

1 **MINUTES OF A MEETING OF**
2 **THE PLANNING COMMISSION**
3 **THE CITY OF FOREST HILLS**

4 **February 20, 2014**

5 The Forest Hills Planning Commission (herein also the “Commission”) held its regular monthly
6 meeting on February 20, 2014 at the office of the City of Forest Hills, Nashville, Tennessee,
7 beginning at 6:00 p.m. Chairman Winston Evans presided. Also present were Mr. James
8 Gardner, Mrs. Jennifer Frist, Mr. Blair Myers, Mayor Bill Coke, and Vice Mayor Lovell. Others
9 present are shown on the attached sign-in sheet. A copy of the Agenda is also attached to these
10 minutes

- 11 1. **Approval of the Minutes of the January 16, 2014 Meeting.** Mayor Coke made
12 a motion to approve the minutes as submitted, Jim Gardner seconded it and the
13 commission voted unanimously to approve the minutes of the January 16, 2014
14 meeting.
- 15 2. **Letters of Credit:** Johnston Brothers, Everett Drive, Letter of Credit in safe
16 deposit box at Pinnacle Bank. No action was required or taken.
- 17 3. **Review and Recommendation of an Ordinance Amending Title 10, Section 1**
18 **of the Municipal Code and Section 3.04(e)(i) of the Zoning Code** to modify the
19 regulations pertaining to the keeping of Domestic Hens. Chairman Evans opened
20 the public hearing for public comment. Ms. Tamra Stallings of 1612 Robert E.
21 Lee Drive asked that the Commission consider having the same regulations as
22 Metro Nashville, where residents are allowed up to six (6) hens despite their lot
23 size. The current proposal states that residents can have four (4) hens on lots with
24 three (3) or less acres and six (6) hens for lots with three (3) or more acres.
25 Chairman Evans asked if there were others that wished to speak on the issue.
26 Hearing none, he closed the public hearing portion of this issue.

27 Mr. Myers asked why the City was eliminating sliding scale. As proposed, this
28 penalizes someone who has just shy of three acres. Staff responded that they
29 loosened the scale to allow for more domestic hens on smaller lots. Mr. Gardner
30 said that generally he did not have a problem with six (6) hens on the lot and
31 noted that his family had hens on the property for a very long time. There was
32 additional discussion regarding hens, including the number of hen permits in
33 Forest Hills (7), the proper housing of hens, and the presence of predatory birds.
34 *Mayor Coke made a motion to recommend the Board of Commissioners amend*
35 *the Municipal Code and Zoning Code to allow for six (6) hens despite lot size,*
36 *assuming the same sanitary and keeping standards apply. Jim Gardner seconded*
37 *it and the motion was approved unanimously.*

- 38 4. **Preliminary Plan Approval for the consolidation of lots 6, 7, and 8 into two**
39 **lots (6 and 8).** Mr. Tom King of Clifton and King represented Mrs. Malinda Ivey
40 and Bosse Partnership LLC. Mr. King said Lot 7 is currently 1.83 acres and the
41 proposed consolidation would take lot 6 from 2.11 acres to 3.60 and Lot 8 from
42 1.98 to 2.32 acres. Chairman Evans summarized the application and asked Mr.
43 Bivens, City Engineer, if there were any objections or noteworthy items. Mr.
44 Bivens responded that plat was well done. Chairman Evans asked if there was any
45 discussion and entertained a motion for approval. *Jim Gardner made the motion*
46 *to approve the preliminary plat and move on to final plat for approval, Jennifer*
47 *Frist seconded it, and it was approved unanimously.*

48 5. **Concept Plan Approval for subdivision of the lot located at 1808 Stonehaven**
49 **Court.** Dr. Stephen Harvey proposed to subdivide his existing 7.64 acre lot into
50 two lots containing 4.64 acres and 3.00 acres respectively. The lot is located
51 within the Hillside Protection Overlay District which requires that any new lot
52 created have a minimum of 3 acres. Dr. Harvey said that during the previous
53 meeting, he had been asked to shade the greater than 20% graded areas on the
54 new lot and also include a rain garden. Mr. Bivens, city engineer, noted that he
55 had worked with the engineer on the project and they had agreed to create a berm
56 and small detention pond on the base of the hill where the drainage will flow. This
57 would be more effective than a traditional rain garden. This was indicated on the
58 plat. Chairman Evans asked what could be done to save as many trees as
59 possible. Staff responded that the zoning code was very specific regarding the
60 amount of tree cover that must remain during development. Mr. Bivens added that
61 even the berm and detention pool could be altered slightly to avoid removing a
62 tree.

63 Mrs. Laura Baugh, who resides at 410 Saint Edmunds Court, asked to speak on
64 the application. She said she was speaking on behalf of the homeowners in
65 Cambridge Downs. She stated that prior to Dr. Harvey's ownership, the Board of
66 Zoning Appeals had moved the building envelop and increased its size. At this
67 time, Cambridge Downs objected. Now the lot was being divided and neighbors
68 worry about mud coming down Stonehaven Ct and then Stonehaven Drive into
69 Cambridge Downs's retention pond. Cambridge Downs objected to this division.
70 Mr. Myers asked for clarification regarding the drainage as the topography
71 showed water draining in the other direction toward the Balleroy subdivision.
72 Mrs. Baugh explained that they were worried about the construction debris and
73 the mud that would be tracked all over the road. Mr. Myers responded that
74 construction usually requires a storm water improvement plan with a special
75 construction entrance that takes the mud off of the big trucks. Mrs. Deaton
76 mentioned that given the topography, any construction would have to be reviewed
77 by the Board of Zoning Appeals. Mr. Myers added that if the plan is executed
78 properly, there should be no construction debris. Mrs. Baugh explained that they
79 had to dredge the pond last year from such elevated amounts of debris, some
80 springing from the home Dr. Harvey was building. Mr. Myers said that it was
81 more likely that the elevated level of sediment flowed down from Cromwell (and
82 Piedmont construction) than around the corner from Stonehaven Court. Mayor
83 Coke offered that he understood her concern about erosion control and the need
84 for it to be enforced.

85 *Mayor Coke made the motion to approve the preliminary plat and to move on to*
86 *final plat for approval, Mr. Myers seconded it and it was approved unanimously.*

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88 6. **Concept Plan Approval for subdivision of the lot located at 1230 Jefferson**
89 **Davis Court.** Mr. and Mrs. McCracken requested a variance to subdivide a
90 portion of their lot that is inaccessible. By doing so, the lot will fall below the
91 1.25 minimum lot size of Residential A zoning. The 1.38 acre lot would result in
92 a lot of .98 acres. They asked for this variance due to hardship. This unique lot is
93 located in the Hillside Protection Overlay District because of steep sloping as well
94 as being in the floodway. The acreage would go to the north (back) and east
95 (side) neighbors. Mr. McCracken stated that the commission had asked him to
96 make several changes including location of all utility easements- especially the
97 sewer lines, notating the spring house and bridges on the plat, and supplying a

98 note that explains this recombination as unique and non-precedent setting.
99 Chairman Evans asked Mr. McCracken if the area by the creek flooded regularly.
100 He responded that it flooded to some extent regularly, but not in a way that caused
101 damage. Chairman Evans then asked for Mr. Bivens opinion. Mr. Bivens
102 indicated that the plat was missing a current easement on Mr. McCracken's
103 current property and that an additional easement would need to be granted so that
104 after the recombination, each home would have access to sewer. After additional
105 discussion regarding the unusual nature of the request and the fear of setting
106 precedent, Mr. Gardner made the following motion: *To approve as presented and*
107 *send to final plat provided that the situation is regarded as a hardship and that*
108 *this plat does not create new lots, propose new buildings, nor set any precedent.*
109 *Jennifer Frist seconded the motion and it was approved unanimously.*

110 7. **Resolution amending Appendix 5-7 in the comprehensive plan. This**
111 **resolution updates and replaces three appendices: the Zoning Map, the**
112 **Major Street Plan, and the Existing/Proposed greenways and bike routes.**
113 Chairman Evans opened the public hearing and asked for comments. City
114 Assistant, Cynthia Despot spoke for Morris Brown who was unable to attend. He
115 did not want Kingsbury Drive to be regarded as a feeder street. Mr. Foster, city
116 attorney, said that it was not currently in the plan to change Kingsbury Drive.
117 Staff showed the Commission the three appendices. Chairman Evans asked if
118 anything on the zoning chart had been changed. Mr. Foster responded that only
119 the colors had changed. Everything else had just been updated for accuracy.
120 Resident Steve Marstiller, of 6251 Hillsboro Pike, asked to review the proposed
121 bike paths/green ways appendix. After his review, Mayor Coke asked Mr.
122 Marstiller if he was satisfied with the map. Mr. Marstiller nodded and said he was
123 pleased. *Mayor Coke made a motion to approve the resolution as presented. Vice*
124 *Mayor Lovell seconded it and it was approved unanimously.*

125 8. **Calendar.** Mrs. Deaton asked the Commission to review the calendar and
126 approve it for use for the year. She stated that the calendar helped applicants
127 know when their materials were due and other obligations. *Vice Mayor Lovell*
128 *made a motion to approve, Mr. Gardner seconded, and it was approved.* Mrs.
129 Deaton also stated that the next meeting fell on spring break for many schools and
130 she was not sure there would be a quorum. After some discussion, the
131 Commission determined that *Tuesday, March 25 at 5:00 would be the next*
132 *meeting time.*

133 9. **The meeting was adjourned**

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137 Chairman, Winston Evans
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