

# Metropolitan Planning Commission



## Staff Reports

**December 8, 2016**



## Metro Planning Commission Meeting of 12/08/2016

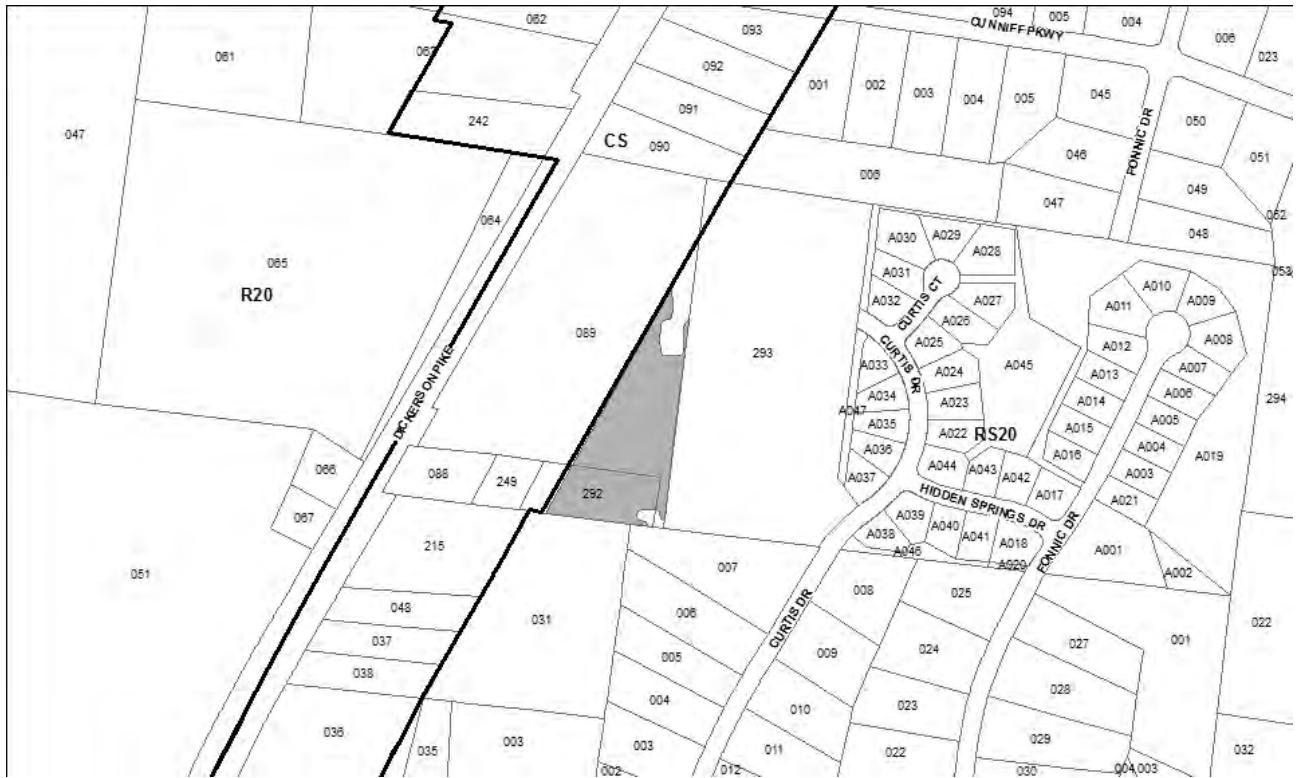
*Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to evolve into a more socially, economically and environmentally sustainable community with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.*



**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 12/08/2016



## 2016CP-002-001

Map 033, Parcel(s) part of 089, 292

2, Parkwood – Union Hill

3 (Brenda Haywood)



<b>Project No.</b>	<b>Major Plan Amendment 2016CP-002-001</b>
<b>Project Name</b>	<b>Parkwood-Union Hill Community Plan Amendment</b>
<b>Associated Cases</b>	2016SP-089-001
<b>Council District</b>	3 – Haywood
<b>School District</b>	3 – Speering
<b>Requested by</b>	Back Half, LLC, applicant; Jo H. Evans, owner.
<b>Deferrals</b>	This case was deferred from the November 17, 2016, Planning Commission meeting. The public hearing was not held.
<b>Staff Reviewer</b>	Sewell
<b>Staff Recommendation</b>	<i>Defer to the January 12, 2017, Planning Commission Meeting</i>

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**APPLICANT REQUEST**

**Amend Parkwood-Union Hill Community Plan to change the policy to T3 Suburban Mixed Use Corridor.**

Major Plan Amendment

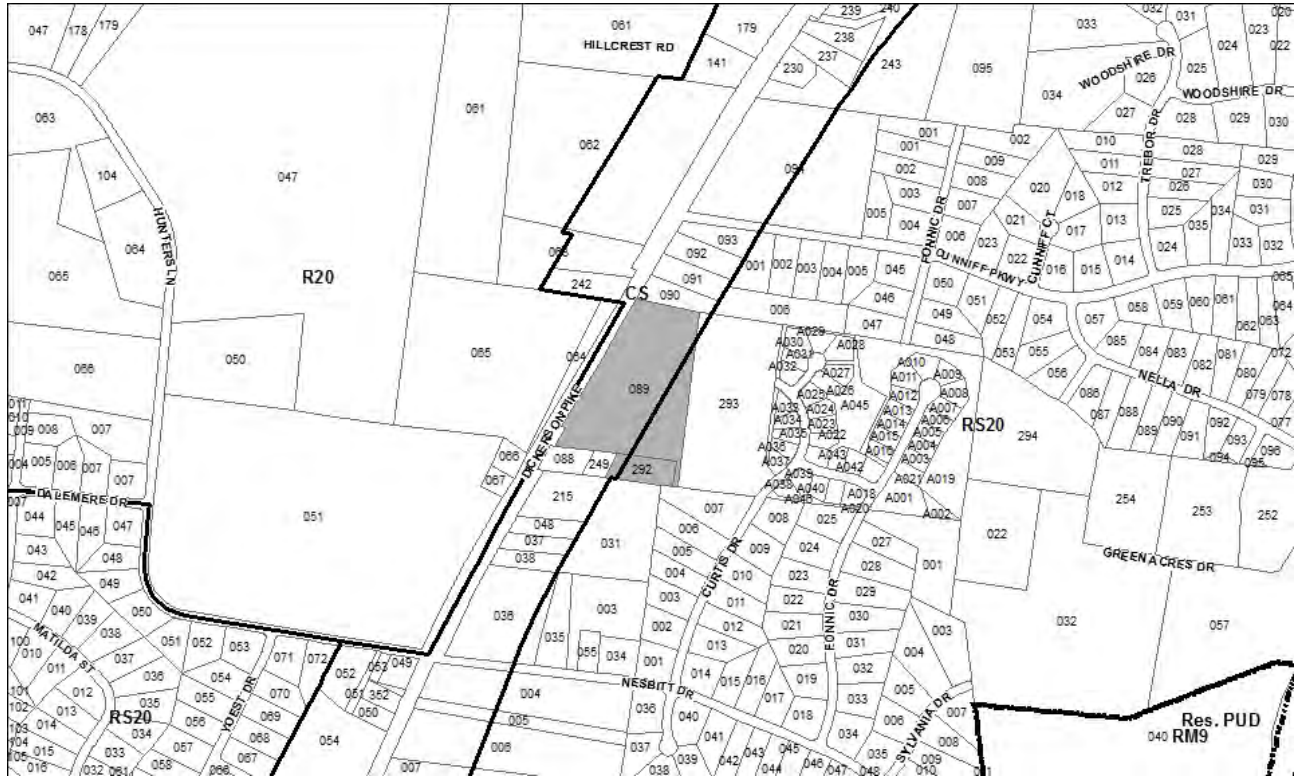
A request to amend the Parkwood-Union Hill Community Plan by amending the Community Character Policy from T3 Suburban Neighborhood Evolving policy to T3 Suburban Mixed Use Corridor policy on a portion of properties located at 4045 Dickerson Pike and Dickerson Pike (unnumbered), approximately 1,300 feet northeast of Nesbitt Drive, zoned Single-Family Residential (RS20), (2.50 acres).

**STAFF RECOMMENDATION**

Staff recommends deferral to the January 12, 2017, Planning Commission meeting at the request of the applicant.



# Metro Planning Commission Meeting of 12/08/2016



## 2016SP-089-001

FOXFIRE SP

Map 033, Parcel(s) 089, 292

2, Parkwood – Union Hill

3 (Brenda Haywood)



**Project No.** Specific Plan 2016SP-089-001  
**Project Name** Foxfire SP  
**Associated Case No.** 2016CP-002-001  
**Council District** 03 – Haywood  
**School District** 03 – Speering  
**Requested by** Back Half, LLC, applicant; Jo H. Evans, owner.

**Deferrals** This case was deferred from the November 17, 2016, Planning Commission meeting. The public hearing was not held.

**Staff Reviewer** Shepard  
**Staff Recommendation** *Defer to the January 12, 2017, Planning Commission meeting.*

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**APPLICANT REQUEST**

**Zone change to permit an organized camp.**

Zone Change

A request to rezone from Commercial Services (CS) and Single-Family Residential (RS20) to Specific Plan – Mixed Use (SP-MU) zoning on properties located at 4045 Dickerson Pike and Dickerson Pike (unnumbered), approximately 1,275 feet northeast of Nesbitt Drive, (11.8 acres), to permit an organized camp.

**STAFF RECOMMENDATION**

Staff recommends deferral to the January 12, 2017, Planning Commission meeting at the request of the applicant.







**Project No.** Major Plan Amendment 2016CP-010-003  
**Project Name** Green Hills-Midtown Community Plan:  
**Music Row Detailed Design Plan**  
**Council District** 17 – Sledge; 19 – O’Connell  
**School District** 05 – Kim; 08 – Pierce  
**Requested by** Metro Nashville Planning Department on behalf of the  
Metro Planning Commission

**Deferrals** This request was deferred indefinitely from the August 11, 2016, Planning Commission Meeting. The public hearing was not held.

**Staff Reviewer** McCullough  
**Staff Recommendation** Approve

**APPLICANT REQUEST**  
**A request to adopt the Music Row Detailed Design Plan.**

Major Plan Amendment  
A request to amend the Green Hills/Midtown Community Plan by applying the special policies described in the Music Row Detailed Plan, for property located within the Music Row Study Area, (approximately 210 acres).

**GREEN HILLS-MIDTOWN COMMUNITY PLAN – AMENDMENT**

**Current Land Use Policy**

D Office Concentration (D OC) is intended to preserve, enhance, and create Districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities.

T5 Center Mixed Use Neighborhood (T5 MU) is intended to preserve, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include some of Nashville’s major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

Special Policy (10-MT-T5-MU-01 in Midtown) applies to properties generally fronting on West End Avenue between 31<sup>st</sup> Avenue N and I-40. A maximum height of 20 stories and above is supported by the policy. Specific guidance is given to the development of properties facing Centennial Park. Guidance is provided on land use, parking, and building form.

Special Policy (10-MT-T5-MU-02 in Midtown) applies to properties along Charlotte Avenue between I-440 and I-40, along West End Avenue and Murphy Road adjacent to I-440, along Park Circle, along Broadway and Division Streets and 21<sup>st</sup> Avenue S, properties in the Grand Avenue/18<sup>th</sup> Avenue S Avenue; and between Charlotte Avenue and Pierce Street east of 21<sup>st</sup>



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Avenue N. The policy provides guidance in regards to massing and transition of buildings in relation to adjacent historically significant properties and areas that are typically smaller scale. Building heights of up to 20 stories intended for this area. Guidance is provided on land use, parking, and building form.

Special Policy (10-MT-T5-MU-03 in Midtown) applies to properties surrounding West End Avenue between I-440 and 31<sup>st</sup> Avenue N, properties in the Elliston Place/State Street area; and properties in the Grand Avenue/18<sup>th</sup> Avenue S area. Maximum building heights of about 8 stories are generally most appropriate in this area. Guidance is provided on land use, parking, and building form.

Civic (CI) is intended to serve two purposes. The primary intent of CI is to preserve and enhance publicly owned civic properties so that they can continue to serve public purposes over time, even if the specific purpose changes. This recognizes that locating sites for new public facilities will become more difficult as available sites become scarcer and more costly. The secondary intent of CI is to guide rezoning of sites for which it is ultimately determined that conveying the property in question to the private sector is in the best interest of the public.

### **Proposed Land Use Policy**

Planning staff proposes that the special policies adopted as a part of the Midtown Study be retained. Additionally, planning staff proposes the primary policies (T5 Mixed Use Center (T5 MU), District Office Concentration (D OC), Open Space (OS), and Civic (CI)) applied to the area remain in place, except for two portions of the study area:

- A change to Transition Policy is recommended for the properties adjacent to the Edgehill Neighborhood on the east side of 16<sup>th</sup> Avenue South and the south side of Music Circle South, where; and
- A change from District Office Concentration to Open Space for the property located at 1702 16<sup>th</sup> Avenue South.

Transition (TR) is intended to preserve, enhance, and create areas that can serve as transitions between higher intensity uses or major thoroughfares and lower density residential neighborhoods while providing opportunities for small scale offices and/or residential development. Housing in TR areas can include a mix of types and is especially appropriate for “missing middle” housing types with small to medium-sized footprints.

Open Space (OS) is intended to preserve and enhance existing open space in the T2 Rural, T3 Suburban, T4 Urban, T5 Center, and T6 Downtown Transect areas. OS policy includes public parks and may also include private land held in conservation easements by land trusts and private groups or individuals.

Additionally, staff recommends the use of five new special policies to refine the guidance in distinct areas, to meet the goals of the community as described below under Music Row Detailed Design Plan Community Character Policies and Special Policies.

### **BACKGROUND**

In February 2015, the Metropolitan Nashville Planning Commission voted unanimously to defer or disapprove any rezoning requests on Music Row, to provide time for planning staff to study the area and develop a detailed plan in partnership with the community. Like other inner ring neighborhoods in Nashville, the Music Row Neighborhood is facing redevelopment pressures that can dramatically



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change the appearance and function of the area. Many Nashvillians feel that the character of Music Row as a unique business district has long been an integral part of the history, identity, and branding of Nashville as Music City. The Planning Commission recommended that the planning process begin after the completion of NashvilleNext (June 2015), to be finished within 18 months.

The Music Row area abuts Midtown and the Edgehill neighborhood, and has contributed immeasurably to Nashville and Tennessee's history, culture, heritage, and economy. With the neighborhood's proximity to rapidly redeveloping Midtown, Downtown, and the Gulch, Music Row is experiencing increasing development pressure – primarily from stacked flats residential buildings or mixed use buildings. Music Row serves as a transition from the bustling mixed use density of Midtown to the predominately single family neighborhood scale of Edgehill. Concerns of unchecked growth impact both neighborhoods, challenging the qualities that make each unique.

In the summer of 2014, plans to demolish RCA Studio A prompted a campaign to save the studio, which led to a movement to "Save Music Row." The National Trust for Historic Preservation designated Music Row a National Treasure in January 2015 and began work on creating long range plans for Music Row in April. In partnership with the Music Industry Coalition and the newly formed Music Row Neighborhood Association, the National Trust began work on property documentation, drafting the historic narrative, and collecting oral histories (35 total) of the people of Music Row. The final Multiple Property Documentation Form (MPDF) was approved by the Tennessee Historical Commission in May 2016 and subsequently by the National Park Service earlier this month (November). The MPDF is the official form used to document property related to one or more historical contexts. The document provided a structure and process for conducting research, provided a historic context for the story of Music Row and its ongoing significance to our culture, and helped to identify significant properties associated with Music Row's history.

### Summary of Findings:

- Inventoried properties: 389
- Property types: 9
- National Register Listed Buildings: 3
- Buildings Eligible for the National Register: 66
- Buildings Worthy of Conservation: 180

### Four key observations by the National Trust for Historic Preservation about Music Row:

1. Music Row has always been – and still is – a community
2. This Place Matters
3. This area is still Music Row – the area is still home to over 200 music-related businesses
4. Music Row is the only place of its kind in the United States.

### Period of significance: 1954 – 1989

### Associated Property Types:

1. Music Recording Studios Houses (converted buildings and purpose built)
2. Radio Broadcast Studios
3. Music Union Halls and Professional Associations
4. Music Performance Venues and Gathering Places
5. Music Industry Housing
6. Music Professional and Media Services



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7. Music Publishing Houses (converted buildings and purpose built)
8. Music Multipurpose Facilities Houses (converted buildings and purpose built)
9. Neighborhood Landmarks

### **Music Row Detailed Design Plan – Community Participation**

Following the Planning Commission's recommendation in February 2015, planning staff began working with the community on a plan for Music Row after completing work on NashvilleNext in June 2015.

Metro Planning staff hosted four community meetings with Music Row stakeholders – people who work, live, or visit the Music Row area – in late October 2015 through early January 2016. Notices of the meetings were mailed to over 2,600 residents and property owners in the neighborhood and surrounding area. Planning staff also used social media, email newsletters, and postings on the Metro Planning Department's webpage to promote the meeting schedule, as well as opportunities for participation outside of the meeting schedule in the form of online surveys. All meetings were held at the Midtown Hills Police Precinct. In preparation for the community meetings, staff met with representatives from the National Trust for Historic Preservation, the Metro Nashville Historical Commission, the Music Industry Coalition, and the board of the Music Row Neighborhood Association, to better understand the work completed to date.

Staff continued to work closely with the team led by the National Trust after the first four community meetings, as it became clear that the community needs extended beyond those that could be addressed by land use. The National Trust partnered with economist Randall Gross to complete the report, "A New Vision for Music Row: Recommendations and Strategies to Create a Music Row Cultural Industry District." The report is the result of the research led by Gross, and is "intended to introduce the concept of designating the Music Row Cultural Industry District" and "provide tools for a variety of public-private partnerships to ensure a sustainable future for Music Row." (Introduction, pg. 5)

Once the Music Row Cultural Industry District report was completed, planning staff reviewed and incorporated information related to the physical environment (streetscape, parks, signage, etc.) into the Music Row Detailed Design Plan.

Planning staff hosted a community meeting at the Midtown Hills Police Precinct on June 27, 2016, to present the draft Music Row Detailed Design Plan to the community. In addition to the special policies, staff presented a potential scenario for enforcing the policies established in the Detailed Design Plan, called the Music Row Code. The intent of the proposed Music Row Code is to establish the special policies of the Detailed Design Plan as the zoning for the area and identify a process for reviewing projects that propose demolition of National Register Eligible properties in the area. The Music Row Code also proposed the establishment of a Design Review Committee to oversee development in the area and its impact on the character of Music Row. A number of community members expressed concern about the Music Row Code, stating that it was premature and needed more discussion. Staff put the plan on hold in order to have further conversations with the Music Row Neighborhood Association, and other stakeholders, and participated with the National Trust in a Music Row Summit. As a result, planning staff has removed this portion of the Music Row Detailed Design Plan, and proposes a separate process for determining a long term plan for implementing the special policies through zoning.



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A concluding meeting was held with stakeholders on November 29, 2016 to review the final draft. The meeting was attended by 15 community members. Much of the discussion focused on the desires to maximize future potential and fears of mandated preservation. At the end, everyone agreed that the plan is a transition between the area of higher intensity of Midtown and the residential neighborhood of Edgehill and does allow some room for expansion of the music industry.

### **Music Row Detailed Design Plan Community Character Policies and Special Policies**

The Music Row Detailed Design Plan supplements the Community Character Manual (CCM) and its Community Character Policies, as well as the guidance of the Green Hills-Midtown Community Plan. The CCM provides detailed policy guidance for the built environment. These design principles include access, building form and site design, connectivity, landscaping, lighting, parking, and signage. The Green Hills-Midtown Community Plan and Music Row Detailed Plan provide guidance that is specific to the community referenced.

The study area for the Music Row Detailed Design Plan includes areas within the following polices: T5 Center Mixed Use Neighborhood, District Office Concentration, Civic, Open Space, and Transition. With the approval of the Multiple Property Documentation Form (MPDF), by the National Park Service, 65 buildings within the area are listed as Eligible for the National Register of Historic Places. The proposed policies and special policy areas were created to enhance the quality of the streetscape in the area, which continues to be a blend of commercial and residential scales. The boundaries of the Special Policy Areas are a reflection of analyzing the clusters of historic properties and the existing development patterns. Each Special Policy Area was established with consideration to the current zoning; the intent is to adjust the envelope of development to strengthen the quality of the streetscape. The northern portion of the study area abuts the dense development pattern of Midtown and has some guidance from the Metropolitan Development and Housing Agency's (MDHA) Arts Center Redevelopment District, established in 1998. The southern portion of the study area is within the South Music Row Neighborhood Conservation Zoning District, established in January 1997, and was determined to meet the goals of the Music Row Detailed Design Plan.

### Open Space Community Character Policies

The Open Space Policy is applied to Owen Bradley Park located at One Music Square East, at Division Street. Planning staff recommends that this policy be applied to the property located at 1702 16<sup>th</sup> Avenue South that is owned by Metro as well, to provide additional open space in the area.

Open Space (OS) is intended to preserve and enhance existing open space in the T2 Rural, T3 Suburban, T4 Urban, T5 Center, and T6 Downtown Transect areas. OS policy includes public parks and may also include private land held in conservation easements by land trusts and private groups or individuals.

### Mixed-Use Community Character Policies

T5 Center Mixed Use Neighborhood (T5 MU) is currently applied to the northern and northwest portions of the study area, some of which overlaps with the Midtown Study area adopted in 2012. Due to the extensive study and community involvement during the Midtown Study, planning staff recommends that the special policies created during that process remain. The area that is not part of the Midtown Study is listed with the number 10-MR-T5-MU-01, and was once known as the home



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of a number of tourist attractions for country music fans that would also visit Music Row. It is now the link between Midtown and the Gulch, featuring a number of tall residential buildings and hotels.

T5 Center Mixed Use Neighborhood (T5 MU) is intended to preserve, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include some of Nashville's major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

- **10-MR-T5-MU-01:** This area is bounded by the interstate to the east and includes properties fronting the south side of Division Street, the west side of 17<sup>th</sup> Avenue North, the south side of Broadway, the west side of 16<sup>th</sup> Avenue South, and the south side of McGavock Street.
  - Maximum height: 20 stories
  - Front build to zone: 0 – 15 ft.
  - Rear setback: 5 ft. minimum
  - Stepback: Along Broadway, Demonbreun or Division St (from I-40 to the Roundabout): 5 stories at build-to line, 15 ft. stepback; Along McGavock: 5 stories at build-to; 20 ft. stepback.

### District Office Concentration Community Character Policy

District Office Concentration Policy (D OC) is currently applied within the study area to properties south of Division Street, from Sigler Street to Wedgewood Avenue, and east of Music Square West, from Music Square West to the alley between Villa Place and 16<sup>th</sup> Avenue South.

D Office Concentration (D OC) is intended to preserve, enhance, and create Districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities.

- **10-MR-D-OC-01:** This area is considered the Gateway to Music Row; it includes the portions of 16<sup>th</sup> and 17<sup>th</sup> Avenues South that were renamed Music Square East and Music Square West in the 1970s as part of the Music Square rebranding. There are larger parcels in the area, which was home to the larger record companies for a time. Recent residential development in the area includes Music Square Flats. The area includes properties south of Division Street (except those fronting the south side of Division Street) and properties fronting: the west side of Music Circle East, the north side of Music Circle South, the west side of Music Square east, the north side of Music Square South, and the west side of Music Square West. Within this area, Spence Manor Condominium is historically significant and should be protected.
  - Maximum height: Eight stories
  - Front Build-to zone: 15 – 20 ft.
  - Rear Setback: 5 ft. minimum
  - Stepback: Along 16th Avenue South (Music Square East) and 17th Avenue South (Music Square West): 3 stories at build-to zone, 15 ft. stepback.



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- **10-MR-D-OC-02:** This area is bounded to the north by Music Square South, to the east by 16th Avenue South, to the south by Edgehill Avenue, and to the west by 18th Ave South; it includes the properties fronting the east side of 18th Avenue South between Edgehill and Horton Avenues.
  - Maximum height: five stories
  - Front Build-to zone: 15-20 ft.
  - Rear setback: 5 ft. minimum
  - Stepback: along 16th Avenue South (Music Square East) and 17<sup>th</sup> Avenue South (Music Square West): 3 stories at build-to zone and 15 ft. stepback.
- **10-MR-D-OC-03:** This area is located between Edgehill Avenue and the South Music Row Neighborhood Conservation Overlay District, including properties fronting the west side of 17<sup>th</sup> Avenue South between Edgehill and Horton Avenues.
  - Three stories maximum height
  - Front build-to zone: 30-40 ft.
  - Rear setback: 5 ft. minimum.

### Transition Community Character Policy

A portion of the District Office Concentration Policy area is recommended to change to Transition Policy.

Transition (TR) policy is intended to preserve, enhance, and create areas that can serve as transitions between higher intensity uses or major thoroughfares and lower density residential neighborhoods while providing opportunities for small scale offices and/or residential development. Housing in TR areas can include a mix of types and is especially appropriate for “missing middle” housing types with small to medium-sized footprints.

- **T5-MR-T-01:** This area is located south of Music Circle South, to Edgehill Avenue and properties with frontage on 16th Avenue North. It serves as a buffer and transition between the commercial uses of Music Row and the residential Edgehill Neighborhood.
  - 5 Stories Maximum Height along 16<sup>th</sup> Avenue South; transitioning to 3 stories along the alley between 16<sup>th</sup> Avenue South and Villa Place.
  - Front Build-to Zone: 15-20 ft.
  - Rear Setback: 5 ft.
  - Stepback: Along 16th Avenue South (Music Sq. E.): 3 stories at build-to zone, 15 ft. stepback

### **Street Hierarchy and MCSP**

The streets in the Music Row Study Area are classified to instruct how the building should be designed to interact with the street. Streets are identified as Primary, Secondary, Tertiary, or Local. Each street is classified in the Major and Collector Street Plan (MCSP), with the goal of creating context sensitive, complete streets that reflect their context and are accessible by multiple users.

**Primary Streets** provide more intense, urban development including shallow build-to zones to accommodate high levels of pedestrian, vehicular, and transit activity. Pedestrian comfort on these streets is of the highest importance. Active uses – residential, retail, restaurant, or office – on the ground floor of buildings enhance pedestrian safety and interaction. Primary Streets in mixed use areas also have the highest level of urban activity such as outdoor dining, retail displays, and



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community activities like markets, parades, and festivals. Vehicular access to parking lots and parking structures, and “back of house” functions are strongly discouraged.

Primary Streets in mixed use areas have a continuous street wall and sidewalks that are generally 16 feet wide. The sidewalk should provide room for features such as street trees, benches, trash and recycling receptacles, and bicycle parking as well as clear travel path for pedestrians. Street trees protect people and infrastructure from the sun and rain, reduce stormwater runoff and air pollution, and provide aesthetic value to the city. On Primary Streets in mixed use areas, the use of tree wells and grates is typically more appropriate than landscape planters.

On Primary Streets in residential areas, the street wall is more intermittent; allowing more space between buildings, and sidewalks may be narrower than in mixed use areas. Buildings may be set back farther from the street than in mixed use areas, allowing for small front yards and transitions into buildings. Tree wells, landscape planters, and grass strips are appropriate on these streets.

**Secondary Streets** have moderate levels of pedestrian, vehicular, and transit activity. Secondary Streets may be mixed-use, commercial, or residential in character. The build-to zone is generally shallow and building heights are limited. Vehicular access to parking lots and parking structures is allowed. When “back of house” functions are located on Secondary Streets, significant efforts should be made to reduce the impact on adjacent properties and the sidewalk. In mixed-use areas, a continuous street wall should be maintained and sidewalks are generally 14 feet wide. Tree wells and landscape planters are appropriate on mixed use Secondary Streets.

On Secondary Streets in residential areas, the street wall is more intermittent allowing more space between buildings and sidewalks may be narrower than in mixed use areas. Buildings may be set back farther from the street than in mixed use areas, allowing for small front yards and transitions into buildings. Tree wells, landscape planters, and grass strips are appropriate on these streets.

**Tertiary Streets** are less important than Primary and Secondary Streets. Tertiary Streets are the appropriate location for “back of house” functions. Sidewalks are typically five feet with a four-foot planting area against the curb, or nine feet with street trees in tree wells. Care should be taken to make these streets as pedestrian-friendly as possible while accommodating loading and access needs.

**Local Streets** are the smallest streets in neighborhoods. They may be residential, commercial, or mixed-use in character. The build-to zone is appropriate for the associated land uses and the scale of the neighborhood. Vehicular access is less formal. Sidewalks are typically five feet with a four-foot planting area against the curb or nine feet with street trees in tree wells. An additional four-foot frontage zone between the sidewalk and the building may also be necessary for items such as ground floor commercial, stoops and stairs, or landscaping.

**Alleys** are service roads that provide shared access to properties. Alleys are used by vehicles and bicyclists as parallel routes to arterials and collectors. Design speeds should not exceed 15 mph because of access points, loading zones, etc. Where alleys exist and are in working condition, or where new alleys can be created, alleys are the preferred area for “back of house” functions and vehicular access. Public utilities and access to mechanical equipment, trash and recycling should be located on alleys whenever possible. Dilapidated or insufficient alleys are improved to current standards in association with new development. Alleys should be brought up to the latest Metro

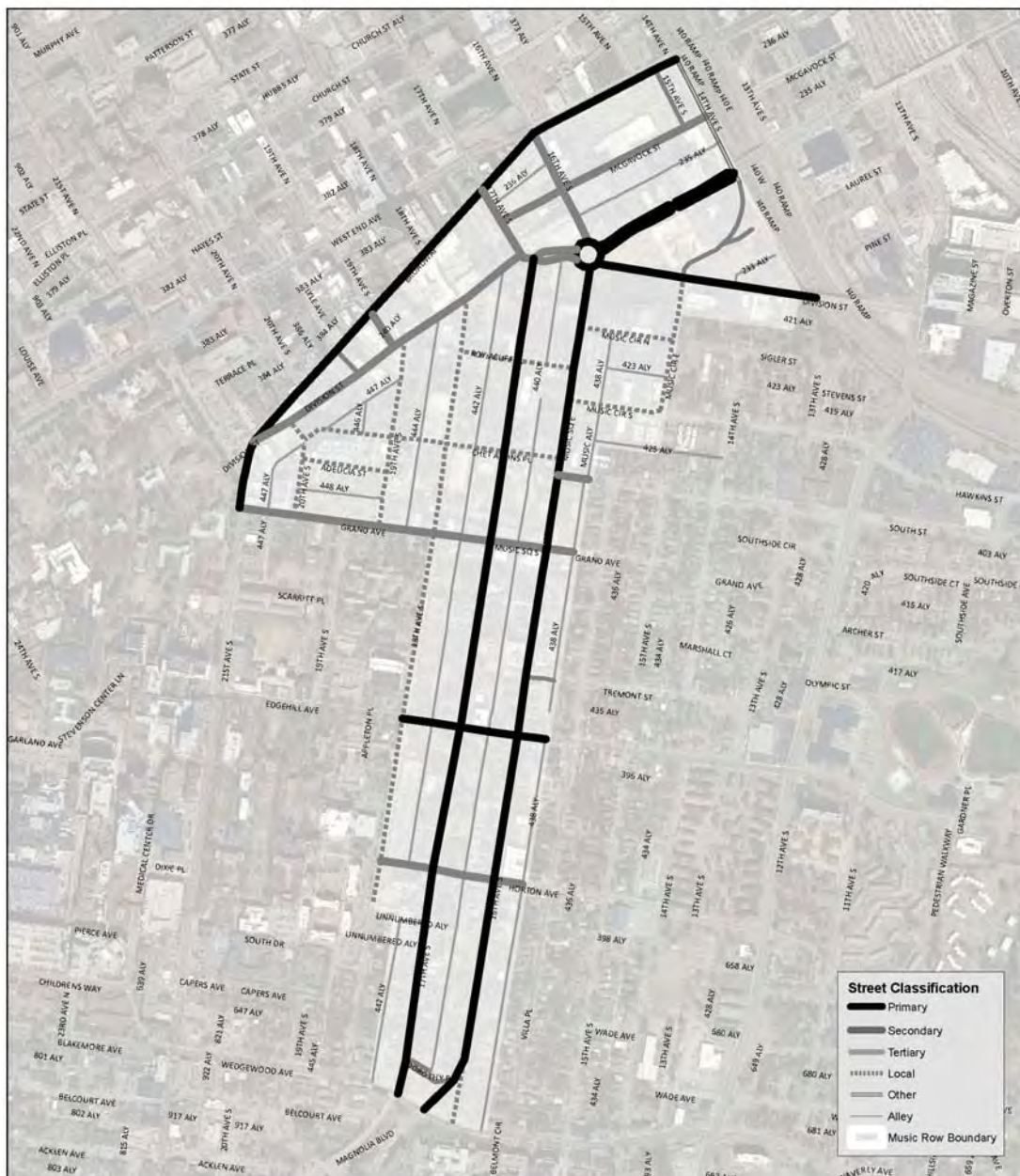




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standards with 18' pavement width and 20' right-of-way. This may require additional right-of-way as properties are redeveloped.

The alley system in Music Row functions as a secondary local street system in some aspects. While alleys are the back of house to many Music Row businesses they also have often been how celebrities arrive to go unnoticed and serve as a gathering place. Alley design should take into consideration ways to make them more functional and pedestrian friendly, such as green infrastructure and living alleys concepts. Living alley concepts include shade trees, native plants and rain gardens, porous pavement, way-finding and shared-use signage, joint compost and recycling stations, appropriate lighting and locating alley housing or in-home businesses on the alley. A living alley serves all the functions of a regular alley, but incorporates these concepts to make it a safe and inviting place for pedestrians.





## **Metro Planning Commission Meeting of 12/08/2016**

### **CHANGES SINCE THE STATIC DRAFT**

- Removal of the Music Row Code section from Chapter 3: Implementation.  
The proposal for a comprehensive zone change was presented to the community at the June 27, 2016, meeting and was met with apprehension. Due to this, planning staff recommends that developing a zoning code for Music Row be the focus of additional study in 2017, and implementation of the Detailed Design Plan occur as property owners apply for zone changes.
- Removal of “How to use the Maps in the Music Row Detailed Design Plan” section.
- Addition of images and illustrations
- Corrections of typos and edits for clarity.

### **CONCLUSION**

The Music Row Detailed Design Plan attempts to strike a balance between a number of complex issues that are affecting this and a number of areas in Nashville. The desire to preserve the history of Music Row is complex; this history is not explicitly tied to the architectural character of buildings and save for a few dedicated property owners, there is not a strong desire on the part of stakeholders or property owners to preserve the existing structures. The Music Industry is one that is in constant evolution: there is not one type of building or technology that is the standard and the need for a diverse array of building types in a relatively small area makes the problem even more complex. The desire to allow the Music Industry to remain a key component to the area and to have the opportunity to evolve and grow outweighs desires for historic preservation, though the retention of character is a high priority. Many stakeholders repeatedly stated that there needs to be a balance between large and small businesses, and the proximity of both is what has made the area attractive over the years. This is represented in the gradation of intensity of the special districts that are most intense at the north near the roundabout, tapering down to the south end above Wedgewood.

With the Music Row Detailed Design Plan and the continued work of partner organizations, planning staff hopes to continue to work with the community to develop tools that will provide guidance for thoughtful demolition and replacement of buildings that contribute to the character of Music Row, and support the larger goals of organizations such as the National Trust for Historic Preservation and the Music Row Neighborhood Association that are working to shore up all aspects of the music industry and preserve character defining landmarks. In the interim, this Detailed Design Plan will allow for thoughtful analysis to be applied to future zone change applications in the area.

### **STAFF RECOMMENDATION**

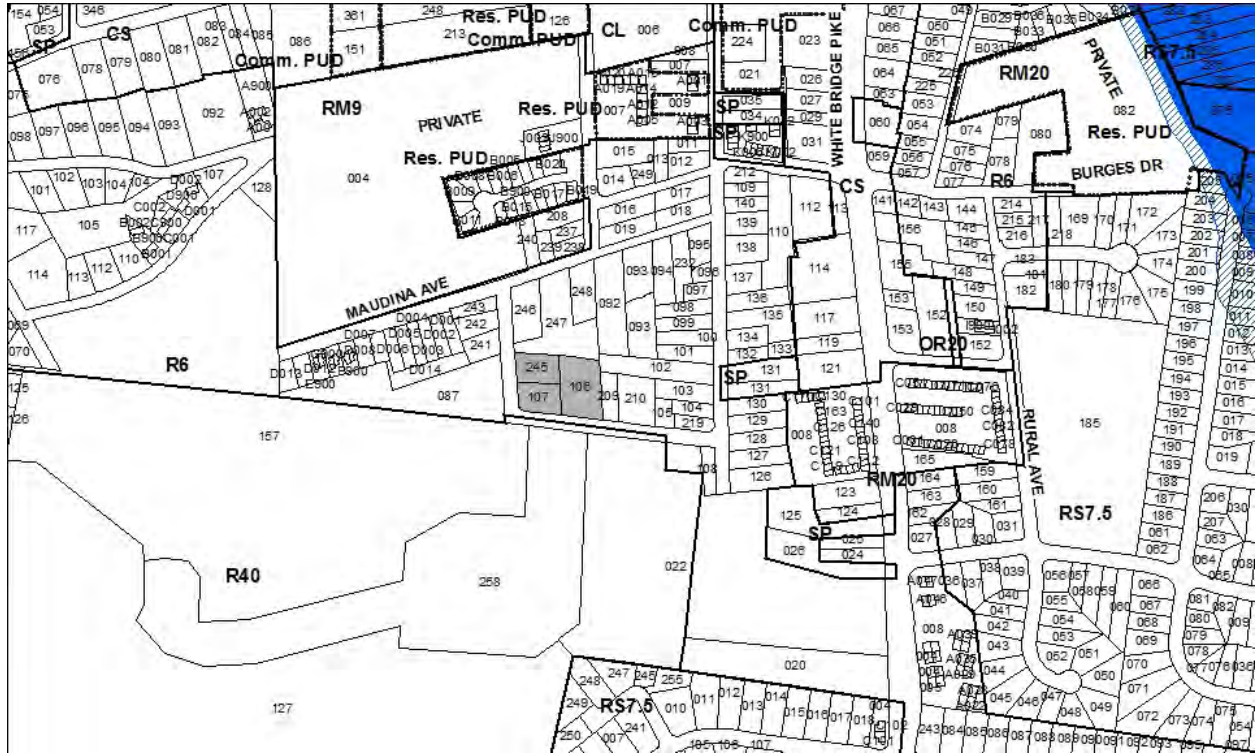
Staff recommends approval.



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# Metro Planning Commission Meeting of 12/08/2016



**2015SP-099-001**  
DEMOSS ROAD SP  
Map 103-02, Parcel(s) 106-107, 245  
07, West Nashville  
20 (Mary Carolyn Roberts)



**Project No.** Specific Plan 2015SP-099-001  
**Project Name** Demoss Road SP  
**Council District** 20 – Roberts  
**School District** 9 – Frogge  
**Requested by** Dale & Associates, applicant; Henry S. Hood, owner.

**Deferrals** This request was deferred from the December 10, 2015, and the August 25, 2016, Planning Commission meetings. No public hearing was held.

**Staff Reviewer** Milligan  
**Staff Recommendation** *Approve with conditions and disapprove without all conditions.*

**APPLICANT REQUEST**

**Zone change to permit up to 13 residential units.**

Zone Change

A request to rezone from One and Two-Family Residential (R6) to Specific Plan – Residential (SP-R) zoning for properties located at 105 and 107 Demoss Road and Demoss Road (unnumbered), approximately 330 feet south of Maudina Avenue (1.37 acres), to permit up to 13 residential units.

**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 ten lots with two duplex lots for a total of 12 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
- Creates Walkable Neighborhoods

The proposed development meets several critical planning goals. The surrounding area is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development in areas not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. The proposed plan calls for adequate public sidewalks as well as internal sidewalks, which foster walkable neighborhoods. The plan also provides an alley connection to a similar project that was previously approved to the east.





## Metro Planning Commission Meeting of 12/08/2016

### WEST NASHVILLE COMMUNITY PLAN

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create suburban neighborhoods that provide more opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than many existing suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land without sensitive environmental features and the cost of developing housing. These are challenges that were not faced when the original suburban neighborhoods were built.

#### Consistent with Policy?

Yes. The proposed SP is consistent with the T3 NE policy. The plan would add an additional housing type in the area while maintaining the existing character by providing similar setbacks to other homes in the area. The plan also coordinates vehicular circulation with a previously approved SP to the east. The previous plan included an alley with some alley units. This plan calls for the extension of the alley as well as alley homes similar to the previous plan. The plan provides sidewalks along Demoss Road which is consistent with the policy goal of creating walkable neighborhoods.

### PLAN DETAILS

The 1.37 acre site is located at the northeast bend of Demoss road. It consists of two vacant parcels and one parcel containing a single-family home.

#### Site Plan

The plan calls for a total of 13 units. Eleven units are detached and two units are attached. The detached units are located along Demoss road and the alley. The detached unit is also located along the alley. The plan requires that all units have raised foundations.

All units are accessed from a new proposed alley. The alley will extend from Demoss Road, to a proposed alley to the east. Each unit is provided a two car garage and formal on-street parking. Sidewalks are provided along Demoss Road.

### ANALYSIS

Staff recommends approval of the proposed SP as it provides a walkable urban design that is consistent with the proposed T4 NE policy and meets several critical planning goals.

### FIRE MARSHAL RECOMMENDATION

#### **Approved with conditions**

- Fire Code issues will be addressed in the permit phase.

### STORMWATER RECOMMENDATION

#### **Approved**

### WATER SERVICES RECOMMENDATION

#### **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.



## Metro Planning Commission Meeting of 12/08/2016

### 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. Final design may vary based on field conditions.
- Submit copy of recorded ROW dedication prior to building permit signoff by MPW.
- Comply with MPW Traffic Engineer conditions

### TRAFFIC & PARKING RECOMMENDATION

#### Approved with conditions

- Provide adequate curve radius on Demoss Rd with additional pavement for smooth transition thru curve.
- Apply to T&P to restrict on street parking along western lot frontage or provide bulbed in parking.
- Provide adequate sight distance at driveways.

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)	1.37	7.26 D	11 U*	106	9	12

\*Based on two two-family lots.

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)	1.37	-	16 U	154	12	17

Traffic changes between maximum: **R6** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 5 U	+48	+3	+5

### 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 any additional students than what is typically generated under the existing R6 zoning district. Students would attend Charlotte Park Elementary, H.G. Hill Middle School and Hillwood High School. There is capacity for additional elementary and high school students; however, there is no additional capacity for middle school students. This information is based upon data from the school board last updated March 2016.





## **Metro Planning Commission Meeting of 12/08/2016**

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

1. Will this project include any affordable or workforce housing units? It is not intended at this time, but would be available for discussion.
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**

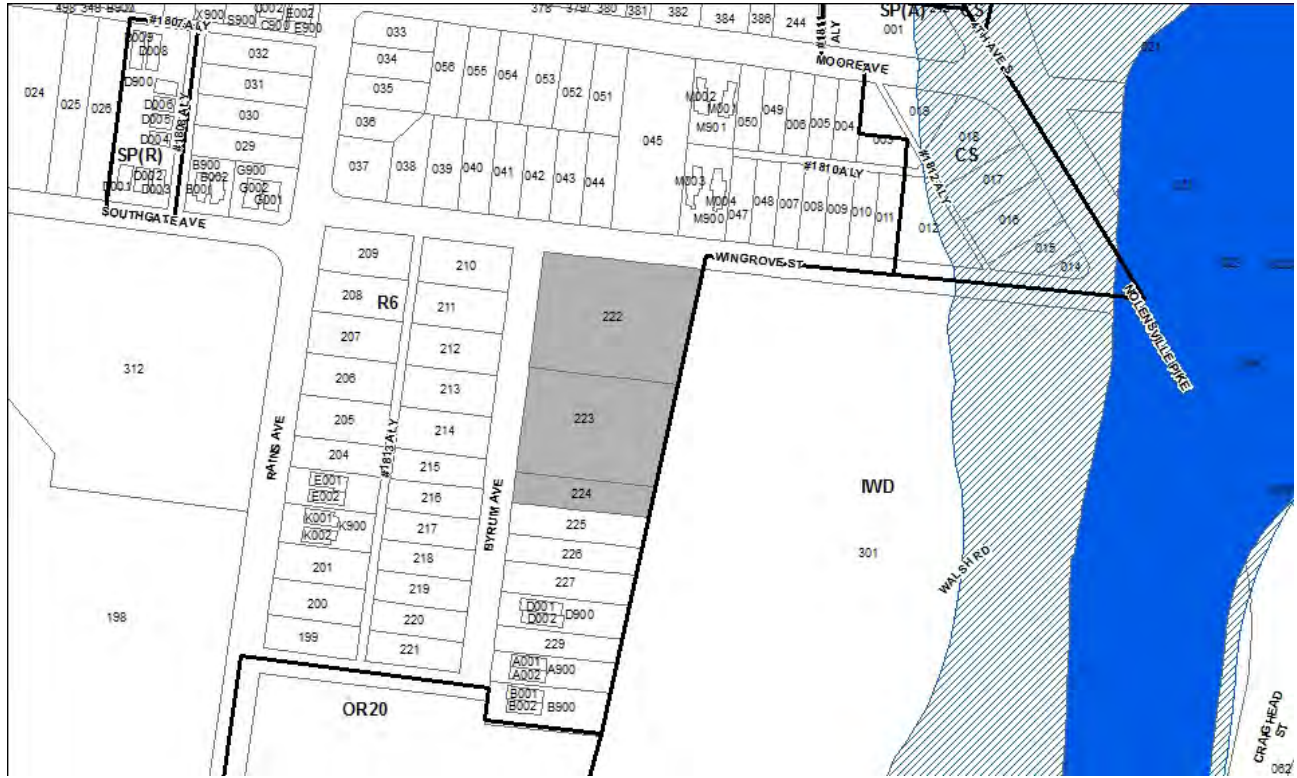
Staff recommends approval with conditions and disapproval without all conditions.

### **CONDITIONS**

1. Uses in the SP shall be limited to a maximum of 13 residential units.
2. 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.
3. 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.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. The final site plan/ building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.



# Metro Planning Commission Meeting of 12/08/2016



**2016SP-080-001**  
WINGROVE AND BYRUM SP  
Map 105-11, Parcel(s) 222-224  
11, South Nashville  
17, (Colby Sledge)



**Project No.** Specific Plan 2016SP-080-001  
**Project Name** Wingrove and Byrum SP  
**Council District** 17 – Sledge  
**School District** 05 – Kim  
**Requested by** Smith Gee Studio, applicant; FMBC Investments, LLC and Harvest Hands Community Development Corporation, owners.

**Deferrals** This case was deferred at the November 10, 2016, Planning Commission meeting. The public hearing was held.

**Staff Reviewer** Birkeland  
**Staff Recommendation** *Approve with conditions and disapprove without all conditions.*

**APPLICANT REQUEST**  
**Zone change to permit a residential development.**

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Residential (SP-R) zoning on properties located at 431 Wingrove Street and 2150 Byrum Avenue, at the southeast corner of Byrum Avenue and Wingrove Street, (2.28 acres), to permit up to 83 residential units.

**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 16 lots with 4 duplex lots for a total of 20 units.*

**Proposed Zoning**

Specific Plan-R (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.

**History**

This request was heard at the November 10, 2016, Planning Commission meeting, and the public hearing was held and closed. The Commission deferred to allow additional time for study in regards to the intensity of the development and traffic impacts.

**CRITICAL PLANNING GOALS**

N/A

**SOUTH 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



# Metro Planning Commission Meeting of 12/08/2016



**Proposed Site Plan**



## Metro Planning Commission Meeting of 12/08/2016

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.

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.

### Consistent with Policy?

The T4 NE policy is a residential policy intended to enhance urban neighborhoods with opportunities for improved pedestrian, bicycle, and vehicular connectivity. The policy supports a range of housing choices. Successful infill and redevelopment in existing neighborhoods needs to take into account the existing community character, street network, block structure, and proximity to centers and corridors. The applicant will provide appropriate transitions to the existing residential neighborhood by addressing massing on the site and will improve the site with sidewalks that exceed the minimum standards.

### **PLAN DETAILS**

The properties included in this SP are located along Wingrove Street and Byrum Street and are currently zoned R6. The existing zoning district allows for one and two-family residential uses. Byrum Street dead-ends south of this site.

### Site Plan

The revised plan includes 83 residential dwelling units fronting Wingrove and Byrum Streets. The previously proposed plan allowed up to 91 residential units. A plaza including a one-story amenity building is located at the corner of Wingrove and Byrum Streets. An open space area containing a deck and dog walk area is located in the southeast corner of the site.

The proposed units are composed of shipping containers. The proposed buildings are limited to a maximum height of 3 stories within 40 feet measured from finished floor to top of roof deck or eave. The maximum height with roof top structures is limited to 45 feet, measured from the finished floor to the top of the roof top structure.

Vehicular access is from Byrum Street. Parking is located behind the proposed units. Sidewalks are proposed along Byrum and Wingrove exceeds the local street standards, 6 foot sidewalk and 6 foot planting strip.



## Metro Planning Commission Meeting of 12/08/2016

### Architectural Character



### Analysis

The policy supports a range of housing choices. Successful infill and redevelopment in existing neighborhoods needs to take into account the existing community character, street network, block structure, and proximity to centers and corridors. The surrounding neighborhood consists of one, two and three family residential units. The proposed plan shows a three-story structure with massing that is different than the existing residential structures in the neighborhood.

To address massing on the site, the applicant has proposed a condition that would break up the vertical plane of the building fronting Byrum Street that is closest to the intersection of Byrum and Wingrove Streets. The building will be re-designed to break up the overall massing by setting back a portion of the middle of the building a minimum 8 feet from the rest of the building facade or by other means upon Planning Staff approval. By introducing more variety to the building form, particularly spacing within the vertical plane, the building articulation will achieve a reduction in overall massing. With this change, a less imposing building profile will be more sympathetic with the street and surroundings.

The plan proposes one vehicular access point on Byrum Street. No vehicle access will be provided to Wingrove Avenue. The proposed plan will provide a 6 foot sidewalk and 6 foot grass strip along both Byrum and Wingrove Streets, which exceeds the local street requirements. The proposed development will provide a sidewalk in-lieu fee for the amount linear street frontage along Wingrove Street to Nolensville Pike.

### FIRE MARSHAL RECOMMENDATION

#### Approved with conditions

- Fire Code issues will be addressed in the permit phase.

### STORMWATER RECOMMENDATION

#### Approve



## Metro Planning Commission Meeting of 12/08/2016

### WATER SERVICES RECOMMENDATION

#### Approved with conditions

- Approved as a Preliminary SP only. Public 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.
- Prior to Final SP, add callouts to the plan indicating that all construction within the ROW is to be per MPW standards and specs, i.e. ST-200, ST-210, STT-324, etc.
- Submit a dimensioned site plan, plan submitted includes no dimensions. Additional comments may follow pending review of the dimensioned site plan.
- Prior to Final SP, clearly label the curb and gutter, grass strip, sidewalk, ADA curb ramp, driveway, etc.

### TRAFFIC AND PARKING RECOMMENDATION

#### Approve with conditions

- Comply with findings of access study.
- Prior to Final SP, Identify number of units on plan and include parking chart on plans with required parking per metro code and number of spaces provided. Provide parking on site per metro code.

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)	2.28	7.26 D	20 U	192	15	21

\*Based on two two-family lots.

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 (220)	2.28		91 U	676	49	68

Traffic changes between maximum: **R6 and SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+484	+34	+47



## Metro Planning Commission Meeting of 12/08/2016

### METRO SCHOOL BOARD REPORT

**Projected student generation existing R6 district: 2 Elementary 1 Middle 1 High**

**Projected student generation proposed SP-R district: 17 Elementary 8 Middle 9 High**

The proposed SP zoning is expected to generate 30 more students than the existing R6 zoning. Students would attend Fall-Hamilton Elementary School, Wright Middle School and Glen Cliff High School. Fall-Hamilton Elementary has been identified as over capacity. There is capacity within the cluster for elementary students. All schools have 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? This is the intent of this project and many discussions have taking place with Councilman Colby Sledge on the subject. The very nature of the project is to bring diverse housing options to the area and with these smaller units, the market will only bear a certain price. , which indicates as of the time of this correspondence that the project will qualify for both affordable AND workforce housing units.
2. If so, how many and what is the percentage of the entire development? Same answer as above, however, I would say that as of the time of this correspondence half of the units will fall well within the affordable range. It is possible that an additional 25% of the units could still fall within the border of affordable, but they seem more on the borderline of affordable/workforce housing.
3. How will you enforce the affordability requirements? I am still looking for assistance on how the actual bill will be structured and how enforcement will be structured since nobody has actually done this in Nashville yet. Open to any ideas, but again because of the small nature of the footprints, it is doubtful that the market will
4. Have any structures been demolished in the last 12 months? No.

### STAFF RECOMMENDATION

The proposed SP is consistent with the T4 Neighborhood Evolving policy, therefore staff recommends approval with conditions and disapproval without all conditions.

### CONDITIONS

1. Uses shall be limited to a maximum of 83 residential uses.
2. Before Final SP approval, the building fronting Byrum Street that is closest to the intersection of Byrum and Wingrove Streets shall be re-designed to break up the overall massing of the structure. The massing shall be broken up by articulating a portion of the middle of the building back a minimum of 8 feet from the rest of the building facade in order to break up the massing of the overall structure or by other means upon Planning Staff approval.
3. An off-site sidewalk from the site to Nolensville Pike is required. Submit a contribution in-lieu of construction to the Planning Department prior to the issuance of building permits. The rate of \$96.00 per linear foot of total frontage area will require a \$64,320.00 (96.00 x 670 feet) contribution to Pedestrian Benefit Zone 5-A.
4. The optional structure in the amenity area shall not occupy more than 50% of the plaza, as shown in the preliminary plan.
5. The developer voluntarily requests that he and his successors comply with BL2016-133 if associated financial incentives are approved.
6. Short Term Rental Property uses shall be prohibited.



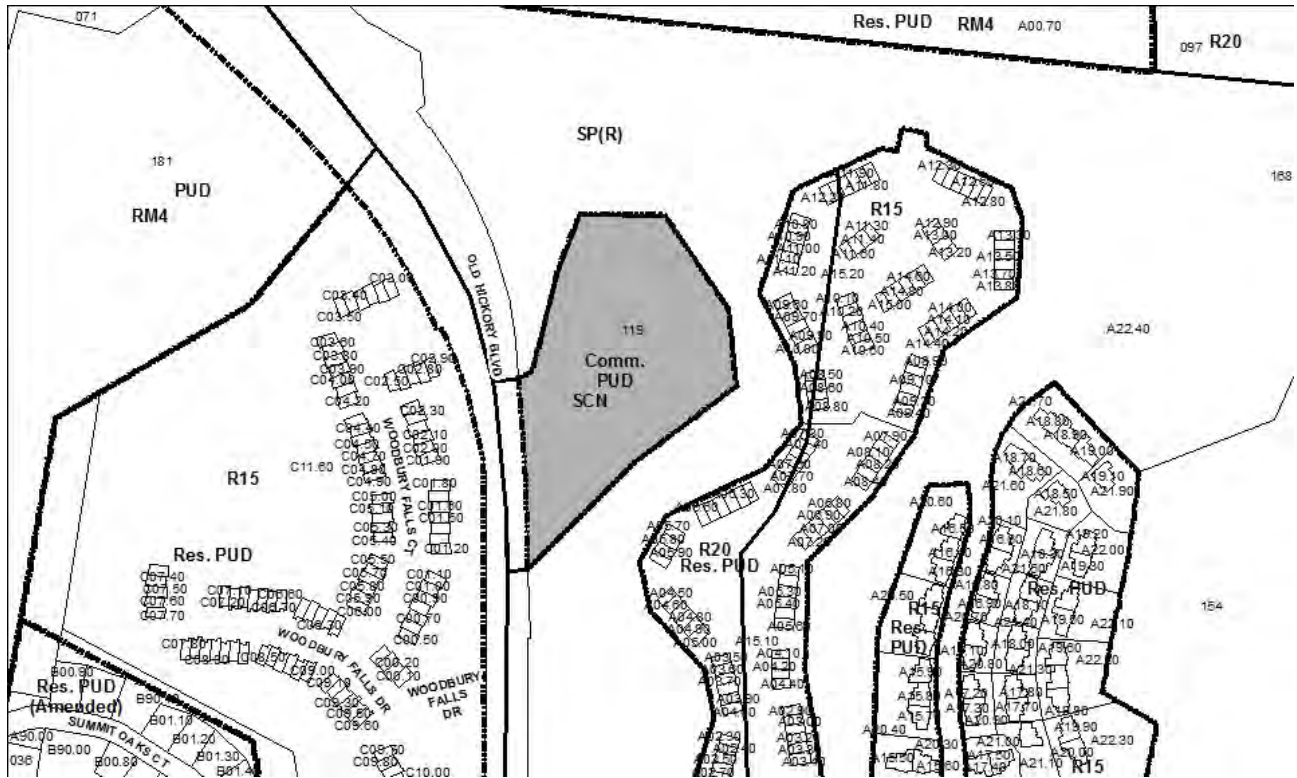


## Metro Planning Commission Meeting of 12/08/2016

7. 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 RM40-A zoning district as of the date of the applicable request or application.
8. 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.
9. 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.
10. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
11. 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.
12. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



# Metro Planning Commission Meeting of 12/08/2016



**2016SP-081-001**  
NASHVILLE HIGHLANDS II SP  
Map 128, Parcel(s) 119  
06, Bellevue  
23, (Mina Johnson)



<b>Project No.</b>	<b>Specific Plan 2016SP-081-001</b>
<b>Project Name</b>	<b>Nashville Highlands II SP</b>
<b>Associated Case</b>	<b>95P-009-001</b>
<b>Council District</b>	23 - Johnson
<b>School District</b>	09 - Frogge
<b>Requested by</b>	Tune Entrekin & White, applicant; Nashville Highlands, LLC, owner.
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Defer to the January 12, 2017, Planning Commission Meeting.</i>

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**APPLICANT REQUEST**

**Preliminary SP to permit a multi-family development.**

Preliminary SP

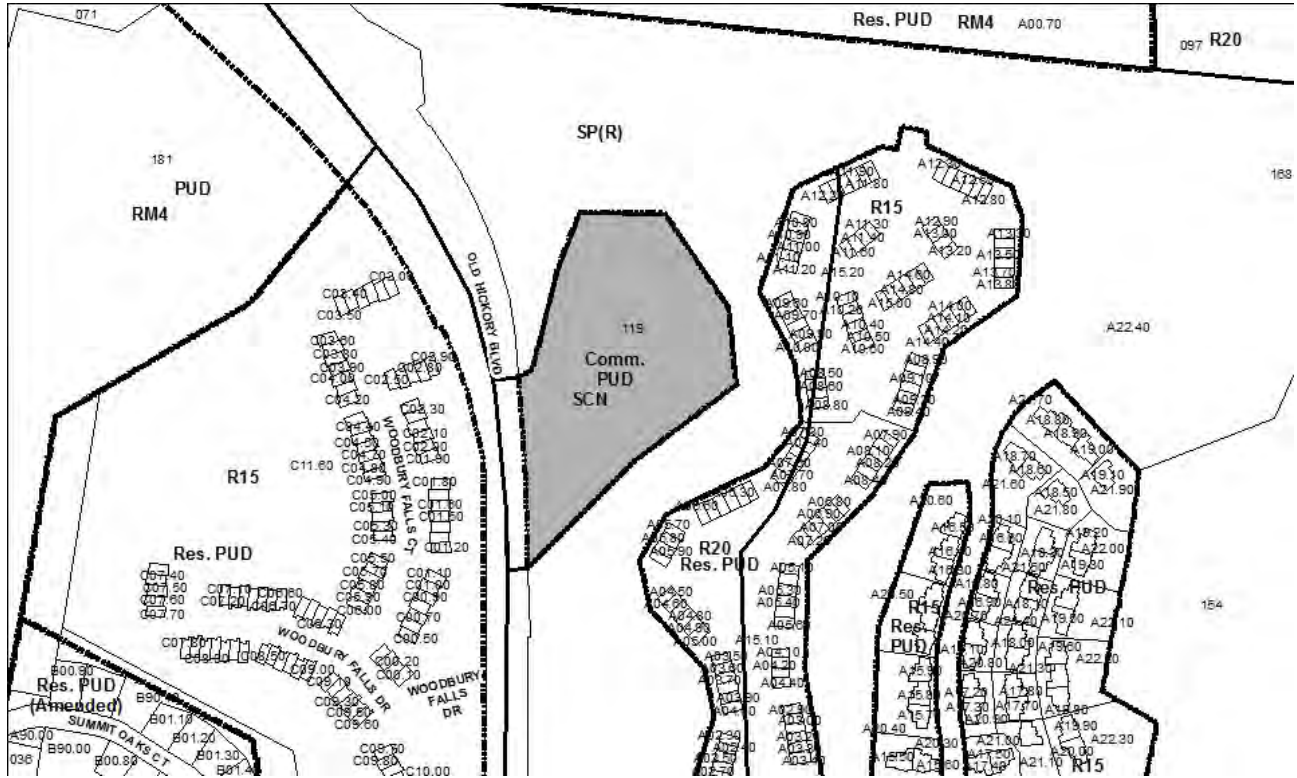
A request to rezone from Shopping Center Neighborhood (SCN) to Specific Plan-Residential (SP-R) zoning for property located at Old Hickory Boulevard (unnumbered), within a Planned Unit Development Overlay District (4.91 acres), to permit a multi-family residential development.

**STAFF RECOMMENDATION**

Staff recommends deferral to the January 12, 2017, Planning Commission meeting at the request of the applicant.



# Metro Planning Commission Meeting of 12/08/2016



**95P-009-001**

**PUD CANCELLATION**

Map 128, Parcel(s) 119

06, Bellevue

23, (Mina Johnson)



<b>Project No.</b>	<b>PUD Cancellation 95P-009-001</b>
<b>Associated Case</b>	<b>2016SP-081-001</b>
<b>Council District</b>	23 - Johnson
<b>School District</b>	09 - Frogge
<b>Requested by</b>	Tune Entrekin & White, applicant; Nashville Highlands, LLC, owner.
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Defer to the January 12, 2017, Planning Commission Meeting.</i>

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**APPLICANT REQUEST**  
**Cancel a PUD.**

PUD Cancellation

A request for cancellation of a Planned Unit Development Overlay District on property located at Old Hickory Boulevard (unnumbered), approximately 3,100 feet southeast of Ridgelake Parkway, zoned Shopping Center Neighborhood (SCN), (4.91 acres).

**STAFF RECOMMENDATION**

Staff recommends deferral to the January 12, 2017, Planning Commission meeting at the request of the applicant.



# Metro Planning Commission Meeting of 12/08/2016



**2016S-094-001**

**MONTE CARLO ESTATES SECTION 1 PHASE 2**

Map 172-04, Parcel(s) 013

12, Southeast

31 (Fabian Bedne)



<b>Project No.</b>	<b>Concept Plan 2016S-094-001</b>
<b>Project Name</b>	<b>Monte Carlo Estates Section 1 Phase 2</b>
<b>Council District</b>	31 – Bedne
<b>School District</b>	2 – Brannon
<b>Requested by</b>	Ahler & Associates, LLC, applicant; Terron Mercer, owner.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Approve with conditions.</i>

**APPLICANT REQUEST**

**Concept plan to create four lots.**

Concept Plan

A request for concept plan approval to create four lots on property located at Monte Carlo Court (unnumbered), at the end of Monte Carlo Court (1.33 acres), zoned Single-Family Residential (RS10).

**Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 5 lots*

**CRITICAL PLANNING GOALS**

N/A

**PLAN DETAILS**

The site is located midblock along Monte Carlo Drive, north of Barnes Road. The site is approximately 1.3 acres in size and is identified as a reserve parcel. 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.

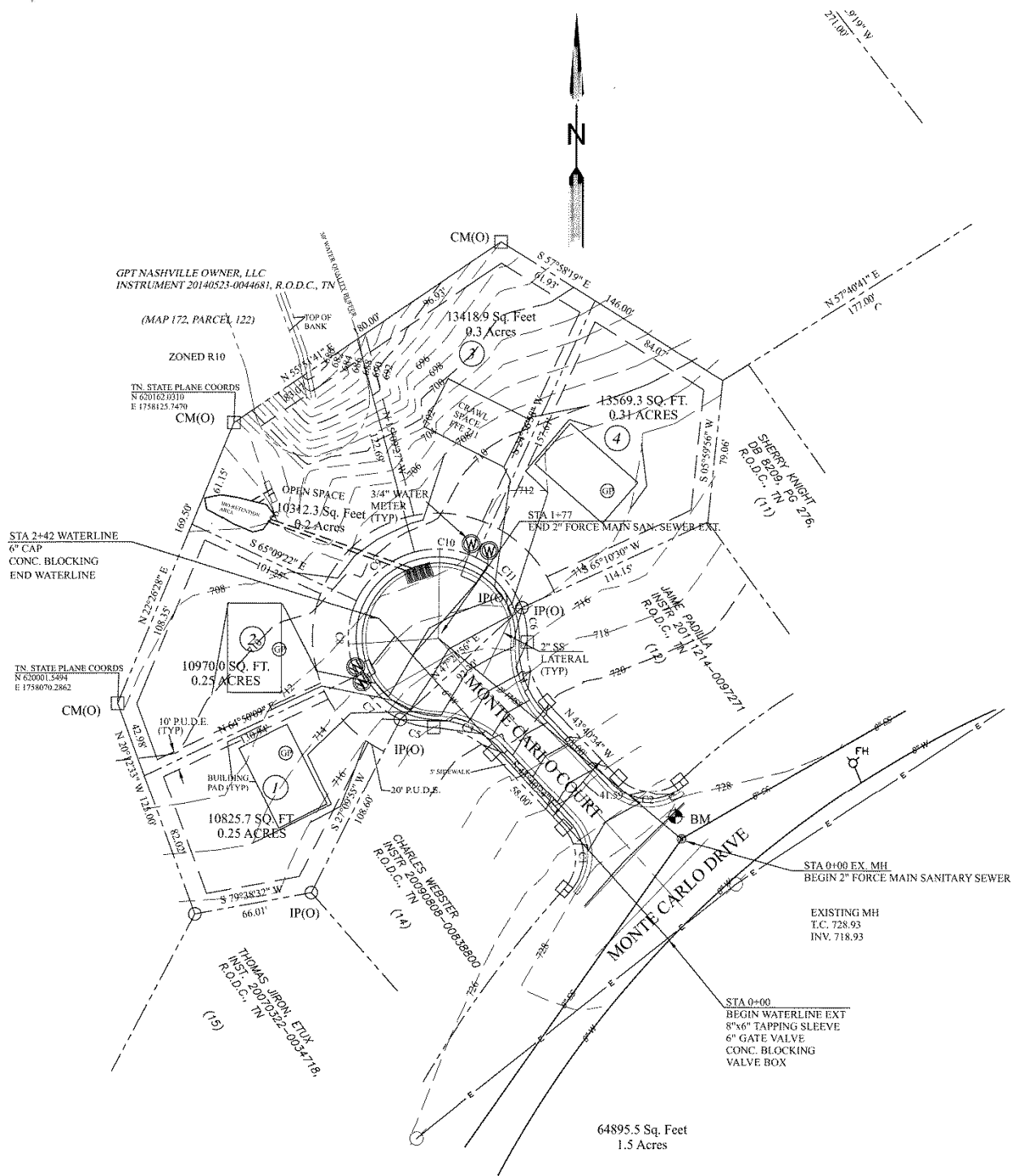
Site Plan

The plan calls for four lots along a new public street. Existing right-of-way identified as Monte Carlo Court would connect the four lots to Monte Carlo Drive. Open space has been provided between Lot 2 and Lot 3. The proposed lot sizes are as follows:

- Lot 1: 10,825 square feet
- Lot 2: 10,970 square feet
- Lot 3: 13,418 square feet
- Lot 4: 13,569 square feet



# Metro Planning Commission Meeting of 12/08/2016



Proposed Site Plan





## Metro Planning Commission Meeting of 12/08/2016

### ANALYSIS

This application is to create four lots and to remove the reserve parcel status. It was evaluated against two provisions within the Subdivision Regulations: (1) Criteria for Compatibility; and (2) Criteria for Removing Reserve status.

#### Compatibility

The proposal to create four lots is not required to meet the compatibility standards in the Subdivision Regulations. Compatibility standards are defined in Section 3-5 and are applied in certain areas on an existing street. Monte Carlo Court is platted, but not constructed; therefore, it is not considered an existing street for purposes of this evaluation. Although meeting the compatibility standards for Section 3-5 is not required for this application, the Planning Commission's review of the reserve status does require an evaluation of how the proposal fits within the character of the surrounding neighborhood. This evaluation is below. Staff utilized compatibility standards for lot frontage and size, as noted below.

#### Reserve Status

The original plat does not include a reason why the reserve status was added to this parcel. Removal of the reserve status requires Planning Commission approval. Section 2.8-1 of the Subdivision Regulations establishes criteria for determining whether to remove the reserve status:

- (1) The parcel fits into the character of the area and is consistent with the general plan.  
Staff Comment: Staff analyzed lot frontage and size to evaluate how it fits within the adjacent neighborhood. The existing lots along Monte Carlo Drive range from 11,900 square feet to 14,442 square feet. The proposed lots on Monte Carlo Court range from 10,825 square feet to 13,569 square feet. The existing lots along Monte Carlo Drive range from 70 feet to 100 feet of frontage. The proposed lots along Monte Carlo Court have less frontage because they are on a cul-de-sac. Staff finds the proposed lots are generally consistent in size with the existing lots on Monte Carlo Drive, and the pattern of development and lot sizes are generally consistent with the neighboring residential context.
- (2) That all minimum standards of the Zoning Code are met.  
Staff Comment: The proposed lots meet the minimum standards of the RS10 zoning district.
- (3) That the parcel has street frontage or meets the requirements of Section 3-4.2.b or meets the requirements of Sections 3-4.2.b, 3-4.3.c, 4-6.3, or 5-3.1.  
Staff comment: The lots will have frontage on Monte Carlo Court.
- (4) The current standards of all reviewing agencies are met.  
Staff Comment: All agencies have approved the plat.

Staff finds the proposed concept plan and removal of reserve status is consistent with the community character.

### FIRE MARSHAL RECOMMENDATION

N/A

### STORMWATER RECOMMENDATION

Approved



## **Metro Planning Commission Meeting of 12/08/2016**

### **WATER SERVICES RECOMMENDATION**

#### **Approved with conditions**

- Approved as a Concept Plan only. Public water and 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 Plan. The required capacity fees must also be paid prior to Final Site/Development Plan approval..

### **PUBLIC WORKS RECOMMENDATION**

#### **Approved with conditions**

- This development will require Public Works approval of detailed construction plans prior to grading the site. Plans must 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 and improvements may vary based on actual field conditions.
- If sidewalks are required by Planning, then they should be shown and labeled on the plan with curb and gutter, 4 foot grass strip, and a minimum 5 foot wide sidewalk unobstructed. Any existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
- Any grading onto adjacent properties will require easements.

### **TRAFFIC & PARKING RECOMMENDATION**

#### **No exception taken.**

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions as this request meets the Subdivision Regulations.

### **CONDITIONS**

1. This subdivision is restricted to a maximum of two points of access for the four lots. Add the following note: "Lots 1 and 2 are limited to a maximum of one access point through the access easement labeled, shared access easement. Lot 3 and 4 are limited to a maximum of one access point through the access easement labeled, shared access easement." Depict and label shared access easements and access points on the plat.
2. 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.
3. 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 3 and 4.
4. A 5 foot sidewalk and 4 foot planting strip shall be required along Monte Carlo Court.
5. No parking is permitted between the primary structure and street.
6. A raised foundation of 18"- 36" is required for all residential structures.
7. Height shall be a maximum of two stories in 35 feet.
8. 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.
9. Add the following note to the plat: The final site plan/ building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing

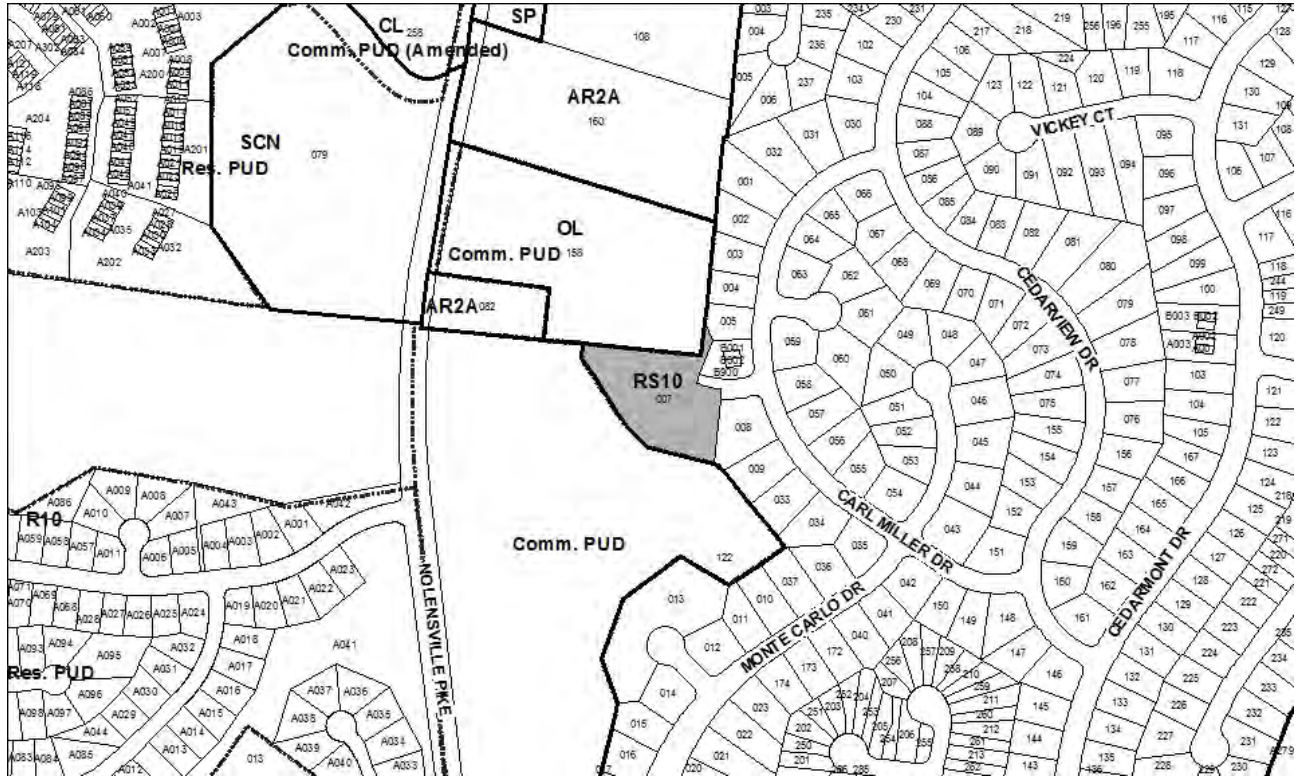


## **Metro Planning Commission Meeting of 12/08/2016**

and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.



# Metro Planning Commission Meeting of 12/08/2016



**2016S-101-001**

**MONTE CARLO ESTATES**

Map 172-04, Parcel(s) 007

12, Southeast

31 (Fabian Bedne)



<b>Project No.</b>	<b>Concept Plan 2016S-101-001</b>
<b>Project Name</b>	<b>Monte Carlo Estates</b>
<b>Council District</b>	31 – Bedne
<b>School District</b>	2 – Brannon
<b>Requested by</b>	Ahler & Associates, LLC, applicant; Terron Mercer, owner.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Approve with conditions.</i>

**APPLICANT REQUEST**

**Concept plan to create three lots.**

Concept Plan

A request for concept plan approval to create three lots on property located at Carl Miller Drive (unnumbered), approximately 170 feet south of Monte Leone Court (1.69 acres), zoned Single-Family Residential (RS10).

**Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 5 lots.*

**CRITICAL PLANNING GOALS**

N/A

**PLAN DETAILS**

The site is located midblock along Carl Miller Drive, north of Monte Carlo Drive. The site is approximately 1.69 acres in size and is identified as a reserve parcel. 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.

Site Plan

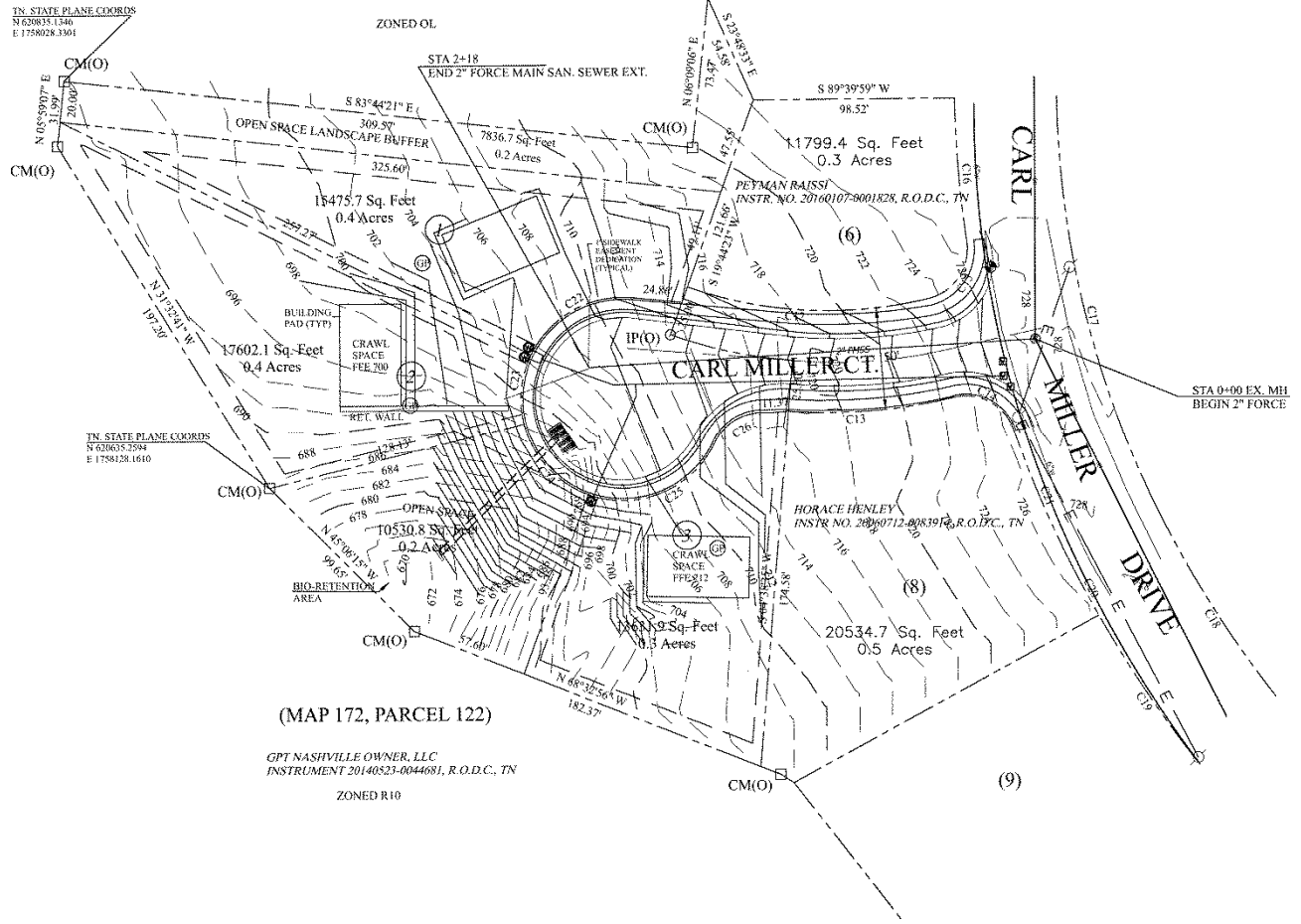
The plan calls for three lots along a new public street. Existing right-of-way identified as Carl Miller Court would connect the three lots to Carl Miller Drive. Open space has been provided between Lot 2 and Lot 3. The proposed lot sizes are as follows:

- Lot 1: 15,475 square feet
- Lot 2: 17,602 square feet
- Lot 3: 13,631 square feet



# Metro Planning Commission Meeting of 12/08/2016

WOODBINE FUNERAL HOME, INC.  
DEED BOOK 6592, PAGE 805, R.O.D.C., TN



(MAP 172, PARCEL 122)

GPT NASHVILLE OWNER, LLC  
INSTRUMENT 20140523-0044681, R.O.D.C., TN

ZONED R10

## Proposed Site Plan



## Metro Planning Commission Meeting of 12/08/2016

### ANALYSIS

This application is to create three lots and to remove the reserve parcel status. It was evaluated against two provisions within the Subdivision Regulations: (1) Criteria for Compatibility; and (2) Criteria for Removing Reserve status.

#### Compatibility

The proposal to create three lots is not required to meet the compatibility standards in the Subdivision Regulations. Compatibility standards are defined in Section 3-5 and are applied in certain areas on an existing street. Carl Miller Court is platted, but not constructed; therefore, it is not considered an existing street for purposes of this evaluation. Although meeting the compatibility standards for Section 3-5 is not required for this application, the Planning Commission's review of the reserve status does require an evaluation of how the proposal fits within the character of the surrounding neighborhood. This evaluation is below. Staff utilized compatibility standards for lot frontage and size, as noted below.

#### Reserve Status

The original plat does not include a reason why the reserve status was added to this parcel. Removal of the reserve status requires Planning Commission approval. Section 2.8-1 of the Subdivision Regulations establishes criteria for determining whether to remove the reserve status:

- (1) The parcel fits into the character of the area and is consistent with the general plan.  
Staff Comment: Staff analyzed lot frontage and size to evaluate how it fits within the adjacent neighborhood. The existing lots along Carl Miller Drive range from 10,220 square feet to 20,889 square feet. The proposed lots on Carl Miler Court range from 13,631 square feet to 17,602 square feet. The existing lots along Carl Miller Drive range from 70 feet to 110 feet of frontage. The proposed lots along Carl Miller Court have less frontage because they are on a cul-de-sac. Staff finds the proposed lots are generally consistent in size with the existing lots on Carl Miller Drive, and the pattern of development and lot sizes are generally consistent with the neighboring residential context.
- (2) That all minimum standards of the Zoning Code are met.  
Staff Comment: The proposed lots meet the minimum standards of the RS10 zoning district.
- (3) That the parcel has street frontage or meets the requirements of Section 3-4.2.b or meets the requirements of Sections 3-4.2.b, 3-4.3.c, 4-6.3, or 5-3.1.  
Staff comment: The lots will have frontage on Carl Miller Court.
- (4) The current standards of all reviewing agencies are met.  
Staff Comment: All agencies have approved the plat.

Staff finds the proposed concept plan and removal of reserve status is consistent with the community character.

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

**Approved**

### **WATER SERVICES RECOMMENDATION**

**Approved with conditions**



## **Metro Planning Commission Meeting of 12/08/2016**

- Approved as a Concept Plan only. Public water and 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 Plan. The required capacity fees must also be paid prior to Final Site/Development Plan approval.

### **PUBLIC WORKS RECOMMENDATION**

#### **Approved with conditions**

- This development will require Public Works approval of detailed construction plans prior to grading the site. Plans must 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 and improvements may vary based on actual field conditions.
- If sidewalks are required by Planning, then they should be shown and labeled on the plan with curb and gutter, 4 foot grass strip, and a minimum 5 foot wide sidewalk unobstructed. Any existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
- Any grading onto adjacent properties will require easements.

### **TRAFFIC & PARKING RECOMMENDATION**

#### **No exception taken**

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions, as this request meets the Subdivision Regulations.

### **CONDITIONS**

1. This subdivision is restricted to a maximum of two points of access for the three lots. Add the following note: "Lots 1 and 2 are limited to a maximum of one access point through the access easement labeled, shared access easement. Lot 3 is limited to a maximum of one access point." Depict and label access easement and access points on the plat.
2. Add the following note: 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.
3. A 5 foot sidewalk and 4 foot planting strip shall be required along Carl Miller Ct.
4. No parking is permitted between the primary structure and street.
5. A raised foundation of 18"- 36" is required for all residential structures.
6. Height shall be a maximum of two stories in 35 feet.
7. 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.
8. Add the following note to the plan/plat: The final site plan/ building permit site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.





**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 12/08/2016



**2016S-160-001**  
RESUBDIVISION OF LOT 1 RESUB LOT 12 OF GEORGE BURRUS  
SUBDIVISION OF LOT 81 MAPLE HOME TRACT  
Map 061-11, Parcel(s) 171  
05, East Nashville  
8, (Nancy Van Reece)



**Project No.** 2016S-160-001  
**Project Name** Resubdivision of Lot 1 Resub lot 12 of George Burrus Subdivision of Lot 81 Maple Home Tract  
**Council District** 08 - VanReece  
**School District** 03 - Speering  
**Requested by** Chapdelaine & Associates, applicant; Strive Properties, owner.

**Deferrals** This request was deferred from the August 11, 2016, August 25, 2016, September 8, 2016, September 22, October 13 2016, October 27 2016, November 10, 2016, and November 17, 2016 Planning Commission meetings. A public hearing was held on August 11, 2016.

**Staff Reviewer** Napier  
**Staff Recommendation** *Defer to the January 12, 2017, Planning Commission Meeting*

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**APPLICANT REQUEST**

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

Final Plat

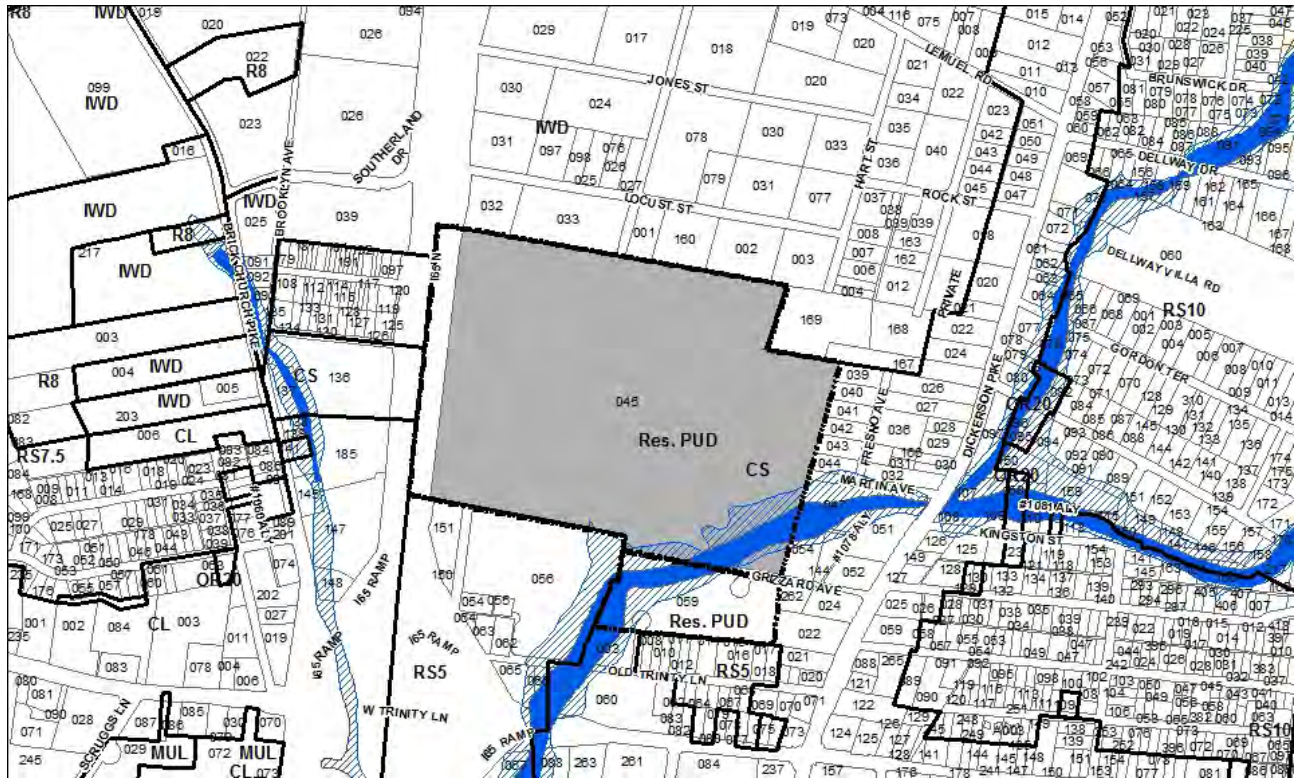
A request for final plat approval to create two lots on property located at 1003 Curdwood Boulevard, at the northeast corner of Burrus Street and Curdwood Boulevard, zoned Single-Family Residential (RS7.5), (0.35 acres).

Staff Recommendation

Staff recommends deferral to the January 12, 2017, Planning Commission at the request of the applicant.



# Metro Planning Commission Meeting of 12/08/2016



**148-81P-001**  
HOLIDAY VILLAGE  
Map 071-03, Parcel 045  
6, East Nashville  
02 (DeCosta Hastings)  
05 (Scott Davis)



**Project No.** **Planned Unite Development 148-81P-001**  
**Project Name** **Holiday Village PUD**  
**Council District** 02 - Hastings  
**School District** 01 – Gentry  
**Requested by** Perry Engineering, LLC, applicant; UMH TN Holiday Village MHP, LLC, owner.

**Deferrals** This request was deferred from the November 17, 2016, Planning Commission meeting. No public hearing was held.

**Staff Reviewer** Birkeland  
**Staff Recommendation** *Defer to the January 12, 2017, Metro Planning Commission meeting*

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**APPLICANT REQUEST**

**Revise preliminary plan for Holiday Village.**

Revise Preliminary PUD

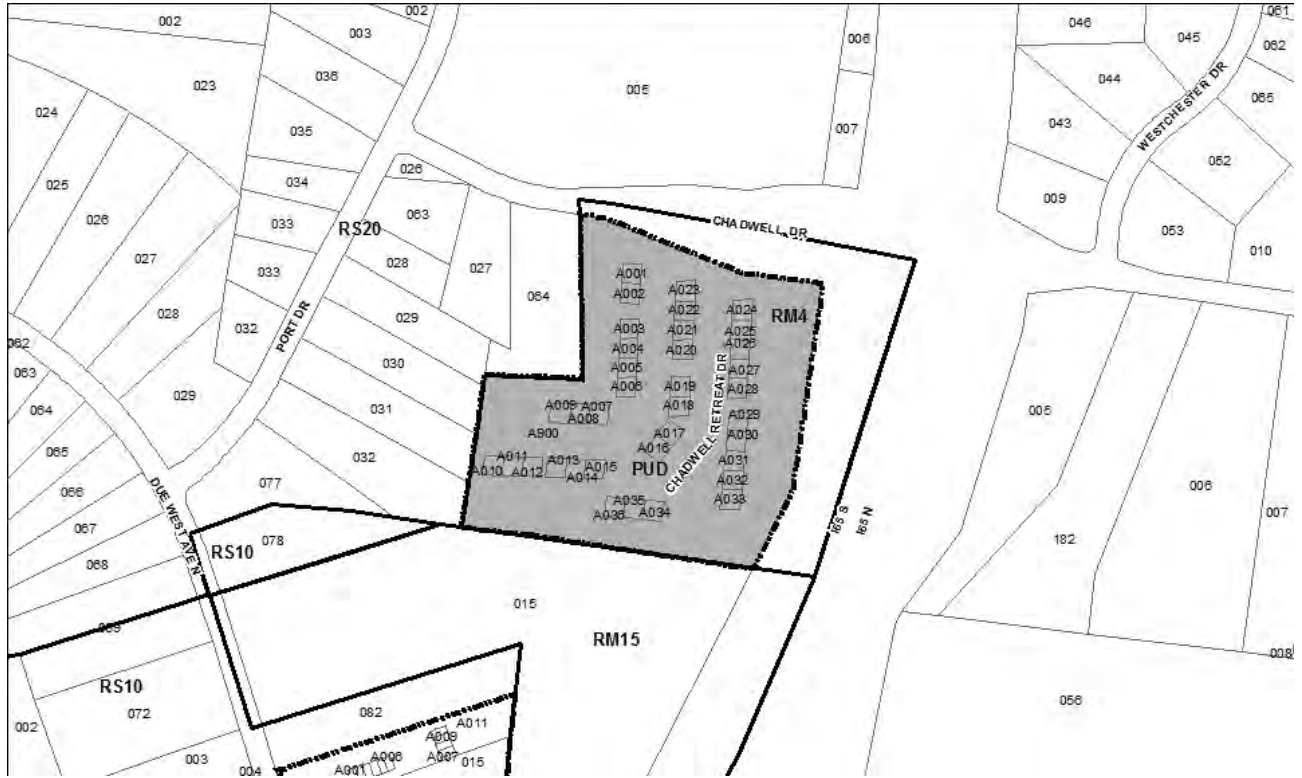
A request to revise the preliminary plan for a Planned Unit Development Overlay District located at 201 Grizzard Avenue, approximately 685 feet northwest of Dickerson Pike, zoned Commercial Service (CS) (68.15 acres), to revise the layout and reduce the amount of mobile home units from 276 units to 155.

Staff Recommendation

Staff recommends deferral to the January 12, 2017, Planning Commission at the request of the applicant.



# Metro Planning Commission Meeting of 12/08/2016



## 2004P-032-001

Chadwell Retreat PUD  
Map 051-02-0-A, Parcel 900  
02, Parkwood-Union Hill  
08 (Nancy VanReece)



**Project No.** **Planned Unit Development 2004P-032-001**  
**Project Name** **Chadwell Retreat (PUD Amendment)**  
**Associated Case No.** 2016Z-131PR-001  
**Council District** 08 – VanReece  
**School District** 03 – Speering  
**Requested by** Dale & Associates, Inc., applicant; O.I.C. Chadwell Retreat Townhomes, owner.

**Deferral** This request was deferred from the October 13, 2016, and the October 27, 2016, Planning Commission meetings. No public hearing was held.

**Staff Reviewer** Sharp  
**Staff Recommendation** *Approve with conditions and disapprove without all conditions subject to the approval of the associated zone change, and disapprove if the associated zone change is not approved.*

**APPLICANT REQUEST**

**Amend a PUD.**

Amend PUD

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 units within the overlay.

**Existing Zoning**

Multi-Family Residential (RM4) is intended for single-family, duplex, and multi-family dwellings at a density of four dwelling units per acre. *RM4 would permit a maximum of 40 units.*

**Proposed Zoning**

Multi-Family Residential (RM6) is intended for single-family, duplex, and multi-family dwellings at a density of six dwelling units per acre. *RM6 would permit a maximum of 59 units.*

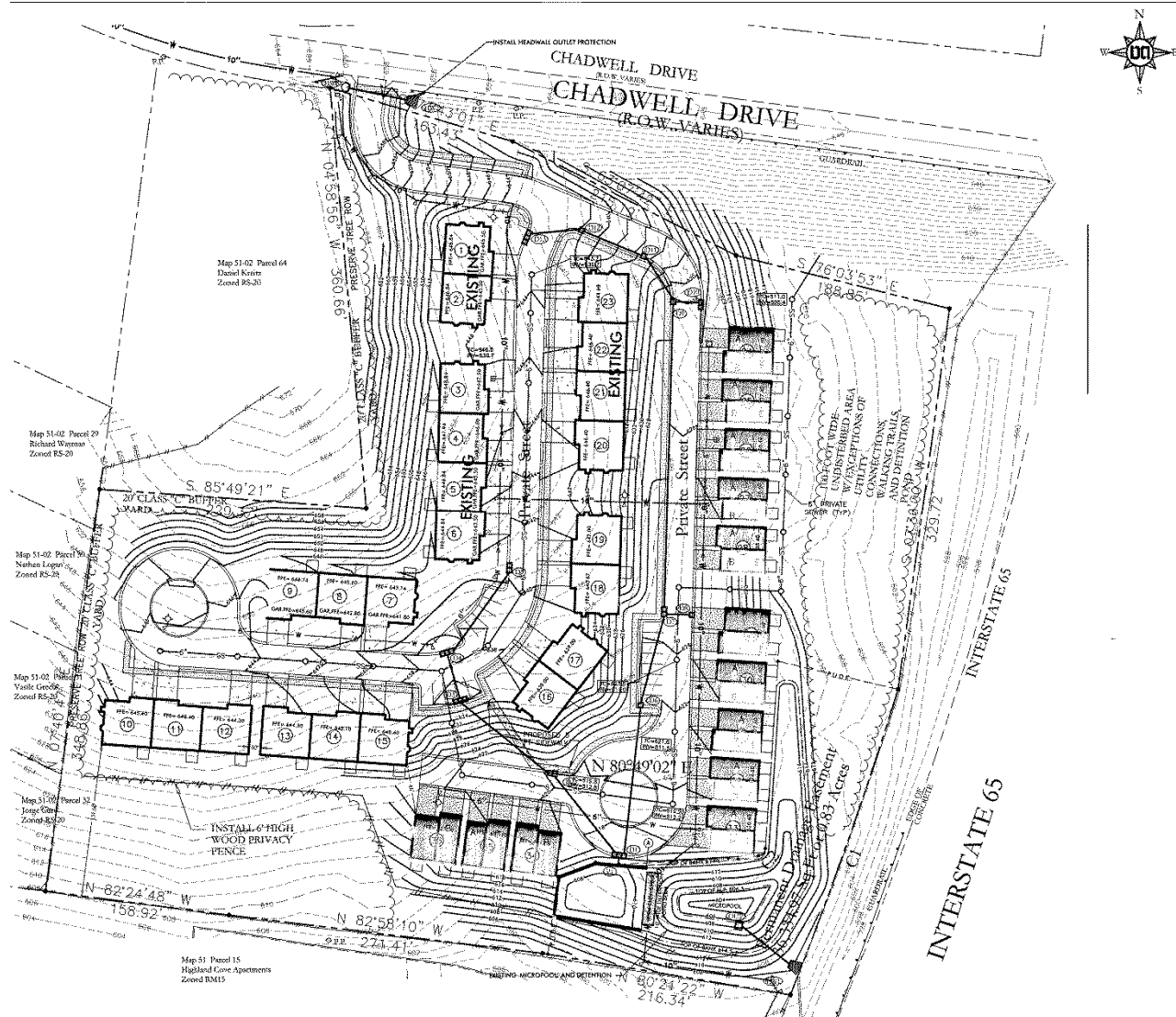
Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of 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.

**CRITICAL PLANNING GOALS**

N/A



# Metro Planning Commission Meeting of 12/08/2016



**Proposed Site Plan**





## Metro Planning Commission Meeting of 12/08/2016

### **PARKWOOD-UNION HILL COMMUNITY PLAN**

Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

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

#### Consistent with Policy?

Yes. Depending on the location, the policy supports all types of residential development, including multi-family residential units. The policy supports development that is generally consistent with the surrounding development pattern. The proposed amendment is consistent with the character of the existing multi-family development currently built within the PUD in terms of building form and land use. It is also consistent with the general character of the neighborhood, which has several multi-family developments. The slopes on the site have been previously disturbed.

### **PLAN DETAILS**

The site is located just west of I-65 along the south side of Chadwell Drive. The PUD was previously approved for a maximum of 36 multi-family units; ten of these units have been constructed and are occupied. The plan calls for the addition of 13 multi-family units to be added into the PUD for a total of 49 multi-family units. The additional units would be constructed within the approved footprints; the previously approved building coverage would not be increased. The applicant has indicated that the site's infrastructure is also fully constructed. The site has some slopes that have been disturbed with the prior grading and development of the site.

#### Site Plan

The 13 units proposed with this amendment are located within the existing development; no new acreage is to be added. Ten of the 36 units previously approved have been constructed, while the remaining previously approved 26 units have not been built. Thirteen of the previously approved units on the southwestern portion of the site that have not yet been constructed would not be affected significantly by this amendment: one row of four townhomes has been broken into two rows of two units, and another row of six townhomes has been broken into two rows of three units.

The significant change to the previously approved PUD plan relates to the 13 previously approved units on the southeastern portion of the site. These units are shaded on the proposed site plan. These units were previously approved as three rows of townhomes; the amendment proposes to break these rows of townhomes into duplex structures and to place two units within each of the previously approved building footprints. This would place the 13 proposed additional units within the building footprint of the previously approved 13 units for an amended total of 26 units, essentially doubling the density for this portion of the site without increasing the previously approved building coverage.



## Metro Planning Commission Meeting of 12/08/2016

The amended plan also provides improved sidewalk connectivity and widens sidewalks within the development from four feet to five feet.

### ANALYSIS

Section 17.40.120.G permits the Planning Commission to approve “minor modifications” under certain conditions. However, this request cannot be considered a “minor modification” because it increases the number of units over what was approved by Council. As an amendment, this proposal will require Council approval.

The proposed PUD amendment is consistent with the T3 NM land use policy as it is expressed in this neighborhood; there are two large multi-family developments directly to the south of this PUD. The addition of thirteen units is appropriate because it is consistent with the existing multi-family development pattern within the PUD and does not increase the building coverage on the site or significantly deviate from the previously approved site plan in terms of site layout and design.

### FIRE DEPARTMENT RECOMMENDATION

**Approved with conditions**

### STORMWATER RECOMMENDATION

**Approved**

### WATER SERVICES

**Approved with conditions**

- Approved as a Preliminary PUD Amendment only. Public 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**

### TRAFFIC AND PARKING RECOMMENDATION

**Approved**

Maximum Uses in Existing Zoning District: **RM4**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	9.98	-	36 U	342	22	38

Maximum Uses in Proposed Zoning District: **RM6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	9.98	-	49 U	421	28	45



# Metro Planning Commission Meeting of 12/08/2016

Traffic changes between maximum: RM4 and RM6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 49U	+79	+6	+7

## METRO SCHOOL BOARD REPORT

**Projected student generation existing PUD district: 5 Elementary 3 Middle 3 High**

**Projected student generation proposed PUD district: 7 Elementary 4 Middle 5 High**

The proposed addition of 13 multi-family units would generate five additional students. Students would attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School. There is capacity for additional students in all three schools. The information is based upon data from the school board last updated in March 2016.

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

1. Will this project include any affordable or workforce housing units? Although 26 of the units will be smaller and considered affordable, they will not be classified as such.
2. If so, how many and what is the percentage of the entire development? 0%
3. How will you enforce the affordability requirements? No.
4. Have any structures been demolished in the last 12 months? No.

## STAFF RECOMMENDATION

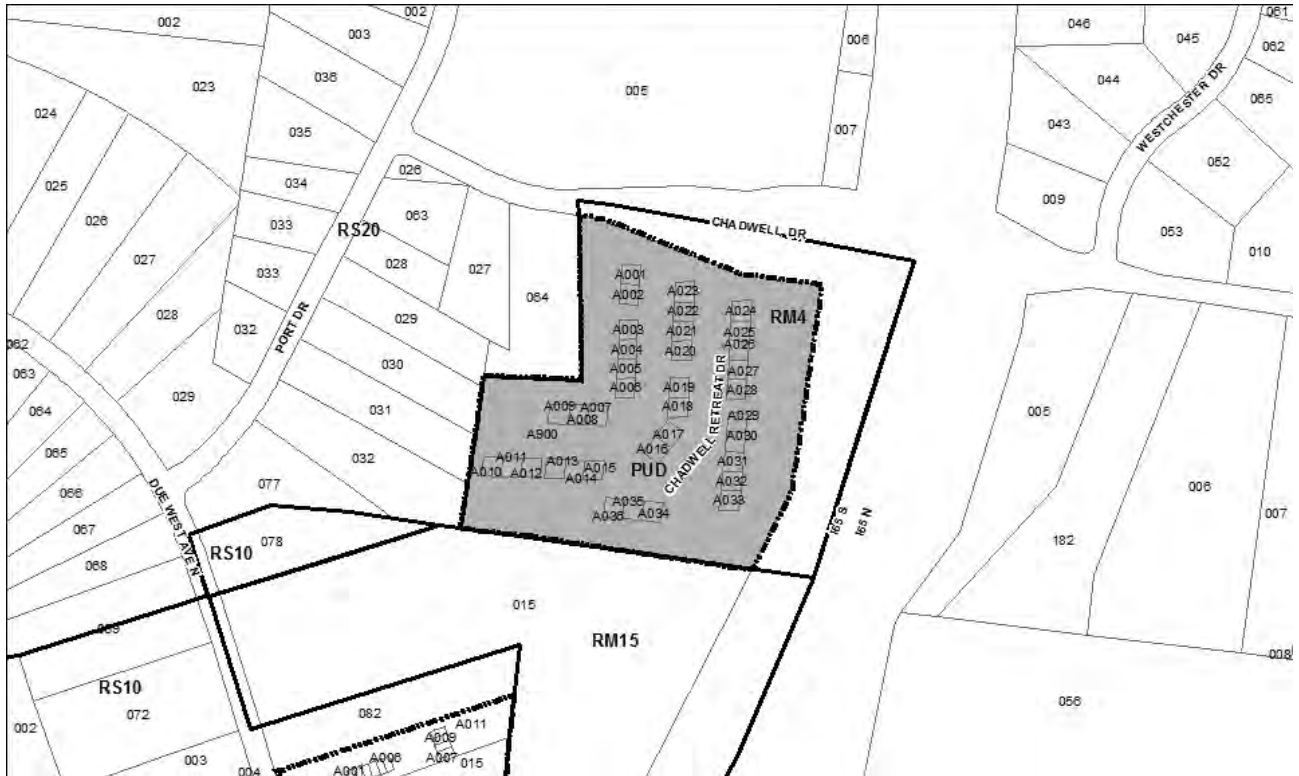
Staff recommends approval with conditions and disapproval without all conditions.

## CONDITIONS

1. Uses in the PUD shall be limited to a maximum of 49 residential units.
2. 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.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the 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.
5. Sidewalk must be provided in front of units 35 and 36 to connect to the provided sidewalk.



# Metro Planning Commission Meeting of 12/08/2016



**2016Z-131PR-001**

Map 051-02-0-A, Parcel(s) 900  
02, Parkwood/Union Hill  
08 (Nancy VanReece)



**Project No.** Zone Change 2016Z-131PR-001  
**Associated Case No.** 2004P-032-001  
**Council District** 08 – VanReece  
**School District** 03 – Speering  
**Requested by** Dale & Associates, Inc., applicant; Danny Roark, owner.

**Deferral** This request was deferred from the October 13, 2016, and the October 27, 2016, Planning Commission meetings. No public hearing was held.

**Staff Reviewer** Sharp  
**Staff Recommendation** Approve.

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**APPLICANT REQUEST**  
**Zone change from RM4 to RM6.**

Zone Change

A request to rezone from Multi-Family Residential (RM4) to Multi-Family Residential (RM6) zoning for property located at 1497 Chadwell Drive, approximately 400 feet southeast of Port Drive (9.98 acres).

**Existing Zoning**

Multi-Family Residential (RM4) is intended for single-family, duplex, and multi-family dwellings at a density of four dwelling units per acre. *RM4 would permit a maximum of 39 units.*

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. This PUD plan 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 PUD overlay permits a maximum of 36 units.*

**Proposed Zoning**

Multi-Family Residential (RM6) is intended for single-family, duplex, and multi-family dwellings at a density of six dwellings units per acre. *RM6 would permit a maximum of 59 units.*

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. This PUD plan In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned



## Metro Planning Commission Meeting of 12/08/2016

living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. *If this request and the associated PUD amendment are approved, then the PUD would permit a maximum of 49 units.*

### CRITICAL PLANNING GOALS

N/A

### MADISON COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

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

#### Consistent with Policy?

Yes. The proposed RM6 zoning district is consistent with the T3 Suburban Neighborhood Maintenance policy. Depending on the location, the policy supports all types of residential development, including multi-family residential units. The policy supports development that is generally consistent with the surrounding development pattern. The proposed RM6 zoning is consistent with the general character of the neighborhood. The site is directly north of a property zoned RM15 and less than a quarter mile north of property zoned RM9. The associated PUD amendment is also consistent with the policy.

### FIRE DEPARTMENT RECOMMENDATION

N/A

### PUBLIC WORKS 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: **RM4**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (220)	9.98	-	36 U	342	22	38



## Metro Planning Commission Meeting of 12/08/2016

Maximum Uses in Proposed Zoning District: **RM6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	9.98	-	49 U	421	28	45

Traffic changes between maximum: **RM4** and **RM6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 49U	+79	+6	+7

### METRO SCHOOL BOARD REPORT

**Projected student generation existing PUD district: 5 Elementary 3 Middle 3 High**

**Projected student generation proposed PUD district: 7 Elementary 4 Middle 5 High**

The proposed addition of 13 multi-family units would generate five additional students. Students would attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School. There is capacity for additional students in all three schools. The information is based upon data from the school board last updated in March 2016.

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

1. Will this project include any affordable or workforce housing units?

Although 26 of the units will be smaller and considered affordable, they will not be classified as such.

2. If so, how many and what is the percentage of the entire development? 0%

3. How will you enforce the affordability requirements? No.

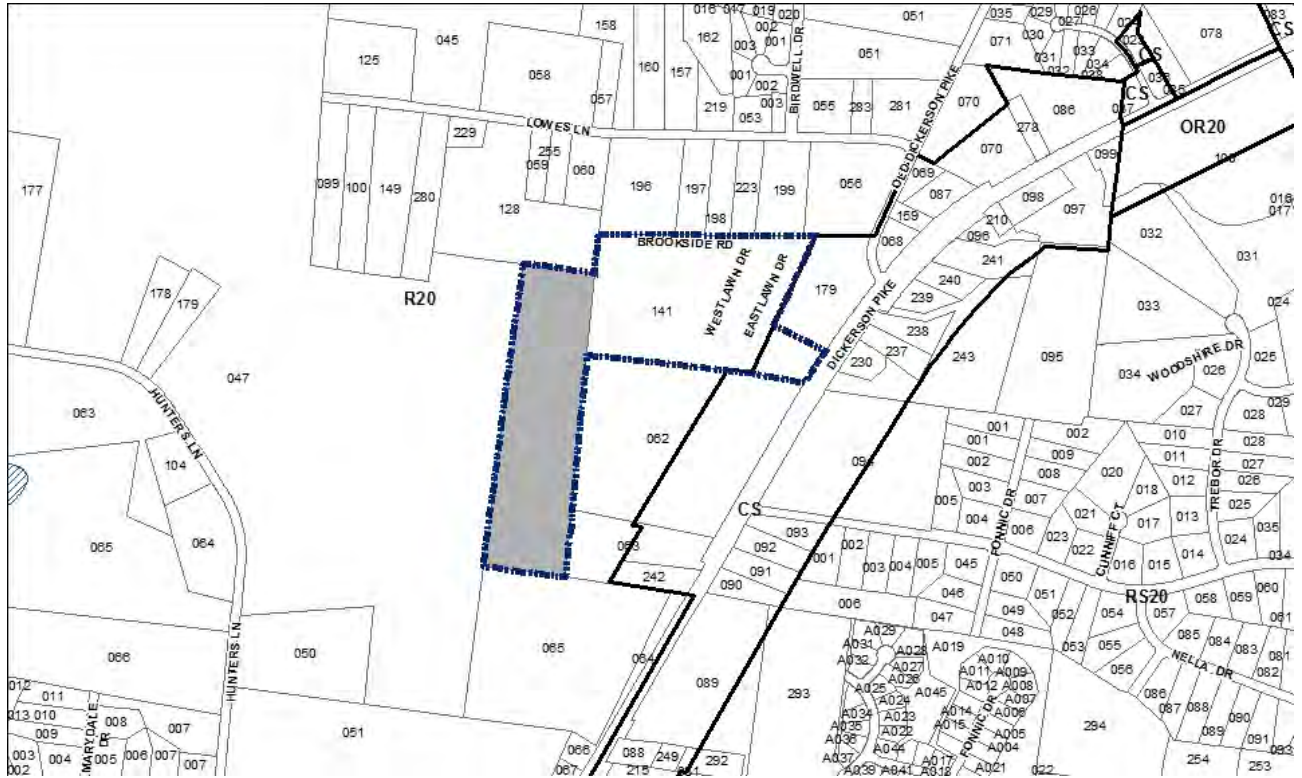
4. Have any structures been demolished in the last 12 months? No.

### STAFF RECOMMENDATION

Staff recommends approval.



# Metro Planning Commission Meeting of 12/08/2016



**2016Z-101PR-001**

Map 033, Part of Parcel 141  
02, Parkwood - Union Hill  
03 (Brenda Haywood)





**Project No.** Zone Change 2016Z-101PR-001  
**Council District** 3 - Haywood  
**School District** 3 – Speering  
**Requested by** Tune, Entrekin & White, PC, applicant; UMH TN Trailmont, LLC, owner.

**Deferrals** This request was deferred from the September 8, 2016, September 22, 2016, October 13, 2016, and November 10, 2016, Planning Commission meetings. No public hearing was held.

**Staff Reviewer** Napier  
**Staff Recommendation** Approve.

**APPLICANT REQUEST**  
**Zone change from R20 to MHP.**

Zone Change

A request to rezone from One and Two-Family Residential (R20) to Mobile Home Park (MHP) zoning for a portion of property located at 1343 Dickerson Pike, west of the terminus of Hillcrest Road, (14.12 acres).

**Existing Zoning**

One and Two-Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots. *R20 would permit a maximum of 30 lots with seven duplex lots for a total of 37 units.*

**Proposed Zoning**

Mobile Home Park (MHP) requires a minimum two acre lot size and is intended for mobile homes at nine units per acre. *MHP would permit a maximum of 127 units.*

**CRITICAL PLANNING GOALS**

N/A

**PARKWOOD-UNION HILL COMMUNITY PLAN**

T3 Suburban Neighborhood Evolving (T3 NE) is intended to create suburban neighborhoods that provide more opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than many existing suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land without sensitive environmental features and the cost of developing housing. These are challenges that were not faced when the original suburban neighborhoods were built.

Consistent with Policy?

Yes. The proposed MHP zoning district is consistent with the T3 NE policy, as it provides for additional housing near Dickerson Pike, which is a major corridor.



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### ANALYSIS

Staff recommends approval as the proposed MHP zoning district is consistent with the T3 NE policy. It is located near Dickerson Pike, a major corridor which contains an MTA bus route. The additional density supported by the proposed MHP will provide additional people to support existing and future commercial uses along the corridor. The type of housing is an affordable option. Providing housing for people at all income levels is consistent with Nashville Next. The proposed site also meets the locational criteria for the use as specified by the Zoning Code, which includes “direct access to an abutting improved public street designated or proposed as an arterial or collector street on the Major and Collector Street Plan.” Other standards will be reviewed with any permits. Mobile Home Parks are permitted with conditions in the MHP district. The conditions are as follows:

1. Minimum size of park: Two acres under single ownership.
2. Maximum density: Nine homes per acre.
3. Landscape Buffer Yard. Where the perimeter of a mobile home park development abuts an R/R-A or RS/RS-A zone district, a minimum of landscape buffer yard Standard B-3 (fifteen feet) shall be applied, and where the development abuts a public street the minimum width of the buffer yard shall be C-2 (thirty feet).
4. Open Space. A minimum of ten percent of the total land area within the MHP, excluding roadways, drives, off-street parking areas and required setbacks, shall be designated as open space.
5. Mobile Home Park. Mobile home dwellings shall be permitted in a mobile home park on a two acre minimum tract under single ownership provided:
  - a. Minimum lot area: Four thousand square feet per each individual lot or lease plot.
  - b. Minimum lot width: Minimum of forty feet.
  - c. Setbacks:
    1. Public/private street or private drive: Minimum of twenty feet.
    2. Rear property or lease line: Minimum of ten feet.
    3. Side property or lease line: Minimum of ten feet.
  - d. Maximum height of any structure within the MHP: Thirty feet.
  - e. Maximum floor area ratio (non-residential): .60.
  - f. Maximum impervious surface ratio: .70.
  - g. Street Standard. The mobile home park shall have direct access to an abutting improved public street designated or proposed as an arterial or collector street on the Major Street Plan. At a minimum, access and circulation within the park shall be provided by a paved driveway with a minimum width of twenty-four feet, permanently maintained by the landowner through conveyance of a private easement on a recorded property plat. If the paved driveway has visitor parking along it, the minimum pavement width of the driveway shall be increased to twenty-seven feet.
  - h. Sidewalk. A sidewalk with a minimum width of four feet shall be provided along one side of all private drives within the MHP.
  - i. Tenant Storage. A minimum of ninety cubic feet of enclosed tenant storage space shall be provided. The skirting of the undercarriage shall not be used for purposes of required tenant storage space.
  - j. Skirting of Undercarriage. Each mobile home unit's frame, axles, wheels, crawl space storage area, and utility connection shall be concealed from view through use of durable all-weather materials manufactured specifically for the purpose of covering the undercarriage area of the unit.



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6. Board of Health Approval. A mobile home park development shall be reviewed and approved by the director of the metropolitan board of health in accordance with Chapter 10.40 of the Metropolitan Code of Laws and the rules and regulations promulgated by the metropolitan health department.

### 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: **R20**

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)	14.12	2.1 D	37 U	427	37	45

\*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mobile Homes (240)	14.12	9 U	127 U	725	58	75

Traffic changes between maximum: **R20 and MHP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+298	+21	+30

### METRO SCHOOL BOARD REPORT

Projected student generation existing R20 district: 6 Elementary 3 Middle 4 High

Projected student generation proposed MHP district: 21 Elementary 11 Middle 15 High

The proposed MHP zoning district would generate 34 additional students than what is typically generated under the existing R20 zoning district. Students would attend Old Center Elementary,



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Goodlettsville Middle School and Hunters Lane 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? Most likely, but we are waiting on census data to run calculations.
2. If so, how many and what is the percentage of the entire development? We expect all homes in the expansion parcel will be affordable/workforce
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.



**SEE NEXT PAGE**



**NO SKETCH**



<b>Project No.</b>	<b>Text Amendment 2016Z-022TX-001</b>
<b>Project Name</b>	<b>Stormwater Requirements</b>
<b>Council Bill No.</b>	BL2016-513
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Metro Water Services, applicant.
<b>Staff Reviewer</b>	Napier
<b>Staff Recommendation</b>	<i>Approve with an amendment.</i>

**APPLICANT REQUEST**

**Amend Title 17 of the Metropolitan Code of Laws pertaining to the Department of Water and Sewerage Services.**

**ZONING TEXT AMENDMENT**

A request to amend Chapter 17.04, Title 17 of the Metropolitan Code of Laws pertaining to the Department of Water and Sewerage Services, requested by Metro Water Services.

**CRITICAL PLANNING GOALS**

N/A

**PROPOSED AMENDMENT**

The ordinance amends both Titles 15 and 17 of the Metropolitan Code of Laws. The Planning Commission will make a recommendation on the changes to Title 17 only. The proposed text amendment seeks to clarify and redefine terms and provisions of Chapter 17.04, Title 17 of the Metropolitan Code of Laws to better reflect current local, state, and federal requirements and procedures pertaining to Stormwater.

Amendments to Title 17 are described below by section.

**Amendments by section:**

Section 17.28.040. A.

Staff Comments: Section 17.28.040.A of the Zoning Code exempts previously developed floodplain property from Metro’s Water Quality Buffer regulations. However, the Department of Water and Sewerage Services regulations have included buffers on previously developed floodplain properties since the Water Quality buffer was adopted with the 1999 Stormwater Management Manual (SWMM). The Zoning Code created an unintended conflict with the buffer regulations and the Department of Law recommended deleting 17.28.040.A to remove this conflict. The SWMM contains the requirements from 17.28.040.A and will continue to guide undeveloped floodplain property.

Text proposed to be deleted:

“A. Preserved Floodplain. Except as noted below, all development proposed on property that is not developed, as defined herein, encumbered by natural floodplain or floodway, as of the effective date of this ordinance, shall leave a minimum of fifty percent of the natural floodplain area, including all



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of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater, undisturbed and in its original, natural state. The preserved floodplain shall be adjacent to the floodway or, as otherwise approved by the zoning administrator or by the metropolitan planning commission if the property is the subject of a subdivision or rezoning application. The clearing of trees and brush within the undisturbed area shall be prohibited. For purposes of this subsection, a portion of a lot shall be deemed to be developed if a grading or building permit has been issued or, if a portion of the lot has been disturbed by grading or, if a portion of the lot is improved with any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot including, but not limited to, roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay. Evidence that a portion of the property is developed shall include grading or building permits and/or aerial photographs. Absent grading or building permits, a lot shall not be deemed developed under this section if the use of the property was for agricultural activities.”

### Section 17.28.040. C.

Staff Comments: This text amendment proposes the deletion of Section 17.28.040. C. All parks, golf courses, and wetlands that disturb flood plain or floodway are typically permitted, but require review by the Stormwater Management Committee (SWMC). A special standard operating procedure (SOP) has been developed for reviewing and approving Metro Greenways without SWMC review.

Text proposed to be deleted:

“C. Protected floodway and floodplain areas may be manipulated for the purpose of installing public greenways, public parks, private parks that otherwise meet the definition of "parks" contained in this Code, golf courses, and state certified wetlands.”

### Section 17.28.040. D.

Staff Comments: Within section D, the following phrase is being deleted, “federal flood insurance program” and replaced with, “National Flood Insurance Program”. Additional text clarifies that the Department promulgates technical guidelines related to the provisions of Chapter 15.

Existing Text with Changes:

All development shall be undertaken consistent with the flood insurance standards and requirements of the Federal Emergency Management Agency, as necessary, to maintain the eligibility of the ~~federal flood insurance program~~ **National Flood Insurance Program** within Davidson County. **Notwithstanding any provision herein to the contrary, all development alterations or improvements that would otherwise be subject to Chapter 15.64 of this Code shall comply with the provisions of that chapter and the regulations and technical guidelines promulgated by the Department pursuant to that chapter.**

### Section 17.28.040. E.

Staff Comments: This text amendment proposes deletion of Section 17.28.040.E for consistency with adopted stormwater regulations.

Text proposed to be deleted:

“E. Properties zoned CF, MUI, MUI-A, MUG, MUG-A, IR, IG and IWD shall not be constrained by this section, but shall otherwise conform to all provisions of Section 15.64, Stormwater Management of the Metropolitan Code of Laws.”





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### Section 17.28.040. F. 1.

Staff Comments: This amendment replaces the Department of Public Works with the Department of Water and Sewerage Services as the review agency for critical lot applications. The text amendment notes that these revisions are located in Subsection F, which should be clarified as Subsection F.1. Staff recommends a substitute to replace reference to Subsection F with Subsection F.1.

Existing Text with Changes:

“F.1. Single or Two-Family Lots. Land area designated as natural floodplain or floodway on the effective date of said section may be included within a residential lot, but if manipulated, shall not be counted towards satisfying the minimum lot size requirements of the base zoning district. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the **Department of Water and Sewerage Services** ~~Department of Public Works.~~”

### Section 17.36.210

Staff Comments: The amendment to this section clarifies the appropriate title.

Existing Text with Changes:

“Alterations of floodplain land and drainage channels shall be in accordance with applicable provisions of Chapter 15.64, “~~An Ordinance for Stormwater Management~~” “**Stormwater Management**.””

### Section 17.36.220

Staff Comments: The amendment to this section clarifies the appropriate committee title and makes minor grammatical corrections.

Existing Text with Changes:

“Report to Stormwater Management ~~appeals board~~ **Committee**.  
A request for a variance to the requirements of “~~An Ordinance for Stormwater Management~~” **Chapter 15.64, Stormwater Management**, shall be considered by the **Sstormwater Mmanagement appeals board Committee** according to the provisions of Chapter 15.64 of the Metropolitan Code of Laws. Prior to consideration of a variance, the **Stormwater Management appeals board Committee** shall solicit a report from the Zzoning Aadministrator and the Pplanning Ddepartment regarding the applicability of Chapter 17.28, Article I, or any other provision of this title.”

## **ANALYSIS**

Staff recommends approval of the proposed amendments. The amendment clarifies conditions for stormwater buffer requirements and terms with Chapter 17.28 Environmental and Operational Performance Standards. Changes proposed in this text amendment will eliminate conflicts between Title 15 and Title 17 of the Metro Code. This text amendment will require the installation of public parks or greenways within floodplain/floodway areas to be review by the Stormwater Management Committee.

## **WATER SERVICES RECOMMENDATION**

Metro Water Services supports the proposed changes to Chapter 17. This revision removes an unintentional conflict between a well-intentioned floodplain preservation policy and Metro’s water



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quality buffer. Approval will allow Metro to continue protecting streams on previously developed floodplain properties as they have since 1999. The floodplain protection provision is still in the Stormwater Management Manual and any additional protection it provides will remain.

### ZONING ADMINISTRATOR RECOMMENDATION

**Approve**

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### STAFF RECOMMENDATION

Staff recommends approval with an amendment to replace the reference to Subsection F with Subsection F.1.

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### ORDINANCE NO. BL2016-513

#### **An ordinance amending Title 15 and Title 17 of the Metropolitan Code of Laws pertaining to the Department of Water and Sewerage Services (Proposal No. 2016Z-022TX-001).**

WHEREAS, Substitute Resolution No. RS2012-277, Ballot Amendment 5, adopted by the Metropolitan Council and subsequently approved by referendum, removed responsibility for stormwater from the Department of Public Works; and,

WHEREAS, Section 8.502 of the Charter of The Metropolitan Government of Nashville and Davidson County, as amended by referendum, delegates to the Department of Water and Sewerage Services ("Metro Water") authority and responsibility for the construction, operation, and maintenance of all water, sewer, and stormwater facilities of the Metropolitan Government; and,

WHEREAS, certain provisions of Title 15 and Title 17 of the Metropolitan Code of Laws need to be updated to better reflect current local, state, and federal requirements and procedures pertaining to stormwater; and,

WHEREAS, certain provisions of Title 15 are redundant and consolidation is beneficial for clarity; and,

WHEREAS, such changes are needed in order to protect the health and safety of the citizens of Nashville and Davidson County.

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

Section 1. That Title 15, Section 15.64.010 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following:

"As used in this chapter, the following words and terms shall have the meanings ascribed herein:

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood."



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“Base Flood Elevation” means the computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

“Channel” means a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

"Community waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetland, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the Metropolitan Government of Nashville and Davidson County.

"Contaminant" means any physical, chemical, biological or radiological substance or matter.

"Department" means the Metropolitan Government of Nashville and Davidson County's Department of Water and Sewerage Services.

"Director" means the Director of the Metropolitan Government of Nashville and Davidson County's Department of Water and Sewerage Services, or his designee.

"Discharge" means any substance disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means, intentionally or unintentionally, into community waters, the waters of the state, or any area draining directly or indirectly into the municipal stormwater system of the Metropolitan Government.

"Drainage basin" means a part of the surface of the earth that is occupied by and provides surface water runoff into a drainage system which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

"Erosion" means the disintegration or wearing away of the earth's surface by the action of wind and water.

"Flood" means water from a river, stream, watercourse, lake or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels, and/or increased ground water level.

"Floodplain" means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by flood water. For administrative purposes, the "floodplain" is defined as the 100-year floodplain, which is the area predicted to be inundated by the base flood.

"Floodproofing" means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.



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“Flood protection elevation” means at least four feet above the base flood elevation for residential construction and at least one foot above the base flood elevation for non-residential construction.

"Floodway" means that portion of the stream channel and adjacent floodplain required for the passage or conveyance of a 100-year flood discharge. The floodway boundaries are placed to limit encroachment in the floodplain so that a 100-year flood discharge can be conveyed through the floodplain without increasing the water surface elevation at any point and without producing hazardous velocities or conditions. This is the area of significant depths and velocities, and due consideration should be given to effects of fill, loss of cross-sectional flow area, and resulting increased water surface elevations.

"Floodway fringe" means that portion of the floodplain lying outside the floodway. This is the area of the floodplain that may be developed or encroached upon as long as the water surface elevation of the 100-year flood is not increased

"Green infrastructure" means an approach to wet weather management that is cost-effective, sustainable, and environmentally friendly, which incorporates management approaches and technologies that infiltrate, evapotranspire, capture and reuse stormwater to maintain or restore natural hydrologies. Green infrastructure practices include, but are not limited to open space, rain gardens, porous pavements, green roofs, infiltration planters, trees and tree boxes, swales, and curb extensions.

"Green street" means a public right-of-way that utilizes green infrastructure to manage wet weather flows and enhance water quality.

"Human occupancy" means any portion of any enclosed structure wherein humans principally live or sleep, such as mobile homes, permanent residential activities, semitransient residential activities, health care community facilities, nursing home community facilities, orphanages, family care facilities, group care facilities, or transient habitation.

"Impervious area" means the portion of a parcel of property that is covered by any material, including without limitation roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay, that substantially reduces or prevents the infiltration of storm water. Impervious area shall not include natural undisturbed surface rock."

“Infill (regulated residential)” means the creation of eight hundred to fifteen thousand square feet of additional net impervious area (IA) for a residential dwelling(s) through new development, redevelopment, or rehabilitation in existing neighborhoods.

“Lot” means a tract, plot or portion of a subdivision parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development.

"Metropolitan Government" means the Metropolitan Government of Nashville and Davidson County.

"Municipal separate storm sewer system of the Metropolitan Government" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) designed or used for collecting or



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conveying stormwater; provided, however, that sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

"Non-residential property" shall mean a parcel of property that is not a residential property as defined in this section.

"Non-stormwater discharge" means any discharge to the municipal separate storm sewer system except as permitted by subsection 15.64.205(C) of this section.

"One-hundred-year flood" is one that has an average frequency of occurrence of once in one hundred years, determined from an analysis of floods on a particular watercourse and other watercourses in the same general region. Statistically, it has a one percent chance of occurring in any given year.

"Public system" shall mean and include storm water and flood control devices, structures, conveyances, facilities or systems, including natural watercourses, streams, creeks and rivers used wholly or partly to convey or control storm water or flood water within the jurisdictional boundaries of the Metropolitan Government. The public system shall include, without limitation, natural conveyances (a) for which the Metropolitan Government has assumed maintenance responsibility; (b) to which the Metropolitan Government has made improvements; (c) which have or may pose a threat to public property because of flooding; or (d) for which the Metropolitan Government is accountable under federal or state regulations governing protection of water quality.

"Qualified control structure" shall mean a device, structure, or practice meeting design standards and approved by the Department that substantially limits the discharge and / or discharge rate of storm water from a parcel of property into or through any public system or that substantially improves the purity of storm water so discharged.

"Residential property" shall mean any property whose primary use, as shown on the use and occupancy permit issued by the Department of Codes Administration, is residential single-family or residential two-family.

"Stormwater" shall mean stormwater run-off, snow melt run-off, surface run-off, street wash waters related to street cleaning and maintenance, infiltration other than infiltration contaminated by seepage from sanitary sewers or other discharges and drainage.

"Structure" means anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Such construction includes but is not limited to objects such as buildings, towers, smokestacks, overhead transmission lines, carports and walls. Structure shall not include fences.

"Structure, permanent" means a structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

"Structure, temporary" means a structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.



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"User" shall mean the owner of record of a non-exempt residential or non-residential property or the person or entity in possession if other than the owner.

"Watercourse" means a channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm runoff and flood water flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.

"Waters of the state" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine to effect a junction with natural surface or underground waters."

Section 2. That Title 15, Section 15.64.015 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following:

"There is hereby created a Stormwater Division within the Metropolitan Department of Water and Sewerage Services ("MWS"), which in coordination with the Department of Public Works, the Metropolitan Finance Director, the Metropolitan Department of Codes Administration and the Metropolitan Planning Commission, shall have the responsibility for compliance with the Clean Water Act of 1977, as amended and the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations for stormwater discharges; developing stormwater management plans; identifying capital requirements and developing necessary financing for maintenance and rehabilitation of existing and new stormwater facilities; collecting fees and charges for the division; educating the public on the importance of stormwater management and pollution control; developing written regulations and technical guidelines as may be necessary to enforce the terms of this chapter; and other related duties as required by the Director ("Director") of MWS.

MWS shall be responsible for plan approval and construction inspection of both private stormwater facilities and public stormwater facilities. Additionally, MWS may accept the responsibility for the operation and maintenance of private stormwater facilities only pursuant to criteria defined and adopted by the Stormwater Management Committee and upon a written agreement approved by the Metropolitan Council."

Section 3. That Title 15, Section 15.64.020 of the Metropolitan Code of Laws shall be amended by deleting in both the heading and the code provision the phrase "director of public works" and substituting in lieu thereof the phrase "Director of the Department of Water and Sewerage Services."

Section 4. That Title 15, Section 15.64.030 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety.

Section 5. That Title 15, Section 15.64.032, Subsection A of the Metropolitan Code of Laws shall be amended by deleting it in its entirety. Numbering and lettering shall be adjusted accordingly.

Section 6. That Title 15, Section 15.64.032, Subsection C(1) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following:



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“Owners and/or operators of agricultural land (see TCA § 1-3-105(2)(A)(i) and TCA § 68-221-1102(1)), in the municipality, upon which the owner or operator conducts activities that enable the owner or operator to satisfy the requirements of a qualified farmer or nurseryman (as defined by TCA § 67-6-207(e)). The specific criteria for exemption of agricultural properties applies to parcels which are actively engaged in the commercial production of agricultural commodities (defined by TCA §67-6-301(c)(2)).”

Section 7. That Title 15, Section 15.64.032, Subsection C(4) of the Metropolitan Code of Laws shall be amended by deleting the word “Lakewood.”

Section 8. That Title 15, Section 15.64.032, Subsection D(3) of the Metropolitan Code of Laws shall be amended by deleting the phrase “in a newspaper of general circulation.”

Section 9. That Title 15, Section 15.64.032, Subsection F of the Metropolitan Code of Laws shall be amended by deleting the section in its entirety. Lettering shall be adjusted accordingly.

Section 10. That Title 15, Section 15.64.032, Subsection J of the Metropolitan Code of Laws shall be amended by deleting the phrase “in a newspaper of general circulation.”

Section 11. That Title 15, Section 15.64.034 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following:

“The Director of MWS shall submit an annual written report to the Metro Council, and shall personally appear annually before a joint meeting of the Council public works and budget and finance committees on the Stormwater Management Program. Such report shall contain, at a minimum:

1. A list of properties that are exempt from the stormwater fees or have been granted adjustments under 15.64.032. The report shall identify each property by street address and owner name, and shall state the adjustment amount granted or the basis for considering the property exempt.
2. A list of all stormwater projects completed within the previous year for each council district broken down by priority category.
3. The status of the Stormwater Management Program in Metro.
4. The fee structure imposed to fund the implementation of the stormwater program and the adequacy of funds to implement the program.
5. Any long-range plans which have been developed to implement the provisions of this chapter.
6. The status of any projects to control stormwater run-off.
7. Any other information deemed relevant by the Director or upon request of the Public Works or Budget and Finance Committees of the Metropolitan Council.”

Section 12. That Title 15, Section 15.64.080 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it with the following:



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“The Stormwater Management Committee shall adopt such rules and regulations as it may deem necessary to conduct its business. The committee, in open meeting, shall hear all appeals, variance requests, and other relevant issues under the provisions of this chapter. The committee shall meet at regular monthly intervals with the day and time to be determined by the chairman. In the event no appeals have been filed and there is no business pending, the chairman may cancel the meeting ten days before its scheduled date.”

Section 13. That Title 15, Section 15.64.100 of the Metropolitan Code of Laws shall be amended by deleting the heading and the code provision it in its entirety and replacing it with the following:

“Appeal and variance request procedure.

A. 1. Whenever the Director of the Department of Water and Sewerage Services or the Director of Codes Administration shall uphold enforcement taken for violation of the Metropolitan Code of Laws or with the regulations established in the Metropolitan Government of Nashville and Davidson County Stormwater Management Manual, Volume 1 – Regulations, the owner or authorized agent may appeal from the decision of the Director to the Stormwater Management Committee. All appeals must be filed within thirty days after an adverse decision by either the Director of the Department of Water and Sewerage Services or the Director of Codes Administration. A filing fee shall be charged to each applicant payable to Metro Water Services.

2. An applicant may request a variance from the regulations established in the Metropolitan Government of Nashville and Davidson County Stormwater Management Manual, Volume 1 – Regulations, by submitting a completed application to appear before the committee. A filing fee shall be charged to each applicant payable to Metro Water Services.

B. Any action taken by the committee shall be by motion which shall state the reasons therefore with particularity. All the decisions of the committee shall be by resolution, must be in writing, and must indicate the vote of each member of the committee upon the decision, and shall specify in what manner such variation or modifications shall be made, the conditions upon which they are to be made, and the reasons therefore.

C. Unless otherwise stated, every decision of the committee shall be final; subject however, to such remedy as any aggrieved party or the Metropolitan Government may have at law or in equity. Every decision shall be promptly entered into the minutes of the meeting of the committee by the secretary and filed with Metro Water Services. The records of the committee shall be open to public inspection, and a copy of each decision shall be sent by mail or otherwise to each appellant.

D. The committee shall, in every case, render a decision without unreasonable or unnecessary delay.”

Section 14. That Title 15, Section 15.64.110, Subsection C of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing as follows:

“No building permit, except for structures exempted in Section 15.64.130, shall be issued until grading, drainage and erosion control plans are approved by the Director of the Department of Water and Sewerage Services or his designee, and the grading permit is issued.”





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Section 15. That Title 15, Section 15.64.110 of the Metropolitan Code of Laws shall be amended by adding Subsection E, and the following:

“Metro Water Services may withhold approvals and grading permit issuance from any person, partnership, limited partnership, joint venture, corporation or any other type of business entity or related entity who has another grading permit project or building permit that is currently in violation of stormwater regulations. For purposes of this section, partnerships, limited partnerships, joint ventures, corporations or other type of business entities owned or operated by common person(s) or having common person(s) involved in the day-to-day operation of the business will be viewed as a related entity unless a significant change of control can be evidenced.”

Section 16 That Title 15, Section 15.64.130, Subsection (B)(1) of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing as follows:

“Disturbs less than ten thousand square feet.”

Section 17. That Title 15, Section 15.64.140, Subsection A of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing as follows:

“Persons responsible for property developments shall be required to submit detailed grading and drainage plans, with supporting calculations prepared by a registered engineer, to the Department of Water and Sewerage Services for review and approval prior to initiation of work. Where applicable, an erosion control plan prepared by a design professional or soil scientist shall be included in order to prevent sedimentation from reducing the flow carrying capacity of the downstream drainage system.

Section 18. That Title 15, Section 15.64.140, Subsection B of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing as follows:

“For purposes of this section, property developments shall include the grading, excavation, clearance or other alteration of the landscape for other than agricultural purposes, whether or not a building application has been filed, and whether or not subdivision of the land or construction on the land is contemplated in the near future.”

Section 19. That Title 15, Section 15.64.150 of the Metropolitan Code of Laws shall be amended by deleting the heading and the code provision in its entirety and replacing as follows:

“Application of Tennessee Water Quality Control Act and Federal Water Pollution Control Act. Approval by the Metropolitan Government does not relieve the developer of obtaining any permits required by the Tennessee Water Quality Control Act and Federal Water Pollution Control Act.”

Section 20. That Title 15, Section 15.64.160, Subsection A of the Metropolitan Code of Laws shall be amended by deleting the references to “Chapter 17.136” and substituting in lieu thereof the reference “Chapter 17.36.”

Section 21. That Title 15, Section 15.64.160, Subsection B of the Metropolitan Code of Laws shall be amended by deleting it in its entirety, including the Note appearing at the end of Subsection B.



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Section 22. That Title 15, Section 15.64.180, Subsection A of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing as follows:

“The placement or construction of a levee, earth fill, building or other structure which alters the floodplain area shall only be permitted based on a plan prepared by a registered and licensed professional engineer of Tennessee, showing existing and proposed elevations, existing and proposed drainage channels, and existing and proposed structures, and the plan shall be approved by the Director of the Department of Water and Sewerage Services of the Metropolitan Government certifying that the alteration and construction as proposed would not increase the degree of flooding in other areas, and that any structures proposed to be constructed in the floodplain shall meet the following special conditions.”

Section 23. That Title 15, Section 15.64.180, Subsections A(1) and A(2) of the Metropolitan Code of Laws shall be amended by deleting said subsections in their entirety and replacing them as follows:

1. The minimum floor elevation of that portion of any structure intended for human occupancy shall be at least equal to or higher than four feet above the base flood elevation. Those portions of such structures not intended for human occupancy shall be at least equal to or higher than one foot above the base flood elevation. All other related facilities thereto such as electrical equipment, water service, and sanitary sewer connections shall be at least equal to or higher than one foot above the base flood elevation.

2. The minimum floor elevation of any structure not intended for human occupancy, as defined, shall be at least equal to or higher than one foot above the base flood elevation. Floodproofing of these structures will only be authorized by the Director of the Department of Water and Sewerage Services as specific individual exceptions to minimum floor elevation requirements where it can be shown that the proposed floodproofing is acceptable from an engineering standpoint.”

Section 24. That Title 15, Section 15.64.195 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety.

Section 25. That Title 15, Section 15.64.205, Subsection A of the Metropolitan Code of Laws shall be amended by deleting it in its entirety. Lettering and numbering shall be adjusted accordingly.

Section 26. That Title 15, Section 15.64.205, Subsection D shall be amended by deleting it in its entirety and replacing as follows:

“The Director of MWS, with the approval of the mayor, shall have authority to implement this chapter by appropriate regulation. The Director of MWS shall enforce the provisions of this chapter, and he or his duly authorized representative may enter, upon presentation of proper identification to the owner, occupant, or person in control thereof, any building, structure or premises within the area of jurisdiction of the Metropolitan Government to perform any duty imposed upon him by this chapter or by the regulations and technical guidelines promulgated by the Department pursuant to this chapter. Such entry for the purpose of making any inspection required in this chapter shall be made during reasonable hours, so as to cause the least inconvenience to the occupants thereof, unless emergency circumstances exist. It is unlawful for any person, whether owner, occupant, or party in control of the building, structure, or premises, to refuse the entry of the Director or any of the Director’s duly authorized representatives or to interfere in any manner in the performance of



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the duties imposed upon the Director by this chapter or by the regulations and technical guidelines promulgated by the Department pursuant to this chapter.”

Section 27. That Title 15, Section 15.64.205, Subsection E of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it as follows:

“Discharges with valid and effective NPDES permits issued by the State of Tennessee that meet the pollutant parameters specified within each permit are not prohibited by this section.”

Section 28. That Title 15, Section 15.64.205, Subsection G of the Metropolitan Code of Laws shall be amended by deleting it in its entirety.

Section 29. That Title 15, Section 15.64.215 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing as follows:

“Notwithstanding any other provision of the Metropolitan Code of Laws, the Department shall develop a schedule of charges for services provided in reviewing permit applications, variance requests or reviewing plans submitted by private entities for proposed projects that must comply with the Metropolitan Government's stormwater management regulations. The schedule of charges shall reflect the Department's actual costs incurred in providing such services. A copy of the schedule of charges shall be filed with the Metropolitan Clerk, furnished to each member of the Metropolitan Council and made available on request to any citizen of Davidson County. The Department shall bill and collect in accordance with the schedule of charges, which may be amended from time to time to reflect changes in the Department's actual costs of providing the services contemplated herein. Fees may be waived by the Department to incentivize certain practices.”

Section 30. That Title 15, Section 15.64.220, Subsection A of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing as follows:

“Any violation of this chapter shall be punishable by an administrative penalty in an amount authorized by state law. For purposes of assessing administrative penalties under this chapter, each day of violation shall constitute a separate violation.”

Section 31. That Title 15, Section 15.64.220, Subsection B of the Metropolitan Code of Laws shall be amended by replacing the word “civil” with the word “administrative” and by adding the word “administrative” before the word “penalty.”

Section 32. That Title 17, Section 17.28.040, Subsection A of the Metropolitan Code of Laws shall be amended by deleting it in its entirety. Lettering shall be adjusted accordingly.

Section 33. That Title 17, Section 17.28.040, Subsection C of the Metropolitan Code of Laws shall be amended by deleting it in its entirety. Lettering shall be adjusted accordingly.

Section 34. That Title 17, Section 17.28.040, Subsection D of the Metropolitan Code of Laws shall be amended by deleting in its entirety and replacing as follows:



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“D. All development shall be undertaken consistent with the flood insurance standards and requirements of the Federal Emergency Management Agency, as necessary, to maintain the eligibility of the National Flood Insurance Program within Davidson County. Notwithstanding any provision herein to the contrary, all development alterations or improvements that would otherwise be subject to Chapter 15.64 of this Code shall comply with the provisions of that chapter and the regulations and technical guidelines promulgated by the Department pursuant to that chapter.”

Section 35. That Title 17, Section 17.28.040, Subsection E of the Metropolitan Code of Laws shall be amended by deleting it in its entirety. Lettering shall be adjusted accordingly.

Section 36. That Title 17, Section 17.28.040, Subsection F of the Metropolitan Code of Laws shall be amended by deleting the phrase “department of public works” and substituting in lieu thereof the phrase “Department of Water and Sewerage Services.”

Section 37. That Title 17, Section 17.36.210 of the Metropolitan Code of Laws shall be amended by deleting it in its entirety and replacing it as follows:

“Alterations of floodplain land and drainage channels shall be in accordance with applicable provisions of Chapter 15.64, “Stormwater Management.”

Section 38. That Title 17, Section 17.36.220 of the Metropolitan Code of Laws shall be amended by deleting the heading and code provision in its entirety and replacing it as follows:

“Report to Stormwater Management Committee.

A request for a variance to the requirements of Chapter 15.64, Stormwater Management, shall be considered by the Stormwater Management Committee according to the provisions of Chapter 15.64 of the Metropolitan Code of Laws. Prior to consideration of a variance, the Stormwater Management Committee shall solicit a report from the Zoning Administrator and the Planning Department regarding the applicability of Chapter 17.28, Article I, or any other provision of this title.”

Section 39. That this Ordinance shall take effect after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Jeremy Elrod, Burkley Allen



**SEE NEXT PAGE**



**NO SKETCH**



<b>Project No.</b>	<b>Text Amendment 2016Z-023TX-001</b>
<b>Project Name</b>	<b>Short Term Rental Properties</b>
<b>Council Bill No.</b>	BL2016-492
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Councilmembers Burkley Allen and Bob Mendes, applicants.
<b>Staff Reviewer</b>	Logan
<b>Staff Recommendation</b>	<i>Approve the substitute ordinance.</i>

**TEXT AMENDMENT**

An ordinance to amend Titles 6 and 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Properties.

**HISTORY AND PENDING AMENDMENTS TO TITLE 6**

In February 2015, Metro Council approved Ordinance No. BL2014-909, which established Short Term Rental Property (STRP) as a use in Title 17, the Zoning Code. At that time, standards for STRPs were also added to Title 6 of the Metropolitan Code by BL2014-951.

Since 2015, the STRP standards continue to be modified to balance the needs of neighborhoods and STRP owner/operators. Most recently, Ordinance No. BL2016-381 has been proposed to further amend the standards in Title 6. The Metro Council Office provided the following summary of changes proposed by Ordinance No. BL2016-381 in the Analysis Report for the December 6, 2016, Metro Council meeting, when Ordinance No. BL2016-381 will be on third reading (note that subsection numbering will differ between Title 6 and the proposed Title 17):

1. Subsection 6.28.030(D) currently lists the information that must be provided as part of an STRP permit application. This would be changed to specify that applications would only be valid for sixty (60) calendar days from the date filed and would expire if not completed within that time. **[Note: BL2016-492 will allow ninety (90) calendar days.]**
2. Subsection D.3. currently requires proof of written notification to any neighboring property owner(s) prior to filing the application. A sentence would be added to specify that this proof of notification shall be a signature from the adjacent property owner, a receipt of U.S. registered mail, or U.S. Postal Service notice of refusal.
3. A new paragraph would be added to Section D. This would add a new requirement for two documents proving owner occupation when applying for an owner-occupied permit. Acceptable documentation would include a Tennessee Driver’s license or other valid state identification card, Davidson County voter registration card, or a bank statement, each showing the owner’s name and address matching that of the property.
4. Section F currently requires all STRP occupants to abide by all applicable noise restrictions. This would be expanded to require adherence to all regulations regarding the public peace and welfare and waste management provisions of the Code.
5. Section H currently specifies that no recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use. This would be expanded by requiring parking to be provided as required by MCL Section 17.20.030, “Parking Requirements Established”. (Current commercial use provisions under



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§17.16.070.U for vehicular rental/leasing state in part: “No...recreational vehicles...shall be rented or leased from the property.”)

6. Section N currently specifies that STRP permits shall expire three hundred sixty-five (365) days after being issued. These can be renewed by paying a fifty dollar (\$50) renewal fee to the Codes Department. This would be changed to specify these permits would expire if not renewed prior to expiration. If no complaints have been documented by Metro Codes, Police, or Public Works, permit renewal is still possible. However, it would be required to submit proof of payment of taxes, and an affidavit of continued compliance by mail, on-line, or in person to the Codes Department. A grace period of thirty (30) calendar days may be allowed for properties that have no complaints by appealing to the Board of Zoning Appeals (BZA) if the applicant can reasonably explain the delay. If complaints have been documented, no grace period would be allowed.  
**[Note: BL2016-492 does not require an appeal to the BZA, but may allow a 30 calendar day grace period for renewal after the expiration of the STRP permit with approval by the zoning administrator upon a showing by the owner of a reasonable explanation other than neglect or mistake for the delay.]**

By prior amendment, the following text from subsection 17.18.040 N.4 was removed: “After the full resolution of all documented complaints to the reasonable satisfaction of the Metro Codes Department” and “If the permit expires before all documented complaints are fully resolved, the STRP shall cease operation and not resume operating unless the permit is renewed.”

7. Section Q currently requires that only one permit shall be issued per lot for single- and two-family homes. This section, as substituted, would establish three (3) types of permits: Type 1 (owner-occupied), Type 2 (Not Owner-Occupied), and Type 3 (Not Owner-Occupied Multifamily). No more than 3% of single- and or two-family residential units within each census tract would be permitted as Type 2. Only one permit per lot would be issued for single-family and two-family home, triplexes and quadplexes.
8. Paragraph R.1 currently requires the Codes Department to notify the permit holder in writing upon the filing of three or more complaints within a calendar year regarding an STRP permit. This requirement would be revised to require such notification after a single complaint.
9. Paragraph R.2 currently states that an STRP permit may be revoked if the Codes Department determines that STRP violations have occurred. This would be revised to specify that STRP permits shall (not may) be revoked if the Zoning Administrator determines, based upon reasonably reliable information, that three STRP violations have occurred within a 12-month period, based on documented evidence. This evidentiary basis (“reasonably reliable information”) tracks the Tennessee Rules of Evidence.

### **PROPOSED TITLE 17 (ZONING CODE) AMENDMENTS**

Ordinance No. BL2016-492 proposes to delete the standards from Title 6 and add the standards, as proposed to be amended by Ordinance No. BL2016-381, to Title 17. Additionally, the ordinance amends the definitions of Short Term Rental Property, Bed and Breakfast Inn, and Boarding House and adds definitions for Hotel, Owner-Occupied, and Commercial Establishment to clarify the differences between the various uses.

The intent of this ordinance is to move the standards from Title 6 to Title 17, but not to modify the standards. Mayor Megan Barry has engaged a consultant to study Metro’s needs to better enforce





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STRP regulations. When the recommendations are received, additional amendments to the STRP standards may be necessary.

Staff has recommended a substitute ordinance with minor clarifications to the language of the ordinance. In addition, staff proposes to reinsert language that exists in the current Zoning Code related to STRP uses associated with Artisan Manufacturing uses.

### ZONING ADMINISTRATOR RECOMMENDATION

Approve substitute bill.

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### STAFF RECOMMENDATION

Staff recommends approval of the substitute ordinance.

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### SUBSTITUTE ORDINANCE NO. BL2016-492

#### **An ordinance to amend Titles 6 and 17 of the Metropolitan Code, Zoning Regulations, pertaining to Short Term Rental Properties (Proposal No. 2016Z-023TX-001).**

WHEREAS, short-term rental of homes can provide a flexible housing stock that allows travelers a safe accommodation while contributing to the local economy; and

WHEREAS, short-term rental of homes can provide homeowners an opportunity to hold property in difficult economic circumstances or as an investment; and

WHEREAS, hotel taxes from short term rental of homes can be used to promote travel and tourism and to support the local tourism industry; and

WHEREAS, the needs of long-term residents should be balanced with the allowance of short-term rentals.

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

Section 1. That Title 6 of the Metropolitan Code is hereby amended by deleting Section 6.28.030 in its entirety.

Section 2. That Section 17.04.060 of the Metropolitan Code is hereby amended by deleting the definition of "Short Term Rental Property (STRP)" and by replacing it with the following new definition:

"Short term rental property (STRP)" means a residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests.



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Section 3. That Section 17.04.060 of the Metropolitan Code is hereby amended by adding the following new definitions:

“Commercial establishment” means an establishment used for the conduct of a business.

"Hotel" means any commercial establishment, or any portion of such establishment, (A) whose principal use provides that such structure is occupied or intended or designed for occupancy by transients for lodging or sleeping purposes within the area of the jurisdiction of the metropolitan government, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place meeting this definition, and (B) accepts on-site reservations for accommodations.

"Owner-occupied" means the owner of the property permanently resides in the STRP or in the principal residential unit with which the STRP is associated on the same lot.

Section 4. That Section 17.04.060 of the Metropolitan Code is hereby amended by deleting the definition of “bed and breakfast inn” and “boarding house” and by replacing it with the following new definitions:

"Bed and breakfast inn" means a commercial establishment with four through ten furnished guest rooms whose principal use is for paid accommodation to guests. Bed and breakfast inns shall be occupied by the owner-occupant and/or a full-time live-in manager. Meals may be provided to overnight guests. The maximum stay for any guest shall be fourteen consecutive days.

“Boarding house" means a residential facility or a portion of a residential dwelling unit for the temporary accommodation of persons or families in a rooming unit, whether for compensation or not, who are in need of shared lodging and personal services, supervision, or rehabilitative services.

Section 5. That Section 17.16.250 of the Metropolitan Code is hereby amended by deleting subsection E. in its entirety and substituting with the following new subsection E:

“E. Short Term Rental Property (STRP). A STRP is permitted as an accessory use in all zoning districts that allow residential use provided a permit has been issued for operation of the property as a STRP pursuant to this Section ~~chapter 17.18 of this Zoning Code~~. **In IWD, IR and IG, STRP is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan use.**”

~~Section 6. That Title 17 of the Metropolitan Code is hereby amended by adding the following new Chapter 17.18 entitled “Short Term Rental Property (STRP)”:~~

### ~~CHAPTER 17.18—SHORT TERM RENTAL PROPERTY (STRP)~~

#### ~~1. 17.18.010— Permit required.~~

- ~~aA. No person or entity shall operate a STRP or advertise a residential property for use as a STRP without the owner of the property first having obtained a STRP permit issued by the department of codes administration in accordance with the~~



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provisions of this chapter. Any advertising or description of a STRP on any internet website must: (a) prominently display the permit number for the STRP unit; or (b) include an image of the permit, or a link to an image of the permit, in which the permit number is legible.

**bB.** Types of permits and quantities.

**i1.** STRP permit holders shall obtain a use permit from the zoning administrator as an accessory use to the primary residential use pursuant to section 17.16.250.E. of the Metropolitan Code.

**ii2.** There shall be three types of permits issued as follows:

**(1a)** Type 1 (Owner-Occupied): A Type 1 permit is available only for an owner-occupied STRP. ~~Metro Codes Department shall promulgate regulations to ensure that the unit satisfies the definition of owner-occupied in this section.~~

**(2b)** Type 2 (Not Owner-Occupied): A Type 2 permit is available for units that are in: (i) single-family, ~~duplex, nonconforming three-family homes and nonconforming four-family homes~~ **two-family, and nonconforming multi-family units** in residential **Single-Family and One and Two-Family** zoning districts; and (ii) not owner-occupied.

**(3e)** Type 3 (Not Owner-Occupied Multifamily): A Type 3 permit is available for units that are: (i) multifamily apartments or condominiums; and (ii) not owner-occupied.

**iii3.** Limits on quantities: No more than three percent of the single-family or two-family residential units within each census tract shall be permitted as Type 2 non-owner-occupied short-term rental use ~~as determined by the zoning administrator.~~

**iv4.** Only one permit shall be issued per lot **in Single-Family and One and Two-Family zoning districts**~~for single family homes, two family homes, nonconforming three family homes and nonconforming four family homes.~~

**2. 17.18.020—Application.**

**aA.** STRP permit applications shall be valid for ninety (90) calendar days from the date filed and shall expire if the application process has not been completed within that time.”

**bB.** “The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate and the application shall include the following information:”

**i1.** The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns;

**ii2.** Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars per occurrence.

**iii3.** Proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S.



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Postal Service that registered or certified mail to an owner was refused or not timely accepted.

**iv**4. For owners applying for an owner-occupied permit, two documents giving proof of owner occupation shall be provided. Acceptable documentation includes Tennessee Driver's license, other valid State of Tennessee identification card, Davidson County voter registration card, utility bills, paycheck/check stub, work ID or badge, Internal Revenue Service tax reporting W-2 form, or a bank statement, each current and showing the owner's name and address matching that of the property to be utilized for short term rental.

**v**"5. A statement that that the applicant has confirmed that operating the proposed STRP would not violate any Home Owners Association agreement or bylaws, Condominium Agreement, Covenants, Codes and Restrictions or any other agreement governing and limiting the use of the proposed STRP property."

**vi. Proof of payment of all taxes due, including property taxes and, for permit renewals, all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.**

**3. 17.18.030— Signage.** Any sign, as defined in Section 17.32.030.B of this Zoning Code, on a property used for a STRP shall be governed by the provision of Chapter 17.32, Sign Regulations, of this Zoning Code.

**4. 17.18.040— Regulations.**

**aA.** All STRP occupants shall abide by all applicable noise restrictions and regulations regarding the public peace and welfare contained in the Metropolitan Code, and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.

**bB.** The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:

**i**1. In all sleeping areas.

**ii**2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

**iii**3. In each story within the sleeping unit, including basements.

**cC.** Parking shall be provided as required by Section 17.20.030. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.

**dD.** No food shall be prepared for or served to the transient by the permit holder.

**eE.** The principal renter of a STRP unit shall be at least twenty-one years of age.

**fF.** Maximum occupancy. The maximum number of occupants permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit. Advertising a STRP for more occupants than allowed by this regulation shall be grounds for revocation of the permit.

**gG.** The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four hours. The maximum stay



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for any guest shall be thirty consecutive days.

**hM.** The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four hours a day, seven days a week for the duration of each short term rental period to address problems associated with the STRP.

**iN.** Expiration **and** renewal of permit.

**i1.** A STRP permit shall expire three hundred sixty-five days after it is issued unless it is renewed prior to its expiration.

**ii2.** For STRP units that have received no documented complaints to Metro Codes, Police, or Public Works during the most recent permit period, a renewal application may be submitted by mail, online, or in person according to regulations promulgated by the Metro Codes Department. All such renewal applications shall include:

(1a) the payment of a fifty dollar renewal fee; and

(2b) a statement verified by affidavit that:

(a1) includes all of the information required in an application under ~~Part D of this Section 17.16.250.E.2 6-28-030~~; and

(b1) the STRP continues to be in full compliance with all applicable laws, including the payment of all applicable taxes.

**iii3.** For an STRP that has received no documented complaints to Metro Codes, Police, or Public Works during the most recent permit period, a 30 calendar day grace period for renewal after the expiration of the STRP permit may be allowed by the zoning administrator upon a showing by the owner of a reasonable explanation other than neglect or mistake for the delay.

**iv4.** For an STRP with documented complaints to Metro Codes, Police, or Public Works during the most recent permit period, no grace period shall be allowed and all permit renewal applications shall be submitted timely. The permit may be renewed upon the payment of a fifty dollar renewal fee, and the submission of a statement verified by affidavit that includes all of the information required in an application under ~~Part D of this Section 17.16.250.E.2 6-28-030~~

**jO.** The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.

**kP.** A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.

**lR.** Denial or Revocation of Permit.

**i1.** Upon the filing of a complaint regarding a STRP permit, the department of codes administration shall notify the permit holder in writing or by e-mail of such complaint.

**ii2.** If the Zoning Administrator determines, based on reasonably reliable information that the Zoning Administrator has obtained including without limitation public records or reports, records of regularly conducted activity, or a direct or online statement against a person's own interest, that three violations of this section or other Code sections referenced in this section have occurred within a 12 month period, the permit to operate a STRP may be revoked.

**iii3.** Before revoking any permit, the department of codes administration shall



## Metro Planning Commission Meeting of 12/08/2016

give the permit holder fifteen days written notice of the alleged violation(s) against him/her.

**iv4.** Any denial or revocation of a STRP permit may be appealed to the board of zoning appeals as an administrative appeal pursuant to Section 17.40.180.A. of the Metropolitan Zoning Code.

**v5.** Once a STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.

**vi6.** The penalty for operating a short term rental property without a permit shall be:

**(1)a.** A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.

**(2)b.** Upon a finding by the Board of Zoning Appeals that a short term rental property has operated without a permit, there shall be a waiting period of up to one year from the date of such finding for the property to become eligible for a STRP permit, as determined by the BZA. Properties that have been denied a permit by the Board of Zoning Appeals and made subject to the one (1) year waiting period prior to October 4, 2016 may re-appeal to the Board of Zoning Appeals with no payment of an appeal fee. The length of the waiting period shall be based upon whether the operator was aware or unaware of the requirement that the STRP have a permit. Evidence to be evaluated in making this decision may include but is not limited to:

**(a1)** the testimony of the STRP operator;

**(b2)** the testimony of neighbors or others with knowledge of the STRP operation;

**(c3)** evidence that the operator was informed of the requirement and disregarded this information;

**(d4)** evidence that the operator had looked into requirements and misunderstood them;

**(e5)** prior or repeat offenses by the operator under this section; and

**(f6)** whether the operator, upon being informed of the requirement, obtained or attempted to obtain a permit before renting the STRP again.

**(3)b.** Upon a finding of a court of competent jurisdiction that a short term rental property has operated without a permit, in addition to any other relief granted, there shall be a waiting period of three years from the date of such finding for the property to become eligible for a STRP permit.

~~e. Only properties that have paid all taxes due shall be eligible to apply for a permit.~~

Section ~~67~~. This Ordinance shall take effect immediately 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.



**SEE NEXT PAGE**



**NO SKETCH**





<b>Project No.</b>	<b>Text Amendment 2016Z-024TX-001</b>
<b>Project Name</b>	<b>Sidewalks</b>
<b>Council Bill</b>	BL2016-496
<b>Council District</b>	Countywide
<b>School District</b>	Countywide
<b>Requested by</b>	Councilmember Angie Henderson, applicant.
<b>Staff Reviewer</b>	Logan
<b>Staff Recommendation</b>	<i>Defer to the January 12, 2017, Planning Commission meeting.</i>

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**APPLICANT REQUEST**

**Amend Chapter 17 of the Metropolitan Code pertaining to sidewalks.**

Zone Change

A request to amend Chapters 17.04, 17.20 and 17.40 of the Metropolitan Code pertaining to sidewalks.

**STAFF RECOMMENDATION**

Staff recommends deferral to the January 12, 2017, Planning Commission meeting at the request of the applicant. The applicant plans to defer the Council public hearing from January 3, 2017, to February 7, 2017.



**NO SKETCH**



**Project No.** Zone Change 2016Z-025TX-001  
**Council Bill** BL2016-491  
**Council District** Countywide  
**School District** Countywide  
**Requested by** Councilmember Jacobia Dowell, applicant.

**Staff Reviewer** Milligan  
**Staff Recommendation** *Defer to the January 26, 2017, Planning Commission meeting.*

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**APPLICANT REQUEST**

**Amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to glazing.**

**ZONING TEXT AMENDMENT**

A request to amend Section 17.12.020 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to minimum glazing requirements in certain single and two-family residential zoning districts.

**STAFF RECOMMENDATION**

Staff recommends deferral to the January 26, 2017, Planning Commission meeting at the request of the applicant. The applicant plans to defer the Council public hearing from January 3, 2017, to February 7, 2017.



# Metro Planning Commission Meeting of 12/08/2016



**2016SP-066-001**

**CITY HEIGHTS**

Map 092-10, Parcel(s) 179-182

08, North Nashville

21, (Ed Kindall)



<b>Project No.</b>	<b>Specific Plan 2016SP-066-001</b>
<b>Project Name</b>	<b>City Heights SP</b>
<b>Council District</b>	21 – Kindall
<b>School District</b>	05 – Kim
<b>Requested by</b>	Build Nashville, applicant; Jamie Duncan and Nick Dorroll, owners.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Defer to the January 12, 2017, Planning Commission meeting unless recommendations of approval are received from all Metro Agencies. If recommendations of approval from all Metro Agencies are received, staff recommends approval with conditions.</i>

**APPLICANT REQUEST**

**Zone change to permit a 16 unit residential development.**

Preliminary SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan-Residential (SP-R) zoning for property located at 2805, 2807, 2809, and 2811 Delaware Avenue, approximately 175 feet north of Felicia Street (0.68 acres) to permit up to 16 residential units.

**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 5 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
- Provides a Range of Housing Choices
- Creates Walkable Neighborhoods

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 varying housing needs. The plan provides a sufficient sidewalk network connecting all parts of the development, which fosters active living and supports walkable neighborhoods.





## Metro Planning Commission Meeting of 12/08/2016

### **NORTH 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 plan is consistent with the policy. The policy supports a variety of housing types. This site is located approximately 120 feet from 28<sup>th</sup> Avenue North which is a residential arterial boulevard. The proposed plan provides for attached multi-family residential units close to the corridor, just north of Charlotte Pike.

### **PLAN DETAILS**

The site is located at 2805, 2809 and 2811 Delaware Avenue and is approximately 0.68 acres in size. The properties are located along the south side of Delaware Avenue and are currently zoned for residential uses.

#### Site Plan

The plan calls for 16 residential units. Nine units are oriented towards Delaware Avenue. Seven units are located behind the units oriented towards Delaware Avenue, separated by a private drive aisle. The site slopes away from Delaware Avenue. The units work with the grade as it steps down away from Delaware Avenue. Height is limited to three stories in 35 feet.

Vehicular access is limited to the alley by a private drive. All units will have an attached two-car garage. The plan also calls for a new five foot wide sidewalk and four foot wide grass strip along Delaware Avenue. There is an existing sidewalk along Delaware Avenue that will provide pedestrian access to an existing sidewalk along 28<sup>th</sup> Avenue North. A sidewalk has been provided between the unit oriented towards Delaware Avenue and the rear units.

Landscaping is been provided along the eastern and western property lines as well as street trees along Delaware avenue.

### **ANALYSIS**

The SP is consistent with the site’s land use policies, and it also meets several critical planning goals. Additional housing choices are appropriate at this site because it is adjacent to 28<sup>th</sup> Avenue North, a busy corridor, and is north from Charlotte Pike. The proposed plan works with the slight grade of the site to provide a cohesive development. Sidewalks will be improved along the frontage on Delaware Avenue to provide an improved pedestrian environment to the existing sidewalks along Delaware Avenue and 28<sup>th</sup> Avenue North.



# Metro Planning Commission Meeting of 12/08/2016

## FIRE MARSHAL RECOMMENDATION

### Approved with conditions

- Fire Code issues will be addressed in the permit phase.

## STORMWATER RECOMMENDATION

### Approved

## WATER SERVICES RECOMMENDATION

### 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

### Returned

- 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.
- Add note to the plans that stormwater discharge is to be coordinated with MPW and Metro Stormwater. Point source discharge will not be permitted.
- ROW dedications are to be recorded prior to the building permit approval by MPW.
- Revise plan to include alley widening to 28th, coordinate with MPW and MPC.
- Provide SU-30 turn templates indicating how the solid waste and recycling container(s) are accessible.
- Relocate units 10-16 to provide an 18' parking tray or a 5' parking tray, however the garage spaces still must be code compliant, with 24' clear behind the garage face.

## TRAFFIC AND PARKING RECOMMENDATION

### Approved

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)	0.68	8.7 D	5 U	48	4	6

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 (220)	0.68	-	16 U	221	12	27





# Metro Planning Commission Meeting of 12/08/2016

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
-	-	-	+11 U	+173	+8	+21

## METRO SCHOOL BOARD REPORT

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

**Projected student generation proposed SP-R district: 3 Elementary 2 Middle 2 High**

The proposed SP zoning is expected to generate 4 more students than the existing RS5 zoning. Students would attend Park Avenue Elementary School, McKissack Middle School and Pearl-Cohn High School. None of the schools have been identified as being over capacity by the Metro School Board. 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? Unknown 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? N/A

## STAFF RECOMMENDATION

Staff recommends deferring to the January 12, 2017, Planning Commission meeting unless recommendations of approval are received from all Metro Agencies. If recommendations of approval from all Metro Agencies are received, staff recommends approval.

## CONDITIONS (if approved)

1. Uses shall be limited to a maximum of 16 residential units.
2. Revise case number to 2016SP-066-001.
3. A raised foundation of a minimum of 12” and a maximum of 42” shall be required for all residential uses.
4. Building elevations consistent with the architectural standards and approved preliminary shall be submitted with the submission of the final site plan.
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 RM20-A zoning district as of the date of the applicable request or application.
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. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.



## Metro Planning Commission Meeting of 12/08/2016

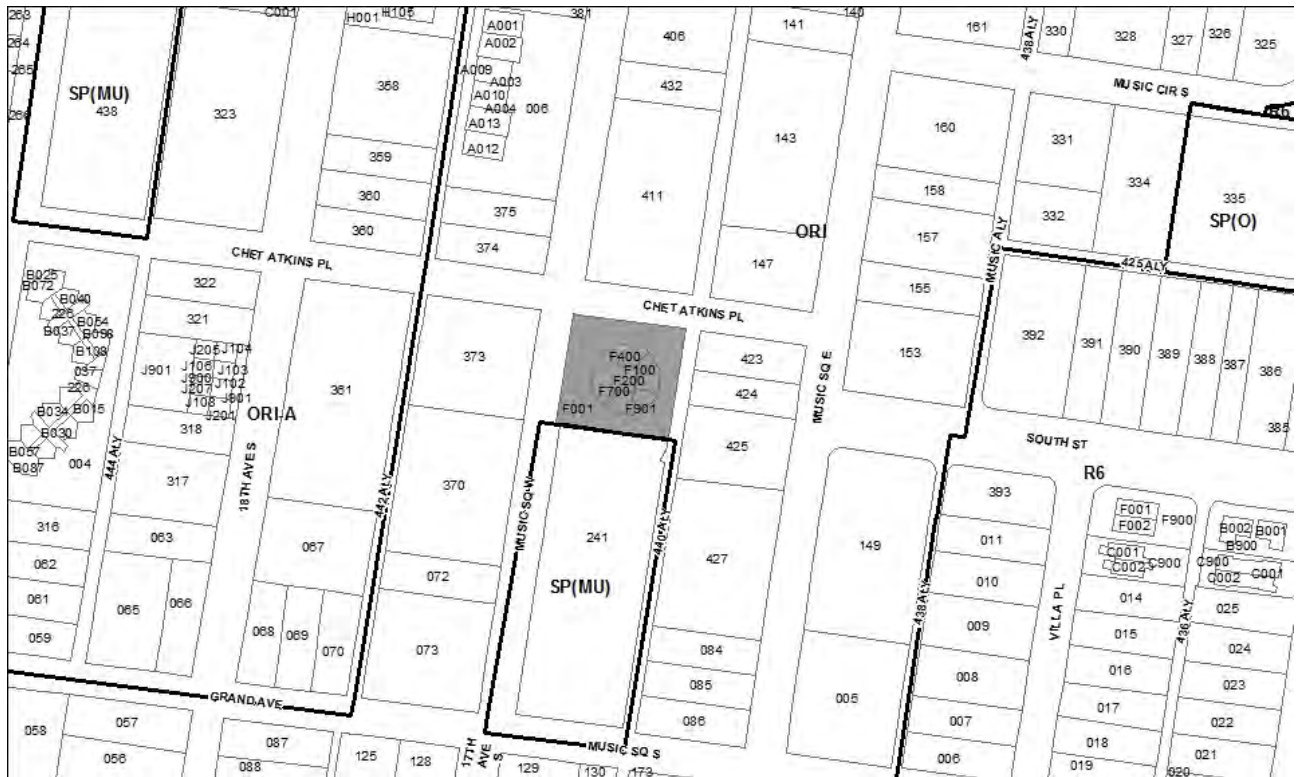
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee 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.
11. 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.



**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 12/08/2016



## 2016SP-083-001

50 MUSIC SQUARE WEST SP

Map 092-16-0-F, Parcel(s) 001, 100, 200, 300, 400

10, Green Hills - Midtown

19 (Freddie O'Connell)



<b>Project No.</b>	<b>Specific Plan 2016SP-083-001</b>
<b>Project Name</b>	<b>50 Music Square West</b>
<b>Council District</b>	19 – O’Connell
<b>School District</b>	5 – Kim
<b>Requested by</b>	Barge Cauthen & Associates, applicant; O.I.C. 50 Music Square West Condominiums, owner.
<b>Staff Reviewer</b>	Shepard
<b>Staff Recommendation</b>	<i>Approve with conditions and disapprove without all conditions.</i>

**APPLICANT REQUEST**

**Preliminary SP to permit a hotel and restaurant.**

Preliminary SP

A request to rezone from Office/Residential Intensive (ORI) to Specific Plan-Commercial (SP-C) zoning on property located at 50 Music Square West, at the southeast corner of Music Square West and Chet Atkins Place, (0.53 acres), to permit a hotel and restaurant.

**Existing Zoning**

Office/Residential Intensive (ORI) is designed to provide adequate and suitable spaces in appropriate locations for high intensity office uses mutually compatible with high-density residential uses. A selective list of retail trade, business service and personal care service uses are permitted if the principal purpose is to serve the recurring needs of the occupants or employees of other permitted uses in these districts. These districts are appropriately located between districts characterized by less intense residential and office development and areas of more intensive commercial uses, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes.

**Proposed Zoning**

Specific Plan-Commercial (SP-C) is a zoning district category that is intended to implement the context-sensitive development and land use compatibility provisions of the General Plan. The district shall be used to promote site specific development in the location, integration, and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets, so as to respect the unique character and/or charm of abutting neighborhoods and larger community in which the property is located. This Specific Plan includes hotel and restaurant uses.

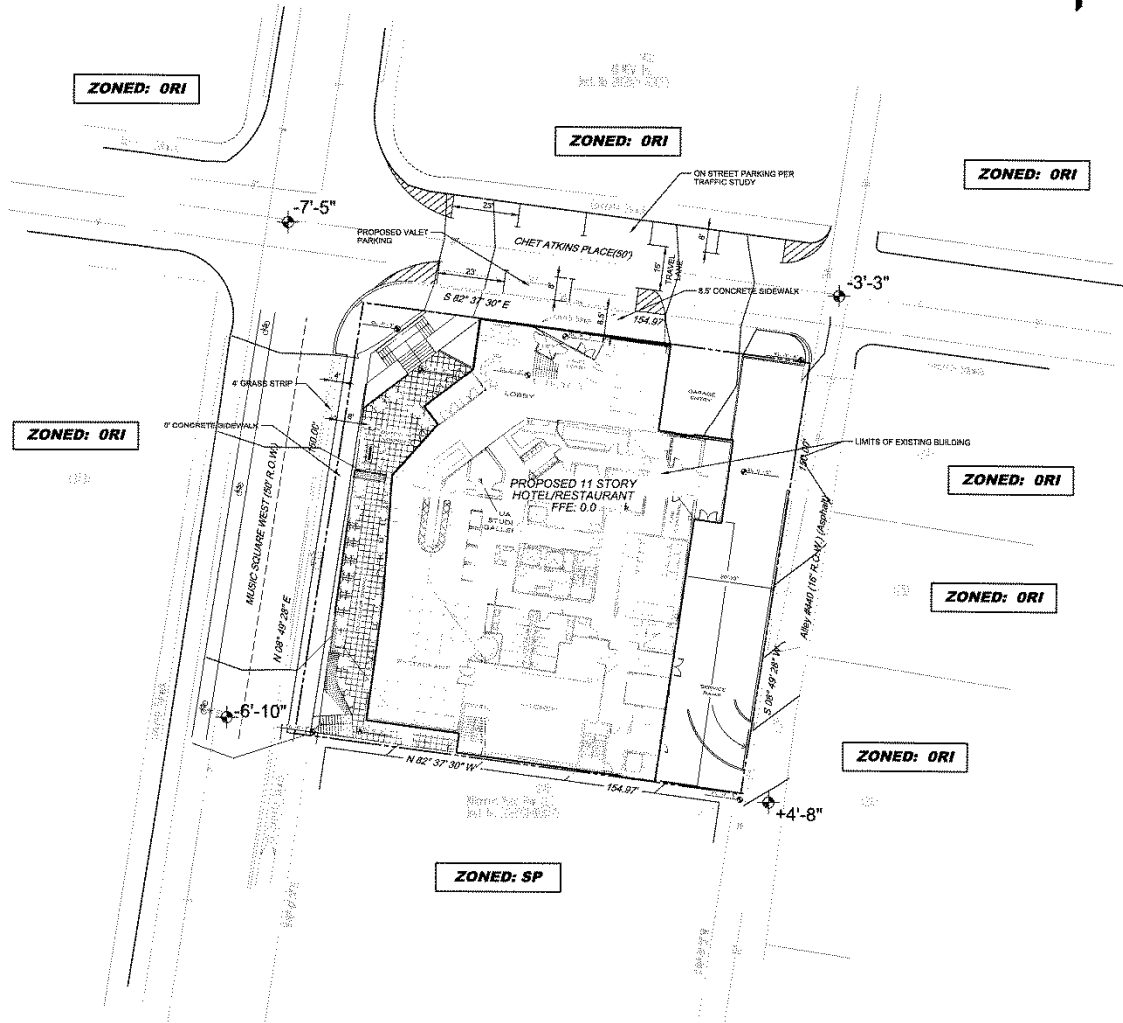
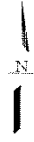
**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Preserves Historic Resources

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



# Metro Planning Commission Meeting of 12/08/2016



**Proposed Site Plan**



## Metro Planning Commission Meeting of 12/08/2016

infrastructure. Although, previous renovations to the exterior of the building have impacted its historic integrity, the building remains iconic in the Music Square neighborhood for its height and connection to the music industry. The building has been vacant for many years. This proposal represents an opportunity to incorporate the existing building into a new commercial development while preserving the buildings iconic height.

### **GREEN HILLS MIDTOWN COMMUNITY PLAN**

#### **Current Policy**

D Office Concentration (D OC) is intended to preserve, enhance, and create Districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities.

#### **Proposed Policy**

The property is within the study area for the Music Row Detailed Design Plan. The Planning Commission will consider the Draft Detailed Design Plan at the December 8, 2016, Planning Commission meeting. Although the Detailed Design Plan is not an associated case specific to this Preliminary SP request, if approved, the Detailed Design Plan will provide additional guidance on building heights and step backs, building frontage and streets, parking and access, lighting and landscaping, and proximity to National Register or National Register Eligible properties through the application of Special Policy Areas.

The property is located within proposed Special Policy Area 10-MR-D-OC-1, which is considered the Gateway to Music Row. Within the proposed area, the policy offers the following guidance:

- Maximum height: Eight stories
- Front Build-to zone: 15 – 20 ft.
- Rear Setback: 5 ft. minimum
- Stepback: Along 16th Avenue South (Music Square East) and 17th Avenue South (Music Square West): 3 stories at build-to zone, 15 ft. stepback.

#### Consistent with Policy?

Yes. The proposed Preliminary SP is for transformation and expansion of an existing nine-story office building and would allow hotel and restaurant uses. The predominant use is Office Concentration Districts is office. Commercial uses such as hotel and restaurant are consistent with the current D-OC policy as complementary uses in locations that allow them to be accessed externally by the general public and internally by employees and visitors to the District. The proposed special policy for the area calls for new development to be a maximum of 8 stories. Prior to the proposed special policy, the D-OC policy in place did not have guidance for maximum height.

The existing building, at nine stories, already exceeds the height proposed within this proposed special policy area and is currently inconsistent with the scale of the surrounding buildings. However, this building, formerly known as The Units Artists Tower, is considered a landmark to the Music Row area. Built from 1973-1975, the 9-story octagon-shaped building has over the years housed music publishing offices, music recording studios, WRQQ radio broadcast studio, and offices of "Music City News" magazine. The structure is said to have been inspired by the 13-story circular Capitol Records Tower in Hollywood, which includes publishing offices and music



## Metro Planning Commission Meeting of 12/08/2016

recording studios, The United Artists Tower was originally owned by Gordon Stoker & Neal Matthews of the Jordanaires, best known as the backup singers for Elvis Presley. The exterior was renovated in 2005-2006 when the building was in the process of being renovated into condos; a 2011 renovation project was never completed and the building has been left vacant for several years much to the dismay of the community.

The Music Row Community views this building as iconic, not for its architecture, but as always having been the tallest building in the area, and they support adaptation of the structure to breathe new life into a building that they feel has been dormant for too long. They are aware that the new iteration of this building will not bear any resemblance to its former self, but it represents to them the continuing evolution of the Music Industry and Music Row.

The proposed SP would increase the height of the building to 11 stories, with an additional level that includes a semi-public rooftop bar, restaurant and event space above the top floor, in an overall height of 138 feet. However, this building was built at a time that floor to floor heights were much lower than they are today. A new office building at only 8 stories could easily reach a height of 146 feet, taller than what this expanded building would achieve. Staff finds this renovation to be consistent with the ideals of the policy, and allows the United Artists Tower to continue to hold its recognition as the tallest building on the block.

### PLAN DETAILS

The site is located at 50 Music Square West, at the southeast corner of Music Square West and Chet Atkins Place. The site is approximately 0.53 acres in size. The current use of the property is a nine-story, octagonal office building located on a plinth or platform, raising the building approximately seven feet above Music Square West and Chet Atkins Place.

#### Site Plan

The proposed plan is to expand and transform the existing octagonal building for hotel and restaurant uses. Additions to the building will be constructed around the existing building footprint on top of the existing platform. The existing building is currently set back approximately 30 feet from the edge of the platform where it meets the sidewalk. The proposed additions will bring the building up to the edge of the platform and add an at-grade entry along Chet Atkins Place. The portion of the platform between the proposed additions and the sidewalk along Music Square West will be occupied by outdoor dining and lounge space.

The expansion will increase both the square footage and the height of the existing building. The proposed building will be 145,000 square feet within a proposed FAR of 7.00. The plans depict an 11-story building, in addition to a proposed rooftop bar, restaurant and event space located above the labeled 11<sup>th</sup> floor rooftop. With an additional 15 feet of height between the top of the 11<sup>th</sup> story and the roof of the “rooftop” space, this space constitutes a 12<sup>th</sup> story of the building. The overall height of the building, including the rooftop space, is 138 feet. A mural wall to be filled by rotating local artists is indicated on the building façade along Music Square West.

The building is proposed for a 180-room hotel and 6,270-square-foot restaurant. A total of 137 parking spaces are proposed in an existing below-grade parking garage. Additional on-street and valet parking is indicated, subject to approval by the Traffic and Parking committee. Proposed





## Metro Planning Commission Meeting of 12/08/2016

parking, which is less than that which would be required for these uses under Urban Zoning Overlay standards, is based on an approved traffic study.

The existing garage access off of Chet Atkins Place will be maintained. Alley access will be maintained to accommodate deliveries and trash service. An existing sidewalk runs along both the Music Square West and Chet Atkins Place frontages of the building. Additional right-of-way will be dedicated along Music Square West to permit widening of the sidewalk to eight feet and the installation of four-foot planting strip. The sidewalk along Chet Atkins Place is currently 8.5 feet in width. There are constraints along Chet Atkins which prevent installation of a planting strip. The final sidewalk and streetscape design for Chet Atkins Place from Alley #440 to the intersection of Chet Atkins Place and Music Square W shall be determined by Planning and Public Works prior to final site plan.

### ANALYSIS

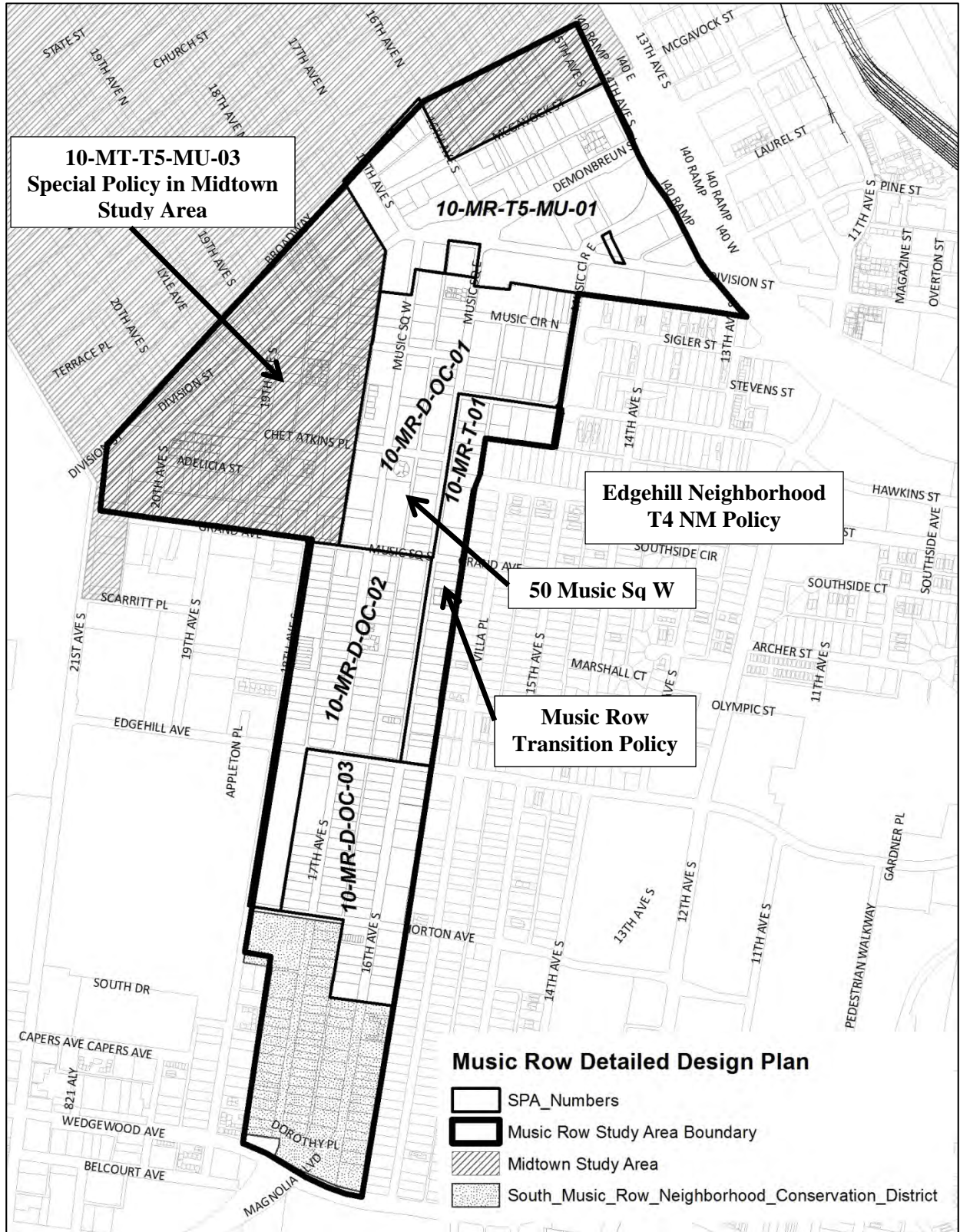
The Preliminary SP proposed for property located at 50 Music Square West would expand an existing building for use as a hotel and restaurant. The proposal would increase the height of the building from nine stories to 11 stories.

In February 2015, the Metro Planning Commission set a policy that they would recommend disapproval or deferral of rezoning requests in Music Row for a period of time to allow a more detailed study of what to preserve and where to allow growth. Since that time, Planning Department staff members have worked with community stakeholders to develop a Detailed Design Plan for Music Row, which is scheduled to be presented to the Planning Commission on December 8, 2016. The plan identifies a future vision for Music Row's community character and provides detailed policy guidance for use in evaluation of zone change and subdivision requests. The special policy areas to be implemented by the Detailed Design Plan are intended to enhance application of the D-OC policy by providing additional context-sensitive guidance for building heights and stepbacks, among other considerations.

The property at 50 Music Square West falls within a Special Policy Area (SPA) that limits height to eight stories. The boundaries of this SPA, depicted on the map below, are defined by changes in policy, zoning, and lot pattern. The northern and western boundaries of the SPA are marked by the shift between T5 Center Mixed Use Neighborhood (T5 MU) and D-OC policy and the eastern boundary by the shift to T4 Urban Neighborhood Maintenance policy. The southern boundary of this SPA is defined by a change in lot pattern and depth—whereas 50 Music Square West and surrounding properties are a mix of sizes, the lots to the south have retained the small and shallow lot pattern of a residential neighborhood.



# Metro Planning Commission Meeting of 12/08/2016





## **Metro Planning Commission Meeting of 12/08/2016**

The eight story portion of the Music Row study area is located between special policy area 10-MT-T5-MU-03 from the Midtown Study, which encompasses properties to the west, and 10-MR-T-01, a Music Row special Transition policy which transitions from the mixed use areas of Music Row to the residential areas of Edgehill. The Midtown Study special policy states, "Lower building heights and masses are intended for this area because of the area's numerous residential size lots." The maximum height indicated in any portion of the Music Row Study Area is 20 stories, and that allowance is confined to areas of T5 MU policy adjacent to the roundabout where taller and more intense development has already occurred.

The eight-story portion of the Music Row study area sits at the heart of the neighborhood and serves as a transition from the Midtown area, where lower heights are indicated because of residential lot size, to the Edgehill neighborhood where T4 NM policy and a smaller residential lot pattern predominate. As discussed above, this existing structure already contains more floors than the policy dictates, however, it is viewed as being iconic for being the tallest building on the block. The additional height proposed Preliminary SP would be an overall height in feet that will be consistent with newer 8 story office buildings. Staff finds the proposal to increase the height appropriate given uniqueness of the existing structure and its prominence in the existing context and history of the community.

### **FIRE DEPARTMENT RECOMMENDATION**

#### **Approve with conditions**

- Fire Code issues will be addressed in the permit phase.

### **STORMWATER RECOMMENDATION**

#### **Returned for corrections**

- Show/label existing contours on the plan. Show Water Quality/ LID Concept features on the plan.

### **HISTORIC ZONING COMMISSION STAFF RECOMMENDATION**

#### **Approve**

- Originally mapped as National Register Eligible, the State Historic Preservation Office (SHPO) has since determined that it is only Worthy of Conservation due to changes that have taken place that significantly alter character defining features.

### **WATER SERVICES RECOMMENDATION**

#### **Approve with conditions**

- Approved as a Preliminary SP only. The required capacity fees must 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.
- Comply with the conditions of the Metro Traffic Engineer
- Prior to Final SP, remove the curb extensions/ landscape islands on Chet Atkins.



## Metro Planning Commission Meeting of 12/08/2016

- ROW dedications are to be dedicated and recorded prior to building permit sign off.

### TRAFFIC AND PARKING RECOMMENDATION

#### Approve with conditions

- Developer shall apply to T&P operations group in order to provide a valet stand on the south side of Chet Atkins Place along the property frontage. The designated stand should extend from the UA Tower garage entrance to the Music Square West intersection. This distance will accommodate approximately four vehicles.
- Maintain the service access from the alley to accommodate deliveries and trash service.
- The sight distance looking right from Roy Acuff Place along Music Square West is restricted by landscape vegetation encroaching on the right-of-way. This vegetation should be trimmed to allow at least 335' of sight distance.
- The new signage placed for safety considerations at the intersection of Chet Atkins Place and Music Square West should be augmented with additional arrow pavement markings to reinforce the one-way street configuration. Developer shall coordinate with T&P operations in order to install arrow pavement markings.

#### Maximum Uses in Existing Zoning District: **ORI**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.53	3 F	69,260 SF	1006	140	157

#### Maximum Uses in Proposed Zoning District: **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	0.53	-	200 Rooms	1784	127	123

#### Maximum Uses in Proposed Zoning District: **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (931)	0.53	-	6,270 SF	564	6	47

#### Traffic changes between maximum: **ORI** and **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,342	-7	+13

### STAFF RECOMMENDATION

Staff finds the application consistent with the community plan, however are unable to recommend approval at this time because recommendations on the Preliminary SP have not been provided by all reviewing agencies. Staff recommends deferral to the January 12, 2017, Planning Commission meeting unless recommendations of approval are received from all reviewing agencies. If



## Metro Planning Commission Meeting of 12/08/2016

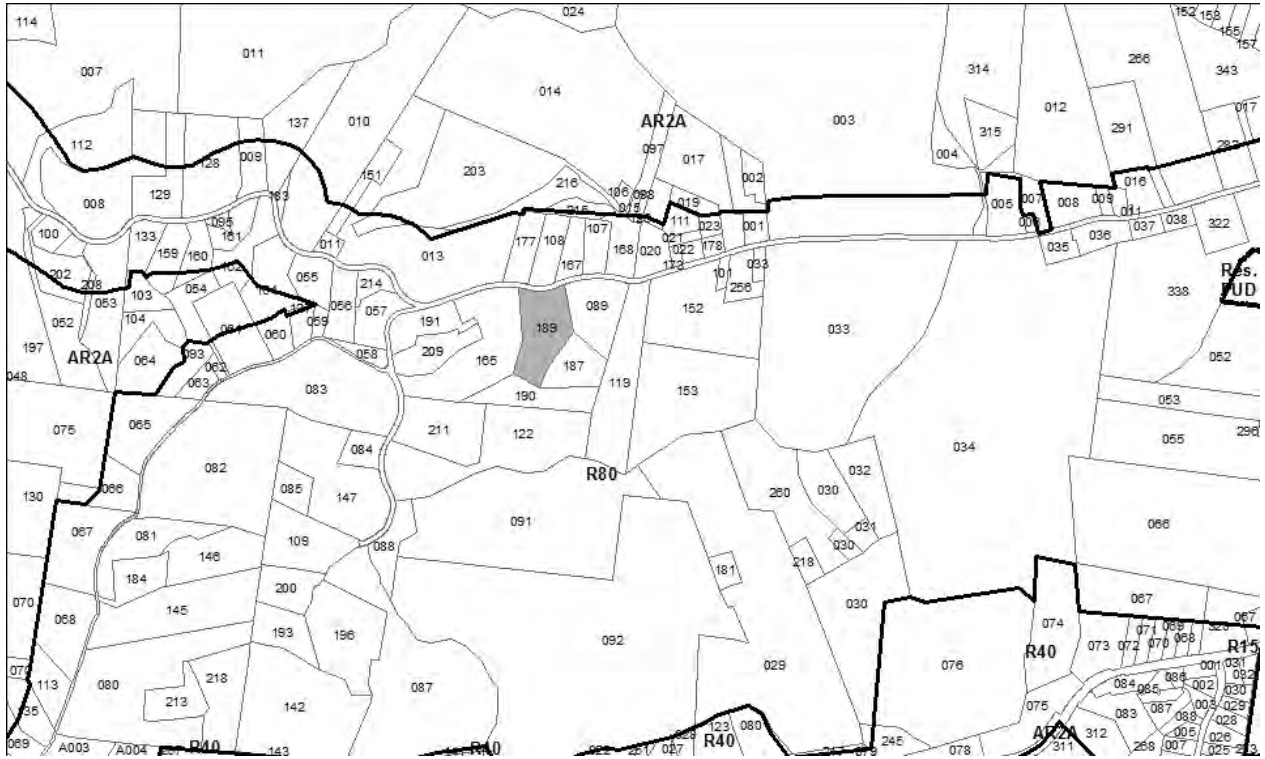
recommendations from all reviewing agencies are received, staff recommends approval with conditions and disapproval without all conditions.

### **CONDITIONS (if approved)**

1. Uses shall be limited to a 200-room hotel and a maximum of 6,270 square feet of restaurant use.
2. The proposed mural wall element is not subject to Planning Commission review.
3. The final sidewalk and streetscape design for Chet Atkins Place from Alley #440 to the intersection of Chet Atkins Place and Music Square W shall be determined by Planning and Public Works prior to final site plan.
4. 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 MUI-A zoning district as of the date of the applicable request or application.
5. 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.
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.



# Metro Planning Commission Meeting of 12/08/2016



**2016SP-086-001**

7897 OLD CHARLOTTE PIKE SP

Map 113, Parcel(s) 189

06, Bellevue

35 Dave Rosenberg



<b>Project No.</b>	<b>Specific Plan 2016SP-086-001</b>
<b>Project Name</b>	<b>7897 Old Charlotte Pike Specific Plan</b>
<b>Council Bill No.</b>	BL2016-409
<b>Council District</b>	35 - Rosenberg
<b>School District</b>	09 - Frogge
<b>Requested by</b>	Dale & Associates, Inc., applicant; The Mountain view Trust, owner.
<b>Staff Reviewer</b>	Napier
<b>Staff Recommendation</b>	<i>Approve with conditions and disapprove without all conditions</i>

**APPLICANT REQUEST**

**Rezone from R80 to SP to permit the use of a Kennel permitted with issuance of a special exception.**

Preliminary SP

A request to rezone from R80 to SP-MU zoning on property located at 7897 Old Charlotte Pike, approximately 1,050 feet northeast of Fire Tower Road, (8.2 acres), to permit all uses permitted by R80 and a kennel (only permitted with issuance of a special exception permit by Board of Zoning Appeals in accordance with the development standards of Section 17.16.175.A).

History

The applicant initially requested a rezone for the property located at 7897 Old Charlotte Pike from R80 to AR2a in order to apply for a special exception to permit the use of the property as a Kennel. This request was disapproved at the September 22<sup>nd</sup>, 2016, Metro Planning Commission meeting. The applicant has subsequently converted the request to an SP and Metro Council re-referred the item to the Planning Commission.

**Existing Zoning**

Residential One and Two-Family (R80) requires a minimum 80,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of .58 dwelling units per acre including 25 percent duplex lots. *R80 would permit a maximum of 4 lots with 1 duplex lot for a total of 5 units.*

**Proposed Zoning**

Specific Plan-Mixed Use (SP-MU) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses. This Specific Plan includes the use of a kennel.

**CRITICAL PLANNING GOALS**

N/A



# Metro Planning Commission Meeting of 12/08/2016

## Proposed Regulatory SP Start

### 7897 Old Charlotte Pike Specific Plan (SP)

Development Summary	
SP Name	7898 Old Charlotte Pike Specific Plan
2016SP-086-001	2016SP-086-001
Council District	35
Map & Parcel	Map 113, Parcel 189

Site Data Table	
Site Data	8.2 acres
Existing Zoning	R80
Proposed Zoning	SP
Allowable Land Uses	All uses permitted by the R80 zoning district and a kennel (only permitted with issuance of a special exception permit by Board of Zoning Appeals in accordance with the development standards of Section 17.16.175.A)

#### Specific Plan (SP) Standards

1. Uses within this SP shall be limited to uses permitted by R80 zoning district and a kennel (only permitted with issuance of a special exception permit by Board of Zoning Appeals in accordance with the development standards of Section 17.16.175.A).
2. 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 R80 zoning district as of the date of the applicable request or application.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

#### General Plan Consistency Note

The proposed Specific Plan is located within the Bellevue Community Plan (Subarea 6). The proposed SP is located in the following policy areas:

- Rural Maintenance (T2 RM)
- Conservation

A low-density residential zoning district with appropriate development standards is an appropriate zoning designation in these policy areas.



## Proposed Regulatory SP end





## Metro Planning Commission Meeting of 12/08/2016

### **BELLVUE COMMUNITY PLAN**

T2 Rural Maintenance (T2 RM) is intended to preserve rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded. Instead, new development in T2 RM areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit/2 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space.

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.

#### Consistent with Policy?

Yes. The rezoning to SP is consistent with the T2 Rural Maintenance and Conservation Policies and is appropriate given the site's location in a rural area. This request is consistent with the low residential density and rural character the policy aims to preserve.

#### Analysis

Staff recommends approval of this request as the proposed SP is consistent with the T2 Rural Maintenance policy and Conservation Policies. This site contains 8.2 acres of land, one single family home, and multiple accessory structures. The site contains 463 feet of frontage along Old Charlotte Pike, which is designated as a collector street by the Major and Collector Street Plan.

The natural topography of the site and existing vegetation will provide visual screening for the neighboring properties as well as a barrier to help mitigate noise that may result from the use of the property as a kennel. The impact of additional vehicular traffic should be minimal as this facility will not be open to the general public and therefore should not cause a large increase in traffic beyond the current single family use. The use of the property as a Kennel will require an approved special exception from the Metro Board of Zoning Appeals.

The following paragraph from section 17.04.060 - Definitions of General Terms, of the Metro Zoning Code provides the definition of a kennel.

"*Kennel/stable*" means any lot, building, structure or premises used for the boarding, breeding, training, and/or raising of domestic animal/wildlife (excluding livestock), whether by owners of such animals or by persons providing facilities and care, whether or not for compensation, but shall not apply to the keeping of animals in a municipal animal pound, pet store, a bona fide laboratory for scientific or experimental purposes (e.g. dental, veterinary, pharmaceutical or biological) or in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.



## **Metro Planning Commission Meeting of 12/08/2016**

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **PUBLIC WORKS RECOMMENDATION**

N/A

### **WATER SERVICES RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

N/A

### **TRAFFIC AND PARKING RECOMMENDATION**

N/A

### **STAFF RECOMMENDATION**

Staff Recommends approval with conditions and disapproval without all conditions.

### **CONDITIONS**

1. Uses within this SP shall be limited to uses permitted by R80 zoning district and a kennel, permitted with the issuance of a special exception permit from the Board of Zoning Appeals.
2. 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 R80 zoning district as of the date of the applicable request or application.



**SEE NEXT PAGE**





<b>Project No.</b>	<b>Specific Plan 2016SP-090-001</b>
<b>Project Name</b>	<b>Platinum Storage Brentwood SP</b>
<b>Associated Case</b>	2004P-021-003
<b>Council District</b>	4 - Swope
<b>School District</b>	2 - Brannon
<b>Requested by</b>	Littlejohn Engineering Associates, applicant; Hampton Falls Storage Partners, LLC and OHB Development Group, Inc., owners.
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Disapprove.</i>

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**APPLICANT REQUEST**

**Rezone to SP to allow a self-service storage facility.**

Preliminary SP

A request to rezone from Mixed-Use Neighborhood (MUN) and Office Limited (OL) to Specific Plan-Commercial (SP-C) zoning on properties located at 673, 675, 681 and 683 Old Hickory Boulevard, approximately 300 feet east of Cloverland Drive, partially within a Planned Unit Development Overlay District (2.81 acres), to permit a self-service storage facility with a maximum height of 4 stories.

**Existing Zoning**

Mixed Use Neighborhood (MUN) is intended for a low intensity mixture of residential, retail, and office uses.

Office Limited (OL) is intended for moderate intensity office uses.

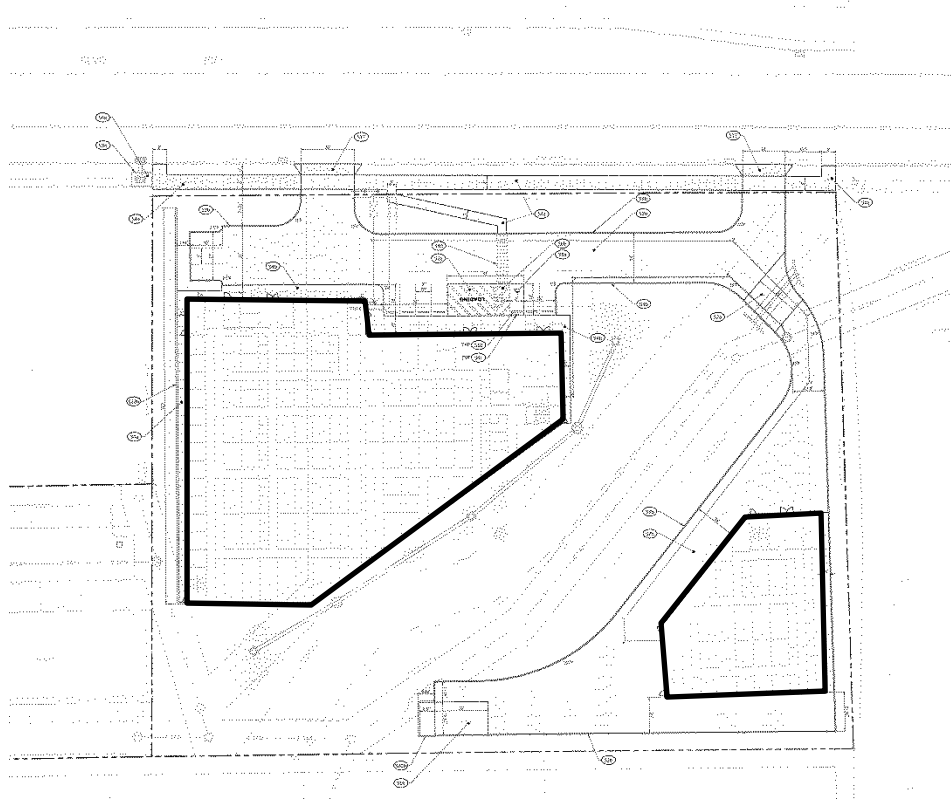
Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of 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. *The approved PUD allows for medical office, general office, outpatient clinic, and residential uses.*

**Proposed Zoning**

Specific Plan-Commercial (SP-C) 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 commercial uses.



# Metro Planning Commission Meeting of 12/08/2016



**Proposed Site Plan (Building footprints outlined)**



## Metro Planning Commission Meeting of 12/08/2016

### **SOUTHEAST NASHVILLE COMMUNITY PLAN**

T3 Suburban Residential Corridor (T3 RC) is intended to preserve, enhance and create suburban residential corridors. T3 RC areas are located along prominent arterial-boulevard or collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive and comfortable access and travel for all users. T3 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

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.

#### Consistent with Policy?

No. The requested rezoning to allow for commercial development is inconsistent with the Residential Corridor policy. Residential Corridor policy is a residential only policy which encourages the development of a mixture of housing types along prominent corridors. The policy does not support commercial uses. The property immediately to the south is within a Neighborhood Maintenance policy and the inclusion of adjacent commercial uses of the height and intensity proposed is incompatible with the existing residential uses.

### **PLAN DETAILS**

The property is 2.81 acres in size and is located south of Old Hickory Boulevard and east of Cloverland Road. The property is currently vacant.

#### Site Plan

The plan proposes self-service storage uses within two buildings: one building adjacent to Old Hickory Boulevard (Building 1) and one building on southeast corner of the site (Building 2). Vehicular access is proposed from two access point along Old Hickory Boulevard. Sidewalks consistent with the requirements of the Major and Collector Street Plan are provided along the frontage of Old Hickory Boulevard. Parking and loading is proposed between Building 1 and the street.

Building 1 is proposed at 107,852 square feet with a maximum height of four stories in 48 feet. Building 2 is proposed at 46,422 square feet with a maximum height of 3 stories in 37 feet. Architectural elevations have been provided for all sides of both buildings.



Building 1 front (Old Hickory Boulevard) elevation



## Metro Planning Commission Meeting of 12/08/2016



Building 2 front (Old Hickory Boulevard) elevation

The Old Hickory Boulevard elevations for both buildings include limited glazing. All other elevations, including the elevations that are adjacent to existing residential development are blank walls with no glazing or articulation. The west elevation of Building 1 (below) is set back 20 feet from the property line of existing residential development and R40 property. A B landscape buffer is provided. CS zoning is one of the districts that allows self-service storage. If adjacent to R40, the Zoning Code requires a C landscape buffer. Industrial districts, which also allow the proposed use, adjacent to R40 would require a D landscape buffer.



The south elevation of Building 2, which is immediately adjacent to existing single-family development, is shown below. No glazing or articulation is provided and the proposed height within 20 feet of the existing homes is incompatible.



### ANALYSIS

The proposed plan is inconsistent with the Residential Corridor policy, which does not support commercial uses. While the currently allowed office uses may not be supported by the policy, rezoning to allow for a more intense commercial use such as self-service storage is moving further away from the goals and objectives of the residential corridor policy. Surrounding land uses south of Old Hickory Boulevard consist of a mixture of single-family and multi-family residential uses. Closer to the interstate there are some commercial uses, however, the land uses generally decrease in intensity as you move east away from the interstate interchange. Similarly, land uses north of Old Hickory Boulevard are predominantly residential and office except for a pocket of commercial immediately adjacent to the interstate.





## Metro Planning Commission Meeting of 12/08/2016

Rezoning to allow for an intense commercial use within a predominantly residential area is inappropriate. The land use policy adopted by NashvilleNext seeks to protect the residential nature of the area while allowing for a mixture of housing. The rezoning is in direct conflict with the recently adopted policy and the goals of NashvilleNext.

### FIRE DEPARTMENT RECOMMENDATION

#### Approved with conditions

- Fire Code issues will be addressed in the permit phase.

### STORMWATER RECOMMENDATION

#### Approved with conditions

- No encroachments/buffer disturbances allowed with the exception of the bottomless culvert stream crossing.

### WATER SERVICES

#### Approved with conditions

- Approved as a Preliminary SP only. Public water construction plans (for the proposed fire hydrant and public water main relocation) 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.
- Comply with the conditions of the Metro Traffic Engineer

### TRAFFIC AND PARKING RECOMMENDATION

#### Approved with conditions

- An access study is required prior to final SP.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.72	0.6 F	44,953 SF	1961	43	130

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	1.12	0.75 F	36,590 SF	616	84	120



## Metro Planning Commission Meeting of 12/08/2016

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Self-Storage (151)	2.81	-	154,274 SF/ 1043 units	369	24	39

Traffic changes between maximum: **MUN and OL** and **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-2,208	-103	-211

### STAFF RECOMMENDATION

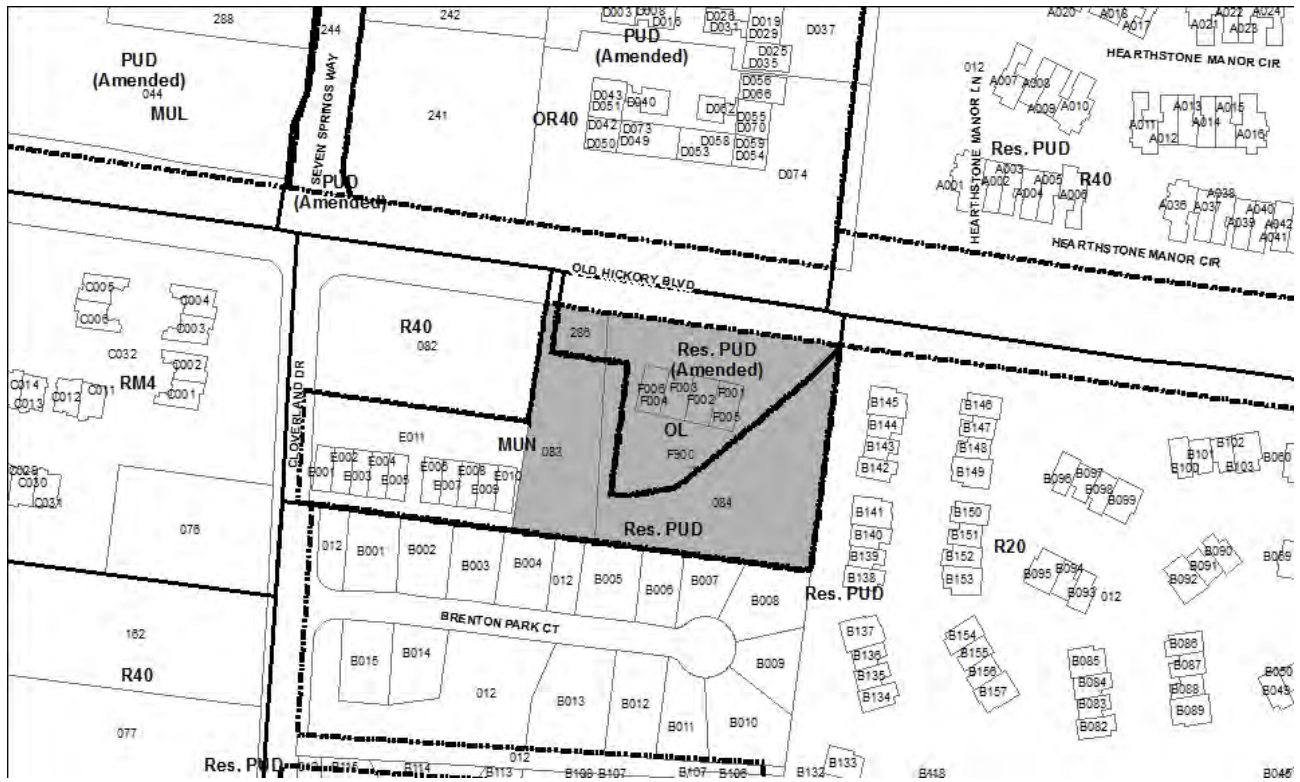
Staff recommends disapproval as the request is inconsistent with the land use policy for the area and the use is incompatible with adjacent residential developments.



**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 12/08/2016



**2004P-021-003**  
**PRESIDENT'S RESERVE PUD (CANCELLATION)**  
Map 160, Parcel(s) 083-084, 286  
Map 160-15-0-F, Parcel(s) 001-006, 900  
12, Southeast  
4 (Robert Swope)



<b>Project No.</b>	<b>PUD Cancellation 2004P-021-003</b>
<b>Project Name</b>	<b>President’s Reserve PUD (Cancellation)</b>
<b>Associated Case</b>	2016SP-090-001
<b>Council District</b>	4 - Swope
<b>School District</b>	2 - Brannon
<b>Requested by</b>	Littlejohn Engineering Associates, applicant; Hampton Falls Storage Partners, LLC, owner.
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Disapprove.</i>

**APPLICANT REQUEST**

**Cancel a portion of a Planned Unit Development.**

PUD Cancellation

A request to cancel a portion of a Planned Unit Development Overlay District on property located at 673, 675, 681 and 683 Old Hickory Boulevard, approximately 300 feet east of Cloverland Drive, zoned Mixed-Use Neighborhood (MUN) and Office Limited (OL), (2.81 acres).

**Existing Zoning**

Mixed Use Neighborhood (MUN) is intended for a low intensity mixture of residential, retail, and office uses.

Office Limited (OL) is intended for moderate intensity office uses.

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 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. *The approved PUD allows for medical office, general office, outpatient clinic, and residential uses.*

**SOUTHEAST NASHVILLE COMMUNITY PLAN**

T3 Suburban Residential Corridor (T3 RC) is intended to preserve, enhance and create suburban residential corridors. T3 RC areas are located along prominent arterial-boulevard or collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive and comfortable access and travel for all users. T3 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

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



## **Metro Planning Commission Meeting of 12/08/2016**

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.

### Consistent with Policy?

No. The cancellation of the PUD to allow for the development of the associated Specific Plan (2016SP-090-001) is inconsistent with the land use policy for the area. The approved PUD currently allows for office, medical office, and residential uses. The residential uses are consistent with the T3 Suburban Residential Corridor policy by providing for additional housing along an arterial in line with the goals of the policy. While the office use may not be consistent with the residential only nature of the policy, the limited amount of office allowed by the PUD is closer to the policy than the proposed uses of the SP.

### **PLAN DETAILS**

The PUD was originally approved in 2004 to permit 16 residential dwelling units and 12,015 square feet of office uses within six buildings. In 2005, a revision to the preliminary plan was approved which permitted 16 residential dwelling units and 12,960 square feet of office uses. The underlying base zone at the time of both approvals was Mixed-Use Neighborhood (MUN) which limited individual offices to 2,500 square feet in size. In 2012, a portion of the PUD was rezoned to Office Limited (OL) and a portion of the PUD was amended to change the layout of the office uses.

### **ANALYSIS**

Prior to the adoption of NashvilleNext, the land use policy for the property was Mixed Use, which encouraged an integrated, diverse blend of compatible land uses. Predominant uses included residential, commercial, recreational, cultural and community facilities. Commercial uses appropriate for Mixed Use policy areas include offices and small sale convenience uses. A PUD or site plan was considered appropriate to ensure proper design.

Cancellation of the PUD is requested in order to accommodate the requested Specific Plan rezoning to allow for a self-service storage use. The existing PUD, while inconsistent with the current Residential Corridor policy, is closer to the policy than the requested zoning. If the property is not going to develop in a manner that is consistent with the policy, the PUD should be maintained as the uses allowed by the PUD are compatible and have less impact on surrounding residential uses.

### **FIRE DEPARTMENT RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

N/A

### **WATER SERVICES**

N/A

### **PUBLIC WORKS RECOMMENDATION**

N/A

### **TRAFFIC AND PARKING RECOMMENDATION**

N/A



## Metro Planning Commission Meeting of 12/08/2016

### **STAFF RECOMMENDATION**

Staff recommends disapproval.







<b>Project No.</b>	<b>Specific Plan 2016SP-094-001</b>
<b>Project Name</b>	<b>Ivy Street SP</b>
<b>Council District</b>	20 - Roberts
<b>School District</b>	09 - Frogge
<b>Requested by</b>	Dale and Associates, applicant; Lovell Properties, LLC, owner.
<b>Staff Reviewer</b>	Napier
<b>Staff Recommendation</b>	<i>Approve with conditions and disapprove without all conditions.</i>

**APPLICANT REQUEST**

**Rezone to SP to allow four residential units.**

Preliminary SP

A request to rezone from One and Two-Family Residential (R8) to Specific Plan-Residential (SP-R) SP-R zoning on property located at 6370 Ivy Street, approximately 420 feet southeast of Croley Drive, (0.45 acres) to permit up to 4 residential units.

**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 2 lots with 2 duplex lots for a total of 4 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**

- Creates Walkable Neighborhoods

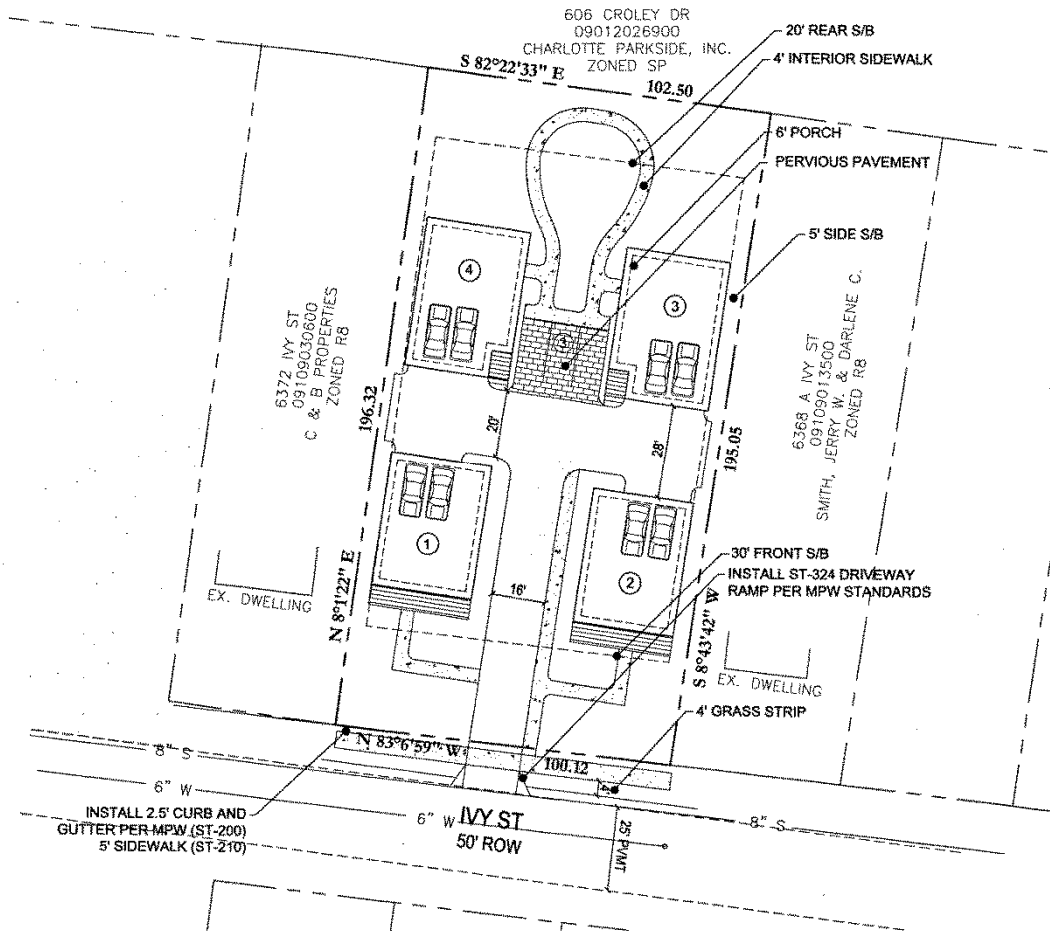
This SP will require the construction of a sidewalk along the frontage of this parcel. This sidewalk will act as the beginning of a network for the existing neighborhood.

**WEST NASHVILLE COMMUNITY PLAN**

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.



# Metro Planning Commission Meeting of 12/08/2016



**Proposed Site Plan**



## Metro Planning Commission Meeting of 12/08/2016

### Consistent with Policy?

Yes. The proposed SP is consistent with the T4 NM policy and is appropriate given the site's location in an urban area. Within the T4 NM policy the form of development is key. T4 NM areas are intended to be moderate- to high-density. The purpose of this SP is to create additional housing options on a property that would otherwise not be duplex eligible. The structures proposed by this SP are generally consistent with the residential character of the existing homes along Ivy Street. The setbacks proposed within this SP will be consistent with the setbacks within the surrounding area meet and meet the requirements of the zoning code. There are currently seven duplexes along Ivy Street which provides an appropriate context for this SP. This site is within a quarter of a mile walking distance to an area which contains T4 Urban Neighborhood Center Policy which will likely redevelop as the surrounding neighborhood redevelops. This SP will limit access to a single driveway for all units within the site. .

### **PLAN DETAILS**

The site consists of one lot located at 6370 Ivy Street. The proposed SP includes four detached residential dwelling units. Two units will front Ivy Street and two units will be located to the rear of the property.

The site will contain a single driveway which will provide access to all four units. All units will contain two car garages, the two units fronting Ivy Street will be rear loaded. The two units located to the rear of the property will be front loaded. No additional parking is being provided on site. The site plan shows sidewalks which meet the standards of a local street, a 4 ft wide grass strip and a 5 ft. wide sidewalk, as required by the Major and Collector Street Plan. All units will have a pedestrian connection to the proposed sidewalk fronting this site.

Conceptual building elevation drawings were not provided within the SP; however, architectural standards have been included on the plan and should be demonstrated through architectural elevations submitted with the final SP plan. The proposed residential units shall have a maximum height of 3 stories and 35 feet.

### **ANALYSIS**

The proposed site plan is consistent with the T4 Neighborhood Maintenance Policy in this location and supports two critical planning goals. This infill development would create additional housing diversity within an area that is currently experiencing a moderate level of redevelopment. There are currently several duplex structures and single-family structures along Ivy Street which creates a diverse residential character for the street. This application would introduce a new housing product which would add to the existing diverse residential character of Ivy Street.

### **FIRE DEPARTMENT RECOMMENDATION**

#### **Approved with conditions**

- Fire Code issues will be addressed in the permit phase.

### **STORMWATER RECOMMENDATION**

#### **Approved**



## Metro Planning Commission Meeting of 12/08/2016

### WATER SERVICES

#### Approved with conditions

- Approved as a Preliminary SP only. The required capacity fees must 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.
- Add note to the plans that indicates relocation of all vertical obstruction from the proposed sidewalks (if any exist), i.e. poles, utility cabinets, fire hydrants, signs, guy wires, etc.

### TRAFFIC AND PARKING RECOMMENDATION

#### Approved

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential* (210)	0.45	5.45 D	4 U	39	3	5

\*Based on two two-family lots.

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)	0.45	-	4 U	39	3	5

Traffic changes between maximum: **R8** and **SP-R**

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 R8 district: 0 Elementary 0 Middle 0 High**

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

The proposed SP-R zoning district would generate 1 additional students than what is typically generated under the existing R8 zoning district. Students would attend Cockrill Elementary, McKissack Middle School and Pearl-Cohn 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.



## Metro Planning Commission Meeting of 12/08/2016

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

1. Will this project include any affordable or workforce housing units? Not anticipated 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? Not that the applicant is aware of.

### **STAFF RECOMMENDATION**

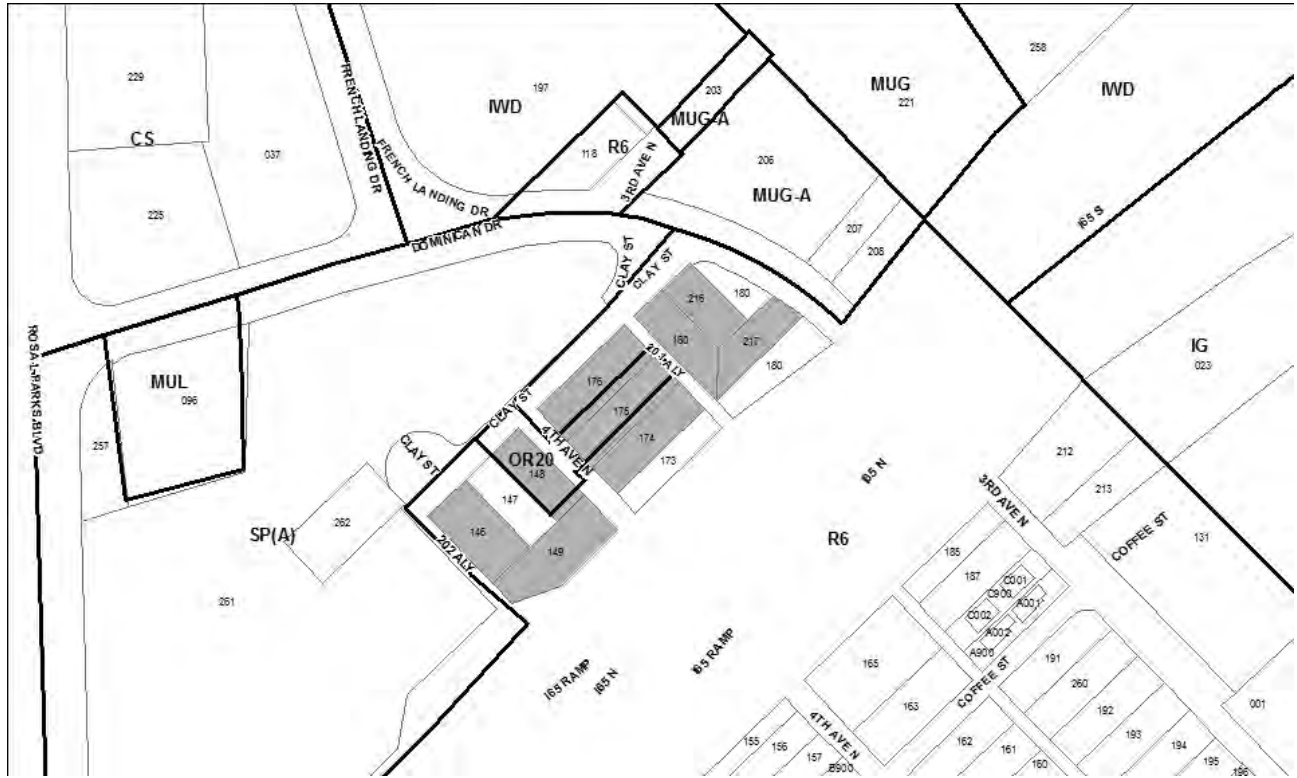
Staff recommends approval with conditions and disapproval without all conditions.

### **CONDITIONS**

1. Uses in the SP shall be limited to a maximum of 4 detached residential units.
2. 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 R8 zoning district as of the date of the applicable request or application.
3. The following design standards shall be added to the plan:
  - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
  - b. Windows shall be vertically oriented at a ratio of 1.5:1 or greater, except for dormers or egress windows.
  - c. EIFS, vinyl siding and untreated wood shall be prohibited.
  - d. Porches shall provide a minimum of six feet of depth.
  - e. A raised foundation of 18"- 36" is required for all residential structures.
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.



# Metro Planning Commission Meeting of 12/08/2016



**2016SP-095-001**

**CLAY STREET PROPERTIES SP**

Map 081-04, Parcel(s) 146, 148, 149, 180.03, 174-176, 216-217

08, North Nashville

21, (Ed Kindall)



<b>Project No.</b>	<b>Specific Plan 2016SP-095-001</b>
<b>Project Name</b>	<b>Clay Street Properties SP</b>
<b>Council District</b>	08-Kindall
<b>School District</b>	01 –Gentry
<b>Requested by</b>	Ragan-Smith and Associates, applicant; B.V. Kumar, owner.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Defer to the January 12, 2017, Planning Commission Meeting.</i>

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**APPLICANT REQUEST**

**Preliminary SP to permit a hotel.**

Preliminary SP

A request to rezone from Office/Residential (OR20) and One and Two-Family Residential (R6) to Specific Plan-Mixed Use (SP-MU) zoning on properties located at 303, 305, 401 and 405 Clay Street, 405 Dominican Drive, 1919, 1920, 1922 and 1924 4th Avenue North, at the south corner of Dominican Drive and Clay street, (1.65 acres), to permit a hotel.

**STAFF RECOMMENDATION**

Staff recommends deferral to the January 12, 2017, Planning Commission meeting at the request of the applicant.



# Metro Planning Commission Meeting of 12/08/2016



**2016SP-098-001**

Various Maps, Various Parcel(s)

05, East Nashville

05 (Scott Davis)





<b>Project No.</b>	<b>Specific Plan 2016SP-098-001</b>
<b>Council Bill No.</b>	BL2016-449
<b>Council District</b>	5 – S. Davis
<b>School District</b>	5 - Kim
<b>Requested by</b>	Councilmember Scott Davis, applicant; various property owners.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Disapprove.</i>

**APPLICANT REQUEST**  
**Zone change from SP to SP.**

Zone Change

A request to rezone from SP to SP zoning on properties located at 123, 125, and 127 Cleveland Street and 904, 906, 908, 908B, 910, and 912 North 2nd Street, at the northwest corner of Cleveland Street and North 2nd Street (1.13 acres), to permit uses limited to one single-family or one two-family unit per parcel. Two-family units shall be fully connected and shall appear as one unit.

**Existing 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. *The zoning district allows for all uses permitted by the RS5 zoning district, as well as detached accessory dwelling 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. *The zoning district allows for one single-family or one two – family unit per parcel. Two-family units shall be fully connected and shall appear as one unit.*

**CRITICAL PLANNING GOALS**

N/A

**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.



## Metro Planning Commission Meeting of 12/08/2016

### Cleveland St./N. 2<sup>nd</sup> St. Specific Plan (SP)

Development Summary		Site Data Table	
SP Name	Cleveland St./N. 2 <sup>nd</sup> St. Specific Plan	Site Data	1.13
SP Number	2016SP-098-001	Existing Zoning	SP
Council District	5	Proposed Zoning	SP
Map & Parcel	Map 082-03; Parcels 079-086, 554	Allowable Land Uses	Residential

#### Specific Plan (SP) Standards

1. Uses within this SP shall be limited to one single-family or one two-family unit per parcel. Two-family units shall be fully connected and shall appear as one unit.
2. Access for properties which redevelop shall be limited to alley access only.
3. A raised foundation of 18”- 36” is required for all residential structures.
4. Maximum height shall be limited to two stories in 35’.
5. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
6. Windows shall be vertically oriented at a ratio of 2:1 or greater, except for dormers.
7. EIFS, vinyl siding and untreated wood shall be prohibited.
8. Porches shall provide a minimum of six feet of depth.
9. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the R6-A zoning district as of the date of the applicable request or application.
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.

#### General Plan Consistency Note

The proposed Specific Plan is located within the East Nashville Community Plan (Subarea 5). The proposed SP is located in the following policy area:

- Urban Neighborhood Maintenance (T4 NM)
- Urban Neighborhood Evolving (T4 NE)

The proposed SP to permit single or two-family units is consistent with the goals of the Urban Neighborhood Maintenance and Urban Neighborhood Evolving policy as it preserves the general character of the community and also provides for additional housing options.

#### **Proposed Site Standards**



## Metro Planning Commission Meeting of 12/08/2016

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.

### Consistent with Policy?

No. The area requested for rezoning is primarily located within the T4 Urban Neighborhood Maintenance policy. The policy supports preserving the general character of the existing neighborhood. The proposed zone change would allow up to two units on each lot. While there are some two-family units in the surrounding area, the neighborhood is predominantly single-family dwelling units. The proposed zone change is not consistent with the general character of the existing neighborhood in the immediate area.

### **HISTORY**

In June 2016, the Planning Commission recommended disapproval of case number 2016Z-036PR-001 to rezone a large area in East Nashville from SP-R to R6-A. Within R6-A zoning two-family units are permitted with conditions. The properties in the current zone change request were included in the area covered by 2016Z-036PR-001. The proposed zoning would permit two-family units on each lot.

### **ANALYSIS**

The nine properties are located at the northwest corner of Cleveland Avenue and North 2<sup>nd</sup> Street and along North 2<sup>nd</sup> Street. The existing zoning allows single-family residential units as well as detached accessory dwelling units, if the lot meets certain criteria. The neighborhood consists of single-family and two-family residential units as well as a commercial use on the corner of North 2<sup>nd</sup> Street and Cleveland Street.

The proposed zoning would allow a two-family dwelling unit on each of the nine properties. If the previous zone change application to rezone from SP to R6-A had been approved in June, only 4 out of the 9 properties would have been allowed a two-family residential unit because of the condition in the Metro Zoning Code. The current request would allow all nine properties to have a two-family residential unit.

The proposed zone change to allow up to two-family dwelling units on all 9 properties is inappropriate in this area considering the existing neighborhood pattern in the immediate area. Half of the proposed area is within Neighborhood Maintenance policy which is intended to preserve the general character of the area. The general character mainly consists of single-family dwelling units. The other half of the area proposed to be rezoned (4 lots) is located in Neighborhood Evolving policy. While Neighborhood Evolving policy may support a range of housing choices, the three lots do not have enough square footage to allow a two-family residential unit if the R6-A zoning would have been approved earlier this year. The zoning proposal attempts to allow two-family units on lots that are not suitable for two-family dwelling units in that they do not meet the minimum lot size requirement for an R6 or R6-A zoning district (6,000 square feet).



## Metro Planning Commission Meeting of 12/08/2016

### TRAFFIC AND PARKING RECOMMENDATION

#### Approve with conditions

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

Maximum Uses in Existing 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)	1.13	8.71	9 U	87	7	10

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
Two- Family Residential* (210)	1.13		18 U	173	14	19

\*Based on two two-family lots.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+9 U	+86	+7	+9

### METRO SCHOOL BOARD REPORT

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

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

The proposed SP zoning district could generate no more students than what is typically generated under the existing SP zoning district. Students would attend Glenn Elementary School, Jere Baxter Middle School and Maplewood High School. All schools have been identified as having additional capacity. This information is based upon data from the school board last updated March 2016.

### STAFF RECOMMENDATION

Staff recommends disapproval.



**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 12/08/2016



**2016S-255-001**

Map 119-06, Parcel(s) 253

11, South Nashville

16, (Mike Freeman)



<b>Project No.</b>	<b>Final Plat 2016S-255-001</b>
<b>Project Name</b>	<b>Bryant Heights Resub of Lot 1</b>
<b>Council District</b>	11 - Freeman
<b>School District</b>	07 - Pinkston
<b>Requested by</b>	Q. Scott Pulliam, RLS, applicant; Jason Bockman, owner.
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Defer to the January 12, 2017, Metro Planning Commission meeting</i>

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**APPLICANT REQUEST**

**Create four lots.**

Final Plat

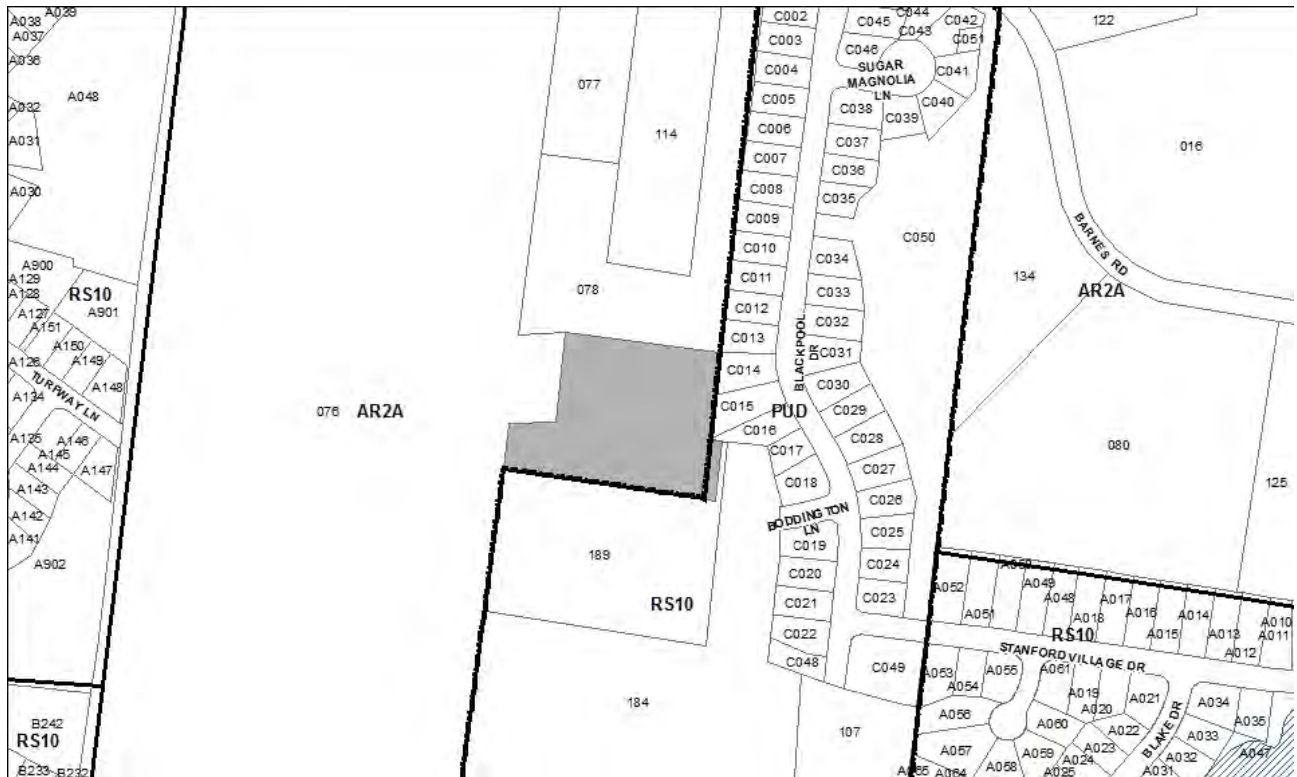
A request for final plat approval to create four lots on property located at 2686 Hartford Drive, at the northeast corner of Hartford Drive and Whitsett Road, zoned RS10 (0.95 acres).

Staff Recommendation

Staff recommends deferral to the January 12, 2017, Planning Commission at the request of the applicant.



# Metro Planning Commission Meeting of 12/08/2016



**2005P-003-002**

**DELVIN DOWNS ADDITION**

Map 173, Parcel(s) 078

Map 173, part of parcel 189

12, Southeast

31 (Fabian Bedne)





**Project No.** **Planned Unit Development 2005P-003-002**  
**Project Name** **Delvin Downs (PUD Amendment)**  
**Associated Case No.** 2016Z-133PR-001  
**Council District** 31 – Bedne  
**School District** 02 – Brannon  
**Requested by** Anderson Delk Epps & Associates, Inc., applicant; Linda Whittaker and Blackstone Development, Inc., owners.

**Staff Reviewer** Birkeland  
**Staff Recommendation** *Approve with conditions and disapprove without all conditions subject to the approval of the associated zone change, and disapprove if the associated zone change is not approved.*

**APPLICANT REQUEST**

**Amend a PUD.**

Amend PUD

A request to amend a Planned Unit Development Overlay District on a portion of property located at 1031 Barnes Road and Barnes Road (unnumbered), approximately 130 feet west of Blackpool Drive, zoned Agricultural/Residential (AR2a) and partially within a Planned Unit Development Overlay District (2.9 acres), to permit the addition of 2.9 acres.

**Existing Zoning**

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 1 lot with 1 duplex lots for a total of 2 units.*

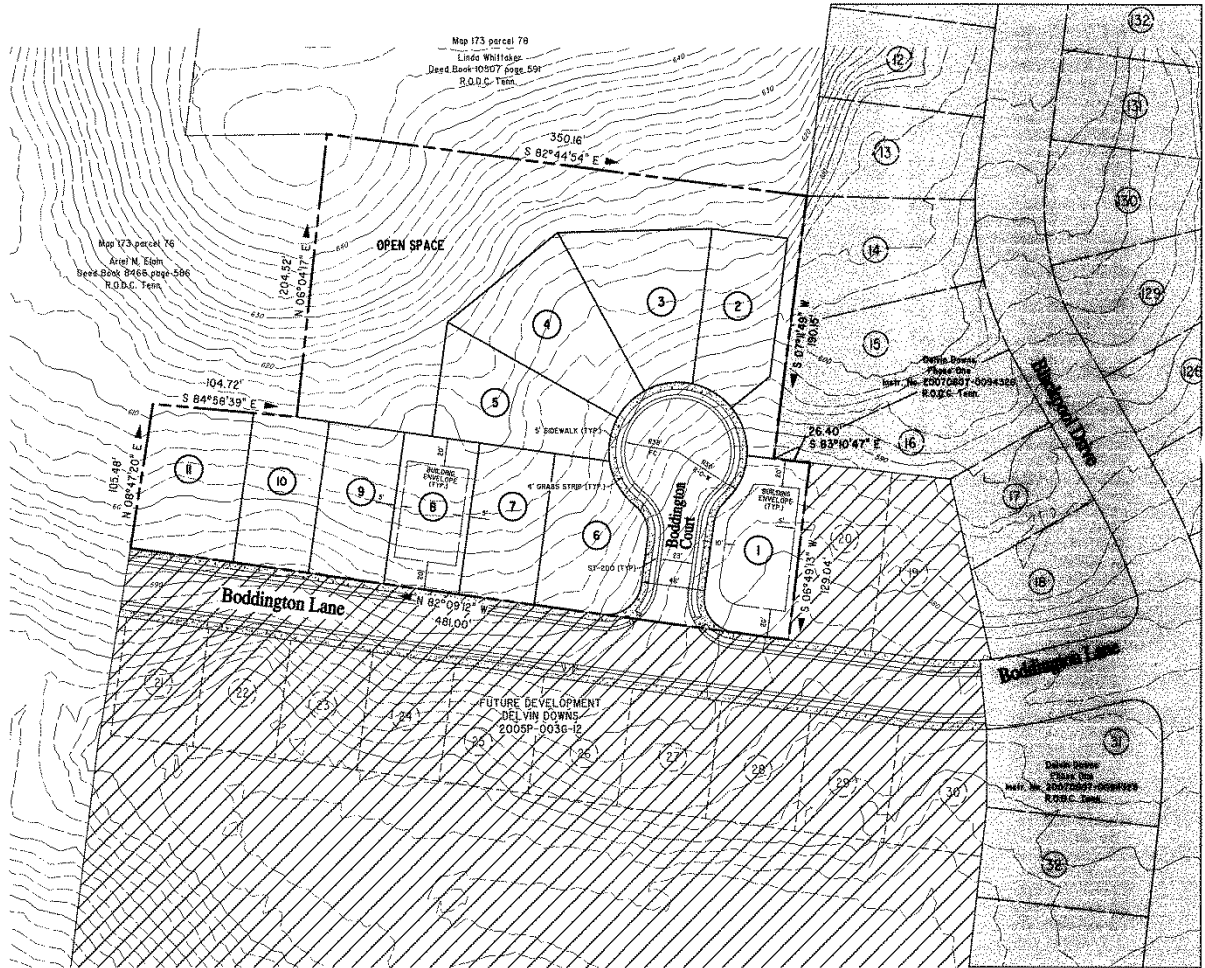
**Proposed Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 12 lots.*

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.



# Metro Planning Commission Meeting of 12/08/2016



**Proposed Site Plan**



## Metro Planning Commission Meeting of 12/08/2016

### CRITICAL PLANNING GOALS

N/A

### SOUTHEAST 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 underdeveloped “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.

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.

#### Consistent with Policy?

Yes. The policy supports single-family residential development. The policy supports development that is generally consistent with the surrounding development pattern. The proposed amendment is consistent with the character of the existing single-family development currently built within the PUD in terms of building form and land use. It is also consistent with the general character of the surrounding neighborhoods, which has several single-family developments. The proposed development will not disturb the steepest slopes on the site.

### PLAN DETAILS

The site is located just west of Blackpool Drive, south of Barnes Road. The PUD Amendment is not increasing units more than what was approved in 2006, but is adding land. Metro Council approved the Delvin Downs PUD in 2005 for 154 single-family lots. In 2006, the Planning Commission granted final site plan approval for 145 single-family lots. In 2015, a revision and final site plan reduced 30 single-family homes to 27 single family homes. The current proposal is to add 2.9 acres to the PUD to permit 11 single-family homes. With the amendment to add 11 single-family homes, the PUD will increase back to the original number of approved lots, 154 single-family homes.

#### Site Plan

The 11 units proposed with this amendment are located west of the existing PUD development. The lots will have frontage on an approved road and will create a cul-de-sac from the approved road. This proposal would use a cluster lot option for the 11 lots. The increase in acreage to the PUD will also increase the total amount of open space from 14 acres to 14.82 acres, while preserving additional steep slopes.



## **Metro Planning Commission Meeting of 12/08/2016**

### **ANALYSIS**

Section 17.40.120.G permits the Planning Commission to approve “minor modifications” under certain conditions. However, this request cannot be considered a “minor modification” because it adds acreage over what was approved by Council. As an amendment, this proposal will require Council approval.

The proposed PUD amendment is consistent with the T3 NE land use policy. The addition of eleven units is appropriate since it is consistent with the site layout and design of the existing PUD.

### **FIRE DEPARTMENT RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

#### **Approved with conditions**

- The grading plan must be revised to reflect this amendment, and (re)approved, prior to approval of the Final Site Plan/PUD.

### **WATER SERVICES**

#### **Approved with conditions**

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

### **PUBLIC WORKS RECOMMENDATION**

**Approved**

### **TRAFFIC AND PARKING RECOMMENDATION**

#### **Approved with conditions**

- Comply with previous PUD roadway conditions.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions subject to approval of the associated zone change, and disapprove if the associated zone change is not approved.

### **CONDITIONS**

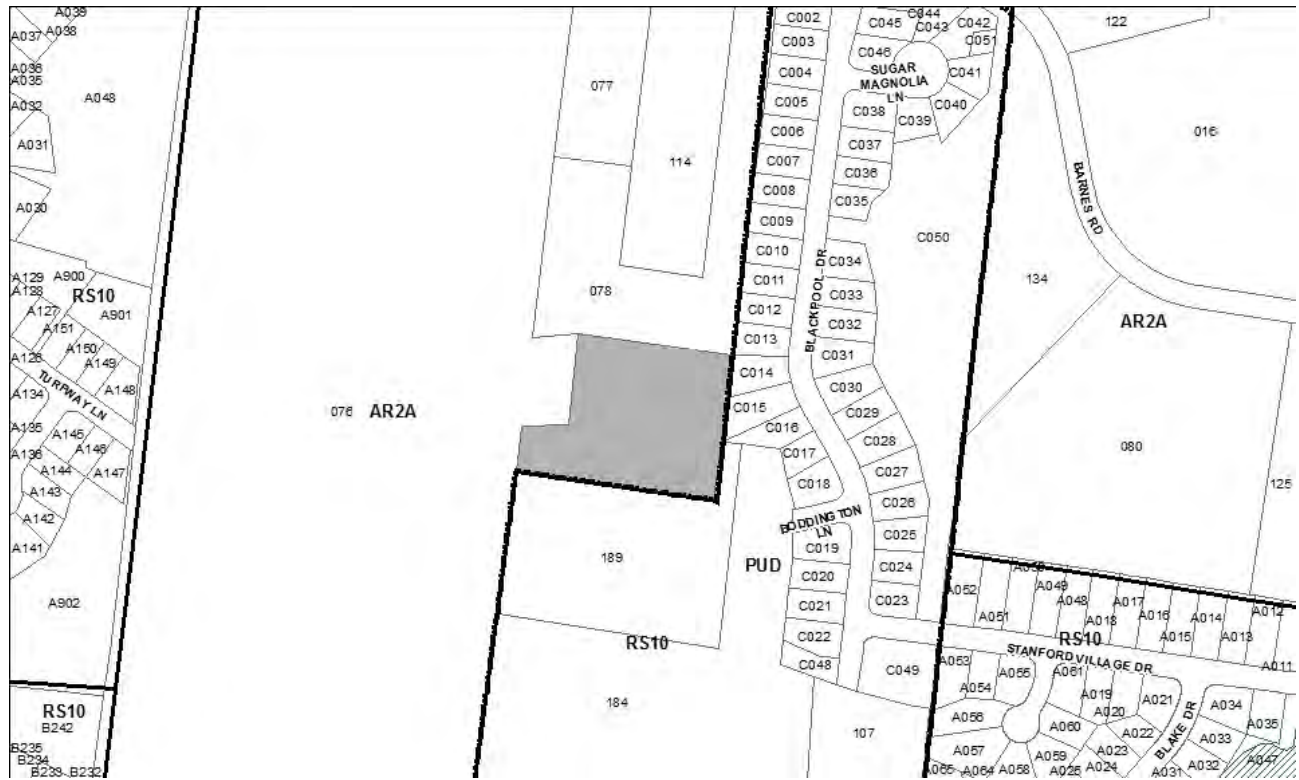
1. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
2. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved 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.



**SEE NEXT PAGE**



# Metro Planning Commission Meeting of 12/08/2016



**2016Z-133PR-001**

Map 173, Part of parcel 078  
12, Southeast  
31 (Fabian Bedne)



<b>Project No.</b>	<b>Zone Change 2016Z-133PR-001</b>
<b>Associated Case No.</b>	2005P-003-002
<b>Council District</b>	31 - Bedne
<b>School District</b>	02 – Brannon
<b>Requested by</b>	Anderson Delk Epps and Associates, Inc., applicant; Linda Whittaker, owner
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**

**Zone change from AR2a to RS10**

Zone Change

A request to rezone from Agricultural/Residential (AR2) a to Single-Family Residential (RS10) zoning on a portion of property located at 1031 Barnes Road, approximately 220 feet west of Blackpool Drive, (2.9 acres).

**Existing Zoning**

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 2 lots with 1 duplex lot for a total of 2 units.*

**Proposed Zoning**

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 12 lots.*

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. *If this request and the associated PUD amendment are approved, then this portion of the PUD would permit a maximum of 11 lots.*

**CRITICAL PLANNING GOALS**

N/A

**SOUTHEAST 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



## Metro Planning Commission Meeting of 12/08/2016

connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially underdeveloped “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.

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.

### Consistent with Policy?

Yes. The proposed RS10 zoning district is consistent with the T3 Suburban Neighborhood Evolving policy. The policy supports development that is generally consistent with the surrounding development pattern, and the proposed RS10 zoning is consistent with the general character of the surrounding neighborhoods. The site is directly west of the existing PUD property zoned RS10. RS10 zoning is located in several locations in the greater area. The associated PUD amendment is also consistent with the policy.

### **FIRE DEPARTMENT RECOMMENDATION**

N/A

### **PUBLIC WORKS 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: **AR2a**

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)	2.9	0.5 D	2 U	20	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	2.9	4.3 D	12 U	115	9	13





# Metro Planning Commission Meeting of 12/08/2016

Traffic changes between maximum: **AR2a** and **RS10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 10 U	+95	+7	+10

## METRO SCHOOL BOARD REPORT

**Projected student generation existing AR2a district: 1 Elementary 0 Middle 0 High**

**Projected student generation proposed RS10 district: 1 Elementary 1 Middle 1 High**

The proposed zone change to RS10 zoning would generate two additional students. Students would attend Shayne Elementary School, Oliver Middle School, and Overton High School. Overton High School has been identified as over capacity. There is capacity within the adjacent cluster for high school students. The information is based upon data from the school board last updated in March 2016.

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

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

## STAFF RECOMMENDATION

Staff recommends approval.



# Metro Planning Commission Meeting of 12/08/2016



**2016Z-134PR-001**

Map 070-07, Parcel(s) 014-15  
03, Bordeaux – Whites Creek  
02 (DeCosta Hastings)



<b>Project No.</b>	<b>Zone Change 2016Z-134PR-001</b>
<b>Council District</b>	02 - Hastings
<b>School District</b>	01- Gentry
<b>Requested by</b>	Kudzu Real Estate, Inc., applicant and owner
<b>Staff Reviewer</b>	Birkeland
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**

**Zone change from R8 to RM20-A.**

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Multi-Family Residential-Alternative (RM20-A) zoning on properties located at W Trinity Lane (unnumbered), approximately 660 feet west of Old Buena Vista Road (1.02 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 5 lots with 1 duplex lot for a total of 6 units.*

**Proposed Zoning**

Multi-Family Residential - Alternative (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 20 units.*

**CRITICAL PLANNING GOALS**

N/A

**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.

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



## Metro Planning Commission Meeting of 12/08/2016

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.  
Consistent with Policy?

Yes. The proposed RM20-A district permits multi-family residential, which is supported by the Neighborhood Evolving policy and is appropriate given that the site is located on W. Trinity Lane, which is a collector.

### ANALYSIS

The proposed RM20-A zoning district is located on the south side of West Trinity Lane, just west of Old Buena Vista Road. The RM20-A zoning district would allow for up to 20 multi-family residential dwelling units. The area is surrounded by R8, MUL, and SP zoning districts. Sidewalks are currently present along West Trinity Lane allowing safe pedestrian travel to Old Buena Vista Road. Allowing multi-family residential uses furthers the goals of the Neighborhood Evolving policy in this area.

### TRAFFIC AND PARKING RECOMMENDATION

#### Approve with conditions

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential* (210)	1.02	5.4 D	6 U	58	5	7

\*Based on two-family lots

Maximum Uses in Proposed Zoning District: **RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	1.02	20 U	20 U	245	14	29

Traffic changes between maximum: **R8** and **RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 14 U	+187	+9	+22

### METRO SCHOOL BOARD REPORT

**Projected student generation existing R8 district: 1Elementary 1 Middle 1 High**

**Projected student generation proposed RM20-A district: 0 Elementary 2 Middle 2 High**

The proposed zone change would generate one more student than what is typically generated under the existing R8 zoning district. Students would attend Lillard Elementary School, Joelton Middle School, and Whites Creek High School. There is capacity for additional students in all three schools. The information is based upon data from the school board last updated in March 2016.



## **Metro Planning Commission Meeting of 12/08/2016**

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

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

### **STAFF RECOMMENDATION**

Staff recommends approval since it is consistent with the property's T3 Neighborhood Evolving land use policy.



# Metro Planning Commission Meeting of 12/08/2016



## 2016Z-135PR-001

Map 082-09, Parcel 244

08, North Nashville

19 (Freddie O'Connell)



<b>Project No.</b>	<b>Zone Change 2016Z-135PR-001</b>
<b>Council District</b>	19 – O’Connell
<b>School District</b>	01 - Gentry
<b>Requested by</b>	Advani Management Group, applicant; Melanie Tummons and M.A. Haynes, owners.
<b>Staff Reviewer</b>	Shepard
<b>Staff Recommendation</b>	<i>Disapprove.</i>

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Industrial General (IG) to Mixed-Use Limited – Alternative (MUL-A) zoning on property located at 93 Taylor Street, at the southeast corner of 1st Avenue North and Taylor Street, (1.74 acres).

**Existing Zoning**

Industrial General (IG) is intended to implement the industrial policies of the general plan which provide opportunities for intensive manufacturing uses that are essential for the economic viability of the metropolitan area. Such uses often require large, relatively flat sites with good access to the regional highway system, the Cumberland River or a rail line. Due to these special locational requirements, the integrity of this district is protected by a minimum lot size requirement and limiting the range of uses to those which are clearly supportive of the principal uses associated with the IG district.

**Proposed Zoning**

Mixed-Use Limited - Alternative (MUL-A) is intended to implement the moderate intensity mixed-use policies of the general plan, and should be applied to areas that have good access to collector or arterial streets and public transportation services. MUL-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. MUL-A is an alternative to a zoning district that requires a site plan.

**NORTH 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 Mixed-Use Neighborhood areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit.

Special Policy Area 08-T4-MU-01 applies to the Germantown and East Germantown neighborhoods. Although this special policy encompasses property subject to this rezoning request, the property is not within any National Register, Historic Preservation, or Redevelopment district. Thus, the provisions of this special policy are not applicable to this request.

Consistent with Policy?

The requested zoning, MUL-A, is the most intense zoning district identified as potentially appropriate within areas of T4 MU policy. T4 MU policy may support a variety of zoning districts



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based on locational characteristics and surrounding context. However, design-based zoning may be required to achieve planning objectives such as access management, coordination among adjacent developments, or to deal with potential effects on nearby environmentally sensitive features. The location of this property outside of a Historic Preservation or Redevelopment District, in proximity to the Cumberland River, and adjacent to a greenway make it appropriate to require design-based Specific Plan (SP) zoning.

### **ANALYSIS**

The property, located at 93 Taylor Street, lies approximately 500 feet west of the Cumberland River. The Cumberland River Greenway runs along the western boundary of the site. The applicant has indicated informally that its intent is adaptive reuse of the existing buildings on the site, although approval of MUL-A zoning does not require adaptive reuse or prohibit demolition of existing buildings.

There have been several recent rezonings in the vicinity of the subject property:

- In May of 2016, Metro Council approved the Hammer Mill SP for 20,000 square feet of non-residential uses and up to 259 residential dwelling units for property located at 1400 Adams Street immediately adjacent to the Cumberland.
- In September of 2016, a mixed-use SP with hotel, retail, and offices uses was approved for property at 1324 2<sup>nd</sup> Avenue North, immediately opposite 1<sup>st</sup> Avenue North from the property subject to this request.
- An SP for multi-family residential, an artisan distillery, and other uses permitted in MUG-A was approved for property immediately to the south at 1226 2<sup>nd</sup> Avenue North in March of 2015.
- A number of other SPs have been approved in the last two years for properties west and south of the subject property.
- In October of 2016, Metro Council approved a request to change zoning on several properties located at 1321, 1329 and 1401 2<sup>nd</sup> Avenue North from Industrial Restrictive (IR) to MUL-A. Those properties are located within both the Germantown Historic Preservation District and the Phillips-Jackson Street Redevelopment District.

Although the requested zoning, MUL-A, may be appropriate within some T4 MU policy areas, staff finds that it is appropriate to require a design-based SP zoning in this instance. The subject property does not fall within the Historic Preservation or Redevelopment districts that apply to many neighboring properties, and therefore, is not subject to the additional design review standards required by those districts. Additionally, the proximity of the property to the river and adjacent to the Cumberland River Greenway make design-based zoning appropriate to ensure development activates the greenway and properly addresses the surrounding context. Staff has consistently required SP zoning for properties east of the boundary of the Historic Preservation and Redevelopment Districts, including the two SPs located opposite 1<sup>st</sup> Avenue North from the subject property. Staff's recommendation to require a design based-SP is consistent with the policy and with previous determinations in this area.

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **PUBLIC WORKS RECOMMENDATION**





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N/A

## WATER SERVICES RECOMMENDATION

N/A

## STORMWATER 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: **IG**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.74	0.6 F	45, 476 SF	162	54	36

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)	1.74	1 F	75,794 SF	5672	131	529

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 30, 318 SF	+5,510	+77	+493

## SCHOOL BOARD REPORT

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

Projected student generation proposed MUL-A district: 3 Elementary 2 Middle 2 High

The proposed MUL-A zoning district will generate seven additional students beyond what would be generated under the existing IG zoning. Students would attend Buena Vista Elementary School, John Early Middle School, and Pearl-Cohn High School. None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated March 2016.

## STAFF RECOMMENDATION

Staff recommends disapproval of the requested zone change. Based on the property location and surrounding context, it is appropriate to require design-based zoning to achieve planning objectives.



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**2016Z-137PR-001**  
Map 105-03, Parcels 194-197  
11, South Nashville  
17 (Colby Sledge)



<b>Project No.</b>	<b>Zone Change 2016Z-137PR-001</b>
<b>Council District</b>	17 - Sledge
<b>School District</b>	05 - Buggs
<b>Requested by</b>	Dewey Engineering, applicant; Martin Humphreys, LLC, owner.
<b>Staff Reviewer</b>	Shepard
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**

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

Zone Change

A request to rezone from Mixed-Use Limited (MUL) to Mixed-Use Limited – Alternative (MUL-A) zoning on properties located at 1214, 1216, 1218 and 1220 Martin Street, at the northeast corner of Humphreys Street and Martin Street, (0.41 acres), requested by Dewey Engineering, applicant; Martin Humphreys, LLC, owner.

**Existing Zoning**

Mixed-Use Limited (MUL) is intended to implement the moderate intensity mixed-use policies of the general plan. The bulk standards permitted by this district, along with the range of allowable uses, are designed to promote the preservation and adaptive reuse of larger structures that contribute to the historical or architectural character of an area. This district should be applied to areas that have good access to collector or arterial streets and public transportation service.

**Proposed Zoning**

Mixed-Use Limited - Alternative (MUL-A) is also intended to implement the moderate intensity mixed-use policies of the general plan, and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. MUL-A is an alternative to a zoning district that requires a site plan.

**CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Supports Infill Development

The rezoning from MUL to MUL-A will contribute to a walkable neighborhood by integrating residential and nonresidential uses and meeting the needs of residents on foot. Building placement and bulk standards are designed to enhance the pedestrian experience. The rezoning to MUL-A will also allow for the redevelopment of vacant urban lots 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



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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, with building placement and bulk standards designed to create walkable neighborhoods. The location of the subject parcels, approximately 550 feet south of a collector, makes the application of MUL-A zoning appropriate and consistent with the policy.

### **ANALYSIS**

The requested rezoning to MUL-A is consistent with the policy for the area and is appropriate given the surrounding land uses and land use policy. The subject parcels are currently vacant. The parcels are located at the northeast corner of the intersection of Martin and Humphreys Streets and are approximately 550 feet south of Chestnut Street, which is designated in the Major and Collector Streets Plan as an urban, mixed-use collector-avenue. The rezoning 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. The bulk and building placement standards associated with MUL-A zoning ensure mixed-use development that addresses the pedestrian realm and relegates parking to the side or rear of buildings.

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **PUBLIC WORKS RECOMMENDATION**

N/A

### **WATER SERVICES RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

N/A

### **TRAFFIC AND PARKING RECOMMENDATION**

#### **Approve with conditions**

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

The proposed zone change, from MUL to MUL-A, results only in the addition of building placement and design standards. It does not alter the allowable uses or bulk limitations which are used to generate traffic estimates. Therefore, no traffic table is provided for this request.

### **SCHOOL BOARD REPORT**

**Projected student generation existing MUL district: 4 Elementary 2 Middle 2 High**

**Projected student generation proposed MUL-A district: 4 Elementary 2 Middle 2 High**

The proposed MUL-A zoning district will generate no additional students beyond what would be generated under the existing MUL zoning. Students would attend Fall-Hamilton Elementary School, Wright Middle School, and Glencliff High School. None of the schools have been identified as



## **Metro Planning Commission Meeting of 12/08/2016**

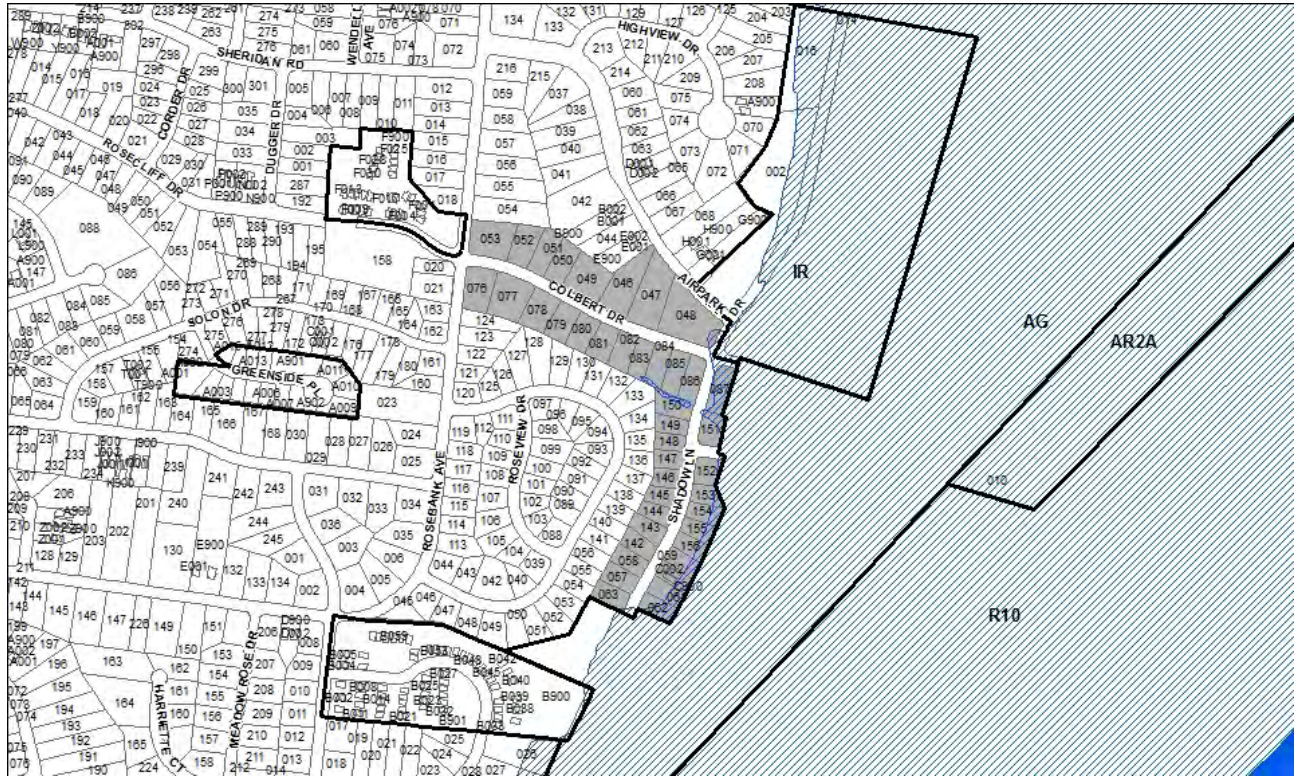
being over capacity by the Metro School Board. This information is based upon data from the school board last updated March 2016.

### **STAFF RECOMMENDATION**

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



# Metro Planning Commission Meeting of 12/08/2016



## 2016Z-138PR-001

Map 084-01, Parcel(s) 046-053, 076-087, 142-156

Map 084-05, Parcel(s) 057-059, 061-063

Map 084-05-0-C, Parcel(s) 001-002, 900

05, East Nashville

6 (Brett Withers)



<b>Project No.</b>	<b>Zone Change 2016Z-138PR-001</b>
<b>Council District</b>	6 - Withers
<b>School District</b>	5 - Buggs
<b>Requested by</b>	Councilmember Brett Withers, applicant; various property owners.
<b>Staff Reviewer</b>	Milligan
<b>Staff Recommendation</b>	<i>Approve.</i>

**APPLICANT REQUEST**  
**Apply a contextual overlay.**

Zone Change

A request to apply a Contextual Overlay District to various properties along Colbert Drive and Shadow Lane, east of Rosebank Avenue, zoned One and Two-Family Residential (R10), (16.21 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.

**Proposed Zoning**

Contextual Overlay provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

**EAST NASVHILLE COMMUNITY PLAN**

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

T3 Suburban Neighborhood 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 proposed Contextual Overlay is consistent with the policy. The Contextual Overlay would help to preserve the general character of the existing neighborhood with specific standards for new construction that are directly related to the existing residential structures in the area.



## Metro Planning Commission Meeting of 12/08/2016

### ANALYSIS

The Contextual Overlay District provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

The Design Standards established through the Contextual Overlay include specific standards in regards to street setback, building height, building coverage, access, driveways, garages, and parking areas. Street setbacks, building height, and building coverage are directly tied to the lots abutting on either side of a lot proposed for new construction. Access, driveway, garage and parking Design Standards are intended to help control new accesses on the public streets as well as location of garages and parking to lessen the impact of new construction on existing homes. The Design Standards are already established and cannot be modified. The lots that have double frontage along Colbert Drive and Airpark Drive are oriented toward Colbert Drive. Any new development fronting Colbert Drive would be subject to the regulations of the overlay. There is topography along the Airpark Drive frontage making it unlikely that new units would be developed fronting on Airpark Drive. If new units were developed fronting on Airpark Drive would not be subject to the overlay.

### CONTEXTUAL OVERLAY STANDARDS

- A. Street setback. The minimum required street setback shall be the average of the street setback of the two developed lots abutting each side of the lot. When one or more of the abutting lots is vacant, the next developed lot on the same block face shall be used. The minimum provided in 17.12.030A and the maximum provided in 17.12.030C.3 shall not apply. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the minimum required street setback shall be calculated and met for each street.
- B. Height.
  1. The maximum height, including the foundation, of any primary structure shall not be greater than 35 feet or 125% of the average height of the principal structures on the two lots abutting each side of the lot, whichever is less. When one of the abutting lots is vacant, the next developed lot on the same block face shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum height shall be calculated for each street and limited to 35 feet or 125% of the average height of the lesser value. When 125% of the average of the abutting structures is less than 27 feet, a maximum height of 1.5 stories in 27 feet shall be permitted.
  2. The maximum height, including the foundation, of any accessory structure shall not be greater than 27 feet.
  3. For the purposes of this section, height shall be measured from grade or, if present, the top of a foundation which shall not exceed three feet above grade, to the roof line.
- C. Maximum building coverage. The maximum building coverage (excluding detached garages and other accessory buildings) shall be a maximum of 150% of the average of the building coverage (excluding detached garages and other accessory buildings) of the two abutting lots on each side. When the abutting lot is vacant, the next developed lot shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum building coverage shall be calculated and met for each street.
- D. Access and driveways, garages and parking areas.
  1. Access and Driveways.





## Metro Planning Commission Meeting of 12/08/2016

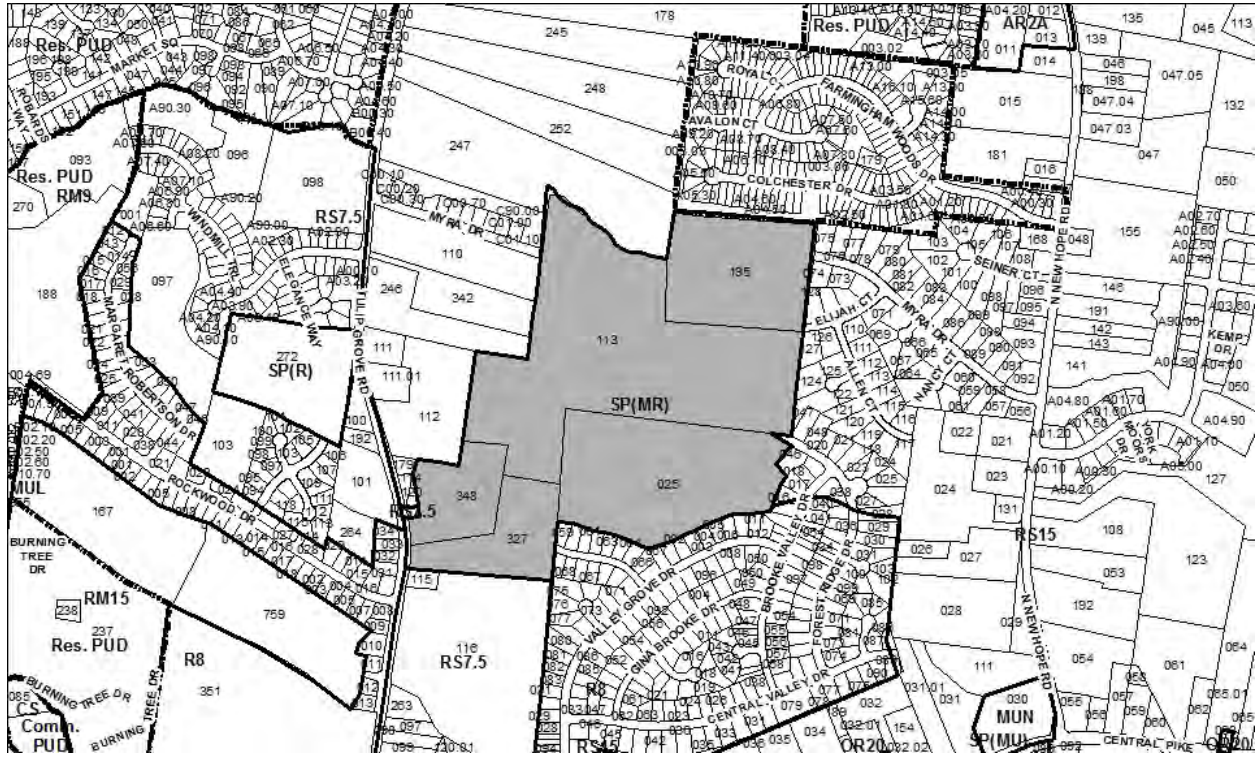
- a. Where existing, access shall be from an improved alley. Where no improved alley exists, a driveway within the street setback may be permitted.
  - b. For a corner lot, the driveway shall be located within 30 feet of the rear property line.
  - c. Driveways are limited to one driveway ramp per public street frontage.
  - d. Parking, driveways and all other impervious surfaces in the required street setback shall not exceed twelve feet in width.
2. Garages.
- a. Detached. The front of any detached garage shall be located behind the rear of the primary structure. The garage door of a detached garage may face the street.
  - b. Attached. The garage door shall face the side or rear property line

### **STAFF RECOMMENDATION**

Staff recommends approval as the establishment of a contextual overlay is consistent with the policy for the area.



# Metro Planning Commission Meeting of 12/08/2016



**2007SP-150-001**  
EVANS HILL SP  
Map 086, Parcel(s) 113, 327, 348  
Map 087, Parcel(s) 025, 195  
14, Donelson - Hermitage  
12 (Steve Glover)



**Project No.** 2007SP-150-001  
**Project Name** Evans Hill  
**Council District** 12 - Glover  
**School District** 04 - Shepherd  
**Requested by** Wamble & Associates, PLLC, applicant; The Wise Group, Inc., owner.

**Deferrals** This request was deferred from the September 8, 2016, September 22, 2016, October 13, 2016, and November 10, 2016, Planning Commission meetings. No public hearing was held.

**Staff Reviewer** Napier  
**Staff Recommendation** *Defer to the January 12, 2017, Planning Commission Meeting*

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**APPLICANT REQUEST**

**Request to amend a previously approved SP.**

Final Plat

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.

Staff Recommendation

Staff recommends deferral to the January 12, 2017, Planning Commission at the request of the applicant.