planning Commission at the 12/10/09 meeting to continue the public hearing.

Mr. Ponder seconded Mr. Gee's motion, which was approved unanimously, to continue the public hearing.

Ms. Crawford of 1510 Villa Place asked the Commission to defer in order to allow time for meetings between the applicant and property owners.

John Moore stated a meeting has been scheduled with the applicant in one week and asked for a deferral.

Allison Powers, property manager at Edgehill Village, noted parking issues on Villa Place and Edgehill Ave.

Janet Pelham, property owner on Villa Place, stated parking on the street is a safety issue, and has been unable to meet with the Councilmember about the issue. She asked the Commission to defer to allow more time for community discussion.

Steve Powers, Secretary of Treasury of University Heights Realty, stated parking on Villa Place and Edgehill Ave. is within parking policies.

Steve Asbury, General Manager and co-owner of Villa Properties, described improvements his company has made to the area, is willing to meet with the community, and asks the Commission for approval.

Councilmember Gotto asked Mr. Sloan, Legal Council, about time limits and the bill process.

Councilmember Gotto and Mr. Bernhardt discussed the Metro Charter requirements.

Mr. Bernhardt stated that Metro Council will consider a Planning Commission recommendation after the 1<sup>st</sup> reading of a bill, which allows 30 days.

Councilmember Gotto asked Mr. Sloan is the original BZA order contained information that would prohibit a beer PUD.

Mr. Sloan stated he did not find anything that would prevent a beer PUD overlay being placed on the property.

Councilmember Gotto inquired about a discrepancy between city and state laws regulating alcohol.

Mr. Sloan clarified that Metro laws restrict permit issuance for establishments that sell beer sold within 100 feet of a residence.

Councilmember Gotto asked about legal restrictions on approval of the PUD, and Mr. Sloan stated there are not.

Councilmember Gotto stated he does not find reasons to defer again, that deferral will move the bill to the May public hearing, and is not in favor of delaying the item.

Councilmember Gotto moved and Mr. Ponder seconded the motion to approve with conditions.

Mr. Tyler asked for more information concerning the BZA document and its influence on the property.

Mr. Sexton described the contents and how the documents were acquired.

Mr. Clifton described the impact the BZA has in regards to take-away sales of liquor.

Councilmember Gotto stated approval will involve three readings at Metro Council, and support by Councilmember Gilmore, and is not in favor of another deferral.

Ms. LeQuire expressed opposition to deferral in response to Councilmember Gilmore's requesting the bill.

Mr. Clifton stated it is a Council issue, and saw no benefit to deferral.

Mr. Sexton clarified the BZA order does not contain any information to restrict the application, and the beer PUD is over the restaurant on the property and not the entire development.

Mr. Clifton and Chairman McLean asked about the 100 foot buffer from residential homes; Mr. Sexton stated the PUD's distance is 86 feet from residential homes.

Councilmember Gotto moved and Mr. Ponder seconded the motion, which passed 6 -2, to approve with conditions 2009P-005-001. **(6-2) Yes – Gotto, Gee, Clifton, McLean, Ponder, LeQuire**  
**No – Jones, Tyler**

**Resolution No. RS2010 -12**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2009P-005-001 is **APPROVED WITH CONDITIONS. (6-2)**

**Conditions of Approval:**

1. This approval does not include any signs. Signs are regulated by Codes through the Board of Zoning Appeals.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. 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.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes

Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

6. A corrected copy of the PUD 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 the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

**The proposed PUD for an exemption from beer regulations requiring a 100 foot minimum distance from a residential use is consistent with the PUD provisions of the zoning code."**

**2. 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 four single-family 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: Approve with conditions**

**APPLICANT REQUEST - Final plat to create four lots.**

A request for final plat approval to create four single-family 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 One and Two-Family Residential (R6) and located within the Eastwood Neighborhood Conservation Overlay.

**CRITICAL PLANNING GOALS N/A**

**ZONING**

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

Neighborhood Conservation Overlay District (NC) Neighborhood Conservation (NC) districts are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

**PLAN DETAILS**

The applicant submitted a request for five lots on this property that was considered by the Planning Commission at its December 10, 2009, meeting. The applicant agreed to a deferral of the request in order to respond to the Planning Commission's suggestions to pursue a subdivision that preserves the setting of the historic Colonel Pryor House and includes four buildable lots and open space.

A revised plat has been submitted that maintains the same basic layout as the previous submittal, but shows Lot 5 as open space instead of a buildable lot. The layout ensures that new development will not have a shorter setback to Greenwood Avenue than the historic house, which faces Greenwood Avenue. It also complies with suggestions of the Planning Commission for four buildable lots and open space.

The proposal complies with applicable requirements of the Subdivision Regulations except for lot comparability. As shown above, four lots within the current proposal do not meet lot comparability standards. An exception to lot comparability could be granted because all proposed lot sizes are consistent with the NG policy that applies to the site.

The final plat proposes four single-family lots and one open space parcel at the corner of Greenwood and Chapel Avenues. Each lot complies with the minimum lot size requirements for R6 zoning. An existing single-family dwelling is located on Lot 1 and is planned to remain. Access to buildable lots along Chapel Avenue is proposed through a shared driveway for Lots 2-3 and an additional driveway for Lot 4.

Three lots currently occupy the plat boundary. The final plat for these three lots was approved by the Planning Commission on July 24, 2008. The original request in 2008, was for four lots, but the applicant reduced the request to three lots after working with Planning staff.

**Historic Property**

The East Nashville Community Plan identifies this site as a historic resource. The Colonel Pryor House is located on proposed Lot 1 and is designated as National Register Eligible by the Metro Historic Zoning Commission. Additionally, this site is located within the Eastwood Neighborhood Conservation District. The Metro Historic Zoning Commission will have the ability to review design issues related to new development within this subdivision. Specific issues include building placement, façade design, and parking locations

**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)
<b>Greenwood Avenue (interior lot)</b>	12,087	52
<b>Chapel Avenue (interior lot)</b>	6,615	63
<b>Greenwood Avenue (corner lot)</b>	12,087	67
<b>Chapel Avenue (corner lot)</b>	7,318	81

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

- Lot 1: 26,498.5 square feet with 96.37 feet of frontage
- Lot 2: 8,104 square feet with **50 feet** of frontage
- Lot 3: 7,127.3 square feet with **50 feet** of frontage
- Lot 4: 7,457 square feet with **61 feet** of frontage

Lots 2-4 fail lot comparability for lot frontage and the open space lot also fails lot comparability for 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:

- Where the proposed lots sizes are consistent with the adopted land use policy that applies to the property. All of the proposed lots are larger than 7,000 square feet, which is larger than the minimum lot size in NG (Neighborhood General) policy.

### **Analysis**

Requests to subdivide this property generate concerns over the relationship of new development and the existing Colonel Pryor House.

The design principles of NG policy strongly recommend alley access for lots of 50 feet in width or less. Two of the proposed lots along Chapel have a width of 50 feet. Alley access is not proposed, but these two lots (Lots 2 and 3) would share a driveway via an access easement from Chapel Avenue. Lot 4 is over 60 feet in width and would have its own driveway connection to Chapel Avenue. Shared access for the two 50 foot wide lots combined with precedent for this type of direct street access to lots on surrounding blocks of Chapel Avenue will make this proposal consistent with surrounding development.

The shared access easement will be 16 feet wide and extends approximately 43 feet into the subdivision. Metro Historic staff has indicated to the applicant that the Metro Historic Zoning Commission may require the placement of off-street parking at the rear of Lots 2-4, away from Chapel Avenue. For a shared driveway to access parking at the rear of Lots 2 and 3, the shared access easement should extend a minimum of 100 feet into the site. A condition of approval has been added to extend the length of the shared access easement for Lots 2 and 3.

At the December 10, 2009, Planning Commission hearing, the Planning Commission suggested having a Metro park within the subdivision. The Metro Parks Department was contacted about this possibility and indicated that the dedication of a public park was unlikely because the area surrounding this subdivision is not underserved by parks with Eastland Park located only two blocks to the north. In the proposed plat, the open space is shown on its own parcel. Maintenance of open space within a separate lot would require the formation of a home owners' association for this subdivision. The inclusion of the open space lot with a buildable lot would ensure the maintenance of the open space area by the owner of that lot. For this reason, Planning staff recommends the inclusion of the open space area within Lot 1. The preservation of this corner area as open space would be guaranteed by a note on the plat that would restrict dwelling and storage buildings from this area. Structures consistent with open space or park use could be constructed with approval of the Metro Planning Commission. The applicant has agreed to revise the plat to comply with this condition prior to recordation of the plat.

**HISTORICAL COMMISSION RECOMMENDATION** Metro Historic Commission staff has reviewed the revised plat and the recommendations of Metro Planning staff. A letter was submitted by Metro Historic Commission staff expressing concurrence with the Planning staff recommendation.

**PUBLIC WORKS RECOMMENDATION** No exception taken

**STORMWATER RECOMMENDATION** Approved

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

**STAFF RECOMMENDATION** Staff recommends approval with conditions for the final plat request with an exception to lot comparability standards for lot frontage.

### **CONDITIONS**

1. A revised plat shall be submitted that combines the proposed open space area with Lot 1. The area currently identified as open space shall be identified with the following note: "This portion of Lot 1 shall not have any buildings that require a building permit to be constructed within its boundary. Any future use on this area must be approved by the Metro Planning Commission."

2. The shared access easement for Lots 2 and 3 shall be extended to a minimum length of 100 feet along the shared property line between Lots 2 and 3.

Approve with conditions, **Consent Agenda (7-0)**

**Resolution No. RS2010-13**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-108-001 is **APPROVED WITH CONDITIONS. (7-0)**

**Conditions of Approval:**

1. A revised plat shall be submitted that combines the proposed open space area with Lot 1. The area currently identified as open space shall be identified with the following note: “This portion of Lot 1 shall not have any buildings that require a building permit to be constructed within its boundary. Any future use on this area must be approved by the Metro Planning Commission.”
2. The shared access easement for Lots 2 and 3 shall be extended to a minimum length of 100 feet along the shared property line between Lots 2 and 3.”

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**VIII. PUBLIC HEARING: COMMUNITY PLANS**

**3. 2008CP-002G-13**

Map: various Parcels: various  
Antioch/Priest Lake Community Plan  
Council District 28 – Duane A. Dominy  
Council District 33 – Robert Duvall  
Staff Reviewer: Cynthia Wood

A request to adopt the Rural Hill-Moss Road Detailed Design Plan as an amendment to the Antioch-Priest Lake Community Plan: 2003 Update for approximately 636 acres between Una Antioch Pike and Rural Hill Road north of the Hickory Hollow Mall, requested by the Metro Planning Department on behalf of Councilmembers Dominy and Duvall.

**Staff Recommendation: Approve with a condition**

**APPLICANT REQUEST - Adopt the *Rural Hill-Moss Road Detailed Design Plan as an Amendment to the Antioch-Priest Lake Community Plan: 2003 Update.***

A request to adopt the Rural Hill-Moss Road Detailed Design Plan as an amendment to the Antioch-Priest Lake Community Plan: 2003 Update for approximately 636 acres between Una Antioch Pike and Rural Hill Road north of the Hickory Hollow Mall

**CRITICAL PLANNING GOALS**

- Preserves Sensitive Environmental Features
- Creates Open Space
- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Provides a Range of Housing Choices
- Promotes Compact Building Design
- Encourages Community Participation

The draft *Rural Hill-Moss Road Detailed Design Plan (DDP)* preserves sensitive environmental features through the application of T3 Suburban Potential Open Space (T3 POS) policy to large contiguous areas of steep slopes and stream corridors in the study area. As an alternate policy (in the event that the land cannot all be preserved as open space), Conservation (CO) policy is applied to this land, so if development *does* occur, it will occur in manner that protects sensitive environmental features. The draft DDP also preserves such features through language in other policies, such as T3 Suburban

Residential Corridor, that provides protection to similar but less widespread sensitive features found elsewhere in the study area.

The draft DDP focuses heavily on the provision of a comprehensive open space network that is planned to serve a variety of functions. It is one of the key features of the DDP. This comprehensive open space network will be facilitated through the application of T3 POS policy as described above and through the planned use of this area for stormwater infrastructure required to serve development. The community will need this open space network to serve recreational and environmental purposes as it reaches a more suburban level of development. The open space network is also intended to serve as one of the developing community's chief amenities, providing not only enjoyment, but also value and contributing to the community's distinct identity and successful market positioning. This open space network is expected to be partly public (the greenways system) and partly private (the open lands that may be held by a variety of ownership entities ranging from homeowner associations to conservation easements held by nonprofits), but is intended to be widely accessed by residents of the Rural Hill-Moss Road Community.

The draft DDP contains policies that will foster the development of compact, interconnected, and walkable neighborhoods. Higher density mixed housing areas are located along the edges of the neighborhood on prominent corridors where transit and community services are most accessible, accompanied by a planned street, sidewalk, and multi-use path network to connect these developing neighborhoods to both the rest of the Rural Hill-Moss Road community and areas outside of it. Single family neighborhoods are planned in the interior of the community that will be likewise connected by streets, sidewalks, and greenways.

A variety of transportation choices are supported by the location of the higher-density housing closest to existing bus routes and major streets combined with the comprehensive bicycle and pedestrian network provided by the planned sidewalks and greenway trails. Transit service for the area is supported by the more intense housing at the periphery while many residents of the lower density housing also enjoy proximity to the transit routes and the ability to reach them on foot or by bicycle.

The draft DDP provides a variety of housing choices through the application of different residential policies that will allow for a mix of single and multifamily housing within the study area. In addition, different lot sizes will be provided within the single-family areas, with some homes being served by driveways and others by rear lanes. Some homes will face onto the street while others will face onto open space. In addition, there is some opportunity for housing to occur in a vertical mixed use pattern in the planned T3 Suburban Neighborhood Center along Una Antioch Pike near the railroad crossing.

The draft DDP promotes compact building design in the T3 Suburban Residential Corridor area in particular by limiting the size of new stacked flat buildings to 15,000 square feet for the purpose of fostering neighborhood-scale housing in a setting of generally standard block sizes except where prevented by topography.

The process of developing the draft DDP involved substantial community participation through seven community meetings held to develop the plan and a website maintained by the Planning Department throughout the process.

## **ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

### **Existing Policies**

#### **Residential Low Medium (RLM)**

RLM policy areas are 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.

#### **Residential Medium-High (RMH)**

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

#### **Neighborhood General (NG)**

Neighborhood General is a classification for areas that are primarily residential in character. To meet a spectrum of housing needs, ideally, NG areas contain a variety of housing that is carefully arranged, not randomly located.

### **Neighborhood Center (NC)**

Neighborhood Center is a classification for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

### **Proposed Policies**

#### **Conservation (CO)**

CO policy is intended to preserve and enhance environmentally sensitive land, such as the steep slopes found on this property, within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplain, rare or special plant or animal habitats, wetlands and unstable or problem soils.

CO policy encourages building form in character with the existing development pattern of the neighborhood to the extent that this character minimizes disturbance of existing environmental features. Any development on the site is grouped in order to preserve environmentally sensitive features. CO policy areas include the environmentally constrained features themselves along with any land lacking such constraints that must be accessed through the environmentally constrained land.

#### **T3 Suburban Open Space and T3 Suburban Potential Open Space**

T3 OS policy is intended to preserve and enhance existing open space in suburban areas. T3 OS policy includes public parks and may also include private land held in conservation by land trusts and private groups or individuals. Enhancements to existing open space are guided by the *Metropolitan Parks and Greenways Master Plan*. A variation of T3 OS – *T3 Potential Suburban Open Space (T3 POS)* – may also be utilized to create open space by identifying areas that should be used for suburban open space in the future. T3 POS policy is always used in combination with an alternate community character policy in case the property owner decides not to redevelop the land as open space.

Special Policies for the T3 POS/CO area in the Rural Hill-Moss Road DDP focus on providing high connectivity, through construction of new streets and greenway trails, accounting for areas of environmentally unconstrained land within the policy area, retaining native vegetation, and providing community stormwater and amenity functions.

#### **T3 Suburban Neighborhood Maintenance**

T3 NM Policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Special Policies for the T3 NM area in the Rural Hill-Moss Road DDP focus on providing improved connectivity.

#### **T3 Suburban Neighborhood Evolving**

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

Special Policies for the T3 NE areas in the Rural Hill-Moss Road DDP focus on providing appropriate access and parking for the respective lot patterns, ensuring that buildings are oriented to streets or open space and avoiding double-frontage lots, establishing high levels of pedestrian and vehicular connectivity through new streets, alleys and sidewalks, developing the land at moderate densities, and preserving existing trees. In addition, the use of the adjacent T3 POS area for stormwater management and the use of Low Impact Development (LID) stormwater management techniques are encouraged, as is the treatment of stormwater management devices as amenities.

#### **T3 Suburban Neighborhood Center**

T3 NC policy is intended to enhance and create suburban neighborhood centers that are compatible with the general character

of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Neighborhood Centers are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, civic and public benefit land uses, with residential present only in mixed use buildings. T3 Suburban Neighborhood Centers serve suburban neighborhoods within a five-minute drive.

Special Policies for the T3 NC area in the Rural Hill-Moss Road DDP focus on providing appropriate access and parking for a compact mixed use area, establishing high levels of pedestrian and vehicular connectivity, and allowing for monument signs. In addition, the use of Low Impact Development (LID) stormwater management techniques is encouraged as is the treatment of stormwater management devices as amenities.

### **T3 Suburban Residential Corridor**

T3 RC policy is intended to preserve, enhance and create suburban residential corridors that support predominately residential land uses; are compatible with the general character of suburban neighborhoods as characterized by development pattern, building form, land use, and associated public realm; and that move vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Special Policies for the T3 RC area in the Rural Hill-Moss Road DDP focus on providing appropriate access and parking; encouraging blocks that are an appropriate length for a neighborhood environment while making allowances for topographic conditions; guiding building orientation and setbacks to provide elements of rural design along Rural Hill Road, Mt. View Road, and Una Antioch Pike; and controlling the mass of larger buildings so that they do not overwhelm the intended neighborhood setting. Construction techniques are called for to minimize alteration of the landform, and a transition in building heights is established from the higher intensity development east of the study area to the lower intensity interior of the study area. Establishing high levels of connectivity through the construction of new streets and alleys is also emphasized. Development is intended to be at moderate densities due to environmental conditions and the need to create a transition between higher density development outside the study area and lower density development in the interior of the study area. Densities will vary with the carrying capacity of the land and the quality of the development's design. Preservation of existing trees is encouraged. In addition, the use of the adjacent T3 POS area for stormwater management and the use of Low Impact Development (LID) stormwater management techniques are encouraged, as is the treatment of stormwater management devices as amenities.

### **BACKGROUND**

In 2008, Councilmembers Robert Duvall and Duane Dominy asked the Planning Department staff to work with them and their constituents to develop a Detailed Design Plan for the area generally between Rural Hill Road and Una Antioch Pike just north of the Hickory Hollow mall. They and their constituents were not satisfied with the quality of development that was occurring in this partly-developed residential and rural area to that point. Planning staff began work on the project in fall of 2008.

The DDP that was developed through the year-plus long planning process responds to these concerns through application of the recently established Community Character policies to the study area coupled with special policies that respond to local conditions and goals. Together, the Community Character and special policies will provide guidance for new development in the study area through design principles addressing items such as access, building form, connectivity, and density and intensity.

The plan also contains systems strategies for public facilities and services such as transportation and stormwater management that will help to create an interconnected community with an integrated stormwater and open space network that will not only serve as community infrastructure but as a community amenity.

To aid in implementation, the plan contains two special tools: an Infrastructure Deficiency Area (IDA) and a Specific Plan (SP) Template for rezonings. The IDA will harness new development to provide pedestrian infrastructure that would not otherwise be provided in locations not expected to redevelop. The SP Template will provide detailed guidance to developers on how to prepare rezoning applications for property within the study area to best meet the intent of the DDP. Note that the decision before the Commission does not include a SP rezoning. The decision is solely regarding the plan amendment adopting the DDP. The SP template is for property owners to use, if they so choose, in the future.

### **COMMUNITY PARTICIPATION**

Notification of the upcoming DDP community meetings was mailed to those in and within 1,320 feet of the proposed DDP study area and was posted on the Planning Department website. Seven community meetings were held between October 2008 and

December 2009 to develop the DDP. Notice of the public hearing for the DDP was sent to all property owners in the study area and all those who participated in the DDP process and was also posted on the Planning Department website.

### **PHYSICAL SITE CONDITIONS**

The study area contains steep topography in some areas and several stream corridors, one of which includes floodplain. These features pose constraints to development.

Land Use - Land uses within the study area include undeveloped land, agriculture, a mixture of suburban and rural housing, three small family cemeteries, and religious institutions.

Access - The site has access to the larger community via Rural Hill Road, a collector street, Mt. View Road, and Una Antioch Pike, both arterial streets. These higher order streets are in turn accessed by an incomplete network of local streets which will be expanded substantially under the DDP.

Development Pattern This area of the Antioch-Priest Lake community is primarily single-family homes and undeveloped land with multi-family housing found on Rural Hill Road.

Historic Features - Although there are no recognized historic structures associated with the study area, the Rural Hill-Moss Road community is part of the original village of Antioch, which had its origins in the mid-1800s. The Shields Antioch Lands (encompassing Moss Road and Ottenville Road) became one of the first African-American subdivisions in Davidson County. A number of the families who were present in the early days of the village's settlement still reside in the community today, adding to the area's rich cultural history.

### **Conclusion**

The draft Rural Hill-Moss Road DDP is in keeping with the following goals and objectives of the *Antioch-Priest Lake Community Plan: 2003 Update*.

*Promote a high quality of life by offering a wide range of housing opportunities in response to the residents' needs.*

*Preserve important features of the natural environment such as trees, cedar glades plant communities, hills, and open space.*

In addition, the draft DDP adds needed detail and clarity to the Antioch-Priest Lake Community Plan for this area and will be a valuable resource in guiding development decisions within the Rural Hill-Moss Road community.

Finally, the draft DDP includes innovative planning for preservation of open space and environmentally sensitive features to be used as a recreational amenity, a low-impact tool to address stormwater, and a unique feature to mark the community as an attractive, distinctive place to live.

### **STAFF RECOMMENDATION**

Staff has conducted additional research in response to a question raised about historically significant properties and discovered additional small cemeteries within the study area that were not found prior to the issuance of the public review draft. As a result, staff recommends approval with the following condition:

*Add the following item to the Special Policies for each of the Community Character Policies applied in the Rural Hill-Moss Road Detailed Design Plan:*

**Historically Significant Sites or Features:** There are small family cemeteries that have been documented within the study area, some of which share parcels with other uses. Because of the historic settlement patterns within the Rural Hill-Moss Road Community, it is likely that there may be additional such cemeteries located within the community that have not yet been documented. Therefore, additional study to discover possible cemeteries and archeological surveys if warranted are recommended prior to development of properties within the Rural Hill-Moss Road community.

Mrs. Wood presented the staff recommendation of approval with conditions.

Weldon Kidd, 2474 Una Antioch Pike, asked the Commission to consider redirecting several roads to prevent destruction existing homes.

Chairman McLean asked about the impact of the plan on homes.

Mrs. Woods clarified the plan will not affect homes.

Mr. Ponder congratulated the staff on their work on this plan.

Mr. Clifton added the plan is impressive, and thanked the Council for their assistance. He also inquired about the funding mechanisms in place.

Mrs. Woods explained the plan will require developers to contribute to the improvement of the area, not only their development.

Mr. Bernhardt added this applies to critical parts of the development.

Mr. Clifton expressed his approval of the plan, although uncomfortable with the present funding process.

Mr. Bernhardt stated the department is currently analyzing the area, and noted the Southeast Infrastructure Deficiency area and the increase in students which affect schools.

Mr. Gee asked about the application of the Community Character Manual in the area, and whether it would be applied when an entire community plan was updated.

Mr. Bernhardt described some of the differences in application of the Community Character policies and the Community Plan policies.

Mr. Gee asked about assessment, recommendation of fees, and what types of improvements it would affect.

Mrs. Wood stated improvements to pedestrian infrastructure would occur. Assessments were based on per-foot scale, and can be estimated at approximately \$480 per unit.

Mr. Clifton left the meeting.

Mr. Bernhardt added this is a recommendation through rezoning to Metro Council for inclusion into the bill, and the Commission does not have unilateral authority to apply.

Mr. Gee expressed having mixed feelings due to possible deterrent to economic growth, and the cost of servicing these suburban areas.

Mr. Gee addressed the level of detail in more recent Planning policies, and expressed concern that this will mean a lack of flexibility in future applications.

Chairman McLean asked about infrastructure deficiency and the location of sidewalks, inquiring about priority of sidewalk installation.

Mr. Bernhardt referenced sidewalk developments in the southeast, identifying a specific amount of feet while working with Public Works to get the most efficiency.

Councilmember Gotto inquired about the Planning department's recommendations concerning sidewalk in-lieu fee calculation.

Chairman McLean described the reasoning behind the in-lieu fee calculation based on Public Works' processes.

Councilmember Gotto expressed concerns about discouraging development in Davidson County through fees and requirements.

Mr. Clifton returned to the meeting.

Ms. LeQuire commented that competition with other counties is an issue the Commission needs to examine.

Mr. Clifton agreed with Ms. LeQuire that the county is doing well, but balance needs to be maintained.

Mr. Ponder moved and Councilmember Gotto seconded the motion to approve with conditions.

Mr. Gee requested one amendment to page 80, second column, second paragraph, last sentence, to remove the word *slightly*.

Mrs. LeQuire seconded the amended motion, which passed unanimously, to approve with conditions 2008CP-002G-13 with the amendment that the word "slightly" be deleted from page 80, second column, second paragraph, last sentence. (9-0)

**Resolution No. RS2010-14**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2008CP-002G-13 is **APPROVED WITH CONDITION, AND THE DELETION OF THE WORD "SLIGHTLY" FROM PAGE 80, SECOND COLUMN, SECOND PARAGRAPH, LAST SENTENCE. (9-0)**

**Conditions of Approval:**

1. *Add the following item to the Special Policies for each of the Community Character Policies applied in the Rural Hill-Moss Road Detailed Design Plan:*

Historically Significant Sites or Features: There are small family cemeteries that have been documented within the study area, some of which share parcels with other uses. Because of the historic settlement patterns within the Rural Hill-Moss Road Community, it is likely that there may be additional such cemeteries located within the community that have not yet been documented. Therefore, additional study to discover possible cemeteries and archeological surveys if warranted are recommended prior to development of properties within the Rural Hill-Moss Road community."

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

**4. 2010Z-001PR-001**

Map: 104-04 Parcel: part of 001  
Green Hills/Midtown Community Plan  
Council District 18 – Kristine LaLonde  
Staff Reviewer: Brian Sexton

A request to rezone from MUG to MUI zoning for a portion of property located at 2415 Vanderbilt Place known as the General Library at Vanderbilt University approximately 1,400 feet south of West End Avenue (4.82 acres), requested by Vanderbilt University, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST -Rezone from MUG to MUI.**

A request to rezone from Mixed Use General (MUG) to Mixed Use Intensive (MUI) zoning for a portion of property located at 2415 Vanderbilt Place known as the General Library at Vanderbilt University approximately 1,400 feet south of West End Avenue (4.82 acres).

**Existing Zoning**

MUG District - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

**Proposed Zoning**

MUI District - Mixed Use Intensive is intended for a high intensity mixture of residential, retail, and office uses.

**CRITICAL PLANNING GOALS N/A**



**GREEN HILLS/MIDTOWN COMMUNITY PLAN**

**Major Institutional (MI)**

MI is intended to apply to existing areas with major institutional activities that are to be conserved, and to planned major institutional areas, including expansions of existing areas and new locations. Examples of appropriate uses include colleges and universities, major health care facilities and other large scale community services that do not pose a safety threat to the surrounding neighborhood. 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.

**Consistent with Policy?** Yes. The proposed Mixed Use Intensive zoning district is consistent with the area’s MI policy. The intention of Vanderbilt University is to put zoning in place that will allow for the future expansion and renovation of their General Library. This rezoning is consistent with the university’s long-term Master Plan.

**PUBLIC WORKS RECOMMENDATION** No exception taken

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low-Rise(710)	4.82	1.851 F	388,634 SF	3795	556	515

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low-Rise(710)	4.82	0.894 F	187,703 SF	2167	311	290

Traffic changes between typical: **MUG** and proposed **MUI**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-1628	-245	-225

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low-Rise(710)	4.82	3 F	629,877 SF	5504	818	785

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low-Rise(710)	4.82	5 F	1,049,796 SF	8156	1231	1255

Traffic changes between maximum: MUG and proposed MUI

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2652	+413	+470

**STAFF RECOMMENDATION** Staff recommends approval of the zone change request. The MUI zoning district is consistent with MI land use policy.

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

**Resolution No. RS2010-15**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-001PR-001 is **APPROVED. (7-0)**

**The proposed MUI is consistent with the Green Hills/Midtown Community Plan’s Major Institutional policy.”**

- 5. 2009Z-003TX-001**  
 Electronic Led Sign Enforcement  
 Staff Reviewer: Jennifer Regen

A request to amend the Zoning Code by adding section 17.32.170 (Enforcement of Electronic Display Signs) to require electronic LED signs found not to be in compliance with the sign regulations by the Zoning Administrator to be rendered dark, motionless, and bear no message for a minimum of seven (7) calendar days, requested by Councilmember Jason Holleman.

**The Metropolitan Planning Commission DEFERRED INDEFINITELY Zone Change 2009Z-003TX-001, at the request of the applicant. (7-0)**

- 6. 2010Z-001TX-001**  
 Electronic Sign Overlay District (1st Proposal)  
 Staff Reviewer: Kathryn Withers

A request to amend various sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County to create a new zoning overlay district for electronic display signs that provides a process to consider allowing electronic display signs that meet specific design standards in residential areas, requested by the Councilmembers Tygard and Gotto.

**The Metropolitan Planning Commission DEFERRED INDEFINITELY Zone Change 2010Z-001TX-001, at the request of the applicant. (7-0)**

- 7. 2010Z-002TX**  
 Electronic Sign Overlay District, Version 2  
 Staff Reviewer: Kathryn Withers

A request to amend various sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to create a new zoning overlay district for electronic display signs that provides a process to consider allowing electronic display signs that meet specific design standards, but prohibits electronic display signs in residential districts, requested by Councilmember Jason Holleman.

**The Metropolitan Planning Commission DEFERRED INDEFINITELY Zone Change 2010Z-002TX-001, at the request of the applicant. (7-0)**

8. **2010Z-005TX**  
Electronic Overlay Fee Schedule  
Staff Reviewer: Kathryn Withers

A resolution to amend the previously adopted fee structure (RS2009-769) for “minor” Specific Plan applications to remove references to alternative sign standards and to establish a new fee structure for electronic sign district applications.

**The Metropolitan Planning Commission DEFERRED INDEFINITELY Zone Change 2010Z-005TX, at the request of the applicant. (7-0)**

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

9. **2009S-119-001**  
Subdivision Regulations Amendment  
Staff Reviewer: Carrie Logan

A request to amend the Subdivision Regulations, to delete Section 3-7.3 (Completion of Improvements), requested by the Metro Planning Department.

**Staff Recommendation: Approve**

### **APPLICANT REQUEST - Amend Subdivision Regulations.**

A request to amend the Subdivision Regulations, to delete Section 3-7.3 (Completion of Improvements).

**CRITICAL PLANNING GOALS** N/A

**REQUEST** This request is to delete Section 3-7.3 (Completion of Improvements), copied below.

#### **Current Text**

*Completion of Improvements.* After all required inspections are completed, the final paving course may be applied when 75 percent of the structures are completed within a subdivision. Under no circumstances shall final paving occur until all utility installations, including service lines to lots are complete. However, when an undue hardship is created by disallowing the final paving of a street prior to construction of 75 percent, but not less than 50 percent, of the structures within a subdivision, the Public Works Department may permit final paving to occur and the Planning Commission may allow the subsequent reduction of the Performance Bond as described in Section 6-3-2. Once 90 percent of all structures within a subdivision are completed, no further building permits shall be issued until all infrastructure has been completed and accepted by the applicable departments and agencies.

**Analysis** Section 3-7.3 is in conflict with Section 6-1.1 of the Subdivision Regulations. Section 6-1.1 provides that all required public improvements must be completed and dedicated prior to the approval of a final subdivision plat, or that a bond can be posted in lieu of completion and dedication. Furthermore, in instances where the bond has been called, Metro needs the flexibility to complete the infrastructure or demand that the developer complete the infrastructure prior to 75% build out. The timing for applying the final paving course is a Department of Public Works decision and is addressed in Section 3.2.1 of that department’s “Subdivision Street Design Standards and Specifications” publication.

**PUBLIC WORKS RECOMMENDATION** No Exceptions Taken

**STAFF RECOMMENDATION** Staff recommends approval.

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

#### **Resolution No. RS2010-16**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-119-001 is **APPROVED. (7-0)**”

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**10. 2010S-001-001**  
 Copperstone Village Estates  
 Map: 072-10 Parcel: 116  
 East Nashville Community Plan  
 Council District 7 – Erik Cole  
 Staff Reviewer: Jason Swaggart

A request for final plat approval to create three lots on property located at 1118 Litton Avenue, approximately 250 feet east of Gallatin Pike (1.51 acres), zoned R6, requested by Copperstone Village, LLC, owner, Tommy Walker, surveyor.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Permit three new residential lots.**

A request for final plat approval to create three lots on property located at 1118 Litton Avenue, approximately 250 feet east of Gallatin Pike (1.51 acres), zoned One and Two-Family Residential (R6).

**CRITICAL PLANNING GOALS** N/A

**Zoning**

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

**SUBDIVISION DETAILS**

This final plat is for three new lots. The property being subdivided is located on the south side of Litton Avenue, just east of Gallatin Pike. The property is currently vacant.

All three lots will have direct access to Litton Avenue and range in size from 0.429 acres to 0.478 acres. All three lots would be eligible for a duplex. A sidewalk exists along Litton Avenue so a new sidewalk is not required.

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)
<b>Litton Avenue</b>	15,812	55

The proposed lots have the following areas and street frontages:

- Lot 1: 18,673 square feet with 79 feet of frontage
- Lot 2: 20,223 square feet with 78 feet of frontage
- Lot 3: 20,811square feet with 78 feet of frontage

All lots meet zoning requirements, subdivision requirements, and pass for lot comparability.

**STAFF RECOMMENDATION**

The proposed three lot subdivision is consistent with all zoning and subdivision requirements. Staff recommends that the plat be approved.

Approve (7-0), Consent Agenda

**Resolution No. RS2010-17**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010S-001-001 is **APPROVED. (7-0)**”

## **XI. OTHER BUSINESS**

11. A resolution accepting a \$3,000 grant from TRANSTRIA, LLC, to the Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Planning Department, to provide funding for planning purposes and specifically to review Metro Nashville/Davidson County's experience with the Robert Wood Johnson Foundations' "Active Living by Design" grant, which ended in 2008. The funding is to be used for continuing training and education for Planning Commissioners and staff in sustainable development and design.

### **Resolution No. RS2010-18**

“BE IT RESOLVED by The Metropolitan Planning Commission that a resolution accepting a \$3,000 grant from TRANSTRIA, LLC, to the Metropolitan Government of Nashville and Davidson County to provide funding for planning purposes and to review Metro Nashville/Davidson County’s experience with the Robert Wood Johnson Foundation’s Active Living By Design is **APPROVED. (7-0)**”

12. Revised schedule for Community Character Manual amendments.

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

13. Correction to the August 27, 2009, meeting minutes.

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

### **Resolution No. RS2010-19**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Correction to the August 27, 2009, Planning Commission meeting minutes is **APPROVED. (7-0)**”

14. Historical Commission Report

15. Board of Parks and Recreation Report

16. Executive Director Reports

The Planning Commission Concurred with Director’s decision not to require a fee for single sign applications under the fee category ‘Permit Plan Review.’

17. Legislative Update

## **XII. ADJOURNMENT**

Meeting adjourned at 5:35 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



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