

# Metropolitan Planning Commission



Staff Reports

January 24, 2013

*Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to 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.*



<b>Project No.</b>	<b>Text Amendment 2013Z-001TX-001</b>
<b>Project Name</b>	<b>Special Events Center</b>
<b>Council Bill</b>	BL2013-354
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Metro Planning Department
<b>Staff Reviewer</b>	Bernards
<b>Staff Recommendation</b>	<i>Approve</i>

**APPLICANT REQUEST**

Delete the “Historic Home Events” use and add the “Special Events Center” use in the Zoning Code

**ZONING TEXT AMENDMENT**

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, by amending Sections 17.04.060, 17.08.030, 17.16.070, 17.16.160 and 17.20.30 to delete “Historic Home Events” as a use and to add “Special Events Center” as a new use to be permitted in certain zoning districts and permitted with conditions in certain zoning districts.

**CRITICAL PLANNING GOALS**

N/A

**EXISTING ZONING CODE**

Currently a private home that has been judged to be historically significant by the Historic Zoning Commission can be used to host events such as, but not limited to, weddings or parties. This use is permitted in the commercial, mixed-use, office, commercial, downtown and shopping center districts and is permitted by Special Exception in the residential and agricultural zoning districts and the Office Neighborhood district. The following conditions apply to the Historic Home Events that require a special exception:

1. Lot Size. The minimum bulk standard for the zone district shall apply.
2. Location. The events shall be within a historically significant structure, as determined by the historic zoning commission.
3. Parking. Where the minimum parking space standard requires additional parking area to be constructed, such area shall comply with the perimeter parking lot landscaping according to Chapter 17.24 of this code. In urban settings, the board of zoning appeals may consider on-street parking to satisfy the minimum parking standard, provided there is a finding of sufficient available public space.
4. Signs. Signs for advertising shall not be permitted.
5. Meals. Meal service shall be restricted to patrons of the special event only, and not to the general public.
6. Owner-Occupied. The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the historic home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the historic home.



## **Metro Planning Commission Meeting of 01/24/2013**

7. Frequency of Events. The board of zoning appeals may limit the number and frequency of events to minimize disturbance to surrounding properties.

### **PROPOSED ZONING CODE**

The proposed text amendment deletes “historic home events” as a use and introduces a new land use “special events center.” The special events center is defined as:

“Special events center” means a structure and/or grounds that host events, such as, but not limited to, weddings, receptions, parties, and corporate events for pay.

This use is proposed for all of the same non-residential districts which permitted historic home events. In the MUN, MUN-A, CN, and SCN zoning districts, this use will be limited to a maximum of 5,000 square feet. Parking standards will be similar to the standards for full service restaurants.

### **METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

The Historic Home Events was initially created as an economic incentive to owners of very large historic properties (both house and land size), allowing them additional income to help maintain their historic buildings. Specifically, a few large homes on large lots in residentially zoned areas, were sitting vacant at the time, and this office and Planning thought this would make those properties more viable and sustainable.

It never really proved to be a success as there were generally so many codes issues that were a burden to the expanded use (although Riverwood Mansion, would be the exception). Also, there was no good mechanism for ensuring that the BZA's operational conditions for use were followed. Today, there are better tools that accomplish the same goal, specifically, the Neighborhood Landmark and the Specific Plan. Both of these tools will also allow for the issues important to the developer and the neighborhood to be better addressed and the use can be reviewed by the Planning Commission and Metro Council.

### **ANALYSIS**

As noted above by the Historic Commission staff, the Historic Home Event use has largely been unsuccessful. In particular, this use has proven incompatible with neighboring residential uses. The Historic Commission staff also note that there are other tools available to help protect Nashville's historic homes.

While the deletion of the Historic Home Event use would eliminate the conflict between residential uses and the commercial nature of the home event use, there are certain zoning districts in which a facility that could accommodate special events remains appropriate. A new use of special events center is introduced with this text amendment. This use is most similar to the full service restaurant use in the code and the parking standards and conditions limiting size in certain districts are being applied for the special events center.

There are four properties in Nashville that currently have an Historic Home Event permit issued by the Board of Zoning Appeals (BZA). These are all located in residentially zoned districts. These include Cedarwood on Whites Creek Pike, Riverwood Mansion and Ambrose in East Nashville, and the Timothy Demonbreun House on Benton Avenue. The permits for two of these have expiration dates and the BZA will no longer be able to issue permits for the continuation of the Historic Home Event use. Options such as an SP zoning or the application of a Neighborhood Landmark Overlay



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District would need to be utilized in order to continue the use. The two without expiration dates could continue as long as the terms of the permit continue to be met.

### STAFF RECOMMENDATION

Staff recommends approval of this bill.

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### Ordinance No. BL2013-354

**An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending Sections 17.04.060, 17.08.030, 17.16.070, 17.16.160 and 17.20.30 to delete “Historic Home Events” as a use and to add “Special Events Center” as a new use to be permitted in certain zoning districts and permitted with conditions in certain zoning districts. (Proposal No. 2013Z-001TX-001)**

Whereas the Historic Home Events use was initially created as an economic incentive to owners of large historic properties to allow additional income to help maintain the historic buildings;

Whereas, the use, with few exceptions, did not prove to be a success due to the numerous code-related issues that were a burden to the expanded use of the historic properties;

Whereas, there was no effective mechanism for ensuring that the BZA's operational conditions for the use were followed;

Whereas, the current code includes alternative tools that accomplish the same goal, specifically, the Neighborhood Landmark Overlay and the Specific Plan District; and

Whereas, a facility that could accommodate special events remains appropriate in certain zoning districts.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Section 17.04.060, Definitions, is hereby amended by

1. Deleting the definition of “Historic Home Events”

2. Adding the following definition in alphabetical order:

“Special events center” means a structure and/or grounds that host events, such as, but not limited to, weddings, receptions, parties, and corporate events for pay.

Section 2. Section 17.08.030, District Land Use Tables, is hereby amended by

1. Deleting “Historic Home Events” under “Residential”



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2. Adding “Special Events Center” under “Commercial” in alphabetical order as a permitted use (P) in the, MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, OL, OG, OR20, OR20-A, OR40, OR40-A, ORI, ORI-A, CL, CS, CA, CF, DTC, SCC, and SCR zoning districts and as a permitted with conditions use (PC) in the MUN, MUN-A, CN, and SCN zoning districts.

Section 3. Section 17.16.070, Uses Permitted with Conditions (PC) – Commercial Uses, is hereby amended by adding the following new subsection S. and renumbering the following sections accordingly:

S. Special Events Center. Each establishment shall be limited to five thousand square feet of gross floor area, maximum.

Section 4. Table 17.20.30: Parking Requirements, is hereby amended by

1. Adding “Special Events Center” under land use in Commercial uses, in alphabetical order
2. Adding under Minimum Parking Standards for Special Events Center
  - “1 space per 100 square feet”
  - “UZO district: first 1,000 square feet: exempt; 1 space per 150 square feet for floorspace in excess of 1,000 square feet

Section 5. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Introduced by: Phil Claiborne



<b>Project No.</b>	<b>Text Amendment 2013Z-007TX-001</b>
<b>Project Name</b>	<b>Nonconforming Lot Area</b>
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Metro Planning Department
<b>Staff Reviewer</b>	Bernards
<b>Staff Recommendation</b>	<i>Approve</i>

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**APPLICANT REQUEST**

**Bulk standards for nonconforming residential lots**

**ZONING TEXT AMENDMENT**

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, by amending Section 17.40.670, pertaining to bulk standards for single-family structures on lots containing less than the minimum required lot area and adding a reference to Table 17.12.020.D.

**CRITICAL PLANNING GOALS**

N/A

**EXISTING ZONING CODE**

Currently, within the R, RS, RM, RM-A, AR2a and AG districts, a single-family structure may be constructed on a legally created lot that contains less than the required minimum lot area, provided the lot contains a minimum area of 3,750 square feet and existed prior to the effective date of the current code. The bulk standards that currently apply to the lot are those of the zoning district, no matter the actual size of the lot.

**PROPOSED ZONING CODE**

The proposed text amendment makes two housekeeping and one substantive change to this section of the code. As the section deals with three types of nonconforming lots, residential, agricultural and industrial, it has been broken into three subsections for greater clarity. As Table 17.12.020.D Alternative Zoning Districts includes minimum lot sizes, a reference to this table has been added to this section. The substantive change, modeled after the cluster lot standards currently in the zoning code, would allow the bulk standards of the equivalent smaller district. For example, the bulk standards of the RS7.5 district would apply to an 8,000 square foot lot in the RS10 district, or the bulk standards of the R6 district would apply to a 7,500 square foot lot in the R8 district.

**ANALYSIS**

Staff is recommending approval of the two housekeeping amendments of this proposed text amendment. The first housekeeping amendment breaks out the three types of nonconforming lots, residential, agricultural and industrial into their own subsections. This will provide greater clarity to this section. The second housekeeping amendment adds a reference to Table 17.12.020.D. This table contains the bulk standards of the Alternative Zoning Districts and includes minimum lot sizes. Staff is recommending approval of the changes to the applicable bulk standards because it will apply more appropriate bulk standards to buildable lots that are nonconforming. Applying the current side setbacks to a smaller lot often results in long narrow structures. Using bulk standards that are more appropriate to the actual lot size will enable the development of structures more fitting to the lot size.



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### STAFF RECOMMENDATION

Staff recommends approval of this bill.

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Ordinance No. \_\_\_\_\_

**An Ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending Section 17.40.670, pertaining to bulk standards for single-family structures on lots containing less than the minimum required lot area and adding a reference to Table 17.12.020.D. (Proposal No. 2013Z-007TX-001)**

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

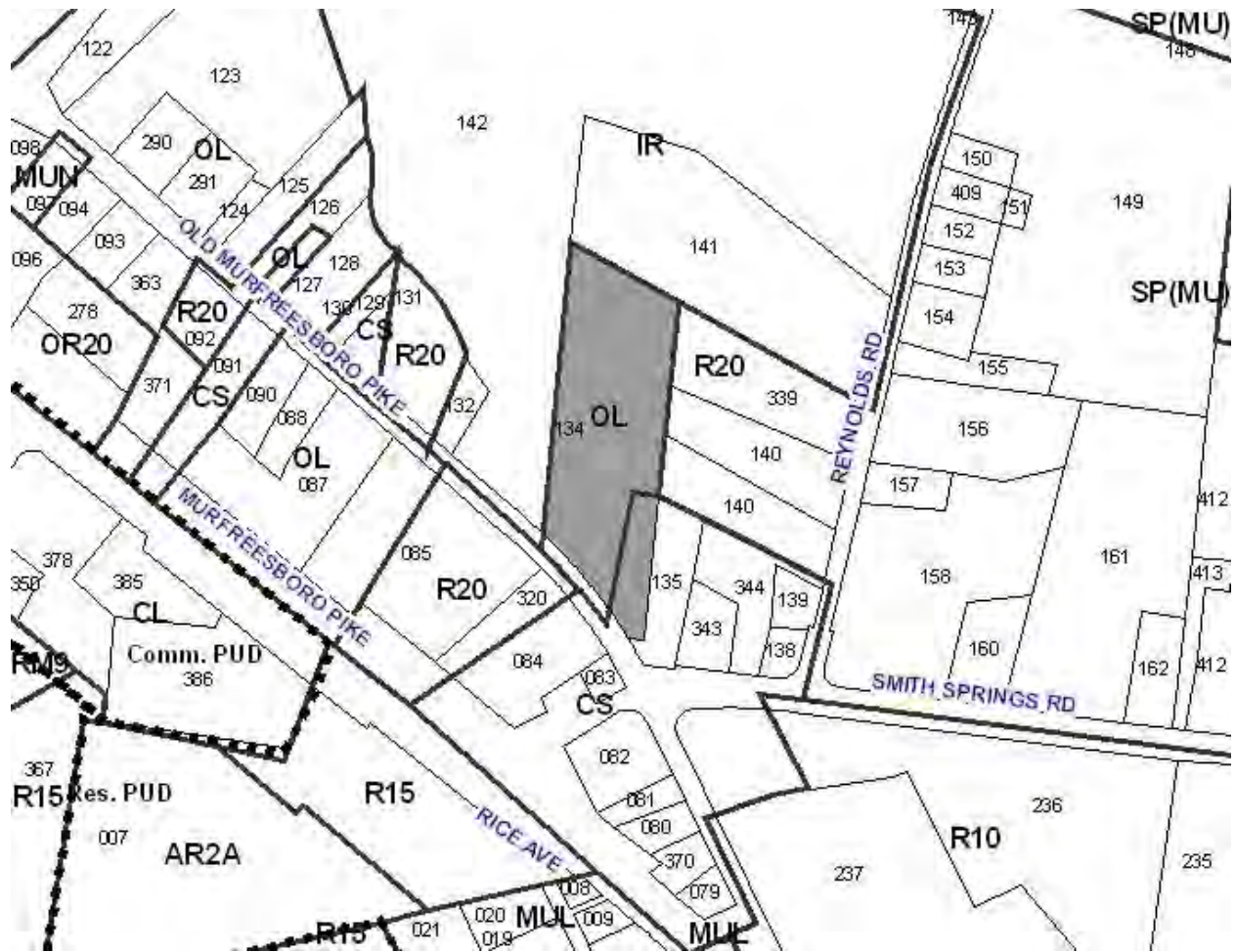
Section 1. Section 17.40.670, Nonconforming Lot Area, is hereby amended by deleting it in its entirety and replacing it with the following new Section 17.40.670”

“The following provisions shall apply to legally created lots less than the required minimum lot area.

- A. Single Family Structures in Residential and Agricultural Districts. Within the R, RS, RM, RM-A, AR2a and AG districts, a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by Tables 17.12.020A, 17.12.020B, 17.12.020C or 17.12.020D, provided the lot contains a minimum area of three thousand seven hundred fifty square feet and existed prior to the effective date of the ordinance codified in this title. The bulk standards of the district where the lot size would not be nonconforming shall be employed for that lot. For example, the standards of the RS7.5 district would apply to an 8,000 square foot lot in the RS10 district or the standards of the R6 district would apply to a 7,500 square foot lot in the R8 district.
- B. Two Family Structures in Agricultural Districts. A two-acre or larger lot (or parcel) in the AG district legally created prior to the effective date of the ordinance codified in this title shall be permitted a two-family structure.
- C. Industrial Districts. A nonconforming lot in a IWD, IR or IG district that was legally created prior to the effective date of the ordinance codified in this title shall have all development and use opportunities otherwise afforded by this title.”

Section 2. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.





**2013Z-001PR-001**  
 1934 OLD MURFREESBORO PIKE  
 Map 135, Parcel 134  
 Antioch-Priest Lake  
 29- Karen Johnson



**Project No.**  
**Council District**  
**School District**  
**Requested by**

**Zone Change 2013Z-001PR-001**  
29 – Johnson  
7 – Pinkston  
Galyon Northcutt Surveying, applicant, Mitchell Whitson,  
owner

**Staff Reviewer**  
**Staff Recommendation**

Cuthbertson  
*Withdraw*

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**APPLICANT REQUEST**

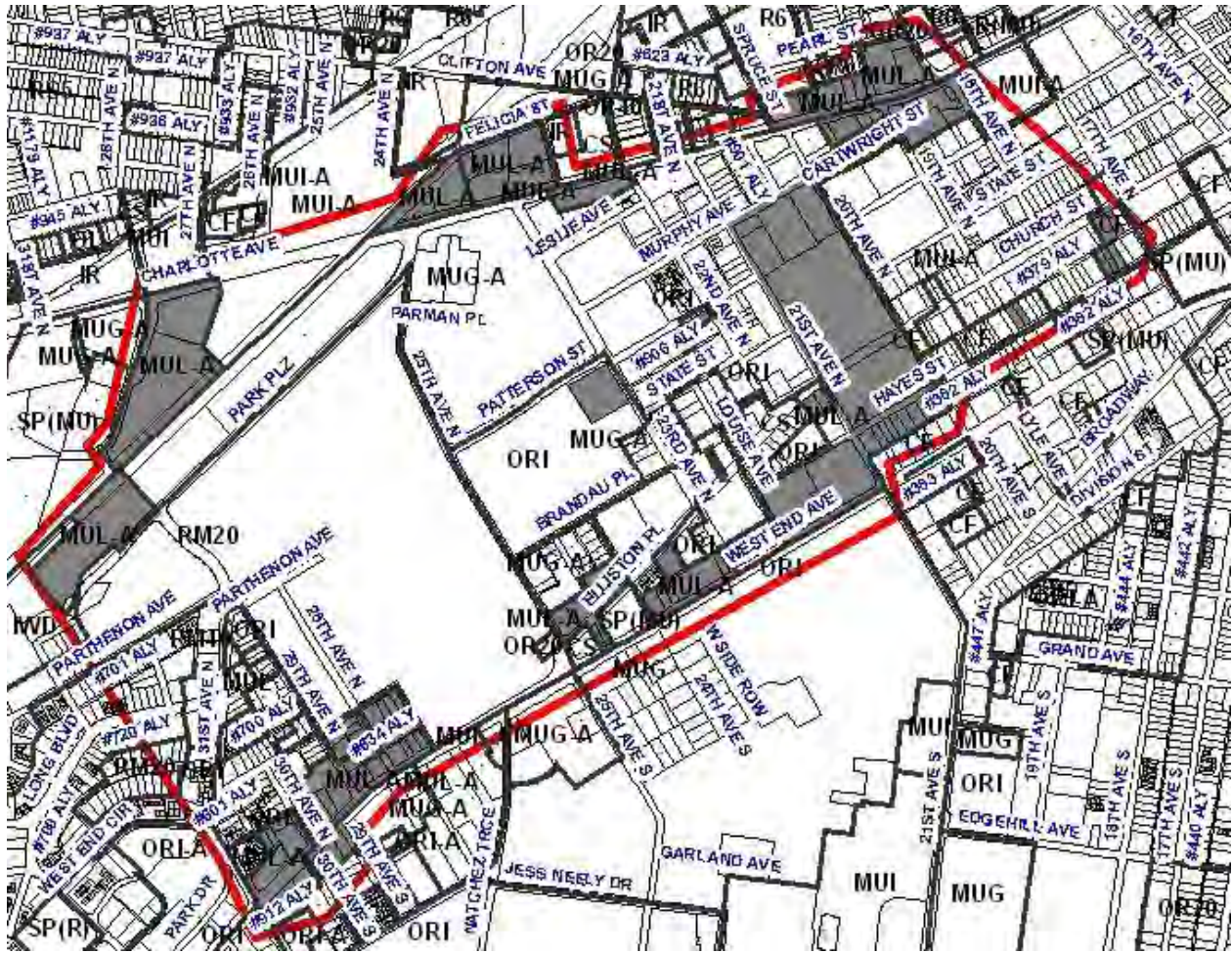
**Rezone from OL and CS to IWD**

Zone Change

A request to rezone from Office Limited (OL) and Commercial Service (CS) to Industrial Warehousing/Distribution (IWD) zoning property located at 1934 Old Murfreesboro Pike, approximately 150 feet north of Smith Springs Road (4.77 acres).

**STAFF RECOMMENDATION**

The applicant has requested this application be withdrawn.



**2013Z-004PR-001**

MIDTOWN REZONING (#2)

Map 092-10, Parcel 391

Map 092-11, Parcels – Various

Map 092-12, Parcels – Various

Map 092-14, Parcels – Various

Map 092-15, Parcels - Various

Map 092-16, Parcels – Various

Map 104-02, Parcels – Various

Map 104-03, Parcels – Various

North Nashville; Green Hills-Midtown

21 – Edith Taylor Langster



<b>Project No.</b>	<b>Zone Change 2013Z-004PR-001</b>
<b>Project Name</b>	<b>Midtown Rezoning No. 2</b>
<b>Council Bill</b>	BL2013-348
<b>Council District</b>	21 – Langster
<b>School District</b>	5 – Kim, 8 – Hayes
<b>Requested by</b>	Planning Department, applicant, various owners
<b>Staff Reviewer</b>	Johnson
<b>Staff Recommendation</b>	<i>Approve</i>

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**APPLICANT REQUEST**

**Zone Change from various districts to MUG-A, and MUI-A**

Zone Change

A request to rezone from Mixed Use Limited-Alternative (MUL-A), Core Frame (CF) and Office Residential Intensive (ORI) to Mixed Use General-Alternative (MUG-A) (28.58 acres) and Mixed Use Intensive-Alternative (MUI-A) (53.12 acres) zoning for various properties in Midtown between I-440 and I-40 (81.70 acres in total).

**Original Midtown Rezoning Approval**

All of the zone change proposals within this application were proposed in the Midtown Community Character Plan update in 2012. A Council bill has been filed to permit the zone changes within this application. These requests fall into three general categories:

1. Prior to the original Midtown Rezoning application that was presented to the Planning Commission on July 26, 2012, Councilmembers Holleman and Allen and Metro Historic asked for 89 properties, considered National Register, National Register Eligible or Historic District eligible, to be removed from the request so that Metro Historic could work with the property owners to assess their interest in historic preservation. This was done with the understanding that property owners who were not interested in historic preservation efforts on their property could request to be included in a future rezoning. This zone change request includes ten properties whose four owners have requested zoning districts consistent with the Midtown Plan.
2. Changes were made to many of the final zoning districts by Councilmembers Holleman and Allen to decrease maximum floor area ratio in a manner contrary to the recommendations of the Midtown Community Plan and without consulting the affected property owners. All of the requested zoning districts in this application are recommended by the Midtown Community Plan for Councilmember Langster's district.
3. Since the last Midtown Rezoning, the 28<sup>th</sup>/31<sup>st</sup> Connector has been completed. This improvement is a significant infrastructure upgrade for the area. In light of this improvement, the parcels at the southeast corner of the intersection of Charlotte Avenue and 28<sup>th</sup> Avenue are proposed for MUI-A (FAR 5.0) to be consistent with the One City SP and the MUI zoned property on the northeast corner of Charlotte Avenue and 28<sup>th</sup> Avenue. They were previously proposed for MUG-A (FAR 3.0).

As proposed, all of these requests are consistent with the recommendations of the Midtown Plan.



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### **CRITICAL PLANNING GOALS**

#### Supports a Variety of Transportation Choices

The goal is to provide mixed use development with urban design and densities that will support transit, walking and cycling. With Vanderbilt University, the regional hospital concentration, Centennial Park and growing retail, residential and office developments, Midtown is a unique urban setting, poised to grow more intensely and provide more housing, jobs and recreation in the future. Frequent, visible, and accessible transit is needed to support an economic center with the intensity and regional significance of Midtown. Moreover, it is critical to ensure that access to transit by foot and bicycle is provided to achieve the goal of balancing modes of transportation into and within Midtown. The rezoning to the proposed Zoning Districts prioritizes walking as a primary mode of transportation by regulating building placement within build-to zones that create pedestrian oriented street walls and account for appropriately scaled sidewalks.

#### Provides a Range of Housing Choices

All of the proposed Zoning Districts proposed for Midtown can be used to implement residential development through a range of building types and intensities, in solely residential buildings and as part of mixed-use developments.

#### Supports Infill Development and Promotes Compact Building Design

The bulk standards of the proposed Zoning Districts are more consistent with recent development projects in terms of intensity and bulk standards. In the past few years, the need for rezoning or for special exceptions before the Board of Zoning Appeals has become prevalent, prompting the review of the Midtown Plan. Meanwhile, at the community meetings held for the Midtown Plan, there was support from the community for a comprehensive zone change to implement the Midtown Community Character Plan. This rezoning will ensure predictability and consistency of future development and will also remove the burden from property owners of having to individually apply for rezoning or special exceptions. Developers will be able to move directly to preparing construction plans without delay.

### **GREEN HILLS-MIDTOWN COMMUNITY PLAN**

Center Mixed Use Neighborhood is intended to preserve and enhance a diverse mix of residential and non-residential development and to be among the most intense areas in Davidson County. Midtown represents a major employment center of the region, representing several sectors of the local economy including health care, higher education, finance, the music industry, retail, and lodging. The policy envisions high density residential development, high intensity commercial and office land uses with civic and public benefit uses. Three variations of Center Mixed Use Neighborhood Policy are found within the zone change area:

- T5-MU-01 – Applies to properties generally fronting West End Avenue between I-40 and 31<sup>st</sup> Avenue. This area is envisioned to be the most intense area of Midtown, with buildings rising 20 stories and above. Industrial Uses are not appropriate in this area, although artisan and crafts uses may be considered on their merits.
- T5-MU-02 – Applies to properties along Charlotte Avenue between I-440 and I-40, and 21<sup>st</sup> Avenue South, and between Charlotte Avenue and Hayes Street east of 21<sup>st</sup> Avenue North. Lower building heights and masses are intended in this area than in Area T5-MU-01. This is due to the area's structural constraints to development. Maximum building heights of up to twenty



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stories are most appropriate in this area. Punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meet the policy.

- T5-MU-03 – Applies to properties in the Elliston Place/State Street area. Industrial Uses are not appropriate in this area, although artisan and crafts uses may be considered on their merits. Office and Residential uses are preferred over other uses in this area because of the smaller lots, frequent diagonal streets, and tight block structure. These uses can exist in forms that can accommodate themselves to this restrictive environment. Lower building heights and masses are intended in this area than in Areas T5-MU-01 and T5-MU-02 because of the area's numerous residential-size lots. Maximum building heights of about eight stories are generally most appropriate in this area. Punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meeting the policy.

### Consistent with Policy?

Yes. The proposed zoning changes implement the bulk standards and uses envisioned in the Midtown Community Plan Update adopted in March 2012. The proposed zoning districts may not fully implement the maximum heights indicated in the policies; however, the maximums suggested in the policy would be available for projects to request individually for their proposed developments.

### **REQUEST DETAILS**

The Midtown Community Plan was adopted in March of 2012. The plan recommended that a comprehensive rezoning immediately follow the adoption of the plan. The community plan also recommended the creation of an Urban Design Overlay District, however, that effort will be deferred until the transit stops for the East-West Connector are finalized and appropriate design standards recommended.

To ensure that the design objectives associated with the Community Character policies are realized through new development, rezoning is needed to actually achieve these objectives. Zoning determines the "bulk standards" of new development by setting standards for setbacks, height, height control plane, and density (units per acre) or intensity (square footage based on property size). These standards vary from zoning district to zoning district, and occasionally from street type to street type. In Midtown, new development frequently needs a reduction to the setbacks/build-to, an increase in height, a removal of the height control plane, and/or greater density and intensity.

The Midtown Plan recommended the use of the proposed zoning districts, which are appropriate for a more urban environment. While use and intensity remains the same, the difference is that the proposed zoning districts use a "build-to" rather than a "setback" to ensure a predictable building placement. The proposed zoning districts also regulate additional height beyond the maximum height allowed at the street through the use of "step-backs" rather than "height control planes." This allows additional height to be located closer to the street rather than in the "wedding cake" form that the sky exposure plan creates. The proposed zoning districts do not change the land uses or density/intensity compared to their conventional counterpart (that is, MUI and MUI-A have the same floor area ratio and the same land uses). These zoning districts do not require any additional plan review beyond what is currently required to develop under other standard zoning districts.

### **STAFF RECOMMENDATION**



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Staff recommends approval of the zone change. All of the zone change requests in this application are consistent with the policies of the Midtown Plan.

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### Descriptions of Existing and Proposed Zoning Districts

#### Existing Zoning

Office/Residential Intensive (ORI), is intended for high intensity office and/or residential multi-family uses with limited retail

Core Frame (CF), is intended for a wide range of retail trade, commercial services support uses, and parking for the Central Business District

Mixed Use Limited-Alternative (MUL-A) is intended for a moderate intensity mixture of residential, retail, restaurant and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

#### Proposed Zoning

Mixed Use General-Alternative (MUG-A) is intended for a moderately high intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Mixed Use Intensive-Alternative (MUI-A) is intended for a high intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.



**2013SP-001-001**  
 WORTHY & WORTHY (PRELIM & FINAL)  
 Map 081-15, Parcel(s) 365-366  
 North Nashville  
 21- Edith Taylor Langster





<b>Project No.</b>	<b>Zone Change 2013SP-001-001</b>
<b>Project Name</b>	<b>Worthy and Worthy SP</b>
<b>Council District</b>	21 – Langster
<b>School District</b>	1 – Gentry
<b>Requested by</b>	Artmas L. Worthy and the Metro Planning Department, applicants
<b>Staff Reviewer</b>	Johnson
<b>Staff Recommendation</b>	<i>Defer to the February 14, 2013, Planning Commission meeting.</i>

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**APPLICANT REQUEST**

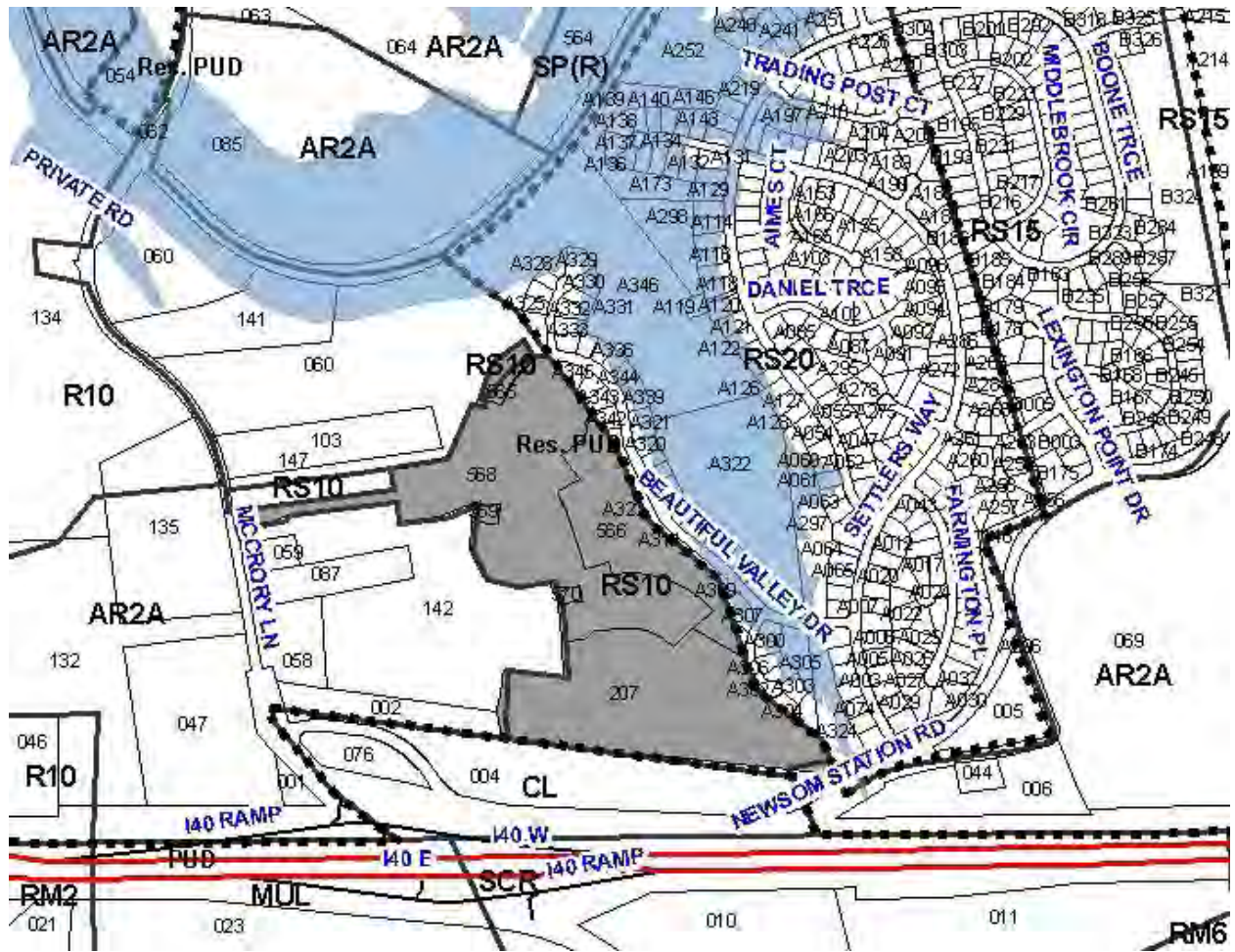
**Preliminary and Final approval for five attached residential dwellings**

Preliminary and Final SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning and for final site plan approval for properties located at 1729 and 1731 Knowles Street, at the southeast corner of Knowles Street and Dr. D.B. Todd Jr. Boulevard, (0.34 acres), to permit a maximum of five residential units.

**STAFF RECOMMENDATION**

Staff recommends deferral of the preliminary and final SP to the February 14, 2013 Planning Commission meeting. The applicant requested deferral in order to complete Metro department requirements for the application.



**2006S-055G-06**  
 TRAVIS PLACE (PRELIMINARY PLAT EXTENSION #2)  
 Map 126, Parcel(s) 565-566, 568-570  
 Map 140, Parcel 207  
 Bellevue  
 35- Bo Mitchell



<b>Project No.</b>	<b>Subdivision 2006S-055G-06</b>
<b>Project Name</b>	<b>Travis Place Subdivision (Extension No. 2)</b>
<b>Council District</b>	35 – Mitchell
<b>School Board District</b>	9 – Frogge
<b>Requested By</b>	Civil Site Design Group, applicant for Joe Rodgers, Steve Adcock and John Valiquette, owners
<b>Staff Reviewer</b>	Swaggart
<b>Staff Recommendation</b>	<i>Approve and grant a variance to Section 1-9.2 of the Subdivision Regulations to allow the plat extension</i>

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**APPLICANT REQUEST**  
**Extend Preliminary Plat**

Preliminary Plat Extension

A request to extend preliminary approval for Travis Place Subdivision which was approved for 140 single-family residential lots and a variance from Section 1-9.2 of the Subdivision Regulations which prohibits the extension of a preliminary plat approved under the old Subdivision Regulations adopted March 21, 1991.

**Existing Zoning**

RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

**SUBDIVISION DETAILS**

The original preliminary plat for Travis Place Subdivision was approved by the Planning Commission on February 23, 2006, under the previous Subdivision Regulations that were adopted March 21, 1991. The approved plat includes 135 single-family residential cluster lots (overall density slightly over three units per acre). Under the cluster lot option lots have a minimum lot size of 5,000 square feet.

A final plat was previously submitted for phase one, which if recorded, would negate the need to extend the preliminary approval. Instead of bonding all the improvements the applicant chose to reduce the bond by constructing some of the required infrastructure prior to recording the plat. According to the applicant, construction halted because of economic conditions and the plat was never recorded.

Extension/Variance Request

The applicant has requested that the plat be extended under the old regulations, which will require a variance from Section 1-9.2 of the current regulations. It is important to note that an extension, which also required a variance from the aforementioned section, was approved by the Planning Commission on February 28, 2008. That extension was approved for one year.

The current Subdivision Regulations, which were adopted on March 9, 2006, do not allow for extensions of approvals for preliminary plats. Section 1-9.2 of the current regulations states that “Any subdivision submitted as a complete application or approved in preliminary or final form, but not yet expired, prior to the effective date may, at the discretion of the applicant, continue under the





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subdivision regulations adopted march 21, 1991, as amended, but no extensions shall be granted for these subdivisions.”

Section 1-11 of the Subdivision Regulations permits the Planning Commission to grant variances if it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations provided that such variance does not have the effect of nullifying the intent and purpose of these regulations.

The findings are based on a number of criteria. These include conditions unique to the property that are not applicable generally to other property and the particular physical conditions of the property involved. The physical conditions must cause a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

Between 2006 and 2008 construction plans were approved and construction of the subdivision was initiated. According to the applicant the following has taken place:

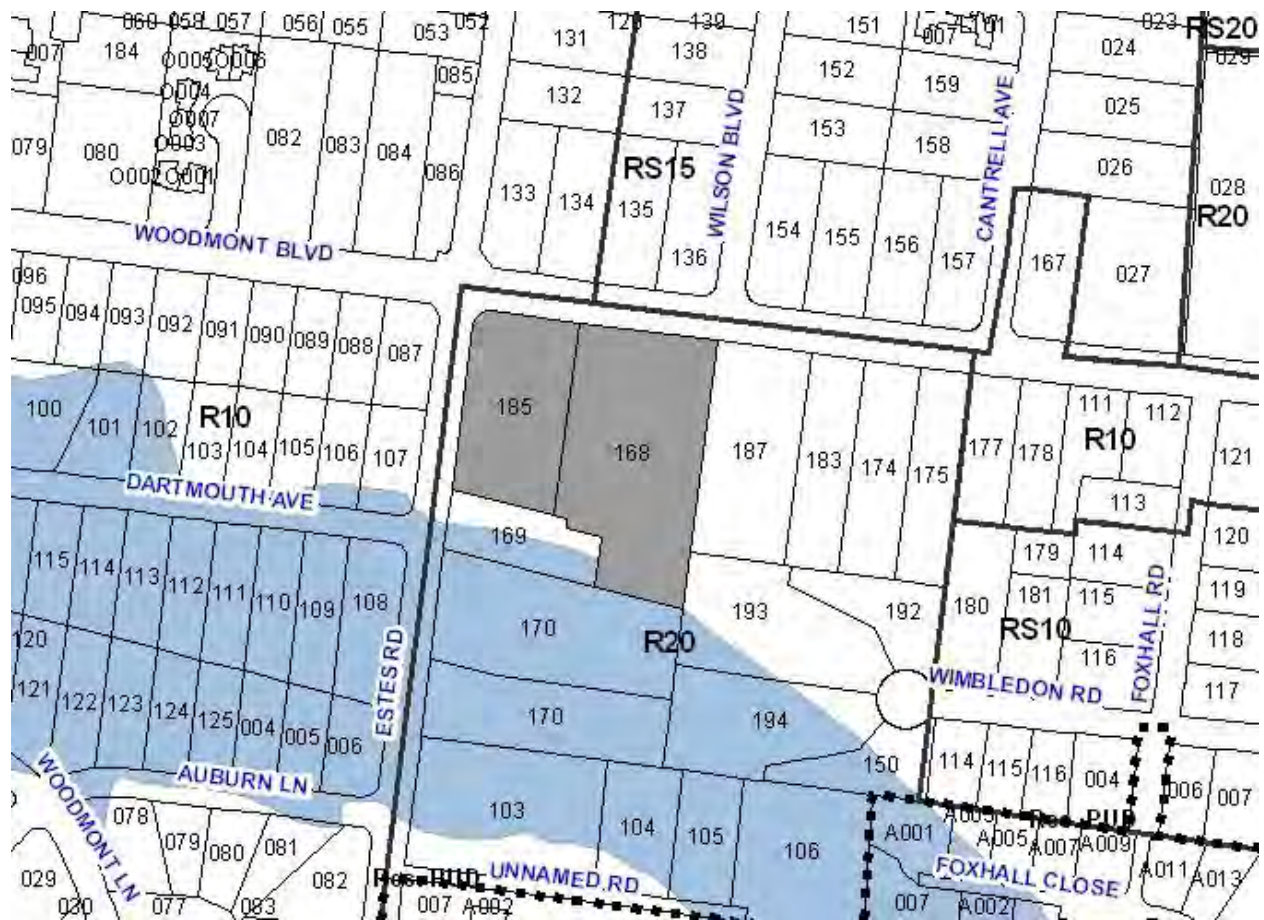
- The site is graded to approximately 80% complete for Phase 1.
- The box culvert at station 4+50 is installed
- Detention Pond #1 is partially graded
- Detention Pond #2 is graded with outlet structure.

### Staff Analysis

Staff has visited the site and infrastructure is in place as indicated by the applicant. Since significant progress has been made in developing the subdivision as originally approved then it would be appropriate to approve the extension. If the extension is not approved then it would require that the applicant file a new application for concept plan approval, and the plan would have to meet current regulations or obtain a variance from regulations that the current plan did not meet. This would slow down the development of this subdivision and would create a hardship for the applicant, and would not be practical since significant construction has occurred. Development of the subdivision would also remove an eye sore to the community.

### **STAFF RECOMMENDATION**

Staff recommends approval of a variance from Section 1-9.2 of the Subdivision Regulations to extend the preliminary plat approval to February 24, 2017.



**2013S-003-001**  
 WOODMONT ESTATES  
 Map 116-08, Parcel(s) 168, 185  
 Green Hills - Midtown  
 25-Sean McGuire



<b>Project No.</b>	<b>Subdivision 2013S-003-001</b>
<b>Project Name</b>	<b>Woodmont Estates (concept plan)</b>
<b>Council District</b>	25 – McGuire
<b>School District</b>	8 – Hayes
<b>Requested by</b>	Dewey-Estes Engineering, LLC, applicant, Robert Bell, Margery Bell, Richard Cohen, owners.
<b>Staff Reviewer</b>	Johnson
<b>Staff Recommendation</b>	<i>Defer to the February 14, 2013, Planning Commission meeting. Approve with conditions if the concept plan is approved by the Fire Marshal’s office prior to the January 24, 2013, meeting.</i>

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**APPLICANT REQUEST**  
**Conceptual layout for five lots**

Concept Plan

A request for concept plan approval to create five lots and open space for up to six residential units on properties located at 3721 and 3731 Woodmont Boulevard, at the southeast corner of Woodmont Boulevard and Estes Road, zoned One and Two Family Residential (R20) (3.35 acres).

**Existing Zoning**

One and Two Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots. *R20 would permit a maximum of seven lots with one duplex lot for a total of eight units.*

**CRITICAL PLANNING GOALS**

N/A

**PLAN DETAILS**

The site consists of two existing lots along Woodmont Boulevard containing one single-family dwelling. The concept plan proposes a five lot subdivision with the four lots facing Woodmont Boulevard and a fifth duplex lot facing Estes Road.

Lots 1 through 4 are oriented toward Woodmont Boulevard, and will be required by the Zoning Code to have their front facades facing that street. Lots 3 and 4 will take access through an existing driveway from Woodmont Boulevard. Lots 1, 2, and 5 will take access from Estes Road through a shared driveway.

The existing R20 zoning district permits duplexes in addition to single-family development. However, subdivisions of four lots or more are limited to duplexes on a maximum of 25 percent of the new lots. This subdivision is limited to one duplex lot, which is proposed for Lot 5. Duplexes are permitted to be detached in this location because the subdivision is outside of the Urban Zoning Overlay district.







## **Metro Planning Commission Meeting of 01/24/2013**

The proposed lots comply with the R20 zoning district and the Subdivision Regulations. All are larger than 20,000 square feet in size.

### **ANALYSIS**

The concept plan complies with the applicable requirements of the Subdivision Regulations and Zoning Code. The lots along Woodmont Boulevard will be similar in size and lot frontage to the existing residential lots across the street. Only one new lot will be created with Estes Road frontage. This lot is designated as a duplex lot and will face the side yards of lots across Estes Road.

### **FIRE MARSHAL RECOMMENDATION**

Revision from 9 lots to 6 lots but lot #6 has no access easement. Still needs fire hydrant flow data.

### **STORMWATER RECOMMENDATION**

Concept plan approved with conditions (Stormwater):

1. Add buffer note to concept plan.
2. For the roadside ditch along Estes, ditch alteration may require new storm infrastructure (to be determined during development plan review process).

### **PUBLIC WORKS RECOMMENDATION**

#### **Approve 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.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.
- Final location of sidewalks to be determined with construction documents, existing walls, utilities, etc. may require modifications.
- Label and dimension the ROW on Estes and Woodmont at the property corners.

### **STAFF RECOMMENDATION**

Staff recommends deferral to the February 14, 2013 Planning Commission. If the Fire Marshal's office recommends approval of the concept plan prior to the January 24, 2013 meeting, staff recommends approval with conditions. The concept plan complies with the requirements of the Subdivision Regulations and the Zoning Code while maintaining the character of surrounding lots.

### **CONDITIONS**

1. This concept plan shall comply with comments listed above from the Fire, Stormwater, and Public Works departments.
2. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.



## Metro Planning Commission Meeting of 01/24/2013

**Item #8**

**To:** Members of the Planning Commission  
**From:** Bob Leeman, Metro Planning Department  
**Date:** 1/24/2013  
**Cc:** Robert D'Olympio, American Safety Casualty Insurance Company  
Jerry Underwood, American Southern Insurance Company  
Michael Bruce, Bond Safeguard Insurance Company  
Cindy Raftery, Lexon Insurance Company  
Joyce Orndorff, National Grange Mutual Insurance Company  
Richard C. Bernhardt, Executive Director  
**Re:** Exclusion of surety companies from providing surety bonds for one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations

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This item was originally on the January 10, 2013 agenda and was deferred. This item has been placed on your January 24, 2013 agenda under Other Business.

Pursuant to Section 6-1.2.d of the Metro Subdivision Regulations, the Commission is authorized to exclude an insurance company from providing surety bonds for performance bond applicants in Metropolitan Nashville for a period of one year. Section 6-1.2.d states:

An entity whose past performance has resulted in non-payment of a bond may be excluded from providing a surety bond for an applicant for a period of one year from the date of breach.

Attached is a list of bonds for which a demand has been made on the surety company. Metro has not received payment for these bonds. The attached list includes the date that the case was referred to the Department of Law sometime after the Planning Department made a demand on the surety company.

Based upon the applicable regulation, staff recommends that the Planning Commission not accept any further surety bonds from, including parent companies and subsidiaries of, American Safety Casualty Insurance Company, American Southern Insurance Company, Bond Safeguard Insurance Company, Lexon Insurance Company, and National Grange Mutual Insurance Company, for a period of one year beginning on January 10, 2013.

If you have further questions, please contact David Edwards (# 615-862-7202 or [david.edwards@nashville.gov](mailto:david.edwards@nashville.gov)) or Bob Leeman (# 615-862-7183 or [bob.leeman@nashville.gov](mailto:bob.leeman@nashville.gov)) at the Metro Planning Department.



## Metro Planning Commission Meeting of 01/24/2013

Project Name	MPC Action	MPC Action Date	Surety Name
AUTUMN OAKS, PHASE 8B	REFERRED TO LEGAL	6/28/2012	AMERICAN SAFETY CASUALTY INSURANCE COMPANY
CARROLTON STATION	REFERRED TO LEGAL	8/26/2010	AMERICAN SOUTHERN INSURANCE COMPANY
DELVIN DOWNS, PHASE 1, SECTION 1	REFERRED TO LEGAL	11/1/2012	AMERICAN SOUTHERN INSURANCE COMPANY
WATER BROOKE	REFERRED TO LEGAL	6/22/2012	AMERICAN SOUTHERN INSURANCE COMPANY
ARBOR CREST, PHASE 1, SECTION 1	REFERRED TO LEGAL	1/29/2010	BOND SAFEGUARD INSURANCE COMPANY
SUMMERFIELD, VILLAGE 5	REFERRED TO LEGAL	6/5/2012	BOND SAFEGUARD INSURANCE COMPANY
SUMMERFIELD, VILLAGE 5 (TURN LANE)	REFERRED TO LEGAL	6/5/2012	BOND SAFEGUARD INSURANCE COMPANY
SUMMERFIELD, VILLAGE 8	REFERRED TO LEGAL	6/5/2012	BOND SAFEGUARD INSURANCE COMPANY
SUMMERFIELD, VILLAGE 9	REFERRED TO LEGAL	6/5/2012	BOND SAFEGUARD INSURANCE COMPANY
SUMMERFIELD, VILLAGE 10	REFERRED TO LEGAL	6/5/2012	BOND SAFEGUARD INSURANCE COMPANY
SUMMERFIELD, VILLAGE 11	REFERRED TO LEGAL	6/5/2012	BOND SAFEGUARD INSURANCE COMPANY
CAROTHERS CROSSING, PHASE 1, SECTION 1	REFERRED TO LEGAL	10/26/2009	LEXON INSURANCE COMPANY
CAROTHERS CROSSING, PHASE 2, SECTION 1	REFERRED TO LEGAL	10/26/2009	LEXON INSURANCE COMPANY
CAROTHERS CROSSING, PHASE 2, SECTION 2	REFERRED TO LEGAL	10/26/2009	LEXON INSURANCE COMPANY
WINDHAVEN SHORES, SECTION 2	REFERRED TO LEGAL	12/7/2009	LEXON INSURANCE COMPANY
WINDHAVEN SHORES, SECTION 3	REFERRED TO LEGAL	12/7/2009	LEXON INSURANCE COMPANY
WINDHAVEN SHORES, SECTION 4	REFERRED TO LEGAL	12/7/2009	LEXON INSURANCE COMPANY
WOODLANDS, THE, PHASE 4, SECTION 1B	REFERRED TO LEGAL	7/14/2010	MAIN STREET AMERICA (NATIONAL GRANGE MUTUAL INSURANCE COMPANY)