



# **METROPOLITAN PLANNING COMMISSION**

## **SPECIAL CONTINUED MEETING**

**Wednesday November 20, 2013**

**4:00 pm Continued Meeting**

**1417 Murfreesboro Road  
Metro Southeast at Genesco Park  
Green Hills Room**

### **MISSION STATEMENT**

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

Commissioners Present:  
Jim McLean, Chair  
Stewart Clifton, Vice Chair  
Hunter Gee  
Judy Cummings  
Jeff Haynes  
Phil Ponder  
Councilmember Walter Hunt

Staff Present:  
Rick Bernhardt, Executive Director  
Doug Sloan, Deputy Director  
Jennifer Carlat, Assistant Director  
Kelly Adams, Administrative Services Officer III  
Craig Owensby, Public Information Officer  
Kathryn Withers, Planning Manager II  
Bob Leeman, Planning Manager II  
Carrie Logan, Planner III  
Jason Swaggart, Planner II  
Duane Cuthbertson, Planner II  
Tifinie Capehart, Planner II  
Amy Diaz-Barriga, Planner I  
Jason Aprill, Planner I  
Jon Michael, Legal

Commissioners Absent: Greg Adkins, Andree LeQuire, Derrick Dalton

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

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

## Notice to Public

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

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

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

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

### Writing to the Commission

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

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

### Speaking to the Commission

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

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

### Legal Notice

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



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# MEETING AGENDA

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## A. CALL TO ORDER

The meeting was called to order at 4:13 p.m.

## B. ADOPTION OF AGENDA

Mr. Ponder moved and Councilmember Hunt seconded the motion to adopt the agenda. (6-0)

Dr. Cummings arrived at 4:13p.m.

## C. RECOGNITION OF COUNCILMEMBERS

Councilmember Todd spoke in opposition to Item 4 due to confusion of the Subdivision Regulations and asked for either a deferral or disapproval.

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## D. ITEMS FOR DEFERRAL / WITHDRAWAL

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### No Cases on this Agenda

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## E. CONSENT AGENDA

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

**1a. 2013CP-010-004**

**1b. 2013SP-043-001**

**3. 2013Z-039PR-001**

Mr. Ponder moved and Dr. Cummings seconded the motion to approve the Consent Agenda. (7-0)

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## F. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

### Community Plan Amendments

#### 1a. 2013CP-010-004

##### **GREEN HILLS-MIDTOWN COMMUNITY PLAN AMENDMENT (2107 BERNARD AVENUE)**

Map 104-12, Parcel(s) 075  
Council District 18 (Burkley Allen)  
Staff Reviewer: Tifinie Capehart

A request to amend the Green Hills-Midtown Community Plan: 2005 Update to change the Land Use Policy from Neighborhood General (NG) to Office Transition (OT) for property located at 2107 Bernard Avenue, (0.27 acres), requested by Littlejohn Engineering Associates, Inc., applicant; Doric Building Company, owner (also see 2013SP-043-001).

**Staff Recommendation: Approve**

##### **APPLICANT REQUEST**

**Amend land use policy from Neighborhood General (NG) to Transition or Buffer in Neighborhood General (NG).**

##### Major Plan Amendment

A request to amend the Green Hills - Midtown Community Plan: 2005 Update to change the Land Use Policy from Neighborhood General (NG) to Transition or Buffer in Neighborhood General (TB in NG) for property located at 2107 Bernard Avenue.

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

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Supports Infill Development
- Preserves Historic Resources

The application of Transition or Buffer policy encourages land uses that provide appropriate transitions between commercial and residential land uses. The application of the policy also promotes infill development, transportation choices, creates walkable neighborhoods, while preserving historic resources.

The Transition or Buffer policy in Neighborhood General encourages land uses that transition from commercial to residential. These typically include office with a limited mixed –use or commercial component that maintains a residential scale, character and function.

The Transition or Buffer policy supports infill development by promoting the use of residential structures for the aforementioned land uses in appropriate locations; typically on the fringe of a commercial or residential area with existing sidewalks, alleys, or other supportive infrastructure. The policy also notes that such land uses should maintain a residential scale and function, thus promoting infill that is compatible with surrounding residential land uses. The policy also supports transportation choices and walkable neighborhoods by encouraging office and light commercial uses on the fringe of a neighborhood center where goods and services can be accessed by pedestrians and adjacent to 21<sup>st</sup> Avenue where there is access to transit.

The Transition or Buffer policy also supports the preservation of historic resources, as the subject property and its contributing structure are within the Hillsboro - West End Historic National Register District. The application of this policy creates non-residential land use opportunities, thus providing incentive for the historic residential structure to remain.

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

##### **Current Policy**

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

##### **Proposed Policy**

Transition or Buffer in Neighborhood General (TB in NG) is intended to provide a transition from intense commercial activity to a more residential character. Uses should be residential in scale, character, and function, but may have a limited

commercial or mixed-use component.

## **BACKGROUND**

Case 2013SP-043-001, the companion to this case, is a zone change from R6 district to SP-MU district for the subject property located at 2107 Bernard Avenue. The SP-MU zone district is inconsistent with the existing Neighborhood General Policy. The applicant requests a plan amendment for Transition or Buffer in Neighborhood General so that the land use policy will be consistent with the proposed zone change.

## **COMMUNITY PARTICIPATION**

An early postcard notification announcing the plan amendment and a regular notice communicating the time and date of the Planning Commission Public Hearing was mailed to 435 property owners within 1,300 feet of the potential plan amendment area.

A community meeting was held on Monday October 28, 2013, at the Martin Professional Development Center on 2400 Fairfax Avenue, Nashville, TN 37212, from 6:00 pm to 7:00 pm. There were 10 people in attendance.

There were minimal concerns expressed during the community meeting. Concerns pertained to the Specific Plan (SP) zoning and the process for amending an SP should the property owner wish to redevelop the site in the future; this was also the subject of several phone calls and emails prior to the community meeting. With regard to details of the Specific Plan zoning, the Council Representative for District 18 also had questions about the type of signage that would be provided on the property for businesses and tenants.

The applicant did attend the Hillsboro - West End Neighborhood Association meeting several weeks prior to the community meeting hosted by Metro Planning. The president of the Hillsboro – West End Neighborhood Association was also present at the Metro Planning Community meeting and noted that previous concerns from neighbors were addressed, and corrections were shown in the exhibits presented by the applicant.

## **ANALYSIS**

### **Physical Site Conditions**

The subject property has no physical constraints and there is no floodplain or floodway in the area.

### **Land Use**

Surrounding land uses include single-family residential, multi-family residential, commercial and office. There is a park across Bernard Avenue from the subject property. The current land use on the subject property is single-family residential.

### **Transportation**

The subject property is located roughly 180 feet west of 21<sup>st</sup> Avenue. 21<sup>st</sup> Avenue is an MTA bus route, and there are two bus stops in the proximity of the subject property.

### **Access**

The subject property is accessed by an alley that runs adjacent to the property's eastern and southern boundaries. The alley provides access to both Bernard Avenue to the north and Blair Boulevard to the south. Parking is provided on the property in the back of the building, and is accessed from the alley on the eastern edge of the property.

### **Existing Development Pattern**

The development pattern in the area is primarily urban, characterized by shallow setbacks and small lot sizes. The residential properties in the area have parking accessed from the alley, while the commercial and office development has parking provided to the side or the rear of the building.

### **Historic Features**

The subject property and its contributing structure are within the Hillsboro – West End Historic National Register District. The district includes neighborhoods within the boundaries of West End Avenue to west, Interstate 440 to the south, Blakemore Avenue to the north, and 21<sup>st</sup> Avenue to the east.

## **SUMMARY**

The application of Transition or Buffer in Neighborhood General Policy is appropriate for the subject property because it supports infill development and the preservation of historic structures. Through the application of the Transition or Buffer policy, the property may accommodate office and light commercial or mixed-use infill, while preserving a structure that is compatible in residential form, scale, and historic character.

## **STAFF RECOMMENDATION**

Staff recommends approval.

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013CP-010-004 is **Approved. (7-0)**”

**1b. 2013SP-043-001**

**2107 BERNARD AVENUE**

Map 104-12, Parcel(s) 075

Council District 18 (Burkley Allen)

Staff Reviewer: Jason Swaggart

A request to rezone from R6 to SP-MU and for final site plan approval for property located at 2107 Bernard Avenue, approximately 175 feet west of 21st Avenue South (0.27 acres), to permit an existing building to be used for general office, medical office and/or residential, requested by Littlejohn Engineering Associates, Inc., applicant; Doric Building Company, owner (also see community plan amendment 2013CP-010-004).

**Staff Recommendation: Approve with conditions subject to the approval of the associated policy amendment and disapprove if the associated policy amendment is not approved.**

**APPLICANT REQUEST**

**Preliminary SP and final site plan to permit general office, medical office and/or residential within an existing building.**

Preliminary SP and final site plan

A request to rezone from One and Two-Family Residential (R6) to Specific Plan – Mixed Use (SP-MU) and for final site plan approval for property located at 2107 Bernard Avenue, approximately 175 feet west of 21st Avenue South (0.27 acres), to permit an existing building to be used for general office, medical office and/or residential.

**Existing Zoning**

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. R6 would permit a maximum of one lot with one duplex for a total of two units.

**Proposed Zoning**

Specific Plan-Mixed Use (SP-MU) 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 general office, medical office and/or residential.

**CRITICAL PLANNING GOALS**

- Provides a Range of Housing Choices
- Creates Walkable Neighborhoods
- Fosters, Distinctive, Attractive Mixed-Use Communities

The request will permit an existing home to be used for an office use, residential use or both. This would permit someone to reside in their place of business, opening up a new housing option in the area. The neighborhood is served by adequate sidewalks and a variety of uses and the additional use further enhances an already walkable area which fosters a distinctive, mixed-use area.

**GREEN HILLS -MIDTOWN COMMUNITY PLAN**

**Existing Policy**

Neighborhood General (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 ensure appropriate design and that the type of development conforms with the intent of the policy.

**Proposed Policy**

Office Transition (OT) policy is intended for small offices to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Consistent with Policy?

The request is not consistent with the existing NG policy. The NG policy only supports residential uses; therefore, the office component is not consistent with the policy. The request is consistent with the proposed OT policy which permits small scale office uses intended to transition from more intense uses to residential (See 2013CP-010-004 for more details on the OT policy).

**PLAN DETAILS**

The subject property is located on the south side of Bernard Avenue behind Friedman’s Army Navy located on 21<sup>st</sup> Avenue South. The subject property is currently occupied with a single-family dwelling. The adjacent property to the west is residential and is occupied by a two-family structure. St. Bernard Park is directly across Bernard. The property directly behind the site is also zoned OR20 and is occupied by a small office building. The site contains no steep hillsides, floodplain or other environmental constraints.

Site Plan

The plan calls for the existing 1,710 square foot home to be used for general office, medical office and/or residential. The plan does not propose any additions to the existing structure. Improvements proposed include a small parking area at the rear of the building with five parking spots and additional landscaping. The plan also identifies an area for future parking along the alley. Access to the site will remain from the alley.

**ANALYSIS**

Staff is recommending that the request be approved with conditions subject to the approval of the associated policy amendment. The request should be disapproved if the associated policy amendment is disapproved.

The request is consistent with the proposed OT policy. The SP would preserve the existing home, which preserves the character along Bernard Avenue while permitting limited office uses and providing for an additional housing option in the area. The SP provides an appropriate transition between the more intense development along 21<sup>st</sup> Avenue South and the residential area west of the site. In order to provide a more smooth transition, staff is recommending that signage be limited to a small plaque on the front of the building and that it be no larger than one square foot. The request also meets several critical planning goals.

**STORMWATER RECOMMENDATION**

Approved

**PUBLIC WORKS RECOMMENDATION**

No Exceptions Taken

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.27	7.71 D	2 U*	20	2	3

\*Based on one two-family lot

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
Medical Office (720)	0.27	-	1,710 SF	62	4	6

Traffic changes between maximum: **R6** 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
-	-	-	-	+42	+2	+3

**METRO SCHOOL BOARD REPORT**

The proposed SP-MU would not generate any more students than what would be generated by the current R6 district.

**STAFF RECOMMENDATION**

Approve with conditions subject to the approval of the associated policy amendment and disapproval if the associated policy amendment is not approved.

**CONDITIONS**

1. Permitted land uses shall be limited to general office, medical office and/or residential.

2. The existing structure shall not be expanded or demolished without Council approval.
3. Signage shall be limited to one plaque on the front of the structure and shall not be more than one square foot in size.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
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.

Approved with conditions and disapproved without all conditions (7-0), Consent Agenda

**Resolution No. RS2013-218**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-043-001 is **Approved with conditions and disapproved without all conditions. (7-0)**

**CONDITIONS**

1. **Permitted land uses shall be limited to general office, medical office and/or residential.**
2. **The existing structure shall not be expanded or demolished without Council approval.**
3. **Signage shall be limited to one plaque on the front of the structure and shall not be more than one square foot in size.**
4. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.**
5. **A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.**
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.**



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## G. RECOMMENDATIONS TO METRO COUNCIL

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

### 2. 2013SP-041-001

#### THE POST AT RAIL STATION

Map 116-13, Parcel(s) 017-018  
Council District 23 (Emily Evans)  
Staff Reviewer: Amy Diaz-Barriga

A request to rezone from RS40 to SP-R zoning for properties located at 6030 and 6034 Sedberry Road, at the southwest corner of Sedberry Road and Old Harding Pike, (1.34 acres), to permit up to eight single-family detached residential units, requested by Dale and Associates, applicant; Michael, Nancy and Joe T. Zoretic and Tojo Investments, LLC, owners.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

#### APPLICANT REQUEST

**Preliminary SP to permit up to up to 8 detached single-family units.**

#### Preliminary SP

A request to rezone from Single-Family Residential (RS40) to Specific Plan Residential (SP-R) zoning for properties located at 6030 and 6034 Sedberry Road, at the southwest corner of Sedberry Road and Old Harding Pike, (1.34 acres), to permit up to eight single-family detached residential units.

#### Existing Zoning

Single Family Residential (RS40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre. *The existing two lots would permit a maximum of two units.*

#### Proposed Zoning

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

#### CRITICAL PLANNING GOALS

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

This SP utilizes a site within an area of adequate infrastructure, thereby relieving Metro the burden and cost of maintaining new infrastructure. It also lessens the pressure to develop on greenfield sites along the outer extents of Davidson County. The SP expands the existing pedestrian network by providing adequate sidewalks along both public street bordering the site, and maintains a pedestrian connection throughout the site. It locates development along an existing bikeway network, thereby offering residents an alternative choice in transportation. The SP site plan also offers an alternative to the typical suburban single family lot, expanding the variety of housing choice in the area.

#### WEST NASHVILLE COMMUNITY PLAN

Suburban Neighborhood Evolving (T3-NE-02) is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader

range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

Special Policy Area 2 is identified as a small pocket of homes at the corner of Sedberry and Post Road. It is intended to provide a transition from the adjacent neighborhood center to the single-family neighborhood to the west and north, and identifies design standards which require front facades along both streets of a corner unit, allow shallower but transitional setbacks, and suggest a slight increase in density.

Consistent with Policy?

Yes. The proposed SP provides an alternative single-family suburban development pattern, which creates housing choices consistent with the NE policy. The SP supports increased pedestrian connectivity in the area by providing a sidewalk along both Sedberry Road and Post Road. Design standards are provided for the buildings that are located at the corners of the property to ensure that they are appropriately addressing both street facades. The SP also provides moderate setbacks consistent with suburban residential development. The proposed density for this SP is 6 dwelling units per acre. This is consistent with both the NE policy which supports between 4-20 dwelling units per acre, and the Special Policy Area 2 which suggests that density remain on the lower end of the Neighborhood Evolving range.

**PLAN DETAILS**

The site consists of two existing lots, at the corner of Sedberry Road and Post Road. The SP proposes 8 detached residential units on approximately 1.34 acres.

Site Plan

The SP proposes a total of 8 units, four of which will be placed along Sedberry Road and one which will be placed along Post Road. The remaining three units will be placed along an interior private drive. Each unit has a front porch, and design standards are provided to support a certain level of quality for the building facades.

A private drive is proposed to intersect the site and connect Sedberry Road and Post Road. All units will provide garage access from the private drive, and there will be no individual curb cuts along either public street. A sidewalk and planting strip will be installed along both Sedberry and Post Roads, and each unit will have a pedestrian connection to either the public sidewalk or private drive. Three guest parking spaces are provided along the private drive.

The plan utilizes Low Impact Design (LID) to address stormwater requirements. Bioretention areas are included at the corner of Sedberry and Post Roads, and also in the southeast corner of the property. The SP provides landscape buffers along the west and south property lines. A 5 foot "A" buffer is provided for the west property line and for the majority of the south property line, and a 20 foot "C" buffer is provided behind the three units south of the private drive.

**ANALYSIS**

The SP is consistent with the NE policy and the special policy for the area. The density and scale of the units provide a transition from the commercial context along Harding Pike to the single family suburban neighborhood. It provides an alternative to the traditional suburban residential lot. It supports infill development, by utilizing a site with adequate existing infrastructure, and increases pedestrian connectivity for the area. It also supports alternate modes of transportation by locating adjacent to an existing bikeway network.

**FIRE MARSHAL RECOMMENDATION**

1,000 gpm @ 20 psi required. 2,509 gpm @ 20 psi per Metro Water 9/10/13 This subdivision has submitted engineering data that supports the approval for construction of homes up to 3,600 sq. ft. Any home over 3,600 sq. ft. will require an independent permit review by the Fire Marshal's Office.

**STORMWATER RECOMMENDATION**

Approved

**PUBLIC WORKS RECOMMENDATION**

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

Per SP Note #10, a copy of the long term solid waste agreement between the HOA and the private hauler must be submitted to MPW prior to building permit signoff.

**TRAFFIC TABLE**

Maximum Uses in Existing Zoning District: **RS40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.34	0.93 D	1 U	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	1.34	-	8 U	77	6	9

Traffic changes between maximum: **RS40** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 7 U	+67	+5	+7

**SCHOOL BOARD REPORT**

Projected student generation    1 Elementary    0 Middle    0 High

The proposed SP zoning district could generate 1 more student than what is typically generated under the existing RS40 zoning district. Student would attend Gower Elementary School, H.G. Hill Middle School, and Hillwood High School.

Gower Elementary is under capacity and will accommodate additional students. This information is based upon data from the school board last updated September 2012.

**STAFF RECOMMENDATION**

Staff recommends that the request be approved with conditions and disapproved without all conditions.

**CONDITIONS**

1. Permitted land uses shall be limited to up to 8 residential units.
2. Add a note to the plan stating: Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 1,000 square feet.
3. Per SP Note #10, a copy of the long term solid waste agreement between the HOA and the private hauler must be submitted to Metro Public Works prior to the issuance of a building permit.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM6 zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
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.

**Chairman McLean left the room.**

Ms. Diaz-Barriga presented the staff recommendation of approval with conditions and disapproval without all conditions.

Roy Dale, 516 Heather Place, spoke in favor of the application. He clarified that this request is for six units per acre, which is on the lower end of the allowed density. He also noted that he believes that traffic concerns will be successfully addressed as the legislative process continues.

Michael Garrigan, 516 Heather Place, spoke in favor of the application and noted that the two concerns expressed during the community meetings were increased density and traffic. The traffic concerns will be addressed through the legislative process and the density is on the lower end of what is allowed.

Anthony Cherry, 153 Davidson Road, spoke in favor of the application on behalf of Mike Nixon and stated that it falls within the guidelines of the West Nashville Plan.

Jeff Zeitlin, 6315 Chickering Woods Drive, spoke in favor of the application and noted that the project is excellent in both design and conformity to the Community Plan. The developers and engineers have been more than willing and continue to work with the neighborhood to ensure that the best project is built.

John Williamson, 165 Haverford Drive, spoke in opposition to the application due to increased traffic concerns and high density.

Fulton (last name unclear), 104 Haverford Drive, spoke in opposition to the application due to safety concerns for the cyclists on the new bikeway. He also noted that neither the property owner, architect, nor builder is from Davidson County.

Sam Rutherford, 112 Laird Road, spoke in opposition to the application due to the high density.

Schuyler Floyd, 229 Cargile Lane, spoke in opposition to the application due to increased traffic concerns and high density.

Ruth Elliott, 110 Haverford Drive, spoke in opposition to the application. She stated that rezoning would put the character of the neighborhood in danger. It would be a detriment to the current residents and make West Meade a less desirable community for future residents. She also noted density and traffic concerns.

Alan Whorton, 108 Haverford Drive, spoke in opposition to the application due to high density and increased traffic concerns.

Jack Goodrum, 249 Cargile Lane, spoke in opposition to the application and requested that Public Works conduct a traffic study in this area. He stated that he attended a very large community meeting and not one person in attendance was in favor of this.

John Orman, 217 Cargile Lane, spoke in opposition to the application. He noted that this is a very bad location due to public safety issues and dedicated turn lanes are needed from both directions. This project doesn't support a wide variety of transportation choices nor does it create a walkable neighborhood.

Kathryn Miller, 5933 Long Meadow Road, spoke in opposition to the application due to high density and traffic concerns.

James Edwards, 209 Cargile Lane, spoke in opposition to the application due to traffic concerns.

Jane Swinson, 204 Cargile Lane, spoke in opposition to the application due to high density and traffic concerns.

Albert Malone, 121 Vaughn's Gap, spoke in opposition to the application.

Roy Dale stated that they are trying to work with the community to address their concerns through the legislative process.

**Vice Chair Clifton closed the Public Hearing.**

Mr. Gee stated that he does not see any problems with the plan relative to the policy. He stated that while he understands the neighbor's concerns, he doesn't believe that the commission can put a moratorium on development when our policies support growth in this area.

Dr. Cummings spoke in favor of the application and asked staff to clarify what is allowed on the property today.

Ms. Diaz-Barriga clarified that currently, you can have a single-family dwelling unit on each lot. The policy supports four to 20 units per acre.

Dr. Cummings stated that eight units don't warrant a traffic study. She noted that this plan provides a diversity of housing choices and also pointed out that the developer is willing to work on traffic calming with Council Lady Evans. Dr. Cummings clarified that many projects in this area aren't built by developers in Davidson County.

Councilmember Hunt spoke in favor of the application.

Mr. Ponder noted that all regulations are being met and spoke in favor of the application.

Mr. Haynes spoke in opposition to the application and expressed that the plan itself will do nothing but worsen the traffic in this area and that it is a very poor design.

Mr. Clifton stated that he is glad that the developers are working on the traffic issues. He inquired if there is a condition that could be added that would help with the skepticism and uncertainty.

Mr. Bernhardt stated that a condition could be added prior to 3<sup>rd</sup> reading for Public Works to provide a recommendation to Metro Council regarding traffic improvements required due to the impact of this development and generally for the area.

**Dr. Cummings moved and Mr. Ponder seconded the motion to approve with conditions including a condition that prior to 3<sup>rd</sup> reading, Public Works must provide a recommendation to Metro Council regarding traffic improvements required due to the impact of this development and generally for the area and disapprove without all conditions. (5-1) Mr. Haynes voted against. Chairman McLean recused himself.**

**Resolution No. RS2013-219**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-041-001 is Approved with conditions including a condition that prior to 3<sup>rd</sup> reading, Public Works must provide a recommendation to Metro Council regarding traffic improvements required due to the impact of this development and generally for the area and disapproved without all conditions. (5-1)**

**CONDITIONS**

- 1. Permitted land uses shall be limited to up to 8 residential units.**
- 2. Add a note to the plan stating: Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 1,000 square feet.**
- 3. Per SP Note #10, a copy of the long term solid waste agreement between the HOA and the private hauler must be submitted to Metro Public Works prior to the issuance of a building permit.**
- 4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM6 zoning district as of the date of the applicable request or application.**
- 5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.**
- 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.**

**Zone Changes**

**3. 2013Z-039PR-001**

Map 071-16, Parcel(s) 040  
Council District 05 (Scott Davis)  
Staff Reviewer: Jason Swaggart

A request to rezone from RS5 to R6 zoning for property located at 1317 Jones Avenue, approximately 575 feet north of Douglas Avenue (0.17 acres), requested by Jamithia Jenkins, owner.

**Staff Recommendation: Disapprove R6. Approve SP-R**

**APPLICANT REQUEST**

**Zone change from RS5 and R6.**

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two-Family Residential (R6) zoning for property located at 1317 Jones Avenue, approximately 575 feet north of Douglas Avenue (0.17 acres).

**Existing Zoning**

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 1 unit.*

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit two units.*

**CRITICAL PLANNING GOALS**

N/A

**EAST NASHVILLE COMMUNITY PLAN**

**Structure Plan Policy**

Neighborhood General (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.

**Detailed Policy**

Single-Family Detached (SFD) is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

Consistent with Policy?

No. The proposed R6 district would permit a two-family dwelling where the policy only supports single-family. The property is covered by the Cleveland Park, East Detailed Neighborhood Design Plan (DNDP).

*Recognizing the importance of additional housing options in the area, staff encouraged the applicant to consider a SP that would permit two units on the lot, but would require that they be detached, consistent with the intent of the policies. Staff is recommending disapproval of the R6 district, but approval of a SP district with the following requirements:*

1. *Uses are limited to single-family and detached two-family residential only.*
2. *The district shall be governed by all standards, regulations and requirements of the R6 zoning district with the exception that attached two-family units are not permitted. Any two-family unit shall be detached.*
3. *A minimum separation of six feet is required between units and is subject to all Building code and Fire Code requirements.*

**PUBLIC WORKS RECOMMENDATION**

A traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **RS5**

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)	0.17	7.41 D	1 U	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.17	7.71 D	2 U	20	2	3

Traffic changes between maximum: **RS5** and proposed **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1	+10	+1	+1

## METRO SCHOOL BOARD REPORT

The proposed R6 or SP-R would not generate any more students than what would be generated by the current RS5 district.

Any students would attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School. This information is based upon data from the school board last updated September 2012.

### STAFF RECOMMENDATION

Staff recommends disapproval of R6 because it is not consistent with the East Nashville Community plan; however, staff recommends approval of a SP district that would permit single and detached two-family residential.

Disapprove R6. Approve SP-R (7-0), Consent Agenda

### Resolution No. RS2013-220

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-039PR-001 is **Approved with SP-R, disapprove R6. (7-0)**

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## H. PLANNING COMMISSION ACTIONS

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

### Subdivision: Final Plats

#### 4. 2013S-189-001

##### **SNEED ESTATES, RESUB LOT 6**

Map 131-05, Parcel(s) 006

Council District 34 (Carter Todd)

Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create two lots on property located at 4320 Lindawood Drive, approximately 660 feet north of Trimble Road, zoned RS20 (0.94 acres), requested by Charles and Kathleen Fulk, owners; Stanley K. Draper, applicant.

**Staff Recommendation: Disapprove**

##### **APPLICANT REQUEST**

**Final Plat to create two single-family residential lots.**

##### Final Plat

A request for final plat approval to create two lots on property located at 4320 Lindawood Drive, approximately 660 feet north of Trimble Road, zoned Single-Family Residential (RS20) (0.94 acres).

##### **Existing Zoning**

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 2 units.*

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

N/A

##### **PLAN DETAILS**

This subdivision proposes two single-family residential lots where one lot and an existing dwelling exist. The site is situated within a predominantly single-family residential neighborhood, though non-conforming duplex uses are located to the east, west and south of the property.

The proposed lots will contain the minimum lot area required by RS20 zoning. The lot areas are as follows:

Lot 1: 20,600 sq. ft.

Lot 2: 20,512 sq. ft.

Each lot would be permitted an individual driveway. The subdivision plat indicates the existing driveway would remain on the property and provide access for Lot 1. Stormwater requirements address the creek identified on the east portion of the site.

##### **ANALYSIS**

The Subdivision Regulations outline a two-part test for determining comparability of proposed lots.

First, Section 3-5.1 of the Subdivision Regulations provides the following for Infill Subdivisions:

In areas previously subdivided and predominantly developed, residential lots resulting from a proposed subdivision within the R and RS zoning districts on an existing street shall be generally comparable with the surrounding lots.

The property, as well as the most of the lots on Lindawood Drive between Trimble Road and Colewood Drive, is part of the Sneed Estates subdivision established in 1952. None of the surrounding lots contain less than 100 feet of frontage. The majority of the surrounding lots appear to contain around 40,000 sq. ft. of lot area though there are a few exceptions including one lot immediately across Lindawood Drive, containing 24,740 sq. ft. of lot area.

This proposed resubdivision of Lot 6 of Sneed Estates will create two lots on Lindawood Drive, each with 60 feet of street frontage and just over 20,000 sq. ft. of lot area, which is not generally comparable with the surrounding lots.

Second, Section 3-5.2 of the Subdivision Regulations provides the following Criteria for Determining Comparability:

The following criteria shall be met to determine comparability of lots within infill subdivisions: (a) The resulting density of lots within the RL, RLM, and RM land use policies do not exceed the prescribed densities of the policies.

If the proposed subdivision is not generally comparable with the surrounding lots, then it is not necessary to consider whether it is consistent with the community plan policy. However, if the lot is generally comparable with the surrounding lots, then the proposed lot must also be consistent with the Residential Low (RL) land use policy. The RL policy calls for a maximum density of two dwelling units per acre for the policy area. While the density for on the lot proposed for subdivision would be over two units per acre, the density for the policy area would remain below two units per acre.

#### **STORMWATER RECOMMENDATION**

Approve with conditions

- Provide adequate PUDE's on plat (for the wet weather conveyances and along the ROW's).

#### **WATER SERVICES RECOMMENDATION**

Approve

#### **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.

#### **STAFF RECOMMENDATION**

Staff recommends disapproval of the subdivision as the proposed lots are not generally comparable with surrounding lots.

#### **CONDITIONS (if approved)**

1. Comply with Stormwater requirements.
2. Provide proof of removal of the existing building on the site prior to recordation of the subdivision.
3. Sidewalks are required along the Lindawood Drive frontage of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
  - a. Submit a bond application and post a bond with the Planning Department,
  - b. Construct sidewalk and have it accepted by Public Works,
  - c. Submit contribution in-lieu of construction to the Planning Department, one additional lot will require a \$500 contribution to Pedestrian Benefit Zone 4-B.
  - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Public Works Department, or
  - e. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.

Mr. Cuthbertson presented the staff recommendation of disapproval.

John Brittle, Jr., 5474 Franklin Pike Circle, spoke in favor of the application and noted that had there not been a Metro Stormwater delay reviewing the case, this would have been administratively approved by staff when it was first submitted six weeks ago. He asked the commission to approve based on the current Subdivision Regulations.

Bo Fulk, 4320 Lindawood Drive, spoke in favor of the application and clarified that without the Metro Stormwater delay, this would have already been approved.



Tom McNeil, 401 Leake Avenue, spoke in opposition to the application. He stated that this is going down the wrong path for development this deep into a residential community and noted that this is not compatible with the surrounding neighborhood.

Beth Alexander, 4319 Lindawood Drive, spoke in opposition to the application.

John Buffaloe, 4313 Lindawood Drive, spoke in opposition to the application and noted that it is not compatible with the surrounding neighborhood.

Charlotte Cooper, 3409 Trimble Road, spoke in opposition to the application and stated that the street frontage would be completely different, therefore very noticeable and not compatible. She asked the commission to disapprove the application and help keep the character of the neighborhood.

Walker Igleheart, 4331 Lindawood drive, spoke in opposition to the application and stated that this would change the entire character of the neighborhood.

John Brittle, Jr. asked the commission to approve based on the current subdivision regulations.

**Dr. Cummings moved and Mr. Gee seconded the motion to close the Public Hearing. (7-0)**

Mr. Gee asked staff to clarify "interpretation changes" and "future subdivision regulation changes" and to discuss the relevance of these.

Mr. Bernhardt clarified that the proposed changes deal with distinguishing between Neighborhood Maintenance areas and Neighborhood Evolving areas in terms of putting together some policies that are designed to give greater protection to Neighborhood Maintenance areas and allow more flexibility in Neighborhood Evolving areas. He stated that the issue here is not the proposed policies as much as it is reading and interpreting the existing Subdivision Regulations which are a two-tier test. The first test is to determine if it is generally comparable. The second test is to determine whether or not it meets the zoning and policy. Staff's interpretation is reading that as two separate criteria; first a comparability evaluation is made, then density is considered as a second tier.

Mr. Gee inquired if the Commission is to take the Community Plan into consideration for the Subdivision Regulations.

Mr. Bernhardt stated that in this case, staff does not find that it is generally comparable with the surrounding lots. It is up to the Commission on how to interpret "generally comparable" and "surrounding lots". If the Commission finds that it is comparable, then the second tier would be where policy and density are considered.

Mr. Gee stated that the question before the Commission is whether or not they agree with staff's interpretation of the comparability regulations.

Mr. Bernhardt clarified that the Commission has two things before them. The first is agreement on the two-tier test. Second, if the two-tier test is agreed upon, the Commission can disagree with the staff's interpretation of the first or second tier.

Mr. Doug Sloan, Deputy Director, spoke to the Commission and clarified that when you look at how you are supposed to come up with the comparability of the lots, it refers to the policies and the policies don't speak to the surrounding lots. The policy is a different evaluation criterion. The policy for an area might not match what the surrounding lots are as far as frontage, setbacks, lot sizes, etc. The policy could be completely out of proportion from what the surrounding lots are. Staff's interpretation is that this says you have to match the lots in the area, or in other words be generally comparable to lots in the area, and the policy has to be supported. He noted that ultimately the interpretation is the decision of the Commission.

Mr. Clifton inquired if we have changed what we look at in terms of comparability as it relates to the lots that are looked at.

Mr. Bernhardt clarified that prior to 2011, the definition of comparability basically dealt with lots within a 300' radius. There were exceptions and exemptions that the Commission would typically grant a waiver of those. That was changed in 2011 to the situation now. Currently, staff is looking at lots on the same side of the street on the same block face.

Mr. Clifton spoke in support of staff recommendation of disapproval.

Mr. Ponder moved and Mr. Clifton seconded the motion to disapprove.

Mr. Gee stated that in a month, the Commission will be hearing proposed Subdivision Regulation changes that will fix what most everyone agrees is a problem with how it is currently written. He stated that he would vote against the staff's recommendation due to the history of this case.

Chairman McLean spoke in agreement with Mr. Gee and stated that he will also vote against the motion.

**The motion to disapprove failed with a vote of (2-4). Mr. Haynes, Chairman McLean, Mr. Gee, and Councilmember Hunt voted against.**

Jon Michael, Legal, asked for clarification on the basis of the vote.

Chairman McLean clarified that the basis is that the Commission is voting on what the interpretation has been through the years, not what the Commission will vote on a month from now.

Mr. Clifton stated that a motion to approve this would mean that the Commission is agreeing with an interpretation that any subdivision is warranted if it is proper in policy without regard to comparability.

Mr. Bernhardt clarified that the Commission is to determine how the staff is to interpret this section of the Subdivision Regulations, not just on this case, but until they are changed in the future. Once the Commission makes that interpretation, staff will apply that interpretation until the Commission makes a different interpretation.

Council Lady Evans spoke on behalf of Councilmember Todd and requested a deferral noting that this discussion has serious implications to councilmembers and their districts and they would like an opportunity to contemplate it more.

**Mr. Clifton moved and Councilmember Hunt seconded the motion to defer to the December 12, 2013 Planning Commission meeting.**

Mr. Bernhardt stated that the commission has to act within 30 days of November 14, 2013, or it will be deemed approved.

Mr. Gee asked for clarification on the purpose of deferral.

Council Lady Evans stated that the purpose of the deferral is for councilmembers to have dialogue and discussion about the interpretation of the Subdivision Regulations because the councilmembers are counting on the two-tier test in their districts. If we aren't going to have the two-tier test, that is something that should be discussed and a number of councilmembers that have districts that are a target of a lot of development should have an opportunity to share their views. Council Lady Evans clarified that in 2011; staff stated that general comparability would be considered.

Mr. Gee noted that this is a question of whether the commission wants to hold a single case at bay knowing that we are going through a public process to change our subdivision regulations to address this very issue when for the last two years we have administratively approved very similar cases based on a certain interpretation of what the intent was at the beginning.

**The motion to defer to the December 12, 2013, Planning Commission meeting passed with a vote of (4-2). Mr. Gee and Chairman McLean voted against.**

**Resolution No. RS2013-221**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-189-001 is Deferred to the December 12, 2013, Planning Commission meeting. (4-2)**

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## **I. OTHER BUSINESS**

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5. Historic Zoning Commission Report
6. Board of Parks and Recreation Report
7. Executive Committee Report
8. Executive Director Report
9. Legislative Update

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## J. MPC CALENDAR OF UPCOMING MATTERS

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**December 4, 2013**

American Planning Association web-based seminar – Fiscal Impact Analysis as a Decision Support Tool  
3pm to 4pm, 800 Second Ave. South, 2<sup>nd</sup> Floor, Metro Office Building, Nashville Conference Room

**December 11, 2013**

American Planning Association web-based seminar – Planning Ethics and the Law  
3pm to 4:30pm, 800 Second Ave. South, 2<sup>nd</sup> Floor, Metro Office Building, Nashville Conference Room

**December 12, 2013**

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

**January 9, 2013**

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

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## K. ADJOURNMENT

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The meeting adjourned at 6:19 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



**METROPOLITAN GOVERNMENT**  
**OF NASHVILLE AND DAVIDSON COUNTY**  
Planning Department  
Metro Office Building, 2<sup>nd</sup> Floor

Date: November 20, 2013

To: Metropolitan Nashville-Davidson County Planning Commissioners

From: Richard C. Bernhardt, FAICP, CNU-A

Re: Executive Director's Report

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The following items are provided for your information.

**A. Internal Audit review underway**

1. Will continue through November

**B. Employee News**

1. Melissa Sajid, AICP (Planner 2) starts in Land Development on Dec. 2<sup>nd</sup> 2013
  - a. 7 years of work experience mostly in land development
    - i. City of Hampton VA
    - ii. Town of Smyrna TN
    - iii. University of Louisville
  - b. Education
    - i. M.U.P. (Master's in Urban Planning)/Housing and Community Development (May 2006) – University of Louisville
    - ii. B.A. Political Science (May 2004) – University of Louisville
2. Congratulations to Greg Claxton for passing the AICP exam

**C. Communications**

**D. Community Planning**

**E. Land Development**

1. We will be presenting the Subdivision Regulation amendments to the Planning and Zoning Committee on Dec. 2<sup>nd</sup>, as requested by the Commission

**F. GIS**

**G. Executive Director Presentations**

1. NAACP
  - a. Gentrification
2. Hendersonville-Sumner County Planning Commission Training Session
  - a. NashvilleNext
3. Memphis Leadership Council
  - a. Nashville Planning Approach
  - b. NashvilleNext
4. Governing Magazine & AARP
  - a. The State and Local Role in Creating Livable Communities
5. City of Clarksville (Mayor and Department Heads)
  - a. Nashville Planning Approach
  - b. NashvilleNext

**H. NashvilleNext**

1. Thursday, November 21, 2013 4:30-7:00; Wildhorse Saloon - **NashvilleNext Scenario Mixer**. All of NashvilleNext’s ongoing committees and teams will meet one another, see the work of the topical Resource Teams, and collaborate to develop the core idea behind NashvilleNext’s growth scenarios, which are central to the next round of work for the Resource Teams and public involvement.
2. **Resource Teams:**
  - a. Resource Team progress in identifying Driving forces for each plan element

Resource Team - Phase 1	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Economic/Workforce Development	●	●	●	●
Arts, Culture, & Creativity	●	●	●	●
Natural Resources/Hazard Adaptation	●	●	●	○
Education & Youth	●	●	●	
Housing	●	●	●	●
Health, Livability, & Built Environment	●	●	●	○
Land Use, Transportation, & Infrastructure	●	12/9	○	○

### 3. NashvilleNext presence:

#### a. Upcoming

- i. November 21 NN Scenario Mixer
- ii. November 21 TSU College of Engineering
- iii. December 3 CNAP Meeting
- iv. December 7 Town Hall Meeting with Clarksville Hwy Redevelopment Task Force – CM Matthews

### I. NashvilleNext Special Studies

1. **Jefferson Street Economic Analysis** - Purpose: Identification of inner-city commercial districts comparable to Jefferson Street in other cities that have achieved sustained economic revitalization. Analysis of public policies, private investments, and other public- private interventions that was instrumental to the successful revitalization. Focus of the study is to identify cases, interventions and factors that lead to revitalization without gentrification-related displacement of existing residents and small businesses. The case studies will include identification of programs beyond the typical public sector approaches of land acquisition, rezoning, and streetscape improvements. Vanderbilt (Dr. Doug Perkins and Karl Jones) and TSU (Dr. David Patchett)
2. **Suburban Retrofit** - A \$10,000 grant from the National Association of Realtors will provide real life retrofit examples to make suburban areas more sustainable. Potential study situations include:
  - a. Strip commercial abutting residential
  - b. Introducing missing middle housing into suburban post-war single-family neighborhoods
  - c. Introducing neighborhood commercial into suburban post-war single-family neighborhoods
  - d. Diversifying post-war suburban multifamily concentrations
  - e. Taming strip commercial areas
  - f. Design or transition of high traffic roadways with adjacent single-family residential
  - g. Transition or reuse of big box sites for public schools
  - h. If teams are available, mall retrofit

That grant, provided through the Greater Nashville Association of Realtors and matched by a similar contribution from the Metropolitan Planning Commission, will fund research by a key team of urban planners and strategists from Georgia Tech University, led by Professor Ellen Dunham-Jones, a nationally recognized expert in urban retrofitting. The University of Tennessee design studio, under the direction of T. K. Davis, will also be part of this effort.

### J. Planning Commission Workshops (all include 1.5 hours Planning Commissioners Training credits)

1. **Thursday, January 23, 2013** – [MPC Workshop – Retrofitting Suburbia and Suburbanization of Poverty and Legislative Issues](#); 2:00 pm, 800 Second Ave. South, Metro Office Building, Nashville Room
2. **Thursday, March 27, 2013** – [MPC Workshop – Nashville Next Scenario Review](#) 2:00 pm, 800 Second Ave. South, Metro Office Building, Nashville Room

### K. APA Training Opportunities

1. Scheduled APA Webinars
2. Nashville Room, 2<sup>nd</sup> floor MOB.
3. All are scheduled from 3:00 – 4:30 pm
4. All have 1.5 hours AICP and Planning Commissioner training credit

<b>Date</b>	<b>Topic (Live Program and Online Recording )</b>
December 4, 2013	Fiscal Impact Analysis as a Decision Support Tool
January 15, 2014	Administering Zoning Codes
March 12, 2014	Using Subdivision Regulations in the 21st Century
May 14, 2014	Jane Jacob's Legacy and New Urbanism
June 4, 2014	Introducing New Density to the Neighborhood
June 25, 2014	2014 Planning Law Review

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## Calendar of Events

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- A. Thursday, November 21, 2013 – NashvilleNext**
  - i. NN Scenario Mixer
  - ii. TSU College of Engineering
- B. Tuesday, December 3, 2013 – NashvilleNext**
  - i. CNAP Meeting
- C. Saturday, December 7, 2013 – NashvilleNext**
  - i. Town Hall Meeting with Clarksville Hwy Redevelopment Task Force – CM Matthews
- D. Thursday, December 12, 2013 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- E. Thursday, January 9, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- F. Thursday, January 23, 2013 – [MPC Workshop – Retrofitting Suburbia and Suburbanization of Poverty and Legislative Issues](#); (tentative) 2pm, 800 Second Ave. South, Metro Office Building, Nashville Room**
- G. Thursday, January 23, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- H. Thursday, February 13, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- I. Thursday, February 27, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- J. Thursday, March 13, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- K. Thursday, March 27, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- L. Thursday, March 27, 2013 – [MPC Workshop – NashvilleNext Scenario Review](#); (tentative) 2pm, 800 Second Ave. South, Metro Office Building, Nashville Room**
- M. Thursday, April 10, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- N. Thursday, April 24, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- O. Thursday, May 8, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- P. Thursday, May 22, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- Q. Thursday, June 12, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- R. Thursday, June 26, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- S. Thursday, July 24, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- T. Thursday, August 14, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- U. Thursday, August 28, 2014 - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**



- V. **Thursday, September 11, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- W. **Thursday, September 25, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- X. **Thursday, October 9, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- Y. **Thursday, October 23, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- Z. **Thursday, November 13, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- AA. **Thursday, December 11, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- BB. **Thursday, January 8, 2015** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

## Administrative Approvals

In accordance with the Rules and Procedures of the Metropolitan Planning Commission, the following applications have been approved on behalf of the Planning Commission.

# ADMINISTRATIVE APPROVALS

Time Period: 10/18/2013 to 11/20/2013

<u>APPROVALS</u>	<u># of Applics</u>	<u># of Applics '13</u>
Specific Plans	0	8
PUDs	0	3
UDOs	1	5
Subdivisions	6	113
Mandatory Referrals	9	125
<b>Grand Total</b>	16	254

### Specific Plans (finals only)

Date Submitted	Date Approved	Administrative Action	Case #	Project Name	Project Caption	Council District # (CM Name)
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### Planned Unit Developments (finals and variances only)

Date Submitted	Date Approved	Administrative Action	Case #	Project Name	Project Caption	Council District # (CM Name)
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## Urban Design Overlays (finals and variances only)

Date Submitted	Date Approved	Administrative Action	Case #	Project Name	Project Caption	Council District # (CM Name)
10/3/2013 14:19	11/15/2013	APADMIN	2005UD-006-008	31ST AVENUE & LONG BOULEVARD (29TH & BURCH FINAL)	A request for final site plan approval for properties located at 2904 Burch Avenue and at 301, 303, 305, 307, 309 and 311 29th Avenue North, at the northwest corner of Burch Avenue and 29th Avenue North, (1.03 acres), to permit the development of a five-story, 105,203 square foot building containing 139 residential dwelling units, zoned ORI and located within the 31st Avenue and Long Boulevard Urban Design Overlay District, requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant; various property owners.	21 (Edith Taylor Langster)

## Subdivisions

Date Submitted	Date Approved	Administrative Action	Case #	Project Name	Project Caption	Council District # (CM Name)
8/1/2013 12:38	10/23/2013	APADMIN	2013S-144-001	1130 MCCHESENEY AVENUE	A request for final plat approval to create two lots on property located at 1130 McChesney Avenue, approximately 125 feet west of Katherine Street, zoned RS7.5 (0.47 acres), requested by Jeffrey and Julie Miller, owners; Delle Land Surveying, applicant.	07 (Anthony Davis)
10/7/2013 13:32	10/29/2013	APADMIN	2013S-199A-001	STONEMEADE, LOT 9 SETBACK AMENDMENT	A request to amend the recorded rear setback within the Stonemeade Residential Planned Unit Development Overlay District from 20 feet to 10 feet for property located at 204 Still Water Circle, approximately 420 feet north of Highway 100 (0.27 acres), zoned RS15, requested by Michelle and John Diamond, owners.	35 (Bo Mitchell)
5/16/2013 11:51	10/30/2013	APADMIN	2013S-094-001	MARKETPLACE RESIDENCES	A request for final plat approval to create one lot on properties located at 918 9th Avenue North and 907 and 915 Rosa L. Parks Boulevard, at the southwest corner of Rosa L. Parks Boulevard and Locklayer Street, zoned DTC (2.16 acres), requested by Marketplace Residences, LLC, owner; Littlejohn Engineering Associates, Inc., applicant.	19 (Erica S. Gilmore)
8/1/2013 15:12	10/30/2013	APADMIN	2013S-146-001	PRIEST GLEN	A request for final plat approval to create two lots on property located at 4301 Belmont Park Terrace, approximately 250 feet south of Temple Avenue, zoned R20 (0.98 acres), requested by Clifford and Dorris Priest, owners; Smith Land Surveying, applicant.	25 (Sean McGuire)

10/31/2013 10:42	11/15/2013	APADMIN	2013S-214A-001	HASELTON, SEC 2, LOT 3 AMENDMENT	A request to amend a previously recorded plat to modify the septic field and proposed house site location for property located at 8644 Haselton Road, approximately 700 feet south of Hester Beasley Road (3.01 acres), zoned AR2a, requested by Mary LeAnn Phelan, owner.	35 (Bo Mitchell)
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### Mandatory Referrals

Date Submitted	Date Approved	Administrative Action	Case #	Project Name	Project Caption	Council District # (CM Name)	Council Bill
10/22/2013 6:44	10/24/2013	APADMIN	2013M-042PR-001	2471 PENNINGTON BEND ROAD	A request to approve and authorize the Director of Public Property, or his designee, to accept the donation of real property (known as Tax Map 062-01; Parcel 017) from Wilson Bank and Trust for use as part of the Cumberland River Greenway System, requested by the Metro Parks and Recreation Department and the Metro Department of Finance, applicants.	15 (Phil Claiborne)	BL2013-596
10/22/2013 7:17	10/29/2013	APADMIN	2013M-055ES-001	KROGER L-880 EASEMENT ABANDONMENT	A request to abandon easement rights retained in former Alley #995 (right-of-way abandoned via Ordinance # 076-385) and easements retained in an unnumbered alley (right-of-way abandoned via Ordinance #079-1480) and to partially abandon approximately 170 feet of a 20' sewer easement that was recorded in Deed Book 5152, Page 195, on properties located at 711 and 719 Gallatin Avenue and at 714 and 800 North 12th Street, requested by Metro Water Services and Perry Engineering, applicants.	06 (Peter Westerholm)	
10/24/2013 14:07	11/4/2013	APADMIN	2013M-010EN-001	1100 FATHERLAND STREET AERAIL ENCROACHMENT	A request to allow aerial encroachments for "1100 Fatherland Street" consisting of three canopies encroaching the public right-of-way between 1'6" and 3" on property at 1100 Fatherland Street, zoned MUL and located within the Five Points Redevelopment District and the Lockeland Springs-East End Neighborhood Conservation Overlay District, requested by rem3studio, applicant; Martin Corner, owner.	06 (Peter Westerholm)	
10/24/2013 11:33	11/4/2013	APADMIN	2011M-002PR-002	WASHINGTON SQUARE BUILDING LEASE AGREEMENT AMENDMENT	A request to approve the second amendment to the lease agreement between the Metropolitan Government and Square Investment Holdings, LP, for office space in the Washington Square Building located at 222 Second Avenue North, requested by the Metro Department of Finance, applicant.	19 (Erica Gilmore)	

10/18/2013 7:57	11/4/2013	APADMIN	2013M-015AB-001	ALLEY #384 & 387 (PORTION OF)	A request to abandon a portion of Alley #384 (easements and utilities to be retained) from its intersection with Alley #387 eastward to the northeast corner of Tax Map/Parcel #09216007600 and all of Alley #387 (easements and utilities to be retained) between Terrace Place and Division Street, requested by Vanderbilt University, applicant.	19 (Erica S. Gilmore)	
4/11/2013 13:54	11/5/2013	APADMIN	2013M-010AB-001	ALLEY #63 (PORTION OF)	A request to abandon a portion of Alley #63 (only stormwater easements to be retained) from Rosa L. Parks Boulevard eastward to its intersection with Polk Alley between properties located at 700 Broadway and 126 Rosa L. Parks Boulevard, requested by Kline, Sweeney & Associates, applicant, Metro Government, adjacent property owners.	19 (Erica S. Gilmore)	
10/28/2013 11:17	11/5/2013	APADMIN	2013M-056ES-001	7747 INDIAN SPRINGS DRIVE	A request to abandon approximately 350 linear feet of an existing utility easement recorded in Plat Book 6250, Page 457, on property located at 7747 Indian Springs Drive, requested by Metro Water Services, applicant; Elizabeth James, owner.	22 (Sheri Weiner)	
11/5/2013 12:30	11/13/2013	APADMIN	2013M-043PR-001	BALLPARK PROPERTY ACQUISITION	A request to approve agreements for the acquisition and disposition of real property relating to the construction of a minor league baseball stadium and the purchase of a parcel of property comprising a portion of the campus of the former Tennessee Preparatory School, requested by the Metro Department of Finance, applicant.	17 (Sandra Moore); 19 (Erica Gilmore)	BL2013-594
11/6/2013 14:10	11/14/2013	APADMIN	2013M-011EN-001	NASHVILLE B-CYCLE ENCROACHMENT	A request to allow encroachments into the public right-of-way for "Nashville B-Cycle" consisting of two automated bike kiosks of varying lengths containing up to 13 bikes encroaching the public right-of-way of 12th Avenue South, requested by Nashville B-Cycle, applicant.	17 (Sandra Moore)	