



METROPOLITAN PLANNING COMMISSION ACTION AGENDA

Thursday, October 28, 2010

4:00 pm Regular Meeting

1417 Murfreesboro Road
Metro Southeast at Genesco Park
Green Hills Conference Room

MISSION STATEMENT

The Planning Commission guides growth and development as Nashville and Davidson County 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.

Jim McLean, Chair
Hunter Gee, Vice-Chair

Stewart Clifton
Judy Cummings
Derrick Dalton
Ana Escobar

Tonya Jones
Phil Ponder
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Richard C. Bernhardt, FAICP, CNU-A
Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

The Commission is a 10-member body appointed by the Metro Council. The Commission meets on the 2nd and 4th Thursday of each month at 4:00 p.m., unless otherwise noted. The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, the Commission recommends an action to the Metro Council (e.g. zone changes, specific plans, overlay districts, and mandatory referrals). The Metro Council can accept or not accept the recommendation.

Agendas and staff reports can be viewed on-line at www.nashville.gov/mpc/agendas or weekdays from 7:30 a.m. to 4:00 p.m. at the Planning Department office located at 800 2nd Avenue South, downtown Nashville. Also, at the entrance to this meeting room, a binder of all staff reports has been placed on the table for your convenience.

Meetings on TV can be viewed live or shown at an alternative time on Channel 3. Visit www.nashville.gov/calendar for a broadcast schedule.

Writing to the Commission

You can mail, hand-deliver, fax, or e-mail comments on any agenda item to the Planning Department. For the Commission to receive your comments, prior to the meeting, you must submit them by **noon the day of the meeting**. Otherwise, you will need to bring 14 copies of your correspondence to the meeting and during your allotted time to speak, distribute your comments.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300

Fax: (615) 862-7130

E-mail: planningstaff@nashville.gov


Speaking to the Commission

If you want to appear in-person before the Commission, view our tips on presentations on-line at www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf and our summary regarding how Planning Commission public hearings are conducted at www.nashville.gov/mpc/pdfs/main/RulesSummary.pdf. Briefly, a councilmember may speak at the very beginning of the commission meeting, after the individual item is presented by staff, or after all persons have spoken in favor or in opposition to the request. Applicants speak after staff presents, then, those in favor speak followed by those in opposition. The Commission may grant the applicant additional time for a rebuttal after all persons have spoken. Maximum speaking time for an applicant is 10 minutes, individual speakers is 2 minutes, and a neighborhood group 5 minutes, provided written notice was received prior to the meeting from the neighborhood group.

- Day of meeting, get there at least 15 minutes ahead of the meeting start time to get a seat and to fill-out a "Request to Speak" form (located on table outside the door into this meeting room).
- Give your completed "Request to Speak" form to a staff member.
- For more information, view the Commissions Rules and Procedures, at www.nashville.gov/mpc/pdfs/main/rules_and_procedures.pdf

Legal Notice

As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission's decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel.

 The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or 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, contact Ron Deardoff at 862-6640

MEETING AGENDA

- A. CALL TO ORDER
- B. ADOPTION OF AGENDA
- C. APPROVAL OF OCTOBER 14, 2010 MINUTES
- D. RECOGNITION OF COUNCILMEMBERS

E. ITEMS FOR DEFERRAL / WITHDRAWAL

F. CONSENT AGENDA

G. PREVIOUSLY DEFERRED ITEMS

Zoning Text Amendments

1. 2010Z-017TX-001

BL2010-753 / WILHOITE

BARS AND NIGHT CLUBS, RESTAURANTS

Staff Reviewer: Jennifer Regen

A council bill to amend Chapter 17.08 and 17.16 of the Metro Zoning Code to designate bars and restaurants as uses permitted with conditions (PC) and to add certain location restrictions for these uses, requested by Councilmember Vivian Wilhoite.

MPC Action: Defer Indefinitely (9-0)

Specific Plans

2. 2009SP-022-003

BL2010-780 / HUNT

THE MANSION AT FONTANEL (AMENDMENT #1)

Map 049-00, Parcels 140, 200.01, 319

Council District 03 (Walter Hunt)

Staff Reviewer: Brenda Bernards

A request to amend the SP District (adopted with Council Bill BL2009-561) for the previously approved Mansion at Fontanel Specific Plan District and for final site plan approval, for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres), to amend the allowed capacity of the Seasonal Performance Entertainment Venue from 2,500 to 4,500 persons, to amend the event season from May 1-October 31 to April 1-November 30, to amend the maximum number of events from eight (one per month with two floating dates) to fourteen (one per month with six floating dates) with no more than two per month, and to allow unimproved seasonal parking on the east side of Whites Creek, requested by EDGE Planning, Landscape Architects, applicant, Fontanel Properties, LLC, owner.

MPC Action: Approve with conditions, including conditions that the parking on the east side of Whites Creek shall be used as overflow parking only and that an advocacy group be formalized. (8-1)

Urban Design Overlays

3. 2010UD-006-001

BL2010-665 / DUVALL

EDISON PARK

Map 150-15-0-B, Parcels 001-089

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 "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.

MPC Action: Defer Indefinitely (9-0)

4. 2010UD-007-001

BL2010-667 / DUVALL

HAMILTON-HOBSON

Map 150-00, Parcel 135

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

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.

MPC Action: Defer Indefinitely (9-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

The Planning Commission will make the final decision on a Community Plan Amendment. The Commission will make a recommendation to the Metro Council on any associated cases(s). The Metro Council will make the final decision to approve or disapprove the associated case(s).

No Cases on this Agenda

I. RECOMMENDATIONS TO METRO COUNCIL

The Planning Commission will make a recommendation to the Metro Council on the requests below. The Metro Council will make the final decision to approve or disapprove the request.

Zoning Text Amendments

5. 2010Z-019TX-001

BL2010-783 / COLE, CLAIBORNE, JAMESON

NONCONFORMING USES & STRUCTURES

Staff Reviewer: Carrie Logan

A request to amend Title 17 of the Metro Zoning Code, to clarify the status and review of nonconforming uses and structures within Davidson County, requested by the Metro Planning Department.

MPC Action: Defer to the December 9, 2010, Planning Commission meeting. (9-0)

6. 2010Z-020TX-001

BL2010-784 / HOLLIN, CLAIBORNE, COLE, JAMESON

RELOCATION OF NONCONFORMING USES

Staff Reviewer: Carrie Logan

A request to amend Section 17.40.650 of the Metro Zoning Code, to provide for the conditional relocation of nonconforming uses, requested by the Metro Planning Department.

MPC Action: Approve substitute ordinance, including a recommendation that the bill sponsors clarify that this is permissive rather than a required action and that the bill sponsors work with the Legal Department to make needed modifications. (6-1)

Specific Plans

7. 2006SP-041U-13

FIRST TENNESSEE BANK (4-YEAR REVIEW)

Map 163-00, Parcel 278

Council District 32 (Sam Coleman)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (C) district known as "First Tennessee Bank", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at 5433 Mt. View Parkway (2.07 acres), approved for a 3,812 square foot bank via Council Bill BL2006-1027 effective on September 19, 2006, review initiated by the Metro Planning Department.

MPC Action: Find the SP Inactive and staff is directed to prepare a report to the Council to continue the implementation of the development plan and that no rezoning is recommended on this property. (9-0)

8. 2006SP-106G-14

EARHART (4-YEAR REVIEW)

Map 098-00, Parcels 202, 203, 204

Council District 12 (Jim Gotto)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Earhart", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for properties located at Earhart Road (unnumbered) (7.31 acres), approved for up to eighteen single-family units via Council Bill BL2006-1148 effective on September 19, 2006, review initiated by the Metro Planning Department.

MPC Action: Find the SP Active, (9-0)

9. 2006SP-122G-12

CLOVER GLEN (4-YEAR REVIEW)

Map 182-00 Parcels 065, 066, 096

Council District 31 (Parker Toler)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MR) district known as "Clover Glen", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for properties located at 13563, 13555, and 13545 Old Hickory Boulevard (83.51 acres), approved for 292 residential units via Council Bill BL2006-1151 effective on September 19, 2006, review initiated by the Metro Planning Department.

MPC Action: Find the SP Inactive and staff is directed to prepare a report to the Council to continue the implementation of the development plan and that no rezoning is recommended on this property. (9-0)

10. 2006SP-129U-09

STOILOVICH STUDIO APARTMENT (4-YEAR REVIEW)

Map 082-09, Parcel 029
Council District 19 (Erica S. Gilmore)
Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Stoilovich Studio Apartment", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 1314 7th Avenue North (0.14 acres), approved for an existing single-family home and an accessory dwelling unit above an existing attached garage via Council Bill BL2006-1161 effective on September 19, 2006, review initiated by the Metro Planning Department.

MPC Action: Find the SP Active, (9-0)

11. 2010SP-012-001

BL2010-779 / COLEMAN
OLD HICKORY CENTER
Map 175-00, Parcel 036
Council District 32 (Sam Coleman)
Staff Reviewer: Greg Johnson

A request to rezone from IG to SP-MU zoning and for final site plan approval for property located at 12761 Old Hickory Boulevard, approximately 350 feet north of Logistics Way (3.28 acres), to permit daycare center, personal care instruction, retail and restaurant/bar uses as well as certain uses permitted in the IG zoning district, requested by Saeed Sassan, owner.

MPC Action: Defer to the December 9, 2010, Planning Commission meeting. (9-0)

Zone Changes

12. 2010Z-025PR-001

BL2010-772 / CRAFTON
7739 CHARLOTTE PIKE, CHARLOTTE PIKE (UNNUMBERED) ZONE CHANGE
Map 114-00, Parcel 251, 254, 255, 265, 311
Map 128-00, Parcels 121, 124
Council District 22 (Eric Crafton)
Staff Reviewer: Greg Johnson

A request to rezone from R40 to AR2a zoning various properties located at 7739 Charlotte Pike and at Charlotte Pike (unnumbered), approximately 4,700 feet west of Sawyer Brown Road (65.49 acres), requested by David Lowry, applicant, Charlie B. Mitchell Jr., owner.

MPC Action: Defer to the November 11, 2010, Planning Commission meeting and keep the public hearing open. (7-0)

J. PLANNING COMMISSION ACTIONS

Planned Unit Developments: final site plans

13. 208-67P-001

JUAREZ DRIVE SHOPPING CENTER
Map 075-00, Parcel 033
Council District 14 (James Bruce Stanley)
Staff Reviewer: Greg Johnson

A request to revise the preliminary plan for a portion of the Commercial Planned Unit Development Overlay located at Lebanon Pike (unnumbered), at the northeast corner of Lebanon Pike and Juarez Drive (9.51 acres), zoned SCR, to permit 51,150 square feet of retail, restaurant and office uses where 74,500 square feet of commercial space was previously approved, requested by Barge Cauthen & Associates, applicant, for H.G. Hill Realty Company, owner.

MPC Action: Approve with conditions, including the revised conditions of the Public Works Department. (9-0)

K. OTHER BUSINESS

14. Planning Commission policy to determine when the Planning Department may act as the sponsor for Planned Unit Development and Specific Plan Amendments.
MPC Action: Approve and include Urban Design Overlay Districts as well as Planned Unit Developments and Specific Plans in this Planning Commission policy.
15. Historical Commission Report
16. Board of Parks and Recreation Report
17. Executive Director Report
18. Legislative Update

L. ADJOURNMENT
