



# **METROPOLITAN PLANNING COMMISSION MINUTES**

**June 24, 2021  
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**

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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:  
Greg Adkins, Chairman  
Lilian Blackshear  
Brian Tibbs  
Mina Johnson  
Edward Henley  
Mina Johnson  
Councilmember Kathleen Murphy

Commissioners Absent:  
Jessica Farr  
Jeff Haynes  
Dr. Pearl Sims

Staff Present:  
Lucy Kempf, Executive Director  
Bob Leeman, Deputy Director  
George Rooker, Assistant Director  
Shawn Shepard, Planning Manager I  
Latisha Birkeland, Planner III  
Amelia Lewis, Planner II

**Lucy Alden Kempf**

Secretary and Executive Director, Metro Planning Commission  
**Metro Planning Department of Nashville and Davidson County**  
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## Notice to Public

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### Please remember to turn off your cell phones.

Nine of the Planning Commission's ten members are appointed by the Metropolitan Council; the tenth member is the Mayor's representative. The Commission meets on the second and fourth Thursday of each month at 4:00 pm, in the Sonny West Conference Center on the ground floor of the Howard Office Building at 700 Second Avenue South. Only one meeting may be held in December. Special meetings, cancellations, and location changes are advertised on the [Planning Department's main webpage](#).

The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, including zone changes, specific plans, overlay districts, and mandatory referrals, the Commission recommends an action to the Council, which has final authority.

Agendas and staff reports are [posted online](#) and emailed to our mailing list on the Friday afternoon before each meeting. They may also be viewed in person from 7:30 am – 4 pm at the Planning Department office in the Metro Office Building at 800 2nd Avenue South. [Subscribe to the agenda mailing list](#)

Planning Commission meetings are shown live on the Metro Nashville Network, Comcast channel 3, [streamed online live](#), and [posted on YouTube](#), usually on the day after the meeting.

### Writing to the Commission

Comments on any agenda item may be mailed, hand-delivered, or emailed to the Planning Department by 3 pm on the Tuesday prior to the meeting day. Written comments may also be brought to the Planning Commission meeting and distributed during the public hearing. Please provide 15 copies of any correspondence brought to the meeting.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300  
E-mail: [planning.commissioners@nashville.gov](mailto:planning.commissioners@nashville.gov)

### Speaking to the Commission

Anyone may speak before the Commission during a public hearing. A Planning Department staff member presents each case, followed by the applicant, community members opposed to the application, and community members in favor.

Community members may speak for two minutes each. Representatives of neighborhood groups or other organizations may speak for five minutes if written notice is received before the meeting. Applicants may speak for ten minutes, with the option of reserving two minutes for rebuttal after public comments are complete. Councilmembers may speak at the beginning of the meeting, after an item is presented by staff, or during the public hearing on that Item, with no time limit.

Items set for consent or deferral will be listed at the start of the meeting.

Meetings are conducted in accordance with the Commission's [Rules and Procedures](#).

### 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

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## **A: CALL TO ORDER**

The meeting was called to order at 4:00 p.m.

## **B: ADOPTION OF AGENDA**

Councilmember Murphy moved and Ms. Johnson seconded the motion to adopt the agenda. (7-0)

## **C: APPROVAL OF JUNE 10, 2021 MINUTES**

Councilmember Murphy moved and Ms. Johnson seconded the motion to approve the June 10, 2021 minutes. (7-0)

## **D: RECOGNITION OF COUNCILMEMBERS**

Councilmember Syracuse spoke in favor of Item 13.

Councilmember Hausser requested deferral of Item 22 to allow time for additional community meetings.

Councilmember Porterfield spoke in opposition to Item 21 due to infrastructure concerns.

## **E: ITEMS FOR DEFERRAL / WITHDRAWAL**

The applicant preferred to go ahead and hear Item 22.

Councilmember Murphy spoke in agreement with Councilmember Hausser to defer Item 22 to allow for another community meeting.

Councilmember Murphy moved and Mr. Henley seconded the motion to add Item 22 to the Deferral List. (7-0)

The commission took a ten-minute break to address technical difficulties with the microphones.

Chairman Adkins explained that due to technical difficulties, all items to be scheduled to be heard (Items 18, 20, 21, 23) will be deferred to a later date; only Item 19 will be heard at this time.

Councilmember Hall agreed to defer Item 18.

Jim Murphy agreed to defer Item 23.

Tom White agreed to defer Item 21.

Councilmember Murphy moved and Mr. Tibbs seconded the motion to approve the Deferred and Withdrawn Items. (7-0)

Ms. Blackshear recused herself from Items 7, 9, and 23.

## **F: CONSENT AGENDA ITEMS**

Mr. Lawson moved and Ms. Johnson seconded the motion to approve the Consent Agenda. (7-0)

Ms. Blackshear recused herself from Item 12.

NOTICE TO THE PUBLIC: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

## G: ITEMS TO BE CONSIDERED

- 1a. 2007SP-037-002**  
**BELL ROAD/BLUE HOLE ROAD SP AMENDMENT**  
Council District 31 (John Rutherford)  
Staff Reviewer: Logan Elliott

A request to amend a Specific Plan located at Bell Road (unnumbered) and 5439 Blue Hole Road and 7000 Harris Hills Lane, at the corner of Bell Road and Harris Hills Lane (101.91 acres), zoned AR2a, R15, RS20, RS7.5, and SP, to permit a mixed-use development, requested by Lose Design, applicant; Forest View Residences, LLC and Richland South, LLC, owners. (See associated case #95P-025-007).

**Staff Recommendation: Defer to the July 22, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2007SP-037-002 to the July 22, 2021, Planning Commission meeting. (7-0)**

- 1b. 95P-025-007**  
**MILLWOOD COMMONS PUD (CANCELLATION)**  
Council District 31 (John Rutherford)  
Staff Reviewer: Logan Elliott

A request to cancel a portion of a Planned Unit Development Overlay District located at 5439 Blue Hole Road and Bell Road (unnumbered), approximately 560 feet north of W Oak Highland Drive (54.81 acres), zoned R15, RS20, and RS7.5, requested by Lose Design, applicant; Richland South, LLC, owner. (See associated case #2007SP-037-002).

**Staff Recommendation: Defer to the July 22, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 95P-025-007 to the July 22, 2021, Planning Commission meeting. (-0)**

- 2. 2020S-179-001**  
**ENTRUST HOMES ON PARAGON MILLS**  
Council District 26 (Courtney Johnston)  
Staff Reviewer: Patrick Napier

A request for final plat approval to create eight lots on property located at 205 Paragon Mills Road, approximately 100 feet east of Towry Drive, zoned R6 (1.0 acres), requested by B A Land Professionals, applicant; Nancy Potts, Carol Potts Garcia and Sonnie Potts, owners.

**Staff Recommendation: Defer to the July 22, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2020S-179-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

- 3. 2021S-072-001**  
**MASSMAN HEIGHTS SUBDIVISION**  
Council District 13 (Russ Bradford)  
Staff Reviewer: Amelia Lewis

A request for concept plan approval to create 28 lots and open space on property located at 912 Massman Drive, at the southeast corner of Massman Drive and Frontage Road, zoned RS10 (8.23 acres), requested by Dale and Associates, applicant; HM Development LLC and Karas Homes LLC, owners.

**Staff Recommendation: Defer to the July 22, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021S-072-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

**4. 2021S-079-001**  
**THE MARSHA GAIL COWDEN COOK PROPERTY**  
Council District 10 (Zach Young)  
Staff Reviewer: Amelia Lewis

A request for final plat approval to create three lots on property located at 261 Liberty Lane, approximately 470 feet north of Peeples Court, zoned R10 (3.0 acres), requested by Crenshaw Land Surveying, applicant; Marsha Gail Cowden Cook, owner.

**Staff Recommendation: Defer to the July 22, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021S-079-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

**5. 2020Z-013TX-001**  
BL2020-504/Freddie O'Connell  
Countywide  
Staff Reviewer: Shawn Shepard

A request to amend Chapters 17.36 and 17.40 of the Metropolitan Code pertaining to creating an Owner Occupied Short Term Rental Overlay district.

**Staff Recommendation: Defer to the July 22, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2020Z-013TX-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

**6. 2020Z-119PR-001**  
BL2020-479/Freddie O'Connell  
Council District 19 (Freddie O'Connell)  
Staff Reviewer: Logan Elliott

A request to rezone from MUN, MUN-A, MUL-A, MUG, OR20, CS and CF to MUN-NS, MUN-A-NS, MUL-A-NS, MUG-NS, OR20-NS, CS-NS, and CF-NS zoning for various properties located between Rosa L. Parks Boulevard and 2nd Avenue North, from Hume Street, south to Jefferson Street, and located within the Germantown Historic Preservation District Overlay and the Phillips - Jackson Street Redevelopment District Overlay (68.61 acres), requested by Councilmember Freddie O'Connell, applicant; various owners.

**Staff Recommendation: Defer to the July 22, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2020Z-119PR-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

**7. 2021Z-061PR-001**  
Council District 19 (Freddie O'Connell)  
Staff Reviewer: Amelia Lewis

A request to rezone from IWD to RM40-A-NS zoning for properties located at 1301, 1307, 1309 and 1403 Lebanon Pike and Lebanon Pike (unnumbered), approximately 1,850 feet west of Spence Lane (15.56 acres) (associated case 2021CP-011-001), requested by Kimley-Horn, applicant; SHM Holding LLC and Shmerling Michael D Partners GP, owners.

**Staff Recommendation: Defer to the July 22, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021Z-061PR-001 to the July 22, 2021, Planning Commission meeting. (6-0-1)**

8. **2021SP-020-001**  
**BEN ALLEN RIDGE**  
Council District 08 (Nancy VanReece)  
Staff Reviewer: Abbie Rickoff

A request to rezone from RS10 to SP-R zoning for properties located at 301 Ben Allen Road and Ben Allen Road (unnumbered), approximately 1,400 feet west of Ellington Parkway (10.71 acres), to permit 245 multi-family residential units, requested by Alfred Benesch and Company, applicant; 301 Ben Allen LLC, owner.

**Staff Recommendation: Defer to the July 22, 2021 Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-020-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

9. **2021SP-034-001**  
**12610 OLD HICKORY BOULEVARD**  
Council District 33 (Antoinette Lee)  
Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to SP zoning for properties located at 12610 and 12622 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 425 feet east of Hobson Pike (12.38 acres), to permit office and distributive business/wholesale uses, requested by Johnson Development Associates Inc., applicant; William Yeargin Jr., Paula Yeargin and William Spaulding, owners.

**Staff Recommendation: Defer to the July 22, 2021 Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021SP-034-001 to the July 22, 2021, Planning Commission meeting. (6-0-1)**

10. **2021SP-039-001**  
**1300 HERMAN STREET**  
Council District 19 (Freddie O'Connell)  
Staff Reviewer: Jason Swaggart

A request to rezone from IR to SP zoning for properties located at 1212, 1300, 1302, 1304 Herman Street and Herman Street (unnumbered), and a portion of 907 12th Avenue North, at the northwest corner of Herman Street and 12th Avenue North (1.79 acres), to permit up to 250 multi-family residential units, requested by Smith Gee Studio, applicant; Nashville Tent & Awning Co., owner.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

**The Metropolitan Planning Commission deferred 2021SP-039-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

11. **2021SP-040-001**  
**1301 HERMAN STREET**  
Council District 19 (Freddie O'Connell)  
Staff Reviewer: Jason Swaggart

A request to rezone from IR to SP zoning for property located at 1301 Herman Street, at the southwest corner of Herman Street and 12th Avenue North (2.11 acres), to permit a mixed use development with a maximum of 445 multi-family residential units, requested by Smith Gee Studio, applicant; Nashville Tent & Awning Co., owner.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

**The Metropolitan Planning Commission deferred 2021SP-040-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

## 12. 2021CP-011-001

### **SOUTH NASHVILLE COMMUNITY PLAN AMENDMENT**

Council District 19 (Freddie O'Connell)

Staff Reviewer: Stephanie McCullough

A request to amend the South Nashville Community Plan by changing from D IN District Industrial Policy to T4 Urban Mixed Use Neighborhood Policy for properties located at 1301, 1307, 1309, 1403 and 1415 Lebanon Pike and Lebanon Pike (unnumbered), approximately 1,200 feet west of Spence Lane, zoned IWD (20.18 acres), requested by Kimley-Horn, applicant; SHM Holdings LLC and Shmerling, Michael D Partners GP, owners. (See associated case #2021Z-061PR-001).

**Staff Recommendation: Approve.**

#### **APPLICANT REQUEST**

**Amend South Nashville Community Plan to change the policy.**

#### Minor Plan Amendment

A request to amend the South Nashville Community Plan by changing from District Industrial (D IN) Policy to T4 Urban Mixed Use Neighborhood Policy (T4 MU) for properties located at 1301, 1307, 1309, 1403, and 1415 Lebanon Pike and Lebanon Pike (unnumbered), approximately 1,200 feet west of Spence Lane (20.18 acres).

### **SOUTH NASHVILLE COMMUNITY PLAN**

#### **Current Policy**

The current policies for the property are District Industrial (D IN) and Conservation (CO).

District Industrial (D IN) is intended to maintain, enhance, and create industrial districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers, and mixed business parks containing compatible industrial and non-industrial uses.

Conservation Policy (CO) is intended to preserve environmentally sensitive land features through protection and remediation. This policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features vary with what Transect they are in and whether they have already been disturbed. In this instance, the CO policy is applied to an area with a 20 – 25% steep slope near the southern property line. In this case, it is recommended that the CO policy area remain undisturbed.

#### **Requested Policy (Note – the CO policy is to remain)**

T4 Urban Mixed Use Neighborhood (T4 MU) is intended to maintain, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a variety of housing along with mixed use, commercial, institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

#### **BACKGROUND**

The study area is located on the southern side of Lebanon Pike, west of Spence Lane. It is approximately 20.2 acres with interrupted frontage along Lebanon Pike. The study area is the only portion of D IN policy remaining on the south side of Lebanon Pike due to a previous plan amendment request and study, adopted at the July 18, 2019 Planning Commission meeting. The new property owner and design team have requested this plan amendment and the associated rezoning application (2021Z-061PR-001) to allow for a residential development.

In preparation for the 2019 plan amendment request, a previous applicant team, consisting of property and business owners, met over a three-year period, including a months-long community charrette, to create a vision for the City Side neighborhood. The applicant team selected T4 Urban Mixed Use (T4 MU) as the appropriate policy to accomplish the community's goals of increasing residential uses in addition to encouraging more businesses as development occurs. In 2019 the current study area was removed from the larger study area at the request of the previous owner who at that time wished to retain District Industrial (D IN) policy. There was not an associated zone change application with the 2019 plan amendment.

Today, the study area consists of parking and storage for buses. A residential development is along its east side, while the Mt. Olivet Cemetery shares its southern border.

#### **COMMUNITY PARTICIPATION**

As part of the application process, the Executive Director determined the plan amendment request to be a minor amendment and required the applicant to hold a community meeting. Planning staff coordinated with the applicant

and district Councilmember to schedule a virtual community meeting for Wednesday, June 16. Notices were mailed to neighboring property owners as well as advertised on the Metro Planning Department's website. Members of the neighborhood group also assisted in promoting the meeting via email.

During the virtual meeting, Planning staff discussed the long-range planning process and the proposed amendment, and the applicant briefly discussed their rezoning application. Eleven people participated in the meeting, including Planning staff, the applicant team, and Councilmember Syracuse, whose district begins on the east side of Spence Lane. The meeting was recorded and posted on YouTube for additional viewing and feedback.

One question was asked from the community attendees by Councilmember Syracuse. He expressed support for the policy change, but wanted additional information about the rezoning. Planning staff and the applicant described the requested zoning district (RM40-A-NS) and the applicant committed to continued communication with the Councilmember as well as the City Side neighborhood group.

Staff hosted a community meeting for the previous request on June 25, 2019, with approximately 20 people attending along with the applicant team and Planning staff.

Key themes expressed to staff include the following:

- Manage growth,
- Protect existing character, and
- Provide opportunity to encourage additional land uses within the neighborhood.

### **ANALYSIS OF URBAN MIXED USE NEIGHBORHOOD POLICY**

The expansion of T4 MU policy is appropriate at this location for the following reasons:

#### ***NashvilleNext's* Growth and Preservation Concept Map**

The Growth & Preservation Concept Map reflects Nashvillians' desires for growth and preservation in the future. The concept map designates the site along Lebanon Pike as a "Transition and Infill area," with the interior of the site to the west designated as "Special Uses." Transition and Infill supports a variety of moderately dense land uses that transition in scale between low density residential neighborhoods and corridors. As such, moderately dense housing with a greater mix of land uses such as office and retail are appropriate. Special Uses recognize industrial uses and areas of concentrated employment.

The concept map also designates Lebanon Pike as an "immediate need high capacity transit corridor" slated for near-term improvements to transit service. Allowing a mix of land uses, supported by T4 MU policy, in locations with convenient access to major transportation and transit networks (existing and planned), on a primary corridor to downtown Nashville is appropriate. The site is located approximately 0.5 miles north of a "Tier One Center" at the Murfreesboro Pike/Spence Lane intersection. "Tier One Centers" focus coordinated investments to shape growth that supports transit with a dense mix of land uses.

#### Key Findings

- Concept map's vision for a Transition and Infill area, supporting a greater mix of uses at moderate densities, is shared by the intent of T4 MU policy.
- The site's location along an immediate need, high capacity transit corridor and approximately a half mile from a "Tier One Center" makes application of T4 MU policy appropriate.

#### **Community Character Policy Application**

"Transition and Infill" and "Special Uses" areas are generalized on the concept map and are explained in greater detail through Community Character Policies. These policies guide zoning and development decisions.

Community Plans provide history and context for Nashville's 14 Community Planning areas, along with community-specific issues, strategies, and sketches of how different places in the community could change over time. The South Nashville Community Plan uses Community Character Policies that are tailored to the urban and suburban character of neighborhoods throughout its geographic area. The plan's policies encourage additional housing options in strategic locations, generally in existing commercial centers or corridors, but also in transition areas. The plan also encourages the preservation and expansion of affordable housing options, enhancement of commercial centers and corridors to provide more desired retail and services, the preservation of established residential areas, protection of floodway/floodplain areas, and the addition of more connectivity for multiple means of mobility.

The T4 Urban Transect category includes the historic, inner-ring neighborhoods and corridors as well as new neighborhoods intended to be developed in a more intense, urban fashion. Complete urban communities feature an integrated mixture of housing within walking distance of commercial and neighborhood-scaled open space. They feature highly connected street systems with sidewalks, bikeways, and facilities for mass transit, providing many transportation options. Residents in urban neighborhoods are generally within a five- to ten-minute walk of neighborhood-scaled commercial and mixed-use centers. Urban centers are often mixed use, accommodating commercial and residential land uses. The requested T4 MU policy encourages a greater mix of higher-density



residential and mixed-use development along and near corridors. T4 MU policy is intended to enhance and create high intensity urban mixed use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, including light industrial uses, and that are envisioned to remain or develop in a mixed use pattern. The intent of T4 MU policy to encourage the provision of additional homes, new businesses, and employment opportunities to support residents, businesses, and transit is appropriate for this area.

#### Key Findings

- T4 MU's intent of creating urban mixed-use neighborhoods that provide a mix of land uses near centers and corridors makes this an appropriate application of the policy.
- Application of the T4 MU policy to the study area provides an opportunity for additional housing types in the larger area.

#### **Transportation and Connectivity**

The site is located on Lebanon Pike west of Spence Lane. Lebanon Pike is classified as a four-lane arterial boulevard by the Major and Collector Street Plan. Spence Lane is classified as a five-lane arterial boulevard. Arterial-boulevards are medium- to high-speed, high-volume streets that serve longer trips within and between different communities within the city.

Currently, WeGo provides bus service on Lebanon Pike with nearby access to one inbound and outbound bus stop located at the Lebanon Pike/Spence Lane intersection. Bus stops are located outside of, but near, the study area. *NashvilleNext's* concept map designates Lebanon Pike as an immediate need, high capacity transit corridor. High capacity transit corridors represent a framework of more intense housing and commercial areas along major roadways with more frequent transit service. The immediate need priority means the street is slated for near-term improvements to transit service.

#### Key Findings

- Lebanon Pike is designated as an immediate need, high capacity transit corridor with envisioned future frequent transit.
- Adequate infrastructure consisting of transportation options, connectivity, and access is in place to support the request.

#### **Relationship to Surrounding Policies**

The study area currently is surrounded by T4 Urban Mixed Use Neighborhood policy on three sides. Application of T4 MU policy to the site would allow the opportunity for compatible development to continue to occur as an extension of surrounding T4 MU policy. In addition, applying T4 MU policy to this area allows for the consistent application of policy to both sides of Lebanon Pike.

Open Space policy is applied to properties along the southern border of the study area, on the Mt. Olivet Cemetery. Open Space policy is intended to preserve and enhance existing open space areas, most of which are publicly owned parks and greenways, but some are privately held conservation easements or similar tools that provide permanent protection of the land as open space. Cemeteries are an appropriate use in this policy. The study area's existing Conservation (CO) policy should remain, as this is indicated by natural slopes greater than 20%. The natural slopes also help buffer development from the historic Mt. Olivet Cemetery.

To the north across Lebanon Pike, Civic (CI) policy is applied to a public utility site. This policy is intended to preserve and enhance publicly owned properties. The opportunity for a mix of land uses, such as what T4 MU policy could yield, would not adversely impact existing civic uses adjacent to the site.

#### Key Findings

- T4 MU policy would allow the opportunity for compatible development to occur as an extension of the surrounding T4 MU policy.
- The southern portion of the study area contains steep slopes and vegetation which should provide a natural buffer between the development and the existing adjacent historic Mt. Olivet Cemetery.

#### **Analysis Summary**

Amending the Community Character Policy from D IN to T4 MU is appropriate at this location. In summary, the change in policy for the study area is appropriate for T4 MU policy due to the following:

- Concept map's vision for a greater mix of uses in a transition and infill area and along an immediate need, high capacity transit corridor makes application of T4 MU appropriate.
- T4 MU's intent of creating urban mixed-use neighborhoods that provide a mix of land uses near centers and corridors makes this an appropriate application of the policy.
- T4 MU policy would allow the opportunity for compatible development to occur as an extension of the surrounding T4 MU policy.
- Application of the T4 MU policy to the study area provides an opportunity for additional housing types in the larger area.

- The southern portion of the study area contains steep slopes and vegetation which should provide a natural buffer between the development and the existing adjacent historic Mt. Olivet Cemetery.
- Adequate infrastructure consisting of transportation options, connectivity, and access is in place to support the request.

**STAFF RECOMMENDATION**

Staff recommends approval of Urban Mixed Use Neighborhood (T4 MU) policy.

**Approve. Consent Agenda (6-0-1)**

**Resolution No. RS2021-150**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021CP-011-001 is approved. (6-0-1)

**13. 2021SP-037-001**

**1908 LEBANON PIKE RESIDENTIAL**

Council District 15 (Jeff Syracuse)

Staff Reviewer: Amelia Lewis

A request to rezone from RS10 to SP zoning for properties located at 1908 Lebanon Pike and Lebanon Pike (unnumbered), at the northeast corner of Omohundro Drive and Lebanon Pike (5.92 acres), to permit 40 multi-family residential units and nine single family lots, requested by Catalyst Design Group, applicant; Red Seal Development, owner.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

**APPLICANT REQUEST**

**Preliminary SP to permit a residential development.**

Zone Change

A request to rezone from Single-Family Residential (RS10) to Specific Plan – Residential (SP-R) zoning for properties located at 1908 Lebanon Pike and Lebanon Pike (unnumbered), at the northeast corner of Omohundro Drive and Lebanon Pike (5.92 acres), to permit 40 multi-family residential units and nine single-family lots.

**Existing Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 zoning would permit a maximum of 25 single-family lots based solely on a minimum lot size of 7,500 square feet as required by the zoning. This calculation does not account for infrastructure, road layout, functional lot configuration, or meeting all requirements of the Metro Subdivision Regulations.*

**Proposed Zoning**

Specific Plan-Residential (SP-R) 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 two residential building types: single-family and multi-family units.*

**DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN**

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to

surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

#### Supplemental Policy

The site is located within the 14-SAP-01 Supplemental Policy Area (SPA) for Lebanon Pike. The goals of these supplemental policies are to grow mixed-use neighborhoods along Lebanon Pike, improve connectivity to Donelson, maintain the suburban character of the existing neighborhoods, and balance transportation needs for everyone.

### **SITE CONTEXT AND PLAN DETAILS**

The site is located at the northeast intersection of Lebanon Pike and Omohundro Road. The site has frontage along both streets. The site is currently undeveloped.

The properties to the north, east, and west are zoned RS10 and have been developed with one and two-family residential uses. The site at the northwest corner of the intersection, across Omohundro Drive, is multi-family residential. The area on the north side of Lebanon Pike is residential in character. The properties to the south of Lebanon Pike are comprised of a mix of zoning districts including Office Neighborhood (ON), Industrial Warehousing/Distribution (IWD), and RS10 and established with one and two-family residential land uses, civic uses, and commercial uses.

#### Site Plan

The proposed SP would permit nine single-family lots and 40 multi-family units. The single-family units would be located on the northern portion of the site, located along a proposed cul-de-sac street shown as Road A. Road A is the northern vehicular entrance to the site from Omohundro Drive. The 40 multi-family units are proposed as attached blocks of townhomes on the southern portion of the site, fronting both Lebanon Pike and Omohundro Drive. The second vehicular access point is located along Omohundro and provides access to the townhome portion of the site. The height of the proposed structures is limited to 3 stories in 35 feet. The preliminary SP includes proposed elevations. Units fronting Omohundro Drive and Lebanon Pike provide entrances from the units to the sidewalk. Along Lebanon Pike is a proposed 12-foot wide sidewalk and 6-foot wide grass strip, consistent with the Major and Collector Street Plan (MCSP). A proposed new transit shelter is shown along Lebanon Pike. For the site frontage along Omohundro Drive and the proposed Road A is a proposed 5-foot wide sidewalk and 4-foot wide planting strip.

Separating the single-family and multi-family portions of the site is an existing TVA easement, which creates a distinction between the two uses proposed on the site. Within this area is a proposed multi-use path, which provides a future connection along the eastern property line to Omohundro Drive. There is a proposed 10' landscape buffer yard along the northern property line at the rear of lots one through six. Where the townhome structures abut the eastern property line, there is a proposed 10' landscape buffer.

### **ANALYSIS**

The proposed plan is consistent with the policies on the site. The southern portion of the site, at the intersection of Lebanon Pike and Omohundro Drive, are within the T3 NC policy which is intended to enhance and create suburban neighborhood centers. The northern portion of the site is within the T3 NE policy, which is intended to create and enhance suburban neighborhoods. These two policies have several similar goals including suburban residential development, providing a variety of housing options, enhancing pedestrian connectivity, and placing intensity along corridors and policy edges and transitioning into adjacent neighborhoods. The proposed development includes two housing types, the more intense along the Lebanon Pike Corridor, transitioning to single-family residential consistent with the land uses to the north of the site, and providing new sidewalks along both street frontages where sidewalk does not currently exist.

The proposed plan meets several of the goals in the Lebanon Pike Supplemental Policy including providing a portion of the neighborhood connection from Lisa Lane to Clovernook Drive with the multi-use pedestrian path, improved bus stop along Lebanon Pike, providing new sidewalks along Lebanon Pike, and transitioning from higher density development along the corridor into the neighborhood to the north.

Portions of the site are within the CO Policy area as a result of an existing stream at the northeast corner of the site and steep slopes through the middle portion of the site. The proposed site plan shows a protected stream buffer at the northeast corner of the site, and the middle portion of the site is intended to serve as the multi-use path, likely resulting in less disturbance of the steep slopes than would occur with residential development.

### **FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

- Parking off of Private Drive roundabout encroaches upon fire apparatus turning radius. Eliminate the parking spots off the roundabout.

**STORMWATER RECOMMENDATION**

**Approve with conditions**

- Must comply with all Stormwater regulations set at the time of final submittal.

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

- Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of capacity fees must be paid before issuance of building permits.

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- Final construction plans and road grades shall comply with the design regulations established by the Department of Public Works. Slopes along roadways shall not exceed 3:1. Final design and improvements may vary based on actual field conditions.
- For the multi-family units waste management / recycling collection plan, dumpster container(s) to be located on-site. Recycling is to be included along with solid waste disposal. With the building permit, submit the recorded HOA documents establishing a private hauler for the development's waste management plan.
- Mail kiosk location for postal service to be in compliance with USPS Policy.
- Streetlight locations per the NES Street Light Guidelines.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Parking shall be provided per Code.
- Final location of bus stop on Lebanon Pike shall be determined with Final SP.

Maximum Uses in Existing Zoning District: **RS10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	5.92	4.356 D	25 U	290	23	27

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	5.92	-	40 U	293	20	26

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	5.92	-	9 U	113	11	10

Traffic changes between maximum: **RS10 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+23 U	+116	+8	+9

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS10 district: 2 Elementary 1 Middle 1 High  
 Projected student generation proposed SP-R district: 3 Elementary 2 Middle 2 High

The proposed SP-R zone district is anticipated to generate three additional students than what could be generated under the existing residential zoning district. Students would attend Pennington Elementary, Two Rivers Middle

School, and McGavock High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

### **CONDITIONS**

1. Permitted uses shall be limited to 9 single-family lots and 40 multi-family units. Short Term Rental Property (STRP) not owner-occupied shall be prohibited and Short Term Rental Property (STRP) owner occupied shall be prohibited.
2. At the time of Final SP approval, the applicants shall coordinate with WeGo for bus stop infrastructure along Lebanon Pike.
3. With the exception of Road A, the final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. Parking shall comply with requirements of the Metro Zoning Code.
5. The height of all structures shall be limited to 3 stories in 35 feet.
6. At the time of Final SP, the applicant shall work with Planning staff to provide an appropriate buffer between Lebanon Pike and the interior drive behind building C.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. 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 or with final site plan application.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 for the single-family lots, and for the multi-family uses, RM20-A, zoning districts as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
10. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
11. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
12. 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.
13. 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.

**Approve with conditions and disapprove without all conditions. Consent Agenda (7-0)**

### **Resolution No. RS2021-151**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-037-001 is approved with conditions and disapproved without all conditions. (7-0)

### **CONDITIONS**

1. Permitted uses shall be limited to 9 single-family lots and 40 multi-family units. Short Term Rental Property (STRP) not owner-occupied shall be prohibited and Short Term Rental Property (STRP) owner occupied shall be prohibited.
2. At the time of Final SP approval, the applicants shall coordinate with WeGo for bus stop infrastructure along Lebanon Pike.
3. With the exception of Road A, the final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
4. Parking shall comply with requirements of the Metro Zoning Code.
5. The height of all structures shall be limited to 3 stories in 35 feet.
6. At the time of Final SP, the applicant shall work with Planning staff to provide an appropriate buffer between Lebanon Pike and the interior drive behind building C.
7. Comply with all conditions and requirements of Metro reviewing agencies.
8. 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 or with final site plan application.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 for the single-family lots, and for the multi-family uses, RM20-A, zoning districts as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

10. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
11. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
12. 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.
13. 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.

**14. 2021SP-029-001  
HILL TOP ESTATES**

Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Jason Swaggart

A request to rezone from RS10 and R8 to SP zoning for properties located at 1105 and 1107 W Trinity Lane, W Trinity Lane (unnumbered), and Old Buena Vista Road (unnumbered), approximately 375 feet south of Stokers Lane (14.46 acres), to permit 193 multi-family residential units, requested by D & M Development, applicant; Amon Ringemann Hill, Anna Hill, Doss Hill and Aubrey Gregory, owners.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

**APPLICANT REQUEST**

**Preliminary SP to permit a residential development with mixed building types.**

Zone Change

A request to rezone from Single-Family Residential (RS10) and One and Two-family Residential (R8) to Specific Plan-Mixed Residential (SP-MR) zoning for properties located at 1105 and 1107 West Trinity Lane, West Trinity Lane (unnumbered), and Old Buena Vista Road (unnumbered), approximately 375 feet south of Stokers Lane (14.46 acres), to permit 193 multi-family residential units.

**Existing Zoning**

Single-Family Residential RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 50 residential lots.*

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 15 residential lots with three duplex lots for a total of 18 residential units.*

**Proposed Zoning**

Specific Plan-Mixed Residential (SP-MR) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a mixture of housing types.

**SITE CONTEXT AND PLAN DETAILS**

The site consists of four individual parcels and is approximately 14.46 acres in size. It is located on the north side of West Trinity Lane and the west side of Old Buena Vista Road. It has street frontage on both West Trinity Lane and Old Buena Vista Road. Metro records indicate that all four existing properties are vacant.

Site Plan

The proposed SP includes a total of 193 residential units consisting of 112 stacked flats, 64 attached townhomes and 17 detached townhomes. The stacked flats are located along West Trinity Lane. The detached units are located along Old Buena Vista Road. The attached units are away from all existing public streets and either front proposed new public streets or are located behind street facing units. The maximum height for the stacked flats is four stories in 60 feet. Attached and detached units are limited to four stories in 45 feet.

Access is proposed from West Trinity Lane and Old Buena Vista Road. Access from West Trinity Lane is proposed from a new local public street. The new public street runs northwest towards the middle of the site and intersects with another proposed public collector street which bisects the site running from the eastern property line to the western

property line. Sidewalks are proposed along West Trinity Lane and Old Buena Vista Road. Sidewalks are also proposed along all new streets.

### **BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN**

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

T4 Urban Residential Corridor (T4 RC) is intended to maintain, enhance and create urban residential corridors. T4 RC areas are located along prominent arterial-boulevard or collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive, and comfortable access and travel for all users. T4 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

#### Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan portion of the Bordeaux-Whites Creek-Haynes Trinity Community Plan area. The intent of the supplemental policy is to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques.

### **ANALYSIS**

Staff finds that the proposed SP is consistent with the land use policies that apply to the site. The plan provides for a balanced mixture of housing types and provides a smooth transition from the T4 RC policy area that is applied along West Trinity Lane to the T3 NE policy area located along Old Buena Vista Road. The stacked flats are all located along West Trinity Lane and are all within the T4 RC policy area. The stacked flats allow for a density that is appropriate along West Trinity Lane and the design standards in the SP accommodate the urban nature of the T4 RC policy.

The SP requires buildings to front West Trinity Lane as well as the proposed public street. The attached and detached townhomes are located within the T3 NE policy area. The attached units are located along Old Buena Vista Road. The development pattern along Old Buena Vista Road consist of detached homes on single family lots. The T3 NE policy is applied to areas where changes in the predominant development pattern are intended to occur over time. While the proposed units along Old Buena Vista Road are spaced closer together than the existing homes along Old Buena Vista Road, they maintain a detached form and are appropriate at this location. The attached units are located away from West Trinity Lane and Old Buena Vista Road. The attached units front one of the proposed public streets or are located behind units fronting an existing or proposed public street.

The supplemental policy that applies to the site and surrounding area includes a planned residential collector street. The planned street bisects the site and the proposed plan provides the necessary portion of the planned street as well as the right-of-way to continue the planned street consistent with the supplemental policy.

### **FIRE MARSHAL RECOMMENDATION**

#### **Approve with conditions**

- Limited building detail, and/or building construction information provided. Construction must meet all applicable building and fire codes. Any additional fire code or access issues will be addressed during the construction permitting process. Future development or construction may require changes to meet adopted fire and building codes.

### **STORMWATER RECOMMENDATION**

#### **Approve with conditions**

- Must comply with all Stormwater regulations set at the time of final submittal.

### **WATER SERVICES RECOMMENDATION**

#### **Approve with conditions**

- Approved as a Preliminary SP only. Public and/or private water and sanitary sewer construction plans must be submitted and approved prior to Final Site Plan/SP approval. The approved construction plans must match the Final Site Plan/SP plans. A minimum of 30% of W&S Capacity must be paid before issuance of building permits.

**PUBLIC WORKS RECOMMENDATION**

**Approved with conditions**

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions.
- Coordinate TIS/any traffic requirements with the MPW Traffic Engineer. There may be additional road comments following TIS review.
- Include w/ TIS, a sight distance exhibit along Old Buena Vista Road at the proposed access drive intersections. Provide SSD exhibit per AASHTO (Note: Old Buena Vista Road's posted speed limit is 30mph).
- Show improvements along Old Buena Vista Road property frontage. (cont.) Dimension from centerline per ST-252.
- Show driveway ramps per ST-324 at private drive connections to a public street.
- Recycling is to be included for the development within the dumpster pad area. (cont.) A waste/recycling private hauler agreement for this development, and incorporated into the HOA documents, will need to be submitted to MPW for building permit approval.
- Street lighting shall be installed on all public roadways.
- Confirm any Sidewalk requirements with the Planning Department, Old Buena Vista Road identifies as a local street with a four (4') foot Planting Strip Width; and a five (5') foot Sidewalk Width.
- On final, call out streets, ramps, sidewalks, curb/gutter, etc. per MPW standard sections and details.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approved with conditions**

- A TIS was not submitted or approved and will be required prior to Final SP approval. At a minimum, the TIS will need to address the following:
  - Old Buena Vista Road - pavement width, speed, and pavement usage. Current on-street parking on Old Buena Vista Road may be restricted.
  - Traffic control on Trinity Lane and Stokers Lane.

Maximum Uses in Existing Zoning District: **RS10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	11.66	4.356 D	50 U	550	41	53

Maximum Uses in Existing Zoning District: **R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	2.8	5.445 D	18 U	215	18	20

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	14.46	-	193 U	1419	90	107

Traffic changes between maximum: **RS10, R8 and SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+125	+654	+31	+34

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS10/R8 district: 9 Elementary 9 Middle 9 High

Projected student generation proposed SP-MR district: 32 Elementary 16 Middle 13 High



The proposed SP-MR zoning district would generate 34 more students than what is typically generated under the existing RS10/R8 zoning districts. Students would attend Cumberland Elementary School, Haynes Middle School, and Whites Creek High School. All three schools are identified as being overcapacity/or having additional capacity.

This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted uses shall be limited 193 multi-family residential units. Short term rental-not owner occupied is prohibited.
2. With the submittal of the final site plan, coordinate with Public Works and Planning on the alignment of the new north/south public road with a planned public road on the south side of W Trinity Lane.
3. All public roadways shall meet local standards or Major and Collector Street Plan standards depending on classification.
4. Comply with all conditions and requirements of Metro reviewing agencies.
5. The development shall provide adequate access that meets the requirements of the Fire Marshal’s Office and Department of Public Works.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A 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 or with final site plan application.
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. 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.

**Approve with conditions and disapprove without all conditions. Consent Agenda (7-0)**

**Resolution No. RS2021-152**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021SP-029-001 is approved with conditions and disapproved without all conditions. (7-0)

**CONDITIONS**

1. Permitted uses shall be limited 193 multi-family residential units. Short term rental-not owner occupied is prohibited.
2. With the submittal of the final site plan, coordinate with Public Works and Planning on the alignment of the new north/south public road with a planned public road on the south side of W Trinity Lane.
3. All public roadways shall meet local standards or Major and Collector Street Plan standards depending on classification.
4. Comply with all conditions and requirements of Metro reviewing agencies.
5. The development shall provide adequate access that meets the requirements of the Fire Marshal’s Office and Department of Public Works.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A 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 or with final site plan application.
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. 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.

## 15. 2021Z-051PR-001

Council District 04 (Robert Swope)

Staff Reviewer: Abbie Rickoff

A request to rezone from SP-MU to R15 zoning for property located at 401 Kinhawk Drive, at the southwest corner of Kinhawk Drive and Nolensville Pike (0.39 acres), requested by Mohammad Nazemi, applicant and owner.

**Staff Recommendation: Approve with conditions.**

### APPLICANT REQUEST

**Zone change from SP-MU to R15.**

#### Zone Change

A request to rezone from Specific Plan-Mixed Use (SP-MU) to One and Two-Family Residential (R15) zoning for property located at 401 Kinhawk Drive, at the southwest corner of Kinhawk Drive and Nolensville Pike (0.39 acres).

#### **Existing Zoning**

Specific Plan-Mixed Use (SP-MU) 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 residential uses in addition to office and/or commercial uses.

#### **Proposed Zoning**

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of one duplex lot for a total of two units. Final determinations on duplex eligibility are provided by Metro Codes.*

#### **SOUTHEAST COMMUNITY PLAN**

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed. CO policy at this site recognizes a potential stream and stream buffer along the northern boundary the site.

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to maintain the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low- to moderate-density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

#### **PLAN DETAILS**

The site is approximately 0.39 acres and is located at the southwest corner of Kinhawk Drive and Nolensville Pike. The parcel is developed with an existing residential structure within the Forest Acres Estates residential subdivision. The existing land use pattern along Kinhawk Drive and in the neighborhoods surrounding the site along both sides of Nolensville Pike consists of single-family residential uses on moderately sized lots.

The site is located within the Nolensville Pike Center SP, which includes the subject parcel (024) and a larger adjacent parcel to the south that is currently vacant (parcel 043). The SP was adopted by Metro Council in 2018 to permit all uses of MUL with some exceptions (BL2018-1100, as amended), following staff's recommendation to disapprove and the Planning Commission's recommendation to disapprove a request to rezone both parcels from R15 to MUL-A at the January 11, 2018 meeting. The SP is a regulatory document that permits mixed use development along the corridor and includes several development standards related to building form/massing, access, and standards to minimize the impact of the future non-residential uses on surrounding residential properties. The Council bill includes a condition that the subject parcel (024) will remain as an open space buffer, that no vehicular access be allowed to or from Kinhawk Drive, and that no building improvements will be allowed.

The current request is to rezone parcel (024) to R15. The remainder of the SP located on parcel (043) will remain.

#### **ANALYSIS**

Staff finds the request to be consistent with the Suburban Neighborhood Maintenance (T3 NM) policy, which is intended to maintain the general character of developed suburban residential neighborhoods. The site is currently developed with a single-family residence and has frontage on Kinhawk Drive, a local street, adjacent to other R15-

zoned residential properties within Forest Acres Estates that are also in the T3 NM policy area. The requested R15 zoning district was previously in place at this site prior to the adoption of the 2018 SP and is consistent with the goals of the policy to preserve the character of the neighborhood.

**FIRE MARSHALL RECOMMENDATION**

**Approve with conditions**

- Limited building detail, and/ or building construction information provided. Construction must meet all applicable building and fire codes. Any additional fire code or access issues will be addressed during the construction permitting process. Future development or construction may require changes to meet adopted fire and building codes.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Open Space	0.39	-	-	0	0	0

Maximum Uses in Proposed Zoning District: **R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	0.39	2.904 D	2 U	28	7	2

Traffic changes between maximum: **SP and R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+28	+7	+2

**METRO SCHOOL BOARD REPORT**

Projected student generation existing SP-MU district: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed R15 district: 0 Elementary 0 Middle 0 High

The proposed R15 zoning is not expected to generate any more students than the existing SP-MU zoning district. Students would attend Shayne Elementary School, Oliver Middle School, and Overton High School. All three schools are identified as overcapacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Prior to the filing of any final SP application filed for the remainder of the SP (parcel 043), an SP amendment will be required to remove references to parcel (024).

**Approve with conditions. Consent Agenda (7-0)**

**Resolution No. RS2021-153**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-051-001 is approved with conditions. (7-0)

**CONDITIONS**

1. Prior to the filing of any final SP application filed for the remainder of the SP (parcel 043), an SP amendment will be required to remove references to parcel (024).

**16. 2021Z-060PR-001**

Council District 02 (Kyonzté Toombs)

Staff Reviewer: Abbie Rickoff

A request to rezone from RS7.5 to R8 zoning for property located at 2412 Old Matthews Road, at the northwest corner of Old Matthews Road and Trinity Hills Parkway (0.27 acres), requested by Marshall and Diane Carter, applicants and owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from RS7.5 to R8.**

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to One and Two-Family Residential (R8) zoning for property located at 2412 Old Matthews Road, at the northwest corner of Old Matthews Road and Trinity Hills Parkway (0.27 acres).

**Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 1 unit.*

**Proposed Zoning**

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of one duplex lot for a total of two units. Final determinations on duplex eligibility are provided by Metro Codes.*

**BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN**

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to maintain the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low- to moderate-density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan area of the Bordeaux-Whites Creek-Haynes Trinity Community Plan area. The intent of the supplemental policy is to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques.

**SITE AND CONTEXT**

The 0.27-acre site is located at the northwest corner of Old Matthews Road and Trinity Hills Parkway, north of W. Trinity Lane. Old Matthews Road is a collector-avenue identified by the Major and Collector Street Plan (MCSP). Trinity Hills Parkway is currently unimproved along the southern boundary but is constructed as a collector-avenue street east of the site. The property is developed with a single-family residential use.

Surrounding properties located along Old Matthews Road and to the east are primarily zoned for single-family residential uses. Properties located directly behind the site to the west are within the Trinity Lane Masterplan SP, also known as the Northlights SP, which comprises approximately 21 acres and extends from W. Trinity Lane to the north. The SP spans the majority of the Old Matthews Road block face and then pulls behind a handful of residential properties, including this site, in proximity to Trinity Hills Parkway. The Northlights SP is currently under construction and is approved for non-residential uses along W. Trinity Lane and a variety of housing types, including stacked flats, townhomes, and single-family lots to the north. Trinity Hills Parkway will be improved along the southern boundary of the site and continue to the west, connecting to Toney Road, with a future phase of the Northlights SP.

**ANALYSIS**

The requested rezoning is consistent with policy guidance at this location, which explains that T3 NM areas are intended to maintain the general developed character but will experience some change over time. Considerations for when additional intensity may be appropriate include the size and location of the site, access and proximity to transit, the existing neighborhood character, and the character of adjacent Transect and policy areas. The site is located on the western edge of the Suburban Neighborhood Maintenance (T3 NM) policy area, adjacent to properties in the Suburban Neighborhood Evolving (T3 NE) policy located directly behind the site, where the Northlights SP is developing with a variety of housing types at a higher intensity. The subject parcel is located at the intersection of Old Matthews Road, a collector-avenue, and Trinity Hills Parkway, which will be constructed along the southern boundary and continue to the west. The Haynes Trinity Small Area Plan, which includes a supplemental mobility policy with a network of proposed street connections, identifies the Trinity Hills Parkway/Toney Road connection as an important east-west connection within the neighborhood.

Properties located at the intersections of public streets, particularly along arterial or collector streets, may be more appropriate for additional intensity than sites that are located interior to the neighborhood. Additionally, the site is served by an existing MTA bus route, which wraps the northeastern corner of Old Matthews Road and Trinity Hills Parkway and includes an existing MTA stop located across the street, approximately 100 feet to the east, providing

additional transit options to support the slight increase in proposed zoning intensity. Finally, the site is larger than the majority of the surrounding residential parcels located along this stretch of Old Matthews Road, with the exception of one parcel located to the south that is zoned R8-A. Given surrounding context, staff finds the requested R8 zoning to be consistent with the policy goals at this location.

**FIRE MARSHAL RECOMMENDATION**  
**Approve**

Maximum Uses in Existing Zoning District: **RS7.5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.27	5.808 D	1 U	15	5	1

Maximum Uses in Proposed Zoning District: **R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	0.27	5.445 D	2 U	28	7	2

\*Based on two-family lots

Traffic changes between maximum: **RS7.5 and R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1 U	+13	+4	+1

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS7.5 district: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed R8 district: 0 Elementary 0 Middle 0 High

The proposed R8 zoning district is not expected to generate any additional students than what is typically generated under the existing RS7.5 zoning district. Students would attend Alex Green 1 Elementary School, Brick Church College Prep Middle School, and Whites Creek High School. All three schools have been identified as having additional capacity. This information is based upon the 2020-2021 MNPS School Enrollment and Utilization report provided by Metro Schools.

**STAFF RECOMMENDATION**

Staff recommends approval.

**Approve. Consent Agenda (7-0)**

**Resolution No. RS2021-154**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2021Z-060-001 is approved. (7-0)

**17. 2021NL-002-001**  
**2400 10TH AVENUE SOUTH**

Council District 17 (Colby Sledge)  
 Staff Reviewer: Seth Harrison

A request to apply a Neighborhood Landmark Overlay District to property located at 2400 10th Avenue South, at the southeast corner of Caruthers Avenue and 10th Avenue South, zoned R8 and located within the Waverly Belmont Neighborhood Conservation District (1.1 acres), to permit community education and daycare and office, requested by Centric Architecture, applicant; Greater Christ Temple Church Inc., owner.

**Staff Recommendation: Defer to the July 22, 2021, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021NL-002-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

**18. 2021Z-005TX-001**

Staff Reviewer: Amelia Lewis

A request for an ordinance amending Section 17.40.060 of Title 17 of the Metropolitan Code, Zoning Regulations, to allow only district members of the Metropolitan Council to initiate applications to amend the official zoning map of property owned by the Metropolitan Government, and amending Section 2.24.190 of the Metropolitan Code to require the Director of Public Property Administration to provide a monthly property inventory report to the Metropolitan Council.

**Staff Recommendation: Disapprove the proposed text amendment as submitted; if the Metro Council amends the request to include Councilmembers in the list of those that can initiate a rezoning of Metro owned property, staff recommends the Planning Commission make no recommendation on the amendment.**

**The Metropolitan Planning Commission deferred 2021Z-005TX-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

**19. 2010SP-002-002**

**THE COVE AT WHITES CREEK (PERIODIC REVIEW)**

Council District 03 (Jennifer Gamble)

Staff Reviewer: Amelia Lewis

A request for a periodic review of the Cove at White's Creek Specific Plan District located at 5000, 5010 and 5012 Clarksville Pike, approximately 2,400 feet northwest of Lloyd Road, zoned SP (32.15 acres), requested by Councilmember Jennifer Gamble, applicant; Wilmore Properties LLC, owner.

**Staff Recommendation: Find the SP to be inactive and advise Council to rezone.**

**APPLICANT REQUEST**

**Periodic review of a Specific Plan.**

Periodic SP Review

A request for a periodic review of the Cove at White's Creek Specific Plan (SP) District located at 5000, 5010 and 5012 Clarksville Pike, approximately 2,400 feet northwest of Lloyd Road, zoned SP (Specific Plan) (32.15 acres).

**Existing Zoning**

Specific Plan-Mixed Use (SP-MU) 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 residential uses in addition to office and/or commercial uses.

**SP DETAILS**

Metro Council approved the preliminary plan for the Cove at White's Creek Specific Plan in 2010 for a mixed-use development with 215 multi-family units, 7,500 square feet of commercial use, and 7,500 square feet of office use. The plan includes several unit types including: townhouse units, stacked flats, cottages, and live-work units fronting Clarksville Pike. Approximately 50 percent of the site is shown as open space as either preserved natural area or within several pocket parks located throughout the 32 acre site.

The plan included two vehicular access points from Clarksville Pike. From the southern access point, a central public road leads into the site with a roundabout central to site, providing connections to other portions of the site. The northern vehicular entrance provides secondary emergency access. The plan included public stub roads to the south, west, and northeast.

**PERIODIC SP REVIEW**

Section 17.40.106 I of the Metro Zoning Ordinance sets forth the requirements for the Metropolitan Planning Commission to review any Specific Plan District, or portion thereof, to determine whether the SP is "inactive," and if so, to recommend to the Council what action should be taken with respect to the SP. It authorizes the Planning Commission, a councilmember, or the property owner of the area to be reviewed to request the review. The Commission determines whether the SP is "inactive" by examining whether development activity has occurred within four years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council. If the Planning Commission determines the SP to be inactive, the Commission is required to recommend legislation to the Council to re-approve, amend, or rezone the property.

Timeline for Planning Commission Action

The Zoning Code requires that within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. The

review was requested by Councilmember Gamble on April 13, 2021. The 90-day period extends to July 11, 2021. If the Planning Commission does not make a determination within 90 days from the initiation of a review, it is considered to be a recommendation to re-approve by ordinance the existing SP district without alteration. Per Section 17.40.106.I. Planning staff is required to send written notification of the review to the owner, councilmember, and Zoning Administrator. Due to a clerical error in notifying the owner for the June 10, 2021, Planning Commission meeting, staff deferred the item to June 24, 2021, Planning Commission meeting to send a revised notice to resolve the clerical error.

Classification of the SP (Active or Inactive)

Under 17.40.106.I, the Commission is first required to determine whether the Cove at White's Creek SP requested for periodic review is active or inactive.

Section 17.40.106 I.3.a. of the Metro Code requires the Planning Commission to make three findings in order to determine whether a SP is active or inactive:

- i. Four or more years have elapsed since the latter of*
  - (1) The effective date of the initial enacting ordinance of the SP,*
  - (2) The effective date of any ordinance approving an amendment to the SP,*
  - (3) The effective date of any ordinance re-approving or amending a SP after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or*
  - (4) The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and*

The initial enacting ordinance for the SP became effective in 2010. The SP has not been amended or previously reviewed prior to this request. More than four years have elapsed since the initial date of the enacting ordinance and no further approvals have taken place.

- ii. Construction has not begun on the portion of the SP under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the SP under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and*

No construction has taken place in the SP under review.

- iii. Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the SP approval.*

No right-of-way has been acquired and no off-site improvements have been constructed.

Section 17.40.106 I.3.a. states that the Commission “*may also take into consideration the aggregate of actions, if any, taken by the owner of the SP within the prior 12 months to develop the portion of the SP under review.*”

Planning staff received a pre-application meeting request for this property in early May. As the request for review of the SP was initiated prior to this request, Planning staff did not meet with the applicants for a pre-application meeting. Letters from the owner and other parties associated with the property are included at the end of this report.

The owner indicates that they have generally taken the following actions: marketed the property for sale; discussed sale with several parties; meetings with community and Councilmember; and some preliminary design work on revised plan (\$17,000 in billing). See exhibits at the end of report for additional details.

Staff Finding - Classification of the SP (Active or Inactive)

Staff finds the Specific Plan to be inactive as the requirements of Section 17.40.106.I have not been satisfied and the actions taken in the past 12 months are limited.

Planning Commission Recommendation to Metro Council

If the Planning Commission determines the SP to be active, then no further action is required. If the Commission determines the SP to be inactive, as in this case, then the Commission is required to recommend legislation to the Council to re-approve, amend the SP, or rezone the property, or portion thereof that is determined to be inactive.

With respect to the legislation to be recommended to the Metro Council, the Planning Commission is directed by the Code to take two distinct steps.

- 1. First, the Commission is to determine whether the “existing SP is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans.”

2. Second, the Commission is to recommend the legislation, and include, as required:

(a) The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and

(b) Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

### **BORDEAUX – WHITES CREEK – HAYNES TRINITY COMMUNITY PLAN**

Conservation (CO) is intended to preserve and enhance environmentally sensitive land within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils.

T2 Rural Maintenance (T2 RM) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded.

T2 Rural Countryside (T2 RCS) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RCS areas have an established development pattern of very low-density residential development, secondary agricultural uses, and institutional land uses. The primary purpose is to maintain the area's rural landscape.

#### Consistent with Policy?

The SP under review is not consistent with the land use policies for this location. The Bordeaux – Whites Creek – Haynes Trinity Community Plan was updated in 2017 as part of NashvilleNext, amending the policies from when the SP plan was approved.

The application for the approval of the preliminary SP in 2010 had an associated plan amendment case which changed the existing policies on the site from Rural, Natural Conservation, and Neighborhood Center to Natural Conservation, Neighborhood Center, and Suburban Neighborhood Evolving (T3 NE). In 2017, with the adoption of the Bordeaux – Whites Creek – Haynes Trinity Community Plan, the policies on the site were changed to the current policies on the site: CO, T2 RM, and T2 RCS. As the preliminary SP had not been constructed in 2017 and the existing properties remained as one and two-family uses on lots greater than two acres, they were likely considered as a part of the existing rural character within this area.

The preliminary SP is not consistent with the T2 RCS and T2 RM policies on the site. The existing policies on the site are intended to have low density development, preserve, and enhance a sense of rural character; however, the preliminary SP is fairly consistent with the CO Policy on the site as the portions of the site with steep slopes are intended to remain in a preserved natural area. The preliminary SP plan does not address the existing stream buffer shown through the site.

The preliminary SP would permit non-residential uses as well as 215 residential units, including live/work units and multi-family product types. The T2 RCS and T2 RM policies indicate a preference for one and two-family detached units. While the SP under review proposes the preservation of open space, the uses and intensity of the proposed development are inconsistent with the existing land use policies to preserve and enhance the existing rural character of the area.

### **STAFF RECOMMENDATION**

In accordance with the requirements of 17.40.106 I, staff recommends that the Planning Commission find the SP under review to be inactive. No development has taken place within this SP and there has not been an aggregate of action that constitutes activity by the owner over the last 12 months to develop the SP under review.

If the Planning Commission finds the SP inactive, then staff recommends that the property be rezoned through a separate action at a future meeting. Based on the T2 policy guidance, the AR2a zoning district could be appropriate. Additional options such as a new SP with significantly decreased intensity or a subdivision to create larger residential lots could be appropriate as well.

Ms. Lewis presented the staff recommendation of finding the SP to be inactive and advising Council to rezone.

Councilmember Gamble spoke in favor of finding the SP inactive.

Shawn Henry, 500 11<sup>th</sup> Ave N, spoke in favor of finding the SP active.



Winston Template, 5000 Clarksville Pike, spoke in favor of finding the SP active.

Scott Andrews spoke in favor of finding the SP active.

Duane Cuthbertson, 409 Merritt Ave, spoke in favor of finding the SP active.

Danny Womble, Womble & Associates, spoke in favor of finding the SP active.

Peter Shay, 813 Eben St, spoke in favor of finding the SP active.

George Ewing, 4601 Whites Creek Pk, spoke in favor of finding the SP inactive.

Jennifer Hagan-Dier, 681 Brick Church Ln, spoke in favor of finding the SP inactive.

Angela Williams, 7203 Old Hickory Blvd, spoke in favor of finding the SP inactive.

Zach Dier, 681 Brick Church Ln, spoke in favor of finding the SP inactive.

Elise Hudson, 4601 Whites Creek Pk, spoke in favor of finding the SP inactive.

Dan Montgomery spoke in favor of finding the SP inactive.

Will Worrell, 4115 Dry Fork Rd, spoke in favor of finding the SP inactive.

Councilmember Gamble explained there has been no meaningful activity on this property in 11 years and asked the commission to find the SP inactive.

**Chairman Adkins closed the Public Hearing.**

Mr. Tibbs spoke in favor of staff recommendation of finding the SP inactive.

Ms. Blackshear spoke in favor of staff recommendation of finding the SP inactive.

Ms. Johnson spoke in favor of staff recommendation of finding the SP inactive.

Councilmember Murphy spoke in favor of staff recommendation of finding the SP inactive.

Mr. Henley spoke in favor of staff recommendation of finding the SP inactive.

Mr. Lawson spoke in favor of staff recommendation of finding the SP inactive.

**Mr. Lawson moved and Councilmember Murphy seconded the motion to find the SP inactive. (7-0)**

**Resolution No. RS2021-155**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-002-002 is to find the SP to be inactive and advise Council to rezone. (7-0)

**20. 2021SP-023-001**

**NORTH EDGEHILL COMMONS**

Council District 19 (Freddie O'Connell)

Staff Reviewer: Jason Swaggart

A request to rezone from IWD to SP zoning for properties located at 920 and 1000 Hawkins Street, at the northeast corner of 12th Avenue South and Hawkins street (6.79 acres), to permit a mixed use development, requested by Tuck Hinton Architecture and Design, applicant; Beaman Motor Company, owner.

**Staff Recommendation: Hold the public hearing. Defer to the July 22, 2021 Planning Commission meeting and modify the plan as outlined in the Staff Report.**

**The Metropolitan Planning Commission deferred 2021SP-023-001 to the July 22, 2021, Planning Commission meeting and modify the plan as outlined in the Staff Report. (7-0)**

- 21. 2021SP-027-001**  
**2377 COUCHVILLE PIKE**  
Council District 29 (Delishia Porterfield)  
Staff Reviewer: Amelia Lewis

A request to rezone from R20 to SP-IND zoning for property located at 2377 Couchville Pike, approximately 1,485 feet east of Pulley Road street, (34.77 acres), to permit industrial uses, requested by Energy Land and Infrastructure, applicant; Tommy C. Estes, owner.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

**The Metropolitan Planning Commission deferred 2021SP-027-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

- 22. 2021S-044-001**  
**TEMPLE HEIGHTS**  
Council District 22 (Gloria Hausser)  
Staff Reviewer: Logan Elliott

A request for concept plan approval to create six single-family lots and one duplex lot on property located at Old Charlotte Pike (unnumbered), approximately 800 feet west of Sawyer Brown Road, zoned R15 (4.0 acres), requested by Doyle Elkins, applicant; Vidya Bethi, owner.

**Staff Recommendation: Approve with conditions.**

**The Metropolitan Planning Commission deferred 2021SP-027-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

- 23. 2021S-069-001**  
**HEARTLAND NORTH**  
Council District 03 (Jennifer Gamble)  
Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 114 single family lots and 28 two family lots for a total of 170 residential dwelling units, on property located at Brick Church Lane (unnumbered), approximately 2,500 feet east of Knight Drive, zoned One and Two-Family Residential (R10) (65.37 acres), requested by Civil Site Clarksville, applicant; Parkwood Estates, owner.

**Staff Recommendation: Approve with conditions.**

**The Metropolitan Planning Commission deferred 2021S-069-001 to the July 22, 2021, Planning Commission meeting. (6-0-1)**

- 24. 2021Z-055PR-001**  
Council District 02 (Kyonzté Toombs)  
Staff Reviewer: Amelia Lewis

A request to rezone from RS7.5 to RM40-A-NS zoning for a portion of property located at Dickerson Pike (unnumbered), approximately 380 feet west of Dickerson Pike (7.0 acres), requested by Catalyst Design Group, applicant; Rudra Investments LLC, owner.

**Staff Recommendation: Defer to the August 26, 2021 Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021Z-055PR-001 to the August 26, 2021, Planning Commission meeting. (7-0)**

**25. 2021Z-050PR-001**

Council District 12 (Erin Evans)  
Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to RS20 zoning for property located at 3216 Earhart Road, at the eastern terminus of Buntingway Drive (2.93 acres), requested by Civil Site Design Group, applicant; Gareth Cornelius and Patricia Cornelius, owners.

**Staff Recommendation: Defer to the July 22, 2021 Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2021Z-050PR-001 to the July 22, 2021, Planning Commission meeting. (7-0)**

**H: OTHER BUSINESS**

26. Contract Amendment for Miranda Clements

**Resolution No. RS2021-156**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Contract Amendment for Miranda Clements is **approved**. (7-0)

27. Contract Renewals for Logan Elliott, John Broome, David Kline & Nick Lindeman

**Resolution No. RS2021-157**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Contract Renewals for Logan Elliott, John Broome, David Kline & Nick Lindeman is **approved**. (7-0)

28. Historic Zoning Commission Report

29. Board of Parks and Recreation Report

30. Executive Committee Report

31. Accept the Director's Report

**Resolution No. RS2021-158**

“BE IT RESOLVED by The Metropolitan Planning Commission that the director’s report is **approved**. (7-0)

32. Legislative Update

**I: MPC CALENDAR OF UPCOMING EVENTS**

**July 22, 2021**

MPC Meeting

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

**August 26, 2021**

MPC Meeting

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

**September 09, 2021**

MPC Meeting

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

**J: ADJOURNMENT**

The meeting adjourned at 5:40 p.m.