



# **METROPOLITAN PLANNING COMMISSION**

## **DRAFT MINUTES**

**Thursday, August 22, 2013**

**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, Chair  
Stewart Clifton, Vice Chair  
Jeff Haynes  
Phil Ponder  
Greg Adkins  
Stewart Clifton  
Andree LeQuire  
Hunter Gee  
Judy Cummings  
Derrick Dalton

Staff Present:  
Rick Bernhardt, Executive Director  
Doug Sloan, Deputy Director  
Kelly Adams, Administrative Services Officer III  
Craig Owensby, Public Information Officer  
Bob Leeman, Planning Manager II  
Kathryn Withers, Planning Manager II  
Carrie Logan, Planner III  
Jason Swaggart, Planner II  
Greg Johnson, Planner II  
Duane Cuthbertson, Planner II  
Amy Diaz-Barriga, Planner I  
Susan Jones, 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  
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## Notice to Public

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

The Commission is a 10-member body, nine of whom are appointed by the Metro Council and one of whom serves as the mayor's representative. 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

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

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 Commission's 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

**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.**



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# 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

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

## C. APPROVAL OF AUGUST 8, 2013 MINUTES

Mr. Ponder moved and Mr. Gee seconded the motion to approve the August 18, 2013 minutes. (7-0)

## D. RECOGNITION OF COUNCILMEMBERS

Mr. Dalton and Mr. Clifton arrived at 4:02 p.m.

Chairman McLean welcomed Councilmember Hunt to the Planning Commission and thanked Councilmember Claiborne for his service.

Councilmember Baker spoke in support of the rezoning request for Item 5.

Councilmember McGuire spoke regarding Item 3a and 3b. He stated that he is in support of the zone change and plan amendment change but asked the commission to disregard the Green Hills Area Transportation Plan – specifically the Warfield/Shackleford Road alignment portion. This alignment was driven several years ago by one specific project that has yet to come to fruition. As it stands right now, the Green Hills Area Transportation Plan is not part of the Community Plan. He also noted that there is no funding set aside to make this connection.

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## E. ITEMS FOR DEFERRAL / WITHDRAWAL

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### 1a. 2013Z-028PR-001

### 1b. 2013UD-003-001

BL2013-514  
GALLATIN PIKE UDO

### 2. 2013S-109A-001

ABBOTT MARTIN ESTATES, LOTS 1 & 2 AMENDMENT

### 9. 2013S-121-001

KENNER MANOR LAND, RESUB LOTS 126 & 127

Dr. Cummings arrived at 4:05 p.m.

Councilmember Claiborne moved and Mr. Clifton seconded the motion to approve the Deferred Items. (10-0)

Mr. Ponder moved and Councilmember Claiborne seconded the motion to add Item 4 added to deferral list. (10-0)

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## **F. CONSENT AGENDA**

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**NOTICE TO THE PUBLIC:** Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

- 6. 81-76P-001**  
MCREDMOND CENTER (DOLLAR GENERAL)
- 7. 2009S-107-001**  
LAKESIDE MEADOWS, PH 3 (CONCEPT PLAN EXTENSION)
- 8. 2013S-107-001**  
CHRISTIANSTED VALLEY RESERVE (DEVELOPMENT PLAN)
- 10. New employee contract for Jason Aprill.**

Mr. Clifton moved and Mr. Adkins seconded the motion to approve the Consent Agenda. (10-0)

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## G. PREVIOUSLY DEFERRED ITEMS

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The items below were deferred from a previous Planning Commission meeting at the request of the applicant or by the commissioners. For Community Plan Policy items, see H. Community Plan Policy Changes and Associated Cases.

### Zone Changes

#### 1a. 2013Z-028PR-001

BL2013-513

Maps Various, Parcels Various

Council District 05 (Scott Davis); 06 (Peter Westerholm); 07 (Anthony Davis); 08 (Karen Bennett)

Staff Reviewer: Duane Cuthbertson

A request to rezone from MUG, CS, CL, OR20, RS5, R6, OL, SP, RS10, and RS7.5 to MUG-A, MUL-A, and OR20-A zoning for various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway, (213.96 acres), requested by the Metro Planning Department, applicant; various property owners.

**Staff Recommendation: Defer to the September 26, 2013, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2013Z-028PR-001 to the September 26, 2013, Planning Commission meeting. (10-0)**

#### 1b. 2013UD-003-001

BL2013-514

**GALLATIN PIKE UDO**

Maps Various, Parcels Various

Council District 05 (Scott Davis); 06 (Peter Westerholm); 07 (Anthony Davis); 08 (Karen Bennett)

Staff Reviewer: Greg Johnson

A request to apply the Gallatin Pike Urban Design Overlay (UDO) district to various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway (213.96 acres), requested by the Metro Planning Department, applicant; various property owners.

**Staff Recommendation: Defer to the September 26, 2013, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2013UD-003-001 to the September 26, 2013, Planning Commission meeting. (10-0)**

### Subdivision: Amendments

#### 2. 2013S-109A-001

**ABBOTT MARTIN ESTATES, LOTS 1 & 2 AMENDMENT**

Map 117-13, Parcel(s) 136-137

Council District 34 (Carter Todd)

Staff Reviewer: Greg Johnson

A request to amend the recorded plat to permit duplexes on properties located at 2311 and 2313 Warfield Lane, opposite Caylor Drive, (0.95 acres), zoned R20, requested by John G. Brittle, Jr., applicant; Darren Cioffi, owner.

**Staff Recommendation: Withdraw.**

**The Metropolitan Planning Commission Withdrew 2013S-109A-001.**

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## H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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The Planning Commission will make the final decision on a Community Plan Amendment. The Commission will make a recommendation to the Metro Council on any associated cases(s). The Metro Council will make the final decision to approve or disapprove the associated case(s).

### Community Plan Amendments

#### 3a. 2013CP-010-002

##### **GREEN HILLS-MIDTOWN PLAN AMENDMENT**

Map 117-15, Parcel(s) 050-053, 127; Map 117-15-0-D, Parcel(s) 001-002

Map 117-15-0-H, Parcel(s) 001-002;

Map 131-03, Parcel(s) 017, 019, 021-023, 026-028, 063, 064, 066, 067, 069, 141-143;

Map 131-03-0-E, Parcel(s) 001-004; Map 131-03-0-S, Parcel(s) 001-002

Map 131-03-0-X, Parcel(s) 001-002; Map 131-03-1-G, Parcel(s) 001-002

Council District 25 (Sean McGuire)

Staff Reviewer: Cynthia Wood

A request to amend the Green Hills-Midtown Community Plan: 2005 Update to change the Land Use Policy from Residential Low-Medium Density (RLM) to Residential Medium (RM) for various properties located along Lone Oak Road, Shackleford Road and Warfield Drive, south of Richard Jones Road (9.47 acres), requested by Dale & Associates, applicant; various property owners.

**Staff Recommendation: Defer to November 14, 2013, to consider this application with a request to adopt the Green Hills Area Transportation Plan to address mobility issues.**

##### **APPLICANT REQUEST**

**Change the policy from Residential Low-Medium Density to Residential Medium Density.**

##### Amend the Community Plan

Amend the *Green Hills - Midtown Community Plan: 2005 Update* to change the Land Use Policy from Residential Low-Medium Density (RLM) to Residential Medium Density (RM) for various properties located along both sides of Lone Oak Road between Richard Jones Road and Shackleford Road.

##### **GREEN HILLS – MIDTOWN COMMUNITY PLAN**

Residential Low-Medium Density policy supports residential development within a density range of 2 to 4 housing units per acre.

##### **APPLICANT PROPOSED POLICY**

Residential Medium Density (RM) policy supports residential development within a density range of 4 to 9 housing units per acre.

##### **STAFF POLICY RECOMMENDATION**

Suburban Neighborhood Maintenance (T3 NM) policy supports a mix of housing types in a walkable neighborhood environment. Prevailing densities are within a range of 4-20 housing units per acre. There may be some exceptions where higher densities are found, such as at locations within walking distance of major transportation corridors where appropriate infrastructure is in place or provided through proposed developments.

The recommendation includes supplementing the standard T3 NM policy in the Community Character Manual with the following Special Policies:

##### **10-T3-NM-01**

T3 Suburban Neighborhood Maintenance Area 1 in the Green Hills-Midtown Community is referenced as 10-T3-NM-01 on the accompanying map. This area includes residential lots on both sides of Lone Oak Road between Richard Jones Road and Warfield Drive and also includes the first three properties on the north and south sides of Shackleford Road and the first three properties on both the north and south side of Warfield Drive. The following Special Policies apply to the area. Where the Special Policy is silent, the guidance of the T3 Suburban Neighborhood Maintenance policy applies.

- Design Principle: Access
  - Shared driveways are appropriate and where they currently exist, they are encouraged to be retained. Development of an alley system is also encouraged to coordinate access and circulation.
- Design Principle: Building Form (Mass, Orientation, Placement)
  - Residential building heights should not exceed 40 feet in a maximum of 3 stories above ground.
- Design Principle: Connectivity (Pedestrian/Bicycle)

- New development should improve bicycle, pedestrian, and vehicle circulation and safety in this area. Actions can range from creating new roadways as opportunities become available, to building new sidewalks on existing streets and providing bicycle storage/parking.
- Design Principle: Connectivity (Vehicular)
  - Vehicular connectivity is provided in the form of local streets, collectors, and arterials that add to the overall street network and provides residents with multiple routes and reduced trip distances. When the opportunity presents itself, street connectivity is provided. The Green Hills Plan completed in August 2011 proposed the realignment of Warfield Drive with Shackleford Road, creating a four-way intersection. Future development should provide and dedicate right-of-way for the realignment.

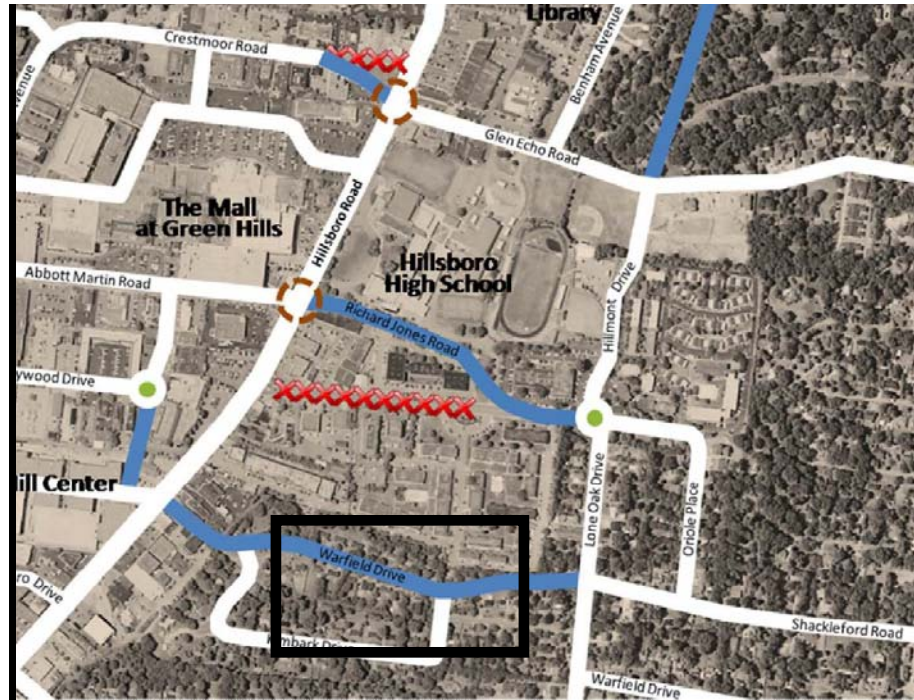
## **BACKGROUND**

The proposed amendment area consists of several residential properties that front on Lone Oak and Shackleford Roads and Warfield Drive. Within the larger plan amendment area, the properties at 4115, 4117, and 4119 Lone Oak Road (1.10 acres) are proposed for development at 7.2 units per acre and are discussed in the staff report for zone change Case #2013SP-025-001. Development and zoning in this area predate the 2005 community plan update and are at slightly higher densities than Residential Low-Medium Density policy supports. The area is currently developed at about 7.2 units per acre.

The applicants have requested a community plan amendment and Specific Plan rezoning in order to construct an eight-unit detached single family development with more units per acre (7.2 dwelling units per acre) than can be supported by the existing RLM policy, which has a range of two to four housing units per acre. The staff-recommended T3 Suburban Neighborhood Maintenance policy typically supports residential development at up to twenty units per acre and is subject to compatibility with the existing neighborhood character and structure. The applicant requested policy, RM, does not contain this important level of policy guidance. Bicycle, pedestrian, and vehicular circulation needs to be provided as part of any new development of the site.

The Green Hills Area Transportation Plan was completed in August 2011 (see [http://www.nashville.gov/Portals/0/SiteContent/Planning/docs/subarea10/GreenHillsAreaPlan\\_2011-08.pdf](http://www.nashville.gov/Portals/0/SiteContent/Planning/docs/subarea10/GreenHillsAreaPlan_2011-08.pdf)). This plan was sponsored by the Tennessee Department of Transportation (TDOT), Metro Public Works, Metro Planning Department, and Citizens for a Better Green Hills. Representatives from TDOT, the Nashville Area Chamber of Commerce, the Nashville Area Metropolitan Planning Organization, Metro Public Works, Metro Planning Department, The Green Hills Action Partnership, Metro Transit Authority, and Lipscomb University were among members serving on the steering committee and resource team. The plan recognizes that Green Hills is an automobile oriented destination with significant traffic congestion. The study also recognized that the area would continue to grow and, therefore, more mobility options are needed. The area's infrastructure will need to continue to evolve to serve the large population living in the area and traveling to Green Hills. The transportation issues cannot be addressed without looking comprehensively at land use, pedestrian, bicycle, transit, aesthetic, and strategic vehicular and street network opportunities. The plan recognizes that private sector implementation will be necessary in some instances to mitigate the transportation issues in the area.

A set of proposed recommendations are outlined within the Green Hills Area Transportation Plan related to traffic and roads, transit, pedestrians and bicycles, access management, and streetscape. A future roadway network is depicted within the Plan that shows realigned intersections, strategic road connections, and potential roundabout locations. One of the street realignments that is recommended in the Plan is a direct connection of Warfield Drive to Shackleford Road, creating a new four-way stop intersection. Currently, motorists zig-zag through the neighborhood from Shackleford Road to Warfield Drive to arrive at Hillsboro Pike. A realigned intersection, shown in the box on the map below, is one of several realignments and strategic connections necessary to develop a more extensive vehicular and pedestrian grid network east of Hillsboro Pike.



The proposed realigned intersection of Warfield Drive with Shackleford Road is at the southern extent of the requested community plan amendment.

### COMMUNITY PARTICIPATION

A community meeting was held by the Planning Department on August 1, 2013. The meeting was attended by approximately 75 people including District Councilman Sean McGuire. Attendees were concerned about both the proposed SP and the community plan amendment proposal. Many of the concerns centered on traffic congestion and excessive vehicle speeds. In addition to the community meeting on August 1, the applicant had met with some neighborhood residents on a previous occasion.

### ANALYSIS

As noted above, the requested policy – T3 NM – supports up to 20 dwelling units per acre, and can support higher densities at strategic locations. The proposed amendment area 10-T3-NM-01 is in an appropriate location for more intense residential development than the existing RLM policy would support. The proposed T3 NM policy is appropriate because the amendment area:

- is within walking distance of intense residential, commercial and office development along Hillsboro Pike;
- is served by existing urban infrastructure that can be upgraded, as opposed to being in a greenfield area where there is no infrastructure; and
- is within walking distance of bus service.

Despite being appropriate for a medium-density neighborhood, the amendment area is faced with considerable traffic congestion. If not already in place by the time a site is developed, sufficient infrastructure to allow safe and comfortable bicycle and pedestrian travel should be put in place as development occurs, or should be provided soon afterwards. Access management through the development of shared driveways are also needed prior to or concurrent with new development. The southern extent of the amendment area also contains the proposed realigned intersection of Warfield Drive with Shackleford Road. The applicants' proposed development, and future developments in the area, should provide sufficient space for the realignment of Warfield and Shackleford to contribute to a more comprehensive street grid system east of Hillsboro Pike.

On Monday July 22, 2013, representatives from TDOT, Public Works and Planning met to discuss the Green Hills Area Transportation Plan in light of this and future development applications. All agencies agreed that it is important that the proposed street connections shown in the plan be required of future developments to ensure that infrastructure needs are met.

### STAFF RECOMMENDATION

Staff recommends that this application be deferred to November 14, 2013, so that it can be considered in conjunction with a request to adopt the entire Green Hills Area Transportation Plan. If the applicant does not agree to a deferral, then staff recommends disapproval of RM, but approval of the T3 Suburban Neighborhood Maintenance policy, with the applicable transportation improvements as recommended in the 2011 Green Hills Area Transportation Plan.



Ms. Withers presented the staff recommendation of deferral to November 14, 2013 to consider this application with a request to adopt the elements of the Green Hills Area Transportation Plan into the Community Plan to address mobility issues.

Mr. Briggs presented the elements of the Green Hills Area Transportation Plan.

Michael Garrigan, 516 Heather Place, spoke in favor of the application and noted that the policy amendment makes sense from a density standpoint. He requested that the transportation element be removed from the policy amendment as it is not desired by his client or any neighbors that he has met with. He stated that the benefits are far outweighed by the negatives that this would create for the community. He also asked that this be limited to the parcels on the west side of Lone Oak.

Fleda Anderson, 4102B Lone Oak, spoke in favor of the project that would be zoned for high density because of the discussed amenities, but spoke in opposition to increasing the density of the larger area because of all the traffic issues. She stated that she would like to keep it as is or limited to the west side.

Tim Kelley, 1816 Warfield Drive, requested that the transportation element be removed.

**Mr. Clifton moved and Dr. Cummings seconded the motion to close the Public Hearing. (10-0)**

Ms. LeQuire asked when the Transportation Plan will be discussed.

Mr. Bernhardt clarified that this is a question of whether or not to increase the intensity without requiring the transportation improvements in the Green Hills area as called for by the plan. Staff needs direction for this and for the future.

Mr. Clifton noted that we cannot continue to zone for more density without transportation changes. He stated that he would not be in support at this time without some changes in the transportation system.

Mr. Gee inquired if there are other ways the connection can be made.

Mr. Briggs stated that more time is needed to analyze the area further which is why staff's recommendation is deferral.

Mr. Gee stated that better connectivity in this area is needed. Connecting Shackelford to Warfield has considerable value; regardless of how that happens, we will have to take private properties. He stated that he is not in favor of holding a property hostage until a plan is before the commission and would be in support of staff's recommended policy. He asked for clarification on what approving or disapproving the transportation element today means.

Mr. Bernhardt clarified that it would impact the rezoning by identifying that alignment and that alignment would be the alignment until such time as alternatives are suggested. He stated that the transportation element is one of the few solutions to the Green Hills traffic problem.

Ms. LeQuire stated that if the commission is going to see the transportation plan as a whole, it would be helpful to see all the components before decisions are made regarding specific connectors.

Mr. Gee inquired if staff has considered other alternatives and also asked how detailed the study has been. He stated that he supports connectivity but is uncomfortable holding a case hostage until an adopted concept is approved or disapproved.

Mr. Briggs noted that staff has not had the opportunity to sit down and evaluate whether or not there would be other realignment options or to have a broader discussion with the community.

Dr. Cummings spoke in support of deferral due to the scope of the project.

Mr. Ponder inquired if there was any way to possibly speed up the process to late September/early October.

Mr. Briggs stated that November would be the earliest due to community notice and NashvilleNext projects.

Mr. Ponder stated that he would be inclined to defer.

Councilmember Claiborne expressed concerns with holding up this development based on what might be. This transportation plan came about when there was a possibility of a large scale development that would clear out all the existing buildings, therefore allowing the connections to be made in the development process. Since that possibility evaporated, we are now just looking at three properties. He stated that he would like to give the developer the ability to go ahead and do what he wants to do, but is conflicted about telling him he can't do it until we look at a plan that may or may not come to fruition. He noted that he would like to limit the area to only one side of the street and use the center line of Lone Oak as the dividing line.

Mr. Bernhardt clarified that it works out better for the street if you don't use the street as the dividing line. It's best to use the rear property lines because you don't want heavy development facing light development right across the street.

Ms. LeQuire pointed out that since the commission is about to be looking at the bigger picture, it seems like we would want to make a broader decision with a lot more factors to consider.

Mr. Clifton noted that there is no entitlement to this project just because it's proposed. He stated that he does not see how intensification in use without any help to the corresponding traffic problems can be approved.

Mr. Adkins stated that this is a good development. If the correct community meetings are held, the transportation plan could take a lot of time. He does not feel that this should be held up because it isn't changing the transportation conditions on the road per se. He spoke in support of the proposal.

Mr. Gee noted that if the commission thinks this land use policy makes sense for this street, that doesn't preclude the commission from approving a transportation plan that shows Shackleford connecting to Warfield. It doesn't preclude the commission from approving this rezoning, building the project, and still ultimately connecting the two streets. The question to ask is do we think this land use policy makes sense for this particular area.

**Mr. Clifton moved and Dr. Cummings seconded the motion to defer to the November 14, 2013 Planning Commission meeting. (4-6) Chairman McLean, Mr. Adkins, Mr. Dalton, Mr. Haynes, Mr. Gee, and Councilmember Claiborne voted against.**

**The motion failed.**

**Mr. Adkins moved and Mr. Gee seconded the motion to approve T3-NM without the transportation improvements considered in the Green Hills Area Transportation Plan. (6-4) Ms. LeQuire, Dr. Cummings, Mr. Clifton, and Mr. Ponder voted against.**

#### **Resolution No. RS2013-152**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2013CP-010-002 is Approved with T3-NM without consideration of the Green Hills Area Transportation Plan. (6-4)**

### **3b. 2013SP-025-001**

#### **GREEN HILLS STATION**

Map 131-03, Parcel(s) 021-023  
Council District 25 (Sean McGuire)  
Staff Reviewer: Jason Swaggart

A request to rezone from R10 to SP-R zoning for properties located at 4115, 4117, and 4119 Lone Oak Road, opposite Shackleford Road (1.1 acres), to permit up to eight detached residential units, requested by Dale & Associates, applicant; Aubrey Harwell, Jr., owner.

**Staff Recommendation: Defer to the November 14, 2013, Planning Commission meeting.**

#### **APPLICANT REQUEST**

**Permit eight residential units.**

#### Preliminary SP

A request to rezone from One and Two-Family Residential (R10) to Specific Plan - Residential (SP-R) zoning for properties located at 4115, 4117, and 4119 Lone Oak Road, opposite Shackleford Road (1.1 acres), to permit up to eight detached residential units.

#### **Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of four lots with one duplex lot for a total of five units; however, the subject site consists of three legal lots and each lot could be developed as a duplex for a total of six units.*

#### **Proposed Zoning**

Specific Plan-Residential (SP-R) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type.

#### **CRITICAL PLANNING GOALS**

- Supports Infill Development
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices
- Supports a Variety of Transportation Choices

The proposal provides an additional housing type that is attractive to young couples and retirees at a location served by adequate infrastructure. Shopping and other services are conveniently located within walking distance of the site. While the area is not served with a complete sidewalk network, a sidewalk is located on the east side of Lone Oak and connects to the sidewalk along Richard Jones Road which provides a pedestrian connection to the amenities along Hillsboro Pike. This request will also provide a sidewalk along its frontage. The request is also located on a bus line providing additional transportation options.

While the proposed SP meets several critical planning goals, it does not provide a connection called for in the Green Hills Area Transportation Plan. This plan was developed by community stakeholders, TDOT, Public Works and various other groups in 2011. The plan recognizes that Green Hills is an automobile oriented destination with significant traffic congestion, and significant potential for more development. The area's infrastructure will need to continue to evolve to serve the large population living in the area and traveling to Green Hills. One of the street realignments that is depicted in the plan is a direct connection of Warfield Drive to Shackelford Road, creating a new four-way stop intersection. Currently, motorists zig-zag through the neighborhood from Shackelford Road to Warfield Drive to arrive at Hillsboro Pike. A realigned intersection is one of several realignments and strategic connections to develop a more extensive vehicular and pedestrian grid network east of Hillsboro Pike. Improving connectivity over time at multiple locations will be necessary to help improve traffic congestion.

## **GREENHILLS - MIDTOWN COMMUNITY PLAN**

### **Existing Policy**

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

### **Applicant Proposed Policy**

Residential Medium (RM) policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments. (See case no. 3a, 2013SP-025-001)

### **Staff Policy Recommendation**

Suburban Neighborhood Maintenance (T3 NM) policy supports a mix of housing types in a walkable neighborhood environment. Prevailing densities are within a range of 4-20 housing units per acre. There may be some exceptions where higher densities are found, such as at locations within walking distance of major transportation corridors where appropriate infrastructure is in place or provided through proposed developments.

The recommendation includes supplementing the standard T3 NM policy in the Community Character Manual with the following Special Policies:

#### **10-T3-NM-01**

T3 Suburban Neighborhood Maintenance Area 1 in the Green Hills-Midtown Community is referenced as 10-T3-NM-01 on the accompanying map. This area includes residential lots on both sides of Lone Oak Road between Richard Jones Road and Warfield Drive and also includes the first three properties on the north and south sides of Shackelford Road and the first three properties on both the north and south side of Warfield Drive. The following Special Policies apply to the area. Where the Special Policy is silent, the guidance of the T3 Suburban Neighborhood Maintenance policy applies.

- Design Principle: Access
  - Shared driveways are appropriate and where they currently exist, they are encouraged to be retained.
- Design Principle: Building Form (Mass, Orientation, Placement)
  - Residential building heights should not exceed 45 feet in a maximum of 3 stories above ground.
- Design Principle: Connectivity (Pedestrian/Bicycle)
  - Require that measures be taken with new development to improve bicycle, pedestrian, and vehicle circulation and safety in this area. This can range from opening up new roadways as opportunities become available to building sidewalks.
- Design Principle: Connectivity (Vehicular)
  - Vehicular connectivity is provided in the form of local streets, collectors, and arterials that add to the overall street network and provides residents with multiple routes and reduced trip distances. When the opportunity presents itself, street connectivity is provided. The Green Hills Plan completed in August 2011 proposed the realignment of Warfield Drive with Shackelford Road, creating a four-way intersection. Future development should provide and dedicate right-of-way for the realignment.

### Consistent with Policy?

The density for the proposed SP is approximately seven units per acre. This density is not consistent with the existing RLM policy which limits density to two and four unit per acre, but it is consistent with the density supported by the proposed RM policy and the staff policy recommendation of T3 NM policy. The staff policy recommendation also calls for Shackelford Road to connect to Hillsboro Road through a special policy. The proposed development would not permit this connection.

**PLAN DETAILS**

This SP proposes eight detached residential units with an overall density of approximately 7.2 units per acre. The site is located on the west side of Lone Oak, directly across from where Shackelford terminates into Lone Oak. The site consists of three individual properties and each property contains a single-family home. All three lots are eligible for a duplex.

Site Plan

The SP proposes a layout in which buildings are oriented around a central green space. The two units closest to Lone Oak Road front onto Lone Oak and will have wrap around porches facing Lone Oak and the central green. The remaining six units fronting onto the open space will also have front porches. Units are limited to three stories in height.

Vehicular access will be from a circular drive which loops behind the units. The plan proposes a total of 21 parking spaces. Six units will have a two car garage and the two units closest to Lone Oak will have a one car garage. An additional seven spaces are provided along the internal drive.

**ANALYSIS**

The proposed SP is consistent with many principles of the T3 NM policy recommended by staff, but it does not provide the connectivity outlined by the proposed special policy. The special policy calls for the connection recommended by the Green Hills Area Transportation Plan. The proposed connection would run through the property, along the southern property line. The proposed SP does not include the connection and would prohibit an appropriate alignment for the connection in the future. Staff recommends that the proposed SP plan be redesigned to accommodate a right-of-way dedication for the future connection. Staff recommends that the applicant not be responsible for constructing the roadway within the right-of-way.

Staff is recommending that the request be deferred to the November 14, 2013, Planning Commission meeting. This deferral would give the applicant time to revise the SP plan and would give staff time to meet with area residents about the adoption of the overall Green Hills Area Transportation Plan. If the Commission does not defer the request, then staff offers the following recommendations:

- If associated policy amendment is disapproved, then disapprove the preliminary SP;
- If the associated policy amendment is approved *including the transportation element*, then disapprove the preliminary SP;
- If the associated policy amendment is approved *without the transportation element*, then approve with conditions and disapprove without all conditions.

**SCHOOL BOARD REPORT**

The proposed SP zoning district would not generate any additional students. This information is based upon data from the school board last updated September 2012.

**STORMWATER RECOMMENDATION**

**Approve with Conditions**

- An adequate downstream conveyance was not observed. Address downstream conveyance prior to Final SP approval.
- All detention / water quality features to be located in Open Space / PUDE.

**PUBLIC WORKS RECOMMENDATION**

**No Exceptions Taken**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.1	4.63 D	6 U*	58	5	7

\*Based on three duplex lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	1.1	-	8 U	77	6	9

Traffic changes between maximum: **R10** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2	+19	+1	+2

**STAFF RECOMMENDATION**

Defer to the November 14, 2013, MPC meeting. If the request is not deferred, staff recommends the following:

- If associated policy amendment is disapproved, then disapprove the preliminary SP;
- If the associated policy amendment is approved *including the transportation element*, then disapprove the preliminary SP;
- If the associated policy amendment is approved *without the transportation element*, then approve with conditions and disapprove without all conditions.

**CONDITIONS**

1. Uses within the SP shall be limited to a maximum of eight residential units.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Mr. Haynes out at 5:26 p.m.

Mr. Haynes in at 5:28 p.m.

Michael Garrigan, 516 Heather Place, spoke in support of the application.

**Mr. Haynes moved and Mr. Gee seconded the motion to close the Public Hearing. (10-0)**

**Mr. Haynes moved and Mr. Adkins seconded the motion to approve with conditions and disapprove without all conditions. (9-1) Mr. Clifton voted against.**

**Resolution No. RS2013-153**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2013SP-025-001 is **Approved with conditions and disapproved without all conditions. (9-1)**

**The proposal is consistent with the T3 Suburban Neighborhood Maintenance policy.**

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## I. RECOMMENDATIONS TO METRO COUNCIL

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The Planning Commission will make a recommendation to the Metro Council on the requests below. The Metro Council will make the final decision to approve or disapprove the request.

### Zoning Text Amendments

#### 4. 2013Z-012TX-001

##### ADJUSTMENTS TO BUILD-TO ZONE REQUIREMENTS

Staff Reviewer: Duane Cuthbertson

A request to amend Section 17.12.020.D of the Metropolitan Zoning Code pertaining to adjustments to build-to zone requirements, requested by the Metro Planning Department, applicant.

**Staff Recommendation: Approve**

**The Metropolitan Planning Commission deferred 2013Z-012TZ-001 to the September 12, 2013, Planning Commission meeting. (10-0)**

### Zone Changes

#### 5. 2013Z-019PR-001

Map 091-06, Parcel(s) 305

Council District 20 (Buddy Baker)

Staff Reviewer: Greg Johnson

A request to rezone from CN to R6 zoning for property located at 5516 Kentucky Avenue, approximately 115 feet east of 56th Avenue North (0.21 acres), requested by Anthony Cherry, applicant; Stan Kinslow, owner.

**Staff Recommendation: Approve**

##### APPLICANT REQUEST

**Zone change from CN to R6.**

##### Zone Change

A request to rezone from Commercial Neighborhood (CN) to One and Two-Family Residential (R6) zoning for property located at 5516 Kentucky Avenue, approximately 115 feet east of 56th Avenue North (0.21 acres).

##### **Existing Zoning**

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

##### **Proposed Zoning**

One and Two-Family Residential (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. With 0.21 acres (9,148 square feet), only one lot would be permitted under the R6 zoning district. However, this site is part of a subdivision that was recorded in 1908. Because the site includes two full lots of the original subdivision, those original lots could be re-established. A single-family dwelling would be permitted on each lot.

##### **CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Supports Infill Development

The proposed R6 zoning district will support development that is consistent with the character of surrounding development. Development will occupy a currently vacant site that is served by existing infrastructure.

##### **WEST NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Maintenance (T4 NM) policy is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T4 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 are made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The T4 NM policy is a residential policy. The R6 district is consistent with this policy in terms of density. The policy recommends densities up to 20 dwelling units per acre.

The site is vacant and previously contained a single-family dwelling. It is located within a portion of an existing block that is zoned Commercial Neighborhood. The existing commercial zoning has existed since the 1970s and remains under-utilized, as only one of the three properties in this portion of the block is occupied by a commercial use. The adjacent property at the corner of Kentucky Avenue and 56<sup>th</sup> Avenue houses a convenience market. The adjacent CN-zoned property to the east of the site is occupied by a single-family dwelling. Except for one property at the corner of Morrow Road and Kentucky Avenue, the remainder of the block and the surrounding neighborhood are zoned R6 for single-family and duplex uses.

**PUBLIC WORKS RECOMMENDATION**

No exception taken

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.21	0.25 F	2,286 SF	137	7	27

Maximum Uses in Proposed Zoning District: **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.21	7.71 D	2 U*	25	3	3

\*Based on one two-family unit

Traffic changes between maximum: **CN** and proposed **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-112	-4	-24

**SCHOOL BOARD REPORT**

Because the proposed R6 zoning district will permit a maximum of only two dwellings, the Metro School Board does not assume an increase in student generation with this zone change request.

**STAFF RECOMMENDATION**

Staff recommends approval of the R6 zoning district. This district is consistent with the intent of the T4 Neighborhood Maintenance policy in terms of density and building form. The proposed R6 zoning will allow consistency with the existing development pattern of the surrounding area.

Mr. Johnson presented the staff recommendation of approval.

Mr. Adkins out at 5:34 p.m.

Mr. Adkins in at 5:37 p.m.

Anthony Cherry, developer, spoke in support of the application stating that it makes more sense to look at sound residential ideas for this area. Two homes would improve the neighborhood and add value to the other residential homes in the area.

Frank Parrish, Kentucky Avenue, spoke in support of the application. He stated that he would rather have residential versus commercial.

Jeremy Jeter spoke in opposition to the application noting that there is already an issue with density in this neighborhood. The commercial parcels are vital to the continued growth of the neighborhood. He stated that removing vagrants from the area is not a reason to rezone and that the current property owner should be held fully responsible for maintaining his property.

Michael Kenner, 4603 Indiana, spoke in opposition to the application and stated that having commercial nodes within the neighborhoods with walkability is key to where Nashville wants to go. To rezone this would be a disservice to future residents.

Mike Calhoun, 5412 Michigan Avenue, spoke in opposition to the application and stated that he has never been approached in favor of rezoning. He feels that this should remain zoned commercial.

Frank Stabile, 5203 Kentucky Avenue, spoke in opposition to the application.

**Mr. Ponder moved and Mr. Dalton seconded the motion to close the Public Hearing. (10-0)**

Mr. Ponder asked if this creates spot zoning.

Mr. Johnson stated that since this would meet the Community Plan policies, it would not be considered spot zoning.

Dr. Cummings expressed concerns with having commercial on either side of residential.

Mr. Gee inquired if, in the community plan process, the community felt like eliminating these commercial areas was important, and if so, is that why this policy was put in place. Or, is this a small exception within the bigger rule.

Mr. Johnson clarified that the intent was that the commercial could remain for the small scale development, but the intent was not to intensify or enlarge.

Mr. Gee noted that it is important for the commission to understand that while the proposed zone change is consistent with the plan, the current zoning is not.

Mr. Clifton stated that he saw no reason not to support the zone change.

Ms. LeQuire noted that downzoning might not be very visionary at this point and expressed reluctance to downzone when we don't have to.

Mr. Gee noted that the future development of the market site becomes a lot more challenging without the adjacent properties. If zoned residential, commercial uses will not be able to use these parcels for parking.

Mr. Johnson clarified that it would have to be rezoned back to a commercial use for parking.

**Councilmember Claiborne moved and Mr. Ponder seconded the motion to approve. (6-4) Dr. Cummings, Mr. Gee, Mr. Haynes, and Ms. LeQuire voted against.**

**Resolution No. RS2013-154**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-019PR-001 is **Approved. (6-4)**

**The R6 zoning district is consistent with the T4 Urban Neighborhood Maintenance policy.**

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## **J. PLANNING COMMISSION ACTIONS**

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The Planning Commission will make the final decision on the items below.

### **Planned Unit Developments: Final Site Plans**

#### **6. 81-76P-001**

##### **MCREDMOND CENTER (DOLLAR GENERAL)**

Map 114, Parcel(s) 302

Council District 22 (Sheri Weiner)

Staff Reviewer: Duane Cuthbertson

A request to revise the preliminary and for final approval for the McRedmond Center Planned Unit Development Overlay District for property located at 709 Old Hickory Boulevard, at the northwest corner of Charlotte Pike and Old Hickory Boulevard (2.38 acres), zoned CL, to permit the development of a 8,940 square foot building containing retail use, requested by Dale & Associates, applicant; Leeward Caye Holdings, L.P. & Aston C., L.P., owners.

**Staff Recommendation: Approve with conditions.**

##### **APPLICANT REQUEST**

**Revise a Planned Unit Development and final site plan for a retail building.**



### Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for the McRedmond Center Commercial Planned Unit Development Overlay District for property located at 709 Old Hickory Boulevard, at the northwest corner of Charlotte Pike and Old Hickory Boulevard (2.38 acres), zoned Commercial Limited (CL), to permit the development of a 8,940 square foot building containing a retail use.

### **Existing Zoning**

McRedmond Center Commercial Planned Unit Development – Approved by Council in 1976, as a Commercial PUD. The PUD, with CL base zoning, was last revised in 1989, to permit up to 13,530 sq. ft. of building floor area.

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

### **CRITICAL PLANNING GOALS**

N/A

### **PLAN DETAILS**

The purpose of this request is to revise the McRedmond Center Commercial Planned Unit Development Overlay (PUD) to allow for the construction of a retail building. Retail use is permitted in the PUD by the CL base zoning. The single lot PUD is located at the northwest corner of Old Hickory Boulevard and Charlotte Pike. The property is currently undeveloped.

#### Plan Layout

The plan calls for an 8,940 square foot Dollar General retail market. Vehicular access will be limited to one point along Old Hickory Boulevard. Forty parking spaces are provided on site. The development will provide sidewalks along both street frontages and pedestrian connections into the site. A walkway will also extend from the northern section of sidewalk on Old Hickory Boulevard toward the Townhomes of Traemoor Village to provide an additional pedestrian connection.

The plan calls for a small sitting area at the corner of Old Hickory Boulevard and Charlotte Pike, to be maintained by the property owner. The proposed sitting area will consist of a rain garden, tree plantings, benches, bike parking, and a trash receptacle.

### **ANALYSIS**

The final site plan does not alter the basic development concept established by the approved PUD plan. The 8,940 square feet of retail use proposed is consistent with the PUD and within the maximum floor permitted on the last approved PUD plan. Accordingly, this request is being considered as a revision (minor modification) and does not require Council approval. Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, provided below for review.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
  - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
  - b. The boundary of the planned unit development overlay district is not expanded;
  - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
  - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
  - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
  - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;

- g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
- h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
- i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

#### **STORMWATER RECOMMENDATION**

Approved

#### **PUBLIC WORKS RECOMMENDATION**

Approved with conditions:

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Final design of the sidewalk to be coordinated with MPW to meet ADA requirements and may require field adjustment with MPW inspector.
- Final design of the pavement markings to be coordinated with MPW. Relocate the nose of the striping on OHB to the north of the existing drive opposite of the proposed site.

#### **STAFF RECOMMENDATION**

Approve with conditions. The request is consistent with the Council approved PUD and meets all zoning requirements.

#### **CONDITIONS**

1. Prior to the issuance of permits, revise the purpose note to indicate the correct square footage (8,940 square feet) of the proposed building.
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 Stormwater Management division of Water Services.
3. 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.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. 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.
6. 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.

7. 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.

8. 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.

Approved (10-0), Consent Agenda

**Resolution No. RS2013-155**

"BE IT RESOLVED by The Metropolitan Planning Commission that 81-76P-001 is **Approved with conditions. (10-0)**

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## **Subdivision: Concept Plans**

### **7. 2009S-107-001**

#### **LAKESIDE MEADOWS, PH 3**

Map 110, Parcel(s) 070, 073  
Council District 12 (Steve Glover)  
Staff Reviewer: Greg Johnson

A request to grant a variance to the Subdivision Regulations to permit the extension of an approved concept plan for two years for Lakeside Meadows, Phase 3 for 63 single-family clustered residential lots located at 4652 Hessey Road and 3547 Earhart Road, at the current terminus of Alvin Sperry Pass, zoned RS15, 18.84 acres, requested by Lakeside Meadows, LLC, owner; Weatherford & Associates, LLC, applicant.

**Staff Recommendation: Approve the extension of the Concept Plan approval to August 22, 2015.**

#### **APPLICANT REQUEST**

**Concept plan extension.**

##### Concept plan extension

A request to grant a variance to the Subdivision Regulations to permit the extension of an approved concept plan for two years for Lakeside Meadows, Phase 3 for 63 single-family clustered residential lots located at 4652 Hessey Road and 3547 Earhart Road, at the current terminus of Alvin Sperry Pass, zoned Single-Family Residential (RS15) (18.84 acres).

#### **Existing Zoning**

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

#### **CRITICAL PLANNING GOALS**

N/A

#### **PLAN DETAILS**

##### Concept plan extension

This is a request to extend concept plan approval for Lakeside Meadows, Phase 3 to August 22, 2014. This phase was approved under the original concept plan in 2006 with Phases 1 and 2. Together, all three phases include 123 single-family lots. Since then, Phases 1 and 2 of Lakeside Meadows were platted and are now partially developed. The concept plan for Phase 3 was revised in 2009 to increase the number of single-family lots from 47 to 63.

##### Extension/Variance Request

The applicant requests extension of the concept plan approval for two years, which will require a variance from the Subdivision Regulations because the concept plan has expired and the extension would be for more than one year. Section 2-3.5.f of the regulations permits extensions of one year if the concept plan has not expired.

##### Variances to Subdivision Regulations

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

*a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

*b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.*

*c. Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.*

*d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).*

Staff recommends approval of the proposed concept plan extension based on the required variance findings.

a. The concept plan was previously approved by the Planning Commission and meets current the current Subdivision Regulations and requirements of Metro departments.

b. The concept plan for Phase 3 would not expire under the current Subdivision Regulations because Phases 1 and 2 have been platted.

c. Phase 3 is an integral part of the Lakeside Meadows subdivision because it provides necessary open space and street connections to existing streets and stub street connections to surrounding land. The two-year concept plan extension is appropriate because the applicant intends to install required infrastructure without bonds.

d. The subdivision is consistent with applicable policies.

#### **ANALYSIS**

The concept plan proposal has not changed since its 2009, Planning Commission approval. Had the original concept plan received approval under the current Subdivision Regulations, the concept plan for Phase 3 would not expire because the previous two phases have been platted. However, the Subdivision Regulations that were in place at that time of the revision to Phase 3 did not include the same expiration standards. Phase 3 of the Lakeside Meadows subdivision includes open spaces and stub street connections that are important to the whole development. Although the approval has expired, the need for these elements still applies. A two-year extension to the concept plan approval is appropriate because the applicant intends to install required infrastructure prior to final plat recording instead bonding. Installation of this infrastructure may require more than one year.

The subdivision meets the requirements of the Zoning Code and Subdivision Regulations, and has received previous approvals from the Planning Commission. The concept plan has been reviewed by Metro departments and agencies and continues to meet applicable standards.

#### **STORMWATER RECOMMENDATION**

Because the stormwater grading permit is active and proposed road layout is identical to approved plans, conceptual plan amendment approved.

#### **PUBLIC WORKS RECOMMENDATION**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Comply with the previously approved subdivision plans.

#### **STAFF RECOMMENDATION**

Staff recommends extension of the concept plan approval to August 22, 2015.

Approved (10-0), Consent Agenda

#### **Resolution No. RS2013-156**

"BE IT RESOLVED by The Metropolitan Planning Commission that the extension of the Concept Plan approval for 2009S-107-001 is **Approved to August 22, 2015. (10-0)**

## **Subdivision: Developments Plans**

### **8. 2013S-107-001**

#### **CHRISTIANSTED VALLEY RESERVE**

Map 172, Parcel(s) 149

Council District 04 (Brady Banks)

Staff Reviewer: Amy Diaz-Barriga

A request for development plan approval to create 22 lots on property located at 265 Holt Hill Road, at the terminus of Christiansted Lane, zoned RS15, (10.02 acres), requested by Ragan-Smith Associates, Inc., applicant; Jones Company of Tennessee, owner.

**Staff Recommendation: Approve with conditions.**

## **APPLICANT REQUEST**

### **Development plan for a 22 cluster lot subdivision.**

#### Development Plan

A request for development plan approval to create 22 lots on property located at 265 Holt Hill Road, at the terminus of Christiansted Lane, zoned Single-Family Residential (RS15), (10.02 acres).

#### **Existing Zoning**

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 25 units.*

## **CRITICAL PLANNING GOALS**

N/A

## **PLAN DETAILS**

The concept plan for this subdivision was approved by Planning Commission on December 13, 2007, and was extended for one year on October 25, 2013. The concept plan was approved for 24 single-family residential lots in a cluster lot subdivision. Lots range in size from 7,520 square feet to 12,189 square feet. Four lots were identified as critical lots, and require a Critical Lot plan at time of development. This subdivision is accessed through the Christiansted Valley Subdivision to the south, which connects to Mt. Pisgah Road. Because the Major and Collector Street Plan calls for additional connectivity in the area, to provide cross access between Edmondson Pike and Nolensville Pike, the plan was approved with a condition for the street to stub at the eastern edge of the property line.

The development plan is consistent with concept plan in terms of lot size and layout. The development plan reduces the number of lots from 24 to 22 and decreases the impact on the steepest slopes of the property. The proposed development plan removes the connection to the eastern property line, and identifies the area between the road stub and the property line as dedicated for future right-of-way connection. It specifically notes that the right-of-way shall be dedicated to the property line on the final plat.

#### **ANALYSIS**

Development plans are typically approved administratively. This plan is being brought before the Planning Commission to remove a condition of approval from the Concept Plan. The condition proposed to be removed requires the extension of the public street to the eastern property line. Extending the street to the east property line would connect it to an existing private driveway. The private driveway provides vehicular access for five single-family tracts of land. The private driveway extends approximately 2,000 linear feet before connecting to a public street and is maintained through an easement and joint use and maintenance agreement. Connecting a public road to this private driveway would create an access issue, as the private driveway may only be accessed by those five tracts of land. The current volume of the road is for five single family residences, and is not built to current Public Works standards. The private driveway could be physically compromised by the increase in traffic volume that would be created by this subdivision.

Further, connecting the public street to the property line does not achieve an east-west vehicular connection. There is an undeveloped property between this subdivision and the street system to the east. The identification of a future roadway connection on this plan and a condition to dedicate right-of-way on the final plat will still meet the intent of the Planning Commission's condition, which is to provide opportunity for future east-west connection for this area. Removing the physical connection to a private driveway prevents an immediate access issue. Dedicating the right-of-way at final plat will allow a future public street connection should the property to the east redevelop to create a connection.

## **FIRE MARSHAL RECOMMENDATION**

### **APPROVED WITH CONDITIONS**

- Fire apparatus access roads shall not exceed 10 percent in grade. 1,000 gpm @ 20 psi required. 1,479 per Metro Water 5/30/13.
- This subdivision has submitted engineering data that supports the approval for construction of homes up to 3,600 sq. ft. Any home larger than 3,600 sq. ft. shall be reviewed for flow data compliance at the time of permitting.

## **STORMWATER RECOMMENDATION**

### **APPROVED WITH COMMENTS**

- For the water budget analysis, the infiltration rate of 0.75 in/hr is too low. 2 in/hr is recommended. It is recommended to use a membrane or clay liner for your pond bottom.
- Provide Public Utility and Drainage Easements for all ditches / pipes not in the ROW (including the ditch and / or pipe carrying offsite water).
- For your detention calculations, a CN of 60 is too low for soil type C.
- Excess site areas are being bypassed for water quality. All site area shall be treated.
- Provide a Maintenance agreement / Long term maintenance plans and associated recording fees.
- Provide the Grading permit fee \$1,245 (made payable to MWS).

## **PUBLIC WORKS RECOMMENDATION**

- No Exception Taken

## **STAFF RECOMMENDATION**

Staff recommends approval with conditions. The development plan is consistent with the concept plan, and the modifications made to the plan support the intent of the concept plan condition of approval to provide for a future roadway connection.

## **CONDITIONS**

1. Prior to final plat recordation, 133 linear feet of roadway improvements within the IDA area shall be constructed or bonded, as approved by Metro Public Works.
2. This plan is approved with 12% grade for all fire apparatus access roads subject to an approval by the Board of Fire and Building Code Appeals. If an approval for 12% grade is not granted, plans will be resubmitted showing 10% grade for all fire apparatus access roads, or any alternative grade amount approved by the Board of Fire and Building Code Appeals.
3. This subdivision has submitted engineering data that supports the approval for construction of homes up to 3,600 sq. ft. Any home larger than 3,600 sq. ft. shall be reviewed for flow data compliance at the time of permitting.
4. All requirements of Metro Stormwater shall be met.

Approved with conditions (10-0), Consent Agenda

### **Resolution No. RS2013-157**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-107-001 is **Approved with conditions. (10-0)**

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## **Subdivision: Final Plats**

### **9. 2013S-121-001**

#### **KENNER MANOR LAND, RESUB LOTS 126 & 127**

Map 116-08, Parcel(s) 082  
Council District 24 (Jason Holleman)  
Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create three lots on property located at 4006 Woodmont Boulevard, at the northeast corner of Woodmont Boulevard and Woodmont Hall Place, zoned R10 (0.98 acres), requested by Leonard E. Leech et ux, owners; Dale & Associates, applicant.

**Staff Recommendation: Defer to the September 12, 2013, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2013S-121-001 to the September 12, 2013, Planning Commission meeting. (10-0)**

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## **K. OTHER BUSINESS**

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9. New employee contract for Jason Aprill.

Approved (10-0), Consent Agenda

### **Resolution No. RS2013-158**

"BE IT RESOLVED by The Metropolitan Planning Commission that the new employee contract for Jason Aprill is **Approved. (10-0)**

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11. Historic Zoning Commission Report
  12. Board of Parks and Recreation Report
  13. Executive Committee Report
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14. Executive Director Report

15. Legislative Update

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## L. MPC CALENDAR OF UPCOMING MATTERS

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**August 26, 2013**

General Plan Meeting-NashvilleNext Speakers' Series

Relationship of development and tax structure- Joe Minicozzi, principal of Asheville, NC design and consulting firm Urban3 LLC  
6:00 pm, Harambee Auditorium - Scarritt-Bennett Center, 1008 19th Avenue South

**September 12, 2013**

Work Session

2:30pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**September 12, 2013**

MPC Meeting

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

**September 26, 2013**

MPC Meeting

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

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## M. ADJOURNMENT

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The meeting adjourned at 6:20 p.m.

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Chairman

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Secretary