



# METROPOLITAN PLANNING COMMISSION MINUTES

**October 13, 2016**  
**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, Chair  
Jessica Farr, Vice Chair  
Jim McLean  
Stewart Clifton  
Jeff Haynes  
Brenda Diaz  
Jennifer Hagan-Dier  
Brian Tibbs  
Councilmember Burkley Allen

Staff Present:  
Doug Sloan, Executive Director  
Carrie Logan, Assistant Director, Special Projects  
George Rooker, Special Projects Manager  
Kelly Adams, Administrative Services Officer III  
Kathryn Withers, Planning Manager II  
Lucy Kempf, Planning Manager II  
Greg Claxton, Planner III  
Jason Swaggart, Planner III  
Lisa Milligan, Planner III  
Marty Sewell, Planner III  
Stephanie McCullough, Planner II  
Latisha Birkeland, Planner II  
Patrick Napier, Planner II  
Craig Owensby, Public Information Officer  
Susan Jones, Legal  
Theresa Costonis, Legal

Commissioners Absent: Lillian Blackshear

**J. DOUGLAS SLOAN, III**

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.

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

Agendas and staff reports can be viewed on-line at [www.nashville.gov/mpc/agendas](http://www.nashville.gov/mpc/agendas) or weekdays from 7:30 a.m. to 4:00 p.m. at the Planning Department office located at 800 2nd Avenue South, downtown Nashville.

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

## Writing to the Commission

You can mail, hand-deliver, fax, or e-mail comments on any agenda item to the Planning Department. For the Commission to receive your comments, prior to the meeting, you must submit them by **noon the day of the meeting**. Otherwise, you will need to bring 15 copies of your correspondence to the meeting and during your allotted time to speak, distribute your comments.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300  
Fax: (615) 862-7130  
E-mail: [planning.commissioners@nashville.gov](mailto:planning.commissioners@nashville.gov)

## Speaking to the Commission

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

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

## Legal Notice

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



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 862-7150 or e-mail her at [josie.bass@nashville.gov](mailto:josie.bass@nashville.gov). For Title VI inquiries, contact Human Relations at (615) 880-3370. For all employment-related inquiries, contact Human Resources at (615) 862-6640.

# MEETING AGENDA

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## **A: CALL TO ORDER**

The meeting was called to order at 4:07 p.m.

## **B: ADOPTION OF AGENDA**

Councilmember Allen moved and Mr. McLean seconded the motion to adopt the agenda. (9-0)

## **C: APPROVAL OF SEPTEMBER 22, 2016 MINUTES**

Ms. Farr moved and Councilmember Allen seconded the motion to approve the September 22, 2016 minutes. (9-0)

## **D: RECOGNITION OF COUNCILMEMBERS**

Councilman Coleman spoke in favor of Item 23 and asked to have it pulled from the Consent Agenda to ensure the neighbors know what is going on.

Councilmember Mina Johnson spoke in favor of Item 14.

Councilmember Murphy spoke regarding Item 31 and will accept whatever the commission decides.

Councilmember Pulley spoke on Item 2 on behalf of Councilmember Pridemore and also spoke regarding Item 7 and requested disapproval or approval with the conditions attached.

Councilmember Karen Johnson asked to pull the Director's Report from the Consent Agenda because there has been no opportunity to provide input into the preliminary plan approval for 23-85P-004. She requested that the streets be built to public standards.

Mr. Sloan clarified that Councilmember Johnson is asking that the commission require them to change an element of their plan that they are already vested in; the commission does not have the authority to make them change.

Susan Jones, Legal, clarified that they are vested in the plan that was approved previously.

Councilmember Van Reece spoke in favor of Item 2 and Item 21.

Councilmember Hagar spoke in favor of Item 20.

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

- 3a. 2014CP-010-004**  
GREEN HILLS-MIDTOWN COMMUNITY PLAN AMENDMENT
- 3b. 2014SP-083-001**  
HOWELL CORNER/BECKER CORNER OFFICES SP
- 4. 2007SP-150-001**  
EVANS HILL
- 5. 2016S-136-001**  
2811 WIMBLEDON
- 6. 2016S-160-001**  
RESUBDIVISION OF LOT 1 RESUB LOT 12 OF GEORGE BURRUS  
SUBDIVISION OF LOT 81 MAPLE HOME TRACT
- 9. 2016Z-101PR-001**
- 10. 2016Z-106PR-001**

**13. 2013SP-012-004**  
46TH AND UTAH

**22. 2004P-032-001**  
CHADWELL RETREAT

Ms. Farr moved and Mr. McLean seconded the motion to approve the Deferred and Withdrawn Items. (9-0)

## **F: CONSENT AGENDA ITEMS**

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.

**8. 84-85P-002**  
BILTMORE PUD

**11a. 2016CP-008-001**  
NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

**11b. 2016SP-079-001**  
2007 23RD AVENUE NORTH

**12. 2016CP-007-004**  
WEST NASHVILLE COMMUNITY PLAN AMENDMENT

**14. 2013SP-048-003**  
HILLWOOD COURT AT NASHVILLE WEST SECTION 2 SP

**15. 2016SP-077-001**  
TEN 21 ELVIRA

**16. 2016HL-002-001**

**17. 2016HL-003-001**

**18. 2016S-197-001**  
RIVERFRONT ESTATES

**19. 2016S-200-001**  
2614 AND 2616 TIFFANY DRIVE

**20. 2016S-211-001**  
HAGAR PROPERTY

**21. 4-85P-001**  
ARROWHEAD

**24. 2016Z-112PR-001**

**25. 2016Z-113PR-001**

**26. 2016Z-114PR-001**



- 27. 2016Z-115PR-001**
- 28. 2016Z-116PR-001**
- 29. 2017 Planning Commission filing deadlines & meeting schedule.**
- 30. New employee contract for Peter Bird.**
- 35. Accept the Director's Report and Approve Administrative Items.**

Mr. Clifton moved and Ms. Farr seconded the motion to approve the Consent Agenda. (9-0)

## G: ITEMS TO BE CONSIDERED

### 1. 2016Z-019TX-001

BL2016-415

#### TELECOMMUNICATION FACILITIES

Staff Reviewer: Carrie Logan

A request to amend Metropolitan Code of Laws Chapters 17.04, 17.08, 17.16, and 17.40 pertaining to telecommunication facility uses and Section 6.26.350 to insert therein a reference to Chapter 17.16, requested by the Planning Department.

**Staff Recommendation: Approve with substitute ordinance.**

#### TEXT AMENDMENT

A request to amend Metropolitan Code of Laws Chapters 17.04, 17.08, 17.16, and 17.40 pertaining to telecommunication facility uses and Section 6.26.350 to insert therein a reference to Chapter 17.16.

#### Growing Market Need for Connectivity and Broadband Infrastructure\*

The dramatic increase in demand for broadband connectivity is driven by basic market dynamics: a fast growing number of users of broadband services is using multiple devices that require greater bandwidth for expanding video and data-intensive applications. Demand for connectivity is outpacing supply at increasing rates on a yearly basis. Studies estimate that with a projected annual growth rate of 80%, mobile data use by 2020 will outpace current network capabilities. Without intervention, the ensuing deterioration to existing network performance will result in service decline and higher costs.

Cities everywhere are grappling with the issue of how to optimize available resources and infrastructure assets to best support the exponential growth in demand for broadband connectivity. The National Broadband Plan, published by the FCC in 2010, refers to broadband as “the great infrastructure challenge of the 21<sup>st</sup> century” and provides a series of recommendations and thresholds for local broadband health. Furthermore, the National Broadband Opportunity Council (a collaboration across numerous government agencies) provides a guide for how government agencies can work together effectively to share data, improve processes and generally make broadband infrastructure investment less complicated. In 2015, Metro began working with experts in the public-private broadband space to create a strategic plan to ensure Nashville maintains a thriving technology-friendly community.

Deciphering the broadband infrastructure investment drivers and plans of private sector service providers is a difficult proposition. The communications technology market moves so rapidly that companies are in a constant state of reevaluating and shifting investment decisions. With mixed results, the public sector, at all levels, is grappling with the right mix of policy and practice to create an environment in which broadband thrives. For all of these reasons and more, cities must make the effort to shape their own broadband future.

Metro is in a competitively advantageous position to set a broadband course that will have a broad and positive impact among all stakeholders. Just as cities have constructed deliberate plans for railroads, waterways and roadways, infrastructure planners and technologists must decisively lead the way with strategic broadband planning.

A mix of services from traditional broadband provider entities can combine to create seamless connectivity infrastructure for all types of technology needs. An environment that promotes broadband public/private partnerships, coupled with Metro inter-departmental and inter-agency collaboration, will create the right foundation for infrastructure that supports smart city technologies.

#### Federal Impetus for Change\*

Over the last few years, the federal government (through the Federal Communications Commission) has issued new rules to guide cities in developing new ordinances and processes for working with private sector broadband service providers. Currently there are two key federal statutes that address municipal telecom approvals.

•42 U.S.C. 322(c)7 addresses initial site placement & modifications;

•47 U.S.C. 1455 (a) aka Section 6409(a) of the Middle Class Tax Relief & Job Creation Act of 2012, addresses modifications to existing sites only. FCC 6409(a) rules permit modifications of “small cells” and underlying support

structures, not just cell towers. To be eligible for a Sec. 6409(a) modification, a facility must have been “approved” at least once.

Under the most recent FCC guidance for Section 6409(a), any “approved” wireless equipment may generally be modified if it honors safety codes, preserves city beautification standards and extends less than 10 feet up and six feet out. Importantly, if a local government does not grant or deny a covered 6409(a) application within 60 days, it is “deemed granted” by FCC rule.

Specifically, for sites in the public right of way, a service provider or infrastructure entity may automatically extend any “base station” (any utility pole, light pole, building, or other structure that currently hosts wireless equipment) 10 feet in height and six feet in width, provided that it also meets requirements articulated by Metro. Metro must now expect that any 10-foot-tall wireless facility that has already received approval or that is approved in the future may automatically become a 20-foot facility. For already-approved sites not in the public right of way, entities may seek up to a 20-foot or 10% increase, whichever is greater.

**PROPOSED ZONING CODE AMENDMENTS**

There are two existing telecommunications uses in the Zoning Code, Radio/TV/Satellite Tower and Telephone services, which are reviewed only when installed outside of the public right of way. The Zoning Code does not address installations of telecommunications equipment within the right of way. This ordinance creates standards for telecommunication facilities within the public right of way and creates the same review process for all telecommunication facilities, including Radio/TV/Satellite Tower and Telephone services.

For all telecommunications facilities, collocation is encouraged by including a requirement to use existing structures where possible, prior to constructing new ones. This is especially important within the public right of way, where additional structures could impede pedestrian movements.

This ordinance promotes the use of stealth or other aesthetic accommodations by:

- requiring otherwise visible equipment on a building to be integrated as an architectural feature,
- limiting the height of new structures, within and outside of the public right of way, and
- requiring design consistent with the design requirements of the Planning Department for telecommunication facilities within the public right of way.

This ordinance also protects the integrity and functionality of the public right of way by requiring new or relocated facilities to be located outside of the sidewalk.

On September 21, 2016, Councilmember O’Connell and representatives from the Mayor’s Office, Planning Department, Department of Law, Department of Public Works and Information Technology Services Department met with representatives from the telecommunication industry to explain the purpose of the ordinance, which is to prevent the proliferation of poles and other structures within the right of way that create visual clutter and obstructions for pedestrians. Metro asked for comments that were within the spirit of the ordinance by September 30, 2016, and incorporated those into the substitute ordinance where possible.

**ZONING ADMINISTRATOR RECOMMENDATION**

Approve

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**STAFF RECOMMENDATION**

Staff recommends approval of the substitute ordinance. This ordinance will provide comprehensive governance for all telecommunication facilities within and outside of the public right of way with respect to location standards, design and concealment elements, and siting requirements in order to maintain a balance of encouraging infrastructure expansion while maintaining aesthetic standards and pedestrian functionality.

\* Information provided by CNX, consultants for the Information Technology Services (ITS) Department.

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**SUBSTITUTE ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Metropolitan Code of Laws Chapters 17.04, 17.08, 17.16, and 17.40 pertaining to telecommunication facility uses and Section 6.26.350 to insert therein a reference to Chapter 17.16. (Proposal No. 2016Z-019TX-001).

WHEREAS, it is necessary and beneficial for the health, safety and welfare of the community to update the zoning regulations for development of telecommunications facilities in the Metropolitan Nashville and Davidson County area; and,

WHEREAS, it is important to accommodate the growing need and demand for telecommunications services while protecting the character of the Metropolitan Government and its neighborhoods; and,

WHEREAS, there is a need to establish standards for location, aesthetics and compatibility for small cell communication structures and uses, and to update the standards for other kinds of telecommunications facilities; and,

**WHEREAS, the Metropolitan Government is committed to encouraging a safe, reliable, efficient, integrated and connected system of Green and Complete Streets that promotes access, mobility and health for all people, regardless of their age, physical ability, or mode of transportation; and**

WHEREAS, it is necessary to encourage the location and ~~collocation~~ **collocation** of equipment on existing structures in order to reduce the need for new towers, thereby, minimizing visual clutter, public safety impacts, and effects upon the natural environment and wildlife as well as to encourage concealed technologies and the use of public lands, buildings, and structures as locations for telecommunications facilities; and,

WHEREAS, there is a need to encourage the availability of affordable, high-speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/or on-the-go, that increasingly education incorporates on-line learning necessitating good home internet connections for students and faculty, and that government participation and emergency services to the general public are enhanced by fast and reliable cellular and home internet connectivity; and,

WHEREAS it is important to encourage coordination between suppliers and providers of telecommunications services to maximize use of existing facilities and structures; and,

WHEREAS, establishing predictable and balanced regulations within the authority reserved for local land use determination is in the interest of citizens the area of the Metropolitan Government of Nashville and Davidson County; and,

WHEREAS, there have been recent changes to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws limiting local discretion to regulate location of personal wireless service facilities (PWSF); and,

WHEREAS, a mechanism for the zoning and permitting of small cell telecommunications uses and an update of existing zoning provisions for other kinds of telecommunications uses is in the best interest of the citizens of Metropolitan Nashville and Davidson County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Metropolitan Code of Laws Section 17.04.060, Definitions of general terms, is hereby amended by adding the following definitions:

**“Alternative Structure”** means a structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including but not limited to buildings, water tanks, pole signs, billboards, church steeples, ~~and~~ electric power transmission towers, **and utility poles/streetlights.**

**“Antenna”** means any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized or sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas, **or any other antenna elements approved by the Director of Information Technology Services or his delegate.**

**“Base Station”** means equipment and non-tower supporting structure at a fixed location that enable wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo or other above ground structure other than a tower. The term

does not encompass a tower as defined herein or any equipment associated with a tower. "Base Station" includes, but is not limited to:

equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul;

radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks);

any structure other than a tower that, at the time the application is filed under this Section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another Metro regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

"Base station" does not include any structure that, at the time the application is filed under this Section, does not support or house wireless communication equipment.

"Breakpoint Technology" means the engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole

"Collocation Co-location" means the mounting or installation of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure will not be required, including an eligible facilities request or a qualified **collocation** ~~co-location~~ request.

"Cellular on Wheels (COW)" means a temporary PWSF placed on property to provide short term, high volume telecommunications services to a specific location and which can be easily removed from the property.

"Distributed Antenna System (DAS)" means a system consisting of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

"Eligible Facilities Request" means any request for modification of an existing tower or base station involving **collocation** ~~co-location~~ of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment that does not Substantially Change the physical dimensions of such tower or base station.

"Eligible support structure" means any tower or base station existing at the time the application is filed with Metro.

"Personal Wireless Service Facility (PWSF)" means any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower. Facilities may include new, replacement, or existing towers, replacement towers, **collocation** ~~co-location~~ on existing towers, base station attached concealed and non-concealed antenna, dual purpose facilities, concealed towers, and non-concealed towers (monopoles, lattice and guyed), so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

"Qualified Collocation Co-location Request" means **collocation** ~~co-location~~ of PWSF on a tower or base station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

"Small Cell Facility" means a wireless service facility that meets both of the following qualifications:

1. Each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an

antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than three (3) cubic feet; and

2. Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

"Small Cell Network" means a collection of interrelated small cell facilities designed to deliver wireless service.

"Substantial Change" means a modification or ~~collocation~~ ~~co-location~~ constitutes a "substantial change" of an eligible support structure if it meets any of the following criteria:

1. A telecommunications facility ~~collocation~~ ~~co-location~~ on an existing antenna-supporting structure within a public right of way increases the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10% or 10 feet, whichever is greater.

2. A telecommunications facilities ~~collocation~~ ~~co-location~~ for towers not in a public right of way protrudes from the antenna-supporting structure more than 10% or 20 feet whichever is greater or the width of the structure at the elevation of the ~~collocation~~ ~~co-location~~, and for towers within a public right of way, protrudes from the antenna-supporting structure more than 6 feet.

3. A telecommunications facility ~~collocation~~ ~~co-location~~ on an existing antenna-supporting structure fails to meet current building code requirements (including windloading).

4. A telecommunications facility ~~collocation~~ ~~co-location~~ adds more than 4 additional equipment cabinets or 1 additional equipment shelter.

5. A telecommunications facility ~~collocation~~ ~~co-location~~ requires excavation outside of existing leased or owned parcel or existing easements.

6. A telecommunications facility ~~collocation~~ ~~co-location~~ defeats any existing concealment elements of the antenna-supporting structure.

7. A telecommunications facility ~~collocation~~ ~~co-location~~ fails to comply with all conditions associated with the prior approval of the antenna-supporting structure except for modification of parameters as permitted in this section.

"Support Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, **including alternative structures.**

"Telecommunications Facility" means one or more antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, and associated structures, enclosures, assemblages, devices and supporting elements that generate or transmit nonionizing electromagnetic radiation or light operating to produce a signal used for communication that is proposed by an entity other than the Metropolitan Government, including but not limited to radio/tv/satellite and broadcast towers, telephone service, including new microwave or cellular towers, PWSF, DAS, small cell facilities and COW's.

"Tower" means any support structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, and/or fixed or wireless services. A tower may be concealed or non-concealed. Non-concealed towers include:

Guyed - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice - A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Monopole - A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

~~Support Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including but not limited to all existing utility poles and existing buildings.~~

"Transmission Equipment" means equipment that facilitates transmission of communication service (whether commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, fixed or wireless), including but not limited to radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup

power supply

Section 2. That Metropolitan Code of Laws Section 17.08.030, District Land Use Tables, is hereby amended by deleting Radio/TV/Satellite Tower and Telephone services and adding "Telecommunication Facility" under "Communication Uses" as a use permitted with conditions (PC) under all zoning districts.

Section 3. That Metropolitan Code of Laws Section 17.16.080, Communication uses, is hereby amended by deleting subsections B and C, renumbering subsection D as B and adding a new subsection "C. Telecommunications Facility" to read as follows:

C. Telecommunications Facility

1. Application requirements. An applicant for a telecommunications facility, including co-locating on an eligible support structure or adding transmission equipment to an alternative structure shall provide the codes department and the Historic Zoning Commission, for applications within Historic Overlays and/or public rights of way abutting a Historic Overlay, with the following information at the time of application for the final site plan or building permit (**for eligible facilities requests, it is not necessary to meet the requirements of d through g, below**):

a. A schematic site plan, including schematic landscape plan, and an elevation view of the type of facility to be placed on the site. The site plan shall depict where the facility is to be located on the site and where additional co-located communication equipment, shelters or vaults will be or can be placed.

b. If the application is not for ~~collocation co-location~~, a statement justifying why ~~collocation co-location~~ is not possible. Such statement shall include:

(i) Such structure and technical information and other justifications as are necessary to document the reasons why ~~collocation co-location~~ is not possible; and

(ii) The applicant shall provide a list of all eligible support structures and alternative structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were impossible due to technical or physical alternatives.

c. Identification of the intended user(s) of the facility.

d. The applicant shall demonstrate that through location, construction, or ~~camouflage~~ **stealth**, the proposed facility or network of facilities will have minimum visual impact upon the appearance of adjacent properties and the views and vistas from adjacent residential neighborhoods and pedestrian environment, while retaining viable opportunities for future ~~collocation co-location~~.

e. Documentation of the number of other users that can be accommodated within the design parameters of the telecommunications facility as proposed.

f. A statement indicating the owner's commitment to allow feasible shared use of the facility within its design capacity for ~~collocation co-location~~.

g. The proposed site plan and design plans meet or exceed all applicable standards, including without limitation those of the Federal Communications Commission (FCC), American National Standards Institute (ANSI), and Institute of Electrical and Electronics Engineers (IEEE) standards for power density levels and structural integrity, American Concrete Institute (ACI), American Standards Testing and Materials Institute (ASTM), the National Electrical Code, and the American Steel Institute. The telecommunications facility must comply with building codes and other federal, state, and local regulations, Applicant must also comply with Section 106 of the National Historic Preservation Act of 1966.

2. ~~Collocation Co-location~~ Requirements. ~~Collocation Co-location~~ or location on existing alternative structures is required where possible. Applicants for a new Telecommunications Facility must explore all ~~collocation co-location~~ opportunities and opportunities to locate their transmission equipment on existing alternative structures. Applicant shall utilize eligible support structures first and then alternative structures. ~~If collocation or location on an alternative structure is not possible, Applicant must show a gap in coverage and present a business case, excluding cost, to justify the need for placement of a new support structure.~~

3. Removal of Abandoned Telecommunication Facilities: **Any telecommunication facility that is replaced with a new or updated telecommunication facility, including conduit or cable, or** Any telecommunication facility permitted under this chapter that is not operated as a personal communication system carrier application for a continuous period of twelve months shall be considered abandoned and the owner of such telecommunication facility shall notify the Codes Department of the abandonment and remove same within ninety days. Failure to do so shall be deemed to be a violation of these regulations. The owner of the antenna or tower may appeal the decision of the department of codes administration to the board of zoning appeals, but at such hearing shall be required to show just cause why the antenna or tower should not be considered abandoned and subject to removal.

4. Telecommunication facilities outside of the public right-of-way.
- a. Landscape Requirements: Along all residential zone districts and districts permitting residential use, screening in the form of Landscape Buffer Yard Standard A shall be applied.
- (i) The following plants are prohibited from being used in any district, to buffer a telecommunications facility, including a new microwave or cellular tower due to problems with hardness, maintenance, or nuisance: Kudzu Vine, Purple Loosestrife, Japanese Honeysuckle, Shrub Honeysuckle, Autumn Olive, Common Privet, Tree of Heaven, Lespedeza, Garlic Mustard, Paulownia, Multiflora Rose, Siberian Elm, Silver Poplar, Mimosa, Mulberry and Silver Maple.
- (ii) The maintenance standards set forth in Section 17.24.080 shall be applicable to all required landscaping.
- b. New support structures or substantial changes to eligible support structures 150' and greater, shall be designed to accommodate a minimum of three PWSF providers. This number shall be inclusive of any emergency management communication systems.
- c. A permit for a COW is limited to 30 days, **but when circumstances reasonably warrant, the permit may be renewed.**
- d. Additional provisions for Substantial Changes to Eligible Support Structures or Placement of New Telecommunications Equipment on Alternative Structures.
- (i) New telecommunications equipment placements on alternative structures, shall be **designed with screening and other stealth elements so as to minimize the visual impact** ~~placed so that they will not be visible~~ from a pedestrian viewpoint within any abutting public right of way, excluding alleys, even after any eligible facilities request. Once said alternative structure is approved and becomes an eligible support structure, any subsequent modifications must meet established design guidelines. The maximum height of a tower shall be determined by the height control provisions of Chapter 17.12.
- (ii) Communication equipment or any new structure that is integrated as an architectural feature of a structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer or which is concealed within a building or structure so that it is architecturally indiscernible may be permitted in all zoning districts subject to building permit procedures and standards. Architecturally indiscernible shall mean that the addition or feature containing the antenna is architecturally harmonious in such aspects including but not limited to material, height, bulk, scale and design with the building or structure to which it is to be a part.
- e. Additional provisions for towers.
- (i) Setbacks. A tower shall be set back from all property lines on which the tower is located by the distance equal to the height of the lowest engineered break point on the proposed structure or the height of the tower.
- (ii) Lights. No lights shall be permitted on a tower except such lighting that is required by state or federal law.
- (iii) Height. The maximum height of a tower shall be determined by the height control provisions of Chapter 17.12. Guy wire anchors, if used, shall be set back a minimum of five feet from all property lines.
- (iv) Final Site Plans: Final site plans for a tower shall be accompanied by a certification from a qualified structural engineer that the tower has sufficient structural integrity and equipment space to accommodate multiple users shall be required at the time of applying for a building permit.
- (v) Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the zoning administrator shall notify the district councilmember that an application for a new tower has been submitted. Such notification shall only be required when a tower is proposed within a residential district, a district permitting residential uses (excluding the MUI, MUI-A, ORI, ORI-A, CF, DTC, and SCR districts), or within one thousand feet of the zoning boundary line of a residential district or a district permitting residential uses. Such notification shall also be required when a telecommunications facility is within a Historic Overlay District or right of way abutting a Historic Overlay District. Within thirty days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. If a meeting is held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.
- (vi) When an application to construct a new tower is received, the Department of Codes Administration shall consult with the district councilmember, and the councilmember may request that the applicant accommodate tornado sirens and their associated equipment to further the public interest, as well as equipment needed for First Net. The councilmember's request shall be submitted in writing to the applicant within fifteen business days from the date the application was submitted to the Department of Codes Administration, and the request shall be accompanied by a written statement from the Mayor's Office of Emergency Management that a siren is needed in the area where the tower is to be located and that the proposed tower site is suitable for a siren. The applicant shall make good faith efforts to comply with this request, provided that if such use materially increases the cost of the tower, requires utilization of land otherwise reserved for additional wireless carriers on the tower, or would otherwise delay the permitting of the proposed tower, the applicant shall not be required to consider such request. Because tornado sirens require additional tower space and have varying design qualities, applicants will be allowed a fifty percent increase in height over the otherwise applicable height limitation and will not be required to utilize camouflaged designs, but shall comply with all applicable landscaping standards set forth in this section. This subsection applies to tornado sirens only and is not applicable for other public safety tower uses.



5. Telecommunication facilities within public rights-of-way.
  - a. Support structures and above-ground transmission equipment are prohibited within the sidewalk, but may be located within a grass strip or frontage zone. For substantial changes to eligible support structures or for new telecommunications use of an alternative structure, the eligible support structure or alternative structure shall be relocated outside of the sidewalk and all above-ground utilities consolidated with the permit application. **For eligible support structures that already have wireless telecommunications facilities on them, the structure need not be relocated unless it exceeds the zoning height limitation set in subsection 17.16.080.C.5.d., unless such structure is owned by the Metropolitan Government.**
  - b. No new telecommunication facility support structure may be erected in the public right-of-way within ~~500'750'~~ of an existing telecommunication support structure. **The term "new telecommunications facility support structure" as used in this subsection shall not include a relocation of a pole pursuant to section 17.16.080.C.5.a.**
  - c. ~~New telecommunication facilities or relocated telecommunication facilities pursuant to subsection 17.16.080.C.5.a. due to a substantial change~~ shall place all transmission equipment, **excluding antennas**, underground to the extent possible consistent with departmental regulations. To the extent transmission equipment cannot be placed underground, business justification, excluding cost, for this must be provided.
  - d. New telecommunication facility support structures may not be erected to a height greater than the height surrounding utility poles or street lights, whichever is greater. If no utility poles are present, the support structure shall be built to a maximum height of 30'. All new proposed structures within the ROW shall be designed for a minimum of two PWSF providers.
  - e. A permit for a COW is limited to 5 days, **but when circumstances reasonably warrant, the permit may be renewed.**
  - f. Telecommunication facilities shall be constructed consistent with the design requirements of the Planning Department, and, where applicable, the Historic Zoning Commission. The requirements in this section shall be in addition to those required by Chapter 6.26 of the Metropolitan Code.
  
6. Recommendations and other actions from departments of the metropolitan government. Prior to the consideration of a variance for or issuance of a permit for a telecommunication facility, the following departments of the metropolitan government shall submit recommendations or approvals to the Zoning Administrator that describe compliance with all applicable design guidelines or other regulations:
  - a. Metropolitan Development and Housing Agency (MDHA) shall provide a recommendation within a redevelopment district and/or public rights of way abutting a redevelopment district,
  - b. Metro Historic Zoning Commission shall provide a preservation permit within a historic overlay and/or public rights of way abutting a historic overlay,
  - c. Planning Commission shall provide a recommendation for property within the downtown code, a planned unit development, urban design overlay, institutional overlay, specific plan, contextual overlay, or neighborhood landmark district.
  - e. The Department of Information Technology Services shall provide a recommendation on all permits, **with regard to the issue of interference with Metropolitan Government facilities.**

Section 4. That Metropolitan Code of Laws Section 17.16.180, Communication uses, is hereby amended by deleting subsections A and B.

Section 5. That Metropolitan Code of Laws Section 17.40.520, Applicability, is hereby amended by deleting and replacing with the following:

An application for a zoning permit must be filed with the zoning administrator prior to any person or entity commencing any construction or alteration of a structure, initiating a change in the use of the property or for a telecommunication facility, including ~~collocation co-location~~. No building permit shall be issued except upon presentation of a valid zoning permit. **However, an application for a telecommunications facility building permit for routine maintenance or for like-for-like replacements of equipment, consistent with departmental regulations, shall be submitted within 10 days of such work being performed and include verification that the work performed was for routine maintenance or for like-for-like replacements of equipment, consistent with departmental regulations. If an applicant contends that they are exempt from this permitting requirement by virtue of TCA Section 13.24.305 due to the fact that they are placing an antenna or related equipment for an existing wireless telecommunications support structure, they shall submit documentation evidencing their eligibility for such exemption.**

Section 6. That Metropolitan Code of Laws Section 17.40.750, Fees established by the zoning administrator, is hereby amended by renumbering the existing paragraph as subsection A and adding the following Subsection B:

B. Telecommunications Facility.

1. In addition to the fee schedule in subsection A. of this section, Metro may require, in its sole discretion, a supplemental review by the Director of the Information Technology Services (ITS) Department or his designee, including an approved consultant, for any application for a telecommunication facility where new placement of telecommunications equipment on an alternative structure or new vertical support structures are sought or the complexity of the analysis requires technical expertise, and/or shall require the same for any request for a variance to Section 17.16.080.C., and all the costs of such review shall be borne by the applicant.

2. Based on the results of the supplemental review, the Zoning Administrator may require changes to or supplementation of the applicant's submittal(s).

3. The supplemental review may address any or all of the following:

a. The accuracy and completeness of the application and any accompanying documentation, including the impossibility of co-locating ~~and whether there is a reduction in service that requires an additional telecommunication facility.~~

b. The applicability of analysis techniques and methodologies.

c. The validity of conclusions reached.

d. Whether the proposed telecommunications facility complies with the applicable approval criteria and standards of the Zoning Code and other applicable law.

Section 7. That Metropolitan Code of Laws Section 17.40.340, Limits to jurisdiction, is hereby amended by adding the following subsection C:

C. The board shall not grant variances within the following sections, tables, zoning districts, or overlay districts without first considering a supplemental review by the Planning Commission and the Director of the Information Technology Services (ITS) Department or his designee, including an approved consultant.

Sections/Tables

Section 17.16.080.C (Telecommunication facility)

Section 8. That Section 6.26.350 of the Metropolitan Code of Laws is hereby amended by deleting the period following the word "applicable" and inserting the following at the end of that section:

, including but not limited to the provisions of the Zoning Code codified in Title 17 hereof, especially Chapter 17.16 and Section .080 thereof.

Section 9. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by:

Ms. Logan presented the staff recommendation of approval with substitute ordinance.

Hunter Stewart, consultant, spoke in favor of the application. Metro has to open up its assets. Wireless carriers desperately need to get more capacity and more sites where there is dense foot traffic. This is a work in progress.

Mr. Sloan explained that the Planning Department, Legal Department, and the ITS Department have been part of these discussions from the beginning to come up with this language. We want to be a 5G city. We want to help this industry get their facilities in the right locations.

Mr. Clifton suggested this could use more time.

Jim Murphy, 1600 Division St, representing Access Fiber Group, spoke in opposition. This is not ready at this point. Possible revisions need to happen before it goes before the commission, not after. Unless we can actually look at the draft language, we have a hard time knowing whether or not this ordinance is going to be satisfactory. The ordinance seems to be directed at a certain segment of the industry, not the entire industry.

Erica Garrison, 4509 Nebraska, spoke in opposition on behalf of T-Mobile. More time is needed before this is addressed by the council at second reading.

Joey Hargis, 1375 Union Hill Rd, spoke in opposition on behalf of Verizon Wireless and requested more time to work with staff to work out some common sense measures. There are serious issues with the bill as it is currently written.

Tim Johnson, 2224 Shannon Dr., spoke in opposition on behalf of AT&T and requested additional time to work on this.

**Chairman Adkins closed the Public Hearing.**

Councilmember Allen explained she would like to know what other issues need to be discussed.

Theresa Costonis, Legal, explained that written comments were submitted by the September 23 deadline. They were reviewed and a number of changes were made. New issues were received today and they need to be reviewed, specifically the technical language.

Councilmember Allen noted that she is open to a deferral.

Ms. Diaz inquired if long term the only solution will be buildings since the poles will be underground.

Mr. Sloan noted that there will always be street lights, so there will be other options besides buildings. Technology will keep getting smaller and that will allow for other places, also.

Mr. Clifton stated he would like to narrow the issues and have as much consensus as possible.

Ms. Farr spoke in favor of protecting the integrity and functionality of the public right-of-way and does not want to see five new towers placed on one street. This could use additional time for discussion.

Mr. Haynes requested that, if this is deferred, staff would look to see if there will be unintended consequences in the rural areas from how this bill is written.

Mr. Sloan explained that we are trying to remove obstacles from the right-of-way and create less clutter.

Ms. Hagan-Dier spoke in favor of a deferral, especially for the definition language.

Mr. Tibbs expressed concerns with the design guidelines, where the boxes will show up, the height, etc.

Mr. Adkins explained that the commission needs to move quickly, even with a deferral.

**Mr. Clifton moved and Mr. Haynes seconded the motion to defer to the October 27, 2016 Planning Commission meeting. (9-0)**

**Resolution No. RS2016-304**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-019TX-001 is Deferred to the October 27, 2016, Planning Commission meeting. (9-0)"**

Mr. Clifton and Mr. Tibbs left the meeting at 6:08 p.m.

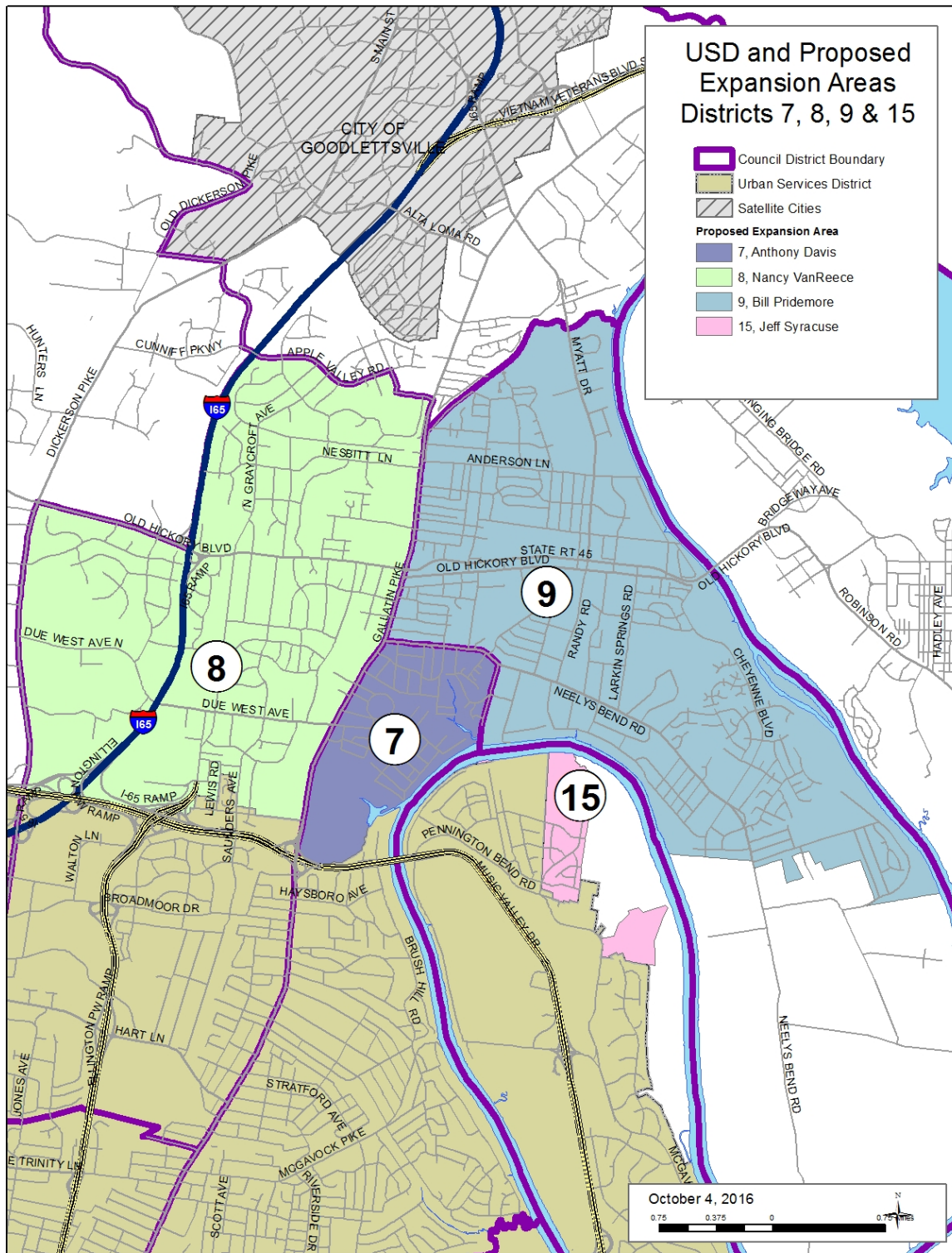
**2. 2016USD-001-001  
PROPOSED USD EXPANSION OF SERVICES**

Council District: Various

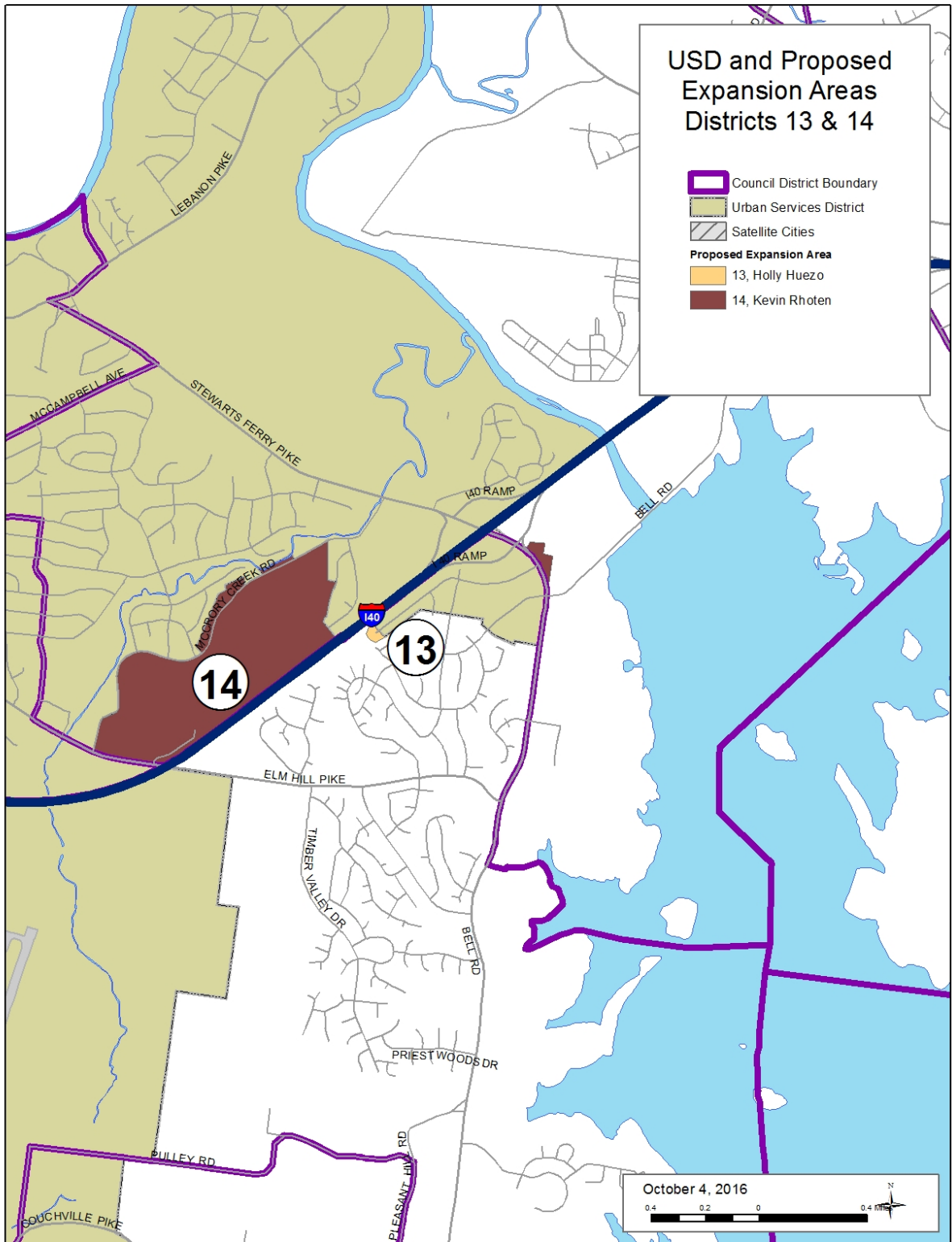
A request to expand the boundaries of the Urban Services District by adding areas throughout the County where development has already occurred, is zoned for more development, or is planned for more development as outlined in NashvilleNext, requested by Mayor Megan Barry at the request of several Councilmembers.

**Staff Recommendation: Approve.**

**EXHIBIT A: PROPOSED USD EXPANSION DISTRICTS 7, 8, 9, AND 15**

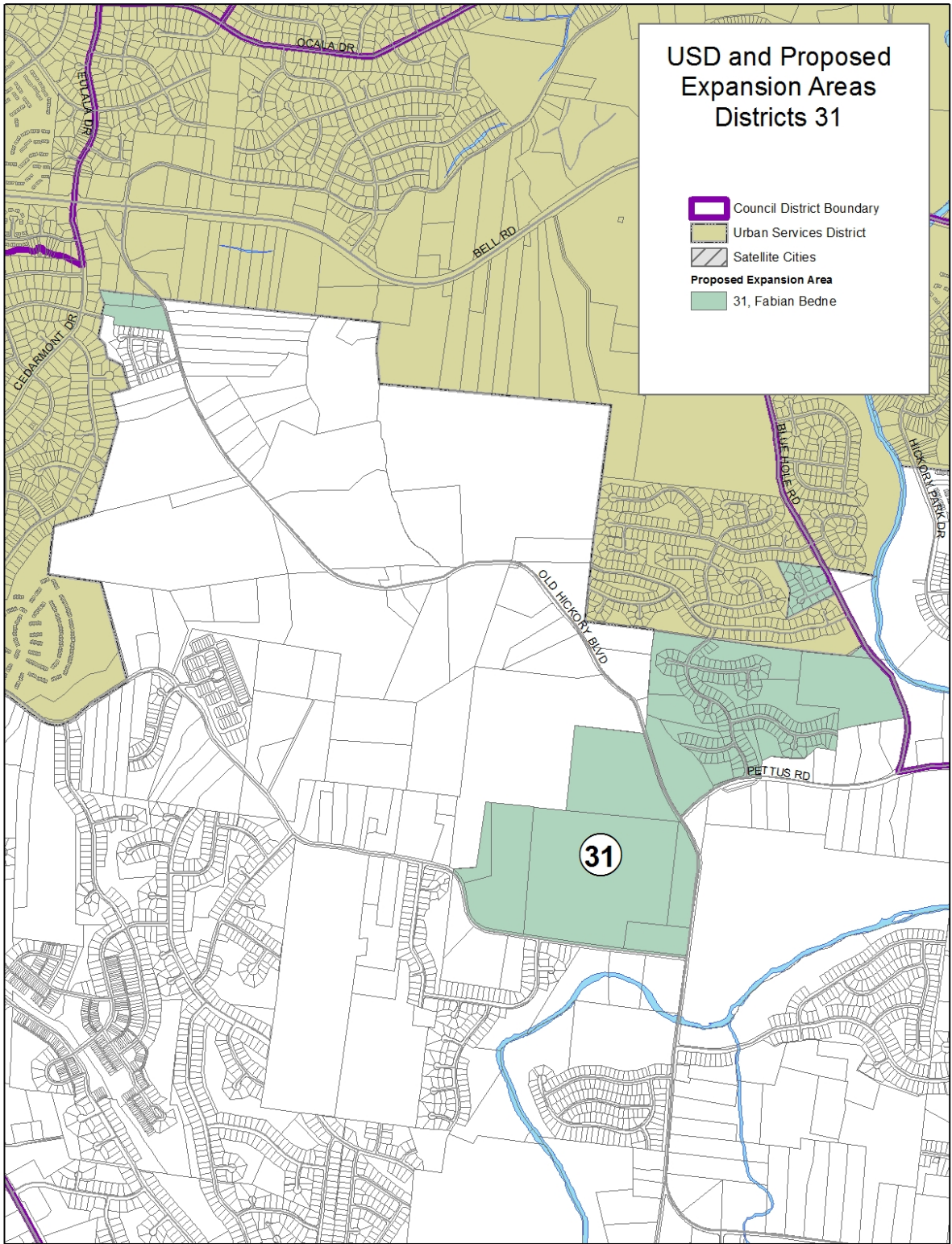


**EXHIBIT B: PROPOSED USD EXPANSION DISTRICTS 13 and 14**





**EXHIBIT C: PROPOSED USD EXPANSION DISTRICTS 31**



## **APPLICANT REQUEST**

### **Expand Urban Services District**

#### Urban Services District Expansion

A request to expand the boundaries of the Urban Services District by adding several areas throughout the County where development has already occurred, is zoned for more development, or is planned for more development as outlined in NashvilleNext (See Exhibit A,B and C).

At the request of several members of the Metropolitan Council, Mayor Barry has requested that the Planning Department study areas of the County that have developed or are planned to grow based on zoning, Community Plan policies and NashvilleNext. A Plan of Services consistent with the Metro Charter has been prepared for the Planning Commission's consideration of a proposed expansion of the Urban Services District. This request is being made in order to sustain and further promote the welfare and safety of the growing urban areas of the Metropolitan Government.

After the Planning Commission deferred this item at the August 25, 2016, Planning Commission meeting, a series of community meetings were held in various council districts to help explain the differences between the USD and GSD services. After these meetings, many Councilmembers decided that they did not want to be included at this time, or decided that they did not want all of the proposed area within their district to be included. The remaining areas, as outlined in this staff report, still include areas that were part of the original proposal. No additional areas were added.

## **METROPOLITAN CHARTER OF NASHVILLE AND DAVIDSON COUNTY**

The Metro Charter established two service districts:

- General Service District (GSD)**
- Urban Service District (USD)**

The Metro Charter allows for expansion of the area of the USD when areas of the GSD need urban services and Metro can provide such services within a reasonable period, not greater than one year after taxes in the area are due.

### **The Charter states:**

#### **Sec. 1.03. - Two services districts and their areas.**

The metropolitan government shall, within the geographical limits thereof, comprise two (2) service districts, to wit: A general services district and an urban services district, as to both of which districts the metropolitan government shall have jurisdiction and authority. The general services district shall consist of the total area of the metropolitan government, the same being the total area of Davidson County as fixed and established upon the effective date of this Charter.<sup>2</sup> The urban services district shall consist originally of the total area of the City of Nashville at the time of the filing of this Charter with the county commissioners of election, which area is more specifically described and set forth in Appendix One hereto.

2. April 1, 1963.

#### **Sec. 1.04. - Expansion of urban services district.**

The area of the urban services district may be expanded and its territorial limits extended by annexation whenever particular areas of the general services district come to need urban services, and the metropolitan government becomes able to provide such service within a reasonable period, which shall not be greater than one (1) year after ad valorem taxes in the annexed area become due. The tax levy on property in areas hereafter annexed shall not include any item for the payment of any deficit in the pension or retirement funds of the former City of Nashville. Said tax levy shall not include any item (except pursuant to and subject to the provisions of [Section 7.04](#) of this Charter), for the payment of urban bonds of the metropolitan government issued prior to the effective date of such annexation, or debts of the former City of Nashville allocated to the urban services district under [section 7.20](#) of this Charter, except to the extent that it shall be found and determined by the metropolitan county council that the property within the newly annexed area will benefit, in the form of urban services, from the expenditures for which the debt, or a specified portion of the debt, was incurred, to substantially the same extent as the property within the urban services district as same existed prior to such annexation.

Annexation shall be based upon a program set forth in the capital improvements budget provided for by [section 6.13](#). Such annexation shall be accomplished and the validity of the same may be contested, by the methods and procedures specified in Tennessee Code Annotated, sections 6-51-101 to 6-51-105, with respect to annexation by municipalities.

(Res. No. 88-526, § 2, 10-4-88)

#### **Sec. 1.05. - Functions within general services district and urban services district.**

The metropolitan government may exercise within its general services district those powers and functions which have heretofore been exercised by the County of Davidson or the City of Nashville, or both, and shall supply

the residents of said general services district with those governmental services which are now, or hereafter may be, customarily furnished by a county government in a metropolitan area.

The metropolitan government may exercise within its urban services district those powers and functions which have heretofore been exercised by the City of Nashville or the County of Davidson, and shall supply the residents of said urban services district with those kinds of governmental services which are now, or hereafter may be, customarily furnished by a city government in a metropolitan area.

The functions of the metropolitan government to be performed, and the governmental services to be rendered throughout the entire general services district shall include: general administration, police; courts, jails; assessment; health; welfare; hospitals; housing for the aged; streets and roads; traffic; schools; parks and recreation; library; auditorium, fairgrounds; airport; public housing; urban redevelopment; urban renewal; planning; electrical code; building code; plumbing code; housing code; electricity; transit; refuse disposal; beer supervision; and taxicab regulation.

The additional functions of the metropolitan government to be performed and the additional governmental services to be rendered within the urban services district shall include: **additional police protection; fire protection; water; sanitary sewers; storm sewers; street lighting; street cleaning; refuse collections and wine and whiskey supervision.**

Nothing in the foregoing enumeration and assignment of functions shall be construed to require the continued maintenance or furnishing of any governmental service which the council by ordinance has determined to be obsolete and unnecessary.

Nothing in this section shall be deemed to limit the power of the metropolitan government to exercise other governmental functions in either the urban services district or the general services district, or to provide new and additional governmental services in either the urban services district or the general services district.

## **PLAN OF SERVICES**

### **What is the Plan of Services?**

This is a plan that outlines how Metro will provide the required services and pay for them over time. This includes:

- Installation of new street lights
- Recycling and trash collection for all new expansion areas
- Providing additional fire protection
- Providing additional police protection
- Water
- Sanitary sewers
- Storm sewers
- Alcoholic beverage supervision.

The analysis provided includes the costs associated with providing the services.

### **Plan of Services:**

Section 1.04 of the Charter of the Metropolitan Government provides that:

The area of the urban services district may be expanded and its territorial limits extended by annexation whenever particular areas of the general services district come to need urban services, and the metropolitan government becomes able to provide such service within a reasonable period, which shall not be greater than one (1) year after ad valorem taxes in the annexed area become due.

Section 1.05 Provides that:

The additional functions of the metropolitan government to be performed and the additional governmental services to be rendered with the urban services district shall include: additional police protection; fire protection; water; sanitary sewers; storm sewers; street lighting; street cleaning; refuse collection and wine and whiskey supervision.

The plan of services for the properties proposed to be annexed into the urban services district, to-wit: The lots and lands located within the geographic boundaries on the attached maps, which is hereby referenced and made a part hereof, is as follows:

Additional police protection, fire protection, water, sanitary sewers, storm sewers, and the street cleaning are presently being provided to said property at the same level as all other property within the urban services district.

Not later than one (1) year after ad valorem taxes in the annexed area become due, refuse collection and street lighting shall be provided.



Table 1:

<b>PLAN OF SERVICES ESTIMATION - ANNEXATION</b>					
Prepared January 2016					
Updated October 2016					
District	1st Year Cost (Start-up + Annual)	Annual Cost	Annual Revenue	1st Year Variance	Annual Variance
7	\$ 357,900	\$ 231,500	\$ 280,180	\$ (77,720)	\$ 48,680
8	\$ 1,083,600	\$ 720,100	\$ 1,213,450	\$ 129,850	\$ 493,350
9	\$ 2,016,400	\$ 1,237,300	\$ 1,317,735	\$ (698,665)	\$ 80,435
13	\$ 3,400	\$ 2,300	\$ 1,488	\$ (1,912)	\$ (812)
14	\$ 5,000	\$ 3,900	\$ 32,725	\$ 27,725	\$ 28,825
15	\$ 81,900	\$ 56,900	\$ 66,094	\$ (15,806)	\$ 9,194
31	\$ 47,100	\$ 32,900	\$ 52,599	\$ 5,499	\$ 19,699
<b>Total</b>	<b>\$ 3,595,300</b>	<b>\$ 2,284,900</b>	<b>\$ 2,964,270</b>	<b>\$ (631,030)</b>	<b>\$ 679,370</b>

This proposed expansion adds approximately 10,900 parcels (14,400 dwelling units) on approximately 7,500 acres (properties only) in seven different council districts into the Urban Services District. The current total land area within the USD is 119,499 acres. This expansion adds 8,936 acres into the USD including public right-of-ways.

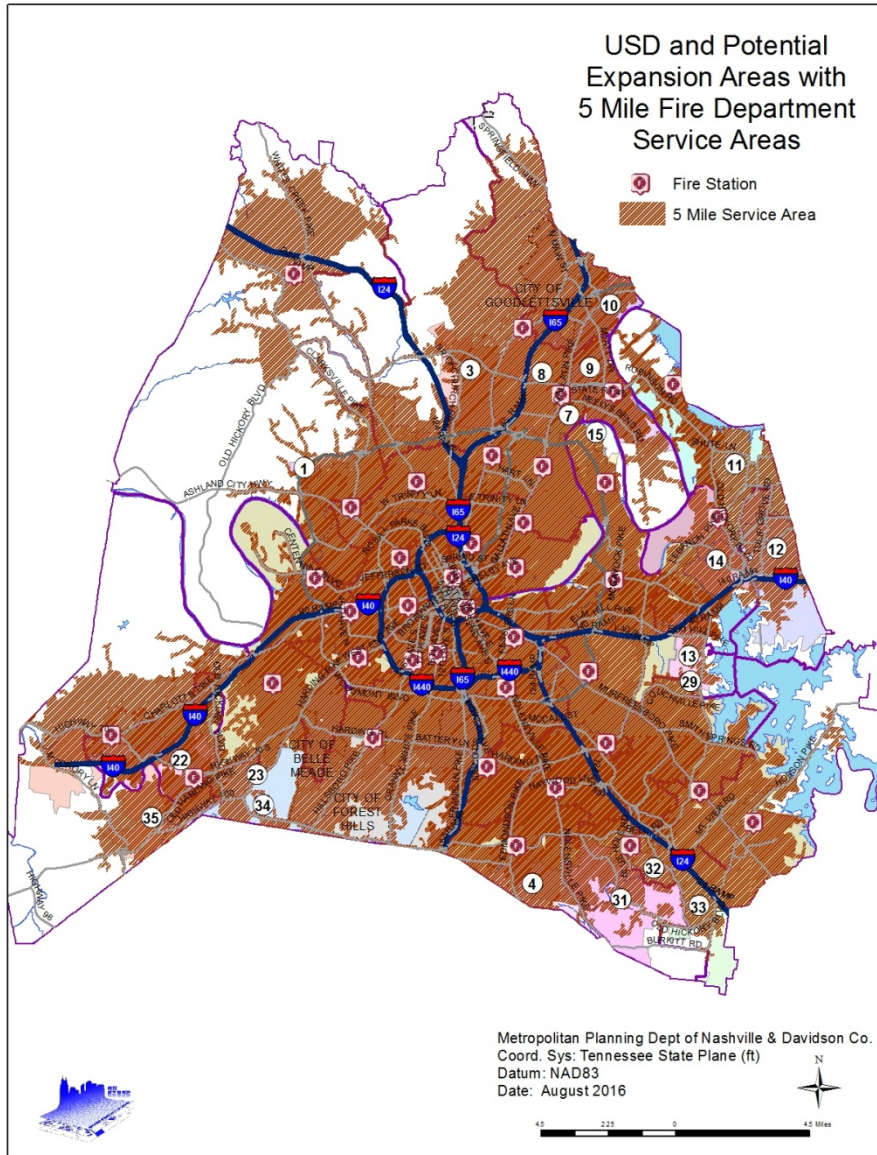
Staff finds that the additional benefits of street lights and trash and recycling collection will outweigh the costs in the long term. More funds could also be available for community benefits such as new fire halls and police precincts. As additional fire halls come on-line this may have the long-term benefit of lowering property owners' insurance rates that are outside of the service areas (see Exhibit D). While there is an increase in costs some of these costs will be offset by the fact that there will no longer be the need for properties to secure private trash haulers:

•GSD areas currently pay for private trash collection and recycling collection. On average, it costs individual property owners \$324 per year (\$18 per cart for trash and \$9 per cart for recycling every month). For example, a \$300,000 home would pay an additional \$444 per year in taxes, but if \$324 is already being spent for trash pick-up, then the **net increase to the homeowner is \$120 per year.**

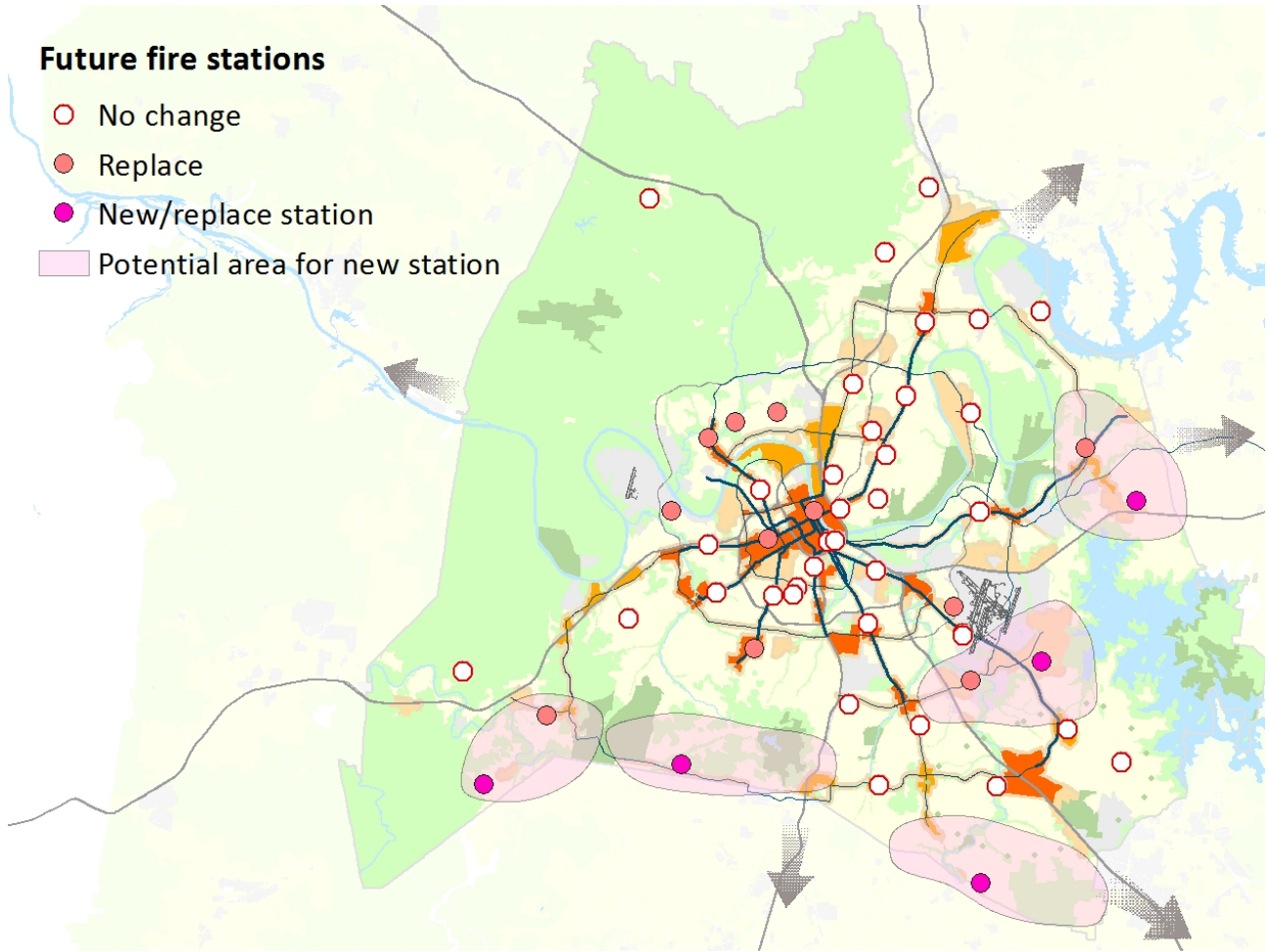
**NashvilleNext and Community Plan Policies**

The proposed expansion areas are consistent with NashvilleNext and each individual Community Plan in terms of where development has already occurred and where policies call for development to occur in the future. Staff also analyzed existing zoning in the expansion areas to determine where increased development is already allowed. During the NashvilleNext update, the Fire Department provided their plan for future fire halls. These new fire halls would fill in the existing gaps in coverage in the expansion area if new fire halls were to be constructed as proposed (See Exhibits D, E and F).

**EXHIBIT D: CURRENT FIRE SERVICE AREAS**

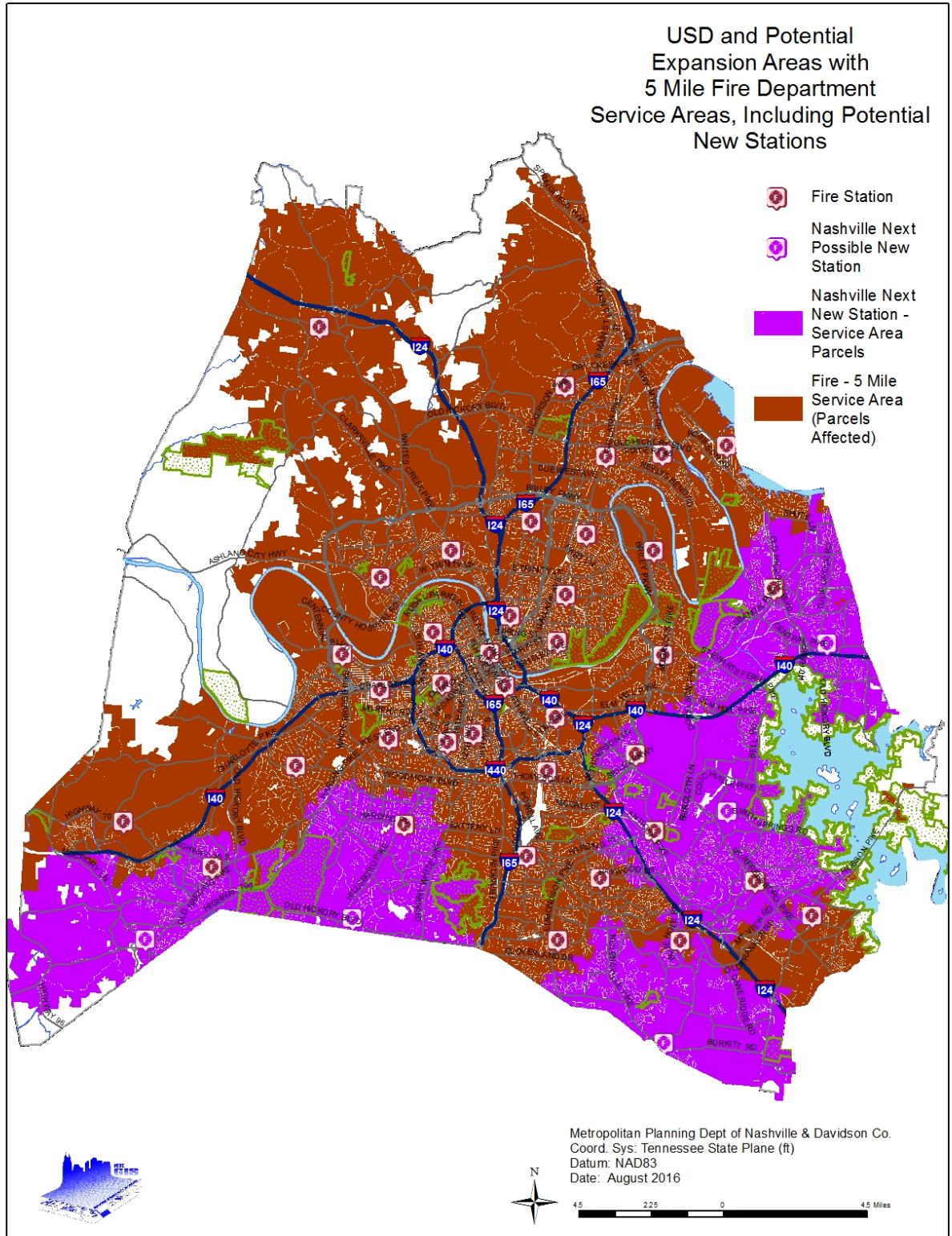


**EXHIBIT E: POTENTIAL FUTURE FIRE HALLS**





**EXHIBIT F: POTENTIAL FIRE SERVICE COVERAGE**



**TABLE 2: PROPERTY INFORMATION BY COUNCIL DISTRICT:**

DISTRICT	TOTAL ASSESSED VAL	REVENUE : GSD TAX RATE	REVENUE : USD TAX RATE	INCREASE	ACRES	Dwelling Units	No. Parcels
07	\$47,327,725	\$1,857,140	\$2,137,320	\$280,180	613	2,417	1,035
08	\$204,974,593	\$8,043,203	\$9,256,653	\$1,213,450	3,058	3,945	3,291
09	\$222,590,345	\$8,734,445	\$10,052,180	\$1,317,735	3,288	7,593	6,145
13	\$251,275	\$9,860	\$11,348	\$1,488	1	12	12
14	\$5,527,877	\$216,914	\$249,639	\$32,725	203	12	31
15	\$11,164,451	\$438,093	\$504,187	\$66,094	215	275	294
31	\$8,884,975	\$348,646	\$401,245	\$52,599	184	163	184
	\$500,721,241	\$19,648,301	\$22,612,571	\$2,964,270	7,563	14,417	10,992

**Tax Rates:**

- GSD Rate \$3.924 per \$100 of Assessed Value
- USD Rate \$4.516 per \$100 of Assessed Value

**TABLE 3: SNAPSHOT OF RESIDENTIAL RATES**

Residential				
Property Value	Residential Assessed Value (25%)	GSD Rate (3.924)	USD Rate (4.516)	Change
\$100,000	\$25,000	\$981	\$1,129	\$148
\$200,000	\$50,000	\$1,962	\$2,258	\$296
\$300,000	\$75,000	\$2,943	\$3,387	\$444
\$400,000	\$100,000	\$3,924	\$4,516	\$592
\$500,000	\$125,000	\$4,905	\$5,645	\$740
\$600,000	\$150,000	\$5,886	\$6,774	\$888
\$700,000	\$175,000	\$6,867	\$7,903	\$1,036
\$800,000	\$200,000	\$7,848	\$9,032	\$1,184
\$900,000	\$225,000	\$8,829	\$10,161	\$1,332
\$1,000,000	\$250,000	\$9,810	\$11,290	\$1,480

**SCHEDULE OF TAX PAYMENTS IF ORDINANCE IS PASSED IN 2016**

**January 1, 2017:** Property in annexed areas identified as USD on assessment roles.

**October 2017 to February 28, 2018:** Taxes become due at USD tax rate for properties in annexed areas.

**October 2018:** Plan of Services must be fully implemented one year from date of taxes being collected. (*Many areas will get services sooner than one year.*)

**TRASH HAULERS**

Metro will issue Request for Proposals for trash haulers to continue to provide services for a period of time in order to provide a smooth transition.

**OTHER DIFFERENCES BETWEEN USD AND GSD**

- Liquor stores are allowed in USD, with locational requirements determined by zoning and other ordinances.
- Firearms cannot be discharged in USD unless in specified areas.
- Agricultural activities and horses are permitted in GSD in certain *Residential* districts if over 5 acres.
- Sidewalks are required for new development in USD.

**METRO PUBLIC WORKS**

Approve

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**STAFF RECOMMENDATION**

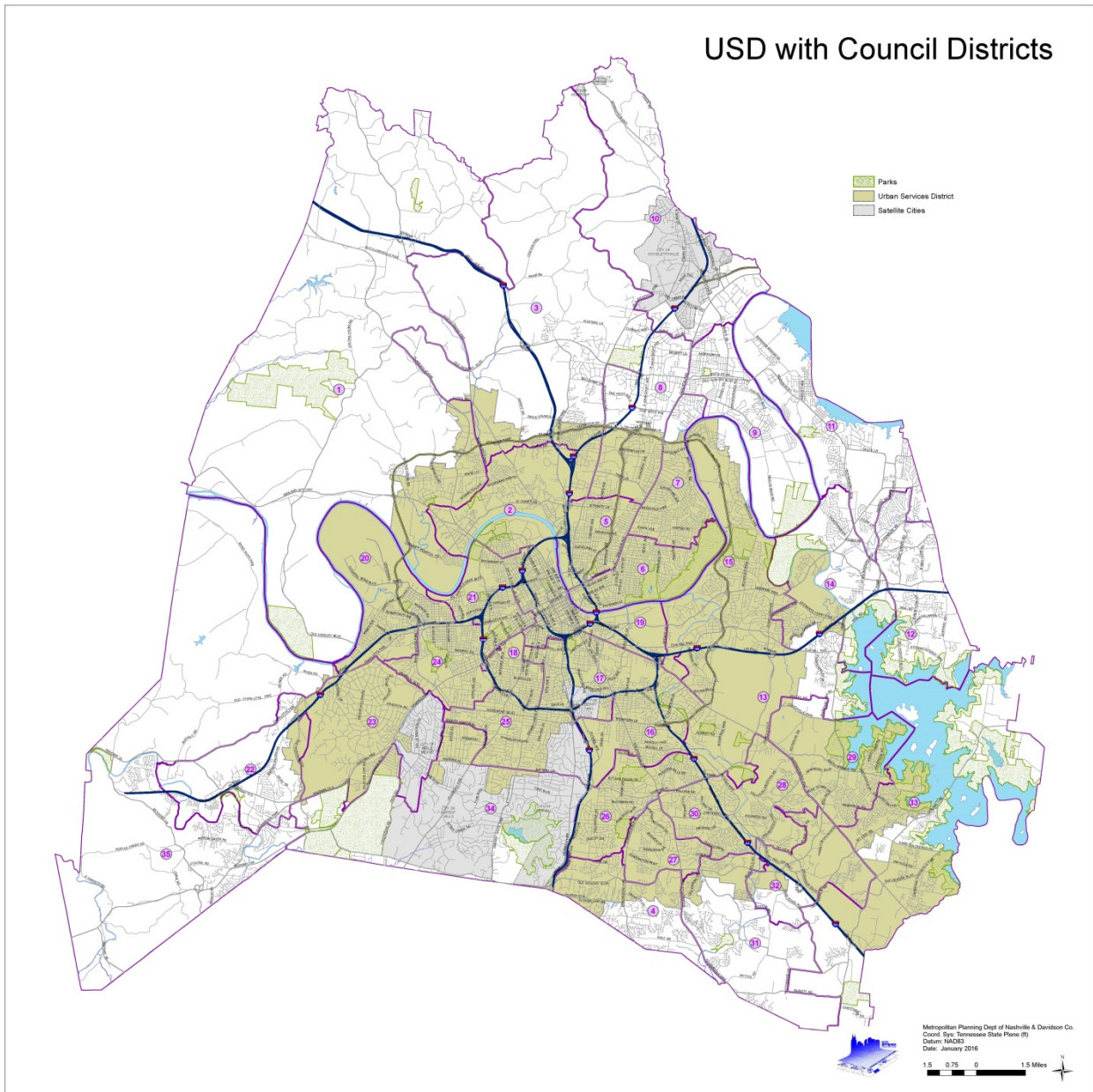
Staff recommends approval of the proposed expansion of Urban Services District, as it is consistent with the zoning and land use policies in these areas, and it will generate sufficient funds to pay for the services provided.

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**A Website has been created for property owners to check to see if they are included in the expansion area. The Website can be found at:**

<http://maps.nashville.gov/ProposedUSDExpansion/>

**EXHIBIT G: EXISTING USD AREA**



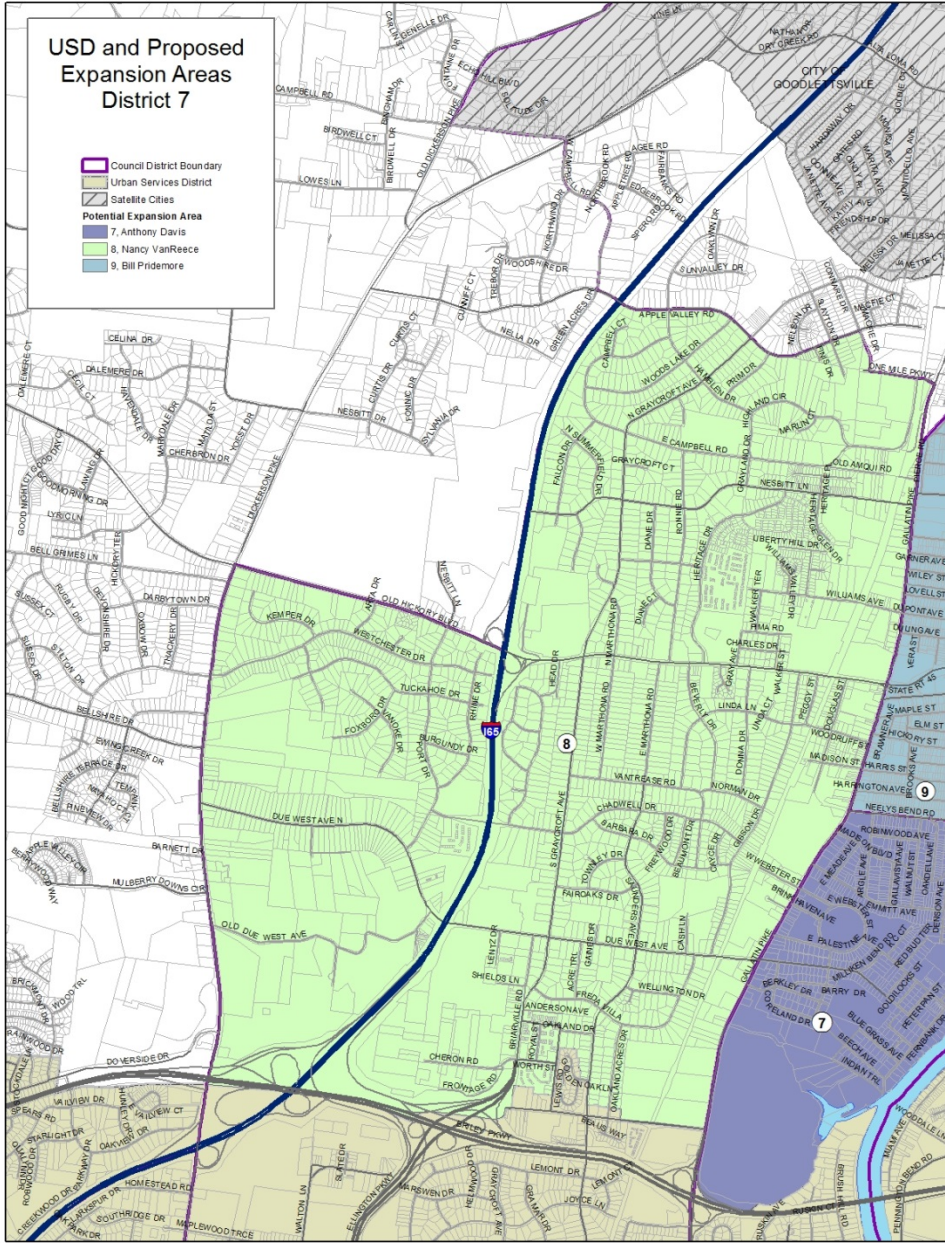






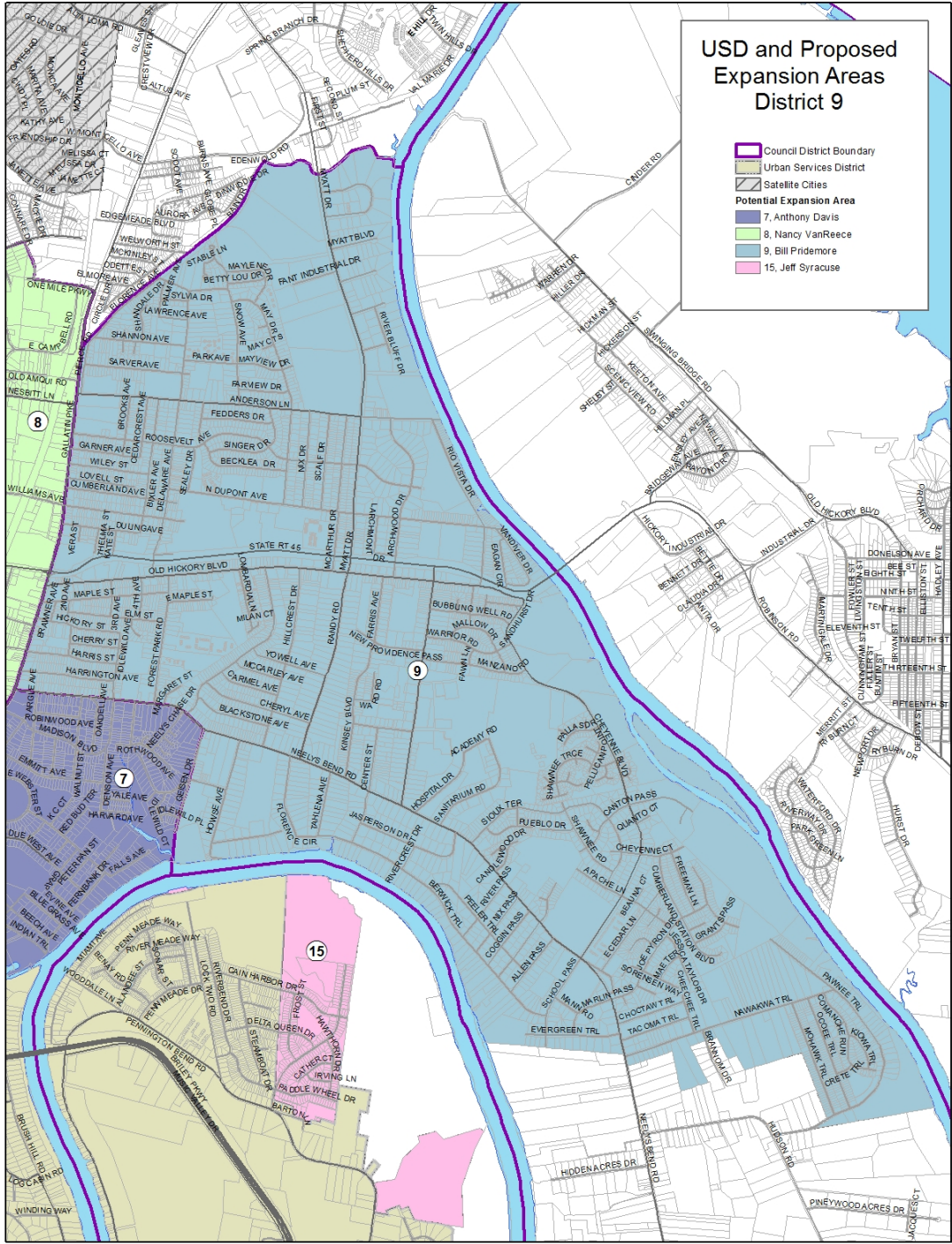
# COUNCIL DISTRICT 8

DISTRICT	TOTAL ASSESSED VAL	REVENUE :GSD TAX RATE	REVENUE :USD TAX RATE	INCREASE	ACRES	Dwelling Units	No. Parcels
08	\$204,974,593	\$8,043,203	\$9,256,653	\$1,213,450	3,058	3,945	3,291



# COUNCIL DISTRICT 9

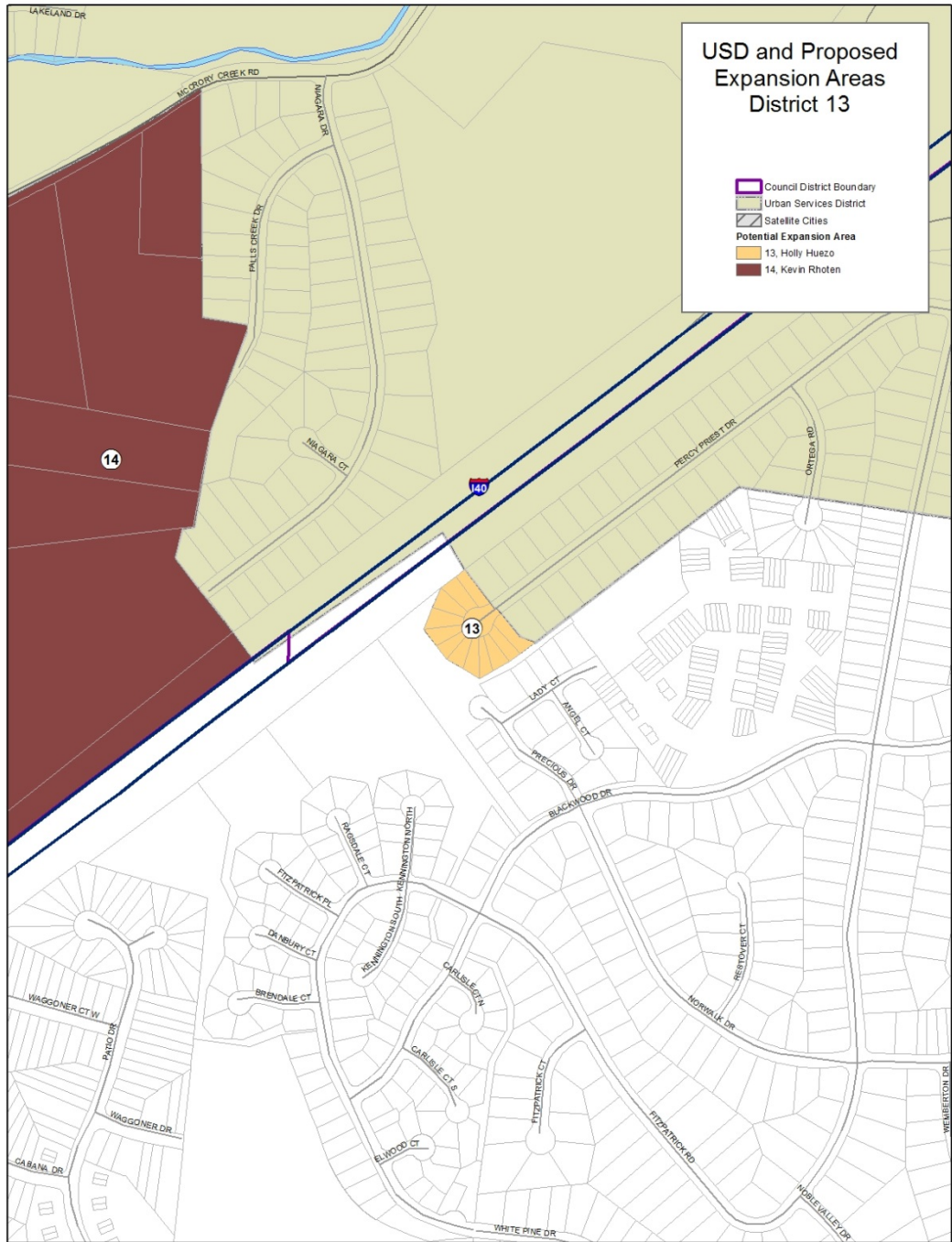
DISTRICT	TOTAL ASSESSED VAL	REVENUE :GSD TAX RATE	REVENUE :USD TAX RATE	INCREASE	ACRES	Dwelling Units	No. Parcels
09	\$222,590,345	\$8,734,445	\$10,052,180	\$1,317,735	3,288	7,593	6,145





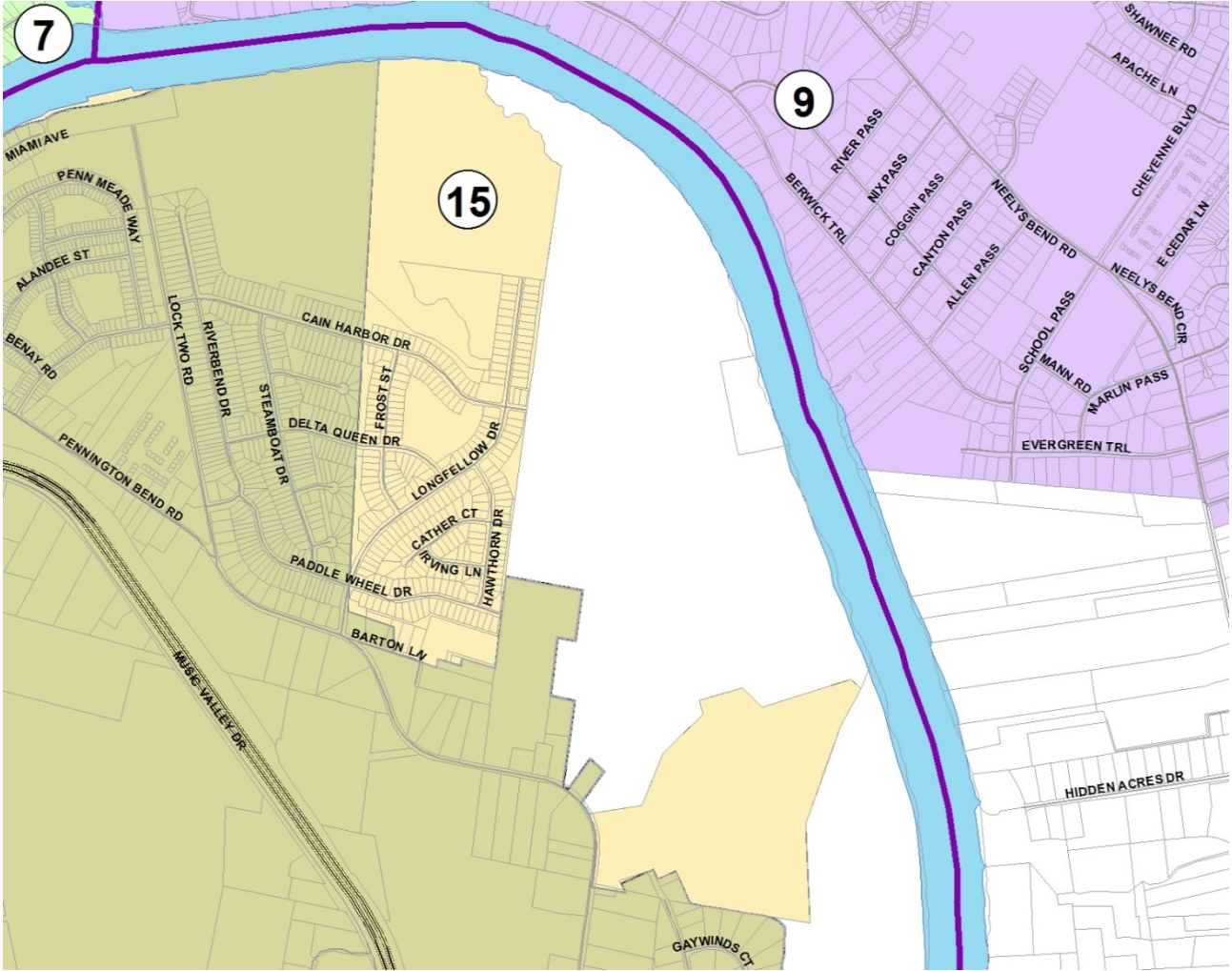
# COUNCIL DISTRICT 13

DISTRICT	TOTAL ASSESSED VAL	REVENUE :GSD TAX RATE	REVENUE :USD TAX RATE	INCREASE	ACRES	Dwelling Units	No. Parcels
13	\$251,275	\$9,860	\$11,348	\$1,488	1	12	12



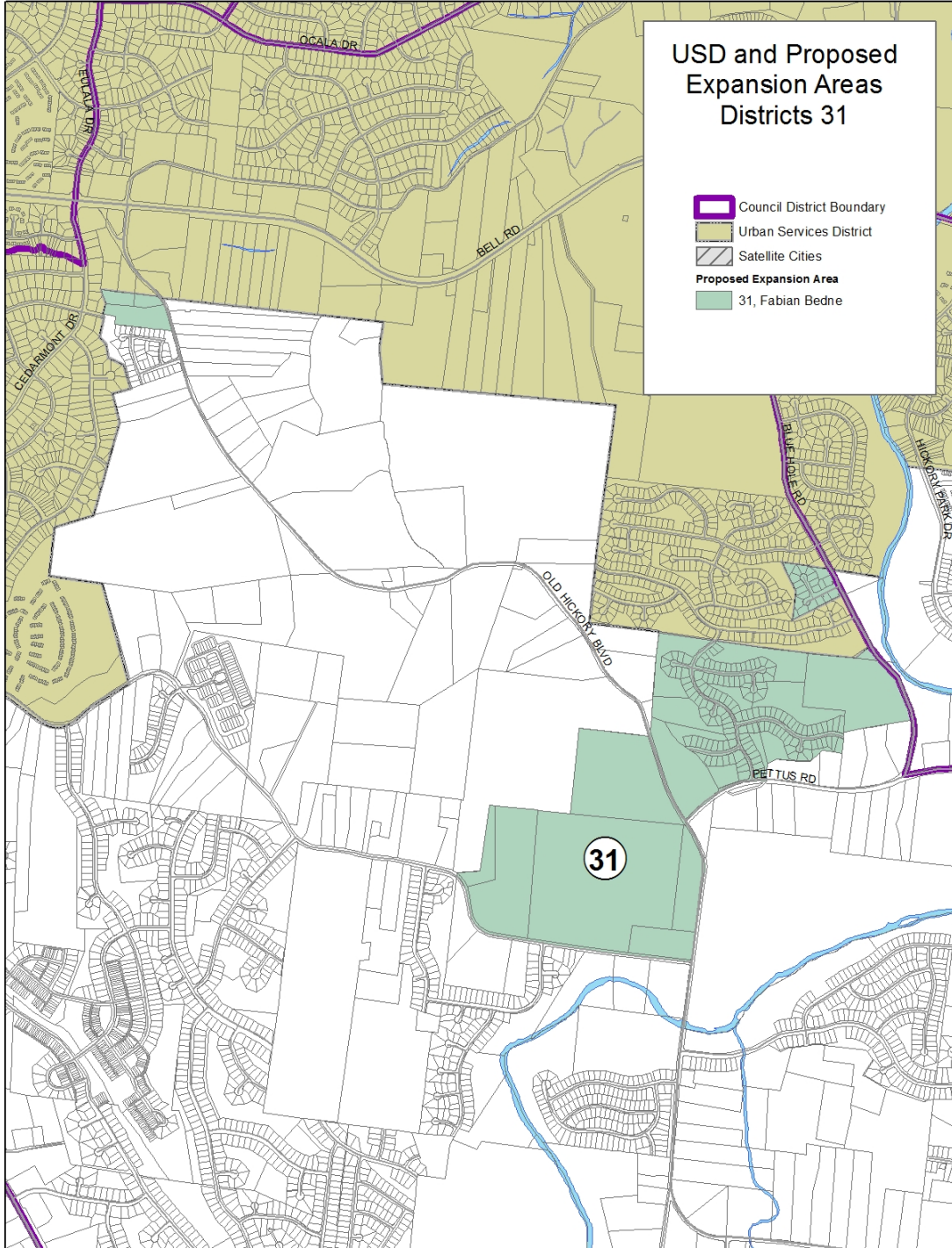
# COUNCIL DISTRICT 15

DISTRICT	TOTAL ASSESSED VAL	REVENUE :GSD TAX RATE	REVENUE :USD TAX RATE	INCREASE	ACRES	Dwelling Units	No. Parcels
15	\$11,164,451	\$438,093	\$504,187	\$66,094	215	275	294



# COUNCIL DISTRICT 31

DISTRICT	TOTAL ASSESSED VAL	REVENUE:GSD TAX RATE	REVENUE:USD TAX RATE	INCREASE	ACRES	Dwelling Units	No. Parcels
31	\$8,884,975	\$348,646	\$401,245	\$52,599	184	163	184



“BE IT RESOLVED by The Metropolitan Planning Commission that 2016UDS-001-001 is **Approved. (6-0)**”

**3a. 2014CP-010-004**

**GREEN HILLS-MIDTOWN COMMUNITY PLAN AMENDMENT**

Council District 17 (Colby Sledge)

Staff Reviewer: Anita McCaig

A request to amend the Green Hills-Midtown Community Plan by changing the Community Character policy from a T4 Neighborhood Maintenance policy to a T4 Neighborhood Center policy for properties located at 1109 and 1111 Montrose Avenue, approximately 210 feet east of 12th Avenue South (0.34 Acres), requested by Fulmer Engineering, LLC, applicant; The Shop Trust, LLC, owner (See also Specific Plan Case No. 2014SP-083-001).

**Staff Recommendation: Defer to the October 27, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2014CP-010-004 to the October 27, 2016, Planning Commission meeting. (9-0)**

**3b. 2014SP-083-001**

**HOWELL CORNER/BECKER CORNER OFFICES SP**

Council District 17 (Colby Sledge)

Staff Reviewer: Lisa Milligan

A request to rezone from R8 to SP-MU zoning for properties located at 1109 and 1111 Montrose Avenue, approximately 210 feet east of 12th Avenue South, (0.34 acres), to permit a mixed-use development, requested by Fulmer Engineering, LLC, applicant; The Shop Trust, LLC, owner (See also Community Plan Amendment Case No. 2014CP-010-004).

**Staff Recommendation: Defer to the October 27, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2014SP-083-001 to the October 27, 2016, Planning Commission meeting. (9-0)**

**4. 2007SP-150-001**

**EVANS HILL**

Council District 12 (Steve Glover)

Staff Reviewer: Jason Swaggart

A request to amend a previously approved SP for properties located at 1209 and 1213 Tulip Grove Road, Tulip Grove Road (unnumbered) and Valley Grove Road (unnumbered), approximately 200 feet northeast of Rockwood Drive, (72.01 acres), to permit up to 340 residential units consisting of 180 single-family lots and 160 multi-family units, requested by Wamble & Associates, PLLC, applicant; The Wise Group, Inc., owner.

**Staff Recommendation: Defer to the November 10, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2007SP-150-001 to the November 10, 2016, Planning Commission meeting. (9-0)**

**5. 2016S-136-001**

**2811 WIMBLEDON**

Council District 25 (Russ Pulley)

Staff Reviewer: Karimeh Sharp

A request for concept plan approval to create two lots on property located at 2811 Wimbledon Road, at the southeast corner of Wimbledon Road and Hilldale Drive, zoned R10 and R20 (1.78 acres), requested by Dale & Associates, applicant; Elliott Jones, owner.

**Staff Recommendation: Defer indefinitely.**

**The Metropolitan Planning Commission indefinitely deferred 2016S-136-001. (9-0)**



**6. 2016S-160-001**  
**RESUBDIVISION OF LOT 1 RESUB LOT 12 OF GEORGE BURRUS**  
**SUBDIVISION OF LOT 81 MAPLE HOME TRACT**  
Council District 08 (Nancy VanReece)  
Staff Reviewer: Patrick Napier

A request for final plat approval to create two lots on property located at 1003 Curdwood Boulevard, at the northeast corner of Burrus Street and Curdwood Boulevard, zoned RS7.5 (0.35 acres), requested by Chapdelaine & Associates, applicant; Strive Properties, owner.

**Staff Recommendation: Defer to the October 27, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016S-160-001 to the October 27, 2016, Planning Commission meeting. (9-0)**

**7. 2016S-171-001**  
**GLEN ECHO SUBDIVISION RESUB OF LOT 26**  
Council District 25 (Russ Pulley)  
Staff Reviewer: Patrick Napier

A request for final plat approval to create three lots on property located at 1732 Glen Echo Road, approximately 400 feet southwest of Glen Echo Place, zoned R10 (0.79 acres), requested by DBS & Associates Engineering, applicant; Alberta Martin, owner.

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

**APPLICANT REQUEST**

**Request for final plat approval to create three lots.**

Final Plat

A request for final plat approval to create three lots on property located at 1732 Glen Echo Road, approximately 400 feet southwest of Glen Echo Place, zoned One and Two-Family Residential (R10), (0.79 acres).

**Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 3 lots with 3 duplex lots for a total of 6 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Creates Walkable Neighborhoods

This request provides the potential for infill development which often does not require large capital expenses for infrastructure improvements. The existing sidewalk fronting these parcels will allow pedestrians to access to a larger surrounding sidewalk network more safely. Areas with existing infrastructure located on collector streets are most appropriate areas to locate increased residential density.

**GREEN HILLS - MIDTOWN 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.

**PLAN DETAILS**

This request is to create three lots on property located at 1732 Glen Echo Road, where one lot currently exists. This lot contains 229 feet of frontage along Glen Echo Road. All of the proposed lots would contain frontage on Glen Echo Road. There is an existing single family home on the property which is proposed to be removed. Vehicular access would be limited to a total of two access points for the three proposed lots, a single point of access via an access

easement for Lot 1 and Lot 2 and a single point of access via an access point for Lot 3. There is an existing sidewalk along Glen Echo Road which meets the requirements of the Major and Collector Street Plan, therefore sidewalk improvements are not required.

The existing lot is 33,105 square feet (0.76 acres) and is proposed to be subdivided into three lots with the following square footage/ acreage:

- Lot 1: 10,287 SF (0.24 acres)
- Lot 2: 11,221 SF (0.26 acres)
- Lot 3: 12,415 SF (0.29 acres)

**ANALYSIS**

The Subdivision Regulations establish criteria for subdivisions in determining compatibility for lots within Neighborhood Evolving policy areas (3-5.3).

Zoning Code

The lots meet the minimum area of 10,000 square feet as required by the R10 zoning district.

Street Frontage

The proposed lots have frontage on Glen Echo Road.

Agency Review

All reviewing agencies have recommended approval.

Special Policies

There are no applicable special policies that pertain to this property.

While the proposed subdivision meets the criteria found within the Subdivision Regulations for the frontage and area, this subdivision seeks to create three lots which may be too intense for this site given the requirements for access along a collector street. The Subdivision Regulations require shared access from collector streets for infill subdivisions. Therefore a maximum of 6 dwelling units, which would be allowed under the existing zoning, may not be appropriate for the site. Less intensity, such as single family or combination of single and two family structures, may be more appropriate and must be considered if all conditions for the currently proposed plat cannot be met.

When analyzing the proposed subdivision, the character of the surrounding neighborhood reveals several different patterns of development. However, the predominant pattern is for parking to be to the rear or side of homes. Recent redevelopment has primarily yielded single and two-family dwellings within the surrounding neighborhood. Many of these have contained rear access through alleys or a shared single point of access with rear loaded garages, which meets current planning policy. Some older developments in the neighborhood, which were constructed under previous policies, have included parking pads in the front.

Given the pattern of development and the goals within the neighborhood evolving policy, staff recommends conditioning this plat to prohibit parking areas located between the primary structure and the street.

**FIRE MARSHAL RECOMMENDATION**  
N/A

**STORMWATER RECOMMENDATION**  
Approved

**PUBLIC WORKS RECOMMENDATION**  
Approved

**TRAFFIC & PARKING RECOMMENDATION**  
Approved

**WATER SERVICES RECOMMENDATION**  
Approved

**STAFF RECOMMENDATION**  
Staff recommends approval with conditions and disapproval without all conditions.



**CONDITIONS**

- 1.Add the following note: This subdivision is restricted to a maximum of two points of access for the three lots. Lots 1 and 2 are limited to a maximum of one access point through the access easement labeled, “shared access easement” as shown on the plat. Lot 3 is limited to a maximum of one access point.
- 2.Revise the label on Lot 3 from “access easement” to “access point for Lot 3”.
- 3.Add the following note: No hard surface area for parking vehicles is permitted between the primary structure and street.
- 4.Add the following note: Hard surfaces for vehicular access shall be a maximum of 16 feet wide within a shared access easement located between the primary structure and the street for Lots 1 and 2. Hard surface for vehicular access shall be a maximum of a 12 foot wide driveway for Lot 3.
- 5.Depict the access easement for Lots 1 and 2 to the required front setback.
- 6.A raised foundation of 18”- 36” is required for all residential structures.

Mr. Napier presented the staff recommendation of approval with conditions and disapproval without all conditions.

Barry Cleveland spoke in favor of the application as it meets the intent of the policy.

John Brittle, 1406 5<sup>th</sup> Ave N, spoke in favor of the application. It meets all the zoning requirements.

Patricia Runsvold, 1755 Hillmont Dr, spoke in opposition and requested only one unit per lot if approved.

Gina Standefer, 1725 Hillmont Dr, spoke in opposition and requested only one unit per lot if approved.

Zaruhi Sahakyan, 1773 Hillmont Dr, spoke in opposition and requested only one unit per lot if approved.

Scott Moore, 1769 Hillmont Dr, spoke in opposition and requested only one unit per lot if approved.

**Ms. Hagan-Dier stepped back in the room.**

John Brittle explained this will not set a precedent and they accept all staff conditions.

**Chairman Adkins closed the Public Hearing.**

Mr. McLean spoke in favor of staff recommendation.

Councilmember Allen asked if there are enough concerns here that give the commission the right to make conditions as to how many can be developed as duplex lots.

Ms. Diaz spoke in favor of staff recommendation because it seems to be consistent with the character of the area.

Ms. Farr explained she is surprised to see how intense the development pattern is but does not see how the commission could disapprove this.

**Mr. McLean moved and Ms. Diaz seconded the motion to approve with conditions. (6-0-1) Ms. Hagan-Dier abstained because she was out of the room for part of the public hearing.**

**Resolution No. RS2016-306**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-171-001 is **Approved with conditions and disapproved without all conditions. (6-0-1)**”

**CONDITIONS**

- 1.Add the following note: This subdivision is restricted to a maximum of two points of access for the three lots. Lots 1 and 2 are limited to a maximum of one access point through the access easement labeled, “shared access easement” as shown on the plat. Lot 3 is limited to a maximum of one access point.
- 2.Revise the label on Lot 3 from “access easement” to “access point for Lot 3”.
- 3.Add the following note: No hard surface area for parking vehicles is permitted between the primary structure and street.
- 4.Add the following note: Hard surfaces for vehicular access shall be a maximum of 16 feet wide within a shared access easement located between the primary structure and the street for Lots 1 and 2. Hard surface for vehicular access shall be a maximum of a 12 foot wide driveway for Lot 3.
- 5.Depict the access easement for Lots 1 and 2 to the required front setback.
- 6.A raised foundation of 18”- 36” is required for all residential structures.

## 8. 84-85P-002

### BILTMORE PUD

Council District 35 (Dave Rosenberg)

Staff Reviewer: Latisha Birkeland

A request to revise the preliminary plan for a portion of a Planned Unit Development Overlay District for properties located at McCrory Lane (unnumbered), Newsom Station Road (unnumbered), and 8101 McCrory, zoned RS40, RM2, RM6, MUL, and SCR, (1151.53 acres), to permit 441 single-family lots, 360 townhomes, 596 multi-family, 653,400 square feet of retail, restaurant, office, and hotel uses, where 441 single-family lots, 576 townhomes, 380 multi-family, and 852,500 square feet of retail, restaurant, office, and hotel uses were previously approved, requested by Ragan-Smith & Associates, applicant; JMJ Development, LLC, owner.

**Staff Recommendation: Approve with conditions.**

### APPLICANT REQUEST

**Revise a portion of a Planned Unit Development to permit residential and commercial uses.**

#### Revise Preliminary PUD

Request to revise the preliminary plan for a portion of a Planned Unit Development Overlay District for properties located at McCrory Lane (unnumbered), Newsom Station Road (unnumbered), and 8101 McCrory, zoned Single-Family Residential Districts (RS40), Multi-Family Residential Districts (RM2), Multi-Family Residential Districts (RM6), Mixed Use Limited (MUL), and Shopping Center Regional (SCR), (1151.53 acres). It would permit 441 single-family lots, 372 townhomes, 584 multi-family units, and 647,900 square feet of commercial, where 441 single-family lots, 576 townhomes, 380 multi-family, and 852,500 square feet of commercial use were previously approved.

#### **Existing Zoning**

Single-Family Residential Districts (RS40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

Multi-Family Residential Districts (RM2) is intended for single-family, duplex, and multi-family dwellings at a density of two dwelling units per acre.

Multi-Family Residential Districts (RM6) is intended for single-family, duplex, and multi-family dwellings at a density of six dwelling units per acre.

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

Shopping Center Regional (SCR) is intended for high intensity retail, office, and consumer service uses for a regional market area.

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. *The subject PUD is approved for a variety of residential and commercial uses.*

### CRITICAL PLANNING GOALS

N/A

### PLAN DETAILS

The site is located along the east and west side of McCrory Lane, south of I-40. The site is vacant and has some steep slopes and streams on the property.

The original PUD was approved in 1985, has been revised numerous times over the years, and was last amended in 2005. The entire PUD includes lands on the north and south side of I-40. The site is approved for a variety of commercial uses, including retail, office, restaurant and hotel.

### Site Plan

The proposed plan is consistent with the PUD plan approved by the Planning Commission on July 26, 2007. The proposed revision to the preliminary plan will decrease the square footage of commercial uses from 852,500 sq. ft. to 647,900 sq. ft. The proposed revision to the preliminary plan will make minor changes to the amount and location of residential units from 441 single-family lots, 576 townhomes, 380 multi-family units, to 441 single-family lots, 372 townhomes, and 584 multi-family units.

Phases F, H, I, J, K, L, M, N and O of the PUD are impacted by the proposed revision. Building placement has changed slightly in these sections.

### Changes in residential phases:

- Sections F, H-J were previously approved as retail and are now proposed as multi-family.
- Section O was previously approved as townhomes, and is now proposed as single-family.

### Changes in commercial phases:

- Section I and J - The hotel(s) is removed.
- Section H - The 5,500 sq.ft. restaurant is removed.
- The total commercial square footage has decreased as a result of removing the restaurant and hotels from Sections H, I and J.
- The total retail square footage has decreased as a result of removing retail from Sections F, H, I & J.

The proposal slightly changes building orientation and parking layout due to the change in uses and location. This revision is consistent with the Council approved PUD plan in terms of uses, access points, and connectivity. The request for revisions is consistent with the approved realignment of McCrory Lane in 2007. Final PUD approval for each individual building site is required.

### **ANALYSIS**

Staff recommends approval with conditions. The proposed uses are consistent with the Council approved plan. Since the proposed revision is consistent with the overall concept of the Council approved PUD plan, then staff finds that the proposed changes to the previous plan for this site is a minor modification.

Section 17.40.120.F permits the Planning Commission to approve revisions under certain conditions:

F) Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:

- a. Land area being added or removed from the planned unit development district shall be approved by the council according to the provisions of Article III of this chapter (Amendments);
- b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance shall be authorized by council ordinance;
- c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or
- d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or
- e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.

### **FIRE MARSHAL RECOMMENDATION**

**N/A**

### **STORMWATER RECOMMENDATION**

#### **Approved with conditions**

- A flood study shall be done for any drainage area over 1 square mile. Floodplain elevations, floodway, and floodway buffers shall be established. No non-approved buffer disturbances shall be allowed without an approved Stormwater Variance.
- No multiple stream crossings, including those within 1000' from each other, will be permissible without an approved Stormwater Variance.

- All development shall be designed to meet the most current water quality and quantity measures.
- With respect to water quality / quantity and buffer disturbances, the applicant shall waive the Vesting rules.

**WATER SERVICES**

**N/A – Harpeth Valley Utility District**

**HARPTH VALLEY UTILITY DISTRICT**

**Approved**

**PUBLIC WORKS RECOMMENDATION**

**Approved**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approved with Conditions**

Phase 1 and phase 2 as shown on the phasing plan, submitted to public works on 10/6/16, of the development plan shall consist of no more than 400 units which allows a maximum of 16 lot development in section O and a maximum of 65 units in section N and the remaining units in the multi-unit section & H-K.

With Phase 1 and Phase 2 development, the Developer shall construct roadway improvements for McCrory Lane per the 2016 TIS recommendations and as listed below.

Prior to any future Final PUD Plan approvals, Developer shall submit an updated PUD plan and updated TIS with revised traffic recommendations.

In the absence of a requested PUD amendment by Developer, Developer shall construct roadway improvements to the NB approach of McCrory Lane at I-40 to address the skewed alignment and also construct recommended roadway improvements per the 2016 TIS findings and recommendations.

**Phase 1 (Sections F & H-K)**

**1. McCrory Lane at Biltmore PUD Sections F and H-K Access**

- A southbound left-turn lane shall be installed on McCrory Lane at the entrance to Sections F and H-K. The left-turn lane should be installed prior to the completion of 100 apartment units in Sections F and H-K. The left turn lane should have a storage length of 125 feet with bay and departure tapers per AASHTO and MUTCD recommendations.
- The access to Sections F and H-K should include two lanes, one for traffic entering the site and one for traffic exiting the site. The total width of the access should be a minimum of 24 feet. Access shall be aligned with the access to section N.
- Intersection sight distance per AASHTO recommendations should be confirmed for the access to Section F & H-K and section N and section O during the preparation, review, and approval of site plans and construction documents for this section.
- The secondary emergency only access for F & H-K shall be gated with appropriate emergency access design.

**2. McCrory Lane at Interstate 40 Westbound Ramps**

- The developer shall submit a signal warrant analysis for the I-40WB off and on ramps/McCrory Lane intersection. If and when warranted, developer shall design and install traffic signal when approved by metro traffic engineer.
- Based on the existing exit ramp geometry, some minor realignment may be necessary as part of a future traffic signal installation. The preparation of a traffic signal plan for this intersection should include a review of the existing ramp geometry and improvements to the layout or storage lengths, if needed.

**Phase 2 (Section N & O)**

- A northbound left turn lane shall be installed on McCrory Lane at the entrance to Section N. The left turn lane should be installed with the first phase of Section N or first phase of section F & H-K development. The left turn lane should have a storage length of 125 feet with bay and departure tapers per AASHTO and MUTCD recommendations.
- The access to Section N should include two lanes, one for traffic entering the site and one for traffic exiting the site. The total width of the access should be a minimum of 24 feet.
- Intersection sight distance per AASHTO recommendations should be confirmed for the access to Section L during the preparation, review, and approval of site plans and construction documents for this section. Section N access road shall be constructed with a temporary turn around.

Phase 3 (Section L)

- A northbound left turn lane shall be installed on McCrory Lane at the entrance to Section L. The left turn lane should be installed with the first phase of Section L development. The left turn lane should have a storage length of 125 feet with bay and departure tapers per AASHTO and MUTCD recommendations.
- The access to Section L should include two lanes, one for traffic entering the site and one for traffic exiting the site. The total width of the access should be a minimum of 24 feet.
- Intersection sight distance per AASHTO recommendations should be confirmed for the access to Section L during the preparation, review, and approval of site plans and construction documents for this section.

Biltmore PUD 50% Full Build Out

- The traffic recommendations and conditions for the Biltmore PUD at 50% build out should be implemented per the comprehensive Biltmore PUD traffic impact study (dated May 10, 2005) and the currently approved Biltmore PUD Ordinance (PUD # 84-85-P).

Biltmore PUD 100% Full Build Out

- The traffic recommendations and conditions for the Biltmore PUD at 100% build out should be implemented per the comprehensive Biltmore PUD traffic impact study (dated May 10, 2005) and the currently approved Biltmore PUD Ordinance (PUD # 84-85-P).

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

1. Comply with all conditions of Traffic and Parking, including improvements required by the 2016 TIS.
2. All conditions of BL2005-695 remain in effect and shall be completed with future phases.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

**Approve with conditions, Consent Agenda. (9-0)**

**Resolution No. RS2016-307**

"BE IT RESOLVED by The Metropolitan Planning Commission that 85-85P-002 is **Approved with conditions. (9-0)**"

**CONDITIONS**

1. Comply with all conditions of Traffic and Parking, including improvements required by the 2016 TIS.
2. All conditions of BL2005-695 remain in effect and shall be completed with future phases.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.

5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

**9. 2016Z-101PR-001**

Council District 03 (Brenda Haywood)  
Staff Reviewer: Jason Swaggart

A request to rezone from R20 to MHP zoning for property located at Dickerson Pike (unnumbered), west of the terminus of Hillcrest Road, (14.12 acres), requested by Tune, Entrekin & White, PC, applicant; UMH TN Trailmont, LLC, owner.

**Staff Recommendation: Defer to the November 10, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016Z-101PR-001 to the November 10, 2016, Planning Commission meeting. (9-0)**

**10. 2016Z-106PR-001**

BL2016-411/Kathleen Murphy  
Council District 24 (Kathleen Murphy)  
Staff Reviewer: Jason Swaggart

A request to rezone from R20 to RS20 zoning for various properties located on Woodlawn Drive, Lynnbrook Road, and Bowling Avenue, east of Wilson Boulevard, (22.86 acres), requested by Councilmember Kathleen Murphy, applicant; various property owners.

**Staff Recommendation: Defer to the October 27, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2016Z-106PR-001 to the October 27, 2016, Planning Commission meeting. (9-0)**

**11a. 2016CP-008-001**

**NORTH NASHVILLE COMMUNITY PLAN AMENDMENT**

Council District 21 (Ed Kindall)  
Staff Reviewer: Stephanie McCullough

A request to amend the North Nashville Community Plan by changing the T4 Urban Neighborhood Maintenance Policy to T4 Urban Neighborhood Evolving Policy on various properties located along Lacy Street, 23rd Avenue North, 24th Avenue North, and 25th Avenue North, approximately 150 feet northwest of the intersection of Seifried Street and 23rd Avenue North, zoned RS5 (5.94 acres), requested by Dale & Associates, applicant; Delta Capital Management, LLC, owner. (See associated case # 2016SP-079-001)

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

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

Minor Plan Amendment

A request to amend the North Nashville Community Plan by amending the Community Character policy from T4 Urban Neighborhood Maintenance policy to T4 Urban Neighborhood Evolving policy on various properties located

along Lacy Street, 23rd Avenue North, 24th Avenue North, and 25th Avenue North, approximately 150 feet northwest of the intersection of Seifried Street and 23rd Avenue North (5.94 acres).

## **NORTH NASHVILLE COMMUNITY PLAN**

### **Current Policy**

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

### **Proposed Policy**

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 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 and block structure and proximity to centers and corridors.

## **BACKGROUND**

The community plan amendment was requested in conjunction with zone change application 2016SP-079-001, which would change the zoning from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) for one property located at 2007 23<sup>rd</sup> Avenue North. Planning Staff extended the proposed boundary for the plan amendment area beyond this property, based on the following: proximity to the T4 Urban Mixed Use Corridor policy along Clarksville Pike, the existence of alleys as part of the street grid, and the area's relationship to adjacent policy areas.

The amendment area is adjacent to T4 Urban Mixed Use Corridor policy (T4 CM), which is intended to enhance mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are generally compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

NashvilleNext, the long range general plan for Metro Nashville and Davidson County, recommends concentrating growth in several Tier One Centers and along High Capacity Transit Corridors. NashvilleNext identifies Clarksville Pike as an Immediate Need, High Capacity Transit Corridor as well as a Tier One Center. Infrastructure investments in the Immediate Need segments of High Capacity Transit Corridors and Tier One Centers will be prioritized over other areas and are planned to be made within the next one to five years.

The Major and Collector Street Plan (MCSP) identifies the portion of Clarksville Pike near the proposed amendment area as a four-lane Urban Mixed Use Arterial Boulevard (T4-M-AB4-IM) that has an immediate need for reconfiguration to multimodal use. The MCSP anticipates that Immediate Need Multimodal-classified streets will serve as the city's prominent multimodal corridors in the near future. The Metropolitan Transit Authority's recently adopted master plan, nMotion, indicates an upgrade of Route 22R along Clarksville Pike to Rapid Bus Service.

## **COMMUNITY PARTICIPATION**

As part of the application process, the Executive Director determined the plan amendment is minor. Planning staff is not required to hold a community meeting for minor plan amendments. The applicant, however, held an information session on September 21, 2016, at the North Nashville Police Precinct. The applicant reported that approximately 200 property owners and residents of the area were notified in advance of the meeting, and 16 people attended the information session. Eleven surveys were completed during the meeting and shared with planning staff and Councilman Ed Kindall. Nine of the eleven surveys expressed approval of the development presented by the applicant; affordability and design were listed as primary concerns about the development.

## **ANALYSIS**

The application of T4 NE policy in areas adjacent to the T4 CM policy serves as a transition into the core of the neighborhood and further encourages residential growth along an underutilized artery to downtown. Nine of the 12 parcels in the proposed amendment area are larger than average and have alley access or are adjacent to the T4 CM policy area; both of which are characteristics suitable for multifamily development.

The classification of Clarksville Pike as an Immediate Need, High Capacity transit Corridor, as well as the street's designation as a Tier One Center, supports amending the community plan for this area to accommodate additional housing and a mixture of uses. The enhancement of the corridor will encourage residential growth and link Nashvillians to housing, jobs, and services.

**STAFF RECOMMENDATION**

Staff recommends approval of the amendment request.

Ms. McCullough presented the staff recommendation of approval.

Items 11a and 11b were heard and discussed together.

Roy Dale, 516 Heather Place, spoke in favor of the application and noted this is a great location for infill development.

Tifinie Capehart spoke in favor of the application.

Stephanie Ladd, 1838 25<sup>th</sup> Ave N, spoke in opposition to the application as she is concerned about changing this from a maintenance neighborhood to an evolving neighborhood. She would like to delay this to ensure all neighbors directly impacted have an opportunity to educate themselves.

Roy Dale explained the proper process was adhered to and community meetings were held.

**Chairman Adkins closed the Public Hearing.**

Ms. Farr spoke in favor of the application and explained that it is important to maintain the existing character in the area.

Ms. Diaz spoke in favor of staff recommendation.

Councilmember Allen spoke in favor and noted that it is fantastic to see someone building something small and affordable.

**Mr. McLean moved and Ms. Farr seconded the motion to approve. (7-0)**

**Resolution No. RS2016-308**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016CP-008-001 is **Approved. (7-0)**"

**11b. 2016SP-079-001**

**2007 23RD AVENUE NORTH**

Council District 21 (Ed Kindall)

Staff Reviewer: Jason Swaggart

A request to rezone from RS5 to SP-R zoning on property located at 2007 23rd Avenue North, at the southwest corner of Lacy Street and 23rd Avenue North, (0.52 acres), to permit up to seven residential units, requested by Dale & Associates, applicant; Delta Capital Management, LLC, owner. (See associated case # 2016CP-008-001)

**Staff Recommendation: Approve with conditions and disapprove without all conditions if the associated policy amendment is approved. If the associated policy amendment is not approved, then staff recommends disapproval.**

**APPLICANT REQUEST**

**Preliminary SP to permit seven residential units.**

Preliminary SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning on property located at 2007 23rd Avenue North, at the southwest corner of Lacy Street and 23rd Avenue North, (0.52 acres), to permit up to seven residential units.

**Existing Zoning**

Single-family Residential District (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of four units.*



## **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 only one residential building type.

## **CRITICAL PLANNING GOALS**

- Supports Infill Development

This area is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of extending and maintaining new infrastructure.

## **NORTH NASHVILLE COMMUNITY PLAN**

### **Existing Policy**

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

### **Proposed Policy**

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 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 and block structure and proximity to centers and corridors.

### Consistent with Policy?

The request is not consistent with the existing T4 NM policy. The predominant development pattern in the immediate area is single-family residential. New single-family homes are also being developed in the area, which maintains the overall development pattern. The plan is consistent with the proposed policy. The proposed policy supports all types of residential including multi-family, and recognizes the evolution of neighborhoods. The site is located one block away from Clarksville Pike which is a major commercial corridor. The proposed plan will provide additional density, which would help support commercial uses along Clarksville Pike. Staff is recommending that a sidewalk be extended along 23<sup>rd</sup> Avenue North from Lacy Street to Clarksville Pike. This will provide a direct pedestrian connection to Clarksville Pike, which is consistent with the policy. The plan calls for detached units consistent with the single-family development pattern. The units along Lacy Street and 23<sup>rd</sup> Avenue North are set back consistent with neighboring properties, which helps maintain the existing rhythm and character.

## **PLAN DETAILS**

The approximately half acre site is located at the southwest corner of 23<sup>rd</sup> Avenue North and Lacy Street, one block south of Clarksville Pike. The parcel is currently vacant.

### Site Plan

The plan calls for seven detached residential units. Two units front onto Lacy Street and two units front onto 23<sup>rd</sup> Avenue North. The remaining three units are along the alley and front onto a centralized courtyard. Building height is limited to three stories and 35 feet. The plan includes architectural standards pertaining to raised foundations, entrances, window, porches, and materials.

Parking is located along the alley. A four foot wide grass strip and five foot wide sidewalk are provided along 23<sup>rd</sup> Avenue North and Lacy Street.

## **ANALYSIS**

The SP is not consistent with the existing T4 NM policy, but it is consistent with the proposed T4 NE policy. If the Planning Commission approves the policy amendment, then staff recommends approval of the SP with conditions. The plan calls for additional density with a design that fits into the overall character of the area. Staff is

recommending that a sidewalk be extended along 23<sup>rd</sup> Avenue North from Lacy Street to Clarksville Pike. This will provide a direct pedestrian connection to Clarksville Pike, which is consistent with the policy.

**FIRE DEPARTMENT RECOMMENDATION**

**Approved with conditions**

- Fire Code issues will be addressed in the permit phase

**STORMWATER RECOMMENDATION**

**Approved**

**WATER SERVICES**

**Approved with conditions**

- Approved as a Preliminary SP only. Public water and sewer construction plans must be submitted and approved prior to Final SP approval. These approved construction plans must match the Final Site Plan/SP plans. The required capacity fees must also be paid prior to Final Site Plan/SP approval.

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- Prior to submittal of Final SP, work with MPW Staff on design of Lacy, 23rd, and the alley

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Emergency access for phase 1 shall be gated prior to first U & O permit for phase 1.

Maximum Uses in Existing Zoning District: **RS5**

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)	0.52	8.7 D	4 U	39	3	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (210)	3.21	-	7 U	67	6	8

Traffic changes between maximum: **RS5 and SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+3 U	+28	+3	+3

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS5 district: 1 Elementary 1 Middle 1 High**

**Projected student generation proposed SP-R district: 1 Elementary 1 Middle 1 High**

The proposed SP-R zoning district would not generate additional students. Students would attend Churchwell Elementary School, John Early Middle School, and Pearl-Cohn High School. There is additional in all three schools. This information is based upon data from the school board last updated March 2016.

**AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)**

1. Will this project include any affordable or workforce housing units? We believe the three smaller units will meet the guidelines for workforce housing.
2. If so, how many and what is the percentage of the entire development? 3 houses of 7 - 43%
3. How will you enforce the affordability requirements? We do not have an enforcement mechanism in the plans. The current market prices in The area for this size property is just above the workforce threshold, and our competitive listing prices should maintain prices within or just above that range.
4. Have any structures been demolished in the last 12 months? No.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions if the associated policy amendment is approved. If the policy amendment is not approved, then staff recommends disapproval.

**CONDITIONS**

1. Permitted land uses shall be limited to a maximum of seven residential units.
2. If there is adequate right-of-way, sidewalk shall be constructed along the western side of 23<sup>rd</sup> Avenue North from Lacy Street to Clarksville Pike. Determination of requirement and final design shall be determined and approved by Planning and Public Works prior to approval of a final site plan.
3. 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 RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions if the associated policy amendment is approved. If the associated policy amendment is not approved, then staff recommends disapproval.

Items 11a and 11b were heard and discussed together.

Roy Dale, 516 Heather Place, spoke in favor of the application and noted this is great location for infill development.

Tifinie Capehart spoke in favor of the application.

Stephanie Ladd, 1838 25<sup>th</sup> Ave N, spoke in opposition to the application as she is concerned about changing this from a maintenance neighborhood to an evolving neighborhood. She would like to delay this to ensure all neighbors directly impacted have an opportunity to educate themselves.

Roy Dale explained the proper process was adhered to and community meetings were held.

**Chairman Adkins closed the Public Hearing.**

Ms. Farr spoke in favor of the application and explained that it is important to maintain the existing character in the area.

Ms. Diaz spoke in favor of staff recommendation.

Councilmember Allen spoke in favor and noted that it is fantastic to see someone building something small and affordable.

Mr. McLean moved and Mr. Haynes seconded the motion to approve. (7-0)

**Resolution No. RS2016-309**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-079-001 is **Approved with conditions and disapproved without all conditions. (7-0)**”

**CONDITIONS**

1. Permitted land uses shall be limited to a maximum of seven residential units.
2. If there is adequate right-of-way, sidewalk shall be constructed along the western side of 23<sup>rd</sup> Avenue North from Lacy Street to Clarksville Pike. Determination of requirement and final design shall be determined and approved by Planning and Public Works prior to approval of a final site plan.
3. 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 RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

**12. 2016CP-007-004**

**WEST NASHVILLE COMMUNITY PLAN AMENDMENT**

Council District 20 (Mary Carolyn Roberts)  
Staff Reviewer: Marty Sewell

A request to amend the West Nashville Community Plan by changing the Community Character Policy from T4 - Neighborhood Evolving to T4- Mixed Use on properties located at 649, 665, 671, 677, 685 and 693 Vernon Avenue and Vernon Avenue (unnumbered), approximately 500 feet southwest of James Avenue, zoned CS and R8 (18.09 acres), requested by MiKen Development, LLC, applicant; Prewett Holdings, LLC, TMPC, LLC, TSMPC, LLC, Al Barish, Michael D. and Glenda S. Burnes, owners. (See associated case # 2016SP-074-001)

**Staff Recommendation: Approve, except for Map 091-05, Parcel(s) 126-127**

**APPLICANT REQUEST**

**Amend West Nashville Community Plan to change the policy to T4 Urban Mixed Use Neighborhood.**

Major Plan Amendment

A request to amend the West Nashville Community Plan by amending the Community Character Policy from T4 Urban Neighborhood Evolving to T4 Urban Mixed Use Neighborhood policy on properties located at 649, 665, 671, 677, 685, 693 Vernon Avenue and Vernon Avenue unnumbered (18.09 acres).

**WEST NASHVILLE COMMUNITY PLAN**

**Current Policy**

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.

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 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 and block structure and proximity to centers and corridors.

**Proposed Policy (Note: the CO policy is proposed to remain)**

T4 Urban Mixed Use Neighborhood (T4 MU) is intended to preserve, 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 community plan amendment was requested in conjunction with zone change application 2016SP-074-001, a request to change the zoning from Commercial Service (CS) to Specific Plan (SP-MU) for property located at 665, 671 and 677 Vernon Avenue. The applicant requested a one-meeting deferral of the zone change application. Commercial uses are not compatible with the existing T4 NE policy. The SP proposes a mix of residential, live work and commercial uses. As a result, the applicant has proposed a policy change to T4 MU. Planning Staff extended the boundary proposed by the applicant for the plan amendment area beyond these properties in order to include four adjacent similarly situated properties to the south (Map 091-05, Parcel(s) 125 and 254) and unnumbered Vernon Avenue) and north (Map 091-05, Parcel(s) 126 and 127).

Vernon Avenue is a two-lane local street linking Robertson Avenue and James Avenue, which the Major and Collector Street Plan classifies as two-lane T4 Urban-Residential Collector-Avenues (T4-R-CA2). A 35-townhome development currently fronts Vernon Avenue across the from the amendment area. Briley Parkway is located directly east and behind the rear yard of the townhomes.

**COMMUNITY PARTICIPATION**

Combined community meeting and public hearing notices were mailed to property owners within 1,300 feet of the amendment area on September 14, 2016. The notice was posted on the Planning Department website. The community meeting was held on September 28, 2016, at the W.A. Bass Learning Center at 5200 Delaware Avenue. Twenty-one people attended, in addition to Councilmember Mary Carolyn Roberts, the development team, and Metro Planning staff.

During the community meeting, the staff and development team answered questions related to the amendment and Specific Plan applications, which were presented. Many favored a policy change and redevelopment of the properties as a means to reduce the uses allowed by CS zoning and introduce new housing opportunities. However, many also expressed concern that the introduction of the number of housing units and commercial square footage supported by a policy change and the applicant's SP proposal would worsen traffic conditions on the primary roads that are used to access the site: Robertson Avenue and James Avenue. Many also expressed their concern for pedestrian safety along James Avenue, which currently lacks a sidewalk.

**ANALYSIS**

T4 MU policy is intended for areas that are envisioned to become primarily mixed use with residential and ancillary commercial and light industrial. T4 MU is applied in areas where there is an expressed interest in the area's development pattern evolving to promote a mixture of housing types, commercial, light industrial land uses and greater connectivity, or there is existence of all or some of the following characteristics that indicate the area is likely to evolve: high vacancy rates, high potential for consolidation or subdivision of lots, incongruity between the existing land use and the zoning, proximity to evolving centers or corridors, and/or age and condition of the existing development.

The community plan amendment area consists of seven parcels ranging in size from 0.23 acres to 6.00 acres. Only two of the parcels are currently occupied. A landscaping business is located at 693 Vernon Avenue, and a mulch business is located at 677 Vernon Avenue. The applicant proposes to redevelop the mulch business site. These seven lots have a high potential for consolidation due their size relative to the lot sizes of the neighborhood and planned development on adjacent parcels to the west.

While there is no incongruity between the existing land use and zoning, existing policy does not support the existing zoning. The five northernmost parcels have Commercial Service (CS) zoning, while the two southernmost parcels have One and Two-Family Residential (R8) zoning. CS is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. R8 is intended for single-family dwellings and duplexes. The CS zoning predates the T4 NE policy that was applied to the area during the West Nashville Community Plan Update in 2009 as well as its previous designation of Residential Medium Density policy that had been applied to the property as far back as 1999. CS is not consistent with the current or proposed policy; R8 is consistent with the current policy, but less consistent with the proposed policy.

The subject site is currently underutilized and, at nearly 18 acres, is large enough to support a cohesively designed mixed use development with a mixture of uses and multiple housing options as well as provide for a transition to single-family residential along the edge to the west and south. The neighborhood has very few sidewalks and some relatively narrow streets, which community meeting attendees identified as pedestrian safety concern. The T4 MU policy calls for new development with improvements in access and connectivity that will provide safe pedestrian environments.

The portion of the amendment area with CS zoning is a suitable location for T4 MU policy. The portion of the proposed amendment area currently zoned R8 is better suited for maintaining the T4 NE policy in order to provide a transition between T4 NM policy located south and west of the development proposed by the applicant.

**STAFF RECOMMENDATION**

Staff recommends approval of the amendment to change policy to T4 MU for 665, 671, 677, 685, and 693 Vernon Avenue (Map 091-05, Parcel(s) 125, 253-256), but recommends maintaining existing T4 NE policy for 649 Vernon Avenue and Vernon Avenue unnumbered (Map 091-05, Parcel(s) 126-127).

**Approve, except for Map 091-05, Parcel (s) 126-127. Consent Agenda, (9-0)**

**Resolution No. RS2016-310**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016CP-007-004 is **Approved, except for Map 091-05, Parcel(s) 126-127. (9-0)**”

**13. 2013SP-012-004**

**46TH AND UTAH**

Council District 24 (Kathleen Murphy)

Staff Reviewer: Lisa Milligan

A request to amend a portion of a previously approved SP on property located at 132 46th Avenue North, at the southeast corner of Utah Avenue and 46th Avenue North, (0.3 acres), to amend the hours of operation for any restaurant use in tenant space B, requested by SoBro Law Group, PLLC, applicant; various owners.

**Staff Recommendation: Withdraw.**

**The Metropolitan Planning Commission withdrew 2013SP-012-004. (9-0)**

**14. 2013SP-048-003**

**HILLWOOD COURT AT NASHVILLE WEST SECTION 2 SP**

Council District 23 (Mina Johnson)

Staff Reviewer: Latisha Birkeland

A request to amend the Hillwood Court at Nashville West Specific Plan District for property located at 6813 B and 6817 Charlotte Pike, approximately 640 feet southwest of West Hillwood Drive, (4.37 acres), to add parcel 015 permit and permit a maximum of 50 residential units where 34 residential units were previously approved, requested by Dale & Associates, applicant; Jack T. and Kathleen M. Canady and O.I.C. Hillwood Court at Nashville West, owners.

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

**APPLICANT REQUEST**

**Amend SP to permit a maximum of 50 residential units**



### Amend SP

A request to amend a Specific Plan-Mixed Residential (SR-MR) District for property located at 6813 B and 6817 Charlotte Pike, approximately 640 feet southwest of West Hillwood Drive, (4.37 acres), to add parcel 015 and permit a maximum of 50 residential units where 34 residential units were previously approved.

### **Existing Zoning**

Single-family Residential District (RS40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre. *RS40 would permit a maximum of 4 lots.*

### **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.

### **CRITICAL PLANNING GOALS**

- Supports Infill Development
- Provides a Range of Housing Choices
- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices

This area is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of extending and maintaining new infrastructure. The request provides an additional housing option in the area. Additional housing options are important to serve a wide range of people with different housing needs. The plan provides active open space and a sufficient sidewalk network connecting all parts of the development, which foster active living and supports walkable neighborhoods. Higher density areas typically foster walkability and better public transportation because housing, work and conveniences are located within a smaller area, making them more assessable by foot and or public transportation. This site is directly across from the Nashville West Shopping Center, which will provide goods and services for future residents.

### **WEST NASHVILLE COMMUNITY PLAN**

Suburban Neighborhood Maintenance (T3 NM) policy is intended to preserve 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.

### Special Policy Area (Infill Area 03)

The special policy recognizes areas along Charlotte Pike across from and in proximity to the Nashville West Shopping Center. The policy supports more intense residential infill development along Charlotte Pike. Any residential development should provide an adequate transition from the more intense Charlotte Pike corridor to the single-family residential areas off of the corridor.

### Consistent with Policy?

Yes. The proposed SP is consistent with the T3 NM policy as well as the special policy that applies to the site. The proposed plan provides for a more intense residential development pattern along Charlotte Pike. It also provides a transition from Charlotte Pike to the back of the site by providing detached units at the rear of the site, adjacent to the single-family lots directly south of the site.

### **HISTORY**

In September 2014, the Metro Planning Commission recommended approval of an SP to permit 40 residential dwellings at 6813 Charlotte Pike. A final site plan was submitted and approved to allow a maximum of 34 units on this site. The applicant is currently proposing to amend the SP to add the adjacent parcel to the west and permit an additional 16 residential units, for a maximum of 50 residential units within the SP.

### **PLAN DETAILS**

The site is approximately 1.31 acres in size and consists of a single-family residential dwelling unit. The site is located on the south side of Charlotte Pike between W. Hillwood Drive and Templeton Drive, directly across from Nashville West. The site is zoned for single-family residential uses.

Site Plan

The plan calls for 16 residential units to be added to an SP approved for 34 residential units. The proposed 16 residential units will be considered Phase 2. Unit types consist of 11 attached townhome units and five detached cottage units. Six of the attached townhome units are oriented towards Charlotte Pike. The five detached units and five attached townhomes will front onto an open space.

A shared private drive located in the middle of the proposed plan will provide the primary access from Charlotte Pike. There is also a 20' wide emergency access point along the eastern property line connecting Charlotte Pike to the private alley. Sidewalks are located throughout the development. The plan also calls for a new eight foot wide sidewalk and six foot wide grass strip along Charlotte.

A total of 82 parking stalls are shown on the plan including 38 stalls for phase 2. All cottage and townhome units include a two car garage in Phase 2.

Landscaping is shown throughout the development. A fifty foot wide landscape buffer along the southern property line was approved in the original SP. Phase 2 includes the same 50 foot landscape buffer. Unit 16 slightly encroaches into the landscape buffer, but still provides a generous buffer yard for the single-family residential to the south.

**ANALYSIS**

The SP is consistent with the site's land use policies, and it also meets several critical planning goals. Higher density residential is appropriate at this site because it is adjacent to Charlotte Pike, a busy corridor, and is directly across from the Nashville West Shopping Center. Because of the intensity of development across the street and along the Charlotte Pike corridor, single-family residential is less appropriate. The proposed SP provides for higher density residential, which is more appropriate adjacent to Charlotte Pike. The plan also provides a transition from the intense mixed-use corridor to the single-family area south and west of the site.

**FIRE DEPARTMENT RECOMMENDATION**

**Approve with conditions**

- Fire Code issues will be addressed in the permit phase

**STORMWATER RECOMMENDATION**

**Approve with conditions**

- Remove note 2 from the Stormwater Notes on sheet C3.

**WATER SERVICES**

**Approve with conditions**

- Approved as a Preliminary SP only. Public water and sewer construction plans must be submitted and approved prior to Final SP approval. These approved construction plans must match the Final Site Plan/SP plans. The required capacity fees must also be paid prior to Final Site Plan/SP approval.

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- ROW dedications are to be recorded prior to the building permit approval by MPW.
- Prior to final SP approval by MPW, submit copy of the shared access agreement with the adjoining SP.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Emergency access for phase 1 shall be gated prior to first U & O permit for phase 1.

**Maximum Uses in Existing Zoning District: RS40**

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)	1.39	1.08D	1 U	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (230)	1.39	-	16 U	112	10	12

Traffic changes between maximum: **RS40** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+15 U	+102	+9	+10

**METRO SCHOOL BOARD REPORT**

Projected student generation existing **RS40** district: 0 Elementary 0 Middle 0 High

Projected student generation proposed **SP-MR** district: 1 Elementary 1 Middle 0 High

The proposed SP-MR zoning district could generate 2 additional students. Students would attend Gower Elementary School, H.G. Hill Middle School, and Hillwood High School. H.G. Hill Middle School is identified as being over capacity however there is additional capacity for Middle school students within the cluster. This information is based upon data from the school board last updated March 2016.

**AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)**

1. Will this project include any affordable or workforce housing units? No.
2. If so, how many and what is the percentage of the entire development? N/A
3. How will you enforce the affordability requirements? N/A
4. Have any structures been demolished in the last 12 months? No.

**STAFF RECOMMENDATION**

The proposed SP is consistent with the T3 NM policy as well as the special policy that applies to the site and supports several critical planning goals, therefore staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Permitted land uses shall be limited to a maximum of 50 residential units.
2. Revise purpose note " A request to amend the Hillwood Court at Nashville West Specific Plan District to add parcel 015 and permit a maximum of 50 residential units where 34 residential units were previously approved. "
3. Provide sidewalk connection from guest parking area in Phase 2 to the sidewalk east of guest parking.
4. Elevations shall be submitted with the final site plan application.
5. 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 RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. 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.
7. 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.
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. 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.
10. 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.

**Approved with conditions and disapproved without all conditions. Consent Agenda, (9-0)**  
**Resolution No. RS2016-311**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-048-003 is **Approved with conditions and disapproved without all conditions. (9-0)**”

**CONDITIONS**

1. Permitted land uses shall be limited to a maximum of 50 residential units.
2. Revise purpose note “ A request to amend the Hillwood Court at Nashville West Specific Plan District to add parcel 015 and permit a maximum of 50 residential units where 34 residential units were previously approved. “
3. Provide sidewalk connection from guest parking area in Phase 2 to the sidewalk east of guest parking.
4. Elevations shall be submitted with the final site plan application.
5. 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 RM15-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. 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.
7. 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.
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. 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.
10. 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. 2016SP-077-001**

**TEN 21 ELVIRA**

Council District 05 (Scott Davis)  
Staff Reviewer: Jason Swaggart

A request to rezone from R6 to SP-R zoning on property located at 1021 Elvira Avenue, approximately 275 feet northwest of Gallatin Pike, (0.49 acres), to permit up to six residential units, requested by Superior Development, LLC, applicant; MMA, LLC, owner.

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

**APPLICANT REQUEST**

**Preliminary SP to permit six residential units.**

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) to Specific Plan – Residential (SP-R) zoning on property located at 1021 Elvira Avenue, approximately 275 feet northwest of Gallatin Pike, (0.49 acres), to permit up to six residential units.

**Existing Zoning**

One and Two-Family Residential District (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of three lots with two duplex lots for a total of six units.*

**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 only one residential building type.

## **CRITICAL PLANNING GOALS**

- Supports Infill Development

This area is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of extending and maintaining new infrastructure.

## **EAST NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 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 and block structure and proximity to centers and corridors.

### Consistent with Policy?

Yes. The proposed policy supports all types of residential including multi-family, and recognizes the evolution of neighborhoods. The site is located about 350 feet to the west of Gallatin Pike, which is a major commercial corridor. Staff is recommending that a sidewalk be extended Elvira from the project site to Gallatin Pike. The proposed plan will provide additional housing which helps support existing and future commercial uses along the Gallatin Pike corridor. While the proposed multi-family land use is not consistent with the adjacent single and two-family land use, the Community Plan policy allows for some changes to the existing pattern. The proposed layout maintains the existing rhythm along Elvira by maintaining the existing setbacks and utilizing detached units with similar spacing between units.

## **PLAN DETAILS**

The approximately half acre site is located along the north side of Elvira Avenue, approximately 350 feet west of Gallatin Pike.

### Site Plan

The plan calls for six detached residential units. Two units front Elvira Avenue, and the remaining four are front internal courtyards. Height is limited to three stories in 40 feet. The plan includes architectural standards for primary entrances, glazing, raised foundations, porches and building materials. Each unit includes a two car garage which is located at the rear of each unit. There are also four surface guest parking spaces at the very back of the site. Vehicular access is provided from a single shared private drive. The plan provides a five foot wide sidewalk and a four foot planting strip along the property frontage with Elvira Avenue.

## **ANALYSIS**

Staff is recommending approval as the proposed SP is consistent with the T4 NE policy. The proposed plan will provide additional housing which helps support existing and future commercial uses along the Gallatin Pike corridor. Staff is recommending that a sidewalk be extended Elvira from the project site to Gallatin Pike. This will provide a direct pedestrian connection to Gallatin Pike, which is consistent with the policy. While the proposed multi-family land use is not consistent with the adjacent single and two-family land use, the proposed layout maintains the existing rhythm along Elvira by maintaining the existing setbacks and utilizing detached units with similar spacing between units. The plan also supports infill development.

## **FIRE DEPARTMENT RECOMMENDATION**

### **Approved with conditions**

- Fire Code issues will be addressed in the permit phase

## **STORMWATER RECOMMENDATION**

### **Approved**

## **WATER SERVICES**

### **Approved with conditions**

- Approved as a Preliminary SP only. Public water and sewer construction plans must be submitted and approved prior to Final SP approval. These approved construction plans must match the Final Site Plan/SP plans. The required capacity fees must also be paid prior to Final Site Plan/SP approval.

## **PUBLIC WORKS RECOMMENDATION**

### **Approved with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- ROW dedication to the back of the proposed sidewalk is to be recorded prior to building permit approval by MPW.
- Dimension the existing Elvira pavement width. If less than 22' indicate widening per ST-261 pavement cross section and installation of curb and gutter at proposed edge of pavement.

## **TRAFFIC AND PARKING RECOMMENDATION**

### **Approve with conditions**

- Dimension distance between rear garage and parallel parking. Provide adequate space to back out of garage.

## **METRO SCHOOL BOARD REPORT**

**Projected student generation existing R6 district: 1 Elementary 1 Middle 1 High**

**Projected student generation proposed SP-R district: 1 Elementary 1 Middle 1 High**

The proposed SP-R zoning district would not generate additional students that what would typically be generated under the existing R6 zoning district. Students would attend Hattie Cotton Elementary School, Gra-Mar Middle School, and Maplewood High School. There is additional in all three schools. This information is based upon data from the school board last updated March 2016.

## **AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)**

1. Will this project include any affordable or workforce housing units? Yes.
2. If so, how many and what is the percentage of the entire development? One unit (17%) workforce.
3. How will you enforce the affordability requirements? To be determined.
4. Have any structures been demolished in the last 12 months? No.

## **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

## **CONDITIONS**

1. Permitted land uses shall be limited to a maximum of six residential units.
2. If there is adequate right-of-way a sidewalk shall be constructed along the north side of Elvira Avenue from the western project boundary to Gallatin Pike. Determination of requirement and final design shall be determined and approved by Planning and Public Works prior to approval of a final site plan.
3. 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. Uses are limited as described in the Council ordinance.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

The applicant was not present.

Rebekah Forlines, 1023 Elvira Ave, spoke in opposition.



**Chairman Adkins closed the Public Hearing.**

Mr. McLean expressed concern as not a lot of thought was given to the entire street.

Ms. Hagan-Dier spoke in agreement with Mr. McLean.

Councilmember Allen expressed concern that this is an SP that we don't have much information on.

Ms. Diaz explained that her biggest issue is the height since the mature trees won't be there for scale.

Ms. Farr spoke in favor of deferral.

**Mr. McLean moved and Mr. Haynes seconded the motion to defer indefinitely with guidance to staff to address the following issues if the case moves forward: open space, building height, affordability, and landscaping. (7-0)**

**Resolution No. RS2016-312**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-077-001 is Deferred indefinitely, with guidance to staff to address the following issues if the case moves forward: open space, building height, affordability, and landscaping. (7-0)"**

**16. 2016HL-002-001**

Council District 21 (Ed Kindall)

Staff Reviewer: Patrick Napier

A request to apply a Historic Landmark Overlay District to property located at 2614 Jefferson Street, approximately 345 feet west of 26th Avenue North, zoned CS and within the Jefferson Street Redevelopment District (0.18 acres), requested by Councilmember Ed Kindall, applicant; Pride of Tenn., Elks Lodge 1102, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Apply Historic Landmark Overlay District.**

Historic Landmark Overlay

A request to apply a Historic Landmark Overlay District to property located at 2614 Jefferson Street, approximately 345 feet west of 26th Avenue North, zoned CS and within the Jefferson Street Redevelopment District (0.18 acres)

This property, constructed in 1955, originally housed an R&B nightclub known as "Club Baron" and the Brown Pharmacy. Today it serves as the Elk's Lodge and bar.

**Existing Zoning**

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

**Proposed Zoning**

Historic Landmark Overlay District (HL) A Historic Landmark is a building, structure, site or object, its appurtenances and the property it is located on, of high historical, cultural, architectural or archaeological importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville and Davidson County.

**CRITICAL PLANNING GOALS**

- Preserves Historic Resources

The proposed Historic Landmark Overlay District is intended to preserve the historic structure on the property through the implementation of development guidelines by the Metro Historic Zoning Commission and staff.

**NORTH NASHVILLE COMMINTY PLAN**

T4 Urban Community Center (T4 CC) is intended to enhance and create urban community centers that contain commercial, mixed use, and institutional land uses, with residential land uses in mixed use buildings or serving as a

transition to adjoining Community Character Policies. T4 Urban Community Centers serve urban communities generally within a 5 minute drive or a 5 to 10 minute walk. T4 CC areas are pedestrian friendly areas, generally located at intersections of prominent urban streets. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Special Policy Area 08-T4-CC-01

North Nashville's T4 Urban Community Center Area 2 is referenced as 08-T4-CC-02 on the accompanying map. It applies to the community center area at the intersection of 28th Avenue and Jefferson Street in the Hadley Park neighborhood. In this area, the following special policies apply. Where the special policy is silent, the guidance of the T4 Urban Community Center policy applies.

Consistent with Policy?

Yes. The policy encourages the protection and preservation of historic features.

**REQUEST DETAILS**

The Metro Historic Zoning Commission (MHZC) considered this application at its September 21, 2016 meeting and recommended approval. Metro Historical Commission staff provided the following background information.

**Club Baron**

The concrete block building constructed on Jefferson Street in 1955 originally housed an R&B nightclub known as "Club Baron" and the Brown Pharmacy, operated by African-American druggist Jackson H. Brown. Today, serves as the Elks Lodge bar. According to Rock and Roll GPS ([www.rockandrollgps.com/jimi-hendrix-in-nashville](http://www.rockandrollgps.com/jimi-hendrix-in-nashville)), Club Baron is where Jimi Hendrix allegedly challenged Johnny Jones to a guitar duel and lost. Club Baron is the only building left on Jefferson, out of a collection of live-music venues such as the Del, the New Era, the Club Revillot, Maceo's, Sugar Hill, Deborah's Casino Royale, Ebony Circle and Pee Wee's. The Club hosted musicians such as Little Richard, B.B. King, and Ray Charles, Fats Domino & the Domino Orchestra, Sonny Thompson & the Thompson Band featuring Lula Reed, The Five Royales Band, Jimmy Coe's Orchestra, Muddy Waters, Roy Brown Band, Etta James, Bill Doggett, Little Walter, Isley Brothers, Jay Hawkins, Jackie Wilson, Ruth McFadden, Arthur Prysock, Larry Birdsong, Bennie King, The Chantel's, Otis Redding, and Marvin Gaye.

In addition to providing live music, the building served multiple other purposes. It was home to the city's black-only skating rink as well as various teen shows. (Nashville's white-only skating rink was the Hippodrome Roller Rink on West End Avenue.)

The Elks, a national fraternal order, has owned the former Club Baron building for the past three decades. It is used for Elks meetings five times a month as well as for Elks events on weekend nights.

To be considered as an historic landmark a building, structure, site or object must meet one or more of the following criteria:

- 1.The historic landmark is associated with an event that has made a significant contribution to local, state or national history;
- 2.It is associated with the lives of persons significant in local, state or national history; or
- 3.It embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value; or
- 4.It has yielded or may be likely to yield archaeological information important in history or prehistory; or
- 5.It is listed or is eligible for listing in the National Register of Historic Places.

**METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

On September 21, 2016, the Metro Historic Zoning Commission recommended approval of the Historic Landmark Overlay.

**STAFF RECOMMENDATION**

Staff recommends approval of the Historic Landmark Overlay District.

**Approved. Consent Agenda, (9-0)**

**Resolution No. RS2016-313**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016HL-002-001 is **Approved. (9-0)**"

**17. 2016HL-003-001**

Council District 09 (Bill Pridemore)  
Staff Reviewer: Karimeh Sharp

A request to cancel the Historic Bed and Breakfast Overlay and to apply a Historic Bed and Breakfast Homestay Overlay District on property located at 712 Neely's Bend Road, southwest of the terminus of Hillcrest Drive, zoned RS20 (1.95 acres), requested by Council Member Bill Pridemore, applicant; Gregory Smith and R. Robertson-Smith, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Cancel the Bed and Breakfast Overlay and apply Historic Bed and Breakfast Homestay District.**

Historic Bed and Breakfast Homestay Overlay

A request to cancel the Bed and Breakfast Overlay District and to apply a Historic Bed and Breakfast Homestay Overlay District on property located at 712 Neely's Bend Road, southwest of the terminus of Hillcrest Drive, zoned RS20 (1.95 acres).

**Existing Zoning**

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 4 units.*

**Proposed Zoning**

Historic Bed and Breakfast Homestay Overlay District (HB) A Historic Bed and Breakfast Homestay is a building or structure containing three or fewer furnished guest rooms for pay within a private, owner-occupied historically significant structure. Meals may be provided to overnight guests, and the maximum stay for any guest shall be fourteen consecutive days.

**CRITICAL PLANNING GOALS**

- Preserves Historic Resources

The proposed Historic Bed and Breakfast Homestay Overlay District is intended to preserve the historic structures on the property through the implementation of development guidelines by the Metro Historic Zoning Commission and staff. In this instance, as the property is also within a Historic Landmark Overlay District (established in 1990), the Metro Historic Zoning Commission has recommended that the Historic Landmark Overlay District design guidelines continue to guide exterior alterations.

**MADISON COMMUNITY PLAN**

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve 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.

Consistent with Policy?

Yes. The policy encourages the protection and preservation of historic features.

**REQUEST DETAILS**

This property was placed under a Bed and Breakfast Overlay in 1996. The Bed and Breakfast Overlay was removed from the Zoning Code in 1998 and replaced with two alternative zoning districts: the Historic Bed and Breakfast Homestay Overlay District and the Rural Bed and Breakfast Homestay Overlay District. This request is to remove the obsolete Bed and Breakfast Overlay and apply a Historic Bed and Breakfast Homestay Overlay to the property.

On September 21, 2016, the Metro Historic Zoning Commission (MHZC) recommended approval of the Historic Bed and Breakfast Homestay Overlay District with the condition that exterior alterations continue to be guided by the Historic Landmark design regulations.

Metro Historic Commission staff provided the following background information:

## The Robert Chadwell House

The property was listed in the National Register of Historic Places in 1989 and designated a Historic Landmark in 1990. According to the National Register nomination, The Robert Chadwell House was nominated under National Register criterion C for its architectural significance to Davidson County. The Robert Chadwell House, built ca. 1874, is an excellent example of Italianate period architecture. While there are many examples in Nashville of urban residential architecture from the Italianate period, there are only a few rural examples. Unlike its rural contemporaries, which are more vernacular interpretations of Italianate influence, the Chadwell house formally embodies the distinctive earmarks of an Italian Villa. The house has architectural integrity, although it received a rear two-story addition and porch enlargement around 1890.

The Robert Chadwell house was built ca. 1874 on land that Robert Chadwell received from B.F. Foster. Chadwell bought 100 acres of a 210-acre tract in 1873 and was deeded the remaining land in 1874. The original tract, located on a stretch of land between Neeley's Bend Road and the Cumberland River, was one of several farms on the northeastern outskirts of Nashville. Foster had purchased the land in 1836 from John Trimble who, after selling the farm to Foster, became involved in politics as a state representative and U.S. senator.

By 1880, Chadwell had a large farm operation, cultivating over half the land in corn and wheat and raising about 150-180 poultry, 40 sheep, 40 hogs, and several cows with the help of a few farm laborers. Prior to farming, Chadwell was a Davidson County Revenue Collector. Robert Chadwell, originally from North Carolina, married Mary Ann Burge, of Tennessee, in 1845. They had four children, Thomas, John, Love, and Henry. The farm was eventually divided equally among the children. Thomas, the eldest, willed his quarter interest in the property to his youngest brother, Henry, upon his death in 1906.

Per section 17.36.120 of the Metro Zoning Code, to be considered a Historic Bed and Breakfast Homestay, the building or structure must meet one or more of the following criteria:

- 1.The historic bed and breakfast homestay is associated with an event that has made a significant contribution to local, state or national history.
- 2.It is associated with the lives of persons significant in local, state or national history.
- 3.It embodies the distinctive characteristics of a type, period or method of construction, or that represents the works of a master, or that possesses high artistic value or
- 4.It is listed or is eligible for listing in the National Register of Historic Places.

### **METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

On September 21, 2016, the Metro Historic Zoning Commission reviewed this application for a Historic Bed and Breakfast Homestay Overlay and recommended approval with conditions.

### **STAFF RECOMMENDATION**

Staff recommends approval.

**Approved. Consent Agenda, (9-0)**

### **Resolution No. RS2016-314**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-062-001 is **Approved. (9-0)**"

## **18. 2016S-197-001**

### **RIVERFRONT ESTATES**

Council District 02 (DeCosta Hastings)

Staff Reviewer: Patrick Napier

A request for final plat approval to create three lots on property located at 900 Youngs Lane, approximately 450 feet southeast of Roy Street, zoned R8 (1.86 acres), requested by GAM Engineering, Inc., applicant; Michael Barnes and Malcolm Lockridge, owners.

**Staff Recommendation: Approve with conditions.**

### **APPLICANT REQUEST**

**Request for final plat approval to create three lots.**

Final Plat

A request for final plat approval to create three lots on property located at 900 Youngs Lane, approximately 450 feet southeast of Roy Street, zoned One and Two-Family (R8) (1.86 acres).

**Existing 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 10 lots with 2 duplex lots for a total of 12 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development

This request provides the potential for infill development which often does not require large capital expenses for infrastructure improvements. Locating development in areas served by existing infrastructure does not burden Metro with the cost of upgrading or building new infrastructure.

**BORDEAUX – WHITES CREEK 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.

**PLAN DETAILS**

This request is to create three lots on property located at 900 Youngs Lane, where one lot currently exists, the site is currently vacant. This lot contains 200 feet of frontage along Youngs Lane. All of the proposed lots would contain frontage along and have individual access to Youngs Lane.

There are no existing sidewalks along Youngs Lane, this subdivision will be required to install sidewalks or pay the in-lieu fee of \$19,200.

**Proposed Subdivision**

The existing lot is 87,120 square feet (1.86 acres) and is proposed to be subdivided into three lots with the following square footage/ acreage:

- Lot 1: 27,028 SF (0.62 acres)
- Lot 2: 26,986 SF (0.62 acres)
- Lot 3: 26,899 SF (0.62 acres)

**ANALYSIS**

The Subdivision Regulations establishes criteria for subdivisions in determining compatibility for Neighborhood Evolving policy (3-5.3).

Zoning Code

The lots proposed exceed 8,000 square feet, which is the minimum area required for the R8 zoning district.

Street Frontage

The proposed lots have frontage on Youngs Lane.

Agency Review

All reviewing agencies have recommended approval.

Special Policies

There are no applicable special policies that pertain to this property.

Staff finds that the proposed subdivision will meet all criteria established by the Subdivision Regulations.

**FIRE MARSHAL RECOMMENDATION**  
N/A

**STORMWATER RECOMMENDATION**  
Approved

**PUBLIC WORKS RECOMMENDATION**  
Approved

**TRAFFIC & PARKING RECOMMENDATION**  
Approved

**WATER SERVICES RECOMMENDATION**  
Approved with conditions

•Approval is contingent on construction and completion of Metro Project #'s 15-SL-322. Should the applicant choose to record the plat before completion of these projects, bonds must be posted with Metro Planning before the plat is recorded.

**STAFF RECOMMENDATION**

Staff recommends approval as the request is consistent with policy.

**CONDITIONS**

1.No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be a maximum of 12 feet wide driveway located between the primary structure and the street.

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

**Resolution No. RS2016-315**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-197-001 is **Approved with conditions. (9-0)**”

**19. 2016S-200-001**

**2614 AND 2616 TIFFANY DRIVE**  
Council District 06 (Brett Withers)  
Staff Reviewer: Latisha Birkeland

A request to consolidate two parcels and to remove the reserve status on property located at Eastland Avenue (unnumbered), approximately 520 feet east of Eastland Avenue, zoned R10 (4.76 acres), requested by Dustin and Kyah Hillis, applicants and owners.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Consolidate one lot and one parcel and remove the reserve status.**

Final Plat

A request to consolidate one lot and one parcel and to remove the reserve status on property located at Eastland Avenue (unnumbered), approximately 520 feet east of Eastland Avenue, zoned R10 (4.76 acres).

**Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 22 lots with 5 duplex lots for a total of 27 units.* However, a large portion of these parcels is encumbered by floodplain and due to the unusual shape of the property it is unlikely that the maximum number of lots can be achieved in the future.

**CRITICAL PLANNING GOALS**

N/A



**PLAN DETAILS**

The request is for final plat approval to combine one lot and one parcel and remove the reserve status from one parcel, totaling approximately 5.88 acres. The existing lot fronts Tiffany Drive, and the parcel, which is a reserve parcel, is located behind the lot fronting Tiffany Drive. A reserve parcel is a parcel identified on the plat as not a building site. When identified as a reserve parcel, it may include a reason for the reserve status, such as lack of utility lines to the property. In this case, the plat did not include a reason for the reserve status. As proposed, the lot and parcel will be combined with frontage on Tiffany Drive.

The existing lot is 25,560 square feet (0.65 acres) and is proposed to combine with a reserve parcel behind the lot. The reserve parcel is 197,410 square feet (4.5 acres). The original plat does not include a reason for why the reserve status was added to this parcel. Removal of the reserve status shall require Planning Commission approval. Section 2.8-1 of the Subdivision Regulations establishes criteria for determining whether to remove the reserve status. The parcel fits into the character of the area and is consistent with the general plan. The proposed lot meets the minimum standards of the zoning code and the lot has meet the street frontage requirements.

**ANALYSIS**

Zoning Code

The proposed lots meet the minimum standards of the R10 zoning district.

Street Frontage

The lot would have frontage on Tiffany Drive.

Density

The T4 Urban Neighborhood Maintenance policy no longer includes density limitations.

Staff finds the consolidation plat and removal of reserve status is consistent with the community character. The applicant has agreed to limit the height of future development to two stories in 35 feet, which is consistent with adjacent properties. The applicant has proposed a shared access easement between the proposed property and the western property and parking would not be permitted between the primary structure and the street. This would eliminate parking pads in the street setbacks, reduce curb cuts and enhance the public realm along Tiffany Drive.

**FIRE DEPARTMENT RECOMMENDATION**

**N/A**

**STORMWATER RECOMMENDATION**

**Approve with conditions**

- Approved with condition that cut and fill material is balanced - new extended proposed driveway is to be milled before pouring and construction so grade does not change. Conditions of plan as approved are fully met.

**WATER SERVICES**

**Approve**

**PUBLIC WORKS RECOMMENDATION**

**Approved**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approved**

**STAFF RECOMMENDATION**

Staff finds that this subdivision meets the Subdivision Regulations; therefore, staff recommends approval with conditions.

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

**Resolution No. RS2016-316**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-200-001 is **Approved with conditions. (9-0)**”

**20. 2016S-211-001**

**HAGAR PROPERTY**

Council District 12 (Steve Glover)

Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 31 residential cluster lots on property located at South New Hope Road (unnumbered), approximately 145 feet north of Seven Points Trace, zoned RS15 (12.66 acres), requested by Dale & Associates, applicant; Larry Hagar, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Create 31 single-family cluster lots.**

Final Plat

A request for concept plan approval to create 31 residential cluster lots on property located at South New Hope Road (unnumbered), approximately 145 feet north of Seven Points Trace, zoned RS15 (12.66 acres).

**Existing Zoning**

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *RS15 would permit a maximum of 36 units.*

**CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods

The plan calls for sidewalks along both side of the new street. The plan would permit for the ultimate street connection to Hagar's Grove Pass which is north of the site. The plan provides a stub street which in the future could connect to Hagar's Grove Pass to the north, if and when the adjacent property to the north develops.

**PLAN DETAILS**

The approximately 13-acre site is located on the east side of New Hope Road adjacent to the Meadows of Seven Points Subdivision to the south. A stream bisects the property, and there are no other apparent environmental constraints.

Site Plan

The plan calls for a maxium of 31 single-family cluster lots. Lots range in size from 7,500 square feet to 13,604 square feet. All lots will be accessed by a new public street that connects to New Hope Road. The plan provides a stub street at the northeast property line, which would ultimately connect to Hagar's Grove Pass to the north, if and when the adjacent property to the north develops. The plan also provides another street stub to the north. Sidewalks are shown along both sides of the new public street, and sidewalks are also shown along New Hope Road consistent with the Major and Collector Street Plan (6' sidewalk and 6' planting strip) .

The plan calls for approximately 4.3 acres (35%) of open space with approximately 2.47 acres (20%) designed to provide outdoor recreational areas. The plan has a 20 foot wide buffer yard along the perimeter of the subdivision.

**ANALYSIS**

As proposed, the plan is consistent with Zoning and Subdivision requirements. The cluster lot option is intended to provide for flexibility of design, the creation of common open space, the preservation of natural features or unique or significant vegetation. To provide for this flexiblity, the cluster lot option permits lots to be reduced in size from the minimum lot size required by the base zoning district. In this case the base RS15 zoning district requires a minimum 15,000 square foot lot size. The minimum lot size proposed is 7,500 square feet, consistent with the RS7.5 zoning district. This provides the flexibility for this project to provide the required buffer along the stream. It also supports the creation of usable open space that will provide outdoor recreational oppotuniites. The plan calls for 2.47 acres (20%) active openspace which exceeds the 15% minimum requirement.

**FIRE MARSHAL RECOMMENDATION**

**Approved with conditions**

- Approved with the condition with the future connection to Hagar Grove Pass. Fire Code issues will be addressed in the permit phase.

**STORMWATER RECOMMENDATION**  
**Approved**

**WATER SERVICES RECOMMENDATION**  
**Approved with conditions**

•Approved as a Concept Plan only. Public water sewer construction plans must be submitted and approved prior to Final Site/Development Plan approval. These approved construction plans must match the Final Site/Development Plans. The required capacity fees must also be paid prior to Final Site/Development Plan approval.

**PUBLIC WORKS RECOMMENDATION**  
**Approved**

**TRAFFIC & PARKING RECOMMENDATION**  
**Approved**

**STAFF RECOMMENDATION**

Staff recommends approval with conditions as the proposed subdivision is consistent with zoning and subdivision requirements.

**CONDITIONS**

1.Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.

Michael Garrigan, 516 Heather Place, spoke in favor of the application and explained the homes will be comparable with the neighborhood with a lot more usable open space.

Tim Weeks, 6101 Hagar's Grove Pass, spoke in opposition due to future connection to Hagar's Grove Pass. That connection would create a huge amount of traffic and will ruin the character of the neighborhood.

**Chairman Adkins closed the Public Hearing.**

Ms. Diaz asked for some background on the road connection.

Mr. Swaggart explained that the design was approved with the connection in mind.

Ms. Diaz spoke in favor of staff recommendation.

Mr. McLean spoke in favor of staff recommendation.

**Mr. Haynes moved and Mr. McLean seconded the motion to approve with conditions. (7-0)**

**Resolution No. RS2016-317**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-211-001 is **Approved with conditions.** (7-0)"**

**CONDITIONS**

**1.Pursuant to 2-3.5.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to or with any application for a final site plan or final plat.**

**21. 4-85P-001**

**ARROWHEAD**

Council District 08 (Nancy VanReece)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan for a portion of a Planned Unit Development Overlay District on property located at Arrowhead Drive (unnumbered), approximately 140 feet southwest of Walton Avenue, zoned RS10 (10.11 acres), to permit 76 residential units, requested by Dale & Associates, applicant; Arrowhead Trust, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Revise Planned Unit Development to permit 76 residential units.**

Revise PUD

A request to revise the preliminary plan for a portion of a Planned Unit Development Overlay District on property located at Arrowhead Drive (unnumbered), approximately 140 feet southwest of Walton Avenue, zoned RS10 (10.11 acres), to permit 76 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. *The density for this development is controlled by the Planned Unit Development Overlay.*

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this Title 17. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

**CRITICAL PLANNING GOALS**

N/A

**PLAN DETAILS**

This request pertains to the unbuilt portion of the Arrowhead Lake PUD. The PUD was originally approved in 1985 for a total of 102 residential units (38 townhomes and 64 flats). Phase one was approved in 1995 for seven residential units. These units are constructed, and are located along Walton Lane at the southeast intersection of Walton Lane and Slate Drive.

Site Plan

The plan calls for a total of 76 residential units that are distributed between 16 separate buildings. The buildings are all located internally to the site and will not front onto Walton Lane or any other public street. Access to the site is proposed from two drives off of Walton Lane.

One is existing and is located at the southeast intersection of Walton Lane and Slate Drive. The second is at the properties western frontage with Walton Lane. The plan includes a pond which is also located along the property's western frontage with Walton Lane. Sidewalks are shown along internal drives providing a sidewalk connection to Walton Lane.

**ANALYSIS**

Staff finds that the proposed revision is consistent with the concept plan approved by Council. The proposed unit count would result in an overall density lower than what was originally approved, and the layout is consistent with the overall layout of the Council approved plan. Since the plan does not propose any major changes to the Council approved PUD plan, staff finds the request can be approved as a minor modification not requiring Council approval.

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, which is provided below for review.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1.The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.

2.The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:

- a.In the judgment of the commission, the change does not alter the basic development concept of the PUD;
- b.The boundary of the planned unit development overlay district is not expanded;
- c.There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
- d.There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
- e.There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
- f.There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
- g.There is no change from a PUD approved exclusively for single-family units to another residential structure type;
- h.The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
- i.If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- j.If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k.If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l.In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m.In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

#### **FIRE MARSHAL'S OFFICE**

##### **Approved with conditions**

- AWC with 2 means of ingress/egress. Fire Code issues will be addressed in the permit phase.

#### **STORMWATER RECOMMENDATION**

##### **Approved with conditions**

- The pond and associated 25 foot buffer must be shown on the final site plan.

#### **WATER SERVICES**

##### **Approved with conditions**

- Approved as a Preliminary PUD only. Public water and sewer construction plans must be submitted and approved prior to Final Site Plan approval. These approved construction plans must match the Final Site Plan. The required capacity fees must also be paid prior to Final Site Plan approval.

**PUBLIC WORKS RECOMMENDATION**

**Approved with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- Prior to Final submit sight distance analysis for new driveway on Walton.

**TRAFFIC AND PARKING**

**Approved with conditions**

- Provide parking per metro code. Apply to T&P staff to sign existing driveway at Walton lane if sight distance is restricted.
- Gate secondary as emergency access or document that adequate sight distance is provided.

**STAFF RECOMMENDATION**

Staff recommends that the request be approved as a minor modification as it is consistent with the overall PUD plan approved by Metro Council.

**CONDITIONS**

- 1.This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
- 2.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.
- 3.If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

**Approve with conditions. Consent Agenda, (9-0)**

**Resolution No. RS2016-318**

"BE IT RESOLVED by The Metropolitan Planning Commission that 4-85P-001 is **Approved with conditions. (9-0)**"

**CONDITIONS**

- 1.**This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.**
- 2.**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.**
- 3.**If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.**

**22. 2004P-032-001**

**CHADWELL RETREAT**

Council District 08 (Nancy VanReece)

Staff Reviewer: Karimeh Sharp

A request to amend a Planned Unit Development Overlay for property located at 1497 Chadwell Drive (9.98 acres), approximately 400 feet southeast of Port Drive, zoned Multi-Family Residential (RM4), to permit the addition of 13 multi-family residential units for a maximum of 49 residential units within the overlay, requested by Dale & Associates, applicant; O.I.C. Chadwell Retreat Townhomes, owners.

**Staff Recommendation: Defer to the October 27, 2016, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2004P-032-001 to the October 27, 2016, Planning Commission meeting. (9-0)**

**23. 2005UD-008-002**

**HAMILTON HILLS**

Council District 33 (Sam Coleman)

Staff Reviewer: Jason Swaggart

A request to modify a portion of the Hamilton Hills Urban Design Overlay District located at 3300 Murfreesboro Pike, approximately 530 feet northwest of Mount View Road, zoned RM20 and RM9 (29.76 acres), to permit the modification of the general layout, requested by Dale & Associates, applicant; George Ellis Thomas Jr., owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Modify Urban Design Overlay to revise layout.**

Modify UDO

A request to modify a portion of the Hamilton Hills Urban Design Overlay District located at 3300 Murfreesboro Pike, approximately 530 feet northwest of Mount View Road, zoned RM20 and RM9 (29.76 acres), to permit the modification of the general layout.

**Existing Zoning**

Multi-Family Residential (RM9) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre. *RM9 would permit a maximum of 171 units.*

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. *RM20 would permit a maximum of 215 units.*

Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code.

**CRITICAL PLANNING GOALS**

**N/A**

**PLAN DETAILS**

The Hamilton Hills Urban Design Overlay was approved in 2005 to organize development to meet transportation, connectivity, aesthetic, and environmental goals. The UDO is divided into seven different subdistricts. Each subdistrict has defined building types that are permitted within its boundaries. The UDO also includes a street plan for ensuring connectivity as various parcels develop. In 2009, a portion of the UDO was rezoned to SP. While it was rezoned to SP, the SP maintained the intent of the UDO.

Site Plan

The proposed revision is minor, in that it only calls for modifications to the building arrangement. The design standards, street standards, open space standards and architectural standards will remain.

**ANALYSIS**

The proposed modification is minor, and the overall plan remains consistent with the plan approved by Council. The proposal maintains the standards for design, streets, open space and architecture to ensure that the properties within the UDO boundary develop in a coordinated manner.

**FIRE MARSHAL'S OFFICE**

**Approved with conditions**

- AWC with 2 means of ingress/egress. Fire Code issues will be addressed in the permit phase.

**STORMWATER RECOMMENDATION**

**Approved with conditions**

- Add Bearing Information.
- Proposed Site Layout (Scale no less than 1' = 100', Contours no greater than 5')
- Show Undisturbed Buffers.
- Add Buffer Note to plans (if there is a drain buffer).



**WATER SERVICES**

**Approved with conditions**

•Approved as a Preliminary UDO Amendment only. Before Final Site Plan stage, please update the latest availability study to reflect the latest development layout. This update is needed, to revise the capacity fee amounts. Public water and sewer construction plans must be submitted and approved prior to Final Site Plan approval. These approved construction plans must match the Final Site Plan. The required capacity fees must also be paid prior to Final Site Plan approval.

**PUBLIC WORKS RECOMMENDATION**

**Approved with conditions**

•The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.  
•Comply with previous UDO conditions of approval

**TRAFFIC AND PARKING**

**Approved with conditions**

•A TIS shall be required prior to final site plan approval. Roadway modifications may be required at access points with Mt. View Rd. and Murfreesboro Pk.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

- 1.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.
- 2.If the UDO final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

Mr. Swaggart presented the staff recommendation of approval with conditions.

Roy Dale, 516 Heather Place, spoke in favor of the application.

**Chairman Adkins closed the Public Hearing.**

**Councilmember Allen moved and Ms. Farr seconded the motion to approve. (7-0)**

**Resolution No. RS2016-319**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-008-002 is **Approved with conditions. (7-0)**"

**CONDITIONS**

- 1.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.
- 2.If the UDO final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

**24. 2016Z-112PR-001**

Council District 05 (Scott Davis)  
Staff Reviewer: Patrick Napier

A request to rezone from RS5 to R6-A zoning on property located at 901 A Douglas Avenue, approximately 308 feet east of Cline Avenue, (0.33 acres), requested by Jephy R. Harr, applicant and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change request from RS5 to R6-A**

Zone Change

A request to rezone from Single Family Residential (RS5) to One and Two Family Residential Alternative. (R6-A) zoning on property located at 901 A Douglas Avenue, approximately 308 feet east of Cline Avenue, (0.33 acres).

**Existing Zoning**

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 2 units.*

**Proposed Zoning**

One and Two Family Residential (R6-A) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6-A would permit a maximum of 2 lots with 2 duplex lots for a total of 4 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Creates Walkable Neighborhoods

This request provides the potential for infill development which often does not require large capital expenses for infrastructure improvements. Locating development in areas served by existing infrastructure does not burden Metro with the cost of upgrading or building new infrastructure. The existing sidewalk fronting this parcel will allow for access to public transportation as well as a safe path of travel for pedestrians.

**EAST NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 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 and block structure and proximity to centers and corridors.

Consistent with Policy?

Yes. The rezoning to R6-A is consistent with the Policy and is appropriate given the site’s location in an urban area. The rezone would meet the goals of the policy by placing a moderate level of units along Douglas Avenue, a major collector street.

**ANALYSIS**

This request contains a single parcel located on Douglas Avenue. This request is consistent with the policy for the area and is appropriate given the surrounding land uses and Neighborhood Evolving Policy. The proposed zoning provides the potential for increased housing supply and choice. This site is located within a quarter of a mile walking distance to a major collector street with an existing MTA bus route which will provide a choice of transportation for future residents of this site. The R6-A zoning district contains design standards which would require future development to address the public realm while minimizing the visibility of automobile parking.

**FIRE MARSHAL RECOMMENDATION**

N/A

**PUBLIC WORKS RECOMMENDATION**

N/A

**WATER SERVICES RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

N/A

**TRAFFIC AND PARKING RECOMMENDATION**

**Approved With Conditions**

- Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **RS5**

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)	0.33	8.7 D	2 U	20	2	3

Maximum Uses in Proposed Zoning District: **R6-A**

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)	0.33	7.26 D	4 U	39	3	5

\*Based on two two-family lots.

Traffic changes between maximum: **RS5 and R6-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+19	+1	+2

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS5 district: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed R6-A district: 0 Elementary 0 Middle 0 High

The proposed zone change would generate no more students than what is typically generated under the existing RS5 zoning district. Students would attend Hattie Cotton Elementary School, Gra Mar Middle School, Maplewood High School. Each school within the cluster has capacity for additional students. This information is based upon data from the school board last updated March 2016.

**AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)**

1. Will this project include any affordable or workforce housing units? No
2. If so, how many and what is the percentage of the entire development? N/A
3. How will you enforce the affordability requirements? N/A
4. Have any structures been demolished in the last 12 months? None

**STAFF RECOMMENDATION**

Staff recommends approval as this request is consistent with policy and supports several critical planning goals.

**Approved. Consent Agenda. (9-0)**

**Resolution No. RS2016-320**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-112PR-001 is **Approved. (9-0)**”

**25. 2016Z-113PR-001**

Council District 20 (Mary Carolyn Roberts)  
 Staff Reviewer: Latisha Birkeland

A request to rezone from R6 to RS3.75-A zoning on property located at 4911 Tennessee Avenue, approximately 280 feet southwest of 49th Avenue North, (0.22 acres), requested by Castleridge Home Builders, LLC, applicant and owner. (See associated case # 2016S-207-001)

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**  
**Zone change from R6 to RS3.75-A.**

Zone Change

A request to rezone from One and Two-Family Residential (R6) to Single-Family Residential-Alternative (RS3.75-A) zoning on property located at 4911 Tennessee Avenue, approximately 280 feet southwest of 49th Avenue North, (0.22 acres).

**Existing Zoning**

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of one single-family dwelling unit.*

Single-Family Residential (RS3.75) requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre. *RS3.75 would permit a maximum of two lots.*

**CRITICAL PLANNING GOALS**

N/A

**WEST NASHVILLE COMMUNITY PLAN**

Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The proposed RS3.75 district permits single-family residential, which is supported by the policy and is consistent with the surrounding development pattern. There is adequate area within the parcel to permit a lot split under the RS3.75 zoning district. Staff ran a lot compatibility analysis and there is sufficient room to comply with the current Subdivision Regulations.

**ANALYSIS**

The proposed RS3.75 –A zoning district is located on the south side of Tennessee Avenue between 49<sup>th</sup> Avenue North and 51<sup>st</sup> Avenue North. The RS3.75-A zoning district would allow for one single-family residential dwelling unit on each lot, if the lot was subdivided into two lots. The area is surrounded by RS3.75, R6, CS and SP zoning districts. Allowing single-family residential uses furthers the Neighborhood Maintenance policy and maintains the general character of the area.

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **R6**

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)	0.22	7.26 D	2 U	20	2	3

\*Based on two two-family lots.

Maximum Uses in Proposed Zoning District: **RS3.75**

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)	0.22	11.6 D	2 U	20	2	3

Traffic changes between maximum: **R6 and RS3.75**

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

**METRO SCHOOL BOARD REPORT**

Projected student generation existing R6 district: 0 Elementary 0 Middle 0 High  
 Projected student generation proposed RS3.75 district: 0 Elementary 0 Middle 0 High

The proposed zone change would generate no more students than what is typically generated under the existing CS zoning district. Students would attend Cockrill Elementary School, McKissack Middle School, and Pearl-Cohn High School.

**AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)**

1. Will this project include any affordable or workforce housing units? No.
2. If so, how many and what is the percentage of the entire development? N/A
3. How will you enforce the affordability requirements? N/A
4. Have any structures been demolished in the last 12 months? One structure was demolished.

**STAFF RECOMMENDATION**

Staff recommends approval since it is consistent with the property's T4 Neighborhood Maintenance land use policy.

**Approved. Consent Agenda, (9-0)**

**Resolution No. RS2016-321**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-113PR-001 is **Approved. (9-0)**"

**26. 2016Z-114PR-001**

Council District 21 (Ed Kindall)  
 Staff Reviewer: Patrick Napier

A request to rezone from RS5 to MUL-A zoning on property located at 2709 Clifton Avenue, approximately 280 feet southeast of 28th Avenue North, (0.23 acres), requested by Littlejohn Engineering, applicant; Max Khazanov, owner.  
**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone Change from RS5 to MUL-A**

Zone Change

A request to rezone from Single Family Residential (RS5) to Mixed Use Limited-Alternative (MUL-A) zoning on property located at 2709 Clifton Avenue, approximately 280 feet southeast of 28th Avenue North, (0.23 acres).

**Existing Zoning**

Single Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 2 units.*

**Proposed Zoning**

Mixed Use Limited-Alternative (MUL-A) Mixed Use Limited-Alternative is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Supports a Variety of Transportation Choices
- Creates Walkable Neighborhoods

This request provides the potential for infill development which often does not require large capital expenses for infrastructure improvements. Locating development in areas served by existing infrastructure does not burden Metro with the cost of upgrading or building new infrastructure. The existing sidewalk fronting this parcel will allow for access to public transportation as well as a safe path of travel for pedestrians. This site is located approximately 300 feet from an existing MTA bus route along 28<sup>th</sup> Avenue North, which provides an alternative method of transportation.

**NORTH NASHVILLE COMMUNITY PLAN**

T4 Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

Yes. The rezoning to MUL-A is consistent with the T4 Urban Mixed Use Corridor (T4 CM) Policy and is appropriate given the site’s location in an urban area. The rezone would meet the goals of the policy by placing a mixture of uses along a major collector street, Clifton Avenue.

**ANALYSIS**

This request contains a single parcel located at 2709 Clifton Avenue. This request is consistent with the policy for the area and is appropriate given the surrounding land uses, land use policy, and recently completed rezoning requests. Metro Council has recently approved MUL-A zoning for multiple parcels located approximately 50 feet to the east of this site. Given the existing policy for parcels fronting Clifton Avenue, it is likely that additional parcels will follow the emerging trend of requesting a change in zoning to the MUL-A zone district. The proposed rezone provides the potential for increased housing supply and increased housing choice, which will likely support the increased intensity of uses for the parcels within the corridor policy. MUL-A design criteria provides an opportunity for future development to address the public realm in a more meaningful way. This zoning district contains standards which minimize the visibility of automobile parking and help create a publically accessible streetscape.

**FIRE MARSHAL RECOMMENDATION**

N/A

**PUBLIC WORKS RECOMMENDATION**

N/A

**WATER SERVICES RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

N/A

**TRAFFIC AND PARKING RECOMMENDATION**

**Approved With Conditions**

- Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **RS5**

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)	0.23	8.7 D	2 U	20	2	3

Maximum Uses in Proposed Zoning District: **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.23	1 F	10,018 SF	467	16	46

Traffic changes between maximum: **RS5 and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+447	+14	+43

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS5 district: 0 Elementary 0 Middle 0 High**

**Projected student generation proposed MUL-A district: 2 Elementary 1 Middle 1 High**

The proposed zone change would generate no more students than what is typically generated under the existing RS5 zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, Pearl-Cohn High School. Each school within the cluster has capacity for additional students. This information is based upon data from the school board last updated March 2016.

**AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)**

1. Will this project include any affordable or workforce housing units? None have been planned at this time.
2. If so, how many and what is the percentage of the entire development? N/A
3. How will you enforce the affordability requirements? N/A
4. Have any structures been demolished in the last 12 months? None.

**STAFF RECOMMENDATION**

Staff recommends approval as the proposed rezoning is consistent with policy and supports several critical planning goals.

**Approved. Consent Agenda, (9-0)**

**Resolution No. RS2016-322**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-114PR-001 is **Approved. (9-0)**”

**27. 2016Z-115PR-001**

Council District 17 (Colby Sledge)  
Staff Reviewer: Latisha Birkeland

A request to rezone from CS to MUL-A zoning on property located at 467 Humphreys Street, approximately 95 feet northwest of Martin Street, (0.17 acres), requested by The Cumberland Holdings Company, LLC and Ewing Holdings, LLC, applicants; Robert and Christine Orrall, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from CS to MUL-A**

Zone Change

A request to rezone from Commercial Service (CS) zoning to Mixed Use Limited-Alternative (MUL-A) zoning on property located at 467 Humphreys Street, approximately 95 feet northwest of Martin Street, (0.17 acres).

Existing Zoning

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

Mixed Use Limited-A (MUL-A) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

**CRITICAL PLANNING GOALS**

- Supports Infill Development



The rezoning to MUL-A will allow for the redevelopment of an urban lot where infrastructure exists. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water, and sewer, because it does not burden Metro with the cost of maintaining new infrastructure.

**SOUTH NASHVILLE COMMUNITY PLAN**

T4 Urban Mixed Use Neighborhood (T4 MU) is intended to preserve, 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.

Consistent with Policy?

Yes. The rezoning is consistent with the T4 Urban Mixed Use Neighborhood policy. The proposed zoning allows for a mixture of uses including commercial and residential, which is in keeping with this policy.

**ANALYSIS**

The requested rezoning to MUL-A is consistent with the policy for the area and is an appropriate zoning given the location of the property in an existing urban area. This allows for redevelopment of a lot that has existing infrastructure in a way that enhances the street frontages and meets the goals of the policy.

**FIRE DEPARTMENT RECOMMENDATION**

N/A

**TRAFFIC AND PARKING RECOMMENDATION**

Approve with conditions

- A traffic study may be required at the time of development

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.17	.6 F	4,443 SF	228	11	33

Maximum Uses in Proposed Zoning District: **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.17	1 F	7,405 SF	355	14	40

Traffic changes between maximum: **CS and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2,962 SF	+127	+3	+7

**METRO SCHOOL BOARD REPORT**

Projected student generation existing CS district: 0 Elementary 0 Middle 0 High

Projected student generation proposed MUL-A district: 1 Elementary 1 Middle 1 High

The proposed MUL-A zoning district will generate one additional student than what could be generated under the existing CS zoning. Students would attend Fall-Hamilton Elementary, Cameron Middle School, and Glencliff High School. Fall-Hamilton Elementary has been identified as over capacity. There is capacity within the cluster for elementary school students. This information is based upon data from the school board last updated March 2016.

**AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)**

- 1. Will this project include any affordable or workforce housing units? Not yet determined
- 2. If so, how many and what is the percentage of the entire development? N/A
- 3. How will you enforce the affordability requirements? N/A
- 4. Have any structures been demolished in the last 12 months? No

**STAFF RECOMMENDATION**

Staff recommends approval as the requested zone change is consistent with the T4 Mixed Neighborhood policy.

**Approved. Consent Agenda, (9-0)**

**Resolution No. RS2016-323**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-115PR-001 is **Approved. (9-0)**”

**28. 2016Z-116PR-001**

Council District 05 (Scott Davis)  
Staff Reviewer: Jason Swaggart

A request to rezone from CL to MUL-A zoning on property located at 1041 A East Trinity Lane, northeast of the terminus of Dozier Place, (1.27 acres), requested by Stratos Development, LLC, applicant; Burnease P. Kilgo, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from CL to MUL-A.**

Zone Change

A request to rezone from Commercial Limited (CL) to Mixed Use Limited–Alternative (MUL-A) zoning on property located at 1041 A East Trinity Lane, northeast of the terminus of Dozier Place, (1.27 acres).

**Existing Zoning**

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

**Proposed Zoning**

Mixed Use Limited-Alternative (MUL-A) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

**CRITICAL PLANNING GOALS**

**N/A**

**EAST NASHVILLE COMMUNITY PLAN**

T4 Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

Yes. The proposed MUL-A policy is consistent with the T4 CM policy. The proposed MUL-A district permits a mixture of uses including residential, office and commercial consistent with the policy. The bulk requirements for MUL-A also support urban design consistent with the policy.

**ANALYSIS**

Staff is recommending approval of the proposed MUL-A zoning district because it is consistent with the policy. The site is adjacent to Trinity Lane which is a major transportation corridor. The proposed MUL-A zoning district permits a mixture of residential and nonresidential uses which is needed along major corridors. The additional density permitted by the MUL-A district supports retail and other services by providing more people in the area. The bulk

standards for the MUL-A zoning district will ensure that any development is designed in a manner that is consistent with the urban transect which is intended to make development more pedestrian oriented.

**FIRE MARSHAL RECOMMENDATION**  
N/A

**STORMWATER RECOMMENDATION**  
N/A

**WATER SERVICES RECOMMENDATION**  
N/A

**PUBLIC WORKS RECOMMENDATION**  
N/A

**TRAFFIC AND PARKING RECOMMENDATION**  
Approve with conditions  
•Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.27	0.6 F	33,192 SF	1458	34	102

Maximum Uses in Proposed Zoning District: **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.27	1 F	55,321 SF	4622	109	428

Traffic changes between maximum: **CL and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+22,129 SF	+3,164	+75	+326

**METRO SCHOOL BOARD REPORT**

Projected student generation existing CL district: 0 Elementary 0 Middle 0 High

Projected student generation proposed MUL-A district: 8 Elementary 5 Middle 4 High

The proposed MUL-A zoning district would generate 17 additional students than what is typically generated under the existing CL zoning district. Students would attend Hattie Cotton Elementary, Gra-Mar Middle School and Maplewood High School. There is capacity for additional students in all three schools. This information is based upon data from the school board last updated March 2016.

**AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)**

1. Will this project include any affordable or workforce housing units? The units will be small, 600ft and up, so they will be more affordable than what is out there now, but not technically affordable based on the included criteria.
2. If so, how many and what is the percentage of the entire development? N/A
3. How will you enforce the affordability requirements? N/A
4. Have any structures been demolished in the last 12 months? No

**STAFF RECOMMENDATION**

Staff recommends that the proposed MUL-A zoning district be approved as it is consistent with the T4 CM land use policy.

**Approved. Consent Agenda, (9-0)**

**Resolution No. RS2016-324**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-116PR-001 is **Approved. (9-0)**"

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## **H: OTHER BUSINESS**

29. 2017 Planning Commission filing deadlines & meeting schedule.

**Approved. Consent Agenda, (9-0)**

**Resolution No. RS2016-325**

"BE IT RESOLVED by The Metropolitan Planning Commission that the 2017 Planning Commission filing deadlines and meeting schedule is **Approved. (9-0)**"

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30. New employee contract for Peter Bird.

**Approved. Consent Agenda, (9-0)**

**Resolution No. RS2016-326**

"BE IT RESOLVED by The Metropolitan Planning Commission that the new employee contract for Peter Bird is **Approved . (9-0)**"

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31. Rehearing request for 2016Z-107PR-001.

**Mr. Clifton moved and Ms. Farr seconded the motion to rehear 2016Z-107PR-001. (9-0)**

**Resolution No. RS2016-327**

"BE IT RESOLVED by The Metropolitan Planning Commission to rehear 2016Z-107PR-001." **(9-0)**

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32. Historic Zoning Commission Report

33. Board of Parks and Recreation Report

34. Executive Committee Report

35. Accept the Director's Report and Approve Administrative Items

**Approved. Consent Agenda, (9-0)**

**Resolution No. RS2016-328**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items are **Approved . (9-0)**"

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36. Legislative Update

## I: MPC CALENDAR OF UPCOMING EVENTS

**October 13, 2016**

MPC Meeting

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

**Location change for the following MPC meeting:**

**October 27, 2016**

MPC Meeting

4 pm, 2601 Bransford Avenue, Metropolitan Public Schools Administration Building

**November 10, 2016**

MPC Meeting

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

**Location change for the following MPC meeting:**

**November 17, 2016**

MPC Meeting

4 pm, 2601 Bransford Avenue, Metropolitan Public Schools Administration Building

**December 8, 2016**

MPC Meeting

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

## J: ADJOURNMENT

The meeting adjourned at 7:40 p.m.

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Chairman

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Secretary



**METROPOLITAN GOVERNMENT**  
**OF NASHVILLE AND DAVIDSON COUNTY**  
Planning Department  
Metro Office Building, 2<sup>nd</sup> Floor

Date: October 13, 2016

To: Metropolitan Nashville-Davidson County Planning Commissioners

From: J. Douglas Sloan III

Re: Executive Director's Report

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The following items are provided for your information.

**A. Planning Commission Meeting Projected Attendance (6 members are required for a quorum)**

1. Planning Commission Meeting
  - a. Attending: Farr; Adkins; McLean; Allen; Clifton; Tibbs
  - b. Leaving Early:
  - c. Not Attending:
2. Legal Representation – Susan Jones will be attending

**B. Executive Office**

1. Planners Andrew Collins, Jessica Buechler, and Patrick Napier participated in the Professional Speaker Series at Glenclyff High School's Academy of Environmental & Urban Planning. We also provided two presentations outlining NashvilleNext to Glenclyff classes as they begin a unit centered on reimagining and redesigning parts of their community, and we will continue to work with those students as their projects move forward. Additional presentations are upcoming at Glenclyff and at Stratford High

**Administrative Approved Items and Staff Reviewed Items Recommended for approval by the Metropolitan Planning Commission**

In accordance with the Rules and Procedures of the Metropolitan Planning Commission, the following applications have been reviewed by staff for conformance with applicable codes and regulations. Applications have been approved on behalf of the Planning Commission or are ready to be approved by the Planning Commission through acceptance and approval of this report. Items presented are items reviewed **through 10/4/2016**.

<b>APPROVALS</b>	<b># of Applics</b>	<b># of Applics '16</b>
Specific Plans	2	36
PUDs	2	11
UDOs	0	4
Subdivisions	9	128
Mandatory Referrals	16	130
<b>Grand Total</b>	<b>29</b>	<b>309</b>

<b>SPECIFIC PLANS (finals only): MPC Approval</b>						
<b>Finding: Final site plan conforms to the approved development plan.</b>						
<b>Date Submitted</b>	<b>Staff Determination</b>		<b>Case #</b>	<b>Project Name</b>	<b>Project Caption</b>	<b>Council District # (CM Name)</b>
10/1/2015 0:00	9/19/2016 0:00	PLRECAPPR	2014SP-075-003	LIV EAST PHASE 2 (FINAL)	A request for final site plan approval for phase 2 for part of property located at 1034 W. Eastland Avenue, approximately 200 feet west of Gallatin Avenue, zoned SP (1.34 acres), to permit 17 townhomes and 6 residential units, requested by Civil Site Design Group, applicant; LVH, LLC Core Development, owner.	05 (Scott Davis)
8/27/2015 0:00	9/29/2016 0:00	PLRECAPPR	2007SP-151-002	BRIGHT POINTE (FINAL)	A request for final site plan approval for properties located at 3781, 3791, 3799 and 3803 Pin Hook Road and at Pin Hook Road (unnumbered), approximately 2,430 feet west of LaVergne Couchville Pike, (19.29 acres), to permit 80 single-family dwelling units, requested by Anderson, Delk, Epps & Associates, Inc., applicant; Bright Pointe, LLC, owner.	33 (Sam Coleman)

<b>URBAN DESIGN OVERLAYS (finals and variances only) : MPC Approval</b>						
<b>Finding: all design standards of the overlay district and other applicable requirements of the code have been satisfied.</b>						
<b>Date Submitted</b>	<b>Staff Determination</b>		<b>Case #</b>	<b>Project Name</b>	<b>Project Caption</b>	<b>Council District # (CM Name)</b>
<b>NONE</b>						



**PLANNED UNIT DEVELOPMENTS (finals and variances only) : MPC Approval**

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
4/28/2016 0:00	9/14/2016 0:00	PLAPADMIN	23-85P-004	FOREST VIEW PARK (FINAL)	A request for final site plan approval for a portion of a Planned Unit Development Overlay District on property located at Forest View Drive (unnumbered), approximately 430 feet east of Murfreesboro Pike, (7.84 acres), zoned R10 and within the Murfreesboro Pike Urban Design Overlay district, to permit 96 multi-family residential units, requested by Crafton Tull, applicant, The Ridge at Antioch, Limited Partnership, owner.	29 (Karen Y. Johnson)
7/14/2016 11:51	10/3/2016 0:00	PLRECAPP	75-83P-004	ELYSIAN PLAZA SUBDIVISION REVISED	A request for final site plan approval for a portion of a Planned Unit Development Overlay District located at 451 Elysian fields Road, approximately 660 feet southwest of Nolensville Pike, zoned OR20 (1.63 acres), to permit an additional parking lot, requested by Dean Design Group, applicant; J.M.M., LLC, owner.	26 (Jeremy Elrod)

**MANDATORY REFERRALS: MPC Approval**

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District (CM Name)
9/6/2016 14:27	9/13/2016 0:00	PLRECAPP	2016M-046ES- 001	3704 ROSEMONT SEWER MAIN PROJECT	A request for abandonment of approximately 114 linear feet of 8-inch Sanitary Sewer Main, one (1) Sanitary Sewer Manhole, approximately 104 linear feet of 6-inch Water Main, and acceptance of Sanitary Manholes on property located at 1 University Park Drive and 3704 Rosemont Avenue, (MWS Project # 16-WL-143 and Project # 16-SL-161), requested by Barge Waggoner Sumner and Cannon, Inc. and Metro Water Services, applicants; Lipscomb University, owner.	25 (Russ Pulley)
9/6/2016 14:27	9/13/2016 0:00	PLRECAPP	2016M-046ES- 001	3704 ROSEMONT SEWER MAIN PROJECT	A request for abandonment of approximately 114 linear feet of 8-inch Sanitary Sewer Main, one (1) Sanitary Sewer Manhole, approximately 104 linear feet of 6-inch Water Main, and acceptance of Sanitary Manholes on property located at 1 University Park Drive and 3704 Rosemont Avenue, (MWS Project # 16-WL-143 and Project # 16-SL-161), requested by Barge Waggoner Sumner and Cannon, Inc. and Metro Water Services, applicants; Lipscomb University, owner.	25 (Russ Pulley)

9/7/2016 11:08	9/16/2016 0:00	PLRECAPP	2016M-047ES- 001	EVERGREEN AVENUE EASEMENT RIGHTS ABANDONMENT	A request to abandon easement rights that were retained by previous proposal 2016M-010AB-001 and Council Bill 2016-229, and to acquire new easements for any existing utilities on property located at 27 Willis Street and 100 Fern Avenue, approximately 340 feet northwest of Brick Church Pike, requested by Troy Heithcock and Metro Water Services, applicants; Heithcock Construction, LLC, Jiles Ritchie and Gary and Martha Starner, owners.	02 (DeCosta Hastings)
9/7/2016 14:51	9/16/2016 0:00	PLRECAPP	2016M-027PR- 001	GULCH PEDESTRIAN BRIDGE	A request to authorize the approval of an agreement for the acquisition of a parcel of property, an agreement for the disposition of that parcel of property, and an easement agreement, all relating to construction of a pedestrian bridge spanning the railroad gulch in downtown Nashville, requested by Metro Legal Department, applicant.	19 (Freddie O'Connell)
9/8/2016 7:57	9/16/2016 0:00	PLRECAPP	2016M-028PR- 001	1414 COUNTY HOSPITAL ROAD PROPERTY LEASE AGREEMENT	A request to authorize the approval of an agreement between The Metropolitan Government of Nashville and Davidson County and LP North Nashville, LLC for the continued lease of real property located at 1414 County Hospital Road and transfer of operations of the Bordeaux Long Term Care Facility, requested by Metro Legal Department, applicant.	01 (Nick Leonardo)
9/8/2016 11:20	9/16/2016 0:00	PLRECAPP	2016M-048ES- 001	BRANCH STREET SIDEWALK IMPROVEMENTS	A request for temporary construction easements, drainage easements and right-of-way easements for Branch Street Sidewalk Improvements between Moore Street and Cahal Avenue (Project No. 2012-R-020), requested by Metro Public Works and Civic Engineering, applicants; various owners.	07 (Anthony Davis)
9/8/2016 11:33	9/16/2016 0:00	PLRECAPP	2016M-049ES- 001	FRANKLIN AVENUE SIDEWALK IMPROVEMENTS	A request for temporary construction easements and right-of-way easements for Franklin Avenue Sidewalk Improvements between North 16th Street and Manchester Avenue (Project No. 2015-R-004), requested by Metro Public Works and Civic Engineering, applicants; various owners.	06 (Brett Withers)
6/9/2016 12:14	9/16/2016 0:00	PLAPADMIN	2016M-001FR- 001	TN BACKHAUL NETWORKS FRANCHISE AGREEMENT	A request to grant a franchise to TN Backhaul Networks, LLC, to construct, operate, and maintain a telecommunications system within Metropolitan Nashville and Davidson County under the provisions of Metropolitan Code of Laws, Title 6, Chapter 26, requested by Metro Legal Department.	
9/12/2016 10:38	9/21/2016 0:00	PLRECAPP	2016M-030PR- 001	CENTENNIAL SPORTSPLEX LICENSE AND LEASE AGREEMENT AMENDMENT	A request to authorize the approval of the First Amendment to the License and Lease Agreement between the Metropolitan Government of Nashville and Davidson County, acting by and through its Parks and Recreation Board, and Nashville Hockey Club Limited Partnership, requested by the Metro	21 (Ed Kindall)

					Legal Department, applicant.	
9/13/2016 9:53	9/21/2016 0:00	PLRECAPPR	2016M-021AB-001	13TH AVENUE SOUTH ABANDONMENT	A request to abandon an 8 foot wide by 175 linear foot strip and associated easement along the east margin of 13th Avenue South Right-of-Way between Sigler Street and Alley #421, requested by Dale & Associates, Inc., applicant; Angela B. Parks, owner.	19 (Freddie O'Connell)
9/9/2016 7:46	9/21/2016 0:00	PLRECAPPR	2016M-050ES-001	2906 FOSTER CREIGHTON SEWER MAIN PROJECT	A request for abandonment of approximately 240 linear feet of water main easement, 227 linear feet of 8-inch sewer main, and acceptance of approximately 364 linear feet of 8-inch sewer main, 50 linear feet of 8-inch sewer main, sanitary manholes and fire hydrant (Project No. 16-WL-156 and 16-SL-126), requested by Metro Water Services and Fulmer Engineering, applicants.	16 (Mike Freeman)
9/9/2016 8:00	9/22/2016 0:00	PLRECAPPR	2016M-029PR-001	12TH AND WEDGEWOOD PROPERTY ACQUISITION	A request to authorize the acceptance of certain property known as Map 105-09 Parcel 286 from the Metropolitan Development and Housing Agency to the Metropolitan Government of Nashville and Davidson County, requested by the Metro Finance Department, applicant.	17 (Colby Sledge)
8/26/2016 12:52	9/23/2016 0:00	PLRECAPPR	2016M-030EN-001	THE VALENTINE AT 312 BROADWAY AERIAL ENCROACHMENT	A request to allow an encroachment comprised of one (1) double-faced, illuminated projecting sign encroaching the public right-of-way for property located at 312 Broadway, requested by Joslin and Son Signs, applicant; TAC Broadway, LLC, owner.	19 (Freddie O'Connell)
9/19/2016 11:34	9/27/2016 0:00	PLRECAPPR	2016M-051ES-001	BNA MRO HANGAR DEVELOPMENT SEWER PROJECT	A request for the abandonment of approximately 1,914 linear feet of 8-inch Sanitary Sewer Main, approximately 600 linear feet of 16-inch Water Main, Sanitary Manholes, Fire Hydrants and abandonment of any associated easements and acceptance of a new Fire Hydrant on property located at Knights of Columbus Boulevard (unnumbered), (Project No. 16_WL-115 and 16_SL-127), requested by Metro Water Services, applicant; Metropolitan Nashville Airport Authority, owner.	13 (Holly Huezo)
9/20/2016 12:24	9/27/2016 0:00	PLRECAPPR	2016M-032EN-001	NASHVILLE B-CYCLE AT PORTER ROAD & EASTLAND AVENUE STRUCTURAL ENCROACHMENT	A request to allow a structural encroachment comprised of one (1) third generation, fully automated single-sided solar powered or A/C powered bike station that will contain at least five (5) bikes and nine (9) docks on property located at 2101 Eastland Avenue, requested by Nashville B-cycle, applicant; Urban Housing Solutions, Inc., owner.	06 (Brett Withers)
9/20/2016 14:05	9/27/2016 0:00	PLRECAPPR	2016M-052ES-001	PIEDMONT NATURAL GAS COMPANY EASEMENTS	A request authorizing the approval of granting temporary and permanent easements to Piedmont Natural Gas Co. on certain property owned by the Metropolitan Government (Tax Map 094-00-0 Parcels 029.00, 038.00 and 039.00 and Tax Map 094-10-0 Parcel	19 (Freddie O'Connell)

					059.00), requested by the Metropolitan Department of Finance, applicant.	
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**INSTITUTIONAL OVERLAYS (finals and variances only) : MPC Approval**  
**Finding: Final site plan conforms to the approved campus master development plan and all other applicable provisions of the code.**

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
NONE					

**SUBDIVISIONS: Administrative Approval**

Date Submitted	Date Approved	Action	Case #	Project Name	Project Caption	Council District (CM Name)
7/14/2016 10:45	9/13/2016 0:00	PLAPADMIN	2016S-179-001	596 AND 610 21ST AVENUE NORTH RESUB	A request for final plat approval to shift lot lines on properties located at 596 and 610 21st Avenue N, approximately 230 feet north of Clifton Avenue, zoned MUG, OR20, and IR (2.18 acres), requested by Jesse Walker Engineering, applicant; Kimbro Equities 1, owner.	21 (Ed Kindall)
7/5/2016 14:48	9/15/2016 0:00	PLAPADMIN	2016S-167-001	WATKINS GROVE RESUB LOT 190	A request for final plat approval to create two lots on property located at 3411 Benham Avenue, approximately 540 feet southwest of Stokes Lane, zoned R20 (0.92 acres), requested by Daniels & Associates, Inc., applicant; Gilco Woodwell Properties, LLC, owner.	25 (Russ Pulley)
7/25/2016 15:45	9/15/2016 0:00	PLAPADMIN	2016S-188-001	HARDAWAY HILLHURST ADDITION CONSOLIDATION OF LOTS 5 & 6	A request for final plat approval to consolidate two lots into one lot on properties located at 2930 Dickerson Pike and 2809 Sunset Drive, at the southwest corner of Sunset Drive and Dickerson Pike, zoned CS (1.97 acres), requested by Cherry Land Surveying, Inc., applicant; William B. and Sara C. Bass Revocable Trust, owners.	02 (DeCosta Hastings)
7/26/2016 8:58	9/15/2016 0:00	PLAPADMIN	2016S-189-001	KELLER'S SUBDIVISION ON MAXEY HOME PLACE RESUB OF LOT 23	A request for final plat approval to create two lots on property located at 1315 Litton Avenue, approximately 150 feet northwest of Scott Avenue, zoned R6 (0.58 acres), requested by K & A Land Surveying, applicant; Deborah and Bernard Sparks, owners.	07 (Anthony Davis)
7/28/2016 11:59	9/15/2016 0:00	PLAPADMIN	2016S-191-001	FAIR LANE PROPERTIES, LLC'S SUBDIVISION	A request for final plat approval to shift lot lines for properties located at 758, 760 and 762 Alloway Street, approximately 150 feet southeast of 5th Avenue South, zoned R6 (0.51 acres), requested by Robert Seigenthaler, applicant; Fair Lane Properties, LLC, owner.	17 (Colby Sledge)

6/13/2013 0:00	9/16/2016 0:00	PLRECAPPR	2013S-112-003	YOUNG-WOODS, RESUB LOT 6	A request for final plat approval to create two lots on property located at 3304 Hobbs Road, approximately 175 feet east of Vailwood Drive, zoned R20 (0.91 acres), requested by James Conrad Camp, owner; Campbell, McRae & Associates Surveying, Inc., applicant.	34 (Carter Todd)
8/11/2016 13:13	9/28/2016 0:00	PLRECAPPR	2016S-202-001	H.B. CALDWELL TRACT RESUB OF LOTS 1-3	A request for final plat approval to combine three lots into two lots on properties located at 830, 832 and 834 Idlewind Drive, approximately 420 feet southeast of Rothwood Avenue, zoned RS10 (1.62 acres), requested by James Terry & Associates, applicant; Jesse Baker and Andrea M. Crutchfield, owners.	07 (Anthony Davis)
9/1/2016 9:44	9/28/2016 0:00	PLRECAPPR	2016S-210-001	B.F. COCKRILL FARM RESUB OF LOTS 4, 5, 28 & 29	A request for final plat approval to create two lots on property located at 607 Ries Avenue, approximately 200 feet northwest of Robertson Avenue, zoned R8 (0.48 acres), requested by Q. Scott Pulliam, RLS, applicant; Castleridge Home Builders, LLC, owner.	20 (Mary Carolyn Roberts)
8/9/2016 13:34	9/30/2016 0:00	PLAPADMIN	2016S-198-001	BROOKSIDE COURT RESUB OF LOTS 8-10	A request to shift lot lines on properties located at 5628, 5632 and 5636 Kendall Drive, at the northeast corner of Kendall Drive and Alden Court, zoned RS7.5 (1.1 acres), requested by Delle Land Surveying, applicant; Anne Marie Danko, Rebecca Hamilton, Robert Wynne Jr. and Jennifer Parks, owners.	20 (Mary Carolyn Roberts)

### Performance Bonds: Administrative Approvals

Date Approved	Administrative Action	Bond #	Project Name
9/28/16	Approved Extension	2012B-011-004	BERKELEY HALL, PHASE 2
9/14/16	Approved Extension/Reduction	2015B-002-003	LAKESIDE MEADOWS, PHASE 3
9/22/16	Approved New	2016B-031-001	LIV EAST PHASE 2
9/23/16	Approved New	2016B-035-001	VILLAGES OF RIVERWOOD, SEC 1, PHASE 5A
9/30/16	Approved Extension/Reduction	2014B-029-004	AVONDALE PARK, PHASE 3, SECTION 1
9/22/16	Approved New	2016B-036-001	DELVIN DOWNS, PHASE 2
9/30/16	Approved Extension	2012B-022-005	AVONDALE PARK, PHASE 1, SECTION 1B
10/3/16	Approved Extension	2014B-031-003	FORTE PROPERTY

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## Schedule

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- A. **Thursday, October 13, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- B. **Thursday, October 27, 2016** - [MPC Meeting](#); 4 pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue
- C. **Saturday, November 5, 2016** – [MPC Annual Retreat](#): 9 am, 800 Second Ave. South, Metro Office Building, Development Services Center Conference Room
- D. **Thursday, November 10, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- E. **Thursday, November 17, 2016** - [MPC Meeting](#); 4 pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue
- F. **Thursday, December 8, 2016**- [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center



## METROPOLITAN COUNCIL

Member of Council

October 13, 2016

Chairman Greg Adkins and Members of the  
Metropolitan Planning Commission  
700 Second Avenue South  
Sonny West Conference Center  
Nashville, Tennessee 37210

Dear Chairman Adkins and Members of the Commission:

For the record, we are still opposed to the development; however, I am requesting that for safety reasons within the neighborhood adjacent to the proposed multi-family development at 2858 Murfreesboro Pike that Metro Public Works acquire the streets Forest Pointe Place, Kaeden Pointe Court, Forest Pointe Lane, and Forest Pointe Circle as Metro streets as I previously requested. This will enable much needed street lights to improve everyone's safety.

Additionally, I request that the streets within the proposed development be public streets to ensure the safety of the entire area.

Your consideration of these conditions for approval will be appreciated.

Sincerely,

Karen Y. Johnson  
Councilmember, District 29

KYJ/rh