

Town of Nashville

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MINUTES OF THE NASHVILLE PLANNING BOARD TUESDAY, SEPTEMBER 26, 2023

Members Present: Bill Lumpp, Ann Collier, Jacquelyn Lewis, and Wayne Sears

Members Absent: Dennis Evans, Ross Strickland, and Eddie Thomas

Staff Present: Sherry N. Moss, Planning & Development Director and Town Manager Randy Lansing

Others Present: Arun Dutta

1. **CALL TO ORDER AND ROLL CALL: 6:00pm**

The Nashville Planning Board held its monthly meeting on Tuesday, September 26, 2023 in the Town Council Chambers at 114 W. Church Street at approximately 6:00PM. Chairman Bill Lumpp recognized a quorum and called the meeting to order.

2. **MINUTES OF THE PRECEDING MEETING: August 29, 2023**

The minutes of the preceding meeting listed above were reviewed. The minutes were motioned to be approved by Board Member Wayne Sears and seconded by Board Member Jacquelyn Lewis; there was no further discussion; the motion unanimously passed 3-0.

3. **NEW BUSINESS (AGENDA-STAFF REPORT ATTACHED):**

PUBLIC HEARING: RZ2023-02: Arun Dutta is requesting to rezone approximately 0.36 acres located on Brake and S. First Street, Nash County Parcel ID 003296 & 005959; PIN# 3800 0768 7112 & 3800 0768 6157, in the Town of Nashville's jurisdiction, from R-10 (Medium-Density Residential District) to B-1 (Highway Business District) per Division 9 of the Nashville Zoning Ordinance.

Chairman Bill Lumpp introduced the rezoning request (RZ2023-02). Planning Director Sherry Moss then presented the staff report. She addressed that the applicant is proposing to rezone two separate lots, with a total of +/- 0.36 acres from R-10 medium-density residential to B-1 highway business. She mentioned that the rezoning would allow the property to be utilized as retail but would not be in harmony with the existing surrounding land uses in the area. She explained the comparison and inconsistency between the zoning map and the future land use map, indicating the area on the zoning map as medium density residential and medium density residential on the future land use map, meaning that the proposed request is inconsistent with the future land use map and future land uses. Ms. Moss stated per the Comprehensive Land Use Plan, the future land uses of the medium

density residential classification to be single family detached homes, single family attached homes, and townhomes; with considerations of institution and uses such as schools. Ms. Moss added if the properties were to be rezoned to neighborhood services, the future land uses would consist of retail, professional services, restaurants, offices, institutional uses, and a government facility. She mentioned the proposed use was stated to be retail, which would be discussed in the latter part of this meeting.

Ms. Moss proceeded with what the Planning Board should consider upon making a recommendation for the rezoning request:

1. Is the proposal is in accordance with the land use plan and some planning principles;
2. Is there convincing demonstration that all uses permitted under the proposed district classification or proposed text amendment would be in the general public interest and not merely in the interest of an individual or small group.
3. Is there a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
4. Is there a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Ms. Moss then addressed the Planning Board Procedures for a public hearing. She stated the planning board will make a written recommendation to the town council before the October 5 meeting where additional public hearing and final decisions will be made. She also informed the Planning Board that the applicant was present.

Chairman Lumpp called for a motion to go into a public hearing. Board Member Wayne Sears motioned, and Board Member Ann Collier seconded the motion.

The applicant, Arun Dutta stated he already owns a business in Nashville and wants to make the property retail.

For clarification, Mr. Sears asked Mr. Dutta is he wanting to open a retail establishment/store on the property and asked what he would provide that is not already available 100' away in the existing commercial store. Mr. Dutta replied that next to his land, is a store/smoke shop. He added that he already has a BP gas station (1001 E. Washington Street) and would like a small grocery store on the property, because there is not one in the area.

Chairman Lumpp called Xavier Harrison to come up and speak.

Xavien Harrison (616 East Cockrell Street) stated he is speaking on behalf of the community that resides within that 500 block, which is consistent of Brake and Ward, as well as First Street. He stated there is a great and grave concern for all constituents and have had conversations and communications all the last few days pertaining to the rezoning request. He mentioned the concern is that they're optimistically, not absolutely positive, that it's something that would serve or nonetheless benefit the community in which they live. Simply put, rezoning from residential and moving into another type of zoning (industry or business), is a grave concern. He added it has not been that far in the future of where the current store is located that it was a police hazard there constantly day and night. The neighborhood got together and made sure the Town Council, Manager, Mayor, and all involved parties was in the know about how concerned they were with that. They felt it would be beneficial for the community and show the concern of how they are against it. He informed the board that many of the neighbors are here (27 total) and have voiced their concern and added he was

the spokesperson. Twenty-four (24) property owners from Ward, Brake, and First Street stood opposing the rezoning request.

Ernestine Ledbetter (?) stated she's opposed to the rezoning of this property. She stated it's a quiet neighborhood that they live in and don't need retail and grocery stores. She added everybody has access to a grocery store and the retail that they need in Nashville. So, in that area, she would like for it to remain residential as it is, and let it be the quiet, nice neighborhood that they are accustomed to.

Dennis Joyner (821 S. Brake Street) stated they do not want another retail or of the sorts in the community primarily because of concerns about the community as a whole. He added children as well as some adults should not be out in the street. They actually impede traffic. He also stated when he's traveling through there when other people are traveling, he has to come to a standstill. He mentioned sometimes you see people exchanging items and you can't identify what they are exchanging at that store. He stated it's always a crowd there in the way. They are concerned about the state of the children regarding the rezoning according to where the map shows it. It would only create a situation where children will have another through way for crossing the street to go back to the other side of the area where Cockrell Street and all those other streets are located, which is a hazard to the children. He expressed concern about the safety of the children in the community because there has been a lot of violent episodes in that area and added they don't want any violence in their community. Mr. Joyner addressed the board that they've been there for over 50 years and doesn't want anything to come and destroy the community as a whole. They want to keep it safe for all people.

Ernestine Stevenson declined to speak.

Board Member Ann Collier questioned the hours of operation. Mr. Dutta replied 6am-9pm.

There were no further comments from the public. Chairman Lumpp called for a motion to close the public hearing. Board Member Ann Collier motioned, and Board Member Wayne Sears seconded the motion.

Chairman Lumpp called for staff's recommendation. Ms. Moss

Ms. Moss stated at this time, planning staff would like to make the recommendation to deny the rezoning request as there would be an inconsistency of the comparison between the zoning map, and the future land use map and an inconsistency of the comprehensive land use plan. And, based on the future land use map and the zoning, everything is residential in that area. So, planning staff recommends keeping the harmony the way it is.

Parking and buffer were briefly mentioned and discussed.

Ms. Moss shared with the board the three options to choose from, regarding the consistency statement.

Chairman Lumpp called for a motion.

Board Member Jacquelyn Lewis made a motion to deny the recommendation; Option 2.

"I move we recommend disapproval of RZ2023-02, based upon review of, an inconsistency

with, the town of Nashville's Comprehensive Plan, Zoning Ordinance and any other official plan official plan that is applicable. The request is inconsistent with the Nashville Comprehensive Plan, the Code of Ordinances and adopted policy because of the size of the lot and is not in harmony with the neighborhood. The action taken is reasonable and in the public interest because it is not consistent with the land development plan, and it is not in harmony with the existing neighborhood.”

Board Member Wayne Sears seconded the motion. There was no further discussion. The motion to deny, unanimously passed 3-0.

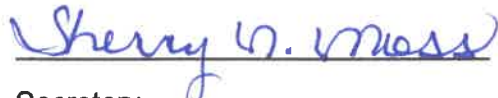
Ms. Moss explained to the audience that the Planning Board made the recommendation to deny the rezoning. The recommendation will go before the Town Council next Thursday, next Thursday, October 5 for final approval.

ANNOUNCEMENT OF NEXT MEETING: October 31, 2023, at 6pm

Chairman Lumpp informed the board that the next meeting will be held on October 31, 2023, pending if any items come in.

4. ADJOURNMENT

Board Member Ann Collier motioned to adjourn. Board Member Wayne Sears seconded the motion. The meeting adjourned at approximately 6:26pm.


Secretary


Bill Lumpp, Chairman