



**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**

July 22, 2010

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

James McLean, Chairman
Hunter Gee, Vice Chairman
Ana Escobar
Tonya Jones
Derrick Dalton
Phil Ponder
Councilman Jim Gotto

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Director
Kelly Armistead, Administrative Services Officer III
Bob Leeman, Planning Manager II
Brenda Bernards, Planner III
Greg Johnson, Planner II
Brian Sexton, Planner I
Cindy Wood, Planner III
Jason Swaggart, Planner II
Craig Owensby, Public Information Officer
Dennis Corrieri, Planning Technician I
Jennifer Carlat, Planning Manager II

Commission Members Absent:

Stewart Clifton
Judy Cummings
Andrée LeQuire

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 4:02 p.m.

II. ADOPTION OF AGENDA

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to adopt the revised agenda as presented. (7-0)

III. APPROVAL OF JUNE 24, 2010, MINUTES

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the June 24, 2010 minutes as presented. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Hollin spoke regarding Items 1 & 2 and asked the Commission to defer these items.

Councilmember Jameson spoke regarding Items 1 & 2 and urged the Commission not to defer these items due to the fact that everyone is in agreement with the technical amendment. He also asked the Commission to consider and approve these Items.

Councilmember Bennett spoke in favor of Items 1 & 2 stating that she feels this will be a good move for the community.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

6. 61-72P-001 A request for a variance in the Bell Ridge Commercial PUD Overlay at 1109 Bell Road to permit a zero foot front setback, where ten foot setback is required and to permit a sign to be located in the Scenic Arterial Buffer Yard -Withdrawn
8. Consideration of an amendment of the Rules and Procedures for the creation of an Executive Committee -Deferred to the August 12, 2010 meeting

Mr. Gee moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the Deferred or Withdrawn items as presented. (7-0)

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 of 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 council."

VI. PUBLIC HEARING: CONSENT AGENDA

PUBLIC HEARING: CONCEPT PLANS

3. 2008S-048U-05 A request to extend concept plan approval for one year to July 24, 2011, for an 18-lot subdivision on properties located at the northwest corner of Riverside Drive and Huntleigh Drive.

-Approved concept plan extension to July 24, 2011

PUBLIC HEARING: FINAL PLATS

4. 2009S-118-001 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 Best One Nashville Realty Subdivision for three lots at 705 Murfreesboro Pike.

-Approved a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to October 11, 2010.

PUBLIC HEARING: REVISED SITE PLANS

5. 2005P-017-001 A request to revise the preliminary and for final approval for a portion of the Shoppes on the Harpeth Commercial PUD located at 8100 Highway 100, to permit the development of a 6,300 square foot restaurant, replacing 12,150 square feet of office and retail uses. -Approved w/conditions

OTHER BUSINESS

9. Approved new employee contracts for Scott Morton and Michael Briggs. -Approve

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to accept the revised Consent Agenda as presented. (7-0)

VII. PUBLIC HEARING: COMMUNITY PLANS

1. 2010CP-005-001

Map: 072-10 Parcels: Various

Map: 072-13 Parcels: Various

Map: 072-14 Parcels: Various

Map: 083-01 Parcels: Various

Map: 083-05 Parcels: Various

East Nashville Community Plan

Council Districts 5 – Jamie Hollin, 6 – Mike Jameson, 7 – Erik Cole, 8 – Karen Bennett

Staff Reviewer: Cynthia Wood

A request to amend the *East Nashville Community Plan: 2005 Update* to change from Parks, Reserves and Other Open Space in Potential Open Space, Mixed Housing in Neighborhood General, and Mixed Housing in Community Center to Mixed Use in Community Center all or portions of various parcels along both sides of Gallatin Avenue between Alleys No. 1003 and 715 and along both sides of Gallatin Pike between Carolyn and Cahal Avenues and Burchwood Avenue and to revise all associated Special Policies to reflect the change in uses supported by the amended policies while continuing to reflect East Nashville Community Plan goals and objectives. (47.25 acres), requested by the Metro Planning Department, applicant, various property owners.

Staff Recommendation: Approve

APPLICANT REQUEST - Amend land use policy from Mixed Housing in Community Center to Mixed Use in Community Center and revise Special Policy 18.

Amend the Community Plan A request to amend the *East Nashville Community Plan: 2005 Update* to change from Parks, Reserves and Other Open Space in Potential Open Space, Mixed Housing in Neighborhood General, and Mixed Housing in Community Center to Mixed Use in Community Center all or portions of various parcels along both sides of Gallatin Avenue between Alleys No. 1003 and 715 and along both sides of Gallatin Pike between Carolyn and Cahal Avenues and Burchwood Avenue and to revise all associated Special Policies to reflect the change in uses supported by the amended policies while continuing to reflect East Nashville Community Plan goals and objectives. (47.25 acres)

CRITICAL PLANNING GOALS The proposed amendment supports the following critical planning goals:

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Provides a Range of Housing Choices
- Supports Infill Development
- Promotes Compact Building Design

These goals are supported through land use policies that encourage a compact, walkable, multi-modal, mixed use corridor along Gallatin Pike.

EAST NASHVILLE COMMUNITY PLAN

Current Policies:

Parks, Reserves and Other Open Space in Potential Open Space This category is for open space intended for active and passive recreation, as well as buildings that support such open space. Sites in Potential Open Space policy are also assigned an alternate policy in case the site is not secured for open space use. The alternate policy for this site is Mixed Housing in Neighborhood General.

Mixed Housing in Neighborhood General (MH in NG); Mixed Housing In Community Center (MH in CC)

Mixed Housing areas support a diverse variety of housing types. Single- and two-family homes, townhomes and stacked flats are appropriate.

Special Policy 18: “Because this area is undergoing a long-term transition from primarily commercial use and zoning to primarily residential use, it is appropriate to support rezonings that permit mixed use provided that each building is multi-story and the non-residential use is confined to the first floor (excluding parking, which is considered an accessory rather than

a non-residential use for the purposes of this Special Policy).”

Proposed Land Use Policy:

Mixed Use in Community Center (MxU in CC) Mixed Use areas support residential, office, and/or commercial uses either in stand-alone buildings or in vertical mixed use buildings.

BACKGROUND On February 9, 2006, the Planning Commission adopted the *East Nashville Community Plan: 2006 Update* and the *Detailed Neighborhood Design Plan for the East Hill, Renraw, and South Inglewood (West) Neighborhoods*, which is a part of the East Nashville Community Plan. On June 28, 2007, the Commission adopted Amendment Number 1 to the East Nashville Community Plan, which added Detailed Land Use Policies (the Mixed Housing in Community Center policy described above) and Special Policy 18 to those areas of Gallatin Pike which did not yet have such policies applied to them through the development of prior Detailed Neighborhood Design Plans. This community plan amendment was undertaken to support the development of the Gallatin Pike Specific Plan zoning that was developed to implement the vision of the East Nashville Community Plan.

The East Nashville Community Plan envisioned Gallatin Pike redeveloping as a pedestrian friendly, multi-modal, mixed use corridor. As part of this, the policies along the corridor included a mixture of Mixed Use and Mixed Housing. The Mixed Use policies attempted to center commercial uses around prominent intersections. Meanwhile, Mixed Housing policy was applied to portions of Gallatin *between* the commercial nodes, to encourage residences to support the businesses and transit on the corridor.

Usually a Mixed Housing policy would encourage *only* residential. The Mixed Housing policy areas on Gallatin Pike were modified, however, by Special Policy 18, to allow limited office and commercial development on the first floor of residential buildings on the corridor. This modification was included to acknowledge the existing developed conditions along Gallatin Pike and the market readiness of the corridor to support new housing directly on Gallatin Pike. Special Policy 18 allowed non-residential use of the first floor as long as the building was multi-story and the upper floors were residential.

Despite this flexibility, it has become increasingly apparent that the market is influenced by existing conditions to such an extent that even this Special Policy is inadequate to produce the desired development pattern. Specifically, Planning staff and the community have come to realize that while redevelopment is occurring on Gallatin Pike, the market is not yet ready to support this level of residential development. This realization has prompted the need for this proposed plan amendment and the accompanying amendments to the Gallatin Pike Specific Plan that are also on this Planning Commission agenda (see Case No. 2007SP-122U-05). By amending the East Nashville Community Plan to encourage mixed use development along the length of Gallatin Pike, the plan would still permit residential development, but would also accommodate mixed use development on all portions of the corridor.

COMMUNITY PARTICIPATION Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 600 feet of the subject site. Since this is a minor plan amendment, a community meeting was not required.

ANALYSIS

Physical Site Conditions This site has been developed for many years. Although there are some changes in topography within the area, there are no physical site conditions that constrain development with the exception of some steep slopes between Granada and Petway Avenues on the west side of Gallatin Pike that may affect the future construction of rear access.

Land Use Land uses are predominantly commercial along both sides of Gallatin Pike with primarily single- and two-family residential development adjacent to the commercial corridor. There are also two religious institutions, a YMCA, and a very small amount of vacant land along Gallatin Pike in the amendment area.

Access Properties within the site gain their access from Gallatin Pike and in some cases side streets and rear alleys. Seventeen of the eighty-four parcels within the amendment area take their access from side streets rather than from Gallatin Pike. Forty-seven of the eighty-four parcels lack alley access. The fact that the majority of the properties gain access from Gallatin Pike does provide some constraint to developing the urban, mixed use, multi-modal corridor envisioned by the East Nashville Community Plan. The presence of near constant curb cuts diminishes the functioning of Gallatin Pike, and harms the pedestrian environment immensely.

Development Pattern The development pattern is distinguished by relatively small, single-story buildings, the largest individual commercial building being 10,570 square feet. There is one small strip shopping center totaling 16,475 square feet. Parking is typically found in front of, and to a lesser extent beside or behind, buildings even when they are relatively close to the street.

Historic Features There is one historic feature associated with this site, which is a diner located at 1102 Gallatin Avenue that is designated Worthy of Conservation. This designation is for recognition only and offers no level of protection against alteration or demolition.

Conclusion This amendment recognizes that existing conditions and market forces on Gallatin Pike diminish the likelihood of introducing high density housing in multi-story buildings to the corridor. The amendment recognizes that without further improvements in the overall development pattern and streetscape of Gallatin Pike, the desired housing is unlikely to be developed at this time. The amendment allows greater flexibility by allowing mixed use development without the restriction of upper story housing. It is hoped that this will spur needed improvements to the development pattern and streetscape. These improvements in turn can provide a more welcoming environment for the desired housing, particularly in the form of vertical mixed use buildings. This phenomenon has occurred elsewhere in Nashville in recent years, for example along 12th Avenue South, where a combination of rehabilitation of existing commercial buildings, streetscape improvements, and construction of new mixed use buildings has occurred. Most recently, this new mixed use development has included upper story residential.

Some of the parcels in the amendment area are deeper than others, thereby intruding further into adjacent residential neighborhoods. This raises the possibility that redevelopment of these larger properties could adversely impact abutting, established residential development. Staff therefore recommends that rather than deleting Special Policy 18, it be amended to read as follows:

“Some of the parcels along Gallatin Pike are significantly deeper than others, presenting opportunities for greater flexibility in the design of the envisioned mixed use development along the corridor. Along with this increased flexibility comes the potential for incompatibility with adjacent residential development. Because of this potential, this Special Policy recommends that care be devoted to protecting the adjacent residential development from potential negative impacts through buffering elements such as landscaping and solid fences and walls and/or through the sensitive design and thoughtful siting of development elements. Potential negative impacts include the proximity of unsightly development elements such as HVAC equipment and dumpsters, odors, noises, lighting, and traffic.”

STAFF RECOMMENDATION Staff recommends approval.

Ms. Wood presented the staff recommendation of approval.

Steve Hager, 1027 Burchwood Avenue, has two concerns, the first being Phillips & Robinson funeral home. He would like to prohibit them from expanding on additional property and/or acquiring additional property for crematoriums. The second concern is regarding the parking situation.

Chairman McLean inquired if crematorium was allowed under current zoning.

Mr. Swaggart clarified the present zoning of this property.

Chairman McLean requested further clarification and Mr. Bernhardt stated that he would acquire answers and provide them to the Councilmembers prior to the Council meeting.

Ron Smith, 925 Gallatin Avenue, spoke in favor of staff recommendation of approval, stating that he would like to develop a current property versus building a new one. He would also like to see this change expanded further up Gallatin Road.

Barbara Brown, 1302 Edgewood Place, owns two structures on Gallatin Road (913 & 917). Spoke in favor of staff recommendation of approval, stating that the community has been wanting to expand but has been unable to due to current zoning.

Amy Bryson, 1038 Petway Avenue, spoke in favor of staff recommendation of approval due to the fact that this change will be providing property owners a lot more usability to their current structures.

Bobby Taylor, 921 A-B Gallatin Road, inquired if an auto parts store would be permitted in the proposed zoning change.

Mr. Swaggart clarified that auto parts store is considered retail and therefore would be a permitted use.

Mr. Gee moved and Mr. Ponder seconded the motion, which passed unanimously, to close the Public Hearing. (7-0)

Councilmember Gotto stated his support of Items 1 & 2, but would like to see these Items deferred in order to provide time to review the Legal Opinion.

Mr. Ponder spoke in favor of staff recommendation and is prepared to go ahead and vote on these Items.

Ms. Escobar asked for clarification from Councilmember Hollin as to which items specifically he is asking to defer.

Councilmember Hollin clarified his request to defer Items 1 and 2.

Mr. Bernhardt stated that the Planning Department is in complete agreement with the Legal Opinion.

Mr. Gee spoke in favor of staff recommendation and stated that he is prepared to go ahead and vote on these Items.

Mr. Dalton spoke in favor of staff recommendation.

Mr. Ponder moved and Mr. Gee seconded the motion, which passed unanimously, to approve Item 1. (7-0)

Resolution No. RS2010-100

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010CP-005-001 is **APPROVED. (7-0)**”

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS AND SPs

2. 2007SP-122-005

Gallatin Pike Improvement District

Map: 072-10 Parcels: Various

Map: 072-13 Parcels: Various

Map: 072-14 Parcels: Various

Map: 083-01 Parcels: Various

Map: 083-05 Parcels: Various

East Nashville Community Plan

Council Districts 5 – Jamie Hollin, 6 – Mike Jameson, 7 – Erik Cole, 8 – Karen Bennett

Staff Reviewer: Jason Swaggart

A request to amend portions of the Gallatin Pike Improvements District Specific Plan by deleting the Mixed Housing land use category and replacing with the Mixed Use land use category of the Gallatin Pike SP, along Gallatin Pike, Gallatin Avenue and Sharpe Avenue, located between Chicamauga Avenue and Greenwood Avenue and between Cahal Avenue and Burchwood Avenue (27.41 acres), requested by the Metro Planning Department, applicant, various property owners.

Staff Recommendation: Approve if associated Community Plan Amendment is approved

APPLICANT REQUEST -Replace the Mixed Housing with the Mixed Use land use category

Amend SP A request to amend portions of the Gallatin Pike Improvements District Specific Plan by deleting the Mixed Housing land use category and replacing with the Mixed Use land use category of the Gallatin Pike SP, along Gallatin Pike, Gallatin Avenue and Sharpe Avenue, located between Chicamauga Avenue and Greenwood Avenue and between Cahal Avenue and Burchwood Avenue (27.41 acres).

CRITICAL PLANNING GOALS The proposed amendment supports the following critical planning goals:

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Provides a Range of Housing Choices
- Supports Infill Development
- Promotes Compact Building Design

These goals are supported through land use policies that encourage a compact, walkable, multi-modal, mixed use corridor along Gallatin Pike.

BACKGROUND The Gallatin Pike Improvement District SP was originally adopted by the Metro Council on July 17, 2007 (BL2007-1523). It was subsequently amended by Metro Council on August 19, 2008 (BL2008-198) and on July 21, 2009 (BL2009-476). The SP district implements the detailed land use policies in the East Nashville Community Plan along a portion of the Gallatin Pike corridor. The SP includes provisions that guide land uses, building regulations, infrastructure requirements, and signage regulations based on the detailed community plan policies within the boundaries of the SP district.

The SP includes properties that abut both sides of the Gallatin corridor, from South 5th Street north to Briley Parkway. Properties located within the Institutional Overlay for the Nashville Auto Diesel College and Planned Unit Developments adopted pursuant to BL2003-82 and BL2005-881 are not included in the SP.

As is common with any “new” comprehensive regulatory systems, issues have arisen during implementation of the SP. The Metro Planning Department has initiated amendments to the SP to address these issues. The proposed amendment affects only the portions of the SP that are designated as Mixed Housing. Because the Gallatin Pike Improvement District SP is directly linked to the East Nashville Community Plan policies, then the associated land use policies must also be amended to reflect the proposed amendment. Community Plan Amendment 2010CP-005-001 is associated with this proposal and is consistent with this zoning amendment.

AMENDMENT DETAILS

General Other than specific land uses that are explicitly prohibited by the Gallatin Pike SP, permitted land uses are based on the Nashville Community Plan’s Land Use Policies. These policies are designated in the SP as land use categories, and the SP includes nine different categories:

- Parks Reserve and Other Open Space,
- Civic or Public Benefit,
- Single-Family Detached,
- Neighborhood General,
- Mixed Housing,
- Mixed Use,
- Office,
- Community Center and
- Commercial Mixed Concentration.

The proposed amendment is to remove the Mixed Housing category and replace it with the Mixed Use category.

The Mixed Housing category is intended to promote a mixture of residential options including single-family and multi-family. While the Mixed Housing is primarily intended for residential, it also permits non-residential uses on the first floor provided that the building is multi-story, and residential uses are provided on all other levels. The previous amendment to the SP expanded the permitted uses within this policy to include stand alone general office, medical office, financial institutions and personal care service uses within existing nonconforming structures provided there is no expansion.

The Mixed Use category is intended for buildings that are mixed horizontally and vertically. It permits residential, commercial, office and a mixture of the three. It also permits stand alone residential, office and commercial.

Proposed Amendment The Mixed Housing (MH) land use policy and land use category were placed in the current location for several reasons. A major reason was that it would provide opportunities for dense residential development along the Gallatin corridor. Density is needed to support the more intense commercial areas anticipated along other portions of the Gallatin corridor. Higher residential densities also support public transit, as well as, relieve the pressure for more intensity in single-family residential areas adjacent the corridor.

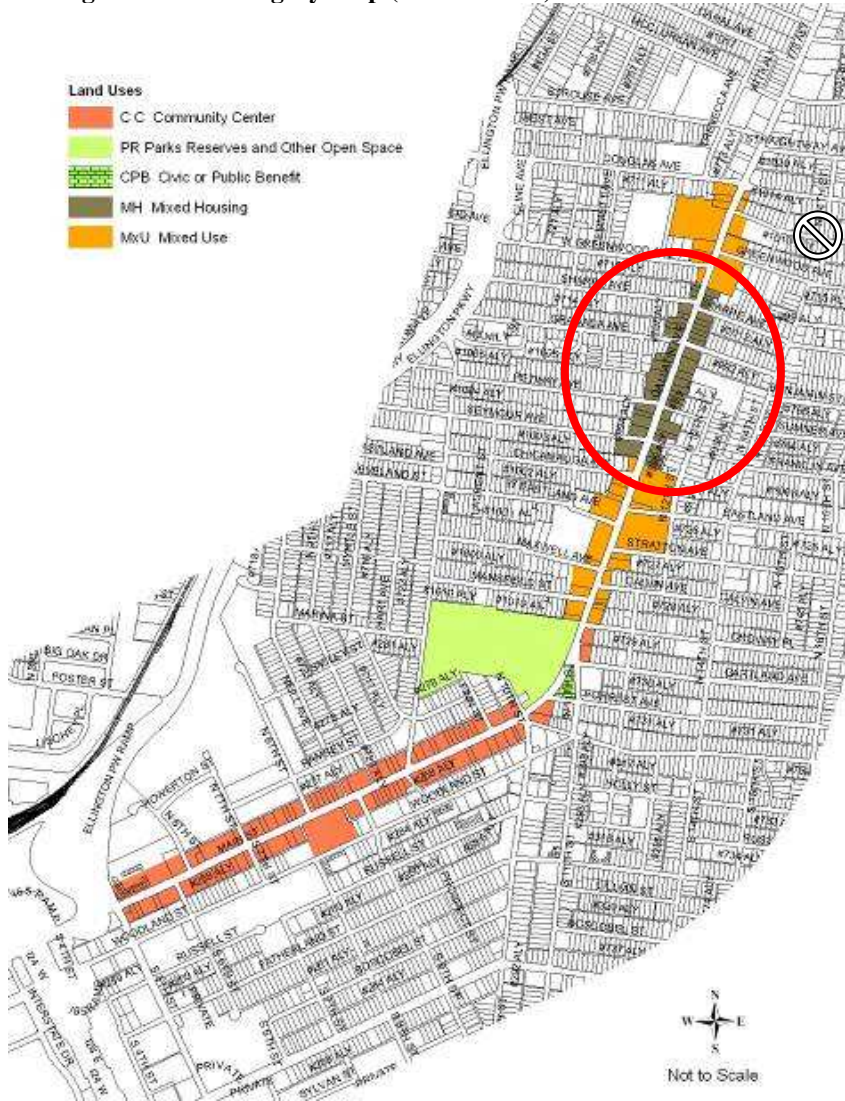
While the basis for the MH policy and category remain, the existing conditions along the Gallatin corridor coupled with the existing market conditions have made implementation very difficult. There has been relatively little redevelopment along the corridor, but existing buildings continue to be recycled into new uses. A majority of the development activity along the corridor has been limited to commercial. Even though the MH category was previously amended to permit stand alone non-residential uses, there have been concerns raised that, even with the additional flexibility, it is difficult to effectively utilize the properties. The primary concern has been, and continues to be, that the MH is too restrictive because there is no market for anything other than commercial along the corridor. From a permit perspective, few permits have been issued in areas with the MH and a majority of all permits issued in the SP have been for commercial uses.

As proposed, the MH will be removed from the list of categories in the SP with this amendment, and will be replaced with the Mixed Use (MU) land use category. The MU category permits a wider range of uses including many more commercial uses. As there have not been the same issues for properties with the MU, this amendment should adequately address the existing problem and promote reuse of existing buildings along the corridor. It is also important to note that since the MU permits high density residential, then the original idea behind the MH is not entirely lost.

SPECIFIC CHANGES

1. Delete Land Use Category Map for Subdistrict 1 (Page 16) and replace with new map. The existing map contains the MH category, and in the proposed map this category has been removed and replaced with the MU category. The proposed map also removes the land use category from being recognized on two properties. The two properties which contain the Walmart Market and a historic fire-station are within a Planned Unit Development (2003P-019U-05) and are not part of the SP. The two properties were erroneously identified on the map.

Existing Land Use Category Map (Subdistrict 1)



Proposed Land Use Category Map (Subdistrict 1)



2. Amend Table 1 (Page 22). Delete Mixed Housing and associated components from table.

Subdistrict 1 Land Use Category	Zone Districts for Land Use Purposes
Community Center	n/a - all areas are included within MDHA redevelopment plan
Parks Reserve and Other Open Space	n/a - all Metro owned school property
Civic or Public Benefit	n/a - all areas are included within MDHA redevelopment plan
Mixed Housing	RM40*
Mixed Use	MUL
Neighborhood General	R6

* In this land use area, new development may have retail, restaurant, office, personal care services or other “active” uses on the first floor provided that the building is multi-story, and residential uses are provided on all other levels. Stand alone general office, medical office, financial institution or personal care services uses are permitted within existing nonconforming structures provided the nonconforming structure is not expanded.

3. Delete Land Use Category Map for Subdistrict 2 (Page 26) and replace with new map. The existing map contains the MH category, and in the proposed map the MH category has been removed and replaced with the MU category.

Existing Land Use Category Map (Subdistrict 2)



Proposed Land Use Category Map (Subdistrict 2)



4. Amend Table 2 (Page 32). Delete Mixed Housing and associated components from table.

Subdistrict 1 Land Use Category	Zone Districts for Land Use Purposes
Mixed Housing	RM40*
Mixed Use	MUL
Single-Family Detached	RS5

* In this land use area, new development may have retail, restaurant, office, personal care services or other “active” uses on the first floor provided that the building is multi-story, and residential uses are provided on all other levels. Stand alone general office, medical office, financial institution or personal care services uses are permitted within existing nonconforming structures provided the nonconforming structure is not expanded.

STAFF RECOMMENDATION Staff recommends approval of the proposed amendment if the associated Community Plan amendment is approved. Along with the proposed policy amendment the changes will provide additional flexibility without compromising the intent of the Gallatin Pike Improvement District Specific Plan.

Mr. Swaggart presented the staff recommendation of approval if associated Community Plan Amendment is adopted

Councilmember Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to approve Item 2. (7-0) [See Item No. 1 for discussion]

Resolution No. RS2010-101

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-122-005 is **APPROVED. (7-0)**”

IX. PUBLIC HEARING: CONCEPT PLANS

3. 2008S-048U-05

Riverside Drive

Map: 083-11 Parcel: 080

Map: 083-15 Parcel: 193

East Nashville Community Plan

Council District 7 – Erik Cole

Staff Reviewer: Jason Swaggart

A request to extend concept plan approval for one year to July 24, 2011, for an 18-lot subdivision on properties located at Riverside Drive (unnumbered), at the northwest corner of Riverside Drive and Huntleigh Drive, zoned R10, requested by Riverside Development, LLC, owner.

Staff Recommendation: Approve concept plan extension to July 24, 2011

APPLICANT REQUEST -Extend concept plan approval

Extend Concept Plan Approval A request to extend concept plan approval for one year to July 24, 2011, for an 18 single-family lot subdivision on properties located at Riverside Drive (unnumbered), at the northwest corner of Riverside Drive and Huntleigh Drive, zoned Single and Two- Family Residential (R10).

Zoning

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

CRITICAL PLANNING GOALS N/A

SUBDIVISION DETAILS This is a request to extend concept plan approval for the Riverside Drive subdivision. The two properties included in the concept plan are located on the west side of Riverside Drive near its southern terminus in East Nashville. The properties are situated between Riverside Drive and the CSX railroad. The concept plan was approved for 18 single-family lots by the Planning Commission on July 24, 2008.

Section 2-3.4.f of the Subdivision Regulations specifies the effective period of concept plan approval. It states that the effective period for a major subdivision is two years, but that prior to expiration the approval can be extended for one year if the Planning Commission deems the extension appropriate based upon progress made in developing the subdivision. The concept plan approval will expire on July 24, 2010.

According to a letter from the applicant, the development was stalled due to a property dispute with CSX Railroad which owns the neighboring property to the west. The dispute has been settled and the applicant is now moving forward with the project. To date plans for Phase 1 have been submitted to Metro Water Services for review and all review fees and water and sewer capacities fees have been paid.

Staff Analysis The current concept plan meets all Subdivision Regulations, and with the exception of the rear yard setback, it meets all zoning requirements. While the plan does not provide the minimum distance required for the rear yard setback, the Board of Zoning Appeals has granted a variance for the proposed rear yard setback (2008-034). Since the concept plan meets all the requirements, and the applicant has made progress in developing the subdivision, staff recommends that the Planning Commission extend the concept plan approval for one year.

STAFF RECOMMENDATION Staff recommends that concept plan approval be extended for one year as requested by the applicant to July 24, 2011.

Approved (6-0), Consent Agenda

Resolution No. RS2010-102

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-048U-05 Concept Plan Extension is APPROVED to July 24, 2011. (7-0)”

X. PUBLIC HEARING: FINAL PLATS

4. 2009S-118-001

Best One Nashville Realty Subdivision
Map: 106-06 Parcel: 058
South Nashville Community Plan
Council District 16 – Anna Page
Staff Reviewer: Greg Johnson

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 Best One Nashville Realty Subdivision for three lots at 705 Murfreesboro Pike, zoned IR (22.67 acres), requested by Best One Nashville Realty Partnership, owner, Ragan-Smith-Associates Inc., surveyor.

Staff Recommendation: Approve a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to October 11, 2010.

APPLICANT REQUEST - Permit the extension of a final plat approval.

Variance for Final Plat Extension 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 Best One Realty Subdivision to create three lots on property located at 705 Murfreesboro Pike, approximately 150 feet west of Arlington Avenue (22.67 acres), zoned Industrial Restrictive (IR).

Zoning Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

CRITICAL PLANNING GOALS N/A

SUBDIVISION DETAILS 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 January 14, 2010, with an expiration date of July 13, 2010. Prior to the expiration date, the applicant requested a 90 day extension of the approval to October 11, 2010.

After approval but prior to recording this plat, the applicant needed to complete a Mandatory Referral process for the abandonment of public right-of-way within the plat boundary. The Mandatory Referral process was recently completed and approved. The construction of utilities, which had to wait for approval of the Mandatory Referral, is now underway. The applicant wishes to wait for completion of utilities construction before recording the plat. This will allow for easier adjustment of the utility easements if the construction requires alteration of the approved utility layout. The applicant believes that 90 days will be sufficient time to construct utility services and make any modifications, if necessary, to the easements.

Granting the Variance 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.
- b. There are no other industrial 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, this section 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 October 11, 2010.

Approved (6-0), Consent Agenda

Resolution No. RS2010-103

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-118-001 is APPROVED a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to October 11, 2010. (7-0)”

XI. PUBLIC HEARING: REVISED SITE PLANS

- 5. **2005P-017-001**
Shoppes on the Harpeth
Map: 155-12 Parcel: 287
Bellevue Community Plan
Council District 35 – Bo Mitchell
Staff Reviewer: Jason Swaggart

A request to revise the preliminary and for final approval for a portion of the Shoppes on the Harpeth Commercial Planned Unit Development located at 8100 Highway 100, approximately 1,050 feet west of Temple Road (1.3 acres), zoned CL, to permit the development of a 6,300 square foot restaurant, replacing 12,150 square feet of office and retail uses, requested by

Dale & Associates, applicant, for Appalachian Land & Leasing Company, LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Permit a restaurant.

Revise Preliminary and Final Site Plan Approval A request to revise the preliminary and for final approval for a portion of the Shoppes on the Harpeth Commercial Planned Unit Development located at 8100 Highway 100, approximately 1,050 feet west of Temple Road (1.3 acres), zoned Commercial Limited (CL), to permit the development of a 6,300 square foot restaurant, replacing 12,150 square feet of office and retail uses.

Existing Zoning

CL District -Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

CRITICAL PLANNING GOALS N/A

REQUEST DETAILS

The applicant has requested that a 6,300 square foot Applebee's Restaurant be located on an out parcel (Lot 3) in the Shoppes on the Harpeth Planned Unit Development.

Metro Zoning Code requires 63 parking spaces and the plan provides 63 spaces, including three handicap spaces. The number and dimensions of the parking spaces are consistent with Metro standards.

Access to the site is proposed from two locations. Neither drive provides direct access to a public street, but accesses internal private drives which connect to Highway 100 and Old Harding Pike. The proposed access is consistent with the Council approved plan.

Preliminary Plan The PUD was originally approved in 2005 and has been revised several times. In 2006, the revised preliminary plan for Lot 3 was for a 5,000 square foot restaurant. In 2007 the plan for this lot was revised to permit 12,150 square feet of office and retail uses. The proposed restaurant is similar to previous plans approved on the site and is consistent with the overall concept of the PUD.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

STORMWATER RECOMMENDATION Approved with conditions:

1. Added outlet protection to roof drain discharge.
2. Provide signatures to Maintenance Agreement and provide additional recording fees.

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposal meets all zoning requirements and is consistent with the overall concept of the original PUD plan approved by Council.

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. Ground sign shall consist of a monument type sign. The monument sign shall not exceed five feet in height and shall be architecturally coordinated with the proposed building and comply with the requirements of the zoning administrator as stipulated in Ordinance NO. BL2005-746. Building signs and all other non ground signs shall meet the minimum standards of Section 17.32 of the Metro Zoning Code.
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 (6-0), Consent Agenda

Resolution No. RS2010-104

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-017-001 **is APPROVED WITH CONDITIONS. (7-0)**

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. Ground sign shall consist of a monument type sign. The monument sign shall not exceed five feet in height and shall be architecturally coordinated with the proposed building and comply with the requirements of the zoning administrator as stipulated in Ordinance NO. BL2005-746. Building signs and all other non ground signs shall meet the minimum standards of Section 17.32 of the Metro Zoning Code.
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.”

6. **61-72P-001**
Bell Ridge Commercial (Setback Variance)
Map: 163-00 Parcel: 337
Southeast Community Plan
Council District 32 – Sam Coleman
Staff Reviewer: Greg Johnson

A request for a variance in the Bell Ridge Commercial Planned Unit Development Overlay at 1109 Bell Road (0.39 acres) from Section 17.24.070.A of the Metro Zoning Code to permit a zero foot front setback, where ten foot setback is required by the Zoning Code, and to permit a sign to be located in the Scenic Arterial Buffer Yard, zoned SCR, requested by Scott Denson, applicant, for Ashland Oil, Inc., owner.

Staff Recommendation: Disapprove

Withdrawn (6-0), Consent Agenda

The Planned Unit Development 61-72P-001 was withdrawn from the July 22, 2010 Metropolitan Planning Commission agenda at the request of the applicant.

7. 74-73P-001

Music Valley (Sign Variance)

Map: 062-00 Parcel: 233

Donelson/Hermitage/Old Hickory Community Plan

Council District 15 – Phil Claiborne

Staff Reviewer: Greg Johnson

A request for a variance in the Music Valley Planned Unit Development Overlay at 2416 Music Valley Drive (10.24 acres) from Section 17.32.070.D.3 of the Metro Zoning Code, zoned CA, requested by Joslin Signs, applicant, for Rudy's Farm Company of Tennessee, LLC, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Variance for signage size and placement.

Sign Variance A request for a variance in the Music Valley Planned Unit Development Overlay at 2416 Music Valley Drive (10.24 acres) from Section 17.32.070.D.3 of the Metro Zoning Code, zoned Commercial Attraction (CA).

PLAN DETAILS This property and several surrounding properties on the north side of McGavock Pike on both sides of Music Valley Drive are located within a Commercial PUD overlay. Surrounding properties contain land uses that are retail or service commercial in nature. The PUD does not contain unique signage standards.

Sign Details Casino Depot and Gray Line Tours currently have separate offices within the same complex, but are consolidating offices into the Gray Line Tours space. This has prompted the consolidation of tenant signage onto one tenant space, located on the end of a U-shaped building. Because of the orientation of the building, the shorter side façade of the tenant space faces Music Valley Drive. The two new building signs proposed for this side façade, one for Gray Line Tours and one for Casino Depot, are the subjects of this variance request.

Variance Request There are two variances needed to permit the signs as proposed by the applicants, the first for the total signage coverage and the second for the placement of the sign on the roof of the building.

The two proposed signs and a third sign that already exists on the façade will surpass the limit of total signage on a single façade. Total signage cannot exceed 15% of the square footage of a single façade.

The proposed placement of the two signs classifies them as roof signs. Roof signs are prohibited by the Metro Zoning Code.

A letter submitted by the applicant explains the need for these variances. The allowance of roof signs is needed for visibility reasons. Because of the single-story building height, the signs must extend above the façade to be visually unobstructed by the buses using the site. Exceeding the 15% allowance for signage on a single façade is needed to place the Casino Depot and Gray Line signs side-by-side for stronger business identification than would otherwise be allowed.

Analysis Because this request is within a PUD, the Planning Commission is required to make a recommendation to the Board of Zoning Appeals (BZA) to approve or disapprove the variance request. The BZA will make the final determination regarding the variance request.

As there were no specific sign requirements for this PUD when it was approved in 1973, the Master Development Plan anticipated and the Zoning Code requires that the signs follow the requirements of the Zoning Code. The site is flat and currently allows for multiple points of access. There are no natural features that would inhibit the visibility of a sign or business on this site. Additionally, several solutions exist to the issues cited by the applicant that would serve as an alternative to a variance request.

Rather than requesting a variance to exceed the total signage allowance on a façade, the Gray Line Tours and Casino Depot signage could be combined onto the same sign and/or dispersed onto both building facades. Instead of constructing roof signs, the sequence of bus movement and parking within the site could be altered to lessen visual interference with signage. The tenant space has two frontages to the adjacent parking lot and direct access to a surfeit of paved parking area that could accommodate a change in bus movement.

STAFF RECOMMENDATION Staff recommends that the Commission recommend disapproval of the variance for total signage area and placement on a roof. The applicant has not presented a unique physical characteristic of the property that would result in exceptional or undue hardship upon the strict application of the regulations.

Ms. Hammond presented the staff recommendation of disapproval.

Councilmember Gotto moved and Mr. Dalton seconded the motion, which passed unanimously, to put Item 7 on the Consent Agenda. (7-0)

Resolution No. RS2010-105

“BE IT RESOLVED by The Metropolitan Planning Commission that 74-73P-001 is **DISAPPROVED. (7-0)**”

XII. OTHER BUSINESS

8. Consideration of an amendment of the Rules and Procedures for the creation of an Executive Committee

The Metropolitan Planning Commission DEFERRED consideration of an amendment to the Rules and Procedures for the creation of an Executive Committee to the August 12, 2010, meeting. (7-0)

9. New employee contracts for Scott Morton and Michael Briggs.

Approved (7-0), Consent Agenda

Resolution No. RS2010-106

“BE IT RESOLVED by The Metropolitan Planning Commission that new employee contracts for Scott Morton and Michael Briggs are **APPROVED. (7-0)**”

10. Historical Commission Report

11. Board of Parks and Recreation Report

12. Executive Director Reports

13. Legislative Update

XIII. ADJOURNMENT

The meeting was adjourned at 5:07 p.m.

Chairman

Secretary



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