



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

**Minutes
of the
Metropolitan Planning Commission**

8/28/2008

4:00 PM

***Metro Southeast at Genesco Park
1417 Murfreesboro Road***

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Derrick Dalton
Tonya Jones
Hunter Gee
Victor Tyler
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
David Kleinfelter, Planning Mgr. II
Ted Morrissey, Legal Counsel
Jason Swaggart, Planner I
Bob Leeman, Planner III
Trish Brooks, Admin. Svcs Officer 3
Carrie Logan, Planner I
Craig Owensby, Communications Officer
Brenda Bernards, Planner III
Nedra Jones, Planner II
Brian Sexton, Planner I
Jennifer Regen, Planner III
Greg Johnson, Planner II
Jonathon Honeycutt, Public Works
Steve Mishu, Metro Water

Commission Members Absent:

Judy Cummings

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

I. CALL TO ORDER

The meeting was called to order at 4:00 p.m.

II. ADOPTION OF AGENDA

Mr. Clifton moved and Mr. Tyler seconded the motion, which passed unanimously, to adopt the agenda as presented.
(7-0)

III. APPROVAL OF AUGUST 14, 2008, MINUTES

Mr. McLean explained he had a clarification for the August 14, 2008, minutes. He stated that Resolution No. #RS2008-175, which referenced a new policy required of staff on notification procedures, should include the following language “and any policy changes, including, but not limited to Subarea Plans, Subdivision Regulations, Community Character Manuals, and any additional documents that require public input.”

Resolution No. RS2008-175

“BE IT RESOLVED by The Metropolitan Planning Commission that **The Commission requested that Staff develop a process to provide to the Commission with a list of all who are sent notification of the Community Plan Updates, “and any policy changes, including, but not limited to, Subarea Plans, Subdivision Regulations, Community Character Manuals, and any additional documents that require public input,” as the Commission may determine that additional citizens or organizations be added to the list. (10-0)”**

Mr. Clifton moved and Mr. Tyler seconded the motion, which passed unanimously, to approve the August 14, 2008, minutes as amended. **(7-0)**

Resolution No. RS2008-177

“BE IT RESOLVED by The Metropolitan Planning Commission that the amendment to the August 14, 2008, minutes is **APPROVED. (7-0)”**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Jernigan announced he would address the Commission after his item was presented for discussion.

Councilmember Claiborne explained his item was on the Consent Agenda and he would not be addressing the Commission.

Councilmember McGuire spoke in favor of the staff’s recommendation to disapprove Item #9, 2002UD-001U-10, Green Hills UDO. He briefly explained that the request to modify the UDO in relation to signage located in the Green Hills Subarea plan was well out of the scope of intent of the existing overlay for the area. He requested that the Commission disapprove the modification.

Mr. Ponder arrived at 4:05 p.m.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

There were no items to be deferred or withdrawn.

Ms. Jones arrived at 4:07 p.m.

Ms. Hammond announced, “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.”

**VI. PUBLIC HEARING: CONSENT AGENDA
ZONING MAP AMENDMENTS AND SPECIFIC PLANS**

5. 2008SP-020U-14 A request to change from CS to SP-A zoning for property located within the Cullum & Maxey Planned Unit Development at 2600 Music Valley Drive and Music Valley Drive, to permit "Vehicular sales and service, limited" with associated sales office, maintenance/service area and parts storage.

-Approve w/conditions subject to the cancellation of the Cullum & Maxey PUD

6. 49-75-U-14 A request to cancel the Cullum & Maxey Planned Unit Development located at 2600 Music Valley Drive and Music Valley Drive, approved for manufactured home sales.

-Approve, subject to approval of the associated Cullum & Maxey SP rezoning

CONCEPT PLANS

7. 2006S-290G-06 A request to extend the concept plan approval for one year for an 8 lot subdivision on property located at 9618 New Highway 96 and New Highway 96, approximately 1,600 feet north of Little East Fork Road. -Approve w/conditions

REVISIONS AND FINAL DEVELOPMENT PLANS

8. 149-66-U-13 A request to revise the preliminary plan and for final approval for a portion of Commercial Planned Unit Development located at 13000 Old Hickory Boulevard, to permit a 3,755 square foot automobile convenience center where a 2,840 square foot automobile convenience center was previously approved. - Approve w/conditions

OTHER BUSINESS

10. Amendment One to the FY 2009 grant between the State of Tennessee, Dept. of Transportation and Nashville-Davidson County Metropolitan Planning Commission acting on behalf of the Nashville Area Metropolitan Planning Organization (MPO) for Transportation Planning. -Approve
11. Grant Contract between the State of Tennessee, Dept. of Transportation and Nashville-Davidson County Metropolitan Planning Commission acting on behalf of the Nashville Area Metropolitan Planning Organization (MPO) for transit planning coordination activities. -Approve
12. An amended employee contract for Carrie Logan -Approve

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the Consent Agenda as presented. (9-0)

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

1. **2008S-125U-10**
Michalena Subdivision
Map: 104-16 Parcel: 272
Subarea 10
Council District 18 – Keith Durbin

A request for final plat approval to create 2 lots and a variance from the lot comparability requirement of the Subdivision Regulations on property located at 1705 Beechwood Avenue, approximately 300 feet west of Oakland Avenue (0.4 acres), zoned RS7.5 and located within the Belmont-Hillsboro Neighborhood Conservation Overlay, requested by Jeffrey and Michelle Rencher, owners, Advantage Land Surveying, surveyor.

Staff Recommendation: Disapprove

Mr. Swaggart presented and stated that staff is recommending disapproval of the proposed subdivision because it would create a lot that does not meet the setback requirements of the Zoning Code; as well as disapproval of the requested variance from the lot comparability requirements.

Ms. Lindsey Trella-Moffatt, 2402 Belmont, spoke in opposition to the proposed subdivision.

Mr. David Briley, 3004 Brush Hill Road, spoke in favor of the proposed subdivision.

Mr. Jeff Rencher, 1705 Beechwood Avenue, spoke in favor of the proposed subdivision.

Mr. Mitch Hodge spoke in favor of the proposed subdivision.

Ms. Jayne Gordon, 1801 Beechwood Avenue, spoke in opposition to the proposed subdivision.

Mr. Ponder explained that he serves on the Metro Historic Zoning Commission (MHZC) and spoke of the letter mentioned by the applicant. He explained that the MHZC commission was legally advised that they were not bound by the contents of the letter, and that the MHZC Commission disapproved the request as submitted by the applicant.

Ms. Jones expressed issues with the proposal as submitted in relation to the layout of the property lines. She acknowledged that an addition was possible as opposed to subdividing the lot.

Mr. Dalton also agreed that the applicant had other opportunities for the development and that he was in favor of staff's recommendation.

Ms. LeQuire expressed issues with disapproving the proposal and spoke of the need to suggest alternative solutions for the applicant.

Mr. Clifton acknowledged the intentions of the Conservation Overlay for the Green Hills area, and the recommendation made by the MHZC. He stated he would support the staff's recommendation to disapprove the request.

Mr. Tyler requested clarification on the implementation of the conservation overlay in relation to the request to moving the existing structure.

Mr. Bernhardt explained this concept to the Commission.

Mr. Gee requested that Mr. Ponder speak to the issue of the MHZC disapproving the request to move the existing structure.

Mr. Ponder stated that the MHZC Commission disapproved the request in its entirety and did not address individual components of the request.

Mr. Swaggart offered that the report submitted by the MHZC stated that the "moving of the structure" did not meet the applicable design guidelines of the conservation overlay. He then read the guidelines of the conservation overlay that addressed "moving of structures".

Mr. Gee expressed issues with making a decision on the proposal until additional information regarding the disapproved move could be provided to the Commission.

Mr. Ponder offered that the MHZC may have had issues with the final location of the structure after it was moved and its close proximity to the property lines; as well as the need for additional variances.

Mr. McLean offered a suggestion in which the proposal could be approved, if the request to move the structure was granted by the MHZC.

Mr. Morrissey advised the Commission on the issue of speculating a recommendation being made by another Commission. He further reminded them, that while they may consider the moving of the house as they deliberate, it was not a request currently being asked of the Commission.

Mr. McLean offered that the request could be approved if the lots both equaled 50 feet and met the sideline requirements.

Mr. Kleinfelter offered that if the house were moved, the request could be approved administratively, as it would meet the requirements of the subdivision regulations.

Mr. Gotto expressed his issues with the letter that was sent to the applicant from the MHZ Department that misled the applicant.

Mr. Bernhardt offered additional information on the letter that was written and the affect it had on the MHZ Commission.

Mr. Gotto suggested that the proposal be deferred and re-referred back to the MHZC for additional consideration.

Mr. Bernhardt spoke of the issue of re-referring the proposal back to the MHZC for additional consideration and offered alternative options to the Commission. He then offered information on the request to defer the proposal.

Mr. Gotto reiterated the request to suggest an alternative plan in an effort to find a balance for the applicant and the neighborhood.

Mr. McLean requested whether the applicant would agree to a deferral.

Mr. Briley addressed the Commission with regard to deferring the proposal for one meeting.

Ms. LeQuire expressed concerns with the actual movement of the structure and the issue of possible damage and requested that this also be reviewed.

Mr. Clifton moved and Mr. Dalton seconded the motion, which passed unanimously, to defer 2008S-125U-10 to September 11, 2008, to allow additional time for further review of the application. (9-0)

Resolution No. RS2008-178

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-125U-10 is **DEFERRED to the September 11, 2008, Planning Commission Meeting. (9-0)**”

VII. PUBLIC HEARING: ZONING MAP AMENDMENTS

2. 2008Z-063G-14

Map: 064-00 Parcels:022, 022.01, 023, 023.01

Map: 075-00 Parcels:003, 004, 025, 026, 058, 059.01, 081, 091, 129, 130, 131, 132

Subarea 14

Council District 11 – Darren Jernigan

Council District 12 – Jim Gotto

A request to apply a Historic Landmark Overlay to properties located west of Shute Lane, along Old Hickory Boulevard, Rachels Lane, Hermitage Road, and Lebanon Pike (997.08 acres), zoned AR2a, R10 and R20, requested by Councilmembers Jim Gotto and Darren Jernigan.

Staff Recommendation: Approve

APPLICANT REQUEST - Historic Landmark Overlay

A request to apply a Historic Landmark Overlay to properties located west of Shute Lane, along Old Hickory Boulevard, Rachels Lane, Hermitage Road, and Lebanon Pike (997.08 acres), zoned Agricultural/Residential (AR2a), and One and Two-Family Residential (R10 and R20).

Existing Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

Proposed Overlay District

Historic Landmark A historic landmark is defined in Section 17.36.120 of the Metro Zoning Ordinance as “a building, structure, site or object... of high historical, cultural, architectural or archaeological importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville or Davidson County.” It must meet one or more of the following criteria:

1. Be associated with an event that made a significant contribution to local, state or national history;
2. Be associated with the lives of persons significant in local, state, or national history;
3. Embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or possesses high artistic value;
4. Has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. Be listed or is eligible for listing in the National Register of Historic Places.

DONELSON/HERMITAGE COMMUNITY PLAN

Open Space (OS) OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The OS designation indicates that recreational activity has been secured for an open space use.

Consistent with Policy? Yes. Open Space policy was applied to this property to preserve the rural landscape surrounding The Hermitage. The plan lists the property as a historic resource and states that “[t]he remaining rural character surrounding the historic buildings in the area, such as Two Rivers, Clover Bottom, Cleveland Hall, and the views from the Hermitage and Tulip Grove, deserves rigorous protection. Commercial development surrounding The Hermitage in particular should be strictly controlled through building and sign height limits and landscape screens to prevent any additional visibility of modern structures from within the property.” The application of a historic landmark overlay will further protect the rural landscape.

National Historic Landmark The Hermitage is designated as a National Historic Landmark. The Greek Revival home was built in 1819, by Andrew Jackson, 7th President of the United States.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

The Metro Historic Zoning Commission recommended approval of the proposed Historic Landmark Overlay District for The Hermitage as a historically significant geographical area at its August 20, 2008, meeting and adopted design guidelines for the district, which meet the Secretary of Interior Standards.

HISTORY AND SIGNIFICANCE:

The property on which The Hermitage stands was first owned and settled by Nathaniel Hays. In 1780, Hays laid claim to a 640 acre preemption land grant comprised of heavily forested land less than two miles away from the Cumberland and Stone’s rivers. In 1798 he supervised construction of a substantial, two-story, log farmhouse. At that time Andrew Jackson owned an adjoining plantation named Hunter’s Hill. Hays cleared fields and grew cotton on his land. He bartered the cotton he grew at Jackson’s nearby Hunter’s Hill General Store, where he had an account.

In 1804 Hays decided to move his family to Bedford County and sold his farm to Jackson for \$3,400 on July 5th of that year. Jackson sold his more valuable Hunter’s Hill farm on the Cumberland River to pay off debts. Jackson immediately hired a Nashville craftsman to dress up the farmhouse’s interior with French wallpaper and painted trim. He hired men to clear fields and build fences. In August, he and Rachel moved to their new property, which Jackson initially called “Rural Retreat” before quickly renaming it “Hermitage.” How Jackson decided on the name is not known, but “Hermitage” means essentially the same thing as “Rural Retreat.” Jackson hired two Nashville men to construct a new log Kitchen outbuilding the following year. The Kitchen was a dual-purpose building that also served as slave quarters for Betty the cook and her family.

Initially Jackson operated this cotton farm with nine African-American slaves, but this number gradually grew to forty-four slaves by 1820. Jackson rapidly converted the farm into a prosperous 1,000-acre plantation and supervised the construction of many outbuildings, including a distillery, dairy, carriage shelter, cotton gin and press, and slave cabins at the field quarters. Jackson typically grew two hundred acres of cotton as his cash crop with the remainder of the farm dedicated to producing food stuffs for the Jacksons, their slaves, and livestock. Jackson also used part of The Hermitage for his true passion in life, raising racehorses. Andrew and Rachel lived in the log farmhouse until the winter of 1820-1821.

From 1819 to 1821, skilled carpenters and masons hired by Jackson built a Federal- style, two-story brick dwelling for Jackson and his family. At the same time, Jackson employed William Frost, an English gardener from Philadelphia, to design and layout a formal garden for Rachel. The 8- room mansion featured several outbuildings, including a smokehouse and kitchen. In the main stair hall, Rachel Jackson selected scenic wallpapers imported from France that depicted themes from Greek mythology. After brick production began for the mansion, Jackson had new brick slave dwellings built. In the 1820s, brick and log cabins for housing 95 African-American slaves, dotted the Hermitage landscape.

Andrew Jackson took office as seventh President of the United States in 1829. While Jackson was president, his son Andrew Jackson Jr. and Jackson's Nashville friends saw to Hermitage affairs. A series of overseers managed day- to-day operations. In 1831, while in Washington, President Jackson hired Nashville architect David Morrison to enlarge the mansion dramatically with flanking one-story wings, a two-story entrance portico with Doric columns, a small rear portico, and copper gutters. The east wing contained a library and farm office while a large dining room and pantry comprised the west wing. Jackson also paid Morrison to construct a Grecian "temple & monument" for Rachel Jackson, who had died in 1828. Craftsmen built the domed limestone tomb with a copper roof from 1831 to 1832.

After a chimney fire seriously damaged the mansion on October 13, 1834, President Jackson hired noted Nashville architects and master builders Joseph Reiff and William C. Hume to rebuild the mansion into a stately Greek Revival-style monument. Reiff and Hume completed the repairs in 1836. In 1837, Jackson retired from the U.S. presidency and returned to The Hermitage. Andrew Jackson died on June 8, 1845 and was laid to rest two days later under the tomb next to his wife Rachel. At the time of his death, 161 African-American slaves operated the cotton plantation and resided in dozens of slave cabins scattered about the 1,050-acre plantation.

Decline and Decay, 1845-1889

Upon Jackson's death, his adopted son Andrew Jackson, Jr. (1808-1865) inherited the property. The following year, he began selling off small outlying parcels of land. He made some improvements to the property such as new carriage drive, gates, and a new fence around the garden, but did little to improve the property's agricultural efforts. He tried to diversify his moneymaking ventures with an iron works and lead mine in Kentucky, but those efforts were unsuccessful. By 1853, mounting debts forced him to mortgage The Hermitage plantation.

The first movement to "save" The Hermitage occurred in the 1850s. In January 1854, Congress rejected a proposal to use The Hermitage as a southern branch of the U.S. Military Academy at West Point. In 1856, Andrew Jackson, Jr. sold a 500-acre core section of the 1,050-acre farm, including the mansion and outbuildings, for \$48,000 to the State of Tennessee. The State bought the property with the intent that it would be put to a public use, such as a school, but funding was unavailable so the State allowed the Jackson family to remain at The Hermitage as tenants. Between 1856 and 1861, the U.S. House of Representatives and U.S. Senate contentiously debated whether to accept Tennessee's offer of The Hermitage for a branch of West Point, but ultimately rejected the idea. In 1857, Governor Andrew Johnson also proposed converting The Hermitage into an "Executive Mansion" for the governor. That year, Andrew Jackson, Jr. sold the remaining 550 acres of The Hermitage farm to private buyers. In 1858, the Jackson family vacated the property and relocated to a cotton plantation in Mississippi, taking nearly all the slaves with them. At least five slaves remained at The Hermitage serving as caretakers and tenants.

From 1859 to 1861, Tennessee politicians proposed several new uses for The Hermitage, including a State Military School and a model farm for the Tennessee Agricultural Bureau. No proposal succeeded. In 1860, Governor Isham Harris became the first political leader to advocate for outright preservation of The Hermitage, but the looming Civil War prevented any such action. In the fall of 1860, Andrew Jackson, Jr. and family returned as Hermitage tenants, their Mississippi cotton plantation had failed, bringing a handful of slaves with them. During the early years of the Civil

War, some Hermitage slaves left the property for freedom. Although several important battles took place at Nashville and in the surrounding region, no military action took place near The Hermitage. During the Civil War, the Confederate States of America proposed converting The Hermitage into a Confederate Military Academy, but like all others, this proposal was never implemented. At the end of the Civil War, the 13th Amendment officially freed all Hermitage slaves.

Andrew Jackson, Jr. died in 1865 leaving his widow, Sarah, to oversee The Hermitage. After the Civil War ended, Sarah Jackson and her son, Andrew Jackson III conducted the very small farming operation with paid day labor and tenant farmers. The Hermitage farm fell into disrepair and the buildings began a slow deterioration. The state government was without funds for rebuilding vital infrastructure, much less maintaining this state-owned historic site. In 1865, Governor William G. Brownlow instructed repairs be made to Jackson's tomb, and a survey completed for the entire property. In 1866, Governor Brownlow made several unsuccessful proposals for its use, including a public institution for invalid soldiers. The following year, the Tennessee Legislature authorized a public auction of The Hermitage, however, it never followed through.

In the 1870s and 1880s, as Nashville grew into a southern commercial center, increasing numbers of people, from newspaper journalists to wealthy Nashvillians, began to make excursions to The Hermitage. Tennessee politicians continued to explore options regarding the proper use of this state-owned property. In 1883, the State approved \$350 for repairing the Tomb and building an iron fence around it. The state undertook no other action until 1888, when the legislature proposed converting the Hermitage mansion into a hospital for invalid Confederate soldiers. This led to public outcry for preservation of the landmark and ultimately to the creation of an organization of Tennessee women who fought to save The Hermitage.

Preservation

In April 1889, Tennessee chartered the Ladies' Hermitage Association (LHA), an organization modeled directly on the Mount Vernon Ladies' Association of the Union—who had purchased and opened George Washington's Mount Vernon as a museum in 1860. Members of the LHA lobbied Tennessee politicians into a compromise that would turn over the Hermitage mansion to them, while allowing a Confederate Soldier's Home to be constructed elsewhere on the property. On the last day of legislative session, with one member of the LHA lobbying feverishly on the capitol floor, the Tennessee Legislature approved the proposal. This bill gave the LHA control of the 25-acre core section of the Hermitage farm that included the mansion, garden, remains of the original log Hermitage farmhouse, and several historic outbuildings. The Tennessee Legislature awarded the remaining 475 acres to the Tennessee Confederate Soldiers' Home. The Home itself was completed in 1892 and stood about one-half mile from the Hermitage mansion. The Soldiers' Home used the acreage for a farming operation that helped support the institution.

Members of the LHA set to work on planning and making long-deferred repairs to the buildings and grounds. This included a major project for the original log Hermitage farmhouse and kitchen outbuilding. The farmhouse had been seriously damaged during a summer storm, causing the chimney and a wall to collapse. From 1889 to 1897, the LHA repaired not only the "First Hermitage," but also the Hermitage mansion and helped repair the adjoining Hermitage Church, which was then privately owned. These were the first historic preservation projects undertaken in Tennessee and among the first in the U.S. They also began efforts to purchase the Hermitage mansion furnishings from the Jackson family. Their first acquisition came in 1897 with the purchase of Andrew Jackson's bedroom furnishings, including the paintings, furniture, and curtains. By the 1920s, the LHA had successfully purchased most of the mansion furnishings from the Jackson family and, turned its attention to enlarging and improving the Hermitage grounds. The State of Tennessee turned over 232 acres in 1923 and in 1933 the Tennessee Confederate Soldiers' Home shut down and the entire 500-acre farm was given to the LHA to manage. In the 1930s, the LHA secured Work Progress Administration funding for a project to convert the Hermitage into a working farm. WPA workers razed much of the former Confederate Soldiers' Home, using the salvaged materials to construct several new buildings, including a ticket office, caretaker's residence, and museum.

In the 1950s and 1960s, the LHA continued to enlarge The Hermitage property by acquiring surrounding lands and historic buildings, including Tulip Grove mansion and the Hermitage Church. In 1960, the federal government recognized The Hermitage as a National Historic Landmark. In the 1960s and 1970s, as Nashville suburban growth encroached on The Hermitage, the LHA convinced the State of Tennessee to purchase the remaining portion of the Hermitage plantation, which Andrew Jackson, Jr. had sold to private individuals in 1857. Developers wished to build sprawling residential subdivisions here, but the state converted this land into the Hermitage Wildlife Management Area,

which was turned over to the LHA in 2002. Today, the LHA manages 1,120 acres, which includes the entire 1,050-acre tract that Andrew Jackson owned when he died in 1845.

Tulip Grove, built in 1836 by William C. Hume and Joseph Rieff for Andrew Johnson Donelson, stands on an elevated lawn surrounded by tulip poplar trees. It is a great example of Greek Revival architecture as it was adapted in Tennessee. The interior of the house is classical. The front has beautiful painted plaster walls that were painted by Ralph E. W. Earl to resemble Italian marble. Earl also decorated all the raised panels in the doors leading off the hall with “graining” effect to resemble curly oak. Tulip Grove was listed on the National Register in 1970. A list of historic resources compiled by the staff of The Hermitage is attached. They are currently working to update the National Historic Landmark designation to encompass all of the land managed by the LHA with its contributing structures.

MHZC STAFF COMMENTS:

1. The MHZC must base its recommendation to the Metro Planning Commission and the Metro Council on the following criteria:

- **Is the proposed district historically significant based upon the standards in the ordinance?**

Yes, The Hermitage is a National Historic Landmark, and the adjacent Tulip Grove is individually listed on the National Register of Historic Places. The boundaries of the proposed district include approximately 997 acres and make up most of the original tract owned by Jackson. The property includes landscape features, archeological sites and over two dozen structures that contribute to the district’s historical significance (see attached list of historic resources).

2. The MHZC must base its adoption of design guidelines on the following criteria:

- **Are the proposed District’s Design Guidelines in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties?**

Yes. The proposed guidelines are based upon the Secretary of the Interior’s Standards and are those that have been adopted by MHZC for all Historic Landmark Districts.

STAFF RECOMMENDATION Planning staff concurs with the MHZC staff recommendation and recommends that the Planning Commission approve the request to apply a Historic Landmark Overlay.

Ms. Logan presented and stated that staff is recommending approval.

Mr. Ponder explained that he would be recusing himself from the discussion due to a conflict of interest.

Mr. Jerry Hughes, spoke in favor of the Historic Landmark Overlay.

Mr. Gary Blackburn, 101 Neas Avenue, spoke in opposition to Historic Landmark Overlay.

Ms. Jane Field, 2165 Carmelita Ave., spoke in opposition to the Historic Landmark Overlay.

Councilmember Jernigan explained he was unaware of a lawsuit regarding this area. He stated that the members of his community were in favor of applying the Historic Landmark Overlay. He further explained its appropriateness and requested its approval.

Mr. George Paine, 3702 Whitland Avenue, spoke in favor of the Historic Landmark Overlay.

Mr. Gotto provided additional history on the parcels to be included in the overlay. He spoke of the uniqueness of the parcels and the importance of protecting the area with the historic overlay.

Mr. Clifton acknowledged that the area met all of the requirements for a historic landmark overlay and he would support the staff’s recommendation.

Ms. LeQuire requested clarification on the ownership of the parcels included in the overlay, in particular, the parcels east of Lebanon Pike.

Mr. Gotto offered information on the ownership of the parcels included in the overlay.

Ms. LeQuire then requested clarification on the process that is used to apply historic landmark overlays and whether property owners are included in the process.

Mr. Bernhardt explained the criteria for applying historic landmark overlays.

Mr. Gotto explained that the State of Tennessee did not object to applying the overlay to this area.

Ms. LeQuire expressed issues with applying an overlay on a parcel that includes a lease that will someday expire, and how the parcel will be affected after its expiration.

Mr. Gotto reiterated the importance of applying this overlay. He spoke of the criteria that was used to determine its use and that this particular area would certainly qualify due to the historical nature of the property.

Mr. Gotto moved, and Mr. Clifton seconded the motion, to approve Zone Change 2008Z-063G-14. **(8-0-1) Ponder – Recused**

Resolution No. RS2008-179

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-063G-14 is **APPROVED. (8-0-1)**

The proposed Historic Landmark Overlay is consistent with the Donelson/Hermitage Community Plan’s Open Space policy and meets the criteria for such overlay district.”

3. 2008Z-070T

A Council Bill to amend Chapters 17.04 and 17.08 of the Zoning Code to allow microbreweries as a permitted use in the CF, IR and IG zoning districts, sponsored by Councilmember Erica Gilmore.

Staff Recommendation: Approve with amendments

APPLICANT REQUEST - Text Amendment

A council bill to amend Chapters 17.04 and 17.08 of the Zoning Code to allow microbreweries as a permitted use in the Core Frame (CF), Industrial Restricted (IR) and Industrial General (IG) zoning districts.

ANALYSIS

Existing Law Any business that manufactures alcoholic beverages is classified by the Zoning Code as a “medium manufacturing” use. This use is permitted in only two zoning districts: the IR and IG districts. Prior to January 1, 1998, alcoholic beverages could be produced in the CF district if less than 5,000 barrels per month were produced.

Proposed Bill Borrowing in part from the prior Zoning Code, the proposed bill would create a new land use called “microbrewery” defined as the production of up to 5,000 barrels per month of alcoholic beverages. Currently, those breweries located downtown and mid-town are legal non-conforming uses in the CF district. Any new, relocated, or expanded brewery use is prohibited today in the CF district. Below are the provisions included in the proposed ordinance:

- Amend Section 17.04.060 (Definitions) to add “Microbrewery” as follows:

Microbrewery means the production of alcoholic beverages in quantities not to exceed five thousand (5,000) barrels per month.

- Amend Section 17.08.030 (District Land Use Table) to add “Microbrewery” as a use permitted by right (P) in the CF, IR, and IG zoning districts.

Analysis The “microbrewery” use is defined in the proposed ordinance as “the production of alcoholic beverages.” That definition captures not only the production of beer, but also other alcoholic beverages like wine, liquor, and spirits. Reference to 5,000 barrels per month in the microbrewery definition, however, does not address the different barrel sizes used in the alcoholic beverage industry. To address these points, the Council may want to consider modifying the microbrewery definition by either (1) tailoring it to address only the brewing of beer, or (2) expanding it to account for other alcoholic beverages and including a standard of measurement that is accepted across all beverage industries.

Proposed Amendments

Option 1

Microbrewery means the production of alcoholic beverages beer in quantities not to exceed five thousand (5,000) barrels per month; a barrel containing 31 gallons (U.S., liquid).

Option 2

Microbrewery Brewery/Distillery (limited) means the production of alcoholic beverages in quantities not to exceed five thousand (5,000) barrels per month two million (2,000,000) gallons per year (U.S., liquid).

Amend Section 17.08.030 by adding “Brewery/Distillery (limited)” as a use permitted (P) in the CF, IR, and IG zoning districts.

STAFF RECOMMENDATION Staff recommends approval of the proposed bill with an amendment incorporating either Option 1 or Option 2. The bill will allow alcoholic beverage brewers/distillers to locate, relocate, or expand operations in the downtown and midtown areas. When paired with a restaurant or on-site consumption of brewed or distilled beverages, these establishments are a destination for visitors and residents.

Ms. Regen presented and stated that staff recommends approval of the proposed bill with an amendment incorporating either Option 1 or Option 2.

Mr. Linus Hall, 1200 Clinton Street, spoke in favor of the proposed amendment.

Mr. Clifton requested clarification on the term “microbrewery” and whether existing establishments were in compliance of the Zoning code.

Mr. Morrissey explained that “microbrewery” was not currently defined in the existing Zoning Code.

Ms. Regen briefly explained the term as it was defined in the zoning code prior to 1998, and stated that existing breweries are considered legal, non-conforming in CF districts.

Mr. Gee requested clarification on the intentions of Option 1 as being recommended by the staff.

Mr. Bernhardt explained this concept to the Commission.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously to approve Text Amendment 2008Z-070T, and to incorporate amendment Option 1 (Microbrewery means the production of beer in quantities not to exceed five thousand (5,000) barrels per month; a barrel containing 31 gallons (U.S. liquid). **(9-0)**)

Resolution No. RS2008-180

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-070T is **APPROVED WITH OPTION 1 AS AN AMENDMENT. (9-0)**

Option 1 Amendment:

Microbrewery means the production of alcoholic beverages beer in quantities not to exceed five thousand (5,000) barrels per month; a barrel containing 31 gallons (U.S., liquid).”

4. 2008Z-071T

A Council Bill to amend Chapters 17.04, 17.08 and 17.16 of the Zoning Code to allow small wind energy systems as an accessory (A) use in all zoning districts, sponsored by Councilmembers Charlie Tygard and Mike Jameson.

Staff Recommendation: Disapprove with request for re-referral

APPLICANT REQUEST - Text Amendment

A council bill to amend Chapters 17.04, 17.08 and 17.16 of the Zoning Code to allow small wind energy systems as an accessory (A) use in all zoning districts.

ANALYSIS

Proposed Use “Small wind energy systems” refers to equipment that captures the power of moving air (wind) and converts it into energy, storing it in a battery or transferring it to the power grid. The system typically consists of a windmill structure comprised of a turbine on a single pole measuring 150 feet tall or less, and which has a rated capacity of producing 100 kilowatts (kW) or less per hour. The pole may be a freestanding or a guyed structure, and typically does not require a beacon light by the Federal Aviation Administration (FAA).

Small wind turbines were commonplace on farms and ranches before rural electrification programs. Today, they are an important element of this country’s energy independence. Both NES and TVA sponsor small wind energy systems as part of the “Green Power Switch” program.

Existing Law The Zoning Code does not allow small energy wind systems. The State of Tennessee does not regulate them.

Proposed Bill The proposed bill would allow small wind energy systems as an accessory (A) use in all zoning districts with a maximum height of 150 feet and a maximum rated energy capacity of 50 kW or less.

Proposed Text The proposed bill adds definitions and standards to the Zoning Code for small wind energy systems. Standards address setbacks, access, electrical wires, lighting, structure appearance, signs, code compliance, utility notification, noise, and abandonment of structures.

Analysis Small wind energy systems refers to a technology that captures an abundant energy supply on Earth – wind – where a constant, consistent wind speed of eight miles per hour (m.p.h.) is sustained. Less than 8 m.p.h. and power cannot be generated. As the wind blows, the rotating blade on the windmill stops a percentage of the wind. That “percentage” is what is converted into energy; and according to physics, the maximum amount of energy that can be converted is 59.3%. While an unlimited supply of energy exists, there is in fact, a maximum amount that can actually be converted.

U.S. Dept. of Energy The U.S. Department of Energy’s National Renewable Energy Laboratory has classified seven wind power levels in the United States ranging from one to seven; one being the worst and seven being superb. Nashville is rated a one; the entire southeast is rated between one and two except for coastal areas, and scattered locations in the Smoky Mountains and Cumberland Plateau.

Specifications These small wind energy systems produce less energy than large turbines, but they are meant to be economically efficient for individual businesses and homeowners. Typical cost is \$10,000 for equipment and installation with a breakeven point of four to seven years in the country’s windiest locations. To minimize interference from surrounding buildings and trees, the lowest part of a turbine’s blade must be mounted at least 25 to 35 feet off the ground. While Nashville is a Class 1 (weakest) for wind, Class 2 locations need towers typically 100 feet in height or greater.

Nashville’s Wind Speed To independently verify Nashville’s classification, planning staff contacted the Nashville International Airport. The airport has investigated wind power for generating electricity to light the airport terminals and parking lots. Recently, the airport obtained from the National Ocean and Atmospheric Association (NOAA) the last ten years of wind data for the airport taken at a height of more than 20 feet above the ground. The captured data was for every hour of every day within the past 10 years. The conclusion was that conventional wind power systems would not work in Nashville. The data revealed no consistent, constant or sustained wind speed of 8 m.p.h. or more.

Proposed Standards While the opportunity for small wind energy systems is quite limited in Nashville, allowing them promotes the goal of decreasing reliance on traditional energy sources. Wind opportunities do exist for those people who live or work where the natural or man-made topography create a sustained wind speed, or for those people wanting to support green energy initiatives.

The proposed standards create a model ordinance, blending features of several other wind ordinances elsewhere in the country. The standards create a zoning barrier, however, by allowing the use, but creating requirements that very few properties in the county could meet. Further, given the limited wind opportunities in Nashville, the proposed standards unduly burden those seeking an alternative energy source.

Setbacks: The bill requires setbacks equal to the height of the structure from all property lines, plus an additional 20 feet. If a tower is 110 feet tall, then a 130 foot setback would be required from the front, side, and rear property lines. That essentially means one would need property with a minimum length and width of 260 feet. Few properties have those minimum dimensions let alone acreage. Based on the calculated acreage needed of 1.55 acres, less than 10% of all properties in Davidson County would qualify.

Location: The bill allows a windmill only as an accessory (A) use to a property. That means, it could not be the principal use, as in the only use on the property. Depending on the property's location, it may make sense for it to be the only use due to topography. Further, the bill does not permit a small wind energy system to be attached to a building. Therefore, it would not be permitted for the systems to be attached to bridges and buildings, as was recently announced as being planned for New York City.

Abandonment: The bill requires a Notice of Abandonment to be issued by the Zoning Administrator. The Codes Department only issues a "Notice" which if not responded to is followed by a "Notice of Abatement," and if not responded to, the Codes Department proceeds to Environmental Court. There is no notice called Notice of Abandonment.

Proposed Amendments Based on available research and the national trend for energy independence, modifying the proposed ordinance standards may be appropriate for setbacks, location, and abandonment of structures.

STAFF RECOMMENDATION Staff recommends disapproval of this bill and requests it be re-referred to the Planning Commission after second reading. Staff will work with the sponsors to refine the bill to provide realistic opportunities for small wind energy systems in Nashville.

Ms. Regen presented and stated that staff recommends disapproval of the bill and further recommends that it be re-referred to the Planning Commission after second reading at Council.

Ms. LeQuire suggested that the motion be conveyed as an approval with conditions, as opposed to a disapproval, in an effort to convey the Commission's enthusiasm to welcome alternative energy to the Nashville area.

Mr. Ponder requested clarification on the setback requirements as mentioned in the bill.

Ms. Regen explained this concept to the Commission.

Mr. Ponder spoke in favor of the alternative energy method being proposed and agreed that the bill needs additional review.

Mr. McLean questioned whether noise was an issue with the small wind systems.

Ms. Regen explained noises associated with the small wind systems.

Mr. Clifton questioned the possibility of deferring the proposed amendment.

Mr. Bernhard explained that the bill was scheduled for Public Hearing on September 2, 2008.

Mr. Clifton agreed that the bill should not be disapproved, and suggested that the Commission include amendments with their recommendation to Council. He also stated he would support a deferral.

Ms. LeQuire expressed concern with the issue of holding a Public Hearing on a bill that may not be finalized.

Mr. Clifton offered that Metro Council allows bills to be amended after Public Hearings and prior to third readings.

Mr. Gotto offered additional information on the process followed by Council on Public Hearings.

Ms. Regen explained that both Councilmember Jameson and Tygard were aware that the bill needed additional work, prior to its adoption, in order to make it more flexible in its implementation.

Mr. Gotto suggested a motion that would approve the bill, address the bill's outstanding issues of setback and location, and then request that it be re-referred back to the Commission.

Ms. Regen explained that the bill needed additional work on a variety of issues, not just setback and location of the small energy systems.

Mr. Tyler acknowledged the additional work needed for the bill prior to its adoption. He expressed concerns with its implementation in urban neighborhoods in relation to setbacks and height issues.

Mr. Gee agreed that additional study of the bill was necessary. He agreed with the outstanding issues mentioned and the implementation of the bill in urban neighborhoods.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the basic concept of Text Amendment, 2008Z-071T, and to disapprove as it is written and recommend that it be re-referred back to the Planning Commission prior to its third reading at Council. **(9-0)**

Resolution No. RS2008-181

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-071T is APPROVED BASIC CONCEPT, DISAPPROVE AS WRITTEN, AND RE-REFER BACK TO THE PLANNING COMMISSION. (9-0)”

Mr. Kleinfelter offered additional information on the procedures of approvals and disapprovals of how they are recognized at Council.

VIII. PUBLIC HEARING: SPECIFIC PLANS

5. **2008SP-020U-14**
Map: 062-00 Parcels: 011.01, 155
Subarea 14
Council District 15 – Phil Claiborne

A request to change from CS to SP-A zoning for property located within the Cullum & Maxey Planned Unit Development at 2600 Music Valley Drive and Music Valley Drive (unnumbered), approximately 5,995 feet north of McGavock Pike (3.25 acres), to permit "Vehicular sales and service, limited" with associated sales office, maintenance/service area and parts storage, requested by Dale & Associates, applicant, for Robert T. Sircy Jr. and The Maxey Family, L.P., owners (See also Proposal No. 49-75-U-14).

Staff Recommendation: Approve with conditions subject to the cancellation of the Cullum & Maxey PUD

APPLICANT REQUEST - Preliminary SP to Specific Plan (SP-A)

A request to change from Commercial Services (CS) zoning for property located within the Cullum & Maxey Planned Unit Development at 2600 Music Valley Drive and Music Valley Drive (unnumbered), approximately 5,995 feet north of McGavock Pike (3.25 acres), to permit "Vehicular sales and service, limited" with associated sales office, maintenance/service area and parts storage.

Existing Zoning

CS District -Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

SP-A District - Specific Plan-Auto 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 automobile uses.

DONELSON-HERMITAGE COMMUNITY PLAN

Commercial Mixed Concentration (CMC) CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Consistent with Policy? Yes. The proposed uses meet the intent of the CMC policy. The purpose of the SP is to expand an existing Recreational Vehicle (RV) sales business onto a property previously used for the sale of manufactured homes. The adjacent property is also used for RV sales and there is a large campground adjacent to the rear of the property.

PLAN DETAILS - The SP includes two parcels of land that will allow for RV sales. Currently RV sales are not permitted by the base zoning and were not approved in the PUD originally. Therefore, an SP zone change is necessary to allow this use.

Parcel 011.01 was used for the sale of manufactured homes. All but one of the buildings associated with this use have been demolished. The remaining 4,050 square foot building is to be converted for use as a sales office and/or maintenance/service facility. The intent of the SP is to allow for the expansion of an established RV sales business to the north on Parcel 009 by allowing for an additional paved sales area. The uses of this SP shall be limited to a "Vehicular sales and service, limited" as defined by the Zoning Code with associated sales office, maintenance/service area and parts storage

Parcel 155 is currently used for the storage of RVs associated with the sales business. In the original application, this parcel was not included. In reviewing the Cullum & Maxey Planned Unit Development (PUD), there was no record that this parcel had been approved for its current use. The applicant agreed to include both parcels that make up the PUD in this SP.

Access and Sidewalks Currently, Parcel 011.01 has access onto Music Valley Drive. Parcel 155 access is via the main entrance to the RV sales business on Parcel 009 to the north. The applicant is proposing to close the access on Parcel 011.01 from Music Valley Drive and to also access this portion of the business via the main entrance on Parcel 009.

Sidewalks are required and are shown on the plan.

Signage The existing sign for the business, located on Parcel 011.01 is to remain. No new signage is proposed.

PUBLIC WORKS RECOMMENDATION For the proposed sidewalk construction along Music Valley Drive, resubmit construction plans to the Department of Public Works for review and approval.

All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

Maximum Uses in Existing Zoning District: CS/PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	2.18	N/A	10,000	466	16	46

*Based on estimated square footage of approved PUD plan.

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Vehicular Sales (841)	2.18	N/A	4,748	159	10	13

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	2.18		-5,252	307	6	33

FIRE MARSHALL RECOMMENDATION Approved based on no construction being done this application. Any construction will require additional information.

STORMWATER RECOMMENDATION Approved

WATER SERVICES RECOMMENDATION Refer to July 3, 2008, availability letter – the recommended approval is for a parking lot only, any future development of the site will require further studies.

- Add a note to the plan that Parcel 155 does not currently have access to water and sewer.

STAFF RECOMMENDATION Staff recommends approval with conditions of this SP subject to the cancellation of the Cullum & Maxey PUD.

CONDITIONS

1. The use of this SP shall be limited to a "Vehicular sales and service, limited" with associated sales office, maintenance/service area and parts storage.
2. The requirement of the Public Works Department shall be met prior to Final Plan approval.
3. Add a note to the plan that Parcel 155 does not currently have access to water and sewer.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS 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 the Planning Commission and 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. 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.

Approved with conditions, which was subject to the cancellation of the Cullum & Maxey PUD, (9-0) **Consent Agenda Resolution No. RS2008-182**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-020U-14 is **APPROVED WITH CONDITIONS, subject to the cancellation of the Cullum & Maxey PUD. (9-0)**

Conditions of Approval:

1. The use of this SP shall be limited to a "Vehicular sales and service, limited" with associated sales office, maintenance/service area and parts storage.
2. The requirement of the Public Works Department shall be met prior to Final Plan approval.
3. Add a note to the plan that Parcel 155 does not currently have access to water and sewer.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS 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 the Planning Commission and 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. 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.

The proposed SP-A district is consistent with the Donelson/Hermitage Community Plan’s Commercial Mixed Concentration policy which supports vehicular sales and service uses.”

6. **49-75-U-14**
Cullum & Maxey (PUD Cancellation)
Map: 062-00 Parcels: 011.01, 155
Subarea 14
Council District 15 – Phil Claiborne

A request to cancel the Cullum & Maxey Planned Unit Development located at 2600 Music Valley Drive and Music Valley Drive (unnumbered), approximately 5,995 feet north of McGavock Pike (3.25 acres), zoned CS and proposed for SP-A, approved for manufactured home sales, requested by Dale & Associates, applicant, for The Maxey Family L.P. and Robert Sircy, owners (See also Proposal No. 2008SP-020U-14).

Staff Recommendation: Approve, subject to approval of the associated Cullum & Maxey SP rezoning

APPLICANT REQUEST - Cancel PUD

A request to cancel the Cullum & Maxey Planned Unit Development located at 2600 Music Valley Drive and Music Valley Drive (unnumbered), approximately 5,995 feet north of McGavock Pike (3.25 acres), zoned Commercial Services (CS) and proposed for Specific Plan-Auto (SP-A), approved for manufactured home sales.

Existing Zoning

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Commercial PUD - A commercial PUD overlay was applied to these properties in March 1980. Phase I, Parcel 011.01, was approved for manufactured home sales. There is no record of Final Site Plan approval for Phase II, Parcel 155, although earlier plans indicate that manufactured home sales were contemplated for this Parcel as well.

DONELSON HERMITAGE COMMUNITY PLAN

Commercial Mixed Concentration (CMC) CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Consistent with policy? Yes. The proposed SP-A zoning district to replace the existing PUD is consistent with the CMC policy.

FIRE MARSHALL RECOMMENDATION Approved based on no construction being done under this application. Any construction will require additional information.

WATER SERVICES RECOMMENDATION No capacity study is required for a PUD cancellation.

STAFF RECOMMENDATION Staff recommends approval of the request to cancel the Cullum & Maxey PUD overlay if the associated rezoning request is approved.

Approved, which was subject to approval of the associated Cullum & Maxey SP rezoning, (9-0) *Consent Agenda*
Resolution No. RS2008-183

“BE IT RESOLVED by The Metropolitan Planning Commission that 49-75-U-14 is **APPROVED SUBJECT TO THE APPROVAL OF THE ASSOCIATED CULLUM & MAXEY SP REZONING. (9-0)**”

The proposed SP-A for the properties within the PUD to be canceled are consistent with the Donelson/Hermitage Community Plan’s Commercial Mixed Concentration policy which supports vehicular sales and service uses.”

IX. PUBLIC HEARING: CONCEPT PLANS

- 7. **2006S-290G-06**
South Harpeth Estates
Map: 178-00 Parcels: 042, 043
Subarea 6
Council District 35 – Bo Mitchell

A request to extend the concept plan approval for one year for an 8 lot subdivision on property located at 9618 New Highway 96 and New Highway 96 (unnumbered), approximately 1,600 feet north of Little East Fork Road (18.3 acres), zoned AR2a, requested by Charles and Louise Frost, owners, PBJ Engineering, surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Concept Plan Extension

A request to extend the concept plan approval for one year for an 8 lot subdivision on property located at 9618 New Highway 96 and New Highway 96 (unnumbered), approximately 1,600 feet north of Little East Fork Road (18.3 acres), zoned Agricultural Residential (AR2a).

Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim non-urban land use policies of the general plan.

SUBDIVISION DETAILS - The concept plan for the eight lot South Harpeth Estates subdivision was approved by the Planning Commission on September 14, 2006. The applicant is requesting an extension of the approval due to delays that have occurred in obtaining septic plan approval from the Metro Health Department. The applicant is actively addressing the Health Department requirements, but anticipates that they will be unable to resolve all of the issues concerning the septic plan prior to the expiration of the concept plan.

Section 2-3.4.f of the Subdivision Regulations provide for an extension of one additional year for a concept plan:

- f. *Effective Period of Concept Plan Approval.* The approval of a concept plan of a minor subdivision shall be effective for a period of one year and the approval of a concept plan for a major subdivision shall be effective for two years from the date of Planning Commission Approval. Prior to the expiration of the concept plan approval, such plan approval may be extended for one additional year upon request and if the Planning Commission deems such extension appropriate based upon progress made in developing the subdivision.

The applicant has made this request because progress has been made on the development of this subdivision including:

- Erosion prevention and sediment control measures constructed.
- Lots have been staked.
- Grid stakes in place for Health Department work.
- Septic fields (primary and secondary) have been staked and fenced off.
- Concrete swale for drainage of future detention basin constructed.
- Concrete swale constructed for drainage of septic field curtain drains.

At the time that the final plat is submitted for review and approval, a copy of the final plat stamped with Metro Health Department approval will be required with the initial application.

STAFF RECOMMENDATION Staff recommends that approval of the concept plan be extended for one year from the Planning Commission agenda date since significant progress has been made.

CONDITION At the time that the final plat is submitted for review and approval, a copy of the final plat stamped with Metro Health Department approval shall be required with the initial application.

Approved with conditions, (9-0) *Consent Agenda*

Resolution No. RS2008-184

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-290G-06 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. At the time that the final plat is submitted for review and approval, a copy of the final plat stamped with Metro Health Department approval shall be required with the initial application.”

X. PUBLIC HEARING: REVISIONS AND FINAL DEVELOPMENT PLANS

8. **149-66-U-13**
Thornton's
Map: 183-00 Parcel: 032
Subarea 13
Council District 32 – Sam Coleman

A request to revise the preliminary plan and for final approval for a portion of Commercial Planned Unit Development located at 13000 Old Hickory Boulevard, approximately 430 feet north of I-24, (0.92 acres), to permit a 3,755 square foot automobile convenience center where a 2,840 square foot automobile convenience center was previously approved, zoned IR, requested by GPD Associates, applicant, for Robert and Rita Breece, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST Revise Preliminary and For Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of a Commercial Planned Unit Development located at 13000 Old Hickory Boulevard, approximately 430 feet north of I-24, (0.92 acres), to permit a 3,755 square foot automobile convenience center where a 2,840 square foot automobile convenience center was previously approved, zoned Industrial Restrictive (IR).

Zoning District

IR District - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures

PLAN DETAILS

History A commercial PUD overlay was applied to this site in 1966. The current uses include a hotel, two restaurants, a cemetery, and two existing convenience centers on two out parcels.

Site Plan The revised plan proposes a new 3,755 square foot Thornton's convenience center on one of the out parcels which will include 8 gas pump islands. The plan also proposes a 7-foot retaining wall to be located in the rear of the convenience center.

The preliminary PUD plan was approved to permit a 2,840 square foot convenience center on this out parcel. Section 17.40.120.G.2.h of the Metro Zoning Ordinance stipulates that the total floor area of a commercial or industrial classification of a PUD shall not be increased more than ten percent beyond the total floor area last approved by the council. The revised plan increases the building square footage by 915 square feet resulting in a 3,755 square foot building. The increased floor area of the revised plan is under ten percent of the total floor area of the PUD which is approximately 70,394 square feet.

Access/Parking There are three existing access points into the site. Two are off Old Hickory Boulevard and a third is off a private road to the south. The applicant has agreed to close both access points onto Old Hickory Boulevard and replace them with a single, central access point onto the site from Old Hickory Boulevard. The revised plan proposes a total of 31 parking spaces which meets the minimum requirement of the Metro Zoning Code.

Signage Limited details concerning signage were included in the plan. The applicant must provide sign details for staff review and approval on the corrected copy of the PUD final site plan.

PUBLIC WORKS RECOMMENDATION All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

Provide legal documentation allowing access to private roads / driveways.

Remove northern driveway located within the Old Hickory Boulevard / Firestone Parkway intersection.

At southeastern driveway ramp to Old Hickory Boulevard, construct maximum twenty four (24') width ramp per the Department of Public Works standards and specifications.

At southern property boundary, provide sidewalk connectivity at the access road / Old Hickory Boulevard intersection. Construct ramp per the Department of Public Works standards and specifications.

At the southeastern property corner, provide corner site visibility triangle.

Verify parking table. Provide required parking.

Developer shall eliminate one curb cut on OHB.

Northern property drive shall be widened to 3 lane cross section and Developer shall modify existing traffic signal as necessary.

Access ramps to private drives shall be a maximum of 35 ft wide. Document adequate truck turning movements.

STORM WATER RECOMMENDATION - The project is conditionally approved.

1. Item No. 6 on the first Technical Review letter. The BMP references shown are for the Tennessee Department of Environment and Conservation (TDEC). The BMP reference numbers for Metro Water Services are required. This edit can be handled using a reference table on the plans.
2. Please confirm the size of the existing storm sewer crossing Old Hickory Blvd. The Metro GIS indicates that the existing storm sewer is 18-inches, the plans indicate a 24-inch pipe.
3. The Long Term Maintenance Plan is not required to be bound. The plan can be unbound here. However, the maximum page size for ROD recording is 8.5" x 14". Resubmit the 11'x17" drawing to this size.
4. The Register of Deed fees for the Long Term Maintenance Plan and the Inspection and Maintenance Agreement are \$5 per page plus \$7. A total of twenty-nine (29) pages were in the submitted plan. The Inspection and Maintenance Agreement must be completed and notarized.
5. The Register of Deed fees for the Dedication of Easement document are \$5 per page plus \$2. The Dedication of Easement document must be completed and notarized.

STAFF RECOMMENDATION Staff recommends approval with conditions of this request.

CONDITIONS

1. The corrected copy of the final site plan shall include sign details that have been reviewed and approved by staff.
2. The corrected copy of the final site plan shall comply with the requirements of the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions, (9-0) *Consent Agenda*

Resolution No. RS2008-185

“BE IT RESOLVED by The Metropolitan Planning Commission that 149-66-U-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The corrected copy of the final site plan shall include sign details that have been reviewed and approved by staff.
2. The corrected copy of the final site plan shall comply with the requirements of the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.”

XI. PUBLIC HEARING: URBAN DESIGN OVERLAY

- 9. 2002UD-001U-10**
Green Hills UDO (modification)
Map: 117-14 Parcel: 37
Subarea 10
Council District 25 – Sean McGuire

A request to modify the existing Urban Design Overlay District to allow a business located at 3909 Hillsboro Pike,(1.7 acres) classified SCR, to vary from requirements of the Green Hills UDO related to signage height and display area size, requested by Premier Sign & Lighting Services.

Staff Recommendation: Disapprove

Mr. Johnson presented and stated that staff recommends disapproval as the proposed sign does not meet the intent of the Green Hills UDO as it applies to signage.

Mr. Jeremy Cherry, 200 4th Avenue North, spoke in favor of modifying the Urban Design Overlay, and requested that the Commission review an alternate proposal he brought to the meeting, since the original was disapproved by staff.

Mr. McLean explained that the Commission could not act on a proposal that was not reviewed by staff and suggested a deferral. The applicant's alternate proposal was not distributed to the Commission.

Mr. Cherry agreed to a deferral, however, requested that he be allowed to submit his alternate proposal to the Commission, for discussion purposes.

Mr. Bernhardt briefly explained the advise provided to the applicant regarding their submittal. He also spoke of the Urban Design Overlay implemented for this area.

Mr. Clifton acknowledged the issue of the Commission reviewing an alternate proposal that did not include a staff recommendation.

Mr. Clifton moved and Mr. Gotto seconded the motion, to defer 2002UD-001U-10, Green Hills UDO modification, to September 11, 2008.

A brief discussion occurred regarding the request to defer and the issue of the public hearing.

Mr. Clifton withdrew his motion to defer 2002UD-001U-10.

Ms. Angie Henderson, 112 Clydelan Court, spoke in opposition to modifying the Urban Design Overlay.

Ms. Lynn Williams, 4020 Dorcas Drive, spoke in opposition to modifying the Urban Design Overlay.

Ms. Mary Jon Hicks, 3512 Echo Hill Road, spoke in opposition to modifying the Urban Design Overlay.

Mr. Ken Penelar, 4400 Belmont Park Terrace, spoke in opposition to modifying the Urban Design Overlay.

A representative of Trader Joe's, spoke in favor of modifying the Urban Design Overlay.

Mr. Jimmy Granberry, 3011 Armory Drive, spoke in opposition to modifying the Urban Design Overlay.

Mr. Gee spoke in favor of disapproving the request as originally submitted as it did not provide evidence of a hardship.

Mr. Gotto spoke in favor of deferring the request to allow additional time for the applicant to further study their request and to possibly reach an amicable solution with the community.

Mr. Tyler agreed with Mr. Gotto to defer the proposal, as he would not be in favor of approving the request as submitted.

Mr. Clifton acknowledged the intentions of the applicant and their desire to advertise their business. However, he expressed issues with modifying the Urban Design Overlay as it would alter its original intent. He stated he was unsure as to whether the Commission should take action on the request as it was submitted.

Mr. Gotto suggested an alternative layout of the parcel that would allow for a sign more visible to the public.

Ms. LeQuire requested clarification on whether the Urban Design Overlay contained restrictions on building signs.

Mr. Johnson explained this concept to the Commission.

Ms. LeQuire suggested the Commission support the Urban Design Overlay.

Ms. LeQuire requested additional clarification on how the applicant would proceed if their submittal was disapproved or deferred.

Mr. Bernhardt explained this concept to the Commission. He also spoke of the communication that staff has had with

the applicant regarding their submittal.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to keep the public hearing open and to defer 2002UD-001U-10, Green Hills UDO modification to September 11, 2008, to allow additional time for the applicant to continue working with staff on their request. (9-0)

Resolution No. RS2008-186

“BE IT RESOLVED by The Metropolitan Planning Commission that 2002UD-001U-10 is **DEFERRED to the September 11, 2008, Planning Commission Meeting, the Public Hearing remains open. (9-0)**”

XII. OTHER BUSINESS

10. Amendment One to the FY 2009 grant between the State of Tennessee, Dept. of Transportation and Nashville-Davidson County Metropolitan Planning Commission acting on behalf of the Nashville Area Metropolitan Planning Organization (MPO) for Transportation Planning.

Approved, (9-0) *Consent Agenda*

11. Grant Contract between the State of Tennessee, Dept. of Transportation and Nashville-Davidson County Metropolitan Planning Commission acting on behalf of the Nashville Area Metropolitan Planning Organization (MPO) for transit planning coordination activities.

Approved, (9-0) *Consent Agenda*

12. An amended employee contract for Carrie Logan

Approved, (9-0) *Consent Agenda*

13. Rehearing request for Premier Sign Company, LLC for Shell Sign Variance, 149-66U-13. DENIED by Chairman and Executive Director per the Metro Planning Commission Rule VI.K.2- - No Action Required.

14. Executive Director Reports


15. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 6:10 p.m.

Chairman

Secretary

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