



METROPOLITAN PLANNING COMMISSION MINUTES

**Thursday, September 8, 2011
4:00 pm Regular Meeting**

700 Second Avenue South
(between Lindsley Avenue and Middleton Street)
Howard Office Building, Sonny West Conference Center (1st Floor)

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:

Hunter Gee, Vice Chair
Stewart Clifton
Judy Cummings
Jeff Haynes
Phil Ponder
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

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

Commissioners Absent:

Jim McLean, Chairman
Derrick Dalton

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

Metro Planning Department of Nashville and Davidson County
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300
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Notice to Public

Please remember to turn off your cell phones.

The Commission is a 10-member body, nine of whom are appointed by the Metro Council and one of whom serves as the mayor's representative. 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 schedu

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/docs/meetings/Rules_and_procedures.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.



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:14 p.m.

B. ADOPTION OF AGENDA

Ms. LeQuire moved and Mr. Ponder seconded the motion to adopt the revised agenda. (6-0)

C. APPROVAL OF AUGUST 25, 2011 MINUTES

Mr. Ponder moved and Mr. Haynes seconded the motion to approve the August 25, 2011 minutes. (6-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Hunt was in attendance but elected to speak at a later time.

Councilmember Pridemore was in attendance but elected to speak at a later time.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1. 165-79P-001

RIVERGATE MARKETPLACE (PANDA EXPRESS)

Mr. Clifton moved and Dr. Cummings seconded the motion to approve the Deferred and Withdrawn Items. (6-0)

F. CONSENT AGENDA

2. 2007SP-103G-06

HARPETH SPRINGS VILLAGE

5. 2006IN-001-003

DAVID LIPSCOMB (NURSING & PHARMACY RESEARCH BUILDING)

6. 2011S-065-001

MAPLEWOOD HOME TRACT, RESUB LOT 48

7. Proposed application fee for designating Landmark Signs.

Mr. Ponder moved and Dr. Cummings seconded the motion to approve the Consent Agenda. (6-0)

G. PREVIOUSLY DEFERRED ITEMS

Planned Unit Developments

1. 165-79P-001

RIVERGATE MARKETPLACE (PANDA EXPRESS)

Map 026-15, Parcel(s) 001

Council District 10 (Doug Pardue)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for a portion of the Rivergate Marketplace Commercial Planned Unit Development Overlay located at 2125 Gallatin Pike, approximately 450 feet north of Twin Hills Drive, zoned SCR and OR20, to permit the development of a 2,448 square foot fast food restaurant with one drive-thru lane, requested by Interplan LLC, applicant, for Price Tennessee Properties, L.P., owner.

Staff Recommendation: DISAPPROVE. If Metro Stormwater approves plans prior to the meeting then staff recommends approval with conditions.

The Metropolitan Planning Commission DEFERRED 165-79P-001 to the September 22, 2011, Planning Commission meeting.

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

No Cases on this Agenda

I. RECOMMENDATIONS TO METRO COUNCIL

Specific Plans

2. 2007SP-103G-06

HARPETH SPRINGS VILLAGE

Map 141, Parcel(s) 088

Council District 22 (Sheri Weiner)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Harpeth Springs Village", 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 7960 Coley Davis Road (5.78 acres), approved for 98 townhomes via Council Bill BL2007-1535 effective on July 17, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP ACTIVE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (R) district known as "Harpeth Springs Village", 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 7960 Coley Davis Road (5.78 acres), approved for 98 townhomes via Council Bill BL2007-1535 effective on July 17, 2007.

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.

Development within each 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 purpose of the Harpeth Springs Village SP is to allow for 98 townhouse units on 5.78 acres. The units consist of 20 live/work units with frontage on Coley Davis Road, 21 single family attached row house units with views of the Harpeth River, and 57 single family attached townhouse units that front onto green space.

The plan had a number of issues leading to a recommendation of disapproval from both the staff and the Planning Commission. The primary reason for the disapproval recommendation was that at 17 units to the acre, the SP was inconsistent with the two - four units per acre density of the Residential Low Medium (RLM) land use policy on the site. In addition, the design configuration did not adequately address the environmental constraints presented by the floodplain and floodway on the property, nor did the proposed street network support the proposed land uses. The preliminary plan included specific standards for parking, sidewalks, street design and setbacks that may be difficult to accomplish given the number of units that were approved. The plan also included a large cul-de-sac serving as the main entrance from Coley Davis Road, and an extensive driveway system throughout the development. While a final site plan had been submitted at one point, it had not been approved by all of the Metro agencies.

Specific Plan Review Staff conducted a site visit July, 2011. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.

The property owner contacted staff and indicated that documentation demonstrating activity would be provided. A letter was received from the property owner's representative after the mailing of the staff report.

Documentation of Activity "As the project engineer I am writing this letter on behalf of Mr. Richard Bacon, the developer of the Harpeth Springs Village SP.

The Metro Council approved the Harpeth Springs Village SP in July of 2007; therefore it would be ready for its 4 year review by the Metro Planning Commission. The project has been stalled due the ongoing depression of the economy, especially the residential housing market. The developer is just in a holding pattern waiting on the market to improve. I search my project file and found the following items the developer has retained us to complete since the original SP was approved;

- *Boundary Survey*
- *Topographic Survey*
- *Received Water and Sewer Availability from Harpeth Valley Utility District*
- *Prepared Civil Engineering designs for the Grading, Drainage, Streets, Water Lines, Sewer Lines and Erosion Control for 95 Townhome units.*
- *Submitted Final SP Construction Plans for 95 Townhome units.*

Although construction has not been started due to the economy we feel that this SP has had sufficient work performed to retain its active status."

Analysis In reviewing the documentation provided by the owner, staff finds that the owner has described an aggregate of actions that indicates activity. Staff recommends that this SP be found active and that it be placed back on the four-year review list. At that time, if the SP is not found to be complete, the owner will need to demonstrate that additional activity has taken place in the SP District during the period between the four year reviews in order for it to be found active.

STAFF RECOMMENDATION Staff recommends that the Harpeth Springs Village SP be found to be active.

Find the SP District Active. (6-0), Consent Agenda

Resolution No. RS2011-187

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-103G-06 is **APPROVED, finding the SP District ACTIVE. (6-0)."**

3. 2011SP-018-001

RHINO DISCOUNT MUFFLER

Map 050, Part of Parcel(s) 035
 Council District 03 (Walter Hunt)
 Staff Reviewer: Greg Johnson

A request to rezone from CS to SP-A zoning and for final site plan approval for a portion of property located at 3556 Dickerson Pike, approximately 700 feet south of Due West Avenue and partially located within the Floodplain Overlay District (0.84 acres), to permit automobile sales (used), automobile repair, automobile service and all other uses permitted by the CS District, requested by Saed Y. Qiqjeh, owner.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST - Permit automobile sales, repair, and service and all other uses permitted by CS district

Preliminary and Final SP A request to rezone from Commercial-Service (CS) to Specific Plan–Auto (SP-A) zoning and for final site plan approval for a portion of property located at 3556 Dickerson Pike, approximately 700 feet south of Due West Avenue and partially located within the Floodplain Overlay District (0.84 acres), to permit automobile sales (used), automobile repair, automobile service and all other uses permitted by the CS District.

Existing Zoning

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

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 includes automobile uses.

CRITICAL PLANNING GOALSN/A

PARKWOOD/ UNION HILL COMMUNITY PLAN

Detailed Policy

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.

General Policy

Community/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? No. The proposed SP is inconsistent with the residential intent of the land use policy. The Parkwood – Union Hill Community Plan Updated of 2006 included detailed land use policies for Dickerson Pike. Because of the tremendous overabundance of commercially zoned property, the plan identified specific nodes along Dickerson Pike at important street intersections that would best serve as commercial areas. Areas between these nodes were identified for development, primarily in the form of residential land uses. The subject site is located in one of these areas intended for residential land uses. Because of this, the augmentation of the existing CS zoning district to permit auto-related uses would not be appropriate.

PLAN DETAILS In 2006, a Council bill removed used automobile sales, automobile repair, and automobile service uses from the list of uses permitted under the CS zoning classification. This SP request proposes to have these uses added back to the uses permitted for the subject property.

Existing conditions The site is currently occupied by a discount muffler business that predated the Council bill that excluded auto-related land uses from the CS zoning district. The business is a legally non-conforming use.

Site plan The applicant submitted a site plan with the SP application. The proposed parking layout does not demonstrate compliance with the parking requirements of the Zoning Code in either the layout of parking spaces or the overall number of parking spaces for the proposed spaces. The applicant intends to maintain the existing muffler business and add an auto sales use. According to the site plan, the applicant intends to do this without the addition of paved surface and parking to the current conditions. Conditions of approval are proposed to meet the Zoning Code standards for the number and design of parking spaces for the existing and proposed land uses.

The site plan does not demonstrate the installation of other design elements that are generally required with auto-related SP requests. Because the site is located outside of the Urban Zoning Overlay (UZO) in an area that is generally less-urban than other auto SP proposals, inclusion of all of these design elements is not necessary. A condition of approval is proposed to limit any proposed ground signage to monument-style signs with a maximum height of six feet and maximum display area of 32 square feet.

METRO STORMWATER RECOMMENDATION Final SP conditionally approve (Stormwater)

- No grading is anticipated.

PUBLIC WORKS RECOMMENDATION Revise and Resubmit

- 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.
- Show single driveway connection, not to exceed 24 ft.
- Show parking per Metro Code.

Traffic Comments:

- Redesign parking to eliminate head in parking and to prevent backing into Dickerson Rd.
- Minimize open curb cut.
- Provide required parking per Metro Code.

The addition of the proposed auto-related land uses will not create an increase the total potential number of vehicle trips of the CS zoning district. Therefore, a traffic table was not prepared for this case.

METRO SCHOOL BOARD REPORT Because the proposed SP will not generate any additional students, a school board report has not been generated.

STAFF RECOMMENDATION Staff recommends disapproval of the proposed SP. The proposed addition of permitted commercial uses is not consistent with the residential land use policy. Additionally, the site plan submitted by the applicant does not demonstrate compliance with parking requirements of the Zoning Code and the conditions placed on the other auto sales SPs.

CONDITIONS

1. 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.
2. Show a single driveway connection, not to exceed 24 ft. in width along Dickerson Pike.
3. Ground signs placed on the site shall be monument signs with a maximum of six feet in height and shall not exceed 32 square feet in display area.
4. Redesign parking to provide sufficient parking to meet the requirement of the Zoning Code for the proposed uses, to eliminate head-in parking, and to prevent backing into Dickerson Rd and minimize the curb cut. Final Parking layout shall be approved by Metro Planning Department staff and Public Works staff prior to the issuance of any permits.

5. This SP shall permit Automobile sales (used), Automobile repair, and Automobile service land uses in addition to all uses permitted by the CS zoning district.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of 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.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. 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.
10. 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.

Mr. Johnson presented the staff recommendation of disapproval.

Councilmember Hunt asked for a deferral due to an incomplete site plan.

Dr. Cummings moved and Mr. Ponder seconded the motion to close the Public Hearing. (6-0)

Mr. Ponder stated that a deferral would be appropriate.

Mr. Clifton expressed agreement with Mr. Ponder that a deferral would be appropriate.

Dr. Cummings moved and Mr. Ponder seconded the motion to defer to the October 13, 2011 Planning Commission meeting.

Ms. LeQuire suggested that staff rezone the entire site and not just a portion of it.

The vote was taken. (6-0)

Resolution No. RS2011-188

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-018-001 is DEFERRED to the October 13, 2011, Planning Commission meeting. (6-0)”

4. 2011SP-019-001

MADISON CAMPUS SIGN

Map 052-07, Part of Parcel(s) 124
 Council District 09 (Bill Pridemore)
 Staff Reviewer: Greg Johnson

A request to rezone from OG to SP-INS zoning and for final site plan approval for a portion of property located at 607 B Larkin Springs Road, approximately 1,075 feet north of Neelys Bend Road (0.84 acres), to permit a sign totaling 32 square feet in size containing a 16 square foot digital reader board requested by Madison Campus Church, applicant, Kentucky-Tennessee Conference Association of Seventh Day Adventists Inc., owner.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST - Permit an LED changeable message sign

Preliminary SP A request to rezone from Office General (OG) to Specific Plan – Institutional (SP-INS) zoning and for final site plan approval

for a portion of property located at 607 B Larkin Springs Road, approximately 1,075 feet north of Neelys Bend Road (0.84 acres), to permit a sign totaling 32 square feet in size containing a 16 square foot digital reader board.

Existing Zoning

OG District - Office General is intended for moderately high intensity office uses.

Proposed Zoning

SP-INS District - Specific Plan-Institutional 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 institutional uses.

CRITICAL PLANNING GOALS N/A

MADISON COMMUNITY PLAN

T3 Suburban Residential Corridor (T3 RC) T3 RC policy is intended to preserve, enhance and create suburban residential corridors that support predominately residential land uses; are compatible with the general character of suburban neighborhoods as characterized by development pattern, building form, land use, and associated public realm; and that move vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy? No, the proposed SP district is not consistent with the T3 Residential Corridor land use policy. The SP would permit an LED message center sign, which is only permitted in some commercial districts, according to the Zoning Code. The Zoning Code specifically prohibits LED message center signs from residential districts and within 100 feet of residential zoning districts.

ANALYSIS According to the zone change application, the purpose of this request is to allow for an electronic sign that would not be permitted under the existing zoning district. The SP is proposed for a small portion of a church property along Larkin Springs Drive. Larkin Springs Drive, in this location, is predominately comprised of single-family dwellings. The church property is located primarily behind the dwellings on the east side of the street, but has 50 feet of frontage along Larkin Springs Drive, which provides an access driveway to the church parking lot.

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 the current residential uses and zoning along this section of Larkin Springs Drive.

This zone change request, which seeks to rezone a small portion of an existing property 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 SP zoning district would not only provide a zoning district that would permit an LED sign, but also would eliminate the distance and height requirements of LED signs in relation to residential zoning districts, effectively granting a variance to these sections of the Zoning Code. The Zoning Code requires a minimum setback of 100 feet from residentially-zoned property for an LED message center sign with a maximum height of four feet. The proposed LED sign, at a height of 12 feet, would require a minimum setback of 300 feet from residentially-zoned property.

RECENT ZONE CHANGES Over the last few years, the Planning Commission has recommended approval of four zone changes that permitted LED message center signs. Three of those cases were similar to the current application in the incompatibility of the proposed zoning to the land use policy on each site. In each of those cases, the sign met all distance separation requirements and the Planning Commission made a site-specific finding that would make the LED sign permissible.

In addition to the incompatibility of the proposed zoning district and the land use policy, the current application includes another reason for disapproval that did not apply to the previous applications: none of those previous cases included a proposed sign that would be placed within 100 feet of a residentially-zoned property. This proposal violates the requirements of the Zoning Code, which requires a minimum distance of 100 feet from a residentially-zoned district for all LED signs in all zoning districts.

The SP zone is requested, in part, to eliminate the distance requirement of the Zoning Code. Although the Planning Commission has approved several zone changes for LED signs, none of them failed to meet the minimum 100 foot distance requirement from an adjacent residential zone. The proposed sign would be approximately 75 feet away from the residentially-zoned property across Larkin Springs Road.

Location	Policy	Zoning Proposal	Meets LED distance requirement in Zoning Code	Staff recommendation	MPC recommendation	Council action
Credit Union on Clarksville Pk	MH in CC	CL to CS	Yes	Disapprove – Doesn't meet policy	Approve – Request is consistent with surrounding commercial zoning	Approve
Clarksville Pike church	MH in CC	CL to CS	Yes	Disapprove – Doesn't meet policy	Approve – Request is consistent with the CS zoning that existed on property before it was downzoned to CL.	Approve
Goodpasture (Madison)	OC	OR20 to CS	Yes	Disapprove – Doesn't meet policy	Approve SP to allow OR20 zoning with one LED sign. Policy is non-residential. <u>No residential districts in immediate area that will be affected.</u>	Approve
Highway 100 church (Bellevue)	CC	RS40 to CS	Yes	Approve – Proposed zoning and policy are more appropriate than existing	Approve	Approve
Larkin Springs church (Madison)	T3 RC	OG to SP	No	Disapprove – Doesn't meet policy or distance requirements		

Table 1: This table shows all previous LED sign proposals that have received a recommendation from the Planning Commission. The current proposal is shown in the last row.

PUBLIC WORKS RECOMMENDATION Because the SP proposal will not affect traffic to the site, a traffic table was not prepared.

Sign is to be located to allow adequate sight distance at driveway.

STAFF RECOMMENDATION Staff recommends disapproval of the request because:

1. The proposed SP zoning district is incompatible with the T3 Suburban Residential Corridor land use policy.
2. The proposed LED sign does not meet the requirements of the Zoning Code for the minimum required distance from residentially-zoned property.

CONDITIONS

1. The sign is to be located to allow adequate sight distance at driveway.
2. This SP shall permit an LED message center sign with a maximum size of 16 square feet.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the OG zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further

the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

6. 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.
7. 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.

Mr. Johnson presented the staff recommendation of disapproval.

Councilmember Pridemore spoke in support of the proposal due and noted that he had not spoken with anyone in the community that is in opposition to this sign.

Vickie Anderson, 117 Pineywood Acres, spoke in support of the proposal and noted that the sign is not for the church, it's a means of outreach to the community.

Tim Prow, 1562 Hudson Road, spoke in support of the proposal.

Mr. Clifton moved and Mr. Ponder seconded the motion to close the Public Hearing. (6-0)

Ms. LeQuire asked staff to clarify the physical location of both the community center and the health care center and then asked if the LED sign could be placed at one of these locations instead.

Mr. Haynes asked the applicant how the church has advertised their programs in the past.

The applicant stated that they use word of mouth, leaflets where possible, and banners.

Mr. Clifton stated that this has been a long standing issue and that Council has chosen not to change the zoning code regarding LED signs. Would like to hear what the other commissioners have to say.

Dr. Cummings stated that from a planning perspective, historically we have approved LED signs where commercial was surrounding it or residential was far enough away. However, in this case, residential is only 75ft away. Dr. Cummings noted that she would be voting against this as it could be setting precedence.

Mr. Ponder asked if it would it make any difference if the sign was lower than 10' off the ground?

Mr. Johnson clarified the allowable zoning code for LED signs.

Mr. Ponder stated that he will vote against the proposal.

Mr. Haynes inquired if the church moved the sign 30' towards the church and lowered the sign, what would happen?

Mr. Johnson clarified that it would then be a question of land use policy.

Mr. Bernhardt stated that if they did not violate the distance requirements by either lowering or moving the sign, then a zoning district could be developed that would be consistent with the decisions made by the Planning Commission in the past.

Mr. Haynes suggested that the church lower the sign, move it back 35', and bring it back before the Planning Commission to be looked at as an option, otherwise he will have to adhere to the rules and vote against.

Mr. Ponder stated that he wants to be able to work with the community and hopes we can come up with an alternative.

Ms. LeQuire stated that perhaps the LED sign could be placed at the Community Center on Gallatin Road as it would be legal in that location but will not vote to support this.

Mr. Clifton feels that for the Planning Commission to approve this might be a step above their authority.

Dr. Cummings moved and Ms. LeQuire seconded the motion to approve staff recommendation.

Mr. Ponder inquired if there is any advantage to the applicant if the request was deferred.

Mr. Bernhardt stated concerns with setting precedence and noted that there is no advantage to a deferral unless the applicant is willing to change the sign.

Mr. Gee noted that the Community Plan is to preserve the residential character of this street.

The vote was taken. (6-0)

Resolution No. RS2011-189

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-019-001 is **DISAPPROVED. (6-0)**

The proposed SP is inconsistent with the T3 Suburban Residential Corridor land use policy. Additionally, the proposed LED sign does not meet the requirements of the Zoning Code for the minimum required distance from residentially-zoned property.”

J. PLANNING COMMISSION ACTIONS

Institutional Overlays: final site plans

5. 2006IN-001-003

DAVID LIPSCOMB (NURSING & PHARMACY RESEARCH BUILDING)

Map 117-16, Parcel(s) 064-068, 079-081, 202, and Part of 163

Council District 25 (Sean McGuire)

Staff Reviewer: Greg Johnson

A request for a revision to the preliminary plan to convert a residence to an office use at 4014 Granny White Pike, and for final site plan approval for a portion of the David Lipscomb University Institutional Overlay district for properties located at 3714 Belmont Boulevard, 3700, 3704, 3705, 3706, 3707, 3708 and 3709 Crestview Drive, 3705 and 3707 Rosemont Avenue, and 4014 Granny White Pike, approximately 450 feet south of Grandview Drive (2.9 acres), zoned R10, to permit the development of a 24,800 square foot Nursing Building, a 15,300 square foot Pharmacy Research Building, and a 103 space parking lot, requested by Tuck-Hinton Architects, applicant, for David Lipscomb University, owner.

Staff Recommendation: APPROVE revision to preliminary master plan. APPROVE final site plan WITH CONDITIONS.

APPLICANT REQUEST - Revise master plan to revise intended land uses and final approval for Nursing and Pharmacy buildings.

Preliminary revision and Final A request for a revision to the preliminary plan to convert a residence to an office use at 4014 Granny White Pike, and for final site plan approval for a portion of the David Lipscomb University Institutional Overlay district for properties located at 3714 Belmont Boulevard, 3700, 3704, 3705, 3706, 3707, 3708 and 3709 Crestview Drive, 3705 and 3707 Rosemont Avenue, and 4014 Granny White Pike, approximately 450 feet south of Grandview Drive (2.9), zoned One and Two Family Residential (R10), to permit the development of a 24,800 square foot Nursing Building, a 15,300 square foot Pharmacy Research Building, and a 103 space parking lot.

CRITICAL PLANNING GOALS N/A

PLAN DETAILS

Revision to preliminary plan This revision would change the proposed land use for a residential structure along Granny White Pike. The approved master plan identifies several single-family structures along Granny White Pike as “residential to remain.” The applicant wishes to move a university-related office use into the building, while maintaining its residential appearance. Because the residential form of the building will not change, the intent of maintaining the residential frontage will not change. The revision to the preliminary site plan will clarify the proposed land use.

Final site plan The final site plan proposal is consistent with the approved preliminary master plan that was revised in 2009. The nursing and pharmacy buildings will be placed to the north and south of the recently-constructed James D. Hughes Center.

The final site plan is consistent with the preliminary plan and could be approved administratively. Because the revision to preliminary was included in the same application as the final site plan, both proposals are included in this staff report.

The final site plan has not yet received technical review approval from Metro Stormwater. Final site plan approval is generally not granted until technical review has been completed. In this case, Planning staff recommends conditional approval of the final site plan. Grading and building permits will not be issued until the Metro Stormwater conditions arising from the technical review have been satisfied.

NES RECOMMENDATION

1. Developer/ Contractor to coordinate overhead power line removals on Crestview Drive with NES.
2. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after

- approval by Metro Planning w/ any changes from other departments)
3. Developer drawing should show any and all existing utilities easements on property.
 4. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
 5. NES needs load information and future plans or options to buy other property (over all plans).

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.
- Show sidewalk improvements along Belmont.

**Traffic Comments:
Revise and Resubmit**

- A 5 year update to the TIS has been scoped but not received.
- TIS shall be updated to include this project impact or a separate focused access study will be required to determine if previously approved master plan access drive opposite Glen Echo is required with proposed development and to determine appropriate driveway design for efficient signal operation.

STORMWATER RECOMMENDATION Final Site Plan Returned (Stormwater):
Sufficient plans for review been submitted. Stormwater requests approved plans prior to final site plan approval.

STAFF RECOMMENDATION Staff recommends approval of the revision to the master plan. The revision will maintain the form of residential development along Granny White Pike while permitting uses accessory to the university campus.

Staff recommends approval with conditions of the final site plan pending technical review approval by Metro Stormwater. The final site plan is consistent with the approved preliminary master plan.

CONDITIONS

1. Prior to the issuance of any permits including grading and building permits, the proposal shall complete technical review with Metro Stormwater.
2. This approval does not include any signs. Signs in institutional overlay districts 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.
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. If the Institutional Overlay 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 floor area be reduced.
5. 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 Institutional Overlay plan. Failure to submit a corrected copy of the preliminary Institutional Overlay within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved revision to the preliminary master plan and approved final site plan with conditions. (6-0), Consent Agenda

Resolution No. RS2011-190

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006IN-001-003 is **APPROVED a revision to the preliminary master plan and APPROVED WITH CONDITIONS the final site plan. (6-0)**

Conditions of Approval:

1. Prior to the issuance of any permits including grading and building permits, the proposal shall complete technical review with Metro Stormwater.
2. This approval does not include any signs. Signs in institutional overlay districts 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.
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. If the Institutional Overlay 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 floor area be reduced.
5. 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 Institutional Overlay plan. Failure to submit a corrected copy of the preliminary Institutional Overlay within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

Subdivision: Final Plats

6. 2011S-065-001

MAPLEWOOD HOME TRACT, RESUB LOT 48

Map 061-15, Parcel(s) 026

Council District 08 (Karen Bennett)

Staff Reviewer: Greg Johnson

A request for final plat approval to create two lots on property located at 3907 Baxter Avenue and a sidewalk variance, approximately 330 feet north of Oak Street (.54 acres), zoned RS7.5, requested by Latdavone Word, owner, James Overfelt, surveyor.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Create two lots and variance to sidewalk requirements

Final plat A request for final plat approval to create two lots on property located at 3907 Baxter Avenue and a sidewalk variance, approximately 330 feet north of Oak Street (.54 acres), zoned Single Family Residential (RS7.5).

CRITICAL PLANNING GOALS N/A

PLAN DETAILS

Final Plat The applicant requests final plat approval for a two lot subdivision along Baxter Avenue. Two lot subdivisions that meet all of the requirements of the Subdivision Regulations can be approved administratively. However, the applicant has requested a variance to the sidewalk requirements of the Subdivision Regulations and variances must be considered by the Planning Commission.

Section 3.8.2 of the Subdivision Regulations requires sidewalks on all existing streets abutting proposed subdivisions within the Urban Services District (USD). The applicant requests a variance to this requirement, stating that the construction of sidewalk along Baxter Avenue would provide no pedestrian benefit because it would not provide connections to other sidewalks on Baxter Avenue or on any cross streets. The variance application points out that the nearest existing sidewalk is located approximately 515 feet away on Gallatin Pike. Additionally, the applicant states that the "cost of constructing new sidewalk and drainage infrastructure on lot would provide no significant use to pedestrians."

The Subdivision Regulations provide for other options for required sidewalks when sidewalks do not exist on the same block face. The applicant is permitted to make a financial contribution to the pedestrian network for an equal length of sidewalk in lieu of sidewalk construction, or consult with Metro Public Works to construct an equal length of sidewalk elsewhere in the same Pedestrian Benefit Zone. The frontage of the proposed subdivision along Baxter Avenue is 100 feet. A financial contribution or construction of sidewalk elsewhere must be based on the requirement for 100 feet of sidewalk construction. While the applicant states concern for constructing sidewalk where it would provide little immediate use to pedestrians, the financial contribution and construction of sidewalk elsewhere in the vicinity could provide a more immediate use for a sidewalk.

In the review of a variance to the Subdivision Regulations, the Planning Commission must make the following findings in order to grant approval:

- 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.
- 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.
- 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.
- 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).

The applicant has not provided sufficient information to demonstrate that the requested variance would meet the findings shown above. The required findings that are based on site-specific characteristics are not applicable to the requested variance because other sidewalk options,

such as a financial contribution or off-site construction, are available.

There are some minor revisions needed on the plat. These have been noted as conditions of approval.

Infill Subdivisions Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally comparable with surrounding lots. The Subdivision Regulations include several criteria for determining if a plat is consistent with the character of the area, including the density of the subdivision compared to the land use policy. Because the density of the proposed subdivision will be consistent with the underlying NG policy, the lots are considered by the Subdivision Regulations to be in keeping with the character of the surrounding lots.

STORMWATER RECOMMENDATION Final Plat Returned for Corrections (Stormwater):

1. FEMA Panel Number and date are incorrect.
2. Add Access Note to plat.

PUBLIC WORKS RECOMMENDATION No Exception Taken

WATER SERVICES RECOMMENDATION Add to notes:

Individual water and/or sanitary sewer service lines are required for each parcel.

STAFF RECOMMENDATION Staff recommends approval of the subdivision with conditions. Staff recommends disapproval of the variance request to the sidewalk requirements of the Subdivision Regulations. A financial contribution in lieu of construction or construction of sidewalk elsewhere may be substituted for construction of sidewalk along the Baxter Avenue street frontage.

CONDITIONS

1. Case No. 2011S-065-001 shall be added to the plat.
2. Building footprints shall be removed from the plat.
3. Sidewalk is required along the Baxter Avenue frontage of both lots for a length of 100 feet. One of the following actions shall be taken prior to final plat recordation:
 - a. Submit a bond application and post a bond with the Planning Department for construction of a sidewalk.
 - b. Submit payment in-lieu of construction to the Department of Public Works based on the required length of subdivision frontage on Baxter Avenue.
 - c. Construct sidewalk along the Baxter Avenue frontage of the subdivision and have it accepted by Public Works.
 - d. Construct 100 feet of sidewalk within the same pedestrian benefit zone at a location in consultation with Public Works.
 - e. Add the following note to the plat: "No building permit is to be issued on any lot within this subdivision until the required sidewalk is constructed per the Department of Public Works specifications."
4. The following notes shall be added to the plat:
 - Tree note: The development of this project shall comply with the requirements of the adopted tree ordinance 2008-328 (Metro code Chapter 17.24, Article II, Tree Protection and Replacement; and Chapter 17.40, Article X, Tree Protection and Replacement Procedures).
 - Setback note: All building setbacks to be determined by Metro Zoning Code.
 - Stormwater access note: Metro Water Services shall be provided sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any Stormwater facilities within the property.
 - Water Services note: Individual water and/or sanitary sewer service lines are required for each parcel.
5. Parcel numbers shall be added to the plat: Parcel 26 (Lot 48A) and Parcel 404 (Lot 48B).
6. The FEMA panel number and date shall be corrected on the plat.

(Note: The applicant withdrew the request for the variance to the sidewalk requirements) Approved with conditions. (6-0), Consent Agenda

Resolution No. RS2011-191

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-065-001 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Case No. 2011S-065-001 shall be added to the plat.
2. Building footprints shall be removed from the plat.
3. Sidewalk is required along the Baxter Avenue frontage of both lots for a length of 100 feet. One of the following actions shall be taken prior to final plat recordation:
 - a. Submit a bond application and post a bond with the Planning Department for construction of a sidewalk.

- b. Submit payment in-lieu of construction to the Department of Public Works based on the required length of subdivision frontage on Baxter Avenue.
 - c. Construct sidewalk along the Baxter Avenue frontage of the subdivision and have it accepted by Public Works.
 - d. Construct 100 feet of sidewalk within the same pedestrian benefit zone at a location in consultation with Public Works.
 - e. Add the following note to the plat: "No building permit is to be issued on any lot within this subdivision until the required sidewalk is constructed per the Department of Public Works specifications."
4. The following notes shall be added to the plat:
 - Tree note: The development of this project shall comply with the requirements of the adopted tree ordinance 2008-328 (Metro code Chapter 17.24, Article II, Tree Protection and Replacement; and Chapter 17.40, Article X, Tree Protection and Replacement Procedures).
 - Setback note: All building setbacks to be determined by Metro Zoning Code.
 - Stormwater access note: Metro Water Services shall be provided sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any Stormwater facilities within the property.
 - Water Services note: Individual water and/or sanitary sewer service lines are required for each parcel.
 5. Parcel numbers shall be added to the plat: Parcel 26 (Lot 48A) and Parcel 404 (Lot 48B).
 6. The FEMA panel number and date shall be corrected on the plat."

K. OTHER BUSINESS

7. Proposed application fee for designating Landmark Signs.

Approved (6-0), Consent Agenda

Resolution No. RS2011-192

"BE IT RESOLVED by The Metropolitan Planning Commission that the proposed application fee for designating Landmark Signs is **APPROVED. (6-0)**"

8. Historical Commission Report
9. Board of Parks and Recreation Report
10. Executive Committee Report
11. Executive Director Report
12. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

September 12, 2011

Lakewood Community Meeting

6pm, DuPont-Hadley Middle School Auditorium

Topic: Final discussion of Lakewood Community Plan and Zoning

September 15, 2011

Bellevue Community Meeting

6-8pm, Harpeth Heights Baptist Church, 8063 Hwy 100

Bellevue Community Plan Update: Plan Implementation, transportation, open spaces

September 22, 2011

Work Session

2:15pm, 800 Second Ave. South, Metro Office Building, Nashville Room

Topic: Lakewood Zoning/Plan Amendment and MCSP

MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

October 27, 2011

Work Session

2:15pm, 800 Second Ave. South, Metro Office Building, Nashville Room

Topic: Downtown Sign Code

MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

M. ADJOURNMENT

The meeting was adjourned at 5:18 p.m.

Chairman

Secretary