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**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**

August 26, 2010

4:00 PM

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

PLANNING COMMISSION:

James McLean, Chairman
Hunter Gee, Vice Chairman
Ana Escobar
Judy Cummings
Derrick Dalton
Stewart Clifton
Phil Ponder
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Members:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Director
Kelly Armistead, Admin Services Officer III
Bob Leeman, Planning Manager II
Brenda Bernards, Planner III
Craig Owensby, Public Information Officer
Dennis Corrieri, Planning Technician I
Brian Sexton, Planner I
Greg Johnson, Planner II
Jason Swaggart, Planner II
Doug Sloan, Legal
Carrie Logan, Planner II
Jennifer Regen, Development Relations Manager
Michael Briggs, Transportation Planner

Commission Members Absent:

Tonya Jones

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 4:09 p.m.

II. ADOPTION OF AGENDA

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

III. APPROVAL OF AUGUST 12, 2010, MINUTES

Mr. Gee requested three changes be made to the August 12, 2010 minutes.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt the August 12, 2010 minutes as presented. (7-0)

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IV. RECOGNITION OF COUNCILMEMBERS

Councilmember McGuire spoke against staff recommendation of Item 1 and asked the Commission to disapprove.

Councilmember McGuire spoke in support of staff recommendation of Item 14.

Councilmember Dominy spoke in support of staff recommendation of Item 9.

Dr. Cummings arrived at 4:14 p.m.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- | | | | |
|-----|-----------------|---|---|
| 2. | 2009Z-015PR-001 | A request to amend a previously approved Council Bill to modify a condition restricting access to Moss Road for property located at 5109 Moss Road. | -Deferred Indefinitely |
| 3. | 2010UD-002-001 | A request to make applicable the provisions of a UDO district to be known as the "Pin Hook UDO" to properties located at Pin Hook Road, Hamilton Church Road, east of Murfreesboro Pike. | -Withdrawn |
| 4. | 2010UD-006-001 | A request to make the provisions of a UDO district to be known as the "Edison Park UDO" applicable to properties located along Painter Drive, Schoolhouse Court, Jenny Ruth Point, Rebecca Trena Way, and Coneflower Trail. | -Deferred to the October 28, 2010, meeting. |
| 5. | 2010UD-007-001 | A request to make the provisions of a UDO district to be known as the "Hamilton-Hobson UDO" applicable to properties located at Hamilton Church Road and Hobson Pike (unnumbered). | -Deferred to the October 28, 2010, meeting. |
| 14. | 2010M-006PR-001 | An Ordinance requesting to declare as "surplus" a 5.2 acre parcel of real property located at 3701 Belmont Boulevard and known as "Walter Stokes School," located north of Glen Echo Road along the west side of Belmont Boulevard. | -Deferred to the September 14, 2010, meeting. |

Item 15 was added to the Deferred or Withdrawn Items list and deferred to the September 23, 2010 Planning Commission meeting.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the Deferred or Withdrawn Items. (8-0)

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAPS, TEXT AMENDMENTS, AND SPs

- | | | | |
|----|----------------|--|-------------------------------|
| 6. | 2006SP-061G-12 | The periodic review of an approved Specific Plan (R) district known as "Shane Point", to determine its completeness for property located at 6201 Nolensville Pike, approved for 25 townhomes. | -Found the SP District active |
| 7. | 2006SP-079U-13 | The periodic review of an approved Specific Plan (MU) district known as "Rural Hill Road", to determine its completeness for various properties located at the intersection of Bell Road and Rice Road, east of Rural Hill Road, approved for residential, office and commercial uses. | |
| | | -Find the SP District inactive and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. | |
| 8. | 2010SP-013-001 | A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 1044 Murfreesboro Pike, located partially within the Floodplain Overlay District, to permit all uses permitted by CS zoning and automobile repair. | -Approved w/conditions |

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- 11. 2010Z-019PR-001 A request to rezone from SP-R to AR2a zoning for property located at 7874 McCrory Lane and partially within the Floodplain Overlay District.

-Approved and direct staff to initiate a housekeeping amendment to change the policy to Natural Conservation

REVISED SITE PLANS

- 13. 117-84P-001 A request to revise the preliminary plan and for final approval for a portion of a Residential PUD Overlay located near Blue Hole Road and Tusculum Road, to permit a day care center for more than 75 children and to grant preliminary approval only for a future addition to that day care facility. -Approved w/conditions

OTHER BUSINESS

- 16. Approve application for HUD Sustainable Communities Regional Planning Grant on behalf of the MPO, for \$4,995,115 in federal funds from HUD to assist in the development of a regional vision and comprehensive plan for sustainable development for Middle Tennessee. -Approved
- 17. Employee contract renewal for Carrie Logan -Approved

Mr. Dalton arrived at 4:26 p.m.

Mr. Clifton moved and Councilmember Gotto seconded the motion, which passed unanimously, to accept the revised consent agenda as presented. (9-0)

Mr. Clifton moved and Councilmember Gotto seconded the motion, which passed unanimously, to defer Item 10 to September 14, 2010 Planning Commission meeting. (9-0)

VII. PREVIOUSLY DEFERRED ITEMS

- 1. **2010SP-014-001**
4101 Hillsboro Circle
Map: 131-02 Parcel: 013
Green Hills/Midtown Community Plan
Council District 25 – Sean McGuire
Staff Reviewer: Jason Swaggart

A request to rezone from OR20 to SP-MU zoning and for final site plan approval for property located at 4101 Hillsboro Circle, opposite Hillsboro Drive and located within the Green Hills Urban Design Overlay District and partially within the Floodplain Overlay District (0.17 acres), to permit retail, convenience retail and all uses permitted by OR20, requested by Emad Eshak, applicant, Reza Farazmand et ux, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Permit retail, convenience retail and all other uses permitted in the OR20 zoning district.

Rezoning A request to rezone from Office/Residential (OR20) to Specific Plan Mixed-Use (SP-MU) zoning and for final site plan approval for property located at 4101 Hillsboro Circle, opposite Hillsboro Drive and located within the Green Hills Urban Design Overlay District and partially within the Floodplain Overlay District (0.17 acres), to permit retail, convenience retail and all uses permitted by OR20.

Existing Zoning

OR20 District - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

FO District - Floodplain Overlay District (FO) represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of

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floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life.

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes a mix of uses.*

CRITICAL PLANNING GOALS N/A

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Regional Activity Center (RAC) RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. 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? Yes. The mix of uses in the proposed SP is consistent with the property's RAC policy. The policy supports uses such as retail activities, office and high density residential.

REQUEST DETAILS The property is located at 4101 Hillsboro Circle, southwest of the Hill Center, and is approximately 0.17 acres. It is currently developed with a building approximately 3,000 square feet in size with a paved driveway and parking lot.

The applicant has indicated that the existing building would be used for general retail or retail convenience. The OR20 district currently in place permits retail as an accessory use only with the following conditions:

1. The use is located within the same building as the office building.
2. The use can only be accessed from inside the office building and has no direct access from the outside.
3. There is no exterior signage on the office building.
4. The use can not occupy more than ten percent of total floor area of the office building.

While the proposed retail uses are not permitted as stand-alone uses in the existing OR20 zoning district, the uses are consistent with the RAC land use policy. To ensure that development is consistent with the long range plan, the policy also requires that any zone change be accompanied by an enforceable site plan such as a Planned Unit Development or SP.

The proposed SP will permit the stand-alone use of retail, but also ensure that any future development will be in compliance with the land use policy. It is also important to note that this property is within the Green Hills Urban Design Overlay. While the signage standards of the UDO are mandatory, the development standards are optional. These standards provide incentives such as floor area bonus for projects that develop under the UDO. The proposed SP zoning would not limit this property from developing under the standards of the UDO in the future. The SP is being utilized with this request because the applicant is not proposing any new development at this time. If new development is ever proposed on the site, then the SP would permit the owner to develop under the UDO guidelines.

The request is also for final site plan approval. Since the applicant would be using the existing building, the final site plan that would be required for a project with new construction is not necessary in this case. The proposed SP does include language for future development and does require a final site plan to be approved by the Planning Commission for any future development.

Specific Plan Proposal The proposed SP would permit retail, convenience retail, and all uses permitted in the OR20 zoning district. The SP plan also contains limitations which will ensure that permitted uses within the existing building do not become a nuisance, as well as limitations that will guide any future construction or redevelopment of the property. The conditions are as follows:

1. Permitted uses include all uses permitted in the OR20 zoning district, retail and convenience retail.
2. The sale of gasoline is not permitted.
3. The sale of beer or alcoholic beverages is not permitted.
4. All signage shall meet the Green Hills Urban Design Overlay Sign Standards.

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5. Parking requirements for all uses permitted in the OR20 zoning district shall meet Metro Zoning Requirements. The UZO District standards apply for uses classified as retail (general retail) or convenience retail.
6. New construction shall require final site plans to be submitted to the Planning Commission for approval.
7. Additional disturbance of the flood plain shall meet current regulations as they pertain to the flood plain and the Flood Plain Overlay District.
8. New construction shall be oriented towards Hillsboro Circle.
9. Front Setback for new construction:
 - Minimum 5 feet;
 - Maximum 10 feet.
10. Parking shall be located within the side or rear yard. Parking is not permitted within the front yard.
11. 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.
12. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the OR20 zoning district as of the date of the applicable request or application.

PUBLIC WORKS RECOMMENDATION An access study may be required with any development.

Maximum Uses in Existing Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.80 F	5,924 SF	152	20	20

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.17	-	3,000 SF	166	10	29

Traffic changes between maximum: **OR20** and proposed **SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	14	-10	9

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposed SP is consistent with the RAC land use policy.

CONDITIONS

1. Permitted uses in the SP are limited to retail, convenience retail and all uses permitted by the OR20 zoning district as described on the plan.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the OR20 zoning district as of the date of the applicable request or application.
3. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

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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.

Mr. Swaggart presented the staff recommendation of approval with conditions.

[Note: There was not a public hearing on this item since it was held at the previous meeting. This item was deferred to this meeting to allow more time for the applicant to discuss the rezoning with the Councilmember.]

Mr. Clifton asked for clarification regarding the current businesses on both sides of the property in question on Hillsboro Circle.

Mr. Swaggart clarified.

Ms. Escobar inquired if the applicant has any interest in the similar business that is currently in that area.

Mr. Clifton asked for clarification from Attorney Lee Corbitt, representing the applicant.

Mr. Corbitt stated that the applicant has withdrawn their application for the beer permit, but still intend to sell tobacco products.

Mr. Doug Sloan from Metro Legal cautioned against using the current similar retail location as reason for restricting the sale of alcohol and tobacco at this location and also stated that the Commission should not feel legally compelled to approve or disapprove the rezone.

Ms. LeQuire asked for clarification on the definition of OR zoning and if it has to be an accessory usage.

Mr. Swaggart clarified.

Mr. Gee asked for clarification on whether or not the applicant intends to sell alcohol and tobacco.

The applicant's attorney stated that his client will not sell alcohol or tobacco on the premises.

Chairman McLean inquired about current and future parking.

Mr. Swaggart stated that all parking will have to be in the rear of the building.

Metro Legal cautioned against restricting the sale of tobacco.

Mr. Clifton and Ms. LeQuire stated that they are still undecided.

Mr. Gee stated his concerns about adding limitations to the applicant that they have not asked for.

Discussion ensued regarding current zoning of the local businesses in that area.

Mr. Clifton moved and Mr. Dalton seconded the motion, which passed unanimously, to disapprove staff recommendation.

Mr. Gee asked for clarification on the location of the similar retail location.

Mr Corbitt clarified.

Motion carried to disapprove the zone change request. (9-0)

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Resolution No. RS2010-114

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-014-001 is **DISAPPROVED. (9-0)**

While the proposed SP is consistent with the properties Regional Activity Center policy, the existing OR20 zoning is also consistent and provides a better transition between the more intense RAC policy area east of the road and the residential policy area west of the creek.”

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS

- 2. 2009Z-015PR-001**
Map: 155-00 Parcel: 122
Bellevue Community Plan
Council District 35 – Bo Mitchell
Staff Reviewer: Jason Swaggart

A request to amend a previously approved Council Bill (BL2005-543) to modify a condition restricting access to Moss Road for property located at 5109 Moss Road, approximately 775 feet south of Collins Road (6.03 acres), zoned RM9, requested by Councilmember Bo Mitchell, applicant, Betty French and Mary and James Johnson, owners.

Staff Recommendation: Defer indefinitely

Deferred Indefinitely, (8-0)

The Metro Planning Commission DEFERRED INDEFINITELY Zone Change 2009Z-015PR-001 at the request of the applicant. (8-0)

- 3. 2010UD-002-001**
Pin Hook
Map: 164-00 Parcels: 083, 180, 181
Map: 164-00 Parcel: part of 193
Antioch/Priest Lake Community Plan
Council District 33 – Robert Duvall
Staff Reviewer: Greg Johnson

A request to make applicable the provisions of an Urban Design Overlay (UDO) district to be known as the "Pin Hook UDO" to properties located at 3534 and 3562 Pin Hook Road, Pin Hook Road (unnumbered), and at Hamilton Church Road (unnumbered), east of Murfreesboro Pike, zoned RM9 (61.48 acres), to apply building design and typology standards to lots zoned as RM9, requested by Councilmember Robert Duvall, various property owners.

Staff Recommendation: Withdraw application

Withdrawn, (8-0)

The Metropolitan Planning Commission WITHDREW Urban Design Overlay 2010UD-002-001 at the request of the applicant. (8-0)

- 4. 2010UD-006-001**
Edison Park
Map: 150-15-0-B Parcels: 001-089
Antioch/Priest Lake Community Plan
Council District 33 – Robert Duvall

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Staff Reviewer: Greg Johnson

A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Edison Park UDO" applicable to properties located along Painter Drive, Schoolhouse Court, Jenny Ruth Point, Rebecca Trena Way, and Coneflower Trail, east of Mt. View Road, zoned RS10 (20.36 acres), requested by Councilmember Robert Duvall, various property owners.

Staff Recommendation: Defer to October 28, 2010, Planning Commission meeting

Deferred to the October 28, 2010 Planning Commission meeting. (8-0)

The Metropolitan Planning Commission DEFERRED Urban Design Overlay 2010UD-006-001 to the October 28, 2010, Planning Commission meeting. (8-0)

5. 2010UD-007-001

Hamilton-Hobson

Map: 150-00 Parcel: 135

Map: 164-00 Parcels: 053, 060, 207, 258, 259, 293, 294, 295

Antioch/Priest Lake Community Plan

Council District 33 – Robert Duvall

Staff Reviewer: Greg Johnson

A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Hamilton-Hobson UDO" applicable to properties located at 3527, 3606, 3618 and 7086 Hamilton Church Road, Hamilton Church Road (unnumbered), 2214 Hobson Pike and Hobson Pike (unnumbered), at the intersection of Hamilton Church Road and Hobson Pike, zoned AR2a, RS10, MUL, and CS (45.18 acres), requested by Councilmember Robert Duvall, various property owners.

Staff Recommendation: Defer to October 28, 2010, Planning Commission meeting

Deferred to the October 28, 2010 Planning Commission meeting. (8-0)

The Metropolitan Planning Commission DEFERRED Urban Design Overlay 2010UD-007-001 to the October 28, 2010, Planning Commission meeting. (8-0)

IX. PUBLIC HEARING: ZONING MAP AMENDMENTS, SPs, AND TEXT AMENDMENTS

6. 2006SP-061G-12

Shane Point

Map: 172-00 Parcel: 157

Map: 172-16-A Parcel: 001-025, 900

Southeast Community Plan

Council District 31 – Parker Toler

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Shane Point", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at 6201 Nolensville Pike (3.37 acres), approved for 25 townhomes via Council Bill BL2006-1109 effective on July 18, 2006, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District active

APPLICANT REQUEST - Four year SP review to determine activity.

SP Review The periodic review of an approved Specific Plan- Residential (SP-R) district known as "Shane Point", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at 6201 Nolensville Pike (3.37 acres), approved for 25 townhouses via Council Bill BL2006-1109 effective on July 18, 2006.

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Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP District be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

DETAILS OF THE SP DISTRICT The SP was approved for 25 townhouses.

Staff visited the site on July 19, 2010. The site is under development with townhouse units both built and under construction.

The staff assessment of this SP is that it is active. Staff recommends that this SP be found active and that it be placed back on the four-year review list.

STAFF RECOMMENDATION Staff recommends that the Shane Point SP be found to be active.

Found the SP District Active. Consent Agenda. (9-0)

Resolution No. RS2010-115

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-061G-12 is **APPROVED AS ACTIVE. (9-0)**”

7. 2006SP-079U-13

Rural Hill Road

Map: 149-00 Parcels:119, 120, 121, 122, 123, 124, 125, 126, 128, 128.01, 131, 132, 133

Map: 149-00 Parcels:179, 180, 185, 190, 196, 232, 341, part of 200

Antioch/Priest Lake Community Plan

Council District 33 – Robert Duvall

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MU) district known as "Rural Hill Road", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for various properties located at the intersection of Bell Road and Rice Road, east of Rural Hill Road (33.25 acres), approved for a maximum of 570 residential units and 430,000 square feet of office and commercial uses via Council Bill BL2006-1113 effective on July 18, 2006, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District inactive and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST -Four year SP review to determine activity.

SP Review The periodic review of an approved Specific Plan- Mixed Use (SP-MU) district known as "Rural Hill Road", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for various properties located at the intersection of Bell Road and Rice Road, east of Rural Hill Road (33.25 acres), approved for a maximum of 570 residential units and 430,000 square feet of office and commercial uses via Council Bill BL2006-1113 effective on July 18, 2006.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP District is appropriate.

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DETAILS OF THE SP DISTRICT The Rural Hill Road SP was a collaborative effort by the property owners, the former Councilmember and the Planning Department. The SP promoted incremental, coordinated growth that is to result in a compatible design as if all of the properties were to develop under a single ownership.

The SP was designed to transition from commercial/ mixed-use along Bell Road, to a mixture of office and residential within the interior of the property, to all residential across from residential development along Rural Hill and Rice Roads.

A Building Regulating Plan included in the SP established three sub-districts. Permitted uses, building types, and intensities of development were all specified for the individual sub-districts. The following provides a general description of each sub-district.

Sub-district 1 Uses: Commercial, Office, and Multi-Family
Minimum of 50% retail development;
Maximum establishment size of 20,000 sq. ft.
Building Types: Mixed Use/Commercial, Live/Work, Stacked Flats, and Courtyard Flats
Maximum Building Height: 3 stories

Sub-district 2 Uses: Office and Multi-Family
Minimum of 50% residential development
Building Types: Mixed Use/Office, Live/Work, Stacked Flats, and Courtyard Flats
Maximum Building Height: 3 stories

Sub-district 3 Uses: Multi-family and Single-Family,
Building Types: Mansion House, Townhouse Court, Cottage Court, and Townhouse
Maximum Building Height: 2 and ½ stories to 3 stories

SPECIFIC PLAN REVIEW Staff conducted a site visit on July 19, 2010. There did not appear to be any construction activity on the site. While the next step after the site visit is to send a letter to the property owners of record requesting details that could demonstrate that the SP was active, in this case, as partners in the development of the SP, staff knew that there had been no activity. A Community Plan amendment accompanied the SP and the SP remains in compliance with the land use policies of the Antioch/Priest Lake Community Plan. The letter sent to the property owners stated the staff recommendation to the Planning Commission that this SP remain in place as approved.

FINDING OF INACTIVITY When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

Permits on Hold Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

Consistency with the General Plan This property is within the Antioch/Priest Lake Community Plan and there are two land

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use policies in place Community Center (CC) and Residential Medium High (RMH).

At the time the SP was recommended for approval by the Planning Commission, the Community Plan was amended to ensure that the SP was consistent with the policies. The analysis provided for the amendment was as follows:

Policy categories are typically mirrored across a major corridor such as Bell Road. In this case, however, RMH policy has been applied to undeveloped property directly across the street from commercially-zoned and policed properties. While higher-density residential and commercial developments may be compatible across a major arterial, it makes more sense to allow similar uses and intensities along both sides of this portion of the corridor to achieve a cohesive and balanced development pattern.

The area in question is well suited for the mixture of uses encouraged by CC policy, with good access to the major street and freeway systems. The property is highly visible and lacks environmental constraints. The surrounding residential neighborhoods are healthy and diverse. The proposed SP provides a transition from mixed-use development along Bell Road to strictly residential development that is compatible with adjacent neighborhoods.

These policies remain appropriate for the reasons stated in the initial amendment.

Amendments/Rezoning As the SP is consistent with the Community Center and Residential Medium High policies of the Antioch/Priest Lake Community Plan, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

Recommendation to Council If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission’s determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

STAFF RECOMMENDATION Staff recommends that the Rural Hill Road SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Found the SP District inactive and directed staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. Consent Agenda (9-0)

Resolution No. RS2010-116

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-079U-13 is **FIND THE SP DISTRICT INACTIVE, and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (9-0)**”

8. 2010SP-013-001

Alfa Tire
Map: 106-16 Parcel: 053
South Nashville Community Plan
Council District 13 – Carl Burch
Staff Reviewer: Jason Swaggart

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 1044 Murfreesboro Pike, at the southeast corner of Murfreesboro Pike and Philfre Court (0.22 acres), located partially within the Floodplain Overlay District, to permit all uses permitted by CS zoning and automobile repair, requested by Afsoon Hagh and Parvin Arjmandi, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Permit automobile repair and all uses of the CS zoning district.

Rezoning A request to rezone from Commercial Service (CS) to Specific Plan-Automobile (SP-A) zoning and for final site plan approval for property located at 1044 Murfreesboro Pike, at the southeast corner of Murfreesboro Pike and Philfre Court

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(0.22 acres), located partially within the Floodplain Overlay District, to permit all uses permitted by CS zoning and automobile repair.

Existing Zoning

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

FO District - Floodplain Overlay District represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. The proposed zoning request will not remove this property from the FO.

Proposed Zoning

SP-A District - Specific Plan-Auto is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan is for automobile uses, but will also permit commercial uses.*

CRITICAL PLANNING GOALS N/A

SOUTH NASHVILLE COMMUNITY PLAN

Corridor Center (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. 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? Yes. The policy permits all types of commercial uses including automobile repair. While no new development is presently proposed, the proposed specific plan will provide guidance for future development on the site, which will ensure that future development meets the intent of the policy.

REQUEST DETAILS The property is located at the southeast corner of Murfreesboro Pike and Philfre Court, and is just south of Mill Creek. The property is approximately 0.22 acres and is developed with an approximately 3,000 square foot building. There is paved parking in the front and the rear. Access to the property is from Murfreesboro Pike, Philfre Court and from the adjacent property to the south.

The property was once used as a dry cleaning business, but for the past several months the property has been used for auto repair, more specifically new and used tire sales. The business was cited, because this use is no longer permitted in CS and is only permitted in SP

Specific Plan Proposal The SP permits auto repair and all uses permitted in the CS zoning district. The SP plan also contains limitations which will ensure that the permitted uses on the property do not become a nuisance as well as limitations that will guide any future development on the site. The conditions are as follows:

1. Permitted uses include all uses permitted in the CS zoning district, and auto repair.
2. No free standing signs are permitted.
3. Building signage is limited to one sign on the front of the building facing Murfreesboro Pike, and one sign on the side of the building facing Philfre Court. Total sign area shall not exceed 60 square feet.
4. The number of parking spaces shall meet the minimum number of spaces required by the Zoning Code for the proposed use.
5. Outdoor storage or display is not permitted.
6. All auto repair services shall be provided at the rear of the building. Repair and repair services are not permitted in front of the building along Murfreesboro Road.
7. An accessory carport is permitted at the rear of the building. Accessory carport shall not be enclosed, and shall not cover more than 312 square feet.
8. New construction shall require final site plans to be submitted to the Planning Department for approval.

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- 9. The layout and design of any new construction shall meet the intent of the property’s land use policies.
- 10. Additional disturbance of the floodplain shall meet current regulations as they pertain to the floodplain and the Floodplain Overlay District.
- 11. 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.
- 12. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.

PUBLIC WORKS RECOMMENDATION An access study may be required with any development.

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposed SP is consistent with the property’s land use policy.

CONDITIONS

- 1. Permitted uses in the SP are limited to auto repair, and all uses permitted by the CS zoning district.
- 2. The existing free standing pole sign shall be removed from the property.
- 3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
- 4. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions, Consent Agenda (9-0)

Resolution No. RS2010-117

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-013-001 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

- 1. Permitted uses in the SP are limited to auto repair, and all uses permitted by the CS zoning district.
- 2. The existing free standing pole sign shall be removed from the property.
- 3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
- 4. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

The proposed SP is consistent with the South Nashville Community Plan’s Corridor Center policy.”

- 9. **2010Z-015TX-001**
Recreation Centers
Staff Reviewer: Jennifer Regen

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A council bill to amend Section 17.08, of the Metro Zoning Code, to allow recreation centers as a special exception use in the Agriculture (AG) and Agriculture/ Residential (AR2a) Zoning Districts., requested by Councilmember Duane Dominy.

Staff Recommendation: Approve

APPLICANT REQUEST - Permit a “recreation center” as a special exception use in AG and AR2a.

Text Amendment A council bill to amend Section 17.08, of the Metro Zoning Code, to allow recreation centers as a special exception use in the Agriculture (AG) and Agriculture/ Residential (AR2a) Zoning Districts.

PURPOSE The bill would permit a “recreation center” to locate in an agricultural zoning district as a special exception (SE) use.

Existing Law The existing Zoning Code permits a “recreation center” as a SE use in all R, RS, and RM zoning districts. A recreation center is defined in Section 17.04.060 of the Metro Zoning Code as a “community center, playground, park, swimming pool, and/or playing field, available to the membership of a club or the general public.”

Proposed Bill The bill would expand where recreation centers are now a SE use from the R, RS, and RM districts to the AG and AR2a zoning districts. A recreation center can be private or public, but it does not allow for a private gym or fitness center, whether for-profit or non-profit. Those uses would fall under “personal care services” in the Metro Zoning Code. Personal care services are not allowed in AG, AR2a, R, RS, and RM zoning districts.

STAFF RECOMMENDATION Staff recommends approval of this bill. According to the Metro Parks Master Plan (July 2008), large portions of the county are underserved by recreational facilities with significant portions lying outside of a 3 mile radius of a community center. Further, the bill supports Mayor Karl Dean’s “Healthy Nashville – Healthy Living Report” of April 2009 which calls for getting county residents more physically active and building more park play fields. The report states that in 2008, nearly 61% of Davidson county residents were overweight.

Ms. Regen presented the staff recommendation of approval.

Mr. Gee moved and Dr. Cummings seconded the motion, which passed unanimously, to close the Public Hearing. (9-0)

Ms. LeQuire inquired about the open space plan and if there could be conflicts within the county.

Mr. Clifton stated we will lose out on potential important recreational areas because of cost and delays if we don’t allow this special exception.

Councilmember Gotto stated that AR2a is the least intense zoning in Davidson County and spoke in favor of staff recommendation.

Councilmember Gotto moved and Mr. Clifton seconded the motion to approve staff recommendation. (8-1) Ms. LeQuire voted against.

Resolution No. RS2010-118

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-015TX-001 is **APPROVED. (8-1)**”

10. 2010Z-016TX-001

Amateur Radio Antenna Tower
Staff Reviewer: Jennifer Regen

A council bill to amend Section 17.16.290 of the Metro Zoning Code, to require an active, valid FCC license for operation of an amateur radio antenna, requested by Councilmember Anna Page.

Staff Recommendation: Approve subject to Metro Legal’s review and recommendation

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Deferred to the September 14, 2010 Planning Commission meeting. (9-0)

The Metropolitan Planning Commission DEFERRED the Zone Change 2010Z-016TX-001 to the September 14, 2010, Planning Commission meeting at the request of the applicant. (9-0)

11. 2010Z-019PR-001

Map: 126-00 Parcel: 085
Bellevue Community Plan
Council District 35 – Bo Mitchell
Staff Reviewer: Brian Sexton

A request to rezone from SP-R to AR2a zoning for property located at 7874 McCrory Lane and partially within the Floodplain Overlay District, approximately 1,850 feet south of Highway 70 S (36.2 acres), requested by Councilmember Bo Mitchell, applicant, John Gregory Jones, owner.

Staff Recommendation: Approve and direct staff to initiate a housekeeping amendment to change the policy to Natural Conservation

APPLICANT REQUEST - Rezone from SP-R to AR2a.

Zone Change A request to rezone from Specific Plan- Residential (SP-R) to Agricultural/Residential (AR2a) zoning for property located at 7874 McCrory Lane and partially within the Floodplain Overlay District, approximately 1,850 feet south of Highway 70 S (36.2 acres).

Existing Zoning

SP-R District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This SP permits 4 dwelling units per acre.*

FO District - Floodplain Overlay District represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. The proposed zoning request will not remove this property from the FO.

Proposed Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan. The AR2a zoning would permit 18 lots.

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 AR2a zoning is not consistent with the property's RLM policy. The proposed AR2a zoning is intended for residential uses with a density range of one dwelling unit per 2 acres while the RLM policy requires a density range of two to four dwelling units per acre.

While the request to rezone to AR2a may be inconsistent with the RLM policy, the request would bring the property more into compliance with the Floodplain Overlay District covering approximately 21 acres of this property. While the existing single family residence, barn and a shed were not severely impacted by the recent storm event, the majority of this property was flooded. The applicant has requested this rezoning to reduce the amount of development that would be permitted on this property.

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Because majority of the property proposed to be rezoned to AR2a is located within the FO District, staff recommends approval of this rezoning and further recommends that the Planning Commission direct staff to initiate a housekeeping amendment to NCO policy. NCO policy covers the property to the north and Open Space policy is on the State of Tennessee Veterans Cemetery to the west. This is a logical extension of the NCO policy to provide greater protection of the FO District.

HISTORY On August 10, 2006, the Planning Commission recommended approval for a request to rezone this property from AR2a to SP-R. This request was approved by the Metro Council on September 16, 2006. The SP was approved with a dedicated greenway and conservation access easement which included the floodway, floodway buffer and 25 feet beyond the floodway buffer.

With the exception of a pre-existing single family residence, barn and a shed this property has not been developed.

PUBLIC WORKS RECOMMENDATION

- No exception taken
- No traffic table was prepared. This request would decrease the permitted density and would not intensify.

METRO SCHOOL BOARD REPORT

Projected Student Generation As this request represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

STAFF RECOMMENDATION Staff recommends that the request be approved and that the Commission direct staff to initiate a housekeeping amendment to change the residential policy to Natural Conservation.

Approved and directed staff to initiate a housekeeping amendment to change the policy to Natural Conservation. Consent Agenda (9-0)

Resolution No. RS2010-119

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-019PR-001 is **APPROVED and directed staff to initiate a housekeeping amendment to change the policy to Natural Conservation. (9-0)**

While the proposed AR2a is not consistent with the properties existing Residential Low Medium land use policy, it is more consistent with the properties Floodplain Overlay District and staff have been directed to amend the policy.”

12. 2010Z-022PR-001

Map: 058-00 Parcel: part of 244
Bordeaux/Whites Creek Community Plan
Council District 1 – Lonnell R. Mathews, Jr.
Staff Reviewer: Greg Johnson

A request to rezone from CL to CS zoning for a portion of property located at 4123 Clarksville Pike, approximately 950 feet south of Kings Lane (0.0009 acres), requested by Old Hickory Credit Union, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST -Rezzone from CL to CS.

Zone Change A request to rezone from Commercial Limited (CL) to Commercial Service (CS) zoning for a portion of property located at 4123 Clarksville Pike, approximately 950 feet south of Kings Lane (0.0009 acres).

Existing Zoning

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

Proposed Zoning

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

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CRITICAL PLANNING GOALS N/A

BORDEAUX/WHITES CREEK COMMUNITY PLAN

King's Lane Corner Detailed Neighborhood Design Plan

Mixed Housing (MH) in Community Center/Corridor (CC)

Mixed Housing (MH) MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Community Center/Corridor (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. 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 CS district is not consistent with the Mixed Housing detailed land use policy. While the existing CL commercial district is also not consistent with the policy, the proposed CS zoning district permits a wider range of commercial uses and moves further from the residential land uses promoted by the policy.

ANALYSIS According to the zone change application, the purpose of this request is to allow for an electronic sign that is not permitted under the existing district. The Zoning Code prohibits electronic message center signs in all residential and office zoning districts and some commercial zoning districts. Introduction of electronic message center signs into this residential policy area conflicts with not only the envisioned residential uses, but also the current commercial zoning along this section of Clarksville Pike.

This zone change request, which seeks to rezone a small portion of an existing property (40 square feet) to permit a sign that is not currently permitted, could be considered a zoning application that is intended only to avoid elements of signage requirements of the Zoning Code. The proposed CS zoning, if applied, will constitute a spot zone and create split zoning on the subject property.

RECENT ZONE CHANGES On November 12, 2009, the Planning Commission approved a CL to CS zone change on the property directly across Clarksville Pike from the subject site to permit the construction of an electronic message center sign.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

STAFF RECOMMENDATION Staff recommends disapproval of the request because the CS zoning district is incompatible with the residential land use policy.

Mr. Johnson presented the staff recommendation of disapproval.

Bob Crain, Facilities Manager of Old Hickory Credit Union, spoke in support of this item due to security concerns, ease of changing the sign, and better advertisement options.

Dr. Cummings moved and Mr. Dalton seconded the motion, which passed unanimously, to close the Public Hearing. (9-0)

Councilmember Gotto stated his support of the application and noted that no one spoke in opposition.

Mr. Ponder inquired about distance restrictions.

Mr. Johnson clarified.

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Ms. Escobar, Dr. Cummings, Mr. Clifton, and Mr. Dalton all stated their support of the application.

Mr. Gee inquired about the current policy.

Mr. Johnson clarified.

Ms. LeQuire asked for clarification on the applicant’s request.

Dr. Cummings moved and Mr. Dalton seconded the motion, which passed unanimously, to approve the applicant’s request. (9-0)

Ms. Escobar left at 5:19 p.m.

Resolution No. RS2010-120

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-022PR-001 is **APPROVED. (9-0)**

While the proposed CS zoning district is not entirely consistent with Bordeaux/Whites Creek Community Plan’s Mixed Housing in Community Center policy, it is consistent with the properties existing zoning and the surrounding commercial zoning.”

X. PUBLIC HEARING: REVISED SITE PLANS

13. 117-84P-001

Project 808
Map: 162-00 Parcel: 225
Southeast Community Plan
Council District 32 – Sam Coleman
Staff Reviewer: Bob Leeman

A request to revise the preliminary plan and for final approval for a portion of a Residential Planned Unit Development Overlay located near Blue Hole Road and Tusculum Road (1.0 acre), zoned R8, to permit construction of a one-story 6,480 square foot day care center for more than 75 children and to grant preliminary approval only for a future one-story, 4,180 square foot addition to that day care facility, requested by Barge Cauthen & Associates, applicant, for LBC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST -Permit a daycare facility for 75 or more children.

Revise Preliminary PUD & Approve Final Site Plan A request to revise the preliminary plan and for final approval for a portion of a Residential Planned Unit Development Overlay located near Blue Hole Road and Tusculum Road (1.0 acre), zoned One and Two-Family Residential (R8), to permit construction of a one-story 6,480 square foot day care center for more than 75 children and to grant preliminary approval only for a future one-story, 4,180 square foot addition to that day care facility.

Existing Zoning

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25% duplex lots.

Residential PUD A residential PUD was applied to this property in 1984 to permit a church, and later revised in 1994, to permit a church with education buildings. The Zoning Administrator has determined that a daycare use is permitted this PUD.

CRITICAL PLANNING GOALS N/A

PLAN DETAILS This request modifies the preliminary and final PUD for a religious institution. The current approved plan from July 14, 1994, shows a religious institution with a separate 18,000 square foot building for education and physical

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education. The proposed plan deletes the building for education and physical education. In its place, a 6,480 square foot daycare use for 75 or more children is proposed with an outdoor playground area. A future one-story addition is proposed for 4,180 square feet.

The applicant is requesting preliminary and final PUD approval for the 6,480 square foot building, and preliminary approval only for the 4,180 square foot daycare addition. Landscaping shall comply with the Metro Zoning Code as will parking. An existing curb cut onto Tusculum Road is to be relocated slightly further south. A public sidewalk shall also be constructed along Tusculum Road, connecting to Blue Hole Road.

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

WATER SERVICES RECOMMENDATION Approve

STORMWATER RECOMMENDATION Approve

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. Backflow preventer shall be located adjacent to the building or screened from the public right-of-way with landscaping.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services, the Traffic Engineering Section of the Metropolitan Department of Public Works, and the Fire Marshal's Office.
3. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. The final approved plans 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 will require reapproval by the Planning Commission.

Approved with conditions, Consent Agenda (9-0)

Resolution No. RS2010-121

"BE IT RESOLVED by The Metropolitan Planning Commission that 117-84P-001 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Backflow preventer shall be located adjacent to the building or screened from the public right-of-way with landscaping.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services, the Traffic Engineering Section of the Metropolitan Department of Public Works, and the Fire Marshal's Office.
3. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. The final approved plans as approved by the Planning Commission will be used by the Department of Codes

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5. Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

XI. PUBLIC HEARING: MANDATORY REFERRAL

- 14. 2010M-006PR-001**
Walter Stokes School Surplus Property Request
Map: 117-16 Parcel: 001
Green Hills/Midtown Community Plan
Council District 25 – Seam McGuire
Staff Reviewer: Bob Leeman

An Ordinance requesting to declare as “surplus” a 5.2 acre parcel of real property located at 3701 Belmont Boulevard and known as “Walter Stokes School,” located north of Glen Echo Road along the west side of Belmont Boulevard, requested and owned by the Metropolitan Government.

Staff Recommendation: Defer to the September 14, 2010, Planning Commission meeting as discussions between Metro Departments and the School Board continue.

Deferred to the September 14, 2010 Planning Commission meeting. (8-0)

The Metropolitan Planning Commission DEFERRED Mandatory Referral 2010M-006PR-001 to the September 14, 2010, Planning Commission agenda at the request of the applicant.

XII. OTHER BUSINESS

15. Consideration of an amendment of the Rules and Procedures for the creation of an Executive Committee. If the rules are amended, the Commission is to select one of its members to serve on the Executive Committee with the Chair and Vice-Chair.

Amend the Rules and Procedures to add a new section:

III. MEMBERSHIP AND OFFICERS

- D. EXECUTIVE COMMITTEE. There shall be an Executive Committee consisting of the Chair, Vice Chair, and one additional member chosen by the Commission at the annual meeting. The Executive Committee shall meet at the call of the Chair with the Executive Director who may include other employees at his/her discretion. The purpose of the Executive Committee is to guide the Planning Commission in establishing its vision, goals, policies and strategies. The Committee shall provide oversight of the Planning Department in order to align the objectives of the Commission and the work program of the Department. The Executive Committee will review the status of specific planning studies, procedures, the adopted and proposed budget and other issues necessary to facilitate the effective operation of the Commission in achieving its mission. All meetings of the Executive Committee shall be scheduled and held in full compliance with all notice and open meeting procedures. The Executive Committee shall not consider or discuss specific applications that may come before the full Metropolitan Planning Commission, nor shall the Committee direct the daily operations of the Department.

Deferred to the September 23, 2010, Planning Commission meeting. (9-0)

Resolution No. RS2010-122

“BE IT RESOLVED by The Metropolitan Planning Commission that an amendment to the Rules and Procedures for the creation of an Executive Committee is **DEFERRED to the September 23, 2010, Planning Commission agenda. (9-0)**”

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- 16. Approve application for HUD Sustainable Communities Regional Planning Grant: The MPC, on behalf of the MPO, is applying for \$4,995,115 in federal funds from HUD to assist in the development of a regional vision and comprehensive plan for sustainable development for Middle Tennessee.

Approved (9-0), Consent Agenda

Resolution No. RS2010-123

“BE IT RESOLVED by The Metropolitan Planning Commission that the application for the HUD Sustainable Communities Regional Planning Grant is **APPROVED. (9-0)**”

- 17. Employee contract renewal for Carrie Logan.

Approved (9-0), Consent Agenda


- 18. Historical Commission Report
- 19. Board of Parks and Recreation Report
- 20. Executive Director Reports
- 21. Legislative Update

XIII. ADJOURNMENT

The meeting was adjourned at 5:27 p.m.

Chairman

Secretary

 The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of, its programs, services, and activities, or in its hiring or employment practices. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at 862-7150 or e-mail her at josie.bass@nashville.gov. For Title VI inquiries contact Shirley Sims-Saldana or Denise Hopgood of Human Relations at 880-3370. For all employment-related inquiries call 862-6640.