



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, November 11, 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.

Commissioners Present:

Jim McLean, Chair
Hunter Gee, Vice-Chair
Stewart Clifton
Judy Cummings
Derrick Dalton
Ana Escobar
Tonya Jones
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Dean

Staff Present:

Ann Hammond, Executive Director
Kelly Armistead, Admin Svcs Officer III
Craig Owensby, Public Information Officer
Dennis Corrieri, Planning Technician I
Doug Sloan, Legal
Carrie Logan, Planner II
Cindy Wood, Planner III
Bob Leeman, Planning Manager II
Brenda Bernards, Planner III
Greg Johnson, Planner II
Jason Swaggart, Planner II
Brian Sexton, Planner I

Commissioners Absent:

Phil Ponder

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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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.

MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

B. ADOPTION OF AGENDA

Dr. Cummings moved and Mr. Dalton seconded the motion, which passed unanimously, to adopt the revised agenda as presented. (9-0)

C. APPROVAL OF OCTOBER 28, 2010 MINUTES

Mr. Gee moved and Councilmember Gotto seconded the motion, which passed unanimously, to change the word "was" to "may have been willing" in Dr. Cummings statements under Item 2, to add the words "Consent Agenda" to the Item 13 approval, and to defer the Item 6 minutes for further clarification. (9-0)

D. RECOGNITION OF COUNCILMEMBERS

No Councilmembers were in attendance.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1. 2010Z-025PR-001

BL2010-772 / CRAFTON

7739 CHARLOTTE PIKE, CHARLOTTE PIKE (UNNUMBERED)

Request: Defer to December 9, 2010, Planning Commission meeting

3. 2010Z-026PR-001

1101 38TH AVENUE NORTH

Request: Defer to December 9, 2010, Planning Commission meeting

Mr. Clifton moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the Deferred or Withdrawn Items. (9-0)

F. CONSENT AGENDA

2. 2010CP-006-003

CP6: BELLEVUE COMMUNITY PLAN AMENDMENT

4. 1-72P-001

CHARLOTTE CENTER

5. 2005P-033-002

WHITLAND CROSSING

6. 2009S-027-001

POPLAR HILL SUBDIVISION

7. Standard sidewalk recommendations for proposed SP Districts

8. Resolution authorizing the expenditure of \$ 34, 800 from the Advance Planning and Research Fund to obtain specialized consultant expertise to develop appropriate design standards and regulations for on-premise signage in Downtown Nashville given the recent adoption of new zoning regulations, the Downtown Code (DTC), and the changing and diverse character of Downtown Nashville.
9. A request to allow staff to administratively approve an application to extend and reduce the bonds for Old Hickory Hills, Phase 3, Section 1 and Old Hickory Hills, Phase 3, Section 2, if determined to be appropriate by the reviewing Metro departments.
10. Employee contract renewals for Jennifer Carlat and Felix Castrodad.

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

G. PREVIOUSLY DEFERRED ITEMS

Zone Changes

1. 2010Z-025PR-001

BL2010-772 / CRAFTON

7739 CHARLOTTE PIKE, CHARLOTTE PIKE (UNNUMBERED)

Map 114-00, Parcels 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.

Staff Recommendation: APPROVE

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

The Metropolitan Planning Commission DEFERRED Zone Change 2010Z-025PR-001 to the December 9, 2010, Planning Commission meeting at the request of the applicant. (9-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

Community Plan Amendments

2. 2010CP-006-003

CP6: BELLEVUE COMMUNITY PLAN AMENDMENT

Map 126-00, Parcel 085

Council District 35 (Bo Mitchell)

Staff Reviewer: Cynthia Wood

A request to amend the Bellevue Community Plan: 2003 Update to change the Land Use Policy from Residential Low-Medium (RLM) Density to Natural Conservation (NCO) for property located at 7874 McCrory Lane (36.2 acres), requested by Metro Planning Department, applicant, for John Gregory Jones, owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST -Amend land use policy from Residential to Natural Conservation.

Amend the Community Plan A request to amend the Bellevue Community Plan: 2003 Update to change the Land Use Policy from Residential Low-Medium (RLM) Density to Natural Conservation (NCO) for property located at 7874 McCrory Lane (36.2 acres).

CRITICAL PLANNING GOALS N/A

BELLEVUE COMMUNITY PLAN

Current Policy

Residential Low Medium (RLM) RLM policy areas are 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.

Proposed Policy

Natural Conservation (NCO) NCO is a category designed for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development.

BACKGROUND On June 24, 2010, the Planning Commission recommended approval of the proposed zone change from SP to AR2a for this property. The motion adopted by the Planning Commission included a directive that staff prepare a “housekeeping” amendment to the community plan to bring the land use policy for the subject property in conformance with the recommended AR2a zoning.

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 500 feet of the subject site. Since this is a “housekeeping” plan amendment, a community meeting is not required.

ANALYSIS

Physical Site Conditions The majority of the site contains floodplain that poses a constraint to development. With proper design, the remainder of the site that is adjacent to McCrory Lane is suitable for development.

Land Use Surrounding land uses include a former quarry to the north, a state park and veterans’ cemetery to the west, and residences to the south and east.

Access The site has access to McCrory Lane.

Development Pattern The development pattern in the area is rural with suburban residential development located within 300 feet to the east across the Harpeth River.

Historic Features There are no recognized historic features associated with this site.

Conclusion This amendment is a minor expansion of the existing NCO policy and will not result in a significant change in the area’s overall character.

The portion of the subject site that is suitable for development is adjacent to McCrory Lane and would be the most logical part of the site for building from an access standpoint.

STAFF RECOMMENDATION Staff recommends approval.

Approved (9-0), Consent Agenda

Resolution No. RS2010-165

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010CP-006-003 is APPROVED. (9-0)”

I. RECOMMENDATIONS TO METRO COUNCIL

Zone Changes

- 3. 2010Z-026PR-001**
1101 38TH AVENUE NORTH
Map 091-04, Parcel 015
Council District 21 (Edith Taylor Langster)
Staff Reviewer: Greg Johnson

A request to rezone from R6 to ON zoning property located at 1101 38th Avenue North, approximately 180 feet north of John L. Driver

Avenue (0.17 acres), requested by Timothy Patton, owner.

Staff Recommendation: APPROVE

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

The Metropolitan Planning Commission DEFERRED Zone Change 2010Z-025PR-001 to the December 9, 2010, Planning Commission meeting at the request of the applicant. (9-0)

J. PLANNING COMMISSION ACTIONS

Planned Unit Developments: final site plans

4. 1-72P-001

CHARLOTTE CENTER

Map 102-08, Parcels 001, 117

Council District 20 (Buddy Baker)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan for a portion of the Charlotte Center Planned Unit Development Overlay located at 3710 Annex Avenue, at the corner of Charlotte Pike and Annex Avenue, zoned CS (13.95 acres), to permit the development of a 4,179 square foot fast-food restaurant where a 15,074 square foot food-service store (Retail) was previously approved, requested by Walter Davidson & Associates, applicant, for Ulux Estates Inc., owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Revise preliminary plan to permit a fast-food restaurant.

Revise Preliminary Plan A request to revise the preliminary plan for a portion of the Charlotte Center Planned Unit Development Overlay located at 3710 Annex Avenue, at the corner of Charlotte Pike and Annex Avenue, zoned Commercial Service (CS) (13.95 acres), to permit the development of a 4,179 square foot fast-food restaurant where a 15,074 square foot food-service store (Retail) was previously approved.

Existing Zoning

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

CRITICAL PLANNING GOALS N/A

REQUEST DETAILS This request is to revise a portion of the Charlotte Center Planned Unit Development (PUD) to permit a fast-food restaurant where a food-service store (retail) was previously approved.

The Charlotte Center PUD is located on the north side of Charlotte Pike just south of I-40. The existing shopping center on the site consists of 134,578 square feet of floor area. The PUD was originally approved in 1972. It was amended in 2009 to permit 153,231 square feet of retail, restaurant, commercial amusement (indoor), and financial institution uses.

The proposed fast-food restaurant is 4,179 square feet, and will bring the overall floor area to 142,336 square feet. It will be located near Charlotte Pike in front of the existing strip center. As proposed, access to the development will not change. There are two access points along Charlotte Pike, and two access points along Annex Avenue.

Parking With the proposed revision to the PUD, a total of 776 parking spaces are required by the Zoning Code and 593 spaces are provided. While the plan does not provide the minimum number of required parking spaces, a shared parking study was submitted with the previously approved PUD amendment and was approved by Metro's Traffic Engineer. The study indicates that the PUD has a weekday parking demand of only 551 spaces and a weekend parking demand of 581 spaces. The study indicates that the parking demand and subsequent utilization of the shopping center is currently very low, due to the relatively low parking demand that is generated by the Bowling Alley. It is also important to note that the parking demand for this proposal has been decreased by 34 spaces from the last approved plan, and provides 43 more parking spaces than the last approved plan. Since the lack of parking demand is primarily due to the bowling alley, then any future change in use to the bowling alley or other uses in the PUD may require a new parking study, and may not be permitted if sufficient parking can not be provided.

Analysis The request is within the limits of a revision, and it does not require Council approval. The restaurant use is consistent with approved uses, and the total floor area will not exceed what was last approved by Council. While the proposal does not

provide the minimum number of parking spaces required by zoning, a parking study which has been approved by Metro's Traffic Engineer indicates that there is adequate parking. Prior to any final site plan approvals, a shared parking agreement must be approved by Metro's Traffic Engineer.

PUBLIC WORKS RECOMMENDATION A TIS or parking study may be required at development.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions.

CONDITIONS

1. Prior to any final site plan approvals, a shared parking agreement shall be approved by Metro's Traffic Engineer and legally recorded with the Register of Deeds.
2. A revised shared parking study may be required with any change of use within the PUD. Use changes may not be permitted if sufficient parking cannot be provided.
3. Landscaping for proposed outparcels shall meet Metro Zoning requirements. Final site plan shall demonstrate compliance with all current landscaping requirements.
4. This approval does not include any signs. Signs in Planned Unit Developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. 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.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. RS2010-166

"BE IT RESOLVED by The Metropolitan Planning Commission that 1-72P-001 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to any final site plan approvals, a shared parking agreement shall be approved by Metro's Traffic Engineer and legally recorded with the Register of Deeds.
2. A revised shared parking study may be required with any change of use within the PUD. Use changes may not be permitted if sufficient parking cannot be provided.
3. Landscaping for proposed outparcels shall meet Metro Zoning requirements. Final site plan shall demonstrate compliance with all current landscaping requirements.
4. This approval does not include any signs. Signs in Planned Unit Developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. 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.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

7. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

5. 2005P-033-002

WHITLAND CROSSING

Map 096-09, Parcel 226

Council District 15 (Phil Claiborne)

Staff Reviewer: Brian Sexton

A request to revise the preliminary plan and for final approval for a portion of the Whitland Crossing Planned Unit Development Overlay located on property at 420 Donelson Pike, approximately 210 feet south of Lakeland Drive (1.99 acres), zoned CL, to permit two general office buildings totaling 17,220 square feet where one 18,900 square foot office building was previously approved, requested by Oliver Architecture, applicant, for Donelson Spring LLC, owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Permit general office.

Revise Preliminary PUD and Final Site Plan A request to revise the preliminary plan and for final approval for a portion of the Whitland Crossing Planned Unit Development Overlay located on property at 420 Donelson Pike, approximately 210 feet south of Lakeland Drive (1.99 acres), zoned Commercial Limited (CL), to permit two general office buildings totaling 17,220 square feet where one 18,900 square foot office building was previously approved.

Existing Zoning

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

CRITICAL PLANNING GOALS N/A

PLAN DETAILS The Whitland Crossing PUD was originally approved by Metro Council in 2006, and was amended by Council in 2009. The amended PUD was approved for an 18,900 square foot office building. The property is currently underdeveloped.

Final PUD The revised site plan proposes two general office buildings in two separate phases. Phase I consists of a one-story, 9,100 square foot office building and Phase II consist of an 8,120 square foot office building for a total of 17,220 square feet. The office building proposed in Phase I will front Donelson Pike while the office building proposed in Phase II will front Whitland Crossing Drive. Details of the proposed landscaping have been provided. A variety of shrubs and evergreen trees are proposed along the perimeter of the property.

Access to the site is provided by one driveway from Whitland Crossing Drive. The revised plan includes 87 on-site parking spaces which meets the Zoning Code requirements.

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.

STORMWATER RECOMMENDATION

1. Provide a completed Maintenance Agreement. For the Long Term Plan, add the name and number of the person responsible for Maintenance. Also include the detention pond BMP maintenance checklist. Provide easements and the Plan Review / Grading Permit fee's (\$1390) and recording fees.
2. Provide NOC.
3. For the initial erosion control measures, consider using a sediment trap (and diversion ditches) instead of silt fencing. For the erosion control matting, specify type of matting to be used.
4. Provide NFIP Panel number / information to plans.
5. Offsite grading was observed. Provide documentation / permission.
6. For the detention calculations, a 0.99 freeboard was observed. Required freeboard heights are 1' minimum. Consider providing a higher freeboard, for a factor of safety.
7. The outlet structure detail and the calculations do not match. For culvert [A], calculations show invert at 524.00, an N-Value of 0.013 and a slope of 5.71, detail shows invert of 524.45, a CMP pipe (0.023), and a slope of 2.78. For culvert [B], orifice size on calculations show 4" (pond report) but the detail shows a 1.2" orifice. Also, live pool calculations show a 1.2" orifice. For weir [A], crest length shows 12.56'. Detail does not show an outlet structure diameter. The outlet structure detail shows a V-notch weir. This was not observed in the calculations.

8. An increase of flows is shown in proposed basin 2. Show that the existing storm system can carry the 10-year flow (5.98 cfs).
9. For the water quality unit, use $Q=CIA$ for flow sizing.
10. It appears that excessive areas bypass water quality measures (proposed basin 2).

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposed revision is consistent with the council approved plan.

CONDITIONS

1. Prior to the issuance of any building or grading permits, confirmation of PUD final site plan approval shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any building or grading permits, confirmation of PUD final site plan approval o 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. 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.
4. 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.
5. 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. Deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
6. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.

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

Resolution No. RS2010-167

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-033-002 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any building or grading permits, confirmation of PUD final site plan approval shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
 2. Prior to the issuance of any building or grading permits, confirmation of PUD final site plan approval o 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. 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.
 4. 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.
 5. 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. Deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
 6. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs."
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Subdivision: Final Plats

6. 2009S-027-001

POPLAR HILL SUBDIVISION

Map 154, Parcel 282

Council District 35 (Bo Mitchell)

Staff Reviewer: Brenda Bernards

A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 180 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned Agricultural Residential (AR2a) (7.1 acres), requested by Wyatt and Wendy Rampsy, owners.

Staff Recommendation: APPROVE

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 180 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned Agricultural/Residential (AR2a) (7.1 acres).

Zoning

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

CRITICAL PLANNING GOALS N/A

SUBDIVISION DETAILS The purpose of the extension request is to permit the applicant to meet the Planning Commission's conditions of approval for this seven acre lot.

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

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

The applicant is in the process of obtaining a performance bond, however, because they do not own all of the property, they cannot complete the process. The property was declared surplus via BL2010-643 on April 6, 2010. It is the applicant's intention to bid for the property but Metro has not yet put this property on sale. The property has been determined to be an unbuildable lot. While this property was placed on the priority list for sale, certain legal questions on how it should be disposed have prevented it from being offered. In order for the applicant to bid on the property and complete the bonding of the required private street, a 180 day extension is requested. As the Subdivision Regulations do not include a process for final plat approval extensions, a variance to the 180 day approval period is needed.

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

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

ANALYSIS The intent of the regulation for which the variance is sought is to set a timeframe for approved plats to be recorded. The plat was approved by the Planning Commission on June 25, 2009, with an expiration date of December 22, 2009. Prior to

the expiration date, the applicant requested three 90 day extensions of the approval in order to be able to meet conditions 1 and 3 of approval of this plat. The applicant needs a further 180 day extension in order to accommodate the Metro process for selling surplus property.

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

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

- a. The granting of the variance would not be detrimental to the surrounding area, but would actually improve the area as the portion of the road being brought up to Public Works standards will serve all lots taking access from this private street.
- b. There are no other subdivisions in the immediate area that are experiencing the same situation, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The variance is not to a design standard of the regulations, but to a processing standard. Because the request is not a variance to a design standard then c. of Section 1-11.1 is not applicable.
- d. The subdivision as previously approved is consistent with the area's long range policy, and current zoning requirements.

STAFF RECOMMENDATION Staff recommends approval of the variance to Section 2-5.5, and that the final plat approval be extended for 180 days to March 17, 2011.

Approved a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval to March 17, 2011. (9-0), Consent Agenda

Resolution No. RS2010-168

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-027-001 is APPROVED, including a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval to March 17, 2011. (9-0)”

K. OTHER BUSINESS

7. Standard sidewalk recommendations for proposed SP Districts

Approved (9-0), Consent Agenda

Resolution No. RS2010-169

“BE IT RESOLVED by The Metropolitan Planning Commission that the sidewalk recommendations for proposed SP Districts is APPROVED. (9-0)”

8. Resolution authorizing the expenditure of \$34,800 from the Advance Planning and Research Fund to obtain specialized consultant expertise to develop appropriate design standards and regulations for on-premise signage in Downtown Nashville given the recent adoption of new zoning regulations, the Downtown Code (DTC), and the changing and diverse character of Downtown Nashville.

Approved expenditure of funds (9-0), Consent Agenda

Resolution No. RS2010-170

“BE IT RESOLVED, The Metropolitan Planning Commission APPROVED EXPENDITURE OF FUNDS. (9-0)”

9. A request to allow staff to administratively approve an application to extend and reduce the bonds for Old Hickory Hills, Phase 3, Section 1 and Old Hickory Hills, Phase 3, Section 2, if determined to be appropriate by the reviewing Metro departments.

Approved (9-0), Consent Agenda

Resolution No. RS2010-171

“BE IT RESOLVED by The Metropolitan Planning Commission that a request to administratively approve an application to extend and reduce bonds for Old Hickory Hills, Phase 3, Section 1, is **APPROVED. (9-0)**”

10. Employee contract renewals for Jennifer Carlat and Felix Castrodad.

Approved (9-0), Consent Agenda

11. Historical Commission Report
12. Board of Parks and Recreation Report
13. Executive Director Report
14. Legislative Update

L. ADJOURNMENT

The meeting was adjourned at 4:18 p.m.

Chairman

Secretary

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.