



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, July 28, 2011

4:00 pm Regular Meeting

700 Second Avenue South

(between Lindsley Avenue and Middleton Street)

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

MISSION STATEMENT

The Planning Commission guides growth and development as Nashville and Davidson County evolve into a more socially, economically and environmentally sustainable community, with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.

Commissioners Present:

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

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Kelly Armistead, Administrative Services Officer III
Craig Owensby, Public Information Officer
Dennis Corrieri, Planning Technician I
Bob Leeman, Planning Manager II
Brenda Bernards, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Kathryn Withers, Planner III
Michael Briggs, Transportation Planner
Tifinie Adams, Planner II
Doug Sloan, Legal

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

The Commission is a 10-member body; nine are appointed by the Metro Council, and one 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 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 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

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 and our summary regarding how Planning Commission public hearings are conducted at www.nashville.gov/mpc/docs/meetings/Rules_and_procedures.pdf. Briefly, a councilmember may speak at the very beginning of the commission meeting, after the individual item is presented by staff, or after all persons have spoken in favor or in opposition to the request. Applicants speak after staff presents, then, those in favor speak followed by those in opposition. The Commission may grant the applicant additional time for a rebuttal after all persons have spoken. Maximum speaking time for an applicant is 10 minutes, individual speakers is 2 minutes, and a neighborhood group 5 minutes, provided written notice was received prior to the meeting from the neighborhood group.

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

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

A. CALL TO ORDER

The meeting was called to order at 4:01 p.m.

B. ADOPTION OF AGENDA

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

C. APPROVAL OF JUNE 23, 2011 MINUTES

Mr. Ponder moved and Mr. Clifton seconded the motion to approve the June 23, 2011 minutes. (7-0)

Mr. Gee in at 4:03 p.m.

D. RECOGNITION OF PLANNING COMMISSIONERS

RECOGNITION OF COUNCILMEMBERS

Chairman McLean recognized Tonya Jones, former MPC Commissioner, with a plaque commemorating her service on the commission.

Councilmember Burch spoke in support of staff recommendation of Item 6.

Councilmember McGuire spoke in support of staff recommendation of disapproval for Item 5.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

2. 2011SP-016-001

BL2011-932 / MATTHEWS
4608 ASHLAND CITY HIGHWAY

Mr. Clifton moved and Mr. Ponder seconded the motion to approve the Deferred and Withdrawn Items. (8-0)

F. CONSENT AGENDA

3. 2005SP-139G-12

CAMBRIDGE PARK AT BARNES BEND (

4. 175-75P-001

HARPETH TRACE ESTATES

6. 2011S-046-001

FAIRLANE PARK, RESUB LOT 264

7. Policy memo to clarify which Alternative Zoning Districts are appropriate in which Land Use and Community Character Policies

8. Policy memo to clarify that Alternative Zoning Districts may be appropriate to use in Economic Development Incentive Areas

9. Distribution of the Draft Southeast Infrastructure Deficiency Exception

10. Employee contract renewal for John Broome.

11. Employee contract amendment for Jennifer Higgs and Hilary Kahnle.

Chairman McLean requested removal of Items 7 and 8 from the consent agenda and clarified that Item 9 will be discussed at a work session on August 11, 2011.

Mr. Ponder moved and Mr. Gee seconded the motion to approve the Consent Agenda as revised. (8-0)

G. PREVIOUSLY DEFERRED ITEMS

Community Plan Amendments

1a. 2011CP-013-002

ANTIOCH PRIEST LAKE COMMUNITY PLAN AMENDMENT

Map 135, Parcel(s) 205-211, 214, 215, 340

Map 136, Parcel(s) 034-039, 042-049

Council District 29 (Vivian Wilhoite)

Staff Reviewer: Tifinie Adams

A request to amend the Antioch – Priest Lake Community Plan: 2003 Update to change the Land Use Policy from Neighborhood General (NG) to Neighborhood Center (NC) for various properties located along Smith Springs Road and Bell Road between Old Smith Springs road and Bell Road (16.16 acres), requested by the Metropolitan Planning Department, applicant.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST - Amend land use policy from Neighborhood General (NG) to Neighborhood Center (NC)

Amend the Community Plan A request to amend the Antioch – Priest Lake Community Plan: 2003 Update to change the Land Use Policy from Neighborhood General (NG) to Neighborhood Center (NC) for various properties located along Smith Springs Road and Bell Road between Old Smith Springs Road and Bell Road (16.16 acres).

CRITICAL PLANNING GOALS N/A

ANTIOCH COMMUNITY PLAN

Current Policy

Neighborhood General (NG) NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located.

Proposed Policy

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

Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses.

BACKGROUND Case 2011SP-017-001 considers a zone change from R10 district to Specific Plan - Mixed Use (SP- MU) district on property located at 2631 Smith Springs Road. A zone change from R10 to OR20 was originally considered on this property. This original zone change request prompted the Planning Commission to defer the case so that Planning Staff could consider the land use policy for this property and a larger area, host a community meeting on the land use policy and determine whether an amendment to the land use policy was warranted. Similar to the original OR20 zone change request, the proposed SP-MU zoning district is also not consistent with the existing Neighborhood General land use policy.

The proposed SP – MU does permit residential uses, which are consistent with the land use policy, it also permits non-residential uses which are not consistent with the land use policy. Therefore, the following analysis still considers the appropriateness of encouraging non-residential land uses on this property and a larger area. It should be noted that Neighborhood General Policy permits transitional office, but only if specified in a detailed design plan or a special policy; neither exists for this Neighborhood General Policy area.

COMMUNITY PARTICIPATION An early postcard notification and regular notice announcing the potential plan amendment was sent to property owners within 1,300 feet of the potential plan amendment area. There was overlap with property owners within the 1,300 foot boundary and neighborhood groups within the 1,300 foot boundary; members of those neighborhood groups received notice as property owners. The community meeting and public hearing notice was also posted on the Planning Department website.

A community meeting was held on Tuesday May 24th, 2011 at Una Church of Christ, from 6:00 pm to 7:15 pm. There were 11 people in attendance. Eight of the attendees reside on Smith Springs Road.

ANALYSIS

Physical Site Conditions The plan amendment area that was considered has minimal physical constraints; there is no floodplain or floodway in the area. The 2010 inundation maps also showed no indication of flooding. There are some topography issues in the plan amendment area; Smith Springs Road rises in elevation moving west away from Bell Road. The residential properties adjacent to Smith Springs Road in this area are at a lower elevation than Smith Springs Road.

Land Use Surrounding land uses include single-family residential, multi-family in the form of town homes and stacked flats, commercial, and office. Commercial is located at the Bell Road and Smith Springs Road intersection, office exists just north of the plan amendment area and

multi-family is to the south of the plan amendment area. There is no connection to the multi-family to the south of the plan amendment area. Single-family residential is the dominant land use within and surrounding the plan amendment area.

Access Properties in the potential plan amendment area have individual driveways with access from either Smith Springs Road or Old Smith Springs Road.

Some properties have double frontage, but only take access from Old Smith Springs Road; these properties are in the adjoining Neighborhood Center Policy area. If commercial, office, or mixed use land uses develop in this area, access management and the consolidation of access points should be a consideration.

Development Pattern The development pattern in the area is primarily suburban residential. There is some commercial in the area in the area identified as the neighborhood center, at the corner of Smith Springs Road and Bell Road.

There is a clear distinction between the neighborhood center and the residential (Neighborhood General) portion of Smith Springs Road. Where Neighborhood Center Policy is currently applied, small parcels exist on the south side of Smith Springs Road and large parcels exist on the north side of Smith Springs Road. On the south side, commercial development is occurring in the existing residential buildings; two Specific Plan zone districts permitting commercial land uses exist on the south side of Smith Springs Road. The specific plan zone district that is adjacent to the Neighborhood General Policy area was designed to provide the transition and currently serves as a boundary between the residential and non-residential land uses. On the north side, large parcels provide development potential for the commercial and mixed-use envisioned in the Neighborhood Center Policy.

The character and development pattern along Smith Springs Road changes moving west away from the Neighborhood Center. Where Neighborhood General Policy is applied, parcels become larger and the setbacks become deeper, which presents a more rural residential pattern. Smith Springs Road is also at a slightly higher elevation than the residential properties in this area, which creates a separation between the building and the street. This would not be ideal for creating a walkable environment along Smith Springs Road as would be appropriate in Neighborhood Center.

Historic Features There are no recognized historic features associated with this site.

Community Input The community meeting was held on Tuesday May 24th, 2011; 11 people were in attendance, eight reside on Smith Springs Road. Overall, the community was not supportive of a plan amendment to Neighborhood Center for the entire study area naming traffic and access, and buffering as broad issues of concern. During the meeting, there was discussion about the use of the Specific Plan (SP) zone district to control the aforementioned issues for the property located at 2631 Smith Springs Road, in addition to amending the land use policy for that property. While this idea was discussed, it did not influence the opinion of the larger group and the consensus remained; the application of Neighborhood Center Policy is not appropriate for the entire study area.

Conclusion The Metropolitan Planning Commission requested that staff consider whether it was appropriate to amend the Neighborhood General Policy in the area to Neighborhood Center Policy. This request was in response to the aforementioned zone change request and similar requests for commercial and office development in this area.

Staff has determined that there is a clear boundary between where the Neighborhood Center ends and where residential development begins. This boundary is a result of the topography and the development pattern in this area. This boundary was further distinguished with the development of the concrete block wall that was associated with the existing SP at the edge of the neighborhood center. The concrete wall was established to limit the expansion of the neighborhood center and to set a clear policy boundary; that boundary should not be altered.

Staff also compared leasing rates for traditional commercial/office space with single-family home prices in the Antioch- Priest Lake community. Leasing rates were affordable; they were still more expensive than mortgaging a single-family home. Therefore staff understands that purchasing a residential structure for the use of commercial or office is a viable option for business owners in areas where home prices are inexpensive. However, the application of more intense land use policies in areas that are currently residential, should consider the impact on adjacent residential, the viability of future and existing land uses, and the built environment's ability to create a pedestrian friendly and sustainable 'center'.

These issues were considered when the Neighborhood Center Policy was applied at the intersection of Smith Springs Road and Bell Road, when the current boundary between Neighborhood Center and Neighborhood General Policy were set. Staff has considered the need for additional commercial and office development, the potential for transition, and the viability of the existing residential development and the existing office and commercial development in the area, and found that the current boundary should not be altered.

STAFF RECOMMENDATION Staff recommends disapproval. Staff proposes no change from the existing policy.

Ms. Adams presented the staff recommendation of disapproval.

Dr. Cummings in at 4:18 p.m.

Keith Jordan, applicant, spoke in support of the proposal stating that he only wants an SP, not SP Mixed Use.

Larry Bevel, 2623 Smith Springs Road, stated that he had 75 signatures of people that do not want this. Feels that they were not properly

notified of the meeting.

William Arterbahn, 2603 Smith Springs Road, spoke against the proposal, stating that it is a quiet place to live and he does not want this turned commercial.

Donna Gray, 2506 Smith Springs Road, spoke against the proposal, stating concerns with increased traffic and also noting that she would like it to stay residential.

Bernard Jarrell, 2615 Smith Springs Road, spoke against the proposal stating concerns with increased traffic.

Karen Johnson, 2928 Moss Spring Dr, stated that the neighbors are concerned that there was not a community meeting to explain the changes and also requested disapproval of both requests.

Council Lady Wilhoite stated that the applicant only made a request for an SP for general office not for medical office or personal care instruction. The SP gives the community more control. Council Lady Wilhoite also requested disapproval of the plan change.

Mr. Jordan clarified that traffic issues would not be a problem.

Mr. Clifton moved and Mr. Gee seconded the motion to close the Public Hearing. (9-0)

Councilmember Gotto asked how we ended up with the gap that is between the two areas that exist there now.

Mr. Bernhardt clarified that they were viewed as two separate neighborhoods in small mixed use neighborhood centers when the plan was developed, not as a long setup of mixed use center. When this came before the MPC on an OR20 rezoning, the commission directed staff to look at joining those.

Councilmember Gotto asked if that was the main objection of the neighborhood.

Ms. Adams stated that the neighbors were objecting to commercial creeping up along Smith Springs Road.

Mr. Ponder stated concerns with how much information that the community actually has, noting that the meeting was poorly attended. Mr. Ponder stated that he would prefer to defer this to allow another community meeting to be held.

Mr. Swaggart clarified that this is scheduled to be heard at Council on August 3, 2011 and a decision really needed to be made at this time.

Mr. Ponder stated that he would be opposed to this proposal.

Dr. Cummings stated that she shares the same concerns as Mr. Ponder and would like time for the neighborhood to be able to meet again.

Councilmember Gotto stated that if the commission disapproves this but the Council approves the zone change, the policy needs to come back before the MPC and be changed on that one lot.

Mr. Clifton expressed agreement with Councilmember Gotto, this can be brought back at a later time, but if someone wants a decision, then this should be voted up or down at this level. Mr. Clifton also stated that it is suggested that the actual zone change be approved but not the underlying plan and inquired how that works from a planning point of view.

Mr. Bernhardt clarified that the current adopted policy of Neighborhood General does not support this SP request; any office use in here would not be consistent with the Neighborhood General policy.

Mr. Clifton stated that from a planning perspective, this probably should be disapproved unless the commission planned on approving both the zone change as well as the plan. Mr. Clifton also expressed understanding as to why people are upset about doing this until a decision can be made about the entire area.

Mr. Gee inquired if the policy change could be approved for just the one lot.

Mr. Bernhardt clarified that yes, less could be approved.

Mr. Gee stated that with the zone change, it seems that the commission is being asked to approve an application that the applicant does not really want. That either needs to be amended here or deferred. The line was drawn at one time which is consistent with what is across the street where the line is for the neighborhood center. The community does not want to see any further commercial down Smith Springs Road.

Mr. Dalton stated that the zoning change request is not clear. Sufficient notice was not given and not enough neighbors were aware of the meeting.

Ms. LeQuire stated that the way it was planned in the beginning is a good plan to keep individual separate neighborhood centers with keeping the rural feel in the middle.

Ms. LeQuire moved and Mr. Dalton seconded the motion to disapprove Item 1a.

Councilmember Gotto requested an amendment that states if the zone change is approved at Council that it will be brought back before the MPC to change the policy for the single lot.

Mr. Bernhardt clarified that if Council approves, it will be brought back anyway.

Councilmember Gotto withdrew his requested amendment.

The vote was taken. (8-1) Councilmember Gotto voted against.

Resolution No. RS2011-156

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011CP-013-002 is **DISAPPROVE. (8-1)”**

1b. 2011SP-017-001

BL2011-935 / WILHOITE

2631 SMITH SPRINGS ROAD

Map 136, Parcel(s) 043

Council District 29 (Vivian Wilhoite)

Staff Reviewer: Jason Swaggart

A request to rezone from R10 to SP-MU zoning and for final site plan approval for property located at 2631 Smith Springs Road, approximately 760 feet west of Bell Road (0.36 acres), to permit residential and low intensity non-residential uses including a single-family residential dwelling unit, a two-family residential dwelling unit, personal care instruction (limited to a maximum of 2,000 square feet), general office (limited to a maximum of 2,000 square feet), and/or medical office (limited to a maximum of 2,000 square feet), requested by Keith Jordan, owner (Formerly case # 2011Z-002PR-001).

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST - Rezone to permit single and two-family residential, personal care instruction, general office or medical office.

Preliminary and Final SP A request to rezone from Single and Two-Family Residential (R10) to Specific Plan- Mixed Use (SP-MU) zoning and for final site plan approval for property located at 2631 Smith Springs Road, approximately 760 feet west of Bell Road (0.36 acres), to permit residential and low intensity non-residential uses including a single-family residential dwelling unit, a two-family residential dwelling unit, personal care instruction (limited to a maximum of 2,000 square feet), general office (limited to a maximum of 2,000 square feet), and/or medical office (limited to a maximum of 2,000 square feet). (Formerly case # 2011Z-002PR-001)

Existing Zoning

R10 District - 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% duplex lots.

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes single and two-family residential, personal care instruction, general office and medical office.

DEFERRAL This request was originally deferred from the April 14, 2011, Planning Commission meeting to the April 28, 2011, meeting. In the deferral on April 14, 2011, the Commission requested that staff look at a possible land use policy change for the property requested to be rezoned and/or the area surrounding the subject property.

Staff presented findings at the April 28, 2011, Commission meeting. Staff recommended that an area between Smith Springs Road and Old Smith Springs be considered for a possible policy amendment. Staff further recommended that the request be deferred to the June 9, 2011, Commission meeting because the amendment would move the policy from residential to non-residential and would require a community meeting. In support of staff's recommendation, the Commission deferred the request to the June 9, 2011, meeting.

A community meeting was held on Tuesday, May 24, 2011, at Una Church of Christ, from 6:00 pm to 7:15 pm. There were 11 people in attendance. Eight of the attendees reside on Smith Springs Road. After the meeting and after further analysis, staff is recommending that the proposed policy change be disapproved (see associated community plan amendment 2011CP-013-002).

After the community meeting, the applicant requested that his application be amended from OR20 to SP-MU.

Council Hearing On July 5, 2011, Metro Council approved a special public hearing for this request. The hearing will be held on August 2, 2011.

CRITICAL PLANNING GOALS/N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Existing Policy

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

Consistent with Policy No. While the proposed SP-MU zoning district does permit residential uses, which are consistent with the land use policy, it also permits non-residential uses which are not consistent with the land use policy. It is important to note that NG policy does permit transitional uses such as office; however, the policy only supports these type uses when it is specifically called out in a Detailed Neighborhood Design Plan (DNDP) or a special policy. This property is not in a DNDP nor is there a special policy calling for a transitional use. Also, the adjacent SP district to the east, which is in Neighborhood Center policy, was designed to provide the transition and provide the dividing line between residential and non-residential uses. At the time this SP was approved, it was thought that the commercial and office uses would not continue to expand further outside of the Neighborhood Center policy.

PLAN DETAILS The property proposed to be rezoned from R6 to SP-MU is located on the south side of Smith Springs Road, west of Bell Road. The property contains one single-family home.

Proposed Plan The plan does not propose any new construction, but is a regulatory plan which will limit current and future use of the property. The proposed SP district would permit single or two-family residential use, as well as personal care instruction, general office and medical office. Only one use would be permitted at any one time and the floor area for any non-residential use would be limited to 2,000 square feet. The plan also prohibits parking from being in the front and side yards.

Other standards which are not specifically specified in the proposed SP, including bulk, parking, landscaping and signage would be subject to the standards, regulations and requirements of the ON zoning district. Any new development on the property would require that an application for final site plan be submitted for review and approval by the Planning Commission with the limitations outlined in the SP regulations for this property.

STORMWATER RECOMMENDATION No sign off is required

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)	0.36	4.63 D	1 U	10	1	2

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.36	-	2,000 SF	66	9	9

Traffic changes between maximum: R10 and proposed SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+56	+8	+7

STAFF RECOMMENDATION Staff recommends disapproval because the proposed SP permits uses not consistent with the property's Neighborhood General land use policy.

CONDITIONS (If approved)

1. Uses permitted by this SP district are limited to single and two-family residential, personal care instruction, general office or medical office.
2. Any permitted non-residential use is limited to a maximum of 2,000 square feet. Only one use is permitted at any given time.
3. Parking shall not be located within the front or side yards, but shall be limited to the rear yard only.
4. Any new construction in the SP District shall require a final site plan be submitted for review and approval by the Metropolitan Planning Commission or its designee prior to the issuance of any permits.

5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, residential uses on the property shall be subject to the standards, regulations and requirements of the R10 zoning district and permitted non-residential uses shall be subject to the standards, regulations and requirements of the ON zoning district as of the date of the applicable request or application.
6. 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.
7. 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 disapproval.

Ms. LeQuire moved and Mr. Clifton seconded the motion to disapprove Item 1b.

Mr. Gee stated that he wants to ensure the commission is voting on what the applicant wants.

Ms. LeQuire asked if the commission could vote to expand the community center by one lot today.

Mr. Bernhardt clarified that the motion just voted on for Item 1a would have to be undone.

Mr. Gee stated that within the Neighborhood General policy, there are places where Office Transition might be appropriate.

Mr. Clifton stated that he is prepared to vote against; this is a complicated issue and we are not doing anyone a favor by rushing through it.

Ms. LeQuire restated and Mr. Clifton seconded the motion to disapprove Item 1b. (8-1) Councilmember Gotto voted against.

Resolution No. RS2011-157

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-017-001 is **DISAPPROVED. (8-1)**"

Specific Plans

2. 2011SP-016-001

BL2011-932 / MATTHEWS
4608 ASHLAND CITY HIGHWAY
 Map 068, Parcel(s) 062
 Council District 01 (Lonnell Matthews, Jr.)
 Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to SP-MU zoning and for final site plan approval for property located at 4608 Ashland City Highway, approximately 3,450 feet west of Briley Parkway (5.61 acres), to permit Building Contractor Supply and all uses permitted in the AR2a zoning district, requested by Charles Huddleston, owner.

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED INDEFINITELY 2011SP-016-001 at the request of the applicant. (8-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

No Cases on this Agenda

I. RECOMMENDATIONS TO METRO COUNCIL

Specific Plans

3. 2005SP-139G-12

CAMBRIDGE PARK AT BARNES BEND

Map 173, Parcel(s) 005

Council District 31 (Parker Toler)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Cambridge Park at Barnes Bend", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 1160 Barnes Road (19.33 acres), approved for 77 single-family lots via Council Bill BL2007-1352 effective on June 11, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP DISTRICT ACTIVE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (R) district known as "Cambridge Park at Barnes Bend", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 1160 Barnes Road (19.33 acres), approved for 77 single-family lots via Council Bill BL2007-1352 effective on June 11, 2007.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires the review of each SP District four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Development within each SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

DETAILS OF THE SP DISTRICT The purpose of the Cambridge Park at Barnes Road SP is to allow for 77 single-family lots.

Analysis Staff visited the site June 2011. The streets and other infrastructure are in place. Staff recommends that this SP be found active and that it be placed back on the four-year review list. Staff notes that the SP remains appropriate for Residential Low Medium density land use policy of the Southeast Community Plan.

STAFF RECOMMENDATION Staff recommends that the Cambridge Park at Barnes Bend SP be found to be active.

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

Resolution No. RS2011-158

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-139G-12 is **APPROVED, finding the SP District ACTIVE. (8-0)"**

J. PLANNING COMMISSION ACTIONS

Planned Unit Developments: final site plans

4. 175-75P-001

HARPETH TRACE ESTATES

Map 143-03-0-D, Parcel(s) 150-152, 157

Council District 35 (Bo Mitchell)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for a portion of the Harpeth Trace Estates Residential Planned Unit Development Overlay, located at Harpeth Trace Drive, approximately 675 feet north of Highway 100, zoned R15, to permit a 25 foot guyed telephone tower and a 12 foot by 20 foot equipment shelter on the roof of an existing five story condominium complex, requested by New Cingular Wireless PCS LLC, applicant, for Harpeth Trace Condominium HOA c/o McGarr & Associates, Inc., owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Permit cell tower on roof of existing building

Preliminary PUD revision and final approval A request to revise the preliminary plan and for final site plan approval for a portion of the Harpeth Trace Estates Residential Planned Unit Development Overlay, located at Harpeth Trace Drive, approximately 675 feet north of Highway 100, zoned R15, to permit a 25 foot guyed telephone tower and a 12 foot by 20 foot equipment shelter on the roof of an existing five-story condominium complex.

Existing Zoning

R15 District - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots.

CRITICAL PLANNING GOALS N/A

PLAN DETAILS The Harpeth Trace Estates Plan Unit Development (PUD) was approved by Council in 1975. The development was approved for numerous single-family, two-family and multi-family units.

This request is to permit the placement of a 25 foot tall cellular tower on the roof of an existing five-story multi-family residential building. The elevation of the upper most point of the tower will be 74 feet above the ground level. Because the tower is proposed on the roof of an existing building, no changes to the last approved preliminary plan are required.

Zoning Ordinance requirements The Metro Zoning Code classifies cell towers as “telephone services”, and this use is permitted with conditions within the R15 zoning district.

Section 17.16.080.C of the Metro Zoning Ordinance details the conditions for telephone service (cell tower):

C. Telephone Service.

1. Telephone Service. An applicant for a new microwave or cellular tower shall demonstrate that existing towers, buildings or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed new tower. Factors to be considered in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include, but are not necessarily limited to, structural capacity, radio interference and geographic service area requirements.
2. Lot Size. In residential zone districts, the minimum lot size shall comply with the zone district bulk provisions.
3. Setback. Telephone services, including accessory buildings and vehicle parking areas shall comply with the setback provisions of the applicable zone district. In nonresidential zone districts, no tower shall locate within twenty feet of a residential zone district or district permitting residential use.
4. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of Landscape Buffer Yard Standard A shall be applied.
5. Height. The maximum height of telephone facilities shall be determined by the height control provisions of Chapter 17.12, except in the MUN, ON, CN and SCN zone districts a height control plane slope of 1.5:1 shall apply. Where a proposed tower cannot comply with the maximum height provisions, the applicant shall be required to submit for a special exception permit per Section 17.16.180(B)(1).
6. Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the zoning administrator or, if applicable, the executive director of the planning department shall notify the district councilmember that an application for a new tower has been submitted. Such notification shall only be required when a tower is proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within one thousand feet of the zoning boundary line of a residential district or a district permitting residential uses. Within thirty days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. If a meeting is held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

The applicant has submitted the required information. As submitted, the request complies with all of the criteria above except for the landscape buffer yard requirement (No. 4). Because the proposed tower will be located on the roof of an existing building then the buffer yard requirement does not apply.

Analysis The proposed request does not alter the last approved preliminary plan, but would only introduce a new use within the PUD – Telephone Service. Telephone Service is permitted in the R15 zoning district with conditions. As proposed the tower meets all zoning requirements. Since the tower would be permitted in the R15 zoning district and does not alter the last approved preliminary site plan, then staff has no issues with the request and recommends approval with conditions.

PUBLIC WORKS RECOMMENDATION No Exception Taken

STORMWATER RECOMMENDATION Approved

-No grading to take place.

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions because the tower would be permitted in the

R15 zoning district and does not alter the last approved preliminary site plan.

CONDITIONS

1. 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.
2. 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.
3. 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.

MEMORANDUM

TO: RICK BERNHARDT, EXECUTIVE DIRECTOR, PLANNING DEPARTMENT

FROM: TED MORRISSEY, ASSISTANT METROPOLITAN ATTORNEY

SUBJECT: CELL TOWER REGULATION

DATE: APRIL 10, 2009

QUESTION: You asked whether the Planning Commission has the authority to deny a request to build a cell tower.

ANSWER: Yes, the Commission has the authority to deny a request, but any such denial must be supported by substantial and material evidence contained within the written administrative record.

DISCUSSION:

Federal law governs the Commission's review of cell towers. 47 U.S.C.A. § 332(c)(7) regarding limitations on local regulation of cell towers states:

(7) Preservation of local zoning authority

(A) General authority

Except as provided in this paragraph, nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) Limitations

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(47 U.S.C.A. § 332(c)(7). Emphasis added.)

Thus, the federal law makes it clear that any decision by a "local government or instrumentality thereof" to deny a request to place, construct, or modify personal wireless service facilities (i.e., cell tower) shall be in writing and supported by substantial evidence contained in a written record.

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

Resolution No. RS2011-159

"BE IT RESOLVED by The Metropolitan Planning Commission that 175-75P-001 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. 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.
2. 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.
3. 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."

Subdivision: Concept Plans

5. 2011S-052-001

DUNCANWOOD RESERVE

Map 131-08, Part of Parcel(s) 018

Council District 25 (Sean McGuire)

Staff Reviewer: Greg Johnson

A request for concept plan approval to create 15 clustered lots on a portion of property located at 1120 Glendale Lane, on the southern side of Duncanwood Drive (8.11 acres), zoned R20, requested by Monroe Harding Childrens Home, owner, Nicky Wells, engineer.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST - Concept plan for 15 lots.

Concept plan A request for concept plan approval to create 15 clustered lots on a portion of property located at 1120 Glendale Lane, on the southern side of Duncanwood Drive (8.11 acres), zoned One and Two-Family Residential (R20).

Existing Zoning

R20 District =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% duplex lots.

CRITICAL PLANNING GOALS N/A

PLAN DETAILS The concept plan proposal consists of a 15 lot subdivision with open space along a proposed public street that terminates in a stub street connection to the south. The property is currently part of the Monroe Harding property. The project site appears to be located outside of the campus development area.

BZA Master Plan A Master Plan for the Monroe Harding property was approved by the Board of Zoning Appeals in 2007. On that plan, the campus portion of the site is confined to the western half of the site. Much of the currently undeveloped area on the eastern half of the Monroe Harding property shows no plan for campus-related development, possibly identifying this area for future development not related to the Monroe Harding school.

Street Connectivity The proposed Concept Plan proposes development extending south from an existing residential street, Duncanwood Drive, and terminating in a stub-street connection to the south. While this layout could permit a future street connection to Glendale Lane to the south, there are several surrounding streets that may have a lessened ability to connect through the Monroe Harding property with development of the proposed subdivision, including Brookmeade Drive, Tower Place to the east, and Granny White Court to the west.

Future connections to these surrounding streets would allow for additional street connectivity for the surrounding neighborhood providing

benefits including the ability to disperse traffic at low speeds, increased pedestrian connectivity, and improved access for emergency vehicles. Because Brown's Creek runs north/south through this neighborhood and along the eastern boundary of the Monroe Harding property, many street connections in the area that were platted were not actually built, leaving the surrounding neighborhood with a deficiency of street connections. The subdivision of this property should incorporate new connections, where possible, to help alleviate the traffic on the larger surrounding streets.

The Concept Plan is proposed for a portion of undeveloped area within the Monroe Harding master plan, but it does not include all of the area outside of the campus boundary as depicted on the BZA approved plan. In order to identify the most appropriate street network and development pattern in relation to existing development, any Concept Plan within the Monroe Harding property would ideally include all of the area outside of the campus boundary.

The proposed layout with only one stub street connection conflicts with the intent of the Subdivision Regulations, which include several requirements for discouraging high volumes of through traffic, and the use of a carefully interconnected street networks that disperses traffic while discouraging high volumes of through traffic.

1.9 Requirements for Streets-4.d.3

Minor local streets shall be laid out to conform as much as possible to the topography, to provide for the efficient dispersal of internal traffic while discouraging high volumes of through traffic, and to permit efficient drainage and accommodate utility systems.

3.9 Requirements for Streets-4.d.4

The use of an interconnected street system shall be used to broadly disperse internal traffic and provide maximum alternatives for access to property for both public and private movement
and

3.9 Requirements for Streets-4.d.7

Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the layout, either in existence or proposed, of adjacent tracts.

Additionally, the Subdivision Regulations require the overall development intent for large parcels through a Concept Plan:

2.8 Resubdivision of Land

1. Procedure for Subdivision Where Future Resubdivision is Foreseen. Whenever a parcel of land is subdivided, and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for the zoning district in which the lot is located, and the Planning Commission has reason to believe that such lots shall be resubdivided into smaller building sites, the Planning Commission shall require that the subdivision and development of such parcel of land allow for the future opening of streets by restricting building locations. A plan of resubdivision shall be depicted on the concept plan drawing unless the applicant can demonstrate that the need for such future street connection is unnecessary. The Planning Commission shall require that future dedications providing for the opening and extension of such streets be so indicated on the plat. [Emphasis added].

Cluster Lot Subdivision The subdivision is proposed as a cluster-lot subdivision, which allows for a minimum lot size of 10,000 square feet. Cluster lot subdivisions allow for smaller lot sizes, but also require the provision of open space within the subdivision. Approximately 40% of the subdivision consists of open space.

The concept plan identifies a portion of the required open space to the east of the proposed lots. However, a walkway connection to this open space is not provided for lots that are not adjacent to it. A condition of approval is proposed to require a walkway and an easement to provide access if the concept plan is approved.

Stormwater Regulations If approved at Concept Plan, the subdivision will require a Development Plan to comply with the regulations of Metro Stormwater. A portion of the proposed open space is located within the floodplain. However, because no development is proposed within the floodplain, standards of the floodplain overlay do not apply.

Archaeological Sites According to Metro GIS records, the area surrounding and including the project site may contain archaeological sites or artifacts. Prior to development plan approval, a letter from the state archaeologist will be required. The letter must state whether there are areas of archaeological significance on the project site. The presence of such areas may require modification to the plan.

METRO HISTORICAL COMMISSION RECOMMENDATION The Metropolitan Historical Commission recently determined the campus of the Monroe Harding Children's Home to be eligible for listing in the National Register of Historic Places for its significance in local social history as well as its architecture. As presented, the Duncanwood Reserve Concept Plan will require the demolition of a building that contributes to the significance of the district. The residence hall/library appears to be one of the first buildings constructed for the campus when the Monroe Harding Children's Home moved to its current location in 1934.

PUBLIC WORKS RECOMMENDATION *The following comments are based on a previously-submitted site plan. Since revised plans were not submitted by the applicant until July 21 2011, the reviewing agencies did not have sufficient time to submit revised comments prior to the completion of this staff report. Revised departmental comments will be distributed prior to the July 28 Planning Commission meeting.*

No Exception Taken with the following conditions:

1. Document adequate intersection sight distance for the 30 mph Duncanwood Drive intersection as per AASHTO prior to the preparation

of final construction drawings.

2. Extend the sidewalks through the radius returns a Duncanwood Drive and the western sidewalk to the property line.
3. Curb and gutters to PW Standard ST-200.

STORMWATER RECOMMENDATION *The following comments are based on a previously-submitted site plan. Since revised plans were not submitted by the applicant until July 21 2011, the reviewing agencies did not have sufficient time to submit revised comments prior to the completion of this staff report. Revised departmental comments will be distributed prior to the July 28 Planning Commission meeting.*

Concept plan approved except as noted (stormwater):

1. Some areas are bypassing water quality / quantity features. Additional conveyances (ditches / pipes) will be required.

NES RECOMMENDATION *The following comments are based on a previously-submitted site plan. Since revised plans were not submitted by the applicant until July 21 2011, the reviewing agencies did not have sufficient time to submit revised comments prior to the completion of this staff report. Revised departmental comments will be distributed prior to the July 28 Planning Commission meeting.*

- 1) Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. This shall cover the entire project area.
- 2) Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 3) 20-foot public utility easement required adjacent to all public r-o-w.
- 4) Any addition easements required that are not part of this parcel must be obtained by the developer or the engineer for the developer.
- 5) Street names are required before NES's final construction drawings can be issued.
- 6) NES can meet with developer/engineer upon request to determine electrical service options
- 7) NES needs any drawings that will cover any road improvements to Duncanwood Dr r-o-w that Public Works will require (i.e., turning lanes or lane improvements). Any of these items may require electric facilities to be relocated and may be an impact to the developers.
- 8) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ www.nespower.com).
- 9) NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
- 10) All street lighting shall meet Metro/NES requirements for the public r-o-w. The conduit, footings, poles and fixtures must be installed by developer – NES needs locations of street light bases for conduit stub-outs to those general areas.
- 11) Building phase lines are required at the design stage.
- 12) If porches or fire escapes are allowed to be constructed beyond the minimum setback limits and into the public utility easements; then the easement will be considered reduced by that much of the easement. Such encroachments may increase the cost of electrical infrastructure to allow for reduced or limited access to equipment. *NES reserves the right to enter and to erect, maintain, repair, rebuild, operate and patrol electric power overhead and underground conductors and communications circuits with all necessary equipment reasonably incident thereto including the right to clear said easement and keep the same clear of brush, timber, inflammable structures, buildings, permanent structures, and fire hazards; all over, under, upon, and across the easement as granted on any plats.*

STAFF RECOMMENDATION Staff recommends disapproval. The proposal does not comply with standards of the Subdivision Regulations, including Section 2-8, which requires Concept Plans to plan for street connectivity on large sites and Section 3.9, which includes several requirements for discouraging high volumes of through traffic, providing an interconnected street system that broadly disperses internal traffic, and providing street connections.

CONDITIONS (if approved)

1. The concept plan shall comply with requirements of Metro Stormwater, NES and Metro Public Works.
2. Sidewalk shall be required along the entire roadway that will be constructed to serve the proposed development.
3. Prior to development plan approval, obtain letter from Tennessee State Archaeologist stating if sites or artifacts of archaeological importance exist on this site. Presence of such locations or objects may require modification to the plan.
4. A paved walkway within a public easement shall be provided from the proposed public street sidewalk to the proposed open space to the east.
5. A temporary turnaround that meets the standards of the Subdivision Regulations, Metro Public Works, and the Metro Fire Marshal is required. The temporary cul-de-sac shall be constructed or bonded with the construction of the proposed public street.

Mr. Johnson presented the staff recommendation of disapproval.

John Gupton, attorney for the site developer, spoke in favor of the proposal.

Nicky Wells, engineer for the developer, spoke in support of the proposal and stated that the only feasible connection is Duncanwood.

Councilmember Gotto out at 5:12 p.m.

John Olert, 5304 Lancelot Road, spoke in support of the proposal.

Kate Stephenson, 2719 Wortham Avenue, spoke in support of the proposal.

John Brittle, 5474 Franklin Pike, spoke in support of the proposal, stating that Monroe Harding cannot have a concept plan when they do not have a concept of the use of the future of the remaining property.

Pam Pilcher, 1132 Duncanwood Drive, spoke in opposition to the proposal, stating that it will ruin the neighborhood.

Bill Sanders, 1133 Duncanwood Drive, spoke in opposition to the proposal.

Patsy Partin, 1114 Brookmeade Drive, spoke in opposition to the proposal and expressed concerns with the entrance on Duncanwood because it's on a hazardous curve on an old street. There is a petition signed by 100% of the neighborhood, 110 signatures, reflecting the opposition to this proposal.

Alexander Brandau, 1122 Duncanwood Drive, spoke in opposition to the proposal stating safety concerns regarding the location of the entrance to Duncanwood.

Betty White, 1126 Duncanwood Drive, spoke in opposition to the proposal and noted that the proposed entrance on Duncanwood is within five feet of the Roper's driveway.

Henry Hipkens, 1101 Brookmeade Drive, spoke in opposition to the proposal and stated concerns with the increased threat of stormwater runoff.

Les White, 1126 Duncanwood Drive, spoke in opposition to the proposal and stated several concerns: lack of an overall development plan for the entire Monroe Harding property, unsafe and inappropriate traffic plan design, viable traffic plan alternatives have been ignored, and the increased threat of stormwater runoff and flooding of existing neighborhoods.

Susan Hipkens, 1101 Brookmeade Drive, spoke in opposition to the proposal.

Mr. Dalton out at 5:42 p.m.

Rebecca Bell, 1135 Brookmeade Drive, spoke in opposition to the proposal stating increased traffic concerns.

Brooke West, 1116 Brookmeade Drive, spoke in opposition to the proposal and noted that 100% of the neighbors are in agreement to ask for disapproval.

Shawn Henry, 315 Deaderick Street, representing neighbors that are in opposition, stated that a revised concept plan was not duly noticed to the neighbors and asked for disapproval

John Gupton stated that the developer understands the concerns of the neighborhood but they have a right to do what they are doing, including the right to connect and access Duncanwood.

Mr. Dalton in at 5:51 p.m.

Shawn Henry restated that Monroe Harding needs to submit a master plan for the entire development.

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

Mr. Gee inquired what the BZA Master Plan approval means and what bearing does it have on the Planning Commission's role.

Mr. Johnson clarified that to be a permitted use, it has to receive approval from the BZA.

Mr. Dalton out at 5:57 p.m.

Mr. Gee stated that it seems the neighborhood is opposing this for one reason and the staff is opposing for another reason.

Mr. Haynes stated that the burden is on Monroe Harding to do a better job of understanding the future impact of selling the remaining 12 acres.

Ms. LeQuire stated that if the applicant has not publically shown what the plan is for the rest of the site and how this connectivity could work, it would be their responsibility to do so. All of this needs a lot more study. There is potential for the site to be beautifully developed and suit everyone, it just needs more work in order to get it there.

Mr. Clifton asked Legal if there is any guidance in the Subdivision Regulations on whether a large parcel has to be sold or developed all at once.

Mr. Dalton in at 6:01 p.m.

Mr. Sloan stated that it does not have to be sold all at once, but they do have to show how it will all be connected before they can say this is a proper plan.

Mr. Clifton stated that there has to be a win/win here and it doesn't look like it is before us right now. Mr. Clifton stated that it is not quite ready to overrule staff at this point.

Dr. Cummings expressed agreement with Mr. Clifton and stated that Monroe Harding needs to do a concept plan first before trying to sell. Once the plan is done, connectivity can be discussed.

Mr. Ponder stated that we need to see a full development, this is a plan half done.

Mr. Ponder moved and Mr. Gee seconded the motion to approve the staff recommendation of disapproval.

Mr. Clifton stated that he is not sure he wants to disapprove the plan and have them start over. We could defer and get more information and more creative.

Mr. Ponder asked Legal if there are any immediate demands that action be taken today.

Mr. Sloan stated that action has to be taken in 60 days from today unless the applicant asks for a deferral.

Mr. Ponder withdrew his motion and Mr. Gee withdrew his second..

Mr. Ponder moved to defer until the first meeting in September.

Chariman McLean asked applicant if they are agreeable to a deferral.

John Gupton asked for a deferral.

Mr. Ponder withdrew his previous motion.

Mr. Ponder moved and Mr. Hayes seconded the motion to defer indefinitely and to keep the Public Hearing open. (8-0)

Resolution No. RS2011-160

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-052-001 is DEFERED INDEFINITELY at the request of the applicant. Keep the Public Hearing open. (8-0)”

Subdivision: Final Plats

6. 2011S-046-001

FAIRLANE PARK, RESUB LOT 264

Map 148-13, Parcel(s) 158

Council District 30 (Jim Hodge)

Staff Reviewer: Greg Johnson

A request for final plat approval to create three lots on property located at 301 Fairlane Drive, at the northwest corner of Fairlane Drive and Packard Drive (0.96 acres), zoned R10, requested by Thomas Mattingly and Jerry Thurman, owners, Delle Land Surveying, surveyor.

Staff Recommendation: APPROVE WITH A CONDITION

APPLICANT REQUEST -Final plat to create three lots

Final Plat A request for final plat approval to create three lots on property located at 301 Fairlane Drive, at the northwest corner of Fairlane Drive and Packard Drive (0.96 acres), zoned One and Two Family Residential (R10).

CRITICAL PLANNING GOALS N/A

PLAN DETAILS

Final Plat The applicant requests final plat approval for a three lot subdivision at the intersection of Fairlane Drive and Packard Drive. Subdivisions of three lots or more must be approved by the Metro Planning Commission.

All three lots meet the requirements of the infill subdivisions section of the Subdivision Regulations, as well as applicable

requirements of the Nashville Subdivision Regulations and the Metro Zoning Code. Sidewalks are required on two of the lots and are shown on the plat.

Infill Subdivisions Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally comparable with surrounding lots. The Subdivision Regulations include several criteria for determining if a plat is consistent with the character of the area, including the density of the subdivision compared to the land use policy. Because the density of the proposed subdivision will be consistent with the underlying RLM policy, the lots are considered by the Subdivision Regulations to be in keeping with the character of the surrounding lots.

STORMWATER RECOMMENDATION Final Plat Approved

PUBLIC WORKS RECOMMENDATION No Exception Taken with the following Conditions:

Note that final construction drawings for the sidewalk installation must be submitted to the Department of Public Works and a permit issued prior to commencement of work. A standard handicap ramp ST330 will be required at the intersection.

STAFF RECOMMENDATION Staff recommends approval with a condition. The proposed subdivision complies with the requirements of the Subdivision Regulations and the Zoning Code.

CONDITION

1. Final construction drawings for the sidewalk installation must be submitted to the Department of Public Works and a permit issued prior to commencement of work. A standard handicap ramp ST330 will be required at the intersection.

Approved with a condition. (8-0), Consent Agenda

Resolution No. RS2011-161

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-046-001 is **APPROVED WITH A CONDITION. (8-0)**”

Condition of Approval:

1. Final construction drawings for the sidewalk installation must be submitted to the Department of Public Works and a permit issued prior to commencement of work. A standard handicap ramp ST330 will be required at the intersection.”

K. OTHER BUSINESS

7. Policy memo to clarify which Alternative Zoning Districts are appropriate in which Land Use and Community Character Policies

Mr. Dalton out at 6:25 p.m.

Mr. Gee moved and Mr. Haynes seconded the motion to approve the policy memo. (6-0)

Approved (6-0)

Resolution No. RS2011-162

“BE IT RESOLVED by The Metropolitan Planning Commission that the policy memo clarifying Alternative Zoning Districts IN Land Use and Community Character Policies is **APPROVED. (6-0)**”

8. Policy memo to clarify that Alternative Zoning Districts may be appropriate to use in Economic Development Incentive Areas

Mr. Gee moved and Mr. Stewart seconded the motion to approve with an amendment to replace “an” with “one of the” after the phrase “or the request may utilize”. (6-0)

Resolution No. RS2011-163

“BE IT RESOLVED by The Metropolitan Planning Commission that the Policy memo to clarify Alternative Zoning Districts in Economic Incentive Areas is **APPROVED WITH AN AMENDMENT to replace “an” with “one of the” after the phrase “or the request may utilize”. (6-0)**”

9. Distribution of the Draft Southeast Infrastructure Deficiency Exception

A workshop has been scheduled for August 11, 2011 at 2:15 p.m. Public Works staff will be invited to attend.

10. Employee contract renewal for John Broome.

Approved (8-0)

Resolution No. RS2011-164

“BE IT RESOLVED by The Metropolitan Planning Commission that renewal of the employee contract for John Broome is **APPROVED. (8-0)**”

11. Employee contract amendment for Jennifer Higgs and Hilary Kahnle.

Approved (8-0)

Resolution No. RS2011-165

“BE IT RESOLVED by The Metropolitan Planning Commission that amendment to the employee contract for Jennifer Higgs and Hilary Kahnle is **APPROVED. (8-0)**”

12. Discussion of the Planning Commissioners’ Retreat

13. Historical Commission Report

14. Board of Parks and Recreation Report

15. Executive Committee Report

16. Executive Director Report

17. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

August 11, 2011

IDA Work Session

2:15pm, Nashville Room, Metro Office Building, 800 2nd Avenue South

MPC Meeting

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

August 18, 2011

Bellevue Community Meeting

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

Bellevue Community Plan Update: Centers, Corridors, and Districts

August 22, 2011

Lakewood Community Meeting

6pm, DuPont-Hadley Middle School Auditorium

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

August 25, 2011

MPC Meeting

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

August 29, 2011

Lakewood Community Meeting

6pm, DuPont-Hadley Middle School Auditorium

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

September 12, 2011

Lakewood Community Meeting

6pm, DuPont-Hadley Middle School Auditorium

Topic: Final discussion of Lakewood Community Plan and Zoning

September 15, 2011

Bellevue Community Meeting

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

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

M. ADJOURNMENT

The meeting was adjourned at 6:33 p.m.

Chairman

Secretary