



**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**

April 8, 2010

4:00 PM

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

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Derrick Dalton
Tonya Jones
Hunter Gee
Victor Tyler
Councilmember Jim Gotto

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Brenda Bernards, Planner III
Kelly Armistead, Administrative Services Officer III
Doug Sloan, Legal
Jason Swaggart, Planner II
Greg Johnson, Planner II
Bob Leeman, Planning Manager II
Craig Owensby, Public Information Officer
Marie Cheek, Planning Tech II
Brian Sexton, Planner I
Dennis Corrieri, Planning Technician I

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 4:01 pm.

II. ADOPTION OF AGENDA

Dr. Cummings moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt the revised agenda as presented. (8-0)

III. APPROVAL OF MARCH 25, 2010, MINUTES

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the March 25, 2010 minutes as presented. (8-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Harrison requested deferral of Item #1 to the May 13, 2010 Planning Commission meeting due to a traffic study in progress.

Councilmember Baker spoke in favor of approval of Item #8 due to excess debris and trash in the area, stated that applicant would like to have barriers placed at each end of the alleys to prevent further dumping.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- | | | | |
|-----|-----------------|--|-----------------------------------|
| 1. | 2009Z-042PR-001 | A request to rezone from RS15 to CS district for property located at 3849 Abernathy Road, approximately 330 feet east of Clarksville Pike. | -Deferred to May 13, 2010 meeting |
| 9. | 2000P-003G-06 | A request to cancel a portion of the Riverwalk Planned Unit Development district located at 6000 Rivervalley Drive, approved for 61 multi-family dwelling units. | -Deferred Indefinitely |
| 10. | 2007Z-184G-06 | A request to rezone from RM2 to RS40 property located at 6000 Rivervalley Drive and located within a Planned Unit Development Overlay. | -Deferred Indefinitely |

Mr. Clifton moved and Mr. Dalton seconded the motion, which passed unanimously, to approve the deferred and withdrawn items. (8-0)

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

PUBLIC HEARING: CONCEPT PLAN

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| 4. | 2007S-073U-03 | A request to extend concept plan approval for one year to May 10, 2011, and to grant a variance to Section 2-3.4.f of the Subdivision regulations, for a 50-lot cluster subdivision on property located at the northeast corner of West Trinity Lane and Overall Street. |
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- Approved with condition and grant a variance to Section 2-3.4.f of the Subdivision Regulations to permit a second extension to concept plan approval to May 10, 2011

PUBLIC HEARING: FINAL PLAT

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| 5. | 2009S-027-001 | A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road. |
|----|---------------|--|

-Approved a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to June 20, 2010.

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| 6. | 2010S-018-001 | A request for final plat approval to create three lots on property located at 211 Nesbitt Lane. | -Approved w/condition |
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PUBLIC HEARING: REVISED SITE PLANS

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| 7. | 177-74P-001 | A request to revise the preliminary plan and for final approval for a portion of the Century City West PUD located at 26 Century Boulevard, to permit a parking lot expansion. | -Approved w/conditions |
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OTHER BUSINESS

- | | | |
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| 12. | Amendment #2 to Contract No. L-1917 between Metropolitan Government of Nashville and Davidson County on the behalf of the Nashville Area MPO and AECOM, Inc. (formerly EDAW, Inc) | -Approved |
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Mr. Ponder moved and Dr. Cummings seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. (8-0)

VII. PUBLIC HEARING: ZONING MAP AMENDMENTS

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|----|---|
| 1. | 2009Z-042PR-001
Map: 069-00 Parcel: 032
Bordeaux/Whites Creek Community Plan
Council District 2 – Frank R. Harrison
Staff Reviewer: Greg Johnson |
|----|---|

A request to rezone from RS15 to CS district for property located at 3849 Abernathy Road, approximately 330 feet east of Clarksville Pike (3.33 acres), requested by John Hood, Campbell, McRae & Associates, for Terrell and Byrettia Broady, owners.

Staff Recommendation: Disapprove

STAFF RECOMMENDATION Staff recommends disapproval of the proposed CS zoning district. The CS zoning is commercial in nature and is inconsistent with the adopted land use policies for this property that promotes low-density residential and civic land uses.

Mr. Clifton moved and Councilmember Gotto seconded the motion to accept applicant’s deferral request of May 13, 2010. (8-0)

Resolution No. RS2010-39

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-042PR-001 is **DEFERRED** to the May 13, 2010 Planning Commission meeting. (8-0)”

2. 2010Z-008PR-001

Map: 114-00 Parcel: 166
Bellevue Community Plan
Council District 22 – Eric W. Crafton
Staff Reviewer: Jason Swaggart

A request to rezone from R20 to CS zoning property located at 7552 Sawyer Brown Road, on the south side of I-40 adjacent to Sam's Club (4.29 acres), requested by Bancorp South, owner.

Staff Recommendation: Approve if the Commission directs staff to commence a housekeeping amendment to change the policy to Commercial Mixed Concentration (CMC). Disapprove if policy is not directed to initiate a housekeeping amendment.

APPLICANT REQUEST - Rezoning - Rezone from R20 to CS.

A request to rezone from One and Two-Family Residential (R20) to Commercial Service (CS) zoning property located at 7552 Sawyer Brown Road, on the south side of I-40 adjacent to Sam’s Club (4.29 acres).

Existing Zoning

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots. *The R20 zoning on this site would permit approximately nine lots with two duplex lots for a total of eleven residential units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

BELLEVUE COMMUNITY PLAN

Residential Low Medium (RLM) RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Consistent with Policy? No. The proposed commercial zoning is not consistent with the property’s residential policy. The proposed commercial zoning permits uses that conflict with the residential land use policy.

While the policy supports residential uses, the property does not have a strong relationship with neighboring residential property, but does have a strong relationship with the adjoining commercial property. The area is very hilly and the property

proposed for CS is separated from the adjacent residential area by deep valleys and steep slopes; however, the property is at grade with the existing commercial property (Sam’s Club) to the north. The property to the east is within a PUD. A wide area designated as open space is between the property proposed to be rezoned and the dwelling units within the PUD, and would more than adequately buffer any future development on the site.

Because the property proposed to be rezoned to commercial is more related to the neighboring commercial area than it is to the residential area, staff could support a policy amendment. If the Planning Commission directs staff to file a housekeeping amendment to change the policy to Commercial Mixed Concentration (CMC), then staff can recommend approval of the rezoning request. CMC policy covers the property to the north, and could be logically extended to include this property.

PUBLIC WORKS RECOMMENDATION A TIS may be required at development.

Typical Uses in Existing Zoning District: **R20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.29	2.31 D	9 U	87	7	10

Typical Uses in Proposed Zoning District: **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping(814)	4.29	0.066 F	12,333 SF	566	18	52

Traffic changes between typical: **R20** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+479	+11	+42

Maximum Uses in Existing Zoning District: **R20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.29	2.31 D	9 U	87	7	10

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	4.29	0.6	112,123 SF	7316	165	687

Traffic changes between maximum: **R20** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+7229	+158	+677

STAFF RECOMMENDATION Staff recommends that the request be approved if the Commission directs staff to initiate

a housekeeping amendment to change the residential policy to Commercial Mixed Concentration (CMC). Staff recommends disapproval if the Commission does not initiate the policy change.

Mr. Swaggart presented the staff recommendation of approval if the Commission directs staff to amend the policy.

Councilmember Crafton asked the Commission to approve the zoning change.

Jon Crisp of Bancorp South, asked the Commission to approve the zoning change due the property not being marketable as a residential site.

Mr. Gee inquired about traffic counts and requested that staff confirm the numbers in the traffic table.

Mr. Clifton moved and Dr. Cummings seconded the motion to approve with staff direction to initiate a housekeeping amendment to change the land use policy to Commercial Mixed Concentration and to review the traffic counts for the CS zoning district. (9-0)

Chairman McLean requested that future Staff Recommendations be included on slide presentations.

Resolution No. RS2010-40

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-008PR-001 is **APPROVED. Directed staff to initiate a housekeeping amendment to change the land use policy to Commercial Mixed Concentration and to review the traffic counts for the CS zoning district. (9-0)**

While the proposed CS zoning district is not consistent with current Bellevue Community Plan’s Residential Low Medium policy, the Planning Commission has directed staff to initiate a policy amendment to Commercial Mixed Concentration.”

Mr. Jones arrived at 4:20.

3. 2010Z-009PR-001

Map: 105-16 Parcels: 258, 259
South Nashville Community Plan
Council District 16 – Anna Page
Staff Reviewer: Jason Swaggart

A request to rezone from R6 to CS zoning properties located at 336 Vivelle Avenue and Vivelle Avenue (unnumbered), approximately 195 feet east of Nolensville Pike (0.34 acres), requested by STS Property Group, LLC, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Rezoning - Rezone from R6 to CS.

A request to rezone from One and Two-Family Residential (R6) to Commercial Services (CS) zoning properties located at 336 Vivelle Avenue and Vivelle Avenue (unnumbered), approximately 195 feet east of Nolensville Pike (0.34 acres).

Existing Zoning

R6 District - 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% duplex lots. *The R6 zoning on this site would permit two lots, each with a duplex for a total of four residential units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

SOUTH NASHVILLE COMMUNITY PLAN

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

Consistent with Policy? No. The proposed commercial zoning is not consistent with the property’s residential policy. The proposed commercial zoning permits uses that conflict with the residential land use policy.

As with many areas along Nolensville Pike, the commercial zoning district is not very deep. This makes redevelopment difficult, especially for more sustainable development designs. While staff can *not* support the proposed CS zoning, staff could support an appropriate Specific Plan with a policy amendment. The residential policy would have to be amended to a non-residential or mixed-use policy and the policy and zoning would need to address transitioning between the commercial and residential areas and orientation of commercial uses to Nolensville Rd.

PUBLIC WORKS RECOMMENDATION A TIS may be required at development.

Typical 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 Detached (210)	0.34	7.71 D	2 U	20	2	3

Typical Uses in Proposed Zoning District: **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping(814)	0.34	0.448 F	6,635 SF	322	13	38

Traffic changes between typical: **R6** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+302	+11	+35

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 Detached (210)	0.34	7.71 D	2 U	20	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.34	0.6	8,886 SF	418	15	43

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+398	+13	+40

STAFF RECOMMENDATION Staff recommends that the proposed CS zoning district be disapproved. The proposed zoning district is not consistent with the area’s residential land use policy. Staff could support an appropriate SP if the policy was amended to a support commercial uses.

Mr. Swaggart presented the staff recommendation of disapproval.

Nancy Campbell, 2128 Whitney Avenue, spoke in opposition of staff recommendation. Inquired as to whether a park could be built in this location.

Chairman McLean stated that the property is privately owned and that the city is not in a position to purchase the property due to the economy.

Councilmember Gotto inquired as to whether or not the applicant was present.

Councilmember Gotto moved and Dr. Cummings seconded the motion to approve the staff recommendation of disapproval. (9-0)

Resolution No. RS2010-41

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-009PR-001 is **DISAPPROVED. (9-0)**

The proposed CS zoning district is inconsistent with the South Nashville Community Plan’s Neighborhood General policy.”

VIII. PUBLIC HEARING: CONCEPT PLAN

- 4. 2007S-073U-03**
 Nocturne Village
 Map: 070-03 Parcels: 006, 007
 Map: 070-07 Parcels: 062, 063
 Bordeaux/Whites Creek Community Plan
 Council District 2 – Frank R. Harrison
 Staff Reviewer: Brenda Bernards

A request to extend concept plan approval for one year to May 10, 2011, and to grant a variance to Section 2-3.4.f of the Subdivision regulations, for a 50-lot cluster subdivision on property located at Overall Street (unnumbered), 869 West Trinity Lane, Walker Lane (unnumbered) and West Trinity Lane (unnumbered), at the northeast corner of West Trinity Lane and Overall Street, zoned RS7.5 and RS20, requested by Nocturne Village Investors, owner, Wamble & Associates, surveyor.
Staff Recommendation: Approve with condition and grant a variance to Section 2-3.4.f of the Subdivision Regulations to permit a second extension to concept plan approval to May 10, 2011

APPLICANT REQUEST - Concept Plan Extension -Permit extension of Concept Plan approval.

A request to extend concept plan approval for one year to May 10, 2011, and grant an exception to Section 2-3.4.f of the Subdivision Regulations, for a 50-lot cluster subdivision on property located at Overall Street (unnumbered), 869 West Trinity Lane, and West Trinity Lane (unnumbered), at the northeast corner of West Trinity Lane and Overall Street, zoned

Single-Family Residential (RS7.5) and (RS20).

Zoning

RS20 District - 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.

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

CRITICAL PLANNING GOALS N/A

SUBDIVISION DETAILS The concept plan for the 50 lot Nocturne Village subdivision was approved by the Planning Commission on May 10, 2007. An extension to the approval of the plan to May 10, 2010, was granted by the Planning Commission in February 2009. The applicant is requesting a second extension of the approval due to the difficulty the applicant is experiencing marketing this property. The conditions of the original approval will still apply to this plan and there have been no substantive subdivision regulation amendments that would affect the design of the subdivision.

Subdivision History A plan for 35 single-family lots was approved on this property in August of 2006. That plan originally was revised with the May 2007 concept plan to account for a stream buffer crossing the western boundary of the property and redesigned to eliminate double frontage lots along West Trinity Lane and lots without public street frontage. The adopted plan is well laid out with alley access and needed street connections. Prior to the May 2010 expiration of the Concept Plan, the applicant requested a one year extension for the approval of the plan which was granted by the Planning Commission

Section 2-3.4.f 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.

In order for the applicant to receive a second extension, the Planning Commission must grant a variance.

Variance Requirements Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

ANALYSIS -The intent of the regulation for which the variance is sought is to set a timeframe for approval of a Concept Plan. An extension to the Concept Plan was approved by the Planning Commission in February 2009 with a new expiration date of May 10, 2010.

The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area, but would provide needed street connections.

- b. There are no other subdivisions in the immediate area that are experiencing the same situation, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The variance is not to a design standard of the regulations, but to a processing standard. Because the request is not a variance to a design standard then c. of Section 1-11.1 is not applicable.
- d. The subdivision as previously approved is consistent with the area's long range policy, and current zoning requirements.

STAFF RECOMMENDATION Staff recommends approval of the variance to Section 2-3.4.f of the Subdivision Regulations and that approval of the Concept Plan for Nocturne Village be extended for one year to May 10, 2011, with the condition that all conditions of the May 10, 2007, approval of this concept plan remain with the extension.

CONDITION

- 1. All conditions of the May 10, 2007, approval of this concept plan remain with the extension.

Approved (8-0), **Consent Agenda**

Resolution No. RS2010-42

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-083U-03 is **APPROVED WITH A CONDITION and grant a variance to Section 2-3.4.f of the Subdivision Regulations to permit a second extension to concept plan approval to May 10, 2011. (8-0)**

Condition of Approval:

- 1. All conditions of the May 10, 2007, approval of this concept plan remain with the extension.

IX. PUBLIC HEARING: FINAL PLAT

- 5. **2009S-027-001**
 Poplar Hill Subdivision
 Map: 154-00 Parcel: 282
 Bellevue Community Plan
 Council District 35 – Bo Mitchell
 Staff Reviewer: Brenda Bernards

A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned AR2a (7.1 acres), requested by Wyatt and Wendy Rampy, owners.

Staff Recommendation: Approve a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to June 20, 2010.

APPLICANT REQUEST - Variance for Final Plat Extension - Permit the extension of a final plat approval.

A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned Agricultural/Residential (AR2a) (7.1 acres).

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 rural land use policies of the general plan.

CRITICAL PLANNING GOALS N/A

SUBDIVISION DETAILS The purpose of the extension request is to permit the applicant to meet the Planning

Commission's conditions of approval for this seven acre lot.

The lot is within a Natural Conservation Policy and is accessed from a private road within an access easement. The Subdivision Regulations allow up to 10 lots, five acres or greater, within the Natural Conservation or Rural land use polices, to be accessed from a private street (Section 3-9.3.c.1). As this will be the 13th improved property to take access from this private street, the Planning Commission granted a variance to Section 3-9.3.c.1 of the Subdivision Regulations on June 25, 2009.

The applicant agreed to construct a private street in the access easement to Metro standards (20 feet of pavement with two four-foot shoulders). The street will extend from Poplar Creek Road to the point where it meets the access driveway for the property. Construction plans have been approved by Public Works. The road, which will be on the applicant's property and a parcel of land currently owned by Metro, needs to be constructed or bonded prior to the recording of the plat.

The applicant is in the process of obtaining a performance bond, however, because they do not own all of the property, they cannot complete the process. Metro has declared its parcel surplus and is in the process of selling the property and does not want to be a party to the bond. Initially, the estimated time for the property to go through Metro's surplus property process was six weeks. At this point, the property is one of three included in BL2010-643, which had second reading on March 16, 2010, and is scheduled for third reading on April 6, 2010. It is the applicant's intention to bid for the property. As the plat expiration date was March 22, 2010, the applicant requested a second 90 day extension in order to bid on the property and complete the bond process. As the Subdivision Regulations do not include a process for final plat approval extensions, a variance to the 180 day approval period is needed.

Variance Requirements Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

ANALYSIS The intent of the regulation for which the variance is sought is to set a timeframe for approved plats to be recorded. The plat was approved by the Planning Commission on June 25, 2009, with an expiration date of December 22, 2009. Prior to the expiration date, the applicant requested a 90 day extension of the approval in order to be able to meet conditions 1 and 3 of approval of this plat. The applicant needs a second 90 day extension in order to accommodate the Metro process for selling surplus property.

1. *The private road shall be brought up to Metro Public Works standards from Poplar Creek Road to the point where it intersects with the access drive serving this lot.*
3. *The road shall be constructed or bonded prior to the recording of the plat. Upon completion of the road, the road shall be inspected by Public Works or the applicant shall obtain a letter from a registered engineer certifying that the road has been constructed to Public Works standards.*

The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area, but would actually improve the area as the portion of the road being brought up to Public Works standards will serve all lots taking access from this private street.

- b. There are no other subdivisions in the immediate area that are experiencing the same situation, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The variance is not to a design standard of the regulations, but to a processing standard. Because the request is not a variance to a design standard then c. of Section 1-11.1 is not applicable.
- d. The subdivision as previously approved is consistent with the area’s long range policy, and current zoning requirements.

STAFF RECOMMENDATION Staff recommends approval of the variance to Section 2-5.5, and that the final plat approval be extended for 90 days to June 20, 2010.

Approved (8-0), **Consent Agenda**

Resolution No. RS2010-43

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-027-001 is APPROVED including a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to June 20, 2010. (8-0)”

- 6. **2010S-018-001**
 LMP Madison LLC Property
 Map: 042-08 Parcel: 020
 Madison Community Plan
 Council District 4 – Michael Craddock
 Staff Reviewer: Brenda Bernards

A request for final plat approval to create three lots on property located at 211 Nesbitt Lane, approximately 700 feet north of Williams Avenue (15.27 acres), zoned IWD, requested by LMP Madison LLC, owner, Crawford & Cummings P.C., surveyor.

Staff Recommendation: Approve with condition

APPLICANT REQUEST - Final Plat - Create three lots.

A request for final plat approval to create three lots on property located at 211 Nesbitt Lane, approximately 700 feet north of Williams Avenue (15.27 acres), zoned Industrial Warehousing/Distribution (IWD).

ZONING

IWD District - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

CRITICAL PLANNING GOALS N/A

PLAN DETAILS The applicant is requesting final plat approval for a three lot industrial subdivision. The lots are accessed from Nesbit Lane via 50 foot access easement that runs the length of the property. There are three industrial buildings on the property and each new lot will contain one building. The Madison Community Plan includes a future roadway connection through this property. The 50 foot access easement included in this subdivision will keep this connection available should these properties redevelop over time.

PUBLIC WORKS RECOMMENDATION No exception taken.

STORMWATER RECOMMENDATION Approved

MADISON SUBURBAN WATER DISTRICT RECOMMENDATION Owner/developer has not submitted the requested construction plans for review.

STAFF RECOMMENDATION Staff recommends approval with a condition.

CONDITION

1. Prior to the recordation of the plat, the requirements of the Madison Suburban Water District shall be met.

Approved (8-0), **Consent Agenda**

Resolution No. RS2010-44

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010S-018-001 is **APPROVED WITH A CONDITION. (8-0).**”

Condition of Approval:

1. Prior to the recordation of the plat, the requirements of the Madison Suburban Water District shall be met.”

X. PUBLIC HEARING: REVISED SITE PLANS

7. 177-74P-001

Century City West (One Century Place Parking Revision)
 Map: 095-00 Parcel: 031
 Donelson/Hermitage/Old Hickory Community Plan
 Council District 15 – Phil Claiborne
 Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Century City West Commercial Planned Unit Development located at 26 Century Boulevard, approximately 400 feet south of Elm Hill Pike, zoned R8 and ORI (28.37 acres), to permit a parking lot expansion, requested by Civil Site Design Group PLLC, applicant, for Wells Reit-One Century Place LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - PUD Revision and Final -Revise PUD and final site plan to permit additional parking.

A request to revise the preliminary plan and for final approval for a portion of the Century City West Commercial Planned Unit Development located at 26 Century Boulevard, approximately 400 feet south of Elm Hill Pike, zoned One and Two-Family Residential (R8) and Office/Residential Intensive (ORI) (28.37 acres), to permit a parking lot expansion.

CRITICAL PLANNING GOALS N/A

REQUEST DETAILS The request is to revise the last approved preliminary plan for a portion of the Century City West Commercial Planned Unit Development. The site is currently developed and this request does not propose any changes to the existing building on the site.

As proposed the plan will provide an additional 200 parking spaces by rearranging the grounds immediately adjacent to the existing building. This will bring the total number of parking spaces from 2,170 to 2,370. According to the plan, the proposed increase in parking spaces is to attract a new corporate tenant who requires more parking.

Staff has no concerns with the proposed request. The request does not propose any major changes to the PUD, and as proposed, meets all zoning requirements.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

STORMWATER RECOMMENDATION Approve with the following conditions:

1. Provide the local FEMA Map information, the Community Map Number, and Date on the plans.
2. Pipe material was not called on Plan Sheet C2.00. A Mannings n value of 0.013 and 0.012 was used in the design calculations.
3. Check pipe sizes on plans and from design calculations. Pipe A16-A15 is listed as 18-inch diameter on the plans and

as 24-inch diameter in the calculations.

4. Add a note to the plans stating that buffer signs are required – location to be determined during pre-con by NPDES.
5. MWS criteria for Wet Ponds require an outlet pond drain value. *Otherwise provide the drainage protocol in the Long Term Maintenance Plan.*
6. Register of Deeds for the Long Term Maintenance Plan will be \$5 per page plus \$7.
7. A Dedication of Easement will be required for the proposed Wet Pond. Register of Deeds fees will be \$5 per page plus \$2.

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The request does not propose any major changes, and meets all requirements of the Zoning Code.

CONDITIONS

1. 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 Stormwater Management division of Water Services.
2. 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.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
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.

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 (8-0), **Consent Agenda**

Resolution No. RS2010-45

“BE IT RESOLVED by The Metropolitan Planning Commission that 177-74P-001 is **APPROVED WITH CONDITIONS.**
(8-0)

Conditions of Approval:

1. 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 Stormwater Management division of Water Services.
2. 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.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro

Planning Commission to review such signs.

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."

XI. PUBLIC HEARING: MANDATORY REFERRAL

8. 2010M-003AB-001

Portion of 43rd Ave. N. and Alley #1203 Abandonment
Map: 091-12 Parcels: 055, 056, 096, 097, 098, 099, 100, 101, 102
West Nashville Community Plan
Council District 20 – Buddy Baker
Staff Reviewer: Bob Leeman

A request to abandon a portion of 43rd Avenue North, from Georgia Avenue northward to its terminus, and a portion of Alley #1203 east of 44th Avenue North to its terminus (easements to be retained), requested by Councilmember Buddy Baker, applicant, for James R. Hunter and RCG Group LLC, owners.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Alley and Street Abandonment -Abandon portions of 43rd Avenue N and Alley #1203

A request to abandon a portion of 43rd Avenue North, from Georgia Avenue northward to its terminus, and a portion of Alley #1203 east of 44th Avenue North to its terminus (easements to be retained).

CRITICAL PLANNING GOALS N/A

REASON FOR CLOSURE The application states the reason for the closure is “to eliminate dumping of trash, tree limbs and tires.” The applicant has also indicated that this will allow the adjacent property owner to consolidate the adjacent parcels and rezone the parcels from residential to industrial.

Alley/ Road Length Alley #1203 is approximately 310 feet in length with six vacant residential lots fronting Georgia Avenue.

The portion of 43rd Avenue North proposed to be closed is approximately 300 feet in length extending from Georgia Avenue to its northern terminus.

DEPARTMENT AND AGENCY COMMENTS

Planning While there are currently no homes built on the six residential lots served by Alley #1203, alleys are an important structural element to the transportation network in this area of West Nashville. These facilities, as well as streets, bikeways, sidewalks and pedestrian ways directly affect mobility to and from the community and within it. Providing an opportunity for any future homes to have alley access will also serve to enhance the pedestrian realm along Georgia Avenue in the future by creating an urban streetscape with front porches and windows on the street. Since these six residential properties back up to an existing industrially zoned area, garages in the rear and accessed via the alley provide additional buffering.

It is premature to close the alley as long as the six residential lots still exist and until the residential properties are zoned industrial.

West Nashville Community Plan The West Nashville Community Plan policy for this area is T4 Urban Neighborhood Maintenance, which would call for the maintenance of the existing character in this area, including supporting alleys for residential development. The plan states that alleys are the preferred form of access in urban neighborhoods.

Public Works Public Works is recommending approval.

NES NES is recommending approval with a condition to retain easement rights.

Emergency Communications Center (ECC) The ECC is recommending approval.

Water Services Water Services is recommending approval with a condition that all easement rights are retained for water and sewer lines in the right-of-way.

STAFF RECOMMENDATION Staff recommends disapproval of the request to abandon Alley 1203 and a portion of 43rd Avenue North which serves as access to the alley.

Mr. Leeman presented the staff recommendation of disapproval.

Ron Hunter, the adjacent property owner, spoke against staff recommendation. Stated that closing the alley is a positive move for the neighborhood due to the fact that the property is not used by local residents or property owners and that it has become a haven for trash. Applicant stated that the alley in its present form contributes a negative impact to the neighborhood and asked the Commission to close the alley.

Emma Forte, 4305 Georgia Ave, spoke in favor of staff recommendation, would prefer to keep any illegal activities confined to the alley instead of on her property.

Rick Bradley, 5001 Indiana Avenue, spoke in favor of staff recommendation. Mr. Bradley stated that he was just recently made aware of this proposal and that he had spoken with some of the area residents. They were all opposed not only to this proposal but also to the future zoning change. He feels that the zoning change should be completed first.

Dorothy Woodroof, 4400 Georgia Avenue, spoke in favor of staff recommendation and against abandonment due to possible expansion of crime into residential areas.

Councilmember Crafton spoke in favor of closing the alley in reference to cleaning up the area and the potential effects of the subsequent zone change application.

Councilmember Baker asked the Commission to approve the alley closure.

Mr. Dalton expressed uncertainty about reaching a decision and asked for discussion from other Commission members.

Ms. Jones stated a preference for deferral in order to discuss the application along with its corresponding zone change proposal of the area.

Mr. Ponder and Mr. Clifton agreed with Ms. Jones.

Mr. Bernhardt clarified to the Commission the consequences of delaying a decision on a council bill.

Discussion ensued regarding the possibility of deferral without delaying the council bill process.

Dr. Cummings stated she was prepared to vote in favor of staff recommendation but has no objection to waiting until a subsequent zone change application is heard by the Commission. Dr. Cummings also stated that she would like to hear from the neighborhood during that time.

Councilmember Gotto stated alleys are difficult to maintain and provide a haven for crime and refuse. He is in support of deferring but would like to vote to close this property due to it being a public safety issue.

Dr. Cummings asked for clarification of separation on this application and subsequent zone change.

Mr. Gee asked if disapproval would affect the applicant's future prospects.

Councilmember Baker, the applicant on the Mandatory Referral, asked the Commission to defer the application until the zone change could be heard along with it at the June 10, 2010 Planning Commission meeting.

Councilmember Gotto moved to defer indefinitely the application, Mr. Dalton seconded the motion.

Councilmember Gotto withdrew the motion to defer indefinitely.

Chairman McLean asked that barriers be placed at the end of the alley or remove pavement to stop public access.

Councilmember Gotto moved and Mr. Ponder seconded the motion, which was approved unanimously, to defer until the June 10, 2010 Planning Commission meeting. (9-0)

Resolution No. RS2010-46

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010M-003AB-001 is DEFERRED TO THE JUNE 10, 2010 PLANNING COMMISSION MEETING. (9-0)”

XII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS

- 9. 2000P-003G-06**
Riverwalk (Cancellation)
Map: 126-16-0-B Parcel: 062
Bellevue Community Plan
Council District – Bo Mitchell
Staff Reviewer: Jason Swaggart

A request to cancel a portion of the Riverwalk Planned Unit Development district located at 6000 Rivervalley Drive, at the southeast corner of Rivervalley Drive and Newsom Station Road, zoned RM2, (58.62 acres), approved for 61 multi-family dwelling units, requested by Councilmember Bo Mitchell, applicant, Bank of America N.A., owner. (See also Proposal No. 2007Z-184G-06).

Staff Recommendation: Defer indefinitely

The Metropolitan Planning Commission DEFERRED INDEFINITELY Planned Unit Development 2000P-003G-06 at the request of the applicant. (8-0)

- 10. 2007Z-184G-06**
Map: 126-16-0-B Parcel: 062
Bellevue Community Plan
Council District – Bo Mitchell
Staff Reviewer: Jason Swaggart

A request to rezone from RM2 to RS40 property located at 6000 Rivervalley Drive, at the southeast corner of Rivervalley Drive and Newsom Station Road and located within a Planned Unit Development Overlay (58.62 acres), requested by Councilmember Bo Mitchell, applicant, Bank of America N.A., owner. (See also Proposal No. 2000P-003G-06).

Staff Recommendation: Defer indefinitely

The Metropolitan Planning Commission DEFERRED INDEFINITELY Zone Change 2007Z-184G-06 at the request of the applicant. (8-0)

XII. OTHER BUSINESS

- 11. Planning Commission Retreat
- 12. Amendment #2 to Contract No. L-1917 between Metropolitan Government of Nashville and Davidson County on the behalf of the Nashville Area MPO and AECOM, Inc (formerly EDAW, Inc)

Approved (8-0), **Consent Agenda**


- 13. Historical Commission Report
- 14. Board of Parks and Recreation Report
- 15. Executive Director Reports
- 16. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 5:08pm.

Chairman

Secretary

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