



# **METROPOLITAN PLANNING COMMISSION MINUTES**

**Thursday, August 11, 2011**

**4:00 pm Regular Meeting**

**700 Second Avenue South**

(between Lindsley Avenue and Middleton Street)

Howard Office Building, Sonny West Conference Center (1st Floor)

## **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.

### **Commissioners Present:**

Jim McLean, Chairman  
Hunter Gee, Vice Chair  
Stewart Clifton  
Judy Cummings  
Derrick Dalton  
Jeff Haynes  
Phil Ponder  
Councilmember Jim Gotto  
Andrée LeQuire, representing Mayor Karl Dean

### **Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Executive Director  
Kelly Armistead, Administrative Services Officer III  
Craig Owensby, Public Information Officer  
Dennis Corrieri, Planning Technician I  
Bob Leeman, Planning Manager II  
Brenda Bernards, Planner III  
Jason Swaggart, Planner II  
Greg Johnson, Planner II  
Brian Sexton, Planner I  
Scott Morton, Planner II  
Doug Sloan, Legal

**Richard C. Bernhardt, FAICP, CNU-A**  
Secretary and Executive Director, Metro Planning Commission

**Metro Planning Department of Nashville and Davidson County**  
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300  
p: (615) 862-7190; f: (615) 862-7130

## Notice to Public

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**Please remember to turn off your cell phones.**

The Commission is a 10-member body appointed by the Metro Council. The Commission meets on the 2nd and 4th Thursday of each month at 4:00 p.m., unless otherwise noted. The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, the Commission recommends an action to the Metro Council (e.g. zone changes, specific plans, overlay districts, and mandatory referrals). The Metro Council can accept or not accept the recommendation.

Agendas and staff reports can be viewed on-line at [www.nashville.gov/mpc/agendas](http://www.nashville.gov/mpc/agendas) or weekdays from 7:30 a.m. to 4:00 p.m. at the Planning Department office located at 800 2nd Avenue South, downtown Nashville. Also, at the entrance to this meeting room, a binder of all staff reports has been placed on the table for your convenience.

Meetings on TV can be viewed live or shown at an alternative time on Channel 3. Visit [www.nashville.gov/calendar](http://www.nashville.gov/calendar) for a broadcast schedule.

## Writing to the Commission

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You can mail, hand-deliver, fax, or e-mail comments on any agenda item to the Planning Department. For the Commission to receive your comments, prior to the meeting, you must submit them by **noon the day of the meeting**. Otherwise, you will need to bring 14 copies of your correspondence to the meeting and during your allotted time to speak, distribute your comments.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300  
Fax: (615) 862-7130  
E-mail: [planningstaff@nashville.gov](mailto:planningstaff@nashville.gov)

## Speaking to the Commission

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If you want to appear in-person before the Commission, view our tips on presentations on-line at [www.nashville.gov/mpc/pdfs/mpc\\_mtg\\_presentation\\_tips.pdf](http://www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf) and our summary regarding how Planning Commission public hearings are conducted at [www.nashville.gov/mpc/docs/meetings/Rules\\_and\\_procedures.pdf](http://www.nashville.gov/mpc/docs/meetings/Rules_and_procedures.pdf). Briefly, a councilmember may speak at the very beginning of the commission meeting, after the individual item is presented by staff, or after all persons have spoken in favor or in opposition to the request. Applicants speak after staff presents, then, those in favor speak followed by those in opposition. The Commission may grant the applicant additional time for a rebuttal after all persons have spoken. Maximum speaking time for an applicant is 10 minutes, individual speakers is 2 minutes, and a neighborhood group 5 minutes, provided written notice was received prior to the meeting from the neighborhood group.

- Day of meeting, get there at least 15 minutes ahead of the meeting start time to get a seat and to fill-out a "Request to Speak" form (located on table outside the door into this meeting room).
- Give your completed "Request to Speak" form to a staff member.
- For more information, view the Commissions Rules and Procedures, at [www.nashville.gov/mpc/pdfs/main/rules\\_and\\_procedures.pdf](http://www.nashville.gov/mpc/pdfs/main/rules_and_procedures.pdf)

## Legal Notice

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**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.**



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 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 Hoppood of Human Relations at (615) 880-3370. For all employment-related inquiries, contact Ron Dearthoff at (615) 862-6640

# MEETING AGENDA

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## A. CALL TO ORDER

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

## B. ADOPTION OF AGENDA

Ms. Hammond made a correction to the caption in Item 2 to read "27 townhomes, 45 single-family rear-loaded homes, and 16 single-family front loaded homes for a total of 88 units".

Mr. Haynes moved and Mr. Clifton seconded the motion to adopt the agenda as presented. (7-0)

## C. APPROVAL OF JULY 28, 2011 MINUTES

Mr. Ponder moved and Mr. Dalton seconded the motion to approve the July 28, 2011 minutes. (7-0)

## D. RECOGNITION OF COUNCILMEMBERS

No Councilmembers were in attendance.

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## E. ITEMS FOR DEFERRAL / WITHDRAWAL

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### No Cases on this Agenda

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## F. CONSENT AGENDA

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1. **2006SP-174G-06**  
NEWSOM STATION TOWNHOMES
2. **2003UD-003-001**  
RIDGEVIEW, PH 1
4. Grant Contract Between The State Of Tennessee, Department Of Transportation and Metropolitan Government Of Nashville-Davidson County Metropolitan Planning Commission On Behalf of the Nashville Area MPO to administer a 10-county household travel survey.
5. Grant Contract Between The State Of Tennessee, Department Of Transportation and Metropolitan Government Of Nashville-Davidson County Metropolitan Planning Commission On Behalf of the Nashville Area MPO to provide transportation planning and coordination for Davidson, Williamson, Wilson, Sumner and Rutherford Counties in Tennessee outside of the Nashville Urbanized Area for FY 2012
6. Amendment to the Rules and Procedures, Section VIII. G.1 and 2a, Four Year Review of Specific Plan District
7. Employee contract renewal for Joni Priest

Chairman McLean requested that Item 6 be removed from the Consent Agenda.

Ms. LeQuire in at 4:02 p.m.

Mr. Haynes moved and Mr. Ponder seconded the motion to remove Item 6 and approve the Consent Agenda. (8-0)

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## **G. PREVIOUSLY DEFERRED ITEMS**

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### **No Cases on this Agenda**

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## **H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES**

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### **No Cases on this Agenda**

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## **I. RECOMMENDATIONS TO METRO COUNCIL**

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### **Specific Plans**

#### **1. 2006SP-174G-06**

##### **NEWSOME STATION TOWNHOMES**

Map 126, Parcel(s) 564

Council District 35 (Bo Mitchell)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Newsom Station Townhomes", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at McCrory Lane (unnumbered) (30.0 acres), approved for 180 townhouse units via Council Bill BL2007-1297 effective on June 19, 2007, review initiated by the Metro Planning Department.

**Staff Recommendation: Find the SP District ACTIVE**

#### **APPLICANT REQUEST - Four year SP review to determine activity.**

**SP Review** The periodic review of an approved Specific Plan (R) district known as "Newsom Station Townhomes", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at McCrory Lane (unnumbered) (30.0 acres), approved for 180 townhouse units via Council Bill BL2007-1297 effective on June 19, 2007.

**Zoning Code Requirement** Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order 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 is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP District is appropriate.

**DETAILS OF THE SP DISTRICT** The SP includes 180 townhouse units on approximately 30 acres with a density of approximately six units per acre. The development also includes a pool and pool house, playground and an outdoor recreational area. All units front private drives and will be accessed from McCrory Lane.

The SP is adjacent to a quarry. There is a special policy in place that is intended to ensure that people are protected from the dangers of the quarry and that no fill be placed within the quarry. In their approval of this SP, the Planning Commission recognized that the plan did not specifically implement this Special Policy but approved the SP with conditions, including a condition that a fence be installed and maintained around the quarry site, and that no dumping or filling of any materials of any type be placed within the quarry.

**SPECIFIC PLAN REVIEW** Staff conducted a site visit in July 2011. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.

**Owner's Response** The owner's representative did respond to the letter. The following documentation of activity was provided:

*"During the past few years, I have spent over \$1 million on work that has benefitted both Westbrook Pointe (another project I own across Highway 70) and the Newsome Station Townhomes project. These cost including engineering costs, as well as costs associated with boring under Highway 70, the railroad and the Harpeth River to run water and sewer from Westbrook Pointe to Newsome Station Townhomes. This work also includes the installation of a lift station at Westbrook Pointe that will serve the Newsome Station Townhomes project. A copy of the site plan for the Newsome Station project is enclosed, showing the locations of the lift station and the line that was bored under Highway 70, the railroad and the Harpeth River that serves this project.*

*The work described above originated from the Westbrook Pointe project across Highway 70 and, thus, all of the permits were issued for that*

project. Enclosed are copies of the permits issued by TDEC and Metro Water Services for this work.

Based on the above-described activity, I respectfully request that the specific plan for Newsome Station Townhomes be considered active.”

**ANALYSIS** In reviewing the documentation provided, staff finds that the owner’s representative has described an aggregate of actions that indicates activity. Staff recommends that this SP be found active and that it be placed back on the four-year review list. At that time, if the SP is not found to be complete, the owner will need to demonstrate that additional activity has taken place in the SP in order for it to be found active.

**STAFF RECOMMENDATION** Staff recommends that the Newsome Station Townhomes SP be found to be active.

Find the SP District Active. (8-0) Consent Agenda

**Resolution No. RS2011-166**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-174G-06 is **APPROVED, finding the SP district ACTIVE. (8-0)**”

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## **J. PLANNING COMMISSION ACTIONS**

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### **Urban Design Overlays: final site plans**

#### **2. 2003UD-003-001**

##### **RIDGEVIEW, PH 1**

Map 163-07-0-A, Parcel(s) 012-021, 027-036, 038, 040, 043, 045-066, 069, 070, 072, 074-095, 102-111, 113-120, 123-135, 138-145

Council District 33 (Robert Duvall)

Staff Reviewer: Scott Morton

A request to revise the preliminary and for final approval for a portion of the Ridgeview Urban Design Overlay district for properties located along Eagle View Boulevard, Dale View Drive and Wild Oaks Court, approximately 600 feet east of Bell Road, zoned RM9 and MUL (29.53 acres), to permit the development of 27 townhomes, 42 single-family rear loaded homes, and 18 single-family front loaded homes (87 units total) where 122 units were previously approved, and remove Townhome Lots 1 through 11 and the associated alley from Phase I, to be added to a future phase, requested by Dale and Associates, applicant for Pinnacle National Bank, owner.

**Staff Recommendation: APPROVE**

#### **APPLICANT REQUEST - Modify Phase I boundary and lot mix allocation**

**UDO Modification** A request to revise the preliminary and for final approval for a portion of the Ridgeview Urban Design Overlay district for properties located along Eagle View Boulevard, Dale View Drive and Wild Oaks Court, approximately 600 feet east of Bell Road, zoned Multi Family Residential (RM9) and Mixed Use Limited (MUL) (29.53 acres), to permit the development of 27 townhomes, 42 single-family rear loaded homes, and 18 single-family front loaded homes (87 units total) where 122 units were previously approved, and remove Townhome Lots 1 through 11 and the associated alley from Phase I, to be added to a future phase, requested by Dale and Associates, applicant for Pinnacle National Bank, owner.

#### **Existing Zoning**

RM9 District - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

MUL District - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

**PLAN DETAILS** The Ridgeview UDO was adopted in 2003 and provides for a mix of housing types. In Ridgeview the goal has been to provide a quality form of living using the natural features of the site, such as terrain, streams, vegetation, and proximity of services, with an emphasis on pedestrian activity and neighborhood pride without sacrificing architectural integrity, design, or detail.

The Ridgeview UDO is designed to:

- Provide a range of residential and commercial uses within the site while being flexible at certain locations by providing commercial, dense residential, medium residential, and light residential within zones.
- Provide separation of vehicular and pedestrian traffic through streetscape, public alleys, and designated pedestrian green space.
- Provide architectural diversity and scale while utilizing materials which tie the project together through materials or styles.
- Provide connectivity with adjacent properties in order to share the green space with neighboring projects and encourage pedestrian circulation in lieu of driving a vehicle to reach local destinations.
- Provide a pride of place within the project of individual home owners through architectural connectivity, useable public recreation areas, and the design of unique features into the project.
- Provide sensitivity to the natural features of the project through tree preservation, utilization of natural site features, and

architectural design which address topographically challenging areas.

The applicant believes that the number of townhomes, attached rear loaded units and single family detached units originally approved are no longer feasible within the current housing market. The applicant proposes to revise the plans to provide fewer of these unit types. This revision is appropriate and still provides a quality mixture of housing types meeting the goals and objectives of the Urban Design Overlay.

Additionally, the applicant requests the site boundary be revised to remove Lots 1 through 11 and the associated alley from Phase I. These lots and alley will remain in the Master Plan and be included in a later phase of the project. Staff believes this revision is appropriate and meets the goals and objectives of the UDO.

**STAFF RECOMMENDATION** Staff recommends approval as the revision meets the goals and objectives of the Ridgeview UDO.

Approve with corrected caption to 27 townhomes, 45 single family rear loaded homes, and 16 single-family front loaded homes (88 total units). (8-0) Consent Agenda

**Resolution No. RS2011-167**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2003UD-003-001 is **APPROVED with a corrected caption to 27 townhomes, 45 single-family rear loaded homes, and 16 single-family front loaded homes (88 total units). (8-0)**”

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## **Subdivision: Final Plats**

### **3. 2009S-027-002**

#### **POPLAR HILL SUBDIVISION**

Map 154, Parcel(s) 008, 282

Council District 35 (Bo Mitchell)

Staff Reviewer: Brenda Bernards

A request for final plat approval to create one lot on properties located at 8706 Poplar Creek Road and Poplar Creek Road (unnumbered), approximately 625 feet north of Poplar Creek Road (7.75 acres), zoned AR2a, requested by Wyatt and Wendy Rumpy, owners, Jared Gray, surveyor.

**Staff Recommendation: APPROVE WITH CONDITIONS**

#### **APPLICANT REQUEST - Create one lot**

**Final Plat** A request for final plat approval to create one lot on properties located at 8706 Poplar Creek Road and Poplar Creek Road (unnumbered), approximately 625 feet north of Poplar Creek Road (7.75 acres), zoned Agricultural/Residential (AR2a).

#### **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.

**PLAN DETAILS** The applicant is requesting final plat approval to consolidate two properties with frontage on Poplar Creek Road. The consolidation includes a private road with an access easement that is the sole access from Poplar Creek Road for approximately 28 parcels. The easement is shown on the plat.

These parcels of land are two of 21 parcels created by deed in 1995. As noted above, the access for these 21 parcels of land is the extension of an existing private ingress-egress easement from Poplar Creek Road. Although it is legal to create parcels of land five acres and greater by deed, it does not automatically make them “buildable” lots. If a parcel accesses utilities from a public right-of-way, a subdivision plat is not required. These parcels will obtain water and electric service from common lines that run through the private easement and must be platted.

**History** In June 2009, the Planning Commission recommended approval with conditions and a variance to create one lot at 8706 Poplar Creek Road. The Subdivision Regulations allow up to 10 lots, five acres or greater, within the Natural Conservation land use policy, to be accessed from a private street (Section 3-9.3.c.1). As this would have been 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 was required to construct a private street in the access easement to Metro standards (20 feet of pavement with two four-foot shoulders). The street would have extended from Poplar Creek Road to the point where it meets the access driveway for the property. Construction plans had been approved by Public Works. The road, which would have been on the applicant’s property and a parcel of land that was owned by Metro, needed to be constructed or bonded prior to the recording of the plat.

The applicant was in the process of obtaining a performance bond, but because they did not own all of the property, they did not have the authority to complete the process. The Planning Commission had granted extensions to the approval of this plat three times with the final expiration in March 2011. During that time, the applicant was attempting to purchase the property from Metro.

The property was declared surplus via BL2010-643 in April 2010, but it was not put up for sale until June 2011. The applicant was the successful bidder and has opted to consolidate the two parcels which gives the property street frontage. With this frontage, the variance is no longer necessary.

**Access Easement** While the applicant is no longer required to upgrade the access easement to Public Works' standards, there may be other parcels that use this access platted in the future. In order not to preclude the upgrading of the easement to serve these future lots, a note will be added to the plat that allows required improvements to be made. In addition to the note, there are some minor revisions needed on the plat. These are noted as conditions of approval.

**PUBLIC WORKS RECOMMENDATION** Label the 50' Ingress Egress easement as "Private 50' Ingress Egress Easement"

**HARPETH VALLEY UTILITY DISTRICT RECOMMENDATION** Approve

**STORMWATER RECOMMENDATION** Approved

**FIRE MARSHAL RECOMMENDATION** Approved

Fire-flow shall meet the requirements of the International Fire Code - 2006 edition - B105.1. {2006 IFC B105.1 One- and two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m2) shall be 1,000 gallons per minute (3785.4 L/min) for a duration of 2 hours.}

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the final plat.

#### **CONDITIONS**

1. The following revisions shall be made to the plat:
  - a. Note that this is a consolidation plat
  - b. Correct the subdivision case number
  - c. Provide a reference to the second parcel
  - d. Show and label the old lot line
  - e. Label the 50' Ingress Egress easement as "Private 50' Ingress Egress Easement"

2. Amend note 12 to read:

*When required by an agency of the Nashville-Davidson County Metropolitan Government, or for the health and safety of the property owners of any parcel or lot that is accessed via the 50 foot ingress/egress easement that runs along the eastern edge of the property, improvements to the ingress/egress easement by a property owner or owners of any parcel or lot that is accessed by the easement shall be permitted.*

Ms. Bernards presented the staff recommendation of approval with conditions.

Jared Gray (representing property owner), 8170 Coley Davis Road, spoke in support of staff recommendation and stated that the applicant has agreed to all Metro conditions.

Barbara Stephens, 8676 Poplar Creek Road, spoke against staff recommendation stating concerns with having 13 homes located along a very dangerous, narrow road.

Beverly Lawson, 8664 Poplar Creek Road, spoke against staff recommendation noting that the property owner wants to consolidate because he doesn't want to repair the extremely dangerous road.

Jeff Wilson, 8642 Poplar Creek Road, spoke against staff recommendation and stated that a consolidation represents a significant threat to safety. Mr. Wilson stated that the road problems must be solved before anyone else builds a house.

Jared Gray stated that this parcel has been already been consolidated by quick claim deed and that his client is willing to make road improvements.

**Mr. Ponder moved and Councilmember Gotto seconded the motion to close the Public Hearing. (8-0)**

Ms. LeQuire asked if the applicant made specific offers of changes they would be willing to make.

Ms. Bernards stated that no, no discussions have taken place regarding any improvements.

Mr. Dalton asked for clarification of Taylor Lane and if it is all gravel or if some of it is paved.

Ms. Bernards clarified the location of Taylor Lane and stated that some of it is paved but most is gravel.

Mr. Gee asked for clarification on the previous request and MPC ruling.

Ms. Bernards clarified that the applicant originally wanted to plat the northern parcel in order to build a house. As this parcel did not have street frontage and would be the thirteenth lot to be accessed from a private road, they needed a variance to the Subdivision Regulations to plat the lot and build the house. A condition of approval was that they would bring the private road up to Public Works standards to the point where they took driveway access. They had worked with Public Works and construction drawings were approved but they were unable to bond the project as they did not own the southern parcel. It was owned by Metro, but had been put up for sale and the applicant was the purchaser. With the consolidation of the parcels into one lot, the property will have street access and the variance is no longer required.

Mr. Gee asked for location clarification of the easement on Taylor Lane and also asked who holds responsibility for maintaining the easement.

Dr. Cummings in at 4:24 p.m.

Ms. Bernards clarified the location of the easement and also noted that there is not a formal association or a maintenance agreement.

Mr. Clifton inquired what the public role is and asked if the MPC has any legal right to disapprove this?

Mr. Sloan stated that if this consolidation meets all of our Subdivision Regulations and all regulations that we have regarding lot consolidations, then the MPC has to approve it. If the applicant meets all the requirements, then approval must be granted.

Mr. Clifton stated that it is in all party's interests to improve these roads. They are not public roads therefore it is up to the private parties to improve them. Is there any of this that does not meet Subdivision Regulations?

Ms. Bernards clarified that it does meet all Subdivision Regulations.

Mr. Ponder inquired if the easement has to be kept open, can the property owner close it?

Ms. Bernards stated that no, it can not be closed.

Councilmember Gotto expressed agreement with Mr. Clifton; feels that the responsibility to make these road improvements lies equally with all property owners in this area.

**Councilmember Gotto moved and Mr. Ponder seconded the motion to approve staff recommendation.**

Ms. LeQuire asked if the applicant could be more specific on what improvements they are willing to make.

Mr. Gray stated that his client is willing to grade in his area, make sure the ditches are pulled, and basically make it better that it was at the time when Metro owned it.

Mr. Clifton expressed hope that the roads will be improved as a community effort.

**The vote was taken. (9-0)**

### **Resolution No. RS2011-168**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2009S-027-002 is **APPROVED WITH CONDITIONS. (9-0)**

#### **Conditions of Approval:**

1. The following revisions shall be made to the plat:
  - a. Note that this is a consolidation plat
  - b. Correct the subdivision case number
  - c. Provide a reference to the second parcel
  - d. Show and label the old lot line
  - e. Label the 50' Ingress Egress easement as "Private 50' Ingress Egress Easement"
2. Amend note 12 to read:

When required by an agency of the Nashville-Davidson County Metropolitan Government, or for the health and safety of the property owners of any parcel or lot that is accessed via the 50 foot ingress/egress easement that runs along the eastern edge of the property, improvements to the ingress/egress easement by a property owner or owners of any parcel or lot that is accessed by the easement shall be permitted."



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## K. OTHER BUSINESS

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4. Grant Contract Between The State Of Tennessee, Department Of Transportation and Metropolitan Government Of Nashville-Davidson County Metropolitan Planning Commission On Behalf of the Nashville Area MPO to administer a 10-county household travel survey.

Approved (8-0), Consent Agenda

**Resolution No. RS2011-169**

“BE IT RESOLVED by The Metropolitan Planning Commission that the grant contract between the State of Tennessee, Department of Transportation and the Metro Planning Commission on behalf of the Nashville Area MPO to administer a 10-county household travel survey is **APPROVED. (8-0)**”

5. Grant Contract Between The State Of Tennessee, Department Of Transportation and Metropolitan Government Of Nashville-Davidson County Metropolitan Planning Commission On Behalf of the Nashville Area MPO to provide transportation planning and coordination for Davidson, Williamson, Wilson, Sumner and Rutherford Counties in Tennessee outside of the Nashville Urbanized Area for FY 2012

Approved (8-0), Consent Agenda

**Resolution No. RS2011-170**

“BE IT RESOLVED by The Metropolitan Planning Commission that the grant contract between the State of Tennessee, Department of Transportation and the Metro Planning Commission on behalf of the Nashville Area MPO to provide transportation planning and coordination for Davidson, Williamson, Wilson, Sumner, and Rutherford Counties outside the Nashville Urbanized Area for FY2012 is **APPROVED. (8-0)**”

6. Amendment to the Rules and Procedures, Section VIII. G.1 and 2a, Four Year Review of Specific Plan District

Councilmember Gotto moved and Mr. Clifton seconded the motion to approve with an amendment to include that the 90 day notices for these types of SP Reviews will be sent to the Councilmember and will not apply if the anticipated staff recommendation is to find the SP active. (9-0)

**Resolution No. RS2011-171**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Amendment to the Rules and Procedures, Section VIII. G.1 and 2a, Four Year Review of Specific Plan District is **APPROVED with an amendment that the 90 day notices for these types of SP Reviews will be sent to the Councilmember and will not apply if the anticipated staff recommendation is to find the SP inactive. (9-0)**

- G. 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 each SP.

1. **Review Initiation.** Ninety calendar days prior to review initiation, Planning Department staff shall notify the property owner(s) of a pending review. For large (more than 10 properties) SP Districts that were initiated by the Planning Department or the District Councilmember, notice of the upcoming review shall be placed on the Planning Department website only unless it is anticipated that the staff recommendation to the Planning Commission is to find the SP District inactive. The ninety day notice for these reviews shall be sent to the Councilmember. Review will be initiated at the four year anniversary of Council approval of the SP and each subsequent four years until development of the Specific Plan is deemed complete by the Planning Commission. For SPs 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 report to the Planning Commission, Councilmember, and property owner of record with determination of completion or activity. The report shall be mailed or e- mailed at least 6 calendar days prior to the Planning Commission meeting at which the SP's level of activity will be considered. For large (more than 10 properties) SP Districts that were initiated by the Planning Department or the District Councilmember, the report shall be placed on the Planning Department website only unless the staff recommendation to the Planning Commission is to the SP District inactive. Consideration of the SP's level of activity shall be placed on the next available agenda for action by the Planning Commission. After the action by the Planning Commission, there shall be 14 calendar days to appeal the determination 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 SPs shall be removed from the four year review cycle. Active SPs shall be reviewed again four years from the Planning Commission action date. If there is no appeal, completed SPs shall be removed from the four year review cycle and active SPs 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 SPs, described below, shall be followed."

**7. Employee contract renewal for Joni Priest**

Approved (8-0), Consent Agenda

**Resolution No. RS2011-172**

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewal for Joni Priest is **APPROVED. (8-0)**"

- 8.** Historical Commission Report
- 9.** Board of Parks and Recreation Report
- 10.** Executive Committee Report
- 11.** Executive Director Report
- 12.** Legislative Update

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**L. MPC CALENDAR OF UPCOMING MATTERS**

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**August 11, 2011**

IDA Work Session

2:15pm, Nashville Room, Metro Office Building, 800 2<sup>nd</sup> Avenue South

MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**August 18, 2011**

Bellevue Community Meeting

6-8pm, Cross Point Church, 7675 Hwy 705

Bellevue Community Plan Update: Centers, Corridors, and Districts

**August 22, 2011**

Lakewood Community Meeting

6pm, DuPont-Hadley Middle School Auditorium

Topic: Overview of process and first draft of converted Lakewood Zoning

**August 25, 2011**

MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**August 29, 2011**

Lakewood Community Meeting

6pm, DuPont-Hadley Middle School Auditorium

Topic: First draft of Lakewood Community Plan and second draft of Lakewood Zoning

**September 12, 2011**

Lakewood Community Meeting

6pm, DuPont-Hadley Middle School Auditorium

Topic: Final discussion of Lakewood Community Plan and Zoning

**September 15, 2011**

Bellevue Community Meeting

6-8pm, Harpeth Heights Baptist Church, 8063 Hwy 100

Bellevue Community Plan Update: Plan Implementation, transportation, open spaces

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**M. ADJOURNMENT**

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The meeting was adjourned at 4:53 p.m.

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Chairman

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Secretary